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SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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October 1, 2004

Ray Eubank, Administrator, Plan Review and Processing
Florida Department of Community Affairs
Bureau of State Planning
Plan Processing Section
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: Amendment to the Lee Plan
Adoption Submission Package (DCA No. 04-D1) for the North Point Lake Development
of Regional Impact

Dear Mr. Eubank:

In accordance with the provisions of F.S. Chapter 163.3184 and of 9J-11.011, this submission package constitutes the adopted Development of Regional Impact amendment to the Lee Plan (DCA No. 04-D1), known locally as CPA 2003-04. The adoption hearing for this plan amendment was held at 9:30 am on September 20, 2004.

Included with this package, per 9J-11.011(5), are three copies of the adopted amendment, supporting data and analysis, and the adopting ordinance No. 04-014. By copy of this letter and its attachments I certify that this amendment has been sent to: the Regional Planning Council; the Florida Department of Transportation (FDOT); the Department of Environmental Protection; the Florida Department of State; the Florida Fish and Wildlife Conservation Commission; the Department of Agriculture and Consumer Services; Division of Forestry; and, the South Florida Water Management District.

The initial staff report for the proposed amendment was sent to the DCA with a transmittal cover letter dated March 22, 2004. No changes have been made and the amendment was adopted as transmitted. To date, the Division of Planning has not received names or addresses, per F.S. 163.3184(7) and (15), allowing a courtesy informational statement to interested citizens.

If you have any questions, or if I can be of any assistance in this matter, please feel free to call me at the above telephone number.

Sincerely,

DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning



Paul O'Connor, AICP
Director

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

David Burr
Executive Director
Southwest Florida Regional Planning Council

Mike Rippe, Director of Production
Planning and Programming
FDOT District One

Executive Director
South Florida Water Management District

Plan Review Section
Department of Environmental Protection

Florida Department of State

Florida Fish and Wildlife Conservation Commission

The Department of Agriculture and Consumer Services, Division of Forestry

**CPA 2003-04
NORTH POINT LAKE DRI
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Sponsored Application
and Staff Analysis**

BoCC Adoption Document

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

September 20, 2004

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA 2003-04**

☐

Text Amendment

☒

Map Amendment

	This document contains the following reviews:
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
✓	Board Of County Commissioners Hearing for Adoption

ORIGINAL STAFF REPORT PREPARATION DATE: January 22, 2004

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

NORTH POINT LAKE, LLC c/o FRANK SCARLATI, JR.
REPRESENTED BY DANIEL DELISI, BARRACO AND ASSOCIATES, INC.

2. REQUEST:

CPA2003-04 - North Point Lake - Amend the Future Land Use Map series for an approximate ± 102 acre portion of land located in Section 33, Township 46 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from "Suburban" to "Urban Community."

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. REVISED RECOMMENDATION:

Staff recommends that the Board of County Commissioners adopt this proposed amendment.

2. ORIGINAL RECOMMENDATION:

At this time planning staff **recommends transmittal** 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 the "Suburban" land use category to the "Urban Community" land use category. At this time, however, staff would **not recommend adoption** of the request given the 2020 Level of Service status of the segment of U.S. 41 running from Koreshan Boulevard to San Carlos Boulevard.

3. BASIS AND RECOMMENDED FINDINGS OF FACT:

This comprehensive plan amendment is a DRI amendment directly related to the proposed North Point Development of Regional Impact (DRI).

- The application states that the intent of the application is to amend the Future Land Use designation of the property from Suburban to Urban Community, consistent with the surrounding properties, in order to allow for increased intensity commercial retail uses, allowing for the development of a mixed use commercial and residential center.
- The Urban Community designation would continue the predominant land use designation to the east of US 41 from Briarcliff Road south into the City of Bonita Springs.
- The subject parcel is located between the Urban Community future land use category to the north and the south and is consistent with the existing commercial development to the north and the proposed future mixed use development approved as the Simon Suncoast MPD/DRI to the south.
- Planning staff has reviewed Goal 19, Estero, and have found that the proposed amendment does not contradict the goals of the community.
- There are adequate urban services to provide the necessary services to accommodate the proposed amendment with the exception of one roadway segment on US 41.
- The subject parcel is located outside of the Coastal High Hazard Area and the Coastal Planning Area. The 1991 "Hurricane Storm Tide Atlas for Lee County" shows that the subject property is located within the Category 3 storm surge zone.

C. BACKGROUND INFORMATION

1. EXISTING CONDITIONS

SIZE OF PROPERTY: 102 ± ACRES

PROPERTY LOCATION: The subject property is located to the south of Corkscrew Road, north of Williams Road, and east of US 41.

EXISTING USE OF LAND: Vacant pastureland

CURRENT ZONING: AG-2

CURRENT FUTURE LAND USE CLASSIFICATION: Suburban

2. INFRASTRUCTURE AND SERVICES

WATER & SEWER: The subject property is located within Lee County Utilities area for potable water and sanitary sewer service. The subject property is also located in the future water and sewer service areas for Lee County Utilities.

FIRE: The property is located in the Estero Fire District.

TRANSPORTATION: Access to the property is currently from US 41 and Williams Road.

SOLID WASTE FRANCHISE: Florida Recycling, Inc.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

This comprehensive plan amendment is one of three applications that staff is reviewing pertaining to the proposed North Point Development of Regional Impact (DRI). The other two applications are the DRI application submittal as well as the Mixed Use Planned Development (MPD) zoning application and Master Concept Plan (MCP). This staff report provides staff's review and recommendations concerning the comprehensive plan amendment request.

The applicant, North Point Lake, LLC, a Florida Corporation, is requesting a change of land use designation on the Future Land Use Map from "Suburban" to "Urban Community" for an approximate 102 acre specified area of land. The land is under the ownership of five different entities. The site is located in the north east quadrant of US 41 and Williams Road in Section 33, Township 46 South, Range 25 East. The site is bounded on the west by US 41, on the north by the Corkscrew Village Shopping Center CPD, the South Estero Commercial Center CPD, and Corkscrew Road, on the East by the ACL Railroad right-of-way, and on the South by Williams Road. The area is just north of the recently approved Simon Suncoast MPD/DRI (Coconut Point Mall). If the amendment is approved the allowable density would increase from 6 du/acre with no Bonus Density allowed to 6 du/acre with up to 10du/acre with Bonus Density, an increase of 408 permissible units.

PROJECT SUMMARY

The applicant proposes commercial and residential development consisting of retail, office, hotel, and residential uses. The subject area is currently vacant with a large excavation lake located near the center of the subject area. The application states that the intent of the application is to amend the Future Land Use designation of the property from Suburban to Urban Community, consistent with the surrounding properties, in order to allow for increased intensity of commercial retail uses, allowing for the development of a mixed use commercial and residential center. The application materials also note that the 102 acre area fills in an area that is a gap in the surrounding Urban Community land use category that extends along the eastern side of US 41.

If the amendment is approved the allowable *Maximum Standard Density Range* would remain at 6 du/acre while the *Maximum Total Density* would change from allowing no bonus density to a maximum bonus density of 10 du/acre. The existing designation of Suburban would allow approximately 612 dwelling units in the subject area, while the proposed Urban Community designation would allow approximately 1,020 dwelling units in the subject area

Currently, under the Suburban future land use category and calculated as the nine separate parcels exist today, staff estimates that the land area could be developed with approximately 320,000 square feet of commercial retail uses. This estimate is based on the site location standards under Goal 6 of the Lee Plan and the current accessibility of the parcels. The Suburban future land use descriptor policy states that commercial development greater than neighborhood centers are not permitted, limiting commercial retail development to 100,000 square feet. Therefore if the 102 acre site were unified under planned development zoning, retail development would be limited to a neighborhood center. Amending the future land use designation to Urban Community would eliminate the neighborhood center limit for retail development on the site.

COMPREHENSIVE PLAN BACKGROUND

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

In 1988 this property was redesignated to the "Suburban" and "Urban Community" land use category. This was the result of recommendations made through the Estero/Corkscrew Road area study. The property was then redesignated as Suburban in 1989 and retains this designation today.

ADJACENT ZONING AND USES

The subject area is zoned AG-2. The surrounding properties are zoned CPD to the north, AG-2, CPD, RPD, and CF-2 to the east, MPD, CPD, and RPD to the west, and MPD to the south. The subject area is surrounded by vacant lands and properties developed with a mix of uses. To the north are commercial retail uses including a gas station, storage facility, and Publix grocery store, to the east vacant land, a golf driving range, the Estero Community Park, and the Estero High School, to the south vacant land included within the Simon Suncoast MPD/DRI, and to the west are vacant lands within the Camargo MPD, the Riverridge RPD, and an assisted living facility.

POPULATION ACCOMMODATION CAPACITY DISCUSSION

The request is to change the Future Land Use Map (FLUM) category of approximately 102 acres from Suburban to Urban Community. The Suburban category standard density permits 6 du/acre. The Urban Community category standard density permits up to 6 du/acre with a Bonus Density of up to 10 du/acre. This means that a maximum of 612 dwelling units could be constructed on the property under the Suburban designation and that 1,020 dwelling units could be constructed on the property under the Urban Community designation. This could result in an increase in the population accommodation capacity of the map by 852 persons (1,020 du's X 2.09 persons per unit - 612 du's X 2.09). Staff concludes that this increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.

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. The Urban Community areas are described by Policy 1.1.4. Policy 1.1.4 is reproduced 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)*

The subject area is currently designated Suburban. The surrounding properties are designated Urban Community to the north, Suburban and Public Facilities to the east, Suburban to the west, and Urban Community to the south. The Urban Community future land use category, east of US 41 and to the south of the subject area, extends south to the City of Bonita Springs. The Urban Community future land use category, east of US 41 and to the north of the subject area, extends north to Briarcliff Road before reaching more intense future urban area designations. There is also a small portion of this corridor designated Suburban just to the south of Koreshan Boulevard. If the proposed amendment is approved, the Urban Community designation would continue to be the predominant land use designation to the east of US 41.

The proposed amendment is consistent with the Urban Community designation for the following reasons: the land area connects the future land use category from the north to south; the urban services, as noted, have adequate capacity to provide the necessary services to accommodate the proposed amendment; both commercial and residential development are listed as predominant land uses in the Urban Community category. The applicant is proposing through the DRI application commercial retail and office uses as well as 150 dwelling units. This residential density proposal is consistent with the standard density of the Urban Community future land use category. Retail commercial uses will be required to be consistent with the commercial site location standards specified under Goal 6 of the Lee Plan.

MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)

The subject area is located within the Estero Planning Community. In this community there are 1,399 acres allocated for commercial uses. Recent Planning Division data indicates that 197.32 acres of land within this community are currently developed with commercial uses, leaving a surplus of 1201.68 acres that could be developed with commercial uses in this community before the year 2020.

In this community there are 327 acres allocated for residential uses in the Urban Community land use category. Recent Planning Division data indicates that 267 acres of Urban Community land within this community are currently developed with residential uses, leaving a surplus of 60 acres that could be developed with residential uses in the Urban Community portions of this community before the year 2020. The applicant's representative has clarified that the proposed 150 unit residential portion of the project will be located on approximately 24 acres of land.

CONSISTENCY WITH GOAL 19 "ESTERO"

The Estero Planning Community is described by Goal 19. Goal 19 is reproduced below:

GOAL 19: ESTERO. *To protect the character, natural resources and quality of life in Estero by establishing minimum aesthetic requirements, managing the location and intensity of future commercial and residential uses, and providing greater opportunities for public participation in the land development approval process. This Goal and subsequent objectives and policies apply to the Estero Planning Community as depicted on Map 16. (Added by Ordinance No. 02-05)*

Under Goal 19 the following Objectives and Policy describe commercial and residential land uses in the community.

OBJECTIVE 19.2: COMMERCIAL LAND USES. *Existing and future County regulations, land use interpretations, policies, zoning approvals, and administrative actions must recognize the unique conditions and preferences of the Estero Community to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage, and provide for employment opportunities, while discouraging uses that are not compatible with adjacent uses and have significant adverse impacts on natural resources. (Added by Ordinance No. 02-05)*

POLICY 19.2.2: *All retail uses must be in compliance with the Commercial Site Location Standards. A finding of a "Special Case" must demonstrate a community benefit in addition to the requirements outlined in Policy 6.12(8). (Added by Ordinance No. 02-05)*

POLICY 19.2.6: *Lee County encourages commercial developments within the Estero Planning Community to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including but not limited to bike paths and pedestrian access ways. (Added by Ordinance No. 02-05)*

OBJECTIVE 19.3: RESIDENTIAL USES. *Lee County must protect and enhance the residential character of the Estero Planning Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements. (Added by Ordinance No. 02-05)*

Planning staff notes that the development proposal being made through the DRI process will require commercial retail uses to comply with the Commercial Site Location Standards under Goal 6. Staff also notes that the internal access road within the existing commercial development located directly to the north of the subject area will provide the opportunity for interconnecting the subject area to that development and Corkscrew Road. The application materials have provided that *"the proposed DRI is designed to act as a town commons. It is being submitted as a mixed use development that emphasizes pedestrian and bicycle movement as well as automobile traffic."*

Objective 19.5 addresses public participation in the Estero Planning Community and is reproduced below:

OBJECTIVE 19.5: PUBLIC PARTICIPATION. *Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals. (Added by Ordinance No. 02-05)*

The application materials have provided that *"We have had several informal meetings with local residents and will have a formal meeting with the Estero Community Planning Panel prior to the Application for Development Approval being found sufficient. Any development that occurs on this property will need to meet with the community in order to ensure that development meets the intent of the Estero vision."*

Planning staff has reviewed Goal 19, Estero, and its subsequent Objectives and Policies and have found that the proposed amendment does not contradict the goals of the community, although staff would like to note that compliance with Goal 19 and its subsequent Objectives and Policies will be reviewed as part of the proposed development and site improvements related to the DRI, MPD, and MCP application review process, assuring that the development itself complies with the community's vision.

TRANSPORTATION ISSUES

The applicant has provided a traffic study as part of the plan amendment submittal materials. As part of this study 2020 traffic conditions with and without the proposed project were evaluated. The study states that most road segments in the study area operate at or better than the County's adopted level of service standard in 2020 with and without the project. The study also points out that one road segment, US 41 between Koreshan Boulevard and San Carlos Boulevard, exceeds the level of service standard with and without the project and is projected to operate at LOS F. Exhibit 2 of the traffic study shows 66,494 daily trips for this segment of the roadway without the project while Exhibit 3 shows 68,226 daily trips with the project, showing an increase of 1,732 daily trips. Exhibit 2 shows 3,097 peak hour trips without the project while Exhibit 3 shows 3,153 peak hour trips with the project, showing an increase of 56 peak hour trips. The discussion concludes that the projected volumes on this segment are slightly above the maximum service volume at the LOS standard, based on Lee County's generalized service volumes and that *"actual conditions on this segment of US 41 are likely to be much better than projected based on these generalized service volumes, which assume much lower weighted effective green times than actually exist on this section of US 41."*

The Lee County Department of Transportation has reviewed the request and has provided Planning staff written comments dated January 7, 2004 (see Attachment 2). The memo provides the following:

"The project will include 150 multifamily residential units, 550,000 square feet of retail space, 120,000 square feet of office, and 150 hotel rooms. The applicant ran the FSUTMS travel model for future conditions (2020) with and without the North point DRI. Both model runs included the Coconut Point DRI. We concur with the applicant's findings that all roadway segments under study are either at or better than the standard, both without and with the project, or in one instance (US 41 from Koreshan Boulevard to San Carlos Boulevard) below the standard, both without and with the project."

Planning staff notes that although this segment of US 41 is projected to operate at LOS F in 2020, and that this will be the case with or without the project, the request is one that would intensify the possible uses on the site and would create the situation where an already failing link would be exacerbated by the increased project intensity.

Planning staff notes that the developer will be required to pay the proportionate share of the developments' roadway impacts through the DRI process. Planning staff also notes that a traffic analysis is required by the County's local development approval process. This analysis determines the need for any site-related improvements such as turn lanes on the adjacent roadways.

PUBLIC SAFETY ISSUES

The applicant has provided letters from the public safety and service providers. The purpose of these letters is to determine the adequacy of existing or proposed support facilities. Planning staff has also provided some additional analysis.

Emergency Management - Hurricane Evacuation/Shelter Impacts

The proposed amendment will not be increasing density in the Coastal High Hazard Area. Staff from the Lee County Division of Public Safety have provided written comments to planning staff, dated July 15, 2003, concerning the proposal (see Attachment 3). The memo provides the following:

"This Development is located in a Category 3 Hurricane Evacuation Zone. In accordance with the National Weather Service storm surge "SLOSH," this area will receive storm surge flooding from a Category 3 Hurricane. Therefore, the area is applicable to the provisions of Lee County Ordinance 00-14, Land development Code, Article XI, Sec. 2-481 through 2-486, Hurricane Preparedness that requires shelter and evacuation route impact mitigation for residential developments."

"Lee County Administrative Code 7-7 requires that every new residential development with 50 or more dwelling units or 100 plus dwelling units must submit an emergency preparedness plan as part of the Development Order Application Process."

Emergency Medical Services (EMS)

Staff from Lee County Emergency Medical Services have provided written comments to the applicant, dated October 3, 2003, concerning the proposal (see Attachment 1). The memo provides the following:

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

Sheriff's Office Impact

The Lee County Office of the Sheriff has reviewed the proposal and provided written comments dated March 27, 2003 (see Attachment 4). This correspondence provides that the proposed development is within the service area for the Lee County Sheriff's Office and that: *"we anticipate that we will receive the reasonable and necessary funding to support growth in demand. We therefore believe that the Lee County Sheriff's Office will be able to serve your project as it builds out."*

Fire Service Impact

The subject parcel is within the Estero Fire District. The Department has reviewed the proposal and provided written comments dated March 20, 2003 (see Attachment 5). The Department provides the following:

"Estero Fire Rescue will begin construction this summer on our Coconut Point Fire Station, located just south of the proposed development. Our current manpower and facilities would be able to serve this site, however, when the Coconut Point Station goes into operation early next year, our capabilities will be enhanced."

SCHOOL IMPACTS

Staff of the School District of Lee County have reviewed the proposal and provided written comments dated July 25, 2003 (see Attachment 6). District staff conclude that "At this time, the existing school classroom inventory is at maximum capacity, so the developer will be required to offset their impact through school impact fees, in accordance with the Impact Fee Ordinance previously adopted by the Lee County Board of County Commissioners." District staff provided the following:

"This amendment could increase the existing number of dwelling units permitted from 612 to 1,020 with bonus densities. As such, the proposed change would impact the Lee County School District, its budget and its planned services in this area. The 1,020 units could generate up to 322 new school aged children in the area, creating the need for 16 new classrooms, or one new elementary school. The difference between the two land use categories would create an additional 408 units over the existing 612 units, creating a minimum of 129 new school aged children and 7 new classrooms. At this time, the existing school classroom inventory is at maximum capacity, so the developer will be required to offset their impact through school impact fees, in accordance with the Impact Fee Ordinance previously adopted by the Lee County Board of County Commissioners."

SOILS

The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified several soil types present on the subject parcel - 14 Valkaria fine sand, 41 Valkaria fine sand depressional, 28 Immokalee sand, 43 Smyrna fine sand, and 53 Myakka fine sand depressional.

All listed soil types are a nearly level, poorly drained soil with smooth to concave slopes ranging between 0 to 2 percent.

ENDANGERED SPECIES

Staff of the Lee County Division of Environmental Sciences have reviewed the request and provided written comments dated January 13, 2004 (see Attachment 7). Environmental Sciences staff have provided that:

"The property consists of pastureland with scattered south Florida slash pine trees and a borrow pit lake. There are approximately 11.80 acres of hydric pasture and 13.53 acres of other surface waters (Wetland and FLUCCS Map Attached). The site was surveyed for Lee County listed species. ES staff have observed an American bald eagle perching on a slash pine, and wading birds foraging. There are no protected species or indigenous preservation requirements that need to be addressed through the proposed plan amendment. Native tree preservation and any listed species issues will be addressed through the zoning and Development of Regional Impact process."

Planning staff notes that the subject area is not within an eagle protection zone.

PARKS, RECREATION AND OPEN SPACE

Staff of the Lee County Public Works Department have reviewed the request and provided written comments dated July 15, 2003 (see Attachment 8). This memorandum provides that:

"Assuming the worst case scenario, that the subject property is ultimately developed to the maximum residential density allowed (approximately 1,020 units), it is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be adversely impacted as a result. The Estero Community Park will be under construction in the near future. With the addition of the 65-acre facility, the potential density (1,020 units) of the subject property would be adequately served."

DRAINAGE/SURFACE WATER MANAGEMENT

The application provides the following concerning this issue:

"The property is located in the Estero River watershed. The project will require conceptual and construction approvals from SFWMD and also compliance with the Lee County's Level of Service Policy 70.1.3 for stormwater management facilities. Per the Lee County Concurrency Management Report for inventories and projections (1999/2000 - 2000/2001), no crossings of evacuation routes within the watershed are anticipated to be flooded for more than 24 hours, thus meeting concurrency standards. This amendment will not require any revisions to the surface water management sub-element or to the CIE."

Planning staff has confirmed that the watershed meets concurrency standards using the updated *Lee County Concurrency Management Report* dated December 2003. Natural Resources staff have offered no comments in objection to the proposed amendment.

MASS TRANSIT

Staff from the Lee County Transit Division have reviewed the request and provided the following written comments dated August 1, 2003 (see Attachment 9):

"Contrary to a statement made in the application (Question 2e, Goal 5, Policy 5.1.3) Lee Tran does not operate a bus route on this portion of US 41 or on Williams Road. The current nearest bus route is 1.6 miles from the subject property. However, Lee County and the city of Bonita Springs are working on a proposal for service in the city which would include AM and PM peak hour trips up to Estero and San Carlos Park. This service would travel US 41 directly past the subject property and would begin on October 1, 2003."

"To enhance on the multi-modal features of this mixed-use development, Lee Tran requests consideration of designing a bus stop on US 41 into the project plans. The stop should include pedestrian and bicycle access from the development to the bus stop, wheelchair accessibility for ADA compliance, a passenger waiting shelter, and a pull off lane for the bus to stay out of traffic when boarding or alighting passengers."

Planning staff has confirmed with Transit Division staff that the proposed service scheduled to begin on October 1, 2003 has been under continued discussions and that the service is in fact scheduled to begin on March 22, 2004.

UTILITIES

The applicant has provided an analysis regarding potable water and sanitary sewer. At the time the current application was submitted, the subject area was within the Gulf Environmental Services Franchise area. As of July 2003, Lee County Utilities has acquired the Gulf Environmental Services Franchise area.

Staff from the Utilities Division have reviewed the request and provided comments dated December 19, 2003 (see Attachment 10). Regarding sanitary sewer and potable water service, Utilities staff have provided that the property is located within Lee County Utilities' service area. The letter continues that: *"However, in order to provide service to this proposed project developer funded system enhancements such as line extensions may be required. Availability of potable water and sanitary sewer service is contingent upon Lee County Board of County Commissioners' final acceptance of these developer funded*

system enhancements and is subject to available capacity at the time connection to Lee County Utilities' facilities is completed. Upon completion and final acceptance of this project, potable water service will be provided through Lee County Utilities' Pinewood Water Treatment Plant. Sanitary sewer service will be provided through Lee County Utilities' Three Oaks Waste-water Treatment Plant."

SOLID WASTE

Staff from the Lee County Division of Solid Waste have provided written comments to the applicant, dated October 1, 2003, concerning the proposal (see Attachment 1). The memo provides the following:

"The Lee County Solid Waste Division is capable of providing solid waste collection service for the commercial and residential units proposed for North Point 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 (00-22, section 17) has requirements for providing on-site space for placement and servicing of commercial solid waste containers. Please review these requirements when planning the development at North Point."

COASTAL ISSUES

The subject property is not located in the "Coastal Planning Area" as defined by the Lee Plan. The Federal Emergency Management Agency's Flood Insurance Rate Map shows the subject parcel in a "B" flood zone, having no special flood hazard areas. The 1991 "Hurricane Storm Tide Atlas for Lee County," prepared by the Southwest Florida Regional Planning Council (SWFRPC), shows that the subject property is located within the Category 3 storm surge zone. The proposed development will not be increasing density in the Coastal High Hazard Area as delineated by the Southwest Florida Regional Planning Council.

B. CONCLUSIONS

The proposed amendment is consistent with Policy 1.1.4, the Urban Community future land use descriptor policy. The intent of the applicant is to develop commercial office and retail uses as well as residential uses on the site which are compatible with the surrounding uses. The subject parcel is located between the Urban Community future land use category to the north and the south and is consistent with the existing commercial development to the north and the future mixed use development approved as the Simon Suncoast MPD/DRI to the south, east of US 41. The proposed commercial intensities and residential density is allowed in the "Urban Community" land use category. If the amendment is approved the allowable density would increase from 6 du/acre to 10 du/acre with bonus density, an increase of 408 permissible units. The increase in the population accommodation capacity of the FLUM is insignificant.

Although the proposed amendment is consistent with the Urban Community future land use category and the surrounding area and uses, staff has an outstanding issue with the proposal. Staff has concluded that adequate infrastructure is in place to provide the necessary services to accommodate the requested land use change with the exception of one roadway segment on US 41. This road segment on US 41 is located between Koreshan Boulevard and San Carlos Boulevard. Approval of this request would result in the intensification of uses on the subject property. Staff finds that the request would create a situation where an already failing link would be exacerbated by the increased project intensity. Staff is unable to support the adoption of a proposed amendment that makes a failing roadway link worse. Staff is, however, willing

to recommend transmittal of the amendment at this time. Transmittal will allow the DRI to continue through the review process and should allow sufficient time for the applicant to address possible solutions for the failing link.

C. STAFF RECOMMENDATION

At this time planning staff **recommends transmittal** 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 the "Suburban" land use category to the "Urban Community" land use category. At this time, however, staff would **not recommend adoption** of the request given the 2020 Level of Service status of the segment of U.S. 41 running from Koreshan Boulevard to San Carlos Boulevard.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: January 26, 2004

A. LOCAL PLANNING AGENCY REVIEW

Planning staff provided a summary of the proposed plan amendment. Staff recommended transmittal of the proposed amendment based on several factors but stated staff could not recommend adoption of the proposed amendment at this time. Staff explained that as part of the application materials the applicant has provided a traffic study. The study states that most road segments in the study area operate at or better than the level of service standard in 2020 with and without the project. The study also points out that the segment of U.S. 41 between Koreshan Boulevard and San Carlos Boulevard exceeds the level of service standard with and without the project. Staff concurred with the applicants findings. Staff recommended transmittal of the proposed amendment in order to allow the DRI to continue through the review process, however, staff would not recommend adoption of the request at this time. Staff concluded that approval of the request would result in the intensification of uses on an already failing link. Staff found that transmitting the amendment would allow the applicant sufficient time to address possible solutions for the failing link.

One member of the LPA asked what would need to take place before staff would recommend adoption. Staff stated their willingness to work with the applicant to improve the situation. Another member asked if most of the transportation issues could be addressed through the DRI process. Staff stated that as planners they could not recommend adoption when the proposal would intensify the situation where there is a failing link, however the statutes allow a plan amendment to be tracked along with a DRI review and staff wants to keep the process moving and hopefully work towards a solution. Staff explained that this had been done with the Coconut Point plan amendment. Another member asked if once the traffic issues related to the Coconut Point amendment were alleviated whether that would circumvent the problems with this project. Staff stated that Coconut Point did make improvement commitments and has provided a proportionate share as part of an adopted policy in the comprehensive plan but staff has not yet conducted a 2020 analysis with the improvements plugged in. Staff found that there was an opportunity to evaluate whether or not some other improvement may relieve the particular segment involving the proposed project.

The applicant's representative then provided a summary of the amendment, giving their justification for approval of the amendment. The representative noted that DRI's have historically paid more than impact fees and that the 2020 financially feasible plan did not include that incremental amount that DRI's pay. The representative stated that there ends up being more improvements to the road network than was anticipated as they go through the planning process. The applicant stated that they were in agreement with staff's recommendation to transmit and felt that by the time this item is brought back all of the outstanding issues would be resolved.

One member of the LPA requested that language be added to the last sentence of the recommendation stating "staff does not recommend adoption pending further review of traffic issues." Another member asked if the DRI was expected to be approved before adoption of the plan amendment. Staff explained that both the amendment and the DRI would be scheduled on the same day and that depending on the outcome of the plan amendment proposal, some changes may be required in the DRI.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommended that the Board of County Commissioners transmit this proposed amendment with the addition of the following statement to staff's recommendation: Staff does not recommend adoption pending further review of traffic issues.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	<u>AYE</u>
MATT BIXLER	<u>AYE</u>
DEREK BURR	<u>AYE</u>
DAN DELISI	<u>ABSENT</u>
ROBERT PRITT	<u>ABSENT</u>
RONALD INGE	<u>AYE</u>

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

DATE OF TRANSMITTAL HEARING: March 9, 2004

A. BOARD REVIEW: Planning staff provided a brief summary of the proposed plan amendment. Staff clarified that the proposed amendment is being reviewed concurrent with the DRI review and that it is expected that the outstanding issue involving intersection improvements will be resolved prior to the zoning and DRI hearing. Staff clarified to the Board that the Estero Community Planning Panel (ECPP) would have the opportunity to offer input at the DRI development order stage if they were parties of record at that time.

The applicant's representative then explained that the developer has met with the (ECPP) and that additional meetings are planned. The representative commented that the staff report dealt comprehensively with the consistency of the request.

A motion was called and carried to transmit the proposed amendment, including the LPA recommendation.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed plan amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff and the LPA .

C. VOTE:

JOHN ALBION

AYE

ANDREW COY

AYE

BOB JANES

AYE

RAY JUDAH

AYE

DOUG ST. CERNY

ABSENT

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

DATE OF ORC REPORT: May 28, 2004

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The DCA had no objections, recommendations, or comments concerning this amendment.

B. STAFF RESPONSE

As discussed in this report, at the time of transmittal staff recommended transmittal of the proposed amendment but did not recommend adoption of the request given the 2020 Level of Service status of the segment of U.S. 41 running from Koreshan Boulevard to San Carlos Boulevard. Staff noted at the transmittal hearing that it is expected that the outstanding issue will be resolved prior to the zoning and DRI hearing.

As part of the drafted Development Order for the North Point DRI, Section II.C.2.b. addresses traffic mitigation. This section requires the payment of road impact fees as well as requiring that the developer make a lump sum cash payment of \$35,000. This payment is intended to mitigate the comprehensive plan amendment transportation impacts. The section further provides that the payment will be due when the first monitoring report is filed by the developer.

Planning staff finds that transportation impacts tied to intensifying the land use category for the subject area through the proposed amendment have been addressed by the development order and staff recommends adopting the proposed amendment as transmitted.

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

DATE OF ADOPTION HEARING: September 20, 2004

A. BOARD REVIEW: Planning staff provided a summary of the proposed plan amendment. Staff clarified that at the time of transmittal staff was not recommending adoption of the amendment. Since that time the transportation impacts have been addressed and staff is recommending adoption of the proposed amendment as transmitted. One Commissioner requested clarification regarding the traffic impacts. Lee County Department of Transportation staff explained that DRI study parameters were used to generate a fair number for transportation impacts tied to intensifying the land use category.

Several of the applicant's representatives discussed the amendment expressing advantages of the project such as accessibility to roadways and the surrounding community. One representative explained that the suburban limitation on retail is 100,000 square feet in a development and that this would no longer be an issue if the designation was changed to the Urban Community classification. Another representative addressed one of the Commissioner's questions regarding the traffic analysis done. The representative explained that several methods of traffic studies were utilized creating an accurate analysis.

One Commissioner requested input from a member of the Estero Community Planning Panel (ECP) with regard to increased traffic on US 41. The member stated that there will be an opportunity to direct a portion of the funds generated from this project to the widening of US 41.

A motion was called and carried to adopt the proposed amendment.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board voted to adopt the amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accept the findings of fact as advanced by staff and the LPA.

C. VOTE:

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
BOB JANES	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>

LEE COUNTY ORDINANCE NO. 04-014

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 THAT AMENDMENT KNOWN LOCALLY AS CPA2003-04 APPROVED IN CONJUNCTION WITH ADOPTION OF THE DEVELOPMENT OF REGIONAL IMPACT APPLICATION (DRI2003-00002) NORTH POINT; PROVIDING FOR AMENDMENTS TO THE ADOPTED FUTURE LAND USE CLASSIFICATION AND MAP (MAP 1); PROVIDING FOR PURPOSE AND SHORT TITLE; PROVIDING FOR ADOPTION OF THE SPECIFIED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL EFFECT OF "THE LEE PLAN"; PROVIDING FOR GEOGRAPHICAL APPLICABILITY; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan (hereinafter referred to as the "Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of Plan Amendments with such frequency as may be permitted by applicable state statutes, in accordance with such administrative procedures as the Board of County Commissioners may adopt; and,

WHEREAS, the Lee County Board of County Commissioners, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 further provides an opportunity for individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (hereinafter referred to as the "LPA") held statutorily prescribed public hearings pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6 on January 26, 2004, and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6, held a statutorily prescribed public hearing for the transmittal of the proposed amendments on March 9, 2004, and at that hearing approved a motion to send, and did later send, the proposed amendments to the Florida Department of Community Affairs (hereinafter referred to as "DCA") for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and,

WHEREAS, at the March 9, 2004 meeting, pursuant to Chapter 163, Part II, Florida Statutes, the Board of County Commissioners did announce its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report," which were later received on May 28, 2004, by the Chairman of the Lee County Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners during its statutorily prescribed public hearing for the plan amendment on September 20, 2004, moved to adopt the proposed DRI related amendment as more particularly set forth herein.

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, has conducted a series of public hearings to review the proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Future Land Use Map Series (Map 1) of the Lee Plan discussed at those meetings. The short title and proper reference for the Lee County Comprehensive Plan, as hereby amended, will continue to be the "Lee Plan." This ordinance may be referred to as the "CPA2003-04 North Point Ordinance."

SECTION TWO: ADOPTION OF CPA2003-04 COMPREHENSIVE PLAN AMENDMENT

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 known as CPA 2003-04, which amends the Future Land Use Map series of the Lee Plan by changing the designation of 102± acres from "Suburban" to "Urban Community."

In addition, the above-mentioned Staff Report and Analysis, along with all attachments for this amendment are hereby adopted as "Support Documentation" for the Lee County Comprehensive 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 shall be consistent with the Lee Plan as so 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 any 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 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 such 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 such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such 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 plan amendments adopted herein are not effective until a final order is issued by the DCA or Administration Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Judah, who moved its adoption. The motion was seconded by Commissioner St. Cerny, and, when put to a vote, the vote was as follows:

Robert P. Janes	Aye
Douglas St. Cerny	Aye
Ray Judah	Aye
Andrew Coy	Aye
John Albion	Aye

DONE AND ADOPTED this 20th Day of September 2004.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: Michele S. Cooper
Deputy Clerk

BY: [Signature]
Chairman

DATE: 9/20/04

Approved as to form by:

[Signature]
County Attorney's Office



State of Florida
County of Lee

I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 22nd day of September, A.D. 2004

CHARLIE GREEN, CLERK

By Michele S. Cooper
Deputy Clerk





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Mr. Ray Eubank, Planning Manager
Florida Department of Community Affairs
Division of Resource Planning & Management
Bureau of Local Planning/Plan Processing Team
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

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Florida Department of State
Division of Historical Resources
The Capitol
Tallahassee, FL 32399-0250

2. Article Number

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1. Article Addressed to:

FL Fish and Wildlife
Conservation Comm.
620 South Meridian
Street
Tallahassee, FL
32399
- 1600

2. Article Number

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1. Article Addressed to:

Mr. David Burr
S.W. Florida Regional Planning Council
P.O. Box 3455
4980 Bayline Drive, 4th Floor
North Fort Myers, Florida 33918-3455

2. Article Number

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1. Article Addressed to:

Executive Director
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

2. Article Number

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A. Signature

X

Earl Smith

☐ Agent☐ Addressee

B. Received by (Printed Name)

SMITH E

C. Date of Delivery

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

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☐ Yes

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1. Article Addressed to:

Mr. Michael Ripp
Florida Department of Transportation
P.O. Box 1030
2292 Victoria Avenue, Suite 292
Fort Myers, FL 33902-1030

2. Article Number

(Transfer from service label)

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COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Linda Stanford

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

10-7-04

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

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1. Article Addressed to:

Dep. of Agriculture and Consumer Svcs.
Division of Forestry
3125 Connor Boulevard
Tallahassee, FL 32301

2. Article Number

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COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

L. Carruthers

☐ Agent☐ Addressee

B. Received by (Printed Name)

M. CARRUTHERS

C. Date of Delivery

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

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1. Article Addressed to:

Florida Department of Environmental Protection
Plan Review Section
3900 Commonwealth Boulevard MS 47
Tallahassee, FL 32399-3000

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X☐ Agent☐ Addressee

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SOUTHWEST FLORIDA

DEPARTMENT OF TRANSPORTATION **LEE COUNTY RECEIVED**

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PUB. WRKS. CNTR.
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Memo

To: Paul O'Connor, Division of Planning

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

Date: January 7, 2004

Subject: CPA 2003-04 Privately Initiated Lee Plan
Future Land Use Map Amendment
(North Point Lake DRI)

We have reviewed the above application which requests the land use designation of approximately 102 acres be changed from "Suburban" to "Urban Community". The project will include 150 multifamily residential units, 550,000 square feet of retail space, 120,000 square feet of office, and 150 hotel rooms. The applicant ran the FSUTMS travel model for future conditions (2020) with and without the North Point DRI. Both model runs included the Coconut Point DRI. We concur with the applicant's findings that all roadway segments under study are either at or better than the standard, both without and with the project, or in one instance (US 41 from Koreshan Boulevard to San Carlos Boulevard) below the standard, both without and with the project.

DML/LW/mlb

Interoffice Memo

Date: 07/15/03

To: Paul O'Conner, Director, Division of Planning

From: Terry M. Kelley, Emergency Management Coordinator

RE: CPA 2003-00004, Privately Initiated Lee Plan Future Land Use Map Amendment

Staff has reviewed the submittal documents for the above-referenced amendment. This Development is located in a Category 3 Hurricane Evacuation Zone. In Accordance with the National Weather Service storm surge "SLOSH", this area will receive storm surge flooding from a Category 3 Hurricane. Therefore, the area is applicable to the provisions of Lee County Ordinance 00-14, Land Development Code, Article XI, Sec. 2-481 through 2-486, Hurricane Preparedness that requires shelter and evacuation route impact mitigation for residential developments.

Lee County Administrative Code 7-7 requires that every new residential development with 50 or more dwelling units or 100 plus dwelling units must submit an emergency preparedness plan as a part of the Development Order Application process. Suggested formats for the plan can be found in Administrative Code 7-7. This plan will be submitted to Lee County Emergency Management for approval.

Terry M. Kelley, 477-3610

**Office of the Sheriff
Rodney Shoap**



**County of Lee
State of Florida**

March 27, 2003

**Barraco and Associates, Inc.
Dan Delisi, AICP
Vice President of Planning
Post Office Drawer 2800
Fort Myers, Florida 33902**

**RE: North Point DRI
Application for Development Approval**

Dear Sir:

The proposed development of North Point, located at the northeast corner of US 41 and Williams Road and bound to the east by the Seminole Gulf Railway tracks, is within the service area for the Lee County Sheriff's Office. It is policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs.

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

Sincerely,


**Major Dan Johnson
Planning and Research**

**Copy: File
DJ/jr**



14750 Six Mile Cypress Parkway • Fort Myers, Florida 33912-4406 • (941) 477-1000

Attachment 4

**Estero FIRE RESCUE**

19850 Breckenridge Drive, Suite A
Estero, Florida 33928

Phone: (239) 947-FIRE (3473)

Fax: (239) 947-9538

web site: www.esterofire.org

March 20, 2003

Dan Delisi, AICP
Vice President of Planning
Barraco and Associates, Inc.
P.O. Drawer 2800
Fort Myers, FL 33902

Re: North Point DRI
Application for Development Approval

Dear Dan:

Estero Fire Rescue will begin construction this summer on our Coconut Point Fire Station, located just south of the proposed development. Our current manpower and facilities would be able to serve this site, however, when the Coconut Point Station goes into operation early next year, our capabilities will be enhanced.

Sincerely,

Michael D. Cato, Fire Marshal
Fire Prevention Program Manager

July 25, 2003

Mr. Paul O'Connor, Director
Division of Planning
P. O. Box 398
Ft. Myers, FL 33902-0398

Re: Request for Determination of Adequacy
Proposed Lee Plan Future Land Use Map Amendment, CPA 2003-04
North Point Lake DRI

Dear Mr. O'Connor:

This letter is in response to your request for a determination of adequacy from the Lee County School District on a future land use map plan amendment the property owner for this site has initiated. According to your request, the proposed change would amend the current Suburban land use designations on a 102 acre parcel to the Urban Community land use category. This amendment could increase the existing number of dwelling units permitted from 612 to 1,020 with bonus densities. As such, the proposed change would impact the Lee County School District, its budget and its planned services in this area. The 1,020 units could generate up to 322 new school aged children in the area, creating the need for 16 new classrooms, or one new elementary school. The difference between the two land use categories would create an additional 408 units over the existing 612 units, creating a minimum of 129 new school aged children and 7 new classrooms. At this time, the existing school classroom inventory is at maximum capacity, so the developer will be required to offset their impact through school impact fees, in accordance with the Impact Fee Ordinance previously adopted by the Lee County Board of County Commissioners.

In addition, the impact of this project on the existing Williams Road has created a need for the four laning of this facility. At this time, the Lee County Department of Transportation plans to examine this facility in its upcoming 2005 plan update, and the developer should expect to pay its fair share for these anticipated improvements.

If you have any further questions or comments, please give me a call.

Sincerely,

Stephanie Keyes, Facilities Planner
Department of Construction and Planning

**STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES**

Date: January 13, 2004

To: Brandy Gonzalez, Planner

From: Kim Trebatoski; Principal Environmental Planner

Phone: (239) 479-8183

E-mail: trebatkm@leegov.com

Project: North Point Lee Plan Amendment

Case: CPA2003-00004

STRAP: 33-46-25-00-00021.0000 + others

The Division of Environmental Sciences (ES) staff have reviewed the environmental assessment for the property and conducted a field inspection. The property consists of pastureland with scattered south Florida slash pine trees and a borrow pit lake. There are approximately 11.80 acres of hydric pasture and 13.53 acres of other surface waters (Wetland and FLUCCS Map Attached). The site was surveyed for Lee County listed species. ES staff have observed an American bald eagle perching on a slash pine, and wading birds foraging. There are no protected species or indigenous preservation requirements that need to be addressed through the proposed plan amendment. Native tree preservation and any listed species issues will be addressed through the zoning and Development of Regional Impact process.

MEMORANDUM
FROM THE
DEPARTMENT OF
PUBLIC WORKS

2003 JUL 16 10:11:11

DATE: July 15, 2003

TO: Matt Noble
Principal Planner

FROM: Michael P. Pavese *MPP*
Principal Planner

RE: **Lee County Comprehensive Plan Amendment**
North Point Lake DRI
Strap #'s 19-45-26-05-0000C .0020

Staff has reviewed your request for comments regarding the adequacy of existing and proposed support facilities relative to the proposed plan amendment referenced above.

Based on the information provided in the application for this request, the subject parcel consists of nine individual parcels totaling approximately 102 ± acres. The subject property is currently zoned Agriculture (AG-2) and is located in the Suburban land use category. The applicant has indicated that they are requesting an amendment to change the existing Future Land Use Map (FLUM) designation of the subject parcel from Suburban to Urban Community. The amendment is being requested to permit the development of more retail floor area than would otherwise be permitted within the Suburban classification. The standard residential density (6 units per acre) is the same for both land use categories. However, unlike the Suburban category, the Urban Community category does permit bonus density of up to 10 units per acre. The development as proposed by the applicant will be predominantly commercial/office and residential use will be limited to a maximum of 150 multiple family units. Assuming the worst case scenario, that the subject property is ultimately developed to the maximum residential density allowed (approximately 1,020 units), it is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be adversely impacted as a result. The Estero Community Park will be under construction in the near future. With the addition of the 65-acre facility, the potential density (1,020 units) of the subject property would be adequately served.

Should you have any questions or require any additional information, please do not hesitate to contact me directly at 479-8762.

cc: John Yarbrough, Director, Lee County Parks and Recreation
Jim Lavender, Director, Department of Public Works

Michael P. Pavese/mpp

C:\TEMP\VPWCompPlanAmendNorthPointLakeDRI.WPD

MEMORANDUM

from the
TRANSIT DIVISION



Your Ride Is Here.

DATE: August 1, 2003

To: Paul O'Connor AICP

FROM: Steve Myers

RE: CPA 03-04 – North Point Lake DRI-Future Land Use Map Amendment Request

Lee Tran staff has reviewed the above referenced future land use map amendment request. Contrary to a statement made in the application (Question 2e, Goal 5, Policy 5.1.3) Lee Tran does not operate a bus route on this portion of US 41 or on Williams Road. The current nearest bus route is 1.6 miles from the subject property. However, Lee County and the city of Bonita Springs are working on a proposal for service in the city which would include AM and PM peak hour trips up to Estero and San Carlos Park. This service would travel US 41 directly past the subject property and would begin on October 1, 2003.

