

**BOARD OF COUNTY COMMISSIONERS**

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Writer's Direct Dial Number: (941) 479-8585

Bob Janes  
District One

July 3, 2003

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

Ray Eubanks, 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: Amendments to the Lee Plan  
Transmittal Submission Package for the 2002/2003 Regular Amendment Cycle

Dear Mr. Eubank:

In accordance with the provisions of F.S. Chapter 163.3184 and of 9J-11.006, this submission package constitutes the transmittal of the proposed 2002/2003 Regular Amendment Cycle to the Lee Plan. The Local Planning Agency held public hearings for these plan amendments on the following dates: January 27, 2003; March 24, 2003; April 28, 2003; and May 28, 2003. The Board of County Commissioners transmittal hearing for the plan amendments was held on June 25, 2003. Per 9J-11.006(1)(a)(3), Lee County is requesting that the Department review the proposed amendments and provide an Objections, Recommendations, and Comments (ORC) Report. The proposed amendments are not applicable to an area of critical state concern. The Board of County Commissioners has stated its intent to hold an adoption hearing upon receipt of the ORC Report.

A summary of the plan amendment content and effect is attached to this letter. The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendments is as follows:

Mr. Paul O'Connor, AICP  
Lee County Planning Division Director  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
(941) 479-8585  
Fax (941) 479-8319  
Email: oconnops@leegov.com

Included with this package, per 9J-11.006, are six copies of the proposed amendments, and supporting data and analysis. By copy of this letter and its attachments, I certify that these amendments have been sent to the Regional Planning Council, the Florida Department of Transportation (FDOT), the Department of Environmental Protection, Florida Department of State, Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, Division of Forestry, and the South Florida Water Management District.

Sincerely,  
**DEPT. OF COMMUNITY DEVELOPMENT**  
Division of Planning



Paul O'Connor, AICP  
Director



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

David Burr  
Interim Director  
Southwest Florida Regional Planning Council

Mike Rippe, District Director  
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



## 2002/2003 LEE PLAN AMENDMENT CYCLE

### SUMMARY OF PLAN AMENDMENT CONTENT AND EFFECT

- CPA2002-02** Amend the Future Land Use Map series for a 60 acre portion of a specified parcel of land located in Section 20, Township 46 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Outlying Suburban." Also, to amend Lee Plan Policy 1.1.6 by limiting the density in the reclassified area to 2 dwelling units per acre. Also, amend Table 1(a), Note 6 to require central sewer service for development in the subject property. This property is located in the Estero planning community at the western end of Pine Road.
- CPA2002-04** Amends the Vision Statement for the Fort Myers Shores Planning Community and creates a new Goal, Objectives and Policies specific to the Caloosahatchee Shores Community. Proposed policies address Community Character, Commercial Land Uses, Residential Uses, Mixed Use Developments, Community Facilities/Parks and Public Participation. Amends the Future Land Use Map by changing approximately 43 acres located at intersection of State Route 80 and State Route 31 from the Suburban Future Land Use category to the Urban Community Future Land Use category and by changing approximately 1003 acres of land located east of Buckingham Road and immediately north of the Buckingham Rural Community Preserve from the Suburban and Rural Future Land Use categories to the Outlying Suburban Future Land Use category. Revising the Definition of Density located in the Glossary of the Lee Plan.
- CPA2002-06** Amends Table 1(b) by adjusting the Outlying Suburban Residential allocations in the Bayshore and Alva Planning Communities. The Alva Planning Community allocation will be increased by 15 acres from 0 to 15 acres and the Bayshore Planning Community allocation will be decreased by 15 acres from 764 to 749 acres. This amendment addresses an error in the allocation adjustments made when the Bayshore Planning Community was created on Map 16. This amendment does not effect the overall county population accommodation.
- CPA2002-08** Amends the Conservation Lands categories of the Future Land Use Map (FLUM) series to include lands acquired by Lee County, the Trustees for Internal Improvement Trust Fund and the South Florida Water Management District.
- CPA2002-11** Amends the Future Land Use Element text, Objective 17.3, by adding language that allows potable water lines to be extended to serve the Buckingham Rural Community Preserve on a voluntary basis, with costs of extension to be paid by the petitioner. The proposed amendment also amends the Future Land Use Map Series, Map 6 Lee County Utilities Future Water Service Areas, to show all areas of the Buckingham Rural Community Preserve, that are within the Lee County Utilities franchise area, to be within the Future Water Service Areas of the County. The proposed amendment also amends the Future Land Use Map Series, Map 7 Lee County Utilities Future Sewer Service Areas, to add Gulf Coast Center and Tice Fire Station sites. Gulf Coast Center has existing sanitary sewer service through an interlocal agreement with Lee County Utilities. Tice Fire Station is surrounded on three sides by Gulf Coast Center and fronts on Buckingham Road. Both sites are designated under the Public Facilities Future Land Use category.



**CPA2002-13**

Amends some of the Transportation Maps of the Future Land Use Map Series (Maps 3A, 3B and 3H) and Policy 21.1.1 to reflect the latest version of the Lee County MPO's 2020 Financially Feasible Transportation Plan highway map (dated January 17, 2003). Map 3A directly reflects the MPO's plan, and Maps 3B and 3H are based on the network shown in the MPO's plan, and Policy 21.1.1 explains that the MPO's plan is incorporated as Map 3A of the Lee Plan Transportation Map series. All currently refer to an older version of the MPO plan (December 8, 2000) and require updating. At the time of the transmittal hearing for this amendment (June 25, 2003), the MPO had just approved some additional changes to its Financially Feasible Plan on June 20<sup>th</sup>, and additional amendments were scheduled to be considered at the August 22<sup>nd</sup> meeting, so further revisions to the Lee Plan maps and Policy 21.1.1 are expected for the adoption hearing.

**CPA2002-15**

Amends Table 2(a), Constrained Roads/State and County Roads, to eliminate Old 41, which is now a City of Bonita Springs road. The designation of certain roadways as "constrained", meaning they won't be widened for scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, has been limited to roadways that fall under Lee County's comprehensive plan jurisdiction, namely State and County-maintained roadways. Maintenance responsibility for Old 41 was transferred from Lee County to the City of Bonita Springs by virtue of a September 19, 2000 interlocal agreement, so Table 2(a) needed to be amended to delete Old 41, since it is no longer a County responsibility.

**CPA2002-19**

Amend the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program. The adopted CIP amendment will cover fiscal years FY03/04 through FY07/08.

**CPA2002-22**

Amends the Housing Element text, Policy 100.2.3, by replacing the outdated reference to the approval process "Special Permit" with the current process "Special Exception." LDC amending Ordinance 96-06 provided that the zoning function of a Special Permit would be incorporated into the definition and procedure of the zoning function Special Exception. The required submittal documents, staff review, and Hearing Examiner directive for evaluation of a Special Exception are equally stringent as what was previously required for a Special Permit application.



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

STATE OF FLORIDA  
COUNTY OF LEE

Before the undersigned authority, personally appeared  
**Ellen M. Polanshek**  
who on oath says that he/she is the  
**Asst. Legal Clerk** of the News-Press, a  
daily newspaper, published at Fort Myers, in Lee County,  
Florida; that the attached copy of advertisement, being a  
**display**  
in the matter of  
**Transmittal Hearing**  
in the Court was  
published in said newspaper in the issues of  
**June 16, 2003**

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

Sworn to and subscribed before me this

16th day of June, 2003 by

**Ellen M. Polanshek**  
personally known to me or who has produced

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

Notary Public *Brenda Leighton*

Print Name \_\_\_\_\_

My commission Expires:



Brenda Leighton  
MY COMMISSION # DD169005 EXPIRES  
February 14, 2007  
BONDED THRU TROY FAIR INSURANCE, INC



**NOTICE OF PROPOSED AMENDMENT TO  
THE LEE COUNTY COMPREHENSIVE LAND USE PLAN  
(Transmittal Hearing)**

In compliance with the Florida Statutes, notice is hereby given that the Lee County Board of County Commissioners will hold public hearings to consider proposed amendments to the Lee County Comprehensive Land Use Plan on Wednesday, June 25, 2003. The hearings will be held in the Board of County Commissioners Hearing Chambers in the renovated Courthouse at 2120 Main Street in Downtown Fort Myers. The hearing will commence at 9:30 a.m. At this hearing, the Board will review the proposed amendments for transmittal to the Florida Department of Community Affairs. The agenda of this hearing is set forth below.

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. Pursuant to Florida Statutes Section 163.3184(7), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal a decision made by the Board with respect to any matter considered at this hearing, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 479-8585 Extension 5910.

1. CALL TO ORDER; CERTIFICATION OF AFFIDAVIT OF PUBLICATION
2. PUBLIC COMMENT ON CONSENT AGENDA
3. CONSENT ITEMS TO BE PULLED FOR DISCUSSION BY THE BOARD
4. MOTION ON THE BALANCE OF ITEMS
5. CONSIDERATION OF ITEMS PULLED FOR DISCUSSION

**Consent Agenda:**

**A. CPA 2002-06 - Outlying Suburban Residential Allocations**

Amend Table 1(b), Planning Community Year 2020 Allocations, by correcting the Outlying Suburban Allocation for the Alva Community.

**B. CPA 2002-08 - Conservation Lands**

Amend the Future Land Use Map series, Map 1, by updating the Conservation Lands land use categories.

**C. CPA 2002-11 - Buckingham Potable Water**

Amend Goal 17, Buckingham, of the Future Land Use Element by adding language allowing water lines to be extended to serve the Buckingham Rural Community Preserve on a voluntary basis, with costs of extension to be paid by the petitioner. Amend Map 6, Future Water Service Areas, to show all of the Buckingham Rural Community Preserve to be within the Future Water Service Areas of the County. Amend Map 7, Future Sewer Service Areas, to

add certain public facility sites (Gulf Coast Center and Tice Fire Station) to the Future Sanitary Sewer Service Area Map.

**D. CPA 2002-13 - Financially Feasible Transportation Map**

Amend the Transportation Maps of the Future Land Use Map Series and any related policy references to reflect the latest Lee County MPO 2020 Financially Feasible Transportation Plan map.

**E. CPA 2002-15 - Constrained Roads**

Amend Table 2(a), Constrained Roads/State and County Roads, to eliminate Old 41, which is now a City of Bonita Springs road.

**F. CPA 2002-19 - Capital Improvements Program**

Amend the Capital Improvements Element (Tables 3 & 4) to reflect the most recently adopted Capital Improvement Program.

**G. CPA 2002-22 - Housing Element Text Update**

Amend Policy 100.2.3 of the Housing Element by replacing the outdated reference to the approval process of "Special Permit" with the current process of "Special Exception."

**6. ADMINISTRATIVE AGENDA**

**A. CPA 2002-02 - Estero 60**

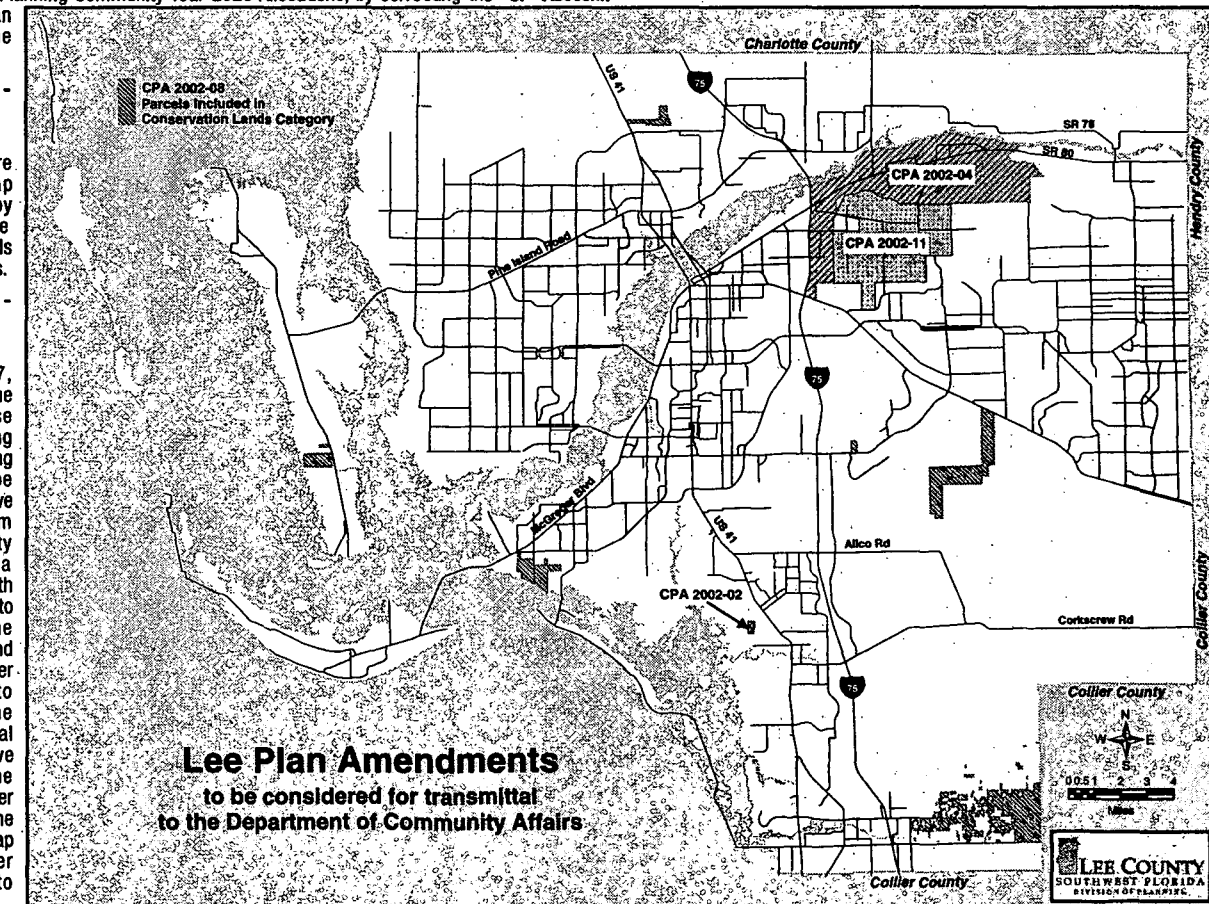
Amend Map 1 of the Future Land Use Map series to change the designation from "Rural" to "Outlying Suburban." on certain property located in Section 20, Township 46 South, Range 25 East. Amend Lee Plan Policy 1.1.6 by limiting the density in the reclassified area to 2 dwelling units per acre. Amend Table 1(a), Note 6 to require central sewer service for development in the subject property.

**7. COMMUNITY PLAN AGENDA**

**A. CPA 2002-04 - Caloosahatchee Shores Community Plan**

Amend the Future Land Use Element of the Lee Plan, text and Future Land Use Map series, to incorporate the recommendations of the Caloosahatchee Shores Community Planning effort. Establish a new Goal, Vision Statement and subsequent Objectives and Policies.

**8. ADJOURN**





## NEWS-PRESS

Published every morning - Daily and Sunday  
Fort Myers, Florida

### Affidavit of Publication

#### STATE OF FLORIDA COUNTY OF LEE

Before the undersigned authority, personally appeared

**Kieanna Henry**

who on oath says that he/she is the

**Asst. Legal Clerk** of the News-Press, a daily newspaper,  
published at Fort Myers, in Lee County, Florida; that the  
attached copy of advertisement, being a

**Display**

In the matter of **LPA Public Hearing**

in the \_\_\_\_\_ Court

was published in said newspaper in the issues of

**May 16, 2003**

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

*Kieanna Henry*

Sworn to and subscribed before me this

16<sup>th</sup> day of May 2003 by

**Kieanna Henry**

personally known to me or who has produced

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

Notary Public *Brenda Leighton*

Print Name \_\_\_\_\_

My commission Expires:



Brenda Leighton  
MY COMMISSION # DD169005 EXPIRES  
February 14, 2007  
BONDED THRU TROY FAIR INSURANCE, INC.



LEE COUNTY  
SOUTHWEST FLORIDA

## MEETING NOTICE LOCAL PLANNING AGENCY PUBLIC HEARING

Notice is hereby given that the Lee County Local Planning Agency (LPA) will meet on Wednesday, May 28, 2003. The meeting will be held in the Community Development/Public Works Building, First Floor, Conference Room 1B, at 1500 Monroe Street in downtown Fort Myers. The meeting will commence at 8:30 a.m.

### AGENDA

1. Call to Order; Certification of Affidavit of Publication
2. Pledge of Allegiance
3. Public Forum
4. Approval of Minutes from April 28, 2003
5. 2002/2003 Regular Round Plan Amendment Review:

A. CPA 2002-04 - Amend the Future Land Use Element of the Lee Plan, text and Future Land Use Map series to incorporate the recommendations of the Caloosahatchee Shores Community Planning effort, establish a new Goal, Vision Statement and subsequent Objectives and Policies.

B. CPA2002-01 - Amend the Future Land Use Element of the Lee Plan, text and Future Land Use Map series to incorporate the recommendations of the ALVA Inc. Community Planning effort, establish a revised Vision Statement and a new Goal and subsequent Objectives and Policies.

6. Small Scale Plan Amendment Review:

A. CPA 2003-03 - Amend the Future Land Use Map series, Map 1, page 5 of 5 for a specified 6.8± acre parcel of land located in Section 19 Township 45 South, Range 28 East to change the boundary of Airport Noise Zone 3 to remove the subject property from that designation.

7. Spring 2003 Land Development Code Amendments

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE (LDC) TO AMEND CHAPTERS 2, 6, 10, 14, 30 AND 34; AMENDING CHAPTER 2 (ADMINISTRATION); AMENDING IMPACT MITIGATION (§2-485); AND

AMENDING CHAPTER 6 (BUILDINGS AND BUILDING REGULATION); CREATING COMPLIANCE WITH OUTDOOR LIGHTING STANDARDS (§6-113); BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD (§6-408); AND

AMENDING CHAPTER 10 (DEVELOPMENT STANDARDS); AMENDING DEFINITIONS AND RULES OF CONSTRUCTION (§10-1); AMENDING AND RENUMBERING GENERAL REQUIREMENTS (§10-7); AMENDING SPECIFIC REQUIREMENTS (§10-8); TRANSFER (§10-121); AMENDING AND RENUMBERING APPLICATION FORM AND CONTENTS (§10-153); ADDITIONAL REQUIRED SUBMITTALS (§10-154); AMENDING TYPES OF DEVELOPMENT ENTITLED TO LIMITED REVIEW (§10-174); FINAL INSPECTION AND CERTIFICATE OF COMPLIANCE (§10-183); REQUIRED (PLATS) (§10-211); LOT RECOMBINATIONS (§10-217); CONSTRUCTION OF SOIL CONDITIONS AND FLOOD HAZARDS (§10-253); BIKEWAYS AND PEDESTRIAN WAYS (§10-256); CONNECTION SEPARATION (§10-285); CONTROLLED ACCESS ROADS (§10-298); EXCAVATIONS (§10-329); SITE DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND DEVELOPMENTS (§10-610); AND

AMENDING CHAPTER 14 (ENVIRONMENT AND NATURAL RESOURCES); AMENDING PURPOSE AND INTENT (CLEAN WATER PROVISIONS) (§14-471); PROHIBITIONS (§14-473); DEFINITIONS (§14-475); INDUSTRIAL ACTIVITY (§14-476); STORMWATER POLLUTION PREVENTION PLAN (SWP3) CRITERIA (§14-477); MONITORING (§14-478); ENFORCEMENT (§14-479); AND

AMENDING CHAPTER 30 (SIGNS); AMENDING PROHIBITED SIGNS (§30-5); PERMITS; INSPECTIONS (§30-54); TEMPORARY SIGNS (§30-151); AND

AMENDING CHAPTER 34 (ZONING); AMENDING, PROVIDING FOR OR REMOVING DEFINITIONS OF "ANIMAL KENNEL", "AMBIENT LIGHT", "ARTIFICIAL LIGHT OR ARTIFICIAL LIGHTING", "AVERAGE LIGHTING", "BACK-LIGHTING", "BULB", "CANDELS OR CD", "CUMULATIVELY ILLUMINATED", "DIRECT LIGHT", "EXISTING OUTDOOR LIGHTING", "EXTERIOR LIGHTING", "FIXTURE", "FLOOD OR SPOT LIGHT", "FOOTCANDLE", "FULL CUTOFF", "FULLY SHIELDED", "HIGH PRESSURE SODIUM OR HPS", "ILLUMINANCE", "ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA OR IESNA", "INDIRECT LIGHT", "LAMP", "LIGHT LOSS FACTOR OR LLF", "LIGHT POLLUTION", "LIGHTING", "LOW PRESSURE

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COUNTY



SODIUM OR LPS", "LUMINAIRE", "LUMEN", "MERCURY VAPOR", "METAL HALIDE OR MH", "NON-ESSENTIAL LIGHTING", "OUTDOOR LIGHTING", "PARTIALLY SHIELDED", "PHOTOMETRICS", "PLANNED DEVELOPMENT", "RECESSED", "SINGLE MANAGEMENT", "SKYGLOW", "UNIFIED CONTROL", "UNIFIED CONTROL COVENANT OF", "TELEPHONE BOOTH OR PAY TELEPHONE STATION", "UPLIGHTING" (§34-2); AMENDING FUNCTIONS AND AUTHORITY (BOARD OF COUNTY COMMISSIONERS) (§34-83); LOCAL PLANNING AGENCY (§34-111); MEMBERSHIP TERM OF OFFICE (§34-112); COMPENSATION OF MEMBERS; FUNDING (§34-113); ORGANIZATION AND OPERATION (§34-114); FUNCTIONS AND AUTHORITY (LOCAL PLANNING AGENCY) (§34-115); FUNCTIONS AND AUTHORITY (HEARING EXAMINER) (§34-145); FINAL DECISION; JUDICIAL REVIEW (§34-146); AMENDING AND RENUMBERING GENERAL SUBMITTAL REQUIREMENTS FOR APPLICATIONS REQUIRING PUBLIC HEARING (§34-202); AMENDING ADDITIONAL REQUIREMENTS FOR APPLICATIONS REQUIRING PUBLIC HEARING (§34-203); APPLICATIONS (§34-373); DELETING COVENANT OF UNIFIED CONTROL AND RESERVING SECTION (§34-374); AMENDING PUBLIC HEARING (§34-377); EFFECT OF PLANNED DEVELOPMENT ZONING (§34-378); AMENDING AND RENUMBERING DURATION OF RIGHTS CONFERRED BY ADOPTED MASTER CONCEPT PLAN (§34-381); AMENDING PERFORMANCE STANDARDS, CREATION OF NUISANCE (§34-624); CREATING OUTDOOR LIGHTING STANDARDS (§34-625); AMENDING USE REGULATIONS TABLE FOR AGRICULTURAL DISTRICTS (§34-653); USE REGULATIONS TABLE FOR ONE AND TWO FAMILY DISTRICTS (§34-694); USE REGULATIONS FOR ONE AND TWO FAMILY RESIDENTIAL DISTRICTS (§34-694); USE REGULATIONS TABLE FOR MOBILE HOME DISTRICTS (§34-735); USE REGULATIONS TABLE FOR CONVENTIONAL COMMERCIAL DISTRICTS (§34-843); USE REGULATIONS TABLE FOR PLANNED DEVELOPMENT DISTRICTS (§34-834); DEFINITIONS (PLANNED DEVELOPMENT DISTRICTS) (§34-1033); TRUCKS AND COMMERCIAL VEHICLES IN RESIDENTIALLY AND AGRICULTURALLY ZONED DISTRICTS (§34-1181); ASSISTED LIVING FACILITIES (§34-1411); AMENDING PURPOSE OF SUBDIVISION (MINING) (§34-1671); CREATING APPENDIX "N" (POTENTIAL MINING AREAS OF LEE COUNTY) (§34-1672); AMENDING AND RENUMBERING PERMIT REQUIRED (§34-1673); GENERAL POLICIES FOR APPROVAL AND OPERATION (§34-1674); APPLICATION FOR A GENERAL MINING PERMIT; ISSUANCE OF PERMIT (§34-1676); APPLICATION FOR A MINING OPERATION PERMIT (§34-1676); DURATION OF MINING PERMIT (§34-1677); RENEWAL OF PERMITS (§34-1678); ADDITIONAL PHASE APPROVALS (§34-1679); INSPECTIONS (§34-1680); SITE REQUIREMENTS (§34-1681); AMENDING AND RENUMBERING RESERVED PROVISIONS (§34-1681 - 34-1710); AMENDING REQUIRED SPACES (§34-2020); MINIMUM DIMENSIONS GENERALLY (§34-2221); AMENDING AND RENUMBERING RESERVED PROVISIONS (§34-3051 - 34-3100); DELETING DIVISION 38 (TELEPHONE BOOTHS AND PAY PHONE STATIONS); DELETING LOCATION (§34-3070); DELETING LIGHTING AND SIGNAGE (§34-3071); RENUMBERING DIVISION 38 (USE, OCCUPANCY AND CONSTRUCTION REGULATIONS); AMENDING NUMBER OF PRINCIPAL BUILDINGS ON LOT (§34-3102); RENUMBERING DIVISIONS 40 THRU 42 AS 39 THRU 41; AND

PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

8. Update on Lee County's Evaluation and Appraisal Report process.
9. Other Business
10. Adjournment

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. Pursuant to Florida Statutes Section 163.3184(8)(b), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

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



# MEETING NOTICE LOCAL PLANNING AGENCY PUBLIC HEARING

Notice is hereby given that the Lee County Local Planning Agency (LPA) will meet on Monday, April 28, 2003. The meeting will be held in the Board of County Commission Chambers at 2120 Main Street in downtown Fort Myers. The meeting will commence at 8:30 a.m.

