



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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Sponsored Application
and Staff Analysis**

BoCC Adoption Document

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September 20, 2004

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

☐ Text Amendment ☒ Map Amendment

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

ORIGINAL STAFF REPORT PREPARATION DATE: January 22, 2004

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

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

2. REQUEST:

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

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. REVISED RECOMMENDATION:

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

2. ORIGINAL RECOMMENDATION:

At this time planning staff **recommends transmittal** of the applicant's request to amend Map 1, the Future Land Use Map, to change the future land use designation of the subject area from the "Suburban" land use category to the "Urban Community" land use category. At this time, however, staff would **not recommend adoption** of the request given the 2020 Level of Service status of the segment of U.S. 41 running from Koreshan Boulevard to San Carlos Boulevard.

3. BASIS AND RECOMMENDED FINDINGS OF FACT:

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

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

C. BACKGROUND INFORMATION

1. EXISTING CONDITIONS

SIZE OF PROPERTY: 102 ± ACRES

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

EXISTING USE OF LAND: Vacant pastureland

CURRENT ZONING: AG-2

CURRENT FUTURE LAND USE CLASSIFICATION: Suburban

2. INFRASTRUCTURE AND SERVICES

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

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

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

SOLID WASTE FRANCHISE: Florida Recycling, Inc.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

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

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

PROJECT SUMMARY

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

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

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

COMPREHENSIVE PLAN BACKGROUND

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

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

ADJACENT ZONING AND USES

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

POPULATION ACCOMMODATION CAPACITY DISCUSSION

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

CONSISTENCY WITH THE "URBAN COMMUNITY" LAND USE CATEGORY

The applicant is proposing that the subject area's land use designation be amended to Urban Community. The Urban Community areas are described by Policy 1.1.4. Policy 1.1.4 is reproduced below:

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

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

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

MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)

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

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

CONSISTENCY WITH GOAL 19 "ESTERO"

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

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

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

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

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

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

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

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

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

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

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

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

TRANSPORTATION ISSUES

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

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

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

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

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

PUBLIC SAFETY ISSUES

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

Emergency Management - Hurricane Evacuation/Shelter Impacts

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

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

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

Emergency Medical Services (EMS)

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

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

Sheriff's Office Impact

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

Fire Service Impact

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

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

SCHOOL IMPACTS

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

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

SOILS

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

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

ENDANGERED SPECIES

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

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

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

PARKS, RECREATION AND OPEN SPACE

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

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

DRAINAGE/SURFACE WATER MANAGEMENT

The application provides the following concerning this issue:

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

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

MASS TRANSIT

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

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

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

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

UTILITIES

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

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

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

SOLID WASTE

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

"The Lee County Solid Waste Division is capable of providing solid waste collection service for the commercial and residential units proposed for North Point through our franchised hauling contractors. Disposal of the solid waste from this development will be accomplished at the Lee County Resource recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities."

"The Solid Waste Ordinance (00-22, section 17) has requirements for providing on-site space for placement and servicing of commercial solid waste containers. Please review these requirements when planning the development at North Point."

COASTAL ISSUES

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

B. CONCLUSIONS

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

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

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

C. STAFF RECOMMENDATION

At this time planning staff **recommends transmittal** of the applicant's request to amend Map 1, the Future Land Use Map, to change the future land use designation of the subject area from the "Suburban" land use category to the "Urban Community" land use category. At this time, however, staff would **not recommend adoption** of the request given the 2020 Level of Service status of the segment of U.S. 41 running from Koreshan Boulevard to San Carlos Boulevard.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: January 26, 2004

A. LOCAL PLANNING AGENCY REVIEW

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

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

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

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

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

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

C. VOTE:

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

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

DATE OF TRANSMITTAL HEARING: March 9, 2004

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

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

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

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

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

C. VOTE:

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

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

DATE OF ORC REPORT: May 28, 2004

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

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

B. STAFF RESPONSE

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

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

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

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

DATE OF ADOPTION HEARING: September 20, 2004

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

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

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

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

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

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

C. VOTE:

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

September 20, 2004

The Zoning Meeting of the Board of Lee County Commissioners was held on this date with the following Commissioners present:

John E. Albion, Chairman
Douglas R. St. Cerny, Vice-Chairman
Ray Judah
Andrew Coy
Robert P. Janes

The Chairman called the meeting to order at 9:32 a.m.

At this time, Development Services Senior Planner Alvin (Chip) Block reviewed the order of proceeding for today's meeting; and noted that the Comprehensive Plan Amendment, for the North Point Development of Regional Impact (DRI), would precede the DRI2003-00002/DCI2003-00037 zoning case.

ON FILE IN THE MINUTES OFFICE: COMPREHENSIVE PLAN AMENDMENT, INCLUDING STAFF REPORTS.

1. Call to order; Lee Plan Amendment Adoption

A. CPA 2003-04

Amend the Future Land Use Map Series, Map 1, by changing the classification for approximately 102 acres of land in S33, T46S, R25E, from Suburban to Urban Community.

RECOMMENDATIONS:

The Department of Community Affairs (DCA) Objections, Recommendations, and Comments (ORC) Report, dated May 28, 2004, stated that DCA had no objections to the proposed amendment.

Staff recommended adoption of the amendment, as it was proposed at the hearing.

In response to Commissioner Judah's request for clarification, Planning Division Planner Brandy Gonzalez stated that, at the time of the amendment's transmittal, the Planning Staff recommended transmittal, but not adoption, of the amendment; and that issues had been addressed and resolved, allowing Staff to now recommend adoption of the amendment. Brief discussion ensued regarding the segment of US 41 and the possible traffic impact on the area. In response to Commissioner Albion's inquiry regarding the radius size of the project, Department of Transportation Planner Andrew Getch stated that, while the regional impact study guidelines are outlined by the Florida Statutes and Florida Administrative Code, a Comprehensive Plan has no such available guidelines, so the DRI study percentages and parameters were used to generate a fair number.

2. Public Comment on the Lee Plan Amendment

The Chairman called for public input, and the following persons came forward to express their support for the amendment:

Attorney Neale Montgomery, of the law firm of Pavese, Haverfield, Dalton, Harrison & Jensen
North Point Lake Planner Daniel DeLisi
David Plummer and Associates Traffic Consultant Ronald Talone
Estero Community Planning Panel (ECPP) Director Donald Eslick

Attorney Neale Montgomery, on behalf of the applicant, North Point Lake, LLC, discussed the advantages of aesthetic uniformity and accessibility to main highways to the surrounding community. Mr. DeLisi commented on the key structures within walking distance of the site and the public's positive response to the proposed change. In response to Commissioner Judah's request for clarification, Mr. DeLisi stated that the suburban land category

limitation on retail use is 100,000 square feet on a single development, which would no longer be an issue if the land category was changed to an urban classification. Mr. Talone responded to Commissioner Judah's question regarding traffic analysis by explaining that several methods of traffic studies were utilized, creating an effective and accurate analysis, which had been presented and approved by the DCA; Mr. Talone cited a section of the DCA ORC report which affirmed the approval of the traffic analysis report.

3. Certification of Affidavit of Publication

At this time, Assistant County Attorney Timothy Jones approved as to the legal form and sufficiency, the Affidavit of Publication regarding this item.

4. Adopt the following ordinance which adopts the amendment:

DISCUSSION CONTINUED ON THE AMENDMENT:

In response to Commissioner Judah's concern regarding increased traffic volume on US-41 before all the effected segments are widened to sufficiently accommodate the traffic, ECPP Director Donald Eslick stated that the agreement stage of this project's development would create an opportunity to direct a portion of the \$4,000,000.00, generated from this project, to the widening of US41; stated that the \$17,000,000.00 required to construct that section requires a two-year loan from the State in 2008-2009; noted that the remaining issue is to establish methods to finance the interest on the loan; and commented that discussions regarding the financing of the widening of US 41 during the planning and zoning stages are premature. Commissioner Judah moved to adopt, seconded by Commissioner St. Cerny, called and carried. The Ordinance adopted by the Board and filed was LEE COUNTY ORDINANCE NO. 04-14, ENTITLED:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT THAT AMENDMENT KNOWN LOCALLY AS CPA 2003-04 APPROVED IN CONJUNCTION WITH ADOPTION OF THE DEVELOPMENT OF REGIONAL IMPACT APPLICATION (DRI2003-00002) NORTH POINT; PROVIDING FOR AMENDMENTS TO THE ADOPTED FUTURE LAND USE CLASSIFICATION AND MAP (MAP 1); PROVIDING FOR PURPOSE AND SHORT TITLE; PROVIDING FOR ADOPTION OF THE SPECIFIED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL EFFECT OF "THE LEE PLAN"; PROVIDING FOR GEOGRAPHICAL APPLICABILITY; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

THE CHAIRMAN STATED THAT THE BOARD WOULD NOW PROCEED WITH THE ZONING PORTION OF THE MEETING.

A COPY OF THE HEARING EXAMINER'S RECOMMENDATION IS ON FILE IN THE MINUTES OFFICE.

CASE NUMBER: DRI2003-00002 & DCI2003-00037

NAME: North Point

REQUEST: Consider the Application for Development Approval (ADA), filed by North Point Lake, LLC, for a 102.5-acre Development of Regional Impact (DRI) known as North Point; and rezone 102.57 acres, located in Estero, from Agricultural District (AG-1) to Mixed Use Planned Development (MPD), to allow the development of 550,000 square feet of retail commercial, 120,000 square feet of office use, 150 hotel/motel rooms, and 150 residential units with a maximum building height of 75 feet.

LOCATION: The subject property is located at the northeastern corner of US 41 and Williams Road in Estero, in S33, T46S, R25E, Lee County, FL.

STRAP NUMBER: The applicant indicates the STRAP numbers are:

33-46-25-00-00021.0000
33-46-25-00-00019.0000
33-46-25-00-00019.0080

33-46-25-00-00019.0050
33-46-25-00-00019.0060
33-46-25-00-00019.0090
33-46-25-00-00019.0030

SIZE OF PROPERTY: 102.57± acres

PROPERTY OWNER'S
REPRESENTATIVE: Mr. Dan DeLisi
Barraco & Associates Inc.
239-461-3170

Development Services Senior Planner Alvin (Chip) Block reviewed the request for the Board; noted that Staff recommended approval with conditions; and reported that the Hearing Examiner recommended approval with conditions, and had prepared a draft of the Development Order (DO). Mr. Block added that the Applicant offered minor clarification changes that Staff has reviewed and will respond to following the Applicant's presentation. Assistant County Attorney Donna Marie Collins affirmed Commissioner Albion's understanding as to the resolution of the County Attorney's previous concern regarding reanalysis; and, Mr. Block confirmed that previous language issues regarding the term "gross leasable flooring" have been resolved. In response to Commissioner Albion's concern over the price range available to buyers who are eligible for down-payment assistance, Senior Planner Gloria Sajgo explained that the radius is within ten miles of the cite, and that the \$225,000.00 designated for down-payment assistance is also available as rent assistance; clarified that the applicants may need to seek additional assistance from other housing programs; and added that there is no present methodology for calculating assistance. Housing Assessment Consultant Deborah Forester stated that an effective methodology for the region is presently being organized to assess the total financial contribution expected from DRI; stated that five percent of 102 acres is 5 acres; and concluded, that after the Hearing Examiner review, cost was estimated at \$58,000.00 per acre, totaling \$301,598.00 for 5 acres. Brief discussion ensued concerning the allocation of funds to Florida Gulf Coast University and the Housing Trust Fund, and the clarity of the formula being used to determine the allocation of funds. Commissioner Albion called for a firm methodology to be formulated within a six months; and suggested that the issue be addressed at the September 21, 2004 Regular Meeting. Attorney Neale Montgomery, of the law firm of Pavese, Haverfield, Dalton, Harrison & Jensen, explained to the Board that the Applicant, due to Ms. Forester's consulting, has abided well within the DRI rules. At Commissioner Albion's request, information on the delegation of funds for rental units versus down-payment assistance was clarified. Attorney Montgomery provided a copy of the memorandum (copy is on file in the Minutes Office), and read the restrictions described in the memorandum. Mr. Block confirmed, at Commissioner Judah's request that the Estero Community Planning Panel (ECPP) and Staff agreed with the additional restrictions listed in the memorandum; and clarified, that on page two of the memorandum, in the paragraph beginning, "Convenience Food and Beverage," the text, "SEE CONDITION 13," should be changed to read, "SEE CONDITION 13 - SELF SERVICE FUEL PUMPS." ECPP Director Donald Eslick expressed confidence in the developer and in high estimations on the benefits that the project will provide for the community; explained the purpose and history of the ECPP; and reviewed the restrictions listed in the Applicant's memorandum, affirming that there are no errors or omissions. The Chairman called for the Participants of Record, and the following individuals came forward:

ECCP North Point Project Sub-Committee member James Fraser reported no errors or omissions, stated that the project was a rare opportunity to develop a town, and commended the Board on a successful job.

Estero resident Donald Vilnius briefly spoke in favor of the Applicant's request.

Attorney Montgomery added that Condition 4 of the Proposed Zoning Resolution designates the architectural guidelines previously mentioned; and described where the affordable housing assistance can be used. Commissioner Judah moved the recommendation of the Hearing Examiner, as amended, including the memorandum from the Applicant and clarification on language by Staff. The motion was seconded by Commissioner Coy, called and carried.

RESOLUTION NO. Z-04-038

The Chairman adjourned the meeting at 10:54 a.m.

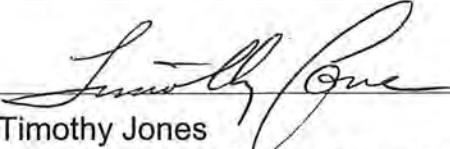
ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk Chairman, Lee County Commission

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

DATE: September 22, 2004

To: Shirley Carney
Supervisor, Public Resources

FROM: 
Timothy Jones
Chief Assistant County Attorney

**RE: Lee County Ordinance No. 04-14
North Point DRI Comp Plan Amendment
Adoption Hearing - September 20, 2004**

On September 20, 2003, the Board of County Commissioners adopted Ordinance No. 04-14. The original ordinance has been attached to this memorandum for execution. Kindly have the Chairman execute this ordinance at your earliest convenience and then forward it to Lisa Pierce in the Minutes Department.

By copy of this memorandum to Lisa Pierce, I request that a clerk attest to the Chairman's signature on the ordinance. Once this has been accomplished, please prepare three (3) certified copies of the executed ordinance and forward the document to my office as soon as possible.

Thank you for your assistance.

DMC/amp
Attachment

cc: (w/o attachment)
Timothy Jones, Chief Assistant County Attorney
Lisa Pierce, Supervisor, Minutes Department
Brandy Gonzalez, Planning Division

LEE COUNTY ORDINANCE NO. 04-014

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT THAT AMENDMENT KNOWN LOCALLY AS CPA 2003-04 APPROVED IN CONJUNCTION WITH ADOPTION OF THE DEVELOPMENT OF REGIONAL IMPACT APPLICATION (DRI2003-00002) NORTH POINT; PROVIDING FOR AMENDMENTS TO THE ADOPTED FUTURE LAND USE CLASSIFICATION AND MAP (MAP 1); PROVIDING FOR PURPOSE AND SHORT TITLE; PROVIDING FOR ADOPTION OF THE SPECIFIED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL EFFECT OF "THE LEE PLAN"; PROVIDING FOR GEOGRAPHICAL APPLICABILITY; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

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

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

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

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

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

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, has conducted a series of public hearings to review the proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Future Land Use Map Series (Map 1) of the Lee Plan discussed at those meetings. The short title and proper reference for the Lee County Comprehensive Plan, as hereby amended, will continue to be the "Lee Plan." This ordinance may be referred to as the "CPA2003-04 North Point Ordinance."

SECTION TWO: ADOPTION OF CPA2003-04 COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment known as CPA 2003-04, which amends the Future Land Use Map series of the Lee Plan by changing the designation of 102± acres from "Suburban" to "Urban Community."

In addition, the above-mentioned Staff Report and Analysis, along with all attachments for this amendment are hereby adopted as "Support Documentation" for the Lee County Comprehensive Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: GEOGRAPHIC APPLICABILITY

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

SECTION FIVE: SEVERABILITY

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

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

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

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

SECTION SEVEN: EFFECTIVE DATE

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

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

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

DONE AND ADOPTED this 20th Day of September 2004.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: Michelle S. Cooper
Deputy Clerk

BY: [Signature]
Chairman

DATE: 9/20/04

Approved as to form by:

[Signature]
County Attorney's Office



State of Florida
County of Lee

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

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

CHARLIE GREEN, CLERK

By Michelle S. Cooper
Deputy Clerk





LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

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

October 1, 2004

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

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

Dear Mr. Eubank:

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

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

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

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

Sincerely,

DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning



Paul O'Connor, AICP
Director

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

David Burr
Executive Director
Southwest Florida Regional Planning Council

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

Executive Director
South Florida Water Management District

Plan Review Section
Department of Environmental Protection

Florida Department of State

Florida Fish and Wildlife Conservation Commission

The Department of Agriculture and Consumer Services, Division of Forestry



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 5-14-03

REC'D BY: AE

APPLICATION FEE 2220.00

TIDEMARK NO: CPA 2003-00004

THE FOLLOWING VERIFIED:

Zoning ☒

Commissioner District ☒

Designation on FLUM ☒

(To be completed by Planning Staff)

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

Request No: _____

APPLICANT PLEASE NOTE:

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

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

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

5-12-03
DATE

[Signature]
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

RECEIVED
MAY 14 2003

I. APPLICANT/AGENT/OWNER INFORMATION

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

APPLICANT

2 Transam Plaza, Suite 200

ADDRESS

Oakbrook Terrace,

IL

60181

CITY

STATE

ZIP

(630) 916-0123

TELEPHONE NUMBER

FAX NUMBER

See Attached List

AGENT*

ADDRESS

CITY

STATE

ZIP

TELEPHONE NUMBER

FAX NUMBER

See Attached List

OWNER(s) OF RECORD

ADDRESS

CITY

STATE

ZIP

TELEPHONE NUMBER

FAX NUMBER

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

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

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

A. TYPE: (Check appropriate type)

☐ Text Amendment

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

B. SUMMARY OF REQUEST (Brief explanation):

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

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

A. Property Location:

1. Site Address: See Attached List

2. STRAP(s): See Attached List

B. Property Information

Total Acreage of Property: +/- 102 acres

Total Acreage included in Request: +/- 102 acres

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

Total Uplands: +/- 102 acres

Total Wetlands: N/A

Current Zoning: AG-2

Current Future Land Use Designation: Suburban

Existing Land Use: Agriculture

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

Lehigh Acres Commercial Overlay: N/A

Airport Noise Zone 2 or 3: N/A

Acquisition Area: N/A

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

Community Redevelopment Area: N/A

- D. Proposed change for the Subject Property:

Suburban to Urban Community

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density	<u>612 units</u>
Commercial intensity (sq. ft.)	<u>488,000 retail, 536,000 office</u>
Industrial intensity	<u>N/A</u>

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density	<u>1,020</u>
Commercial intensity (sq. ft.)	<u>692,000 retail, 398,400 office</u>
Industrial intensity	<u>102 acres</u>

IV. AMENDMENT SUPPORT DOCUMENTATION

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

A. General Information and Maps

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

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

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

B. Public Facilities Impacts

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

1. Traffic Circulation Analysis

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

Long Range – 20-year Horizon:

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

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

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
- b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;

Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);

- c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
- d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

2. Provide an existing and future conditions analysis for:

- a. Sanitary Sewer
- b. Potable Water
- c. Surface Water/Drainage Basins
- d. Parks, Recreation, and Open Space.

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

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

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

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

C. Environmental Impacts

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

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

D. Impacts on Historic Resources

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

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

E. Internal Consistency with the Lee Plan

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

F. Additional Requirements for Specific Future Land Use Amendments

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

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

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

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

Item 1: Fee Schedule

Map Amendment Flat Fee	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

AFFIDAVIT

I, Daniel DeLisi, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. The staff of Lee County may only enter the site with notice to the agent, and with an escort designated by the agent.



Signature of owner or owner-authorized agent

5-12-03

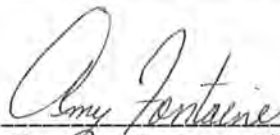
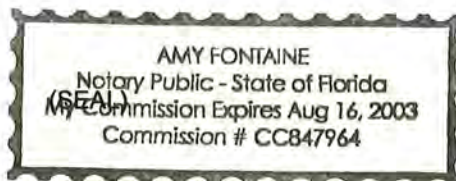
Date

Daniel DeLisi

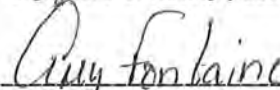
Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 12th day of May 192003,
by Daniel DeLisi, who is personally known to me or who has produced _____
as identification.



Signature of notary public



Printed name of notary public

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

Planning/Project Coordination

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

Project Coordination

Ronald C. Dillon
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24880 Burnt Pine Drive, #8
Bonita Springs, FL 34134
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Pavese, Haverfield, et al.
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Fort Myers, FL 33901
(239) 336-6235

Engineering

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

Environmental

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

Transportation

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

Property Owners List

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

North Point Comprehensive Plan Amendment

STRAP List

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

NORTH POINT DRI COMPREHENSIVE PLAN AMENDMENT

Introduction

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

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

☐ SURROUNDING LAND USES AND COMPATIBILITY

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

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

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

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

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

Background

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

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

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

Land Use Analysis

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

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

POLICY 1.1.4: *The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and*

limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

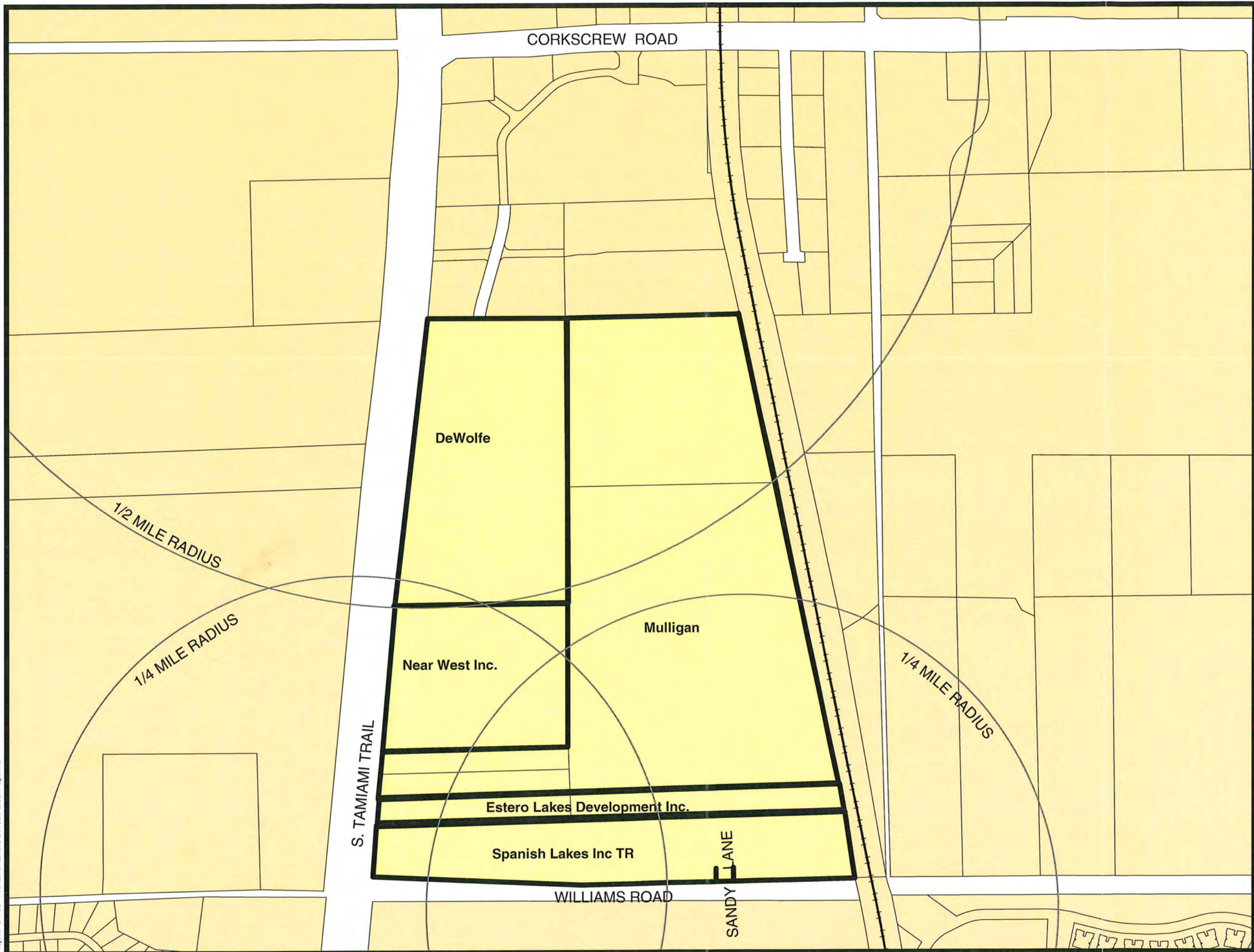
4. **Estero Lakes Development, Inc.** – Although both parcels that are owned by Estero Lakes Development Inc. meet site location standards, the property only has frontage on US 41. The property would need to gain access to Sandy Lane before the eastern parcel could be development for retail uses. Therefore,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

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

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

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

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



Legend

- County Boundary
- Railroads
- Parcels
- North Point

North Point Property Ownership Map

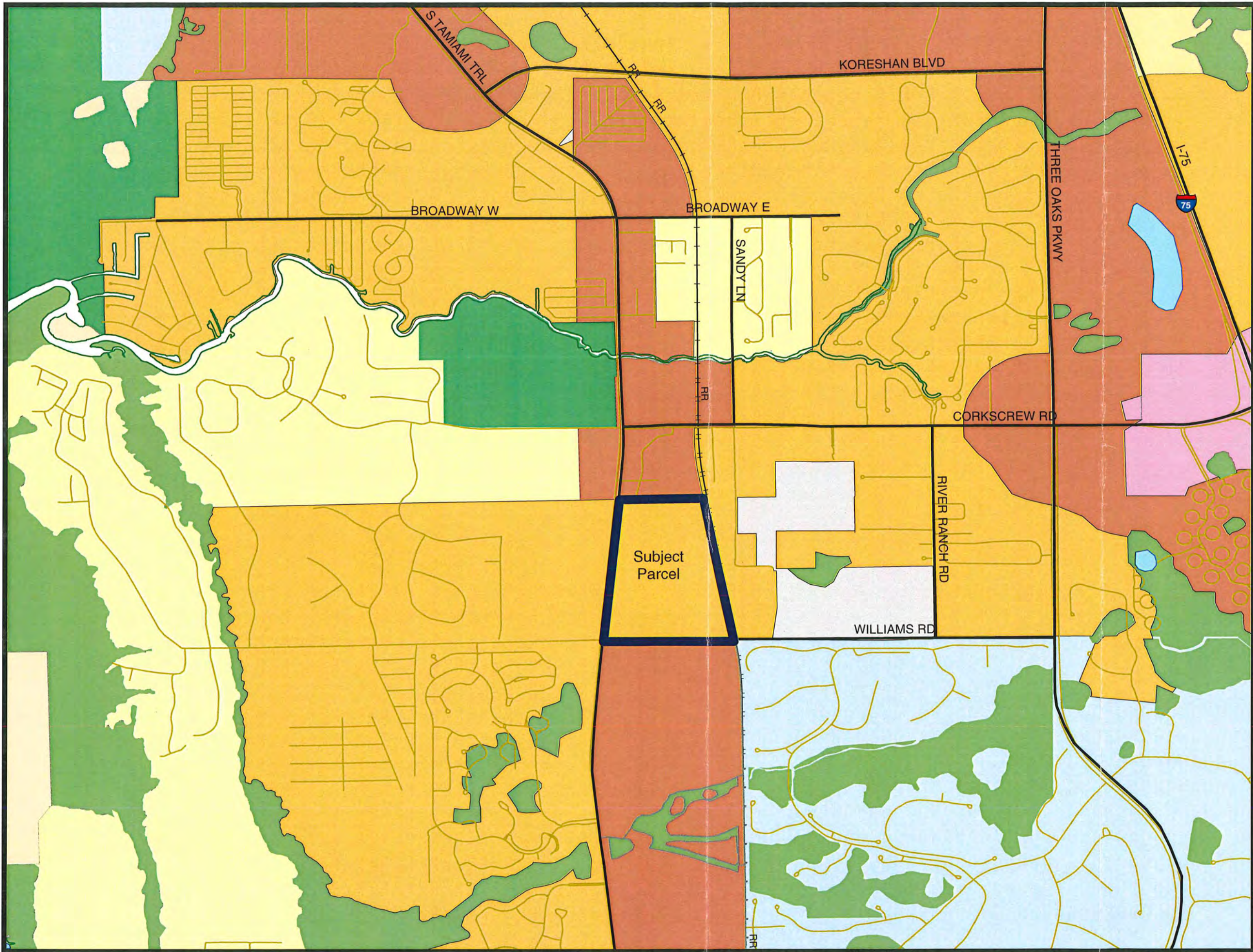


Exhibit A

Source: Lee County Property Appraiser
Not-To-Scale

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

Barraco
and Associates, Inc.



North Point Comprehensive Plan Amendment Current Future Land Use Map

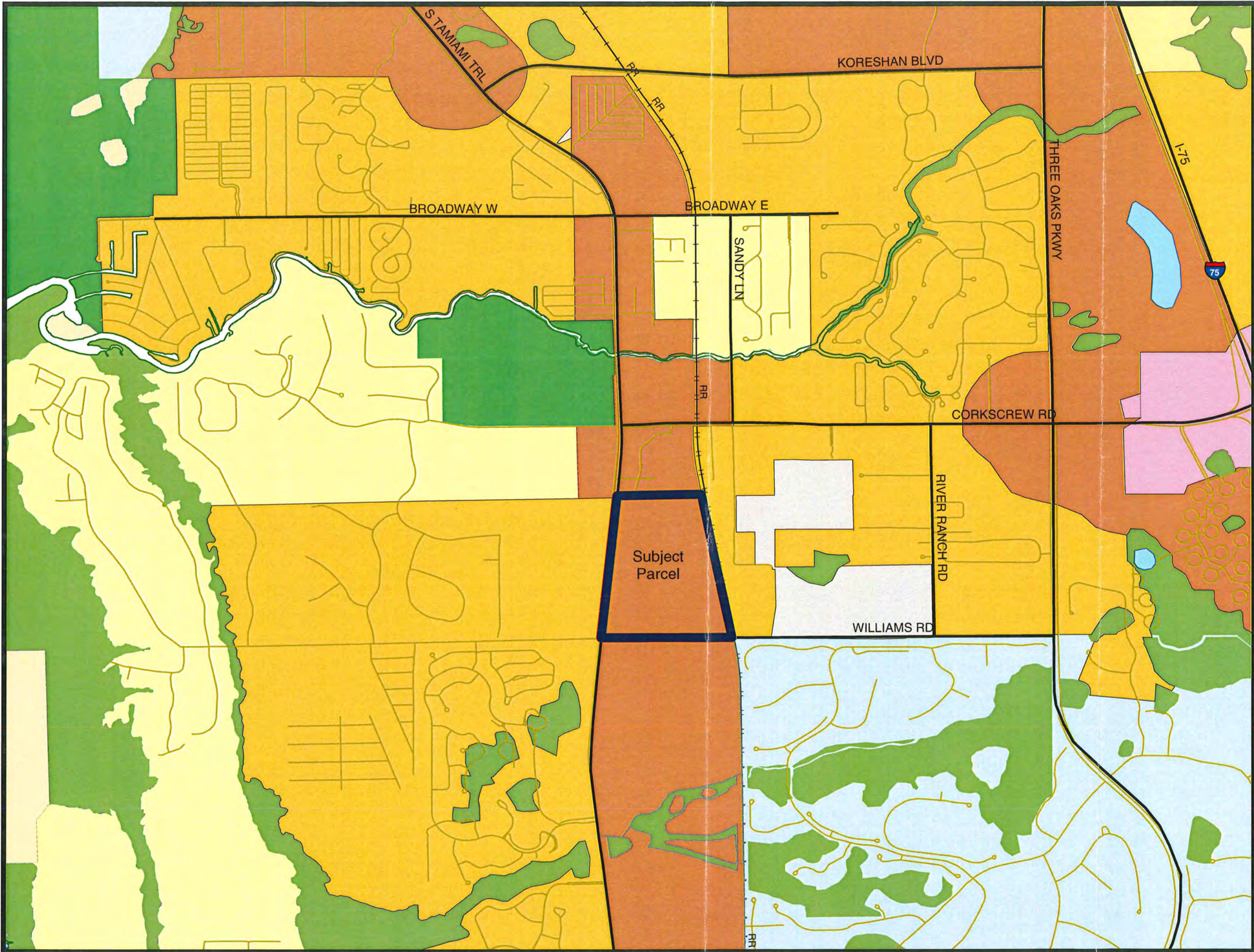
Map 2a

Source: Lee County Property Appraiser

Not-To Scale

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

Barraco
and Associates, Inc.



North Point Comprehensive Plan Amendment Proposed Future Land Use Map

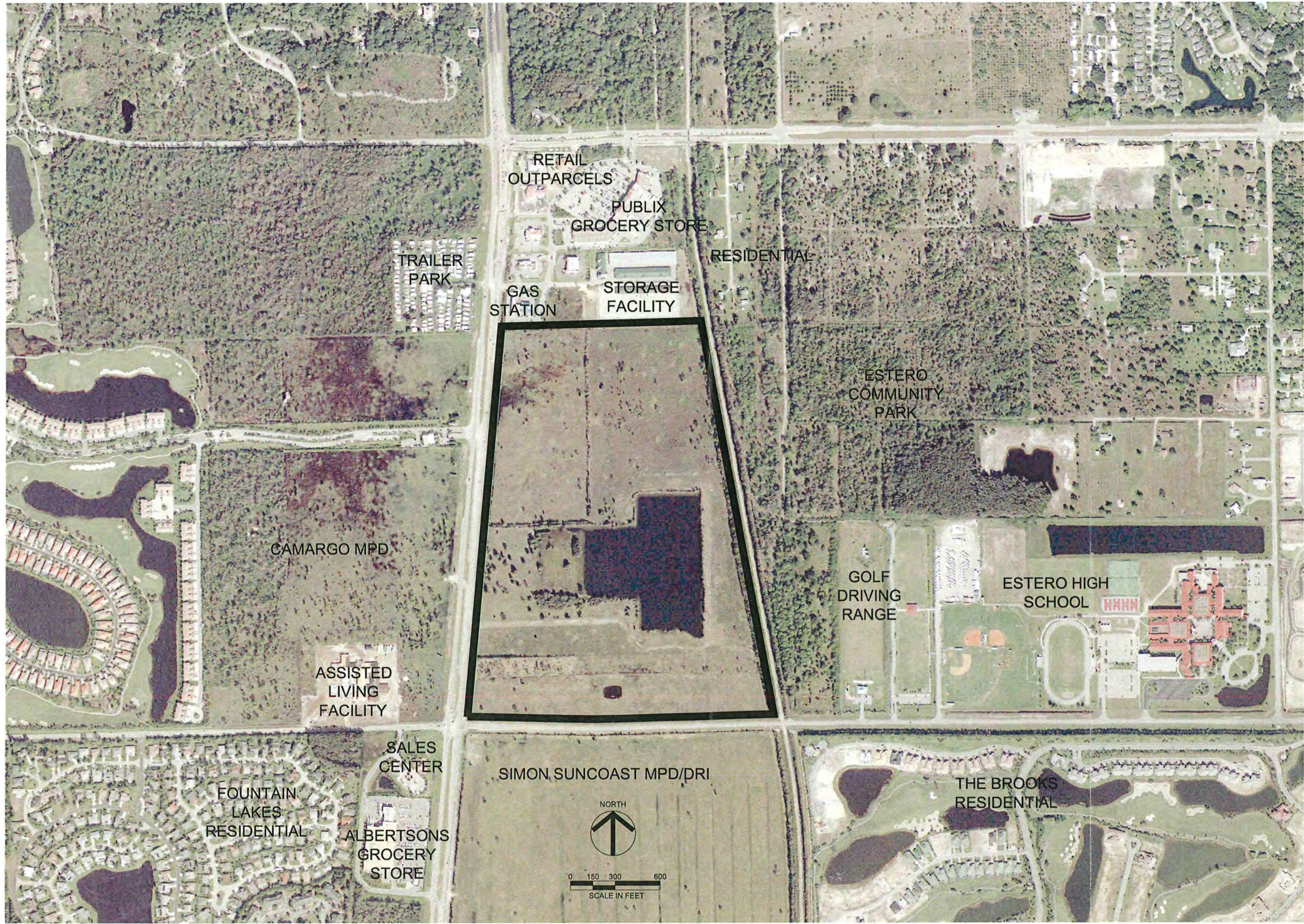
Map 2b

Source: Lee County Property Appraiser

Not-To-Scale

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

Barraco
and Associates, Inc.



**NORTH
POINT LAKE
LLC**

PROJECT DESCRIPTION

**NORTH
POINT**

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

COMPREHENSIVE
PLAN AMENDMENT

NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE AND DATE
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FILE NAME	21786Z01.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21786\DWG\ZONING\
PLOT DATE	FRI, 5-9-2003 - 9:24 AM
PLOT BY	TODD VANA
DESIGN BY	TODD VANA
XREF1	
XREF2	
XREF3	
XREF4	
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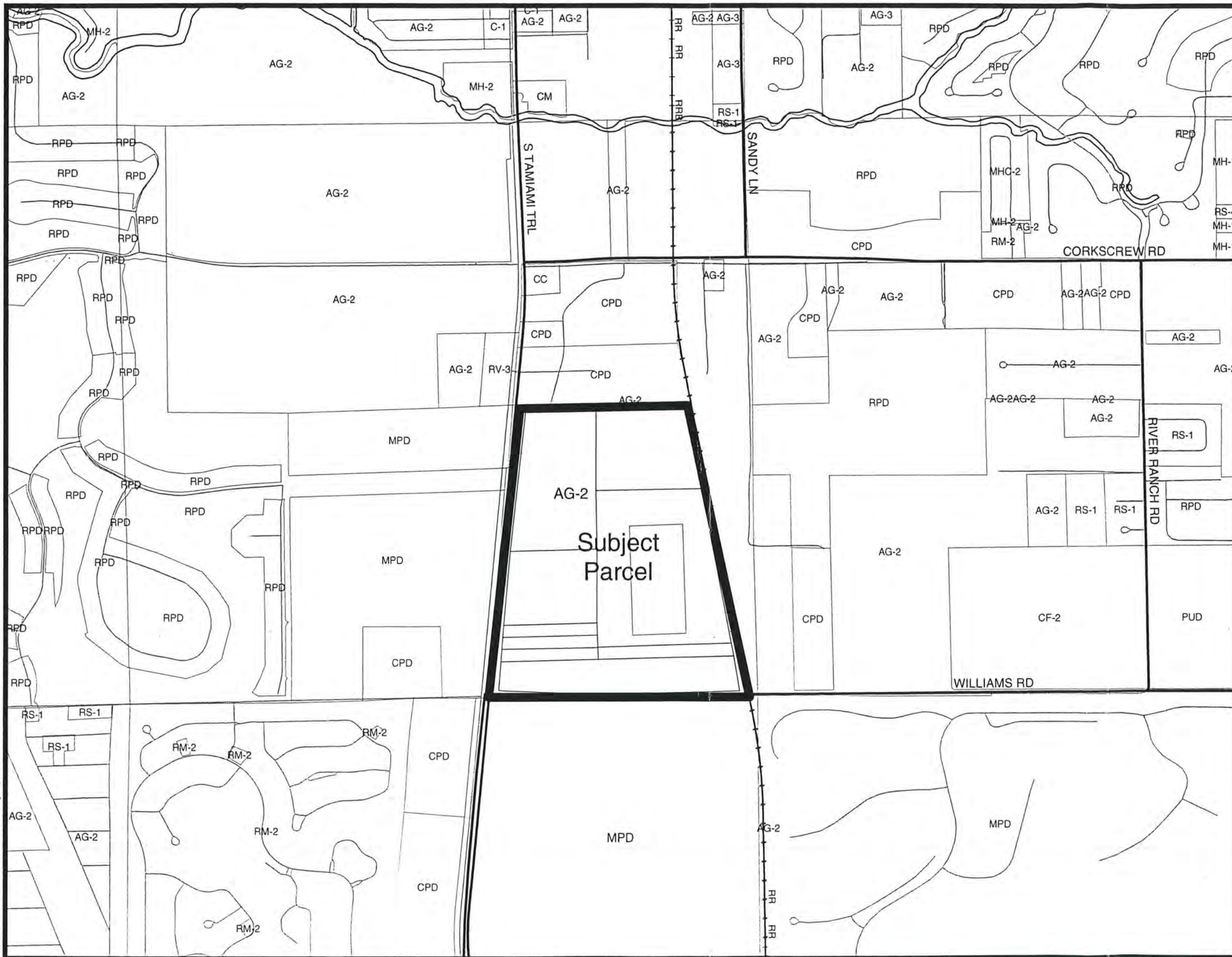
PLAN REVISIONS

PLAN STATUS

MAP 3 & 7

**EXISTING LAND USES
AND
AERIAL MAP**

PROJECT / FILE NO.	SHEET NUMBER
21786 00-00-00	



North Point Comprehensive Plan Amendment Current Zoning Map

Map 4

Source: Lee County Property Appraiser
Not-To-Scale

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

Barraco
and Associates, Inc.



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

PROPERTY DESCRIPTION

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

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

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

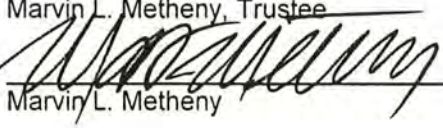
Property Area: 102.572 acres, more or less.

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

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

The property described herein is the subject of a DRI Application together with an application for zoning and a Comprehensive Plan amendment. We hereby designate **Ronald C. Dillon of Oakbrook Properties, Daniel DeLisi of Barraco and Associates, and Neale Montgomery, Esq.** as the legal representatives of the property and as such, these individual are authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain a DRI Development Order, Comprehensive Plan amendment, zoning approval and any deviations that are required by development plans for the property.

US 41 Trust V
Marvin L. Metheny, Trustee

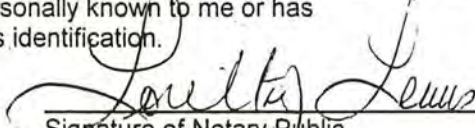

Marvin L. Metheny

STATE OF FLORIDA
COUNTY OF LEE

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

(Seal)




Signature of Notary Public

LORETTA LEWIS
Printed Name of Notary Public

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

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

The property described herein is the subject of a DRI Application together with an application for zoning and a Comprehensive Plan amendment. We hereby designate **Ronald C. Dillon of Oakbrook Properties, Daniel DeLisi of Barraco and Associates, and Neale Montgomery, Esq.** as the legal representatives of the property and as such, these individual are authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain a DRI Development Order, Comprehensive Plan amendment, zoning approval and any deviations that are required by development plans for the property.

Richard E. Mulligan, Trustee

Richard E. Mulligan, Trustee

Richard E. Mulligan, Trustee

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 8 day of May, 2003, by Richard E. Mulligan, Trustee. He is personally known to me or has produced FLD# M 425 745 34418 as identification.



Janis L Vastola
Signature of Notary Public

Janis L Vastola
Printed Name of Notary Public

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

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

The property described herein is the subject of a DRI Application together with an application for zoning and a Comprehensive Plan amendment. We hereby designate **Ronald C. Dillon of Oakbrook Properties, Daniel DeLisi of Barraco and Associates, and Neale Montgomery, Esq.** as the legal representatives of the property and as such, these individual are authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain a DRI Development Order, Comprehensive Plan amendment, zoning approval and any deviations that are required by development plans for the property.

Richard E. Mulligan, Trustee

Richard E. Mulligan Trustee

Richard E. Mulligan, Trustee

STATE OF FLORIDA
COUNTY OF LEE

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

(Seal)

Jaime Ferraro

Signature of Notary Public

Jaime Ferraro

Printed Name of Notary Public



Jaime Ferraro

My Commission DD177729

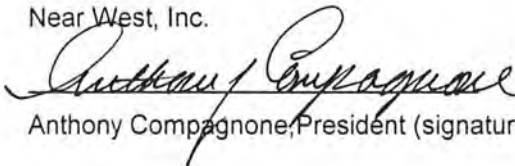
Expires January 15, 2007

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

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

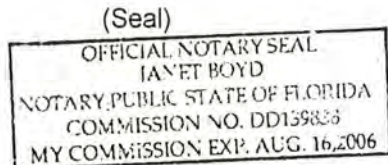
The property described herein is the subject of a DRI Application together with an application for zoning and a Comprehensive Plan amendment. We hereby designate **Ronald C. Dillon of Oakbrook Properties, Daniel DeLisi of Barraco and Associates, and Neale Montgomery, Esq.** as the legal representatives of the property and as such, these individual are authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain a DRI Development Order, Comprehensive Plan amendment, zoning approval and any deviations that are required by development plans for the property.

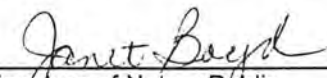
Near West, Inc.


Anthony Compagnone, President (signature)

STATE OF FLORIDA
COUNTY OF BROWARD

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



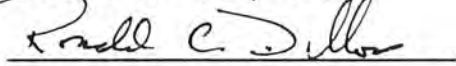

Signature of Notary Public
JANET BOYD
Printed Name of Notary Public

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

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

*The property described herein is the subject of a DRI Application together with an application for zoning and a Comprehensive Plan amendment. We hereby designate **Ronald C. Dillon of Oakbrook Properties, Daniel DeLisi of Barraco and Associates, and Neale Montgomery, Esq.** as the legal representatives of the property and as such, these individual are authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain a DRI Development Order, Comprehensive Plan amendment, zoning approval and any deviations that are required by development plans for the property.*

Estero Lakes Development, Inc.

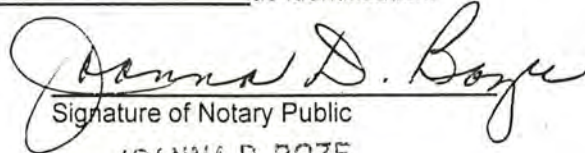


Ronald C. Dillon, Vice President

STATE OF FLORIDA
COUNTY OF LEE

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

(Seal)



Signature of Notary Public

JOANNA D. BOZE

Printed Name of Notary Public



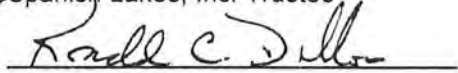
Joanna D. Boze
MY COMMISSION # CC978795 EXPIRES
October 31, 2004
BONDED THRU TROY FAIN INSURANCE, INC.

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

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

*The property described herein is the subject of a DRI Application together with an application for zoning and a Comprehensive Plan amendment. We hereby designate **Ronald C. Dillon of Oakbrook Properties, Daniel DeLisi of Barraco and Associates, and Neale Montgomery, Esq.** as the legal representatives of the property and as such, these individual are authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain a DRI Development Order, Comprehensive Plan amendment, zoning approval and any deviations that are required by development plans for the property.*

Spanish Lakes, Inc. Trustee

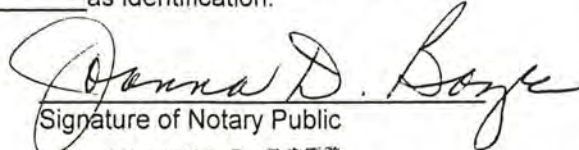


By Ronald C. Dillon, Vice President

STATE OF FLORIDA
COUNTY OF LEE

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

(Seal)



Signature of Notary Public

JOANNA D. BOZE

Printed Name of Notary Public



Joanna D. Boze
MY COMMISSION # CC978795 EXPIRES
October 31, 2004
BONDED THRU TROY FAIR INSURANCE, INC.

NORTH POINT DRI
COMPREHENSIVE PLAN AMENDMENT
TRAFFIC STUDY

Project #02548

May 6, 2003

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



NORTH POINT DRI
COMPREHENSIVE PLAN AMENDMENT
TRAFFIC STUDY

Introduction

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

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

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

Traffic Circulation Analysis

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

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

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

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



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

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

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

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

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

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

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

Findings of the Traffic Circulation Analysis: Traffic Conditions

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



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

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

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

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

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

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

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

Findings of the Traffic Circulation Analysis: Transportation Revenues

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



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

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

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

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

Recommended Improvements

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

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

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



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

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

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

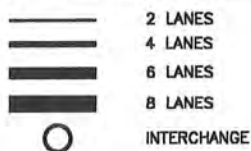
In contrast, the proposed DRI would generate far fewer trips than would be generated by the maximum allowable development under either the current FLUM or the proposed FLUM. This is illustrated in Exhibit 4. Therefore, the off-site impacts of the proposed DRI would be far less than under either maximum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





LEGEND

EXISTING & COMMITTED ROAD



FINANCIALLY FEASIBLE IMPROVEMENTS



OVERPASS

* Interchange Improvements
Future Corridor Evaluation

- ① No access should be permitted to these roads east of I-75, south of Corkscrew Road, and north of the Bonita Springs city limits.
- ② The feasibility and alignment of these roads should be determined through studies that adequately address their growth management and environmental impacts, including their secondary and cumulative effects on wildlife, wetlands, and water management. Extending Strike Lane should be evaluated as an alternative to extending Coconut Road east of I-75.

AMENDED JANUARY 17, 2003



NORTH POINT DRI
COMPREHENSIVE PLAN
AMENDMENT

LEE COUNTY MPO
2020 FINANCIALLY FEASIBLE
HIGHWAY PLAN

02548\06A\0403

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

MPO 2020 Financially-Feasible Plan

Roadway	From	To	(1) # of lanes	(2) LOS std	(3) FSUTMS Volumes	(4) PS factors	2020 AADT	(5) K-100 Factors	Two way PM peak	(6) D-factors	Peak Dir. Volumes	SV @ LOS Std	Peak Dir. LOS	V/C ratio
Corkscrew Rd	US 41	Sandy Ln	4LD	E	26,478	1.151	23,004	0.104	2,392	0.57	1,364	2,030	B	0.67
	Sandy Ln	River Ranch Rd	4LD	E	25,249	1.154	21,880	0.105	2,297	0.57	1,309	2,030	B	0.65
	River Ranch Rd	Three Oaks Pkwy	4LD	E	29,489	1.146	25,732	0.103	2,650	0.57	1,511	2,030	C	0.74
	Three Oaks Pkwy	I-75	4LD	E	35,034	1.136	30,840	0.101	3,115	0.57	1,775	2,030	C	0.87
	I-75	Ben Hill Griffin Pkwy	4LD	E	29,911	1.145	26,123	0.103	2,691	0.57	1,534	2,030	C	0.76
	Ben Hill Griffin Pkwy	Wildcat Run	4LD	E	28,689	1.147	25,012	0.103	2,576	0.57	1,468	2,030	C	0.72
Coconut Rd	West of US 41	US 41	2LN	E	12,759	1.175	10,859	0.109	1,184	0.57	675	960	C	0.70
	US 41	Sandy Ln	4LD	E	18,539	1.165	15,913	0.107	1,703	0.57	971	2,030	B	0.48
	Sandy Ln	Three Oaks Pkwy	4LD	E	27,155	1.150	23,613	0.104	2,456	0.57	1,400	2,030	B	0.69
	Three Oaks Pkwy	CR 951 Ext.	2LN	E	10,997	1.179	9,327	0.110	1,026	0.57	585	870	D	0.67
I-75	Bonita Beach Rd	Corkscrew Rd	6LF	D	89,816	1.087	82,627	0.099	8,205	0.57	4,692	5,280	D	0.89
	Corkscrew Rd	Alico Rd	6LF	D	93,821	1.087	86,312	0.099	8,571	0.57	4,902	5,280	D	0.93
Koreshan Blvd	US 41	Three Oaks Pkwy	4LD	E	21,768	1.160	18,766	0.106	1,989	0.57	1,134	2,030	B	0.56
	Three Oaks Pkwy	Ben Hill Griffin Pkwy	4LD	E	32,229	1.141	28,246	0.102	2,881	0.57	1,642	2,030	C	0.81
Old 41	Cockleshell Dr.	US 41	4LD	E	20,040	1.087	18,436	0.099	1,825	0.65	1,186	2,030	B	0.58
Sandy Ln (Ext.)	San Carlos Blvd	Koreshan Blvd	2LN	E	13,974	1.226	11,398	0.105	1,197	0.58	694	960	C	0.72
	Koreshan Blvd	Corkscrew Rd	2LN	E	12,722	1.230	10,343	0.106	1,096	0.58	636	960	B	0.66
	Corkscrew Rd	Williams Rd	2LN	E	17,924	1.217	14,728	0.104	1,532	0.58	888	960	C	0.93
	Williams Rd	Coconut Rd	2LN	E	17,564	1.218	14,420	0.104	1,500	0.58	870	960	C	0.91
	Coconut Rd	Old 41	2LN	E	12,492	1.230	10,156	0.106	1,077	0.58	624	960	B	0.65
Three Oaks Pkwy	San Carlos Blvd	Koreshan Blvd	4LD	E	35,872	1.135	31,605	0.101	3,192	0.57	1,820	2,030	C	0.90
	Koreshan Blvd	Corkscrew Rd	6LD	E	56,750	1.098	51,685	0.093	4,807	0.57	2,740	3,040	C	0.90
	Corkscrew Rd	Williams Rd	6LD	E	57,394	1.097	52,319	0.092	4,813	0.57	2,744	3,040	C	0.90
	Williams Rd	Coconut Rd	6LD	E	57,377	1.097	52,304	0.092	4,812	0.57	2,743	3,040	C	0.90
Ben Hill Griffin Pkwy	Koreshan Blvd	Corkscrew Rd	4LD	E	38,627	1.130	34,183	0.100	3,418	0.57	1,948	2,030	D	0.96
US 41	W. Terry St	Old 41	6LD	E	56,138	1.122	50,034	0.092	4,603	0.58	2,670	3,040	C	0.88
	Old 41	Coconut Rd	6LD	E	63,039	1.105	57,049	0.089	5,077	0.58	2,945	3,040	D	0.97
	Coconut Rd	Williams Rd	6LD	E	56,335	1.121	50,254	0.092	4,623	0.58	2,682	3,040	C	0.88
	Williams Rd	Project's Entrance	6LD	E	51,804	1.132	45,763	0.093	4,256	0.58	2,468	3,040	C	0.81
	Project's Entrance	Corkscrew Rd	6LD	E	51,244	1.134	45,189	0.093	4,203	0.58	2,437	3,040	C	0.80
	Corkscrew Rd	Koreshan Blvd	6LD	E	42,392	1.156	36,671	0.096	3,520	0.58	2,042	3,040	B	0.67
	Koreshan Blvd	San Carlos Blvd	6LD	E	66,494	1.096	60,670	0.088	5,339	0.58	3,097	3,040	F	1.02
Williams Rd	West US 41	US 41	2LN	E	9,638	1.181	8,161	0.110	898	0.57	512	870	D	0.59
	US 41	Sandy Ln	2LN	E	10,824	1.179	9,181	0.110	1,010	0.57	576	870	D	0.66
	Sandy Ln	River Ranch Rd	2LN	E	9,759	1.181	8,263	0.110	909	0.57	518	870	D	0.60
	River Ranch Rd	Three Oaks Pkwy	2LN	E	6,768	1.186	5,707	0.111	633	0.57	361	870	C	0.42
River Ranch Rd	Williams Rd	Corkscrew Rd	2LN	E	7,154	1.243	5,755	0.107	616	0.58	357	870	C	0.41

FOOTNOTES:

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

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

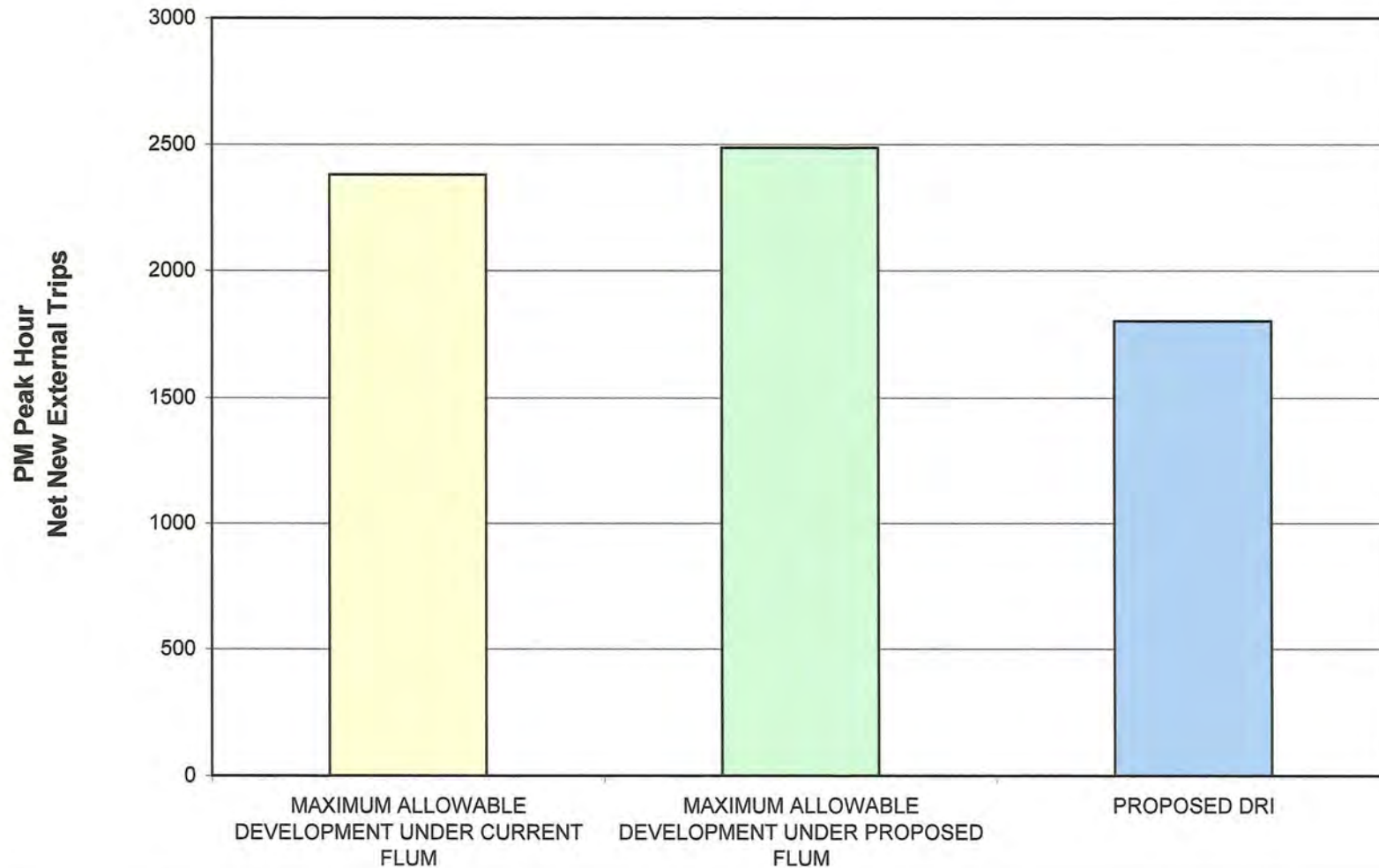
MPO 2020 Financially-Feasible Plan

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

FOOTNOTES:

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

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



APPENDIX A
ITE TRIP GENERATION ESTIMATES

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

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

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

FOOTNOTES:

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

Table
TRIP GENERATION HANDBOOK - An ITE Recommended Practice

Analyst DPA
Date 03/03/03

Generation Calculation Worksheet

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

LAND USE A Residential

A to B

2% 0
Demand

0
Balanced

2% 5
Demand

2% 0
Demand

0
Balanced

2% 17
Demand

B to A

ITE L U	CODE	230	
	SIZE	0	
	Total	Internal	External
Enter	0	0	0
Exit	0	0	0
Total	0	0	0
%	ERR	ERR	ERR

Exit to
External
0

Enter From
External
0

A to C

38% 0
Demand

0
Balanced

9% 77
Demand

31% 0
Demand

0
Balanced

12% 112
Demand

C to A

LAND USE B Office

ITE L U	CODE	710	
	SIZE	536,000	
	Total	Internal	External
Enter	269	28	241
Exit	865	17	848
Total	1134	45	1089
%	100%	4%	96%

Exit to
External
848

Enter From
External
241

B to C

23% 199
Demand

17
Balanced

2% 17
Demand

3% 28
Demand

28
Balanced

31% 83
Demand

C to B

LAND USE C Retail

ITE L U	CODE	820	
	SIZE	488,000	
	Total	Internal	External
Enter	858	17	841
Exit	930	28	902
Total	1788	45	1743
%	100%	3%	97%

Exit to
External
902

Enter From
External
841

Net External Trips for Multi-Use Development

	LU - A	LU - B	LU - C	TOTAL	
Enter	0	241	841	1082	
Exit	0	848	902	1750	
Total	0	1089	1743	2832	
Single Use	0	1134	1788	2922	3.1%

Internal
Capture

Table
TRIP GENERATION HANDBOOK - An ITE Recommended Practice

Analyst DPA
Date 03/03/03

Generation Calculation Worksheet

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

LAND USE A Residential

A to B

3% 0
Demand

0
Balanced

2% 136
Demand

3% 0
Demand

0
Balanced

2% 136
Demand

B to A

ITE L U	CODE	230	
	SIZE	0	
	Total	Internal	External
Enter	0	0	0
Exit	0	0	0
Total	0	0	0
%	ERR	ERR	ERR

Exit to
External
0

Enter From
External
0

A to C

38% 0
Demand

0
Balanced

9% 850
Demand

33% 0
Demand

0
Balanced

11% 1039
Demand

C to A

LAND USE B Office

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

Exit to
External
6409

Enter From
External
6504

B to C

22% 1493
Demand

378
Balanced

4% 378
Demand

3% 283
Demand

283
Balanced

15% 1018
Demand

C to B

LAND USE C Retail

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

Exit to
External
9162

Enter From
External
9067

Net External Trips for Multi-Use Development

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

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

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

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

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

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

TRIP GENERATION BY MICROTRANS

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

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

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

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

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

TRIP GENERATION BY MICROTRANS

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

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

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

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

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

TRIP GENERATION BY MICROTRANS

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

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

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

FOOTNOTES:

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

Table
TRIP GENERATION HANDBOOK - An ITE Recommended Practice

Analyst DPA
Date 03/03/03

Generation Calculation Worksheet

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

LAND USE A Residential

A to B

2% 0
Demand

0
Balanced

2% 4
Demand

2% 0
Demand

0
Balanced

2% 13
Demand

B to A

ITE L U	CODE	230	
	SIZE	0	
	Total	Internal	External
Enter	0	0	0
Exit	0	0	0
Total	0	0	0
%	ERR	ERR	ERR

Exit to
External
0

Enter From
External
0

A to C

38% 0
Demand

0
Balanced

9% 97
Demand

31% 0
Demand

0
Balanced

12% 141
Demand

C to A

LAND USE B Office

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

Exit to
External
648

Enter From
External
171

B to C

23% 154
Demand

22
Balanced

2% 22
Demand

3% 35
Demand

35
Balanced

31% 64
Demand

C to B

LAND USE C Retail

ITE L U	CODE	820	
	SIZE	<u>692,000</u>	
	Total	Internal	External
Enter	1080	22	1058
Exit	1171	35	1136
Total	2251	57	2194
%	100%	3%	97%

Exit to
External
1136

Enter From
External
1058

Net External Trips for Multi-Use Development

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

Internal
Capture
3.6%

ble 21.S1

Table
TRIP GENERATION HANDBOOK - An ITE Recommended Practice

Analyst DPA
Date 03/03/03

Generation Calculation Worksheet

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

LAND USE A Residential

A to B

3% 0
Demand

0
Balanced

2% 102
Demand

3% 0
Demand

0
Balanced

2% 102
Demand

B to A

Exit to
External
0

Enter From
External
0

ITE L U	CODE	230	
	SIZE	0	
	Total	Internal	External
Enter	0	0	0
Exit	0	0	0
Total	0	0	0
%	ERR	ERR	ERR

A to C

38% 0
Demand

0
Balanced

9% 1064
Demand

33% 0
Demand

0
Balanced

11% 1301
Demand

C to A

LAND USE B Office

ITE L U	CODE	710, 720	
	SIZE	398,400	
	Total	Internal	External
Enter	5092	355	4737
Exit	5092	473	4619
Total	10184	828	9356
%	100%	8%	92%

Exit to
External
4619

Enter From
External
4737

B to C

22% 1120
Demand

473
Balanced

4% 473
Demand

3% 355
Demand

355
Balanced

15% 764
Demand

C to B

LAND USE C Retail

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

Exit to
External
11468

Enter From
External
11350

Net External Trips for Multi-Use Development

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

Internal
Capture

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

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

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

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

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

TRIP GENERATION BY MICROTRANS

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

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

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

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

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

TRIP GENERATION BY MICROTRANS

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

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

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

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

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

TRIP GENERATION BY MICROTRANS

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

BUILDOUT (2008): DAILY AND PM PEAK HOUR

LAND USE	ITE LUC	SIZE	UNIT	TRIP TYPE	ADJ. FACTOR	PM PEAK			ADJ. FACTOR	DAILY
						IN	OUT	TOTAL		
MULTIFAMILY	230	150	Units	TOTAL		58	28	86 (1)		919 (1)
				INTERNAL	35%	19	11	30 (2)	38%	351 (2)
				EXTERNAL		39	17	56		568
				PASS-BY	0%	0	0	0 (3)	0%	0 (3)
				NET NEW		39	17	56		568
GENERAL OFFICE	710	60,000	Sq. Ft.	SUB-TOTAL		25	122	147 (1)		896 (1)
MEDICAL OFFICE	720	60,000	Sq. Ft.	SUB-TOTAL		51	139	190 (1)		2,239 (1)
OFFICE		120,000	Sq. Ft.	TOTAL		76	261	337		3,135
				INTERNAL	14%	25	22	47 (2)	20%	642 (2)
				EXTERNAL		51	239	290		2,493
				PASS-BY	0%	0	0	0 (3)	0%	0 (3)
				NET NEW		51	239	290		2,493
RETAIL	820	550,000	Sq. Ft.	TOTAL		929	1,006	1,935 (1)		20,400 (1)
				INTERNAL	6%	50	58	108 (2)	7%	1,381 (2)
				EXTERNAL		879	948	1,827		19,019
				PASS-BY	24%	219	219	438 (3)	22%	3,780 (3)
				NET NEW		660	729	1,389		15,239
HOTEL	310	150	Rooms	TOTAL		52	54	106 (1)		1,338 (1)
				INTERNAL	37%	17	22	39 (2)	38%	512 (2)
				EXTERNAL		35	32	67		826
				PASS-BY	0%	0	0	0 (3)	0%	0 (3)
				NET NEW		35	32	67		826
TOTAL				TOTAL		1,115	1,349	2,464		25,792
				INTERNAL		111	113	224 (2)		2,886 (2)
				EXTERNAL		1,004	1,236	2,240		22,906
				PASS-BY		219	219	438 (3)		3,780 (3)
				NET NEW		785	1,017	1,802		19,126
Peak Hour Directional Split/Peak-to-Daily Ratio						43.6%	56.4%	9.42%		

FOOTNOTES:

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

ble 21.S1

Table
TRIP GENERATION HANDBOOK - An ITE Recommended Practice

Analyst DPA
Date 11/10/02

Generation Calculation Worksheet

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

A to B

3% 34
Demand

31
Balanced

2% 31
Demand

3% 34
Demand

31
Balanced

2% 31
Demand

B to A

LAND USE A Residential

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

Exit to
External
669

Enter From
External
725

A to C

38% 429
Demand

429
Balanced

9% 918
Demand

33% 372
Demand

372
Balanced

11% 1122
Demand

C to A

LAND USE B Office

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

Exit to
External
1192

Enter From
External
1301

B to C

22% 345
Demand

345
Balanced

4% 408
Demand

3% 306
Demand

235
Balanced

15% 235
Demand

C to B

LAND USE C Retail

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

Exit to
External
9593

Enter From
External
9426

Net External Trips for Multi-Use Development

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

Internal
Capture

Table
TRIP GENERATION HANDBOOK - An ITE Recommended Practice

Analyst DPA
Date 11/10/02

Generation Calculation Worksheet

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

LAND USE A Residential

A to B

2% 2
Demand

2
Balanced

2% 2
Demand

2% 2
Demand

2
Balanced

2% 5
Demand

B to A

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

Exit to
External
49

Enter From
External
74

A to C

38% 31
Demand

31
Balanced

9% 84
Demand

31% 34
Demand

34
Balanced

12% 121
Demand

C to A

LAND USE B Office

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

Exit to
External
239

Enter From
External
51

B to C

23% 60
Demand

19
Balanced

2% 19
Demand

3% 30
Demand

24
Balanced

31% 24
Demand

C to B

LAND USE C Retail

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

Exit to
External
948

Enter From
External
879

Net External Trips for Multi-Use Development

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

Internal
Capture

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

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

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

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

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

TRIP GENERATION BY MICROTRANS

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

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

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

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

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

TRIP GENERATION BY MICROTRANS

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

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

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

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

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

TRIP GENERATION BY MICROTRANS

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

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

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

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

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

TRIP GENERATION BY MICROTRANS

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

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

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

TRIP GENERATION BY MICROTRANS



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

ATTACHMENT B.2(a)

SANITARY SEWER ANALYSIS

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



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

ATTACHMENT B.2(b)

POTABLE WATER ANALYSIS

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



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

ATTACHMENT B.2(c)

DRAINAGE/SURFACE WATER MANAGEMENT ANALYSIS

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

North Point Comprehensive Plan Amendment

Attachment B.2.D.

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

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

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

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



Estero FIRE RESCUE

19850 Breckenridge Drive, Suite A
Estero, Florida 33928

Phone: (239) 947-FIRE (3473)

Fax: (239) 947-9538

web site: www.esterofire.org

March 20, 2003

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

Re: North Point DRI
Application for Development Approval

Dear Dan:

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

Sincerely,

Michael D. Cato, Fire Marshal
Fire Prevention Program Manager

Office of the Sheriff
Rodney Shoap



County of Lee
State of Florida

March 27, 2003

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

RE: North Point DRI
Application for Development Approval

Dear Sir:

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

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

Sincerely,

Major Dan Johnson
Planning and Research

Copy: File
DJ/jr





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

April 21, 2003

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

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

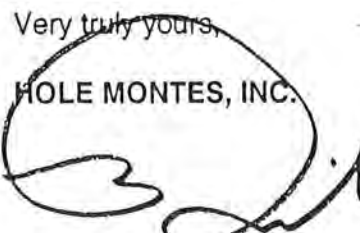
Dear Ms. Babcock:

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

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

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

Very truly yours,


HOLE MONTES, INC.

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

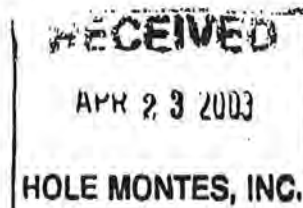
NED/kc

W:\2002\2002105\B\GESletterofavailability.doc

**Gulf Environmental Services, Inc.**

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

April 22, 2003



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

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

Dear Mr. Dewhirst:

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

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

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

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

Sincerely,

A. A. Reeves III
General Manager

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



THE SCHOOL DISTRICT OF LEE COUNTY

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

May 8, 2003

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

JEANNE S. DOZIER
CHAIRMAN - DISTRICT 2
ELINOR C. SCRIPPA, Ph.D.
V.P. CHAIRMAN - DISTRICT 5
ROBERT D. CHILMONIK
DISTRICT 1
JANE E. KUCKEL, Ph.D.
DISTRICT 3
STEVEN K. TEUBER
DISTRICT 4
JAMES W. BROWDER, Ed.D.
SUPERINTENDENT
KEITH B. MARTIN
BOARD ATTORNEY

Re: North Point, DRI Application for Development Approval

Dear Dan:

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

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

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

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

Sincerely,

Stephanie Keyes, Facilities Planner
Department of Construction and Planning

cc: Tyler F. Patak, NCARB, Director

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

DISTRICT VISION

TO PREPARE EVERY STUDENT FOR SUCCESS

DISTRICT MISSION

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

North Point DRI 4-23-03

IV. AMENDMENT SUPPORT DOCUMENTATION

C. Environmental Impacts

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

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Forms Classification System (FLUCFS).

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

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

211 Improved Pasture (approximately 74.18 acres)

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

211H Improved Pasture Hydric (approximately 11.80 acres)

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

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

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

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

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

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

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

2. A map and description of the soils found on the property (identify the source of the information).

See attached map for soil mappings based on NRCS soil survey for Lee County. The NRCS mapped the property as being underlain by Valkaria fine sand (code 14; Hydric), Immokalee sand (code 28; non-hydric), Smyrna fine sand (code 43; non-hydric), Myakka fine sand, depressional (code 53; Hydric).

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

See attached Map (Map C from the ADA).

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

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

5. A table of plant communities by FLUCFS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCFS and the species status (same as FLUCFS map).

ANIMALS

Listed wildlife species that were not observed but which have the potential to occur on the project site are listed in the following table. These potential occurrences were determined by referencing the Field Guide to Rare Animals of Florida (Florida Natural Areas Inventory 2000), Florida Atlas of Breeding Sites for Herons and Their Allies (Runde et. al. 1991), Lee County Eagle Technical Advisory Committee (ETAC) Active 2000-2001 Season map. The Florida Endangered Species, Threatened Species and Species of Special Concern; Official Lists, dated August 1997 was used to identify the status of the potentially occurring species.

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

FWC-Florida Fish and Wildlife Conservation Commission

FWS-U.S. Fish and Wildlife Service

SSC-Species of Special Concern

T-Threatened

E-Endangered

T(S/A)-Threatened due to similarity of appearance

* Included due to similarity to on-site community

Gopher frog

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

Eastern indigo snake

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

American Alligator

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

Gopher Tortoise

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

Burrowing owl

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

Florida sandhill crane

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

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

Limpkin

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

Reddish egret

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

Snowy Egret

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

Southeastern American Kestrel

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

Tri-colored Heron

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

Wood Stork

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

Big Cypress Fox Squirrel

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

PLANTS

Listed plant species that were not observed but which have the potential to occur on the project site are listed in the following table. These potential occurrences were determined by referencing the Field Guide to Rare Plants of Florida (Florida Natural Areas Inventory 2000). The Florida Endangered Species, Threatened Species and Species of Special Concern; Official Lists, dated August 1997 was used to identify the status of the potentially occurring species.

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

FWC-Florida Fish and Wildlife Conservation Commission
 FWS-U.S. Fish and Wildlife Service
 SSC-Species of Special Concern
 T-Threatened
 E-Endangered

Catesby's lily

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

Beautiful paw-paw

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

Butterfly orchid

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

Listed Air Plants (*Tillandsia* spp.)