To enhance on the multi-modal features of this mixed-use development, Lee Tran requests consideration of designing a bus stop on US 41 into the project plans. The stop should include pedestrian and bicycle access from the development to the bus stop, wheelchair accessibility for ADA compliance, a passenger waiting shelter, and a pull off lane for the bus to stay out of traffic when boarding or alighting passengers.

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



LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8181

December 19, 2003

Bob Jones
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Paul O'Connor
Director, Division of Planning
Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

RE: **POTABLE WATER & WASTE-WATER SERVICE AVAILABILITY**
North Point DRI

STRAP #: 33-46-25-00-00019.0000; .0030, .0040, .004A, .0050, .0060, .0080, .0090 &
33-46-25-00-00021.0000

Dear Mr. O'Connor:

In response to your request for a Letter of Availability please be advised, the subject parcel is located within Lee County Utilities' service area. Potable water and sanitary sewer facilities are currently in operation near the proposed project mentioned above. However, in order to provide service to this proposed project developer funded system enhancements such as line extensions may be required.

Availability of potable water and sanitary sewer service is contingent upon Lee County Board of County Commissioners' final acceptance of these developer funded system enhancements and is subject to available capacity at the time connection to Lee County Utilities' facilities is completed.

Upon completion and final acceptance of this project, potable water service will be provided through Lee County Utilities' Pinewood Water Treatment Plant. Sanitary sewer service will be provided through Lee County Utilities' Three Oaks Waste-water Treatment Plant.

The Lee County Utilities Operations Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

Issuance of this letter should in no way be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

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

Cordially,

LEE COUNTY UTILITIES

Thom Osterhout
Development Review Manager

Hand Delivered.

S:\UTILS\Engr\MM\LETTERS\GENERAL AVAIL\NORTH POINT DRI - former GBS Area.doc

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111

North Point
Comprehensive Plan Amendment
CPA 2003-04 DRI

Includes Original Submittal
Sufficiency Response and Revised T.I.S.

Original Submittal

NORTH POINT

COMPREHENSIVE PLAN

AMENDMENT



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

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D _____

REC'D BY: _____

APPLICATION FEE _____

TIDEMARK NO: _____

THE FOLLOWING VERIFIED:

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

(To be completed by Planning Staff)

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

Request No: _____

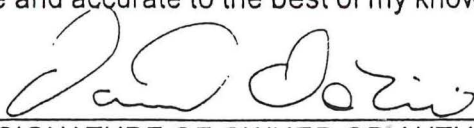
APPLICANT PLEASE NOTE:

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

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

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

5-12-03
DATE


SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

I. APPLICANT/AGENT/OWNER INFORMATION

North Point Lake, LLC c/o Frank Scarlati, Jr.

APPLICANT

2 Transam Plaza, Suite 200

ADDRESS

Oakbrook Terrace,

IL

60181

CITY

STATE

ZIP

(630) 916-0123

TELEPHONE NUMBER

FAX NUMBER

See Attached List

AGENT*

ADDRESS

CITY

STATE

ZIP

TELEPHONE NUMBER

FAX NUMBER

See Attached List

OWNER(s) OF RECORD

ADDRESS

CITY

STATE

ZIP

TELEPHONE NUMBER

FAX NUMBER

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

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

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

A. TYPE: (Check appropriate type)

☐ Text Amendment

☒ Future Land Use Map Series Amendment
(Maps 1 thru 20)
List Number(s) of Map(s) to be amended

B. SUMMARY OF REQUEST (Brief explanation):

Ammend the Future Land Use Map to change the subject parcel from Suburban
to Urban Community.

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

A. Property Location:

1. Site Address: See Attached List

2. STRAP(s): See Attached List

B. Property Information

Total Acreage of Property: +/-102 acres

Total Acreage included in Request: +/- 102 acres

Area of each Existing Future Land Use Category: Suburban: +/-102 acres

Total Uplands: +/- 102 acres

Total Wetlands: N/A

Current Zoning: AG-2

Current Future Land Use Designation: Suburban

Existing Land Use: Agriculture

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

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:

Suburban to Urban Community

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density 612 units

Commercial intensity (sq. ft.) 488,000 retail, 536,000 office

Industrial intensity N/A

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density 1,020

Commercial intensity (sq. ft.) 692,000 retail, 398,400 office

Industrial intensity 102 acres

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.

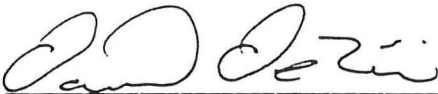
G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

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

AFFIDAVIT

I, Daniel DeLisi, 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. The staff of Lee County may only enter the site with notice to the agent, and with an escort designated by the agent.



Signature of owner or owner-authorized agent

5-12-03

Date

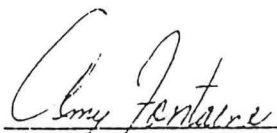
Daniel DeLisi

Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 12th day of May, 2003,
by Daniel DeLisi, who is personally known to me or who has produced
_____ as identification.





Signature of notary public

Amy Fontaine

Printed name of notary public

Authorized Agent(s): *List the names of authorized agents the county may contact concerning this application:*

Planning/Project Coordination

Daniel DeLisi, AICP
2271 McGregor Blvd.
Fort Myers, FL, 33902
Tel: (239) 461-3170

Project Coordination

Ronald C. Dillon
Oakbrook Properties, Inc.
24880 Burnt Pine Drive, #8
Bonita Springs, FL 34134
Tel: (239) 992-5529 x203

Legal

Neale Montgomery, Esq.
Pavese, Haverfield, et al.
1833 Hendry Street
Fort Myers, FL 33901
(239) 336-6235

Engineering

Ned Dewhirst, P.E.
Hole Montes, Inc.
6202-F Presidential Court
Fort Myers, FL 33919
Tel: (239) 985-1200

Environmental

Rae Ann Boylan
Boylan Environmental Consultants, Inc.
11000 Metro Parkway, Suite 4
Ft. Myers, FL 33912
(239) 418-0671

Transportation

Ronald Talone
David Plummer and Associates
1531 Hendry St.
Fort Myers, FL 33902 Tel: (239) 332-2617

Property Owners List

<i>Owner of Record</i>	<i>Address of Owner</i>
Dewolfe Bernard J Cotr + Metheny Marvin L Cotr	16050 S Tamiami Trail, Ste 103 Ft Myers, Florida 33908
Mulligan Richard E	78 Chardon Place Naples, Florida 34110
Near West, Inc.	3880 Sheridan Street Hollywood Florida, 33021
Estero Lakes Development, Inc.	P .O. Box 366879 Bonita Springs, Florida 34136
Spanish Lakes, Inc. Trust For Williams Road Land Trust	P. O. Box 366879 Bonita Springs, Florida 34136

North Point Comprehensive Plan Amendment

STRAP List

33-46-25-00-00021.0000
33-46-25-00-00019.0000
33-46-25-00-00019.0080
33-46-25-00-00019.0050
33-46-25-00-00019.0060
33-46-25-00-00019.0040
33-46-25-00-00019.004A
33-46-25-00-00019.0090
33-46-25-00-00019.0030

NORTH POINT DRI COMPREHENSIVE PLAN AMENDMENT

Introduction

The subject site of this Comprehensive Plan Amendment is within Section 34, Township 46, Range 25, Lee County, Florida. More specifically, the site is located at the northeast quadrant of US 41 and Williams Road, and extending up to within a quarter mile of the intersection of US 41 and Corkscrew Road. Exhibit A shows the location of the subject property and the surrounding community.

The property's current Future Land Use designation is Suburban, which allows for residential and commercial uses. According to Lee Plan Policy 1.1.5, Suburban areas are designated on the "fringe of Urban Community or to protect existing or emerging neighborhoods." The location of the subject property in Estero's "urban core", as well as the surrounding land uses, no longer fit the intent of the Suburban land use category. This application is to amend the Future Land Use designation of the subject parcel from Suburban to Urban Community, consistent with the surrounding properties, in order to allow for increased intensity commercial retail uses, allowing for the development of a mixed use center commercial and residential center.

☐ SURROUNDING LAND USES AND COMPATIBILITY

The subject property is surrounded on all sides by existing development and future land use categories consistent and compatible with the requested change. Surrounding uses consist of existing or proposed commercial and residential use at fairly intense levels. Not only is this 102-acre parcel compatible with all surrounding land uses, it also fills in an area that is in essence a gap in the surrounding Urban Community Land Use category that extends along the east side of US 41, with only one other minor exception from Bonita Springs to South Fort Myers. The subject property is bordered as follows:

South	Urban Community – The property to the south, extending to the City of Bonita Springs border, is in the Urban Community land use category. It received approval last year for a commercial and residential mixed use development of regional impact.
North	Urban Community – The properties to the north, extending to South Fort Myers are in the Urban Community land use category. Directly adjacent to the north are retail uses.
West	Suburban – To the west of the subject property is US 41. Across from this highway are areas classified in the Suburban land use category, consisting of approved commercial (office, retail, and hotel) uses and residential uses.
East	Suburban – The subject property is bounded on the east by an active railroad line, the Seminole Gulf Railroad that extends from Naples to Tampa. To the east of the subject property are areas classified in the Suburban land use category and in close proximity to a property in the

Public Facilities Land Use category, on which the Estero High School is located.

Map 2a shows the current Future Land Use map with the subject property identified.

When reviewing growth patterns in Lee County and the development of the Lee County Future Land Use Map, it is clear that development of slightly higher intensities was intended for the areas along the east side of US 41, buffered from the coastal areas and areas prone to flooding west of US 41. In looking at the Future Land Use map, the location of the Urban Community land use category extends along the entire length of the east side of US 41 in unincorporated Lee County (with the exception of one other small gap and areas of even higher intensity closer to the City of Fort Myers). It is clear that filling in this gap would further the intent of growth management in Lee County. The relevant land use comparison for this property therefore, are the lands to the north and the south, along the east side of US 41, both in the Urban Community land use category.

Background

Estero is a community that has gone through significant change and development over the last five to ten years. With development patterns moving from south to north along US 41, Estero has seen a dramatic rise in population and is now in the process of providing for the commercial need of this new population. In response to this rapid growth, the Estero Community, through a two-year visioning process, articulated a vision for what this community desires Estero to become, and adopted that vision through implementing language in the Lee County Comprehensive Plan and the Lee County Land Development Code.

The proposed amendment to the Lee County Comprehensive Plan will further the Estero vision through allowing for the development of a mixed-use commercial and residential development. Through a two year visioning process the Estero Community defined the type of development goals for this community. A more detailed analysis of how this proposal implements those goals is found in Part E of this application.

This amendment to the Lee Plan is being submitted concurrent with an Application for Development Approval (ADA) for the subject property. Currently the property is divided into several separate parcels under the ownership of five different entities. This amendment to the Lee Plan is therefore being submitted attached to a specific plan to combine these separate parcels into one unified Development of Regional Impact. Because this is an amendment to the Lee Plan however, we have based much of the analysis on the effect of the change in the land use categories.

Land Use Analysis

This request is to change the future land use category of the subject property from Suburban to Urban Community. These two land use categories are fairly similar, and therefore the change to Urban Community from Suburban does not represent a substantial impact on available services. The following are the descriptive policies in the Lee Plan of the two land use categories:

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

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)

There are few real substantive differences between the Suburban and Urban Community land use categories. However, the Urban Community land use category allows for increased commercial intensities, a necessity for developing a "town center" area for the Estero community. The following are the differences that exist between the Suburban and Urban Community land use categories:

1. In Urban Community developments are permitted to have Community or Regional levels of retail commercial development.
2. The Urban Community Land Use category allows for the same residential density as the Suburban Land Use category, but it also allows for a bonus density for affordable housing totaling up to 10 dwelling units per acre.
3. The maximum allowable height is greater in the Urban Community land use category. The height limit for Planned Developments in the Suburban land use category is 45 feet (3 habitable stories) and the height limit in the Urban Community land use category is 95 feet (8 habitable stories).
4. The Urban Community land use category allows for limited light industrial uses.

In analyzing the *change* that we are requesting, it is necessary to assess the potential worst case scenario of what the Lee Plan would currently allow in the Suburban land use category and what the Lee Plan would allow if the change were to take place. It is not a clear cut line as to what the Lee Plan would allow on this property in the Suburban land use category versus what would be allowed in the Urban Community land use category. Unlike other areas, Lee County does not use Floor Area Ratio (FAR) to distinguish intensities of commercial land use, but uses descriptive terms in the Policies of the Plan.

The only concrete distinction between the Urban Community and Suburban land use categories is that retail uses in the Suburban Land Use category are limited to neighborhood commercial levels. In trying to establish what the limitation could mean for this site, the applicant corresponded with the Lee County Planning Division to try and establish agreed upon possible development scenarios. Without attempting to figure out all of the possible future possibilities of property ownership, and additional local roads along this segment of US 41, the most realistic approach is to analyze the property in its current state. The property is under multiple ownership and without the approval of this Comprehensive Plan Amendment and Application for Development Approval, the property will remain under multiple ownership. Therefore, we conducted this analysis using the present conditions of the property (the current ownership) to calculate the maximum each property could request for their individual property in the Suburban and Urban Community Land Use categories, achieving the following results.

The total commercial development that we could reasonably assume on this site under current property ownership and with the County's planned extension of Sandy Lane is as follows:

	Retail	Office
Dewolfe	100,000	96,000
Mulligan	140,000	378,000
Near West Inc.	100,000	14,000
Estero Lakes Development Inc.	48,000	-
Spanish Lakes Inc. Trust	100,000	48,000
Total	488,000	536,000

The total commercial development that we could reasonably assume on this site under the proposed Urban Community Land Use category under current conditions is as follows:

	Retail	Office
Dewolfe	196,000	-
Mulligan	200,000	381,600
Near West Inc.	100,000	16,800
Estero Lakes Development Inc.	48,000	-
Spanish Lakes Inc. Trust	148,000	-
Total	692,000	398,400

The applicant started by reviewing the property under single ownership and establishing what may conceivably be allowed under different interpretations of the Lee Plan. Our initial estimate is attached as Exhibit A. Through discussing possible allowances of retail development, the applicant and staff established a low figure of 290,000 square feet of retail floor area (see Map 1) and a high number of 420,000 square feet of retail floor area. However, the flaw with both of these analyses is that it is speculative to assume that these properties will all be bought by any single owner, combined and submitted for development approval as one plan. The reality is that the property is currently divided up into multiple parcels under multiple ownership, and without this amendment to the Lee Plan, the properties will not be combined. Therefore, in analyzing what can potentially be developed today, the property must be reviewed in its current state under the current ownership.

Exhibit C shows the property in its current form, designating the current parcels and the boundaries of properties under individual ownership. As the Exhibit shows, the property is divided up into 9 separate parcels owned by 5 separate property owners. The applicant for the Comprehensive Plan amendment has an option on all 9 parcels. The following analysis is based on the current possible development that each property owner could request if they were to develop their property today in the Suburban Land Use category.

- 1. Dewolfe** – According to the Lee County Property Appraiser's Office, the Dewolfe property is approximately 19.6 acres, with most of the property located within a half mile from the Corkscrew Road/US 41 intersection. Corkscrew Village Lane acts as a frontage road providing the Dewolf property direct access to both US 41 and Corkscrew Road. According to Policy 6.1.2 (1)(3) this property would be allowed to have up to 400,000 square feet of retail commercial uses. However, half of the property is located outside the requisite half-mile radius from the intersection of the two arterial roadways, and the property is in the Suburban land use category.

Therefore, the property would only be able to build up to 100,000 square feet of retail uses, with the rest of the property developed for uses that would not need to meet site location standards.

The only significant change to this property that the Urban Community Land Use category would allow is that all but an insignificant area could be developed for retail uses. If the standard multiplier of 10,000 square feet per acre is applied, the most intense use of the property in both Land Use categories would be:

Dewolfe				
	Suburban		Urban Community	
	Acreage	Floor Area	Acreage	Floor Area
Retail	10	100,000	19.6	196,000
Office	9.6	96,000	-	-

- Mulligan** – In total, Mulligan owns four parcels extending from the northern portion of the site along the railway tracks and connecting to two parcels along US 41. Although part of the northern most parcel is, like Dewolfe's property, within a half mile of the Corkscrew Road/US 41 intersection, Mulligan does not have access to Corkscrew Road or US 41 within the half mile area, and would therefore not be able to meet site location standards. However the parcels that front on US 41 would meet site location standards based on Policy 6.1.2 (1)(2). The two parcels along US 41, and part of the parcel adjacent to the east are within the requisite quarter mile from the intersection of a major collector road (Williams Road) and an arterial road (US 41). Considering a quarter mile radius from the intersection and taking into account for the narrow configuration of the property, we could realistically assume 40,000 square feet of retail uses.

Given the current access to the property and the site configuration, the change to the Urban Community Land Use category would not increase retail development, but may increase office development through the increase in the allowable height. We can adjust for this by increasing the multiplier for office development. If we use the standard multiplier of 10,000 square feet per acre, and a multiplier of 12,000 square feet per acre for Office in the Urban Community land use category, the most intensive use of the property under both scenarios would be:

Mulligan				
	Suburban		Urban Community	
	Acreage	Floor Area	Acreage	Floor Area
Retail	4.0	40,000	4.0	40,000
Office	47.8	478,000	47.8	573,600
With Sandy Lane				
Retail	14.0	140,000	+/-20.0	200,000
Office	37.8	378,000	31.8	381,600

If we assume that the proposed alignment for Sandy Lane is constructed, then under **both** land Use categories, the Mulligan property could conceivably develop an additional 100,000 square feet along Sandy Lane within a quarter mile from the intersection of Williams Road and Sandy Lane.

3. **Near West, Inc.** – According to the Property Appraiser's Office, the Near West Inc. parcel is approximately 11.1 acres in size. Map 1 shows that approximately 10 of those acres are within a quarter mile of the intersection of US 41 and Williams Road, and therefore meet site location standards in accordance with Lee Plan Policy 6.1.2 (1)(2). Similar to the Mulligan property, the only significant change to the Urban Community Land Use category would be to allow an increase in intensity of office development. Therefore, the most intensive use of the property would be as follows:

Near West, Inc.				
	Suburban		Urban Community	
	Acreage	Floor Area	Acreage	Floor Area
Retail	10.0	100,000	10.0	100,000
Office	1.4	14,000	1.4	16,800

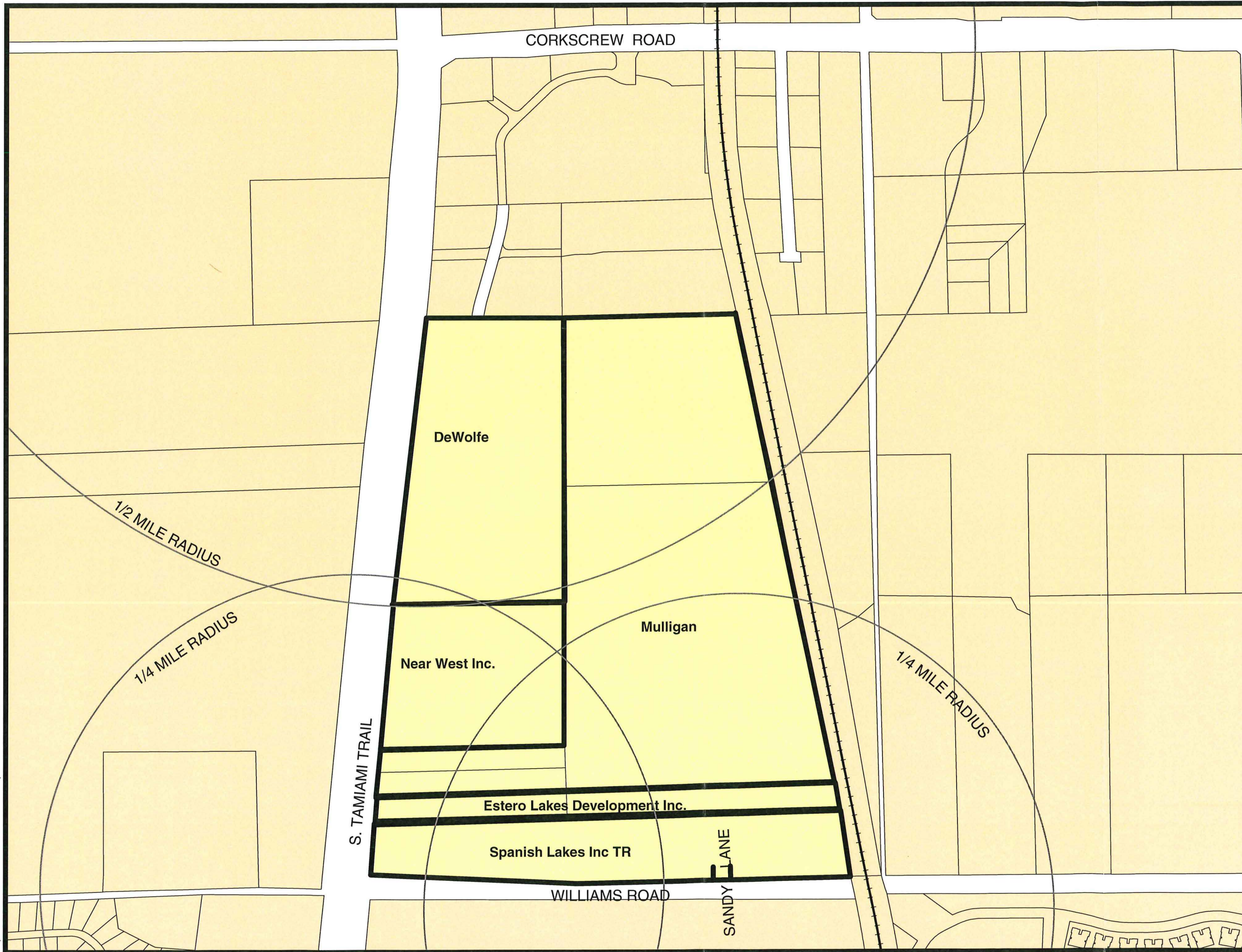
4. **Estero Lakes Development, Inc.** – Although both parcels that are owned by Estero Lakes Development Inc. meet site location standards, the property only has frontage on US 41. The property would need to gain access to Sandy Lane before the eastern parcel could be development for retail uses. Therefore, we have estimated the effect of the Change in land use categories based on scenarios with and without Lee County extending Sandy Lane to this property.

Estero Lakes Development, Inc.				
	Suburban		Urban Community	
	Acreage	Floor Area	Acreage	Floor Area
Retail	2.8	28,000	2.8	28,000
Office	2.0	20,000	2.0	24,000
With Sandy Lane				
Retail	4.8	48,000	4.8	48,000
Office	-	-	-	-

5. **Spanish Lakes, Inc. Trust** – The property owned by Spanish Lakes Inc. Trust falls within two areas that would allow the development of retail uses. The planned "T" intersection of Williams Road and Sandy Lane (assuming Sandy Lane is constructed only to Williams Road) and the intersection of US 41 with Williams Road. Both intersections meet the criteria set for in Lee Plan Policy 6.1.2 (1)(2). However, if the entire property were to be developed for retail uses in the Suburban land use category, it would be difficult to argue that each intersection would be a separate development and therefore independently would meet the definition of "neighborhood center". Therefore, we can only realistically assume that 10 acres could be developed with uses that need to meet site location standards.

Under the Urban Community land use category the entire property could be developed for retail uses. Therefore, the most intensive use of the property would be as follows:

Spanish Lakes, Inc. Trust				
	Suburban		Urban Community	
	Acreage	Floor Area	Acreage	Floor Area
Retail	10.0	100,000	14.8	148,000
Office	4.8	48,000	-	-



Legend

- CountyBoundary
- Railroads
- Parcels
- North Point

North Point Property Ownership Map

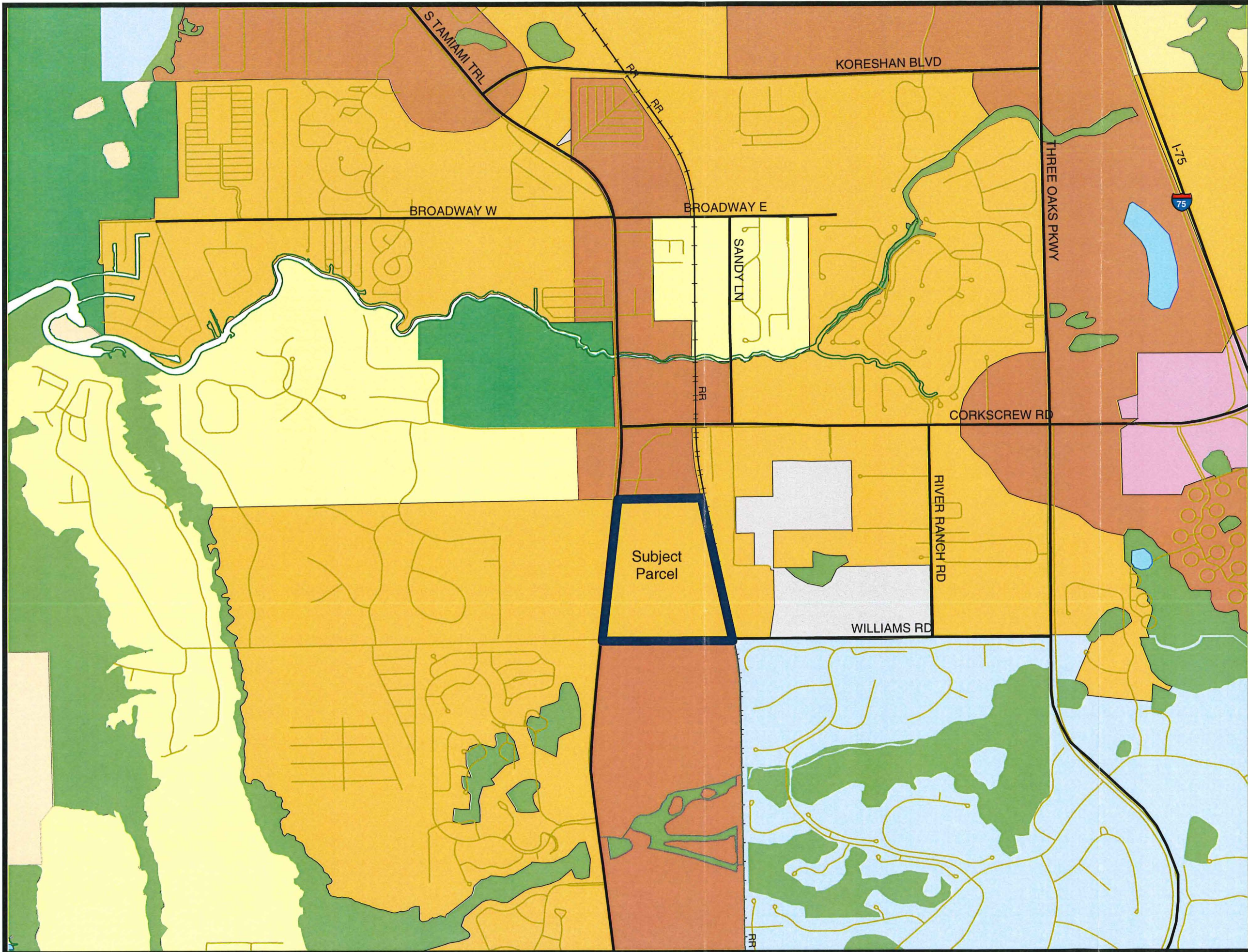


Exhibit A

Source: Lee County Property Appraiser
Not-To-Scale

It is the responsibility of the user to verify the data contained in this document

Barraco
and Associates, Inc.



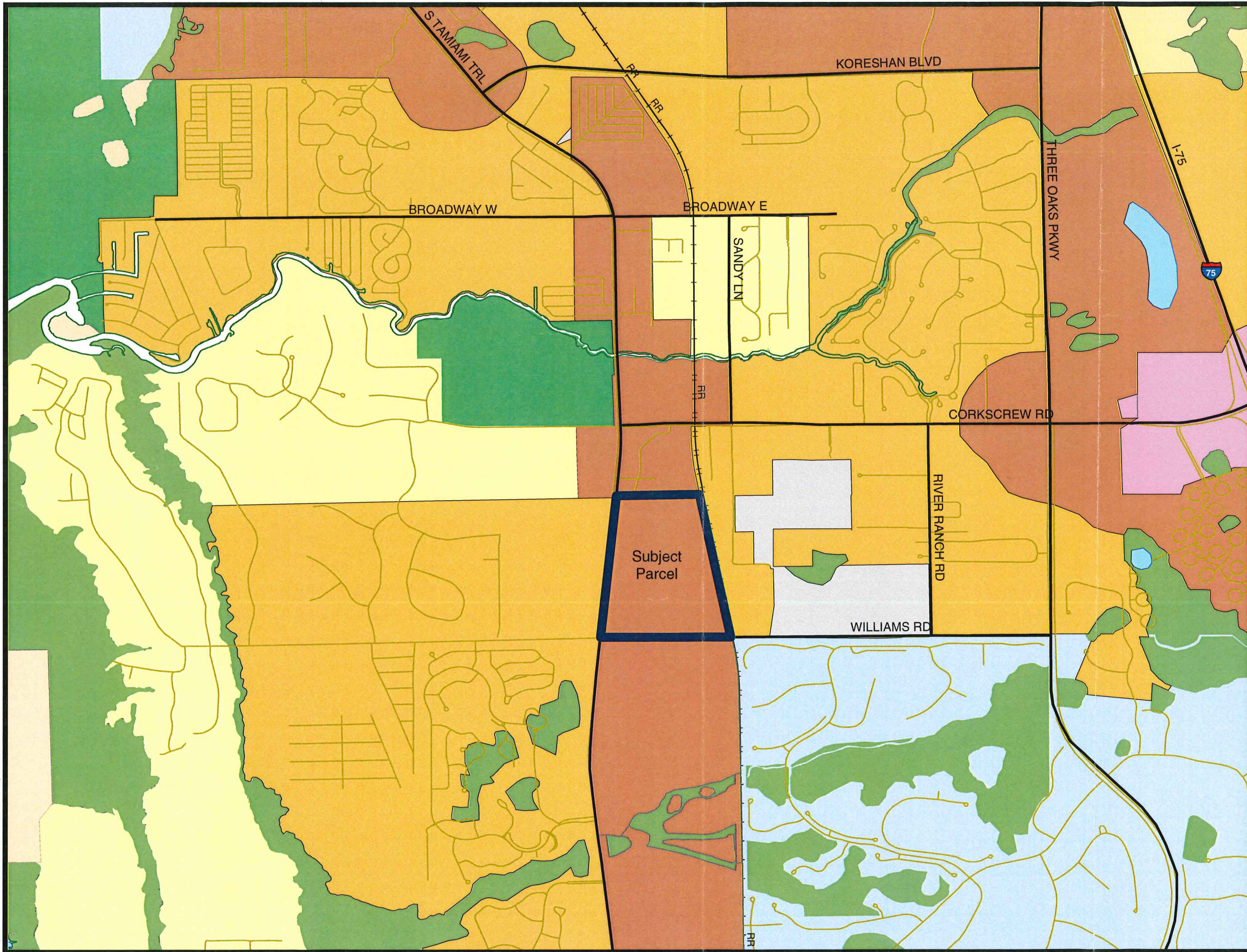
North Point Comprehensive Plan Amendment Current Future Land Use Map

Map 2a

Source: Lee County Property Appraiser
Not-To-Scale

It is the responsibility of the user to verify the data contained in this document

Barraco
and Associates, Inc.



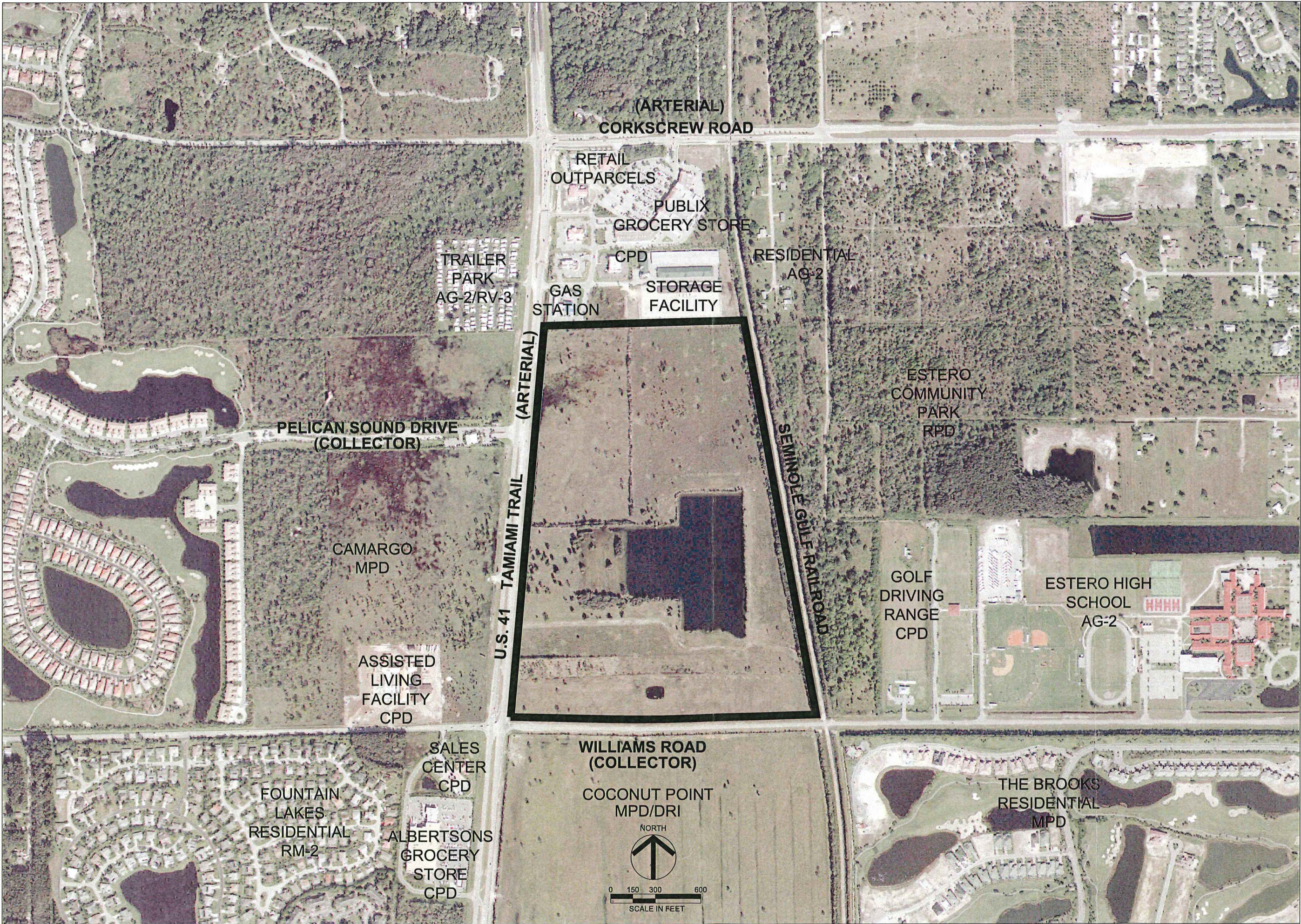
North Point Comprehensive Plan Amendment Proposed Future Land Use Map

Map 2b

Source: Lee County Property Appraiser
Not-To-Scale

It is the responsibility of the user to verify the data contained in this document

Barraco
and Associates, Inc.



PREPARED FOR

**NORTH
POINT LAKE
LLC**

PROJECT DESCRIPTION

**NORTH
POINT
MPD**

SECTION 33
TOWNSHIP 46 SOUTH
RANGE 25 EAST
LEE COUNTY, FLORIDA

REZONING
APPLICATION

NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE AND DATE
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FILE NAME	21786Z01.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21786\DWG\ZONING\
PLOT DATE	TUE, 9-28-2004 - 2:23 PM
PLOT BY	ANGELICA CARLEY
DESIGN BY	TODD VANA
XREF1	
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS

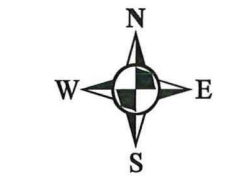
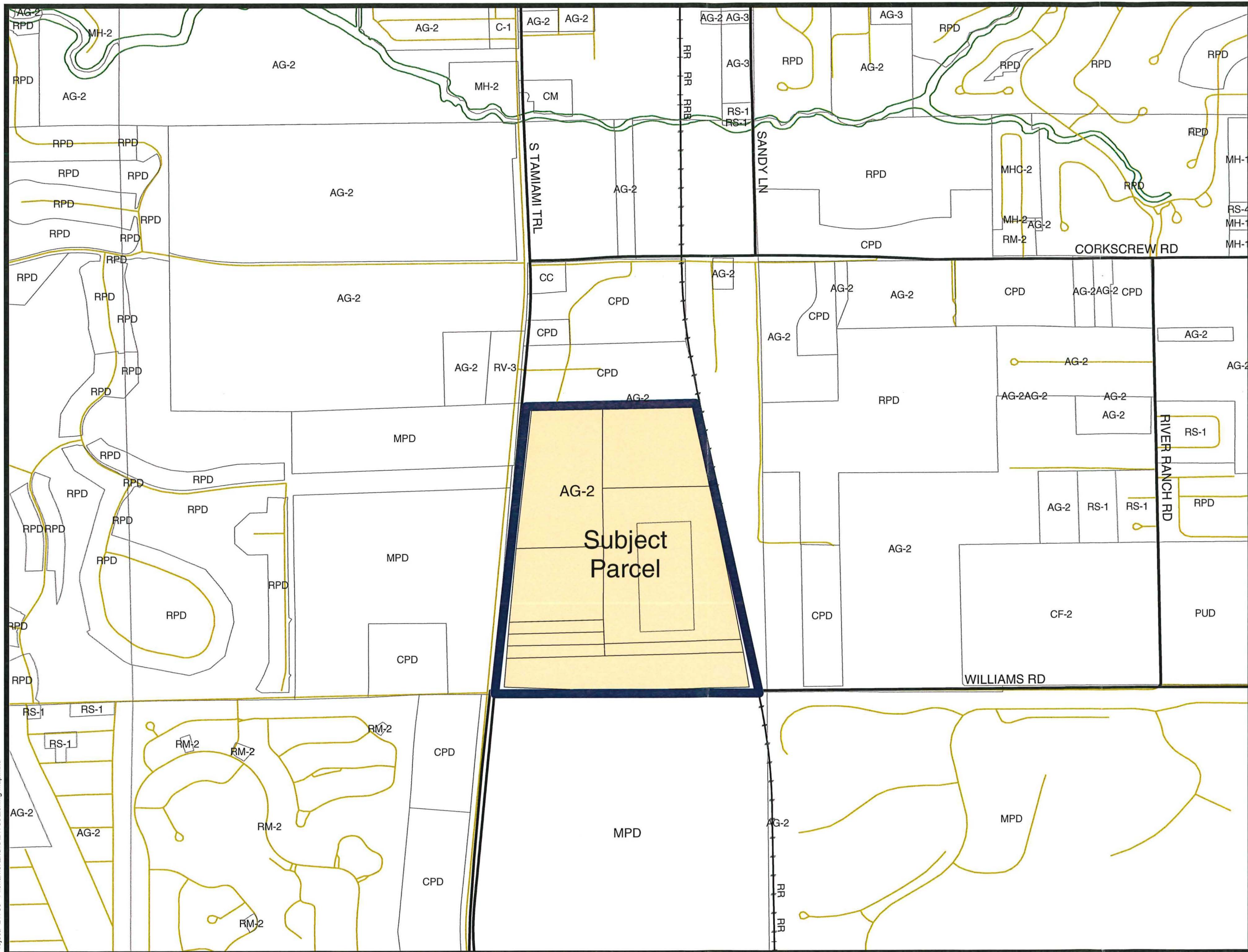
PLAN STATUS

EXHIBIT II-D-2, III-A-2 & III-A-3

**EXISTING LAND USES
AND
AERIAL MAP**

PROJECT / FILE NO.	SHEET NUMBER
21786	

Project: 21786 Filename:Q:\GIS\21786\Zoning Map.mxd



North Point Comprehensive Plan Amendment Current Zoning Map

Map 4

Source: Lee County Property Appraiser
Not-To-Scale

It is the responsibility of the user to verify the data contained in this document

Barraco
and Associates, Inc.



6202-F Presidential Court, Fort Myers, Florida 33919 Phone: (239) 985-1200 Fax : (239)985-1259

PROPERTY DESCRIPTION

That portion of the Southeast Quarter of Section 33, Township 46 South, Range 25 East, Lee County, Florida, located Easterly of Florida State Road No. 45 (U.S. Highway 41), a 200.00 foot right-of-way, located Westerly of the Seaboard Coastline Railroad right-of-way, a 130.00 foot right-of-way, and located Northerly of Williams Road, a 100.00 foot right-of-way.

This property is subject to easements, reservations or restrictions of record.

Bearings refer to the South line of the Southeast Quarter of Section 33, Township 46 South, Range 25 East, Lee County, Florida, as being S.88°20'47"W.

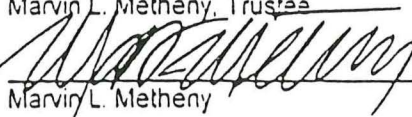
Property Area: 102.572 acres, more or less.

**LETTER OF AUTHORIZATION
TO LEE COUNTY COMMUNITY DEVELOPMENT**

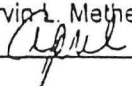
The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as STRAP #33-46-25-00-00021.0000 which is a portion of North Point and legally described in exhibit "A" attached hereto.

The property described herein is the subject of a DRI Application together with an application for zoning and a Comprehensive Plan amendment. We hereby designate Ronald C. Dillon of Oakbrook Properties, Daniel DeLisi of Barraco and Associates, and Neale Montgomery, Esq. as the legal representatives of the property and as such, these individual are 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 a DRI Development Order, Comprehensive Plan amendment, zoning approval and any deviations that are required by development plans for the property.

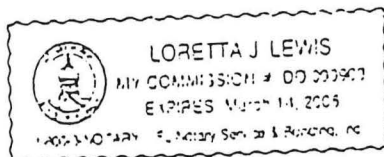
US 41 Trust V
Marvin L. Metheny, Trustee

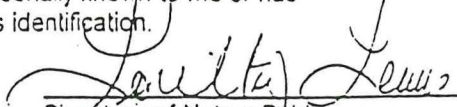

Marvin L. Metheny

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 27 day of April, 2003, by Marvin L. Metheny, Trustee. He is personally known to me or has produced  as identification.

(Seal)




Signature of Notary Public

LORETTA LEWIS
Printed Name of Notary Public

**LETTER OF AUTHORIZATION
TO SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as STRAP #33-46-25-00-00019.0040 which is a portion of North Point and legally described in Exhibit "A" attached hereto.

The property described herein is the subject of a DRI Application together with an application for zoning and a Comprehensive Plan amendment. We hereby designate Ronald C. Dillon of Oakbrook Properties, Daniel DeLisi of Barraco and Associates, and Neale Montgomery, Esq. as the legal representatives of the property and as such, these individual are 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 a DRI Development Order, Comprehensive Plan amendment, zoning approval and any deviations that are required by development plans for the property.

Richard E. Mulligan, Trustee

Richard E. Mulligan Trustee

Richard E. Mulligan, Trustee

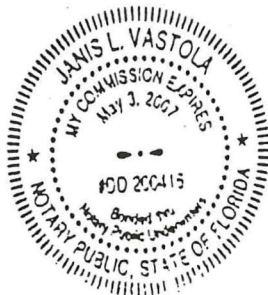
STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 8 day of May, 2003, by Richard E. Mulligan, Trustee. He is personally known to me or has produced FD# M 42574534418 as identification.

(Seal)

Janis L Vastola
Signature of Notary Public

Janis L Vastola
Printed Name of Notary Public



**LETTER OF AUTHORIZATION
TO LEE COUNTY COMMUNITY DEVELOPMENT**

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as STRAP #33-46-25-00-00019.0040 which is a portion of North Point and legally described in Exhibit "A" attached hereto.

The property described herein is the subject of a DRI Application together with an application for zoning and a Comprehensive Plan amendment. We hereby designate Ronald C. Dillon of Oakbrook Properties, Daniel DeLisi of Barraco and Associates, and Neale Montgomery, Esq. as the legal representatives of the property and as such, these individual are 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 a DRI Development Order, Comprehensive Plan amendment, zoning approval and any deviations that are required by development plans for the property.

Richard E. Mulligan, Trustee

Richard E. Mulligan, Trustee

Richard E. Mulligan, Trustee

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 8 day of May, 2003, by Richard E. Mulligan, Trustee. He is personally known to me or has produced FDI# M425 745 34418 as identification.