## AGENDA

1. Call to Order; Certification of Affidavit of Publication
2. Pledge of Allegiance
3. Public Forum
4. Approval of Minutes from March 24, 2003
5. Plan Amendment Review
  - A. CPA2002-01 - Amend the Future Land Use Element of the Lee Plan, text and Future Land Use Map series to incorporate the recommendations of the ALVA Inc. Community Planning effort, establish a new Vision Statement, Goal and subsequent Objectives and Policies.
  - B. CPA2002-04 - Amend the Future Land Use Element of the Lee Plan, text and Future Land Use Map series to incorporate the recommendations of the Caloosahatchee Shores Community Planning effort, establish a new Goal, Vision Statement and subsequent Objectives and Policies.
  - C. CPA 2002-06 - Amend Table 1(b), Planning Community Year 2020 Allocations, by correcting the Outlying Suburban Allocation for the Alva Community.
  - D. CPA2002-08 - Amend the Future Land Use Map series, Map 1, by updating the Conservation Lands land use categories.
  - E. CPA2002-13 - Amend the Transportation Maps of the Future Land Use Map Series and any related policy references to reflect the latest Lee County MPO 2020 Financially Feasible Transportation Plan map.
  - F. CPA2002-15 - Update Table 2(a), Constrained Roads/State and County Roads, to eliminate Old 41, which is now a City of Bonita Springs road.
  - G. CPA2002-19 - Amend the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program.
6. Update on Lee County's Evaluation and Appraisal Report process.
7. Other Business
8. Adjournment

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. Pursuant to Florida Statutes Section 163.3184(8)(b), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

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PO# 900565

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## Affidavit of Publication

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COUNTY OF LEE

Before the undersigned authority, personally appeared

**Kieanna Henry**

who on oath says that he/she is the

**Asst. Legal Clerk** of the News-Press, a daily newspaper, published at Fort Myers, in Lee County, Florida; that the attached copy of advertisement, being a

**Display**

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in the \_\_\_\_\_ Court

was published in said newspaper in the issues of

**April 18, 2003**

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

*Kieanna Henry*

Sworn to and subscribed before me this

18<sup>th</sup> day of April 2003 by

**Kieanna Henry**

personally known to me or who has produced

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

Notary Public

*Brenda Leighton*

Print Name \_\_\_\_\_

My commission Expires:



Brenda Leighton  
MY COMMISSION # DD169005 EXPIRES  
February 14, 2007  
BONDED THRU TROY FAIR INSURANCE, INC.

21 AM 9:00

RECEIVED  
LEE COUNTY



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Published every morning – Daily and Sunday  
Fort Myers, Florida

### Affidavit of Publication

STATE OF FLORIDA  
COUNTY OF LEE

Before the undersigned authority, personally appeared  
**Kieanna Henry**  
who on oath says that he/she is the  
**Asst. Legal Clerk** of the News-Press, a daily newspaper,  
published at Fort Myers, in Lee County, Florida; that the  
attached copy of advertisement, being a  
**Display**  
In the matter of **LPA Public Hearing**  
in the \_\_\_\_\_ Court  
was published in said newspaper in the issues of  
**March 14, 2003**

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

*Kieanna Henry*

Sworn to and subscribed before me this

14<sup>th</sup> day of March 2003 by

**Kieanna Henry**

personally known to me or who has produced

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

Notary Public

*Brenda Leighton*

Print Name

My commission Expires:



Brenda Leighton  
MY COMMISSION # DD169005 EXPIRES  
February 14, 2007  
BONDED THRU TROY FAIR INSURANCE, INC.

NOTARY PUBLIC  
LEE COUNTY, FLORIDA

00:6 AM 17

RECEIVED  
LEE COUNTY

## MEETING NOTICE LOCAL PLANNING AGENCY PUBLIC HEARING

Notice is hereby given that the Lee County Local Planning Agency (LPA) will meet on Monday, March 24, 2003. The meeting will be held in the Board of County Commission Chambers at 2120 Main Street in downtown Fort Myers. The meeting will commence at 8:30 a.m.

### AGENDA

1. Call to Order; Certification of Affidavit of Publication
2. Pledge of Allegiance
3. Public Forum
4. Approval of Minutes from February 24, 2003
5. Small Scale Plan Amendment Review:
  - A. CPA2003-01 - Amend the Future Land Use Map series for a specified 2.25 acre parcel of land located in Section 8 Township 46 South, Range 24 East to change the classification shown on Map 1, The Future Land Use Map, from "Industrial Development" to "Urban Community."
6. 2002/2003 Regular Round Plan Amendment Review
  - A. CPA2002-02 - Amend the Future Land Use Map series for a portion of a specified parcel of land located in Section 20, Township 46 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Outlying Suburban." Amend Lee Plan Policy 1.1.6 by limiting the density in the reclassified area to 2 dwelling units per acre. Also, amend Table 1(a), Note 6 to require central sewer service for development in the subject property.
  - B. CPA2002-04 - Amend the Future Land Use Element of the Lee Plan, text and Future Land Use Map series to incorporate the recommendations of the Caloosahatchee Shores Community Planning effort, establish a new Goal, Vision Statement and subsequent Objectives and Policies.
  - C. CPA2002-11 - Amend Goal 17, Buckingham, of the Future Land Use Element by adding language that allows water lines to be extended to serve the Buckingham Rural Community Preserve on a voluntary basis, with costs of extension to be paid by the petitioner. Amend Map 6, Future Water Service Areas, to show all of the Buckingham Rural Community Preserve to be within the Future Water Service Areas of the County. Amend Map 7, Future Sewer Service Areas, to add certain public facility sites to the Future Sanitary Sewer Service Areas that have existing sewer service from Lee County Utilities or have an interlocal agreement with the City of Fort Myers for sewer service.
7. Update on Lee County's Evaluation and Appraisal Report process.
8. Communication Tower Master Plan and Ordinance

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE (LDC) TO AMEND CHAPTER 34 (ZONING); AMENDING THE DEFINITION OF "COMMUNICATION TOWER" (§34-2); FUNCTIONS AND AUTHORITY (BOARD OF COUNTY COMMISSIONERS) (§34-83); REHEARING OF DECISIONS (§34-84); FUNCTIONS AND AUTHORITY (HEARING EXAMINER) (§34-145); FINAL DECISION; JUDICIAL REVIEW (§34-146); ADDITIONAL REQUIREMENTS FOR APPLICATIONS REQUIRING PUBLIC HEARING (§34-203); AMENDING USE ACTIVITY GROUPS - ESSENTIAL SERVICE FACILITIES (§34-622); AMENDING USE REGULATIONS TABLE FOR AGRICULTURAL DISTRICTS (§34-653); FOR ONE- AND TWO-FAMILY RESIDENTIAL DISTRICTS (§34-694); FOR MULTIPLE-FAMILY RESIDENTIAL DISTRICTS (§34-714); FOR MOBILE HOME DISTRICTS (§34-735); FOR RECREATIONAL VEHICLE DISTRICTS (§34-791); FOR COMMUNITY FACILITIES DISTRICTS (§34-813); FOR CONVENTIONAL COMMERCIAL DISTRICTS (§34-843); FOR MARINE-ORIENTED DISTRICTS (§34-873); FOR INDUSTRIAL DISTRICTS (§34-903); FOR PLANNED DEVELOPMENT DISTRICTS (§34-934); AMENDING PRIVATE RECREATIONAL FACILITIES PLANNED DEVELOPMENTS (§34-941); AMENDING MODIFIED LAND DEVELOPMENT REGULATIONS, MASTER SITE PLAN - THE NORTH TAMiami REDEVELOPMENT OVERLAY DISTRICT (§34-1124) REPEALING AND REPLACING SATELLITE DISHES AND AMATEUR RADIO ANTENNA/TOWERS (§34-1175) AND CREATING A NEW SECTION ENTITLED SATELLITE EARTH STATIONS AND AMATEUR RADIO ANTENNAS, THAT PROVIDES FOR PURPOSE, APPLICABILITY, DEFINITIONS AND PROPERTY DEVELOPMENT REGULATIONS (§34-1175); REPEALING AND REPLACING ARTICLE VII, DIVISION 11, COMMUNICATION TOWERS IN ITS ENTIRETY (§§34-1441 - 34-1446); CREATING ARTICLE VII, DIVISION 11, ENTITLED WIRELESS COMMUNICATION FACILITIES; PROVIDING FOR PURPOSE AND INTENT (§34-1441); DEFINITIONS (§34-1442); APPLICABILITY AND EXEMPTIONS (§34-1443); PERMISSIBLE WIRELESS COMMUNICATION FACILITY LOCATIONS (§34-1444); REVIEW AND APPROVAL PROCESS (§34-1445); APPLICATION SUBMITTAL REQUIREMENTS (§34-1446); CREATING DEVELOPMENT REGULATIONS PERTAINING TO ANTENNA-SUPPORTING STRUCTURES, COLLOCATIONS, ROOF-MOUNTED ANTENNAS-SUPPORTING STRUCTURES, SURFACE-MOUNTED ANTENNAS AND STEALTH WIRELESS COMMUNICATION FACILITIES (§34-1447); PROVIDING FOR EXPERT REVIEW (§34-1448); MONITORING AND EVALUATION (§34-1449); FEES AND INSURANCE (§34-1450); DISCONTINUED USE (§34-1451); NONCONFORMING ANTENNA-SUPPORTING STRUCTURES (§34-1452); AND VARIANCE CRITERIA (§34-1453); RENUMBERING RESERVED PROVISIONS §§34-1447 - 34-1470 TO §§34-1454 - 34-1470 (§§34-1447 - 34-1470); AMENDING EXCEPTIONS TO HEIGHT LIMITATIONS FOR CERTAIN STRUCTURAL ELEMENTS (§34-2173); AMENDING ARTICLE VIII NONCONFORMITIES (APPLICABILITY); AND PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

9. Other Business
10. Adjournment

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. Pursuant to Florida Statutes Section 163.3184(8)(b), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

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

PO# 900565



## NEWS-PRESS

Published every morning - Daily and Sunday  
Fort Myers, Florida

### Affidavit of Publication

STATE OF FLORIDA  
COUNTY OF LEE

Before the undersigned authority, personally appeared

**Kieanna Henry**

who on oath says that he/she is the

**Asst. Legal Clerk** of the News-Press, a daily newspaper,  
published at Fort Myers, in Lee County, Florida; that the  
attached copy of advertisement, being a

**Display**

In the matter of **LPA Public Hearing**

in the \_\_\_\_\_ Court

was published in said newspaper in the issues of

**January 17, 2003**

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

*Kieanna Henry*

Sworn to and subscribed before me this

17<sup>th</sup> day of January 2003 by

**Kieanna Henry**

personally known to me or who has produced

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

Notary Public

Print Name

My commission Expires:



Brenda Leighton  
MY COMMISSION # CC808905 EXPIRES  
February 14, 2003  
BONDED THRU TROY FAIN INSURANCE, INC.



## MEETING NOTICE LOCAL PLANNING AGENCY PUBLIC HEARING

Notice is hereby given that the Lee County Local Planning Agency (LPA) will meet on Monday, January 27, 2003. The meeting will be held in the Board of County Commission Chambers at 2120 Main Street in downtown Fort Myers. The meeting will commence at 8:30 a.m.

### AGENDA

1. Call to Order; Certification of Affidavit of Publication
2. Pledge of Allegiance
3. Public Forum
4. Approval of Minutes from November 25, 2002
5. Plan Amendment Review:

#### A. DRI Related Amendment

CPA2001-03 - Amend the Future Land Use Map for an approximate 24 acre portion of land located in Sections 12 and 13, Township 46 South, Range 25 East, to change the classification shown on Map 1 of the Future Land Use Map series from "Density Reduction/Groundwater Resource" to "University Community."

#### B. 2002/2003 Regular Round Amendment

CPA2002-22 - Amend Policy 100.2.3 of the Housing Element by replacing the outdated reference to the approval process of "Special Permit" with the current process of "Special Exception."

#### 6. Other Business

#### 7. Adjournment

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. Pursuant to Florida Statutes Section 163.3184(8)(b), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 479-8585 Extension 5910.

PO# 900565

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

2. Article Number  
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1. Article Addressed to:

Department of Agriculture and Consumer Svc  
Division of Forestry  
25 Connor Boulevard  
Tallahassee, FL 32301

2. Article Number  
(Transfer from service label) 7000 1670 DD11 9183 9836

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature A. Riles ☐ Agent ☒ Addressee  
X A. Riles  
B. Received by (Printed Name) A. Riles C. Date of Delivery 7-9-03  
D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No  
3. Service Type  
☒ Certified Mail ☐ Express Mail  
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4. Restricted Delivery? (Extra Fee) ☐ Yes

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1. Article Addressed to:

la Fish and Wildlife Conservation Commission  
outh Meridian Street  
Tallahassee, FL 32399-1600

2. Article Number  
(Transfer from service label) 7000 1670 DD11 9183 9829

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature Steph K. O'Connor ☐ Agent ☒ Addressee  
X Steph K. O'Connor  
B. Received by (Printed Name) Steph K. O'Connor C. Date of Delivery 7-9-03  
D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No  
3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
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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  
(Transfer from service label) 7000 1670 DD11 9183 9874

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature John Czerapak ☐ Agent ☒ Addressee  
X John Czerapak  
B. Received by (Printed Name) John Czerapak C. Date of Delivery 7-9-03  
D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No  
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4. Restricted Delivery? (Extra Fee) ☐ Yes

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1. Article Addressed to:

Mr. John Czerapak  
Florida Department of Transportation  
801 North Broadway  
Bartow, FL 33830

2. Article Number  
(Transfer from service label) 7000 1670 DD11 9183 9867

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature Bingham ☐ Agent ☒ Addressee  
X Bingham  
B. Received by (Printed Name) Bingham C. Date of Delivery 7-9-03  
D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No  
3. Service Type  
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4. Restricted Delivery? (Extra Fee) ☐ Yes

SENDER: COMPLETE THIS SECTION

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■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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

2. Article Number  
(Transfer from service label) 7000 1670 DD11 9183 9850

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature JUL 09 2003 ☐ Agent ☒ Addressee  
X JUL 09 2003  
B. Received by (Printed Name) JUL 09 2003 C. Date of Delivery 7-9-03  
D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No  
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Mr. David Burr  
S.W. Florida Regional Planning Council  
P.O. Box 3455  
4980 Bayline Drive, 4<sup>th</sup> Floor  
North Fort Myers, FL 33918-3455

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

banks, Community Program Administrator  
Department of Community Affairs  
of Local Planning  
humard Oak Boulevard  
Tallahassee, FL 32399-2100

2. Article Number  
(Transfer from service label) 7000 1670 DD11 9183 9898

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1. Article Addressed to:

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

2. Article Number  
(Transfer from service label) 7000 1670 DD11 9183 9881

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A. Signature David Burr ☐ Agent ☒ Addressee  
X David Burr  
B. Received by (Printed Name) David Burr C. Date of Delivery 7-8-03  
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4. Restricted Delivery? (Extra Fee) ☐ Yes



**CPA2002-02  
ESTERO-60  
PRIVATELY INITIATED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

**Privately Sponsored Application  
and Staff Analysis**

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**DCA Transmittal Document**

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

**June 25, 2003**



**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2002-02**



Text Amendment



Map Amendment

	<b>This Document Contains the Following Reviews:</b>
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: March 17, 2003

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

ESTERO 60 ACRE LAND TRUST  
REPRESENTED: BY WAYNE ARNOLD,  
Q. GRADY MINOR AND ASSOCIATES

**2. REQUEST:**

Amend the Future Land Use Map series for a portion of a specified parcel of land located in Section 20, Township 46 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Outlying Suburban." Also, to amend Lee Plan Policy 1.1.6 by limiting the density in the reclassified area to 2 dwelling units per acre. Also, amend Table 1(a), Note 6 to require central sewer service for development in the subject property. The applicant proposes the following text amendment:

**Policy 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban Areas, higher densities,



commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from 1 dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

**Table 1(a), Note 6:** In the Outlying Suburban category north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78); Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area; and in the Buckingham area (See Goal 17), the maximum density shall be 2 du/acre. For lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area, connection to a central sanitary sewer system shall be required if residential development occurs at a density exceeding 1 dwelling unit per acre, and clustering shall be utilized if residential development occurs at a density exceeding 1 unit per acre to enhance open spaces and buffers and to provide for an appropriate flow way. Compliance with the above clustering standards shall be demonstrated through the use of the planned development zoning district.

## **B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners not transmit this proposed amendment. Staff recommends that Map 1, the Future Land Use Map, not be amended to change the future land use designation of this parcel from the "Rural" land use category to the "Outlying Suburban" land use category. Staff also recommends that Lee Plan Policy 1.1.6 and Table 1(a), Note 6 not be amended.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** In addition to the various conclusions contained in this Staff Analysis, staff offers the following as the basis and recommended findings of fact:
  - The requested land use category is not adjacent to the site.
  - The need for additional urban area within the County has not been justified by the applicant.
  - Based on the 2020 FSUTMS model run, even with all planned improvements, U.S. 41 will operate at LOS F in the year 2020. The proposed increase in density would add 59 trips in the P.M. peak hour. This would worsen an already burdened section of major roadway.
  - Access to the property is through an existing residential area to the east. Furthermore, the access road is substandard and the access is problematic where the Right of Way intersects existing roads.



- All portions of the property less than 7.4 feet in elevation meet the criteria of the Coastal high Hazard Area.
- Access is further limited by the north-south configured slough flow-way on the eastern edge of the property.
- This slough could act as a conduit for storm surges coming up from Mullock Creek.
- This property is within the Tidal Surge area depicted on Lee Plan Map 9: Defined 100-year Flood Plains.
- The property abuts the Estero Scrub Preserve, a state-owned conservation area, to the south and west.
- Increasing residential density from one unit per acre to two units per acre would generate approximately 38 public school students, creating a need for up to two new classrooms in the district. The schools in the South Region that would serve this development are operating at or above permanent student capacity levels.
- The proposal would add 2.4 minutes to the hurricane evacuation time.
- The proposal would double the number of vehicles evacuating in a hurricane from 58 to 116 and the number of people evacuating from 109 to 218.
- The proposal would double the number of people seeking shelter in a Category 2 hurricane from 23 to 46.
- The proposal would double the amount of hurricane shelter space needed in a category 2 hurricane from 460 square feet to 920.
- The majority of the property contains high quality native uplands.
- The property contains habitat for Lee County listed species.
- The proposed amendment is inconsistent with Lee Plan Policies 75.1.4 and 5.1.2 which seek to limit development in the Coastal High Hazard Area.
- A nearly identical proposal was denied by the Board of County Commissioners in January 2002.
- Remaining upland portions of the property are essentially an island surrounded by the Coastal High Hazard Area.



## **C. BACKGROUND INFORMATION**

### **1. EXISTING CONDITIONS**

**SIZE OF PROPERTY:** 60.324 acres.

**PROPERTY LOCATION:** The site is generally located at the end of Pine Road, west of U.S. 41 in Estero.

**EXISTING USE OF LAND:** The subject property is currently vacant.

**CURRENT ZONING:** AG-2.

**CURRENT FUTURE LAND USE CLASSIFICATIONS:** Rural, Urban Community and Wetlands.

### **2. INFRASTRUCTURE AND SERVICES**

**WATER & SEWER:** The subject property is located in the Gulf Environmental Services, Inc., franchise area for potable water service. Conversations with personnel at the water utility indicate that adequate flow and pressure are available. The nearest water main is a 10 inch line running along the south side of Pine Road from US 41 to the western end of Pine Road, terminating approximately 670 feet from the property. Staff has confirmed with personnel at Gulf Environmental Services Inc. that the water treatment plant for the area has sufficient capacity for the proposed additional 60 units.

The subject property is also located in the Gulf Environmental Services, Inc., franchise area for sanitary sewer service. According to the application, "Sanitary sewer will be extended to the site and utilized." The nearest sewer line is a force main on the east side of US 41 and connecting to it would require an investment in infrastructure for new lines and force pumps. Planning staff notes that Lee Plan Standards 11.1 and 11.2 provide for mandatory connections when certain development thresholds are achieved. The proposed density increase would fall below the 2.5 units per acre threshold for mandatory connection to sanitary sewer lines. However, the applicant has proposed language that would make sewer connections mandatory for the subject property.

On June 30<sup>th</sup> 2003 Lee County Utilities will take over services from Gulf Environmental Services. Staff does not anticipate any difficulties or changes in the level of service from this change.

**FIRE:** The property is located in the San Carlos Fire Protection and Rescue Service District.

**TRANSPORTATION:** The subject property currently has access to an unimproved dirt trail which is covered by easements connecting it to Pine Road, on the west side of U.S. 41.

**SOLID WASTE FRANCHISE:** Gulf Disposal Inc.



## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The applicant, Estero 60 Acre Land trust, represented by Wayne Arnold, is requesting a change of future land use designation on the Future Land Use Map from "Rural" to "Outlying Suburban" for 51.63 acres of a 60.324 acre parcel of land (attachments 1A and 1B). The applicant is also requesting an amendment to the Lee Plan that would limit the property to a maximum density of two units per acre and would require that any future development to connect to central sewer services. The site is located west of the current terminus of Pine Road west of U.S. 41 in Estero, in Section 20, Township 46 South, Range 25 East. If the amendment is approved the permissible density would increase from a maximum standard density of 1 du/acre to 2 du/ac, a 100 percent increase.

This proposal is nearly identical to proposed Lee Plan Amendment PAM98-06. That proposed amendment was denied by the Lee County Board of County Commissioners in January 2002. The only difference between PAM98-06 and this proposed amendment is the additional proposed language requiring the subject property to connect to central sewer service and the use of clustering and the planned development process.

#### **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 shown as being located in the "Rural" and "Urban Community" land use categories. Only that portion of the property lying to the east of Mullock Creek was designated Urban Community which accounts for only a small triangle in the extreme southeast corner. Subsequent Future Land Use Map amendments and administrative interpretations redesignated the slough system on the eastern side of the property and other scattered spots to Wetlands. This created 7.86 acres of Wetland designation and resulted in an even a smaller portion (.5 acre) of the property being designated Urban Community. There are approximately 51.63 acres currently designated Rural on the property. The future land use designations of this property were not affected by the Estero/Corkscrew Road Area Study of 1987.

#### **ADJACENT ZONING AND USES**

Immediately to the north of this parcel are 9 vacant acres of a 31 acre parcel in the Shady Acres RV Park, with AG-2, MH-2, and RV-3 zoning. North of that parcel is a subdivided portion of Shady Acres with MH-1 zoning. These parcels are designated as Rural, Wetlands, and/or Urban Community. Immediately to the east of the subject parcel are several parcels zoned AG-2 and RS-3. Some are vacant, and others have low density residential uses. These parcels are designated Wetlands and Urban Community. Two parcels have churches on them. The first church is a Congregation of Jehovah's Witnesses on the north side of Pine Road. Further east on the south side of Pine Road is Crossway Baptist Church. To the south and the west is the Estero Scrub Preserve, a conservation area and part of the state-owned Estero Aquatic Preserve. To the east is a 10 acre vacant parcel that is part of a slough system feeding into Mullock Creek. This parcel is part of an ongoing land swap between the Trustees for Internal Improvement Trust Fund (TIITF) and the parcels owner. The 10 acre parcel is being given to the state in exchange for TIITF-owned land along US41. The 10 acres will then become part of the Estero Scrub Preserve. The significance of this swap is that if it goes through it will cause the subject property to become bordered by the Estero Scrub



Preserve on three sides. This will further isolate the property from nearby residential land. As of this report, the swap is still pending.

## **TRANSPORTATION ISSUES**

Proposed Lee Plan Amendment PAM 98-06 was a part of the 2001-02 Regular Plan Amendment Cycle. The Lee County Department of Transportation (DOT) reviewed that request and provided Planning staff written comments dated December 14, 1998 (see Attachment 2). The Department of Transportation raised four questions/comments which are relevant to this proposed amendment. The property will use Pine Road to access U.S. 41. DOT notes that, based on the 2020 FSUTMS model run, U.S. 41 will operate at LOS F in the year 2020, even with all of the planned transportation improvements in place. In a memo dated February 6, 2001, DOT staff states that a density increase of 1 unit/acre to 2 units per acre will result in an additional 59 trips in the P.M. peak hour, but this will not change the future road network plans. Although the number of trips generated will not be very large, it will exacerbate an already bad situation. Planning staff questions the validity of doubling the density on this property when it is known that there is a future LOS problem on a major roadway link affected by this property.

DOT also raises a potential problem with north bound traffic exiting the property making a U-turn at the intersection of U.S. 41 and Breckenridge.

Pine Road itself is a substandard roadway, measuring only about 20 feet wide with soft shoulders and a drainage ditch on the north side.

An additional concern is the configuration of the access from Pine Road. Several access points intersect at this point. This includes the easement to the subject property, Allaire Lane to the south, Pine Road to the east, the entrance way to the residential property to the southwest, an unimproved approach running north from the intersection, and access ways from the residence to the northwest and the Jehovah's Witness church northeast of the intersection.

## **Mass Transit**

The application provided the following regarding Mass transit during the PAM 98-06 plan amendment:

*"The subject site has no facilities directly servicing the property. The Lee Tran provides service from U.S.41 and Constitution to the north. Lee County has no plans for the area until residential developments of the type generating mass transit needs are in place. Consequently, revisions to the Mass Transit Sub-Element or Capital Improvements element are unnecessary."*

In a memo dated February 20, 2003, Steve Myers of LeeTran reaffirmed that the proposed amendment will have no effect on existing or planned LeeTran services (see Attachment 2).

## **PUBLIC SAFETY ISSUES**

The applicant and Planning staff requested letters from the public safety and service providers (see Attachment 2). The purpose of these letters is to determine the adequacy of existing or proposed support facilities.



### **Emergency Management - Hurricane Evacuation/Shelter Impacts**

Lee County Emergency Management (EM) staff reviewed proposed Lee Plan Amendment PAM98-06 and provided written comments dated February 20, 2001 (see Attachment 2). These comments are relevant to this proposed amendment. Many portions of the subject property meet the criteria for the Category 1 evacuation area. Doubling the allowable density on a property located in a Category 1 evacuation area, according to the Southwest Florida Regional Planning Council's Hurricane Evacuation Study, would add 2.4 minutes to the exiting evacuation time. The increased density would also double the number of people seeking shelter in a category 2 hurricane from 23 to 46 and double the amount of shelter space needed from 460 square feet to 920. Likewise, the number of evacuating vehicles would double from 58 to 116 and the number of evacuating people would double from 109 to 218.

### **Fire Service Impact**

The subject parcel is located within the San Carlos Fire Protection and Rescue Service District. In a May 29, 2001 conversation with staff, Chief Ippolito of the San Carlos Fire Protection and Rescue Service District stated his objection to the proposed increase in Density due to the single access and the substandard nature of Pine Road. This concern was reaffirmed in a conversation with San Carlos Fire Protection staff on March 14, 2003.

