



LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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Writer's Direct Dial Number: (941) 479-8309

Bob Janes
District One

November 5, 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 Eubank, Administrator
Florida Department of Community Affairs
Division of Community Planning
Bureau of Local Planning
2555 Shumard Oak Boulevard
Tallahassee, FL. 32399-2100

Re: Amendments to the Lee Plan
Adoption Submission Package (DCA No. 03-2) for the 2002/2003 Regular Comprehensive Plan
Amendment Cycle

Dear Mr. Eubank:

In accordance with the provisions of F.S. Chapter 163.3184 and of 9J-11.011, this submission package constitutes the adopted 2002/2003 Regular Comprehensive Plan Amendment Cycle to the Lee Plan (DCA No. 03-2), known locally as CPA 2002-02, CPA 2002-04, CPA 2002-06, CPA 2002-08, CPA 2002-11, CPA 2002-13, CPA 2002-15, CPA 2002-19, and CPA 2002-22. The adoption hearing for these plan amendments was held at 9:30 am on October 23, 2003.

Included with this package, per 9J-11.011(5), are three copies of the adopted amendments, supporting data and analysis, and the following three adopting ordinances: Ordinance No. 03-19, Ordinance No. 03-20, and Ordinance No. 03-21. Also included, per F.S. 163.3184(7) and (15), is the required sign in form allowing a courtesy informational statement to interested citizens. By copy of this letter and its attachments I certify that this amendment has been sent to the Regional Planning Council, the Florida Department of Transportation (FDOT), the Department of Environmental Protection, the Florida Department of State, the Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, Division of Forestry, and the South Florida Water Management District.

The initial staff reports for the proposed amendments were sent to the DCA with a transmittal cover letter dated July 3, 2003. All amendments previously reviewed by the Department in this current cycle of amendments were adopted by the Board of County Commissioners. Changes have occurred in CPA 2002-02, CPA 2002-13, and CPA 2002-19. CPA 2002-02 has been revised to address the objections raised by the DCA. Staff and the applicant have negotiated a compromise that has resulted in additional text changes. Revisions to CPA 2002-13 were also made. At the time that the transmittal staff report was prepared, it was noted that additional amendments to the MPO's highway map were being considered. The MPO has in fact adopted a revised plan in a public hearing process on June 20, 2003 and staff is reflecting the most recent version of the MPO's plan in Maps 3A, 3B and 3H, and in Policy 21.1.1. CPA 2002-19 has replaced a new table reflecting the new 2004/2008 fiscal year to the CIP. The Board of County Commissioners adopted 2002-02, CPA 2002-13, and CPA 2002-19 with the noted changes.

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

Sincerely,
DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning



Paul O'Connor, AICP
Director

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

David Burr
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

LEE COUNTY ORDINANCE NO. 03-19
(Consent Ordinance)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE LAND USE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENTS APPROVED ON THE CONSENT AGENDA DURING THE COUNTY'S 2002/2003 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

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

WHEREAS, the Lee County Local Planning Agency ("LPA") held public hearings pursuant to Chapter 163, Part II, Florida Statutes, and the Lee County Administrative Code on January 27, March 24, April 28, and May 28, 2003; and,

WHEREAS, the Board of County Commissioners, pursuant to Florida Statutes and the Lee County Administrative Code held a public hearing for the transmittal of the proposed amendments on June 25, 2003. At that hearing, the Board approved a motion to send, and did later send, the proposed amendment to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the transmittal hearing on June 25, 2003, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on September 5, 2003; and,

WHEREAS, the Board moved to adopt the proposed amendments to the Lee Plan set forth herein during its statutorily prescribed public hearing for the plan amendments on October 23, 2003.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a series of public hearings to consider proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the certain amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as amended, will continued to be the "Lee Plan." **This ordinance may be referred to as the "2002/2003 Regular Comprehensive Plan Amendment Cycle Consent Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2002/2003 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE (Consent Agenda Items)

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting amendments, as revised by the Board of County Commissioners on October 23, 2003, known as: CPA2002-06, CPA2002-08, CPA2002-11, CPA2002-13, CPA2002-15, CPA2002-19, and CPA2002-22.

The aforementioned amendments amend the text of the Lee Plan including the Future Land Use Map series, the Transportation Map Series, and the tables of the Lee Plan. A brief summary of the content of those amendments is set forth below:

CPA2002-06 (Outlying Suburban Residential Allocations)

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

CPA2002-08 (Conservation Lands)

Amend the Future Land Use Map Series, Map 1, by updating the Conservation Lands Future Land Use Categories.

CPA2002-11 (Buckingham Potable Water)

Amend Goal 17, Buckingham, of the Future Land Use Element by adding language that allows the extension of water lines to serve the Buckingham Rural Community Preserve on a voluntary basis, with cost of extension to be paid by the petitioner. Amend Map 6, Future Water Service Areas, to show the Buckingham Rural Community Preserve to be within the Future Water Service Areas of the County. Amendment 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.

CPA2002-13 (Financially Feasible Transportation Map)

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

CPA2002-15 (Constrained Roads)

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

CPA2002-19 (Capital Improvements Program)

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

CPA2002-22 (Policy 100.2.3. Text Update)

Amend Policy 100.2.3. of the Housing Element by replacing the outdated reference to the "special permit" approval process with the current process of "special exception."

The corresponding Staff Reports and Analysis, along with all attachments for these amendments are adopted as "Support Documentation" for the Lee Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: GEOGRAPHIC APPLICABILITY

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

SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the

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

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

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

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

DONE AND ADOPTED this 23rd day of October 2003.

ATTEST:
CHARLIE GREEN, CLERK

BY:

Isa S. Pierce
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY:

Ray Judah
Chairman

DATE: 10/23/03

Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's Office



Charlie Green
Clerk of Circuit Court
Lee County, Florida

STATE OF FLORIDA

COUNTY OF LEE

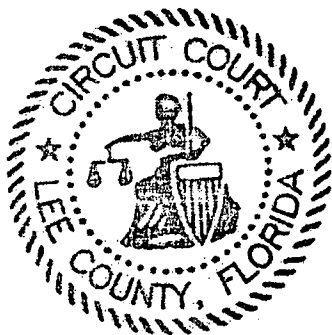
I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby Certify that the above and foregoing, is a true and correct copy of Ordinance No. 03-19, adopted by the Board of Lee County Commissioners, at their meeting held on the 23rd day of October 2003 and same filed in the Clerk's Office.

Given under my hand and seal, at Fort Myers, Florida, this 27th day of October 2003.

CHARLIE GREEN,
Clerk of Circuit Court
Lee County, Florida

By:


Deputy Clerk



LEE COUNTY ORDINANCE NO. 03-20

(Estero 60)
(CPA2002-02)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2002-02 (PERTAINING TO ESTERO 60) APPROVED DURING THE COUNTY'S 2002/2003 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, FUTURE LAND USE MAP AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

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

WHEREAS, the Lee County Local Planning Agency ("LPA") held public hearings pursuant to Florida Statutes and Lee County Administrative Code on March 24, 2003; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on June 25, 2003. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2002-02 pertaining to the Estero 60 Parcel, to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the June 25, 2003 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC Report on September 5, 2003; and,

WHEREAS, at a public hearing on October 23, 2003, the Board moved to adopt the proposed amendment to the Lee Plan adopting the Greater Pine Island Community Plan more particularly set forth herein.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2002/2003 Regular Comprehensive Plan Amendment Cycle CPA2002-02 Estero 60 Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2002/2003 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as

revised by the Board of County Commissioners on October 23, 2003, known as CPA2002-

02. CPA2002-02 amends the Plan to:

- A. 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."
- B. Amend Lee Plan Policy 1.1.6. by limiting the density in the reclassified area to 2 dwelling units per acre.
- C. Amend Table 1(a), Note 6, to require central sewer service for development on the subject property.

The corresponding Staff Reports and Analysis are adopted as "Support Documentation" for the Lee Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: GEOGRAPHIC APPLICABILITY

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

SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the

powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

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

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution

will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

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

DONE AND ADOPTED this 23rd day of October 2003.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____

Deputy Clerk

BY: _____

Chairman

DATE: 10/23/03

Approved as to form by:

Donna Marie Collins
County Attorney's Office



Charlie Green
Clerk of Circuit Court
Lee County, Florida

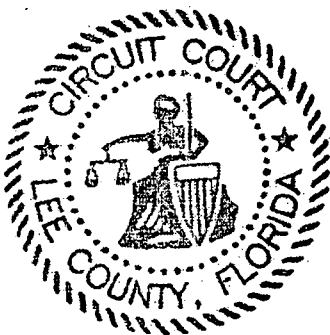
STATE OF FLORIDA

COUNTY OF LEE

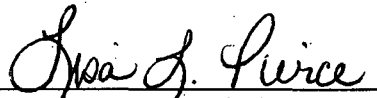
I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby Certify that the above and foregoing, is a true and correct copy of Ordinance No. 03-20, adopted by the Board of Lee County Commissioners, at their meeting held on the 23rd day of October 2003 and same filed in the Clerk's Office.

Given under my hand and seal, at Fort Myers, Florida, this 27th day of October 2003.

CHARLIE GREEN,
Clerk of Circuit Court
Lee County, Florida



By:


Deputy Clerk

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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Sponsored Application
and Staff Analysis**

BoCC Adoption Document

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

October 23, 2003

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



Text Amendment



Map Amendment

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

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 30th 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 15th 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:

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

**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:

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

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

DATE OF ORC REPORT: September 5, 2003

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

DCA staff found the proposed change to the Outlying Suburban future land use category to be unsuitable for the following three reasons:

Suitability issue: *The proposal is to change the land use designation on a 60-acre site located in the vicinity of Pine Road and U.S. 41, from Rural (1 dwelling unit per acre) to Outlying Suburban (3 dwelling units per acre but limited by policy to a density of 2 dwelling units per acre). This proposed designation of Outlying Suburban appears unsuitable for this site for a variety of reasons:*

Firstly, the site is adjacent to the Estero Scrub Preserve, on the west and southwest, a state-owned conservation area; increased density will result in a greater amount of run-off from the site with the potential to adversely impact the Scrub Preserve.

Secondly, although, the amendment includes a policy requiring clustering if development on the site exceeds 1 dwelling unit/acre, it has not been demonstrated, through adequate data and analysis, how development activities on the site will occur, at the proposed density with clustering, without jeopardizing the protection of threatened and endangered species that may inhabit the site since the proposed clustering provision does not include the implementation guidelines and criteria that must be followed by the developer. For example, the amount, nature, and type of open space that will be set aside to ensure minimal impact on the adjacent preservation area as well as the scrub habitat on the site and the species that inhabit it are not specified in the plan. In the absence of this type of guidance, the clustering policy is vague and cannot be relied upon to ensure the protection of natural resources. Thus, with respect to natural resource protection, the amendment appears to be inconsistent with Lee Plan's Objective 77.1, 77.3, and 77.4, and policies 77.2.10, 77.3.1, 77.4.1, and 83.1.5 regarding the protection of environmentally sensitive areas, endangered and threatened species and their habitat.

Thirdly, although, according to the supporting documentation, only a very small portion of the site is located within the Coastal High Area, Lee County's emergency management staff believes that the evacuation time of this site may be necessary in the event of a category 2 hurricane, and flooding could occur because the natural ground elevation on this tract of land is between 8 feet and 10 feet which is very vulnerable to storm surge and freshwater flooding associated with storms. Should evacuation of the site be necessary, the increased density would essential double the demand for shelter space originating from the site. Double the number of evacuating people and add 2.4 minutes to the hurricane evacuation time, with U.S. 41 as the only route. This is important since according to Lee County's Transportation Staff, U.S. 41 is projected to operate at a level of service standard of F by 2020, even with all of the planned transportation improvements completed. The additional number of trips will exacerbate the situation.

Chapter 163.3177(2), (6)(a), (d), (9)(b), Florida Statutes; Rule 9J-5.003(90), 9J-5.005(2)(a), (5), & (6); 9J-5.006(2)(a), (b), (3)(b)1., (3)(c)3., & 6.; Rule 9J-5.011(1)(f)1.; 9J-5.012(3)(c)1.; 9J-5.013(1)(a)5., & 4., (2)(c)5., 6., & 9., Florida Administrative Code.

DCA staff recommend that the applicant demonstrates with adequate data and analysis that the increased density will not adversely affect the adjacent Estero Scrub Preserve. Also show how the proposed development will occur at the site at the proposed density without jeopardizing the protection of threatened or endangered species that may inhabit the site. Further, revise the proposed clustering policy to specify the type and amount of open space that will be set aside. Provide data and analysis showing how the amount of open space for preservation is related to the protection of natural resources.

B. STAFF RESPONSE

Subsequent to the release of the ORC Report, Staff met with the applicant and their representatives on several occasions. It should be noted that the property owner for this amendment has changed from the original applicant. Just prior to the Transmittal Hearing the property was sold. The new owners have a fairly specific plan for development of the property. The plan should adequately address the objections raised in the ORC Report. However, as this is a comprehensive plan amendment and not a Planned Development zoning case, it is very difficult to "condition" assurances that this plan of development will in fact actually occur. Staff worked closely with the new applicant and now has proposed language that, while not absolute, gives sufficient assurance.

The revised plan of development, see attachment 7, further defines the clustering of development. The site is broken into three basic areas. The developed area is located in the northwest quadrant and is limited to ± 31 (thirty one) acres. The slough preserve area is in the northeast quadrant and contains some ± 5 (five) acres. The third area is located in the southern portion of the property and contains ± 25 (twenty five) acres. This area is dedicated as a preserve and abuts existing Aquatic Preserve Buffer property on three sides. This portion of the property is intended for sale to the State, the County, or another conservation entity. Staff believes that the proposed language for Policy 1.1.6 and footnote 6 of Table 1A provides adequate assurance that this plan, or one very similar to it, will eventually occur:

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).

1. For Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area:

- a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.
- b. A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two (32) acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property shall be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity.

Table 1 (a)
SUMMARY OF RESIDENTIAL DENSITY¹
(No Change to the Table 1 (a))

CLARIFICATIONS AND EXCEPTIONS

(No Change to footnotes 1 through 5)

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.

(No change to footnotes 7 through 11)

The newly amended language provides the following assurances to Lee County:

- A commitment to clustering the housing units in the north half of the subject parcel;
- Preservation of the open space in the southern half of the subject parcel;
- Preservation of the slough system crossing the eastern half of the subject parcel;

- Use of sewer services for the subject parcel instead of septic tanks; and,
- Use of central water system instead of individual wells.
- A commitment by the owner to pursue the sale or transfer of the preserve/open space area to the State, County, or other conservation entity

Staff believes that the amended language is a vast improvement over past proposals for the subject parcel by this and previous applicants. When the subject property was originally proposed for a Future land use map change, the proposed density was for three units per acre. In addition, there were no provisions for how the property would be developed. Central sewer and water service were not required. Nor was there any measures proposed to address preservation and conservation concerns. Therefore, planning staff recommend that the Board of County Commissioners adopt the proposed amendment with the amended language.

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

DATE OF ADOPTION HEARING: October 23, 2003

A. BOARD REVIEW:

Planning staff gave a brief presentation stating that staff had changed its recommendation from denial to adoption of the proposed amendment. In response to a commissioners question, staff stated that the County cannot require the State to purchase the subject property. Staff stated that the Department of Environmental Protection wanted to acquire the property and that the DEP had already acquired an abutting 10-acre tract. This would leave the subject property surrounded on three sides by the DEP-owned Estero Aquatic Preserve. A commissioner asked if the Department of Community Affairs would agree to this change. Staff responded that the DCA took part in several of the negotiations concerning the proposed language and that the applicant had prepared a document that addressed all of the DCA's concerns. The applicant then gave a brief presentation. The applicant stated that multiple reviews by environmental consultants have shown that there is no scrub habitat or endangered species on the property. Staff then suggested some minor changes to the proposed language, substituting "will" for "shall" and using the "±" symbol before the acreage amounts in paragraph 1.b. The proposed language, including the changes suggested by staff during the adoption hearing, is 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).

- 1. For Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area:**
 - a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.**
 - b. A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning**

process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two (±32) acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property will be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity.

Table 1 (a)

SUMMARY OF RESIDENTIAL DENSITY¹

(No Change to the Table 1 (a), One change to the footnotes of Table 1 (a))

CLARIFICATIONS AND EXCEPTIONS

(No Change to footnotes 1 through 5)

⁶In 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.

(No change to footnotes 7 through 11)

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

The board moved to adopt the proposed amendment with the language submitted by the applicant after the transmittal hearing and amended by staff.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The Board accepted the findings of fact as advanced by staff.

C. VOTE:

JOHN ALBION

Aye

ANDREW COY

Absent

RAY JUDAH

Aye

BOB JANES

Aye

DOUG ST. CERNY

Aye

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.
THOMAS J. GARRIS, P.S.M.
STEPHEN V. BURGESS, P.S.M.
MICHAEL L. HARMON, P.S.M.
ALAN V. ROSEMAN

October 17, 2003

RECEIVED
NOV 07 2003

Mr. Paul O'Connor, AICP, Director
Lee County Planning Division
P.O. Box 398
Fort Myers, FL 33902-0398

COMMUNITY DEVELOPMENT

RE: ORC Response; CPA-2002-02 (DCA No. 03-2); Estero 60 Acres; Lee County, Florida

Dear Mr. O'Connor:

We have prepared this response with additional data and analysis to the Florida Department of Community Affairs (DCA) Objections, Recommendations, and Comments report (ORC), dated September 5, 2003, relating to CPA-2002-02. The ORC report issued by the DCA objects to the proposed 60-acre plan amendment and cites three findings as a basis for the objection. First the DCA cites that increased densities on the property will result in a greater amount of run-off from the site with the potential to adversely impact the Estero Scrub Preserve. Second, the commitment to cluster development on the site did not adequately address the areas to be preserved through the use of clustering, or implementation guidelines. Third, the DCA mentions concern over the potential of doubling the density on the property and the impact on hurricane evacuation times along U.S. 41.

The DCA did recommend that additional data and analysis should be provided to demonstrate how the stated concerns could be addressed on the site. This correspondence, and attachments, provides additional data and analysis, which addresses the DCA's stated objection and recommendations to the proposed amendment.

In response to the recommendations found in the ORC report, and after continual dialogue with the respective staffs of the DCA, Southwest Florida Regional Planning Council, and Lee County, the applicant has modified the proposed Lee Plan text amendment to more specifically address the clustering provisions. The amended text provides for clustering implementation guidelines, and preservation area size and location commitments, in addition to requirements to provide water and sewer services to the property. The amended text is as follows:

(239) 947-1144 ■ FAX (239) 947-0375 ■ E-Mail: engineering@gradyminor.com
3800 Via Del Rey ■ Bonita Springs, Florida 34134-7569 ■ EB/LB 0005151

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).

For Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area, the property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.

A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed 35 acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property shall be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity.

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.

The proposed text amendment limits residential density on the subject property to a maximum of two dwelling units per acre, and provides specific development standards that must be met, which will result in clustered residential development and preservation of nearly one-half of the property as preserve/open space, if development occurs at any density greater than that permitted under the current land use plan designation. We submit with the revised Lee Plan text, and the additional supporting data and analysis which has been provided, the amendment is a logical land use change and should be supported for a variety of reasons. A summary of some of the basis for support are listed below:

1. The property is located immediately adjacent to Urban designated lands and the existing land use pattern is clearly not rural or agricultural in nature. The change to Outlying Suburban with an additional density restriction is a logical land use pattern.
2. The property is within the service area for Lee County potable water and sanitary sewer service.
3. The development intensity and impacts to existing uplands resulting from the proposed clustered development is reduced over that permitted under its current rural agricultural designation and zoning, which permits intensive agricultural operations, churches and schools, without restriction as to preservation of native habitats. The clustering provisions specifically require development only on the northwestern portion of the site, and preserve the slough and lands adjacent to the Estero Buffer Preserve.
4. Off-site surface water discharges to the nearby Estero Bay and its surrounding preserve are reduced by over 40% by the use of clustering techniques, rather than that which may occur under the current permitted rural land uses and residential densities of one dwelling unit per acre over the entire property.
5. A listed species survey indicates that the gopher tortoise is the only listed species inhabiting the site, and with the clustered development scenario, can be successfully relocated in accordance with an approved management plan.

6. Hurricane evacuation and risk to residents during storm events are not exacerbated under the proposed amendment due to clustered development on the upland portion of the site, where land elevations are above the thresholds for Category 1 storm surge.
7. The amendment does not impact the current level of service standard on U.S. 41.

The subject 60 acre property proposes to amend the Lee County Future Land Use Map to change the future land use designation from rural to outlying suburban, with a density cap of two dwelling units per acre. The site is located at the terminus of Pine Road. The property currently has the land use designations: rural, urban and wetlands. Properties immediately to the east and south are developed with a church, single-family homes and recreational vehicles at approximately three to eight dwelling units per acre.