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

Florida Coontie

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

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

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

D. Impacts on Historic Resources

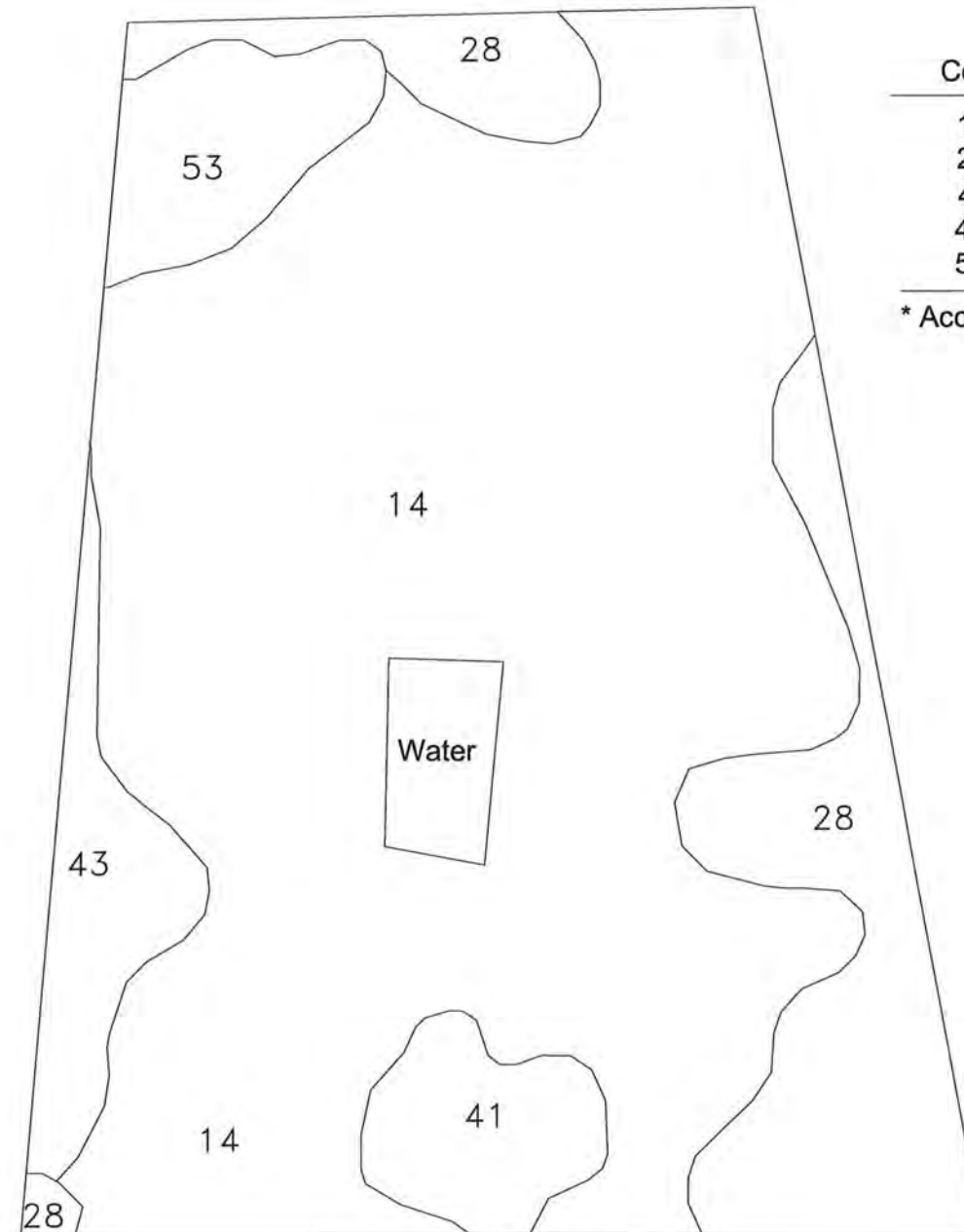
List all historic resources (including structure, districts, and/or archaeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

- 1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.**

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

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

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



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

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

FILE NAME	21786-MAP EE.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21786\DWG\DRN
PLOT DATE	MON, 5-12-2003 - 11:27 AM
PLOT BY	TODD VANA
CREATED BY	TODD VANA
XREF1	
XREF2	



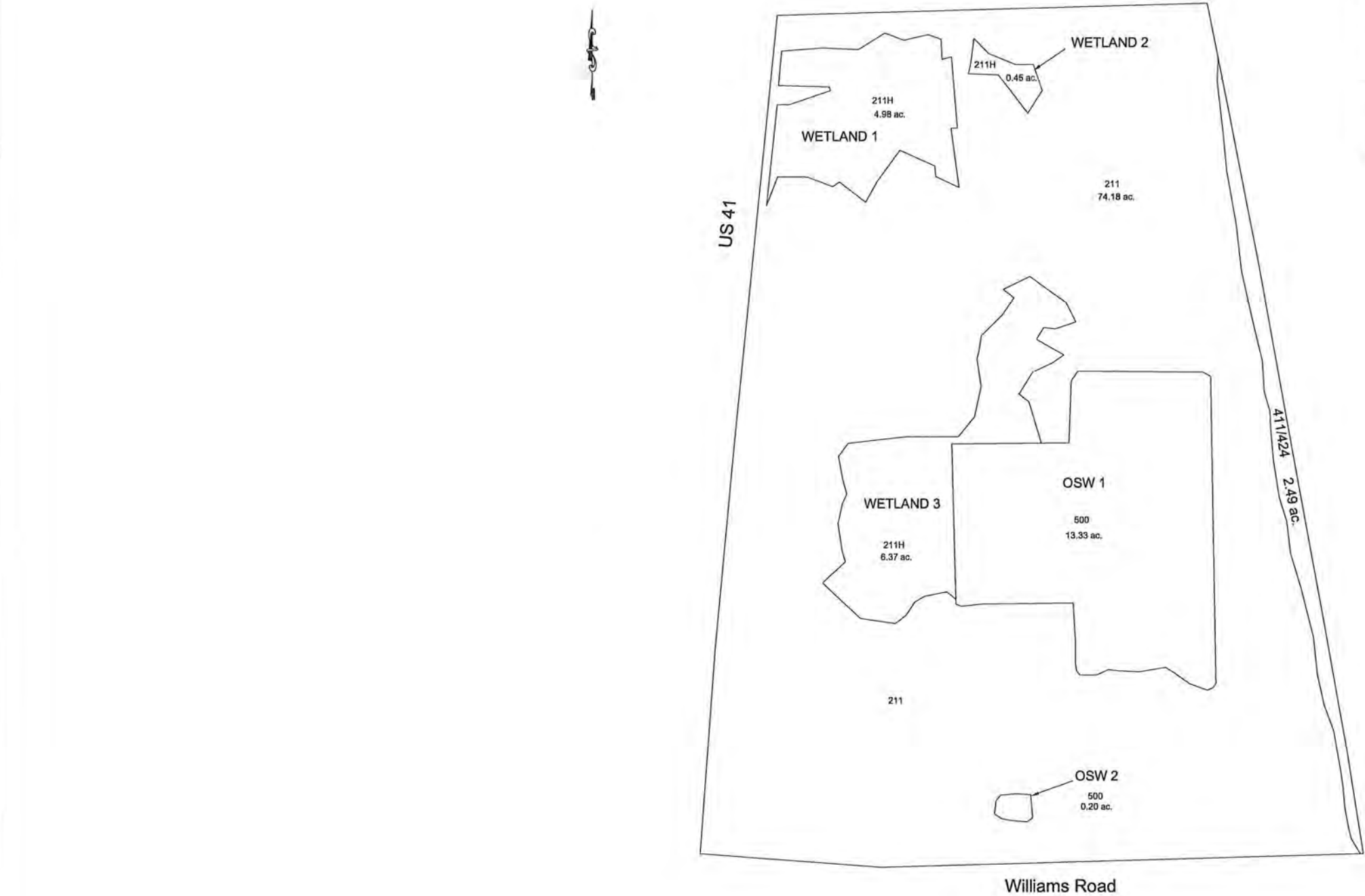
PAVESE, HAVERFIELD, DALTON, HARRISON & JENSEN, L.L.P.
FLORIDA LICENSE NO. 17407 AND 17408
ATTORNEYS AND ENGINEERS AT LAW



0 1500 3000 6000
SCALE IN FEET

NRSC SOILS MAP

NORTHPOINT DRI



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

WETLANDS	
Wetland Number	Wetland Acreage
Wetland 1	4.98
Wetland 2	0.45
Wetland 3	6.37
Total wetland acreage: 11.80	

OTHER SURFACE WATERS (OSW)	
OSW Number	OSW Acreage
OSW 1	13.33
OSW 2	0.20
Total OSW acreage: 13.53	

FILE NAME	21786-MAP FF.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21786\DWG\DRN
PLOT DATE	MON, 5-12-2003 - 10:59 AM
PLOT BY	TODD VANA
CREATED BY	TODD VANA
XREF1	
XREF2	

MAP F - WETLAND AND FLUCCS MAP

NORTHPOINT DRI

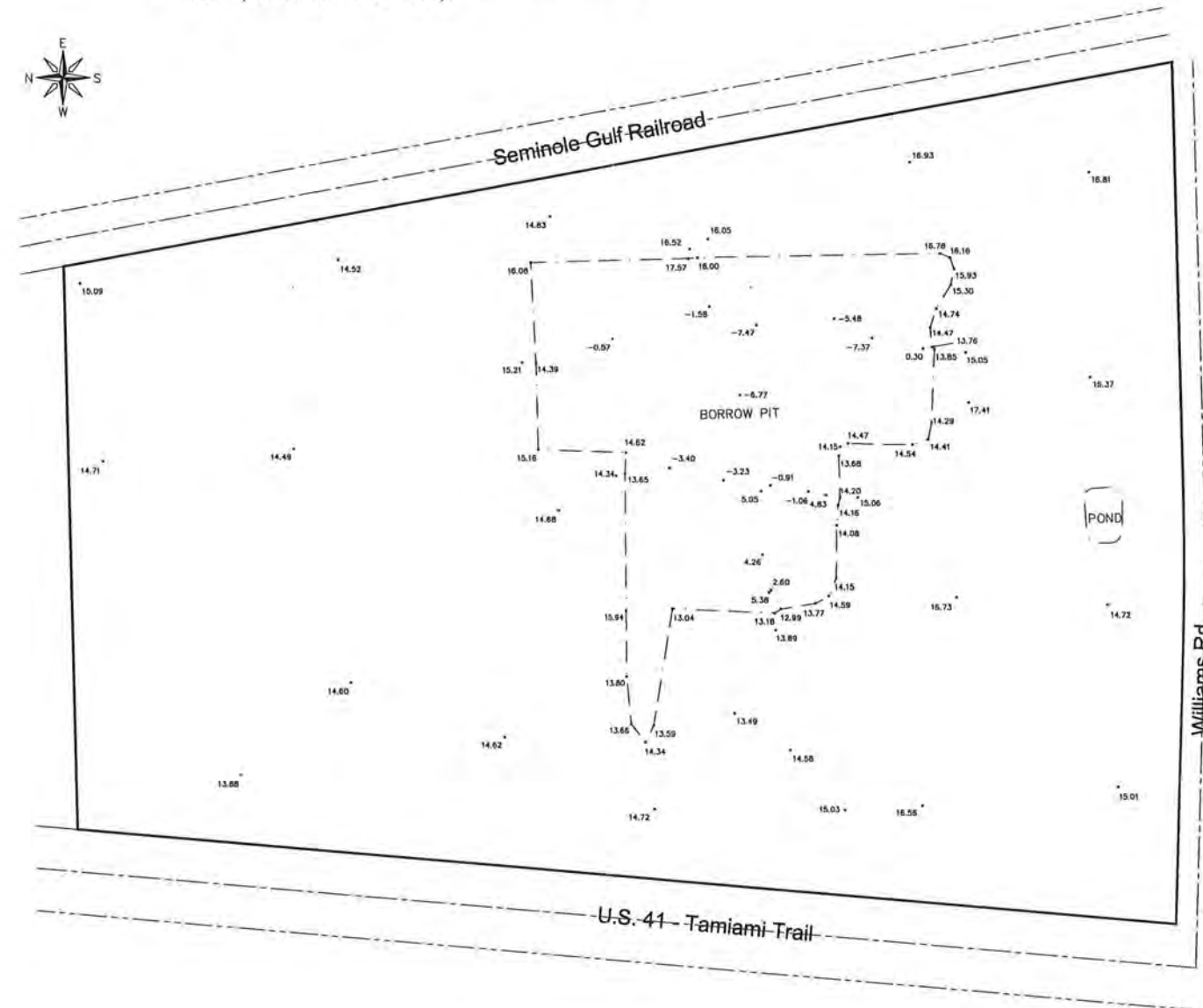
PAVESE, HAVERFIELD, DALTON, HARRISON & JENSEN, L.L.P.
ATTORNEYS AND ACCOUNTANTS AT LAW

NOTES:

- 1.) PROJECT SITE IS LOCATED WITHIN CATEGORY 3 STORM SURGE ACCORDING TO HURRICANE STORM TIDE ATLAS FOR LEE COUNTY.
- 2.) PROJECT SITE LIES WITHIN ZONE B (100-500 YR. FLOOD) PER FEMA FIRM MAPS.
- 3.) FOR PROJECT POST-DEVELOPMENT FLOOD ELEVATIONS, SEE MAP I (MASTER DRAINAGE PLAN).

LEGEND

- 15.09 SPOT ELEV. (NGVD)
X
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FILE NAME	21786-MAP CC.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21786\DWG\DR1\
PLOT DATE	MON, 5-12-2003 - 11:09 AM
PLOT BY	TODD VANA
CREATED BY	TODD VANA
XREF1	
XREF2	



PAVESE, HAVERFIELD, DALTON, HARRISON & JENSEN, L.L.P.
REGISTERED PROFESSIONAL ENGINEERS
ATTORNEYS AND SURVEYORS AT LAW



0 1500 3000 6000
SCALE IN FEET

MAP C - TOPOGRAPHIC MAP

NORTHPOINT DRI

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



FLORIDA DEPARTMENT OF STATE
Jim Smith
Secretary of State
DIVISION OF HISTORICAL RESOURCES

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

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

November 12, 2002

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

Dear Mr. Kraft:

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

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

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

Sincerely,

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

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

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

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

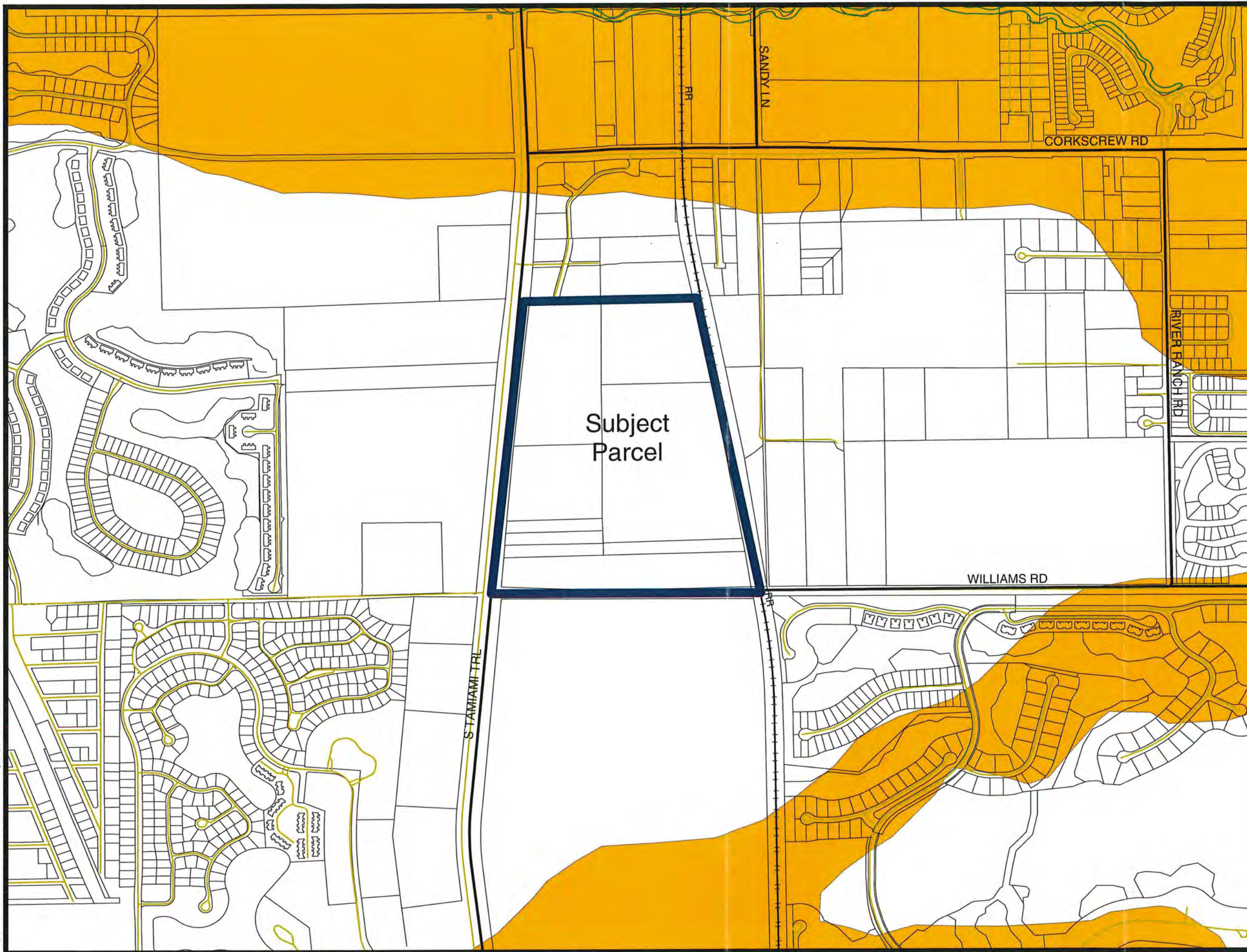
☒ Historic Preservation
(850) 245-6333 • FAX: 245-6437

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

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

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

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



Legend

Archaeological Sensitivity

- Area 1
- Area 2
- Surveyed



North Point Comprehensive Plan Amendment ARCHAEOLOGICAL SENSITIVITY MAP

Map D2

Source: Lee County Property Appraiser

Not-To-Scale

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

Barraco
and Associates, Inc.

QUESTION E 1

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

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

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

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

Lee Plan Table 1(b)

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

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

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

QUESTION E 2

List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.

- **Policy 1.1.4 Urban Community**

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

- **Policy 2.1: Development Location**

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

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

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

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

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

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

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

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

- **Goal 5: Residential Uses**

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

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

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

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

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

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

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

- **Goal 6: Commercial Land Uses**

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

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

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

- **Policy 6.1.3: Planned Development Requirements**

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

- **Policy 6.1.4: Commercial Compatibility**

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

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

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

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

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

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

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

- **Goal 19: Estero Community Plan**

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

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

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

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

- **Objective 19.2: Commercial Land Uses**

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

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

- **Objective 19.5: Public Participation**

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

- **Objective 19.6.4: Estero Community Park**

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

- **Goal 77: Resource Protection**

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

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

QUESTION E 3

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

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

QUESTION E 4

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

REGIONAL POLICY PLAN

Housing

Goal 1 – Supply of Affordable Housing.

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

Goal 2 – Livable Communities

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

Economic Development

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

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

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

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

Transportation

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

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

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

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

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

STATE COMPREHENSIVE PLAN

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

(5) Housing

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

(10) Natural Systems and Recreational Lands

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

(15) Land Use

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

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

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

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

(17) Public Facilities

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

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

QUESTION F 1

Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)

a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals.

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

b. Provide data and analysis required by Policy 2.4.4,

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

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

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

QUESTION G

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

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

Smart Growth

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

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

 LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-479-8371

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. Yeager
County Attorney

Diana M. Parker
*County Hearing
Examiner*

September 22, 2003

MR. DANIEL DELISI
BARRACO & ASSOCIATES, INC.
2271 MCGREGOR BLVD
FORT MYERS, FL 33901

Re: NORTH POINT
DRI2003-00002 - FQD Application (FQD)

Dear MR. DANIEL DELISI :

The Zoning Division has reviewed the information provided for the above Development of Regional Impact application. The Land Development Code requires additional information for the applicant to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division



Alvin Block, AICP
Principal Planner

MR. DANIEL DELISI
BARRACO & ASSOCIATES, INC.
RE: NORTH POINT
DRI2003-00002
September 22, 2003
Page 2

cc: Mr. Dan Trescott, Southwest Florida Regional Planning Council

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Donna Marie Collins, Assistant County Attorney
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Billie Jacoby, DCD Admin
Don Blackburn, Development Review
DRI Zoning File
DRI Working File

MR. DANIEL DELISI
BARRACO & ASSOCIATES, INC.
RE: NORTH POINT
DRI2003-00002
September 22, 2003
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Legal Requirements Sufficiency Checklist

*6) All applications requiring a public hearing must include the following:
[34-202(a)]*

Please refer to the following.

6a) Legal description. The request must include a legal description of the property upon which the action is to be initiated. [34-202(a)(1)]

After reviewing the resubmitted items on the Sufficiency Response dated 08/28/2003, the applicant still needs to provide Staff with a copy of the Legal Description on an 8.5 by 11 single page

6c) Boundary Survey. A boundary survey meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, FAC, is required for property encompassing 10 or more acres and for all Planned Development applications. [34-202(a)(2)]

7) Miscellaneous Items.

Sufficiency or non-applicability of legal requirements subject to change upon review of subsequent resubmittals.

8) Contact. The Planner may be contacted regarding any questions on this Checklist.

9/03/2003 - Luis G. Machado @ (239) 479-8485

MR. DANIEL DELISI
BARRACO & ASSOCIATES, INC.
RE: NORTH POINT
DRI2003-00002
September 22, 2003
Page 4

1) Sufficiency Comments.

- a) On Map J, the following existing roadway facilities are not shown: Livingston Road from Immokalee Road to Bonita Beach Road, Bonita Beach Road east of Bonita Grande Drive,
- b) Will the 150 residential units include single family or rental units? The responses to Questions 10 and 11 make reference to single-family and multi-family units.
- c) The service volume identified for Metro Parkway from Alico Road to Ben Pratt/Six Mile Cypress Parkway should reflect an urban arterial, not a freeway. Similarly, the FSUTMS analysis should be coded as facility type 21. The model should be re-run with this adjustment.
- d) Table 21.D-3 is difficult to read and should be reprinted.
- e) In the response to Question 21.F, Table 21.F-1 does not address a number of roadway segments with an identified future adverse condition in Table 21.D-2(C). In Table 21.D-2(C), in addition to being identified as adversely impacted, Williams Road from the project entrance to Three Oaks Parkway appears to be significantly impacted by the project (in the eastbound direction) and should be further addressed.
- f) The Highway Capacity Software analyses for future conditions with project with improvements should still utilize at a minimum, existing signal timing data (available from our office) including existing yellow and all red phases, the current minimum green times and accepted signal timing practice.

2) The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist.

Andy Getch @ 479-8510

 LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-479-8371

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. Yeager
County Attorney

Diana M. Parker
*County Hearing
Examiner*

September 22, 2003

MR. DANIEL DELISI
BARRACO & ASSOCIATES, INC.
2271 MCGREGOR BLVD
FORT MYERS, FL 33901

Re: NORTH POINT
DCI2003-00037 - PDL Application (Major PD)

Dear MR. DANIEL DELISI :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division



Alvin Block, AICP
Principal Planner

MR. DANIEL DELISI
BARRACO & ASSOCIATES, INC.
RE: NORTH POINT
DCI2003-00037
September 22, 2003
Page 2

cc: Dan Trescott, Southwest Florida Regional Planning Council

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Andy Getch, LCDOT
Billie Jacoby, DCD Admin
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DCI Zoning File
DCI Working File

Legal Requirements Sufficiency Checklist

*6) All applications requiring a public hearing must include the following:
[34-202(a)]*

Please refer to the following.

6a) Legal description. The request must include a legal description of the property upon which the action is to be initiated. [34-202(a)(1)]

After reviewing the application submitted on 08/28/2003, the applicant still needs to provide Staff with a copy of the Legal Description on a 8.5 by 11 single page.

7) Miscellaneous Items.

Sufficiency or non-applicability of legal requirements subject to change upon review of subsequent resubmittals.

8) Contact. The Planner may be contacted regarding any questions on this Checklist.

Luis G. Machado @ (239)479-8485

LCDOT Sufficiency Checklist

1) Sufficiency Comments.

The following comments from the first sufficiency review were retyped but not addressed in the August 28, 2003 sufficiency response by the applicant:

- a) The service volumes and facility type for Metro Parkway incorrectly reflect a freeway condition, instead an urban arterial should be used.
- b) The analysis submitted reflects a DRI analysis rather than performing the zoning significance tests in AC-13-16. Which segments are significant under the zoning TIS criteria of 10 percent of LOS "C"?
- c) A deviation from LDC 10-285(a) would be necessary for the 321 feet separation depicted on the Master Concept Plan between Sandy Lane and the requested access from Williams Road into Parcel 8.

2) The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist.

Andy Getch @ 479-8510

Development Review Checklist

MR. DANIEL DELISI
BARRACO & ASSOCIATES, INC.
RE: NORTH POINT
DCI2003-00037
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Page 4

4) Miscellaneous items.

Deviation #1: this deviation can be done administratively.

Deviation #6: this deviation to be withdrawn needs the State of Florida approval (US 41 is a state road)

5) Contact. The reviewer may be contacted regarding questions on the Development Review Sufficiency Checklist.

You may contact Don Blackburn with any questions concerning this portion of the checklist.

Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

9) Description of existing conditions. The application for a Planned Development must be accompanied by the following: [34-373(a)(4)]

Please refer to the following.

9b) Map of Roads. A map showing the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on abutting property. [34-373(a)(4)b]

The latest response indicates to look at composite Exhibit II-D-2, III-A-3, and III-A-3. In review of this submittal this drawing does not indicate which roads are arterial or collector streets. This exhibit must be revised to show this information.

9f) Easements/Rights-of-Ways. A map showing the exact location of existing easements and rights-of-way. The boundary sketch or Master Concept Plan may substitute for this map if the information is contained therein. [34-373(a)(4)a.]

According to the County's GIS, along the southern side of STRAP #33-46-25-00-00019.0050 an easement appears. This still has not been shown on the revised Master Concept Plan. Please revise the Master Concept Plan to show this easement.

10) Lee Plan Compliance Narrative. A narrative explanation as to how the proposed development complies with the Lee Plan, as well as the guidelines for decision-making embodied in sections 34-145(c)(2)a. and e., and 34-145(d)(3). [34-373(a)(5)]

This case will not be deemed sufficient or complete until the Comprehensive Plan amendment has been approved.

12) Scale of Plans/Required Information. The Master Concept Plan must be clearly legible and drawn at a scale sufficient to adequately show and identify the following information: [34-373(a)(6)]

Please refer to the following.

12a) Existing Easements. The exact location and explanation of all existing easements, whether or not those easements are recorded. [34-373(a)(6)a.]

According to the County's GIS, along the southern side of STRAP #33-46-25-00-00019.0050 an easement appears. Please revise the Master Concept Plan to show this easement.

12c) Streets. If it is a subdivision, the plan must also show the general location of all proposed internal street rights-of-way or easements, and the general location of all points of vehicular ingress and egress from the proposed internal rights-of-way or easements into multiple-family, commercial or industrial use lots. [34-373(a)(6)b.]

The application continues to provide for property development regulations which indicate a potential for lots within the development parcels. Please provide on the Master Concept Plan the general location of the internal street rights-of-way,

12d) Other Master Concept Plan Parcel Requirements. Where the subject property is to be divided into lots or parcels, the Master Concept Plan must indicate the following: [34-373(a)(6)c.]

Please refer to the following.

12d1) Parcels/Lots. The general location, configuration, and approximate dimensions of each lot or parcel (including outparcels). [34-373(a)(6)c.]

The applicant's interpretation of this section indicating that this section is satisfied by showing a property development regulations table as made clear by the last sentence of this section is inaccurate. The full reading states that the general location and configuration and approximate dimensions of the lots must be shown on the Master Concept Plan. Since this application provides for a set of property development regulations which indicate that there is the potential for subdivision of the parcels, it is necessary for this Master Concept Plan to show the general location of these as required by this section.

MR. DANIEL DELISI
BARRACO & ASSOCIATES, INC.
RE: NORTH POINT
DCI2003-00037
September 22, 2003
Page 6

12d4) Uses. The proposed use of each lot or parcel (including outparcels) keyed to the list of proposed uses submitted with the application. If the property development regulations for a specific zoning district will be used, reference to the specific district will be sufficient. [34-373(a)(6)c.]

The revised Master Concept Plan received on August 28, 2003 continues to lack specificity where each of the proposed land uses will be developed and at what intensity, as required by this Section. Please revise the Master Concept Plan to provide the specificity required by this Section,

The Schedule of Uses conflicts with the Land Use Intensity Summary. For example, Parcel 1 has a Schedule of Use which includes commercial uses and residential uses, but the Land Use Intensity Summary table shows only retail square footage. And Parcel 4 has no Schedule of Uses but has residential development intensity.

Please review the proposed Schedule of Uses and make sure that these reflect the uses proposed within each of the parcels, then as required in Number 14 below make sure that the Schedule of Uses are shown on a separate sheet of paper and not on the proposed Master Concept Plan.

12e) Development Areas. Individual development areas (i.e. residential, retail, office, manufacturing, mixed use-listed, etc.) must be identified with detail showing the following: [34-373(a)(6)d.]

Please refer to the following.

12e2) Height. The maximum height, in feet and number of habitable stories, of any proposed buildings or structures. If parking under the buildings is proposed, the number of stories proposed for parking must be indicated and included in the total maximum height of the buildings. [34-373(a)(6)d.ii.]

The applicant indicates in the August 28th submittal that it is unlikely that there would be parking underneath the buildings, but if it does occur then the maximum number of stories would be two for parking and the maximum height for the use will remain the same. The Property Development Regulations table should be revised to show that the number of stories includes 2 or less stories of parking.

12e3) Residential Dwelling Units. If residential is proposed, the maximum number of dwelling units by type. [34-373(a)(6)d.iii.]

Exhibit IV-I-1 still has not been revised. Please revise this Exhibit from the original submittal to accurately reflect the development being proposed.

12e4) Hotel/Motel. If hotel or motel is proposed, the number of rooms, by size. [34-373(a)(6)d.iv.]

The application indicates that up to 150 rooms for each size of hotel room is being requested. This results in a maximum of 450 rooms as requested on the Master List of Uses form Exhibit IV-I-1. But this form also indicates a potential for not more than 150 rooms. Please make all necessary changes in the application so that the intensity of this use is consistent throughout the application.

12e6) Commercial/Industrial. If commercial or industrial is proposed, the type(s) and the total floor area of each type. [34-373(a)(6)d.vi.]

Staff would note that Land Development Code requires greater specificity and would ask that the applicant try to provide as much specificity as possible in accordance with the requirements of the Code.

12f) Service Areas. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions. [34-373(a)(6)e.]

The Land Development Code does require that the general location of the service areas be provided, as required by this Section. Please revise the Master Concept Plan to provide the information required by this Section.

12j) Buffers. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses, if the types of proposed uses requires buffer separations. References to types of buffers as described in chapter 10 are acceptable. [34-373(a)(6)i.]

Although revised, the Master Concept Plan now appears to indicate the buffer types required for the adjoining projects, rather than what is required to be provided as part of this planned development. Please revise to show where these buffers are going to be placed on the perimeter of this project and within the project itself between the individual development parcels.

14) Schedule of Uses. A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property must be provided including the following: [34-373(a)(8)]

Staff appreciates that applicant's changes but the LDC does not require that the Master Concept Plan provide the Schedule of Uses. This needs to be removed from the Plan and provided as a separate document.

MR. DANIEL DELISI
BARRACO & ASSOCIATES, INC.
RE: NORTH POINT
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14a) Types of Uses. The types of uses proposed for the entire site. For projects with residential uses, the summary must include the types of proposed dwelling units. [34-373(a)(8)i.]

Please review your Schedule as has been previously noted. Specifically, the Schedule does not provide any uses for Parcel 4 and provides for residential uses in Parcel 1 where no residential intensities have been provided.

18) Developments of Regional Impact. Developments of Regional Impact must comply with the information submittal requirements of F.S. ch 380. [34-203(a)]

Lee County Department of Community Development will not be finding this case complete, both the Development of Regional Impact and the Development of County Impact, the amendment of the the Lee Plan has been approved by the Lee County Board of County Commissioners.

19) If project is located in the Estero Planning Community, applicant must submit a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. [Lee Plan Policy 19.5.3.]

The project is located in the Estero Planning Community and this application will not be deemed complete until the meeting and information required by this Section has been satisfied.

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

If you have any questions about this portion of the checklist, please feel free to contact Chip Block at 239-479-8371.

File: North
Point
DRI

North Point DRI

Affordable

Housing

Oct 15 '03

Neale

Ken, Deb

Chip, Dave

ok - ~~Hank~~, phone

~~Mike~~

Gloria

Dave

Shimburg shows deficit
Lee + Collier

Sub standard units - look at 70
no info on price

Association Fees

only single family - no condos?

No supply in rental market
is a 70 required

Now DRI demand

Decreasing Supply - Average

RE: North Point Lake, LLC
DRI #05-0203-162
Affordable Housing Study – Sufficiency Review
September 23, 2003

1. Please provide a map depicting both the 10 mile radius market and a map depicting the 20 minute drive market boundaries used in this analysis.
2. In order to allow for easy of analysis please add rows on all tables to show the total of the column. Please include totals for the entire table as well as for each subcategory listed in the table.
3. Please clarify the first sentence under Expected Supply of Affordable Housing Units on page iii of iii – so that the reader understands which market is being used for this analysis.
4. Table 24-4 and Table 4-1 show the total number of employees for office to be 339 which is inconsistent with Tables 24-2A and Table E-1 please correct and recalculate the number of employees by income group and correct all other tables which might be affected by this inconsistency.
5. Tables 24-11, 24-12 and 4.1-8 have an incorrect housing value under Moderate Income, fifth line down. The price listed \$131,755 is not consistent with the preceding value.
6. Table 24-12 lists all existing DRIs that have not mitigated for affordable housing. The study calculates employment by income group consistent with the methodology used for North Point. Are these same numbers consistent with the housing analysis completed for each of these DRIs? If not please identify any inconsistencies.
7. Table 24-16 is missed labeled, this table should read North Point DRI and Existing DRIs Comparison..., please correct.
8. Table 4.2-2 lists office employment at 2,760 while Table 4.2-8 lists it at 1,967. Please correct and recalculate income distribution as needed.
9. Tables 4.2-4 through 4.2-8 - please add a row to show total employment, total number of Heads of Households, total number of Single Worker HHs and total Multi-worker in order to verify total households listed in Table 4.2-10
10. Table 4.2-10- please add a row that provides total households for each income category: very-low, low, and moderate.
11. Table 4.3-1 – if calculated the total number of supply in the 10 mile market would be 10,875 which is inconsistent with the total of 11,345 listed on table E-6. Please correct and make the tables consistent.

12. Appendix F please add the number of approved residential units for each of the existing DRIs and clarifies that Office, Industrial, and Commercial information is by square footage.
13. Please provide the back-up data for the supply of single family homes and include the DOR codes that are included in the single family category used for this analysis.
14. Are any of the homes included in the supply analysis located in a community that has mandatory association fees or community development district fees? If so, please identify and calculate the additional fees into the cost of the home.
15. Are any of the houses included in the supply inventory considered substandard or in need of substantial repair? If so, these units should be excluded from the count of existing housing supply as noted in the East Central Florida Regional Planning Council (ECFRPC) Housing Methodology.
16. Table 4.3.1 – The study uses an average annual supply based on the three years of supply. However, all of the very low income categories have experienced a decrease in supply from 2000 to 2001 and all but the \$43,455 home price category have experienced a decrease in supply from 1999 to 2001. A historical trend approach should be used to determine supply, please revise appropriate tables.
17. Based on the number of employees calculated in Tables 24-3 to 24-9 and the expected employment by year identified in Tables E-1 and E-3, please provide appropriate tables that displays the expected number of employees by income category by year and the annual supply of housing for that year. Example, in year 2004, the North Point DRI expects 300 commercial employees, based on Table 24-3, 38% of those employees or 114 would be considered very low income, what will be the estimated number of households that would be generated from these 114 workers and what will be the housing supply in 2004 to serve this population? The new tables should provide that information for each income category and for both the North Point DRI and the existing DRIs.
18. Table 5.0-1 – Please add a row to display the total number of annual supply by income category. It appears that the supply in 1999 for very low income units was 447 and in 2001 the supply decreased to 301, which is an annual loss of 73 units per year. If this trend continues by the completion of Phase I there would be no units remaining in this category. Recalculate the projected supply of homes available in each home price category based on the historical trend analysis discussed above or explain in detail the methodology and logic of using an average annual supply.
19. This analysis does not address the shortfall of rental units within the study area. The analysis shows that there are no rental units available to serve the very low income market and only a few

available to serve the low income market. The study assumes that all employees will wish to purchase a home. Although home ownership is a primary goal for many residents, not all residents are ready or qualify for home ownership. The study does not identify what portion of these employees will be renters. According to the 2000 U.S. Census 23.5% of the occupied housing units in Lee County are occupied by renters. It would appear that this same percentage should be available for households created by this development within the market area. Please identify how the rental market will be addressed.

20. The analysis on page iii of iii should include the supply of housing for each wage range listed under each income category to show the level of supply for each wage range in addition to the total supply by the maximum threshold for each income category.
21. As noted in Appendix C of the ECFRPC Methodology, there can be a disproportionate number of smaller housing units that do not serve the need of the larger family sizes. How does the housing supply meet the needs of households of various sizes? Please analyze the supply of housing based on the maximum caps identified in Appendix C of the ECFRPC Methodology.

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

CPA SUFFICIENCY RESPONSE

OCTOBER 3, 2003
ORIGINAL

RECEIVED
OCT 03 2003

ZONING COUNTER

TABLE OF CONTENTS

LETTER OF RESPONSE

LEGAL DESCRIPTION

BOUNDARY SURVEY

PROPERTY DEEDS

LETTER FROM DIVISION OF SOLID WASTE

COPY OF QUESTION/ANSWER 10-D OF THE APPLICATION FOR DEVELOPMENT APPROVAL

NEWSPAPER ARTICLE REGARDING COMMERCIAL DEVELOPMENT / REGIONAL MALLS

October 3, 2003

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

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

Dear Ms. Gonzalez:

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

The following comments pertain to Part IV of the application:

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

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

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

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

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

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

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

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

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

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

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

Ms. Brandy Gonzalez
October 3, 2003

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

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

Very truly yours,

BARRACO AND ASSOCIATES, INC.

* 

Daniel DeLisi, AICP
Vice President of Planning

* Signed in his absence to avoid delay

DD/cmh

21786
Enclosure

PROPERTY DESCRIPTION:

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

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

OAKBROOK

PROPERTIES, INC.

September 30 2003

Sent Via Rush Messenger

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

Re: Deeds for North Point

Dear Dan:

Enclosed are copies of the following deeds:

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

If any questions, please call.

Cordially,



Ronald C. Dillon
Vice President
Florida Operations

Enclosures

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

INSTR # 4965328
OR BK 03305 PG 1682

RECORDED 09/25/03 04:18 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DOC TAX 00.00 (S. 201.32) 2.733.00
DEPUTY CLERK M Robinson

WARRANTY DEED (INDIVIDUAL)

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

by
Massoumeh Rayatkah, F/K/A Massoumeh Dowlaty

whose post office address is
5364 Ehrlich Rd #184, Tampa, Florida 33624

hereinafter called the GRANTOR, to
Estero Lakes Development, Inc., a ~~Florida~~ ^{Delaware} Corporation
whose post office address is
2 Transam Plaza Suite 200 Oakbrook Terrace, IL 60181

hereinafter called the GRANTEE:

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

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

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

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

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

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

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

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

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



This instrument prepared without opinion by:

✓ J. Stephen Crawford, Esq.

28000 Spanish Wells Boulevard
Bonita Springs, Florida 34135

INSTR # 5897242

Official Records BK 03997 PG 3729

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

CHARLIE GREEN, CLERK OF COURT

LEE COUNTY

RECORDING FEE 10.50

DEED DUC 0.70

DEPUTY CLERK C Keller

FOR USE OF CLERK.

TRUSTEE'S DEED

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

James J. McArdle, Trustee,

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

Spanish Lakes, Inc.,

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

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

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

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

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

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

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

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

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

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

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

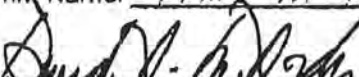
To Have and To Hold the same unto the Grantee, its successors and assigns, in fee simple forever.

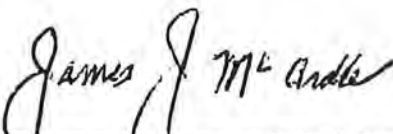
The Property herein described and conveyed is not the homestead or a part of the homestead of Grantor.

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

Signed, Sealed and Delivered, in the presence of:


Print Name: Anna M. Riehl


Print Name: David A. McArdle

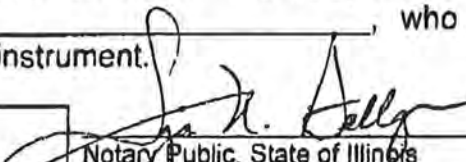

James J. McArdle, Trustee

Property ID #

State of Illinois/
County of Kane

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




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

INSTR # 5212970

OR BK 03469 PG 1859

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

RECORDED 08/15/01 04:53 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DOC TAX PD(F.S.201.02) 0.70
DEPUTY CLERK B Cruz

FOR USE OF CLERK

TRUSTEE'S DEED

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

James J. McArdle,

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

David Andrew McArdle,

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

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

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

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

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

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

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

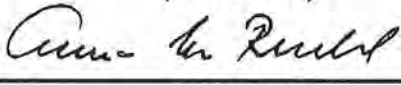
This property is not the homestead of Grantor.

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

Signed, Sealed and Delivered, in the presence of:


(Signature)

THOMAS J. KELLY
(Print Name)


(Signature)

Anna M Ruehl
(Print Name)

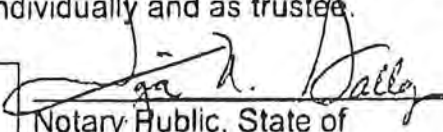
Grantees' Tax ID #

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

State of Illinois
County of Kane

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




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

INSTR # 5212971

OR BK 03469 PG 1861

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

RECORDED 09/15/01 04:52 PM
CHARLES GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
SUG TAX FEE \$ 201.00
CLERK'S FEE 0.70

FOR USE OF CLERK

TRUSTEE'S DEED

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

James J. McArdle,

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

Mark Edward McArdle,

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

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

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

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

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

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

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

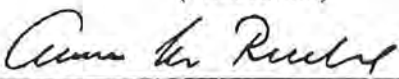
This property is not the homestead of Grantor.

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

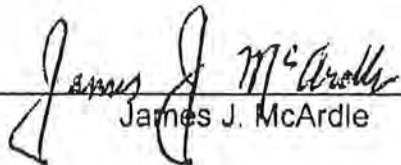
Signed, Sealed and Delivered, in the presence of:


(Signature)

Thomas J. Kelly
(Print Name)


(Signature)

Anna M. Ruehl
(Print Name)


James J. McArdle

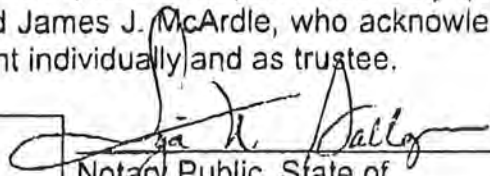
Grantees' Tax ID #

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

State of Illinois
County of Kane

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




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



This instrument prepared without opinion by:

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

INSTR # 5897243
Official Records BK 03997 PG 3731
RECORDED 07/18/2003 02:16:53 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DUC 0.70
DEPUTY CLERK C Keller

FOR USE OF CLERK.

TRUSTEE'S DEED

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

James J. McArdle, Trustee,

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

Spanish Lakes, Inc.,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

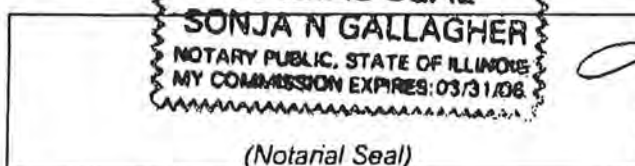
Signed, Sealed and Delivered, in the presence of:

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

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

State of Illinois
County of Kane

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



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

INSTR # 5212972

OR BK 03469 PG 1863

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

RECORDED 09/19/01 04:53 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
JULY 1991 0.201.021 0.75
DEPUTY CLERK 3 01/02

FOR USE OF CLERK

TRUSTEE'S DEED

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

James J. McArdle,

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

Megan Mary McArdle,

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

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

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

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

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

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

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

This property is not the homestead of Grantor.

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

Signed, Sealed and Delivered, in the presence of:


(Signature)


(Print Name)


(Signature)

Anna M. Ruehl

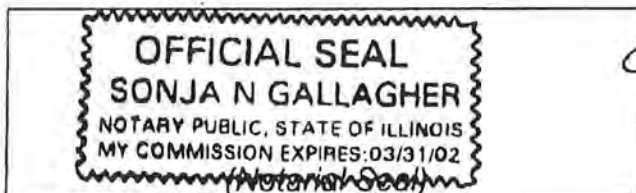
(Print Name)

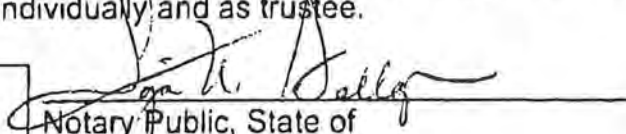
Grantees' Tax ID #

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

State of *Illinois*
County of *Kane*

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




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



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

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

FOR USE OF CLERK.

TRUSTEE'S DEED

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

James J. McArdle, Trustee,

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

Spanish Lakes, Inc.,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

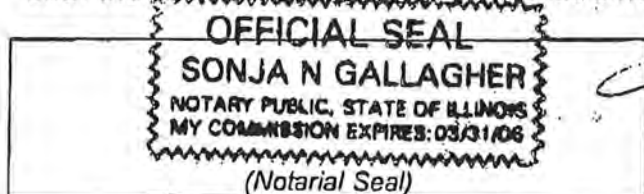
Signed, Sealed and Delivered, in the presence of:

Courtney M. Ruchel
Printed Name: Courtney M. Ruchel
David A. McArdle
Printed Name: David A. McArdle

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

State of Illinois
County of Franklin

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



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

This Instrument Prepared by:

Robert D. Royston, Jr., Esq.
 COSTELLO, SIMS & ROYSTON
 P. O. Drawer 60205
 Fort Myers, FL 33906

Return to:

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

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

INSTR # 5176728
 OR BK 03443 PG 2226

RECORDED 07/03/01 04:55 PM
 CHARLIE GREEN CLERK OF COURT
 LEE COUNTY
 RECORDING FEE 10.50
 DOC TAX PD (F.S. 201.02) 2,180.50
 DEPUTY CLERK C Keller

33-46-25-00-00019.0090

ESTER LAKES DEVELOPMENT

Warranty Deed

THIS INDENTURE, made this 2nd day of July, 2001 between RICHARD E. MULLIGAN, individually and as trustee, GRANTOR, and ESTERO LAKES DEVELOPMENT, INC., a Delaware corporation, whose mailing address is 24880 BURNING DR AB, BONITA SPRINGS FL 34134, GRANTEE;

WITNESSETH: That said GRANTOR, for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) and other good and valuable considerations to said GRANTOR in hand paid by said GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said GRANTEE, and GRANTEE'S heirs and assigns forever, the following described land situate, lying and being in Lee County, Florida, to wit:

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

SUBJECT TO THE EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

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

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

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

Signed, sealed and delivered
 in the presence of:

(First Witness to RICHARD E. MULLIGAN)

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

(Second Witness to RICHARD E. MULLIGAN)

GREGORY F. TOTH
 (Printed Name of Second Witness)

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

Post Office Address of Grantor:

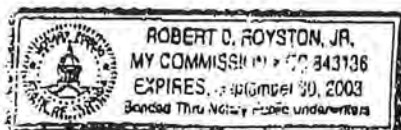
78 Chardon Place
 Naples, FL 34110

STATE OF FLORIDA
 COUNTY OF LEE

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

My Commission Expires:

(SEAL)



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

Personally Known OR Produced Identification

Type of Identification Produced

FL-DC

EXHIBIT "A" - LEGAL DESCRIPTION OF THE PROPERTY

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

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

NOTES:

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

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

15.50
x 20
400

PREPARED BY AND RETURN TO:
THOMAS G. ECKERTY, ESQUIRE
12734 Kemwood Lane, Suite 83
Fort Myers, FL 33907-5638

4295876

Strap No. 33-16-25-000021 0000

Recording: 5

Documentary Tax Pd. \$ 70
Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
By Susan Thompson Deputy Clerk

RECORDS VERIFIED CHARLIE GREEN, CLERK
SUSAN THOMPSON

0R2901 PG0917

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

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

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

whose post office address is 16050 Tamiami Trail, S, Suite 103, Fort Myers, Florida 33908, hereinafter called the Grantor, to

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

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

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

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

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

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

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

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

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

Signed, sealed and delivered in the presence of:

Bernard J. DeWolfe
Print name Bernard J. DeWolfe

Bernard J. DeWolfe
Bernard J. DeWolfe, individually and as Trustee

Marvin L. Metheny
Print name Marvin L. Metheny

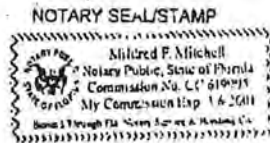
Allen H. Johnson
Print name Allen H. Johnson

Allen H. Johnson
Print name Allen H. Johnson

See Attached
Allen H. Johnson, individually and as Trustee

STATE OF FLORIDA)
) S:
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 18th day of December, 1997, by BERNARD J. DeWOLFE, individually and as Co-Trustee, under the U S 41 Trust V, dated May 23, 1988, who is personally known to me, and who did/did not take an oath.



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

0R2901 R60918

STATE OF FLORIDA)
) S:
COUNTY OF LEE)

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

NOTARY SEAL/STAMP

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

CHARLIE GREEN LEE CTY. FL

97 DEC 18 PM 4:06

Mildred Mitchell
Print name: Mildred Mitchell

Allen H. Johnson
Allen H. Johnson, individually and Co-Trustee

Dorothy K. Lewis
Print name: Dorothy K. Lewis

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 17th day of December, 1997, by ALLEN H. JOHNSON, individually and as Co-Trustee, under the above-referenced Land Trust, who is personally known to me, and who did/did not take an oath.

NOTARY SEAL/STAMP

Dorothy K. Lewis
Notary Public
Print Name:
Commission No:
My Commission Expires:



002901 Pg09/19

1678 2233

1684478

This instrument was prepared by:
STEPHEN W. BUCKLEY, ESQUIRE
Buckley, Bennett & McKay, P.A.
FORT MYERS, FLORIDA 33908

Warranty Deed

(STATUTORY FORM—SECTION 689.02 F.S.)

This Substantive. Made this 22nd day of June 1983. Between

THOMAS M. ANGLIM, a single man, individually and as Trustee,

of the County of Lee State of Florida, grantor, and

NEAR WEST, INC., a Florida corporation,

whose post office address is 3880 Sheridan Street, Hollywood, Florida 33021

of the County of Broward State of Florida, grantee.

Witnesseth, That said grantor, for and in consideration of the sum of TEN (10.00)-----

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

The N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ E. of Tamiami Trail, less the South 30 ft. in Section 33, Township 46 South, Range 25 East, Lee County, Florida.

Together with an easement for ingress and egress over and across the South 30 ft. of the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ lying East of the Tamiami Trail, Section 33, Township 46 South, Range 25 East.

SUBJECT to easements, restrictions and reservations of record.

RECORDED IN OFFICIAL RECORDS
LEE COUNTY, FLORIDA
RECORD VERIFIED
JUN 29 3 39 PM '83
CLERK OF CIRCUIT COURT

Documentary Tax Pd. \$ 1485.00
Intangible Tax Pd.
SAL GRACI, CLERK, LEE COUNTY

By Sal Graci

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

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

In Witness Whereof,

Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Thomas M. Anglim, individually and as Trustee (Seal)

(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 THOMAS M. ANGLIM, individually and as Trustee,

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

WITNESS my hand and official seal in the County and State last aforesaid this 22nd day of June 1983.

My commission expires:

10/5/85

Notary Public

THIS INSTRUMENT PREPARED BY:
WILLIAM D. MARTENS
1918 JACKSON STREET
P.O. BOX 1810
PORT ST. JENNIS, FLORIDA 33551

WARRANTY DEED

EC 862 MC 148

6.00
57.00
20.00
83.00

On this Subsequent, 7th day of September, A.D. 1972

Between CONNOLLY AND D'ANGELO, INC.,
a corporation having its principal place of business in the County of Collier and State of Florida,
and lawfully authorized to execute

RICHARD E. WILLIAMS

part of the second part **WITNESSES:**
That the said party of the first part, for and in consideration of the sum of **SEVEN DOLLARS AND OTHER**

GOOD AND VALUABLE CONSIDERATIONS
to it in hand paid by the said part of the second part, the receipt whereof is hereby acknowledged has granted, conveyed and assigned forever, the following described land situate, lying and being in the County of Collier and State of Florida, to-wit:

That portion of the East one-half of the Southeast quarter of Section 33, Township 46 South, Range 23 East, lying westerly of the Atlantic Coast Line Railroad right-of-way less the South 1,833 feet; therefor, subject to and together with (and the grantor hereby reserves, excepts, grants and declares) an easement for drainage purposes in favor of the grantor and the grantee and their respective heirs, successors and assigns and also in favor of all current owners of abutting lands on, over and across the East 30.0 feet of that portion of the East one-half of the Southeast quarter of Section 33, Township 46 South, Range 23 East, lying West of Atlantic Coast Line Railroad right-of-way; and also together with (and the grantor hereby reserves, excepts, grants and declares) an easement for roadway purposes in favor of the grantor and the grantee and their respective heirs, successors and assigns; on, over and across the following property:

1. The South 30 feet of the North one-half of the Southeast quarter of the Southeast quarter lying East of the Railroad (U.S. Highway 90) in said Section 33.
2. The West 30 feet of the Southeast quarter of said section, less the quarter of the Southeast quarter of said section, less the

(ADDITIONAL TERMS & CONDITIONS RECITED ON SCHEDULE "A" ATTACHED HERETO)

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

IN WITNESS WHEREOF, CONNOLLY AND D'ANGELO, INC., has caused this instrument to be signed in its name by its proper officers, and its corporate seal to be hereunto affixed, this 7th day of September, 1972.

Richard E. Williams
Secretary

Witness, seal and delivered in presence of us:

William D. Martens
Notary Public

State of Florida
County of Collier

3rd Street City that on this A.D. 1972, before me personally appeared **Connolly and D'Angelo, Inc.** and **Richard E. Williams**, known to me to be the persons who signed the foregoing instrument to the act and deed of said corporation.

to it is known to be the persons who signed the foregoing instrument as a corporation under the laws of the State of Florida. I have no knowledge of any other persons who have signed the foregoing instrument to the act and deed of said corporation.

On this Subsequent, 7th day of September, A.D. 1972

My Commission expires: **Notary Public, State of Florida at Large**
My term of office expires on: **11/08/2001**
I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears to me.

Notary Public

-continued-

RE: 862 PAGE 149

SCHEDULE "A"

Southerly 330 feet thereof, and also the Westerly 30 feet of the Southerly 30 feet of the Northwest quarter of the Southeast quarter of the Southeast quarter of said section.

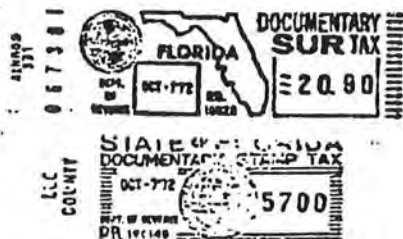
3. The North 30 feet of that portion of the South 360 feet of the East one-half of the Southeast quarter lying westerly of Atlantic Coast Line Railroad right-of-way in said Section 33.
4. The Westerly 30 feet of the Easterly 50 feet of that portion of the North 1,505 feet of the South 1,835 feet of the East one-half of the Southeast quarter lying westerly of the Atlantic Coast Line Railroad right-of-way in said Section 33.

AND SUBJECT TO that certain mortgage by CONNOLLY AND D'ANGELO, INC., a Florida Corporation, to EVERNIA CORPORATION, a Florida Corporation, recorded March 26, 1969, in Official Record Book 519, at page 552, in the Public Records of Lee County, Florida;

AND subsequently assigned to HAROLD S. LYNTON AND THEODORE F. HEARTH, as trustees, by instrument recorded December 20, 1971, in Official Record Book 771, at page 503, in the Public Records of Lee County, Florida;

WHICH SAID MORTGAGE the Grantee hereby assumes and agrees to pay as a part of the consideration for this conveyance.

SUBJECT TO conditions, restrictions, assessments, limitations of record, if any, and taxes for 1972 and subsequent years.



RECORDED IN OFFICIAL
RECORDS
OF
LEE COUNTY, FLORIDA
BOOK 772
PAGE 503
DEC 28 PM '72
LEE COUNTY
CLERK
D.C.

LEE COUNTY PROPERTY APPRAISER

PROPERTY DATA FOR PARCEL 33-46-25-00-00019.0000
TAX YEAR 2003 (TRIM)

Parcel data is available for the following tax years:

[[2001](#) | [2002](#) | 2003 (TRIM)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Tax Bills on this Parcel](#)]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2003 TRIM ROLL.

Owner of Record		Legal Description		Image of Structure	
MULLIGAN RICHARD E 78 CHARDON PL NAPLES FL 34110		E 1/2 OF SE 1/4 LESS RR R/W + LESS SLY 1835 FT		(Not Presently Available)	
Site Address					
ACCESS UNDETERMINED Estero, FL 33928					
Taxing District		DOR Code			
186 - ESTERO FIRE		62 - GRAZING LAND CLASS III			
Property Values		Exemptions		Dimensions	
Just	420,420	Homestead	0	Measurement Units	AC
Assessed	2,180	Agricultural	418,240	Number of Units	14.70
Assessed SOH	2,180	Widow	0	Frontage	0
Taxable	2,180	Widower	0	Depth	0
Building	0	Disability	0	Bedrooms	
Land	2,180	Wholly	0	Bathrooms	
Building Extra Features	0	Energy	0	Total Sq. Ft.	
Land Extra Features	0	SOH Difference	0	Year Improved	0
Sales Transactions					
Sale Price	Date	OR Book / Page	Transaction Details		Vacant / Improved
			Type	Description	
0	1/1/1900	862/148			
Solid Waste (Garbage) Roll Data					
Solid Waste District		Roll Type	Category	Unit/Area	Tax Amount
002 - Service Area 2 - South Fort Myers Area		-		0	0.00

Land Tracts/Land Use					
Description		Use Code		Units	
Market Value Agricultural		9910		14.70 Acres	
Storm Surge Category	Flood Insurance (FIRM)				
	Rate Code	Community	Panel	Version	Date
Category 3	B	125124	0475	B	

[[Aerial Tax Map Viewer](#)]

[[Show Aerial View](#)]

TRIM (*proposed* tax) Notices are available for the following tax years:

[[1997](#) | [1998](#) | [1999](#) | [2000](#) | [2001](#) | [2002](#) | [2003](#)]

[[Show Building Details](#)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#)]

[[New Query](#) | [New Browse](#) | [Parcel Queries Page](#) | [Lee PA Home](#)]

This site is best viewed with [Microsoft Internet Explorer 5.5+](#) or [Netscape Navigator 6.0+](#).
Page was last modified on Friday, September 05, 2003 6:49:52 PM.

FORM 1100 (Revised 1-1-68) 684162

TOTAL TAXES RECORDED AS 2.00 PER 1000
TAXES ARE PAID BY THE GRANTEE

6.00
129.00
42.85
\$177.85

This Indenture,

RE: 863 PAGE 227

Whereas said parties, the term "party" shall include the heirs, personal representatives, executors and/or assigns of the parties hereto having the use of the singular number shall include the plural, and the plural the singular; the use of any gender shall include all genders; in all of which, the term "and" shall include all the words denoted by same.

Made this 6th day of October A. D. 19 72

Between

LESTER E. MARTIN and ANN M. MARTIN, husband and wife

of the County of Cook in the State of Illinois
party of the first part, and RICHARD E. MULLIGAN, Trustee,
356 Livermore Avenue, Staten Island, N.Y.

of the County of in the State of New York
party of the second part,

Witnesseth that the said party of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part his heirs and assigns forever, the following described land, situate lying and being in the County of Florida, to-wit:

See attached Exhibit: A.

THIS INSTRUMENT PREPARED BY
STEWART, STEWART & JACKSON
POST OFFICE BOX 804, PORT JEFFERSON, FLORIDA



And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.
In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered to Our Presence:

Shirley A. Dwyer

Lester E. Martin
Lester E. Martin

Shirley A. Dwyer

Ann M. Martin
Ann M. Martin

Shirley A. Dwyer

Shirley A. Dwyer

State of ~~Florida~~ ILLINOIS

County of Cook

I, Harry Gentry, That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments,

LESTER E. MARTIN, and ANN M. MARTIN, husband and wife, to me well known and known to me to be the individual described in and who executed the foregoing deed, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

Witness my hand and official seal at Wheeling County of Cook, and State of Illinois, this 6th day of October, A. D. 19 72.

My Commission Expires 5-1973

Shirley A. Dwyer
Notary Public
Wheeling

863 PAGE 228

Exhibit "A"

The North half of the South half of the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section 33, Township 46 South, Range 25 East, lying East of the Tamiami Trail (State Road No. 45); EXCEPTING THEREFROM the following described property: The South 220 feet of the North half (N $\frac{1}{2}$) of the South half (S $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section 33, Township 46 South, Range 25 East, lying East of the Tamiami Trail (State Road No. 45)

ALSO

All that part of the North 1505 feet of the South 1835 feet of the East half (E $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section 33, Township 46 South, Range 25 East, lying westerly of the Atlantic Coast Line Railroad right of way,

ALSO

The South 30 feet of the North half (N $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) lying East of the Tamiami Trail (U.S. Highway #41), Section 33, Township 46 South, Range 25 East.

Subject to easements, restrictions and reservations of record and taxes for the calendar year 1972 and subsequent years.



2063262

WARRANTY DEED TO TRUSTEE
UNDER LAND TRUST AGREEMENT

THIS INDENTURE, made this 4th day of February, 1986
between CORA LEZ RIZER, a/k/a CORA LEA RIZER, a single female
(hereinafter referred to as "Grantor"), and RICHARD E. MULLIGAN, (hereinafter
referred to as "Grantee"), as Trustee under an unrecorded Land Trust Agreement
("Land Trust"), dated as of November 22, 1985, pertaining to
the property (as hereinafter defined), whose post office address is: Post Office
Box 8374, Naples, Florida 33940.

WITNESSETH

That the Grantor, for and in consideration of the sum of TEN AND
NO/100 DOLLARS (\$10.00) and other valuable consideration to it in hand paid by
the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained
and sold to the Grantee, its successors and assigns forever, the following
described land, situate, lying and being in the County of Lee, State of Florida
(hereinafter called the Property), to wit:

The North half of the South 220 feet of the North half of
the South half of the Southwest quarter of the Southeast
quarter of Section 33, Township 46 South, Range 25 East,
lying East of the Tamiami Trail (State Road No. 45).
Subject to taxes for the year 1985. Subject also to
easements and restrictions of record.

And the Grantor does hereby fully warrant the title to said land, and will
defend the same against the lawful claims of all persons whomsoever, subject
however, to those matters set forth in Exhibit "A" attached hereto.

Grantee shall have full power and authority to deal in and with the
property including the power and authority to protect, conserve, sell, lease or
encumber and otherwise manage and dispose of the Property, or any part thereof,
it being the intent to vest in Grantee full rights as grantee of the Property as
authorized and contemplated by Section 689.071, Florida Statutes.

No party dealing with the Grantee in relation to this Deed or to the
Property, in any manner whatsoever, and (without limiting the foregoing) no
party to whom the Property, or any part thereof or any interest therein, shall
be conveyed, encumbered, leased or contracted to be sold by the Grantee, shall
be obligated (a) to see the application of any purchase money, rent, or money
borrowed or advanced with respect to the Property, or (b) to see that the terms
of the Land Trust have been complied with, or (c) to inquire into the authority,
necessity or expediency of any act of the Grantee, or (d) be privileged to
inquire into any of the terms of the Land Trust.

Every deed, mortgage, lease or other instrument executed by the
Grantee in relation to the Property shall be conclusive evidence, in favor of
every person claiming any right, title or interest thereunder that: (a) at the
time of delivery thereof the trust created under the Land Trust was in full
force and effect; (b) such instrument was executed in accordance with the terms
and conditions of the Land Trust and all amendments thereof, if any, and is
binding upon the beneficiaries thereunder; (c) the Grantee was thereunder duly
authorized and empowered to execute and deliver every such instrument; (d) if a
conveyance of the Property has been made to a successor or successors in trust,
that such successor or successors have been properly appointed and are fully
vested with all the title, estate, rights, powers, duties and obligations of
its, his or their predecessor in trust.

The Grantee shall have no individual liability or obligation
whatsoever arising from its ownership, as Trustee under the Land Trust, of the
legal title to the Property, or with respect to any act done or contract entered
into or indebtedness incurred by it in dealing with the Property or in otherwise
acting hereunder, except only so far as the Property and any trust funds in the
actual possession of the Grantee shall be applicable to the payment and
discharge thereof. Any and all liability, if any, arising with respect to
ownership of the Property shall be solely the responsibility of the Beneficiary
of the Land Trust.

REC 1832FC1284

Parcel 2

RECORDED - CHARLIE GRIFFIN, CLERK
BY M. H. HARRISON, D.C.

It is expressly understood and agreed between the parties and all successors and assigns that this Warranty Deed is entered into by Grantee, not personally, but as Trustee under the Land Trust in exercise of authority conferred upon such Trustee therein. No personal liability or responsibility is assumed by or shall be enforceable against said Trustee, either express or implied.

The interest of the Beneficiary and of all persons claiming under it shall be only in the rents, avails and proceeds arising from the sale or other disposition of the Property and such interest is hereby declared to be personal property, and the Beneficiary shall not have any title or interest, legal or equitable, in or to the Property as such, but shall have only an interest in the earnings, avails and proceeds of the Property as aforesaid.

IN WITNESS WHEREOF, the Grantor has executed this instrument under seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

Russell L. Haypete
Witness

Cora Lee Rizer
Grantor

Theresa Briggs
Witness

STATE OF OHIO)
COUNTY OF Ashland) ss

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared CORA LEE RIZER, a/k/a CORA LEA RIZER, to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid on this 4th day of February, 1986.

Russell L. Haypete
NOTARY PUBLIC

My Commission Expires:



RUSSELL L. HAYPETE, Notary Public
State of Ohio
Attorney at Law, License Commission

MAR 5 2 14 PM '86
RECORDED IN OFFICIAL
RECORDS
LEE COUNTY, FLORIDA
RECORD VERIFIED

STATE OF FLORIDA
CLERK OF THE COURT
LEE COUNTY

This Deed prepared by:

Anthony J. Gargano
LEASURE & GARGANO, P. A.
Post Office Box 061169
Fort Myers, Florida 33906-1169
(813) 275-7515

OFF 1832PG4285

LEE COUNTY PROPERTY APPRAISER

PROPERTY DATA FOR PARCEL 33-46-25-00-00019.0080
TAX YEAR 2003 (TRIM)

Parcel data is available for the following tax years:

[2001 | 2002 | 2003 (TRIM)]

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OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2003 TRIM ROLL.

Owner of Record		Legal Description		Image of Structure	
MULLIGAN RICHARD E TR 78 CHARDON PL NAPLES FL 34110		PARL BETWEEN HWAY 41 + ACL RR IN SE 1/4 SEC 33 TWP 46 R 25 DESC IN OR 863 P 227 LES SLY 110 FT		(Not Presently Available)	
Site Address					
ACCESS UNDETERMINED Estero, FL 33928					
Taxing District		DOR Code			
186 - ESTERO FIRE		61 - GRAZING LAND CLASS II			
Property Values		Exemptions		Dimensions	
Just	823,180	Homestead	0	Measurement Units	AC
Assessed	4,540	Agricultural	818,640	Number of Units	41.52
Assessed SOH	4,540	Widow	0	Frontage	0
Taxable	4,540	Widower	0	Depth	0
Building	0	Disability	0	Bedrooms	
Land	4,540	Wholly	0	Bathrooms	
Building Extra Features	0	Energy	0	Total Sq. Ft.	
Land Extra Features	0	SOH Difference	0	Year Improved	0
Sales Transactions					
Sale Price	Date	OR Book / Page	Transaction Details		Vacant / Improved
			Type	Description	
0	1/1/1900	863/227			
Solid Waste (Garbage) Roll Data					
Solid Waste District		Roll Type	Category	Unit/Area	Tax Amount
002 - Service Area 2 - South Fort Myers Area		-		0	0.00

Land Tracts/Land Use					
Description		Use Code		Units	
Market Value Agricultural		9910		28.76 Acres	
Market Value Agricultural		9910		12.76 Acres	
Storm Surge Category	Flood Insurance (FIRM)				
	Rate Code	Community	Panel	Version	Date
Category 3	B	125124	0475	B	

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LEE COUNTY PROPERTY APPRAISER

PROPERTY DATA FOR PARCEL 33-46-25-00-00019.0060
TAX YEAR 2003 (TRIM)

Parcel 1

Parcel data is available for the following tax years:

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OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2003 TRIM ROLL.

Owner of Record		Legal Description		Image of Structure	
MULLIGAN RICHARD E TR 78 CHARDON PL NAPLES FL 34110		N 110 FT OF N 1/2 OF S 1/2 OF SW 1/4 OF SE 1/4 E OF TAMIAMI TRL.		(Not Presently Available)	
Site Address					
ACCESS UNDETERMINED Estero, FL 33928					
Taxing District		DOR Code			
186 - ESTERO FIRE		61 - GRAZING LAND CLASS II			
Property Values		Exemptions		Dimensions	
Just	199,750	Homestead	0	Measurement Units	AC
Assessed	250	Agricultural	199,500	Number of Units	1.68
Assessed SOH	250	Widow	0	Frontage	0
Taxable	250	Widower	0	Depth	0
Building	0	Disability	0	Bedrooms	
Land	250	Wholly	0	Bathrooms	
Building Extra Features	0	Energy	0	Total Sq. Ft.	
Land Extra Features	0	SOH Difference	0	Year Improved	0
Sales Transactions					
Sale Price	Date	OR Book / Page	Transaction Details		Vacant / Improved
			Type	Description	
0	1/1/1900	863/227			
Solid Waste (Garbage) Roll Data					
Solid Waste District		Roll Type	Category	Unit/Area	Tax Amount
002 - Service Area 2 - South Fort Myers Area		-		0	0.00

Land Tracts/Land Use					
Description		Use Code		Units	
Market Value Agricultural		9910		1.68 Acres	
Storm Surge Category	Flood Insurance (FIRM)				
	Rate Code	Community	Panel	Version	Date
Category 3	B	125124	0475	B	

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TRIM (*proposed* tax) Notices are available for the following tax years:

[[1997](#) | [1998](#) | [1999](#) | [2000](#) | [2001](#) | [2002](#) | [2003](#)]

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LEE COUNTY PROPERTY APPRAISER

PROPERTY DATA FOR PARCEL 33-46-25-00-00019.0040
TAX YEAR 2003 (TRIM)

Parcel 2

Parcel data is available for the following tax years:

[2001 | 2002 | 2003 (TRIM)][[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Tax Bills on this Parcel](#)]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2003 TRIM ROLL.

Owner of Record		Legal Description		Image of Structure	
MULLIGAN RICHARD E TRUSTEE 78 CHARDON PL NAPLES FL 34110		N 1/2 OF S 220 FT OF N 1/2 OF S 1/2 OF SW 1/4 OF SE 1/4		(Not Presently Available)	
Site Address					
21951 S TAMiami TRL Estero, FL 33928					
Taxing District		DOR Code			
186 - ESTERO FIRE		61 - GRAZING LAND CLASS II			
Property Values		Exemptions		Dimensions	
Just	297,280	Homestead	0	Measurement Units	AC
Assessed	370	Agricultural	296,910	Number of Units	2.50
Assessed SOH	370	Widow	0	Frontage	0
Taxable	370	Widower	0	Depth	0
Building	0	Disability	0	Bedrooms	
Land	370	Wholly	0	Bathrooms	
Building Extra Features	0	Energy	0	Total Sq. Ft.	
Land Extra Features	0	SOH Difference	0	Year Improved	0
Sales Transactions					
Sale Price	Date	OR Book / Page	Transaction Details		Vacant / Improved
			Type	Description	
55,000	2/1/1986	1832/4284	01	Disqualified (Doc Stamp .70 / SP less th \$100 / Other DisQ)	V
0	2/1/1986	1832/4283	01	Disqualified (Doc Stamp .70 / SP less th \$100 / Other DisQ)	V
Solid Waste (Garbage) Roll Data					

Solid Waste District	Roll Type	Category	Unit/Area	Tax Amount	
002 - Service Area 2 - South Fort Myers Area	-		0	0.00	
Land Tracts/Land Use					
Description	Use Code		Units		
Market Value Agricultural	9910		2.50 Acres		
Storm Surge Category	Flood Insurance (FIRM)				
	Rate Code	Community	Panel	Version	Date
	Category 3	B	125124	0475	B

[[Aerial Tax Map Viewer](#)]

[[Show Aerial View](#)]

TRIM (*proposed* tax) Notices are available for the following tax years:

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OR 2106/2505



LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 338-3302

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Douglas R. St. Cerny
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County Manager

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County Attorney

Diana M. Parker
County Hearing
Examiner

October 1, 2003

Mr. Dan DeLisi
Barraco and Associates
2271 McGregor Blvd.
Ft. Myers, FL 33901

SUBJECT: North Point DRI

Dear Mr. DeLisi:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the commercial and residential units proposed for North Point through our franchised hauling contractors. Disposal of the solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

The Solid Waste Ordinance (00-20, section 17) has requirements for providing on-site space for placement and servicing of commercial solid waste containers. Please review these requirements when planning the development at North Point. If you have any questions, please call me at (239) 338-3302.

Sincerely,

William T. Newman
Operations Manager
Solid Waste Division

QUESTION 10-D:

If the development is proposed to contain a shopping center, describe the primary and secondary trade areas, which the proposed shopping center will serve.

The development is proposed to include 550,000 square feet of retail space. The space will be built in a single phase with buildout anticipated to occur in year 2008. The size and character of the project lends itself most to community-serving space. Community-type space will typically serve a trade area within five to eight (5-8) miles of the site. In this analysis we have examined the five mile market since the area is suburban, densely populated and rapidly growing. Community serving space is also appropriate in as much as considerable regional-serving space either exists in the market or has been recently approved, including the Jacobs Mall and Coconut Point. Finally, the analysis shows, market conditions in neighborhood type space such as grocery, dry cleaners hardware and daily goods needs is effectively in equilibrium.

Table 10.D.1 summarizes the retail supply/demand profile within this market area. Within the five-year development horizon, the market will generate sufficient demand to support the proposed retail space at North Point DRI, even with complete buildout at Coconut Point. Appendix 1 lists the retail demand model output summary and the list of shopping centers by center-type within 5 miles. The analysis is based on projected 2008 household count of 25,912 households and current average household income of \$81,687 in the five mile market area.

Table 10.D.1 North Point DRI Retail Demand Analysis

Lee County Retail Market Conditions Within 5 Miles of North Point DRI				
	Number	Supply Square Feet	2008 Demand	Unmet Need
Neighborhood	16	845,260	899,237	53,977
Community	3	740,977	1,298,160	557,183
Regional	4	906,054	892,520	(13,534)
Totals	23	2,492,291	3,089,918	597,627

Note: This includes 800,000 square feet of space at Coconut Point, planned to open in year 2005. We have allocated this planned space as 50% regional and 50% community.

Source: Fishkind & Associates, Inc.

QUESTION 10-E:

Describe in general terms how the demand for this project was determined.

Our detailed analysis of demand focuses primarily on the retail market, since this makes up the vast majority of the North Point DRI. Residential multi-family and office uses are complementary and appropriate as mixed uses designed to integrate with and support the proposed retail development. In particular, multi-family residential housing will be in demand resulting from nearby employment opportunity both at North Point DRI and Coconut Point DRI. The methodology used in the determination of the retail market conditions is presented below.

Fishkind & Associates, Inc. ("Fishkind") has developed an in-house model to determine retail demand. This model estimates retail demand by square footage, shopping center type, and store type. The model incorporates multiple data sources. These sources are census based from I-Site/Maptitude, Inc. for local market area households and household income data; consumer expenditure profiles from the U.S. Department of Labor Consumer Expenditure Survey; and Urban Land Institute shopping center tenant profiles, square footage requirements and average sales per square foot by store type from the publication Dollars and Cents of Shopping Centers.

The model operates by first determining retail household expenditures for market area households. The number of households represent the forecast households through year 2008. Household expenditures are determined through application of the results of the 2000 Consumer Expenditure Survey, conducted by the U.S. Department of Labor. This survey of over 30,000 households nationwide, provides detailed information on average dollar expenditure amounts and the expenditure percent of household income, for all household expenditures. The income expenditure percentages are applied to the average local area household income and multiplied by the number of households to determine market area spending potential for retail store goods. As time goes by, though some income increases may take place, because expenditure percentages are used to apply to current income levels, the model remains valid. In the course of development of Fishkind's retail demand model, tests were made to determine the validity and variance of the data when adjusted for age, income, and regional differences. It was determined that average expenditures do not vary significantly enough across these demographic characteristics to override the sample error caused by using a smaller survey sample. Thus our expenditure data in the model incorporates the national level data, which provides the most robust and consistent measure of household spending.