### **Emergency Medical Services (EMS) Impact**

EMS staff reviewed proposed Lee Plan Amendment PAM98-06 and provided written comments. Those comments are relevant to this proposed amendment. In a letter dated October 15, 1998, the EMS Program Manager stated:

*"If the above named parcel is changed to Outlying Suburban from Rural, I estimate a maximum build out population of 376 persons (2.09 persons in each dwelling unit /3 dwelling units per acre) The Residents could generate 45 calls annually for EMS resources."*

*"Without a site plan showing ingress/egress corridors, I cannot assess if there may be an impact to EMS response time reliability. However, the current average EMS response time for the San Carlos area is six (6) minutes. The impact of this increased demand for EMS services should not pose a problem if additional ambulances/personnel are acquired according to current budgetary plans."*

Planning staff is concerned that an average response time of six minutes is excessive. The Lee Plan's non-regulatory EMS standard, as contained in Policy 70.1.3, provides for "a five and one half (5½) minute average response time."

### **Public Safety Conclusion**

From the above reviews, planning staff concludes that the requested land use change will have an impact on public safety service providers by increasing the demand on existing and future facilities.

### **SCHOOL IMPACTS**

Staff of the School District of Lee County have reviewed the proposal and provided written comments dated February 26, 2003 (see Attachment 2). In a personal communication with planning staff on March 4, 2003 School District staff confirmed that the proposed amendment to Outlying Suburban would increase the potential density to two units per acre, or 120 units. These units would generate approximately 38 public school students, creating a need for up to two new classrooms in the district. The schools in the



South 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 would need to be addressed in the permitting process through school impact fees.

## **VEGETATION & WILDLIFE**

The 60-acre parcel contains approximately 43 acres of high quality scrubby pine flatwoods, 0.7 acres of pine/oak scrub, 5 acres of pine flatwoods with melaleuca, 8 acres of melaleuca dominated wetlands, 1.7 acres of FPL transmission line easement, 1.2 acres of borrow pit/pond, and 0.8 acres of disturbed area. The property abuts the Estero Scrub Preserve along the entire length of the western and southern property lines.

The melaleuca dominated slough system crossing the eastern portion of the property is degraded vegetatively, however, the conveyance and stormwater storage capacity are important to this portion of the County. Restoration of the slough system would be beneficial to water quality, water storage, and wildlife. In fact, the state has begun restoration of this slough system to the south on the Estero Scrub Preserve property.

The property consists of habitat that may support Lee County listed species. The potential listed species include gopher tortoise, eastern indigo snake, gopher frog, southeastern American kestrel, red-cockaded woodpecker, Florida panther, Big Cypress fox squirrel, Florida black bear, fakahatchee burmanian, satinleaf, beautiful paw-paw, Florida coontie, American alligator, roseate spoonbill, limpkin, little blue heron, reddish egret, snowy egret, tricolored heron, and Everglades mink. Gopher tortoise burrows and scat were observed by Craig Schmittler, South Florida Water Management District, and Boylan Environmental Consultants staff.

## **COMMUNITY PARKS IMPACT**

The application provides the following concerning this issue:

*"The subject site is found in District 4 of the Lee County Park Impact Fee regulations. The closest facility to the site is the Three Oaks Community Park. Lee County has plans to construct an additional facility in Estero."*

In a memo from the Development Services Division dated May 16, 2001, County staff states,

*"The potential increased population is 126 residents. These residents will require 0.75 acres of regional parks to meet the required level of service (LOS) and 1.01 acres to meet the desired LOS standard. There is sufficient acreage of regional parks to meet the required LOS standard beyond the year 2004. However, the desired LOS will probably not be met in 2004."*

*"The residents will require 2.2 acres of community parks to meet the required LOS standard and 2.52 acres to meet the desired LOS standard. There is sufficient acreage to meet the required LOS standard throughout the year 2004. However, the desired LOS standard was not met in 1997. The only new park or addition planned in Community Park Impact Fee District 4 is a 3-acre addition at Bay Oaks Park on Ft Myers Beach which is not large enough to meet the desired LOS in 1998 or later."*



Although the proposed amendment would not create a park acreage deficit, it would make the goal of attaining the desired level of park space more difficult to achieve.

## **DRAINAGE/SURFACE WATER MANAGEMENT**

The application provides the following discussion concerning this issue:

*"Surface water management will be provided by a series of lakes, connecting culverts and out falls structures. All will be permitted through the South Florida Water management District and will comply with their rules and regulations."*

According to staff from Lee County Division of Natural Resources, surface water flows affecting this site are from northeast to southwest. While it may be perceived that flow go toward Mullock Creek, the system is very small and constricted. Staff believes the water flows crossing this site should be routed through this sites' water management system and outfall toward the FPL grade with culverts to allow the water flow to continue to the southwest through the State preserve.

## **COASTAL ISSUES**

Coastal issues are relevant to this application. The 1991 "Hurricane Storm Tide Atlas for Lee County," prepared by the Southwest Florida Regional Planning Council, shows that approximately 2.2 acres of the subject property are located within the Category 1 storm surge zone. However, due to the generalized nature of the Storm tide atlas, 2.2 acres is a low estimate and does not accurately indicate the extent to which the subject property would be affected by coastal flooding. In particular, staff is concerned that the slough on the eastern side of the property would act as a conduit for storm surges coming up from Mullock Creek. These surges could not only flood part of the subject parcel, but would also lay across the only access way from the subject property to hurricane evacuation routes. According to communications with Dan Trescott of the Regional Planning Council, those portions of the subject property lower than 7.4 feet meet the criteria for the category 1 storm surge and should be in the Coastal High Hazard Area. This includes the Northwest corner of the property, the eastern portion of the northern half of the property as well as the southeast corner of the property (See Attachment 4). The topographic map of the subject property reveals that the slough areas are less than 7.4 feet in elevation and therefore should be within the Coastal High Hazard Area. The subject site is in the "Coastal Planning Area" as defined by the Lee Plan. All of the subject property is in the FIRM A Zone. The site is also within the Tidal Surge area of a 100-year storm according to Lee Plan Map 9: Defined 100-year Flood Plains (See Attachment 5). The site has a history of flooding as indicated on the Flood History Map supplied by Emergency Management Staff (See Attachment 6).

Lee Plan Policy 75.1.4 states:

*"Through the Lee Plan amendment process, land use designations of undeveloped areas within coastal high hazard areas shall be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding."*

The applicant is seeking to increase residential density over and above that which is currently permitted by the Rural designation of the subject property. The end result, if approved, is increased density and the



concurrent increase in population placed in an area subject to storm surge. Staff finds that doubling the number of permitted units on the subject property is inconsistent with the statement of "assignment of minimum allowable densities" in this policy.

In addition, Lee Plan Policy 5.1.2. states:

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

Staff finds that doubling the number of permitted units on the subject property is inconsistent with this policy. Furthermore, the applicant has not included any analysis or justification that the subject property (a portion of which is located in the Coastal High Hazard Area) is an appropriate location to increase densities from that currently envisioned and permitted by the Lee Plan.

In a memo dated February 13, 2003, John D Wilson of the Division of Public Safety states:

*"As I understand it, the proposed request potentially increases the density from one du/acre to two du/acre. The upper northwest segment of the property is located in the defined Coastal High Hazard Area (see attached map). If approved, the amendment would increase the property's potential residential density for that area, which appears contrary to the intent of Lee Plan Policy 75.1.4."*

*"The remaining section of the property is east of the county's defined Coastal High Hazard Area and as such, the density increase requested is not consistent with the Lee Plan's aim to minimize density increases in hazardous areas. By the same token, the county receives credit for low density zoning from the Federal Emergency Management Agency's Community Rating System (CRS) program. The request, if granted, would remove this acreage from the amount the county currently receives credit for this particular activity."*

In the event of a category two hurricane, doubling the density of this property would also double the number of evacuating people from 109 to 218. Likewise, the number of evacuating vehicles would double from 58 to 116 and the number of people seeking shelter would double from 23 to 46.

#### **POPULATION ACCOMMODATION ANALYSIS**

There are approximately 51.63 acres currently designated Rural on the property. Under the current designation, 51 dwelling units could be constructed in the Rural area. This Rural area accommodates 106 persons on the FLUM (51 X 2.09 persons per unit). There is .5 acre designated Urban community on this property. Under that designation, a maximum of 3 dwelling units could be built in that area. This equates to a population accommodation capacity of 6 persons (3 units X 2.09 persons per unit). There are 7.86 acres designated Wetland on the subject property. Since a minimum of 20 acres of Wetland is needed for a single unit, no dwelling units can be constructed in this area. Under current designation, 54 units total can be constructed on the subject property for a population accommodation capacity of 112 persons.

The proposed plan amendment would redesignated the Rural areas to Outlying Suburban with a maximum density of 2 units per acre. This would allow a maximum of 103 units to be built on the outlying suburban land. This would increase the Population accommodation capacity to 215 persons. The Urban Community



and Wetland areas would be unaffected and would still allow 3 units and zero units respectively. This would create a total of 106 dwelling units on the subject property and a population accommodation capacity of 221 persons under the proposed amendment. This would increase the population accommodation on the Future Land Use Map by 109 persons.

### **APPROPRIATENESS ANALYSIS**

The request is to redesignate 51.63 acres of a 60.324 acre parcel of land from a non-urban designation to a Future Urban designation. The applicant has not shown that the proposed land use category is appropriate for the subject site. The requested land use category, Outlying Suburban, is not adjacent to the site. As such, the proposed amendment represents "spot" planning. In addition, the proposal would also create approximately 51 acres of additional future urban area. Lee County currently has sufficient land designated future urban area and the applicant has not provided sufficient justification for more urban land at this time.

In 1989, The secretary of the Florida Department of Community Affairs defined sprawl as "premature, low-density development that 'leapfrogs' over land that is available for urban development." The subject property is in a rural designation and is situated just outside a future urban area designated Urban Community on the Future Land Use Map. The urban area between the subject property and US 41 currently contains low density residential and vacant parcels (attachment 3). As such, the proposed amendment would fit this definition of urban sprawl.

The site abuts a state-owned preservation area and as such the lower density non-urban category is more appropriate. Lee County has proposed no urban services for this site. Increasing the density would place a greater demand on a substandard local road and on US 41, which will be already overloaded by the year 2020. The applicant has not stated a clear planning basis for the requested change. Staff finds that the application's supporting documentation is insufficient to warrant this change.

### **B. CONCLUSIONS**

This proposed plan amendment is almost identical to previous Lee Plan amendment PAM98-06 that was denied by the Lee County Board of County Commissioners in January 2002. The only difference between the two applications is the new proposed language that would require connection to central sewer service and the use of clustering and the Planned Development Process. The issues and concerns that planning staff had with PAM98-06 are still relevant and have not been sufficiently addressed by the applicant. Staff's main concern is the presence of the slough flow-way on the eastern edge of the property and the property's vulnerability to flooding. Planning staff finds that there is no justification for the proposed amendment to Map 1, the Future Land Use Map, to change the subject property from the non-urban category of Rural to the urban category of Outlying Suburban. The proposed plan amendment does not remedy or mitigate any undesirable condition nor does it enhance or create any desirable conditions. Staff believes that the increased density is inappropriate for the area.

### **C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners not transmit this proposed amendment. Staff recommends that Map 1, the Future Land Use Map, not be amended to change the future land use designation of this parcel from the "Rural" land use category to the "Outlying Suburban" land use category. Staff also recommends that Lee Plan Policy 1.1.6 and Table 1(a), Note 6 not be amended as requested. This recommendation is based upon the previously discussed issues and conclusions of this analysis. See the finding of facts in Part I of this report.



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

DATE OF PUBLIC HEARING: March 24, 2003

#### **A. LOCAL PLANNING AGENCY REVIEW**

Both planning staff and the applicant gave presentations. One LPA member asked if any specific clustering were being proposed. The applicant replied that there were no specific plans for the property but that the RPD process would be used. An LPA member stated that it would be possible for the applicant to get the desired number of units on a smaller piece of land at higher density, allowing much of the property to be preserved. The applicant replied that it was necessary to redesignate the entire property to achieve the proposed density of 2 units an acre.

Another LPA member asked for an update on an abutting 10-acre parcel known as the Smith Parcel. The applicant described the parcel as 7 acres of slough and 3 acres of upland. The applicant stated that a developer was due to purchase the property on April 15<sup>th</sup> and then swap it to the state in exchange for another parcel in the area.

Three residents of the neighborhood abutting the subject property spoke at the meeting. Among the concerns they expressed were:

- The increased number of people that would be exposed to flooding, storm surges and hurricanes.
- The increased danger of entering US 41 from Pine Road.
- The destruction of wildlife habitats.
- The increased traffic would increase the danger to neighborhood children and pets.

One citizen stated that there is a 30-40 signature petition on file at the commissioners office opposing the proposed expansion.

Board members asked if there were any plans to signalize the Pine Road/ US 41 intersection or if the additional 60 units would warrant a median. Staff replied that they did not know of any plans to signalize the intersection and it would not be possible to accommodate a median at that location.

Two board members expressed concern over increased urban area in the County and felt that the traffic issue had not been addressed. Another member felt that the applicant was reasonable in their efforts and that in the long run, the County was better off with a clustered development served by sewer.

One member stated that although the applicant had made an effort to sell the property to the state, he moved that the LPA find the proposed amendment inconsistent with the Lee Plan and recommend that the Board of County Commissioners not transmit the proposed amendment. This motion was seconded.



**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:**

The LPA recommends that the Board of County Commissioners **not** transmit this amendment.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

The LPA found that despite the applicants efforts to meet planning staffs requests, the proposed plan amendment was inconsistent with the Lee Plan.

**C. VOTE:**

<b>NOEL ANDRESS</b>	<b>NAY</b>
<b>MATT BIXLER</b>	<b>AYE</b>
<b>SUSAN BROOKMAN</b>	<b>AYE</b>
<b>DAN DELISI</b>	<b>NAY</b>
<b>RONALD INGE</b>	<b>ABSENT</b>
<b>GORDON REIGELMAN</b>	<b>AYE</b>



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

DATE OF TRANSMITTAL HEARING: June 25, 2003

- A. **BOARD REVIEW:** Staff gave a brief presentation and the applicant addressed the Board. One commissioner stated that through it's own appraisal, the State had made it difficult for the board to deny transmittal. Another Commissioner asked about the affordable housing agreement between the applicant and the University. Larry Warner explained that the applicant could offer pre-sale arrangements to the University which could then sell units to University faculty members.

Heather Stafford of the Florida Department of Environmental Protection stated that the State is working with the applicant towards the acquisition of a portion of the 60-acre parcel. The County Attorney stated that the sale of the property could be limited by the State's own appraisals. A commissioner then mentioned that the Board was getting involved in things beyond it's purview and that planning staff and the Local Planning Agency had recommended not to transmit the proposed amendment.

The commissioner also stated that there were many issues that were not being addressed by the Board during the meeting. He asked staff what the main reasons were for recommending not to transmit the proposed amendment. Staff replied that Pine Road is a sub-standard road, the proposed amendment would add additional traffic onto US 41, that the proposal would double density in environmentally good habitat, and that there has been no demonstration of need for additional urban land in the County. The applicant stated that the proposed amendment would allow the land to be developed in a much more environmentally-friendly manner than it would be without the measures included in the proposed language.

A Commissioner moved to transmit the proposed amendment with the understanding that if it was adopted, it would require water and sewer service with no septic tanks at whatever density it is developed. Another Commissioner stated that implicit in the motion was that the property should include the Planned Development process if developed at higher than one unit per acre, that utilities would be mandatory at all densities, and that any development would be clustered with the balance of the land going into preservation. One Commissioner stated that he could not support the applicants proposal because the Staff recommendation was not to transmit.

B. **BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

1. **BOARD ACTION:** The Board of County Commissioners voted 3-2 to transmit the proposed Future Land Use Map amendment along with the following language modifications:

**Policy 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban Areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not



permitted. The standard density range is from 1 dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

**Table 1(a), Note 6:** In the Outlying Suburban category north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78); Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area; and in the Buckingham area (See Goal 17), the maximum density shall be 2 du/acre. Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/ Estero Area must connect to a central sanitary sewer system if residential development is pursued on the property. In addition, if residential density in excess of 1 dwelling unit per acre is proposed, clustering must be utilized to enhance open space, buffers and to provide for an appropriate flow way. Compliance with the clustering standard must be demonstrated through the use of a planned development zoning district

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The majority of the Commissioners stated that the proposed amendment would allow the subject property to be developed in a more responsible and environmentally friendly manner.

**C. VOTE:**

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



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

DATE OF ORC REPORT: \_\_\_\_\_

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:**

**B. STAFF RESPONSE**



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

DATE OF ADOPTION HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**JOHN ALBION**

**ANDREW COY**

**RAY JUDAH**

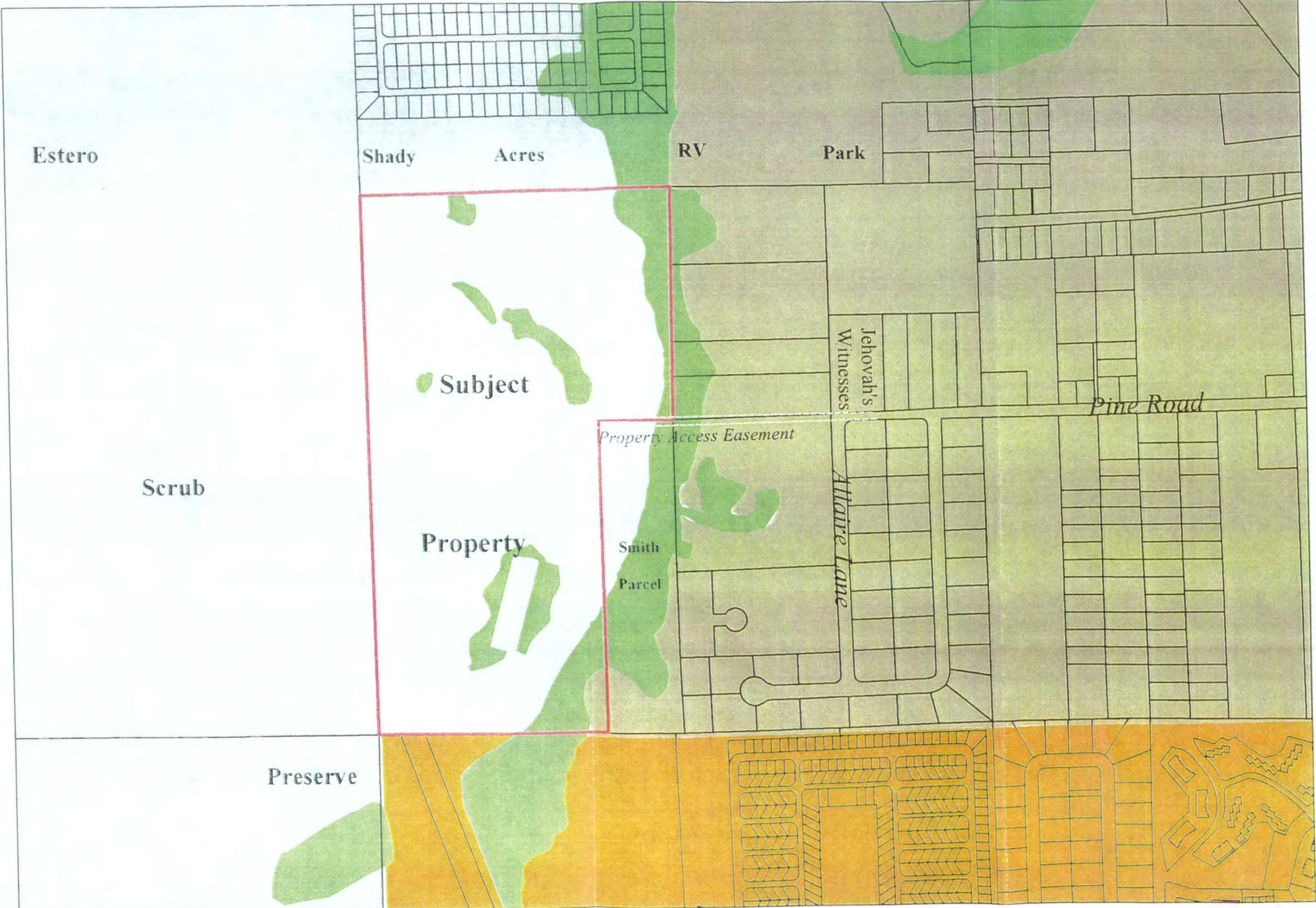
**BOB JANES**

**DOUG ST. CERNY**

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CPA2002-02  
Current Future  
Land Use Map

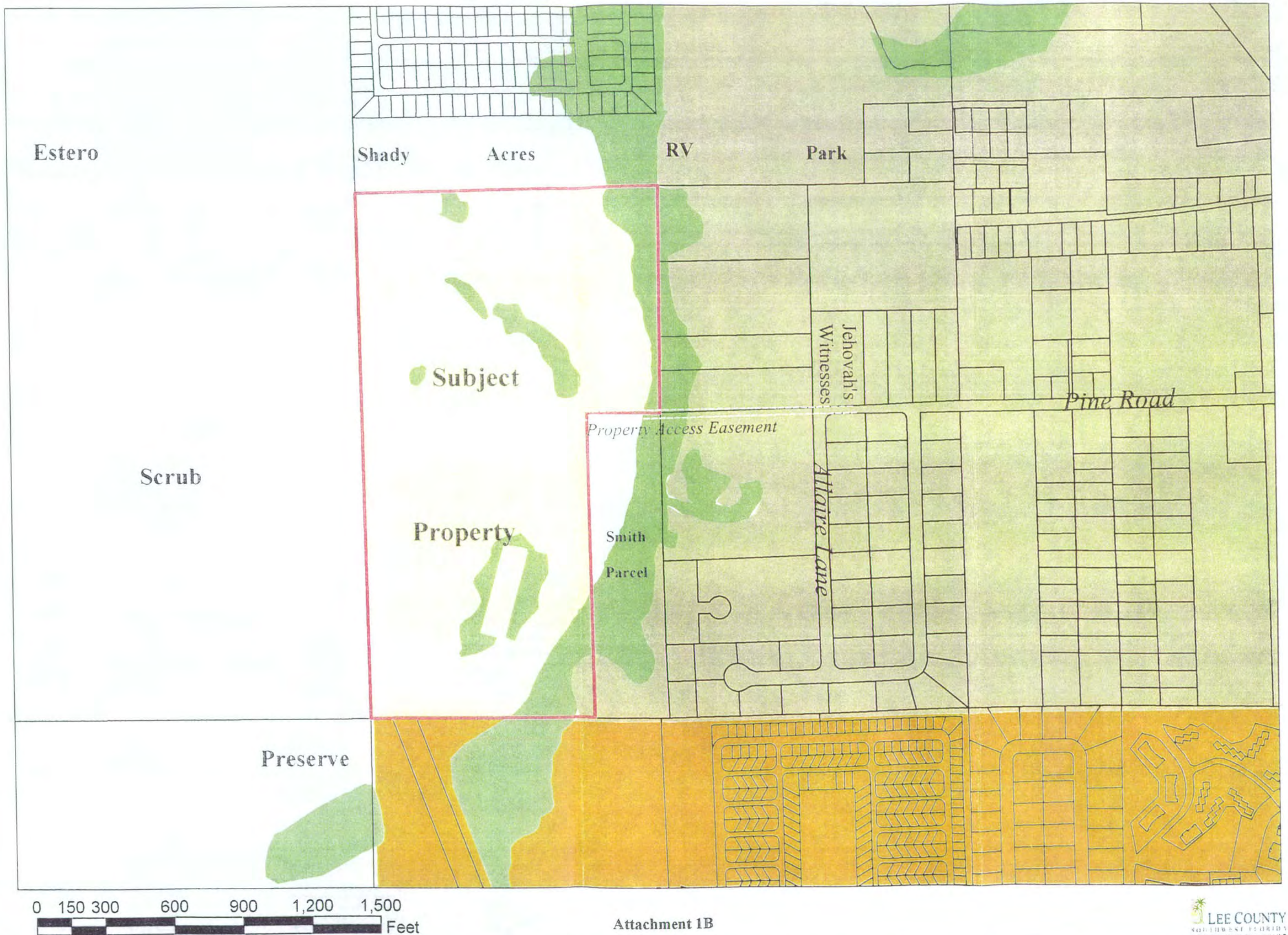


- FLUM Designations**
- Rural
  - Suburban
  - Urban Community
  - Wetlands
  - Outlying Suburban

0 150 300 600 900 1,200 1,500  
Feet



CPA2002-02  
Proposed Future  
Land Use Map



**FLUM Designations**

- Rural
- Suburban
- Urban Community
- Wetlands
- Outlying Suburban



**Attachment 2:**  
**Memorandums and Communications**  
**from Lee County Service Providers**



To: M. Noble



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

**BOARD OF COUNTY COMMISSIONERS**

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

John E. Manning  
District One

**February 26, 2001**

Douglas R. St. Cerny  
District Two

**Mr. Paul O'Conner**

Ray Judah  
District Three

**Director, Division of Planning**

Andrew W. Coy  
District Four

**P.O. Box 398**

**Fort Myers, FL 33902-0398**

John E. Albion  
District Five

**RE: Your request for review of PAM 98-06 and CPA 2000-03**

Donald D. Stilwell  
County Manager

**Dear Mr. O'Conner:**

James G. Yaeger  
County Attorney

**Emergency Management has reviewed the referenced documents. The results of our review are enclosed.**

Diana M. Parker  
County Hearing Examiner

**If you have questions, please contact me at 477-3614.**

**Sincerely,  
DIVISION OF PUBLIC SAFETY  
Emergency Management Program**

**John M. Campbell  
Chief of Planning**

**2 encl.**

LEE COUNTY  
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COMPL. DEV.  
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SECOND FLOOR

**ATTACHMET 2A**



**MEMORANDUM**  
**FROM THE**  
**DIVISION OF PUBLIC SAFETY**  
**EMERGENCY MANAGEMENT**

DATE: February 20, 2001

TO: Paul O'Connor  
Director, Division of Planning

From: John M. Campbell  
Chief of Planning  
Emergency Management

**REVIEW AND RECOMMENDATIONS**

**Project:** PAM 98-06 Change 60 Acres from Rural to Outlying Suburban Designation  
**Request:** Rural to Outlying Suburban, PAM 98-06  
**Location:** 4800 Pine Road, Estero (STRAP # 20462501000090000)  
**Applicant:** Estero 60 Acre Land Trust  
**Agent:** Bob Thinnes: O. Grady Minor & Associates

**1. HURRICANE VULNERABILITY**

According to the National Weather Service's storm surge model "SLOSH" which reflects a composite of maximum extent of flooding that may be caused for each hurricane category, this site is subject to storm surge flooding as shown below:

<u>Category of Hurricane</u>	<u>Sustained Wind (MPH)</u>	<u>SLOSH Surge Height Landfalling/Exiting</u>	
Tropical Storm	39 - 73	Dry	Dry
Cat. 1	74 - 95	Dry	Dry
Cat. 2	96 - 110	12.4	Dry
Cat. 3	111 - 130	16.5	10.8
Cat. 4/5	131 - 155	23.1	14.4

Evacuation of this site may be necessary prior to landfall of a category two (2) hurricane. The saltwater storm surge height could be approximately 12.4 feet above Mean Sea Level (MSL) from a land falling category two (2) hurricane. Flooding could occur because the natural ground elevation in this tract of land is between 8 and 10 feet. Storm surge flooding depth on this site could average 3 feet with the landfall of a category two (2) hurricane. It should be noted that this information does not take into account the freshwater flooding that could occur from rainfall usually associated with these storms. The property is shown on the National Flood Insurance Rate Map (FIRM), Community Panel 125124 0455 B to be in flood zone A-14 with a first floor elevation of 11 feet required. Should it become necessary to evacuate the proposed location, either due to flooding or hurricane winds, or a combination of both, the associated impacts on evacuation time and shelter space are calculated below:



**Hurricane Vulnerability Continued**

(Note: Computation of shelter impact and evacuation route impact is based on Lee County Ordinance Number: 00-14, Land Development Code, dated July 27, 2000 for the year 2020 build-out and corresponding number of occupants per household of 2.09. The number of vehicles per household is estimated at 1.1 based on the 1995 SFRPC Hurricane Evacuation Study.)

