

**Real Estate Appraisal Report**  
**of**

The Florida Gulf Venture Property  
175.174 Acres of Land  
(former Cape Coral Golf and Tennis Resort)  
Cape Coral, Lee County, Florida

**Prepared For**

City of Cape Coral  
c/o Mr. Clayton W. Crevasse  
Roetzel & Andress  
2320 First Street, Suite 1000  
Fort Myers, Florida 33901

**DATE OF VALUATION:**

**May 20, 2009**

**DATE OF REPORT:**

**September 20, 2012**

✓ Had to be as  
of this date,  
the date of  
denial of  
FGV's application

**File No. 09-041**



REAL ESTATE APPRAISALS ♦ CONSULTING ♦ MARKET ANALYSIS

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September 20, 2012

City of Cape Coral  
c/o Mr. Clayton W. Crevasse  
Roetzel & Andress  
2320 First Street, Suite 1000  
Fort Myers, Florida 33901

**RE: 175.174 Acres of Land (Florida Gulf Venture, LLC)**

As requested, I have appraised the above referenced property. The subject is located along Palm Tree Boulevard, about ¼ mile north of Cape Coral Parkway, in the City of Cape Coral, Lee County, Florida. The property includes an irregularly shaped 173.8 +/- acre parcel situated along the east side of Palm Tree Boulevard, as well as a non-contiguous 1.2 +/- acre triangular shaped parcel located along the west side of Palm Tree Boulevard at the intersection of SE 40<sup>th</sup> Street. The subject formerly operated as the Cape Coral Golf and Tennis Resort before being renamed to The Golf Club, and was improved with an 18-hole golf course, three-story clubhouse building and related improvements. The Golf Club was closed in 2006 and the primary building structures, including clubhouse, have since been demolished and removed from the property.

The format of this appraisal report is summary in that the findings and conclusions are summarized herein. Supporting documentation and additional data is contained in the addenda to this appraisal report and within the appraisal file, which are incorporated herein by reference.

The intended use of this report relates to an ongoing lawsuit styled *Florida Gulf Venture, LLC v. City of Cape Coral*. The client for this assignment is the City of Cape Coral, as represented by the law firm of Roetzel & Andress. The purpose of this report is to develop an opinion of the fee simple market value, as defined herein, of the subject on May 20, 2009 under two different scenarios, summarized as follows.

Scenario #1	<p>The valuation of the property under Scenario #1 assumes the reasonably probable uses of the subject include recreational uses as well as residential development. This scenario does not presume the property had the necessary zoning and/or future land use designations in place as of the date of value to allow the above uses, but rather it is reasonably probable to achieve.</p>
Scenario #2	<p>The valuation of the property under Scenario #2 assumes the reasonably probable uses of the subject to include the proposed mixed-use development as requested by the property owner, summarized as follows:</p> <ul style="list-style-type: none"> <li>• 79+/- acres of open space,</li> <li>• 27+/- acres of internal right-of-way,</li> <li>• 39 +/- acres of residential use with a maximum of 800 residential units (400 single-family and 400 multi-family) and</li> <li>• 30+/- acres of mixed-use components with a maximum of 325,000 square feet of retail use and 100,000 square feet of office use (0.32 FAR).</li> </ul> <p>This scenario does not presume the property had the necessary zoning and/or future land use designations in place as of the date of value to allow the above uses, but rather by use of extraordinary assumption it would be reasonably probable to achieve. It is noted that a Future Land Use Map Amendment (LU 07-01000015) from Parks and Recreation (PK) to Mixed-Use (MX) for the entire subject property was denied by City Council on May 20, 2009.</p>

The economic climate as of the May 2009 date of value was marked by the recession and preceded by the downward turn in the economy. The U.S. housing market during this time period experienced increasing rates of foreclosure and the resulting decline of housing prices. The Cape Coral-Fort Myers real estate market was particularly affected and reportedly had the highest foreclosure rate in the nation for 2008.

For the most part, there were two primary buyers in the Lee County market during the 2009 time period for residential acreage; government and investors. Most government purchases were based on a period of due diligence, including appraisals commissioned by the government buyer in order to determine a market value price. The investor purchasing group primarily consisted of transactions where the seller desired to dispose of and/or liquidate a property.

Mr. Clayton W. Crevasse  
September 20, 2012  
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The disposition or liquidation of a given asset was primarily motivated by financial issues not necessarily consistent with a value corresponding to the "market value" definition as outlined in the report. To the extent possible, care was taken in the valuation to arrive at a value estimate for the subject consistent with the market value definition as defined herein. Given the time period and property type, the comparable market data utilized was scrutinized in order to try and exclude sales that were obviously made at a liquidated price.

As such, in consideration of the above, my opinion of the fee simple market values of the subject as of May 20, 2009, after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress is:

<b>Scenario #2 =</b>	<b>\$10,260,000</b>
<b>Scenario #1 =</b>	<b><u>\$8,760,000</u></b>
<b>Difference</b>	<b>\$1,500,000</b>

**ONE MILLION FIVE HUNDRED THOUSAND DOLLARS  
(\$1,500,000)**

**Extraordinary Assumption**

*The February 2006 deed transferring title to Florida Gulf Venture, LLC, contains a list of permitted exceptions to the deed/title. Review of the permitted exceptions indicates there are a variety of parties having an interest in the subject property rights. The value as reported herein is of the undivided fee simple estate without regard to the value of any one partial interest. A review of the documents relating to the various property interests does not indicate any apparent easements, agreements, or other interests that would preclude redevelopment of the subject property. If subsequent abstract of title or legal opinion results in a finding of other property interests having a measurable impact upon the fee simple value, then consideration will be given to such and the value may be adjusted accordingly.*

DURRANCE & ASSOCIATES

(09-041)  
Attachments

Chad G. Durrance, President, MAI  
State-Certified General Real Estate  
Appraiser RZ987

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**GENERAL ASSUMPTIONS AND LIMITING CONDITIONS**

1. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated. The legal description is assumed to be correct for the purposes of this report.
2. The property has been appraised as free and clear, unencumbered by mortgages, liens, delinquent taxes, assessments, special or unusual deed conditions or restrictions (unless otherwise stated), but subject to zoning and land use regulations.
3. The plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.
4. It is assumed there are no hidden or unapparent conditions of the property, subsoil, or structures. The appraiser(s) assumes no liability for any hidden or unapparent conditions of the property. No responsibility is assumed for such conditions, or for arranging for engineering studies that may be required to discover them.
5. No evidence of environmental contamination was noted during the property inspection and no environmental audit was provided in preparation of this report. No liability or consideration, therefore, of the results of such a test is assumed. The property is assumed "clean."
6. The term "wetland" or "wetlands" if used within this report is intended to be construed in a general sense. The appraiser(s) has no specialized training in wetland delineations. The water management district that governs the geographic area within which the subject is located can be contacted to provide a formal delineation if desired.
7. Possession of this report, or a copy thereof, does not carry with it the right of publication.
8. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraisers, or the firm with which the appraisers are connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the appraiser.
9. This report is subject to any additional information and/or data, which may become available between the date of report and the date of trial. The appraiser reserves the right to make adjustments and to update the value estimate as contained in this report.

*Note: As stated, the preceding assumptions/conditions are general in nature. Portions of the above may not be applicable to the specific property interest that is the subject of this appraisal.*

**SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS**

Report Type: Summary

Location: The subject property is located primarily along the east side of Palm Tree Boulevard, about ¼ mile north of Cape Coral Parkway, in the City of Cape Coral, Lee County, Florida.

Owner: Florida Gulf Venture, LLC

Tax I.D. No.: 12-45-23-C2-0000A.0000

Date of Valuation: May 20, 2009

Property Rights Appraised: Fee Simple Estate

Site Data: The subject contains a total of 175.174 acres, consisting of an irregularly shaped 173.8 +/- acre parcel as well as a non-contiguous 1.2 +/- acre triangular shaped parcel situated along the west side of Palm Tree Boulevard at the intersection of SE 40<sup>th</sup> Street. The topography of the subject is relatively flat, with some variation in elevation associated with the former golf course use. Additionally, there are various mature trees existing on the property, a reported bald eagle nest and five man-made lakes.

Improvement Data: The property formerly operated as The Golf Club (f/k/a Cape Coral Golf and Tennis Resort) and included an 18-hole golf course, clubhouse and related improvements. The Golf Club was closed in 2006 and all structures have since been demolished and removed from the property. Older asphalt paved parking areas, cart paths, restroom facility, and fencing remain on the property.

Zoning District: R-1B, Single-Family Residential (City of Cape Coral)

Land Use Designation: PK, Parks and Recreation (City of Cape Coral)

Highest & Best Use: **Scenario #1:** Future residential development.  
**Scenario #2:** Future mixed-use development pursuant to the development concept sought by the property owner.

Market Value Estimates: Scenario #2: \$10,260,000  
Scenario #1: \$ 8,760,000  
Difference: \$ 1,500,000

### **IMPORTANT DEFINITIONS**

**Appraisal** is (*noun*) the act or process of developing an opinion of value; an opinion of value, and (*adjective*) of or pertaining to appraising and related functions such as appraisal practice or appraisal services.<sup>1</sup>

**Appurtenance** is something added or appended to a property that then becomes an inherent part of the property; usually passes with the property when title is transferred.<sup>2</sup>

**Client** is the party or parties who engage, by employment or contract, an appraiser in a specific assignment.<sup>3</sup>

**Condemnation Blight** is a diminution in the market value of a property due to pending condemnation action.<sup>4</sup>

**Extraordinary Assumption** is an assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraiser's opinions or conclusions. Comment: Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions eternal to the property such as market conditions or trends; or about the integrity of data used in the an analysis<sup>5</sup>

*(Note: USPAP does not require use of the specific term "extraordinary assumption," only that the extraordinary assumption(s) be disclosed clearly and conspicuously.)*

**Fee Simple Estate** is defined as absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.<sup>6</sup>

**Fixtures** are an article that was once personal property, but has since been installed or attached to the land or building in a rather permanent manner so that it is regarded in law as part of the real estate.<sup>7</sup>

**Highest and Best Use** is the reasonably probable and legal use of vacant land or an improved property, that is legally permissible, physically possible, appropriately supported, financially feasible, and that results in the highest value.<sup>8</sup>

**Hypothetical Condition** is a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis. Comment: Hypothetical conditions are contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions eternal to the property such as market conditions or trends; or about the integrity of data used in the an analysis<sup>9</sup>

*(Note: USPAP does not require use of the specific term "hypothetical condition," only that the hypothetical condition(s) be disclosed clearly and conspicuously.)*

<sup>1</sup> *Uniform Standards of Professional Appraisal Practice, 2012-2013 Edition, Page U-1.*

<sup>2</sup> *The Dictionary of Real Estate Appraisal, Fifth Edition, Published by the Appraisal Institute, Page 11.*

<sup>3</sup> *Uniform Standards of Professional Appraisal Practice, 2012-2013 Edition, Page U-2.*

<sup>4</sup> *The Dictionary of Real Estate Appraisal, Fifth Edition, Published by the Appraisal Institute, Page 41.*

<sup>5</sup> *Uniform Standards of Professional Appraisal Practice, 2012-2013 Edition, Page U-3*

<sup>6</sup> *The Dictionary of Real Estate Appraisal, Fifth Edition, Published by the Appraisal Institute, Page 41.*

<sup>7</sup> *Ibid., Page 81.*

<sup>8</sup> *The Appraisal of Real Estate, 13th Edition, Published by the Appraisal Institute, Page 278.*

<sup>9</sup> *Uniform Standards of Professional Appraisal Practice, 2012-2013 Edition, Page U-3.*

**Intended Use** is the use or uses of an appraiser's reported appraisal, appraisal review, or appraisal consulting assignment opinions and conclusions, as identified by the appraiser based on communication with the client at the time of the assignment.<sup>10</sup>

**Intended User** is the client and any other party as identified, by name or type, as users of the appraisal, appraisal review, or appraisal consulting report by the appraiser on the basis of communication with the client at the time of the assignment.<sup>11</sup>

**Leased Fee Interest** is defined as a freehold (ownership interest) where the possessory interest has been granted to another party by creation of a contractual landlord-tenant relationship (i.e., a lease).<sup>12</sup>

**Market Value** is the most probable price that a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- Buyer and seller are typically motivated;
- Both parties are well informed or well advised, and acting in what they consider their best interests;
- A reasonable time is allowed for exposure in the open market;
- Payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and
- The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.<sup>13</sup>

**Market Value** is the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of the appraisal, after a reasonable exposure time on the open competitive market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property at the time of the appraisal.<sup>14</sup>

**Replacement Cost** is the estimated cost to construct, at current prices as of the effective appraisal date, a building with utility equivalent to the building being appraised, using modern materials and current standards, design, and layout.<sup>15</sup>

**Report** is any communication, written or oral, of an appraisal, appraisal review, or appraisal consulting service that is transmitted to the client upon completion of an assignment.<sup>16</sup>

**Reproduction Cost** is the estimated cost to construct, at current prices as of the effective date of the appraisal, an exact duplicate or replica of the building being appraised, using the same materials, construction standards, design, layout, and quality of workmanship and

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<sup>10</sup> *Ibid.*, Page U-3.

<sup>11</sup> *Uniform Standards of Professional Appraisal Practice, 2012-2013 Edition Page U-3.*

<sup>12</sup> *The Dictionary of Real Estate Appraisal, Fifth Edition, Published by the Appraisal Institute, Page 111.*

<sup>13</sup> *Ibid.*, Pages 122-123.

<sup>14</sup> *Uniform Appraisal Standards for Federal Land Acquisitions, Published by the Appraisal Institute, Page 13*

<sup>15</sup> *Ibid.*, Page 168.

<sup>16</sup> *Ibid.*, Page 168.

embodying all the deficiencies, superadequacies, and obsolescence of the subject building.<sup>17</sup>

**Retrospective Value Opinion** is a value opinion effective as of a specified historical date. The term does not define a type of value. Instead, it identifies a value opinion as being effective at some specific prior date. Value as of a historical date is frequently sought in connection with property tax appeals, damage models, lease renegotiation, deficiency judgments, estate tax, and condemnation. Inclusion of the type of value with this term is appropriate, e.g., "retrospective market value opinion."<sup>18</sup>

*(Note: If the first page of this document has a "date of valuation" that precedes the "date of report," then it should be readily apparent, and abundantly clear to the intended user, and any unintended users, the "date of valuation" is retrospective.)*

**Disposition Value** The most probable price that a specified interest in real property should bring under the following conditions:

1. Consummation of a sale within a future exposure time specified by the client.
2. The property is subjected to market conditions prevailing as of the date of valuation.
3. Both the buyer and seller are acting prudently and knowledgeably.
4. The seller is under compulsion to sell.
5. The buyer is typically motivated.
6. Both parties are acting in what they consider to be their best interests.
7. An adequate marketing effort will be made during the exposure time specified by the client.
8. Payment will be made in cash in U.S. dollars or in terms of financial arrangements comparable thereto.
9. The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

This definition can also be modified to provide for valuation with specified financing terms.<sup>19</sup>

**Liquidation Value** The most probable price that a specified interest in real property should bring under the following conditions:

1. Consummation of a sale within a short time period.
2. The property is subjected to market conditions prevailing as of the date of valuation.
3. Both the buyer and seller are acting prudently and knowledgeably.
4. The seller is under extreme compulsion to sell.
5. The buyer is typically motivated.
6. Both parties are acting in what they consider to be their best interests.
7. A normal marketing effort is not possible due to the brief exposure time.
8. Payment will be made in cash in U.S. dollars or in terms of financial arrangements comparable thereto.
9. The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

This definition can also be modified to provide for valuation with specified financing terms.<sup>20</sup>

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<sup>17</sup> *Ibid.*, Page 169.

<sup>18</sup> *Ibid.*, Page 171.

<sup>19</sup> *The Dictionary of Real Estate Appraisal, Fifth Edition, Published by the Appraisal Institute, Pages 59-60.*

**INTENDED USE OF APPRAISAL**

The intended use of this report relates to an ongoing lawsuit styled *Florida Gulf Venture, LLC v. City of Cape Coral*. The client for this assignment is the City of Cape Coral as represented by the law firm of Roetzel & Andress. The intended users of this appraisal include the City of Cape Coral and their legal counsel in the above-referenced matter.

**PURPOSE OF APPRAISAL**

The purpose of this report is to develop an opinion of the fee simple market value, as defined herein, of the subject in May 2009 under two different scenarios, as summarized below.

Scenario #1	The valuation of the property under Scenario #1 assumes the reasonably probable uses of the subject include recreational uses as well as residential development. This scenario does not presume the property had the necessary zoning and/or future land use designations in place as of the date of value to allow the above uses, but rather it is reasonably probable to achieve.
Scenario #2	The valuation of the property under Scenario #2 assumes the reasonably probable uses of the subject to include the proposed mixed-use development as requested by the property owner, summarized as follows: <ul style="list-style-type: none"><li>• 79+/- acres of open space,</li><li>• 27+/- acres of internal right-of-way,</li><li>• 39 +/- acres of residential use with a maximum of 800 residential units (400 single-family and 400 multi-family) and</li><li>• 30+/- acres of mixed-use components with a maximum of 325,000 square feet of retail use and 100,000 square feet of office use (0.32 FAR).</li></ul> This scenario does not presume the property had the necessary zoning and/or future land use designations in place as of the date of value to allow the above uses, but rather by use of extraordinary assumption it would be reasonably probable to achieve. It is noted that a Future Land Use Map Amendment (LU 07-01000015) from Parks and Recreation (PK) to Mixed-Use (MX) for the entire subject property was denied by City Council on May 20, 2009.

The definition of market value was previously defined under the section *Important Definitions*.

**DATE OF VALUE ESTIMATE**

The date of value estimate is May 20, 2009.

**PROPERTY RIGHTS APPRAISED**

The property rights or interest to be appraised is the undivided fee simple interest as if free and clear of all liens, mortgages, taxes, assessments, encumbrances, and/or encroachments unless otherwise provided for herein.

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20 The Dictionary of Real Estate Appraisal, Fifth Edition, Published by the Appraisal Institute, Pages 115-116.

**LEGAL DESCRIPTION**

The legal description of the subject is lengthy and is contained within the addenda. The exhibits and property description as contained herein define the subject of this appraisal.

**OWNERSHIP AND SALES HISTORY**

The transfer history of the subject over the past 10 years is outlined in the following chart.

<b>Sale Date</b>	<b>Date Recorded</b>	<b>Sale Price</b>	<b>Seller</b>	<b>Buyer</b>
2/02/06	8/10/06	\$4,000,000	Golf Club of Southwest Florida, LLC	Florida Gulf Venture, LLC
5/04/01	5/7/01	\$3,600,000	Cape Coral Country Club, Inc.	Golf Club of Southwest Florida, LLC
2/07/00	2/8/00	\$5,528,000	Cape Properties, Inc.	Cape Coral Country Club, Inc.
6/30/99	7/2/99	\$3,500,000	Avatar Properties, Inc.	Cape Properties, Inc.

The subject formerly operated as the Cape Coral Golf and Tennis Resort and originally opened in 1963 with an 18-hole golf course designed by Dick Wilson, a three-story clubhouse building (which included a pro shop, dining room and banquet hall), a 100-unit hotel, eight tennis courts, swimming pool and related improvements. The hotel and tennis courts were demolished in 2000, when local developers Ron Davis, Gary Fluharty and Bob D'Andrea (Cape Coral Country Club, Inc.) purchased the property and incorporated the existing swimming pool into their 232-unit condominium development Banyan Trace.

The following year in May 2001, the developer trio sold the remaining property to an investment group led by Scott Siler known as the Golf Club of Southwest Florida, LLC (The Club). The transaction was recorded at a price of \$3,600,000 for the real estate and a reported total price \$4,300,000. "The Club" ownership entity is reportedly an investment group comprised of various limited partners. After purchase, the group reportedly invested a little over \$4 million dollars, in addition to the acquisition cost, in capital improvements to renovate the golf course and the first two floors of the three-story clubhouse facility, and renamed the property The Golf Club.

The property was reportedly marketed for sale beginning in late-2004 and received interest from the Lee County School Board, City of Cape Coral, Cape Coral Community Redevelopment Agency (CRA), as well as local developers. The proposed uses of the subject during this time period included continued use as a golf course, a public school use and various residential and mixed-use redevelopment proposals.

In February 2006, "The Club" ultimately reached an agreement on a 50/50 joint venture (Florida Gulf Venture, LLC) with an entity (Rylan, LLC) of the Ryan Companies, a national builder, developer, designer and real estate manager. The sale was recorded in August 2006 at a price of \$4,000,000 and concurrently Florida Gulf Venture obtained a mortgage on the

property from First Community Bank of Southwest Florida in the amount of \$13,900,000. The sale is not considered to be an arm's length transaction and was reported to be a financial restructuring plan to control debt. The Golf Club was closed in August 2006 and most structures have since been demolished and removed from the property with the exception of asphalt paved parking areas, cart paths and restroom facility.

Since August 2006 it has been reported there have been various parties interested in acquiring the subject. These parties include the School Board and the Trust for Public Land. Regardless, there have been no market sales of the subject within three years prior to the date of value.

Subsequent to the purchase, the joint venture group filed an application with the City of Cape Coral for a Future Land Use Map Amendment (LU 07-01000015) on April 24, 2007, requesting a change from the existing PR (Parks and Recreation) designation to Mixed-Use (MX). The Cape Coral City Council denied the Future Land Use Map Amendment on May 20, 2009. As of the date of value there were no known listings or contracts for sale relating to the subject land.