Next, the expenditures by type of goods are integrated with store and shopping center types to determine where and at what type of stores these expenditures are made. Shopping centers are divided into neighborhood, community, regional and super-regional center types. Within each center type is a listing of store types that are the most frequently found store types of these kinds. Shopping center and store level data are provided by the Urban Land Institute ("ULI") publication, "Dollars and Cents of Shopping Centers: 2002," in which surveys were made of over 40,000 retail shopping centers of all types in the United States. The data covers fiscal year 2000 and so is consistent with the time period of the Consumer Expenditure Survey.

In addition to the store type by shopping center, the ULI data also provides average sales per square foot for all store types by shopping center. A simple division of the household expenditures per store type by average sales per square foot per store type results in the amount of supportable square feet, by store type, by shopping center type, for market area households.

Of the consumer spending that can take place at stores, the ULI data tells us in which store type and shopping center type these expenditures may be made. The integration between these two data sets results in a spending by store type matrix. There are 105 Consumer Expenditure retail spending categories and 50 ULI store types, resulting in a matrix of 5,250 calculations of dollars per spending category by store type. For example, Consumer Expenditure data may say \$100 is spent on clothing. The ULI data provides store types where clothing may be purchased, such as women's specialty, fashion stores, jeans shops, men's wear, family wear, department stores, discount department stores and junior department stores. Distribution determinations, as to how much of the \$100 gets spent, and in which type of store, are made based on the definitions of the Consumer Expenditure spending category and the ULI definition of the store type and its typical merchandise type. This determination is coupled with the experience of Fishkind, which includes two decades of experience consulting in retail demand analysis and consumer behavior. We have reviewed, corrected, and revised the matrix calculations over the genesis of the retail demand model.

Finally, the expenditure potential per store type is converted to square footage potential (demand) by dividing these dollars spent by the sales per square foot data provided by ULI, for each of the store types and shopping center types in the ULI publication. This final calculation results in the supportable retail demand, expressed in square footage by store and shopping center type.

We do not modify the matrix distributions on a project by project basis so that our model results remain consistent over time, across different types of retail demand analyses and from market to market. In this way, we have been able to examine and compare our results across dozens of local area markets in Florida. We have found, over the years, that our model results tend to portray a reasonable and an accurate picture of retail market conditions at any one time, when coupled with accurate existing market supply conditions. Still, we update the matrix periodically in response to new data from ULI and the Consumer Expenditure Survey. Such updates have been conducted in June 1995, October 2000 and February 2003. Since the model inception in 1991, the thousands of calculations in the model have been checked, revised, and updated regularly. In our opinion, the model is current, detailed, and sound in its approach and execution.

Once calibrated for existing local market area conditions, with households and average household incomes, the model calculates retail demand and expenditure potential, as well as shopping center type and square footage. Future retail demand is projected based on forecast market area households from I-Site/Maptitude, Inc.. Constant-dollar, non-inflated household income, and sales projections are also used.

This model has been used extensively and successfully in analyses conducted for Melvin Simon Corporation, Edward DeBartolo, Orlando's West Oaks Mall, the Jacobs Mall and in numerous evaluations of business and shopping center impacts due to roadway expansions,

eminent domain taking on behalf of the Florida Department of Transportation, Orange County, and private land owner interests.

**Appendix 10-1 North Point DRI
Summary Retail Model Output and Retail Supply List**

2008 Total market Area Demand For Regional Retail Square Footage

1.	Total Retail Space Demand for Super Regional Shopping Centers		
	Stores	457,575	sq. ft.
	Kiosks	7,308	sq. ft.
	Outparcels	14,436	sq. ft.
2.	Total Retail Space Demand for Regional Shopping Centers		
	Stores	336,475	sq. ft.
	Kiosks	3,031	sq. ft.
	Outparcels	73,695	sq. ft.
3.	Total Retail Space Demand for Super Regional/Regional Shopping Centers		
	Stores	794,050	sq. ft.
	Kiosks	10,339	sq. ft.
	Outparcels	88,131	sq. ft.
	TOTAL:	892,520	sq. ft.
4.	Total Retail Space Demand for Community Shopping Centers		
	Stores	1,028,504	sq. ft.
	Kiosks	0	sq. ft.
	Outparcels	269,656	sq. ft.
5.	Total Retail Space Demand For Neighborhood Shopping Centers		
	Stores	870,941	sq. ft.
	Kiosks	0	sq. ft.
	Outparcels	269,656	sq. ft.
6.	Total Retail Space Demand for Community/Neighborhood Shopping Centers		
	Stores	1,899,445	sq. ft.
	Kiosks	0	sq. ft.
	Outparcels	2,197,398	sq. ft.
7.	Total Retail Store Space Demand	2,693,495	sq. ft.
8.	Total Retail Kiosk Space Demand	10,339	sq. ft.
9.	Total Retail Outparcel Space Demand	386,084	sq. ft.
10.	Total Retail Space Demand of Market Area	3,089,917	sq. ft.

CTR NAME	INTERSECT	ADDRESS	CITY	ZIP CODE	TOTAL GLA	SITE DIST
Williams Place Center	Williams Road & Tamiami Trl. (U.S. 41)	22098 South Tamiami Trail (U.S. 41)	Estero	33928	67,517	0.1
Corkscrew Village	SEC U.S. 41 & Corkscrew Road	21301 South Tamiami Trail	Estero	33928	84,000	0.8
Coconut Point	U.S. 41 & Coconut Road		Estero	34134	1,600,000 ¹	0.8
Hidden Lakes Shops	SEC Tamiami Trail & Woods Edge Pkwy.		Bonita Springs	34134	30,000	1.0
Unnamed Shopping Ctr.	NWC Tamiami Trail & Renaissance	3440 Renaissance Boulevard	Bonita Springs	34134	12,000	1.0
Bernwood Design Centre	SEC Tamiami Trail & Pelican Landing	24851 South Tamiami Trail	Bonita Springs	34134	10,230	1.0
Miromar Outlets	I-75 & Corkscrew Road	10801 Corkscrew Road	Estero	33928	475,824	1.2
Pelican Plaza		24181 Tamiami Trail	Bonita Springs	34134	20,000	2.3
Pelican Village	NWC Tamiami Trail & Pelican Landing	24600 South Tamiami Trail	Bonita Springs	34135	32,400	2.8
San Carlos Plaza	NEC Tamiami & Sanibel Boulevard	18911 South Tamiami Trail	Fort Myers	33907	78,000	3.2
The Prado at Spring Creek	SEC Tamiami (U.S. 41) & Signal Road	25195-25301 S. Tamiami Trail	Bonita Springs	34134	120,000	3.3
Beach Road Plaza	Bonita Beach Road & Windsor	3401 Bonita Beach Road	Bonita Springs	34134	35,000	4.2
Shores Plaza	Bonita Beach Boulevard & Valley	4365 Bonita Beach Boulevard	Bonita Springs	34134	15,000	4.2
Unnamed Shopping Ctr.	Bonita Beach Boulevard & Valley	4259-4275 Bonita Beach Rd.	Bonita Springs	34134	15,000	4.2
Windsor Place	Bonita Beach Road & Windsor	3525 Bonita Beach Road	Bonita Springs	34134	10,000	4.2
Winn-Dixie Market Place	NEC Tamiami & Constitution Blvd.	18011 South Tamiami Trail	Fort Myers	33908	75,000	4.3
Harborage Towne Corners	NEC U.S. 41 & Babcock Road		Fort Myers	33906	60,000	4.7
Highland Center	NEC Brighton Lane & Tamiami Trail	8871 Brighton Lane	Bonita Springs	34135	20,000	4.8
Bay Landings	Tamiami Trl. (U.S. 41) & West Terry		Bonita Springs	34134	20,000	4.9
China Palace Plaza		17230 Tamiami Trail	Fort Myers	33908	17,000	5.1
Bonita Bay Plaza	SEC U.S. 41 & West Terry Road	26831 South Tamiami Trail	Bonita Springs	34134	238,295	5.1
Cap Plaza		121 Lenell Road	Ft. Myers Beach	33931	15,000	5.5
Santini Marina Plaza	Estero Boulevard (South end)	7205 Estero Boulevard	Ft. Myers Beach	33931	62,025	5.5

Source: National Research Bureau; Shopping Center Directory, 2003; Fishkind & Associates, Inc.

¹ Total approved space at Coconut Point is 1.6 million square feet. The figure we use assumes effective competing space at this center includes 400,000 square feet of out parcel space and 400,000 square feet of regional mall space. Population outside the 5-mile market area generates the demand for the remaining 800,000 square feet of the regional mall.

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Mall developers submit plans for new large retail project

Thursday, January 30, 2003

By PAUL HERRERA, pcherrera@naplesnews.com

Just months after ending a three-year permitting process for the Coconut Point Town Center regional mall in Estero, a development group led by one of the principals in that development is sending another large retail project into the pipeline.

North Point Lake LLC, a partnership that includes Oak Brook Properties as one of its principals, submitted preliminary plans to the Southwest Florida Regional Planning Council earlier this week for a development of regional impact, a zoning category for developments that are large enough to affect more than the immediate community in which they're built. Dan Trescott, a planner with the regional planning council, said the scale of the project's retail component put it squarely in the realm of the DRI designation.

The new project, to be located adjacent to the regional mall planned by Simon Group, seeks to build 550,000 square feet of retail space, 120,000 square feet of office space, 150 homes and a hotel on 102 acres at the intersection of Williams Road and U.S. 41. The northern boundary of the Coconut Point Town Center is Williams Road.

"We intend to develop this very similarly to the mall," said Ron Dillon, vice president of Florida operations for Oakbrook Properties. Oakbrook Properties joined Simon Group to develop plans for the non-mall areas of the Coconut Point Town Center.

In November, the Coconut Point Town Center successfully concluded a three-year process of hearings, studies and reviews when county commissioners approved the massive regional mall rezoning, following the conditions and recommendations of numerous planners and agencies that studied the project.

Coconut Point was the second of two regional malls to gain zoning approval in south Lee County. The Gulf Coast Towne Centre, a 1.4 million-square-foot regional mall planned for Alico Road east of Interstate 75, was approved in late 2000. Analysts say the market will support only one of the two projects, meaning large anchor tenants will decide which one will eventually exist.

Trescott said the North Point project will face most of the same planning issues that Simon Group had to address with Coconut Point. The bulk of the debate surrounding the Coconut Point project centered around how the already stressed road network in southern Lee County could handle a large regional mall

and related uses.

Developers of the Coconut Point Town Center agreed to pay nearly \$15 million toward transportation improvements and stagger development over a three-year period beginning no earlier than 2004. Retail developments put more traffic on roads than any other land uses. In order to accommodate the Coconut Point Town Center and exploding growth throughout south Lee County, transportation officials are planning more than a dozen road projects.

If built, the Coconut Point Town Center would cover a two-mile stretch from Williams Road to the Bonita Springs boundary with 1.8 million square feet of retail space, 300,000 square feet of office space, 600 hotel rooms and 1,000 multifamily residential units. Coconut Point would cover 482 acres.

In style and function, North Point would be designed to meld with Coconut Point. Dillon said they were presented as separate projects because the land for North Point wasn't made available until recently.

Taken together, North Point and Coconut Point could bring 2.3 million square feet of retail area to U.S. 41 in Estero. That would be more than twice the size of the Edison Mall in Fort Myers, another Simon Group property.

Paul Sands, a commercial real estate adviser specializing in retail with Grubb & Ellis/ VIP D'Alessandro, said that amount of space will have a huge impact on the area. Only a handful of malls in the country top 2 million square feet.

"I think it's going to be tough for a developer to fill that thing up," Sands said. "I can't imagine that five years from now there's going to be that much of an explosion in growth. You have to have the rooftops to support the retail."

Dillon said North Point would be built around 2008, giving it several years to go through the permitting process and seek tenants.

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October 7, 2003

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

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

Dear Ms. Gonzalez:

Please accept the enclosed additional documentation in response to your August 29, 2003 correspondence for the referenced project.

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

The letter from the Division of Solid Waste was included in our submittal dated October 3, 2003. The letters from Emergency Medical Service (EMS) and Mass Transit are enclosed.

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

Very truly yours,

BARRACO AND ASSOCIATES, INC.

* *Daniel DeLisi / by cmh*

Daniel DeLisi, AICP
Vice President of Planning

* Signed in his absence to avoid delay

DD/cmh
21786

Enclosure

CPA 2003-00004

DU
OCT 9 2003



LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

239-277-5012 x2233

Writer's Direct Dial Number: _____

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Douglas R. St. Cerny
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Ray Judah
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Andrew W. Coy
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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

October 3, 2003

Mr. Dan DeLisi, AICP
Barraco and Associates, Inc.
2271 McGregor Boulevard
Fort Myers, FL 33901

RE: NORTH POINT COMP PLAN AMENDMENT

Dear Mr. DeLisi:

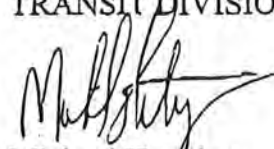
Thank you for your correspondence with Lee County Transit in regards to your application for a comprehensive plan amendment for the subject property. You have requested a letter from us stating whether present transit facilities and manpower are capable of serving the project. Lee Tran does not operate a bus route on this portion of US 41 or on Williams Road and currently, the nearest bus route is 1.6 miles from the subject property.

If we were to provide service to the planned development, we would likely extend our route 140 south from its current terminus at Sanibel Boulevard in San Carlos Park to Williams Road. This would require a minimum of one additional bus to this route on a daily basis and would create approximately 106 more payroll hours per week to our bus operator payroll. Additional expense would also be added to our budget line items for maintenance and fuel. To enhance on the multi-modal features of this mixed-use development, Lee Tran would also request the project plans include the design of a bus stop on US 41 and/or within the project itself. The stop should include pedestrian and bicycle access from the development to the bus stop, wheelchair accessibility for ADA compliance, a passenger waiting shelter, and a pull off lane for the bus to stay out of traffic when boarding or alighting passengers.

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

Sincerely,

TRANSIT DIVISION


Michael Horsting
Transit Planner

2003-00004

CRA DCL

OCT 10 2003



LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

239-335-1604

Writer's Direct Dial Number: chrish@leegov.com

Bob Janes
District One

October 3, 2003

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

Mr. Don DeLisi, A.I.C.P.
Barnes and Associates
Post Office Drawer 2800
Fort Myers, FL 33902

**Re: Written Determination of Adequacy for EMS Services for
Comprehensive Plan Amendment Application for a proposed
development of North Point**

Dear Mr. DeLisi:

Lee County Emergency Medical Services has reviewed your letter dated September 15, 2003, reference to a proposed development located at the northeast corner of US 41 and Williams Road and bound to the east by the Seminole Gulf Railway tracks. Your proposal is for 550,000 square feet of retail floor area, 120,000 square feet of office floor area, 150 residential dwelling units, and 150 hotel rooms, with build out projected for year 2008.

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

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

Sincerely,

DIVISION OF PUBLIC SAFETY/EMS

Chief H.C. "Chris" Hansen
EMS Manager
Lee County Emergency Medical Services

HCH:BDW

2003-00004

RECEIVED
OCT 10 2003

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-479-8371

Bob Janes
District One

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County Manager

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County Attorney

Diana M. Parker
County Hearing
Examiner

December 1, 2003

MR. DANIEL DELISI
BARRACO & ASSOCIATES, INC.
2271 MCGREGOR BLVD
FORT MYERS, FL 33901

Re: NORTH POINT
DCI2003-00037 - PDL Application (Major PD)

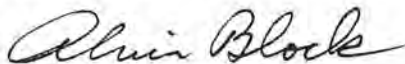
Dear MR. DANIEL DELISI :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division



Alvin Block, AICP
Principal Planner

MR. DANIEL DELISI
BARRACO & ASSOCIATES, INC.
RE: NORTH POINT
DCI2003-00037
December 1, 2003
Page 2

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Joan Henry, Assistant County Attorney
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Billie Jacoby, DCD Admin
Melissa M Roberts, Development Review
DCI Zoning File
DCI Working File

Legal Requirements Sufficiency Checklist

7) Miscellaneous Items.

Re: Easements/Rights-of-Ways.
June 10, 2003

According to County's GIS, along the southern side of STRAP #33-46-25-00-00019.0050 there was an easement that needed to be depicted and shown on Survey and/or MCP. The applicant reply to this issue on their sufficiency response letter dated November 5, 2003 by providing Staff with a revised MCP and adding verbiage to state that this easement is to be released, as that is their intent when the property comes under common ownership. However, note that Prior to Local Development Order Approval, documentation and evidence to prove this has been done must be submitted no less than 3 weeks prior the first Hearing Examiner date.

Sufficiency or non-applicability of legal requirements subject to change upon review of subsequent resubmittals.

8) Contact. The Planner may be contacted regarding any questions on this Checklist.

Luis G. Machado @ (239)479-8485

Development Review Checklist

4) Miscellaneous items.

Deviation #4: Please reword deviation number 4. It should read: To deviate from LDC Section 10d(4) which requires a 4:1 bank slope from the top of the excavation to a water depth of four feet below the dry season water table to allow a vertical drop off to two feet below control elevation then a 4:1 slope to ___ feet below the dry season water table to allow a maximum of 30% of any lake edge to incorporate bulkheads.

Deviation #5: This deviation does not address the placing of structures within the lake maintenance easement which is prohibited. Please see LDC Section 10-328 and 10-259.

5) Contact. The reviewer may be contacted regarding questions on the Development Review Sufficiency Checklist.

You may contact Melissa Roberts with any questions concerning this portion of the checklist.

**Lee County Sufficiency Checklist for Planned Developments,
Amendments, and Existing Developments Requesting Planned
Development Zoning**

12) Scale of Plans/Required Information. The Master Concept Plan must be clearly legible and drawn at a scale sufficient to adequately show and identify the following information: [34-373(a)(6)]

Please refer to the following.

12c) Streets. If it is a subdivision, the plan must also show the general location of all proposed internal street rights-of-way or easements, and the general location of all points of vehicular ingress and egress from the proposed internal rights-of-way or easements into multiple-family, commercial or industrial use lots. [34-373(a)(6)b.]

The submittal still does not show the required specificity on the Master Concept Plan for this item. The Property Development Regulations continue to provide for smaller lots and parcels than shown on the Master Concept Plan. This means that there is the likelihood that additional lots or parcels will be created with additional street rights-of-way or easements and the potential for additional points of vehicular ingress and egress. Please provide greater specificity on the Master Concept Plan to show this required information.

12d) Other Master Concept Plan Parcel Requirements. Where the subject property is to be divided into lots or parcels, the Master Concept Plan must indicate the following: [34-373(a)(6)c.]

Please refer to the following.

12d1) Parcels/Lots. The general location, configuration, and approximate dimensions of each lot or parcel (including outparcels). [34-373(a)(6)c.]

This application continues to provide a set of property development regulations which indicate that there is the potential for subdivision of the parcels within this planned development. This Section of the code provides that the Master Concept Plan must show the general location of these lots or parcels, in order to be considered sufficient with this Section of the Code. If additional lots or parcels are not being proposed, then please change the proposed Property Development Regulations to accurately reflect the lots and parcels shown on the proposed Master Concept Plan.

MR. DANIEL DELISI
BARRACO & ASSOCIATES, INC.
RE: NORTH POINT
DCI2003-00037
December 1, 2003
Page 5

12d4) Uses. The proposed use of each lot or parcel (including outparcels) keyed to the list of proposed uses submitted with the application. If the property development regulations for a specific zoning district will be used, reference to the specific district will be sufficient. [34-373(a)(6)c.]

In review of the changes submitted in the latest submittal of November 6, 2003, the Master Concept Plan still does not provide the specificity required by this Section. The proposed use of each lot or parcel must be indicated and keyed to a list of proposed uses. The Plan still does not show the required specificity. Please revise the Plan to provide this required specificity providing for the use of each lot or parcel. In addition, there are uses within each of the proposed Schedule of Uses which might not be able to be achieved on one or more of the parcels provided for on the Master Concept Plan. This should be reviewed and revised as needed to allow this planned development to be achieved.

In addition in one of the changes made to the second page of the Master Concept Plan, the Property Development Regulations table provides for a land use of Commercial (ie. Parking Garage). In review of the Schedule of Uses the use of a parking garage is not even requested. Please request this use as part of the Schedule of Uses and show the location of this use on the Master Concept Plan. In fact in further review of the Schedule, staff finds that the Schedule does not even request the use of Parking within the commercial tracts. If off-street parking is not going to be provided for the commercial tracts, where will the off-street parking to support these uses be provided?

The proposal for "Mixed Use" does not provide specificity where each of these uses and how much land area will be devoted to each use within each of the parcels. It is not possible for staff to determine the consistency of this application with the Lee Plan without an indication of how much land area will be devoted to each of these uses within each of these parcels for both the residential and commercial portions of this development.

12e) Development Areas. Individual development areas (i.e. residential, retail, office, manufacturing, mixed use-listed, etc.) must be identified with detail showing the following: [34-373(a)(6)d.]

Please refer to the following.

12e2) Height. The maximum height, in feet and number of habitable stories, of any proposed buildings or structures. If parking under the buildings is proposed, the number of stories proposed for parking must be indicated and included in the total maximum height of the buildings. [34-373(a)(6)d.ii.]

Staff had understood in our last meeting that there was the possibility that uses could be developed with parking under the buildings or use. The proposed height, according to this Section, calls for the number of stories proposed for parking under a building must be indicated in the total maximum height of the building. This will have to be done before this case can be deemed sufficient for hearings.

12e3) Residential Dwelling Units. If residential is proposed, the maximum number of dwelling units by type. [34-373(a)(6)d.iii.]

Staff cannot deem Exhibit IV-I-1 as being sufficient. Although I had indicated in our meeting that if the number of units for each type of hotel/motel cannot be provided the County might deem it sufficient, the entire Exhibit still has not been revised to reflect the current proposed development. As of the November 6th submittal, the Exhibit continues to indicate a multiple family building height of 1 to 3 stories and 45 feet, but the Property Development Regulations table indicates 55 feet and 4 stories. Retail use is indicated as being 2 stories and 65 feet on the Exhibit but the Property Development Regulations table says 65 feet and 5 stories. Staff cannot determine from the current submittal which correct. Please make the necessary changes so that this inconsistency is eliminated.

The Exhibit also still needs to be more specific for the proposed hotel/motel use. It needs to provide for the number of units per room size. Currently, the Exhibit only commits to 150 units of any unit size.

12e4) Hotel/Motel. If hotel or motel is proposed, the number of rooms, by size. [34-373(a)(6)d.iv.]

Please refer to the comments in 12e3) above.

12e6) Commercial/Industrial. If commercial or industrial is proposed, the type(s) and the total floor area of each type. [34-373(a)(6)d.vi.]

The November 6th submittal continues to lack the required specificity to be deemed sufficient for hearings. This Section requires that the total floor area for each type of use be provided. The note in the Land Use Intensity Summary on the second page of the Master Concept Plan as part of the total allowable, states that Medical and General office use is as specified in Exhibit IV-I-1. The commitment made in the Exhibit must be restated here and the Master Concept Plan must show the required specificity.

12f) Service Areas. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions. [34-373(a)(6)e.]

The November 6th submittal (Note 9, Page 2 of the Master Concept Plan) provides some new specificity but does not address where service areas will be in relationship to the residential uses within this development. This requirement still has not been met since the Master Concept Plan has not been revised to show the general locations of the service areas for delivery of goods and services for all development that is not a residential subdivision. Please provide the information required by this Section on the proposed Master Concept Plan.

14) Schedule of Uses. A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property must be provided including the following: [34-373(a)(8)]

Please refer to the following.

14a) Types of Uses. The types of uses proposed for the entire site. For projects with residential uses, the summary must include the types of proposed dwelling units. [34-373(a)(8)i.]

Please refer to the comments provided in items 12d4) and 12e) above.

15) Schedule of Deviations. A schedule of deviations and a written justification for each deviation requested as part of the master Concept Plan must be submitted. The location of each requested deviation must be indicated on the Master Concept Plan. [34-373(a)(9)]

Please refer to the Development Review portion of this checklist for comments.

18) Developments of Regional Impact. Developments of Regional Impact must comply with the information submittal requirements of F.S. ch 380. [34-203(a)]

A separate review is being completed and will be mailed out under separate cover for the Development of Regional Impact portion of this application.

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

If you have any questions about this portion of the checklist, please feel free to contact Chip Block at 239-479-8371.

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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Sponsored Application
and Staff Analysis**

**LPA Public Hearing Document
for the
January 26th Public Hearing**

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

January 22, 2004

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

☐ Text Amendment ☒ Map Amendment

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

STAFF REPORT PREPARATION DATE: January 22, 2004

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

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

2. REQUEST:

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

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

At this time planning staff **recommends transmittal** of the applicant's request to amend Map 1, the Future Land Use Map, to change the future land use designation of the subject area from the "Suburban" land use category to the "Urban Community" land use category. At this time, however, staff would **not recommend adoption** of the request given the 2020 Level of Service status of the segment of U.S. 41 running from Koreshan Boulevard to San Carlos Boulevard.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

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

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

C. BACKGROUND INFORMATION

1. EXISTING CONDITIONS

SIZE OF PROPERTY: 102 ± ACRES

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

EXISTING USE OF LAND: Vacant pastureland

CURRENT ZONING: AG-2

CURRENT FUTURE LAND USE CLASSIFICATION: Suburban

2. INFRASTRUCTURE AND SERVICES

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

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

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

SOLID WASTE FRANCHISE: Florida Recycling, Inc.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

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

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

PROJECT SUMMARY

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

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

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

COMPREHENSIVE PLAN BACKGROUND

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

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

ADJACENT ZONING AND USES

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

POPULATION ACCOMMODATION CAPACITY DISCUSSION

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

CONSISTENCY WITH THE "URBAN COMMUNITY" LAND USE CATEGORY

The applicant is proposing that the subject area's land use designation be amended to Urban Community. The Urban Community areas are described by Policy 1.1.4. Policy 1.1.4 is reproduced below:

***POLICY 1.1.4:** The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of*

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

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

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

MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)

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

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

CONSISTENCY WITH GOAL 19 "ESTERO"

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

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

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

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

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

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

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

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

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

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

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

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

TRANSPORTATION ISSUES

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

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

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

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

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

PUBLIC SAFETY ISSUES

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

Emergency Management - Hurricane Evacuation/Shelter Impacts

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

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

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

Emergency Medical Services (EMS)

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

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

Sheriff's Office Impact

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

Fire Service Impact

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

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

SCHOOL IMPACTS

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

"This amendment could increase the existing number of dwelling units permitted from 612 to 1,020 with bonus densities. As such, the proposed change would impact the Lee County School District, its budget and its planned services in this area. The 1,020 units could generate up to 322 new school aged children in the area, creating the need for 16 new classrooms, or one new

elementary school. The difference between the two land use categories would create an additional 408 units over the existing 612 units, creating a minimum of 129 new school aged children and 7 new classrooms. At this time, the existing school classroom inventory is at maximum capacity, so the developer will be required to offset their impact through school impact fees, in accordance with the Impact Fee Ordinance previously adopted by the Lee County Board of County Commissioners."

SOILS

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

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

ENDANGERED SPECIES

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

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

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

PARKS, RECREATION AND OPEN SPACE

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

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

DRAINAGE/SURFACE WATER MANAGEMENT

The application provides the following concerning this issue:

"The property is located in the Estero River watershed. The project will require conceptual and construction approvals from SFWMD and also compliance with the Lee County's Level of Service

Policy 70.1.3 for stormwater management facilities. Per the Lee County Concurrency Management Report for inventories and projections (1999/2000 - 2000/2001), no crossings of evacuation routes within the watershed are anticipated to be flooded for more than 24 hours, thus meeting concurrency standards. This amendment will not require any revisions to the surface water management sub-element or to the CIE."

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

MASS TRANSIT

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

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

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

Planning staff has confirmed with Transit Division staff that the proposed service scheduled to begin on October 1, 2003 has not been established. Transit staff have indicated that the proposal is currently under discussion at this time.

UTILITIES

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

Staff from the Utilities Division have reviewed the request and provided comments dated December 19, 2003 (see Attachment 10). Regarding sanitary sewer and potable water service, Utilities staff have provided that the property is located within Lee County Utilities' service area. The letter continues that: *"However, in order to provide service to this proposed project developer funded system enhancements such as line extensions may be required. Availability of potable water and sanitary sewer service is contingent upon Lee County Board of County Commissioners' final acceptance of these developer funded system enhancements and is subject to available capacity at the time connection to Lee County Utilities' facilities is completed. Upon completion and final acceptance of this project, potable water service will be provided through Lee County Utilities' Pinewood Water Treatment Plant. Sanitary sewer service will be provided through Lee County Utilities' Three Oaks Waste-water Treatment Plant."*

SOLID WASTE

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

"The Lee County Solid Waste Division is capable of providing solid waste collection service for the commercial and residential units proposed for North Point through our franchised hauling contractors. Disposal of the solid waste from this development will be accomplished at the Lee County Resource recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities."

"The Solid Waste Ordinance (00-22, section 17) has requirements for providing on-site space for placement and servicing of commercial solid waste containers. Please review these requirements when planning the development at North Point."

COASTAL ISSUES

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

B. CONCLUSIONS

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

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

C. STAFF RECOMMENDATION

At this time planning staff **recommends transmittal** of the applicant's request to amend Map 1, the Future Land Use Map, to change the future land use designation of the subject area from the "Suburban" land use category to the "Urban Community" land use category. At this time, however, staff would **not recommend adoption** of the request given the 2020 Level of Service status of the segment of U.S. 41 running from Koreshan Boulevard to San Carlos Boulevard.

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

DATE OF PUBLIC HEARING: January 26, 2004

A. LOCAL PLANNING AGENCY REVIEW

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

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

MATT BIXLER

DEREK BURR

DAN DELISI

RICHARD DOWNES

RONALD INGE

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

DATE OF TRANSMITTAL HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

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

DATE OF ORC REPORT: _____

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**
- B. STAFF RESPONSE**

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

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION	_____
ANDREW COY	_____
RAY JUDAH	_____
BOB JANES	_____
DOUG ST. CERNY	_____

**DEPARTMENT OF TRANSPORTATION** LEE COUNTY RECEIVED

04 JAN -8 AM 11:44

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

Memo

To: Paul O'Connor, Division of Planning

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

Date: January 7, 2004

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

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

DML/LW/mlb

Interoffice Memo

Date: 07/15/03

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

From: Terry M. Kelley, Emergency Management Coordinator

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

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

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

Terry M. Kelley, 477-3610

Office of the Sheriff
Rodney Shoap



County of Lee
State of Florida

March 27, 2003

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

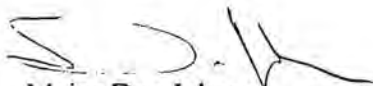
RE: North Point DRI
Application for Development Approval

Dear Sir:

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

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

Sincerely,


Major Dan Johnson
Planning and Research

Copy: File
DJ/jr



CPA 2003-04



Estero FIRE RESCUE

19850 Breckenridge Drive, Suite A
Estero, Florida 33928

Phone: (239) 947-FIRE (3473)

Fax: (239) 947-9538

web site: www.esterofire.org

March 20, 2003

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

Re:- North Point DRI
Application for Development Approval

Dear Dan:

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

Sincerely,

Michael D. Cato, Fire Marshal
Fire Prevention Program Manager

July 25, 2003

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

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

Dear Mr. O'Connor:

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

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

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

Sincerely,

Stephanie Keyes, Facilities Planner
Department of Construction and Planning

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

Date: January 13, 2004

To: Brandy Gonzalez, Planner

From: Kim Trebatoski; Principal Environmental Planner

Phone: (239) 479-8183

E-mail: trebatkm@leegov.com



Project: North Point Lee Plan Amendment

Case: CPA2003-00004

STRAP: 33-46-25-00-00021.0000 + others

The Division of Environmental Sciences (ES) staff have reviewed the environmental assessment for the property and conducted a field inspection. The property consists of pastureland with scattered south Florida slash pine trees and a borrow pit lake. There are approximately 11.80 acres of hydric pasture and 13.53 acres of other surface waters (Wetland and FLUCCS Map Attached). The site was surveyed for Lee County listed species. ES staff have observed an American bald eagle perching on a slash pine, and wading birds foraging. There are no protected species or indigenous preservation requirements that need to be addressed through the proposed plan amendment. Native tree preservation and any listed species issues will be addressed through the zoning and Development of Regional Impact process.

MEMORANDUM
FROM THE
DEPARTMENT OF
PUBLIC WORKS

2003 JUL 16 AM 11:31

DATE: July 15, 2003

To: Matt Noble
Principal Planner

FROM: Michael P. Pavese
Principal Planner



RE: Lee County Comprehensive Plan Amendment
North Point Lake DRI
Strap #'s 19-45-26-05-0000C .0020

Staff has reviewed your request for comments regarding the adequacy of existing and proposed support facilities relative to the proposed plan amendment referenced above.

Based on the information provided in the application for this request, the subject parcel consists of nine individual parcels totaling approximately 102 ± acres. The subject property is currently zoned Agriculture (AG-2) and is located in the Suburban land use category. The applicant has indicated that they are requesting an amendment to change the existing Future Land Use Map (FLUM) designation of the subject parcel from Suburban to Urban Community. The amendment is being requested to permit the development of more retail floor area than would otherwise be permitted within the Suburban classification. The standard residential density (6 units per acre) is the same for both land use categories. However, unlike the Suburban category, the Urban Community category does permit bonus density of up to 10 units per acre. The development as proposed by the applicant will be predominantly commercial/office and residential use will be limited to a maximum of 150 multiple family units. Assuming the worst case scenario, that the subject property is ultimately developed to the maximum residential density allowed (approximately 1,020 units), it is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be adversely impacted as a result. The Estero Community Park will be under construction in the near future. With the addition of the 65-acre facility, the potential density (1,020 units) of the subject property would be adequately served.

Should you have any questions or require any additional information, please do not hesitate to contact me directly at 479-8762.

cc: John Yarbrough, Director, Lee County Parks and Recreation
Jim Lavender, Director, Department of Public Works

MEMORANDUM

from the
TRANSIT DIVISION



Your Ride Is Here.

DATE: August 1, 2003

TO: Paul O'Connor AICP

FROM: Steve Myers

RE: CPA 03-04 – North Point Lake DRI-Future Land Use Map Amendment Request

Lee Tran staff has reviewed the above referenced future land use map amendment request. Contrary to a statement made in the application (Question 2e, Goal 5, Policy 5.1.3) Lee Tran does not operate a bus route on this portion of US 41 or on Williams Road. The current nearest bus route is 1.6 miles from the subject property. However, Lee County and the city of Bonita Springs are working on a proposal for service in the city which would include AM and PM peak hour trips up to Estero and San Carlos Park. This service would travel US 41 directly past the subject property and would begin on October 1, 2003.

To enhance on the multi-modal features of this mixed-use development, Lee Tran requests consideration of designing a bus stop on US 41 into the project plans. The stop should include pedestrian and bicycle access from the development to the bus stop, wheelchair accessibility for ADA compliance, a passenger waiting shelter, and a pull off lane for the bus to stay out of traffic when boarding or alighting passengers.

If you have any further questions regarding this request, please call me at 277-5012.

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8181

December 19, 2003

Bob Janes
District OneDouglas R. St. Cerny
District TwoRay Judah
District ThreeAndrew W. Coy
District FourJohn E. Albion
District FiveDonald D. Stilwell
County ManagerJames G. Yaeger
County AttorneyDiana M. Parker
County Hearing
Examiner

Paul O'Connor
Director, Division of Planning
Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

RE: POTABLE WATER & WASTE-WATER SERVICE AVAILABILITY
North Point DRI

STRAP #: 33-46-25-00-00019.0000; .0030, .0040, .004A, .0050, .0060, .0080, .0090 &
33-46-25-00-00021.0000

Dear Mr. O'Connor:

In response to your request for a Letter of Availability please be advised, the subject parcel is located within Lee County Utilities' service area. Potable water and sanitary sewer facilities are currently in operation near the proposed project mentioned above. However, in order to provide service to this proposed project developer funded system enhancements such as line extensions may be required.

Availability of potable water and sanitary sewer service is contingent upon Lee County Board of County Commissioners' final acceptance of these developer funded system enhancements and is subject to available capacity at the time connection to Lee County Utilities' facilities is completed.

Upon completion and final acceptance of this project, potable water service will be provided through Lee County Utilities' Pinewood Water Treatment Plant. Sanitary sewer service will be provided through Lee County Utilities' Three Oaks Waste-water Treatment Plant.

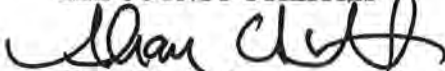
The Lee County Utilities Operations Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

Issuance of this letter should in no way be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

FURTHER, THIS LETTER OF AVAILABILITY OF POTABLE WATER AND WASTE-WATER SERVICE IS TO BE UTILIZED FOR GENERAL PURPOSES FOR THIS PROJECT ONLY. INDIVIDUAL LETTERS OF AVAILABILITY WILL BE REQUIRED FOR THE PURPOSE OF OBTAINING BUILDING PERMITS.

Cordially,

LEE COUNTY UTILITIES



Thom Osterhout
Development Review Manager

Hand Delivered.

S:\UTILS\Eng\MMM\LETTERS\GENERAL AVAIL\NORTH POINT DRI - former GES Area.doc

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111

**CPA 2003-04
NORTH POINT LAKE DRI
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Sponsored Application
and Staff Analysis**

**BoCC Public Hearing Document
for the
March 9th Public Hearing**

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

January 26, 2004

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA 2003-04**

☐

Text Amendment

☒

Map Amendment

	This document contains the following reviews:
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board Of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: January 22, 2004

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

NORTH POINT LAKE, LLC c/o FRANK SCARLATI, JR.
REPRESENTED BY DANIEL DELISI, BARRACO AND ASSOCIATES, INC.

2. REQUEST:

CPA2003-04 - North Point Lake - Amend the Future Land Use Map series for an approximate ± 102 acre portion of land located in Section 33, Township 46 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from "Suburban" to "Urban Community."

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

At this time planning staff **recommends transmittal** of the applicant's request to amend Map 1, the Future Land Use Map, to change the future land use designation of the subject area from the "Suburban" land use category to the "Urban Community" land use category. At this time, however, staff would **not recommend adoption** of the request given the 2020 Level of Service status of the segment of U.S. 41 running from Koreshan Boulevard to San Carlos Boulevard.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

This comprehensive plan amendment is a DRI amendment directly related to the proposed North Point Development of Regional Impact (DRI).

- The application states that the intent of the application is to amend the Future Land Use designation of the property from Suburban to Urban Community, consistent with the surrounding properties, in order to allow for increased intensity commercial retail uses, allowing for the development of a mixed use commercial and residential center.
- The Urban Community designation would continue the predominant land use designation to the east of US 41 from Briarcliff Road south into the City of Bonita Springs.
- The subject parcel is located between the Urban Community future land use category to the north and the south and is consistent with the existing commercial development to the north and the proposed future mixed use development approved as the Simon Suncoast MPD/DRI to the south.
- Planning staff has reviewed Goal 19, Estero, and have found that the proposed amendment does not contradict the goals of the community.
- There are adequate urban services to provide the necessary services to accommodate the proposed amendment with the exception of one roadway segment on US 41.
- The subject parcel is located outside of the Coastal High Hazard Area and the Coastal Planning Area. The 1991 "Hurricane Storm Tide Atlas for Lee County" shows that the subject property is located within the Category 3 storm surge zone.

C. BACKGROUND INFORMATION

1. EXISTING CONDITIONS

SIZE OF PROPERTY: 102 ± ACRES

PROPERTY LOCATION: The subject property is located to the south of Corkscrew Road, north of Williams Road, and east of US 41.

EXISTING USE OF LAND: Vacant pastureland

CURRENT ZONING: AG-2

CURRENT FUTURE LAND USE CLASSIFICATION: Suburban

2. INFRASTRUCTURE AND SERVICES

WATER & SEWER: The subject property is located within Lee County Utilities area for potable water and sanitary sewer service. The subject property is also located in the future water and sewer service areas for Lee County Utilities.

FIRE: The property is located in the Estero Fire District.

TRANSPORTATION: Access to the property is currently from US 41 and Williams Road.

SOLID WASTE FRANCHISE: Florida Recycling, Inc.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

This comprehensive plan amendment is one of three applications that staff is reviewing pertaining to the proposed North Point Development of Regional Impact (DRI). The other two applications are the DRI application submittal as well as the Mixed Use Planned Development (MPD) zoning application and Master Concept Plan (MCP). This staff report provides staff's review and recommendations concerning the comprehensive plan amendment request.

The applicant, North Point Lake, LLC, a Florida Corporation, is requesting a change of land use designation on the Future Land Use Map from "Suburban" to "Urban Community" for an approximate 102 acre specified area of land. The land is under the ownership of five different entities. The site is located in the north east quadrant of US 41 and Williams Road in Section 33, Township 46 South, Range 25 East. The site is bounded on the west by US 41, on the north by the Corkscrew Village Shopping Center CPD, the South Estero Commercial Center CPD, and Corkscrew Road, on the East by the ACL Railroad right-of-way, and on the South by Williams Road. The area is just north of the recently approved Simon Suncoast MPD/DRI (Coconut Point Mall). If the amendment is approved the allowable density would increase from 6 du/acre with no Bonus Density allowed to 6 du/acre with up to 10du/acre with Bonus Density, an increase of 408 permissible units.

PROJECT SUMMARY

The applicant proposes commercial and residential development consisting of retail, office, hotel, and residential uses. The subject area is currently vacant with a large excavation lake located near the center of the subject area. The application states that the intent of the application is to amend the Future Land Use designation of the property from Suburban to Urban Community, consistent with the surrounding properties, in order to allow for increased intensity of commercial retail uses, allowing for the development of a mixed use commercial and residential center. The application materials also note that the 102 acre area fills in an area that is a gap in the surrounding Urban Community land use category that extends along the eastern side of US 41.

If the amendment is approved the allowable *Maximum Standard Density Range* would remain at 6 du/acre while the *Maximum Total Density* would change from allowing no bonus density to a maximum bonus

density of 10 du/acre. The existing designation of Suburban would allow approximately 612 dwelling units in the subject area, while the proposed Urban Community designation would allow approximately 1,020 dwelling units in the subject area

Currently, under the Suburban future land use category and calculated as the nine separate parcels exist today, staff estimates that the land area could be developed with approximately 320,000 square feet of commercial retail uses. This estimate is based on the site location standards under Goal 6 of the Lee Plan and the current accessibility of the parcels. The Suburban future land use descriptor policy states that commercial development greater than neighborhood centers are not permitted, limiting commercial retail development to 100,000 square feet. Therefore if the 102 acre site were unified under planned development zoning, retail development would be limited to a neighborhood center. Amending the future land use designation to Urban Community would eliminate the neighborhood center limit for retail development on the site.

COMPREHENSIVE PLAN BACKGROUND

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the subject property was part of the "Rural" land use category. Maximum standard density for the "Rural" category was established by the 1984 plan with a standard density range of 1 du/acre. The "Rural" land use category was described as areas that "are to remain predominately rural, that is, low density residential use and minimal non-residential land uses that are needed to serve the rural community."

In 1988 this property was redesignated to the "Suburban" and "Urban Community" land use category. This was the result of recommendations made through the Estero/Corkscrew Road area study. The property was then redesignated as Suburban in 1989 and retains this designation today.

ADJACENT ZONING AND USES

The subject area is zoned AG-2. The surrounding properties are zoned CPD to the north, AG-2, CPD, RPD, and CF-2 to the east, MPD, CPD, and RPD to the west, and MPD to the south. The subject area is surrounded by vacant lands and properties developed with a mix of uses. To the north are commercial retail uses including a gas station, storage facility, and Publix grocery store, to the east vacant land, a golf driving range, the Estero Community Park, and the Estero High School, to the south vacant land included within the Simon Suncoast MPD/DRI, and to the west are vacant lands within the Camargo MPD, the Riverridge RPD, and an assisted living facility.

POPULATION ACCOMMODATION CAPACITY DISCUSSION

The request is to change the Future Land Use Map (FLUM) category of approximately 102 acres from Suburban to Urban Community. The Suburban category standard density permits 6 du/acre. The Urban Community category standard density permits up to 6 du/acre with a Bonus Density of up to 10 du/acre. This means that a maximum of 612 dwelling units could be constructed on the property under the Suburban designation and that 1,020 dwelling units could be constructed on the property under the Urban Community designation. This could result in an increase in the population accommodation capacity of the map by 852 persons (1,020 du's X 2.09 persons per unit - 612 du's X 2.09). Staff concludes that this increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.

CONSISTENCY WITH THE "URBAN COMMUNITY" LAND USE CATEGORY

The applicant is proposing that the subject area's land use designation be amended to Urban Community. The Urban Community areas are described by Policy 1.1.4. Policy 1.1.4 is reproduced below:

***POLICY 1.1.4:** The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)*

The subject area is currently designated Suburban. The surrounding properties are designated Urban Community to the north, Suburban and Public Facilities to the east, Suburban to the west, and Urban Community to the south. The Urban Community future land use category, east of US 41 and to the south of the subject area, extends south to the City of Bonita Springs. The Urban Community future land use category, east of US 41 and to the north of the subject area, extends north to Briarcliff Road before reaching more intense future urban area designations. There is also a small portion of this corridor designated Suburban just to the south of Koreshan Boulevard. If the proposed amendment is approved, the Urban Community designation would continue to be the predominant land use designation to the east of US 41.

The proposed amendment is consistent with the Urban Community designation for the following reasons: the land area connects the future land use category from the north to south; the urban services, as noted, have adequate capacity to provide the necessary services to accommodate the proposed amendment; both commercial and residential development are listed as predominant land uses in the Urban Community category. The applicant is proposing through the DRI application commercial retail and office uses as well as 150 dwelling units. This residential density proposal is consistent with the standard density of the Urban Community future land use category. Retail commercial uses will be required to be consistent with the commercial site location standards specified under Goal 6 of the Lee Plan.

MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)

The subject area is located within the Estero Planning Community. In this community there are 1,399 acres allocated for commercial uses. Recent Planning Division data indicates that 197.32 acres of land within this community are currently developed with commercial uses, leaving a surplus of 1201.68 acres that could be developed with commercial uses in this community before the year 2020.

In this community there are 327 acres allocated for residential uses in the Urban Community land use category. Recent Planning Division data indicates that 267 acres of Urban Community land within this community are currently developed with residential uses, leaving a surplus of 60 acres that could be developed with residential uses in the Urban Community portions of this community before the year 2020. The applicant's representative has clarified that the proposed 150 unit residential portion of the project will be located on approximately 24 acres of land.

CONSISTENCY WITH GOAL 19 "ESTERO"

The Estero Planning Community is described by Goal 19. Goal 19 is reproduced below:

GOAL 19: ESTERO. *To protect the character, natural resources and quality of life in Estero by establishing minimum aesthetic requirements, managing the location and intensity of future commercial and residential uses, and providing greater opportunities for public participation in the land development approval process. This Goal and subsequent objectives and policies apply to the Estero Planning Community as depicted on Map 16. (Added by Ordinance No. 02-05)*

Under Goal 19 the following Objectives and Policy describe commercial and residential land uses in the community.

OBJECTIVE 19.2: COMMERCIAL LAND USES. *Existing and future County regulations, land use interpretations, policies, zoning approvals, and administrative actions must recognize the unique conditions and preferences of the Estero Community to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage, and provide for employment opportunities, while discouraging uses that are not compatible with adjacent uses and have significant adverse impacts on natural resources. (Added by Ordinance No. 02-05)*

POLICY 19.2.2: *All retail uses must be in compliance with the Commercial Site Location Standards. A finding of a "Special Case" must demonstrate a community benefit in addition to the requirements outlined in Policy 6.12(8). (Added by Ordinance No. 02-05)*

POLICY 19.2.6: *Lee County encourages commercial developments within the Estero Planning Community to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including but not limited to bike paths and pedestrian access ways. (Added by Ordinance No. 02-05)*

OBJECTIVE 19.3: RESIDENTIAL USES. *Lee County must protect and enhance the residential character of the Estero Planning Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements. (Added by Ordinance No. 02-05)*

Planning staff notes that the development proposal being made through the DRI process will require commercial retail uses to comply with the Commercial Site Location Standards under Goal 6. Staff also notes that the internal access road within the existing commercial development located directly to the north of the subject area will provide the opportunity for interconnecting the subject area to that development and Corkscrew Road. The application materials have provided that *"the proposed DRI is designed to act as a town commons. It is being submitted as a mixed use development that emphasizes pedestrian and bicycle movement as well as automobile traffic."*

Objective 19.5 addresses public participation in the Estero Planning Community and is reproduced below:

OBJECTIVE 19.5: PUBLIC PARTICIPATION. *Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals. (Added by Ordinance No. 02-05)*

The application materials have provided that *"We have had several informal meetings with local residents and will have a formal meeting with the Estero Community Planning Panel prior to the Application for Development Approval being found sufficient. Any development that occurs on this property will need to meet with the community in order to ensure that development meets the intent of the Estero vision."*

Planning staff has reviewed Goal 19, Estero, and its subsequent Objectives and Policies and have found that the proposed amendment does not contradict the goals of the community, although staff would like to note that compliance with Goal 19 and its subsequent Objectives and Policies will be reviewed as part of the proposed development and site improvements related to the DRI, MPD, and MCP application review process, assuring that the development itself complies with the community's vision.

TRANSPORTATION ISSUES

The applicant has provided a traffic study as part of the plan amendment submittal materials. As part of this study 2020 traffic conditions with and without the proposed project were evaluated. The study states that most road segments in the study area operate at or better than the County's adopted level of service standard in 2020 with and without the project. The study also points out that one road segment, US 41 between Koreshan Boulevard and San Carlos Boulevard, exceeds the level of service standard with and without the project and is projected to operate at LOS F. Exhibit 2 of the traffic study shows 66,494 daily trips for this segment of the roadway without the project while Exhibit 3 shows 68,226 daily trips with the project, showing an increase of 1,732 daily trips. Exhibit 2 shows 3,097 peak hour trips without the project while Exhibit 3 shows 3,153 peak hour trips with the project, showing an increase of 56 peak hour trips. The discussion concludes that the projected volumes on this segment are slightly above the maximum service volume at the LOS standard, based on Lee County's generalized service volumes and that *"actual conditions on this segment of US 41 are likely to be much better than projected based on these generalized service volumes, which assume much lower weighted effective green times than actually exist on this section of US 41."*

The Lee County Department of Transportation has reviewed the request and has provided Planning staff written comments dated January 7, 2004 (see Attachment 2). The memo provides the following:

"The project will include 150 multifamily residential units, 550,000 square feet of retail space, 120,000 square feet of office, and 150 hotel rooms. The applicant ran the FSUTMS travel model for future conditions (2020) with and without the North point DRI. Both model runs included the Coconut Point DRI. We concur with the applicant's findings that all roadway segments under study are either at or better than the standard, both without and with the project, or in one instance (US 41 from Koreshan Boulevard to San Carlos Boulevard) below the standard, both without and with the project."

Planning staff notes that although this segment of US 41 is projected to operate at LOS F in 2020, and that this will be the case with or without the project, the request is one that would intensify the possible uses on the site and would create the situation where an already failing link would be exacerbated by the increased project intensity.

Planning staff notes that the developer will be required to pay the proportionate share of the developments' roadway impacts through the DRI process. Planning staff also notes that a traffic analysis is required by the County's local development approval process. This analysis determines the need for any site-related improvements such as turn lanes on the adjacent roadways.

PUBLIC SAFETY ISSUES

The applicant has provided letters from the public safety and service providers. The purpose of these letters is to determine the adequacy of existing or proposed support facilities. Planning staff has also provided some additional analysis.

Emergency Management - Hurricane Evacuation/Shelter Impacts

The proposed amendment will not be increasing density in the Coastal High Hazard Area. Staff from the Lee County Division of Public Safety have provided written comments to planning staff, dated July 15, 2003, concerning the proposal (see Attachment 3). The memo provides the following:

"This Development is located in a Category 3 Hurricane Evacuation Zone. In accordance with the National Weather Service storm surge "SLOSH," this area will receive storm surge flooding from a Category 3 Hurricane. Therefore, the area is applicable to the provisions of Lee County Ordinance 00-14, Land development Code, Article XI, Sec. 2-481 through 2-486, Hurricane Preparedness that requires shelter and evacuation route impact mitigation for residential developments."

"Lee County Administrative Code 7-7 requires that every new residential development with 50 or more dwelling units or 100 plus dwelling units must submit an emergency preparedness plan as part of the Development Order Application Process."

Emergency Medical Services (EMS)

Staff from Lee County Emergency Medical Services have provided written comments to the applicant, dated October 3, 2003, concerning the proposal (see Attachment 1). The memo provides the following:

"The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for services from persons occupying this parcel or any support facilities."

Sheriff's Office Impact

The Lee County Office of the Sheriff has reviewed the proposal and provided written comments dated March 27, 2003 (see Attachment 4). This correspondence provides that the proposed development is within the service area for the Lee County Sheriff's Office and that: *"we anticipate that we will receive the reasonable and necessary funding to support growth in demand. We therefore believe that the Lee County Sheriff's Office will be able to serve your project as it builds out."*

Fire Service Impact

The subject parcel is within the Estero Fire District. The Department has reviewed the proposal and provided written comments dated March 20, 2003 (see Attachment 5). The Department provides the following:

"Estero Fire Rescue will begin construction this summer on our Coconut Point Fire Station, located just south of the proposed development. Our current manpower and facilities would be able to serve this site, however, when the Coconut Point Station goes into operation early next year, our capabilities will be enhanced."

SCHOOL IMPACTS

Staff of the School District of Lee County have reviewed the proposal and provided written comments dated July 25, 2003 (see Attachment 6). District staff conclude that "At this time, the existing school classroom inventory is at maximum capacity, so the developer will be required to offset their impact through school impact fees, in accordance with the Impact Fee Ordinance previously adopted by the Lee County Board of County Commissioners." District staff provided the following:

"This amendment could increase the existing number of dwelling units permitted from 612 to 1,020 with bonus densities. As such, the proposed change would impact the Lee County School District, its budget and its planned services in this area. The 1,020 units could generate up to 322 new school aged children in the area, creating the need for 16 new classrooms, or one new elementary school. The difference between the two land use categories would create an additional 408 units over the existing 612 units, creating a minimum of 129 new school aged children and 7 new classrooms. At this time, the existing school classroom inventory is at maximum capacity, so the developer will be required to offset their impact through school impact fees, in accordance with the Impact Fee Ordinance previously adopted by the Lee County Board of County Commissioners."

SOILS

The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified several soil types present on the subject parcel - 14 Valkaria fine sand, 41 Valkaria fine sand depressional, 28 Immokalee sand, 43 Smyrna fine sand, and 53 Myakka fine sand depressional.

All listed soil types are a nearly level, poorly drained soil with smooth to concave slopes ranging between 0 to 2 percent.

ENDANGERED SPECIES

Staff of the Lee County Division of Environmental Sciences have reviewed the request and provided written comments dated January 13, 2004 (see Attachment 7). Environmental Sciences staff have provided that:

"The property consists of pastureland with scattered south Florida slash pine trees and a borrow pit lake. There are approximately 11.80 acres of hydric pasture and 13.53 acres of other surface waters (Wetland and FLUCCS Map Attached). The site was surveyed for Lee County listed species. ES staff have observed an American bald eagle perching on a slash pine, and wading birds foraging. There are no protected species or indigenous preservation requirements that need to be addressed through the proposed plan amendment. Native tree preservation and any listed species issues will be addressed through the zoning and Development of Regional Impact process."

Planning staff notes that the subject area is not within an eagle protection zone.

PARKS, RECREATION AND OPEN SPACE

Staff of the Lee County Public Works Department have reviewed the request and provided written comments dated July 15, 2003 (see Attachment 8). This memorandum provides that:

"Assuming the worst case scenario, that the subject property is ultimately developed to the maximum residential density allowed (approximately 1,020 units), it is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be adversely impacted as a result. The Estero Community Park will be under construction in the near future. With the addition of the 65-acre facility, the potential density (1,020 units) of the subject property would be adequately served."

DRAINAGE/SURFACE WATER MANAGEMENT

The application provides the following concerning this issue:

"The property is located in the Estero River watershed. The project will require conceptual and construction approvals from SFWMD and also compliance with the Lee County's Level of Service Policy 70.1.3 for stormwater management facilities. Per the Lee County Concurrency Management Report for inventories and projections (1999/2000 - 2000/2001), no crossings of evacuation routes within the watershed are anticipated to be flooded for more than 24 hours, thus meeting concurrency standards. This amendment will not require any revisions to the surface water management sub-element or to the CIE."

Planning staff has confirmed that the watershed meets concurrency standards using the updated *Lee County Concurrency Management Report* dated December 2003. Natural Resources staff have offered no comments in objection to the proposed amendment.

MASS TRANSIT

Staff from the Lee County Transit Division have reviewed the request and provided the following written comments dated August 1, 2003 (see Attachment 9):

"Contrary to a statement made in the application (Question 2e, Goal 5, Policy 5.1.3) Lee Tran does not operate a bus route on this portion of US 41 or on Williams Road. The current nearest bus route is 1.6 miles from the subject property. However, Lee County and the city of Bonita Springs are working on a proposal for service in the city which would include AM and PM peak hour trips up to Estero and San Carlos Park. This service would travel US 41 directly past the subject property and would begin on October 1, 2003."

"To enhance on the multi-modal features of this mixed-use development, Lee Tran requests consideration of designing a bus stop on US 41 into the project plans. The stop should include pedestrian and bicycle access from the development to the bus stop, wheelchair accessibility for ADA compliance, a passenger waiting shelter, and a pull off lane for the bus to stay out of traffic when boarding or alighting passengers."

Planning staff has confirmed with Transit Division staff that the proposed service scheduled to begin on October 1, 2003 has been under continued discussions and that the service is in fact scheduled to begin on March 22, 2004.

UTILITIES

The applicant has provided an analysis regarding potable water and sanitary sewer. At the time the current application was submitted, the subject area was within the Gulf Environmental Services Franchise area. As of July 2003, Lee County Utilities has acquired the Gulf Environmental Services Franchise area.

Staff from the Utilities Division have reviewed the request and provided comments dated December 19, 2003 (see Attachment 10). Regarding sanitary sewer and potable water service, Utilities staff have provided that the property is located within Lee County Utilities' service area. The letter continues that: *"However, in order to provide service to this proposed project developer funded system enhancements such as line extensions may be required. Availability of potable water and sanitary sewer service is contingent upon Lee County Board of County Commissioners' final acceptance of these developer funded*

system enhancements and is subject to available capacity at the time connection to Lee County Utilities' facilities is completed. Upon completion and final acceptance of this project, potable water service will be provided through Lee County Utilities' Pinewood Water Treatment Plant. Sanitary sewer service will be provided through Lee County Utilities' Three Oaks Waste-water Treatment Plant."

SOLID WASTE

Staff from the Lee County Division of Solid Waste have provided written comments to the applicant, dated October 1, 2003, concerning the proposal (see Attachment 1). The memo provides the following:

"The Lee County Solid Waste Division is capable of providing solid waste collection service for the commercial and residential units proposed for North Point through our franchised hauling contractors. Disposal of the solid waste from this development will be accomplished at the Lee County Resource recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities."

"The Solid Waste Ordinance (00-22, section 17) has requirements for providing on-site space for placement and servicing of commercial solid waste containers. Please review these requirements when planning the development at North Point."

COASTAL ISSUES

The subject property is not located in the "Coastal Planning Area" as defined by the Lee Plan. The Federal Emergency Management Agency's Flood Insurance Rate Map shows the subject parcel in a "B" flood zone, having no special flood hazard areas. The 1991 "Hurricane Storm Tide Atlas for Lee County," prepared by the Southwest Florida Regional Planning Council (SWFRPC), shows that the subject property is located within the Category 3 storm surge zone. The proposed development will not be increasing density in the Coastal High Hazard Area as delineated by the Southwest Florida Regional Planning Council.

B. CONCLUSIONS

The proposed amendment is consistent with Policy 1.1.4, the Urban Community future land use descriptor policy. The intent of the applicant is to develop commercial office and retail uses as well as residential uses on the site which are compatible with the surrounding uses. The subject parcel is located between the Urban Community future land use category to the north and the south and is consistent with the existing commercial development to the north and the future mixed use development approved as the Simon Suncoast MPD/DRI to the south, east of US 41. The proposed commercial intensities and residential density is allowed in the "Urban Community" land use category. If the amendment is approved the allowable density would increase from 6 du/acre to 10 du/acre with bonus density, an increase of 408 permissible units. The increase in the population accommodation capacity of the FLUM is insignificant.

Although the proposed amendment is consistent with the Urban Community future land use category and the surrounding area and uses, staff has an outstanding issue with the proposal. Staff has concluded that adequate infrastructure is in place to provide the necessary services to accommodate the requested land use change with the exception of one roadway segment on US 41. This road segment on US 41 is located between Koreshan Boulevard and San Carlos Boulevard. Approval of this request would result in the intensification of uses on the subject property. Staff finds that the request would create a situation where an already failing link would be exacerbated by the increased project intensity. Staff is unable to support the adoption of a proposed amendment that makes a failing roadway link worse. Staff is, however, willing

to recommend transmittal of the amendment at this time. Transmittal will allow the DRI to continue through the review process and should allow sufficient time for the applicant to address possible solutions for the failing link.

C. STAFF RECOMMENDATION

At this time planning staff **recommends transmittal** of the applicant's request to amend Map 1, the Future Land Use Map, to change the future land use designation of the subject area from the "Suburban" land use category to the "Urban Community" land use category. At this time, however, staff would **not recommend adoption** of the request given the 2020 Level of Service status of the segment of U.S. 41 running from Koreshan Boulevard to San Carlos Boulevard.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: January 26, 2004

A. LOCAL PLANNING AGENCY REVIEW

Planning staff provided a summary of the proposed plan amendment. Staff recommended transmittal of the proposed amendment based on several factors but stated staff could not recommend adoption of the proposed amendment at this time. Staff explained that as part of the application materials the applicant has provided a traffic study. The study states that most road segments in the study area operate at or better than the level of service standard in 2020 with and without the project. The study also points out that the segment of U.S. 41 between Koreshan Boulevard and San Carlos Boulevard exceeds the level of service standard with and without the project. Staff concurred with the applicants findings. Staff recommended transmittal of the proposed amendment in order to allow the DRI to continue through the review process, however, staff would not recommend adoption of the request at this time. Staff concluded that approval of the request would result in the intensification of uses on an already failing link. Staff found that transmitting the amendment would allow the applicant sufficient time to address possible solutions for the failing link.

One member of the LPA asked what would need to take place before staff would recommend adoption. Staff stated their willingness to work with the applicant to improve the situation. Another member asked if most of the transportation issues could be addressed through the DRI process. Staff stated that as planners they could not recommend adoption when the proposal would intensify the situation where there is a failing link, however the statutes allow a plan amendment to be tracked along with a DRI review and staff wants to keep the process moving and hopefully work towards a solution. Staff explained that this had been done with the Coconut Point plan amendment. Another member asked if once the traffic issues related to the Coconut Point amendment were alleviated whether that would circumvent the problems with this project. Staff stated that Coconut Point did make improvement commitments and has provided a proportionate share as part of an adopted policy in the comprehensive plan but staff has not yet conducted a 2020 analysis with the improvements plugged in. Staff found that there was an opportunity to evaluate whether or not some other improvement may relieve the particular segment involving the proposed project.

The applicant's representative then provided a summary of the amendment, giving their justification for approval of the amendment. The representative noted that DRI's have historically paid more than impact fees and that the 2020 financially feasible plan did not include that incremental amount that DRI's pay. The representative stated that there ends up being more improvements to the road network than was anticipated as they go through the planning process. The applicant stated that they were in agreement with staff's recommendation to transmit and felt that by the time this item is brought back all of the outstanding issues would be resolved.

One member of the LPA requested that language be added to the last sentence of the recommendation stating "staff does not recommend adoption pending further review of traffic issues." Another member asked if the DRI was expected to be approved before adoption of the plan amendment. Staff explained that both the amendment and the DRI would be scheduled on the same day and that depending on the outcome of the plan amendment proposal, some changes may be required in the DRI.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommended that the Board of County Commissioners transmit this proposed amendment with the addition of the following statement to staff's recommendation: Staff does not recommend adoption pending further review of traffic issues.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	AYE
MATT BIXLER	AYE
DEREK BURR	AYE
DAN DELISI	ABSENT
ROBERT PRITT	ABSENT
RONALD INGE	AYE

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: March 9, 2004

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

BOB JANES

RAY JUDAH

DOUG ST. CERNY

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: _____

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**
- B. STAFF RESPONSE**

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION	_____
ANDREW COY	_____
RAY JUDAH	_____
BOB JANES	_____
DOUG ST. CERNY	_____

NORTH POINT DRI
COMPREHENSIVE PLAN AMENDMENT
TRAFFIC STUDY
SUPPLEMENTAL US 41 TRAFFIC ANALYSIS

Project #02548

February 28, 2004

Prepared by:
DAVID PLUMMER & ASSOCIATES, INC.
1531 Hendry Street
Fort Myers, Florida 33901



NORTH POINT DRI
COMPREHENSIVE PLAN AMENDMENT
TRAFFIC STUDY

SUPPLEMENTAL US 41 TRAFFIC ANALYSIS

Introduction

The North Point DRI Comprehensive Plan Amendment Traffic Study (dated May 6, 2003) was submitted in support of the Comprehensive Plan Amendment for the North Point DRI. This study compared year 2020 traffic conditions under Lee County's adopted 2020 Financially-Feasible Highway Plan with and without the proposed Comprehensive Plan Amendment (CPA).

The report concluded that the future 2020 road network would operate well with the proposed CPA. Of the 37 road segments within the study area, only one is not expected to meet the County's adopted level of service standard. That segment, US 41 between Koreshan Boulevard and San Carlos Boulevard, was found to be marginally over capacity in 2020, with a volume to capacity ratio of 1.04 based on Lee County's generalized service volumes. However, the CPA Traffic Study also demonstrated that this segment of US 41 is expected to be marginally over capacity both with and without the proposed North Point CPA. In other words, the proposed CPA does not cause this road segment to be over capacity.

The North Point DRI CPA Traffic Study was reviewed and found sufficient by the review agencies. Then, in a memorandum dated January 7, 2004, from the Lee County DOT to the Lee County Division of Planning, which is included in Appendix A, the Lee County DOT agreed with the findings and conclusions of the North Point DRI CPA Traffic Study. The last sentence in the memorandum reads: "We concur with the applicant's findings that all roadway segments under study are either at or better than the standard, both without and with the project, or in one instance (US 41 from Koreshan Boulevard to San Carlos Boulevard) below the standard, both without and with the project."

However, the Lee County Division of Planning expressed reservations regarding the proposed CPA in the Lee County Division of Planning Staff Report for Comprehensive Plan Amendment (CPA 2003-04), citing concerns regarding the 2020 level of service on the US 41 segment between Koreshan Boulevard and San Carlos Boulevard. Under Part II.C, Staff Recommendation, the staff wrote: "At this time planning staff **recommends transmittal** of the applicant's request to amend Map J . . . however, staff would **not recommend adoption** of the request given the 2020 Level of Service status of the segment of U.S. 41 running from Koreshan Boulevard to San Carlos Boulevard.

DPA met with the Lee County DOT staff on Thursday, February 19, 2004, to discuss the staff's

concerns regarding the levels of service on this segment of US 41. Those in attendance during this meeting included the following: David Loveland, Andy Getch and Lili Wu of the Lee County DOT and Ron Talone of DPA.

During this meeting, Mr. Talone pointed out that the segment of US 41 between Koreshan Boulevard and San Carlos Boulevard was one of the two US 41 segments that were identified as deficient in 2020 in the earlier traffic study conducted for the Coconut Point (fka Simon Suncoast) CPA. It was agreed at that time that this section of US 41 would operate at an acceptable level of service in 2020, if improvements are constructed at a number of key US 41 intersections. It was also agreed that the Coconut Point project could address these US 41 deficiencies and the project's mitigation for the needed intersection improvements through the Project's DRI traffic mitigation. Subsequently, the adopted DRI Development Order for Coconut Point required Coconut Point to pay \$170,000 as that project's proportionate share of the costs (\$692,000) for the needed intersection improvements on US 41.

Mr. Talone suggested that the approach used for the Coconut Point DRI would also be appropriate for the North Point DRI, since the same section of US 41 is involved. The Lee County DOT staff agreed, but said that a new traffic study must be prepared to: (a) document that, with the additional traffic from the North Point DRI, the intersection improvements would still provide an acceptable level of service on this section of US 41 in 2020; and (b) determine the North Point DRI's proportionate share of the cost of these US 41 improvements.

This Supplemental US 41 Traffic Analysis provides the information requested by the Lee County DOT. First, DPA updated the 2020 traffic projections for intersections on the section of US 41 north of Koreshan Boulevard, based on the 2020 traffic projections in the North Point DRI CPA Traffic Study, which were already reviewed and accepted by the review agencies. Then, DPA performed intersection capacity analysis at the four key intersections with the needed intersection improvements and conducted a 2020 ART_PLAN analysis to determine the anticipated 2020 levels of service on this section of US 41 with the North Point CPA. These analyses demonstrate that improvements at key intersections will enhance the carrying capacity of this section of US 41, so that the Lee Plan LOS standard can be met in 2020 without widening US 41 beyond six lanes or upgrading parallel facilities.

Finally, North Point's proportionate share of the cost of these needed intersection improvements was estimated. The payment of this CPA proportionate share will be addressed as part of the DRI traffic mitigation.

North Point DRI Comprehensive Plan Amendment Traffic Study (May 6, 2003)

As explained in the Introduction of this report, the North Point DRI Comprehensive Plan Amendment Traffic Study (dated May 6, 2003), which was reviewed and approved by the Lee County DOT, provides year 2020 traffic projections with the proposed North Point CPA under the adopted 2020 Financially Feasible Highway Plan. These projections were provided in Exhibit 3 of the CPA Traffic Study, which is included in Appendix B of this report.

These year 2020 traffic projections with the North Point CPA were used to update the arterial analysis performed previously for the Coconut Point CPA to demonstrate that improvements at key US 41 intersections will enhance the carrying capacity of the section of US 41 north of Koreshan Boulevard, so that the Lee Plan LOS standard can be met without widening US 41 beyond six lanes or upgrading parallel facilities. This is explained in further detail in the following sections of this report.

Projected 2020 Traffic Volumes on US 41 North of Koreshan Boulevard

The year 2020 traffic projections (on a road segment basis) from the North Point CPA Traffic Study were used to project year 2020 peak hour peak season turning movements at key intersections on US 41 north of Koreshan Boulevard. For consistency with DPA's prior study for the Coconut Point CPA, DPA projected volumes for the section of US 41 from Koreshan Boulevard north to Constitution Boulevard, even though the North Point CPA Traffic Study only identified the segment from Koreshan Boulevard to San Carlos Boulevard as a deficient segment.

Also for consistency, the key intersections were considered to be the same as those identified in the study done for the Coconut Point CPA. These key intersections are shown in Exhibit 1.

FDOT's access management plans for US 41 indicate that there will be full median openings at Koreshan Boulevard, Vintage Parkway, Hickory Boulevard, Sanibel Boulevard, Shadow Wood Preserve (formerly known as the B&F Parcel), Constitution Boulevard and Babcock Road. Of course, these access plans also include directional median openings and right-in/right-out driveways at various locations.

The side street volumes were estimated based on the North Point CPA travel model assignment (with the proposed North Point CPA) and FDOT's access management plans. The resultant traffic volume projections at the key intersections are shown in Exhibit 2.

ART PLAN Analysis of US 41 north of Koreshan Boulevard

A review of the traffic projections in Exhibit 2 indicates that four US 41 intersections are likely to be signalized in 2020: Koreshan Boulevard, Sanibel Boulevard, the Shadow Wood Preserve (formerly known as the B&F Parcel), and Constitution Boulevard. These signalized intersections are shown in Exhibit 1.

The projected volumes at the other full median openings do not appear to warrant signalization. For this reason, DPA performed an ART_PLAN analysis of this section of US 41 assuming four signalized intersections and using the projected volumes shown in Exhibit 2.

First, intersection capacity analyses were performed at the four signalized intersections using the latest Highway Capacity Software (HCS). A standard cycle length of 120 seconds was assumed, and the yellow and all red times were controlled to the existing times found on US 41, as

preferred by the LCDOT. Sufficient green time was allocated to the side streets to maintain the Lee Plan LOS standard on the side streets (LOS “E”). Then, the remaining green time was allocated to the north-south traffic.

The results of the HCS analyses are summarized below and provided in detail in Appendix C.

Intersection Levels of Service

<u>Intersection</u>	<u>Level of Service</u>				
	<u>All</u>	<u>NB</u>	<u>SB</u>	<u>EB</u>	<u>WB</u>
US 41/Constitution Boulevard	D	D	C	D	D
US 41/Shadow Wood Preserve	C	D	B	E	D
US 41/Sanibel Boulevard	D	D	B	D	D
US 41/Koreshan Boulevard	C	D	C	—	D

As shown above, with improvements, all intersections are expected to operate well above the Lee Plan LOS standard of LOS “E” in 2020. Furthermore, all of the northbound approaches operate at LOS “D” and all of the southbound approaches operate at LOS “B” or “C”.

The intersection capacity analyses identified a number of intersection improvements that can enhance traffic operations. Most importantly, the construction of dual left-turn lanes at key intersections allows more green time to be allocated to the north-south traffic movements on US 41.

The recommended intersection improvements are summarized below.

Intersection Improvements

<u>Intersection</u>	<u>Improvements</u>
US 41/Constitution Boulevard	Southbound Dual Left-Turn Lanes
US 41/Shadow Wood Preserve	Northbound Dual Left-Turn Lanes Southbound Dual Left-Turn Lanes Eastbound Dual Left-Turn Lanes Westbound Dual Left-Turn Lanes
US 41/Sanibel Boulevard	Southbound Dual Left-Turn Lanes
US 41/Koreshan Boulevard	Southbound Dual Left-Turn Lanes Westbound Dual Left-Turn Lanes

The pavement for the westbound dual left-turn lanes at the US 41/Koreshan Boulevard intersection is already in place. Once this intersection is signalized, the westbound approach can be restriped to allow dual left-turn movements.

The results of the HCS analyses were then input into the ART_PLAN analysis, which is provided in Appendix D. Interestingly, the g/C ratios on US 41 are much higher than the County's generalized service volume tables assume, but the percentages of turns in exclusive turn lanes on US 41 are lower.

The results of the ART_PLAN analysis (Automobile LOS, pages 1-2) are summarized below. The new version of FDOT's ART_PLAN program provides levels of service only in the peak direction, which is northbound.

Segment Levels of Service

<u>Roadway Segment</u>	<u>Level of Service</u>	
	<u>NB</u>	<u>SB</u>
US 41 from Koreshan Blvd. to Sanibel Blvd.	B	--
US 41 from Sanibel Blvd. to Shadow Wood Preserve	C	--
US 41 from Shadow Wood Preserve to Constitution Blvd.	C	--
<u>US 41 from Constitution Blvd. to Alico Rd.</u>	--	--
Overall: US 41 from Koreshan Blvd. to Alico Road	C	--

The resultant arterial level of service of LOS "C" on US 41 is well above the Lee Plan standard of LOS "E". This is consistent with the findings of the earlier study done for the Coconut Point CPA.

North Point's Proportionate Share for 2020 CPA Traffic Impacts

Hole Montes (HM) estimated that these needed intersection improvements on US 41 would cost approximately \$692,000. This is documented in Appendix E.

DPA estimated North Point's share of these needed intersection improvements using the same methodology that was used for the Coconut Point CPA. It is important to note that, for consistency, North Point was assessed a proportionate share for needed intersection improvements at the US 41 intersections at Sanibel Boulevard, the Shadow Wood Preserve and Constitution Boulevard, as well as the Koreshan Boulevard intersection, even though the North Point CPA Traffic Study only identified the segment from Koreshan Boulevard to San Carlos Boulevard as a deficient segment.

North Point's estimated proportionate share for these needed intersection improvements is

approximately \$35,000. This is 5% of the total cost of \$692,000 for these intersection improvements. The 5% share was derived from the 2020 travel model assignment for the North Point CPA, which indicates that North Point's traffic (3,395 PSWDT) represents 5% of the total traffic (68,226 PSWDT) on US 41 between Koreshan Boulevard and San Carlos Boulevard.