**52 single family Dwelling Units (DU) allowed under current rural designation:**

52 DUs X 2.09 people/unit = 109 people evacuating

52 DUs X 1.1 vehicles/unit = 58 evacuating vehicles

The Lee Plan, policy 79.2.1 establishes the number of evacuating people at 21 percent of the population at risk. Lee County public shelter standards are defined as twenty (20) square feet per person. Shelter space requirements based on these criteria are calculated below.

109 people X 21% = 23 people seeking shelter

23 people X 20 square feet = 460 square feet of shelter space is required to mitigate this number of dwelling units in this development.

**104 Dwelling Units (DU) proposed under the amended text for the Outlying Suburban designation: All figures above will be doubled:**

218 people evacuating

115 vehicles evacuating

46 people seeking shelter

920 square feet of shelter space

The ultimate point restricting evacuation is U.S. Highway 41, which has an evacuation capacity of 2,891 vehicles per peak hour level of service. The impact of an addition of 115 vehicles as proposed under the amended text is calculated below:

115 vehicles divided by 2891 vehicle/peak hour x 60 minutes = 2.4 minutes additional time added to the exiting evacuation time.



**Hurricane Vulnerability Continued**

**2. Emergency Medical Service**

The proposed development site is within the area of jurisdiction in which the Lee County Emergency Medical Service (EMS) provides service. The Lee County EMS is a State licensed advanced life support (ALS) provider and operates under the provisions of chapter 401 of the Florida Statutes.

Response time cannot be guaranteed due to any number or a combination of environmental and operational factors. Additionally, the absence of maps showing ingress and egress route makes it impractical to estimate response times. However, the average EMS response time for the San Carlos area is currently six (6) minutes. It is estimated that the amended build out population of 218 people will generate an additional 27 calls annually for EMS resources.

**3. Fire Protection**

This site is within the service jurisdiction of the Estero Fire District.

**4. Hazardous Material Management**

If the developer/end user decides to store hazardous materials on this property, procedures must be established for notifying local and State officials if a release occurs.

**5. Recommendations**

The following recommendations are presented in order to mitigate future hurricane damage and/or loss of life, as well as to ensure compliance with comprehensive plan objectives.

**A. General Hurricane Mitigation**

1. The Applicant shall initiate the establishment of a homeowner's or resident's association. The organization shall provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and speakers for Hurricane Awareness/Preparedness seminars. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards. (Reference



**Recommendations Continued**

Goal 71, Objective 71.1, Policy 71.2, Goal 79, Objective 79.1, 79.1.1, Goal 80, Policy 80.1.3; Lee County Comprehensive Plan – 1999)

- 2 The applicant is required to comply with Lee County Ordinance 00-14, Land Development Code, dated July 26, 2000, Article XI, section 2-481, as it applies to mitigation for the development impacts on emergency public shelters and evacuation routes. Mitigation options must be selected and approved by the Director of Public Safety prior to award of a Development Order.

**B. Emergency Medical Service**

1. The applicant shall provide for the emergency medical service impacts generated by the proposed development as defined by the Lee County Development Code Chapter Two, Division 5. (Reference Goal 43, Objective 43.2, Policy 43.3.2; Lee County Comprehensive Land Use Plan – 1999)
2. If access to this development is through a security gate or similar device, which is not manned twenty-four hours a day, it must be equipped with an override switch installed in a glass-covered box to be use by drivers of emergency vehicles to gain entry.

**C. Fire Protection**

The applicant shall provide for the fire protection impacts generated by the proposed development as defined by the Lee County Development Code, Chapter Two, Division 5. (Reference 43, Objective 43.2.2; Goal 45, Objective 45.3, 45.3.2, Lee County Comprehensive Land Use Plan – 1999).

**References:**

Lee County Comprehensive Land Use Plan – 1999

Lee County Land Development Code, Ord. 00-14 – 2000

Hurricane Behavioral Analysis For Lee County – 1991

SWFLA Regional Hurricane Evacuation Plan – 1995

Super Fund Amendments and Reauthorization Act – 1986

Administrative Code AC 7-7 - 1998



98-06



# LEE COUNTY SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

LEE COUNTY  
RECEIVED

98 OCT 20 AM 9:25

Writer's Direct Dial Number: 335-1604

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x Four
- E. Albion  
x Five
- d D. Stilwell  
y Manager
- G. Yaeger  
y Attorney
- M. Parker  
y Hearing  
ner

October 15, 1998

Bob Thimes, AICP  
Q. Grady Minor & Associates. P. A.  
3800 Via Del Rey  
Bonita Springs, Florida 34143

Re: Letter of Adequacy / Availability for Parcel  
Strap No. 20-46-25-01-00009.0000, 4800 Pine Road 60 ± acres

Dear Mr. Thimes:

If the above named parcel is changed to outlying suburban from rural, I estimate a maximum build out population of 376 persons (2.09 persons in each dwelling unit / 3 dwelling units per acre). The residents could generate 45 calls annually for EMS resources.

Without a site plan showing ingress / egress corridors, I cannot assess if there may be an impact to EMS response time reliability. However, the current average EMS response time for the San Carlos area is six (6) minutes. The impact of this increased demand for EMS services should not pose a problem if additional ambulances / personnel are acquired according to current budgetary plans.

If you would like to discuss this further, please call me at the above referenced number.

Respectfully submitted,

DIVISION OF PUBLIC SAFETY

H.C. "Chris" Hansen  
EMS Program Manager

cc: Chief Ippilito, San Carlos Park FD  
Matt Noble, County Planning  
DPS Administration

k:\users\chrish\impact\qgma.let



To: P. Blackwell



# THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102

JEANNE S. DOZIER  
CHAIRMAN • DISTRICT 2

ELINOR C. SCRICCA, PH.D.  
VICE CHAIRMAN • DISTRICT 3

ROBERT D. CHILMONIK  
DISTRICT 1

JANE E. KUCKEL, PH.D.  
DISTRICT 3

STEVEN K. TEUBER  
DISTRICT 4

JOHN W. SANDERS, Ed.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

February 26, 2003

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

Re: Request for Determination of Adequacy  
Proposed Lee Plan Amendment, PAM CPA 2002-02, Pine Road

Dear Paul:

This letter is in response to your request for a determination of adequacy from the Lee County School District on a plan amendment submitted to Lee County. The proposal is a FLUM amendment to a change from Rural to Outlying suburban on 60 acres with a maximum density of 2 units per acre.

This proposal would permit the addition of 120 dwelling units. These units could generate approximately 37 public school students, based on an estimated student generation rate of .31 per dwelling unit. This would create the need for up to two classrooms in the District along with ancillary facilities and staff.

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

Sincerely,

*Stephanie Keyes*

Stephanie Keyes, Facilities Planner  
Construction and Planning

LEE COUNTY  
RECEIVED  
03 FEB 27 AM 8:56  
COMM. DEV/  
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SECOND FLOOR



# MEMORANDUM

from the  
TRANSIT DIVISION



**Your Ride Is Here.**

**DATE:** February 20, 2003

**TO:** Paul O'Connor, AICP

**FROM:** Steve Myers 

**RE:** CPA 2002-02 – Privately Initiated Lee Plan Future Land Use Map Amendment

Lee Tran staff has reviewed the above referenced Lee Plan amendment and has determined that the proposed amendment to the future land use map would have no impacts on existing or planned services Lee Tran provides, nor would it have any impact to the budget of Lee County's transit division.

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

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03 FEB 21 AM 11:13

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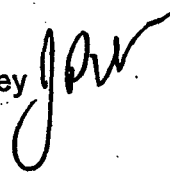
LEE COUNTY  
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03 FEB 14 AM 9:02

COMM. DEV/  
PUB. WORKS. CNTR.  
SECOND FLOOR

# Memo

**To:** Paul O'Connor, AICP, Planning Director  
**From:** John D. Wilson, Director, Division of Public Safety  
**Date:** February 13, 2003  
**Subject:** CPA 2002-02



As I understand it, the proposed request potentially increases the density from one du/acre to two du/acre. The upper northwest segment of the property is located in the defined Coastal High Hazard Area (see attached map). If approved, the amendment would increase the property's potential residential density for that area, which appears contrary to the intent of Lee Plan Policy 75.1.4.

The remaining section of the property is east of the county's defined Coastal High Hazard Area and as such, the density increase requested is not inconsistent with the Lee Plan's aim to minimize density increases in hazardous areas. By the same token, the county receives credit for low density zoning from the Federal Emergency Management Agency's Community Rating System (CRS) program. The request, if granted, would also remove this acreage from the amount the county currently receives credit for this particular activity.

In and by itself, the requested density increase would not jeopardize the twenty percent discount rate that flood insurance policy holders in the 100 year flood plain currently enjoy as a result of the county maintaining programs that mitigate flood disaster potential. However, continued incremental zoning density increase such as these could impact the amount of credit we receive for low density zoning in the future.

Enclosure

JDW:cmm

cc: Michael, Bridges, Deputy Director  
David Saniter, Emergency Programs Manager



March 14, 2003

Peter Blackwell, Planner  
Lee County Department of  
Community Development  
Division of Planning  
P.O. 398  
Fort Myers, Florida 33902-0398

RE: Estero 60 CPA 2002-02

Dear Peter:

As you requested, we have evaluated the Estero 60 CPA 2002-02 site for its Hurricane Evacuation Zone designation based on the most recent National Hurricane Center Storm Surge Model call Sea Lake and Overland Surges from Hurricanes (SLOSH) and the most recent 2001 Southwest Florida Regional Hurricane Evacuation Study Update produced by the Southwest Florida Regional Planning Council. The site is in the Hendry Creek 1,2,3 Hurricane Evacuation Zone as shown on Map 3 (see Attached) page II-B-7 of the Lee County Landfalling Section. A close evaluation of the grid square map from the SLOSH model print out for this site shows that a Category 1 landfalling hurricane will produce a 7.4 foot storm tide. Any land area on the site below 7.4 feet will be included in the Coastal High Hazard Area (CHHA) as defined by Chapter 9J-5.003 Florida Administrative Code, which defines the CHHA as the Category 1 hurricane evacuation zone established by the SWFRPC Hurricane Evacuation Study. Therefore, because the site ranges from 6.2 to 7.8 feet we must conclude that the average elevation of the site is in the CHHA. If you have any questions, please let me know.

Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Daniel L. Trescott  
Principal Planner

cc: Bernad Piawah, DCA/BLP  
John Wilson, Lee County Public Safety Director



# interoffice

## MEMORANDUM

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**to:** Peter Blackwell  
**from:** Michael Carroll  
**subject:** CPA2002-00002  
**date:** March 14, 2003

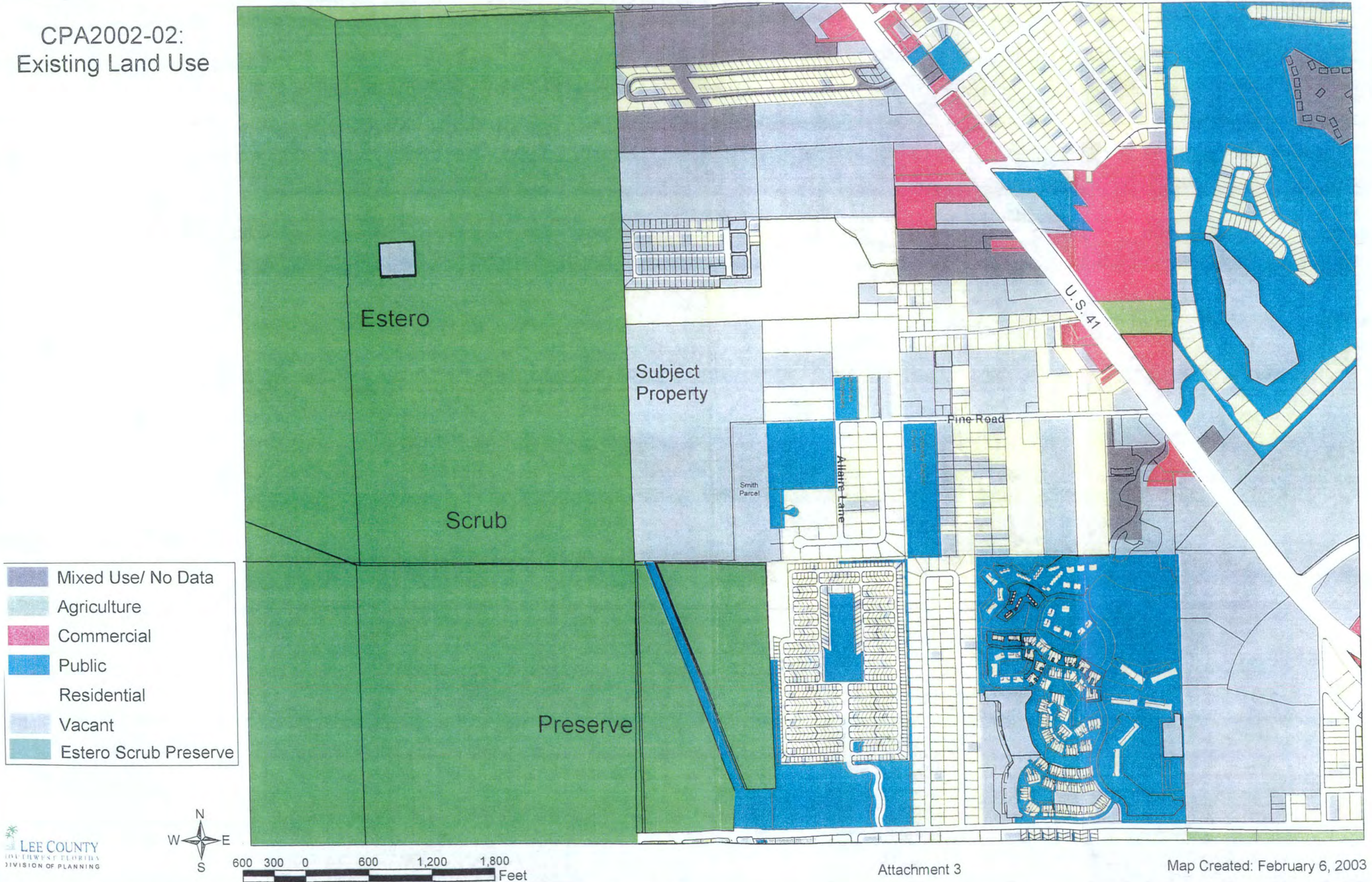
The Estero 60 Land Trust has requested an amendment to the Comprehensive Land Use Plan to change the designation of 60+/- acres beyond the west end of Pine Road in the San Carlos Park area. They have requested a change from Rural to Outlying Suburban with a maximum density of two units per acre. If the change were to be approved the maximum number of homes would increase from 60 to 120.

With the change to a maximum of 120 single family homes we would expect to see 1,226 trips per day or an increase of 578 in daily traffic, 103 trips per hour in the am peak hour or an increase of 42 trips/hour, and 126 trips per hour in the pm peak hour or an increase of 58 trips/hour. Pine Road intersects U.S. 41 about 240' north of the intersection at the Vintage Pkwy/Breckenridge Rd/US 41. The Pine Road intersection has no median opening and is therefore limited to right-in/right-out movements. U-turn movements are made at Vintage Parkway for those trips headed north at a median opening about 420' to the north. U-turn movements will increase whenever the property is developed under either land use designation

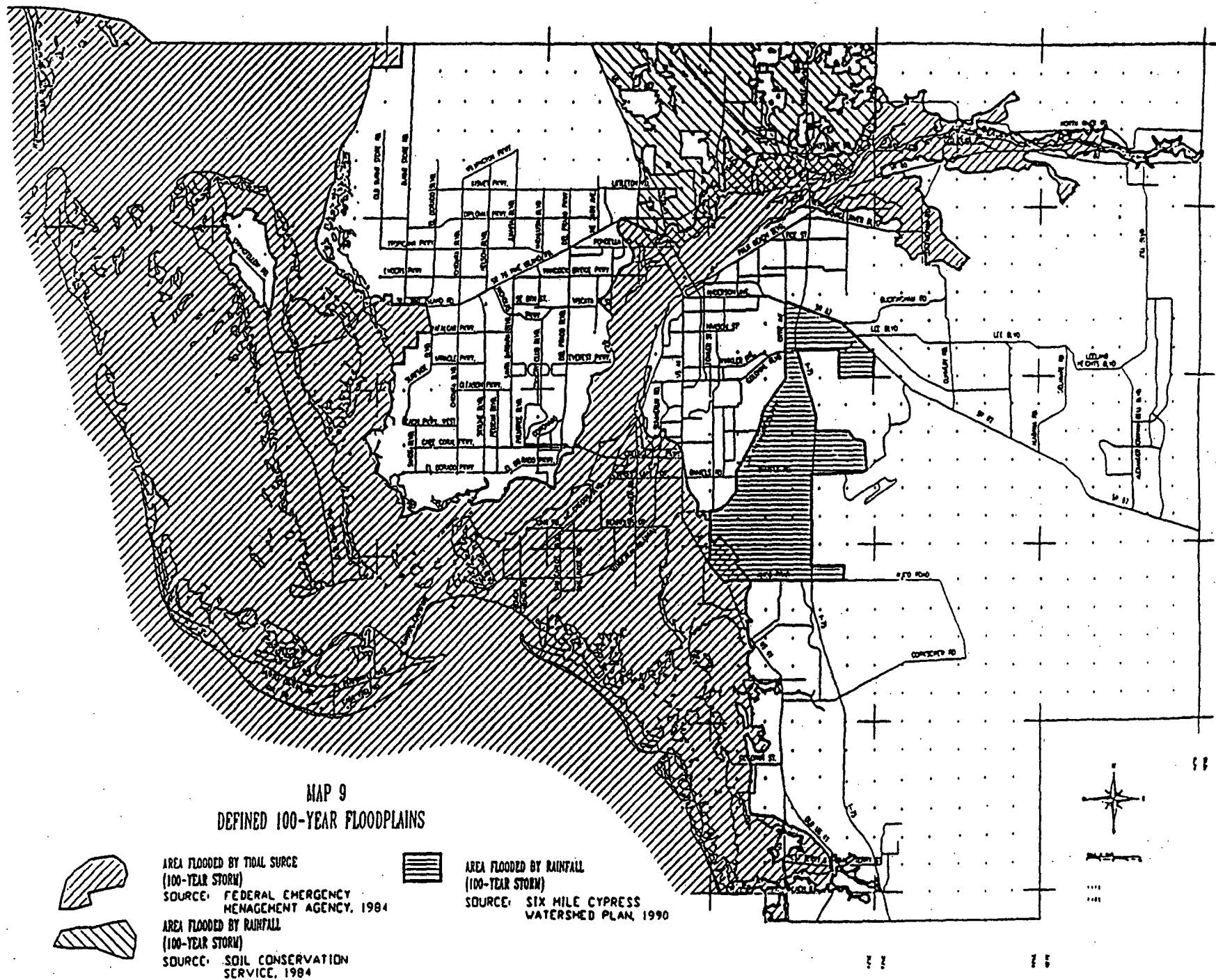
U.S. 41 provided Level of Service C during the 100<sup>th</sup> highest hour and it is estimated that LOS D was provided in 2002. If all projects and building permits that have been approved are constructed and generate traffic as expected the Level of Service will eventually fall to F. This section of U.S. 41 will be the last to be widened to six lanes. Lee County has loaned gas tax money to FDOT to advance the design work on this section and the purchase of additional Right-of-Way is tentatively funded in the 2006/2007 fiscal year.



CPA2002-02:  
Existing Land Use









**APPLICATION**

**SUBMITTAL**



**Q. GRADY MINOR & ASSOCIATES, P.A.**  
Civil Engineers II Land Surveyors II Planners

**LETTER OF TRANSMITTAL**

**RECEIVED**

SEP 26 2002

*On Kw*

COMMUNITY DEVELOPMENT

CPR 2002 - 00002

**Date:** September 26, 2002

**Project:** Estero 60 Acre Land Trust  
STRAP Number 20-46-25-01-00009.0000

**Location:** Estero, Lee County

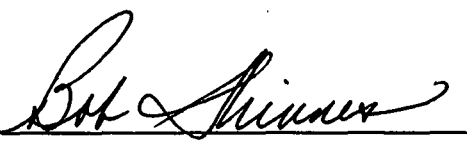
**TO:** Ms Mary Gibbs, Director,  
Lee County Department of Community Development  
P.O. Box 398  
Ft Myers, FL 33902-0398

**Items transmitted via:** Hand Delivery

**We are sending you the following items:**

- 6 - Application For A Comprehensive Plan Amendment w/ exhibits
- 1 - Check # 2751 in the amount of \$2,120.00 made payable to the BOCC

**Remarks:**

Signed:   
**Bob Thinnies, AICP**

cc: A.P. DeSalvo, Trustee



**Q. GRADY MINOR & ASSOCIATES, P.A.**

**Civil Engineers ■ Land Surveyors ■ Planners**

---

Q. GRADY MINOR, P.E.  
MARK W. MINOR, P.E.  
C. DEAN SMITH, P.E.  
DAVID W. SCHMITT, P.E.  
MICHAEL J. DELATE, P.E.  
NORMAN J. TREBILCOCK, A.I.C.P., P.E.  
MATTHEW J. HERMANSON, P.E.

D. WAYNE ARNOLD, A.I.C.P.  
ROBERT "BOB" THINNES, A.I.C.P.  
STEPHEN V. BURGESS, P.S.M.  
MICHAEL L. HARMON, P.S.M.  
ALAN V. ROSEMAN

January 28, 2003

Mr. Matt Noble, AICP  
Principal Planner  
P.O. Box 398  
Fort Myers, Florida 33902-0398

Re: PAM-98-06, Lee Plan Future Land Use Amendment, Estero 60 Acres

Dear Mr. Noble:

Please accept this correspondence as a revision to our previous application submittal for the Estero 60 Acre Lee Plan Amendment. The revision to Policy 1.1.6 and Table 1(a), Note 6, has been made to address your comments concerning a commitment to provide central sanitary sewer service to the project should the property develop with residential development at a density exceeding the currently authorized density of one (1) dwelling unit per acre.

The Lee Plan establishes a maximum residential density of three (3) dwelling units per acre for lands within the Outlying Suburban land use category. It is our intent to limit the maximum permitted densities on the subject property to two (2) dwelling units per acre. We propose to amend Policy 1.1.6 of the Lee Plan and Note 6 of Table 1(a) of the Lee Plan, which currently establishes a maximum density of two (2) dwelling units per acre for described lands in the Outlying Suburban category north of the Caloosahatchee River and east of I-75, as well as lands within the Buckingham area. We propose to modify the text of the Lee Plan as follows:

**POLICY 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban Areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area in North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

(239) 947-1144 ■ FAX (239) 947-0375 ■ E-Mail: [engineering@gradyminor.com](mailto:engineering@gradyminor.com)

3800 Via Del Rey ■ Bonita Springs, Florida 34134-7569 ■ EB/LB 0005151

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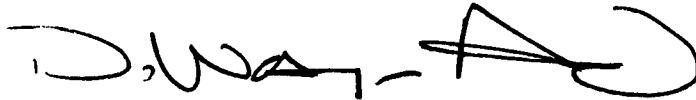


Mr. Matt Noble  
January 28, 2003  
Re: PAM-98-06  
Page 2

<sup>6</sup> In the Outlying Suburban category north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78); **Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area;** and in the Buckingham area (see Goal 17), the maximum density shall be 2 du/acre. **For Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area, connection to a central sanitary sewer system shall be required if residential development occurs at a density exceeding 1 dwelling unit per acre.**

I believe this revised text accurately addresses your comments. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Wayne Arnold", with a stylized flourish at the end.

D. Wayne Arnold, AICP

cc: Estero 60 Acre Land Trust+





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: 9

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.

July 2, 2003

DATE

  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE



# **I. APPLICANT/AGENT/OWNER INFORMATION**

131 Group

APPLICANT

9167 Brendan Lake Court

ADDRESS

Bonita Springs

CITY

FL

STATE

34135

ZIP

239-390-1402

TELEPHONE NUMBER

239-390-1402

FAX NUMBER

D. Wayne Arnold, Q. Grady Minor and Associates, P.A.

AGENT\*

3800 Via Del Rey

ADDRESS

Bonita Springs

CITY

FL

STATE

34134

ZIP

239-947-1144

TELEPHONE NUMBER

239-947-0375

FAX NUMBER

131 Group

OWNER(s) OF RECORD

9167 Brendan Lake Court

ADDRESS

Bonita Springs

CITY

FL

STATE

34135

ZIP

239-390-1402

TELEPHONE NUMBER

239-390-1402

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

One

B. SUMMARY OF REQUEST (Brief explanation):

Change existing Rural Classification to Outlying Suburban. Surrounding land  
use classifications and existing uses have land use densities equal to or greater  
than Outlying Suburban. Rural is not consistent with surrounding area.