### **EXPOSURE TIME**

Exposure time is an estimate regarding the length of time the subject would have been offered on the market prior to a hypothetical consummation of a sale at market value. The subject is vacant land in southwest Florida, more specifically the Cape Coral market, suitable for future residential use. It is fair to say there were few prudent and knowledgeable buyers, in the immediate time period preceding the date of value, that would have been willing to pay a market value when there were numerous other properties being offered on the market in this time period at prices designed to "dispose of" or "liquidate" a distressed asset/property. Given this environment, the exposure time estimate is based on a normalized market. It is within this context the exposure time is estimated to be not more than two years.

### **SCOPE OF WORK**

The scope of work performed in preparing the appraisal was extensive and included the following.

- Identification of the subject property and all comparables
- Research of economic factors regarding properties in the market area as related to value
- Extensive research and verification of market data
- Highest and best use analysis of the property taking into consideration planning information

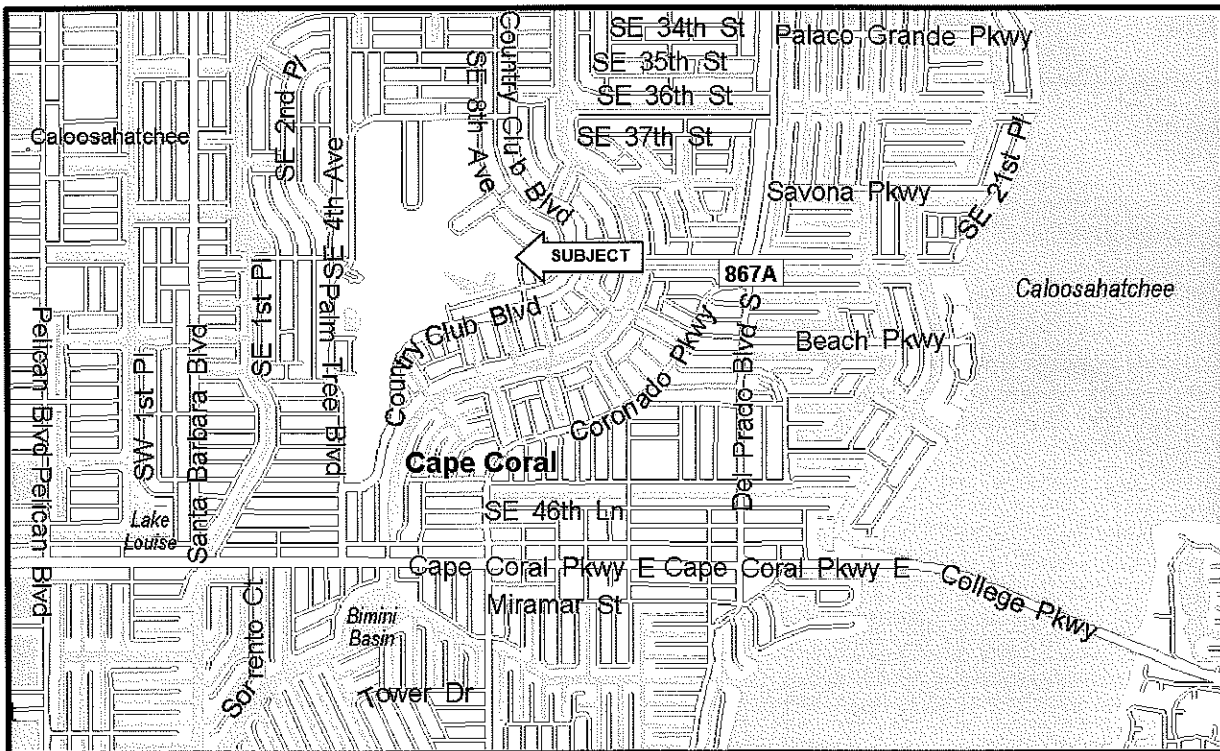
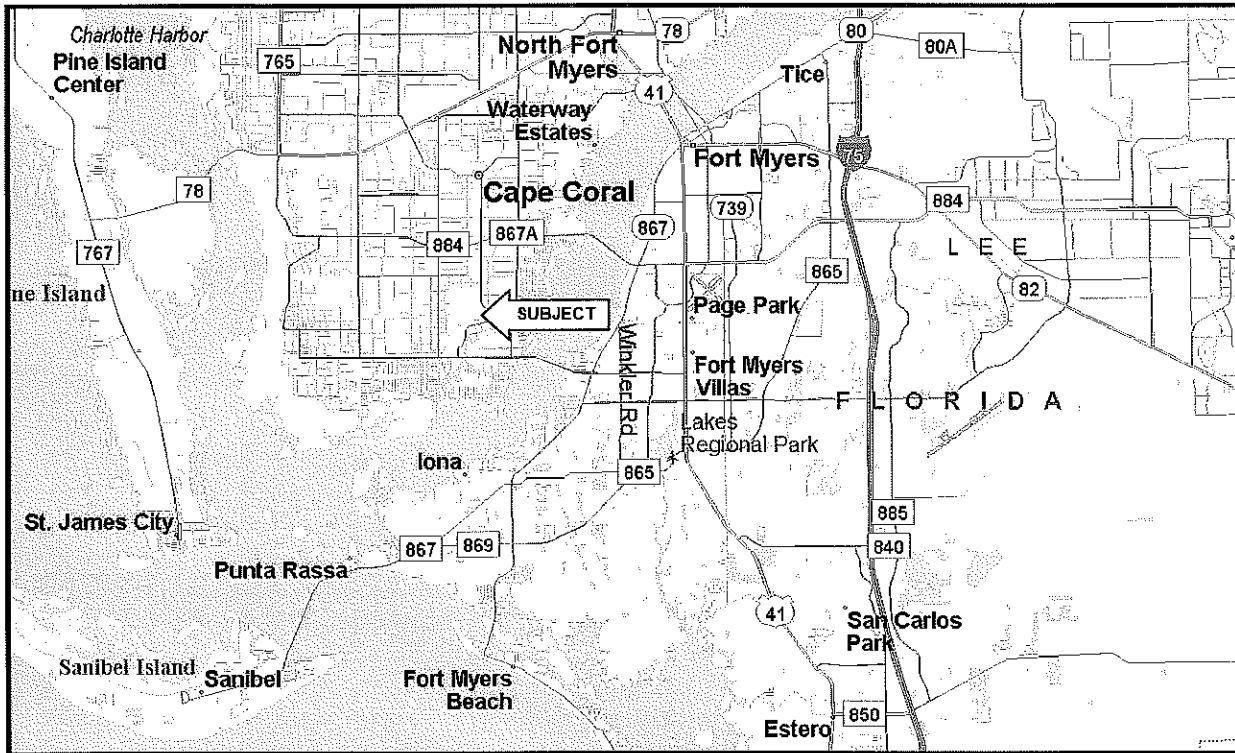
As stated, the purpose of this report is to develop an opinion of the fee simple market value, as defined herein, of the subject in May 2009 under two different scenarios, summarized as follows.

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The appraisal problem is to provide market values consistent with the market value definition for a property type (vacant development acreage) in a geographic area (Cape Coral) where few buyers were willing to pay a market price for this property type in May 2009. This is understandable given the availability of distressed property where the motivation of the seller was to dispose of or liquidate the property at essentially whatever price could be achieved given the economic climate of the time. Finding comparable market sales of vacant development acreage near the date of value was problematic.

There were few development scenarios feasible for the subject as of the date of value, given the economic conditions of the time. The existing zoning and land use designation for the property was given consideration along with consideration regarding the probability of changing the zoning and/or land use designation. Professional assistance relative to the planning aspects of the subject was provided by Ethel Hammer. Her input was factored into the appraisal analysis as it relates to the market. The Hammer planning report is contained within the addenda. Furthermore, consideration was given under Scenario #2 to the proposed mixed-use development concept sought by the property owner. The difference in value between Scenario #1 and Scenario #2 is attributable to the different uses and development potential of the land under each scenario. Said differently, Scenario #2 is based on a proposal sought by the owner which includes commercial, as compared to Scenario #1 which considers only residential development to be a reasonably probable use of the subject land.

After consideration of the available options and methodology with which to estimate a market value for the subject, the Sales Comparison Approach was estimated to be the most relevant and meaningful method of valuation. Neither the Cost or Income approaches to value were considered applicable or meaningful in valuing the subject and thus were not used.



**LOCATION MAPS**

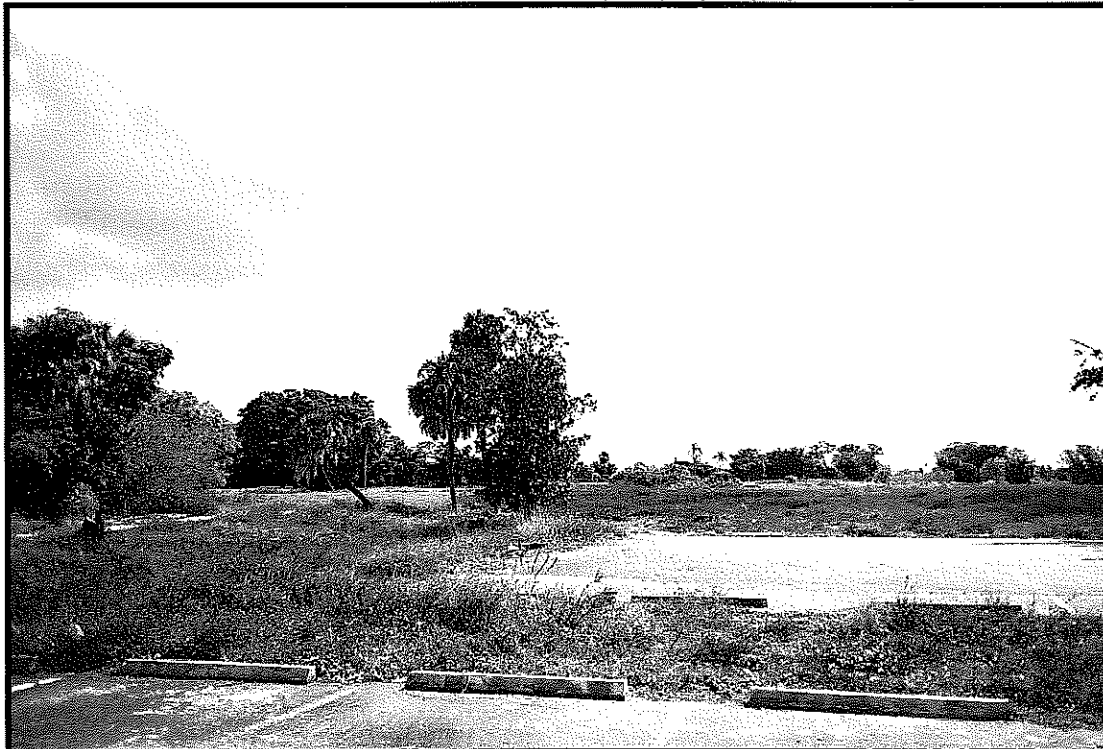


**AERIAL/TAX MAP**

**PHOTOGRAPHS**



A view of the entrance to the subject property. (Photo #1)



A view of the parking area. (Photo #2)

**PHOTOGRAPHS**



A view of Palm Tree Blvd. (Photo #3)



A view of the adjacent Banyan Trace development. (Photo #4)

## **PROPERTY DESCRIPTION**

### **Location**

The subject property is located primarily along the east side of Palm Tree Boulevard, about ¼ mile north of Cape Coral Parkway, in the City of Cape Coral, Lee County, Florida.

### **Road Frontage/Access**

The subject has one existing driveway centrally located on Palm Tree Boulevard. The consulting land planner states there is a potential opportunity for additional access at the southern end of the site where there is 952 +/- feet of frontage along Palm Tree Boulevard. Palm Tree Boulevard is a two-lane divided roadway with one hundred feet of right-of-way and is classified as a collector roadway.

### **Land**

The subject contains a total of 175.174 acres, consisting of an irregularly shaped 173.8 +/- acre parcel as well as a non-contiguous 1.2 +/- acre triangular shaped parcel. The property is surrounded by an established single-family residential community with about 437 feet of road frontage in the central portion of the property and an additional 952 +/- feet of road frontage in the southwestern area of the property. The topography of the subject is relatively flat, with some variation in elevation associated with the former golf course use. Additionally, there are various mature trees that exist on the property and five man-made lakes. Physical inspection of the property indicates the land appears capable of supporting development, based on a review of surrounding land uses.

### **Easements/Encroachments/Encumbrances**

A review of public records indicates the subject is encumbered by various easements and restrictions. Since the fee-simple value is being reported, and not the value of the individual partial interests, it is assumed the various easements/restrictions that encumber the subject do not impact the development potential and thus the value. The adjacent Banyan Trace development benefits from an ingress/egress easement over the subject to allow access to Palm Tree Boulevard. Additionally, a bald eagle nest (LE-079) is reported on the subject property and another bald eagle nest (LE-079A) is located on a lattice tower abutting the boundary of the subject property. The presence of the bald eagles nests may create development constraints.

### **Utilities**

The City of Cape Coral provides public water and sewer service to the area. Existing water lines vary in width from 8 to 10 inches and include PVC mains along Palm Tree Boulevard. Existing sewer mains vary in width from 6 to 8 inches along Palm Tree Boulevard. There is reportedly adequate water and sewer capacity to service new development.

### **Improvements**

The property formerly operated as The Golf Club (f/k/a Cape Coral Golf and Tennis Resort) and included an 18-hole golf course, three-story clubhouse and related improvements. The Golf Club was closed in 2006 and most structures have since been demolished and removed from the property. Older asphalt paved parking areas, fencing, cart paths and restroom/shelter facility remain on the property.

**ZONING/LAND USE**

The subject property is within the City of Cape Coral and has a comprehensive plan future land use designation of Parks and Recreation (PK). The PK land use category designates public parks, recreational facilities and open space as permissible uses. The definition of recreational facilities, as found in the City's Land Use and Development Regulations (LUDR), includes commercial, personal, private and public uses. Therefore, a broad range of recreational facilities is permissible within the existing comprehensive plan category.

The subject property is zoned Single Family Residential (R-1 B). The purpose of the single family districts is to encourage and protect single family development at a variety of densities with varying dimensional requirements and to permit other uses generally compatible with such residential uses. Permitted uses include single family, family day care, parks and nature preserves. Uses that require special exception use approval include assisted living facilities, country clubs, golf courses, child care/preschool facility, religious uses and schools.

Furthermore, the subject property is part of the Urban Services Infill Area which is the area of the City with the highest density of existing land uses and highest levels of existing services. The Urban Services Infill Area is also the area of the City to which community facilities, infrastructure, and services will be extended as the highest priority of the Comprehensive Plan.

According to the consulting land planner, the golf course on the subject property has been operating as a legal non-conforming use. The golf course was not permitted under the City's current Code as its development pre-dated the City's incorporation. Because the use has been abandoned for more than one (1) year, the legal nonconforming status has expired. Future use as a golf course use would require approval of a special exception. The following table illustrates the minimum development regulations for the R-1 B district.

Lot Area	Lot Width	Lot Depth	Building Height	Setbacks		
				Front	Side	Rear
10,000 SF	80 FT	100 FT	30 Feet	25 FT	0-15 FT	10 FT

The surrounding properties along the outer perimeter of the subject site are zoned Single Family Residential (R-1 B) with Single Family Residential (4.4 du/ac) future land use. While the adjacent property along the central perimeter (Banyon Trace) is zoned Multi-Family Residential (R-3) with Multiple Family Residential (16 du/ac) future land use.

Prior to the date of value, the subject property was analyzed and reviewed for inclusion within a potential Community Redevelopment Expansion Area in South Cape Coral. The Community Redevelopment Agency of the City of Cape Coral voted to recommend to the City Council that the existing Community Redevelopment Area, in the southeast portion of the City, be expanded to include "Area 12," which includes the subject golf course property on April 21, 2009. A draft Resolution was presented to the City Council on May 11, 2009 to set a future public hearing date for its consideration of the plan for the redevelopment of the Expansion Area. The City Council of Cape Coral formally adopted the Resolution which expanded the boundaries of the Community Redevelopment Area on June 8, 2009. Adoption of the Resolution further supports and encourages the redevelopment of the subject property. Further information of the zoning and future land use of the subject can be found in the Addenda within the section titled *Hammer Planning Information*.

Additionally, the property ownership group filed an application with the City of Cape Coral for a Future Land Use Map Amendment (LU 07-01000015) on April 24, 2007, requesting a change from the existing PR (Parks and Recreation) designation to Mixed-Use (MU). The Cape Coral City Council denied the Future Land Use Map Amendment on May 20, 2009.

## **HIGHEST AND BEST USE**

### **Introduction**

The highest and best use definition is included at the beginning of the report in the Important Definitions section. The physical characteristics of the land such as size, shape, location, and topography have been considered. In addition, this analysis has included the surrounding developments, existing zoning/land use, access to major transportation routes, availability of utilities, current trends, and demand for property of this type in the real estate market.

The land value is based on the premise of the highest and best use. There are four tests, which are taken into consideration in developing an opinion of highest and best use. These four tests include an examination of those uses that are physically possible, legally permissible, financially feasible, and maximally productive. Each criterion is considered cumulatively and provides the best analysis for the highest and best use of the property. The following is the highest and best use of the subject land.

### **Physically Possible**

The size, shape, location and topography affect the uses to which a site may be physically developed. The subject is an irregular shaped parcel containing 175 +/- acres with one existing driveway and a total of 1,389 feet of frontage along Palm Tree Boulevard, a two-lane paved divided roadway. According to the consulting land planner, the unique shape of the property creates challenges regarding the efficient placement of future roadways, lots and/or building pads. Furthermore, given the size of the property, any type of residential development over 2 dwelling units per acre may trigger development constraints relative to transportation concurrency. Additionally, the presence of reported bald eagle nests on and near the property may impose added restrictions on future development. All public utilities are available to the subject and physical inspection of the property indicates the land appears capable of supporting development, based on a review of surrounding land uses. With that said, the physically possible uses include a variety of property types.

### **Legally Permissible**

After considering those uses that are physically possible, the legally permissible uses are considered. Consideration is given to the present zoning and land use, and any potential future zoning/land use, if such is determined to be reasonably probable. The subject has a future land use designation of Parks and Recreation (PK) and is zoned Single Family Residential (R-1B). The PK land use category designates public parks, recreational facilities and open space as permissible uses.

The consulting land planner states given the surrounding residential development pattern, from a planning perspective, the most reasonable development potential for the subject property is for residential use including single family dwelling units or a mixture of single family and multi-family residences. Any proposed development should incorporate an open space buffer around the perimeter to provide compatibility with the adjacent pre-existing single family and multi-family residential developments.

The consulting land planner further states, in order to develop single family and multi-family residences on the subject property, a Comprehensive Plan Future Land Use Map amendment to the Single Family Residential (SFR) and Multiple-Family Residential (MFR) land use category, respectively, would be required. If applicable due to the mix of uses, the portion of the subject property designated with the Multiple-Family Residential land use category should be located adjacent to the existing Banyan Trace townhome development, along the central perimeter of the property. If the entire property is developed with a single family residential use, a subsequent or concurrent rezoning would not be required as the subject property is appropriately zoned R-1B, which is consistent with the SFR land use designation. Any portion of the property to be developed with multi-family residential and designated with the MFR land use category would require a rezoning to the Multi-Family Residential (R-3) zoning district, which is the same district the existing multi-family residential condominium on the adjacent property is zoned. The future land use map amendment to residential use is considered to be reasonably probably, as is the potential to rezone portions of the property to multi-family if so desired.

Additionally, non-passive recreational uses or a recreational-related religious facility uses would be consistent with the subjects existing PK future land use designation and R-1B zoning district, although a special exception approval would be required. A more intensive independent use, like a school (private, public, non-profit or parochial school) or a specialized academy would require a future land use map amendment to SFR and may require a rezoning and/or special exception use approval, based upon the specific use and intensity of said use.

Based on the foregoing, and after consultation with Ms. Hammer and consideration of the existing development pattern surrounding the subject it is estimated that residential redevelopment of the subject is reasonably probable under the Scenario #1 valuation.

The valuation of the property under Scenario #2 relies on the extraordinary assumption that uses of the subject would include a maximum of 800 residential units (400 single-family and 400 multi-family), 325,000 square feet of retail commercial and 100,000 square feet of office use and related development parameters as proposed by the subject ownership group.

### **Financially Feasible/Maximally Productive**

The next analysis involves consideration of those uses determined to be physically possible and legally permissible to determine which are financially feasible. For a use to be financially feasible, it must generate enough income to provide incentive for development of the property. In estimating the most financially feasible use of the subject property, review of the surrounding property types and general trends in the market area were considered.

The subject has historically functioned as an operating golf course. The golf course has been abandoned for in excess of one year prior to the date of valuation, meaning a special exception would be needed in order to restore the property to an operating golf course. The abandonment of the subject as an operating golf course, along with review of trends in the golf course industry, leads to the conclusion that redevelopment with a golf course would not be the best use of the property.

