

Date Corrected

Lee County Board Of County Commissioners

Blue Sheet No. 20050537

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Consider the adoption of an ordinance adopting a small scale amendment to the Lee County Comprehensive Plan.

2. WHAT ACTION ACCOMPLISHES: If adopted, the ordinance will amend the future land use designation for a 10±-acre portion of a parcel of land located in the north east quadrant of Interstate 75 and State Road 80 from "General Commercial Interchange" to "Urban Community."

3. MANAGEMENT RECOMMENDATION: Planning staff does not recommend that the Board adopt the proposed amendment to the Lee Plan. The Local Planning Agency (LPA) recommends that the Board of County Commissioners adopt the proposed amendment to the Lee Plan.

4. Departmental Category: 04

9:35

5. Meeting Date: 05-03-2005

6. Agenda:
Consent
Administrative
Appeals
X Public
Walk-On

7. Requirement/Purpose: (specify)
X Statute 163.3187
Ordinance
X Admin. Code 13-6
Other

8. Request Initiated:
Commissioner
Department Community Development
Division Planning
By: Paul O'Connor, AICP, Director
POC 4/20/05

9. Background:

The applicant, Leeward Yacht Club, L.L.C., has requested a small scale amendment for a specified 10±-acre parcel located in the northeast quadrant of the Palm Beach Boulevard/I-75 Interchange. The applicant is proposing residential development on the site. The current future land use designation of General Commercial Interchange does not permit dwelling units. The applicant seeks to amend the current designation to the Urban Community future land use category, which permits up to 10 dwelling units per acre.

Planning staff recommends that the Board not adopt the proposed amendment. A majority of the site is located within the Coastal High Hazard Area (CHHA) and the amendment is not consistent with several of the Lee Plan's policies addressing residential development in the CHHA. The site is surrounded by the General Commercial Interchange land use category and is included within the Lee Plan's Water Dependent Overlay. The I-75 and S.R. 80 Interchange area is currently part of a pending plan amendment initiated by the Board intended to address the existing non-conforming uses of the interchange area.

At the March 28, 2005 LPA meeting, the members reviewed the proposed amendment. The LPA voted to recommend that the Board adopt the proposed small scale amendment because the subject area is adjacent to evacuation routes, the amendment involves redevelopment of the area, and the proposal includes mixed uses.

- Attachments: 1. Draft Ordinance
2. Planning Division Staff Report dated April 19, 2005
3. Plan Amendment Application

10. Review for Scheduling:

Table with columns: Department Director, Purchasing or Contracts, Human Resources, Other, County Attorney, Budget Services (Analyst, Risk, Grants, Mgr.), County Manager/P.W. Director. Includes handwritten initials and dates.

11. Commission Action:

- Approved
Deferred
Denied
Other

Rec. by County Admin
Date: 4/21/05
Time: 9:00
Forwarded To: Planning Division
4/21/05 9:30p


RECEIVED BY COUNTY ADMIN: [Signature]
4-21-05 1:38 pm
COUNTY ADMIN FORWARDED TO: [Signature]

MEMORANDUM

FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT
DIVISION OF PLANNING

DATE: April 21, 2005

TO: Board of County Commissioners

FROM: 

Paul O'Connor, Director

RE: Small Scale Comprehensive Plan Amendment CPA2004-01

Attached is the agenda for the Public Hearing to be held immediately following the regularly scheduled Board meeting of May, 3, 2005. This is an Adoption Hearing for the privately initiated small scale plan amendment CPA2004-01. The applicant, Leeward Yacht Club, L.L.C., has requested a small scale amendment for a specified 10±-acre parcel located in the northeast quadrant of the Palm Beach Boulevard (S.R.80) and I-75 Interchange to amend the future land use designation from "General Commercial Interchange" to "Urban Community."

Planning staff is recommending that the Board not adopt the proposed amendment. A majority of the site is located within the Coastal High Hazard Area (CHHA) and the amendment is not consistent with several of the Lee Plan's policies addressing residential development in the CHHA. The proposed amendment was reviewed by the Local Planning Agency (LPA) at their March 28, 2005 meeting. The LPA voted to recommend that the Board adopt the proposed small scale amendment because the subject area is adjacent to evacuation routes, the amendment involves redevelopment of the area, and the proposal includes mixed uses.

If you have any questions regarding the adoption hearing, do not hesitate to call me at 479-8309.

May 3, 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:**

CPA2004-01 - Amend Future Land Use Map Series, Map 1, to re-designate the Future Land Use classification of a 10-acre parcel in East Fort Myers from "General Commercial Interchange" to "Urban Community." The subject parcel is located in East Fort Myers, in the northeast quadrant of the Palm Beach Boulevard/I-75 Interchange.
3. **Board consideration of whether to Adopt CPA2004-01 as a Small Scale Amendment to the Lee Plan.**
4. **Adjourn**

LEE COUNTY ORDINANCE NO. 05-____
(Small Scale Amendment 10±-Acre Parcel in East Fort Myers
from General Commercial Interchange to Urban Community)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT SMALL SCALE AMENDMENT CPA 2004-01 (PERTAINING TO THE RE-DESIGNATION OF A 10±-ACRE PARCEL IN EAST FORT MYERS FROM GENERAL COMMERCIAL INTERCHANGE TO THE URBAN COMMUNITY FUTURE LAND USE CATEGORY) APPROVED DURING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT EFFORT; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES, MAP 1; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

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

WHEREAS, the Leeward Yacht Club, LLC, filed a request to amend the Future Land Use Map through the Small Scale Amendment process; and

WHEREAS, the Local Planning Agency recommended adoption of the proposed amendment at their meeting on March 28, 2005; and

WHEREAS, the Board held a public hearing for the adoption of the proposed amendment on May 3, 2005. At that hearing, the Board approved a motion to adopt

proposed amendment CPA2004-01 pertaining to the re-designation of a 10±-acre parcel from General Commercial Interchange to Urban Community on the Future Land Use Map Series, Map 1. The subject parcel is located in Section 34, Township 43 South, Range 25 East, within the northeast quadrant of the Palm Beach Boulevard/I-75 Interchange in East Fort Myers.

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

SECTION ONE: PURPOSE, INTENT, AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a public hearing to review a proposed amendment to the Future Land Use Map Series of the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Lee Plan discussed at that meeting and later approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continued to be the "Lee Plan." This amending ordinance may be referred to as the "Small Scale Amendment, CPA 2004-01, Re-designation of 10±-acre Parcel in the Northeast Quadrant of the Palm Beach Boulevard and I-75 Interchange Ordinance."

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

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

the Future Land Use Map Series, Map 1, by changing the designation of a 10±-acre parcel from the General Commercial Interchange to the Urban Community Future Land Use category. The subject parcel is located in the northeast quadrant of the Palm Beach Boulevard and I-75 Interchange in East Fort Myers. The corresponding staff report and analysis, along with all attachments for this amendment, are adopted as "support documentation" for the Lee Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: GEOGRAPHIC APPLICABILITY

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

SECTION FIVE: SEVERABILITY

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

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

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

SECTION SEVEN: EFFECTIVE DATE

The small scale Lee Plan amendment adopted by this ordinance will be effective 31 days after adoption unless challenged within 30 days after adoption. If challenged within 30 days after adoption, the small scale amendment to the Lee Plan will not be effective until the Florida Department of Community Affairs or the Administrative Commission issues a final order determining the small scale amendment is in compliance with Florida Statutes, Section 163.3184. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective.

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
Tammy Hall
John Albion

DONE AND ADOPTED this 3rd day of May 2005.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
Douglas St. Cerny
Chairman

DATE: _____

Approved as to form by:

Donna Marie Collins
County Attorney's Office

**CPA2004-01
LEEWARD YACHT CLUB SMALL SCALE
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Sponsored Application
and Staff Analysis**

**BoCC Adoption Document
for the
May 3rd Public Hearing**

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 479-8585*

April 19, 2005

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT
CPA2004-01**

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

STAFF REPORT PREPARATION DATE: March 21, 2005

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

LEEWARD YACHT CLUB, LLC
REPRESENTED BY MATTHEW UHLE, ESQ.

2. REQUEST:

Amend the Future Land Use Map series for a specified ten acre portion of a parcel of land located in Section 34, Township 43 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "General Commercial Interchange" to "Urban Community."

3. SUMMARY DISCUSSION

The applicant, Leeward Yacht Club, LLC., is requesting a small scale change of land use designation on the Future Land Use Map from "General Commercial Interchange" to Urban Community" for an approximate 10 acre specified area of land. The site is located within the northeast quadrant of the State Road 80 and I-75 Interchange in Section 34, Township 43 South, Range 25 East. The General Commercial Interchange does not permit residential units and is primarily for community commercial land uses, while the Urban Community category standard density range permits up to six dwelling units per acre (6 du/acre), with up to 10 units per acre (10 du/acre) if bonus density is utilized. If the amendment is approved the allowable density would be an increase of up to 100 permissible units.

B. BACKGROUND INFORMATION

1. EXISTING CONDITIONS

SIZE OF PROPERTY: 10 ACRES

PROPERTY LOCATION: The subject property is located in the northeast quadrant of the State Road 80 and I-75 Interchange.

EXISTING USE OF LAND: The subject property is currently a marina and vacant land.

CURRENT ZONING: AG-2 and IM

CURRENT FUTURE LAND USE CLASSIFICATIONS: General Commercial Interchange

2. INFRASTRUCTURE AND SERVICES

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

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

TRANSPORTATION: Access to the property is via Louise Street from State Road 80.

SOLID WASTE FRANCHISE: Florida Recycling Services

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION: Planning staff recommends the proposed amendment not be adopted. Planning staff recommends that Map 1, the Future Land Use Map, **not** be amended to change the future land use designation of the subject area from the "General Commercial Interchange" land use category to the "Urban Community" land use category.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The property is located within the Coastal High Hazard Area (CHHA) and will be increasing density in the CHHA as delineated by the Southwest Florida Regional Planning Council.
- The intent of the applicant is to develop the subject property with 100 mutli-family dwelling units.
- Policy 5.1.2 prohibits residential development where hazards exist that may endanger the residential community.
- Goal 75 promotes the protection of residents and developed property from natural disaster and encourages the reduction of densities within the CHHA.

- Goal 76 of the Lee Plan limits public expenditures in the CHHA.
- The parcel is currently surrounded by the General Commercial Interchange future land use category, a category that does not permit residential dwelling units.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

The applicant is requesting a small scale change of land use designation on the Future Land Use Map from "General Commercial Interchange" to "Urban Community" for an approximate 10 acre specified area of land. The site is located in the northeast quadrant of the State Road 80 and I-75 Interchange between the Dos Rios subdivision and the Manatee World marina in Section 34, Township 43 South, Range 25 East. The property is known today as Hansen Marine Ways. If the amendment is approved the allowable density would increase from a category where no dwelling units are permitted to a possibility of 10 du/acre, an increase of 100 permissible units.

The Comprehensive Plan Amendment Application, Staff Insufficiency Letter, and Applicant Supplementary Information are attached as Attachment 1.

PROJECT SUMMARY

The applicant is proposing the amendment in order to allow for the development of residential units at the subject site. Currently a marina exists on the northern portion of the site along the Orange River. The remainder of the site is vacant. The subject area is part of a larger property (approximately 22 acres) that is currently under staff review for a rezoning to MPD. Residential use of the property is contingent upon the plan amendment.

Initially the applicant provided an application requesting a land use change from General Commercial Interchange to the Central Urban future land use category. After several discussions, staff concluded that the request to Central Urban was not consistent with Chapter 163.3187(1)(c) Florida Statutes, relating to small scale plan amendments. The statute provides that a small scale amendment may only be adopted under certain conditions. One of those conditions states that if the amendment involves a residential land use, the residential land use must have a density of 10 units or less per acre. The Central Urban land use category permits up to 15 du/acre as a maximum density when bonus density is utilized, while the Urban Community land use category permits up to 10 du/acre when bonus density is utilized. Following discussions with staff, the applicant resubmitted an application requesting the proposed Urban Community land use category that is under review today.

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 designated General Commercial Interchange and has remained in this land use category to date. The General Commercial Interchange descriptor policy has also remained consistent and is reproduced below:

***POLICY 1.3.3:** The General Commercial Interchange areas are intended primarily for general community commercial land uses: retail, planned commercial districts, shopping, office, financial, and business.*

The subject property is located in the northeast quadrant of the State Road 80 and I-75 Interchange where the General Commercial Interchange category is the predominant designation for this quadrant.

ADJACENT ZONING AND USES

The subject area is zoned IM and AG-2. The surrounding properties are zoned AG-2 and MH-2 to the north, CM to the east, RS-1 to the west, and CPD directly across State Road 80 to the south. The subject area is surrounded by properties developed with several types of uses. To the north and across the Orange River is the Orange Harbor mobile home park, to the east the Manatee World marina, immediately to the south State Road 80, gas stations, and the Sun-N-Fun mobile home park, and to the west the Dos Rios single family subdivision.

POPULATION ACCOMMODATION CAPACITY DISCUSSION

The request is to change the Future Land Use Map (FLUM) category of approximately 10 acres from General Commercial Interchange to Urban Community. The General Commercial Interchange category does not permit residential units. The Urban Community category standard density permits up to 10 du/acre if bonus density is utilized. The applicant's representative has noted that the intent is to develop the property with a density of 10du/acre. This means that a maximum of 100 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 209 persons (100 du's X 2.09 persons per unit). 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 parcels 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).*

The proposed amendment is consistent with the Urban Community designation for the following reasons: it is located near the designated future urban area of Fort Myers; the urban services, as noted, have adequate capacity to provide the necessary services to accommodate the proposed small scale amendment; residential development is listed as one of the predominant land uses in the Urban Community category.

While the subject parcel is also consistent with a majority of the Lee Plan's Residential Land Use requirements of Goal 5, staff finds that the proposal cannot be found consistent with Policy 5.1.2 due to the fact that the property is located within the Coastal High Hazard Area. Policy 5.1.2 is reproduced below:

POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

This policy prohibits residential development where hazards exist that may endanger the residential community. This inconsistency is discussed further under the Coastal issues section of this report.

MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)

The subject area is located within the Planning Community of Fort Myers Shores. In this community there are 633 acres allocated for residential uses in the Urban Community land use category. Recent Planning Division data indicates that 275 acres of Urban Community land within this community are currently developed with residential uses, leaving a surplus of 358 acres that could be developed with residential uses in the Urban Community portions of this community before the year 2020.

TRANSPORTATION ISSUES

The Lee County Department of Transportation has reviewed the request and has provided Planning staff written comments dated March 18, 2005 (see Attachment 2). The Department of Transportation has concluded that "this land use change will not alter the future road network plans." DOT staff re-ran the long range transportation model with the proposed development scenario that could result from the new land use category on the subject area to arrive at this conclusion.

Planning staff 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 received memos from providers giving some additional analysis.

Emergency Management - Hurricane Evacuation/Shelter Impacts

The proposed amendment will 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 March 25, 2004, concerning the proposal (see Attachment 3). The memo provides the following:

"This Development is located in a Tropical Storm Evacuation Zone. In accordance with the National Weather Service storm surge 'SLOSH' model, this area will receive storm surge flooding from a Tropical Storm. Therefore, 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 are required."

Sheriff's Office Impact

The Lee County Office of the Sheriff has reviewed the proposal and provided written comments to the applicant dated January 2, 2004 (see Attachment 1). This correspondence provides that "it is the policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs."

Fire Service Impact

The subject parcel is within the Tice Fire District. The District has reviewed the proposal and provided written comments to the applicant dated February 4, 2004 (see Attachment 1). The Department provides the following:

"In regards to the above-referenced property, Tice Fire District has no objections to the proposed amendment at this time.

We will request and anticipate incorporating any of our needs between the developer and our District as the development of the project proceeds."

SCHOOL IMPACTS

Staff of the School District of Lee County have reviewed the proposal and provided written comments dated March 16, 2005 (see Attachment 4). District staff conclude that "The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the Leeward Yacht Club MPD developers will be expected to pay the impact fee at the appropriate time."

SOILS

The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified one soil type present on the subject parcel - 28 Immokalee sand.

Immokalee sand is a nearly level, poorly drained soil in flatwoods areas with smooth to convex slopes ranging from 0 to 2 percent.

ENDANGERED SPECIES

The applicant has provided a vegetation map, a soils map, and an endangered species report as part of their application submittal materials. The endangered species report states that "*no listed endangered, threatened or species of special concern wildlife species were observed on the subject property during the survey.*" Environmental Sciences staff have offered no comments in objection to the proposed amendment.

PARKS, RECREATION AND OPEN SPACE

Staff of the Lee County Public Works have reviewed the request and provided written comments dated March 18, 2005 (see Attachment 5). This memorandum provides the following:

"The change has the potential to result in an additional 100 dwelling units. The subject parcel is located in Community Park Impact Fee District 3. It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, some consideration should be given to the fact that approval of this amendment may very well result in yet another loss of waterfront access to the citizens of Lee County."

DRAINAGE/SURFACE WATER MANAGEMENT

The application provides the following concerning this issue:

"The property is located within the Caloosahatchee River Watershed. The proposed project will be required to obtain an Environmental Resource Permit from the South Florida Water Management

District (SFWMD) for construction and operation approval, and will require 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 (2001/2002 - 2002/2003), 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."

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 a memo dated March 13, 2005 (see Attachment 6). The memo provides that *"public transportation services in this area are currently sufficient and services as stated in the 5 year Transit Development Plan would remain sufficient for the proposed change."*

UTILITIES

The property is located within the Lee County Utilities service area for both waste water and potable water service. Regarding waste water service, the applicant has provided that *"the closest point of service is at the intersection of Louise Street and SR 80, where LCU has a regional sewer pumping station which pumps waste water from eastern Lee County to the City of Fort Myers. A large capacity 36-inch gravity sewer system composed of two manholes delivers waste water from a 24" force main into the pumping station."* The discussion provides that *"based on the proposed Future Land Use Map designation of Urban Community, the estimated demand is 0.022 MGD (100 Multi-Family units). This would be an increase of approximately 0.007 MGD over the amount that could be permitted under the existing FLUM."* The discussion concludes that no improvements will be necessary to service the additional demand and the amendment will not require any revisions to the sanitary sewer sub-element or CIE.

Regarding potable water service, the applicant has provided that *"the closest service line is at the corner of SR 80 and Louise Street (20" water transmission main)." The discussion provides that "based on the proposed Future Land Use Map designation of Urban Community, the estimated demand is 0.022 MGD (100 Multi-Family units). This would be an increase of approximately 0.007 MGD over the amount that could be permitted under the existing FLUM."* The discussion concludes that no improvements will be necessary to service the additional demand and the amendment will not require any revisions to the water sub-element or CIE.

Staff of Lee County Division of Solid Waste offered no comments in objection to the proposed amendment.

COASTAL ISSUES

As noted earlier in this report, the majority of the subject property is located in the "Coastal High Hazard Area" (CHHA) as defined by the Lee Plan. The Federal Emergency Management Agency's Flood Insurance Rate Map shows the subject parcel in an "AE8" flood zone. The required base elevations to the first habitable floor are 8 feet depending on the specific parcels location.

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 Tropical Storm and Category 1 storm surge zone with the southernmost portion of the property located within the Category

2 storm surge zone. Additionally, the property is located in the SWFRPC Tropical Storm evacuation zone. The proposed development will be increasing density in the CHHA as delineated by the Southwest Florida Regional Planning Council. The Lee Plan defines the CHHA as follows:

COASTAL HIGH HAZARD AREA - *The category 1 evacuation zone as delineated by the Southwest Florida Regional Planning Council. (Added by Ordinance No. 94-30, Amended by Ordinance No. 99-17)*

The Lee Plan contains several policies describing hazardous constraints and residential development. Policy 5.1.2 which was reproduced earlier in this report prohibits residential development where hazards exist that may endanger the residential community. Goal 75 specifically addresses development in the CHHA:

GOAL 75: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS.
To protect human life and developed property from natural disasters. (See also Goal 80.) (Amended by Ordinance No. 94-30)

OBJECTIVE 75.1: DEVELOPMENT IN COASTAL HIGH HAZARD AREAS. *Development seaward of the 1991 Coastal Construction Control Line will require applicable State of Florida approval; new development on barrier islands will be limited to densities that meet required evacuation standards; new development requiring seawalls for protection from coastal erosion will not be permitted; and allowable densities for undeveloped areas within coastal high hazard areas will be considered for reduction. (Amended by Ordinance No. 92-35, 93-25, 94-30, 00-22)*

POLICY 75.1.4: *Through the Lee Plan amendment process, land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding. (Amended by Ordinance No. 92-35, 94-30, 00-22)*

Goal 75 promotes the protection of residents and developed property from natural disaster, while its objectives and policies encourage the reduction of densities within the CHHA in order to limit the future population exposed to coastal flooding.