The prevailing pattern of adjacent and surrounding suburban and urban developments can be clearly seen in the aerial photo accompanying the plan amendment. These properties are designated suburban and urban. Based on existing and future land uses, the subject property is not "rural" in nature. A review of the Lee Plan Future Land Use Map (attached) also demonstrates a significant land use relationship near Estero Bay. The subject property consisting of 60± acres and a small area north of the property represents the only rural designated lands around Estero Bay. Areas north of Coconut Road are designated outlying suburban, areas near Alico Road are designated suburban and urban. These land use designations, having similar proximity to Estero Bay, permit residential densities up to 200% greater than that proposed by this amendment. The subject property is located approximately one-half mile east of Estero Bay and is separated from the Bay by the Estero scrub preserve, which was purchased as a buffer to Estero Bay. The proposed plan amendment is consistent with the Lee Plan designation of similarly situated properties and because of the further limitation to two dwelling units per acre, will represent one of the least intensive land use categories in and around Estero Bay.

The Lee Plan in Policy 1.4.1 states that 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. The site is located within the service area of Lee County for potable water and sanitary sewer. Water service is available to the site at Pine Road. Sewer service is available at U.S. 41, approximately ½ mile east of the subject property, and will be extended to the site to support clustered residential development.

The pattern of nearby development is clearly not rural in nature. Furthermore, potential conversion of the site to any number of active agricultural land uses permitted by right under the current Rural land use designation, and AG-2 zoning could have greater potential for negative environmental and compatibility issues with surrounding properties. Other non-agricultural uses permitted in the AG-2 zoning district and in the Rural designation include:

1. public schools,
2. places of worship (churches),
3. communication tower,
4. home care facility,
5. park,
6. residential dwellings, including mobile homes, and conventional single-family

We believe that the DCA did not adequately consider the potential environmental impacts associated with the permitted large-lot residential use and agricultural use of the subject property in its initial recommendation. Further, we do not believe, that given the surrounding pattern of residential development and a future land use designation that permits additional residential development, that the most compatible land use relationship is that of intensive agricultural use. Farming operations are not restricted with respect to noise, odors, or hours of operation and could be deemed incompatible with nearby urban development. We believe that the most appropriate land use designation is the proposed Outlying Suburban category, with the density limitation at two dwelling units per acre. This designation will permit low density residential development on the subject property consistent with the surrounding land use pattern, and provide the opportunity to provide the environmental protection measures outlined below in our discussion of environmental site issues.

Below, we have addressed the key points of objection raised by the DCA:

- 1. The increase density will result in increased run-off from the site and thereby potentially adversely impact the adjacent scrub preserve.**

We disagree with the stated objection. Clustered development on the subject property will result in a reduced allowable discharge from the property compared to the discharge that would result from development on the entire 60 acre site. We have consulted with staff of the South Florida Water Management District regarding the permitted discharge rates for the subject property. The District has indicated that the allowable discharge for this area is 69 cubic feet per square mile (cfm) or 0.1078 cubic feet per second (cfs)/acre. If the entire 60 acres of the site were utilized to

support residential uses, approximately 52 acres would be subject to the design for the overall water management system. Based on the allowable discharge rate, this would result in an allowable discharge from the site of 5.61 cfs.

With a clustered development scenario, whereby the residential component of the property can be clustered on 35 acres or less, the allowable discharge from the site would be 3.77 cfs. The clustered development alternative would reduce the overall discharge from the site by 33%.

This property will be required to obtain a South Florida Water Management District permit for the surface water management system. Additionally, due to the ultimate discharge into Mullock Creek, the water quality treatment that must occur on this site must meet 150% of the normal water quality requirements. This standard will easily be achieved within the lakes and open space areas within the proposed 35 acre development envelope that will constitute the project's water management system.

2. Demonstrate through adequate data and analysis how development activities will occur through clustering without jeopardizing the protection of threatened and endangered species that may inhabit the site.

As previously discussed, the clustering policy has been revised to more specifically describe the acreage of the site that may be utilized to support clustered residential development, and how measures through the planned development zoning process will protect the slough system along the eastern perimeter of the site, as well as lands in the southern portion of the property that abut State of Florida owned lands.

An updated species survey has been conducted according to the requirements of Lee County. This information is included as an attachment to this submittal. The survey found signs of gopher tortoise on site. This survey indicated 4 active burrows and 9 inactive burrows in the area proposed for development. The remaining open space area is more than sufficient to support the relocated tortoise population. Since gopher frogs and the Eastern indigo snake are sometimes considered a commensal species with the gopher tortoises, these two species are also indicated as possibly present on the project site. A preliminary management plan for the gopher tortoises is included in the attachment.

It is anticipated that an incidental take permit will be obtained and the gopher tortoises will be relocated out of harm's way to the open space provided in the southwestern portion of the site.

There is a bald eagle nest located south of the project site. This nest is LE 04A. A map is attached that shows the approximate location of the nest in relationship to the project boundaries. This nest appears to be approximately 1200 feet south of the property line, which would extend the secondary buffer zone approximately 300 feet into the southwestern portion of the Pine Road 60 Tract. Under the clustering scenario, no development will be permitted within this buffer zone.

The Big Cypress Fox Squirrel was not observed during the species survey, but some stick nests were found in melaleuca trees. To insure the protection of the Big Cypress Fox Squirrel, the site will be re-surveyed for the Big Cypress Fox Squirrel prior to any development approvals. If signs of fox squirrels are found at that time, a management plan will be implemented that will provide a no construct buffer around the nest until nesting is completed.

No signs of the Florida Black Bear were found on site, but to provide further protection for the species a management plan will be implemented. This plan will include distribution to the homeowners pamphlets with instructions and requirements for refuse containment along with educational material about the Florida black bear protection regulations.

No signs of listed wading birds or wetland dependent species such as the American alligator were observed during the survey. This is not surprising since the wetlands were surveyed during the dry season. The removal of exotics and the enhancement of the slough should maintain suitable habitat for these species after development.

No listed plants were observed during the survey work. Should any listed plants be found during the anticipated future survey work, they will be relocated to the native preserve areas that will be provided on site.

With the implementation of these listed species management activities, the Pine Road 60 project will have no adverse impact on listed species.

COMPREHENSIVE LAND USE DISCUSSION

OBJECTIVE 77.1: RESOURCE MANAGEMENT PLAN. The county shall continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.

The proposed land use change is consistent with this Objective. The project has been designed to maintain and enhance the wetland slough system located along the eastern property boundaries. Additionally, approximately 20 acres of contiguous uplands will be preserved through the use of clustering on the subject site. The upland and wetland areas on the site will remain contiguous to other lands owned by the State of Florida as part of the Estero Buffer Preserve.

POLICY 77.2.10: Development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas shall protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations.

The proposed land use change is consistent with this Policy. The Estero Scrub Preserve Lands are located to the west and south of the project site. There is a power line easement west of the Pine Road 60 Tract that runs on a northwest to southeast angle. This power line easement crosses the southwestern portion of the Pine Road 60 Tract. On the west side of the project site, the cleared easement is approximately 100 feet in width. An access trail is located west of this easement for that portion of the easement that lies west of the project site.

The cleared easement and access trail have already disturbed and altered the scenic values of the lands to the west of the project site. To further protect the natural character of the adjacent Estero Scrub Preserve, lands immediately adjacent to a portion of the preserve will be set aside as preservation areas through the planned development zoning process. This preservation area will be approximately 25 acres in size.

OBJECTIVE 77.3: WILDLIFE. Maintain and enhance the fish and wildlife diversity and distribution within Lee County for the benefit of a balanced ecological system.

The proposed plan amendment is consistent with this objective. The wildlife management activities that will be implemented will protect the listed species that may utilize the project site. The removal of exotics and enhancement of the slough along the eastern portion of the property will provide improved wildlife value and diversity to the system. Additionally, residential development will be clustered on the northwestern portion of the site, allowing for the preservation of the wetland slough on the eastern portion of the site and uplands located to the south. These areas will provided a diversity of habitat for a variety of fish and wildlife species.

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POLICY 77.3.1: Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.

The plan amendment is consistent with this Policy. The project will maintain the wetland slough by clustering residential development away from the slough, and the project will include upland buffers adjacent to the slough. A large contiguous upland preservation area of over 20 acres will be provided on the southern portion of the property.

OBJECTIVE 77.4: ENDANGERED AND THREATENED SPECIES IN GENERAL.
Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.

By clustering the residential development to the northwestern portion of the property, a large upland area will be set aside as preservation area which will provide for habitat for a variety of wildlife. No endangered species were observed on the site. Enclosed with this response are copies of proposed management plan for the gopher tortoise which is the only threatened species observed on the site.

POLICY 77.4.1: Identify, inventory and protect flora and fauna indicated as endangered, threatened or species of special concern in the "Official Lists of Endangered and Potentially Endangered Fauna and Flora of Florida", Florida Game and Freshwater fish Commission, as periodically updated. Lee county's Protected Species regulations shall be enforced to protect habitat of those listed species found in Lee County that are vulnerable to development. There shall be a funding commitment of one full-time environmental planner to enforce this ordinance through the zoning and development review process. (Amended by Ordinance No. 92-48, 94-30).

The survey indicated there are no protected, threatened or endangered plant species on the property. The gopher tortoise is the only threatened species observed on-site. At the time of local development approval for any development on the site, the project will be subject to review for consistency with the Lee County Land Development Code requirements, Chapter 10, Development Standards and Chapter 14, Environment and Natural Resources. These Chapters address standards for open space, surface water management, habitat and wildlife protection.

POLICY 77.4.2: Conserve critical habitat of rare and endangered plant and animal species through development review, regulation, incentives, and acquisition.

This policy is not applicable. There are no rare or endangered plant or animal species on the site. The management activities that will be implemented will protect the listed species found on the project site. The commitment to cluster development in the northwestern portion of the property will provide for preservation of upland and wetland areas on the site, which do provide habitat for a variety of species.

Policy 83.1.5: Lee County shall protect and conserve the following environmentally sensitive coastal areas: wetlands, estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves and wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, and marine grass beds.

This plan amendment is consistent with this policy. The proposed amendment limits wetland impacts to the small isolated melaleuca invaded wetlands, and protects the wetland slough extending along the eastern boundary of the site. Mitigation will be provided for the minimal wetland impacts. These wetlands are not estuarine, mangrove stands, undeveloped tidal creeks or inlets or marine grass beds. The wetlands on the project site are freshwater melaleuca wetlands. The project site is not on a barrier island, a beach or on a dune system. The site does not contain habitat designated as critical habitat for listed species.

As required by SFWMD, a buffer will be designed along the wetland slough system which will be an average of 25 feet in width. The water management system will be designed to maintain historic water table elevations for the site.

3. Additional vehicular trips associated with a density increase may exacerbate hurricane evacuation time on U.S. 41.

Based on recent topographic surveys prepared for the property, all but a small portion of the site is located above the Category 1, landfalling hurricane storm surge elevation of 7.4' NGVD. FEMA requirements establish a minimum finished floor elevation of 11', which is within the Category 2 landfalling hurricane storm surge zone. The required building elevations will reduce the risk of flooding and required evacuation for residents. Further, the clustering commitment will assure that residences are clustered on upland areas away from the slough, which will reduce the risk of flooding and required evacuation.

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RE: ORC Response; CPA-2002-02 (DCA No. 03-2);
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The S.W. Florida Regional Planning Council has reviewed the amendment and concluded that evacuation times would potentially increase by up to 2.4 minutes with the maximum of 120 units on the property. The Regional Planning Council concluded that with clustering and required building elevations above the Category 1 storm surge elevations, that issues associated with hurricane evacuation would be resolved.

Further, the plan amendment is consistent with Lee Plan Policies 79.2.1 and 79.2.2, which address programs to reduce on-site shelter demand for populations at risk in the Hurricane Vulnerability Zone under a Category 3 storm event. Lee County has established an all-hazards MSTU and fee in lieu of for construction of sheltering space. Payment of these required mitigation measures, in addition to clustering dwelling units, and elevating them to FEMA requirements, insure consistency with the Lee Plan and the Strategic Regional Policy Plan.

Lee Plan Policy 80.1.4 also requires new developments of greater than one hundred units within A-zones to formulate an emergency hurricane preparedness plan. Should greater than one hundred residences be built on the subject property, compliance with this Policy will be required.

Additional data has been compiled with respect to expressed traffic concerns on U.S. 41 in the year 2020. This segment of U.S. 41 is expected to fall to LOS F in the near future with or without the additional 60 units anticipated from this project. U.S. 41 is under the jurisdiction of the Florida Department of Transportation, which is expected to begin 6-lane improvements to U.S. 41 in the year 2006/2007, which will improve the level of service when completed for this segment to LOS C. Based on the analysis prepared by the applicant, the subject site would be completed by 2008, and this segment of U.S. 41 will continue to operate at LOS C, once project buildout occurs.

The projected additional vehicular trips associated with development of this property represents less than 2% of the adopted LOS standard established for this road segment, which is not considered a significant impact to the LOS standard. Once the 6-lane improvements are completed to U.S. 41, the vehicular trips associated with the development of the subject site will represent less than 1% of the adopted LOS standard. A level of service analysis has been completed and is attached as supporting data and analysis.

Mr. Paul O'Connor, AICP, Director
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Based on the information submitted in support of the original application, and supplemental data and analysis provided with this correspondence, it is our opinion that the proposed amendment is consistent with Goals, Objectives and Policies of the Lee Plan and should be adopted as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Wayne Arnold". The signature is stylized with a large, sweeping initial "D" and a long horizontal stroke extending to the right.

D. Wayne Arnold, AICP

DWA:dr

Enclosures

cc: Bernard Piawah, Department of Community Affairs
Thomas Gilhooley
Neale Montgomery

**W. Dexter Bender & Associates, Inc.****Environmental & Marine Consultants**

2052 Virginia Avenue ■ Fort Myers, Florida 33901 ■ (239) 334-3680 ■ (239) 334-8714 Fax

October 17, 2003

Mr. Wayne Arnold
Q. Grady Minor & Associates
3800 Vie Del Rey
Bonita Springs, FL 34134

**RE: Estero 60 Land Trust
Response to 9/5/03 DCA Letter**

Dear Wayne:

Per your request, please find listed below the requested information as it pertains to the "Item I, CONSISTENCY WITH RULE 9J-5., FAC., & CHAPTER 163., F.S. Recommendation".

The Site Plan as shown on the "Estero 60 Acres Cluster Plan" prepared by Q. Grady Minor & Associates, P.A. provides for a contiguous 24.2' acre Preserve/State Acquisition Area south of the development in addition to a 4.14 acre slough preserve. The 24.2' acre Preserve/State Acquisition Area consists primarily of saw palmetto and slash pine with melaleuca wetlands present in the southeast corner of the preserve. Other features include a borrow pit and FPL power line easement. An additional 4.14 acres of slough will also be preserved to the east of the development area. The area of proposed development currently consists of saw palmetto and slash pine and melaleuca. As shown in the attached Management Plan, approximately 4 active and 9 inactive tortoise burrows are located within the proposed development area. After obtaining a Florida Fish and Wildlife Conservation Commission gopher tortoise relocation permit, these burrows will be excavated immediately prior to land clearing activities with all recovered tortoises and any commensal listed species including the eastern indigo snake and the gopher frog being relocated to the adjacent preserve area.

A large, contiguous preserve area of suitable habitat for the listed species found on the site is preferable to a site plan in which preserve areas are smaller and/or non contiguous. The site plan, as proposed, also minimizes the amount of preserve area abutting developed areas and as such improves the quality of the preserved habitat. In addition, the removal of exotic vegetation, primarily melaleuca from the 4.14 acre slough preserve and the remaining areas of indigenous upland habitat within the development area, will increase the wildlife habitat value of these areas as well.

Page 2

Mr. Wayne Arnold

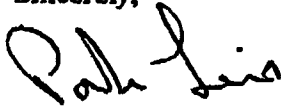
October 17, 2003

It should also be noted that the Estero 60 Acre Land Trust Parcel does not contain "scrub habitat" as stated in the DCA letter. The vegetation types as mapped on the attached Pine Road 60 Listed Species Graphic prepared by Boylan & Associates and as defined in the Florida Land Use Cover and Forms Classification System (FLUCCS) consist of the following:

321/411 Saw Palmetto - Slash Pine (< 20% Canopy) 43.32 Acres
321/424 Saw Palmetto - Melaleuca 5.07 Acres
424 Melaleuca- 0.35 Acres
424H Melaleuca Wetlands - 7.80 Acres
500 Other Surface Waters- 1.23 Acres
740 Disturbed Areas - 0.74 Acres
743 Berm 0.08 Acres
832 FPL Easement 1.73 Acres

If you have any questions or need any additional information, please give me a call.

Sincerely,



Parke Lewis
Biologist

cc: Neale Montgomery

ESTERO 60 ACRE LAND TRUST
LISTED SPECIES MANAGEMENT PLAN

Revised: October 17, 2003

Prepared for:

**131 Group, Inc.
9167 Brendan Lake Court
Bonita Springs, FL 34135-4354**

Prepared by:

**W. Dexter Bender & Associates, Inc.
2052 Virginia Avenue
Fort Myers, FL 33901**

INTRODUCTION

The Estero 60 Land Trust Parcel is located at the end of Pine Road, west of US 41 in Estero on Section 20, Township 46 South, Range 25 East in Lee County.

In order to address the revised site plans for the Estero 60 Acre Land Trust Parcel (f/k/a Pine Road 60), a revised Listed Species Management Plan has been prepared. The revisions are based upon the attached June 2003 "Cluster Plan" as prepared by Q. Grady Minor and Associates, P.A., and the Pine Road 60 Habitat Management Plan dated December 11, 2001 as prepared by Boylan Environmental Consultants, Inc.

Field work by W. Dexter Bender & Associates, Inc. on the subject property was conducted on September 25th and 30th of 2003 to verify vegetation mapping and the status of listed species as described in the December 2001 Protected Species Assessment and Management Plan. The Protected Species Survey documented the presence of the gopher tortoise on site and the potential for the Big Cypress fox squirrel. Due to the presence of gopher tortoise burrows, the potential also exists for the presence of the eastern indigo snake and the gopher frog as commensal listed species.

Gopher Tortoise

Approximately 4 active and 9 inactive gopher tortoise burrows lie within the proposed development area. In order to relocate tortoises prior to land clearing activities, a gopher tortoise relocation permit would be obtained from the Florida Fish and Wildlife Conservation Commission (FFWCC).

All recovered tortoises and their commensals will be relocated to the pine flatwoods on the 25.57 acre Preserve/State Acquisition Area.