The existing zoning allows for single family residential development and the existing land use allows for parks and recreational facilities. Most any use or development of the subject will require a special exception, zoning change, land use change, or combination thereof. After consultation with Ms. Hammer and review of surrounding development patterns, it is assumed the reasonably probable uses of the subject could include either development of a recreational use, residential development, or a combination thereof. Residential development would most likely be in the range of about 376 to 765 units, reflecting a density of about two to a little over four dwelling units per acre, with the potential for additional multi-family density in the central perimeter portion of the property adjacent to Banyan Trace.

Even though residential development as of the date of value is not estimated to be an immediately feasible development option, it is estimated to be the ultimate highest and best use of the land. A prospective purchaser of the subject would factor in the associated risk, time and money required to develop the subject with a residential use. As the economy recovers and the market dictates, development of the subject land with a residential community is estimated to be the most financially feasible and probable use (Scenario #1).

As mentioned, the valuation of the property under Scenario #2 assumes the uses of the subject to include a maximum of 800 residential units (400 single-family and 400 multi-family), 325,000 square feet of retail commercial and 100,000 square feet of office use and related development parameters as proposed by the subject ownership group. As stated, there were few development scenarios feasible for the subject as of the date of value, given the economic conditions of the time. As with Scenario #1, a prospective purchaser of the subject would factor in the associated risk, time and money required to develop the subject with the proposed mixed-use development plan. Assuming the proposed mixed-use development to be reasonably probable, future development of the subject with the proposed mixed-use development is considered to be financially feasible once the economy recovers and the market dictates.

### **Highest and Best Use**

Based on the preceding discussion, the highest and best use of the subject land is for future residential use (Scenario #1). Even though the consulting planner (Ms. Hammer) does not believe the development plan proposed by the owner rises to the level of being reasonably probable, we have been asked to assume that it is so. Accordingly, the Scenario #2 valuation is based on the premise of mixed-use (residential and commercial) development being the highest and best use.

### **APPRAISAL METHODOLOGY**

The three traditional approaches to value (Cost, Sales, and Income) have all been considered in valuing the subject. The Sales Comparison approach was considered to be the only applicable valuation method and was utilized to value the subject. Given the particular property type, geographic location, valuation time period, and purpose of appraisal (i.e. estimate market value), the methodology utilized in this assignment was to identify sales of development acreage negotiated under conditions consistent with the market value definition. For the most part, these market sales are of government/non-profit purchases for public use, but the price paid was based on an economic highest and best use. In other words, many of the governmental purchases were either entitled or designated for development and the price paid was based on the value of this type use.

There have been numerous distressed sales involving seller financial duress with disposition/liquidation of numerous properties in order for the seller to comply with certain financial obligations and/or motivations. While these sales have been researched and analyzed and will be discussed in the valuation section of the appraisal, use of these sales in direct comparison to the subject without adjustment would result in some other type of value (i.e. disposition or liquidation value). Given the financial circumstances surrounding the multitudes of distressed sales, estimating accurate adjustments to reflect market value is futile.

### **PROPERTY VALUE ESTIMATES**

The subject is the largest vacant acreage parcel in the core area of south Cape Coral. The reasonably probable uses of the subject under Scenario #1 include recreational and residential type uses. Scenario #2 is based on the extraordinary assumption the reasonably probable uses of the subject include a maximum of 800 residential units (400 single-family and 400 multi-family), 325,000 square feet of retail commercial, 100,000 square feet of office use and related development parameters as proposed by the subject ownership group.

Extensive research and analysis was conducted of land sales in the southwest Florida area. However, most emphasis was given to arm's length market sales of vacant acreage that were negotiated near the date of value, and to the extent possible, with neither party under duress. The sales are summarized in the following chart followed by a discussion of the sales with detailed write-ups of the sales contained within the addenda.

**Presentation of Land Sales**

Sale No.	Sale Date	Buyer	Sale Price	Land Size	Price/Acre (R)	Proposed Use
Subject	--	--	--	175.174	--	
1	3/08	School Board of Lee County	\$2,453,500	36.079	\$68,000	Future School
2	7/08	School Board of Lee County	\$9,102,500	79.04	\$115,000	Future School
3	8/08	Lee County	\$2,160,000	30.87	\$70,000	Conservation
4	10/08	Ten Acres Ventures	\$2,900,000	36.150	\$80,200	Residential Development
5	11/08	Lee County	\$12,584,000	572.11	\$22,000	Conservation
6	12/08	Lee County	\$4,631,700	202.00	\$23,000	Conservation
7	3/09	Sarasota Conservation Foundation	\$9,000,000	229.39	\$39,200	Conservation
8	10/09	Lee County	\$1,500,000	56.25	\$27,000	Conservation
9	Contract (1/10)	Lee County	\$35,827,900	1,202	\$30,000	Conservation
10	7/10	Toll Brothers	\$7,000,000	121.37	\$58,000	Residential Development
11	7/09	North East Ft. Myers Castle Plaza, LLC	\$2,042,400	20.597	\$99,000	Investment/ Future Com. Dev.
12	11/09	Bay 02, LLC	\$3,729,700	19.797	\$188,000	Commercial Dev.
13	12/09	Eastpoint Stimuli, LLC	\$2,200,000	15.817	\$139,000	Investment/ Future Com. Dev.
14	7/10	New Hope Presbyterian Church of SW Florida, Inc	\$2,400,000	20.502	\$117,100	Church
15	10/10	Hemera Fort Myers, Ltd	\$4,000,000	24.153	\$165,600	Keiser University/ Office Dev.
16	N/A	Southwest Land Developers	\$6,600,000	137.500	\$48,000	Mixed Use Recreation, Residential, Commercial

**Discussion of Land Sales**

With the exception of Sale 16, the sales presented above consist of tracts of vacant land in Lee County which were either put under contract and/or closed from 2008 through 2010. Most of the residential properties were purchases by governmental entities for conservation purposes or future school sites; however the prices paid and inherent values were based on their economic uses for residential and related type development. Sales 4 and 10 were purchased by private parties for development of residential subdivisions. The remaining sales (11 to 16) are transactions of commercial and mixed use acreage.

Sales 5 and 6 represent the lower end of the sales range at about \$22,000 to \$23,000 per acre. These properties are larger acreage tracts, with agricultural zoning and rural future land use, located in the Buckingham area of eastern Lee County. The next lowest price grouping of sales, Sales 7 through 9, range in overall unit prices from about \$27,000 to \$40,000 per gross acre and had various development entitlements at the time of sale.

Sale 7 is located on Pine Island, just west of Cape Coral. The property was purchased for conservation uses, but like the other governmental purchases, the negotiated price was based on its highest and best use for residential development. In fact, at the time of sale the property was approved and had a development order for residential development. The development order specified approval for 348 residential units on 420 gross acres, but development was restricted to the upland portion of the site. Sale 7 is a portion of the overall 420-acre planned development. The residential development included both single family detached lots and multifamily attached units. The purchase price was based on appraised values of about \$50,000 to \$55,000 per upland acre. On a gross basis, including wetlands, the price paid equates to an average of just over \$39,000 per acre. Again, the price is reflective of a fully entitled property with certainty regarding type of development and density by virtue of the development order.

Sale 8 reflects a transaction where the price paid was based on the residential development potential of the property; however the property contained about 56 gross acres of land area with the majority consisting of wetlands. The seller had annexed the property into the City of Fort Myers and proceeded with development plans and permitting for 224 coach home units to be built on 30 acres of the property, with the balance to remain wetland preserve. The proposed 224 residential units situated on 30 acres of land area, indicates a density of 7.5 dwelling units per upland acre. The property sold for \$1,500,000 with a closing date of October 2009. The sales price indicates just under \$30,000 per gross acre, or \$50,000 per acre for the planned 30 acres of upland development area. The access and location of this property is not as desirable as the property being appraised.

Sale 9 is a well publicized purchase by Lee County of a portion of the Heritage Lakes Planned Development situated in the northeast quadrant of Interstate 75 and State Road 82. This purchase was negotiated in the second half of 2009 and the purchase agreement was executed in January 2010. The property had various zoning/land use designations and there were various appraisals prepared for Lee County relating to this sales transaction. The purchase agreement outlined three parcels ranging from about 315 to 470 acres in size, with corresponding acreage prices ranging from about \$15,000 (bifurcated by powerline) to \$40,000 per acre (located at the interstate interchange). The take-down of the closings was in three phases occurring in 2010/11, with the overall price negotiated at \$30,000 per gross acre in the second half of 2009. The purchase represents primarily the residential component of the overall Heritage Lakes Planned Development.

The next grouping of sales, Sales 1 to 3, were negotiated and closed prior to September 2008, and range in price from near \$70,000 to \$115,000 per acre. Sales 1 and 3 are each 30 to 36 acres in size and had existing zoning/land use for single-family residential development at densities ranging from about 2 to 4 units per acre, and both properties sold for near \$70,000 per acre. Sale 2 consisted of three non-contiguous parcels ranging from 23 to 28 acres in size with existing zoning/land use to allow for higher density multi-family development ranging from

8 to 16 units per acre, and sold for an average of about \$115,000 per acre. Sales 1 and 2 were purchased by the Lee County School Board for future school use and Sale 3 was purchased by Lee County for conservation purposes.

Sale 1 is located in the Lehigh Acres area surrounded by existing and proposed single-family residential development. At the time of purchase, Sale 1 had an existing residential planned development zoning allowing for 140 single family units, or just under 4 units per acre, and sold for about \$68,000 per acre or \$17,525 per proposed residential unit.

Lee County began negotiations for purchase of Sale 3 in early/mid 2008 for inclusion within an adjacent conservation area. As part of this process, the County commissioned several market value appraisals of the property in the same time period, negotiated the sale price, and closed on the property in August 2008. The price to be paid and perceived value of the property was established in the early to mid-2008 time period based on a zoning allowing single family residential development and a land use allowing single and multifamily development. Public sewer and water were not available to the site at time of sale precluding development in excess of two units to the acre. Higher density development would necessitate extension of utilities to the site. This comparable is similar to the subject relative to residential use/density, but different relative to location and time period (market conditions).

Sale 10 represents the purchase by a national home builder of an entitled development site for the intended purpose of developing a new residential subdivision. This is one of the first purchases in Lee County by a residential developer/builder after the economic downturn of late 2008, with the intended purpose being to proceed with residential development. This is in contrast to a number of purchases, in this general time frame, of distressed residential projects by investors as a speculative hold. Although the price paid in 2010 by Toll Brothers for Sale 10 was significantly less than the earlier transaction of this property in 2005, it is nonetheless indicative of market value in the early to mid-2010 time period. At the time of sale, the property was approved for a mixture of 667 single and multifamily residential units for an average density of 5.5 du/acre. Toll Brothers modified the development approvals to decrease the density to 268 units (2.2 du/ac) and eliminate the multifamily component. The price equates to nearly \$58,000 per acre, or just over \$26,000 per proposed unit, and about \$10,500 per approved unit at the time of sale.

Sales 11 through 15 are commercial tracts ranging from about 15 to near 25 acres in size and situated along primary thoroughfares in Lee County. The sales range in overall price from about \$2 to \$4 million dollars and from nearly \$100,000 to \$190,000 per acre (\$2.30 to \$4.30 per square foot of land). Sales 12, 14 and 15 had specific development approvals in place at the time of sale and were purchased for development. Sale 12 is the highest price sale at near \$190,000 and was purchased for development with a Publix-anchored shopping center.

Sale 15 is the second highest price sale at about \$165,000 per acre and was purchased for development of a 40,000 square foot two-story office for Keiser University with additional entitlements of 295,000 square feet of professional and medical office use. The total 335,000 square feet of entitled building area equates to about \$12 per square foot based upon the \$4 million dollar purchase price. The property is located within the 706-acre Forum at Fort Myers DRI.

Sale 14 was approved as a portion of a mixed-use development (Midtowne Village) at the time of contract, consisting of residential and commercial use. The buyer was looking for a site to construct a new church facility and the sale was contingent upon modifying the developing approvals. During the contract period the seller amended the PUD, including a name change (New Hope), to include the church facility as well as a public cemetery and 8 commercial out-parcels; with an alternative use of multi-family and senior living in place of the cemetery. The sale reflects a price of about \$117,000 per acre or just under \$2.70 per square foot.

Sale 13 is located along Pine Island Road in Cape Coral, next to a BJ's Wholesale Club. At the time of sale, the property had development approvals for 90,000 square feet of commercial use within six proposed commercial parcels and an improved stormwater pond (shared with BJ's). The sale included favorable seller financing as well as about \$320,000 of impact fee credits. Deducting the impact fee credits from the overall \$2.2 million dollar sale price equates to an effective price for the land of about \$1,880,000 or under \$120,000 per acre (\$2.75/SF +/-). The property has yet to be developed.

Sale 11 is located along Tamiami Trail in North Ft Myers and has Commercial zoning and Suburban future land use by Lee County. The property has yet to be developed and is adjacent to a residential subdivision. The sale equates to just under \$100,000 per acre or about \$2.30 per square foot.

Finally, the last market transaction considered is identified as "Sale 16." This transaction is a land swap between Charlotte County and a development group. Based upon multiple appraisals and negotiations beginning in 2010, the value of this property was established at about \$6,600,000, indicating just under \$50,000 per acre. The mixed-use development site had existing approvals in place for single-family, multi-family, and commercial uses situated along 4-lane El Jobean Road. The number of residential units and commercial square footage designated on this site is about 60% of that as proposed for the subject under Scenario #2.

**Distressed Market Sales Activity/Current Market Activity**

A significant portion of the sales transactions during the date of value time period consisted of distressed sales such as foreclosure, pre-foreclosure/short sales, lender take-backs, developer liquidation/disposition and bank REO sales. Some of the larger projects which failed and subsequently sold under duress include the following.

Oak Creek in North Fort Myers includes about 309 acres on Bayshore Road entitled for up to 1,120 units, was planned for 761 single family homes. GMAC, the lender who took back the property via foreclosure, sold the entitled acreage in June 2009 for \$2,500,000 which equates to just over \$8,000 per acre or \$2,200 per entitled unit. The property previously sold for \$26,100,000 in May 2006. The property is currently listed as of the writing of this report for a little more than \$6 million dollars or just under \$20,000 per acre.

Waterford Landing in Fort Myers includes about 256 acres on Winkler Avenue Extension entitled for up 1,012 units consisting of single-family and town home units. GMAC foreclosed on the property and sold the entitled project in June 2009 for \$5,000,000 which equates to about \$19,500 per acre and nearly \$5,000 per entitled unit. The property previously sold in

November 2005 for \$45,000,000. The property is currently listed as of the writing of this report for \$11,910,000 or about \$46,500 per acre.

Recently, in March 2012 Naples developer Paul Hardy purchased the failed Villages of Entrada and Estates of Entrada residential projects located south of Del Prado Boulevard, west of U.S. Highway 41 in Cape Coral. The 317-acre Villages of Entrada is entitled for 721 single family residential units with existing horizontal infrastructure in-place (roads, utilities, retention, etc.) and sold for \$6,200,000 or just under \$20,000 per acre. The property previously sold in January of 2004 for \$14,600,000.

The adjacent 292-acre Estates of Entrada is entitled for a mixed-use development consisting of 279 single-family units, 940 townhome units, 240 three-story multi-family units, as well as 30,000 square feet of commercial and 140,000 square feet of commercial warehouse/office use. Reportedly, the prior owner spent approximately \$9,350,000 in infrastructure improvements on and offsite. A master HOA is planned and a CDD has been established but not funded. The property sold to a Hardy owned entity in March 2012 for \$3,350,000, which equates to just under \$11,500 per acre. The property previously sold for \$22 million dollars in February 2006.

The 470-acre Paradise Preserve property is located in east central Cape Coral north of the Veterans Parkway along the Caloosahatchee River. The property includes the former 240-acre Lochmoor Country Club golf course, a 35-acre marina and the 194-acre Four Mile Cove property known as Paradise South. In 2005, Paradise Preserve LLC acquired the property for over \$54 million dollars with plans to develop three high-rise condominium buildings, a marina and golf course. The development was never built and subsequently in 2009 the failed project was part of a more than \$90 million dollar foreclosure – the largest in Lee County history up to that point. The property sold in March 2012 for \$3,000,000 and the buyer reportedly has no plans for any development, other than to improve the existing marina, due to current economic conditions. This property is located in Cape Coral surrounded by suburban platted lands, similar to the subject. Although similarities exist, this property is arguably more desirable than the property being appraised given its waterfront access/location with existing marina.

Perhaps the most successful residential development in Cape Coral is the 524-acre Sandoval master-planned community, originally developed in 2005 by the Bonita Bay Group. Taylor Morrison Homes purchased the remaining 577 entitled home sites from Bonita Bay at the end of 2011 for \$3,978,000, which included a 3,000 square foot sales office and totaled just over 98 acres of undeveloped land. The price equates to just under \$7,000 per home site and about \$40,000 per acre.

The preceding market activity is presented to inform the reader of entitled projects purchased/developed in better economic times, which subsequently failed, and were later sold under duress or other financial motivation for "pennies on the dollar" compared to the original acquisition prices. The purpose in presenting the preceding examples is twofold – #1 to inform the reader of what currently is and was known in 2009. That is to say there is an abundance of available residential land in Cape Coral available for development whether it be acreage or already platted lots and #2 to illustrate there are distressed sales in the market that would indicate a lower value for the subject consistent with disposition or liquidation value as compared to the market value estimate that is the purpose of this appraisal.

**Valuation of Property – Scenario #1**

*The valuation of the property under Scenario #1 assumes the reasonably probable uses of the subject include recreational uses as well as residential development. This scenario does not presume the property had the necessary zoning and/or future land use designations in place as of the date of value to allow the above uses, but rather it is reasonably probable to achieve.*

The subject property is the largest tract of vacant acreage in the core of South Cape Coral. A future land use amendment to single-family or a mixture of single-family and multi-family is estimated to be reasonably probable and would allow for various future development scenarios. Although market sales and activity were limited in mid-2009, it is my opinion the subject is a desirable tract for development as economic conditions improve and market demand returns.

For Scenario #1, only the residential comparable sales (1 through 10) presented earlier were considered. The residential market transactions nearest the date of value reflect prices from just over \$20,000 to about \$115,000 per gross acre. The highest price sale at \$115,000 per acre consisted of three non-contiguous 23 to 28 acre parcels with existing multi-family zoning/land use in place, and was purchased by the Lee County School Board. On a net basis (excluding wetland areas), several of the properties were negotiated based on a price paid of about \$50,000 to \$55,000 per acre. The properties had various approved or achievable densities and different levels of entitlements on the date they sold. Giving consideration to the location, highest and best use, market conditions, and other factors, it is estimated that as of May 20, 2009, the subject's market value under Scenario #1 is as follows:

$$175.174 \text{ Ac.} \times \$50,000/\text{Ac} = \$8,760,000 \text{ (R)}$$

**EIGHT MILLION SEVEN HUNDRED SIXTY THOUSAND DOLLARS  
(\$8,760,000)**

The preceding value estimate reflects about \$23,300 per unit assuming 376 units for the subject. Furthermore, the value estimate reflects about \$11,500 per unit at an overall build-out of 765 units for the subject.

**Valuation of Property – Scenario #2**

*The valuation of the property under Scenario #2 assumes the reasonably probable uses of the subject to include the proposed mixed-use development as requested by the property owner, summarized as follows:*

- 79+/- acres of open space,
- 27+/- acres of internal right-of-way,
- 39 +/- acres of residential use with a maximum of 800 residential units (400 single-family and 400 multi-family) and
- 30+/- acres of mixed-use components with a maximum of 325,000 square feet of retail use and 100,000 square feet of office use (0.32 FAR).

*This scenario does not presume the property had the necessary zoning and/or future land use designations in place as of the date of value to allow the above uses, but rather by use of extraordinary assumption it would be reasonably probable to achieve. It is noted that a Future*

*Land Use Map Amendment (LU 07-01000015) from Parks and Recreation (PK) to Mixed-Use (MX) for the entire subject property was denied by City Council on May 20, 2009.*

For Scenario #2 all of the sales presented were considered. Scenario #2 has about the same residential density as Scenario #1; therefore the primary difference is the mixed-use commercial component. The commercial sales presented ranged from about \$100,000 to \$190,000 per acre; however these sales had existing zoning/future land use in place to allow commercial development. It is estimated the market would discount the subject for the time, money and risk associated with obtaining these approvals. The higher priced commercial sales were purchased to be developed, while the lower priced commercial sales were purchased as speculative investments and have yet to be developed. The value of the subject commercial component is estimated to be at the lower end of the commercial unit value range, or about \$100,000 per acre. As such the value of the 30-acre commercial tract, as part of the overall property, is estimated at \$3,000,000. Given the residential component is essentially the same number of units as Scenario #1, the value of the non-commercial lands under Scenario #2 is estimated to be \$50,000 per acre consistent Scenario #1. As such, giving consideration to the location, highest and best use, market conditions, and other factors, it is estimated that as of May 20, 2009, the subject's market value under Scenario #2 is as follows:

(Non-Commercial Lands) 145.174 Ac. x \$50,000/Ac =	\$7,260,000 (R)
(Commercial Lands) 30.000 Ac x \$100,000/Ac =	<u>\$3,000,000</u>
Scenario #2 Total =	\$10,260,000

**TEN MILLION TWO HUNDRED SIXTY THOUSAND DOLLARS**  
**(\$10,260,000)**

**Summary**

The difference between the market value of the subject under Scenario #1 and Scenario #2 is calculated as follows.