Goal 76 of the Lee Plan limits public expenditures in the CHHA and Objective 76.1 limits expenditures to existing residents:

GOAL 76: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL HIGH HAZARD AREAS.
To restrict public expenditures in areas particularly subject to repeated destruction by hurricanes, except to maintain required service levels, to protect existing residents, and to provide for recreation and open space uses. (Amended by Ordinance No. 94-30)

OBJECTIVE 76.1: COASTAL HIGH HAZARD AREA EXPENDITURES. *Public expenditures in areas particularly subject to repeated destruction by hurricanes will be limited to necessary repairs, public safety needs, services to existing residents, and recreation and open space uses. (Amended by Ordinance No. 94-30, 00-22)*

B. CONCLUSIONS

While the proposed amendment is consistent with Policy 1.1.4, the Urban Community future land use descriptor policy, the amendment is not consistent with several of the Lee Plan's Goals, Objectives, and Policies addressing residential development in the CHHA. The intent of the applicant is to develop the

subject property with 100 mutli-family dwelling units. The parcel is currently surrounded by the General Commercial Interchange future land use category, a category that does not permit residential dwelling units. Staff recognizes that existing land uses north and west include residential uses also existing within the CHHA but it is also important to note that these particular developments have been in existence prior to the Lee Plan. Staff notes that the Dos Rios subdivision to the west of the subject property is currently not in conformance with the General Commercial Interchange category. This subdivision is subdivided into 19 lots on approximately 6 acres, making this subdivision within the parameters of the Outlying Suburban density range. This area is part of a pending plan amendment that will address existing non-conforming uses in the interchange area.

If approved, staff estimates that the proposed Urban Community designation would allow 100 dwelling units to be built in the subject area where no units are allowed under the current interchange designation. Staff finds that Lee Plan policies with regard to residential development in the CHHA do not support the approval of the proposed plan amendment. Lee Plan policies prohibit residential development where hurricane and flood hazards exist, encourages reduced densities in order to limit the population exposed to coastal flooding, and limits public expenditures to existing residents. Therefore, staff cannot recommend approval of the proposed amendment for the purpose of increased residential development.

Staff would also like to note for discussion purposes that the subject site is also located within an area designated by the Lee Plan as a water dependent overlay (Lee Plan Map 12, Page 3 of 12). As mentioned previously in this report the existing use of the property is a marina. Lee Plan Policy 98.1.2 specifically describes the water dependent overlay designation over existing commercial marinas protecting their right to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing. If the proposed amendment is approved and the rezoning application currently under review moves forward to a public hearing, the water dependent overlay status of the parcel must be addressed as part of that public hearing to remove the property from the overlay.

In addition, staff has also reviewed Goal 21, Caloosahatchee Shores, and have found that the proposed amendment does not contradict the goals of the community.

C. STAFF RECOMMENDATION

Planning staff recommends that Map 1, the Future Land Use Map, **not** be amended to redesignate the future land use of the subject area from the "General Commercial Interchange" land use category to the "Urban Community" land use category. This recommendation is based upon the previously discussed issues and conclusions of this analysis.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: March 28, 2005

A. LOCAL PLANNING AGENCY REVIEW

Planning staff provided a brief summary of the proposed plan amendment. Staff recommended denial of the proposed amendment due to the subject site's location within the Coastal High Hazard Area (CHHA) and inconsistencies with several Lee Plan policies addressing residential development in the CHHA. Staff also noted that the site is surrounded by the General Commercial Interchange land use category and that it is also included in the Lee Plan's Water Dependent Overlay (WDO). Staff pointed out that the I-75 and S.R. 80 Interchange area is the subject of a pending plan amendment.

One member of the LPA asked for an explanation of the WDO. Staff explained that these are areas depicted on Map 12 of the Lee Plan with existing water dependent uses. The overlay protects these uses from conversion to non-water dependent uses without a public hearing. Another member asked what storm surge categories the property was located in. Staff responded that the majority of the property is located within the Tropical Storm and Category 1 zones and a small portion to the south is in the Category 2 zone. This member also asked if staff knew the amount of land in each zone. Staff handed out a map showing the storm surge lines as well as the Storm Tide Atlas showing the location of the property.

The applicant's representative then provided a presentation of the amendment, discussing the property, the CHHA lines, the history of the application, and the application's merits. In response to questions raised by the LPA the representative further described that future development of the site would involve a larger area encompassing the plan amendment area and the total plan is for 175 units on the site. A member of the LPA asked if water and sewer are available to the site. The representative stated that both utilities are available. This member then referred to comments made by the representative regarding the elimination of some of the existing docks. This member asked if those eliminated would be added back to the project for the units. The representative explained that as part of the project there will be a marina that is open to the public and if someone in the residential project wants to purchase one of the docks they can do so under the same circumstances as anyone else from the public. The representative also responded that the marina would be operated as a commercial marina with fewer slips than exist today due to the difficulty of getting permitting for a marina.

Another member of the LPA confirmed with the applicant that the reason for the map amendment was to allow residential development. This member also asked for clarification that there is a county initiated amendment that will change the entire area to Central Urban. The representative confirmed that staff has been authorized to evaluate the interchange area through a plan amendment. The LPA member asked what would happen if that amendment did not get approved. The representative stated that would cause problems because they will not be able to use the remainder of the property for residential uses. The member then referred to a series of buildings and parking lots on the subject amendment site. The representative stated that these were old buildings associated with the historic marina. The applicant will be preserving the historic elements of the property.

One member of the LPA asked for more information regarding the additional 75 units and any additional commercial use. The representative provided that there will be an additional 75 units built in the future and that the commercial aspects will be located where Manatee World currently exists. Another member

asked if public access would be reduced from what exists today. The applicant's General Manager addressed this question by explaining the slips will be reduced from 230 to 128 slips and that the marina will be open to the public on a first come, first serve basis. The LPA member expressed concern regarding public expenditure in the GHHA. The representative responded that there would not be any public expenditure from a utility standpoint. He explained that everything inside the property would be their own expenditure. The LPA member asked if their plan has been submitted to Lee County Emergency Management. The representative explained that they are currently in the zoning process and as part of that process Emergency Management would be asked to give comments.

One member of the public commented on the proposal. This member of the public stated that they helped prepare the application for this plan amendment as well as the zoning. They were under the impression that staff thought the proposal was a good project. They explained that as the Chairman for the Planning and Permitting Committee for the East Lee County Council Civic Association that the plan was presented to the Committee and was received positively. This member of the public added that in terms of evacuation there could not be a better site.

Staff then responded that the majority of the plan amendment is in the CHHA and that staff has not prohibited the concept of residential, but has compared it to the existing density immediately to the west of the site. Staff reiterated that Lee Plan policy requires staff to review increasing density in the CHHA and this proposal is an increase from 0 units to 100 units.

One member of the LPA felt this CHHA area was unique in that it is not on a barrier island where there is difficulty getting on and off the island. This member pointed out that the area has two major intersections and they could not think of a more appropriate place for 175 units. This member moved to recommend adoption of the proposed amendment. The motion passed 4-0.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners adopt the proposed amendment.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA did not accept the findings of fact as advanced by the staff. The LPA recommended adoption of the amendment on the following basis: the site is adjacent to evacuation routes, the amendment involves redevelopment of the area, and the proposal includes mixed uses.

C. VOTE:

NOEL ANDRESS	<u>AYE</u>
MATT BIXLER	<u>ABSENT</u>
DEREK BURR	<u>AYE</u>
RONALD INGE	<u>AYE</u>
CARLETON RYFFEL	<u>ABSENT</u>
RAYMOND SCHUMANN	<u>AYE</u>

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

DATE OF ADOPTION HEARING: May 3, 2005

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

TAMMY HALL

BOB JANES

RAY JUDAH

DOUG ST. CERNY



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

APPLICATION FOR A
COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D _____ REC'D BY: _____

APPLICATION FEE _____ TIDEMARK NO: _____

THE FOLLOWING VERIFIED:

Zoning [] Commissioner District []

Designation on FLUM []

(To be completed by Planning Staff)

Plan Amendment Cycle: [] Normal [x] 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.

DATE _____ SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE _____

I. APPLICANT/AGENT/OWNER INFORMATION

Leeward Yacht Club, LLC

APPLICANT

5601 Palm Beach Blvd.

ADDRESS

Ft. Myers

FL

33905

CITY

STATE

ZIP

(239) 693-8122

TELEPHONE NUMBER

FAX NUMBER

Matthew D. Uhle, Esq.

AGENT*

1625 Hendry Street, Suite 301

ADDRESS

Ft. Myers

FL

33901

CITY

STATE

ZIP

(239) 334-2722

TELEPHONE NUMBER

(239) 334-1446

FAX NUMBER

See attached Subject Property Owners 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):

Amend the Future Land Use Map to change a portion of the subject property from General Commercial Interchange to Urban Community (See attached Lee Plan F.L.U.M. Exhibits).

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

A. Property Location:

- 1. Site Address: ***See attached Subject Property Owners list***
- 2. STRAP(s):

B. Property Information

Total Acreage of Property: 19.53 Acres

Total Acreage included in Request: 10.0 Acres

Area of each Existing Future Land Use Category: 10.0 Acres - General Commercial

Total Uplands: 10.0 Acres

Total Wetlands: N/A

Current Zoning: IM, CM & AG-2

Current Future Land Use Designation: Central Urban and General Commercial

Existing Land Use: Existing Marina, Existing Commercial, Vacant

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

Lehigh Acres Commercial Overlay: _____ N/A _____

Airport Noise Zone 2 or 3: _____ N/A _____

Acquisition Area: _____ N/A _____

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

Community Redevelopment Area: _____ N/A _____

D. Proposed change for the Subject Property:

General Commercial to Urban Community

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density _____ 100,000 Square feet General Retail _____

Commercial intensity _____

Industrial intensity _____

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density _____ 100 Multi Family Units _____

Commercial intensity _____

Industrial intensity _____

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. *N/A*
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. *See Attached Exhibit 1*
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. *See Attached Exhibit 2*
4. Map and describe existing zoning of the subject property and surrounding properties. *See Attached Exhibit 3*
5. The legal description(s) for the property subject to the requested change. *See Attached Sketch and Legal Description*
6. A copy of the deed(s) for the property subject to the requested change. *See Attached Copy of the Warranty Deed*
7. An aerial map showing the subject property and surrounding properties. *See Attached Exhibit 4*
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner. *See Attached Letters of Authorization*

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:

See Attached Traffic Analysis prepared by Metro Transportation

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.

See Attached Analysis

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.

Copies of the requested letters are attached

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:

- EXHIBIT 6A & 6B** 1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
- EXHIBIT 7** 2. A map and description of the soils found on the property (identify the source of the information).
- EXHIBIT 8** 3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
- EXHIBIT 6A & ABOVE** 4. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
- EXHIBIT 6A & Endangered Species Report** 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.
A Cultural Resource Assessment Report is to be submitted under separate cover
2. A map showing the subject property location on the archeological sensitivity map for Lee County.
See Attached Exhibit 9

E. Internal Consistency with the Lee Plan *See Attachment '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.
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.

N/A

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



Signature of owner or owner-authorized agent

3/15/05

Date

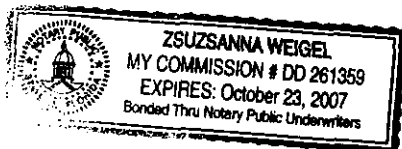
Matthew D. Uhle, Esq.

Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 15th day of March 2005, by Matthew D. Uhle, Esq. as authorized agent of Leeward Yacht Club, who is personally known to me or who has produced _____ as identification.

(SEAL)




Signature of notary public

ZSUZSANNA WEIGEL
Printed name of notary public

Subject Property Owners List

- 1). **STRAP:** 34-43-25-00-00006.0000

Ernest A. Hansen, TR. (½ interest) &
Frances Hansen, TR. (½ interest)
P.O. Box 50903
Ft. Myers, FL 33994

- 2). **STRAP:** 34-43-25-00-00009.0000

Ernest A. Hansen, TR. (½ interest) &
Frances Hansen, TR. (½ interest)
P.O. Box 50903
Ft. Myers, FL 33994

Site Address: 5501 Palm Beach Blvd.
Ft. Myers, FL 33905

- 3). **STRAP:** 34-43-25-00-00010.0000

Ernest A. Hansen, TR. (½ interest) &
Frances Hansen, TR. (½ interest)
P.O. Box 50903
Ft. Myers, FL 33994

- 4). **STRAP:** 34-43-25-00-00008.0010

Manatee World, Inc.
5605 Palm Beach Blvd.
Ft. Myers, FL 33905

Site Address: 5605 Palm Beach Blvd.
Ft. Myers, FL 33905

EXHIBIT PH-1.C.2

List the name(s) of consultants the county may contact concerning this application:

Project Coordination / Legal:

Matthew D, Uhle, Esq.
Knott, Consoer, Ebelini, et al.
1625 Hendry Street, Suite 301
Ft. Myers, Fl. 33901
Tel.: (239) 334-2722

Planning:

Michael E. Roeder, A.I.C.P.
Director of Planning
Knott, Consoer, Ebelini, et al.
1625 Hendry Street, Suite 301
Ft. Myers, Fl. 33901
Tel.: (239) 334-2722

Engineering:

Thomas W. McLean, P.E. – Assoc.
Hole Montes, Inc.
6202-F Presidential Court
Ft. Myers, Fl. 33919
Tel.: (239) 985-1200

Environmental:

Geza Wass de Czege, President
Southern Biomes, Inc. E.I.S.
P.O. Box 50640
Ft. Myers, Fl. 33994
Tel.: (239) 334-6766

Transportation:

Ted B. Treesh – Principal / Regional Manager
Metro Transportation Group, Inc. Engineering
12651 McGregor Blvd., Suite 4-403
Ft. Myers, Fl. 33919-4489
Tel.: (239) 278-3090

**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 the properties commonly known as Strap Nos. 34-43-25-00-00006.0000, 34-43-25-00-00009.0000, and 34-43-25-00-00010.0000 which is a portion of the Leeward Yacht Club MPD and legally described in Exhibit 'A' attached hereto.

*The property described herein is the subject of an Application for a Comprehensive Plan Amendment and a Planned Development Rezoning. We hereby designate **Leeward Yacht Club L.L.C.** as the legal representative of the property, and as such, is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site.*

A. Ernest
Ernest A. Hansen, Tr. (1/2 Interest)

A Ernest Hansen

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 19th day of January, 2004 by *A. Ernest* Ernest A. Hansen, Trustee. He is personally known to me or has produced _____ as identification.



(Seal)

Deborah L Helveston
Signature of Notary Public

Deborah L Helveston

Printed name of Notary Public

Frances Hansen, Tr. (1/2 Interest)

Frances Hansen

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 19 day of
January, 2004 by Frances Hansen, Trustee. She is personally known to me or has produced
_____ as identification.



(Seal)

Deborah L. Helveston
Signature of Notary Public

Deborah L Helveston

Printed name of Notary Public

EXHIBIT "A"

Parcel 1

A TRACT OR PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.
COMMENCE AT THE S.E. CORNER OF SAID SECTION 34. THENCE RUN S.88°42'49" W. ALONG THE SOUTH LINE OF SECTION 34 FOR 440.00'. THENCE RUN N.01°01'19" W. FOR 574.91' MORE OR LESS TO THE NORTH R.O.W. LINE OF PALM BEACH BLVD. AND THE S.W. CORNER OF THE PARCEL AS RECORDED IN O.R. 1303 P. 1825 & 1826 AND THE P.O.B. OF THE FOLLOWING DESCRIBED PARCEL.
FROM SAID POINT OF BEGINNING CONTINUE RUNNING N.01°01'19" W. ALONG THE WEST LINE OF SAID PARCEL FOR 210' MORE OR LESS TO THE APPROXIMATE MEAN HIGH TIDE LINE OF A BAYOU. THENCE RUN WESTERLY, NORTH WESTERLY & NORTHERLY ALONG SAID MEAN HIGH TIDE LINE TO IT'S INTERSECTION WITH THE NORTH LINE OF GOV'T LOT 1. THENCE RUN S.59°08'32" W. ALONG SAID LINE TO THE S.E. CORNER OF THE PARCEL AS RECORDED IN O.R. 1690 P. 4739. THENCE RUN NORTHERLY 25' MORE OR LESS. THENCE RUN S.59°08'32" W. FOR 44.00'. THENCE RUN SOUTHERLY 25' MORE OR LESS TO THE NORTH LINE OF GOV'T. LOT 1. THENCE RUN S.59°08'32" W. FOR 14.83' MORE OR LESS TO THE WEST LINE OF THE PARCEL AS RECORDED IN O.R. 1690 P. 4780. THENCE RUN S.00°57'11" E. ALONG SAID WEST LINE FOR 733.40' TO THE NORTH R.O.W. LINE OF MATTHEW STREET. THENCE RUN N.88°42'29" E. FOR 63.22' TO THE EAST R.O.W. LINE OF LOUISE STREET. THENCE RUN S.00°57'11" E. FOR 60.80' TO THE S.W. CORNER OF LOT 7, BLOCK 3 DOG LIPS S/D AS RECORDED IN P.B. 12 P.4 PUBLIC RECORDS OF LEE COUNTY FLORIDA. THENCE RUN N.88°42'29" E FOR 136.78' TO THE N.E. CORNER OF SAID LOT 7. THENCE RUN S.00°57'11" W. ALONG THE EAST LINE OF SAID BLOCK 3 FOR 716.61' TO THE NORTH R.O.W. LINE OF AN ACCESS RD. THENCE RUN ALONG A CURVE TO THE LEFT HAVING FOR IT'S ELEMENTS R=215.12' Δ=03°39'44" A=15.00' FOR 15.00' TO THE P.T. OF SAID CURVE. THENCE RUN N.57°55'19" E. ALONG THE NORTH R.O.W. LINE OF SAID ACCESS ROAD FOR 306.23' TO THE P.C. OF A CURVE TO THE RIGHT HAVING AS IT'S ELEMENTS R=75.00' Δ=30°07'57" A=39.443'. THENCE RUN ALONG SAID CURVE TO THE RIGHT FOR 39.443' TO THE MOST WESTERLY POINT OF THE PARCEL AS RECORDED IN O.R. 1584 PGS. 1352 & 1353. THENCE RUN N.13°55'19" E. FOR 48.69'. THENCE RUN N.57°55'19" E. FOR 93.85'. THENCE RUN S.32°04'41" E. FOR 100.00' TO THE S.E. CORNER OF SAID PARCEL AND THE NORTH R.O.W. LINE OF PALM BEACH BLVD. THENCE RUN N.57°55'19" E. ALONG SAID R.O.W. LINE FOR 618.67' TO THE P.O.B.

Parcel 2

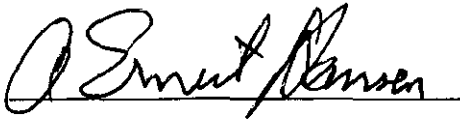
A TRACT OR PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA.
COMMENCING AT THE S.E. CORNER OF SAID SECTION. THENCE RUN S.88°42'49" W. ALONG THE SOUTH LINE OF SAID SECTION 34 FOR 6079.45' TO THE WEST R.O.W. LINE OF ORANGE RIVER BLVD. AND THE P.O.B. OF THE FOLLOWING DESCRIBED PARCEL.
FROM SAID P.O.B. CONTINUE RUNNING S.88°42'49" W. FOR 30.79' TO THE SOUTH R.O.W. LINE OF PALM BEACH BLVD. (S.R.80). THENCE RUN N.57°55'19" E. ALONG SAID R.O.W. LINE FOR 12.49' TO THE WEST R.O.W. LINE OF ORANGE RIVER BLVD. THENCE RUN S.73°35'50" E. ALONG SAID R.O.W. LINE FOR 21.05' TO THE P.O.B.

**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 the properties commonly known as *Strap Nos. 34-43-25-00-00006.0000, 34-43-25-00-00009.0000, and 34-43-25-00-00010.0000* which is a portion of the *Leeward Yacht Club MPD* and legally described in Exhibit 'A' attached hereto.

The property described herein is the subject of an Application for a Comprehensive Plan Amendment and a Planned Development Rezoning. We hereby designate *Leeward Yacht Club L.L.C.* as the legal representative of the property, and as such, is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site.

A. Ernest
Ernest A. Hansen, Tr. (1/2 Interest)



STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 19 day of January, 2004 by *A. Ernest* Ernest A. Hansen, Trustee. He is personally known to me or has produced _____ as identification.



(Seal)



Signature of Notary Public

Deborah L Helveston
Printed name of Notary Public

Frances Hansen, Tr. (1/2 Interest)

Frances Hansen

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 14th day of
January, 2004 by Frances Hansen, Trustee. She is personally known to me or has produced
_____ as identification.