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 inactive. When deemed inactive, the (melaleuca) nest tree would be taken down in conjunction with either construction or wetland mitigation activities. It is anticipated that 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. Information signs should be posted throughout the construction site and contain the following information:

- a.) A description of the eastern indigo snake, its habitat 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 FFWCC 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., location of where and when they were found and relocated); and
 - c.) other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

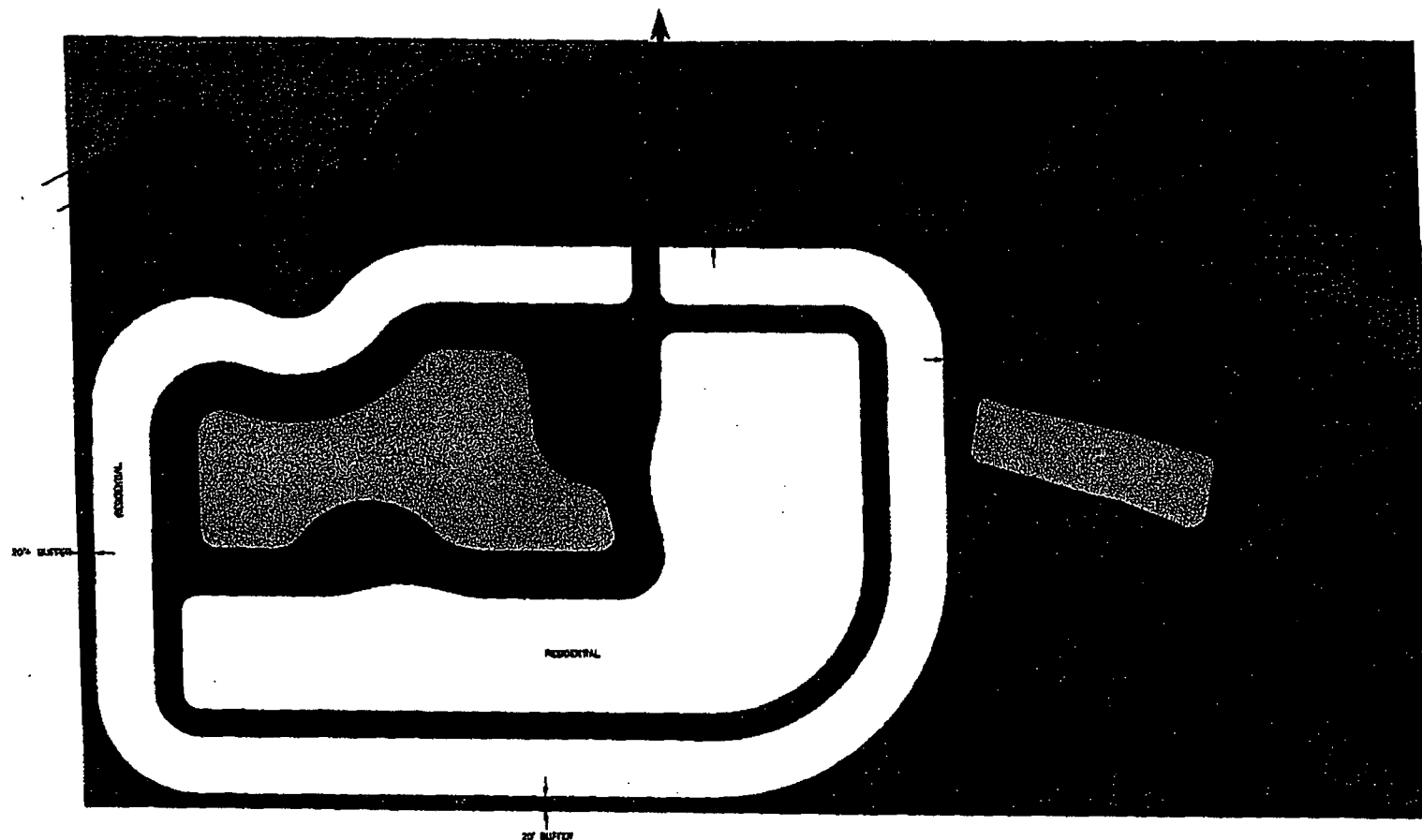
See the attached Eastern Indigo Snake Protection Plan.

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.

HABITAT MAINTENANCE

The onsite preserve areas, including the 4.14 acre slough and upland indigenous vegetation areas within the project development area, will be maintained free of exotic and nuisance vegetation in perpetuity to ensure that exotic and nuisance vegetation constitute less than 1% of total vegetation coverage.




RESIDENTIAL DEVELOPMENT AREA	35.00± ACRES
SLOUGH (FLOWWAY)	04.14± ACRES
PRESERVE/STATE ACQUISITION AREA	21.18± ACRES
SITE TOTAL	60.32± ACRES

LEGEND	OWNER/DEVELOPER											DESIGNED BY: O.G.M. DRAWN BY: O.G.M. APPROVED: O.G.M. SUB CODE: 000P SCALE: 1" = 300'  Q. GRADY MINOR AND ASSOCIATES, P.A. CIVIL ENGINEERS - LAND SURVEYING - PLANNING 8800 W. 4th St., Ste. 200 BOYNTON BEACH, FLORIDA 33438 PHONE: (561) 967-2144 FAX: (561) 977-0278 E-MAIL: GRADY@QGA.COM	ESTERO 60 ACRES		
													CLUSTER PLAN		
													DATE: JUN. 2003	FILE NAME: ESTER0301	DRAWING NUMBER: 1 of 1

SECTION IV.C.

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)

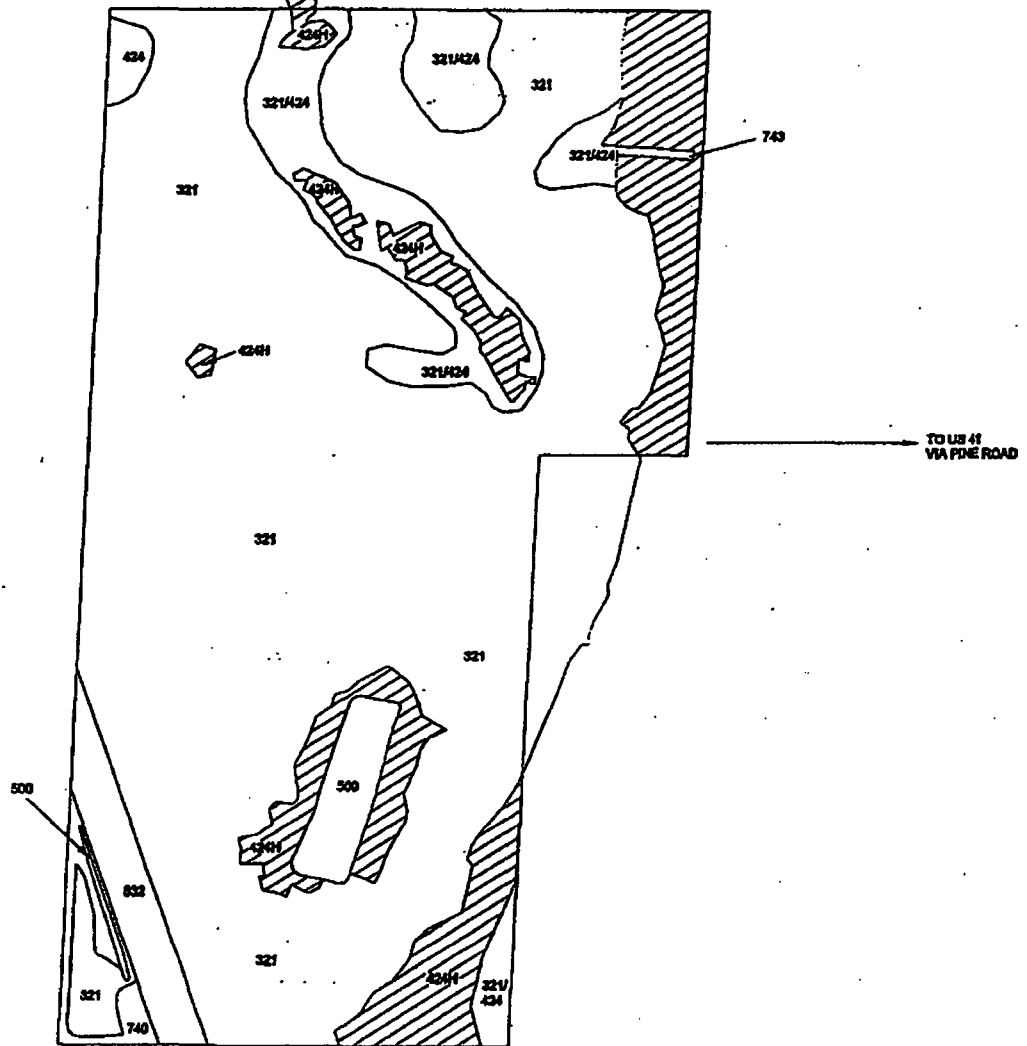
An FPL easement bisects the southwest corner of the property. This community is considered uplands by Lee County and the SFWMD.

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.

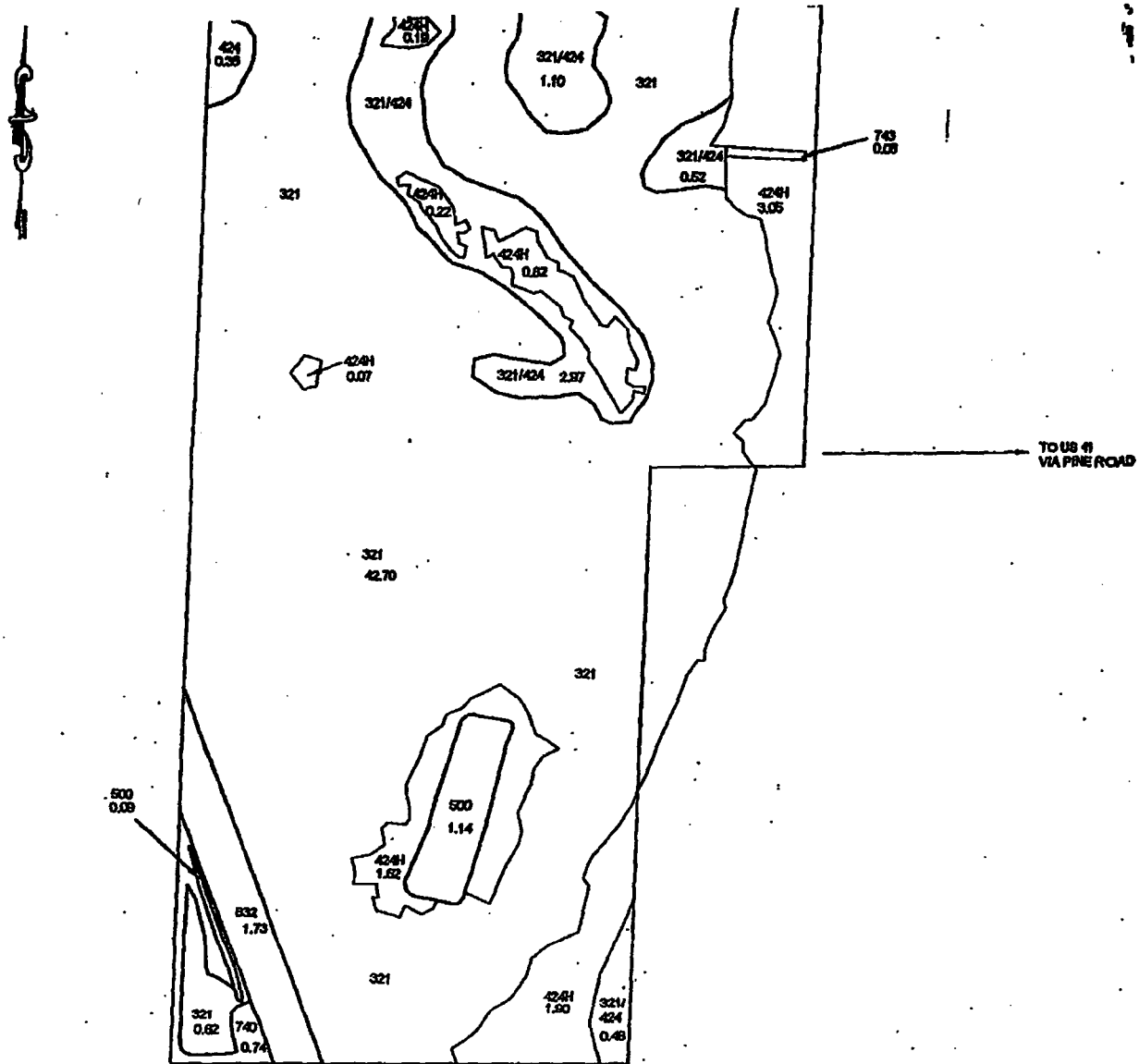


- 321 SAW PALMETTO
- 321/424 SAW PALMETTO - DOG HAIR MELALEUCA
- 4 MELALEUCA
- 4H* MELALEUCA WETLANDS
- 0 OTHER SURFACE WATER
- 0 DISTURBED AREAS
- 2 FPL EASEMENT

☒ *JURISDICTIONAL WETLANDS

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

PROJECT NAME		South Florida Water Management District	
JD# _____		Wetland Jurisdictional Determination	
Craig Schmittler		Date _____	
Boyian Environmental Consultants, Inc.			
Wetland & Fishery Surveys, Environmental Permitting, Impact Assessments		1000 Metro Parkway, Suite 4, Ft. Myers, FL 33901 (813) 413-0871	
1000 Metro Parkway, Suite 4, Ft. Myers, FL 33901 (813) 413-0871		1000 Metro Parkway, Suite 4, Ft. Myers, FL 33901 (813) 413-0871	




321 SAW PALMETTO
 321/424 SAW PALMETTO - DOG HAIR MELALEUCA
 424 MELALEUCA
 424H* MELALEUCA WETLANDS
 500 OTHER SURFACE WATER
 740 DISTURBED AREAS
 743 BERM
 832 FPL EASEMENT

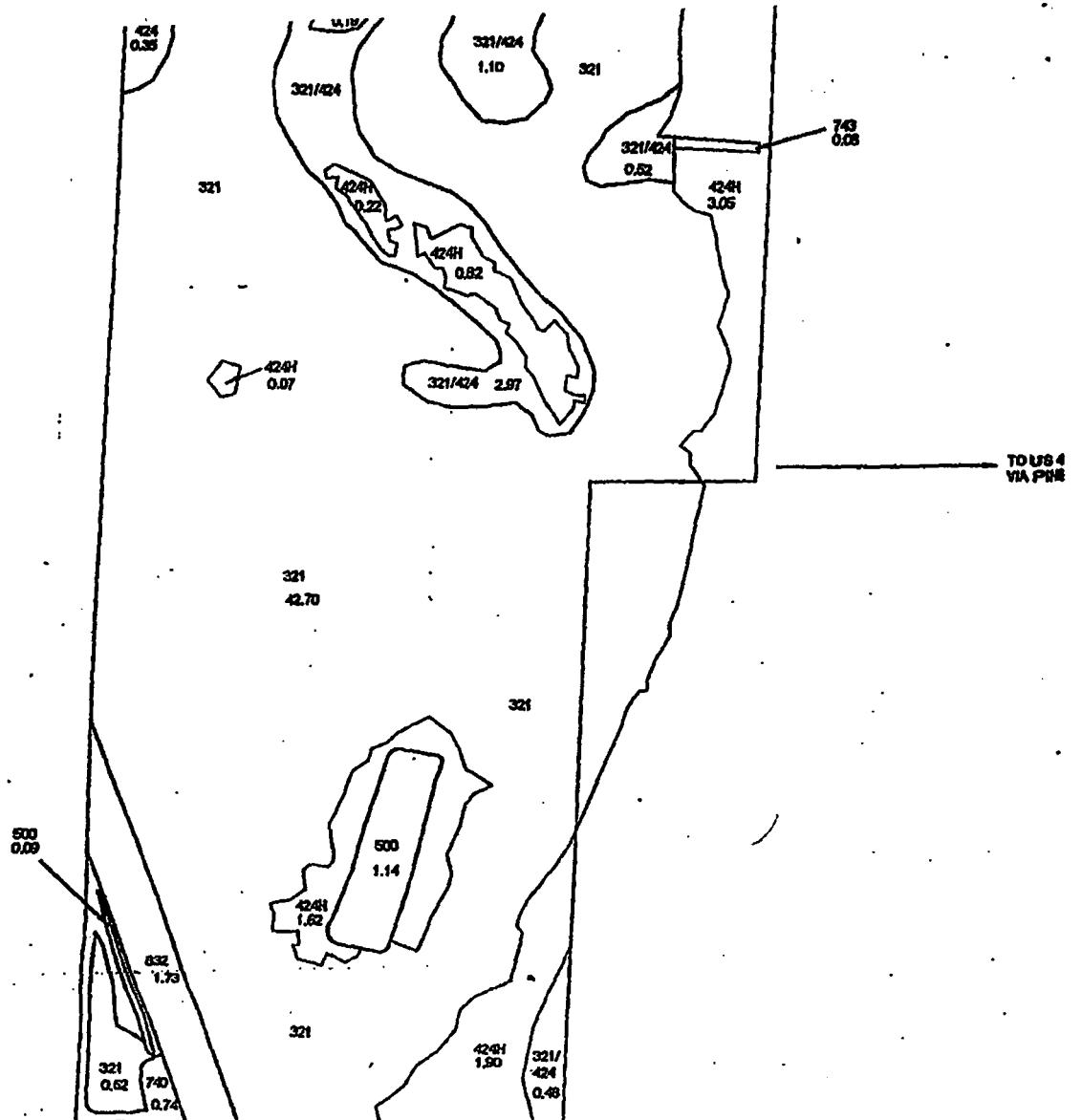
**APPROX.
ACREAGE**

43.32
 5.07
 0.35
 7.80
 1.23
 0.74
 0.08
 1.73

60.32 ACRES

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

PROJECT NAME		South Florida Water Management District	
JD# _____		Wetland Jurisdictional Determination	
_____		Boylan Environmental Consultants, Inc.  <small>Wetland & FPLA Survey, Environmental Permitting, Impact Assessments</small> <small>11800 Metro Parkway, Suite 4, Ft. Myers, 33912 (941) 918-0671</small>	
Craig Schmitter	Date _____	<small>JOB # 9332</small> <small>SCALE 1"=200'</small> <small>FILED GPS WETLANDS</small> <small>DRAWN BY JOK</small> <small>DATE 2-7-01</small> <small>COUNTY LEE</small> <small>SEC 30</small> <small>TWP 28</small> <small>RNG 28E</small> <small>REVISIONS</small>	



321	SAW PALMETTO
321/424	SAW PALMETTO - DOG HAIR MELALEUCA
424	MELALEUCA
424H*	MELALEUCA WETLANDS
500	OTHER SURFACE WATER
740	DISTURBED AREAS
743	BERM
832	FPL EASEMENT

**APPROX.
ACREAGE**

43.32 up
5.07 up
0.35 up
7.80 wet
1.23
0.74 up
0.08 up
1.73 up

60.32 ACRES

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 Studies, Environmental Permitting,
Regulatory Services

JOB # 9902
SCALE 1" = 200'
FILE GPS WETLANDS
DRAWN BY JOK
DATE 3-7-01
COUNTY LEE
SIC 80
TWP 88

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
	Satinleaf	95+		X	-	20
	Southeastern American Kestrel	95+		X	-	20
	Twisted Air Plant	95+		X	-	20
424	Big Cypress Fox Squirrel	95+		X	-	
424H	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



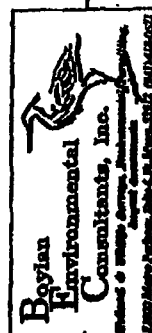
		APPROX. ACREAGE
321/411	SAW PALMETTO - SLASH PINE (<20% CANOPY)	43.32
321/424	SAW PALMETTO - DOG HAIR MELALEUCA	5.07
424	MELALEUCA	0.35
424H*	MELALEUCA WETLANDS	7.80
500	OTHER SURFACE WATER	1.23
740	DISTURBED AREAS	0.74
743	BERM	0.08
832	FPL EASEMENT	1.73
		60.32 ACRES

- ACTIVE TORTOISE BURROW, 23
- ⊗ INACTIVE TORTOISE BURROW, 17
- ⊙ ABANDONED TORTOISE BURROW, 9
- × POTENTIAL NESTS IN MELALEUCA, 6

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


JOB # 8852	DATE 12-11-01
SCALE 1"=500'	REVISIONS
FILE 8852.DSS	
DRAWN BY JDC	

PINE ROAD 60
LISTED SPECIES GRAPHIC



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

**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

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.

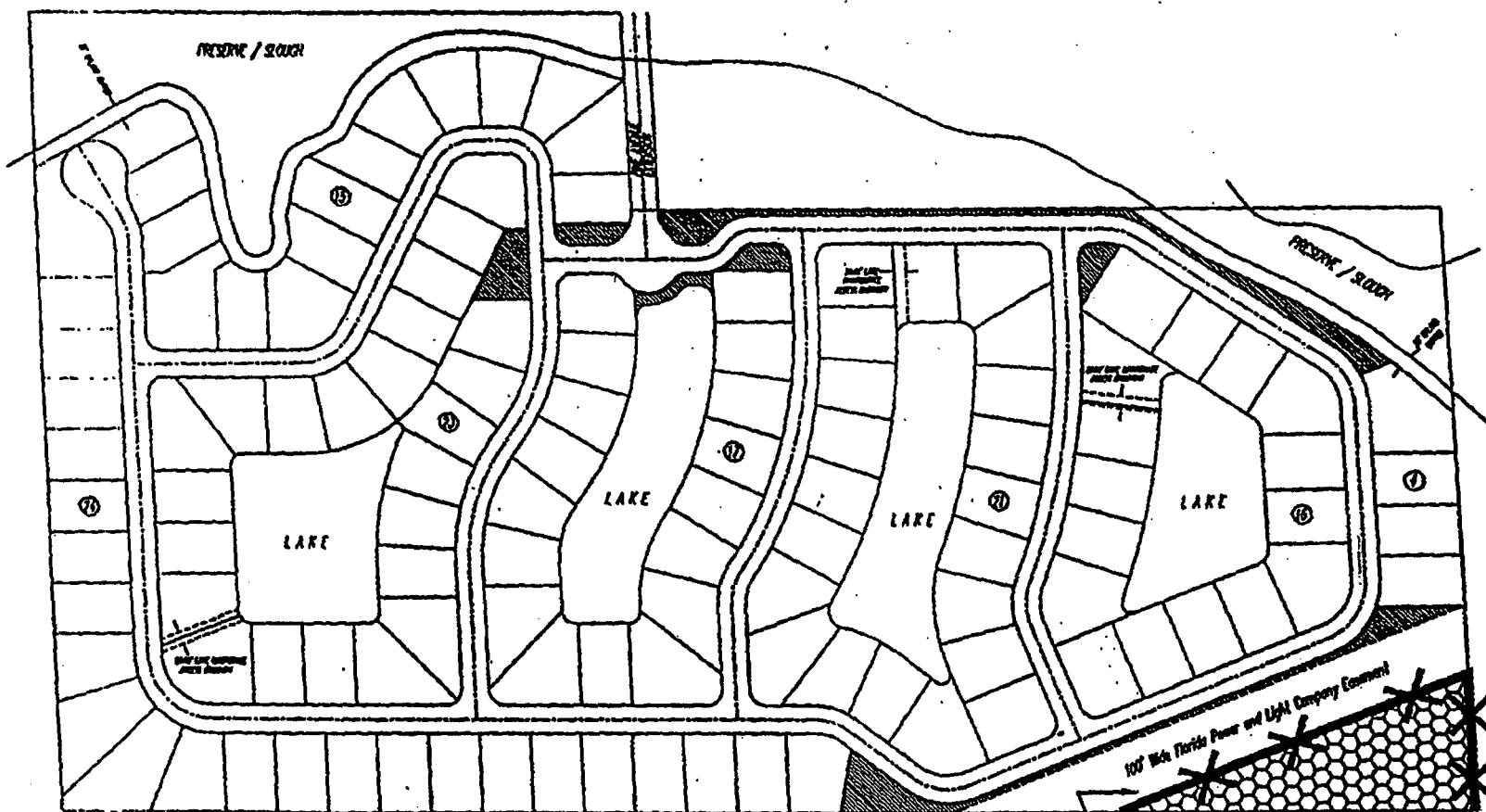
See attached Exhibit 2 for the Eastern Indigo Snake Protection plan.