North Point's proportionate share of \$35,000 is consistent with Coconut Point's share of \$170,000 because North Point is considerably smaller than Coconut Point.

Conclusions

A traffic engineering evaluation of this section of US 41 indicates that improvements at key intersections (i.e. the construction of dual left-turn lanes) will enhance the carrying capacity of the section of US 41 north of Koreshan Boulevard, so that the Lee Plan LOS standard can be met in 2020 without widening US 41 beyond six lanes or upgrading parallel facilities. These findings are consistent with those from the earlier arterial analysis provided for the Coconut Point CPA.

It was agreed with the Lee County staff that the North Point DRI can address these US 41 deficiencies and the project's mitigation for the needed intersection improvements through the Project's DRI traffic mitigation, as was done previously for the Coconut Point DRI. Using the same methodology that was used to determine Coconut Point's proportionate share of these needed intersection improvements, it's been estimated that North Point's proportionate share is approximately \$35,000. Payment of this amount will mitigate North Point's traffic impacts on the 2020 Financially Feasible Highway Plan.



- Full median opening with signal
- Full median opening
- Future realignment with signal

Sources: (1) URS Greiner, S.R. 45 Signing and Pavement Marking Plan.
 (2) US 41 PD&E Study Collier/Lee Counties Preferred Alternative, Revised February 2, 1998.



NORTH POINT DRI
 COMPREHENSIVE PLAN AMENDMENT
 TRAFFIC STUDY

FDOT ACCESS MANAGEMENT PLAN
 WITH PROBABLE SIGNAL LOCATIONS

02548\38B\0204

EXHIBIT
 1



49	31	2294	81	2406	15	80	3148
HARBORAGE RD.							85
32	18	0	14	2323	18	183	3065
							102
125	155	2209	197		3185	160	
						30	
						143	333
							CONSTITUTION BLVD.
100	22	34	44		40	390	2964
							159
306	143	2149	94		53		
B & F PARCEL					3	127	
					71		
329	158	4	167		160	173	2952
							25
					3137		
56	31	2213	143		115		
					3	190	
					72		
							SANIBEL BLVD.
48	31	2	15		3178	22	3046
							110
12	15	2269	26		20		
					2	46	
					24		
							HICKORY BLVD.
12	5	2	5		3185	5	3153
							30
					21		
73	36	2073	27		2	44	
BRECKENRIDGE DR.					21		
58	28	2	28		35	56	3131
							27
					3178		
					835	1056	
					221		
							KORESHAN BLVD.
					2343	840	
					216		
					2559		
							US 41
							1719



NORTH POINT DRI
COMPREHENSIVE PLAN AMENDMENT
TRAFFIC STUDY

PROJECTED PEAK HOUR
VOLUMES BASED ON 2020
FINANCIALLY-FEASIBLE PLAN
WITH NORTH POINT DRI

02548/37B/0204

EXHIBIT
2

APPENDIX A

LEE COUNTY DOT MEMO DATED JANUARY 7, 2004

To: M. Noble



DEPARTMENT OF TRANSPORTATION
LEE COUNTY RECEIVED

04 JAN -8 AM 11:44

COMM. DEV/
PUB. WRKS. CNTR.
SECOND FLOOR

Memo

To: Paul O'Connor, Division of Planning

From: David M. Loveland, Manager, Transportation Planning *DML*

Date: January 7, 2004

Subject: CPA 2003-04 Privately Initiated Lee Plan
Future Land Use Map Amendment
(North Point Lake DRI)

We have reviewed the above application which requests the land use designation of approximately 102 acres be changed from "Suburban" to "Urban Community". The project will include 150 multifamily residential units, 550,000 square feet of retail space, 120,000 square feet of office, and 150 hotel rooms. The applicant ran the FSUTMS travel model for future conditions (2020) with and without the North Point DRI. Both model runs included the Coconut Point DRI. We concur with the applicant's findings that all roadway segments under study are either at or better than the standard, both without and with the project, or in one instance (US 41 from Koreshan Boulevard to San Carlos Boulevard) below the standard, both without and with the project.

DML/LW/mlb

APPENDIX B

YEAR 2020 TRAFFIC CONDITIONS - WITH NORTH POINT CPA (EXHIBIT 3)

***Previously reviewed and approved as part of
North Point DRI Comprehensive Plan Amendment Traffic Study
(May 6, 2003)**



Exhibit 3
North Point DRI Comprehensive Plan Amendment
Year 2020 Traffic Conditions - With Project
Directional PM Peak Hour, Peak Season

MPO 2020 Financially-Feasible Plan

MPO 2020 Financially-Feasible Plan														
Roadway	From	To	(1) # of lanes	(2) LOS std	(3) FSUTMS Volumes	(4) PS factors	2020 AADT	(5) K-100 Factors	Two way PM peak	(6) D-factors	Peak Dir. SV @ LOS Volumes	Peak Dir. LOS	V/C ratio	
Corkscrew Rd	US 41	Sandy Ln	4LD	E	33,399	1.139	29,323	0.102	2,991	0.57	1,705	2,030	C	0.84
	Sandy Ln	River Ranch Rd	4LD	E	26,694	1.151	23,192	0.104	2,412	0.57	1,375	2,030	B	0.68
	River Ranch Rd	Three Oaks Pkwy	4LD	E	30,191	1.145	26,368	0.103	2,716	0.57	1,548	2,030	C	0.76
	Three Oaks Pkwy	I-75	4LD	E	35,979	1.135	31,700	0.101	3,202	0.57	1,825	2,030	C	0.90
	I-75	Ben Hill Griffin Pkwy	4LD	E	30,494	1.144	26,656	0.103	2,746	0.57	1,565	2,030	C	0.77
	Ben Hill Griffin Pkwy	Wildcat Run	4LD	E	29,045	1.147	25,323	0.103	2,608	0.57	1,487	2,030	C	0.73
Coconut Rd	West of US 41	US 41	2LN	E	12,619	1.176	10,730	0.109	1,170	0.57	667	960	C	0.69
	US 41	Sandy Ln	4LD	E	21,141	1.161	18,209	0.106	1,930	0.57	1,100	2,030	B	0.54
	Sandy Ln	Three Oaks Pkwy	4LD	E	27,825	1.149	24,217	0.104	2,519	0.57	1,436	2,030	C	0.71
	Three Oaks Pkwy	CR 951 Ext.	2LN	E	11,946	1.177	10,150	0.109	1,106	0.57	631	870	D	0.72
I-75	Bonita Beach Rd	Corkscrew Rd	6LF	D	90,403	1.087	83,167	0.099	8,259	0.57	4,723	5,280	D	0.89
	Corkscrew Rd	Alico Rd	6LF	D	94,619	1.087	87,046	0.099	8,644	0.57	4,943	5,280	D	0.94
Koreshan Blvd	US 41	Three Oaks Pkwy	4LD	E	23,892	1.156	20,668	0.105	2,170	0.57	1,237	2,030	B	0.61
	Three Oaks Pkwy	Ben Hill Griffin Pkwy	4LD	E	30,104	1.145	26,292	0.103	2,708	0.57	1,544	2,030	C	0.76
Old 41	Cockleshell Dr.	US 41	4LD	E	23,936	1.084	22,081	0.098	2,164	0.65	1,407	2,030	B	0.69
Sandy Ln (Ext.)	San Carlos Blvd	Koreshan Blvd	2LN	E	16,541	1.220	13,558	0.105	1,424	0.58	826	960	C	0.86
	Koreshan Blvd	Corkscrew Rd	2LN	E	14,470	1.225	11,812	0.105	1,240	0.58	719	960	C	0.75
	Corkscrew Rd	Williams Rd	2LN	E	17,177	1.218	14,103	0.104	1,467	0.58	851	960	C	0.89
	Williams Rd	Coconut Rd	2LN	E	17,734	1.217	14,572	0.104	1,515	0.58	879	960	C	0.92
Three Oaks Pkwy	Coconut Rd	Old 41	2LN	E	11,400	1.233	9,246	0.106	980	0.58	568	960	B	0.59
	San Carlos Blvd	Koreshan Blvd	4LD	E	36,976	1.133	32,635	0.100	3,264	0.57	1,860	2,030	C	0.92
	Koreshan Blvd	Corkscrew Rd	6LD	E	57,742	1.096	52,684	0.092	4,847	0.57	2,763	3,040	C	0.91
	Corkscrew Rd	Williams Rd	6LD	E	58,085	1.096	52,997	0.092	4,876	0.57	2,779	3,040	C	0.91
	Williams Rd	Coconut Rd	6LD	E	57,526	1.097	52,439	0.092	4,824	0.57	2,750	3,040	C	0.90
Ben Hill Griffin Pkwy	Koreshan Blvd	Corkscrew Rd	4LD	E	38,913	1.130	34,436	0.100	3,444	0.57	1,963	2,030	D	0.97
	US 41	W. Terry St	6LD	E	52,040	1.132	45,972	0.093	4,275	0.58	2,480	3,040	C	0.82
	Old 41	Coconut Rd	6LD	E	62,348	1.106	56,373	0.090	5,074	0.58	2,943	3,040	D	0.97
	Coconut Rd	Williams Rd	6LD	E	57,961	1.117	51,890	0.091	4,722	0.58	2,739	3,040	C	0.90
Williams Rd	Williams Rd	Project's Entrance	6LD	E	54,082	1.127	47,988	0.092	4,415	0.58	2,561	3,040	C	0.84
	Project's Entrance	Corkscrew Rd	6LD	E	57,406	1.119	51,301	0.091	4,668	0.58	2,708	3,040	C	0.89
	Corkscrew Rd	Koreshan Blvd	6LD	E	43,287	1.154	37,510	0.096	3,601	0.58	2,089	3,040	B	0.69
	Koreshan Blvd	San Carlos Blvd	6LD	E	68,226	1.092	62,478	0.087	5,436	0.58	3,153	3,040	F	1.04
	West US 41	US 41	2LN	E	9,563	1.181	8,097	0.110	891	0.57	508	870	D	0.58
	US 41	Sandy Ln	2LN	E	9,035	1.182	7,644	0.110	841	0.57	479	870	C	0.55
River Ranch Rd	Sandy Ln	River Ranch Rd	2LN	E	10,774	1.179	9,138	0.110	1,005	0.57	573	870	D	0.66
	River Ranch Rd	Three Oaks Pkwy	2LN	E	8,643	1.183	7,306	0.111	811	0.57	462	870	C	0.53
	Williams Rd	Corkscrew Rd	2LN	E	7,688	1.242	6,190	0.107	662	0.58	384	870	C	0.44

FOOTNOTES:

- (1) Year 2020 number of lanes.
- (2) Lee County roadway LOS standard based on The Lee Plan, Policy 22.1.1.
- (3) Peak season traffic volumes based on FSUTMS travel model assignment.
- (4) PSADT/AADT factor based on Lee County 2001 permanent count station data; with PSADT/AADT factors moderated using Lee County DOT method.
For I-75, PSADT/AADT factor reflects data from the FDOT 2001 Weekly Volume Factor Category Report.
- (5) K(100) factors derived from Lee County 2001 permanent count station data; with K(100) factors moderated using Lee County DOT method.
For I-75, K(100) factor from FDOT 2001 permanent count station data.
- (6) D factors derived from Lee County 2001 permanent count station data. For I-75, K(100) factor from FDOT 2001 permanent count station data.
- (7) Lee County Generalized Service Volumes, 07/18/00, except for I-75, which has FDOT service volumes.

APPENDIX C
2020 PEAK HOUR
INTERSECTION CAPACITY ANALYSES

SHORT REPORT												
General Information							Site Information					
Analyst Agency or Co. <i>Lee County</i> Date Performed <i>02/23/2004</i> Time Period <i>Future PM PH With Imp.</i>							Intersection <i>US41 / Koreshan Blvd.</i> Area Type <i>All other areas</i> Jurisdiction Analysis Year <i>2020</i>					
Volume and Timing Input												
	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	0	0	0	2	0	2	0	3	1	2	3	0
Lane group				L		R		T	R	L	T	
Volume (vph)				221		835		2343	216	624	1498	
% Heavy veh				2		2		2	2	2	2	
PHF				0.90		0.90		0.90	0.90	0.90	0.90	
Actuated (P/A)				A		A		A	A	A	A	
Startup lost time				2.0		2.0		2.0	2.0	2.0	2.0	
Ext. eff. green				2.0		2.0		2.0	2.0	2.0	2.0	
Arrival type				3		3		3	3	3	3	
Unit Extension				3.0		3.0		3.0	3.0	3.0	3.0	
Ped/Bike/RTOR Volume	0			0		60	0		60			
Lane Width				12.0		12.0		12.0	12.0	12.0	12.0	
Parking/Grade/Parking	N		N	N	0	N	N	0	N	N	0	N
Parking/hr												
Bus stops/hr				0		0		0	0	0	0	
Unit Extension				3.0		3.0		3.0	3.0	3.0	3.0	
Phasing	WB Only	02	03	04	SB Only	Thru & RT	07	08				
Timing	G = 13.5	G =	G =	G =	G = 27.0	G = 61.5	G =	G =				
	Y = 5.5	Y =	Y =	Y =	Y = 5.5	Y = 7	Y =	Y =				
Duration of Analysis (hrs) = 0.25				Cycle Length C = 120.0								
Lane Group Capacity, Control Delay, and LOS Determination												
	EB			WB			NB			SB		
Adj. flow rate				246		861		2603	173	693	1664	
Lane group cap.				386		1068		2606	1082	772	3983	
v/c ratio				0.64		0.81		1.00	0.16	0.90	0.42	
Green ratio				0.11		0.38		0.51	0.68	0.22	0.78	
Unif. delay d1				50.9		33.0		29.2	6.8	45.2	4.2	
Delay factor k				0.22		0.35		0.50	0.11	0.42	0.11	
Increm. delay d2				3.5		4.6		17.3	0.1	13.3	0.1	
PF factor				1.000		1.000		1.000	1.000	1.000	1.000	
Control delay				54.4		37.7		46.6	6.8	58.5	4.3	
Lane group LOS				D		D		D	A	E	A	
Apprch. delay				41.4			44.1			20.2		
Approach LOS				D			D			C		
Intersec. delay	34.6			Intersection LOS						C		

SHORT REPORT												
General Information							Site Information					
Analyst	DPA						Intersection					
Agency or Co.	Lee County						US41 / Sanibel Blvd.					
Date Performed	10/22/2001						Area Type					
Time Period	Future PM PH With Imp.						All other areas					
							Jurisdiction					
							Analysis Year					
							# 99532					
Volume and Timing Input												
	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	0	1	0	0	1	1	1	3	1	2	3	1
Lane group		LTR			LT	R	L	T	R	L	T	R
Volume (vph)	31	2	15	72	3	115	22	3046	110	143	2213	31
% Heavy veh	2	2	2	2	2	2	2	2	2	2	2	2
PHF	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Actuated (P/A)	A	A	A	A	A	A	A	A	A	A	A	A
Startup lost time		2.0			2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Ext. eff. green		2.0			2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Arrival type		3			3	3	3	3	3	3	3	3
Unit Extension		3.0			3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Ped/Bike/RTOR Volume	0		0	0		60	0		60	0		31
Lane Width		12.0			12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
Parking/Grade/Parking	N	0	N	N	0	N	N	0	N	N	0	N
Parking/hr												
Bus stops/hr		0			0	0	0	0	0	0	0	0
Unit Extension		3.0			3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Phasing	EW Perm	02	03	04	Excl. Left	Thru & RT	07	08				
Timing	G = 14.0	G =	G =	G =	G = 11.0	G = 76.0	G =	G =				
	Y = 5.5	Y =	Y =	Y =	Y = 5.5	Y = 8	Y =	Y =				
Duration of Analysis (hrs) = 0.25							Cycle Length C = 120.0					
Lane Group Capacity, Control Delay, and LOS Determination												
	EB			WB			NB			SB		
Adj. flow rate		53			83	61	24	3384	56	159	2459	0
Lane group cap.		114			157	402	162	3220	1003	315	3220	1003
v/c ratio		0.46			0.53	0.15	0.15	1.05	0.06	0.50	0.76	0.00
Green ratio		0.12			0.12	0.25	0.09	0.63	0.63	0.09	0.63	0.63
Unif. delay d1		49.5			49.9	34.7	50.2	22.0	8.4	51.9	15.6	8.1
Delay factor k		0.11			0.13	0.11	0.11	0.50	0.11	0.11	0.32	0.11
Increment. delay d2		3.0			3.4	0.2	0.4	31.4	0.0	1.3	1.1	0.0
PF factor		1.000			1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Control delay		52.5			53.2	34.9	50.6	53.4	8.4	53.2	16.8	8.1
Lane group LOS		D			D	C	D	D	A	D	B	A
Approch. delay		52.5			45.5		52.6			19.0		
Approach LOS		D			D		D			B		
Intersec. delay		38.4			Intersection LOS							D

SHORT REPORT												
General Information							Site Information					
Analyst Agency or Co. <i>Lee County</i> Date Performed <i>02/23/2004</i> Time Period <i>Future PM PH With Imp.</i>							Intersection <i>US41 / B & F Parcel</i> Area Type <i>All other areas</i> Jurisdiction Analysis Year <i>2020</i>					
Volume and Timing Input												
	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	2	1	0	2	1	0	2	3	1	2	3	1
Lane group	L	TR		L	TR		L	T	R	L	T	R
Volume (vph)	158	4	167	71	3	53	160	2952	25	94	2149	143
% Heavy veh	2	2	2	2	2	2	2	2	2	2	2	2
PHF	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Actuated (P/A)	A	A	A	A	A	A	A	A	A	A	A	A
Startup lost time	2.0	2.0		2.0	2.0		2.0	2.0	2.0	2.0	2.0	2.0
Ext. eff. green	2.0	2.0		2.0	2.0		2.0	2.0	2.0	2.0	2.0	2.0
Arrival type	3	3		3	3		3	3	3	3	3	3
Unit Extension	3.0	3.0		3.0	3.0		3.0	3.0	3.0	3.0	3.0	3.0
Ped/Bike/RTOR Volume	0		0	0		0	0		0	0		60
Lane Width	12.0	12.0		12.0	12.0		12.0	12.0	12.0	12.0	12.0	12.0
Parking/Grade/Parking	N	0	N	N	0	N	N	0	N	N	0	N
Parking/hr												
Bus stops/hr	0	0		0	0		0	0	0	0	0	0
Unit Extension	3.0	3.0		3.0	3.0		3.0	3.0	3.0	3.0	3.0	3.0
Phasing	EW Perm	02	03	04	Excl. Left	Thru & RT	07	08				
Timing	G = 17.0	G =	G =	G =	G = 9.0	G = 76.0	G =	G =				
	Y = 5.5	Y =	Y =	Y =	Y = 5.5	Y = 7	Y =	Y =				
Duration of Analysis (hrs) = 0.25			Cycle Length C = 120.0									
Lane Group Capacity, Control Delay, and LOS Determination												
	EB			WB			NB			SB		
Adj. flow rate	176	190		79	62		178	3280	28	104	2388	92
Lane group cap.	284	225		215	226		257	3220	1003	257	3220	1003
v/c ratio	0.62	0.84		0.37	0.27		0.69	1.02	0.03	0.40	0.74	0.09
Green ratio	0.14	0.14		0.14	0.14		0.08	0.63	0.63	0.08	0.63	0.63
Unif. delay d1	48.5	50.2		46.6	46.0		54.2	22.0	8.2	52.9	15.2	8.6
Delay factor k	0.20	0.38		0.11	0.11		0.26	0.50	0.11	0.11	0.30	0.11
Increm. delay d2	4.1	24.4		1.1	0.7		7.8	20.7	0.0	1.0	0.9	0.0
PF factor	1.000	1.000		1.000	1.000		1.000	1.000	1.000	1.000	1.000	1.000
Control delay	52.6	74.6		47.7	46.7		61.9	42.7	8.2	54.0	16.2	8.6
Lane group LOS	D	E		D	D		E	D	A	D	B	A
Apprch. delay	64.0			47.2			43.4			17.4		
Approach LOS	E			D			D			B		
Intersec. delay	34.4			Intersection LOS						C		

SHORT REPORT												
General Information							Site Information					
Analyst Agency or Co. <i>Lee County</i> Date Performed <i>02/23/2004</i> Time Period <i>Future PM PH</i>							Intersection <i>US41 / Constitution Blvd.</i> Area Type <i>All other areas</i> Jurisdiction Analysis Year <i>2020</i>					
Volume and Timing Input												
	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	1	1	0	1	1	1	1	3	1	2	3	1
Lane group	L	TR		L	T	R	L	T	R	L	T	R
Volume (vph)	22	34	44	143	30	160	40	2964	159	197	2209	55
% Heavy veh	2	2	2	2	2	2	2	2	2	2	2	2
PHF	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Actuated (P/A)	A	A	A	A	A	A	A	A	A	A	A	A
Startup lost time	2.0	2.0		2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Ext. eff. green	2.0	2.0		2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Arrival type	3	3		3	3	3	3	3	3	3	3	3
Unit Extension	3.0	3.0		3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Ped/Bike/RTOR Volume	0		0	0		60	0		60	0		55
Lane Width	12.0	12.0		12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
Parking/Grade/Parking	N	0	N	N	0	N	N	0	N	N	0	N
Parking/hr												
Bus stops/hr	0	0		0	0	0	0	0	0	0	0	0
Unit Extension	3.0	3.0		3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Phasing	EW Perm	02	03	04	Excl. Left	Thru & RT	07	08				
Timing	G = 18.2	G =	G =	G =	G = 9.0	G = 73.8	G =	G =				
	Y = 5.5	Y =	Y =	Y =	Y = 5.5	Y = 8	Y =	Y =				
Duration of Analysis (hrs) = 0.25							Cycle Length C = 120.0					
Lane Group Capacity, Control Delay, and LOS Determination												
	EB			WB			NB			SB		
Adj. flow rate	24	87		159	33	111	44	3293	110	219	2454	0
Lane group cap.	208	259		198	283	431	133	3127	974	257	3127	974
v/c ratio	0.12	0.34		0.80	0.12	0.26	0.33	1.05	0.11	0.85	0.78	0.00
Green ratio	0.15	0.15		0.15	0.15	0.27	0.08	0.62	0.62	0.08	0.62	0.62
Unif. delay d1	43.9	45.5		49.2	44.0	34.2	52.6	23.1	9.6	54.8	17.2	8.9
Delay factor k	0.11	0.11		0.35	0.11	0.11	0.11	0.50	0.11	0.38	0.33	0.11
Increm. delay d2	0.2	0.8		20.8	0.2	0.3	1.5	32.3	0.1	23.1	1.4	0.0
PF factor	1.000	1.000		1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Control delay	44.2	46.3		70.0	44.1	34.5	54.1	55.4	9.6	77.9	18.6	8.9
Lane group LOS	D	D		E	D	C	D	E	A	E	B	A
Apprch. delay	45.8			54.1			53.9			23.4		
Approach LOS	D			D			D			C		
Intersec. delay	41.3			Intersection LOS						D		

APPENDIX D
2020 PEAK HOUR
ART PLAN ANALYSIS OF US 41



ARTPLAN 2002 Conceptual Planning Analysis

Description/File Information

Filename	AP_north1.xml	Date Prepared	2/26/2004	
Program	ARTPLAN	Version	5.1.1	
Analyst		Agency		District
Arterial Name	US 41	Begin Intersection	koreshan	End Intersection
				Constitution
Study Period	K100	Peak Direction	Northbound	
User Notes				

Facility Data

Roadway Variables		Traffic Variables		Control Variables		Multimodal Variables	
Area Type	Urbanized	AADT	34000	Arrival Type	4	Paved Shoulder/Bike Lane	No
Class	1	K	0.095	Signals/Mile	1.00	Outside Lane Width	Typical
Posted Speed	50	D	0.58	Cycle Length	120	Pavement Condition	Typical
# Thru Lanes	6	PHF	0.925	Through g/C	0.44	Sidewalk	Yes
Median Type	Restrictive	% Turns Excl. Lanes	12	Control Type	Actuated	Sidewalk/Roadway Separation	Typical
Left Turn Lanes	Yes	% Heavy Vehicles	2			Sidewalk/Roadway Protective Barrier	No
		Base Sat Flow Rate	1900			Obstacle to Bus Stop	No
		Local Adj. Factor	1			Bus Freq	1
		Adjusted Sat Flow Rate	1863			Bus Span Of Service	15

Automobile Segment Data

Segment #	Cycle Length	g/C	Arr. Type	% Turns	# Dir. Lanes	Length	AADT	Hourly Vol.	FFS	Median Type
1 (to Sanibel)	120	0.63	4	4.2	3	1.3	60823	3178	45	Restrictive
2 (to BP PARCEL)	120	0.63	4	5.9	3	0.3	60038	3137	45	Restrictive
3 (to Constitution)	120	0.61	4	6.3	3	0.7	60536	3163	45	Restrictive

Automobile LOS

Segment #	Thru Mvmt Flow Rate	v/c	Control Delay	Int. Approach LOS	Speed (mph)	Segment LOS
1 (to Sanibel)	3291	0.93	11.45	B	36.4	B
2 (to BP PARCEL)	3191	0.91	10.52	B	27.6	C
3 (to Constitution)	3204	0.94	13.87	B	32.4	C
Arterial Length		2.3	Auto Speed		***	Auto LOS
						C

Automobile Service Volume Tables

	A	B	C	D	E
Lanes	Hourly Volume In Peak Direction				
1	**	940	1180	1210	***
2	**	1990	2370	2430	***
3	**	3060	3560	3640	***
4	**	4150	4740	4850	***
*	**	3060	3560	3640	***
Lanes	Hourly Volume In Both Directions				
2	**	1630	2030	2090	***
4	**	3430	4080	4180	***
6	**	5280	6130	6270	***
8	**	7160	8180	8360	***
*	**	5280	6130	6270	***
Lanes	Annual Average Daily Traffic				
2	**	17100	21400	22000	***
4	**	36100	43000	44000	***
6	**	55600	64500	66000	***
8	**	75300	86100	88000	***
*	**	55600	64500	66000	***

Multimodal Segment Data

Segment #	Pave Shldr / Bike Lane	Outside Lane Width	Pave Cond	Side walk	Sidewalk Roadway Separation	Sidewalk Roadway Protective Barrier	Obstacle To Bus Stop	Bus Freq	Bus Span Service
1 (to Sanibel)	No	Typical	Typical	Yes	Typical	No	No	1	15
2 (to BP PARCEL)	No	Typical	Typical	Yes	Typical	No	No	1	15
3 (to Constitution)	No	Typical	Typical	Yes	Typical	No	No	1	15

Pedestrian SubSegment Data

Segment #	% of Segment			Sidewalk			Separation			Barrier		
	1	2	3	1	2	3	1	2	3	1	2	3
1 (to Sanibel)	100	0	0	Yes	Yes	Yes	Typical	Typical	Typical	No	No	No
2 (to BP PARCEL)	100	0	0	Yes	Yes	Yes	Typical	Typical	Typical	No	No	No
3 (to Constitution)	100	0	0	Yes	Yes	Yes	Typical	Typical	Typical	No	No	No

Multimodal LOS

	Bicycle LOS			Pedestrian LOS				Bus LOS			
Segment #	Segment	Score	1	2	3	Segment	Score	Segment	Adj.Bus		
1 (to Sanibel)	E	4.69	E			E	4.70	F	0.85		
2 (to BP PARCEL)	E	4.65	E			E	4.60	F	0.85		
3 (to Constitution)	E	4.68	E			E	4.67	F	0.85		
Bicycle LOS		4.68	E	Pedestrian LOS			4.68	E	Bus LOS	.85	F

MultiModal Service Volume Tables

Bicycle

	A	B	C	D	E
Lanes	Hourly Volume In Peak Direction				
1	**	100	180	690	>690
2	**	190	350	1380	>1380
3	130	290	520	2060	>2060
4	170	380	690	2750	>2750
*	130	290	520	2060	>2060
Lanes	Hourly Volume In Both Directions				
2	**	170	300	1190	>1190
4	**	330	600	2370	>2370
6	220	500	900	3560	>3560
8	300	660	1190	4740	>4740
*	220	500	900	3560	>3560
Lanes	Annual Average Daily Traffic				
2	**	1800	3200	12500	>12500
4	**	3500	6300	25000	>25000
6	2300	5200	9400	37500	>37500
8	3100	7000	12600	49900	>49900
*	2300	5200	9400	37500	>37500

Pedestrian

	A	B	C	D	E
Lanes	Hourly Volume In Peak Direction				
1	**	100	570	> 570	***
2	**	**	1140	> 1140	***
3	**	**	1710	> 1710	***
4	**	**	2280	> 2280	***
*	**	**	1710	> 1710	***
Lanes	Hourly Volume In Both Directions				
2	**	170	990	> 990	***
4	**	**	1970	> 1970	***
6	**	**	2940	> 2940	***
8	**	**	3920	> 3920	***
*	**	**	2940	> 2940	***
Lanes	Annual Average Daily Traffic				
2	**	1800	10400	> 10400	***
4	**	**	20700	> 20700	***
6	**	**	31000	> 31000	***
8	**	**	41300	> 41300	***
*	**	**	31000	> 31000	***

Bus

	A	B	C	D	E
Lanes	Buses Per Hour In Peak Direction				
2	>7.00	>5.00	>=4.00	>=3.00	>=2.00
Lanes	Buses in Study Hour in Peak Direction (Daily)				
2	>7.00	>5.00	>=4.00	>=3.00	>=2.00

* Service Volumes for the specific facility being analyzed, based on # of lanes from the segment data screen.

** Cannot be achieved using table input value defaults.

*** Not applicable for that level of service letter grade. See generalized tables notes for more details.

APPENDIX E

COST ESTIMATES FOR NEEDED US 41 INTERSECTION IMPROVEMENTS

**ESTIMATE OF COSTS
DOUBLE RIGHT TURN LANE CONSTRUCTIONS
SWEETWATER MPD
HOLE MONTES PROJECT NO. 1997079X**

Number	Bid Item	Quantity	Units	Price	Extended Price
1.	Concrete Median (1')	600	FT	\$10.00	\$6,000.00
2.	Friction Course (.8)	2000	SY	\$2.00	\$4,000.00
3.	1" Type Structure Course	2000	SY	\$2.50	\$5,000.00
4.	Optional Base (5.5") Type SP	2000	SY	\$6.50	\$13,000.00
5.	12" Type B Stabilization	2000	SY	\$5.50	\$11,000.00
6.	Thermoplastic Traffic Stripes (6")	1	LS	\$2,000.00	\$2,000.00
7.	RPM	1	LS	\$2,000.00	\$2,000.00
8.	Signage	1	LS	\$5,000.00	\$5,000.00
9.	Maintenance of Traffic	1	LS	\$16,000.00	\$16,000.00
10.	Mobilization	1	LS	\$10,000.00	\$10,000.00
11.	Permitting	1	LS	\$10,000.00	\$10,000.00
12.	Drainage Structures	1	LS	\$16,000.00	\$16,000.00
					\$100,000.00

Estimate of Each Turn Lane:

US 41 & Constitution		\$ 100,000.00
US 41 & B&F	$\$100,000.00 + \$64,000.00^{**} \times 3 =$	292,000.00
US 41 & Sanibel	$\$100,000.00 + \$64,000.00^{**} + \$36,000 \text{ r/w} =$	200,000.00*
US 41 & Koreshan		100,000.00

* includes buying r/w

** Does not include cost of Maintenance of Traffic, Mobilization and Permitting

DAVID PLUMMER & ASSOCIATES

TRANSPORTATION • CIVIL • STRUCTURAL • ENVIRONMENTAL

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239 332-2617 FAX: 239 332-2645
E-mail: dplm@peganet.net

March 2, 2004



Mr. Paul O'Connor
Director of Planning
Lee County Community Development
P. O. Box 398
Fort Myers, FL 33902

**RE: North Point DRI Comprehensive Plan Amendment (CPA 2003-04)
North Point DRI CPA Traffic Study
Supplemental US 41 Traffic Analysis**

Dear Paul,

In the Lee County Division of Planning Staff Report for Comprehensive Plan Amendment (CPA 2003-04), the Staff expressed concern regarding the 2020 level of service status of the segment of US 41 running from Koreshan Boulevard to San Carlos Boulevard. DPA first discussed this issue with Mr. Matt Noble via e-mail correspondence and then with the Lee County DOT staff on February 19, 2004.

DPA has prepared the enclosed report, titled North Point DRI Comprehensive Plan Amendment Traffic Study, Supplemental US 41 Traffic Analysis, to address the Staff's concerns regarding future 2020 levels of service on this section of US 41. This report provides an engineering evaluation of this section of US 41 that demonstrates that intersection improvements at key intersections will enhance the carrying capacity of US 41 so that The Lee Plan LOS standard can be met in 2020. The report also estimates that the North Point DRI's proportionate share of these needed intersection improvements is approximately \$35,000.

With this new information, we hope that we can resolve this issue prior to the Board of County Commissioners hearing on the North Point Comprehensive Plan Amendment on Tuesday, March 9, 2004. Once you've had a chance to review the enclosed report, we would be glad to meet with you prior to the hearing to discuss this.

Enclosed are three (3) bound copies of this report. By copy of this letter, copies of this report are also being provided to the Lee County DOT, the Southwest Florida Regional Planning Council and the Florida Department of Community Affairs.



If you have any questions regarding the enclosed report, please do not hesitate to call.

Very truly yours,



Ronald T. Talone

RTT:sw

02548:OConnor_030204

cc: Dave Loveland, w/enclosure
Andy Getch, w/enclosure
Ken Heatherington, w/enclosure
Bernard Piawah, w/enclosure
Ron Dillon, w/o enclosure
David McArdle, w/o enclosure
Neale Montgomery, w/o enclosure
Dan DeLisi, w/o enclosure



MARCH 09, 2004

A Meeting of the Board of Lee County Commissioners was held this date to conduct a Public Hearing to consider the adoption of a Lee Plan Small Scale Comprehensive Plan Amendment, and the transmittal of a Lee Plan Development of Regional Impact (DRI) Amendment, with the following Commissioners present:

John E. Albion, Chairman
Ray Judah
Andrew Coy
Robert P. Janes

COMMISSIONER ST. CERNY WAS ABSENT FOR THE ENTIRE MEETING DUE TO ILLNESS.

ON FILE IN THE MINUTES OFFICE: THE LEE PLAN AMENDMENTS, INCLUDING STAFF REPORTS AND THE RECOMMENDATIONS OF THE LOCAL PLANNING AGENCY (LPA).

1. Call to Order; Certification of Affidavit of Publication

The Chairman called the meeting to order at 9:40 a.m. Assistant County Attorney Donna Marie Collins approved as to legal form and sufficiency, the Affidavit of Publication regarding this item.

2. Lee Plan Amendments Adoption Item - Small Scale Amendment

CPA2003-05 - LeeCorp Homes, Inc.

Amend Future Land Use Map Series, Map 1, to re-designate the Future Land Use classification of a .59± acre parcel in Estero, the former Estero Fire Station, from "Public Facilities" to "Suburban". The subject parcel is located in Estero, on the east side of US 41, approximately one-quarter mile south of Koreshan Boulevard.

RECOMMENDATIONS:

The Local Planning Agency (LPA) recommends adoption of CPA2003-05 Small Scale Plan Amendment.

Planning staff recommends that Map 1, the Future Land Use Map, be amended to change the future land use designation of the .59± acre subject parcel from "Public Facilities" to "Suburban".

Community Development Planning Director Paul S. O'Connor explained that the parcel, previously owned by the Estero Fire Department, was now privately owned; and that approval of the request would return the parcel to its original "Suburban" land use.

3. Public Comment on Adoption Item

The Chairman called for public input; however, no one came forward to offer comment.

4. Adopt the Ordinance Which Adopts CPA 2003-05

Commissioner Janes moved to adopt the ordinance, seconded by Commissioner Judah, called and carried with Commissioner St. Cerny absent. The Ordinance adopted by the Board and filed was LEE COUNTY ORDINANCE NO. 04-02, ENTITLED:

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 2003-05 (PERTAINING TO THE RE-DESIGNATION OF A .59-ACRE ESTERO PARCEL FROM PUBLIC FACILITIES TO THE SUBURBAN FUTURE LAND USE CATEGORY) APPROVED DURING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT EFFORT; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES, MAP 1; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

5. Lee Plan Amendments Transmittal Item - DRI Related Amendment

CPA2003-04 - North Point Lake

Amend Future Land Use Map Series, Map 1, to re-designate the Future Land Use classification of approximately 102 acres of land from "Suburban" to "Urban Community". The subject parcel is located in Section 33, Township 46 South, Range 25 East in Estero; and is part of the proposed North Point Lake Development of Regional Impact (DRI).

RECOMMENDATIONS:

The Local Planning Agency (LPA) recommends that the Board transmit the proposed amendment with the addition of the following statement to staff's recommendation: "Staff does not recommend adoption pending further review of traffic issues".

Planning staff recommends transmittal of the applicant's request to amend Map 1, the Future Land Use Map, to change the future land use designation of the subject area from "Suburban" to "Urban Community". Staff does not at this time recommend adoption of the request, given the 2020 Level of Service status of the segment of US 41 from Koreshan Boulevard to San Carlos Boulevard.

Community Development Planning Director Paul S. O'Connor explained that this amendment is concurrent with the review of the North Point Lake DRI, and that the property is north of the Coconut Mall property and south of the Publix shopping center at the corner of Corkscrew Road and US 41. He clarified staff's opinion that the outstanding issues, which involved the need intersection improvements, would be resolved prior to the zoning and DRI Development Order (DO) hearings. He responded to questions from Commissioners Judah and Albion by stating that the Estero Community Planning Panel (ECPP) would have the opportunity to offer input at the DRI DO stage if they were parties of record at that time, and that the motion for approval should include the reference to the sentence requested by the LPA. Commissioner Judah moved to transmit the amendment, including the LPA recommendation; seconded by Commissioner Janes.

6. Public Comment and Board Action on Transmittal Item

Attorney Neale Montgomery, of the law firm of Pavese, Haverfield, et al., representing the Applicant, explained that the developer had met with the ECPP; stated that additional meetings were planned; and commented that the Staff report had dealt comprehensively with the consistency of the request. The motion was called and carried with Commissioner St. Cerny absent.

7. Adjourn

The Chairman adjourned the meeting at 9:47 a.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

Chairman, Lee County Commission

**CPA 2003-04
NORTH POINT LAKE DRI
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Sponsored Application
and Staff Analysis**

DCA Transmittal Document

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

March 9, 2004

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA 2003-04**

☐

Text Amendment

☒

Map Amendment

	This document contains the following reviews:
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board Of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: January 22, 2004

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

NORTH POINT LAKE, LLC c/o FRANK SCARLATI, JR.
REPRESENTED BY DANIEL DELISI, BARRACO AND ASSOCIATES, INC.

2. REQUEST:

CPA2003-04 - North Point Lake - Amend the Future Land Use Map series for an approximate ± 102 acre portion of land located in Section 33, Township 46 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from "Suburban" to "Urban Community."

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

At this time planning staff **recommends transmittal** of the applicant's request to amend Map 1, the Future Land Use Map, to change the future land use designation of the subject area from the "Suburban" land use category to the "Urban Community" land use category. At this time, however, staff would **not recommend adoption** of the request given the 2020 Level of Service status of the segment of U.S. 41 running from Koreshan Boulevard to San Carlos Boulevard.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

This comprehensive plan amendment is a DRI amendment directly related to the proposed North Point Development of Regional Impact (DRI).

- The application states that the intent of the application is to amend the Future Land Use designation of the property from Suburban to Urban Community, consistent with the surrounding properties, in order to allow for increased intensity commercial retail uses, allowing for the development of a mixed use commercial and residential center.
- The Urban Community designation would continue the predominant land use designation to the east of US 41 from Briarcliff Road south into the City of Bonita Springs.
- The subject parcel is located between the Urban Community future land use category to the north and the south and is consistent with the existing commercial development to the north and the proposed future mixed use development approved as the Simon Suncoast MPD/DRI to the south.
- Planning staff has reviewed Goal 19, Estero, and have found that the proposed amendment does not contradict the goals of the community.
- There are adequate urban services to provide the necessary services to accommodate the proposed amendment with the exception of one roadway segment on US 41.
- The subject parcel is located outside of the Coastal High Hazard Area and the Coastal Planning Area. The 1991 "Hurricane Storm Tide Atlas for Lee County" shows that the subject property is located within the Category 3 storm surge zone.

C. BACKGROUND INFORMATION

1. EXISTING CONDITIONS

SIZE OF PROPERTY: 102 ± ACRES

PROPERTY LOCATION: The subject property is located to the south of Corkscrew Road, north of Williams Road, and east of US 41.

EXISTING USE OF LAND: Vacant pastureland

CURRENT ZONING: AG-2

CURRENT FUTURE LAND USE CLASSIFICATION: Suburban

2. INFRASTRUCTURE AND SERVICES

WATER & SEWER: The subject property is located within Lee County Utilities area for potable water and sanitary sewer service. The subject property is also located in the future water and sewer service areas for Lee County Utilities.

FIRE: The property is located in the Estero Fire District.

TRANSPORTATION: Access to the property is currently from US 41 and Williams Road.

SOLID WASTE FRANCHISE: Florida Recycling, Inc.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

This comprehensive plan amendment is one of three applications that staff is reviewing pertaining to the proposed North Point Development of Regional Impact (DRI). The other two applications are the DRI application submittal as well as the Mixed Use Planned Development (MPD) zoning application and Master Concept Plan (MCP). This staff report provides staff's review and recommendations concerning the comprehensive plan amendment request.

The applicant, North Point Lake, LLC, a Florida Corporation, is requesting a change of land use designation on the Future Land Use Map from "Suburban" to "Urban Community" for an approximate 102 acre specified area of land. The land is under the ownership of five different entities. The site is located in the north east quadrant of US 41 and Williams Road in Section 33, Township 46 South, Range 25 East. The site is bounded on the west by US 41, on the north by the Corkscrew Village Shopping Center CPD, the South Estero Commercial Center CPD, and Corkscrew Road, on the East by the ACL Railroad right-of-way, and on the South by Williams Road. The area is just north of the recently approved Simon Suncoast MPD/DRI (Coconut Point Mall). If the amendment is approved the allowable density would increase from 6 du/acre with no Bonus Density allowed to 6 du/acre with up to 10du/acre with Bonus Density, an increase of 408 permissible units.

PROJECT SUMMARY

The applicant proposes commercial and residential development consisting of retail, office, hotel, and residential uses. The subject area is currently vacant with a large excavation lake located near the center of the subject area. The application states that the intent of the application is to amend the Future Land Use designation of the property from Suburban to Urban Community, consistent with the surrounding properties, in order to allow for increased intensity of commercial retail uses, allowing for the development of a mixed use commercial and residential center. The application materials also note that the 102 acre area fills in an area that is a gap in the surrounding Urban Community land use category that extends along the eastern side of US 41.

If the amendment is approved the allowable *Maximum Standard Density Range* would remain at 6 du/acre while the *Maximum Total Density* would change from allowing no bonus density to a maximum bonus

density of 10 du/acre. The existing designation of Suburban would allow approximately 612 dwelling units in the subject area, while the proposed Urban Community designation would allow approximately 1,020 dwelling units in the subject area

Currently, under the Suburban future land use category and calculated as the nine separate parcels exist today, staff estimates that the land area could be developed with approximately 320,000 square feet of commercial retail uses. This estimate is based on the site location standards under Goal 6 of the Lee Plan and the current accessibility of the parcels. The Suburban future land use descriptor policy states that commercial development greater than neighborhood centers are not permitted, limiting commercial retail development to 100,000 square feet. Therefore if the 102 acre site were unified under planned development zoning, retail development would be limited to a neighborhood center. Amending the future land use designation to Urban Community would eliminate the neighborhood center limit for retail development on the site.

COMPREHENSIVE PLAN BACKGROUND

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the subject property was part of the "Rural" land use category. Maximum standard density for the "Rural" category was established by the 1984 plan with a standard density range of 1 du/acre. The "Rural" land use category was described as areas that "are to remain predominately rural, that is, low density residential use and minimal non-residential land uses that are needed to serve the rural community."

In 1988 this property was redesignated to the "Suburban" and "Urban Community" land use category. This was the result of recommendations made through the Estero/Corkscrew Road area study. The property was then redesignated as Suburban in 1989 and retains this designation today.

ADJACENT ZONING AND USES

The subject area is zoned AG-2. The surrounding properties are zoned CPD to the north, AG-2, CPD, RPD, and CF-2 to the east, MPD, CPD, and RPD to the west, and MPD to the south. The subject area is surrounded by vacant lands and properties developed with a mix of uses. To the north are commercial retail uses including a gas station, storage facility, and Publix grocery store, to the east vacant land, a golf driving range, the Estero Community Park, and the Estero High School, to the south vacant land included within the Simon Suncoast MPD/DRI, and to the west are vacant lands within the Camargo MPD, the Riverridge RPD, and an assisted living facility.

POPULATION ACCOMMODATION CAPACITY DISCUSSION

The request is to change the Future Land Use Map (FLUM) category of approximately 102 acres from Suburban to Urban Community. The Suburban category standard density permits 6 du/acre. The Urban Community category standard density permits up to 6 du/acre with a Bonus Density of up to 10 du/acre. This means that a maximum of 612 dwelling units could be constructed on the property under the Suburban designation and that 1,020 dwelling units could be constructed on the property under the Urban Community designation. This could result in an increase in the population accommodation capacity of the map by 852 persons (1,020 du's X 2.09 persons per unit - 612 du's X 2.09). Staff concludes that this increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.

CONSISTENCY WITH THE "URBAN COMMUNITY" LAND USE CATEGORY

The applicant is proposing that the subject area's land use designation be amended to Urban Community. The Urban Community areas are described by Policy 1.1.4. Policy 1.1.4 is reproduced below:

***POLICY 1.1.4:** The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)*

The subject area is currently designated Suburban. The surrounding properties are designated Urban Community to the north, Suburban and Public Facilities to the east, Suburban to the west, and Urban Community to the south. The Urban Community future land use category, east of US 41 and to the south of the subject area, extends south to the City of Bonita Springs. The Urban Community future land use category, east of US 41 and to the north of the subject area, extends north to Briarcliff Road before reaching more intense future urban area designations. There is also a small portion of this corridor designated Suburban just to the south of Koreshan Boulevard. If the proposed amendment is approved, the Urban Community designation would continue to be the predominant land use designation to the east of US 41.

The proposed amendment is consistent with the Urban Community designation for the following reasons: the land area connects the future use category from the north to south; the urban services, as noted, have adequate capacity to provide the necessary services to accommodate the proposed amendment; both commercial and residential development are listed as predominant land uses in the Urban Community category. The applicant is proposing through the DRI application commercial retail and office uses as well as 150 dwelling units. This residential density proposal is consistent with the standard density of the Urban Community future land use category. Retail commercial uses will be required to be consistent with the commercial site location standards specified under Goal 6 of the Lee Plan.

MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)

The subject area is located within the Estero Planning Community. In this community there are 1,399 acres allocated for commercial uses. Recent Planning Division data indicates that 197.32 acres of land within this community are currently developed with commercial uses, leaving a surplus of 1201.68 acres that could be developed with commercial uses in this community before the year 2020.

In this community there are 327 acres allocated for residential uses in the Urban Community land use category. Recent Planning Division data indicates that 267 acres of Urban Community land within this community are currently developed with residential uses, leaving a surplus of 60 acres that could be developed with residential uses in the Urban Community portions of this community before the year 2020. The applicant's representative has clarified that the proposed 150 unit residential portion of the project will be located on approximately 24 acres of land.

CONSISTENCY WITH GOAL 19 "ESTERO"

The Estero Planning Community is described by Goal 19. Goal 19 is reproduced below:

GOAL 19: ESTERO. *To protect the character, natural resources and quality of life in Estero by establishing minimum aesthetic requirements, managing the location and intensity of future commercial and residential uses, and providing greater opportunities for public participation in the land development approval process. This Goal and subsequent objectives and policies apply to the Estero Planning Community as depicted on Map 16. (Added by Ordinance No. 02-05)*

Under Goal 19 the following Objectives and Policy describe commercial and residential land uses in the community.

OBJECTIVE 19.2: COMMERCIAL LAND USES. *Existing and future County regulations, land use interpretations, policies, zoning approvals, and administrative actions must recognize the unique conditions and preferences of the Estero Community to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage, and provide for employment opportunities, while discouraging uses that are not compatible with adjacent uses and have significant adverse impacts on natural resources. (Added by Ordinance No. 02-05)*

POLICY 19.2.2: *All retail uses must be in compliance with the Commercial Site Location Standards. A finding of a "Special Case" must demonstrate a community benefit in addition to the requirements outlined in Policy 6.12(8). (Added by Ordinance No. 02-05)*

POLICY 19.2.6: *Lee County encourages commercial developments within the Estero Planning Community to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including but not limited to bike paths and pedestrian access ways. (Added by Ordinance No. 02-05)*

OBJECTIVE 19.3: RESIDENTIAL USES. *Lee County must protect and enhance the residential character of the Estero Planning Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements. (Added by Ordinance No. 02-05)*

Planning staff notes that the development proposal being made through the DRI process will require commercial retail uses to comply with the Commercial Site Location Standards under Goal 6. Staff also notes that the internal access road within the existing commercial development located directly to the north of the subject area will provide the opportunity for interconnecting the subject area to that development and Corkscrew Road. The application materials have provided that *"the proposed DRI is designed to act as a town commons. It is being submitted as a mixed use development that emphasizes pedestrian and bicycle movement as well as automobile traffic."*

Objective 19.5 addresses public participation in the Estero Planning Community and is reproduced below:

OBJECTIVE 19.5: PUBLIC PARTICIPATION. *Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals. (Added by Ordinance No. 02-05)*

The application materials have provided that *"We have had several informal meetings with local residents and will have a formal meeting with the Estero Community Planning Panel prior to the Application for Development Approval being found sufficient. Any development that occurs on this property will need to meet with the community in order to ensure that development meets the intent of the Estero vision."*

Planning staff has reviewed Goal 19, Estero, and its subsequent Objectives and Policies and have found that the proposed amendment does not contradict the goals of the community, although staff would like to note that compliance with Goal 19 and its subsequent Objectives and Policies will be reviewed as part of the proposed development and site improvements related to the DRI, MPD, and MCP application review process, assuring that the development itself complies with the community's vision.

TRANSPORTATION ISSUES

The applicant has provided a traffic study as part of the plan amendment submittal materials. As part of this study 2020 traffic conditions with and without the proposed project were evaluated. The study states that most road segments in the study area operate at or better than the County's adopted level of service standard in 2020 with and without the project. The study also points out that one road segment, US 41 between Koreshan Boulevard and San Carlos Boulevard, exceeds the level of service standard with and without the project and is projected to operate at LOS F. Exhibit 2 of the traffic study shows 66,494 daily trips for this segment of the roadway without the project while Exhibit 3 shows 68,226 daily trips with the project, showing an increase of 1,732 daily trips. Exhibit 2 shows 3,097 peak hour trips without the project while Exhibit 3 shows 3,153 peak hour trips with the project, showing an increase of 56 peak hour trips. The discussion concludes that the projected volumes on this segment are slightly above the maximum service volume at the LOS standard, based on Lee County's generalized service volumes and that *"actual conditions on this segment of US 41 are likely to be much better than projected based on these generalized service volumes, which assume much lower weighted effective green times than actually exist on this section of US 41."*

The Lee County Department of Transportation has reviewed the request and has provided Planning staff written comments dated January 7, 2004 (see Attachment 2). The memo provides the following:

"The project will include 150 multifamily residential units, 550,000 square feet of retail space, 120,000 square feet of office, and 150 hotel rooms. The applicant ran the FSUTMS travel model for future conditions (2020) with and without the North point DRI. Both model runs included the Coconut Point DRI. We concur with the applicant's findings that all roadway segments under study are either at or better than the standard, both without and with the project, or in one instance (US 41 from Koreshan Boulevard to San Carlos Boulevard) below the standard, both without and with the project."

Planning staff notes that although this segment of US 41 is projected to operate at LOS F in 2020, and that this will be the case with or without the project, the request is one that would intensify the possible uses on the site and would create the situation where an already failing link would be exacerbated by the increased project intensity.

Planning staff notes that the developer will be required to pay the proportionate share of the developments' roadway impacts through the DRI process. Planning staff also notes that a traffic analysis is required by the County's local development approval process. This analysis determines the need for any site-related improvements such as turn lanes on the adjacent roadways.

PUBLIC SAFETY ISSUES

The applicant has provided letters from the public safety and service providers. The purpose of these letters is to determine the adequacy of existing or proposed support facilities. Planning staff has also provided some additional analysis.

Emergency Management - Hurricane Evacuation/Shelter Impacts

The proposed amendment will not be increasing density in the Coastal High Hazard Area. Staff from the Lee County Division of Public Safety have provided written comments to planning staff, dated July 15, 2003, concerning the proposal (see Attachment 3). The memo provides the following:

"This Development is located in a Category 3 Hurricane Evacuation Zone. In accordance with the National Weather Service storm surge "SLOSH," this area will receive storm surge flooding from a Category 3 Hurricane. Therefore, the area is applicable to the provisions of Lee County Ordinance 00-14, Land development Code, Article XI, Sec. 2-481 through 2-486, Hurricane Preparedness that requires shelter and evacuation route impact mitigation for residential developments."

"Lee County Administrative Code 7-7 requires that every new residential development with 50 or more dwelling units or 100 plus dwelling units must submit an emergency preparedness plan as part of the Development Order Application Process."

Emergency Medical Services (EMS)

Staff from Lee County Emergency Medical Services have provided written comments to the applicant, dated October 3, 2003, concerning the proposal (see Attachment 1). The memo provides the following:

"The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for services from persons occupying this parcel or any support facilities."

Sheriff's Office Impact

The Lee County Office of the Sheriff has reviewed the proposal and provided written comments dated March 27, 2003 (see Attachment 4). This correspondence provides that the proposed development is within the service area for the Lee County Sheriff's Office and that: *"we anticipate that we will receive the reasonable and necessary funding to support growth in demand. We therefore believe that the Lee County Sheriff's Office will be able to serve your project as it builds out."*

Fire Service Impact

The subject parcel is within the Estero Fire District. The Department has reviewed the proposal and provided written comments dated March 20, 2003 (see Attachment 5). The Department provides the following:

"Estero Fire Rescue will begin construction this summer on our Coconut Point Fire Station, located just south of the proposed development. Our current manpower and facilities would be able to serve this site, however, when the Coconut Point Station goes into operation early next year, our capabilities will be enhanced."

SCHOOL IMPACTS

Staff of the School District of Lee County have reviewed the proposal and provided written comments dated July 25, 2003 (see Attachment 6). District staff conclude that "At this time, the existing school classroom inventory is at maximum capacity, so the developer will be required to offset their impact through school impact fees, in accordance with the Impact Fee Ordinance previously adopted by the Lee County Board of County Commissioners." District staff provided the following:

"This amendment could increase the existing number of dwelling units permitted from 612 to 1,020 with bonus densities. As such, the proposed change would impact the Lee County School District, its budget and its planned services in this area. The 1,020 units could generate up to 322 new school aged children in the area, creating the need for 16 new classrooms, or one new elementary school. The difference between the two land use categories would create an additional 408 units over the existing 612 units, creating a minimum of 129 new school aged children and 7 new classrooms. At this time, the existing school classroom inventory is at maximum capacity, so the developer will be required to offset their impact through school impact fees, in accordance with the Impact Fee Ordinance previously adopted by the Lee County Board of County Commissioners."

SOILS

The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified several soil types present on the subject parcel - 14 Valkaria fine sand, 41 Valkaria fine sand depressional, 28 Immokalee sand, 43 Smyrna fine sand, and 53 Myakka fine sand depressional.

All listed soil types are a nearly level, poorly drained soil with smooth to concave slopes ranging between 0 to 2 percent.

ENDANGERED SPECIES

Staff of the Lee County Division of Environmental Sciences have reviewed the request and provided written comments dated January 13, 2004 (see Attachment 7). Environmental Sciences staff have provided that:

"The property consists of pastureland with scattered south Florida slash pine trees and a borrow pit lake. There are approximately 11.80 acres of hydric pasture and 13.53 acres of other surface waters (Wetland and FLUCCS Map Attached). The site was surveyed for Lee County listed species. ES staff have observed an American bald eagle perching on a slash pine, and wading birds foraging. There are no protected species or indigenous preservation requirements that need to be addressed through the proposed plan amendment. Native tree preservation and any listed species issues will be addressed through the zoning and Development of Regional Impact process."

Planning staff notes that the subject area is not within an eagle protection zone.

PARKS, RECREATION AND OPEN SPACE

Staff of the Lee County Public Works Department have reviewed the request and provided written comments dated July 15, 2003 (see Attachment 8). This memorandum provides that:

"Assuming the worst case scenario, that the subject property is ultimately developed to the maximum residential density allowed (approximately 1,020 units), it is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be adversely impacted as a result. The Estero Community Park will be under construction in the near future. With the addition of the 65-acre facility, the potential density (1,020 units) of the subject property would be adequately served."

DRAINAGE/SURFACE WATER MANAGEMENT

The application provides the following concerning this issue:

"The property is located in the Estero River watershed. The project will require conceptual and construction approvals from SFWMD and also compliance with the Lee County's Level of Service Policy 70.1.3 for stormwater management facilities. Per the Lee County Concurrency Management Report for inventories and projections (1999/2000 - 2000/2001), no crossings of evacuation routes within the watershed are anticipated to be flooded for more than 24 hours, thus meeting concurrency standards. This amendment will not require any revisions to the surface water management sub-element or to the CIE."

Planning staff has confirmed that the watershed meets concurrency standards using the updated *Lee County Concurrency Management Report* dated December 2003. Natural Resources staff have offered no comments in objection to the proposed amendment.

MASS TRANSIT

Staff from the Lee County Transit Division have reviewed the request and provided the following written comments dated August 1, 2003 (see Attachment 9):

"Contrary to a statement made in the application (Question 2e, Goal 5, Policy 5.1.3) Lee Tran does not operate a bus route on this portion of US 41 or on Williams Road. The current nearest bus route is 1.6 miles from the subject property. However, Lee County and the city of Bonita Springs are working on a proposal for service in the city which would include AM and PM peak hour trips up to Estero and San Carlos Park. This service would travel US 41 directly past the subject property and would begin on October 1, 2003."

"To enhance on the multi-modal features of this mixed-use development, Lee Tran requests consideration of designing a bus stop on US 41 into the project plans. The stop should include pedestrian and bicycle access from the development to the bus stop, wheelchair accessibility for ADA compliance, a passenger waiting shelter, and a pull off lane for the bus to stay out of traffic when boarding or alighting passengers."

Planning staff has confirmed with Transit Division staff that the proposed service scheduled to begin on October 1, 2003 has been under continued discussions and that the service is in fact scheduled to begin on March 22, 2004.

UTILITIES

The applicant has provided an analysis regarding potable water and sanitary sewer. At the time the current application was submitted, the subject area was within the Gulf Environmental Services Franchise area. As of July 2003, Lee County Utilities has acquired the Gulf Environmental Services Franchise area.

Staff from the Utilities Division have reviewed the request and provided comments dated December 19, 2003 (see Attachment 10). Regarding sanitary sewer and potable water service, Utilities staff have provided that the property is located within Lee County Utilities' service area. The letter continues that: *"However, in order to provide service to this proposed project developer funded system enhancements such as line extensions may be required. Availability of potable water and sanitary sewer service is contingent upon Lee County Board of County Commissioners' final acceptance of these developer funded*

system enhancements and is subject to available capacity at the time connection to Lee County Utilities' facilities is completed. Upon completion and final acceptance of this project, potable water service will be provided through Lee County Utilities' Pinewood Water Treatment Plant. Sanitary sewer service will be provided through Lee County Utilities' Three Oaks Waste-water Treatment Plant."

SOLID WASTE

Staff from the Lee County Division of Solid Waste have provided written comments to the applicant, dated October 1, 2003, concerning the proposal (see Attachment 1). The memo provides the following:

"The Lee County Solid Waste Division is capable of providing solid waste collection service for the commercial and residential units proposed for North Point through our franchised hauling contractors. Disposal of the solid waste from this development will be accomplished at the Lee County Resource recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities."

"The Solid Waste Ordinance (00-22, section 17) has requirements for providing on-site space for placement and servicing of commercial solid waste containers. Please review these requirements when planning the development at North Point."

COASTAL ISSUES

The subject property is not located in the "Coastal Planning Area" as defined by the Lee Plan. The Federal Emergency Management Agency's Flood Insurance Rate Map shows the subject parcel in a "B" flood zone, having no special flood hazard areas. The 1991 "Hurricane Storm Tide Atlas for Lee County," prepared by the Southwest Florida Regional Planning Council (SWFRPC), shows that the subject property is located within the Category 3 storm surge zone. The proposed development will not be increasing density in the Coastal High Hazard Area as delineated by the Southwest Florida Regional Planning Council.

B. CONCLUSIONS

The proposed amendment is consistent with Policy 1.1.4, the Urban Community future land use descriptor policy. The intent of the applicant is to develop commercial office and retail uses as well as residential uses on the site which are compatible with the surrounding uses. The subject parcel is located between the Urban Community future land use category to the north and the south and is consistent with the existing commercial development to the north and the future mixed use development approved as the Simon Suncoast MPD/DRI to the south, east of US 41. The proposed commercial intensities and residential density is allowed in the "Urban Community" land use category. If the amendment is approved the allowable density would increase from 6 du/acre to 10 du/acre with bonus density, an increase of 408 permissible units. The increase in the population accommodation capacity of the FLUM is insignificant.

Although the proposed amendment is consistent with the Urban Community future land use category and the surrounding area and uses, staff has an outstanding issue with the proposal. Staff has concluded that adequate infrastructure is in place to provide the necessary services to accommodate the requested land use change with the exception of one roadway segment on US 41. This road segment on US 41 is located between Koreshan Boulevard and San Carlos Boulevard. Approval of this request would result in the intensification of uses on the subject property. Staff finds that the request would create a situation where an already failing link would be exacerbated by the increased project intensity. Staff is unable to support the adoption of a proposed amendment that makes a failing roadway link worse. Staff is, however, willing

to recommend transmittal of the amendment at this time. Transmittal will allow the DRI to continue through the review process and should allow sufficient time for the applicant to address possible solutions for the failing link.

C. STAFF RECOMMENDATION

At this time planning staff **recommends transmittal** of the applicant's request to amend Map 1, the Future Land Use Map, to change the future land use designation of the subject area from the "Suburban" land use category to the "Urban Community" land use category. At this time, however, staff would **not recommend adoption** of the request given the 2020 Level of Service status of the segment of U.S. 41 running from Koreshan Boulevard to San Carlos Boulevard.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: January 26, 2004

A. LOCAL PLANNING AGENCY REVIEW

Planning staff provided a summary of the proposed plan amendment. Staff recommended transmittal of the proposed amendment based on several factors but stated staff could not recommend adoption of the proposed amendment at this time. Staff explained that as part of the application materials the applicant has provided a traffic study. The study states that most road segments in the study area operate at or better than the level of service standard in 2020 with and without the project. The study also points out that the segment of U.S. 41 between Koreshan Boulevard and San Carlos Boulevard exceeds the level of service standard with and without the project. Staff concurred with the applicants findings. Staff recommended transmittal of the proposed amendment in order to allow the DRI to continue through the review process, however, staff would not recommend adoption of the request at this time. Staff concluded that approval of the request would result in the intensification of uses on an already failing link. Staff found that transmitting the amendment would allow the applicant sufficient time to address possible solutions for the failing link.

One member of the LPA asked what would need to take place before staff would recommend adoption. Staff stated their willingness to work with the applicant to improve the situation. Another member asked if most of the transportation issues could be addressed through the DRI process. Staff stated that as planners they could not recommend adoption when the proposal would intensify the situation where there is a failing link, however the statutes allow a plan amendment to be tracked along with a DRI review and staff wants to keep the process moving and hopefully work towards a solution. Staff explained that this had been done with the Coconut Point plan amendment. Another member asked if once the traffic issues related to the Coconut Point amendment were alleviated whether that would circumvent the problems with this project. Staff stated that Coconut Point did make improvement commitments and has provided a proportionate share as part of an adopted policy in the comprehensive plan but staff has not yet conducted a 2020 analysis with the improvements plugged in. Staff found that there was an opportunity to evaluate whether or not some other improvement may relieve the particular segment involving the proposed project.

The applicant's representative then provided a summary of the amendment, giving their justification for approval of the amendment. The representative noted that DRI's have historically paid more than impact fees and that the 2020 financially feasible plan did not include that incremental amount that DRI's pay. The representative stated that there ends up being more improvements to the road network than was anticipated as they go through the planning process. The applicant stated that they were in agreement with staff's recommendation to transmit and felt that by the time this item is brought back all of the outstanding issues would be resolved.

One member of the LPA requested that language be added to the last sentence of the recommendation stating "staff does not recommend adoption pending further review of traffic issues." Another member asked if the DRI was expected to be approved before adoption of the plan amendment. Staff explained that both the amendment and the DRI would be scheduled on the same day and that depending on the outcome of the plan amendment proposal, some changes may be required in the DRI.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommended that the Board of County Commissioners transmit this proposed amendment with the addition of the following statement to staff's recommendation: Staff does not recommend adoption pending further review of traffic issues.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	<u>AYE</u>
MATT BIXLER	<u>AYE</u>
DEREK BURR	<u>AYE</u>
DAN DELISI	<u>ABSENT</u>
ROBERT PRITT	<u>ABSENT</u>
RONALD INGE	<u>AYE</u>

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: March 9, 2004

A. BOARD REVIEW: Planning staff provided a brief summary of the proposed plan amendment. Staff clarified that the proposed amendment is being reviewed concurrent with the DRI review and that it is expected that the outstanding issue involving intersection improvements will be resolved prior to the zoning and DRI hearing. Staff clarified to the Board that the Estero Community Planning Panel (ECPP) would have the opportunity to offer input at the DRI development order stage if they were parties of record at that time.

The applicant's representative then explained that the developer has met with the (ECPP) and that additional meetings are planned. The representative commented that the staff report dealt comprehensively with the consistency of the request.

A motion was called and carried to transmit the proposed amendment, including the LPA recommendation.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed plan amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff and the LPA .

C. VOTE:

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>ABSENT</u>

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: _____

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**
- B. STAFF RESPONSE**

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

RAY JUDAH

BOB JANES

DOUG ST. CERNY

[Home](#)

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Ray Eubanks

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BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941) 479-8585

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 22, 2004

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: Amendment to the Lee Plan
Transmittal Submission Package for CPA 2003-04

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163.3187(1)(b) and of 9J-11.006, this submission package constitutes the transmittal package for an amendment to the Lee Plan known as CPA 2003-04. The proposed amendment is one of the exemptions to the twice per calendar year limitation on the adoption of comprehensive plan amendments, due to the fact that it is directly related to a proposed Development of Regional Impact, the North Point DRI. Per 9J-11.006(1)(a)7.a., a copy of the transmittal letter to the Southwest Florida Regional Planning Council applying for DRI development approval is attached to this correspondence. To date, the Division of Planning has not received names or addresses, per F.S. 163.3184(7) and (15), allowing a courtesy informational statement to interested citizens.

The Local Planning Agency public hearing for this plan amendment was held on January 26, 2004, and the Board of County Commissioners hearing for transmittal of the plan amendment was held on March 9, 2004. Per 9J-11.006(1)(a)(3), Lee County is requesting that the Department review the proposed amendments and provide an Objections, Recommendations, and Comments (ORC) Report. The proposed amendment is not applicable to an area of critical state concern. The Board of County Commissioners has stated its intent to hold an adoption hearing at the same time as the hearing for Application for Development Approval for the DRI.

The subject plan amendment is a privately-initiated request to amend the Future Land Use Map series, Map 1, the Future Land Use Map, for a 102 +/- acre parcel of land located in Section 33, Township 46 South, and Range 25 East to change the Future Land Use classification from Suburban to "Urban Community." The potential commercial intensity for the subject property will be increased if the amendment is adopted.

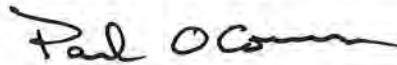
A summary of the plan amendment content and effect is attached to this letter. For clarity, the staff report for the proposed amendment complete with the applicant's submittal, staff evaluation, analysis and recommendations, Local Planning Agency recommendations and local governing body actions are being transmitted. The attached staff report and applicant's submittal materials contain all of the information required for Future Land Use Map amendments outlined in 9J-11.006(1)(b)1 through 5.

The name, title, address, telephone number and facsimile number of the person for the local government who is most familiar with the proposed amendment is as follows:

Mr. Paul O'Connor, AICP
Lee County Planning Division Director
P.O. Box 398
Fort Myers, Florida 33902-0398
(941)479-8585
Fax (941)479-8319
Email: oconnops@leegov.com

Included with this package, per 9J-11.006, are three copies of the proposed amendment, and supporting data and analysis. By copy of this letter and its attachments I certify that these amendments have been sent to the Regional Planning Council, the Florida Department of Transportation (FDOT), the Department of Environmental Protection, Florida Department of State, Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, Division of Forestry, and the South Florida Water Management District.

Sincerely,
DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning



Paul O'Connor, AICP
Director

All documents and reports attendant to this adoption are being sent, by copy of this cover, to:

David Burr
Interim Director
Southwest Florida Regional Planning Council

Mike Rippe, District Director
FDOT District One

Executive Director
South Florida Water Management District

Plan Review Section
Department of Environmental Protection

Florida Department of State

Florida Fish and Wildlife Conservation Commission

The Department of Agriculture and Consumer Services, Division of Forestry

May 13, 2003

Mr. Daniel L. Trescott
DRI Coordinator Southwest Florida Regional Planning Council
4980 Bayline Drive, 4th Floor
North Fort Myers, Florida 33917-3909

Re: Northpoint Lake, LLC
North Point Development of Regional Impact

Dear Mr. Trescott:

On behalf of Northpoint Lake, LLC, and the Consultant Team, Barraco and Associates, Inc. is pleased to submit twenty-two (22) copies of the Development of Regional Impact Application for Development Approval (DRI-ADA) for Northpoint. By copy of this letter, we are also submitting twelve copies of the DRI-ADA submittal to Lee County.

Also enclosed with this submittal is one copy the Comprehensive Plan Amendment submittal package in entirety, per your request, as submitted to the Lee County Planning Department today.

If you should have any questions or require additional information, please contact me at 239-461-3170.

Very truly yours,

BARRACO AND ASSOCIATES, INC.



Daniel L. DeLisi
Vice-President of Planning

DLD/ad
21786

RECEIVED
MAR 19 2004
COMMUNITY DEVELOPMENT

CPA2003-04 North Point DRI

SUMMARY OF PLAN AMENDMENT CONTENT AND EFFECT

CPA2003-04

Amend the Future Land Use Map series for an approximate $\pm$ 102 acre portion of land located in Section 33, Township 46 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from "Suburban" to "Urban Community." This property is located in the Estero planning community to the south of Corkscrew Road, north of Williams Road, and east of US 41.



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

THADDEUS L. COHEN, AIA
Secretary

May 28, 2004

The Honorable John Albion
Chairman, Lee County Board of County Commission
P. O. Box 398
Fort Myers, Florida 33901

Dear Chairman Albion:

The Department has completed the review of the proposed amendment for Lee County (DCA No. 04-D1), which was received on March 25, 2004. Within the next 60 days, Lee County should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. We have also included a copy of local, regional and state agency comments for your consideration. For your assistance, our report outlines procedures for final adoption and transmittal.

The proposed Amendment (DCA No. 04-D1) involves a change to the Future Land Use Map in order to accommodate a development of regional impact. The Department has reviewed the proposed amendment for consistency with Rule 9J-5, Florida Administrative Code (F.A.C.), Chapter 163, Part II, Florida Statutes (F.S.), and the adopted Lee County Comprehensive Plan. The Department raises no objections to the proposed amendment, and this letter serves as the Department's Objections, Recommendations, and Comments Report.

Please feel free to call Bernard O. Piawah, Principal Planner, at 850-922-1810, if you have any questions.

Sincerely yours,

Charles Gauthier, AICP
Chief, Comprehensive Planning

CG/bp

Enclosures: Review Agency Comments

CC: Mr. David Burr, Executive Director, Southwest Florida Regional Planning Council
Mr. Paul O'Connor, AICP, Director, Lee County Planning Department

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
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

TRANSMITTAL PROCEDURES

Upon receipt of this letter, Lee County has 60 days in which to adopt, adopt with changes, or determine not to adopt the proposed comprehensive plan amendment. The process for adoption of local comprehensive plan is outlined in Section 163.3184, F.S., and Rule 9J-11.011, F.A.C.

Within ten working days of the date of adoption, the County must submit the following to the Department:

- Three copies of the adopted comprehensive plan amendment;
- A copy of the adoption ordinance;
- A listing of additional changes not previously reviewed;
- A listing of findings by the local governing body, if any, which were not included in the ordinance; and
- A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the plan, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted plan directly to the Executive Director of the Southwest Florida Regional Planning Council.

Please be advised that the Florida Legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted amendment. As discussed in our letter sent to you on May 25, 2001, outlining the changes to Section 163.3184(8)(b), F.S., which were effective July 1, 2001, and providing a model sign-in information sheet, ***please provide these required names and addresses to the Department when you transmit your adopted plan for compliance review.*** For efficiency, we encourage that the information sheet be provided in electronic format.

EXTERNAL AGENCY
COMMENTS/CITIZEN COMMENTS

- A. Receipt of Comments from External Review Agencies pursuant to F.S. 163.3184(4)
- B. Citizen Comments

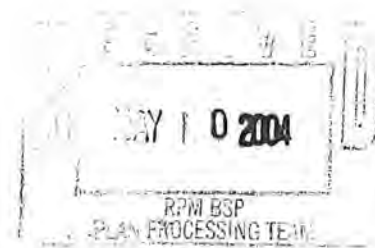


SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

GOV 08-16

May 7, 2004



9 MM
5/10/04

Ray Eubanks, Administrator
Plan Review and Processing
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Dear Mr. Eubanks:

**Subject: Proposed Amendment Comments
Lee County, DCA# 04-D1**

The South Florida Water Management District staff has completed its review of the subject document and we have no adverse comments. If you have any questions or require additional information, please contact Henry Bittaker, Senior Planner, at (561) 682-6792.

Sincerely,

P.K. Sharma, AICP
Lead Planner
Planning & Development Division
Water Supply Department

PKS/nk

c: David Burr, SWFRPC
Paul O'Connor, Lee County
Mike McDaniel, DCA

GOVERNING BOARD

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Kevin McCarty
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Trudi K. Williams, P.E.

EXECUTIVE OFFICE

Henry Dean, *Executive Director*



Department of Environmental Protection

Jeb Bush
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard, MS 47
Tallahassee, Florida 32399-3000

Colleen M. Castille
Secretary

May 6, 2004

9 MM
5/6/04

Mr. D. Ray Eubanks
Plan Review and DRI Processing Team
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: Lee County 04D1, Comprehensive Plan Amendment Comments

Dear Mr. Eubanks:

The Office of Intergovernmental Programs has reviewed the proposed Comprehensive Plan Amendments under the procedures of Chapter 163, *Florida Statutes (F.S.)*, and Chapters 9J-5 and 9J-11, *Florida Administrative Code (F.A.C.)*, and we offer the following comments and recommendations for the proposed amendments:

North Point DRI

The proposed amendment would change the Future Land Use designation for 102-acres of land from Suburban to Urban Community. Urban Community Land Use designation enables the development to have community or regional levels of retail commercial development, a bonus density for affordable housing (up to 10 dwelling units per acres), and limited light industrial uses.

Comments:

The proposed amendment site contains several disturbed wetlands, and is underlain by poorly drained soils (EauGallie Sand; Valkaria Fine Sand; Immokalee Sand; Valkaria Fine Sand, depressional; Smyrna Fine Sand; Myakka Fine Sand, depressional). The best data available to the Department indicates that the proposed location has a high recharge rate to the Surficial Aquifer (200-226 on the DRASTIC Index). In addition, the site drains to the nearby Estero Bay Tributary, which is part of the Estero Bay system – designated as Outstanding Florida Waters (OFW) and Special Waters, under subsection 62-302.700(9)(f)(h), *F.A.C.*

Recommendations:

Because the site is underlain by poorly drained soils, has a high recharge rate to the Surficial Aquifer, and drains to the Estero Bay OFW, the Department has concerns regarding the proposed intensity/density of use. OFWs are afforded a high level of protection under sections 62-4.242(2) and 62-302.700, *F.A.C.* The Department recommends that the proposed development be

Ray Eubanks
May 6, 2004
Page 2

designed to prevent water quality degradation of the (downstream) receiving waters in the OFW. We recommend that the project applicant(s) consider a full range of planning strategies to limit impervious surfaces and buffer wetland areas to protect groundwater and nearby surface water resources.