(Seal)

Deborah L. Helveston
Signature of Notary Public

Deborah L. Helveston
Printed name of Notary Public

EXHIBIT "A"

Parcel 1

A TRACT OR PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.
COMMENCE AT THE S.E. CORNER OF SAID SECTION 34. THENCE RUN S.88°42'49" W. ALONG THE SOUTH LINE OF SECTION 34 FOR 440.00'. THENCE RUN S.01°01'19" W. FOR 574.91' MORE OR LESS TO THE NORTH R.O.W. LINE OF PALM BEACH BLVD. AND THE S.W. CORNER OF THE PARCEL AS RECORDED IN O.R. 1303 P. 1825 & 1826 AND THE P.O.B. OF THE FOLLOWING DESCRIBED PARCEL.
FROM SAID POINT OF BEGINNING CONTINUE RUNNING N.01°01'19" W. ALONG THE WEST LINE OF SAID PARCEL FOR 210' MORE OR LESS TO THE APPROXIMATE MEAN HIGH TIDE LINE OF A BAYOU. THENCE RUN WESTERLY, NORTH WESTERLY & NORTHERLY ALONG SAID MEAN HIGH TIDE LINE TO IT'S INTERSECTION WITH THE NORTH LINE OF GOV'T LOT 1. THENCE RUN S.59°08'32" W. ALONG SAID LINE TO THE S.E. CORNER OF THE PARCEL AS RECORDED IN O.R. 1690 P. 4759. THENCE RUN NORTHERLY 25' MORE OR LESS. THENCE RUN S.59°08'32" W. FOR 44.00'. THENCE RUN SOUTHERLY 25' MORE OR LESS TO THE NORTH LINE OF GOV'T. LOT 1. THENCE RUN S.59°08'32" W. FOR 34.83' MORE OR LESS TO THE WEST LINE OF THE PARCEL AS RECORDED IN O.R. 1690 P. 4760. THENCE RUN S.00°57'11" E. ALONG SAID WEST LINE FOR 733.40' TO THE NORTH R.O.W. LINE OF MATHEW STREET. THENCE RUN N.88°42'29" E. FOR 63.22' TO THE EAST R.O.W. LINE OF LOUISE STREET. THENCE RUN S.00°57'11" E. FOR 60.00' TO THE N.W. CORNER OF LOT 7, BLOCK 3 DOG RIGS S/D AS RECORDED IN P.S. 12 P.4 PUBLIC RECORDS OF LEE COUNTY FLORIDA. THENCE RUN N.88°42'29" E FOR 136.78' TO THE N.E. CORNER OF SAID LOT 7. THENCE RUN S.00°57'11" E. ALONG THE EAST LINE OF SAID BLOCK 3 FOR 716.61' TO THE NORTH R.O.W. LINE OF AN ACCESS RD. THENCE RUN ALONG A CURVE TO THE LEFT HAVING FOR IT'S ELEMENTS R=215.12' Δ=03°59'44" Δ=15.00' FOR 15.00' TO THE P.T. OF SAID CURVE. THENCE RUN S.57°55'19" E. ALONG THE NORTH R.O.W. LINE OF SAID ACCESS ROAD FOR 309.23' TO THE P.C. OF A CURVE TO THE RIGHT HAVING AS IT'S ELEMENTS R=75.00' Δ=30°07'57" Δ=39.443'. THENCE RUN ALONG SAID CURVE TO THE RIGHT FOR 39.443' TO THE MOST WESTERLY POINT OF THE PARCEL AS RECORDED IN O.R. 1584 PGS. 1352 & 1353. THENCE RUN N.12°55'19" E. FOR 49.69'. THENCE RUN N.57°55'19" E. FOR 93.85'. THENCE RUN S.32°04'41" E. FOR 100.00' TO THE S.E. CORNER OF SAID PARCEL AND THE NORTH R.O.W. LINE OF PALM BEACH BLVD. THENCE RUN N.57°55'19" E. ALONG SAID R.O.W. LINE FOR 618.67' TO THE P.O.B.

Parcel 2

A TRACT OR PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 23 EAST LEE COUNTY, FLORIDA.
COMMENCING AT THE S.E. CORNER OF SAID SECTION. THENCE RUN S.88°42'49" W. ALONG THE SOUTH LINE OF SAID SECTION 34 FOR 1079.45' TO THE WEST R.O.W. LINE OF ORANGE RIVER BLVD. AND THE P.O.B. OF THE FOLLOWING DESCRIBED PARCEL.
FROM SAID P.O.B. CONTINUE RUNNING S.88°42'49" W. FOR 70.79' TO THE SOUTH R.O.W. LINE OF PALM BEACH BLVD. (S.R. 80). THENCE RUN N.57°55'19" E. ALONG SAID R.O.W. LINE FOR 12.49' TO THE WEST R.O.W. LINE OF ORANGE RIVER BLVD. THENCE RUN S.73°35'50" E. ALONG SAID R.O.W. LINE FOR 21.05' TO THE P.O.B.

**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 the properties commonly known as Strap Nos. 34-43-25-00-00006.0000, 34-43-25-00-00008.0010, 34-43-25-00-00009.0000, and 34-43-25-00-00010.0000 which is a portion of the Leeward Yacht Club MPD and legally described in Exhibit 'A' attached hereto.

The property described herein is the subject of an Application for a Comprehensive Plan Amendment and a Planned Development Rezoning. We hereby designate Mr. Matthew D. Uhle, Esq. of Knott, Consoer, Ebelini, Hart & Swett, P.A. and Mr. Thomas W. McLean, P.E. of Hole Montes, Inc. as the legal representatives of the property and as such, these individuals are authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site.

LEEWARD YACHT CLUB L.L.C.



Peter Fagan, President
DEVPRO, Inc., Managing Member

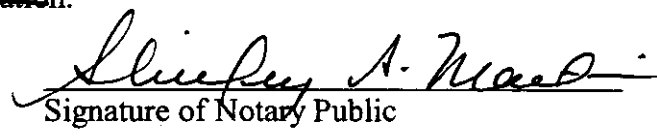
**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 15TH day of January, 2004 by Peter Fagan. He is personally known to me ~~or has produced~~ _____ as identification.



Shirley A. Martin
MY COMMISSION # DD107829 EXPIRES
April 10, 2006
BONDED THRU TROY FAIN INSURANCE, INC.

(Seal)



Signature of Notary Public

SHIRLEY A. MARTIN
Printed name of Notary Public

EXHIBIT "A"

Parcel 1

A TRACT OR PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.
COMMENCING AT THE S.E. CORNER OF SAID SECTION 34. THENCE RUN S. 88° 42' 49" W. ALONG THE SOUTH LINE OF SECTION 34 FOR 440.00'. THENCE RUN S. 01° 01' 19" W. FOR 574.91' MORE OR LESS TO THE NORTH E.O.W. LINE OF PALM BEACH BLVD. AND THE S.W. CORNER OF THE PARCEL AS RECORDED IN O.R. 1303 P. 1825 & 1826 AND THE P.O.B. OF THE FOLLOWING DESCRIBED PARCEL.
FROM SAID POINT OF BEGINNING CONTINUE RUNNING N. 01° 01' 19" W. ALONG THE WEST LINE OF SAID PARCEL FOR 210' MORE OR LESS TO THE APPROXIMATE NEAR HIGH TIDE LINE OF A BAYON. THENCE RUN WESTERLY, NORTH WESTERLY & NORTHERLY ALONG SAID NEAR HIGH TIDE LINE TO IT'S INTERSECTION WITH THE NORTH LINE OF COV'T LOT 1. THENCE RUN S. 59° 08' 32" W. ALONG SAID LINE TO THE S.E. CORNER OF THE PARCEL AS RECORDED IN O.R. 1690 P. 4739. THENCE RUN NORTHEASTLY 25' MORE OR LESS. THENCE RUN S. 59° 08' 32" W. FOR 44.00'. THENCE RUN SOUTHERLY 25' MORE OR LESS TO THE NORTH LINE OF COV'T. LOT 1. THENCE RUN S. 59° 08' 32" W. FOR 14.25' MORE OR LESS TO THE WEST LINE OF THE PARCEL AS RECORDED IN O.R. 1690 P. 4740. THENCE RUN S. 00° 57' 11" E. ALONG SAID WEST LINE FOR 753.40' TO THE NORTH E.O.W. LINE OF MAYNARD STREET. THENCE RUN N. 88° 42' 29" E. FOR 63.22' TO THE EAST E.O.W. LINE OF LOUISE STREET. THENCE RUN E. 00° 57' 11" E. FOR 60.00' TO THE N.W. CORNER OF LOT 7, BLOCK 3 DOW RIGGS S/D AS RECORDED IN P.B. 12 P. 4 PUBLIC RECORDS OF LEE COUNTY FLORIDA. THENCE RUN N. 88° 42' 29" E FOR 136.78' TO THE N.E. CORNER OF SAID LOT 7. THENCE RUN S. 00° 57' 11" E. ALONG THE EAST LINE OF SAID BLOCK 3 FOR 716.61' TO THE NORTH E.O.W. LINE OF AN ACCESS RD. THENCE RUN ALONG A CURVE TO THE LEFT HAVING FOR IT'S ELEMENTS R=215.12' Δ=03° 59' 44" A=15.00' FOR 15.00' TO THE P.T. OF SAID CURVE. THENCE RUN N. 57° 35' 19" E. ALONG THE NORTH E.O.W. LINE OF SAID ACCESS ROAD FOR 300.23' TO THE P.C. OF A CURVE TO THE RIGHT HAVING AS IT'S ELEMENTS R=75.00' Δ=30° 07' 57" A=39.443'. THENCE RUN ALONG SAID CURVE TO THE RIGHT FOR 37.443' TO THE MOST WESTERLY POINT OF THE PARCEL AS RECORDED IN O.R. 1584 PGS. 1352 & 1353. THENCE RUN N. 12° 55' 19" E. FOR 49.69'. THENCE RUN N. 57° 35' 19" E. FOR 93.85'. THENCE RUN S. 32° 04' 41" E. FOR 100.00' TO THE S.E. CORNER OF SAID PARCEL AND THE NORTH E.O.W. LINE OF PALM BEACH BLVD. THENCE RUN N. 57° 35' 19" E. ALONG SAID E.O.W. LINE FOR 618167' TO THE P.O.B.

Parcel 2

A TRACT OR PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA.
COMMENCING AT THE S.E. CORNER OF SAID SECTION. THENCE RUN S. 88° 42' 49" W. ALONG THE SOUTH LINE OF SAID SECTION 34 FOR 1079.45' TO THE WEST E.O.W. LINE OF ORANGE RIVER BLVD. AND THE P.O.B. OF THE FOLLOWING DESCRIBED PARCEL.
FROM SAID P.O.B. CONTINUE RUNNING S. 88° 42' 49" W. FOR 30.79' TO THE SOUTH E.O.W. LINE OF PALM BEACH BLVD. (S.R. 80). THENCE RUN N. 57° 35' 19" E. ALONG SAID E.O.W. LINE FOR 12.49' TO THE WEST E.O.W. LINE OF ORANGE RIVER BLVD. THENCE RUN S. 73° 35' 30" E. ALONG SAID E.O.W. LINE FOR 21.05' TO THE P.O.B.

EXISTING
GENERAL URBAN
AREA
107.9 AC

EXISTING
GENERAL
COMMERCIAL
AREA

EXISTING
GENERAL COMMERCIAL
INTERCHANGE AREA
89.0 AC



NORTH

LEEWARD YACHT CLUB
EXISTING LEE PLAN F.L.U.M. EXHIBIT
EXHIBIT 1A

PROJECT NO.: 2003.061-B

DECEMBER, 2003



6202-F Presidential Court
Fort Myers, FL 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772
Naples Fort Myers Venice Englewood



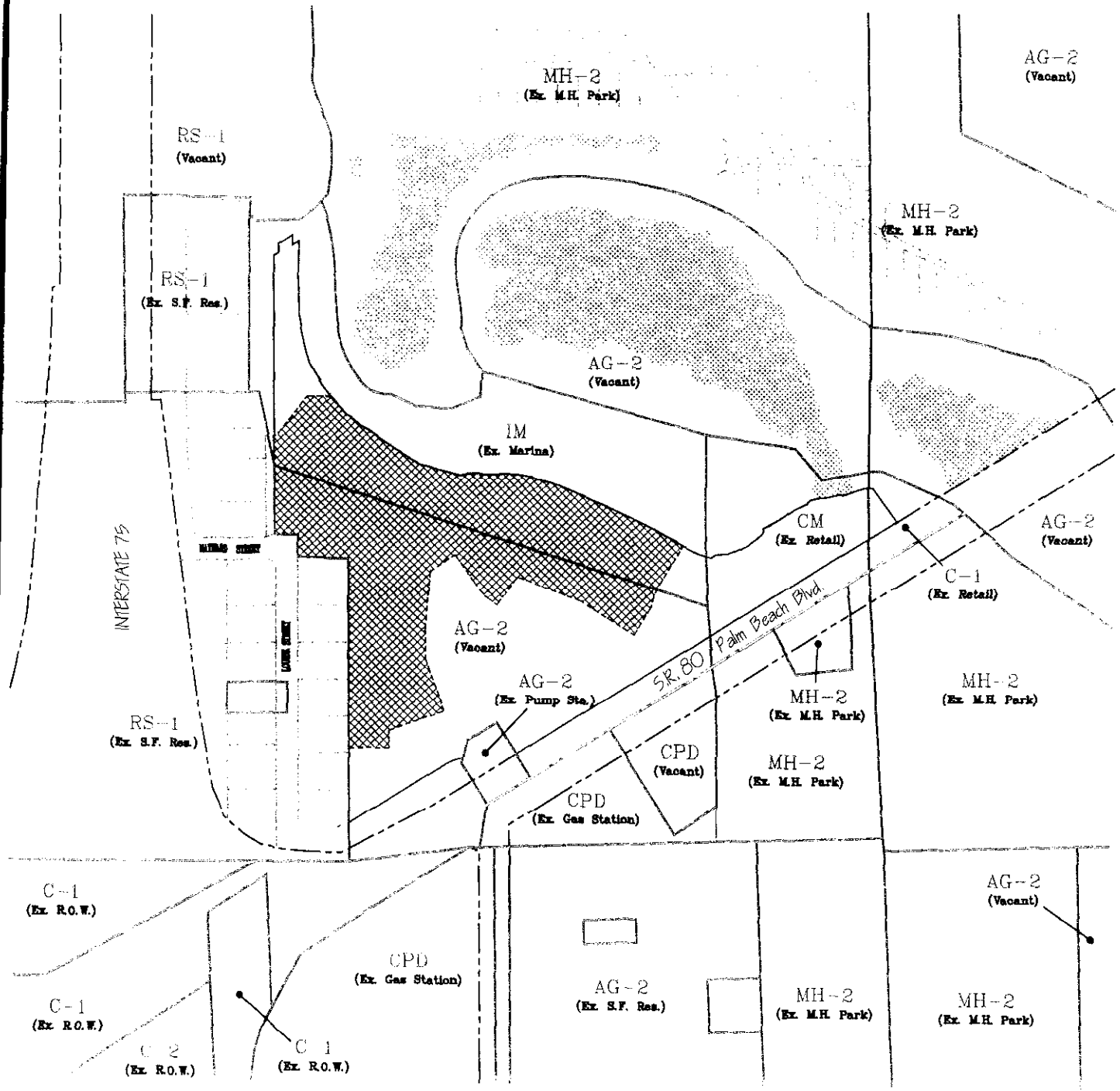
LEEWARD YACHT CLUB
 PROPOSED LEE PLAN F.L.U.M. AMENDMENT EXHIBIT
 EXHIBIT 1B

PROJECT NO.: 2003.061-B

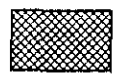
DECEMBER, 2003



6202-F Presidential Court
 Fort Myers, FL. 33919
 Phone : (239) 985-1200
 Florida Certificate of Authorization No.1772
 Naples Fort Myers Venice Englewood



LEGEND



PROPOSED ±10.0 ACRE PARCEL
FOR FLUM CHANGE REQUEST



LEEWARD YACHT CLUB
EXISTING LAND USE - ZONING EXHIBIT
EXHIBIT 2 - EXHIBIT 3

PROJECT NO.: 2003.061-8

DECEMBER, 2003

H.M.
HOLE MONTES
ENGINEERS PLANNERS SURVEYORS

6202-F Presidential Court
Fort Myers, FL 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772
Naples Fort Myers Venice Englewood

Attachment IV.A.

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.

The subject property is located adjacent to an existing single family residential subdivision - Dos Rios - to the west, the existing Manatee World commercial facility to the east, Palm Beach Boulevard (S.R. 80) to the south, and the Orange River and Bayou to the north. The majority of the subject property is currently vacant, except for an existing marina and boat docks along the north property boundary at the Orange River Bayou.

The proposed land use change, from General Commercial Interchange to Urban Community, will allow for a residential-type project that will blend well with the existing nature of the surrounding property, being existing residential and marina uses.

4. Map and describe existing zoning of the subject property and surrounding properties.

The subject property currently consists of AG-2, IM, and C-1 zoning categories, and is surrounded by RS-1 to the west, with C-1, CPD and MH-2 to the south and southeast, and AG-2 and MH-2 to the north and northeast.



LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°42'49"W. ALONG THE SOUTH LINE OF SAID SECTION 34, FOR A DISTANCE OF 440.00 FEET; THENCE RUN N.01°01'19"W., FOR A DISTANCE OF 574.91 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF PALM BEACH BOULEVARD (A 150.00 FOOT RIGHT-OF-WAY) AND THE SOUTHWEST CORNER OF THE PARCEL AS RECORDED IN O.R. BOOK 1303 AT PAGES 1825 AND 1826 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE N.01°01'19"W., FOR A DISTANCE OF 217.68 FEET; THENCE RUN S.80°59'24"W., FOR A DISTANCE OF 13.50 FEET; THENCE RUN N.78°00'20"W., FOR A DISTANCE OF 58.97 FEET; THENCE RUN N.49°26'55"W., FOR A DISTANCE OF 0.56 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.49°26'55"W., FOR A DISTANCE OF 27.77 FEET; THENCE RUN N.58°57'44"W., FOR A DISTANCE OF 40.74 FEET; THENCE RUN N.70°00'04"W., FOR A DISTANCE OF 74.77 FEET; THENCE RUN N.62°26'14"W., FOR A DISTANCE OF 81.60 FEET; THENCE RUN N.65°53'02"W., FOR A DISTANCE OF 41.74 FEET; THENCE RUN N.58°25'50"W., FOR A DISTANCE OF 49.82 FEET; THENCE RUN N.72°33'13"W., FOR A DISTANCE OF 31.65 FEET; THENCE RUN N.68°03'45"W., FOR A DISTANCE OF 61.50 FEET; THENCE RUN N.74°07'55"W., FOR A DISTANCE OF 51.58 FEET; THENCE RUN N.85°23'32"W., FOR A DISTANCE OF 35.09 FEET; THENCE RUN N.81°57'09"W., FOR A DISTANCE OF 46.23 FEET; THENCE RUN S.88°28'10"W., FOR A DISTANCE OF 43.95 FEET; THENCE RUN N.88°26'01"W., FOR A DISTANCE OF 50.67 FEET; THENCE RUN N.78°43'11"W., FOR A DISTANCE OF 47.24 FEET; THENCE RUN N.74°47'06"W., FOR A DISTANCE OF 61.79 FEET; THENCE RUN N.73°44'43"W., FOR A DISTANCE OF 29.16 FEET; THENCE RUN N.38°38'01"W., FOR A DISTANCE OF 31.41 FEET; THENCE RUN N.65°20'58"W., FOR A DISTANCE OF 58.35 FEET; THENCE RUN N.66°38'32"W., FOR A DISTANCE OF 62.76 FEET; THENCE RUN N.68°29'33"W., FOR A DISTANCE OF 17.74 FEET; THENCE RUN N.32°57'57"W., FOR A DISTANCE OF 14.34 FEET; THENCE RUN N.41°17'05"W., FOR A DISTANCE OF 41.16 FEET; THENCE RUN N.49°15'24"W., FOR A DISTANCE OF 26.23 FEET; THENCE RUN N.41°52'10"W., FOR A DISTANCE OF 35.70 FEET; THENCE RUN N.61°05'36"W., FOR A DISTANCE OF 10.16 FEET; THENCE RUN S.89°02'49"W., FOR A DISTANCE OF 67.33 FEET; THENCE RUN S.36°43'41"W., FOR A DISTANCE OF 138.81 FEET; THENCE RUN S.82°31'22"W., FOR A DISTANCE OF 4.63 FEET; THENCE RUN S.00°55'17"E., FOR A DISTANCE OF 270.73 FEET TO A POINT ON THE NORTH BOUNDARY OF DOS RIOS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 12 AT PAGE 4 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.88°42'29"E., ALONG THE NORTH BOUNDARY OF SAID DOS RIOS FOR A DISTANCE OF 63.22 FEET TO AN INTERSECTION OF THE NORTH AND EAST RIGHT-OF-WAY LINES OF MAYNARD STREET AND LOUISE STREET AS SHOWN ON SAID DOS RIOS; THENCE RUN S.00°57'11"E. ALONG THE EAST RIGHT-OF-WAY OF SAID LOUISE STREET, FOR A DISTANCE OF 60.00 FEET TO THE NORTHWEST CORNER OF LOT 7 OF SAID DOS RIOS; THENCE RUN N.88°42'29"E., ALONG THE NORTH LINE OF SAID LOT 7, FOR A DISTANCE OF 136.78 FEET TO THE EASTERLY BOUNDARY OF SAID DOS RIOS; THENCE RUN S.00°57'11"E., ALONG THE EASTERLY BOUNDARY OF SAID DOS RIOS FOR A DISTANCE OF 514.28 FEET; THENCE RUN N.89°02'49"E., FOR A DISTANCE OF 109.00 FEET; THENCE RUN N.00°57'11"W., FOR A DISTANCE OF 47.69 FEET; THENCE RUN N.69°56'33"E., FOR A DISTANCE OF 158.19 FEET; THENCE RUN N.20°03'27"W., FOR A DISTANCE OF 149.59 FEET; THENCE RUN N.01°56'46"W., FOR A DISTANCE OF 76.70 FEET; THENCE RUN N.04°13'01"E., FOR A DISTANCE OF 162.89 FEET; THENCE RUN N.55°44'25"E., FOR A DISTANCE OF 79.74 FEET; THENCE RUN S.34°15'35"E., FOR A DISTANCE OF 91.73 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHEASTERLY; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 180.00 FEET, THROUGH A CENTRAL ANGLE OF 18°34'06", SUBTENDED BY A CHORD OF 58.08 FEET AT A BEARING OF S.43°32'38"E., FOR A DISTANCE OF 58.33 FEET TO THE END OF SAID CURVE; THENCE RUN S.52°49'41"E., FOR A DISTANCE OF 28.37 FEET; THENCE RUN N.35°30'07"E., FOR A DISTANCE OF 93.18 FEET; THENCE RUN S.69°55'01"E., FOR A DISTANCE OF 185.16 FEET; THENCE RUN S.57°52'31"E., FOR A DISTANCE OF 167.62

HM PROJECT #2003061
2/04/2004
REF. DWG. #B-4607

FEET; THENCE RUN N.32°07'29"E., FOR A DISTANCE OF 89.32 FEET; THENCE RUN N.13°51'20"E., FOR A DISTANCE OF 47.90 FEET; THENCE RUN N.35°25'27"E., FOR A DISTANCE OF 132.31 FEET, TO THE POINT OF BEGINNING; CONTAINING 9.976 ACRES, MORE OR LESS.