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

A. Property Location:

1. Site Address: 4800 Pine Road

2. STRAP(s): 20-46-25-01-00009.0000

B. Property Information

Total Acreage of Property: 60.324±

Total Acreage included in Request: 60.324±

Area of each Existing Future Land Use Category: 60.324±

Total Uplands: 52.424± acres (includes 1.0 acre lake)

Total Wetlands: 7.9±

Current Zoning: AG-2

Current Future Land Use Designation: Rural

Existing Land Use: Vacant



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

*Lehigh Acres Commercial Overlay:* NA

*Airport Noise Zone 2 or 3:* NA

*Acquisition Area:* NA

*Joint Planning Agreement Area (adjoining other jurisdictional lands):* NA

*Community Redevelopment Area:* NA

D. Proposed change for the Subject Property:

Outlying Suburban

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density 60 dwelling units; 1.0 D.U. / Acre

Commercial intensity Maximum 100,000 square feet

Industrial intensity Not permitted

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density 180 dwelling units; 3.0 D.U. / Acre

Commercial intensity Maximum 100,000 square feet

Industrial intensity Not permitted

#### 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.



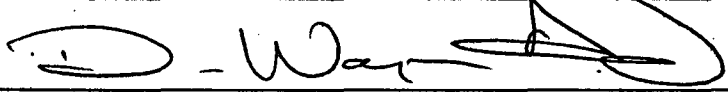
3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
  4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.
- G. Justify the proposed amendment based upon 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, D. Wayne Arnold, Q. Grady Minor and Associates, P.A., certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

  
Signature of owner or owner-authorized agent

July 2, 2003  
Date

D. Wayne Arnold  
Typed or printed name

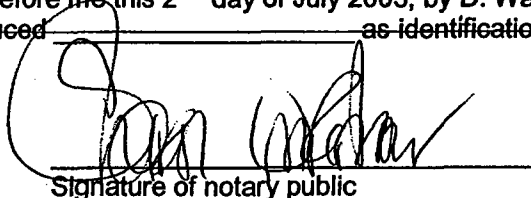
STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 2<sup>nd</sup> day of July 2003, by D. Wayne Arnold, who is personally known to me or who has produced \_\_\_\_\_ as identification.

(SEAL)



Sharon Umpenhour  
Commission # DD 076492  
Expires Dec. 4, 2005  
Bonded Thru  
Atlantic Bonding Co., Inc.

  
Signature of notary public

Sharon Umpenhour  
Printed name of notary public



ANDREW P. DESALVO

Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 24TH day of SEPTEMBER 2002  
by ANDREW P. DESALVO, who is personally known to me or who has produced  
as identification.

(SEAL)



Sharon Umpenhour  
Commission # DD 076492  
Expires Dec. 4, 2005  
Bonded Thru  
Atlantic Bonding Co., Inc.

Sharon Umpenhour

Signature of notary public

\_\_\_\_\_  
Printed name of notary public



**AFFIDAVIT**

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

AP Desalvo, Trustee  
Signature of owner or owner-authorized agent

9-24-02  
Date

ANDREW P. DESALVO  
Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 24<sup>th</sup> day of SEPTEMBER 2002, by ANDREW P. DESALVO, who is personally known to me or who has produced \_\_\_\_\_ as identification.

(SEAL)



Sharon Umphenour  
Commission # DD 076492  
Expires Dec. 4, 2005  
Bonded Thru  
Atlantic Bonding Co., Inc.

Sharon Umphenour  
Signature of notary public

\_\_\_\_\_  
Printed name of notary public



## **LIST OF CONSULTANTS**

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



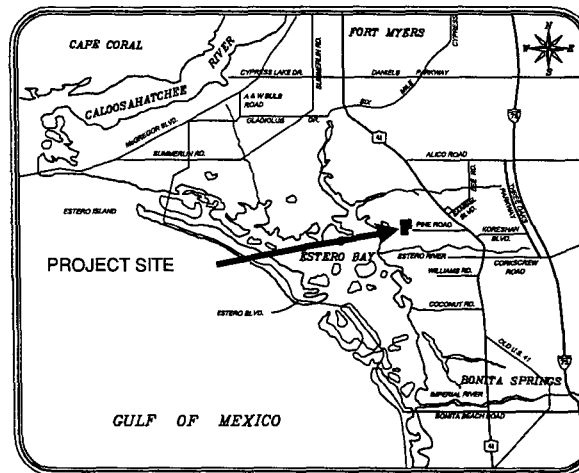
# ESTERO 60 ACRE LAND TRUST

## COMPREHENSIVE PLAN AMENDMENT

LOCATED IN:  
SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST,  
ESTERO, LEE COUNTY, FLORIDA

### OWNER/ DEVELOPER

131 GROUP  
9167 BRENDAN LAKE COURT  
BONITA SPRINGS, FLORIDA 34135



LOCATION MAP

N.T.S.

### INDEX OF EXHIBITS

DWG. No.	DESCRIPTION
1	COVER SHEET AND INDEX OF EXHIBITS
2	FUTURE LAND USE MAP PROPOSED
3	EXISTING LAND USE & ZONING MAP
4	SOILS MAP
5	ARCHAEOLOGICAL AND TOPOGRAPHIC MAP
6	WETLAND MAP

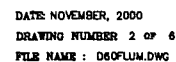


PREPARED BY:  
**Q. GRADY MINOR AND ASSOCIATES, P.A.**  
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS  
3800 VIA DEL ESTE  
BONITA SPRINGS, FLORIDA 34134  
PHONE: (841) 847-1144 FAX: (841) 847-0370  
ENGINEERING CERTIFICATE OF AUTHORIZATION NO. 000000  
SURVEYING CERTIFICATE OF AUTHORIZATION NO. 000000

DATE: NOVEMBER, 2000  
REVISION DATE :  
FILE: D60ECOVER  
DRAWING NUMBER: 1 OF 8



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DATE: NOVEMBER, 2000  
DRAWING NUMBER 3 of 6  
FILE NAME : D80ELU2M.DWG



# ESTERO 60 ACRE LAND TRUST

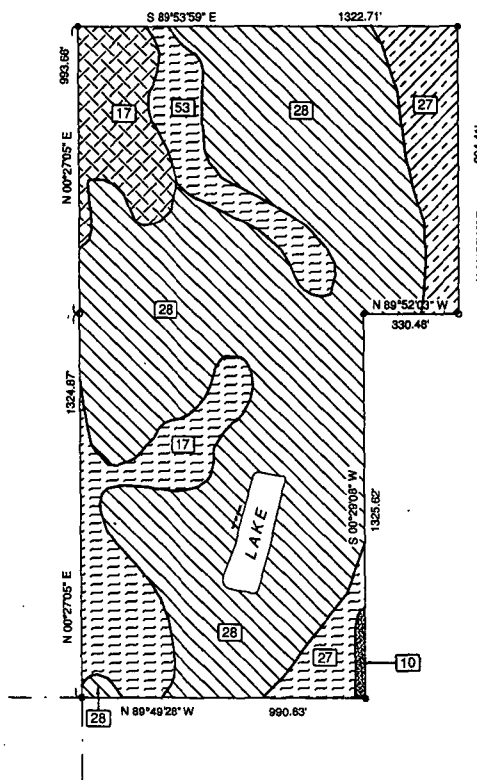
## SOILS MAP



### SOIL CLASSIFICATION

- 10 - POMPANO FINE SAND
- 17 - DAYTONA SAND
- 27 - POMPANO FINE SAND, DEPRESSIONAL
- 28 - IMMOKALEE SAND
- 53 - MYAKKA FINE SAND, DEPRESSIONAL

SOILS DETERMINATION FROM SOIL SURVEY OF LEE COUNTY,  
FLORIDA; SOIL CONSERVATION SERVICE, UNITED STATES  
DEPARTMENT OF AGRICULTURE.



### OWNER/ DEVELOPER

131 GROUP  
9167 BRENDAN LAKE COURT  
BONITA SPRINGS, FLORIDA 34135



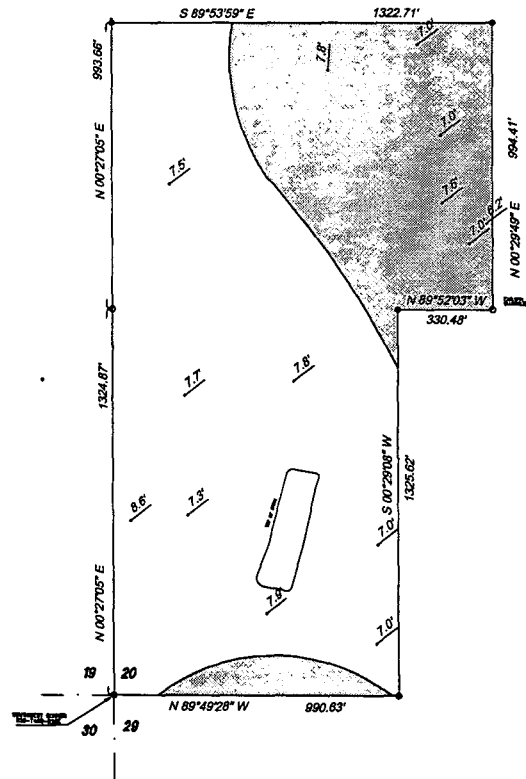
**Q. GRADY MINOR AND ASSOCIATES, P.A.**  
CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS  
BONITA SPRINGS, FLORIDA 34135  
PHONE: (941) 947-1144 FAX: (941) 947-0278  
FEDERAL REGISTERED PROFESSIONAL ENGINEERS

DATE: SEPTEMBER, 2000  
DRAWING NUMBER 4 OF 6  
FILE NAME : D60SOL.DWG



# ESTERO 60 ACRE LAND TRUST

## ARCHAEOLOGICAL AND TOPOGRAPHIC MAP



### LEGEND

1.5

N.G.V.D. 1929



SENSITIVITY LEVEL 2

ENTIRE PARCEL WITHIN 100 YEAR FLOOD BOUNDARY

### NOTES

ELEVATION DETERMINATION TAKEN FROM LEE COUNTY AERIAL PHOTOGRAPH, ELEVATIONS COMPILED BY PHOTOGRAMMETRIC METHODS BY HAMRICK AERIAL SURVEYS, INC. DATE OF MAPPING, SEPTEMBER 1981. ELEVATIONS BASED ON USC & GS DATUM.

SENSITIVITY ZONE DETERMINATION TAKEN FROM LEE COUNTY ARCHAEOLOGICAL SENSITIVITY MAP.

100-YEAR FLOOD BOUNDARY TAKEN FROM FIRM (FLOOD INSURANCE RATE MAP), COMMUNITY- PANEL NUMBER 125124 0455 B, EFFECTIVE DATE, SEPTEMBER 19, 1984.

### OWNER/ DEVELOPER

131 GROUP  
9167 BRENDAN LAKE COURT  
BONITA SPRINGS, FLORIDA 34135



Q. GRADY MINOR AND ASSOCIATES, P.A.

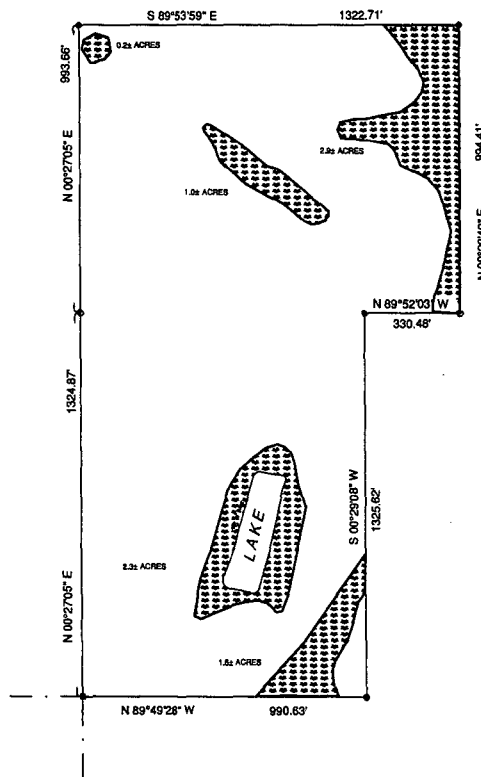
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS  
2800 W. 11th AVE.  
SUITE 100, BONITA SPRINGS, FLORIDA 34134  
PHONE: (941) 847-1144 FAX: (941) 847-0270  
ELEVATION DETERMINATION BY PHOTOGRAMMETRY

DATE: NOVEMBER, 2000  
DRAWING NUMBER: 5 OF 6  
FILE NAME: D80TOPOM.DWG



# ESTERO 60 ACRE LAND TRUST

## WETLAND MAP



WETLAND DETERMINATION PROVIDED BY :  
BOYLAN ENVIRONMENTAL CONSULTANTS, INC.

### LEGEND



MELALEUCA WETLAND

### OWNER/ DEVELOPER

131 GROUP  
9167 BRENDAN LAKE COURT  
BONITA SPRINGS, FLORIDA 34135



**Q. GRADY MINOR AND ASSOCIATES, P.A.**  
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS  
BONITA SPRINGS, FLORIDA 34135  
PHONE : (941) 847-1144 FAX : (941) 847-0210  
REGISTERED OFFICE OF PROFESSIONAL ENGINEERS

DATE: NOVEMBER, 2000  
DRAWING NUMBER 6 OF 6  
FILE NAME : 060WETM.DWG







6.00 - REC.  
~~3572.10 - docs~~  
~~3572.10 - docs~~

4481863

DR3019 960677

This Document Prepared By and Notary for:  
**RALPH A. RICHARDSON**  
 Attorney at Law  
 27726 Old 41 Road, Ste. 104  
 Bonita Springs, FL 34135

Period ID Number: 20-46-25-01-00009.0000 WOL

Chatture #1 TIN:

Chatture #2 TIN:

## Personal Representative's Deed

This Indenture, is made this 24<sup>th</sup> day of September, 1998, by and between  
**PAUL F. SMITH**, individually, a single person, and

as Personal Representative of the Estate of **MABEL T. STEPHENS**, a/k/a **MABEL STEPHENS**, deceased, Grantor, and  
**A. P. DaSALVO**, as Trustee a/k/a **MABEL T. STEVENS**

whose post office address is: 3960 Via Del Ray, Bonita Springs, Florida 34134

of the County of Lee, State of Florida, Grantee.  
 Witnesseth: Grantor, pursuant to Order Authorizing Sale dated August 27th, 1998, and in consideration of the sum  
 of One Dollar (\$1.00) paid to Grantor by Grantee, receipt of which is acknowledged, grants, bargains and sells to Grantee, and Grantee's heirs,  
 successors and assigns forever, the real property in Lee County, Florida, described as:

Lots 5 - 11, of that certain subdivision known as SAN CARLOS GROVE  
 TRACT, according to the map or plat thereof on file and recorded in  
 the office of the Clerk of the Circuit Court in Plat Book 4, page 75,  
 public records of Lee County, Florida.

Subject to restrictions, reservations and encumbrances of record, if  
 any, and taxes subsequent to 1997.

RECORDED BY  
 JOANNE MILLER, D.C.

Documentary Tax Pd. \$ 3572.10  
 Intangible Tax Pd. \$  
 CHARLIE GREEN, CLERK, LEE COUNTY  
 J. J. J. Deputy Clerk

CHARLIE GREEN, CLERK  
 LEE COUNTY, FL  
 OCT - 2 PM 3:19

Together with all and singular the tenements, hereditaments, and appurtenances belonging or in anywise appertaining to the real property.  
 To Have And To Hold the same to Grantee, and Grantee's heirs, successors and assigns, in fee simple forever.

And Grantor does covenant to and with the Grantee, and Grantee's heirs, successors and assigns, that in all things preliminary to and in and about  
 this conveyance, Order Authorizing Sale dated August 27th, 1998, and the laws of the State of Florida have been  
 followed and complied with in all respects.

In Witness Whereof, the undersigned, as personal representative of the estate of said decedent, has executed this instrument under seal on  
 the date aforesaid.

Signed, sealed and delivered in our presence:

Ralph A. Richardson  
 Printed Name: **Ralph A. Richardson**  
 Witness

Jerrilla L. Houston  
 Printed Name: **Jerrilla L. Houston**  
 Witness

STATE OF Florida  
 COUNTY OF Lee

The foregoing instrument was acknowledged before me this 24th day of September, 1998 by  
**PAUL F. SMITH**

as personal representative of the estate of **MABEL T. STEPHENS**  
 He is personally known to me or he has produced his

W. J. J. J.  
 Notary Public  
 My Comm. Exp. 12/31/99  
 LEE COUNTY, FL

Paul F. Smith (Seal)  
**PAUL F. SMITH**, as Personal Representative  
 P.O. Address: POST OFFICE BOX 434  
 ESTERO, FLORIDA 33928  
Paul F. Smith (Seal)  
**PAUL F. SMITH**, Individually  
 P.O. Address: POST OFFICE BOX 434  
 ESTERO, FLORIDA 33928



#### **SECTION IV.B.1. TRAFFIC CIRCULATION**

The property is served by Pine Road, a two-lane local road. The right-of-way width varies. Much of the property along Pine Road is currently vacant. Traffic counts are not available for Pine Road, but would be expected to be well above LOS C volumes. The proposed project is expected to add less than 200 peak hour trips to the local road. Addition of this volume of traffic would not be expected to reduce the level of service for the roadway. It is not expected that the requested designation would require any revisions to Traffic Circulation or Capital Improvements elements.



D60  
SUMMARY OF TRIP GENERATION CALCULATION  
FOR 180 DWELLING UNITS OF SINGLE FAMILY DWELLINGS  
9-22-98

	AVERAGE RATE	STANDARD DEVIATION	ADJUSTMENT FACTOR	DRIVE WAY VOLUME
AVG WKDY 2-WAY VOL	9.89	0.00	1.00	1780
7-9 AM PK HR ENTER	0.19	0.00	1.00	34
7-9 AM PK HR EXIT	0.56	0.00	1.00	102
7-9 AM PK HR TOTAL	0.75	0.00	1.00	135
4-6 PM PK HR ENTER	0.65	0.00	1.00	117
4-6 PM PK HR EXIT	0.36	0.00	1.00	66
4-6 PM PK HR TOTAL	1.01	0.00	1.00	182
SATURDAY 2-WAY VOL	10.09	0.00	1.00	1816
PK HR ENTER	0.51	0.00	1.00	92
PK HR EXIT	0.44	0.00	1.00	78
PK HR TOTAL	0.95	0.00	1.00	171
SUNDAY 2-WAY VOL	8.77	0.00	1.00	1578
PK HR ENTER	0.47	0.00	1.00	85
PK HR EXIT	0.42	0.00	1.00	75
PK HR TOTAL	0.89	0.00	1.00	160

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

24-Hr. 2-Way Volume:  $LN(T) = .92LN(X) + 2.707, R^2 = .96$   
7-9 AM Peak Hr. Total:  $T = .7(X) + 9.477$   
 $R^2 = .89, .25 \text{ Enter}, .75 \text{ Exit}$   
4-6 PM Peak Hr. Total:  $LN(T) = .901LN(X) + .527$   
 $R^2 = .91, .64 \text{ Enter}, .36 \text{ Exit}$   
AM Gen Pk Hr. Total:  $T = .704(X) + 12.09$   
 $R^2 = .89, .25 \text{ Enter}, .75 \text{ Exit}$   
PM Gen Pk Hr. Total:  $LN(T) = .887LN(X) + .605$   
 $R^2 = .91, .64 \text{ Enter}, .36 \text{ Exit}$   
Sat. 2-Way Volume:  $LN(T) = .956LN(X) + 2.54, R^2 = .92$   
Sat. Pk Hr. Total:  $T = .886(X) + 11.065$   
 $R^2 = .9, .54 \text{ Enter}, .46 \text{ Exit}$   
Sun. 2-Way Volume:  $T = 8.832(X) + -11.604, R^2 = .94$   
Sun. Pk Hr. Total:  $T = .756(X) + 23.815$   
 $R^2 = .86, .53 \text{ Enter}, .47 \text{ Exit}$

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

TRIP GENERATION BY MICROTRANS



**SECTION IV.B.2.a.**  
**SANITARY SEWER**

The property lies within the franchise area of Gulf Environmental Services, Inc. There are no sanitary sewer facilities within one quarter mile of this site, therefore, this site will utilize individual on-site septic systems per Florida Administrative Code Chapter 64E-6, Standards for Onsite Sewage Treatment and Disposal Systems.



**SECTION IV.B.2. b.**  
**POTABLE WATER**

Potable water is available to the site. The franchise area is Gulf Environmental Services, Inc. Conversations with personnel at the water utility indicate that adequate flow and pressure are available.



**SECTION IV.B.2. c.**  
**DRAINAGE/SURFACE WATER MANAGEMENT**

Surface water management will be provided by a series of lakes, connecting culverts and outfall structure. All will be permitted through the South Florida Water Management District and will comply with their rules and regulations.



**SECTION IV.B.2.d.**  
**PARKS, RECREATION AND OPEN SPACE**

The subject site is found in District 4 of the Lee County Park Impact Fee regulations. The closest facility to the site is the Three Oaks Community Park. Lee County has plans to construct an additional facility in Estero.





# LEE COUNTY

## SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 335-1604

John E. Manning  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Ronald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Liana M. Parker  
County Hearing Examiner

October 15, 1998

Bob Thimes, AICP  
Q. Grady Minor & Associates. P. A.  
3800 Via Del Rey  
Bonita Springs, Florida 34143

Re: Letter of Adequacy / Availability for Parcel  
Strap No. 20-46-25-01-00009.0000, 4800 Pine Road 60 ± acres

Dear Mr. Thimes:

If the above named parcel is changed to outlying suburban from rural, I estimate a maximum build out population of 376 persons (2.09 persons in each dwelling unit / 3 dwelling units per acre). The residents could generate 45 calls annually for EMS resources.

Without a site plan showing ingress / egress corridors, I cannot assess if there may be an impact to EMS response time reliability. However, the current average EMS response time for the San Carlos area is six (6) minutes. The impact of this increased demand for EMS services should not pose a problem if additional ambulances / personnel are acquired according to current budgetary plans.

If you would like to discuss this further, please call me at the above referenced number.

Respectfully submitted,

DIVISION OF PUBLIC SAFETY

H.C. "Chris" Hansen  
EMS Program Manager

cc: Chief Ippilito, San Carlos Park FD  
Matt Noble, County Planning  
DPS Administration

k:\users\chrish\impact\qgma.let



**Office of the Sheriff**



**John J. McDougall**  
State of Florida  
County of Lee

February 19, 1999

Q. Grady Minor & Associates, P.A.  
Mr. Bob Thinnes, AICP  
3800 Via Del Rey  
Bonita Springs, Florida 34134

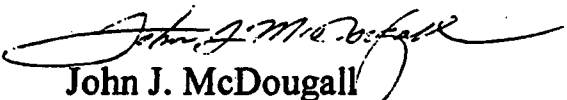
RE: 4800 Pine Road, 60 + Acres  
STRAP No. 20-46-25-01-00009.0000

Dear Mr. Thinnes:

Due to severe budget constraints coupled with the growth of the county, my office operates at full capacity. 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,

  
John J. McDougall  
Sheriff of Lee County

Cc: file







# THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3988 • (941) 334-1102 • FAX (941) 337-8378

September 23, 1998

Mr. Bob Thinnies  
Q. Grady Minor & Associates, P.A.  
3800 Via Del Rey  
Bonita Springs, FL 34134

Re: Request for Determination of Adequacy  
Proposed Lee Plan Amendment, Estero, Section 20, Township 46 S., Range 25 E.

DR. DOUGLAS SANTINI  
CHAIRMAN • DISTRICT 1

PATRICIA ANN RILEY  
VICE CHAIRMAN • DISTRICT 3

KATHERINE BOREN  
DISTRICT 4

BILL GROSS  
DISTRICT 5

LANNY MOORE, SR.  
DISTRICT 2

BRUCE HARTER, PH.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

JAMES E. BAKER  
STAFF ATTORNEY

Dear Mr. Thinnies:

This letter is in response to your request for a determination of adequacy from the Lee County School District on a plan amendment you have submitted to Lee County. The proposed 60 acre existing Rural parcel could contain up to 60 dwelling units at one unit per acre. The proposed amendment to Outlying Suburban would increase the potential density to three units per acre, or 180 units. These units would generate approximately 38 public school students, creating a need for up to 2 new classrooms in the District.

The schools in the South 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 addressed by the applicant.

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

Sincerely,

Stephanie Keyes, Facilities Planner  
Facilities Management and Capital Projects

cc: Frederick Gutknecht, Director, Facilities Management and Capital Projects  
Don Easterly, Program Manager  
Dr. Ande Albert, Assistant Superintendent for Business/Administrative



**Q. GRADY MINOR & ASSOCIATES, P.A.**

**Civil Engineers ■ Land Surveyors ■ Planners**

Q. GRADY MINOR, P.E.  
MARK W. MINOR, P.E.  
C. DEAN SMITH, P.E.  
DAVID W. SCHMITT, P.E.

ALAN V. ROSEMAN  
ROBERT W. THINNES, A.I.C.P.  
ERIC V. SANDOVAL, P.S.M.

September 21, 1998

Mr. Tom Bard  
Fire Inspector  
8013 Sanibel Boulevard  
Fort Myers, FL 33912

RE: 4800 Pine Road, 60± Acres  
STRAP No. 20-46-25-01-00009.0000

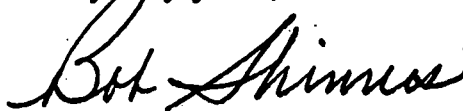
Dear Mr. Bard:

Our office is in the process of submitting an application to Lee County to amend the Lee County Future Land Use Map for the above referenced property. The existing land use classification is Rural and the proposed classification is Outlying Suburban. The Rural category permits 1.0 dwelling units per acre while the Outlying Suburban permits 3.0 dwelling units per acre.

The application requires that a letter be provided from your agency determining the adequacy of existing or proposed support facilities. Respectfully request your office provide our office with a letter of determination of those existing or proposed facilities. For your convenience, we are enclosing a copy of a Lee County tax map.

If you have any questions or need of any additional information, please do not hesitate to contact our office.

