



CPA2003-00001  
Small Scale Amendment

A request to on a 2.25 acre parcel of land at the SE corner of Summerlin and Pine Ridge Roads to change the existing Industrial Development Future Land Use to Urban Community. The applicant is part of an Industrial Planned Development which was vacated due to inactivity.

The applicant's stated intent is to develop the parcel as a commercial center.

The property is on a major corridor for tourism and commute traffic. There are several industrial uses close to the property including a solid waste transfer station and sewage treatment facility.

The property meets commercial site location standards. Access is available to Summerlin and Pine Ridge Roads.

All necessary infrastructure and public services are existing or readily available to the subject property.

It is staff's opinion that the site is appropriate for commercial development.

Property directly west of the subject property was granted a Future Land Use change from Industrial Development to Urban Community in 2001. That property has since been rezoned to Community Commercial.

The subject parcel has submitted an application to rezone the subject property to Community Commercial. The application's sufficiency status is pending the outcome of this case.

The proposed future land use change, to Urban Community, would theoretically allow up to 22 residential units on the subject property. The property is within the Coastal High Hazard Area of Lee County. Future Land Use changes which allow for additional residential development within the Coastal High Hazard Area, in general, are not supported by staff as they may add unnecessary minutes to evacuation times during a hurricane threat.

Although the applicant has stated his intent to develop with commercial uses, there are no guarantees that development on the site would be commercial. This is a property for which a Future Land Use designation which allows only commercial development would be most appropriate. Staff intends to research the creation of a Commercial Future Land Use during our upcoming EAR process. Staff may recommend that this property be included in such a Commercial designation in the future.

It is important to keep in mind that the overall 2020 allocation for residential development, within the Urban Community designation of the Iona McGregor area, would not be increased by this action.

For now, it is staff's opinion that the property is appropriate for commercial development consistent with the Urban Community designation. We believe that the existing surrounding uses, location at a major intersection, and size of the subject property will dictate commercial development, not residential, on the site.

Staff supports the proposed change to the Future Land Use Map.

To: M. Noble



STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

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

JEB BUSH  
Governor

COLLEEN CASTILLE  
Secretary

May 20, 2003

Mr. Paul O'Connor, AICP  
Director, Division of Planning  
Lee County  
Post Office Box 398  
Fort Myers, Florida 33902-0398

LEE COUNTY  
RECEIVED  
03 MAY 27 AM 9:00  
COMM. DEV./  
PUB. WRKS. CNTR.  
SECOND FLOOR

Dear Mr. O'Connor:

Thank you for submitting copies of the Lee County Small Scale Development Plan Amendment adopted by Ordinance No. 03-12 on May 6, 2003, for our records. The reference number for the amendment is Lee County 03-S1.

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

If you have any questions, please contact me for the DRI and Plan Processing Section at (850)922-1767.

Sincerely,

D. Ray Eubanks, Administrator  
Plan Review and Processing

DRE\dj

cc: David Burr, Executive Director  
Southwest Florida Regional Planning Council

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

CRITICAL STATE CONCERN FIELD OFFICE  
2796 Overseas Highway, Suite 212  
Marathon, FL 33050-2227  
(305) 289-2402

COMMUNITY PLANNING EMERGENCY MANAGEMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-2356

HOUSING & COMMUNITY DEVELOPMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-7956

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



LEE COUNTY  
RECEIVED

03 JUN -2 AM 9:05

FLORIDA DEPARTMENT OF STATE  
Glenda E. Hood  
Secretary of State  
DIVISION OF ELECTIONS  
COMM. DEV/  
PUB. WRKS. CNTR.  
SECOND FLOOR

HISTORIC PRESERVATION BOARDS  
Historic Florida Keys Preservation Board  
Historic Palm Beach County Preservation Board  
Historic Pensacola Preservation Board  
Historic St. Augustine Preservation Board  
Historic Tallahassee Preservation Board  
Historic Tampa/Hillsborough County  
Preservation Board  
RINGLING MUSEUM OF ART

May 13, 2003

Honorable Charlie Green  
Clerk of Circuit Court  
Lee County  
Post Office Box 2469  
Ft. Myers, Florida 33902-2469

Attention: Ruth Frymier, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 9, 2003 and certified copy of Lee County Ordinance No. 03-12, which was filed in this office on May 12, 2003.

Sincerely,

*Liz Cloud* ak

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mp

RECEIVED  
MINUTES OFFICE  
2003 MAY 15 AM 11:09  
RECEIVED BY  
LEE CO. ATTORNEY  
03 MAY 15 PM 12:12

CRA 2003-01  
**FILE**

LEE COUNTY ORDINANCE NO. 03-12  
(Small Scale Amendment 2.25-Acre Parcel from  
Industrial Development to Urban Community)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT SMALL SCALE AMENDMENT CPA 2003-01 (PERTAINING TO THE DESIGNATION OF A 2.25-ACRE PARCEL FROM INDUSTRIAL DEVELOPMENT TO THE URBAN COMMUNITY FUTURE LAND USE CATEGORY) APPROVED DURING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT EFFORT; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES, MAP 1; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

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

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for private individuals to request amendment to the Future Land Use Map through a small scale amendment public hearing process; and,

WHEREAS, the Board held a public hearing for the adoption the proposed amendment on May 6, 2003. At that hearing, the Board approved a motion to adopt proposed amendment CPA2003-01 pertaining to the re-designation of a 2.25-acre parcel from Industrial Development to Urban Community on the Future Land Use Map Series, Map 1. The subject parcel is located southeast of the Summerlin Road and Pine Ridge Road intersection.

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

## Comprehensive Plan Citizen Courtesy Information List

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

Lee County

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

5/6/03

Type Hearing: \_\_\_\_\_

Transmittal (Proposed) <sup>CPA</sup> 2001-03    
  Adoption <sup>CPA</sup> 2003-01    
  Local Planning Agency

DCA Amendment Number: \_\_\_\_\_

**Please Print Clearly**

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

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

TRANSMITTAL OF ADOPTED SMALL-SCALE COMPREHENSIVE PLAN  
AMENDMENT CPA2003-01

Table of Contents

- 1) Submittal Letter
- 2) Exhibit 1 - Copy of the executed ordinance adopting the small-scale amendment
- 3) Exhibit 2 - Future Land Use Map depicting new designation
- 4) Exhibit 3 - Copy of the public notice for the LPA hearing and the BoCC adoption hearing
- 5) Supporting information relative to the amendment:
  - a) Staff report for CPA2003-01
  - b) Attachment 1 - Copy of the small-scale application
  - c) Attachment 2 through 11 - back up documentation to staff report
- 6) Form RPM-BSP-Small Scale-1



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: Phone (239)479-8585  
Fax (239)479-8319

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

May 14, 2003

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

Re: Small-Scale Amendment to the Lee Plan  
Adopted Amendment Package for CPA 2001-08

Dear Mr. Eubank:

In accordance with the provisions of Section 163.3187(1)(c), F.S. and of 9J-11.015, this submission package constitutes the adopted small-scale amendment to the Lee Plan, known as CPA 2003-01. The adoption hearing for this plan amendment was held on May 6, 2003. This is the first small-scale amendment adopted in the 2003 calendar year, making the "cumulative total number of acres" for small-scale amendments adopted in the 2003 calendar year approximately 2.25 acres.

Included with this package, Per 9J-11.015, is one copy of the executed ordinance adopting the small-scale amendment, a Future Land Use Map depicting the newly adopted designation, a copy of the public notice of the adoption hearing, supporting data including the application and staff report, and form RPM-BSP-Small Scale-1. By copy of this letter and its attachments I certify that this amendment has been sent to the Regional Planning Council as well as all other required agencies.

Sincerely,

Paul O'Connor, AICP  
Director, Division of Planning  
Department of Community Development

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

David Burr  
Executive Director  
Southwest Florida Regional Planning Council

Mike Rippe, District Director  
South West Area Office  
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. 03-12  
(Small Scale Amendment 2.25-Acre Parcel from  
Industrial Development to Urban Community)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT SMALL SCALE AMENDMENT CPA 2003-01 (PERTAINING TO THE DESIGNATION OF A 2.25-ACRE PARCEL FROM INDUSTRIAL DEVELOPMENT TO THE URBAN COMMUNITY FUTURE LAND USE CATEGORY) APPROVED DURING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT EFFORT; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES, MAP 1; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

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

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for private individuals to request amendment to the Future Land Use Map through a small scale amendment public hearing process; and,

WHEREAS, the Board held a public hearing for the adoption the proposed amendment on May 6, 2003. At that hearing, the Board approved a motion to adopt proposed amendment CPA2003-01 pertaining to the re-designation of a 2.25-acre parcel from Industrial Development to Urban Community on the Future Land Use Map Series, Map 1. The subject parcel is located southeast of the Summerlin Road and Pine Ridge Road intersection.

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

## SECTION ONE: PURPOSE, INTENT, AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a public hearing to review a proposed amendment to the Future Land Use Map Series of the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Lee Plan discussed at that meeting and later approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continued to be the "Lee Plan." This amending ordinance may be referred to as the "2003 Small Scale Amendment Cycle CPA 2003-01, redesignation of 2.25-acre parcel located southeast of the Summerlin and Pine Ridge Roads Intersection Ordinance."

## SECTION TWO: ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN FUTURE LAND USE MAPS SERIES, MAP 1

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment to the Future Land Use Map Series, Map 1, by changing the designation of a 2.25-acre parcel from the Industrial Development to the Urban Community Future Land Use category. The subject parcel is located southeast of the Summerlin and Pine Ridge Roads intersection.

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

## SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

## SECTION FOUR: GEOGRAPHIC APPLICABILITY

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

#### SECTION FIVE: SEVERABILITY

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

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

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

#### SECTION SEVEN: EFFECTIVE DATE

The plan amendment adopted herein is 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 Coy, who moved its adoption. The motion was seconded by Commissioner St. Cerny, and, when put to a vote, the vote was as follows:

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

DONE AND ADOPTED this 6<sup>th</sup> of May 2003.

ATTEST:  
CHARLIE GREEN, CLERK

BY: *Lisa S. Purse*  
Deputy Clerk

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: *Ray Judah*  
Chairman

DATE: 5/6/03

Approved as to form by:

*Donna Marie Collins*  
Donna Marie Collins  
County Attorney's Office



# Adopted Lee Plan Future Land Use Map CPA 2003-01

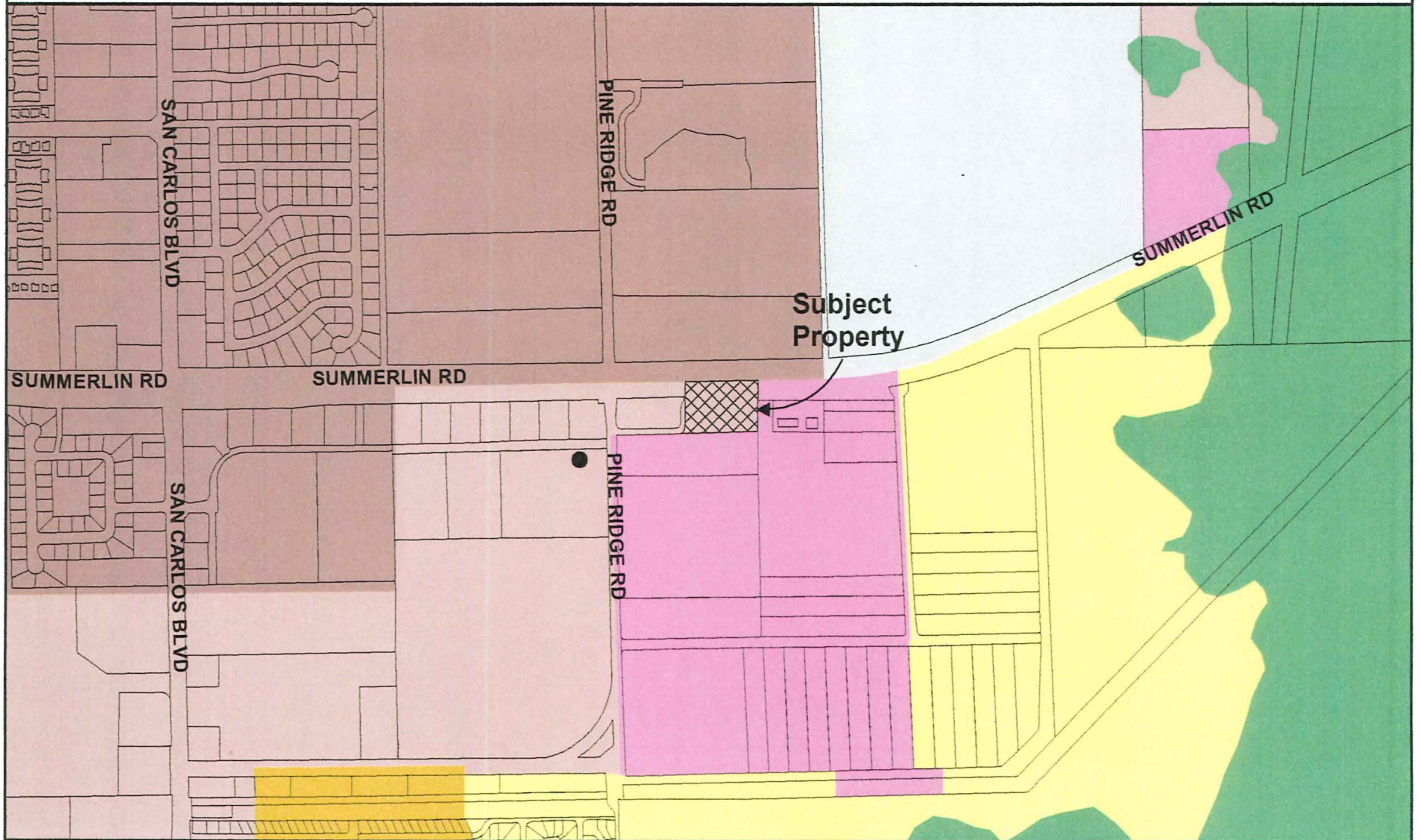


### FUTURE URBAN AREAS

- Central Urban
- Urban Community
- Suburban
- Outlying Suburban
- Industrial Development
- Public Facilities

### ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)

- Wetlands; Wetlands



**NEWS-PRESS**

*Published every morning - Daily and Sunday  
Fort Myers, Florida*

**Affidavit of Publication**

STATE OF FLORIDA  
COUNTY OF LEE

Before the undersigned authority, personally appeared  
**Kieanna Henry**  
who on oath says that he/she is the  
**Asst. Legal Clerk** of the News-Press, a daily newspaper,  
published at Fort Myers, in Lee County, Florida; that the  
attached copy of advertisement, being a  
**Display**  
In the matter of **CPA 2001-03**  
in the \_\_\_\_\_ Court  
was published in said newspaper in the issues of  
**April 28, 2003**

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

*Kieanna Henry*

Sworn to and subscribed before me this

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

**Kieanna Henry**  
personally known to me or who has produced

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

Notary Public *Brenda Leighton*

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

My commission Expires:



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

RECEIVED  
LEE COUNTY  
03 APR 29 AM 11:40  
COMM. DEV.  
PUB. WRKS. CNTR.  
SECOND FLOOR

# NOTICE OF PROPOSED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN

On May 6, 2003, the Lee County Board of Commissioners will hold a public hearing to consider amending the Lee County Comprehensive Land Use Plan (Lee Plan). The hearing will be held in the Board of County Commissioners Hearing Chambers in the renovated Courthouse at 2120 Main Street in downtown Fort Myers. The hearing will commence at 1:30 p.m. The nature of the proposed Lee Plan amendment is to:

- 1) Change the Future Land Use Map designation, as well as the Planning Community designation of a 25.43-acre parcel of land located within the Miromar Lakes Development of Regional Impact. Sponsor: Miromar Lakes LLC
- 2) Change the Future Land Use Map designation of a 2.25-acre parcel in the vicinity of Summerlin and Pine Ridge Roads. Sponsor: Donald Lucas.

At the conclusion of the hearing, the Board will vote to transmit, transmit with specific modifications, or not transmit proposed amendment number 1 to the Florida Department of Community Affairs (DCA). The Board will vote to adopt, adopt with specific modifications, or not adopt proposed amendment number 2 through the adoption of the following ordinance:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN", AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT SMALL SCALE AMENDMENT CPA 2003-01 (PERTAINING TO THE DESIGNATION OF A 2.25-ACRE PARCEL FROM INDUSTRIAL DEVELOPMENT TO THE URBAN COMMUNITY FUTURE LAND USE CATEGORY) APPROVED DURING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT EFFORT; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES, MAP 1; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVNER'S ERRORS, AND AN EFFECTIVE DATE.

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

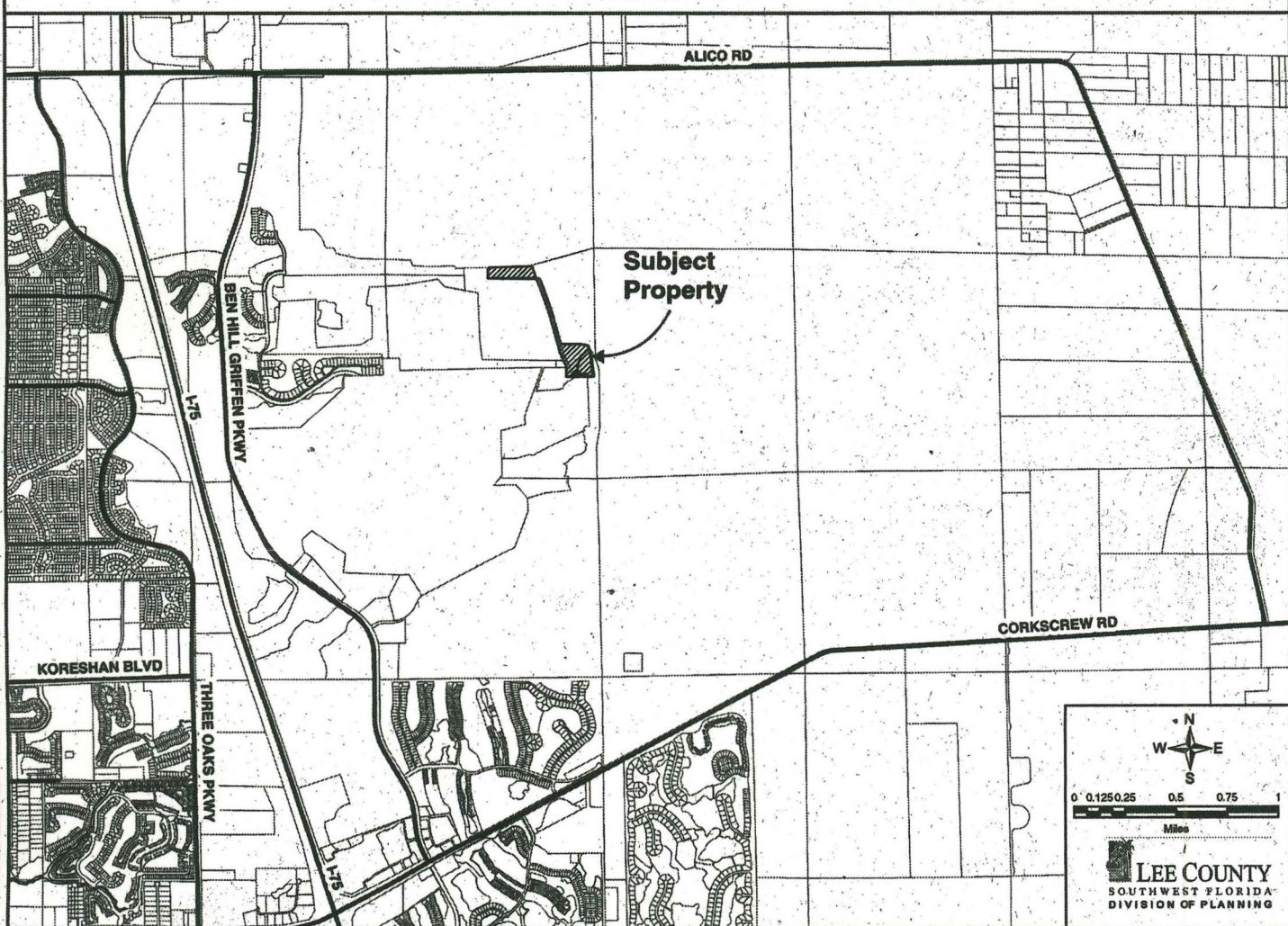
This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to the proposed amendment to the Lee Plan. Pursuant to Florida Statutes, persons participating in the Comprehensive Plan Amendment process, who provide their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

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

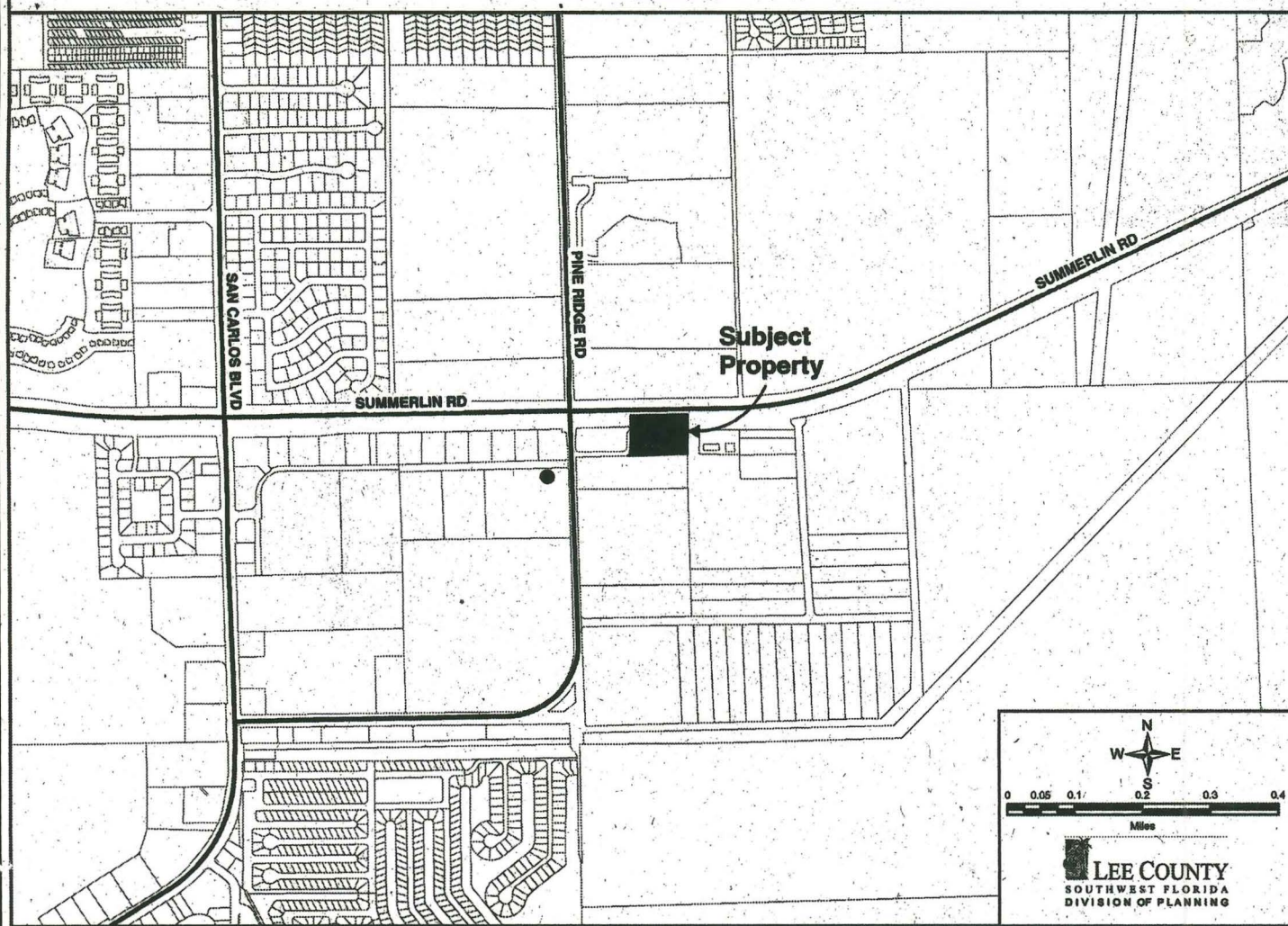
May 6, 2003  
1:30 p.m.  
AGENDA

1. Call to order, certification of Affidavit of Publication by County Attorney.
2. Lee Plan Amendment proposed for transmittal to DCA:  
CPA2001-03 - Amend the Future Land Use Map Series, Map 1, by changing the designation of a 25.43-acre parcel from Density Reduction/Ground Water Resource to University Community and Wetlands. In addition, amend Map 16, Planning Communities, to remove the 25.43-acre parcel from the Southeast County Planning Community and include it in the San Carlos Park Planning Community.
3. Lee Plan Amendment proposed for adoption by Board of County Commissioners:  
CPA 2003-01 Amend Future Land Use Map Series, Map 1, by changing designation of a 2.25-acre parcel from Industrial Development to Urban Community. The subject parcel is located on the south side of Summerlin Road, just east of Pine Ridge Road in Section 8, Township 46 South, Range 24 East.
4. Adjourn

## Lee Plan Future Land Use Map Amendment CPA 2001-03



## Lee Plan Future Land Use Map Amendment CPA 2003-01



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

STATE OF FLORIDA  
COUNTY OF LEE

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

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

*Kieanna Henry*

Sworn to and subscribed before me this

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

**Kieanna Henry**  
personally known to me or who has produced

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

Notary Public *Brenda Leighton*

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

My commission Expires:



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

RECEIVED  
LEE COUNTY  
APR 17 AM 9:00  
COMM. DEV.  
WORKS. CNTR.  
SECOND FLOOR

**MEETING NOTICE**  
**LEE COUNTY**  
**SOUTHWEST FLORIDA**  
**LOCAL PLANNING AGENCY**  
**PUBLIC HEARING**

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

**AGENDA**

1. Call to Order; Certification of Affidavit of Publication
2. Pledge of Allegiance
3. Public Forum
4. Approval of Minutes from February 24, 2003
5. Small Scale Plan Amendment Review:
  - A. CPA2003-01 - Amend the Future Land Use Map series for a specified 2.25 acre parcel of land located in Section 8, Township 46 South, Range 24 East to change the classification shown on Map 1, The Future Land Use Map, from "Industrial Development" to "Urban Community."
6. 2002/2003 Regular Round Plan Amendment Review
  - A. CPA2002-02 - Amend the Future Land Use Map series for a portion of a specified parcel of land located in Section 20, Township 46 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Outlying Suburban." Amend Lee Plan Policy 1.1.6 by limiting the density in the reclassified area to 2 dwelling units per acre. Also, amend Table 1(a), Note 6 to require central sewer service for development in the subject property.
  - B. CPA2002-04 - Amend the Future Land Use Element of the Lee Plan, text and Future Land Use Map series to incorporate the recommendations of the Caloosahatchee Shores Community Planning effort, establish a new Goal, Vision Statement and subsequent Objectives and Policies.
  - C. CPA2002-11 - Amend Goal 17, Buckingham, of the Future Land Use Element by adding language that allows water lines to be extended to serve the Buckingham Rural Community Preserve on a voluntary basis, with costs of extension to be paid by the petitioner. Amend Map 6, Future Water Service Areas, to show all of the Buckingham Rural Community Preserve to be within the Future Water Service Areas of the County. Amend Map 7, Future Sewer Service Areas, to add certain public facility sites to the Future Sanitary Sewer Service Areas that have existing sewer service from Lee County Utilities or have an interlocal agreement with the City of Fort Myers for sewer service.
7. Update on Lee County's Evaluation and Appraisal Report process.
8. Communication Tower Master Plan and Ordinance  
AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE (LDC) TO AMEND CHAPTER 34 (ZONING); AMENDING THE DEFINITION OF "COMMUNICATION TOWER" (§34-2); FUNCTIONS AND AUTHORITY (BOARD OF COUNTY COMMISSIONERS) (§34-83); REHEARING OF DECISIONS (§34-84); FUNCTIONS AND AUTHORITY (HEARING EXAMINER) (§34-145); FINAL DECISION; JUDICIAL REVIEW (§34-146); ADDITIONAL REQUIREMENTS FOR APPLICATIONS REQUIRING PUBLIC HEARING (§34-203); AMENDING USE ACTIVITY GROUPS - ESSENTIAL SERVICE FACILITIES (§34-622); AMENDING USE REGULATIONS TABLE FOR AGRICULTURAL DISTRICTS (§34-653); FOR ONE- AND TWO-FAMILY RESIDENTIAL DISTRICTS (§34-694); FOR MULTIPLE-FAMILY RESIDENTIAL DISTRICTS (§34-714); FOR MOBILE HOME DISTRICTS (§34-735); FOR RECREATIONAL VEHICLE DISTRICTS (§34-791); FOR COMMUNITY FACILITIES DISTRICTS (§34-813); FOR CONVENTIONAL COMMERCIAL DISTRICTS (§34-843); FOR MARINE-ORIENTED DISTRICTS (§34-873); FOR INDUSTRIAL DISTRICTS (§34-903); FOR PLANNED DEVELOPMENT DISTRICTS (§34-934); AMENDING PRIVATE RECREATIONAL FACILITIES PLANNED DEVELOPMENTS (§34-941); AMENDING MODIFIED LAND DEVELOPMENT REGULATIONS, MASTER SITE PLAN - THE NORTH TAMiami REDEVELOPMENT OVERLAY DISTRICT (§34-1124) REPEALING AND REPLACING SATELLITE DISHES AND AMATEUR RADIO ANTENNA/TOWERS (§34-1175) AND CREATING A NEW SECTION ENTITLED: SATELLITE EARTH STATIONS AND AMATEUR RADIO ANTENNAS, THAT PROVIDES FOR PURPOSE, APPLICABILITY, DEFINITIONS AND PROPERTY DEVELOPMENT REGULATIONS (§34-1175); REPEALING AND REPLACING ARTICLE VII, DIVISION 11, COMMUNICATION TOWERS IN ITS ENTIRETY (§§34-1441 - 34-1446); CREATING ARTICLE VII, DIVISION 11, ENTITLED WIRELESS COMMUNICATION FACILITIES; PROVIDING FOR PURPOSE AND INTENT (§34-1441); DEFINITIONS (§34-1442); APPLICABILITY AND EXEMPTIONS (§34-1443); PERMISSIBLE WIRELESS COMMUNICATION FACILITY LOCATIONS (§34-1444); REVIEW AND APPROVAL PROCESS (§34-1445); APPLICATION SUBMITTAL REQUIREMENTS (§34-1446); CREATING DEVELOPMENT REGULATIONS PERTAINING TO ANTENNA-SUPPORTING STRUCTURES, COLLOCATIONS, ROOF-MOUNTED ANTENNA-SUPPORTING STRUCTURES, SURFACE-MOUNTED ANTENNAS AND STEALTH WIRELESS COMMUNICATION FACILITIES (§34-1447); PROVIDING FOR EXPERT REVIEW (§34-1448); MONITORING AND EVALUATION (§34-1449); FEES AND INSURANCE (§34-1450); DISCONTINUED USE (§34-1451); NONCONFORMING ANTENNA-SUPPORTING STRUCTURES (§34-1452); AND VARIANCE CRITERIA (§34-1453); RENUMBERING RESERVED PROVISIONS §§34-1447 - 34-1470 TO §§34-1454 - 34-1470 (§§34-1447 - 34-1470); AMENDING EXCEPTIONS TO HEIGHT LIMITATIONS FOR CERTAIN STRUCTURAL ELEMENTS (§34-2173); AMENDING ARTICLE VIII NONCONFORMITIES (APPLICABILITY); AND PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.
9. Other Business
10. Adjournment

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

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

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

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

**CPA 2003-01  
SMALL SCALE  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

**Privately Sponsored Application  
and Staff Analysis**

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**BoCC Adoption Document**

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

**May 8, 2003**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
SMALL SCALE  
COMPREHENSIVE PLAN AMENDMENT  
CPA 2003-01**

	<b>This Document Contains the Following Reviews:</b>
✓	<b>Staff Review</b>
✓	<b>Local Planning Agency Review and Recommendation</b>
✓	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: March 9, 2003

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

1. **APPLICANT:** Donald Lucas
2. **REQUEST:** Amend the Future Land Use Map series for a specified 2.25 acre parcel of land located in Section 8 Township 46 South, Range 24 East to change the classification shown on Map 1, The Future Land Use Map, from "Industrial Development" to "Urban Community."

**3. SUMMARY DISCUSSION**

The applicant has requested a Future Land Use Classification (FLUC) change from Industrial Development to Urban Community for a 2.25 acre parcel of land known as Vision XXV (25). The property is located on the south side of the Summerlin Road Corridor just east of Pine Ridge Road. The applicant has stated that the request is to "allow more appropriate development for a high visibility - tourist oriented section of Summerlin Road." The applicant's intention is to develop the subject parcel with a commercial center.

The proposed designation change from Industrial Development to Urban Community will result in an increase in potential dwelling units from 1 bonafide caretaker's residence to a maximum of 13 dwelling units to be built on the subject property without the need for bonus density approval (a maximum of 22 total units when calculated with the maximum permitted bonus density for an Urban Community designation at 10 units per acre).

## **B. BACKGROUND INFORMATION**

### **1. EXISTING CONDITIONS**

**SIZE OF PROPERTY:** ±2.25 acres

**PROPERTY LOCATION:** 17901 Summerlin Road, just east of the intersection with Pine Ridge Road along the south side of Summerlin Road, in the Iona McGregor Planning Community.

**EXISTING USE OF LAND:** Vacant

**CURRENT ZONING:** Industrial Planned Development, the MCP has been vacated due to inactivity (Originally rezoned by Resolution Z-92-005 from AG-2 to IPD)

**CURRENT FUTURE LAND USE CLASSIFICATIONS:** Industrial Development

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

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

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

**TRANSPORTATION:** Access to the property is via Pine Ridge and Summerlin Roads. The Summerlin Road access point is to be shared with property to the east and will be available only to eastbound traffic.

**SOLID WASTE FRANCHISE:** The property is located within the Onyx Waste Services of Florida solid waste collection service area. The applicant has provided a letter from Onyx stating that collection service is available (See Attachment 1 - Applicant Supplementary Info).

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

**1. RECOMMENDATION:** Staff recommends that Map 1, the Future Land Use Map, be amended to change the future land use designation of the ±2.25 acre subject parcel from "Industrial Development" to "Urban Community" Future Land Use designation.

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

- The subject property and intended development are consistent with the Urban Community descriptor of the Comprehensive Plan, Policy 1.1.4.
- The subject parcel has access to a major collector and an arterial road. The applicant has stated that the intended use of the subject property is for commercial development. The parcel meets site location standards for commercial retail development.

- Existing utilities and infrastructure are in place or available to support the proposed commercial development, and potential residential development, of the subject parcel. The proposed action will not require changes to future road network plans.
- The proposed action will result in a population capacity increase of the FLUM by 46 people (22 du X 2.09 people per unit). It is staff's position that this increase in accommodation capacity of the map is insignificant when viewed within the context of the countywide accommodation capacity.
- The subject property is located along a major tourist and workforce transportation corridor. Due to the small size of the property, its geographic location at a major intersection and the existing surrounding uses, it is highly unlikely that the property will ever be developed with residential units.
- The proposed action will have minimal impact to public safety service providers. The applicant has submitted letters from these providers indicating that adequate services are available to support additional urban community uses that would result from the proposed future land use designation change.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The applicant has requested a Future Land Use designation change from Industrial Development to Urban Community for a 2.25 acre parcel of land known as Vision XXV. The property is located on the south side of the Summerlin Road Corridor just east of Pine Ridge Road. The applicant has stated that the request is to "allow more appropriate development for a high visibility - tourist oriented section of Summerlin Road." The proposed designation change from Industrial Development to Urban Community will result in an increase in potential dwelling units from 1 bonafide caretaker's residence to a maximum of 13 dwelling units to be built on the subject property without the need for bonus density approval (a maximum of 22 total units when calculated with the maximum permitted bonus density for an Urban Community designation at 10 units per acre).

The original Comprehensive Plan Amendment Application and Applicant Supplementary Information are attached hereto as "Attachment 1 - Applicant Supplementary Info"

#### **PROJECT SUMMARY**

The applicant proposes to develop the subject property with commercial uses that are consistent with a high traffic tourist area and workforce commute corridor. The requested future land use amendment would verify that such development, on this site, is consistent with the overall policies and considerations of the Lee Plan. The property is currently zoned Industrial Planned Development, but has a master concept plan which has been vacated due to inactivity. Donald Lucas has submitted an application to rezone the parcel from IPD to Community Commercial (CC). The sufficiency status of the petition to rezone is holding a final determination on the proposed change in Future Land Use Classification from Industrial Development to Urban Community.

On December 13, 2001 the Lee County Board of County Commissioners adopted a change in the Future Land Use Map designation from Industrial Development to Urban Community for a ±2.19 acre parcel that is adjacent, and west, of the subject parcel. That property was later rezoned from IPD (part of the same original zoned development as the subject parcel) to CC.

### **COMPREHENSIVE PLAN BACKGROUND**

The subject property was designated Industrial Development by the original Lee County Future Land Use Map, adopted in 1984. The Industrial Development category is reserved primarily for industrial uses with ancillary commercial and office uses, as well as caretaker's residences. The category contains provisions to allow other compatible uses including manufacturing, research, properly buffered recreational uses, natural resource extraction and fill dirt operations.

### **ADJACENT ZONING AND USES**

To the north of the subject parcel is Summerlin Road, then land with the Future Land Use Designations of Central Urban and Public Facilities. Vacant properties to the north and west of Pine Ridge Road are zoned Commercial Tourist (CT), Community Commercial (CC), and Residential Multifamily (RM-8). North of those properties is Summerlin Ridge Golf Center CPD.

Properties directly to the north, zoned IPD and Agriculture (AG-2), are currently vacant. Property to the north and east is zoned Community Facility (CF-3) and used by the County for sewage treatment ponds.

Land adjacent to the east and to the southeast of the subject property is designated as Industrial Development Future Land Use and is zoned IPD. Development on those parcels consists of limited commercial uses, a skateboard park, and mini-storage including open storage of vehicles.

Land directly to the south of the subject property is designated as Industrial Development Future Land Use. These parcels are zoned CF-3 and are currently used for a solid waste transfer station and sewage treatment.

Land to the southwest, designated Urban Community and zoned CC, is partially vacant with a hotel on the western portion. A Residential Vehicle Planned Development (RVPD) approved for 320 transient units is also located to the southwest.

Land directly west of the subject property, designated as Urban Community, is zoned CC. The first parcel is vacant. Across Pine Ridge Road parcels are developed with commercial offices, a muffler shop, and vacant.

### **POPULATION ACCOMMODATION CAPACITY DISCUSSION**

Given the potential increase in residential units associated with the proposed Future Land Use designation change from Industrial Development to Urban Community, the proposed action will result in a population capacity increase of the FLUM by 46 people (22 du X 2.09 people per unit).

It is staff's position that the proposed increase in accommodation capacity of the map is insignificant when viewed within the context of the countywide accommodation capacity. Due to the location of the property and existing surrounding uses, it seems unlikely that the property owner will develop the parcel with residential uses.

## **CONSISTENCY WITH THE "URBAN COMMUNITY" LAND USE CATEGORY**

***POLICY 1.1.4:** The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre).*

The subject property is consistent with the type of land described by Policy 1.1.4. The proposed commercial development will provide an additional base of urban services to nearby residential areas. Additionally, the subject parcel meets commercial site location standards, of Goal 6 of the Lee Plan, for a Neighborhood Commercial development.

### **MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)**

The subject property is located within the Iona McGregor Planning Community. The Iona McGregor Community has 697 acres allocated for residential development at Urban Community Future Land Use density standards prior to the year 2020. Of those 697 acres, 180.43 acres are still available for development.

The Iona McGregor Community has 782 acres allocated for commercial development, of which 270.76 acres remain available. Industrial development within Iona McGregor is slated for 298 acres, of which 195.21 acres remain available.

The applicant has not requested an amendment to the Planning Community Year 2020 Allocation Table 1(b). Overall development within the Iona McGregor Community may not exceed the Lee Plan 2020 development allocations. Proposed development on the subject property would vie for the remaining available commercial or residential development acres with all other Urban Community properties.

### **TRANSPORTATION ISSUES**

Lee County Department of Transportation has reviewed the proposed action and provided a letter which states, "As indicated by the application, the proposed Urban Community designation would allow a maximum of 22 dwelling units or 100,000sf of retail in the subject area. After running the FSUTMS travel demand model for the year 2020 condition, we have determined that this land use change will not alter the future road network plans"(See Attachment 7).

Access to the property is via Pine Ridge and Summerlin Roads. The Summerlin Road access point is to be shared with property to the east and will be available only to eastbound traffic.

### **PUBLIC SAFETY ISSUES**

#### Coastal Issues

The Division of Public Safety notes that the subject property is located within the Tropical Storm Surge Evacuation Zone and the Coastal High Hazard Area. Public Safety offers the following comments for consideration during the plan amendment review process:

“Because the proposed plan amendment increases the number of potential dwelling units exposed to storm surge flooding, this amendment appears inconsistent with the intent of Policy 75.1.4 of the Lee Plan. This policy states that:

*‘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 (Amended by Ordinance No. 92-45, 94-30).’*

Although the current designation may allow more intensive uses, it does not permit residential uses. The proposed amendment would, thereby allowing the residential density to increase in the defined coastal high hazard area.

The 2001 update of the Southwest Florida Regional Hurricane Evacuation Study shows that Lee County’s hurricane evacuation times have risen. We are concerned that proposed plan amendments like this, in the cumulative, will not only continue to increase these clearance times, but also unnecessarily expose future coastal populations to flooding impacts” (See Attachment 4).

The subject property is an example of what staff sees as a growing need for a Commercial Development Future Land Use Category. The property is ideal for commercial development due to its size and location on a major travel corridor. However, any change to a FLUC designation which allows commercial development under the current classification system, by necessity also allows residential development. Such a connection between commercial and residential uses may be problematic for properties within the Coastal High Hazard Area. Planning staff will further evaluate this issue during the 2004 Evaluation and Appraisal Report process.

In this particular case, the existing surrounding uses, size of parcel, and location at the intersection of a major collector and an arterial road, make residential development very unlikely. Additionally, though the proposed action would add ±2.25 acres of land to a FLUC that allows residential development, the total residential accommodation capacity of the Urban Community FLUC in the Iona McGregor Planning Community would not be increased.

Emergency Management staff reviewed the proposed action and concluded that “there are not any Public Safety/Emergency Management issues involved in changing the 2.25 acres from ‘Industrial Development’ to ‘Urban Community’” (See Attachment 9).

#### Fire Services

The applicant has provided a letter from Iona McGregor Fire Protection and Rescue District which states that, “Existing and proposed resources and facilities of the Fire District are adequate to provide services to the referenced project” (See Attachment 1 - Applicant Supplementary Info).

#### EMS

The applicant has provided a letter from County Emergency Medical Services staff which states that, “The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel or any support facilities. Furthermore, the easements appear to provide adequate ingress/egress for ambulances” (See Attachment 1 - Applicant Supplementary Info).

### Sheriff Services

The applicant has provided a letter from the County Sheriff Department which states that the Vision XXV parcel "is within the service area for the Lee County Sheriff's Office. It is policy of the Lee County Sheriff's Office to support community growth and we will do anything 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 [the] project as it builds out" (See Attachment 1 - Applicant Supplementary Info).

### **SCHOOL IMPACTS**

Lee County School District has reviewed the proposed FLUC change and has described the potential impact to the school district that would result from residential development of the subject property as follows, "This proposal would permit the addition of 22 dwelling units with bonus densities granted on the parcel. These units could generate approximately 6 public school students, based on an estimated student generation rate of .31 per dwelling unit. This would create the need for up to one classroom in the District along with ancillary facilities and staff" (See Attachment 3).

### **SOILS**

The applicant has provided information indicating that soils present on the site are Myakka fine sand and Immokalee sand. An "Existing Soils Map" and a description of Myakka fine sand are included as attachments (See Attachment 1 - Applicant Supplementary Info). A description of Immokalee sand is included as Attachment 2.

### **HISTORICAL AND ARCHAEOLOGICAL IMPACTS**

The applicant has provided a letter from Lee County Division of Planning, historic and archaeological resource staff, which states that "There are no known historic sites on the subject property...There are no known archaeological sites on the property...The subject parcel is not located on either Level 1 or Level 2 zones of archaeological sensitivity" (See Attachment 1 - Applicant Supplementary Info).

### **ENDANGERED SPECIES**

The applicant has supplied information which indicates that:

The subject property is currently vacant and has been cleared. No habitats exist on site for species which are listed as endangered, threatened or species of concern. The FLUCCS classification which describes the subject property is "Disturbed Lands." The property does not include wetlands or aquifer recharge areas.

County Environmental staff is familiar with the property and has verified that the property was previously cleared and that no listed species are present.

### **PARKS, RECREATION AND OPEN SPACE**

The applicant has provided a letter from the Department of Public Works which states that, "It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, please note that this determination is based on the proposed commercial use of the subject property which will not result in an increase of the current population in this area of Lee County" (See Attachment 1 - Applicant Supplementary Info). Additional correspondence from Parks and Recreation staff notes that "the number of potential units would have little or no impact on existing facilities" (See Attachment 8).

## **DRAINAGE/SURFACE WATER MANAGEMENT**

The applicant has provided the following information regarding surface water management on the subject property:

“The subject property is located in the Deep Lagoon Watershed #43 as indicated in the Lee County Surface Water Management Master Plan. Any development will be in compliance with South Florida Water Management District and the Lee County [Land] Development Code with regard to surface water management” (See Attachment 1 - Applicant Supplementary Info).

## **MASS TRANSIT**

Lee County Transit Division has reviewed the proposed action and provided a letter of response which states that “the proposed amendment to the future land use map would have no impacts on existing or planned services Lee Tran provides, nor would it have any impact to the budget of Lee County’s transit division” (See Attachment 5).

## **UTILITIES**

Lee County Utilities is the service provider to the subject property. Adequate utilities are available for commercial development on the site. A 12" water main runs along the south property line. A 36" sanitary sewer reuse line and a 30" sanitary sewer force main run along Pine Ridge Road just west of the subject property.

## **RE-DESIGNATING LANDS FROM AN INDUSTRIAL LAND USE CATEGORY**

The site has access to a major collector road and an arterial road, but is not located close to railroad facilities or a cargo airport terminal. Industrial uses have been active in the surrounding area for a number of years including a waste water treatment facility, with associated sewage treatment ponds, and a solid waste transfer station. The subject property is zoned for industrial development (IPD), but has never been developed. Commercial development has become increasingly popular in the area during the last five years. Summerlin and Pine Ridge Roads are major corridors for tourist and commuter traffic.

It is staff’s position that the proposed Future Land Use change on this 2.25 acre parcel will have little to no effect on the County’s goal of achieving a rate of 3% employment in manufacturing activities by the year 2010.

## **B. CONCLUSIONS**

The request to change the subject parcel’s Future Land Use designation from Industrial Development to Urban Community is consistent with the existing, expanding tourism and workforce corridor along Summerlin Road which connects central and southern Lee County to the Gulf beaches. The subject parcel falls within the Coastal High Hazard Area. It is the applicant’s intention to develop a commercial center on the subject property.

The property currently has, or has reasonable access to, all necessary infrastructure for commercial or residential development. The property meets site location standards for development of a Neighborhood Commercial Center. Conditions specific to this site make residential development of the property unlikely and commercial development desirable. It is staff’s opinion that the parcel is consistent with the Urban Community Future Land Use category.

**C. STAFF RECOMMENDATION**

Planning staff recommends that Map 1, the Future Land Use Map, be amended to change the land use designation of the ±2.25 acre subject parcel from “Industrial Development” to “Urban Community.”

### **List of Attachments**

- 1) Original Application & Applicant Supplementary Info - 64 pages
- 2) Soil Description, Lee County Soils Survey, 28- Immokalee sand
- 3) Response Letter from Lee County School Board
- 4) Response Letter from Lee County Division of Public Safety
- 5) Response Letter from Lee County Transit Division
- 6) OMIT
- 7) Response Letter from Lee County Department of Transportation
- 8) Response Letter from Lee County Department of Public Works
- 9) Response Letter from Lee County Division of Emergency Management
- 10) Letters from Division of Planning Staff to Applicant (notice to review agencies, request for information to complete application packet, letter of sufficiency) - 4 pages
- 11) Substantive comments from the Utilities Division received subsequent to the March 24, 2003 LPA hearing.

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

DATE OF PUBLIC HEARING: March 24, 2003

**A. LOCAL PLANNING AGENCY REVIEW**

Planning staff gave a brief presentation of the case. The applicant stated that he was available to answer questions. One panel member asked the applicant if the property might be used for anything other than commercial development. The applicant stated that the location on a commercial corridor, and proximity to a sewer plant and hazardous waste collection facility, would make residential uses unlikely. Additionally, he believes commercial development will be consistent with existing commercial development at the intersection of Summerlin and Pine Ridge Roads and the planned family entertainment center that is to be located approximately 1,000 feet to the east.

In response to panel questions regarding access and the anticipated impact of the proposed change on surrounding roads, the applicant gave the following information: Project access will be via a proposed frontage road extending between Safety Street and Pine Ridge Road. No access onto Summerlin Road is anticipated.

Staff would like to note that there is a designated right-in/right-out access point onto Summerlin Road (a controlled access arterial) located on the east line of the subject property. There is potential for the applicant to have shared access to Summerlin Road at that point.

In response to panel questions, the applicant stated that the property is the second half of an old Industrial Planned Development (IPD). No uses are allowed since the IPD has expired. The original IPD is divided into two parcels. Mr. Lucas purchased the west half about two years ago. After that process was completed [a small scale amendment to change the Future Land Use from Industrial to Urban Community and a zoning change from IPD to Community Commercial (CC)], Mr. Lucas entered into an agreement to purchase the eastern 2.25 acre parcel, the subject property. The applicant does not intend to sell the property until the zoning change is completed [an application is pending to change the IPD zoning to CC on the subject property]. The parcel to the west is currently being marketed.

One member of the panel stated that Summerlin Road is a tourist corridor and that property along the road should not be zoned for industrial development [categorized as Industrial Future Land Use]. He recommended that staff look into changing property along Summerlin Road to a more appropriate Future Land Use category during the E.A.R. process. The planning director responded that staff is prepared to undertake such a review, but that the Board should keep in mind the long-term nature of a Future Land Use. The Industrial Land Use was set along Summerlin Road to accommodate the industrial uses that the County hoped would develop in the area over time.

One member of staff commented that the Outlying Suburban lands south [southeast] of Safety Street should be evaluated to determine whether industrial and commercial Future Land Uses might be more appropriate in that area.

One member of the panel stated that there is a need to establish a commercial only Future Land Use. He felt staff should pursue this issue during the E.A.R. process. A second panel member agreed.

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

- 1. RECOMMENDATION:** The LPA recommends that the BoCC adopt CPA2003-01.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

**C. VOTE:**

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

**D. ADDITIONAL NOTES FROM STAFF:**

Subsequent to the LPA hearing staff received substantive comments for this case from the Utilities Division. That division expressed concern about a potential conflict between non-industrial uses and an existing industrial use at the corner of Pine Ridge Road and Summerlin Road. The Lee County Utilities sewage treatment plant, located to the south of the subject property, occasionally omits odors which may offend residents or customers of neighboring non-industrial properties. One purpose for location of the treatment plant at its existing site was the industrial nature of the area. It has been Utilities staff experience that complaints related to odor from this plant and similar plants, are most often received from residential neighbors. It is not anticipated that commercial uses will have the same level of sensitivity to such impacts, though there may be some sense of inconvenience. Written comments received from Utilities staff have been incorporated as "Attachment 11."

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

DATE OF ADOPTION HEARING: May 6, 2003

**A. BOARD REVIEW:**

Planning staff gave a brief presentation of the proposed amendment. One member of the Board asked if the BoCC would have the option to review any potential for an increase in density on the property during the zoning process. Staff stated that yes, that is the case.

A Board member then asked how planning staff reconciles the issue of an increase in Future Land Use density within the Coastal High Hazard Area. Staff responded that the surrounding uses, size and location of the property are suited to commercial development and would not lend themselves to residential development. Additionally, planning staff is seriously considering the creation of a Future Land Use Category that would allow 'commercial only' development, suited to areas such as the Coastal High Hazard Area.

The applicant offered himself for any questions from the Board and stated that he would support a 'commercial only' future land use category because such a change would simplify the development process and alleviate any concerns about a residential density increase.

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

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

**C. VOTE:**

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



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

## APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D: \_\_\_\_\_ REC'D BY: \_\_\_\_\_  
 APPLICATION FEE: \_\_\_\_\_ TIDEMARK NO: \_\_\_\_\_

THE FOLLOWING VERIFIED:

Zoning  Commissioner District   
 Designation on FLUM

(To be completed by Planning Staff)

Plan Amendment Cycle:  Normal  Small Scale  DRI  Emergency

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

**APPLICANT PLEASE NOTE:**

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: 60

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.

1-27-03                      Donald R. Lucas  
 DATE                                      SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

Lee County Comprehensive Plan Amendment  
 Application Form (06/00)

S:\Comprehensive\PlanAmendmentForms\Rec'd\CompApp

RECEIVED

JAN 28 2003

**Attachment 1  
 Application (64 pages)**

COMMUNITY DEVELOPMENT  
 CRA 2003-00001

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

Don Lucas  
APPLICANT  
1950 Courtney Drive, Suite 206  
ADDRESS  
Fort Myers Florida 33901  
CITY STATE ZIP  
239-274-7744 239-274-7749  
TELEPHONE NUMBER FAX NUMBER

Don Lucas  
AGENT\*  
1950 Courtney Drive, Suite 206  
ADDRESS  
Fort Myers Florida 33901  
CITY STATE ZIP  
239-274-7744 239-274-7749  
TELEPHONE NUMBER FAX NUMBER

VISION XXV, A CALIFORNIA LIMITED PARTNERSHIP  
OWNER(S) OF RECORD  
C/O JAMES L. NICHOLS, ATTORNEY 8191 COLLEGE PARKWAY SUITE 204  
ADDRESS  
FORT MYERS Florida 33919  
CITY STATE ZIP  
239- 433-1305 239- 482-1007  
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.

Eddie E. Neese  
Neese & Associates  
12661 Metro Parkway  
Fort Myers, Florida 33912  
Tel. 239-768-0077  
Fax: 239-768-3457

**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  
1 Map – Future Landuse Map

B. SUMMARY OF REQUEST (Brief explanation):

CHANGE LAND USE MAP FROM INDUSTRIAL TO URBAN COMMUNITY  
TO ALLOW MORE APPROPRIATE DEVELOPMENT FOR HIGH  
VISIBILITY – TOURIST ORIENTED SECTION OF SUMMERLIN ROAD

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

A. Property Location: SE corner of Intersection of Summerlin Rd & Pine Ridge Rd

1. Site Address: 17901 SUMMERLIN ROAD

2. STRAP(s): 08-4624-00-00001.003A

B. Property Information

Total Acreage of Property: 2.25 acres

Total Acreage included in Request: 2.25 acres

Area of each Existing Future Land Use Category: \_\_\_\_\_

Total Uplands: 2.25 acres

Total Wetlands: None

Current Zoning: Industrial Planned Development

Current Future Land Use Designation: Industrial

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:

Change to Urban Community

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density Not Permitted

Commercial intensity 10% Anc. comm. (may not exceed 30,000 SF per dev.)

Industrial intensity Reserved mainly for industrial activities

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density 6 du / acre

Commercial intensity 30,000 – 100,000 SF

Industrial intensity light industrial purposes (Policy 7.1.6)

#### 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, **DONALD R. LUCAS**, 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.

*Donald R. Lucas*  
Signature of owner or owner-authorized agent

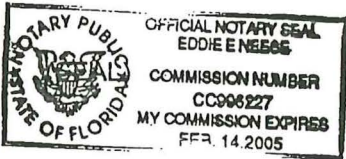
1-27-03  
Date

**DONALD R. LUCAS**

Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 27<sup>th</sup> day of January ~~20~~ 2003  
by \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_  
as identification.



A handwritten signature in black ink, appearing to read 'Eddie E. Reese', written over a horizontal line.

Signature of notary public

EDDIE E. REESE

Printed name of notary public

  
**Neese Associates**  
Civil Engineering & Land Surveying

January 28, 2003  
Job No. 020038.00

Mr. Paul O'Connor  
Director of Planning  
PO Box 398  
Fort Myers, FL 33902

**RE: VISION XXV  
LEE COUNTY SMALL SCALE COMP PLAN AMENDMENT**

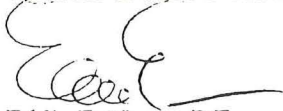
Dear Mr. O'Connor:

Enclosed, please find six (6) copies of the application for a small-scale comprehensive plan amendment and the required amendment support documentation. Also enclosed please find the application fee in the amount of \$1,500.00 made out to the Lee County BOCC for the above referenced project.

The proposed amendment is for a land use change from Industrial Development to Urban Community for the development of commercial facilities on 98,455 S.F. of vacant industrial zoned (IPD) lands situated on the south side of Summerlin Road, lying in Section 8, Township 46 South, Range 24 East, Lee County.

Should you have any questions or require any additional information, please do not hesitate to contact me. Your assistance is greatly appreciated.

Sincerely,  
**NEESE & ASSOCIATES**



Eddie E. Neese, P.E.  
President

enclosures

cc: Don Lucas w/ attachments

**RECEIVED**  
*[Handwritten Signature]*  
JAN 28 2003

COMMUNITY DEVELOPMENT

CPA 2003-00001



LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as 17901 SUMMERLIN ROAD, FORT MYERS, FL 33908 and legally described in exhibit A attached hereto.

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

Diane M. DeCrona, General Partner VISION XXV  
Owner\*(signature) Owner\*(signature)

Diane M. DeCrona  
Printed Name Printed Name

Owner\*(signature) Owner\*(signature)

Printed Name Printed Name

Owner\*(signature) Owner\*(signature)

Printed Name Printed Name

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 24<sup>th</sup> day of January, 2003, by Diane M DeCrona, who is personally known to me or who has produced as identification and who did (did not) take an oath.

(SEAL)

Janice L. Jones  
Notary Public  
JANICE L. JONES  
(Name typed, printed or stamped)

\*If more than one owner then all owners must sign. See explanation on back.

RECEIVED

JAN 28 2003

COMMUNITY DEVELOPMENT

CPA 2003-00001



**LEGAL DESCRIPTION**

**PARCEL B  
IN THE NW1/4 OF  
SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA**

A TRACT OR PARCEL OF LAND LYING IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

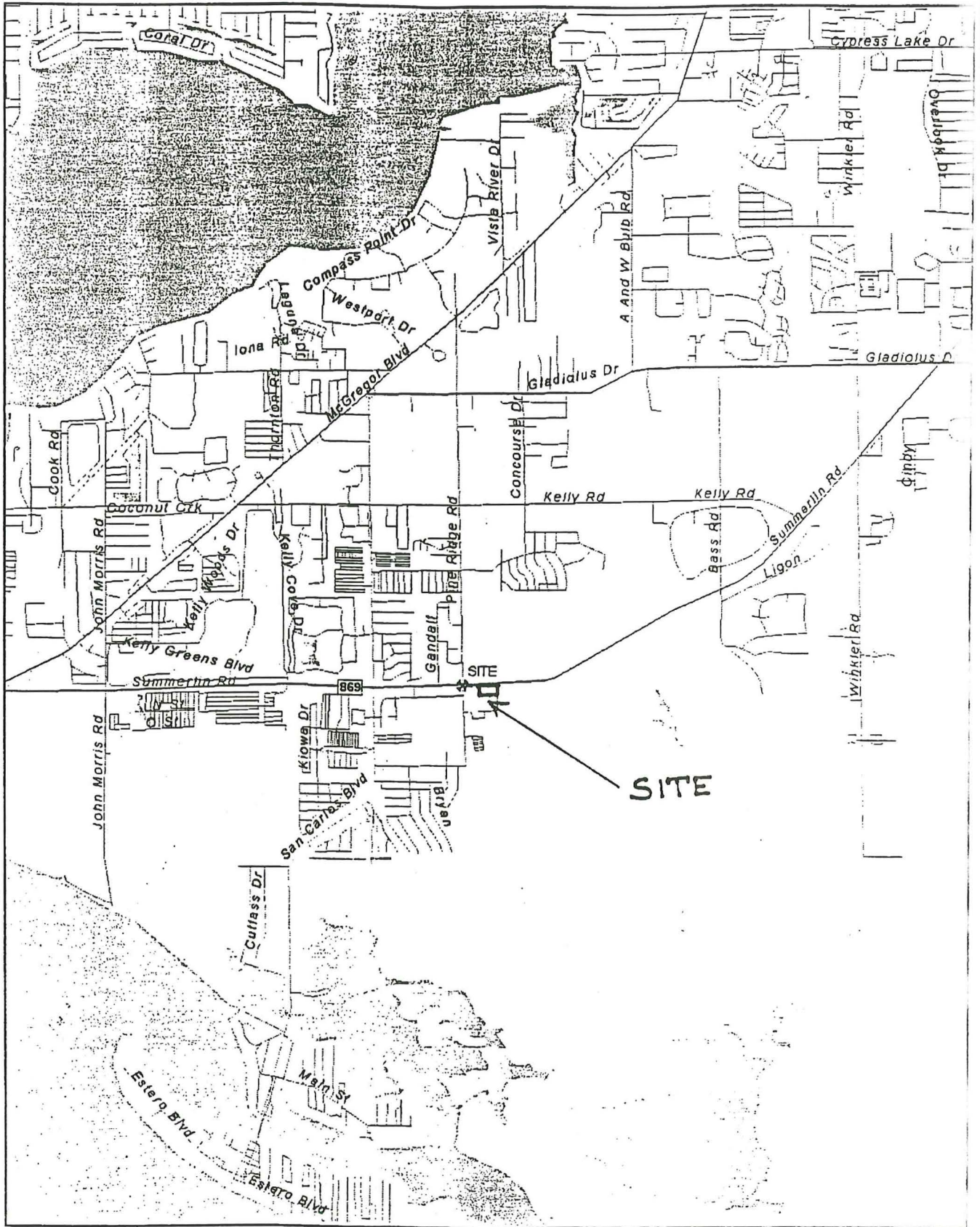
COMMENCE AT THE NORTHWEST CORNER OF SECTION 8, T46S, R24E, IN LEE COUNTY FLORIDA. THENCE RUN S01°13'02"E AS A BASIS OF BEARING FOR 500.00 FEET ALONG THE WEST LINE OF SAID SECTION 8. THENCE RUN N89°02'47"E FOR 412.71 FEET ALONG THE SOUTH LINE OF LANDS DESCRIBED IN OR1854 PG3640 OF THE LEE COUNTY RECORDS TO A POINT OF CURVATURE, THENCE CONTINUE NORTHERLY ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 70.00 FEET THROUGH A CENTRAL ANGLE OF 46°07'24" FOR 56.35 FEET TO WHICH POINT A RADIAL LINE BEARS S47°04'37"E AND THE POINT OF BEGINNING. THENCE CONTINUE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 44°24'55" FOR 54.26 FEET; THENCE N01°29'32"W FOR A DISTANCE OF 134.07 FEET ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OR 2895 PGS 1886-1888 TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 30.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°32'19" FOR A DISTANCE OF 47.41 FEET; THENCE N89°02'47"E FOR A DISTANCE OF 384.48 FEET ALONG THE SOUTH LINE OF THE LANDS DESCRIBED IN OR 2895 PGS 1886-1888; THENCE S01°13'00"E FOR A DISTANCE OF 235.00 FEET ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OR 1854 PG 3641; THENCE S89°02'47"W FOR A DISTANCE OF 433.62 FEET ALONG THE SOUTH LINE OF THE LANDS DESCRIBED IN OR 1854 PG 3641; THENCE N01°29'32"W FOR A DISTANCE OF 21.48 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 2.25 ACRES MORE OR LESS

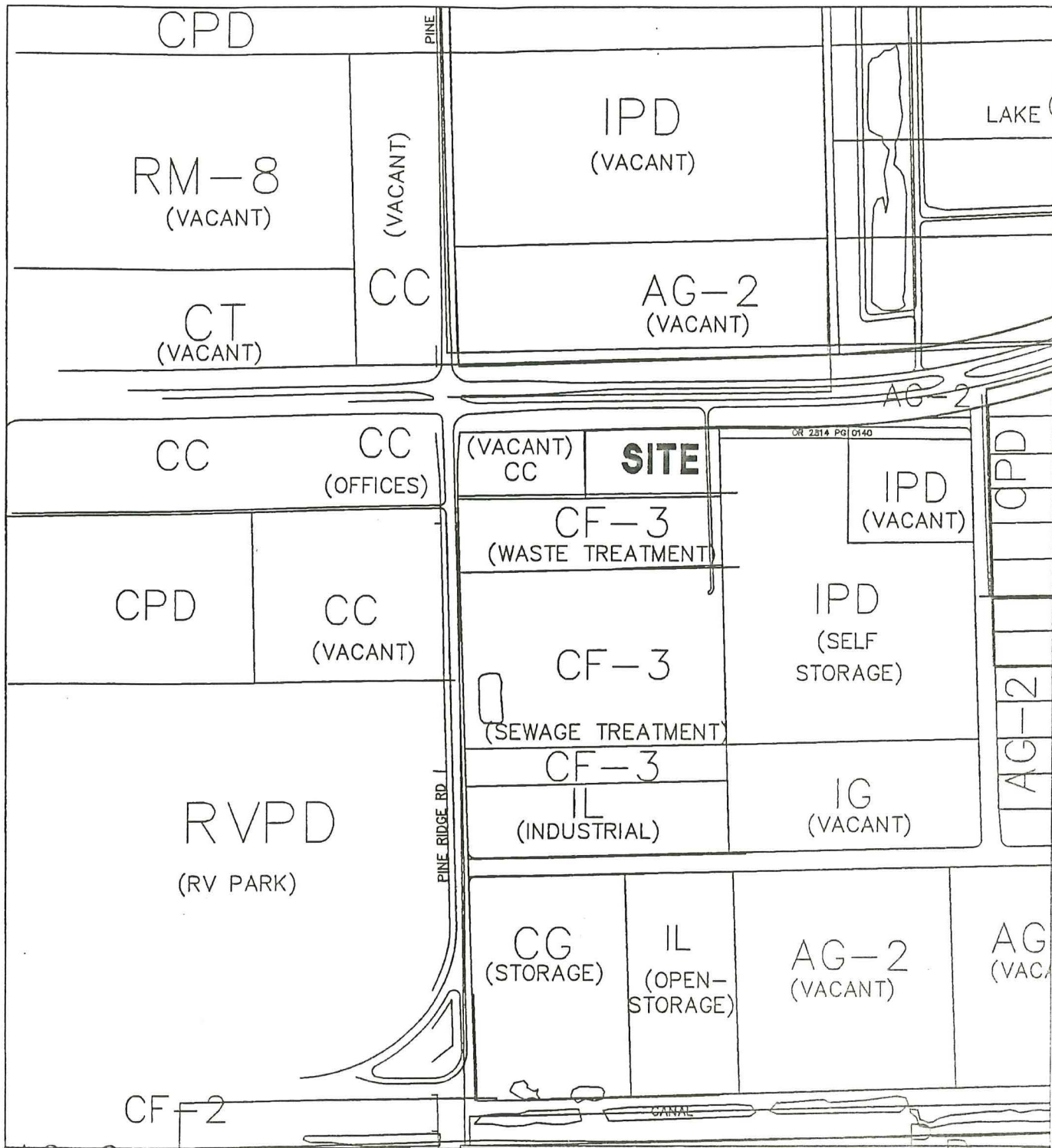
**RECEIVED**

**JAN 28 2003**

**COMMUNITY DEVELOPMENT  
CPA 2003-00001**



MICROSOFT CORPORATION  
**Streets Plus**



## EXISTING LAND USE/ZONING

Job No. 020820  
 Date, File No.  
 Scale Horizontal  
 Scale Vertical  
 Sht. 1 of 1

Existing Land Use/Zoning  
 of  
**Vision XXV**  
 FOR  
 Dan Luma  
 1650 Courtyard Drive, Suite 208  
 Fort Myers, Florida

DATE: 11/11/10  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]

**Neese & Associates**  
 Civil Engineers & Land Surveyors  
 12561 Mease Parkway  
 Fort Myers, Florida 33912  
 (941) 344-2437  
 Fax: (941) 344-2437

APPROVED BY: [Signature]  
 DATE: 11/11/10  
 SCALE: AS SHOWN  
 SHEET NO. 1 OF 1

**NATIONAL FLOOD INSURANCE PROGRAM**

**FIRM  
FLOOD INSURANCE RATE MAP**

COUNTY OF  
**LEE,**  
**FLORIDA**  
(UNINCORPORATED AREAS)

**PANEL 435 OF 550**  
(SEE MAP INDEX FOR PANELS NOT PRINTED)

**COMMUNITY-PANEL NUMBER**  
**125124 0435 B**

**EFFECTIVE DATE:**  
**SEPTEMBER 19, 1984**



Federal Emergency Management Agency

500-Year Flood Boundary	ZONE B
100-Year Flood Boundary	ZONE A
Zone Designations*	
100-Year Flood Boundary	ZONE B
500-Year Flood Boundary	
Base Flood Elevation Line With Elevation in Feet**	513
Base Flood Elevation in Feet Where Uniform Within Zone**	(EL 987)
Elevation Reference Mark	RM7x
Zone D Boundary	
River Mile	M1.5

\*\*Referenced to the National Geodetic Vertical Datum of 1988

**\*EXPLANATION OF ZONE DESIGNATION**

ZONE	EXPLANATION
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
A0	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
AH	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
A99	Areas of 100-year flood to be protected by protection system under construction; base flood elevations and flood hazard factors not determined.
B	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
C	Areas of minimal flooding. (No shading)
D	Areas of undetermined, but possible, flood hazard.
V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
V1-V30	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

**NOTES TO USER**

Certain areas not in the special flood hazard areas (Zones A and V) may be protected by flood control structures.

This map is for flood insurance and flood plain management purposes only; it does not necessarily show all areas subject to flooding in the community or all planimetric features outside special flood hazard areas.

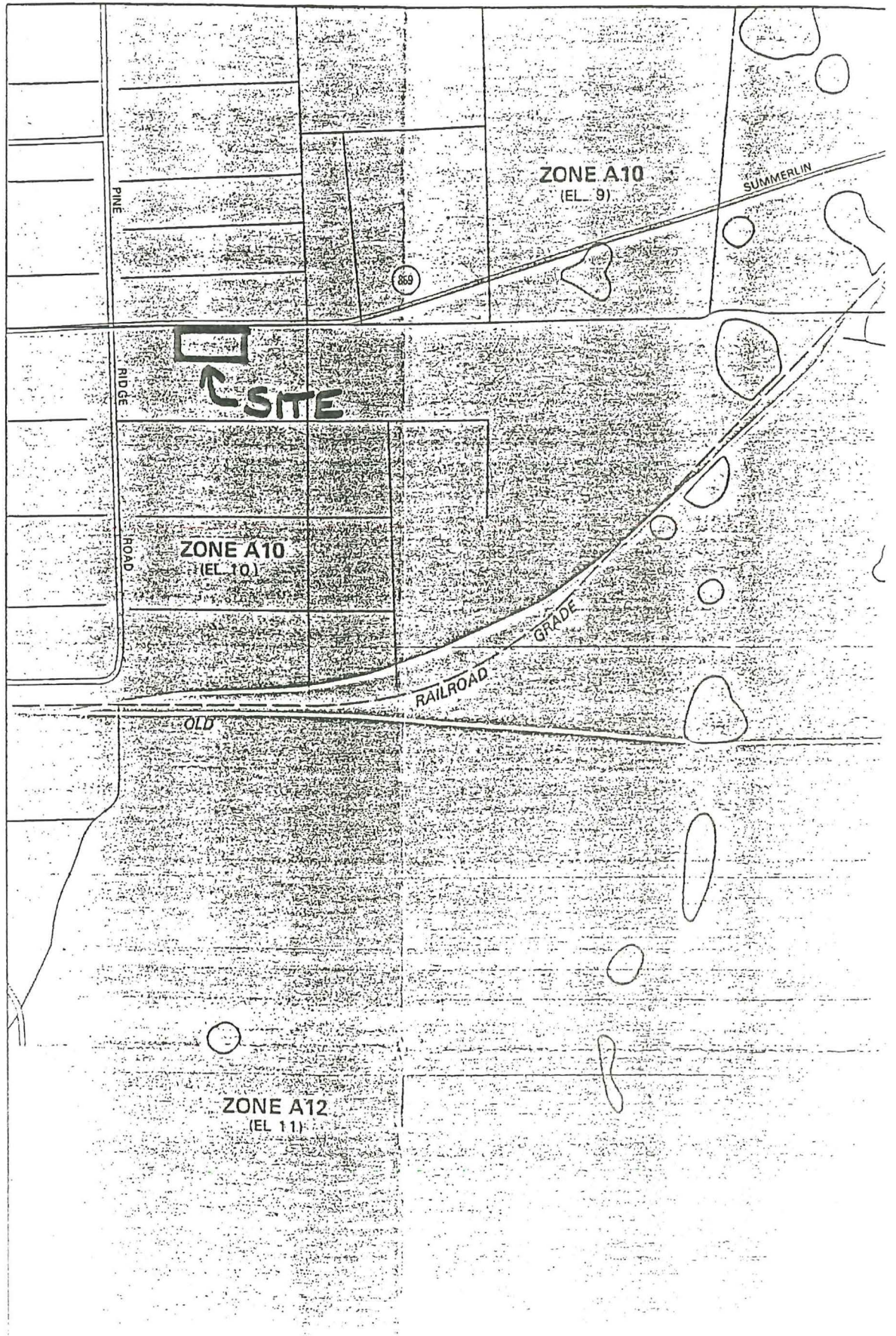
The coastal flooding elevations shown may include the effects of wave action and may differ significantly from those developed by the National Weather Service for hurricane evacuation planning. Coastal base flood elevations apply only landward of the shoreline shown on this map.

For adjoining map panels, see separately printed Map Index.

INITIAL IDENTIFICATION:

SEPTEMBER 19, 1984

FLOOD HAZARD BOUNDARY MAP REVISIONS



## Soils Description

### From Lee County Soils Survey

**11-Myakka fine sand.** This is a nearly level, poorly drained soil on broad flatwoods areas. Slopes are smooth to slightly concave and range from 0 to 2 percent.

Typically, the surface layer is very dark gray fine sand about 3 inches thick. The subsurface layer is fine sand about 23 inches thick. In the upper 3 inches it is gray, and in the lower 20 inches it is light gray. The subsoil is fine sand to a depth of 80 inches or more. The upper 4 inches is black and firm, the next 5 inches is dark reddish brown and friable, the next 17 inches is black and firm, the next 11 inches is dark reddish brown and friable, and the lower 17 inches is mixed black and dark reddish brown and friable.

Included with this soil in mapping are areas of EauGallie, Immokalee, Oldsmar, Smyran, and Wabasso soils. Also included are small areas of similar soils with subsoils low in organic matter content and less than 12 inches thick. Included soils make 10 to 15 percent of any mapped area.

In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months and 10 to 40 inches below the surface for 2 to 6 months. It is more than 40 inches below the surface during extended dry periods.

The available water capacity is medium in the subsoil and very low in the surface and subsurface layers. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and moderate to moderately rapid in the subsoil.

Natural vegetation consists of sawpalmetto, fetterbush, pineland threeawn, and South Florida slash pine.

This soil is poorly suited to cultivated crops because of wetness and poor soil quality. The number of adapted crops is limited unless very intensive management practices are followed. With good water control and soil improving measures, the soil can be made suitable for some vegetable crops. A water control system is needed to remove excess water in wet seasons and provide water through subsurface irrigation in dry seasons. Row crops should be rotated with close-growing, soil-improving crops. The rotation should keep the soil-improving crops on the land three-fourths of the time. Seedbed preparation should include bedding of the rows. Fertilizer and lime should be added according to the need of the crops.

This soil is poorly suited to citrus. Areas subject to frequent freezing in winter are not suitable. This soil is suitable for citrus only after a carefully designed water control system has been installed that will maintain the water table below a depth of 4 feet. The trees should be planted on beds and a vegetative cover maintained between the trees. Regular applications of fertilizer and lime are needed.

This soil is well suited to pasture. Pangolagrass, improved bahiagrass, and white clover grow well when they are well managed. Water control measures are needed to remove excess surface water after heavy rains. Regular applications of fertilizer and lime are needed. Controlling grazing helps to prevent overgrazing and weakening of the plants.

The soil has moderate potential productivity for South Florida slash pine. Bedding of rows helps in establishing seedlings and in removing excess surface water.

This soil has moderate potential for desirable range plant production. The dominant forage is creeping bluestem, lopsided indiagrass, pineland threeawn, and chalky bluestem. Management practices should include deferred grazing and brush control. This Myakka soil is in the South Florida Flatwoods range site.

The soil has severe limitations for urban development because of the high water table. This Myakka soil is in capability subclass IV.

**EXHIBIT A**

There are no proposed text changes to the Lee Plan.

B-2 b. Potable Water

Lee County Utilities maintains service for this area through the Green Meadows Water Treatment Plant located at 13001 Alico Road, Fort Myers. A 12-inch water main runs approximately parallel to the south property line in an easement along the south property line.

Policy 33.1.1 of the Lee Plan has established that “the minimum acceptable level-of-service standard for potable water connections to Lee County Utilities shall be an available supply and treatment capacity of 250 gallons per day per equivalent residential connection (ERC) for the peak month...”

The December 2001 Concurrency Management report has indicated in Table 1, Major Regional Water Treatment Plants, that the Green Meadows water treatment plant (WTP) has a design capacity of 10,500,000 gallons per day and a projected flow of 7,340,000 gallons per day for the year 2002.

The Capital Improvements Program (CIP) indicates the following water projects for Green Meadows WTP:

Transmission system improvement	FY 01 / 02
Water storage improvements	FY 01 / 02
Water treatment plant expansion	FY 01 / 02, FY 02 / 03

The proposed amendment will have negligible impact to the potable water facilities.

B-2 c. Surface Water/Drainage Basins.

The subject property is located in the Deep Lagoon Watershed #43 as indicated in the Lee County Surface Water Management Master Plan. Any development will be in compliance with South Florida Water Management District and the Lee County Development Code with regard to surface water management.