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

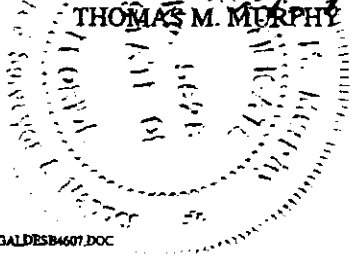
BEARINGS REFER TO THE SOUTH LINE OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.88°42'49"W.

HOLE MONTES, INC.
CERTIFICATION OF AUTHORIZATION LB #1772

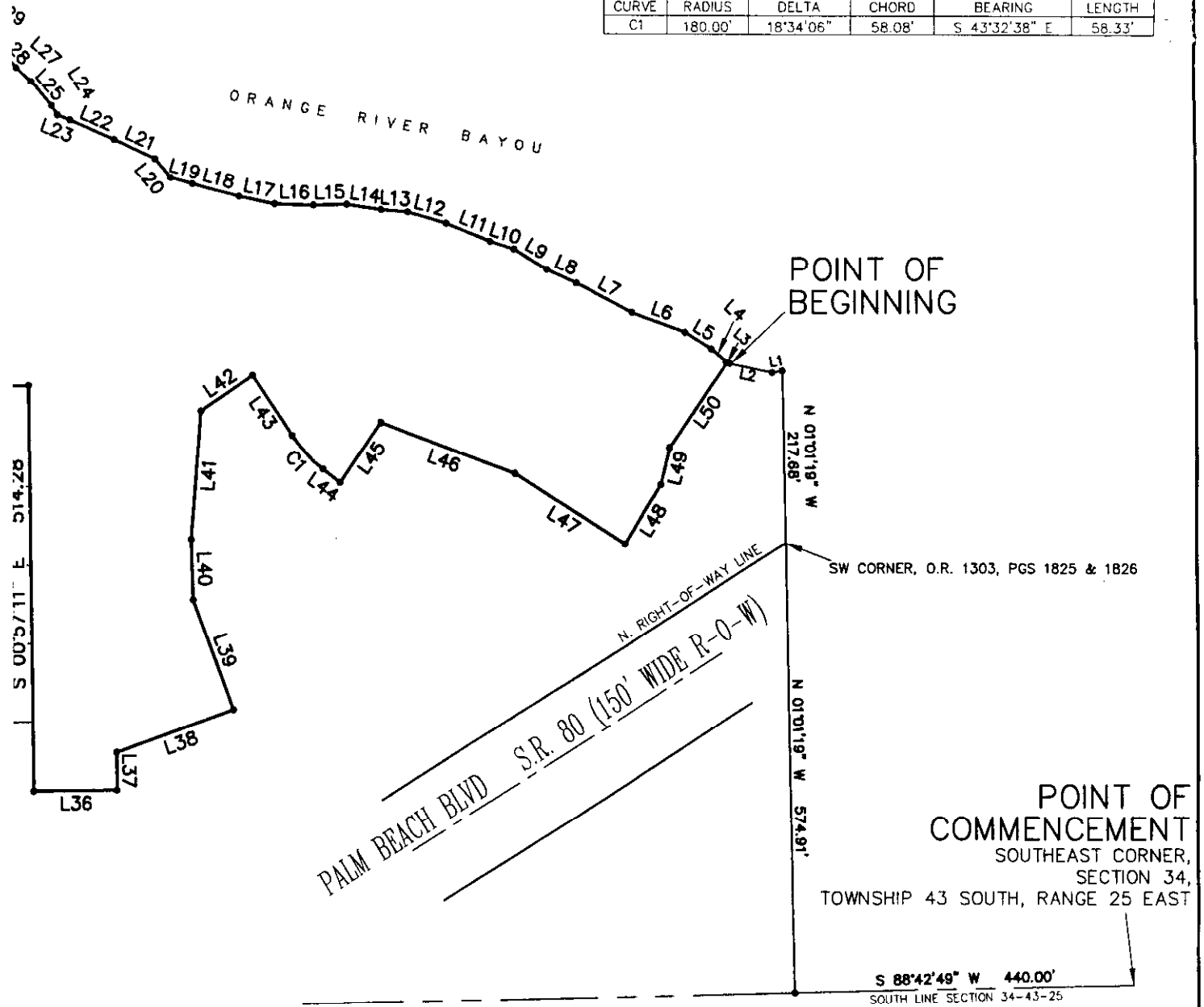
BY


THOMAS M. MURPHY

P.S.M. #5628
STATE OF FLORIDA

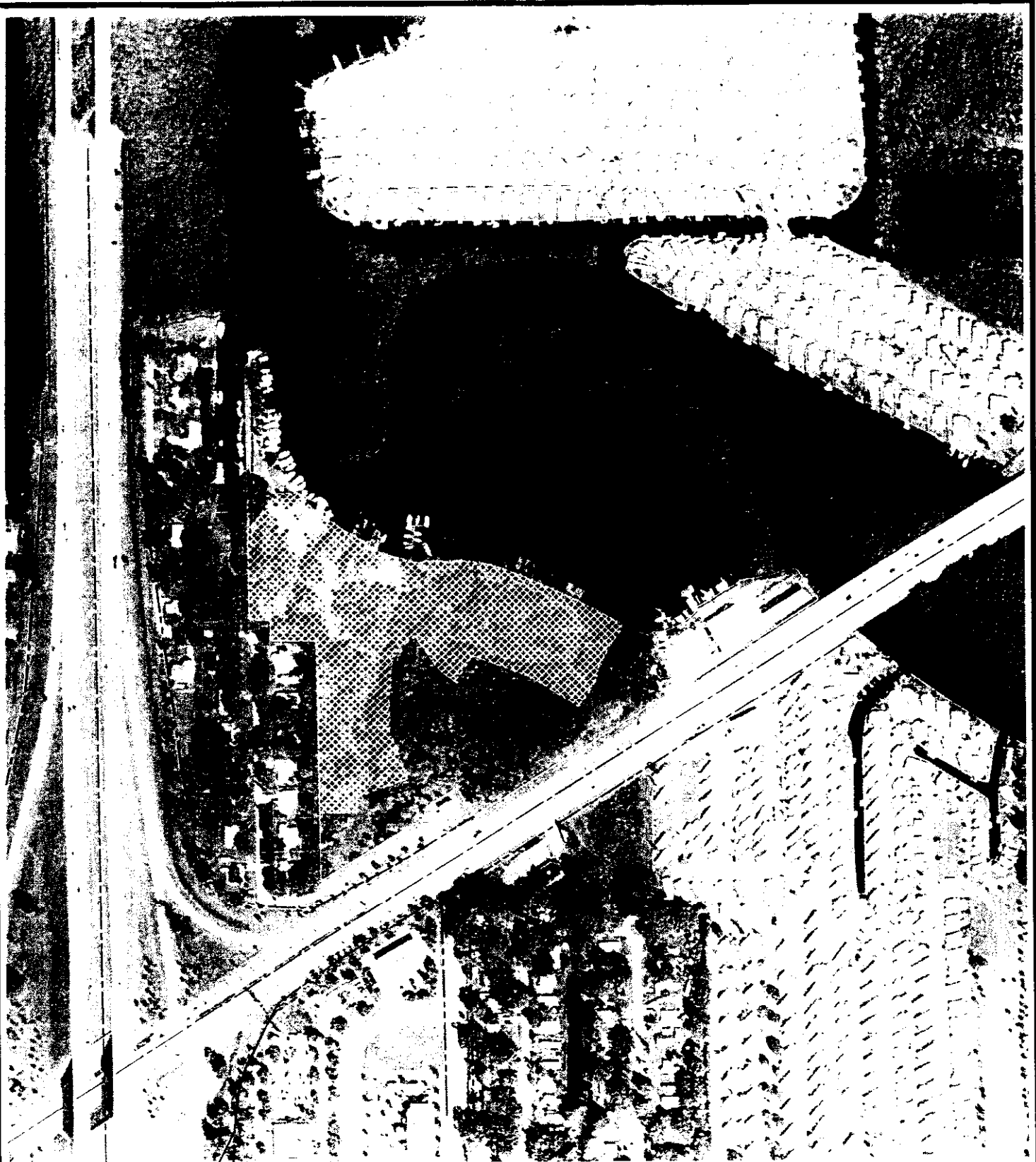


CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	180.00'	18°34'06"	58.08'	S 43°32'38" E	58.33'



*** NOT A SURVEY ***

Encore Way FL. 34110 254-2000 Certificate of on No.1772	NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.	SKETCH TO ACCOMPANY A LEGAL DESCRIPTION	PROJECT NO. 03.061
			REFERENCE NO. 2003061COMP



LEGEND

PROPOSED ±10.0 ACRE PARCEL
FOR FLUM CHANGE REQUEST



LEEWARD YACHT CLUB
AERIAL PHOTO EXHIBIT
EXHIBIT 4

FILE NO.: 2003.061-B

DECEMBER, 2003



6202-F Presidential Court
Fort Myers, FL. 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772
Naples Fort Myers Venice Englewood

This instrument prepared by:
JOHN W. SHEPPARD
SHEPPARD, BRETT & STEWART, P.A.
 ATTORNEYS AT LAW
 2121 WEST FIRST STREET
 FORT MYERS, FLORIDA

2944022

OR2189 Pg 1 of 4 9

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SPACE ABOVE THIS LINE FOR PROCESSING DATA

This Indenture,

Whenever used herein, the term "party" shall include the heirs, personal representatives, successors and assigns of the respective parties herein; the use of the plural number shall include the plural, and the plural the singular; the use of any gender shall include all genders; and, if used, the term "spouse" shall include all the estates herein described of more than one.

Made this 27th day of November A. D. 19 90
 Between, **A. ERNEST HANSEN AND FRANCES HANSEN**

in the County of Lee and State of Florida
 party of the first part, and **A. ERNEST HANSEN**, Trustee pursuant to Revocable Living Trust Agreement dated August 29, 1990, FBO A. Ernest, Hansen, an undivided one-half interest; and **FRANCES HANSEN**, Trustee pursuant to Revocable * of the County of Lee and State of Florida party of the second part,

Witnesseth, that the said party of the first part, for and in consideration of the sum of TEN DOLLARS & other good & valuable considerations Dollars, to him in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and transferred, and by these presents does grant, bargain, sell and transfer unto the said party of the second part all that certain parcel of land lying and being in the County of LEE and State of Florida, more particularly described as follows:

All that certain property more particularly described in Schedule "A" attached hereto and made a part hereof by reference.

SUBJECT TO taxes for 1990, and easements, restrictions and reservations of record, if any.

* Living Trust Agreement dated August 29, 1990, FBO Frances Hansen, an undivided one-half interest, granting to each of the Trustees herein, the power & authority either to protect, conserve & to sell, or to lease, or to encumber, or otherwise to manage & dispose of the real property herein described, whose address is P. O. Box 05903, Ft. Myers, FL 33905.

Together with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, dower and right of dower, reversion, remainder and easement thereto belonging or in anywise appertaining:

To Have and to Hold the same in fee simple forever.

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year above written.

Signed, Sealed and Delivered in Our Presence:

2 [Signature] (ABH) [Signature] L.S.
 3 [Signature] (FH) [Signature] L.S.

RECORDERS MEMO L.S.

COLOR OF INK USED TO SIGN/PREPARE DOCUMENT UNSATISFACTORY FOR REPRODUCTION FROM FILM.

State of Florida
 County of LEE

I, [Signature] do hereby Certify That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **A. ERNEST HANSEN AND FRANCES HANSEN**

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 Ft. Myers and State of Florida, this day of NOV 27th A. D. 19 90

Notary Public
 My Commission Expires [Signature]
 NOTARY PUBLIC STATE OF FLORIDA
 BY COMMISSION EXP. 07-30-1993
 WORLD TRUST GENERAL, INC. DBA.

RECORDED BY
 CHARLIE GRAY, CLERK
 811 East Tamm, P.O.
 TAMPA, FLORIDA 33602

RECORDS VERIFIED - CHARLIE GRAY, CLERK
 811 East Tamm, P.O.
 TAMPA, FLORIDA 33602

The parcel hereon described is situated in the South 1/2 of the South 1/2 of the Southwest 1/4 of Section 16, Township 43 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Commencing at the Southwest corner of said Section 16; thence S 89°53'37" East (basis for bearing is 1-75 right-of-way map), along the South line of said Section 16, distance 1985.67 feet; thence N 00°09'28" West, distance 664.47 feet to a fractional Section corner; thence N 89°52'44" West 528.99 feet to the Point of Beginning of the parcel herein described; thence continue N 89°52'44" West, distance 100.00 feet; thence South 00°06'23" West, distance 275.63 feet to the North right-of-way of a road; thence S 89°53'37" East, along said road right-of-way, distance 100.00 feet; thence N 00°06'23" East, distance 275.60 feet to the Point of Beginning. BEING LOT 23, OF THE UNRECORDED PLAT OF COLONIAL PINES.

The North 30 feet of the parcel hereinabove described is subject to and constitute a 30 foot drainage easement (reserved to Grantor), of a uniform North to South width of 30 feet lying contiguous to the North boundary thereof. The hereinabove described parcel is also subject to an easement for the maintenance of said drainage easement, which shall consist of an easement of a uniform width of 20 feet (reserved to Grantor), measured South to North, and running the full East to West width of Lot 23, and lying to the South of and contiguous to the South boundary of said first mentioned 30 foot drainage easement, making the total combined North to South width of both of said easements 50 feet. Grantor expressly agrees that the said drainage and maintenance easements herein reserved in this paragraph shall be subject to the following covenants running with the land, limitations and conditions, all to run in favor of and to be binding upon the heirs, successors and assigns of the Grantor and Grantees:

(A) Grantor expressly agrees for himself and his heirs, successors and assigns, that no berm or dike, nor blocking type of structure or material of any type will ever be constructed or allowed to remain on the Northerly side of the drainage easement, and particularly the Northerly side of the drainage ditch, which will be constructed thereon, which would in any way impede the drainage of water from the lands of Grantees situated immediately to the North of said drainage easement into and onto said drainage easement, and the drainage ditch which will be situated thereon.

(B) Grantees shall have the right to actually dig and construct the drainage ditch to be located within the above described drainage easement connecting said ditch at both the East and West sides of the parcel herein conveyed, with a ditch to be constructed by Grantor, so that a continuous drainage ditch for the removal of drainage water will result. Such drainage ditch shall be approximately 3 feet deep with an approximate 15 foot width at the bottom, and an approximate 45 foot width at the top, and is to be built consistent with South Florida Water Management District requirements. Grantees shall have the right to the dirt so excavated in constructing said portion of said ditches on Grantees property for use as lot fill and stabilizer material upon Grantees herein described property.

(C) Grantees shall further have the right to install at Grantees cost and expense, a pipe, culvert and/or bridge across the portion of the drainage ditch to be situated upon Grantees herein acquired property within the above described drainage easement sufficient in size to meet County specifications required for Grantor to be able to Plat his adjoining land, and further meeting the specifications of South Florida Water Management District.

(D) Grantees agree to utilize the property herein conveyed to them for ingress and egress purposes to the lands of Grantees lying to the North of said Lot 23, and to maintain said property in a clean and clear fashion, and to keep same reasonably mowed.

SUBJECT TO TAXES FOR THE CALENDAR YEAR 1983 AND SUBSEQUENT YEARS.

TOGETHER with a non-exclusive road easement 60 foot wide lying 30 feet either side of the centerline described below for ingress and egress to Lot 23 COLONIAL PINES (an unrecorded plat in the South 1/2 of the South 1/2 of the Southwest 1/4 of Section 16 and the North 231 feet of the Northwest 1/4 of Section 21 of Township 43 South, Range 25 East, in Lee County, Florida) and the lands of Grantees lying to the North of said Lot 23, and being more particularly described as follows:

SCHEDULE "A"

OR2189 PA1850

Commencing at the Southwest corner of Section 16, Township 43 South, Range 25 East, Lee County, Florida, thence run N 89°53'37" East along the South line of said Section 16 for 664.01 feet to the centerline of a proposed road as shown on said plat of Colonial Pines; thence run S 0°06'23" West for 231.0 feet to the North right-of-way line of Lectana Drive (said North right-of-way line being 50 feet North of the centerline of said Lectana Drive) and the Point of Beginning of said road easement; thence from said Point of Beginning run N 0°06'23" East along the centerline of said road easement for 430.00 feet to a point of curvature; thence along the arc of a curve to the right of radius 110.00 feet for an arc distance of 172.79 feet (Delta angle of 90°, Chord bearing of N 45°06'23", Chord distance of 155.56 feet) to a point of tangency; thence run S 89°53'37" East for 1030.00 feet to the center of a turnaround having a 65 foot radius and the end of said centerline of said roadway easement.

OR2189 PG1851

The Southwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 16, Township 43 South, Range 25 East, Lee County, Florida.

The Southwest Quarter of the Southeast Quarter of the Northwest Quarter of Section 16, Township 43 South, Range 25 East, LESS the Northerly 40 feet for road right of way and the Northwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 16, Township 43 South, Range 25 East, Lee County, Florida.

AND

Lots 23-B and 24-A of TRIPLE-R ACRES, Section 16, Township 43 South, Range 25 East, also described as the East half (E 1/2) of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 16, Township 43 South, Range 25 East, Lee County, Florida.

The parcel hereon described is situated in the Southwest Quarter of the Southwest Quarter of Section 16, Township 43 South, Range 25 East, and the Northwest Quarter of the Northwest Quarter of Section 21, Township 43 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Commencing at the Northwest corner of said Section 21; thence S89°53'37" E (basis for bearing is assumed) along the North line of said Section 21, a distance of 1323.93 feet to the Northeast corner of said Northwest Quarter of the Northwest Quarter; thence S00°01'22" W along the East line of said Northwest Quarter of the Northwest Quarter, a distance of 180.00 feet to the North right of way of Lee Tanna Road and the point of beginning; thence N89°53'37" W along said right of way a distance of 190.00 feet; thence N00°01'22" E a distance of 230.00 feet; thence S89°53'37" E, a distance of 190.00 feet; thence S00°01'22" W, a distance of 230.00 feet to the point of beginning.

The North 50.00 feet of the above described parcel is subject to a Lee County Electric Cooperative, Inc., easement as recorded in O.R. Book 1297 at page 1577, and the said North 50.00 feet is the portion contained in said Section 16, Township 43 South, Range 25 East.

SCHEDULE "A"

OR2189 P01852

LEGAL DESCRIPTION AS PER STARNES & ASSOC, INC.