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

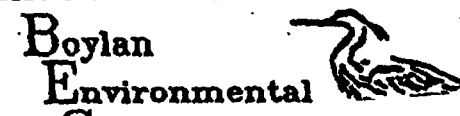
- 1) Signage will be place around the preserve areas. This signage (language) would prohibit hand - feeding of wildlife, including birds. This would eliminate leftover food scraps throughout the property. There would be signs stating "Feeding of Animals is Prohibited."
- 2) There would be no beehives, 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



JOB # 9852
SCALE TORTOISE FENCE
FILE 1"=300'

PINE ROAD

COUNTY LEE

EASTERN INDIGO SNAKE

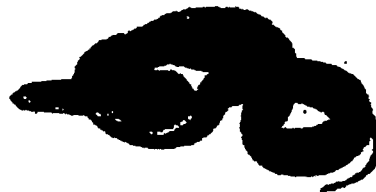
PROTECTION PLAN

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:

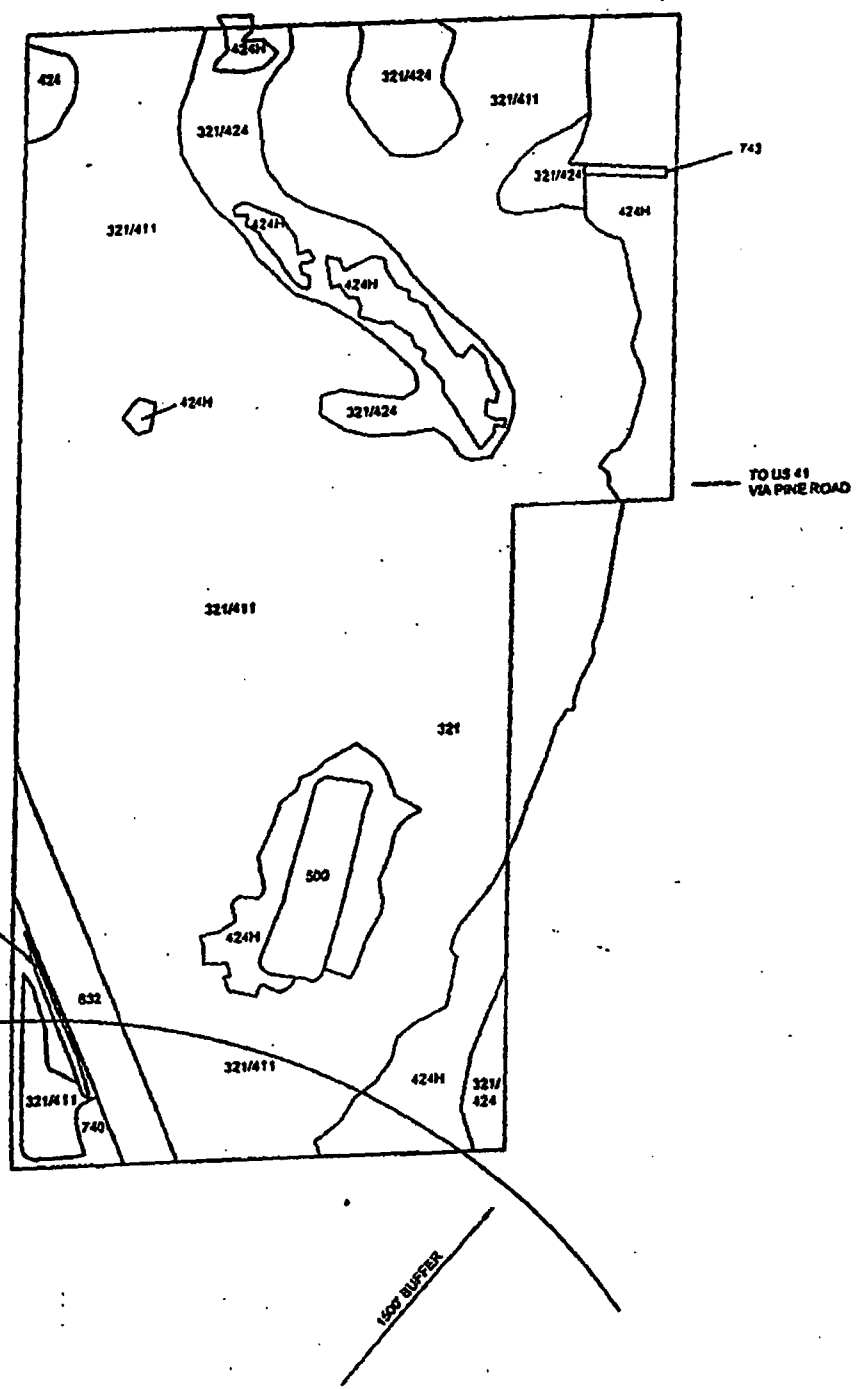
Cease all construction activities and notify the construction supervisor, then contact Boylan Environmental Consultants (941) 418-0671. While leaving the snake unharmed, maintain sight of the snake until a biologist arrives. The snake will then be allowed sufficient time to move away from the construction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

PROXIMATE LOCATION OF EAGLE'S
BY 1200' SOUTH OF SUBJECT PARCELS
NORTHWEST 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

Exhibit 2

Boylan Environmental Consultants, Inc.
 Wetland & Wildlife Surveys, Environmental Planning,
 Impact Assessments
 11000 Metro Parkway, Suite 101, Miami, FL 33156 (305) 551-0071

COUNTY	LEE
SEC	20
TWP	48S
RNG	25E
REVISIONS	
DATE	12-11-01
BY	JDK
DATE	12-11-01
BY	JDK

PINE ROAD 60
 EAGLE BUFFER MAP

**LEVEL OF SERVICE ANALYSIS
FOR
ESTERO COMMONS
COMPREHENSIVE PLAN CHANGE**

Prepared by:



Q. GRADY MINOR & ASSOCIATES, P.A.
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Bonita Springs, Florida 34134

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OCTOBER 17, 2003

LEVEL OF SERVICE ANALYSIS ESTERO COMMONS COMPREHENSIVE PLAN CHANGE

The Estero Commons (aka Estero 60 acres) property is a $60.3 \pm$ acre parcel located approximately 0.7 miles west of U.S. 41 in Section 20, Township 46 South, Range 25 East, Estero, Lee County, Florida. The current request would result in redesignation of the property from rural to outlying suburban. The requested change would permit the development of 120 residential units instead of the 60 units permitted under the current Future Land Use Map (FLUM) designation. A location map is provided on Figure 1 in the Appendix to this report.

Scope

The following items are included in this report:

1. Trip Generation Calculations for average weekday daily traffic including peak hour volumes for the 60 units permitted under the current FLUM designation.
2. Trip Generation Calculations for average weekday daily traffic including peak hour volumes for the 120 units permitted under the current request.
3. Level of Service analysis for U.S. 41 (the nearest arterial roadway) for buildout conditions, both with and without the project traffic.
4. Level of Service analysis for U.S. 41 for projected 2020 conditions, both with and without the project traffic.

Conclusions/Discussion

The following conclusions can be drawn from the analyses:

1. U.S. 41 will operate at an acceptable level of service with project traffic included, after planned widening of U.S. 41 to 6 lanes.
2. The projected 2020 level of service for U.S 41 is not degraded by the addition of project traffic.
3. No changes to 2020 data projections or modeling are recommended as a result of the proposed change.

Trip Generation

The additional traffic generated by the proposed comprehensive plan change was estimated using the 6th Edition Trip Generation published by the Institute of Transportation Engineers (ITE). Land Use Code 210, Single Family Detached Housing is used for the project. Trip generation calculations are presented for the potential residential units permitted under the current FLUM designation and the ultimate maximum units permitted under the proposed change. A summary of the calculations is presented on Tables 1 and 2 in the Appendix to this report.

The existing land use would generate 648 average annual daily trips, with 68 trip ends during the highest peak hour (PM). The proposed land use would generate 1,226 average annual daily trips, with 127 trip ends during the highest peak hour (PM). The increase in trip generation is 578 average annual daily trips, with 59 trip ends during the highest peak hour (PM).

Level of Service Analysis

The expected buildout year for the project is 2007. The nearest arterial road is U.S. 41. The 2002 100th highest hour volume for U.S. 41 at this location is 2,233. The growth rate used in the following calculations is 2.4%, based on growth for this link in the 2002 traffic count report (29,100 to 35,100 in 8 years). The LOS standard for this link is LOS E. Please refer to the supporting information included in the Appendix to this report.

The level of service analysis for U.S. 41 south of Hickory Drive for the year following buildout is as follows:

U.S. 41 south of Hickory Drive – Projected Level of Service		
Year	100 th Highest Hour Volume	Level of Service
Existing 2003	2,287	F*
2008 Without Project	2,574	C*
2008 With Project	2,619	C*

*The link operates below acceptable level of service currently. The roadway link is under the ownership and maintenance of the Florida Department of Transportation. FDOT has funded ROW acquisition for widening in Fiscal Year 06/07. Lee County has advanced funds to accelerate design of improvements to the current fiscal year. Once 6 lane improvements are constructed, the link will operate at LOS C under all conditions above. This will be an acceptable level of service.

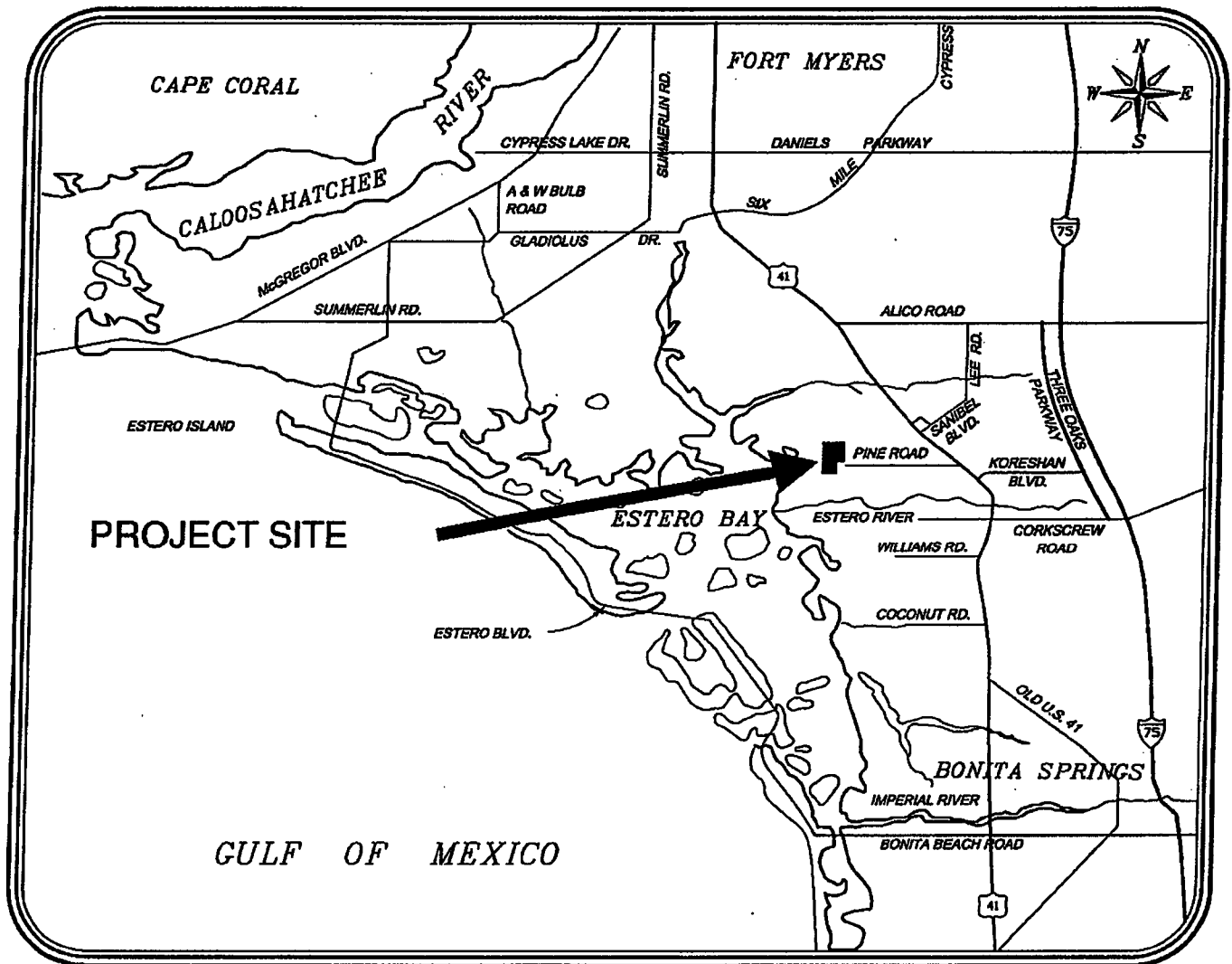
The Metropolitan Planning Organization projects that the segment of U.S. 41 between Koreshan Boulevard and Pine Road will fail with projected 2020 traffic volumes and distribution. A more detailed level of service analysis was completed for U.S. 41 using the Florida Department of Transportation's Level of Service Calculation Software. Analysis was completed for 2020 conditions with background traffic only and with project traffic included. Please refer to the analysis output in the Appendix to this report.

The addition of project traffic does not further degrade the level of service of any of the segments included in the analysis. The true impact of project traffic can best be estimated by comparing the control delay for the failing segment. The total delay for 2020 background traffic is 72.1 seconds. With project traffic included the delay is increased by only 2 seconds to 74.1 seconds, which is not a substantial increase in wait time.

The potential new traffic volume generated by the proposed FLUM change would result in an increase of approximately 0.5% in the traffic volumes on U.S. 41 at Pine Road. The additional 59 peak hour trips that are estimated for the proposed change will have little impact on modeling prepared for the 2020 Financially Feasible Plan network. No changes to the data projections or distribution for this Traffic Analysis Zone are recommended.

The comprehensive plan amendment application requires that a traffic circulation analysis be completed to determine the change's effect on the 20-year and 5-year horizons. The above analysis shows that the proposed change will not require modifications to the data forecasts for the 20-year horizon and that currently planned improvements are sufficient for the 5-year horizon, with or without the proposed change.

FIGURE 1



LOCATION MAP

Table 1

Estero Commons - Maximum Units
SUMMARY OF TRIP GENERATION CALCULATION
FOR 120 DWELLING UNITS OF SINGLE FAMILY DWELLINGS
10-14-03

	AVERAGE RATE	STANDARD DEVIATION	ADJUSTMENT FACTOR	DRIVE WAY VOLUME
AVG WKDY 2-WAY VOL	10.22	0.00	1.00	1226
7-9 AM PK HR ENTER	0.19	0.00	1.00	23
7-9 AM PK HR EXIT	0.58	0.00	1.00	70
7-9 AM PK HR TOTAL	0.78	0.00	1.00	93
4-6 PM PK HR ENTER	0.67	0.00	1.00	81
4-6 PM PK HR EXIT	0.38	0.00	1.00	46
4-6 PM PK HR TOTAL	1.05	0.00	1.00	127
SATURDAY 2-WAY VOL	10.27	0.00	1.00	1233
PK HR ENTER	0.53	0.00	1.00	63
PK HR EXIT	0.45	0.00	1.00	54
PK HR TOTAL	0.98	0.00	1.00	117
SUNDAY 2-WAY VOL	8.74	0.00	1.00	1048
PK HR ENTER	0.51	0.00	1.00	61
PK HR EXIT	0.45	0.00	1.00	54
PK HR TOTAL	0.95	0.00	1.00	115

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

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

TRIP GENERATION BY MICROTRANS

Table 2

**Estero Commons - Currently Allowed Units
SUMMARY OF TRIP GENERATION CALCULATION
FOR 60 DWELLING UNITS OF SINGLE FAMILY DWELLINGS
10-14-03**

	AVERAGE RATE	STANDARD DEVIATION	ADJUSTMENT FACTOR	DRIVE WAY VOLUME
AVG WKDY 2-WAY VOL	10.80	0.00	1.00	648
7-9 AM PK HR ENTER	0.21	0.00	1.00	13
7-9 AM PK HR EXIT	0.64	0.00	1.00	39
7-9 AM PK HR TOTAL	0.86	0.00	1.00	51
4-6 PM PK HR ENTER	0.72	0.00	1.00	43
4-6 PM PK HR EXIT	0.41	0.00	1.00	24
4-6 PM PK HR TOTAL	1.13	0.00	1.00	68
SATURDAY 2-WAY VOL	10.59	0.00	1.00	635
PK HR ENTER	0.58	0.00	1.00	35
PK HR EXIT	0.49	0.00	1.00	30
PK HR TOTAL	1.07	0.00	1.00	64
SUNDAY 2-WAY VOL	8.64	0.00	1.00	518
PK HR ENTER	0.61	0.00	1.00	37
PK HR EXIT	0.54	0.00	1.00	33
PK HR TOTAL	1.15	0.00	1.00	69

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

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

TRIP GENERATION BY MICROTRANS

ROAD LINK VOLUMES													
Peak Direction of Flow													
ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2001 100th HIGHEST HOUR		EST 2002 100th HIGHEST HOUR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
WINKLER ROAD	CYPRESS LAKE DRIVE	COLLEGE PARKWAY	4LD	E	1,700	C	709	C	712	C	717		256
WINKLER ROAD	COLLEGE PARKWAY	McGREGOR BLVD. (C.R. 867)	2LN	E	880	A	331	B	417	B	446		257
WOODLAND BLVD.	U.S. 41	CHATHAM STREET	2LU	E	1,040	C	340	C	340	C	340		258
W. 6TH ST.	WILLIAMS AVENUE	JOEL BLVD.	2LU	E	1,040	B	119	B	119	B	119		259
W. 12TH STREET	GUNNERY ROAD	SUNSHINE BLVD.	2LU	E	1,040	D	429	D	429	D	429		260
W. 12TH STREET	SUNSHINE BLVD.	WILLIAMS AVENUE	2LU	E	1,040	B	58	B	58	B	58		261
W. 12TH STREET	WILLIAMS AVENUE	JOEL BLVD.	2LU	E	1,040	B	110	B	110	B	110		262
U.S. 41	COLLIER COUNTY LINE	BONITA BEACH RD. (C.R. 865)	4LD	E	2450	B	1,521	B	1,635	C	2,305	6 Lane Funded by FDOT in 02/03	263
U.S. 41	BONITA BEACH RD. (C.R. 865)	W. TERRY STREET	4LD	E	2450	B	1,812	C	2,163	F	2,783	6 Lane Funded by FDOT in 02/03	264
U.S. 41	W. TERRY STREET	OLD 41 (C.R. 887)	4LD	E	2450	B	1,612	C	1,942	F	2,625	6 Lane Funded by FDOT in 02/03	265
U.S. 41	OLD 41 (C.R. 887)	CORKSCREW RD.	4LD	E	2450	B	1,699	F	3,723	F	5,188	6 Lane under construction	266
U.S. 41	CORKSCREW RD.	SANIBEL BLVD.	4LD	E	2270	C	1,975	D	2,233	F	2,699	ROW Funded in 06/07 (County advanced design)	267
U.S. 41	SANIBEL BLVD.	ALICO ROAD	6LD	E	3400	C	1,809	C	1,865	C	1,931		268
U.S. 41	ALICO ROAD	ISLAND PARK ROAD	6LD	E	3400	C	2,550	C	2,574	C	2,576		269
U.S. 41	ISLAND PARK ROAD	BRIARCLIFF RD.	6LD	E	3400	C	2,566	C	2,628	C	2,674		270
U.S. 41	BRIARCLIFF RD.	SIX MILE CYPRESS PKWY.	6LD	E	3400	C	3,097	C	3,190	C	3,198		270
U.S. 41	SIX MILE CYPRESS PKWY.	DANIELS RD.	6LD	E	2810	C	1,638	C	1,655	C	2,029		272
U.S. 41	DANIELS RD.	COLLEGE PARKWAY	6LD	E	2810	C	2,040	C	2,052	C	2,052	Constrained v/c=0.73	273