As to the proposed impacts to onsite wetlands, the Department emphasizes avoidance and minimization of wetlands impacts prior to the consideration of mitigation in accordance with the requirements of Section 4.2.1 of the SFWMD Basis of Review for ERP applications.

Thank you for the opportunity to comment on these proposals. If I may be of further assistance, please call me at (850) 245-2169.

Sincerely,

SED

Sarah Daugherty
Environmental Specialist
Office of Intergovernmental Programs

/sed



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF HISTORICAL RESOURCES



April 15, 2004

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

9 MM
4/20/04

Re: Historic Preservation Review of the Lee County (04D1) Comprehensive Plan Amendment Request

Dear Mr. Eubanks:

According to this agency's responsibilities under sections 163.3177 and 163.3178, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources have been given sufficient consideration in the request to amend the Lee County Comprehensive Plan.

We reviewed one proposed amendment to the Future Land Use Map to consider the potential effects of this action on historic resources. While our cursory review suggests that the proposed change should have no adverse effects on historic resources, it is the county's responsibility to ensure that the proposed revision will not have an adverse effect on significant archaeological or historic resources in Lee County.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

Laura A. Kammerer, Supervisor

for Frederick Gaske, Acting Director

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office
(850) 245-6300 • FAX: 245-6435

☐ Archaeological Research
(850) 245-6444 • FAX: 245-6436

☒ Historic Preservation
(850) 245-6333 • FAX: 245-6437

☐ Historical Museums
(850) 245-6400 • FAX: 245-6433

☐ Palm Beach Regional Office
(561) 279-1475 • FAX: 279-1476

☐ St. Augustine Regional Office
(904) 825-5045 • FAX: 825-5044

☐ Tampa Regional Office
(813) 272-3843 • FAX: 272-2340



Bernard Piawah

04/14/2004 04:25 PM

To: Ray Eubanks/DCA/FLEOC@fleoc
cc:
Subject: Lee County CPA - DCA 04D1

— Forwarded by Bernard Piawah/DCA/FLEOC on 04/14/2004 04:28 PM —

Mike McDaniel

04/14/2004 04:19 PM

To: Bernard Piawah/DCA/FLEOC@fleoc
cc:
Subject: Lee County CPA - DCA 04D1

FYI

— Forwarded by Mike McDaniel/DCA/FLEOC on 04/14/2004 04:22 PM —



john.czerepak@dot.state.fl.us

04/14/2004 03:48 PM

To: Mike.McDaniel@dca.state.fl.us
cc:
Subject: Lee County CPA - DCA 04D1

Mike,

Per your request I have reviewed the above Lee County Comp Amendment package. My comments are as follows:

CPA 2003-04 "North Point Lake DRI"

This is an amendment to change the land use designation of a 102 acre site located on the northeast corner of US 41 and Williams Road from "Suburban" to "Urban Community" in conjunction with the North Point Lake DRI. This DRI is proposed for, 550,000 square feet of retail, 120,000 square feet of Office, 150 Hotel Rooms and 150 Multi-family units. I have reviewed the SWFRPC staff recommendations with regard to the Systems level Transportation impacts and concur that they adequately address FDOT concerns with regard to systems level impacts. In addition this projects access to US 41 will be will be subject to the FDOT permitting process as described in Rule 14-96 FAC. Access related improvements necessary to mitigate the impacts of such access may be required as a condition of the access permit.

John

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

9 M M
4/15/04



Southwest Florida Regional Planning Council

4980 Bayline Drive, 4th Floor, N. Ft. Myers, FL 33917-3909 (239) 656-7720

P.O. Box 3455, N. Ft. Myers, FL 33918-3455 SUNCOM 749-7720

FAX (239) 656-7724

March 31, 2004

Mr. Mike McDaniel
Community Program Administrator
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

9 MM
4/8/04



Re: Lee County/DCA 04-D1

Dear Mr. McDaniel:

Staff of the Southwest Florida Regional Planning Council reviewed the proposed amendment (CPA 2003-04; DCA 04-D1) to the Lee County Comprehensive Plan. The review was performed according to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

The Council will review the proposed amendments at its April 15, 2004 meeting. Staff recommends that the Council approve its recommendation as found in the official staff report. A copy of the official staff report is attached. If the Council's action differs from staff recommendation, we will notify you.

Sincerely,
Southwest Florida Regional Planning Council

David Y. Burr
Executive Director

DYB/DEC
Attachment

Cc: Paul O'Connor, AICP, Director, Lee County



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Recycled Paper

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
LEE COUNTY**

The Council staff has reviewed a proposed amendment to the Lee County Comprehensive Plan (DCA 04-D1). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. A location map is provided as Attachment III.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than the county threshold for a development of regional impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			<u>Consistent</u>
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	
DCA 04-D1	yes	yes	yes	yes; DRI regionally significant

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and Lee County.

**LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND
DEVELOPMENT REGULATION ACT**

Local Government Comprehensive Plans

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;
A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e. g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda
Collier County, Everglades City, Marco Island, Naples
Glades County, Moore Haven
Hendry County, Clewiston, LaBelle
Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel
Sarasota County, Longboat Key, North Port, Sarasota, Venice

Comprehensive Plan Amendments

A local government may amend its plan twice a year. (Amendments related to developments of regional impact, certain small developments, compliance agreements, and the Job Siting Act are not restricted by this limitation.) Six copies of the amendment are sent to the Department of Community Affairs for review. A copy is also sent to the regional planning council, the water management district, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

[s. 163.3184(3)(a)]

The proposed amendment will be reviewed by DCA in two situations. In the first, there must be a written request to DCA. The request for review must be received within forty-five days after transmittal of the proposed amendment. [s. 163.3184(6)(a)] Review can be requested by one of the following:

- the local government that transmits the amendment,
- the regional planning council, or
- an affected person.

In the second situation, DCA can decide to review the proposed amendment without a request. In that case, DCA must give notice within thirty days of transmittal.

[(s. 163.3184(6)(b))]

Within five working days after deciding to conduct a review, DCA must forward copies to various reviewing agencies, including the regional planning council. [s. 163.3184(4)]

Regional Planning Council Review

The regional planning council must submit its comments in writing within thirty days of receipt of the proposed amendment from DCA. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the regional planning council must be limited to "effects on regional resources or facilities identified in the strategic regional policy plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government."

[s. 163.3184(5)]

After receipt of comments from the regional planning council and other reviewing agencies, DCA has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DCA transmits its written comments to the local government.

NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) AND THE RULE (9J-11, FAC) FOR DETAILS.

Agenda Item 3(b)1
Attachment II

square feet of commercial retail uses. This estimate was based on the County's site location standards and the current accessibility of the parcels. The Suburban land use policy states that commercial development greater than neighborhood centers are not permitted in this designation and limits the amount of commercial retail land uses to 100,000 square feet. Therefore, if the 102-acre site were unified under a planned development zoning, retail development would be limited to a neighborhood center limit. The Suburban land use designation would then only allow much less commercial development than desired by the applicant and thereby the reason for the requested amendment.

The subject site is currently designated Suburban on the FLUM. The surrounding properties are designated Urban Community to the north, Suburban and Public Facilities to the east, Suburban to the west, and Urban Community to the south. The Urban Community future land use category, east of US 41 and to the south of the subject site, extends south to the City of Bonita Springs. The Urban Community future land use category, east of US 41 and to the north of the subject site, extends north to Briar cliff Road before reaching the more intense future urban designations of Ft. Myers. There is a small portion of this corridor designated Suburban just to the south of Koreshan Boulevard (Estero Parkway). If the proposed amendment is approved, the Urban Community designation would continue to be the predominant land use designation located on the east side of US 41.

According to County staff, the proposed amendment is consistent with the Urban Community designation for the following reasons:

- The proposed land use designation connects the future and use category from the north to the south;
- The urban services have adequate capacity to provide the necessary services to accommodate the proposed amendment;
- Both commercial and residential developments are listed as predominant land uses in the Urban Community designation. The applicant is proposing in the DRI Application for Development Approval commercial retail and office uses as well as 150 dwelling units;
- The residential density proposed in the amendment is consistent with the standard density of the Urban Community future land use designation; and
- The retail commercial uses will be required to be consistent with the Lee County commercial location standards specified under Goal 6 of the Lee Plan.

The site subject to the proposed amendment is located within the Estero Planning Community. In this community there are 1,399 acres allocated for commercial uses under the Lee Plan. Recent County data indicates that 197.32 acres of land within this community are currently developed with commercial uses, leaving a surplus of 1201.68 acres that could be developed with commercial uses in this area before the year 2020.

**Agenda Item 3(b)1
Attachment II**

Economic Development Element - Livable Communities

Goal 3: **A stable regional economy based on a continuing excellent quality of life.**

Strategy: Maintain and improve the natural, historic, cultural, and tourist-related resources as primary regional economic assets.

Action 3: Review proposed development to require that natural and other resources of regional significance are maintained, enhanced, restored, or re-created, as appropriate.

Strategy: Enhance existing commercial, service, and industrial centers through adequate maintenance and reinvestment.

Action 1: Maintain an inventory of public infrastructure and recommended improvements.

Action 3: Review proposed development to maximize the use, rehabilitation, and reuse of existing infrastructure.

Economic Development Element - Marketing

Goal 5: **Increase tourism and business relocation.**

Strategy: Promote both internal and inter-regional tourism.

Action 1: Encourage increased regional tourism and promotion by local interests in the area.

Action 2: Advocate tourism between this and other regions and protect inter-regional tourism resources.

Economic Development Element – Economic Infrastructure

Goal 1: **A well-maintained social, health, and educational infrastructure to support business and industry.**

Strategy: Maintain the physical infrastructure to meet growth demands.

Action 2: Assist local governments and state agencies in planning for future support service facilities, before the need arises.

Agenda Item 3(b)1

**Maps
Attachment III**

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4/18/04

D46

Agenda Item 4(b)(1)

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
LEE COUNTY**

The Council staff has reviewed a proposed amendment to the Lee County Comprehensive Plan (DCA 04-D1). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. A location map is provided as Attachment III.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

- 1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
- 2. Magnitude--equal to or greater than the county threshold for a development of regional impact of the same type (a DRI-related amendment is considered regionally significant); and
- 3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

Proposed Amendment	Factors of Regional Significance			Consistent
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	
DCA 04-D1	yes	yes	yes	yes; DRI regionally significant

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and Lee County.

**LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND
DEVELOPMENT REGULATION ACT**

Local Government Comprehensive Plans

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;
A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e. g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda
Collier County, Everglades City, Marco Island, Naples
Glades County, Moore Haven
Hendry County, Clewiston, LaBelle
Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel
Sarasota County, Longboat Key, North Port, Sarasota, Venice

SWFRPC COMMENTS
Lee County Comprehensive Plan Amendments

Proposed Amendment (CPA 2003-04 / DCA 04-D1)

CPA 2003-04 is an applicant submitted request that, if approved, would amend the Lee County Comprehensive Plan Future Land Use Map (FLUM). The applicant is proposing to construct a mixed use project containing commercial and residential development. As proposed, the project will contain development consisting of 550,000 square feet of retail shops, 120,000 square feet of office space, a 150 room hotel and 150 multi-family residential dwelling units.

The subject site is located on the northeast quadrant of the intersection of US 41 and Williams Road. It is bounded on the north by the Corkscrew Village Shopping Center, the South Estero Commercial Center and Corkscrew Road, on the south by the Williams Road and Coconut Point DRI, on the west by US 41 and on the east by the ACL Railroad right-of-way. The site contains approximately 102± acres and is currently vacant with a large excavation lake generally located near the center of the property. The ownership of the property is under five different entities.

In order to facilitate the proposed development, the applicant, North Point Lake, LLC, a Florida Corporation, is specifically requesting a change of land use designation on the FLUM from Suburban to Urban Community. The application notes that the subject site fills in an area that is a gap in the surrounding Urban Community land use designation that extends along the eastern side of US 41.

Regional Significance and Consistency

According to the County staff report, the proposed change from Suburban to Urban Community would allow a density increase from 6 units per acre with no Bonus Densities allowed to 6 dwelling units per acre with up to 10 dwelling units per acre with Bonus Densities. The existing land use designation on the property would allow approximately 612 dwelling units, while the proposed Urban Community designation would allow approximately 1,020 dwelling units on the subject site. The proposed amendment could increase the permissible number of dwelling units on the site by approximately 408 units. Based on the calculated number of units allowed, it was estimated that the proposed project will result in an increase of 852 persons (1.020 du x 2.09 persons / du – 612 du x 2.09 persons / du). Council staff agrees with the County's conclusion that this increase in population with respect to the overall population accommodation capacity of the FLUM is insignificant when viewed in the county wide accommodation capacity.

With respect to the commercial aspects of the proposed development, under the existing Suburban land use designation and calculated as the nine separate parcels that currently exists, it was estimated by County staff that the land area could be developed with approximately 320,000

Agenda Item 4(b)(1)
Attachment II

There are 327 acres of land allocated for residential uses in the Urban Community land use designation in this community. Recent County information indicates that 267 acres of Urban Community land within this community are currently developed with residential uses, leaving a surplus of 60 acres of Urban Community land available for development before the year 2020. The applicant has stated that the 150 proposed residential dwelling units will be located on approximately 24 acres of land.

Based on the above information, it appears to Council staff that the proposed amendment, if approved, would result in development that will be consistent with the acreage allocations found in the Lee Plan. Council staff agrees with the County staff that Goal 19, Estero, and its subsequent Objectives and Policies are not contradicted by the proposed amendment goals. Council staff would also support the County staff statement that 19, which describe Estero's community vision for the future, will be reviewed as part of the DRI, Master Planned Development and Master Concept Plan application review processes. These detailed reviews will assure that the development itself will comply with the community's vision.

Because of the previously mentioned reasons, Council staff finds that the amendment as identified in the proposed County amendment to promote sound planning coordination with the changes providing a continuous planning process between the agencies responsible for the future of one of the most important infrastructure resources in the region and therefore recommends approval of the requested FLUMA amendment. Council staff also finds this amendment to be regionally significant and consistent with and supported by the Strategic Regional Policy Plan, July 4, 2002:

Economic Development Element – Economic Infrastructure

Goal 1: **A well-maintained social, health, and educational infrastructure to support business and industry.**

Strategy: Maintain the physical infrastructure to meet growth demands.

Action 2: Assist local governments and state agencies in planning for future support service facilities, before the need arises.

Action 3: Review proposed public facilities to ensure their location in urban areas that have in place, or are covered by binding agreements to provide, the resources and facilities for desired growth in an environmentally acceptable manner.

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Attachment II

Action 3: Review proposed public facilities to ensure their location in urban areas that have in place, or are covered by binding agreements to provide, the resources and facilities for desired growth in an environmentally acceptable manner.

Conclusion

Council staff finds that the proposed amendment requested is regionally significant since it is the subject of a DRI review and recommends that the Council approve the requests, approve Council staff comments and find that the requests are consistent with the Strategic Regional Policy Plan, July 4, 2002.

Agenda Item 4(b)(1)

**Maps
Attachment III**



LEE COUNTY

SOUTHWEST FLORIDA

DIVISION OF PLANNING

MEMORANDUM

To: Board of County Commissioners
From: *Amendments for*
Paul O'Connor, AICP
Subject: CPA 2003-04 North Point DRI Lee Plan Amendment
Date: September 8, 2004

Attached is the Agenda, Staff Report and Supporting Data for the DRI Lee Plan Amendment Adoption Hearing. The hearing will be held on September 20, 2004 starting at 9:30 A.M. in the chambers. The hearing is for the North Point DRI related amendment staff is recommending for adoption.

If you have any questions regarding either of these amendments, please feel free to call me at 479-8309.

cc: Mary Gibbs, AICP, Director of Community Development
Tim Jones, Assistant County Attorney
Lisa Pierce, Minutes
Lee Cares
Planning File

**Comprehensive Plan Adoption Hearing
(North Point DRI)
September 20, 2004
9:30 a.m.
AGENDA**

1. **Call to order; certification of Affidavit of Publication by County Attorney**
2. **DRI related Lee Plan Amendment proposed for adoption by the Board of County Commissioners:**
 - A. **CPA 2003-04 - North Point DRI - Amend the Future Land Use Map series for 102± acres of land located in Section 33, Township 46 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from "Suburban" to "Urban Community." Sponsor: North Point Lake, L.L.C.**
 - B. **Public Comment**
 - C. **Adopt the Following Ordinance which adopts the proposed DRI related Lee Plan Amendment:**

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT THAT AMENDMENT KNOWN LOCALLY AS CPA 2003-04 APPROVED IN CONJUNCTION WITH ADOPTION OF THE DEVELOPMENT OF REGIONAL IMPACT APPLICATION (DRI2003-00002) NORTH POINT; PROVIDING FOR AMENDMENTS TO THE ADOPTED FUTURE LAND USE CLASSIFICATION AND MAP (MAP 1); PROVIDING FOR PURPOSE AND SHORT TITLE; PROVIDING FOR ADOPTION OF THE SPECIFIED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL EFFECT OF "THE LEE PLAN"; PROVIDING FOR GEOGRAPHICAL APPLICABILITY; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

3. **Adjourn**

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, 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.

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT THAT AMENDMENT KNOWN LOCALLY AS CPA 2003-04 APPROVED IN CONJUNCTION WITH ADOPTION OF THE DEVELOPMENT OF REGIONAL IMPACT APPLICATION (DRI2003-00002) NORTH POINT; PROVIDING FOR AMENDMENTS TO THE ADOPTED FUTURE LAND USE CLASSIFICATION AND MAP (MAP 1); PROVIDING FOR PURPOSE AND SHORT TITLE; PROVIDING FOR ADOPTION OF THE SPECIFIED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL EFFECT OF "THE LEE PLAN"; PROVIDING FOR GEOGRAPHICAL APPLICABILITY; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan (hereinafter referred to as the "Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of Plan Amendments with such frequency as may be permitted by applicable state statutes, in accordance with such administrative procedures as the Board of County Commissioners may adopt; and,

WHEREAS, the Lee County Board of County Commissioners, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 further provides an opportunity for individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (hereinafter referred to as the "LPA") held statutorily prescribed public hearings pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6 on January 26, 2004, and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6, held a statutorily prescribed public hearing for the transmittal of the proposed amendments on March 9, 2004, and at that hearing approved a motion to send, and did later send, the proposed amendments to the Florida Department of Community Affairs (hereinafter referred to as "DCA") for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and,

WHEREAS, at the March 9, 2004 meeting, pursuant to Chapter 163, Part II, Florida Statutes, the Board of County Commissioners did announce its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report," which were later received on May 28, 2004, by the Chairman of the Lee County Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners during its statutorily prescribed public hearing for the plan amendment on September 20, 2004, moved to adopt the proposed DRI related amendment as more particularly set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, has conducted a series of public hearings to review the proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Future Land Use Map Series (Map 1) of the Lee Plan discussed at those meetings. The short title and proper reference for the Lee County Comprehensive Plan, as hereby amended, will continue to be the "Lee Plan." This ordinance may be referred to as the "CPA2003-04 North Point Ordinance."

SECTION TWO: ADOPTION OF CPA2003-04 COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment known as CPA 2003-04, which amends the Future Land Use Map series of the Lee Plan by changing the designation of 102± acres from "Suburban" to "Urban Community."

In addition, the above-mentioned Staff Report and Analysis, along with all attachments for this amendment are hereby adopted as "Support Documentation" for the Lee County Comprehensive Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders shall be consistent with the Lee Plan as so amended.

SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in any joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had such unconstitutional provisions not been included therein.

SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this

ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administration Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and, when put to a vote, the vote was as follows:

Robert P. Janes
Douglas St. Cerny
Ray Judah
Andrew Coy
John Albion

DONE AND ADOPTED this 20th Day of September 2004.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
Chairman

DATE: _____

Approved as to form by:

County Attorney's Office

**CPA 2003-04
NORTH POINT LAKE DRI
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Sponsored Application
and Staff Analysis**

BoCC Adoption Document

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

September 7, 2004

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA 2003-04**

☐ Text Amendment ☒ Map Amendment

	This document contains the following reviews:
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board Of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: January 22, 2004

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

NORTH POINT LAKE, LLC c/o FRANK SCARLATI, JR.
REPRESENTED BY DANIEL DELISI, BARRACO AND ASSOCIATES, INC.

2. REQUEST:

CPA2003-04 - North Point Lake - Amend the Future Land Use Map series for an approximate ± 102 acre portion of land located in Section 33, Township 46 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from "Suburban" to "Urban Community."

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. REVISED RECOMMENDATION:

Staff recommends that the Board of County Commissioners adopt this proposed amendment.

2. ORIGINAL RECOMMENDATION:

At this time planning staff **recommends transmittal** of the applicant's request to amend Map 1, the Future Land Use Map, to change the future land use designation of the subject area from the "Suburban" land use category to the "Urban Community" land use category. At this time, however, staff would **not recommend adoption** of the request given the 2020 Level of Service status of the segment of U.S. 41 running from Koreshan Boulevard to San Carlos Boulevard.

3. BASIS AND RECOMMENDED FINDINGS OF FACT:

This comprehensive plan amendment is a DRI amendment directly related to the proposed North Point Development of Regional Impact (DRI).

- The application states that the intent of the application is to amend the Future Land Use designation of the property from Suburban to Urban Community, consistent with the surrounding properties, in order to allow for increased intensity commercial retail uses, allowing for the development of a mixed use commercial and residential center.
- The Urban Community designation would continue the predominant land use designation to the east of US 41 from Briarcliff Road south into the City of Bonita Springs.
- The subject parcel is located between the Urban Community future land use category to the north and the south and is consistent with the existing commercial development to the north and the proposed future mixed use development approved as the Simon Suncoast MPD/DRI to the south.
- Planning staff has reviewed Goal 19, Estero, and have found that the proposed amendment does not contradict the goals of the community.
- There are adequate urban services to provide the necessary services to accommodate the proposed amendment with the exception of one roadway segment on US 41.
- The subject parcel is located outside of the Coastal High Hazard Area and the Coastal Planning Area. The 1991 "Hurricane Storm Tide Atlas for Lee County" shows that the subject property is located within the Category 3 storm surge zone.

C. BACKGROUND INFORMATION

1. EXISTING CONDITIONS

SIZE OF PROPERTY: 102 ± ACRES

PROPERTY LOCATION: The subject property is located to the south of Corkscrew Road, north of Williams Road, and east of US 41.

EXISTING USE OF LAND: Vacant pastureland

CURRENT ZONING: AG-2

CURRENT FUTURE LAND USE CLASSIFICATION: Suburban

2. INFRASTRUCTURE AND SERVICES

WATER & SEWER: The subject property is located within Lee County Utilities area for potable water and sanitary sewer service. The subject property is also located in the future water and sewer service areas for Lee County Utilities.

FIRE: The property is located in the Estero Fire District.

TRANSPORTATION: Access to the property is currently from US 41 and Williams Road.

SOLID WASTE FRANCHISE: Florida Recycling, Inc.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

This comprehensive plan amendment is one of three applications that staff is reviewing pertaining to the proposed North Point Development of Regional Impact (DRI). The other two applications are the DRI application submittal as well as the Mixed Use Planned Development (MPD) zoning application and Master Concept Plan (MCP). This staff report provides staff's review and recommendations concerning the comprehensive plan amendment request.

The applicant, North Point Lake, LLC, a Florida Corporation, is requesting a change of land use designation on the Future Land Use Map from "Suburban" to "Urban Community" for an approximate 102 acre specified area of land. The land is under the ownership of five different entities. The site is located in the north east quadrant of US 41 and Williams Road in Section 33, Township 46 South, Range 25 East. The site is bounded on the west by US 41, on the north by the Corkscrew Village Shopping Center CPD, the South Estero Commercial Center CPD, and Corkscrew Road, on the East by the ACL Railroad right-of-way, and on the South by Williams Road. The area is just north of the recently approved Simon Suncoast MPD/DRI (Coconut Point Mall). If the amendment is approved the allowable density would increase from 6 du/acre with no Bonus Density allowed to 6 du/acre with up to 10du/acre with Bonus Density, an increase of 408 permissible units.

PROJECT SUMMARY

The applicant proposes commercial and residential development consisting of retail, office, hotel, and residential uses. The subject area is currently vacant with a large excavation lake located near the center of the subject area. The application states that the intent of the application is to amend the Future Land Use designation of the property from Suburban to Urban Community, consistent with the surrounding properties, in order to allow for increased intensity of commercial retail uses, allowing for the development of a mixed use commercial and residential center. The application materials also note that the 102 acre area fills in an area that is a gap in the surrounding Urban Community land use category that extends along the eastern side of US 41.

If the amendment is approved the allowable *Maximum Standard Density Range* would remain at 6 du/acre while the *Maximum Total Density* would change from allowing no bonus density to a maximum bonus density of 10 du/acre. The existing designation of Suburban would allow approximately 612 dwelling units in the subject area, while the proposed Urban Community designation would allow approximately 1,020 dwelling units in the subject area.

Currently, under the Suburban future land use category and calculated as the nine separate parcels exist today, staff estimates that the land area could be developed with approximately 320,000 square feet of commercial retail uses. This estimate is based on the site location standards under Goal 6 of the Lee Plan and the current accessibility of the parcels. The Suburban future land use descriptor policy states that commercial development greater than neighborhood centers are not permitted, limiting commercial retail development to 100,000 square feet. Therefore if the 102 acre site were unified under planned development zoning, retail development would be limited to a neighborhood center. Amending the future land use designation to Urban Community would eliminate the neighborhood center limit for retail development on the site.

COMPREHENSIVE PLAN BACKGROUND

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the subject property was part of the "Rural" land use category. Maximum standard density for the "Rural" category was established by the 1984 plan with a standard density range of 1 du/acre. The "Rural" land use category was described as areas that "are to remain predominately rural, that is, low density residential use and minimal non-residential land uses that are needed to serve the rural community."

In 1988 this property was redesignated to the "Suburban" and "Urban Community" land use category. This was the result of recommendations made through the Estero/Corkscrew Road area study. The property was then redesignated as Suburban in 1989 and retains this designation today.

ADJACENT ZONING AND USES

The subject area is zoned AG-2. The surrounding properties are zoned CPD to the north, AG-2, CPD, RPD, and CF-2 to the east, MPD, CPD, and RPD to the west, and MPD to the south. The subject area is surrounded by vacant lands and properties developed with a mix of uses. To the north are commercial retail uses including a gas station, storage facility, and Publix grocery store, to the east vacant land, a golf driving range, the Estero Community Park, and the Estero High School, to the south vacant land included within the Simon Suncoast MPD/DRI, and to the west are vacant lands within the Camargo MPD, the Riverridge RPD, and an assisted living facility.

POPULATION ACCOMMODATION CAPACITY DISCUSSION

The request is to change the Future Land Use Map (FLUM) category of approximately 102 acres from Suburban to Urban Community. The Suburban category standard density permits 6 du/acre. The Urban Community category standard density permits up to 6 du/acre with a Bonus Density of up to 10 du/acre. This means that a maximum of 612 dwelling units could be constructed on the property under the Suburban designation and that 1,020 dwelling units could be constructed on the property under the Urban Community designation. This could result in an increase in the population accommodation capacity of the map by 852 persons (1,020 du's X 2.09 persons per unit - 612 du's X 2.09). Staff concludes that this increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.

CONSISTENCY WITH THE "URBAN COMMUNITY" LAND USE CATEGORY

The applicant is proposing that the subject area's land use designation be amended to Urban Community. The Urban Community areas are described by Policy 1.1.4. Policy 1.1.4 is reproduced below:

***POLICY 1.1.4:** The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)*

The subject area is currently designated Suburban. The surrounding properties are designated Urban Community to the north, Suburban and Public Facilities to the east, Suburban to the west, and Urban Community to the south. The Urban Community future land use category, east of US 41 and to the south of the subject area, extends south to the City of Bonita Springs. The Urban Community future land use category, east of US 41 and to the north of the subject area, extends north to Briarcliff Road before reaching more intense future urban area designations. There is also a small portion of this corridor designated Suburban just to the south of Koreshan Boulevard. If the proposed amendment is approved, the Urban Community designation would continue to be the predominant land use designation to the east of US 41.

The proposed amendment is consistent with the Urban Community designation for the following reasons: the land area connects the future land use category from the north to south; the urban services, as noted, have adequate capacity to provide the necessary services to accommodate the proposed amendment; both commercial and residential development are listed as predominant land uses in the Urban Community category. The applicant is proposing through the DRI application commercial retail and office uses as well as 150 dwelling units. This residential density proposal is consistent with the standard density of the Urban Community future land use category. Retail commercial uses will be required to be consistent with the commercial site location standards specified under Goal 6 of the Lee Plan.

MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)

The subject area is located within the Estero Planning Community. In this community there are 1,399 acres allocated for commercial uses. Recent Planning Division data indicates that 197.32 acres of land within this community are currently developed with commercial uses, leaving a surplus of 1201.68 acres that could be developed with commercial uses in this community before the year 2020.

In this community there are 327 acres allocated for residential uses in the Urban Community land use category. Recent Planning Division data indicates that 267 acres of Urban Community land within this community are currently developed with residential uses, leaving a surplus of 60 acres that could be developed with residential uses in the Urban Community portions of this community before the year 2020. The applicant's representative has clarified that the proposed 150 unit residential portion of the project will be located on approximately 24 acres of land.

CONSISTENCY WITH GOAL 19 "ESTERO"

The Estero Planning Community is described by Goal 19. Goal 19 is reproduced below:

GOAL 19: ESTERO. *To protect the character, natural resources and quality of life in Estero by establishing minimum aesthetic requirements, managing the location and intensity of future commercial and residential uses, and providing greater opportunities for public participation in the land development approval process. This Goal and subsequent objectives and policies apply to the Estero Planning Community as depicted on Map 16. (Added by Ordinance No. 02-05)*

Under Goal 19 the following Objectives and Policy describe commercial and residential land uses in the community.

OBJECTIVE 19.2: COMMERCIAL LAND USES. *Existing and future County regulations, land use interpretations, policies, zoning approvals, and administrative actions must recognize the unique conditions and preferences of the Estero Community to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage, and provide for employment opportunities, while discouraging uses that are not compatible with adjacent uses and have significant adverse impacts on natural resources. (Added by Ordinance No. 02-05)*

POLICY 19.2.2: *All retail uses must be in compliance with the Commercial Site Location Standards. A finding of a "Special Case" must demonstrate a community benefit in addition to the requirements outlined in Policy 6.12(8). (Added by Ordinance No. 02-05)*

POLICY 19.2.6: *Lee County encourages commercial developments within the Estero Planning Community to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including but not limited to bike paths and pedestrian access ways. (Added by Ordinance No. 02-05)*

OBJECTIVE 19.3: RESIDENTIAL USES. *Lee County must protect and enhance the residential character of the Estero Planning Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements. (Added by Ordinance No. 02-05)*

Planning staff notes that the development proposal being made through the DRI process will require commercial retail uses to comply with the Commercial Site Location Standards under Goal 6. Staff also notes that the internal access road within the existing commercial development located directly to the north of the subject area will provide the opportunity for interconnecting the subject area to that development and Corkscrew Road. The application materials have provided that *"the proposed DRI is designed to act as a town commons. It is being submitted as a mixed use development that emphasizes pedestrian and bicycle movement as well as automobile traffic."*

Objective 19.5 addresses public participation in the Estero Planning Community and is reproduced below:

OBJECTIVE 19.5: PUBLIC PARTICIPATION. *Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals. (Added by Ordinance No. 02-05)*

The application materials have provided that *"We have had several informal meetings with local residents and will have a formal meeting with the Estero Community Planning Panel prior to the Application for Development Approval being found sufficient. Any development that occurs on this property will need to meet with the community in order to ensure that development meets the intent of the Estero vision."*

Planning staff has reviewed Goal 19, Estero, and its subsequent Objectives and Policies and have found that the proposed amendment does not contradict the goals of the community, although staff would like to note that compliance with Goal 19 and its subsequent Objectives and Policies will be reviewed as part of the proposed development and site improvements related to the DRI, MPD, and MCP application review process, assuring that the development itself complies with the community's vision.

TRANSPORTATION ISSUES

The applicant has provided a traffic study as part of the plan amendment submittal materials. As part of this study 2020 traffic conditions with and without the proposed project were evaluated. The study states that most road segments in the study area operate at or better than the County's adopted level of service standard in 2020 with and without the project. The study also points out that one road segment, US 41 between Koreshan Boulevard and San Carlos Boulevard, exceeds the level of service standard with and without the project and is projected to operate at LOS F. Exhibit 2 of the traffic study shows 66,494 daily trips for this segment of the roadway without the project while Exhibit 3 shows 68,226 daily trips with the project, showing an increase of 1,732 daily trips. Exhibit 2 shows 3,097 peak hour trips without the project while Exhibit 3 shows 3,153 peak hour trips with the project, showing an increase of 56 peak hour trips. The discussion concludes that the projected volumes on this segment are slightly above the maximum service volume at the LOS standard, based on Lee County's generalized service volumes and that *"actual conditions on this segment of US 41 are likely to be much better than projected based on these generalized service volumes, which assume much lower weighted effective green times than actually exist on this section of US 41."*

The Lee County Department of Transportation has reviewed the request and has provided Planning staff written comments dated January 7, 2004 (see Attachment 2). The memo provides the following:

"The project will include 150 multifamily residential units, 550,000 square feet of retail space, 120,000 square feet of office, and 150 hotel rooms. The applicant ran the FSUTMS travel model for future conditions (2020) with and without the North point DRI. Both model runs included the Coconut Point DRI. We concur with the applicant's findings that all roadway segments under study are either at or better than the standard, both without and with the project, or in one instance (US 41 from Koreshan Boulevard to San Carlos Boulevard) below the standard, both without and with the project."

Planning staff notes that although this segment of US 41 is projected to operate at LOS F in 2020, and that this will be the case with or without the project, the request is one that would intensify the possible uses on the site and would create the situation where an already failing link would be exacerbated by the increased project intensity.

Planning staff notes that the developer will be required to pay the proportionate share of the developments' roadway impacts through the DRI process. Planning staff also notes that a traffic analysis is required by the County's local development approval process. This analysis determines the need for any site-related improvements such as turn lanes on the adjacent roadways.

PUBLIC SAFETY ISSUES

The applicant has provided letters from the public safety and service providers. The purpose of these letters is to determine the adequacy of existing or proposed support facilities. Planning staff has also provided some additional analysis.

Emergency Management - Hurricane Evacuation/Shelter Impacts

The proposed amendment will not be increasing density in the Coastal High Hazard Area. Staff from the Lee County Division of Public Safety have provided written comments to planning staff, dated July 15, 2003, concerning the proposal (see Attachment 3). The memo provides the following:

"This Development is located in a Category 3 Hurricane Evacuation Zone. In accordance with the National Weather Service storm surge "SLOSH," this area will receive storm surge flooding from a Category 3 Hurricane. Therefore, the area is applicable to the provisions of Lee County Ordinance 00-14, Land development Code, Article XI, Sec. 2-481 through 2-486, Hurricane Preparedness that requires shelter and evacuation route impact mitigation for residential developments."

"Lee County Administrative Code 7-7 requires that every new residential development with 50 or more dwelling units or 100 plus dwelling units must submit an emergency preparedness plan as part of the Development Order Application Process."

Emergency Medical Services (EMS)

Staff from Lee County Emergency Medical Services have provided written comments to the applicant, dated October 3, 2003, concerning the proposal (see Attachment 1). The memo provides the following:

"The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for services from persons occupying this parcel or any support facilities."

Sheriff's Office Impact

The Lee County Office of the Sheriff has reviewed the proposal and provided written comments dated March 27, 2003 (see Attachment 4). This correspondence provides that the proposed development is within the service area for the Lee County Sheriff's Office and that: *"we anticipate that we will receive the reasonable and necessary funding to support growth in demand. We therefore believe that the Lee County Sheriff's Office will be able to serve your project as it builds out."*

Fire Service Impact

The subject parcel is within the Estero Fire District. The Department has reviewed the proposal and provided written comments dated March 20, 2003 (see Attachment 5). The Department provides the following:

"Estero Fire Rescue will begin construction this summer on our Coconut Point Fire Station, located just south of the proposed development. Our current manpower and facilities would be able to serve this site, however, when the Coconut Point Station goes into operation early next year, our capabilities will be enhanced."

SCHOOL IMPACTS

Staff of the School District of Lee County have reviewed the proposal and provided written comments dated July 25, 2003 (see Attachment 6). District staff conclude that "At this time, the existing school classroom inventory is at maximum capacity, so the developer will be required to offset their impact through school impact fees, in accordance with the Impact Fee Ordinance previously adopted by the Lee County Board of County Commissioners." District staff provided the following:

"This amendment could increase the existing number of dwelling units permitted from 612 to 1,020 with bonus densities. As such, the proposed change would impact the Lee County School District, its budget and its planned services in this area. The 1,020 units could generate up to 322 new school aged children in the area, creating the need for 16 new classrooms, or one new elementary school. The difference between the two land use categories would create an additional 408 units over the existing 612 units, creating a minimum of 129 new school aged children and 7 new classrooms. At this time, the existing school classroom inventory is at maximum capacity, so the developer will be required to offset their impact through school impact fees, in accordance with the Impact Fee Ordinance previously adopted by the Lee County Board of County Commissioners."

SOILS

The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified several soil types present on the subject parcel - 14 Valkaria fine sand, 41 Valkaria fine sand depressional, 28 Immokalee sand, 43 Smyrna fine sand, and 53 Myakka fine sand depressional.

All listed soil types are a nearly level, poorly drained soil with smooth to concave slopes ranging between 0 to 2 percent.

ENDANGERED SPECIES

Staff of the Lee County Division of Environmental Sciences have reviewed the request and provided written comments dated January 13, 2004 (see Attachment 7). Environmental Sciences staff have provided that:

"The property consists of pastureland with scattered south Florida slash pine trees and a borrow pit lake. There are approximately 11.80 acres of hydric pasture and 13.53 acres of other surface waters (Wetland and FLUCCS Map Attached). The site was surveyed for Lee County listed species. ES staff have observed an American bald eagle perching on a slash pine, and wading birds foraging. There are no protected species or indigenous preservation requirements that need to be addressed through the proposed plan amendment. Native tree preservation and any listed species issues will be addressed through the zoning and Development of Regional Impact process."

Planning staff notes that the subject area is not within an eagle protection zone.

PARKS, RECREATION AND OPEN SPACE

Staff of the Lee County Public Works Department have reviewed the request and provided written comments dated July 15, 2003 (see Attachment 8). This memorandum provides that:

"Assuming the worst case scenario, that the subject property is ultimately developed to the maximum residential density allowed (approximately 1,020 units), it is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be adversely impacted as a result. The Estero Community Park will be under construction in the near future. With the addition of the 65-acre facility, the potential density (1,020 units) of the subject property would be adequately served."

DRAINAGE/SURFACE WATER MANAGEMENT

The application provides the following concerning this issue:

"The property is located in the Estero River watershed. The project will require conceptual and construction approvals from SFWMD and also compliance with the Lee County's Level of Service Policy 70.1.3 for stormwater management facilities. Per the Lee County Concurrency Management Report for inventories and projections (1999/2000 - 2000/2001), no crossings of evacuation routes within the watershed are anticipated to be flooded for more than 24 hours, thus meeting concurrency standards. This amendment will not require any revisions to the surface water management sub-element or to the CIE."

Planning staff has confirmed that the watershed meets concurrency standards using the updated *Lee County Concurrency Management Report* dated December 2003. Natural Resources staff have offered no comments in objection to the proposed amendment.

MASS TRANSIT

Staff from the Lee County Transit Division have reviewed the request and provided the following written comments dated August 1, 2003 (see Attachment 9):

"Contrary to a statement made in the application (Question 2e, Goal 5, Policy 5.1.3) Lee Tran does not operate a bus route on this portion of US 41 or on Williams Road. The current nearest bus route is 1.6 miles from the subject property. However, Lee County and the city of Bonita Springs are working on a proposal for service in the city which would include AM and PM peak hour trips up to Estero and San Carlos Park. This service would travel US 41 directly past the subject property and would begin on October 1, 2003."

"To enhance on the multi-modal features of this mixed-use development, Lee Tran requests consideration of designing a bus stop on US 41 into the project plans. The stop should include pedestrian and bicycle access from the development to the bus stop, wheelchair accessibility for ADA compliance, a passenger waiting shelter, and a pull off lane for the bus to stay out of traffic when boarding or alighting passengers."

Planning staff has confirmed with Transit Division staff that the proposed service scheduled to begin on October 1, 2003 has been under continued discussions and that the service is in fact scheduled to begin on March 22, 2004.

UTILITIES

The applicant has provided an analysis regarding potable water and sanitary sewer. At the time the current application was submitted, the subject area was within the Gulf Environmental Services Franchise area. As of July 2003, Lee County Utilities has acquired the Gulf Environmental Services Franchise area.

Staff from the Utilities Division have reviewed the request and provided comments dated December 19, 2003 (see Attachment 10). Regarding sanitary sewer and potable water service, Utilities staff have provided that the property is located within Lee County Utilities' service area. The letter continues that: *"However, in order to provide service to this proposed project developer funded system enhancements such as line extensions may be required. Availability of potable water and sanitary sewer service is contingent upon Lee County Board of County Commissioners' final acceptance of these developer funded*

system enhancements and is subject to available capacity at the time connection to Lee County Utilities' facilities is completed. Upon completion and final acceptance of this project, potable water service will be provided through Lee County Utilities' Pinewood Water Treatment Plant. Sanitary sewer service will be provided through Lee County Utilities' Three Oaks Waste-water Treatment Plant."

SOLID WASTE

Staff from the Lee County Division of Solid Waste have provided written comments to the applicant, dated October 1, 2003, concerning the proposal (see Attachment 1). The memo provides the following:

"The Lee County Solid Waste Division is capable of providing solid waste collection service for the commercial and residential units proposed for North Point through our franchised hauling contractors. Disposal of the solid waste from this development will be accomplished at the Lee County Resource recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities."

"The Solid Waste Ordinance (00-22, section 17) has requirements for providing on-site space for placement and servicing of commercial solid waste containers. Please review these requirements when planning the development at North Point."

COASTAL ISSUES

The subject property is not located in the "Coastal Planning Area" as defined by the Lee Plan. The Federal Emergency Management Agency's Flood Insurance Rate Map shows the subject parcel in a "B" flood zone, having no special flood hazard areas. The 1991 "Hurricane Storm Tide Atlas for Lee County," prepared by the Southwest Florida Regional Planning Council (SWFRPC), shows that the subject property is located within the Category 3 storm surge zone. The proposed development will not be increasing density in the Coastal High Hazard Area as delineated by the Southwest Florida Regional Planning Council.

B. CONCLUSIONS

The proposed amendment is consistent with Policy 1.1.4, the Urban Community future land use descriptor policy. The intent of the applicant is to develop commercial office and retail uses as well as residential uses on the site which are compatible with the surrounding uses. The subject parcel is located between the Urban Community future land use category to the north and the south and is consistent with the existing commercial development to the north and the future mixed use development approved as the Simon Suncoast MPD/DRI to the south, east of US 41. The proposed commercial intensities and residential density is allowed in the "Urban Community" land use category. If the amendment is approved the allowable density would increase from 6 du/acre to 10 du/acre with bonus density, an increase of 408 permissible units. The increase in the population accommodation capacity of the FLUM is insignificant.

Although the proposed amendment is consistent with the Urban Community future land use category and the surrounding area and uses, staff has an outstanding issue with the proposal. Staff has concluded that adequate infrastructure is in place to provide the necessary services to accommodate the requested land use change with the exception of one roadway segment on US 41. This road segment on US 41 is located between Koreshan Boulevard and San Carlos Boulevard. Approval of this request would result in the intensification of uses on the subject property. Staff finds that the request would create a situation where an already failing link would be exacerbated by the increased project intensity. Staff is unable to support the adoption of a proposed amendment that makes a failing roadway link worse. Staff is, however, willing

to recommend transmittal of the amendment at this time. Transmittal will allow the DRI to continue through the review process and should allow sufficient time for the applicant to address possible solutions for the failing link.

C. STAFF RECOMMENDATION

At this time planning staff **recommends transmittal** of the applicant's request to amend Map 1, the Future Land Use Map, to change the future land use designation of the subject area from the "Suburban" land use category to the "Urban Community" land use category. At this time, however, staff would **not recommend adoption** of the request given the 2020 Level of Service status of the segment of U.S. 41 running from Koreshan Boulevard to San Carlos Boulevard.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: January 26, 2004

A. LOCAL PLANNING AGENCY REVIEW

Planning staff provided a summary of the proposed plan amendment. Staff recommended transmittal of the proposed amendment based on several factors but stated staff could not recommend adoption of the proposed amendment at this time. Staff explained that as part of the application materials the applicant has provided a traffic study. The study states that most road segments in the study area operate at or better than the level of service standard in 2020 with and without the project. The study also points out that the segment of U.S. 41 between Koreshan Boulevard and San Carlos Boulevard exceeds the level of service standard with and without the project. Staff concurred with the applicants findings. Staff recommended transmittal of the proposed amendment in order to allow the DRI to continue through the review process, however, staff would not recommend adoption of the request at this time. Staff concluded that approval of the request would result in the intensification of uses on an already failing link. Staff found that transmitting the amendment would allow the applicant sufficient time to address possible solutions for the failing link.

One member of the LPA asked what would need to take place before staff would recommend adoption. Staff stated their willingness to work with the applicant to improve the situation. Another member asked if most of the transportation issues could be addressed through the DRI process. Staff stated that as planners they could not recommend adoption when the proposal would intensify the situation where there is a failing link, however the statutes allow a plan amendment to be tracked along with a DRI review and staff wants to keep the process moving and hopefully work towards a solution. Staff explained that this had been done with the Coconut Point plan amendment. Another member asked if once the traffic issues related to the Coconut Point amendment were alleviated whether that would circumvent the problems with this project. Staff stated that Coconut Point did make improvement commitments and has provided a proportionate share as part of an adopted policy in the comprehensive plan but staff has not yet conducted a 2020 analysis with the improvements plugged in. Staff found that there was an opportunity to evaluate whether or not some other improvement may relieve the particular segment involving the proposed project.

The applicant's representative then provided a summary of the amendment, giving their justification for approval of the amendment. The representative noted that DRI's have historically paid more than impact fees and that the 2020 financially feasible plan did not include that incremental amount that DRI's pay. The representative stated that there ends up being more improvements to the road network than was anticipated as they go through the planning process. The applicant stated that they were in agreement with staff's recommendation to transmit and felt that by the time this item is brought back all of the outstanding issues would be resolved.

One member of the LPA requested that language be added to the last sentence of the recommendation stating "staff does not recommend adoption pending further review of traffic issues." Another member asked if the DRI was expected to be approved before adoption of the plan amendment. Staff explained that both the amendment and the DRI would be scheduled on the same day and that depending on the outcome of the plan amendment proposal, some changes may be required in the DRI.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommended that the Board of County Commissioners transmit this proposed amendment with the addition of the following statement to staff's recommendation: Staff does not recommend adoption pending further review of traffic issues.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	<u>AYE</u>
MATT BIXLER	<u>AYE</u>
DEREK BURR	<u>AYE</u>
DAN DELISI	<u>ABSENT</u>
ROBERT PRITT	<u>ABSENT</u>
RONALD INGE	<u>AYE</u>

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: March 9, 2004

A. BOARD REVIEW: Planning staff provided a brief summary of the proposed plan amendment. Staff clarified that the proposed amendment is being reviewed concurrent with the DRI review and that it is expected that the outstanding issue involving intersection improvements will be resolved prior to the zoning and DRI hearing. Staff clarified to the Board that the Estero Community Planning Panel (ECP) would have the opportunity to offer input at the DRI development order stage if they were parties of record at that time.

The applicant's representative then explained that the developer has met with the (ECP) and that additional meetings are planned. The representative commented that the staff report dealt comprehensively with the consistency of the request.

A motion was called and carried to transmit the proposed amendment, including the LPA recommendation.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed plan amendment.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff and the LPA .

C. VOTE:

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>ABSENT</u>

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: May 28, 2004

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The DCA had no objections, recommendations, or comments concerning this amendment.

B. STAFF RESPONSE

As discussed in this report, at the time of transmittal staff recommended transmittal of the proposed amendment but did not recommend adoption of the request given the 2020 Level of Service status of the segment of U.S. 41 running from Koreshan Boulevard to San Carlos Boulevard. Staff noted at the transmittal hearing that it is expected that the outstanding issue will be resolved prior to the zoning and DRI hearing.

As part of the drafted Development Order for the North Point DRI, Section II.C.2.b. addresses traffic mitigation. This section requires the payment of road impact fees as well as requiring that the developer make a lump sum cash payment of \$35,000. This payment is intended to mitigate the comprehensive plan amendment transportation impacts. The section further provides that the payment will be due when the first monitoring report is filed by the developer.

Planning staff finds that transportation impacts tied to intensifying the land use category for the subject area through the proposed amendment have been addressed by the development order and staff recommends adopting the proposed amendment as transmitted.

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: September 20, 2004

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

RAY JUDAH

BOB JANES

DOUG ST. CERNY

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1. Article Addressed to:

Florida Department of Environmental Protection
Plan Review Section
3900 Commonwealth Boulevard, MS 47
Tallahassee, FL 32399-3000

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

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If YES, enter delivery address below: ☐ No

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☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

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1. Article Addressed to:

Executive Director
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

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If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number *7000 1670 0011 9183 5944*
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1. Article Addressed to:

Mr. John Czerapak
Florida Department of Transportation
801 North Broadway
Bartow, FL 33830

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *B.F. Bingham* ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery
Bingham *4-25-04*

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number *7000 1670 0011 9183 5951*
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1. Article Addressed to:

Florida Fish and Wildlife Conservation Comm
620 South Meridian Street
Tallahassee, FL 32399-1600

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery
John W. [Signature] *3/15*

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number *7000 1670 0011 9183 5999*
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1. Article Addressed to:

Department of Agriculture and Consumer
Division of Forestry
3125 Connor Boulevard
Tallahassee, FL 32301

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery
[Signature] *MAR 25 2004*

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number *7000 1670 0011 9183 5982*
(Transfer from service label)

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ray Eubanks, Community Program Administrator
Florida Department of Community Affairs
Bureau of Local Planning
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number *7000 1670 0011 9183 5920*
(Transfer from service label)

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. David Burr
S.W. Florida Regional Planning Council
P.O. Box 3455
4980 Bayline Drive, 4th Floor
North Fort Myers, FL 33918-3455

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery
Carrie Rosa *3-24-4*

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number *7000 1670 0011 9183 5937*
(Transfer from service label)

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Florida Department of State
Division of Historical Resources
The Capitol
Tallahassee, FL 32399-0250

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *GRACIE PENTON* ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery
GRACIE PENTON *MAR 25 2004*

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number *7000 1670 0011 9183 5975*
(Transfer from service label)

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M

NEWS-PRESS

Published every morning - Daily and
Sunday
Fort Myers, Florida

Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared

Kathy Allebach

who on oath says that he/she is the

Legal Assistant

of the News-Press, a

daily newspaper, published at Fort Myers, in Lee County,
Florida; that the attached copy of advertisement, being a

Display

in the matter of

**Notice of Proposed Admendment-Small Scale
& North Point**

In the court was published in said newspaper in the
issues of

March 1, 2004

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.

Kathy Allebach

Sworn to and subscribed before me this

8th day of March 2004 by

Kathy Allebach

personally known to me or who has produced

as identification, and who did or did not take an
oath.

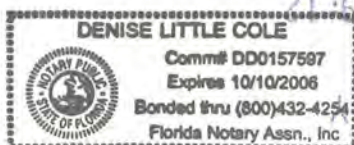
Notary Public

Denise L. Cole

Print Name

Denise L. Cole

My commission Expires:



NOTICE OF PROPOSED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN

On Tuesday, March 9, 2004, 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 9:35 a.m. or as soon thereafter as may be heard. The nature of the proposed Lee Plan amendment is as follows:

1. Amend Future Land Use Map Series, Map 1, to re-designate the Future Land Use classification of a +/-59-acre parcel in Estero (former Estero Fire Station) from "Public Facilities" to "Suburban." The subject parcel is located in Estero on the east side of U.S. Highway 41, approximately one-quarter mile south of Koreshan Boulevard. Sponsor: LeeCorp Homes, Inc.
2. Amend Future Land Use Map Series, Map 1, to re-designate the Future Land Use classification of approximately +/-102 acres from "Suburban" to "Urban Community." The subject property is located in Estero and is part of the proposed North Point Lake Development of Regional Impact. Sponsor: North Point Lake, LLC.

At the conclusion of the hearing, the Board will vote to: (1) adopt, adopt with specific modifications, or not adopt the proposed small scale amendment through the adoption of the ordinance below; and (2) transmit, transmit with modifications, or not transmit the proposed DRI related plan amendment.

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 2003-05 (PERTAINING TO THE RE-DESIGNATION OF A +/-59-ACRE ESTERO PARCEL FROM PUBLIC FACILITIES TO THE SUBURBAN FUTURE LAND USE CATEGORY) APPROVED DURING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT EFFORT; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES, MAP 1; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

The proposed ordinance may be inspected by the public at the Office of the County Attorney, Courthouse Administration Building, 2115 Second Street, 6th Floor, Fort Myers, Florida.

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to the proposed amendments 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.

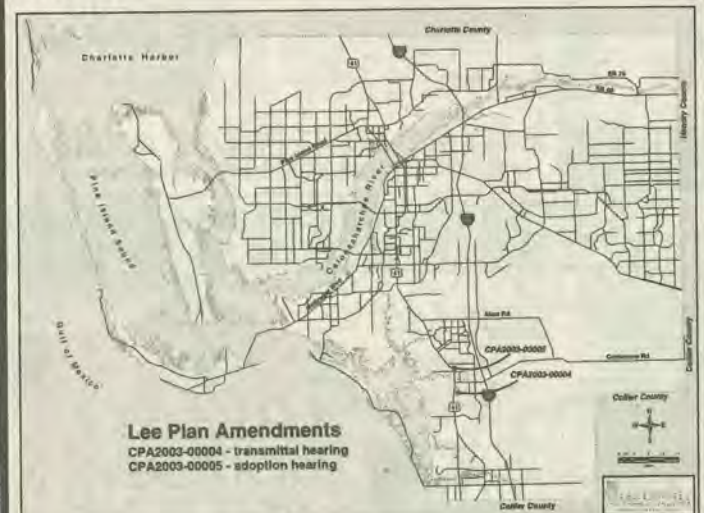
In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 239-479-8583.

March 9, 2004

9:35 a.m.

AGENDA

1. Call to order; certification of Affidavit of Publication by County Attorney.
2. Public Comment on Lee Plan Amendment proposed for Adoption by Board of County Commissioners:
CPA2003-05 - Amend Future Land Use Map Series, Map 1, to re-designate the Future Land Use classification of a +/-59-acre parcel in Estero (former Estero Fire Station) from "Public Facilities" to "Suburban." The subject parcel is located in Estero on the east side of U.S. Highway 41, approximately one-quarter mile south of Koreshan Boulevard.
3. Board consideration of whether to Adopt CPA2003-04 as a Small Scale Amendment to the Lee Plan.
4. Public Comment on Lee Plan Amendment proposed for Transmittal to the Department of Community Affairs:
CPA2003-04 - Amend Future Land Use Map Series, Map 1, to re-designate the Future Land Use classification of approximately +/-102 acres of land from "Suburban" to "Urban Community." The subject parcel is located in Section 33, Township 46 South, Range 25 East (Estero) and is part of the proposed North Point Lake Development of Regional Impact.
5. Board consideration of CPA2003-04 for Transmittal to DCA.
6. Adjourn



NEWS-PRESS

Published every morning - Daily and
Sunday

Fort Myers, Florida

Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared

Kathy Allebach

who on oath says that he/she is the

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

Meeting Notice

In the court was published in said newspaper in the
issues of

January 16, 2004

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Sworn to and subscribed before me this

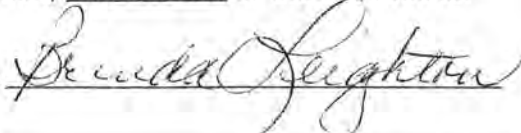
16th day of January 2004 by

Kathy Allebach

personally known to me or who has produced

as identification, and who did or did not take an
oath.

Notary Public



Print Name

My commission Expires:



Brenda Leighton
MY COMMISSION # DD169005 EXPIRES
February 14, 2007
BONDED THRU TROY FAIN INSURANCE INC

SECOND FLOOR
PUB. WORKS. CNTR.
COMM. DEV.

04 JAN 21 AM 9:03

RECEIVED
LEE COUNTY



MEETING NOTICE LOCAL PLANNING AGENCY PUBLIC HEARING

Notice is hereby given that the Lee County Local Planning Agency (LPA) will meet on Monday, January 26, 2004. The meeting will be held in the Board of County Commission Chambers at 2120 Main Street in downtown Fort Myers. The meeting will commence at 8:30 a.m.

AGENDA

1. Call to Order; Certification of Affidavit of Publication
2. Pledge of Allegiance
3. Public Forum
4. Approval of Minutes from November 24, 2003
5. Plan Amendment Review:

A. Small Scale Amendment

CPA2003-05 - LeeCorp Homes, Inc. - Amend the Future Land Use Map series for a specified $\pm$ 0.59 acre parcel of land located in Section 28, Township 46 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "Public Facilities" to "Suburban."

B. DRI Related Amendment

CPA2003-04 - North Point Lake - Amend the Future Land Use Map series for an approximate $\pm$ 102 acre portion of land located in Section 33, Township 46 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from "Suburban" to "Urban Community."

6. Update on Lee County's Evaluation and Appraisal Report process
7. Election of Officers
8. Other Business
9. Adjournment

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. Pursuant to Florida Statutes Section 163.3184(8)(b), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 479-8583.

PO# 900565

Receipt #: 1200300000000007701**Date: 05/14/2003**

Case No	Description	Amount Due	Amount Paid
CPA2003-00004	Map Amendment > 20 Acres	2,220.00	2,220.00
Total Amount:		\$2,220.00	\$2,220.00

Method	Payer/ Exp. Date	Check #/Auth #	How Received	Amount Paid
Check	NORTH PORT LAKE LLC	5010	In Person	2,220.00
Payment Total:				\$2,220.00

Help take the sting out of litter. Join Lee County's AAR program. Call 694-3334 or visit www.adoptaroad.com.



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

THADDEUS L. COHEN, AICP
Secretary

LEE COUNTY
RECEIVED

04 JUN -1 PM 1:04

COMM. DEV/
PLAN. WORKS. CNTR.
SECOND FLOOR

May 28, 2004

The Honorable John Albion
Chairman, Lee County Board of County Commission
P. O. Box 398
Fort Myers, Florida 33901

Dear Chairman Albion:

The Department has completed the review of the proposed amendment for Lee County (DCA No. 04-D1), which was received on March 25, 2004. Within the next 60 days, Lee County should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. We have also included a copy of local, regional and state agency comments for your consideration. For your assistance, our report outlines procedures for final adoption and transmittal.

The proposed Amendment (DCA No. 04-D1) involves a change to the Future Land Use Map in order to accommodate a development of regional impact. The Department has reviewed the proposed amendment for consistency with Rule 9J-5, Florida Administrative Code (F.A.C.), Chapter 163, Part II, Florida Statutes (F.S.), and the adopted Lee County Comprehensive Plan. The Department raises no objections to the proposed amendment, and this letter serves as the Department's Objections, Recommendations, and Comments Report.

Please feel free to call Bernard O. Piawah, Principal Planner, at 850-922-1810, if you have any questions.

Sincerely yours,

Charles Gauthier, AICP
Chief, Comprehensive Planning

CG/bp

Enclosures: Review Agency Comments

CC: Mr. David Burr, Executive Director, Southwest Florida Regional Planning Council
Mr. Paul O'Connor, AICP, Director, Lee County Planning Department

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
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

TRANSMITTAL PROCEDURES

Upon receipt of this letter, Lee County has 60 days in which to adopt, adopt with changes, or determine not to adopt the proposed comprehensive plan amendment. The process for adoption of local comprehensive plan is outlined in Section 163.3184, F.S., and Rule 9J-11.011, F.A.C.

Within ten working days of the date of adoption, the County must submit the following to the Department:

Three copies of the adopted comprehensive plan amendment;

A copy of the adoption ordinance;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the plan, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted plan directly to the Executive Director of the Southwest Florida Regional Planning Council.

Please be advised that the Florida Legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted amendment. As discussed in our letter sent to you on May 25, 2001, outlining the changes to Section 163.3184(8)(b), F.S., which were effective July 1, 2001, and providing a model sign-in information sheet, ***please provide these required names and addresses to the Department when you transmit your adopted plan for compliance review.*** For efficiency, we encourage that the information sheet be provided in electronic format.

EXTERNAL AGENCY
COMMENTS/CITIZEN COMMENTS

- A. Receipt of Comments from External Review Agencies pursuant to F.S. 163.3184(4)**
- B. Citizen Comments**



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

GOV 08-16

May 7, 2004



9 MM
5/10/04

Ray Eubanks, Administrator
Plan Review and Processing
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Dear Mr. Eubanks:

**Subject: Proposed Amendment Comments
Lee County, DCA# 04-D1**

The South Florida Water Management District staff has completed its review of the subject document and we have no adverse comments. If you have any questions or require additional information, please contact Henry Bittaker, Senior Planner, at (561) 682-6792.

Sincerely,

P.K. Sharma, AICP
Lead Planner
Planning & Development Division
Water Supply Department

PKS/nk

c: David Burr, SWFRPC
Paul O'Connor, Lee County
Mike McDaniel, DCA

GOVERNING BOARD

Nicolás J. Gutiérrez, Jr., Esq., *Chair*
Pamela Brooks-Thomas, *Vice-Chair*
Irela M. Bagué

Michael Collins
Hugh M. English
Lennart E. Lindahl, P.E.

Kevin McCarty
Harkley R. Thornton
Trudi K. Williams, P.E.

EXECUTIVE OFFICE

Henry Dean, *Executive Director*



Department of Environmental Protection

Jeb Bush
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard, MS 47
Tallahassee, Florida 32399-3000

Colleen M. Castille
Secretary

May 6, 2004

9 MM
5/6/04

Mr. D. Ray Eubanks
Plan Review and DRI Processing Team
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: Lee County 04D1, Comprehensive Plan Amendment Comments.

Dear Mr. Eubanks:

The Office of Intergovernmental Programs has reviewed the proposed Comprehensive Plan Amendments under the procedures of Chapter 163, *Florida Statutes (F.S.)*, and Chapters 9J-5 and 9J-11, *Florida Administrative Code (F.A.C.)*, and we offer the following comments and recommendations for the proposed amendments:

North Point DRI

The proposed amendment would change the Future Land Use designation for 102-acres of land from Suburban to Urban Community. Urban Community Land Use designation enables the development to have community or regional levels of retail commercial development, a bonus density for affordable housing (up to 10 dwelling units per acres), and limited light industrial uses.

Comments:

The proposed amendment site contains several disturbed wetlands, and is underlain by poorly drained soils (EauGallie Sand; Valkaria Fine Sand; Immokalee Sand; Valkaria Fine Sand, depressional; Smyrna Fine Sand; Myakka Fine Sand, depressional). The best data available to the Department indicates that the proposed location has a high recharge rate to the Surficial Aquifer (200-226 on the DRASTIC Index). In addition, the site drains to the nearby Estero Bay Tributary, which is part of the Estero Bay system – designated as Outstanding Florida Waters (OFW) and Special Waters, under subsection 62-302.700(9)(f)(h), *F.A.C.*

Recommendations:

Because the site is underlain by poorly drained soils, has a high recharge rate to the Surficial Aquifer, and drains to the Estero Bay OFW, the Department has concerns regarding the proposed intensity/density of use. OFWs are afforded a high level of protection under sections 62-4.242(2) and 62-302.700, *F.A.C.* The Department recommends that the proposed development be

Ray Eubanks
May 6, 2004
Page 2

designed to prevent water quality degradation of the (downstream) receiving waters in the OFW. We recommend that the project applicant(s) consider a full range of planning strategies to limit impervious surfaces and buffer wetland areas to protect groundwater and nearby surface water resources.

As to the proposed impacts to onsite wetlands, the Department emphasizes avoidance and minimization of wetlands impacts prior to the consideration of mitigation in accordance with the requirements of Section 4.2.1 of the SFWMD Basis of Review for ERP applications.

Thank you for the opportunity to comment on these proposals. If I may be of further assistance, please call me at (850) 245-2169.

Sincerely,

SED

Sarah Daugherty
Environmental Specialist
Office of Intergovernmental Programs

/sed



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF HISTORICAL RESOURCES



April 15, 2004

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

9 MM
4/20/04

Re: Historic Preservation Review of the Lee County (04D1) Comprehensive Plan Amendment Request

Dear Mr. Eubanks:

According to this agency's responsibilities under sections 163.3177 and 163.3178, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources have been given sufficient consideration in the request to amend the Lee County Comprehensive Plan.

We reviewed one proposed amendment to the Future Land Use Map to consider the potential effects of this action on historic resources. While our cursory review suggests that the proposed change should have no adverse effects on historic resources, it is the county's responsibility to ensure that the proposed revision will not have an adverse effect on significant archaeological or historic resources in Lee County.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

Laura R. Kammerer, Supervisor

for Frederick Gaske, Acting Director

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office
(850) 245-6300 • FAX: 245-6435

☐ Archaeological Research
(850) 245-6444 • FAX: 245-6436

☒ Historic Preservation
(850) 245-6333 • FAX: 245-6437

☐ Historical Museums
(850) 245-6400 • FAX: 245-6433

☐ Palm Beach Regional Office
(561) 279-1475 • FAX: 279-1476

☐ St. Augustine Regional Office
(904) 825-5045 • FAX: 825-5044

☐ Tampa Regional Office
(813) 272-3843 • FAX: 272-2340



Bernard Piawah

04/14/2004 04:25 PM

To: Ray Eubanks/DCA/FLEOC@fleoc
cc:
Subject: Lee County CPA - DCA 04D1

— Forwarded by Bernard Piawah/DCA/FLEOC on 04/14/2004 04:28 PM —

Mike McDaniel

04/14/2004 04:19 PM

To: Bernard Piawah/DCA/FLEOC@fleoc
cc:
Subject: Lee County CPA - DCA 04D1

FYI

— Forwarded by Mike McDaniel/DCA/FLEOC on 04/14/2004 04:22 PM —



john.czerepak@dot.state.fl.us

04/14/2004 03:48 PM

To: Mike.McDaniel@dca.state.fl.us
cc:
Subject: Lee County CPA - DCA 04D1

Mike,

Per your request I have reviewed the above Lee County Comp Amendment package. My comments are as follows:

CPA 2003-04 "North Point Lake DRI"

This is an amendment to change the land use designation of a 102 acre site located on the northeast corner of US 41 and Williams Road from "Suburban" to "Urban Community" in conjunction with the North Point Lake DRI. This DRI is proposed for, 550,000 square feet of retail, 120,000 square feet of Office, 150 Hotel Rooms and 150 Multi-family units. I have reviewed the SWFRPC staff recommendations with regard to the Systems level Transportation impacts and concur that they adequately address FDOT concerns with regard to systems level impacts. In addition this projects access to US 41 will be will be subject to the FDOT permitting process as described in Rule 14-96 FAC. Access related improvements necessary to mitigate the impacts of such access may be required as a condition of the access permit.

John

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

9 M M
4/15/04



Southwest Florida Regional Planning Council

4980 Bayline Drive, 4th Floor, N. Ft. Myers, FL 33917-3909 (239) 656-7720

P.O. Box 3455, N. Ft. Myers, FL 33918-3455 SUNCOM 749-7720

FAX (239) 656-7724

March 31, 2004

Mr. Mike McDaniel
Community Program Administrator
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Lee County/DCA 04-D1

Dear Mr. McDaniel:

Staff of the Southwest Florida Regional Planning Council reviewed the proposed amendment (CPA 2003-04; DCA 04-D1) to the Lee County Comprehensive Plan. The review was performed according to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

The Council will review the proposed amendments at its April 15, 2004 meeting. Staff recommends that the Council approve its recommendation as found in the official staff report. A copy of the official staff report is attached. If the Council's action differs from staff recommendation, we will notify you.

Sincerely,
Southwest Florida Regional Planning Council

David Y. Burr
Executive Director

DYB/DEC
Attachment

Cc: Paul O'Connor, AICP, Director, Lee County

9 MM
4/8/04



**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
LEE COUNTY**

The Council staff has reviewed a proposed amendment to the Lee County Comprehensive Plan (DCA 04-D1). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. A location map is provided as Attachment III.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

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3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			<u>Consistent</u>
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	
DCA 04-D1	yes	yes	yes	yes; DRI regionally significant

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and Lee County.

04/04

**LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND
DEVELOPMENT REGULATION ACT**

Local Government Comprehensive Plans

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;
A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e. g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

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Collier County, Everglades City, Marco Island, Naples
Glades County, Moore Haven
Hendry County, Clewiston, LaBelle
Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel
Sarasota County, Longboat Key, North Port, Sarasota, Venice

Comprehensive Plan Amendments

A local government may amend its plan twice a year. (Amendments related to developments of regional impact, certain small developments, compliance agreements, and the Job Siting Act are not restricted by this limitation.) Six copies of the amendment are sent to the Department of Community Affairs for review. A copy is also sent to the regional planning council, the water management district, the Florida Department of Transportation, and the Florida Department of Environmental Protection.
[s. 163.3184(3)(a)]

The proposed amendment will be reviewed by DCA in two situations. In the first, there must be a written request to DCA. The request for review must be received within forty-five days after transmittal of the proposed amendment. [s. 163.3184(6)(a)] Review can be requested by one of the following:

- the local government that transmits the amendment,
- the regional planning council, or
- an affected person.

In the second situation, DCA can decide to review the proposed amendment without a request. In that case, DCA must give notice within thirty days of transmittal.
[(s. 163.3184(6)(b))]

Within five working days after deciding to conduct a review, DCA must forward copies to various reviewing agencies, including the regional planning council. [s. 163.3184(4)]

Regional Planning Council Review

The regional planning council must submit its comments in writing within thirty days of receipt of the proposed amendment from DCA. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the regional planning council must be limited to "effects on regional resources or facilities identified in the strategic regional policy plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government."
[s. 163.3184(5)]

After receipt of comments from the regional planning council and other reviewing agencies, DCA has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DCA transmits its written comments to the local government.

NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) AND THE RULE (9J-11, FAC) FOR DETAILS.

SWFRPC COMMENTS
Lee County Comprehensive Plan Amendments

Proposed Amendment (CPA 2003-04 / DCA 04-D1)

CPA 2003-04 is an applicant submitted request that, if approved, would amend the Lee County Comprehensive Plan Future Land Use Map (FLUM). The applicant is proposing to construct a mixed use project containing commercial and residential development. As proposed, the project will contain development consisting of 550,000 square feet of retail shops, 120,000 square feet of office space, a 150 room hotel and 150 multi-family residential dwelling units.

The subject site is located on the northeast quadrant of the intersection of US 41 and Williams Road. It is bounded on the north by the Corkscrew Village Shopping Center, the South Estero Commercial Center and Corkscrew Road, on the south by the Williams Road and Coconut Point DRI, on the west by US 41 and on the east by the ACL Railroad right-of-way. The site contains approximately 102± acres and is currently vacant with a large excavation lake generally located near the center of the property. The ownership of the property is under five different entities.

In order to facilitate the proposed development, the applicant, North Point Lake, LLC, a Florida Corporation, is specifically requesting a change of land use designation on the FLUM from Suburban to Urban Community. The application notes that the subject site fills in an area that is a gap in the surrounding Urban Community land use designation that extends along the eastern side of US 41.

Regional Significance and Consistency

According to the County staff report, the proposed change from Suburban to Urban Community would allow a density increase from 6 units per acre with no Bonus Densities allowed to 6 dwelling units per acre with up to 10 dwelling units per acre with Bonus Densities. The existing land use designation on the property would allow approximately 612 dwelling units, while the proposed Urban Community designation would allow approximately 1,020 dwelling units on the subject site. The proposed amendment could increase the permissible number of dwelling units on the site by approximately 408 units. Based on the calculated number of units allowed, it was estimated that the proposed project will result in an increase of 852 persons (1.020 du x 2.09 persons / du - 612 du x 2.09 persons / du). Council staff agrees with the County's conclusion that this increase in population with respect to the overall population accommodation capacity of the FLUM is insignificant when viewed in the county wide accommodation capacity.

With respect to the commercial aspects of the proposed development, under the existing Suburban land use designation and calculated as the nine separate parcels that currently exists, it was estimated by County staff that the land area could be developed with approximately 320,000

Agenda Item 3(b)1
Attachment II

square feet of commercial retail uses. This estimate was based on the County's site location standards and the current accessibility of the parcels. The Suburban land use policy states that commercial development greater than neighborhood centers are not permitted in this designation and limits the amount of commercial retail land uses to 100,000 square feet. Therefore, if the 102-acre site were unified under a planned development zoning, retail development would be limited to a neighborhood center limit. The Suburban land use designation would then only allow much less commercial development than desired by the applicant and thereby the reason for the requested amendment.

The subject site is currently designated Suburban on the FLUM. The surrounding properties are designated Urban Community to the north, Suburban and Public Facilities to the east, Suburban to the west, and Urban Community to the south. The Urban Community future land use category, east of US 41 and to the south of the subject site, extends south to the City of Bonita Springs. The Urban Community future land use category, east of US 41 and to the north of the subject site, extends north to Briar cliff Road before reaching the more intense future urban designations of Ft. Myers. There is a small portion of this corridor designated Suburban just to the south of Koreshan Boulevard (Estero Parkway). If the proposed amendment is approved, the Urban Community designation would continue to be the predominant land use designation located on the east side of US 41.

According to County staff, the proposed amendment is consistent with the Urban Community designation for the following reasons:

- The proposed land use designation connects the future and use category from the north to the south;
- The urban services have adequate capacity to provide the necessary services to accommodate the proposed amendment;
- Both commercial and residential developments are listed as predominant land uses in the Urban Community designation. The applicant is proposing in the DRI Application for Development Approval commercial retail and office uses as well as 150 dwelling units;
- The residential density proposed in the amendment is consistent with the standard density of the Urban Community future land use designation; and
- The retail commercial uses will be required to be consistent with the Lee County commercial location standards specified under Goal 6 of the Lee Plan.

The site subject to the proposed amendment is located within the Estero Planning Community. In this community there are 1,399 acres allocated for commercial uses under the Lee Plan. Recent County data indicates that 197.32 acres of land within this community are currently developed with commercial uses, leaving a surplus of 1201.68 acres that could be developed with commercial uses in this area before the year 2020.

Agenda Item 3(b)1
Attachment II

There are 327 acres of land allocated for residential uses in the Urban Community land use designation in this community. Recent County information indicates that 267 acres of Urban Community land within this community are currently developed with residential uses, leaving a surplus of 60 acres of Urban Community land available for development before the year 2020. The applicant has stated that the 150 proposed residential dwelling units will be located on approximately 24 acres of land.

Based on the above information, it appears to Council staff that the proposed amendment, if approved, would result in development that will be consistent with the acreage allocations found in the Lee Plan. Council staff agrees with the County staff that Goal 19, Estero, and its subsequent Objectives and Policies are not contradicted by the proposed amendment goals. Council staff would also support the County staff statement that 19, which describe Estero's community vision for the future, will be reviewed as part of the DRI, Master Planned Development and Master Concept Plan application review processes. These detailed reviews will assure that the development itself will comply with the community's vision.

Because of the previously mentioned reasons, Council staff finds that the amendment as identified in the proposed County amendment to promote sound planning coordination with the changes providing a continuous planning process between the agencies responsible for the future of one of the most important infrastructure resources in the region and therefore recommends approval of the requested FLUMA amendment. Council staff also finds this amendment to be regionally significant and consistent with and supported by the Strategic Regional Policy Plan, July 4, 2002:

Economic Development Element – Economic Infrastructure

Goal 1: A well-maintained social, health, and educational infrastructure to support business and industry.

Strategy: Maintain the physical infrastructure to meet growth demands.

Action 2: Assist local governments and state agencies in planning for future support service facilities, before the need arises.