PARCEL # 1

A TRACT OR PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.
COMMENCE AT THE S.E. CORNER OF SAID SECTION 34. THENCE RUN S.88°42'49" W. ALONG THE SOUTH LINE OF SECTION 34 FOR 460.00'. THENCE RUN N.01°01'19" W. FOR 574.91' MORE OR LESS TO THE NORTH R.O.W. LINE OF PALM BEACH BLVD. AND THE S.W. CORNER OF THE PARCEL AS RECORDED IN O.R. 1303 P. 1825 & 1826 AND THE P.O.B. OF THE FOLLOWING DESCRIBED PARCEL.
FROM SAID POINT OF BEGINNING CONTINUE RUNNING N.01°01'19" W. ALONG THE WEST LINE OF SAID PARCEL FOR 210' MORE OR LESS TO THE APPROXIMATE MEAN HIGH TIDE LINE OF A BAYOU. THENCE RUN WESTERLY, NORTH WESTERLY & NORTHERLY ALONG SAID MEAN HIGH TIDE LINE TO IT'S INTERSECTION WITH THE NORTH LINE OF GOV'T LOT 1. THENCE RUN S.59°08'32" W. ALONG SAID LINE TO THE S.E. CORNER OF THE PARCEL AS RECORDED IN O.R. 1690 P. 4759. THENCE RUN NORTHERLY 25' MORE OR LESS. THENCE RUN S.59°08'32" W. FOR 44.00'. THENCE RUN SOUTHERLY 25' MORE OR LESS TO THE NORTH LINE OF GOV'T. LOT 1. THENCE RUN S.59°08'32" W. FOR 14.85' MORE OR LESS TO THE WEST LINE OF THE PARCEL AS RECORDED IN O.R. 1690 P. 4760. THENCE RUN S.00°57'11" E. ALONG SAID WEST LINE FOR 753.40' TO THE NORTH R.O.W. LINE OF MAYNARD STREET. THENCE RUN N.88°42'29" E. FOR 63.22' TO THE EAST R.O.W. LINE OF LOUISK STREET. THENCE RUN S.00°57'11" E. FOR 60.00' TO THE N.W. CORNER OF LOT 7, BLOCK 3 DOS RIOS S/D AS RECORDED IN P.B. 12 P.4 PUBLIC RECORDS OF LEE COUNTY FLORIDA. THENCE RUN N.88°42'29" E FOR 136.78' TO THE N.E. CORNER OF SAID LOT 7. THENCE RUN S.00°57'11" E. ALONG THE EAST LINE OF SAID BLOCK 3 FOR 716.61' TO THE NORTH R.O.W. LINE OF AN ACCESS RD. THENCE RUN ALONG A CURVE TO THE LEFT HAVING FOR IT'S ELEMENTS R=215.12' Δ=03°59'44" A=15.00' FOR 15.00' TO THE P.T. OF SAID CURVE. THENCE RUN N.57°55'19" E. ALONG THE NORTH R.O.W. LINE OF SAID ACCESS ROAD FOR 300.23' TO THE P.C. OF A CURVE TO THE RIGHT HAVING AS IT'S ELEMENTS R=75.00' Δ=30°07'57" A=39.443'. THENCE RUN ALONG SAID CURVE TO THE RIGHT FOR 39.443' TO THE MOST WESTERLY POINT OF THE PARCEL AS RECORDED IN O.R. 1584 PGS. 1352 & 1353. THENCE RUN N.12°55'19" E. FOR 49.69'. THENCE RUN N.57°55'19" E. FOR 93.85'. THENCE RUN S.32°04'41" E. FOR 100.00' TO THE S.E. CORNER OF SAID PARCEL AND THE NORTH R.O.W. LINE OF PALM BEACH BLVD. THENCE RUN N.57°55'19" E. ALONG SAID R.O.W. LINE FOR 618.67' TO THE P.O.B.
SAID PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS & RESERVATIONS OF RECORD.
SAID PARCEL CONTAINS 125 ACRES MORE OR LESS

SCHEDULE "A"

LEGAL DESCRIPTION AS PER STARNES & ASSOC, INC.

PARCEL# 2

A TRACT OR PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA.

COMMENCING AT THE S.E. CORNER OF SAID SECTION 34. THENCE RUN N. 01°00'00" W. ALONG THE EAST LINE OF SAID SECTION 34 FOR 1528.56' TO AN INTERSECTION WITH THE EASTERLY PROLONGATION OF THE NORTH LINE OF GOV'T. LOT 13. THENCE RUN S. 67°07'00" W. FOR 268.62' TO A WITNESS POST FOR THE N.E. CORNER OF GOV'T. LOT 13. THENCE CONTINUE RUNNING S. 67°07'00" W. ALONG THE NORTH LINE OF SAID GOV'T. LOT 13 FOR 115.00' THENCE RUN N. 71°00'00" W. ALONG THE NORTH LINE OF THE PARCEL AS RECORDED IN O.R. 1584 P. 198 TO THE EASTERLY SHORE LINE OF ORANGE RIVER. THENCE RUN SOUTHERLY AND EASTERLY ALONG THE SHORE LINE OF ORANGE RIVER AND A BAYOU TO IT'S INTERSECTION WITH THE NORTH LINE OF GOV'T. LOT 13. THENCE RUN N. 67°07'00" E. FOR 123.00' MORE OR LESS TO THE P.O.B.

SAID PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS & RESERVATIONS OF RECORD.

SAID PARCEL CONTAINS 2.00 ACRES MORE OR LESS.

LEGAL DESCRIPTION AS PER STARNES & ASSOC, INC.

PARCEL# 3

A TRACT OR PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA.

COMMENCING AT THE S.E. CORNER OF SAID SECTION. THENCE RUN S. 88°42'49" W. ALONG THE SOUTH LINE OF SAID SECTION 34 FOR 1079.45' TO THE WEST R.O.W. LINE OF ORANGE RIVER BLVD. AND THE P.O.B. OF THE FOLLOWING DESCRIBED PARCEL. FROM SAID P.O.B. CONTINUE RUNNING S. 88°42'49" W. FOR 30.79' TO THE SOUTH R.O.W. LINE OF PALM BEACH BLVD. (S.R. 80). THENCE RUN N. 57°55'19" E. ALONG SAID R.O.W. LINE FOR 12.49' TO THE WEST R.O.W. LINE OF ORANGE RIVER BLVD. THENCE RUN S. 73°35'50" E. ALONG SAID R.O.W. LINE FOR 21.05' TO THE P.O.B.

SAID PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

SAID PARCEL CONTAINS 98.43 ± S.F. MORE OR LESS.

SCHEDULE "A"

OR2189 PG1853

CHARLIE GREEN LEE CITY FL
90 NOV 29 PM 4:08



TRAFFIC CIRCULATION ANALYSIS
PREPARED FOR A
COMPREHENSIVE PLAN AMENDMENT
FOR THE
LEEWARD YACHT CLUB PARCEL

PROJECT NO. 0401.01

PREPARED BY:
Metro Transportation Group, Inc.
12651 McGregor Boulevard, Suite 4-403
Fort Myers, Florida 33919-4489
239-278-3090

January 15, 2004



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- III. PROPOSED PLAN AMENDMENT
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- VII. CONCLUSION



I. INTRODUCTION

Metro Transportation Group, Inc. (Metro) has conducted a traffic circulation analysis pursuant to the requirements outlined in the application document for Comprehensive Plan Amendment requests. The analysis will examine the impact of the requested land use change from General Commercial Interchange to Central Urban on the subject site. The property is located on the north side of Palm Beach Boulevard (State Route 80), immediately east of Interstate 75 in Lee County, Florida. The site location is illustrated on **Figure 1**.

The following report will examine the impacts of changing the future land use category from General Interchange to Central Urban, which is actually a less intense land use category based on the Lee County Comprehensive Plan.

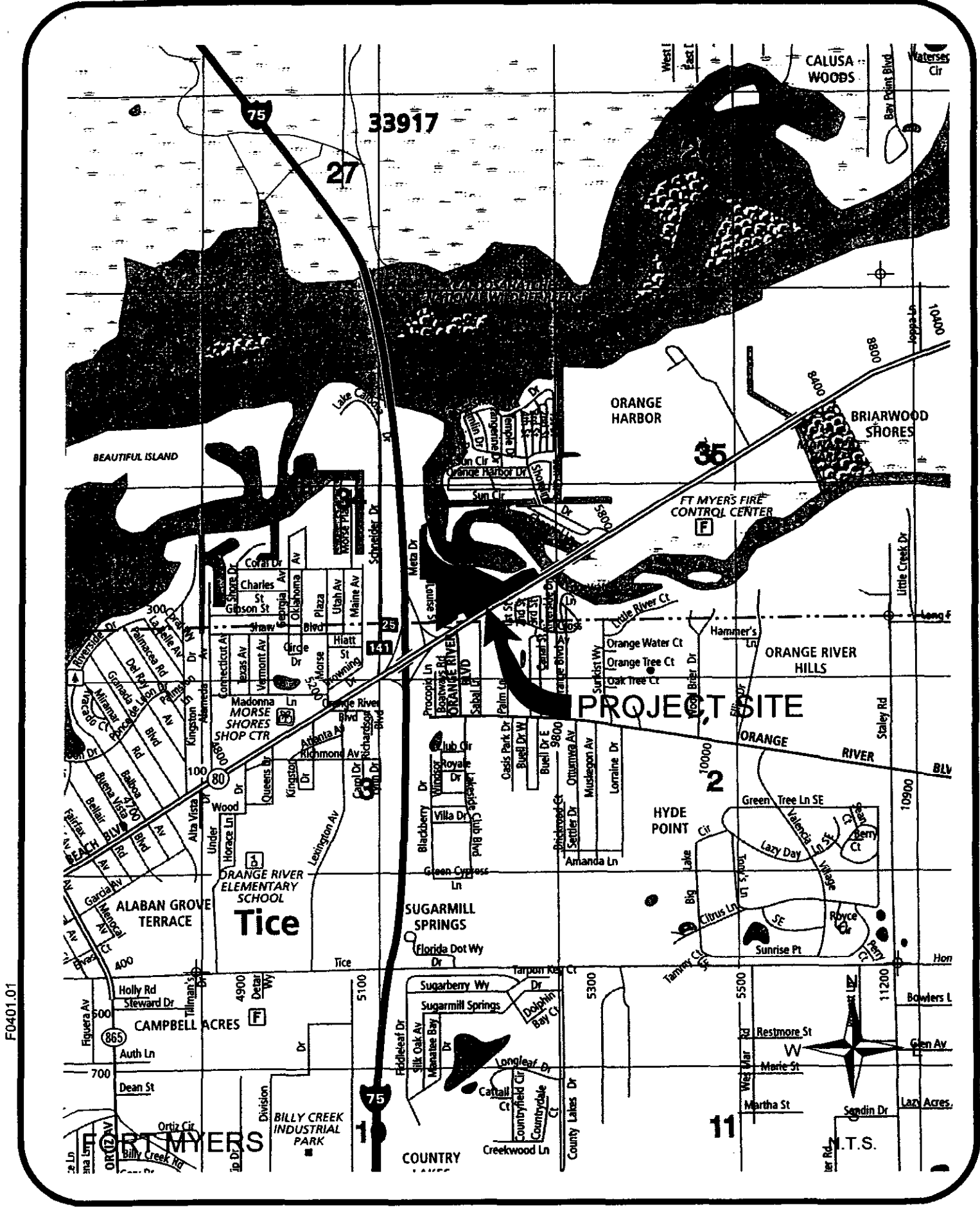
II. EXISTING CONDITIONS

The subject site is currently occupied by the Leeward Yacht Club and marina. The site is bordered to the north and east by the Orange River, to the south by Palm Beach Boulevard, to the west by single family residential home.

Palm Beach Boulevard is a six-lane divided arterial roadway that extends through central Lee County on the south side of the Caloosahatchee River. Palm Beach Boulevard has a posted speed limit of 45 mph adjacent to the subject site and is under the jurisdiction of the Florida Department of Transportation (FDOT).

III. PROPOSED PLAN AMENDMENT

The proposed Comprehensive Plan Amendment would change the future land use designation on the subject site from General Commercial Interchange to Urban Community. Based on the permitted uses within the Lee Plan for these land use designations, the change would result in the subject site being developed with less intense uses than would otherwise be permitted under the existing land use designation. Based



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PROJECT LOCATION MAP
LEEWARD YACHT CLUB

Figure 1



on the existing land use designation, retail commercial uses could be constructed on the site. Based on the size of the property, approximately 100,000 square feet of retail uses could be constructed on the subject property.

With the proposed land use change, the most intense uses that could be constructed on the site would be approximately 100 multi-family units (just under ten (10) acres with approximately ten (10) units per acre). This is more intense than a single-family subdivision would be since more units would be able to be constructed under a multi-family unit scenario. **Table 1** highlights the intensity of uses that could be constructed under the existing land use designation and the intensity of uses under the proposed land use designation. It should be noted that the marina and boat slips are and will continue to be existing uses permitted on the subject site. Since the intensity of these uses will not change, the marina and boat slips were not considered in the analysis.

**Table 1
Leeward Yacht Club
Future Land Uses**

Land Use Category	Intensity
General Commercial Interchange	100,000 s.f. Retail
Central Urban	100 Multi-Family Units

IV. TRIP GENERATION

The trip generation for the uses was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 7th Edition. Land Use Code 230 (Residential Condominium/Townhouse) was utilized for the trip generation of the multi-family units and Land Use Code 820 (Shopping Center) was utilized for the commercial retail uses. The trip generation equations for these uses are located in the Appendix of this report for reference. **Table 2** indicates the number of trips anticipated to be generated by the lands uses permitted under the existing land use designation and the land uses permitted under the proposed land use designation.



Table 2
Trip Generation Comparison
Existing Land Use Designation vs. Proposed Land Use Designation
Leeward Yacht Club

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Existing Land Use Retail (100,000 square feet)	95	60	155	300	325	625	6,790
Proposed Land Use Multi-Family (100 units)	10	40	50	40	20	60	640

The retail trips shown in Table 2 will not all be “new” trips to the adjacent roadway system. ITE estimates that a retail center use of comparable size may attract as much as forty to fifty percent (40% to 50%) of its traffic from vehicles already traveling the adjoining roadway system. This traffic, called “pass-by” traffic, reduces the development’s overall impact on the surrounding roadway system but does not decrease the actual driveway volumes. Lee County permits a maximum reduction of trips due to “pass-by” of thirty percent (30%).

Table 3 summarizes the “pass-by” percentage used for this analysis. Table 4 summarizes the retail trips and the breakdown between the new trips the retail uses would generate and the “pass-by” trips the retail uses would attract. It should be noted that the driveway volumes are not reduced as a result of the “pass-by” reduction, only the traffic added to the surrounding streets and intersections.

Table 3
Trip Reduction Factors
Leeward Yacht Club

Land Use	Percentage Trip Reduction
Retail – Pass-by	30%



Table 4
Trip Generation – New Trips
Exiting Land Use Designation
Leeward Yacht Club

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-Way)
	In	Out	Total	In	Out	Total	
Retail Trip Generation	95	60	155	300	325	625	6,790
Less Pass-by Traffic	-30	-20	-50	-90	-100	-190	-2,040
New Trips (Retail)	65	40	105	210	225	435	4,750

V. TRIP DISTRIBUTION

An anticipated trip distribution onto the surrounding roadway system was then formulated based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is shown in **Table 1A** in the Appendix of this report.

VI. IMPACTS OF PROPOSED PLAN AMENDMENT

The transportation related impacts of the proposed comprehensive plan amendment were evaluated pursuant to the criteria in the application document. This included an evaluation of the long range impact (20-year horizon) and short range (5-year horizon) impact the proposed amendment would have on the existing and future roadway infrastructure.

Long Range Impacts (20-year horizon)

The Lee County Metropolitan Planning Organization's (MPO) long range transportation travel model was reviewed to determine the impacts the amendment would have on the surrounding area. The subject site lies within Traffic Analysis Zone (TAZ) 200. The model has both productions and attractions included in this zone. The productions



basically include the existing single family homes that border the subject site to the west. The attractions include industrial employment, commercial employment and service (retail) employment. Based on the latest conversion factors used by Lee County, the employment numbers included in the long range transportation model (FSUTMS) were converted to floor areas. Based on this conversion, the TAZ in the long range transportation model includes the land uses identified in Table 5.

**Table 5
TAZ 200
Land Uses in Existing Travel Model (2020)**

Land Use Category	Intensity
Industrial	20,000 s.f.
Office	7,000 s.f.
Services (Retail)	8,400 s.f.

Trip generation was computed for the uses shown in Table 5. The trips were calculated based on data contained in the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 7th Edition. Land Use Code 110 (Light Industrial) was utilized for the trip generation of the industrial use, Land Use Code 710 (General Office) was used for the office use and Land Use Code 820 (Shopping Center) was utilized for the commercial retail uses. The trip generation equations for these uses are located in the Appendix of this report for reference. Table 6 indicates the number of trips that would be generated based on ITE for the land uses included in the Long Range Transportation Model (FSUTMS). The retail trips shown were also reduced by the 30% pass-by reduction factor, as done under the previous scenario.

**Table 6
Trip Generation
TAZ 200 Land Uses**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Retail (8,400 square feet)	15	10	25	45	40	85	950
Industrial (20,000 s.f.)	15	5	20	5	15	20	135
Office (7,000 s.f.)	15	5	20	0	10	10	170
Total	45	20	65	50	65	115	1255



Comparing the trips from the proposed land use designation (multi-family units) in Table 2 to the number of trips estimated for the uses in the long range transportation model in Table 6, the trip generation would be reduced with the proposed land use change.

Therefore, there are no improvements necessary to the long range transportation plan as a result of the change in land use designation from General Interchange to Urban Community. The trip generation based on ITE for the land uses under the proposed land use is less than the trip generation of the uses contained in the long range transportation model.

Short Range Impacts (5-year horizon)

The Lee County Capital Improvement Program for Fiscal Year 2003/2004 to 2007/2008 was reviewed, as well as the FDOT Draft Tentative Work Program for Fiscal Year 2004/2004 to 2008/2008 to determine the short term impacts the proposed land use change would have on the surrounding roadways.

Improvements in the FDOT Tentative Work program include modifications to Palm Beach Boulevard west of I-75 to add a landscape median and provide access management improvements to this area. This project will not reduce the capacity of this roadway but will most likely improve the operations of this segment of roadway. This improvement is funded for construction is 2005/2006.

In addition, FDOT has funded for design, engineering and right-of-way an improvement to the Palm Beach Boulevard interchange with I-75. Construction is not yet funded in the 5-year work program. I-75 from Palm Beach Boulevard to Lockett Road also has funding in the 5-year program for design, engineering and right-of-way, but no construction funding.

There are no improvements in the area of the subject site in the adopted Lee County 5-year capital improvement program.

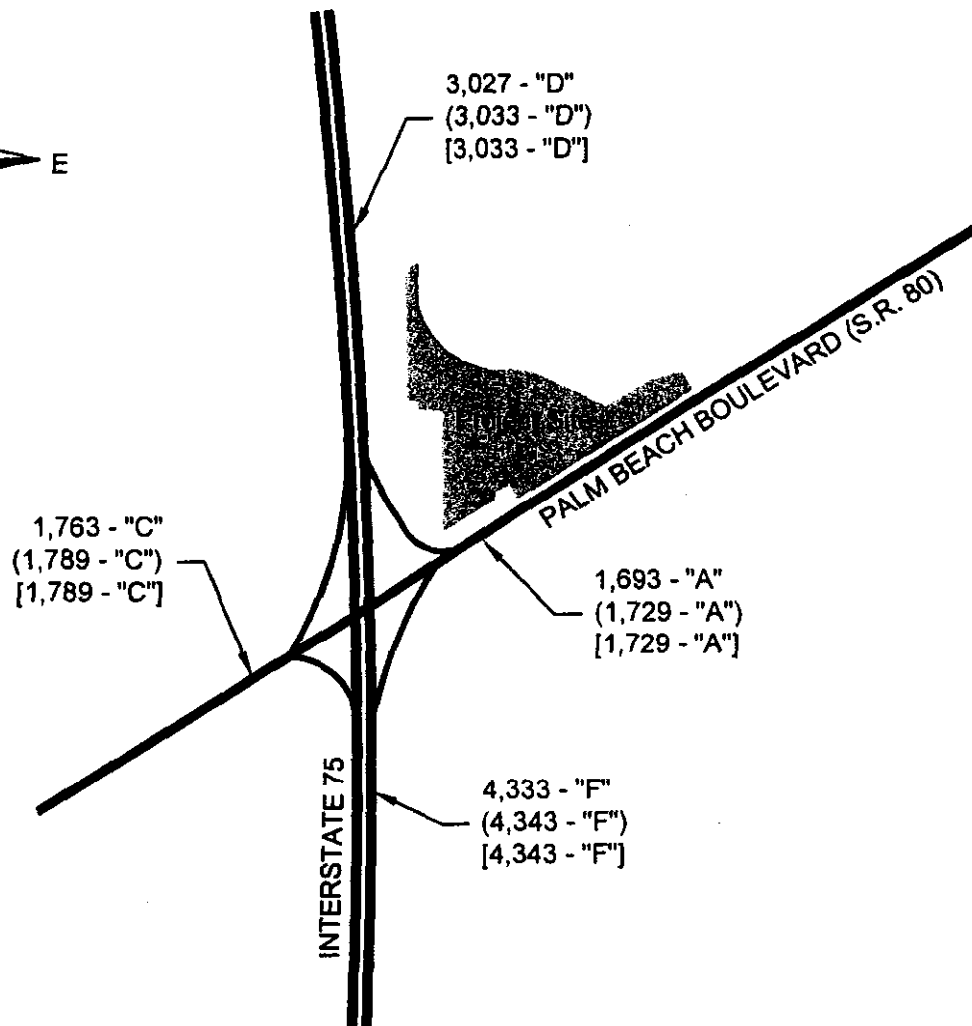
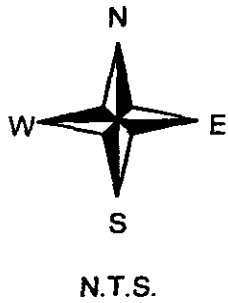


Level of Service Analysis

Based on the anticipated trip generation of the property under the proposed land use change, the roadway links in the vicinity of the site were analyzed based on the 100th highest hour, peak season, peak direction volume. The Link Specific Service Volumes, as developed by Lee County, were used to determine the future Level of Service on these roadways both with and without the project in the year 2008. **Table 2A**, contained in the Appendix of the report, outlines the methodology used in determining the 2008 traffic volumes as well as the growth rate utilized for each roadway segment.