PERIODIC COUNT STATION DATA

STREET	LOCATION	Station #	M A P	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	NOTE	PERMANENT STATION
SUNRISE BLVD	E OF BELL BLVD	480	F					200	200	300	200	200	300		6
SUNSHINE BLVD	N OF IMMOKALEE RD	413	F	500	500	500	700	1000	1300	1100	1200	1300	1000		22
	N OF LEE BLVD (CR 884)	412	F	1400	1300	1300	1600	2300	3000	2800	3100	3400	5000		22
	N OF W 12TH ST	479	F					700	2400	2500	2300	N/A	2900		22
TAMiami TRAIL - SEE US 41 OR BUSINESS US 41															
THREE OAKS PKWY	S OF CORKSCREW RD	526											8400	1	15
	N OF CORKSCREW RD	415	H	2400	2400	3100	3000	4000	4500	5600	5900	7200	8500		15
	S OF ALICO RD	414	H	3600	3600	4500	4200	5000	5100	5700	5600	5700	6400		10
TICE ST	W OF ORTIZ AV	417	A	2800	2700	3300	3400	3400	3000	4000	3700	4100	4000		5
	W OF I 75	416	E	2600	2500	2600	2500	2400	2200	2300	2400	2500	2100		5
TREELINE AVE	S OF DANIELS PKWY	502	E					900	900	2200	2600	2900	2700		32
12 ST W	E OF GUNNERY RD	472	F					1800	3000	2100		1800	2500		22
23RD ST SW	E OF GUNNERY RD	469	F					4300	5100	2900	3400	4600	4900		22
US 41 (SR 45)	N OF COLLIER CO LINE	23	H	20700	22200	24900	24200	28000	27400	28800	30700	31300	34000		
	N OF BONITA BEACH RD	437	H	31600	32300	30900	31700	33400	34500	36400	35700	39900	43900		23
	N OF WEST TERRY ST	433	H	23700	25500	25100	27500	29000	29200	30200	32500	35500	38200		25
	N OF OLD 41	436	H	29100	26200	28800	30600	30700	30100	32900	31600	30800	43100		25
	N OF CORKSCREW RD		H	23800	24200										
	S OF HICKORY DR	25	H	29100	27300	27700	29400	29400	27100	29000	31500	35100	N/A	3	
	N OF SANIBEL BLVD	424	H	30900	26700	28400	28900	28800	25700	27700	30400	34400	34700	3	25
	N OF ALICO RD	420	G	42700	37300	41300	40300	41200	39400	41300	41100	48500	47800		25
	N OF ISLAND PARK RD	434	G	45900	48500	45600	44200	42800		42500	41700	48800	48600		25
	N OF JAMAICA BAY WEST	435	G	48400	50100	53100	51100	52700		49000	48400	58900	52700		25
	N OF SIX MILE CYPRESS PKW	418	G	42100	37800	40600	43200	39900			35700	38300	41100		9

SEPT. 1999

LINK-SPECIFIC SERVICE VOLUMES ON ARTERIALS IN LEE COUNTY (1998 DATA)

PAGE 5

ROAD SEGMENT	FROM	TO	TRAFFIC DISTRIC	LENGTH (MILE)	ROAD TYPE	SERVICE VOLUMES (PEAK HOUR PEAK DIRECTION)					SERVICE VOLUMES (PEAK HOUR-BOTH DIRECTIONS)				
						A	B	C	D	E	A	B	C	D	E
SR 80	PROSPECT AVE	ORTIZ AVE	1	1.3	4LD	0	530	1,770	2,010	2,100	0	830	2,810	3,200	3,340
	ORTIZ AVE	I-75	1	1.2	6LD	0	810	2,690	3,030	3,150	0	1,280	4,270	4,810	5,010
	I-75	SR 31	3	2.7	6LD	0	1,680	3,040	3,260	3,280	0	2,670	4,820	5,170	5,210
	SR 31	BUCKINGHAM RD	3	2.5	4LD	0	1,090	2,020	2,170	2,190	0	1,730	3,200	3,440	3,470
	BUCKINGHAM RD	HICKEY CREEK RD	3	2.5	4LD	1,020	1,690	2,310	2,740	3,080	1,610	2,690	3,670	4,350	4,890
	HICKEY CREEK RD	MITCHELL AVE	3	0.9	2LN	360	560	760	990	1,320	570	880	1,200	1,580	2,100
	MITCHELL AVE	JOEL BLVD	3	4.0	2LN	360	560	760	990	1,320	570	880	1,200	1,580	2,100
	JOEL BLVD	COUNTY LINE	3	2.2	2LN	360	560	760	990	1,320	570	880	1,200	1,580	2,100
STRINGFELLOW RD	1ST AVE	FINE ISLAND RD	6	7.9	2LN	0	200	460	720	1,290	0	340	770	1,200	2,140
	FINE ISLAND RD	PINELAND RD	6	3.3	2LN	140	290	480	780	1,290	230	480	800	1,310	2,140
	PINELAND RD	MAIN ST	6	3.7	2LN	140	290	480	780	1,290	230	480	800	1,310	2,140
SUMMERLIN RD	MCGREGOR BLVD	SAN CARLOS BLVD	4	2.2	4LD	0	1,050	2,200	2,370	2,370	0	1,840	3,870	4,160	4,160
	SAN CARLOS BLVD	PINE RIDGE RD	4	0.5	4LD	0	1,050	2,200	2,370	2,370	0	1,840	3,870	4,160	4,160
	PINE RIDGE RD	BASS RD	4	1.7	4LD	0	1,050	2,200	2,370	2,370	0	1,840	3,870	4,160	4,160
	BASS RD	GLADIOLUS DR	4	1.8	4LD	0	1,050	2,200	2,370	2,370	0	1,840	3,870	4,160	4,160
	GLADIOLUS DR	CYPRESS LAKE DR	4	1.8	4LD	0	0	1,330	1,860	1,970	0	0	2,670	3,710	3,950
	CYPRESS LAKE DR	COLLEGE PKWY	4	0.7	4LD	0	0	1,330	1,860	1,970	0	0	2,670	3,710	3,950
	COLLEGE PKWY	BOY SCOUT	4	1.9	4LD	0	0	930	1,810	1,960	0	0	1,850	3,620	3,920
	BOY SCOUT	COLONIAL BLVD	1	1.1	4LD	0	0	930	1,810	1,960	0	0	1,850	3,620	3,920
SUNSHINE BLVD	SR 82	LEE BLVD	3	3.6	2LN	0	160	440	660	1,100	0	300	840	1,270	2,120
	LEE BLVD	W 12TH ST	3	3.2	2LN	0	160	440	660	1,100	0	300	840	1,270	2,120
THREE OAKS PKWY	CORKSCREW RD	SAN CARLOS BLVD	4	3.1	2LN	0	120	380	660	1,280	0	210	690	1,300	2,320
	SAN CARLOS BLVD	ALICO RD	4	1.7	2LN	0	100	390	690	1,380	0	160	620	1,110	2,230
US 41	COLLIER CO. LINE	BONITA BEACH RD	8	1.0	4LD	0	1,910	2,430	2,450	2,450	0	3,420	4,330	4,370	4,370
	BONITA BEACH RD	TERRY ST	8	1.1	4LD	0	1,910	2,430	2,450	2,450	0	3,420	4,330	4,370	4,370
	TERRY ST	OLD 41	8	2.3	4LD	0	1,910	2,430	2,450	2,450	0	3,420	4,330	4,370	4,370
	OLD 41	CORKSCREW RD	8	3.5	4LD	0	1,910	2,430	2,450	2,450	0	3,420	4,330	4,370	4,370
	CORKSCREW RD	BROADWAY	4	0.7	4LD	0	1,380	2,130	2,270	2,270	0	2,430	3,740	3,980	3,980
	BROADWAY	SANIBEL BLVD	4	1.9	4LD	0	1,380	2,130	2,270	2,270	0	2,430	3,740	3,980	3,980
	SANIBEL BLVD	ALICO RD	4	2.2	4LD	0	1,380	2,130	2,270	2,270	0	2,430	3,740	3,980	3,980
	ALICO RD	ISLAND PARK RD	4	1.0	6LD	0	2,130	3,210	3,400	3,400	0	3,730	5,640	5,960	5,960
	ISLAND PARK RD	JAMAICA BAY W.	4	1.6	6LD	0	2,130	3,210	3,400	3,400	0	3,730	5,640	5,960	5,960
	JAMAICA BAY W.	SIX MILE PKWY	4	0.5	6LD	0	2,130	3,210	3,400	3,400	0	3,730	5,640	5,960	5,960
	SIX MILE PKWY	ANDREA LN	4	0.5	6LD	0	0	2,100	2,650	2,810	0	0	4,120	5,200	5,520
	ANDREA LN	DANIELS PKWY	4	0.8	6LD	0	0	2,100	2,650	2,810	0	0	4,120	5,200	5,520
	DANIELS PKWY	COLLEGE PKWY	4	0.7	6LD	0	0	2,100	2,650	2,810	0	0	4,120	5,200	5,520
	COLLEGE PKWY	SOUTH RD	4	1.4	6LD	0	0	2,100	2,650	2,810	0	0	4,120	5,200	5,520
	SOUTH RD	BOY SCOUT RD	4	0.4	6LD	0	0	2,100	2,650	2,810	0	0	4,120	5,200	5,520
	BOY SCOUT RD	NORTH AIRPORT RD	1	0.8	6LD	0	0	2,100	2,650	2,810	0	0	4,120	5,200	5,520
	NORTH AIRPORT RD	COLONIAL BLVD	1	0.2	6LD	0	0	2,100	2,650	2,810	0	0	4,120	5,200	5,520
	FOUNT. INTERC.	NORTH KEY DR	1	0.9	4LB	0	1,050	2,360	2,570	2,600	0	1,570	3,520	3,840	3,870
	NORTH KEY DR	HANCOCK BRIDGE PKWY	2	0.7	4LD	0	1,050	2,360	2,570	2,600	0	1,570	3,520	3,840	3,870
	HANCOCK BRIDGE PKWY	PONDELLA RD	2	0.3	4LD	0	1,050	2,360	2,570	2,600	0	1,570	3,520	3,840	3,870
	PONDELLA RD	SR 78	2	1.3	4LD	0	1,050	2,360	2,570	2,600	0	1,570	3,520	3,840	3,870
	SR 78	LITTLETON RD	2	1.0	4LD	0	1,530	2,070	2,220	2,220	0	2,840	3,830	4,110	4,110
	LITTLETON RD	BUS 41	2	1.3	4LD	0	1,530	2,070	2,220	2,220	0	2,840	3,830	4,110	4,110
	BUS 41	DEL PRADO BLVD	2	0.8	4LD	0	1,530	2,070	2,220	2,220	0	2,840	3,830	4,110	4,110
	DEL PRADO BLVD	TRAIL DAIRY	2	0.8	4LD	0	1,530	2,070	2,220	2,220	0	2,840	3,830	4,110	4,110
	TRAIL DAIRY	CHARLOTTE CO. LINE	2	2.6	4LD	1,020	1,690	2,310	2,740	3,080	1,520	2,530	3,450	4,090	4,600

INTERNAL SERVICES

10/23/00 MON 11:34 FAX 941 479 8386

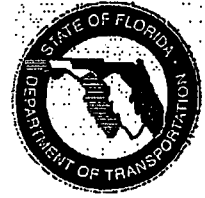
ART-PLAN 4.0

Arterial Level of Service

Based on Chapter 11 of the 1997 Highway Capacity Manual

Florida Department of Transportation

Systems Planning Office - May 2000



U.S. 41

From: **Corkscrew Road**

To: **Sanibel Boulevard**

User Notes: **2020 Background**

Study Period: **PM PEAK**

K Factor: **0.095** D Factor: **0.550** PHF: **0.925** Adj. Sat. Flow Rate: **1,900**

Arterial AADT: **54,958** Posted Speed: **45** mph Section Length: **2.37** mi.

Area Type: **Urbanized**

Arterial Class: **2** Signal Type: **Semiactuated**

Peak Direction

Maximum Service Volume

Level of Service **ERR**

Arterial Speed ****** mph

AADT

PHV

A	B	C	D	E
N/A	37,300	51,500	54,500	54,500
N/A	1,950	2,690	2,850	2,850

From	To	AADT	PHV	% Turns	No Lanes	Cycle Length	g/C	Length (feet)	Arrival Type	Flow Rate	v/c Ratio	Control Delay	Int. LOS	Speed	Link LOS
Corkscrew	Broadway	41951	2192	12	3.0	120	0.44	3900	4	2085	0.83	25.8	C	29.1	B
Broadway	Koreshan	42709	2232	12	3.0	120	0.44	3300	4	2123	0.84	27.1	C	27.1	C
Koreshan	Pine	54958	2872	12	3.0	120	0.44	1950	4	2732	1.08	72.1	E	12.4	F
Pine	San Carlos	54974	2872	12	3.0	120	0.44	3400	4	2732	1.08	70.6	E	17.9	D

Off-Peak Direction

Level of Service **C**

Arterial Speed **25.7** mph

Maximum service volumes are not calculated for the off-peak direction.

From	To	AADT	PHV	% Turns	No Lanes	Cycle Length	g/C	Length (feet)	Arrival Type	Flow Rate	v/c Ratio	Control Delay	Int. LOS	Speed	Link LOS
San Carlos	Pine	54974	2350	12	3.0	120	0.44	3400	3	2236	0.89	33.8	C	25.3	C
Pine	Koreshan	54958	2350	12	3.0	120	0.44	1950	3	2236	0.89	32.8	C	19.9	D
Koreshan	Broadway	42709	1826	12	3.0	120	0.44	3300	3	1737	0.69	27.5	C	27.4	C
Broadway	Corkscrew	41951	1793	12	3.0	120	0.44	3900	3	1706	0.68	27.8	C	28.9	B

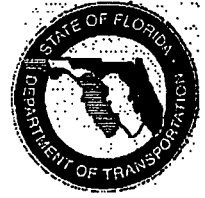
ART-PLAN 4.0

Arterial Level of Service

Based on Chapter 11 of the 1997 Highway Capacity Manual

Florida Department of Transportation

Systems Planning Office - May 2000



U.S. 41

From: **Corkscrew Road**

To: **Sanibel Boulevard**

User Notes: **2020 with Project**

Study Period: **PM PEAK**

K Factor: **0.095** D Factor: **0.550** PHF: **0.925** Adj. Sat. Flow Rate: **1,900**

Arterial AADT: **55,292** Posted Speed: **45** mph Section Length: **2.37** mi.

Area Type: **Urbanized**

Arterial Class: **2**

Signal Type: **Semiactuated**

Peak Direction

Maximum Service Volume

Level of Service **ERR**

Arterial Speed ****** mph

AADT

PHV

A	B	C	D	E
N/A	37,300	51,500	54,500	54,500
N/A	1,950	2,690	2,850	2,850

From	To	AADT	PHV	% Turns	No Lanes	Cycle Length	g/C	Length (feet)	Arrival Type	Flow Rate	v/c Ratio	Control Delay	Int. LOS	Speed	Link LOS
Corkscrew	Broadway	42111	2200	12	3.0	120	0.44	3900	4	2093	0.83	25.8	C	29.1	B
Broadway	Koreshan	42883	2241	12	3.0	120	0.44	3300	4	2132	0.85	27.2	C	27.0	C
Koreshan	Pine	55218	2885	12	3.0	120	0.44	1950	4	2745	1.09	74.1	E	12.2	F
Pine	San Carlos	55292	2889	12	3.0	120	0.44	3400	4	2748	1.09	73.4	E	17.5	D

Off-Peak Direction

Level of Service **C**

Arterial Speed **25.7** mph

Maximum service volumes are not calculated for the off-peak direction.

From	To	AADT	PHV	% Turns	No Lanes	Cycle Length	g/C	Length (feet)	Arrival Type	Flow Rate	v/c Ratio	Control Delay	Int. LOS	Speed	Link LOS
San Carlos	Pine	55292	2364	12	3.0	120	0.44	3400	3	2249	0.89	34.0	C	25.2	C
Pine	Koreshan	55218	2360	12	3.0	120	0.44	1950	3	2245	0.89	32.9	C	19.9	D
Koreshan	Broadway	42883	1834	12	3.0	120	0.44	3300	3	1745	0.69	27.6	C	27.3	C
Broadway	Corkscrew	42111	1800	12	3.0	120	0.44	3900	3	1712	0.68	27.9	C	28.9	B

Q. GRADY MINOR & ASSOCIATES, P.A.

Civil Engineers II Land Surveyors II Planners

LETTER OF TRANSMITTAL

RECEIVED

SEP 26 2002

On Kw

COMMUNITY DEVELOPMENT

CPA 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 Thinner, AICP

cc: A.P. DeSalvo, Trustee



LEE COUNTY
SOUTHWEST FLORIDA

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

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D: 9/26/02

REC'D BY: AKU

APPLICATION FEE: \$2,120.00

TIDEMARK NO: CPL 2002-00002

THE FOLLOWING VERIFIED:

Zoning

AG-2



Commissioner District



03

Designation on FLUM



(To be completed by Planning Staff)

Plan Amendment Cycle:



Normal



Small Scale



DR



Emergency

Request No: _____

APPLICANT PLEASE NOTE:

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

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

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

9-24-02
DATE

A.P. DeSalvo
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

A.P. DeSalvo, Trustee
Estero 60 Acre Land Trust

I. APPLICANT/AGENT/OWNER INFORMATION

Estero 60 Acre Land Trust; A.P. DeSalvo, Trustee
APPLICANT
3960 Via Del Rey
ADDRESS
Bonita Springs Florida 34134
CITY STATE ZIP
(239) 947-6800 (239) 947-3891
TELEPHONE NUMBER FAX NUMBER

D. Wayne Arnold, AICP; Q. Grady Minor & Associates, P.A.
AGENT*
3800 Via Del Rey
ADDRESS
Bonita Springs Florida 34134
CITY STATE ZIP
(239) 947-1144 (239) 947-0375
TELEPHONE NUMBER FAX NUMBER

Estero 60 Acre Land Trust; A.P. DeSalvo, Trustee
OWNER(s) OF RECORD
3960 Via Del Rey
ADDRESS
Bonita Springs Florida 34134
CITY STATE ZIP
(239) 947-6800 (239) 947-3891
TELEPHONE NUMBER FAX NUMBER

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

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

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

A. TYPE: (Check appropriate type)

☐ Text Amendment

☒ Future Land Use Map Series Amendment
(Maps 1 thru 19)

List Number(s) of Map(s) to be amended

Map # 1

B. SUMMARY OF REQUEST (Brief explanation):

Change existing Rural classification to outlying suburban.

Surrounding land use classifications and existing land use densities

are 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: 60.32 ±

Total Acreage included in Request: 60.32 ±

Area of each Existing Future Land Use Category:

Total Uplands: 52.52 ± Acres

Total Wetlands: 7.8 ± Acres

Current Zoning: Ag-2

Current Future Land Use Designation: Rural, wetlands, urban community

Existing Land Use: Vacant

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

Lehigh Acres Commercial Overlay: N/A

Airport Noise Zone 2 or 3: N/A

Acquisition Area: N/A

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

Community Redevelopment Area: N/A

- D. Proposed change for the Subject Property:

Rural to outlying suburban

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density 1.0 du/ac.

Commercial intensity N/A

Industrial intensity N/A

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density 3.0 du/ac

Commercial intensity N/A

Industrial intensity N/A

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	\$500.00 each
Map Amendment > 20 Acres	\$500.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Text Amendment Flat Fee	\$1,250.00 each

AFFIDAVIT

I, A.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.