Janis L Vastola
Signature of Notary Public

Janis L Vastola
Printed Name of Notary Public

**LETTER OF AUTHORIZATION
TO LEE COUNTY COMMUNITY DEVELOPMENT**

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as STRAP #33-46-25-00-00019.0000, 33-46-25-00-00019.0060 & 33-46-25-00-00019.0080 which is a portion of North Point and legally described in exhibit A attached hereto.

The property described herein is the subject of a DRI Application together with an application for zoning and a Comprehensive Plan amendment. We hereby designate Ronald C. Dillon of Oakbrook Properties, Daniel DeLisi of Barraco and Associates, and Neale Montgomery, Esq. as the legal representatives of the property and as such, these individuals are 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 a DRI Development Order, Comprehensive Plan amendment, zoning approval and any deviations that are required by development plans for the property.

Richard E. Mulligan, Trustee

Richard E. Mulligan Trustee

Richard E. Mulligan, Trustee

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 28 day of April, 2003, by Richard E. Mulligan, Trustee. He is personally known to me or has produced _____ as identification.

(Seal)

Jaime Ferraro
Signature of Notary Public
Jaime Ferraro
Printed Name of Notary Public



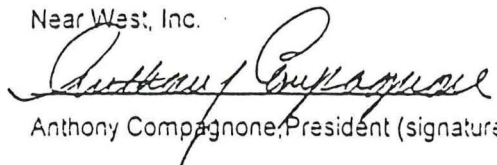
Jaime Ferraro
My Commission 00177729
Expires January 15, 2007

**LETTER OF AUTHORIZATION
TO LEE COUNTY COMMUNITY DEVELOPMENT**

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as STRAP #33-46-25-00-00019.0050 which is a portion of North Point and legally described in Exhibit "A" attached hereto.

The property described herein is the subject of a DRI Application together with an application for zoning and a Comprehensive Plan amendment. We hereby designate Ronald C. Dillon of Oakbrook Properties, Daniel DeLisi of Barraco and Associates, and Neale Montgomery, Esq. as the legal representatives of the property and as such, these individual are 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 a DRI Development Order, Comprehensive Plan amendment, zoning approval and any deviations that are required by development plans for the property.

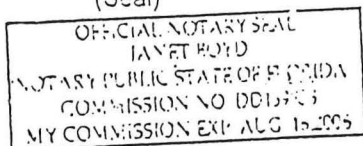
Near West, Inc.

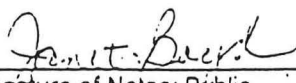

Anthony Compagnone, President (signature)

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 25 day of April, 2003, by Anthony Compagnone, President of Near West, Inc. He is personally known to me or has produced Anthony Compagnone as identification.

(Seal)



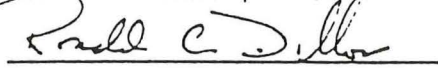

Signature of Notary Public
Janet Boyd
Printed Name of Notary Public

LETTER OF AUTHORIZATION
TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as STRAP #33-46-25-00-00019.004A and 33-46-25-00-00019.0090 which is a portion of North Point and legally described in exhibit A attached hereto.

The property described herein is the subject of a DRI Application together with an application for zoning and a Comprehensive Plan amendment. We hereby designate Ronald C. Dillon of Oakbrook Properties, Daniel DeLisi of Barraco and Associates, and Neale Montgomery, Esq. as the legal representatives of the property and as such, these individual are 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 a DRI Development Order, Comprehensive Plan amendment, zoning approval and any deviations that are required by development plans for the property.

Estero Lakes Development, Inc.

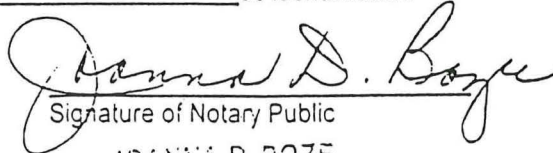


Ronald C. Dillon, Vice President

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 10th day of May, 2003, by Ronald C. Dillon, Vice President of Estero Lakes Development, Inc. He is personally known to me or has produced _____ as identification.

(Seal)



Signature of Notary Public

JOANNA D. BOZE

Printed Name of Notary Public



Joanna D. Boze
MY COMMISSION # CC973775 EXPIRES
October 31, 2004
BONDED THRU FIDELITY INSURANCE, INC.

**LETTER OF AUTHORIZATION
TO LEE COUNTY COMMUNITY DEVELOPMENT**

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as STRAP #33-46-25-00-00019.0030 which is a portion of North Point and legally described in Exhibit "A" attached hereto.

The property described herein is the subject of a DRI Application together with an application for zoning and a Comprehensive Plan amendment. We hereby designate Ronald C. Dillon of Oakbrook Properties, Daniel DeLisi of Barraco and Associates, and Neale Montgomery, Esq. as the legal representatives of the property and as such, these individual are 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 a DRI Development Order, Comprehensive Plan amendment, zoning approval and any deviations that are required by development plans for the property.

Spanish Lakes, Inc. Trustee

Ronald C. Dillon

By Ronald C. Dillon, Vice President

STATE OF FLORIDA
COUNTY OF LEE

May The foregoing instrument was sworn to (or affirmed) and subscribed before me this 8th day of April, 2003, by Ronald C. Dillon, Vice President of Spanish Lakes, Inc. He is personally known to me or has produced _____ as identification.

(Seal)

Joanna D. Boze
Signature of Notary Public

JOANNA D. BOZE

Printed Name of Notary Public



Joanna D. Boze
MY COMMISSION # 0073795 EXPIRES
October 31, 2004
BONDED THROUGH FARM INSURANCE CO.

NORTH POINT DRI
COMPREHENSIVE PLAN AMENDMENT
TRAFFIC STUDY

Project #02548

May 6, 2003

Prepared by:
DAVID PLUMMER & ASSOCIATES, INC.
1531 Hendry Street
Fort Myers, Florida 33901



NORTH POINT DRI
COMPREHENSIVE PLAN AMENDMENT
TRAFFIC STUDY

Introduction

The North Point DRI (the Project) is a planned, mixed use development located in Estero, on the east side of US 41 and on the north side of Williams Road. The Project will include 150 multifamily residential units, 550,000 square feet of retail space, 120,000 square feet of office space (60,000 square feet of general office and 60,000 square feet of medical office), and 150 hotel rooms. It is anticipated that the Project will be a one-phase development, with buildout occurring in the year 2008.

In general, the Project will have direct access to US 41, Williams Road and the future Sandy Lane Extension. In addition, access will be provided indirectly to Corkscrew Road via an access road through adjacent commercial developments north of the Project.

An amendment to The Lee Plan is needed to support the Project. This report provides the traffic analysis in support of that comprehensive plan amendment.

Traffic Circulation Analysis

A traffic circulation analysis was performed in accordance with the guidelines provided Section IV.B.1 (Traffic Circulation Analysis) of Lee County's Application for a Comprehensive Plan Amendment. Based on these guidelines, future 2020 traffic conditions, both with and without the North Point DRI, were forecasted for the area within a three-mile radius of the site, for comparison purposes.

These future 2020 traffic conditions reflect conditions under the adopted Lee County 2020 Financially-Feasible Transportation Plan, which is included as Map 3A in The Lee Plan and is reproduced in part in Exhibit 1. The travel model assignments were performed using the Lee County FSUTMS travel model assignment for the adopted 2020 Financially-Feasible Plan (as amended through January 17, 2003) provided by the MPO. The two comparative travel model assignments will be provided to the review agencies on disk under separate cover.

Except as noted below, no adjustments were made to the zone structure, zonal data or 2020 highway network to ensure consistency with the adopted Plan. In addition, roadway level of service analysis was performed for the two comparative travel model assignments using the adjustment factors and roadway service volumes in effect during the development of the long-range transportation plan.

The one exception is that the recently-approved Coconut Point (Simon Suncoast) DRI was added



to the MPO socio-economic data in the comparative analyses both with and without the North Point DRI. The Coconut Point DRI is located on the east side of US 41 south of the North Point DRI and extends from Williams Road south to the Bonita Springs City limits.

MPO Traffic Analysis Zone (TAZ) 815 includes four major development projects: the Corkscrew Village Shopping Center CPD (approved); the South Estero Commercial Center CPD (approved); the North Point DRI (proposed); and the northern portion of the Coconut Point DRI (approved). Yet, the MPO 2020 socio-economic data projections for TAZ 815 include only enough employees and residential units to account for the first two developments and don't reflect either the North Point DRI or the northern portion of the Coconut Point DRI. In addition, the MPO socio-economic data projections for TAZ 784 immediately south of TAZ 815 don't account for the southern portion of the Coconut Point DRI.

During a meeting with the County staff on March 5, 2003, it was agreed that the traffic projections with and without the proposed North Point DRI wouldn't be realistic if they didn't include the Coconut Point DRI. Therefore, it was agreed that the Coconut Point DRI should be included as part of the background in both travel model assignments.

Accordingly, the Coconut Point DRI was included in the travel model assignments, both with and without the North Point DRI. This was done using the same socio-economic data and TAZ structure for the Coconut Point DRI that were previously used by the County staff for the Comprehensive Plan Amendment traffic study for Coconut Point.

The Lee County FSUTMS travel model was first run for future conditions without the North Point DRI. The future (2020) traffic volumes without the Project were posted by road segment on a peak season weekday basis and then converted to peak season, peak hour, directional volumes. Levels of service were then estimated for all road segments within a three-mile radius of the site. The results of this analysis without the Project are reported in Exhibit 2.

The Lee County FSUTMS travel model was then re-run with the North Point DRI included. One traffic analysis zone (TAZ 773) was used to represent the North Point DRI. The Project's development parameters, which are given above, were converted to housing, population and employment estimates and input into the ZDATA1 and ZDATA2 files in the model, consistent with all other development reflected in the model. Full buildout of the North Point DRI was assumed.

The future (2020) traffic volumes with the North Point DRI were posted by road segment on a peak season weekday basis and then converted to peak season, peak hour, directional volumes. Levels of service were then estimated for all road segments within a three-mile radius of the site. The results of this analysis with the Project are reported in Exhibit 3.

Findings of the Traffic Circulation Analysis: Traffic Conditions

The findings and conclusions of the traffic circulation analysis are discussed below.



A review of Exhibits 2 and 3 indicates that most road segments in the study area operate at or better than the County's adopted level of service standard in 2020, both with and without the Project, under the 2020 Financially-Feasible Plan. Therefore, although the Project may add volumes to those road segments, they still operate at acceptable levels of service.

One road segment, US 41 between Koreshan Boulevard and San Carlos Boulevard, exceeds the adopted level of service standard, both with and without the Project. This segment of US 41 is projected to operate at LOS F, both with and without the Project.

It should be pointed out, however, that the projected volumes on this segment of US 41 are slightly above the maximum service volume at the LOS standard, based on Lee County's generalized service volumes. Actual conditions on this segment of US 41 are likely to be much better than projected based on these generalized service volumes, which assume much lower weighted effective green times (a g/C ratio of 0.46) than actually exist on this section of US 41 (g/C ratios of 0.50 or higher).

The two segments of I-75 between Bonita Beach Road and Alico Road are projected to operate at LOS "D" in 2020, both with and without the Project. This level of service exceeds the current standard of LOS "C" on I-75, but would not exceed the expected future standard of LOS "D".

It is expected that the LOS standard on I-75 will be changed to LOS "D" by 2020 to reflect the fact that I-75 will be recognized as a limited access facility within an urbanized area with a population over 500,000. This change in the LOS standard on I-75 is anticipated in Lee Plan Policy 22.1.1, which identifies LOS "C" as the standard in transitioning areas and LOS "D" as the standard in urbanized areas. With the anticipated change in the LOS standard, there will not be a level of service deficiency on I-75, with or without the Project.

This change in the LOS standard on I-75 may be imminent, because the Lee County MPO is waiting for FHWA approval of new and expanded urban limits based on the 2000 Census. The expanded urban limits indicate that: (a) the Cape Coral (and Ft. Myers) Urbanized Area and the Bonita Springs-Naples Urbanized Area have grown together to form one continuous urbanized area; and (b) the urban limits extend east of I-75 for most of its length in South Lee County and North Collier County.

Therefore, there are no segments in the study area where the level of service is at or better than the adopted standard without the Project, but exceeds the standard with the Project. All segments are either at or better than the standard, both without and with the Project, or below the standard, both without and with the Project.

Findings of the Traffic Circulation Analysis: Transportation Revenues

In this Traffic Circulation Analysis, traffic conditions with the proposed North Point DRI were compared to traffic conditions without the proposed Project. As explained above, the MPO traffic projections for 2020, which were developed a couple of years ago, did not account for



either the proposed North Point DRI or the recently-approved Coconut Point DRI. Therefore, once these two new developments are taken into account, traffic projections in this area are generally higher.

When considering the findings of this comparative traffic analysis, however, it's important to remember that the transportation revenues generated in this area will also be higher, due to these two new developments. The MPO revenues projections, which were used to develop the 2020 Financially-Feasible Plan, did not account for these two new developments. These two developments will generate significantly more transportation revenues than the levels of development assumed by the MPO.

Based on the MPO socio-economic data projections for TAZ 815, the development in TAZ 815 would generate approximately \$960,000 in road impact fees. In comparison, the four approved and proposed developments in TAZ 815 (the Corkscrew Village Shopping Center CPD, the South Estero Commercial CPD, the North Point DRI, and the northern portion of the Coconut Point DRI) will generate approximately \$7.5 million in road impact fees.

Furthermore, the latter figure (\$7.5 million) will actually be much higher, possibly 50% higher, because Lee County typically requires DRIs to pay more than road impact fees, based on the Project's proportionate share of needed improvements. The Coconut Point DRI has been required to contribute \$14.8 million, which is nearly 50% more than the Project's estimated road impact fees of \$10.2 million. The North Point DRI may also be required to contribute an amount higher than the estimated road impact fees for the Project.

Recommended Improvements

In the previous study in support of the Comprehensive Plan Amendment for the Coconut Point (Simon Suncoast) DRI, it was demonstrated that 2020 traffic conditions on US 41 can be improved by turn lane improvements at key intersections, including the addition of dual left-turn lanes at the US 41 intersections with Constitution Boulevard, the B&F Parcel, Sanibel Boulevard and Koreshan Boulevard.

In addition to turn lane improvements on US 41, consideration should be given to amending the 2020 Financially-Feasible Plan to provide additional capacity on parallel north-south roads to serve all area development, including the North Point DRI. This could include the six-laning of Three Oaks Parkway between Alico Road and Corkscrew Road or the construction of a 10-lane cross section on I-75, as anticipated in the I-75 Master Plan.

The above changes to the 2020 Financially-Feasible Plan will help improve traffic conditions and operations in the overall study area. These improvements are needed, both with and without the North Point DRI, to support all area development. Therefore, no improvements to the 2020 Financially-Feasible Plan are necessary due only to the North Point DRI.



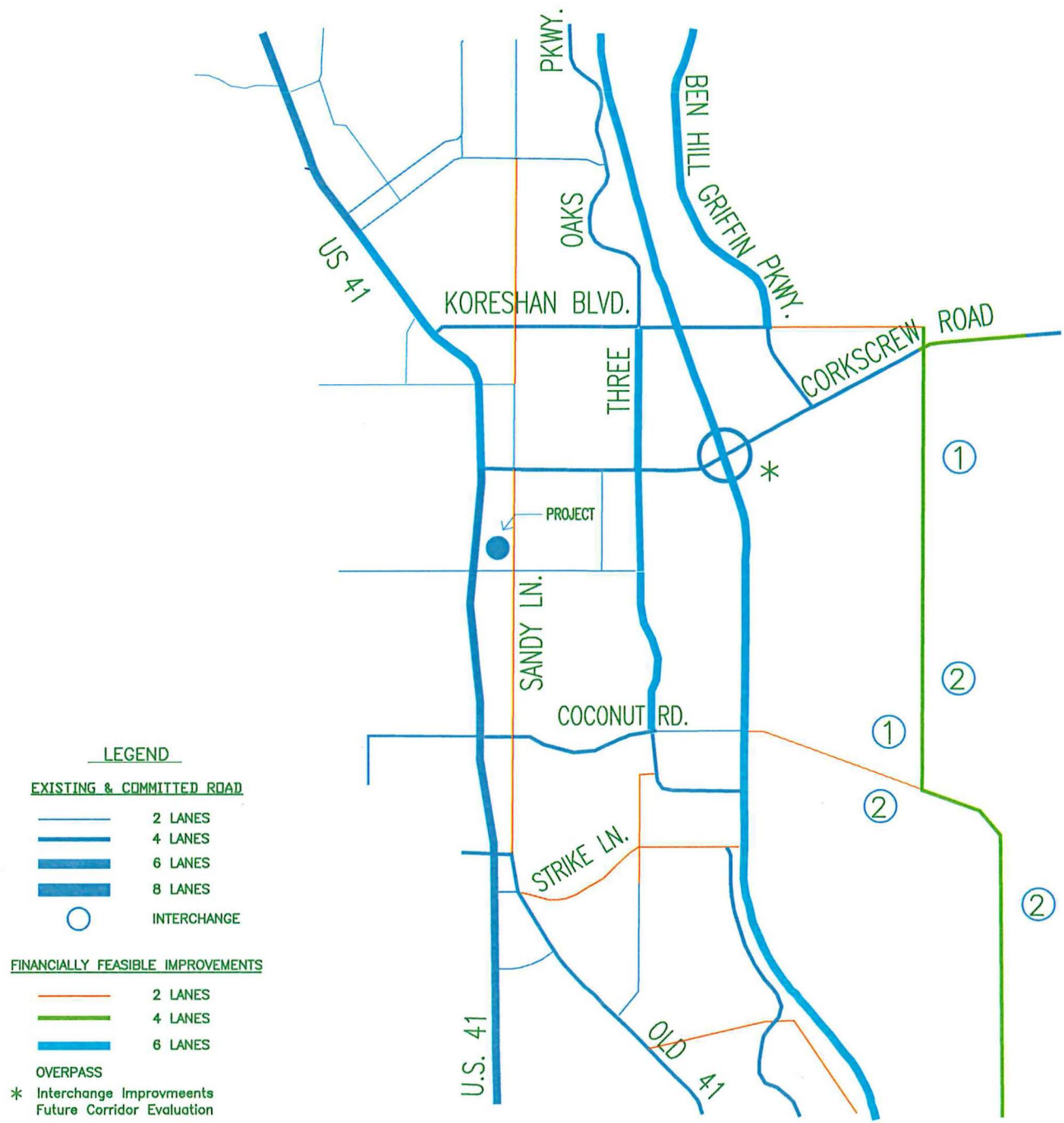
North Point Trip Generation Comparison: Existing FLUM vs. Proposed FLUM

The proposed Comprehensive Plan Amendment will result in only a minor increase in the trip generation potential of the North Point site. For comparison, ITE trip generation estimates were prepared for the maximum allowable development under the current FLUM (488,000 sq. ft. of retail and 536,000 sq. ft. of office) and the maximum allowable development under the proposed FLUM (692,000 sq. ft. of retail and 398,400 sq. ft. of office). These trip generation estimates are provided in the Appendix.

A comparison of the potential net new external trip generation under the two scenarios indicates that the maximum development under the proposed FLUM could generate approximately 1.5% more trips on a daily basis and 4.5% more trips during the PM peak hour. This is illustrated in Exhibit 4, which provides a comparison of the potential external trip generation during the PM peak hour.

In contrast, the proposed DRI would generate far fewer trips than would be generated by the maximum allowable development under either the current FLUM or the proposed FLUM. This is illustrated in Exhibit 4. Therefore, the off-site impacts of the proposed DRI would be far less than under either maximum allowable development scenario.





- LEGEND**
- EXISTING & COMMITTED ROAD**
- 2 LANES
 - 4 LANES
 - 6 LANES
 - 8 LANES
 - INTERCHANGE
- FINANCIALLY FEASIBLE IMPROVEMENTS**
- 2 LANES
 - 4 LANES
 - 6 LANES
- OVERPASS**
- * Interchange Improvements
 - Future Corridor Evaluation
- ① No access should be permitted to these roads east of I-75, south of Corkscrew Road, and north of the Bonita Springs city limits.
- ② The feasibility and alignment of these roads should be determined through studies that adequately address their growth management and environmental impacts, including their secondary and cumulative effects on wildlife, wetlands, and water management. Extending Strike Lane should be evaluated as an alternative to extending Coconut Road east of I-75.

AMENDED JANUARY 17, 2003

Exhibit 2
North Point DRI Comprehensive Plan Amendment
Year 2020 Traffic Conditions - Without Project
Directional PM Peak Hour, Peak Season

MPO 2020 Financially-Feasible Plan

Roadway	From	To	(1)	(2)	(3)	(4)	(5)	Two way PM peak	(6)	Peak Dir. Volumes	SV @ LOS	Peak Dir. LOS	V/C ratio
			# of lanes	LOS std	FSUTMS Volumes	PS factors	K-100 Factors		D-factors				
Corkscrew Rd	US 41	Sandy Ln	4LD	E	26,478	1.151	0.104	2,392	0.57	1,364	2,030	B	0.67
	Sandy Ln	River Ranch Rd	4LD	E	25,249	1.154	0.105	2,297	0.57	1,309	2,030	B	0.65
	River Ranch Rd	Three Oaks Pkwy	4LD	E	29,489	1.146	0.103	2,650	0.57	1,511	2,030	C	0.74
	Three Oaks Pkwy	I-75	4LD	E	35,034	1.136	0.101	3,115	0.57	1,775	2,030	C	0.87
	I-75	Ben Hill Griffin Pkwy	4LD	E	29,911	1.145	0.103	2,691	0.57	1,534	2,030	C	0.76
Coconut Rd	Ben Hill Griffin Pkwy	Wildcat Run	4LD	E	28,689	1.147	0.103	2,576	0.57	1,468	2,030	C	0.72
	West of US 41	US 41	2LN	E	12,759	1.175	0.109	1,184	0.57	675	960	C	0.70
	US 41	Sandy Ln	4LD	E	18,539	1.165	0.107	1,703	0.57	971	2,030	B	0.48
	Sandy Ln	Three Oaks Pkwy	4LD	E	27,155	1.150	0.104	2,456	0.57	1,400	2,030	B	0.69
	Three Oaks Pkwy	CR 951 Ext.	2LN	E	10,997	1.179	0.110	1,026	0.57	585	870	D	0.67
I-75	Bonita Beach Rd	Corkscrew Rd	6LF	D	89,816	1.087	0.099	8,205	0.57	4,692	5,280	D	0.89
	Corkscrew Rd	Alico Rd	6LF	D	93,821	1.087	0.099	8,571	0.57	4,902	5,280	D	0.93
	US 41	Three Oaks Pkwy	4LD	E	21,768	1.160	0.106	1,989	0.57	1,134	2,030	B	0.56
Koreschan Blvd	Three Oaks Pkwy	Ben Hill Griffin Pkwy	4LD	E	32,229	1.141	0.102	2,881	0.57	1,642	2,030	C	0.81
	Cockleshell Dr.	US 41	4LD	E	20,040	1.087	0.099	1,825	0.65	1,186	2,030	B	0.58
Old 41	San Carlos Blvd	Koreschan Blvd	2LN	E	13,974	1.226	0.105	1,197	0.58	694	960	C	0.72
	Koreschan Blvd	Corkscrew Rd	2LN	E	12,722	1.230	0.106	1,096	0.58	636	960	B	0.66
Sandy Ln (Ext)	Corkscrew Rd	Williams Rd	2LN	E	17,924	1.217	0.104	1,532	0.58	888	960	C	0.93
	Williams Rd	Coconut Rd	2LN	E	17,564	1.218	0.104	1,500	0.58	870	960	C	0.91
	Coconut Rd	Old 41	2LN	E	12,492	1.230	0.106	1,077	0.58	624	960	B	0.65
	San Carlos Blvd	Koreschan Blvd	4LD	E	35,872	1.135	0.101	3,192	0.57	1,820	2,030	C	0.90
	Koreschan Blvd	Corkscrew Rd	6LD	E	56,750	1.098	0.093	4,807	0.57	2,740	3,040	C	0.90
	Corkscrew Rd	Williams Rd	6LD	E	57,394	1.097	0.092	4,813	0.57	2,744	3,040	C	0.90
	Williams Rd	Coconut Rd	6LD	E	57,377	1.097	0.092	4,812	0.57	2,743	3,040	C	0.90
	Ben Hill Griffin Pkwy	Koreschan Blvd	4LD	E	38,627	1.130	0.100	3,418	0.57	1,948	2,030	D	0.96
US 41	W. Terry St	Old 41	6LD	E	56,138	1.122	0.092	4,603	0.58	2,670	3,040	C	0.88
	Old 41	Coconut Rd	6LD	E	63,039	1.105	0.089	5,077	0.58	2,945	3,040	D	0.97
	Coconut Rd	Williams Rd	6LD	E	56,335	1.121	0.092	4,623	0.58	2,682	3,040	C	0.88
	Williams Rd	Project's Entrance	6LD	E	51,804	1.132	0.093	4,256	0.58	2,468	3,040	C	0.81
	Project's Entrance	Corkscrew Rd	6LD	E	51,244	1.134	0.093	4,203	0.58	2,437	3,040	C	0.80
	Corkscrew Rd	Koreschan Blvd	6LD	E	42,392	1.156	0.096	3,520	0.58	2,042	3,040	B	0.67
	Koreschan Blvd	San Carlos Blvd	6LD	E	66,494	1.096	0.088	5,339	0.58	3,097	3,040	F	1.02
	West US 41	US 41	2LN	E	9,638	1.181	0.110	898	0.57	512	870	D	0.59
Williams Rd	US 41	Sandy Ln	2LN	E	10,824	1.179	0.110	1,010	0.57	576	870	D	0.66
	Sandy Ln	River Ranch Rd	2LN	E	9,759	1.181	0.110	909	0.57	518	870	D	0.60
	River Ranch Rd	Three Oaks Pkwy	2LN	E	6,768	1.186	0.111	633	0.57	361	870	C	0.42
	Williams Rd	Corkscrew Rd	2LN	E	7,154	1.243	0.107	616	0.58	357	870	C	0.41

FOOTNOTES:

- (1) Year 2020 number of lanes.
- (2) Lee County roadway LOS standard based on The Lee Plan, Policy 22.1.1.
- (3) Peak season traffic volumes based on FSUTMS travel model assignment
- (4) PSADT/AADT factor based on Lee County 2001 permanent count station data; with PSADT/AADT factors moderated using Lee County DOT method.
For I-75, PSADT/AADT factor reflects data from the FDOT 2001 Weekly Volume Factor Category Report.
- (5) K(100) factors derived from Lee County 2001 permanent count station data; with K(100) factors moderated using Lee County DOT method.
For I-75, K(100) factor from FDOT 2001 permanent count station data.
- (6) D factors derived from Lee County 2001 permanent count station data. For I-75, K(100) factor from FDOT 2001 permanent count station data.
- (7) Lee County Generalized Service Volumes, 07/18/00, except for I-75, which has FDOT service volumes.

Exhibit 3
North Point DRI Comprehensive Plan Amendment
Year 2020 Traffic Conditions - With Project
Directional PM Peak Hour, Peak Season

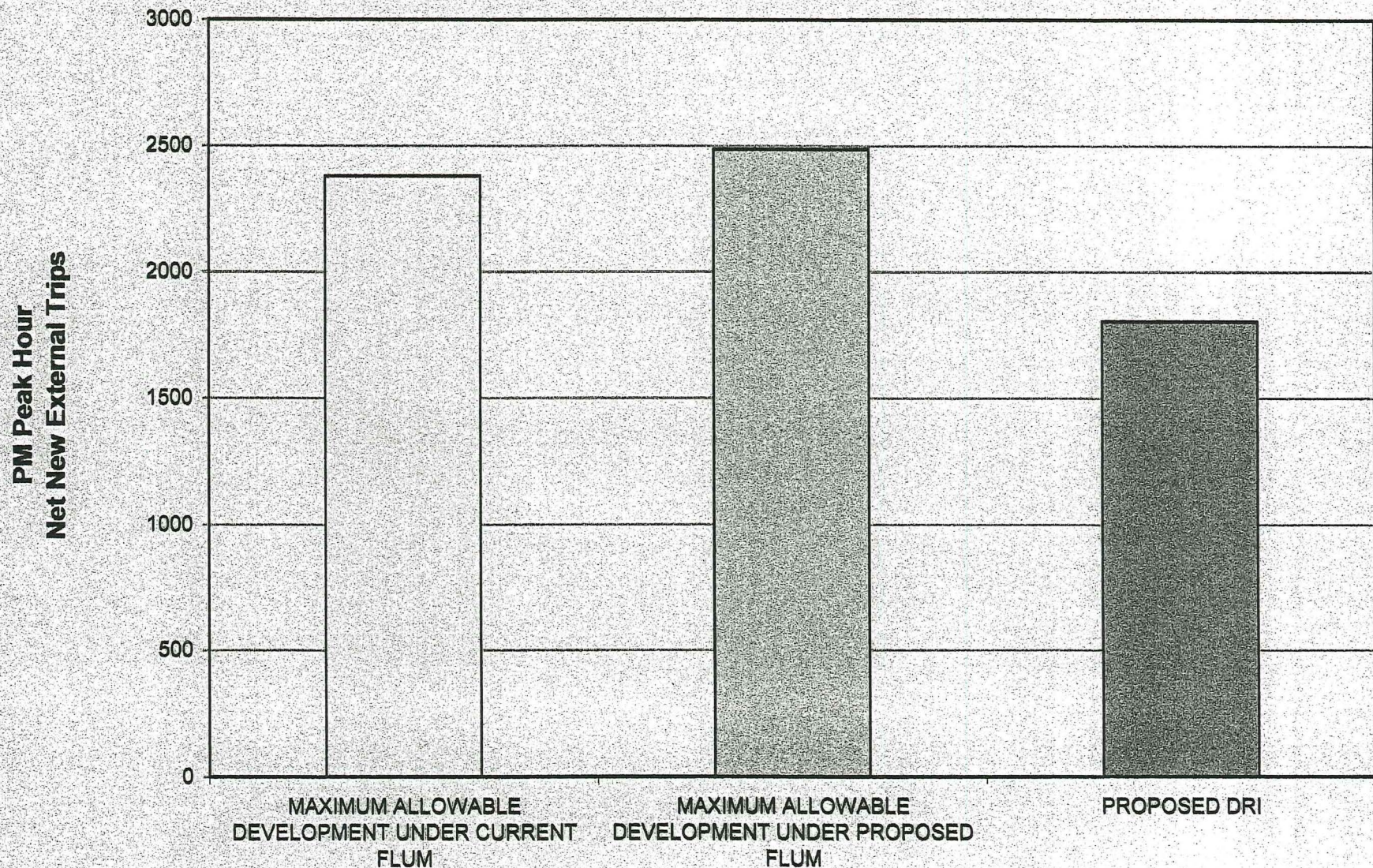
MPO 2020 Financially-Feasible Plan

Roadway	From	To	(1)	(2)	(3)	PS factors	2020 AADT	(5)	Two way PM peak	(6)	Peak Dir. SV @ LOS Std	Peak Dir. LOS	V/C ratio
			# of lanes	LOS std	FSUTMS Volumes			K-100 Factors		D-factors			
Corkscrew Rd	US 41	Sandy Ln	4LD	E	33,399	1.139	29,323	0.102	2,991	0.57	1,705	2,030	C 0.84
	Sandy Ln	River Ranch Rd	4LD	E	26,694	1.151	23,192	0.104	2,412	0.57	1,375	2,030	B 0.68
	River Ranch Rd	Three Oaks Pkwy	4LD	E	30,191	1.145	26,368	0.103	2,716	0.57	1,548	2,030	C 0.76
	Three Oaks Pkwy	I-75	4LD	E	35,979	1.135	31,700	0.101	3,202	0.57	1,825	2,030	C 0.90
	I-75	Ben Hill Griffin Pkwy	4LD	E	30,494	1.144	26,656	0.103	2,746	0.57	1,565	2,030	C 0.77
Coconut Rd	Ben Hill Griffin Pkwy	Wildcat Run	4LD	E	29,045	1.147	25,323	0.103	2,608	0.57	1,487	2,030	C 0.73
	West of US 41	US 41	2LN	E	12,619	1.176	10,730	0.109	1,170	0.57	667	960	C 0.69
	US 41	Sandy Ln	4LD	E	21,141	1.161	18,209	0.106	1,930	0.57	1,100	2,030	B 0.54
	Sandy Ln	Three Oaks Pkwy	4LD	E	27,825	1.149	24,217	0.104	2,519	0.57	1,436	2,030	C 0.71
	Three Oaks Pkwy	CR 951 Ext.	2LN	E	11,946	1.177	10,150	0.109	1,106	0.57	631	870	D 0.72
I-75	Bonita Beach Rd	Corkscrew Rd	6LF	D	90,403	1.087	83,167	0.099	8,259	0.57	4,723	5,280	D 0.89
	Corkscrew Rd	Alico Rd	6LF	D	94,619	1.087	87,046	0.099	8,644	0.57	4,943	5,280	D 0.94
	US 41	Three Oaks Pkwy	4LD	E	23,892	1.156	20,668	0.105	2,170	0.57	1,237	2,030	B 0.61
Koreshan Blvd	Three Oaks Pkwy	Ben Hill Griffin Pkwy	4LD	E	30,104	1.145	26,292	0.103	2,708	0.57	1,544	2,030	C 0.76
Old 41	Cockleshell Dr.	US 41	4LD	E	23,936	1.084	22,081	0.098	2,164	0.65	1,407	2,030	B 0.69
Sandy Ln (Ext)	San Carlos Blvd	Koreshan Blvd	2LN	E	16,541	1.220	13,558	0.105	1,424	0.58	826	960	C 0.86
	Koreshan Blvd	Corkscrew Rd	2LN	E	14,470	1.225	11,812	0.105	1,240	0.58	719	960	C 0.75
	Corkscrew Rd	Williams Rd	2LN	E	17,177	1.218	14,103	0.104	1,467	0.58	851	960	C 0.89
	Williams Rd	Coconut Rd	2LN	E	17,734	1.217	14,572	0.104	1,515	0.58	879	960	C 0.92
	Coconut Rd	Old 41	2LN	E	11,400	1.233	9,246	0.106	980	0.58	568	960	B 0.59
Three Oaks Pkwy	San Carlos Blvd	Koreshan Blvd	4LD	E	36,976	1.133	32,635	0.100	3,264	0.57	1,860	2,030	C 0.92
	Koreshan Blvd	Corkscrew Rd	6LD	E	57,742	1.096	52,684	0.092	4,847	0.57	2,763	3,040	C 0.91
	Corkscrew Rd	Williams Rd	6LD	E	58,085	1.096	52,997	0.092	4,876	0.57	2,779	3,040	C 0.91
	Williams Rd	Coconut Rd	6LD	E	57,526	1.097	52,439	0.092	4,824	0.57	2,750	3,040	C 0.90
	Koreshan Blvd	Corkscrew Rd	4LD	E	38,913	1.130	34,436	0.100	3,444	0.57	1,963	2,030	D 0.97
Ben Hill Griffin Pkwy	W. Terry St	Old 41	6LD	E	52,040	1.132	45,972	0.093	4,275	0.58	2,480	3,040	C 0.82
	Old 41	Coconut Rd	6LD	E	62,348	1.106	56,373	0.090	5,074	0.58	2,943	3,040	D 0.97
	Coconut Rd	Williams Rd	6LD	E	57,961	1.117	51,890	0.091	4,722	0.58	2,739	3,040	C 0.90
	Williams Rd	Project's Entrance	6LD	E	54,082	1.127	47,988	0.092	4,415	0.58	2,561	3,040	C 0.84
	Project's Entrance	Corkscrew Rd	6LD	E	57,406	1.119	51,301	0.091	4,668	0.58	2,708	3,040	C 0.89
US 41	Corkscrew Rd	Koreshan Blvd	6LD	E	43,287	1.154	37,510	0.096	3,601	0.58	2,089	3,040	B 0.69
	Koreshan Blvd	San Carlos Blvd	6LD	E	68,226	1.092	62,478	0.087	5,436	0.58	3,153	3,040	F 1.04
	West US 41	US 41	2LN	E	9,563	1.181	8,097	0.110	891	0.57	508	870	D 0.58
	US 41	Sandy Ln	2LN	E	9,035	1.182	7,644	0.110	841	0.57	479	870	C 0.55
	Sandy Ln	River Ranch Rd	2LN	E	10,774	1.179	9,138	0.110	1,005	0.57	573	870	D 0.66
River Ranch Rd	River Ranch Rd	Three Oaks Pkwy	2LN	E	8,643	1.183	7,306	0.111	811	0.57	462	870	C 0.53
	Williams Rd	Corkscrew Rd	2LN	E	7,688	1.242	6,190	0.107	662	0.58	384	870	C 0.44

FOOTNOTES

- (1) Year 2020 number of lanes.
- (2) Lee County roadway LOS standard based on The Lee Plan, Policy 22.1.1.
- (3) Peak season traffic volumes based on FSUTMS travel model assignment.
- (4) PSADT/AADT factor based on Lee County 2001 permanent count station data; with PSADT/AADT factors moderated using Lee County DOT method. For I-75, PSADT/AADT factor reflects data from the FDOT 2001 Weekly Volume Factor Category Report.
- (5) K(100) factors derived from Lee County 2001 permanent count station data; with K(100) factors moderated using Lee County DOT method. For I-75, K(100) factor from FDOT 2001 permanent count station data.
- (6) D factors derived from Lee County 2001 permanent count station data. For I-75, K(100) factor from FDOT 2001 permanent count station data.
- (7) Lee County Generalized Service Volumes, 07/18/00, except for I-75, which has FDOT service volumes.

EXHIBIT 4
NORTH POINT DRI COMPREHENSIVE PLAN AMENDMENT
ITE TRIP GENERATION COMPARISON: EXISTING VS. PROPOSED



APPENDIX A
ITE TRIP GENERATION ESTIMATES

EXHIBIT A-1
NORTH POINT DRI COMP PLAN AMENDMENT #02548
ITE TRIP GENERATION (6TH EDITION)

MAXIMUM ALLOWABLE DEVELOPMENT UNDER EXISTING FLUM
BUILDOUT (2020): DAILY AND PM PEAK HOUR

LAND USE	ITE LUC	SIZE	UNIT	TRIP TYPE	ADJ. FACTOR	PM PEAK			ADJ. FACTOR	DAILY
						IN	OUT	TOTAL		
MULTIFAMILY	230	0	Units	TOTAL		0	0	0 (1)		0 (1)
				INTERNAL	0%	0	0	0 (2)	0%	0 (2)
				EXTERNAL		0	0	0		0
				PASS-BY	0%	0	0	0 (3)	0%	0 (3)
				NET NEW		0	0	0		0
GENERAL OFFICE	710	268,000	Sq. Ft.	SUB-TOTAL		65	315	380 (1)		2,830 (1)
MEDICAL OFFICE	720	268,000	Sq. Ft.	SUB-TOTAL		204	550	754 (1)		10,744 (1)
OFFICE		536,000	Sq. Ft.	TOTAL		269	865	1,134		13,574
				INTERNAL	4%	28	17	45 (2)	5%	661 (2)
				EXTERNAL		241	848	1,089		12,913
				PASS-BY	0%	0	0	0 (3)	0%	0 (3)
				NET NEW		241	848	1,089		12,913
RETAIL	820	488,000	Sq. Ft.	TOTAL		858	930	1,788 (1)		18,890 (1)
				INTERNAL	3%	17	28	45 (2)	3%	661 (2)
				EXTERNAL		841	902	1,743		18,229
				PASS-BY	26%	226	227	453 (3)	23%	3,925 (3)
				NET NEW		615	675	1,290		14,304
HOTEL	310	0	Rooms	TOTAL		0	0	0 (1)		0 (1)
				INTERNAL	0%	0	0	0 (2)	0%	0 (2)
				EXTERNAL		0	0	0		0
				PASS-BY	0%	0	0	0 (3)	0%	0 (3)
				NET NEW		0	0	0		0
TOTAL				TOTAL		1,127	1,795	2,922		32,464
				INTERNAL		45	45	90 (2)		1,322 (2)
				EXTERNAL		1,082	1,750	2,832		31,142
				PASS-BY		226	227	453 (3)		3,925 (3)
				NET NEW		856	1,523	2,379		27,217
Peak Hour Directional Split/Peak-to-Daily Ratio						36.0%	64.0%	8.74%		

FOOTNOTES:

- (1) Based on ITE, Trip Generation (6th Edition). The trip generation equations were used for all uses, when available.
- (2) Internal trips between the residential (R) and nonresidential (NR) uses.
- (3) Pass-by rate based on the equation on Figure 5.5 in the ITE Trip Generation Handbook.