Action 3: Review proposed public facilities to ensure their location in urban areas that have in place, or are covered by binding agreements to provide, the resources and facilities for desired growth in an environmentally acceptable manner.

**Agenda Item 3(b)1
Attachment II**

Economic Development Element - Livable Communities

- Goal 3:** A stable regional economy based on a continuing excellent quality of life.
- Strategy:** Maintain and improve the natural, historic, cultural, and tourist-related resources as primary regional economic assets.
- Action 3:** Review proposed development to require that natural and other resources of regional significance are maintained, enhanced, restored, or re-created, as appropriate.
- Strategy:** Enhance existing commercial, service, and industrial centers through adequate maintenance and reinvestment.
- Action 1:** Maintain an inventory of public infrastructure and recommended improvements.
- Action 3:** Review proposed development to maximize the use, rehabilitation, and reuse of existing infrastructure.

Economic Development Element - Marketing

- Goal 5:** Increase tourism and business relocation.
- Strategy:** Promote both internal and inter-regional tourism.
- Action 1:** Encourage increased regional tourism and promotion by local interests in the area.
- Action 2:** Advocate tourism between this and other regions and protect inter-regional tourism resources.

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- Goal 1:** A well-maintained social, health, and educational infrastructure to support business and industry.
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Agenda Item 3(b)1
Attachment II

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Conclusion

Council staff finds that the proposed amendment requested is regionally significant since it is the subject of a DRI review and recommends that the Council approve the requests, approve Council staff comments and find that the requests are consistent with the Strategic Regional Policy Plan, July 4, 2002.

Agenda Item 3(b)1

**Maps
Attachment III**

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Agenda Item 4(b)(1)

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
LEE COUNTY**

The Council staff has reviewed a proposed amendment to the Lee County Comprehensive Plan (DCA 04-D1). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. A location map is provided as Attachment III.

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<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			<u>Consistent</u>
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	
DCA 04-D1	yes	yes	yes	yes; DRI regionally significant

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and Lee County.

04/04

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- Agenda Item 4(b)(1)
Attachment II

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Agenda Item 4(b)(1)
Attachment II

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Action 3: Review proposed public facilities to ensure their location in urban areas that have in place, or are covered by binding agreements to provide, the resources and facilities for desired growth in an environmentally acceptable manner.

Economic Development Element - Livable Communities

Goal 3: A stable regional economy based on a continuing excellent quality of life.

Strategy: Maintain and improve the natural, historic, cultural, and tourist-related resources as primary regional economic assets.

Action 3: Review proposed development to require that natural and other resources of regional significance are maintained, enhanced, restored, or re-created, as appropriate.

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Action 1: Maintain an inventory of public infrastructure and recommended improvements.

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Economic Development Element - Marketing

Goal 5: Increase tourism and business relocation.

Strategy: Promote both internal and inter-regional tourism.

Action 1: Encourage increased regional tourism and promotion by local interests in the area.

Action 2: Advocate tourism between this and other regions and protect inter-regional tourism resources.

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Agenda Item 4(b)(1)
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Conclusion

Council staff finds that the proposed amendment requested is regionally significant since it is the subject of a DRI review and recommends that the Council approve the requests, approve Council staff comments and find that the requests are consistent with the Strategic Regional Policy Plan, July 4, 2002.

Agenda Item 4(b)(1)

**Maps
Attachment III**



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8316

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

October 21, 2003

Mr. Daniel DeLisi
2271 McGregor Blvd.
Fort Myers, FL 33902

RE: CPA2003-04 - North Point Lake FLUM Amendment

Dear Mr. DeLisi:

This letter is to inform you that staff has received the submittal items that were requested during the initial sufficiency status response. The above mentioned submittal has been deemed sufficient for review. Additional documentation may be required during the evaluation of the plan amendment request, should staff find that it is necessary.

If I can be of any assistance or if you have any questions, please do not hesitate to call me.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT

BRANDY GONZALEZ
Planner

cc: *Planning file: CPA 2003-04*

OAKBROOK

PROPERTIES, INC.

September 30 2003

Sent Via Rush Messenger

Daniel DeLisi
Barraco & Associates
2271 McGregor Blvd.
Fort Myers, FL 33902-2800

Re: Deeds for North Point

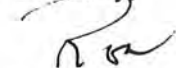
Dear Dan:

Enclosed are copies of the following deeds:

Parcel #	Owner of Record	OR/PG Lee County
✓ 33-46-25-00-00019.0000	Richard E. Mulligan	862/148
✓ 33-46-25-00-00019.0030	Spanish Lakes, Inc. Tr.	03997/3729
✓ 33-46-25-00-00019.0030	Spanish Lakes Inc. Tr.	03997/3731
✓ 33-46-25-00-00019.0030	Spanish Lakes Inc. Tr.	03997/3733
✓ 33-46-25-00-00019.004A	Estero Lakes Development Inc.	03305/1682
✓ 33-46-25-00-00019.0040	Richard E. Mulligan, Trustee	863/227
✓ 33-46-25-00-00019.0050	Near West Inc.	1678/2233
✓ 33-46-25-00-00019.0060	Richard E. Mulligan, Trustee	863/227
33-46-25-00-00019.0080	Richard E. Mulligan, Trustee	863/227
✓ 33-46-25-00-00019.0090	Estero Lakes Development Inc.	03443/2226
✓ 33-46-25-00-00021.0000	Bernard J. DeWolfe & Allen H. Johnson, Co-Trustees	2901/0917

If any questions, please call.

Cordially,



Ronald C. Dillon
Vice President
Florida Operations

Enclosures

PROPERTY DESCRIPTION:

A PARCEL OF LAND LOCATION IN THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, LOCATED EASTERLY OF FLORIDA STATE ROAD NO. 45 (U.S. HIGHWAY 41), A 200.00 FOOT RIGHT-OF-WAY, LOCATED WESTERLY OF THE SEABOARD COASTLINE RAILROAD RIGHT-OF-WAY, A 130.00 FOOT RIGHT-OF-WAY, AND LOCATED NORTHERLY OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, THE SAME POINT BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'47"W. ALONG THE SOUTH LINE OF THE SOUTHEAST ONE QUARTER OF SAID SECTION 33 AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, FOR A DISTANCE OF 125.83 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE S.88°20'47"W. ALONG THE SOUTH LINE OF THE SOUTHEAST ONE QUARTER OF SAID SECTION 33 AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD FOR A DISTANCE OF 1,013.49 FEET TO THE BEGINNING OF A TANGENTIAL CURVE, CONCAVE NORTHERLY; THENCE LEAVING THE SOUTH LINE OF THE SOUTHEAST ONE QUARTER OF SAID SECTION 33, RUN WESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 6,950.00 FEET, SUBTENDED BY A CHORD OF 363.86 FEET AT A BEARING OF S89°50'47"W, FOR A DISTANCE OF 363.90 FEET TO THE END OF SAID CURVE; THENCE RUN N88°39'13"W ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, FOR A DISTANCE OF 669.62 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF FLORIDA STATE ROAD NO. 45 (U.S. HIGHWAY 41), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N04°52'17"E ALONG THE EASTERLY RIGHT-OF-WAY LINE OF FLORIDA STATE ROAD NO. 45 (U.S. HIGHWAY 41), FOR A DISTANCE OF 2,622.23 FEET, TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N88°25'51"E ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,337.20 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S10°28'17"E, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 2,679.52 FEET, TO THE POINT OF BEGINNING; CONTAINING 102.572 ACRES, MORE OR LESS.

North Point Comprehensive Plan Amendment

STRAP List

33-46-25-00-00021.0000 ✓
33-46-25-00-00019.0000 ✓
33-46-25-00-00019.0080 ✓
33-46-25-00-00019.0050 ✓
33-46-25-00-00019.0060 ✓
33-46-25-00-00019.0040 ✓
33-46-25-00-00019.004A ✓
33-46-25-00-00019.0090 ✓
33-46-25-00-00019.0030 ✓

Mulligan $\approx$ 51.35
 DenWife $\approx$ 11.79
 Near West $\approx$ 11.36
 Estero lakes $\approx$ 5.02
 Spanish Lakes $\approx$ 14.45



Arroyo

N

Collection

SURFACE WATER MANAGEMENT

In accordance with Policy 38.1.1 of the Lee Plan, forty-four (44) of the forty-eight (48) identified drainage basins in Lee County have had surface water management studies completed. These studies evaluated water levels along trunk conveyances resulting from the 25-year, 3-day storm event and determined if any crossings of evacuation routes would require improvement. The remaining four (4) drainage basins in the northwest part of the County are currently under study.



Storm water management control structure along the newly completed Three Oaks Parkway Extension south of Corkscrew Road.

Based upon current information from the County's consulting engineers, none of the crossings associated with evacuation routes are anticipated to be flooded for more than 24 hours, thus meeting the Concurrency standard.

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.

The Federal Emergency Management Agency (FEMA) is currently doing a "flood insurance restudy of the flood risk for Lee County. This restudy consists of determining the extents and levels from the 100-year storm event for both coastal surge (hurricane) and riverine flooding (rainfall). As of August 2002, the analysis for the riverine portion of the study has been completed by the study contractor and is under review. The coastal portion of the study is under way and should be completed for review by December of 2002. The preliminary study and mapping should be submitted to the community in 2003.



6202-F Presidential Court, Fort Myers, Florida 33919 Phone: (239) 985-1200 Fax : (239)985-1259

PROPERTY DESCRIPTION

That portion of the Southeast Quarter of Section 33, Township 46 South, Range 25 East, Lee County, Florida, located Easterly of Florida State Road No. 45 (U.S. Highway 41), a 200.00 foot right-of-way, located Westerly of the Seaboard Coastline Railroad right-of-way, a 130.00 foot right-of-way, and located Northerly of Williams Road, a 100.00 foot right-of-way.

This property is subject to easements, reservations or restrictions of record.

Bearings refer to the South line of the Southeast Quarter of Section 33, Township 46 South, Range 25 East, Lee County, Florida, as being S.88°20'47"W.

Property Area: 102.572 acres, more or less.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

GOV 08-16

May 7, 2004

Ray Eubanks, Administrator
Plan Review and Processing
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Dear Mr. Eubanks:

**Subject: Proposed Amendment Comments
Lee County, DCA# 04-D1**

The South Florida Water Management District staff has completed its review of the subject document and we have no adverse comments. If you have any questions or require additional information, please contact Henry Bittaker, Senior Planner, at (561) 682-6792.

Sincerely,

A handwritten signature in black ink, appearing to read "P.K. Sharma".

P.K. Sharma, AICP
Lead Planner
Planning & Development Division
Water Supply Department

PKS/nk

c: David Burr, SWFRPC
Paul O'Connor, Lee County
Mike McDaniel, DCA

GOVERNING BOARD

Nicolás J. Gutiérrez, Jr., Esq., *Chair*
Pamela Brooks-Thomas, *Vice-Chair*
Irela M. Bagué

Michael Collins
Hugh M. English
Lennart E. Lindahl, P.E.

Kevin McCarty
Harkley R. Thornton
Trudi K. Williams, P.E.

EXECUTIVE OFFICE

Henry Dean, *Executive Director*

To: M. Noble

May 10 PM 1:03
DEV
15-CTR
RDR

PLANNING DIVISION



LEE COUNTY
SOUTHWEST FLORIDA

MEMORANDUM

To: Donna Marie Collins, Assistant County Attorney
Paul O'Connor, AICP, Planning Director
Matt Noble, AICP, Principal Planner
Gloria M. Sajgo, AICP, Principal Planner

From: Susan M. Strum, AICP, Planner *SM8*

Subject: North Pointe DRI Affordable Housing Needs Assessment

Date: April 07, 2004

Attached are excerpts from the Lee County Affordable Housing Needs Assessment updated with more current information from the Shimberg Center for Affordable Housing and the U.S. Census Bureau related to this morning's discussion.

Using the 484 total households (157 very-low and 327 low-income households) discussed this morning and applying the percentage of Renter Households in unincorporated Lee County per the 2000 Census; it is anticipated that 19.3% (94) of these households would be renters.

The key point to note is that for unincorporated Lee County (including the City of Bonita Springs and the Town of Fort Myers Beach for comparison to the 1990 figures), the percentage of Renter Households dropped 6.4% from 25.7% in 1990 to 19.3% in 2000.

The percentage of Renter Households in all of Lee County dropped 6.8% from 30.3% in 1990 to 23.5% in 2000.

If you have any questions, please feel free to call me at 479-8549 or e-mail me at strumsm@leegov.com.

Lee County, Florida

Excerpt from Table 3 - Housing Units by Tenure, Vacancy, and Occupancy Status, 1990 - Page 6 Lee County Affordable Housing Needs Assessment
(*italics my calculations*)

	Total Units by Intended Use		
	Owner	Renter	Total
Cape Coral	23,309	8,290	31,599
Fort Myers	8,148	11,983	20,131
Sanibel	2,444	1,067	3,511
Unincorporated	73,580	25,473	99,053
Lee County Total	107,481	46,813	154,294

(Occupied or intended to be occupied by permanent residents)

	% of Total Units by Intended Use		
	Owner	Renter	Total
Cape Coral	73.8%	26.2%	100.0%
Fort Myers	40.5%	59.5%	100.0%
Sanibel	69.6%	30.4%	100.0%
Unincorporated	74.3%	25.7%	100.0%
Lee County Total	69.7%	30.3%	100.0%

Excerpt from General Housing Characteristics, 2000 - U.S. Census (*italics my calculations*)

	Total Units by Intended Use		
	Owner	Renter	Total
Cape Coral	32,603	8,165	40,768
Fort Myers	7,593	11,514	19,107
Sanibel	2,637	412	3,049
Unincorporated*	101,412	24,263	125,675
Lee County Total	144,245	44,354	188,599

(Occupied or intended to be occupied by permanent residents) * Includes Bonita Springs and Fort Myers Beach for purposes of comparison with 1990 data

	% of Total Units by Intended Use		
	Owner	Renter	Total
Cape Coral	80.0%	20.0%	100.0%
Fort Myers	39.7%	60.3%	100.0%
Sanibel	86.5%	13.5%	100.0%
Unincorporated*	80.7%	19.3%	100.0%
Lee County Total	76.5%	23.5%	100.0%

Lee County, Florida

Table 2 - Housing Units by Building Type, 1990 - Page 5 Lee County Affordable Housing Needs Assessment

	Number					Share				
	SF	MF	MH	Other	Total	SF	MF	MH	Other	Total
Cape Coral	25,275	8,937	162	112	34,486	73.3%	25.9%	0.5%	0.3%	100.0%
Fort Myers	8,391	11,357	1,468	172	21,388	39.2%	53.1%	6.9%	0.8%	100.0%
Sanibel	3,039	3,062	292	29	6,422	47.3%	47.7%	4.5%	0.5%	100.0%
Unincorporated	61,027	33,661	31,113	954	126,755	48.1%	26.6%	24.5%	0.8%	100.0%
Lee County Total	97,732	57,017	33,035	1267	189,051	51.7%	30.2%	17.5%	0.7%	100.1%

Table 21 - Estimated Permanent Housing Units by Type, 1995 - Page 15 Lee County Affordable Housing Needs Assessment (*italics my calculations*)

	Estimated Perm Housing Units/Type			
	SF	MF	MH	Total
Cape Coral	28,830	7,860	124	36,814
Fort Myers	8,208	11,680	1,022	20,910
Sanibel	2,414	1,118	189	3,721
Unincorporated	62,734	27,447	27,088	117,269
Lee County Total	102,186	48,105	28,423	178,714

	% Estimated Perm Housing Units/Type			
	SF	MF	MH	Total
<i>Cape Coral</i>	<i>78.3%</i>	<i>21.4%</i>	<i>0.3%</i>	<i>100.0%</i>
<i>Fort Myers</i>	<i>39.3%</i>	<i>55.9%</i>	<i>4.9%</i>	<i>100.0%</i>
<i>Sanibel</i>	<i>64.9%</i>	<i>30.0%</i>	<i>5.1%</i>	<i>100.0%</i>
<i>Unincorporated</i>	<i>53.5%</i>	<i>23.4%</i>	<i>23.1%</i>	<i>100.0%</i>
<i>Lee County Total</i>	<i>57.2%</i>	<i>26.9%</i>	<i>15.9%</i>	<i>100.0%</i>

Lee County, Florida

Excerpted from the Shimberg Center for Affordable Housing Affordable Housing Needs Assessment Website (*italics my calculations*)

		1990			2000		2002	
		Household						
		Income	Count	Percent	Count	Percent	Count	Percent
Lee County	Owner	0 - 49.9%	15,021	14.7%	21,681	15.0%	23,357	15.0%
		50 - 79.9%	16,125	15.8%	22,511	15.6%	24,183	15.6%
		80 - 119.9%	24,242	23.7%	33,718	23.4%	36,290	23.4%
		> 119.9%	46,891	45.8%	66,322	46.0%	71,472	46.0%
		Total	102,279	100.0%	144,232	100.0%	155,302	100.0%
	Renter	0 - 49.9%	9,560	25.3%	11,501	25.9%	12,317	25.9%
		50 - 79.9%	7,753	20.6%	9,143	20.6%	9,797	20.6%
		80 - 119.9%	9,801	26.0%	11,271	25.4%	12,074	25.4%
		> 119.9%	10,609	28.1%	12,441	28.0%	13,301	28.0%
		Total	37,723	100.0%	44,356	100.0%	47,489	100.0%

Parcel ID. 09-44-25-P3-0130B.0060

From: Lee County Taxing Authorities
P.O. Box 1270
Fort Myers Florida 33902-1270

SHERWOOD FOREST
BLK B PB 10 PG 35 W 50 FT
OF LOT 6 + E 25 FT LOT 7
4805 HUNTERS GREEN DR

●FOR PERMANENT CHANGE OF ADDRESS●

Detach and show your new address below.

Mail to: P.O. Box 1546 Fort Myers Florida 33902-1546

OR change your address on-line at www.leepa.org

MORALES ANDRES + LYDIA
4805 HUNTERS GREEN DR
FORT MYERS FL 339054116

X --- X --- X --- X --- X --- X --- X --- X --- X --- X --- X ---

NOTICE OF PROPOSED PROPERTY TAXES - DO NOT PAY - THIS IS NOT A BILL

The taxing authorities which levy property taxes against your property will soon hold **PUBLIC HEARINGS** to adopt budgets and tax rates for the next year. The purpose of the **PUBLIC HEARINGS** is to receive opinions from the general public and to answer questions on the proposed tax change and budget **PRIOR TO TAKING FINAL ACTION**. Each taxing authority may **AMEND OR ALTER** it's proposals at the hearing.

Parcel ID: 09-44-25-P3-0130B.0060 TICE FIRE/EAST CO SEWER MSTU

TAXING AUTHORITY 141	COLUMN 1	COLUMN 2	A PUBLIC HEARING ON THE PROPOSED TAXES AND BUDGET WILL BE HELD:	COLUMN 3
	YOUR PROPERTY TAXES LAST YEAR	YOUR TAXES THIS YEAR IF PROPOSED BUDGET CHANGE IS MADE		YOUR TAXES THIS YEAR IF NO BUDGET CHANGE IS MADE
LEE COUNTY CAPITAL IMP	2.67	3.51	09/05/01 5:05PM LEE CO COMMISSION CHAMBERS 2120 MAIN ST MAIL: P O BOX 398 FT MYERS FL 33902 TEL 941 335 2221	3.23
LEE COUNTY GENERAL REVENUE	11.43	15.02	09/05/01 5:05PM LEE CO COMMISSION CHAMBERS 2120 MAIN ST MAIL: P O BOX 398 FT MYERS FL 33902 TEL 941 335 2221	13.81
LEE CO UNINCORPORATED - MSTU	3.20	4.20	09/05/01 5:05PM LEE CO COMMISSION CHAMBERS 2120 MAIN ST MAIL: P O BOX 398 FT MYERS FL 33902 TEL 941 335 2221	3.88

LEE COUNTY ALL HAZARDS - UNINC	0.19	0.25	09/05/01 5:05 PM LEE CO COMMISSION CHAMBERS 2120 MAIN ST MAIL:P O BOX 398 FT MYERS FL 33902 TEL 941 335 2221	0.23
LEE COUNTY LIBRARY FUND	2.54	3.34	09/05/01 5:05PM LEE CO COMMISSION CHAMBERS 2120 MAIN ST MAIL:P O BOX 398 FT MYERS FL 33902 TEL 941 335 2221	3.08
PUBLIC SCHOOL - BY LOCAL BOARD	6.91	9.05	09/11/01 5:05PM DR JAMES ADAMS PUBLIC ED CNTR 2055 CENTRAL AVENUE FT MYERS FL 33901 TEL 941 337 8215	8.35
PUBLIC SCHOOL - BY STATE LAW	16.32	20.37	09/11/01 5:05PM DR JAMES ADAMS PUBLIC ED CNTR 2055 CENTRAL AVENUE FT MYERS FL 33901 TEL 941 337 8215	19.73
SFL WATER MGMT-DISTRICT LEVY	1.58	2.07	09/11/01 5:15PM SFWM DIST AUDITORIUM BLDG B-1 3301 GUN CLUB ROAD W PALM BEACH FL 33406 TEL 561 686 8800	1.93
SFL WATER MGMT-EVERGLADE CONST	0.26	0.35	09/11/01 5:15PM SFWM DIST AUDITORIUM BLDG B-1 3301 GUN CLUB ROAD W PALM BEACH FL 33406 TEL 561 686 8800	0.32
WEST COAST INLAND WATERWAY	0.11	0.14	09/07/01 5:01PM SARASOTA CO RBT ANDER ADMN CTR 4000 S TAMiami TRAIL MAIL: P O BOX 1845 VENICE FL 34297 TEL 941 485 9402	0.13
LEE COUNTY HYACINTH CONTROL *	0.99	1.02	09/04/01 5:01PM DISTRICT OFFICES 15191 HOMESTEAD RD LEHIGH ACRES FL 33971 TEL 941 694 2174	0.94
LEE COUNTY MOSQUITO CONTROL *	9.94	10.24	09/04/01 5:01PM DISTRICT OFFICES 15191 HOMESTEAD RD LEHIGH ACRES FL 33971 TEL 941 694 2174	9.47
TICE FIRE DISTRICT *	80.16	85.41	09/10/01 7:30PM TICE FIRE STATION #1 5170 TICE STREET FT MYERS FL 33905 TEL 941 694 2380	78.60
Property Taxes Without SOH:	348.22	396.94		370.03
Total Property Taxes With SOH:	136.30	154.97		143.70
	MARKET VALUE	ASSESSED VALUE	EXEMPTIONS	TAXABLE VALUE
YOUR PROPERTY VALUE THIS YEAR: 2001	40,450	28,470	25,000	3,470
YOUR PROPERTY VALUE LAST YEAR: 2000	38,020	27,640	25,000	2,640
Assessment Savings Due to SOH CAP		11,980		

"Save Our Homes" Applies to Homestead Property Only as Defined in Florida Constitution, ART. VII S. 4 (C)

IF YOU FEEL THE MARKET VALUE OF YOUR PROPERTY IS INACCURATE OR DOES NOT REFLECT FAIR MARKET VALUE, CONTACT YOUR COUNTY PROPERTY APPRAISER AT: (239) 339-6150 - 2480 Thompson Street, 4th Floor (at the corner of Fowler & Martin Luther King

Jr. Blvd.) or P.O. Box 1546, Ft. Myers, FL 33902. If the Property Appraiser's Office is unable to resolve the matter as to market value, you may file a petition for adjustment with the Value Adjustment Board. Petition forms are available from the County Property Appraiser and must be filed ON OR BEFORE 9/11/2001.

"Your final tax bill may contain non-ad valorem assessments which may not be reflected on this notice such as assessments for roads, fire, garbage, lighting, drainage, water, sewer, or other governmental services and facilities which may be levied by your county, city, or any special district."

EXPLANATION	COLUMN 3 "YOUR TAXES IF NO BUDGET CHANGE IS MADE"	NOTE: Amounts shown on this form do NOT reflect early payment discounts you may have received or may be eligible to receive. (Discounts are a maximum of 4 percent of the amounts shown on this form.)
COLUMN 1 "YOUR PROPERTY TAXES LAST YEAR" This column shows the taxes that applied last year to your property. These amounts were based on budgets adopted last year and your previous taxable value. COLUMN 2 "YOUR TAXES IF PROPOSED BUDGET CHANGE IS MADE" This column shows what your taxes will be this year under the BUDGET ACTUALLY PROPOSED by each local taxing authority. The proposal is NOT final and may be amended at the public hearing shown above.	This column shows what your taxes will be this year IF EACH TAXING AUTHORITY DOES NOT INCREASE ITS PROPERTY TAX LEVY. These amounts are based on last year's budgets and your current assessment. The difference between columns 2 and 3 is the tax change proposed by each local taxing authority and is NOT the result of higher assessments. ASSESSED VALUE MEANS: <u>For homestead property</u> - value as limited by State Constitution. <u>For agricultural and similarly assessed property</u> - classified use value. <u>For all other property</u> - market value.	* NON-HOMESTEAD EXEMPT MILLAGES - The homestead exemption does not apply to the mosquito control, hyacinth control, fire and street lighting authority. Taxes for these authorities are calculated based upon assessed, not taxable value. ** SENIOR EXEMPTION - This property has received a Senior Exemption. Please see the reverse side of this notice for a complete explanation of this exemption.

[[Parcel Detail Information](#)]

[[New Query](#) | [Parcel Queries Page](#) | [Lee PA Home](#)]

A. AFFORDABLE HOUSING

1. Project Impact

A. Applicant Estimate

The North Point Lake DRI is a one-phase mixed use project with build-out planned for the year 2008. As currently planned, the project will contain 550,000 square feet of retail, 120,000 feet of office (which may consist of up to 60,000 square feet of medical office uses), 150 room hotel and 150 dwelling units. The residential units may consist of multi-family or condominium units.

According to the applicant, the North Point Lake development will provide housing opportunities in close proximity to commercial development that will address both "the need for housing in the area and ensure that the demand of housing does not substantially outpace the supply."¹ The multi-family units are estimated to have assessed value of \$145,000 per unit.² At build-out, the applicant projects that the 150 residential units will contain a population of 345 people, including 20 school age children and 87 elderly.³ The applicant assumes that 60% of the multi-family units will have Homestead Exemption.⁴

Based on the proposed commercial development, the project will generate 1,715 jobs. Of these jobs, 1,574 will fall within the very low, low, and moderate income categories. The applicant choose to enhanced the East Coast Florida Regional Planning Council (ECFRPC) methodology by taking into account the demand for affordable housing by existing DRIs within the study area. The applicant felt this approach would mitigate the current double counting of affordable housing supply within the study area.

The estimated housing demand was calculated using data which included various Lee County statistics applied in the demand calculations. According to the U.S. Department of Housing and Urban Development, the Lee County median household income for 2003 is \$51,700. Very Low, Low and Moderate income categories are based on the median household income. The Very Low Income is up to 50% of the average household income, Low is between 50% and 80% and Moderate is 80% to 120%. The midpoint was then provided.

Retail Employment

Total wages were based on the number of employees multiplied by the midpoint range. Based on the wage distribution developed by the applicant, a total of 1,100 retail employees are expected to generate \$30,146,565 in wages for the project. To determine if the distribution was probable it is compared to the average wage of the retail sector times the number of employees expected. The average retail wage is \$27,404.⁵ Based on the average wage and employment projections, the total wage for this sector is \$30,144,400, which suggests that the wage distribution is credible.

Out of the 1,100 employees, 421 or 38% are projected to fall within the very low income wage earner category, 676 or 61% are projected to fall within the low income wage earner category and 3 are projected to fall within the moderate income wage earner category.

The percentages of "Heads of Household" for each income category were applied to the number of employees in each income category. The applicant estimated that 553 "Heads of Households" would be generated from the 1,100 retail jobs. Out of the total "Heads of Households," the methodology showed 26% or 145 households would be in the Very Low income category, 73% or 405 would be in the Low income category and 0.5% or 3 in the Moderate Income Category. It was only these household heads that were considered in the demand analysis by the applicant.

The percentages for Single and Multi-Workers Households in each income category in the retail sector were obtained by using the ECFRPC methodology. Based on a projected total of 145 very low income heads of household wage earners, 116 or 80% were Single Worker Households and 29 or 20% were Multi-Worker households. Based on a projected total of 405 low income heads of household wage earners, 262 or 65% were Single Worker Households and 143 or 35% were Multi-Worker Household. Based on a projected total of 3 moderate income heads of household wage earners, all three households would be multi-worker households.

Office Employment

Total wages were based on the number of employees multiplied by the midpoint range. Based on the wage distribution developed by the applicant, a total of 339 employees are expected to generate \$15,853,043 in wages for the project. To determine if the distribution was probable it is compared to the average wage times the number of employees expected to fall within the targeted income categories. The average office wage is \$53,540.⁶ Based on the average wage and employment projections, the total wage for this sector is \$18,150,060 which suggests that the wage distribution is credible

Out of the 480 office employees, 339 employees will have incomes within the very low, low and moderate income categories. Out of these 12 or 4% are projected to fall within the very low income wage earner category, 84 or 35% are projected to fall within the low income wage earner category and 243 or 72% are projected to fall within the moderate income wage earner category.

The percentages of "Heads of Household" for each income category in the office employment sector were applied to the number of employees in each income category. The applicant estimated that the number of "Heads of Households" that would be generated from the 339 qualifying jobs would be 222. Out of the 222 households, the methodology estimated zero would be in the Very Low wage earner category, 48 or 22% would be in the Low income wage earner category

and 174 or 78% would be in the Moderate category. It was only these household heads that were considered in the demand analysis by the applicant.

The percentages for Single and Multi-Workers Households in each office income category were obtained by using the ECFRPC methodology. The analysis reported zero very low income wage heads of households. Out of the 84 low income wage earners, 48 heads of households would be generated, 30 or 62.5% were Single Worker Households and 18 or 37.5% were Multi-Worker households. Based on a projected total of 243 moderate income employees, 174 heads of households would be created, 69 or 40% were Single Worker Households and 105 or 60% were Multi-Worker Households.

Hotel Employment

Total wages were based on the number of employees multiplied by the midpoint range. Based on the wage distribution developed by the applicant, a total of 135 employees are expected to generate \$2,613,283 in wages for the project. To determine if the distribution was probable it is compared to the average wage times the number of employees expected. The average hotel wage is \$19,440.⁷ Based on the average wage and employment projections, the total wage for this sector is \$2,624,400 which suggests that the wage distribution is credible

Out of the 135 employees generated from the 150 room hotel, 129 or 96% are projected to fall within the very low income wage earner category, 6 or 4% are projected to fall within the low income wage earner category. The analysis projects that zero employees will fall within the moderate income wage earner category.

The percentages of "Heads of Household" for each income category in the hotel employment sector were applied to the number of employees in each income category. The applicant estimated that the number of "Heads of Households" that would be generated from the 135 jobs would be 48. Out of the 48 households, the methodology estimated 45 or 94% would be in the Very Low wage earner category, 3 or 6% would be in the Low income wage earner category and zero would be in the Moderate category. It was only these household heads that were considered in the demand analysis by the applicant.

The percentages for Single and Multi-Workers Households in each hotel income category were obtained by using the ECFRPC methodology. The analysis reported a total of 129 wage earners within the very low wage earner income group which would result in 45 very low income heads of households, 80% or 36 households would be single worker households and 9 or 20% would be multi-worker households. Out of the 6 low income wage earners, 3 heads of households would be generated, 2 or 66% would be Single Worker Households and 1 or 34% would be Multi-Worker households.

Because of the extra income earned in multi-worker households, total household earnings may move a household to the next income category. Based on this analysis, the total demand of housing resulting from the North Point Lake DRI includes 157 Very Low Income, 327 Low and 228 Moderate households, totaling 712 units or households for the projected 1,574 jobs that are generated by this development that fall within the targeted wage categories.⁹

The applicant chose to enhance the demand side of this analysis by including an analysis of the impact that the approved existing non-mitigated DRIs have on the supply of housing.⁸ In order to accomplish this exercise, the applicant reviewed the employment demand for each approved DRI within the housing market area. Since the DRI methodology estimates the projected employment by phase, the applicant used the average pace of the actual DRI development instead of the employment numbers that were submitted in the original DRI applications for the approved DRIs. Based on the applicant's review of the existing DRIs, an additional 3,221 employees would be generated by the existing DRIs that would have an impact on the housing supply.¹⁰ Out of these employees, 1,477 households would be created, 288 or 19% would be Very Low income, 679 or 46% would be Low income and 510 or 35% would be moderate income.

Housing affordability was determined by the applicant based on the ECFRPC methodology. The prices of affordable purchase units were estimated at mortgages of 7.5%, with taxes and insurance applied at 15% for very low income and 10% for the low and moderate income categories. The affordability threshold for a very low income owner-occupied house was calculated to be \$81,605; \$81,606 to \$130,618 for low income and \$130,619 to 195,927 for moderate income.¹¹ These prices are used to match supply of affordable units within the supply area.

Based on the enhanced methodology the demand for housing generated from both the North Point Lake DRI and existing Demands is 445 very low income units, 1,006 low income units, and 738 moderate priced units.¹²

Supply Analysis

The Supply analysis is based on a three-year average of sales (1999 and 2001) within the 10 mile supply area. The applicant selected the 10 mile-radius around the proposed project site as the market area to determine supply because it yield the more conservative approach.¹³ This analysis is a modified version of the ECFRPC Methodology which calls for an analysis over a one year period. In addition, no units under a \$20,000 sale price were counted in the assessment supply to account for any substandard units. Five percent of the total supply was deducted from the housing supply to allow for the transitional vacancy factor as noted in the ECFRPC methodology.

The supply analysis projected an existing supply of 1,830 Very Low income housing units, 3,900 Low income housing units and 4,510 Moderate income

housing units. Based on the supply analysis there is more than adequate supply of for sale housing units to support the North Point Lake.¹⁴

The supply analysis found a total of 1, 830 Very Low income units available within the supply area. As indicated in the application, 445 Very Low income units would be needed to meet the demand of the North Point Lake DRI and the existing DRIs within the supply area. The supply research also indicates that there are 3,900 housing units within the Low income price range, compared to a demand of 1,006. The analysis also calculated a total of 4,510 Moderate price units compared to a 738 housing units needed to meet the Moderate income demand. Based on these analyses, there is more than adequate supply to meet the demands of the North Point Lake development.

The North Point Lake DRI analysis also reviewed the rental supply within the study area. The rental supply data is based on a survey of apartments conducted by the applicant and a single family rental supply based on US Census figures. The analysis of multi-family rental supply in the 10 mile market area reveals that there are no units available to serve the very low income category, there are 180 low income units available and 290 moderate income units available. The analysis went further to determine the supply of single family rental units. Based on the applicant's assumptions, they determined 15 units were available to serve the Very Low income category and 70 single family rental properties available to served the Low income category and 105 Moderate priced single family rental properties available.¹⁵ Since the analysis only projected 15 rental units available for the very low income category, staff has determined there is a lack of rental units available for the Very Low income category.¹⁶ The applicant has stated that the ECFRPC Methodology does not provide any guidelines for requirement for distribution of for purchase or rental units in the market area.

B. Staff Assessment

Staff reviewed the analysis based on the methodology developed by the East Central Florida Regional Planning Council (ECFRPC) and revised in 1999 to estimate the number of employees generated by the development and who will be heads of their household and the sole or primary wage earner in their household. The applicant has expanded and revised the methodology to try to develop a more complete analysis of supply and demand based not only on this development but the demand of previously approved DRIs.

Staff questioned the applicant on three aspects of the methodology presented in this analysis:

1. The applicant proposes using an average annual supply over a three year period to determine housing supply. The actual numbers of supply (based on sales figures) shows the supply in the very low income category declining over the three year period. The applicant states that the average is the correct methodology and that a historic trend analysis, which staff had recommended, would generate an over estimate part of the time and an under-estimate the

To: M. Noble



Southwest Florida Regional Planning Council

4980 Bayline Drive, 4th Floor, N. Ft. Myers, FL 33917-3909 (239) 656-7720

P.O. Box 3455, N. Ft. Myers, FL 33918-3455 SUNCOM 749-7720

FAX (239) 656-7724

March 31, 2004

Mr. Mike McDaniel
Community Program Administrator
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Lee County/DCA 04-D1

Dear Mr. McDaniel:

Staff of the Southwest Florida Regional Planning Council reviewed the proposed amendment (CPA 2003-04; DCA 04-D1) to the Lee County Comprehensive Plan. The review was performed according to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

The Council will review the proposed amendments at its April 15, 2004 meeting. Staff recommends that the Council approve its recommendation as found in the official staff report. A copy of the official staff report is attached. If the Council's action differs from staff recommendation, we will notify you.

Sincerely,
Southwest Florida Regional Planning Council

David Y. Burr
Executive Director

DYB/DEC
Attachment

Cc: Paul O'Connor, AICP, Director, Lee County



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Recycled Paper

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
LEE COUNTY**

The Council staff has reviewed a proposed amendment to the Lee County Comprehensive Plan (DCA 04-D1). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. A location map is provided as Attachment III.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than the county threshold for a development of regional impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

Proposed <u>Amendment</u>	Factors of Regional Significance			<u>Consistent</u>
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	
DCA 04-D1	yes	yes	yes	yes; DRI regionally significant

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and Lee County.

Agenda Item 3(b)1

**Maps
Attachment III**

Agenda Item 3(b)1
Attachment II

Action 3: Review proposed public facilities to ensure their location in urban areas that have in place, or are covered by binding agreements to provide, the resources and facilities for desired growth in an environmentally acceptable manner.

Conclusion

Council staff finds that the proposed amendment requested is regionally significant since it is the subject of a DRI review and recommends that the Council approve the requests, approve Council staff comments and find that the requests are consistent with the Strategic Regional Policy Plan, July 4, 2002.

Economic Development Element - Livable Communities

- Goal 3:** A stable regional economy based on a continuing excellent quality of life.
- Strategy:** Maintain and improve the natural, historic, cultural, and tourist-related resources as primary regional economic assets.
- Action 3:** Review proposed development to require that natural and other resources of regional significance are maintained, enhanced, restored, or re-created, as appropriate.
- Strategy:** Enhance existing commercial, service, and industrial centers through adequate maintenance and reinvestment.
- Action 1:** Maintain an inventory of public infrastructure and recommended improvements.
- Action 3:** Review proposed development to maximize the use, rehabilitation, and reuse of existing infrastructure.

Economic Development Element - Marketing

- Goal 5:** Increase tourism and business relocation.
- Strategy:** Promote both internal and inter-regional tourism.
- Action 1:** Encourage increased regional tourism and promotion by local interests in the area.
- Action 2:** Advocate tourism between this and other regions and protect inter-regional tourism resources.

Economic Development Element – Economic Infrastructure

- Goal 1:** A well-maintained social, health, and educational infrastructure to support business and industry.
- Strategy:** Maintain the physical infrastructure to meet growth demands.
- Action 2:** Assist local governments and state agencies in planning for future support service facilities, before the need arises.

Agenda Item 3(b)1
Attachment II

There are 327 acres of land allocated for residential uses in the Urban Community land use designation in this community. Recent County information indicates that 267 acres of Urban Community land within this community are currently developed with residential uses, leaving a surplus of 60 acres of Urban Community land available for development before the year 2020. The applicant has stated that the 150 proposed residential dwelling units will be located on approximately 24 acres of land.

Based on the above information, it appears to Council staff that the proposed amendment, if approved, would result in development that will be consistent with the acreage allocations found in the Lee Plan. Council staff agrees with the County staff that Goal 19, Estero, and its subsequent Objectives and Policies are not contradicted by the proposed amendment goals. Council staff would also support the County staff statement that 19, which describe Estero's community vision for the future, will be reviewed as part of the DRI, Master Planned Development and Master Concept Plan application review processes. These detailed reviews will assure that the development itself will comply with the community's vision.

Because of the previously mentioned reasons, Council staff finds that the amendment as identified in the proposed County amendment to promote sound planning coordination with the changes providing a continuous planning process between the agencies responsible for the future of one of the most important infrastructure resources in the region and therefore recommends approval of the requested FLUMA amendment. Council staff also finds this amendment to be regionally significant and consistent with and supported by the Strategic Regional Policy Plan, July 4, 2002:

Economic Development Element – Economic Infrastructure

Goal 1: **A well-maintained social, health, and educational infrastructure to support business and industry.**

Strategy: Maintain the physical infrastructure to meet growth demands.

Action 2: Assist local governments and state agencies in planning for future support service facilities, before the need arises.

Action 3: Review proposed public facilities to ensure their location in urban areas that have in place, or are covered by binding agreements to provide, the resources and facilities for desired growth in an environmentally acceptable manner.

Agenda Item 3(b)1
Attachment II

square feet of commercial retail uses. This estimate was based on the County's site location standards and the current accessibility of the parcels. The Suburban land use policy states that commercial development greater than neighborhood centers are not permitted in this designation and limits the amount of commercial retail land uses to 100,000 square feet. Therefore, if the 102-acre site were unified under a planned development zoning, retail development would be limited to a neighborhood center limit. The Suburban land use designation would then only allow much less commercial development than desired by the applicant and thereby the reason for the requested amendment.

The subject site is currently designated Suburban on the FLUM. The surrounding properties are designated Urban Community to the north, Suburban and Public Facilities to the east, Suburban to the west, and Urban Community to the south. The Urban Community future land use category, east of US 41 and to the south of the subject site, extends south to the City of Bonita Springs. The Urban Community future land use category, east of US 41 and to the north of the subject site, extends north to Briar cliff Road before reaching the more intense future urban designations of Ft. Myers. There is a small portion of this corridor designated Suburban just to the south of Koreshan Boulevard (Estero Parkway). If the proposed amendment is approved, the Urban Community designation would continue to be the predominant land use designation located on the east side of US 41.

According to County staff, the proposed amendment is consistent with the Urban Community designation for the following reasons:

- The proposed land use designation connects the future and use category from the north to the south;
- The urban services have adequate capacity to provide the necessary services to accommodate the proposed amendment;
- Both commercial and residential developments are listed as predominant land uses in the Urban Community designation. The applicant is proposing in the DRI Application for Development Approval commercial retail and office uses as well as 150 dwelling units;
- The residential density proposed in the amendment is consistent with the standard density of the Urban Community future land use designation; and
- The retail commercial uses will be required to be consistent with the Lee County commercial location standards specified under Goal 6 of the Lee Plan.

The site subject to the proposed amendment is located within the Estero Planning Community. In this community there are 1,399 acres allocated for commercial uses under the Lee Plan. Recent County data indicates that 197.32 acres of land within this community are currently developed with commercial uses, leaving a surplus of 1201.68 acres that could be developed with commercial uses in this area before the year 2020.

SWFRPC COMMENTS
Lee County Comprehensive Plan Amendments

Proposed Amendment (CPA 2003-04 / DCA 04-D1)

CPA 2003-04 is an applicant submitted request that, if approved, would amend the Lee County Comprehensive Plan Future Land Use Map (FLUM). The applicant is proposing to construct a mixed use project containing commercial and residential development. As proposed, the project will contain development consisting of 550,000 square feet of retail shops, 120,000 square feet of office space, a 150 room hotel and 150 multi-family residential dwelling units.

The subject site is located on the northeast quadrant of the intersection of US 41 and Williams Road. It is bounded on the north by the Corkscrew Village Shopping Center, the South Estero Commercial Center and Corkscrew Road, on the south by the Williams Road and Coconut Point DRI, on the west by US 41 and on the east by the ACL Railroad right-of-way. The site contains approximately 102± acres and is currently vacant with a large excavation lake generally located near the center of the property. The ownership of the property is under five different entities.

In order to facilitate the proposed development, the applicant, North Point Lake, LLC, a Florida Corporation, is specifically requesting a change of land use designation on the FLUM from Suburban to Urban Community. The application notes that the subject site fills in an area that is a gap in the surrounding Urban Community land use designation that extends along the eastern side of US 41.

Regional Significance and Consistency

According to the County staff report, the proposed change from Suburban to Urban Community would allow a density increase from 6 units per acre with no Bonus Densities allowed to 6 dwelling units per acre with up to 10 dwelling units per acre with Bonus Densities. The existing land use designation on the property would allow approximately 612 dwelling units, while the proposed Urban Community designation would allow approximately 1,020 dwelling units on the subject site. The proposed amendment could increase the permissible number of dwelling units on the site by approximately 408 units. Based on the calculated number of units allowed, it was estimated that the proposed project will result in an increase of 852 persons (1,020 du x 2.09 persons / du – 612 du x 2.09 persons / du). Council staff agrees with the County's conclusion that this increase in population with respect to the overall population accommodation capacity of the FLUM is insignificant when viewed in the county wide accommodation capacity.

With respect to the commercial aspects of the proposed development, under the existing Suburban land use designation and calculated as the nine separate parcels that currently exists, it was estimated by County staff that the land area could be developed with approximately 320,000

Comprehensive Plan Amendments

A local government may amend its plan twice a year. (Amendments related to developments of regional impact, certain small developments, compliance agreements, and the Job Siting Act are not restricted by this limitation.) Six copies of the amendment are sent to the Department of Community Affairs for review. A copy is also sent to the regional planning council, the water management district, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

[s. 163.3184(3)(a)]

The proposed amendment will be reviewed by DCA in two situations. In the first, there must be a written request to DCA. The request for review must be received within forty-five days after transmittal of the proposed amendment. [s. 163.3184(6)(a)] Review can be requested by one of the following:

- the local government that transmits the amendment,
- the regional planning council, or
- an affected person.

In the second situation, DCA can decide to review the proposed amendment without a request. In that case, DCA must give notice within thirty days of transmittal.

[(s. 163.3184(6)(b))]

Within five working days after deciding to conduct a review, DCA must forward copies to various reviewing agencies, including the regional planning council. [s. 163.3184(4)]

Regional Planning Council Review

The regional planning council must submit its comments in writing within thirty days of receipt of the proposed amendment from DCA. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the regional planning council must be limited to "effects on regional resources or facilities identified in the strategic regional policy plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government."

[s. 163.3184(5)]

After receipt of comments from the regional planning council and other reviewing agencies, DCA has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DCA transmits its written comments to the local government.

NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) AND THE RULE (9J-11, FAC) FOR DETAILS.

**LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND
DEVELOPMENT REGULATION ACT**

Local Government Comprehensive Plans

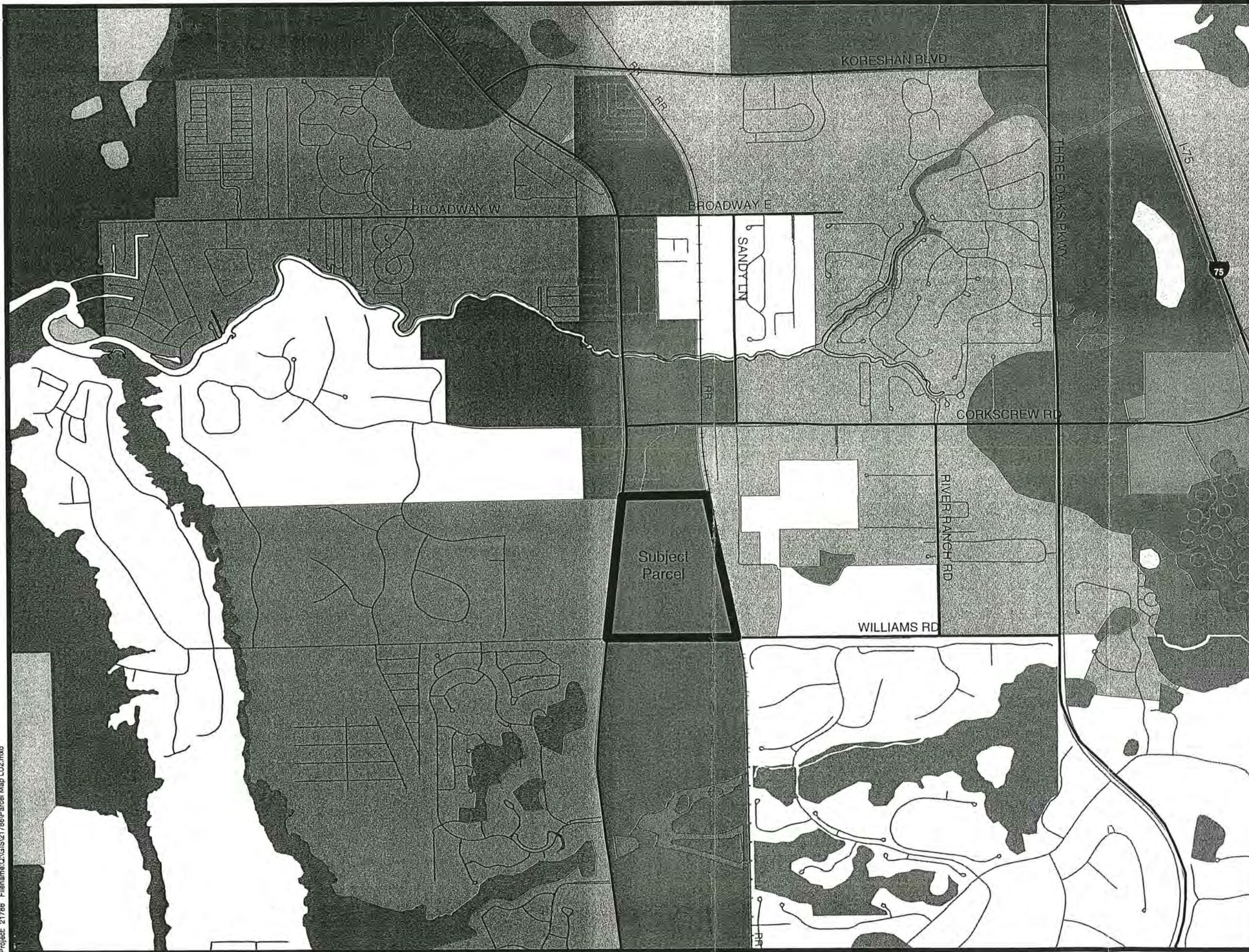
The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;
A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e. g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda
Collier County, Everglades City, Marco Island, Naples
Glades County, Moore Haven
Hendry County, Clewiston, LaBelle
Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel
Sarasota County, Longboat Key, North Port, Sarasota, Venice



North Point Comprehensive Plan Amendment Proposed Future Land Use Map

Map 2b

Source: Lee County Property Appraiser

Not-To-Scale

It is the responsibility of the user to verify the data contained in this document

Barraco
and Associates, Inc.



LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941) 479-8585

Bob Janes
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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 22, 2004

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: Amendment to the Lee Plan
Transmittal Submission Package for CPA 2003-04

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163.3187(1)(b) and of 9J-11.006, this submission package constitutes the transmittal package for an amendment to the Lee Plan known as CPA 2003-04. The proposed amendment is one of the exemptions to the twice per calendar year limitation on the adoption of comprehensive plan amendments, due to the fact that it is directly related to a proposed Development of Regional Impact, the North Point DRI. Per 9J-11.006(1)(a)7.a., a copy of the transmittal letter to the Southwest Florida Regional Planning Council applying for DRI development approval is attached to this correspondence. To date, the Division of Planning has not received names or addresses, per F.S. 163.3184(7) and (15), allowing a courtesy informational statement to interested citizens.

The Local Planning Agency public hearing for this plan amendment was held on January 26, 2004, and the Board of County Commissioners hearing for transmittal of the plan amendment was held on March 9, 2004. Per 9J-11.006(1)(a)(3), Lee County is requesting that the Department review the proposed amendments and provide an Objections, Recommendations, and Comments (ORC) Report. The proposed amendment is not applicable to an area of critical state concern. The Board of County Commissioners has stated its intent to hold an adoption hearing at the same time as the hearing for Application for Development Approval for the DRI.

The subject plan amendment is a privately-initiated request to amend the Future Land Use Map series, Map 1, the Future Land Use Map, for a 102 +/- acre parcel of land located in Section 33, Township 46 South, and Range 25 East to change the Future Land Use classification from Suburban to "Urban Community." The potential commercial intensity for the subject property will be increased if the amendment is adopted.

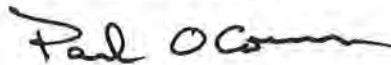
A summary of the plan amendment content and effect is attached to this letter. For clarity, the staff report for the proposed amendment complete with the applicant's submittal, staff evaluation, analysis and recommendations, Local Planning Agency recommendations and local governing body actions are being transmitted. The attached staff report and applicant's submittal materials contain all of the information required for Future Land Use Map amendments outlined in 9J-11.006(1)(b)1 through 5.

The name, title, address, telephone number and facsimile number of the person for the local government who is most familiar with the proposed amendment is as follows:

Mr. Paul O'Connor, AICP
Lee County Planning Division Director
P.O. Box 398
Fort Myers, Florida 33902-0398
(941)479-8585
Fax (941)479-8319
Email: oconnops@leegov.com

Included with this package, per 9J-11.006, are three copies of the proposed amendment, and supporting data and analysis. By copy of this letter and its attachments I certify that these amendments have been sent to the Regional Planning Council, the Florida Department of Transportation (FDOT), the Department of Environmental Protection, Florida Department of State, Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, Division of Forestry, and the South Florida Water Management District.

Sincerely,
DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning



Paul O'Connor, AICP
Director

All documents and reports attendant to this adoption are being sent, by copy of this cover, to:

David Burr
Interim Director
Southwest Florida Regional Planning Council

Mike Rippe, District Director
FDOT District One

Executive Director
South Florida Water Management District

Plan Review Section
Department of Environmental Protection

Florida Department of State

Florida Fish and Wildlife Conservation Commission

The Department of Agriculture and Consumer Services, Division of Forestry

May 13, 2003

Mr. Daniel L. Trescott
DRI Coordinator Southwest Florida Regional Planning Council
4980 Bayline Drive, 4th Floor
North Fort Myers, Florida 33917-3909

Re: Northpoint Lake, LLC
North Point Development of Regional Impact

Dear Mr. Trescott:

On behalf of Northpoint Lake, LLC, and the Consultant Team, Barraco and Associates, Inc. is pleased to submit twenty-two (22) copies of the Development of Regional Impact Application for Development Approval (DRI-ADA) for Northpoint. By copy of this letter, we are also submitting twelve copies of the DRI-ADA submittal to Lee County.

Also enclosed with this submittal is one copy the Comprehensive Plan Amendment submittal package in entirety, per your request, as submitted to the Lee County Planning Department today.

If you should have any questions or require additional information, please contact me at 239-461-3170.

Very truly yours,

BARRACO AND ASSOCIATES, INC.



Daniel L. DeLisi
Vice-President of Planning

DLD/ad
21786



CPA2003-04 North Point DRI

SUMMARY OF PLAN AMENDMENT CONTENT AND EFFECT

CPA2003-04

Amend the Future Land Use Map series for an approximate $\pm$ 102 acre portion of land located in Section 33, Township 46 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from "Suburban" to "Urban Community." This property is located in the Estero planning community to the south of Corkscrew Road, north of Williams Road, and east of US 41.



LEE COUNTY
SOUTHWEST FLORIDA

Division Of Planning

MEMORANDUM

To: Board of County Commissioners
From: 
Paul O'Connor, AICP
Subject: Lee Plan Amendment Transmittal/Adoption Hearing
Date: February 23, 2004

Attached is the Agenda, Staff Reports, and Supporting Data for the Lee Plan Small Scale Amendment Adoption Hearing for plan amendment CPA 2003-05 LeeCorp Homes, Inc and for the Lee Plan DRI Amendment Transmittal Hearing for plan amendment CPA 2003-04 North Point Lake. The hearing will be held on March 9, 2004 starting at 9:35 A.M. or as soon thereafter as may be heard in the chambers upon adjournment of the regularly scheduled Board meeting.

The hearing involves two separate amendments, one for adoption and one for transmittal. The adoption hearing is for a small scale amendment which is being recommended for adoption into the Lee County Future Land Use Map. The transmittal hearing is for a DRI related amendment which is being recommended for transmittal to the Department of Community Affairs for their review and comment.

If you have any questions regarding any of these amendments, please feel free to call me at 479-8309.

cc: Mary Gibbs, AICP, Director of Community Development
Tim Jones, Assistant County Attorney
Donna Marie Collins, Assistant County Attorney
Lisa Pierce, Minutes
Lee Cares
Planning Files CPA 2003-04, CPA 2003-05



THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TTD/TTY (239) 335-1512

February 20, 2004

Mr. Paul O'Connor, Director
Division of Planning
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Request for Determination of Adequacy
Proposed Lee Plan Future Land Use Map Amendment, CPA 2003-04
North Point Lake DRI
CORRECTED STUDENT GENERATION RATES

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

JAMES W. BROWDER, ED.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

Dear Mr. O'Connor:

The purpose of this letter is to correct the student generation rates provided in our response to your request for a determination of adequacy on the above-referenced project. Our file contains a draft response dated July 25, 2003, although it does not contain a signed copy of our correspondence.

Our copy of the correspondence does not indicate the breakdown between single family and multifamily units. However, for your information, the correct student generation rates are 0.352 students per unit for single family units and 0.109 students per unit multifamily units.

Additionally, the Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the North Point Lake developers will be expected to pay the impact fee at the appropriate time.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

Keith Martin
Lee County School District Attorney

LEE COUNTY
FEB 24 PM 9:00
DEPT. OF CONSTRUCTION & PLANNING

DISTRICT VISION

TO PREPARE EVERY STUDENT FOR SUCCESS

DISTRICT MISSION

TO PROVIDE A QUALITY EDUCATION IN A SAFE AND WELL-MANAGED ENVIRONMENT



LEE COUNTY SOUTHWEST FLORIDA

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District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

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PUB. WRKS. CNTR.
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Writer's Direct Dial Number: (239) 335-2236

Facsimile (239) 335-2118

February 3, 2004

Neale Montgomery, Esquire
Pavese Law Firm
P. O. Drawer 1507
Fort Myers, FL 33902

Re: North Point DRI
LU-03-05-2271.A.3.

Dear Neale:

Please be advised that as of today, I will be the liaison from the County Attorney's Office for matters pertaining to the North Point DRI Application for Development Approval and corresponding amendment to the Comprehensive Land Use Plan. As such, please accept this correspondence as a response to your request to set the hearing date for the Board Adoption Hearing on the proposed comprehensive plan amendment. Florida law requires the comprehensive plan amendment supporting the requested DRI to be adopted prior to the approval of the DRI development order. In the past, the County has dovetailed the DRI approval with the comprehensive plan amendment adoption hearing. This procedure will be followed for the North Point DRI as well. It is my understanding that the Regional Planning Council issued a sufficiency letter on January 26, 2004. Shortly thereafter, the County found the application sufficient for review and has scheduled a hearing before the Lee County Hearing Examiner commencing on April 28, 2004. The Hearing Examiner's chamber has been reserved for April 29th and April 30th as well in the event the hearing is not concluded on April 28th. As you know, the LPA has already recommended transmittal of the proposed amendment. The Board Transmittal Hearing has been set for March 9, 2004.

Since this application entails the adoption of a new DRI, there will be a sixty-day notice published in advance of the final Board hearing on the ADA and proposed Plan amendment. I would hesitate to establish a final Board hearing date on this matter in advance of the Hearing Examiner recommendation. It appears the final Board hearing date will likely be held during the summer months and, as you know, full Board attendance can be spotty during that time. Given these circumstances, there is no advantage in setting a hearing date without the benefit of a completed Hearing

S:\LU\DMC\DMCLTR\North Point DRI - Montgomery.wpd

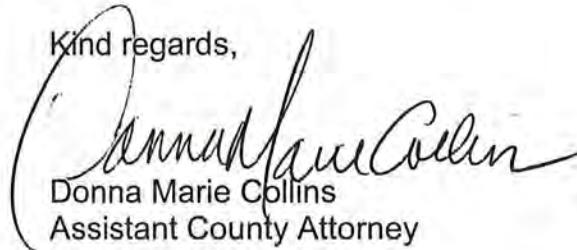
Neale Montgomery, Esquire
February 3, 2004
Page 2

Re: North Point DRI LU-03-05-2271.A.3.

Examiner's recommendation and the receipt of an ORC from the Department of Community Affairs.

I look forward to working together on this case in the future. If I may be of further assistance, do not hesitate to contact me.

Kind regards,



Donna Marie Collins
Assistant County Attorney

DMC/amp

cc: Timothy Jones, Chief Assistant County Attorney
Mary Gibbs, Director, Department of Community Development
Pam Houck, Director, Zoning Division
Chip Block, Senior Planner, Zoning Division
Dan Trescott, Regional Planning Council

Tom Noble

ZONING DIVISION
LEE COUNTY
DEVELOPMENT OF REGIONAL IMPACT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Alvin Block, AICP

DATE: 01/28/2004

~~Dawn Lehner~~, Asst. County Attorney

TIS Reviewer - Bob Rentz

DS Reviewer - Don Blackburn

Paul O'Connor, Planning

Kim Trebatoski, Environmental Sciences

Andy Getch, LCDOT

Kathy Badcock, Lee County School District

Roland Ottolini, Natural Resources

Jerry Murphy, Zoning

PROJECT NAME: NORTH POINT

CASE #: DRI2003-00002

INFORMATION SUMMARY:

To update your file

☒ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 02/09/2004

Additional Comments:

cc: DRI planner/working file
DRI Zone File

Distributed by: Jodi M Payne

Date: 01/28/2004

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. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

January 28, 2004

MR. DANIEL DELISI
BARRACO & ASSOCIATES, INC.
2271 MCGREGOR BLVD
FORT MYERS, FL 33901

Re: NORTH POINT
DRI2003-00002 - FQD Application (FQD)

Dear MR. DANIEL DELISI :

The Zoning Division has reviewed the information provided and supplemented for the Development or Regional Impact request referenced above. The application is now sufficient and the formal request has been drafted from your application as follows:

- a) Consideration of the Application for Development Approval (ADA) for a Development of Regional Impact (DRI) known as North Point Lake LLC on 102.57+/- acres, State DRI #05-0203-162; and
- b) Rezone 102.57 acres from Agriculture District, AG-2 to Mixed Use Planned Development, MPD to allow the development of 550,000 square feet of retail commercial; 120,000 square feet of office use; 150 hotel/motel rooms; and 150 residential units with a maximum building height of 75 feet.

NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

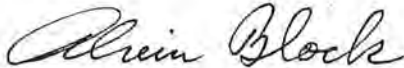
Please review this language carefully, and notify me in writing by February 11, 2004 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on April 28, 2004. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

MR. DANIEL DELISI
BARRACO & ASSOCIATES, INC.
RE: NORTH POINT
DRI2003-00002
January 28, 2004
Page 2

You may schedule or waive a formal pre-hearing conference to discuss substantive issues. Contact me if you have any questions or if you would like to meet informally prior to the public hearings.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division



Alvin Block, AICP
Principal Planner

cc: Mr. Dan Trescott, Southwest Florida Regional Planning Council
Dawn Perry-Lehnert, Assistant County Attorney
Ms. Neale Montgomery, agent for applicant

copy w/o attachments:

Pamela Houck, Division Director
Donna Marie Collins, Assistant County Attorney
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Kathy Badcock, Lee County School District
Billie Jacoby, DCD Admin
DRI Zoning File
DRI Working File

From: "Ronald Talone" <Ronald.talone@dplummer.com>
To: "Matthew Noble" <NOBLEMA@leegov.com>
Date: 1/13/04 3:09PM
Subject: RE: North Point Comprehensive Plan Amendment (CPA) #02548

Matt,

As you know, the DRI traffic study has been found sufficient. The County and RPC staffs are now reviewing this study. Once we have a preliminary report from the County staff, we can begin to negotiate the DRI prop share and DO conditions in earnest.

Please consider that, under the 2020 Financially-Feasible Plan, there are deficient segments in many parts of the County simply because several needed improvements are not yet financially-feasible. Whatever is decided in this case could have ramifications elsewhere in the County where amendments to the Plan are under consideration for either public or private ventures.

Ron

-----Original Message-----

From: Matthew Noble [mailto:NOBLEMA@leegov.com]
Sent: Tuesday, January 13, 2004 2:54 PM
To: Ronald Talone
Cc: Dand@Barraco.net; Mark Gillis; neddewhirst@holemontes.com; Brandy Gonzalez; Andrew Getch; David Loveland; Paul O'Connor; rdillon@oakbrookfl.com; nealemontgomery@paveselaw.com
Subject: Re: North Point Comprehensive Plan Amendment (CPA) #02548

Thank you for the email response to my conversation with Dan. The concern is really a general planning concern of intensifying land use when the FSUTMS modeling demonstrates a failing affected link. We understand that the project did not cause this situation, but the link is still failing. I am concerned that this issue could be raised in an ORC report. Has the applicant evaluated or explored possible improvements to address the failure? Where are you with establishing the proportionate share calculation? I know in the Coconut Mall DRI plan amendment, 4 intersection improvements were identified and included into the Lee Plan...Its my understanding that the proportionate share calculation in this case will exceed impact fees, please correct me if I am wrong...peace...

Matthew A. Noble, Principal Planner
Lee County Department of Community Development
Division of Planning
Email: noblema@bocc.co.lee.fl.us
(239) 479-8548
(941) 479-8319 FAX

>>> "Ronald Talone" <Ronald.talone@dplummer.com> 1/13/04 2:32:50 PM >>>

Hi, Matt. I hope you had a nice holiday.

Dan DeLisi told me that you have concerns regarding the impacts of this CPA on 2020 traffic conditions. I'd like to address this issue.

As shown in Exhibit 3 of our CPA Traffic Study, we found very few LOS problems in 2020 with this Comprehensive Plan Amendment. Conditions were actually pretty good, with all but one road segment

operating at LOS "D" or better.

The only road segment that was projected to operate at LOS "F" was the segment on US 41 between Koreshan Boulevard and San Carlos Boulevard. It must be pointed out, however, that this segment was at LOS "F" both with and without the Project. In other words, this failure is not due to our Project. It's my understanding that the Lee County DOT agrees that our Project is not causing this segment to fail.

The fact that a US 41 segment fails to meet the LOS standard in 2020 is not unexpected. After all, the County's 2020 Financially-Feasible Plan, by definition, will have deficient segments because it doesn't include all of the improvements identified in the 2020 Needs Assessment. The Financially-Feasible Plan only includes those improvements in the Needs Assessment that are considered affordable given revenues projections.

Of course, this Project will contribute it's fair share of the cost for needed improvements through the DRI process. In this way, our traffic impacts will be fully mitigated.

Finally, as shown in Exhibit 4 of our CPA Traffic Study, the proposed land uses in the North Point development will generate far less traffic than the maximum allowable development under either the existing FLUM or the proposed FLUM. Furthermore, the traffic impacts of the North Point development will be far less than the combined impacts of the individual parcels, if they are developed separately. This is because the North Point development will have: (a) a mix of uses that will encourage internal interaction; (b) an internal road network that will promote internal vehicular circulation among the uses; (c) internal bicycle/pedestrian pathways that will promote alternative modes within the development; and (d) a higher level of access control than would be possible if the parcels all developed separately.

I hope this reassures you regarding the traffic impacts of the proposed Comprehensive Plan Amendment. If you think it would be helpful, we could arrange a meeting to discuss this further. Please let me know if you would like us to arrange such a meeting.

Thanks.

Ron

CC: <Dand@Barraco.net>, "Mark Gillis" <Mark.gillis@dplummer.com>, <neddewhirst@holemontes.com>, "Brandy Gonzalez" <BGonzalez.LEEPO02.LEEDOM1@leegov.com>, "Andrew Getch" <GETCHAJ@leegov.com>, "David Loveland" <LOVELADM@leegov.com>, "Paul O'Connor" <OCONNOPS.LEEPO02.LEEDOM1@leegov.com>, <rdillon@oakbrookfl.com>, <nealemontgomery@paveselaw.com>

From: "Ronald Talone" <Ronald.talone@dplummer.com>
To: "Matt Noble (E-mail)" <noblema@leegov.com>
Date: 1/13/04 2:32PM
Subject: North Point Comprehensive Plan Amendment (CPA) #02548

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I hope this reassures you regarding the traffic impacts of the proposed Comprehensive Plan Amendment. If you think it would be helpful, we could arrange a meeting to discuss this further. Please let me know if you would like us to arrange such a meeting.

Thanks.

Ron

CC: "David Loveland (E-mail)" <LOVELADM@bocc.co.lee.fl.us>, "Andy Getch (E-mail)" <GETCHAJ@leegov.com>, "Ron Dillon (E-mail)" <rdillon@oakbrookfl.com>, "Dan DeLisi (E-mail)" <Dand@Barraco.net>, "Neale Montgomery (E-mail)" <nealemontgomery@paveselaw.com>, "Ned Dewhirst (E-mail)" <neddewhirst@holemontes.com>, "Mark Gillis" <Mark.gillis@dplummer.com>

**STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES**

Date: January 13, 2004

To: Brandy Gonzalez, Planner

From: Kim Trebatoski; Principal Environmental Planner

Phone: (239) 479-8183

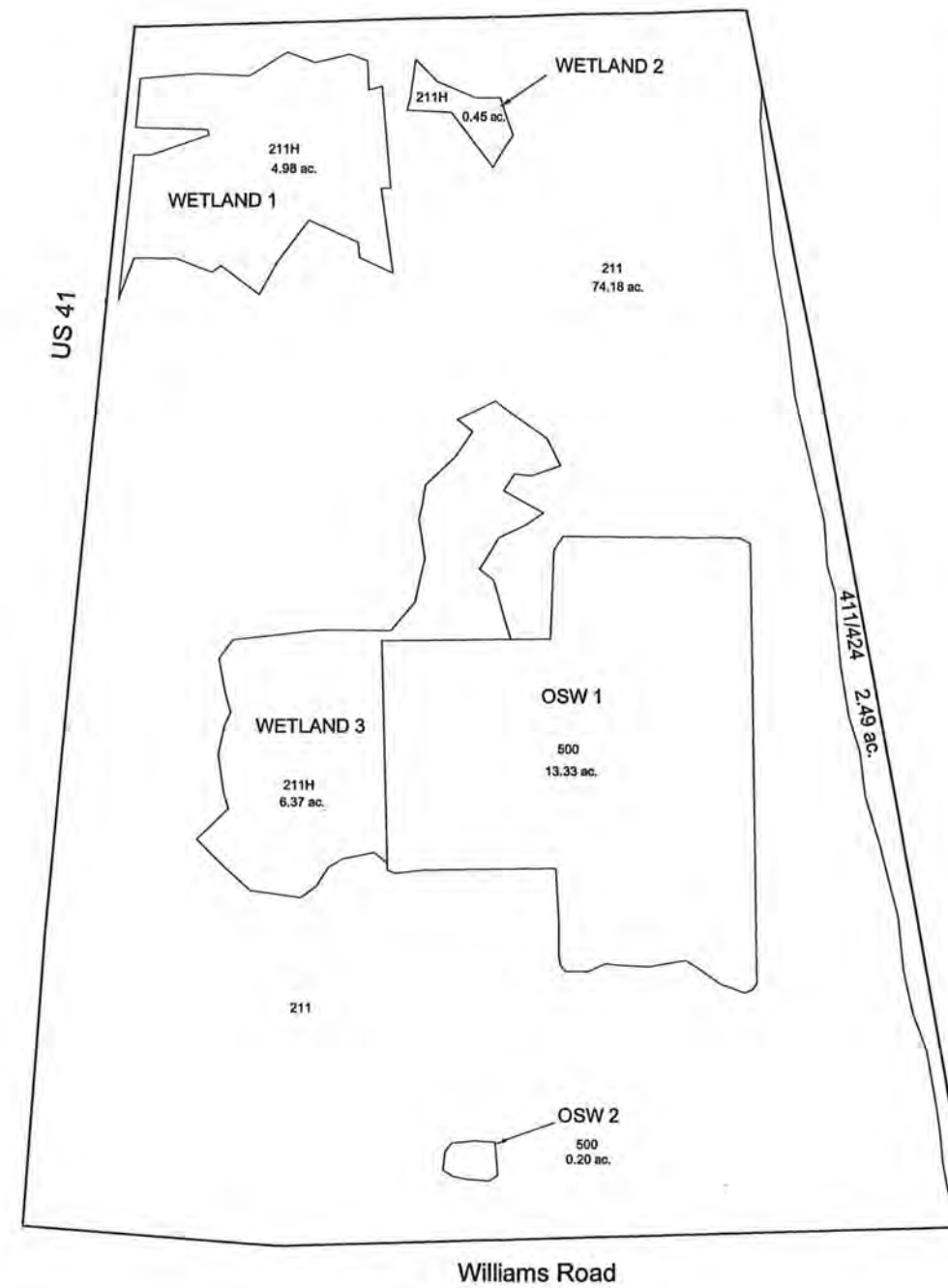
E-mail: trebatkm@leegov.com

Project: North Point Lee Plan Amendment

Case: CPA2003-00004

STRAP: 33-46-25-00-00021.0000 + others

The Division of Environmental Sciences (ES) staff have reviewed the environmental assessment for the property and conducted a field inspection. The property consists of pastureland with scattered south Florida slash pine trees and a borrow pit lake. There are approximately 11.80 acres of hydric pasture and 13.53 acres of other surface waters (Wetland and FLUCCS Map Attached). The site was surveyed for Lee County listed species. ES staff have observed an American bald eagle perching on a slash pine, and wading birds foraging.



FLUCCS LEGEND

Code	Community	Acreage	SFWMD Jurisdictional Acreage
211	Improved Pasture	74.18 Acres	
211H	Hydric Improved Pasture	11.80 Acres	11.80 ac. Wetlands
500	Other Surface Waters (OSW)	13.53 Acres	13.53 ac. OSW
411/424	Melaleuca Invaded Pine Flatwoods	2.49 Acres	
Total Site acreage:		102.0	

WETLANDS

Wetland Number	Wetland Acreage
Wetland 1	4.98
Wetland 2	0.45
Wetland 3	6.37

Total wetland acreage: 11.80

OTHER SURFACE WATERS (OSW)

OSW Number	OSW Acreage
OSW 1	13.33
OSW 2	0.20

Total OSW acreage: 13.53

RECEIVED
AUG 28 2003

PERMIT COUNTER

DCI2003-00037

FILE NAME	21786-MAP FF.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21786\DWG\DRN
PLOT DATE	WED, 8-27-2003 - 7:12 AM
PLOT BY	TODD VANA
CREATED BY	TODD VANA
XREF1	
XREF2	



0 1500 3000 6000
SCALE IN FEET

WETLAND AND FLUCCS MAP

NORTH POINT MPD

From: Gloria Sajgo
To: Gonzalez, Brandy
Date: 1/8/04 1:46PM
Subject: OK I reviewed the information provided by Barraco for North Point and it is accurate. No known histo

OK I reviewed the information provided by Barraco for North Point and it is accurate. No known historic or archaeological resources on the subject property. Thanks

Gloria M. Sajgo AICP
Principal Planner
Lee County Planning Division
P O Box 398
Fort Myers FL 33902
239 479 8311 (ph)
239 479 8161 (fx)
sajgogm@leegov.com

Memo

To: Paul O'Connor, Division of Planning

From: David M. Loveland, Manager, Transportation Planning *DML*

Date: January 7, 2004

Subject: **CPA 2003-04 Privately Initiated Lee Plan
Future Land Use Map Amendment
(North Point Lake DRI)**

We have reviewed the above application which requests the land use designation of approximately 102 acres be changed from "Suburban" to "Urban Community". The project will include 150 multifamily residential units, 550,000 square feet of retail space, 120,000 square feet of office, and 150 hotel rooms. The applicant ran the FSUTMS travel model for future conditions (2020) with and without the North Point DRI. Both model runs included the Coconut Point DRI. We concur with the applicant's findings that all roadway segments under study are either at or better than the standard, both without and with the project, or in one instance (US 41 from Koreshan Boulevard to San Carlos Boulevard) below the standard, both without and with the project.

DML/LW/mlb

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8181

December 19, 2003

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

Paul O'Connor
Director, Division of Planning
Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

**RE: POTABLE WATER & WASTE-WATER SERVICE AVAILABILITY
North Point DRI**

**STRAP #: 33-46-25-00-00019.0000; .0030, .0040, .004A, .0050, .0060, .0080, .0090 &
33-46-25-00-00021.0000**

Dear Mr. O'Connor:

In response to your request for a Letter of Availability please be advised, the subject parcel is located within Lee County Utilities' service area. Potable water and sanitary sewer facilities are currently in operation near the proposed project mentioned above. However, in order to provide service to this proposed project developer funded system enhancements such as line extensions may be required.

Availability of potable water and sanitary sewer service is contingent upon Lee County Board of County Commissioners' final acceptance of these developer funded system enhancements and is subject to available capacity at the time connection to Lee County Utilities' facilities is completed.