Policy 40.3.1-D of the Lee Plan has established level-of-service standards for the private and public development as follows:

“Surface water management systems in new private and public developments (excluding widening of existing roads) shall be design to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event. Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and rule 40E-4, F.A.C. New developments shall be designed to avoid increased flooding of surrounding areas. Development shall be designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to approximate the natural surface water systems in terms of rate, hydro period, basin and quality, and to eliminate the disruption of wetlands and flowways, whose preservation is deemed in the public interest.”

The December 2001 Concurrency Management report states on page 10 that “All new developments which receive approval from the South Florida Water Management District and that comply with standards in Chapters 62-3, 62-40, and 62-302 of the Florida Statutes and Rule 40E-4 of the Administrative Code will be deemed concurrent with the level of service standards set forth in the Lee Plan.”

B-2 d. Parks, Recreation, and Open Space.

Policy 70.1.3 of the Lee Plan has established that the minimum acceptable level-of-service for Parks and Recreation Facilities as the following:

Regional Parks – 6 acres of developed regional land open for public use per 1000 total seasonal county population.

Community Parks – 0.8 acres of developed standard community parks open for public use per 1000 permanent population, unincorporated county only.

The December 2001 Concurrency Management report on page 24 that the “desired” level-of-service standard of eight (8) acres per thousand (1,000) total county population for Regional Parks has been achieved and expects to continue meeting this level-of-service standard through 2003.

The December 2001 Concurrency Management report has also indicated in Table 15 , Community Parks Impact Fee District #4, that the minimum level-of-service for community parks has been met and that two future community parks, Estero Community Park, add. phases, and South Fort Myers Community Parks are planned to achieve compliance with the “desired” level-of-service for the community.

The Capital Improvements Program (CIP) indicates multiple county wide regional and community park projects.

The proposed amendment will have negligible impact to the parks, recreation, and open space facilities.

**Exhibit B**

**Existing and Future Conditions Analysis**

B-2 a. Sanitary Sewer

Lee County Utilities maintains service for this area through the Fort Myers Beach and Iona/McGregor Wastewater treatment plant located approximately 400 feet south of the subject property. A 24-inch force-main runs along the Pine Ridge Road Right-of-Way on the western side of the subject property. A 4-inch force main, extending from the 24-inch force-main, runs along the Summerlin Road Right-of-Way on the northern side of the subject property.

Policy 36.1.2 of the Lee Plan has established that “the minimum acceptable level-of-service standard for sanitary sewer connections to Lee County Utilities shall be available basic facility capacity to treat and dispose of a volume of wastewater equal to 200 gallons per day per equivalent residential connection (ERC) for the peak month.....”

The December 2001 Concurrency Management report has indicated in Table 5, Major Regional Sewage Treatment Plants, that the Fort Myers Beach sewer treatment plant (STP) has a design capacity of 6,000,000 gallons per day and a projected flow for 2002 of 4,115,000 gallons per day.

The Capital Improvements Program (CIP) indicates the following sewer projects for Fort Myers Beach WWTP:

Transfer pumps upgrade	FY 01 / 02
Filtration system replacement	FY 01 / 02
Second EQ tank	Years 6-10

The proposed amendment will have negligible impacts on the sanitary sewer facilities.

## Exhibit C

### Environmental Impacts

C. 1. This subject property is vacant but the land has been cleared. As described in the Florida Land Use, Cover and Forms Classification System, FLUCCS, the class definition Disturbed Lands, 740, applies to those areas which have been changed due primarily to human activities other than mining. The subject parcel falls into this classification.

C.2. Soils found on the property, as indicated in the Lee County Soils Survey, consist of Myakka fine sand and Immokalee Sand. Descriptions are included as exhibits C-1 and C-2.

C.3. The Federal Emergency Management Agency (FEMA) has identified the area of the subject property as Zone A10. The base flood elevation has been indicated as 10 feet. Enclosed please find a copy of panel 125124 0435 B of the Flood Insurance Rate Map indicating the subject area and the surrounding flood zones.

C.4. This subject property is vacant but the land has been cleared and contains no wetlands or aquifer for recharge areas.

C. 5. This subject property is vacant but the land has been cleared and contains no habitat for species listed by the Federal, State, or local agencies as endangered, threatened or species of special concern.

## Exhibit D

### Impacts on Historic Resources

The subject property is located adjacent to the parcel at the southeast corner of the intersection between Summerlin Road and Pine Ridge Road. The parcel located across Pine Ridge Road is owned by Sun State Professional Leasing Inc., zoned CC, and contains an office building occupied by Attorney, Realty, Art, and Insurance offices. The adjacent property to the south is owned by Onyx Waste Services of Florida Inc., zoned CF-3, and occupied with facilities that provide service to the area. Fort Myers Beach Iona-McGregor Wastewater Facility is located behind Onyx Services. The parcel located to the west is owned by Vision XXIV Ltd, zoned IPD. The Vision XXIV parcel received approval of a small scale Comprehensive Plan Amendment (CPA2001-00008) on January 13, 2002. On January 6, 2003, the Lee County Board of Commissioners adopted Resolution Number Z-02-068, rezoning Vision XXIV from IPD to CC. The property is currently vacant. The parcel located across Summerlin Road is owned by Barbour H + Lapidus D + Kresimer J Co, zoned AG-2, and is currently vacant. The parcel located on the opposite corner of the intersection is owned by Joseph Louis TR, zoned CC, and is currently vacant. At this intersection, the future land use for the north side of Summerlin Road is designated as Central Urban. The southwest corner of this intersection is designated Urban Community.

## Exhibit E

### Internal Consistency with the Lee Plan

1. The proposed small scale amendment would change the future land use from industrial development to urban community. The existing land use of Industrial Development does not permit residential uses other than bona fide caretaker residences. The proposed land use of Urban Community will permit a maximum of six dwelling units per acre.
2. The impact of changing 2.25 acres from Industrial Development to Urban Community would have negligible impact on Table 1(b), Planning Community Year 2020 Allocations, of the Lee Plan. As indicated in Table 1(a), Summary of Residential Densities, of the Lee Plan, Urban Community has a maximum residential density of six (6) dwelling units per acre. The expected use for this intersection corner is commercial.
3. The impact of changing 2.25 acres from Industrial Development to Urban Community would have no impact on any local government.
4. State Policy Plan and Regional Policy Plan goals and policies that are relevant to this plan amendment consist of conformance with the Lee Plan and its objectives and policies.
5. The subject parcel is presently zoned IPD and an application to rezone to commercial will be submitted to Lee County Development Services.

## Exhibit 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. The site is accessible to arterial roadways (Summerlin Road) but is not accessible to rail lines and cargo airport terminals.
  - b. Table 1(b) indicates that the Iona/McGregor Planning District has 782 acres of commercial uses. The Lee County total is 10,525 acres.
  - c. The impact of changing 2.25 acres from Industrial Development to Urban Community will have negligible effect on the county's industrial employment goal of employing 3% of the county's population in manufacturing activities by the year 2010.
2. Requests moving lands from a Non-Urban Area to a Future Urban Area.
  - a. The existing land use classification of Industrial Development and the proposed land use classification of Urban Community are both classified as Future Urban Areas. The proposed change does not constitute Urban Sprawl.
3. The proposed change is not in the listed critical areas for future potable water supply as listed in Policy 2.4.2, therefore does not require evaluation based on said policy.
4. The proposed change does not request moving lands from Density Reduction / Groundwater Resource, therefore does not require consideration to Policy 2.4.3.

## Exhibit G

### Proposed Amendment Justification

The proposed amendment is consistent with the Urban Community designation for the following reasons: The subject property is located at/near the intersection of Summerlin Road and Pine Ridge Road with the properties on the opposite corners of the intersection designated as Urban Community and/or Central Urban. The proximity of the subject property to the intersection is consistent with the location criteria of Policy 6.1.2 of the Lee Plan for Commercial Land Uses. The proposed use, commercial, is consistent with the "Urban Community" land use category. The following letters have been received indicating that the urban services required to support the small-scale amendment change can be provided: Onyx Waste Services Of Florida, Division of Public Safety: EMS, Lee County Office of the Sheriff, Lee County Transit, Lee County Parks and Recreation, Iona-McGregor Fire District. The Lee County School District is in the process of providing a support letter and the letter will be submitted upon receipt.

## Soils Description

### From Lee County Soil Survey

**28-Immokalee sand.** This is a nearly level, poorly drained soil in flatwoods areas. Slopes are smooth to convex and range from 0 to 2 percent.

Typically, the surface layer is black sand about 4 inches thick. The subsurface layer is dark gray sand in the upper 5 inches and light gray sand in the lower 27 inches. The subsoil is sand to a depth of 69 inches. The upper 14 inches is black and firm, the next 5 inches is dark reddish brown, and the lower 14 inches is dark yellowish brown. The substratum is very pale brown sand to a depth of 80 inches or more.

Included with this soil in mapping are EauGallie, Myakka, Oldsmar, Smyrna, and Wabasso soils. Also, included are small area of soils with a subsoil that is low in organic matter content and less than 12 inches thick. Included soils make up less than 15 percent of any mapper area.

In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months and 10 to 40 inches below the surface for 2 to 6 months. It recedes to a depth of more than 40 inches during extended dry periods.

The available water capacity is medium in the subsoil and very low in the surface and subsurface layers. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and moderate or moderately rapid in the subsoil.

Natural vegetation consists of sawpalmetto, fetterbush, pineland threeawn, and South Florida slash pine.

This soil is poorly suited to cultivated crops because of wetness and poor soil quality. The number of adapted crops is limited unless very intensive management practices are followed. With good water control and soil-improving measures, this soil can be made suitable for some vegetation crops. A water control system is needed to remove excess water in wet seasons and provide water through subsurface irrigation in dry seasons. Row crops should be rotated with close-growing, soil-improving crops. The rotation should include the soil-improving crops on the land three-fourths of the time. Seedbed preparation should include bedding of the rows. Fertilizer and lime should be added according to the need of the crops.

This soil is poorly suited to citrus unless very intensive management is used. Areas subject to frequent freezing in winter are not suitable. This soil is suitable for citrus only after a carefully designed water control system has been installed that will maintain the water table below a depth of 4 feet.

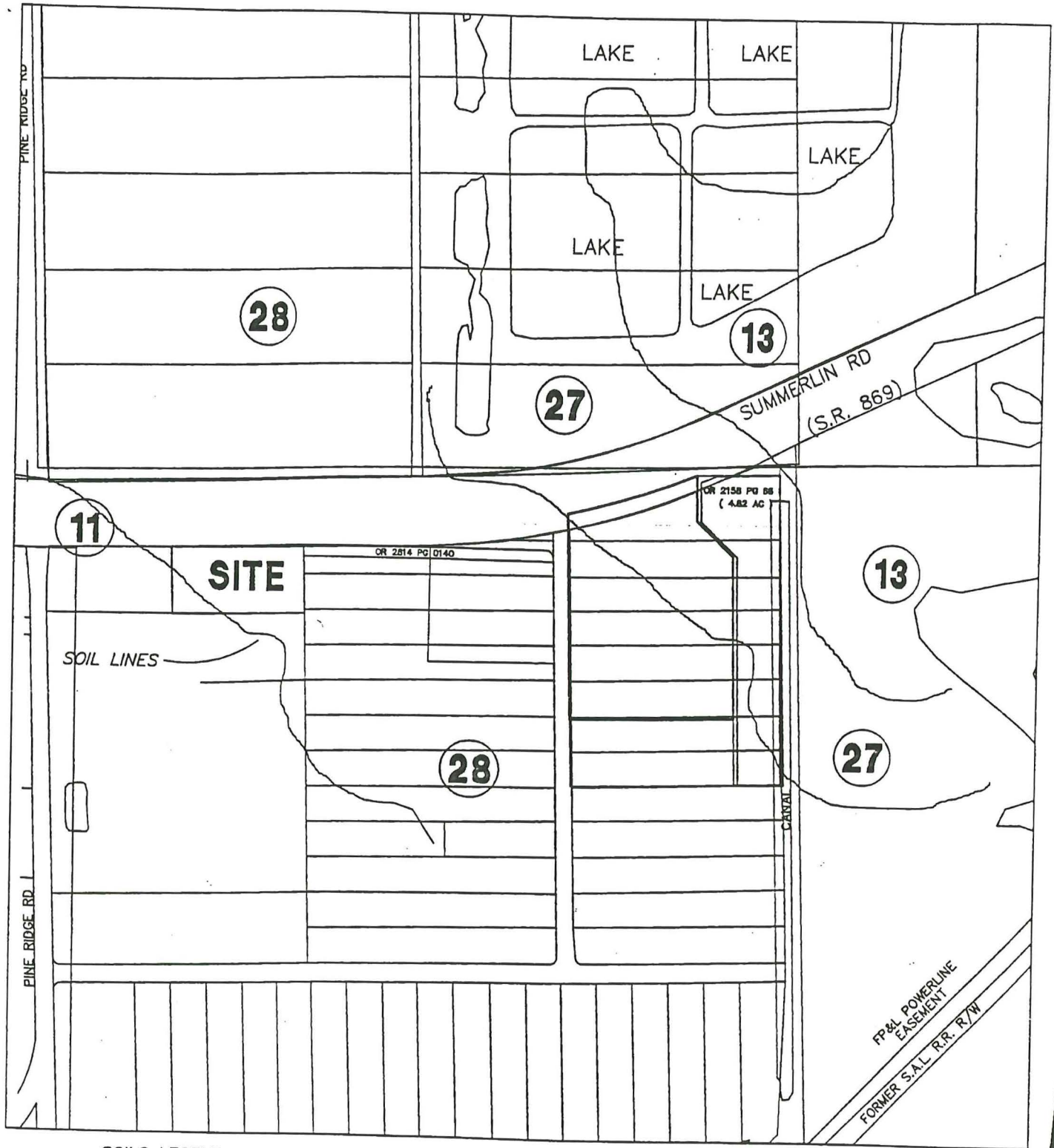
This soil is well suited to pastures. Pangolagrass, improved bahiagrass, and white clover grow well when they are well managed. Water control measures are needed to remove excess surface water after heavy rains. Regular applications of fertilizer and lime are needed. Controlling grazing helps to prevent overgrazing and weakening of the plants.

The potential productivity is moderate for South Florida slash pine. Bedding of rows helps in establishing seedlings and in removing excess surface water. The trees should be planted on beds and a vegetative cover maintained between the trees. Regular applications of fertilizer and lime are needed.

This soil has moderate potential for desirable range plant production. The dominant forage is creeping bluestem, lopsided indiangrass, pineland threeawn, and chalky bluestem. Management practices should include deferred grazing and brush control. This Immokalee soil is in the South Florida Flatwoods range site.

This soil has severe limitations for urban development because of high water table.

This Immokalee soil is in capability subclass IVw.



**SOILS LEGEND**

- 13 Boca fine sand
- 27 Pomoano fine Sand, Depressional
- 28 Immokalee sand
- 11 Myakka fine sand

SOILS INFORMATION WAS OBTAINED FROM THE LEE COUNTY SOIL SURVEY BY THE SOIL CONSERVATION SERVICE OF THE U.S.D.A.

**EXISTING SOILS MAP**

**IONA MCGREGOR FIRE PROTECTION AND RESCUE SERVICE DISTRICT**

15961 WINKLER ROAD  
FORT MYERS, FLORIDA 33908

**Business: 433-0660**

**Fire Only: 911**

January 23, 2003

Michael L. Prince  
Neese & Associates  
12661 Metro Parkway  
Fort Myers, FL 33912

Re: VISION XXV

Existing and proposed resources and facilities of the Fire District are adequate to provide services to the referenced project.

A handwritten signature in black ink, appearing to read "Steve Juntikka". The signature is fluid and cursive, with a large initial "S" and "J".

Steve Juntikka, Assistant Chief



**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 335-1604

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

January 3, 2003

Mr. Michael L. Prince  
Neese & Associates  
12661 Metro Parkway  
Fort Myers, Florida 33912

**Re: Written Determination of Adequacy for EMS services  
VISION XXV**

Dear Mr. Prince:

I have reviewed your letter dated December 6, 2002, which was received December 19, 2002. This letter will address the request made in that letter.

The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel or any support facilities. Furthermore, the easements appear to provide adequate ingress / egress for ambulances.

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

Respectfully submitted,

DIVISION OF PUBLIC SAFETY

Chief Chris Hansen  
EMS Program Manager

Office of the Sheriff  
Rodney Shoap



County of Lee  
State of Florida

January 3, 2003

Neese & Associates  
Michael L. Prince  
12661 Metro Parkway  
Fort Myers, Florida 33912

RE: VISION XXV  
Job # 020038.00  
Written Determination of Adequacy  
Existing and Proposed Support Facilities  
Lee County Small Scale Land Use Amendment

Dear Sir:

The VISION XXV, Written Determination of Adequacy, Existing and Proposed Support Facilities, Lee County Small Scale Land Use Amendment, Job # 020038.00 is within the service area for the Lee County Sheriff's Office. It is policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs.

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

Sincerely,

Major Dan Johnson  
Planning and Research

Copy: File





December 30, 2002

Neese & Associates  
12661 Metro Parkway  
Fort Myers, Florida 33912

RE: Adequacy Statement for Vision XXV

Dear Sir:

Onyx Waste Services Of Florida currently is contracted by Lee County, to provide waste collection services for the portion of the county where the proposed development is to take place. Under the terms of that contract, we are obligated to ensure that there is adequate equipment and personnel to meet the waste collection needs of any new development in the county. We are not anticipating anything that would prevent us from meeting our obligations to Lee County. Therefore, the assets and personnel necessary to perform the required service will be available when needed.

Sincerely,

A handwritten signature in black ink that reads "Robert Tingley".

Robert Tingley  
General Manager



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

941-277-5012

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

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

December 26, 2002

Mr. Michael L. Prince  
Neese & Associates  
12661 Metro Parkway  
Fort Myers, FL 33912

RE: VISION XXV

Dear Mr. Prince:

We have reviewed the site plan you provided for the referenced project. Lee County Transit does not require additional transit amenities at this location at this time.

If you have any questions, please call me at 239-277-5012 ext. 2233.

Sincerely,

TRANSIT DIVISION

*Michael S. Horsting*

Michael S. Horsting  
Transit Planner

*MSH*  
*MSH*



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8762  
(239) 479-8307 Fax

Bob Janes  
District One

January 9, 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

Mr. Michael L. Prince  
Neese and Associates  
12661 Metro Parkway  
Fort Myers, FL 33912

**Re: Vision XXV - Small Scale Comprehensive Plan Amendment  
Strap # 08-46-24-00-00001.003A**

Dear Mr. Prince:

Lee County staff has reviewed your request for a letter regarding the adequacy of existing and proposed support facilities relative to the proposed plan amendment referenced above.


Based on the information provided in your letters of December 6, 2002, and January 3, 2003, the subject property is a 2.25 ± acre parcel of land currently zoned Industrial Planned Development (IPD) and located in the Industrial Development future land use category. The parcel is located on the south side of, and contiguous to, Summerlin Road, approximately 420± feet east of its intersection with Pine Ridge Road. You have indicated that you will be requesting an amendment to change the future land use designation to Urban Community and subsequently rezoning the property to facilitate the development of commercial uses.

It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, please note that this determination is based on the proposed commercial use of the subject property which will not result in an increase of the current population in this area of Lee County.

Should you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,

DEPARTMENT OF PUBLIC WORKS

  
Michael P. Pavese  
Principal Planner

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

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

**PROJECT NAME:** VISION XXV, 17901 Summerlin Road, Fort Myers

**CASE NUMBER:** not supplied

**STRAP NUMBERS:** 08-46-24-00-00001.003A

**DATE OF REVIEW:** December 19, 2002

**REVIEWED BY:** Susan M. Strum, AICP, Planner  
Phone 239 479 8549 Fax 479-8161  
e-mail: strumsm@leegov.com

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

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

**Level 1 or Level 2 zones of Archaeological Sensitivity:** The subject parcel is not located on either Level 1 or Level 2 zones of archaeological sensitivity.

Copy: Pam Houck Zoning Director  
Michael L. Prince, Neese & Associates, 12661 Metro Parkway, Fort Myers, FL  
33912

Vacant Land Contract

PARTIES AND DESCRIPTION OF PROPERTY

1. SALE AND PURCHASE: Vision XXV, Ltd., A California Limited Partnership (Seller) and Donald R. Lucas (Buyer)

Address: A tract of land located in the S/E Quadrant of Summerlin Road and Legal Description: Pine Ridge Road, Lee County, Fort Myers, Florida, known as Vision XXV. STRAP #08-46-24-00-00001.003A. Exact legal description to be determined by Seller's survey.

including all improvements and the following additional property: None - Vacant Land

PRICE AND FINANCING

2. PURCHASE PRICE: \$ [redacted] payable by Buyer in U.S. funds as follows:

- (a) \$ [redacted] Deposit received (checks are subject to clearance) within two days of receipt for signed contract (Escrow Agent)
(b) \$ -0- Additional deposit to be made by
(c) [redacted] Total Financing (see Paragraph 3 below) (express as a dollar amount or percentage)
(d) \$ -0- Other:
(e) \$ [redacted] Balance to close (not including Buyer's closing costs, prepaid items and prorations). All funds paid at closing must be paid by locally drawn cashier's check or wired funds.

U (f) (complete only if purchase price will be determined based on a per unit cost instead of a fixed price) The unit used to determine the purchase price is [ ] lot [ ] acre [ ] square foot [ ] other (specify: N/A)
prorating areas of less than a full unit. The purchase price will be \$ N/A per unit based on a calculation of total area of the Property as certified to Buyer and Seller by a Florida-licensed surveyor in accordance with Paragraph 8(c) of this Contract. The following rights of way and other areas will be excluded from the calculation: N/A

3. CASH/FINANCING: (Check as applicable) [ ] (a) Buyer will pay cash for the Property with no financing contingency.

[ ] (b) This Contract is contingent on Buyer qualifying and obtaining the commitment(s) or approval(s) specified below within [ ] days from Effective Date (if left blank then Closing Date or 30 days from Effective Date, whichever occurs first). Buyer will apply for financing within [ ] days from Effective Date (5 days if left blank) (Application Period) and will timely provide any and all credit, employment, financial, and other information required by the lender. If Buyer, after using diligence and good faith, cannot obtain the financing, either party may cancel this Contract and Buyer will return to Seller all title evidence and surveys provided by Seller, and Buyer's deposit(s) will be returned after Escrow Agent receives proper authorization from all interested parties. Buyer will pay all loan expenses, including the lender's title insurance policy.

[ ] (1) New Financing: Buyer will secure a commitment for new third party financing for \$ [ ] or [ ] % of the purchase price at the prevailing interest rate and loan costs. Buyer will keep Seller and Broker fully informed of the loan application status and progress and authorizes the lender or mortgage broker to disclose all such information to Seller and Broker.

[ ] (2) Seller Financing: Buyer will execute a [ ] first [ ] second purchase money note and mortgage to Seller in the amount of \$ [ ] bearing annual interest at P [ ] % and payable as follows: ADDENDUM #1

This mortgage, note, and any security agreement will be in a form acceptable to Seller and will follow forms generally accepted in the county where the Property is located; will provide for a late payment fee and acceleration at the mortgagee's option if Buyer defaults; will give Buyer the right to prepay without penalty all or part of the principal at any time(s) with interest only to date of payment; will be due on conveyance or sale; will provide for release of contiguous parcels, if applicable; and will require Buyer to keep liability insurance on the Property, with Seller as additional named insured. Buyer authorizes Seller to obtain credit, employment and other necessary information to determine creditworthiness for the financing. Seller will, within 10 days from Effective Date, give Buyer written notice of whether or not Seller will make the loan.

[ ] (3) Mortgage Assumption: Buyer will take title subject to and assume and pay existing first mortgage to [ ]

LNB [ ] in the approximate amount of \$ [ ] currently payable at \$ [ ] per month including principal, interest, [ ] taxes and insurance and having a [ ] fixed [ ] other (describe) [ ] interest rate of [ ] % which [ ] will [ ] not escalate upon assumption. Any variance in the mortgage will be adjusted in this balance due at closing with no adjustment to purchase price. Buyer will purchase Seller's escrow account dollar for dollar. If the lender disapproves Buyer, or the interest rate upon transfer exceeds [ ] % or the assumption/transfer fee exceeds \$ [ ], either party may elect to pay the excess, (ailing which this agreement will terminate and Buyer's deposit(s) will be returned.

CLOSING

4. CLOSING DATE: OCCUPANCY: This Contract will be closed and the deed and possession delivered on or before [ ] SEE ADDENDUM #1 unless extended by other provisions of this Contract. If on Closing Date insurance underwriting is suspended, Buyer may postpone closing up to 5 days.

Buyer (initials) and Seller (initials) acknowledge receipt of a copy of this page, which is Page 1 of 4 Pages.

PA 2003-00001 RECEIVED JAN 28 2003

COMMUNITY DEVELOPMENT



5. CLOSING PROCEDURE; COSTS: If title insurance insures Buyer for title defects arising between the title binder effective date and recording of Buyer's deed, closing agent will disburse at closing the net sale proceeds to Seller and brokerage fees to Broker as per Paragraph 17. In addition to other expenses provided in this Contract, Seller and Buyer will pay the costs indicated below.

(a) Seller Costs: Seller will pay taxes on the deed and recording fees for documents needed to cure title; certified, confirmed and ratified special assessment liens; title evidence (if applicable under Paragraph 8); Other: ALTA Survey

(b) Buyer Costs: Buyer will pay taxes and recording fees on notes and mortgages and recording fees on the deed and financing statements; loan expenses; pending special assessment liens, lender's title policy at the simultaneous issue rate; inspections; survey and sketch; insurance; Other: permits/zoning/land use changes

(c) Title Evidence and Insurance: Check (1) or (2):

(1) Seller will provide a Paragraph 8(a)(1) owner's title insurance commitment as title evidence.  Seller  Buyer will select the title agent.  Seller  Buyer will pay for the owner's title policy, search, examination and related charges. Each party will pay its own closing fees.

(2) Seller will provide title evidence as specified in Paragraph 8(a)(2).  Seller  Buyer will pay for the owner's title policy and select the title agent. Seller will pay fees for title searches prior to closing, including tax search and lien search fees, and Buyer will pay fees for title searches after closing (if any), title examination fees and closing fees.

(d) Prorations: The following items will be made current and prorated as of the day before Closing Date: real estate taxes, interest, bonds, assessments, leases and other Property expenses and revenues. If taxes and assessments for the current year cannot be determined, the previous year's rates will be used with adjustment for any exemptions.

(e) Tax Withholding: Buyer and Seller will comply with the Foreign Investment in Real Property Tax Act, which may require Seller to provide additional cash at closing if Seller is a "foreign person" as defined by federal law.

PROPERTY CONDITION

6. LAND USE: Seller will deliver the Property to Buyer at the time agreed in its present "as is" condition, with conditions resulting from Buyer's inspections and casualty damage, if any, excepted. Seller will maintain the landscaping and grounds in a comparable condition and will not engage in or permit any activity that would materially alter the Property's condition without the Buyer's prior written consent.

(a) Flood Zone: Buyer is advised to verify by survey, with the lender and with appropriate government agencies which flood zone the Property is in, whether flood insurance is required and what restrictions apply to improving the Property and rebuilding in the event of casualty.

(b) Government Regulation: Buyer is advised that changes in government regulations and levels of service which affect Buyer's intended use of the Property will not be grounds for cancelling this Contract if the Feasibility Study Period has expired or if Buyer has checked choice (c)(2) below.

(c) Inspections: (check (1) or (2) below)

(1) Feasibility Study: Buyer will, at Buyer's expense and within SEE ADDENDUM # 1 days from Effective Date ("Feasibility Study Period"), determine whether the Property is suitable, in Buyer's sole and absolute discretion, for Commercial use. During the Feasibility Study Period, Buyer may conduct a Phase I environmental assessment and any other tests, analyses, surveys and investigations ("Inspections") that Buyer deems necessary to determine to Buyer's satisfaction the Property's engineering, architectural and environmental properties; zoning and zoning restrictions; subdivision statutes; soil and grade; availability of access to public roads, water, and other utilities; consistency with local, state and regional growth management plans; availability of permits, government approvals, and licenses; and other inspections that Buyer deems appropriate to determine the Property's suitability for the Buyer's intended use. If the Property must be rezoned, Buyer will obtain the rezoning from the appropriate government agencies. Seller will sign all documents Buyer is required to file in connection with development or rezoning approvals.

Seller gives Buyer, its agents, contractors and assigns, the right to enter the Property at any time during the Feasibility Study Period for the purpose of conducting inspections; provided, however, that Buyer, its agents, contractors and assigns enter the Property and conduct inspections at their own risk. Buyer will indemnify and hold Seller harmless from losses, damages, costs, claims and expenses of any nature, including attorneys' fees, expenses and liability incurred in application for zoning or related proceedings, and from liability to any person, arising from the conduct of any and all inspections or any work authorized by Buyer. Buyer will not engage in any activity that could result in a construction lien being filed against the Property without Seller's prior written consent. If this transaction does not close, Buyer will, at Buyer's expense, (1) repair all damages to the Property resulting from the inspections and return the Property to the condition it was in prior to conduct of the inspections, and (2) release to Seller all reports and other work generated as a result of the inspections.

Buyer will deliver written notice to Seller prior to the expiration of the Feasibility Study Period of Buyer's determination of whether or not the Property is acceptable. Buyer's failure to comply with this notice requirement will constitute acceptance of the Property as suitable for Buyer's intended use in its "as is" condition. If the Property is unacceptable to Buyer and written notice of this fact is timely delivered to Seller, this Contract will be deemed terminated as of the day after the Feasibility Study period ends and Buyer's deposit(s) will be returned after Escrow Agent receives proper authorization from all interested parties.

(2) No Feasibility Study: Buyer is satisfied that the Property is suitable for Buyer's purposes, including being satisfied that either public sewerage and water are available to the Property or the Property will be approved for the installation of a wet and/or private sewerage disposal system and that existing zoning and other pertinent regulations and restrictions, such as subdivision or deed restrictions, concurrency, growth management and environmental conditions, are acceptable to Buyer. This Contract is not contingent on Buyer conducting any further investigations.

7. RISK OF LOSS; EMINENT DOMAIN: If any portion of the Property is materially damaged by casualty before closing, or Seller negotiates with a governmental authority to transfer all or part of the Property in lieu of eminent domain proceedings, or if an eminent domain proceeding is initiated, Seller will promptly inform Buyer. Either party may cancel this Contract by written notice to the other within 10 days from Buyer's receipt of Seller's notification, failing which Buyer will close in accordance with this Contract and receive all payments made by the government authority or insurance company, if any.

TITLE

8. TITLE: Seller will convey marketable title to the Property by statutory warranty deed or trustee, personal representative or guardian deed as appropriate to Seller's status.

(a) Title Evidence: Title evidence will show legal access to the Property and marketable title of record in Seller in accordance with current title standards adopted by the Florida Bar, subject only to the following title exceptions, none of which prevent Buyer's intended use of the Property as Commercial Property: covenants, easements and restrictions of record; matters of plat; existing zoning and government regulations; oil, gas and mineral rights of record if there is no right of entry; current taxes; mortgages that Buyer will assume; and encumbrances that Seller will discharge at or before closing. Seller will, prior to closing, deliver to Buyer Seller's choice of one of the following types of title evidence,

Buyer (D.A.) and Seller (D.A.) acknowledge receipt of a copy of this page, which is Page 2 of 4 Pages.

147 which must be generally accepted in the county where the Property is located (specify in Paragraph 5(c) the selected  
 148 type). Seller will use option (1) in Palm Beach County and option (2) in Dade County.  
 149 (1) A title insurance commitment issued by a Florida-licensed title insurer in the amount of the purchase price and  
 150 subject only to title exceptions set forth in this Contract.  
 151 (2) An existing abstract of title from a reputable and existing abstract firm (if firm is not existing, then abstract must be  
 152 certified as correct by an existing firm) purporting to be an accurate synopsis of the instruments affecting title to the  
 153 Property recorded in the public records of the county where the Property is located and certified to Effective Date.  
 154 However if such an abstract is not available to Seller, then a prior owner's title policy acceptable to the proposed insurer  
 155 as a base for reissuance of coverage. Seller will pay for copies of all policy exceptions and an update in a format  
 156 acceptable to Buyer's closing agent from the policy effective date and certified to Buyer or Buyer's closing agent,  
 157 together with copies of all documents recited in the prior policy and in the update. If a prior policy is not available to  
 158 Seller then (1) above will be the title evidence. Title evidence will be delivered no later than 10 days before Closing Date.  
 159 (b) Title Examination: Buyer will examine the title evidence and deliver written notice to Seller, within 5 days from receipt  
 160 of title evidence but no later than closing, of any defects that make the title unmarketable. Seller will have 30 days from  
 161 receipt of Buyer's notice of defects ("Curative Period") to cure the defects at Seller's expense. If Seller cures the  
 162 defects within the Curative Period, Seller will deliver written notice to Buyer and the parties will close the transaction on  
 163 Closing Date or within 10 days from Buyer's receipt of Seller's notice if Closing Date has passed. If Seller is unable to  
 164 cure the defects within the Curative Period, Seller will deliver written notice to Buyer and Buyer will, within 10 days from  
 165 receipt of Seller's notice, either cancel this Contract or accept title with existing defects and close the transaction.  
 166 (c) Survey: Buyer may, prior to Closing Date and at Buyer's expense, have the Property surveyed and deliver written  
 167 notice to Seller, within 5 days from receipt of survey but no later than closing, of any encroachments on the Property,  
 168 encroachments by the Property's improvements on other lands or deed restriction or zoning violations. Any such  
 169 encroachment or violation will be treated in the same manner as a title defect and Buyer's and Seller's obligations will  
 170 be determined in accordance with subparagraph (b) above. If any part of the Property lies seaward of the coastal  
 171 construction control line, Seller will provide Buyer with an affidavit or survey as required by law delineating the line's  
 172 location on the property, unless Buyer waives this requirement in writing.

173 **MISCELLANEOUS**

174 **9. EFFECTIVE DATE; TIME:** The "Effective Date" of this Contract is the date on which the last of the parties initials or  
 175 signs the latest offer. Time is of the essence for all provisions of this Contract. All time periods expressed as days will  
 176 be computed in business days (a "business day" is every calendar day except Saturday, Sunday and national legal  
 177 holidays). If any deadline falls on a Saturday, Sunday or national legal holiday, performance will be due the next business  
 178 day. All time periods will end at 5:00 p.m. local time (meaning in the county where the Property is located) of the  
 179 appropriate day.  
 180 **10. NOTICES:** All notices will be made to the parties and Broker by mail, personal delivery or electronic media. Buyer's  
 181 failure to deliver timely written notice to Seller, when such notice is required by this Contract, regarding any contingencies  
 182 will render that contingency null and void and the Contract will be construed as if the contingency did not exist.  
 183 **11. COMPLETE AGREEMENT:** This Contract is the entire agreement between Buyer and Seller. Except for brokerage  
 184 agreements, no prior or present agreements will bind Buyer, Seller or Broker unless incorporated into this Contract.  
 185 Modifications of this Contract will not be binding unless in writing, signed and delivered by the party to be bound. Signatures,  
 186 initials, documents referenced in this Contract, counterparts and written modifications communicated electronically or on paper  
 187 will be acceptable for all purposes, including delivery, and will be binding. Handwritten or typewritten terms inserted in or  
 188 attached to this Contract prevail over preprinted terms. If any provision of this Contract is or becomes invalid or unenforceable,  
 189 all remaining provisions will continue to be fully effective. This Contract will not be recorded in any public records.  
 190 **12. ASSIGNABILITY; PERSONS BOUND:** Buyer may not assign this Contract without Seller's written consent. The terms  
 191 "Buyer," "Seller," and "Broker" may be singular or plural. This Contract is binding on the heirs, administrators, executors,  
 192 personal representatives and assigns (if permitted) of Buyer, Seller and Broker.

193 **DEFAULT AND DISPUTE RESOLUTION**

194 **13. DEFAULT:** (a) Seller Default: If for any reason other than failure of Seller to make Seller's title marketable after diligent effort,  
 195 Seller fails, refuses or neglects to perform this Contract, Buyer may choose to receive a return of Buyer's deposit without  
 196 waiving the right to seek damages or to seek specific performance as per Paragraph 16. Seller will also be liable to Broker for  
 197 the full amount of the brokerage fee. (b) Buyer Default: If Buyer fails to perform this Contract within the time specified, including  
 198 timely payment of all deposits, Seller may choose to retain and collect all deposits paid and agreed to be paid as liquidated  
 199 damages or to seek specific performance as per Paragraph 16; and Broker will, upon demand, receive 50% of all deposits  
 200 paid and agreed to be paid (to be split equally among cooperating brokers) up to the full amount of the brokerage fee.  
 201 **14. DISPUTE RESOLUTION:** This Contract will be construed under Florida law. All controversies, claims, and other matters in  
 202 question between the parties arising out of or relating to this Contract or its breach will be settled as follows:  
 203 (a) Disputes concerning entitlement to deposits made and agreed to be made; Buyer and Seller will have 30 days from  
 204 the date conflicting demands are made to attempt to resolve the dispute through mediation. If that fails, Escrow Agent  
 205 will submit the dispute, if so required by Florida law, to Escrow Agent's choice of arbitration, a Florida court or the  
 206 Florida Real Estate Commission. Buyer and Seller will be bound by any resulting settlement or order.  
 207 (b) All other disputes: Buyer and Seller will have 30 days from the date a dispute arises between them to attempt to  
 208 resolve the matter through mediation, failing which the parties will resolve the dispute through neutral binding  
 209 arbitration in the county where the Property is located. The arbitrator may not alter the Contract terms or award any  
 210 remedy not provided for in this Contract. The award will be based on the greater weight of the evidence and will  
 211 state findings of fact and the contractual authority on which it is based. If the parties agree to use discovery, it will  
 212 be in accordance with the Florida Rules of Civil Procedure and the arbitrator will resolve all discovery-related  
 213 disputes. Any disputes with a real estate licensee named in Paragraph 17 will be submitted to arbitration only if the  
 214 licensee's broker consents in writing to become a party to the proceeding. This clause will survive closing.  
 215 (c) Mediation and Arbitration; Expenses: "Mediation" is a process in which parties attempt to resolve a dispute by  
 216 submitting it to an impartial mediator who facilitates the resolution of the dispute but who is not empowered to impose a  
 217 settlement on the parties. Mediation will be in accordance with the rules of the American Mediation Association or other  
 218 mediator agreed on by the parties. The parties will equally divide the mediation fee, if any. "Arbitration" is a process in  
 219 which the parties resolve a dispute by a hearing before a neutral person who decides the matter and whose decision is  
 220 binding on the parties. Arbitration will be in accordance with the rules of the American Arbitration Association or other  
 221 arbitrator agreed on by the parties. Each party to any arbitration will pay its own fees, costs and expenses, including  
 222 attorneys' fees, and will equally split the arbitrators' fees and administrative fees of arbitration. In a civil action to enforce  
 223 an arbitration award, the prevailing party to the arbitration shall be entitled to recover from the nonprevailing party  
 224 reasonable attorneys' fees, costs and expenses.

225 Buyer  and Seller  acknowledge receipt of a copy of this page, which is Page 3 of 4 Pages.  
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ESCROW AGENT AND BROKER

15. ESCROW AGENT: Buyer and Seller authorize Escrow Agent to receive, deposit and hold funds and other items in escrow and, subject to clearance, disburse them upon proper authorization and in accordance with the terms of this Contract, including disbursing brokerage fees. The parties agree that Escrow Agent will not be liable to any person for misdelivery of escrowed items to Buyer or Seller, unless the misdelivery is due to Escrow Agent's willful breach of this Contract or gross negligence. If Escrow Agent interpleads the subject matter of the escrow, Escrow Agent will pay the filing fees and costs from the deposit and will recover reasonable attorneys' fees and costs to be paid from the escrowed funds or equivalent and charged and awarded as court costs in favor of the prevailing party. All claims against Escrow Agent will be arbitrated, so long as Escrow Agent consents to arbitrate.

16. PROFESSIONAL ADVICE; BROKER LIABILITY: Broker advises Buyer and Seller to verify all facts and representations that are important to them and to consult an appropriate professional for legal advice (for example, interpreting contracts, determining the effect of laws on the Property and transaction, status of title, foreign investor reporting requirements, etc.) and for tax, property condition, environmental and other specialized advice. Buyer acknowledges that Broker does not reside in the Property and that all representations (oral, written or otherwise) by Broker are based on Seller representations or public records unless Broker indicates personal verification of the representation. Buyer agrees to rely solely on Seller, professional inspectors and governmental agencies for verification of the Property condition and facts that materially affect Property value. Buyer and Seller respectively will pay all costs and expenses, including reasonable attorneys' fees at all levels, incurred by Broker and Broker's officers, directors, agents and employees in connection with or arising from Buyer's or Seller's misstatement or failure to perform contractual obligations. Buyer and Seller hold harmless and release Broker and Broker's officers, directors, agents and employees from all liability for loss or damage based on (1) Buyer's or Seller's misstatement or failure to perform contractual obligations; (2) Broker's performance, at Buyer's and/or Seller's request, of any task beyond the scope of services regulated by Chapter 475, F.S., as amended, including Broker's referral, recommendation or retention of any vendor; (3) products or services provided by any vendor; and (4) expenses incurred by any vendor. Buyer and Seller each assume full responsibility for selecting and compensating their respective vendors. This paragraph will not relieve Broker of statutory obligations. For purposes of this paragraph, Broker will be treated as a party to this Contract. This paragraph will survive closing.

17. BROKERS: The licensee(s) and brokerage(s) named below are collectively referred to as "Broker." Seller and Buyer acknowledge that the brokerage(s) named below are the procuring cause of this transaction. Instruction to Closing Agent: Seller and Buyer direct closing agent to disburse at closing the full amount of the brokerage fees as specified in separate brokerage agreements with the parties and cooperative agreements between the brokers, unless Broker has retained such fees from the escrowed funds. In the absence of such brokerage agreements, closing agent will disburse brokerage fees as indicated below.

Grubb & Ellis/VIP D'Allesandro Future Realty Services, Inc.
Real Estate License Real Estate License
Broker / Brokerage fee: 5% of Purchase Price Broker / Brokerage fee: 5% of Purchase Price

ADDITIONAL TERMS

18. ADDITIONAL TERMS: Buyer shall have a sixty (60) day initial inspection period, to commence on the effective date (line 291) to determine if the property is suitable for Buyer's intended use. During this sixty (60) day period, Buyer shall conduct necessary informal hearings with all government agencies involved in Buyer's permitting process, for obtaining all zoning and development permits. If at the end of the sixty (60) day initial inspection period, Buyer has failed to conduct said hearings, or, if Buyer has determined the findings of said hearing conclude that...SEE ADDENDUM #1
This is intended to be a legally binding contract. If not fully understood, seek the advice of an attorney prior to signing.

OFFER AND ACCEPTANCE

(Check if applicable:  Buyer received a written real property disclosure statement from Seller before making this Offer.)
Buyer offers to purchase the Property on the above terms and conditions. Unless this Contract is signed by Seller and a copy delivered to Buyer no later than 5:00 a.m. or p.m. on November 15, 2002, this offer will be revoked and Buyer's deposit refunded subject to clearance of funds.

Date: Nov 5, 2002 Buyer: Donald R. Lucas Tax ID/SSN:
Print name: Donald R. Lucas

Date: Buyer: Tax ID/SSN:
Print name:
Address:
Fax:

Date: 11/13/02 Seller: [Signature] Tax ID/SSN:
Print name: Vision XXV, Ltd. A California Limited Partnership

Date: Seller: Tax ID/SSN:
Print name:
Address:
Fax:

Seller counters Buyer's offer (to accept the counter offer, Buyer must sign or initial the counter offered terms and deliver a copy of the acceptance to Seller by 5:00 p.m. on \_\_\_\_\_).  Seller rejects Buyer's offer.

Effective Date: (The date on which the last party signed or initialed acceptance of the final offer.)

Buyer ( ) and Seller ( ) acknowledge receipt of a copy of this page, which is Page 4 of 4 Pages.
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**ADDENDUM #1, VACANT LAND CONTRACT  
VISION XXV, LTD. TO DONALD R. LUCAS**

Continued from page 4 of 4, line 270: the Property, for whatever reason and in Buyer's sole discretion, is unsuitable for Buyer's purposes, this Vacant Land Contract shall terminate, the earnest money deposit will be returned to Buyer and there shall be no further action(s) or obligation(s) by, or of, either party, pertaining to this Vacant Land Contract. At Seller's option, Buyer shall deliver to Seller, any documents, reports or findings generated through the due diligence hearings. Seller shall make available to Buyer, existing surveys and property information, if any, currently in Seller's possession, that may facilitate Buyer's due diligence and permits.

Upon completion of the sixty (60) day initial inspection period, and upon Buyer's decision to enter the permitting phase of the due diligence, Buyer shall provide Seller with a time line schedule for simultaneously securing permits for zoning and Lee County land use map amendment. Buyer shall have fifteen (15) months to secure said permits, and Buyer shall make monthly reports to Seller's representative as to the progress of the permitting process.

Buyer shall have thirty (30) days from the receipt of zoning and Lee County land use map amendment permits to receive a development order permit through the appropriate government agency. Closing shall be within ten (10) days of receipt of the development order permit, or within eighteen (18) months from acceptance of this offer, whichever occurs first.

If Buyer is unable to secure zoning, Lee County land use map amendment and/or development permits for the Property, through no fault of Buyer, the deposit shall be returned to Buyer, and neither Buyer nor Seller shall have any further obligations pertaining to this Vacant Land Contract.

Buyer may, during the permitting process, erect signs on the property, promoting Buyer's project, to include leasing and subdividing information. Buyer may not erect signs indicating the property, in its entirety, is for sale.

Seller Financing: Buyer will execute a first purchase money note and mortgage to Seller in the amount of [redacted] with an eighteen (18) month term, bearing interest at Wall Street Journal posted Prime Interest Rate plus One (1) percent, interest only payable quarterly on the principal balance and a balloon payment at the end of the eighteenth (18<sup>th</sup>) month for the principal amount and any outstanding accrued interest. Said note shall carry no prepayment penalty.

*del*  
[redacted signature]

Prior to the effective date of this contract, Seller shall provide Buyer with documentation that the individual executing this contract on behalf of the limited partnership is authorized to represent the limited partnership in contractual matters. Seller's escrow agent and title insurance provider must be approved to do business in the State of Florida and maintain an office in Lee County, Florida.

Seller acknowledges that Buyer is a Florida licensed real estate broker, buying for his own account and for the account of others, and, at closing, Buyer may either take title to the property, take title in the name of an investment group that Buyer is a part of, or take title in the name of an investment group that Buyer is not a part of.

Buyer acknowledges the Property is currently designated for industrial uses and the Property will require a Lee County land use map amendment and rezoning to utilize the Property for commercial purposes. Buyer acknowledges the current Master Concept Plan for the Property has expired. Buyer acknowledges the average Property elevation is five (5) feet and FEMA finished floor building elevation is ten (10) feet.

THIS ADDENDUM, upon its execution by both parties, is herewith made an integral part of the Vacant Land Contract, Vision XXV, Ltd., a California Limited Partnership to Donald R. Lucas, and supersedes and controls any provision of the Vacant Land Contract to the contrary.

DATE: November 5, 2002 DATE: 11/13/02

Donald R. Lucas  
Donald R. Lucas

[Signature] For Vision XXV  
Vision XXV, Ltd., a California Limited Partnership

2116835

This instrument was prepared by  
Name Terry V. Broughton, Esq.  
Smoot Johnston Johnson & Green  
Address P.O. Drawer DD  
Fort Myers, Florida 33902

# Warranty Deed

(STATUTORY FORM - SECTION 689.02 F.S.)

This instrument, Made this 30th day of June, 19 86, Between

DNIGHT S. BAIRD, JR., TRUSTEE UNDER THE PROVISIONS OF AN UNRECORDED TRUST AGREEMENT DATED THE 23RD DAY OF APRIL, 1985

of the County of Lee, State of Florida, grantor, and  
VISION XCV, LTD., a California Limited Partnership

whose post office address is 1505 East 17th Street, Suite 220, Santa Anna, California 92701

of the County of \_\_\_\_\_, State of California, grantee.

Witnesseth, That said grantor, for and in consideration of the sum of

\_\_\_\_\_ ten and no/100 \_\_\_\_\_ Dollars,

and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

SEE ATTACHED DESCRIPTION FOR PARCEL II.

*Handwritten:* 08-46-24-00-  
00001.003A  
Strap →

Documentary Tax Pd. \$ 1,200.00  
\$ \_\_\_\_\_ Intangible Tax Pd.  
By CHARLIE GREEN, CLERK, LEE COUNTY  
[Signature] Deputy Clerk

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

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

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.  
Signed, sealed and delivered in our presence:

[Signature] \_\_\_\_\_ (Seal)  
Dwight S. Baird, Jr., Trustee  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (Seal)

STATE OF FLORIDA  
COUNTY OF LEE

I HEREBY CERTIFY that on this day before me, an officer duly-qualified to take acknowledgments, personally appeared

Dwight S. Baird, Jr.

to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 30th day of June, 19 86.

My commission expires: 11/11/86



RECEIVED

JAN 28 2003

COMMUNITY DEVELOPMENT  
CPA-2003-00001

REC 1854 PG 3 of 4

PARCEL II

JOHNSON ENGINEERING, INC.

CIVIL ENGINEERS AND LAND SURVEYORS

2158 JOHNSON STREET  
TELEPHONE (813) 334-0046  
TELECOPIER (813) 334-3881  
POST OFFICE BOX 1880  
DUNEDIN, FLORIDA  
33503 1880

June 26, 1986

CARLE JOHNSON  
1986 000

DESCRIPTION

PARCEL B

IN THE NW-1/4,  
SECTION 8, T. 46 S., R. 24 E.,  
LEE COUNTY, FLORIDA

A tract or parcel of land lying in the northwest quarter (NW-1/4) of Section 8, Township 46 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:


From the intersection of the easterly line of Pine Ridge Road (50 feet wide) and the north line of the south 275 feet of the north 500 feet of the west 897 feet of said Section 8 run N 89° 02' 47" E along the line common to said north line the south line of Summerlin Road (CR869) (225 feet wide) for 434.95 feet to the Point of Beginning.

From said Point of Beginning continue N 89° 02' 47" E along said common line for 434.94 feet to the east line of said fraction; thence run S 01° 13' 00" E along said east line for 275.00 feet to an intersection with the south line of said fraction; thence run S 89° 02' 47" W along said south line for 433.62 feet; thence run N 01° 29' 32" W for 274.99 feet to the Point of Beginning.

Containing 2.74 acres more or less.

Bearings hereinabove mentioned are based on the centerline survey of Summerlin Road (CR869).

REC 1954 PG 3641

  
Jeffrey C. Cooner  
Professional Land Surveyor  
Florida Certificate No. 4052

JCC/ct  
15267

CHAIRMAN  
ARCHIE T. GRANT, JR.

PRESIDENT  
FORREST H. BANKS

VICE PRESIDENT  
LEIF E. JOHNSON

JOSEPH W. EBNER  
STEVEN K. MORRISON  
ANDREW O. TILTON

JEFFREY C. COONER  
JAN W. DICKEY  
GENTON R. KEILING  
RONALD D. STOUTEN  
GEORGE J. KALAL  
MICHAEL L. HARMON

CONSULTANTS  
LESTER L. BULSON  
ROBERT S. O'BRIEN

AN EQUAL OPPORTUNITY EMPLOYER

SUBJECT TO easements and restrictions of record and taxes for the years subsequent to 1985.

SUBJECT, HOWEVER, To a purchase money mortgage encumbering the property herein described and executed and delivered by the Grantee, as mortgagor therein, to the Grantor, as mortgagee therein, to secure the payment of a promissory note dated the same as this deed in the initial principal amount of \$195,000.00; and,

SUBJECT, HOWEVER, To a "RESTRICTIVE AGREEMENT" dated the same as this deed between the Grantor, the Grantee and VISION XOTV, Ltd., a California limited partnership, which agreement is anticipated to be recorded immediately after this deed and the purchase money mortgage;

TOGETHER WITH a non-exclusive perpetual easement for ingress, egress, and other lawful purposes related to the use and enjoyment of Parcel II over, across and under the southerly forty (40') feet of Parcel I (as described in the attached exhibit); and,

SUBJECT TO a reservation of 1/2 interest in all oil, petroleum, petroleum products and minerals and exclusive rights to protect for same, as recorded in Deed Book 231, Page 367, Public Records of Lee County, Florida. Notice pursuant to Section 704.05 and 712 P.S. recorded in O.R. Book 1153, Page 887; and,

SUBJECT TO a mortgage from Dwight S. Baird, Jr., Trustee to James A. Midgley and E. Lois Midgley, husband and wife, as an estate by the entireties in the principal amount of \$228,250.00 dated April 23, 1985 and recorded April 23, 1985 in O.R. Book 1779, Page 3916 of the Public Records of Lee County, Florida; and,

SUBJECT TO a Lee County eminent domain proceeding for improvement of Pine Ridge Road. Notice of the proceeding was given by letter from County Attorney's office to Dwight S. Baird, dated June 17, 1985.

REF 1854 PG 3642

**TRAFFIC  
IMPACT  
STATEMENT**

**for**

**SMALL SCALE PLAN AMENDMENT  
FOR  
VISION XXV**

**For  
Donald R. Lucas  
1950 Courtney Drive  
Fort Myers, Florida 3301**

**Job # 020038.00**

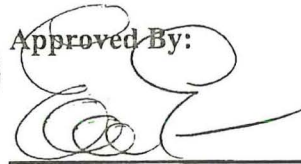
**Prepared by:**

**Neese & Associates  
12661 Metro Parkway  
Fort Myers, Florida 33912**

**RECEIVED**

**JAN 28 2003**

**Approved By:**



**COMMUNITY DEVELOPMENT**

**Date:**

**1/27/03**

**2003-00001**

**EXHIBIT B-1**

A. Basis of Analysis

The following calculations were prepared based on the I.T.E. Trip Generation Manual 6th Edition for Land Use 851, Convenience Store – Open 24 hours, per 1,000 square feet of gross leasing area (GLA). The proposed project is the development of a 5,000 SF convenience store with a calculated buildout of six years.

B. Traffic Circulation Analysis

Roadways serving this site:

Summerlin Road – 4 lanes, arterial, 235' r/w, current LOS C, LOS standard E  
Pine Ridge Road – 2 lanes, collector, 66' r/w, current LOS C, LOS standard E

Note: Summerlin Road has been funded for six (6) lanes in FY 03 / 04.

Year 2020 LOS Projection Calculation:  
Lee County DOT Traffic Count Report 2001

Summerlin Road

Station #408	1992 AADT = 22000	2001 AADT = 20200
Station #410	1992 AADT= 29300	2001 AADT = 31000

Based on the 2001 Traffic count, there has been zero growth from 1992 to 2001 for the Station #408 segment.

Growth Rate Calculation(X):  $29,300(X)^9 = 31,000$   
(Station #410)  $X = (31,000/29,300)^{1/9}$   
 $X = 1.0063$

Year 2020 Projection with Amendment:

Based on the December 2001 Concurrency Manual, the existing peak hour, peak direction capacity for Link 227, Summerlin Road from Pine Ridge Road to Bass Rd. is 2,037 vph. Based on the growth rate factor indicated by counts at stations 408 & 410, the addition of 54 trips to the future volume provides a total of 2,349 trips, providing a LOS E for this segment. LOS E (2,370 trips in the peak direction of flow) is listed as the performance standard for this segment. This segment is funded for 6-lanes in 2003/04. The impact of 54 trips will be negligible to this segment.

Peak Hour Rate x Growth Rate<sup>Years +1</sup> + Site Volume  
 $2,037 \times 1.0063^{19} + 54 =$   
 $2,295 + 54 = 2,349$

Pine Ridge Road

Station #369                      1992 AADT = 8900                      2001 AADT = 10900

Growth Rate Calculation(X):     $8,900 (X)^9 = 10,900$   
 $X = (10,900/8,900)^{1/9}$   
 $X = 1.0227$

Based on the December 2001 Concurrency Manual, the existing peak hour, peak direction capacity for Link 186, Pine Ridge Road from San Carlos Blvd. To Summerlin Rd. is 497 vph. The projected peak hour volume for 2020 is determined as follows:

Peak Hour Rate x Growth Rate<sup>Years+1</sup> + Site Volume  
 $497 \times 1.0227^{19} + (144 \times 0.78^*) =$   
 $761 + 112 = 873$

\*(% entering Pine Ridge from intersection of Summerlin and Pine Ridge)

The performance standard for Link 186 is 1,040 vph, LOS E, as indicated in the Concurrency Manual. The projected growth of Pine Ridge Road through the year 2020, plus the peak hour site volume expected to use Pine Ridge Road is 873 vph, maintaining a LOS C for this segment.

Year 2020 Projection with/out Amendment

The subject property is currently designated as Industrial Development. Review of the ITE calculations for a possible 38,000 SF of land use 151: warehousing indicates a total peak hour of 41 vehicles, 34 entering and 8 exiting. Using movement distributions as indicated by Trip Generation, 6<sup>th</sup> edition, projected level-of-service standards would remain identical to the existing levels, as the following indicates:

Summerlin Road                       $2,037 \text{ vph} + 34(.8) = 2,064$                       LOS C  
 Pine Ridge Road                       $497 \text{ vph} + 34(.2) = 503$                       LOS C

C. Trip Generation Calculations

TRIP GENERATION BY MICROTRANS

( See Attached Calculations)

D. Turning Movement Distribution

The turning movement distributions are based on a majority of the traffic being generated from the north. The breakdown is as follows:

I.T.E. TRIP GENERATION SUMMARY PEAK HOUR VOLUME	AM		PM	
	ENTER	EXIT	ENTER	EXIT
CONVENIENCE STORE – 24 HOUR	164	164	134	134

Distribution of 100% of the traffic generated by the site is as follows:

VISION XXV

DISTRIBUTION		AM		PM	
		ENTER	EXIT	ENTER	EXIT
EAST (SUMMERLIN ROAD)	40%	66	66	54	54
WEST (SUMMERLIN ROAD)	40%	66	66	54	54
NORTH (PINE RIDGE ROAD)	10%	16	16	13	13
SOUTH (PINE RIDGE ROAD)	10%	16	16	13	13

Of the traffic from and to east Summerlin Road, 30% will enter and exit at Safety Street.

DISTRIBUTION		AM		PM	
		ENTER	EXIT	ENTER	EXIT
PINE RIDGE & FRONTAGE		144	144	118	118
SAFETY STREET & FRONTAGE		20	20	16	16

(See Exhibit "A" Attached)

E. Anticipated Improvements/Expansions

The frontage road between Pine Ridge Road and Safety Street has been partially completed. Improvements to the remaining segment are anticipated in the development of the subject parcel.

F. Planned Improvements/Expansions in the CIP

Review of the Lee County 5-year Capital Improvements Program has indicated that the segment of Summerlin Road from San Carlos to Bass Road has been budgeted for FY 01/02 and FY 03/04 with the majority of the project budgeted later.

There are no improvements or expansions of the Capital Improvements Program or long range improvements necessary or planned for the existing roadway system as a result of this proposed amendment.

G. Conclusion

The proposed small-scale amendment requesting a change of designated land use from Industrial Development to Urban Community for the subject property will have negligible impacts on the level-of-service to the existing roads. Summerlin Road and Pine Ridge Road will remain at their existing levels, LOS C, with the addition of site generated peak hour traffic.

The specific land use code of 851, Convenience Market (Open 24 Hours) was used in determining the impacts of the site generated traffic on the surrounding existing roads due to its intensive peak hour averages as compared to other high generators; 853, Convenience Market with Gas Pumps; 845, Gas/service station with Convenience Market; 834, Fast Food with drive-through.



SUMMERLIN ROAD (S.R. 869) (225' R-O-W)

PINE RIDGE ROAD

SUBJECT PROPERTY

FRONTAGE ROAD R-O-W

FRONTAGE ROAD R-O-W TO SAFETY STREET

FRONTAGE ROAD R-O-W

Scale: 1" = 100'  
Date: 1/1/11  
Sheet: 1 of 1

TRAFFIC IMPACT SKETCH  
OF  
VISION XXV  
FOR THE  
PINE RIDGE ROAD, STATE 258  
IN THE  
COUNTY OF HENRY, ALABAMA

SCALE: 1" = 100'

  
**Neese & Associates**  
Civil Engineering & Land Surveying  
Construction of Professional Record 00001350  
12421 Mason Parkway  
Tomball, Texas 77375  
Tel: 281-358-8777  
Fax: 281-358-8471

APPROVED BY:  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Firm: \_\_\_\_\_

Date: \_\_\_\_\_  
Scale: \_\_\_\_\_  
Sheet: \_\_\_\_\_

VISION XXV  
 Summary of Trip Generation Calculation  
 For 5 Th.Gr.Sq.Ft. of High Turnover (Sit-Down) Restaurant

---

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	130.34	43.77	1.00	652
7-9 AM Peak Hour Enter	4.82	0.00	1.00	24
7-9 AM Peak Hour Exit	4.45	0.00	1.00	22
7-9 AM Peak Hour Total	9.27	7.46	1.00	46
4-6 PM Peak Hour Enter	6.52	0.00	1.00	33
4-6 PM Peak Hour Exit	4.34	0.00	1.00	22
4-6 PM Peak Hour Total	10.86	9.83	1.00	54
Saturday 2-Way Volume	158.37	0.00	1.00	792
Saturday Peak Hour Enter	12.60	0.00	1.00	63
Saturday Peak Hour Exit	7.40	0.00	1.00	37
Saturday Peak Hour Total	20.00	16.54	1.00	100

---

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

TRIP GENERATION BY MICROTRANS

VISION XXV  
 Summary of Trip Generation Calculation  
 For 5 Th.Gr.Sq.Ft. of Fast-Food Restaurant with Drive-Thru

---

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	496.12	242.52	1.00	2481
7-9 AM Peak Hour Enter	25.43	0.00	1.00	127
7-9 AM Peak Hour Exit	24.43	0.00	1.00	122
7-9 AM Peak Hour Total	49.86	29.60	1.00	249
4-6 PM Peak Hour Enter	17.41	0.00	1.00	87
4-6 PM Peak Hour Exit	16.07	0.00	1.00	80
4-6 PM Peak Hour Total	33.48	19.25	1.00	167
Saturday 2-Way Volume	722.03	295.62	1.00	3610
Saturday Peak Hour Enter	30.04	0.00	1.00	150
Saturday Peak Hour Exit	28.87	0.00	1.00	144
Saturday Peak Hour Total	58.91	23.95	1.00	295

---

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

TRIP GENERATION BY MICROTRANS

VISION XXV  
 Summary of Trip Generation Calculation  
 For 5 Th.Gr.Sq.Ft. of Fast-Food Restaurant without Drive-Thru

---

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	716.00		0.00	1.00 3580
7-9 AM Peak Hour Enter	26.32		0.00	1.00 132
7-9 AM Peak Hour Exit	17.55		0.00	1.00 88
7-9 AM Peak Hour Total	43.87		0.00	1.00 219
4-6 PM Peak Hour Enter	13.34		0.00	1.00 67
4-6 PM Peak Hour Exit	12.81		0.00	1.00 64
4-6 PM Peak Hour Total	26.15	10.51		1.00 131
Saturday 2-Way Volume	696.00		0.00	1.00 3480
Saturday Peak Hour Enter	26.73		0.00	1.00 134
Saturday Peak Hour Exit	27.82		0.00	1.00 139
Saturday Peak Hour Total	54.55		0.00	1.00 273

---

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

TRIP GENERATION BY MICROTRANS

VISION XXV  
 Summary of Trip Generation Calculation  
 For 5 Th.Gr.Sq.Ft. of Convenience Market (Open 24 Hours)

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	737.99	336.24	1.00	3690
7-9 AM Peak Hour Enter	32.70	0.00	1.00	164
7-9 AM Peak Hour Exit	32.70	0.00	1.00	164
7-9 AM Peak Hour Total	65.39	28.37	1.00	327
4-6 PM Peak Hour Enter	26.86	0.00	1.00	134
4-6 PM Peak Hour Exit	26.86	0.00	1.00	134
4-6 PM Peak Hour Total	53.73	18.60	1.00	269
Saturday 2-Way Volume	863.10	511.99	1.00	4316
Saturday Peak Hour Enter	31.38	0.00	1.00	157
Saturday Peak Hour Exit	32.67	0.00	1.00	163
Saturday Peak Hour Total	64.05	33.10	1.00	320

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

TRIP GENERATION BY MICROTRANS

VISION XXV  
 Summary of Trip Generation Calculation  
 For 5 Th.Gr.Sq.Ft. of Convenience Market with Gasoline Pumps

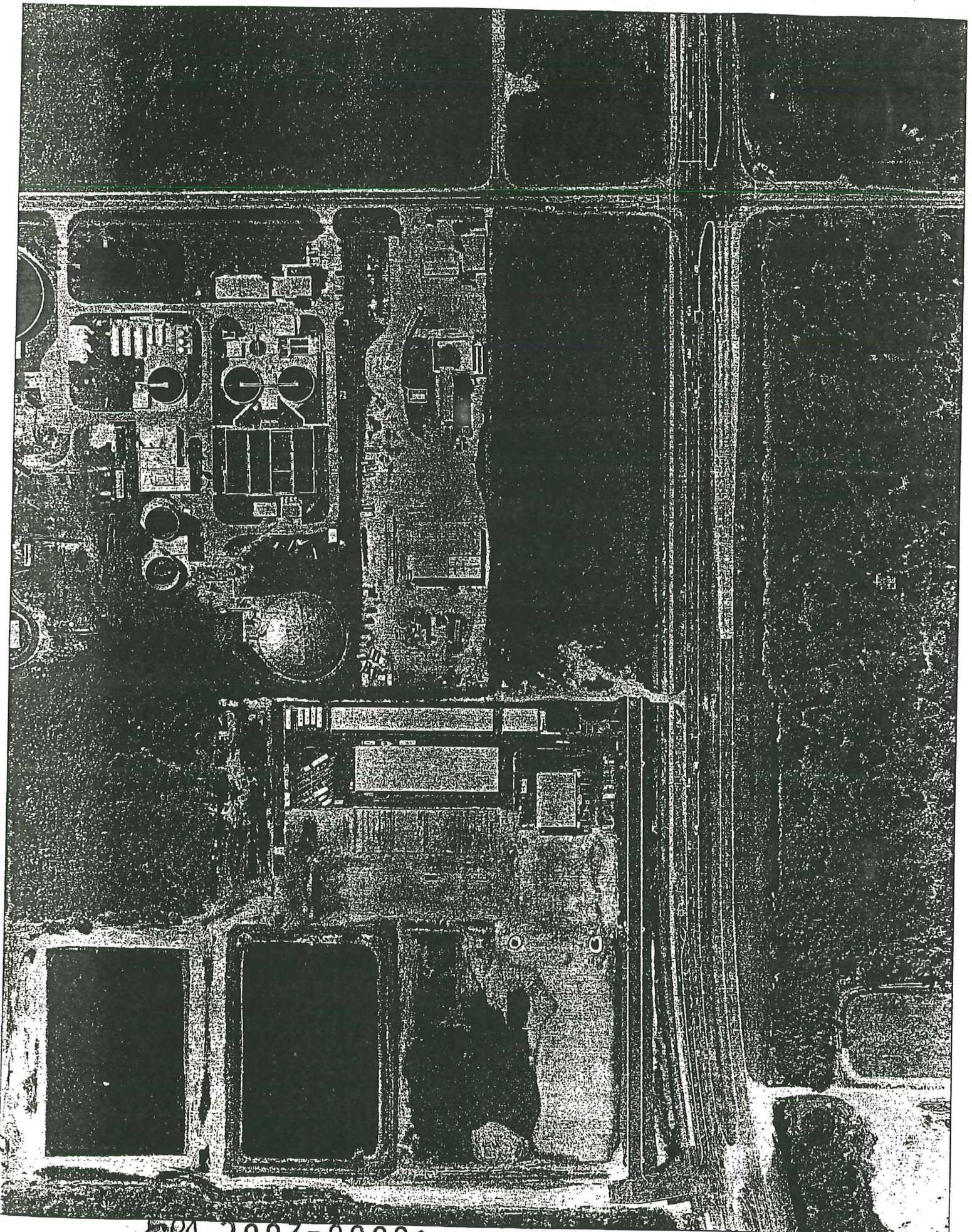
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	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	845.60	163.67	1.00	4228
7-9 AM Peak Hour Enter	22.79	0.00	1.00	114
7-9 AM Peak Hour Exit	22.79	0.00	1.00	114
7-9 AM Peak Hour Total	45.58	18.50	1.00	228
4-6 PM Peak Hour Enter	30.31	0.00	1.00	152
4-6 PM Peak Hour Exit	30.31	0.00	1.00	152
4-6 PM Peak Hour Total	60.61	35.37	1.00	303
Saturday 2-Way Volume	1448.33	735.17	1.00	7242
Saturday Peak Hour Enter	28.90	0.00	1.00	145
Saturday Peak Hour Exit	26.68	0.00	1.00	133
Saturday Peak Hour Total	55.58	0.00	1.00	278

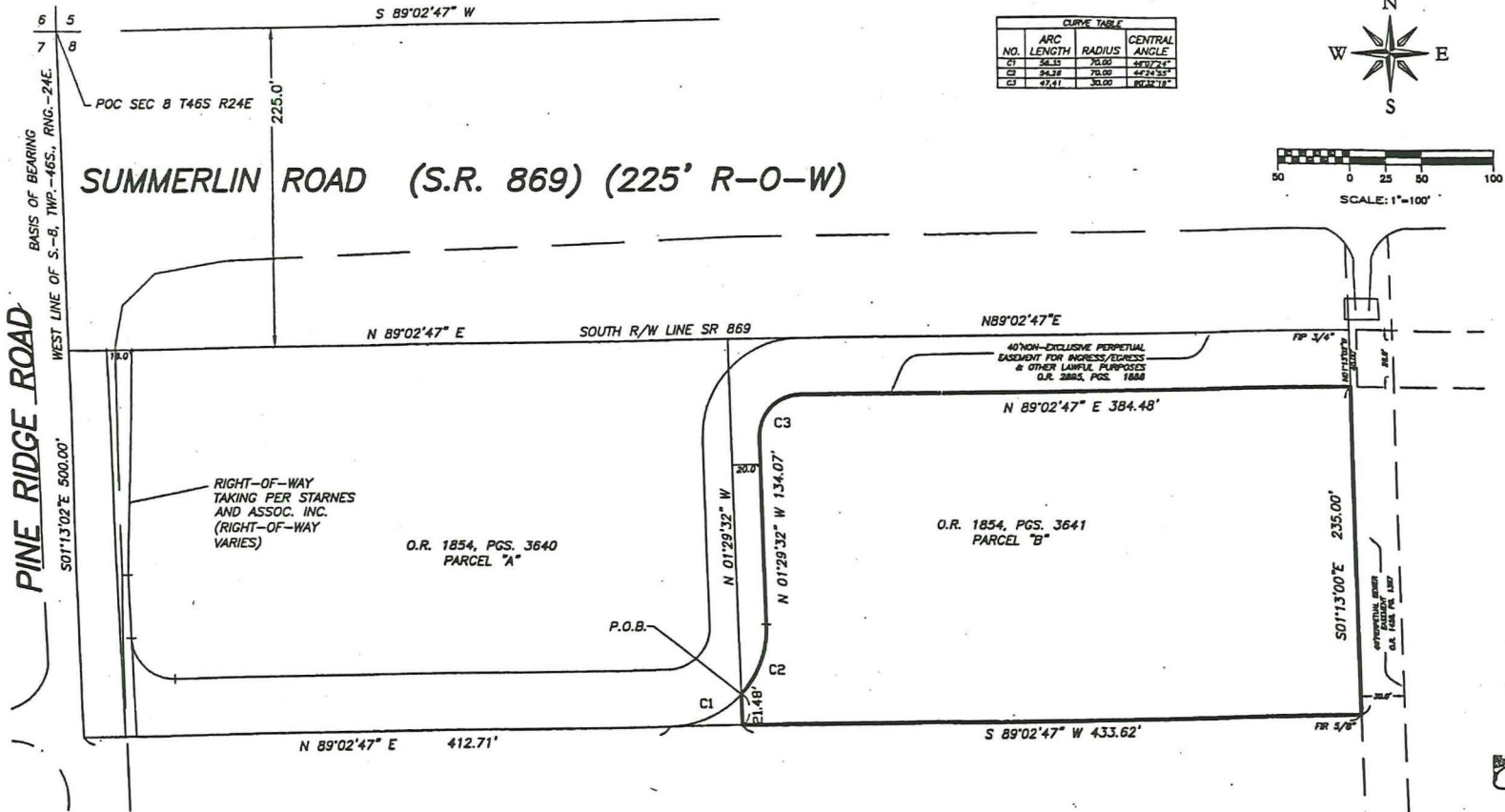
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Note: A zero indicates no data available.  
 Source: Institute of Transportation Engineers  
 Trip Generation, 6th Edition, 1997.

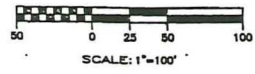
TRIP GENERATION BY MICROTRANS



EPA 2003-00001



CURVE TABLE			
NO.	ARC LENGTH	RADIUS	CENTRAL ANGLE
C1	56.35	70.00	44°07'24\"
C2	94.31	70.00	44°07'24\"
C3	47.41	30.00	90°32'19\"



JOB #: 020038.00



**Neese & Associates**  
Civil Engineering & Land Surveying

12661 Metro Parkway 941-768-0077  
Fort Myers, Florida 33912 Fax 941-768-3457

SKETCH (NOT A SURVEY)

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION  
(SEE EXHIBIT "A")  
VISION XXV  
DON LUCAS

SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST

- NOTES:
1. THIS SKETCH WAS MADE WITHOUT BENEFIT OF A TITLE REPORT.
  2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
  3. SUBJECT TO ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.
  4. SKETCH IS IN ACCORDANCE WITH INFORMATION PROVIDED BY CLIENT.
  5. BEARINGS ARE BASED ON THE WEST LINE OF SECTION 8, T46S, R24E AS 501°13'02"E.

RECEIVED  
DON LUCAS

JAN 28 2003

COMMUNITY DEVELOPMENT  
CP# 2003-00001

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS SURVEY DRAWING OF THE HEREDIN DESCRIBED PROPERTY IS A TRUE REPRESENTATION OF A RECENT FIELD SURVEY MADE UNDER MY DIRECTION AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-8, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES. TO BE VALID THIS SURVEY MUST HAVE AN EMBOSSED SURVEYORS SEAL SUBJECT TO NOTES AND NOTATIONS SHOWN HEREIN.

EDDIE E. NEESE, P.L.S.  
FLORIDA REGISTRATION NO. 2853

DATE SIGNED: \_\_\_\_\_  
FOR NEESE & ASSOCIATES

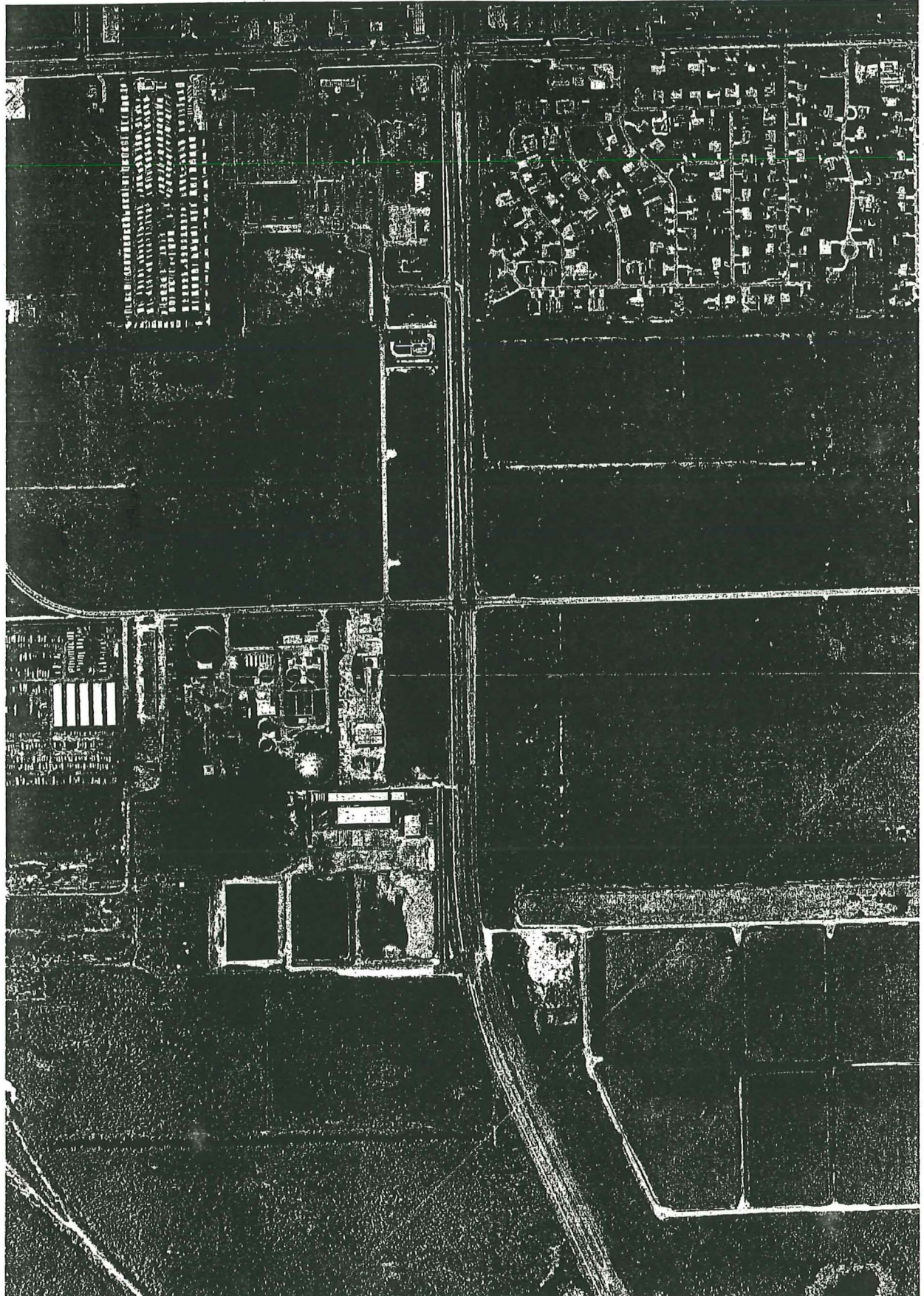
SCALE: 1" = 100' DATE OF SURVEY: NA  
FIELD BOOK NA, PAGE NA  
DRAWN BY: MLP DATE DRAWN: 12/11/02  
CHECKED BY: SLS FILE #:  
020038-SKETCH-2.DWG

LEGAL DESCRIPTION  
PARCEL B IN NW1/4 OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND LYING IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 8, T46S, R24E, IN LEE COUNTY FLORIDA. THENCE RUN S01°13'02"E AS A BASIS OF BEARING FOR 500.00 FEET ALONG THE WEST LINE OF SAID SECTION 8. THENCE RUN N89°02'47"E FOR 412.71 FEET ALONG THE SOUTH LINE OF LANDS DESCRIBED IN OR1854 PG3640 OF THE LEE COUNTY RECORDS TO A POINT OF CURVATURE, THENCE CONTINUE NORTHERLY ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 70.00 FEET THROUGH A CENTRAL ANGLE OF 44°07'24" FOR 56.35 FEET TO WHICH POINT A RADIAL LINE BEARS S47°04'37"E AND THE POINT OF BEGINNING. THENCE CONTINUE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 44°24'55" FOR 54.26 FEET; THENCE N01°29'32"W FOR A DISTANCE OF 134.07 FEET ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OR 2895 PGS 1886-1888 TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 30.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°32'19" FOR A DISTANCE OF 47.41 FEET; THENCE N89°02'47"E FOR A DISTANCE OF 384.48 FEET ALONG THE SOUTH LINE OF THE LANDS DESCRIBED IN OR 2895 PGS 1886-1888; THENCE S01°13'00"E FOR A DISTANCE OF 235.00 FEET ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OR 1854 PG 3641; THENCE S89°02'47"W FOR A DISTANCE OF 433.62 FEET ALONG THE SOUTH LINE OF THE LANDS DESCRIBED IN OR 1854 PG 3641; THENCE N01°29'32"W FOR A DISTANCE OF 21.48 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 2.25 ACRES MORE OR LESS



Sheet  
1 of 1

**AERIAL**  
OF  
**VISION XXV.**  
FOR  
RONALD R. LUKAS  
1850 COURTNEY DRIVE, SUITE 205  
FORT MYERS, FL 33901

8 2003

PA 2003-00001

REVISION  
NO. DATE BY DESCRIPTION  
001 8/20/03 [illegible] [illegible]

**Neese & Associates**  
Civil Engineering & Land Surveying  
12661 Metro Parkway  
Fort Myers, Florida 33912  
941-768-0077  
Fax 941-768-5457

APPROVED BY  
\_\_\_\_\_  
DATE: \_\_\_\_\_

Date: 11/13/03  
Design:  
Checked: EDI  
Drawn By: M.P.