Table
TRIP GENERATION HANDBOOK - An ITE Recommended Practice

Analyst DPA
Date 03/03/03

Generation Calculation Worksheet

Project Name NORTH POINT DRI #02548
Time Period PM PH (2008)

LAND USE A Residential							
A to B				ITE LU	CODE	230	
2%	0	2%	0	SIZE	0		
Demand		Demand					
	0		0	Enter	Total	Internal	External
Balanced		Balanced		Exit	0	0	0
				Total	0	0	0
2%	5	2%	17	%	ERR	ERR	ERR
Demand		Demand					
B to A				Exit to External		Enter From External	
				0		0	

A to C			
38%	0	31%	0
Demand		Demand	
	0		0
Balanced		Balanced	
9%	77	12%	112
Demand		Demand	
C to A			

LAND USE B Office			
ITE LU	CODE	710	
	SIZE	536,000	
Enter	Total	Internal	External
Exit	269	28	241
Total	865	17	848
%	1134	45	1089
	100%	4%	96%
Exit to External		Enter From External	
848		241	

B to C			
23%	199	3%	28
Demand		Demand	
	17		28
Balanced		Balanced	
2%	17	31%	83
Demand		Demand	
C to B			

LAND USE C Retail			
ITE LU	CODE	820	
	SIZE	488,000	
Enter	Total	Internal	External
Exit	858	17	841
Total	930	28	902
%	1788	45	1743
	100%	3%	97%
Exit to External		Enter From External	
902		841	

Net External Trips for Multi-Use Development				
	LU - A	LU - B	LU - C	TOTAL
Enter	0	241	841	1082
Exit	0	848	902	1750
Total	0	1089	1743	2832
Single Use	0	1134	1788	2922
				Internal Capture 3.1%

ble 21.S1

Table
TRIP GENERATION HANDBOOK - An ITE Recommended Practice

Analyst DPA
Date 03/03/03

Generation Calculation Worksheet

Project Name NORTH POINT DRI #02548
Time Period DAILY (2008)

A to B

3% 0
Demand

Balanced 0
2% 136
Demand

3% 0
Demand

Balanced 0
2% 136
Demand

B to A

LAND USE A Residential

ITE LU	CODE	230	
	SIZE	0	
Enter	Total	Internal	External
Exit	0	0	0
Total	0	0	0
%	ERR	ERR	ERR
	Exit to		Enter From
	External		External
	0		0

A to C

38% 0
Demand

Balanced 0
9% 850
Demand

33% 0
Demand

Balanced 0
11% 1039
Demand

C to A

LAND USE B Office

ITE LU	CODE	710,	
	SIZE	536,000	
Enter	Total	Internal	External
Exit	6787	283	6504
Total	6787	378	6409
%	13574	661	12913
	100%	5%	95%
	Exit to		Enter From
	External		External
	6409		6504

B to C

22% 1493
Demand

Balanced 378
4% 378
Demand

3% 283
Demand

Balanced 283
15% 1018
Demand

C to B

LAND USE C Retail

ITE LU	CODE	820	
	SIZE	488,000	
	Total	Internal	External
Enter	9445	378	9067
Exit	9445	283	9162
Total	18890	661	18229
%	100%	3%	97%
	Exit to		Enter From
	External		External
	9162		9067

Net External Trips for Multi-Use Development

	LU - A	LU - B	LU - C	TOTAL	
Enter	0	6504	9067	15571	Internal Capture 4.1%
Exit	0	6409	9162	15571	
Total	0	12913	18229	31142	
Single Use	0	13574	18890	32464	

NORTH POINT
SUMMARY OF TRIP GENERATION CALCULATION
FOR 268 TH.GR.SQ.FT. OF GENERAL OFFICE
03/28/2003

	AVERAGE RATE	STANDARD DEVIATION	ADJUSTMENT FACTOR	DR-WAY VOLUME
AVG WKDY 2-WAY VOL	10.56	0.00	1.00	2830
7-9 AM PK HR ENTER	1.34	0.00	1.00	360
7-9 AM PK HR EXIT	0.18	0.00	1.00	49
7-9 AM PK HR TOTAL	1.53	0.00	1.00	409
4-6 PM PK HR ENTER	0.24	0.00	1.00	65
4-6 PM PK HR EXIT	1.18	0.00	1.00	315
4-6 PM PK HR TOTAL	1.42	0.00	1.00	380
SATURDAY 2-WAY VOL	2.20	0.00	1.00	591
PK HR ENTER	0.17	0.00	1.00	46
PK HR EXIT	0.14	0.00	1.00	39
PK HR TOTAL	0.32	0.00	1.00	84
SUNDAY 2-WAY VOL	0.63	0.00	1.00	169
PK HR ENTER	0.05	0.00	1.00	14
PK HR EXIT	0.04	0.00	1.00	10
PK HR TOTAL	0.09	0.00	1.00	23

Note: A zero rate indicates no rate data available
The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $LN(T) = .768LN(X) + 3.654, R^2 = .8$
7-9 AM Peak Hr. Total: $LN(T) = .797LN(X) + 1.558$
 $R^2 = .83, .88$ Enter, $.12$ Exit
4-6 PM Peak Hr. Total: $T = 1.121(X) + 79.295$
 $R^2 = .82, .17$ Enter, $.83$ Exit
AM Gen Pk Hr. Total: $LN(T) = .797LN(X) + 1.558$
 $R^2 = .83, .88$ Enter, $.12$ Exit
PM Gen Pk Hr. Total: $T = 1.121(X) + 79.295$
 $R^2 = .82, .17$ Enter, $.83$ Exit
Sat. 2-Way Volume: $T = 2.136(X) + 18.473, R^2 = .66$
Sat. Pk Hr. Total: $LN(T) = .814LN(X) + -.115$
 $R^2 = .59, .54$ Enter, $.46$ Exit
Sun. 2-Way Volume: $LN(T) = .863LN(X) + .306, R^2 = .5$
Sun. Pk Hr. Total: $LN(T) = .605LN(X) + -.228$
 $R^2 = .56, .58$ Enter, $.42$ Exit

Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

NORTH POINT
SUMMARY OF TRIP GENERATION CALCULATION
FOR 268 TH.GR.SQ.FT. OF MEDICAL-DENTAL OFFICE BLDG
03/28/2003

	AVERAGE RATE	STANDARD DEVIATION	ADJUSTMENT FACTOR	DR-WAY VOLUME
AVG WKDY 2-WAY VOL	40.09	0.00	1.00	10744
7-9 AM PK HR ENTER	0.00	0.00	1.00	0
7-9 AM PK HR EXIT	0.00	0.00	1.00	0
7-9 AM PK HR TOTAL	0.00	0.00	1.00	0
4-6 PM PK HR ENTER	0.76	0.00	1.00	204
4-6 PM PK HR EXIT	2.05	0.00	1.00	550
4-6 PM PK HR TOTAL	2.81	0.00	1.00	754
SATURDAY 2-WAY VOL	0.00	0.00	1.00	0
PK HR ENTER	0.00	0.00	1.00	0
PK HR EXIT	0.00	0.00	1.00	0
PK HR TOTAL	0.00	0.00	1.00	0
SUNDAY 2-WAY VOL	0.00	0.00	1.00	0
PK HR ENTER	0.00	0.00	1.00	0
PK HR EXIT	0.00	0.00	1.00	0
PK HR TOTAL	0.00	0.00	1.00	0

Note: A zero rate indicates no rate data available
The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $T = 40.892(X) + -214.97$, $R^2 = .9$
 7-9 AM Peak Hr. Total: 0
 $R^2 = 0$, 0 Enter, 0 Exit
 4-6 PM Peak Hr. Total: $LN(T) = .921LN(X) + 1.476$
 $R^2 = .78$, .27 Enter, .73 Exit
 AM Gen Pk Hr. Total: $T = 3.495(X) + 4.377$
 $R^2 = .85$, .65 Enter, .35 Exit
 PM Gen Pk Hr. Total: $T = 4.437(X) + -2.588$
 $R^2 = .92$, .4 Enter, .6 Exit
 Sat. 2-Way Volume: 0, $R^2 = 0$
 Sat. Pk Hr. Total: 0
 $R^2 = 0$, 0 Enter, 0 Exit
 Sun. 2-Way Volume: 0, $R^2 = 0$
 Sun. Pk Hr. Total: 0
 $R^2 = 0$, 0 Enter, 0 Exit

Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

NORTH POINT
SUMMARY OF TRIP GENERATION CALCULATION
FOR 488 T.G.L.A. OF SHOPPING CENTER
03/28/2003

	AVERAGE RATE	STANDARD DEVIATION	ADJUSTMENT FACTOR	DR-WAY VOLUME
AVG WKDY 2-WAY VOL	38.71	0.00	1.00	18890
7-9 AM PK HR ENTER	0.51	0.00	1.00	251
7-9 AM PK HR EXIT	0.33	0.00	1.00	160
7-9 AM PK HR TOTAL	0.84	0.00	1.00	411
4-6 PM PK HR ENTER	1.76	0.00	1.00	858
4-6 PM PK HR EXIT	1.90	0.00	1.00	930
4-6 PM PK HR TOTAL	3.66	0.00	1.00	1788
SATURDAY 2-WAY VOL	50.71	0.00	1.00	24748
PK HR ENTER	2.61	0.00	1.00	1273
PK HR EXIT	2.41	0.00	1.00	1175
PK HR TOTAL	5.02	0.00	1.00	2448
SUNDAY 2-WAY VOL	24.27	0.00	1.00	11843
PK HR ENTER	1.53	0.00	1.00	746
PK HR EXIT	1.59	0.00	1.00	777
PK HR TOTAL	3.12	0.00	1.00	1523

Note: A zero rate indicates no rate data available
The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $LN(T) = .643LN(X) + 5.866$, $R^2 = .78$
7-9 AM Peak Hr. Total: $LN(T) = .596LN(X) + 2.329$
 $R^2 = .51$, .61 Enter, .39 Exit
4-6 PM Peak Hr. Total: $LN(T) = .66LN(X) + 3.403$
 $R^2 = .81$, .48 Enter, .52 Exit
AM Gen Pk Hr. Total: 0
 $R^2 = 0$, 0 Enter, 0 Exit
PM Gen Pk Hr. Total: 0
 $R^2 = 0$, 0 Enter, 0 Exit
Sat. 2-Way Volume: $LN(T) = .628LN(X) + 6.229$, $R^2 = .82$
Sat. Pk Hr. Total: $LN(T) = .651LN(X) + 3.773$
 $R^2 = .84$, .52 Enter, .48 Exit
Sun. 2-Way Volume: $T = 15.632(X) + 4214.458$, $R^2 = .52$
Sun. Pk Hr. Total: $T = 3.12(X) + 0$
 $R^2 = 0$, .49 Enter, .51 Exit

Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

EXHIBIT A-2
NORTH POINT COMP PLAN AMENDMENT #02548
ITE TRIP GENERATION (6TH EDITION)

MAXIMUM ALLOWABLE DEVELOPMENT UNDER PROPOSED FLUM
BUILDOUT (2020): DAILY AND PM PEAK HOUR

LAND USE	ITE LUC	SIZE	UNIT	TRIP TYPE	ADJ. FACTOR	PM PEAK			ADJ. FACTOR	DAILY
						IN	OUT	TOTAL		
MULTIFAMILY	230	0	Units	TOTAL		0	0	0 (1)		0 (1)
				INTERNAL	0%	0	0	0 (2)	0%	0 (2)
				EXTERNAL		0	0	0		0
				PASS-BY	0%	0	0	0 (3)	0%	0 (3)
				NET NEW		0	0	0		0
GENERAL OFFICE	710	199,200	Sq. Ft.	SUB-TOTAL		51	251	302 (1)		2,253 (1)
MEDICAL OFFICE	720	199,200	Sq. Ft.	SUB-TOTAL		155	419	574 (1)		7,931 (1)
OFFICE		398,400	Sq. Ft.	TOTAL		206	670	876		10,184
				INTERNAL	7%	35	22	57 (2)	8%	828 (2)
				EXTERNAL		171	648	819		9,356
				PASS-BY	0%	0	0	0 (3)	0%	0 (3)
				NET NEW		171	648	819		9,356
RETAIL	820	692,000	Sq. Ft.	TOTAL		1,080	1,171	2,251 (1)		23,646 (1)
				INTERNAL	3%	22	35	57 (2)	4%	828 (2)
				EXTERNAL		1,058	1,136	2,194		22,818
				PASS-BY	24%	263	264	527 (3)	22%	4,536 (3)
				NET NEW		795	872	1,667		18,282
HOTEL	310	0	Rooms	TOTAL		0	0	0 (1)		0 (1)
				INTERNAL	0%	0	0	0 (2)	0%	0 (2)
				EXTERNAL		0	0	0		0
				PASS-BY	0%	0	0	0 (3)	0%	0 (3)
				NET NEW		0	0	0		0
TOTAL				TOTAL		1,286	1,841	3,127		33,830
				INTERNAL		57	57	114 (2)		1,656 (2)
				EXTERNAL		1,229	1,784	3,013		32,174
				PASS-BY		263	264	527 (3)		4,536 (3)
				NET NEW		966	1,520	2,486		27,638
Peak Hour Directional Split/Peak-to-Daily Ratio						38.9%	61.1%	8.99%		

FOOTNOTES:

- (1) Based on ITE, Trip Generation (6th Edition). The trip generation equations were used for all uses, when available.
- (2) Internal trips between the residential (R) and nonresidential (NR) uses.
- (3) Pass-by rate based on the equation on Figure 5.5 in the ITE Trip Generation Handbook.

Table
TRIP GENERATION HANDBOOK - An ITE Recommended Practice

Analyst DPA
Date 03/03/03

Generation Calculation Worksheet

Project Name NORTH POINT DRI #02548
Time Period PM PH (2008)

A to B

2%	0	2%	0
Demand		Demand	
	0		0
Balanced		Balanced	
2%	4	2%	13
Demand		Demand	

B to A

LAND USE A Residential

ITE LU	CODE	SIZE	230
		0	
	Total	Internal	External
Enter	0	0	0
Exit	0	0	0
Total	0	0	0
%	ERR	ERR	ERR
Exit to External		Enter From External	
0		0	

A to C

38%	0	31%	0
Demand		Demand	
	0		0
Balanced		Balanced	
9%	97	12%	141
Demand		Demand	

C to A

LAND USE B Office

ITE LU	CODE	710, 720	
	SIZE	398,400	
	Total	Internal	External
Enter	206	35	171
Exit	670	22	648
Total	876	57	819
%	100%	7%	93%
Exit to External		Enter From External	
648		171	

B to C

23%	154	3%	35
Demand		Demand	
	22		35
Balanced		Balanced	
2%	22	31%	64
Demand		Demand	

C to B

LAND USE C Retail

ITE LU	CODE	820	
	SIZE	692,000	
	Total	Internal	External
Enter	1080	22	1058
Exit	1171	35	1136
Total	2251	57	2194
%	100%	3%	97%
Exit to External		Enter From External	
1136		1058	

Net External Trips for Multi-Use Development

	LU - A	LU - B	LU - C	TOTAL	
Enter	0	171	1058	1229	
Exit	0	648	1136	1784	
Total	0	819	2194	3013	
Single Use	0	876	2251	3127	Internal Capture 3.6%

ble 21.S1

Table
TRIP GENERATION HANDBOOK - An ITE Recommended Practice

Analyst _____ DPA
Date 03/03/03

Generation Calculation Worksheet

Project Name NORTH POINT DRI #02548
Time Period DAILY (2008)

LAND USE A Residential

A to B

Scenario	3% Demand	0% Demand	3% Demand	0% Demand
Balanced	0	0	0	0
2% Demand	102	102	102	102

B to A

ITE LU	CODE SIZE	230 0
Enter	Total 0	Internal 0
Exit	0	0
Total	0	0
%	ERR	ERR
	Exit to External 0	Enter From External 0

A to C

38%	0	33%	0
Demand		Demand	
	0		0
Balanced		Balanced	
9%	1064	11%	1301
Demand		Demand	

C to A

LAND USE B Office

ITE L.U.	CODE	710, 720
	SIZE	398,400
	Total	Internal
Enter	5092	355
Exit	5092	473
Total	10184	828
%	100%	8%
	Exit to External	Enter From External
	4619	4737

B to C

Scenario	Percentage	Count
Demand	22%	1120
Balanced		473
Demand	4%	473
Demand	3%	355
Balanced		355
Demand	15%	764

C to B

LAND USE C **Retail**

ITE L U	CODE	820	
	SIZE	692,000	
	Total	Internal	External
Enter	11823	473	11350
Exit	11823	355	11468
Total	23646	828	22818
%	100%	4%	96%
	Exit to External		Enter From External
	11468		11350

Net External Trips for Multi-Use Development

	LU - A	LU - B	LU - C	TOTAL	
Enter	0	4737	11350	16087	
Exit	0	4619	11468	16087	Internal
Total	0	9356	22818	32174	Capture
Single Use	0	10184	23646	33830	4.9%

NORTH POINT DRI
SUMMARY OF TRIP GENERATION CALCULATION
FOR 199.2 TH.GR.SQ.FT. OF GENERAL OFFICE
03/31/2003

	AVERAGE RATE	STANDARD DEVIATION	ADJUSTMENT FACTOR	DR-WAY VOLUME
AVG WKDY 2-WAY VOL	11.31	0.00	1.00	2253
7-9 AM PK HR ENTER	1.43	0.00	1.00	284
7-9 AM PK HR EXIT	0.19	0.00	1.00	39
7-9 AM PK HR TOTAL	1.62	0.00	1.00	323
4-6 PM PK HR ENTER	0.26	0.00	1.00	51
4-6 PM PK HR EXIT	1.26	0.00	1.00	251
4-6 PM PK HR TOTAL	1.52	0.00	1.00	303
SATURDAY 2-WAY VOL	2.23	0.00	1.00	444
PK HR ENTER	0.18	0.00	1.00	36
PK HR EXIT	0.15	0.00	1.00	31
PK HR TOTAL	0.33	0.00	1.00	66
SUNDAY 2-WAY VOL	0.66	0.00	1.00	131
PK HR ENTER	0.06	0.00	1.00	11
PK HR EXIT	0.04	0.00	1.00	8
PK HR TOTAL	0.10	0.00	1.00	20

Note: A zero rate indicates no rate data available
The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $LN(T) = .768LN(X) + 3.654, R^2 = .8$
7-9 AM Peak Hr. Total: $LN(T) = .797LN(X) + 1.558$
 $R^2 = .83, .88$ Enter, .12 Exit
4-6 PM Peak Hr. Total: $T = 1.121(X) + 79.295$
 $R^2 = .82, .17$ Enter, .83 Exit
AM Gen Pk Hr. Total: $LN(T) = .797LN(X) + 1.558$
 $R^2 = .83, .88$ Enter, .12 Exit
PM Gen Pk Hr. Total: $T = 1.121(X) + 79.295$
 $R^2 = .82, .17$ Enter, .83 Exit
Sat. 2-Way Volume: $T = 2.136(X) + 18.473, R^2 = .66$
Sat. Pk Hr. Total: $LN(T) = .814LN(X) + -.115$
 $R^2 = .59, .54$ Enter, .45 Exit
Sun. 2-Way Volume: $LN(T) = .863LN(X) + .306, R^2 = .5$
Sun. Pk Hr. Total: $LN(T) = .605LN(X) + -.228$
 $R^2 = .56, .58$ Enter, .42 Exit

Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

NORTH POINT DRI
SUMMARY OF TRIP GENERATION CALCULATION
FOR 199.2 TH.GR.SQ.FT. OF MEDICAL-DENTAL OFFICE BLDG
03/31/2003

	AVERAGE RATE	STANDARD DEVIATION	ADJUSTMENT FACTOR	DR-WAY VOLUME
AVG WKDY 2-WAY VOL	39.81	0.00	1.00	7931
7-9 AM PK HR ENTER	0.00	0.00	1.00	0
7-9 AM PK HR EXIT	0.00	0.00	1.00	0
7-9 AM PK HR TOTAL	0.00	0.00	1.00	0
4-6 PM PK HR ENTER	0.78	0.00	1.00	155
4-6 PM PK HR EXIT	2.10	0.00	1.00	419
4-6 PM PK HR TOTAL	2.88	0.00	1.00	574
SATURDAY 2-WAY VOL	0.00	0.00	1.00	0
PK HR ENTER	0.00	0.00	1.00	0
PK HR EXIT	0.00	0.00	1.00	0
PK HR TOTAL	0.00	0.00	1.00	0
SUNDAY 2-WAY VOL	0.00	0.00	1.00	0
PK HR ENTER	0.00	0.00	1.00	0
PK HR EXIT	0.00	0.00	1.00	0
PK HR TOTAL	0.00	0.00	1.00	0

Note: A zero rate indicates no rate data available
The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $T = 40.892(X) + -214.97$, $R^2 = .9$
 7-9 AM Peak Hr. Total: 0
 $R^2 = 0$, 0 Enter, 0 Exit
 4-6 PM Peak Hr. Total: $LN(T) = .921LN(X) + 1.476$
 $R^2 = .78$, .27 Enter, .73 Exit
 AM Gen Pk Hr. Total: $T = 3.495(X) + 4.377$
 $R^2 = .85$, .65 Enter, .35 Exit
 PM Gen Pk Hr. Total: $T = 4.437(X) + -2.588$
 $R^2 = .92$, .4 Enter, .6 Exit
 Sat. 2-Way Volume: 0, $R^2 = 0$
 Sat. Pk Hr. Total: 0
 $R^2 = 0$, 0 Enter, 0 Exit
 Sun. 2-Way Volume: 0, $R^2 = 0$
 Sun. Pk Hr. Total: 0
 $R^2 = 0$, 0 Enter, 0 Exit

Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

NORTH POINT DRI
SUMMARY OF TRIP GENERATION CALCULATION
FOR 692 T.G.L.A. OF SHOPPING CENTER
03/31/2003

	AVERAGE RATE	STANDARD DEVIATION	ADJUSTMENT FACTOR	DR-WAY VOLUME
AVG WKDY 2-WAY VOL	34.17	0.00	1.00	23646
7-9 AM PK HR ENTER	0.45	0.00	1.00	309
7-9 AM PK HR EXIT	0.29	0.00	1.00	197
7-9 AM PK HR TOTAL	0.73	0.00	1.00	506
4-6 PM PK HR ENTER	1.56	0.00	1.00	1080
4-6 PM PK HR EXIT	1.69	0.00	1.00	1171
4-6 PM PK HR TOTAL	3.25	0.00	1.00	2251
SATURDAY 2-WAY VOL	44.53	0.00	1.00	30818
PK HR ENTER	2.31	0.00	1.00	1598
PK HR EXIT	2.13	0.00	1.00	1475
PK HR TOTAL	4.44	0.00	1.00	3073
SUNDAY 2-WAY VOL	21.72	0.00	1.00	15032
PK HR ENTER	1.53	0.00	1.00	1058
PK HR EXIT	1.59	0.00	1.00	1101
PK HR TOTAL	3.12	0.00	1.00	2159

Note: A zero rate indicates no rate data available
The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $LN(T) = .643LN(X) + 5.866$, $R^2 = .78$
7-9 AM Peak Hr. Total: $LN(T) = .596LN(X) + 2.329$
 $R^2 = .51$, .61 Enter, .39 Exit
4-6 PM Peak Hr. Total: $LN(T) = .66LN(X) + 3.403$
 $R^2 = .81$, .48 Enter, .52 Exit
AM Gen Pk Hr. Total: 0
 $R^2 = 0$, 0 Enter, 0 Exit
PM Gen Pk Hr. Total: 0
 $R^2 = 0$, 0 Enter, 0 Exit
Sat. 2-Way Volume: $LN(T) = .628LN(X) + 6.229$, $R^2 = .82$
Sat. Pk Hr. Total: $LN(T) = .651LN(X) + 3.773$
 $R^2 = .84$, .52 Enter, .48 Exit
Sun. 2-Way Volume: $T = 15.632(X) + 4214.458$, $R^2 = .52$
Sun. Pk Hr. Total: $T = 3.12(X) + 0$
 $R^2 = 0$, .49 Enter, .51 Exit

Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

EXHIBIT A-3
NORTH POINT DRI #02548
ITE TRIP GENERATION (6TH EDITION)

BUILDOUT (2008): DAILY AND PM PEAK HOUR

LAND USE	ITE LUC	SIZE	UNIT	TRIP TYPE	ADJ. FACTOR	PM PEAK			ADJ. FACTOR	DAILY
						IN	OUT	TOTAL		
=====	===	=====	=====	=====	=====	=====	=====	=====	=====	=====
MULTIFAMILY	230	150	Units	TOTAL		58	28	86 (1)		919 (1)
				INTERNAL	35%	19	11	30 (2)	38%	351 (2)
				EXTERNAL		39	17	56		568
				PASS-BY	0%	0	0	0 (3)	0%	0 (3)
				NET NEW		39	17	56		568
GENERAL OFFICE	710	60,000	Sq. Ft.	SUB-TOTAL		25	122	147 (1)		896 (1)
MEDICAL OFFICE	720	60,000	Sq. Ft.	SUB-TOTAL		51	139	190 (1)		2,239 (1)
OFFICE		120,000	Sq. Ft.	TOTAL		76	251	337		3,135
				INTERNAL	14%	25	22	47 (2)	20%	642 (2)
				EXTERNAL		51	239	290		2,493
				PASS-BY	0%	0	0	0 (3)	0%	0 (3)
				NET NEW		51	239	290		2,493
RETAIL	820	550,000	Sq. Ft.	TOTAL		929	1,006	1,935 (1)		20,400 (1)
				INTERNAL	6%	50	58	108 (2)	7%	1,381 (2)
				EXTERNAL		879	948	1,827		19,019
				PASS-BY	24%	219	219	438 (3)	22%	3,780 (3)
				NET NEW		660	729	1,389		15,239
HOTEL	310	150	Rooms	TOTAL		52	54	106 (1)		1,338 (1)
				INTERNAL	37%	17	22	39 (2)	38%	512 (2)
				EXTERNAL		35	32	67		826
				PASS-BY	0%	0	0	0 (3)	0%	0 (3)
				NET NEW		35	32	67		826
TOTAL				TOTAL		1,115	1,349	2,464		25,792
				INTERNAL		111	113	224 (2)		2,886 (2)
				EXTERNAL		1,004	1,236	2,240		22,906
				PASS-BY		219	219	438 (3)		3,780 (3)
				NET NEW		785	1,017	1,802		19,126
Peak Hour Directional Split/Peak-to-Daily Ratio						43.6%	56.4%	9.42%		

FOOTNOTES:

- (1) Based on ITE, Trip Generation (6th Edition). The trip generation equations were used for all uses, when available.
- (2) Internal trips between the residential (R) and nonresidential (NR) uses.
- (3) Pass-by rate based on the equation on Figure 5.5 in the ITE Trip Generation Handbook.

ble 21.S1

Table
TRIP GENERATION HANDBOOK - An ITE Recommended Practice

Analyst DPA
Date 11/10/02

Generation Calculation Worksheet

Project Name ESTERO LAKES DRI #02548
Time Period DAILY (2006)

A to B

3%	34	3%	34
Demand		Demand	
	31		31
Balanced		Balanced	
2%	31	2%	31
Demand		Demand	

B to A

LAND USE A Residential

ITE LU	CODE SIZE	xxx	xxx
Enter	Total	Internal	External
Exit	1128	403	725
Total	1129	460	669
%	2257	863	1394
	100%	38%	62%
	Exit to External	Enter From External	
	669	725	

A to C

38%	429	33%	372
Demand		Demand	
	429		372
Balanced		Balanced	
9%	918	11%	1122
Demand		Demand	

C to A

LAND USE B Office

ITE LU	CODE SIZE	710,720	120,000
Enter	Total	Internal	External
Exit	1567	266	1301
Total	1568	376	1192
%	3135	642	2493
	100%	20%	80%
	Exit to External	Enter From External	
	1192	1301	

B to C

22%	345	3%	306
Demand		Demand	
	345		235
Balanced		Balanced	
4%	408	15%	235
Demand		Demand	

C to B

LAND USE C Retail

ITE LU	CODE SIZE	820	550,000
Enter	Total	Internal	External
Exit	10200	774	9426
Total	10200	607	9593
%	20400	1381	19019
	100%	7%	93%
	Exit to External	Enter From External	
	9593	9426	

Net External Trips for Multi-Use Development

	LU - A	LU - B	LU - C	TOTAL	Internal Capture
Enter	725	1301	9426	11452	
Exit	669	1192	9593	11454	
Total	1394	2493	19019	22906	
Single Use	2257	3135	20400	25792	11.2%

Table
TRIP GENERATION HANDBOOK - An ITE Recommended Practice

Analyst DPA
Date 11/10/02

Generation Calculation Worksheet

Project Name ESTERO LAKES DRI #02548
Time Period PM PH (2006)

A to B

2%	2	2%	2
Demand		Demand	
	2		2
Balanced		Balanced	
2%	2	2%	5
Demand		Demand	

B to A

LAND USE A Residential

ITE L U	CODE SIZE	xxx	xxx
Enter	Total	Internal	External
Exit	110	36	74
Total	82	33	49
%	192	69	123
	100%	36%	64%
Exit to External		Enter From External	
49		74	

A to C

38%	31	31%	34
Demand		Demand	
	31		34
Balanced		Balanced	
9%	84	12%	121
Demand		Demand	

C to A

LAND USE B Office

ITE L U	CODE SIZE	710, 720	120,000
Enter	Total	Internal	External
Exit	76	25	51
Total	261	22	239
%	337	47	290
	100%	14%	86%
Exit to External		Enter From External	
239		51	

B to C

23%	60	3%	30
Demand		Demand	
	19		24
Balanced		Balanced	
2%	19	31%	24
Demand		Demand	

C to B

LAND USE C Retail

ITE L U	CODE SIZE	820	550,000
Enter	Total	Internal	External
Exit	929	50	879
Total	1006	58	948
%	1935	108	1827
	100%	6%	94%
Exit to External		Enter From External	
948		879	

Net External Trips for Multi-Use Development

	LU - A	LU - B	LU - C	TOTAL	
Enter	74	51	879	1004	
Exit	49	239	948	1236	
Total	123	290	1827	2240	
Single Use	192	337	1935	2464	Internal Capture 9.1%

NORTH POINT DRI
SUMMARY OF TRIP GENERATION CALCULATION
FOR 150 DWELLING UNITS OF RESIDENTIAL CONDOMINIUM
04/07/2003

	AVERAGE RATE	STANDARD DEVIATION	ADJUSTMENT FACTOR	DRIVE WAY VOLUME
AVG WKDY 2-WAY VOL	6.13	0.00	1.00	919
7-9 AM PK HR ENTER	0.08	0.00	1.00	12
7-9 AM PK HR EXIT	0.39	0.00	1.00	59
7-9 AM PK HR TOTAL	0.47	0.00	1.00	71
4-6 PM PK HR ENTER	0.38	0.00	1.00	58
4-6 PM PK HR EXIT	0.19	0.00	1.00	28
4-6 PM PK HR TOTAL	0.57	0.00	1.00	86
SATURDAY 2-WAY VOL	6.47	0.00	1.00	970
PK HR ENTER	0.31	0.00	1.00	46
PK HR EXIT	0.26	0.00	1.00	39
PK HR TOTAL	0.57	0.00	1.00	86
SUNDAY 2-WAY VOL	5.51	0.00	1.00	827
PK HR ENTER	0.28	0.00	1.00	42
PK HR EXIT	0.29	0.00	1.00	43
PK HR TOTAL	0.57	0.00	1.00	85

Note: A zero rate indicates no rate data available
The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $LN(T) = .85LN(X) + 2.564, R^2 = .83$
7-9 AM Peak Hr. Total: $LN(T) = .79LN(X) + .298$
 $R^2 = .74, .17$ Enter, .83 Exit
4-6 PM Peak Hr. Total: $LN(T) = .827LN(X) + .309$
 $R^2 = .79, .67$ Enter, .33 Exit
AM Gen Pk Hr. Total: $LN(T) = .808LN(X) + .209$
 $R^2 = .78, .18$ Enter, .82 Exit
PM Gen Pk Hr. Total: $LN(T) = .777LN(X) + .59$
 $R^2 = .8, .65$ Enter, .35 Exit
Sat. 2-Way Volume: $T = 3.615(X) + 427.925, R^2 = .84$
Sat. Pk Hr. Total: $T = .286(X) + 42.627$
 $R^2 = .84, .54$ Enter, .46 Exit
Sun. 2-Way Volume: $T = 3.132(X) + 357.258, R^2 = .88$
Sun. Pk Hr. Total: $T = .232(X) + 50.009$
 $R^2 = .78, .49$ Enter, .51 Exit

Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

NORTH POINT DRI
SUMMARY OF TRIP GENERATION CALCULATION
FOR 60 TH.GR.SQ.FT. OF GENERAL OFFICE
04/07/2003

	AVERAGE RATE	STANDARD DEVIATION	ADJUSTMENT FACTOR	DR-WAY VOLUME
AVG WKDY 2-WAY VOL	14.94	0.00	1.00	896
7-9 AM PK HR ENTER	1.82	0.00	1.00	109
7-9 AM PK HR EXIT	0.25	0.00	1.00	15
7-9 AM PK HR TOTAL	2.07	0.00	1.00	124
4-6 PM PK HR ENTER	0.42	0.00	1.00	25
4-6 PM PK HR EXIT	2.03	0.00	1.00	122
4-6 PM PK HR TOTAL	2.44	0.00	1.00	147
SATURDAY 2-WAY VOL	2.44	0.00	1.00	147
PK HR ENTER	0.22	0.00	1.00	13
PK HR EXIT	0.19	0.00	1.00	11
PK HR TOTAL	0.42	0.00	1.00	25
SUNDAY 2-WAY VOL	0.77	0.00	1.00	46
PK HR ENTER	0.09	0.00	1.00	5
PK HR EXIT	0.07	0.00	1.00	4
PK HR TOTAL	0.16	0.00	1.00	9

Note: A zero rate indicates no rate data available
The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $LN(T) = .768LN(X) + 3.654, R^2 = .8$
7-9 AM Peak Hr. Total: $LN(T) = .797LN(X) + 1.558$
 $R^2 = .83, .88$ Enter, .12 Exit
4-6 PM Peak Hr. Total: $T = 1.121(X) + 79.295$
 $R^2 = .82, .17$ Enter, .83 Exit
AM Gen Pk Hr. Total: $LN(T) = .797LN(X) + 1.558$
 $R^2 = .83, .88$ Enter, .12 Exit
PM Gen Pk Hr. Total: $T = 1.121(X) + 79.295$
 $R^2 = .82, .17$ Enter, .83 Exit
Sat. 2-Way Volume: $T = 2.136(X) + 18.473, R^2 = .66$
Sat. Pk Hr. Total: $LN(T) = .814LN(X) + -.115$
 $R^2 = .59, .54$ Enter, .46 Exit
Sun. 2-Way Volume: $LN(T) = .863LN(X) + .306, R^2 = .5$
Sun. Pk Hr. Total: $LN(T) = .605LN(X) + -.228$
 $R^2 = .56, .58$ Enter, .42 Exit

Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

NORTH POINT DRI
SUMMARY OF TRIP GENERATION CALCULATION
FOR 60 TH.GR.SQ.FT. OF MEDICAL-DENTAL OFFICE BLDG
04/07/2003

	AVERAGE RATE	STANDARD DEVIATION	ADJUSTMENT FACTOR	DR-WAY VOLUME
AVG WKDY 2-WAY VOL	37.31	0.00	1.00	2239
7-9 AM PK HR ENTER	0.00	0.00	1.00	0
7-9 AM PK HR EXIT	0.00	0.00	1.00	0
7-9 AM PK HR TOTAL	0.00	0.00	1.00	0
4-6 PM PK HR ENTER	0.85	0.00	1.00	51
4-6 PM PK HR EXIT	2.31	0.00	1.00	139
4-6 PM PK HR TOTAL	3.17	0.00	1.00	190
SATURDAY 2-WAY VOL	0.00	0.00	1.00	0
PK HR ENTER	0.00	0.00	1.00	0
PK HR EXIT	0.00	0.00	1.00	0
PK HR TOTAL	0.00	0.00	1.00	0
SUNDAY 2-WAY VOL	0.00	0.00	1.00	0
PK HR ENTER	0.00	0.00	1.00	0
PK HR EXIT	0.00	0.00	1.00	0
PK HR TOTAL	0.00	0.00	1.00	0

Note: A zero rate indicates no rate data available
The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $T = 40.892(X) + -214.97$, $R^2 = .9$
 7-9 AM Peak Hr. Total: 0
 $R^2 = 0$, 0 Enter, 0 Exit
 4-6 PM Peak Hr. Total: $LN(T) = .921LN(X) + 1.476$
 $R^2 = .78$, .27 Enter, .73 Exit
 AM Gen Pk Hr. Total: $T = 3.495(X) + 4.377$
 $R^2 = .85$, .65 Enter, .35 Exit
 PM Gen Pk Hr. Total: $T = 4.437(X) + -2.588$
 $R^2 = .92$, .4 Enter, .6 Exit
 Sat. 2-Way Volume: 0, $R^2 = 0$
 Sat. Pk Hr. Total: 0
 $R^2 = 0$, 0 Enter, 0 Exit
 Sun. 2-Way Volume: 0, $R^2 = 0$
 Sun. Pk Hr. Total: 0
 $R^2 = 0$, 0 Enter, 0 Exit

Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

NORTH POINT DRI
SUMMARY OF TRIP GENERATION CALCULATION
FOR 550 T.G.L.A. OF SHOPPING CENTER
04/07/2003

	AVERAGE RATE	STANDARD DEVIATION	ADJUSTMENT FACTOR	DR-WAY VOLUME
AVG WKDY 2-WAY VOL	37.09	0.00	1.00	20400
7-9 AM PK HR ENTER	0.49	0.00	1.00	269
7-9 AM PK HR EXIT	0.31	0.00	1.00	172
7-9 AM PK HR TOTAL	0.80	0.00	1.00	441
4-6 PM PK HR ENTER	1.69	0.00	1.00	929
4-6 PM PK HR EXIT	1.83	0.00	1.00	1006
4-6 PM PK HR TOTAL	3.52	0.00	1.00	1934
SATURDAY 2-WAY VOL	48.51	0.00	1.00	26679
PK HR ENTER	2.50	0.00	1.00	1376
PK HR EXIT	2.31	0.00	1.00	1270
PK HR TOTAL	4.81	0.00	1.00	2646
SUNDAY 2-WAY VOL	23.29	0.00	1.00	12812
PK HR ENTER	1.53	0.00	1.00	841
PK HR EXIT	1.59	0.00	1.00	875
PK HR TOTAL	3.12	0.00	1.00	1716

Note: A zero rate indicates no rate data available
The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $LN(T) = .643LN(X) + 5.866$, $R^2 = .78$
7-9 AM Peak Hr. Total: $LN(T) = .596LN(X) + 2.329$
 $R^2 = .51$, $.61$ Enter, $.39$ Exit
4-6 PM Peak Hr. Total: $LN(T) = .66LN(X) + 3.403$
 $R^2 = .81$, $.48$ Enter, $.52$ Exit
AM Gen Pk Hr. Total: 0
 $R^2 = 0$, 0 Enter, 0 Exit
PM Gen Pk Hr. Total: 0
 $R^2 = 0$, 0 Enter, 0 Exit
Sat. 2-Way Volume: $LN(T) = .628LN(X) + 6.229$, $R^2 = .82$
Sat. Pk Hr. Total: $LN(T) = .651LN(X) + 3.773$
 $R^2 = .84$, $.52$ Enter, $.48$ Exit
Sun. 2-Way Volume: $T = 15.632(X) + 4214.458$, $R^2 = .52$
Sun. Pk Hr. Total: $T = 3.12(X) + 0$
 $R^2 = 0$, $.49$ Enter, $.51$ Exit

Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

NORTH POINT DRI
SUMMARY OF TRIP GENERATION CALCULATION
FOR 150 OCCUPIED ROOMS OF HOTEL
04/07/2003

	AVERAGE RATE	STANDARD DEVIATION	ADJUSTMENT FACTOR	DRIVE WAY VOLUME
AVG WKDY 2-WAY VOL	8.92	6.04	1.00	1338
7-9 AM PK HR ENTER	0.39	0.00	1.00	58
7-9 AM PK HR EXIT	0.28	0.00	1.00	42
7-9 AM PK HR TOTAL	0.67	0.84	1.00	101
4-6 PM PK HR ENTER	0.35	0.00	1.00	52
4-6 PM PK HR EXIT	0.36	0.00	1.00	54
4-6 PM PK HR TOTAL	0.71	0.88	1.00	107
SATURDAY 2-WAY VOL	10.50	4.11	1.00	1575
PK HR ENTER	0.00	0.00	1.00	0
PK HR EXIT	0.00	0.00	1.00	0
PK HR TOTAL	0.87	0.94	1.00	131
SUNDAY 2-WAY VOL	8.48	3.42	1.00	1272
PK HR ENTER	0.00	0.00	1.00	0
PK HR EXIT	0.00	0.00	1.00	0
PK HR TOTAL	0.75	0.88	1.00	113

Note: A zero rate indicates no rate data available
Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS



6202-F Presidential Court, Fort Myers, Florida 33919 Phone: (239)985-1200 Fax : (239)985-1259

ATTACHMENT B.2(a)

SANITARY SEWER ANALYSIS

The property is located within the Gulf Environmental Services (GES) Franchise Area. The closest service line is along U.S. 41, being a 12" force main. Presently the GES Sewage Treatment Plant has a capacity of 1.5 MGD, with an expansion to 3.0 MGD due in place in May, 2003. Current demand is at 100% of the existing capacity, and will be 50% of the expansion capacity. The existing Land Use of SUBURBAN is estimated to generate a maximum service demand of 0.129 MGD, based upon a maximum development scenario of 488,000 sf commercial retail and 536,000 sf of general/medical office uses. The proposed Land Use of URBAN COMMUNITY is estimated to generate a similar maximum service demand of 0.129 MGD, based upon a maximum development scenario of 692,000 sf of commercial retail and 398,400 sf of general office/medical uses. This would result in no net increase of maximum service demand for the project site. In addition, no improvements will be necessary to service the additional demands under either scenario, other than the plant expansion due in May, 2003. This amendment will not require any revisions to the sanitary sewer sub-element or CIE.



6202-F Presidential Court, Fort Myers, Florida 33919 Phone: (239)985-1200 Fax : (239)985-1259

ATTACHMENT B.2(b)

POTABLE WATER ANALYSIS

The property is located within the Gulf Environmental Services (GES) Franchise Area. The closest service line is at U.S. 41/ project's property line (12" water main). Presently GES Water Treatment Plants have a capacity of 4.515 MGD, with a current demand at 80% of this capacity. The existing Land Use of SUBURBAN is estimated to generate a maximum service demand of 0.129 MGD, based upon a maximum development scenario of 488,000 sf of commercial retail and 536,000 sf of general/medical office uses. The proposed Land Use of URBAN COMMUNITY is estimated to generate a similar maximum service demand of 0.129 MGD, based upon a maximum development scenario of 622,000 sf of commercial retail and 398,400 sf of general/medical office uses. This would result in no net increase of maximum service demand for the project site. In addition, no improvements will be necessary to service this additional demand. This amendment will not require any revisions to the potable water sub-element or CIE.



6202-F Presidential Court, Fort Myers, Florida 33919 Phone: (239)985-1200 Fax : (239)985-1259

ATTACHMENT B.2(c)

DRAINAGE/SURFACE WATER MANAGEMENT ANALYSIS

The property is located within the Estero River Watershed. The project will require conceptual and construction approvals from SFWMD and also compliance with the Lee County's Level of Service Policy 70.1.3. for stormwater management facilities. Per the Lee County Concurrency Management Report for inventories and projections (1999/2000 – 2000/2001), no crossings of evacuation routes within the watershed are anticipated to be flooded for more than 24 hours, thus meeting concurrency standards. This amendment will not require any revisions to the surface water management sub-element or to the CIE.

North Point Comprehensive Plan Amendment

Attachment B.2.D.

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

The Estero Community, and the area surrounding this site, has excellent access to existing parks and recreational facilities. Within a mile to the north, along Sandy Lane is the Estero Community Park, and along Williams Road is the Estero High school.

Map H of the Application for Development Approval shows a proposed pedestrian and bicycle system that extends along Sandy Lane, which would connect up to the Estero Park, and partially around the 12 acre lake on the subject property. The lake itself will provide for a public recreational amenity. The project also anticipates a private recreational amenity in the residential area, along the lake. This may consist of a fitness facility and passive recreational activities in conjunction with the lake.

Open space will be provided per Lee County requirements – 30% in commercial areas and 40% in residential areas. The zoning Master Concept Plan shows an anticipated requirement of 28.8 acres, which will be provided through lakes, buffers, recreational areas, amenities and dry detention areas.



Estero FIRE RESCUE

19850 Breckenridge Drive, Suite A
Estero, Florida 33928

Phone: (239) 947-FIRE (3473)

Fax: (239) 947-9538

web site: www.esterofire.org

March 20, 2003

Dan Delisi, AICP
Vice President of Planning
Barraco and Associates, Inc.
P.O. Drawer 2800
Fort Myers, FL 33902

Re: North Point DRI
Application for Development Approval

Dear Dan:

Estero Fire Rescue will begin construction this summer on our Coconut Point Fire Station, located just south of the proposed development. Our current manpower and facilities would be able to serve this site, however, when the Coconut Point Station goes into operation early next year, our capabilities will be enhanced.

Sincerely,

Michael D. Cato, Fire Marshal
Fire Prevention Program Manager

Office of the Sheriff
Rodney Shoap



County of Lee
State of Florida

March 27, 2003

Barraco and Associates, Inc.
Dan Delisi, AICP
Vice President of Planning
Post Office Drawer 2800
Fort Myers, Florida 33902

RE: North Point DRI
Application for Development Approval

Dear Sir:

The proposed development of North Point, located at the northeast corner of US 41 and Williams Road and bound to the east by the Seminole Gulf Railway tracks, is within the service area for the Lee County Sheriff's Office. It is policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs.

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

Sincerely,



Major Dan Johnson
Planning and Research

Copy: File
DJ:jr





6202-F Presidential Court · Fort Myers, Florida 33919 · Phone: 941.985.1200 · Fax: 941.985.1259

April 21, 2003

Ms. Kathy Babcock
Gulf Environmental Services
19910 S Tamiami Trail
Estero, FL 33928-0350

Re: North Point DRI - Letter requesting sewer and water availability
HM Project No. 2002105B

Dear Ms. Babcock:

Included herewith is a location map and Preliminary Master Concept Plan for the proposed North Point mixed planned development project. The project is located within the franchise service boundary of Gulf Environmental Services (GES) and is requesting a letter of potable water and wastewater availability and commitment from GES.

The project site lies between U.S. 41 and the railroad right-of-way, from Williams Road to the existing commercial development to the north. The overall property acreage is approximately 103 acres, consisting of 550,000 s.f. of commercial retail, 120,000 s.f. of office, a 150 room hotel, and 150 multi-family residential uses. The total estimated average daily demand for both services is 0.141 MGD.

I trust the enclosed exhibits and documentation are suitable for your review and use. However, if you should need any additional information or have any questions, please do not hesitate to contact me.

Very truly yours,

HOLE MONTES, INC.



Ned E. Dewhirst, P.E.
Sr. Vice President/Principal

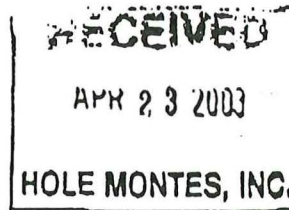
NED/kc



Gulf Environmental Services, Inc.

19910 S. Tamiami Trail, Suite A
Estero, FL 33928-2114
239/498-1000
FAX 239/498-0625

April 22, 2003



Mr. Ned E. Dewhirst, PE
Senior Vice President/Principal
Hole Montes
6202-F Presidential Court
Fort Myers, FL 33919

Re: North Point DRI
Estimated Average Daily Flow: 0.141 MGD

Dear Mr. Dewhirst:

Based on information provided in your letter dated April 21, 2003, the above-captioned project is located within Gulf Environmental Services, Inc.'s (GES) service area for water and wastewater. Water and wastewater mains are adjacent to the site or will be extended to the project under the terms of a Developer's Agreement.

Currently, GES has capacity to provide 250 gallons per day per ERU of water service from its San Carlos/Corkscrew Water Treatment Plants to this location, subject to its tariffs and available capacity at the time connection to the water system is made. At this time, GES has capacity to provide 250 gallons per day per ERU of wastewater service from its Three Oaks Wastewater Treatment Plant to this location, subject to its tariffs and available capacity at the time connection to the wastewater system is made. GES has determined that the static water pressure at the point where the water system will connect to the utility's existing main is a minimum of 20 psi*. Usage will be based on estimates to be provided by the project engineer. All golf course projects receiving wastewater service are required to provide five (5) days wet weather reuse storage.

This letter should not be construed in any way as a commitment to serve, but only as to the availability of service at this time. Should your client wish to obtain service from GES, it will be necessary for him to enter into a Developer's Agreement that will include the construction, engineering and financial conditions precedent to the delivery of service by GES. Service will be provided only upon receipt of appropriate fees and charges, a signed service agreement and the approval of all federal, state and local regulatory agencies.

If you have any questions, or need more information, please do not hesitate to contact me at: (239) 498-1000.

Sincerely,

A. A. Reeves III
General Manager

*The static water pressure shall be determined by means satisfactory to the utility and the appropriate fire district.



THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TDD/TTY (239) 335-1512

May 8, 2003

Mr. Dan Delisi, AICP
Baracco and Associates, Inc.
P. O. Drawer 2800
Ft. Myers, FL 33902

JEANNE S. OZZIER
CHAIRMAN • DISTRICT 2

ELNOR C. SCRIPPA, Ph.D.
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONK
DISTRICT 1

JANE E. KUCKEL, Ph.D.
DISTRICT 3

STEVEN K. TEUBER
DISTRICT 4

JAMES W. BROWDER, Ed.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

Re: North Point, DRI Application for Development Approval

Dear Dan:

Thank you for the opportunity to review the North Point DRI Application for Development Approval for substantive comments with regard to educational impacts. This proposed development is in the South Region of the District, in Estero, in close proximity to Estero High School. Based on the proposed maximum total of 150 multi-family dwelling units, the Lee County School District is estimating that the proposal could generate up to 20 additional school-aged children. This uses a generation rate of .13 students generated for multi-family units. This would create the need for approximately 1 new classroom in the system, as well as additional staff and core facilities.

The schools in this region that would serve this development are operating at or above permanent student capacity levels. Those schools that exceed permanent student capacity levels are operating through the use of portable classroom buildings. The growth generated by this development will require either the addition of permanent student and auxiliary space or the placement of portable buildings. Either action imposes a fiscal impact on the District that should be mitigated by the applicant.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the applicant will be expected to pay the impact fee at the appropriate time, thereby partially meeting their fiscal obligations noted above.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call.

Sincerely,

Stephanie Keyes, Facilities Planner
Department of Construction and Planning

cc: Tyler F. Patak, NCARB, Director

Post-It® Fax Note	7671	Date	5-8	# of pages	1
To	Dan Delisi				
Co/Dist	Co				
Phone #	Phone #				
Fax #	461-3169				

DISTRICT VISION

TO PREPARE EVERY STUDENT FOR SUCCESS

DISTRICT MISSION

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

May 08 03 11:35A

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 map for community locations. The vegetation communities on site were mapped according to the Florida Land Use, Cover and Forms Classification System (FLUCFS) (Florida Department of Transportation, 1985). The mapping utilized Level III FLUCFS. The site was inspected and the mapping superimposed on 2001 digital aerial photographs. Acreages were approximated using AutoCAD (Version 14).

It is obvious that the property has undergone considerable land disturbance through the repeated logging and the successive pasturing operation. This disturbance has removed much of the native vegetation. A total of four vegetation communities were mapped. The following is a discussion of the existing land uses and vegetative associations found on site. The following table summarizes the FLUCFS communities discussed below.

211 Improved Pasture (approximately 74.18 acres)

The canopy in the community has been cleared for pasturelands. Remaining canopy trees consist of scattered melaleuca (*Melaleuca quinquinerva*) and widely scattered slash pine (*Pinus ellottii*). The mid-story vegetation is very sparse and consists of seedling melaleuca and Brazilian pepper (*Schinus terebinthifolius*). The ground cover is routinely mowed and maintained. Typical groundcover present includes bahia (*Paspalum notatum*), torpedo grass (*Panicum repens*), and a number of other sedges (*Cyperus spp.*, *Dichroena spp.*, *Carex spp.*)

211H Improved Pasture Hydric (approximately 11.80 acres)

The canopy in the community has been cleared for pasturelands. Remaining canopy trees consist of scattered melaleuca (*Melaleuca quinquinerva*) and widely scattered slash pine (*Pinus ellottii*). The mid-story vegetation is very sparse and consists of seedling melaleuca and Brazilian pepper (*Schinus terebinthifolius*). The ground cover is routinely mowed and maintained. Typical groundcover present includes scattered bahia (*Paspalum notatum*), torpedo grass (*Panicum repens*), spike rush (*Eleocharis spp.*) Yellow-eyed grass (*Xyris spp.*) and a number of other sedges (*Cyperus spp.*, *Dichroena spp.*, *Carex spp.*)

424/411 Melaleuca Invaded Pine Flatwoods (approximately 2.49 acres)

This vegetation association is located along the eastern portion of the site, adjacent to the railroad grade. The canopy includes melaleuca and slash pine. Mid-story vegetation includes Brazilian pepper, melaleuca, wax myrtle (*Myrica cerifera*) and scattered saw palmetto (*Serenoa repens*).

500 Other Surface Waters (Borrow Lake; approximately 13.53 acres)

This land-use type describes an excavated lake and a small cow pond located in the southern portion of the site.

FLUCFCS	Description	Acreage	Percent of Total
211	Improved Pasture	74.18	73
211H	Hydric Improved Pasture	11.80	12
424/411	Melaleuca Invaded Pine Flatwoods	2.49	2
500	Other Surface Waters (Borrow Lake)	13.53	13
Total		102.0 acres	100 %

Because of the pre-existing impacted and low quality nature of the onsite pasture wetlands, they will not be preserved. Lost wetland function will be replaced through offsite mitigation either through a Mitigation Bank or other location as approved by the agencies through the permitting process.

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 Valkaria fine sand (code 14; Hydric), Immokalee sand (code 28; non-hydric), Smyrna fine sand (code 43; non-hydric), Myakka fine sand, depressional (code 53; Hydric).

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

See attached Map (Map C from the ADA).

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

See attached map for locations of mapped SFWMD verified wetlands. The property has 11.8 acres of pasture wetland and constitutes approximately 12 percent of the property. See Map F for locations of Wetland 1 (4.98 ac.) Wetland 2 (0.45 ac.) and Wetland 3 (6.37 acres). There are no rare and unique uplands or aquifer recharge areas on the property.

5. A table of plant communities by FLUCFS 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 FLUCFS map).

ANIMALS

Listed wildlife 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 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	Potential Habitat	Status	
			FWC	FWS
Amphibians				
Gopher frog	<i>Rana capito</i>	411	SSC	
Reptiles				
Eastern indigo snake	<i>Drymarchon corais couperi</i>	411	T	T
American Alligator	<i>Alligator mississippiensis</i>	500	SSC	T(S/A)
Gopher Tortoise	<i>Gopherus polyphemus</i>	411	SSC	--
Birds				
Bald Eagle	<i>Haliaeetus leucocephalus</i>	411, 500	T	T
Borrowing owl	<i>Speotyto cunicularia</i>	310*	SSC	
Florida sandhill crane	<i>Grus Canadensis pratensis</i>	211, 211H	T	
Limpkin	<i>Aramus guarauna</i>	500, 211H	SSC	
Little Blue Heron	<i>Egretta caerulea</i>	500, 211H	SSC	--
Reddish egret	<i>Egretta rufescens</i>	500, 211H	SSC	
Snowy Egret	<i>Egretta thula</i>	500, 211H	SSC	--
Southeastern American Kestrel	<i>Falco sparverius paulus</i>	411, 211H	T	--
Tri-colored Heron	<i>Egretta tricolor</i>	500, 211H	SSC	--
White Ibis	<i>Eudocimus albus</i>	500, 211H	SSC	--
Wood Stork	<i>Mycteria Americana</i>	500, 211H	E	E
Mammals				
Big Cypress Fox Squirrel	<i>Sciurus niger avicennia</i>	411	T	--

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

* Included due to similarity to on-site community

Gopher frog

The gopher frog could potentially occur in the 2.46 acre melaleuca invaded pine flatwoods along the eastern property line. They are often associated with gopher tortoise burrows. Since no tortoise burrows were identified on the property the potential for their presence is low.

Eastern indigo snake

The eastern indigo snake, a far ranging species, could potentially occur in the upland and wetland communities on the property, however, the potential is low. The wetland and the majority of the upland habitats consist of pastureland, which provides no cover for itself or any prey species. And the 2.46 acre melaleuca invaded pine flatwood provides little area for this species and is severed from any other off-site habitat areas by off-site railroad tracks. In addition, this species is commonly considered to be associated with gopher tortoise burrows and since no tortoise burrows were identified on the property, the potential for their occurrence is low.

American Alligator

The American alligator could potentially occur in the excavated borrow lake, as they do in many water bodies, which are even situated in developed areas.

Gopher Tortoise

The gopher tortoise could potentially occur on the property, but the potential is low, and would only be relegated to the 2.46 acre melaleuca invaded pine flatwoods. The potential would be low since the area is heavily invaded with melaleuca and Brazilian pepper and forage in this habitat is negligible. Preferred habitat for gopher tortoises consist of native upland pine flatwoods or grass spoil areas, neither of which is present on site.

Burrowing owl

Burrowing owls normally inhabit open grassy areas consisting of low grasses. Much of the property is composed of low grasses, however, due to the presence of cattle, it is unlikely that owls would be present. In addition, the property appears to become colonized with numerous melaleuca sprouts, which require periodic maintenance. This would further reduce the site's desirability to burrowing owls.

Florida sandhill crane

The Florida sandhill crane will utilize prairies, freshwater marshes and pasture lands, however, they favor wetlands dominated by pickeral weed and maidencane.

This bird appears to be a bit more sensitive to human disturbance, consequently, due to the sites proximity to several busy roads and other developed areas, it is unlikely that they would occur on the site in any significant frequency. In addition, the pasturelands of the property does not constitute their favored habitat.

Limpkin

The limpkin inhabits a wide variety of wetlands, but prefers mangrove and freshwater swamps. Its preferred food is the apple snail. Since the property was not composed of forested swamps nor was the apple snail identified on the property, it can be assumed that the property does not provide good habitat for the limpkin.

Reddish egret

This wading bird typically inhabits coastal areas. Because of this it is unlikely that this bird would inhabit the property.

Snowy Egret

The snowy egret inhabits a variety of wetland habitats. It is possible that this bird would utilize the property during the rainy season by foraging in the shallow water in the pasture wetlands. During the dry season, they would not use the pasture wetlands but they could utilize the on-site borrow lake for forage. No nesting areas of this bird were identified.

Southeastern American Kestrel

This small raptor could utilize the property due to the presence of open habitat with scattered trees, however, the Lee County represents its most southern known range.

Tri-colored Heron

Like the snowy egret this bird could use the wetlands during the rainy season for foraging. The borrow lake could also provide forage opportunity along the lake edges during the dry season.

Wood Stork

The wood stork could also utilize the property during the rainy season like the aforementioned wading birds, however, it is less likely that wood storks would be found on the property. This is because the on-site wetlands do not have close connections to aquatic refugia and consequently would not provide the densities of forage fish needed for this tactile feeder.

Big Cypress Fox Squirrel

This large squirrel uses a variety of forested habitats. Because the majority of the property is composed of pasturelands, it is unlikely that they would be found on the property. The 2.46 acre melaleuca invaded pine flatwood provides some forested cover, however, this community is severed from off-site forestland by the adjacent railroad grade.

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
Lilium catesbaei	Catesby's lily	411	T	--
Beautiful paw-paw	Deeringothamnus pulchellus	411	E	E
Butterfly orchid	Encyclia tampensis	411	C	--
Catesby's lily	Lilium catesbaei	411	T	--
Common wild pine	Tillandsia asciculate var. densispica	411	E	--
Inflated wild pine	Tillandsia balbisiana	411	T	
Inflated wild-pine	Tillandsia balbisiana	411	T	--
Stiff-leaved wild-pine	Tillandsia fasciculata	411	E	--
Twisted air plant	Tillandsia flexuosa	411	E	--
Giant wild pine	Tillandsia utriculata	411	E	--
Giant wild-pine	Tillandsia utriculata	411	E	--
Florida coontie	Zamia Floridana	411	C	--

FWC-Florida Fish and Wildlife Conservation Commission

FWS-U.S. Fish and Wildlife Service

SSC-Species of Special Concern

T-Threatened

E-Endangered

Catesby's lily

This protected lily is found in undisturbed open pine flatwoods, and some wet prairies. Due to the disturbed nature of the majority of the site, it is unlikely that this plant would occur on the pastured portions of the property. The 2.46 acre pine flatwoods would also not be suitable due to the dense shade produced by the many exotics in this community.

Beautiful paw-paw

This plant is also unlikely to occur on the property as most of its range in Lee County is confined to portions of Pine Island and northwest Lee County. Beautiful paw-paw also favors native upland communities that are open, neither of which is present on the property.

Butterfly orchid

This orchid could potentially occur on the site, but the potential is low due to the absence of native undisturbed habitats.

Listed Air Plants (*Tillandsia* spp.)

Several of the listed air plants are relatively common, but have recently been listed as a result of a weevil, which poses a potential future threat to its populations. It is likely that air plants do occur on the property, but in low numbers if they are present. Because the air plants typically cling to trees, and the pastured areas have very few trees, their presence would be limited.

Florida Coontie

Coontie are typically found growing in undisturbed native scrub or high pine flatwoods. The property does not have habitat in which they would likely occur.

Because of the disturbed nature of the on-site vegetation communities, the development of the site would not have any appreciable impact on listed wildlife or plant resources. There are no pristine vegetation communities on the property. Nearly 98 percent of the property has been converted to improved pasture. The balance of the property is exotic invaded pine flatwoods. The development will likely have stormwater management ponds that will attract wading birds. In addition, littoral plants will be required.

Due to the absence or low potential of the property to support listed plant and animal species, measures to mitigate impacts to these species would be unnecessary. If found, rare plants can be relocated.

D. . . Impacts on Historic Resources

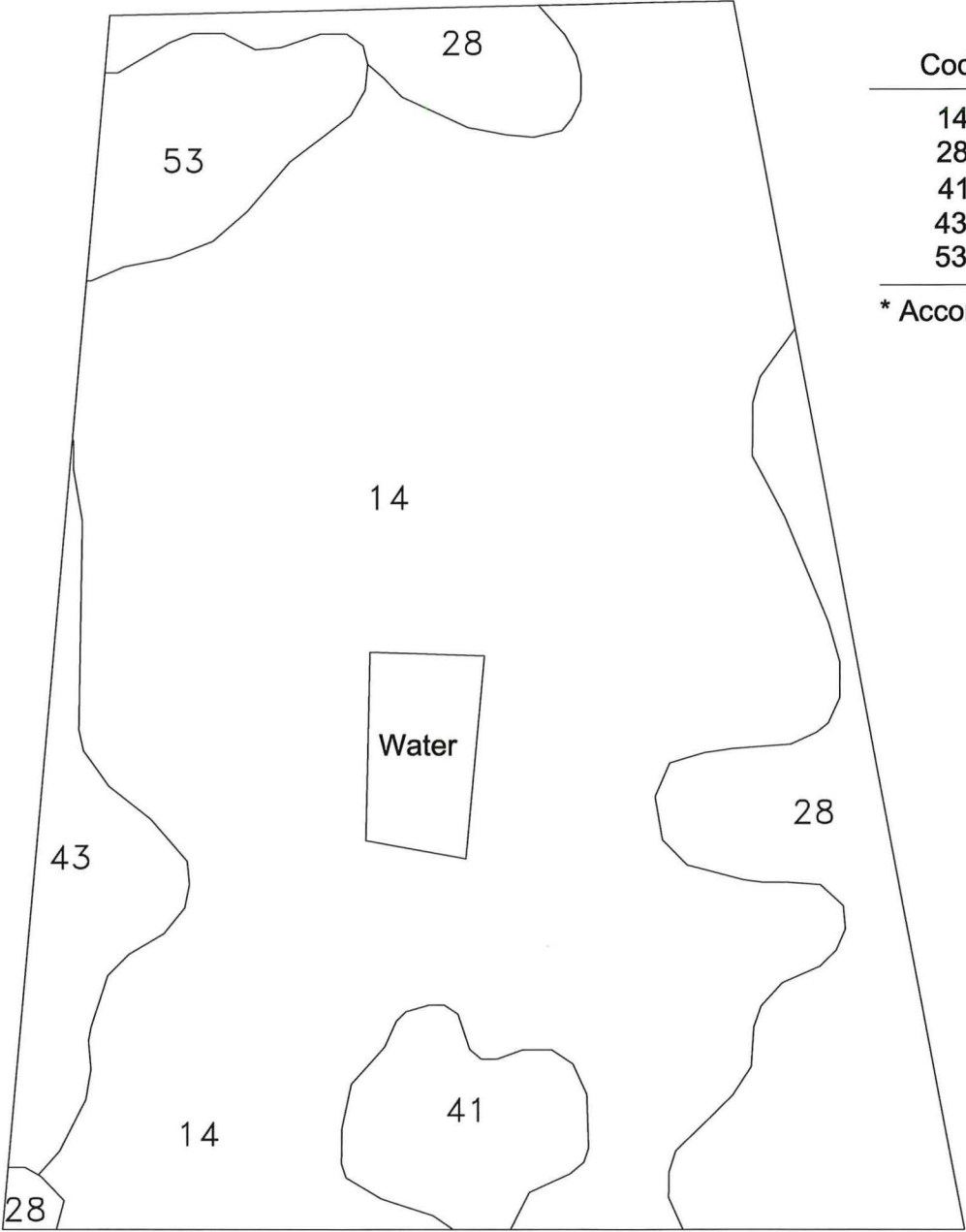
List all historic resources (including structure, districts, and/or archaeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

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.

Based on the November 12, 2002 letter we received from the Florida Division of Historical Resources, there are no known historic properties on the site. See attached letter.

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

See attached map which shows the property in relationship to the limits of the archaeologically sensitive areas. Based on this map, the property is not within a sensitivity area.



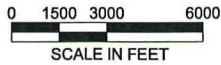
Code	Soil Series	Hydric?*
14	Valkaria fine sand	Yes
28	Immokalee sand	No
41	Valkaria fine sand, Depressional	Yes
43	Smyrna fine sand	No
53	Myakka fine sand	Yes

* According to the Hydric Soils of Florida Handbook (1995)

FILE NAME	21786-MAP EE.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21786\OWGIDRI\
PLOT DATE	TUE, 9-28-2004 - 2:25 PM
PLOT BY	ANGELICA CARLEY
CREATED BY	TODD VANA
XREF1	
XREF2	

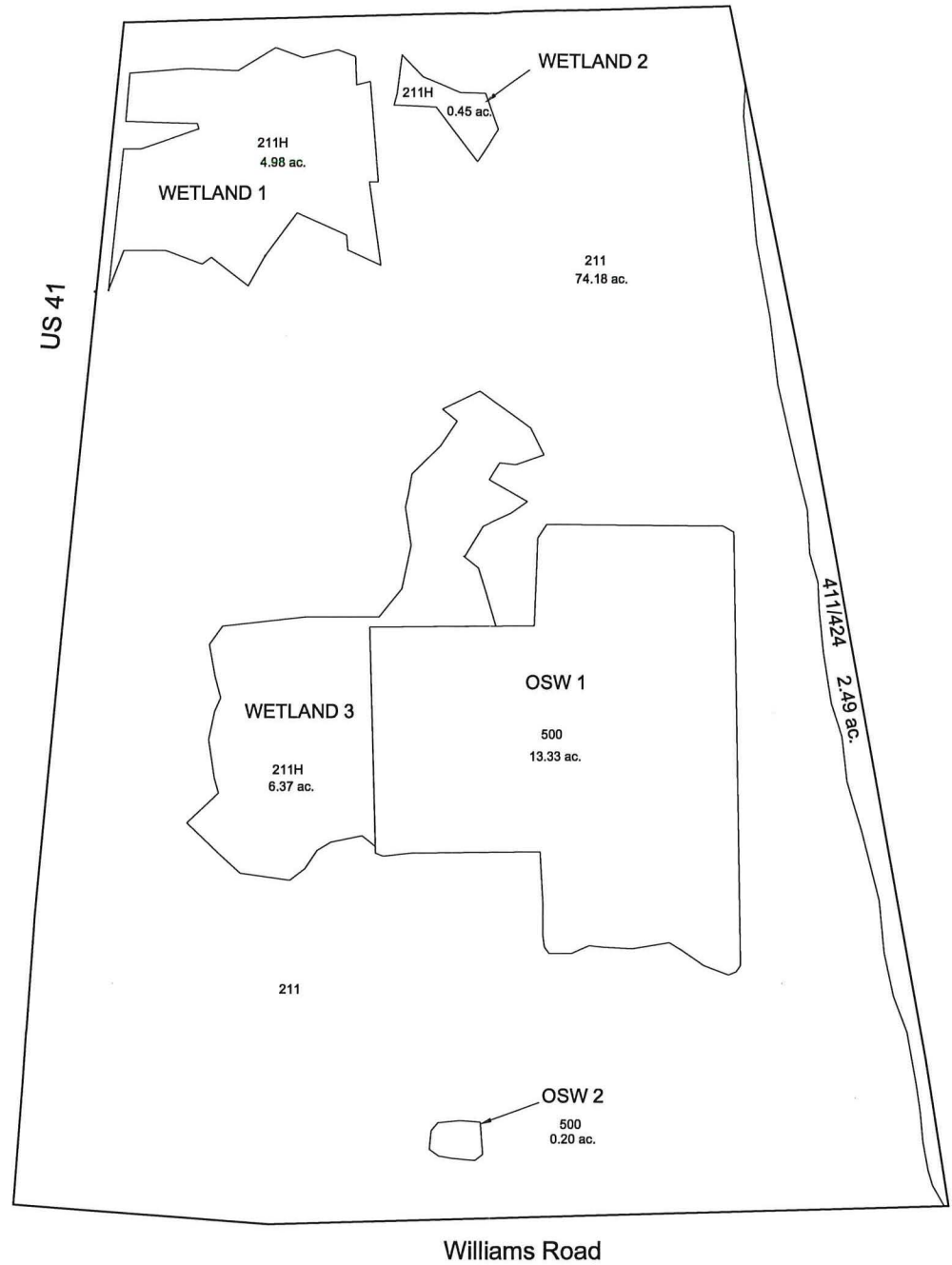


PAVESE, HAVERFIELD, DALTON, HARRISON & JENSEN, L.L.P.
ATTORNEYS AND COUNSELORS AT LAW



NRSC SOILS MAP

NORTHPOINT DRI



FLUCCS LEGEND

Code	Community	Acreage	SFWMD Jurisdictional Acreage
211	Improved Pasture	74.18 Acres	11.80 ac. Wetlands 13.53 ac. OSW
211H	Hydric Improved Pasture	11.80 Acres	
500	Other Surface Waters (OSW)	13.53 Acres	
411/424	Melaleuca Invaded Pine Flatwoods	2.49 Acres	
Total Site acreage:		102.0	

WETLANDS

Wetland Number	Wetland Acreage
Wetland 1	4.98
Wetland 2	0.45
Wetland 3	6.37

Total wetland acreage: 11.80

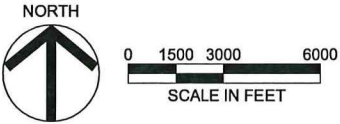
OTHER SURFACE WATERS (OSW)

OSW Number	OSW Acreage
OSW 1	13.33
OSW 2	0.20

Total OSW acreage: 13.53

FILE NAME	21786-MAP FF.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21786\DWG\DRN
PLOT DATE	TUE, 9-28-2004 - 2:26 PM
PLOT BY	ANGELICA CARLEY
CREATED BY	TODD VANA
XREF1	
XREF2	

Boylan
Environmental
Consultants, Inc.

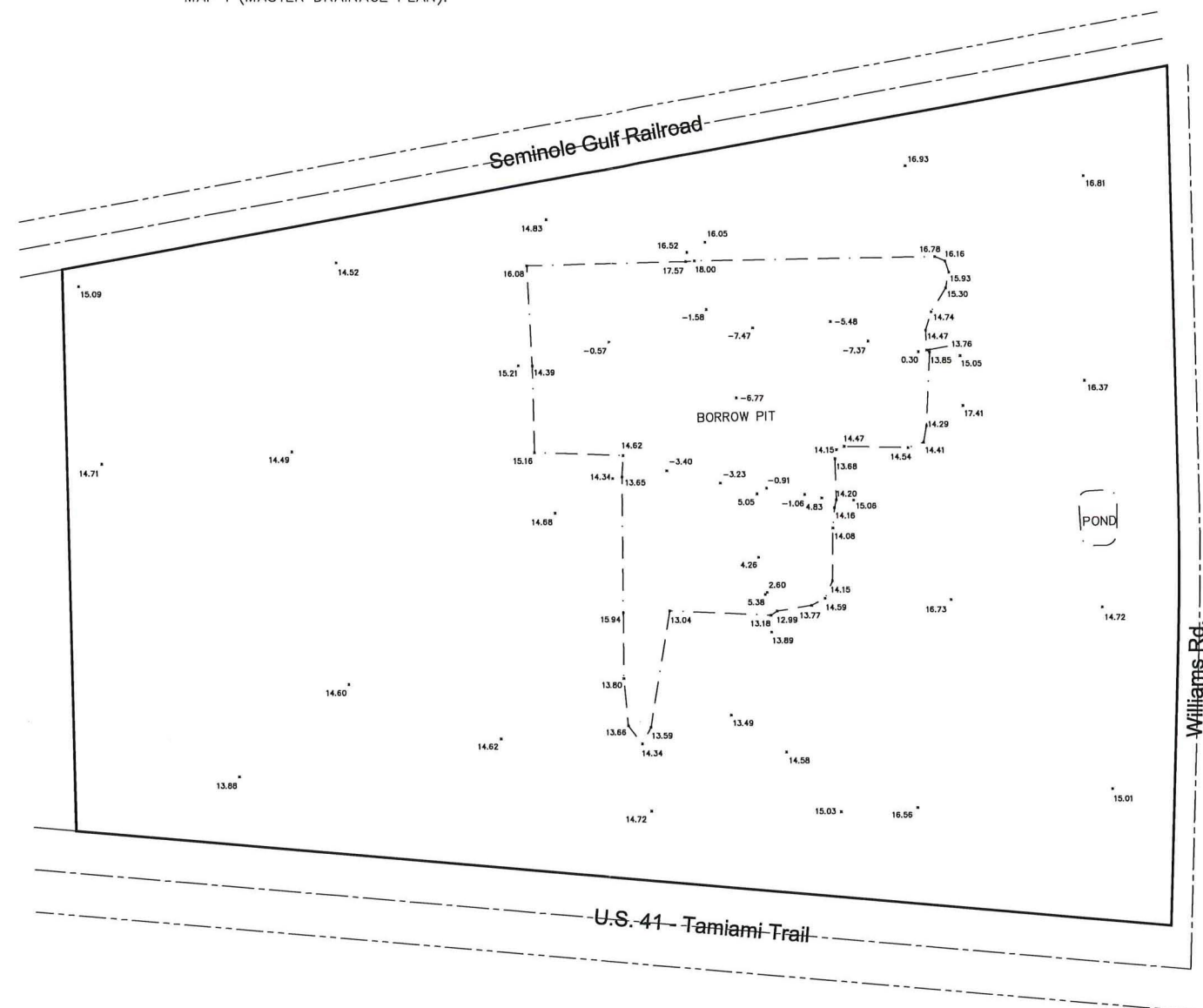


WETLAND AND FLUCCS MAP

NORTH POINT MPD

LEGEND

- 15.09 SPOT ELEV. (NGVD)
x
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FILE NAME	21786-MAP CC.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21786\DWG\DIR1\
PLOT DATE	TUE. 9-28-2004 - 2:26 PM
PLOT BY	ANGELICA CARLEY
CREATED BY	TODD VANA
XREF1	
XREF2	



PAVESE, HAVERFIELD, DALTON, HARRISON & JENSEN, L.L.P.
A FLORIDA LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AND COUNSELORS AT LAW



NORTHPOINT DRI

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
Division of Administrative Services



FLORIDA DEPARTMENT OF STATE

Jim Smith

Secretary of State

DIVISION OF HISTORICAL RESOURCES

MEMBER OF THE FLORIDA CABINET
State Board of Education
Trustees of the Internal Improvement Trust Fund
Administration Commission
Florida Land and Water Adjudicatory Commission
Siting Board
Division of Bond Finance
Department of Revenue
Department of Law Enforcement
Department of Highway Safety and Motor Vehicles
Department of Veterans' Affairs

Mr. Kit Kraft
Boylan Environmental Consultants, Inc.
11000 Metro Parkway, Suite 4
Fort Myers, Florida 33912

November 12, 2002

RE: DHR Project File Number: 2002-10434
Received by DHR November 1, 2002
Estero Lakes Development of Regional Impact (102 Acres)
Lee County, Florida

Dear Mr. Kraft:

Our office received and reviewed the above referenced project in accordance with this agency's responsibilities under Section 380.06, *Florida Statutes*. The State Historic Preservation Officer is to advise in the identification of historic properties (listed or eligible for listing, in the *National Register of Historic Places*), assess effects upon them, and consider alternatives to avoid or minimize adverse effects.

We have reviewed the Florida Master Site File and our records and no historic properties are known to exist in the area of potential effect. Therefore, based on the information provided, it is the opinion of the office that the proposed undertaking will have no effect on historic properties.

If you have any questions concerning our comments, please contact Scott Edwards, Historic Preservation Planner, by electronic mail sedwards@mail.dos.state.fl.us, or at 850-245-6333 or 800-847-7278.

Sincerely,

Janet Snyder Matthews, Ph.D., Director, and
State Historic Preservation Officer

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

☐ Director's Office
(850) 245-6330 • FAX: 245-6435

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

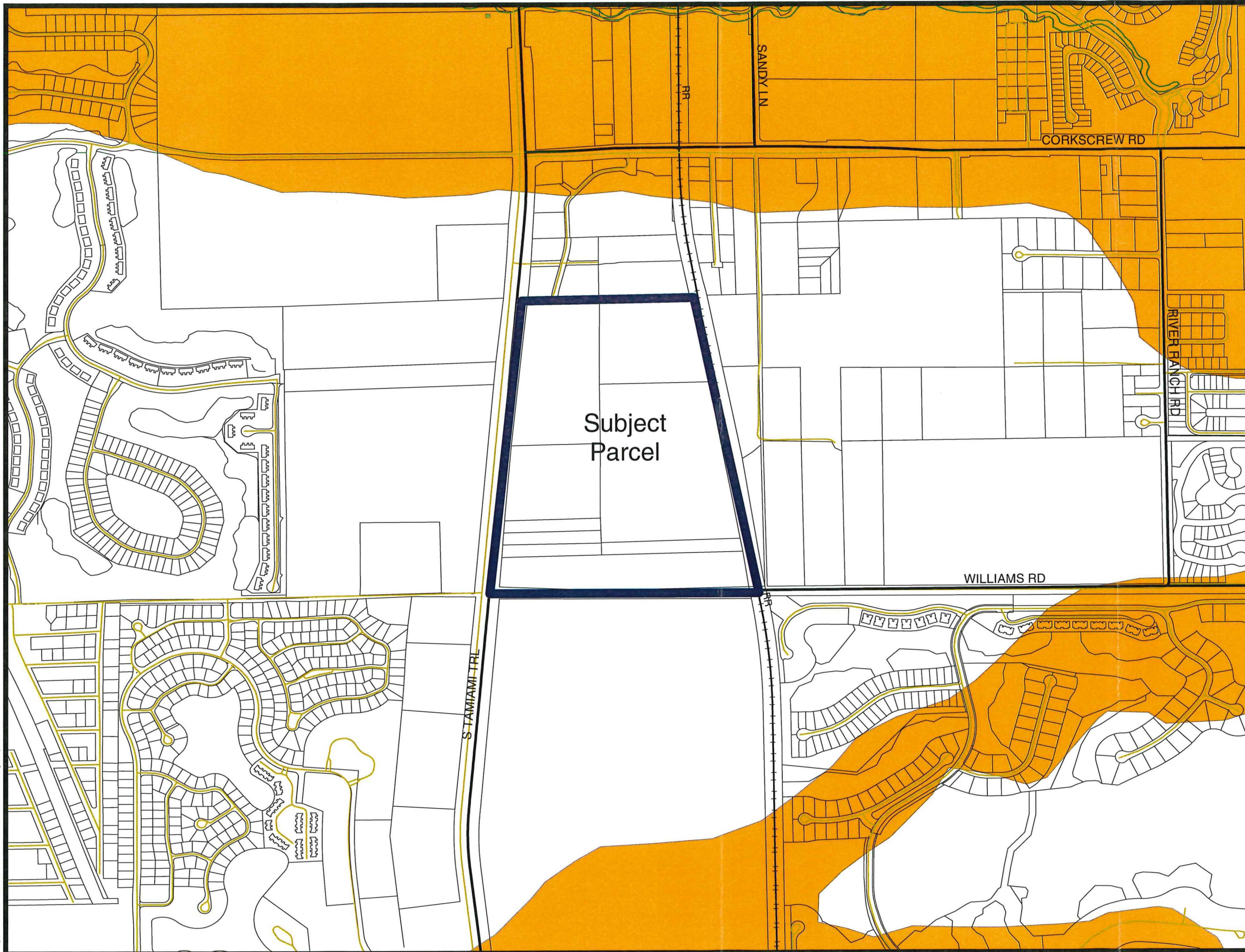
☒ Historic Preservation
(850) 245-6333 • FAX: 245-6437

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

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

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

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



Legend

Archaeological Sensitivity

- Area 1
- Area 2
- Surveyed



North Point Comprehensive Plan Amendment ARCHAEOLOGICAL SENSITIVITY MAP

Map D2

Source: Lee County Property Appraiser
Not-To-Scale

It is the responsibility of the user to verify the data contained in this document

Barraco
and Associates, Inc.

QUESTION E 1

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

This Comprehensive Plan Amendment is not asking for any changes in the allocations in Table 1(b). There appears to be sufficient allocations in the commercial land use category projected for the year 2020. This development will not necessitate any increase to the established projections.

As Table 1(b) shows, there are only 81.1 acres of residential development left in the Urban Community land use category designated for residential development. In looking at the amount of land in the Urban Community land use category in Estero, it appears that only a small portion will likely be developed for residential uses. If this development did need to ask for an increase in the 2020 allocation for the Development of Regional Impact that is being submitted as concurrent with this application, the request would be to transfer approximately 20 acres of residential uses from the Suburban Land Use.

Currently however, Lee County has no mechanism for evaluating mixed-use buildings. The intent of the Estero Community Plan is to create incentives and encourage developments to be mixed use in nature. For this reason, the Development of Regional Impact is being submitted as a mixed use planned development with the option of creating mixed-use buildings. If this occurs, it is our understanding from the Pre-application meeting for the development of regional impact that the county will work with the applicant to ensure that the development of those areas can occur.

Lee Plan Table 1(b)

Residential Use by Future Land Use Category	Acreage		
	Allocation for Year 2020	Existing	Available
Urban Community (UC)	327	245.9	81.1
Suburban (S)	1572	1076.84	495.16
Outlying Suburban (OS)	837	272.58	564.42
General Interchange (GI)	15	3.1	11.9
Rural (R)	900	263.5	636.5
Wetlands (RPA)	0	7.64	-7.64
Total Residential	3651	1869.56	1781.44

Other Uses	Acreage		
	Allocation for Year 2020	Existing	Available
Commercial	1399	197.32	1201.68
Industrial	87	0	87

Source: <http://www.lee-county.com/dcd/ComprehensivePlanning/PlanningCommunities/pcEstero.htm>

QUESTION E 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 Urban Community**

The Urban Community land use category is designated for areas that are intended to be developed at higher density residential and commercial levels, but are outside the urban centers of Fort Myers and Cape Coral. According to the Lee Plan, these areas are intended to be of urban character, but developed at lower intensities than Central Urban areas. Uses that are allowed for in the Urban Community category are residential units up to six dwelling units per acre (with bonus densities allowing for up to 10 units per acre), commercial, public and quasi-public facilities, and light industrial. The proposed commercial and residential development meets the intent of this policy.

- **Policy 2.1: Development Location**

The proposed development has existing or approved contiguous development to the north, south, east and west. To the north are the Corkscrew Village Shopping Center CPD and South Estero Commercial Center CPD, which consist of retail, office and storage uses. To the west, across US 41, is the Camargo Trust MPD, which is approved for a variety of commercial uses such as retail, office, an adult living facility and a hotel as well as residential uses. To the south of the subject property, across Williams Road is the Simon Suncoast DRI/MPD approved for retail, office, hotel and residential uses. To the east, separated from the proposed development by an existing railroad track, are uses consisting of a church, a golf course driving range, Estero High School and the Estero Community Park..

The proposed development serves as an infill to other existing or approved commercial areas and residential neighborhoods adjacent to and along Williams Road, Corkscrew Road and US 41 as well as the proposed Sandy Lane Extension. The proposed development is within an area where services are already available, and would effectively use the public investment of infrastructure in this area.

- **Policy 2.1.3: All Development Must Comply with the 2020 Overlay**

According to the Division of Planning, there is currently a sufficient allocation of commercial and residential acres in this area to support the proposed development. No change is being requested as part of the Comp Plan Amendment.

- **Policy 2.2.1: New Development To Provide Required Infrastructure**

All necessary infrastructure is available at or near the proposed project, and the developer will undertake any improvements that may be required to connect the project to these existing services.

- **Policy 4.1.1: Requires Developments To Be Well Integrated And Functional**

The proposed development is planned to be designed to function easily for both pedestrian and vehicular movement. Buildings and pedestrian ways will be located to achieve this purpose, and to create an aesthetically appealing project. The project will be designed as an integrated development with pedestrian and vehicular connections between uses, as well as uses integrated together to form a mixed-use village concept. The site has also been designed to locate the project access aligned with two Camargo Trust MPD access points along US 41 and the Simon Suncoast DRI access points along Williams Road.

- **Goal 5: Residential Uses**

The proposed development is an in-fill project with mixed use developments to the south and west. As a mixed use development, the project would make effective use of land for population accommodation.

- **Policy 5.1.2: Physical Constraints or Hazards**

All units will be built to appropriate elevations to minimize the risk of flood, and adequate water storage capacity will be provided on site.

- **Policy 5.1.3: Direct higher density residential development to certain areas:**

The proposed development is being submitted as a Mixed Planned Development creating an on site employment center. In addition, this development is located in close proximity to several large employment centers including the Coconut Point DRI to the south and the Corkscrew Village shopping center to the north. The Lee Tran bus system is also in close proximity with transit along US 41, Williams Road and Corkscrew Road.

- **Policy 5.1.5: Protect Existing and Future Residential Areas**

This rezoning implements Policy 5.1.5 by filling in a mixed use residential area with more mixed use residential development. This project will meet or exceed all buffer requirements of LDC Section 34-1045. There are no existing or proposed residential areas that would be negatively impacted by this land use change.

- **Goal 6: Commercial Land Uses**

The proposed commercial uses for this overall development are consistent with this plan goal.

- **Policy 6.1.1: Commercial Development Review Criteria**

The proposed development parcels located within this project will be reviewed for traffic and access, landscaping, screening and buffering, availability of service, compatibility and environmental considerations at the time of rezoning or through the submitted Application for Development Approval. The requested change from Suburban to Urban Community does not significantly impact the level or serve of roadways, utilities, or any other public service in Lee County.

- **Policy 6.1.3: Planned Development Requirements**

The proposed commercial uses are a DRI and the overall project is being submitted as a Mixed-Use Planned Development / Development of Regional Impact. The proposed Master Concept Plan and permitted uses ensure that the project will provide for visual harmony and screening, utilize joint parking, avoid negative impacts, and provide the necessary services and facilities.

- **Policy 6.1.4: Commercial Compatibility**

The commercial uses proposed for the property are compatible with the existing adjacent commercial properties to the north, and proposed development to the south and west. The design of the project, combined with the Property Development Regulations, will ensure compatibility between internal uses. Finally, the subject property will provide all additional buffers as required by the land development code, and the Estero Overlay districts.

- **Policy 6.1.5: Commercial Traffic-Carrying Capacity**

This design of this project will protect the traffic-carrying capacity of the roads and streets by clustering similar uses both internally and to adjacent properties, observing setback requirements of existing rights-of-way as specified in the Property Development Regulations and the addition of acceleration and deceleration lanes at entryways along US 41, Sandy Lane and Williams Road. By use of internal roads the project will connect US 41 to the Sandy Lane Extension. By extending the Corkscrew Village frontage Road along US 41, the project also utilizes shared access connecting Williams Road to Corkscrew Road through the commercial planned development to the north. This frontage road will aid traffic flow along US 41 by providing a full access point for shoppers at Corkscrew Village going south on US 41.

- **Policy 6.1.6: Commercial LDR's**

The commercial parcels will meet the landscaping and architectural regulations contained within the Land Development Code and the Estero Overlay Districts. Additionally, the project's Property Development Regulations have been established to ensure adequate open space, setbacks and spacing.

- **Goal 11: Water, Sewer, Traffic and Environmental Review**

The proposed development will be proven to be consistent with Goal 11 through the provision of letters of capacity and availability of service from the water and sewer providers. In addition, a Traffic Impact Statement and an Environmental Assessment that examines the existing conditions and impacts were submitted as part of this application.

- **Goal 19: Estero Community Plan**

The proposed project meets the intent of the Estero Vision – *"...Estero's growth will be planned as a village, establishing defined areas for tasteful shopping, service and entertainment, while protecting and encouraging residential neighborhoods that encourage a sense of belonging..."* The Vision Statement for the Estero Community calls for growth to be planned as a "village". The intent of this statement was to promote areas that are mixed use and pedestrian oriented in nature. Several Policies, including Policy 19.1.4, 19.2.3, 19.2.6, 19.3.2 were written to promote the idea of a

town center or mixed use walkable communities in Estero. It is not possible to create a town commons-type development in a land use category that promotes "Suburban-type" development.

The project, through creative site design, will utilize pedestrian pathways and amenities, along with strict architectural and landscape standards, to create a pedestrian oriented village along Sandy Lane, a corridor of special concern to the community.

- **Policy 19.1.4:** The proposed DRI attached to this Plan Amendment is designed to act as a "town commons". It is being submitted as a mixed-use development that emphasizes pedestrian and bicycle movement as well as automobile traffic. The plan is to integrate this project into the development of the Estero Community Park, to the north along Sandy Lane, and create a walkable mixed-use main street.

- **Objective 19.2: Commercial Land Uses**

The proposed development will need to maintain a unified architectural theme that is in full compliance with the proposed Sandy Lane and US 41 Overlay districts. The proposed land use change is compatible with all adjacent uses – commercial and mixed use developments.

- **Policy 19.2.2:** Proposed development will need to meet site location standards.

- **Objective 19.5: Public Participation**

We have had several informal meetings with local residents and will have a formal meeting with the Estero Community Planning Panel prior to the Application for Development Approval being found sufficient. Any development that occurs on this property will need to meet with the community in order to ensure that development meets the intent of the Estero vision.

- **Objective 19.6.4: Estero Community Park**

The intent of the North Point development is to sculpt the existing lake in to an amenity feature drawing pedestrians from Sandy Lane into the site. Through pedestrian and bicycle connections, the lake amenity will be integrated into the nearby Estero Community Park, ensuring that the Park will fulfill its role as a hub for development of the town center that Policy 19.1.4 also envisions. Changing the land use category from Suburban to Urban Community will provide for this opportunity.

- **Goal 77: Resource Protection**

The proposed development has demonstrated compliance with this Goal through the submission of the Environmental Analysis and Protected Species Survey. The proposed project will incorporate all applicable land development regulations and other permit requirements as the project proceeds through the zoning and development order process.

Additional Lee Plan Policies that apply specifically to the proposed development can be found in the Lee County Application for Public Hearing or the Application for Development Approval.

QUESTION E 3

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

There are no local governments in close enough proximity to be affected by this plan amendment.

QUESTION E 4

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

REGIONAL POLICY PLAN

Housing

Goal 1 – Supply of Affordable Housing.

The proposed development implements this Goal and **action number 4**, combining commercial and residential uses to promote housing opportunities in close proximity to commercial development. North Point is being proposed as a mixed-use development with a housing element. The provision of housing will provide for some of the multi-family housing demand that exists in the South Lee area.

Goal 2 – Livable Communities

The North Point proposal directly implements Actions 1-3 by creating a mixed-use pedestrian oriented village development. As Map H shows, this application proposes housing opportunities in close proximity to retail and office uses (**Action 2**), diverse modes of transportation including pedestrian and bicycle paths in an integrated development (**Action 3**). North Point is located in an in-fill area, with existing or approved development on all sides, efficiently using existing infrastructure (**Action 1**).

Economic Development

Goal 1, Strategy 3 – Maintain the physical infrastructure to meet growth demands.

The proposed development is in an in-fill area where infrastructure and services are available. The project is in close proximity to public facilities, and the mixed use nature of the development will ensure that impacts to public facilities are minimized. In addition, this development will be required to pay impact fees for new public facilities based on the impact of this project.

Goal 1, Strategy 4 – Ensure adequacy of lands for commercial land industrial centers, with suitable service provided

The proposed North Point development is for a commercial mixed-use center that will promote the goal of economic development in Lee County. The location of North Point is a "suitable urban area" based on the surrounding uses and existing infrastructure.

Transportation

Goal 1, Strategy 3 – Promote Smart Growth where residential communities are linked with job centers.

The mixed-use nature of this proposed development implements this smart growth idea. One of the tenants of smart growth is to provide for linkages of residential areas to employment centers and retail areas. The North Point DRI plan proposed residential areas as either adjacent to or integrated with

office and retail uses. A system of pedestrian and bicycle ways will be developed, linking the residential with the commercial areas and creating a multi-modal environment.

Goal 2, Strategy 1 – Promote a good environment for driving, walking bicycling, and public transit using a highly connected network of public streets, green space, and community centers.