Very truly yours,



Bob Thinnes, AICP

BT:jw

Enclosure


F:D60



**Pine Road 60**  
**S 20 / T 46S / R 25E**

---

**Protected Species Survey**

**Boylan**   
**Environmental**  
**Consultants, Inc.**

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

11000 Metro Parkway, Suite 4  
Fort Myers, Florida, 33912  
Phone: (941) 418-0671 Fax: (941) 418-0672

December 11, 2001

---



## **INTRODUCTION**

Environmental scientists from Boylan Environmental Consultants, Inc conducted field investigations on the +/- 60.32 acre property during the week of July 9 and December 10, 2001 to identify the presence of protected species and potential occupied habitat. Specifically, the July survey periods covered the upland, palmetto prairie dominated areas and the December survey the melaleuca slough on the east. The weather conditions in July were full sun on one day and overcast the other with temperatures in the lower 90°'s and in the upper 70°'s in December

The project site is located at the end of Pine Road, west of U.S. 41 in Estero in Section 20, Township 46 South, Range 25 East, Lee County.

## **METHODOLOGY**

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

Overlapping transects were walked with specific attention placed on locating Gopher Tortoise burrows in the uplands and potential fox squirrel nests in the wetlands.

## **SITE CONDITIONS**

Listed below are the vegetation communities or land-uses identified on the site. The following descriptions correspond to the mappings on the attached FLUCCS map. See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1985) for definitions.

### **321/411, Saw Palmetto – Slash Pine (43.32 acres)**

This community is dominated by saw palmetto in the understory and slash pine in the canopy; canopy coverage is approximately 20% or less. Other predominant vegetation includes melaleuca, tarflower, pennyroyal, wiregrass, and saltbush. There are two small clumps of areas containing numerous live oak in the south; these areas are too small to map. This community is considered uplands by Lee County and the SFWMD.

### **321/421, Saw Palmetto – Dog Hair Melaleuca (5.07 acres)**

This community is dominated by saw palmetto in the understory and dog hair melaleuca in the midcanopy. Other vegetation includes wiregrass, saltbush, and yellow – eyed grass. This community is considered uplands by Lee County and the SFWMD.

### **424, Melaleuca (0.35 acres)**

This community is an isolated melaleuca patch in the northwest portion of the site. Groundcover is virtually non – existent. This community is considered uplands by Lee County and the SFWMD.



**424H, Melaleuca Wetlands (7.80 acres)**

This community is comprised of five isolated melaleuca wetlands interspersed with in the uplands and the large melaleuca slough on the east side of the parcel. The isolated wetlands are dominated by melaleuca in the canopy and mid canopy with yellow – eyed grass and swamp fern in the understory. The large melaleuca slough to the east is dominated by melaleuca in the canopy with random cypress, slash pine, and cabbage palm. Understory species consist of swamp fern where present. This community is considered wetlands by Lee County and the SFWMD.

**500, Other Surface Water (1.23 acres)**

A Borrow area located in the south – central portion of the site.

**740, Disturbed Areas (0.74 acres)**

This community has previously been cleared and is located adjacent to the FPL easement and ditch located in the southwest portion of the parcel.

**743, Berm (0.08 acres)**

A fill road or Berm is located in the northern portion of the melaleuca slough. This berm has effectively separated the slough. There is a 20" (or so) culvert on the east side of the slough that connects the slough but it is in need of repair. This berm has effectively altered the natural flow of water through the slough. This community is considered uplands by Lee County and the SFWMD.

**832, FPL Easement (1.73 acres)**

An FPL easement bisects the southwest corner of the property. This community is considered uplands by Lee County and the SFWMD.

**SPECIES PRESENCE**

The various listed species that may occur in the FLUCCS communities have been tabulated on the attached table.

Approximately 23 active and 17 inactive tortoise burrows have been flagged onsite. The FWC recently started using a 0.40 acre conversion factor (formerly 0.30) applied to active and inactive tortoise burrows in arriving at the number of expected tortoise on site; when an application for a Gopher Tortoise Incidental Taker Permit is submitted. Applying this factor to our survey, approximately 16 tortoises would be expected to be inhabiting the site ( $0.40 * 40 = 16$ ).

Approximately 5 potential fox squirrel nests were located in melaleuca trees in the melaleuca slough.



Table. Protected species list cross referenced with onsite FLUCCS categories.

FLUCCS	Potential Listed Species	% Coverage	Present	Absent	Density	Visibility (ft)
321/411	Beautiful Pawpaw	95+		X	-	20
	Big Cypress Fox Squirrel	95+		X	-	20
	Eastern Indigo Snake	95+	X***		-	20
	Fakahatchee Burmannia	95+		X	-	20
	Florida Black Bear	95+		X	-	20
	Florida Coontie	95+		X	-	20
	Florida Panther	95+		X	-	20
	Gopher Frog	95+	X***		-	20
	Gopher Tortoise	95+	X		0.37 tortoise / acre*	20
	Red-Cockaded Woodpecker	95+		X	-	20
	Satinleaf	95+		X	-	20
	Southeastern American Kestrel	95+		X	-	20
	Twisted Air Plant	95+		X	-	20
321/424	Beautiful Pawpaw	95+		X	-	20
	Big Cypress Fox Squirrel	95+		X	-	20
	Eastern Indigo Snake	95+		X	-	20
	Fakahatchee Burmannia	95+		X	-	20
	Florida Black Bear	95+		X	-	20
	Florida Coontie	95+		X	-	20
	Florida Panther	95+		X	-	20
	Gopher Frog	95+		X	-	20
	Gopher Tortoise	95+		X	-	20
	Red-Cockaded Woodpecker	95+		X	-	20
424	Satinleaf	95+		X	-	20
	Southeastern American Kestrel	95+		X	-	20
	Twisted Air Plant	95+		X	-	20
	Big Cypress Fox Squirrel	95+		X	-	
	Big Cypress Fox Squirrel	95+	X**	X	NA	
500	American Alligator	95+		X	-	100
	Everglades Mink	95+		X	-	100
	Limpkin	95+		X	-	100
	Little Blue Heron	95+		X	-	100
	Reddish Egret	95+		X	-	100
	Roseate Spoonbill	95+		X	-	100
	Snowy Egret	95+		X	-	100
	Tricolored Heron	95+		X	-	100
	Florida Panther	95+		X	-	100
	Florida Black Bear	95+		X	-	100
740	Gopher Tortoise	95+		X	-	100
743	Gopher Tortoise	95+		X	-	100
832	None	95+		X	-	100

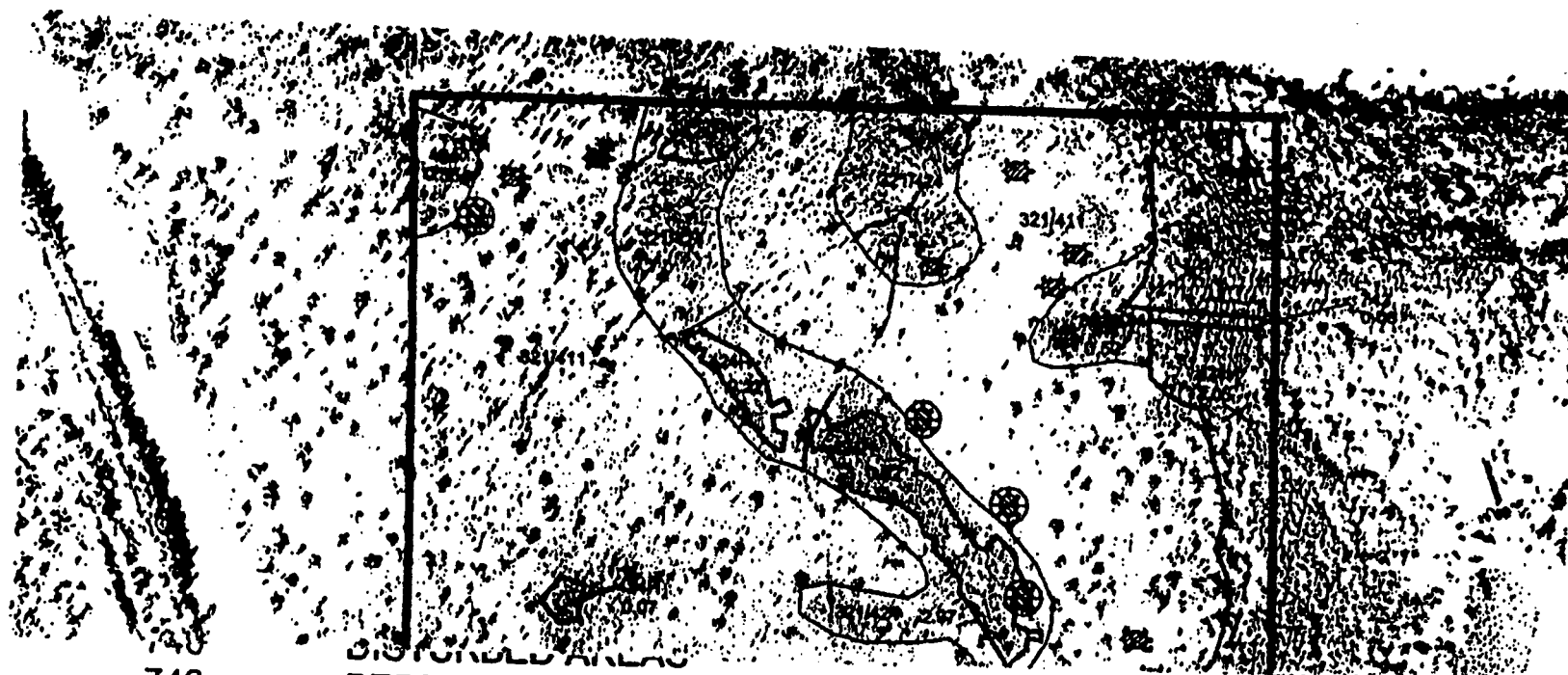
\*Based on 16 tortoise in 43.32 acres (FLUCCS 321/411)

\*\*No fox squirrels were observed, only potential nests in melaleuca trees

\*\*\*No gopher tortoise or eastern indigo snakes were observed; because of gopher tortoise burrows, the potential exists for them to inhabit the site



45



743  
832

BERM  
FPL EASEMENT

0.08  
1.73

60.32 ACRES

- ▣ ACTIVE TORTOISE BURROW, 23
- ⊗ INACTIVE TORTOISE BURROW, 17
- Ⓐ ABANDONED TORTOISE BURROW, 3
- × POTENTIAL NESTS IN MELALEUCA, 5

$(23 + 17) * 0.40 = 16$  EXPECTED GOPHER TORTOISE

PINE  
LISTE

**Boylan**  
Environmental  
Consultants, Inc.

*Field & FPL Data Services, Environmental Permitting  
Impact Assessments*

11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (941) 418-0571

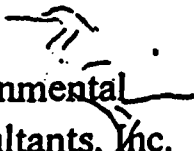


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**Pine Road 60**  
**S 20 / T 46S / R 25E**

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**Habitat Management Plan for  
Listed Species**

**Boylan**   
**Environmental**  
**Consultants, Inc.**

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

11000 Metro Parkway, Suite 4  
Fort Myers, Florida, 33912  
Phone: (941) 418-0671 Fax: (941) 418-0672

**December 11, 2001**

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## **INTRODUCTION**

Environmental scientists from Boylan Environmental Consultants, Inc conducted field investigations on the +/- 60.32 acre property the weeks of July 9 and December 10, 2001 to identify the presence of protected species and potential occupied habitat. The survey documented Gopher Tortoise and the potential for Big Cypress Fox Squirrels on site. Because of gopher tortoise burrows, the potential exists for the Gopher Frog and the Eastern Indigo Snake.

In addition, the Bald Eagle and the Florida Black Bear have been documented on adjacent sites or are presumed to inhabit adjacent sites. This plan is intended to minimize impacts to these species by implementing the following (brief – conceptual) plans.

The subject parcel is located at the end of Pine Road, west of U.S. 41 in Estero in Section 20, Township 46 South, Range 25 East, Lee County.

## **GOPHER TORTOISE**

A Gopher Tortoise Incidental Take permit would be obtained from the Florida Fish & Wildlife Conservation Commission (FWC).

In addition, prior to construction, tortoise would be relocated to the "Tortoise Relocation – Preserve" as shown on attached Exhibit 1. The preserve, along with all other upland and wetland preserves would be maintained in perpetuity to insure exotic and nuisance species constitute less than 1% coverage immediately following an exotic removal activity and no more than 5% in between removal activities.

## **FOX SQUIRREL**

Immediately prior to construction or mitigation activities, the areas will be re - checked for the presence of Big Cypress Fox Squirrel nests. If "*actively nesting*" nests are found, 150' buffers would be maintained around the nest trees until the nest(s) are deemed active. When deemed inactive, the (melaleuca) nest tree would be taken down in conjunction with either construction or wetland mitigation activities. It is anticipated the melaleuca slough, would have exotics removed and subsequently replanted with desirable wetland vegetation. The wetland mitigation details are not known at this time and could only be known at time of ERP permitting.

## **EASTERN INDIGO SNAKE**

Standard protection measures would be established as follows:

1. An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and



to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur.). Informational signs should be posted throughout the construction site and contain the following information:

- a. A description of the eastern indigo snake, its habits and protection under Federal Law;
  - b. Instructions not to injure, harm, harass or kill this species;
  - c. Directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and.
  - d. Telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water, then frozen.
2. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a Section 10(a)(1)(A) permit issued by the Service, or by the State of Florida through the Florida Fish and Wildlife Conservation Commission for such activities, are permitted to come in contact with or relocate an eastern indigo snake.
  3. If necessary, eastern indigo snakes shall be held in captivity only long enough to transport them to a release site; at no time shall two snakes be kept in the same container during transportation.
  4. An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information;
    - a. any sightings of eastern indigo snakes
    - b. summaries of any relocated snakes if relocation was approved for the project (e.g., locations of where and when they were found and relocated);
    - c. other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

See attached Exhibit 2 for the Eastern Indigo Snake Protection plan.

#### **BALD EAGLE**

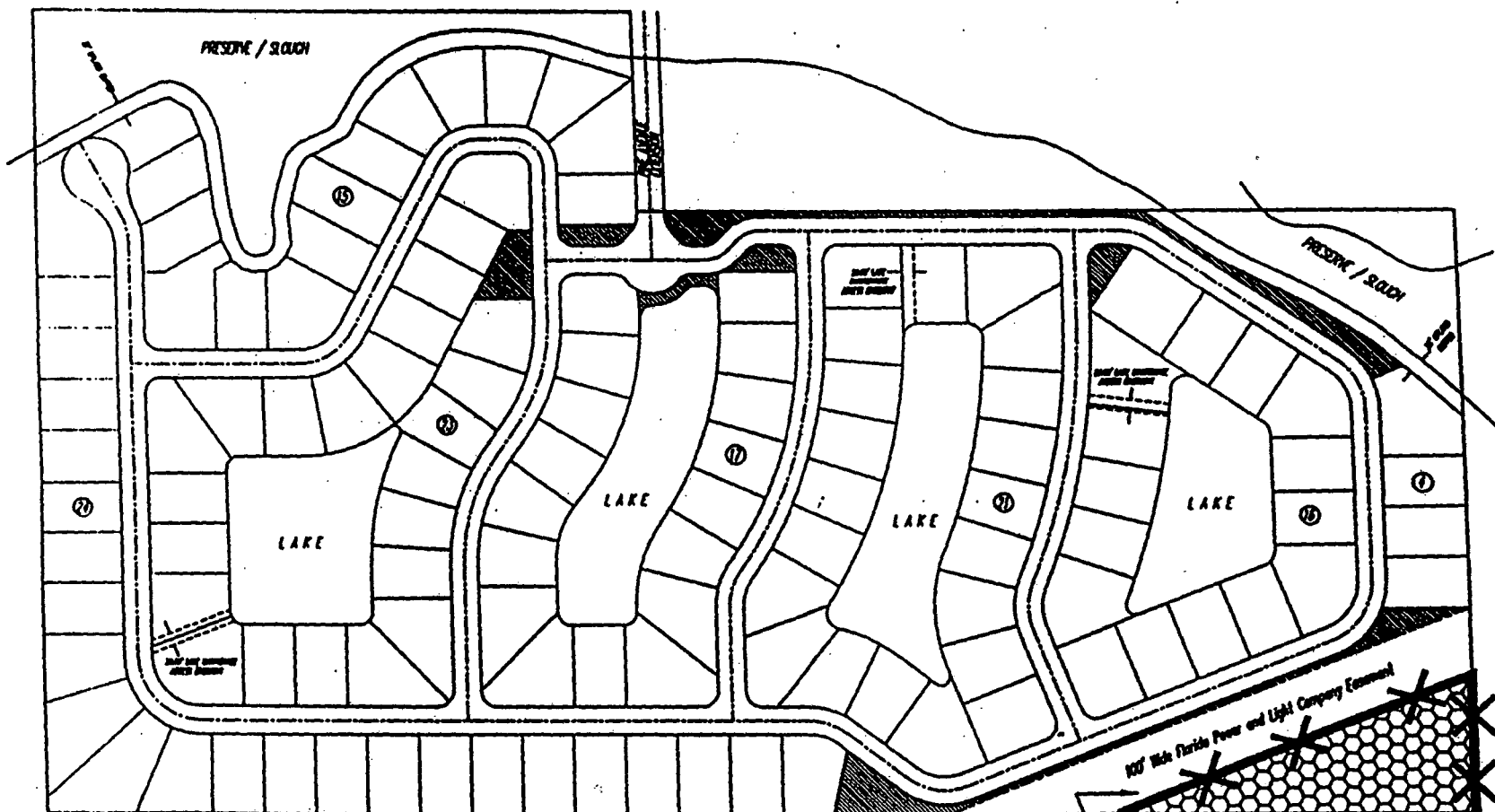
All construction and mitigation activities within 1500' of the nest tree (located south of the subject parcel) would occur during the non – nesting season, October 1 through May 15. The portion of the Pine Road parcel that falls within the 1500' is shown in Exhibit 3 and is considered the Eagle's Secondary Zone. This is the suggested guideline set forth by the US Fish and Wildlife Service in "*Habitat Management Guidelines For the Bald Eagle in the Southeast Region.*"



### **FLORIDA BLACK BEAR**

- 1) Signage will be placed around the preserve areas. This signage (language) would prohibit hand - feeding of wildlife, including birds. This would eliminate leftover food scraps throughout the property. There would be signs stating "Feeding of Animals is Prohibited."
- 2) There would be no beehives, livestock (including fowl), or stables meant to house animals located on site.
- 3) If picnic areas are located on-site, signage would be placed in the vicinity reminding people to remove all food scraps and refuse when leaving.





TORTOISE FENCE DEPICTED BY BOLD LINE AND X

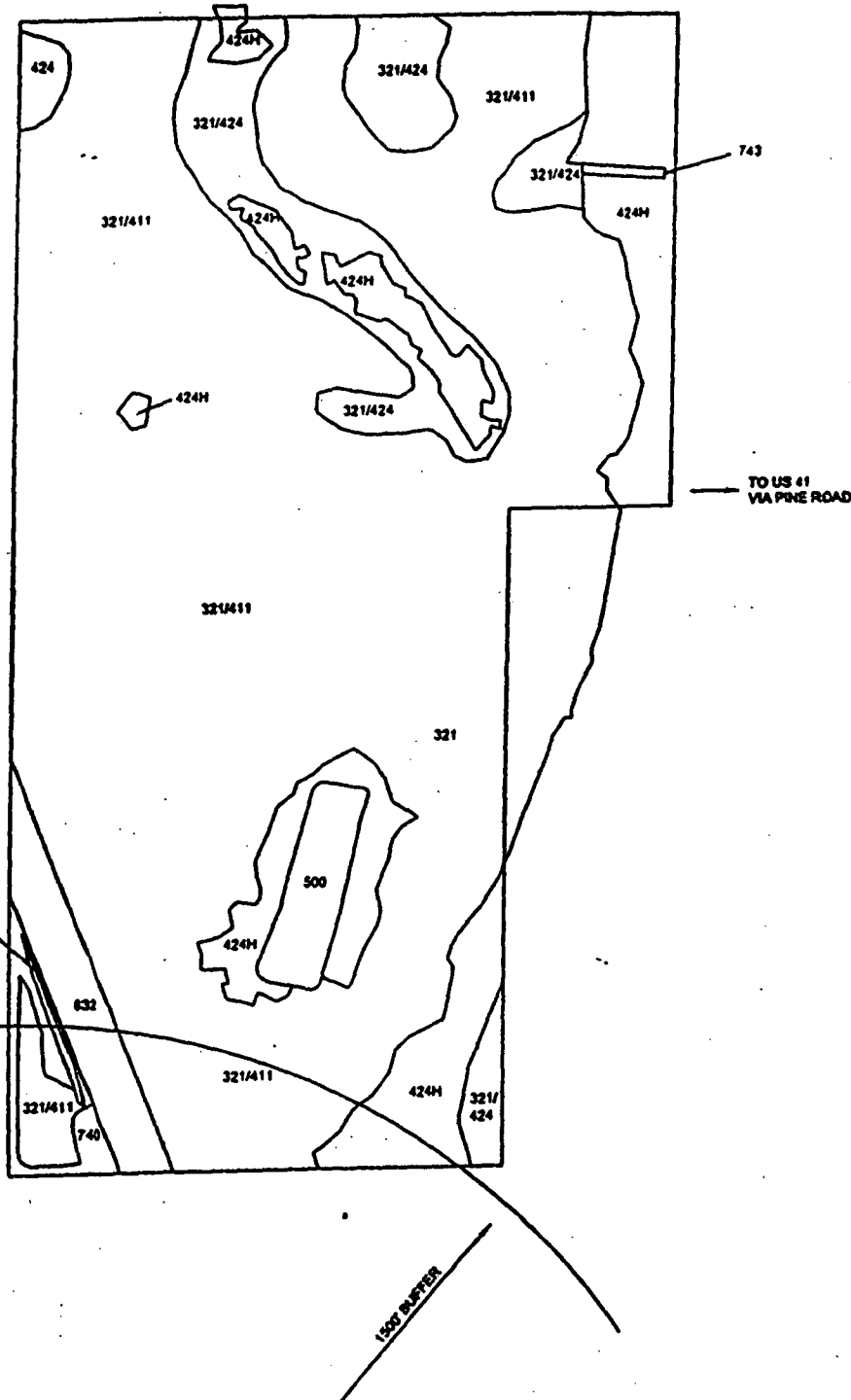


TORTOISE RELOCATION -  
PRESERVE AREA

Boylan  
Environmental







APPROXIMATE LOCATION OF EAGLE'S  
EST 1200' SOUTH OF SUBJECT PARCEL'S  
SOUTHWEST CORNER

- 321/411
- 321/424
- 424
- 424H\*
- 500
- 740
- 743
- 832

- SAW PALMETTO - SLASH PINE (<20% CANOPY)
- SAW PALMETTO - DOG HAIR MELALEUCA
- MELALEUCA
- MELALEUCA WETLANDS
- OTHER SURFACE WATER
- DISTURBED AREAS
- BERM
- FPL EASEMENT

**Boylan Environmental Consultants, Inc.**  
Wetland & Wildlife Surveys, Environmental Permitting,  
Impact Assessments  
11000 Metro Parkway, Suite 401, Miami, FL 33192 (305) 418-0671

COUNTY	LEE
SEC	20
TWP	46S
RNG	25E
REVISIONS	
PINE ROAD 60	
EAGLE BUFFER MAP	
B # 9852	DATE 1-2-00
BY EAGLE BUFFER	DATE 12-11-01



# EASTERN INDIGO SNAKE

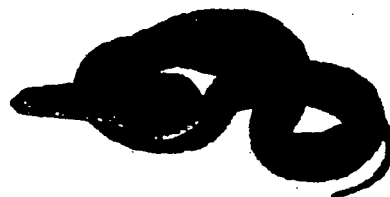
## PROTECTION PLAN

The Eastern Indigo Snake is a large, fairly shiny blue-black snake. They are non-venomous. The average adult indigo snake is 6 feet in length.

The Indigo snake is active during daylight hours. It nests in gopher tortoise burrows and in hollow logs. The diet of the snake consists of other snakes, small mammals such as rats and mice, along with frogs, lizards and other amphibians.

The Indigo snake may be confused with the common black racer. It is also black, however this snake is usually slender and fast moving, with a white chin:

The Common Black  
Racer



**Eastern Indigo Snake**  
*Drymarchon corais couperi*

If an Eastern Indigo snake is observed on site:

Cease all construction activities and notify the construction supervisor, then contact Boylan Environmental Consultants (941) 418-0671. While leaving the snake unharmed, maintain sight of the snake until a biologist arrives. The snake will then be allowed sufficient time to move away from the construction site on its own before resuming construction activities.

The Eastern Indigo snake is protected by both State and Federal Regulations. It is illegal to harass, harm, pursue, hunt, shoot, wound, kill, molest, trap, capture, collect, transport, or attempt to engage in any such conduct (collectively defined as "taking"). These rules apply to the snake, parts thereof or their nests or eggs.

Under Chapter 39, Florida Administrative Code 39-4.002 the penalties are as follows: Punishable as a second degree misdemeanor, with up to \$500.00 fine and/or 60 days imprisonment for first offenses, additional penalties thereafter.