<b>Scenario #2 =</b>	<b>\$10,260,000</b>
<b>Scenario #1 =</b>	<b><u>\$8,760,000</u></b>
<b>Difference</b>	<b>\$1,500,000</b>

**ONE MILLION FIVE HUNDRED THOUSAND DOLLARS**  
**(\$1,500,000)**

**CERTIFICATION**

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
8. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
9. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
10. I have made a personal inspection of the property that is the subject of this report.
11. The undersigned has received professional assistance from Mark Capodilupo, State-Certified General Real Estate Appraiser RZ2590 and Joanna Bessett, State-Certified General Real Estate Appraiser RZ3095. They are the only individuals who have worked specifically with the undersigned on this appraisal, but other persons may have provided pertinent information when gathering data relating to various assignments. This does not include any other professional assistance involving other disciplines, which are summarized under the "Scope of Work" portion of the report.
12. As of the date of report, I have completed the continuing education program of the Appraisal Institute.
13. In regard to the competency provision of USPAP, I have been appraising properties similar to the subject for many years. I have taken the time to acquaint myself with the nuances of the local market for properties such as the subject. This has been accomplished through review of various documents/publications and consultation with local market participants as well as by observation of market activity in the area.
14. I have not performed an appraisal, or provided other services, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

September 20, 2012

Date of Report

\_\_\_\_\_  
Chad G. Durrance, MAI  
State-Certified General  
Real Estate Appraiser RZ987

**SUBJECT ACQUIRING DEED AND  
LEGAL DESCRIPTION**

4250  
006,000

This document prepared by  
and after recording return to:  
Jeffrey C. Shannon, Esq.  
Fowler White Boggs Banker P.A.  
501 E. Kennedy Blvd., Suite 1700  
Tampa, Florida 33602

PROPERTY I.D. # 12-45-23-C2-0000A.0000

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED, made this 2<sup>nd</sup> day of February, 2006, by  
THE GOLF CLUB OF SOUTHWEST FLORIDA, LLC, a Florida limited liability  
company, ("Grantor"), whose address is 4003 Palm Trace Blvd., Cape Coral, Florida, 33904, to  
FLORIDA GULF VENTURE, LLC, a Delaware limited liability company, ("Grantee"),  
whose address is 101 E. Kennedy Blvd., Suite 2450, Tampa, Florida, 33602.

**WITNESSETH:**

That Grantor, for and in consideration of the sum of \$10.00 and other good and valuable  
consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and  
convey unto Grantee and Grantee's heirs, successors and assigns, the following described land  
(the "Land") in LEE County, Florida:

See Exhibit "A" attached hereto and incorporated herein by  
reference for the description of the land conveyed herein.

NOTE: The above described land is not the homestead property of the Grantor.

TOGETHER with all the tenements, hereditaments, and appurtenances thereto.

This conveyance is made subject to those matters described on Exhibit "B" attached  
hereto and to applicable zoning ordinances, matters appearing on any recorded plat of the land,  
and taxes for the current year.

TO HAVE AND TO HOLD the same unto Grantee and Grantee's heirs, successors and  
assigns in fee simple forever.

And Grantor does hereby covenant with Grantee that, except as noted above, title to the  
Land is free from all encumbrances made by Grantor, and that Grantor will warrant and defend  
the same against the lawful claims and demands of all persons claiming by, through or under  
Grantor (except as noted above), but against none other.

IN WITNESS WHEREOF, the Grantor has executed this deed the day and year first above-written.

Signed, sealed and delivered  
in the presence of:

THE GOLF CLUB OF SOUTHWEST FLORIDA,  
a Florida limited liability company,

[Signature]  
Name: Kenneth C. Carlson  
[Signature]  
Name: MARK M. ANDERSON

By: [Signature]  
Name: G. Scott Siler  
Title: Manager  
Address: 101 W. Kennedy Blvd., Suite 101  
Tampa, Florida 33602

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 2 day of August, 2006,  
by G. SCOTT SILER, Manager of The Golf Club of Southwest Florida, LLC, a Florida limited  
liability company, on behalf of said company, who is personally known to me or has produced  
as identification.

[Signature]  
Print Name: CINDY FIELDS.  
(Notary Public)

My Commission Expires: 6-28-08

(AFFIX NOTARY SEAL)



File #: 06030468

Agent File Number: Golf Club of SW FL

## Exhibit "A" Attachment

THE TOTAL GOLF COURSE PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OF LAND SITUATED IN THE SOUTH HALF (S 1/2) OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 23 EAST AND THE NORTH HALF (N 1/2) OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 23 EAST, BEING ALSO SITUATED IN TRACTS B-1 AND B-2, WHICH COMPRISE ALL OF TRACT B OF CAPE CORAL UNIT 9 AS RECORDED IN PLAT BOOK 13, PAGES 7 THROUGH 18; TRACTS C-1 AND C-2, WHICH COMPRISE A PORTION OF TRACT C OF SAID CAPE CORAL UNIT 9; THE REMAINING PORTION OF SAID TRACT C OF SAID CAPE CORAL UNIT 9; LOTS 1A AND 1B, BLOCK 251 OF SAID CAPE CORAL UNIT 9; A PORTION OF TRACT A OF CAPE CORAL UNIT 15 AS RECORDED IN PLAT BOOK 13, PAGES 69 THROUGH 75, AND TRACT A OF CAPE CORAL UNIT 14 AS RECORDED IN PLAT BOOK 13, PAGES 61 THROUGH 68, ALL OF THE ABOVE BEING FOUND IN THE PUBLIC RECORDS OF LEE COUNTY, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE N 1/4 (NORTH QUARTER) CORNER OF SAID SECTION 12, SAID CORNER BEING LOCATED S89°57'03"W A DISTANCE OF 2621.07 FEET FROM THE CORNER COMMON TO SAID SECTION 12 AND SECTION 1, TOWNSHIP 45 SOUTH, RANGE 23 EAST AND SECTIONS 6 AND 7, TOWNSHIP 45 SOUTH, RANGE 24 EAST; THENCE RUN N90°00'00"E ALONG THE NORTH LINE OF SAID CAPE CORAL UNIT 9 FOR 350.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT A OF SAID CAPE CORAL UNIT 15, BEING ALSO THE SOUTHEAST CORNER OF LOT 1, BLOCK 481 OF SAID CAPE CORAL UNIT 15; THENCE RUN N00°18'59"W ALONG THE WEST LINE OF SAID TRACT A AND THE EAST LINE OF SAID BLOCK 481 FOR 341.02 FEET TO THE POINT OF BEGINNING; THENCE RUN ALONG THE LINE COMMON TO SAID TRACT A AND SAID BLOCK 481 THE FOLLOWING COURSES: N00°18'59"W FOR 1652.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST; THEN RUN ALONG SAID CURVE HAVING A RADIUS OF 322.17 FEET AND A CENTRAL ANGLE OF 90°18'59" (CHORD=N44°51'30"E, 458.74 FEET) FOR 507.66 FEET TO THE POINT OF TANGENCY AND N90°00'00"E FOR 305.13 FEET TO AN INTERSECTION WITH THE WEST LINE OF BLOCK 480 OF SAID CAPE CORAL UNIT 15, BEING ALSO THE EAST LINE OF SAID TRACT A; THENCE RUN S00°00'00"E ALONG THE LINE COMMON TO SAID TRACT A AND SAID BLOCK 480 FOR 680.00 FEET TO THE NORTHWEST CORNER OF LOT 17-A, BLOCK 480 OF CAPE CORAL UNIT 15, A REPLAT OF PORTIONS OF BLOCKS 480 AND 482, TRACT A AND ST. MORITZ CIRCLE, CAPE CORAL UNIT 15, PLAT BOOK 13, PAGES 72 & 73, LYING IN SECTION 1, TWP. 45 S., RGE. 23 E., ACCORDING TO PLAT BOOK 13, PAGES 83 & 84 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN ALONG THE LINE COMMON TO SAID TRACT A AND SAID BLOCK 480 OF SAID REPLAT OF SAID CAPE CORAL UNIT 15 THE FOLLOWING COURSES: S00°00'00"E FOR 840.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH, THEN RUN ALONG SAID CURVE HAVING A RADIUS OF 300.00 FEET AND A CENTRAL ANGLE OF 180°00'00" (CHORD=N90°00'00"E, 600.00 FEET) FOR 842.48 FEET TO THE POINT OF TANGENCY AND N00°00'00"E FOR 840.00 FEET TO THE NORTHEAST CORNER OF LOT 32-R OF BLOCK 480 OF SAID REPLAT OF SAID CAPE CORAL UNIT 15, BEING ALSO THE SOUTHEAST CORNER OF LOT 33, BLOCK 480 OF SAID CAPE CORAL UNIT 15 AS RECORDED IN SAID PLAT BOOK 13, PAGES 69 THROUGH 75; THENCE RUN N00°00'00"E ALONG THE WEST LINE OF SAID TRACT A AND THE EAST LINE OF SAID BLOCK 480 FOR 680.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT A OF SAID CAPE CORAL UNIT 15 BEING ALSO THE SOUTH LINE OF BLOCK 479 OF SAID CAPE CORAL UNIT 14; THENCE RUN N80°00'00"E ALONG THE NORTH LINE OF SAID TRACT A AND SAID SOUTH LINE OF SAID BLOCK 479 FOR 200.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT A OF SAID CAPE CORAL UNIT 15, BEING ALSO THE NORTHWEST CORNER OF TRACT A OF SAID CAPE CORAL UNIT 14 AND A POINT ON THE SOUTH LINE OF SAID BLOCK 479 OF SAID CAPE CORAL UNIT 14; THENCE RUN ALONG THE LINE COMMON TO SAID TRACT A AND SAID BLOCK 479 THE FOLLOWING COURSES: N80°00'00"E FOR 560.00 FEET, S00°00'00"E FOR 144.38 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, THEN RUN ALONG SAID CURVE HAVING A RADIUS OF 2110.00 FEET AND A CENTRAL ANGLE OF 28°39'34" (CHORD=S13°19'47"E, 972.94 FEET) FOR 981.77 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY LINE OF SAID TRACT A, BEING ALSO THE NORTHWESTERLY

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LINE OF BLOCK 478 OF SAID CAPE CORAL UNIT 14; THENCE RUN ALONG THE LINE COMMON TO SAID TRACT A AND SAID BLOCK 478 THE FOLLOWING COURSES: S55°10'00"W FOR 746.44 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, THEN RUN ALONG SAID CURVE HAVING A RADIUS OF 300.00 FEET AND A CENTRAL ANGLE OF 180.00°00" (CHORD= S34°50'00"E, 600.00 FEET) FOR 942.48 FEET TO THE POINT OF TANGENCY AND N55°10'00"E FOR 443.75 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY LINE OF BLOCK 476 OF SAID CAPE CORAL UNIT 14, BEING ALSO THE NORTHEASTERLY LINE OF SAID TRACT A AND A POINT ON A CURVE CONCAVE TO THE NORTHEAST; THENCE RUN ALONG SAID COMMON LINE ON SAID CURVE HAVING A RADIUS OF 2410.00 FEET AND A CENTRAL ANGLE OF 17°26'45" (CHORD= S50°42'25"E, 730.98 FEET) FOR 733.81 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF LOT J OF SAID BLOCK 476, BEING ALSO THE SOUTHEASTERLY CORNER OF SAID TRACT A, THE NORTHEASTERLY CORNER OF LOT 10, BLOCK 256 OF SAID CAPE CORAL UNIT 9 AND THE NORTHEASTERLY CORNER OF SAID TRACT C OF SAID CAPE CORAL UNIT 9 AND A POINT ON A CURVE CONCAVE TO THE SOUTHEAST; THENCE RUN ALONG THE LINE COMMON TO SAID BLOCK 256 AND SAID TRACT C THE FOLLOWING COURSES: ON SAID CURVE HAVING A RADIUS OF 550.00 FEET AND A CENTRAL ANGLE OF 58°49'11" (CHORD= S14°24'36"W, 540.16 FEET) FOR 564.63 FEET TO THE POINT OF TANGENCY AND S15°00'00"E FOR 36.66 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF BLOCK 255 OF SAID CAPE CORAL UNIT 9, BEING ALSO THE SOUTHEASTERLY LINE OF SAID TRACT C; THENCE RUN ALONG THE LINE COMMON TO SAID BLOCK 255 AND SAID TRACT C THE FOLLOWING COURSES: S75°00'00"W FOR 1235.00 FEET, N15°00'00"W FOR 5.00 FEET, S75°00'00"W FOR 175.00 FEET AND S15°00'00"E FOR 280.00 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF BLOCK 254 OF SAID CAPE CORAL UNIT 9, BEING ALSO THE SOUTHEASTERLY LINE OF SAID TRACT C; THENCE RUN ALONG THE REAR LOT LINES OF SAID BLOCK 254 AND BLOCK 253 OF SAID CAPE CORAL UNIT 9, AND THE COMMON LINE OF SAID TRACT C THE FOLLOWING COURSES: S75°00'00"W FOR 244.18 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, THEN ALONG SAID CURVE HAVING A RADIUS OF 1100.00 FEET AND A CENTRAL ANGLE OF 75°00'00" (CHORD= S37°30'00"W, 1338.28 FEET) FOR 1439.80 FEET TO THE POINT OF TANGENCY, THEN S00°00'00"E FOR 594.28 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, THEN ALONG SAID CURVE HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 29°17'06" (CHORD= S14°38'33"W, 12.64 FEET) FOR 12.78 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, THEN RUN ALONG SAID CURVE HAVING A RADIUS OF 2155.00 FEET AND A CENTRAL ANGLE OF 15°17'06" (CHORD= S21°38'33"W, 573.19 FEET) FOR 574.90 FEET TO THE POINT OF TANGENCY, THEN S14°00'00"W FOR 462.41 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, THEN ALONG SAID CURVE HAVING A RADIUS OF 175.00 FEET AND A CENTRAL ANGLE OF 76°00'00" (CHORD= S52°00'00"W, 215.48 FEET) FOR 232.13 FEET TO THE POINT OF TANGENCY AND N90°00'00"W FOR 222.13 FEET TO THE NORTHWEST CORNER OF LOT I OF SAID BLOCK 253, BEING ALSO THE SOUTHWEST CORNER OF SAID TRACT C, BEING ALSO A POINT ON THE EAST RIGHT OF WAY LINE OF PALM TREE BOULEVARD (100' R/W); THENCE RUN N00°00'01"E ALONG THE WEST LINE OF SAID TRACT C AND THE SAID EAST RIGHT OF WAY LINE FOR 952.57 FEET TO THE SOUTHWEST

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CORNER OF LOT 19, BLOCK 252 OF SAID CAPE CORAL UNIT 9, BEING ALSO A POINT ON THE WEST LINE OF SAID TRACT C; THENCE RUN ALONG THE LINE COMMON TO SAID BLOCK 252 AND SAID TRACT C THE FOLLOWING COURSES: N90°00'00"E FOR 125.00 FEET, N00°09'01"E FOR 167.99 FEET, N01°15'25"E FOR 135.18 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, THEN ALONG SAID CURVE HAVING A RADIUS OF 775.00 FEET AND A CENTRAL ANGLE OF 35°50'06" (CHORD=N16°39'38"W, 476.85 FEET) FOR 484.71 FEET TO A POINT ON THE SOUTH LINE OF BLOCK 251 OF SAID CAPE CORAL UNIT 9, BEING ALSO A POINT ON THE WESTERLY LINE OF SAID TRACT C; THENCE RUN ALONG THE LINE COMMON TO SAID BLOCK 251 AND SAID TRACT C THE FOLLOWING COURSES: N00°00'00"E FOR 257.03 FEET, N00°00'00"E FOR 900.00 FEET, N80°00'00"W FOR 300.00 FEET, N00°00'00"E FOR 780.43 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH EAST, THEN ALONG SAID CURVE HAVING A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF 36°28'39" (CHORD=N18°74'19"E, 78.24 FEET) FOR 78.58 FEET TO THE SOUTHEASTERLY CORNER OF LOT 1A OF SAID BLOCK 251, BEING ALSO THE NORTHEASTERLY CORNER OF LOT 1 OF SAID BLOCK 251; THENCE RUN N53°31'21"W ALONG THE LINE COMMON TO SAID LOT 1A AND SAID LOT 1 FOR 125.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 1A, BEING ALSO THE NORTHWESTERLY CORNER OF LOT 1, A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID PALM TREE BOULEVARD AND A POINT ON A CURVE CONCAVE TO THE SOUTHEAST; THENCE RUN ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE AND THE NORTHWESTERLY LINES OF SAID LOT 1A, LOT 1B OF SAID BLOCK 251, SAID TRACT B-2 AND SAID TRACT B-1 THE FOLLOWING COURSES: ALONG SAID CURVE HAVING A RADIUS OF 250.00 FEET AND A CENTRAL ANGLE OF 30°41'08" (CHORD=N51°49'13"E, 132.30 FEET) FOR 133.89 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, THEN ALONG SAID CURVE HAVING A RADIUS OF 350.00 FEET AND A CENTRAL ANGLE OF 48°05'05" (CHORD=N42°37'14"E, 290.76 FEET) FOR 299.84 FEET; THENCE RUN S71°55'19"E FOR 84.32 FEET, LEAVING SAID RIGHT OF WAY LINE, FOR 84.32 FEET; THEN RUN THE FOLLOWING COURSES: S23°24'04"W FOR 165.56 FEET, S21°35'58"E FOR 28.77 FEET, S66°35'56"E FOR 176.57 FEET, S78°47'27"E FOR 67.28 FEET, S81°53'24"E FOR 44.09 FEET AND N83°53'53"E FOR 40.00 FEET TO AN INTERSECTION WITH THE LINE COMMON TO SAID TRACT C-1 AND SAID TRACT C; THENCE RUN THE FOLLOWING COURSES: CONTINUE N83°53'53"E FOR 116.88 FEET, S23°07'56"E FOR 12.00 FEET, N66°52'04"E FOR 485.80 FEET, N80°38'24"E FOR 230.45 FEET, S84°00'34"E FOR 368.48 FEET, N38°20'54"E FOR 57.58 FEET AND N15°02'20"W FOR 185.85 FEET TO AN INTERSECTION WITH THE LINE COMMON TO SAID SECTION 1 AND SAID SECTION 12; THENCE RUN THE FOLLOWING COURSES: CONTINUE N15°02'20"W FOR 215.80 FEET, N80°14'48" FOR 135.27 FEET, S88°22'16"W FOR 241.88 FEET, S70°40'05"W FOR 404.84 FEET, S49°33'45"W FOR 181.17 FEET, S20°55'22"W FOR 37.19 FEET,

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S18°52'04"W FOR 47.88 FEET, S30°00'37"W FOR 53.18 FEET, S13°41'21"W FOR 50.00 FEET, S50°08'31"W FOR 50.00 FEET AND S78°25'37"W FOR 43.85 FEET TO AN INTERSECTION WITH THE LINE COMMON TO SAID TRACT C-1 AND SAID TRACT C; THENCE RUN THE FOLLOWING COURSES: N28°57'18"W FOR 162.23 FEET AND N00°00'00"E FOR 89.70 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID TRACT B-1 OF SAID CAPE CORAL UNIT 9, BEING ALSO THE SOUTH LINE OF SAID TRACT A OF SAID CAPE CORAL UNIT 15; THENCE RUN THE FOLLOWING COURSES: CONTINUE N00°00'00"E FOR 22.66 FEET, N45°12'08"E FOR 352.85 FEET AND N00°00'00"E FOR 81.43 FEET TO THE MOST SOUTHERLY POINT ON THE BOUNDARY OF AN EXISTING WATER TREATMENT SITE LESSED OUT OF GOLF COURSE PROPERTY PER CHICAGO TITLE COMPANY COMMITMENT NO. 803-12, SAID POINT DESCRIBED AS THE POINT OF BEGINNING; THENCE RUN ALONG THE PERIMETER OF SAID WATER TREATMENT SITE THE FOLLOWING COURSES: N65°34'37"E FOR 171.99 FEET, N58°38'00"E FOR 187.48 FEET, N61°42'38"W FOR 206.28 FEET, N65°21'01"W FOR 161.24 FEET, S46°27'57"W FOR 89.78 FEET, S34°51'50"W FOR 71.36 FEET AND S05°43'44"W FOR 147.60 FEET TO THE MOST SOUTHWESTERLY CORNER OF SAID WATER TREATMENT SITE; THENCE RUN THE FOLLOWING COURSES: S45°12'05"W, LEAVING SAID WATER TREATMENT SITE, FOR 77.14 FEET AND S89°43'01"W FOR 227.91 FEET TO THE POINT OF BEGINNING.