The proposed pedestrian and bicycle linkages will connect the project's mixed use village and lake from walkway, with Sandy Lane and the Estero Community Park. The proposed plan is to create a walkable community.

STATE COMPREHENSIVE PLAN

The proposed North Point development is consistent with the State Comprehensive Plan. Below are specific policies as they relate to this proposed development.

(5) Housing

The proposed development will provide housing as part of this mixed-use project. In addition to increasing the housing supply and diversifying the area's housing stock, through the ADA the applicant will need to conduct an Affordable Housing study.

(10) Natural Systems and Recreational Lands

The proposed development does not impact any natural resources or species on or off site.

(15) Land Use

Policy (b) (1) - Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.

North Point is an in-fill project, and would make efficient use of existing infrastructure and services.

Policy (b) (3) - Enhance the livability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational activities.

The proposed development is mixed use in nature and as such will "enhance the livability and character of urban areas through the encouragement of attractive and functional mix of living, working, shopping, and recreational activities."

(17) Public Facilities

Policy (b) (1) - Provide incentives for developing land in a way that maximizes the uses of existing public facilities.

North Point is in an infill area and will maximize the use of existing public facilities.

QUESTION F 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.

As shown on Map 4, the subject property has access to two arterial roads, Corkscrew Road and US 41. In addition, the property is directly adjacent to Williams Road, a Major Collector, and the Sandy Lane extension, which runs through this site, also as a Major Collector. The site is also directly adjacent to the Seminole Gulf Railroad Tracks and is within two miles from I-75.

b. Provide data and analysis required by Policy 2.4.4,

Question 10 of the Application for Development Approval provides the data and analysis required by Lee Plan Policy 2.4.4.

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

As stated previously in this narrative, the proposed land use change would technically increase the amount of land that could be used for light industrial purposes. The Urban Community Land Use category allows for "limited light industrial uses". However, given the surrounding commercial uses and the proliferation of residential neighborhoods in the area, it is highly unlikely that the county would find an industrial project at this location to be compatible with the adjacent residential and commercial uses.

QUESTION 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.

Sound planning principles would suggest that Estero's core area, the area surrounding the intersection of Corkscrew Road and US 41, be of urban nature. In planning for unincorporated Lee County, residential density and commercial intensity should diminish west of US 41 closer to the Estero Bay, but remain at urban levels on the east side of US 41. This is reflected in the current Future Land Use Map. When we look at growth patterns in Lee County and the development of the Lee County Future Land Use Map, it is clear that development of slightly higher intensities was intended for the areas east of US 41, buffered from the coastal areas and areas prone to flooding, and west of I-75. This property is one of only a few minor exceptions in the FLUM designation of Urban Community along the east side of US 41 from Bonita Springs to South Fort Myers.

Smart Growth

Encouraging higher intensity commercial and higher density residential development on in-fill parcels is a common planning goal to control urban sprawl, and is explicitly stated in planning literature and smart growth efforts nation-wide (Attachment A). Accommodating population and the commercial needs of residential areas on properties that are located in urban areas and on properties that have already been impacted by agricultural uses in areas with existing infrastructure is also a common Smart Growth goal. If it is the intent of Lee County to alleviate some of the development pressure that exists on environmentally sensitive properties east of I-75 and west of US 41, the increasing development opportunities on properties such as the North Point site, will meet these goals.

In 2001, Lee County initiated the Smart Growth Task Force, with the intent of creating policies for growth management to preserve natural resources and maintain or improve the quality of life in Lee County. Attachment B outlines the Smart Growth Task Force's goals. North Point implements these goals by creating a mixed use, walkable community in an urban area on a parcel that has already been impacted by development.

NORTH POINT
CPA 2003-04 DRI
NORTH POINT LAKE FLUM AMENDMENT
CPA SUFFICIENCY RESPONSE

OCTOBER 3, 2003

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NEWSPAPER ARTICLE REGARDING COMMERCIAL DEVELOPMENT / REGIONAL MALLS

October 3, 2003

Ms. Brandy Gonzalez
Planner
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

Re: CPA 2003-04 DRI – North Point Lake FLUM Amendment

Dear Ms. Gonzalez:

Please accept the following information in response to your August 29, 2003 correspondence for the referenced project. The following responses are provided in order with respect to your correspondence.

The following comments pertain to Part IV of the application:

- A.5. Staff is requesting copies of an overall legal description and certified sketch of the perimeter of the area to be included in the proposed amendment. All documents should be suitable for recording. Staff received a property description as part of the submittal, however a legal description showing metes and bounds is required.**

Please see the attached Legal Description (8½" x 11") and the Boundary Survey that was submitted as part of the zoning application.

- A.6. Staff is requesting copies of the deeds for the properties subject to the requested change. Staff has been unable to verify that the strap numbers given in the application correspond with the deeds for the properties. Please provide clarification.**

Please see the attached deeds for the properties subject to the requested change.

B.3. Staff has not received letters as part of the submitted application from the appropriate agencies determining the following support facilities: Emergency Medical Service (EMS), Solid Waste, Mass Transit.

Please see the attached letter from the Division of Solid Waste. The letters from Emergency Medical Service (EMS) and Mass Transit are forthcoming and will be submitted prior to the LPA hearing.

F.1.b. Staff has not received the data and analysis required by Policy 2.4.4 as part of the application for a plan amendment. Although the application materials refer to the Application for Development Approval, the application requires the data and analysis as part of a comprehensive plan amendment application. This assists in planning staff's review as well as for the distribution of all application materials to the Local Planning Agency, the Board of County Commissioners, and the Department of Community Affairs.

Policy 2.4.4 deals with the impact of the proposed amendment on employment centers in Lee County. The Policy states:

Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board of County Commissioners in light of the locations and cumulative totals already designated for such uses, including the 1994 addition of 1400 acres to the Airport Commerce category just south of the Southwest Florida International Airport. (Added by Ordinance No. 97-05, Amended by Ordinances No. 00-22).

Although the Urban Community Land Use Category would technically allow for limited light industrial uses, the DRI plan of development shows that no industrial uses are planned for this site, and based on surrounding land uses it is highly unlikely industrial uses could be developed on this site. The subject property would not be an appropriate location for industrial uses due to surrounding and nearby commercial and residential developments and traffic. The 1,400 acres of Airport Commerce is projected to be predominately light industrial uses, and to the extent retail uses will exist at that location; they will likely be intended for pass-by traffic.

As outlined in the Comprehensive Plan Amendment narrative, the requested change to the land use category does not significantly increase the amount of retail uses allowed on the subject property. The requested change allows for a unified overall commercial development. The subject property, under the current Future Land Use Category and multiple ownership, could potentially develop at a greater intensity than that which is being requested as part of the Application for Development Approval.

Ms. Brandy Gonzalez
October 3, 2003

As a general rule, community level commercial uses will locate in close proximity to regional malls. These uses have created a synergy with regional malls and tend to capture a similar market. The need for this type of commercial development has been documented in the market analysis for Question 10-E of the Application for Development Approval, and is apparent in proximity to regional malls in other areas (see attached article).

If you should have any questions or require additional information, please advise.

Very truly yours,

BARRACO AND ASSOCIATES, INC.

*

Daniel DeLisi, AICP
Vice President of Planning

* Signed in his absence to avoid delay

DD/cmh

21786
Enclosure

PROPERTY DESCRIPTION:

A PARCEL OF LAND LOCATION IN THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, LOCATED EASTERLY OF FLORIDA STATE ROAD NO. 45 (U.S. HIGHWAY 41), A 200.00 FOOT RIGHT-OF-WAY, LOCATED WESTERLY OF THE SEABOARD COASTLINE RAILROAD RIGHT-OF-WAY, A 130.00 FOOT RIGHT-OF-WAY, AND LOCATED NORTHERLY OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, THE SAME POINT BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'47"W. ALONG THE SOUTH LINE OF THE SOUTHEAST ONE QUARTER OF SAID SECTION 33 AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, FOR A DISTANCE OF 125.83 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE S.88°20'47"W. ALONG THE SOUTH LINE OF THE SOUTHEAST ONE QUARTER OF SAID SECTION 33 AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD FOR A DISTANCE OF 1,013.49 FEET TO THE BEGINNING OF A TANGENTIAL CURVE, CONCAVE NORTHERLY; THENCE LEAVING THE SOUTH LINE OF THE SOUTHEAST ONE QUARTER OF SAID SECTION 33, RUN WESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 6,950.00 FEET, SUBTENDED BY A CHORD OF 363.86 FEET AT A BEARING OF S89°50'47"W, FOR A DISTANCE OF 363.90 FEET TO THE END OF SAID CURVE; THENCE RUN N88°39'13"W ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, FOR A DISTANCE OF 669.62 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF FLORIDA STATE ROAD NO. 45 (U.S. HIGHWAY 41), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N04°52'17"E ALONG THE EASTERLY RIGHT-OF-WAY LINE OF FLORIDA STATE ROAD NO. 45 (U.S. HIGHWAY 41), FOR A DISTANCE OF 2,622.23 FEET, TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N88°25'51"E ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,337.20 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S10°28'17"E, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 2,679.52 FEET, TO THE POINT OF BEGINNING; CONTAINING 102.572 ACRES, MORE OR LESS.

OAKBROOK

PROPERTIES, INC.

September 30 2003

Sent Via Rush Messenger

Daniel DeLisi
Barraco & Associates
2271 McGregor Blvd.
Fort Myers, FL 33902-2800

Re: Deeds for North Point

Dear Dan:

Enclosed are copies of the following deeds:

Parcel #	Owner of Record	OR/PG Lee County
33-46-25-00-00019.0000	Richard E. Mulligan	862/148
33-46-25-00-00019.0030	Spanish Lakes, Inc. Tr.	03997/3729
33-46-25-00-00019.0030	Spanish Lakes Inc. Tr.	03997/3731
33-46-25-00-00019.0030	Spanish Lakes Inc. Tr.	03997/3733
33-46-25-00-00019.004A	Esteros Lakes Development Inc.	03305/1682
33-46-25-00-00019.0040	Richard E. Mulligan, Trustee	863/227
33-46-25-00-00019.0050	Near West Inc.	1678/2233
33-46-25-00-00019.0060	Richard E. Mulligan, Trustee	863/227
33-46-25-00-00019.0080	Richard E. Mulligan, Trustee	863/227
33-46-25-00-00019.0090	Esteros Lakes Development Inc.	03443/2226
33-46-25-00-00021.0000	Bernard J. DeWolfe & Allen H. Johnson, Co-Trustees	2901/0917

I have enclosed a map of the area for reference.

If any questions, please call.

Cordially,


Ronald C. Dillon
Vice President
Florida Operations

Enclosures

Prepared By Marianne Jackowski
Executive Title Insurance Services, Inc.
4049 Del Prado Blvd. Cape Coral, FL 33904
incidental to the issuance of a title insurance policy.
File #: 1-00-1621
Parcel ID #: 33-46-25-00-00019.004A
Grantee(s) SS #: 36-436-77351

INSTR # 4965328
OR BK 03305 PG 1682

RECORDED 09/25/2003 04:16 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DOC TAX 0000000000000000 0.00
DEPUTY CLERK M Robinson

WARRANTY DEED (INDIVIDUAL)

This WARRANTY DEED, dated this 11th day of September, 2000
by

Massoumeh Rayatkah, F/K/A Massoumeh Dowlaty

whose post office address is

5364 Ehrlich Rd #184, Tampa, Florida 33624

hereinafter called the GRANTOR, to

Estero Lakes Development, Inc., a ~~Florida~~ ^{Delaware} Corporation

whose post office address is

Delaware

2 Transam Plaza Suite 200 Oakbrook Terrace, IL 60181

hereinafter called the GRANTEE:

(Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

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

The South half (S 1/2) of the South 220 feet of the North half (N 1/2) of the South half (S 1/2) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 33, Township 46 South, Range 25 East, lying East of the Tamiami Trail (State Road Number 45).

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any member of the household of Grantor(s) reside thereon.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2000 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

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

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

AND THE GRANTOR hereby covenants with said GRANTEE that except as above noted, the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.



✓ This instrument prepared without opinion by:
J. Stephen Crawford, Esq.
28000 Spanish Wells Boulevard
Bonita Springs, Florida 34135

INSTR # 5897242
Official Records BK 03997 PG 3729
RECORDED 07/10/2003 02:16:53 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 0.70
DEPUTY CLERK C Keller

FOR USE OF CLERK.

TRUSTEE'S DEED

This Trustee's Deed made on July 1, 2003, by

James J. McArdle, Trustee,

individually and as trustee of the David Andrew McArdle Trust, dated December 30, 1969, whose Post Office address is 9860 Costa Mesa Lane, Bonita Springs, Florida 34135, hereinafter called Grantor, to

Spanish Lakes, Inc.,

a Florida corporation, whose Post Office address is 24880 Burnt Pines Drive, Bonita Springs, Florida 34134; hereinafter called Grantee, witnesseth:

Whereas, Grantor's predecessor, as holder of one-third of the outstanding stock of Sweetwater Ranch, Inc., a Delaware corporation, received as a distribution pursuant to a Plan of Complete Liquidation of said corporation an undivided one-third interest in all of the net assets of said corporation; and

Whereas, the distributable assets of said corporation included title to the South $\frac{1}{2}$ of the South $\frac{1}{2}$ of the of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 33, Township 47 South, Range 25 East, lying East of the Tamiami Trail (S.R. No. 45), in Lee County, Florida; and

Whereas, the deed from said corporation to the Grantor described said property as being the South 330 feet of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 33, Township 47 South, Range 25 East, lying East of the Tamiami Trail (S.R. No. 45), in Lee County, Florida, thereby leaving a gap of from 1.26± feet to 1.13± feet between the Northern boundary of the land owned by said corporation and to have been conveyed pursuant to the Plan of Complete Liquidation and the Northern boundary of the land described in the deed from said corporation to the Grantor's predecessor in interest as recorded on April 20, 1993 in Official Records Book 2379 at page 1018 in the Public Records of Lee County, Florida; and

Whereas, the Grantor sold and intended to convey to Grantee all of the land received or to have been received pursuant to the Plan of Complete Liquidation of said corporation; and

Whereas, the Grantor wishes to eliminate the gap above described has executed and delivered this deed to correct the description in that certain deed from Gran-

tor to Grantee recorded November 20, 2001 in Official Records Book 3524 at page 522 in the Public Records of Lee County, Florida.

Now. Therefore, Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable considerations received, hereby releases, conveys and quit-claims unto Grantee all rights, title, and interest, of Grantor in the real property situated in Lee County, Florida, more particularly described as follows:

South ½ of the South ½ of the of the Southwest ¼ of the Southeast ¼ of Section 33, Township 47 South, Range 25 East, lying East of the Tamiami Trail (S.R. No. 45), in Lee County, Florida.

Together With all easements, tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Subject To any valid rights-of-way, easements, restrictions covenants and reservations that are of record, or that an inspection would disclose; and to taxes for the current and subsequent years.

To Have and To Hold the same unto the Grantee, its successors and assigns, in fee simple forever.

The Property herein described and conveyed is not the homestead or a part of the homestead of Grantor.

In Witness Whereof, the Grantor executed this instrument as of the date first above written.

Signed, Sealed and Delivered, in the presence of:

Angus M. Kuehl
Print Name: Angus M. Kuehl

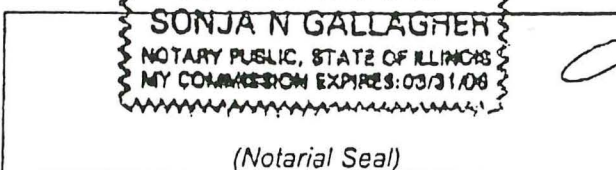
David A. McArdle
Print Name: David A. McArdle

James J. McArdle
James J. McArdle, Trustee

Property ID #

State of Illinois
County of Lane

I hereby certify that on July 1, 2003, before me, an officer duly qualified to take acknowledgments, personally appeared James J. McArdle, identified to me by _____, who acknowledged on oath the execution of the foregoing instrument.



Sonja N. Gallagher
Notary Public, State of Illinois
Name: _____
Commission No.: 376644
Expiration Date: 3-31-06

INSTR # 5212970

OR BK 03469 PG 1859

RECORDED 09/15/01 04:53 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTYRECORDING FEE 10.50
DOC TAX 90(F.S. 201.02) 0.70
DEPUTY CLERK B Cruz

②
This instrument prepared by:
J. Stephen Crawford, Esq.
28000 Spanish Wells Boulevard
Bonita Springs, Florida 34135

FOR USE OF CLERK

TRUSTEE'S DEED

This Trustees' Deed made on July 25, 2001, by

James J. McArdle,

individually and as successor trustee to Leslie R. Bishop as trustee of the David Andrew McArdle Trust, under Agreement dated December 30, 1969, whose Post Office address is 9860 Costa Mesa Lane, Bonita Springs, Florida 34135, hereinafter called Grantor, to

David Andrew McArdle,

whose Post Office address is c/o Oakbrook Properties, 24880 Burnt Pines Drive, Bonita Springs, Florida 34134, hereinafter called Grantee, witnesseth:

Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable considerations received, hereby release, convey and quitclaim unto Grantee an undivided one-third (1/3rd) interest in and to the real property situated in Section 33, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as follows:

The South 330 feet of that portion of the East ½ of the Southeast ¼ lying West of the Atlantic Coast Line Railroad right-of-way, and the South 330 feet of that portion of the South ½ of the Southwest ¼ of the Southeast ¼ lying East of the Tamiami Trail (S. R. 45), in Section 33, Township 46 South, Range 25 East, Lee County, Florida,

Less and except that part of the aforescribed land conveyed from Sweetwater Ranch, Inc. to The School Board of Lee County, Florida, by Warranty Deed, dated February 27, 1987, as recorded in Official Records Book 1917 at page 1850 of the Public Records of Lee County, Florida.

Together With all the easements, tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Subject To any valid rights-if-way, easements, restrictions covenants and reservations that are of record, or that an inspections would disclose; and to taxes for the current and subsequent years.

To Have and To Hold the same unto the Grantee, his heirs and assigns, in fee simple forever.

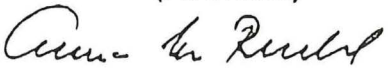
This property is not the homestead of Grantor.

In Witness Whereof, the Grantor executed this instrument as of the date first above written.

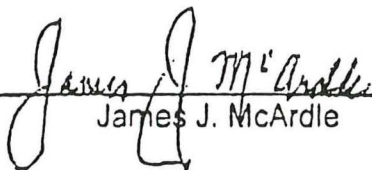
Signed, Sealed and Delivered, in the presence of:


(Signature)

THOMAS J. KELLY
(Print Name)


(Signature)

Anna M Ruchel
(Print Name)

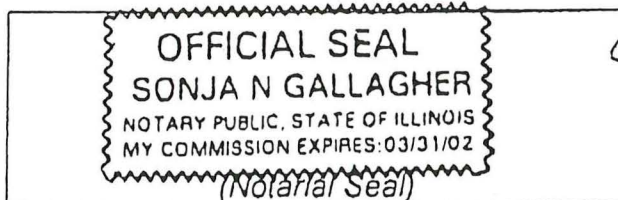

James J. McArdle

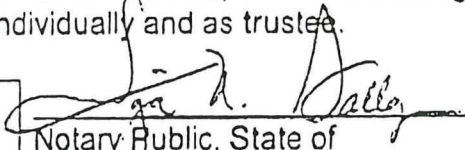
Grantees' Tax ID #

Property ID # 33-46-25-00-00019.0030

State of Illinois
County of Kan

I hereby certify that on July 6th, 2001, before me, an officer duly qualified to take acknowledgments, personally appeared James J. McArdle, who acknowledged on oath the execution of the foregoing instrument individually and as trustee.




Notary Public, State of
Name:
Commission No.: 376644
Expiration Date: 3-31-02

INSTR # 5212971

OR BK 03469 PG 1861

This instrument prepared by:
J. Stephen Crawford, Esq.
28000 Spanish Wells Boulevard
Bonita Springs, Florida 34135

RECORDED 09/25/03 04:52 PM
CHARLES GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DOC TAX 2012.92M.000 3.70
CLERK'S OFFICE

FOR USE OF CLERK

TRUSTEE'S DEED

This Trustees' Deed made on July 25, 2001, by

James J. McArdle,

individually and as successor trustee to Leslie R. Bishop as trustee of the Mark Edward McArdle Trust, under Agreement dated December 30, 1969, whose Post Office address is 9860 Costa Mesa Lane, Bonita Springs, Florida 34135, hereinafter called Grantor, to

Mark Edward McArdle,

whose Post Office address is c/o Oakbrook Properties, 24880 Burnt Pines Drive, Bonita Springs, Florida 34134, hereinafter called Grantee, witnesseth:

Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable considerations received, hereby release, convey and quitclaim unto Grantee an undivided one-third (1/3rd) interest in and to the real property situated in Section 33, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as follows:

The South 330 feet of that portion of the East ½ of the Southeast ¼ lying West of the Atlantic Coast Line Railroad right-of-way, and the South 330 feet of that portion of the South ½ of the Southwest ¼ of the Southeast ¼ lying East of the Tamiami Trail (S. R. 45), in Section 33, Township 46 South, Range 25 East, Lee County, Florida,

Less and except that part of the aforescribed land conveyed from Sweetwater Ranch, Inc. to The School Board of Lee County, Florida, by Warranty Deed, dated February 27, 1987, as recorded in Official Records Book 1917 at page 1850 of the Public Records of Lee County, Florida.

Together With all the easements, tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Subject To any valid rights-if-way, easements, restrictions covenants and reservations that are of record, or that an inspections would disclose; and to taxes for the current and subsequent years.

To Have and To Hold the same unto the Grantee, his heirs and assigns, in fee simple forever.

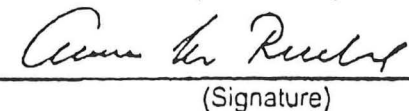
This property is not the homestead of Grantor.

In Witness Whereof, the Grantor executed this instrument as of the date first above written.

Signed, Sealed and Delivered, in the presence of:


(Signature)

Thomas J. Kelly
(Print Name)


(Signature)

Anna M. Ruehl
(Print Name)

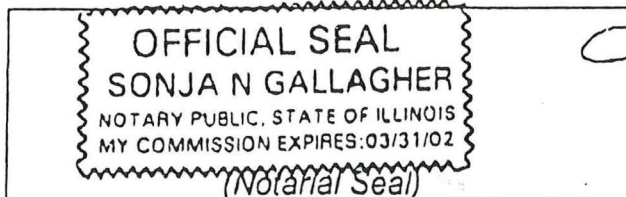

James J. McArdle

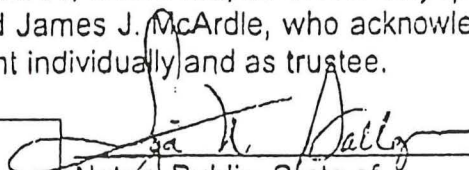
Grantees' Tax ID #

Property ID # 33-46-25-00-00019.0030

State of Illinois
County of Kane

I hereby certify that on July 6, 2001, before me, an officer duly qualified to take acknowledgments, personally appeared James J. McArdle, who acknowledged on oath the execution of the foregoing instrument individually and as trustee.




Notary Public, State of
Name:
Commission No.: 376644
Expiration Date: 3-31-02



This instrument prepared without opinion by:

J. Stephen Crawford, Esq.
28000 Spanish Wells Boulevard
Bonita Springs, Florida 34135

INSTR # 5897243

Official Records BK 03997 PG 3731

RECORDED 07/18/2003 02:16:53 PM

CHARLIE GREEN, CLERK OF COURT
LEE COUNTY

RECORDING FEE 10.50

DEED DOC 0.70

DEPUTY CLERK C Keller

FOR USE OF CLERK

TRUSTEE'S DEED

This Trustee's Deed made on July 1, 2003, by

James J. McArdle, Trustee,

individually and as trustee of the Mark Edward McArdle Trust, dated December 30, 1969, whose Post Office address is 9860 Costa Mesa Lane, Bonita Springs, Florida 34135, hereinafter called Grantor, to

Spanish Lakes, Inc.,

a Florida corporation, whose Post Office address is 24880 Burnt Pines Drive, Bonita Springs, Florida 34134, hereinafter called Grantee, witnesseth:

Whereas, Grantor's predecessor, as holder of one-third of the outstanding stock of Sweetwater Ranch, Inc., a Delaware corporation, received as a distribution pursuant to a Plan of Complete Liquidation of said corporation an undivided one-third interest in all of the net assets of said corporation; and

Whereas, the distributable assets of said corporation included title to the South ½ of the South ½ of the of the Southwest ¼ of the Southeast ¼ of Section 33, Township 47 South, Range 25 East, lying East of the Tamiami Trail (S.R. No. 45), in Lee County, Florida; and

Whereas, the deed from said corporation to the Grantor described said property as being the South 330 feet of the South ½ of the Southwest ¼ of the Southeast ¼ of Section 33, Township 47 South, Range 25 East, lying East of the Tamiami Trail (S.R. No. 45), in Lee County, Florida, thereby leaving a gap of from 1.26± feet to 1.13± feet between the Northern boundary of the land owned by said corporation and to have been conveyed pursuant to the Plan of Complete Liquidation and the Northern boundary of the land described in the deed from said corporation to the Grantor's predecessor in interest as recorded on April 20, 1993 in Official Records Book 2379 at page 1018 in the Public Records of Lee County, Florida; and

Whereas, the Grantor sold and intended to convey to Grantee all of the land received or to have been received pursuant to the Plan of Complete Liquidation of said corporation; and

Whereas, the Grantor wishes to eliminate the gap above described has executed and delivered this deed to correct the description in that certain deed from Gran-

tor to Grantee recorded November 20, 2001 in Official Records Book 3524 at page 518 in the Public Records of Lee County, Florida.

Now. Therefore, Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable considerations received, hereby releases, conveys and quit-claims unto Grantee all rights, title, and interest, of Grantor in the real property situated in Lee County, Florida, more particularly described as follows:

South ½ of the South ½ of the of the Southwest ¼ of the Southeast ¼ of Section 33, Township 47 South, Range 25 East, lying East of the Tamiami Trail (S.R. No. 45), in Lee County, Florida.

Together With all easements, tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Subject To any valid rights-of-way, easements, restrictions covenants and reservations that are of record, or that an inspection would disclose; and to taxes for the current and subsequent years.

To Have and To Hold the same unto the Grantee, its successors and assigns, in fee simple forever.

The Property herein described and conveyed is not the homestead or a part of the homestead of Grantor.

In Witness Whereof, the Grantor executed this instrument as of the date first above written.

Signed, Sealed and Delivered, in the presence of:

Anna M. Ruehl
Printed Name: Anna M. Ruehl
David A. McArdle
Printed Name: David A. McArdle

James J. McArdle
James J. McArdle, Trustee
Property ID#

State of Illinois
County of Kane

I hereby certify that on July 1, 2003, before me, an officer duly qualified to take acknowledgments, personally appeared James J. McArdle, identified to me by _____, who acknowledged on oath the execution of the foregoing instrument.



[Signature]
Notary Public, State of Illinois
Name: _____
Commission No.: 376644
Expiration Date: 3-31-06

INSTR # 5212972
OR BK 03469 PG 1863

This instrument prepared by:
J. Stephen Crawford, Esq.
28000 Spanish Wells Boulevard
Bonita Springs, Florida 34135

RECORDED 10/15/01 04:53 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE \$10.50
DOC TAX \$0.00
CLERK'S FEE \$0.75

FOR USE OF CLERK

TRUSTEE'S DEED

This Trustees' Deed made on July 25, 2001, by

James J. McArdle,

individually and as successor trustee to Leslie R. Bishop as trustee of the Megan Mary McArdle Trust, under Agreement dated December 30, 1969, whose Post Office address is 9860 Costa Mesa Lane, Bonita Springs, Florida 34135, hereinafter called Grantor, to

Megan Mary McArdle,

whose Post Office address is c/o Oakbrook Properties, 24880 Burnt Pines Drive, Bonita Springs, Florida 34134, hereinafter called Grantee, witnesseth:

Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable considerations received, hereby release, convey and quitclaim unto Grantee an undivided one-third (1/3rd) interest in and to the real property situated in Section 33, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as follows:

The South 330 feet of that portion of the East ½ of the Southeast ¼ lying West of the Atlantic Coast Line Railroad right-of-way, and the South 330 feet of that portion of the South ½ of the Southwest ¼ of the Southeast ¼ lying East of the Tamiami Trail (S. R. 45), in Section 33, Township 46 South, Range 25 East, Lee County, Florida,

Less and except that part of the aforescribed land conveyed from Sweetwater Ranch, Inc. to The School Board of Lee County, Florida, by Warranty Deed, dated February 27, 1987, as recorded in Official Records Book 1917 at page 1850 of the Public Records of Lee County, Florida.

Together With all the easements, tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Subject To any valid rights-if-way, easements, restrictions covenants and reservations that are of record, or that an inspections would disclose; and to taxes for the current and subsequent years.

To Have and To Hold the same unto the Grantee, her heirs and assigns, in fee simple forever.

This property is not the homestead of Grantor.

In Witness Whereof, the Grantor executed this instrument as of the date first above written.

Signed, Sealed and Delivered, in the presence of:


(Signature)

THOMAS J. KELLY
(Print Name)


(Signature)

Anna M. Ruehl

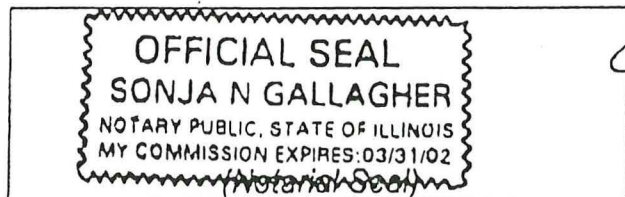
(Print Name)

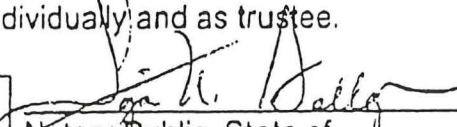
Grantees' Tax ID #

Property ID # 33-46-25-00-00019.0030

State of Illinois
County of Kane

I hereby certify that on ^{Aug.} ~~July~~ 1st, 2001, before me, an officer duly qualified to take acknowledgments, personally appeared James J. McArdle, who acknowledged on oath the execution of the foregoing instrument individually and as trustee.




Notary Public, State of
Name:

Commission No.: 376644

Expiration Date: 3-31-02



✓ This instrument prepared without opinion by:
J. Stephen Crawford, Esq.
28000 Spanish Wells Boulevard
Bonita Springs, Florida 34135

INSTR # 5897244
Official Records BK 03997 PG 3733
RECORDED 07/18/2003 02:16:53 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 0.70
DEPUTY CLERK C Keller

FOR USE OF CLERK.

TRUSTEE'S DEED

This Trustee's Deed made on July 1, 2003, by

James J. McArdle, Trustee,

individually and as trustee of the Megan Mary McArdle Trust, dated December 30, 1969, whose Post Office address is 9860 Costa Mesa Lane, Bonita Springs, Florida 34135, hereinafter called Grantor, to

Spanish Lakes, Inc.,

a Florida corporation, whose Post Office address is 24880 Burnt Pines Drive, Bonita Springs, Florida 34134, hereinafter called Grantee, witnesseth:

Whereas, Grantor's predecessor, as holder of one-third of the outstanding stock of Sweetwater Ranch, Inc., a Delaware corporation, received as a distribution pursuant to a Plan of Complete Liquidation of said corporation an undivided one-third interest in all of the net assets of said corporation; and

Whereas, the distributable assets of said corporation included title to the South $\frac{1}{2}$ of the South $\frac{1}{2}$ of the of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 33, Township 47 South, Range 25 East, lying East of the Tamiami Trail (S.R. No. 45), in Lee County, Florida; and

Whereas, the deed from said corporation to the Grantor described said property as being the South 330 feet of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 33, Township 47 South, Range 25 East, lying East of the Tamiami Trail (S.R. No. 45), in Lee County, Florida, thereby leaving a gap of from 1.26± feet to 1.13± feet between the Northern boundary of the land owned by said corporation and to have been conveyed pursuant to the Plan of Complete Liquidation and the Northern boundary of the land described in the deed from said corporation to the Grantor's predecessor in interest as recorded on April 20, 1993 in Official Records Book 2379 at page 1018 in the Public Records of Lee County, Florida; and

Whereas, the Grantor sold and intended to convey to Grantee all of the land received or to have been received pursuant to the Plan of Complete Liquidation of said corporation; and

Whereas, the Grantor wishes to eliminate the gap above described has executed and delivered this deed to correct the description in that certain deed from Gran-

tor to Grantee recorded November 20, 2001 in Official Records Book 3524 at page 526 in the Public Records of Lee County, Florida.

Now. Therefore, Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable considerations received, hereby releases, conveys and quit-claims unto Grantee all rights, title, and interest, of Grantor in the real property situated in Lee County, Florida, more particularly described as follows:

South ½ of the South ½ of the of the Southwest ¼ of the Southeast ¼ of Section 33, Township 47 South, Range 25 East, lying East of the Tamiami Trail (S.R. No. 45), in Lee County, Florida.

Together With all easements, tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Subject To any valid rights-of-way, easements, restrictions covenants and reservations that are of record, or that an inspection would disclose; and to taxes for the current and subsequent years.

To Have and To Hold the same unto the Grantee, its successors and assigns, in fee simple forever.

The Property herein described and conveyed is not the homestead or a part of the homestead of Grantor.

In Witness Whereof, the Grantor executed this instrument as of the date first above written.

Signed, Sealed and Delivered, in the presence of:

Angela M. Ruchel
Printed Name: Angela M. Ruchel

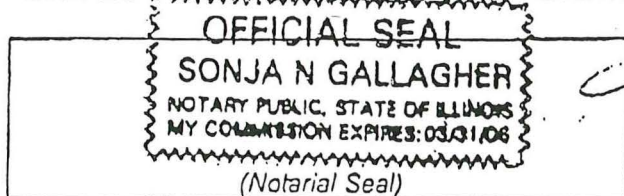
David A. McArdle
Printed Name: David A. McArdle

James J. McArdle
James J. McArdle, Trustee

Property ID #

State of Illinois,
County of Franklin

I hereby certify that on July 1, 2003, before me, an officer duly qualified to take acknowledgments, personally appeared James J. McArdle, identified to me by _____, who acknowledged on oath the execution of the foregoing instrument.



[Signature]
Notary Public, State of Illinois
Name: _____
Commission No.: 376644
Expiration Date: 3/31/06

This Instrument Prepared by:
Robert D. Royston, Jr., Esq.
COSTELLO, SIMS & ROYSTON
P. O. Drawer 60205
Fort Myers, FL 33906

Return to:
Robert D. Royston, Jr., Esq.
COSTELLO, SIMS & ROYSTON
P. O. Drawer 60205
Fort Myers, FL 33906-6205

Property Appraiser's Parcel Number:
TPIN of Grantee: 36-4367735

INSTR # 5176728
OR BK 03443 PG 2226
RECORDED 07/03/01 04:55 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DOC TAX PD (F.S. 201.02) 2,120.50
DEPUTY CLERK C Kallier

33-46-25-00-00019.0090

ESTEROS LAKES DEVELOPMENT

Warranty Deed

THIS INDENTURE, made this 2nd day of July, 2001 between RICHARD E. MULLIGAN, individually and as trustee, GRANTOR, and ESTERO LAKES DEVELOPMENT, INC., a Delaware corporation, whose mailing address is 251880 RUMPTINE DR. #8, ROUTE SPRINGS FL 34134, GRANTEE;

WITNESSETH: That said GRANTOR, for and in consideration of the sum of TEN AND 00/100 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:

See the legal description attached as Exhibit "A" hereto.

SUBJECT TO THE EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

THE PROPERTY IS NOT THE HOMESTEAD OR CONTIGUOUS TO THE HOMESTEAD OF GRANTOR

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

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:

(First Witness to RICHARD E. MULLIGAN)

(Printed Name of First Witness) ROBERT D. ROYSTON, JR.

(Second Witness to RICHARD E. MULLIGAN)

(Printed Name of Second Witness) GREGORY F. TOTH

(Signature of RICHARD E. MULLIGAN, individually and as trustee)

Post Office Address of Granior:

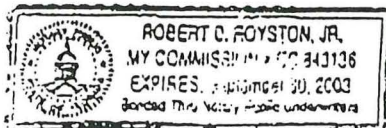
78 Chardon Place
Naples, FL 34110

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 2nd day of July, 2001, by RICHARD E. MULLIGAN, individually and as trustee.

My Commission Expires:

(SEAL)



(Signature of Notary Public, State of Florida)
ROBERT D. ROYSTON, JR.
(printed name of notary)

Personally Known _____ OR Produced Identification _____
Type of Identification Produced FL-D.C.

EXHIBIT "A" - LEGAL DESCRIPTION OF THE PROPERTY

THAT PORTION OF THE SOUTH HALF OF THE SOUTH 220 FEET OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, LYING WESTERLY OF THE SEABOARD COASTLINE RAILROAD RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°20'45"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1321.93 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N.01°07'21"W. ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 331.14 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33 AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.01°07'21"W. ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 110.00 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTH 220.00 FEET OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N.88°21'23"E., ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH 220.00 FEET OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1123.66 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY, AS THE SAME IS RECORDED IN DEED BOOK 68 AT PAGE 77 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.10°27'56"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID RAILROAD, FOR A DISTANCE OF 111.32 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN S.88°21'23"W., ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1141.73 FEET TO THE POINT OF BEGINNING CONTAINING 2.860 ACRES, MORE OR LESS.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°20'45"W.

15.00
x 20
4.00

PREPARED BY AND RETURN TO:
THOMAS G. ECKERTY, ESQUIRE
12734 Kenwood Lane, Suite 39
Fort Myers, FL 33907-5638

Strap No. 33-16-25-00-0021 0000

Recording: \$

4295876

RECORD VERIFIED CHARLIE GREEN, CLERK
SUSAN THOMPSON

Documentary Tax \$ 70
Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
SUSAN THOMPSON, Deputy Clerk

0R2901 PG0917

THIS INSTRUMENT WAS PREPARED
WITHOUT THE BENEFIT OF LEGAL
OPINION OR TITLE EXAMINATION

THIS WARRANTY DEED made this 1st day of December, 1997, by

BERNARD J. DeWOLFE, and ALLEN H. JOHNSON, Individually and as Co-Trustees,

whose post office address is 16053 Tamiar Trail, S, Suite 103, Fort Myers, Florida 33908, hereinafter called the Grantor, to

BERNARD J. DeWOLFE, Trustee, ALLEN H. JOHNSON, Trustee, and MARVIN L. METHENY, Trustee, as Co-Trustees, under the U S 41 Trust V, dated May 23, 1988, with full power and authority to protect, conserve, sell, lease, encumber or otherwise manage and dispose of said property as provided in Florida Statute 689.071,

whose post office address is 16050 Tamiar Trail, S, Suite 103, Fort Myers, Florida 33908, hereinafter called the Grantee;

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

That portion of the NW 1/4 of the SE 1/4 of Section 33, Township 46 South,
Range 25 East, located East of State Road 45 (US Highway 41), Lee
County, Florida.

This land is not now nor has it ever been the legal homestead of the
Grantor, nor is it contiguous to the homestead of the Grantor.

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

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

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land
in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby
warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever,
and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1996.

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

Signed, sealed and delivered in the presence of:

[Signature]
Print name Bernard J. DeWolfe

[Signature]
Bernard J. DeWolfe, individually and as Trustee

[Signature]
Print name Marvin L. Metheny

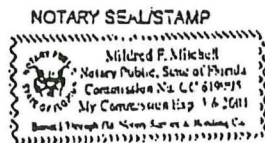
Print name _____

[Signature]
Allen H. Johnson, individually and as Trustee

Print name _____

STATE OF FLORIDA)
) §:
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 19th day of December, 1997, by BERNARD J. DeWOLFE, individually and as Co-Trustee, under the U S 41 Trust V, dated May 23, 1988, who is personally known to me, and who did/did not take an oath.



Mildred F. Mitchell
Notary Public
Print Name: Mildred F. Mitchell
Commission No.: CC 619995
My Commission Expires: 3/6/2001

0R2901 PG0918

STATE OF FLORIDA)
) §:
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this ____ day of December, 1997, by ALLEN H JOHNSON, individually and as Co-Trustee, under the U S 41 Trust V, dated May 23, 1988, who is personally known to me, and who did/did not take an oath.

NOTARY SEAL/STAMP

Notary Public
Print Name: _____
Commission No.: _____
My Commission Expires: _____

CHARLIE GREEN LEE CTY. FL

97 DEC 18 PM 4:06

Mildred Mitchell
Print name: Mildred Mitchell

Allen H. Johnson
Allen H. Johnson Individually and Co-Trustee

D. PARSONS
Print name: D. PARSONS

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 17 day of December, 1997, by ALLEN H. JOHNSON, individually and as Co-Trustee, under the above-referenced Land Trust, who is personally known to me, and who did/did not take an oath.

NOTARY SEAL/STAMP

D. PARSONS
Notary Public
Print Name:
Commission No:
My Commission Expires:



002901 P609119

1678 12233

1684478

This instrument was prepared by:
STEPHEN W. BUCKLEY, ESQUIRE
OLIVER, POWELL & GILLY, P.A.
FORT MYERS, FLORIDA 33908

Warranty Deed

(STATUTORY FORM—SECTION 689.02 F.S.)

Warranty Deed. Made this 22nd day of June 1983 Between

THOMAS M. ANGLIM, a single man, individually and as Trustee,

of the County of Lee State of Florida, grantor, and

NEAR WEST, INC., a Florida corporation,

whose post office address is 3880 Shalidan Street, Hollywood, Florida 33021

of the County of Broward State of Florida, grantee.

Witnesseth, That said grantor, for and in consideration of the sum of TEN (10.00)-----

Dollars, 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 N¹/₄ of the SW¹/₄ of the SE¹/₄ E. of Tamiami Trail, less the South 30 ft. in Section 33, Township 46 South, Range 25 East, Lee County, Florida.

Together with an easement for ingress and egress over and across the South 30 ft. of the N¹/₄ of the SW¹/₄ of the SE¹/₄ lying East of the Tamiami Trail, Section 33, Township 46 South, Range 25 East.

SUBJECT to easements, restrictions and reservations of record.

Document by "S" 1495-00
SAL CLERK, CLERK, LEE COUNTY

RECORDED IN OFFICIAL
RECORDS
LEE COUNTY, FLORIDA
RECORD VERIFIED
JUN 29 3 39 PM '83
CLERK OF CIRCUIT COURT

and said grantor does hereby fully warrant the title to said land, and will defend the same against the 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:

Signature of Thomas M. Anglim, individually and as Trustee (Seal)
Signature of NEAR WEST, INC. (Seal)
Signature of Notary Public (Seal)

STATE OF FLORIDA
COUNTY OF LEE
I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared THOMAS M. ANGLIM, individually and as Trustee,

to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 22nd day of June, 1983

My commission expires: 10/5/85 Notary Public

6.00
57.00
20.90
83.90

WARRANTY DEED
(FROM CONVEYANCE)

683592
OFFICIAL PUBLIC AND INSTRUMENT

THIS INSTRUMENT PREPARED BY:
WILLIAM D. HARTMAN
TRICOUNTY TITLE CORP.
1818 JACKSON STREET
P. O. BOX 1818
FORT MYERS, FLORIDA 33901

862 PAGE 148 Warranty Deed

This Indenture, Made, this 7th day of September, A.D. 1972

Between CONNOLLY AND D'ANGELO, INC., a corporation existing under the laws of the State of Florida, having its principal place of business in the County of Collier and State of Florida, and lawfully authorized to transact business in the State of Florida, party of the first part, and

RICHARD E. MULLIGAN of the County of _____ and State of _____

part of the second part WITNESSETH:

That the said party of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS, to it in hand paid by the said part of the second part, the receipt whereof is hereby acknowledged has granted, bargained and sold to the said part of the second part, heirs and assigns forever, the following described land situate, lying and being in the County of _____ and State of Florida, to-wit:

That portion of the East one-half of the Southeast quarter of Section 33, Township 46 South, Range 23 East, lying westerly of the Atlantic Coast Line Railroad right-of-way less the South 1,835 feet thereof; subject to and together with (and the Grantor hereby reserves, excepts, grants and declares) an easement for drainage purposes in favor of the Grantor and the Grantee and their respective heirs, successors and assigns and also in favor of all current owners of abutting lands on, over and across the East 20.0 feet of that portion of the East one-half of the Southeast quarter of Section 33, Township 46 South, Range 23 East, lying West of Atlantic Coast Line Railroad right-of-way; and also together with (and the Grantor hereby reserves, excepts, grants and declares) an easement for roadway purposes in favor of the Grantor and Grantee, and their respective heirs, successors and assigns, on, over and across the following property:

1. The South 30 feet of the North one-half of the Southwest quarter of the Southeast quarter lying East of the Tamiami Trail (U.S. Highway #41) in said Section 33.
2. The Westerly 30 feet of the Southwest quarter of the Southeast quarter of the Southeast quarter of said section, less the

(ADDITIONAL TERMS & CONDITIONS MIXED ON SCHEDULE "A" ATTACHED HERETO)

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

A Florida Corporation,
(Corporate Seal)

IN WITNESS WHEREOF, CONNOLLY AND D'ANGELO, INC., the said party of the first part has caused these presents to be signed in its name by its proper officers, and its corporate seal to be affixed, attested by its Secretary, this day and year above written.