Signature of owner or owner-authorized agent

9-24-02

Date

A.P. DeSalvo, Trustee
Estero 60 Acre Land Trust

ANDREW P. DESALVO

Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 04TH 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 24th 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**

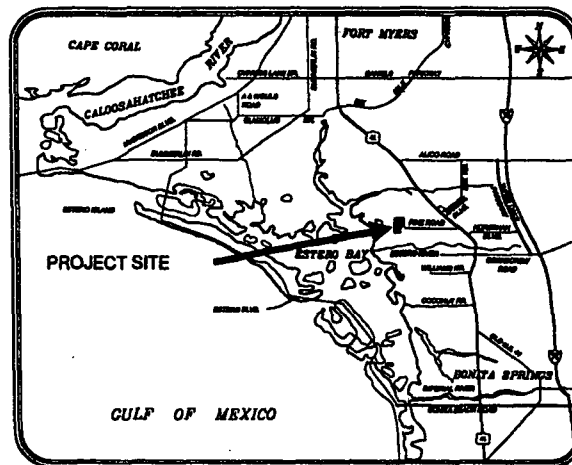
ESTERO 60 ACRE LAND TRUST

COMPREHENSIVE PLAN AMENDMENT

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

OWNER/ DEVELOPER

ESTERO 60 ACRES LAND TRUST
3960 VIA DEL REY
BONITA SPRINGS, FLORIDA 34134



LOCATION MAP

INDEX OF EXHIBITS

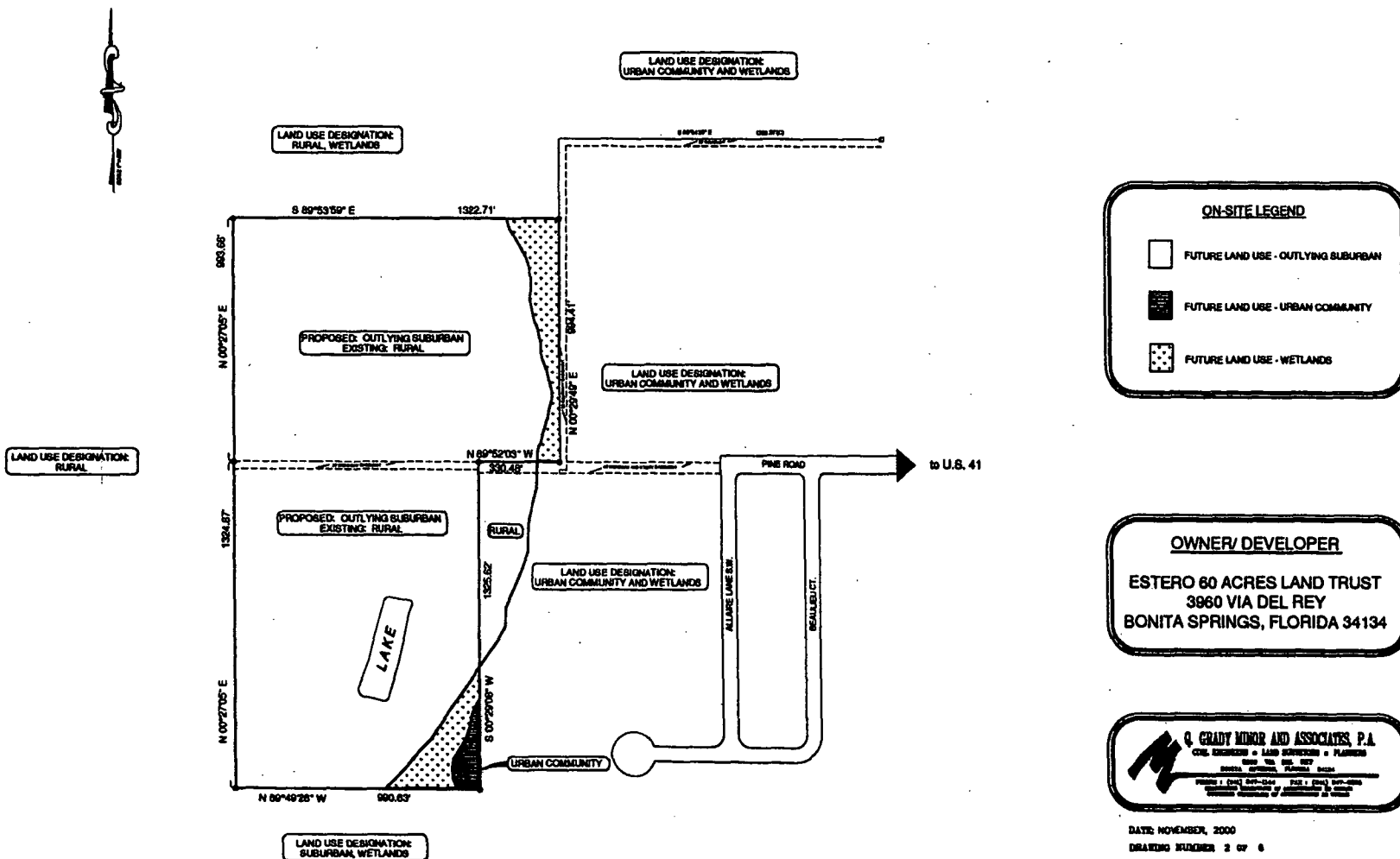
<u>DWG. No.</u>	<u>DESCRIPTION</u>
1	COVER SHEET AND INDEX OF EXHIBITS
2	FUTURE LAND USE MAP PROPOSED
3	EXISTING LAND USE & ZONING MAP
4	SOILS MAP
5	ARCHAEOLOGICAL AND TOPOGRAPHIC MAP
6	WETLAND MAP



DATE: NOVEMBER, 2000
REVISION DATE:
FILE: D08C00V1
DRAWING NUMBER: 1 OF 6

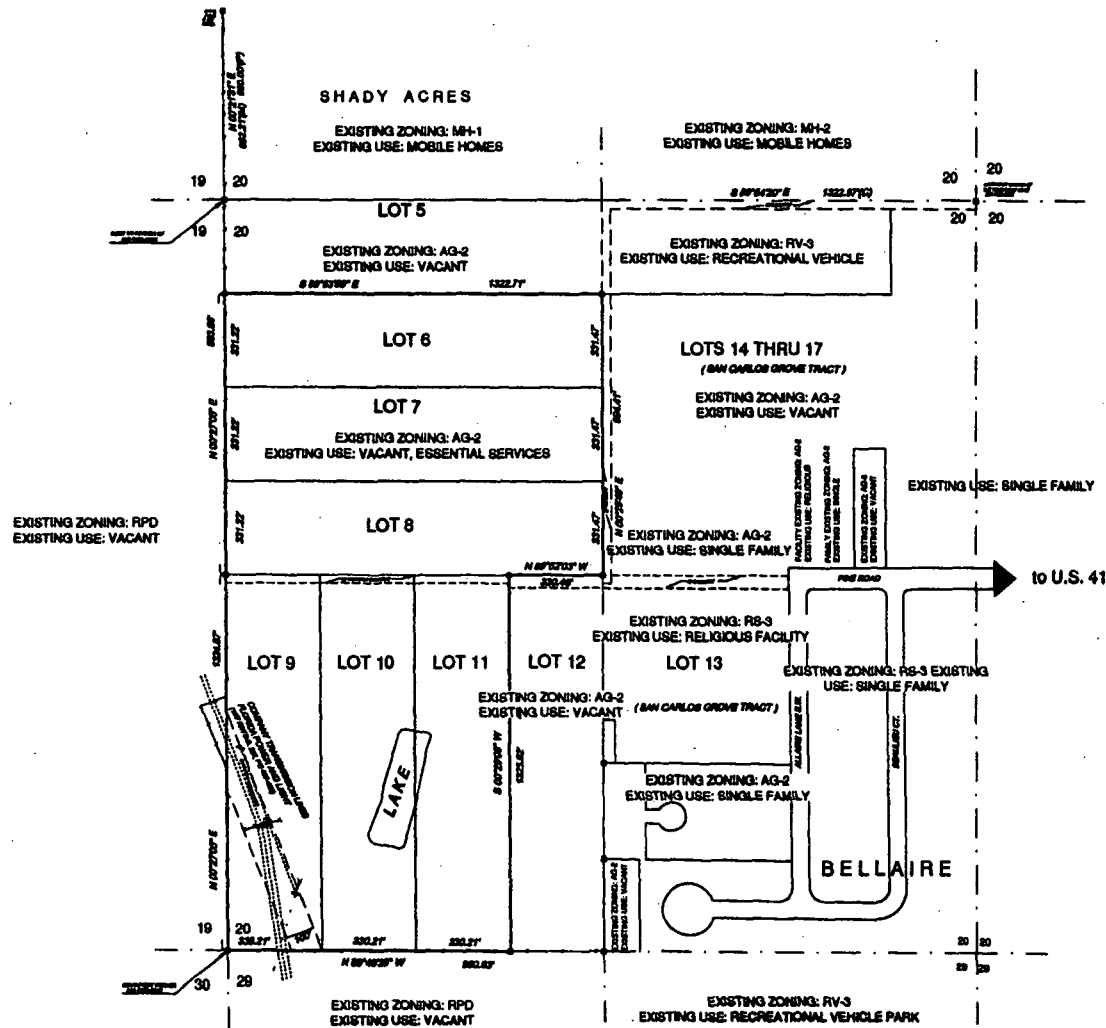
ESTERO 60 ACRE LAND TRUST

FUTURE LAND USE MAP (EXISTING & PROPOSED)



ESTERO 60 ACRE LAND TRUST

EXISTING LAND USE AND ZONING MAP



OWNER/ DEVELOPER

ESTERO 60 ACRES LAND TRUST
3960 VIA DEL REY
BONITA SPRINGS, FLORIDA 34134

G. CRADY MORGAN AND ASSOCIATES, P.A.
CITY ENGINEERS • LAND SURVEYORS • PLANNERS
1000 N. W. 10th Ave., Suite 100
Fort Lauderdale, Florida 33311
Phone: (305) 556-0444 Fax: (305) 556-0444
E-mail: gcm@cradymorgan.com

DATE: NOVEMBER, 2000
DRAWING NUMBER: 3 OF 6
FILE NAME: D000L02A.DWG

ESTERO 60 ACRE LAND TRUST

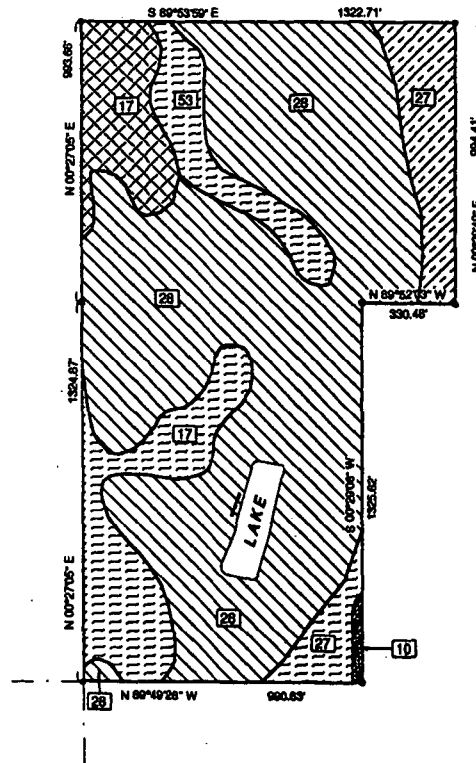
SOILS MAP



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

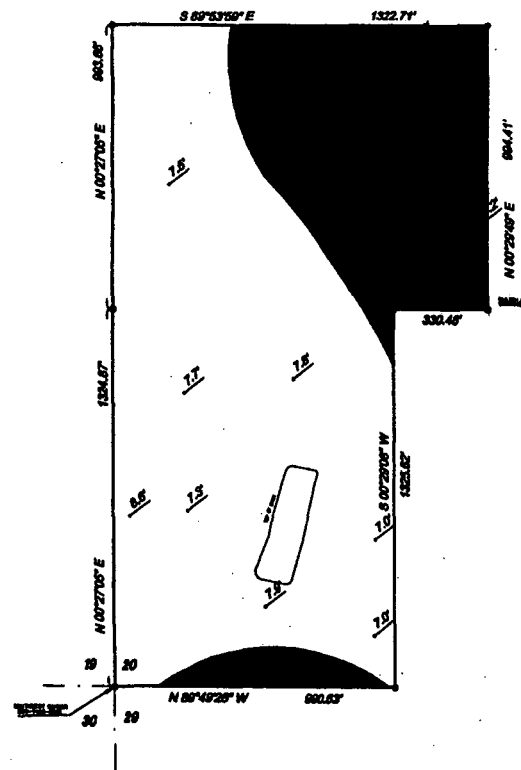
ESTERO 60 ACRES LAND TRUST
3960 VIA DEL REY
BONITA SPRINGS, FLORIDA 34134

Q. GRADY MINOR AND ASSOCIATES, P.A.
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS
1900 N. W. 10th St., 1st Fl.
Fort Lauderdale, Florida 33304
Phone: (305) 557-0444 Fax: (305) 557-0444
E-mail: qminor@qminor.com

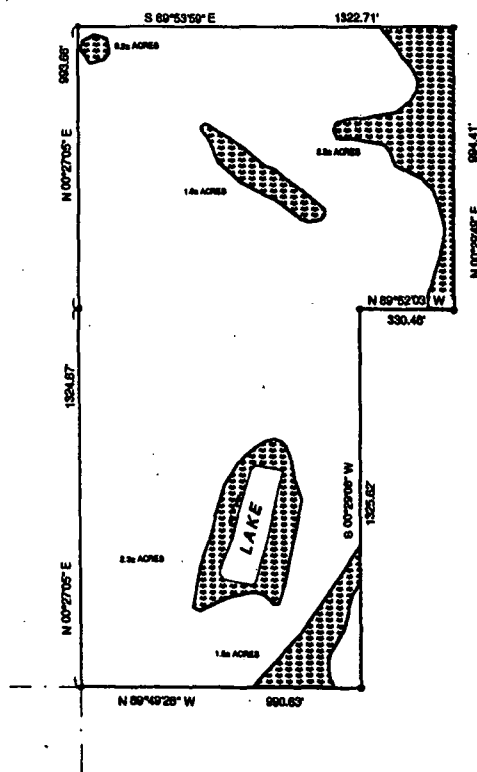
DATE: SEPTEMBER, 2000
DRAWING NUMBER: 4 OF 6
FILE NAME: 060504.DWG

ESTERO 60 ACRE LAND TRUST

ARCHAEOLOGICAL AND TOPOGRAPHIC MAP



ESTERO 60 ACRE LAND TRUST WETLAND MAP



WETLAND DETERMINATION PROVIDED BY :
BOYLAN ENVIRONMENTAL CONSULTANTS, INC.

LEGEND



MELALEUCA WETLAND

OWNER/ DEVELOPER

ESTERO 60 ACRES LAND TRUST
3960 VIA DEL REY
BONITA SPRINGS, FLORIDA 34134



Q. GRADY MINOR AND ASSOCIATES, P.A.
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS
FIRM NO. 007
BONITA SPRINGS, FLORIDA 33435
PHONE : (407) 647-0444 FAX : (407) 647-0444
E-MAIL : GRADY@QMA.COM
WWW.QMA.COM

DATE: NOVEMBER, 2000
DRAWING NUMBER: 8-07-0
FILE NAME: 080621A.DWG

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3572.10 - docs
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4481863

003019 960677

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

Parcel ID Number: 20-46-25-01-00009.0000 WOL
Grantee #1 TIN:
Grantee #2 TIN:

Personal Representative's Deed

This Indenture, is made this 24th 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, Grantor, and
A. P. DeSALVO, 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 6 - 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 easements of record, if
any, and taxes subsequent to 1997.

RECORDED BY
JOANNE MILLER, D.C.

Documentary Tax Pd. : 3572.
Intangible Tax Pd. :
CHARLIE DEER, CLERK, LEE COUNTY
Deputy Clerk

19 OCT -2 PM 3:19

CHARLIE DEER, CLERK
LEE COUNTY, FL

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.
Add 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

Terrell L. Houston
Printed Name: Terrell L. Houston
Witness

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

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

Marneil C. Keller
Notary Public
Lee County, Florida
My Comm. Expires 08/01/00
CNA 600 0723

Marneil C. Keller
Printed Name: Marneil C. Keller
Notary Public

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.

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

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Jiana 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 \pm 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

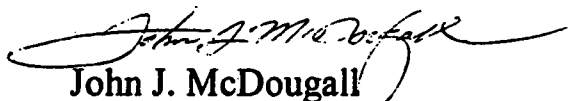
RE: 4800 Pine Road, 60 + Acres
STRAP No. 20-46-25-01-00009.0000

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 Thinnes
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. Thinnes:

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, AICP.
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

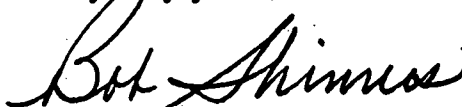
Dear Mr. Bard:

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
	Satinleaf	95+		X	-	20
	Southeastern American Kestrel	95+		X	-	20
	Twisted Air Plant	95+		X	-	20
424	Big Cypress Fox Squirrel	95+		X	-	
424H	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



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
LISTED

Boylan
Environmental
Consultants, Inc.
Field & Wildlife Surveys, Environmental Permitting,
Impact Assessments
11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (941) 418-0671

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

**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

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.

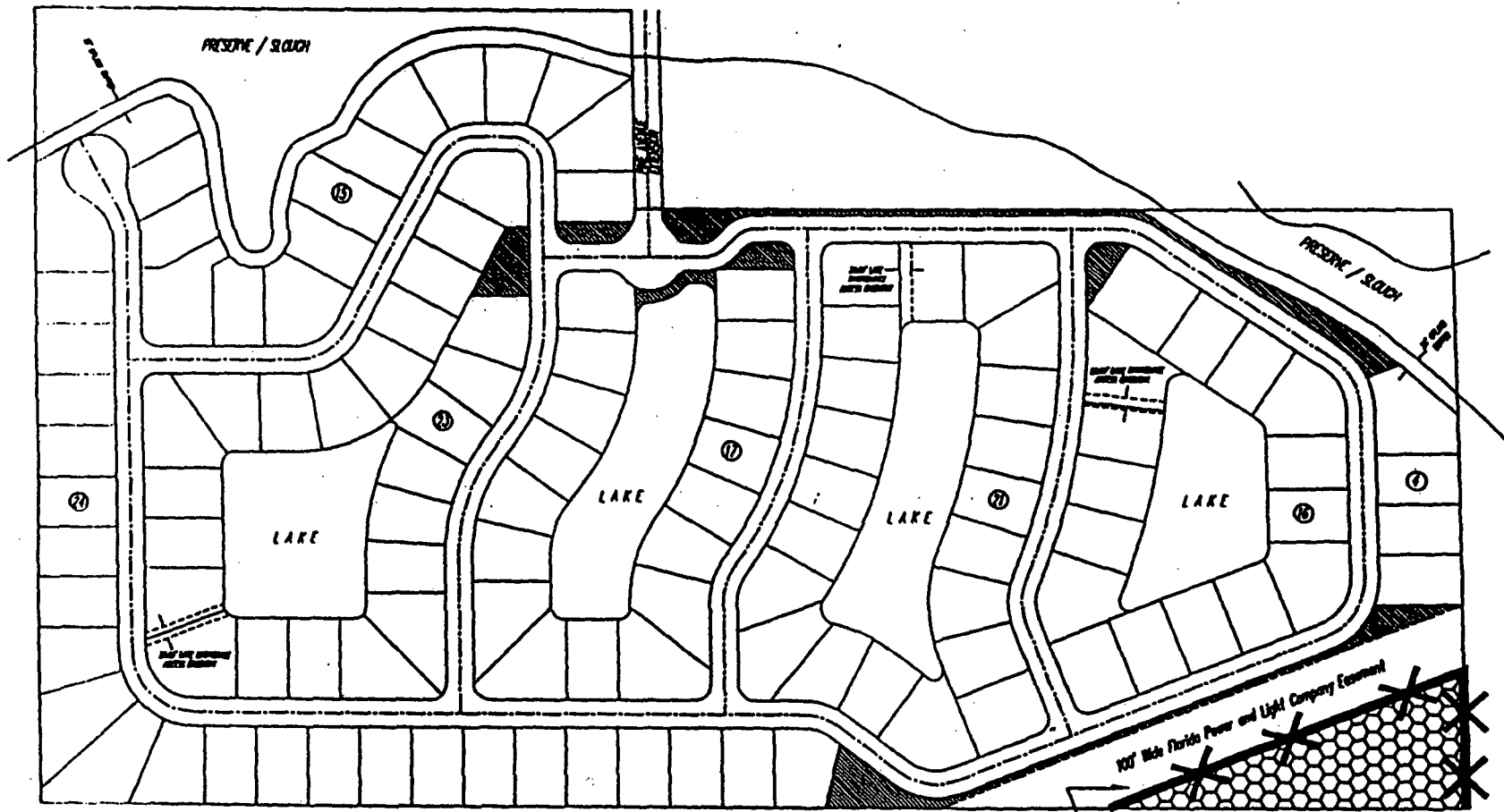
See attached Exhibit 2 for the Eastern Indigo Snake Protection plan.