LESS THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCE AT THE SOUTHWESTERLY CORNER OF THE SAID TRACT C ON THE EASTERLY RIGHT OF WAY LINE OF PALM TREE BOULEVARD; THENCE NORTH 0°09'01" EAST, 98.0 FEET ALONG THE SAID EASTERLY RIGHT OF WAY LINE; THENCE EAST 85.0 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0°09'01" EAST, 100.0 FEET; THENCE EAST 100.0 FEET; THENCE SOUTH 0°09'01" WEST, 100.0 FEET; THENCE WEST 100.0 FEET TO THE POINT OF BEGINNING;

INCLUDING THE FOLLOWING DESCRIBED PARCEL OF LAND:

TRACT "A" OF CAPE CORAL UNIT 8, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 13, PAGES 7 TO 18, INCL., OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

**Exhibit "B"**

**[Permitted Exceptions]**

1. All assessments and taxes for the year 2006 and all subsequent years, which are not yet due and payable.
2. Any encroachments, easements, measurements, variations in area or content, party walls or other facts which a correct survey of the premises would show.
3. Dedications, easements and other matters stated and shown on the Plat of Cape Coral, Unit 9 as recorded in Plat Book 13, page(s) 7 thru 18.
4. Dedications, easements and other matters stated and shown on the Plat of Cape Coral, Unit 14 as recorded in Plat Book 13, page(s) 61 thru 68.
5. Dedications, easements and other matters stated and shown on the Plat of Cape Coral, Unit 15 as recorded in Plat Book 13, page(s) 69 thru 75 and Ordinance 80-02 recorded in Official Records Book 3727, page 1433.
6. Easements reserved for utilities as described in Warranty Deed recorded in Official Records Book 315, page 251 and Grant of Easement for Utilities as recorded in Official Records Book 682, page 829 and assigned by Assignment of Easements recorded in Official Records Book 753, page 509 and further assigned by Assignment recorded in Official Records Book 3141, page 659.
7. Easement for utility rights-of-way as described by Warranty Deed recorded in Official Records Book 1071, page 708.
8. Ordinance 21-95 Approving a Planned Development recorded in Official Records Book 2600, page 3665.
9. Terms, conditions and provisions of that certain Sub Lease (Business Lease) by and between Avatar Properties, Inc., f/k/a GAC Properties, Inc. and Florida Cablevision Management Corp. recorded in Official Records Book 1741, page 975.
10. Permanent Utility Easement in favor of the City of Cape Coral recorded in Official Records Book 3390, page 1719.
11. Terms, conditions and provisions of that certain unrecorded communications Site Lease Agreement by and between Florida Cablevision Management Corp. d/b/a Time Warner Cable and Nextel South Corp d/b/a Nextel Communications as disclosed by the Memorandum of Agreement recorded in Official Records Book 3398, page 4156 and Memorandum of Agreement recorded in Official Records Book 4622, page 1003.

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12. Easement (Golf Cart Paths) recorded in Official Records Book 3408, page 3041.
13. Easement (Irrigation Easement) recorded in Official Records Book 3408, page 3051.
14. Easement (Drainage Easement) recorded in Official Records Book 3408, page 3060.
15. Easement (Golf Course Grounds and Cart Path) recorded in Official Records Book 3408, page 3070.
16. Terms, conditions and provisions of that certain Memorandum of Operating Agreement between The Golf Club of Southwest Florida, L.L.C., a Florida limited liability company and Cape Coral Country Club, Inc., a Florida corporation recorded in Official Records Book 3408, page 3100.
17. Ingress/Egress and Utility Easement recorded in Official Records Book 3469, page 49.
18. Memorandum of License by and between Time Warner Cable and Metro PCS California/Florida, Inc., recorded in Official Records Book 3678, page 3958.
19. Easement (Ingress/Egress and Utilities) as recorded in Official Records Book 3698, page 5461.
20. Ingress/Egress and Utility Easement recorded in Official Records Book 3727, page 1438.
21. Ingress/Egress and Utility Easement recorded in Official Records Book 3727, page 1450.
22. Easement granted to Lee County Electric Cooperative, Inc. recorded in Official Records Book 3824, page 3470 and Official Records Book 4059, page 3118.
23. Easement by and between The Golf Club of Southwest Florida, LLC, and Banyan Trace Master Association, Inc. recorded in Official Records Book 4135, page 2541.
24. Pending disbursement of the full proceeds of the loan secured by the mortgage described herein, this policy insures only to the extent of the amount actually disbursed plus interest accrued thereon, but increase as the disbursements are made in good faith and without knowledge of any defects in, or objections to, the title, up to the face amount of the policy.
25. Ordinance 80-02 regarding utility rights of way easement as recorded in Official Records Book 3727, page 1433.

All recording references are to the public records of Lee County, Florida.

**PROPOSED FUTURE LAND USE MAP  
AMENDMENT (LU-0100015)  
AND RELATED ATTACHMENTS**

**MEETING DATE**

Consent Agenda Item

Admin Discussion Item

Personnel Action

Appointment(s)

Committee of the Whole

**AGENDA REQUEST FORM**  
 City of Cape Coral, Florida

AGENDA ITEM **C3**

NO. \_\_\_\_\_

DPO \_\_\_\_\_

INTRO 4/27/09

PI 5/20/09

ORD 20-09

**TITLE:**

Ordinance 20-09/LU 07-01000015

**REQUESTED ACTION:**

Approval or Denial of sending Ordinance for Transmittal

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment?  Yes x No

2. Is this a Strategic Decision?  Yes x No  
 If Yes, supports: Priority Name:  
 If No, will it harm the intent or success of the Strategic Plan?  Yes X No


3.  City Vision:

4.  City Mission:  
 Increased Efficiency       Increased Quality of Services       Positive Return on Investment (ROI)

**SUMMARY EXPLANATION AND BACKGROUND:**

The land use map amendment is a large scale amendment for property located on Palm Tree Boulevard, formerly the site of a golf course. The land use amendment requested is to change from Parks and Recreation to Mixed Use.

**LEGAL COMMENTS:**

 4/1/09  
 Reviewed by: \_\_\_\_\_ Date

**EXHIBITS: (LIST)**

**PREPARED BY:** Brian Bartos, Assistant City Attorney

**SOURCE OF ADDITIONAL INFORMATION:** Wyatt Daltry, Planner III

**SUBMITTED BY:**

Terry Stewart, City Manager \_\_\_\_\_ Date \_\_\_\_\_  
 Department Director \_\_\_\_\_ Date \_\_\_\_\_

**COUNCIL ACTION:**

Bonnie J. Potter, City Clerk \_\_\_\_\_ Date \_\_\_\_\_

Revised: 5/6/08

ORDINANCE 20 - 09

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM PARKS AND RECREATION (PK) TO MIXED USE (MX) LAND USE FOR A TRACT OF LAND SITUATED IN THE SOUTH HALF (S 1/2) OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 23 EAST AND THE NORTH HALF (N 1/2) OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 23 EAST, AND IN THE SOUTH HALF (S 1/2) OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND IN THE NORTH HALF (N 1/2) OF SECTION 7, TOWNSHIP 45 SOUTH, RANGE 24 EAST, BEING THE TOTAL GOLF COURSE PARCEL, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY IS LOCATED AT 4003 PALM TREE BOULEVARD; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral on February 13, 1989, adopted a Comprehensive Plan pursuant to the Comprehensive Planning Act; and

WHEREAS, as part of the Comprehensive Plan the City of Cape Coral adopted therewith a future land use map designating land uses and proposed land uses throughout the City of Cape Coral consistent with the Comprehensive Plan and Comprehensive Planning Act; and

WHEREAS, the City of Cape Coral City Council has considered the testimony, evidence, and documentation for the Land Use Amendment initiated by FLORIDA GULF VENTURE, LLC regarding the below described property, and considered the recommendation of the Planning & Zoning Commission/Local Planning Agency and City staff.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS PURSUANT TO THE LAWS OF FLORIDA, AND OTHER APPLICABLE LAWS, THIS ORDINANCE:

SECTION 1. That the below described real property located within the City of Cape Coral, Florida, is hereby amended consistent with the City of Cape Coral Comprehensive Plan as follows:

FROM PARKS AND RECREATION (PK) TO MIXED USE (MX)

THE TOTAL GOLF COURSE PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OF LAND SITUATED IN THE SOUTH HALF (S 1/2) OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 23 EAST AND THE NORTH HALF (N 1/2) OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 23 EAST, AND IN THE SOUTH HALF (S 1/2) OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND IN THE NORTH HALF (N 1/2) OF SECTION 7, TOWNSHIP 45 SOUTH, RANGE 24 EAST, BEING ALSO SITUATED IN TRACTS B-1 AND B-2, WHICH COMPRISE ALL OF TRACT B OF CAPE CORAL UNIT 9 AS RECORDED IN PLAT BOOK 13, PAGES 7 THROUGH 18; TRACTS C-1 AND C-2, WHICH COMPRISE A PORTION OF TRACT C OF SAID CAPE CORAL UNIT 9; THE REMAINING PORTION OF SAID TRACT C OF SAID CAPE CORAL UNIT 9; LOTS 1A AND 1B, BLOCK 251 OF SAID CAPE CORAL UNIT 9; A PORTION OF TRACT A OF CAPE CORAL UNIT 15 AS RECORDED IN PLAT BOOK 13, PAGES 69 THROUGH 75, AND TRACT A OF CAPE CORAL UNIT 14 AS RECORDED IN PLAT BOOK 13, PAGES 61 THROUGH 68, ALL OF THE ABOVE BEING FOUND IN THE PUBLIC RECORDS OF LEE COUNTY, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE N 1/4 (NORTH QUARTER) CORNER OF SAID SECTION 12, SAID CORNER BEING LOCATED S89°57'03"W A DISTANCE OF 2621.07 FEET FROM THE CORNER COMMON TO SAID SECTION 12 AND SECTION 1, TOWNSHIP 45 SOUTH, RANGE 23 EAST AND SECTIONS 6 AND 7, TOWNSHIP 45 SOUTH, RANGE 24 EAST;

SAID TRACT A AND THE EAST LINE OF SAID BLOCK 481 FOR 341.02 FEET TO THE POINT OF BEGINNING; THENCE RUN ALONG THE LINE COMMON TO SAID TRACT A AND SAID BLOCK 481 THE FOLLOWING COURSES: N00°16'59"W FOR 1652.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST; THEN RUN ALONG SAID CURVE HAVING A RADIUS OF 322.17 FEET AND A CENTRAL ANGLE OF 90°16'59" (CHORD=N44°51'30"E, 456.74 FEET) FOR 507.66 FEET TO THE POINT OF TANGENCY AND N90°00'00"E FOR 305.13 FEET TO AN INTERSECTION WITH THE WEST LINE OF BLOCK 480 OF SAID CAPE CORAL UNIT 15, BEING ALSO THE EAST LINE OF SAID TRACT A; THENCE RUN S00°00'00"E ALONG THE LINE COMMON TO SAID TRACT A AND SAID BLOCK 480 FOR 680.00 FEET TO THE NORTHWEST CORNER OF LOT 17-A, BLOCK 480 OF CAPE CORAL UNIT 15, A REPLAT OF PORTIONS OF BLOCKS 480 AND 482, TRACT A AND ST. MORITZ CIRCLE, CAPE CORAL UNIT 15, PLAT BOOK 13, PAGES 72 & 73, LYING IN SECTION 1, TOWNSHIP 45 SOUTH, RANGE 23 EAST, ACCORDING TO PLAT BOOK 13, PAGES 93 & 94 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN ALONG THE LINE COMMON TO SAID TRACT A AND SAID BLOCK 480 OF SAID REPLAT OF SAID CAPE CORAL UNIT 15 THE FOLLOWING COURSES: S00°00'00"E FOR 640.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH, THEN RUN ALONG SAID CURVE HAVING A RADIUS OF 300.00 FEET AND A CENTRAL ANGLE OF 180°00'00" (CHORD=N90°00'00"E, 600.00 FEET) FOR 942.48 FEET TO THE POINT OF TANGENCY AND N00°00'00"E FOR 640.00 FEET TO THE NORTHEAST CORNER OF LOT 32-R OF BLOCK 480 OF SAID REPLAT OF SAID CAPE CORAL UNIT 15, BEING ALSO THE SOUTHEAST CORNER OF LOT 33, BLOCK 480 OF SAID CAPE CORAL UNIT 15 AS RECORDED IN SAID PLAT BOOK 13, PAGES 69 THROUGH 75; THENCE RUN N00°00'00"E ALONG THE WEST LINE OF SAID TRACT A AND THE EAST LINE OF SAID BLOCK 480 FOR 680.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT A OF SAID CAPE CORAL UNIT 15 BEING ALSO THE SOUTH LINE OF BLOCK 479 OF SAID CAPE CORAL UNIT 14; THENCE RUN N90°00'00"E ALONG THE NORTH LINE OF SAID TRACT A AND SAID SOUTH LINE OF SAID BLOCK 479 FOR 200.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT A OF SAID CAPE CORAL UNIT 15, BEING ALSO THE NORTHWEST CORNER OF TRACT A OF SAID CAPE CORAL UNIT 14 AND A POINT ON THE SOUTH LINE OF SAID BLOCK 479 OF SAID CAPE CORAL UNIT 14; THENCE RUN ALONG THE LINE COMMON TO SAID TRACT A AND SAID BLOCK 479 THE FOLLOWING COURSES: N90°00'00"E FOR 560.00 FEET, S00°00'00"E FOR 144.36 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, THEN RUN ALONG SAID CURVE HAVING A RADIUS OF 2110.00 FEET AND A CENTRAL ANGLE OF 26°39'34" (CHORD=S13°19'47"E, 972.94 FEET) FOR 981.77 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY LINE OF SAID TRACT A, BEING ALSO THE NORTHWESTERLY LINE OF BLOCK 478 OF SAID CAPE CORAL UNIT 14; THENCE RUN ALONG THE LINE COMMON TO SAID TRACT A AND SAID BLOCK 478 THE FOLLOWING COURSES: S55°10'00"W FOR 746.44 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, THEN RUN ALONG SAID CURVE HAVING A RADIUS OF 300.00 FEET AND A CENTRAL ANGLE OF 180°00'00" (CHORD= S34°50'00"E, 600.00 FEET) FOR 942.48 FEET TO THE POINT OF TANGENCY AND N55°10'00"E FOR 443.75 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY LINE OF BLOCK 476 OF SAID CAPE CORAL UNIT 14, BEING ALSO THE NORTHEASTERLY LINE OF SAID TRACT A AND A POINT ON A CURVE CONCAVE TO THE NORTHEAST, THE RADIUS POINT OF WHICH BEARS N48°00'57"E, 2410.00 FEET; THENCE RUN ALONG SAID COMMON LINE ON SAID CURVE HAVING A RADIUS OF 2410.00 FEET AND A CENTRAL ANGLE OF 17°26'45" (CHORD=S50°42'25"E, 730.98 FEET) FOR 733.81 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF LOT 3 OF SAID BLOCK 476, BEING ALSO THE SOUTHEASTERLY CORNER OF SAID TRACT A, THE NORTHWESTERLY CORNER OF LOT 10, BLOCK 256 OF SAID CAPE CORAL UNIT 9 AND THE NORTHEASTERLY CORNER OF SAID TRACT C OF SAID CAPE CORAL UNIT 9 AND A POINT ON A CURVE CONCAVE TO THE SOUTHEAST, THE RADIUS POINT OF WHICH BEARS S46°10'49"E, 550.00 FEET; THENCE RUN ALONG THE LINE COMMON TO SAID BLOCK 256 AND SAID TRACT C THE FOLLOWING COURSES: ON SAID CURVE HAVING A RADIUS OF 550.00 FEET AND A CENTRAL ANGLE OF 58°49'11" (CHORD=S14°24'36"W, 540.16 FEET) FOR 564.63 FEET TO THE POINT OF TANGENCY AND S15°00'00"E FOR 56.66 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF BLOCK 255 OF SAID CAPE CORAL UNIT 9, BEING ALSO THE

BLOCK 254 OF SAID CAPE CORAL UNIT 9, BEING ALSO THE SOUTHEASTERLY LINE OF SAID TRACT C; THENCE RUN ALONG THE REAR LOT LINES OF SAID BLOCK 254 AND BLOCK 253 OF SAID CAPE CORAL UNIT 9, AND THE COMMON LINE OF SAID TRACT C THE FOLLOWING COURSES: S75°00'00"W FOR 244.19 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, THEN ALONG SAID CURVE HAVING A RADIUS OF 1100.00 FEET AND A CENTRAL ANGLE OF 75°00'00" (CHORD=S37°30'00"W, 1339.28 FEET) FOR 1439.90 FEET TO THE POINT OF TANGENCY, THEN S00°00'00"E FOR 594.28 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, THEN ALONG SAID CURVE HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 29°17'06" (CHORD= S14°38'33"W, 12.64 FEET) FOR 12.78 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, THEN RUN ALONG SAID CURVE HAVING A RADIUS OF 2155.00 FEET AND A CENTRAL ANGLE OF 15°17'06" (CHORD=S21°38'33"W, 573.19 FEET) FOR 574.90 FEET TO THE POINT OF TANGENCY, THEN S14°00'00"W FOR 462.41 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, THEN ALONG SAID CURVE HAVING A RADIUS OF 175.00 FEET AND A CENTRAL ANGLE OF 76°00'00" (CHORD= S52°00'00"W, 215.48 FEET) FOR 232.13 FEET TO THE POINT OF TANGENCY AND N90°00'00"W FOR 222.13 FEET TO THE NORTHWEST CORNER OF LOT 1 OF SAID BLOCK 253, BEING ALSO THE SOUTHWEST CORNER OF SAID TRACT C, BEING ALSO A POINT ON THE EAST RIGHT OF WAY LINE OF PALM TREE BOULEVARD (100' R/W); THENCE RUN N00°09'01"E ALONG THE WEST LINE OF SAID TRACT C AND THE SAID EAST RIGHT OF WAY LINE FOR 952.57 FEET TO THE SOUTHWEST CORNER OF LOT 19, BLOCK 252 OF SAID CAPE CORAL UNIT 9, BEING ALSO A POINT ON THE WEST LINE OF SAID TRACT C; THENCE RUN ALONG THE LINE COMMON TO SAID BLOCK 252 AND SAID TRACT C THE FOLLOWING COURSES: N90°00'00"E FOR 125.00 FEET, N00°09'01"E FOR 167.99 FEET, N01°15'25"E FOR 135.18 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, THEN ALONG SAID CURVE HAVING A RADIUS OF 775.00 FEET AND A CENTRAL ANGLE OF 35°50'06" (CHORD=N16°39'38"W, 476.85 FEET) FOR 484.71 FEET TO A POINT ON THE SOUTH LINE OF BLOCK 251 OF SAID CAPE CORAL UNIT 9, BEING ALSO A POINT ON THE WESTERLY LINE OF SAID TRACT C; THENCE RUN ALONG THE LINE COMMON TO SAID BLOCK 251 AND SAID TRACT C THE FOLLOWING COURSES: N90°00'00"E FOR 257.03 FEET, N00°00'00"E FOR 900.00 FEET, N90°00'00"W FOR 300.00 FEET, N00°00'00"E FOR 790.43 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, THEN ALONG SAID CURVE HAVING A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF 36°28'39" (CHORD=N18°14'19"E, 78.24 FEET) FOR 79.58 FEET TO THE SOUTHEASTERLY CORNER OF LOT 1A OF SAID BLOCK 251, BEING ALSO THE NORTHEASTERLY CORNER OF LOT 1 OF SAID BLOCK 251; THENCE RUN N53°31'21"W ALONG THE RADIAL LINE COMMON TO SAID LOT 1A AND SAID LOT 1 FOR 125.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 1A, BEING ALSO THE NORTHWESTERLY CORNER OF LOT 1, A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID PALM TREE BOULEVARD AND A POINT ON A CURVE CONCAVE TO THE SOUTHEAST, THE RADIUS POINT OF WHICH BEARS S53°31'21"E, 250.00 FEET; THENCE RUN ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE AND THE NORTHWESTERLY LINES OF SAID LOT 1A, LOT 1B OF SAID BLOCK 251, SAID TRACT B-2 AND SAID TRACT B-1 THE FOLLOWING COURSES: ALONG SAID CURVE HAVING A RADIUS OF 250.00 FEET AND A CENTRAL ANGLE OF 30°41'08" (CHORD=N51°49'13"E, 132.30 FEET) FOR 133.89 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, THEN ALONG SAID CURVE HAVING A RADIUS OF 350.00 FEET AND A CENTRAL ANGLE OF 49°05'05" (CHORD=N42°37'14"E, 290.76 FEET) FOR 299.84 FEET TO A NON-TANGENT INTERSECTION WITH A LINE WHICH BEARS S71°55'19"E; THENCE RUN S71°55'19"E, LEAVING SAID RIGHT OF WAY LINE, FOR 84.32 FEET; THEN RUN THE FOLLOWING COURSES: S23°24'04"W FOR 165.56 FEET, S21°35'56"E FOR 28.77 FEET, S66°35'56"E FOR 175.57 FEET, S78°47'27"E FOR 67.28 FEET, S61°55'24"E FOR 44.09 FEET AND N83°53'53"E FOR 40.00 FEET TO AN INTERSECTION WITH THE LINE COMMON TO SAID TRACT C-1 AND SAID TRACT C; THENCE RUN THE FOLLOWING COURSES: CONTINUE N83°53'53"E FOR 116.88 FEET, S23°07'56"E FOR 12.00 FEET, N66°52'04"E FOR 485.80 FEET, N80°38'24"E FOR 230.45 FEET, S84°00'34"E FOR 368.48 FEET, N38°20'54"E FOR 57.58 FEET AND N15°02'20"W FOR 185.65 FEET TO AN INTERSECTION WITH THE LINE COMMON TO SAID SECTION 1 AND SAID SECTION

50.00 FEET AND S78°25'37"W FOR 43.85 FEET TO AN INTERSECTION WITH THE LINE COMMON TO SAID TRACT C-1 AND SAID TRACT C; THENCE RUN ALONG SAID COMMON LINE THE FOLLOWING COURSES: N28°57'18"W FOR 162.23 FEET AND N00°00'00"E FOR 99.70 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID TRACT B-1 OF SAID CAPE CORAL UNIT 9, BEING ALSO THE SOUTH LINE OF SAID TRACT A OF SAID CAPE CORAL UNIT 15; THENCE RUN THE FOLLOWING COURSES: CONTINUE N00°00'00"E FOR 22.66 FEET, N45°12'06"E FOR 352.85 FEET AND N00°00'00"E FOR 61.43 FEET TO THE MOST SOUTHERLY POINT ON THE BOUNDARY OF AN EXISTING WATER TREATMENT SITE LESSED OUT OF GOLF COURSE PROPERTY PER CHICAGO TITLE COMPANY COMMITMENT NO. 803-12, SAID POINT DESCRIBED AS THE POINT OF BEGINNING; THENCE RUN ALONG THE PERIMETER OF SAID WATER TREATMENT SITE THE FOLLOWING COURSES: N65°54'37"E FOR 171.99 FEET, N58°39'00"E FOR 197.46 FEET, N61°42'38"W FOR 206.28 FEET, N65°21'01"W FOR 161.24 FEET, S46°27'57"W FOR 99.78 FEET, S34°51'50"W FOR 71.36 FEET AND S05°43'44"W FOR 147.60 FEET TO THE MOST SOUTHWESTERLY CORNER OF SAID WATER TREATMENT SITE; THENCE RUN THE FOLLOWING COURSES: S45°12'06"W, LEAVING SAID WATER TREATMENT SITE, FOR 77.14 FEET AND S89°43'01"W FOR 227.91 FEET TO THE POINT OF BEGINNING.