Under the Endangered Species Act the penalties are as follows: Maximum fine of \$25,000.00 for civil penalties and maximum fine of \$50,000.00 and/or imprisonment for up to




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**Pine Road 60**  
**S 20 / T 46S / R 25E**

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**Protected Species Survey**

**Boylan**   
**Environmental**  
**Consultants, Inc.**

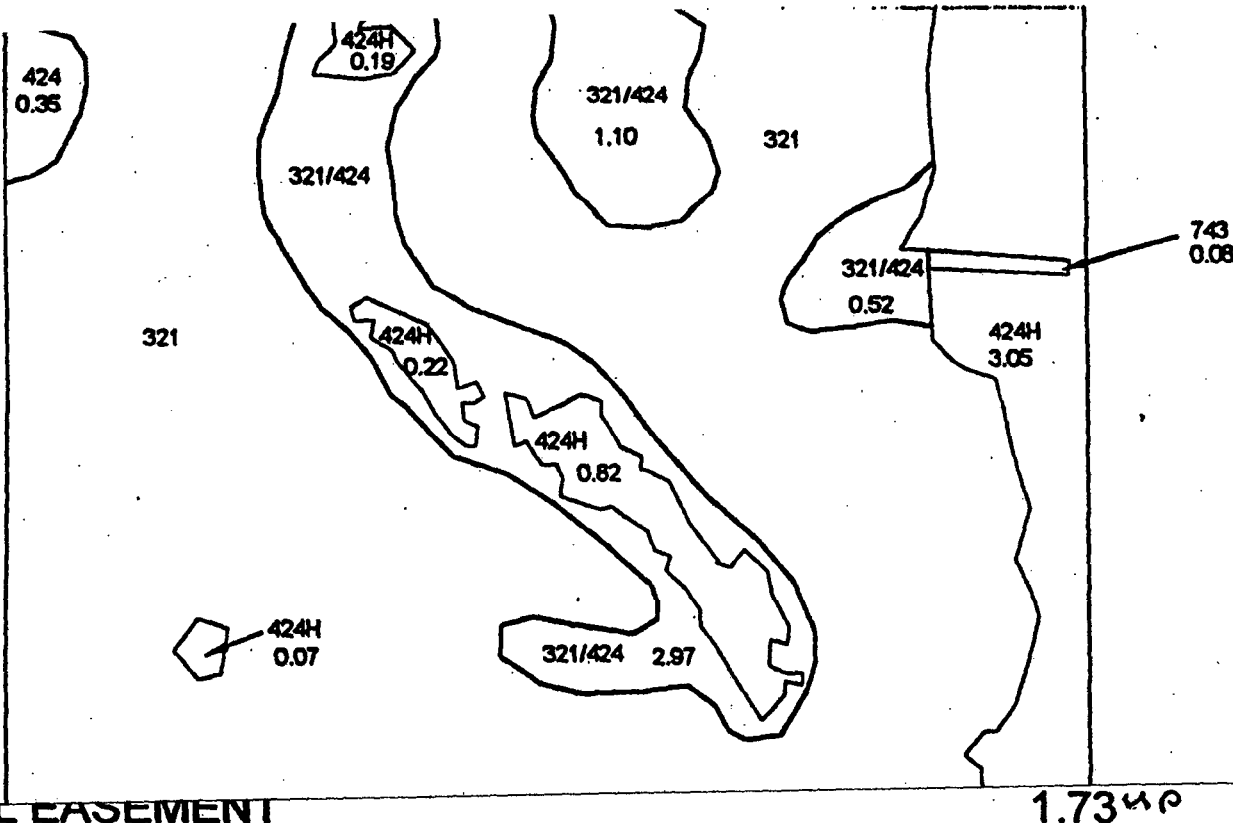
*Wetland & Wildlife Surveys, Environmental Permitting,  
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11000 Metro Parkway, Suite 4  
Fort Myers, Florida, 33912  
Phone: (941) 418-0671 Fax: (941) 418-0672

**December 11, 2001**

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WETLAND LINES BASED ON GPS:  
+/- 15' IN ISOLATED MELALEUCA "HOLES"  
+/- 30' ALONG EASTERN MELALEUCA FLOWWAY  
DUE TO HEAVY CANOPY

## PROJECT NAME

JD# \_\_\_\_\_

Craig Schmittler

Date

## South Florida Water Management District

Wetland Jurisdictional Determination

Boylan  
Environmental  
Consultants, Inc.



Wetland & Wildlife Surveys, Environmental Permitting,  
Insect Assessments

JOB # 9852
SCALE 1"= 200
FILE GPS WETLANDS2
DRAWN BY JDK
DATE 2-7-01
COUNTY LEE
SEC 30
TWP 46



## **SECTION IV. E. COMPREHENSIVE PLAN**

### **POPULATION**

The site being 60 ± acres in area with 52 ± acres as upland will yield, with the proposed future land use designation, a maximum of 120 dwelling units. Because of the relative low number of dwelling units, there will be no negative affect upon the County-wide population projection/accommodation.

### **YEAR 2020 OVERLAY**

The subject property is located within Planning Community 13 (San Carlos/Estero) as depicted on Map 16, Planning Communities, in The Lee Plan, 1998 Codification as amended through 1998. Table 1(b), Planning Community Year 2020 Allocations, of the Lee Plan, provides the acreage allocations for each planning community. These allocations include residential by future land use category, general commercial and industrial and non-regulatory allocations. The Outlying Suburban category has 81 acres allocated for residential while 280 acres are allocated in the Rural category for residential use. Currently, the total number of residential dwelling units allocated for both categories would be 523 dwelling units, based upon gross acreage. The proposed land use change would add 52 ± acres to the Outlying Suburban for an additional 156 residential dwelling units. The total unincorporated County acreage for Planning Area 13 would increase from 5,376 to 5,532 or three percent (3%).

### **LOCAL GOVERNMENTS**

The subject site is located within the jurisdictional limits of Lee County and not within the jurisdictional limits of any local governments. Therefore, the proposal has no effect upon any local government.

### **FUTURE LAND USE ELEMENT**

The subject property is located in Section 20, Township 46 South, Range 25 East and currently has a Future Land Use Map designation of Urban Community, Rural and wetland. The proposed map amendment will change the Rural designation to Outlying Suburban. The wetland and Urban Community will remain unchanged. The Outlying Suburban category is being further limited with respect to density to a maximum of two dwelling units per acre. This is similar to the restrictions currently in place in north Fort Myers and in the Buckingham area. Policy 1.1.6 of the Future Land Use Element and Table 1(a) will be modified as follows:



Policy 1.1.6: of Objective 1.1: Future Urban Areas, Outlying Suburban states in part that "areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre)".

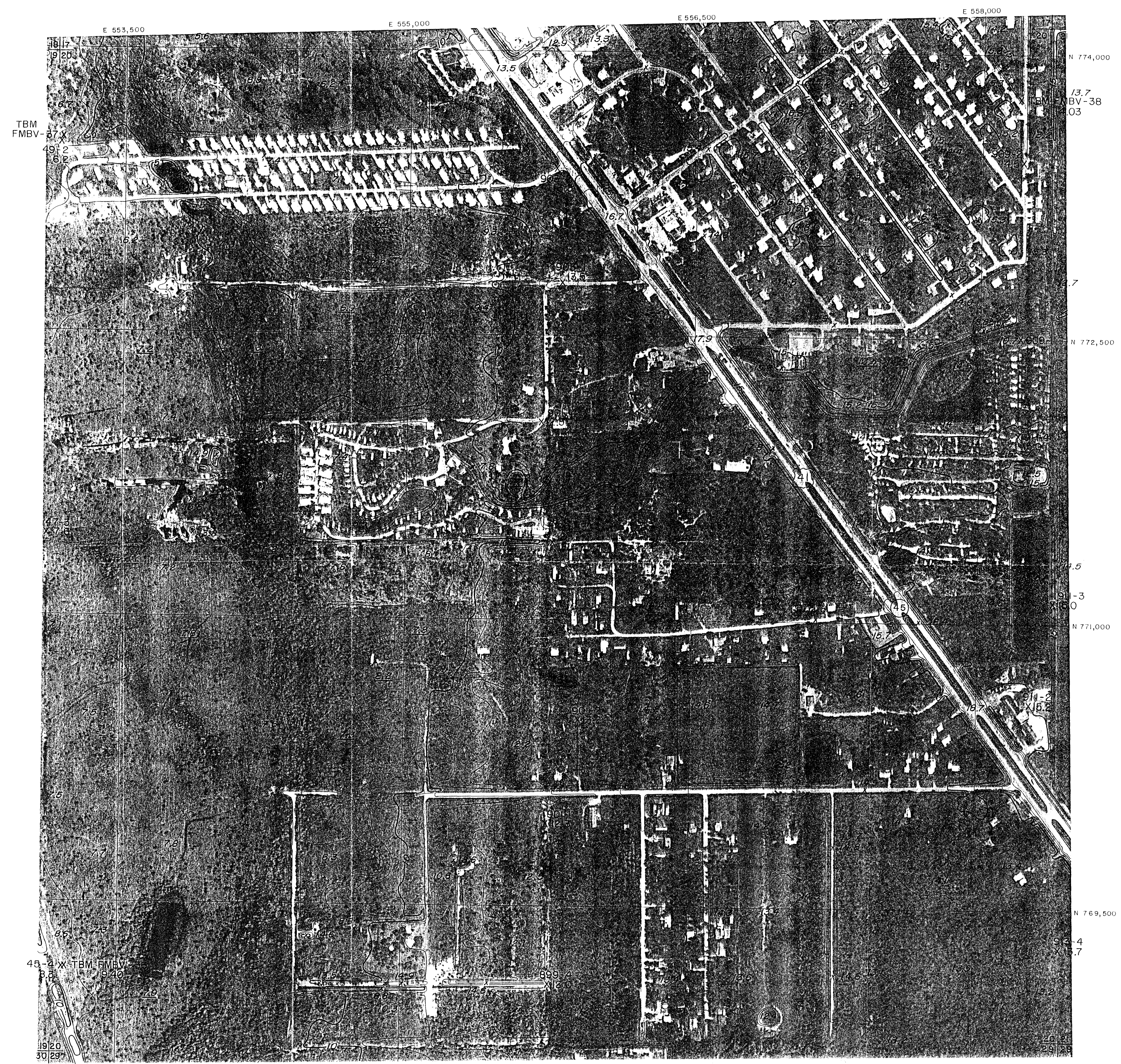
The subject property is adjacent to existing areas that are urban in nature. Surrounding densities to the north, east and south range from 3.0 to 18.0 dwelling units per acre. The recently approved project to the west and south may be developed at a density of 3.0 dwelling units/acre. U.S. 41 (S.R. 45) is located less than 3/4 mile to the east of the subject site. Access to this arterial is provided by Pine Road and recorded access easements. Gulf Environmental Services has utility service available at U.S. 41 and Pine Road and would be available for future extension. Therefore, infrastructure is available. The requested Outlying Suburban category would only be developed at a maximum of 2.0 dwelling units per acres which is at a lower density than the other Future Urban and Suburban areas within the general vicinity to the north, east and south. The requested classification is clearly located at a peripheral location relative to established urban areas.

The existing FLUM designation, Rural, is listed in Objective 1.4 as a non-Urban Area. The definition of Rural as found in Objective 1.4.1 is as follows: "The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements and they can anticipate a continued level of public services below that of the urban areas". Those elements characteristic of an urban area are found within the subject property as has been documented within this application. Because of these urban elements such as density, infrastructure, use, urban services and compatibility, it is unreasonable to expect this property to remain in the Rural category when, in fact, the application of the Rural category to this property is not consistent with Policy 1.4.1. The Rural incompatibility and inconsistency is sustained because agricultural and non-residential uses are not compatible or consistent with the surrounding residential communities, and, further, there exist no rural community in the area for this Rural designation to serve.

Objective 2.1: Development Location encourages compact growth pattern via the rezoning process to contain urban sprawl and its effects, and, further, encourages rezoning large tracts of land that have been "by-passed in favor of development more distant from services and existing communities". The subject property is an enclave of low density surrounded by higher densities, by-passed in favor of projects more distant from services and existing communities.

Objective 2.2: Development Timing directs new growth to those areas with public facilities to insure compact and contiguous growth patterns. The subject parcel is less than 3/4 of a mile from an arterial road (S.41), has sewer and water available from Gulf Environmental Services and has access to U.S. 41 (S.R. 45) via Pine Road and existing recorded easements. Community facilities and services such as schools, EMS, police and fire protection are available.



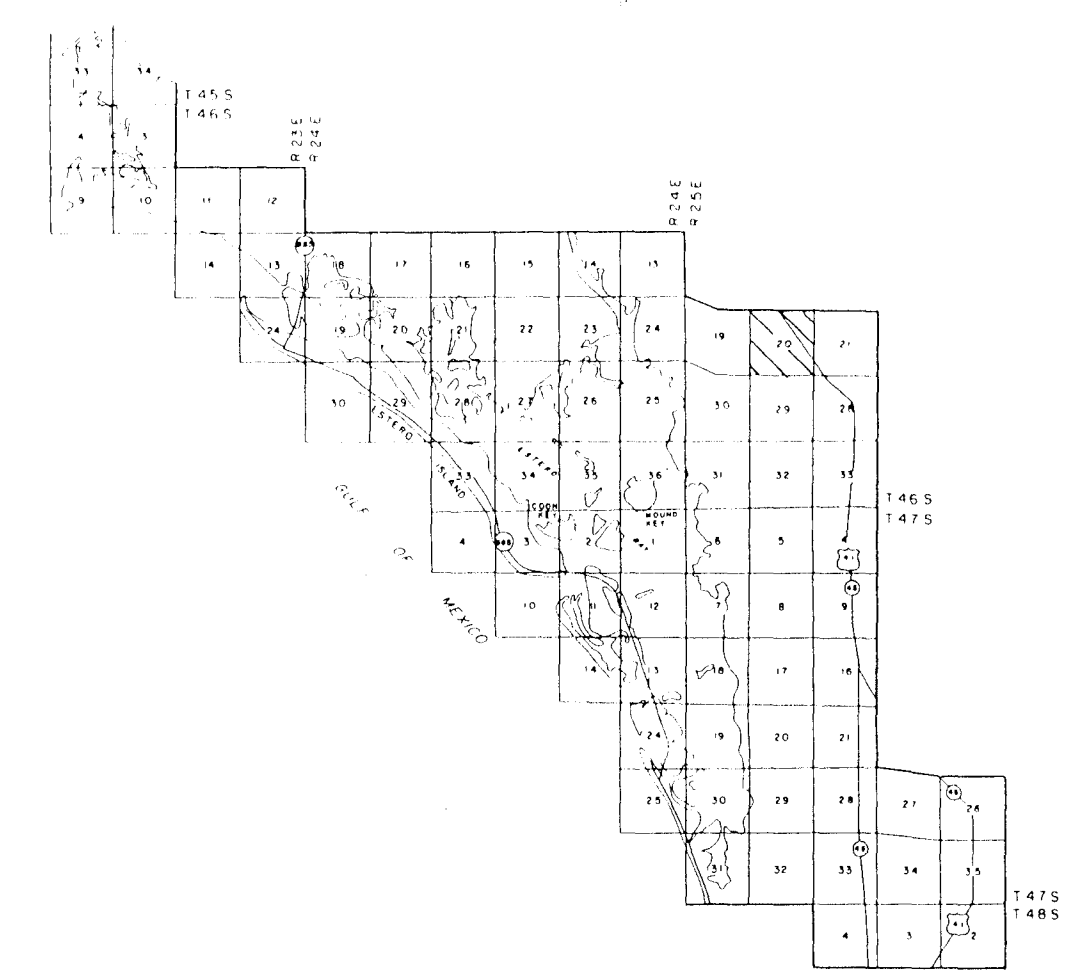


COMPILED BY PHOTOGRAMMETRIC METHODS  
BY  
**HAMRICK** • *Aerial Surveys, Inc.*  
CLEARWATER FLORIDA

LEGEND

HORIZONTAL CONTROL	△
TRAVERSE STATIONS	4-5-2 ○
VERTICAL CONTROLS	9.13 X
SECTION CORNERS	2   1 11   12
CONTOURS	5 10 15
DEPRESSION CONTOURS	13.5
SPOT ELEVATIONS	12.5
T. B. M.	TBM X 7.2

Attachment 4

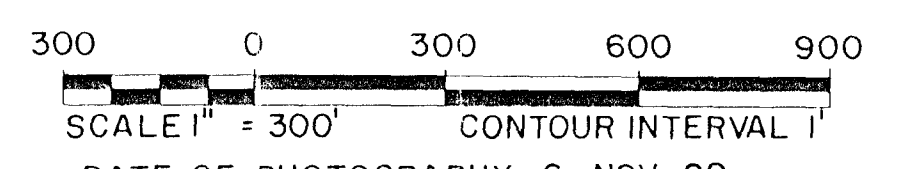
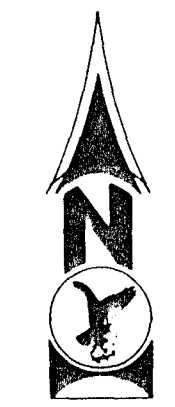


NOTE: ACCURACY: IT IS INTENDED THAT THIS MAPPING COMPLY WITH U.S. NATIONAL MAP ACCURACY STANDARDS. HOWEVER, SUCH ACCURACY OR ANY OTHER LEVEL OF ACCURACY IS NOT GUARANTEED BY LEE COUNTY, FLORIDA.

THE LAND LINE INFORMATION SHOWN HERE ON IS COMPILED FROM THE BEST AVAILABLE DATA AND DOES NOT NECESSARILY REPRESENT TRUE LAND LINE LOCATION.

DASHED CONTOURS AND UNDERLINED ELEVATIONS INDICATE STANDARD VERTICAL ACCURACY REDUCED BY HEAVY FOLIAGE COVER.

GRIDS BASED ON FLORIDA STATE PLANE COORDINATE SYSTEM WEST ZONE.  
ELEVATIONS BASED ON USCGS DATUM.

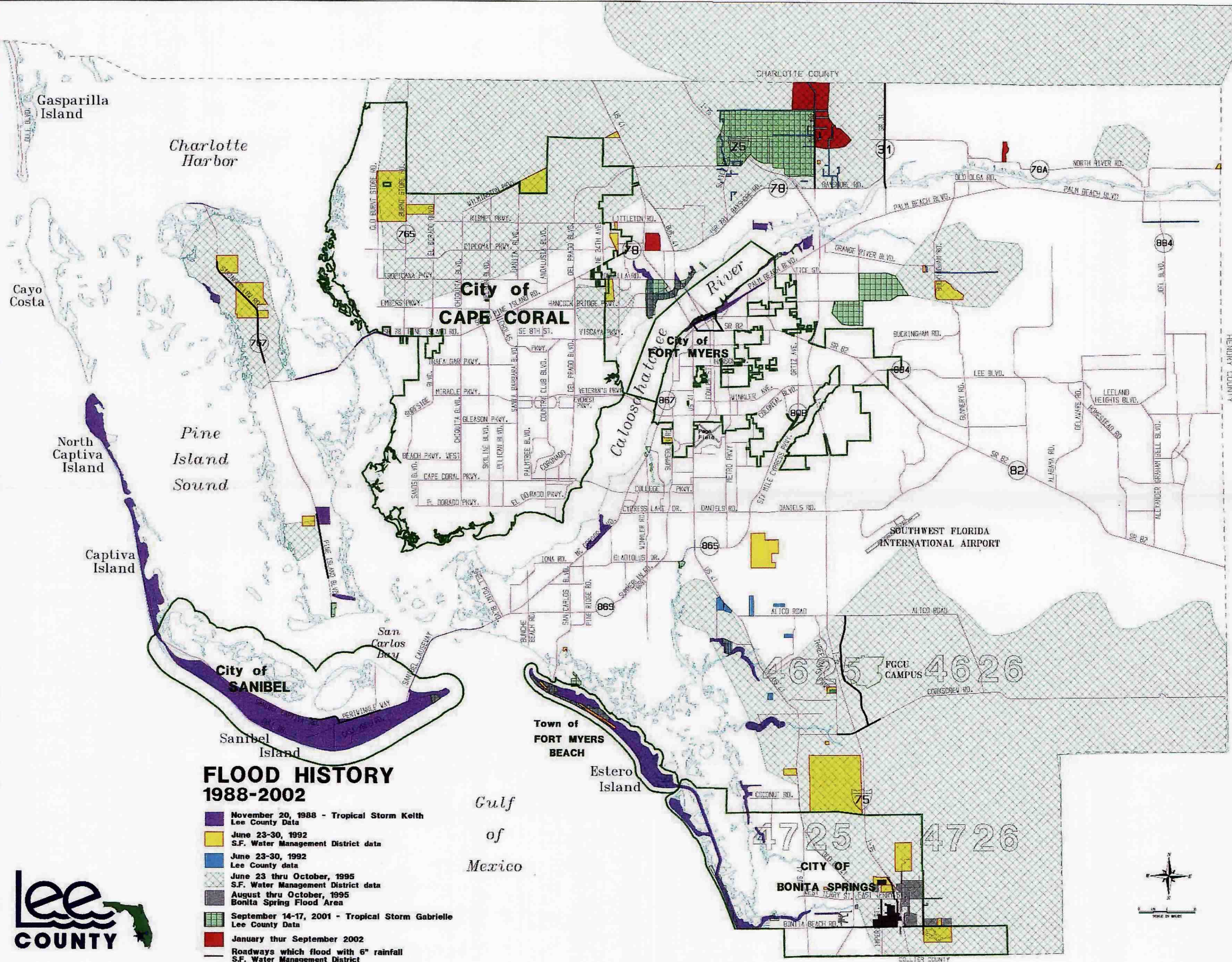


DATE OF PHOTOGRAPHY 6 NOV 80  
DATE OF MAPPING SEPT. 81

**LEE COUNTY**  
FLORIDA

SECTION 20 T 46 S R 25 E



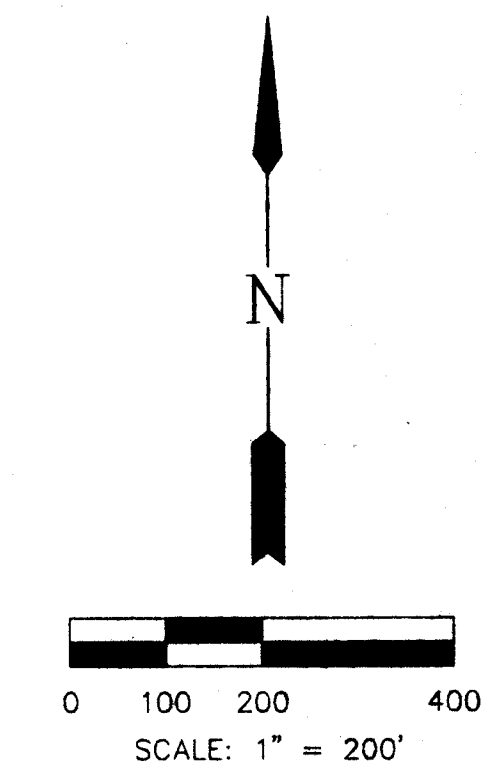


## FLOOD HISTORY 1988-2002

- November 20, 1988 - Tropical Storm Keith  
Lee County Data
- June 23-30, 1992  
S.F. Water Management District data
- June 23-30, 1992  
Lee County data
- June 23 thru October, 1995  
S.F. Water Management District data
- August thru October, 1995  
Bonita Spring Flood Area
- September 14-17, 2001 - Tropical Storm Gabrielle  
Lee County Data
- January thru September 2002
- Roadways which flood with 6" rainfall  
S.F. Water Management District
- City Boundaries

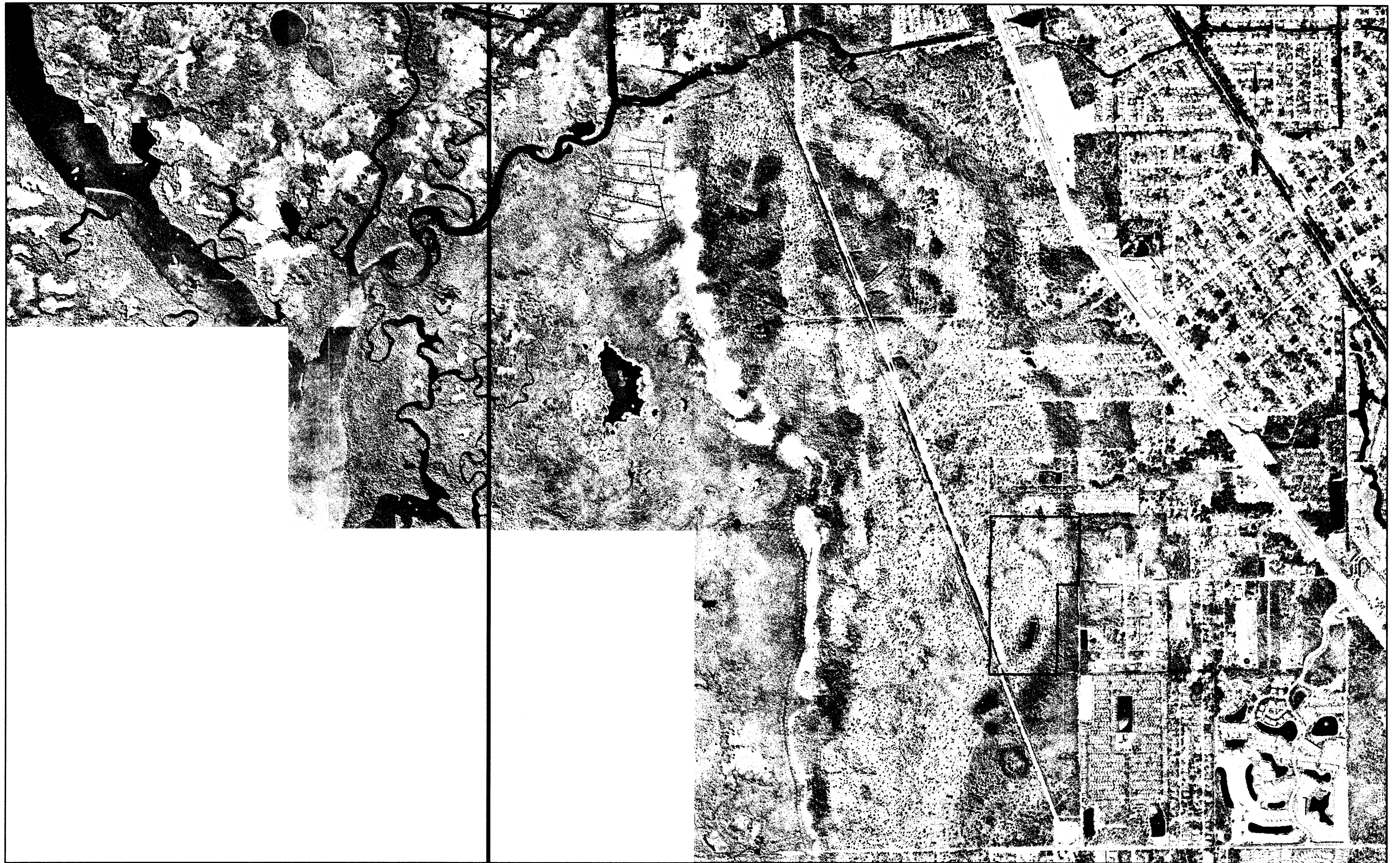






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3800 VIA DEL REY  
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PHONE : (941) 947-1144 FAX : (941) 947-0375  
CERTIFICATE OF AUTHORIZATION NUMBER LB 5151





NOTE: AERIAL IS TO AN APPROXIMATE SCALE OF 1" = 600'  
NOTE: AERIAL FLOWN DATE: FEBRUARY, 1998

OWNER/DEVELOPER

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Journal of Internal Medicine 248: 399–406

DESIGNED BY: SJU

DRAWN BY: SJU

APPROVED: QCM

JOB CODE: E60CP

SCALE: 1" = 600'