Upon completion and final acceptance of this project, potable water service will be provided through Lee County Utilities' Pinewood Water Treatment Plant. Sanitary sewer service will be provided through Lee County Utilities' Three Oaks Waste-water Treatment Plant.

The Lee County Utilities Operations Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

Issuance of this letter should in no way be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

FURTHER, THIS LETTER OF AVAILABILITY OF POTABLE WATER AND WASTE-WATER SERVICE IS TO BE UTILIZED FOR GENERAL PURPOSES FOR THIS PROJECT ONLY. INDIVIDUAL LETTERS OF AVAILABILITY WILL BE REQUIRED FOR THE PURPOSE OF OBTAINING BUILDING PERMITS.

Cordially,

LEE COUNTY UTILITIES



Thom Osterhout
Development Review Manager

Hand Delivered.

S:\UTILS\Engr\MMML\LETTERS\GENERAL AVAIL\NORTH POINT DRI - former GES Area.doc



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8316

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

October 21, 2003

Mr. Daniel DeLisi
2271 McGregor Blvd.
Fort Myers, FL 33902

RE: CPA2003-04 - North Point Lake FLUM Amendment

Dear Mr. DeLisi:

This letter is to inform you that staff has received the submittal items that were requested during the initial sufficiency status response. The above mentioned submittal has been deemed sufficient for review. Additional documentation may be required during the evaluation of the plan amendment request, should staff find that it is necessary.

If I can be of any assistance or if you have any questions, please do not hesitate to call me.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT

BRANDY GONZALEZ
Planner

cc: *Planning file: CPA 2003-04*

Estero Community Planning Committee

October 13, 2003

Dan DeLisi made the presentation on the request. Mr. DeLisi explained the existing fractured ownership pattern, the location of the property, and the opportunities presented by the consolidation of the various tracts of property. Mr. DeLisi identified the opportunity presented by the lake and the ability to have view corridors to the lake from U.S. 41 and Sandy Lane. He also identified the opportunity to provide consistent treatment on two sides of Sandy Lane and to provide a nice corridor to the Estero Park. The opportunity for pedestrian areas and linkages was discussed, as were the buffer treatments for the anchor retail and the village areas. Mr. DeLisi concluded by indicating that the design standards would be consistent with Coconut Point to the south, but it was envisioned it would not look exactly like Coconut Point.

Questions/Comments

How does the traffic from this project compare to Coconut Point?

That comparative analysis has not been conducted, but in the meeting Ron Talone estimated it would be approximately 25% of the traffic estimated by Coconut Point.

What does that mean in terms of being able to get around, and would the project be tearing up U.S. 41 again, and what kind of signals would be required?

Ron indicated one of the nice things about having all of the property under common ownership is the consolidation of access. The northern access aligns with the full median cut and the access to Pelican Sound and that a signal is expected in this location when the warrants are met. Widening of U.S. 41 beyond the six laning would not be expected, except for any necessary site related turn lanes. Ron also noted the analysis shows a buildout condition that is worse than what he really expects and that is due in part to the fact that the County only lets you look at the Existing plus Committed (E + C) road network, which means you can only look at the roads that are committed in the three year plan, even though you know there are other roads that will be in place by the buildout of the project. Ron noted that Three Oaks Parkway Extension cannot be counted, even though it is anticipated by buildout, and he believes Sandy Lane will provide some relief.

How do the pictures presented turn into reality?

The applicant is committed to work with the Estero community, if necessary, to write applicable design standards. Neal and Don submitted that they want to sit down with Ron and his consultants and try to understand the issues better. Ron agreed to meet and go through any issues and concerns.

There were questions about the buffering, and a member of the ECPP expressed a desire to continue the 30 foot buffer that was started along Coconut Point, as well as general liking for the proposed alternate.

A resident submitted that the community should not underestimate the value of dealing with one developer. He submitted that it permits you to only face one jury and he noted that no matter how hard you try, it is hard to achieve some of the community objectives on the 1, 4 and 5 acre sites. He noted that most of the 42 community meetings have been on small sites.

Neal Noethlich submitted that he likes the potential for attractive entrances to the lake. He likes what the developer to the north along Sandy Lane is looking at doing on the triangular shaped parcel between this property and the park. He likes the idea of working with these two projects to create the 'a heart of Estero'. Another person noted that he thinks this project provides the least intrusive place in Estero to place a big box by locating it south of the storage area, east of U.S. 41, and west of the railroad with a significant buffer.

A series of questions were asked on the site locations standards, and the square footage of commercial development that could go on the site under the current ownership, and the amount of retail under common ownership. The question was with regard to the effects of the plan amendment. Someone from the audience asked if the height was different in Urban Community, and wasn't it higher than Suburban.

Dan DeLisi, Chip Block, and Neale Montgomery all offered input on the plan amendment and the site location standards. The Suburban category would permit a maximum of 100,000 s.f. for each individual owner, which could result in a hodge podge. The Urban Community category would permit the commercial to be developed at the desired level under common ownership. Suburban is designed to provide for and protect residential communities. This property is not suitable for the type of residential envisioned by the community. Maximum height is increased in the Urban Community land use category, but the applicant is only requesting a maximum height of 65 feet in the zoning application.

Don Eslick noted that he didn't find a copy of the property development regulations in his package, so he couldn't offer any comments.

The Property Development Regulations are on the Master Concept Plan. However, the applicant will provide the ECPP with a copy on a separate sheet for clarity.

Neal Noethlich submitted that he would like to have more time to review the uses, and that he would like to make his comments to the list of uses in writing.

The applicant will continue to work with the community to the greatest extent possible, and incorporate any concerns they may have with regard to uses.

The people present expressed, for the most part, positive thoughts about the project. These thoughts were expressed in the context of the panel leaders submitting that they wanted to sit down with the applicant and understand better the uses, property development regulations, transportation impacts, buffer/landscaping, and architectural features and design standards.

The applicant will continue to meet with the community to help them better understand the project and its impact with regard to uses, property development regulations, transportation impacts, buffer/landscaping, and architectural features and design standards.

RECEIVED

NOV 06 2003

ESTERO COMMUNITY PLANNING PANEL PUBLIC ~~COMMUNITY~~ DEVELOPMENT

October 13, 2003

DCI 2003-00037
E-MailNameAddressE-Mail

1. Jim Mudd Lee County DCD/Planning jmudd@leegov.com
2. Alvin Block Lee County DCD/Zoning blockah@leegov.com
3. Min. Shrub - Estero Historic Society
4. Jane Sespaniak - Riverwoods Plantation sespaniak@comcast.com
5. Suzy Notbouse Cypress Bend RV
6. Jean Rygal Estero Historical Society
7. Charles Obiz Vill. Country Creek chsobie@swfla.ra.com
8. Arnold Casenthal
9. Bob Thomas Granddaddy
10. Harry Hammel Sunny Grove
11. Tim Clarke Estero Fire Rescue clarkie@esterofire.org

RECEIVED

NOV 06 2003

COMMUNITY DEVELOPMENT

October 13, 2003

DCI 2003-00037

	<u>Name</u>	<u>Address</u>	<u>E-Mail</u>
12.	Dennis J. Merrifield	Estero Fire Rescue	djmerrifield@esterofire.org
13.	Michael Cato	" " "	cato@esterofire.org
14.	Ron Talone, David Plummer & Associates		ronald.talone@plummer.com
15.	Ron Dillon, Oak Brook Prop		RDILLON@OAKBROOKFL.COM nealemontgomery@shaw.com
16.	Neale Montgomery	Parasoft Corp Santa Barbara	
17.	Christina Jolder	Naples Daily News	cljolder@naplesnews.com
18.	Bruce Howard	Bruce Howard & Assoc.	Bruce@BruceHoward.net
19.	Daniel Delisi	Baracco Assoc.	land@baracco.net
20.	Joe Johnston	Breckenridge	JOEJOHNSTON@MSX.COM
21.	Jon Seaberg	Corporal Leaf	JSEABERG@EARTHLINK.NET
22.	Dan Rowe	Shadowood of the Brooks	danarowe@earthlink.net

RECEIVED

NOV 06 2003

COMMUNITY DEVELOPMENT

October 13, 2003

NameAddressE-Mail

DCI 2003-00037

23. PAUL CARR Meadowbrook of Poncha Springs PJC1969@MSN.COM
24. BYRON HALLAM THE CASCADES bhallam@worldnet.ATT.NET
25. ROSE MARIE HAMMOND SUNNY GROVE
26. DONALD BRANDET Sunny Grove Park M.L.BranDET@worldnet.ATT.NET
27. TOM MILTON MARSH LANDING MILTIC44@COMCAST.NET
28. Nancy Milton Marsh Landing
29. Gordon Lyons Wildcat Ridge
30. DON ESCHKE The Colony doneslick@worldnet.ATT.NET
31. Paul Ortega 'Esteiro'
32. Bob Abramson Fountain Lakes SIKBOBBY@TNNI.NET
33. NEAL KOETHLICH 20225 WILDCAT RUN DR (ECPP)

RECEIVED

NOV 06 2003

COMMUNITY DEV.

DCI 2003-00037

October 13, 2003

	<u>Name</u>	<u>Address</u>	<u>E-Mail</u>
34.	Colin TOTH	SEVENTH RAIN ESTATE	ECPP
35.	R. A. Gonzalez	10511 Six Mile Cypress	rgonzalez@bankseng.com
36.	Bill Rasmussen	4160 BUNIMISON Court	grullast@p.rrt.com
37.			
38.			
39.			
40.			
41.			
42.			
43.			
44.			

October 7, 2003

Ms. Brandy Gonzalez
Planner
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

Re: CPA 2003-04 DRI – North Point Lake FLUM Amendment

Dear Ms. Gonzalez:

Please accept the enclosed additional documentation in response to your August 29, 2003 correspondence for the referenced project.

B.3. Staff has not received letters as part of the submitted application from the appropriate agencies determining the following support facilities: Emergency Medical Service (EMS), Solid Waste, Mass Transit.

The letter from the Division of Solid Waste was included in our submittal dated October 3, 2003. The letters from Emergency Medical Service (EMS) and Mass Transit are enclosed.

If you should have any questions or require additional information, please advise.

Very truly yours,

BARRACO AND ASSOCIATES, INC.

* *Daniel DeLisi / by cmh*

Daniel DeLisi, AICP
Vice President of Planning

* Signed in his absence to avoid delay

DD/cmh
21786

Enclosure

CPA 2003-00004

RECEIVED
OCT 07 2003

ZONING COUNTER



LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

239-335-1604

Writer's Direct Dial Number: chrish@leegov.com

Bob Janes
District One

October 3, 2003

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

Mr. Don DeLisi, A.I.C.P.
Barriso and Associates
Post Office Drawer 2800
Fort Myers, FL 33902

**Re: Written Determination of Adequacy for EMS Services for
Comprehensive Plan Amendment Application for a proposed
development of North Point**

Dear Mr. DeLisi:

Lee County Emergency Medical Services has reviewed your letter dated September 15, 2003, reference to a proposed development located at the northeast corner of US 41 and Williams Road and bound to the east by the Seminole Gulf Railway tracks. Your proposal is for 550,000 square feet of retail floor area, 120,000 square feet of office floor area, 150 residential dwelling units, and 150 hotel rooms, with build out projected for year 2008.

The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel or any support facilities.

If you would like to discuss this further, please call me at the above referenced number.

Sincerely,

DIVISION OF PUBLIC SAFETY/EMS

Chief H.C. "Chris" Hansen
EMS Manager
Lee County Emergency Medical Services

HCH:BDW

2003-00004



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

COLLEEN CASTILLE
Secretary

September 9, 2003

Ms. Neale Montgomery, Esquire
Parvese, Haverfield, Dalton, Harrison & Jenson
P. O. Box Drawer 1507
Fort Myers, Florida 33902-1707

Dear Ms. Montgomery:

Thank you for your letter of July 21, 2003, regarding the affordable housing methodology for the proposed **North Point Development of Regional Impact (DRI)**. You indicated in your letter that there was no agreement during the pre-application meeting on the appropriate methodology for the affordable housing analysis because the Southwest Florida Regional Planning Council (SWFRPC) objects to both the Uniform Standard Method of Rule 9J-2, FAC and the East Central Florida Regional Planning Council's method that was approved by the Department of Community Affairs (Department). The SWFRPC believes that both methods are flawed because they allow double counting of the same pool of affordable housing supply by multiple DRIs, and as a consequence, always lead to the conclusion that there is a surplus of affordable units, when in reality there is a scarcity of affordable units in the area.

You have asked the Department to review the methodology proposed by Dr. Hank Fishkind, which has been designed to address the double counting concern. I apologize for not moving more swiftly on this, but have been tied up in the Sarasota 2050 hearing for the past several weeks. At this point, I have become aware that the ADA with an affordable housing analysis following Dr. Fishkind's methodology has been submitted. Therefore, we will review the study and provide any comments we may have to the regional planning council as part of the sufficient review.

If you have any question, please call me at 850-922-1806, or Bernard O. Piawah at 850-922-1810.

Sincerely yours,

Mike McDaniel
State Initiatives Administrator

MM/bp

CC: Mr. Dan Trescott, Southwest Florida Regional Planning Council
Mr. Paul O'Connor, Lee County Planning Director

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
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

ee planners begin review of complex north of proposed Estero mall

By PAUL HERRERA
phherra@naplesnews.com

On its own, Oakbrook Properties' North Point proposal would be a big deal.

With 550,000 square feet of retail area, 120,000 square feet of office, 150 residences and 150 hotel rooms on 103 acres, it would be on a short list of the most significant commercial developments in Southwest Florida.

However, in design and intent, North Point is only the northern

units on the 482-acre property. Whether the mall reaches the construction stage now depends on market forces. Simon Group, developer of the town center mall component of Coconut Point, is competing with another developer to attract retail tenants to its regional mall concept.

Jacobs Group, a mall developer based in Cleveland, has approval for a 1.4 million-square-foot regional mall near the intersection of Alico

See **ESTERO**, Page 8A

cap to the Coconut Point Town Center, a huge regional mall, residential development and office center planned by mall developer Simon Group of Indianapolis and Oakbrook Properties.

Lee County planners are beginning their review of North Point, a development of regional impact submitted for review earlier this year. The proposed development would begin on the northern side of Williams Road in Estero and reach north to a Publix-anchored shopping center. The property is bordered by

U.S. 41 to the west and Seminole Gulf Railroad tracks to the east.

Coconut Point, meanwhile, begins at Williams Road and stretches south for two miles to the Bonita Springs city boundary. The Lee County Commission approved the Coconut Point rezoning case in November, ending the bulk of a three-year permitting process.

Coconut Point's developers have approval to build 1.8 million square feet of retail space, 300,000 square feet of office space, 600 hotel rooms and 1,000 multifamily residential

Estero

Continued from 1A

Road and Ben Hill Griffin Parkway, located about a mile north of Florida Gulf Coast University.

Ron Dillon, vice president of Florida operations for Illinois-based Oakbrook Properties, has said that North Point would be developed with a style similar to Coconut Point.

In its application, Oakbrook Properties said North Point is to be built in one phase with completion scheduled for 2008. Coconut Point can begin construction on its first phase in 2004 and, if it holds to the development schedule outlined in current documents, would be finished by 2008.

As Lee County's review of Coconut Point reached its final stages, a coalition of Estero community groups voiced their support for the mall. The developers won that support after two years of meetings with Estero residents and months of negotiating specific issues with community representatives. In the case of North Point, that influential support may come sooner.

"I think generally, seeing what we've seen — which is very little — it will be nice to see almost three miles of develop-

ment done in the same manner," said Don Eslick, a member of the Estero Community Planning Panel. "With the existing Coconut Point, that's going to be quite a good and significant type of development."

Traffic concerns, Coconut Point's largest and most expensive obstacle, are likely to pose the strongest challenge to North Point. Coconut Point's developers have agreed to pay nearly \$15 million toward traffic improvements in order to mitigate the project's expected impact on the local road network.

Road impact fees for North Point would calculate to around \$3 million. However, that number could rise as the developer and county staff discuss the project further.

In the application for North Point, consultant David Plummer & Associates indicate that the development could piggyback with Coconut Point, taking advantage of infrastructure improvements in the mall approval such as Sandy Lane.

In Coconut Point, the developer agreed to build Sandy Lane as a four-lane road through the length of its project. Lee County transportation engineers see the road connecting from San Carlos Park to Old 41 in Bonita Springs, relieving traffic from an already overburdened U.S. 41 in south Lee County.

MEMORANDUM

from the
TRANSIT DIVISION



DATE: August 1, 2003

To: Paul O'Connor AICP

FROM: Steve Myers *Am*

RE: CPA 03-04 – North Point Lake DRI-Future Land Use Map Amendment Request

Lee Tran staff has reviewed the above referenced future land use map amendment request. Contrary to a statement made in the application (Question 2e, Goal 5, Policy 5.1.3) Lee Tran does not operate a bus route on this portion of US 41 or on Williams Road. The current nearest bus route is 1.6 miles from the subject property. However, Lee County and the city of Bonita Springs are working on a proposal for service in the city which would include AM and PM peak hour trips up to Estero and San Carlos Park. This service would travel US 41 directly past the subject property and would begin on October 1, 2003.

To enhance on the multi-modal features of this mixed-use development, Lee Tran requests consideration of designing a bus stop on US 41 into the project plans. The stop should include pedestrian and bicycle access from the development to the bus stop, wheelchair accessibility for ADA compliance, a passenger waiting shelter, and a pull off lane for the bus to stay out of traffic when boarding or alighting passengers.

If you have any further questions regarding this request, please call me at 277-5012.

July 25, 2003

Mr. Paul O'Connor, Director
Division of Planning
P. O. Box 398
Ft. Myers, FL 33902-0398

Re: Request for Determination of Adequacy
Proposed Lee Plan Future Land Use Map Amendment, CPA 2003-04
North Point Lake DRI

Dear Mr. O'Connor:

This letter is in response to your request for a determination of adequacy from the Lee County School District on a future land use map plan amendment the property owner for this site has initiated. According to your request, the proposed change would amend the current Suburban land use designations on a 102 acre parcel to the Urban Community land use category. This amendment could increase the existing number of dwelling units permitted from 612 to 1,020 with bonus densities. As such, the proposed change would impact the Lee County School District, its budget and its planned services in this area. The 1,020 units could generate up to 322 new school aged children in the area, creating the need for 16 new classrooms, or one new elementary school. The difference between the two land use categories would create an additional 408 units over the existing 612 units, creating a minimum of 129 new school aged children and 7 new classrooms. At this time, the existing school classroom inventory is at maximum capacity, so the developer will be required to offset their impact through school impact fees, in accordance with the Impact Fee Ordinance previously adopted by the Lee County Board of County Commissioners.

In addition, the impact of this project on the existing Williams Road has created a need for the four laning of this facility. At this time, the Lee County Department of Transportation plans to examine this facility in its upcoming 2005 plan update, and the developer should expect to pay its fair share for these anticipated improvements.

If you have any further questions or comments, please give me a call.

Sincerely,

Stephanie Keyes, Facilities Planner
Department of Construction and Planning

MEMORANDUM
FROM THE
DEPARTMENT OF
PUBLIC WORKS

2003 JUL 16 AM 10:31

DATE: July 15, 2003

To: Matt Noble
Principal Planner

FROM: Michael P. Pavese
Principal Planner



RE: Lee County Comprehensive Plan Amendment
North Point Lake DRI
Strap #'s 19-45-26-05-0000C .0020

Staff has reviewed your request for comments regarding the adequacy of existing and proposed support facilities relative to the proposed plan amendment referenced above.

Based on the information provided in the application for this request, the subject parcel consists of nine individual parcels totaling approximately 102 ± acres. The subject property is currently zoned Agriculture (AG-2) and is located in the Suburban land use category. The applicant has indicated that they are requesting an amendment to change the existing Future Land Use Map (FLUM) designation of the subject parcel from Suburban to Urban Community. The amendment is being requested to permit the development of more retail floor area than would otherwise be permitted within the Suburban classification. The standard residential density (6 units per acre) is the same for both land use categories. However, unlike the Suburban category, the Urban Community category does permit bonus density of up to 10 units per acre. The development as proposed by the applicant will be predominantly commercial/office and residential use will be limited to a maximum of 150 multiple family units. Assuming the worst case scenario, that the subject property is ultimately developed to the maximum residential density allowed (approximately 1,020 units), it is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be adversely impacted as a result. The Estero Community Park will be under construction in the near future. With the addition of the 65-acre facility, the potential density (1,020 units) of the subject property would be adequately served.

Should you have any questions or require any additional information, please do not hesitate to contact me directly at 479-8762.

cc: John Yarbrough, Director, Lee County Parks and Recreation
Jim Lavender, Director, Department of Public Works

Interoffice Memo

Date: 07/15/03

To: Paul O'Conner, Director, Division of Planning

From: Terry M. Kelley, Emergency Management Coordinator

RE: CPA 2003 -00004, Privately Initiated Lee Plan Future Land Use Map Amendment

Staff has reviewed the submittal documents for the above-referenced amendment. This Development is located in a Category 3 Hurricane Evacuation Zone. In Accordance with the National Weather Service storm surge "SLOSH", this area will receive storm surge flooding from a Category 3 Hurricane. Therefore, the area is applicable to the provisions of Lee County Ordinance 00-14, Land Development Code, Article XI, Sec. 2-481 through 2-486, Hurricane Preparedness that requires shelter and evacuation route impact mitigation for residential developments.

Lee County Administrative Code 7-7 requires that every new residential development with 50 or more dwelling units or 100 plus dwelling units must submit an emergency preparedness plan as a part of the Development Order Application process. Suggested formats for the plan can be found in Administrative Code 7-7. This plan will be submitted to Lee County Emergency Management for approval.

Terry M. Kelley, 477-3610



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941) 479-8585

Bob Janes
District One

July 30, 2003

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Mr. Daniel DeLisi
2271 McGregor Blvd.
Fort Myers, Florida 33902

Andrew W. Coy
District Four

John E. Albion
District Five

RE: CPA 2003-04 DRI - North Point Lake FLUM Amendment

Donald D. Stilwell
County Manager

Dear Dan:

James G. Yaeger
County Attorney

Planning staff finds the above mentioned submittal is insufficient and further information is needed. The following comments pertain to Part IV of the application:

Diana M. Parker
County Hearing Examiner

- A.5. Staff is requesting copies of an overall legal description and certified sketch of the perimeter of the area to be included in the proposed amendment. All documents should be suitable for recording. Staff received a property description as part of the submittal, however a legal description showing metes and bounds is required.
- A.6. Staff is requesting copies of the deeds for the properties subject to the requested change. Staff has been unable to verify that the strap numbers given in the application correspond with the deeds for the properties. Please provide clarification.
- B.3. Staff has not received letters as part of the submitted application from the appropriate agencies determining the following support facilities: Emergency Medical Service (EMS), Solid Waste, Mass Transit.
- F.1.b. Staff has not received the data and analysis required by Policy 2.4.4 as part of the application for a plan amendment. Although the application materials refer to the Application for Development Approval, the application requires the data and analysis as part of a comprehensive plan amendment application. This assists in planning staff's review as well as for the distribution of all application materials to the Local Planning Agency, the Board of County Commissioners, and the Department of Community Affairs.

Please note that further requests for information may be forthcoming. Planning staff has not received comments from all of the reviewing agencies regarding the application. If I can be of any assistance or if you have any questions, please do not hesitate to call me at 479-8316.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT


BRANDY GONZALEZ
Planner

cc: Planning file: CPA 2003-04

July 25, 2003

Mr. Chip Block, AICP
Lee County Department of Community Development
P O Box 398
Ft. Myers, FL 33902

Re: North Point, DRI Application for Development Approval

Dear Chip:

Thank you for the opportunity to review the North Point DRI Application for Development Approval for substantive comments with regard to educational impacts. This proposed development is in the South Region of the District, in Estero, in close proximity to Estero High School. Based on the proposed maximum total of 150 multi-family dwelling units, the Lee County School District is estimating that the proposal could generate up to 20 additional school-aged children. This uses a generation rate of .13 students generated for multi-family units. This would create the need for approximately 1 new classroom in the system, as well as additional staff and core facilities.

The schools in this region that would serve this development are operating at or above permanent student capacity levels. Those schools that exceed permanent student capacity levels are operating through the use of portable classroom buildings. The growth generated by this development will require either the addition of permanent student and auxiliary space or the placement of portable buildings. Either action imposes a fiscal impact on the District that should be mitigated by the applicant.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the applicant will be expected to pay the impact fee at the appropriate time, thereby partially meeting their fiscal obligations noted above.

In addition, with this new development coming into the area, along with the Simon Mall, The Brooks, and the Estero Community Park, the Lee County School District would respectfully request that Williams Road be four laned, since traffic congestion continues to be a problem in this area. Thank you for your consideration in this matter.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call.

Sincerely,

Stephanie Keyes, Facilities Planner
Department of Construction and Planning

From: Shawn Lamey
To: Gonzalez, Brandy
Date: 7/21/03 11:43AM
Subject: Requirement

After reviewing the application, the applicant needs to provide staff with a legal description on 8.5 by 11, that must specifically describe the perimeter boundary of the total property, by metes and bounds with accurate bearings and distances for everyline (with out lessing out any portion of the property), but do not describe each parcel individually, and a sealed boundary survey according to corrected legal.

Shawn Lamey
Planning Technician
Lee County Department of Community Development/Division of Planning
E-mail: Lameys@leegov.com
Phone: 239-479-8567; Fax: 239-461-4342
www.lee-county.com/dcd

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

July 14, 2003

Public Service/Review Agencies
See Distribution List

RE: CPA 2003-04 - Privately Initiated Lee Plan Future Land Use Map Amendment
North Point Lake DRI

Planning Division staff requests your agencies 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 east of South Tamiami Trail, south of Corkscrew Road, and north of Willaims Road, adjacent to the Seminole Gulf Railroad Tracks to the west of the subject area. The proposal is to amend the Lee Plan, Map 1, the FLUM, designation of approximately 102 acres from "Suburban" to "Urban Community." Attached is the application and supporting data that the applicant has provided. A map giving the general location of the subject area can be found as Exhibit A.

The Suburban category standard density range permits up to six dwelling units per acre (6 du/acre), with no Bonus Density allowed. Given the existing FLUM designation of Suburban, Planning Division staff estimate, as a worst case, that 612 dwelling units could be built in the subject area. The proposed Urban Community category standard density range permits up to six dwelling units per acre (6 du/acre), with ten units per acre (10du/acre) Bonus Density allowed. The proposed Urban Community designation would allow approximately 1,020 dwelling units in the subject area. At this time the parameters of the potential commercial intensity are under discussion.

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 July 14, 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 Matt Noble of my staff at 479-8548.

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
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*

continued.....

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

Regina Smith, Lee County Economic Development

Kim Trebatoski, Lee County Division of Planning, Environmental Sciences Program

George 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

Dennis Merrifield, Estero Fire Protection & Rescue

Pete Eckenrode, Lee County Development Services

Michael Pavese, Lee County Public Works

From: Brandy Gonzalez
To: Campbell, George; Carroll, Mike; Diaz, Rick; Eckenrode, Pete; firechief@esterofire.org; Hansen, Chris; Horner, William B.; Houck, Pam; Joyce, Rick; Lavender, James; Loveland, David; Murphy, Jerry; Myers, Steve; Ottolini, Roland; Pavese, Michael; rshoap@sheriffleefl.org; Sampson, Lindsey; Smith, Regina; StephanieK@lee.k12.fl.us; Trebatoski, Kim; Wilson, John; Yarbrough, John
Date: 6/27/03 2:17PM
Subject: North Point Lake DRI

(941) 479-8585

June 27, 2003

Public Service/Review Agencies
See Distribution List

RE: CPA 2003-04 - Privately Initiated Lee Plan Future Land Use Map Amendment
North Point Lake DRI

Planning Division staff requests your agencies 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 east of South Tamiami Trail, south of Corkscrew Road, and north of Willaims Road, adjacent to the Seminole Gulf Railroad Tracks to the west of the subject area. The proposal is to amend the Lee Plan, Map 1, the FLUM, designation of approximately 102 acres from "Suburban" to "Urban Community." Attached is the application and supporting data that the applicant has provided. A map giving the general location of the subject area can be found as Exhibit A.

The Suburban category standard density range permits up to six dwelling units per acre (6 du/acre), with no Bonus Density allowed. Given the existing FLUM designation of Suburban, Planning Division staff estimate, as a worst case, that 612 dwelling units could be built in the subject area. The proposed Urban Community category standard density range permits up to six dwelling units per acre (6 du/acre), with ten units per acre (10du/acre) Bonus Density allowed. The proposed Urban Community designation would allow approximately 1,020 dwelling units in the subject area. At this time the parameters of the potential commercial intensity are under discussion.

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 July 14, 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 Matt Noble of my staff at 479-8548.

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
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
Regina Smith, Lee County Economic Development
Kim Trebatoski, Lee County Division of Planning, Environmental Sciences

Program

George 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
Dennis Merrifield, Estero Fire Protection & Rescue
Pete Eckenrode, Lee County Development Services
Michael Pavese, Lee County Public Works

CC:

Noble, Matthew; O'Connor, Paul

May 13, 2003

Mr. Daniel L. Trescott
DRI Coordinator Southwest Florida Regional Planning Council
4980 Bayline Drive, 4th Floor
North Fort Myers, Florida 33917-3909

Re: Northpoint Lake, LLC
North Point Development of Regional Impact

Dear Mr. Trescott:

On behalf of Northpoint Lake, LLC, and the Consultant Team, Barraco and Associates, Inc. is pleased to submit twenty-two (22) copies of the Development of Regional Impact Application for Development Approval (DRI-ADA) for Northpoint. By copy of this letter, we are also submitting twelve copies of the DRI-ADA submittal to Lee County.

Also enclosed with this submittal is one copy the Comprehensive Plan Amendment submittal package in entirety, per your request, as submitted to the Lee County Planning Department today.

If you should have any questions or require additional information, please contact me at 239-461-3170.

Very truly yours,

BARRACO AND ASSOCIATES, INC.



Daniel L. DeLisi
Vice-President of Planning

DLD/ad
21786





THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TDD/TTY (239) 335-1512

May 8, 2003

Mr. Dan Delisi, AICP
Baracco and Associates, Inc.
P. O. Drawer 2800
Ft. Myers, FL 33902

JEANNE S. DOZIER
CHAIRMAN - DISTRICT 2

ELINOR C. SCRIPICA, PH.D.
VICE CHAIRMAN - DISTRICT 5

ROBERT D. CHILMONIK
DISTRICT 1

JANE E. KUCKRI, PH.D.
DISTRICT 3

STEVEN K. TEUBER
DISTRICT 4

JAMES W. BROWDER, Ed.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

Re: North Point, DRI Application for Development Approval

Dear Dan:

Thank you for the opportunity to review the North Point DRI Application for Development Approval for substantive comments with regard to educational impacts. This proposed development is in the South Region of the District, in Estero, in close proximity to Estero High School. Based on the proposed maximum total of 150 multi-family dwelling units, the Lee County School District is estimating that the proposal could generate up to 20 additional school-aged children. This uses a generation rate of .13 students generated for multi-family units. This would create the need for approximately 1 new classroom in the system, as well as additional staff and core facilities.

The schools in this region that would serve this development are operating at or above permanent student capacity levels. Those schools that exceed permanent student capacity levels are operating through the use of portable classroom buildings. The growth generated by this development will require either the addition of permanent student and auxiliary space or the placement of portable buildings. Either action imposes a fiscal impact on the District that should be mitigated by the applicant.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the applicant will be expected to pay the impact fee at the appropriate time, thereby partially meeting their fiscal obligations noted above.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call.

Sincerely,

Stephanie Keyes, Facilities Planner
Department of Construction and Planning

cc: Tyler F. Patak, NCARB, Director

Post-It® Fax Note	7671	Date	5-8	# of pages	1
To	Dan Delisi		From		
Co./Dept.			Co.		
Phone #			Phone #		
Fax #	461-3169		Fax #		

Office of the Sheriff
Rodney Shoap



County of Lee
State of Florida

March 27, 2003

Barraco and Associates, Inc.
Dan Delisi, AICP
Vice President of Planning
Post Office Drawer 2800
Fort Myers, Florida 33902

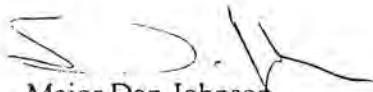
RE: North Point DRI
Application for Development Approval

Dear Sir:

The proposed development of North Point, located at the northeast corner of US 41 and Williams Road and bound to the east by the Seminole Gulf Railway tracks, is within the service area for the Lee County Sheriff's Office. It is policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs.

We anticipate that we will receive the reasonable and necessary funding to support growth in demand. We therefore believe that the Lee County Sheriff's Office will be able to serve your project as it builds out.

Sincerely,



Major Dan Johnson
Planning and Research

Copy: File
DJ/jr



14750 Six Mile Cypress Parkway • Fort Myers, Florida 33912-4406 • (941) 477-1000



Estero FIRE RESCUE

19850 Breckenridge Drive, Suite A
Estero, Florida 33928

Phone: (239) 947-FIRE (3473)

Fax: (239) 947-9538

web site: www.esterofire.org

March 20, 2003

Dan Delisi, AICP
Vice President of Planning
Barraco and Associates, Inc.
P.O. Drawer 2800
Fort Myers, FL 33902

Re: North Point DRI
Application for Development Approval

Dear Dan:

Estero Fire Rescue will begin construction this summer on our Coconut Point Fire Station, located just south of the proposed development. Our current manpower and facilities would be able to serve this site, however, when the Coconut Point Station goes into operation early next year, our capabilities will be enhanced.

Sincerely,

Michael D. Cato, Fire Marshal
Fire Prevention Program Manager

Estero Planning Community

This report is based on TAZ Forecasts - TAZs DO NOT nest perfectly within the Community

SINGLE FAMILY UNITS								NON SINGLE FAMILY UNITS								Hotel and Motel Rooms
Dwelling Units						Population		Dwelling Units						Population		
Year	Part	%	%	Persons		Year	Part	Year	Part	%	%	Persons		Year	Part	
Round	Time	Vacant	Always	Per		Round	Time	Round	Time	Vacant	Always	Per		Round	Time	
Total	(YR)	(PT)	or PT	Vacant	Unit	Total	(YR)	(PT)	or PT	Vacant	Unit	Total	(YR)	(PT)	or PT	Unit

SUMMARY

	Single Family	Non Single Family	All Units	Hotel/Motel Room
Total Units	9,440	11,668	21,108	1,094
Permanent Units	5,608	4,222	9,830	
Seasonal Units	611	5,285	5,896	
Year Round Population	14,197	8,935	23,132	
Part Time Population	1,484	12,693	14,177	
Peak Population	15,681	21,628	37,309	

2020

Estero Planning Community

This report is based on TAZ Forecasts - TAZs DO NOT nest perfectly within the Community

	SINGLE FAMILY UNITS								NON SINGLE FAMILY UNITS								Hotel and Motel Rooms		
	Dwelling Units						Population		Dwelling Units						Population				
	Year	Part	%	%	Persons	Persons Per Unit	Year Round	Part Time	Year	Part	%	%	Persons	Persons Per Unit	Year Round	Part Time			
	Round (YR)	Time (PT)	Vacant or PT	Always Vacant	Round (YR)				Time (PT)	Vacant or PT	Always Vacant								
Total									Total										
768	221	148	0	33%	33%	35%	2.35	348	0	1,944	816	875	58%	13%	13%	1.95	1,591	2,056	19
770	224	186	0	17%	17%	47%	2.76	513	0	275	160	22	42%	34%	34%	2.28	364	61	0
784	0	0	0	0%	0%	0%	0.00	0	0	158	74	57	53%	17%	17%	1.94	144	0	0
788	3	3	0	12%	12%	66%	3.03	8	0	508	290	46	43%	34%	34%	2.29	664	139	0
790	159	103	0	35%	35%	47%	2.75	284	0	125	46	36	63%	34%	34%	2.27	105	100	0
791	300	189	0	37%	37%	54%	3.12	590	0	672	249	81	63%	51%	51%	2.90	722	252	0
792	0	0	0	0%	0%	0%	0.00	0	0	336	124	40	63%	51%	51%	2.90	360	0	200
796	64	52	0	18%	18%	47%	2.74	144	0	8	5	0	38%	33%	33%	2.22	11	1	0
797	563	462	0	18%	18%	47%	2.76	1,275	0	552	337	28	39%	34%	34%	2.29	772	76	0
799	528	333	0	37%	37%	47%	2.76	919	0	261	97	76	63%	34%	34%	2.30	222	209	133
801	246	167	0	32%	32%	34%	2.34	392	0	739	333	310	55%	13%	13%	1.95	649	727	0
805	27	19	0	30%	30%	37%	2.59	49	0	0	0	0	0%	0%	0%	0.00	0	0	0
806	84	67	0	20%	20%	38%	2.59	174	0	78	36	41	54%	1%	1%	1.95	70	107	6
807	936	487	112	48%	36%	36%	2.29	1,115	257	159	75	62	53%	14%	14%	1.95	146	142	105
810	117	81	0	31%	31%	38%	2.61	211	0	0	0	0	0%	0%	0%	0.00	0	0	0
811	91	64	0	30%	30%	38%	2.61	166	0	214	81	131	62%	1%	1%	1.94	158	340	0
813	195	150	0	23%	23%	39%	2.60	390	0	610	378	226	38%	1%	1%	1.95	737	586	200
815	100	53	0	47%	47%	48%	2.60	138	0	90	20	55	78%	17%	17%	1.97	39	143	0
817	1,030	556	103	46%	36%	36%	2.29	1,273	236	444	102	275	77%	15%	15%	1.95	199	630	0
818	1,059	646	32	39%	36%	36%	2.29	1,479	73	898	341	422	62%	15%	15%	1.95	665	966	125
820	848	475	305	44%	8%	8%	2.57	1,221	785	792	198	594	75%	0%	0%	2.11	418	1,527	0
822	1,634	866	0	47%	47%	49%	2.60	2,252	0	1,019	275	571	73%	17%	17%	1.95	536	1,484	0
823	669	341	0	49%	49%	49%	2.60	887	0	405	89	247	78%	17%	17%	1.95	174	642	0
824	342	161	58	53%	36%	36%	2.30	369	133	1,381	97	1,091	93%	14%	14%	1.96	189	2,505	306

Residential Projections

for 2003

Planning Community	Total Residential Units	Permanent Occupied Units	Permanent Population	Seasonal Occupied Units	Seasonal Population	Functional Population
-----------------------	-------------------------------	--------------------------------	-------------------------	-------------------------------	------------------------	--------------------------

Summary for Estero

Sum	13,516	8,383	16,765	4,458	8,915	25,680
-----	--------	-------	--------	-------	-------	--------

Including New CO's Since last Update

	13,516	8,383	16,765			
--	--------	-------	--------	--	--	--

ZData_1_Total_Test

Lee TAZ	SF	VNP SF	V SF	PV SF	PPH SF	Pop SF	NSF	VNP NSF	V NSF	PV NSF	PPH NSF	Pop NSF
815	100	0.47	0.47	0.48	2.603774	138	90	0.78	0.17	0.17	1.969697	39

ZData_2

TAZ	Industrial	E Serv	Empl	Commerci	Total Empl	Enrollment
815	0	175	303	478	0	

ZData_1_Total_Test

Lee TAZ	Tract	HMRooms	Hotel Occu	HM Occup	MF VA 0	MF VA 1	MF VA 2+
815	503.02	0	0.86	0	1	38	61



Foreign Limited Liability

NORTH POINT LAKE, LLC

PRINCIPAL ADDRESS
P.O. BOX 366879
BONITA SPRINGS FL 34135

MAILING ADDRESS
P.O. BOX 366879
BONITA SPRINGS FL 34135

Document Number
M03000000546

FEI Number
010765285

Date Filed
02/13/2003

State
DE

Status
ACTIVE

Effective Date
NONE

Total Contribution
0.00

Registered Agent

Name & Address
CORPORATION SERVICE COMPANY 1201 HAYS STREET TALLAHASSEE FL 32301-2525

Manager/Member Detail

Name & Address	Title
ESTERO LAKES DEVELOPMENT III, INC. TWO TRANSAM PLAZA, SUITE 200 OAKBROOK TERRACE IL 60181	MGR

Annual Reports

Report Year	Filed Date
-------------	------------

2004

01/12/2004

[Previous Filing](#)[Return to List](#)[Next Filing](#)

No Events

No Name History Information

Document Images

Listed below are the images available for this filing.

[01/12/2004 -- ANN REP/UNIFORM BUS REP](#)[02/13/2003 -- Foreign Limited](#)**THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT**[Corporations Inquiry](#)[Corporations Help](#)

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 04-14
(e.g., 93-001)

PRIMARY KEYFIELD
DESCRIPTOR: COMPREHENSIVE PLANNING

SECONDARY KEYFIELD
DESCRIPTOR: PLANNING

OTHER KEYFIELD
DESCRIPTOR: LAND USE PLANNING

ORDINANCE DESCRIPTION: North Point DRI-Future Land Use Map
(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: 89-02 AMENDMENT #2: _____

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: _____ ; REPEAL #3: _____

REPEAL #2: _____ ; REPEAL #4: _____

(Others Repealed: List All That Apply): _____

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: _____

KEYFIELD 1 CODE: _____ KEYFIELD 2 CODE: _____

KEYFIELD 3 CODE: _____

LEE COUNTY ORDINANCE NO. 04-014

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT THAT AMENDMENT KNOWN LOCALLY AS CPA 2003-04 APPROVED IN CONJUNCTION WITH ADOPTION OF THE DEVELOPMENT OF REGIONAL IMPACT APPLICATION (DRI2003-00002) NORTH POINT; PROVIDING FOR AMENDMENTS TO THE ADOPTED FUTURE LAND USE CLASSIFICATION AND MAP (MAP 1); PROVIDING FOR PURPOSE AND SHORT TITLE; PROVIDING FOR ADOPTION OF THE SPECIFIED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL EFFECT OF "THE LEE PLAN"; PROVIDING FOR GEOGRAPHICAL APPLICABILITY; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan (hereinafter referred to as the "Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of Plan Amendments with such frequency as may be permitted by applicable state statutes, in accordance with such administrative procedures as the Board of County Commissioners may adopt; and,

WHEREAS, the Lee County Board of County Commissioners, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 further provides an opportunity for individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (hereinafter referred to as the "LPA") held statutorily prescribed public hearings pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6 on January 26, 2004, and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6, held a statutorily prescribed public hearing for the transmittal of the proposed amendments on March 9, 2004, and at that hearing approved a motion to send, and did later send, the proposed amendments to the Florida Department of Community Affairs (hereinafter referred to as "DCA") for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and,

WHEREAS, at the March 9, 2004 meeting, pursuant to Chapter 163, Part II, Florida Statutes, the Board of County Commissioners did announce its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report," which were later received on May 28, 2004, by the Chairman of the Lee County Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners during its statutorily prescribed public hearing for the plan amendment on September 20, 2004, moved to adopt the proposed DRI related amendment as more particularly set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, has conducted a series of public hearings to review the proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Future Land Use Map Series (Map 1) of the Lee Plan discussed at those meetings. The short title and proper reference for the Lee County Comprehensive Plan, as hereby amended, will continue to be the "Lee Plan." This ordinance may be referred to as the "CPA2003-04 North Point Ordinance."

SECTION TWO: ADOPTION OF CPA2003-04 COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment known as CPA 2003-04, which amends the Future Land Use Map series of the Lee Plan by changing the designation of 102± acres from "Suburban" to "Urban Community."

In addition, the above-mentioned Staff Report and Analysis, along with all attachments for this amendment are hereby adopted as "Support Documentation" for the Lee County Comprehensive Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders shall be consistent with the Lee Plan as so amended.

SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in any joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had such unconstitutional provisions not been included therein.

SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to

"section," "article," or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administration Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Judah, who moved its adoption. The motion was seconded by Commissioner St. Cerny, and, when put to a vote, the vote was as follows:

Robert P. Janes	Aye
Douglas St. Cerny	Aye
Ray Judah	Aye
Andrew Coy	Aye
John Albion	Aye

DONE AND ADOPTED this 20th Day of September 2004.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: Michelle S. Cooper
Deputy Clerk

BY: [Signature]
Chairman

DATE: 9/20/04

Approved as to form by:

[Signature]
County Attorney's Office



State of Florida
County of Lee

I, Charlie Green, Clerk of the Circuit Court,
for Lee County, Florida, do hereby certify
this document to be a true and correct copy
of the original document filed in the
Minutes Department.

Given under my hand and official seal at
Fort Myers, Florida, this 20th day of
September, A.D. 2004.

CHARLIE GREEN, CLERK

By: Michelle S. Cooper
Deputy Clerk



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ray Eubanks, Community Program Administrator
 Florida Department of Community Affairs
 Bureau of Local Planning
 2555 Shumard Oak Boulevard
 Tallahassee, FL 32399-2100

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No
☐ Registered
☐ Insured Mail
☐ Express Mail☒ Return Receipt for Merchandise☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2506

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. John Czerapak
 Florida Department of Transportation
 801 North Broadway
 Bartow, FL 33830

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x B.F. Bingham

☐ Agent☐ Addressee

B. Received by (Printed Name)

Bingham

C. Date of Delivery

4-25-04

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Florida Department of Environmental Prot
 Plan Review Section
 3900 Commonwealth Boulevard, MS 47
 Tallahassee, FL 32399-3000

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. David Burr
S.W. Florida Regional Planning Council
P.O. Box 3455
4980 Bayline Drive, 4th Floor
North Fort Myers, FL 33918-3455

2. Article Number

(Transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

Carmen Rosa

7-29-4

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Florida Fish and Wildlife Conservation Comm
620 South Meridian Street
Tallahassee, FL 32399-1600

2. Article Number

(Transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

Joe R. Way

3/25

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Executive Director
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

2. Article Number

(Transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

H.B. Row

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Florida Department of State
Division of Historical Resources
The Capitol
Tallahassee, FL 32399-0250

2. Article Number
(Transfer from service label)

7000 1670 0011 9183 5975

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

GRACIE PENTON

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

MAR 25 2004

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.4. Restricted Delivery? (Extra Fee) ☐ Yes**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Department of Agriculture and Consumer
Division of Forestry
3125 Connor Boulevard
Tallahassee, FL 32301

2. Article Number
(Transfer from service label)

7000 1670 0011 9183 5982

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

MAR 26 2004

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.4. Restricted Delivery? (Extra Fee) ☐ Yes

kwiktag®

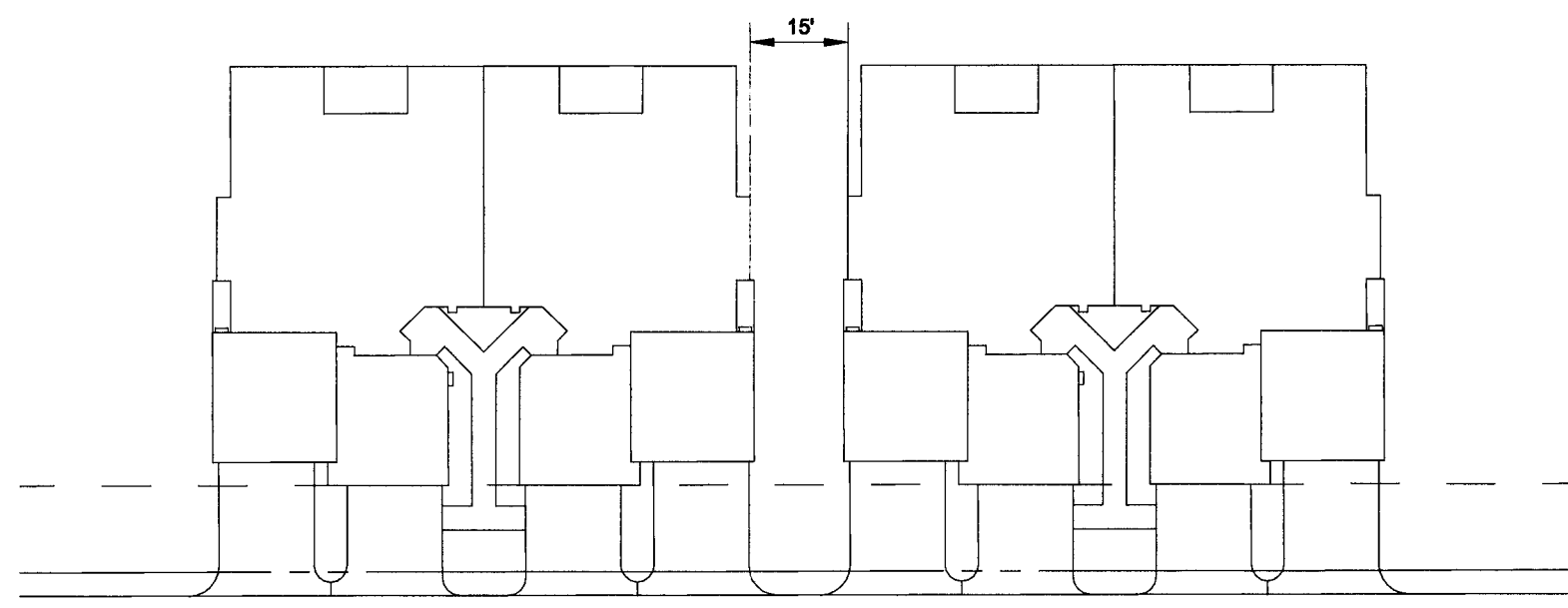
022 586 510



CPA 2003-04 BACKUP
COMP PLAN DRAWER

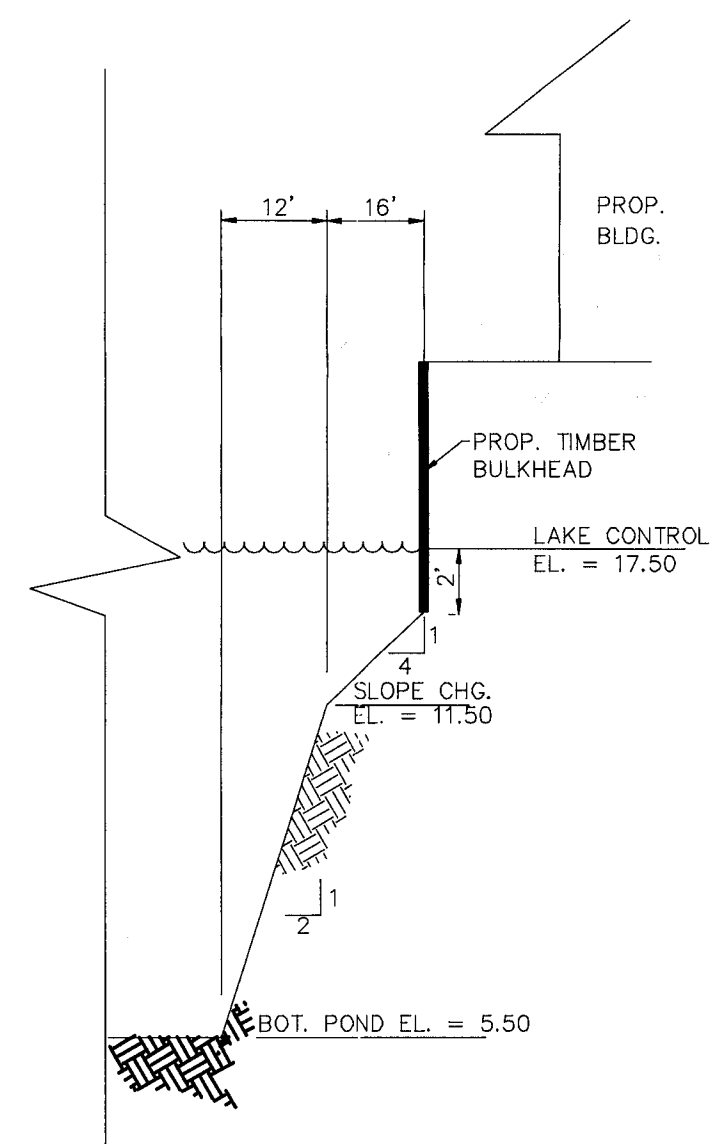
PROJECT SUMMARY

PROJECT SIZE: 102.6 AC.±
REQUIRED OPEN SPACE 31.5 AC.±
MINIMUM REQUIRED INDIGENEOUS VEGETATIONS: N/A



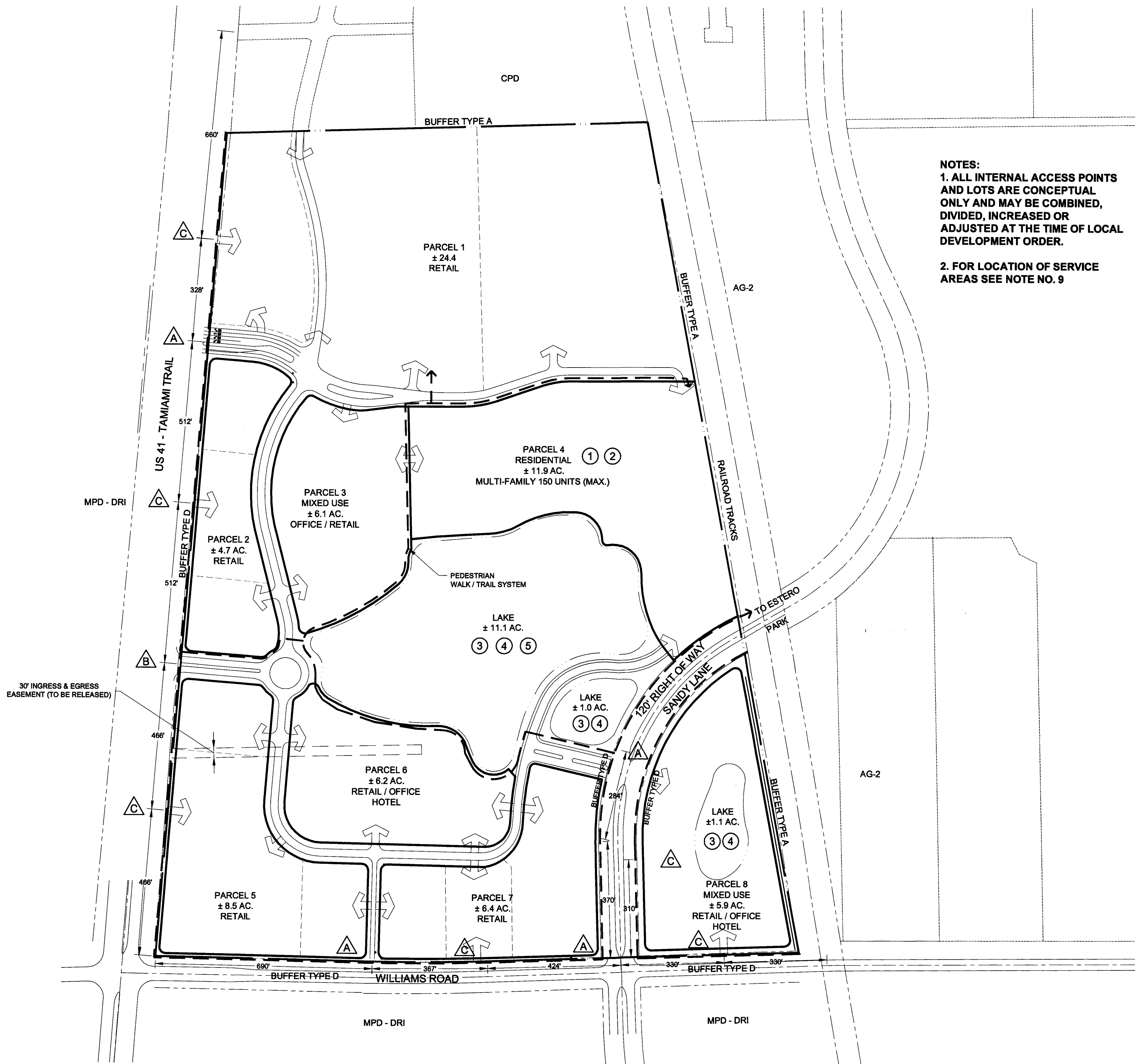
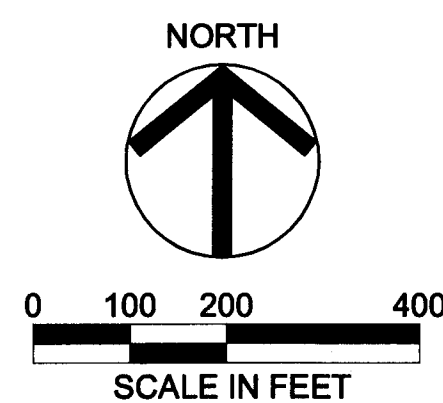
DEVIATION 2

N.T.S.



DEVIATION 4

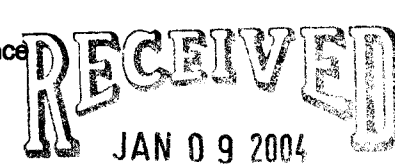
N.T.S.



NOTES:
1. ALL INTERNAL ACCESS POINTS AND LOTS ARE CONCEPTUAL ONLY AND MAY BE COMBINED, DIVIDED, INCREASED OR ADJUSTED AT THE TIME OF LOCAL DEVELOPMENT ORDER.
2. FOR LOCATION OF SERVICE AREAS SEE NOTE NO. 9

LEGEND

- # Deviation
- A Full Entrance
- B Left In - Right In / Right Out Entrance
- C Right In / Right Out Entrance
- Pedestrian / bike way
- Conceptual Lot Lines



ZONING COUNTER

Barraco
and Associates, Inc.

CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN

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2271 MCGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169

FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

**NORTH
POINT LAKE
LLC**

PROJECT DESCRIPTION

**NORTH
POINT
MPD**

SECTION 33
TOWNSHIP 46 SOUTH
RANGE 25 EAST
LEE COUNTY, FLORIDA

REZONING
APPLICATION

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FILE NAME J:\21786\MPD1.DWG
LAYOUT LAYOUT1
LOCATION J:\21786\DWG\ZONING\1
PLOT DATE FRI, 1-9-2004 - 1:39 PM
PLOT BY TODD VANA
DESIGN BY TODD VANA

XREF1
XREF2
XREF3
XREF4
XREF5
XREF6

PLAN REVISIONS

PLAN STATUS

EXHIBIT ONLY
NOT FOR CONSTRUCTION

**MASTER
CONCEPT
PLAN**

PROJECT / FILE NO. SHEET NUMBER
21786 EXHIBITS
IV-A-1/IV-A-2
III-A-1, IV-A-1, IV-A-3

DCI 2003-00037

LAND USE INTENSITY SUMMARY

PARCEL	RETAIL (S.F.)	OFFICE (S.F.)	RESIDENTIAL (UNITS)	HOTEL (ROOMS)	NOTES
PARCEL 1	350,000	-	-	-	-
PARCEL 2	80,000	-	-	-	-
PARCEL 3	60,000	70,000	MAX. 50	-	MULTI-FAMILY ONLY
PARCEL 4	-	-	MAX. 150	-	150 MULTI-FAMILY OR 78 SINGLE FAMILY
PARCEL 5	160,000	-	-	-	-
PARCEL 6	60,000	100,000	MAX. 50	150	MULTI-FAMILY ONLY
PARCEL 7	60,000	-	-	-	-
PARCEL 8	70,000	80,000	MAX. 50	150	MULTI-FAMILY ONLY
TOTAL ALLOWABLE	550,000	120,000 *	150	150	TOTAL RESIDENTIAL UNITS WILL NOT EXCEED 150 ON THE ENTIRE SITE, AND TOTAL HOTEL ROOMS WILL NOT EXCEED 150.

* 60,000 SQ. FT. OF MEDICAL OFFICE AND 60,000 SQ. FT. OF GENERAL OFFICE

LAND USE SUMMARY / OPEN SPACE REQUIREMENTS

PARCEL	LANDUSE	EST. ACRES	REQUIRED OPEN SPACE ACRES	APPROXIMATE OPEN SPACE PROVIDED TOWARD REQUIREMENT
PARCEL 1	RETAIL	+/- 24.4	+/- 7.3	PER CODE
PARCEL 2	RETAIL	+/- 4.7	+/- 1.4	PER CODE
PARCEL 3	MIXED USE	+/- 6.2	+/- 1.9	PER CODE
PARCEL 4	RESIDENTIAL	+/- 11.9	+/- 4.8	PER CODE
PARCEL 5	RETAIL	+/- 8.5	+/- 2.6	PER CODE
PARCEL 6	MIXED USE	+/- 6.2	+/- 1.7	PER CODE
PARCEL 7	RETAIL	+/- 6.4	+/- 1.9	PER CODE
PARCEL 8	MIXED USE	+/- 5.9	+/- 1.8	PER CODE
	LAKE	+/- 13.2	+/- 4.6	7.9 AC. (25% OF 31.6)
	R.O.W. / EASEMENTS	+/- 11.6	+/- 3.5	N/A
	SANDY LANE R.O.W.	+/- 3.6	N/A	N/A
	TOTAL	+/-102.6	+/- 31.5	31.6 AC.

* NO INDIGENOUS VEGETATION EXISTS ON SITE, THEREFORE THERE IS NO INGENOUS REQUIREMENT.

PROPERTY DEVELOPMENT REGULATIONS TABLE

LAND USE	MIN. LOT SIZE SQ. FT.	MIN. LOT WIDTH	MIN. LOT DEPTH	MAX. LOT COVERAGE	SETBACKS (FT.)					BUILDING SEPARATION (FT.)	MAX. *** HEIGHT (FT.)	STORIES
					ROAD (R/W) *	SIDE *	CORNER	REAR	WATER **			
OFFICL	10,000	100'	100'	45%	20'	10'	10'	10'	20'	20	85	5
RETAIL	10,000	100'	100'	45%	20'	10'	10'	10'	20'	20	65	2
HOTEL	10,000	100'	100'	45%	20'	15'	-	20'	20'	20'	75	6
MULTI-FAMILY	10,000	100'	100'	45%	15'	7.5'	7.5'	25'	25'	15	55	4
ACCESSORY STRUCTURES												
POOLS, DECKS, SCREEN ENCLOSURES	N/A	N/A	N/A	N/A	15'	5'	5'	10'	25'	N/A	N/A	N/A
COMMERCIAL (i.e. PARKING GARAGE)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	45	3
AMENITY												
CLUBHOUSE	N/A	N/A	N/A	45%	15'	10'	10'	20'	N/A	N/A	35	2

* ALONG SANDY LANE BUILDINGS WILL HAVE A MINIMM FRONT SETBACK OF 25 FEET AND MINIMUM SIDE SETBACK OF 5'

** EXCEPT WHERE PERMITTED BY AN APPROVED DEVIATION.

*** MAY INCLUDE UP TO 2 STORIES OF PARKING UNDERNEATH BUILDING

SITE DEVELOPMENT NOTES (APPLICANTS SUGGESTED CONDITIONS)

- This is a request for a rezoning from AG-2 to MPD/DRI. The property is currently being used as pasture lands.
- The property is the subject of a Comprehensive Plan Development to change the future land use category from Suburban to Urban Community.
- Withdrawn
- All internal buffers shall meet or exceed the requirements set forth in Section 34-1044.
- All exotic vegetation shall be removed from the development area according to a removal schedule established as part of the Development Order. The site shall be maintained free of exotics in perpetuity.
- Drainage will be accommodated through the use of swales, and/or retention areas. The shape of the lake may be refined without amending the MCP based on detailed site engineering, and compliance with all setback requirements set forth herein.
- The existing lake ranges from approximately 10' to 24'. A lake management plan will be provided at the time of local Development Order.
- Per LDC Section 34-414 (c), minimum of 10 % open space will be provided in commercial areas.
- Service areas for commercial uses will be located away or screened from any existing residential uses.

SCHEDULE OF DEVIATIONS

- Withdrawn
- Deviation from LDC Section 34-935 (4) which requires minimum building separation to be one-half of the sum of their heights, or 20 feet, whichever is greater to be reduced to a 15 foot minimum building separation.
- Deviation from LDC Section 34-329(e)(1)a which requires a 25 foot setback for water retention along local roadways. This deviation would allow lakes within the project to be located within 20 foot of a roadway.
- To Deviate from LDC Section 10d(4) which requires a 4:1 bank slope from the top of the excavation to a water depth of four feet below the dry season water table to allow a vertical drop off to two feet below control elevation then a 4:1 slope to 4' feet below the dry season water table to allow a maximum of 30 % of any lake edge to incorporate bulkheads.
- Withdrawn
- Withdrawn

SURROUNDING ZONING AND LAND USES

	ZONING:	EXISTING LAND USES:
NORTH	AG-2 / CPD	RETAIL
SOUTH	MPD	PASTURE LANDS / SIMON SUNCOAST
EAST	RPD / AG	VACANT TRACTS, CHURCH
WEST	MPD	U.S. 41, VACANT COMMERCIAL

Barraco and Associates, Inc.

CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN

www.barraco.net

2271 MCGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169

FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

NORTH
POINT LAKE
LLC

PROJECT DESCRIPTION

NORTH
POINT
MPD

SECTION 33
TOWNSHIP 46 SOUTH
RANGE 25 EAST
LEE COUNTY, FLORIDA

REZONING
APPLICATION

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FILE NAME 21786MCP02.DWG

LAYOUT LAYOUT1

LOCATION J:\21786\DWG\ZONING\1

PLOT DATE FRI: 1-9-2004 - 12:20 PM

PLOT BY TODD VANA

DESIGN BY TODD VANA

XREF1

XREF2

XREF3

XREF4

XREF5

XREF6

PLAN REVISIONS

PLAN STATUS

EXHIBIT ONLY
NOT FOR CONSTRUCTION

MASTER
CONCEPT
PLAN

PROJECT / FILE NO.

21786

SHEET NUMBER

EXHIBITS

IV - A - 1 / IV - A - 2

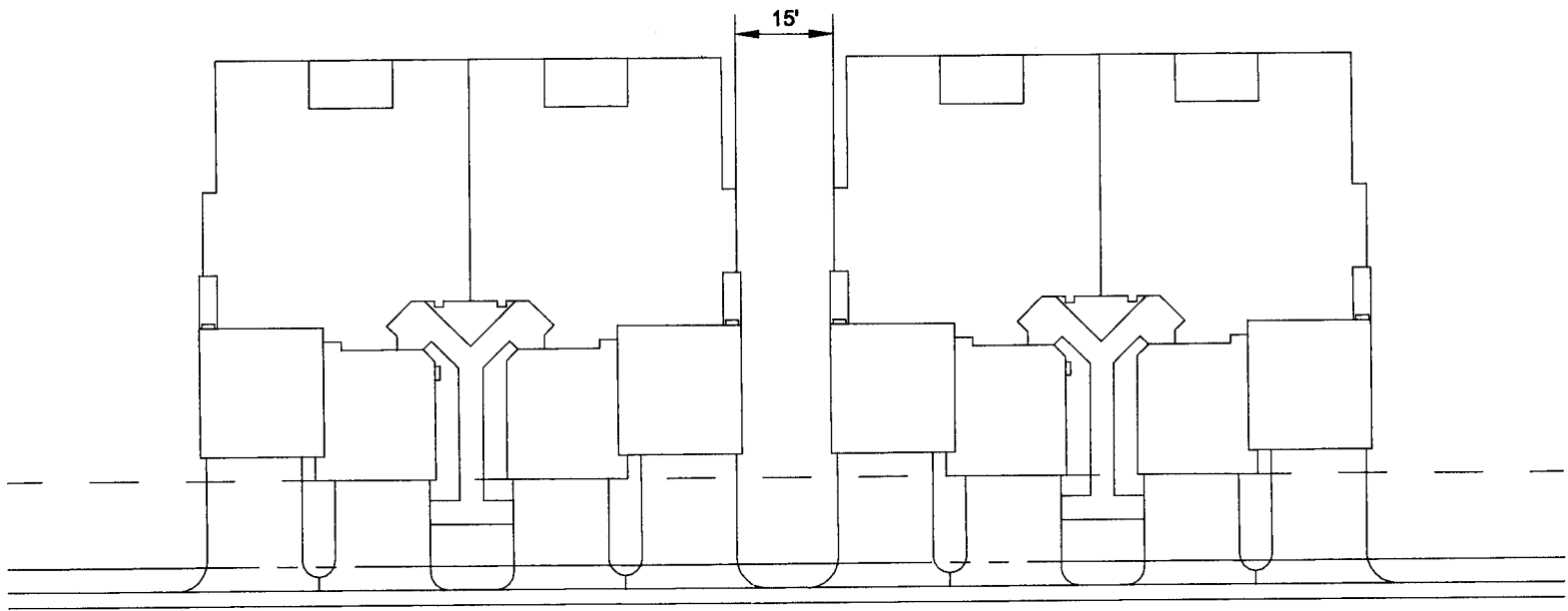
III-A-1, IV-1-1, IV-J-3

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JAN 09 2004

ZONING COUNTER

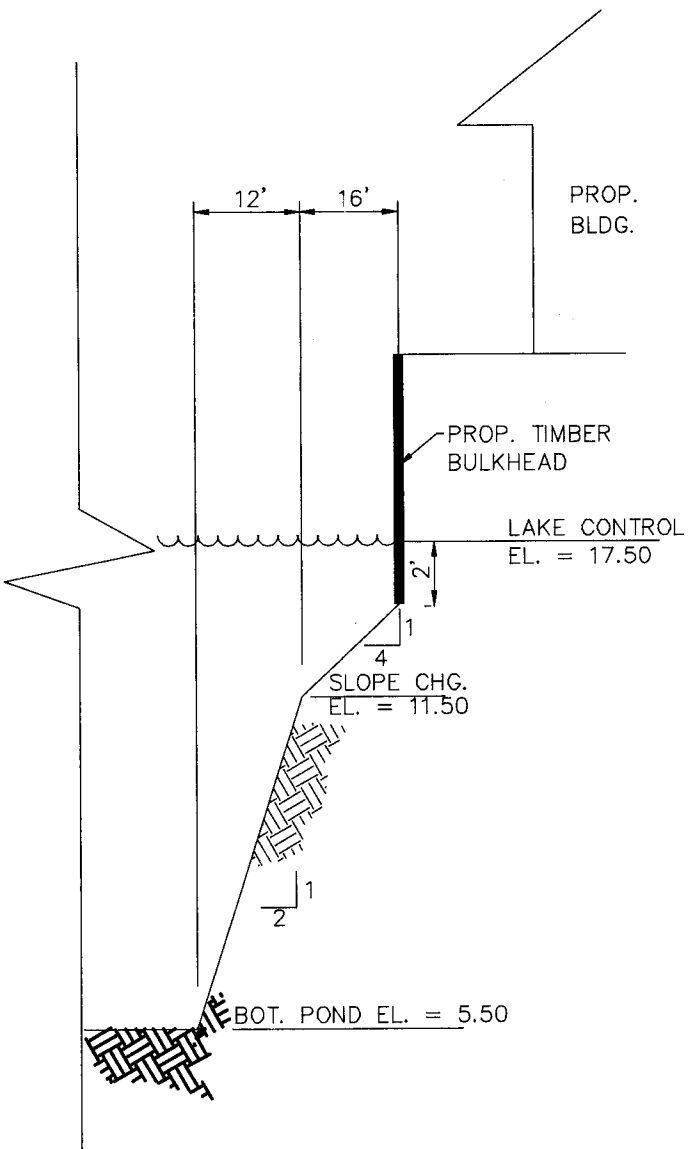
DCI 2003-00037

PROJECT SUMMARY	
PROJECT SIZE:	102.6 AC±
REQUIRED OPEN SPACE	31.6 AC±
MINIMUM REQUIRED INDIGENEOUS VEGETATIONS:	N/A



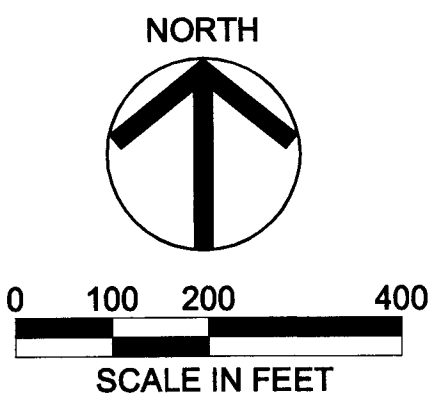
DEVIATION 2

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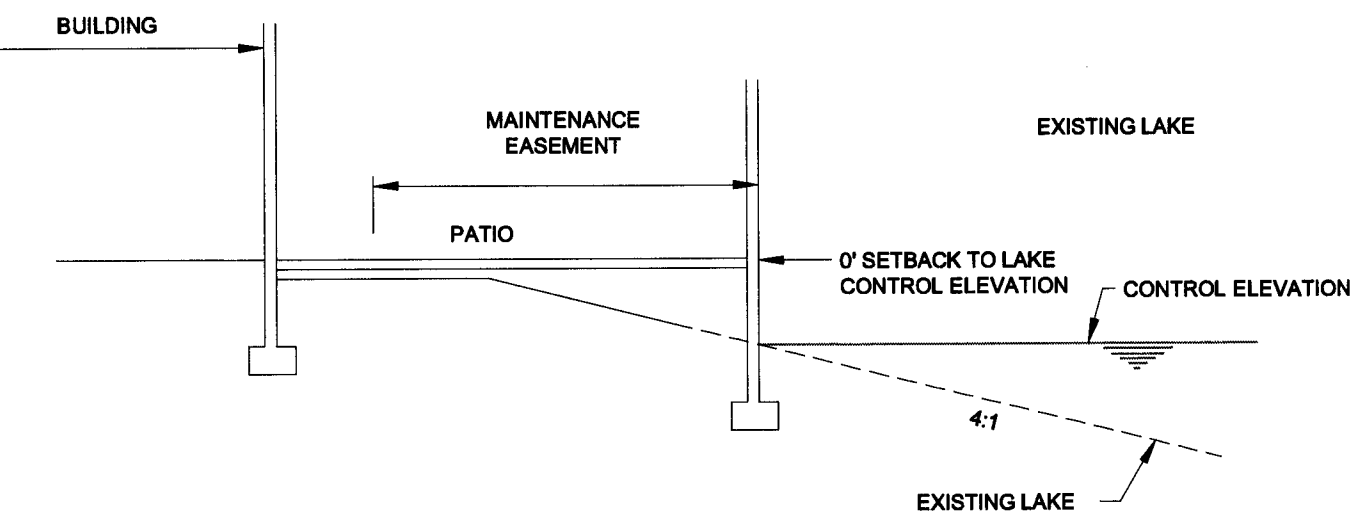
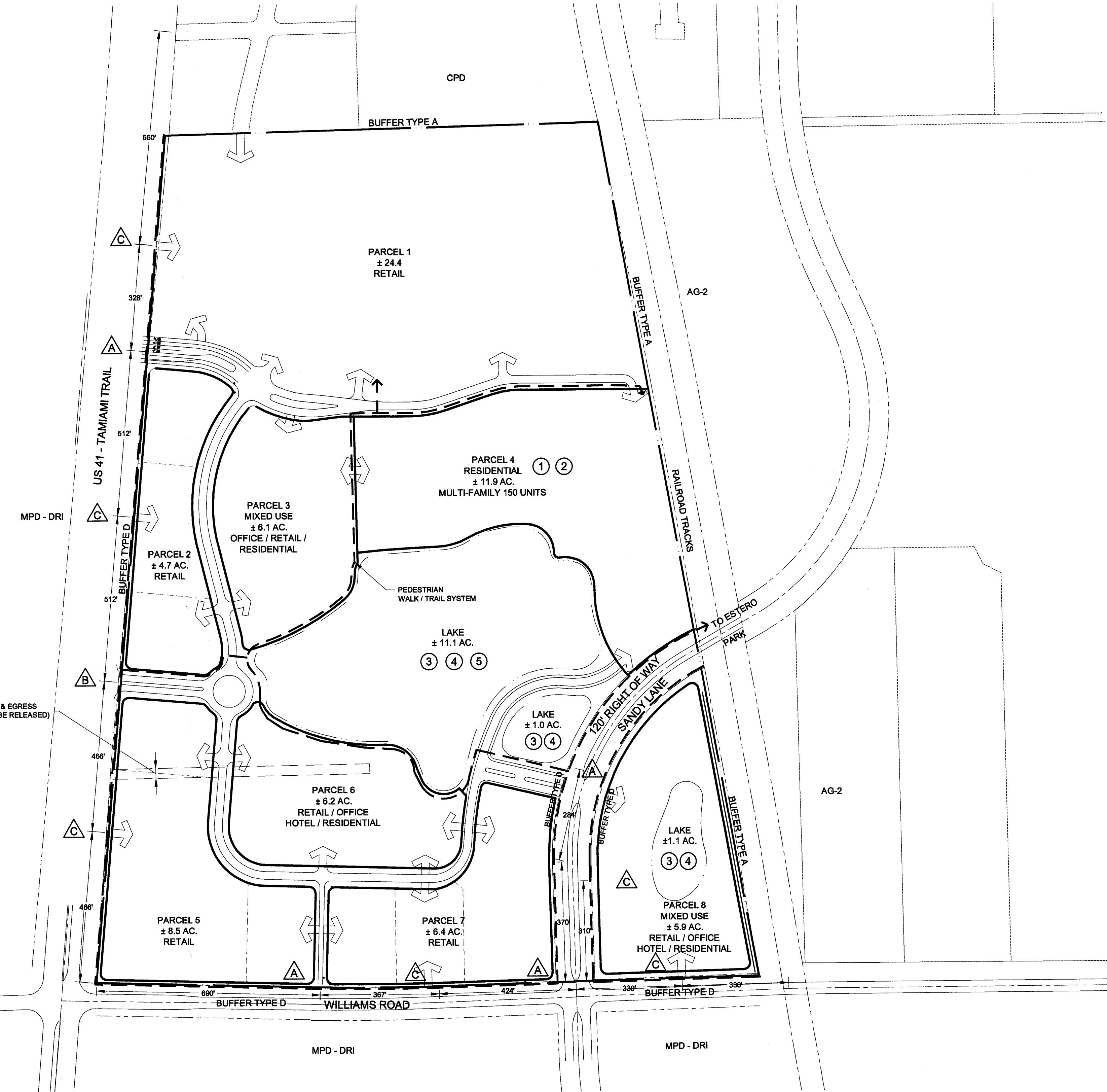


DEVIATION 4

N.T.S.