LESS THE FOLLOWING DESCRIBED PARCEL OF LAND (PER O.R. 315, PG. 251):

COMMENCE AT THE SOUTHWESTERLY CORNER OF THE SAID TRACT C ON THE EASTERLY RIGHT OF WAY LINE OF PALM TREE BOULEVARD; THENCE NORTH 0°09'01" EAST, 98.0 FEET ALONG THE SAID EASTERLY RIGHT OF WAY LINE; THENCE EAST 85.0 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0°09'01" EAST, 100.0 FEET; THENCE EAST 100.0 FEET; THENCE SOUTH 0°09'01" WEST, 100.0 FEET; THENCE WEST 100.0 FEET TO THE POINT OF BEGINNING;

INCLUDING THE FOLLOWING DESCRIBED PARCEL OF LAND:

TRACT "A" OF CAPE CORAL UNIT 9, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 13, PAGES 7 TO 18, INCLUSIVE OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE N 1/4 (NORTH QUARTER) CORNER OF SAID SECTION 12, TOWNSHIP 45 SOUTH, RANGE 23 EAST, BEING ALSO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF S.E. 40TH STREET; THENCE RUN S00°19'18"W FOR 50.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID S.E. 40TH STREET, BEING ALSO A POINT ON THE NORTHERLY LINE OF SAID TRACT "A" AND THE POINT OF BEGINNING; THENCE RUN N90°00'00"E ALONG SAID RIGHT OF WAY LINE FOR 87.68 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST, SAID CURVE HAVING A CENTRAL ANGLE OF 109°04'06", A CHORD BEARING AND CHORD OF S35°27'57"E, 40.72 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 47.59 FEET TO THE POINT OF COMPOUND CURVATURE OF A 250.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, BEING ALSO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF PALM TREE BOULEVARD; THENCE RUN ALONG SAID RIGHT OF WAY LINE FOR THE FOLLOWING 2 (TWO) COURSES: CONTINUING ALONG SAID CURVE CONCAVE TO THE NORTHWEST, SAID CURVE HAVING A CENTRAL ANGLE OF 48°11'17", A CHORD BEARING AND CHORD OF S43°09'45"W, 204.12 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 210.26 FEET TO THE POINT OF REVERSE CURVATURE OF A 350.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A CENTRAL ANGLE OF 24°15'44", A CHORD BEARING AND CHORD OF S54°58'14"W, 147.10 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 148.21 FEET TO THE POINT OF CURVATURE OF A 25.00 FEET RADIUS CURVE CONCAVE TO THE NORTHEAST, SAID CURVE HAVING A CENTRAL ANGLE OF 137°09'46", A CHORD BEARING AND CHORD OF N68°34'53"W, 46.55 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 59.85 FEET TO THE POINT OF TANGENCY, BEING ALSO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF S.E. 4TH AVENUE; THENCE RUN N00°00'00"E ALONG SAID RIGHT OF WAY LINE FOR 224.64 FEET TO THE POINT OF CURVATURE OF A 25.00 FOOT RADIUS

THENCE RUN S89°57'00"E ALONG SAID RIGHT OF WAY LINE FOR 167.09 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS AND RESERVATIONS OF RECORD.

TOTAL GOLF COURSE PARCEL CONTAINS 7,630,572 SQUARE FEET (175.174 ACRES), MORE OR LESS.

PROPERTY IS LOCATED AT: 4003 PALM TREE BOULEVARD.

SECTION 2. Severability. In the event that any portion or section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. The effective date of this plan amendment shall be: The date a final order is issued by the Department of Community Affairs finding the amendment to be in compliance in accordance with Chapter 163.3184(9), F.S., or the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184(10), F.S., whichever is applicable.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

\_\_\_\_\_  
JAMES D. BURCH, MAYOR

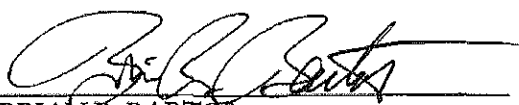
VOTE OF MAYOR AND COUNCILMEMBERS:

BURCH	_____
TATE	_____
BRANDT	_____
DEILE	_____
BERTOLINI	_____
GRILL	_____
DAY	_____
DONNELL	_____

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

\_\_\_\_\_  
BONNIE J. POTTER, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
BRIAN R. BARTOS

ASSISTANT CITY ATTORNEY

ord/lu071-15

ORD  
20-09

Case # LU 07-01000015

2008 JUL -2

CITY OF CAPE CORAL  
REQUEST TO PLANNING & ZONING COMMISSION/LOCAL PLANNING AGENCY AND COUNCIL  
FOR A COMPREHENSIVE LAND USE MAP AMENDMENT

FEE \$1,225.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4)

OWNER OF PROPERTY  
Florida Gulf Ventures LLC

Address P. O. Box 07457  
Ft. Myers, FL Zip Code 33919  
Phone ( 239 ) 489-4698

APPLICANT  
Same

Address Same  
Zip Code \_\_\_\_\_  
Phone ( ) \_\_\_\_\_

AUTHORIZED REPRESENTATIVE  
William Nolan, President  
WPN & Associates, Inc.

Address 3316 SE 17th Place  
Cape Coral, FL Zip Code 33904  
Phone ( 239 ) 549-3054

Location: Unit 9 Block \_\_\_\_\_ Lot(s) \_\_\_\_\_ Subdivision Cape Coral

Legal Description See attached survey

Address Of Property 4003 Palm Tree Blvd. Plat Book See attached  
Current Zoning B-1B Strap Number \_\_\_\_\_  
Current Land Use Parks Proposed Land Use Mixed use

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or his authorized representative agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

STATE OF Minnesota  
COUNTY OF Hennepin

Patrick G. Ryan  
Applicant's Signature  
PATRICK G. RYAN, PRES

Sworn to and subscribed before me this 30 day of June 20 08, and who is personally known X or has produced identification \_\_\_\_\_, (type of I.D. produced: \_\_\_\_\_), and who did/did not take an oath.

Pamela K. Shives  
Notary Public

My Commission Expires: Jan 31, 2010



CITY OF CAPE CORAL  
COMPREHENSIVE LAND USE AMENDMENT  
APPLICATION CONTINUED

Parcel Size: Width Varies Depth Varies Sq. Ft. 7,630,572 Acreage 171.174+/-

Soil Type: Sandy

Urban Services Area: (check one):  Infill  Transition  Reserve

Natural Resources: (state habitat type, e.g. high lands, wetlands, upland forest, oak hammocks, etc):

Cleared upland containing an abandoned golf course (including sand traps and lakes).

Animal Species: (list any endangered, threatened, or species of special concern on-site)

currently none

Estimated Development:

Estimate total lot coverage: 50 %

Estimate total building floor area 425,000 sq. ft.

Estimate type of future development and percentages (e.g. business offices, commercial retail, automotive repair, etc) Commercial Retail, Business Offices and some Multi-Family Residential

Estimated peak hour trip ends: 1,443 (see attached trip estimates)

If 200 or less peak hour trip ends are projected, the applicant must provide the source of the traffic projection. If more than 200 peak hour trip ends are projected, a traffic impact study must be completed and submitted as part of the application (see attachments).

City Sewer: yes  no   
City Water: yes  no

THE TOTAL GOLF COURSE PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OF LAND SITUATED IN THE SOUTH HALF (S 1/2) OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 23 EAST AND THE NORTH HALF (N 1/2) OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 23 EAST, AND IN THE SOUTH HALF (S 1/2) OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND IN THE NORTH HALF (N 1/2) OF SECTION 7, TOWNSHIP 45 SOUTH, RANGE 24 EAST, BEING ALSO SITUATED IN TRACTS B-1 AND B-2, WHICH COMPRISE ALL OF TRACT B OF CAPE CORAL UNIT 9 AS RECORDED IN PLAT BOOK 13, PAGES 7 THROUGH 18; TRACTS C-1 AND C-2, WHICH COMPRISE A PORTION OF TRACT C OF SAID CAPE CORAL UNIT 9; THE REMAINING PORTION OF SAID TRACT C OF SAID CAPE CORAL UNIT 9; LOTS 1A AND 1B, BLOCK 251 OF SAID CAPE CORAL UNIT 9; A PORTION OF TRACT A OF CAPE CORAL UNIT 15 AS RECORDED IN PLAT BOOK 13, PAGES 69 THROUGH 75, AND TRACT A OF CAPE CORAL UNIT 14 AS RECORDED IN PLAT BOOK 13, PAGES 61 THROUGH 68, ALL OF THE ABOVE BEING FOUND IN THE PUBLIC RECORDS OF LEE COUNTY, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE N 1/4 (NORTH QUARTER) CORNER OF SAID SECTION 12, SAID CORNER BEING LOCATED S89°57'03"W A DISTANCE OF 2621.07 FEET FROM THE CORNER COMMON TO SAID SECTION 12 AND SECTION 1, TOWNSHIP 45 SOUTH, RANGE 23 EAST AND SECTIONS 6 AND 7, TOWNSHIP 45 SOUTH, RANGE 24 EAST; THENCE RUN N90°00'00"E ALONG THE NORTH LINE OF SAID CAPE CORAL UNIT 9 FOR 350.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT A OF SAID CAPE CORAL UNIT 15, BEING ALSO THE SOUTHEAST CORNER OF LOT 1, BLOCK 481 OF SAID CAPE CORAL UNIT 15; THENCE RUN N00°16'59"W ALONG THE WEST LINE OF SAID TRACT A AND THE EAST LINE OF SAID BLOCK 481 FOR 341.02 FEET TO THE POINT OF BEGINNING; THENCE RUN ALONG THE LINE COMMON TO SAID TRACT A AND SAID BLOCK 481 THE FOLLOWING COURSES: N00°16'59"W FOR 1652.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST; THEN RUN ALONG SAID CURVE HAVING A RADIUS OF 322.17 FEET AND A CENTRAL ANGLE OF 90°16'59" (CHORD=N44°51'30"E, 456.74 FEET) FOR 507.66 FEET TO THE POINT OF TANGENCY AND N90°00'00"E FOR 305.13 FEET TO AN INTERSECTION WITH THE WEST LINE OF BLOCK 480 OF SAID CAPE CORAL UNIT 15, BEING ALSO THE EAST LINE OF SAID TRACT A; THENCE RUN S00°00'00"E ALONG THE LINE COMMON TO SAID TRACT A AND SAID BLOCK 480 FOR 680.00 FEET TO THE NORTHWEST CORNER OF LOT 17-A, BLOCK 480 OF CAPE CORAL UNIT 15, A REPLAT OF PORTIONS OF BLOCKS 480 AND 482, TRACT A AND ST. MORITZ CIRCLE, CAPE CORAL UNIT 15, PLAT BOOK 13, PAGES 72 & 73, LYING IN SECTION 1, TOWNSHIP 45 SOUTH, RANGE 23 EAST, ACCORDING TO PLAT BOOK 13, PAGES 93 & 94 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN ALONG THE LINE COMMON TO SAID TRACT A AND SAID BLOCK 480 OF SAID REPLAT OF SAID CAPE CORAL UNIT 15 THE FOLLOWING COURSES: S00°00'00"E FOR 640.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH, THEN RUN ALONG SAID CURVE HAVING A RADIUS OF 300.00 FEET AND A CENTRAL ANGLE OF 180°00'00"

BLOCK 254 OF SAID CAPE CORAL UNIT 9, BEING ALSO THE SOUTHEASTERLY LINE OF SAID TRACT C; THENCE RUN ALONG THE REAR LOT LINES OF SAID BLOCK 254 AND BLOCK 253 OF SAID CAPE CORAL UNIT 9, AND THE COMMON LINE OF SAID TRACT C THE FOLLOWING COURSES: S75°00'00"W FOR 244.19 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, THEN ALONG SAID CURVE HAVING A RADIUS OF 1100.00 FEET AND A CENTRAL ANGLE OF 75°00'00" (CHORD=S37°30'00"W, 1339.28 FEET) FOR 1439.90 FEET TO THE POINT OF TANGENCY, THEN S00°00'00"E FOR 594.28 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, THEN ALONG SAID CURVE HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 29°17'06" (CHORD= S14°38'33"W, 12.64 FEET) FOR 12.78 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, THEN RUN ALONG SAID CURVE HAVING A RADIUS OF 2155.00 FEET AND A CENTRAL ANGLE OF 15°17'06" (CHORD=S21°38'33"W, 573.19 FEET) FOR 574.90 FEET TO THE POINT OF TANGENCY, THEN S14°00'00"W FOR 462.41 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, THEN ALONG SAID CURVE HAVING A RADIUS OF 175.00 FEET AND A CENTRAL ANGLE OF 76°00'00" (CHORD= S52°00'00"W, 215.48 FEET) FOR 232.13 FEET TO THE POINT OF TANGENCY AND N90°00'00"W FOR 222.13 FEET TO THE NORTHWEST CORNER OF LOT 1 OF SAID BLOCK 253, BEING ALSO THE SOUTHWEST CORNER OF SAID TRACT C, BEING ALSO A POINT ON THE EAST RIGHT OF WAY LINE OF PALM TREE BOULEVARD (100' RW); THENCE RUN N00°09'01"E ALONG THE WEST LINE OF SAID TRACT C AND THE SAID EAST RIGHT OF WAY LINE FOR 952.57 FEET TO THE SOUTHWEST CORNER OF LOT 19, BLOCK 252 OF SAID CAPE CORAL UNIT 9, BEING ALSO A POINT ON THE WEST LINE OF SAID TRACT C; THENCE RUN ALONG THE LINE COMMON TO SAID BLOCK 252 AND SAID TRACT C THE FOLLOWING COURSES: N90°00'00"E FOR 125.00 FEET, N00°09'01"E FOR 167.99 FEET, N01°15'25"E FOR 135.18 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, THEN ALONG SAID CURVE HAVING A RADIUS OF 775.00 FEET AND A CENTRAL ANGLE OF 35°50'06" (CHORD=N16°39'38"W, 476.85 FEET) FOR 484.71 FEET TO A POINT ON THE SOUTH LINE OF BLOCK 251 OF SAID CAPE CORAL UNIT 9, BEING ALSO A POINT ON THE WESTERLY LINE OF SAID TRACT C; THENCE RUN ALONG THE LINE COMMON TO SAID BLOCK 251 AND SAID TRACT C THE FOLLOWING COURSES: N90°00'00"E FOR 257.03 FEET, N00°00'00"E FOR 900.00 FEET, N90°00'00"W FOR 300.00 FEET, N00°00'00"E FOR 790.43 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, THEN ALONG SAID CURVE HAVING A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF 36°28'39" (CHORD=N18°14'19"E, 78.24 FEET) FOR 79.58 FEET TO THE SOUTHEASTERLY CORNER OF LOT 1A OF SAID BLOCK 251, BEING ALSO THE NORTHEASTERLY CORNER OF LOT 1 OF SAID BLOCK 251; THENCE RUN N53°31'21"W ALONG THE RADIAL LINE COMMON TO SAID LOT 1A AND SAID LOT 1 FOR 125.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 1A, BEING ALSO THE NORTHWESTERLY CORNER OF LOT 1, A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID PALM TREE BOULEVARD AND A POINT ON A CURVE CONCAVE TO THE SOUTHEAST, THE RADIUS POINT OF WHICH BEARS S53°31'21"E, 250.00 FEET; THENCE RUN ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE AND THE NORTHWESTERLY LINES OF SAID LOT 1A, LOT 1B OF SAID BLOCK 251, SAID TRACT B-2 AND SAID TRACT B-

1 THE FOLLOWING COURSES: ALONG SAID CURVE HAVING A RADIUS OF 250.00 FEET AND A CENTRAL ANGLE OF 30°41'08" (CHORD=N51°49'13"E, 132.30 FEET) FOR 133.89 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, THEN ALONG SAID CURVE HAVING A RADIUS OF 350.00 FEET AND A CENTRAL ANGLE OF 49°05'05" (CHORD=N42°37'14"E, 290.76 FEET) FOR 299.84 FEET TO A NON-TANGENT INTERSECTION WITH A LINE WHICH BEARS S71°55'19"E; THENCE RUN S71°55'19"E, LEAVING SAID RIGHT OF WAY LINE, FOR 84.32 FEET; THEN RUN THE FOLLOWING COURSES: S23°24'04"W FOR 165.56 FEET, S21°35'56"E FOR 28.77 FEET, S66°35'56"E FOR 175.57 FEET, S78°47'27"E FOR 67.28 FEET, S61°55'24"E FOR 44.09 FEET AND N83°53'53"E FOR 40.00 FEET TO AN INTERSECTION WITH THE LINE COMMON TO SAID TRACT C-1 AND SAID TRACT C; THENCE RUN THE FOLLOWING COURSES: CONTINUE N83°53'53"E FOR 116.88 FEET, S23°07'56"E FOR 12.00 FEET, N66°52'04"E FOR 485.80 FEET, N80°38'24"E FOR 230.45 FEET, S84°00'34"E FOR 368.48 FEET, N38°20'54"E FOR 57.58 FEET AND N15°02'20"W FOR 185.65 FEET TO AN INTERSECTION WITH THE LINE COMMON TO SAID SECTION 1 AND SAID SECTION 12; THENCE RUN THE FOLLOWING COURSES: CONTINUE N15°02'20"W FOR 215.80 FEET, N80°14'49"W FOR 135.27 FEET, S88°22'16"W FOR 241.98 FEET, S70°40'05"W FOR 404.84 FEET, S49°33'45"W FOR 181.17 FEET, S20°55'22"W FOR 37.19 FEET, S16°52'04"W FOR 47.88 FEET, S30°00'37"W FOR 53.18 FEET, S13°41'21"W FOR 50.00 FEET, S50°09'31"W FOR 50.00 FEET AND S78°25'37"W FOR 43.85 FEET TO AN INTERSECTION WITH THE LINE COMMON TO SAID TRACT C-1 AND SAID TRACT C; THENCE RUN ALONG SAID COMMON LINE THE FOLLOWING COURSES: N28°57'18"W FOR 162.23 FEET AND N00°00'00"E FOR 99.70 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID TRACT B-1 OF SAID CAPE CORAL UNIT 9, BEING ALSO THE SOUTH LINE OF SAID TRACT A OF SAID CAPE CORAL UNIT 15; THENCE RUN THE FOLLOWING COURSES: CONTINUE N00°00'00"E FOR 22.66 FEET, N45°12'06"E FOR 352.85 FEET AND N00°00'00"E FOR 61.43 FEET TO THE MOST SOUTHERLY POINT ON THE BOUNDARY OF AN EXISTING WATER TREATMENT SITE LESSED OUT OF GOLF COURSE PROPERTY PER CHICAGO TITLE COMPANY COMMITMENT NO. 803-12, SAID POINT DESCRIBED AS THE POINT OF BEGINNING; THENCE RUN ALONG THE PERIMETER OF SAID WATER TREATMENT SITE THE FOLLOWING COURSES: N65°54'37"E FOR 171.99 FEET, N58°39'00"E FOR 197.46 FEET, N61°42'38"W FOR 206.28 FEET, N65°21'01"W FOR 161.24 FEET, S46°27'57"W FOR 99.78 FEET, S34°51'50"W FOR 71.36 FEET AND S05°43'44"W FOR 147.60 FEET TO THE MOST SOUTHWESTERLY CORNER OF SAID WATER TREATMENT SITE; THENCE RUN THE FOLLOWING COURSES: S45°12'06"W, LEAVING SAID WATER TREATMENT SITE, FOR 77.14 FEET AND S89°43'01"W FOR 227.91 FEET TO THE POINT OF BEGINNING.