February 26, 2003  
Job No. 020038.00

Mr. Matt Noble  
Planning Department  
PO Box 398  
Fort Myers, FL 33902

**RE: VISION XXV  
CPA2003-00001**

Dear Mr. Noble:

Enclosed, per our phone conversation, please find revised copies of the land use maps, existing and proposed. Also, please find a copy of the facsimile letter from Stephanie Keyes.

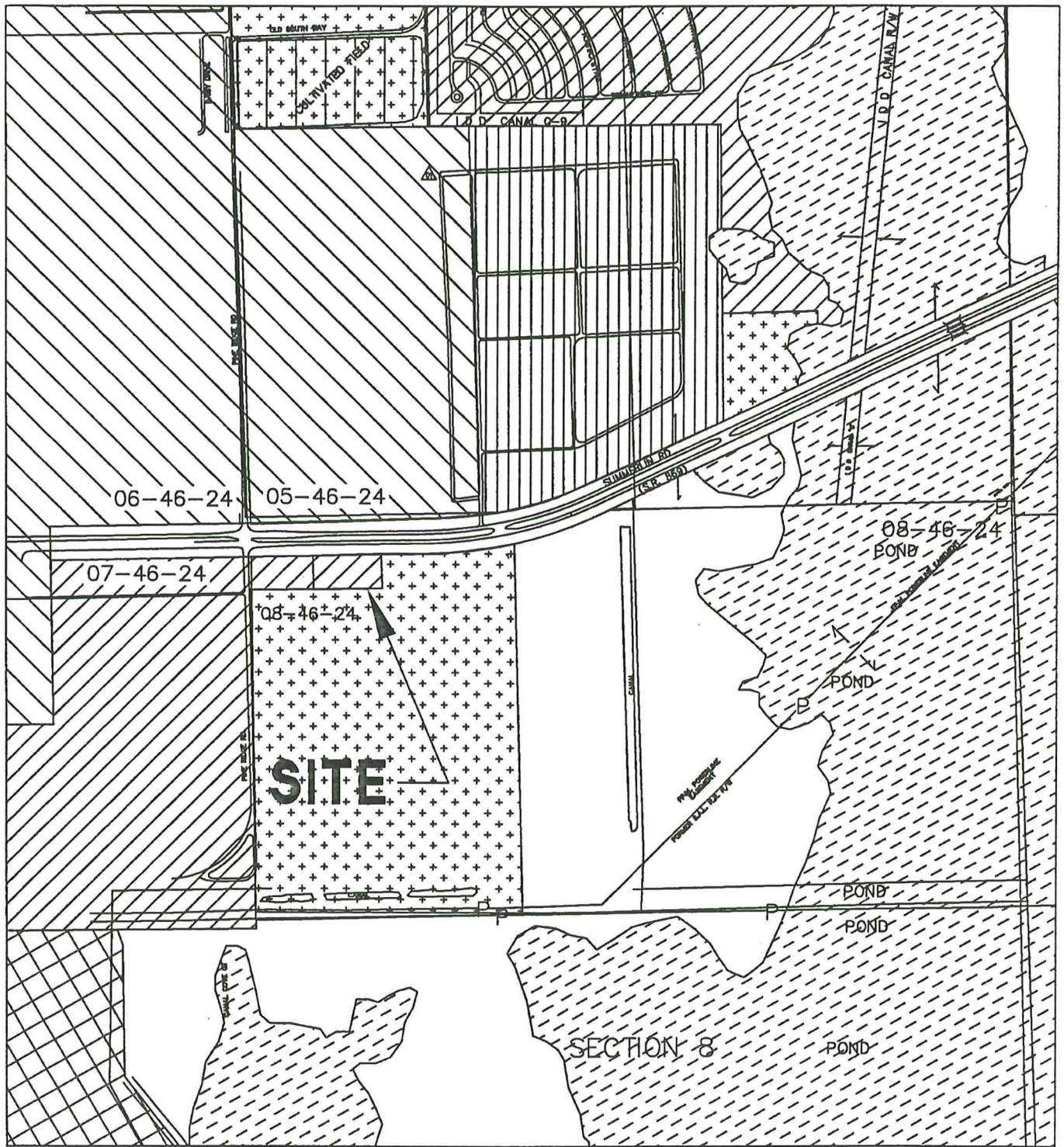
Should you have any questions or require any additional information, please do not hesitate to contact us.

Sincerely,  
**NEESE & ASSOCIATES**

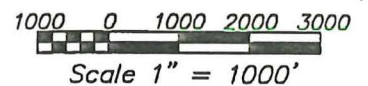
  
Michael L. Prince

enclosures

cc: Don Lucas w/ attachments



- |  |                   |  |  |
|--|-------------------|--|--|
|  | Central Urban     |  | Industrial Development                         |
|  | Urban Community   |  | Public Facilities                              |
|  | Outlying Suburban |  | Resource Protection Areas and Transition Areas |
|  | Suburban          |  |  |



# PROPOSED FUTURE LAND USE MAP

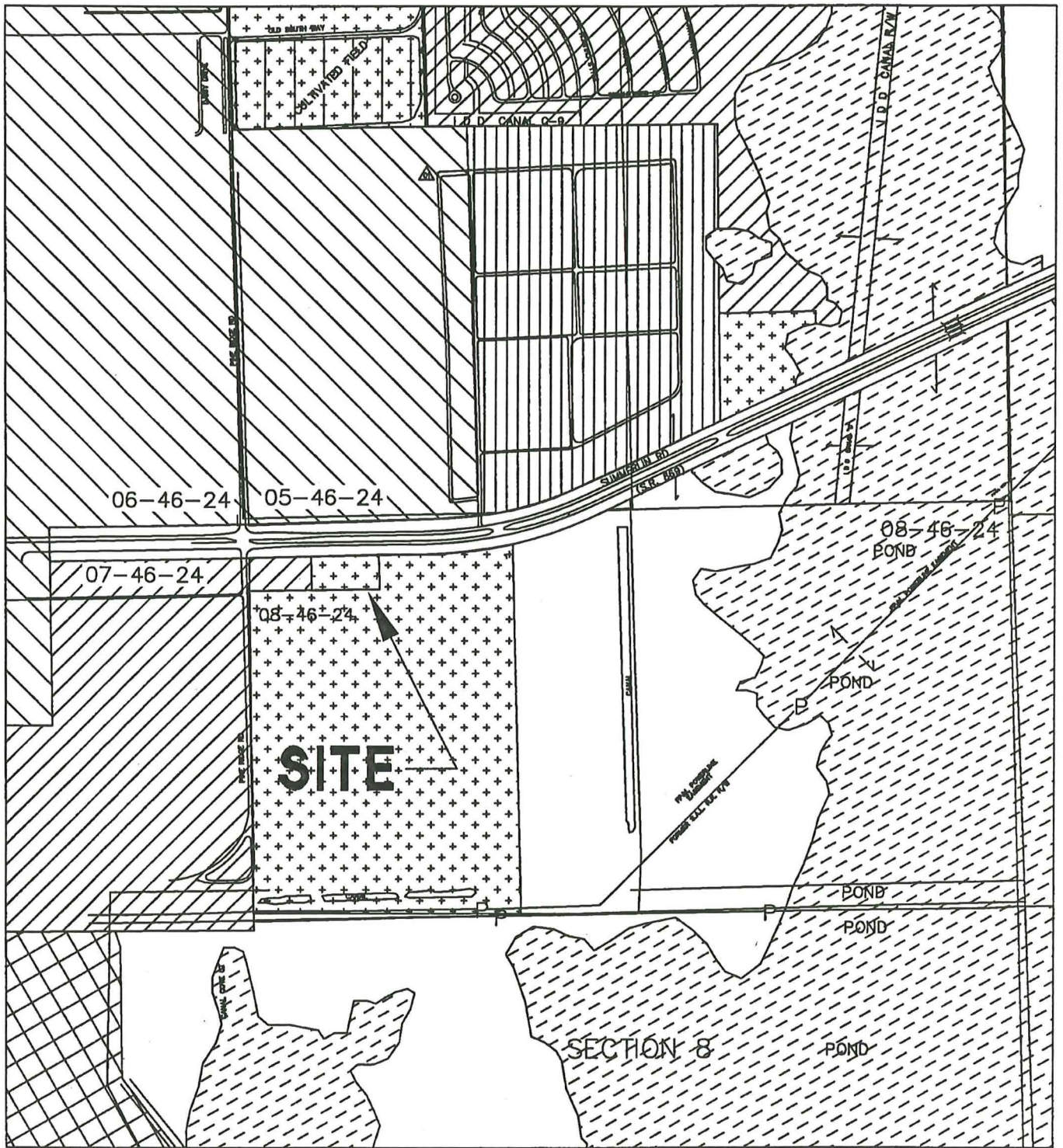
Job No. 00000000  
 Date: 12/14/08  
 Scale: 1" = 1000'  
 Date: 12/14/08

PROPOSED FUTURE LAND USE MAP  
 OF  
 Vision XXV  
 FOR  
 City Limits  
 1800 Courtney Drive, Suite 208  
 Fort Myers, Florida

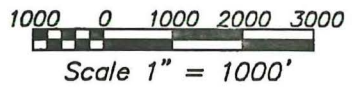
DATE: 12/14/08  
 DRAWN BY: [Redacted]  
 CHECKED BY: [Redacted]

**Neese & Associates**  
 Civil Engineering & Land Surveying  
 12561 Metro Parkway  
 Fort Myers, Florida 33912  
 941-798-8977  
 Fax 941-766-3487

APPROVED BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 Scale: \_\_\_\_\_  
 Date: 12/14/08  
 Scale: 1" = 1000'



- |  |                   |  |  |
|--|-------------------|--|--|
|  | Central Urban     |  | Industrial Development                         |
|  | Urban Community   |  | Public Facilities                              |
|  | Outlying Suburban |  | Resource Protection Areas and Transition Areas |
|  | Suburban          |  |  |



# EXISTING FUTURE LAND USE MAP

Job No: 022222 Date: 10/12/04 Scale: Horizontal Scale: Vertical SH. 1 of 1	EXISTING FUTURE LAND USE MAP OF <b>Vision XXV</b> FOR Dan Lopez 11500 Courtney Drive, Suite 208 Fort Myers, Florida	Neese & Associates Civil Engineering & Land Surveying 12661 Metro Parkway Fort Myers, Florida 33912 941-768-8977 Fax 941-768-3457	APPROVED BY  Date: _____ Title: _____	Date: 10/12/04 Design: Check: Drawn by: M.P.
--	---	--	--	---



# THE SCHOOL DISTRICT OF LEE COUNTY

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

JEANNE S. ODZIER  
CHAIRMAN • DISTRICT 2  
ELINDO C. BORICCA, Ph.D.  
VICE CHAIRMAN • DISTRICT 5  
ROBERT D. CHILMONK  
DISTRICT 1  
JANE E. KUCKEL, Ph.D.  
DISTRICT 3  
STEVEN K. TEUBER  
DISTRICT 4  
JOHN W. SANDERS, Ed.D.  
SUPERINTENDENT  
KEITH B. MARTIN  
BOARD ATTORNEY

February 26, 2003

Mr. Michael L. Prince  
Neese & Associates  
12661 Metro Parkway  
Fort Myers, FL 33912

Re. Request for Determination of Adequacy  
Proposed Lee County Small Scale Lee Plan Amendment  
Vision XXV, south side of Summerlin Road

Dear Mr. Prince:

This letter is in response to your request for a determination of adequacy from the Lee County School District on a small scale plan amendment you have submitted to Lee County. The proposed change on a 98,445 square foot parcel from Industrial Development to Urban Community could permit the development of up to 13 dwelling units if the plan amendment were to be granted. If bonus densities were granted, up to 22 dwelling units could be built on the parcel. These units could generate approximately 4 to 7 public school students, based on an estimated student generation rate of .32 per dwelling unit.

If you have any further questions or comments, please do not hesitate to give me a call.

Sincerely,

Stephanie Keyes, AICP, Facilities Planner  
Construction Services

cc: Tyler F. Patak, NCARB, Director

Immokalee sand. This is a heavy level, poorly drained soil in flatwoods areas. Slopes are smooth to convex and range from 0 to 2 percent.

Typically, the surface layer is black sand about 4 inches thick. The subsurface layer is dark gray sand in the upper 5 inches and light gray sand in the lower 27 inches. The subsoil is sand to a depth of 69 inches. The upper 14 inches is black and firm, the next 5 inches is dark reddish brown, and the lower 14 inches is dark

yellowish brown. The substratum is very pale brown sand to a depth of 80 inches or more.

Included with this soil in mapping are Eau Gallie, Myakka, Oldsmar, Smyrna, and Wabasso soils. Also included are small areas of soils with a subsoil that is low in organic matter content and less than 12 inches

thick. Included soils make up less than 15 percent of any mapped area.

In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months and 10 to 40 inches below the surface for 2 to 6 months. It recedes to a depth of more than 40 inches during extended dry periods.

The available water capacity is medium in the subsoil and very low in the surface and subsurface layers. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and moderate or moderately rapid in the subsoil.

Natural vegetation consists of sawpalmetto, fetterbush, pineland threeawn, and South Florida slash pine.

This soil is poorly suited to cultivated crops because of wetness and poor soil quality. The number of adapted crops is limited unless very intensive management practices are followed. With good water control and soil-improving measures, this soil can be made suitable for

some vegetable crops. A water control system is needed to remove excess water in wet seasons and provide water through subsurface irrigation in dry seasons. Row crops should be rotated with close-growing, soil-improving crops. The rotation should include the soil-improving crops on the land three-fourths of the time. Seedbed preparation should include bedding of the rows. Fertilizer and lime should be added according to the need of the crops.

This soil is poorly suited to citrus unless very intensive management is used. Areas subject to frequent freezing in winter are not suitable. This soil is suitable for citrus only after a carefully designed water control system has been installed that will maintain the water table below a depth of 4 feet.

This soil is well suited to pastures. Pangolagrass, improved bahiagrass, and white clover grow well when they are well managed. Water control measures are needed to remove excess surface water after heavy

rains. Regular applications of fertilizer and lime are needed. Controlling grazing helps to prevent overgrazing and weakening of the plants.

The potential productivity is moderate for South Florida slash pine. Bedding of rows helps in establishing seedlings and in removing excess surface water. The trees should be planted on beds and a vegetative cover maintained between the trees. Regular applications of fertilizer and lime are needed.

This soil has moderate potential for desirable range plant production. The dominant forage is creeping bluestem, lopsided indiagrass, pineland threeawn, and chalky bluestem. Management practices should include deferred grazing and brush control. This Immokalee soil is in the South Florida Flatwoods range site.

This soil has severe limitations for urban development because of the high water table.

This Immokalee soil is in capability subclass IVw.

10.11.11.NOBLE



# THE SCHOOL DISTRICT OF LEE COUNTY

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

JEANNE S. DOZIER  
CHAIRMAN • DISTRICT 2

ELINOR C. SCRICCA, PH.D.  
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK  
DISTRICT 1

JANE E. KUCKEL, PH.D.  
DISTRICT 3

STEVEN K. TEUBER  
DISTRICT 4

JOHN W. SANDERS, ED.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

March 3, 2003

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

Re: Request for Determination of Adequacy  
Proposed Lee Plan Amendment, PAM CPA 2003-01, Pine Ridge Road

Dear Paul:

This letter is in response to your request for a determination of adequacy from the Lee County School District on a plan amendment submitted to Lee County. The proposal is a FLUM amendment to a change from Industrial Development to Urban Community on 2.25 acres with a maximum density of 6 units per acre.

This proposal would permit the addition of 22 dwelling units with bonus densities granted on the parcel. These units could generate approximately 6 public school students, based on an estimated student generation rate of .31 per dwelling unit. This would create the need for up to one classroom in the District along with ancillary facilities and staff.

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

Sincerely,

Stephanie Keyes, Facilities Planner  
Department of Construction and Planning

cc: Tyler F. Patak, NCARB, Director

03 MAR -5 AM 9:00  
LEE COUNTY  
RECEIVED  
PLANNING & DEV/  
FACILITIES CONTR.  
NOR

# MEMORANDUM

LEE COUNTY  
RECEIVED

03 FEB 28 AM 9:05

COMM. DEV/  
PUB. WORKS. CNTR.  
3RD FLOOR

**To:** Paul O'Connor, Director, Division of Planning  
**From:** John D. Wilson, Director, Division of Public Safety  
**Date:** February 25, 2003  
**Subject:** Response to Privately Initiated Lee Plan Future Land Use Plan Amendment CPA 03-01 from the Division of Public Safety

The following is a response to your February 11, 2003 dated memo requesting input on the adequacy of existing and planned services in the area of the proposed amendment and any negative impact on these services.

## Review of Existing and Planned Services

The proposed plan amendment would allow up to 22 dwelling units (with the bonus density) to be built on the land parcel. The land parcel is located in the Tropical Storm Surge Evacuation Zone and is part of the county's defined Coastal High Hazard Area.

Because the proposed plan amendment increases the number of potential dwelling units exposed to storm surge flooding, this amendment appears inconsistent with the intent of Policy 75.1.4 of the Lee Plan. This policy states that:

"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 (Amended by Ordinance No. 92-45, 94-30)."

Although the current designation may allow more intensive uses, it does not permit residential uses. The proposed amendment would, thereby allowing the residential density to increase in the defined coastal high hazard area.

The 2001 update of the Southwest Florida Regional Hurricane Evacuation Study shows that Lee County's hurricane evacuation times have risen. We are concerned that proposed plan amendments like this, in the cumulative, will not only continue to increase these clearance times, but also unnecessarily expose future coastal populations to flooding impacts.

JDW:cmm

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

# MEMORANDUM

from the  
TRANSIT DIVISION



Your Ride Is Here.

DATE: February 17, 2003

TO: Paul O'Connor, AICP

FROM: Steve Myers *Sm*

RE: CPA 03-01 – Privately Initiated Lee Plan Future Land Use Map Amendment

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

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

LEE COUNTY  
RECEIVED  
03 FEB 21 AM 11:13  
COMM. DEV./  
PUB. WORKS. CNTR.  
SECOND FLOOR

ATTACHMENT 5





## Memorandum

To: Paul O'Connor, Division of Planning

From: <sup>LW</sup>Lili Wu, Senior Planner

Date: February 14, 2003

Subject: CPA 03-01 – Privately Initiated Lee Plan  
Future Land Use Map Amendment

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

03 FEB 18 AM 9:08

LEE COUNTY  
RECEIVED

We have reviewed the above-referenced application, which requests the land use designation of approximately 2.25 acres be changed from the existing "Industrial Development" to "Urban Community". As indicated by the application, the proposed Urban Community designation would allow a maximum of 22 dwelling units or 100,000 sf of retail in the subject area. After running the FSUTMS travel demand model for the year 2020 condition, we have determined that this land use change will not alter the future road network plans.

Please let me know if you have any questions.

LW/mlb

Cc: David Loveland  
Central File – Future Land Use Map



**From:** Michael Pavese  
**To:** Dishman, Nichole  
**Date:** 3/10/03 9:17AM  
**Subject:** Re: CPA2002-00001

Nichole, in my opinion the number of potential units would have little or no impact on existing facilities. Staff responded in the way we did based on the representations we received from the applicant.

Michael P. Pavese  
Principal Planner  
Department of Public Works Administration  
pavesemp@leegov.com  
(239)479-8762  
(239)479-8307 (fax)

>>> Nichole Dishman 03/07/03 03:25PM >>>

The Department of Public Works has reviewed the proposed action and provided a letter of response which states, "It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, please note that this determination is based on the proposed commercial use of the subject property which will not result in an increase of the current population in this area of Lee County."

Mike, what would happen if the property owner decided to develop the parcel as residential to its maximum density, which could be as high as 22 dwelling units? Would Parks and Rec still be ok with the amendment? Just want to be sure all our bases are covered since the Urban Community designation would either commercial or residential (however unlikely residential may be at this location). Thanks.

Nichole Dishman, Planner  
Lee County Division of Planning  
PO Box 398  
Fort Myers, FL 33902-0398  
Phone# (239)479-8578

# Interoffice Memo

**Date:** 02/14/03

**To:** Nichole Dishman, Division of Planning

**From:** Terry M. Kelley, Emergency Management Coordinator

**RE:** CPA 03-01 – Privately Initiated Lee Plan Future Land Use Map Amendment

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Staff has reviewed the submittal documents dated February 11, 2003, for the above-referenced development and have concluded there are not any Public Safety/Emergency Management issues involved in changing the 2.25 acres from "Industrial Development" to "Urban Community". Therefore, we won't be issuing any comments or recommendations regarding this project.

T.K.



- Bob Janes  
*District One*
- Douglas R. St. Cerny  
*District Two*
- Ray Judah  
*District Three*
- Andrew W. Coy  
*District Four*
- John E. Albion  
*District Five*
- Donald D. Stilwell  
*County Manager*
- James G. Yaeger  
*County Attorney*
- Diana M. Parker  
*County Hearing Examiner*

February 11, 2003

Public Service/Review Agencies  
See Distribution List

RE: CPA 03-01 - Privately Initiated Lee Plan Future Land Use Map Amendment

Planning Division staff requests your agency's help in reviewing the above referenced Lee Plan amendment. The applicant is proposing to amend the Future Land Use Map (FLUM) designation on land located on the south side of Summerlin Road, east of Pine Ridge Road. The proposal is to amend the Lee Plan, Map 1 (the FLUM), designation of approximately 2.25 acres from "Industrial Development" to "Urban Community." Please go to the Lee County website address shown below to view the application and all supporting data supplied by the applicant: <http://www.lee-county.com/dcd/ComprehensivePlanning/PlanAmendments/SmallScale.htm>

The Industrial Development category does not permit dwelling units with the exception of a bona fide caretaker's residence. The Urban Community category standard density range permits up to six dwelling units per acre (6 du/acre). Staff estimates that the proposed Urban Community designation would allow a maximum of 13 dwelling units to be built on the subject property without the need for bonus density approval (a maximum of 22 total units when calculated with the maximum permitted bonus density for an Urban Community designation at 10 units per acre). It is unlikely, given the prime commercial location and existing surrounding uses, that the property owner would elect to pursue residential development on this site.

Planning staff requests that your agency help determine the adequacy of existing and planned services in this area and if the proposal has any negative impact on these services. Planning staff requests that your agency review the proposal and provide written comments as soon as possible but no later than February 25, 2003. If this land use change includes any potential impact to your agencies budget, please include this information in your comments.

Thank you for your attention in this matter. If you have any questions, please do not hesitate to call Nichole Dishman of my staff at 479-8578.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT



PAUL O'CONNOR, AICP  
Director, Division of Planning

Distribution List:

John Wilson, Lee County Public Safety  
Chris Hansen, Lee County Public Safety, EMS  
Rodney Shoap, Lee County Sheriff's Office  
Gerald Adema, Iona/McGregor Fire District, Chief  
Roland E. Ottolini, Lee County Natural Resources Management  
Steven Myers, Lee Tran  
John Yarbrough, Lee County Parks & Recreation  
Stephanie Keyes, Lee County School Board  
Dave Loveland, Lee County Division of Transportation  
Mike Carroll, Lee County Development Services  
Rick Joyce, Lee County Division of Planning, Environmental  
Sciences Program  
Lindsey Sampson, Lee County Environmental Services, Deputy  
Director  
Bill Horner, Lee County Port Authority  
Janet Watermeier, Lee County Economic Development  
Kim Trebatoski, Lee County Division of Planning, Environmental  
Sciences Program  
John Campbell, Lee County Public Safety, Emergency  
Management  
Jim Lavender, Lee County Public Works  
Jerry Murphy, Lee County Development Services  
Rick Diaz, Lee County Utilities  
Pam Houck, Lee County Zoning



**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239)479-8578

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

February 24, 2003

Don Lucas  
1950 Courtney Drive, Suite 206  
Fort Myers, FL 33901

RE: CPA2003-00001, Vision XXV

Dear Mr. Lucas:

This letter is intended to follow up the phone conversation of January 21, 2003, between you and Matt Noble, with a formal sufficiency response to the application submitted for Case #CPA2003-00001. During the initial review of your request to change the Future Land Use Classification of a parcel of land approximately 2.25 acres in size from Industrial to Urban Community, staff has determined that the following additional items will be needed in order to complete our review of the application:

- 1) A corrected map showing the existing Future Land Use designations of the subject property and surrounding area (Section IV, A2 of the Comprehensive Plan Amendment Application).
- 2) A map showing the proposed Future Land Use designation of the subject property and the Future Land Use designations of the surrounding area.
- 3) A letter from the Lee County School District which determines the "adequacy/provision of existing/proposed support facilities" (Section IV, B3 of the Comprehensive Plan Amendment Application)

Please do not hesitate to call if you have any questions.

Sincerely,



Nichole M. Dishman, Planner  
Lee County DCD, Division of Planning



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

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239)479-8578

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

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*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

March 7, 2003

Don Lucas  
1950 Courtney Drive, Suite 206  
Fort Myers, FL 33901


RE: CPA2003-00001, Vision XXV

Dear Mr. Lucas:

This letter is to inform you that we have received the submittal items that were requested during our initial sufficiency status response. The case file has now been deemed sufficient for review. Additional documentation may be required during evaluation of your plan amendment request, should staff find that it is necessary.

The tentative date for the first public hearing of your plan amendment request, before the Local Planning Agency (LPA), is March 24, 2003. The LPA agenda begins at 8:30am. We will forward a copy of the finalized staff report to you as soon as it is available. Please do not hesitate to call if you have any questions.

Sincerely,



Nichole M. Dishman, Planner  
Lee County DCD, Division of Planning

**From:** Howard Wegis  
**To:** Dishman, Nichole  
**Date:** 3/24/03 3:17PM  
**Subject:** Re: CPA2003-00001

I have reviewed this small plan amendment and concur with the applicant's analysis with respect to Lee County Utilities' ability to serve the subject parcel. We have capacity at our plants and infrastructure in close proximity to the site, however, we do have concerns with respect to changing the land use from industrial to urban community. Although rare, there are occasions when our wastewater plant, which is close to this parcel, generates odors that some people find offensive. For this reason we feel that industrial development is an appropriate use for the subject parcel. We are concerned that other uses allowed in urban community may expose a larger number of people to these objectionable odors.

>>> Nichole Dishman 03/11/03 09:09AM >>>

Rick, I am finishing up the staff report, for this small scale plan amendment request to change 2.25 acres from industrial development to urban community, and realized that I don't have any official response from Utilities regarding capacity and potential impacts. Luis has told me that sewer and water lines run along Summerlin and Pine Ridge. I don't think this request will be a big deal from a Utilities perspective, but it would be very helpful to have an official response. I am not sure who handles this type of review from your department - I copied Thom on this note because he seems to be the most common contact for us. The parcel STRAP# 08-46-24-00-00001.003A. All of the application info is on the comprehensive website under case #CPA2003-00001. Please let me know if you need any additional info. Thanks.

Nichole Dishman, Planner  
Lee County Division of Planning  
PO Box 398  
Fort Myers, FL 33902-0398  
Phone# (239)479-8578

**CC:** Osterhout, Thom; Velez, Ivan

SMALL SCALE DEVELOPMENT AMENDMENT  
SUBMITTAL FORM

1. Name of Local Government Lee County  
 Person completing this form Paul O'Connor, AICP Phone Number 941-479-8585  
 Name of Newspaper that notice of small scale development amendment was published \_\_\_\_\_  
The News Press - Fort Myers, Florida  
 Date Publication Noticed April 28, 2003  
 (Please attach copy of notice)
  
2. Number of acres of small scale development amendments contained in package:
  - a. Within Urban Infill, Urban Redevelopment or Downtown Revitalization as defined by Section 163.3164, FS 0
  - b. Within Transportation Concurrency Exception Area pursuant to Section 163.3180(5), FS 0
  - c. Within Regional Activity Centers or Urban Central Business Districts pursuant to Section 380.06(2)(e), FS 0
  - d. Outside categories a., b. and c. 2.25
  
3. Cumulative total number of acres of small scale development amendments for the calendar year:
  - a. Categories listed in Item 2 a, b, and c. above 0
  - b. Categories listed in Item 2 d above 2.25
  
4. Total number of acres of small scale development amendments in this package that are located within a coastal high hazard area as identified in the comprehensive plan 2.25

Pursuant to Rule 9J-11.015(2), Florida Administrative code, this form must be mailed with all small scale development amendments as defined by Section 163.3187(1)(c), Florida Statutes to:

DEPARTMENT OF COMMUNITY AFFAIRS  
 BUREAU OF STATE PLANNING  
 PLAN PROCESSING SECTION  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100  
 (850) 488-4925

**CPA 2003-01  
SMALL SCALE  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

**Privately Sponsored Application  
and Staff Analysis**

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**BoCC Adoption Document  
for the  
May 6<sup>th</sup> Public Hearing**

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

**April 17, 2003**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
SMALL SCALE  
COMPREHENSIVE PLAN AMENDMENT  
CPA 2003-01**

	<b>This Document Contains the Following Reviews:</b>
✓	<b>Staff Review</b>
✓	<b>Local Planning Agency Review and Recommendation</b>
	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: March 9, 2003

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

1. **APPLICANT:** Donald Lucas
2. **REQUEST:** Amend the Future Land Use Map series for a specified 2.25 acre parcel of land located in Section 8 Township 46 South, Range 24 East to change the classification shown on Map 1, The Future Land Use Map, from "Industrial Development" to "Urban Community."

**3. SUMMARY DISCUSSION**

The applicant has requested a Future Land Use Classification (FLUC) change from Industrial Development to Urban Community for a 2.25 acre parcel of land known as Vision XXV (25). The property is located on the south side of the Summerlin Road Corridor just east of Pine Ridge Road. The applicant has stated that the request is to "allow more appropriate development for a high visibility - tourist oriented section of Summerlin Road." The applicant's intention is to develop the subject parcel with a commercial center.

The proposed designation change from Industrial Development to Urban Community will result in an increase in potential dwelling units from 1 bonafide caretaker's residence to a maximum of 13 dwelling units to be built on the subject property without the need for bonus density approval (a maximum of 22 total units when calculated with the maximum permitted bonus density for an Urban Community designation at 10 units per acre).

## **B. BACKGROUND INFORMATION**

### **1. EXISTING CONDITIONS**

**SIZE OF PROPERTY:** ±2.25 acres

**PROPERTY LOCATION:** 17901 Summerlin Road, just east of the intersection with Pine Ridge Road along the south side of Summerlin Road, in the Iona McGregor Planning Community.

**EXISTING USE OF LAND:** Vacant

**CURRENT ZONING:** Industrial Planned Development, the MCP has been vacated due to inactivity (Originally rezoned by Resolution Z-92-005 from AG-2 to IPD)

**CURRENT FUTURE LAND USE CLASSIFICATIONS:** Industrial Development

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

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

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

**TRANSPORTATION:** Access to the property is via Pine Ridge and Summerlin Roads. The Summerlin Road access point is to be shared with property to the east and will be available only to eastbound traffic.

**SOLID WASTE FRANCHISE:** The property is located within the Onyx Waste Services of Florida solid waste collection service area. The applicant has provided a letter from Onyx stating that collection service is available (See Attachment 1 - Applicant Supplementary Info).

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

**1. RECOMMENDATION:** Staff recommends that Map 1, the Future Land Use Map, be amended to change the future land use designation of the ±2.25 acre subject parcel from "Industrial Development" to "Urban Community" Future Land Use designation.

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

- The subject property and intended development are consistent with the Urban Community descriptor of the Comprehensive Plan, Policy 1.1.4.
- The subject parcel has access to a major collector and an arterial road. The applicant has stated that the intended use of the subject property is for commercial development. The parcel meets site location standards for commercial retail development.

- Existing utilities and infrastructure are in place or available to support the proposed commercial development, and potential residential development, of the subject parcel. The proposed action will not require changes to future road network plans.
- The proposed action will result in a population capacity increase of the FLUM by 46 people (22 du X 2.09 people per unit). It is staff's position that this increase in accommodation capacity of the map is insignificant when viewed within the context of the countywide accommodation capacity.
- The subject property is located along a major tourist and workforce transportation corridor. Due to the small size of the property, its geographic location at a major intersection and the existing surrounding uses, it is highly unlikely that the property will ever be developed with residential units.
- The proposed action will have minimal impact to public safety service providers. The applicant has submitted letters from these providers indicating that adequate services are available to support additional urban community uses that would result from the proposed future land use designation change.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The applicant has requested a Future Land Use designation change from Industrial Development to Urban Community for a 2.25 acre parcel of land known as Vision XXV. The property is located on the south side of the Summerlin Road Corridor just east of Pine Ridge Road. The applicant has stated that the request is to "allow more appropriate development for a high visibility - tourist oriented section of Summerlin Road." The proposed designation change from Industrial Development to Urban Community will result in an increase in potential dwelling units from 1 bonafide caretaker's residence to a maximum of 13 dwelling units to be built on the subject property without the need for bonus density approval (a maximum of 22 total units when calculated with the maximum permitted bonus density for an Urban Community designation at 10 units per acre).

The original Comprehensive Plan Amendment Application and Applicant Supplementary Information are attached hereto as "Attachment 1 - Applicant Supplementary Info"

#### **PROJECT SUMMARY**

The applicant proposes to develop the subject property with commercial uses that are consistent with a high traffic tourist area and workforce commute corridor. The requested future land use amendment would verify that such development, on this site, is consistent with the overall policies and considerations of the Lee Plan. The property is currently zoned Industrial Planned Development, but has a master concept plan which has been vacated due to inactivity. Donald Lucas has submitted an application to rezone the parcel from IPD to Community Commercial (CC). The sufficiency status of the petition to rezone is holding a final determination on the proposed change in Future Land Use Classification from Industrial Development to Urban Community.

On December 13, 2001 the Lee County Board of County Commissioners adopted a change in the Future Land Use Map designation from Industrial Development to Urban Community for a ±2.19 acre parcel that is adjacent, and west, of the subject parcel. That property was later rezoned from IPD (part of the same original zoned development as the subject parcel) to CC.

### **COMPREHENSIVE PLAN BACKGROUND**

The subject property was designated Industrial Development by the original Lee County Future Land Use Map, adopted in 1984. The Industrial Development category is reserved primarily for industrial uses with ancillary commercial and office uses, as well as caretaker's residences. The category contains provisions to allow other compatible uses including manufacturing, research, properly buffered recreational uses, natural resource extraction and fill dirt operations.

### **ADJACENT ZONING AND USES**

To the north of the subject parcel is Summerlin Road, then land with the Future Land Use Designations of Central Urban and Public Facilities. Vacant properties to the north and west of Pine Ridge Road are zoned Commercial Tourist (CT), Community Commercial (CC), and Residential Multifamily (RM-8). North of those properties is Summerlin Ridge Golf Center CPD.

Properties directly to the north, zoned IPD and Agriculture (AG-2), are currently vacant. Property to the north and east is zoned Community Facility (CF-3) and used by the County for sewage treatment ponds.

Land adjacent to the east and to the southeast of the subject property is designated as Industrial Development Future Land Use and is zoned IPD. Development on those parcels consists of limited commercial uses, a skateboard park, and mini-storage including open storage of vehicles.

Land directly to the south of the subject property is designated as Industrial Development Future Land Use. These parcels are zoned CF-3 and are currently used for a solid waste transfer station and sewage treatment.

Land to the southwest, designated Urban Community and zoned CC, is partially vacant with a hotel on the western portion. A Residential Vehicle Planned Development (RVPD) approved for 320 transient units is also located to the southwest.

Land directly west of the subject property, designated as Urban Community, is zoned CC. The first parcel is vacant. Across Pine Ridge Road parcels are developed with commercial offices, a muffler shop, and vacant.

### **POPULATION ACCOMMODATION CAPACITY DISCUSSION**

Given the potential increase in residential units associated with the proposed Future Land Use designation change from Industrial Development to Urban Community, the proposed action will result in a population capacity increase of the FLUM by 46 people (22 du X 2.09 people per unit).

It is staff's position that the proposed increase in accommodation capacity of the map is insignificant when viewed within the context of the countywide accommodation capacity. Due to the location of the property and existing surrounding uses, it seems unlikely that the property owner will develop the parcel with residential uses.

## **CONSISTENCY WITH THE "URBAN COMMUNITY" LAND USE CATEGORY**

***POLICY 1.1.4:** The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre).*

The subject property is consistent with the type of land described by Policy 1.1.4. The proposed commercial development will provide an additional base of urban services to nearby residential areas. Additionally, the subject parcel meets commercial site location standards, of Goal 6 of the Lee Plan, for a Neighborhood Commercial development.

### **MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)**

The subject property is located within the Iona McGregor Planning Community. The Iona McGregor Community has 697 acres allocated for residential development at Urban Community Future Land Use density standards prior to the year 2020. Of those 697 acres, 180.43 acres are still available for development.

The Iona McGregor Community has 782 acres allocated for commercial development, of which 270.76 acres remain available. Industrial development within Iona McGregor is slated for 298 acres, of which 195.21 acres remain available.

The applicant has not requested an amendment to the Planning Community Year 2020 Allocation Table 1(b). Overall development within the Iona McGregor Community may not exceed the Lee Plan 2020 development allocations. Proposed development on the subject property would vie for the remaining available commercial or residential development acres with all other Urban Community properties.

### **TRANSPORTATION ISSUES**

Lee County Department of Transportation has reviewed the proposed action and provided a letter which states, "As indicated by the application, the proposed Urban Community designation would allow a maximum of 22 dwelling units or 100,000sf of retail in the subject area. After running the FSUTMS travel demand model for the year 2020 condition, we have determined that this land use change will not alter the future road network plans"(See Attachment 7).

Access to the property is via Pine Ridge and Summerlin Roads. The Summerlin Road access point is to be shared with property to the east and will be available only to eastbound traffic.

### **PUBLIC SAFETY ISSUES**

#### Coastal Issues

The Division of Public Safety notes that the subject property is located within the Tropical Storm Surge Evacuation Zone and the Coastal High Hazard Area. Public Safety offers the following comments for consideration during the plan amendment review process:

“Because the proposed plan amendment increases the number of potential dwelling units exposed to storm surge flooding, this amendment appears inconsistent with the intent of Policy 75.1.4 of the Lee Plan. This policy states that:

*‘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 (Amended by Ordinance No. 92-45, 94-30).’*

Although the current designation may allow more intensive uses, it does not permit residential uses. The proposed amendment would, thereby allowing the residential density to increase in the defined coastal high hazard area.

The 2001 update of the Southwest Florida Regional Hurricane Evacuation Study shows that Lee County’s hurricane evacuation times have risen. We are concerned that proposed plan amendments like this, in the cumulative, will not only continue to increase these clearance times, but also unnecessarily expose future coastal populations to flooding impacts” (See Attachment 4).

The subject property is an example of what staff sees as a growing need for a Commercial Development Future Land Use Category. The property is ideal for commercial development due to its size and location on a major travel corridor. However, any change to a FLUC designation which allows commercial development under the current classification system, by necessity also allows residential development. Such a connection between commercial and residential uses may be problematic for properties within the Coastal High Hazard Area. Planning staff will further evaluate this issue during the 2004 Evaluation and Appraisal Report process.

In this particular case, the existing surrounding uses, size of parcel, and location at the intersection of a major collector and an arterial road, make residential development very unlikely. Additionally, though the proposed action would add ±2.25 acres of land to a FLUC that allows residential development, the total residential accommodation capacity of the Urban Community FLUC in the Iona McGregor Planning Community would not be increased.

Emergency Management staff reviewed the proposed action and concluded that “there are not any Public Safety/Emergency Management issues involved in changing the 2.25 acres from ‘Industrial Development’ to ‘Urban Community’” (See Attachment 9).

#### Fire Services

The applicant has provided a letter from Iona McGregor Fire Protection and Rescue District which states that, “Existing and proposed resources and facilities of the Fire District are adequate to provide services to the referenced project” (See Attachment 1 - Applicant Supplementary Info).

#### EMS

The applicant has provided a letter from County Emergency Medical Services staff which states that, “The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel or any support facilities. Furthermore, the easements appear to provide adequate ingress/egress for ambulances” (See Attachment 1 - Applicant Supplementary Info).

### Sheriff Services

The applicant has provided a letter from the County Sheriff Department which states that the Vision XXV parcel "is within the service area for the Lee County Sheriff's Office. It is policy of the Lee County Sheriff's Office to support community growth and we will do anything 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 [the] project as it builds out" (See Attachment 1 - Applicant Supplementary Info).

### **SCHOOL IMPACTS**

Lee County School District has reviewed the proposed FLUC change and has described the potential impact to the school district that would result from residential development of the subject property as follows, "This proposal would permit the addition of 22 dwelling units with bonus densities granted on the parcel. These units could generate approximately 6 public school students, based on an estimated student generation rate of .31 per dwelling unit. This would create the need for up to one classroom in the District along with ancillary facilities and staff" (See Attachment 3).

### **SOILS**

The applicant has provided information indicating that soils present on the site are Myakka fine sand and Immokalee sand. An "Existing Soils Map" and a description of Myakka fine sand are included as attachments (See Attachment 1 - Applicant Supplementary Info). A description of Immokalee sand is included as Attachment 2.

### **HISTORICAL AND ARCHAEOLOGICAL IMPACTS**

The applicant has provided a letter from Lee County Division of Planning, historic and archaeological resource staff, which states that "There are no known historic sites on the subject property...There are no known archaeological sites on the property...The subject parcel is not located on either Level 1 or Level 2 zones of archaeological sensitivity" (See Attachment 1 - Applicant Supplementary Info).

### **ENDANGERED SPECIES**

The applicant has supplied information which indicates that:

The subject property is currently vacant and has been cleared. No habitats exist on site for species which are listed as endangered, threatened or species of concern. The FLUCCS classification which describes the subject property is "Disturbed Lands." The property does not include wetlands or aquifer recharge areas.

County Environmental staff is familiar with the property and has verified that the property was previously cleared and that no listed species are present.

### **PARKS, RECREATION AND OPEN SPACE**

The applicant has provided a letter from the Department of Public Works which states that, "It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, please note that this determination is based on the proposed commercial use of the subject property which will not result in an increase of the current population in this area of Lee County" (See Attachment 1 - Applicant Supplementary Info). Additional correspondence from Parks and Recreation staff notes that "the number of potential units would have little or no impact on existing facilities" (See Attachment 8).

## **DRAINAGE/SURFACE WATER MANAGEMENT**

The applicant has provided the following information regarding surface water management on the subject property:

“The subject property is located in the Deep Lagoon Watershed #43 as indicated in the Lee County Surface Water Management Master Plan. Any development will be in compliance with South Florida Water Management District and the Lee County [Land] Development Code with regard to surface water management” (See Attachment 1 - Applicant Supplementary Info).

## **MASS TRANSIT**

Lee County Transit Division has reviewed the proposed action and provided a letter of response which states that “the proposed amendment to the future land use map would have no impacts on existing or planned services Lee Tran provides, nor would it have any impact to the budget of Lee County’s transit division” (See Attachment 5).

## **UTILITIES**

Lee County Utilities is the service provider to the subject property. Adequate utilities are available for commercial development on the site. A 12" water main runs along the south property line. A 36" sanitary sewer reuse line and a 30" sanitary sewer force main run along Pine Ridge Road just west of the subject property.

## **RE-DESIGNATING LANDS FROM AN INDUSTRIAL LAND USE CATEGORY**

The site has access to a major collector road and an arterial road, but is not located close to railroad facilities or a cargo airport terminal. Industrial uses have been active in the surrounding area for a number of years including a waste water treatment facility, with associated sewage treatment ponds, and a solid waste transfer station. The subject property is zoned for industrial development (IPD), but has never been developed. Commercial development has become increasingly popular in the area during the last five years. Summerlin and Pine Ridge Roads are major corridors for tourist and commuter traffic.

It is staff’s position that the proposed Future Land Use change on this 2.25 acre parcel will have little to no effect on the County’s goal of achieving a rate of 3% employment in manufacturing activities by the year 2010.

## **B. CONCLUSIONS**

The request to change the subject parcel’s Future Land Use designation from Industrial Development to Urban Community is consistent with the existing, expanding tourism and workforce corridor along Summerlin Road which connects central and southern Lee County to the Gulf beaches. The subject parcel falls within the Coastal High Hazard Area. It is the applicant’s intention to develop a commercial center on the subject property.

The property currently has, or has reasonable access to, all necessary infrastructure for commercial or residential development. The property meets site location standards for development of a Neighborhood Commercial Center. Conditions specific to this site make residential development of the property unlikely and commercial development desirable. It is staff’s opinion that the parcel is consistent with the Urban Community Future Land Use category.

**C. STAFF RECOMMENDATION**

Planning staff recommends that Map 1, the Future Land Use Map, be amended to change the land use designation of the ±2.25 acre subject parcel from “Industrial Development” to “Urban Community.”

### List of Attachments

- 1) Original Application & Applicant Supplementary Info - 64 pages
- 2) Soil Description, Lee County Soils Survey, 28- Immokalee sand
- 3) Response Letter from Lee County School Board
- 4) Response Letter from Lee County Division of Public Safety
- 5) Response Letter from Lee County Transit Division
- 6) OMIT
- 7) Response Letter from Lee County Department of Transportation
- 8) Response Letter from Lee County Department of Public Works
- 9) Response Letter from Lee County Division of Emergency Management
- 10) Letters from Division of Planning Staff to Applicant (notice to review agencies, request for information to complete application packet, letter of sufficiency) - 4 pages
- 11) Substantive comments from the Utilities Division received subsequent to the March 24, 2003 LPA hearing.

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

DATE OF PUBLIC HEARING: March 24, 2003

**A. LOCAL PLANNING AGENCY REVIEW**

Planning staff gave a brief presentation of the case. The applicant stated that he was available to answer questions. One panel member asked the applicant if the property might be used for anything other than commercial development. The applicant stated that the location on a commercial corridor, and proximity to a sewer plant and hazardous waste collection facility, would make residential uses unlikely. Additionally, he believes commercial development will be consistent with existing commercial development at the intersection of Summerlin and Pine Ridge Roads and the planned family entertainment center that is to be located approximately 1,000 feet to the east.

In response to panel questions regarding access and the anticipated impact of the proposed change on surrounding roads, the applicant gave the following information: Project access will be via a proposed frontage road extending between Safety Street and Pine Ridge Road. No access onto Summerlin Road is anticipated.

Staff would like to note that there is a designated right-in/right-out access point onto Summerlin Road (a controlled access arterial) located on the east line of the subject property. There is potential for the applicant to have shared access to Summerlin Road at that point.

In response to panel questions, the applicant stated that the property is the second half of an old Industrial Planned Development (IPD). No uses are allowed since the IPD has expired. The original IPD is divided into two parcels. Mr. Lucas purchased the west half about two years ago. After that process was completed [a small scale amendment to change the Future Land Use from Industrial to Urban Community and a zoning change from IPD to Community Commercial (CC)], Mr. Lucas entered into an agreement to purchase the eastern 2.25 acre parcel, the subject property. The applicant does not intend to sell the property until the zoning change is completed [an application is pending to change the IPD zoning to CC on the subject property]. The parcel to the west is currently being marketed.

One member of the panel stated that Summerlin Road is a tourist corridor and that property along the road should not be zoned for industrial development [categorized as Industrial Future Land Use]. He recommended that staff look into changing property along Summerlin Road to a more appropriate Future Land Use category during the E.A.R. process. The planning director responded that staff is prepared to undertake such a review, but that the Board should keep in mind the long-term nature of a Future Land Use. The Industrial Land Use was set along Summerlin Road to accommodate the industrial uses that the County hoped would develop in the area over time.

One member of staff commented that the Outlying Suburban lands south [southeast] of Safety Street should be evaluated to determine whether industrial and commercial Future Land Uses might be more appropriate in that area.

One member of the panel stated that there is a need to establish a commercial only Future Land Use. He felt staff should pursue this issue during the E.A.R. process. A second panel member agreed.

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

- 1. RECOMMENDATION:** The LPA recommends that the BoCC adopt CPA2003-01.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

**C. VOTE:**

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

**D. ADDITIONAL NOTES FROM STAFF:**

Subsequent to the LPA hearing staff received substantive comments for this case from the Utilities Division. That division expressed concern about a potential conflict between non-industrial uses and an existing industrial use at the corner of Pine Ridge Road and Summerlin Road. The Lee County Utilities sewage treatment plant, located to the south of the subject property, occasionally omits odors which may offend residents or customers of neighboring non-industrial properties. One purpose for location of the treatment plant at its existing site was the industrial nature of the area. It has been Utilities staff experience that complaints related to odor from this plant and similar plants, are most often received from residential neighbors. It is not anticipated that commercial uses will have the same level of sensitivity to such impacts, though there may be some sense of inconvenience. Written comments received from Utilities staff have been incorporated as "Attachment 11."

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

DATE OF ADOPTION HEARING: May 6, 2003

**A. BOARD REVIEW:**

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

**1. BOARD ACTION:**

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

**C. VOTE:**

**JOHN ALBION**

\_\_\_\_\_

**ANDREW COY**

\_\_\_\_\_

**RAY JUDAH**

\_\_\_\_\_

**BOB JANES**

\_\_\_\_\_

**DOUG ST. CERNY**

\_\_\_\_\_



January 28, 2003  
Job No. 020038.00

Mr. Paul O'Connor  
Director of Planning  
PO Box 398  
Fort Myers, FL 33902

**RE: VISION XXV  
LEE COUNTY SMALL SCALE COMP PLAN AMENDMENT**

Dear Mr. O'Connor:

Enclosed, please find six (6) copies of the application for a small-scale comprehensive plan amendment and the required amendment support documentation. Also enclosed please find the application fee in the amount of \$1,500.00 made out to the Lee County BOCC for the above referenced project.

The proposed amendment is for a land use change from Industrial Development to Urban Community for the development of commercial facilities on 98,455 S.F. of vacant industrial zoned (IPD) lands situated on the south side of Summerlin Road, lying in Section 8, Township 46 South, Range 24 East, Lee County.

Should you have any questions or require any additional information, please do not hesitate to contact me. Your assistance is greatly appreciated.

Sincerely,  
**NEESE & ASSOCIATES**

Eddie E. Neese, P.E.  
President

enclosures

cc: Don Lucas w/ attachments



COMMUNITY DEVELOPMENT

CPA 2003-00001

12661 Metro Parkway • Fort Myers, Florida 33912  
Phone (239) 768-0077, Fax (239) 768-3457

ATTACHMENT 1 - 45 pages



LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as 17901 SUMMERLIN ROAD, FORT MYERS, FL 33908 and legally described in exhibit A attached hereto.

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

Deiane M. DeCrona, General Partner Vision XXV  
Owner\*(signature) Owner\*(signature)

Diane M. DeCrona  
Printed Name Printed Name

Owner\*(signature) Owner\*(signature)

Printed Name Printed Name

Owner\*(signature) Owner\*(signature)

Printed Name  
STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 24<sup>th</sup> day of January, 2003, by Deiane M. DeCrona, who is personally known to me or who has produced as identification and who did (did not) take an oath.

(SEAL)

Janice L. Jones  
Notary Public

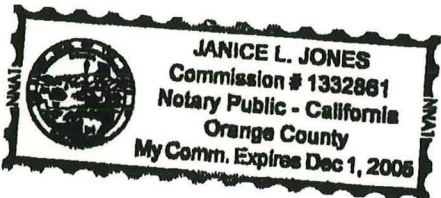
JANICE L. JONES  
(Name typed, printed or stamped)

\*If more than one owner then all owners must sign. See explanation on back.

RECEIVED

JAN 28 2003

COMMUNITY DEVELOPMENT  
CPA 2003-00001





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

APPLICATION FOR A
COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D: REC'D BY:
APPLICATION FEE: TIDEMARK NO:

THE FOLLOWING VERIFIED:

Zoning Commissioner District
Designation on FLUM

(To be completed by Planning Staff)

Plan Amendment Cycle: Normal Small Scale DRI Emergency

Request No:

APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: 60

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.

1-27-03 DATE SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

Lee County Comprehensive Plan Amendment Application Form (06/00)
S:\Comprehensive\PlanAmendmentForms\PlanAmendComp0609
RECEIVED
JAN 28 2003
COMMUNITY DEVELOPMENT
LPA 2003-00001

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

**Don Lucas**  
APPLICANT  
1950 Courtney Drive, Suite 206  
ADDRESS  
Fort Myers Florida 33901  
CITY STATE ZIP  
239-274-7744 239-274-7749  
TELEPHONE NUMBER FAX NUMBER

**Don Lucas**  
AGENT\*  
1950 Courtney Drive, Suite 206  
ADDRESS  
Fort Myers Florida 33901  
CITY STATE ZIP  
239-274-7744 239-274-7749  
TELEPHONE NUMBER FAX NUMBER

**VISION XXV, A CALIFORNIA LIMITED PARTNERSHIP**  
OWNER(s) OF RECORD  
C/O JAMES L. NICHOLS, ATTORNEY 8191 COLLEGE PARKWAY SUITE 204  
ADDRESS  
FORT MYERS Florida 33919  
CITY STATE ZIP  
239- 433-1305 239- 482-1007  
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.

Eddie E. Neese  
Neese & Associates  
12661 Metro Parkway  
Fort Myers, Florida 33912  
Tel. 239-768-0077  
Fax: 239-768-3457

**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  
1 Map – Future Landuse Map

**B. SUMMARY OF REQUEST (Brief explanation):**

CHANGE LAND USE MAP FROM INDUSTRIAL TO URBAN COMMUNITY  
TO ALLOW MORE APPROPRIATE DEVELOPMENT FOR HIGH  
VISIBILITY – TOURIST ORIENTED SECTION OF SUMMERLIN ROAD

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

**A. Property Location: SE corner of Intersection of Summerlin Rd & Pine Ridge Rd**

1. Site Address: 17901 SUMMERLIN ROAD

2. STRAP(s): 08-4624-00-00001.003A

**B. Property Information**

Total Acreage of Property: 2.25 acres

Total Acreage included in Request: 2.25 acres

Area of each Existing Future Land Use Category: \_\_\_\_\_

Total Uplands: 2.25 acres

Total Wetlands: None

Current Zoning: Industrial Planned Development

Current Future Land Use Designation: Industrial

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:

Change to Urban Community

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density Not Permitted

Commercial intensity 10% Anc. comm. (may not exceed 30,000 SF per dev.)

Industrial intensity Reserved mainly for industrial activities

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density 6 du / acre

Commercial intensity 30,000 – 100,000 SF

Industrial intensity light industrial purposes (Policy 7.1.6)

#### 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;
  - d. Solid Waste;
  - e. Mass Transit; and
  - f. 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, **DONALD R. LUCAS**, 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.

*Donald R. Lucas*  
Signature of owner or owner-authorized agent

1-27-03  
Date

**DONALD R. LUCAS**

Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 27<sup>th</sup> day of January 2003  
by \_\_\_\_\_, who is personally known to me or who has produced  
\_\_\_\_\_ as identification.



A handwritten signature in black ink, appearing to read 'Eddie E. Reese', written over a horizontal line.

Signature of notary public

EDDIE E. REESE  
Printed name of notary public

**LEGAL DESCRIPTION**

**PARCEL B  
IN THE NW1/4 OF  
SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA**

A TRACT OR PARCEL OF LAND LYING IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 8, T46S, R24E, IN LEE COUNTY FLORIDA. THENCE RUN S01°13'02"E AS A BASIS OF BEARING FOR 500.00 FEET ALONG THE WEST LINE OF SAID SECTION 8. THENCE RUN N89°02'47"E FOR 412.71 FEET ALONG THE SOUTH LINE OF LANDS DESCRIBED IN OR1854 PG3640 OF THE LEE COUNTY RECORDS TO A POINT OF CURVATURE, THENCE CONTINUE NORTHERLY ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 70.00 FEET THROUGH A CENTRAL ANGLE OF 46°07'24" FOR 56.35 FEET TO WHICH POINT A RADIAL LINE BEARS S47°04'37"E AND THE POINT OF BEGINNING. THENCE CONTINUE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 44°24'55" FOR 54.26 FEET; THENCE N01°29'32"W FOR A DISTANCE OF 134.07 FEET ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OR 2895 PGS 1886-1888 TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 30.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°32'19" FOR A DISTANCE OF 47.41 FEET; THENCE N89°02'47"E FOR A DISTANCE OF 384.48 FEET ALONG THE SOUTH LINE OF THE LANDS DESCRIBED IN OR 2895 PGS 1886-1888; THENCE S01°13'00"E FOR A DISTANCE OF 235.00 FEET ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OR 1854 PG 3641; THENCE S89°02'47"W FOR A DISTANCE OF 433.62 FEET ALONG THE SOUTH LINE OF THE LANDS DESCRIBED IN OR 1854 PG 3641; THENCE N01°29'32"W FOR A DISTANCE OF 21.48 FEET TO THE POINT OF BEGINNING.

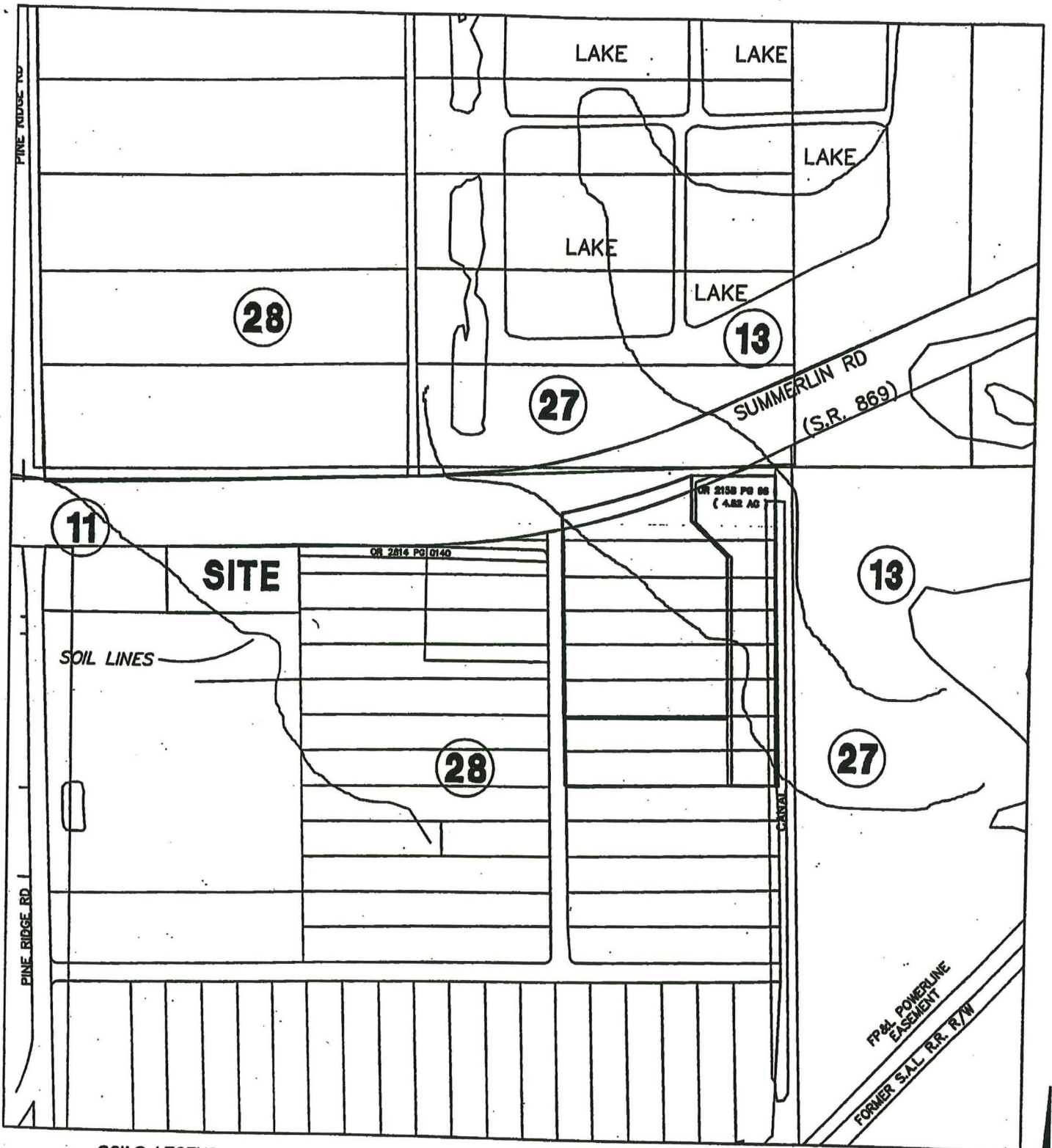
PARCEL CONTAINS 2.25 ACRES MORE OR LESS

**RECEIVED**

**JAN 28 2003**

**COMMUNITY DEVELOPMENT**

**2003-00001**

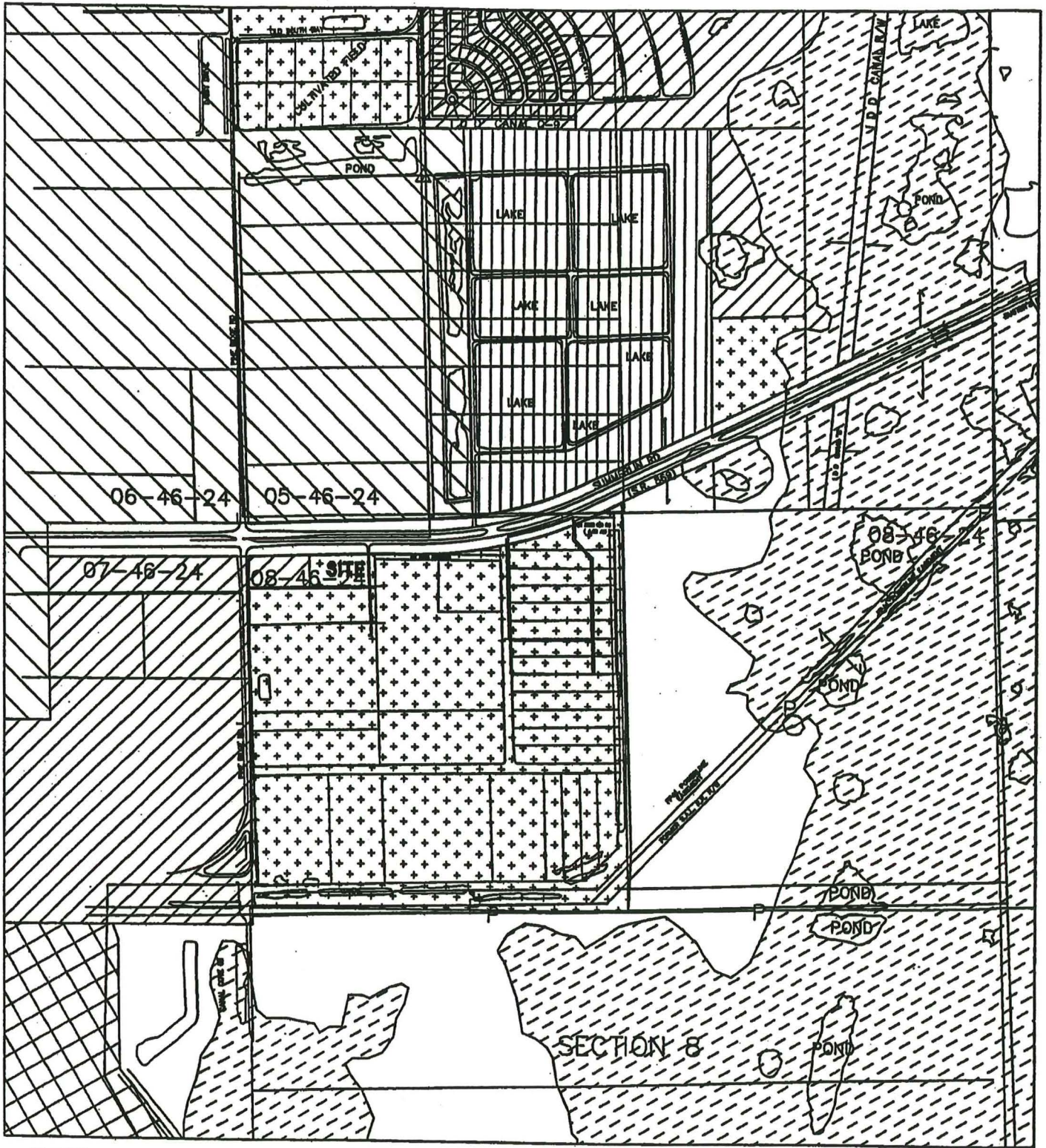


**SOILS LEGEND**

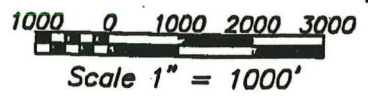
- ⑬ Boca fine sand
- ⑲ Pomoano fine Sand, Depressional
- ⑳ Immokalee sand
- ⑪ Myakka fine sand

SOILS INFORMATION WAS OBTAINED FROM THE LEE COUNTY SOIL SURVEY BY THE SOIL CONSERVATION SERVICE OF THE U.S.D.A.

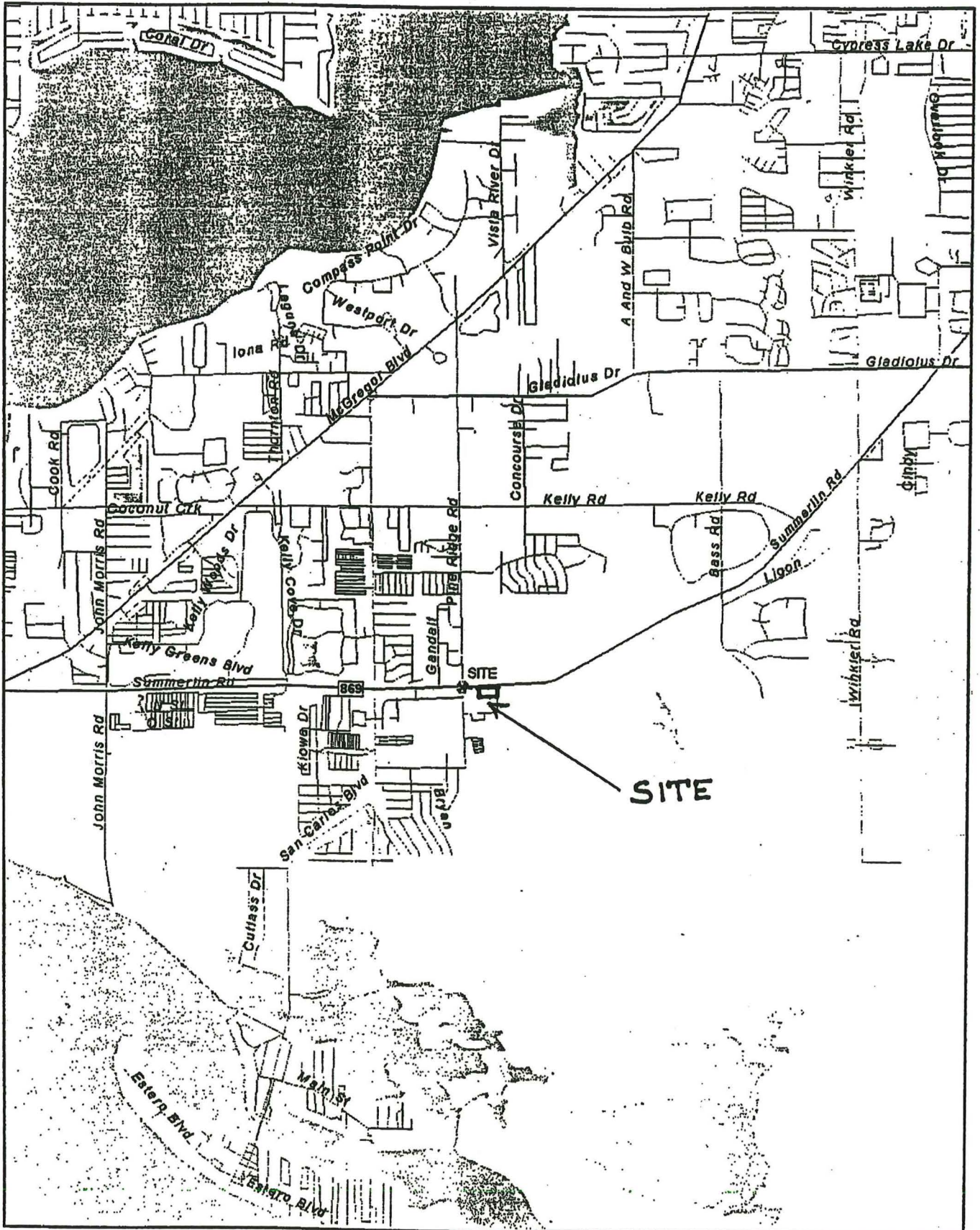
**EXISTING SOILS MAP**



- |   |  |
|---|--|
|  Central Urban   |  Industrial Development                         |
|  Urban Community |  Public Facilities                              |
|  Suburban        |  Resource Protection Areas and Transition Areas |

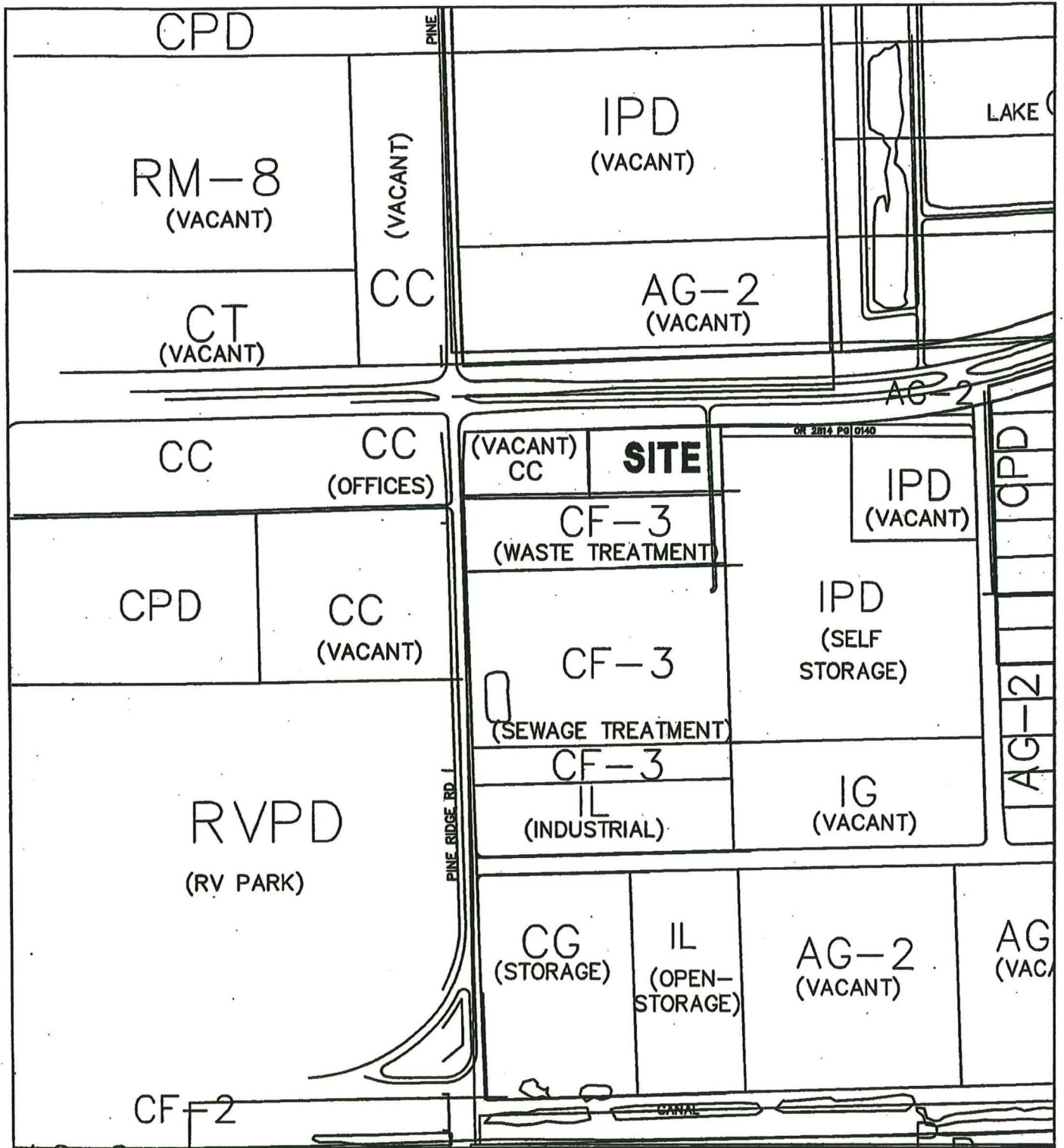


# FUTURE LAND USE MAP



0 ml 0.5 1 1.5 2

MICROSOFT AUTOMAP  
**Streets Plus**



# EXISTING LAND USE/ZONING

As the creator  
 of this map  
 I hereby certify  
 that the  
 information  
 shown hereon  
 is true and  
 correct.  
 Date: 1 of 1

Existing Land Use/Zoning  
 of  
**Vision XXV**  
 For  
 Use  
 1200 Courtney Drive, Suite 200  
 Fort Myers, Florida

DATE: 1/1/17  
 SHEET: 1 OF 1

**Neese & Associates**  
 Civil Engineering & Land Surveying  
 12641 Moore Parkway  
 Fort Myers, Florida 33912  
 941-933-8977  
 Fax: 941-544-5477

APPROVED BY  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date: 1/1/17  
 Scale:  
 Drawing:  
 Date: 1/1/17

**NATIONAL FLOOD INSURANCE PROGRAM**

**FIRM  
FLOOD INSURANCE RATE MAP**

COUNTY OF  
**LEE,**  
FLORIDA  
(UNINCORPORATED AREAS)


**PANEL 435 OF 550**  
(SEE MAP INDEX FOR PANELS NOT PRINTED)

**COMMUNITY-PANEL NUMBER**  
125124 0435 B

**EFFECTIVE DATE:**  
SEPTEMBER 19, 1984



Federal Emergency Management Agency

100-Year Flood Boundary	_____	<b>ZONE B</b>
100-Year Flood Boundary	_____	
Zone Designations*		
100-Year Flood Boundary	_____	<b>ZONE B</b>
500-Year Flood Boundary	_____	
Base Flood Elevation Line With Elevation In Feet**	~~~~~	<b>513</b>
Base Flood Elevation in Feet Where Uniform Within Zone**		(EL 987)
Elevation Reference Mark		RM7x
Zone D Boundary	_____	
River Mile		•M1.5

\*\*Referenced to the National Geodetic Vertical Datum of 1929

**\*EXPLANATION OF ZONE DESIGNATIONS**

ZONE	EXPLANATION
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
A0	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
AH	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
A99	Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
B	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
C	Areas of minimal flooding. (No shading)
D	Areas of undetermined, but possible, flood hazards.
V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
V1-V30	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

**NOTES TO USER**

Certain areas not in the special flood hazard areas (Zones A and V) may be protected by flood control structures.

This map is for flood insurance and flood plain management purposes only; it does not necessarily show all areas subject to flooding in the community or all planimetric features outside special flood hazard areas.