Attest: *Edward J. Connelly*
Secretary

Signed, sealed and delivered in presence of us:

Edward J. Connelly
Sebastian Bussan

Richard E. Mulligan
President

State of Florida,

County of Collier

I hereby Certify that on this

A.D. 1972, before me personally appeared

and Edward L. Connelly Jr.

CONNOLLY AND D'ANGELO, INC.

the State of Florida

to it known to be the persons who signed the foregoing instrument as such officers and severally acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned and that they affix of the official seal of said corporation, and that the said instrument is the act and deed of said corporation.

In Witness Whereof,

said County and State, this

I have so set my hand and official seal at

day of September

A.D. 1972

My Commission expires:

Notary Public, State of Florida at Large

My Commission Expires on 12/31/74

Notary Public

Sebastian Bussan
Notary Public

-continued-

SCHEDULE "A"

RE: 862 mcl 149

Southerly 330 feet thereof, and also the Westerly 30 feet of the Southerly 30 feet of the Northwest quarter of the Southeast quarter of the Southwest quarter of said section.

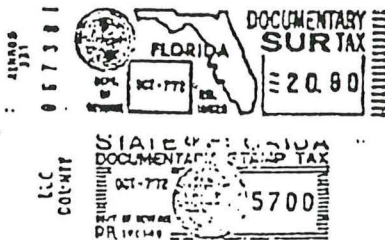
3. The North 30 feet of that portion of the South 360 feet of the East one-half of the Southeast quarter lying westerly of Atlantic Coast Line Railroad right-of-way in said Section 33.
4. The Westerly 30 feet of the Easterly 30 feet of that portion of the North 1,505 feet of the South 1,835 feet of the East one-half of the Southeast quarter lying westerly of the Atlantic Coast Line Railroad right-of-way in said Section 33.

AND SUBJECT TO that certain mortgage by CONNELLY AND D'ANGELO, INC., A Florida Corporation, to EVERITA CORPORATION, A Florida Corporation, recorded March 26, 1969, in Official Record Book 519, at page 502, in the Public Records of Lee County, Florida;

AND subsequently assigned to HAROLD S. LYNTON AND THEODORE F. HEARTH, as trustees, by instrument recorded December 20, 1971, in Official Record Book 771, at page 503, in the Public Records of Lee County, Florida;

WHICH SAID MORTGAGE the Grantee hereby assumes and agrees to pay as a part of the consideration for this conveyance.

SUBJECT TO conditions, restrictions, easements, limitations of record, if any, and taxes for 1972 and subsequent years.



ALL DOCUMENTS
RECORDED
IN
LEE COUNTY, FLORIDA
ON
DEC 9 10 24 AM '72
CLERK LEE COUNTY
D.C.

LEE COUNTY PROPERTY APPRAISER

PROPERTY DATA FOR PARCEL 33-46-25-00-00019.0000
TAX YEAR 2003 (TRIM)

Parcel data is available for the following tax years:

[[2001](#) | [2002](#) | 2003 (TRIM)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Tax Bills on this Parcel](#)]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2003 TRIM ROLL.

Owner of Record		Legal Description		Image of Structure	
MULLIGAN RICHARD E 78 CHARDON PL NAPLES FL 34110		E 1/2 OF SE 1/4 LESS RR R/W + LESS SLY 1835 FT		(Not Presently Available)	
Site Address					
ACCESS UNDETERMINED Estero, FL 33928					
Taxing District		DOR Code			
186 - ESTERO FIRE		62 - GRAZING LAND CLASS III			
Property Values		Exemptions		Dimensions	
Just	420,420	Homestead	0	Measurement Units	AC
Assessed	2,180	Agricultural	418,240	Number of Units	14.70
Assessed SOH	2,180	Widow	0	Frontage	0
Taxable	2,180	Widower	0	Depth	0
Building	0	Disability	0	Bedrooms	
Land	2,180	Wholly	0	Bathrooms	
Building Extra Features	0	Energy	0	Total Sq Ft	
Land Extra Features	0	SOH Difference	0	Year Improved	0
Sales Transactions					
Sale Price	Date	OR Book / Page	Transaction Details		Vacant / Improved
			Type	Description	
0	1/1/1900	862/148			
Solid Waste (Garbage) Roll Data					
Solid Waste District		Roll Type	Category	Unit/Area	Tax Amount
002 - Service Area 2 - South Fort Myers Area		-		0	0.00

Land Tracts/Land Use					
Description		Use Code		Units	
Market Value Agricultural		9910		14.70 Acres	
Storm Surge Category	Flood Insurance (FIRM)				
	Rate Code	Community	Panel	Version	Date
	Category 3	B	125124	0475	B

[[Aerial Tax Map Viewer](#)]

[[Show Aerial View](#)]

TRIM (*proposed* tax) Notices are available for the following tax years:

[[1997](#) | [1998](#) | [1999](#) | [2000](#) | [2001](#) | [2002](#) | [2003](#)]

[[Show Building Details](#)]

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

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

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FORM 1104

Documentary Stamp Tax

684162



FLORIDA STATE SEAL

This Indenture,

RE 863 REC 227

Whereas said parties, the term "party" shall include the heirs, personal representatives, executors and/or assigns of the mortgagor herein having the use of the singular number shall include the plural, and the plural the singular; the use of one gender shall include all genders; and, if said, the term "here" shall comprehend all the uses herein described of more than one.

Made this 6th day of October A. D. 1972

Between LESTER E. MARTIN and ANN M. MARTIN, husband and wife

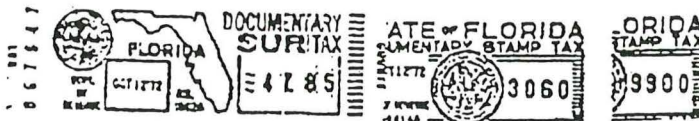
of the County of Cook in the State of Illinois
party of the first part, and RICHARD E. MULLIGAN, Trustee,
356 Livermore Avenue, Staten Island, N.Y.

of the County of in the State of New York
party of the second part,

Witnesseth that the said party of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part his heirs and assigns forever, the following described land, situate lying and being in the County of Florida, to -it:

See attached Exhibit: A.

THIS INSTRUMENT PREPARED BY
STEWART, STEWART & JACKSON
POST OFFICE BOX 800, FORT MYERS, FLORIDA



And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whatsoever.

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

Charles L. Bessinger Lester E. Martin
Shirley L. Bessinger Lester E. Martin
Shirley L. Bessinger Ann M. Martin
Shirley L. Bessinger

State of ~~Florida~~ ILLINOIS

County of Cook

I, Harry Gentry, Notary Public, do hereby certify that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments,

LESTER E. MARTIN, and ANN M. MARTIN, husband and wife, to me well known and known to me to be the individuals described in and who executed the foregoing deed, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed. Witness my hand and official seal at Wheeling, County of Cook, and State of Illinois, this 6th day of October, A. D. 1972.

My Commission Expires 5-1973
Shirley L. Bessinger
Notary Public
Wheeling, Illinois

863 PAGE 228

Exhibit "A"

The North half of the South half of the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section 33, Township 46 South, Range 25 East, lying East of the Tamiami Trail (State Road No. 45); EXCEPTING THEREFROM the following described property: The South 220 feet of the North half (N $\frac{1}{2}$) of the South half (S $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section 33, Township 46 South, Range 25 East, lying East of the Tamiami Trail (State Road No. 45)

ALSO

All that part of the North 1505 feet of the South 1835 feet of the East half (E $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section 33, Township 46 South, Range 25 East, lying westerly of the Atlantic Coast Line Railroad right of way,

ALSO

The South 30 feet of the North half (N $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) lying East of the Tamiami Trail (U.S. Highway #41), Section 33, Township 46 South, Range 25 East.

Subject to easements, restrictions and reservations of record and taxes for the calendar year 1972 and subsequent years.



2063262

WARRANTY DEED TO TRUSTEE
UNDER LAND TRUST AGREEMENT

THIS INDENTURE, made this 4th day of November, 1985, between CORA LEY RIZER, a/k/a CORA LEA RIZER, a single (hereinafter referred to as "Grantor"), and RICHARD E. MULLIGAN, (hereinafter referred to as "Grantee"), as Trustee under an unrecorded Land Trust Agreement ("Land Trust"), dated as of November 22, 1985, pertaining to the property (as hereinafter defined), whose post office address is: Post Office Box 8374, Naples, Florida 33940.

WITNESSETH

That the Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration to it in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee, its successors and assigns forever, the following described land, situate, lying and being in the County of Lee, State of Florida (hereinafter called the Property), to wit:

The North half of the South 220 feet of the North half of the South half of the Southwest quarter of the Southeast quarter of Section 33, Township 46 South, Range 25 East, lying East of the Tamiami Trail (State Road No. 45). Subject to taxes for the year 1985. Subject also to easements and restrictions of record.

And the Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever, subject however, to those matters set forth in Exhibit "A" attached hereto.

Grantee shall have full power and authority to deal in and with the property including the power and authority to protect, conserve, sell, lease or encumber and otherwise manage and dispose of the Property, or any part thereof, it being the intent to vest in Grantee full rights as grantee of the Property as authorized and contemplated by Section 689.071, Florida Statutes.

No party dealing with the Grantee in relation to this Deed or to the Property, in any manner whatsoever, and (without limiting the foregoing) no party to whom the Property, or any part thereof or any interest therein, shall be conveyed, encumbered, leased or contracted to be sold by the Grantee, shall be obligated (a) to see the application of any purchase money, rent, or money borrowed or advanced with respect to the Property, or (b) to see that the terms of the Land Trust have been complied with, or (c) to inquire into the authority, necessity or expediency of any act of the Grantee, or (d) be privileged to inquire into any of the terms of the Land Trust.

Every deed, mortgage, lease or other instrument executed by the Grantee in relation to the Property shall be conclusive evidence, in favor of every person claiming any right, title or interest thereunder that: (a) at the time of delivery thereof the trust created under the Land Trust was in full force and effect; (b) such instrument was executed in accordance with the terms and conditions of the Land Trust and all amendments thereof, if any, and is binding upon the beneficiaries thereunder; (c) the Grantee was thereunder duly authorized and empowered to execute and deliver every such instrument; (d) if a conveyance of the Property has been made to a successor or successors in trust, that such successor or successors have been properly appointed and are fully vested with all the title, estate, rights, powers, duties and obligations of its, his or their predecessor in trust.

The Grantee shall have no individual liability or obligation whatsoever arising from its ownership, as Trustee under the Land Trust, of the legal title to the Property, or with respect to any act done or contract entered into or indebtedness incurred by it in dealing with the Property or in otherwise acting hereunder, except only so far as the Property and any trust funds in the actual possession of the Grantee shall be applicable to the payment and discharge thereof. Any and all liability, if any, arising with respect to ownership of the Property shall be solely the responsibility of the Beneficiary of the Land Trust.

REC 1832FC4204

forced

0 LCOMP VIMED - OWLH CDM, CDA
0 W. H. HENSON, JR.

275.00

It is expressly understood and agreed between the parties and all successors and assigns that this Warranty Deed is entered into by Grantee, not personally, but as Trustee under the Land Trust in exercise of authority conferred upon such Trustee therein. No personal liability or responsibility is assumed by or shall be enforceable against said Trustee, either express or implied.

The interest of the Beneficiary and of all persons claiming under it shall be only in the rents, avails and proceeds arising from the sale or other disposition of the Property and such interest is hereby declared to be personal property, and the Beneficiary shall not have any title or interest, legal or equitable, in or to the Property as such, but shall have only an interest in the earnings, avails and proceeds of the Property as aforesaid.

IN WITNESS WHEREOF, the Grantor has executed this instrument under seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

Russell L. Hyslop
Witness
Thomas Briggs
Witness

Cora Lee Rizer
Grantor

STATE OF OHIO)
COUNTY OF Belmont) ss

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared CORA LEE RIZER, a/k/a CORA LEA RIZER, to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid on this 4th day of February, 1986.

Russell L. Hyslop
NOTARY PUBLIC

My Commission Expires:



Russell L. Hyslop, Notary Public
State of Ohio
My Commission Expires 12/31/86

HAR 5 2 14 PM '86
RECORDED IN OFFICIAL
RECORDS
LEE COUNTY, FLORIDA
RECORD VERIFIED

LEASUTZ & CARGANO
P. A.

This Deed prepared by:

Anthony J. Cargano
LEASUTZ & CARGANO, P. A.
Post Office Box 061169
Fort Myers, Florida 33906-1169
(813) 275-7515

OFF 1032 PG 4 205

LEE COUNTY PROPERTY APPRAISER

PROPERTY DATA FOR PARCEL 33-46-25-00-00019.0080
TAX YEAR 2003 (TRIM)

Parcel data is available for the following tax years:

[2001 | 2002 | 2003 (TRIM)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Tax Bills on this Parcel](#)]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2003 TRIM ROLL.

Owner of Record		Legal Description		Image of Structure	
MULLIGAN RICHARD E TR 78 CHARDON PL NAPLES FL 34110		PARL BETWEEN HWAY 41 + ACL RR IN SE 1/4 SEC 33 TWP 46 R 25 DESC IN OR 863 P 227 LES SLY 110 FT		(Not Presently Available)	
Site Address					
ACCESS UNDETERMINED Estero, FL 33928					
Taxing District		DOR Code			
186 - ESTERO FIRE		61 - GRAZING LAND CLASS II			
Property Values		Exemptions		Dimensions	
Just	823,180	Homestead	0	Measurement Units	AC
Assessed	4,540	Agricultural	818,640	Number of Units	41.52
Assessed SOH	4,540	Widow	0	Frontage	0
Taxable	4,540	Widower	0	Depth	0
Building	0	Disability	0	Bedrooms	
Land	4,540	Wholly	0	Bathrooms	
Building Extra Features	0	Energy	0	Total Sq. Ft	
Land Extra Features	0	SOH Difference	0	Year Improved	0
Sales Transactions					
Sale Price	Date	OR Book / Page	Transaction Details		Vacant / Improved
			Type	Description	
0	1/1/1900	863/227			
Solid Waste (Garbage) Roll Data					
Solid Waste District		Roll Type	Category	Unit/Area	Tax Amount
002 - Service Area 2 - South Fort Myers Area		-		0	0.00

Land Tracts/Land Use					
Description		Use Code	Units		
Market Value Agricultural		9910	28.76 Acres		
Market Value Agricultural		9910	12.76 Acres		
Storm Surge Category	Flood Insurance (FIRM)				
	Rate Code	Community	Panel	Version	Date
	Category 3	B	125124	0475	B

[[Aerial Tax Map Viewer](#)]

[[Show Aerial View](#)]

TRIM (*proposed* tax) Notices are available for the following tax years:

[[1997](#) | [1998](#) | [1999](#) | [2000](#) | [2001](#) | [2002](#) | [2003](#)]

[[Show Building Details](#)]

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

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

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LEE COUNTY PROPERTY APPRAISER

PROPERTY DATA FOR PARCEL 33-46-25-00-00019.0060
TAX YEAR 2003 (TRIM)

Parcel data is available for the following tax years:

[2001 | 2002 | 2003 (TRIM)]

[Next Lower Parcel Number | Next Higher Parcel Number | Display Tax Bills on this Parcel]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2003 TRIM ROLL.

Owner of Record		Legal Description		Image of Structure	
MULLIGAN RICHARD E TR 78 CHARDON PL NAPLES FL 34110		N 110 FT OF N 1/2 OF S 1/2 OF SW 1/4 OF SE 1/4 E OF TAMIAMI TRL.		(Not Presently Available)	
Site Address					
ACCESS UNDETERMINED Estero, FL 33928					
Taxing District		DOR Code			
186 - ESTERO FIRE		61 - GRAZING LAND CLASS II			
Property Values		Exemptions		Dimensions	
Just	199,750	Homestead	0	Measurement Units	AC
Assessed	250	Agricultural	199,500	Number of Units	1.68
Assessed SOH	250	Widow	0	Frontage	0
Taxable	250	Widower	0	Depth	0
Building	0	Disability	0	Bedrooms	
Land	250	Wholly	0	Bathrooms	
Building Extra Features	0	Energy	0	Total Sq. Ft.	
Land Extra Features	0	SOH Difference	0	Year Improved	0
Sales Transactions					
Sale Price	Date	OR Book / Page	Transaction Details		Vacant / Improved
			Type	Description	
0	1/1/1900	863/227			
Solid Waste (Garbage) Roll Data					
Solid Waste District		Roll Type	Category	Unit/Area	Tax Amount
002 - Service Area 2 - South Fort Myers Area		-		0	0.00

Land Tracts/Land Use					
Description		Use Code		Units	
Market Value Agricultural		9910		1.68 Acres	
Storm Surge Category	Flood Insurance (FIRM)				
	Rate Code	Community	Panel	Version	Date
Category 3	B	125124	0475	B	

[[Aerial Tax Map Viewer](#)]

[[Show Aerial View](#)]

TRIM (*proposed* tax) Notices are available for the following tax years:

[[1997](#) | [1998](#) | [1999](#) | [2000](#) | [2001](#) | [2002](#) | [2003](#)]

[[Show Building Details](#)]

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

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

This site is best viewed with [Microsoft Internet Explorer 5.5+](#) or [Netscape Navigator 6.0+](#).

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LEE COUNTY PROPERTY APPRAISER

PROPERTY DATA FOR PARCEL 33-46-25-00-00019.0040
TAX YEAR 2003 (TRIM)

Parcel 1, 2

Parcel data is available for the following tax years:

[2001 | 2002 | 2003 (TRIM)]

[Next Lower Parcel Number | Next Higher Parcel Number | Display Tax Bills on this Parcel]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2003 TRIM ROLL.

Owner of Record		Legal Description		Image of Structure	
MULLIGAN RICHARD E TRUSTEE 78 CHARDON PL NAPLES FL 34110		N 1/2 OF S 220 FT OF N 1/2 OF S 1/2 OF SW 1/4 OF SE 1/4		(Not Presently Available)	
Site Address					
21951 S TAMIAMI TRL Estero, FL 33928					
Taxing District		DOR Code			
186 - ESTERO FIRE		61 - GRAZING LAND CLASS II			
Property Values		Exemptions		Dimensions	
Just	297,280	Homestead	0	Measurement Units	AC
Assessed	370	Agricultural	296,910	Number of Units	2.50
Assessed SOH	370	Widow	0	Frontage	0
Taxable	370	Widower	0	Depth	0
Building	0	Disability	0	Bedrooms	
Land	370	Wholly	0	Bathrooms	
Building Extra Features	0	Energy	0	Total Sq. Ft	
Land Extra Features	0	SOH Difference	0	Year Improved	0
Sales Transactions					
Sale Price	Date	OR Book / Page	Transaction Details		Vacant / Improved
			Type	Description	
55,000	2/1/1986	1832/4284	01	Disqualified (Doc Stamp .70 / SP less th \$100 / Other DisQ)	V
0	2/1/1986	1832/4283	01	Disqualified (Doc Stamp .70 / SP less th \$100 / Other DisQ)	V
Solid Waste (Garbage) Roll Data					

Solid Waste District	Roll Type	Category	Unit/Area	Tax Amount	
002 - Service Area 2 - South Fort Myers Area	-		0	0.00	
Land Tracts/Land Use					
Description	Use Code		Units		
Market Value Agricultural	9910		2.50 Acres		
Storm Surge Category	Flood Insurance (FIRM)				
	Rate Code	Community	Panel	Version	Date
Category 3	B	125124	0475	B	

[[Aerial Tax Map Viewer](#)]

[[Show Aerial View](#)]

TRIM (*proposed* tax) Notices are available for the following tax years:

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LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

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County Attorney

Diana M. Parker
County Hearing
Examiner

October 1, 2003

Mr. Dan DeLisi
Barraco and Associates
2271 McGregor Blvd.
Ft. Myers, FL 33901

SUBJECT: North Point DRI

Dear Mr. DeLisi:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the commercial and residential units proposed for North Point 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 (00-20, section 17) has requirements for providing on-site space for placement and servicing of commercial solid waste containers. Please review these requirements when planning the development at North Point. If you have any questions, please call me at (239) 338-3302.

Sincerely,

William T. Newman
Operations Manager
Solid Waste Division

QUESTION 10-D:

If the development is proposed to contain a shopping center, describe the primary and secondary trade areas, which the proposed shopping center will serve.

The development is proposed to include 550,000 square feet of retail space. The space will be built in a single phase with buildout anticipated to occur in year 2008. The size and character of the project lends itself most to community-serving space. Community-type space will typically serve a trade area within five to eight (5-8) miles of the site. In this analysis we have examined the five mile market since the area is suburban, densely populated and rapidly growing. Community serving space is also appropriate in as much as considerable regional-serving space either exists in the market or has been recently approved, including the Jacobs Mall and Coconut Point. Finally, the analysis shows, market conditions in neighborhood type space such as grocery, dry cleaners hardware and daily goods needs is effectively in equilibrium.

Table 10.D.1 summarizes the retail supply/demand profile within this market area. Within the five-year development horizon, the market will generate sufficient demand to support the proposed retail space at North Point DRI, even with complete buildout at Coconut Point. Appendix 1 lists the retail demand model output summary and the list of shopping centers by center-type within 5 miles. The analysis is based on projected 2008 household count of 25,912 households and current average household income of \$81,687 in the five mile market area.

Table 10.D.1 North Point DRI Retail Demand Analysis

Lee County Retail Market Conditions Within 5 Miles of North Point DRI				
	Number	Supply Square Feet	2008 Demand	Unmet Need
Neighborhood	16	845,260	899,237	53,977
Community	3	740,977	1,298,160	557,183
Regional	4	906,054	892,520	(13,534)
Totals	23	2,492,291	3,089,918	597,627

Note: This includes 800,000 square feet of space at Coconut Point, planned to open in year 2005. We have allocated this planned space as 50% regional and 50% community.

Source: Fishkind & Associates, Inc.

QUESTION 10-E:

Describe in general terms how the demand for this project was determined.

Our detailed analysis of demand focuses primarily on the retail market, since this makes up the vast majority of the North Point DRI. Residential multi-family and office uses are complementary and appropriate as mixed uses designed to integrate with and support the proposed retail development. In particular, multi-family residential housing will be in demand resulting from nearby employment opportunity both at North Point DRI and Coconut Point DRI. The methodology used in the determination of the retail market conditions is presented below.

Fishkind & Associates, Inc. ("Fishkind") has developed an in-house model to determine retail demand. This model estimates retail demand by square footage, shopping center type, and store type. The model incorporates multiple data sources. These sources are census based from I-Site/Maptitude, Inc. for local market area households and household income data; consumer expenditure profiles from the U.S. Department of Labor Consumer Expenditure Survey; and Urban Land Institute shopping center tenant profiles, square footage requirements and average sales per square foot by store type from the publication Dollars and Cents of Shopping Centers.

The model operates by first determining retail household expenditures for market area households. The number of households represent the forecast households through year 2008. Household expenditures are determined through application of the results of the 2000 Consumer Expenditure Survey, conducted by the U.S. Department of Labor. This survey of over 30,000 households nationwide, provides detailed information on average dollar expenditure amounts and the expenditure percent of household income, for all household expenditures. The income expenditure percentages are applied to the average local area household income and multiplied by the number of households to determine market area spending potential for retail store goods. As time goes by, though some income increases may take place, because expenditure percentages are used to apply to current income levels, the model remains valid. In the course of development of Fishkind's retail demand model, tests were made to determine the validity and variance of the data when adjusted for age, income, and regional differences. It was determined that average expenditures do not vary significantly enough across these demographic characteristics to override the sample error caused by using a smaller survey sample. Thus our expenditure data in the model incorporates the national level data, which provides the most robust and consistent measure of household spending.

Next, the expenditures by type of goods are integrated with store and shopping center types to determine where and at what type of stores these expenditures are made. Shopping centers are divided into neighborhood, community, regional and super-regional center types. Within each center type is a listing of store types that are the most frequently found store types of these kinds. Shopping center and store level data are provided by the Urban Land Institute ("ULI") publication, "Dollars and Cents of Shopping Centers: 2002," in which surveys were made of over 40,000 retail shopping centers of all types in the United States. The data covers fiscal year 2000 and so is consistent with the time period of the Consumer Expenditure Survey.

In addition to the store type by shopping center, the ULI data also provides average sales per square foot for all store types by shopping center. A simple division of the household expenditures per store type by average sales per square foot per store type results in the amount of supportable square feet, by store type, by shopping center type, for market area households.

Of the consumer spending that can take place at stores, the ULI data tells us in which store type and shopping center type these expenditures may be made. The integration between these two data sets results in a spending by store type matrix. There are 105 Consumer Expenditure retail spending categories and 50 ULI store types, resulting in a matrix of 5,250 calculations of dollars per spending category by store type. For example, Consumer Expenditure data may say \$100 is spent on clothing. The ULI data provides store types where clothing may be purchased, such as women's specialty, fashion stores, jeans shops, men's wear, family wear, department stores, discount department stores and junior department stores. Distribution determinations, as to how much of the \$100 gets spent, and in which type of store, are made based on the definitions of the Consumer Expenditure spending category and the ULI definition of the store type and its typical merchandise type. This determination is coupled with the experience of Fishkind, which includes two decades of experience consulting in retail demand analysis and consumer behavior. We have reviewed, corrected, and revised the matrix calculations over the genesis of the retail demand model.

Finally, the expenditure potential per store type is converted to square footage potential (demand) by dividing these dollars spent by the sales per square foot data provided by ULI, for each of the store types and shopping center types in the ULI publication. This final calculation results in the supportable retail demand, expressed in square footage by store and shopping center type.

We do not modify the matrix distributions on a project by project basis so that our model results remain consistent over time, across different types of retail demand analyses and from market to market. In this way, we have been able to examine and compare our results across dozens of local area markets in Florida. We have found, over the years, that our model results tend to portray a reasonable and an accurate picture of retail market conditions at any one time, when coupled with accurate existing market supply conditions. Still, we update the matrix periodically in response to new data from ULI and the Consumer Expenditure Survey. Such updates have been conducted in June 1995, October 2000 and February 2003. Since the model inception in 1991, the thousands of calculations in the model have been checked, revised, and updated regularly. In our opinion, the model is current, detailed, and sound in its approach and execution.

Once calibrated for existing local market area conditions, with households and average household incomes, the model calculates retail demand and expenditure potential, as well as shopping center type and square footage. Future retail demand is projected based on forecast market area households from I-Site/Maptitude, Inc.. Constant-dollar, non-inflated household income, and sales projections are also used.

This model has been used extensively and successfully in analyses conducted for Melvin Simon Corporation, Edward DeBartolo, Orlando's West Oaks Mall, the Jacobs Mall and in numerous evaluations of business and shopping center impacts due to roadway expansions,

eminent domain taking on behalf of the Florida Department of Transportation, Orange County, and private land owner interests.

Appendix 10-1 North Point DRI Summary Retail Model Output and Retail Supply List

2008 Total market Area Demand For Regional Retail Square Footage

1.	Total Retail Space Demand for Super Regional Shopping Centers		
	Stores	457,575	sq. ft.
	Kiosks	7,308	sq. ft.
	Outparcels	14,436	sq. ft.
2.	Total Retail Space Demand for Regional Shopping Centers		
	Stores	336,475	sq. ft.
	Kiosks	3,031	sq. ft.
	Outparcels	73,695	sq. ft.
3.	Total Retail Space Demand for Super Regional/Regional Shopping Centers		
	Stores	794,050	sq. ft.
	Kiosks	10,339	sq. ft.
	Outparcels	88,131	sq. ft.
	TOTAL:	892,520	sq. ft.
4.	Total Retail Space Demand for Community Shopping Centers		
	Stores	1,028,504	sq. ft.
	Kiosks	0	sq. ft.
	Outparcels	269,656	sq. ft.
5.	Total Retail Space Demand For Neighborhood Shopping Centers		
	Stores	870,941	sq. ft.
	Kiosks	0	sq. ft.
	Outparcels	269,656	sq. ft.
6.	Total Retail Space Demand for Community/Neighborhood Shopping Centers		
	Stores	1,899,445	sq. ft.
	Kiosks	0	sq. ft.
	Outparcels	2,197,398	sq. ft.
7.	Total Retail Store Space Demand	2,693,495	sq. ft.
8.	Total Retail Kiosk Space Demand	10,339	sq. ft.
9.	Total Retail Outparcel Space Demand	386,084	sq. ft.
10.	Total Retail Space Demand of Market Area	3,089,917	sq. ft.

North Point

CTR NAME	INTERSECT	ADDRESS	CITY	ZIP CODE	TOTAL GLA	SITE DIST
Williams Place Center	Williams Road & Tamiami Trl. (U.S. 41)	22098 South Tamiami Trail (U.S. 41)	Estero	33928	67,517	0.1
Corkscrew Village	SEC U.S. 41 & Corkscrew Road	21301 South Tamiami Trail	Estero	33928	84,000	0.8
Coconut Point	U.S. 41 & Coconut Road		Estero	34134	1,600,000 ¹	0.8
Hidden Lakes Shops	SEC Tamiami Trail & Woods Edge Pkwy.		Bonita Springs	34134	30,000	1.0
Unnamed Shopping Ctr.	NWC Tamiami Trail & Renaissance	3440 Renaissance Boulevard	Bonita Springs	34134	12,000	1.0
Bernwood Design Centre	SEC Tamiami Trail & Pelican Landing	24851 South Tamiami Trail	Bonita Springs	34134	10,230	1.0
Miromar Outlets	I-75 & Corkscrew Road	10801 Corkscrew Road	Estero	33928	475,824	1.2
Pelican Plaza		24181 Tamiami Trail	Bonita Springs	34134	20,000	2.3
Pelican Village	NWC Tamiami Trail & Pelican Landing	24600 South Tamiami Trail	Bonita Springs	34135	32,400	2.8
San Carlos Plaza	NEC Tamiami & Sanibel Boulevard	18911 South Tamiami Trail	Fort Myers	33907	78,000	3.2
The Prado at Spring Creek	SEC Tamiami (U.S. 41) & Signal Road	25195-25301 S. Tamiami Trail	Bonita Springs	34134	120,000	3.3
Beach Road Plaza	Bonita Beach Road & Windsor	3401 Bonita Beach Road	Bonita Springs	34134	35,000	4.2
Shores Plaza	Bonita Beach Boulevard & Valley	4365 Bonita Beach Boulevard	Bonita Springs	34134	15,000	4.2
Unnamed Shopping Ctr.	Bonita Beach Boulevard & Valley	4259-4275 Bonita Beach Rd.	Bonita Springs	34134	15,000	4.2
Windsor Place	Bonita Beach Road & Windsor	3525 Bonita Beach Road	Bonita Springs	34134	10,000	4.2
Winn-Dixie Market Place	NEC Tamiami & Constitution Blvd.	18011 South Tamiami Trail	Fort Myers	33908	75,000	4.3
Harborage Towne Corners	NEC U.S.41 & Babcock Road		Fort Myers	33906	60,000	4.7
Highland Center	NEC Brighton Lane & Tamiami Trail	8871 Brighton Lane	Bonita Springs	34135	20,000	4.8
Bay Landings	Tamiami Trl. (U.S. 41) & West Terry		Bonita Springs	34134	20,000	4.9
China Palace Plaza		17230 Tamiami Trail	Fort Myers	33908	17,000	5.1
Bonita Bay Plaza	SEC U.S. 41 & West Terry Road	26831 South Tamiami Trail	Bonita Springs	34134	238,295	5.1
Cap Plaza		121 Lenell Road	Ft. Myers Beach	33931	15,000	5.5
Santini Marina Plaza	Estero Boulevard (South end)	7205 Estero Boulevard	Ft. Myers Beach	33931	62,025	5.5

Source: National Research Bureau; Shopping Center Directory, 2003; Fishkind & Associates, Inc.

¹ Total approved space at Coconut Point is 1.6 million square feet. The figure we use assumes effective competing space at this center includes 400,000 square feet of out parcel space and 400,000 square feet of regional mall space. Population outside the 5-mile market area generates the demand for the remaining 800,000 square feet of the regional mall.

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Mall developers submit plans for new large retail project

Thursday, January 30, 2003

By PAUL HERRERA, pcherrera@naplesnews.com

Just months after ending a three-year permitting process for the Coconut Point Town Center regional mall in Estero, a development group led by one of the principals in that development is sending another large retail project into the pipeline.

North Point Lake LLC, a partnership that includes Oak Brook Properties as one of its principals, submitted preliminary plans to the Southwest Florida Regional Planning Council earlier this week for a development of regional impact, a zoning category for developments that are large enough to affect more than the immediate community in which they're built. Dan Trescott, a planner with the regional planning council, said the scale of the project's retail component put it squarely in the realm of the DRI designation.

The new project, to be located adjacent to the regional mall planned by Simon Group, seeks to build 550,000 square feet of retail space, 120,000 square feet of office space, 150 homes and a hotel on 102 acres at the intersection of Williams Road and U.S. 41. The northern boundary of the Coconut Point Town Center is Williams Road.

"We intend to develop this very similarly to the mall," said Ron Dillon, vice president of Florida operations for Oakbrook Properties. Oakbrook Properties joined Simon Group to develop plans for the non-mall areas of the Coconut Point Town Center.

In November, the Coconut Point Town Center successfully concluded a three-year process of hearings, studies and reviews when county commissioners approved the massive regional mall rezoning, following the conditions and recommendations of numerous planners and agencies that studied the project.

Coconut Point was the second of two regional malls to gain zoning approval in south Lee County. The Gulf Coast Towne Centre, a 1.4 million-square-foot regional mall planned for Alico Road east of Interstate 75, was approved in late 2000. Analysts say the market will support only one of the two projects, meaning large anchor tenants will decide which one will eventually exist.

Trescott said the North Point project will face most of the same planning issues that Simon Group had to address with Coconut Point. The bulk of the debate surrounding the Coconut Point project centered around how the already stressed road network in southern Lee County could handle a large regional mall

and related uses.

Developers of the Coconut Point Town Center agreed to pay nearly \$15 million toward transportation improvements and stagger development over a three-year period beginning no earlier than 2004. Retail developments put more traffic on roads than any other land uses. In order to accommodate the Coconut Point Town Center and exploding growth throughout south Lee County, transportation officials are planning more than a dozen road projects.

If built, the Coconut Point Town Center would cover a two-mile stretch from Williams Road to the Bonita Springs boundary with 1.8 million square feet of retail space, 300,000 square feet of office space, 600 hotel rooms and 1,000 multifamily residential units. Coconut Point would cover 482 acres.

In style and function, North Point would be designed to meld with Coconut Point. Dillon said they were presented as separate projects because the land for North Point wasn't made available until recently.

Taken together, North Point and Coconut Point could bring 2.3 million square feet of retail area to U.S. 41 in Estero. That would be more than twice the size of the Edison Mall in Fort Myers, another Simon Group property.

Paul Sands, a commercial real estate adviser specializing in retail with Grubb & Ellis/ VIP D'Alessandro, said that amount of space will have a huge impact on the area. Only a handful of malls in the country top 2 million square feet.

"I think it's going to be tough for a developer to fill that thing up," Sands said. "I can't imagine that five years from now there's going to be that much of an explosion in growth. You have to have the rooftops to support the retail."

Dillon said North Point would be built around 2008, giving it several years to go through the permitting process and seek tenants.

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October 7, 2003

Ms. Brandy Gonzalez
Planner
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

Re: CPA 2003-04 DRI – North Point Lake FLUM Amendment

Dear Ms. Gonzalez:

Please accept the enclosed additional documentation in response to your August 29, 2003 correspondence for the referenced project.

B.3. Staff has not received letters as part of the submitted application from the appropriate agencies determining the following support facilities: Emergency Medical Service (EMS), Solid Waste, Mass Transit.

The letter from the Division of Solid Waste was included in our submittal dated October 3, 2003. The letters from Emergency Medical Service (EMS) and Mass Transit are enclosed.

If you should have any questions or require additional information, please advise.

Very truly yours,

BARRACO AND ASSOCIATES, INC.

* *Daniel DeLisi / by cmh*

Daniel DeLisi, AICP
Vice President of Planning

* Signed in his absence to avoid delay

DD/cmh
21786

Enclosure



LEE COUNTY
SOUTHWEST FLORIDA

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239-277-5012 x2233

Writer's Direct Dial Number: _____

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District Five

Donald D. Stikwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

October 3, 2003

Mr. Dan DeLisi, AICP
Barraco and Associates, Inc.
2271 McGregor Boulevard
Fort Myers, FL 33901

RE: NORTH POINT COMP PLAN AMENDMENT

Dear Mr. DeLisi:

Thank you for your correspondence with Lee County Transit in regards to your application for a comprehensive plan amendment for the subject property. You have requested a letter from us stating whether present transit facilities and manpower are capable of serving the project. Lee Tran does not operate a bus route on this portion of US 41 or on Williams Road and currently, the nearest bus route is 1.6 miles from the subject property.

If we were to provide service to the planned development, we would likely extend our route 140 south from its current terminus at Sanibel Boulevard in San Carlos Park to Williams Road. This would require a minimum of one additional bus to this route on a daily basis and would create approximately 106 more payroll hours per week to our bus operator payroll. Additional expense would also be added to our budget line items for maintenance and fuel. To enhance on the multi-modal features of this mixed-use development, Lee Tran would also request the project plans include the design of a bus stop on US 41 and/or within the project itself. The stop should include pedestrian and bicycle access from the development to the bus stop, wheelchair accessibility for ADA compliance, a passenger waiting shelter, and a pull off lane for the bus to stay out of traffic when boarding or alighting passengers.

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

Sincerely,

TRANSIT DIVISION

Michael Horsting
Transit Planner



LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

239-335-1604

Writer's Direct Dial Number: chrish@leegov.comBob Janes
District One

October 3, 2003

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District TwoRay Judah
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District FiveDonald D. Stilwell
County ManagerJames G. Yaeger
County AttorneyDiana M. Parker
County Hearing
ExaminerMr. Don DeLisi, A.I.C.P.
Barrao and Associates
Post Office Drawer 2800
Fort Myers, FL 33902**Re: Written Determination of Adequacy for EMS Services for
Comprehensive Plan Amendment Application for a proposed
development of North Point**

Dear Mr. DeLisi:

Lee County Emergency Medical Services has reviewed your letter dated September 15, 2003, reference to a proposed development located at the northeast corner of US 41 and Williams Road and bounded to the east by the Seminole Gulf Railway tracks. Your proposal is for 550,000 square feet of retail floor area, 120,000 square feet of office floor area, 150 residential dwelling units, and 150 hotel rooms, with build-out projected for year 2008.

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

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

Sincerely,

DIVISION OF PUBLIC SAFETY/EMS

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

HCH:GDW

NORTH POINT

REVISED TRAFFIC IMPACT STATEMENT

NORTH POINT DRI
COMPREHENSIVE PLAN AMENDMENT
TRAFFIC STUDY
SUPPLEMENTAL US 41 TRAFFIC ANALYSIS

Project #02548

February 28, 2004

Prepared by:
DAVID PLUMMER & ASSOCIATES, INC.
1531 Hendry Street
Fort Myers, Florida 33901



NORTH POINT DRI
COMPREHENSIVE PLAN AMENDMENT
TRAFFIC STUDY

SUPPLEMENTAL US 41 TRAFFIC ANALYSIS

Introduction

The North Point DRI Comprehensive Plan Amendment Traffic Study (dated May 6, 2003) was submitted in support of the Comprehensive Plan Amendment for the North Point DRI. This study compared year 2020 traffic conditions under Lee County's adopted 2020 Financially-Feasible Highway Plan with and without the proposed Comprehensive Plan Amendment (CPA).

The report concluded that the future 2020 road network would operate well with the proposed CPA. Of the 37 road segments within the study area, only one is not expected to meet the County's adopted level of service standard. That segment, US 41 between Koreshan Boulevard and San Carlos Boulevard, was found to be marginally over capacity in 2020, with a volume to capacity ratio of 1.04 based on Lee County's generalized service volumes. However, the CPA Traffic Study also demonstrated that this segment of US 41 is expected to be marginally over capacity both with and without the proposed North Point CPA. In other words, the proposed CPA does not cause this road segment to be over capacity.

The North Point DRI CPA Traffic Study was reviewed and found sufficient by the review agencies. Then, in a memorandum dated January 7, 2004, from the Lee County DOT to the Lee County Division of Planning, which is included in Appendix A, the Lee County DOT agreed with the findings and conclusions of the North Point DRI CPA Traffic Study. The last sentence in the memorandum reads: "We concur with the applicant's findings that all roadway segments under study are either at or better than the standard, both without and with the project, or in one instance (US 41 from Koreshan Boulevard to San Carlos Boulevard) below the standard, both without and with the project."

However, the Lee County Division of Planning expressed reservations regarding the proposed CPA in the Lee County Division of Planning Staff Report for Comprehensive Plan Amendment (CPA 2003-04), citing concerns regarding the 2020 level of service on the US 41 segment between Koreshan Boulevard and San Carlos Boulevard. Under Part II.C, Staff Recommendation, the staff wrote: "At this time planning staff **recommends transmittal** of the applicant's request to amend Map J . . . however, staff would **not recommend adoption** of the request given the 2020 Level of Service status of the segment of U.S. 41 running from Koreshan Boulevard to San Carlos Boulevard.

DPA met with the Lee County DOT staff on Thursday, February 19, 2004, to discuss the staff's

concerns regarding the levels of service on this segment of US 41. Those in attendance during this meeting included the following: David Loveland, Andy Getch and Lili Wu of the Lee County DOT and Ron Talone of DPA.

During this meeting, Mr. Talone pointed out that the segment of US 41 between Koreshan Boulevard and San Carlos Boulevard was one of the two US 41 segments that were identified as deficient in 2020 in the earlier traffic study conducted for the Coconut Point (fka Simon Suncoast) CPA. It was agreed at that time that this section of US 41 would operate at an acceptable level of service in 2020, if improvements are constructed at a number of key US 41 intersections. It was also agreed that the Coconut Point project could address these US 41 deficiencies and the project's mitigation for the needed intersection improvements through the Project's DRI traffic mitigation. Subsequently, the adopted DRI Development Order for Coconut Point required Coconut Point to pay \$170,000 as that project's proportionate share of the costs (\$692,000) for the needed intersection improvements on US 41.

Mr. Talone suggested that the approach used for the Coconut Point DRI would also be appropriate for the North Point DRI, since the same section of US 41 is involved. The Lee County DOT staff agreed, but said that a new traffic study must be prepared to: (a) document that, with the additional traffic from the North Point DRI, the intersection improvements would still provide an acceptable level of service on this section of US 41 in 2020; and (b) determine the North Point DRI's proportionate share of the cost of these US 41 improvements.

This Supplemental US 41 Traffic Analysis provides the information requested by the Lee County DOT. First, DPA updated the 2020 traffic projections for intersections on the section of US 41 north of Koreshan Boulevard, based on the 2020 traffic projections in the North Point DRI CPA Traffic Study, which were already reviewed and accepted by the review agencies. Then, DPA performed intersection capacity analysis at the four key intersections with the needed intersection improvements and conducted a 2020 ART_PLAN analysis to determine the anticipated 2020 levels of service on this section of US 41 with the North Point CPA. These analyses demonstrate that improvements at key intersections will enhance the carrying capacity of this section of US 41, so that the Lee Plan LOS standard can be met in 2020 without widening US 41 beyond six lanes or upgrading parallel facilities.

Finally, North Point's proportionate share of the cost of these needed intersection improvements was estimated. The payment of this CPA proportionate share will be addressed as part of the DRI traffic mitigation.

North Point DRI Comprehensive Plan Amendment Traffic Study (May 6, 2003)

As explained in the Introduction of this report, the North Point DRI Comprehensive Plan Amendment Traffic Study (dated May 6, 2003), which was reviewed and approved by the Lee County DOT, provides year 2020 traffic projections with the proposed North Point CPA under the adopted 2020 Financially Feasible Highway Plan. These projections were provided in Exhibit 3 of the CPA Traffic Study, which is included in Appendix B of this report.

These year 2020 traffic projections with the North Point CPA were used to update the arterial analysis performed previously for the Coconut Point CPA to demonstrate that improvements at key US 41 intersections will enhance the carrying capacity of the section of US 41 north of Koreshan Boulevard, so that the Lee Plan LOS standard can be met without widening US 41 beyond six lanes or upgrading parallel facilities. This is explained in further detail in the following sections of this report.

Projected 2020 Traffic Volumes on US 41 North of Koreshan Boulevard

The year 2020 traffic projections (on a road segment basis) from the North Point CPA Traffic Study were used to project year 2020 peak hour peak season turning movements at key intersections on US 41 north of Koreshan Boulevard. For consistency with DPA's prior study for the Coconut Point CPA, DPA projected volumes for the section of US 41 from Koreshan Boulevard north to Constitution Boulevard, even though the North Point CPA Traffic Study only identified the segment from Koreshan Boulevard to San Carlos Boulevard as a deficient segment.