LESS THE FOLLOWING DESCRIBED PARCEL OF LAND (PER O.R. 315, PG. 251):

COMMENCE AT THE SOUTHWESTERLY CORNER OF THE SAID TRACT C ON THE EASTERLY RIGHT OF WAY LINE OF PALM TREE BOULEVARD; THENCE NORTH 0°09'01" EAST, 98.0 FEET ALONG THE SAID EASTERLY RIGHT OF WAY LINE; THENCE EAST 85.0 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0°09'01" EAST, 100.0 FEET; THENCE EAST 100.0 FEET; THENCE SOUTH 0°09'01" WEST, 100.0 FEET; THENCE WEST 100.0 FEET TO THE POINT OF BEGINNING;

## Planning and Growth Management Division Case Report #LU 07-01000015

**Review Date:** March 25, 2009

**Applicant:** Florida Gulf Ventures, LLC  
P.O. Box 07457  
Fort Myers, FL 33919  
(239) 489-4698

**Property Owner:** Florida Gulf Ventures, LLC  
P.O. Box 07457  
Fort Myers, FL 33919  
(239) 489-4698

**Authorized Representative:** WPN & Associates  
William Nolan, President  
3316 SE 17<sup>th</sup> Place  
Cape Coral, FL 33904  
(239) 549-3054

**Case Staff:** Wyatt Daltry, AICP, Planner III  
Department of Community Development  
P.O. Box 150027  
Cape Coral, FL 33915-0027  
239-573-3160

**Reviewed By:** Rick Sosnowski, AICP, Comprehensive Planning Team  
Coordinator

**Review Approval:** Mike Struve, AICP, Acting Planning and Growth Management  
Division Manager

**Request:** The request involves a Large-Scale Future Land Use Map  
Amendment from Parks and Recreation (PK) to Mixed Use (MX)  
for 175.17 acres.

**Location:** Southeastern quarter of City in Units 9, 14, and 15. Area is  
formerly known as the Cape Coral Golf and Tennis Resort,  
located at 4003 Palm Tree Blvd.

**Strap Number:** 12-45-23-C2-0000A.0000

**Parcel Area:** 7,630,405 square feet  
175.17± acres

**Current Zoning:** Single Family Residential (R-1B)

**Urban Service Area:** Infill

**Surrounding Zoning:**

North: Single Family Residential (R-1B)  
 South: Multi-Family Residential (R-3) and Single Family Residential (R-1B)  
 East: Single Family Residential (R-1B)  
 West: Single Family Residential (R-1B)

**Surrounding Future Land Use:**

North: Single Family Residential (SF)  
 South: Single Family Residential (SF), Multi-Family Residential (MF)  
 East: Single Family Residential (SF)  
 West: Single Family Residential (SF)

**Site Visits:** July 1, 2007

**City Water:** Yes.

**City Sewer:** Yes.

**Type of Access Roads:**

The parcel has frontage on Palm Tree Blvd. at its western boundary, a collector roadway. As can be expected in an undeveloped parcel, there are no internal roadways.

**Soil Types:** Matlacha gravelly fine sand (Soil Type 18), Urban Land (Soil Type 59)

**Soil Limitations for Development:**

Soil Type		Limitations	
		Dwellings without basements	Small commercial buildings
18	Matlacha gravelly fine sand	Moderate (wetness)	Moderate (wetness)
59	Urban land	N/A	N/A

These severe limitations are typically overcome by using various engineering solutions, such as importing fill. The soil type, therefore, may not present an obstacle to the proposed Future Land Use Amendment; however, special feasibility studies may be required.

**Drainage:** Must comply with South Florida Water Management District and/or the City of Cape Coral Engineering Design Standards.

**Natural Resources:** The site consists of a former golf course.

**Animal Habitat:** There has been no identification of protected species or species of special concern on site, though burrowing owls could potentially be present. The City requires a protected species survey prior to the issuance of any building permits.

**Impact Assessment Summary (at bulldout):**

The following calculations summarize approximate conditions for each municipal service analyzed. A more complete analysis of each service is included in the text that follows the calculations. As the proposed change involves the Mixed Use land use classification, the following tables would best describe the background for the impact assessment summary.

For the Mixed Use future land use classification, there are assumptions made about the non-residential/residential split. The aforementioned splits are consistent with the range permitted in the Future Land Use Element of the Comprehensive Plan in Policy 1.15.f. Therefore, when determining the impacts caused by this development, Staff assumes that half of the site would be developed as multi-family residential, and the other one-half of the site would be developed with non-residential uses, which include office and retail uses. That being said, the mix could be as extreme as a 20/80% split of uses.

For purposes of this impact assessment, residential densities for all land use classifications are assumed to be at the maximum density of 16 dwelling units per acre, while non-residential intensities for all classifications assume a floor-area-ratio of 0.5 FAR (for this amendment, a total of 1,907,601 square feet). Residential potable water usage assumes 200 gallons per day per dwelling unit; wastewater assumes 250 gpd per dwelling unit. Given that non-residential square footage involves office and retail development, the assumption is that both potable water and wastewater impacts would equal approximately 0.3 gpd per square foot.

Type:	<b><u>Dwelling Units</u></b>
Existing:	0
Proposed:	1,401 (16 dwelling units per acre x 87.59 acres of Mixed Use residential land = <u>1,401 dwelling units</u> )
Net Change:	+1,401 dwelling units

Type:	<b><u>Population*</u></b>
Existing:	0
Proposed:	3,488
Net Change:	+3,488

\* 2.49 persons/household = avg. household size; 2000 Census

Type:	<b><u>Water Use</u></b>
Existing:	5,536-gal/day max
Proposed:	<u>852,480-gal/day max</u> (280,200-gal/day max residential usage plus 572,280-gal/day non-residential)

Net Change: +846,944 gpd  
Facility Capacity: 15 MGD  
Funded Facility Capacity by 2009: 30.1 MGD  
Permitted Usage: 16.9 MGD (average), 22.5 MGD (max)  
Avg. Daily Flow: 9.8 MGD  
Capacity Available?: Yes

Type: **Sewage**

Existing: 5,536-gal/day max  
Proposed: 922,530-gal/day max (350,250-gal/day max residential usage plus 572,280-gal/day non-residential)  
Net Change: +916,994 gpd  
Facility Capacity: 15.1 MGD  
Funded Facility Capacity by 2009: 28.4 MGD  
Avg. Daily Flow: 11.0 MGD  
Capacity Available?: Yes

Type: **Solid Waste**

Existing: 7,009-lbs./day max  
Proposed: 275,967-lbs./day max (16,533-lbs./day residential plus 259,434-lbs./day non-residential)  
Net Change: +268,958 lbs./day  
Facility Capacity: 1,836 ton/day  
Existing Demand: 1,374 ton/day  
Capacity Available: Yes

Type: **Traffic/Peak Hour Trips**

Existing: 39/AM peak and 54/PM peak  
Proposed: 1,345/AM peak and 4,908/PM peak  
Net Change: +1,306/AM peak and +4,854/PM peak  
Facility Capacity: Country Club Boulevard and Palm Tree Boulevard has an adopted Level of Service "D"

**Capacity Available:** No, not during the PM peak hour (see analysis on pages 10-11).

**Land Use Analysis:**

Background:

The property owner wishes to develop the site with a mix of multi-family residential, office, and retail uses with significant public park and lake areas as permitted in the in the Mixed Use future land use classification. The current Parks and Recreation future land use classifications do not permit such a mix of uses. Until recently, the site served as the Cape Coral Golf and Tennis Resort; according to the applicant, the combination of continually rising costs of golf course operation with the general lessening of interest in golf served to make the golf course no longer competitive within the golfing

community. Before the cessation of golf course operation, this was the only golf course in southeastern Cape Coral.

The site is served by a collector roadway, Palm Tree Boulevard, on the western side of the property, while a minor arterial roadway (Country Club Boulevard) may indirectly serve the site to the east. The subject property is a large unplatted property of 175.17 acres, such large areas are a rarity for Cape Coral.

The surrounding area is a well developed residential neighborhood of single and multi-family residential housing, at approximately 94% buildout. There do not appear to be deed restrictions on either the subject property, or on the surrounding residential properties. This area, located in the southeastern quarter of the city, was among the first areas of the city that were developed. Largely enveloped by the golf course is an existing condominium development, the Banyan Trace development, which has already been designated as Multi-Family Residential in the future land use map. This area was amended to Multi-Family Residential to Parks and Recreation over three separate amendments in the late 1990's and early 2000's, and is not included in the proposed amendment request.

#### Comprehensive Plan:

This section discusses the extent to which the proposed amendment is consistent with the City's Comprehensive Plan. Objective 2 of the Future Land Use Element states the following:

"OBJECTIVE 2: Location of New Commercial Development: New commercial development shall be so located to provide minimal vehicle trip lengths, at or near transportation nodes, and compatible with neighboring residential uses."

It appears that the proposed amendment would not be located near a transportation node, and it is questionable whether it is compatible with neighboring residential uses.

Given the enormous amount of non-residential development potentially created by this future land use amendment request, the first sentence of Policy 3.1 of the Future Land Use Element is pertinent to this request. It states:

"Policy 3.1: The City of Cape Coral will encourage the development of future commercial (retail, office and/or services) areas at or near transportation nodes by assigning appropriate future land use designations."

As the subject property is not located at or near a transportation node, but instead in the center of a residential neighborhood, the proposal would be inconsistent with this policy.

This large-scale land use amendment request was initiated by the City of Cape Coral to address mixed-use development involving both residential and non-residential uses. The following analysis will take place under Section 8.7.3 of the Land Use and Development Regulations. These regulations are as follows:

1. The extent to which the value of the property is diminished by the proposed land use restriction or zoning to the property.

*The proposed future land use change to the Mixed Use Future Land Use involves a change from a parks land use classification to a mixed-use classification, representing an increase in density. The inventory of land for mixed-use development within the City is very small, particularly that of unplatted property, given the City's size. As mixed-use development is underserved, this type of development could command premium prices. Since the intensity of development is increased, Staff feels that there would be no diminishing of the property's value.*

2. The extent to which the removal of a proposed land use restriction or change depreciates the value of other properties in the area.

*A Mixed Use land use on property historically has had the possibility to increase the values of nearby residential properties, in that the complexities involved in developing such mixed use developments require that proper master planning techniques and best development practices are adhered to, thereby creating an upscale product. Such a product would normally improve the value of other properties in the area. However, in this case this appreciation of value is balanced by depreciation caused by the loss of open space and other amenities inherent in the existing golf course development, said development being removed in the event of this amendment being approved.*

3. The suitability of the property for the land use restriction imposed on the property.

*This location can be seen as appropriate and as problematic for many reasons. The subject property consists of parts of a large unplatted tract, which is adjacent to a collector roadway - this provides flexibility for a mixed use development. Utilities are also present in the area. That being said, however, the surrounding area is an established residential neighborhood, and has been such for the past 4 decades. An amendment which could potentially permit 1.9 million square feet of non-residential space and nearly 1,400 home sites would be seen as an intrusion into this existing dynamic. As shown from the analysis of transportation trips, given this assumption, the existing transportation network would need to be strengthened, in that Palm Tree Boulevard or Wildwood Parkway may need widening, and that additional entrances to the site may need to be developed, which would further intrude into this residential setting. For these reasons, staff would find the amendment, as proposed, to be unsuitable.*

4. The character of the neighborhood, existing uses, zoning of nearby and surrounding properties, and compatibility of the proposed land use restriction.

*The surrounding neighborhood is a mixture of single family residential and multi-family residential development. The proposed amendment encompasses a condominium development known as Banyan Trace. The surrounding area is developed to a significant degree (94%). Given the amount of non-residential development possible, this proposed amendment is incompatible with the character of the surrounding neighborhood.*

5. The relative gain to the community as compared to the hardship, if any imposed, by the proposed land use restriction.

*Additional acreage for mixed use development, given the lack of such use in the City's inventory, is a valuable asset to the community. There is no hardship imposed both by the proposed future land use classification, nor is one imposed by the removal of the existing Parks and Recreation land use classification, as the property is not owned by the City of Cape Coral, and the property was formerly a golf course.*

6. The community need for the use proposed by the land use restriction.

*The intended use of the property is that of a mixed-use development. The City has a responsibility to try to provide the means to offer a variety of housing stock and retail or office opportunities to its citizens. Furthermore, the efficient use patterns permitted by mixed use development are needed within the City, particularly in areas where the City would wish to have a more urbanized character.*

*That being said, there is a community open space benefit that despite the private ownership of the property, should be acknowledged. In addition, loss of the golf course usage for the property will reduce the City's number of public and private golf courses to three golf courses. The City's current level of service standard for golf courses is one course per 100,000 population - if this amendment is approved, the City would need to add an additional golf course to meet its buildout population of approximately 400,000.*

7. The extent to which the proposed land use restriction promotes the health, safety, morals, or general welfare of this community.

*The proposed amendment intends to allow for the development of a mixed use residential/office/retail development, which would have little to no effect on the health, morals, or general welfare of the community. The possibility of a large increase in traffic proposed by the amendment, compared to the existing land use classification, may have a negative effect on the safety of the immediate neighborhood.*

*Furthermore, the previous use of the property as a golf course during the 1960's-1980's has the potential of negative effects on safety. Older golf courses have been identified as sites where one might reasonably anticipate elevated arsenic soil levels because older herbicides used on many golf courses contained arsenic as an ingredient. No studies have been made as to whether the property has arsenic soil values in excess of the Florida Department of Environmental Protection's safety thresholds, but this is an issue for decision-makers to be aware of. The applicant has submitted an arsenic report, finding no significant findings of arsenic contamination in the soil of the subject property.*

8. The extent to which the proposed land use will impact the level of service standards for public facilities.

*As the proposed amendment involves a change of land use from a parkland land use classification, it cannot be helped that there will be an increase in development impacts. As it pertains to potable water and wastewater utilities, the proposed amendment will be absorbed by the budgeted increases in potable water and*

*wastewater capacity for the 2007-2008 Fiscal Year. As for transportation, a traffic study was commissioned by the applicant to determine the traffic impacts of this proposed land use amendment to the nearby road network. However, the assumptions used in the traffic study assumed a lesser amount of development than the assumptions used in this case report. It is Staff's opinion that the proposed amendment will require transportation improvements that are inconsistent with a development that can easily assimilate itself in the surrounding neighborhood.*

9. Whether the proposed land use restriction, removal of restriction is consistent with the City of Cape Coral Comprehensive Land Use Plan.

*Based on the aforementioned, the proposed future land use amendment is not consistent with the City of Cape Coral's Comprehensive Plan.*

Given the size of the subject property, the proposed amendment would place a tremendous burden on the surrounding neighborhood, as discussed in items 3, 4, 7, and 8. For these reasons, Staff will not recommend transmittal of the amendment, as proposed. A proposal with a lesser scope in terms of land or intensity may be appropriate, however.

#### **Development Impact Analysis:**

##### Infrastructure

##### *Potable Water:*

With the proposed Mixed Use land use classification, 1,401 residential dwelling units and 1,907,601 square feet of non-residential space will consume 852,480 gallons of potable water per day. This is an increase of 846,944 gallons per day from its current land use designations of Parks and Recreation.

(200 gallons/day/dwelling unit x 1,401 dwelling units) = 280,200 gallons/day residential,  
plus  
(0.3 gallons/day/square feet x 1,907,601 square feet) = 572,280 gallons/day non-residential equals 852,480 gallons/day

The city has a water production capacity of 15.1 million gallons per day (MGD), with an average daily flow of 9.8 MGD. Future updates to the potable water system in Cape Coral will include an increase of potable water production capacity to 30.1 MGD by 2008. Currently, the City has been permitted water withdrawals not to exceed an average of 16.93 million gallons per day. The City is in the process of updating its water withdrawal permit with the South Florida Water Management District. Adequate reserve capacity exists to satisfy the project consumption of 852,480 gallons per day with the proposed Mixed Use land use classification.

##### *Wastewater:*

With the proposed Mixed Use land use classification, 1,401 residential dwelling units and 1,907,601 square feet of non-residential space will generate 922,530 gallons of

wastewater per day. This is an increase of 916,994 gallons per day from its current land use designations of parks and Recreation.

(250 gallons/day/dwelling unit x 1,401 dwelling units) = 350,250 gallons/day residential, plus  
(0.3 gallons/day/square feet x 1,907,601 square feet) = 572,280 gallons/day non-residential equals 922,530 gallons/day

The city has two treatment facilities with a combined total capacity of 111.0 MGD. The annual average daily flow in FY 2008 was 11.0 MGD. Future updates to the wastewater system in Cape Coral will include an increase of wastewater generation capacity to 28.4 MGD by 2008. Adequate reserve capacity exists to satisfy the projected generation of 922,530 gallons of wastewater per day with the proposed Mixed Use land use classification.

*Solid Waste:*

With the proposed Mixed Use land use designation, 1,401 residential dwelling units and 1,907,601 square feet of non-residential space is projected to generate a maximum of 275,967 pounds of solid waste per day, an increase of 268,958 pounds per day from its current land use.

(4.74 lbs/day/person x 3,488 people) = 16,533 lbs./day residential, plus  
(0.136 lbs/day/sq ft x 1,907,601 square feet) = 259,434 lbs./day non-residential; equals 275,967 lbs./day

Currently, most household waste other than recyclable or horticultural waste is processed by a Lee County waste-to-energy facility. It has a capacity of 1,836 tons per day and is currently receiving approximately 1,374 tons per day.

In addition, the City Council entered into a ten-year interlocal agreement with Lee County, whereby Lee County commits to accepting all of the waste from the City during that period. This interlocal agreement gives Lee County the ability to make the necessary capital investment in facilities with the confidence that the City of Cape Coral will continue to use the facility for the ten-year period. In return, the City benefits by having the ability to increase its contribution to the waste stream.

*Hurricane Evacuation:*

The proposed amendment would result in an increase in potential dwelling units in this area. Projected evacuation times for this area, which is within the Central Cape 2 Evacuation Zone, would be increased due to the increased densities in the proposed land use category.

*Park Lands:*

The levels of service standards for parkland and facilities are based on permanent population. Since the proposed land use designation does include dwelling units, the amendment will increase the demand for parks by 3.84 acres. Furthermore, the reduction of Parks and Recreation land, despite the fact that the property is privately-

owned, would reduce the inventory of properties with this future land use classification by 175.17 acres.

*Stormwater:*

Phase I of the City's Surface Water Management Plan is complete and adopted. Commercial uses are required to adhere to South Florida Water Management District criteria for water quality and quantity. The permitting process ensures that provisions are made to address stormwater runoff consistent with the requirements of the South Florida Water Management District and the adopted portion of the City's Surface Water Management Plan.

*Endangered Species:*

No burrowing owl sites or active gopher tortoise burrows were observed on site during staff's field inspection. The City will require a protected species survey prior to issuance of a site plan and/or building permit. If any bald eagle, eastern indigo snake, burrowing owl, or gopher tortoise habitat were present, the city's current permitting procedures assure proper protection and/or mitigation for nests or burrows identified on site prior to development.

*School Facilities:*

Based on the assumption that no residences are permitted with the current future land use classification, the current school facility impacts are that of no public school students. The proposed amendment would have the impact of adding 165 public school students, assuming that residential development would be developed as multi-family residential product. Thus, the net impact of the amendment is to increase the impact on school facility capacity at buildout by 165 students. This impact may be found using the following calculations below:

Single Family Residential Dwelling Unit Student Generation Coefficient: .299  
Multi-Family Residential Dwelling Unit Student Generation Coefficient: .118

\*Note: the coefficient determines the number of students generated per dwelling unit, per the Lee County School Board

Existing: 0 single family dwelling units \*.299 = 0 students  
Proposed: 1,401 single family dwelling units \*.118 = 165 students  
Net change: 165 students

*Traffic Analysis:*

The proposed land use amendment would increase the number of trips during the morning peak hour from an existing potential of 39 trips to 1,345 trips, an increase of 1,306 trips. For the afternoon peak hour, the number of trips would increase from 54 trips to 4,908 trips, an increase of 4,854 trips.

The two roadways serving this area are Country Club Boulevard, a 4-lane minor arterial roadway, and Palm Tree Boulevard, a two-lane collector road. According to the City's

2007 traffic volume data, the two-way, peak-hour traffic counts for both roadways are 639 trips and 540 trips, respectively. The peak hour capacity for both roadways that maintains the adopted level of service standard of "D" is 2,950 trips for Country Club Boulevard and 1,390 trips for Palm Tree Boulevard. This capacity was determined according to Table 4-4 ("Generalized Peak Hour Two-Way Volumes for Florida's Urbanized Areas", Non-State Roadway table) of the Florida Department of Transportation's 2002 Quality/Level of Service Handbook. Subtracting the 2007 observed traffic count from the peak hour capacity leaves room for 2,311 trips for Country Club Boulevard and 850 trips for Palm Tree Boulevard, a total of 3,161 trips. However, according to the assumed development standard discussed earlier in this report the PM peak trip generation for development of the subject property, if amended, is 4,908 trips. Leaving aside the determination of proportionate trip share, the PM peak trip generation exceeds the capacity of nearby roadways by approximately 1,700 trips, thereby proving that insufficient transportation infrastructure exists for the proposed amendment.

**Recommendation:**

In analyzing the property, the fact that the property consists of a large, unplatted tract would make the request appear to be consistent with the goals of the community in attracting additional non-residential uses and mixed use development. However, there are some limitations to what the City would and should expect from potential non-residential and mixed use development; the foremost expectation should be that such development does not intrude upon existing residential development.

The surrounding area is significantly developed by single-family and multi-family residential uses, and this development pattern was established by development in the 1960's and 1970's and by the Comprehensive Plan in the late 1980's. The Cape Coral Country Club was an amenity from the early days of Cape Coral's development, and while the Golf Course no longer exists, the subsequent re-development of the site in a manner inconsistent with the surrounding neighborhood, such as the proposal to Mixed Use would suggest, should not be supported.