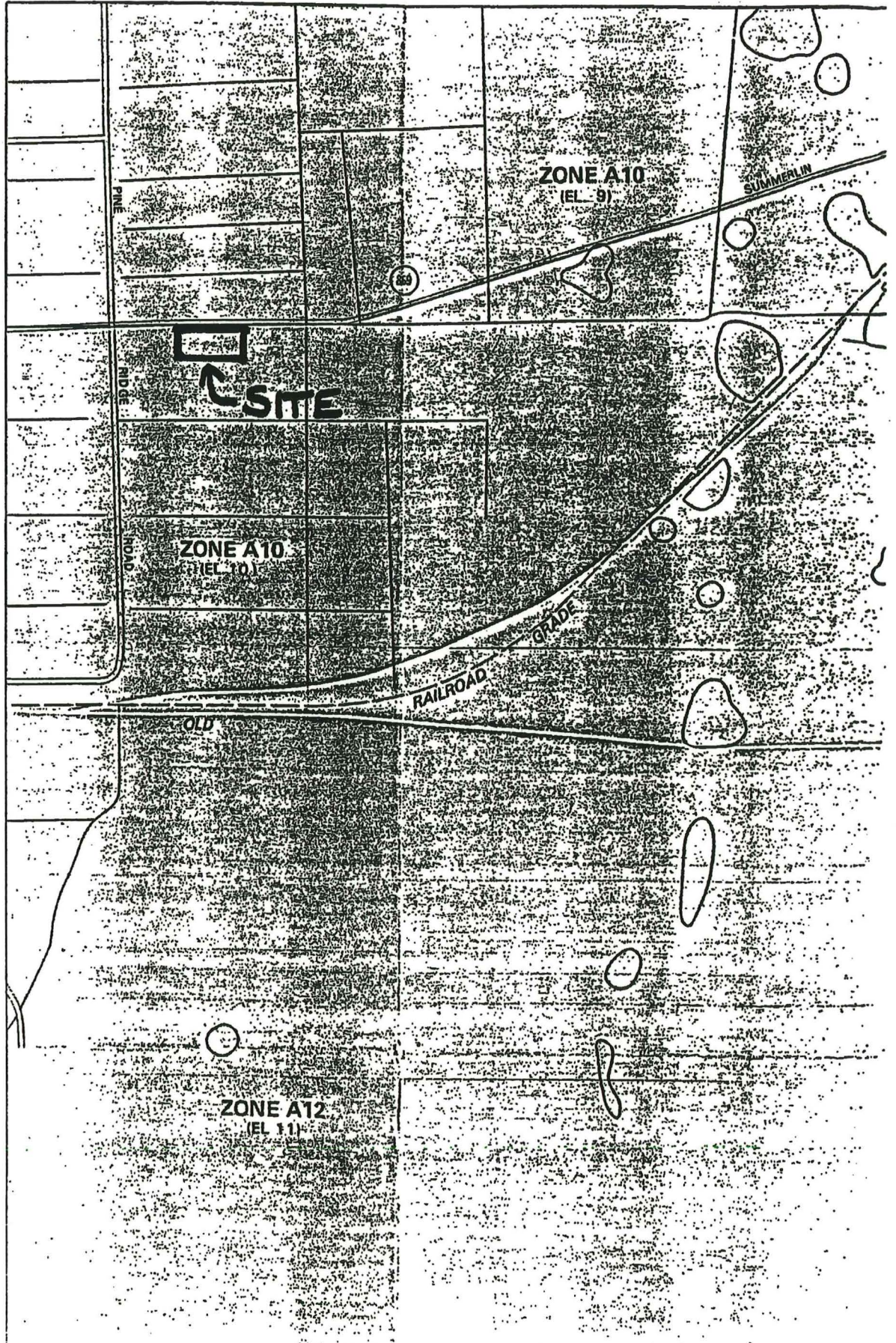
The coastal flooding elevations shown may include the effects of wave action and may differ significantly from those developed by the National Weather Service for hurricane evacuation planning. Coastal base flood elevations apply only landward of the shoreline shown on this map.

For adjoining map panels, see separately printed Map Index.

INITIAL IDENTIFICATION:

SEPTEMBER 19, 1984

FLOOD HAZARD BOUNDARY MAP REVISION



## **Soils Description**

### **From Lee County Soils Survey**

**11-Myakka fine sand.** This is a nearly level, poorly drained soil on broad flatwoods areas. Slopes are smooth to slightly concave and range from 0 to 2 percent.

Typically, the surface layer is very dark gray fine sand about 3 inches thick. The subsurface layer is fine sand about 23 inches thick. In the upper 3 inches it is gray, and in the lower 20 inches it is light gray. The subsoil is fine sand to a depth of 80 inches or more. The upper 4 inches is black and firm, the next 5 inches is dark reddish brown and friable, the next 17 inches is black and firm, the next 11 inches is dark reddish brown and friable, and the lower 17 inches is mixed black and dark reddish brown and friable.

Included with this soil in mapping are areas of Eau Gallie, Immokalee, Oldsmar, Smyran, and Wabasso soils. Also included are small areas of similar soils with subsoils low in organic matter content and less than 12 inches thick. Included soils make 10 to 15 percent of any mapped area.

In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months and 10 to 40 inches below the surface for 2 to 6 months. It is more than 40 inches below the surface during extended dry periods.

The available water capacity is medium in the subsoil and very low in the surface and subsurface layers. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and moderate to moderately rapid in the subsoil.

Natural vegetation consists of sawpalmetto, fetterbush, pineland threeawn, and South Florida slash pine.

This soil is poorly suited to cultivated crops because of wetness and poor soil quality. The number of adapted crops is limited unless very intensive management practices are followed. With good water control and soil improving measures, the soil can be made suitable for some vegetable crops. A water control system is needed to remove excess water in wet seasons and provide water through subsurface irrigation in dry seasons. Row crops should be rotated with close-growing, soil-improving crops. The rotation should keep the soil-improving crops on the land three-fourths of the time. Seedbed preparation should include bedding of the rows. Fertilizer and lime should be added according to the need of the crops.

This soil is poorly suited to citrus. Areas subject to frequent freezing in winter are not suitable. This soil is suitable for citrus only after a carefully designed water control system has been installed that will maintain the water table below a depth of 4 feet. The trees should be planted on beds and a vegetative cover maintained between the trees. Regular applications of fertilizer and lime are needed.

This soil is well suited to pasture. Pangolagrass, improved bahiagrass, and white clover grow well when they are well managed. Water control measures are needed to remove excess surface water after heavy rains. Regular applications of fertilizer and lime are needed. Controlling grazing helps to prevent overgrazing and weakening of the plants.

The soil has moderate potential productivity for South Florida slash pine. Bedding of rows helps in establishing seedlings and in removing excess surface water.

This soil has moderate potential for desirable range plant production. The dominant forage is creeping bluestem, lopsided indiagrass, pineland threeawn, and chalky bluestem. Management practices should include deferred grazing and brush control. This Myakka soil is in the South Florida Flatwoods range site.

The soil has severe limitations for urban development because of the high water table. This Myakka soil is in capability subclass IV.

**EXHIBIT A**

**There are no proposed text changes to the Lee Plan.**

**Exhibit B**

**Existing and Future Conditions Analysis**

**B-2 a. Sanitary Sewer**

Lee County Utilities maintains service for this area through the Fort Myers Beach and Iona/McGregor Wastewater treatment plant located approximately 400 feet south of the subject property. A 24-inch force-main runs along the Pine Ridge Road Right-of-Way on the western side of the subject property. A 4-inch force main, extending from the 24-inch force-main, runs along the Summerlin Road Right-of-Way on the northern side of the subject property.

Policy 36.1.2 of the Lee Plan has established that “the minimum acceptable level-of-service standard for sanitary sewer connections to Lee County Utilities shall be available basic facility capacity to treat and dispose of a volume of wastewater equal to 200 gallons per day per equivalent residential connection (ERC) for the peak month.....”

The December 2001 Concurrency Management report has indicated in Table 5, Major Regional Sewage Treatment Plants, that the Fort Myers Beach sewer treatment plant (STP) has a design capacity of 6,000,000 gallons per day and a projected flow for 2002 of 4,115,000 gallons per day.

The Capital Improvements Program (CIP) indicates the following sewer projects for Fort Myers Beach WWTP:

Transfer pumps upgrade	FY 01 / 02
Filtration system replacement	FY 01 / 02
Second EQ tank	Years 6-10

The proposed amendment will have negligible impacts on the sanitary sewer facilities.

**B-2 b. Potable Water**

Lee County Utilities maintains service for this area through the Green Meadows Water Treatment Plant located at 13001 Alico Road, Fort Myers. A 12-inch water main runs approximately parallel to the south property line in an easement along the south property line.

Policy 33.1.1 of the Lee Plan has established that “the minimum acceptable level-of-service standard for potable water connections to Lee County Utilities shall be an available supply and treatment capacity of 250 gallons per day per equivalent residential connection (ERC) for the peak month...”

The December 2001 Concurrency Management report has indicated in Table 1, Major Regional Water Treatment Plants, that the Green Meadows water treatment plant (WTP) has a design capacity of 10,500,000 gallons per day and a projected flow of 7,340,000 gallons per day for the year 2002.

The Capital Improvements Program (CIP) indicates the following water projects for Green Meadows WTP:

Transmission system improvement	FY 01 / 02
Water storage improvements	FY 01 / 02
Water treatment plant expansion	FY 01 / 02, FY 02 / 03

The proposed amendment will have negligible impact to the potable water facilities.

**B-2 c. Surface Water/Drainage Basins.**

The subject property is located in the Deep Lagoon Watershed #43 as indicated in the Lee County Surface Water Management Master Plan. Any development will be in compliance with South Florida Water Management District and the Lee County Development Code with regard to surface water management.

Policy 40.3.1-D of the Lee Plan has established level-of-service standards for the private and public development as follows:

**“Surface water management systems in new private and public developments (excluding widening of existing roads) shall be design to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event. Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and rule 40E-4, F.A.C. New developments shall be designed to avoid increased flooding of surrounding areas. Development shall be designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to approximate the natural surface water systems in terms of rate, hydro period, basin and quality, and to eliminate the disruption of wetlands and flowways, whose preservation is deemed in the public interest.”**

The December 2001 Concurrency Management report states on page 10 that “All new developments which receive approval from the South Florida Water Management District and that comply with standards in Chapters 62-3, 62-40, and 62-302 of the Florida Statutes and Rule 40E-4 of the Administrative Code will be deemed concurrent with the level of service standards set forth in the Lee Plan.”

**B-2 d. Parks, Recreation, and Open Space.**

**Policy 70.1.3 of the Lee Plan has established that the minimum acceptable level-of-service for Parks and Recreation Facilities as the following:**

**Regional Parks – 6 acres of developed regional land open for public use per 1000 total seasonal county population.**

**Community Parks – 0.8 acres of developed standard community parks open for public use per 1000 permanent population, unincorporated county only.**

**The December 2001 Concurrency Management report on page 24 that the “desired” level-of-service standard of eight (8) acres per thousand (1,000) total county population for Regional Parks has been achieved and expects to continue meeting this level-of-service standard through 2003.**

**The December 2001 Concurrency Management report has also indicated in Table 15 , Community Parks Impact Fee District #4, that the minimum level-of-service for community parks has been met and that two future community parks, Estero Community Park, add. phases, and South Fort Myers Community Parks are planned to achieve compliance with the “desired” level-of-service for the community.**

**The Capital Improvements Program (CIP) indicates multiple county wide regional and community park projects.**

**The proposed amendment will have negligible impact to the parks, recreation, and open space facilities.**

## Exhibit C

### Environmental Impacts

C. 1. This subject property is vacant but the land has been cleared. As described in the Florida Land Use, Cover and Forms Classification System, FLUCCS, the class definition Disturbed Lands, 740, applies to those areas which have been changed due primarily to human activities other than mining. The subject parcel falls into this classification.

C.2. Soils found on the property, as indicated in the Lee County Soils Survey, consist of Myakka fine sand and Immokalee Sand. Descriptions are included as exhibits C-1 and C-2.

C.3. The Federal Emergency Management Agency (FEMA) has identified the area of the subject property as Zone A10. The base flood elevation has been indicated as 10 feet. Enclosed please find a copy of panel 125124 0435 B of the Flood Insurance Rate Map indicating the subject area and the surrounding flood zones.

C.4. This subject property is vacant but the land has been cleared and contains no wetlands or aquifer for recharge areas.

C. 5. This subject property is vacant but the land has been cleared and contains no habitat for species listed by the Federal, State, or local agencies as endangered, threatened or species of special concern.

## Exhibit D

### Impacts on Historic Resources

The subject property is located adjacent to the parcel at the southeast corner of the intersection between Summerlin Road and Pine Ridge Road. The parcel located across Pine Ridge Road is owned by Sun State Professional Leasing Inc., zoned CC, and contains an office building occupied by Attorney, Realty, Art, and Insurance offices. The adjacent property to the south is owned by Onyx Waste Services of Florida Inc., zoned CF-3, and occupied with facilities that provide service to the area. Fort Myers Beach Iona-McGregor Wastewater Facility is located behind Onyx Services. The parcel located to the west is owned by Vision XXIV Ltd, zoned IPD. The Vision XXIV parcel received approval of a small scale Comprehensive Plan Amendment (CPA2001-00008) on January 13, 2002. On January 6, 2003, the Lee County Board of Commissioners adopted Resolution Number Z-02-068, rezoning Vision XXIV from IPD to CC. The property is currently vacant. The parcel located across Summerlin Road is owned by Barbour H + Lapidus D + Kresimer J Co, zoned AG-2, and is currently vacant. The parcel located on the opposite corner of the intersection is owned by Joseph Louis TR, zoned CC, and is currently vacant. At this intersection, the future land use for the north side of Summerlin Road is designated as Central Urban. The southwest corner of this intersection is designated Urban Community.

## **Exhibit E**

### **Internal Consistency with the Lee Plan**

1. The proposed small scale amendment would change the future land use from industrial development to urban community. The existing land use of Industrial Development does not permit residential uses other than bona fide caretaker residences. The proposed land use of Urban Community will permit a maximum of six dwelling units per acre.
2. The impact of changing 2.25 acres from Industrial Development to Urban Community would have negligible impact on Table 1(b), Planning Community Year 2020 Allocations, of the Lee Plan. As indicated in Table 1(a), Summary of Residential Densities, of the Lee Plan, Urban Community has a maximum residential density of six (6) dwelling units per acre. The expected use for this intersection corner is commercial.
3. The impact of changing 2.25 acres from Industrial Development to Urban Community would have no impact on any local government.
4. State Policy Plan and Regional Policy Plan goals and policies that are relevant to this plan amendment consist of conformance with the Lee Plan and its objectives and policies.
5. The subject parcel is presently zoned IPD and an application to rezone to commercial will be submitted to Lee County Development Services.

## **Exhibit 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. The site is accessible to arterial roadways (Summerlin Road) but is not accessible to rail lines and cargo airport terminals.
  - b. Table 1(b) indicates that the Iona/McGregor Planning District has 782 acres of commercial uses. The Lee County total is 10,525 acres.
  - c. The impact of changing 2.25 acres from Industrial Development to Urban Community will have negligible effect on the county's industrial employment goal of employing 3% of the county's population in manufacturing activities by the year 2010.
2. Requests moving lands from a Non-Urban Area to a Future Urban Area.
  - a. The existing land use classification of Industrial Development and the proposed land use classification of Urban Community are both classified as Future Urban Areas. The proposed change does not constitute Urban Sprawl.
3. The proposed change is not in the listed critical areas for future potable water supply as listed in Policy 2.4.2, therefore does not require evaluation based on said policy.
4. The proposed change does not request moving lands from Density Reduction / Groundwater Resource, therefore does not require consideration to Policy 2.4.3.

## Exhibit G

### Proposed Amendment Justification

The proposed amendment is consistent with the Urban Community designation for the following reasons: The subject property is located at/near the intersection of Summerlin Road and Pine Ridge Road with the properties on the opposite corners of the intersection designated as Urban Community and/or Central Urban. The proximity of the subject property to the intersection is consistent with the location criteria of Policy 6.1.2 of the Lee Plan for Commercial Land Uses. The proposed use, commercial, is consistent with the "Urban Community" land use category. The following letters have been received indicating that the urban services required to support the small-scale amendment change can be provided: Onyx Waste Services Of Florida, Division of Public Safety: EMS, Lee County Office of the Sheriff, Lee County Transit, Lee County Parks and Recreation, Iona-McGregor Fire District. The Lee County School District is in the process of providing a support letter and the letter will be submitted upon receipt.

# Soils Description

## From Lee County Soil Survey

**28-Immokalee sand.** This is a nearly level, poorly drained soil in flatwoods areas: Slopes are smooth to convex and range from 0 to 2 percent.

Typically, the surface layer is black sand about 4 inches thick. The subsurface layer is dark gray sand in the upper 5 inches and light gray sand in the lower 27 inches. The subsoil is sand to a depth of 69 inches. The upper 14 inches is black and firm, the next 5 inches is dark reddish brown, and the lower 14 inches is dark yellowish brown. The substratum is very pale brown sand to a depth of 80 inches or more.

Included with this soil in mapping are EauGallie, Myakka, Oldsmar, Smyrna, and Wabasso soils. Also, included are small area of soils with a subsoil that is low in organic matter content and less than 12 inches thick. Included soils make up less than 15 percent of any mapper area.

In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months and 10 to 40 inches below the surface for 2 to 6 months. It recedes to a depth of more than 40 inches during extended dry periods.

The available water capacity is medium in the subsoil and very low in the surface and subsurface layers. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and moderate or moderately rapid in the subsoil.

Natural vegetation consists of sawpalmetto, fetterbush, pineland threeawn, and South Florida slash pine.

This soil is poorly suited to cultivated crops because of wetness and poor soil quality. The number of adapted crops is limited unless very intensive management practices are followed. With good water control and soil-improving measures, this soil can be made suitable for some vegetation crops. A water control system is needed to remove excess water in wet seasons and provide water through subsurface irrigation in dry seasons. Row crops should be rotated with close-growing, soil-improving crops. The rotation should include the soil-improving crops on the land three-fourths of the time. Seedbed preparation should include bedding of the rows. Fertilizer and lime should be added according to the need of the crops.

This soil is poorly suited to citrus unless very intensive management is used. Areas subject to frequent freezing in winter are not suitable. This soil is suitable for citrus only after a carefully designed water control system has been installed that will maintain the water table below a depth of 4 feet.

This soil is well suited to pastures. Pangolagrass, improved bahiagrass, and white clover grow well when they are well managed. Water control measures are needed to remove excess surface water after heavy rains. Regular applications of fertilizer and lime are needed. Controlling grazing helps to prevent overgrazing and weakening of the plants.

The potential productivity is moderate for South Florida slash pine. Bedding of rows helps in establishing seedlings and in removing excess surface water. The trees should be planted on beds and a vegetative cover maintained between the trees. Regular applications of fertilizer and lime are needed.

This soil has moderate potential for desirable range plant production. The dominant forage is creeping bluestem, lopsided indiagrass, pineland threeawn, and chalky bluestem. Management practices should include deferred grazing and brush control. This Immokalee soil is in the South Florida Flatwoods range site.

This soil has severe limitations for urban development because of high water table.

This Immokalee soil is in capability subclass IVw.

**IONA MCGREGOR FIRE PROTECTION AND RESCUE SERVICE DISTRICT**

15961 WINKLER ROAD  
FORT MYERS, FLORIDA 33908

**Business: 433-0660**

**Fire Only: 911**

January 23, 2003

Michael L. Prince  
Neese & Associates  
12661 Metro Parkway  
Fort Myers, FL 33912

Re: VISION XXV

Existing and proposed resources and facilities of the Fire District are adequate to provide services to the referenced project.

A handwritten signature in black ink, appearing to read "Steve Juntikka". The signature is fluid and cursive, with a large initial "S" and "J".

Steve Juntikka, Assistant Chief



**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 335-1604

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

January 3, 2003

Mr. Michael L. Prince  
Neese & Associates  
12661 Metro Parkway  
Fort Myers, Florida 33912

**Re: Written Determination of Adequacy for EMS services  
VISION XXV**

Dear Mr. Prince:

I have reviewed your letter dated December 6, 2002, which was received December 19, 2002. This letter will address the request made in that letter.

The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel or any support facilities. Furthermore, the easements appear to provide adequate ingress / egress for ambulances.

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

Respectfully submitted,

DIVISION OF PUBLIC SAFETY

Chief Chris Hansen  
EMS Program Manager

**Office of the Sheriff  
Rodney Shoap**



**County of Lee  
State of Florida**

January 3, 2003

**Neese & Associates  
Michael L. Prince  
12661 Metro Parkway  
Fort Myers, Florida 33912**

**RE: VISION XXV  
Job # 020038.00  
Written Determination of Adequacy  
Existing and Proposed Support Facilities  
Lee County Small Scale Land Use Amendment**

Dear Sir:

The VISION XXV, Written Determination of Adequacy, Existing and Proposed Support Facilities, Lee County Small Scale Land Use Amendment, Job # 020038.00 is within the service area for the Lee County Sheriff's Office. It is policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs.

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

Sincerely,

A handwritten signature in black ink, appearing to read "D. Johnson".

**Major Dan Johnson  
Planning and Research**

Copy: File





December 30, 2002

Neese & Associates  
12661 Metro Parkway  
Fort Myers, Florida 33912

RE: Adequacy Statement for Vision XXV

Dear Sir:

Onyx Waste Services Of Florida currently is contracted by Lee County, to provide waste collection services for the portion of the county where the proposed development is to take place. Under the terms of that contract, we are obligated to ensure that there is adequate equipment and personnel to meet the waste collection needs of any new development in the county. We are not anticipating anything that would prevent us from meeting our obligations to Lee County. Therefore, the assets and personnel necessary to perform the required service will be available when needed.

Sincerely,

A handwritten signature in black ink that reads "Robert Tingley".

Robert Tingley  
General Manager



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
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District Four

John E. Albion  
District Five

Donald D. Stillwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Writer's Direct Dial Number: 941-277-5012

December 26, 2002

Mr. Michael L. Prince  
Neese & Associates  
12661 Metro Parkway  
Fort Myers, FL 33912

**RE: VISION XXV**

Dear Mr. Prince:

We have reviewed the site plan you provided for the referenced project. Lee County Transit does not require additional transit amenities at this location at this time.

If you have any questions, please call me at 239-277-5012 ext. 2233.

Sincerely,

TRANSIT DIVISION

*Michael S. Horsting*  
Michael S. Horsting *by*  
Transit Planner *msk*

[Originator/Typist Initials]

S:\VPCDOCS\LETTERS\visionxxv.wpd

P.O. Box 998, Fort Myers, Florida 33902-0998 (239) 335-2111

Internet address <http://www.lee-county.com>

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER



**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8762  
(239) 479-8307 Fax

Bob Janes  
District One

January 9, 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

Mr. Michael L. Prince  
Neese and Associates  
12661 Metro Parkway  
Fort Myers, FL 33912

**Re: Vision XXV - Small Scale Comprehensive Plan Amendment**  
**Strap # 08-46-24-00-00001.003A**

Dear Mr. Prince:

Lee County staff has reviewed your request for a letter regarding the adequacy of existing and proposed support facilities relative to the proposed plan amendment referenced above.

Based on the information provided in your letters of December 6, 2002, and January 3, 2003, the subject property is a 2.25 ± acre parcel of land currently zoned Industrial Planned Development (IPD) and located in the Industrial Development future land use category. The parcel is located on the south side of, and contiguous to, Summerlin Road, approximately 420± feet east of its intersection with Pine Ridge Road. You have indicated that you will be requesting an amendment to change the future land use designation to Urban Community and subsequently rezoning the property to facilitate the development of commercial uses.

It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, please note that this determination is based on the proposed commercial use of the subject property which will not result in an increase of the current population in this area of Lee County.

Should you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,

DEPARTMENT OF PUBLIC WORKS

  
Michael P. Pavese  
Principal Planner

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

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

**PROJECT NAME:** VISION XXV, 17901 Summerlin Road, Fort Myers

**CASE NUMBER:** not supplied

**STRAP NUMBERS:** 08-46-24-00-00001.003A

**DATE OF REVIEW:** December 19, 2002

**REVIEWED BY:** Susan M. Strum, AICP, Planner  
Phone 239 479 8549 Fax 479-8161  
e-mail: strumsm@leegov.com

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

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

**Level 1 or Level 2 zones of Archaeological Sensitivity:** The subject parcel is not located on either Level 1 or Level 2 zones of archaeological sensitivity.

Copy: Pam Houck Zoning Director  
Michael L. Prince, Neese & Associates, 12661 Metro Parkway, Fort Myers, FL  
33912

**Vacant Land Contract**

**PARTIES AND DESCRIPTION OF PROPERTY**

1. SALE AND PURCHASE: Vision XXV, Ltd., A California Limited Partnership (Seller)  
and Donald R. Lucas (Buyer)

agree to sell and buy on the terms and conditions specified below the property ("Property") described as:  
Address: A tract of land located in the S/E Quadrant of Summerlin Road and  
Legal Description: Pine Ridge Road, Lee County, Fort Myers, Florida, known as  
Vision XXV, STRAP #08-46-24-00-00001.003A. Exact legal  
description to be determined by Seller's survey.

including all improvements and the following additional property: None - Vacant Land

**PRICE AND FINANCING**

2. PURCHASE PRICE: \$ [REDACTED] payable by Buyer in U.S. funds as follows:

(a) \$ [REDACTED] Deposit received (checks are subject to clearance) within two days of receipt  
for signed contract (Escrow Agent)  
Signature: [REDACTED] Name of Depositor: [REDACTED]

(b) \$ -0- Additional deposit to be made by \_\_\_\_\_

(c) [REDACTED] Total Financing (see Paragraph 3 below) (express as a dollar amount or percentage)

(d) \$ -0- Other: \_\_\_\_\_

(e) \$ [REDACTED] Balance to close (not including Buyer's closing costs, prepaid items and prorations). All  
funds paid at closing must be paid by locally drawn cashier's check or wired funds.

U (f) (complete only if purchase price will be determined based on a per unit cost instead of a fixed price) The unit  
used to determine the purchase price is  lot  acre  square foot  other (specify: N/A)  
prorating areas of less than a full unit. The purchase price will be \$ N/A per unit based on a calculation of  
total area of the Property as certified to Buyer and Seller by a Florida-licensed surveyor in accordance with Paragraph  
8(c) of this Contract. The following rights of way and other areas will be excluded from the calculation: \_\_\_\_\_  
N/A

3. CASH/FINANCING: (Check as applicable)  (a) Buyer will pay cash for the Property with no financing contingency.

(b) This Contract is contingent on Buyer qualifying and obtaining the commitment(s) or approval(s) specified below within  
\_\_\_\_\_ days from Effective Date (if left blank then Closing Date or 30 days from Effective Date, whichever occurs first). Buyer  
will apply for financing within \_\_\_\_\_ days from Effective Date (5 days if left blank) ("Application Period") and will timely provide  
any and all credit, employment, financial, and other information required by the lender. If Buyer, after using diligence and  
good faith, cannot obtain the financing, either party may cancel this Contract and Buyer will return to Seller all title evidence  
and surveys provided by Seller, and Buyer's deposit(s) will be returned after Escrow Agent receives proper authorization from  
all interested parties. Buyer will pay all loan expenses, including the lender's title insurance policy.

(1) New Financing: Buyer will secure a commitment for new third party financing for \$ \_\_\_\_\_ or  
\_\_\_\_\_ % of the purchase price at the prevailing interest rate and loan costs. Buyer will keep Seller and Broker fully  
informed of the loan application status and progress and authorizes the lender or mortgage broker to disclose all  
such information to Seller and Broker.

(2) Seller Financing: Buyer will execute a  first  second purchase money note and mortgage to Seller in the  
amount of \$ \_\_\_\_\_ bearing annual interest at 7.1% and payable as follows: \_\_\_\_\_

**ADDENDUM #1**  
This mortgage, note, and any security agreement will be in a form acceptable to Seller and will follow forms generally  
accepted in the county where the Property is located; will provide for a late payment fee and acceleration at the  
mortgagee's option if Buyer defaults; will give Buyer the right to prepay without penalty all or part of the principal at any  
time(s) with interest only to date of payment; will be due on conveyance or sale; will provide for release of contiguous  
parcels, if applicable; and will require Buyer to keep liability insurance on the Property, with Seller as additional named  
insured. Buyer authorizes Seller to obtain credit, employment and other necessary information to determine  
creditworthiness for the financing. Seller will, within 10 days from Effective Date, give Buyer written notice of whether or  
not Seller will make the loan.

(3) Mortgage Assumption: Buyer will take title subject to and assume and pay existing first mortgage to \_\_\_\_\_

LNs \_\_\_\_\_ in the approximate amount of \$ \_\_\_\_\_ currently payable at  
\$ \_\_\_\_\_ per month including principal, interest,  taxes and insurance and having a  fixed  other  
(Describe) \_\_\_\_\_  
interest rate of \_\_\_\_\_ % which  will  will not escalate upon assumption. Any variance in the mortgage will be  
adjusted in the balance due at closing with no adjustment to purchase price. Buyer will purchase Seller's escrow  
account dollar for dollar. If the lender disapproves Buyer, or the interest rate upon transfer exceeds \_\_\_\_\_ % or the  
assumption/transfer fee exceeds \$ \_\_\_\_\_, either party may elect to pay the excess, failing which this  
agreement will terminate and Buyer's deposit(s) will be returned.

**CLOSING**

4. CLOSING DATE; OCCUPANCY: This Contract will be closed and the deed and possession delivered on or before  
SEE ADDENDUM #1, unless extended by other provisions of this Contract. If on Closing Date insurance  
underwriting is suspended, Buyer may postpone closing up to 5 days.

Buyer ([Signature]) and Seller ([Signature]) acknowledge receipt of a copy of this page, which is Page 1 of 4 Pages.

PA-2003-00001  
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JAN 28 2003

COMMUNITY DEVELOPMENT

5. CLOSING PROCEDURE; COSTS: If title insurance insures Buyer for title defects arising between the title binder effective date and recording of Buyer's deed, closing agent will disburse all closing proceeds to Seller and brokerage fees to Broker as per Paragraph 17. In addition to other expenses provided in this Contract, Seller and Buyer will pay the costs indicated below.

(a) Seller Costs: Seller will pay taxes on the deed and recording fees for documents needed to cure title; curative, confirmed and unconfirmed special assessment liens; title evidence (if applicable under Paragraph 8); Other: \_\_\_\_\_

ALTA Survey

(b) Buyer Costs: Buyer will pay taxes and recording fees on notes and mortgages and recording fees on the deed and financing statements; loan expenses; pending special assessment liens, lender's title policy at the simultaneous issue rate; inspections; survey and sketch; insurance; Other: permits/zoning/land use changes.

(c) Title Evidence and Insurance: Check (1) or (2):

(1) Seller will provide a Paragraph 8(a)(1) owner's title insurance commitment as title evidence. (2) Seller ( ) Buyer will select the title agent. ( ) Seller ( ) Buyer will pay for the owner's title policy, search, examination and related charges. Each party will pay its own closing fees.

(2) Seller will provide title evidence as specified in Paragraph 8(a)(2). ( ) Seller ( ) Buyer will pay for the owner's title policy and select the title agent. Seller will pay fees for title searches prior to closing, including tax search and lien search fees, and Buyer will pay fees for title searches after closing (if any), title examination fees and closing fees.

(d) Prorations: The following items will be made current and prorated as of the day before Closing Date: real estate taxes, interest, bonds, assessments, leases and other Property expenses and revenues. If taxes and assessments for the current year cannot be determined, the previous year's rates will be used with adjustment for any exemptions.

(e) Tax Withholding: Buyer and Seller will comply with the Foreign Investment in Real Property Tax Act, which may require Seller to provide additional cash at closing if Seller is a "foreign person" as defined by federal law.

PROPERTY CONDITION

6. LAND USE: Seller will deliver the Property to Buyer at the time agreed in its present "as is" condition, with conditions resulting from Buyer's inspections and casualty damage, if any, excepted. Seller will maintain the landscaping and grounds in a comparable condition and will not engage in or permit any activity that would materially alter the Property's condition without the Buyer's prior written consent.

(a) Flood Zone: Buyer is advised to verify by survey, with the lender and with appropriate government agencies which flood zone the Property is in, whether flood insurance is required and what restrictions apply to improving the Property and rebuilding in the event of casualty.

(b) Government Regulation: Buyer is advised that changes in government regulations and levels of service which affect Buyer's intended use of the Property will not be grounds for canceling this Contract if the Feasibility Study Period has expired or if Buyer has checked choice (c)(2) below.

(c) Inspections: (check (1) or (2) below)

SEE ADDENDUM # 1

(1) Feasibility Study: Buyer will, at Buyer's expense and within 111 days from Effective Date ("Feasibility Study Period"), determine whether the Property is suitable, in Buyer's sole and absolute discretion, for Commercial use. During the Feasibility Study Period, Buyer may conduct a Phase I environmental assessment and any other tests, analyses, surveys and investigations ("inspections") that Buyer deems necessary to determine to Buyer's satisfaction the Property's engineering, architectural and environmental properties; zoning and zoning restrictions; subdivision statutes; soil and grade; availability of access to public roads, water, and other utilities; consistency with local, state and regional growth management plans; availability of permits, government approvals, and licenses; and other inspections that Buyer deems appropriate to determine the Property's suitability for the Buyer's intended use. If the Property must be rezoned, Buyer will obtain the rezoning from the appropriate government agencies. Seller will sign all documents Buyer is required to file in connection with development or rezoning approvals.

Seller gives Buyer, its agents, contractors and assigns, the right to enter the Property at any time during the Feasibility Study Period for the purpose of conducting inspections; provided, however, that Buyer, its agents, contractors and assigns enter the Property and conduct inspections at their own risk. Buyer will indemnify and hold Seller harmless from losses, damages, costs, claims and expenses of any nature, including attorney's fees, expenses and liability incurred in application for rezoning or related proceedings, and from liability to any person, arising from the conduct of any and all inspections or any work authorized by Buyer. Buyer will not engage in any activity that could result in a construction lien being filed against the Property without Seller's prior written consent. If this transaction does not close, Buyer will, at Buyer's expense, (1) repair all damages to the Property resulting from the inspections and return the Property to the condition it was in prior to conduct of the inspections, and (2) release to Seller all reports and other work generated as a result of the inspections.

Buyer will deliver written notice to Seller prior to the expiration of the Feasibility Study Period of Buyer's determination of whether or not the Property is acceptable. Buyer's failure to comply with this notice requirement will constitute acceptance of the Property as suitable for Buyer's intended use in its "as is" condition. If the Property is unacceptable to Buyer and written notice of this fact is timely delivered to Seller, this Contract will be deemed terminated as of the day after the Feasibility Study period ends and Buyer's deposit(s) will be returned after Escrow Agent receives proper authorization from all interested parties.

(2) No Feasibility Study: Buyer is satisfied that the Property is suitable for Buyer's purposes, including being satisfied that either public sewerage and water are available to the Property or the Property will be approved for the installation of a wet and/or private sewerage disposal system and that existing zoning and other pertinent regulations and restrictions, such as subdivision or deed restrictions, concurrency, growth management and environmental conditions, are acceptable to Buyer. This Contract is not contingent on Buyer conducting any further investigations.

7. RISK OF LOSS; EMINENT DOMAIN: If any portion of the Property is materially damaged by casualty before closing, or Seller negotiates with a governmental authority to transfer all or part of the Property in lieu of eminent domain proceedings, or if an eminent domain proceeding is initiated, Seller will promptly inform Buyer. Either party may cancel this Contract by written notice to the other within 10 days from Buyer's receipt of Seller's notification, failing which Buyer will close in accordance with this Contract and receive all payments made by the government authority or insurance company, if any.

TITLE

8. TITLE: Seller will convey marketable title to the Property by statutory warranty deed or trustee, personal representative or guardian deed as appropriate to Seller's status.

(a) Title Evidence: Title evidence will show legal access to the Property and marketable title of record in Seller in accordance with current title standards adopted by the Florida Bar, subject only to the following title exceptions, none of which prevent Buyer's intended use of the Property as Commercial Property; covenants, easements and restrictions of record; matters of plat; existing zoning and government regulations; oil, gas and mineral rights of record if there is no right of entry; current taxes; mortgages that Buyer will assume; and encumbrances that Seller will discharge at or before closing. Seller will, prior to closing, deliver to Buyer Seller's choice of one of the following types of title evidence,

Buyer ( ) and Seller ( ) acknowledge receipt of a copy of this page, which is Page 2 of 4 Pages.

147 which must be generally accepted in the county where the Property is located (specify in Paragraph 5(c) the selected  
 148 type). Seller will use option (1) in Palm Beach County and option (2) in Dade County.  
 149 (1) A title insurance commitment issued by a Florida-licensed title insurer in the amount of the purchase price and  
 150 subject only to title exceptions set forth in this Contract.  
 151 (2) An existing abstract of title from a reputable and existing abstract firm (if firm is not existing, then abstract must be  
 152 certified as correct by an existing firm) purporting to be an accurate synopsis of the instruments affecting title to the  
 153 Property recorded in the public records of the county where the Property is located and certified to Effective Date.  
 154 However if such an abstract is not available to Seller, then a prior owner's title policy acceptable to the proposed insurer  
 155 as a base for reissuance of coverage. Seller will pay for copies of all policy exceptions and an update in a format  
 156 acceptable to Buyer's closing agent from the policy effective date and certified to Buyer or Buyer's closing agent,  
 157 together with copies of all documents recited in the prior policy and in the update. If a prior policy is not available to  
 158 Seller then (1) above will be the title evidence. Title evidence will be delivered no later than 10 days before Closing Date.  
 159 (b) Title Examination: Buyer will examine the title evidence and deliver written notice to Seller, within 5 days from receipt  
 160 of title evidence but no later than closing, of any defects that make the title unmarketable. Seller will have 30 days from  
 161 receipt of Buyer's notice of defects ("Curative Period") to cure the defects at Seller's expense. If Seller cures the  
 162 defects within the Curative Period, Seller will deliver written notice to Buyer and the parties will close the transaction on  
 163 Closing Date or within 10 days from Buyer's receipt of Seller's notice if Closing Date has passed. If Seller is unable to  
 164 cure the defects within the Curative Period, Seller will deliver written notice to Buyer and Buyer will, within 10 days from  
 165 receipt of Seller's notice, either cancel this Contract or accept title with existing defects and close the transaction.  
 166 (c) Surveys: Buyer may, prior to Closing Date and at Buyer's expense, have the Property surveyed and deliver written  
 167 notice to Seller, within 5 days from receipt of survey but no later than closing, of any encroachments on the Property,  
 168 encroachments by the Property's improvements on other lands or deed restriction or zoning violations. Any such  
 169 encroachment or violation will be treated in the same manner as a title defect and Buyer's and Seller's obligations will  
 170 be determined in accordance with subparagraph (b) above. If any part of the Property lies seaward of the coastal  
 171 construction control line, Seller will provide Buyer with an affidavit or survey as required by law delineating the line's  
 172 location on the property, unless Buyer waives this requirement in writing.

**MISCELLANEOUS**

173  
 174 **9. EFFECTIVE DATE; TIME:** The "Effective Date" of this Contract is the date on which the last of the parties initials or  
 175 signs the latest offer. Time is of the essence for all provisions of this Contract. All time periods expressed as days will  
 176 be computed in business days (a "business day" is every calendar day except Saturday, Sunday and national legal  
 177 holidays). If any deadline falls on a Saturday, Sunday or national legal holiday, performance will be due the next business  
 178 day. All time periods will end at 5:00 p.m. local time (meaning in the county where the Property is located) of the  
 179 appropriate day.

180 **10. NOTICES:** All notices will be made to the parties and Broker by mail, personal delivery or electronic media. Buyer's  
 181 failure to deliver timely written notice to Seller, when such notice is required by this Contract, regarding any contingencies  
 182 will render that contingency null and void and the Contract will be construed as if the contingency did not exist.

183 **11. COMPLETE AGREEMENT:** This Contract is the entire agreement between Buyer and Seller. Except for brokerage  
 184 agreements, no prior or present agreements will bind Buyer, Seller or Broker unless incorporated into this Contract.  
 185 Modifications of this Contract will not be binding unless in writing, signed and delivered by the party to be bound. Signatures,  
 186 initials, documents referenced in this Contract, counterparts and written modifications communicated electronically or on paper  
 187 will be acceptable for all purposes, including delivery, and will be binding. Handwritten or typewritten terms inserted in or  
 188 attached to this Contract prevail over preprinted terms. If any provision of this Contract is or becomes invalid or unenforceable,  
 189 all remaining provisions will continue to be fully effective. This Contract will not be recorded in any public records.

190 **12. ASSIGNABILITY; PERSONS BOUND:** Buyer may not assign this Contract without Seller's written consent. The terms  
 191 "Buyer," "Seller," and "Broker" may be singular or plural. This Contract is binding on the heirs, administrators, executors,  
 192 personal representatives and assigns (if permitted) of Buyer, Seller and Broker.

**DEFAULT AND DISPUTE RESOLUTION**

193  
 194 **13. DEFAULT:** (a) Seller Default: If for any reason other than failure of Seller to make Seller's title marketable after diligent effort,  
 195 Seller fails, refuses or neglects to perform this Contract, Buyer may choose to receive a return of Buyer's deposit without  
 196 waiving the right to seek damages or to seek specific performance as per Paragraph 16. Seller will also be liable to Broker for  
 197 the full amount of the brokerage fee. (b) Buyer Default: If Buyer fails to perform this Contract within the time specified, including  
 198 timely payment of all deposits, Seller may choose to retain and collect all deposits paid and agreed to be paid as liquidated  
 199 damages or to seek specific performance as per Paragraph 16; and Broker will, upon demand, receive 30% of all deposits  
 200 paid and agreed to be paid (to be split equally among cooperating brokers) up to the full amount of the brokerage fee.

201 **14. DISPUTE RESOLUTION:** This Contract will be construed under Florida law. All controversies, claims, and other matters in  
 202 question between the parties arising out of or relating to this Contract or its breach will be settled as follows:

203 (a) Disputes concerning entitlement to deposits made and agreed to be made: Buyer and Seller will have 30 days from  
 204 the date conflicting demands are made to attempt to resolve the dispute through mediation. If that fails, Escrow Agent  
 205 will submit the dispute, if so required by Florida law, to Escrow Agent's choice of arbitration, a Florida court or the  
 206 Florida Real Estate Commission. Buyer and Seller will be bound by any resulting settlement or order.

207 (b) All other disputes: Buyer and Seller will have 30 days from the date a dispute arises between them to attempt to  
 208 resolve the matter through mediation, failing which the parties will resolve the dispute through neutral binding  
 209 arbitration in the county where the Property is located. The arbitrator may not alter the Contract terms or award any  
 210 remedy not provided for in this Contract. The award will be based on the greater weight of the evidence and will  
 211 state findings of fact and the contractual authority on which it is based. If the parties agree to use discovery, it will  
 212 be in accordance with the Florida Rules of Civil Procedure and the arbitrator will resolve all discovery-related  
 213 disputes. Any disputes with a real estate licensee named in Paragraph 17 will be submitted to arbitration only if the  
 214 licensee's broker consents in writing to become a party to the proceeding. This clause will survive closing.

215 (c) Mediation and Arbitration; Expenses: "Mediation" is a process in which parties attempt to resolve a dispute by  
 216 submitting it to an impartial mediator who facilitates the resolution of the dispute but who is not empowered to impose a  
 217 settlement on the parties. Mediation will be in accordance with the rules of the American Mediation Association or other  
 218 mediator agreed on by the parties. The parties will equally divide the mediation fee, if any. "Arbitration" is a process in  
 219 which the parties resolve a dispute by a hearing before a neutral person who decides the matter and whose decision is  
 220 binding on the parties. Arbitration will be in accordance with the rules of the American Arbitration Association or other  
 221 arbitrator agreed on by the parties. Each party to any arbitration will pay its own fees, costs and expenses, including  
 222 attorneys' fees, and will equally split the arbitrators' fees and administrative fees of arbitration. In a civil action to enforce  
 223 an arbitration award, the prevailing party to the arbitration shall be entitled to recover from the nonprevailing party  
 224 reasonable attorneys' fees, costs and expenses.

225 Buyer *[Signature]* and Seller *[Signature]* acknowledge receipt of a copy of this page, which is Page 3 of 4 Pages.  
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ESCROW AGENT AND BROKER

15. ESCROW AGENT: Buyer and Seller authorize Escrow Agent to receive, deposit and hold funds and other items in escrow and, subject to clearance, disburse them upon proper authorization and in accordance with the terms of this Contract, including disbursing brokerage fees. The parties agree that Escrow Agent will not be liable to any person for misdelivery of escrowed items to Buyer or Seller, unless the misdelivery is due to Escrow Agent's willful breach of this Contract or gross negligence. If Escrow Agent interprets the subject matter of the escrow, Escrow Agent will pay the filing fees and costs from the deposit and will recover reasonable attorneys' fees and costs to be paid from the escrowed funds or equivalent and charged and awarded as court costs in favor of the prevailing party. All claims against Escrow Agent will be arbitrated, so long as Escrow Agent consents to arbitrate.

16. PROFESSIONAL ADVICE; BROKER LIABILITY: Broker advises Buyer and Seller to verify all facts and representations that are important to them and to consult an appropriate professional for legal advice (for example, interpreting contracts, determining the effect of laws on the Property and transaction, status of title, foreign investor reporting requirements, etc.) and for tax, property condition, environmental and other specialized advice. Buyer acknowledges that Broker does not reside in the Property and that all representations (oral, written or otherwise) by Broker are based on Seller representations or public records unless Broker indicates personal verification of the representation. Buyer agrees to rely solely on Seller, professional inspectors and governmental agencies for verification of the Property condition and facts that materially affect Property value. Buyer and Seller respectively will pay all costs and expenses, including reasonable attorneys' fees at all levels, incurred by Broker and Broker's officers, directors, agents and employees in connection with or arising from Buyer's or Seller's misstatement or failure to perform contractual obligations. Buyer and Seller hold harmless and release Broker and Broker's officers, directors, agents and employees from all liability for loss or damage based on (1) Buyer's or Seller's misstatement or failure to perform contractual obligations; (2) Broker's performance, at Buyer's and/or Seller's request, of any task beyond the scope of services regulated by Chapter 475, F.S., as amended, including Broker's referral, recommendation or retention of any vendor; (3) products or services provided by any vendor; and (4) expenses incurred by any vendor. Buyer and Seller each assume full responsibility for selecting and compensating their respective vendors. This paragraph will not relieve Broker of statutory obligations. For purposes of this paragraph, Broker will be treated as a party to this Contract. This paragraph will survive closing.

17. BROKERS: The licensee(s) and brokerage(s) named below are collectively referred to as "Broker." Seller and Buyer acknowledge that the brokerage(s) named below are the procuring cause of this transaction. Instruction to Closing Agent: Seller and Buyer direct closing agent to disburse at closing the full amount of the brokerage fees as specified in separate brokerage agreements with the parties and cooperative agreements between the brokers, unless Broker has retained such fees from the escrowed funds. In the absence of such brokerage agreements, closing agent will disburse brokerage fees as indicated below.

Grubb & Ellis/VIP D'Allesandro Future Realty Services, Inc.
Real Estate Licensees
Broker / Brokerage fee: 5% of Purchase Price Broker / Brokerage fee: 5% of Purchase Price

ADDITIONAL TERMS

18. ADDITIONAL TERMS: Buyer shall have a sixty (60) day initial inspection period, to commence on the effective date (line 291) to determine if the property is suitable for Buyer's intended use. During this sixty (60) day period, Buyer shall conduct necessary informal hearings with all government agencies involved in Buyer's permitting process, for obtaining all zoning and development permits. If at the end of the sixty (60) day initial inspection period, Buyer has failed to conduct said hearings, or, if Buyer has determined the findings of said hearing conclude that...SEE ADDENDUM #1

This is intended to be a legally binding contract. If not fully understood, seek the advice of an attorney prior to signing.

OFFER AND ACCEPTANCE

(Check if applicable: ) Buyer received a written real property disclosure statement from Seller (before making this Offer.) Buyer offers to purchase the Property on the above terms and conditions. Unless this Contract is signed by Seller and a copy delivered to Buyer no later than 5:00 a.m. p.m. on November 15, 2002, this offer will be revoked and Buyer's deposit refunded subject to clearance of funds.

Date: Nov 5 2002 Buyer: Donald R. Lucas Tax ID/SSN:
Print name: Donald R. Lucas

Date:
Print name:
Address:
Phone:
Fax:

Date: 11/13/02 Seller: Vision XXV, Ltd. A California Limited Partnership Tax ID/SSN:
Print name: Vision XXV, Ltd. A California Limited Partnership

Date:
Print name:
Address:
Phone:
Fax:

) Seller counters Buyer's offer (to accept the counter offer, Buyer must sign or initial the counter offered terms and deliver a copy of the acceptance to Seller by 5:00 p.m. on ). ) Seller rejects Buyer's offer.

Effective Date: (The date on which the last party signed or initialed acceptance of the final offer.)

Buyer ( ) and Seller ( ) acknowledge receipt of a copy of this page, which is Page 4 of 4 Pages.

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ADDENDUM #1, VACANT LAND CONTRACT  
VISION XXV, LTD. TO DONALD R. LUCAS

Continued from page 4 of 4, line 270: the Property, for whatever reason and in Buyer's sole discretion, is unsuitable for Buyer's purposes, this Vacant Land Contract shall terminate, the earnest money deposit will be returned to Buyer and there shall be no further action(s) or obligation(s) by, or of, either party, pertaining to this Vacant Land Contract. At Seller's option, Buyer shall deliver to Seller, any documents, reports or findings generated through the due diligence hearings. Seller shall make available to Buyer, existing surveys and property information, if any, currently in Seller's possession, that may facilitate Buyer's due diligence and permits.

Upon completion of the sixty (60) day initial inspection period, and upon Buyer's decision to enter the permitting phase of the due diligence, Buyer shall provide Seller with a time line schedule for simultaneously securing permits for zoning and Lee County land use map amendment. Buyer shall have fifteen (15) months to secure said permits, and Buyer shall make monthly reports to Seller's representative as to the progress of the permitting process.

Buyer shall have thirty (30) days from the receipt of zoning and Lee County land use map amendment permits to receive a development order permit through the appropriate government agency. Closing shall be within ten (10) days of receipt of the development order permit, or within eighteen (18) months from acceptance of this offer, whichever occurs first.

If Buyer is unable to secure zoning, Lee County land use map amendment and/or development permits for the Property, through no fault of Buyer, the deposit shall be returned to Buyer, and neither Buyer nor Seller shall have any further obligations pertaining to this Vacant Land Contract.

Buyer may, during the permitting process, erect signs on the property, promoting Buyer's project, to include leasing and subdividing information. Buyer may not erect signs indicating the property, in its entirety, is for sale.

Seller Financing: Buyer will execute a first purchase money note and mortgage to Seller in the amount of [redacted] with an eighteen (18) month term, bearing interest at Wall Street Journal posted Prime Interest Rate plus One (1) percent, interest only payable quarterly on the principal balance and a balloon payment at the end of the eighteenth (18<sup>th</sup>) month for the principal amount and any outstanding accrued interest. Said note shall carry no prepayment penalty.

*del*  
~~\_\_\_\_\_~~  
*10*

Prior to the effective date of this contract, Seller shall provide Buyer with documentation that the individual executing this contract on behalf of the limited partnership is authorized to represent the limited partnership in contractual matters. Seller's escrow agent and title insurance provider must be approved to do business in the State of Florida and maintain an office in Lee County, Florida.

Seller acknowledges that Buyer is a Florida licensed real estate broker, buying for his own account and for the account of others, and, at closing, Buyer may either take title to the property, take title in the name of an investment group that Buyer is a part of, or take title in the name of an investment group that Buyer is not a part of.

Buyer acknowledges the Property is currently designated for industrial uses and the Property will require a Lee County land use map amendment and rezoning to utilize the Property for commercial purposes. Buyer acknowledges the current Master Concept Plan for the Property has expired. Buyer acknowledges the average Property elevation is five (5) feet and FEMA finished floor building elevation is ten (10) feet.

THIS ADDENDUM, upon its execution by both parties, is herewith made an integral part of the Vacant Land Contract, Vision XXV, Ltd., a California Limited Partnership to Donald R. Lucas, and supersedes and controls any provision of the Vacant Land Contract to the contrary.

DATE: November 5, 2002 DATE: 11/13/02

Donald R. Lucas  
Donald R. Lucas

[Signature] For Vision XXV  
Vision XXV, Ltd., a California Limited Partnership

2116835

This instrument was prepared by  
Name Terry V. Broughton, Esq.  
Smoot Johnston Johnson & Green  
Address P.O. Drawer DD  
Fort Myers, Florida 33902

# Warranty Deed

(STATUTORY FORM—SECTION 689.02 F.S.)

This instrument, Made this 30th day of June, 19 86, Between

DWIGHT S. BAIRD, JR., TRUSTEE UNDER THE PROVISIONS OF AN UNRECORDED TRUST AGREEMENT DATED THE 23RD DAY OF APRIL, 1985

of the County of Lee, State of Florida, grantor, and  
VISION XCV, LTD., a California Limited Partnership

whose post office address is 1505 East 17th Street, Suite 220, Santa Anna, California 92701  
of the County of \_\_\_\_\_, State of California, grantee.

Witnesseth, That said grantor, for and in consideration of the sum of \_\_\_\_\_ Dollars, and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

SEE ATTACHED DESCRIPTION FOR PARCEL II.

Stamp → 08-46-24-00-00001.003A

Documentary Tax Pd. \$ 6.200.00  
Intangible Tax Pd. \_\_\_\_\_  
By CHARLIE CALIN, CLERK, LEE COUNTY  
[Signature] Deputy Clerk

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

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

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.  
Signed, sealed and delivered in our presence:

[Signature] (Seal)  
[Signature] (Seal)  
[Signature] (Seal)  
[Signature] (Seal)

STATE OF FLORIDA  
COUNTY OF LEE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared

Dwight S. Baird, Jr.

to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 30th day of June, 19 86.

My commission expires

11/11/86



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JAN 28 2003

COMMUNITY DEVELOPMENT  
CPA-2003-00001

REC 1854 PG 3 of 6

PARCEL II

JOHNSON ENGINEERING, INC.

CIVIL ENGINEERS AND LAND SURVEYORS

2158 JOHNSON STREET  
TELEPHONE (813) 234-0048  
TELECOPIER (813) 234-3881  
POST OFFICE BOX 1880  
DUNEDIN, FLORIDA  
33502 1880

June 26, 1986

CARL E. JOHNSON  
124 000

DESCRIPTION  
PARCEL B

IN THE NW-1/4,  
SECTION 8, T. 46 S., R. 24 E.,  
LEE COUNTY, FLORIDA

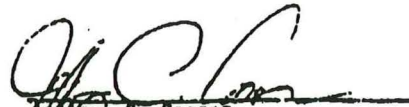
A tract or parcel of land lying in the northwest quarter (NW-1/4) of Section 8, Township 46 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the intersection of the easterly line of Pine Ridge Road (50 feet wide) and the north line of the south 275 feet of the north 500 feet of the west 897 feet of said Section 8 run N 89° 02' 47" E along the line common to said north line the south line of Summerlin Road (CR869) (225 feet wide) for 434.95 feet to the Point of Beginning.

From said Point of Beginning continue N 89° 02' 47" E along said common line for 434.94 feet to the east line of said fraction; thence run S 01° 13' 00" E along said east line for 275.00 feet to an intersection with the south line of said fraction; thence run S 89° 02' 47" W along said south line for 433.62 feet; thence run N 01° 29' 32" W for 274.99 feet to the Point of Beginning.

Containing 2.74 acres more or less.

Bearings hereinabove mentioned are based on the centerline survey of Summerlin Road (CR869).

  
Jeffrey C. Cooner  
Professional Land Surveyor  
Florida Certificate No. 4052

REC 1054 PG 3 b 4 1

JCC/ct  
15267

CHAIRMAN  
ARCHIE T. GRANT, JR.

PRESIDENT  
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DONALD D. STOUTEN  
GEORGE J. KALAL  
MICHAEL L. HARMON

CONSULTANTS  
LESTER L. GULSON  
ROBERT S. O'BRIEN

SUBJECT TO easements and restrictions of record and taxes for the years subsequent to 1985.

SUBJECT, HOWEVER, To a purchase money mortgage encumbering the property herein described and executed and delivered by the Grantee, as mortgagor therein, to the Grantor, as mortgagee therein, to secure the payment of a promissory note dated the same as this deed in the initial principal amount of \$195,000.00; and,

SUBJECT, HOWEVER, To a "RESTRICTIVE AGREEMENT" dated the same as this deed between the Grantor, the Grantee and VISION MOTV, Ltd., a California limited partnership, which agreement is anticipated to be recorded immediately after this deed and the purchase money mortgage;

TOGETHER WITH a non-exclusive perpetual easement for ingress, egress, and other lawful purposes related to the use and enjoyment of Parcel II over, across and under the southerly forty (40') feet of Parcel I (as described in the attached exhibit); and,

SUBJECT TO a reservation of 1/2 interest in all oil, petroleum, petroleum products and minerals and exclusive rights to protect for same, as recorded in Deed Book 231, Page 367, Public Records of Lee County, Florida. Notice pursuant to Section 704.05 and 712 F.S. recorded in O.R. Book 1153, Page 887; and,

SUBJECT TO a mortgage from Dwight S. Baird, Jr., Trustee to James A. Midgley and E. Lois Midgley, husband and wife, as an estate by the entireties in the principal amount of \$228,250.00 dated April 23, 1985 and recorded April 23, 1985 in O.R. Book 1779, Page 3916 of the Public Records of Lee County, Florida; and,

SUBJECT TO a Lee County eminent domain proceeding for improvement of Pine Ridge Road. Notice of the proceeding was given by letter from County Attorney's office to Dwight S. Baird, dated June 17, 1985.

REF 1854PG3642

**TRAFFIC  
IMPACT  
STATEMENT**

**for**

**SMALL SCALE PLAN AMENDMENT  
FOR  
VISION XXV**

**For  
Donald R. Lucas  
1950 Courtney Drive  
Fort Myers, Florida 3301**

**Job # 020038.00**

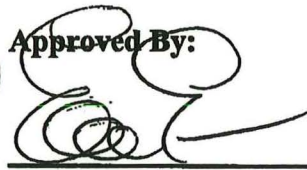
**Prepared by:**

**Neese & Associates  
12661 Metro Parkway  
Fort Myers, Florida 33912**

**RECEIVED**

**JAN 28 2003**

**Approved By:**



**COMMUNITY DEVELOPMENT**

**Date:**

**1/27/03**

**2003-00001**

**EXHIBIT B-1**

A. Basis of Analysis

The following calculations were prepared based on the I.T.E. Trip Generation Manual 6th Edition for Land Use 851, Convenience Store – Open 24 hours, per 1,000 square feet of gross leasing area (GLA). The proposed project is the development of a 5,000 SF convenience store with a calculated buildout of six years.

B. Traffic Circulation Analysis

Roadways serving this site:

Summerlin Road – 4 lanes, arterial, 235' r/w, current LOS C, LOS standard E

Pine Ridge Road – 2 lanes, collector, 66' r/w, current LOS C, LOS standard E

Note: Summerlin Road has been funded for six (6) lanes in FY 03 / 04.

Year 2020 LOS Projection Calculation:

Lee County DOT Traffic Count Report 2001

Summerlin Road

Station #408	1992 AADT = 22000	2001 AADT = 20200
Station #410	1992 AADT= 29300	2001 AADT = 31000

Based on the 2001 Traffic count, there has been zero growth from 1992 to 2001 for the Station #408 segment.

$$\begin{aligned} \text{Growth Rate Calculation(X): } & 29,300(X)^9 = 31,000 \\ \text{(Station #410)} & X = (31,000/29,300)^{1/9} \\ & X = 1.0063 \end{aligned}$$

Year 2020 Projection with Amendment:

Based on the December 2001 Concurrency Manual, the existing peak hour, peak direction capacity for Link 227, Summerlin Road from Pine Ridge Road to Bass Rd. is 2,037 vph. Based on the growth rate factor indicated by counts at stations 408 & 410, the addition of 54 trips to the future volume provides a total of 2,349 trips, providing a LOS E for this segment. LOS E (2,370 trips in the peak direction of flow) is listed as the performance standard for this segment. This segment is funded for 6-lanes in 2003/04. The impact of 54 trips will be negligible to this segment.

$$\begin{aligned} \text{Peak Hour Rate x Growth Rate}^{Years+1} + \text{Site Volume} \\ 2,037 \times 1.0063^{19} + 54 = \\ 2,295 + 54 = 2,349 \end{aligned}$$

VISION XXV

Pine Ridge Road

Station #369

1992 AADT = 8900

2001 AADT = 10900

Growth Rate Calculation(X):  $8,900 (X)^9 = 10,900$   
 $X = (10,900/8,900)^{1/9}$   
 $X = 1.0227$

Based on the December 2001 Concurrency Manual, the existing peak hour, peak direction capacity for Link 186, Pine Ridge Road from San Carlos Blvd. To Summerlin Rd. is 497 vph. The projected peak hour volume for 2020 is determined as follows:

Peak Hour Rate x Growth Rate<sup>Years+1</sup> + Site Volume  
 $497 \times 1.0227^{19} + (144 \times 0.78^*) =$   
 $761 + 112 = 873$

\*(% entering Pine Ridge from intersection of Summerlin and Pine Ridge)

The performance standard for Link 186 is 1,040 vph, LOS E, as indicated in the Concurrency Manual. The projected growth of Pine Ridge Road through the year 2020, plus the peak hour site volume expected to use Pine Ridge Road is 873 vph, maintaining a LOS C for this segment.

Year 2020 Projection with/out Amendment

The subject property is currently designated as Industrial Development. Review of the ITE calculations for a possible 38,000 SF of land use 151: warehousing indicates a total peak hour of 41 vehicles, 34 entering and 8 exiting. Using movement distributions as indicated by Trip Generation, 6<sup>th</sup> edition, projected level-of-service standards would remain identical to the existing levels, as the following indicates:

Summerlin Road	$2,037 \text{ vph} + 34(.8) = 2,064$	LOS C
Pine Ridge Road	$497 \text{ vph} + 34(.2) = 503$	LOS C

C. Trip Generation Calculations

TRIP GENERATION BY MICROTRANS

( See Attached Calculations)

D. Turning Movement Distribution

The turning movement distributions are based on a majority of the traffic being generated from the north. The breakdown is as follows:

I.T.E. TRIP GENERATION SUMMARY PEAK HOUR VOLUME	AM		PM	
	ENTER	EXIT	ENTER	EXIT
CONVENIENCE STORE – 24 HOUR	164	164	134	134

Distribution of 100% of the traffic generated by the site is as follows:

**VISION XXV**

DISTRIBUTION		AM		PM	
		ENTER	EXIT	ENTER	EXIT
EAST (SUMMERLIN ROAD)	40%	66	66	54	54
WEST (SUMMERLIN ROAD)	40%	66	66	54	54
NORTH (PINE RIDGE ROAD)	10%	16	16	13	13
SOUTH (PINE RIDGE ROAD)	10%	16	16	13	13

Of the traffic from and to east Summerlin Road, 30% will enter and exit at Safety Street.

DISTRIBUTION		AM		PM	
		ENTER	EXIT	ENTER	EXIT
PINE RIDGE & FRONTAGE		144	144	118	118
SAFETY STREET & FRONTAGE		20	20	16	16

(See Exhibit "A" Attached)

**E. Anticipated Improvements/Expansions**

The frontage road between Pine Ridge Road and Safety Street has been partially completed. Improvements to the remaining segment are anticipated in the development of the subject parcel.

**F. Planned Improvements/Expansions in the CIP**

Review of the Lee County 5-year Capital Improvements Program has indicated that the segment of Summerlin Road from San Carlos to Bass Road has been budgeted for FY 01/02 and FY 03/04 with the majority of the project budgeted later.

There are no improvements or expansions of the Capital Improvements Program or long range improvements necessary or planned for the existing roadway system as a result of this proposed amendment.

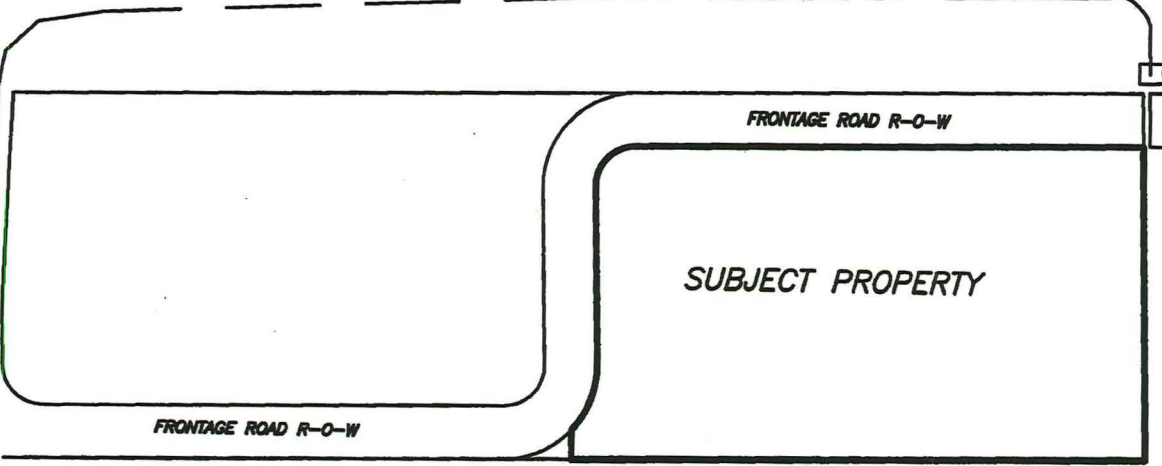
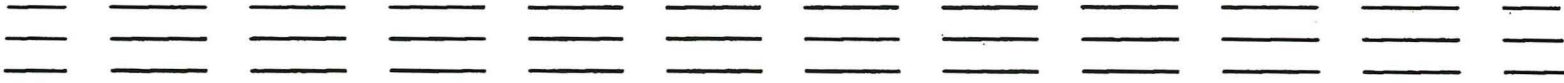
**G. Conclusion**

The proposed small-scale amendment requesting a change of designated land use from Industrial Development to Urban Community for the subject property will have negligible impacts on the level-of-service to the existing roads. Summerlin Road and Pine Ridge Road will remain at their existing levels, LOS C, with the addition of site generated peak hour traffic.

The specific land use code of 851, Convenience Market (Open 24 Hours) was used in determining the impacts of the site generated traffic on the surrounding existing roads due to its intensive peak hour averages as compared to other high generators; 853, Convenience Market with Gas Pumps; 845, Gas/service station with Convenience Market; 834, Fast Food with drive-through.



SUMMERLIN ROAD (S.R. 869) (225' R-O-W)



SUBJECT PROPERTY

FRONTAGE ROAD R-O-W

FRONTAGE ROAD R-O-W

FRONTAGE ROAD R-O-W TO SAFETY STREET

PINE RIDGE ROAD

See Plan for  
Detailed  
Description of  
Property and  
Other Information  
See 1 of 1

TRAFFIC IMPACT SKETCH  
OF  
VISION XXV  
FOR  
SUMMERLIN ROAD, STATE 869  
AND  
PINE RIDGE ROAD



  
**Nese & Associates**  
Civil Engineering & Land Surveying  
Consultants of Professional Engineers  
10411 Nese Building  
2000 Spring Valley Road  
20013  
561-297-2000  
Fax 561-297-2001

APPROVED BY  
DATE: \_\_\_\_\_  
BY: \_\_\_\_\_

DATE: \_\_\_\_\_  
BY: \_\_\_\_\_

**VISION XXV**  
**Summary of Trip Generation Calculation**  
**For 5 Th.Gr.Sq.Ft. of High Turnover (Sit-Down) Restaurant**

---

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	130.34	43.77	1.00	652
7-9 AM Peak Hour Enter	4.82	0.00	1.00	24
7-9 AM Peak Hour Exit	4.45	0.00	1.00	22
7-9 AM Peak Hour Total	9.27	7.46	1.00	46
4-6 PM Peak Hour Enter	6.52	0.00	1.00	33
4-6 PM Peak Hour Exit	4.34	0.00	1.00	22
4-6 PM Peak Hour Total	10.86	9.83	1.00	54
Saturday 2-Way Volume	158.37	0.00	1.00	792
Saturday Peak Hour Enter	12.60	0.00	1.00	63
Saturday Peak Hour Exit	7.40	0.00	1.00	37
Saturday Peak Hour Total	20.00	16.54	1.00	100

---

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

**TRIP GENERATION BY MICROTRANS**

**VISION XXV**

**Summary of Trip Generation Calculation**

**For 5 Th.Gr.Sq.Ft. of Fast-Food Restaurant with Drive-Thru**

---

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	496.12	242.52	1.00	2481
7-9 AM Peak Hour Enter	25.43	0.00	1.00	127
7-9 AM Peak Hour Exit	24.43	0.00	1.00	122
7-9 AM Peak Hour Total	49.86	29.60	1.00	249
4-6 PM Peak Hour Enter	17.41	0.00	1.00	87
4-6 PM Peak Hour Exit	16.07	0.00	1.00	80
4-6 PM Peak Hour Total	33.48	19.25	1.00	167
Saturday 2-Way Volume	722.03	295.62	1.00	3610
Saturday Peak Hour Enter	30.04	0.00	1.00	150
Saturday Peak Hour Exit	28.87	0.00	1.00	144
Saturday Peak Hour Total	58.91	23.95	1.00	295

---

**Note: A zero indicates no data available.**

**Source: Institute of Transportation Engineers**

**Trip Generation, 6th Edition, 1997.**

**TRIP GENERATION BY MICROTRANS**

VISION XXV  
 Summary of Trip Generation Calculation  
 For 5 Th.Gr.Sq.Ft. of Fast-Food Restaurant without Drive-Thru

---

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	716.00	0.00	1.00	3580
7-9 AM Peak Hour Enter	26.32	0.00	1.00	132
7-9 AM Peak Hour Exit	17.55	0.00	1.00	88
7-9 AM Peak Hour Total	43.87	0.00	1.00	219
4-6 PM Peak Hour Enter	13.34	0.00	1.00	67
4-6 PM Peak Hour Exit	12.81	0.00	1.00	64
4-6 PM Peak Hour Total	26.15	10.51	1.00	131
Saturday 2-Way Volume	696.00	0.00	1.00	3480
Saturday Peak Hour Enter	26.73	0.00	1.00	134
Saturday Peak Hour Exit	27.82	0.00	1.00	139
Saturday Peak Hour Total	54.55	0.00	1.00	273

---

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

TRIP GENERATION BY MICROTRANS

**VISION XXV**  
**Summary of Trip Generation Calculation**  
**For 5 Th.Gr.Sq.Ft. of Convenience Market (Open 24 Hours)**

---

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	737.99	336.24	1.00	3690
7-9 AM Peak Hour Enter	32.70	0.00	1.00	164
7-9 AM Peak Hour Exit	32.70	0.00	1.00	164
7-9 AM Peak Hour Total	65.39	28.37	1.00	327
4-6 PM Peak Hour Enter	26.86	0.00	1.00	134
4-6 PM Peak Hour Exit	26.86	0.00	1.00	134
4-6 PM Peak Hour Total	53.73	18.60	1.00	269
Saturday 2-Way Volume	863.10	511.99	1.00	4316
Saturday Peak Hour Enter	31.38	0.00	1.00	157
Saturday Peak Hour Exit	32.67	0.00	1.00	163
Saturday Peak Hour Total	64.05	33.10	1.00	320

---

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

**TRIP GENERATION BY MICROTRANS**

**VISION XXV**  
**Summary of Trip Generation Calculation**  
**For 5 Th.Gr.Sq.Ft. of Convenience Market with Gasoline Pumps**

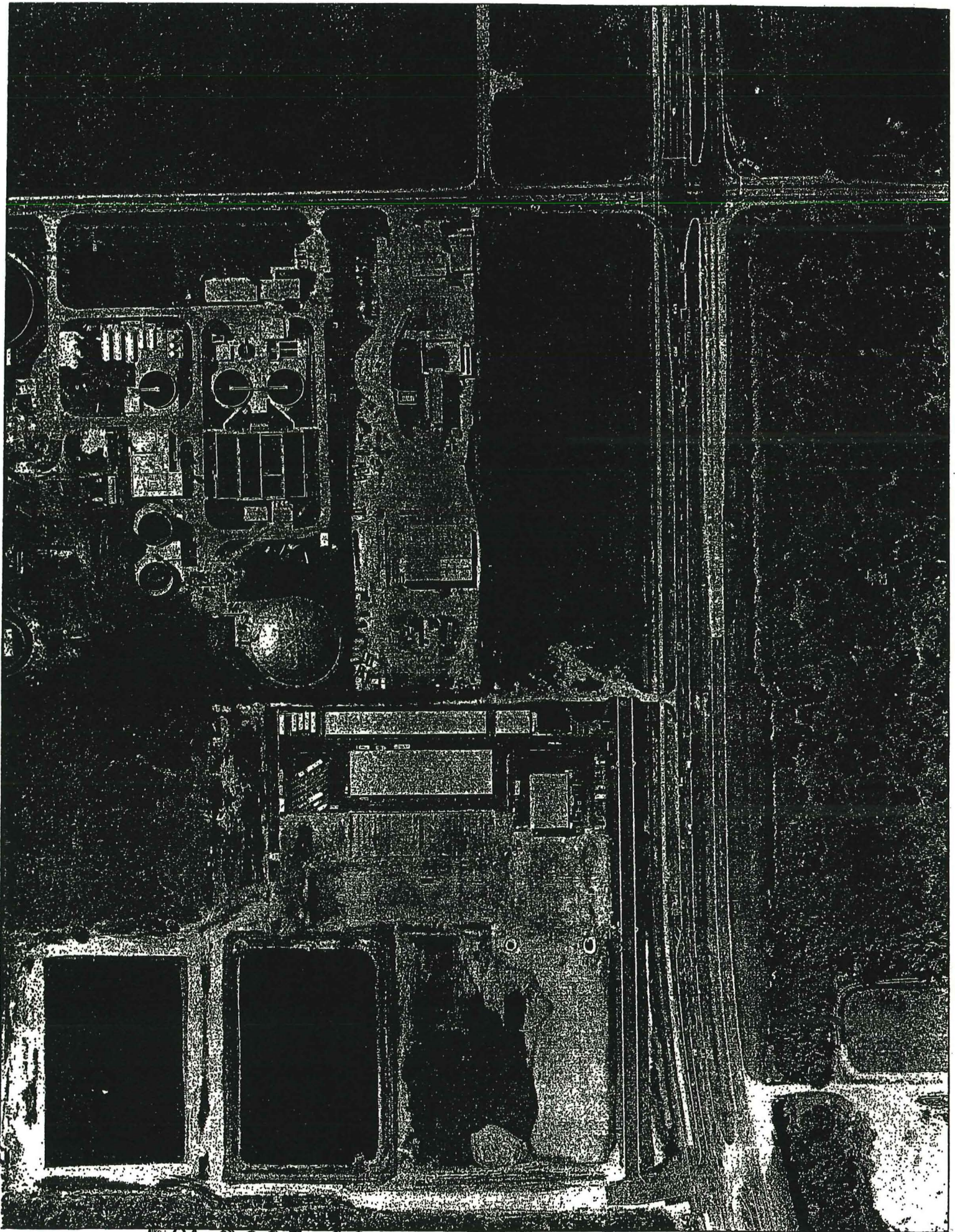
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	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	845.60	163.67	1.00	4228
7-9 AM Peak Hour Enter	22.79	0.00	1.00	114
7-9 AM Peak Hour Exit	22.79	0.00	1.00	114
7-9 AM Peak Hour Total	45.58	18.50	1.00	228
4-6 PM Peak Hour Enter	30.31	0.00	1.00	152
4-6 PM Peak Hour Exit	30.31	0.00	1.00	152
4-6 PM Peak Hour Total	60.61	35.37	1.00	303
Saturday 2-Way Volume	1448.33	735.17	1.00	7242
Saturday Peak Hour Enter	28.90	0.00	1.00	145
Saturday Peak Hour Exit	26.68	0.00	1.00	133
Saturday Peak Hour Total	55.58	0.00	1.00	278

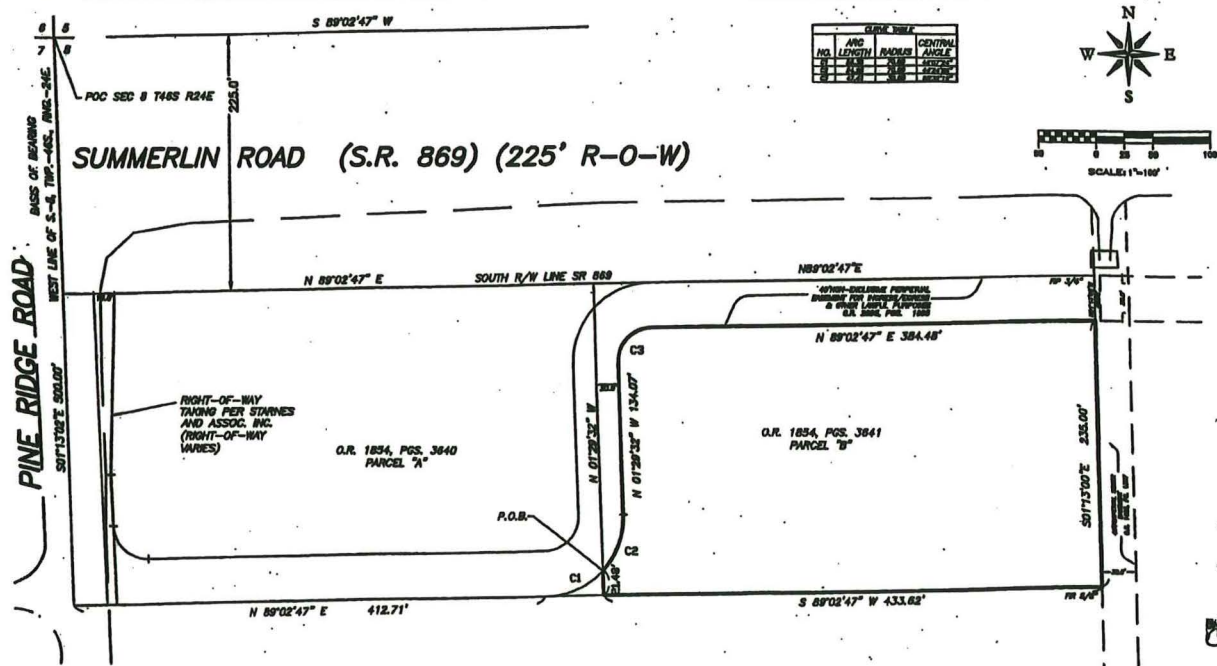
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Note: A zero indicates no data available.  
Source: Institute of Transportation Engineers  
Trip Generation, 6th Edition, 1997.