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 place 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

JOB # 9852
SCALE TORTOISE FENCE
FILE 1"=300'

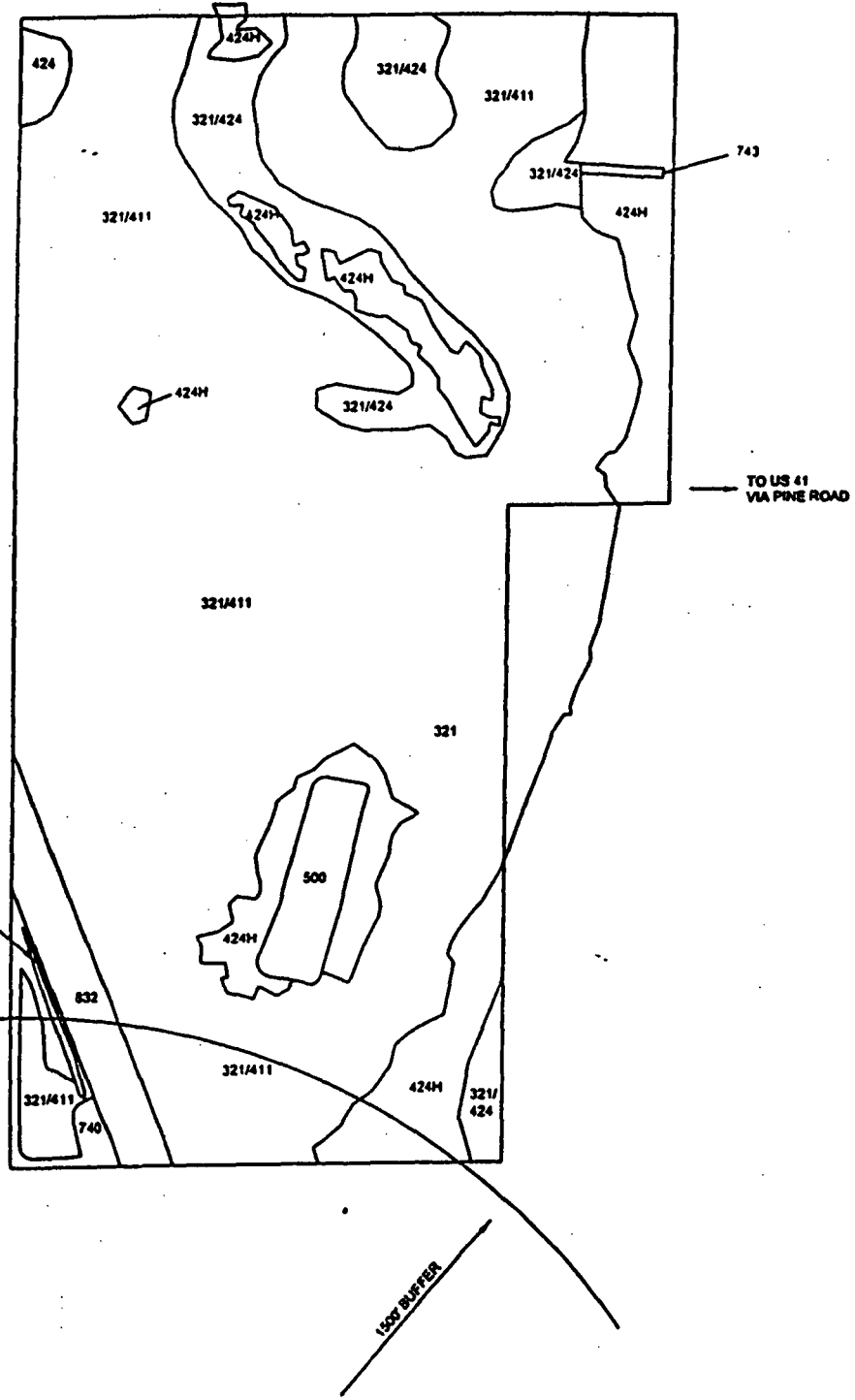
PINE ROAD

COUNTY LEE

Boylan
Environmental
Consultants



APPROXIMATE LOCATION OF EAGLE'S
NEST 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 4 Pi Myria, 33913 (941) 806-71

COUNTY	LEE
SEC	20
TWP	46S
RNG	25E
REVISIONS	
B # 9852	
DATE 12-11-01	
BY EAGLE BUFFER	
OWN BY JOK	
DATE 12-11-01	

PINE ROAD 60
EAGLE BUFFER MAP

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

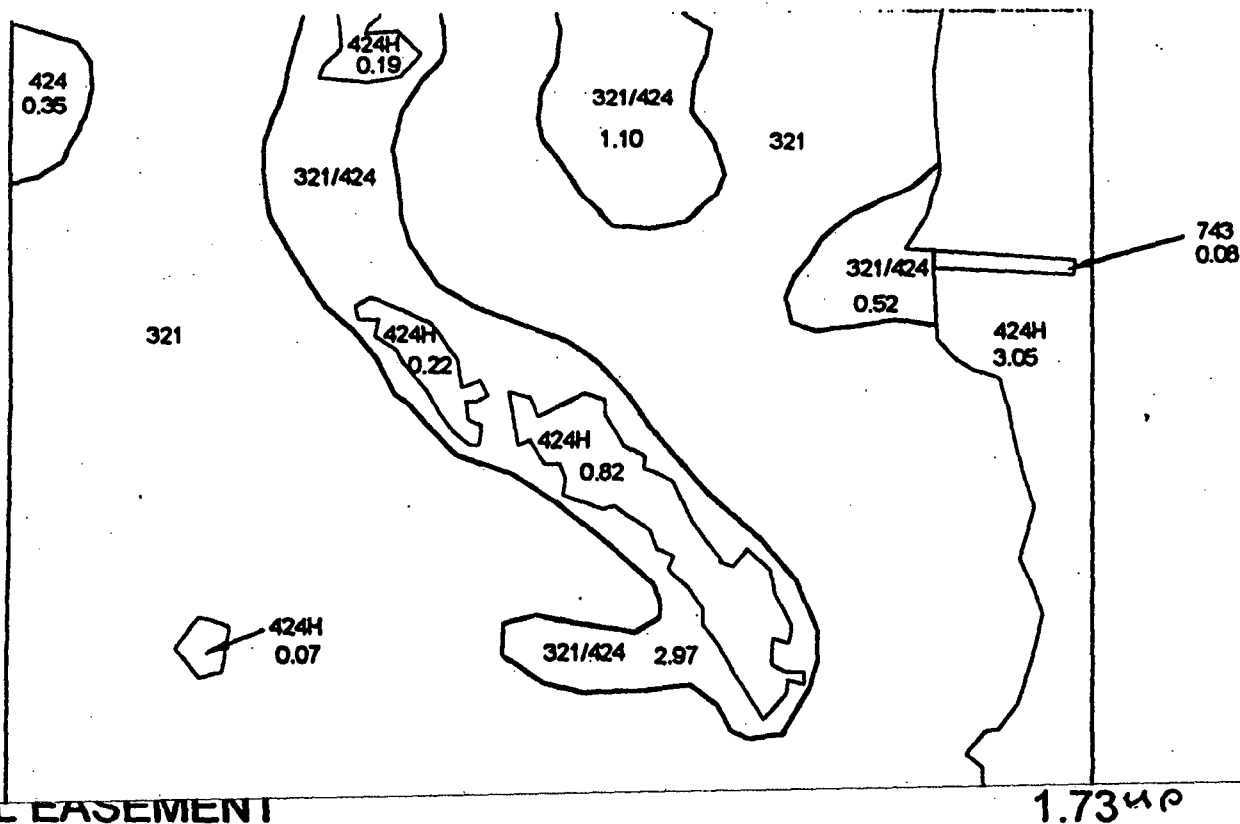
Pine Road 60
S 20 / T 46S / R 25E

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



60.32 ACRES

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,
Impact Assessments*



JOB # 9852
SCALE 1"= 200
FILE GPS WETLANDS2
DRAWN BY JDK
DATE 2-7-01
COUNTY LEE
SEC 30
TWP 48

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.

LEE COUNTY ORDINANCE NO. 03-21
(Caloosahatchee Shores Community Plan)
(CPA2002-04)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2002-04 (PERTAINING TO THE CALOOSAHATCHEE SHORES COMMUNITY PLAN) APPROVED DURING THE COUNTY'S 2002/2003 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

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

WHEREAS, the Lee County Local Planning Agency ("LPA") held public hearings pursuant to Florida Statutes and the Lee County Administrative Code on March 24, April 28, and May 28, 2002; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on June 25, 2003. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2002-04 pertaining to the Caloosahatchee Shores Community Planning effort to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the June 25, 2003 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on September 5, 2003; and,

WHEREAS, at a public hearing on October 23, 2003, the Board moved to adopt the proposed amendment to the Lee Plan adopting the Caloosahatchee Shores Community Plan as more particularly set forth herein.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2002/2003 Regular Comprehensive Plan Amendment Cycle CPA2002-04 Caloosahatchee Shores Community Plan Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2002/2003 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board on October 23, 2003, known as CPA2002-04. CPA2002-04 amends the Plan to incorporate the recommendations of the Caloosahatchee Shores Community

Planning effort by establishing a Goal and subsequent Objectives and Policies specific to the Caloosahatchee Shores Community.

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: GEOGRAPHIC APPLICABILITY

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

SECTION FIVE: SEVERABILITY

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

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

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to

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

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

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

DONE AND ADOPTED this 23rd day of October 2003.

ATTEST:
CHARLIE GREEN, CLERK

BY: Lisa S. Pierce
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: T. R. Juchel
Chairman

DATE: 10/23/03



Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's Office

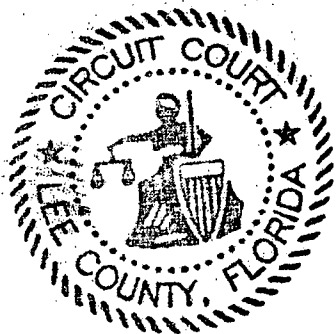
Charlie Green
Clerk of Circuit Court
Lee County, Florida

STATE OF FLORIDA

COUNTY OF LEE

I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby Certify that the above and foregoing, is a true and correct copy of Ordinance No. 03-21, adopted by the Board of Lee County Commissioners, at their meeting held on the 23rd day of October 2003 and same filed in the Clerk's Office.

Given under my hand and seal, at Fort Myers, Florida, this 27th day of October 2003.



CHARLIE GREEN,
Clerk of Circuit Court
Lee County, Florida

By:


Deputy Clerk

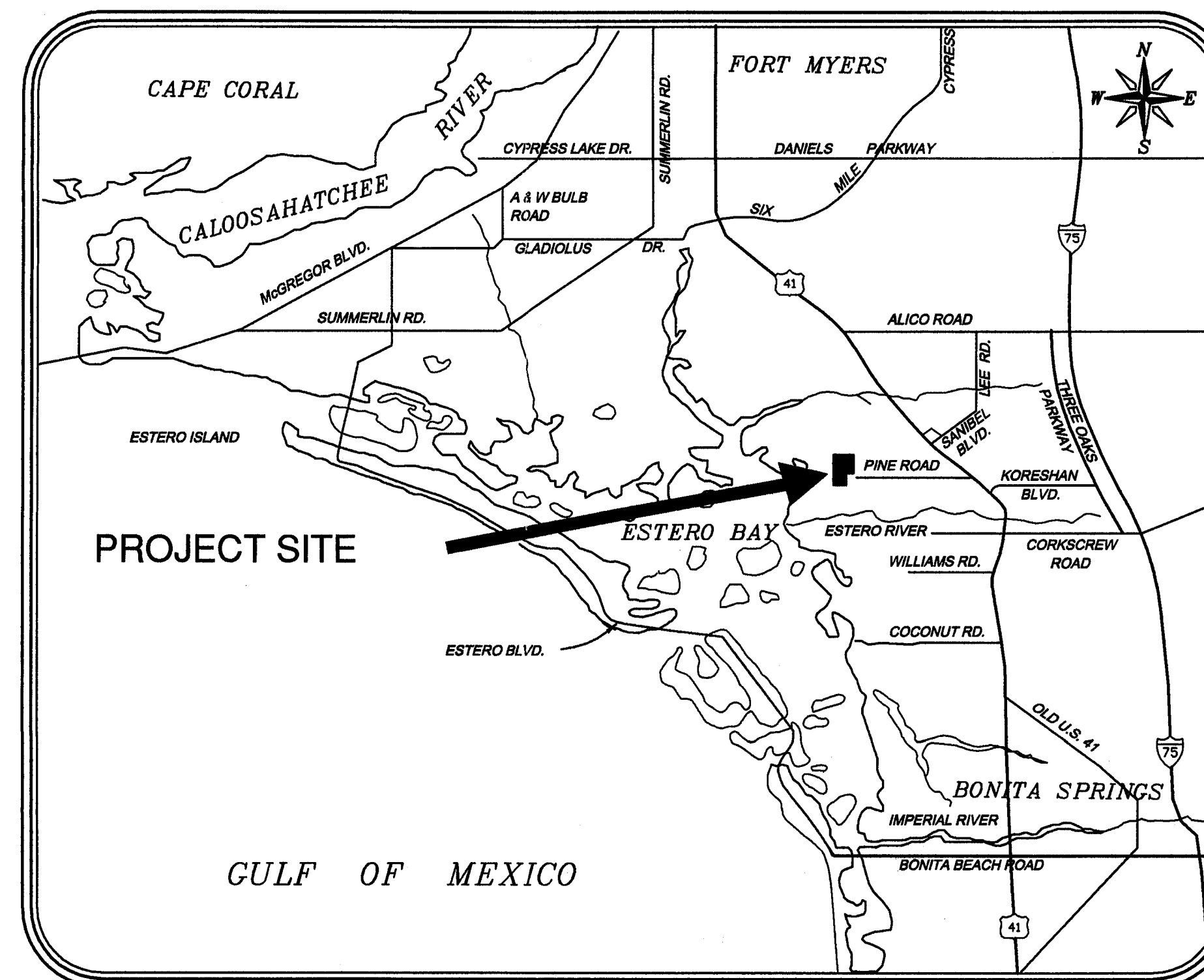
ESTERO 60 ACRE LAND TRUST

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

<u>DWG. No.</u>	<u>DESCRIPTION</u>
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

PHONE : (941) 947-1144 FAX : (941) 947-0375
ENGINEERING CERTIFICATE OF AUTHORIZATION EB 0005151
SURVEYING CERTIFICATE OF AUTHORIZATION LB 0005151

PRINTED

NOV 05 2003

Q. GRADY MINOR & ASSOCIATES, P.A.
CIVIL ENGINEERS - LAND SURVEYORS

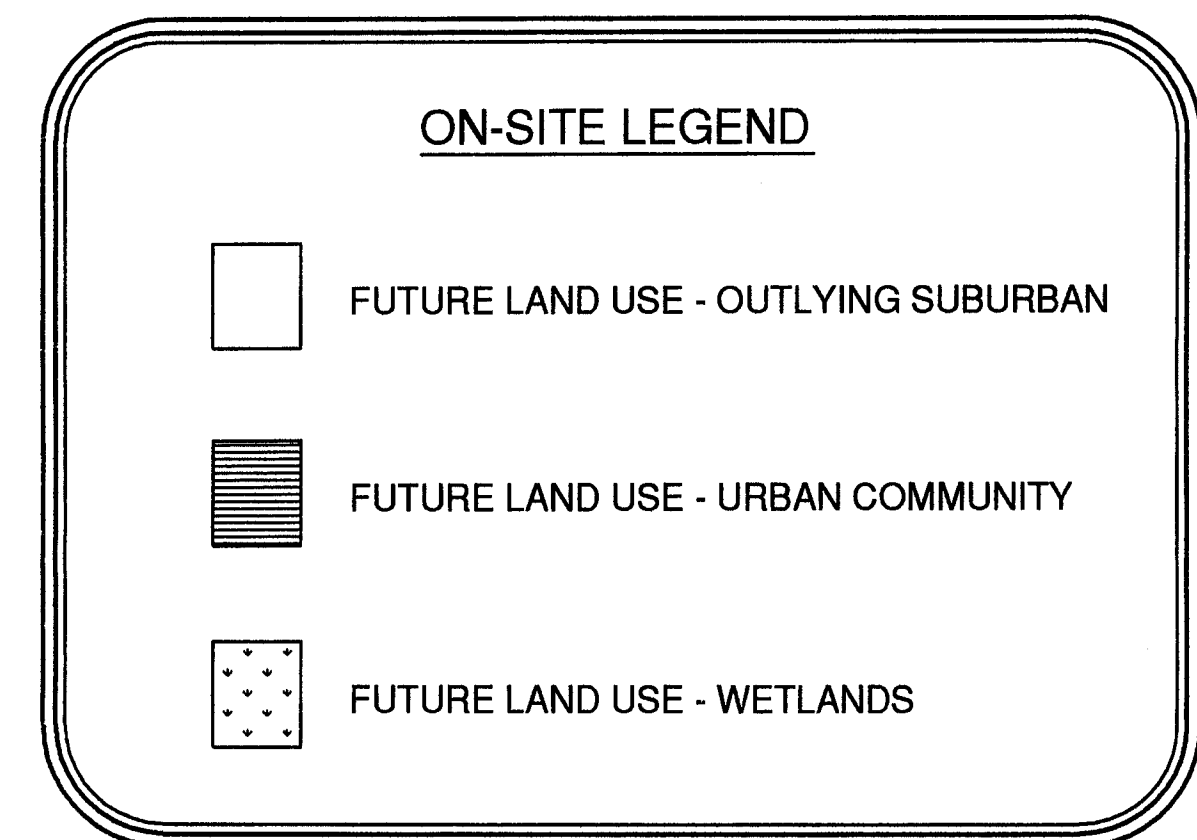
DATE: NOVEMBER, 2000

REVISION DATE :

FILE: D60ECOV

DRAWING NUMBER: 1 OF 6

SCALE 1" = 200'



OWNER/ DEVELOPER

131 GROUP
9167 BRENDAN COURT LAKE
BONITA SPRINGS, FLORIDA 34135

Q. GRADY MINOR AND ASSOCIATES, P.A.
CIVIL ENGINEERS ■ LAND SURVEYORS ■ PLANNERS
3800 VIA DEL REY
BONITA SPRINGS, FLORIDA 34134

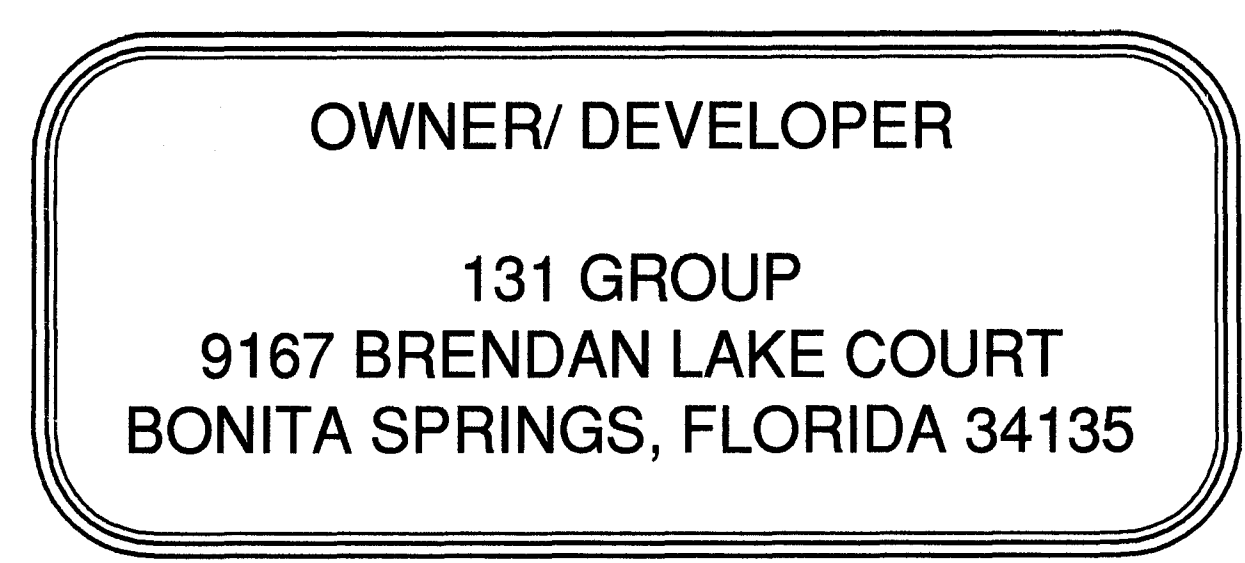
PHONE: (841) 947-1144 FAX: (841) 947-0376
ENGINEERING CERTIFICATE OF AUTHORIZATION LB 00061
SURVEYING CERTIFICATE OF AUTHORIZATION LB 00061