Figure 2 indicates the year 2008 peak hour traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 2 is the Peak Hour, Peak Direction volume and Level of Service of each link should no development occur on the subject site and the peak hour volume and Level of Service for the weekday A.M. and P.M. peak hours with the traffic from the land use modification added to the roadways. These values are also derived from **Table 2A** contained in the Appendix.

Based on the data from Table 2A, the proposed comprehensive plan amendment to modify the future land use designation from General Interchange to Urban Community will not impact the short term roadway infrastructure or the adopted or tentative work programs for Lee County and FDOT.



LEGEND

- XXX - "C" PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC
AND LEVEL OF SERVICE DESIGNATION
- (XXX -"C") PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS AM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION
- [XXX -"C"] PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS PM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

F0401.01





VII. CONCLUSION

The proposed comprehensive plan amendment to modify the future land use from General Interchange to Urban Community on just under ten (10) acres located at the northeast corner of I-75 and Palm Beach Boulevard will not have an adverse impact on the long term or short term transportation network. The trip generation as a result of the land use change will actually be less intensive than it would under the existing land use designation. Although more destination trips will be generated, the total number of "new" trips added to the roadway network will actually be less than they would be under the existing land use designation.

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APPENDIX

TABLE 1A & 2A

**TABLE 1A
PEAK DIRECTION
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
WITH PROPOSED COMP PLAN AMENDMENT**

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 50 VPH IN= 10 OUT= 40
 TOTAL PM PEAK HOUR PROJECT TRAFFIC = 60 VPH IN= 40 OUT= 20

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY CLASS</u>	<u>LOS A VOLUME</u>	<u>LOS B VOLUME</u>	<u>LOS C VOLUME</u>	<u>LOS D VOLUME</u>	<u>LOS E VOLUME</u>	<u>PERCENT</u>		
								<u>PROJECT TRAFFIC</u>	<u>PROJECT TRAFFIC</u>	<u>PROJ/ LOS C</u>
I-75	S. of Palm Beach Blvd	4LF	1130	1840	2660	3440	3910	25.0%	10	0.4%
	S. of Bayshore Road	4LF	1130	1840	2660	3440	3910	15.0%	6	0.2%
Palm Beach Blvd. (S.R. 80)	E. of Ortiz	6LN	0	1220	2730	2970	3040	65.00%	26	1.0%
	E. of I-75	6LN	2570	3070	3080	3080	3080	90.00%	36	1.2%

Service Volumes taken from Lee County Link Specific Service Volume Tables for Arterials (Sept. 2003)

I-75 Service Volumes taken from FDOT Quality/LOS Manual (2002)

**TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
WITH PROPOSED COMP PLAN AMENDMENT**

TOTAL PROJECT TRAFFIC AM =	50	VPH IN =	10	OUT=	40	I-75	<u>K-100</u>	<u>D</u>
TOTAL PROJECT TRAFFIC PM =	60	VPH IN=	40	OUT=	20		0.0981	0.557

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>PCS</u>	<u>ADT</u>	<u>ADT</u>	<u>GROWTH</u>	<u>RATE</u>	2003	2008	<u>PERCENT</u>	<u>AM PROJ</u>	<u>PM PROJ</u>	2008	2008	
							<u>PK HR</u>	<u>PK HR</u>				<u>BCKGRND</u>	<u>BCKGRND</u>	
			<u>BASE YR</u>	<u>2002</u>	<u>YRS OF</u>	<u>ANNUAL</u>	<u>PK SEASON</u>	<u>PK SEASON</u>	<u>PROJECT</u>			<u>+ AM PROJ</u>	<u>+ PM PROJ</u>	
				<u>ADT</u>	<u>GROWTH</u>	<u>RATE</u>	<u>PEAK DIR.¹</u>	<u>PEAK DIR.</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	
I-75	S. of Palm Beach Blvd	I-75		53500	61000	3	4.47%	3482	4333	25.00%	10	10	4343	4343
	S. of Bayshore Road	I-75		47500	50000	3	1.72%	2779	3027	15.00%	6	6	3033	3033
Palm Beach Blvd.	E. of Ortiz	5		19700	27400	9	3.73%	1468	1763	65.00%	26	26	1789	1789
(S.R. 80)	E. of I-75	5		18500	25000	9	3.40%	1432	1693	90.00%	36	36	1729	1729

¹ The 2003 Peak Hour, Peak Season, Peak Direction Traffic Volume was obtained from the 2002/2003-2003/2004 Lee County Concurrency Report

100th Highest Hour Level of Service Analysis

		2008	2008
		WITHOUT	WITH
		PROJECT	PROJECT
		<u>LOS</u>	<u>LOS</u>
I-75	S. of Palm Beach Blv	F	F
	S. of Bayshore Road	D	D
Palm Beach Blvd.	E. of Ortiz	C	C
(S.R. 80)	E. of I-75	A	A

TRIP GENERATION EQUATIONS

**TRIP GENERATION EQUATIONS
LEEWARD YACHT CLUB
TRIP GENERATION EQUATIONS**

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
Shopping Center (LUC 820)	$\text{Ln}(T) = 0.60 \text{Ln}(X) + 2.29$	$\text{Ln}(T) = 0.66 \text{Ln}(X) + 3.40$	$\text{Ln}(T) = 0.65 \text{Ln}(X) + 5.83$
T = Trips, X = 1,000 s.f. GLA			
Multi-Family (LUC 230)	$\text{Ln}(T) = 0.80 \text{Ln}(X) + 0.26$	$\text{Ln}(T) = 0.82 \text{Ln}(X) + 0.32$	$\text{Ln}(T) = 0.85 \text{Ln}(X) + 2.55$
T = Trips, X = # of Units			
Light Industrial (LUC 110)	$T = 1.18 (X) - 89.28$	$T = 1.43 (X) - 163.42$	$T = 7.47 (X) - 101.92$
T = Trips, X = # 1,000 s.f. GLA			
Office (LUC 710)	$\text{Ln}(T) = 0.80 \text{Ln}(X) + 1.55$	$T = 1.49 (X)$	$\text{Ln}(T) = 0.77 \text{Ln}(X) + 3.65$
T = Trips, X = 1,000 s.f. GLA			

ATTACHMENT B.2(a)

Sanitary Sewer Analysis

The property is located within the Lee County Utilities waste water service area. Lee County has an inter local agreement with the City of Fort Myers by which Lee County has purchased capacity in the plant for the treatment of waste water from the County's service area adjacent to SR 80 and I-75. The closest point of service is at the intersection of Louise Street and SR 80, where LCU has a regional sewer pumping station which pumps waste water from eastern Lee County to the City of Fort Myers. A large capacity 36-inch gravity sewer system composed of two manholes delivers waste water from a 24" force main into the pumping station. The City of Fort Myers North Waste Water treatment Plant currently has a capacity of 11.0 MGD, with a current demand of 9.0 MGD during the summer and 6.0 MGD during the winter months. Based on the existing Future Land Use Map (FLUM) designation of General Interchange, the estimated demand is 0.015 MGD (100,000 sf Retail/Commercial). Based on the proposed Future Land Use Map designation of Urban Community, the estimated demand is 0.022 MGD (100 Multi-Family units). This would be an increase of approximately 0.007 MGD over the amount that could be permitted under the existing FLUM. However, no improvements will be necessary to service the additional demand. This amendment will not require any revisions to the sanitary sewer sub-element or CIE.

ATTACHMENT B.2(b)

Potable Water Analysis

The property is located within the Lee County Utilities water service area. The closest service line is at the corner of SR 80 and Louise Street (20" water transmission main). Presently the Lee County Utilities Olga Water Treatment Plant has a capacity of 5.0 MGD, with a current demand of 4.891 MGD. In addition, Lee County Utilities is in the process of building the North Regional Water Treatment Plant which will be online within two years. Based on the existing Future Land Use Map (FLUM) designation of General Interchange, the estimated demand is 0.015 MGD (100,000 sf Retail/Commercial). Based on the proposed Future Land Use Map designation of Urban Community, the estimated demand is 0.022 MGD (100 Multi-Family units). This would be an increase of approximately 0.007 MGD over the amount that could be permitted under the existing FLUM. However, no improvements will be necessary to service the additional demand. This amendment will not require any revisions to the sanitary sewer sub-element or CIE.

ATTACHMENT B.2(c)

DRAINAGE/SURFACE WATER MANAGEMENT ANALYSIS

The property is located within the Caloosahatchee River Watershed. The proposed project will be required to obtain an Environmental Resource Permit from the South Florida Water Management District (SFWMD) for construction and operation approval, and will require 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 (2001/2002 – 2002/2003), 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.

Attachment B.2.d.

Existing and Future Conditions Analysis

Parks, Recreation and Open Space

The subject property is located in Community Park District 3. According to the Lee County Concurrency Management Inventory and Projections 2001/2002 – 2002/2003, this district currently contains 147 acres of community parks, while the required level of service is 55 acres. A future expansion of Veterans Park will increase the inventory by 36 acres. The increased demand created by this amendment is .167 acres (100 units x .8 acres/1000 permanent population), which is de minimis.

TICE FIRE & RESCUE DISTRICT

Chief
Gregory A. Bradley
(239) 694-2380

5170 Tice Street
Ft. Myers, FL 33905
Fax (239) 694-7399

February 4, 2004

VIA FACSIMILE & FIRST CLASS MAIL

Michael F. Roeder, AICP
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street
Post Office Box 2449
Fort Myers, Florida 33902-2449

Re: Small Scale Plan Amendment for Hansen Marina

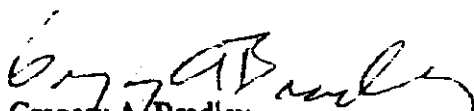
Dear Mr. Roeder:

In regards to the above-referenced property, Tice Fire District has no objections to the proposed amendment at this time.

We will request and anticipate incorporating any of our needs between the developer and our District as the development of the project proceeds.

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

Sincerely,


Gregory A. Bradley
Fire Chief

GAB/rs



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob James
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Alblon
District Five

Donald D. Schwall
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

239-335-1600

Writer's Direct Dial Number: wilsonjd@leegov.com

January 5, 2004

Mr. Michael E. Roeder, AICP
Director of Zoning & Land Use Planning
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street
Fort Myers, FL 33901

**Re: Written Determination of Adequacy for EMS Services for a
land use amendment for a proposed 10 acre (STRAP 34-43-25-00-
00010.0000) residential development.**

Dear Mr. ^{Michael}Roeder.

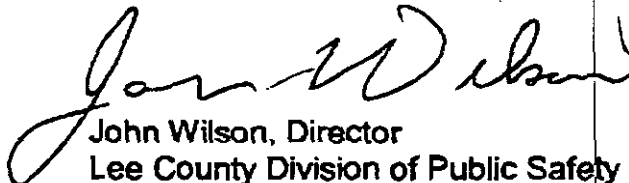
Lee County Division of Public Safety/Emergency Medical Services has reviewed your letter dated December 23, 2003, reference to a proposed 10 acre residential development with a build out population of approximately 200 people in 5-story condominium buildings.

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


John Wilson, Director
Lee County Division of Public Safety

JDW/GDW

Office of the Sheriff
Rodney Shoap



County of Lee
State of Florida

RECEIVED
Knott

January 2, 2004

AM JAN 07 2003 PM
7 8 9 10 11 12 1 2 3 4 5 6

Knott, Consoer, Ebelini
Hart & Swett, P.A.
P.O. Box 2449
Fort Myers, Florida 33902-2449

RE: Small Scale Plan Amendment for Hansen Marina
Strap # 34-43-25-00-00010.0000

Dear Mr. Roeder:

The proposed development regarding 10 acres of residential property, which should have a buildout of approximately 200 people, in 5-story condominium buildings in Lee County Florida, 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





LEE COUNTY
SOUTHWEST FLORIDA

239-277-5012 x2233

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

Bob Janes
District One

January 13, 2004

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

Mr. Michael E. Roeder, AICP
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street
Third Floor
Fort Myers, FL 33901

RE: SMALL SCALE PLAN AMENDMENT FOR HANSEN MARINA

Dear Mr. Roeder:

Thank you for your correspondence with Lee County Transit in regards to your service availability request for the above mentioned amendment request. We currently provide service on Palm Beach Boulevard 7 days a week with our Route 100. Service frequencies Monday through Friday are approximately 30 minutes, which provides good service to this corridor. We have a bus stop at Louise Street on both sides of the road, and we anticipate this service to remain at its current level and increase in frequency in years to come. This will be sufficient public transportation service to the Hansen Marina site. As a general rule, public transportation works more efficiently with higher densities such as the Central Urban designation.

If you have any further questions or comments, please call me or e-mail me at mhorsting@leegov.com.

Sincerely,

TRANSIT DIVISION

Michael Horsting
Transit Planner



BOARD OF COUNTY COMMISSIONERS

(941)479-8181

Writer's Direct Dial Number: _____

Bob Janes
District One

Douglas R. St. Cerny
District Two

January 23, 2004

Ray Judah
District Three

Ray Brotbeck

Andrew W. Coy
District Four

Hole Montes, Inc.

John E. Albion
District Five

6202-F Presidential Court

Fort Myers, Fl. 33907

Donald D. Stihwell
County Manager

**RE: POTABLE WATER AND WASTEWATER AVAILABILITY
LEEWARD YACHT CLUB, 5501 AND 5605 PALM BEACH BLVD.
34-43-25-00-00006.0000, 34-43-25-00-00009.0000,
34-43-25-00-00010.0000 AND 34-43-25-00-00008.0010,**

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

Dear Brotbeck:

Department of Lee County Utilities has Potable water and wastewater lines are in operation in the vicinity of the above-mentioned parcels. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions will be required.

This letter should not 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/OR WASTEWATER SERVICE IS TO BE UTILIZED FOR GENERAL PURPOSES ONLY. INDIVIDUAL LETTERS OF AVAILABILITY WILL BE REQUIRED FOR THE PURPOSE OF OBTAINING BUILDING PERMITS.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Engineering Tech., Senior
UTILITIES ENGINEERING

VIA FACSIMILE
Original Mailed

LEEWARD YACHT CLUB.doc



NORTH

INTERSTATE 75

WATER BLVD

CONCRETE
APPROX. CHANNEL

WATER BLVD

422
±1.69 Ac.

427
±0.16 Ac.

184
±4.46 Ac.

743
±0.40 Ac.

422
±0.31 Ac.

422
±1.08 Ac.

6128
±0.26 Ac.

184
±1.97 Ac.

422
±0.34 Ac.

427
±2.52 Ac.

8145
±0.37 Ac.

414
±1.69 Ac.

414
±0.14 Ac.

414
±0.54 Ac.

422
±0.16 Ac.

194
±1.94 Ac.

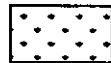
194
±1.50 Ac.

S.R. 80 - Palm Beach Blvd.

LEGEND



PROPOSED ±10.0 ACRE PARCEL
FOR FLUM CHANGE REQUEST



Wetlands Area

LEEWARD YACHT CLUB
EXISTING VEGETATION MAP
EXHIBIT 6A

PROJECT NO.: 2003.061-8

DECEMBER, 2003



6202-F Presidential Court
Fort Myers, FL. 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772
Naples · Fort Myers · Venice · Englewood

VEGETATION MAP

Leeward Yacht Club / Manatee World - ±19.53 Acres
Sec. 34, T. 43 S., R. 25 E.
E. Ft. Myers, Lee County, Florida

UPLANDS

<u>CODE</u>	<u>DESCRIPTION</u>	<u>ACRES</u>
184	Existing Marina Complex	±6.43
194	Open/Cleared Land	±3.44
414	Pine-Oak-Cabbage Palm	±2.37
422	Brazilian Pepper Thicket	±3.58
427	Oak-Cabbage-Palm	±2.68
743	Cement Rubble	±0.40
8145	Abandoned Grade/Paved Roadway	±0.37
UPLANDS - Total		±19.27

WETLANDS

<u>CODE</u>	<u>DESCRIPTION</u>	<u>ACRES</u>
6128	Mangrove / Brazillian Pepper Wetland	±0.26
JURISDICTIONAL WETLANDS - Total		±0.26

DATE: December 4th, 2003

Southern Biomes, Inc.
Division of Environmental Information Services
1602 Woodford Ave., Ft. Myers, Fl. 33901
Tel.: (941) 334-6766
Geza Wass de Czege, President

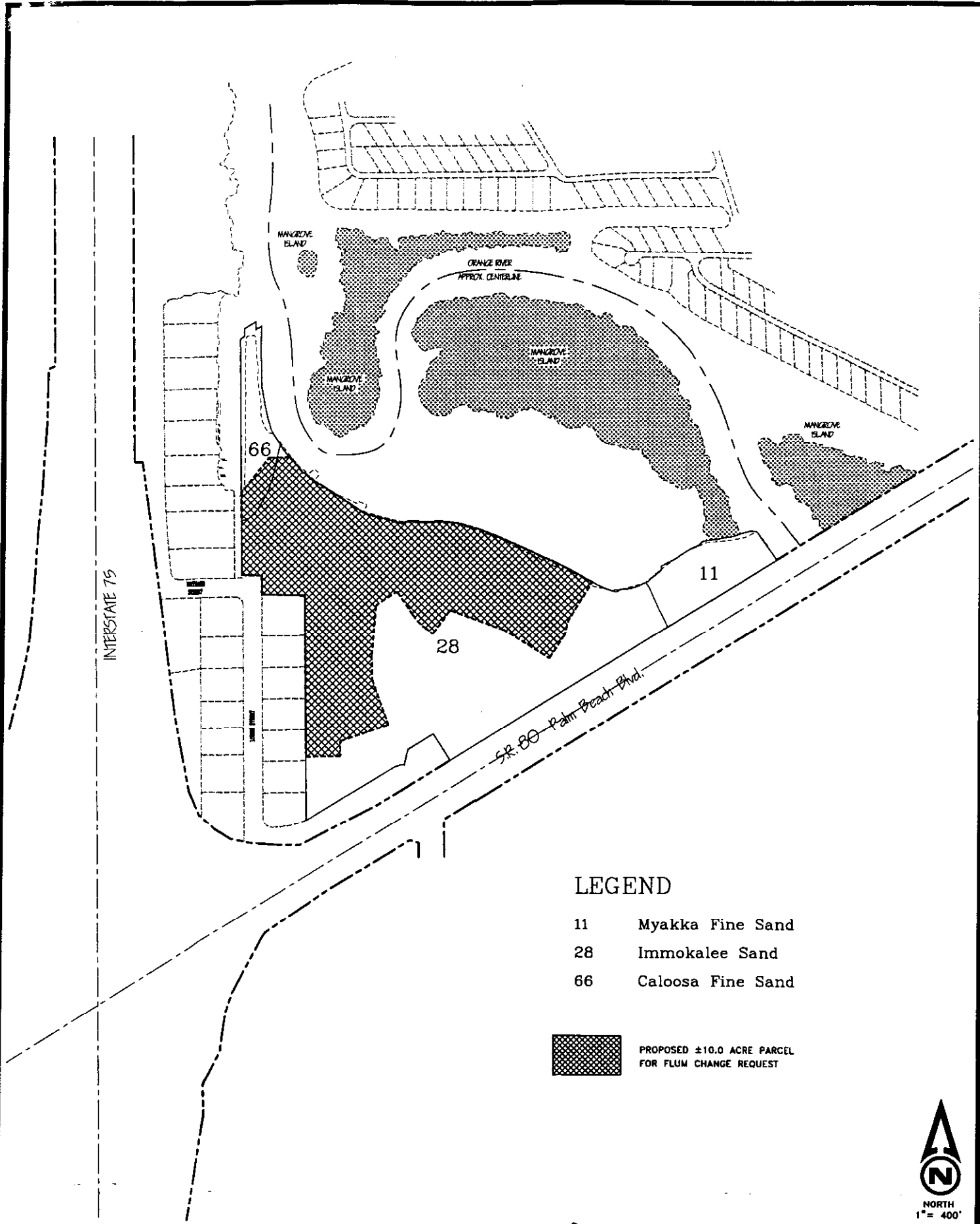
LEEWARD YACHT CLUB
EXISTING VEGETATION TABLE
EXHIBIT 6B

PROJECT NO.: 2003.061-B

DECEMBER, 2003

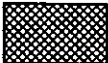


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Florida Certificate of Authorization No.1772
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LEGEND