**TRIP GENERATION BY MICROTRANS**



EPA 2003-00001



CURVE DATA			
NO.	LENGTH	RADIUS	CENTRAL ANGLE
1	134.07	30.00	46°07'24"
2	47.41	30.00	80°32'19"
3	21.48	30.00	101°29'32"



JOB #: 020038.00

**Neese & Associates**  
Civil Engineering & Land Surveying

12661 Metro Parkway  
Fort Myers, Florida 33912

941-768-0077  
Fax: 941-768-3437

**SKETCH (NOT A SURVEY)**

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION  
(SEE EXHIBIT "A")  
VISION XXV  
DON LUCAS  
SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST

**RECEIVED**  
JAN 28 2003  
COMMENTS DEVELOPMENT  
2003-00001

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS SURVEY AND THE HEREIN DESCRIBED PARCELS ARE A TRUE REPRESENTATION OF A FIELD SURVEY MADE UNDER MY SUPERVISION AND UNDER THE PERSONAL SUPERVISION AND CONTROL BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND CONTROL BY AN ASSISTANT OR ASSISTANTS WHOSE QUALIFICATIONS ARE SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 11017-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 403.04(1) OF THE FLORIDA STATUTES. TO BE VALID THIS SURVEY MUST HAVE AN APPROVED SURVEYING SEAL, EXEMPT TO NOTES AND MODIFICATIONS SHOWN HEREON.

\_\_\_\_\_

BOB E. NEESE, P.L.S.  
FLORIDA REGISTRATION NO. 3883

DATE DRAWN FOR THESE & REVISIONS \_\_\_\_\_

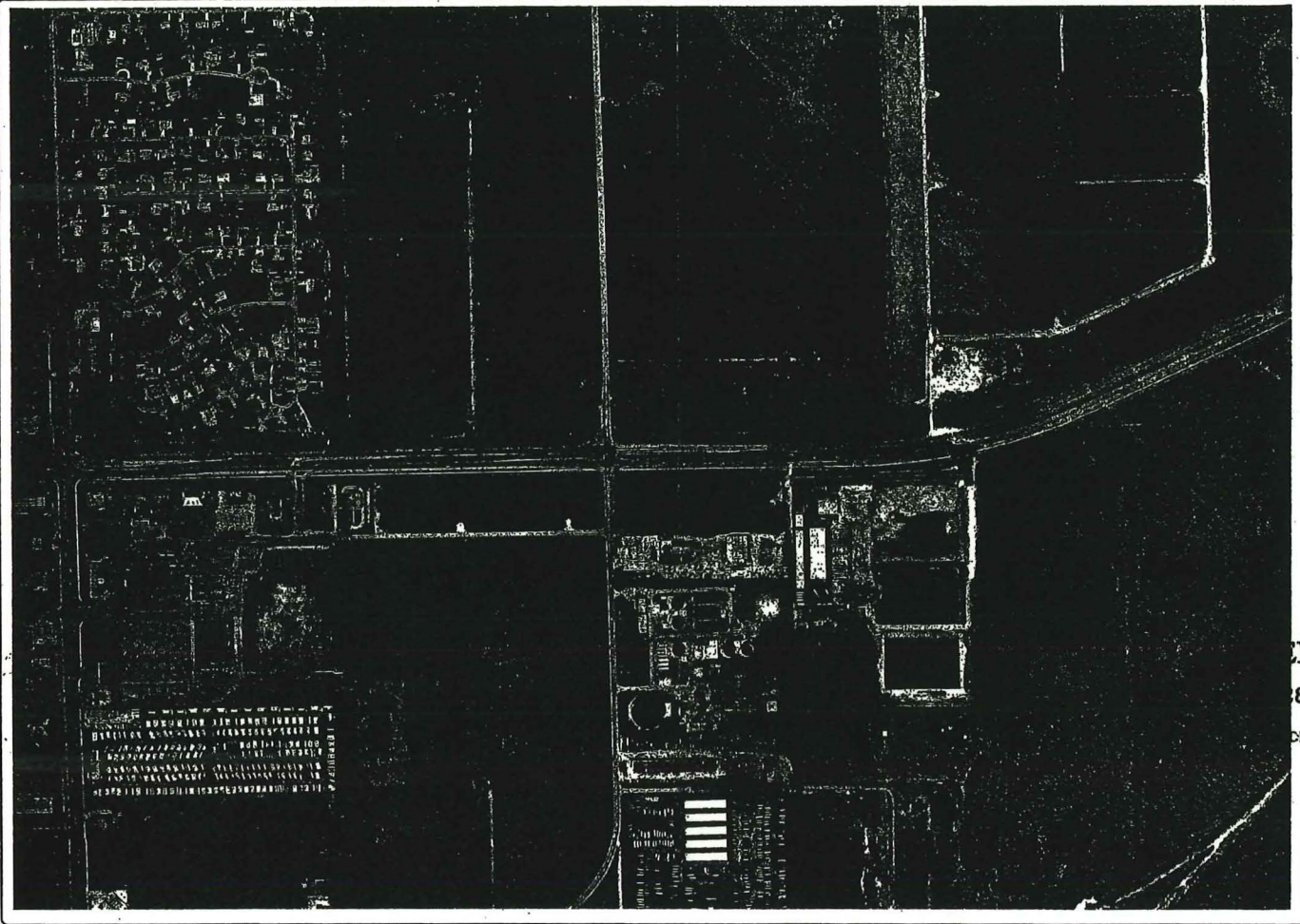
SCALE: 1" = 100' DATE OF SURVEY: NA  
FIELD BOOK NA PAGE NA  
DRAWN BY: MLP DATE DRAWING: 12/11/02  
CHECKED BY: SLS FILE # \_\_\_\_\_

**LEGAL DESCRIPTION**  
PARCEL B IN NW1/4 OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND LYING IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 8, T48S, R24E, IN LEE COUNTY FLORIDA. THENCE RUN S01°13'02"E AS A BASIS OF BEARING FOR 800.00 FEET ALONG THE WEST LINE OF SAID SECTION 8. THENCE RUN N89°02'47"E FOR 412.71 FEET ALONG THE SOUTH LINE OF LANDS DESCRIBED IN OR 1854 PG 3840 OF THE LEE COUNTY RECORDS TO A POINT OF CURVATURE, THENCE CONTINUE NORTHERLY ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 70.00 FEET THROUGH A CENTRAL ANGLE OF 46°07'24" FOR 58.33 FEET TO WHICH POINT A RADIAL LINE BEARS S47°04'37"E AND THE POINT OF BEGINNING. THENCE CONTINUE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 44°24'45" FOR 54.28 FEET; THENCE N01°29'32"W FOR A DISTANCE OF 134.07 FEET ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OR 2895 PGS 1886-1889 TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 30.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 80°32'19" FOR A DISTANCE OF 47.41 FEET; THENCE N89°02'47"E FOR A DISTANCE OF 384.48 FEET ALONG THE SOUTH LINE OF THE LANDS DESCRIBED IN OR 2895 PGS 1886-1889; THENCE S01°13'00"E FOR A DISTANCE OF 233.00 FEET ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OR 1854 PG 3841; THENCE S89°02'47"W FOR A DISTANCE OF 433.62 FEET ALONG THE SOUTH LINE OF THE LANDS DESCRIBED IN OR 1854 PG 3841; THENCE N01°29'32"W FOR A DISTANCE OF 21.48 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 2.25 ACRES MORE OR LESS



AERIAL VISION XXI THE AERIAL PHOTOGRAPHY GROUP 10000 W. 10th Ave., Suite 100 Denver, CO 80202 (303) 751-1000	DEVELOPMENT 8 2003	NEESE & ASSOCIATES CONSULTING ENGINEERS 10000 W. 10th Ave., Suite 100 Denver, CO 80202 (303) 751-1000	PROJECT NO. SHEET NO. DATE	2003-00001
---	-----------------------	---	----------------------------------	------------



**Neese Associates**  
Civil Engineering & Land Surveying

February 26, 2003  
Job No. 020038.00

Mr. Matt Noble  
Planning Department  
PO Box 398  
Fort Myers, FL 33902

**RE: VISION XXV  
CPA2003-00001**

Dear Mr. Noble:

Enclosed, per our phone conversation, please find revised copies of the land use maps, existing and proposed. Also, please find a copy of the facsimile letter from Stephanie Keyes.

Should you have any questions or require any additional information, please do not hesitate to contact us.

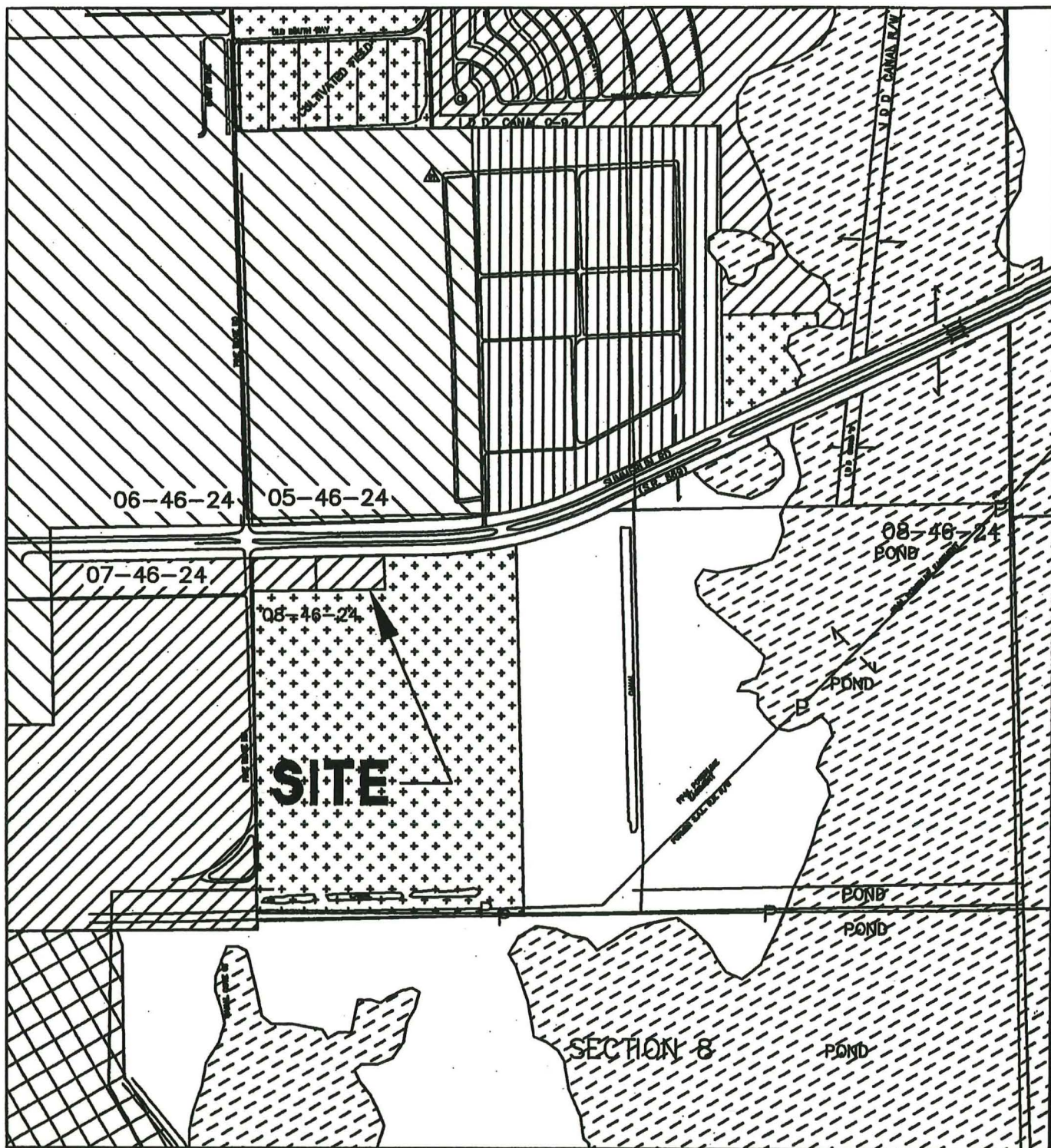
Sincerely,  
**NEESE & ASSOCIATES**










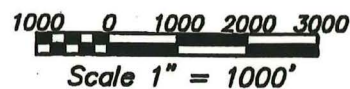
Michael L. Prince

enclosures

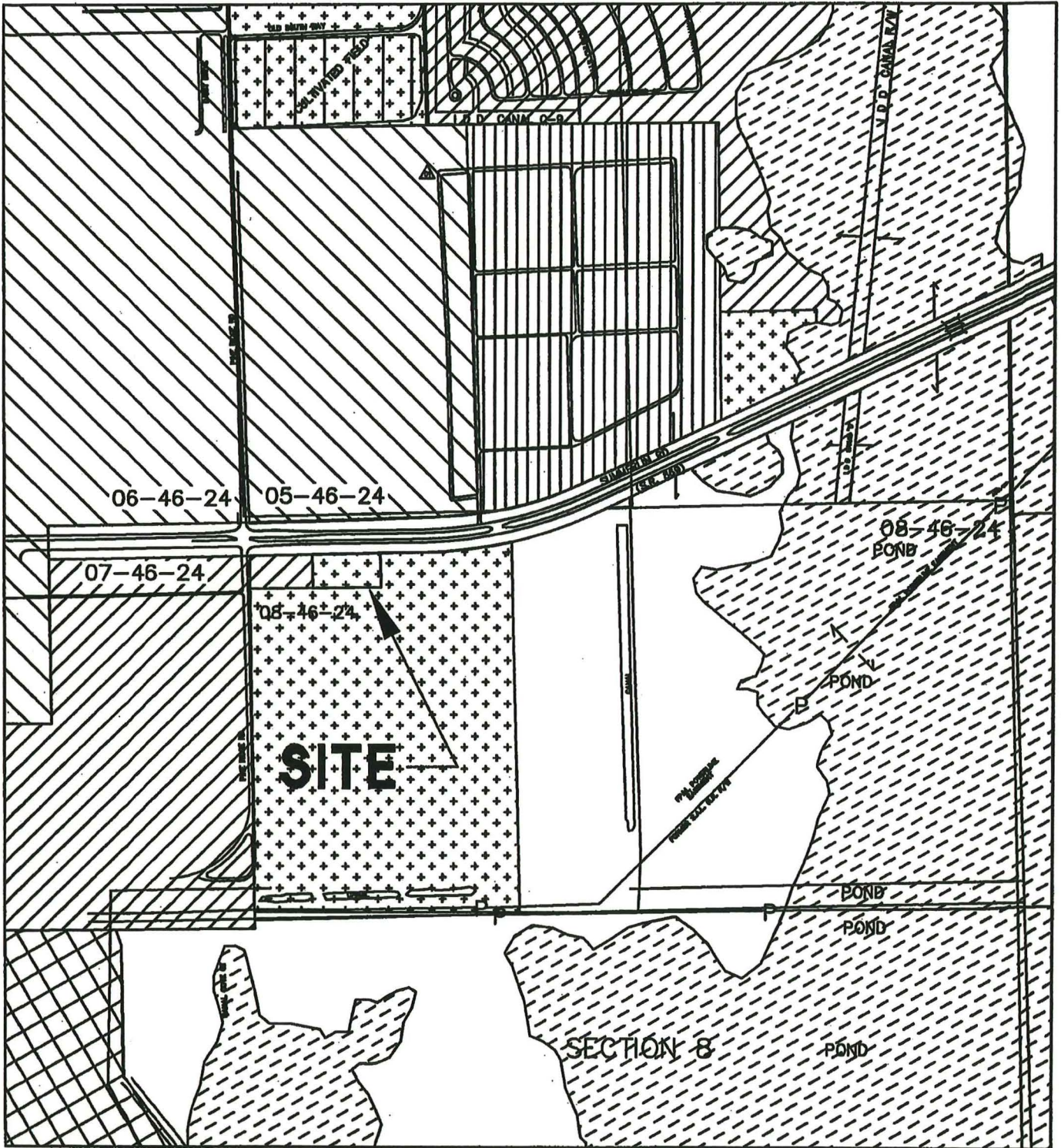
cc: Don Lucas w/ attachments









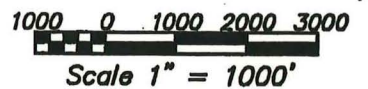
- |   |                   |   |  |
|---|-------------------|---|--|
|  | Central Urban     |  | Industrial Development                         |
|  | Urban Community   |  | Public Facilities                              |
|  | Outlying Suburban |  | Resource Protection Areas and Transition Areas |
|  | Suburban          |   |  |



## PROPOSED FUTURE LAND USE MAP



- |   |                   |   |   |
|---|-------------------|---|---|
|  | Central Urban     |  | Industrial Development                            |
|  | Urban Community   |  | Public Facilities                                 |
|  | Outlying Suburban |  | Resource Protection Areas<br>and Transition Areas |
|  | Suburban          |   |   |



# EXISTING FUTURE LAND USE MAP



# THE SCHOOL DISTRICT OF LEE COUNTY

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

JEANNE S. OZZIER  
CHAIRMAN - DISTRICT 8

ELINOR C. SCRICCA, Ph.D.  
VICE CHAIRMAN - DISTRICT 8

ROBERT D. CHILMONK  
DISTRICT 1

JANE S. KUCKEL, Ph.D.  
DISTRICT 2

STEVEN K. TEUBER  
DISTRICT 4

JOHN W. SANDERS, Ed.D.  
SUPERINTENDENT

KEITH S. MARTIN  
BOARD ATTORNEY

February 26, 2003

Mr. Michael L. Prince  
Neese & Associates  
12661 Metro Parkway  
Fort Myers, FL 33912

Re. Request for Determination of Adequacy  
Proposed Lee County Small Scale Lee Plan Amendment  
Vision XXV, south side of Summerlin Road

Dear Mr. Prince:

This letter is in response to your request for a determination of adequacy from the Lee County School District on a small scale plan amendment you have submitted to Lee County. The proposed change on a 98,445 square foot parcel from Industrial Development to Urban Community could permit the development of up to 13 dwelling units if the plan amendment were to be granted. If bonus densities were granted, up to 22 dwelling units could be built on the parcel. These units could generate approximately 4 to 7 public school students, based on an estimated student generation rate of .32 per dwelling unit.

If you have any further questions or comments, please do not hesitate to give me a call.

Sincerely,

Stephanie Keyes, AICP, Facilities Planner  
Construction Services

cc: Tyler F. Patak, NCARB, Director

20 Immokalee sand. This is a nearly level, poorly drained soil in flatwoods areas. Slopes are smooth to convex and range from 0 to 2 percent.

Typically, the surface layer is black sand about 4 inches thick. The subsurface layer is dark gray sand in the upper 5 inches and light gray sand in the lower 27 inches. The subsoil is sand to a depth of 69 inches. The upper 14 inches is black and firm, the next 5 inches is dark reddish brown, and the lower 14 inches is dark

yellowish brown. The substratum is very pale brown sand to a depth of 80 inches or more.

Included with this soil in mapping are Eau Gallie, Myakka, Oldsmar, Smyrna, and Wabasso soils. Also included are small areas of soils with a subsoil that is low in organic matter content and less than 12 inches

thick. Included soils make up less than 15 percent of any mapped area.

In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months and 10 to 40 inches below the surface for 2 to 6 months. It recedes to a depth of more than 40 inches during extended dry periods.

The available water capacity is medium in the subsoil and very low in the surface and subsurface layers. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and moderate or moderately rapid in the subsoil.

Natural vegetation consists of sawpalmetto, fetterbush, pineland threeawn, and South Florida slash pine.

This soil is poorly suited to cultivated crops because of wetness and poor soil quality. The number of adapted crops is limited unless very intensive management practices are followed. With good water control and soil-improving measures, this soil can be made suitable for

some vegetable crops. A water control system is needed to remove excess water in wet seasons and provide water through subsurface irrigation in dry seasons. Row crops should be rotated with close-growing, soil-improving crops. The rotation should include the soil-improving crops on the land three-fourths of the time. Seedbed preparation should include bedding of the rows. Fertilizer and lime should be added according to the need of the crops.

This soil is poorly suited to citrus unless very intensive management is used. Areas subject to frequent freezing in winter are not suitable. This soil is suitable for citrus only after a carefully designed water control system has been installed that will maintain the water table below a depth of 4 feet.

This soil is well suited to pastures. Pangolagrass, improved bahiagrass, and white clover grow well when they are well managed. Water control measures are needed to remove excess surface water after heavy

rains. Regular applications of fertilizer and lime are needed. Controlling grazing helps to prevent overgrazing and weakening of the plants.

The potential productivity is moderate for South Florida slash pine. Bedding of rows helps in establishing seedlings and in removing excess surface water. The trees should be planted on beds and a vegetative cover maintained between the trees. Regular applications of fertilizer and lime are needed.

This soil has moderate potential for desirable range plant production. The dominant forage is creeping bluestem, lopsided indiagrass, pineland threeawn, and chalky bluestem. Management practices should include deferred grazing and brush control. This Immokalee soil is in the South Florida Flatwoods range site.

This soil has severe limitations for urban development because of the high water table.

This Immokalee soil is in capability subclass IVw.

10:11:06



# THE SCHOOL DISTRICT OF LEE COUNTY

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

JEANNE S. DOZIER  
CHAIRMAN • DISTRICT 2

ELINOR C. SCRICCA, PH.D.  
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK  
DISTRICT 1

JANE E. KUCKEL, PH.D.  
DISTRICT 3

STEVEN K. TEUBER  
DISTRICT 4

JOHN W. SANDERS, ED.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

March 3, 2003

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

Re: Request for Determination of Adequacy  
Proposed Lee Plan Amendment, PAM CPA 2003-01, Pine Ridge Road

Dear Paul:

This letter is in response to your request for a determination of adequacy from the Lee County School District on a plan amendment submitted to Lee County. The proposal is a FLUM amendment to a change from Industrial Development to Urban Community on 2.25 acres with a maximum density of 6 units per acre.

This proposal would permit the addition of 22 dwelling units with bonus densities granted on the parcel. These units could generate approximately 6 public school students, based on an estimated student generation rate of .31 per dwelling unit. This would create the need for up to one classroom in the District along with ancillary facilities and staff.

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

Sincerely,

Stephanie Keyes, Facilities Planner  
Department of Construction and Planning

cc: Tyler F. Patak, NCARB, Director

LEE COUNTY  
RECEIVED  
03 MAR -5 AM 9:00  
PLANNING DEPT./  
CONTR. CNTR.  
F. NOR

# MEMORANDUM

LEE COUNTY  
RECEIVED

03 FEB 28 AM 9:05

COMM. DEV/  
PUB. WORKS. CNTR.  
3RD FLOOR

**To:** Paul O'Connor, Director, Division of Planning  
**From:** John D. Wilson, Director, Division of Public Safety  
**Date:** February 25, 2003  
**Subject:** Response to Privately Initiated Lee Plan Future Land Use Plan Amendment CPA 03-01 from the Division of Public Safety

The following is a response to your February 11, 2003 dated memo requesting input on the adequacy of existing and planned services in the area of the proposed amendment and any negative impact on these services.

## Review of Existing and Planned Services

The proposed plan amendment would allow up to 22 dwelling units (with the bonus density) to be built on the land parcel. The land parcel is located in the Tropical Storm Surge Evacuation Zone and is part of the county's defined Coastal High Hazard Area.

Because the proposed plan amendment increases the number of potential dwelling units exposed to storm surge flooding, this amendment appears inconsistent with the intent of Policy 75.1.4 of the Lee Plan. This policy states that:

"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 (Amended by Ordinance No. 92-45, 94-30)."

Although the current designation may allow more intensive uses, it does not permit residential uses. The proposed amendment would, thereby allowing the residential density to increase in the defined coastal high hazard area.

The 2001 update of the Southwest Florida Regional Hurricane Evacuation Study shows that Lee County's hurricane evacuation times have risen. We are concerned that proposed plan amendments like this, in the cumulative, will not only continue to increase these clearance times, but also unnecessarily expose future coastal populations to flooding impacts.

JDW:cmm

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

# MEMORANDUM

from the  
TRANSIT DIVISION



Your Ride Is Here.

DATE: February 17, 2003

TO: Paul O'Connor, AICP

FROM: Steve Myers *Sm*

RE: CPA 03-01 – Privately Initiated Lee Plan Future Land Use Map Amendment

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

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

LEE COUNTY  
RECEIVED  
03 FEB 21 AM 11:13  
COMM. DEV.  
PUB. WORKS. CNTR.  
SECOND FLOOR

ATTACHMENT 5





**LEE COUNTY**  
SOUTHWEST FLORIDA

**DEPARTMENT OF  
TRANSPORTATION**

# Memorandum

To: Paul O'Connor, Division of Planning

From: <sup>LW</sup>Lili Wu, Senior Planner

Date: February 14, 2003

Subject: CPA 03-01 – Privately Initiated Lee Plan  
Future Land Use Map Amendment

LEE COUNTY  
 RECEIVED  
 03 FEB 18 AM 9:08  
 COMM. DEV/  
 PUB. WORKS. CNTR.  
 SECOND FLOOR

---

We have reviewed the above-referenced application, which requests the land use designation of approximately 2.25 acres be changed from the existing "Industrial Development" to "Urban Community". As indicated by the application, the proposed Urban Community designation would allow a maximum of 22 dwelling units or 100,000 sf of retail in the subject area. After running the FSUTMS travel demand model for the year 2020 condition, we have determined that this land use change will not alter the future road network plans.

Please let me know if you have any questions.

LW/mlb

Cc: David Loveland  
Central File – Future Land Use Map



**From:** Michael Pavese  
**To:** Dishman, Nichole  
**Date:** 3/10/03 9:17AM  
**Subject:** Re: CPA2002-00001

Nichole, in my opinion the number of potential units would have little or no impact on existing facilities. Staff responded in the way we did based on the representations we received from the applicant.

Michael P. Pavese  
Principal Planner  
Department of Public Works Administration  
pavesemp@leegov.com  
(239)479-8762  
(239)479-8307 (fax)

>>> Nichole Dishman 03/07/03 03:25PM >>>

The Department of Public Works has reviewed the proposed action and provided a letter of response which states, "It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, please note that this determination is based on the proposed commercial use of the subject property which will not result in an increase of the current population in this area of Lee County."

Mike, what would happen if the property owner decided to develop the parcel as residential to its maximum density, which could be as high as 22 dwelling units? Would Parks and Rec still be ok with the amendment? Just want to be sure all our bases are covered since the Urban Community designation would either commercial or residential (however unlikely residential may be at this location). Thanks.

Nichole Dishman, Planner  
Lee County Division of Planning  
PO Box 398  
Fort Myers, FL 33902-0398  
Phone# (239)479-8578

# Interoffice Memo

**Date:** 02/14/03

**To:** Nichole Dishman, Division of Planning

**From:** Terry M. Kelley, Emergency Management Coordinator

**RE:** CPA 03-01 – Privately Initiated Lee Plan Future Land Use Map Amendment

---

Staff has reviewed the submittal documents dated February 11, 2003, for the above-referenced development and have concluded there are not any Public Safety/Emergency Management issues involved in changing the 2.25 acres from "Industrial Development" to "Urban Community". Therefore, we won't be issuing any comments or recommendations regarding this project.

T.K.



Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

February 11, 2003

Public Service/Review Agencies  
See Distribution List

RE: CPA 03-01 - Privately Initiated Lee Plan Future Land Use Map Amendment

Planning Division staff requests your agency's help in reviewing the above referenced Lee Plan amendment. The applicant is proposing to amend the Future Land Use Map (FLUM) designation on land located on the south side of Summerlin Road, east of Pine Ridge Road. The proposal is to amend the Lee Plan, Map 1 (the FLUM), designation of approximately 2.25 acres from "Industrial Development" to "Urban Community." Please go to the Lee County website address shown below to view the application and all supporting data supplied by the applicant: <http://www.lee-county.com/dcd/ComprehensivePlanning/PlanAmendments/SmallScale.htm>

The Industrial Development category does not permit dwelling units with the exception of a bona fide caretaker's residence. The Urban Community category standard density range permits up to six dwelling units per acre (6 du/acre). Staff estimates that the proposed Urban Community designation would allow a maximum of 13 dwelling units to be built on the subject property without the need for bonus density approval (a maximum of 22 total units when calculated with the maximum permitted bonus density for an Urban Community designation at 10 units per acre). It is unlikely, given the prime commercial location and existing surrounding uses, that the property owner would elect to pursue residential development on this site.

Planning staff requests that your agency help determine the adequacy of existing and planned services in this area and if the proposal has any negative impact on these services. Planning staff requests that your agency review the proposal and provide written comments as soon as possible but no later than February 25, 2003. If this land use change includes any potential impact to your agencies budget, please include this information in your comments.

Thank you for your attention in this matter. If you have any questions, please do not hesitate to call Nichole Dishman of my staff at 479-8578.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT



PAUL O'CONNOR, AICP  
Director, Division of Planning

**Distribution List:**

John Wilson, Lee County Public Safety  
Chris Hansen, Lee County Public Safety, EMS  
Rodney Shoap, Lee County Sheriff's Office  
Gerald Adema, Iona/McGregor Fire District, Chief  
Roland E. Ottolini, Lee County Natural Resources Management  
Steven Myers, Lee Tran  
John Yarbrough, Lee County Parks & Recreation  
Stephanie Keyes, Lee County School Board  
Dave Loveland, Lee County Division of Transportation  
Mike Carroll, Lee County Development Services  
Rick Joyce, Lee County Division of Planning, Environmental  
Sciences Program  
Lindsey Sampson, Lee County Environmental Services, Deputy  
Director  
Bill Horner, Lee County Port Authority  
Janet Watermeier, Lee County Economic Development  
Kim Trebatoski, Lee County Division of Planning, Environmental  
Sciences Program  
John Campbell, Lee County Public Safety, Emergency  
Management  
Jim Lavender, Lee County Public Works  
Jerry Murphy, Lee County Development Services  
Rick Diaz, Lee County Utilities  
Pam Houck, Lee County Zoning



**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239)479-8578

Bob Janes  
District One

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District Two

Ray Judah  
District Three

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Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

February 24, 2003

Don Lucas  
1950 Courtney Drive, Suite 206  
Fort Myers, FL 33901

RE: CPA2003-00001, Vision XXV


Dear Mr. Lucas:

This letter is intended to follow up the phone conversation of January 21, 2003, between you and Matt Noble, with a formal sufficiency response to the application submitted for Case #CPA2003-00001. During the initial review of your request to change the Future Land Use Classification of a parcel of land approximately 2.25 acres in size from Industrial to Urban Community, staff has determined that the following additional items will be needed in order to complete our review of the application:

- 1) A corrected map showing the existing Future Land Use designations of the subject property and surrounding area (Section IV, A2 of the Comprehensive Plan Amendment Application).
- 2) A map showing the proposed Future Land Use designation of the subject property and the Future Land Use designations of the surrounding area.
- 3) A letter from the Lee County School District which determines the "adequacy/provision of existing/proposed support facilities" (Section IV, B3 of the Comprehensive Plan Amendment Application)

Please do not hesitate to call if you have any questions.

Sincerely,



Nichole M. Dishman, Planner  
Lee County DCD, Division of Planning



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239)479-8578

Bob Janes  
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John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

March 7, 2003

Don Lucas  
1950 Courtney Drive, Suite 206  
Fort Myers, FL 33901


RE: CPA2003-00001, Vision XXV

Dear Mr. Lucas:

This letter is to inform you that we have received the submittal items that were requested during our initial sufficiency status response. The case file has now been deemed sufficient for review. Additional documentation may be required during evaluation of your plan amendment request, should staff find that it is necessary.

The tentative date for the first public hearing of your plan amendment request, before the Local Planning Agency (LPA), is March 24, 2003. The LPA agenda begins at 8:30am. We will forward a copy of the finalized staff report to you as soon as it is available. Please do not hesitate to call if you have any questions.

Sincerely,



Nichole M. Dishman, Planner  
Lee County DCD, Division of Planning

**From:** Howard Wegis  
**To:** Dishman, Nichole  
**Date:** 3/24/03 3:17PM  
**Subject:** Re: CPA2003-00001

I have reviewed this small plan amendment and concur with the applicant's analysis with respect to Lee County Utilities' ability to serve the subject parcel. We have capacity at our plants and infrastructure in close proximity to the site, however, we do have concerns with respect to changing the land use from industrial to urban community. Although rare, there are occasions when our wastewater plant, which is close to this parcel, generates odors that some people find offensive. For this reason we feel that industrial development is an appropriate use for the subject parcel. We are concerned that other uses allowed in urban community may expose a larger number of people to these objectionable odors.

>>> Nichole Dishman 03/11/03 09:09AM >>>

Rick, I am finishing up the staff report, for this small scale plan amendment request to change 2.25 acres from industrial development to urban community, and realized that I don't have any official response from Utilities regarding capacity and potential impacts. Luis has told me that sewer and water lines run along Summerlin and Pine Ridge. I don't think this request will be a big deal from a Utilities perspective, but it would be very helpful to have an official response. I am not sure who handles this type of review from your department - I copied Thom on this note because he seems to be the most common contact for us. The parcel STRAP# 08-46-24-00-00001.003A. All of the application info is on the comprehensive website under case #CPA2003-00001. Please let me know if you need any additional info. Thanks.

Nichole Dishman, Planner  
Lee County Division of Planning  
PO Box 398  
Fort Myers, FL 33902-0398  
Phone# (239)479-8578

**CC:** Osterhout, Thom; Velez, Ivan



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

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239)479-8578

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

April 7, 2003

Don Lucas  
1950 Courtney Drive, Suite 206  
Fort Myers, FL 33901

RE: CPA2003-00001, Vision XXV


Dear Mr. Lucas:

This letter is to inform you that a tentative date for the Board Adoption Hearing of this case has been set for May 6, 2003. The BoCC agenda begins at 1:30pm.

By now you should have received a copy of the staff report with attachments. If you have not yet received the staff report please let me know.

Please do not hesitate to call if you have any questions.

Sincerely,

  
Nichole M. Dishman, Planner  
Lee County DCD, Division of Planning

**CPA 2003-01  
SMALL SCALE  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

**Privately Sponsored Application  
and Staff Analysis**

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**LPA Public Hearing Document  
for the  
March 24<sup>th</sup> Public Hearing**

---

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

**March 9, 2003**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
SMALL SCALE  
COMPREHENSIVE PLAN AMENDMENT  
CPA 2003-01**

	<b>This Document Contains the Following Reviews:</b>
✓	<b>Staff Review</b>
	<b>Local Planning Agency Review and Recommendation</b>
	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: March 9, 2003

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

1. **APPLICANT:** Donald Lucas
2. **REQUEST:** Amend the Future Land Use Map series for a specified 2.25 acre parcel of land located in Section 8 Township 46 South, Range 24 East to change the classification shown on Map 1, The Future Land Use Map, from "Industrial Development" to "Urban Community."
3. **SUMMARY DISCUSSION**  
The applicant has requested a Future Land Use Classification (FLUC) change from Industrial Development to Urban Community for a 2.25 acre parcel of land known as Vision XXV (25). The property is located on the south side of the Summerlin Road Corridor just east of Pine Ridge Road. The applicant has stated that the request is to "allow more appropriate development for a high visibility - tourist oriented section of Summerlin Road." The applicant's intention is to develop the subject parcel with a commercial center.

The proposed designation change from Industrial Development to Urban Community will result in an increase in potential dwelling units from 1 bonafide caretaker's residence to a maximum of 13 dwelling units to be built on the subject property without the need for bonus density approval (a maximum of 22 total units when calculated with the maximum permitted bonus density for an Urban Community designation at 10 units per acre).

## **B. BACKGROUND INFORMATION**

### **1. EXISTING CONDITIONS**

**SIZE OF PROPERTY:** ±2.25 acres

**PROPERTY LOCATION:** 17901 Summerlin Road, just east of the intersection with Pine Ridge Road along the south side of Summerlin Road, in the Iona McGregor Planning Community.

**EXISTING USE OF LAND:** Vacant

**CURRENT ZONING:** Industrial Planned Development, the MCP has been vacated due to inactivity (Originally rezoned by Resolution Z-92-005 from AG-2 to IPD)

**CURRENT FUTURE LAND USE CLASSIFICATIONS:** Industrial Development

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

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

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

**TRANSPORTATION:** Access to the property is via Pine Ridge and Summerlin Roads. The Summerlin Road access point is to be shared with property to the east and will be available only to eastbound traffic.

**SOLID WASTE FRANCHISE:** The property is located within the Onyx Waste Services of Florida solid waste collection service area. The applicant has provided a letter from Onyx stating that collection service is available (See Attachment 1 - Applicant Supplementary Info).

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

**1. RECOMMENDATION:** Staff recommends that Map 1, the Future Land Use Map, be amended to change the future land use designation of the ±2.25 acre subject parcel from "Industrial Development" to "Urban Community" Future Land Use designation.

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

- The subject property and intended development are consistent with the Urban Community descriptor of the Comprehensive Plan, Policy 1.1.4.

- The subject parcel has access to a major collector and an arterial road. The applicant has stated that the intended use of the subject property is for commercial development. The parcel meets site location standards for commercial retail development.
- Existing utilities and infrastructure are in place or available to support the proposed commercial development, and potential residential development, of the subject parcel. The proposed action will not require changes to future road network plans.
- The proposed action will result in a population capacity increase of the FLUM by 46 people (22 du X 2.09 people per unit). It is staff's position that this increase in accommodation capacity of the map is insignificant when viewed within the context of the countywide accommodation capacity.
- The subject property is located along a major tourist and workforce transportation corridor. Due to the small size of the property, its geographic location at a major intersection and the existing surrounding uses, it is highly unlikely that the property will ever be developed with residential units.
- The proposed action will have minimal impact to public safety service providers. The applicant has submitted letters from these providers indicating that adequate services are available to support additional urban community uses that would result from the proposed future land use designation change.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The applicant has requested a Future Land Use designation change from Industrial Development to Urban Community for a 2.25 acre parcel of land known as Vision XXV. The property is located on the south side of the Summerlin Road Corridor just east of Pine Ridge Road. The applicant has stated that the request is to "allow more appropriate development for a high visibility - tourist oriented section of Summerlin Road." The proposed designation change from Industrial Development to Urban Community will result in an increase in potential dwelling units from 1 bonafide caretaker's residence to a maximum of 13 dwelling units to be built on the subject property without the need for bonus density approval (a maximum of 22 total units when calculated with the maximum permitted bonus density for an Urban Community designation at 10 units per acre).

The original Comprehensive Plan Amendment Application and Applicant Supplementary Information are attached hereto as "Attachment 1 - Applicant Supplementary Info"

#### **PROJECT SUMMARY**

The applicant proposes to develop the subject property with commercial uses that are consistent with a high traffic tourist area and workforce commute corridor. The requested future land use amendment would verify that such development, on this site, is consistent with the overall policies and considerations of the Lee Plan. The property is currently zoned Industrial Planned Development,

but has a master concept plan which has been vacated due to inactivity. Donald Lucas has submitted an application to rezone the parcel from IPD to Community Commercial (CC). The sufficiency status of the petition to rezone is holding a final determination on the proposed change in Future Land Use Classification from Industrial Development to Urban Community.

On December 13, 2001 the Lee County Board of County Commissioners adopted a change in the Future Land Use Map designation from Industrial Development to Urban Community for a ±2.19 acre parcel that is adjacent, and west, of the subject parcel. That property was later rezoned from IPD (part of the same original zoned development as the subject parcel) to CC.

### **COMPREHENSIVE PLAN BACKGROUND**

The subject property was designated Industrial Development by the original Lee County Future Land Use Map, adopted in 1984. The Industrial Development category is reserved primarily for industrial uses with ancillary commercial and office uses, as well as caretaker's residences. The category contains provisions to allow other compatible uses including manufacturing, research, properly buffered recreational uses, natural resource extraction and fill dirt operations.

### **ADJACENT ZONING AND USES**

To the north of the subject parcel is Summerlin Road, then land with the Future Land Use Designations of Central Urban and Public Facilities. Vacant properties to the north and west of Pine Ridge Road are zoned Commercial Tourist (CT), Community Commercial (CC), and Residential Multifamily (RM-8). North of those properties is Summerlin Ridge Golf Center CPD.

Properties directly to the north, zoned IPD and Agriculture (AG-2), are currently vacant. Property to the north and east is zoned Community Facility (CF-3) and used by the County for sewage treatment ponds.

Land adjacent to the east and to the southeast of the subject property is designated as Industrial Development Future Land Use and is zoned IPD. Development on those parcels consists of limited commercial uses, a skateboard park, and mini-storage including open storage of vehicles.

Land directly to the south of the subject property is designated as Industrial Development Future Land Use. These parcels are zoned CF-3 and are currently used for a solid waste transfer station and sewage treatment.

Land to the southwest, designated Urban Community and zoned CC, is partially vacant with a hotel on the western portion. A Residential Vehicle Planned Development (RVPD) approved for 320 transient units is also located to the southwest.

Land directly west of the subject property, designated as Urban Community, is zoned CC. The first parcel is vacant. Across Pine Ridge Road parcels are developed with commercial offices, a muffler shop, and vacant.

### **POPULATION ACCOMMODATION CAPACITY DISCUSSION**

Given the potential increase in residential units associated with the proposed Future Land Use designation change from Industrial Development to Urban Community, the proposed action will

result in a population capacity increase of the FLUM by 46 people (22 du X 2.09 people per unit).

It is staff's position that the proposed increase in accommodation capacity of the map is insignificant when viewed within the context of the countywide accommodation capacity. Due to the location of the property and existing surrounding uses, it seems unlikely that the property owner will develop the parcel with residential uses.

#### **CONSISTENCY WITH THE "URBAN COMMUNITY" LAND USE CATEGORY**

***POLICY 1.1.4:** The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre).*

The subject property is consistent with the type of land described by Policy 1.1.4. The proposed commercial development will provide an additional base of urban services to nearby residential areas. Additionally, the subject parcel meets commercial site location standards, of Goal 6 of the Lee Plan, for a Neighborhood Commercial development.

#### **MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)**

The subject property is located within the Iona McGregor Planning Community. The Iona McGregor Community has 697 acres allocated for residential development at Urban Community Future Land Use density standards prior to the year 2020. Of those 697 acres, 180.43 acres are still available for development.

The Iona McGregor Community has 782 acres allocated for commercial development, of which 270.76 acres remain available. Industrial development within Iona McGregor is slated for 298 acres, of which 195.21 acres remain available.

The applicant has not requested an amendment to the Planning Community Year 2020 Allocation Table 1(b). Overall development within the Iona McGregor Community may not exceed the Lee Plan 2020 development allocations. Proposed development on the subject property would vie for the remaining available commercial or residential development acres with all other Urban Community properties.

#### **TRANSPORTATION ISSUES**

Lee County Department of Transportation has reviewed the proposed action and provided a letter which states, "As indicated by the application, the proposed Urban Community designation would allow a maximum of 22 dwelling units or 100,000sf of retail in the subject area. After running the FSUTMS travel demand model for the year 2020 condition, we have determined that this land use change will not alter the future road network plans"(See Attachment 7).

Access to the property is via Pine Ridge and Summerlin Roads. The Summerlin Road access point is to be shared with property to the east and will be available only to eastbound traffic.

## **PUBLIC SAFETY ISSUES**

### Coastal Issues

The Division of Public Safety notes that the subject property is located within the Tropical Storm Surge Evacuation Zone and the Coastal High Hazard Area. Public Safety offers the following comments for consideration during the plan amendment review process:

“Because the proposed plan amendment increases the number of potential dwelling units exposed to storm surge flooding, this amendment appears inconsistent with the intent of Policy 75.1.4 of the Lee Plan. This policy states that:

*‘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 (Amended by Ordinance No. 92-45, 94-30).’*

Although the current designation may allow more intensive uses, it does not permit residential uses. The proposed amendment would, thereby allowing the residential density to increase in the defined coastal high hazard area.

The 2001 update of the Southwest Florida Regional Hurricane Evacuation Study shows that Lee County’s hurricane evacuation times have risen. We are concerned that proposed plan amendments like this, in the cumulative, will not only continue to increase these clearance times, but also unnecessarily expose future coastal populations to flooding impacts” (See Attachment 4).

The subject property is an example of what staff sees as a growing need for a Commercial Development Future Land Use Category. The property is ideal for commercial development due to its size and location on a major travel corridor. However, any change to a FLUC designation which allows commercial development under the current classification system, by necessity also allows residential development. Such a connection between commercial and residential uses may be problematic for properties within the Coastal High Hazard Area. Planning staff will further evaluate this issue during the 2004 Evaluation and Appraisal Report process.

In this particular case, the existing surrounding uses, size of parcel, and location at the intersection of a major collector and an arterial road, make residential development very unlikely. Additionally, though the proposed action would add ±2.25 acres of land to a FLUC that allows residential development, the total residential accommodation capacity of the Urban Community FLUC in the Iona McGregor Planning Community would not be increased.

Emergency Management staff reviewed the proposed action and concluded that “there are not any Public Safety/Emergency Management issues involved in changing the 2.25 acres from ‘Industrial Development’ to ‘Urban Community’” (See Attachment 9).

### Fire Services

The applicant has provided a letter from Iona McGregor Fire Protection and Rescue District which states that, "Existing and proposed resources and facilities of the Fire District are adequate to provide services to the referenced project" (See Attachment 1 - Applicant Supplementary Info).

### EMS

The applicant has provided a letter from County Emergency Medical Services staff which states that, "The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel or any support facilities. Furthermore, the easements appear to provide adequate ingress/egress for ambulances" (See Attachment 1 - Applicant Supplementary Info).

### Sheriff Services

The applicant has provided a letter from the County Sheriff Department which states that the Vision XXV parcel "is within the service area for the Lee County Sheriff's Office. It is policy of the Lee County Sheriff's Office to support community growth and we will do anything 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 [the] project as it builds out" (See Attachment 1 - Applicant Supplementary Info).

### **SCHOOL IMPACTS**

Lee County School District has reviewed the proposed FLUC change and has described the potential impact to the school district that would result from residential development of the subject property as follows, "This proposal would permit the addition of 22 dwelling units with bonus densities granted on the parcel. These units could generate approximately 6 public school students, based on an estimated student generation rate of .31 per dwelling unit. This would create the need for up to one classroom in the District along with ancillary facilities and staff" (See Attachment 3).

### **SOILS**

The applicant has provided information indicating that soils present on the site are Myakka fine sand and Immokalee sand. An "Existing Soils Map" and a description of Myakka fine sand are included as attachments (See Attachment 1 - Applicant Supplementary Info). A description of Immokalee sand is included as Attachment 2.

### **HISTORICAL AND ARCHAEOLOGICAL IMPACTS**

The applicant has provided a letter from Lee County Division of Planning, historic and archaeological resource staff, which states that "There are no known historic sites on the subject property...There are no known archaeological sites on the property...The subject parcel is not located on either Level 1 or Level 2 zones of archaeological sensitivity" (See Attachment 1 - Applicant Supplementary Info).

### **ENDANGERED SPECIES**

The applicant has supplied information which indicates that:

The subject property is currently vacant and has been cleared. No habitats exist on site for species which are listed as endangered, threatened or species of concern. The FLUCCS

classification which describes the subject property is "Disturbed Lands." The property does not include wetlands or aquifer recharge areas.

County Environmental staff is familiar with the property and has verified that the property was previously cleared and that no listed species are present.

#### **PARKS, RECREATION AND OPEN SPACE**

The applicant has provided a letter from the Department of Public Works which states that, "It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, please note that this determination is based on the proposed commercial use of the subject property which will not result in an increase of the current population in this area of Lee County" (See Attachment 1 - Applicant Supplementary Info). Additional correspondence from Parks and Recreation staff notes that "the number of potential units would have little or no impact on existing facilities" (See Attachment 8).

#### **DRAINAGE/SURFACE WATER MANAGEMENT**

The applicant has provided the following information regarding surface water management on the subject property:

"The subject property is located in the Deep Lagoon Watershed #43 as indicated in the Lee County Surface Water Management Master Plan. Any development will be in compliance with South Florida Water Management District and the Lee County [Land] Development Code with regard to surface water management" (See Attachment 1 - Applicant Supplementary Info).

#### **MASS TRANSIT**

Lee County Transit Division has reviewed the proposed action and provided a letter of response which states that "the proposed amendment to the future land use map would have no impacts on existing or planned services Lee Tran provides, nor would it have any impact to the budget of Lee County's transit division" (See Attachment 5).

#### **UTILITIES**

Lee County Utilities is the service provider to the subject property. Adequate utilities are available for commercial development on the site. A 12" water main runs along the south property line. A 36" sanitary sewer reuse line and a 30" sanitary sewer force main run along Pine Ridge Road just west of the subject property.

#### **RE-DESIGNATING LANDS FROM AN INDUSTRIAL LAND USE CATEGORY**

The site has access to a major collector road and an arterial road, but is not located close to railroad facilities or a cargo airport terminal. Industrial uses have been active in the surrounding area for a number of years including a waste water treatment facility, with associated sewage treatment ponds, and a solid waste transfer station. The subject property is zoned for industrial development (IPD), but has never been developed. Commercial development has become increasingly popular in the area during the last five years. Summerlin and Pine Ridge Roads are major corridors for tourist and commuter traffic.

It is staff's position that the proposed Future Land Use change on this 2.25 acre parcel will have little to no effect on the County's goal of achieving a rate of 3% employment in manufacturing activities by the year 2010.

## **B. CONCLUSIONS**

The request to change the subject parcel's Future Land Use designation from Industrial Development to Urban Community is consistent with the existing, expanding tourism and workforce corridor along Summerlin Road which connects central and southern Lee County to the Gulf beaches. The subject parcel falls within the Coastal High Hazard Area. It is the applicant's intention to develop a commercial center on the subject property.

The property currently has, or has reasonable access to, all necessary infrastructure for commercial or residential development. The property meets site location standards for development of a Neighborhood Commercial Center. Conditions specific to this site make residential development of the property unlikely and commercial development desirable. It is staff's opinion that the parcel is consistent with the Urban Community Future Land Use category.

## **C. STAFF RECOMMENDATION**

Planning staff recommends that Map 1, the Future Land Use Map, be amended to change the land use designation of the ±2.25 acre subject parcel from "Industrial Development" to "Urban Community."

### List of Attachments

- 1) Original Application & Applicant Supplementary Info - 64 pages
- 2) Soil Description, Lee County Soils Survey, 28- Immokalee sand
- 3) Response Letter from Lee County School Board
- 4) Response Letter from Lee County Division of Public Safety
- 5) Response Letter from Lee County Transit Division
- 6) OMIT
- 7) Response Letter from Lee County Department of Transportation
- 8) Response Letter from Lee County Department of Public Works
- 9) Response Letter from Lee County Division of Emergency Management
- 10) Letters from Division of Planning Staff to Applicant (notice to review agencies, request for information to complete application packet, letter of sufficiency) - 4 pages

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

DATE OF PUBLIC HEARING: March 24, 2003

**A. LOCAL PLANNING AGENCY REVIEW**

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

**1. RECOMMENDATION:**

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

**C. VOTE:**

<b>NOEL ANDRESS</b>	_____
<b>SUSAN BROOKMAN</b>	_____
<b>MATT BIXLER</b>	_____
<b>RONALD INGE</b>	_____
<b>GORDON REIGELMAN</b>	_____
<b>DAN DELISI</b>	_____
<b>RICHARD DOWNES</b>	_____

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

DATE OF ADOPTION HEARING: 2003

**A. BOARD REVIEW:**

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

**1. BOARD ACTION:**

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

**C. VOTE:**

**JOHN ALBION**

\_\_\_\_\_

**ANDREW COY**

\_\_\_\_\_

**RAY JUDAH**

\_\_\_\_\_

**JOHN MANNING**

\_\_\_\_\_

**DOUG ST. CERNY**

\_\_\_\_\_

  
**Neese Associates**  
Civil Engineering & Land Surveying

January 28, 2003  
Job No. 020038.00

Mr. Paul O'Connor  
Director of Planning  
PO Box 398  
Fort Myers, FL 33902

**RE: VISION XXV  
LEE COUNTY SMALL SCALE COMP PLAN AMENDMENT**

Dear Mr. O'Connor:

Enclosed, please find six (6) copies of the application for a small-scale comprehensive plan amendment and the required amendment support documentation. Also enclosed please find the application fee in the amount of \$1,500.00 made out to the Lee County BOCC for the above referenced project.

The proposed amendment is for a land use change from Industrial Development to Urban Community for the development of commercial facilities on 98,455 S.F. of vacant industrial zoned (IPD) lands situated on the south side of Summerlin Road, lying in Section 8, Township 46 South, Range 24 East, Lee County.

Should you have any questions or require any additional information, please do not hesitate to contact me. Your assistance is greatly appreciated.

Sincerely,  
**NEESE & ASSOCIATES**



Eddie E. Neese, P.E.  
President

enclosures

cc: Don Lucas w/ attachments

**RECEIVED**  
*Julie*  
JAN 28 2003

COMMUNITY DEVELOPMENT

**GRA 2003-00001**

**Diane M. DeCrona**  
Vision XXV Limited Partnership  
17671 Irvine Blvd., Suite 106  
Tustin, CA 92780  
(714) 669-8200  
(fax) 669-8202

January 24, 2003

TO WHOM IT MAY CONCERN:

This letter authorizes Donald R. Lucas of Future Realty Services, Inc. to represent Vision XXV, Ltd., A California Limited Partnership, in matters pertaining to the necessary permitting requirements involving environmental issues, small scale land use map amendments, zonings and development orders for that parcel of land known as Vision XXV, STRAP #08-4624-00-00001.003A

Donald R. Lucas is currently in the process of purchasing the Vision XXV parcel from Vision XXV, a California Limited Partnership.

Very Truly Yours,



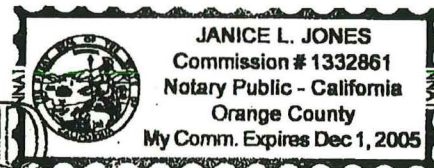
Diane M. DeCrona, General Partner  
Vision XXV, A California Limited Partnership.

State of California )  
County of Orange ) ss  
)

On January 24, 2003 before me, Janice L. Jones, a notary public in and for the State of California, personally appeared Diane M. DeCrona, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature



RECEIVED

JAN 28 2003

COMMUNITY DEVELOPMENT

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as 17901SUMMERLIN ROAD, FORT MYERS, FL 33908 and legally described in exhibit A attached hereto.

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

Diane M. DeCrona, General Partner VISION XXV  
Owner\*(signature) Owner\*(signature)

Diane M. DeCrona  
Printed Name Printed Name

Owner\*(signature) Owner\*(signature)

Printed Name Printed Name

Owner\*(signature) Owner\*(signature)

Printed Name  
STATE OF FLORIDA  
COUNTY OF LEE  
Printed Name

Sworn to (or affirmed) and subscribed before me this 24<sup>th</sup> day of January, 2003, by Diane M DeCrona, who is personally known to me or who has produced as identification and who did (did not) take an oath.

(SEAL)

Janice L. Jones  
Notary Public

JANICE L. JONES  
(Name typed, printed or stamped)

\*If more than one owner then all owners must sign. See explanation on back.

RECEIVED

JAN 28 2003

COMMUNITY DEVELOPMENT

CPA 2003-00001





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

## APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D: \_\_\_\_\_ REC'D BY: \_\_\_\_\_  
 APPLICATION FEE: \_\_\_\_\_ TIDEMARK NO: \_\_\_\_\_

THE FOLLOWING VERIFIED:

Zoning  Commissioner District   
 Designation on FLUM

(To be completed by Planning Staff)

Plan Amendment Cycle:  Normal  Small Scale  DRI  Emergency

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

**APPLICANT PLEASE NOTE:**

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: 60

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.

1-27-03 Donald R. Russa  
 DATE SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

Lee County Comprehensive Plan Amendment  
 Application Form (06/00)

S:\Comprehensive\PlanAmendment\Forms\PlanAmend Comp App

RECEIVED

JAN 28 2003

COMMUNITY DEVELOPMENT  
 PA 2003-00001

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

Don Lucas  
APPLICANT  
1950 Courtney Drive, Suite 206  
ADDRESS  
Fort Myers Florida 33901  
CITY STATE ZIP  
239-274-7744 239-274-7749  
TELEPHONE NUMBER FAX NUMBER

Don Lucas  
AGENT\*  
1950 Courtney Drive, Suite 206  
ADDRESS  
Fort Myers Florida 33901  
CITY STATE ZIP  
239-274-7744 239-274-7749  
TELEPHONE NUMBER FAX NUMBER

VISION XXV, A CALIFORNIA LIMITED PARTNERSHIP  
OWNER(S) OF RECORD  
C/O JAMES L. NICHOLS, ATTORNEY 8191 COLLEGE PARKWAY SUITE 204  
ADDRESS  
FORT MYERS Florida 33919  
CITY STATE ZIP  
239- 433-1305 239- 482-1007  
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.

Eddie E. Neese  
Neese & Associates  
12661 Metro Parkway  
Fort Myers, Florida 33912  
Tel. 239-768-0077  
Fax: 239-768-3457

**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  
1 Map – Future Landuse Map

B. SUMMARY OF REQUEST (Brief explanation):

CHANGE LAND USE MAP FROM INDUSTRIAL TO URBAN COMMUNITY  
TO ALLOW MORE APPROPRIATE DEVELOPMENT FOR HIGH  
VISIBILITY – TOURIST ORIENTED SECTION OF SUMMERLIN ROAD

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

A. Property Location: SE corner of Intersection of Summerlin Rd & Pine Ridge Rd

1. Site Address: 17901 SUMMERLIN ROAD

2. STRAP(s): 08-4624-00-00001.003A

B. Property Information

Total Acreage of Property: 2.25 acres

Total Acreage included in Request: 2.25 acres

Area of each Existing Future Land Use Category: \_\_\_\_\_

Total Uplands: 2.25 acres

Total Wetlands: None

Current Zoning: Industrial Planned Development

Current Future Land Use Designation: Industrial

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:

Change to Urban Community

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density Not Permitted

Commercial intensity 10% Anc. comm. (may not exceed 30,000 SF per dev.)

Industrial intensity Reserved mainly for industrial activities

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density 6 du / acre

Commercial intensity 30,000 – 100,000 SF

Industrial intensity light industrial purposes (Policy 7.1.6)

#### 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, **DONALD R. LUCAS**, 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

1-27-03  
 \_\_\_\_\_  
 Date

**DONALD R. LUCAS**

Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 27<sup>th</sup> day of JUNE 2003  
by \_\_\_\_\_, who is personally known to me or who has produced  
\_\_\_\_\_ as identification.



A handwritten signature in black ink, appearing to read "Eddie E. Reese", written over a horizontal line.

Signature of notary public

EDDIE E. REESE

Printed name of notary public

**LEGAL DESCRIPTION**

**PARCEL B  
IN THE NW1/4 OF  
SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA**

A TRACT OR PARCEL OF LAND LYING IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 8, T46S, R24E, IN LEE COUNTY FLORIDA. THENCE RUN S01°13'02"E AS A BASIS OF BEARING FOR 500.00 FEET ALONG THE WEST LINE OF SAID SECTION 8. THENCE RUN N89°02'47"E FOR 412.71 FEET ALONG THE SOUTH LINE OF LANDS DESCRIBED IN OR1854 PG3640 OF THE LEE COUNTY RECORDS TO A POINT OF CURVATURE, THENCE CONTINUE NORTHERLY ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 70.00 FEET THROUGH A CENTRAL ANGLE OF 46°07'24" FOR 56.35 FEET TO WHICH POINT A RADIAL LINE BEARS S47°04'37"E AND THE POINT OF BEGINNING. THENCE CONTINUE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 44°24'55" FOR 54.26 FEET; THENCE N01°29'32"W FOR A DISTANCE OF 134.07 FEET ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OR 2895 PGS 1886-1888 TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 30.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°32'19" FOR A DISTANCE OF 47.41 FEET; THENCE N89°02'47"E FOR A DISTANCE OF 384.48 FEET ALONG THE SOUTH LINE OF THE LANDS DESCRIBED IN OR 2895 PGS 1886-1888; THENCE S01°13'00"E FOR A DISTANCE OF 235.00 FEET ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OR 1854 PG 3641; THENCE S89°02'47"W FOR A DISTANCE OF 433.62 FEET ALONG THE SOUTH LINE OF THE LANDS DESCRIBED IN OR 1854 PG 3641; THENCE N01°29'32"W FOR A DISTANCE OF 21.48 FEET TO THE POINT OF BEGINNING.

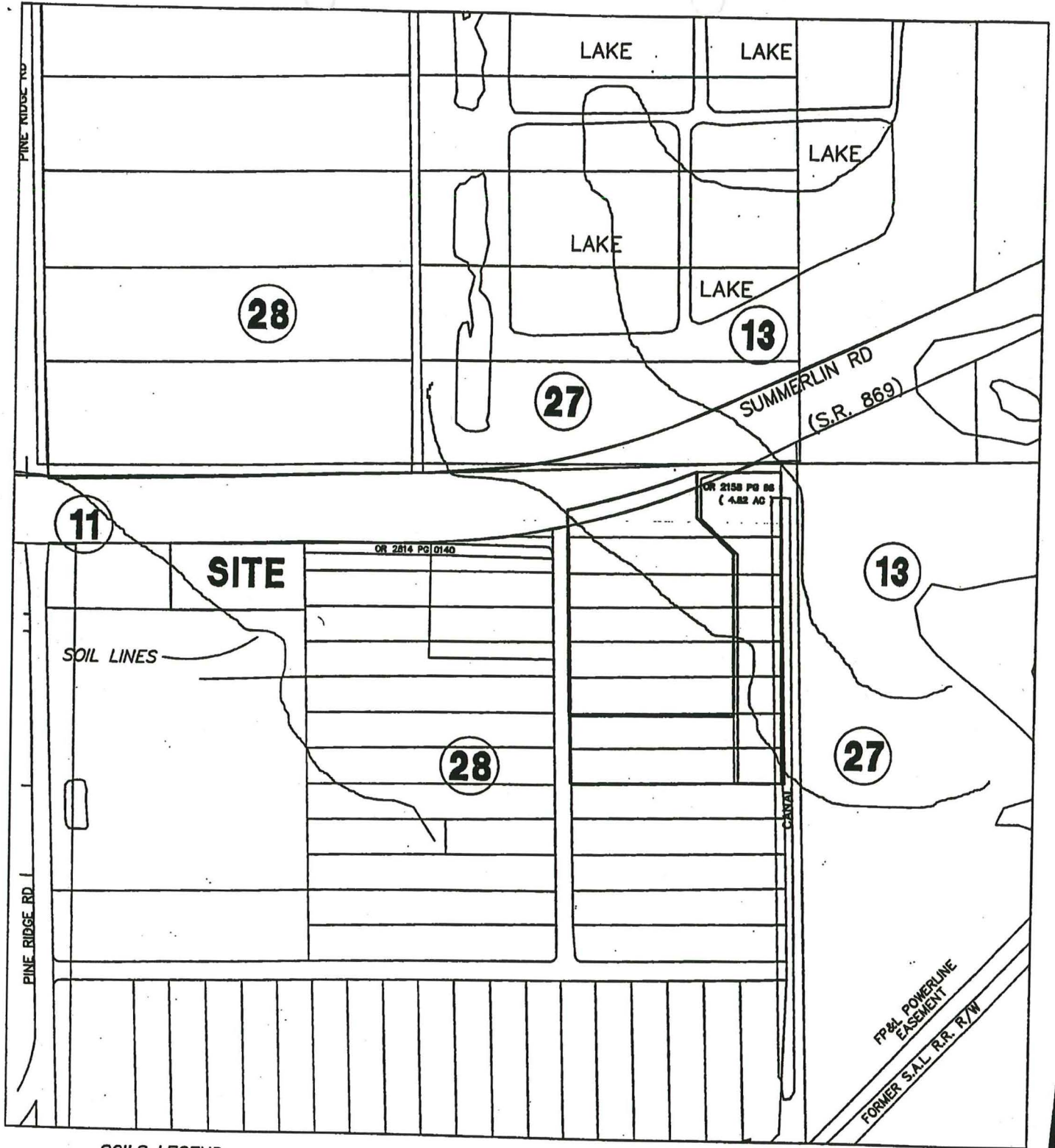
PARCEL CONTAINS 2.25 ACRES MORE OR LESS

**RECEIVED**

**JAN 28 2003**

**COMMUNITY DEVELOPMENT**

**2003-00001**

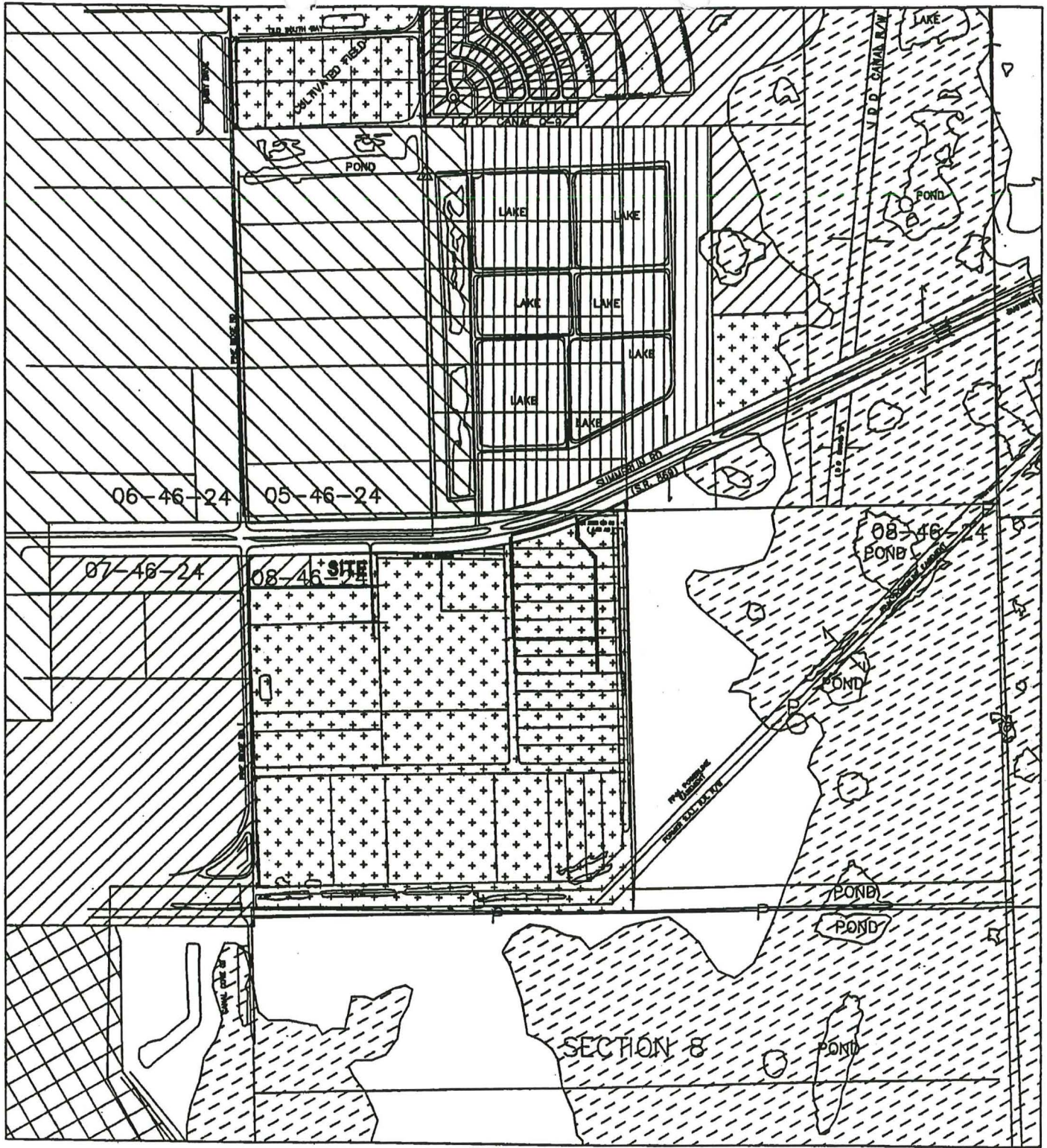


**SOILS LEGEND**

- ⑬ Boca fine sand
- ⑲ Pomoano fine Sand, Depressional
- ⑳ Immokalee sand
- ⑪ Myakka fine sand

SOILS INFORMATION WAS OBTAINED FROM THE LEE COUNTY SOIL SURVEY BY THE SOIL CONSERVATION SERVICE OF THE U.S.D.A.

**EXISTING SOILS MAP**



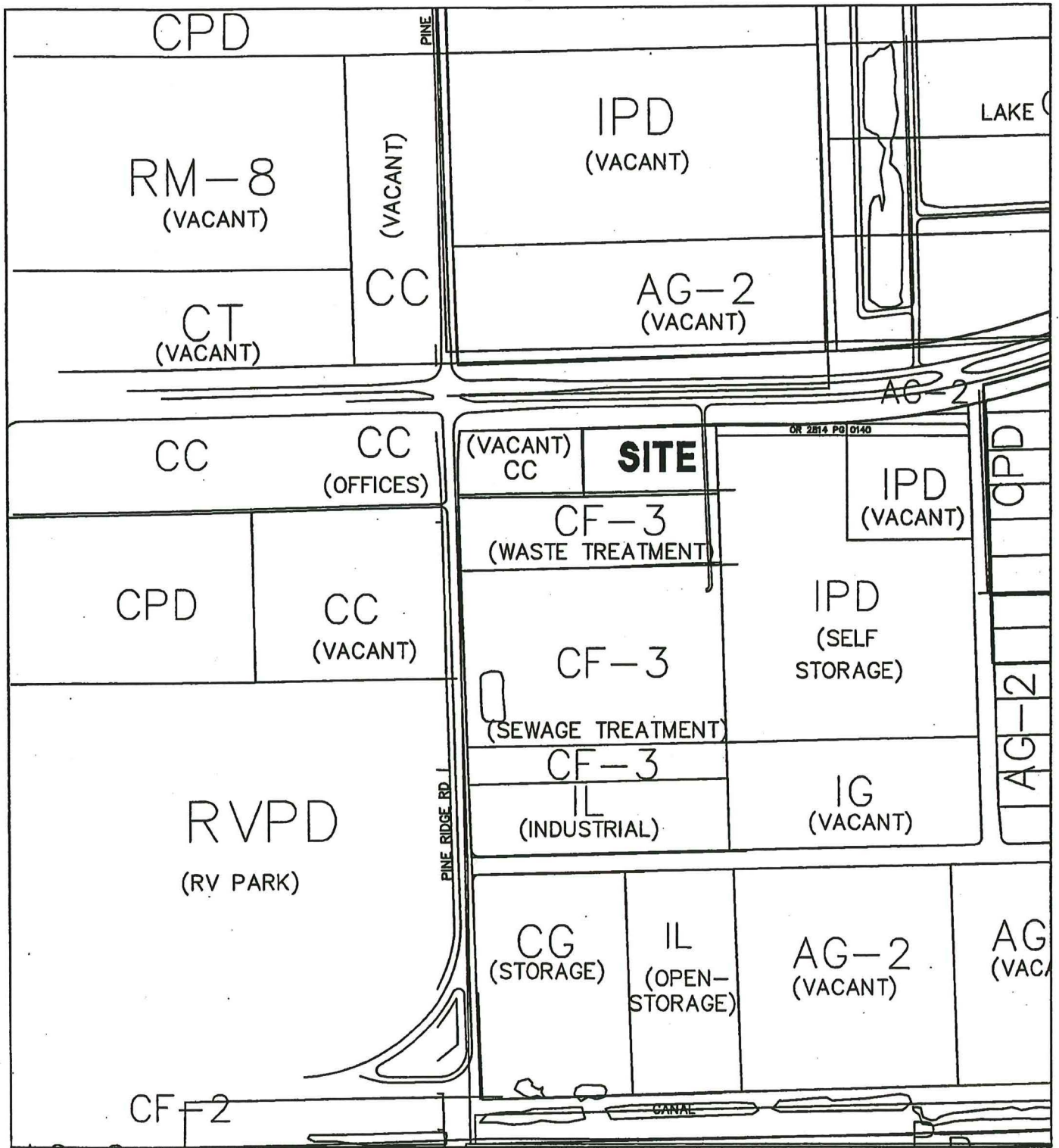
- |   |                 |   |  |
|---|-----------------|---|--|
|  | Central Urban   |  | Industrial Development                         |
|  | Urban Community |  | Public Facilities                              |
|  | Suburban        |  | Resource Protection Areas and Transition Areas |

1000 0 1000 2000 3000

Scale 1" = 1000'

# FUTURE LAND USE MAP





# EXISTING LAND USE/ZONING



**NATIONAL FLOOD INSURANCE PROGRAM**

**FIRM  
FLOOD INSURANCE RATE MAP**

**COUNTY OF  
LEE,  
FLORIDA  
(UNINCORPORATED AREAS)**


**PANEL 435 OF 550  
(SEE MAP INDEX FOR PANELS NOT PRINTED)**

**COMMUNITY-PANEL NUMBER  
125124 0435 B**

**EFFECTIVE DATE:  
SEPTEMBER 19, 1984**



**Federal Emergency Management Agency**

500-Year Flood Boundary	_____	<b>ZONE B</b>
100-Year Flood Boundary	_____	<b>ZONE A</b>
Zone Designations*		
100-Year Flood Boundary	_____	<b>ZONE B</b>
500-Year Flood Boundary	_____	
Base Flood Elevation Line With Elevation in Feet**	~~~~~	<b>513</b>
Base Flood Elevation in Feet Where Uniform Within Zone**		<b>(EL 987)</b>
Elevation Reference Mark		<b>RM7x</b>
Zone D Boundary	_____	
River Mile		<b>•M1.5</b>

\*\*Referenced to the National Geodetic Vertical Datum of 1929

**\*EXPLANATION OF ZONE DESIGNATIONS**

<b>ZONE</b>	<b>EXPLANATION</b>
<b>A</b>	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
<b>A0</b>	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
<b>AH</b>	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
<b>A1-A30</b>	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
<b>A99</b>	Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
<b>B</b>	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
<b>C</b>	Areas of minimal flooding. (No shading)
<b>D</b>	Areas of undetermined, but possible, flood hazards.
<b>V</b>	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
<b>V1-V30</b>	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

**NOTES TO USER**

Certain areas not in the special flood hazard areas (Zones A and V) may be protected by flood control structures.

This map is for flood insurance and flood plain management purposes only; it does not necessarily show all areas subject to flooding in the community or all planimetric features outside special flood hazard areas.

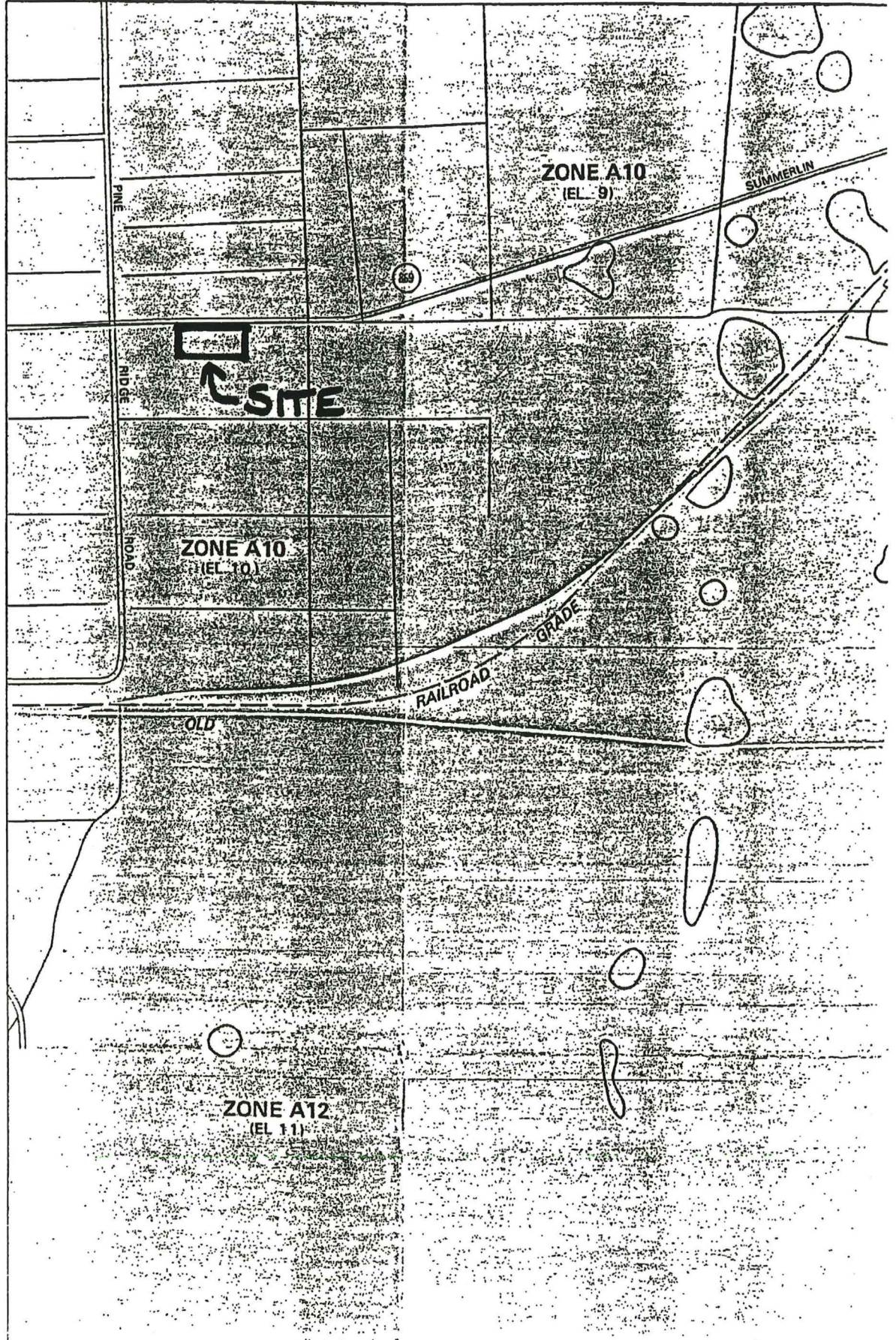
The coastal flooding elevations shown may include the effects of wave action and may differ significantly from those developed by the National Weather Service for hurricane evacuation planning. Coastal base flood elevations apply only landward of the shoreline shown on this map.

For adjoining map panels, see separately printed Map Index.

**INITIAL IDENTIFICATION:**

SEPTEMBER 19, 1984

FLOOD HAZARD BOUNDARY MAP REVISED



# Soils Description

## From Lee County Soils Survey

**11-Myakka fine sand.** This is a nearly level, poorly drained soil on broad flatwoods areas. Slopes are smooth to slightly concave and range from 0 to 2 percent.