PRINTED
NOV 05 2003

Q. GRADY MINOR & ASSOCIATES, P.A.
CIVIL ENGINEERS • LAND SURVEYORS

DATE: NOVEMBER, 2000
DRAWING NUMBER 2 OF 6
FILE NAME : D60FLUM.DWG

SCALE 1" = 200'



PRINTED
NOV 05 2003
Q. GRADY MINOR & ASSOCIATES, P.A.
CIVIL ENGINEERS • LAND SURVEYORS

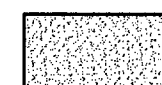

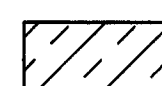
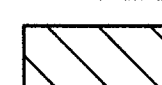
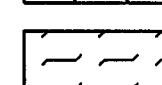
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DRAWING NUMBER 3 OF 6
FILE NAME : D60ELUZH.DWG

ESTERO 60 ACRE LAND TRUST

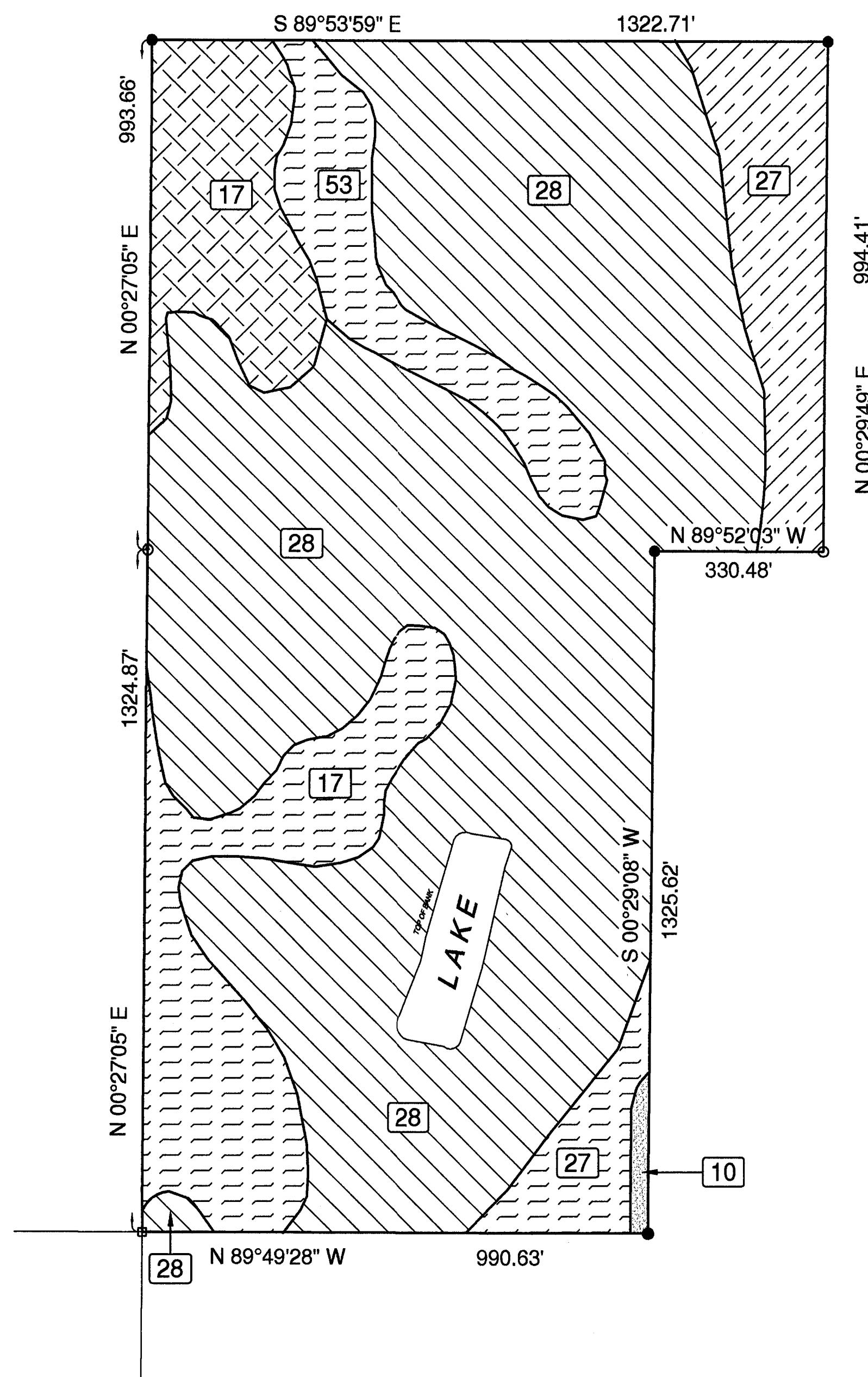
SOILS MAP



SOIL CLASSIFICATION

-  10 - POMPAÑO FINE SAND
-  17 - DAYTONA SAND
-  27 - POMPAÑO 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



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SURVEYING CERTIFICATE OF AUTHORIZATION LB 0006181

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NOV 05 2003
Q. GRADY MINOR & ASSOCIATES, P.A.
CIVIL ENGINEERS • LAND SURVEYORS

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

ESTERO 60 ACRE LAND TRUST

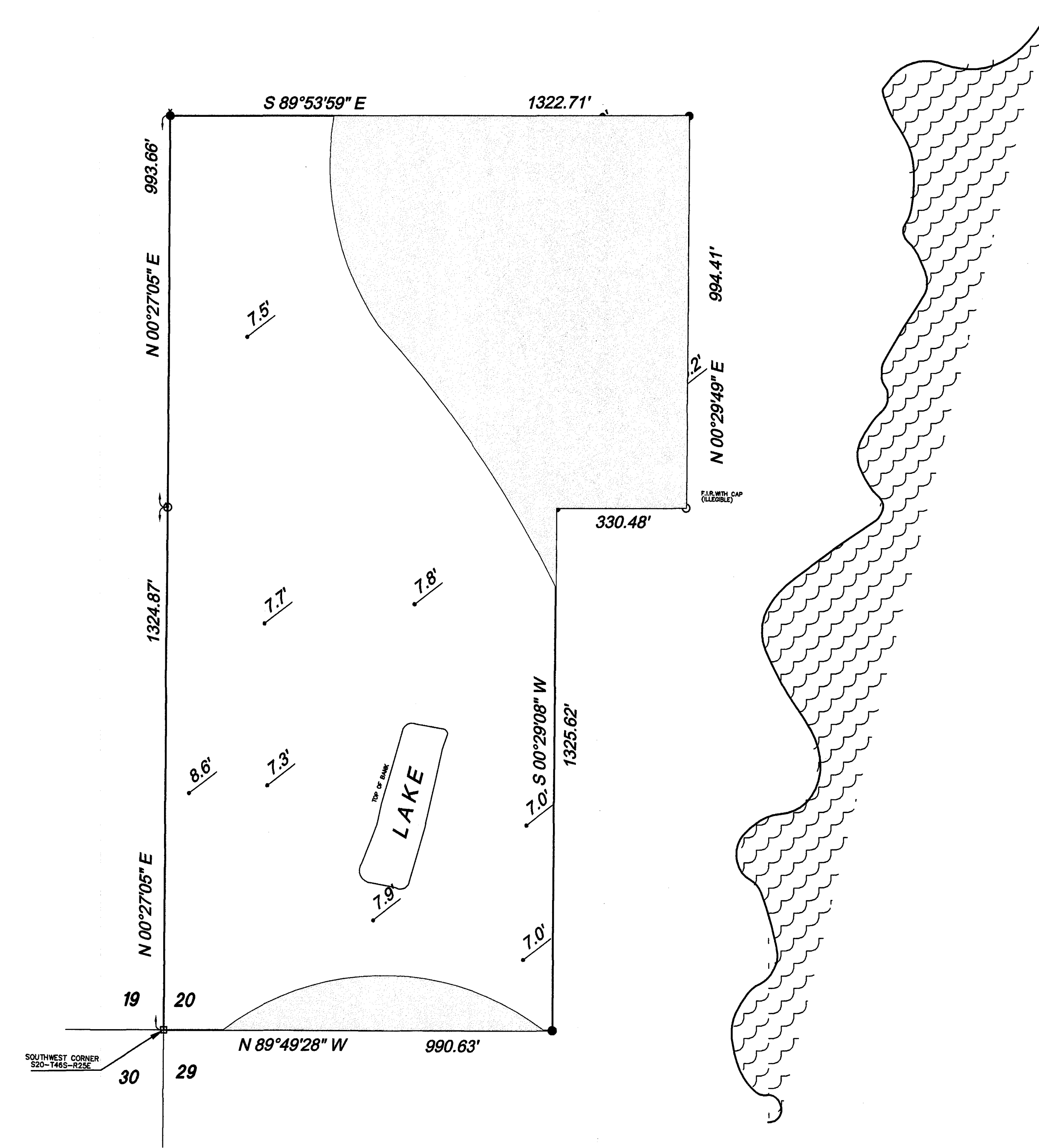
ARCHAEOLOGICAL AND TOPOGRAPHIC MAP



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 0455 B, EFFECTIVE DATE, SEPTEMBER 19, 1984.

OWNER/ DEVELOPER

131 GROUP
9167 BRENDAN LAKE COURT
BONITA SPRINGS, FLORIDA 34135

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SURVEYING CERTIFICATE OF AUTHORIZATION LB 0006151

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NOV 05 2003
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CIVIL ENGINEERS • LAND SURVEYORS

DATE: NOVEMBER, 2000
DRAWING NUMBER 5 OF 6
FILE NAME : D60TOPOM.DWG

SCALE 1" = 200'



MELALEUCA WETLAND

131 GROUP
9167 BRENDAN LAKE COURT
BONITA SPRINGS, FLORIDA 34135

14

Q. GRADY MINOR AND ASSOCIATES, P.A.
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3800 VIA DEL REY
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PHONE : (941) 847-1144 FAX : (941) 847-0375
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NOV 05 2003
Q. GRADY MINOR & ASSOCIATES, P.A.
CIVIL ENGINEERS • LAND SURVEYORS

DATE: NOVEMBER, 2000
DRAWING NUMBER 6 OF 6
FILE NAME : D6OWETM.DWG



LEGEND

AERIAL PHOTOGRAPH DATE: FEBRUARY 1998

OWNER/DEVELOPER

Revision	Date	Description	By	

DESIGNED BY: A.F.H.
DRAWN BY: A.F.H.
APPROVED: D.W.A.
JOB CODE: E60CP
SCALE: 1" = 300'

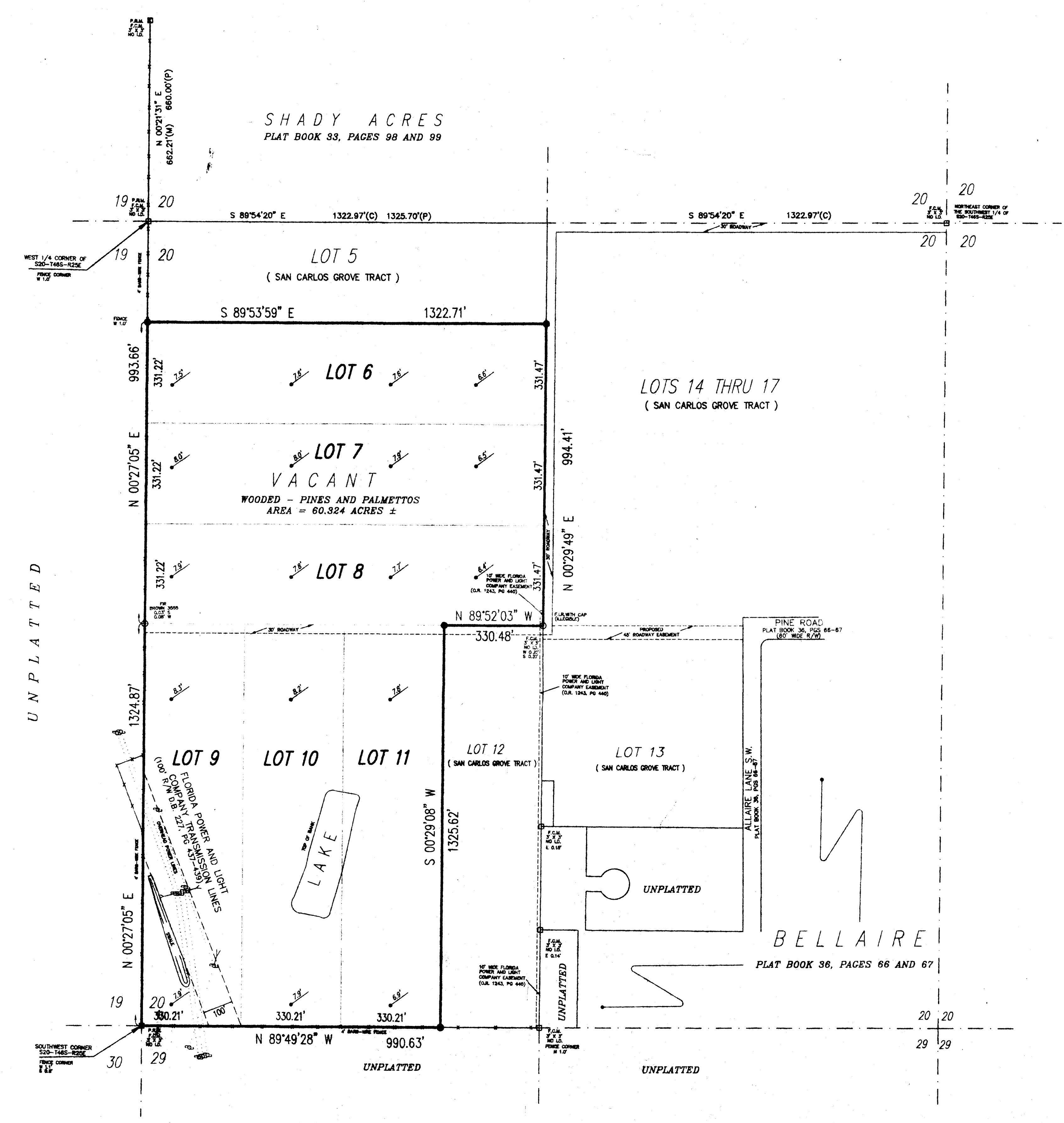
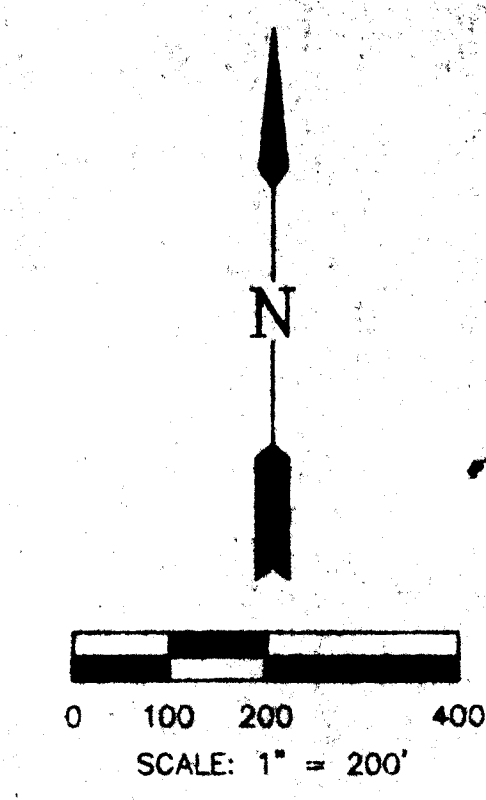


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ENGINEERING CERTIFICATE OF AUTHORIZATION EB 0005151
SURVEYING CERTIFICATE OF AUTHORIZATION LB 0005151

ESTERO 60

ESTERO
SECTION 20, TOWNSHIP 46 S, RANGE 25 E

DATE: APRIL 2003	FILE NAME: D60AER	DRAWING NUMBER 1 OF 1
---------------------	----------------------	-----------------------



- LEGEND**
- P.C.P. PERMANENT CONTROL POINT
 - P.R.M. PERMANENT REFERENCE MONUMENT
 - F.I.R. FOUND IRON ROD
 - S.I.R. SET 5/8" IRON ROD WITH CAP, L.B. #5151
 - F.C.M. FOUND CONCRETE MONUMENT
 - S.C.M. SET 4" X 4" CONCRETE MONUMENT, L.B. #5151
 - C.L.P. CONCRETE LIGHT POLE
 - FND. FOUND
 - S. SECTION
 - T. TOWNSHIP
 - R. RANGE
 - (P) PLAT
 - (M) MEASURED
 - (C) CALCULATED
 - P.B. PLAT BOOK
 - P.G. PAGE
 - W.P.P. WOOD POWER POLE
 - GUY. ANCHOR GUY WIRE
 - R.C.P. REINFORCED CONCRETE PIPE
 - U.T.S. UNITED TELEPHONE SERVICE
 - M/H. MANHOLE
 - F/H. FIRE HYDRANT
 - F.P.L. FLORIDA POWER & LIGHT
 - W/M. WATER METER
 - C.B. CATCH BASIN
 - C.P.P. CONCRETE POWER POLE
 - CATV. CABLE TELEVISION
 - O.R.B. OFFICIAL RECORDS BOOK
 - D.B. DEED BOOK

- PROPERTY DESCRIPTION**
- LOTS 6, 7, 8, 9, 10 AND 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 OF LEE COUNTY, FLORIDA, IN PLAT BOOK 4, PAGE 75, CONTAINING 60.324 ACRES, MORE OR LESS.
- NOTES**
- BEARINGS SHOWN HEREON REFER TO THE SOUTHERLY LINE OF SHADY ACRES, REPLAT OF SAN CARLOS GROVE TRACT, W 1/2 OF LOT 4 PLAT BOOK 33, PAGE 98, AS BEING S 89°54'20" E.
 - THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS AND OR RESTRICTIONS OF RECORD.
 - IMPROVEMENTS OTHER THAN THOSE SHOWN WERE NOT LOCATED.
 - THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 - DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
 - ENVIRONMENTAL CONCERNS, ENDANGERED WILDLIFE AND JURISDICTIONAL WETLANDS, IF ANY, HAVE NOT BEEN SHOWN ON THIS SURVEY.
 - THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE A14, HAVING A BASE FLOOD ELEVATION OF 11.0', PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP # 125124 0455 B, DATED SEPTEMBER 19, 1984.
 - ELEVATIONS REFER TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929. (N.G.V.D. '29)
 - THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
 - THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS, OR FREEDOM OF ENCUMBRANCES.
 - THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF ABSTRACT OF TITLE AND ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.
 - THIS PROPERTY CONTAINS SEVERAL DIRT TRAILS THAT ARE NOT SHOWN ON THIS SURVEY.

CERTIFIED TO:
A.P. DeSALVO, TRUSTEE
RALPH A. RICHARDSON
ATTORNEYS' TITLE INSURANCE FUND, INC.

CERTIFICATION:
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY OF THE HEREON DESCRIBED PROPERTY WAS SURVEYED UNDER MY DIRECTION ON 02/17/99. THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 61G17-8, F.A.C. PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

Q. GRADY MINOR AND ASSOCIATES, P.A.
SIGNED 02/18/99
Eric V. Sandoval
ERIC V. SANDOVAL P.S.M. #5223
STATE OF FLORIDA

FIELD BOOK / PAGE 208/21-22		CREW CHIEF: L.C.	
DRAWN BY: C.D.O.		JOB CODE: D60	
SCALE: 1" = 200'		Q. GRADY MINOR AND ASSOCIATES, P.A. CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS 3600 VIA DEL REY BONITA SPRINGS, FLORIDA 34134 PHONE: (941) 947-1144 FAX: (941) 947-0376 CERTIFICATE OF AUTHORIZATION NUMBER LB 6161	
BOUNDARY AND TOPOGRAPHIC SURVEY SAN CARLOS GROVE TRACT - LOTS 6 THRU 11 PLAT BOOK 4, PAGE 75 SECTION 20, TOWNSHIP 14 SOUTH, RANGE 85 EAST, LEE COUNTY, FLORIDA		DATE: FEBRUARY, 1999 DRAWING NUMBER: C-7041-1	