- 11 Myakka Fine Sand
- 28 Immokalee Sand
- 66 Caloosa Fine Sand

 PROPOSED ±10.0 ACRE PARCEL FOR FLUM CHANGE REQUEST



LEEWARD YACHT CLUB
 EXISTING SOILS MAP
 EXHIBIT 7

PROJECT NO.: 2003.061-8

DECEMBER, 2003



6202-F Presidential Court
 Fort Myers, FL. 33919
 Phone : (239) 985-1200
 Florida Certificate of Authorization No.1772
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Southern Biomes, Inc.
Division of Environmental Services
1602 Woodford Ave., Ft. Myers, FL 33901

Tel: (239) 334-6766

Geza Wass de Czege, President

Fax: (239) 337-5028

Endangered Species Report for Leeward Yacht Club ±19.53 Acre Parcel, Section 34, T43S, R25E,
Lee County, FL December 19, 2003

Soils Description:

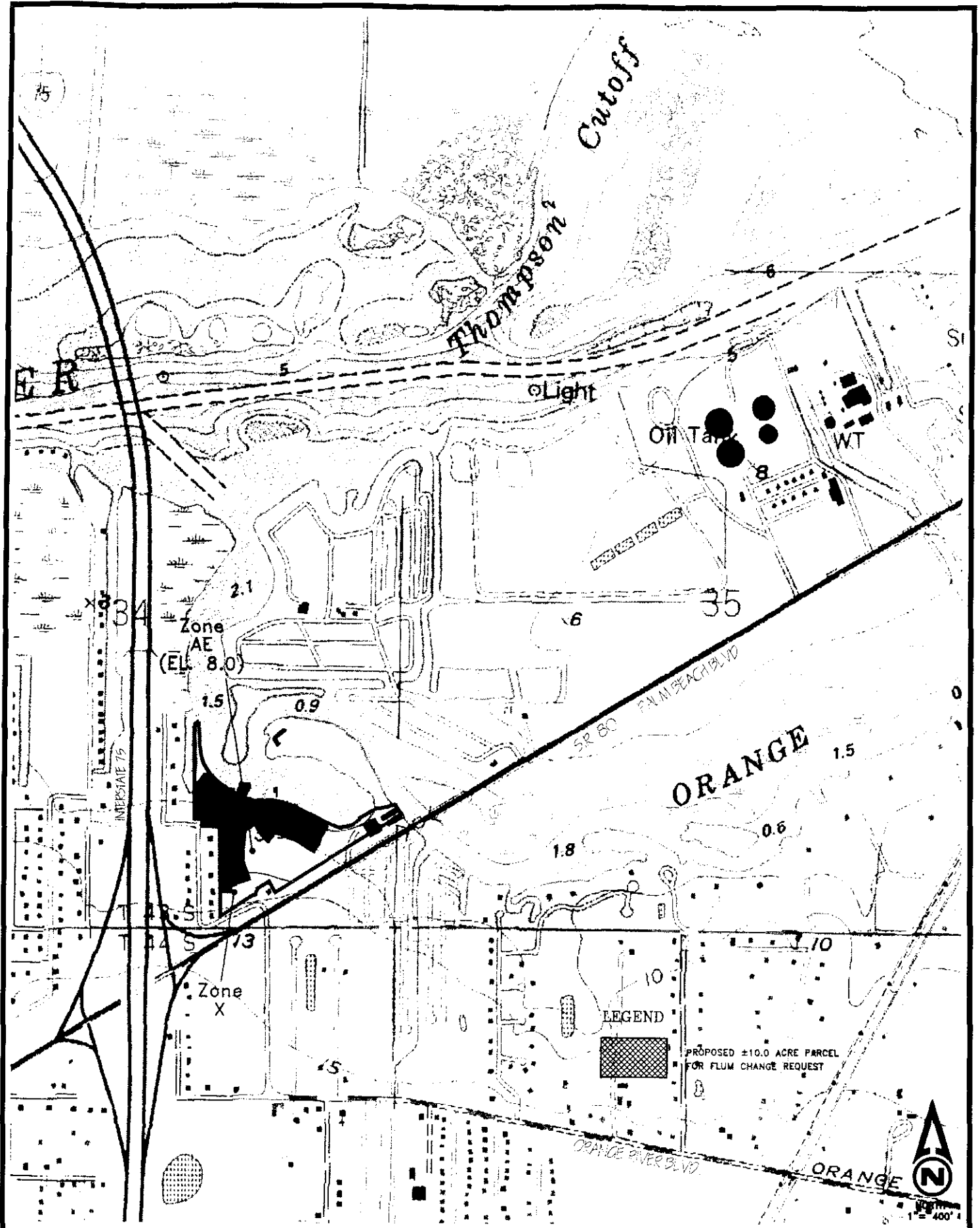
The U.S. Soil Conservation Service's Soils Map reveals three (3) soil types on the property. Immokalee sand (28) is found throughout the majority of the subject property, Caloosa fine sand (66) is found in the northwestern portion of the subject property, and Myakka fine sand (11) is found in the eastern portion of the subject property. The following text provides a brief summary of each of the soil types:

Code Description

- 11 Myakka fine sand is a nearly level, poorly drained soil on broad flatwoods areas. Typically, the surface layer is very dark gray fine sand about 3 inches thick. The subsurface layer is fine sand about 23 inches thick. In the upper 3 inches it is gray, and in the lower 20 inches it is light gray. The subsoil is fine sand to a depth of 80 inches or more. The upper 4 inches is black and firm, the next 5 inches is dark reddish brown and friable, the next 17 inches is black and firm, the next 11 inches is dark reddish brown and friable, and the lower 17 inches is mixed black and dark reddish brown and friable. The natural vegetation consists of saw palmetto, fetterbush, pineland threeawn, and South Florida slash pine.

- 28 Immokalee sand is a nearly level, poorly drained soil in flatwoods areas. Typically, the surface layer is black sand about 4 inches thick. The subsurface layer is dark gray sand in the upper 5 inches and light gray sand in the lower 27 inches. The subsoil is sand to a depth of 69 inches. The upper 14 inches is black and firm, the next 5 inches is dark reddish brown, and the lower 14 inches is dark yellowish brown. The substratum is very brown sand to a depth of 80 inches or more. The natural vegetation consists of saw palmetto, fetterbush, pineland threeawn, and South Florida slash pine.

- 66 Caloosa fine sand is a nearly level, somewhat poorly drained soil formed by dredging and filling and by earthmoving operations. Typically, the surface layer is about 10 inches of light brownish gray, mixed mineral material of fine sand and lenses of silt lam with about 10 percent shell fragments. The next 17 inches is pale brown and gray, clay loam. The next 11 inches is light gray silty clay with brownish yellow mottles. Below this to a depth of 80 inches or more is gray silty clay with dark gray streaks and brownish yellow mottles. Most of the natural vegetation has been removed. However, the existing vegetation consists of scattered South Florida slash pine, wax myrtle, cabbage palm, improved pasture, and various scattered weeds.



LEEWARD YACHT CLUB
 USGS TOPO EXHIBIT
 EXHIBIT 8

FILE NO.: 2003.081-8

DECEMBER, 2003



6202-F Presidential Court
 Fort Myers, FL 33919
 Phone : (239) 985-1200
 Florida Certificate of Authorization No.1772
 Naples Fort Myers Venice Englewood



1" = 400'

Endangered Species Report For Lee County Rezoning

Leeward Yacht Club ±19.53 Acre Parcel Sec. 34, T43S, R25E, Lee County, Florida

December 19, 2003

Engineers:

Hole Montes, Inc.
6202-F Presidential Court
Ft. Myers, FL 33919
(239) 985-1200

conducted by:

Southern Biomes, Inc.

Division of Environmental Services

1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994
Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

Southern Biomes, Inc.

**Division of Environmental Services
1602 Woodford Ave., Ft. Myers, FL 33901**

Tel: (239) 334-6766

Geza Wass de Czege, President

Fax: (239) 337-5028

Endangered Species Report for Leeward Yacht Club ±19.53 Acre Parcel, Section 34, T43S, R25E,
Lee County, FL

December 19, 2003

**BASIS OF REVIEW FOR AN ENVIRONMENTAL IMPACT STUDY
WITHIN LEE COUNTY**

1. **VEGETATION MAP:** An aerial photographic map circumscribing the vegetative associations, using the Florida Land Use and Cover Classification System (FLUCCS) code to identify the vegetative communities is provided with this report.

2. **VEGETATION INVENTORY:** A brief description of habitat types, with dominant canopy, midstory, and ground cover vegetation are provided in the following text.

SITE DESCRIPTION: The subject property consists of a 19.53-acre irregular shaped parcel located on the north side of State Road 80, approximately 250-300 feet east of Interstate 75 and along the Orange River just south of the Caloosahatchee River. Residential homes are located to the west, between I-75 and the subject property. To the north and northeast is the Orange River, and State Road 80 to the south and southeast.

There is a total of eight (8) land use or vegetative cover classifications on site, with seven (7) classified as upland vegetation associations and one (1) classified as a wetland vegetative association. These land use and cover associates are delineated on the vegetation map and coded per the Florida Land Use and Cover Classification System (FLUCCS). The following text is a brief description of each of the land use or vegetative cover identified:

UPLANDS (19.27 acres):

There are approximately 19.27 acres of uplands, of which approximately 6.43 acres are associated with two existing marina complexes (FLUCCS code 184), which includes Hansen Marina and Manatee World, with all the storage buildings, maintained yard areas, equipment storage areas, and vehicle parking facilities. Several docks and covered buildings extend out over the water. The open, or cleared, land (FLUCCS code 194) divides the undeveloped portion of the subject property into three distinct areas: a western area along the western property boundary; a central area which is primarily forested; and

Southern Biomes, Inc.
Division of Environmental Services
1602 Woodford Ave., Ft. Myers, FL 33901

Tel: (239) 334-6766

- Geza Wass de Czege, President -

Fax: (239) 337-5028

Endangered Species Report for Leeward Yacht Club ±19.53 Acre Parcel, Section 34, T43S, R25E,
Lee County, FL December 19, 2003

an eastern area which includes a forested area with a mangrove and Brazilian pepper wetland.

The western area consists of three cover types or vegetative communities. Along the western property boundary leading to the existing marina is an old, abandoned roadway (FLUCCS code 8145) most likely used to access the marina at one time. Portions of the roadway appear to have been graded and paved, and other portions only have the road base fill material. Adjacent to the old roadway is a pine-oak-cabbage palm forested area (FLUCCS code 414). To the north of the pine-oak-cabbage palm area are two small Brazilian pepper thickets (FLUCCS code 422) consisting of >75% Brazilian pepper in the canopy and midstory. Considerable amount of litter and waste material dumping has occurred throughout the area.

The central area consists of a large forested area. The southerly portion of the forested area consists of a mature slash pine-cabbage palm-oak forested area (FLUCCS code 414) similar in vegetation as in the western area, but with less Brazilian pepper and Java plum, and a more open midstory. To the north is an oak-cabbage palm area (FLUCCS code 427) with large mature oaks, with various other types of vegetation scattered in the canopy and midstory. The groundcover consists mostly of leaf litter with scattered caesarweed, fox grape, catbrier, and low panicum. Further to the north are two dense Brazilian pepper thickets (FLUCCS code 422) similar in vegetation as the one located in the western area. Within these areas are numerous old boat hulls, old vehicle frames, trailer frames, old discarded building materials, and numerous other trash. Located within the southern Brazilian pepper thicket is a small oak-cabbage palm area (FLUCCS code 427).

The eastern area abuts the Orange River to the north. There are a total of four cover types or vegetative communities in this area, three upland communities and one wetland community. The southerly communities consist of a small pine-oak-cabbage palm area (FLUCCS code 414) and a small Brazilian pepper thicket (FLUCCS code 422). An area of concrete and iron rubble (FLUCCS code 743) is located to the northwestern portion of the area, with a crescent shaped mangrove-Brazilian pepper wetland (FLUCCS code 6128) that wraps around an old bridge rubble, and separates this area from Manatee World marina complex. The following text provides the FLUCCS codes, acreages, and descriptions of each cover type found on the property.

Southern Biomes, Inc.

Division of Environmental Services
1602 Woodford Ave., Ft. Myers, FL 33901

Tel: (239) 334-6766

Geza Wass de Czege, President

Fax: (239) 337-5028

Endangered Species Report for Leeward Yacht Club ±19.53 Acre Parcel, Section 34, T43S, R25E,
Lee County, FL December 19, 2003

Existing Marina Complex- 184: (6.43 acres) This land cover type is composed of the two existing marina complexes which include the marina facilities, old storage buildings, maintained yard areas, equipment storage areas, and vehicle parking areas. Most of this area appears to consist of dredged fill material. Several docks and covered buildings extend out over the water but are not part of the acreage calculations.

Open/Cleared Land- 194: (2.81 acres) This land cover consists of cleared, open land with ruderal vegetation and grasses dominating. Most of this cover type that lies northerly of the FLUCCS code 427 appears to consist of dredged fill material. This area is primarily used for access to the water front, materials stored on the property, and for cattle grazing, and appears to be mowed regularly.

Pine-Oak-Cabbage Palm- 414: (2.37 acres) This land cover consists of a forested area with canopy and midstory vegetation consisting of slash pine, live and laurel oaks, cabbage palms, and Java plums, Surinam cherry, with scattered Brazilian pepper. The groundcover is mostly leaf litter and sand with occasional ruderal weeds and young trees or shrubs.

Brazilian Pepper Thicket- 422: (3.58 acres) This land cover consists of a Brazilian pepper thicket consisting of >90% Brazilian pepper in the canopy and midstory, in addition to java plum and a few scattered slash pines and cabbage palms. Most of this area appears to consist of dredged fill material. Also, a considerable amount of dumping has occurred throughout the area.

Oak-Cabbage Palm- 427: (2.68 acres) This community consists of a forested area with large live oaks and laurel oaks, with scattered cabbage palms, slash pines, strangler fig, and Java plums, with a relatively open midstory of scattered Brazilian pepper, wax myrtle, young cabbage palms, guava, and Surinam cherry. The groundcover consists mostly of leaf litter or ruderal weeds. This area also has several old discarded vehicles, boats, and other materials.

Cement Rubble- 743: (0.40 acres) This area appears to have been used for dumping of concrete and steel rubble from what possibly could have been the old S.R. 80 bridge crossing the Orange River. Brazilian pepper, woman's tongue, cabbage palms and ruderal weeds dominate the vegetative cover.

Abandoned Graded/Paved Roadway- 8145: (0.37 acres) This area consists of an old abandoned roadway, most likely used to access Hansen Marina. Portions of the roadway appear to be graded and paved, and other portions only have the base grade. Most of the ground and midstory vegetation have been cleared for fence maintenance purposes, but canopy trees such as live oaks, Java plums, mangos, cabbage palms, and slash pines are common along the edge of the roadway.

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Lee County, FL

December 19, 2003

WETLANDS (0.26 ac.)

A mangrove and Brazilian pepper wetland (FLUCCS code 6128) is located along the northeastern end of the vegetated area, and fringes the Orange River. The most northern portion of it is tidal, but the southern finger is dominated by 95% Brazilian pepper, with scattered cabbage palms, and is not tidal. The tidal area is dominated with red and white mangrove, pond apple, leather ferns, and Brazilian pepper. A summary table of all the vegetative communities is listed below, with the representative FLUCCS codes and acreages.

Mangrove/Brazilian Pepper Wetland- 6128: (0.26 acres) This vegetative community can be divided into two specific areas; the northerly area consists of dense stands of red and white mangroves, with scattered pond apple, leather fern, swamp ferns, and Brazilian pepper. The southerly portion of the wetlands consists of Brazilian pepper and cabbage palms, with scattered swamp ferns. The northerly portion is tidal, while the southerly portion is not, unless there are extraordinary high tides.

Habitat Summary

<u>Code</u>	<u>Description</u>	<u>Acres</u>
	<u>Uplands (19.27 acres)</u>	
184	Existing Marina Complex	6.43
194	Open/Cleared Land	3.44
414	Pine-Oak-Cabbage Palm	2.37
422	Brazilian Pepper Thicket	3.58
427	Oak-Cabbage Palm Hammock	2.68
743	Cement Rubble	0.40
8145	Abandoned Roadway	0.37
	<u>Wetlands (0.26 acres)</u>	
6128	Mangrove/Brazilian Pepper Wetland	<u>0.26</u>
	TOTAL	19.53

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Endangered Species Report for Leeward Yacht Club ±19.53 Acre Parcel, Section 34, T43S, R25E,
Lee County, FL December 19, 2003

4.2.2 Fish, Wildlife, Listed Species and their Habitats

Pursuant to paragraph 4.1.1(a), an applicant must provide reasonable assurances that a regulated activity will not impact the values of wetland and other surface water functions so as to cause adverse impacts to:

- (a) the abundance and diversity of fish, wildlife and listed species; and
- (b) the habitat of fish, wildlife and listed species.

In evaluating whether an applicant provided reasonable assurances under subsection 4.2.2, de minimis effects shall not be considered adverse impacts for the purposes of this subsection.

Response: An endangered species survey was conducted on the subject property on December 4, 2003. The weather was partly sunny with temperatures in the low to mid 70s with a moderate breeze. The following information provides you with the details of the survey methodology and the results.

Endangered Species Survey Methodology:

The entire project site has been field surveyed for endangered species using a modification of the transect line methods established by the Florida Fish and Wildlife Conservation Commission. The modified survey methodology has proven effective in covering 90-95% of the sites surveyed. The modified strip census uses meandering transect lines at 100' - 150' intervals. The meanders extend into adjoining transect lines to provide a near 100% coverage. The ground cover and visibility determine the frequency of the meanders. More densely vegetated areas receive a greater frequency of meanders, thus decreasing the area between meanders in some habitats to as near as 12' apart. If the terminus flagging markers of the transect lines are not visible, then survey flagging tape is attached to vegetation at the outer extent of the transect meanders to mark the coverage area for that transect. The visibility of the flagging tape assists in maintaining the transect direction, and is used as a gauge for determining the frequency of meanders within a transect area. Each tape must be visible from the previous meander. On the subsequent transects, the flagging tape is removed and relocated at the outer limits of its transect area. Faunal species which do not lend themselves to the typical transect line survey methodology, typically used for determining stationary floral and faunal species, require an additional method of observation. These species can be best observed by using game stalking techniques and periodic observations with field glasses at frequent intervals along transect lines. The frequency and duration of observations are determined

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Endangered Species Report for Leeward Yacht Club ±19.53 Acre Parcel, Section 34, T43S, R25E,
 Lee County, FL December 19, 2003

by habitat density, species observed, and the stalking skills of the observer. The ability to blend into the surroundings is another key requirement for success.

Any species observed were noted on an aerial photograph as to location and number of species sighted. Species presence and abundance on a given site cannot be determined for all species listed. Therefore, fauna which are mobile, transient, or deceptive are not always observed during a typical field survey such as required by Lee County. This is especially true for species abundance. Therefore, the status of each species is listed as to presence and numbers observed, and those species that can be reasonably surveyed for abundance are provided with such data.

Listed Endangered, Threatened or Species of Special Concern

Upland Species List:

<u>Common Name</u>	<u>Scientific Name</u>	<u>Obs.</u>	<u>Comments</u>
Eastern indigo snake	<i>Drymarchon corais couperi</i>	no	not observed
gopher tortoise	<i>Gopherus polyphemus</i>	no	not observed
gopher frog	<i>Rana areolata</i>	no	not observed
merlin (pigeon hawk)	<i>Falco columarius</i>	no	not observed
S'eastern American Kestrel	<i>Falco sparverius paulus</i>	no	not observed
red-cockaded woodpecker	<i>Picoides borealis</i>	no	not observed
Florida panther	<i>Felis concolor coryi</i>	no	not observed
Big Cypress fox squirrel	<i>Sciurus niger avicennia</i>	no	not observed
Florida black bear	<i>Ursus americanus floridanus</i>	no	not observed
Curtis Milkweed	<i>Asclepias curtissii</i>	no	not observed
Fakahatchee burmannia	<i>Burmannia flava</i>	no	not observed
satinleaf	<i>Chrysophyllum olivaeforme</i>	no	not observed
beautiful pawpaw	<i>Deeringothamus puichellus</i>	no	not observed
Florida coontie	<i>Zamia Floridaana</i>	no	not observed

Wetland Forest Species List:

<u>Common Name</u>	<u>Scientific Name</u>	<u>Obs.</u>	<u>Comments</u>
American alligator	<i>Alligator mississippiensis</i>	no	not observed
gopher frog	<i>Rana areolata</i>	no	not observed
marsh hawk (n'thm harrier)	<i>Circus cyaneus</i>	no	not observed
little blue heron	<i>Egretta caerulea</i>	yes	along waterfront
snowy egret	<i>Egretta thula</i>	yes	along waterfront
tricolored heron	<i>Egretta tricolor</i>	no	not observed
white ibis	<i>Eudocimus albus</i>	no	not observed
wood stork	<i>Mycteria americana</i>	no	not observed
snail kite	<i>Rostrhamus sociabilis</i>	no	not observed
Florida panther	<i>Felis concolor coryi</i>	no	not observed
Big Cypress fox squirrel	<i>Sciurus niger avicennia</i>	no	not observed
Florida black bear	<i>Ursus americanus floridanus</i>	no	not observed
Everglades mink	<i>Mustela vision evergladensis</i>	no	not observed
West Indian Manatee	<i>Trichechus manatus</i>	no	not observed
least tern	<i>Sterna antillarum</i>	no	not observed
giant leather fern	<i>Acrostichum spp.</i>	yes	within the wetland

Southern Biomes, Inc.