NOTE: ALL INTERNAL ACCESS POINTS ARE CONCEPTIONAL ONLY AND MAY BE INCREASED OR ADJUSTED AT THE TIME OF LOCAL DEVELOPMENT ORDER.



DEVIATION 5

NOT TO SCALE

LEGEND

- # Deviation
- A Full Entrance
- B Left In - Right In / Right Out Entrance
- C Right In / Right Out Entrance
- Pedestrian / bike way
- Conceptual Lot Lines

Barraco and Associates, Inc.

CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN

www.barraco.net

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PHONE (239) 461-3170
FAX (239) 461-3169

FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

NORTH POINT LAKE LLC

PROJECT DESCRIPTION

NORTH POINT MPD

SECTION 33
TOWNSHIP 46 SOUTH
RANGE 25 EAST
LEE COUNTY, FLORIDA

REZONING APPLICATION

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FILE NAME	21786MCP01.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21786\DWG\ZONING\
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PLOT BY	TODD VANA
DESIGN BY	TODD VANA
XREF1	
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS

PLAN STATUS

EXHIBIT ONLY
NOT FOR CONSTRUCTION

MASTER CONCEPT PLAN

PROJECT / FILE NO.	SHEET NUMBER
21786	EXHIBITS IV-A-1, IV-A-2 III-A-1, IV-1, IV-3

RECEIVED
NOV 06 2003
COMMUNITY DEVELOPMENT

00120003-000037

PREPARED FOR

**NORTH
POINT LAKE
LLC**

PROJECT DESCRIPTION

**NORTH
POINT
MPD**

SECTION 33
TOWNSHIP 46 SOUTH
RANGE 25 EAST
LEE COUNTY, FLORIDA

REZONING
APPLICATION

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PLAN REVISIONS

PLAN STATUS

EXHIBIT ONLY
NOT FOR CONSTRUCTION

**MASTER
CONCEPT
PLAN**

PROJECT / FILE NO.	SHEET NUMBER
21786	EXHIBITS IV - A - 1 / IV - A - 2 III-A-1, IV-1-1, IV-1-3

SITE DEVELOPMENT NOTES (APPLICANTS SUGGESTED CONDITIONS)

- This is a request for a rezoning from AG-2 to MPD/DRI. The property is currently being used as pasture lands.
- The property is the subject of a Comprehensive Plan Development to change the future land use category from Suburban to Urban Community.
- Withdrawn
- All internal buffers shall meet or exceed the requirements set forth in Section 34-1044.
- All exotic vegetation shall be removed from the development area according to a removal schedule established as part of the Development Order. The site shall be maintained free of exotics in perpetuity.
- Drainage will be accommodated through the use of swales, and/or retention areas. The shape of the lake may be refined without amending the MCP based on detailed site engineering, and compliance with all setback requirements set forth herein.
- The existing lake ranges from approximately 10' to 24'. A lake management plan will be provided at the time of local Development Order.
- Per LDC Section 34-414 (c), minimum of 10 % open space will be provided in commercial areas.
- Service areas for commercial uses will be located away or screened from any existing residential uses. Service and delivery areas on Parcel 1 must either face North or East.

SCHEDULE OF DEVIATIONS

- Withdrawn
- Deviation from LDC Section 34-935 (4) which requires minimum building separation to be one-half of the sum of their heights, or 20 feet, whichever is greater to be reduced to a 15 foot minimum building separation.
- Deviation from LDC Section 34-329(e)(1)a which requires a 25 foot setback for water retention along local roadways. This deviation would allow lakes within the project to be located within 20 foot of a roadway.
- Deviation from LDC Section 34-329(e)(4) which requires that excavation bank slopes be no greater than 4:1, to allow the project to conform to SFWMD permits. The intent of this deviation is to allow a maximum of 30 % of any lake edge to incorporate bulkheads.
- Deviation from LDC Section 34-2194(c)(3)b, which requires a 10 foot setback for non-seawalled artificial bodies of water. This deviation would eliminate the setback to allow recreational/amenity structures to be placed at the lake's control elevation.
- Withdrawn

SURROUNDING ZONING AND LAND USES

	ZONING:	EXISTING LAND USES:
NORTH	AG-2 / CPD	RETAIL
SOUTH	MPD	PASTURE LANDS / SIMON SUNCOAST
EAST	RPD / AG	VACANT TRACTS, CHURCH
WEST	MPD	U.S. 41, VACANT COMMERCIAL

LAND USE INTENSITY SUMMARY

PARCEL	RETAIL (S.F.)	OFFICE (S.F.)	RESIDENTIAL (UNITS)	HOTEL (ROOMS)	NOTES
PARCEL 1	350,000	-	-	-	.
PARCEL 2	80,000	-	-	-	.
PARCEL 3	60,000	70,000	MAX. 50	-	MULTI-FAMILY ONLY
PARCEL 4	-	-	MAX. 150	-	150 MULTI-FAMILY OR 78 SINGLE FAMILY
PARCEL 5	180,000	-	-	-	.
PARCEL 6	60,000	100,000	MAX. 50	150	MULTI-FAMILY ONLY
PARCEL 7	60,000	-	-	-	.
PARCEL 8	70,000	80,000	MAX. 50	150	MULTI-FAMILY ONLY
TOTAL ALLOWABLE	550,000	120,000	150	150	TOTAL RESIDENTIAL UNITS WILL NOT EXCEED 150 ON THE ENTIRE SITE, AND TOTAL HOTEL ROOMS WILL NOT EXCEED 150. OFFICE USES MAY BE EITHER MEDICAL OR GENERAL AS SPECIFIED IN EXHIBIT IV-1-1

LAND USE SUMMARY / OPEN SPACE REQUIREMENTS

PARCEL	LANDUSE	EST. ACRES	REQUIRED OPEN SPACE ACRES	APPROXIMATE OPEN SPACE PROVIDED TOWARD REQUIREMENT
PARCEL 1	RETAIL	+/- 24.4	+/- 7.3	PER CODE
PARCEL 2	RETAIL	+/- 4.7	+/- 1.4	PER CODE
PARCEL 3	MIXED USE	+/- 6.2	+/- 1.9	PER CODE
PARCEL 4	RESIDENTIAL	+/- 11.9	+/- 4.8	PER CODE
PARCEL 5	RETAIL	+/- 8.5	+/- 2.6	PER CODE
PARCEL 6	MIXED USE	+/- 6.2	+/- 1.7	PER CODE
PARCEL 7	RETAIL	+/- 6.4	+/- 1.9	PER CODE
PARCEL 8	MIXED USE	+/- 6.9	+/- 1.8	PER CODE
	LAKE	+/- 13.2	+/- 4.6	7.9 AC. (25% OF 31.6)
	SANDY LANE R.O.W. / EASEMENTS	+/- 15.2	+/- 3.6	N/A
	TOTAL	+/-102.6	+/- 31.6	31.6 AC.

* NO INDIGENOUS VEGETATION EXISTS ON SITE, THEREFORE THERE IS NO INGENOUS REQUIREMENT.

PROPERTY DEVELOPMENT REGULATIONS TABLE

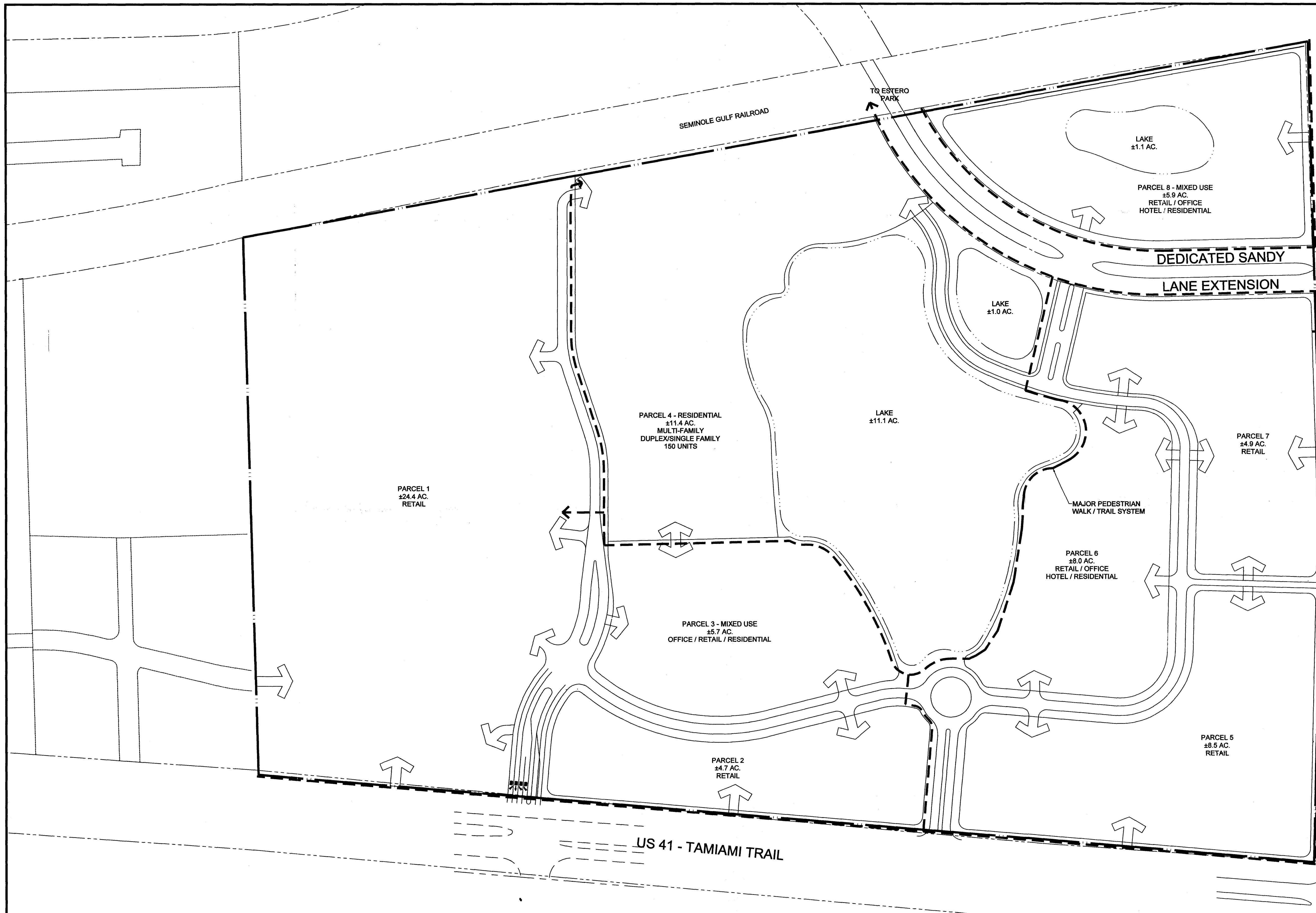
LAND USE	MIN. LOT AREA SQ. FT.	MIN. LOT WIDTH	MIN. LOT DEPTH	MAX. LOT COVERAGE	SETBACKS (FT.)					BUILDING SEPARATION (FT.)	MAX. HEIGHT (FT.)	STORIES
					ROAD (R/W) *	SIDE *	CORNER	REAR	WATER **			
OFFICE/RETAIL	10,000	100'	100'	45%	20'	10'	10'	10'	20'	20	65	5
HOTEL	50,000	200'	200'	45%	20'	15'	-	20'	20'	20'	75	6
MULTI-FAMILY	5,700	N/A	N/A	45%	15'	7.5'	7.5'	25'	25'	15	55	4
ACCESSORY STRUCTURES												
POOLS, DECKS,	N/A	N/A	N/A	N/A	15'	5'	5'	10'	25'	N/A	N/A	N/A
SCREEN ENCLOSURES												
COMMERCIAL (i.e. PARKING GARAGE)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	35	2
AMENITY												
CLUBHOUSE	N/A	N/A	N/A	45%	15'	10'	10'	20'	N/A	N/A	35	2

* ALONG SANDY LANE BUILDINGS WILL HAVE A MINIMIM FRONT SETBACK OF 25 FEET AND MINIMUM SIDE SETBACK OF 5'

** EXCEPT WHERE PERMITTED BY AN APPROVED DEVIATION.

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NOV. 06 2003

COMMUNITY DEVELOPMENT

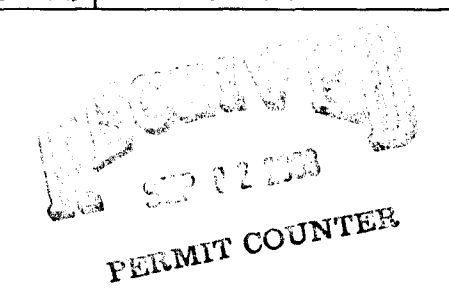


NOTES:

1. THIS PROJECT CONSISTS OF ONE PHASE WITH BUILD-OUT EXPECTED BY 2008.
2. THIS SITE HAS BEEN PREVIOUSLY CLEARED FOR AGRICULTURAL LAND PURPOSES. THEREFORE THERE IS NO PRESERVE SHOWN ON THIS PLAN. LEE TRAN DOES NOT PROVIDE SERVICE TO THIS SITE. THEREFORE THERE ARE NO TRANSIT FACILITIES SHOWN ON THIS PLAN. THIS SITE IS ALSO ADEQUATELY SERVICED BY PUBLIC FACILITIES. THERE ARE NO PUBLIC FACILITIES LOCATED ON THIS PLAN.

PROGRAM SUMMARY

TOTAL PROJECT INTENSITY	RETAIL	590,000
	OFFICE	120,000
	HOTEL	150 ROOMS
	RESIDENTIAL	150 UNITS

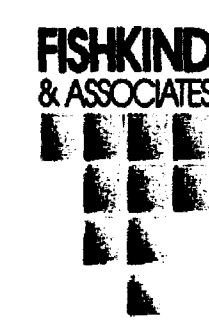
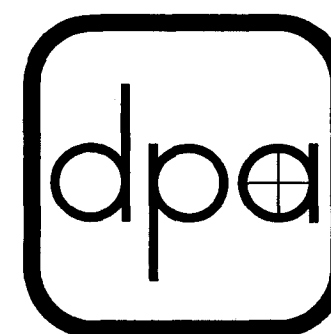


DCI 2003-00002

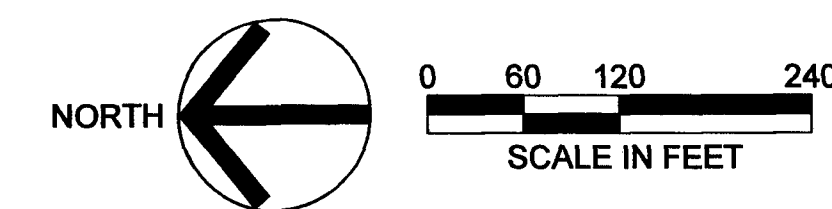
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PLOT DATE	FRI 8-29-2003 11:50 AM
PLOT BY	TODD VANA
CREATED BY	JENNIFER PARKER
XREF1	
XREF2	

**OAKBROOK
PROPERTIES**

Barraco
and Associates, Inc.
Boylan
Environmental
Consultants, Inc.



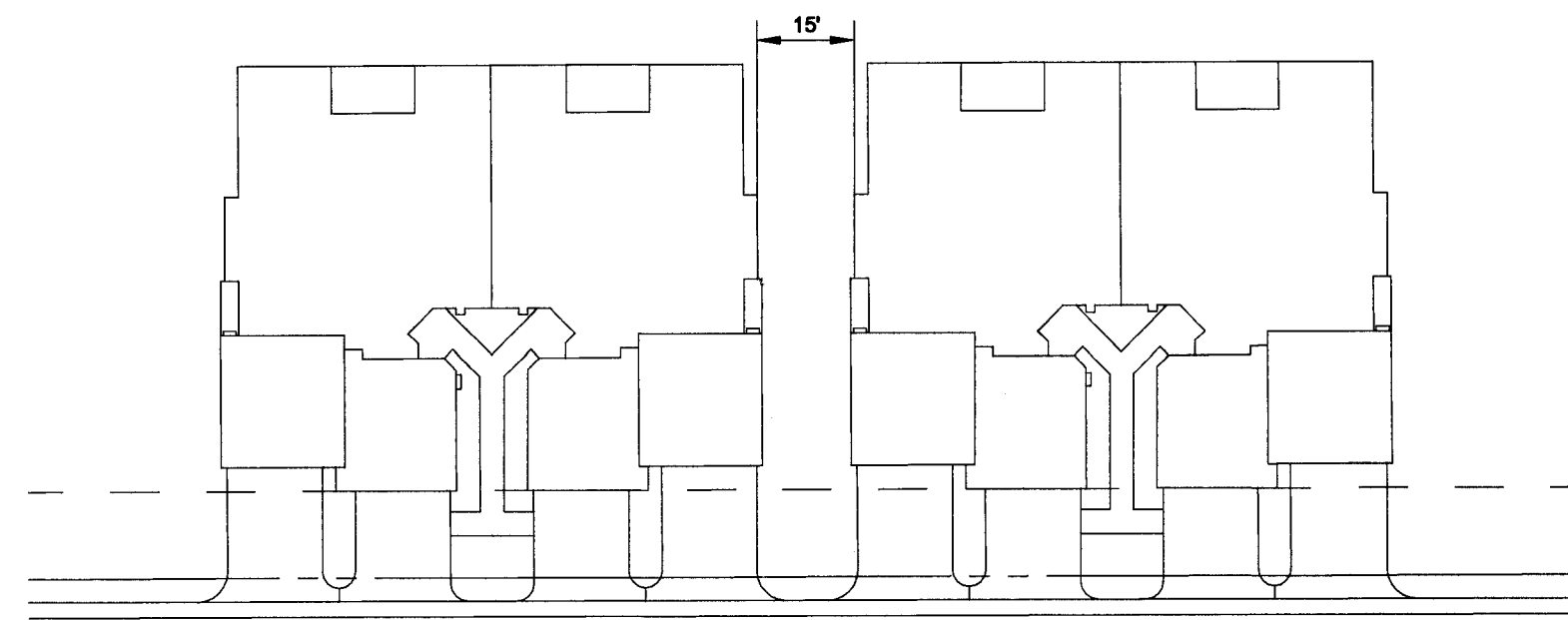
PAVESE, HAVERFIELD, DALTON, HARRISON & JENSEN, L.L.P.
ATTORNEYS AND COUNSELORS AT LAW



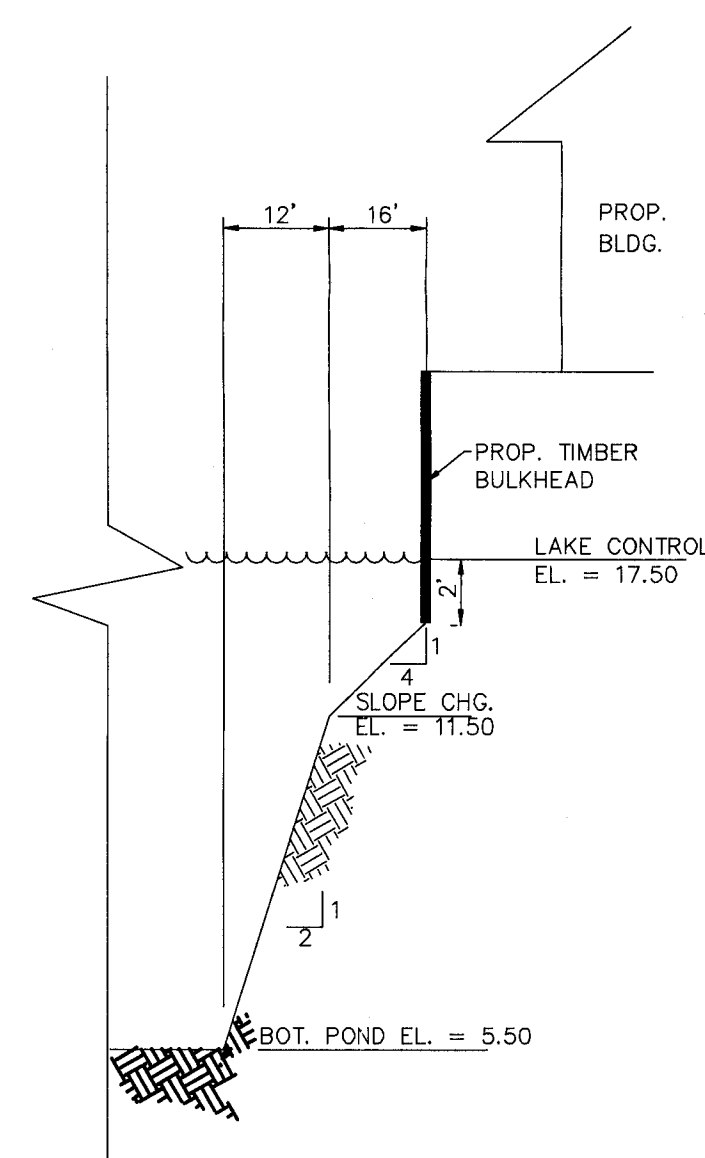
MAP H - MASTER DEVELOPMENT PLAN

NORTH POINT DRI

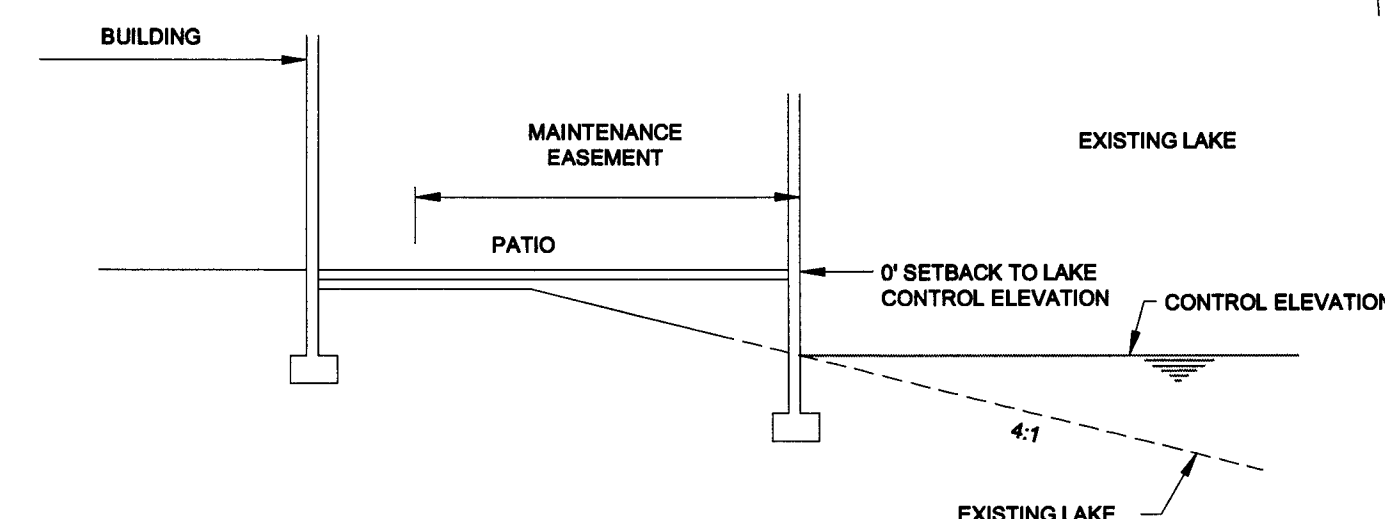
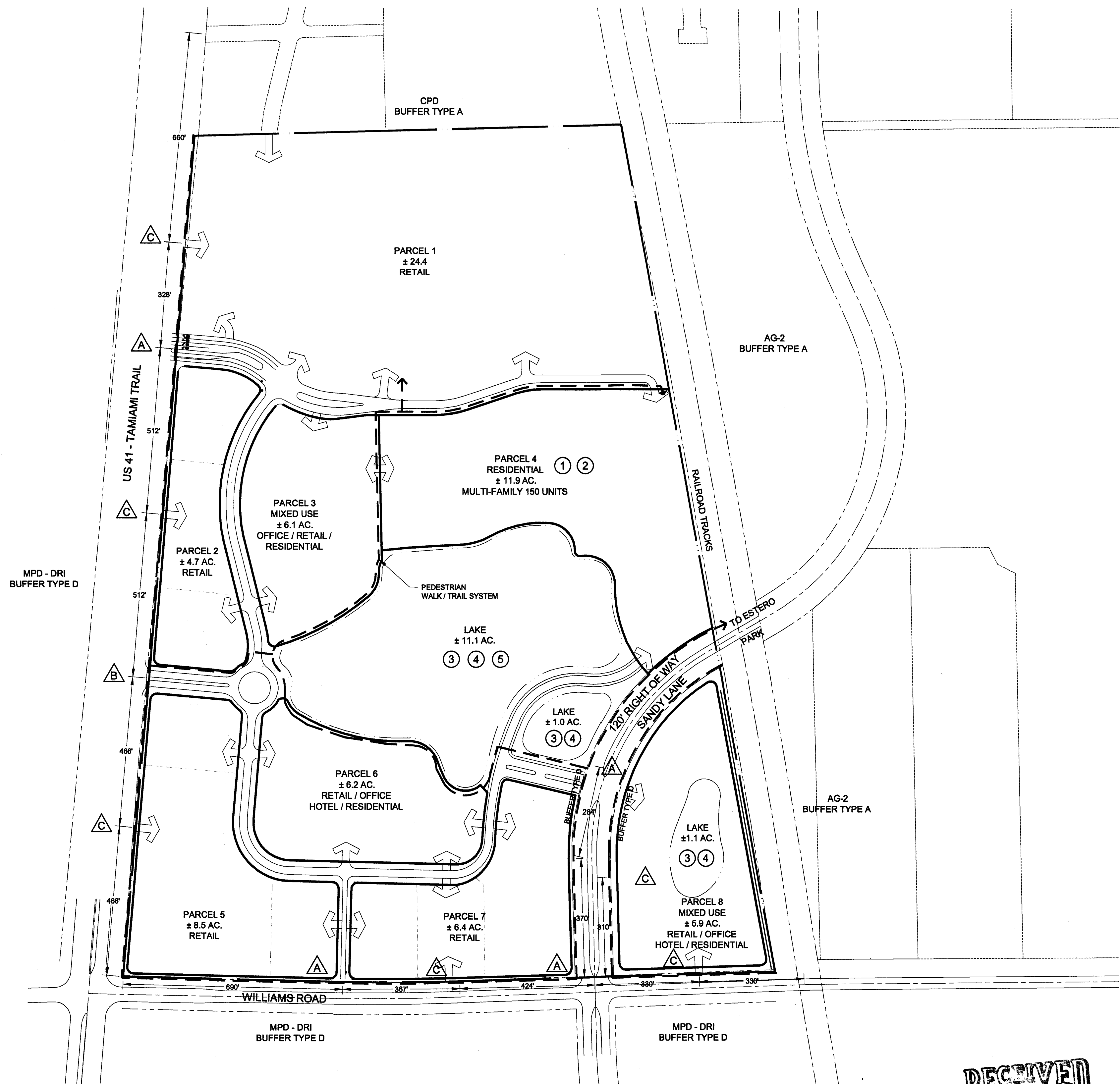
PROJECT SIZE:	102.6 AC.±
REQUIRED OPEN SPACE	32.6 AC.±
MINIMUM REQUIRED INDIGENEOUS VEGETATIONS:	N/A



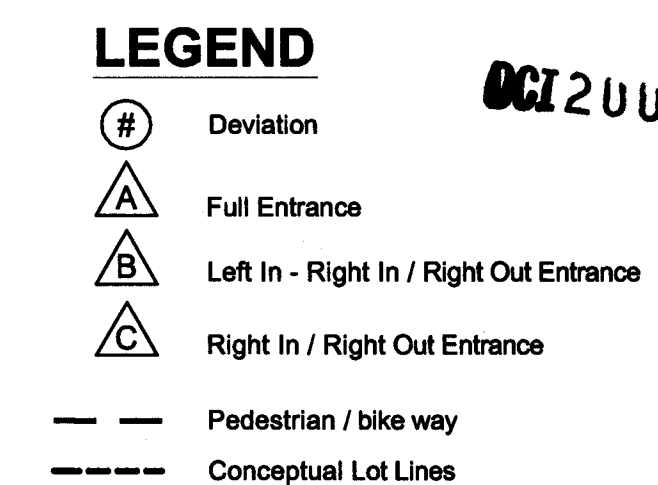
N.T.S.



N.T.S.



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PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

**NORTH
POINT LAKE
LLC**

**NORTH
POINT
MPD**

SECTION 33
TOWNSHIP 46 SOUTH
RANGE 25 EAST
LEE COUNTY, FLORIDA

REZONING
APPLICATION

PHOTO DATED: NOVEMBER, 2002

VALID WITHOUT EMBOSSED SEAL, SIGNATURE AND DATE
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LAYOUT	LAYOUT1
LOCATION	J:\21786\DWG\ZONING\
PLOT DATE	WED, 8-27-2003 - 11:01 AM
PLOT BY	TODD VANA
DESIGN BY	TODD VANA
XREF1	
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS

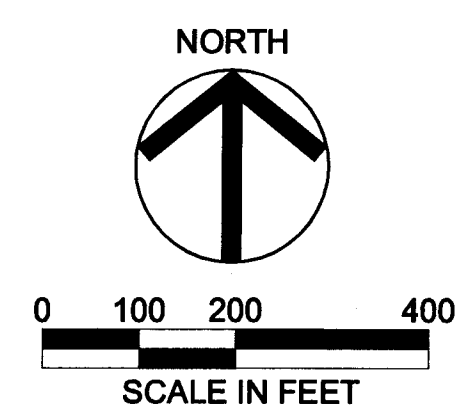
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PLAN STATUS
☐ Active ☐ On Hold ☐ Terminated ☐ Expired ☐ Other

**EXHIBIT ONLY
NOT FOR CONSTRUCTION**

MASTER CONCEPT PLAN

PROJECT / FILE NO.	SHEET NUMBER
21786	EXHIBITS IV - A - 1 / IV - A - 2 III - A - 1, III - A - 2, III - A - 3



NOTE: ALL INTERNAL ACCESS POINTS ARE CONCEPTIONAL ONLY AND MAY BE INCREASED OR ADJUSTED AT THE TIME OF LOCAL DEVELOPMENT ORDER.

PARCELS 1, 5, 6, 8 (ANCHOR USES)
COMMERCIAL:

Accessory Uses & Structures
Auto Parts Store
Automobile Repair and Service, all groups
Automobile Service Station
Banks and Financial Estab.
Group I, II
Building Material Sales (34-622(c)(4))
Business Services, Group I & II
Car Wash
Clothing Stores - general
COP (only in conjunction with a standard restaurant and outdoor seating in the pedestrian open space area identified on the MCP)
Convenience Food and Beverage Store
Day care center, child, adult
Department Store
Drive thru for any permitted use
Drugstore, pharmacy (limited to one (1))
Essential Services
Essential Service Facilities, Group I
Excavation - Water Retention
Fences, Walls
Fishing Piers and Docks
Florist Shop
Food Store, Group I
Gasoline dispensing system, special
Gift and Souvenir Shop
Hardware Store
Hobby, Toy and Game Shop
Hotel / Motel
Household and Office Furnishings, all groups (no outdoor display)
Laundry and Dry Cleaning, Group I
Lawn and garden supply stores
Medical office
Mini-warehouse
Non-store Retailers, all groups
Paint, Glass and Wallpaper
Parcel and express services
Personal Services, Groups I & II
Pet Shop
Pharmacy
Real Estate Sales Office
Repair Shops, Group I-III
Restaurants, Fast Food
Restaurants, Group I-IV
Self -Service Fuel Pumps (max. of 12 fueling stations)
Signs in Accordance with Chapter 30
Specialty Retail Shops, Group I & IV
Temporary Uses
Theater, indoor or outdoor (drive-in)
Variety Store

PARCELS 2, 3 & 7 (OUTPARCEL USES)
COMMERCIAL:

Accessory Uses & Structures
Auto Parts Store
Automobile Repair and Service, all groups
Automobile Service Station
Banks and Financial Estab.
Group I, II
Building Material Sales (34-622(c)(4))
Business Services, Group I & II
Car Wash
Clothing Stores - general
COP (only in conjunction with a standard restaurant and outdoor seating in the pedestrian open space area identified on the MCP)
Convenience Food and Beverage Store
Day care center, child, adult
Drive thru for any permitted use
Drugstore, pharmacy (limited to one (1))
Essential Services
Essential Service Facilities, Group I
Excavation - Water Retention
Fences, Walls
Fishing Piers and Docks
Florist Shop
Food Store, Group I
Gasoline dispensing system, special
Gift and Souvenir Shop
Hobby, Toy and Game Shop
Hotel / Motel
Household and Office Furnishings, all groups (no outdoor display)
Laundry and Dry Cleaning, Group I
Lawn and garden supply stores
Medical office
Mini-warehouse
Non-store Retailers, all groups
Paint, Glass and Wallpaper
Parcel and express services
Personal Services, Groups I & II
Pet Shop
Pharmacy
Real Estate Sales Office
Repair Shops, Group I-III
Restaurants, Fast Food
Restaurants, Group I-IV
Self -Service Fuel Pumps (max. of 12 fueling stations)
Signs In Accordance with Chapter 30
Specialty Retail Shops, Group I & IV
Temporary Uses
Theater, indoor or outdoor (drive-in)
Variety Store

PARCEL 1
RESIDENTIAL:

Accessory Uses & Structures
Dwelling Unit:
Single Family
Multi Family
Entrance Gates and Gatehouses
Essential Services, Group 1
Excavation - Water Retention
Fences, Walls
Home Occupation
Model Home, Unit & Display Center
Recreational Facilities:
Personal
Private (on-site)
Signs (as per Chapter 30)
Temporary Sales Center
Temporary Uses
Club Private
Fences, Walls
Parking Lot, Ancillary
Recreational Facilities
Personal
Private (on-site)
Buildings ancillary to Recreational Facilities (for non-motorized watercraft only)
Fishing Piers and Docks
Food & Beverage Service
Limited

SCHEDULE OF DEVIATIONS

1. Withdrawn
2. Deviation from LDC Section 34-935 (4) which requires minimum building separation to be one-half of the sum of their heights, or 20 feet, whichever is greater to be reduced to a 15 foot minimum building separation.
3. Deviation from LDC Section 34-329(e)(1)a which requires a 25 foot setback for water retention along local roadways. This deviation would allow lakes within the project to be located within 20 foot of a roadway.
4. Deviation from LDC Section 34-329(e)(4) which requires that excavation bank slopes be no greater than 4:1, to allow the project to conform to SFWMD permits. The intent of this deviation is to allow a maximum of 30 % of any lake edge to incorporate bulkheads.
5. Deviation from LDC Section 34-2194(c)(3)b. which requires a 10 foot setback for non-seawalled artificial bodies of water. This deviation would eliminate the setback to allow recreational/amenity structures to be placed at the lake's control elevation.
6. Withdrawn

SITE DEVELOPMENT NOTES (APPLICANTS SUGGESTED CONDITIONS)

1. This is a request for a rezoning from AG-2 to MPD/DRI. The property is currently being used as pasture lands.
2. The property is the subject of a Comprehensive Plan Development to change the future land use category from Suburban to Urban Community.
3. Withdrawn
4. The project buffer yards shall meet or exceed the requirements set forth in Section 34-1044.
5. All exotic vegetation shall be removed from the development area according to a removal schedule established as part of the Development Order. The site shall be maintained free of exotics in perpetuity.
6. Drainage will be accommodated through the use of swales, and/or retention areas. The shape of the lake may be refined without amending the MCP based on detailed site engineering, and compliance with all setback requirements set forth herein.
7. The existing lake ranges from approximately 10' to 24'. A lake management plan will be provided at the time of local Development Order.
8. Per LDC Section 34-414 (c), minimum of 10 % open space will be provided in commercial areas.
9. Service areas for commercial uses will be located away from any existing residential uses.

LAND USE INTENSITY SUMMARY

PARCEL	RETAIL (S.F.)	OFFICE (S.F.)	RESIDENTIAL (UNITS)	HOTEL (ROOMS)	NOTES
PARCEL 1	350,000	-	-	-	.
PARCEL 2	80,000	-	-	-	.
PARCEL 3	60,000	70,000	MAX. 50	-	MULTI-FAMILY ONLY
PARCEL 4	-	-	MAX. 150	-	150 MULTI-FAMILY OR 78 SINGLE FAMILY
PARCEL 5	180,000	-	-	-	.
PARCEL 6	60,000	100,000	MAX. 50	150	MULTI-FAMILY ONLY
PARCEL 7	60,000	-	-	-	.
PARCEL 8	70,000	80,000	MAX. 50	150	MULTI-FAMILY ONLY
TOTAL ALLOWABLE	550,000	120,000	150	150	TOTAL RESIDENTIAL UNITS WILL NOT EXCEED 150 ON THE ENTIRE SITE, AND TOTAL HOTEL ROOMS WILL NOT EXCEED 150. OFFICE USES MAY BE EITHER MEDICAL OR GENERAL AS SPECIFIED IN EXHIBIT IV-I-1

LAND USE SUMMARY / OPEN SPACE REQUIREMENTS

PARCEL	LANDUSE	EST. ACRES	REQUIRED OPEN SPACE ACRES	MIN. OPEN SPACE PROVIDED TOWARD REQUIREMENT **
PARCEL 1	RETAIL	+/- 24.4	+/- 7.3	26 %
PARCEL 2	RETAIL	+/- 4.7	+/- 1.4	26 %
PARCEL 3	MIXED USE	+/- 6.2	+/- 1.9	26 %
PARCEL 4	RESIDENTIAL	+/- 11.9	+/- 4.8	40 %
PARCEL 5	RETAIL	+/- 8.5	+/- 2.6	26 %
PARCEL 6	MIXED USE	+/- 6.2	+/- 1.7	26 %
PARCEL 7	RETAIL	+/- 6.4	+/- 1.9	26 %
PARCEL 8	MIXED USE	+/- 5.9	+/- 1.8	26 %
	LAKE	+/- 13.2	+/- 4.6	N/A
	R.O.W. / EASEMENTS	+/- 15.2	+/- 4.6	N/A
	TOTAL	+/-102.6	+/- 32.6	32.6 AC.

* NO INDIGENOUS VEGETATION EXISTS ON SITE, THEREFORE THERE IS NO INGENOUS REQUIREMENT.

LAND USE SUMMARY / OPEN SPACE REQUIREMENTS

LAND USE	MIN. LOT AREA SQ. FT.	MIN. LOT WIDTH	MIN. LOT DEPTH	MAX. LOT COVERAGE	SETBACKS (FT.)					BUILDING SEPARATION (FT.)	MAX. HEIGHT (FT.)	STORIES
					ROAD (R/W) *	SIDE *	CORNER	REAR	WATER **			
OFFICE/RETAIL	10,000	100'	100'	45%	20'	10'	10'	10'	20'	20	65	5
HOTEL	50,000	200'	200'	45%	20'	15'	-	20'	20'	20'	75	6
MULTI-FAMILY	5,700	N/A	N/A	45%	15'	7.5'	7.5'	25'	25'	15	55	4
ACCESSORY STRUCTURES (RESIDENTIAL)												
POOLS, DECKS, SCREEN ENCLOSURES	N/A	N/A	N/A	N/A	15'	5'	5'	10'	25'	N/A	N/A	N/A
AMENITY												
CLUBHOUSE	N/A	N/A	N/A	45%	15'	10'	10'	20'	N/A	N/A	35	2

* ALONG SANDY LANE BUILDINGS WILL HAVE A MINIMUM FRONT SETBACK OF 25 FEET AND MINIMUM SIDE SETBACK OF 5'
** EXCEPT WHERE PERMITTED BY AN APPROVED DEVIATION.

SURROUNDING ZONING AND LAND USES

ZONING: EXISTING LAND USES:		
NORTH	AG-2 / CPD	RETAIL
SOUTH	MPD	PASTURE LANDS / SIMON SUNCOAST
EAST	RPD / AG	VACANT TRACTS, CHURCH
WEST	MPD	U.S. 41, VACANT COMMERCIAL

Barraco
and Associates, Inc.

CIVIL ENGINEERS - SURVEYORS
PLANNERS - LANDSCAPE ARCHITECTS

www.barraco.net

2271 MCGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169

FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

**NORTH
POINT LAKE
LLC**

PROJECT DESCRIPTION

**NORTH
POINT
MPD**

SECTION 33
TOWNSHIP 46 SOUTH
RANGE 25 EAST
LEE COUNTY, FLORIDA

REZONING
APPLICATION

PHOTO DATED: NOVEMBER, 2002

NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE AND DATE
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FILE NAME	21786MCP02.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21786LDWG\ZONING\
PLOT DATE	WED. 8-27-2003 - 10:59 AM
PLOT BY	TODD VANA
DESIGN BY	TODD VANA
XREF1	
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS

PLAN STATUS

EXHIBIT ONLY
NOT FOR CONSTRUCTION

**MASTER
CONCEPT
PLAN**

PROJECT / FILE NO.	SHEET NUMBER
21786	EXHIBITS IV - A - 1 / IV - A - 2 III-A-1, IV-1, IV-J-3

RECEIVED
AUG 26 2003
PERMIT COUNTER

OCT 2003-000037

**NORTH
POINT LAKE
LLC**

PROJECT DESCRIPTION

**NORTH
POINT
MPD / DRI**

SECTION 33
TOWNSHIP 46 SOUTH
RANGE 25 EAST
LEE COUNTY, FLORIDA

ZONING
APPLICATION

NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE AND DATE
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FILE NAME	21786MCP02.DWG
LAYOUT	LAYOUT1
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PLOT DATE	THU, 4-24-2003 - 11:01 AM
PLOT BY	JASON BOWIE
DESIGN BY	TODD VANA
XREF1	
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS

PLAN STATUS

EXHIBIT
III-A-2 & III-A-3

**MASTER
CONCEPT
PLAN**

PROJECT / FILE NO.	SHEET NUMBER
21786 00-00-00	EXHIBITS IV-A-1, IV-A-2 III-A-1, IV-1, IV-3

SCHEDULE OF DEVIATIONS

- Deviation from LDC Section 10-335 which requires a 10 foot public utility easement on both sides of a roadway to allow the public utility easement on one side only.
- Deviation from LDC Section 34-935 (4) which requires minimum building separation to be one-half of the sum of their heights, or 20 feet, whichever is greater to be reduced to a 15 foot minimum building separation.
- Deviation from LDC Section 34-329(e)(1)a which requires a 25 foot setback for water retention along local roadways. This deviation would allow lakes within the project to be located within 20 foot of a roadway.
- Deviation from LDC Section 34-329(e)(4) which requires that excavation bank slopes be no greater than 4:1, to allow the project to conform to SFWMD permits. The intent of this deviation is to allow a maximum of 30 % of any lake edge to incorporate bulkheads.
- Deviation from LDC Section 34-2194(c)(3)b, which requires a 10 foot setback for non-sewered artificial bodies of water. This deviation would eliminate the setback to allow recreational/amenity structures to be placed at the lake's control elevation.
- Deviation from LDC Section 10-285(a) which requires access drives to be separated by 660 feet on arterial roadways, to allow for the three proposed right-in/right out access ways along US 41.

COMMERCIAL:

Accessory Uses & Structures
Auto Parts Store
Automobile Repair and Service, all groups
Automobile Service Station
Banks and Financial Estab.
Group I, II
Building Material Sales (34-622(c)(4))
Business Services, Group I & II
Car Wash (limited to one (1))
Clothing Stores - general
COP (only in conjunction with a standard restaurant and outdoor seating in the pedestrian open space area identified on the MCP)
Convenience Food and Beverage Store (limited to one (1))
Day care center, child, adult
Department Store
Drive thru for any permitted use
Drugstore, pharmacy (limited to one (1))
Essential Services
Essential Service Facilities, Group I
Excavation - Water Retention
Fences, Walls
Fishing Piers and Docks
Florist Shop
Food Store, Group I (excluding Supermarkets)
Gasoline dispensing system, special
Gift and Souvenir Shop
Hardware Store
Hobby, Toy and Game Shop
Hotel / Motel
Household and Office Furnishings, all groups (no outdoor display)
Laundry and Dry Cleaning, Group I
Lawn and garden supply stores
Medical office
Mini-warehouse
Non-store Retailers, all groups
Paint, Glass and Wallpaper
Parcel and express services
Personal Services, Groups I & II
Pet Shop
Pharmacy
Real Estate Sales Office
Repair Shops, Group I-III
Restaurants, Fast Food
Restaurants, Group I-IV
Self-Service Fuel Pumps (max. of 12 fueling stations)
Signs in accordance with Chapter 30
Specialty Retail Shops, Group I & IV
Temporary Uses
Theater, indoor or outdoor (drive-in)
Variety Store

SURROUNDING ZONING AND LAND USES

ZONING:	EXISTING LAND USES:
NORTH AG-2 / CPD	RETAIL
SOUTH MPD	PASTURE LANDS / SIMON SUNCOAST
EAST RPD / AG	VACANT TRACTS, CHURCH
WEST MPD	U.S. 41, VACANT COMMERCIAL

PROJECT SUMMARY

PROJECT SIZE:	102.6 AC.±
REQUIRED OPEN SPACE	24.5 AC.±
MINIMUM REQUIRED INDIGENEOUS VEGETATIONS:	N/A

LAND USE SUMMARY / OPEN SPACE REQUIREMENTS

LAND USE	MIN. LOT AREA SQ. FT.	MIN. LOT AREA WIDTH	MIN. LOT AREA DEPTH	MIN. LOT AREA COVERAGE	SETBACKS (FT.)					BUILDING SEPARATION (FT.)	MAX. HEIGHT (FT.)	STORIES
					ROAD (R/W) *	SIDE *	CORNER	REAR	WATER **			
OFFICE/RETAIL	10,000	100'	100'	-	20'	10'	10'	10'	20'	20	65	5
HOTEL	50,000	200'	200'	-	20'	15'	-	20'	20'	20'	75	6
MULTI-FAMILY	5,700	N/A	N/A	45%	15'	7.5'	7.5'	25'	25'	15	35	2
ACCESSORY STRUCTURES (RESIDENTIAL)												
POOLS, DECKS, SCREEN ENCLOSURES	N/A	N/A	N/A	N/A	15'	5'	5'	10'	25'	N/A	N/A	N/A
AMENITY CLUBHOUSE	N/A	N/A	N/A	45%	15'	10'	10'	20'	N/A	N/A	35	2

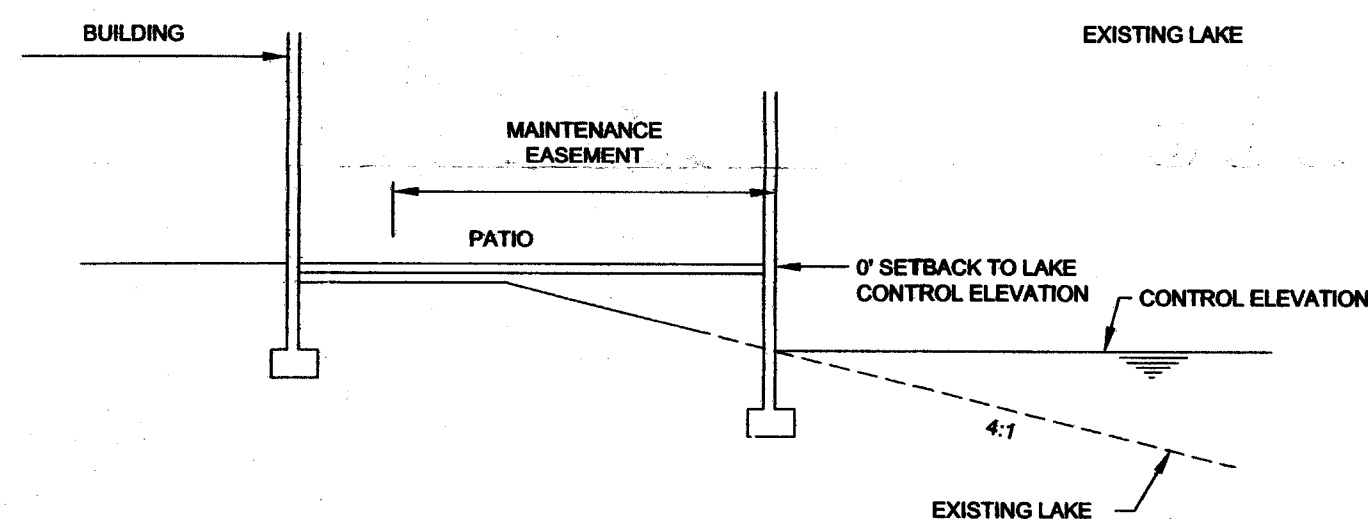
* ALONG SANDY LANE BUILDINGS WILL HAVE A MINIMUM FRONT SETBACK OF 25 FEET AND MINIMUM SIDE SETBACK OF 5'
** EXCEPT WHERE PERMITTED BY AN APPROVED DEVIATION.

SITE DEVELOPMENT NOTES (APPLICANTS SUGGESTED CONDITIONS)

- This is a request for a rezoning from AG-2 to MPD/DRI. The property is currently being used as pasture lands.
- The property is the subject of a Comprehensive Plan Development to change the future land use category from Suburban to Urban Community.
- This master concept plan is general in nature and may be modified to reflect environmental conditions, easements, utilities and changes in market. All acreages are approximate and subject to slight adjustment.
- The project buffer yards shall meet or exceed the requirements set forth in Section 34-1044.
- All exotic vegetation shall be removed from the development area according to a removal schedule established as part of the Development Order. The site shall be maintained free of exotics in perpetuity.
- Drainage will be accommodated through the use of swales, and/or retention areas. The shape of the lake may be refined without amending the MCP based on detailed site engineering, and compliance with all setback requirements set forth herein.
- The existing lake ranges from ____' to ____'. A lake management plan will be provided at the time of local Development Order.

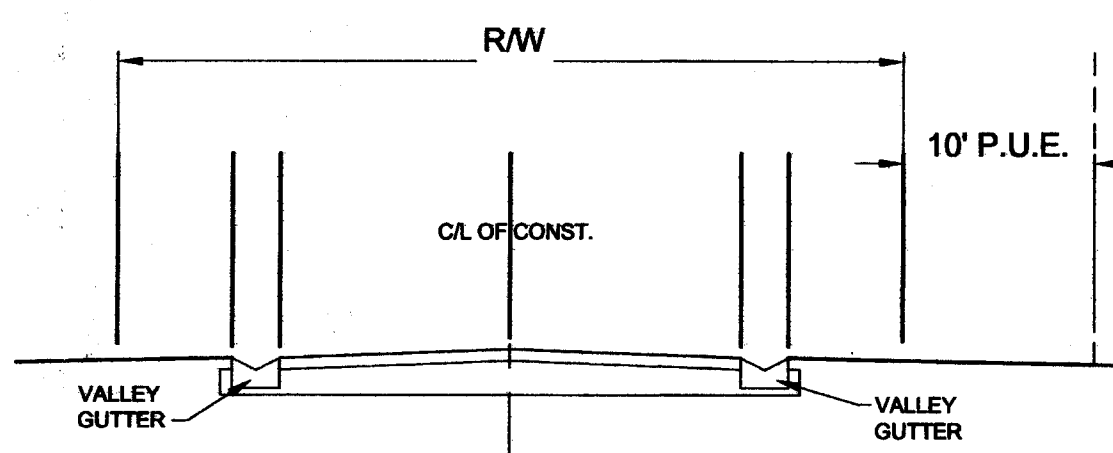
LEGEND

- ① Deviation
- A Full Entrance
- B Left In - Right In / Right Out Entrance
- C Right In / Right Out Entrance
- Pedestrian / bike way



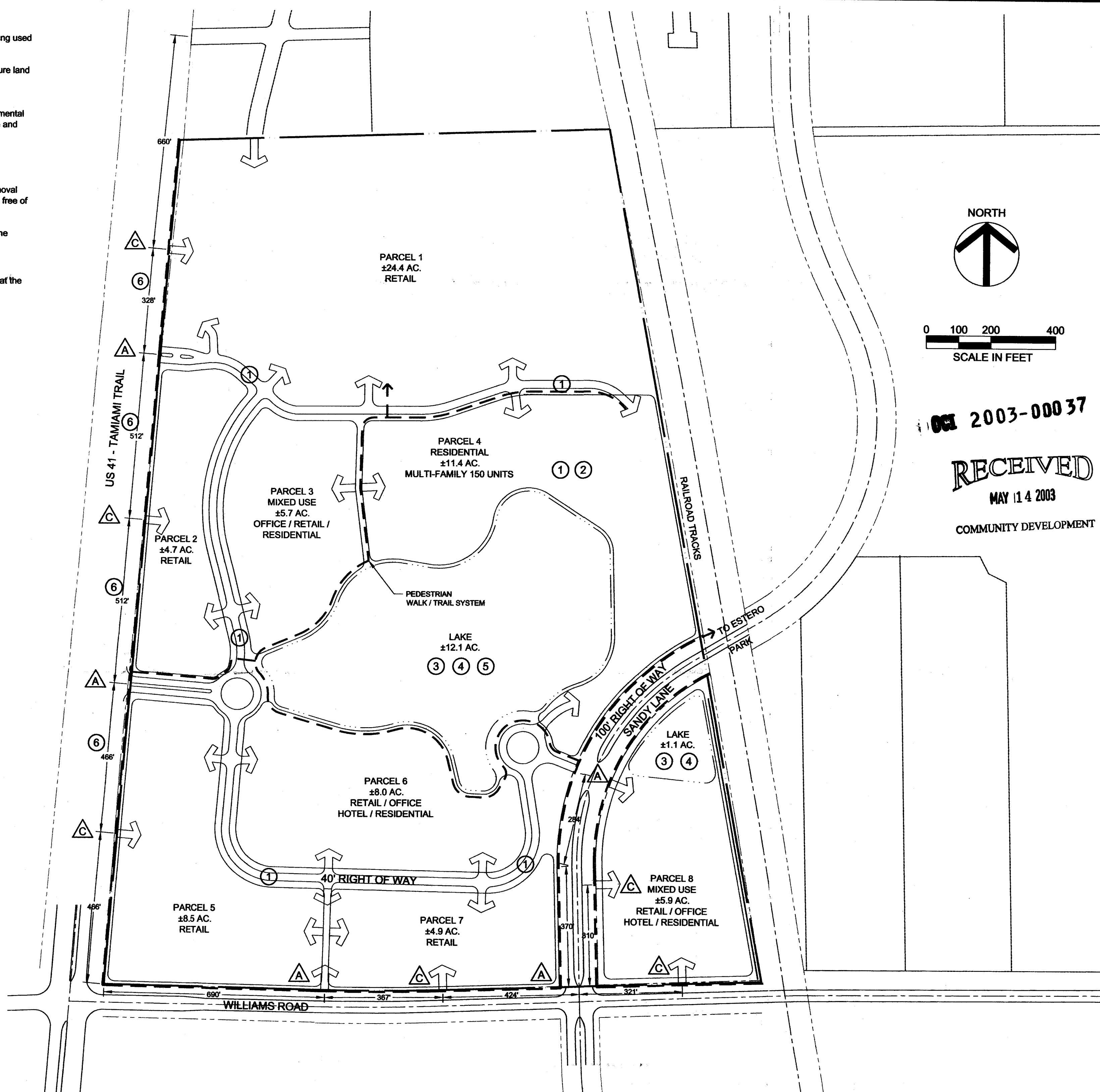
DEVIATION 5

NOT TO SCALE



DEVIATION 1

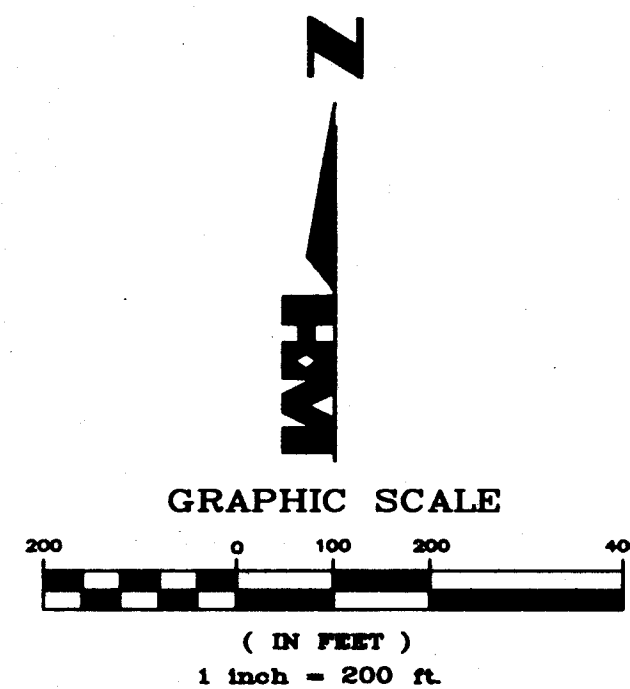
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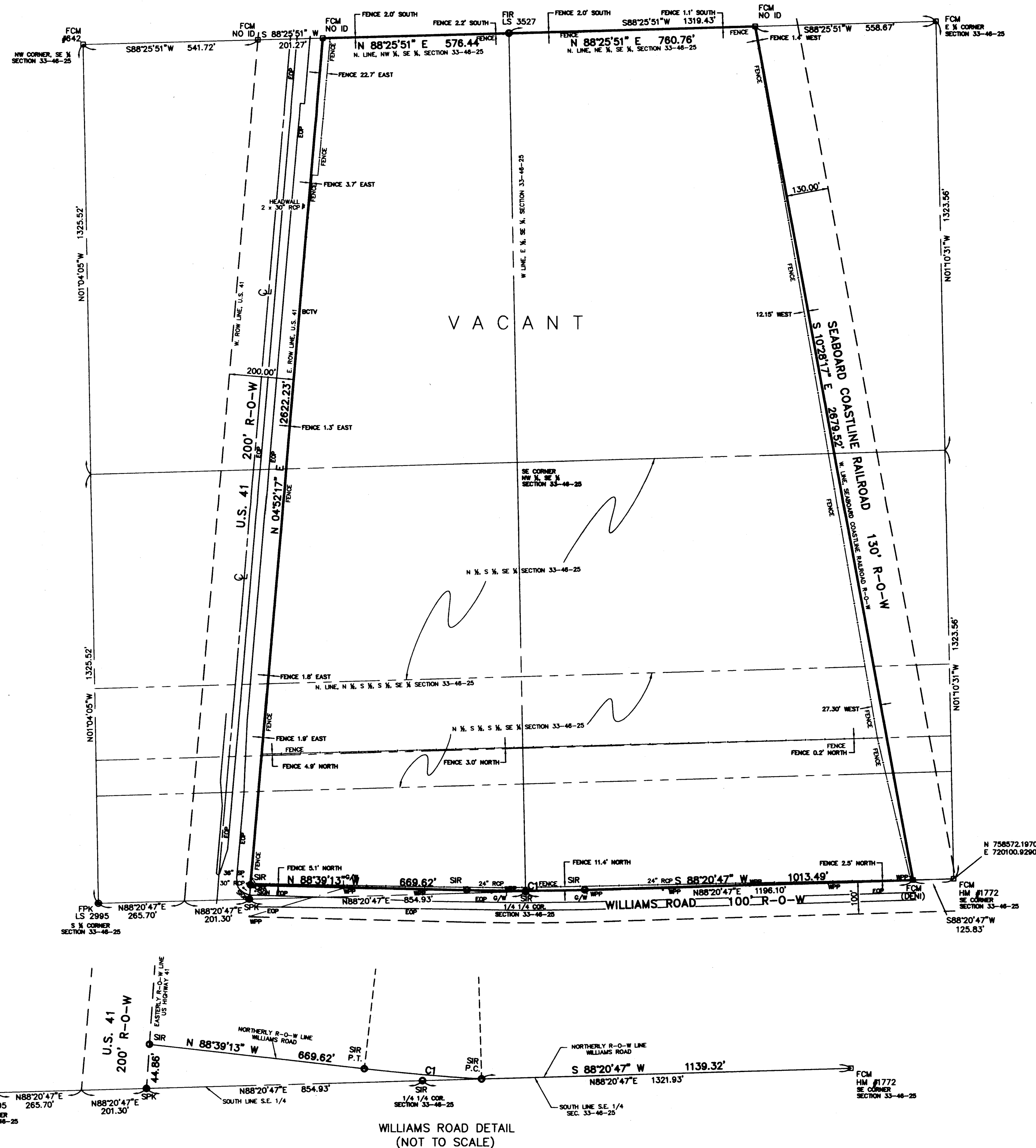
LAND USE SUMMARY / OPEN SPACE REQUIREMENTS

PARCEL	LANDUSE	PERMITTED USE	EST. ACRES	REQUIRED OPEN SPACE ACRES	PROVD. OPEN SPACE ACRES	INDIGENOUS * REQUIREMENT
PARCEL 1	RETAIL	S.F.	+/- 24.4	+/- 7.3	-	N/A
PARCEL 2	RETAIL	S.F.	+/- 4.7	+/- 1.4	-	N/A
PARCEL 3	MIXED USE	S.F.	+/- 5.7	+/- 1.7	-	N/A
PARCEL 4	RESIDENTIAL	S.F.	+/- 11.4	+/- 4.6	-	N/A
PARCEL 5	RETAIL	S.F.	+/- 8.5	+/- 2.6	-	N/A
PARCEL 6	MIXED USE	S.F.	+/- 8.0	+/- 2.4	-	N/A
PARCEL 7	RETAIL	S.F.	+/- 4.9	+/- 1.5	-	N/A
PARCEL 8	MIXED USE	S.F.	+/- 5.9	+/- 1.8	-	N/A
	LAKE	S.F.	+/- 13.2	+/- 4.6	-	N/A
	R.O.W. / EASEMENTS	S.F.	+/- 15.9	+/- 0.9	-	N/A
	TOTAL	S.F.	+/- 102.6	+/- 28.8	-	N/A

* NO INDIGENOUS VEGETATION EXISTS ON SITE.



SOUTH ESTERO COMMERCIAL CENTER
P.B. 60, PGS. 23&24



CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING
C1	363.90	6950.00	3°00'00"	S89°50'47\"W

LEGEND

SPK SET PK NAIL AND WASHER, LB 1772
FPM FOUND PK NAIL AND DISC
FCM FOUND CONCRETE MONUMENT
FIR FOUND IRON ROD
SIR SET IRON ROD, LB 1772
SR TOP OF BANK
TOS TOE OF SLOPE
EOP EDGE OF PAVEMENT
OLD CENTER LINE OF DITCH
RCP ROUND CORRUGATED PIPE
BCTV BURIED CABLE TV
SP TRAFFIC SIGNAL POLE
WPP WOODEN POWER POLE
G/W GUY WIRE
CBX CABLE BOX

PROPERTY DESCRIPTION

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, LOCATED EASTERLY OF FLORIDA STATE ROAD NO. 45 (U.S. HIGHWAY 41), A 200.00 FOOT RIGHT-OF-WAY, LOCATED WESTERLY OF THE SEABOARD COASTLINE RAILROAD RIGHT-OF-WAY, A 130.00 FOOT RIGHT-OF-WAY, AND LOCATED NORTHERLY OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN ARE STATE PLANE FOR FLORIDA WEST ZONE, NAD 1983, 1990 ADJUSTMENT WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S88°20'47\"W.

COORDINATES SHOWN HEREON REFER TO STATE PLANE FOR FLORIDA WEST ZONE, NAD 1983, 1990 ADJUSTMENT.

PROPERTY DESCRIPTION WAS PROVIDED BY CLIENT.

PROPERTY AREA: 102.572 ACRES, MORE OR LESS.

FENCES, A POND, AND A BORROW PIT ARE LOCATED ON THIS PROPERTY AS SHOWN. THIS PROPERTY IS OTHERWISE VACANT.

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT THIS SKETCH OF THE HEREON DESCRIBED PROPERTY WAS SURVEYED UNDER MY DIRECTION ON 4/2/03. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA PURSUANT TO CHAPTER 61G17-6, F.A.C.

HOLE MONTES, INC.
CERTIFICATION OF AUTHORIZATION LB #1772

BY Thomas J. Harris P.L.S. #3741
STATE OF FLORIDA

OCI 2003-00037

RECEIVED
MAY 14 2003

FIELD BOOK	855/44	
REVISIONS		DATE
LETTER		

NOT VALID WITHOUT
THE SIGNATURE AND
THE ORIGINAL RAISED
SEAL OF A FLORIDA
LICENSED SURVEYOR
AND MAPPER.

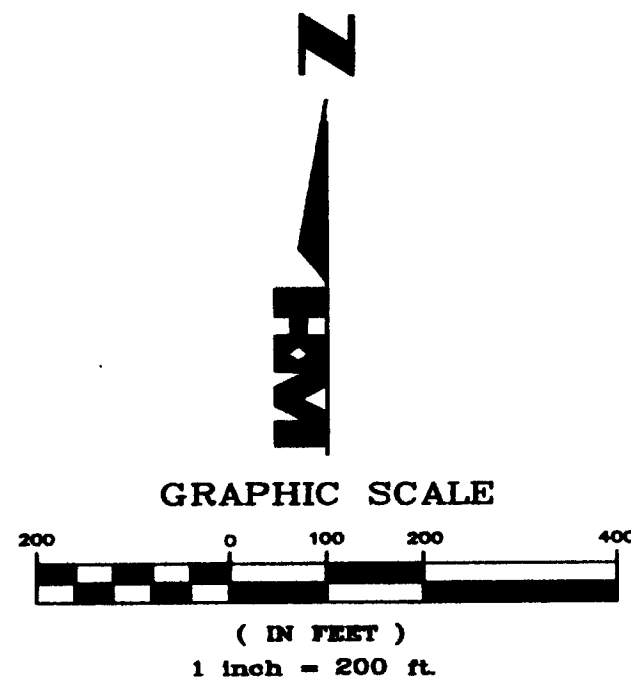
PARTY CHIEF: RICK	DATE: 3/03
DRAWN BY: BEN/BA	DATE: 3/03
CHECKED BY: TJG	DATE: 3/03
VERTICAL SCALE: N/A	HORIZONTAL SCALE: 1"=200'

HOLE MONTES
ENGINEERS-PLANNERS-SURVEYORS

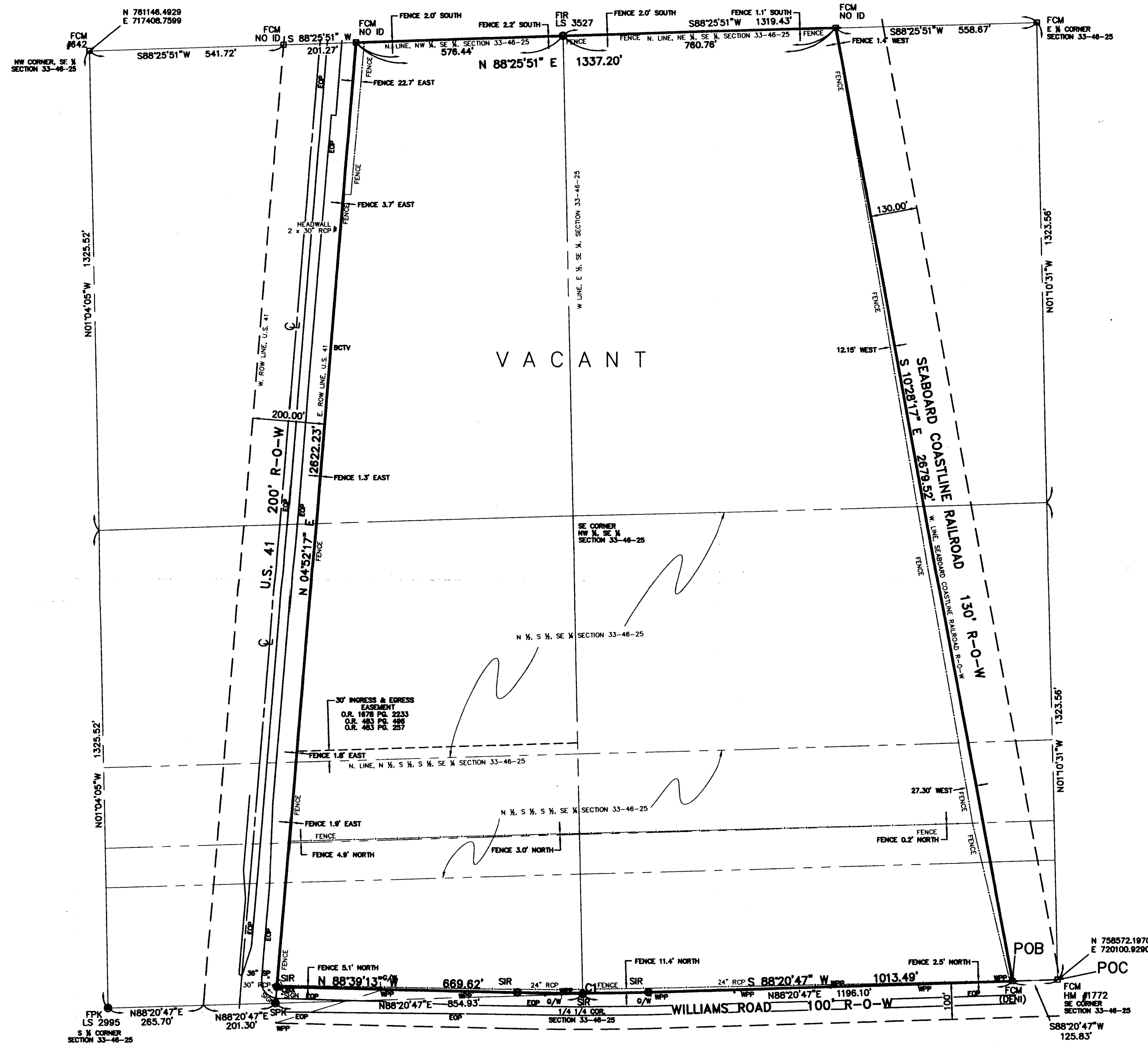
950 Encore Way
Naples, FL. 34110
Phone: (941) 254-2000
Florida Certificate of
Authorization No.1772

BOUNDARY SURVEY COMMUNITY DEVELOPMENT

DRAWING NO.	A-1539
PROJECT NO.	02.105
REFERENCE NO.	021050A



SOUTH ESTERO COMMERCIAL CENTER
P.B. 60, PGS. 23&24



CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING
C1	363.90	6950.00	3700.00	S88°50'47\"W

- LEGEND**
- POC POINT OF COMMENCEMENT
 - POB POINT OF BEGINNING
 - SPK SET PK NAIL AND WASHER, LB 1772
 - FPK FOUND PK NAIL AND DISC
 - FCM FOUND CONCRETE MONUMENT
 - FIR FOUND IRON ROD
 - SIR SET IRON ROD, LB 1772
 - TOB TOP OF BANK
 - EDP EDGE OF PAVEMENT
 - CLD CENTER LINE OF DITCH
 - RCP ROUND CORRUGATED PIPE
 - BCTV BURIED CABLE TV
 - SP TRAFFIC SIGNAL POLE
 - WPP WOODEN POWER POLE
 - G/W GUY WIRE
 - CBX CABLE BOX

PROPERTY DESCRIPTION:

A PARCEL OF LAND LOCATION IN THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, LOCATED EASTERLY OF FLORIDA STATE ROAD NO. 45 (U.S. HIGHWAY 41), A 200.00 FOOT RIGHT-OF-WAY, LOCATED WESTERLY OF THE SEABOARD COASTLINE RAILROAD RIGHT-OF-WAY, A 130.00 FOOT RIGHT-OF-WAY, AND LOCATED NORTHERLY OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, THE SAME POINT BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'47\"W. ALONG THE SOUTH LINE OF THE SOUTHEAST ONE QUARTER OF SAID SECTION 33 AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, FOR A DISTANCE OF 125.83 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE S.88°20'47\"W. ALONG THE SOUTH LINE OF THE SOUTHEAST ONE QUARTER OF SAID SECTION 33 AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD FOR A DISTANCE OF 1,013.49 FEET TO THE BEGINNING OF A TANGENTIAL CURVE, CONCAVE NORTHERLY; THENCE LEAVING THE SOUTH LINE OF THE SOUTHEAST ONE QUARTER OF SAID SECTION 33, RUN WESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 6,950.00 FEET, SUBTENDED BY A CHORD OF 363.90 FEET AT A BEARING OF S89°50'47\"W, FOR A DISTANCE OF 363.90 FEET TO THE END OF SAID CURVE; THENCE RUN N88°39'13\"W ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, FOR A DISTANCE OF 669.62 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF FLORIDA STATE ROAD NO. 45 (U.S. HIGHWAY 41), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N04°52'17\"E ALONG THE EASTERLY RIGHT-OF-WAY LINE OF FLORIDA STATE ROAD NO. 45 (U.S. HIGHWAY 41), FOR A DISTANCE OF 2,622.23 FEET, TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N88°25'51\"E ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,337.20 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S10°28'17\"E, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 2,679.52 FEET, TO THE POINT OF BEGINNING, CONTAINING 102.572 ACRES, MORE OR LESS.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN ARE STATE PLANE FOR FLORIDA WEST ZONE, NAD 1983, 1990 ADJUSTMENT WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°20'47\"W.

COORDINATES SHOWN HEREON REFER TO STATE PLANE FOR FLORIDA WEST ZONE, NAD 1983, 1990 ADJUSTMENT.

PROPERTY DESCRIPTION WAS PROVIDED BY CLIENT.

FENCES, A POND, AND A BORROW PIT ARE LOCATED ON THIS PROPERTY AS SHOWN. THIS PROPERTY IS OTHERWISE VACANT.

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT THIS SKETCH OF THE HEREON DESCRIBED PROPERTY WAS SURVEYED UNDER MY DIRECTION ON 4/2/03. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA PURSUANT TO CHAPTER 61G17-5, F.A.C.

HOLE MONTES, INC.
CERTIFICATION OF AUTHORIZATION - LB #1772

BY Thomas M. Murphy P.S.M. #5628
STATE OF FLORIDA

WILLIAMS ROAD DETAIL
(NOT TO SCALE)

FIELD BOOK 855/44

LETTER	REVISIONS	DATE

NOT VALID WITHOUT
THE SIGNATURE AND
SEAL OF A FLORIDA
LICENSED SURVEYOR
AND MAPPER.

PARTY CHIEF: RICK
DATE: 3/03
DRAWN BY: BEN/BA
DATE: 3/03
CHECKED BY: TJG
DATE: 3/03
VERTICAL SCALE: N/A
HORIZONTAL SCALE: 1\"=200'

H.M.
HOLE MONTES
ENGINEERS-PLANNERS-SURVEYORS

950 Encore Way
Naples, FL. 34110
Phone: (941) 254-2000
Florida Certificate of
Authorization No.1772

BOUNDARY SURVEY

DRAWING NO.
A-1539-1
PROJECT NO.
02.105
REFERENCE NO.
021050A-1