Also for consistency, the key intersections were considered to be the same as those identified in the study done for the Coconut Point CPA. These key intersections are shown in Exhibit 1.

FDOT's access management plans for US 41 indicate that there will be full median openings at Koreshan Boulevard, Vintage Parkway, Hickory Boulevard, Sanibel Boulevard, Shadow Wood Preserve (formerly known as the B&F Parcel), Constitution Boulevard and Babcock Road. Of course, these access plans also include directional median openings and right-in/right-out driveways at various locations.

The side street volumes were estimated based on the North Point CPA travel model assignment (with the proposed North Point CPA) and FDOT's access management plans. The resultant traffic volume projections at the key intersections are shown in Exhibit 2.

ART PLAN Analysis of US 41 north of Koreshan Boulevard

A review of the traffic projections in Exhibit 2 indicates that four US 41 intersections are likely to be signalized in 2020: Koreshan Boulevard, Sanibel Boulevard, the Shadow Wood Preserve (formerly known as the B&F Parcel), and Constitution Boulevard. These signalized intersections are shown in Exhibit 1.

The projected volumes at the other full median openings do not appear to warrant signalization. For this reason, DPA performed an ART_PLAN analysis of this section of US 41 assuming four signalized intersections and using the projected volumes shown in Exhibit 2.

First, intersection capacity analyses were performed at the four signalized intersections using the latest Highway Capacity Software (HCS). A standard cycle length of 120 seconds was assumed, and the yellow and all red times were controlled to the existing times found on US 41, as

preferred by the LCDOT. Sufficient green time was allocated to the side streets to maintain the Lee Plan LOS standard on the side streets (LOS “E”). Then, the remaining green time was allocated to the north-south traffic.

The results of the HCS analyses are summarized below and provided in detail in Appendix C.

Intersection Levels of Service

<u>Intersection</u>	<u>Level of Service</u>				
	<u>All</u>	<u>NB</u>	<u>SB</u>	<u>EB</u>	<u>WB</u>
US 41/Constitution Boulevard	D	D	C	D	D
US 41/Shadow Wood Preserve	C	D	B	E	D
US 41/Sanibel Boulevard	D	D	B	D	D
US 41/Koreshan Boulevard	C	D	C	–	D

As shown above, with improvements, all intersections are expected to operate well above the Lee Plan LOS standard of LOS “E” in 2020. Furthermore, all of the northbound approaches operate at LOS “D” and all of the southbound approaches operate at LOS “B” or “C”.

The intersection capacity analyses identified a number of intersection improvements that can enhance traffic operations. Most importantly, the construction of dual left-turn lanes at key intersections allows more green time to be allocated to the north-south traffic movements on US 41.

The recommended intersection improvements are summarized below.

Intersection Improvements

<u>Intersection</u>	<u>Improvements</u>
US 41/Constitution Boulevard	Southbound Dual Left-Turn Lanes
US 41/Shadow Wood Preserve	Northbound Dual Left-Turn Lanes Southbound Dual Left-Turn Lanes Eastbound Dual Left-Turn Lanes Westbound Dual Left-Turn Lanes
US 41/Sanibel Boulevard	Southbound Dual Left-Turn Lanes
US 41/Koreshan Boulevard	Southbound Dual Left-Turn Lanes Westbound Dual Left-Turn Lanes

The pavement for the westbound dual left-turn lanes at the US 41/Koreshan Boulevard intersection is already in place. Once this intersection is signalized, the westbound approach can be restriped to allow dual left-turn movements.

The results of the HCS analyses were then input into the ART_PLAN analysis, which is provided in Appendix D. Interestingly, the g/C ratios on US 41 are much higher than the County's generalized service volume tables assume, but the percentages of turns in exclusive turn lanes on US 41 are lower.

The results of the ART_PLAN analysis (Automobile LOS, pages 1-2) are summarized below. The new version of FDOT's ART_PLAN program provides levels of service only in the peak direction, which is northbound.

Segment Levels of Service

<u>Roadway Segment</u>	<u>Level of Service</u>	
	<u>NB</u>	<u>SB</u>
US 41 from Koreshan Blvd. to Sanibel Blvd.	B	--
US 41 from Sanibel Blvd. to Shadow Wood Preserve	C	--
US 41 from Shadow Wood Preserve to Constitution Blvd.	C	--
<u>US 41 from Constitution Blvd. to Alico Rd.</u>	<u>--</u>	<u>--</u>
Overall: US 41 from Koreshan Blvd. to Alico Road	C	--

The resultant arterial level of service of LOS "C" on US 41 is well above the Lee Plan standard of LOS "E". This is consistent with the findings of the earlier study done for the Coconut Point CPA.

North Point's Proportionate Share for 2020 CPA Traffic Impacts

Hole Montes (HM) estimated that these needed intersection improvements on US 41 would cost approximately \$692,000. This is documented in Appendix E.

DPA estimated North Point's share of these needed intersection improvements using the same methodology that was used for the Coconut Point CPA. It is important to note that, for consistency, North Point was assessed a proportionate share for needed intersection improvements at the US 41 intersections at Sanibel Boulevard, the Shadow Wood Preserve and Constitution Boulevard, as well as the Koreshan Boulevard intersection, even though the North Point CPA Traffic Study only identified the segment from Koreshan Boulevard to San Carlos Boulevard as a deficient segment.

North Point's estimated proportionate share for these needed intersection improvements is

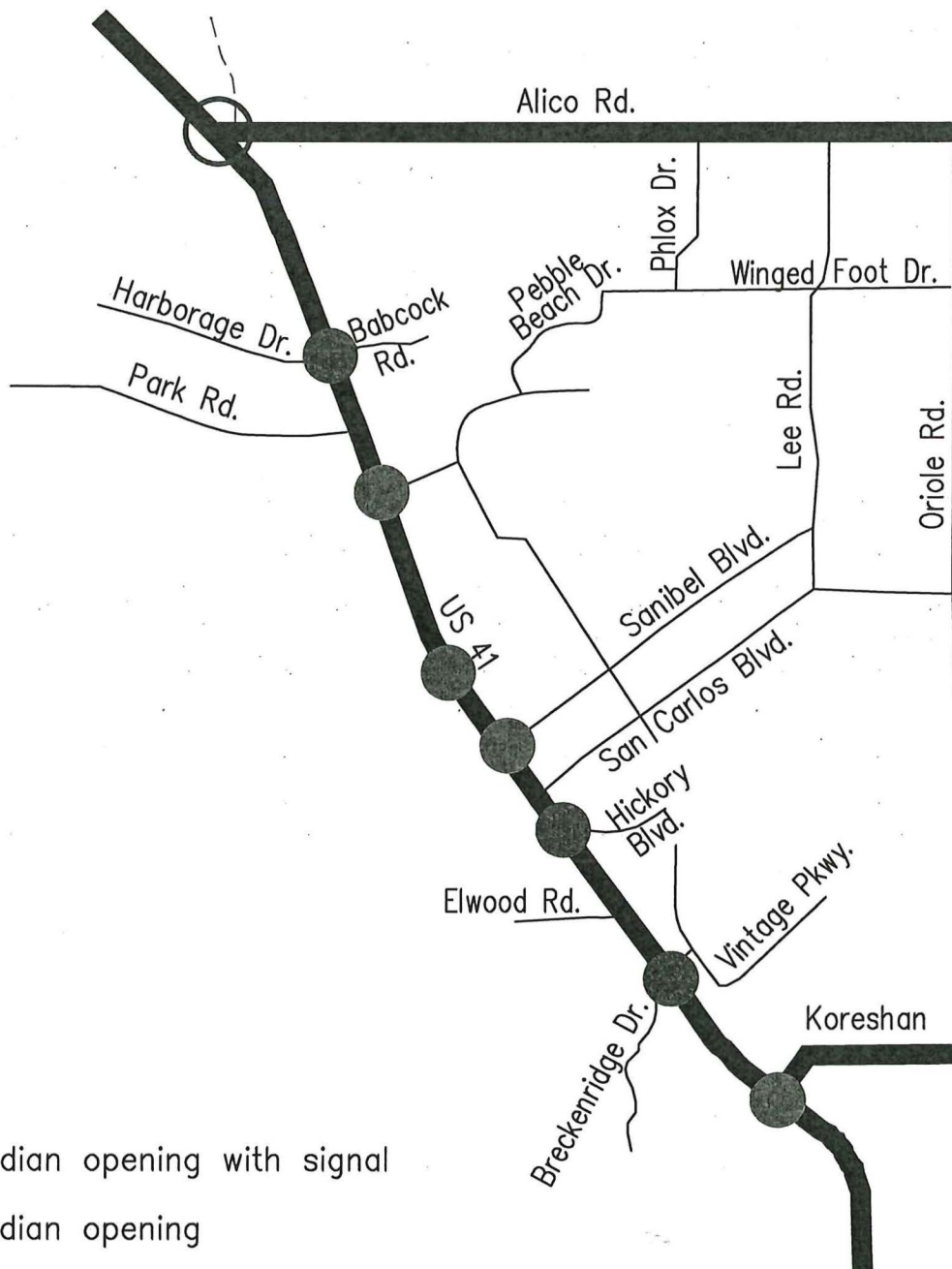
approximately \$35,000. This is 5% of the total cost of \$692,000 for these intersection improvements. The 5% share was derived from the 2020 travel model assignment for the North Point CPA, which indicates that North Point's traffic (3,395 PSWDT) represents 5% of the total traffic (68,226 PSWDT) on US 41 between Koreshan Boulevard and San Carlos Boulevard.

North Point's proportionate share of \$35,000 is consistent with Coconut Point's share of \$170,000 because North Point is considerably smaller than Coconut Point.

Conclusions

A traffic engineering evaluation of this section of US 41 indicates that improvements at key intersections (i.e. the construction of dual left-turn lanes) will enhance the carrying capacity of the section of US 41 north of Koreshan Boulevard, so that the Lee Plan LOS standard can be met in 2020 without widening US 41 beyond six lanes or upgrading parallel facilities. These findings are consistent with those from the earlier arterial analysis provided for the Coconut Point CPA.

It was agreed with the Lee County staff that the North Point DRI can address these US 41 deficiencies and the project's mitigation for the needed intersection improvements through the Project's DRI traffic mitigation, as was done previously for the Coconut Point DRI. Using the same methodology that was used to determine Coconut Point's proportionate share of these needed intersection improvements, it's been estimated that North Point's proportionate share is approximately \$35,000. Payment of this amount will mitigate North Point's traffic impacts on the 2020 Financially Feasible Highway Plan.



- Full median opening with signal
- Full median opening
- Future realignment with signal

Sources: (1) URS Greiner, S.R. 45 Signing and Pavement Marking Plan.
 (2) US 41 PD&E Study Collier/Lee Counties Preferred Alternative, Revised February 2, 1998.



NORTH POINT DRI
 COMPREHENSIVE PLAN AMENDMENT
 TRAFFIC STUDY

FDOT ACCESS MANAGEMENT PLAN
 WITH PROBABLE SIGNAL LOCATIONS

02548\38B\0204

EXHIBIT
 1



49	31	2294	81	2406	3148	85	0	15	80	HARBORAGE RD.	BABCOCK RD.
32	18	0	14	2323	18	3085	102	183			
125	55	2209	197		3185	180	30	143	333		
100	22	34	4		40	2964	159	390			CONSTITUTION BLVD.
306	143	2149	94		53	3	71	127			
329	158	167	2387		160	2952	25	173			
56	31	2213	143		3137	115	3	72	180		SANIBEL BLVD.
48	31	2	15	2300	22	3046	110	265			
12	5	2269	26		3178	20	2	24	46		HICKORY BLVD.
12	5	2269	26		2	3153	30	58			
73	36	2073	27		3165	21	2	21	44		VINTAGE PKWY.
58	28	2	28		35	3131	27	56			
	2122				3178						
	1498	624			835			1056			KORESHAN BLVD.
	1719			US 41	2559	2343	216	840			



NORTH POINT DRI
COMPREHENSIVE PLAN AMENDMENT
TRAFFIC STUDY

PROJECTED PEAK HOUR
VOLUMES BASED ON 2020
FINANCIALLY-FEASIBLE PLAN
WITH NORTH POINT DRI

02548/37B/0204

EXHIBIT
2

APPENDIX A

LEE COUNTY DOT MEMO DATED JANUARY 7, 2004



DEPARTMENT OF TRANSPORTATION
LEE COUNTY RECEIVED

04 JAN -8 AM 11:44

COMM. DEV/
PUB. WRKS. CNTR.
SECOND FLOOR

Memo

To: Paul O'Connor, Division of Planning

From: David M. Loveland, Manager, Transportation Planning *DL*

Date: January 7, 2004

Subject: CPA 2003-04 Privately Initiated Lee Plan
Future Land Use Map Amendment
(North Point Lake DRI)

We have reviewed the above application which requests the land use designation of approximately 102 acres be changed from "Suburban" to "Urban Community". The project will include 150 multifamily residential units, 550,000 square feet of retail space, 120,000 square feet of office, and 150 hotel rooms. The applicant ran the FSUTMS travel model for future conditions (2020) with and without the North Point DRI. Both model runs included the Coconut Point DRI. We concur with the applicant's findings that all roadway segments under study are either at or better than the standard, both without and with the project, or in one instance (US 41 from Koreshan Boulevard to San Carlos Boulevard) below the standard, both without and with the project.

DML/LW/mlb

APPENDIX B

YEAR 2020 TRAFFIC CONDITIONS - WITH NORTH POINT CPA (EXHIBIT 3)

***Previously reviewed and approved as part of
North Point DRI Comprehensive Plan Amendment Traffic Study
(May 6, 2003)**



Exhibit 3
North Point DRI Comprehensive Plan Amendment
Year 2020 Traffic Conditions - With Project
Directional PM Peak Hour, Peak Season

MPO 2020 Financially-Feasible Plan

Roadway	From	To	(1) # of lanes	(2) LOS std	(3) FSUTMS Volumes	(4) PS factors	2020 AADT	(5) K-100 Factors	Two way PM peak	(6) D-factors	Peak Dir. Volumes	SV @ LOS Std	Peak Dir. LOS	V/C ratio
Corkscrew Rd	US 41	Sandy Ln	4LD	E	33,399	1.139	29,323	0.102	2,991	0.57	1,705	2,030	C	0.84
	Sandy Ln	River Ranch Rd	4LD	E	26,694	1.151	23,192	0.104	2,412	0.57	1,375	2,030	B	0.68
	River Ranch Rd	Three Oaks Pkwy	4LD	E	30,191	1.145	26,368	0.103	2,716	0.57	1,548	2,030	C	0.76
	Three Oaks Pkwy	I-75	4LD	E	35,979	1.135	31,700	0.101	3,202	0.57	1,825	2,030	C	0.90
	I-75	Ben Hill Griffin Pkwy	4LD	E	30,494	1.144	26,656	0.103	2,746	0.57	1,565	2,030	C	0.77
	Ben Hill Griffin Pkwy	Wildcat Run	4LD	E	29,045	1.147	25,323	0.103	2,608	0.57	1,487	2,030	C	0.73
Coconut Rd	West of US 41	US 41	2LN	E	12,619	1.176	10,730	0.109	1,170	0.57	667	960	C	0.69
	US 41	Sandy Ln	4LD	E	21,141	1.161	18,209	0.106	1,930	0.57	1,100	2,030	B	0.54
	Sandy Ln	Three Oaks Pkwy	4LD	E	27,825	1.149	24,217	0.104	2,519	0.57	1,436	2,030	C	0.71
	Three Oaks Pkwy	CR 951 Ext.	2LN	E	11,946	1.177	10,150	0.109	1,106	0.57	631	870	D	0.72
I-75	Bonita Beach Rd	Corkscrew Rd	6LF	D	90,403	1.087	83,167	0.099	8,259	0.57	4,723	5,280	D	0.89
	Corkscrew Rd	Alico Rd	6LF	D	94,619	1.087	87,046	0.099	8,644	0.57	4,943	5,280	D	0.94
Koreshan Blvd	US 41	Three Oaks Pkwy	4LD	E	23,892	1.156	20,668	0.105	2,170	0.57	1,237	2,030	B	0.61
	Three Oaks Pkwy	Ben Hill Griffin Pkwy	4LD	E	30,104	1.145	26,292	0.103	2,708	0.57	1,544	2,030	C	0.76
Old 41	Cockleshell Dr.	US 41	4LD	E	23,936	1.084	22,081	0.098	2,164	0.65	1,407	2,030	B	0.69
Sandy Ln (Ext.)	San Carlos Blvd	Koreshan Blvd	2LN	E	16,541	1.220	13,558	0.105	1,424	0.58	826	960	C	0.86
	Koreshan Blvd	Corkscrew Rd	2LN	E	14,470	1.225	11,812	0.105	1,240	0.58	719	960	C	0.75
	Corkscrew Rd	Williams Rd	2LN	E	17,177	1.218	14,103	0.104	1,467	0.58	851	960	C	0.89
	Williams Rd	Coconut Rd	2LN	E	17,734	1.217	14,572	0.104	1,515	0.58	879	960	C	0.92
	Coconut Rd	Old 41	2LN	E	11,400	1.233	9,246	0.106	980	0.58	568	960	B	0.59
Three Oaks Pkwy	San Carlos Blvd	Koreshan Blvd	4LD	E	36,976	1.133	32,635	0.100	3,264	0.57	1,860	2,030	C	0.92
	Koreshan Blvd	Corkscrew Rd	6LD	E	57,742	1.096	52,684	0.092	4,847	0.57	2,763	3,040	C	0.91
	Corkscrew Rd	Williams Rd	6LD	E	58,085	1.096	52,997	0.092	4,876	0.57	2,779	3,040	C	0.91
	Williams Rd	Coconut Rd	6LD	E	57,526	1.097	52,439	0.092	4,824	0.57	2,750	3,040	C	0.90
Ben Hill Griffin Pkwy	Koreshan Blvd	Corkscrew Rd	4LD	E	38,913	1.130	34,436	0.100	3,444	0.57	1,963	2,030	D	0.97
US 41	W. Terry St	Old 41	6LD	E	52,040	1.132	45,972	0.093	4,275	0.58	2,480	3,040	C	0.82
	Old 41	Coconut Rd	6LD	E	62,348	1.106	56,373	0.090	5,074	0.58	2,943	3,040	D	0.97
	Coconut Rd	Williams Rd	6LD	E	57,961	1.117	51,890	0.091	4,722	0.58	2,739	3,040	C	0.90
	Williams Rd	Project's Entrance	6LD	E	54,082	1.127	47,988	0.092	4,415	0.58	2,561	3,040	C	0.84
	Project's Entrance	Corkscrew Rd	6LD	E	57,406	1.119	51,301	0.091	4,668	0.58	2,708	3,040	C	0.89
	Corkscrew Rd	Koreshan Blvd	6LD	E	43,287	1.154	37,510	0.096	3,601	0.58	2,089	3,040	B	0.69
	Koreshan Blvd	San Carlos Blvd	6LD	E	68,226	1.092	62,478	0.087	5,436	0.58	3,153	3,040	F	1.04
Williams Rd	West US 41	US 41	2LN	E	9,563	1.181	8,097	0.110	891	0.57	508	870	D	0.58
	US 41	Sandy Ln	2LN	E	9,035	1.182	7,644	0.110	841	0.57	479	870	C	0.55
	Sandy Ln	River Ranch Rd	2LN	E	10,774	1.179	9,138	0.110	1,005	0.57	573	870	D	0.66
	River Ranch Rd	Three Oaks Pkwy	2LN	E	8,643	1.183	7,306	0.111	811	0.57	462	870	C	0.53
River Ranch Rd	Williams Rd	Corkscrew Rd	2LN	E	7,688	1.242	6,190	0.107	662	0.58	384	870	C	0.44

FOOTNOTES:

- (1) Year 2020 number of lanes.
- (2) Lee County roadway LOS standard based on The Lee Plan, Policy 22.1.1.
- (3) Peak season traffic volumes based on FSUTMS travel model assignment.
- (4) PSADT/AADT factor based on Lee County 2001 permanent count station data; with PSADT/AADT factors moderated using Lee County DOT method.
For I-75, PSADT/AADT factor reflects data from the FDOT 2001 Weekly Volume Factor Category Report.
- (5) K(100) factors derived from Lee County 2001 permanent count station data; with K(100) factors moderated using Lee County DOT method.
For I-75, K(100) factor from FDOT 2001 permanent count station data.
- (6) D factors derived from Lee County 2001 permanent count station data. For I-75, K(100) factor from FDOT 2001 permanent count station data.
- (7) Lee County Generalized Service Volumes, 07/18/00, except for I-75, which has FDOT service volumes.

APPENDIX C
2020 PEAK HOUR
INTERSECTION CAPACITY ANALYSES

SHORT REPORT												
General Information							Site Information					
Analyst Agency or Co. <i>Lee County</i> Date Performed <i>02/23/2004</i> Time Period <i>Future PM PH With Imp.</i>							Intersection <i>US41 / Koreshan Blvd.</i> Area Type <i>All other areas</i> Jurisdiction Analysis Year <i>2020</i>					
Volume and Timing Input												
	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	0	0	0	2	0	2	0	3	1	2	3	0
Lane group				L		R		T	R	L	T	
Volume (vph)				221		835		2343	216	624	1498	
% Heavy veh				2		2		2	2	2	2	
PHF				0.90		0.90		0.90	0.90	0.90	0.90	
Actuated (P/A)				A		A		A	A	A	A	
Startup lost time				2.0		2.0		2.0	2.0	2.0	2.0	
Ext. eff. green				2.0		2.0		2.0	2.0	2.0	2.0	
Arrival type				3		3		3	3	3	3	
Unit Extension				3.0		3.0		3.0	3.0	3.0	3.0	
Ped/Bike/RTOR Volume	0			0		60	0		60			
Lane Width				12.0		12.0		12.0	12.0	12.0	12.0	
Parking/Grade/Parking	N		N	N	0	N	N	0	N	N	0	N
Parking/hr												
Bus stops/hr				0		0		0	0	0	0	
Unit Extension				3.0		3.0		3.0	3.0	3.0	3.0	
Phasing	WB Only	02	03	04	SB Only	Thru & RT	07	08				
Timing	G = 13.5	G =	G =	G =	G = 27.0	G = 61.5	G =	G =				
	Y = 5.5	Y =	Y =	Y =	Y = 5.5	Y = 7	Y =	Y =				
Duration of Analysis (hrs) = 0.25							Cycle Length C = 120.0					
Lane Group Capacity, Control Delay, and LOS Determination												
	EB			WB			NB			SB		
Adj. flow rate				246		861		2603	173	693	1664	
Lane group cap.				386		1068		2606	1082	772	3983	
v/c ratio				0.64		0.81		1.00	0.16	0.90	0.42	
Green ratio				0.11		0.38		0.51	0.68	0.22	0.78	
Unif. delay d1				50.9		33.0		29.2	6.8	45.2	4.2	
Delay factor k				0.22		0.35		0.50	0.11	0.42	0.11	
Increm. delay d2				3.5		4.6		17.3	0.1	13.3	0.1	
PF factor				1.000		1.000		1.000	1.000	1.000	1.000	
Control delay				54.4		37.7		46.6	6.8	58.5	4.3	
Lane group LOS				D		D		D	A	E	A	
Apprch. delay				41.4			44.1			20.2		
Approach LOS				D			D			C		
Intersec. delay	34.6			Intersection LOS						C		

SHORT REPORT												
General Information							Site Information					
Analyst <i>DPA</i> Agency or Co. <i>Lee County</i> Date Performed <i>10/22/2001</i> Time Period <i>Future PM PH With Imp.</i>							Intersection <i>US41 / Sanibel Blvd.</i> Area Type <i>All other areas</i> Jurisdiction Analysis Year <i># 99532</i>					
Volume and Timing Input												
	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	0	1	0	0	1	1	1	3	1	2	3	1
Lane group		LTR			LT	R	L	T	R	L	T	R
Volume (vph)	31	2	15	72	3	115	22	3046	110	143	2213	31
% Heavy veh	2	2	2	2	2	2	2	2	2	2	2	2
PHF	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Actuated (P/A)	A	A	A	A	A	A	A	A	A	A	A	A
Startup lost time		2.0			2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Ext. eff. green		2.0			2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Arrival type		3			3	3	3	3	3	3	3	3
Unit Extension		3.0			3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Ped/Bike/RTOR Volume	0		0	0		60	0		60	0		31
Lane Width		12.0			12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
Parking/Grade/Parking	N	0	N	N	0	N	N	0	N	N	0	N
Parking/hr												
Bus stops/hr		0			0	0	0	0	0	0	0	0
Unit Extension		3.0			3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Phasing	EW Perm	02	03	04	Excl. Left	Thru & RT	07	08				
Timing	G = 14.0	G =	G =	G =	G = 11.0	G = 76.0	G =	G =				
	Y = 5.5	Y =	Y =	Y =	Y = 5.5	Y = 8	Y =	Y =				
Duration of Analysis (hrs) = 0.25							Cycle Length C = 120.0					
Lane Group Capacity, Control Delay, and LOS Determination												
	EB			WB			NB			SB		
Adj. flow rate		53			83	61	24	3384	56	159	2459	0
Lane group cap.		114			157	402	162	3220	1003	315	3220	1003
v/c ratio		0.46			0.53	0.15	0.15	1.05	0.06	0.50	0.76	0.00
Green ratio		0.12			0.12	0.25	0.09	0.63	0.63	0.09	0.63	0.63
Unif. delay d1		49.5			49.9	34.7	50.2	22.0	8.4	51.9	15.6	8.1
Delay factor k		0.11			0.13	0.11	0.11	0.50	0.11	0.11	0.32	0.11
Increm. delay d2		3.0			3.4	0.2	0.4	31.4	0.0	1.3	1.1	0.0
PF factor		1.000			1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Control delay		52.5			53.2	34.9	50.6	53.4	8.4	53.2	16.8	8.1
Lane group LOS		D			D	C	D	D	A	D	B	A
Apprch. delay	52.5			45.5			52.6			19.0		
Approach LOS	D			D			D			B		
Intersec. delay	38.4			Intersection LOS						D		

SHORT REPORT												
General Information							Site Information					
Analyst Agency or Co. <i>Lee County</i> Date Performed <i>02/23/2004</i> Time Period <i>Future PM PH With Imp.</i>							Intersection <i>US41 / B & F Parcel</i> Area Type <i>All other areas</i> Jurisdiction Analysis Year <i>2020</i>					
Volume and Timing Input												
	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	2	1	0	2	1	0	2	3	1	2	3	1
Lane group	L	TR		L	TR		L	T	R	L	T	R
Volume (vph)	158	4	167	71	3	53	160	2952	25	94	2149	143
% Heavy veh	2	2	2	2	2	2	2	2	2	2	2	2
PHF	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Actuated (P/A)	A	A	A	A	A	A	A	A	A	A	A	A
Startup lost time	2.0	2.0		2.0	2.0		2.0	2.0	2.0	2.0	2.0	2.0
Ext. eff. green	2.0	2.0		2.0	2.0		2.0	2.0	2.0	2.0	2.0	2.0
Arrival type	3	3		3	3		3	3	3	3	3	3
Unit Extension	3.0	3.0		3.0	3.0		3.0	3.0	3.0	3.0	3.0	3.0
Ped/Bike/RTOR Volume	0		0	0		0	0		0	0		60
Lane Width	12.0	12.0		12.0	12.0		12.0	12.0	12.0	12.0	12.0	12.0
Parking/Grade/Parking	N	0	N	N	0	N	N	0	N	N	0	N
Parking/hr												
Bus stops/hr	0	0		0	0		0	0	0	0	0	0
Unit Extension	3.0	3.0		3.0	3.0		3.0	3.0	3.0	3.0	3.0	3.0
Phasing	EW Perm	02	03	04	Excl. Left	Thru & RT	07	08				
Timing	G = 17.0	G =	G =	G =	G = 9.0	G = 76.0	G =	G =				
	Y = 5.5	Y =	Y =	Y =	Y = 5.5	Y = 7	Y =	Y =				
Duration of Analysis (hrs) = 0.25						Cycle Length C = 120.0						
Lane Group Capacity, Control Delay, and LOS Determination												
	EB			WB			NB			SB		
Adj. flow rate	176	190		79	62		178	3280	28	104	2388	92
Lane group cap.	284	225		215	226		257	3220	1003	257	3220	1003
v/c ratio	0.62	0.84		0.37	0.27		0.69	1.02	0.03	0.40	0.74	0.09
Green ratio	0.14	0.14		0.14	0.14		0.08	0.63	0.63	0.08	0.63	0.63
Unif. delay d1	48.5	50.2		46.6	46.0		54.2	22.0	8.2	52.9	15.2	8.6
Delay factor k	0.20	0.38		0.11	0.11		0.26	0.50	0.11	0.11	0.30	0.11
Increm. delay d2	4.1	24.4		1.1	0.7		7.8	20.7	0.0	1.0	0.9	0.0
PF factor	1.000	1.000		1.000	1.000		1.000	1.000	1.000	1.000	1.000	1.000
Control delay	52.6	74.6		47.7	46.7		61.9	42.7	8.2	54.0	16.2	8.6
Lane group LOS	D	E		D	D		E	D	A	D	B	A
Apprch. delay	64.0			47.2			43.4			17.4		
Approach LOS	E			D			D			B		
Intersec. delay	34.4			Intersection LOS						C		

SHORT REPORT												
General Information							Site Information					
Analyst Agency or Co. <i>Lee County</i> Date Performed <i>02/23/2004</i> Time Period <i>Future PM PH</i>							Intersection <i>US41 / Constitution Blvd.</i> Area Type <i>All other areas</i> Jurisdiction Analysis Year <i>2020</i>					
Volume and Timing Input												
	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	1	1	0	1	1	1	1	3	1	2	3	1
Lane group	L	TR		L	T	R	L	T	R	L	T	R
Volume (vph)	22	34	44	143	30	160	40	2964	159	197	2209	55
% Heavy veh	2	2	2	2	2	2	2	2	2	2	2	2
PHF	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Actuated (P/A)	A	A	A	A	A	A	A	A	A	A	A	A
Startup lost time	2.0	2.0		2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Ext. eff. green	2.0	2.0		2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Arrival type	3	3		3	3	3	3	3	3	3	3	3
Unit Extension	3.0	3.0		3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Ped/Bike/RTOR Volume	0		0	0		60	0		60	0		55
Lane Width	12.0	12.0		12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
Parking/Grade/Parking	N	0	N	N	0	N	N	0	N	N	0	N
Parking/hr												
Bus stops/hr	0	0		0	0	0	0	0	0	0	0	0
Unit Extension	3.0	3.0		3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Phasing	EW Perm	02	03	04	Excl. Left	Thru & RT	07	08				
Timing	G = 18.2	G =	G =	G =	G = 9.0	G = 73.8	G =	G =				
	Y = 5.5	Y =	Y =	Y =	Y = 5.5	Y = 8	Y =	Y =				
Duration of Analysis (hrs) = 0.25						Cycle Length C = 120.0						
Lane Group Capacity, Control Delay, and LOS Determination												
	EB			WB			NB			SB		
Adj. flow rate	24	87		159	33	111	44	3293	110	219	2454	0
Lane group cap.	208	259		198	283	431	133	3127	974	257	3127	974
v/c ratio	0.12	0.34		0.80	0.12	0.26	0.33	1.05	0.11	0.85	0.78	0.00
Green ratio	0.15	0.15		0.15	0.15	0.27	0.08	0.62	0.62	0.08	0.62	0.62
Unif. delay d1	43.9	45.5		49.2	44.0	34.2	52.6	23.1	9.6	54.8	17.2	8.9
Delay factor k	0.11	0.11		0.35	0.11	0.11	0.11	0.50	0.11	0.38	0.33	0.11
Increm. delay d2	0.2	0.8		20.8	0.2	0.3	1.5	32.3	0.1	23.1	1.4	0.0
PF factor	1.000	1.000		1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Control delay	44.2	46.3		70.0	44.1	34.5	54.1	55.4	9.6	77.9	18.6	8.9
Lane group LOS	D	D		E	D	C	D	E	A	E	B	A
Apprch. delay	45.8			54.1			53.9			23.4		
Approach LOS	D			D			D			C		
Intersec. delay	41.3			Intersection LOS						D		

APPENDIX D
2020 PEAK HOUR
ART PLAN ANALYSIS OF US 41

ARTPLAN 2002 Conceptual Planning Analysis

Description/File Information

Filename	AP_north1.xml	Date Prepared	2/26/2004		
Program	ARTPLAN	Version	5.1.1		
Analyst		Agency		District	
Arterial Name	US 41	Begin Intersection	koreshan	End Intersection	Constitution
Study Period	K100	Peak Direction	Northbound		
User Notes					

Facility Data

Roadway Variables		Traffic Variables		Control Variables		Multimodal Variables	
Area Type	Urbanized	AADT	34000	Arrival Type	4	Paved Shoulder/Bike Lane	No
Class	1	K	0.095	Signals/Mile	1.00	Outside Lane Width	Typical
Posted Speed	50	D	0.58	Cycle Length	120	Pavement Condition	Typical
# Thru Lanes	6	PHF	0.925	Through g/C	0.44	Sidewalk	Yes
Median Type	Restrictive	% Turns Excl. Lanes	12	Control Type	Actuated	Sidewalk/Roadway Separation	Typical
Left Turn Lanes	Yes	% Heavy Vehicles	2			Sidewalk/Roadway Protective Barrier	No
		Base Sat Flow Rate	1900			Obstacle to Bus Stop	No
		Local Adj. Factor	1			Bus Freq	1
		Adjusted Sat Flow Rate	1863			Bus Span Of Service	15

Automobile Segment Data

Segment #	Cycle Length	g/C	Arr. Type	% Turns	# Dir. Lanes	Length	AADT	Hourly Vol.	FFS	Median Type
1 (to Sanibel)	120	0.63	4	4.2	3	1.3	60823	3178	45	Restrictive
2 (to BP PARCEL)	120	0.63	4	5.9	3	0.3	60038	3137	45	Restrictive
3 (to Constitution)	120	0.61	4	6.3	3	0.7	60536	3163	45	Restrictive

Automobile LOS

Segment #	Thru Mvmt Flow Rate	v/c	Control Delay	Int. Approach LOS	Speed (mph)	Segment LOS
1 (to Sanibel)	3291	0.93	11.45	B	36.4	B
2 (to BP PARCEL)	3191	0.91	10.52	B	27.6	C
3 (to Constitution)	3204	0.94	13.87	B	32.4	C
Arterial Length		2.3	Auto Speed		***	Auto LOS
						C

Automobile Service Volume Tables

	A	B	C	D	E
Lanes	Hourly Volume In Peak Direction				
1	**	940	1180	1210	***
2	**	1990	2370	2430	***
3	**	3060	3560	3640	***
4	**	4150	4740	4850	***
*	**	3060	3560	3640	***
Lanes	Hourly Volume In Both Directions				
2	**	1630	2030	2090	***
4	**	3430	4080	4180	***
6	**	5280	6130	6270	***
8	**	7160	8180	8360	***
*	**	5280	6130	6270	***
Lanes	Annual Average Daily Traffic				
2	**	17100	21400	22000	***
4	**	36100	43000	44000	***
6	**	55600	64500	66000	***
8	**	75300	86100	88000	***
*	**	55600	64500	66000	***

Multimodal Segment Data

Segment #	Pave Shldr / Bike Lane	Outside Lane Width	Pave Cond	Side walk	Sidewalk Roadway Separation	Sidewalk Roadway Protective Barrier	Obstacle To Bus Stop	Bus Freq	Bus Span Service
1 (to Sanibel)	No	Typical	Typical	Yes	Typical	No	No	1	15
2 (to BP PARCEL)	No	Typical	Typical	Yes	Typical	No	No	1	15
3 (to Constitution)	No	Typical	Typical	Yes	Typical	No	No	1	15

Pedestrian SubSegment Data

Segment #	% of Segment			Sidewalk			Separation			Barrier		
	1	2	3	1	2	3	1	2	3	1	2	3
1 (to Sanibel)	100	0	0	Yes	Yes	Yes	Typical	Typical	Typical	No	No	No
2 (to BP PARCEL)	100	0	0	Yes	Yes	Yes	Typical	Typical	Typical	No	No	No
3 (to Constitution)	100	0	0	Yes	Yes	Yes	Typical	Typical	Typical	No	No	No

Multimodal LOS

	Bicycle LOS		Pedestrian LOS					Bus LOS	
Segment #	Segment	Score	1	2	3	Segment	Score	Segment	Adj.Bus
1 (to Sanibel)	E	4.69	E			E	4.70	F	0.85
2 (to BP PARCEL)	E	4.65	E			E	4.60	F	0.85
3 (to Constitution)	E	4.68	E			E	4.67	F	0.85
Bicycle LOS		4.68	E	Pedestrian LOS		4.68	E	Bus LOS	.85 F

MultiModal Service Volume Tables

Bicycle

	A	B	C	D	E
Lanes	Hourly Volume In Peak Direction				
1	**	100	180	690	>690
2	**	190	350	1380	>1380
3	130	290	520	2060	>2060
4	170	380	690	2750	>2750
*	130	290	520	2060	>2060
Lanes	Hourly Volume In Both Directions				
2	**	170	300	1190	>1190
4	**	330	600	2370	>2370
6	220	500	900	3560	>3560
8	300	660	1190	4740	>4740
*	220	500	900	3560	>3560
Lanes	Annual Average Daily Traffic				
2	**	1800	3200	12500	>12500
4	**	3500	6300	25000	>25000
6	2300	5200	9400	37500	>37500
8	3100	7000	12600	49900	>49900
*	2300	5200	9400	37500	>37500

Pedestrian

	A	B	C	D	E
Lanes	Hourly Volume In Peak Direction				
1	**	100	570	> 570	***
2	**	**	1140	> 1140	***
3	**	**	1710	> 1710	***
4	**	**	2280	> 2280	***
*	**	**	1710	> 1710	***
Lanes	Hourly Volume In Both Directions				
2	**	170	990	> 990	***
4	**	**	1970	> 1970	***
6	**	**	2940	> 2940	***
8	**	**	3920	> 3920	***
*	**	**	2940	> 2940	***
Lanes	Annual Average Daily Traffic				
2	**	1800	10400	> 10400	***
4	**	**	20700	> 20700	***
6	**	**	31000	> 31000	***
8	**	**	41300	> 41300	***
*	**	**	31000	> 31000	***

Bus

	A	B	C	D	E
Lanes	Buses Per Hour In Peak Direction				
2	>7.00	>5.00	>=4.00	>=3.00	>=2.00
Lanes	Buses in Study Hour in Peak Direction (Daily)				
2	>7.00	>5.00	>=4.00	>=3.00	>=2.00

* Service Volumes for the specific facility being analyzed, based on # of lanes from the segment data screen.

** Cannot be achieved using table input value defaults.

*** Not applicable for that level of service letter grade. See generalized tables notes for more details.

APPENDIX E

COST ESTIMATES FOR NEEDED US 41 INTERSECTION IMPROVEMENTS

**ESTIMATE OF COSTS
DOUBLE RIGHT TURN LANE CONSTRUCTIONS
SWEETWATER MPD
HOLE MONTES PROJECT NO. 1997079X**

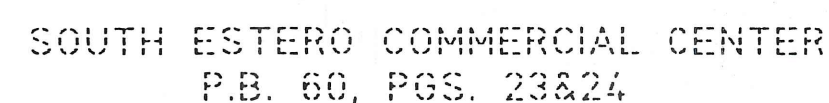
Number	Bid Item	Quantity	Units	Price	Extended Price
1.	Concrete Median (1')	600	FT	\$10.00	\$6,000.00
2.	Friction Course (.8)	2000	SY	\$2.00	\$4,000.00
3.	1" Type Structure Course	2000	SY	\$2.50	\$5,000.00
4.	Optional Base (5.5") Type SP	2000	SY	\$6.50	\$13,000.00
5.	12" Type B Stabilization	2000	SY	\$5.50	\$11,000.00
6.	Thermoplastic Traffic Stripes (6")	1	LS	\$2,000.00	\$2,000.00
7.	RPM	1	LS	\$2,000.00	\$2,000.00
8.	Signage	1	LS	\$5,000.00	\$5,000.00
9.	Maintenance of Traffic	1	LS	\$16,000.00	\$16,000.00
10.	Mobilization	1	LS	\$10,000.00	\$10,000.00
11.	Permitting	1	LS	\$10,000.00	\$10,000.00
12.	Drainage Structures	1	LS	\$16,000.00	\$16,000.00
					\$100,000.00

Estimate of Each Turn Lane:

US 41 & Constitution		\$ 100,000.00
US 41 & B&F	$\$100,000.00 + \$64,000.00^{**} \times 3 =$	292,000.00
US 41 & Sanibel	$\$100,000.00 + \$64,000.00^{**} + \$36,000 \text{ r/w} =$	200,000.00*
US 41 & Koreshan		100,000.00

* includes buying r/w

** Does not include cost of Maintenance of Traffic, Mobilization and Permitting



A PARCEL OF LAND LOCATION IN THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, LOCATED EASTERLY OF FLORIDA STATE ROAD NO. 45 (U.S. HIGHWAY 41), A 200.00 FOOT RIGHT-OF-WAY, LOCATED WESTERLY OF THE SEABOARD COASTLINE RAILROAD RIGHT-OF-WAY, A 130.00 FOOT RIGHT-OF-WAY, AND LOCATED NORTHERLY OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 9 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, THE SAME POINT BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'47"W. ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A DISTANCE OF 125.83 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE S.88°20'47"W. ALONG THE SOUTH LINE OF THE SOUTHEAST ONE QUARTER OF SAID SECTION 33 AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A DISTANCE OF 1,015.43 FEET TO THE BEGINNING OF THE TANGENTIAL, CONVEX CURVE, HAVING AN ARC LENGTH OF 6,350.00 FEET; THENCE LEAVING THE SOUTH LINE OF THE SOUTHEAST ONE QUARTER OF SAID SECTION 33, RUN WESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 6,350.00 FEET, SUBTENDED BY A CHORD OF 363.86 FEET AT A BEARING OF S89°50'47"W. FOR A DISTANCE OF 363.93 FEET TO THE END OF SAID CURVED FRONT PROPERTY LINE OF WILLIAMS ROAD; THENCE RUN W.0°0'0" E. ALONG THE WEST LINE OF WILLIAMS ROAD, A DISTANCE OF 100.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF FLORIDA STATE ROAD NO. 45 (U.S. HIGHWAY 41); A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.04°52'17"E. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF FLORIDA STATE ROAD NO. 45 (U.S. HIGHWAY 41), FOR A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING OF THE TANGENTIAL, CONCAVE CURVE, HAVING AN ARC LENGTH OF 1,337.20 FEET; THENCE LEAVING THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,337.20 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S10°21'87"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 2,679.52 FEET, TO THE POINT OF BEGINNING OF THE TANGENTIAL, CONVEX CURVE, HAVING AN ARC LENGTH OF 1,337.20 FEET; THENCE LEAVING THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, CONTAINING 102.572 ACRES, MORE OR LESS.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN ARE STATE PLANE FOR FLORIDA WEST ZONE, NAD 1983, 1990 ADJUSTMENT WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°20'47"W.

COORDINATES SHOWN HEREON REFER TO STATE PLANE FOR FLORIDA WEST ZONE, NAD 1983, 1990 ADJUSTMENT.

PROPERTY DESCRIPTION WAS PROVIDED BY CLIENT.

FENCES, A POND, AND A BORROW PIT ARE LOCATED ON THIS PROPERTY AS SHOWN. THIS PROPERTY IS OTHERWISE VACANT.

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

I HEREBY CERTIFY THAT THIS SKETCH OF THE HEREON DESCRIBED PROPERTY WAS SURVEYED UNDER MY DIRECTION ON 4/2/03. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA PURSUANT TO CHAPTER 61G17-6, F.A.C.

HOLE MONTES, INC.
CERTIFICATION OF AUTHORIZATION LB #1772

BY Thomas M. Murphy P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
PPK SET PK NAIL AND WASHER, LB 1772
FFK FOUND PK NAIL AND DISC
FCM FOUND CONCRETE MONUMENT
FIR FOUND IRON ROD
SIR SET IRON ROD, LB 1772
TOB TOP OF BANK
TOS TOE OF SLOPE
EOP EDGE OF PAVEMENT
CLD CENTER LINE OF DITCH
RCP ROUND CORRUGATED PIPE
BCVT BURIED CABLE TV
SF TRAFFIC SIGNAL POLE
WFP WOODEN POWER POLE
G/W GUY WIRE
CRX CARRY ROY

LEGEND

WILLIAMS ROAD DETAIL
(NOT TO SCALE)

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

PARTY CHIEF: RICK	DATE: 3/03
DRAWN BY: BEN/BA	DATE: 3/03
CHECKED BY: TJG	DATE: 3/03
VERTICAL SCALE: N/A	HORIZONTAL SCALE: 1"=200



950 Encore Way
Naples, FL. 34110
Phone: (941) 254-2000
Florida Certificate of
Authorization No.1772

BOUNDARY SURVEY

DRAWING NO.	A-1539-1
PROJECT NO.	02.105
REFERENCE NO.	021050A-1