**Division of Environmental Services
1602 Woodford Ave., Ft. Myers, FL 33901**

Tel: (239) 334-6766

Geza Wass de Czege, President

Fax: (239) 337-5028

Endangered Species Report for Leeward Yacht Club ±19.53 Acre Parcel, Section 34, T43S, R25E,
Lee County, FL

December 19, 2003

Endangered Species Survey Results and Conclusion:

No listed endangered, threatened or species of special concern wildlife species were observed on the subject property during the survey. However, the giant leather ferns were found within the tidal portion of the wetlands and will not be impacted by any proposed development. During other site visits there were wading birds observed along the edges of the Orange River waterfront, and on the uplands adjacent to it. These birds consisted of two little blue herons and one snowy egret. No other species were observed, but species which might be expected to be found during some portion of the year are alligators, manatees, white ibis, tricolor heron, woodstork, and possibly a kestrel.

It should be noted that the Orange River has one of the largest populations of wintering West Indian manatees (*Trichechus manatus*) in the State of Florida. This is attributed to the Florida Power and Light Company discharging warm water into the river from their power generator cooling facilities. During cold weather the manatee migrate up the Caloosahatchee River to seek warmth from this artificial heat source. Therefore, we can also assume that manatees will venture into the marina areas during warmer periods. Any proposed activity associated with the Marina will require a manatee protection plan as part of the permit application.



ARCHAEOLOGICAL CONSULTANTS INC.

ARCHAEOLOGICAL
SURVEYS AND
EXCAVATIONS

HISTORIC BUILDING
SURVEYS AND
EVALUATIONS

ARCHIVAL RESEARCH

CULTURAL RESOURCE
ASSESSMENTS

NATIONAL REGISTER
NOMINATIONS

INTERPRETIVE
DISPLAYS

PRESERVATION
PLANNING

*A Full Service
Cultural Resource
Management Company*

A MEMBER OF
ACRA
American Cultural
Resource Association

December 5, 2003

Mr. Pat Riley
Leeward Yacht Club, LLC
5601 Palm Beach Boulevard
Ft. Myers, FL 33901

RE: Archaeological Survey: Hansen Marina, Lee County, Florida.

Dear Mr. Riley:

Archaeological Consultants, Inc. (ACI) conducted systematic subsurface archaeological testing of the Hansen Marina property on November 19 and 20, 2003. This effort included background research, ground surface reconnaissance and the excavation of 36 shovel test pits. Shovel testing was conducted throughout the property but focused on the Lee County Zone 2 Archaeological Sensitivity Areas. As a result of this effort, no evidence of prehistoric archaeological sites was found. Thus, prehistoric archaeological site will not be a critical issue for this project. A figure showing the location of the test pits is attached.

The results of the archaeological background research and field survey will be detailed in a cultural resource assessment report to be prepared after historic research and field survey is conducted in January of 2004. As we discussed, there are several historic buildings and structures on the property which need to be documented because of their age (50 years old or older) and role in the development of Lee County and Southwest Florida.

Sincerely,

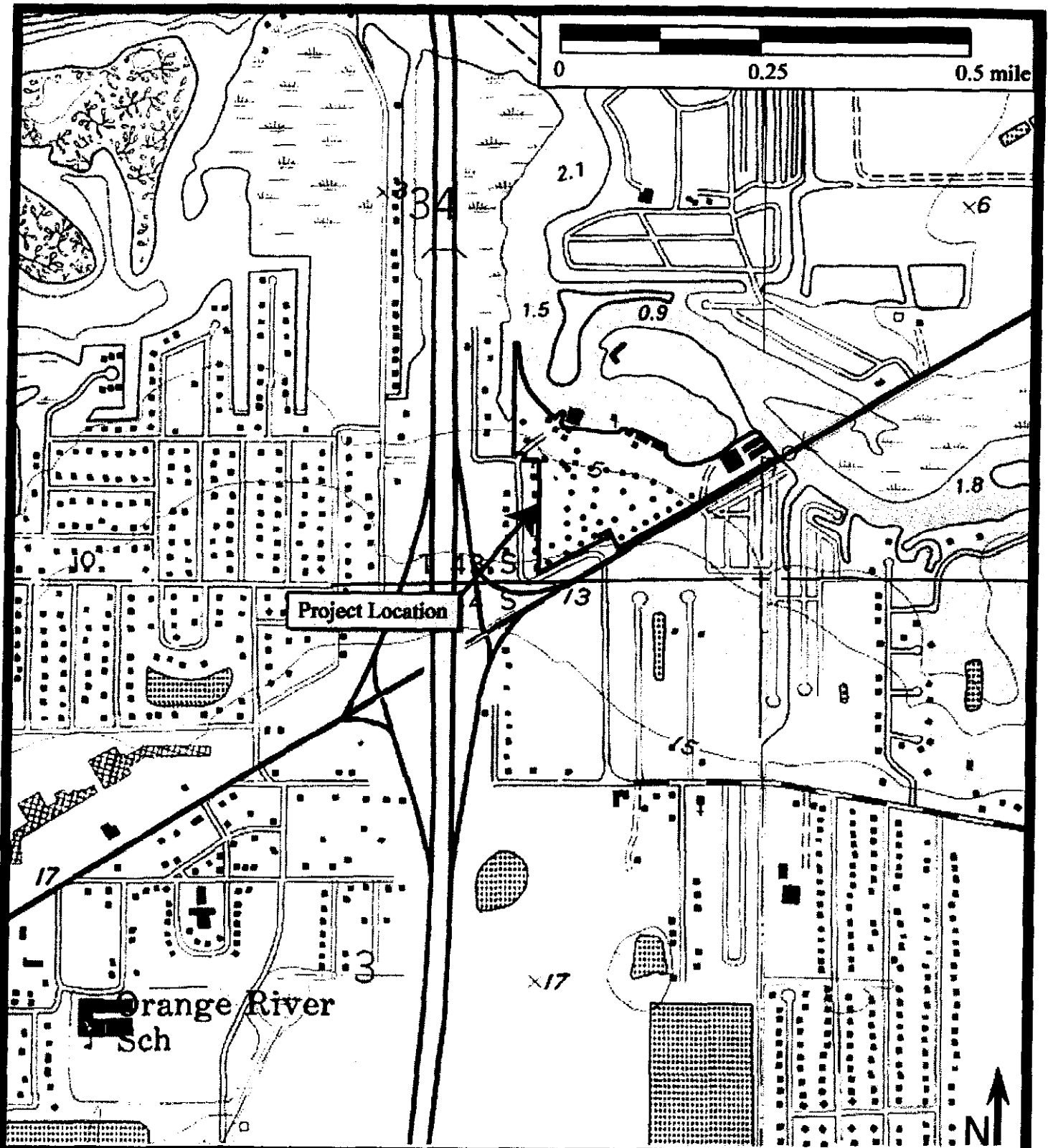
Marion M. Almy, RPA
President

B02091/Agrec1

8110 BLAIKIE COURT, SUITE A, SARASOTA, FLORIDA 34240, (941) 379-6206, FAX (941) 379-6216

• TAMPA BAY AREA OFFICE: (727) 588-0056 • TALLAHASSEE AREA OFFICE: (850) 926-9285

Visit Our Web Site www.aci-crm.com



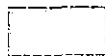
Approximate Location of Shovel Tests Within the Project Area
 (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991).



INTERSTATE 75

S.R. 80 - Palm Beach Blvd.

LEE COUNTY
ARCHAEOLOGICAL SENSITIVITY MAP



ARCHAEOLOGICAL SENSITIVITY - LEVEL 2

LEGEND



PROPOSED ±10.0 ACRE PARCEL
FOR FLUM CHANGE REQUEST



NORTH
1" = 400'

LEEWARD YACHT CLUB
ARCHAEOLOGICAL SENSITIVITY EXHIBIT
EXHIBIT 9

PROJECT NO.: 2003.061-8

DECEMBER, 2003



HOLE MONTES
ENGINEERS PLANNERS SURVEYORS

6202-F Presidential Court
Fort Myers, FL 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772
Naples Fort Myers Venice Englewood

Attachment E

INTERNAL CONSISTENCY with the LEE PLAN

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

Table 1(b) has an allocation of 633 acres in the Urban Community land use category within the Fort Myers Shores Planning Community. Of this total, 360 are still available. The proposed amendment would add approximately 200 residents to the County's total population capacity, which is not significant in a County population that is approaching 500,000 residents.

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

The overall policy question related to this change is whether a mixed use residential yacht club with public marina and related commercial uses is preferable to twenty acres of General Interchange commercial uses in this location. Although the entire project is not the subject of this plan amendment, it helps to provide the underlying rationale for this ten acre change and will provide useful context for the discussion of the individual policies. As indicated, this application will only address new residential uses for ten of the twenty acres, in lieu of General Interchange commercial uses.

Goal 1 - Future Land Use Map.

This Goal calls for the Future Land Use Map to protect natural and manmade resources, provide essential services in a cost effective manner and discourage urban sprawl. The proposed amendment will allow for the development of a classic infill development site. In addition, the ultimate reconfiguration of the marina will provide better protection for the navigation channel of the Orange River.

Objective 1.1 - Future Urban Areas.

This objective calls for the Land Use Map to provide categories of varying intensities to provide for a full range of urban activities. Given the availability of highway commercial activity at other quadrants of this interchange, a conversion to residential uses will actually provide more variety and choice without unduly diminishing the supply of needed services to the traveling public.

Policy 1.1.1.

This policy references Map 16 and Table 1(b), which are the planning community acreage allocation tables. Fort Myers Shores Planning Community has 633 acres of Urban Community assigned to it of which 360 acres are still available for development. There will need to be revision to Table 1(b) to accommodate the remainder of the development during the next round of regular amendments.

Policy 1.1.4.

This policy is the definition of Urban Community which are identified as areas outside of Ft. Myers and Cape Coral with a mixture of relatively intense commercial and residential uses. This description fits the subject property and there is Urban Community on the south side of Palm Beach Blvd. Standard density range is 1 to 6 DU's per acres, with a maximum using bonus density of 10 units per acre.

Policy 1.3.2.

This is the definition of a General Interchange area which is intended primarily for land uses that service the traveling public. There is already a large complex of traveling public services on the southeast quadrant of I-75 and S.R. 80 which adequately serves the intent of the category for this interchange. This category does not allow residential uses, hence the need for the amendment.

Policy 1.5.1.

This policy provides guidance for the Wetlands land use category. There are no wetlands within the ten acres subject to this amendment, but a very small portion of the remainder of the project is wetlands and will be protected as part of the zoning and site review process.

Policy 1.7.6.

This policy regulates the planning communities' map and acreage allocation table. There is adequate capacity within Table 1(b) to accommodate the ten acres of Urban Community proposed in this amendment.

Goal 2 - Growth Management.

This goal provides guidance on location and timing of new developments with respect to infrastructure and services.

Objectives 2.1 and 2.2.

These reference development location and development timing, and this application is consistent with these two objectives since it is an infill parcel that is well served by all necessary facilities and services.

Perhaps the most relevant portion of the Lee Plan is Goal 5 dealing with residential land uses and related policies. Goal 5 calls for the County to provide sufficient land in appropriate locations to accommodate the protected population of Lee County in attractive and safe neighborhoods.

Policy 5.1.5.

This policy speaks to protecting existing future residential areas from any encroachment or uses that are potentially destructive to the character or integrity of the residential environment. There is a single-family subdivision called Dos Rios which is located immediately east of I-75 and north of S.R. 80. In fact, access to the Hansen marina is currently through this single-family subdivision, which is less than desirable. Although the single-family subdivision has been in existence since 1960, it did develop after the marina and has always had that neighboring land use. However, it did precede the construction of I-75 by over twenty years which makes the General Interchange designation very awkward.

This land use amendment will allow for the replacement of potentially incompatible highway commercial uses next to a single-family subdivision with a high-quality residential community, and will also relocate the entrance to this new community away from the Dos Rios subdivision. This would be a much better land use pattern for this area than the current Lee Plan land use designation would dictate. The new development would also be consistent with **Policy 5.1.6** which requires appropriate open space, buffering landscaping and recreation facilities and **Policy 5.1.7** which requires appropriate community facilities and an interconnected design with pedestrian and bicycle pathways.

Although the requested amendment for ten acres does not include the marina site, the overall development will be very consistent with **Goal 8** and the related policies under **Objective 98.5**, **Objective 98.6** and **Map 12** relating to marine oriented land uses.

The project is also consistent with **Goal 11**, as it will be connected to central water and sewer service with available capacity and S.R. 80 is currently operating at LOS "A".

The newest amendment to the Lee Plan that is relevant to this request is

Goal 13 and related Objectives and Policies for the **Caloosahatchee Shores Community Plan**. That Plan did not address the General Interchange area in any detail, but it did encourage attractive mixed use development, especially along S.R. 80. The **Callossahatchee Shores Community Plan** in general is encouraging a more rural development style for the majority of the community, but clearly the land next to I-75 in the General Interchange area is in a different situation. There is nothing in the requested amendment that should be inconsistent with the **Caloosahatchee Shores Community Plan**, and in general it promotes the broad goals and objectives of that plan.

Goal 100 deals with housing and calls for the County to provide decent, safe and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the County. This development would be consistent with that goal and related policies, especially **Policy 100.1.9** and **Policy 100.9.5**.

Attachment E.4

INTERNAL CONSISTENCY with the LEE PLAN

CONSISTENCY WITH STATE AND REGIONAL PLANS

The proposed amendment from General Commercial to Urban Community is intended to permit an attractive mixed use development with residential, commercial, and water-dependent components in an area that has already been determined to be suitable for intense commercial uses. The amendment, therefore, is consistent with the following State and Regional Plan provisions which encourage mixed uses and infill projects:

State Plan

1. Land Use Policy 3
2. Urban and Downtown Revitalization Policy 12

Regional Plan

1. Affordable Housing Goal 2, Strategy 1, Action 2
2. Economic Development Goal 1, Strategy 4, Action 3
3. Economic Development Goal 1, Strategy 4, Action 5
4. Regional Transportation Goal 2, Strategy 1, Action 4

Attachment G

Justification of Request

As referenced in the discussion under Lee Plan Consistency, it is more appropriate to consider the complete project when analyzing the benefits of this plan amendment from General Interchange to Urban Community. While the amendment at hand is for ten acres of land, that is actually a first step in a larger project to develop approximately twenty acres into a first class condominium / yacht club with public marina and minor related commercial uses. This will be a true mixed use development that takes maximum advantage of one of the remaining prime waterfront parcels in Lee County. To utilize this property for gas station and motels would be a terrible waste of the resource, as well as being incompatible with the neighboring Dos Rios subdivision to the west. In terms of neighbor compatibility, the residential development and yacht club will be a major improvement over highway commercial for the existing Dos Rios residents, and the relocation of the main entrance to the Hanson Marina from their development will also be a major improvement in the land use pattern and neighborhood compatibility.

The other factor to consider is the availability of services and infrastructure, and in most cases ten acres of residential development will place less demand on utilities and infrastructure than ten acres of commercial development. The two exceptions to this will be parks and schools which will have an additional impact as a result of residential development, but the analysis provided under the Comp. Plan discussion shows that the impact will be minimal. We have provided letters from the service providers indicating that they can handle this change with no great complications.

As indicated, there is already a major complex of highway-oriented commercial uses developing in the southeast quadrant of I-75 and Palm Beach Blvd., and that is more than adequate to serve the needs of the traveling public in this location. Therefore, the conversion of this land from General Interchange to Urban Community will represent an improvement to the Land Use Plan and a much better pattern of development for the existing residents and surrounding property owners.

**DEPARTMENT OF
TRANSPORTATION**

Memo

To: Paul O'Connor, Division of Planning

From: Lili Wu *LW*

Date: March 18, 2005

Subject: **CPA 2004-01 Privately Initiated Lee Plan Future
Land Use Map Amendment**

We have reviewed the above application, which requests the land use designation of approximately 10 acres be changed from "General Commercial Interchange" to "Urban Community". The applicant indicated that, given the existing FLUM designation of General Commercial Interchange, that 100,000 square feet of retail could be built in the subject area. The proposed Central Urban designation would allow 100 dwelling units to be built in the subject area. If this amendment is adopted, there will be a 375 trip decrease on a P.M. peak hour basis from the current land use designation, so we determined that this land use change will not alter the future road network plans.

Please let me know if you have any questions.

LW/mlb

cc: David Loveland
Andy Getch
Central File

Interoffice Memo

Date: 03/25/2004

To: Matthew Noble, Principle Planner

From: Terry M. Kelley, Emergency Management Coordinator

RE: CPA2004-00001 – Leeward Yacht Club Mixed Use Planned Development

Staff has reviewed the submittal documents for the above-referenced amendment. This Development is located in a Tropical Storm Evacuation Zone. In Accordance with the National Weather Service storm surge "SLOSH" model, this area will receive storm surge flooding from a Tropical Storm. Therefore, 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 are required.

Lee County Administrative Code 7-7 requires that every new residential development with 50 to 99 and 100 or more dwelling units submit an emergency preparedness plan as a part of the Development Order Application process. Suggested formats for the plan can be found in AC 7-7 on www.lee-county.com. This plan will be submitted to Lee County Emergency Management for approval.

Terry M. Kelley, 477-3610

*THE SCHOOL DISTRICT OF LEE COUNTY
DEPARTMENT OF PLANNING
2055 CENTRAL AVENUE
FORT MYERS, FL 33916*



March 16, 2005

Ms. Brandy Gonzalez
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Leeward Yacht Club MPD, DCI Substantive Review, Case #DCI2004-00045

Dear Ms Gonzalez:

Thank you for the opportunity to review the Leeward Yacht Club MPD for substantive comments with regard to educational impacts. This proposed development is in the East Choice Zone of the District, at the northeast corner of Palm Beach Boulevard and I-75 in the Caloosahatchee Shores Planning Area. This letter is in response to your request dated October 20, 2004.

Based on the proposed maximum total of 175 multifamily residential dwelling units, the Lee County School District is estimating that the proposal could generate up to 19 additional school-aged children. This uses a generation rate of 0.109 students per unit generated in the East Choice Zone of Lee County for multifamily units. This would create the need for approximately one new classroom in the system, as well as additional staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the Leeward Yacht Club MPD 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) 335-1415.

Sincerely,

Tina Silcox, Community Development Planner
Planning Department

Cc: William G. Moore, Jr.
Executive Director, School Support

MEMORANDUM
FROM THE
DEPARTMENT OF
PUBLIC WORKS

DATE: March 18, 2005

To: Brandy Gonzalez
Planner

FROM: Michael P. Pavese
Principal Planner

RE: Lee County Comprehensive Plan Amendment # CPA 2004-00001
Leeward Yacht Club L.L.C.

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 (approximately 10 + acres) is currently zoned Industrial Marine (IM), Commercial Marine (CM), and Agricultural (AG-2) and is located in the Central Urban and General Interchange future land use categories. This is a request to change the future land use designation from General Interchange to Urban Community. A portion of the subject property is currently vacant while the remainder is developed with an existing marina and miscellaneous commercial uses. The applicant has indicated that the amendment is being requested to permit the future redevelopment of the property with residential uses. The change has the potential to result in an additional 100 dwelling units. The subject parcel is located in Community Park Impact Fee District 3. It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, some consideration should be given to the fact that approval of this amendment may very well result in yet another loss of waterfront access to the citizens of Lee County.

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

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

Michael P. Pavese/mpp

C:\Documents and Settings\ambrosb\Local Settings\Temp\PWCompP1.WPD



MEMORANDUM

Date: 03-13-2005
To: Brandy Gonzalez
From: Mike Horsting – Transit Planner *MH*
Privately Initiated Lee Plan
Subject: Future Land Use Amendments
(CPA2004-01)

RECEIVED
MAR 14 2005

COMMUNITY DEVELOPMENT

Lee Tran staff has reviewed the above referenced Lee Plan amendment application, specifically the proposed amendment to the Future Land Use Map for the northeast quadrant of I-75 and SR-80, Hansen Marina. Public transportation services in this area are currently sufficient for the Urban Community category and services as stated in the 5 year Transit Development Plan would remain sufficient for the proposed change to the Central Urban category. This change would not have a severe impact on the transit division's budget.

If you have any further questions please call me at 533-0333.

Thank-you.

Cc: Steve Myers