Typically, the surface layer is very dark gray fine sand about 3 inches thick. The subsurface layer is fine sand about 23 inches thick. In the upper 3 inches it is gray, and in the lower 20 inches it is light gray. The subsoil is fine sand to a depth of 80 inches or more. The upper 4 inches is black and firm, the next 5 inches is dark reddish brown and friable, the next 17 inches is black and firm, the next 11 inches is dark reddish brown and friable, and the lower 17 inches is mixed black and dark reddish brown and friable.

Included with this soil in mapping are areas of EauGallie, Immokalee, Oldsmar, Smyran, and Wabasso soils. Also included are small areas of similar soils with subsoils low in organic matter content and less than 12 inches thick. Included soils make 10 to 15 percent of any mapped area.

In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months and 10 to 40 inches below the surface for 2 to 6 months. It is more than 40 inches below the surface during extended dry periods.

The available water capacity is medium in the subsoil and very low in the surface and subsurface layers. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and moderate to moderately rapid in the subsoil.

Natural vegetation consists of sawpalmetto, fetterbush, pineland threeawn, and South Florida slash pine.

This soil is poorly suited to cultivated crops because of wetness and poor soil quality. The number of adapted crops is limited unless very intensive management practices are followed. With good water control and soil improving measures, the soil can be made suitable for some vegetable crops. A water control system is needed to remove excess water in wet seasons and provide water through subsurface irrigation in dry seasons. Row crops should be rotated with close-growing, soil-improving crops. The rotation should keep the soil-improving crops on the land three-fourths of the time. Seedbed preparation should include bedding of the rows. Fertilizer and lime should be added according to the need of the crops.

This soil is poorly suited to citrus. Areas subject to frequent freezing in winter are not suitable. This soil is suitable for citrus only after a carefully designed water control system has been installed that will maintain the water table below a depth of 4 feet. The trees should be planted on beds and a vegetative cover maintained between the trees. Regular applications of fertilizer and lime are needed.

This soil is well suited to pasture. Pangolagrass, improved bahiagrass, and white clover grow well when they are well managed. Water control measures are needed to remove excess surface water after heavy rains. Regular applications of fertilizer and lime are needed. Controlling grazing helps to prevent overgrazing and weakening of the plants.

The soil has moderate potential productivity for South Florida slash pine. Bedding of rows helps in establishing seedlings and in removing excess surface water.

This soil has moderate potential for desirable range plant production. The dominant forage is creeping bluestem, lopsided indiagrass, pineland threeawn, and chalky bluestem. Management practices should include deferred grazing and brush control. This Myakka soil is in the South Florida Flatwoods range site.

The soil has severe limitations for urban development because of the high water table. This Myakka soil is in capability subclass IV.

**EXHIBIT A**

There are no proposed text changes to the Lee Plan.

## Exhibit B

### Existing and Future Conditions Analysis

#### B-2 a. Sanitary Sewer

Lee County Utilities maintains service for this area through the Fort Myers Beach and Iona/McGregor Wastewater treatment plant located approximately 400 feet south of the subject property. A 24-inch force-main runs along the Pine Ridge Road Right-of-Way on the western side of the subject property. A 4-inch force main, extending from the 24-inch force-main, runs along the Summerlin Road Right-of-Way on the northern side of the subject property.

Policy 36.1.2 of the Lee Plan has established that “the minimum acceptable level-of-service standard for sanitary sewer connections to Lee County Utilities shall be available basic facility capacity to treat and dispose of a volume of wastewater equal to 200 gallons per day per equivalent residential connection (ERC) for the peak month.....”

The December 2001 Concurrency Management report has indicated in Table 5, Major Regional Sewage Treatment Plants, that the Fort Myers Beach sewer treatment plant (STP) has a design capacity of 6,000,000 gallons per day and a projected flow for 2002 of 4,115,000 gallons per day.

The Capital Improvements Program (CIP) indicates the following sewer projects for Fort Myers Beach WWTP:

Transfer pumps upgrade	FY 01 / 02
Filtration system replacement	FY 01 / 02
Second EQ tank	Years 6-10

The proposed amendment will have negligible impacts on the sanitary sewer facilities.

B-2 b. Potable Water

Lee County Utilities maintains service for this area through the Green Meadows Water Treatment Plant located at 13001 Alico Road, Fort Myers. A 12-inch water main runs approximately parallel to the south property line in an easement along the south property line.

Policy 33.1.1 of the Lee Plan has established that “the minimum acceptable level-of-service standard for potable water connections to Lee County Utilities shall be an available supply and treatment capacity of 250 gallons per day per equivalent residential connection (ERC) for the peak month...”

The December 2001 Concurrency Management report has indicated in Table 1, Major Regional Water Treatment Plants, that the Green Meadows water treatment plant (WTP) has a design capacity of 10,500,000 gallons per day and a projected flow of 7,340,000 gallons per day for the year 2002.

The Capital Improvements Program (CIP) indicates the following water projects for Green Meadows WTP:

Transmission system improvement	FY 01 / 02
Water storage improvements	FY 01 / 02
Water treatment plant expansion	FY 01 / 02, FY 02 / 03

The proposed amendment will have negligible impact to the potable water facilities.

B-2 c. Surface Water/Drainage Basins.

The subject property is located in the Deep Lagoon Watershed #43 as indicated in the Lee County Surface Water Management Master Plan. Any development will be in compliance with South Florida Water Management District and the Lee County Development Code with regard to surface water management.

Policy 40.3.1-D of the Lee Plan has established level-of-service standards for the private and public development as follows:

“Surface water management systems in new private and public developments (excluding widening of existing roads) shall be design to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event. Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and rule 40E-4, F.A.C. New developments shall be designed to avoid increased flooding of surrounding areas. Development shall be designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to approximate the natural surface water systems in terms of rate, hydro period, basin and quality, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest.”

The December 2001 Concurrency Management report states on page 10 that “All new developments which receive approval from the South Florida Water Management District and that comply with standards in Chapters 62-3, 62-40, and 62-302 of the Florida Statutes and Rule 40E-4 of the Administrative Code will be deemed concurrent with the level of service standards set forth in the Lee Plan.”

B-2 d. Parks, Recreation, and Open Space.

Policy 70.1.3 of the Lee Plan has established that the minimum acceptable level-of-service for Parks and Recreation Facilities as the following:

Regional Parks – 6 acres of developed regional land open for public use per 1000 total seasonal county population.

Community Parks – 0.8 acres of developed standard community parks open for public use per 1000 permanent population, unincorporated county only.

The December 2001 Concurrency Management report on page 24 that the “desired” level-of-service standard of eight (8) acres per thousand (1,000) total county population for Regional Parks has been achieved and expects to continue meeting this level-of-service standard through 2003.

The December 2001 Concurrency Management report has also indicated in Table 15 , Community Parks Impact Fee District #4, that the minimum level-of-service for community parks has been met and that two future community parks, Estero Community Park, add. phases, and South Fort Myers Community Parks are planned to achieve compliance with the “desired” level-of-service for the community.

The Capital Improvements Program (CIP) indicates multiple county wide regional and community park projects.

The proposed amendment will have negligible impact to the parks, recreation, and open space facilities.

## Exhibit C

### Environmental Impacts

C. 1. This subject property is vacant but the land has been cleared. As described in the Florida Land Use, Cover and Forms Classification System, FLUCCS, the class definition Disturbed Lands, 740, applies to those areas which have been changed due primarily to human activities other than mining. The subject parcel falls into this classification.

C.2. Soils found on the property, as indicated in the Lee County Soils Survey, consist of Myakka fine sand and Immokalee Sand. Descriptions are included as exhibits C-1 and C-2.

C.3. The Federal Emergency Management Agency (FEMA) has identified the area of the subject property as Zone A10. The base flood elevation has been indicated as 10 feet. Enclosed please find a copy of panel 125124 0435 B of the Flood Insurance Rate Map indicating the subject area and the surrounding flood zones.

C.4. This subject property is vacant but the land has been cleared and contains no wetlands or aquifer for recharge areas.

C. 5. This subject property is vacant but the land has been cleared and contains no habitat for species listed by the Federal, State, or local agencies as endangered, threatened or species of special concern.

## Exhibit D

### Impacts on Historic Resources

The subject property is located adjacent to the parcel at the southeast corner of the intersection between Summerlin Road and Pine Ridge Road. The parcel located across Pine Ridge Road is owned by Sun State Professional Leasing Inc., zoned CC, and contains an office building occupied by Attorney, Realty, Art, and Insurance offices. The adjacent property to the south is owned by Onyx Waste Services of Florida Inc., zoned CF-3, and occupied with facilities that provide service to the area. Fort Myers Beach Iona-McGregor Wastewater Facility is located behind Onyx Services. The parcel located to the west is owned by Vision XXIV Ltd, zoned IPD. The Vision XXIV parcel received approval of a small scale Comprehensive Plan Amendment (CPA2001-00008) on January 13, 2002. On January 6, 2003, the Lee County Board of Commissioners adopted Resolution Number Z-02-068, rezoning Vision XXIV from IPD to CC. The property is currently vacant. The parcel located across Summerlin Road is owned by Barbour H + Lapidus D + Kresimer J Co, zoned AG-2, and is currently vacant. The parcel located on the opposite corner of the intersection is owned by Joseph Louis TR, zoned CC, and is currently vacant. At this intersection, the future land use for the north side of Summerlin Road is designated as Central Urban. The southwest corner of this intersection is designated Urban Community.

## Exhibit E

### Internal Consistency with the Lee Plan

1. The proposed small scale amendment would change the future land use from industrial development to urban community. The existing land use of Industrial Development does not permit residential uses other than bona fide caretaker residences. The proposed land use of Urban Community will permit a maximum of six dwelling units per acre.
2. The impact of changing 2.25 acres from Industrial Development to Urban Community would have negligible impact on Table 1(b), Planning Community Year 2020 Allocations, of the Lee Plan. As indicated in Table 1(a), Summary of Residential Densities, of the Lee Plan, Urban Community has a maximum residential density of six (6) dwelling units per acre. The expected use for this intersection corner is commercial.
3. The impact of changing 2.25 acres from Industrial Development to Urban Community would have no impact on any local government.
4. State Policy Plan and Regional Policy Plan goals and policies that are relevant to this plan amendment consist of conformance with the Lee Plan and its objectives and policies.
5. The subject parcel is presently zoned IPD and an application to rezone to commercial will be submitted to Lee County Development Services.

## Exhibit 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. The site is accessible to arterial roadways (Summerlin Road) but is not accessible to rail lines and cargo airport terminals.
  - b. Table 1(b) indicates that the Iona/McGregor Planning District has 782 acres of commercial uses. The Lee County total is 10,525 acres.
  - c. The impact of changing 2.25 acres from Industrial Development to Urban Community will have negligible effect on the county's industrial employment goal of employing 3% of the county's population in manufacturing activities by the year 2010.
2. Requests moving lands from a Non-Urban Area to a Future Urban Area.
  - a. The existing land use classification of Industrial Development and the proposed land use classification of Urban Community are both classified as Future Urban Areas. The proposed change does not constitute Urban Sprawl.
3. The proposed change is not in the listed critical areas for future potable water supply as listed in Policy 2.4.2, therefore does not require evaluation based on said policy.
4. The proposed change does not request moving lands from Density Reduction / Groundwater Resource, therefore does not require consideration to Policy 2.4.3.

## Exhibit G

### Proposed Amendment Justification

The proposed amendment is consistent with the Urban Community designation for the following reasons: The subject property is located at/near the intersection of Summerlin Road and Pine Ridge Road with the properties on the opposite corners of the intersection designated as Urban Community and/or Central Urban. The proximity of the subject property to the intersection is consistent with the location criteria of Policy 6.1.2 of the Lee Plan for Commercial Land Uses. The proposed use, commercial, is consistent with the "Urban Community" land use category. The following letters have been received indicating that the urban services required to support the small-scale amendment change can be provided: Onyx Waste Services Of Florida, Division of Public Safety: EMS, Lee County Office of the Sheriff, Lee County Transit, Lee County Parks and Recreation, Iona-McGregor Fire District. The Lee County School District is in the process of providing a support letter and the letter will be submitted upon receipt.

# Soils Description

## From Lee County Soil Survey

**28-Immokalee sand.** This is a nearly level, poorly drained soil in flatwoods areas. Slopes are smooth to convex and range from 0 to 2 percent.

Typically, the surface layer is black sand about 4 inches thick. The subsurface layer is dark gray sand in the upper 5 inches and light gray sand in the lower 27 inches. The subsoil is sand to a depth of 69 inches. The upper 14 inches is black and firm, the next 5 inches is dark reddish brown, and the lower 14 inches is dark yellowish brown. The substratum is very pale brown sand to a depth of 80 inches or more.

Included with this soil in mapping are EauGallie, Myakka, Oldsmar, Smyrna, and Wabasso soils. Also, included are small area of soils with a subsoil that is low in organic matter content and less than 12 inches thick. Included soils make up less than 15 percent of any mapper area.

In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months and 10 to 40 inches below the surface for 2 to 6 months. It recedes to a depth of more than 40 inches during extended dry periods.

The available water capacity is medium in the subsoil and very low in the surface and subsurface layers. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and moderate or moderately rapid in the subsoil.

Natural vegetation consists of sawpalmetto, fetterbush, pineland threeawn, and South Florida slash pine.

This soil is poorly suited to cultivated crops because of wetness and poor soil quality. The number of adapted crops is limited unless very intensive management practices are followed. With good water control and soil-improving measures, this soil can be made suitable for some vegetation crops. A water control system is needed to remove excess water in wet seasons and provide water through subsurface irrigation in dry seasons. Row crops should be rotated with close-growing, soil-improving crops. The rotation should include the soil-improving crops on the land three-fourths of the time. Seedbed preparation should include bedding of the rows. Fertilizer and lime should be added according to the need of the crops.

This soil is poorly suited to citrus unless very intensive management is used. Areas subject to frequent freezing in winter are not suitable. This soil is suitable for citrus only after a carefully designed water control system has been installed that will maintain the water table below a depth of 4 feet.

This soil is well suited to pastures. Pangolagrass, improved bahiagrass, and white clover grow well when they are well managed. Water control measures are needed to remove excess surface water after heavy rains. Regular applications of fertilizer and lime are needed. Controlling grazing helps to prevent overgrazing and weakening of the plants.

The potential productivity is moderate for South Florida slash pine. Bedding of rows helps in establishing seedlings and in removing excess surface water. The trees should be planted on beds and a vegetative cover maintained between the trees. Regular applications of fertilizer and lime are needed.

This soil has moderate potential for desirable range plant production. The dominant forage is creeping bluestem, lopsided indiagrass, pineland threeawn, and chalky bluestem. Management practices should include deferred grazing and brush control. This Immokalee soil is in the South Florida Flatwoods range site.

This soil has severe limitations for urban development because of high water table.

This Immokalee soil is in capability subclass IVw.

**IONA MCGREGOR FIRE PROTECTION AND RESCUE SERVICE DISTRICT**

15961 WINKLER ROAD  
FORT MYERS, FLORIDA 33908

**Business: 433-0660**

**Fire Only: 911**

January 23, 2003

Michael L. Prince  
Neese & Associates  
12661 Metro Parkway  
Fort Myers, FL 33912

Re: VISION XXV

Existing and proposed resources and facilities of the Fire District are adequate to provide services to the referenced project.

A handwritten signature in black ink, appearing to read "Steve Juntikka". The signature is fluid and cursive, with a large initial "S" and "J".

Steve Juntikka, Assistant Chief



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: 335-1604

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

January 3, 2003

Mr. Michael L. Prince  
Neese & Associates  
12661 Metro Parkway  
Fort Myers, Florida 33912

**Re: Written Determination of Adequacy for EMS services  
VISION XXV**

Dear Mr. Prince:

I have reviewed your letter dated December 6, 2002, which was received December 19, 2002. This letter will address the request made in that letter.

The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel or any support facilities. Furthermore, the easements appear to provide adequate ingress / egress for ambulances.

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

Respectfully submitted,

DIVISION OF PUBLIC SAFETY

Chief Chris Hansen  
EMS Program Manager

**Office of the Sheriff  
Rodney Shoap**



**County of Lee  
State of Florida**

January 3, 2003

Neese & Associates  
Michael L. Prince  
12661 Metro Parkway  
Fort Myers, Florida 33912

RE: VISION XXV  
Job # 020038.00  
Written Determination of Adequacy  
Existing and Proposed Support Facilities  
Lee County Small Scale Land Use Amendment

Dear Sir:

The VISION XXV, Written Determination of Adequacy, Existing and Proposed Support Facilities, Lee County Small Scale Land Use Amendment, Job # 020038.00 is within the service area for the Lee County Sheriff's Office. It is policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs.

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

Sincerely,

A handwritten signature in black ink, appearing to read "D. Johnson".

Major Dan Johnson  
Planning and Research

Copy: File





December 30, 2002

Neese & Associates  
12661 Metro Parkway  
Fort Myers, Florida 33912

RE: Adequacy Statement for Vision XXV

Dear Sir:

Onyx Waste Services Of Florida currently is contracted by Lee County, to provide waste collection services for the portion of the county where the proposed development is to take place. Under the terms of that contract, we are obligated to ensure that there is adequate equipment and personnel to meet the waste collection needs of any new development in the county. We are not anticipating anything that would prevent us from meeting our obligations to Lee County. Therefore, the assets and personnel necessary to perform the required service will be available when needed.

Sincerely,

A handwritten signature in black ink that reads "Robert Tingley".

Robert Tingley  
General Manager



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

941-277-5012

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

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

December 26, 2002

Mr. Michael L. Prince  
Neese & Associates  
12661 Metro Parkway  
Fort Myers, FL 33912

**RE: VISION XXV**

Dear Mr. Prince:

We have reviewed the site plan you provided for the referenced project. Lee County Transit does not require additional transit amenities at this location at this time.

If you have any questions, please call me at 239-277-5012 ext. 2233.

Sincerely,

TRANSIT DIVISION

*Michael S. Horsting*

Michael S. Horsting  
Transit Planner

*MSH*  
*MSH*

[Originator/Typist Initials]

S:\WPDOCS\LETTERS\vision.xxv.wpd

P.O. Box 300, Fort Myers, Florida 33902-0300 (239) 335-2111

Internet address <http://www.lee-county.com>

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239) 479-8762  
(239) 479-8307 Fax

Bob Janes  
District One

January 9, 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

Mr. Michael L. Prince  
Neese and Associates  
12661 Metro Parkway  
Fort Myers, FL 33912

**Re: Vision XXV - Small Scale Comprehensive Plan Amendment  
Strap # 08-46-24-00-00001.003A**

Dear Mr. Prince:

Lee County staff has reviewed your request for a letter regarding the adequacy of existing and proposed support facilities relative to the proposed plan amendment referenced above.

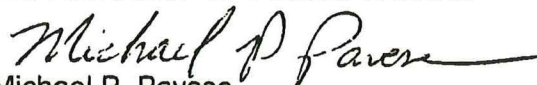
Based on the information provided in your letters of December 6, 2002, and January 3, 2003, the subject property is a 2.25 ± acre parcel of land currently zoned Industrial Planned Development (IPD) and located in the Industrial Development future land use category. The parcel is located on the south side of, and contiguous to, Summerlin Road, approximately 420± feet east of its intersection with Pine Ridge Road. You have indicated that you will be requesting an amendment to change the future land use designation to Urban Community and subsequently rezoning the property to facilitate the development of commercial uses.

It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, please note that this determination is based on the proposed commercial use of the subject property which will not result in an increase of the current population in this area of Lee County.

Should you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,

DEPARTMENT OF PUBLIC WORKS

  
Michael P. Pavese  
Principal Planner

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

S:\WPDOCS\CONSTRUCTION & DESIGN\PAVESE\PWCompPlanAmendLtr.wpd

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

**PROJECT NAME:** VISION XXV, 17901 Summerlin Road, Fort Myers

**CASE NUMBER:** not supplied

**STRAP NUMBERS:** 08-46-24-00-00001.003A

**DATE OF REVIEW:** December 19, 2002

**REVIEWED BY:** Susan M. Strum, AICP, Planner  
Phone 239 479 8549 Fax 479-8161  
e-mail: strumsm@leegov.com

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

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

**Level 1 or Level 2 zones of Archaeological Sensitivity:** The subject parcel is not located on either Level 1 or Level 2 zones of archaeological sensitivity.

Copy: Pam Houck Zoning Director  
Michael L. Prince, Neese & Associates, 12661 Metro Parkway, Fort Myers, FL  
33912

**Vacant Land Contract**  
ASSOCIATION OF REALTORS

**PARTIES AND DESCRIPTION OF PROPERTY**

1. SALE AND PURCHASE: Vision XXV, Ltd., A California Limited Partnership ("Seller")  
and Donald R. Lucas ("Buyer")

agree to sell and buy on the terms and conditions specified below the property ("Property") described as:  
Address: A tract of land located in the S/E Quadrant of Summerlin Road and  
Legal Description: Pine Ridge Road, Lee County, Fort Myers, Florida, known as  
Vision XXV, STRAP #08-46-24-00-00001.003A. Exact legal  
description to be determined by Seller's survey.

including all improvements and the following additional property: None - Vacant Land

2. PURCHASE PRICE: \$ [REDACTED] payable by Buyer in U.S. funds as follows:

(a) \$ [REDACTED] Deposit received (checks are subject to clearance) within two days of receipt  
for signed contract (Escrow Agent)  
Signature \_\_\_\_\_ Name of Lender \_\_\_\_\_

(b) \$ -0- Additional deposit to be made by \_\_\_\_\_

(c) [REDACTED] Total Financing (see Paragraph 3 below) (express as a dollar amount or percentage)

(d) \$ -0- Other: \_\_\_\_\_

(e) \$ [REDACTED] Balance to close (not including Buyer's closing costs, prepaid items and prorations). All  
funds paid at closing must be paid by locally drawn cashier's check or wired funds.

U (f) (complete only if purchase price will be determined based on a per unit cost instead of a fixed price) The unit  
used to determine the purchase price is  lot  acre  square foot  other (specify: N/A)  
prorating areas of less than a full unit. The purchase price will be \$ N/A per unit based on a calculation of  
total area of the Property as certified to Buyer and Seller by a Florida-licensed surveyor in accordance with Paragraph  
8(c) of this Contract. The following rights of way and other areas will be excluded from the calculation: \_\_\_\_\_  
N/A

3. CASH/FINANCING: (Check as applicable)  (a) Buyer will pay cash for the Property with no financing contingency.

(b) This Contract is contingent on Buyer qualifying and obtaining the commitment(s) or approval(s) specified below within  
\_\_\_\_\_ days from Effective Date (if left blank then Closing Date or 30 days from Effective Date, whichever occurs first). Buyer  
will apply for financing within \_\_\_\_\_ days from Effective Date (5 days if left blank) ("Application Period") and will timely provide  
any and all credit, employment, financial, and other information required by the lender. If Buyer, after using diligence and  
good faith, cannot obtain the financing, either party may cancel this Contract and Buyer will return to Seller all title evidence  
and surveys provided by Seller, and Buyer's deposit(s) will be returned after Escrow Agent receives proper authorization from  
all interested parties. Buyer will pay all loan expenses, including the lender's title insurance policy.

(1) New Financing: Buyer will secure a commitment for new third party financing for \$ \_\_\_\_\_ or  
\_\_\_\_\_ % of the purchase price at the prevailing interest rate and loan costs. Buyer will keep Seller and Broker fully  
informed of the loan application status and progress and authorizes the lender or mortgage broker to disclose all  
such information to Seller and Broker.

(2) Seller Financing: Buyer will execute a  first  second purchase money note and mortgage to Seller in the  
amount of \$ \_\_\_\_\_, bearing annual interest at 8.1% and payable as follows: \_\_\_\_\_  
**ADDENDUM #1**

This mortgage, note, and any security agreement will be in a form acceptable to Seller and will follow forms generally  
accepted in the county where the Property is located; will provide for a late payment fee and acceleration at the  
mortgagee's option if Buyer defaults; will give Buyer the right to prepay without penalty all or part of the principal at any  
time(s) with interest only to date of payment; will be due on conveyance or sale; will provide for release of contiguous  
parcels, if applicable; and will require Buyer to keep liability insurance on the Property, with Seller as additional named  
insured. Buyer authorizes Seller to obtain credit, employment and other necessary information to determine  
creditworthiness for the financing. Seller will, within 10 days from Effective Date, give Buyer written notice of whether or  
not Seller will make the loan.

(3) Mortgage Assumption: Buyer will take title subject to and assume and pay existing first mortgage to \_\_\_\_\_

LNA \_\_\_\_\_ in the approximate amount of \$ \_\_\_\_\_ currently payable at  
\$ \_\_\_\_\_ per month including principal, interest,  taxes and insurance and having a  fixed  other  
(describe) \_\_\_\_\_

Interest rate of \_\_\_\_\_ % which  will  will not escalate upon assumption. Any variance in the mortgage will be  
adjusted in this balance due at closing with no adjustment to purchase price. Buyer will purchase Seller's escrow  
account dollar for dollar. If the lender disapproves Buyer, or the interest rate upon transfer exceeds \_\_\_\_\_ % or the  
assumption/transfer fee exceeds \$ \_\_\_\_\_, either party may elect to pay the excess, failing which this  
agreement will terminate and Buyer's deposit(s) will be returned.

**CLOSING**

4. CLOSING DATE: OCCUPANCY: This Contract will be closed and the deed and possession delivered on or before  
SEE ADDENDUM #1, unless extended by other provisions of this Contract. If on Closing Date insurance  
underwriting is suspended, Buyer may postpone closing up to 5 days.

Buyer [Signature] and Seller [Signature] acknowledge receipt of a copy of this page, which is Page 1 of 4 Pages.

PA 2003-00001  
**RECEIVED**  
JAN 28 2003

COMMUNITY DEVELOPMENT

5. CLOSING PROCEDURE; COSTS: If title insurance insures Buyer for title defects arising between the title binder effective date and recording of Buyer's deed, closing agent will disburse at closing the net risk proceeds to Seller and brokerage fees to Broker as per Paragraph 17. In addition to other expenses provided in this Contract, Seller and Buyer will pay the costs indicated below.

(a) Seller Costs: Seller will pay taxes on the deed and recording fees for documents needed to cure title; certified, confirmed and ratified special assessment liens; title evidence (if applicable under Paragraph 8); Other: ALTA Survey

(b) Buyer Costs: Buyer will pay taxes and recording fees on notes and mortgages and recording fees on the deed and financing statements; loan expenses; pending special assessment liens, lender's title policy at the simultaneous issue rate; inspections; survey and sketch; insurance; Other: permits/zoning/land use changes

(c) Title Evidence and Insurance: Check (1) or (2):  
 (1) Seller will provide a Paragraph 8(a)(1) owner's title insurance commitment as title evidence.  Seller  Buyer will select the title agent.  Seller  Buyer will pay for the owner's title policy, search, examination and related charges. Each party will pay its own closing fees.  
 (2) Seller will provide title evidence as specified in Paragraph 8(a)(2).  Seller  Buyer will pay for the owner's title policy and select the title agent. Seller will pay fees for title searches prior to closing, including tax search and lien search fees, and Buyer will pay fees for title searches after closing (if any), title examination fees and closing fees.

(d) Prorations: The following items will be made current and prorated as of the day before Closing Date: real estate taxes, interest, bonds, assessments, leases and other Property expenses and revenues. If taxes and assessments for the current year cannot be determined, the previous year's rates will be used with adjustment for any exemptions.

(e) Tax Withholding: Buyer and Seller will comply with the Foreign Investment in Real Property Tax Act, which may require Seller to provide additional cash at closing if Seller is a "foreign person" as defined by federal law.

PROPERTY CONDITION

6. LAND USE: Seller will deliver the Property to Buyer at the time agreed in its present "as is" condition, with conditions resulting from Buyer's inspections and casualty damage, if any, excepted. Seller will maintain the landscaping and grounds in a comparable condition and will not engage in or permit any activity that would materially alter the Property's condition without the Buyer's prior written consent.

(a) Flood Zone: Buyer is advised to verify by survey, with the lender and with appropriate government agencies which flood zone the Property is in, whether flood insurance is required and what restrictions apply to improving the Property and rebuilding in the event of casualty.

(b) Government Regulation: Buyer is advised that changes in government regulations and levels of service which affect Buyer's intended use of the Property will not be grounds for canceling this Contract if the Feasibility Study Period has expired or if Buyer has checked choice (c)(2) below.

(c) Inspections: (check (1) or (2) below)  
 (1) Feasibility Study: Buyer will, at Buyer's expense and within 111 days from Effective Date ("Feasibility Study Period"), determine whether the Property is suitable, in Buyer's sole and absolute discretion, for Commercial use. During the Feasibility Study Period, Buyer may conduct a Phase I environmental assessment and any other tests, analyses, surveys and investigations ("Inspections") that Buyer deems necessary to determine to Buyer's satisfaction the Property's engineering, architectural and environmental properties; zoning and zoning restrictions; subdivision statutes; soil and grade; availability of access to public roads, water, and other utilities; consistency with local, state and regional growth management plans; availability of permits, government approvals, and licenses; and other inspections that Buyer deems appropriate to determine the Property's suitability for the Buyer's intended use. If the Property must be rezoned, Buyer will obtain the rezoning from the appropriate government agencies. Seller will sign all documents Buyer is required to file in connection with development or rezoning approvals.  
 Seller gives Buyer, its agents, contractors and assigns, the right to enter the Property at any time during the Feasibility Study Period for the purpose of conducting inspections; provided, however, that Buyer, its agents, contractors and assigns enter the Property and conduct inspections at their own risk. Buyer will indemnify and hold Seller harmless from losses, damages, costs, claims and expenses of any nature, including attorneys' fees, expenses and liability incurred in application for rezoning or related proceedings, and from liability to any person, arising from the conduct of any and all inspections or any work authorized by Buyer. Buyer will not engage in any activity that could result in a construction lien being filed against the Property without Seller's prior written consent. If this transaction does not close, Buyer will, at Buyer's expense, (1) repair all damages to the Property resulting from the inspections and return the Property to the condition it was in prior to conduct of the inspections, and (2) release to Seller all reports and other work generated as a result of the inspections.  
 Buyer will deliver written notice to Seller prior to the expiration of the Feasibility Study Period of Buyer's determination of whether or not the Property is acceptable. Buyer's failure to comply with this notice requirement will constitute acceptance of the Property as suitable for Buyer's intended use in its "as is" condition. If the Property is unacceptable to Buyer and written notice of this fact is timely delivered to Seller, this Contract will be deemed terminated as of the day after the Feasibility Study period ends and Buyer's deposit(s) will be returned after Escrow Agent receives proper authorization from all interested parties.  
 (2) No Feasibility Study: Buyer is satisfied that the Property is suitable for Buyer's purposes, including being satisfied that either public sewerage and water are available to the Property or the Property will be approved for the installation of a wet and/or private sewerage disposal system and that existing zoning and other pertinent regulations and restrictions, such as subdivision or deed restrictions, concurrency, growth management and environmental conditions, are acceptable to Buyer. This Contract is not contingent on Buyer conducting any further investigations.

SEE ADDENDUM # 1

7. RISK OF LOSS; EMINENT DOMAIN: If any portion of the Property is materially damaged by casualty before closing, or Seller negotiates with a governmental authority to transfer all or part of the Property in lieu of eminent domain proceedings, or if an eminent domain proceeding is initiated, Seller will promptly inform Buyer. Either party may cancel this Contract by written notice to the other within 10 days from Buyer's receipt of Seller's notification, failing which Buyer will close in accordance with this Contract and receive all payments made by the government authority or insurance company, if any.

TITLE

8. TITLE: Seller will convey marketable title to the Property by statutory warranty deed or trustee, personal representative or guardian deed as appropriate to Seller's status.

(a) Title Evidence: Title evidence will show legal access to the Property and marketable title of record in Seller in accordance with current title standards adopted by the Florida Bar, subject only to the following title exceptions, none of which prevent Buyer's intended use of the Property as Commercial Property: covenants, assessments and restrictions of record; matters of plat; existing zoning and government regulations; oil, gas and mineral rights of record if there is no right of entry; current taxes; mortgages that Buyer will assume; and encumbrances that Seller will discharge at or before closing. Seller will, prior to closing, deliver to Buyer Seller's choice of one of the following types of title evidence,

Buyer ( ) and Seller ( ) acknowledge receipt of a copy of this page, which is Page 2 of 4 Pages.

147 which must be generally accepted in the county where the Property is located (specify in Paragraph 5(c) the selected  
148 type). Seller will use option (1) in Palm Beach County and option (2) in Dade County.

149 (1) A title insurance commitment issued by a Florida-licensed title insurer in the amount of the purchase price and  
150 subject only to title exceptions set forth in this Contract.

151 (2) An existing abstract of title from a reputable and existing abstract firm (if firm is not existing, then abstract must be  
152 certified as correct by an existing firm) purporting to be an accurate synopsis of the instruments affecting title to the  
153 Property recorded in the public records of the county where the Property is located and certified to Effective Date.  
154 However if such an abstract is not available to Seller, then a prior owner's title policy acceptable to the proposed insurer  
155 as a base for reissuance of coverage. Seller will pay for copies of all policy exceptions and an update in a format  
156 acceptable to Buyer's closing agent from the policy effective date and certified to Buyer or Buyer's closing agent,  
157 together with copies of all documents recited in the prior policy and in the update. If a prior policy is not available to  
158 Seller then (1) above will be the title evidence. Title evidence will be delivered no later than 10 days before Closing Date.

159 (b) Title Examination: Buyer will examine the title evidence and deliver written notice to Seller, within 5 days from receipt  
160 of title evidence but no later than closing, of any defects that make the title unmarketable. Seller will have 30 days from  
161 receipt of Buyer's notice of defects ("Curative Period") to cure the defects at Seller's expense. If Seller cures the  
162 defects within the Curative Period, Seller will deliver written notice to Buyer and the parties will close the transaction on  
163 Closing Date or within 10 days from Buyer's receipt of Seller's notice if Closing Date has passed. If Seller is unable to  
164 cure the defects within the Curative Period, Seller will deliver written notice to Buyer and Buyer will, within 10 days from  
165 receipt of Seller's notice, either cancel this Contract or accept title with existing defects and close the transaction.

166 (c) Survey: Buyer may, prior to Closing Date and at Buyer's expense, have the Property surveyed and deliver written  
167 notice to Seller, within 5 days from receipt of survey but no later than closing, of any encroachments on the Property,  
168 encroachments by the Property's improvements on other lands or deed restriction or zoning violations. Any such  
169 encroachment or violation will be treated in the same manner as a title defect and Buyer's and Seller's obligations will  
170 be determined in accordance with subparagraph (b) above. If any part of the Property lies seaward of the coastal  
171 construction control line, Seller will provide Buyer with an affidavit or survey as required by law delineating the line's  
172 location on the property, unless Buyer waives this requirement in writing.

173 MISCELLANEOUS

174 9. EFFECTIVE DATE; TIME: The "Effective Date" of this Contract is the date on which the last of the parties initials or  
175 signs the latest offer. Time is of the essence for all provisions of this Contract. All time periods expressed as days will  
176 be computed in business days (a "business day" is every calendar day except Saturday, Sunday and national legal  
177 holidays). If any deadline falls on a Saturday, Sunday or national legal holiday, performance will be due the next business  
178 day. All time periods will end at 5:00 p.m. local time (meaning in the county where the Property is located) of the  
179 appropriate day.

180 10. NOTICES: All notices will be made to the parties and Broker by mail, personal delivery or electronic media. Buyer's  
181 failure to deliver timely written notice to Seller, when such notice is required by this Contract, regarding any contingencies  
182 will render that contingency null and void and the Contract will be construed as if the contingency did not exist.

183 11. COMPLETE AGREEMENT: This Contract is the entire agreement between Buyer and Seller. Except for brokerage  
184 agreements, no prior or present agreements will bind Buyer, Seller or Broker unless incorporated into this Contract.  
185 Modifications of this Contract will not be binding unless in writing, signed and delivered by the party to be bound. Signatures,  
186 initials, documents referenced in the Contract, counterparts and written modifications communicated electronically or on paper  
187 will be acceptable for all purposes, including delivery, and will be binding. Handwritten or typewritten terms inserted in or  
188 attached to this Contract prevail over preprinted terms. If any provision of the Contract is or becomes invalid or unenforceable,  
189 all remaining provisions will continue to be fully effective. This Contract will not be recorded in any public records.

190 12. ASSIGNABILITY; PERSONS BOUND: Buyer may not assign this Contract without Seller's written consent. The terms  
191 "Buyer," "Seller," and "Broker" may be singular or plural. This Contract is binding on the heirs, administrators, executors,  
192 personal representatives and assigns (if permitted) of Buyer, Seller and Broker.

193 DEFAULT AND DISPUTE RESOLUTION

194 13. DEFAULT: (a) Seller Default: If for any reason other than failure of Seller to make Seller's title marketable after diligent effort,  
195 Seller fails, refuses or neglects to perform this Contract, Buyer may choose to receive a return of Buyer's deposit without  
196 waiving the right to seek damages or to seek specific performance as per Paragraph 16. Seller will also be liable to Broker for  
197 the full amount of the brokerage fee. (b) Buyer Default: If Buyer fails to perform this Contract within the time specified, including  
198 timely payment of all deposits, Seller may choose to retain and collect all deposits paid and agreed to be paid as liquidated  
199 damages or to seek specific performance as per Paragraph 16; and Broker will, upon demand, receive 50% of all deposits  
200 paid and agreed to be paid (to be split equally among cooperating brokers) up to the full amount of the brokerage fee.

201 14. DISPUTE RESOLUTION: This Contract will be construed under Florida law. All controversies, claims, and other matters in  
202 question between the parties arising out of or relating to this Contract or its breach will be settled as follows:

203 (a) Disputes concerning entitlement to deposits made and agreed to be made: Buyer and Seller will have 30 days from  
204 the date conflicting demands are made to attempt to resolve the dispute through mediation. If that fails, Escrow Agent  
205 will submit the dispute, if so required by Florida law, to Escrow Agent's choice of arbitration, a Florida court or the  
206 Florida Real Estate Commission. Buyer and Seller will be bound by any resulting settlement or order.

207 (b) All other disputes: Buyer and Seller will have 30 days from the date a dispute arises between them to attempt to  
208 resolve the matter through mediation, failing which the parties will resolve the dispute through neutral binding  
209 arbitration in the county where the Property is located. The arbitrator may not alter the Contract terms or award any  
210 remedy not provided for in this Contract. The award will be based on the greater weight of the evidence and will  
211 state findings of fact and the contractual authority on which it is based. If the parties agree to use discovery, it will  
212 be in accordance with the Florida Rules of Civil Procedure and the arbitrator will resolve all discovery-related  
213 disputes. Any disputes with a real estate licensee named in Paragraph 17 will be submitted to arbitration only if the  
214 licensee's broker consents in writing to become a party to the proceeding. This clause will survive closing.

215 (c) Mediation and Arbitration; Expenses: "Mediation" is a process in which parties attempt to resolve a dispute by  
216 submitting it to an impartial mediator who facilitates the resolution of the dispute but who is not empowered to impose a  
217 settlement on the parties. Mediation will be in accordance with the rules of the American Mediation Association or other  
218 mediator agreed on by the parties. The parties will equally divide the mediation fee, if any. "Arbitration" is a process in  
219 which the parties resolve a dispute by a hearing before a neutral person who decides the matter and whose decision is  
220 binding on the parties. Arbitration will be in accordance with the rules of the American Arbitration Association or other  
221 arbitrator agreed on by the parties. Each party to any arbitration will pay its own fees, costs and expenses, including  
222 attorneys' fees, and will equally split the arbitrators' fees and administrative fees of arbitration. In a civil action to enforce  
223 an arbitration award, the prevailing party to the arbitration shall be entitled to recover from the nonprevailing party  
224 reasonable attorneys' fees, costs and expenses.

225 Buyer (Signature) and Seller (Signature) acknowledge receipt of a copy of this page, which is Page 3 of 4 Pages.  
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ESCROW AGENT AND BROKER

15. ESCROW AGENT: Buyer and Seller authorize Escrow Agent to receive, deposit and hold funds and other items in escrow and, subject to clearance, disburse them upon proper authorization and in accordance with the terms of this Contract, including disbursement brokerage fees. The parties agree that Escrow Agent will not be liable to any person for misdelivery of escrowed items to Buyer or Seller, unless the misdelivery is due to Escrow Agent's willful breach of this Contract or gross negligence. If Escrow Agent interpleads the subject matter of the escrow, Escrow Agent will pay the filing fees and costs from the deposit and will recover reasonable attorneys' fees and costs to be paid from the escrowed funds or equivalent and charged and awarded as court costs in favor of the prevailing party. All claims against Escrow Agent will be arbitrated, so long as Escrow Agent consents to arbitrate.

16. PROFESSIONAL ADVICE; BROKER LIABILITY: Broker advises Buyer and Seller to verify all facts and representations that are important to them and to consult an appropriate professional for legal advice (for example, interpreting contracts, determining the effect of laws on the Property and transaction, status of title, foreign investor reporting requirements, etc.) and for tax, property condition, environmental and other specialized advice. Buyer acknowledges that Broker does not reside in the Property and that all representations (oral, written or otherwise) by Broker are based on Seller representations or public records unless Broker indicates personal verification of the representation. Buyer agrees to rely solely on Seller, professional inspectors and governmental agencies for verification of the Property condition and facts that materially affect Property value. Buyer and Seller respectively will pay all costs and expenses, including reasonable attorneys' fees at all levels, incurred by Broker and Broker's officers, directors, agents and employees in connection with or arising from Buyer's or Seller's misstatement or failure to perform contractual obligations. Buyer and Seller hold harmless and release Broker and Broker's officers, directors, agents and employees from all liability for loss or damage based on (1) Buyer's or Seller's misstatement or failure to perform contractual obligations; (2) Broker's performance, at Buyer's and/or Seller's request, of any task beyond the scope of services regulated by Chapter 475, F.S., as amended, including Broker's referral, recommendation or retention of any vendor; (3) products or services provided by any vendor; and (4) expenses incurred by any vendor. Buyer and Seller each assume full responsibility for selecting and compensating their respective vendors. This paragraph will not relieve Broker of statutory obligations. For purposes of this paragraph, Broker will be treated as a party to this Contract. This paragraph will survive closing.

17. BROKERS: The licensee(s) and broker(s) named below are collectively referred to as "Broker." Seller and Buyer acknowledge that the broker(s) named below are the procuring cause of this transaction. Instruction to Closing Agent: Seller and Buyer direct closing agent to disburse at closing the full amount of the brokerage fees as specified in separate brokerage agreements with the parties and cooperative agreements between the brokers, unless Broker has retained such fees from the escrowed funds. In the absence of such brokerage agreements, closing agent will disburse brokerage fees as indicated below.

Grubb & Ellis/VIP D'Allesandro Future Realty Services, Inc.
Real Estate Licensee Real Estate Licensee
Broker / Brokerage fee: 5% of Purchase Price Broker / Brokerage fee: 5% of Purchase Price

ADDITIONAL TERMS

18. ADDITIONAL TERMS: Buyer shall have a sixty (60) day initial inspection period, to commence on the effective date (line 291) to determine if the property is suitable for Buyer's intended use. During this sixty (60) day period, Buyer shall conduct necessary informal hearings with all government agencies involved in Buyer's permitting process, for obtaining all zoning and development permits. If at the end of the sixty (60) day initial inspection period, Buyer has failed to conduct said hearings, or, if Buyer has determined the findings of said hearing conclude that...SEE ADDENDUM #1
This is intended to be a legally binding contract. If not fully understood, seek the advice of an attorney prior to signing.

OFFER AND ACCEPTANCE

(Check if applicable: ) Buyer received a written real property disclosure statement from Seller before making this Offer.
Buyer offers to purchase the Property on the above terms and conditions. Unless this Contract is signed by Seller and a copy delivered to Buyer no later than 5:00 a.m. or 5:00 p.m. on November 15, 2002, this offer will be revoked and Buyer's deposit refunded subject to clearance of funds.

217 Date: Nov 5, 2002 Buyer: Donald R. Lucas Tax ID/SSN:
218 Print name: Donald R. Lucas
219 Date: Buyer: Tax ID/SSN:
220 Print name:
221 Phone: Address:
222 Fax:
223 Date: 11/13/02 Seller: Vision XXV, Ltd. A California Limited Partnership Tax ID/SSN:
224 Print name: Vision XXV, Ltd. A California Limited Partnership
225 Date: Seller: Tax ID/SSN:
226 Print name:
227 Phone: Address:
228 Fax:

( ) Seller counters Buyer's offer (to accept the counter offer, Buyer must sign or initial the counter offered terms and deliver a copy of the acceptance to Seller by 5:00 p.m. on ). ( ) Seller rejects Buyer's offer.

Effective Date: (The date on which the last party signed or initialed acceptance of the final offer.)

Buyer ( ) and Seller ( ) acknowledge receipt of a copy of this page, which is Page 4 of 4 Pages.
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ADDENDUM #1, VACANT LAND CONTRACT  
VISION XXV, LTD. TO DONALD R. LUCAS

Continued from page 4 of 4, line 270: the Property, for whatever reason and in Buyer's sole discretion, is unsuitable for Buyer's purposes, this Vacant Land Contract shall terminate, the earnest money deposit will be returned to Buyer and there shall be no further action(s) or obligation(s) by, or of, either party, pertaining to this Vacant Land Contract. At Seller's option, Buyer shall deliver to Seller, any documents, reports or findings generated through the due diligence hearings. Seller shall make available to Buyer, existing surveys and property information, if any, currently in Seller's possession, that may facilitate Buyer's due diligence and permits.

Upon completion of the sixty (60) day initial inspection period, and upon Buyer's decision to enter the permitting phase of the due diligence, Buyer shall provide Seller with a time line schedule for simultaneously securing permits for zoning and Lee County land use map amendment. Buyer shall have fifteen (15) months to secure said permits, and Buyer shall make monthly reports to Seller's representative as to the progress of the permitting process.

Buyer shall have thirty (30) days from the receipt of zoning and Lee County land use map amendment permits to receive a development order permit through the appropriate government agency. Closing shall be within ten (10) days of receipt of the development order permit, or within eighteen (18) months from acceptance of this offer, whichever occurs first.

If Buyer is unable to secure zoning, Lee County land use map amendment and/or development permits for the Property, through no fault of Buyer, the deposit shall be returned to Buyer, and neither Buyer nor Seller shall have any further obligations pertaining to this Vacant Land Contract.

Buyer may, during the permitting process, erect signs on the property, promoting Buyer's project, to include leasing and subdividing information. Buyer may not erect signs indicating the property, in its entirety, is for sale.

Seller Financing: Buyer will execute a first purchase money note and mortgage to Seller in the amount of [redacted] with an eighteen (18) month term, bearing interest at Wall Street Journal posted Prime Interest Rate plus One (1) percent, interest only payable quarterly on the principal balance and a balloon payment at the end of the eighteenth (18<sup>th</sup>) month for the principal amount and any outstanding accrued interest. Said note shall carry no prepayment penalty.

*del*  
[redacted signature]

Prior to the effective date of this contract, Seller shall provide Buyer with documentation that the individual executing this contract on behalf of the limited partnership is authorized to represent the limited partnership in contractual matters. Seller's escrow agent and title insurance provider must be approved to do business in the State of Florida and maintain an office in Lee County, Florida.

Seller acknowledges that Buyer is a Florida licensed real estate broker, buying for his own account and for the account of others, and, at closing, Buyer may either take title to the property, take title in the name of an investment group that Buyer is a part of, or take title in the name of an investment group that Buyer is not a part of.

Buyer acknowledges the Property is currently designated for industrial uses and the Property will require a Lee County land use map amendment and rezoning to utilize the Property for commercial purposes. Buyer acknowledges the current Master Concept Plan for the Property has expired. Buyer acknowledges the average Property elevation is five (5) feet and FEMA finished floor building elevation is ten (10) feet.

THIS ADDENDUM, upon its execution by both parties, is herewith made an integral part of the Vacant Land Contract, Vision XXV, Ltd., a California Limited Partnership to Donald R. Lucas, and supersedes and controls any provision of the Vacant Land Contract to the contrary.

DATE: November 5, 2002 DATE: 11/13/02

Donald R. Lucas  
Donald R. Lucas

[Signature] For Vision XXV  
Vision XXV, Ltd., a California Limited Partnership

2116835

This instrument was prepared by

Name Terry V. Broughton, Esq.  
Smoot Johnston Johnson & Green  
Address P.O. Drawer DD  
Fort Myers, Florida 33902

# Warranty Deed

(STATUTORY FORM—SECTION 689.02 F.S.)

This instrument, Made this 30th day of June, 1986, Between

DWIGHT S. BAIRD, JR., TRUSTEE UNDER THE PROVISIONS OF AN UNRECORDED TRUST AGREEMENT  
DATED THE 23RD DAY OF APRIL, 1985

of the County of Lee, State of Florida, grantor, and  
VISION XXV, LTD., a California Limited Partnership

whose post office address is 1505 East 17th Street, Suite 220, Santa Anna, California 92701

of the County of \_\_\_\_\_, State of California, grantee.

Witnesseth. That said grantor, for and in consideration of the sum of

\_\_\_\_\_ ten and no/100 \_\_\_\_\_ Dollars,

and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in \_\_\_\_\_ County, Florida, to-wit:

SEE ATTACHED DESCRIPTION FOR PARCEL II.

*Strog* → *08-46-24-00-*  
*00001.003A*

Documentary Tax Pd. \$ 1,200.00  
Immovable Tax Pd. \_\_\_\_\_  
By CHARLIE CALIN, CLERK, LEE COUNTY  
[Signature] Deputy Clerk

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

\* "Grantor" and "grantee" are used for singular or plural, as content requires.

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.  
Signed, sealed and delivered in our presence:

[Signature] \_\_\_\_\_ (Seal)  
Dwight S. Baird, Jr., Trustee \_\_\_\_\_ (Seal)  
\_\_\_\_\_  
\_\_\_\_\_ (Seal)

STATE OF FLORIDA  
COUNTY OF LEE

I HEREBY CERTIFY that on this day before me, an officer duly-qualified to take acknowledgments, personally appeared

Dwight S. Baird, Jr.

to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 30th day of June, 1986.

My commission expires

11/11/86



RECEIVED

JAN 28 2003

COMMUNITY DEVELOPMENT  
CPA-2003-00001

REC 1854 PG 3 of 4

PARCEL II

JOHNSON ENGINEERING, INC.

CIVIL ENGINEERS AND LAND SURVEYORS

2158 JOHNSON STREET  
TELEPHONE (813) 334-0046  
TELECOPIER (813) 334-3681  
POST OFFICE BOX 1880  
DUNN MYSERS FLORIDA  
33502 1880

June 26, 1986

CARLE E. JOHNSON  
128-000

DESCRIPTION  
PARCEL B

IN THE NW-1/4,  
SECTION 8, T. 46 S., R. 24 E.,  
LEE COUNTY, FLORIDA


A tract or parcel of land lying in the northwest quarter (NW-1/4) of Section 8, Township 46 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the intersection of the easterly line of Pine Ridge Road (50 feet wide) and the north line of the south 275 feet of the north 500 feet of the west 897 feet of said Section 8 run N 89° 02' 47" E along the line common to said north line the south line of Summerlin Road (CR869) (225 feet wide) for 434.95 feet to the Point of Beginning.

From said Point of Beginning continue N 89° 02' 47" E along said common line for 434.94 feet to the east line of said fraction; thence run S 01° 13' 00" E along said east line for 275.00 feet to an intersection with the south line of said fraction; thence run S 89° 02' 47" W along said south line for 433.62 feet; thence run N 01° 29' 32" W for 274.99 feet to the Point of Beginning.

Containing 2.74 acres more or less.

Bearings hereinabove mentioned are based on the centerline survey of Summerlin Road (CR869).

  
Jeffrey C. Cooner  
Professional Land Surveyor  
Florida Certificate No. 4052

REC 1954 PG 3 b 4 1

JCC/ct  
15267

CHAIRMAN  
ARCHIE T. GRANT, JR.

PRESIDENT  
FORREST H. BANKS

VICE-PRESIDENT  
CELE E. JOHNSON

JOSEPH W. EBNER  
STEVEN K. MORRISON  
ANDREW D. TILTON

JEFFREY C. COONER  
JAN W. DICKEY  
KENTON R. KEILING  
RONALD D. STOUTEN  
GEORGE J. KALAL  
MICHAEL L. HARMON

CONSULTANTS  
LESTER L. BULSON  
ROBERT S. O'BRIEN

AN EQUAL OPPORTUNITY EMPLOYER

SUBJECT TO easements and restrictions of record and taxes for the years subsequent to 1985.

SUBJECT, HOWEVER, To a purchase money mortgage encumbering the property herein described and executed and delivered by the Grantee, as mortgagor therein, to the Grantor, as mortgagee therein, to secure the payment of a promissory note dated the same as this deed in the initial principal amount of \$195,000.00; and,

SUBJECT, HOWEVER, To a "RESTRICTIVE AGREEMENT" dated the same as this deed between the Grantor, the Grantee and VISION XXIV, Ltd., a California limited partnership, which agreement is anticipated to be recorded immediately after this deed and the purchase money mortgage;

TOGETHER WITH a non-exclusive perpetual easement for ingress, egress, and other lawful purposes related to the use and enjoyment of Parcel II over, across and under the southerly forty (40') feet of Parcel I (as described in the attached exhibit); and,

SUBJECT TO a reservation of 1/2 interest in all oil, petroleum, petroleum products and minerals and exclusive rights to protect for same, as recorded in Deed Book 231, Page 367, Public Records of Lee County, Florida. Notice pursuant to Section 704.05 and 712 F.S. recorded in O.R. Book 1153, Page 887; and,

SUBJECT TO a mortgage from Dwight S. Baird, Jr., Trustee to James A. Midgley and E. Lois Midgley, husband and wife, as an estate by the entireties in the principal amount of \$228,250.00 dated April 23, 1985 and recorded April 23, 1985 in O.R. Book 1779, Page 3916 of the Public Records of Lee County, Florida; and,

SUBJECT TO a Lee County eminent domain proceeding for improvement of Pine Ridge Road. Notice of the proceeding was given by letter from County Attorney's office to Dwight S. Baird, dated June 17, 1985.

REF 1854 PG 3642

**TRAFFIC  
IMPACT  
STATEMENT**

**for**

**SMALL SCALE PLAN AMENDMENT  
FOR  
VISION XXV**

**For  
Donald R. Lucas  
1950 Courtney Drive  
Fort Myers, Florida 3301**

**Job # 020038.00**

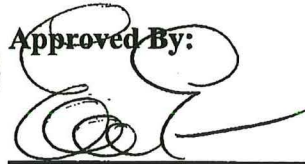
**Prepared by:**

**Neese & Associates  
12661 Metro Parkway  
Fort Myers, Florida 33912**

**RECEIVED**

**JAN 28 2003**

**Approved By:**



**COMMUNITY DEVELOPMENT**

**Date:**

**1/27/03**

**2003-00001**

**EXHIBIT B-1**

VISION XXV

A. Basis of Analysis

The following calculations were prepared based on the I.T.E. Trip Generation Manual 6th Edition for Land Use 851, Convenience Store – Open 24 hours, per 1,000 square feet of gross leasing area (GLA). The proposed project is the development of a 5,000 SF convenience store with a calculated buildout of six years.

B. Traffic Circulation Analysis

Roadways serving this site:

Summerlin Road – 4 lanes, arterial, 235' r/w, current LOS C, LOS standard E  
Pine Ridge Road – 2 lanes, collector, 66' r/w, current LOS C, LOS standard E

Note: Summerlin Road has been funded for six (6) lanes in FY 03 / 04.

Year 2020 LOS Projection Calculation:  
Lee County DOT Traffic Count Report 2001

Summerlin Road

Station #408	1992 AADT = 22000	2001 AADT = 20200
Station #410	1992 AADT= 29300	2001 AADT = 31000

Based on the 2001 Traffic count, there has been zero growth from 1992 to 2001 for the Station #408 segment.

Growth Rate Calculation(X):  $29,300(X)^9 = 31,000$   
(Station #410)  $X = (31,000/29,300)^{1/9}$   
 $X = 1.0063$

Year 2020 Projection with Amendment:

Based on the December 2001 Concurrency Manual, the existing peak hour, peak direction capacity for Link 227, Summerlin Road from Pine Ridge Road to Bass Rd. is 2,037 vph. Based on the growth rate factor indicated by counts at stations 408 & 410, the addition of 54 trips to the future volume provides a total of 2,349 trips, providing a LOS E for this segment. LOS E (2,370 trips in the peak direction of flow) is listed as the performance standard for this segment. This segment is funded for 6-lanes in 2003/04. The impact of 54 trips will be negligible to this segment.

Peak Hour Rate x Growth Rate <sup>Years +1</sup> + Site Volume  
 $2,037 \times 1.0063^{19} + 54 =$   
 $2,295 + 54 = 2,349$

Pine Ridge Road

Station #369

1992 AADT = 8900

2001 AADT = 10900

Growth Rate Calculation(X):  $8,900 (X)^9 = 10,900$   
 $X = (10,900/8,900)^{1/9}$   
 $X = 1.0227$

Based on the December 2001 Concurrency Manual, the existing peak hour, peak direction capacity for Link 186, Pine Ridge Road from San Carlos Blvd. To Summerlin Rd. is 497 vph. The projected peak hour volume for 2020 is determined as follows:

Peak Hour Rate x Growth Rate<sup>Years+1</sup> + Site Volume  
 $497 \times 1.0227^{19} + (144 \times 0.78^*) =$   
 $761 + 112 = 873$

\*(% entering Pine Ridge from intersection of Summerlin and Pine Ridge)

The performance standard for Link 186 is 1,040 vph, LOS E, as indicated in the Concurrency Manual. The projected growth of Pine Ridge Road through the year 2020, plus the peak hour site volume expected to use Pine Ridge Road is 873 vph, maintaining a LOS C for this segment.

Year 2020 Projection with/out Amendment

The subject property is currently designated as Industrial Development. Review of the ITE calculations for a possible 38,000 SF of land use 151: warehousing indicates a total peak hour of 41 vehicles, 34 entering and 8 exiting. Using movement distributions as indicated by Trip Generation, 6<sup>th</sup> edition, projected level-of-service standards would remain identical to the existing levels, as the following indicates:

Summerlin Road	$2,037 \text{ vph} + 34(.8) = 2,064$	LOS C
Pine Ridge Road	$497 \text{ vph} + 34(.2) = 503$	LOS C

C. Trip Generation Calculations

TRIP GENERATION BY MICROTRANS

( See Attached Calculations)

D. Turning Movement Distribution

The turning movement distributions are based on a majority of the traffic being generated from the north. The breakdown is as follows:

I.T.E. TRIP GENERATION SUMMARY PEAK HOUR VOLUME	AM		PM	
	ENTER	EXIT	ENTER	EXIT
CONVENIENCE STORE – 24 HOUR	164	164	134	134

Distribution of 100% of the traffic generated by the site is as follows:

**VISION XXV**

DISTRIBUTION		AM		PM	
		ENTER	EXIT	ENTER	EXIT
EAST (SUMMERLIN ROAD)	40%	66	66	54	54
WEST (SUMMERLIN ROAD)	40%	66	66	54	54
NORTH (PINE RIDGE ROAD)	10%	16	16	13	13
SOUTH (PINE RIDGE ROAD)	10%	16	16	13	13

Of the traffic from and to east Summerlin Road, 30% will enter and exit at Safety Street.

DISTRIBUTION		AM		PM	
		ENTER	EXIT	ENTER	EXIT
PINE RIDGE & FRONTAGE		144	144	118	118
SAFETY STREET & FRONTAGE		20	20	16	16

(See Exhibit "A" Attached)

**E. Anticipated Improvements/Expansions**

The frontage road between Pine Ridge Road and Safety Street has been partially completed. Improvements to the remaining segment are anticipated in the development of the subject parcel.

**F. Planned Improvements/Expansions in the CIP**

Review of the Lee County 5-year Capital Improvements Program has indicated that the segment of Summerlin Road from San Carlos to Bass Road has been budgeted for FY 01/02 and FY 03/04 with the majority of the project budgeted later.

There are no improvements or expansions of the Capital Improvements Program or long range improvements necessary or planned for the existing roadway system as a result of this proposed amendment.

**G. Conclusion**

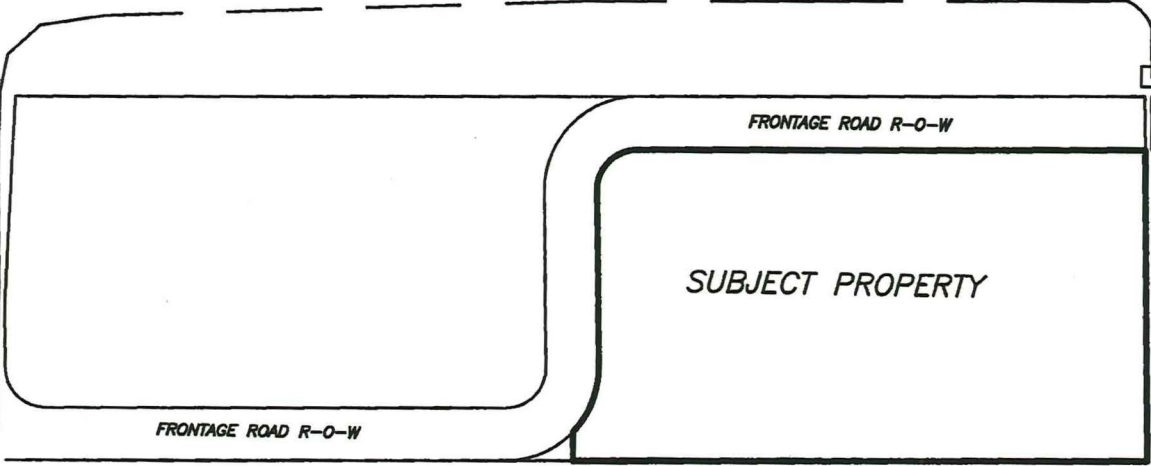
The proposed small-scale amendment requesting a change of designated land use from Industrial Development to Urban Community for the subject property will have negligible impacts on the level-of-service to the existing roads. Summerlin Road and Pine Ridge Road will remain at their existing levels, LOS C, with the addition of site generated peak hour traffic.

The specific land use code of 851, Convenience Market (Open 24 Hours) was used in determining the impacts of the site generated traffic on the surrounding existing roads due to its intensive peak hour averages as compared to other high generators; 853, Convenience Market with Gas Pumps; 845, Gas/service station with Convenience Market; 834, Fast Food with drive-through.



SUMMERLIN ROAD (S.R. 869) (225' R-O-W)

PINE RIDGE ROAD



SUBJECT PROPERTY

FRONTAGE ROAD R-O-W

FRONTAGE ROAD R-O-W TO SAFETY STREET

FRONTAGE ROAD R-O-W

See Plan, Schedule  
with this plan  
for recording  
with the  
local authority  
see  
sec. 1 of 1

TRAFFIC IMPACT SKETCH  
or  
VISION XXV  
FOR THE  
PROPOSED  
NEW EXISTING  
ROAD CROSSING, N. STATE  
ROAD 869



  
**Neese & Associates**  
Civil Engineering & Land Surveying  
Consultants of Professional Engineers  
10401 Wilson Parkway  
Suite 100, P.O. Box 5312  
Midlothian, VA 23113  
Tel: 804-766-4477

APPROVED BY  
Date: \_\_\_\_\_  
Name: \_\_\_\_\_, P.E. (1988)

Date: 10/19/04  
Scale:  
Sheet:  
Sheet No. of

VISION XXV  
 Summary of Trip Generation Calculation  
 For 5 Th.Gr.Sq.Ft. of High Turnover (Sit-Down) Restaurant

---

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	130.34	43.77	1.00	652
7-9 AM Peak Hour Enter	4.82	0.00	1.00	24
7-9 AM Peak Hour Exit	4.45	0.00	1.00	22
7-9 AM Peak Hour Total	9.27	7.46	1.00	46
4-6 PM Peak Hour Enter	6.52	0.00	1.00	33
4-6 PM Peak Hour Exit	4.34	0.00	1.00	22
4-6 PM Peak Hour Total	10.86	9.83	1.00	54
Saturday 2-Way Volume	158.37	0.00	1.00	792
Saturday Peak Hour Enter	12.60	0.00	1.00	63
Saturday Peak Hour Exit	7.40	0.00	1.00	37
Saturday Peak Hour Total	20.00	16.54	1.00	100

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

TRIP GENERATION BY MICROTRANS

VISION XXV  
 Summary of Trip Generation Calculation  
 For 5 Th.Gr.Sq.Ft. of Fast-Food Restaurant with Drive-Thru

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	496.12	242.52	1.00	2481
7-9 AM Peak Hour Enter	25.43	0.00	1.00	127
7-9 AM Peak Hour Exit	24.43	0.00	1.00	122
7-9 AM Peak Hour Total	49.86	29.60	1.00	249
4-6 PM Peak Hour Enter	17.41	0.00	1.00	87
4-6 PM Peak Hour Exit	16.07	0.00	1.00	80
4-6 PM Peak Hour Total	33.48	19.25	1.00	167
Saturday 2-Way Volume	722.03	295.62	1.00	3610
Saturday Peak Hour Enter	30.04	0.00	1.00	150
Saturday Peak Hour Exit	28.87	0.00	1.00	144
Saturday Peak Hour Total	58.91	23.95	1.00	295

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

TRIP GENERATION BY MICROTRANS

VISION XXV  
 Summary of Trip Generation Calculation  
 For 5 Th.Gr.Sq.Ft. of Fast-Food Restaurant without Drive-Thru

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	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	716.00	0.00	1.00	3580
7-9 AM Peak Hour Enter	26.32	0.00	1.00	132
7-9 AM Peak Hour Exit	17.55	0.00	1.00	88
7-9 AM Peak Hour Total	43.87	0.00	1.00	219
4-6 PM Peak Hour Enter	13.34	0.00	1.00	67
4-6 PM Peak Hour Exit	12.81	0.00	1.00	64
4-6 PM Peak Hour Total	26.15	10.51	1.00	131
Saturday 2-Way Volume	696.00	0.00	1.00	3480
Saturday Peak Hour Enter	26.73	0.00	1.00	134
Saturday Peak Hour Exit	27.82	0.00	1.00	139
Saturday Peak Hour Total	54.55	0.00	1.00	273

---

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

TRIP GENERATION BY MICROTRANS

VISION XXV  
 Summary of Trip Generation Calculation  
 For 5 Th.Gr.Sq.Ft. of Convenience Market (Open 24 Hours)

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	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	737.99	336.24	1.00	3690
7-9 AM Peak Hour Enter	32.70	0.00	1.00	164
7-9 AM Peak Hour Exit	32.70	0.00	1.00	164
7-9 AM Peak Hour Total	65.39	28.37	1.00	327
4-6 PM Peak Hour Enter	26.86	0.00	1.00	134
4-6 PM Peak Hour Exit	26.86	0.00	1.00	134
4-6 PM Peak Hour Total	53.73	18.60	1.00	269
Saturday 2-Way Volume	863.10	511.99	1.00	4316
Saturday Peak Hour Enter	31.38	0.00	1.00	157
Saturday Peak Hour Exit	32.67	0.00	1.00	163
Saturday Peak Hour Total	64.05	33.10	1.00	320

---

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

TRIP GENERATION BY MICROTRANS

VISION XXV  
 Summary of Trip Generation Calculation  
 For 5 Th.Gr.Sq.Ft. of Convenience Market with Gasoline Pumps

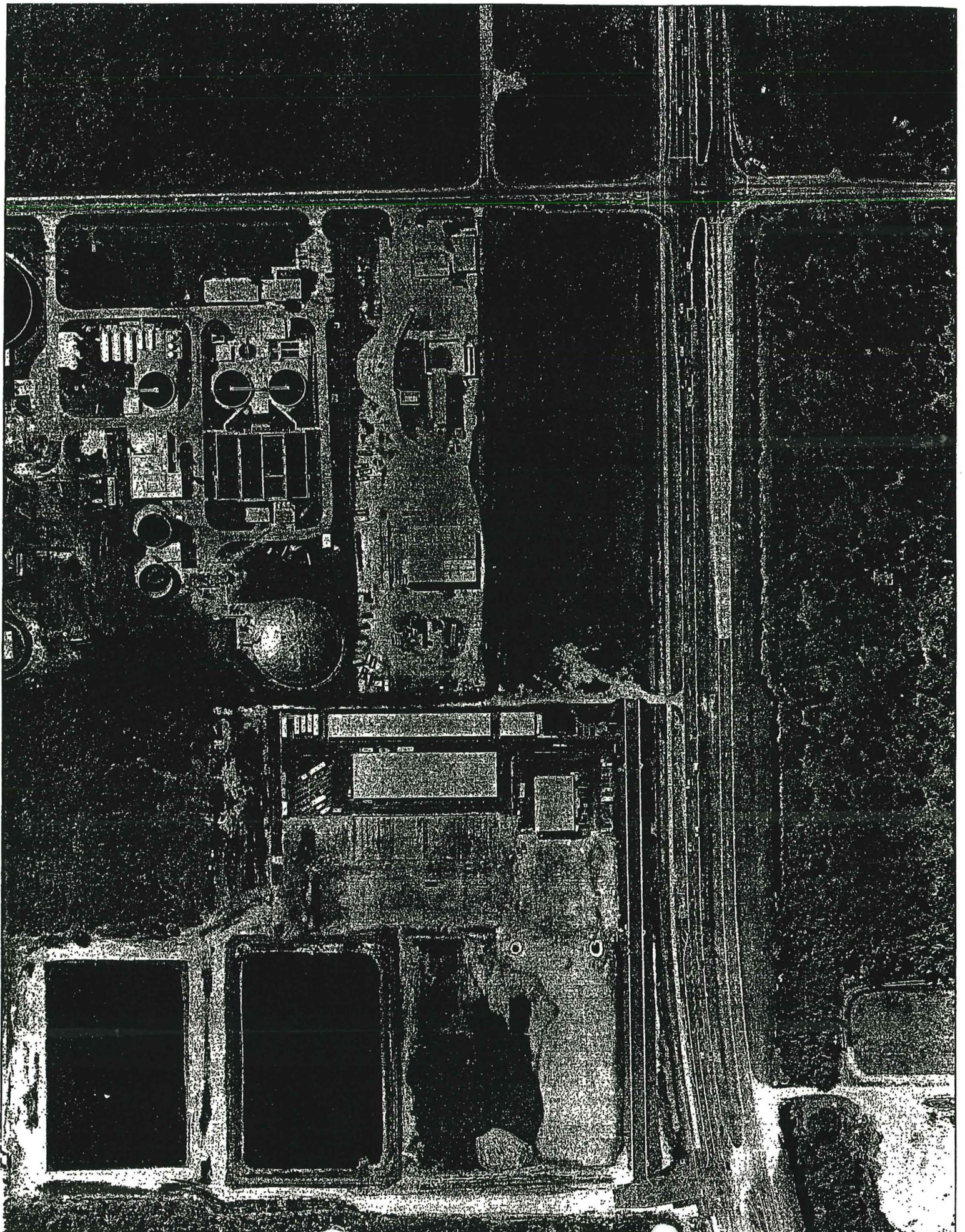
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	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	845.60	163.67	1.00	4228
7-9 AM Peak Hour Enter	22.79	0.00	1.00	114
7-9 AM Peak Hour Exit	22.79	0.00	1.00	114
7-9 AM Peak Hour Total	45.58	18.50	1.00	228
4-6 PM Peak Hour Enter	30.31	0.00	1.00	152
4-6 PM Peak Hour Exit	30.31	0.00	1.00	152
4-6 PM Peak Hour Total	60.61	35.37	1.00	303
Saturday 2-Way Volume	1448.33	735.17	1.00	7242
Saturday Peak Hour Enter	28.90	0.00	1.00	145
Saturday Peak Hour Exit	26.68	0.00	1.00	133
Saturday Peak Hour Total	55.58	0.00	1.00	278

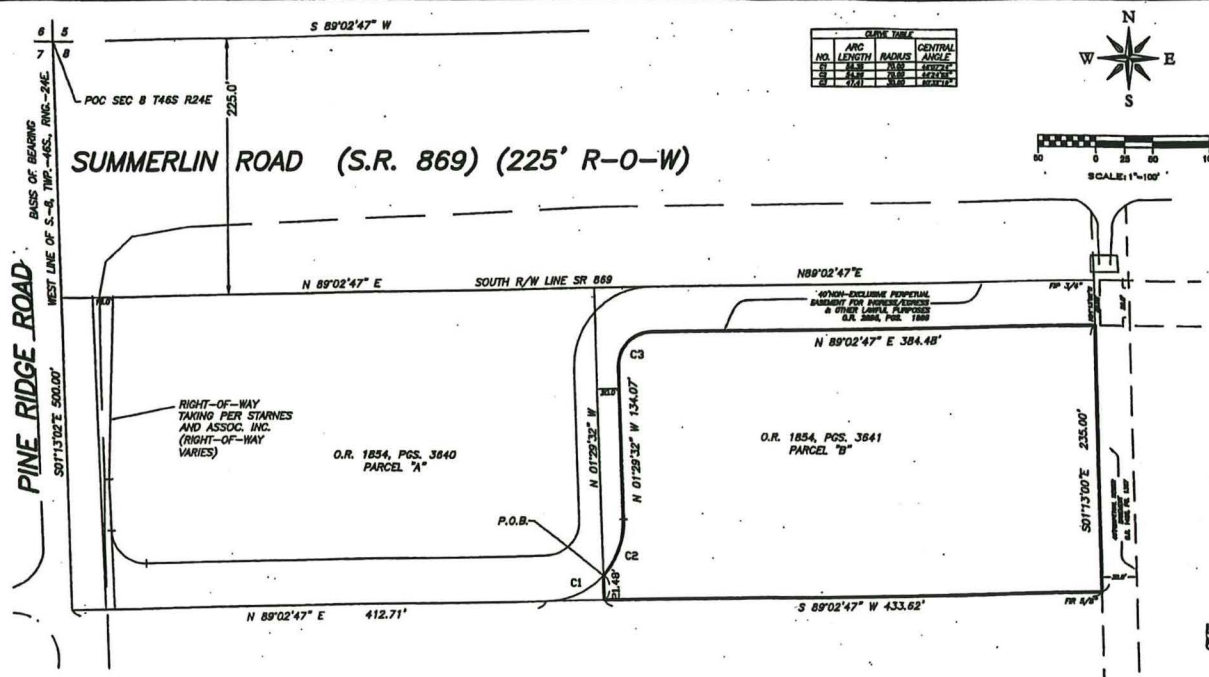
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Note: A zero indicates no data available.  
 Source: Institute of Transportation Engineers  
 Trip Generation, 6th Edition, 1997.

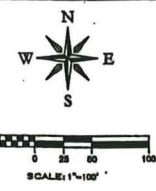
TRIP GENERATION BY MICROTRANS



EPA 2003-00001



ARC NO.	ARC LENGTH	RADIUS	CENTRAL ANGLE
1	134.07	70.00	46°07'24"
2	47.41	30.00	90°32'19"
3	21.48	70.00	17°18'00"



JOB #: 020038.00

**Neese & Associates**  
Civil Engineering & Land Surveying

12661 Metro Parkway Fort Myers, Florida 33912 941-768-0077 Fax: 941-768-3457

SKETCH (NOT A SURVEY)

SKETCH TO ACCOMPANY LEGAL DESCRIPTION (SEE EXHIBIT "A")

VISION XXV  
DON LUCAS

SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST

RECEIVED  
JAN 28 2003  
COMMUNITY DEVELOPMENT  
2003-00001

NOTES:  
1. THIS SKETCH WAS MADE WITHOUT BENEFIT OF A TITLE REPORT.  
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR PURPOSES OF VENDOR, ENCUMBRANCE, CONVEYANCE OR OTHER INSTRUMENTS OF RECORD.  
3. SUBJECT TO ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS OF ANY RECORD.  
4. SKETCH IS IN ACCORDANCE WITH INFORMATION PROVIDED BY CLIENT.  
5. BEARINGS ARE BASED ON THE WEST LINE OF SECTION 8, T46S, R24E AS 301°13'00"E.