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ESTERO 60 ACRES

DATE:  
DECEMBER 2001

FILE NAME:  
BAYAERI

DRAWING NUMBER 1 OF 1



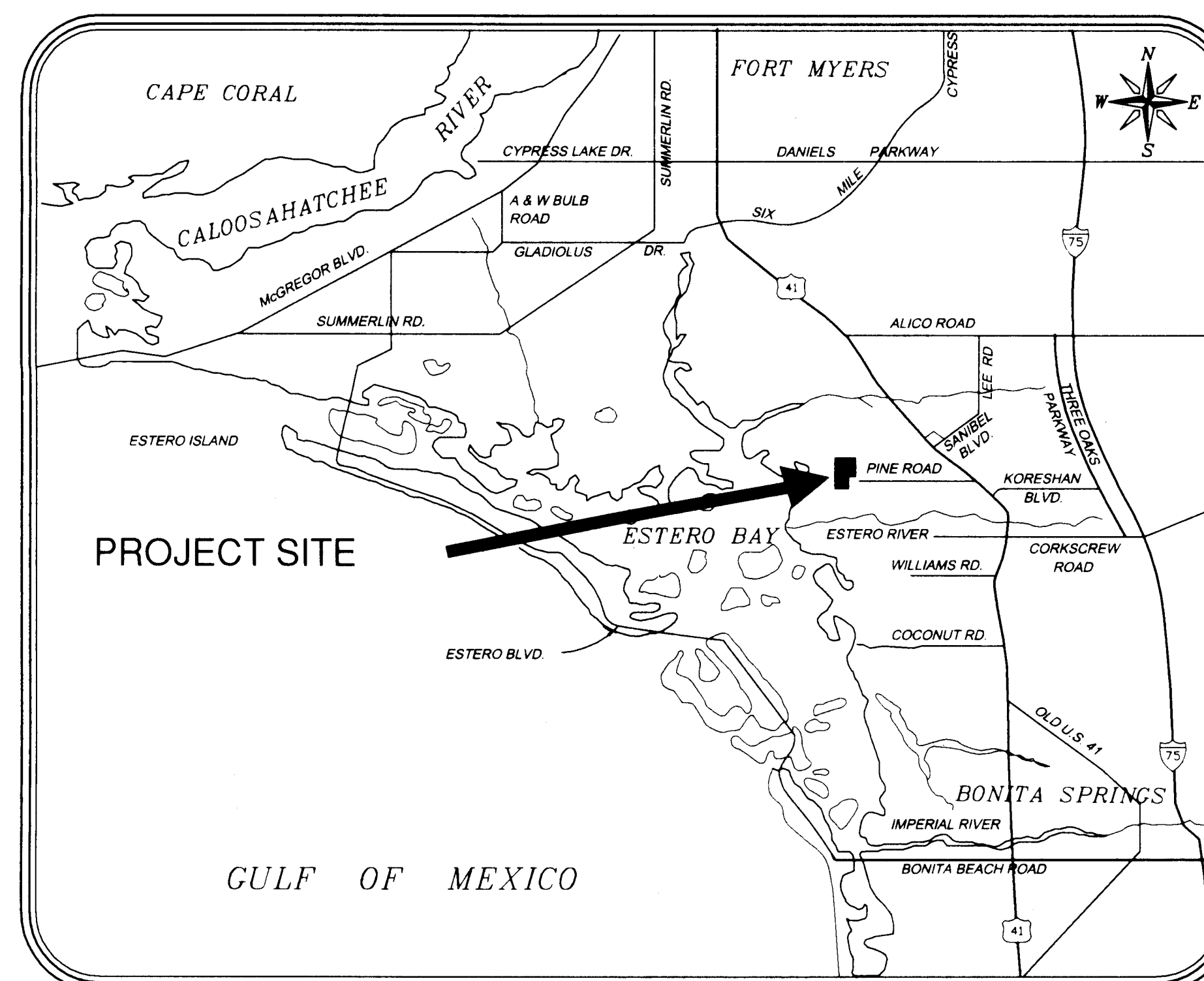
# ESTERO 60 ACRE LAND TRUST

## COMPREHENSIVE PLAN AMENDMENT

LOCATED IN:  
SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST,  
ESTERO, LEE COUNTY, FLORIDA

### OWNER/ DEVELOPER

131 GROUP  
9167 BRENDAN LAKE COURT  
BONITA SPRINGS, FLORIDA 34135



LOCATION MAP

N.T.S.

### INDEX OF EXHIBITS

DWG. No.	DESCRIPTION
1	COVER SHEET AND INDEX OF EXHIBITS
2	FUTURE LAND USE MAP PROPOSED
3	EXISTING LAND USE & ZONING MAP
4	SOILS MAP
5	ARCHAEOLOGICAL AND TOPOGRAPHIC MAP
6	WETLAND MAP



PREPARED BY:  
**Q. GRADY MINOR AND ASSOCIATES, P.A.**  
CIVIL ENGINEERS ■ LAND SURVEYORS ■ PLANNERS  
3800 VIA DEL REY  
BONITA SPRINGS, FLORIDA 34134  
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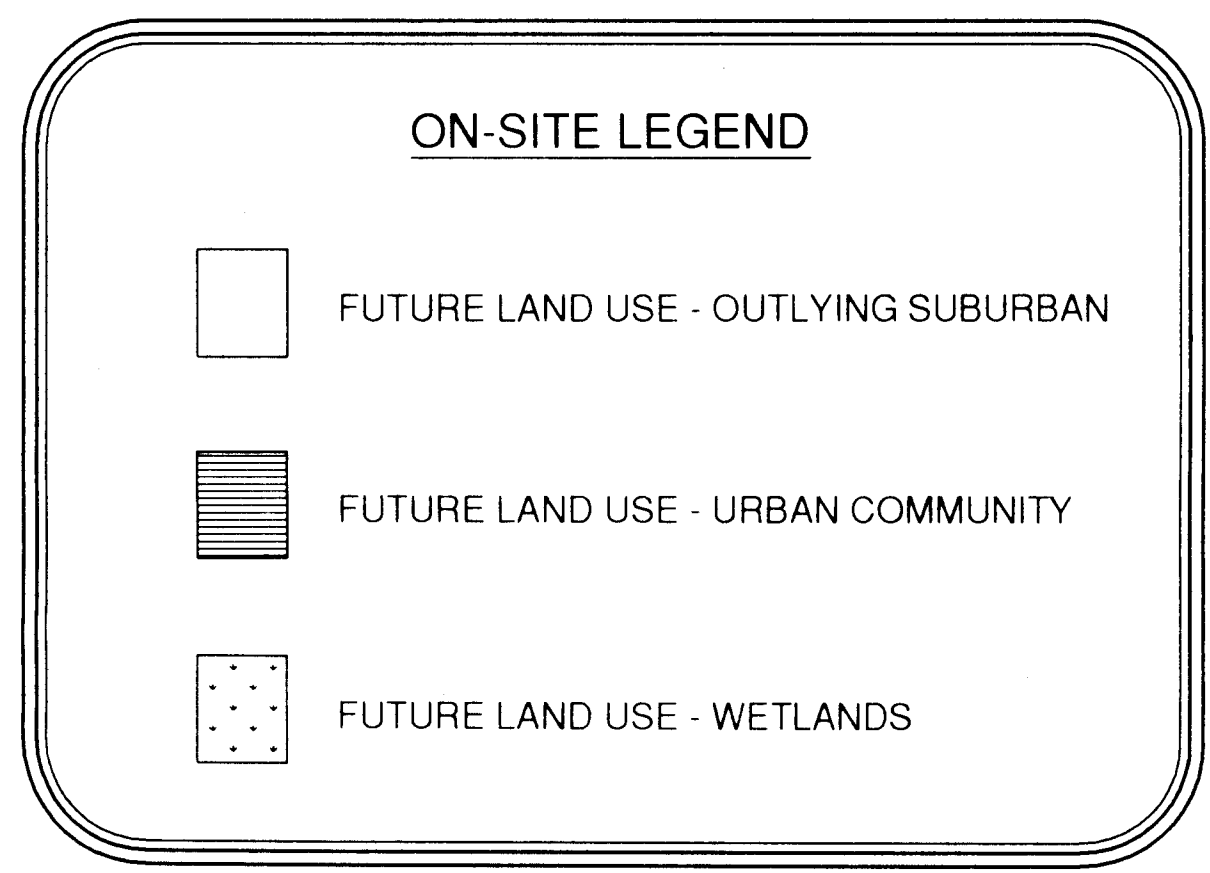
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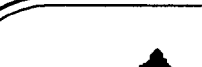
JUL 03 2003  
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DATE: NOVEMBER 2000  
REVISION DATE :  
FILE: D60ECOV  
DRAWING NUMBER: 1 OF 6



SCALE 1" = 200'



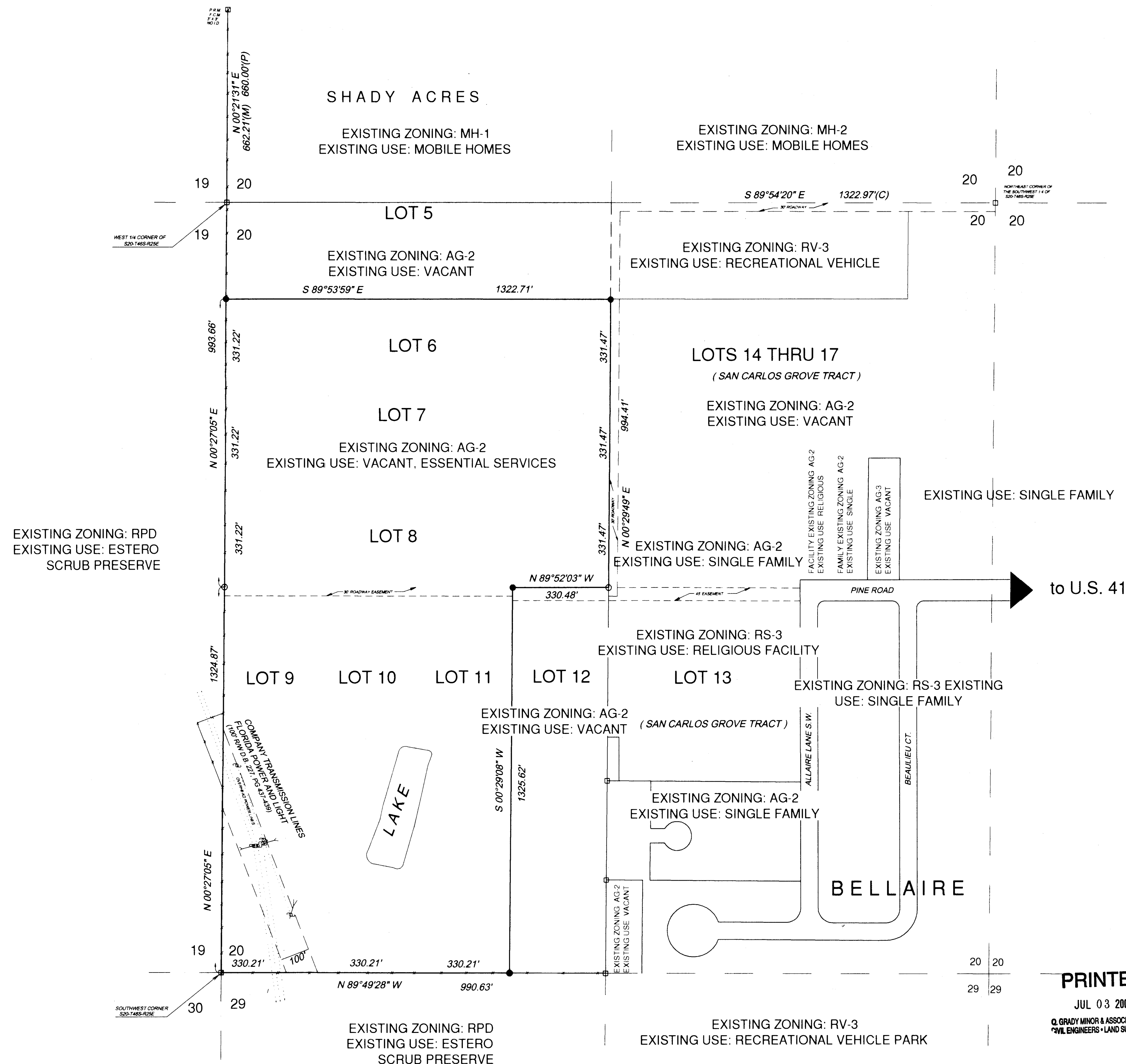
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FILE NAME : D60FLUM.DWG



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## EXISTING LAND USE AND ZONING MAP



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FILE NAME : D60ELUZM.DWG



# ESTERO 60 ACRE LAND TRUST

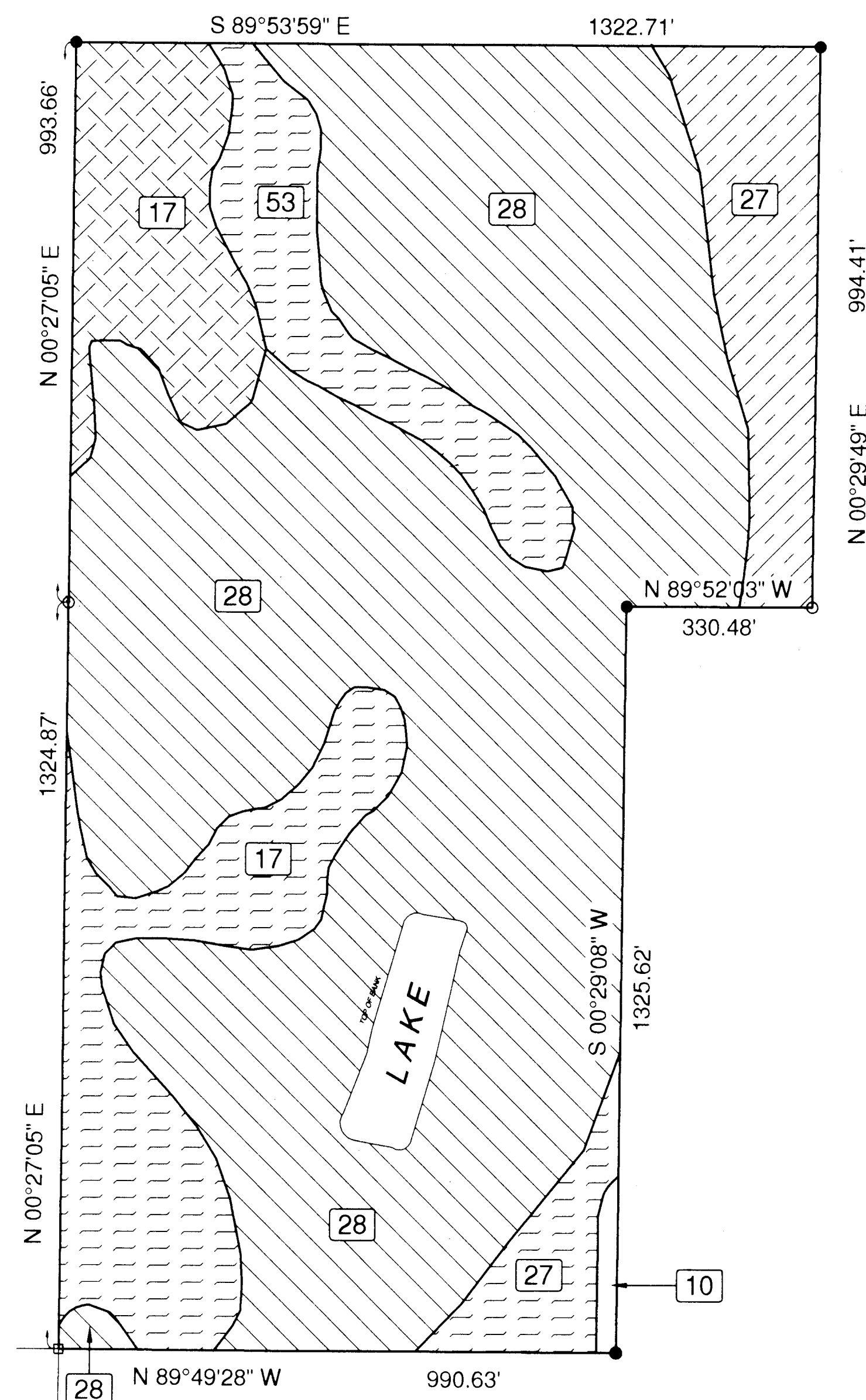
## SOILS MAP



### SOIL CLASSIFICATION

- 10 - POMPANO FINE SAND
- 17 - DAYTONA SAND
- 27 - POMPANO FINE SAND, DEPRESSIONAL
- 28 - IMMOKALEE SAND
- 53 - MYAKKA FINE SAND, DEPRESSIONAL

SOILS DETERMINATION FROM SOIL SURVEY OF LEE COUNTY,  
FLORIDA; SOIL CONSERVATION SERVICE, UNITED STATES  
DEPARTMENT OF AGRICULTURE.



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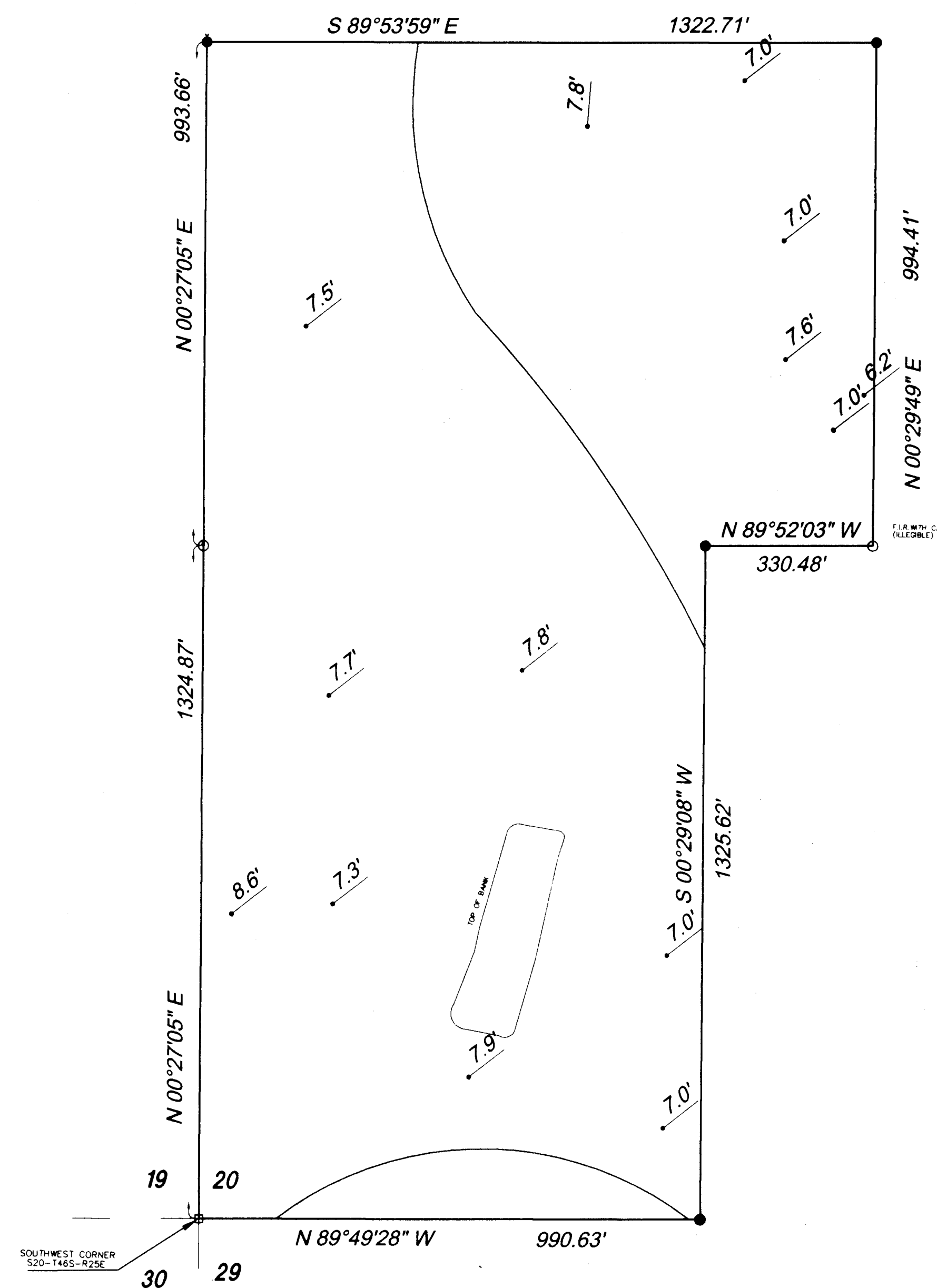
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DATE: SEPTEMBER, 2000  
DRAWING NUMBER 4 OF 6  
FILE NAME : D60SOIL.DWG



# ESTERO 60 ACRE LAND TRUST

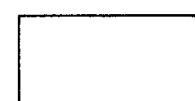
## ARCHAEOLOGICAL AND TOPOGRAPHIC MAP



### LEGEND

7.5'

N.G.V.D. 1929



SENSITIVITY LEVEL 2

ENTIRE PARCEL WITHIN 100 YEAR FLOOD BOUNDARY

### NOTES

ELEVATION DETERMINATION TAKEN FROM LEE COUNTY AERIAL PHOTOGRAPH. ELEVATIONS COMPLIED BY PHOTOGRAMMETRIC METHODS BY HAMRICK AERIAL SURVEYS, INC. DATE OF MAPPING, SEPTEMBER 1981. ELEVATIONS BASED ON USC & GS DATUM.

SENSITIVITY ZONE DETERMINATION TAKEN FROM LEE COUNTY ARCHAEOLOGICAL SENSITIVITY MAP.

100-YEAR FLOOD BOUNDARY TAKEN FROM FIRM (FLOOD INSURANCE RATE MAP), COMMUNITY- PANEL NUMBER 125124 O455 B. EFFECTIVE DATE, SEPTEMBER 19, 1984.

### OWNER/ DEVELOPER

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DRAWING NUMBER 5 OF 6

FILE NAME : D60TOPOM.DWG



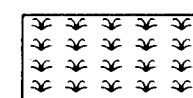
# ESTERO 60 ACRE LAND TRUST

## WETLAND MAP

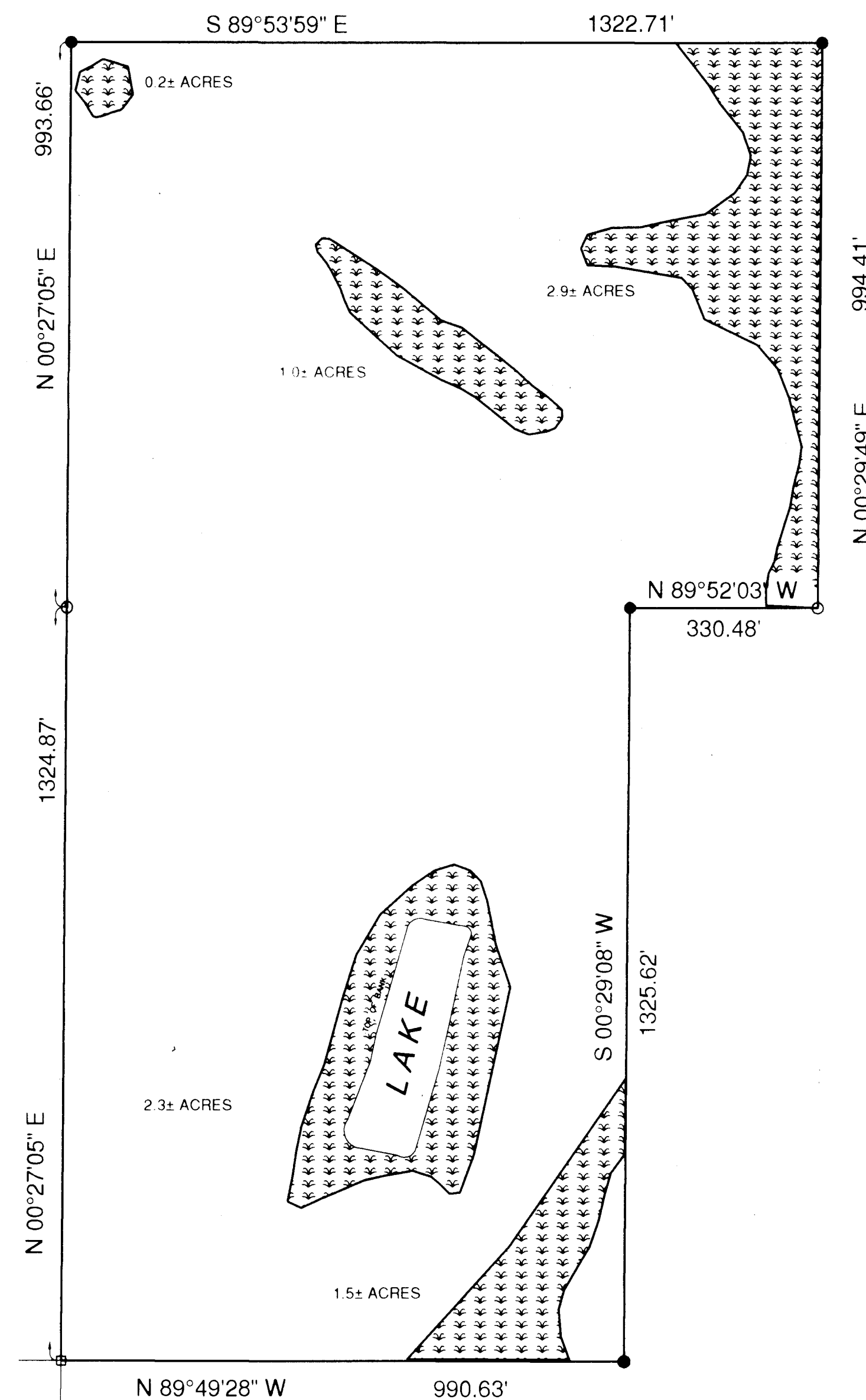


WETLAND DETERMINATION PROVIDED BY :  
BOYLAN ENVIRONMENTAL CONSULTANTS, INC.

### LEGEND



MELALEUCA WETLAND



OWNER/ DEVELOPER

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DRAWING NUMBER 6 OF 6

FILE NAME : D60WETM.DWG