EDDIE E. NEESE, P.L.S.  
FLORIDA REGISTRATION NO. 2863

DATE BONDED: FOR NEESE & ASSOCIATES

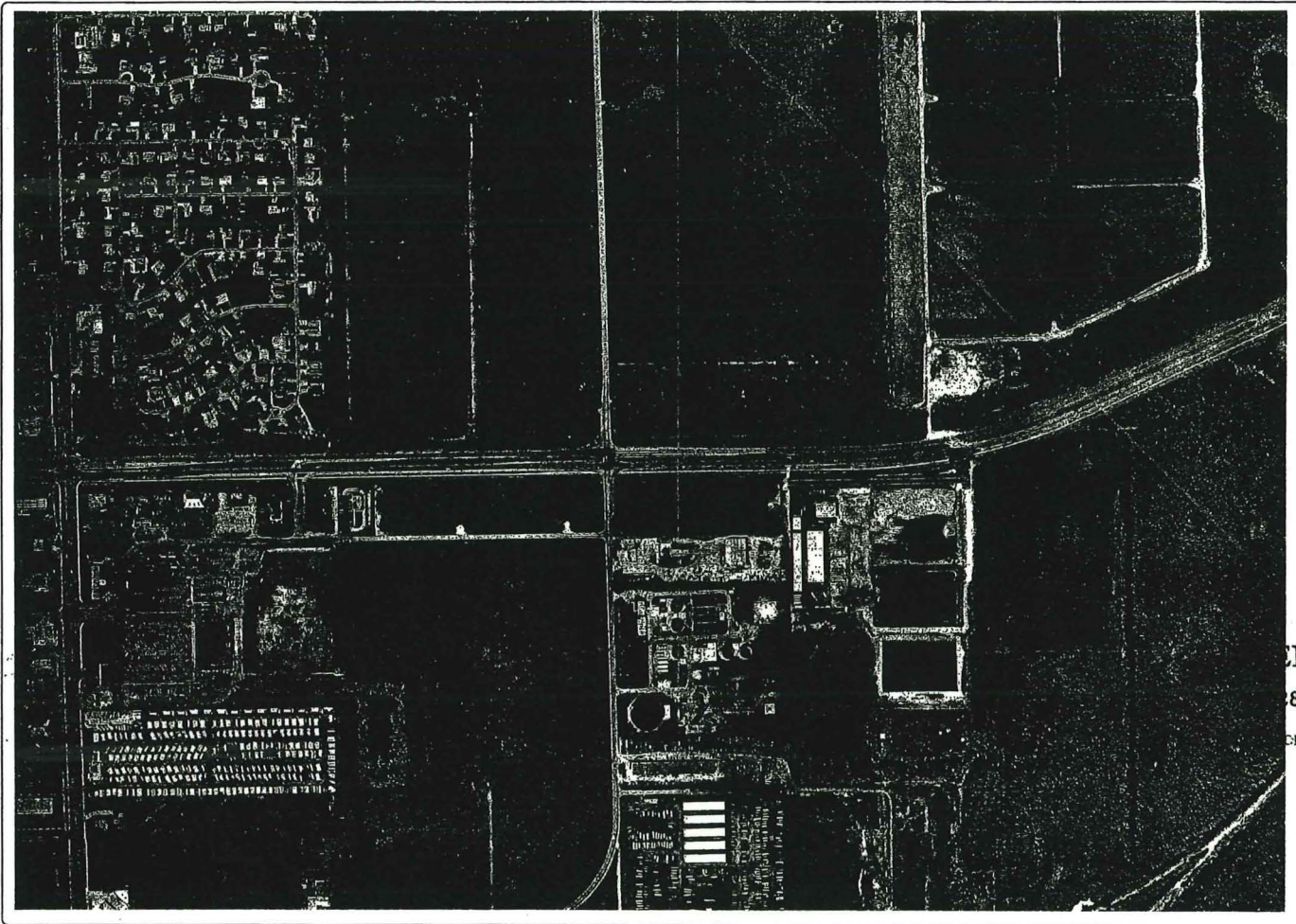
SCALE: 1" = 100' DATE OF SURVEY: NA  
FIELD BOOK NA PAGE NA  
DRAWN BY: MJP DATE DRAWN: 12/11/02  
CHECKED BY: SLS FILE #: 020038-SKETCH-2.DWG

**LEGAL DESCRIPTION**  
PARCEL B IN NW1/4 OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND LYING IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 8, T46S, R24E, IN LEE COUNTY FLORIDA. THENCE RUN S01°13'02"E AS A BASIS OF BEARING FOR 500.00 FEET ALONG THE WEST LINE OF SAID SECTION 8. THENCE RUN N89°02'47"E FOR 412.71 FEET ALONG THE SOUTH LINE OF LANDS DESCRIBED IN OR1854 PG3640 OF THE LEE COUNTY RECORDS TO A POINT OF CURVATURE, THENCE CONTINUE NORTHERLY ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 70.00 FEET THROUGH A CENTRAL ANGLE OF 46°07'24" FOR 58.35 FEET TO WHICH POINT A RADIAL LINE BEARS S47°04'37"E AND THE POINT OF BEGINNING. THENCE CONTINUE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 44°24'59" FOR 54.28 FEET; THENCE N01°29'32"W FOR A DISTANCE OF 134.07 FEET ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OR 2895 PGS 1886-1888 TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 30.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°32'19" FOR A DISTANCE OF 47.41 FEET; THENCE N89°02'47"E FOR A DISTANCE OF 364.48 FEET ALONG THE SOUTH LINE OF THE LANDS DESCRIBED IN OR 2895 PGS 1886-1888; THENCE S01°13'00"E FOR A DISTANCE OF 235.00 FEET ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OR 1854 PG 3641; THENCE S89°02'47"W FOR A DISTANCE OF 433.62 FEET ALONG THE SOUTH LINE OF THE LANDS DESCRIBED IN OR 1854 PG 3641; THENCE N01°29'32"W FOR A DISTANCE OF 21.48 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 2.25 ACRES MORE OR LESS



Scale	1" = 400'
North Arrow	North
Projection	UTM
Zone	18N
Datum	NAD 83
Units	Meters

**Neese & Associates**  
 Consulting Land Surveyors  
 1400-040-0777  
 1400-040-0777  
 1400-040-0777

03-0001

PA 2003

REVEL CP.L.L.C.  
 AERIAL  
 VISION XXV  
 1400-040-0777  
 1400-040-0777  
 1400-040-0777

Scale: 1" = 400'  
 Date: 03/08/03  
 Sheet: 1 of 1



**Neese Associates**  
Civil Engineering & Land Surveying

February 26, 2003  
Job No. 020038.00

Mr. Matt Noble  
Planning Department  
PO Box 398  
Fort Myers, FL 33902

**RE: VISION XXV  
CPA2003-00001**

Dear Mr. Noble:

Enclosed, per our phone conversation, please find revised copies of the land use maps, existing and proposed. Also, please find a copy of the facsimile letter from Stephanie Keyes.

Should you have any questions or require any additional information, please do not hesitate to contact us.

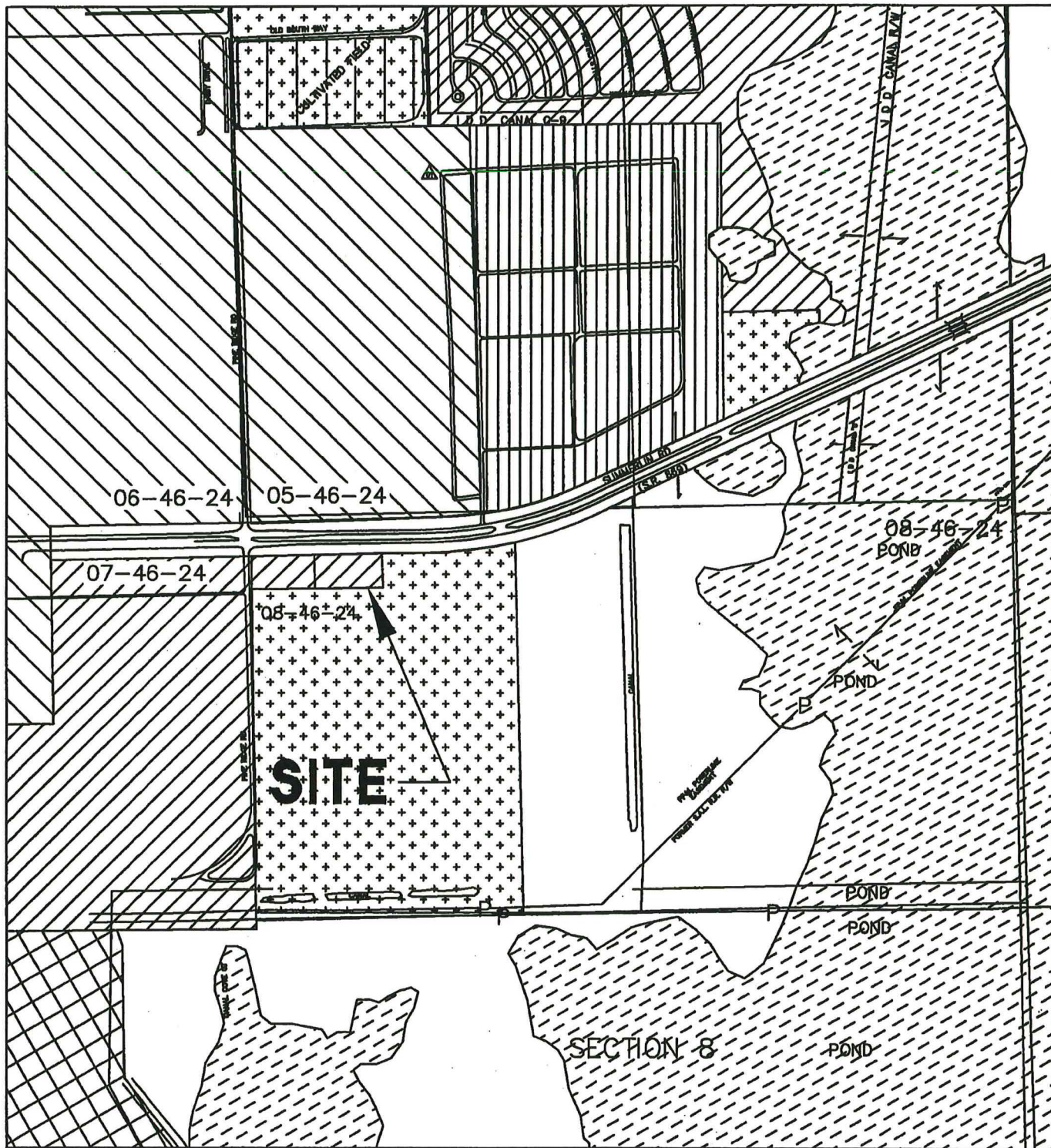
Sincerely,  
**NEESE & ASSOCIATES**



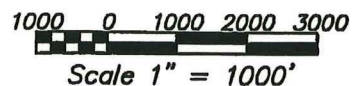
Michael L. Prince

enclosures

cc: Don Lucas w/ attachments



- |  |                   |  |  |
|--|-------------------|--|--|
|  | Central Urban     |  | Industrial Development                         |
|  | Urban Community   |  | Public Facilities                              |
|  | Outlying Suburban |  | Resource Protection Areas and Transition Areas |
|  | Suburban          |  |  |



# PROPOSED FUTURE LAND USE MAP

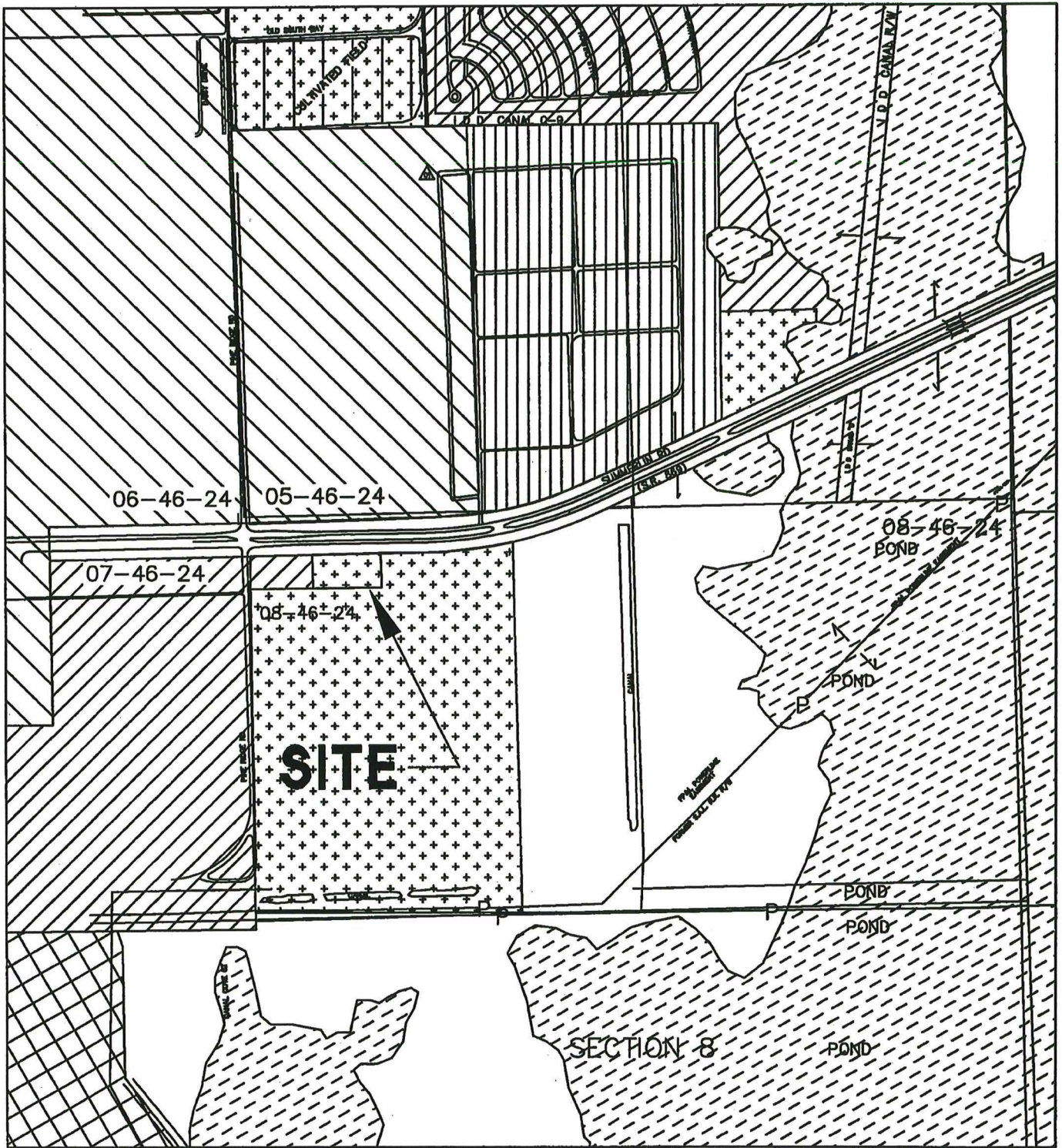
Job No. 000000  
 Date: 08/15/00  
 Scale: 1" = 1000'  
 1 of 1

PROPOSED FUTURE LAND USE MAP  
 OF  
 Vision XXV  
 FOR  
 Sun Lane  
 1500 Courtney Drive, Suite 200  
 Fort Myers, Florida

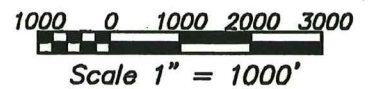
DATE: 08/15/00  
 DRAWN BY: [Blank]  
 CHECKED BY: [Blank]

**Neese & Associates**  
 Civil Engineering & Land Surveying  
 12461 Metro Parkway  
 Fort Myers, Florida 33912  
 941-708-8977  
 Fax 941-708-5497

APPROVED BY: [Blank]  
 Date: 08/15/00  
 Scale: [Blank]  
 Status: [Blank]  
 Name: [Blank]



- |  |                   |  |  |
|--|-------------------|--|--|
|  | Central Urban     |  | Industrial Development                         |
|  | Urban Community   |  | Public Facilities                              |
|  | Outlying Suburban |  | Resource Protection Areas and Transition Areas |
|  | Suburban          |  |  |



# EXISTING FUTURE LAND USE MAP

Job No. 0000000  
 Date, File No.  
 0000-0000.dwg  
 Scale Horizontal  
 Scale Vertical  
 Sheet 1 of 1

EXISTING FUTURE LAND USE MAP  
 OF  
 Vision XXV  
 FOR  
 Sun Lakes  
 1350 Courtney Drive, Suite 200  
 Fort Myers, Florida

DATE: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_

**Neese & Associates**  
 Civil Engineering & Land Surveying  
 12661 Metro Parkway  
 Fort Myers, Florida 33912  
 941-988-8977  
 Fax 941-988-5197

APPROVED BY: \_\_\_\_\_  
 DATE: 02/10/00  
 DESIGN: \_\_\_\_\_  
 CHECKED: \_\_\_\_\_  
 DRAWN BY: MJP



# THE SCHOOL DISTRICT OF LEE COUNTY

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

JEANNE S. OZZIER  
CHAIRMAN • DISTRICT 8

ELINOR C. SCRICCA, Ph.D.  
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK  
DISTRICT 1

JANE E. KUCKEL, Ph.D.  
DISTRICT 2

STEVEN K. TEUBER  
DISTRICT 4

JOHN W. SANDERS, Ed.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

February 26, 2003

Mr. Michael L. Prince  
Neese & Associates  
12661 Metro Parkway  
Fort Myers, FL 33912

Re. Request for Determination of Adequacy  
Proposed Lee County Small Scale Lee Plan Amendment  
Vision XXV, south side of Summerlin Road

Dear Mr. Prince:

This letter is in response to your request for a determination of adequacy from the Lee County School District on a small scale plan amendment you have submitted to Lee County. The proposed change on a 98,445 square foot parcel from Industrial Development to Urban Community could permit the development of up to 13 dwelling units if the plan amendment were to be granted. If bonus densities were granted, up to 22 dwelling units could be built on the parcel. These units could generate approximately 4 to 7 public school students, based on an estimated student generation rate of .32 per dwelling unit.

If you have any further questions or comments, please do not hesitate to give me a call.

Sincerely,

Stephanie Keyes, AICP, Facilities Planner  
Construction Services

cc: Tyler F. Patak, NCARB, Director

~~20-~~Immokalee sand. This is a nearly level, poorly drained soil in flatwoods areas. Slopes are smooth to convex and range from 0 to 2 percent

Typically, the surface layer is black sand about 4 inches thick. The subsurface layer is dark gray sand in the upper 5 inches and light gray sand in the lower 27 inches. The subsoil is sand to a depth of 69 inches. The upper 14 inches is black and firm, the next 5 inches is dark reddish brown, and the lower 14 inches is dark

yellowish brown. The substratum is very pale brown sand to a depth of 80 inches or more.

Included with this soil in mapping are Eau Gallie, Myakka, Oldsmar, Smyrna, and Wabasso soils. Also included are small areas of soils with a subsoil that is low in organic matter content and less than 12 inches

thick. Included soils make up less than 15 percent of any mapped area.

In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months and 10 to 40 inches below the surface for 2 to 6 months. It recedes to a depth of more than 40 inches during extended dry periods.

The available water capacity is medium in the subsoil and very low in the surface and subsurface layers. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and moderate or moderately rapid in the subsoil.

Natural vegetation consists of sawpalmetto, fetterbush, pineland threeawn, and South Florida slash pine.

This soil is poorly suited to cultivated crops because of wetness and poor soil quality. The number of adapted crops is limited unless very intensive management practices are followed. With good water control and soil-improving measures, this soil can be made suitable for

some vegetable crops. A water control system is needed to remove excess water in wet seasons and provide water through subsurface irrigation in dry seasons. Row crops should be rotated with close-growing, soil-improving crops. The rotation should include the soil-improving crops on the land three-fourths of the time. Seedbed preparation should include bedding of the rows. Fertilizer and lime should be added according to the need of the crops.

This soil is poorly suited to citrus unless very intensive management is used. Areas subject to frequent freezing in winter are not suitable. This soil is suitable for citrus only after a carefully designed water control system has been installed that will maintain the water table below a depth of 4 feet.

This soil is well suited to pastures. Pangolagrass, improved bahiagrass, and white clover grow well when they are well managed. Water control measures are needed to remove excess surface water after heavy

rains. Regular applications of fertilizer and lime are needed. Controlling grazing helps to prevent overgrazing and weakening of the plants.

The potential productivity is moderate for South Florida slash pine. Bedding of rows helps in establishing seedlings and in removing excess surface water. The trees should be planted on beds and a vegetative cover maintained between the trees. Regular applications of fertilizer and lime are needed.

This soil has moderate potential for desirable range plant production. The dominant forage is creeping bluestem, lopsided indiagrass, pineland threeawn, and chalky bluestem. Management practices should include deferred grazing and brush control. This Immokalee soil is in the South Florida Flatwoods range site.

This soil has severe limitations for urban development because of the high water table.

This Immokalee soil is in capability subclass IVw.



# THE SCHOOL DISTRICT OF LEE COUNTY

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

101111016

JEANNE S. DOZIER  
CHAIRMAN • DISTRICT 2

ELINOR C. SCRICCA, PH.D.  
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK  
DISTRICT 1

JANE E. KUCKEL, PH.D.  
DISTRICT 3

STEVEN K. TEUBER  
DISTRICT 4

JOHN W. SANDERS, ED.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

March 3, 2003

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

Re: Request for Determination of Adequacy  
Proposed Lee Plan Amendment, PAM CPA 2003-01, Pine Ridge Road

Dear Paul:

This letter is in response to your request for a determination of adequacy from the Lee County School District on a plan amendment submitted to Lee County. The proposal is a FLUM amendment to a change from Industrial Development to Urban Community on 2.25 acres with a maximum density of 6 units per acre.

This proposal would permit the addition of 22 dwelling units with bonus densities granted on the parcel. These units could generate approximately 6 public school students, based on an estimated student generation rate of .31 per dwelling unit. This would create the need for up to one classroom in the District along with ancillary facilities and staff.

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

Sincerely,

Stephanie Keyes, Facilities Planner  
Department of Construction and Planning

cc: Tyler F. Patak, NCARB, Director

LEE COUNTY  
RECEIVED  
03 MAR -5 AM 9:00  
STEPHANIE KEYES/  
FACILITIES PLANNER

# MEMORANDUM

LEE COUNTY  
RECEIVED

03 FEB 28 AM 9:05

COMM. DEV/  
PUB. WORKS. CNTR.  
3RD FLOOR

**To:** Paul O'Connor, Director, Division of Planning  
**From:** John D. Wilson, Director, Division of Public Safety  
**Date:** February 25, 2003  
**Subject:** Response to Privately Initiated Lee Plan Future Land Use Plan Amendment CPA 03-01 from the Division of Public Safety

The following is a response to your February 11, 2003 dated memo requesting input on the adequacy of existing and planned services in the area of the proposed amendment and any negative impact on these services.

## Review of Existing and Planned Services

The proposed plan amendment would allow up to 22 dwelling units (with the bonus density) to be built on the land parcel. The land parcel is located in the Tropical Storm Surge Evacuation Zone and is part of the county's defined Coastal High Hazard Area.

Because the proposed plan amendment increases the number of potential dwelling units exposed to storm surge flooding, this amendment appears inconsistent with the intent of Policy 75.1.4 of the Lee Plan. This policy states that:

"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 (Amended by Ordinance No. 92-45, 94-30)."

Although the current designation may allow more intensive uses, it does not permit residential uses. The proposed amendment would, thereby allowing the residential density to increase in the defined coastal high hazard area.

The 2001 update of the Southwest Florida Regional Hurricane Evacuation Study shows that Lee County's hurricane evacuation times have risen. We are concerned that proposed plan amendments like this, in the cumulative, will not only continue to increase these clearance times, but also unnecessarily expose future coastal populations to flooding impacts.

JDW:cmm

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

# MEMORANDUM

from the  
TRANSIT DIVISION



Your Ride Is Here.

DATE: February 17, 2003

TO: Paul O'Connor, AICP

FROM: Steve Myers *Sm*

RE: CPA 03-01 – Privately Initiated Lee Plan Future Land Use Map Amendment

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

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

LEE COUNTY  
RECEIVED

03 FEB 21 AM 11:13

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

ATTACHMENT 5





**LEE COUNTY**  
SOUTHWEST FLORIDA

**DEPARTMENT OF  
TRANSPORTATION**

To: M. Noble

## Memorandum

To: Paul O'Connor, Division of Planning  
 From: <sup>LW</sup>Lili Wu, Senior Planner  
 Date: February 14, 2003  
 Subject: CPA 03-01 – Privately Initiated Lee Plan  
 Future Land Use Map Amendment

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

03 FEB 18 AM 9:08

LEE COUNTY  
 RECEIVED

We have reviewed the above-referenced application, which requests the land use designation of approximately 2.25 acres be changed from the existing "Industrial Development" to "Urban Community". As indicated by the application, the proposed Urban Community designation would allow a maximum of 22 dwelling units or 100,000 sf of retail in the subject area. After running the FSUTMS travel demand model for the year 2020 condition, we have determined that this land use change will not alter the future road network plans.

Please let me know if you have any questions.

LW/mlb

Cc: David Loveland  
 Central File – Future Land Use Map



**From:** Michael Pavese  
**To:** Dishman, Nichole  
**Date:** 3/10/03 9:17AM  
**Subject:** Re: CPA2002-00001

Nichole, in my opinion the number of potential units would have little or no impact on existing facilities. Staff responded in the way we did based on the representations we received from the applicant.

Michael P. Pavese  
Principal Planner  
Department of Public Works Administration  
pavesemp@leegov.com  
(239)479-8762  
(239)479-8307 (fax)

>>> Nichole Dishman 03/07/03 03:25PM >>>

The Department of Public Works has reviewed the proposed action and provided a letter of response which states, "It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, please note that this determination is based on the proposed commercial use of the subject property which will not result in an increase of the current population in this area of Lee County."

Mike, what would happen if the property owner decided to develop the parcel as residential to its maximum density, which could be as high as 22 dwelling units? Would Parks and Rec still be ok with the amendment? Just want to be sure all our bases are covered since the Urban Community designation would either commercial or residential (however unlikely residential may be at this location). Thanks.

Nichole Dishman, Planner  
Lee County Division of Planning  
PO Box 398  
Fort Myers, FL 33902-0398  
Phone# (239)479-8578

# Interoffice Memo

---

**Date:** 02/14/03

**To:** Nichole Dishman, Division of Planning

**From:** Terry M. Kelley, Emergency Management Coordinator

**RE:** CPA 03-01 – Privately Initiated Lee Plan Future Land Use Map Amendment

---

Staff has reviewed the submittal documents dated February 11, 2003, for the above-referenced development and have concluded there are not any Public Safety/Emergency Management issues involved in changing the 2.25 acres from "Industrial Development" to "Urban Community". Therefore, we won't be issuing any comments or recommendations regarding this project.

T.K.





**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239)479-8578

Bob Janes  
*District One*

February 11, 2003

Douglas R. St. Cerny  
*District Two*

Public Service/Review Agencies  
See Distribution List

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

RE: CPA 03-01 - Privately Initiated Lee Plan Future Land Use Map Amendment

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

Planning Division staff requests your agency's help in reviewing the above referenced Lee Plan amendment. The applicant is proposing to amend the Future Land Use Map (FLUM) designation on land located on the south side of Summerlin Road, east of Pine Ridge Road. The proposal is to amend the Lee Plan, Map 1 (the FLUM), designation of approximately 2.25 acres from "Industrial Development" to "Urban Community." Please go to the Lee County website address shown below to view the application and all supporting data supplied by the applicant: <http://www.lee-county.com/dcd/ComprehensivePlanning/PlanAmendments/SmallScale.htm>

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

The Industrial Development category does not permit dwelling units with the exception of a bona fide caretaker's residence. The Urban Community category standard density range permits up to six dwelling units per acre (6 du/acre). Staff estimates that the proposed Urban Community designation would allow a maximum of 13 dwelling units to be built on the subject property without the need for bonus density approval (a maximum of 22 total units when calculated with the maximum permitted bonus density for an Urban Community designation at 10 units per acre). It is unlikely, given the prime commercial location and existing surrounding uses, that the property owner would elect to pursue residential development on this site.

Planning staff requests that your agency help determine the adequacy of existing and planned services in this area and if the proposal has any negative impact on these services. Planning staff requests that your agency review the proposal and provide written comments as soon as possible but no later than February 25, 2003. If this land use change includes any potential impact to your agencies budget, please include this information in your comments.

Thank you for your attention in this matter. If you have any questions, please do not hesitate to call Nichole Dishman of my staff at 479-8578.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT

PAUL O'CONNOR, AICP  
Director, Division of Planning

Distribution List:

John Wilson, Lee County Public Safety  
Chris Hansen, Lee County Public Safety, EMS  
Rodney Shoap, Lee County Sheriff's Office  
Gerald Adema, Iona/McGregor Fire District, Chief  
Roland E. Ottolini, Lee County Natural Resources Management  
Steven Myers, Lee Tran  
John Yarbrough, Lee County Parks & Recreation  
Stephanie Keyes, Lee County School Board  
Dave Loveland, Lee County Division of Transportation  
Mike Carroll, Lee County Development Services  
Rick Joyce, Lee County Division of Planning, Environmental  
Sciences Program  
Lindsey Sampson, Lee County Environmental Services, Deputy  
Director  
Bill Horner, Lee County Port Authority  
Janet Watermeier, Lee County Economic Development  
Kim Trebatoski, Lee County Division of Planning, Environmental  
Sciences Program  
John Campbell, Lee County Public Safety, Emergency  
Management  
Jim Lavender, Lee County Public Works  
Jerry Murphy, Lee County Development Services  
Rick Diaz, Lee County Utilities  
Pam Houck, Lee County Zoning



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239)479-8578

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

February 24, 2003

Don Lucas  
1950 Courtney Drive, Suite 206  
Fort Myers, FL 33901

RE: CPA2003-00001, Vision XXV


Dear Mr. Lucas:

This letter is intended to follow up the phone conversation of January 21, 2003, between you and Matt Noble, with a formal sufficiency response to the application submitted for Case #CPA2003-00001. During the initial review of your request to change the Future Land Use Classification of a parcel of land approximately 2.25 acres in size from Industrial to Urban Community, staff has determined that the following additional items will be needed in order to complete our review of the application:

- 1) A corrected map showing the existing Future Land Use designations of the subject property and surrounding area (Section IV, A2 of the Comprehensive Plan Amendment Application).
- 2) A map showing the proposed Future Land Use designation of the subject property and the Future Land Use designations of the surrounding area.
- 3) A letter from the Lee County School District which determines the "adequacy/provision of existing/proposed support facilities" (Section IV, B3 of the Comprehensive Plan Amendment Application)

Please do not hesitate to call if you have any questions.

Sincerely,



Nichole M. Dishman, Planner  
Lee County DCD, Division of Planning



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

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239)479-8578

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

March 7, 2003

Don Lucas  
1950 Courtney Drive, Suite 206  
Fort Myers, FL 33901


RE: CPA2003-00001, Vision XXV

Dear Mr. Lucas:

This letter is to inform you that we have received the submittal items that were requested during our initial sufficiency status response. The case file has now been deemed sufficient for review. Additional documentation may be required during evaluation of your plan amendment request, should staff find that it is necessary.

The tentative date for the first public hearing of your plan amendment request, before the Local Planning Agency (LPA), is March 24, 2003. The LPA agenda begins at 8:30am. We will forward a copy of the finalized staff report to you as soon as it is available. Please do not hesitate to call if you have any questions.

Sincerely,



Nichole M. Dishman, Planner  
Lee County DCD, Division of Planning

To: M. Noble



# THE SCHOOL DISTRICT OF LEE COUNTY

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

JEANNE S. DOZIER  
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DISTRICT 3

STEVEN K. TEUBER  
DISTRICT 4

JOHN W. SANDERS, ED.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

March 3, 2003

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

Re: Request for Determination of Adequacy  
Proposed Lee Plan Amendment, PAM CPA 2003-01, Pine Ridge Road

Dear Paul:

This letter is in response to your request for a determination of adequacy from the Lee County School District on a plan amendment submitted to Lee County. The proposal is a FLUM amendment to a change from Industrial Development to Urban Community on 2.25 acres with a maximum density of 6 units per acre.

This proposal would permit the addition of 22 dwelling units with bonus densities granted on the parcel. These units could generate approximately 6 public school students, based on an estimated student generation rate of .31 per dwelling unit. This would create the need for up to one classroom in the District along with ancillary facilities and staff.

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

Sincerely,

Stephanie Keyes, Facilities Planner  
Department of Construction and Planning

cc: Tyler F. Patak, NCARB, Director

03 MAR -5 AM 9:00  
LEE COUNTY  
RECEIVED  
COMM. DEV/  
PUB. WORKS. CNTR.  
SP-0000 FL00R



Neese & Associates  
Civil Engineering & Land Surveying

February 26, 2003  
Job No. 020038.00

Mr. Matt Noble  
Planning Department  
PO Box 398  
Fort Myers, FL 33902

**RE: VISION XXV  
CPA2003-00001**

Dear Mr. Noble:

Enclosed, per our phone conversation, please find revised copies of the land use maps, existing and proposed. Also, please find a copy of the facsimile letter from Stephanie Keyes.

Should you have any questions or require any additional information, please do not hesitate to contact us.

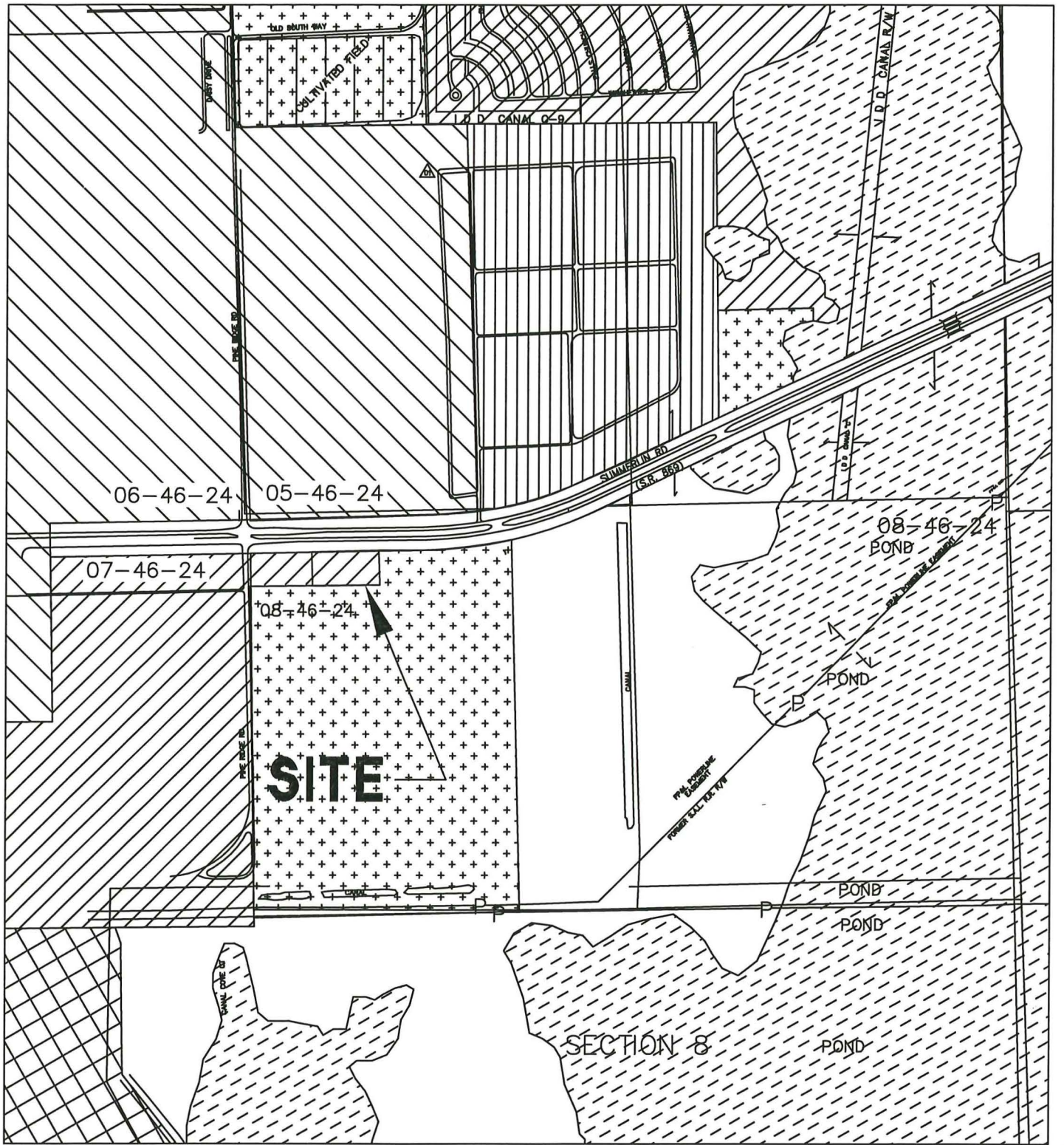
Sincerely,  
**NEESE & ASSOCIATES**



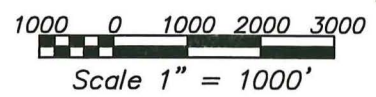
Michael L. Prince

enclosures

cc: Don Lucas w/ attachments



- |  |                   |  |  |
|--|-------------------|--|--|
|  | Central Urban     |  | Industrial Development                         |
|  | Urban Community   |  | Public Facilities                              |
|  | Outlying Suburban |  | Resource Protection Areas and Transition Areas |
|  | Suburban          |  |  |



# PROPOSED FUTURE LAND USE MAP





# THE SCHOOL DISTRICT OF LEE COUNTY

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

JEANNE S. DOZIER  
CHAIRMAN - DISTRICT 2

ELINOR C. SCRICCA, Ph.D.  
VICE CHAIRMAN - DISTRICT 5

ROBERT D. CHILMONK  
DISTRICT 1

JANE E. KUCKEL, Ph.D.  
DISTRICT 3

STEVEN K. TEUBER  
DISTRICT 4

JOHN W. SANDERS, Ed.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

February 26, 2003

Mr. Michael L. Prince  
Neese & Associates  
12661 Metro Parkway  
Fort Myers, FL 33912

Re Request for Determination of Adequacy  
Proposed Lee County Small Scale Lee Plan Amendment  
Vision XXV, south side of Summerlin Road

Dear Mr. Prince:

This letter is in response to your request for a determination of adequacy from the Lee County School District on a small scale plan amendment you have submitted to Lee County. The proposed change on a 98,445 square foot parcel from Industrial Development to Urban Community could permit the development of up to 13 dwelling units if the plan amendment were to be granted. If bonus densities were granted, up to 22 dwelling units could be built on the parcel. These units could generate approximately 4 to 7 public school students, based on an estimated student generation rate of .32 per dwelling unit.

If you have any further questions or comments, please do not hesitate to give me a call.

Sincerely,

Stephanie Keyes, AICP, Facilities Planner  
Construction Services

cc: Tyler F. Patak, NCARB, Director


T.M. Noble

LEE COUNTY  
RECEIVED

03 FEB 28 AM 9:05

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

# MEMORANDUM

**To:** Paul O'Connor, Director, Division of Planning  
**From:** John D. Wilson, Director, Division of Public Safety   
**Date:** February 25, 2003  
**Subject:** Response to Privately Initiated Lee Plan Future Land Use Plan Amendment CPA 03-01 from the Division of Public Safety

The following is a response to your February 11, 2003 dated memo requesting input on the adequacy of existing and planned services in the area of the proposed amendment and any negative impact on these services.

## Review of Existing and Planned Services

The proposed plan amendment would allow up to 22 dwelling units (with the bonus density) to be built on the land parcel. The land parcel is located in the Tropical Storm Surge Evacuation Zone and is part of the county's defined Coastal High Hazard Area.

Because the proposed plan amendment increases the number of potential dwelling units exposed to storm surge flooding, this amendment appears inconsistent with the intent of Policy 75.1.4 of the Lee Plan. This policy states that:

"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 (Amended by Ordinance No. 92-45, 94-30)."

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The 2001 update of the Southwest Florida Regional Hurricane Evacuation Study shows that Lee County's hurricane evacuation times have risen. We are concerned that proposed plan amendments like this, in the cumulative, will not only continue to increase these clearance times, but also unnecessarily expose future coastal populations to flooding impacts.

JDW:cmm

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



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239)479-8578

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

February 24, 2003

Don Lucas  
1950 Courtney Drive, Suite 206  
Fort Myers, FL 33901

RE: CPA2003-00001, Vision XXV

Dear Mr. Lucas:

This letter is intended to follow up the phone conversation of January 21, 2003, between you and Matt Noble, with a formal sufficiency response to the application submitted for Case #CPA2003-00001. During the initial review of your request to change the Future Land Use Classification of a parcel of land approximately 2.25 acres in size from Industrial to Urban Community, staff has determined that the following additional items will be needed in order to complete our review of the application:

- 1) A corrected map showing the existing Future Land Use designations of the subject property and surrounding area (Section IV, A2 of the Comprehensive Plan Amendment Application).
- 2) A map showing the proposed Future Land Use designation of the subject property and the Future Land Use designations of the surrounding area.
- 3) A letter from the Lee County School District which determines the "adequacy/provision of existing/proposed support facilities" (Section IV, B3 of the Comprehensive Plan Amendment Application)

Please do not hesitate to call if you have any questions.

Sincerely,



Nichole M. Dishman, Planner  
Lee County DCD, Division of Planning

# Interoffice Memo

**Date:** 02/14/03

**To:** Nichole Dishman, Division of Planning

**From:** Terry M. Kelley, Emergency Management Coordinator

**RE:** CPA 03-01 – Privately Initiated Lee Plan Future Land Use Map Amendment

---

Staff has reviewed the submittal documents dated February 11, 2003, for the above-referenced development and have concluded there are not any Public Safety/Emergency Management issues involved in changing the 2.25 acres from "Industrial Development" to "Urban Community". Therefore, we won't be issuing any comments or recommendations regarding this project.

T.K.

To: M. Noble



**LEE COUNTY**  
SOUTHWEST FLORIDA

**DEPARTMENT OF  
TRANSPORTATION**

## Memorandum

To: Paul O'Connor, Division of Planning

From: <sup>LWU</sup> Lili Wu, Senior Planner

Date: February 14, 2003

Subject: CPA 03-01 – Privately Initiated Lee Plan  
Future Land Use Map Amendment

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

03 FEB 18 AM 9:08

LEE COUNTY  
RECEIVED

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We have reviewed the above-referenced application, which requests the land use designation of approximately 2.25 acres be changed from the existing "Industrial Development" to "Urban Community". As indicated by the application, the proposed Urban Community designation would allow a maximum of 22 dwelling units or 100,000 sf of retail in the subject area. After running the FSUTMS travel demand model for the year 2020 condition, we have determined that this land use change will not alter the future road network plans.

Please let me know if you have any questions.

LW/mlb

Cc: David Loveland  
Central File – Future Land Use Map

# MEMORANDUM

from the  
TRANSIT DIVISION



Your Ride Is Here.

**DATE:** February 17, 2003

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

**FROM:** Steve Myers

A handwritten signature in black ink, appearing to read "Sm".

**RE:** CPA 03-01 – Privately Initiated Lee Plan Future Land Use Map Amendment

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

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

LEE COUNTY  
RECEIVED  
03 FEB 21 AM 11:13  
COMM. DEV/  
PUB. WORKS. CNTR.  
SECOND FLOOR



BOARD OF COUNTY COMMISSIONERS

2/12/03 ✓ Mailed  
(239)479-8578

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

Bob Janes  
District One

February 11, 2003

Douglas R. St. Cerny  
District Two

Public Service/Review Agencies  
See Distribution List

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

RE: CPA 03-01 - Privately Initiated Lee Plan Future Land Use Map Amendment

Donald D. Stilwell  
County Manager

Planning Division staff requests your agency's help in reviewing the above referenced Lee Plan amendment. The applicant is proposing to amend the Future Land Use Map (FLUM) designation on land located on the south side of Summerlin Road, east of Pine Ridge Road. The proposal is to amend the Lee Plan, Map 1 (the FLUM), designation of approximately 2.25 acres from "Industrial Development" to "Urban Community." Please go to the Lee County website address shown below to view the application and all supporting data supplied by the applicant: <http://www.lee-county.com/dcd/ComprehensivePlanning/PlanAmendments/SmallScale.htm>

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing Examiner

The Industrial Development category does not permit dwelling units with the exception of a bona fide caretaker's residence. The Urban Community category standard density range permits up to six dwelling units per acre (6 du/acre). Staff estimates that the proposed Urban Community designation would allow a maximum of 13 dwelling units to be built on the subject property without the need for bonus density approval (a maximum of 22 total units when calculated with the maximum permitted bonus density for an Urban Community designation at 10 units per acre). It is unlikely, given the prime commercial location and existing surrounding uses, that the property owner would elect to pursue residential development on this site.

Planning staff requests that your agency help determine the adequacy of existing and planned services in this area and if the proposal has any negative impact on these services. Planning staff requests that your agency review the proposal and provide written comments as soon as possible but no later than February 25, 2003. If this land use change includes any potential impact to your agencies budget, please include this information in your comments.

Thank you for your attention in this matter. If you have any questions, please do not hesitate to call Nichole Dishman of my staff at 479-8578.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT

A handwritten signature in blue ink that reads "Paul O'Connor".

PAUL O'CONNOR, AICP  
Director, Division of Planning

Distribution List:

John Wilson, Lee County Public Safety  
Chris Hansen, Lee County Public Safety, EMS  
Rodney Shoap, Lee County Sheriff's Office  
Gerald Adema, Iona/McGregor Fire District, Chief  
Roland E. Ottolini, Lee County Natural Resources Management  
Steven Myers, Lee Tran  
John Yarbrough, Lee County Parks & Recreation  
Stephanie Keyes, Lee County School Board  
Dave Loveland, Lee County Division of Transportation  
Mike Carroll, Lee County Development Services  
Rick Joyce, Lee County Division of Planning, Environmental  
Sciences Program  
Lindsey Sampson, Lee County Environmental Services, Deputy  
Director  
Bill Horner, Lee County Port Authority  
Janet Watermeier, Lee County Economic Development  
Kim Trebatoski, Lee County Division of Planning, Environmental  
Sciences Program  
John Campbell, Lee County Public Safety, Emergency  
Management  
Jim Lavender, Lee County Public Works  
Jerry Murphy, Lee County Development Services  
Rick Diaz, Lee County Utilities  
Pam Houck, Lee County Zoning

Change John Campbell  
to Gerald Campbell  
w/ Lee Co. Public Safety  
Emergency Mgmt.

**ORIGINAL**  
**SUBMITTAL**  
**APPLICATION**



January 28, 2003  
Job No. 020038.00

Mr. Paul O'Connor  
Director of Planning  
PO Box 398  
Fort Myers, FL 33902

**RE: VISION XXV  
LEE COUNTY SMALL SCALE COMP PLAN AMENDMENT**

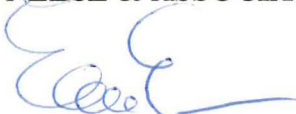
Dear Mr. O'Connor:

Enclosed, please find six (6) copies of the application for a small-scale comprehensive plan amendment and the required amendment support documentation. Also enclosed please find the application fee in the amount of \$1,500.00 made out to the Lee County BOCC for the above referenced project.

The proposed amendment is for a land use change from Industrial Development to Urban Community for the development of commercial facilities on 98,455 S.F. of vacant industrial zoned (IPD) lands situated on the south side of Summerlin Road, lying in Section 8, Township 46 South, Range 24 East, Lee County.

Should you have any questions or require any additional information, please do not hesitate to contact me. Your assistance is greatly appreciated.

Sincerely,  
**NEESE & ASSOCIATES**



Eddie E. Neese, P.E.  
President

enclosures

cc: Don Lucas w/ attachments

**RECEIVED**  
*Julie*  
JAN 28 2003

**COMMUNITY DEVELOPMENT**

**CPA 2003-00001**



LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as 17901 SUMMERLIN ROAD, FORT MYERS, FL 33908 and legally described in exhibit A attached hereto.

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

Glenn M. DeCrona, General Partner VISION XXV  
Owner\*(signature) Owner\*(signature)

Diane M. DeCrona  
Printed Name Printed Name

Owner\*(signature) Owner\*(signature)

Printed Name Printed Name

Owner\*(signature) Owner\*(signature)

Printed Name Printed Name

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 24<sup>th</sup> day of January, 2003, by Glenn M. DeCrona, who is personally known to me or who has produced as identification and who did (did not) take an oath.

(SEAL)

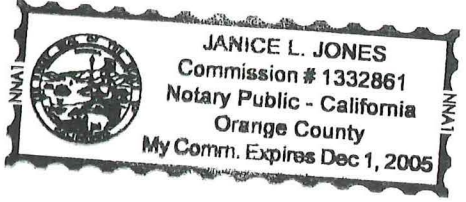
Janice L. Jones  
Notary Public  
JANICE L. JONES  
(Name typed, printed or stamped)

\*If more than one owner then all owners must sign. See explanation on back.

RECEIVED

JAN 28 2003

COMMUNITY DEVELOPMENT  
CPA 2003-00001





**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: \_\_\_\_\_

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

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

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

THE FOLLOWING VERIFIED:

Zoning

Commissioner District

Designation on FLUM

(To be completed by Planning Staff)

Plan Amendment Cycle:  Normal  Small Scale  DRI  Emergency

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

**APPLICANT PLEASE NOTE:**

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: 60

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.

1-27-03  
DATE

Donald R. Lucas  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

Don Lucas

APPLICANT

1950 Courtney Drive, Suite 206

ADDRESS

Fort Myers

Florida

33901

CITY

STATE

ZIP

239-274-7744

239-274-7749

TELEPHONE NUMBER

FAX NUMBER

Don Lucas

AGENT\*

1950 Courtney Drive, Suite 206

ADDRESS

Fort Myers

Florida

33901

CITY

STATE

ZIP

239-274-7744

239-274-7749

TELEPHONE NUMBER

FAX NUMBER

VISION XXV, A CALIFORNIA LIMITED PARTNERSHIP

OWNER(S) OF RECORD

C/O JAMES L. NICHOLS, ATTORNEY 8191 COLLEGE PARKWAY SUITE 204

ADDRESS

FORT MYERS

Florida

33919

CITY

STATE

ZIP

239- 433-1305

239- 482-1007

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.

Eddie E. Neese  
Neese & Associates  
12661 Metro Parkway  
Fort Myers, Florida 33912  
Tel. 239-768-0077  
Fax: 239-768-3457

**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  
1 Map – Future Landuse Map

B. SUMMARY OF REQUEST (Brief explanation):

CHANGE LAND USE MAP FROM INDUSTRIAL TO URBAN COMMUNITY  
TO ALLOW MORE APPROPRIATE DEVELOPMENT FOR HIGH  
VISIBILITY – TOURIST ORIENTED SECTION OF SUMMERLIN ROAD

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

A. Property Location: SE corner of Intersection of Summerlin Rd & Pine Ridge Rd

1. Site Address: 17901 SUMMERLIN ROAD

2. STRAP(s): 08-4624-00-00001.003A

B. Property Information

Total Acreage of Property: 2.25 acres

Total Acreage included in Request: 2.25 acres

Area of each Existing Future Land Use Category: \_\_\_\_\_

Total Uplands: 2.25 acres

Total Wetlands: None

Current Zoning: Industrial Planned Development

Current Future Land Use Designation: Industrial

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:

Change to Urban Community

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density Not Permitted

Commercial intensity 10% Anc. comm. (may not exceed 30,000 SF per dev.)

Industrial intensity Reserved mainly for industrial activities

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density 6 du / acre

Commercial intensity 30,000 – 100,000 SF

Industrial intensity light industrial purposes (Policy 7.1.6)

#### 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, **DONALD R. LUCAS**, 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.

*Donald R. Lucas*  
Signature of owner or owner-authorized agent

1-27-03  
Date

**DONALD R. LUCAS**

Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 27<sup>th</sup> day of JANUARY 2003  
by \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_  
as identification.



A handwritten signature in black ink, appearing to read 'Eddie E. Reese', written over a horizontal line.

Signature of notary public

EDDIE E. REESE

Printed name of notary public

**LEGAL DESCRIPTION**

**PARCEL B  
IN THE NW1/4 OF  
SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA**

A TRACT OR PARCEL OF LAND LYING IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 8, T46S, R24E, IN LEE COUNTY FLORIDA. THENCE RUN S01°13'02"E AS A BASIS OF BEARING FOR 500.00 FEET ALONG THE WEST LINE OF SAID SECTION 8. THENCE RUN N89°02'47"E FOR 412.71 FEET ALONG THE SOUTH LINE OF LANDS DESCRIBED IN OR 1854 PG 3640 OF THE LEE COUNTY RECORDS TO A POINT OF CURVATURE, THENCE CONTINUE NORTHERLY ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 70.00 FEET THROUGH A CENTRAL ANGLE OF 46°07'24" FOR 56.35 FEET TO WHICH POINT A RADIAL LINE BEARS S47°04'37"E AND THE POINT OF BEGINNING. THENCE CONTINUE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 44°24'55" FOR 54.26 FEET; THENCE N01°29'32"W FOR A DISTANCE OF 134.07 FEET ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OR 2895 PGS 1886-1888 TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 30.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°32'19" FOR A DISTANCE OF 47.41 FEET; THENCE N89°02'47"E FOR A DISTANCE OF 384.48 FEET ALONG THE SOUTH LINE OF THE LANDS DESCRIBED IN OR 2895 PGS 1886-1888; THENCE S01°13'00"E FOR A DISTANCE OF 235.00 FEET ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OR 1854 PG 3641; THENCE S89°02'47"W FOR A DISTANCE OF 433.62 FEET ALONG THE SOUTH LINE OF THE LANDS DESCRIBED IN OR 1854 PG 3641; THENCE N01°29'32"W FOR A DISTANCE OF 21.48 FEET TO THE POINT OF BEGINNING.

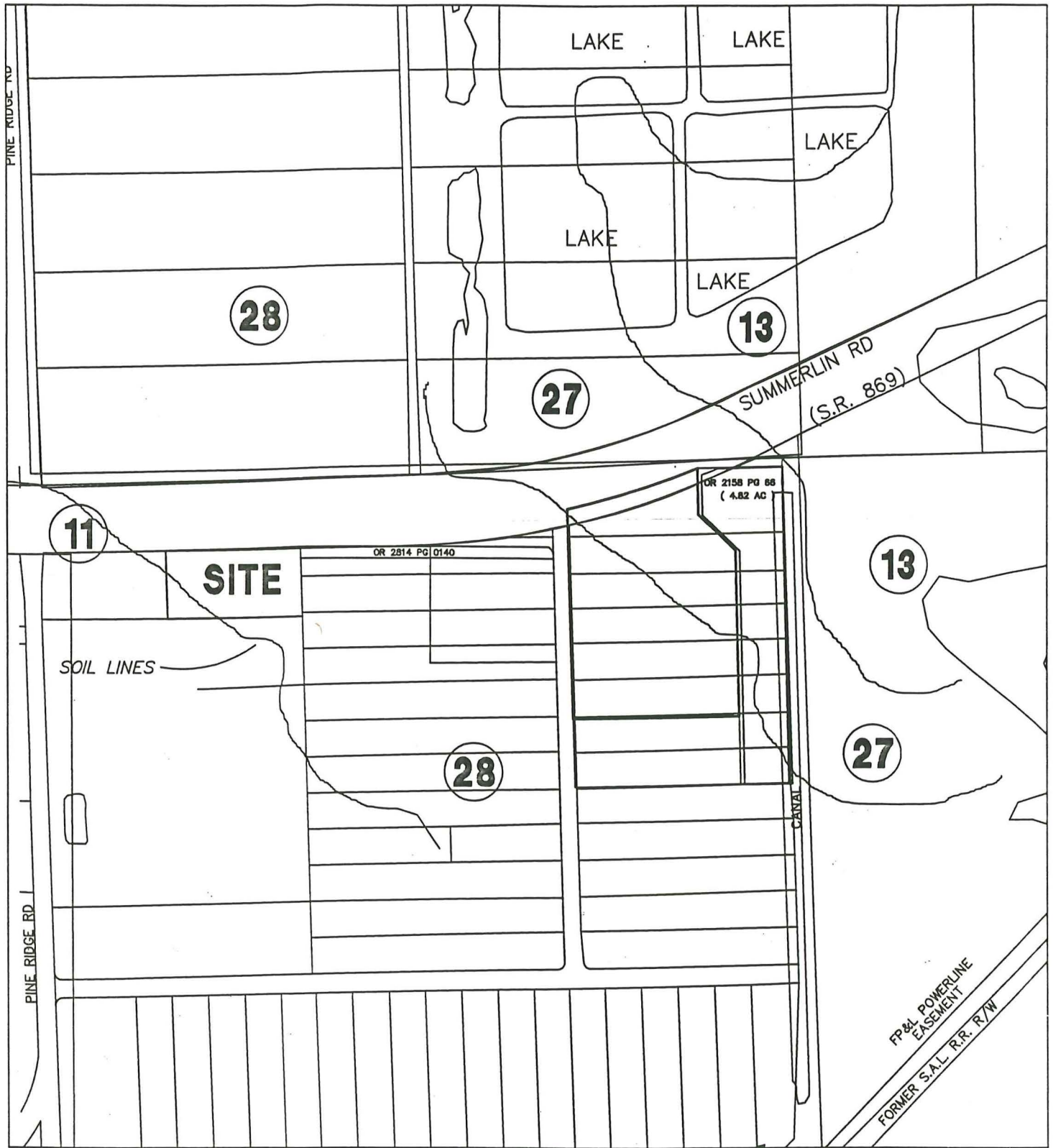
PARCEL CONTAINS 2.25 ACRES MORE OR LESS

RECEIVED

JAN 28 2003

COMMUNITY DEVELOPMENT

CPA 2003-00001



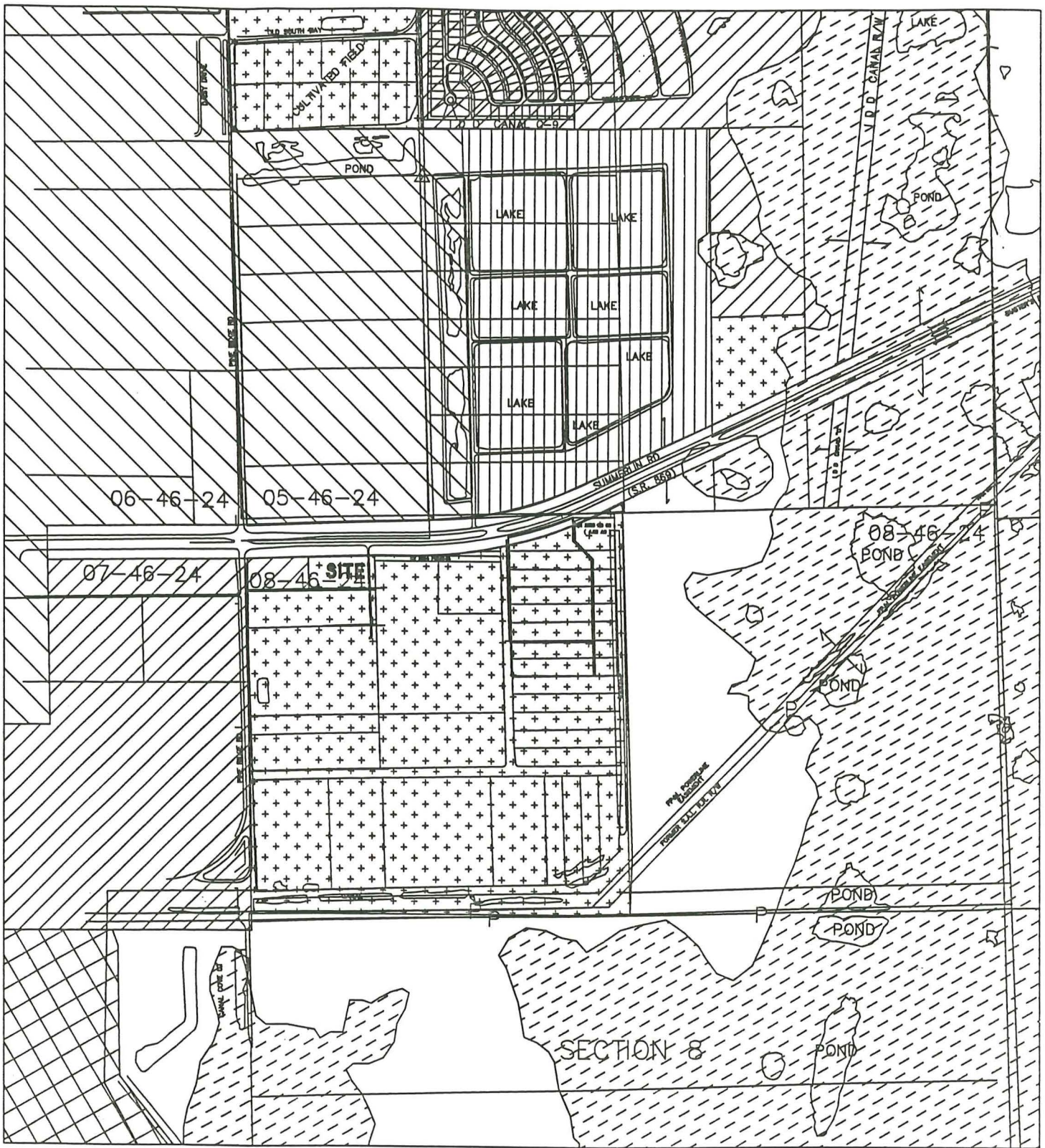
SOILS LEGEND







- ⑬ Boca fine sand
- ⑲ Pomoano fine Sand, Depressional
- ⑳ Immokalee sand
- ⑪ Myakka fine sand

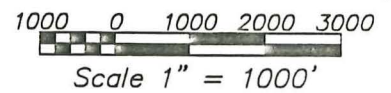
SOILS INFORMATION WAS OBTAINED FROM THE LEE COUNTY SOIL SURVEY BY THE SOIL CONSERVATION SERVICE OF THE U.S.D.A.

# EXISTING SOILS MAP

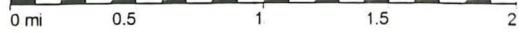
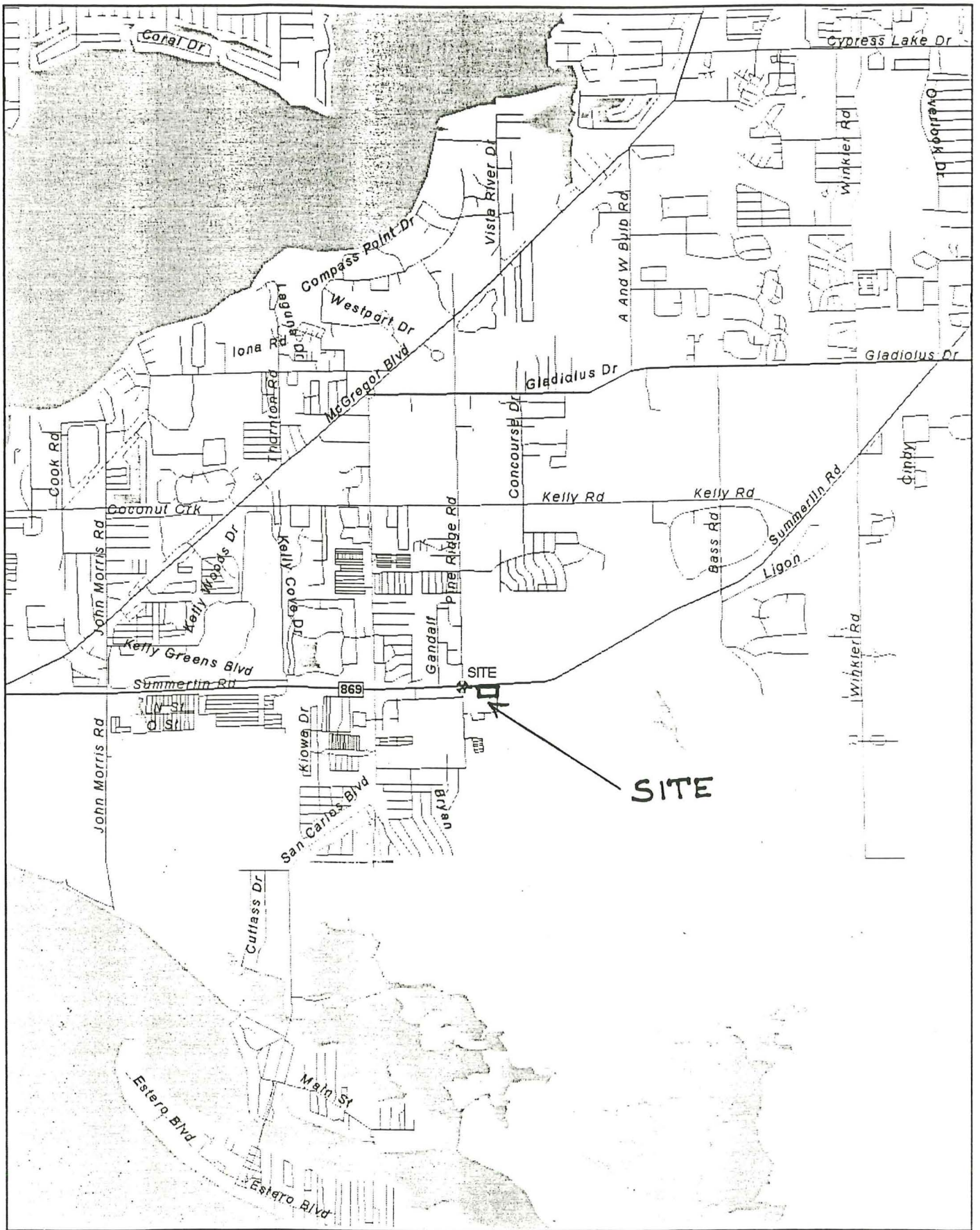




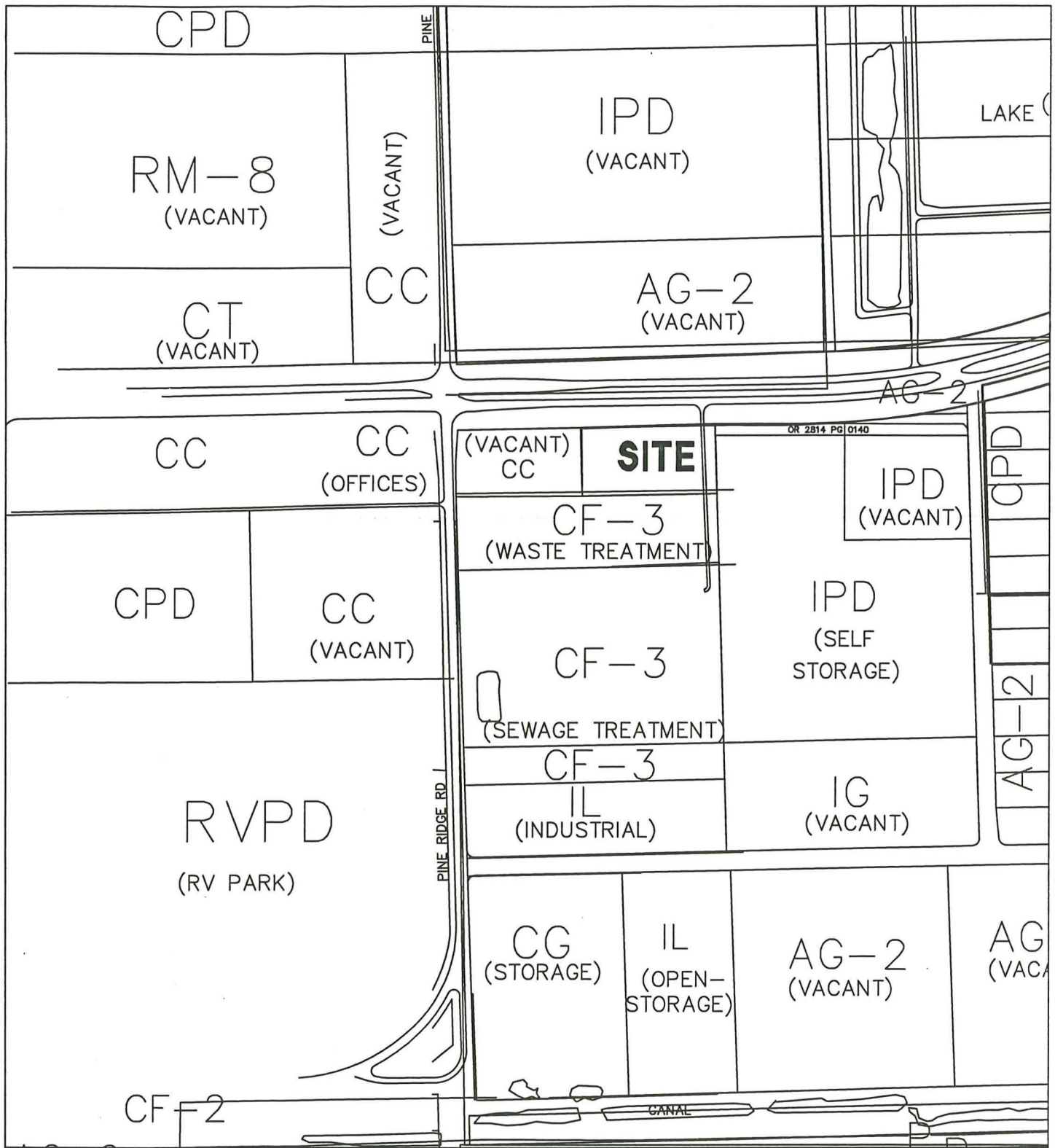
- |   |  |
|---|--|
|  Central Urban   |  Industrial Development                         |
|  Urban Community |  Public Facilities                              |
|  Suburban        |  Resource Protection Areas and Transition Areas |



# FUTURE LAND USE MAP



MICROSOFT AUTOMAP  
**Streets Plus**



# EXISTING LAND USE/ZONING

**NATIONAL FLOOD INSURANCE PROGRAM**

**FIRM  
FLOOD INSURANCE RATE MAP**

COUNTY OF  
**LEE,**  
**FLORIDA**  
(UNINCORPORATED AREAS)

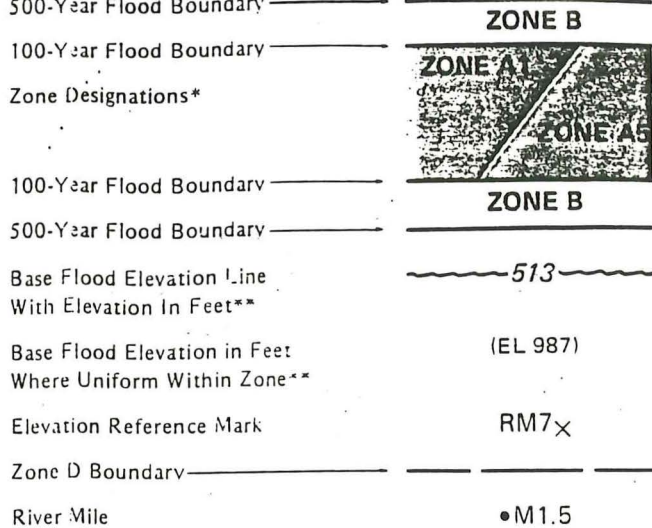
**PANEL 435 OF 550**  
(SEE MAP INDEX FOR PANELS NOT PRINTED)

**COMMUNITY-PANEL NUMBER**  
125124 0435 B

**EFFECTIVE DATE:**  
SEPTEMBER 19, 1984



Federal Emergency Management Agency



\*\*Referenced to the National Geodetic Vertical Datum of 1929

**\*EXPLANATION OF ZONE DESIGNATIONS**

ZONE	EXPLANATION
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
A0	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
AH	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
A99	Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
B	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
C	Areas of minimal flooding. (No shading)
D	Areas of undetermined, but possible, flood hazards.
V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
V1-V30	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

**NOTES TO USER**

Certain areas not in the special flood hazard areas (Zones A and V) may be protected by flood control structures.

This map is for flood insurance and flood plain management purposes only; it does not necessarily show all areas subject to flooding in the community or all planimetric features outside special flood hazard areas.

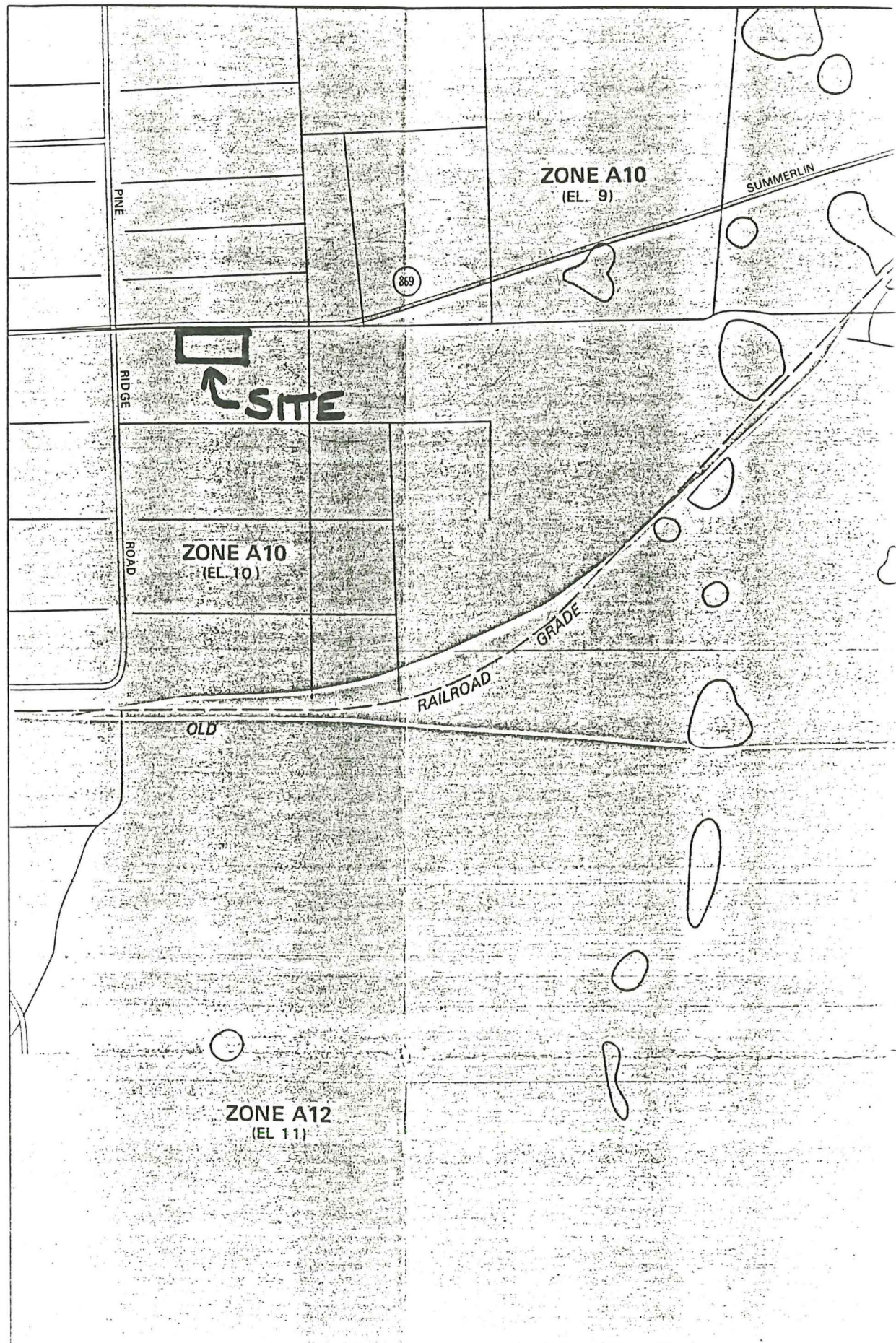
The coastal flooding elevations shown may include the effects of wave action and may differ significantly from those developed by the National Weather Service for hurricane evacuation planning. Coastal base flood elevations apply only landward of the shoreline shown on this map.

For adjoining map panels, see separately printed Map Index.

INITIAL IDENTIFICATION:

SEPTEMBER 19, 1984

FLOOD HAZARD BOUNDARY MAP REVISIONS



ZONE A10  
(EL. 9)

PINE

SUMMERLIN

869

RIDGE

 **SITE**

ZONE A10  
(EL. 10)

ROAD

RAILROAD  
GRADE

OLD

ZONE A12  
(EL. 11)

# Soils Description

## From Lee County Soils Survey

**11-Myakka fine sand.** This is a nearly level, poorly drained soil on broad flatwoods areas. Slopes are smooth to slightly concave and range from 0 to 2 percent.

Typically, the surface layer is very dark gray fine sand about 3 inches thick. The subsurface layer is fine sand about 23 inches thick. In the upper 3 inches it is gray, and in the lower 20 inches it is light gray. The subsoil is fine sand to a depth of 80 inches or more. The upper 4 inches is black and firm, the next 5 inches is dark reddish brown and friable, the next 17 inches is black and firm, the next 11 inches is dark reddish brown and friable, and the lower 17 inches is mixed black and dark reddish brown and friable.

Included with this soil in mapping are areas of EauGallie, Immokalee, Oldsmar, Smyran, and Wabasso soils. Also included are small areas of similar soils with subsoils low in organic matter content and less than 12 inches thick. Included soils make 10 to 15 percent of any mapped area.

In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months and 10 to 40 inches below the surface for 2 to 6 months. It is more than 40 inches below the surface during extended dry periods.

The available water capacity is medium in the subsoil and very low in the surface and subsurface layers. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and moderate to moderately rapid in the subsoil.

Natural vegetation consists of sawpalmetto, fetterbush, pineland threeawn, and South Florida slash pine.

This soil is poorly suited to cultivated crops because of wetness and poor soil quality. The number of adapted crops is limited unless very intensive management practices are followed. With good water control and soil improving measures, the soil can be made suitable for some vegetable crops. A water control system is needed to remove excess water in wet seasons and provide water through subsurface irrigation in dry seasons. Row crops should be rotated with close-growing, soil-improving crops. The rotation should keep the soil-improving crops on the land three-fourths of the time. Seedbed preparation should include bedding of the rows. Fertilizer and lime should be added according to the need of the crops.

This soil is poorly suited to citrus. Areas subject to frequent freezing in winter are not suitable. This soil is suitable for citrus only after a carefully designed water control system has been installed that will maintain the water table below a depth of 4 feet. The trees should be planted on beds and a vegetative cover maintained between the trees. Regular applications of fertilizer and lime are needed.

This soil is well suited to pasture. Pangolagrass, improved bahiagrass, and white clover grow well when they are well managed. Water control measures are needed to remove excess surface water after heavy rains. Regular applications of fertilizer and lime are needed. Controlling grazing helps to prevent overgrazing and weakening of the plants.

The soil has moderate potential productivity for South Florida slash pine. Bedding of rows helps in establishing seedlings and in removing excess surface water.

This soil has moderate potential for desirable range plant production. The dominant foragew is creeping bluestem, lopsided indiangrass, pineland threeawn, and chalky bluestem. Management practices should include deferred grazing and brush control. This Myakka soil is in the South Florida Flatwoods range site.

The soil has severe limitations for urban development because of the high water table.

This Myakka soil is in capability subclass IV.

**EXHIBIT A**

There are no proposed text changes to the Lee Plan.

**Exhibit B**

**Existing and Future Conditions Analysis**

B-2 a. Sanitary Sewer

Lee County Utilities maintains service for this area through the Fort Myers Beach and Iona/McGregor Wastewater treatment plant located approximately 400 feet south of the subject property. A 24-inch force-main runs along the Pine Ridge Road Right-of-Way on the western side of the subject property. A 4-inch force main, extending from the 24-inch force-main, runs along the Summerlin Road Right-of-Way on the northern side of the subject property.

Policy 36.1.2 of the Lee Plan has established that “the minimum acceptable level-of-service standard for sanitary sewer connections to Lee County Utilities shall be available basic facility capacity to treat and dispose of a volume of wastewater equal to 200 gallons per day per equivalent residential connection (ERC) for the peak month.....”

The December 2001 Concurrency Management report has indicated in Table 5, Major Regional Sewage Treatment Plants, that the Fort Myers Beach sewer treatment plant (STP) has a design capacity of 6,000,000 gallons per day and a projected flow for 2002 of 4,115,000 gallons per day.

The Capital Improvements Program (CIP) indicates the following sewer projects for Fort Myers Beach WWTP:

Transfer pumps upgrade	FY 01 / 02
Filtration system replacement	FY 01 / 02
Second EQ tank	Years 6-10

The proposed amendment will have negligible impacts on the sanitary sewer facilities.

B-2 b. Potable Water

Lee County Utilities maintains service for this area through the Green Meadows Water Treatment Plant located at 13001 Alico Road, Fort Myers. A 12-inch water main runs approximately parallel to the south property line in an easement along the south property line.

Policy 33.1.1 of the Lee Plan has established that “the minimum acceptable level-of-service standard for potable water connections to Lee County Utilities shall be an available supply and treatment capacity of 250 gallons per day per equivalent residential connection (ERC) for the peak month...”

The December 2001 Concurrency Management report has indicated in Table 1, Major Regional Water Treatment Plants, that the Green Meadows water treatment plant (WTP) has a design capacity of 10,500,000 gallons per day and a projected flow of 7,340,000 gallons per day for the year 2002.

The Capital Improvements Program (CIP) indicates the following water projects for Green Meadows WTP:

Transmission system improvement	FY 01 / 02
Water storage improvements	FY 01 / 02
Water treatment plant expansion	FY 01 / 02, FY 02 / 03

The proposed amendment will have negligible impact to the potable water facilities.

B-2 c. Surface Water/Drainage Basins.

The subject property is located in the Deep Lagoon Watershed #43 as indicated in the Lee County Surface Water Management Master Plan. Any development will be in compliance with South Florida Water Management District and the Lee County Development Code with regard to surface water management.

Policy 40.3.1-D of the Lee Plan has established level-of-service standards for the private and public development as follows:

“Surface water management systems in new private and public developments (excluding widening of existing roads) shall be design to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event. Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and rule 40E-4, F.A.C. New developments shall be designed to avoid increased flooding of surrounding areas. Development shall be designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to approximate the natural surface water systems in terms of rate, hydro period, basin and quality, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest.”

The December 2001 Concurrency Management report states on page 10 that “All new developments which receive approval from the South Florida Water Management District and that comply with standards in Chapters 62-3, 62-40, and 62-302 of the Florida Statutes and Rule 40E-4 of the Administrative Code will be deemed concurrent with the level of service standards set forth in the Lee Plan.”

B-2 d. Parks, Recreation, and Open Space.

Policy 70.1.3 of the Lee Plan has established that the minimum acceptable level-of-service for Parks and Recreation Facilities as the following:

Regional Parks – 6 acres of developed regional land open for public use per 1000 total seasonal county population.

Community Parks – 0.8 acres of developed standard community parks open for public use per 1000 permanent population, unincorporated county only.

The December 2001 Concurrency Management report on page 24 that the “desired” level-of-service standard of eight (8) acres per thousand (1,000) total county population for Regional Parks has been achieved and expects to continue meeting this level-of-service standard through 2003.

The December 2001 Concurrency Management report has also indicated in Table 15 , Community Parks Impact Fee District #4, that the minimum level-of-service for community parks has been met and that two future community parks, Estero Community Park, add. phases, and South Fort Myers Community Parks are planned to achieve compliance with the “desired” level-of-service for the community.

The Capital Improvements Program (CIP) indicates multiple county wide regional and community park projects.

The proposed amendment will have negligible impact to the parks, recreation, and open space facilities.

## Exhibit C

### Environmental Impacts

C. 1. This subject property is vacant but the land has been cleared. As described in the Florida Land Use, Cover and Forms Classification System, FLUCCS, the class definition Disturbed Lands, 740, applies to those areas which have been changed due primarily to human activities other than mining. The subject parcel falls into this classification.

C.2. Soils found on the property, as indicated in the Lee County Soils Survey, consist of Myakka fine sand and Immokalee Sand. Descriptions are included as exhibits C-1 and C-2.

C.3. The Federal Emergency Management Agency (FEMA) has identified the area of the subject property as Zone A10. The base flood elevation has been indicated as 10 feet. Enclosed please find a copy of panel 125124 0435 B of the Flood Insurance Rate Map indicating the subject area and the surrounding flood zones.

C.4. This subject property is vacant but the land has been cleared and contains no wetlands or aquifer for recharge areas.

C. 5. This subject property is vacant but the land has been cleared and contains no habitat for species listed by the Federal, State, or local agencies as endangered, threatened or species of special concern.

## Exhibit D

### Impacts on Historic Resources

The subject property is located adjacent to the parcel at the southeast corner of the intersection between Summerlin Road and Pine Ridge Road. The parcel located across Pine Ridge Road is owned by Sun State Professional Leasing Inc., zoned CC, and contains an office building occupied by Attorney, Realty, Art, and Insurance offices. The adjacent property to the south is owned by Onyx Waste Services of Florida Inc., zoned CF-3, and occupied with facilities that provide service to the area. Fort Myers Beach Iona-McGregor Wastewater Facility is located behind Onyx Services. The parcel located to the west is owned by Vision XXIV Ltd, zoned IPD. The Vision XXIV parcel received approval of a small scale Comprehensive Plan Amendment (CPA2001-00008) on January 13, 2002. On January 6, 2003, the Lee County Board of Commissioners adopted Resolution Number Z-02-068, rezoning Vision XXIV from IPD to CC. The property is currently vacant. The parcel located across Summerlin Road is owned by Barbour H + Lapidus D + Kresimer J Co, zoned AG-2, and is currently vacant. The parcel located on the opposite corner of the intersection is owned by Joseph Louis TR, zoned CC, and is currently vacant. At this intersection, the future land use for the north side of Summerlin Road is designated as Central Urban. The southwest corner of this intersection is designated Urban Community.

## Exhibit E

### Internal Consistency with the Lee Plan

1. The proposed small scale amendment would change the future land use from industrial development to urban community. The existing land use of Industrial Development does not permit residential uses other than bona fide caretaker residences. The proposed land use of Urban Community will permit a maximum of six dwelling units per acre.
2. The impact of changing 2.25 acres from Industrial Development to Urban Community would have negligible impact on Table 1(b), Planning Community Year 2020 Allocations, of the Lee Plan. As indicated in Table 1(a), Summary of Residential Densities, of the Lee Plan, Urban Community has a maximum residential density of six (6) dwelling units per acre. The expected use for this intersection corner is commercial.
3. The impact of changing 2.25 acres from Industrial Development to Urban Community would have no impact on any local government.
4. State Policy Plan and Regional Policy Plan goals and policies that are relevant to this plan amendment consist of conformance with the Lee Plan and its objectives and policies.
5. The subject parcel is presently zoned IPD and an application to rezone to commercial will be submitted to Lee County Development Services.

## Exhibit 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. The site is accessible to arterial roadways (Summerlin Road) but is not accessible to rail lines and cargo airport terminals.
  - b. Table 1(b) indicates that the Iona/McGregor Planning District has 782 acres of commercial uses. The Lee County total is 10,525 acres.
  - c. The impact of changing 2.25 acres from Industrial Development to Urban Community will have negligible effect on the county's industrial employment goal of employing 3% of the county's population in manufacturing activities by the year 2010.
2. Requests moving lands from a Non-Urban Area to a Future Urban Area.
  - a. The existing land use classification of Industrial Development and the proposed land use classification of Urban Community are both classified as Future Urban Areas. The proposed change does not constitute Urban Sprawl.
3. The proposed change is not in the listed critical areas for future potable water supply as listed in Policy 2.4.2, therefore does not require evaluation based on said policy.
4. The proposed change does not request moving lands from Density Reduction / Groundwater Resource, therefore does not require consideration to Policy 2.4.3.

## Exhibit G

### Proposed Amendment Justification

The proposed amendment is consistent with the Urban Community designation for the following reasons: The subject property is located at/near the intersection of Summerlin Road and Pine Ridge Road with the properties on the opposite corners of the intersection designated as Urban Community and/or Central Urban. The proximity of the subject property to the intersection is consistent with the location criteria of Policy 6.1.2 of the Lee Plan for Commercial Land Uses. The proposed use, commercial, is consistent with the "Urban Community" land use category. The following letters have been received indicating that the urban services required to support the small-scale amendment change can be provided: Onyx Waste Services Of Florida, Division of Public Safety: EMS, Lee County Office of the Sheriff, Lee County Transit, Lee County Parks and Recreation, Iona-McGregor Fire District. The Lee County School District is in the process of providing a support letter and the letter will be submitted upon receipt.

# Soils Description

## From Lee County Soil Survey

**28-Immokalee sand.** This is a nearly level, poorly drained soil in flatwoods areas. Slopes are smooth to convex and range from 0 to 2 percent.

Typically, the surface layer is black sand about 4 inches thick. The subsurface layer is dark gray sand in the upper 5 inches and light gray sand in the lower 27 inches. The subsoil is sand to a depth of 69 inches. The upper 14 inches is black and firm, the next 5 inches is dark reddish brown, and the lower 14 inches is dark yellowish brown. The substratum is very pale brown sand to a depth of 80 inches or more.

Included with this soil in mapping are EauGallie, Myakka, Oldsmar, Smyrna, and Wabasso soils. Also, included are small area of soils with a subsoil that is low in organic matter content and less than 12 inches thick. Included soils make up less than 15 percent of any mapper area.

In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months and 10 to 40 inches below the surface for 2 to 6 months. It recedes to a depth of more than 40 inches during extended dry periods.

The available water capacity is medium in the subsoil and very low in the surface and subsurface layers. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and moderate or moderately rapid in the subsoil.

Natural vegetation consists of sawpalmetto, fetterbush, pineland threeawn, and South Florida slash pine.

This soil is poorly suited to cultivated crops because of wetness and poor soil quality. The number of adapted crops is limited unless very intensive management practices are followed. With good water control and soil-improving measures, this soil can be made suitable for some vegetation crops. A water control system is needed to remove excess water in wet seasons and provide water through subsurface irrigation in dry seasons. Row crops should be rotated with close-growing, soil-improving crops. The rotation should include the soil-improving crops on the land three-fourths of the time. Seedbed preparation should include bedding of the rows. Fertilizer and lime should be added according to the need of the crops.

This soil is poorly suited to citrus unless very intensive management is used. Areas subject to frequent freezing in winter are not suitable. This soil is suitable for citrus only after a carefully designed water control system has been installed that will maintain the water table below a depth of 4 feet.

This soil is well suited to pastures. Pangolagrass, improved bahiagrass, and white clover grow well when they are well managed. Water control measures are needed to remove excess surface water after heavy rains. Regular applications of fertilizer and lime are needed. Controlling grazing helps to prevent overgrazing and weakening of the plants.

The potential productivity is moderate for South Florida slash pine. Bedding of rows helps in establishing seedlings and in removing excess surface water. The trees should be planted on beds and a vegetative cover maintained between the trees. Regular applications of fertilizer and lime are needed.

This soil has moderate potential for desirable range plant production. The dominant forage is creeping bluestem, lopsided indiagrass, pineland threeawn, and chalky bluestem. Management practices should include deferred grazing and brush control. This Immokalee soil is in the South Florida Flatwoods range site.

This soil has severe limitations for urban development because of high water table.

This Immokalee soil is in capability subclass IVw.

**IONA MCGREGOR FIRE PROTECTION AND RESCUE SERVICE DISTRICT**

15961 WINKLER ROAD  
FORT MYERS, FLORIDA 33908

**Business: 433-0660**

**Fire Only: 911**

January 23, 2003

Michael L. Prince  
Neese & Associates  
12661 Metro Parkway  
Fort Myers, FL 33912

Re: VISION XXV

Existing and proposed resources and facilities of the Fire District are adequate to provide services to the referenced project.

A handwritten signature in black ink, appearing to read "Steve Juntikka". The signature is fluid and cursive, with a large initial "S" and "J".

Steve Juntikka, Assistant Chief



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: 335-1604

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

January 3, 2003

Mr. Michael L. Prince  
Neese & Associates  
12661 Metro Parkway  
Fort Myers, Florida 33912

**Re: Written Determination of Adequacy for EMS services  
VISION XXV**

Dear Mr. Prince:

I have reviewed your letter dated December 6, 2002, which was received December 19, 2002. This letter will address the request made in that letter.

The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel or any support facilities. Furthermore, the easements appear to provide adequate ingress / egress for ambulances.

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

Respectfully submitted,

DIVISION OF PUBLIC SAFETY

Chief Chris Hansen  
EMS Program Manager

Office of the Sheriff  
Rodney Shoap



County of Lee  
State of Florida

January 3, 2003

Neese & Associates  
Michael L. Prince  
12661 Metro Parkway  
Fort Myers, Florida 33912

RE: VISION XXV  
Job # 020038.00  
Written Determination of Adequacy  
Existing and Proposed Support Facilities  
Lee County Small Scale Land Use Amendment

Dear Sir:

The VISION XXV, Written Determination of Adequacy, Existing and Proposed Support Facilities, Lee County Small Scale Land Use Amendment, Job # 020038.00 is within the service area for the Lee County Sheriff's Office. It is policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs.

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

Sincerely,

A handwritten signature in black ink, appearing to read "D. Johnson".

Major Dan Johnson  
Planning and Research

Copy: File





December 30, 2002

Neese & Associates  
12661 Metro Parkway  
Fort Myers, Florida 33912

RE: Adequacy Statement for Vision XXV

Dear Sir:

Onyx Waste Services Of Florida currently is contracted by Lee County, to provide waste collection services for the portion of the county where the proposed development is to take place. Under the terms of that contract, we are obligated to ensure that there is adequate equipment and personnel to meet the waste collection needs of any new development in the county. We are not anticipating anything that would prevent us from meeting our obligations to Lee County. Therefore, the assets and personnel necessary to perform the required service will be available when needed.

Sincerely,

A handwritten signature in black ink that reads "Robert Tingley".

Robert Tingley  
General Manager



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: 941-277-5012

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

December 26, 2002

Mr. Michael L. Prince  
Neese & Associates  
12661 Metro Parkway  
Fort Myers, FL 33912

**RE: VISION XXV**

Dear Mr. Prince:

We have reviewed the site plan you provided for the referenced project. Lee County Transit does not require additional transit amenities at this location at this time.

If you have any questions, please call me at 239-277-5012 ext. 2233.

Sincerely,

TRANSIT DIVISION

Michael S. Horsting  
Transit Planner



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239) 479-8762  
(239) 479-8307 Fax

Bob Janes  
District One

January 9, 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

Mr. Michael L. Prince  
Neese and Associates  
12661 Metro Parkway  
Fort Myers, FL 33912

**Re: Vision XXV - Small Scale Comprehensive Plan Amendment  
Strap # 08-46-24-00-00001.003A**

Dear Mr. Prince:

Lee County staff has reviewed your request for a letter regarding the adequacy of existing and proposed support facilities relative to the proposed plan amendment referenced above.


Based on the information provided in your letters of December 6, 2002, and January 3, 2003, the subject property is a 2.25 ± acre parcel of land currently zoned Industrial Planned Development (IPD) and located in the Industrial Development future land use category. The parcel is located on the south side of, and contiguous to, Summerlin Road, approximately 420± feet east of its intersection with Pine Ridge Road. You have indicated that you will be requesting an amendment to change the future land use designation to Urban Community and subsequently rezoning the property to facilitate the development of commercial uses.

It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, please note that this determination is based on the proposed commercial use of the subject property which will not result in an increase of the current population in this area of Lee County.

Should you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,

DEPARTMENT OF PUBLIC WORKS



Michael P. Pavese  
Principal Planner

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

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

**PROJECT NAME:** VISION XXV, 17901 Summerlin Road, Fort Myers

**CASE NUMBER:** not supplied

**STRAP NUMBERS:** 08-46-24-00-00001.003A

**DATE OF REVIEW:** December 19, 2002

**REVIEWED BY:** Susan M. Strum, AICP, Planner  
Phone 239 479 8549 Fax 479-8161  
e-mail: strumsm@leegov.com

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

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

**Level 1 or Level 2 zones of Archaeological Sensitivity:** The subject parcel is not located on either Level 1 or Level 2 zones of archaeological sensitivity.

Copy: Pam Houck Zoning Director  
Michael L. Prince, Neese & Associates, 12661 Metro Parkway, Fort Myers, FL  
33912

**Vacant Land Contract**  
FLORIDA ASSOCIATION OF REALTORS



**PARTIES AND DESCRIPTION OF PROPERTY**

1  
2 **1. SALE AND PURCHASE:** Vision XXV, Ltd., A California Limited Partnership ("Seller")  
3 and Donald R. Lucas ("Buyer")  
4 agree to sell and buy on the terms and conditions specified below the property ("Property") described as:  
5 Address: A tract of land located in the S/E Quadrant of Summerlin Road and  
6 Legal Description: Pine Ridge Road, Lee County, Fort Myers, Florida, known as  
7 Vision XXV. STRAP #08-46-24-00-00001.003A. Exact legal  
8 description to be determined by Seller's survey.

9  
10  
11  
12 including all improvements and the following additional property: None - Vacant Land

**PRICE AND FINANCING**

13  
14 **2. PURCHASE PRICE:** \$ [REDACTED] payable by Buyer in U.S. funds as follows:  
15 (a) \$ [REDACTED] Deposit received (checks are subject to clearance) within two days of receipt  
16 for signed contract ("Escrow Agent")  
17 Signature [REDACTED] Name of Company [REDACTED]  
18 (b) \$ -0- Additional deposit to be made by [REDACTED]  
19 (c) [REDACTED] Total Financing (see Paragraph 3 below) (express as a dollar amount or percentage)  
20 (d) \$ -0- Other: [REDACTED]  
21 (e) \$ [REDACTED] Balance to close (not including Buyer's closing costs, prepaid items and prorations). All  
22 funds paid at closing must be paid by locally drawn cashier's check or wired funds.  
23 U (f) (complete only if purchase price will be determined based on a per unit cost instead of a fixed price) The unit  
24 used to determine the purchase price is  lot  acre  square foot  other (specify: N/A)  
25 prorating areas of less than a full unit. The purchase price will be \$ N/A per unit based on a calculation of  
26 total area of the Property as certified to Buyer and Seller by a Florida-licensed surveyor in accordance with Paragraph  
27 8(c) of this Contract. The following rights of way and other areas will be excluded from the calculation: [REDACTED]  
28 N/A

29 **3. CASH/FINANCING:** (Check as applicable)  (a) Buyer will pay cash for the Property with no financing contingency.  
30  (b) This Contract is contingent on Buyer qualifying and obtaining the commitment(s) or approval(s) specified below within  
31 [REDACTED] days from Effective Date (if left blank then Closing Date or 30 days from Effective Date, whichever occurs first). Buyer  
32 will apply for financing within [REDACTED] days from Effective Date (6 days if left blank) ("Application Period") and will timely provide  
33 any and all credit, employment, financial, and other information required by the lender. If Buyer, after using diligence and  
34 good faith, cannot obtain the financing, either party may cancel this Contract and Buyer will return to Seller all title evidence  
35 and surveys provided by Seller, and Buyer's deposit(s) will be returned after Escrow Agent receives proper authorization from  
36 all interested parties. Buyer will pay all loan expenses, including the lender's title insurance policy.

37  (1) New Financing: Buyer will secure a commitment for new third party financing for \$ [REDACTED] or  
38 [REDACTED] % of the purchase price at the prevailing interest rate and loan costs. Buyer will keep Seller and Broker fully  
39 informed of the loan application status and progress and authorizes the lender or mortgage broker to disclose all  
40 such information to Seller and Broker.

41  (2) Seller Financing: Buyer will execute a  first  second purchase money note and mortgage to Seller in the  
42 amount of \$ [REDACTED] bearing annual interest at ±1% and payable as follows: [REDACTED]  
43 **ADDENDUM #1**

44 The mortgage, note, and any security agreement will be in a form acceptable to Seller and will follow forms generally  
45 accepted in the county where the Property is located; will provide for a late payment fee and acceleration at the  
46 mortgagee's option if Buyer defaults; will give Buyer the right to prepay without penalty all or part of the principal at any  
47 time(s) with interest only to date of payment; will be due on conveyance or sale; will provide for release of contiguous  
48 parcels, if applicable; and will require Buyer to keep liability insurance on the Property, with Seller as additional named  
49 insured. Buyer authorizes Seller to obtain credit, employment and other necessary information to determine  
50 creditworthiness for the financing. Seller will, within 10 days from Effective Date, give Buyer written notice of whether or  
51 not Seller will make the loan.

52  (3) Mortgage Assumption: Buyer will take title subject to and assume and pay existing first mortgage to [REDACTED]  
53  
54 L# [REDACTED] in the approximate amount of \$ [REDACTED] currently payable at  
55 \$ [REDACTED] per month including principal, interest,  taxes and insurance and having a  fixed  other  
56 (describe) [REDACTED]  
57 interest rate of [REDACTED] % which  will  will not escalate upon assumption. Any variance in the mortgage will be  
58 adjusted in the balance due at closing with no adjustment to purchase price. Buyer will purchase Seller's escrow  
59 account dollar for dollar. If the lender disapproves Buyer, or the interest rate upon transfer exceeds [REDACTED] % or the  
60 assumption/transfer fee exceeds \$ [REDACTED], either party may elect to pay the excess, failing which this  
61 agreement will terminate and Buyer's deposit(s) will be returned.

**CLOSING**

62  
63 **4. CLOSING DATE; OCCUPANCY:** This Contract will be closed and the deed and possession delivered on or before  
64 SEE ADDENDUM #1, unless extended by other provisions of this Contract. If on Closing Date insurance  
65 underwriting is suspended, Buyer may postpone closing up to 5 days.

66 Buyer [Signature] and Seller [Signature] acknowledge receipt of a copy of this page, which is Page 1 of 4 Pages.  
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CPA 2003-00001

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JAN 28 2003

COMMUNITY DEVELOPMENT



5. CLOSING PROCEDURE; COSTS: If title insurance insures Buyer for title defects arising between the title binder effective date and recording of Buyer's deed, closing agent will disburse at closing the net sale proceeds to Seller and brokerage fees to Broker as per Paragraph 17. In addition to other expenses provided in this Contract, Seller and Buyer will pay the costs indicated below.

(a) Seller Costs: Seller will pay taxes on the deed and recording fees for documents needed to cure title; certified, confirmed and ratified special assessment liens; title evidence (if applicable under Paragraph 8); Other: ALTA Survey

(b) Buyer Costs: Buyer will pay taxes and recording fees on notes and mortgages and recording fees on the deed and financing statements; loan expenses; pending special assessment liens, lender's title policy at the simultaneous issue rate; inspections; survey and sketch; insurance; Other: permits/zoning/land use changes

(c) Title Evidence and Insurance: Check (1) or (2):  
 (1) Seller will provide a Paragraph 8(a)(1) owner's title insurance commitment as title evidence.  Seller  Buyer will select the title agent.  Seller  Buyer will pay for the owner's title policy, search, examination and related charges. Each party will pay its own closing fees.  
 (2) Seller will provide title evidence as specified in Paragraph 8(a)(2).  Seller  Buyer will pay for the owner's title policy and select the title agent. Seller will pay fees for title searches prior to closing, including tax search and lien search fees, and Buyer will pay fees for title searches after closing (if any), title examination fees and closing fees.

(d) Prorations: The following items will be made current and prorated as of the day before Closing Date: real estate taxes, interest, bonds, assessments, leases and other Property expenses and revenues. If taxes and assessments for the current year cannot be determined, the previous year's rates will be used with adjustment for any exemptions.

(e) Tax Withholding: Buyer and Seller will comply with the Foreign Investment in Real Property Tax Act, which may require Seller to provide additional cash at closing if Seller is a "foreign person" as defined by federal law.

PROPERTY CONDITION

6. LAND USE: Seller will deliver the Property to Buyer at the time agreed in its present "as is" condition, with conditions resulting from Buyer's inspections and casualty damage, if any, excepted. Seller will maintain the landscaping and grounds in a comparable condition and will not engage in or permit any activity that would materially alter the Property's condition without the Buyer's prior written consent.

(a) Flood Zone: Buyer is advised to verify by survey, with the lender and with appropriate government agencies which flood zone the Property is in, whether flood insurance is required and what restrictions apply to improving the Property and rebuilding in the event of casualty.

(b) Government Regulation: Buyer is advised that changes in government regulations and levels of service which affect Buyer's intended use of the Property will not be grounds for cancelling this Contract if the Feasibility Study Period has expired or if Buyer has checked choice (c)(2) below.

(c) Inspections: (check (1) or (2) below) SEE ADDENDUM # 1

(1) Feasibility Study: Buyer will, at Buyer's expense and within 111 days from Effective Date ("Feasibility Study Period"), determine whether the Property is suitable, in Buyer's sole and absolute discretion, for Commercial use. During the Feasibility Study Period, Buyer may conduct a Phase I environmental assessment and any other tests, analyses, surveys and investigations ("Inspections") that Buyer deems necessary to determine to Buyer's satisfaction the Property's engineering, architectural and environmental properties; zoning and zoning restrictions; subdivision statutes; soil and grade; availability of access to public roads, water, and other utilities; consistency with local, state and regional growth management plans; availability of permits, government approvals, and licenses; and other inspections that Buyer deems appropriate to determine the Property's suitability for the Buyer's intended use. If the Property must be rezoned, Buyer will obtain the rezoning from the appropriate government agencies. Seller will sign all documents Buyer is required to file in connection with development or rezoning approvals.

Seller gives Buyer, its agents, contractors and assigns, the right to enter the Property at any time during the Feasibility Study Period for the purpose of conducting inspections; provided, however, that Buyer, its agents, contractors and assigns enter the Property and conduct inspections at their own risk. Buyer will indemnify and hold Seller harmless from losses, damages, costs, claims and expenses of any nature, including attorneys' fees, expenses and liability incurred in application for rezoning or related proceedings, and from liability to any person, arising from the conduct of any and all inspections or any work authorized by Buyer. Buyer will not engage in any activity that could result in a construction lien being filed against the Property without Seller's prior written consent. If this transaction does not close, Buyer will, at Buyer's expense, (1) repair all damages to the Property resulting from the inspections and return the Property to the condition it was in prior to conduct of the inspections, and (2) release to Seller all reports and other work generated as a result of the inspections.

Buyer will deliver written notice to Seller prior to the expiration of the Feasibility Study Period of Buyer's determination of whether or not the Property is acceptable. Buyer's failure to comply with this notice requirement will constitute acceptance of the Property as suitable for Buyer's intended use in its "as is" condition. If the Property is unacceptable to Buyer and written notice of this fact is timely delivered to Seller, this Contract will be deemed terminated as of the day after the Feasibility Study period ends and Buyer's deposit(s) will be returned after Escrow Agent receives proper authorization from all interested parties.

(2) No Feasibility Study: Buyer is satisfied that the Property is suitable for Buyer's purposes, including being satisfied that either public sewerage and water are available to the Property or the Property will be approved for the installation of a well and/or private sewerage disposal system and that existing zoning and other pertinent regulations and restrictions, such as subdivision or deed restrictions, concurrency, growth management and environmental conditions, are acceptable to Buyer. This Contract is not contingent on Buyer conducting any further investigations.

7. RISK OF LOSS; EMINENT DOMAIN: If any portion of the Property is materially damaged by casualty before closing, or Seller negotiates with a governmental authority to transfer all or part of the Property in lieu of eminent domain proceedings, or if an eminent domain proceeding is initiated, Seller will promptly inform Buyer. Either party may cancel this Contract by written notice to the other within 10 days from Buyer's receipt of Seller's notification, failing which Buyer will close in accordance with this Contract and receive all payments made by the government authority or insurance company, if any.

TITLE

8. TITLE: Seller will convey marketable title to the Property by statutory warranty deed or trustee, personal representative or guardian deed as appropriate to Seller's status.

(a) Title Evidence: Title evidence will show legal access to the Property and marketable title of record in Seller in accordance with current title standards adopted by the Florida Bar, subject only to the following title exceptions, none of which prevent Buyer's intended use of the Property as Commercial Property: covenants, easements and restrictions of record; matters of plat; existing zoning and government regulations; oil, gas and mineral rights of record if there is no right of entry; current taxes; mortgages that Buyer will assume; and encumbrances that Seller will discharge at or before closing. Seller will, prior to closing, deliver to Buyer Seller's choice of one of the following types of title evidence,

Buyer (d.d.) and Seller (d.d.) acknowledge receipt of a copy of this page, which is Page 2 of 4 Pages.

147 which must be generally accepted in the county where the Property is located (specify in Paragraph 5(c) the selected  
 148 type). Seller will use option (1) in Palm Beach County and option (2) in Dade County.

149 (1) A title insurance commitment issued by a Florida-licensed title insurer in the amount of the purchase price and  
 150 subject only to title exceptions set forth in this Contract.

151 (2) An existing abstract of title from a reputable and existing abstract firm (if firm is not existing, then abstract must be  
 152 certified as correct by an existing firm) purporting to be an accurate synopsis of the instruments affecting title to the  
 153 Property recorded in the public records of the county where the Property is located and certified to Effective Date.  
 154 However if such an abstract is not available to Seller, then a prior owner's title policy acceptable to the proposed insurer  
 155 as a base for reinsurance of coverage. Seller will pay for copies of all policy exceptions and an update in a format  
 156 acceptable to Buyer's closing agent from the policy effective date and certified to Buyer or Buyer's closing agent,  
 157 together with copies of all documents recited in the prior policy and in the update. If a prior policy is not available to  
 158 Seller then (1) above will be the title evidence. Title evidence will be delivered no later than 10 days before Closing Date.

159 (b) Title Examination: Buyer will examine the title evidence and deliver written notice to Seller, within 5 days from receipt  
 160 of title evidence but no later than closing, of any defects that make the title unmarketable. Seller will have 90 days from receipt  
 161 of Buyer's notice of defects ("Curative Period") to cure the defects at Seller's expense. If Seller cures the  
 162 defects within the Curative Period, Seller will deliver written notice to Buyer and the parties will close the transaction on  
 163 Closing Date or within 10 days from Buyer's receipt of Seller's notice if Closing Date has passed. If Seller is unable to  
 164 cure the defects within the Curative Period, Seller will deliver written notice to Buyer and Buyer will, within 10 days from  
 165 receipt of Seller's notice, either cancel this Contract or accept title with existing defects and close the transaction.

166 (c) Survey: Buyer may, prior to Closing Date and at Buyer's expense, have the Property surveyed and deliver written  
 167 notice to Seller, within 5 days from receipt of survey but no later than closing, of any encroachments on the Property,  
 168 encroachments by the Property's improvements on other lands or deed restriction or zoning violations. Any such  
 169 encroachment or violation will be treated in the same manner as a title defect and Buyer's and Seller's obligations will  
 170 be determined in accordance with subparagraph (b) above. If any part of the Property lies seaward of the coastal  
 171 construction control line, Seller will provide Buyer with an affidavit or survey as required by law delineating the line's  
 172 location on the property, unless Buyer waives this requirement in writing.

173 **MISCELLANEOUS**

174 9. **EFFECTIVE DATE; TIME:** The "Effective Date" of this Contract is the date on which the last of the parties initials or  
 175 signs the latest offer. Time is of the essence for all provisions of this Contract. All time periods expressed as days will  
 176 be computed in business days (a "business day" is every calendar day except Saturday, Sunday and national legal  
 177 holidays). If any deadline falls on a Saturday, Sunday or national legal holiday, performance will be due the next business  
 178 day. All time periods will end at 5:00 p.m. local time (meaning in the county where the Property is located) of the  
 179 appropriate day.

180 10. **NOTICES:** All notices will be made to the parties and Broker by mail, personal delivery or electronic media. Buyer's  
 181 failure to deliver timely written notice to Seller, when such notice is required by this Contract, regarding any contingencies  
 182 will render that contingency null and void and the Contract will be construed as if the contingency did not exist.

183 11. **COMPLETE AGREEMENT:** This Contract is the entire agreement between Buyer and Seller. Except for brokerage  
 184 agreements, no prior or present agreements will bind Buyer, Seller or Broker unless incorporated into this Contract.  
 185 Modifications of this Contract will not be binding unless in writing, signed and delivered by the party to be bound. Signatures,  
 186 initials, documents referenced in this Contract, counterparts and written modifications communicated electronically or on paper  
 187 will be acceptable for all purposes, including delivery, and will be binding. Handwritten or typewritten terms inserted in or  
 188 attached to this Contract prevail over preprinted terms. If any provision of this Contract is or becomes invalid or unenforceable,  
 189 all remaining provisions will continue to be fully effective. This Contract will not be recorded in any public records.

190 12. **ASSIGNABILITY; PERSONS BOUND:** Buyer may not assign this Contract without Seller's written consent. The terms  
 191 "Buyer," "Seller," and "Broker" may be singular or plural. This Contract is binding on the heirs, administrators, executors,  
 192 personal representatives and assigns (if permitted) of Buyer, Seller and Broker.

193 **DEFAULT AND DISPUTE RESOLUTION**

194 13. **DEFAULT:** (a) Seller Default: If for any reason other than failure of Seller to make Seller's title marketable after diligent effort,  
 195 Seller fails, refuses or neglects to perform this Contract, Buyer may choose to receive a return of Buyer's deposit without  
 196 waiving the right to seek damages or to seek specific performance as per Paragraph 16. Seller will also be liable to Broker for  
 197 the full amount of the brokerage fee. (b) Buyer Default: If Buyer fails to perform this Contract within the time specified, including  
 198 timely payment of all deposits, Seller may choose to retain and collect all deposits paid and agreed to be paid as liquidated  
 199 damages or to seek specific performance as per Paragraph 16; and Broker will, upon demand, receive 50% of all deposits  
 200 paid and agreed to be paid (to be split equally among cooperating brokers) up to the full amount of the brokerage fee.

201 14. **DISPUTE RESOLUTION:** This Contract will be construed under Florida law. All controversies, claims, and other matters in  
 202 question between the parties arising out of or relating to this Contract or its breach will be settled as follows:

203 (a) Disputes concerning entitlement to deposits made and agreed to be made; Buyer and Seller will have 30 days from  
 204 the date conflicting demands are made to attempt to resolve the dispute through mediation. If that fails, Escrow Agent  
 205 will submit the dispute, if so required by Florida law, to Escrow Agent's choice of arbitration, a Florida court or the  
 206 Florida Real Estate Commission. Buyer and Seller will be bound by any resulting settlement or order.

207 (b) All other disputes: Buyer and Seller will have 30 days from the date a dispute arises between them to attempt to  
 208 resolve the matter through mediation, failing which the parties will resolve the dispute through neutral binding  
 209 arbitration in the county where the Property is located. The arbitrator may not alter the Contract terms or award any  
 210 remedy not provided for in this Contract. The award will be based on the greater weight of the evidence and will  
 211 state findings of fact and the contractual authority on which it is based. If the parties agree to use discovery, it will  
 212 be in accordance with the Florida Rules of Civil Procedure and the arbitrator will resolve all discovery-related  
 213 disputes. Any disputes with a real estate licensee named in Paragraph 17 will be submitted to arbitration only if the  
 214 licensee's broker consents in writing to become a party to the proceeding. This clause will survive closing.

215 (c) Mediation and Arbitration; Expenses: "Mediation" is a process in which parties attempt to resolve a dispute by  
 216 submitting it to an impartial mediator who facilitates the resolution of the dispute but who is not empowered to impose a  
 217 settlement on the parties. Mediation will be in accordance with the rules of the American Mediation Association or other  
 218 mediator agreed on by the parties. The parties will equally divide the mediation fee, if any. "Arbitration" is a process in  
 219 which the parties resolve a dispute by a hearing before a neutral person who decides the matter and whose decision is  
 220 binding on the parties. Arbitration will be in accordance with the rules of the American Arbitration Association or other  
 221 arbitrator agreed on by the parties. Each party to any arbitration will pay its own fees, costs and expenses, including  
 222 attorneys' fees, and will equally split the arbitrators' fees and administrative fees of arbitration. In a civil action to enforce  
 223 an arbitration award, the prevailing party to the arbitration shall be entitled to recover from the nonprevailing party  
 224 reasonable attorneys' fees, costs and expenses.

225 Buyer (Signature) and Seller (Signature) acknowledge receipt of a copy of this page, which is Page 3 of 4 Pages.  
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ESCROW AGENT AND BROKER

15. ESCROW AGENT: Buyer and Seller authorize Escrow Agent to receive, deposit and hold funds and other items in escrow and, subject to clearance, disburse them upon proper authorization and in accordance with the terms of this Contract, including disbursing brokerage fees. The parties agree that Escrow Agent will not be liable to any person for misdelivery of escrowed items to Buyer or Seller, unless the misdelivery is due to Escrow Agent's willful breach of this Contract or gross negligence. If Escrow Agent interpleads the subject matter of the escrow, Escrow Agent will pay the filing fees and costs from the deposit and will recover reasonable attorneys' fees and costs to be paid from the escrowed funds or equivalent and charged and awarded as court costs in favor of the prevailing party. All claims against Escrow Agent will be arbitrated, so long as Escrow Agent consents to arbitrate.

16. PROFESSIONAL ADVICE; BROKER LIABILITY: Broker advises Buyer and Seller to verify all facts and representations that are important to them and to consult an appropriate professional (for legal advice (for example, interpreting contracts, determining the effect of laws on the Property and transaction), status of title, foreign investor reporting requirements, etc.) and for tax, property condition, environmental and other specialized advice. Buyer acknowledges that Broker does not reside in the Property and that all representations (oral, written or otherwise) by Broker are based on Seller representations or public records unless Broker indicates personal verification of the representation. Buyer agrees to rely solely on Seller, professional inspectors and governmental agencies for verification of the Property condition and facts that materially affect Property value. Buyer and Seller respectively will pay all costs and expenses, including reasonable attorneys' fees at all levels, incurred by Broker and Broker's officers, directors, agents and employees in connection with or arising from Buyer's or Seller's misstatement or failure to perform contractual obligations. Buyer and Seller hold harmless and release Broker and Broker's officers, directors, agents and employees from all liability for loss or damage based on (1) Buyer's or Seller's misstatement or failure to perform contractual obligations; (2) Broker's performance, at Buyer's and/or Seller's request, of any task beyond the scope of services regulated by Chapter 475, F.S., as amended, including Broker's referral, recommendation or retention of any vendor; (3) products or services provided by any vendor; and (4) expenses incurred by any vendor. Buyer and Seller each assume full responsibility for selecting and compensating their respective vendors. This paragraph will not relieve Broker of statutory obligations. For purposes of this paragraph, Broker will be treated as a party to this Contract. This paragraph will survive closing.

17. BROKERS: The licensee(s) and brokerage(s) named below are collectively referred to as "Broker." Seller and Buyer acknowledge that the brokerage(s) named below are the procuring cause of this transaction. Instruction to Closing Agent: Seller and Buyer direct closing agent to disburse at closing the full amount of the brokerage fees as specified in separate brokerage agreements with the parties and cooperative agreements between the brokers, unless Broker has retained such fees from the escrowed funds. In the absence of such brokerage agreements, closing agent will disburse brokerage fees as indicated below.

Grubb & Ellis/VIP D'Allesandro Future Realty Services, Inc.
Real Estate License Real Estate License
Broker / Brokerage fee: 5% of Purchase Price Broker / Brokerage fee: 5% of Purchase Price

ADDITIONAL TERMS

18. ADDITIONAL TERMS: Buyer shall have a sixty (60) day initial inspection period, to commence on the effective date (line 291) to determine if the property is suitable for Buyer's intended use. During this sixty (60) day period, Buyer shall conduct necessary informal hearings with all government agencies involved in Buyer's permitting process, for obtaining all zoning and development permits. If at the end of the sixty (60) day initial inspection period, Buyer has failed to conduct said hearings, or, if Buyer has determined the findings of said hearing conclude that...SEE ADDENDUM #1

This is intended to be a legally binding contract. If not fully understood, seek the advice of an attorney prior to signing.

OFFER AND ACCEPTANCE

(Check if applicable) Buyer received a written real property disclosure statement from Seller before making this Offer.)
Buyer offers to purchase the Property on the above terms and conditions. Unless this Contract is signed by Seller and a copy delivered to Buyer no later than 5:00 a.m. or p.m. on November 15, 2002, this offer will be revoked and Buyer's deposit refunded subject to clearance of funds.

Date: Nov 5, 2002 Buyer: Donald R. Lucas Tax ID/SSN:
Print name: Donald R. Lucas

Date: Buyer: Tax ID/SSN:

Print name:

Phone: Address:

Fax:

Date: 11/13/02 Seller: Vision XXV, Ltd. A California Limited Partnership Tax ID/SSN:
Print name: Vision XXV, Ltd. A California Limited Partnership

Date: Seller: Tax ID/SSN:

Print name:

Phone: Address:

Fax:

Buyer counters Buyer's offer (to accept the counter offer, Buyer must sign or initial the counter offered terms and deliver a copy of the acceptance to Seller by 5:00 p.m. on ). Seller rejects Buyer's offer.

Effective Date: (The date on which the last party signed or initialed acceptance of the final offer.)

Buyer and Seller acknowledge receipt of a copy of this page, which is Page 4 of 4 Pages.

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ADDENDUM #1, VACANT LAND CONTRACT  
VISION XXV, LTD. TO DONALD R. LUCAS

Continued from page 4 of 4, line 270: the Property, for whatever reason and in Buyer's sole discretion, is unsuitable for Buyer's purposes, this Vacant Land Contract shall terminate, the earnest money deposit will be returned to Buyer and there shall be no further action(s) or obligation(s) by, or of, either party, pertaining to this Vacant Land Contract. At Seller's option, Buyer shall deliver to Seller, any documents, reports or findings generated through the due diligence hearings. Seller shall make available to Buyer, existing surveys and property information, if any, currently in Seller's possession, that may facilitate Buyer's due diligence and permits.

Upon completion of the sixty (60) day initial inspection period, and upon Buyer's decision to enter the permitting phase of the due diligence, Buyer shall provide Seller with a time line schedule for simultaneously securing permits for zoning and Lee County land use map amendment. Buyer shall have fifteen (15) months to secure said permits, and Buyer shall make monthly reports to Seller's representative as to the progress of the permitting process.

Buyer shall have thirty (30) days from the receipt of zoning and Lee County land use map amendment permits to receive a development order permit through the appropriate government agency. Closing shall be within ten (10) days of receipt of the development order permit, or within eighteen (18) months from acceptance of this offer, whichever occurs first.

If Buyer is unable to secure zoning, Lee County land use map amendment and/or development permits for the Property, through no fault of Buyer, the deposit shall be returned to Buyer, and neither Buyer nor Seller shall have any further obligations pertaining to this Vacant Land Contract.

Buyer may, during the permitting process, erect signs on the property, promoting Buyer's project, to include leasing and subdividing information. Buyer may not erect signs indicating the property, in its entirety, is for sale.

Seller Financing: Buyer will execute a first purchase money note and mortgage to Seller in the amount of [REDACTED] with an eighteen (18) month term, bearing interest at Wall Street Journal posted Prime Interest Rate plus One (1) percent, interest only payable quarterly on the principal balance and a balloon payment at the end of the eighteenth (18<sup>th</sup>) month for the principal amount and any outstanding accrued interest. Said note shall carry no prepayment penalty.

*del*  
# [REDACTED] 100

Prior to the effective date of this contract, Seller shall provide Buyer with documentation that the individual executing this contract on behalf of the limited partnership is authorized to represent the limited partnership in contractual matters. Seller's escrow agent and title insurance provider must be approved to do business in the State of Florida and maintain an office in Lee County, Florida.

Seller acknowledges that Buyer is a Florida licensed real estate broker, buying for his own account and for the account of others, and, at closing, Buyer may either take title to the property, take title in the name of an investment group that Buyer is a part of, or take title in the name of an investment group that Buyer is not a part of.

Buyer acknowledges the Property is currently designated for industrial uses and the Property will require a Lee County land use map amendment and rezoning to utilize the Property for commercial purposes. Buyer acknowledges the current Master Concept Plan for the Property has expired. Buyer acknowledges the average Property elevation is five (5) feet and FEMA finished floor building elevation is ten (10) feet.

THIS ADDENDUM, upon its execution by both parties, is herewith made an integral part of the Vacant Land Contract, Vision XXV, Ltd., a California Limited Partnership to Donald R. Lucas, and supersedes and controls any provision of the Vacant Land Contract to the contrary.

DATE: November 5, 2002 DATE: 11/13/02

Donald R. Lucas  
Donald R. Lucas

[Signature] For Vision XXV  
Vision XXV, Ltd., a California Limited Partnership

2116835

This instrument was prepared by

Name Terry V. Broughton, Esq.  
Smoot Johnston Johnson & Green  
Address P.O. Drawer DD  
Fort Myers, Florida 33902

# Warranty Deed

(STATUTORY FORM—SECTION 689.02 F.S.)

This Indenture, Made this 30th day of June, 19 86, Between

DWIGHT S. BAIRD, JR., TRUSTEE UNDER THE PROVISIONS OF AN UNRECORDED TRUST AGREEMENT DATED THE 23RD DAY OF APRIL, 1985

of the County of Lee, State of Florida, grantor, and  
VISION XXV, LTD., a California Limited Partnership

whose post office address is 1505 East 17th Street, Suite 220, Santa Anna, California 92701

of the County of \_\_\_\_\_, State of California, grantee.

Witnesseth, That said grantor, for and in consideration of the sum of

\_\_\_\_\_ ten and no/100 \_\_\_\_\_ Dollars,

and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

SEE ATTACHED DESCRIPTION FOR PARCEL II.

*Strap* → *08-46-24-00-00001.003A*

Documentary Tax Pd. \$ 1,300.00  
Inangible Tax Pd. \_\_\_\_\_  
By Charlie Green, Clerk, Lee County  
Deputy Clerk

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

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

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.  
Signed, sealed and delivered in our presence:

[Signature] \_\_\_\_\_ (Seal)  
Dwight S. Baird, Jr., Trustee \_\_\_\_\_ (Seal)  
\_\_\_\_\_  
\_\_\_\_\_ (Seal)

STATE OF FLORIDA  
COUNTY OF LEE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared

Dwight S. Baird, Jr.

to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 30th day of June, 19 86.

My commission expires

11/11/86



RECEIVED

JAN 28 2003

COMMUNITY DEVELOPMENT  
CPA-2003-00001

REC 1854 PG 3040

PARCEL II

JOHNSON ENGINEERING, INC.

CIVIL ENGINEERS AND LAND SURVEYORS

2158 JOHNSON STREET  
TELEPHONE (813) 334-6046  
FACSIMILE (813) 334-3001  
POST OFFICE BOX 1680  
TOMMYTOWN, FLORIDA  
33502 1680

June 26, 1986

CARLE E. JOHNSON  
198 464

DESCRIPTION

PARCEL B

IN THE NW-1/4,  
SECTION 8, T. 46 S., R. 24 E.,  
LEE COUNTY, FLORIDA

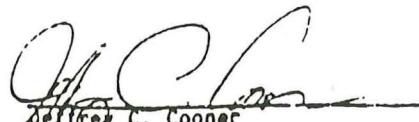
A tract or parcel of land lying in the northwest quarter (NW-1/4) of Section 8, Township 46 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the intersection of the easterly line of Pine Ridge Road (50 feet wide) and the north line of the south 275 feet of the north 500 feet of the west 897 feet of said Section 8 run N 89° 02' 47" E along the line common to said north line the south line of Summerlin Road (CR869) (225 feet wide) for 434.95 feet to the Point of Beginning.

From said Point of Beginning continue N 89° 02' 47" E along said common line for 434.94 feet to the east line of said fraction; thence run S 01° 13' 00" E along said east line for 275.00 feet to an intersection with the south line of said fraction; thence run S 89° 02' 47" W along said south line for 433.62 feet; thence run N 01° 29' 32" W for 274.99 feet to the Point of Beginning.

Containing 2.74 acres more or less.

Bearings hereinabove mentioned are based on the centerline survey of Summerlin Road (CR869).

  
Jeffrey C. Cooner  
Professional Land Surveyor  
Florida Certificate No. 4052

REF 1954 PG 3 b 4 1

JCC/ct  
15267

CHAIRMAN  
ARCHIE T. GRANT, JR.

PRESIDENT  
FORREST H. BANKS

VICE PRESIDENT  
LEIF E. JOHNSON

JOSEPH W. EBNER  
STEVEN K. MORRISON  
ANDREW D. TILTON

JEFFREY C. COONER  
DAN W. DICKKEY  
KENTON R. KEILING  
DONALD D. STOUTEN  
GEORGE J. KALAL  
MICHAEL L. HARMON

CONSULTANTS  
LESTER L. BULSON  
ROBERT S. O'BRIEN

AN EQUAL OPPORTUNITY EMPLOYER

SUBJECT TO easements and restrictions of record and taxes for the years subsequent to 1985.

SUBJECT, HOWEVER, To a purchase money mortgage encumbering the property herein described and executed and delivered by the Grantee, as mortgagor therein, to the Grantor, as mortgagee therein, to secure the payment of a promissory note dated the same as this deed in the initial principal amount of \$195,000.00; and,

SUBJECT, HOWEVER, To a "RESTRICTIVE AGREEMENT" dated the same as this deed between the Grantor, the Grantee and VISION XOTV, Ltd., a California limited partnership, which agreement is anticipated to be recorded immediately after this deed and the purchase money mortgage;

TOGETHER WITH a non-exclusive perpetual easement for ingress, egress, and other lawful purposes related to the use and enjoyment of Parcel II over, across and under the southerly forty (40') feet of Parcel I (as described in the attached exhibit); and,

SUBJECT TO a reservation of 1/2 interest in all oil, petroleum, petroleum products and minerals and exclusive rights to protect for same, as recorded in Deed Book 231, Page 367, Public Records of Lee County, Florida. Notice pursuant to Section 704.05 and 712 F.S. recorded in O.R. Book 1153, Page 887; and,

SUBJECT TO a mortgage from Dwight S. Baird, Jr., Trustee to James A. Midgley and E. Lois Midgley, husband and wife, as an estate by the entireties in the principal amount of \$228,250.00 dated April 23, 1985 and recorded April 23, 1985 in O.R. Book 1779, Page 3916 of the Public Records of Lee County, Florida; and,

SUBJECT TO a Lee County eminent domain proceeding for improvement of Pine Ridge Road. Notice of the proceeding was given by letter from County Attorney's office to Dwight S. Baird, dated June 17, 1985.

REF 1854 PG 3642

**TRAFFIC  
IMPACT  
STATEMENT**

**for**

**SMALL SCALE PLAN AMENDMENT  
FOR  
VISION XXV**

**For  
Donald R. Lucas  
1950 Courtney Drive  
Fort Myers, Florida 3301**

**Job # 020038.00**


**Prepared by:**

**Neese & Associates  
12661 Metro Parkway  
Fort Myers, Florida 33912**

**RECEIVED**

**JAN 28 2003**

**Approved By:**



**COMMUNITY DEVELOPMENT**

**Date:**

**1/27/03**

**CPA 2003-00001**

**EXHIBIT B-1**

A. Basis of Analysis

The following calculations were prepared based on the I.T.E. Trip Generation Manual 6th Edition for Land Use 851, Convenience Store – Open 24 hours, per 1,000 square feet of gross leasing area (GLA). The proposed project is the development of a 5,000 SF convenience store with a calculated buildout of six years.

B. Traffic Circulation Analysis

Roadways serving this site:

Summerlin Road – 4 lanes, arterial, 235' r/w, current LOS C, LOS standard E  
Pine Ridge Road – 2 lanes, collector, 66' r/w, current LOS C, LOS standard E

Note: Summerlin Road has been funded for six (6) lanes in FY 03 / 04.

Year 2020 LOS Projection Calculation:  
Lee County DOT Traffic Count Report 2001

Summerlin Road

Station #408	1992 AADT = 22000	2001 AADT = 20200
Station #410	1992 AADT= 29300	2001 AADT = 31000

Based on the 2001 Traffic count, there has been zero growth from 1992 to 2001 for the Station #408 segment.

$$\begin{aligned} \text{Growth Rate Calculation(X): } & 29,300(X)^9 = 31,000 \\ \text{(Station #410)} & X = (31,000/29,300)^{1/9} \\ & X = 1.0063 \end{aligned}$$

Year 2020 Projection with Amendment:

Based on the December 2001 Concurrency Manual, the existing peak hour, peak direction capacity for Link 227, Summerlin Road from Pine Ridge Road to Bass Rd. is 2,037 vph. Based on the growth rate factor indicated by counts at stations 408 & 410, the addition of 54 trips to the future volume provides a total of 2,349 trips, providing a LOS E for this segment. LOS E (2,370 trips in the peak direction of flow) is listed as the performance standard for this segment. This segment is funded for 6-lanes in 2003/04. The impact of 54 trips will be negligible to this segment.

$$\begin{aligned} \text{Peak Hour Rate x Growth Rate}^{\text{Years}+1} + \text{Site Volume} \\ 2,037 \times 1.0063^{19} + 54 = \\ 2,295 + 54 = 2,349 \end{aligned}$$

Pine Ridge Road

Station #369

1992 AADT = 8900

2001 AADT = 10900

Growth Rate Calculation(X):  $8,900 (X)^9 = 10,900$   
 $X = (10,900/8,900)^{1/9}$   
 $X = 1.0227$

Based on the December 2001 Concurrency Manual, the existing peak hour, peak direction capacity for Link 186, Pine Ridge Road from San Carlos Blvd. To Summerlin Rd. is 497 vph. The projected peak hour volume for 2020 is determined as follows:

Peak Hour Rate x Growth Rate<sup>Years +1</sup> + Site Volume

$497 \times 1.0227^{19} + (144 \times 0.78^*) =$

$761 + 112 = 873$

\*(% entering Pine Ridge from intersection of Summerlin and Pine Ridge)

The performance standard for Link 186 is 1,040 vph, LOS E, as indicated in the Concurrency Manual. The projected growth of Pine Ridge Road through the year 2020, plus the peak hour site volume expected to use Pine Ridge Road is 873 vph, maintaining a LOS C for this segment.

Year 2020 Projection with/out Amendment

The subject property is currently designated as Industrial Development. Review of the ITE calculations for a possible 38,000 SF of land use 151: warehousing indicates a total peak hour of 41 vehicles, 34 entering and 8 exiting. Using movement distributions as indicated by Trip Generation, 6<sup>th</sup> edition, projected level-of-service standards would remain identical to the existing levels, as the following indicates:

Summerlin Road	$2,037 \text{ vph} + 34(.8) = 2,064$	LOS C
Pine Ridge Road	$497 \text{ vph} + 34(.2) = 503$	LOS C

C. Trip Generation Calculations

TRIP GENERATION BY MICROTRANS

( See Attached Calculations)

D. Turning Movement Distribution

The turning movement distributions are based on a majority of the traffic being generated from the north. The breakdown is as follows:

I.T.E. TRIP GENERATION SUMMARY PEAK HOUR VOLUME	AM		PM	
	ENTER	EXIT	ENTER	EXIT
CONVENIENCE STORE – 24 HOUR	164	164	134	134

Distribution of 100% of the traffic generated by the site is as follows:

VISION XXV

DISTRIBUTION		AM		PM	
		ENTER	EXIT	ENTER	EXIT
EAST (SUMMERLIN ROAD)	40%	66	66	54	54
WEST (SUMMERLIN ROAD)	40%	66	66	54	54
NORTH (PINE RIDGE ROAD)	10%	16	16	13	13
SOUTH (PINE RIDGE ROAD)	10%	16	16	13	13

Of the traffic from and to east Summerlin Road, 30% will enter and exit at Safety Street.

DISTRIBUTION		AM		PM	
		ENTER	EXIT	ENTER	EXIT
PINE RIDGE & FRONTAGE		144	144	118	118
SAFETY STREET & FRONTAGE		20	20	16	16

(See Exhibit "A" Attached)

E. Anticipated Improvements/Expansions

The frontage road between Pine Ridge Road and Safety Street has been partially completed. Improvements to the remaining segment are anticipated in the development of the subject parcel.

F. Planned Improvements/Expansions in the CIP

Review of the Lee County 5-year Capital Improvements Program has indicated that the segment of Summerlin Road from San Carlos to Bass Road has been budgeted for FY 01/02 and FY 03/04 with the majority of the project budgeted later.

There are no improvements or expansions of the Capital Improvements Program or long range improvements necessary or planned for the existing roadway system as a result of this proposed amendment.

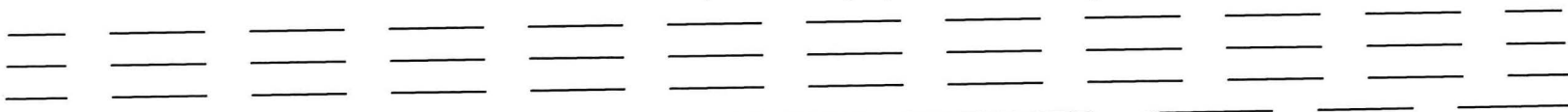
G. Conclusion

The proposed small-scale amendment requesting a change of designated land use from Industrial Development to Urban Community for the subject property will have negligible impacts on the level-of-service to the existing roads. Summerlin Road and Pine Ridge Road will remain at their existing levels, LOS C, with the addition of site generated peak hour traffic.

The specific land use code of 851, Convenience Market (Open 24 Hours) was used in determining the impacts of the site generated traffic on the surrounding existing roads due to its intensive peak hour averages as compared to other high generators; 853, Convenience Market with Gas Pumps; 845, Gas/service station with Convenience Market; 834, Fast Food with drive-through.



SUMMERLIN ROAD (S.R. 869) (225' R-O-W)



FRONTAGE ROAD R-O-W TO SAFETY STREET

FRONTAGE ROAD R-O-W

SUBJECT PROPERTY


FRONTAGE ROAD R-O-W

PINE RIDGE ROAD

DATE: 12/14/06  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: 1" = 40'  
SHEET: 1 OF 1

TRAFFIC IMPACT SKETCH  
FOR  
VISION XXV  
FOR THE  
1800 COLLIER DRIVE, SUITE 308  
FORT MYERS, FL 33901

SCALE: 1" = 40'  
DATE: 12/14/06



**Neese & Associates**  
Civil Engineering & Land Surveying  
Certification of Authorization #00003390  
12421 Marco Parkway  
Fort Myers, Florida 33912  
Tel: 941-936-8777  
Fax: 941-936-8777

APPROVED BY:  
[Signature]  
DATE: 12/14/06

DATE: 12/14/06  
DRAWN BY: [Name]

VISION XXV  
 Summary of Trip Generation Calculation  
 For 5 Th.Gr.Sq.Ft. of High Turnover (Sit-Down) Restaurant

---

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	130.34	43.77	1.00	652
7-9 AM Peak Hour Enter	4.82	0.00	1.00	24
7-9 AM Peak Hour Exit	4.45	0.00	1.00	22
7-9 AM Peak Hour Total	9.27	7.46	1.00	46
4-6 PM Peak Hour Enter	6.52	0.00	1.00	33
4-6 PM Peak Hour Exit	4.34	0.00	1.00	22
4-6 PM Peak Hour Total	10.86	9.83	1.00	54
Saturday 2-Way Volume	158.37	0.00	1.00	792
Saturday Peak Hour Enter	12.60	0.00	1.00	63
Saturday Peak Hour Exit	7.40	0.00	1.00	37
Saturday Peak Hour Total	20.00	16.54	1.00	100

---

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

TRIP GENERATION BY MICROTRANS

VISION XXV  
 Summary of Trip Generation Calculation  
 For 5 Th.Gr.Sq.Ft. of Fast-Food Restaurant with Drive-Thru

---

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	496.12	242.52	1.00	2481
7-9 AM Peak Hour Enter	25.43	0.00	1.00	127
7-9 AM Peak Hour Exit	24.43	0.00	1.00	122
7-9 AM Peak Hour Total	49.86	29.60	1.00	249
4-6 PM Peak Hour Enter	17.41	0.00	1.00	87
4-6 PM Peak Hour Exit	16.07	0.00	1.00	80
4-6 PM Peak Hour Total	33.48	19.25	1.00	167
Saturday 2-Way Volume	722.03	295.62	1.00	3610
Saturday Peak Hour Enter	30.04	0.00	1.00	150
Saturday Peak Hour Exit	28.87	0.00	1.00	144
Saturday Peak Hour Total	58.91	23.95	1.00	295

---

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

TRIP GENERATION BY MICROTRANS

VISION XXV  
 Summary of Trip Generation Calculation  
 For 5 Th.Gr.Sq.Ft. of Fast-Food Restaurant without Drive-Thru

---

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	716.00		0.00	1.00 3580
7-9 AM Peak Hour Enter	26.32		0.00	1.00 132
7-9 AM Peak Hour Exit	17.55		0.00	1.00 88
7-9 AM Peak Hour Total	43.87		0.00	1.00 219
4-6 PM Peak Hour Enter	13.34		0.00	1.00 67
4-6 PM Peak Hour Exit	12.81		0.00	1.00 64
4-6 PM Peak Hour Total	26.15	10.51		1.00 131
Saturday 2-Way Volume	696.00		0.00	1.00 3480
Saturday Peak Hour Enter	26.73		0.00	1.00 134
Saturday Peak Hour Exit	27.82		0.00	1.00 139
Saturday Peak Hour Total	54.55		0.00	1.00 273

---

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

TRIP GENERATION BY MICROTRANS

VISION XXV  
 Summary of Trip Generation Calculation  
 For 5 Th.Gr.Sq.Ft. of Convenience Market (Open 24 Hours)

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	737.99	336.24	1.00	3690
7-9 AM Peak Hour Enter	32.70	0.00	1.00	164
7-9 AM Peak Hour Exit	32.70	0.00	1.00	164
7-9 AM Peak Hour Total	65.39	28.37	1.00	327
4-6 PM Peak Hour Enter	26.86	0.00	1.00	134
4-6 PM Peak Hour Exit	26.86	0.00	1.00	134
4-6 PM Peak Hour Total	53.73	18.60	1.00	269
Saturday 2-Way Volume	863.10	511.99	1.00	4316
Saturday Peak Hour Enter	31.38	0.00	1.00	157
Saturday Peak Hour Exit	32.67	0.00	1.00	163
Saturday Peak Hour Total	64.05	33.10	1.00	320

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

TRIP GENERATION BY MICROTRANS

VISION XXV  
 Summary of Trip Generation Calculation  
 For 5 Th.Gr.Sq.Ft. of Convenience Market with Gasoline Pumps

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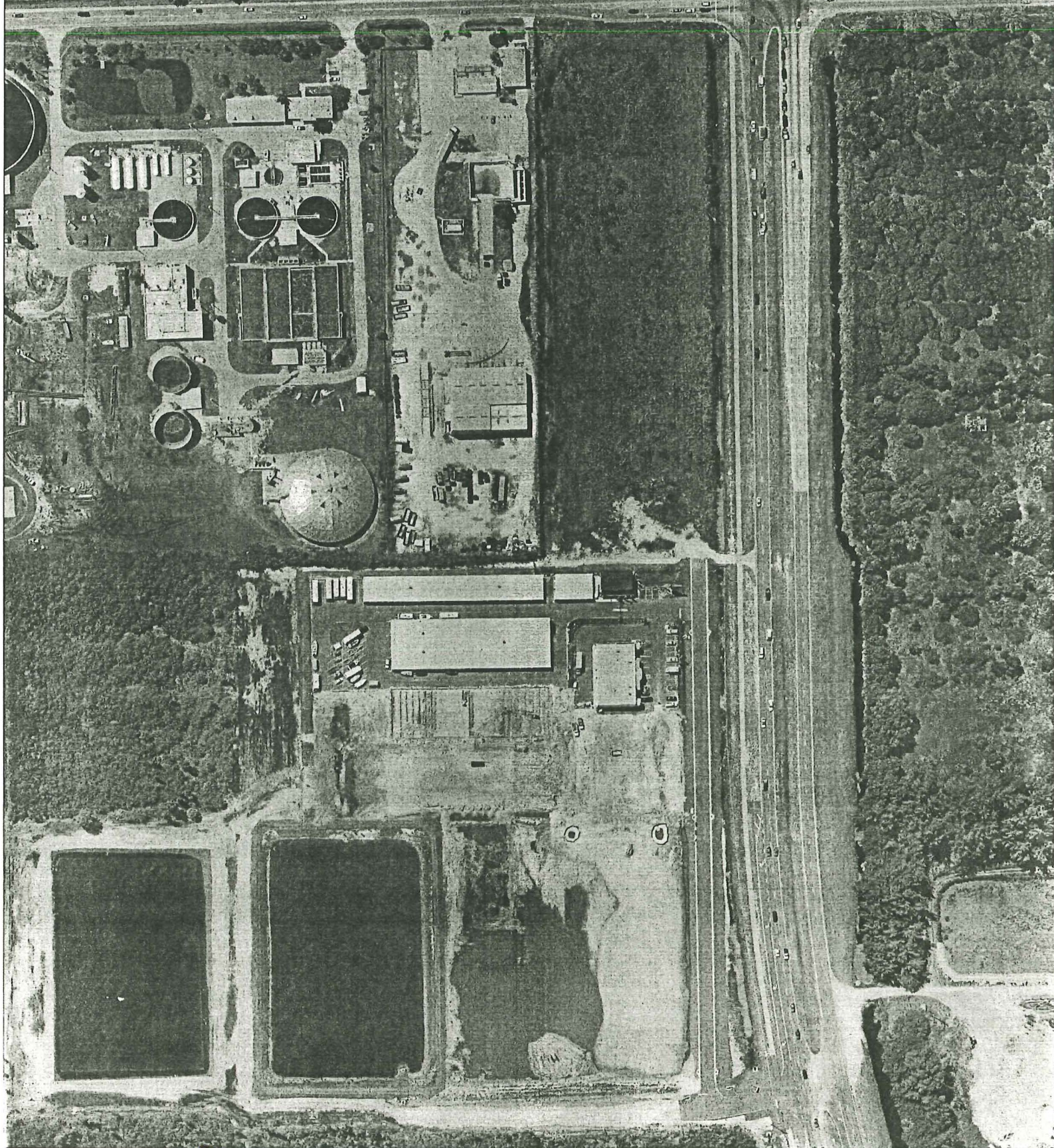
	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	845.60	163.67	1.00	4228
7-9 AM Peak Hour Enter	22.79	0.00	1.00	114
7-9 AM Peak Hour Exit	22.79	0.00	1.00	114
7-9 AM Peak Hour Total	45.58	18.50	1.00	228
4-6 PM Peak Hour Enter	30.31	0.00	1.00	152
4-6 PM Peak Hour Exit	30.31	0.00	1.00	152
4-6 PM Peak Hour Total	60.61	35.37	1.00	303
Saturday 2-Way Volume	1448.33	735.17	1.00	7242
Saturday Peak Hour Enter	28.90	0.00	1.00	145
Saturday Peak Hour Exit	26.68	0.00	1.00	133
Saturday Peak Hour Total	55.58	0.00	1.00	278

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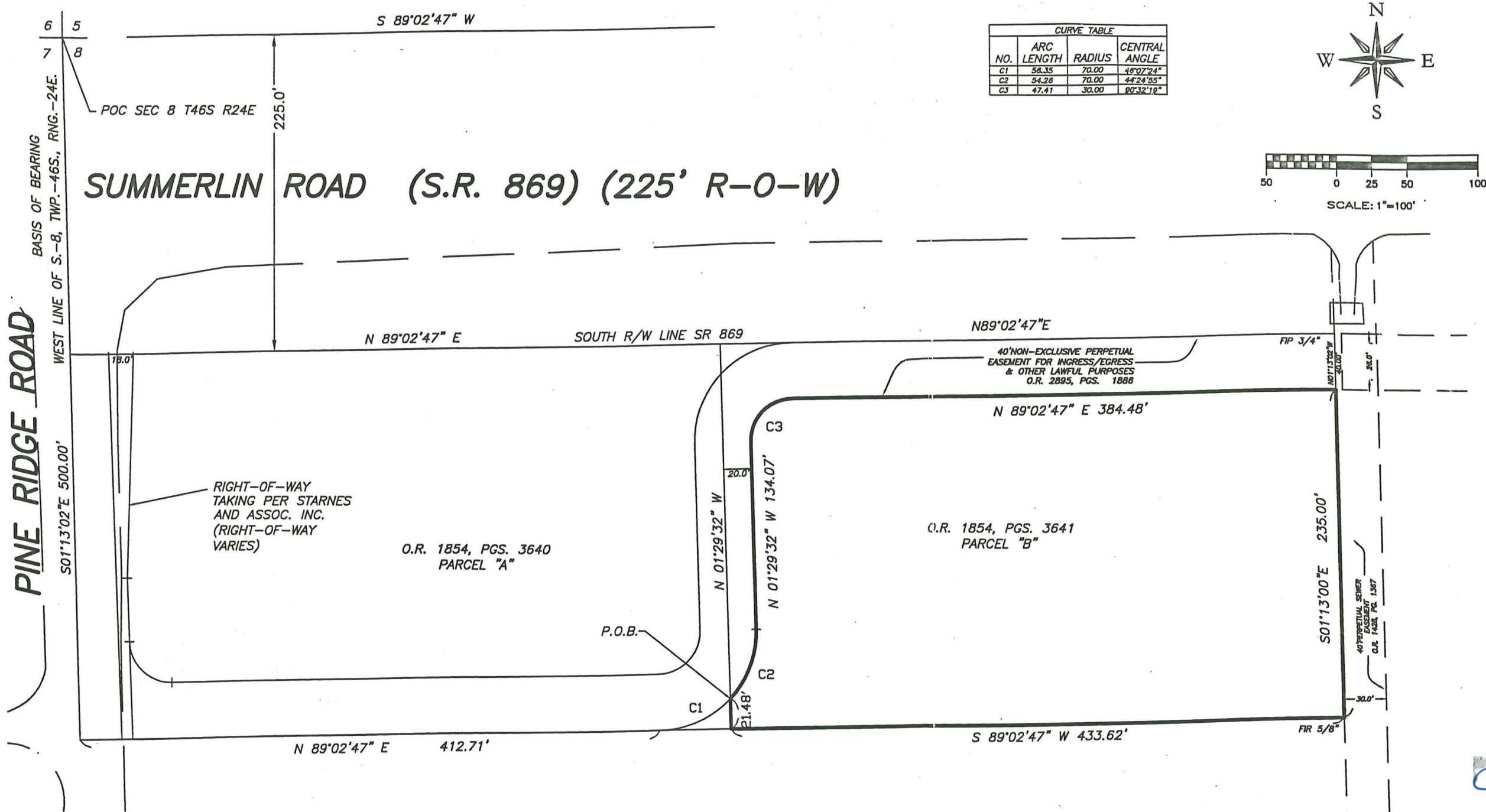
Note: A zero indicates no data available.  
 Source: Institute of Transportation Engineers  
 Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

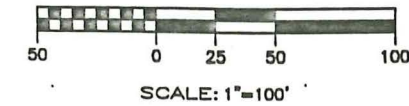
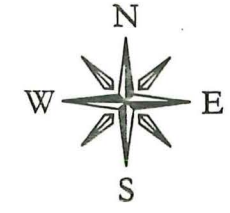
RECEIVED  
MAY 28 2003  
CITY OF CHICAGO



CPA 2003-00001



CURVE TABLE			
NO.	ARC LENGTH	RADIUS	CENTRAL ANGLE
C1	56.35	70.00	46°07'24"
C2	54.26	70.00	44°24'55"
C3	47.41	30.00	90°32'19"



JOB #: 020038.00



**Neese & Associates**  
Civil Engineering & Land Surveying

12661 Metro Parkway Fort Myers, Florida 33912  
941-768-0077 Fax 941-768-3457

SKETCH (NOT A SURVEY)

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION  
(SEE EXHIBIT "A")  
VISION XXV  
DON LUCAS

SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST

- NOTES:
1. THIS SKETCH WAS MADE WITHOUT BENEFIT OF A TITLE REPORT.
  2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
  3. SUBJECT TO ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.
  4. SKETCH IS IN ACCORDANCE WITH INFORMATION PROVIDED BY CLIENT.
  5. BEARINGS ARE BASED ON THE WEST LINE OF SECTION 8, T46S, R24E AS S01°13'02"E.

CERTIFIED TO:  
**RECEIVED**  
DON LUCAS

**JAN 28 2003**

**COMMUNITY DEVELOPMENT**  
**CDA 2003-00001**

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS SURVEY DRAWING OF THE HEREON DESCRIBED PROPERTY IS A TRUE REPRESENTATION OF A RECENT FIELD SURVEY MADE UNDER MY DIRECTION AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES. TO BE VALID THIS SURVEY MUST HAVE AN EMBOSSED SURVEYORS SEAL SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

EDDIE E. NEESE, P.L.S.  
FLORIDA REGISTRATION NO. 2653

DATE SIGNED: \_\_\_\_\_  
FOR NEESE & ASSOCIATES

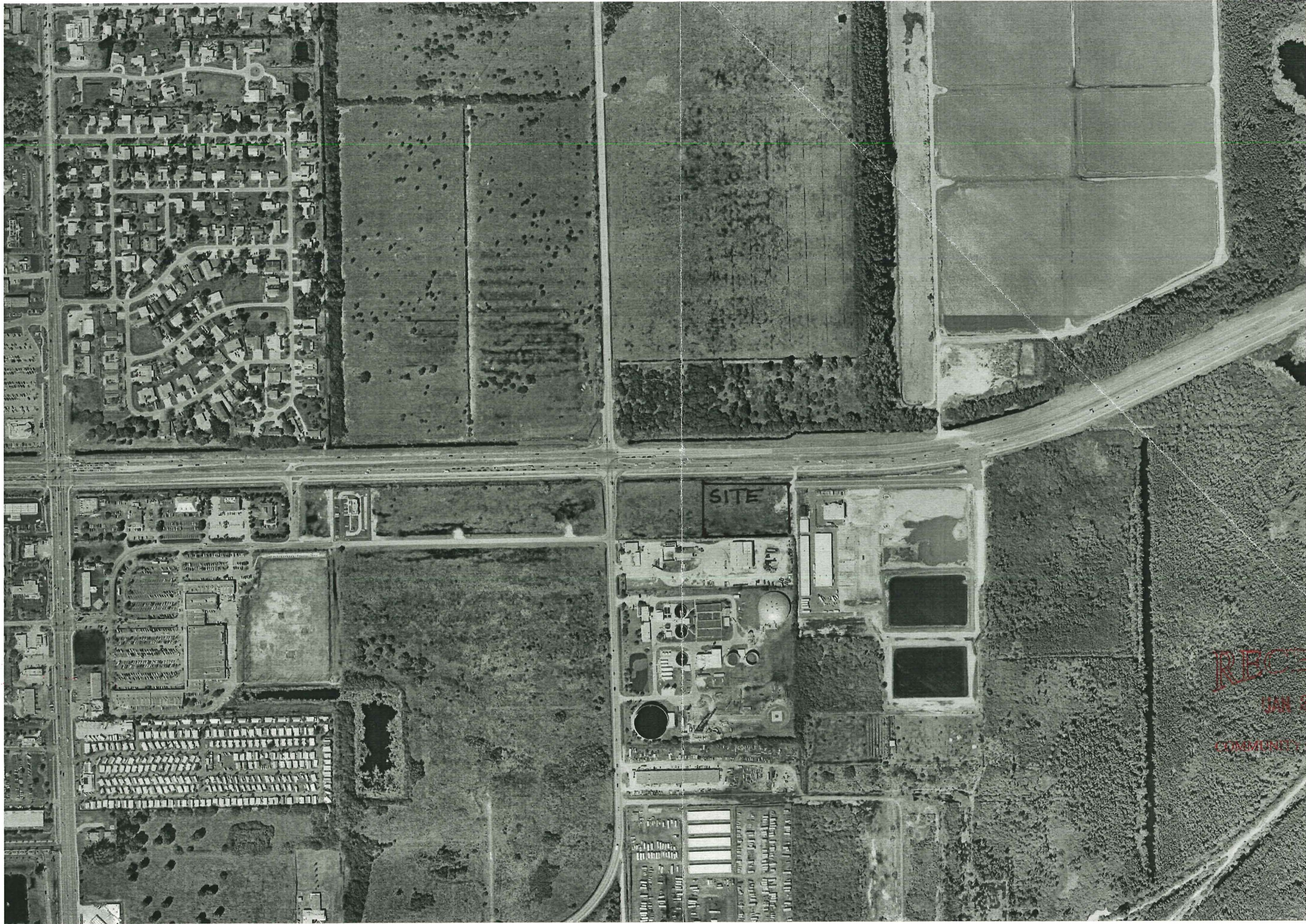
**LEGAL DESCRIPTION**  
PARCEL B IN NW1/4 OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND LYING IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 8, T46S, R24E, IN LEE COUNTY FLORIDA. THENCE RUN S01°13'02"E AS A BASIS OF BEARING FOR 500.00 FEET ALONG THE WEST LINE OF SAID SECTION 8. THENCE RUN N89°02'47"E FOR 412.71 FEET ALONG THE SOUTH LINE OF LANDS DESCRIBED IN OR1854 PG3640 OF THE LEE COUNTY RECORDS TO A POINT OF CURVATURE, THENCE CONTINUE NORTHERLY ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 70.00 FEET THROUGH A CENTRAL ANGLE OF 46°07'24" FOR 56.35 FEET TO WHICH POINT A RADIAL LINE BEARS S47°04'37"E AND THE POINT OF BEGINNING. THENCE CONTINUE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 44°24'55" FOR 54.26 FEET; THENCE N01°29'32"W FOR A DISTANCE OF 134.07 FEET ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OR 2895 PGS 1886-1888 TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 30.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°32'19" FOR A DISTANCE OF 47.41 FEET; THENCE N89°02'47"E FOR A DISTANCE OF 384.48 FEET ALONG THE SOUTH LINE OF THE LANDS DESCRIBED IN OR 2895 PGS 1886-1888; THENCE S01°13'00"E FOR A DISTANCE OF 235.00 FEET ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OR 1854 PG 3641; THENCE S89°02'47"W FOR A DISTANCE OF 433.62 FEET ALONG THE SOUTH LINE OF THE LANDS DESCRIBED IN OR 1854 PG 3641; THENCE N01°29'32"W FOR A DISTANCE OF 21.48 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 2.25 ACRES MORE OR LESS

SCALE: 1" = 100' DATE OF SURVEY: NA  
FIELD BOOK NA, PAGE NA  
DRAWN BY: MLP DATE DRAWN: 12/11/02  
CHECKED BY: SLS FILE #: 020038-SKETCH-2.DWG



Date: 11/13/02  
Design:   
Checked: BEN  
Drawn By: MJP

APPROVED BY: \_\_\_\_\_  
Date: \_\_\_\_\_

**Neese & Associates**  
Civil Engineering & Land Surveying  
12661 Metro Parkway  
Fort Myers, Florida 33912  
941-768-0077  
Fax 941-768-3457

Rev.	Date	By	Description

OPA 2003-00001

RECEIVED  
JAN 28 2003

COMMUNITY DEVELOPMENT

AERIAL  
OF  
VISION XXV  
FOR DONALD R. LUCAS  
1950 COURTNEY DRIVE, SUITE 206  
FORT MYERS, FL 33901

Job No.: 020038.00  
DWG. File No.:  
Aerial3mileRadius.dwg  
Scale Horizontal: 1"=200'  
Scale Vertical: n/a  
SHT. 1 of 1