At its most intense, the proposed amendment to Mixed Use will require major upgrades to the transportation of the roadway network and centralized utility infrastructure of the subject property. The effects of a mixed use development would have intrusive effects on the surrounding area, an established single family residential neighborhood. While Staff is receptive to the idea of re-developing the now-defunct golf course, the proposed land use amendment has the possibility of permitting too much development for the surrounding residential neighborhood.

The Planning and Growth Management Division recommends **Denial of Transmittal** of this large-scale land use map amendment to the pertinent agencies for their review.

**COMPILED STAFF COMMENTS**

**PROJECT NUMBER: LU 07-01000015**

The applicant is requesting a Large Scale Land Use Map Amendment from Park and Recreation Facilities (PK) to Mixed Use (MX) Land use.

\*\*\*\*\*

**SURFACE WATER COMMENTS**

**CASE # LU 07-01000015**

**REVIEWED BY:** Stephanie R. Smith, P.E.  
**Phone #:** 574-0599  
**E-mail:** [srsmith@capecoral.net](mailto:srsmith@capecoral.net)

**DATE:** April 30, 2007

**RECOMMENDATIONS and/or COMMENTS:** Approved - Surface Water Management has no objection to the large scale land use map amendment request.

\*\*\*\*\*

**ENGINEERING DIVISION COMMENTS**

**CASE # LU 07-01000015**

**REVIEWED BY:** Loren Mead

**DATE:** 5/1/07

**RECOMMENDATIONS and/or COMMENTS:**

**Rejections**

Due to the size of the parcel (125 Acres) Engineering requests that a full traffic impact study be completed to determine what specific improvements will be required. Additionally the applicant should be aware that this site could be required to complete a D.R.I.

\*\*\*\*\*

**SURVEY COMMENTS**

**CASE: LU 07-01000015**

Second Legal Description Review

**REVIEWED BY:** Gerald P. Russell, PLS  
**Phone:** 574-0713  
**Email:** [grussell@capecoral.net](mailto:grussell@capecoral.net)

**DATE:** May 16, 2007

**Recommendations and/or comments:** Approved - We have reviewed the survey and legal descriptions and find them sufficient.

\*\*\*\*\*

**UTILITIES DIVISION COMMENTS**

**CASE # LU 07-01000015**

**REVIEWED BY:** R. Hamp

**DATE:** 4/30/2007

**RECOMMENDATIONS and/or COMMENTS:** No objections or comments.

\*\*\*\*\*

**BUILDING DIVISION COMMENTS**

**CASE # LU 07-01000015**

**REVIEWED BY:** McKinney

**DATE:** 4/30/2007

**RECOMMENDATIONS and/or COMMENTS:** Not a building code issue.

\*\*\*\*\*

**HORTICULTURE COMMENTS**

**CASE # LU 7-3000015**

**REVIEWED BY:** Ronald Mey

**DATE:** May 3, 2007

**Phone #:** 573-3190

**Email:** rmey@capecoral.net

**RECOMMENDATIONS and/or COMMENTS:** (Rec. Approval) - Staff has no objections at this time.

\*\*\*\*\*

**FIRE DEPARTMENT COMMENTS**

**CASE # LU 07-01000015**

**REVIEWED BY:** T. Mastroberto

**DATE:** 04/27/07

**Phone #:** 574-0840

**E-mail:** tmastrob@capecoral.net

**RECOMMENDATIONS AND/OR COMMENTS:** Approved - The Cape Coral Fire Department has no objections providing all applicable fire codes are observed.

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**POLICE DEPARTMENT COMMENTS**

**CASE # LU 07-01000015**

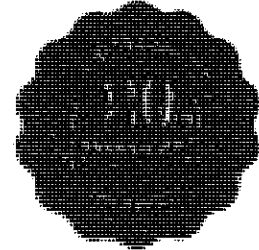
**REVIEWED BY:** S. Furdere

**DATE:** 5/31/2007

**RECOMMENDATIONS AND/OR COMMENTS:** After review of the attached Planning & Growth Management Division application, it appears as though it could have a significant impact on Law Enforcement, specifically with regards to calls for service.

January 30, 2009

Department of Community Development  
City of Cape Coral  
P.O. Box 150027  
Cape Coral, Florida 33915-0027



**RE: Future Land Use Map Amendment Request  
Cape Coral Golf Club**

Dear Sir:

On behalf of the owner, I respectfully request to modify the proposed amendment LU 07-01000015 that proposed to amend the City's future land use designation on the above referenced property from Park (PK) to Mixed Use (MU). In addition to the change in land use, it is proposed to limit the development to a plan consisting of a maximum of 400 single family residential units, 400 multi-family residential units, 100,000 SF of office uses, and 325,000 SF of retail uses. These development parameters represent an economically viable development that will be compatible with the surrounding existing development.

In support of this application request, the following is offered:

- Florida Gulf Ventures LLC purchased the property in 2004 when the previous golf course operation closed due to continuing economic losses. Research indicates that market trend for golf as a recreational activity is downward throughout Florida and across the nation. The Applicant engaged Fishkind & Associates to research the feasibility of the continuation of a privately-owned and operated golf course at this location. He advises us that such a privately-owned and operated use is not economically viable at this location.
- The current land use designation is Parks and the current zoning designation is single family residential. With these designations, there are currently no economically feasible uses permitted on this site. As demonstrated on the attached diagram, the only uses permissible on the subject property are: nature center, neighborhood park, specialty park, playground, or nature/wildlife preserve. A comprehensive plan amendment and/or rezoning efforts are required to permit any economically feasible use on the subject property; otherwise, the property is severely undervalued and not consistent with the City's comprehensive plan.

- The City's Comprehensive Plan is clear that there is a deficiency of commercial properties to serve the 115-square mile city and its residents; the Plan further acknowledges the shortage of large land assemblies available for development due to the pre-platted nature of the city. The proposed land use amendment will serve to reduce the City's commercial lands deficiency and further the City's goal to diversify its tax base.
- The redevelopment of this site is consistent with smart growth principles. The parcel is located within the City's Infill Urban Service Area; infrastructure to serve the site is already in place, and there is anticipated to be adequate capacity at both the water plant and wastewater treatment plants to serve the project. The base transportation infrastructure is also in place, with convenient access to major arterial and collector roadways, as well as to public transportation.
- The proposed Mixed Use land use designation is an economically feasible development scenario for the subject site. Due to overbuilding, it is evident that single family residential development is not economically viable for the property, but a mixed use project where a synergy will be created between the proposed uses, resulting in a traditional neighborhood development (TND) that is a unique product to the Cape Coral market.
- The surrounding land use is predominantly single family residential development. It is recognized that these homeowners have a vested interest in the ultimate development of this site. Special design considerations will be given to the project to ensure compatibility through buffering and open space, siting, and proper design techniques. In addition, the Applicant proposes to restrict the development parameters to ensure compatibility with the existing residential development (see attached "Cape Coral Golf Club Redevelopment – Proposed Land Use Development Parameters").
- We have undertaken an analysis of this application's consistency with the Goals, Objectives and Policies of the City's Comprehensive Plan (see Applicant Summary). Based on our analysis, we are confident that the conversion of the subject parcel from Parks to Mixed Use is consistent with the City's comprehensive plan. Based on current market conditions and a downward trend in the private or public golf course market, the continuation of a golf course use at this site is in fact inconsistent with many of the goals, objectives and policies of the Plan, particularly the Economic Element of the Plan.

For purposes of this amendment, the development parameters would be limited to a maximum as follows:

### **Cape Coral Golf Club Redevelopment**

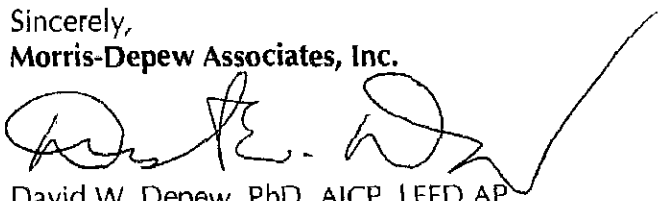
### Proposed Land Use Development Parameters

<b>Total project acreage:</b>	<b>±175 acres / 7,630,405 SF</b>
Proposed open space*:	±79 acres / 3,441,240 SF [45% of site]
Proposed right of way (internal):	±27 acres / 1,176,120 SF [15% of site]
Proposed residential use:	±39 acres / 1,698,840 SF [22% of site]
Proposed mixed use component:	±30 acres / 1,306,800 SF [17% of site]
Mixed Use:	30 acres (1,306,800 SF) total development area
Proposed retail	325,000 SF (25 % of mixed use area)
Proposed office	100,000 SF (8% of mixed use area)
Total proposed	425,000 SF (32% of mixed use area)

\* Open space areas include: buffers, trails, lakes, parks, pedestrian walkways, public plazas, stormwater management areas

We look forward to working with the City Staff on this project. Please do not hesitate to call should you have any questions in regard to this application.

Sincerely,  
**Morris-Depew Associates, Inc.**



David W. Depew, PhD, AICP, LEED AP  
President

# Cape Coral Golf Club Permitted Uses per existing FLU and Zoning

**R1-B Zoning**

**Permitted Uses**

- entrance gate
- essential services
- family day care home
- home occupation
- nature and wildlife preserves
- Park (Group 1)
- single-family dwellings

**FLU & Zoning**

**Permitted Uses**

- Nature center
- Neighborhood park
- Special park
- Playground
- Nature/  
Wildlife preserve

**Parks FLU**

**Permitted Uses**

- passive recreation, hiking, picnicking, nature study,
- senior centers, swimming pool, tennis courts, racquetball,
- shelter houses, community rooms, playground, restrooms, bicycle and pedestrian access, gridiron or diamond sports, restrooms, refreshment areas, bleachers, athletic fields, environmental parks, aquatic facilities, golf courses, basketball courts, BMX bicycle course, boat ramps, bocce courts, exercise course, horseshoe pits, shuffleboard, volleyball courts, bicycle and jogging paths

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**Applicant Summary: Florida Gulf Ventures, LLC**

**Case Number: LU 07-01000015**

**Submittal Date: 1/30/2009**

**Applicant:** Florida Gulf Ventures, LLC  
P. O. Box 07457  
Fort Myers, FL 33919  
(239) 489-4698

**Property Owner:** Florida Gulf Ventures, LLC  
P. O. Box 07457  
Fort Myers, FL 33919  
(239) 489-4698

**Authorized Representative:** Michael J. Ciccarone, Esq.  
Fowler, White, Boggs P.A.  
2235 First Street  
Fort Myers, FL 33901  
(239) 334-7892

**Additional Representatives:** William P. Nolan  
WPN & Associates, Inc.  
3316 SE 17th Place  
Cape Coral, FL 33904  
(239) 549-3054

David W. Depew, PhD, AICP, LEED AP  
Morris-Depew Associates, Inc.  
2914 Cleveland Avenue  
Fort Myers, FL 33901  
(239) 337-3993

**Request:** Large-scale Future Land Use Map amendment from Parks and Recreation (PK) to Mixed Use (MX) for 175.17 acres.

**Location:** SE quadrant of the City, Units 9, 14, & 15; subject property is that formerly known as the Cape Coral Country Club; 4003 Palm Tree Blvd.

**STRAP:** 12-45-23-C2-0000A.0000

**Area:** ±175.17 acres; ±7,630,405 SF

**Current Zoning:** R-1B, single-family residential

**Urban Service Area: Infill**



**Aerial Photograph of Subject Property**

**Surrounding**

**Future Land Use:** North—single-family residential  
South—multi-family and single-family residential  
East—single-family residential  
West—single-family residential



**Natural Resources:** Subject property is a former golf course. The property has been cleared and filled in the past, changing the natural features of the land significantly. There is no evidence of protected species on the subject property although there is a potential for burrowing owls. Proposed development plans anticipate the need for a protected species survey in accordance with City requirements. Additionally, the anticipated development plan will provide for an abundance of created open space potentially available for habitat restoration and public recreation. The site and its anticipated development plan present significant opportunities for infill development and the establishment of urban open space. Recent soils tests conducted by Newfields Companies LLC concluded that the site does not have the arsenic contamination problem which has been found at some other golf courses in this region of Florida and that this land is safe for development.

**Site Access:** The site has frontage along and is directly accessed from Palm Tree Boulevard, a divided two-lane collector road with an existing bike path. The intersection of Palm Tree Boulevard and Country Club Boulevard is near the southern end of the subject property. Country Club Boulevard is classified a minor arterial, and also has a bike path.

#### **Surrounding Roadway**

**Network:** To the south of the site is the Cape Coral Parkway, a major arterial, and to the north is Veterans Parkway, a major east-west arterial through the city. To the west is Santa Barbara Boulevard, and to the east is Del Prado Boulevard, also major north-south arterials.

#### **Anticipated Impacts:**

**Potable Water:** According to City staff, by 2008 the potable water system in Cape Coral will have production capacity of 30.1 MGD. There is currently adequate reserve capacity to serve the proposed development.

**Wastewater:** According to City staff, there is currently adequate reserve capacity to serve the proposed development.

**Solid Waste:** Through an interlocal agreement, the City's solid waste is disposed of at the Lee County Waste-to-Energy facility, which recently underwent an expansion and currently has adequate capacity to facilitate the solid waste generated by the proposed development.

**Stormwater:** There is an existing SFWMD environmental resource permit for a portion of the site which will require a modification in conjunction with any

additional development of this site. At such time, the project will be designed in accordance with the water management district's Basis of Review, which is consistent with the City's Comprehensive Plan and adopted level of service for stormwater management.

**Traffic:** A traffic impact statement was prepared in conjunction with this application. The total number of daily trips generated by the proposed development is estimated to be approximately 16,362 (661 AM PHT and 1442 PM PHT).

**Compliance with  
Comprehensive Plan:**

***FUTURE LAND USE ELEMENT:  
GOALS, OBJECTIVES AND POLICIES***

**Policy 1.9:** The City will issue no development orders or construction permits, which result in a reduction in the level of service for any affected public facility below the level of service standard adopted in this comprehensive plan.

*This policy does not directly affect the comprehensive plan amendment application at hand, however, this policy does give assurance that no development order will be issued for this property until such time as all adopted level of service standards can be demonstrated by the applicant.*

**Mixed Use:** The mixed use designation is intended to encourage the development of planned projects that include more than one type of use. The baseline maximum permitted densities/intensities of various uses within the mixed use designation will be 4.4 dwelling units per acre for a residential component and 50% of the permitted FAR (Floor Area Ratio) for non-residential uses. For example, a project combining multi-family and commercial uses would be subject to Policies 1.15.b. and/or 7.7 for the multi-family portion, and Policy 1.15.c. or 1.15.d for the commercial portion. Additional residential density, up to sixteen dwelling units per acre and additional non-residential development, to the total maximum FAR permitted would be available through participation in development incentive programs and/or participation in the City's Transfer of Development Rights (TDR) program.

**Properties three (3) acres and greater:** Larger properties are prime candidates for mixed use developments. These properties shall include more than one type of use. The mix of uses may include residential, retail, office, services, light industrial, preservation/open space, public facilities,

parkland, or historical resources. Such uses may be mixed horizontally on a site or may be within a compound use building, i.e. differing uses within one building or structure, consisting of residential and retail office, and/or services. No single use shall exceed 80% of the total land area of the development unless such use is within a compound use buildings over four stories, not including floors that are primarily dedicated to parking. At least 20% of the total area to be developed with commercial uses and/or residential uses must be office, retail, service and/or light industrial uses, separately or in any combination thereof, except for developments containing only one compound use building.....

*The applicant seeks to re-designate the subject property to Mixed Use. The size and configuration, as well as location of this property make the requested land use designation a 'primate candidate for mixed use development'.*

**Policy 1.17:** Land development regulations, whether adopted or revised subsequent to the adoption of this plan, will address buffering and open space requirements, and will protect existing residential land uses from incompatible land uses.

*While not directly related to the comprehensive plan amendment application which is subject of this request, this policy provides assurances that buffering and open space requirements set forth in the City's land development regulations will provide protection to the existing residential land uses surrounding the subject property. Further, any development approvals for this site will be subject to the City's Planned Development Project process which requires two public hearings and is subject to special conditions.*

**OBJECTIVE 2:** Location of New Commercial Development: New commercial development shall be so located to provide minimal vehicle trip lengths, at or near transportation nodes, and compatible with neighboring residential uses.

*The range and mix of services/uses for this project will provide the surrounding neighborhood opportunities to walk or bike to the site, or will at least provide an opportunity for shortened trips. The site will be carefully designed to be compatible with the surrounding residential uses. Furthermore, the City's Land Development Regulations provide additional design standards (i.e., setbacks, buffering, etc.) which will ensure neighborhood compatibility.*

**OBJECTIVE 3:** Development of Quality Commercial Centers: The City encourages development of quality commercial centers on property that meets the recommended land configuration for commercial centers and

that is located proximate to an adequate trade area necessary to ensure economic viability.

*The Applicant engaged Fishkind & Associates to conduct an economic feasibility analysis to determine whether the proposed mix of office, retail and residential uses envisioned for this site is economically feasible and will be supportable by the current and future population of Cape Coral. He advises us that the proposed use is economically viable.*

**Policy 3.4:** The City shall initiate and consider privately initiated future land use map amendments necessary to provide an adequate supply of lands designated for retail, office, and services uses in quantities and locations appropriate for that development, generally consistent with the findings of the Commercial Corridor Study (City of Cape Coral, 2003)

*The approval of this request will increase the supply of commercial lands for the residents of the community, and is therefore consistent with this Policy of the City's Comprehensive Plan.*

**OBJECTIVE 4:** Location of Future Development: Future private development requiring public water and wastewater will be directed into the Urban Services Infill Area and the Urban Services Transition Area illustrated on the Future Land Use Map, unless specifically accepted by the provisions of this plan.

*The subject property is located within the Urban Services Infill Area as depicted on the City's Future Land Use Map. The approval of this request is consistent with Objective 4 of the Future Land Use Element of the City's Comprehensive Plan.*

**Policy 4.3:** By 2010, the City will complete an Economic Development Plan to encourage large-scale commercial, professional and industrial types of development within the City.

*Although this policy pertains to actions which the City will take, the approval of this comprehensive plan amendment application will be consistent with the City's efforts to encourage large-scale commercial and professional types of development in Cape Coral.*

**OBJECTIVE 5:** Extension of Infrastructure and Services in the Urban Services Infill Area: Infrastructure and community services will be extended to serve 100 percent of the anticipated functional population of the Urban Services Infill Area.

**Policy 5.1:** Land use regulations, whether adopted or revised pursuant to this plan, shall provide incentives to encourage infill of residential,

commercial, and other appropriate uses within the Urban Services Infill Area and Transition Area.

*The subject parcel is located in the Urban Services Infill Area. Per this policy, the conversion of this site from a defunct golf course to an economically viable development should be encouraged and/or incentivized by the City's land use regulations.*

**Policy 5.3:** New commercial development shall meet all of the requirements for adequate facilities based on the level of service standards adopted for roads, potable water and sanitary sewer, solid waste, storm water facilities and other services in this plan.

*The proposed development will meet or exceed the adopted levels of service for potable water, sanitary sewer, solid waste, storm water, and other services set forth in the City's Comprehensive Plan. Should a deficiency for the level of service of the surrounding road network, the developer will work with the City to address the deficiency through the City's Proportionate Share Ordinance or other take necessary measures to ensure that the roadways operate at an acceptable level of service.*

**Policy 5.6:** In addition to the facilities for which level of service standards are adopted as part of the concurrency management system of this plan; other services that should be considered to serve new commercial and mixed-use development include fire, police and emergency medical protection.

*The City's police, fire and emergency medical protection services are adequate to serve the proposed mixed-use development.*

**Policy 7.10:** The City shall discourage illogical and inefficient leapfrog development, by encouraging and directing development to areas adjacent to section of the City served by existing centralized utilities, and that the extension of centralized utilities will abide by Policy 1.1.6 of the Infrastructure Element.

*The approval of this comprehensive plan amendment application will be consistent with Policy 7.10, by encouraging re-development of a site with existing infrastructure. Further, redevelopment of the subject parcel will discourage the conversion of more sensitive/virgin lands from being prematurely converted to commercial development in a leapfrog pattern.*

**OBJECTIVE 9:** Restrictions upon Incompatible Land Uses: The City will prohibit land uses which are incompatible or inconsistent with the Future Land Use Map.

**Policy 9.3:** Commercial developments shall be designed to minimize negative impacts on surrounding residential uses and the land development regulations shall provide for adequate buffering between commercial and residential uses. The design should ensure adequate screening of unsightly views of commercial developments (such as loading docks, rooftop equipment, service entrances, trash containers, parking areas and exterior storage) through the extensive use of landscaping, berms, fencing, concealment, architectural features, open space, setbacks, and/or building orientation. Ensure that the placement of any noise generating activities such as ingress/egress, parking, deliveries, air conditioning equipment and dumpster collections are designed to minimize any adverse noise effects. Traffic and parking should not adversely affect neighborhood quality. Noise, safety and overall maintenance of commercial properties should be carefully monitored.

*The proposed mixed use development will be designed in a manner to assure compatibility with the surrounding residential land uses. The uses proposed at this location will be consistent with (or less than) the uses and intensities permitted by the City's comprehensive plan. The site plan and uses proposed for this property will be subject to City Staff review and two public hearings and possible imposed conditions, as it must undergo the City's PDP process.*

**Policy 9.4:** The City shall encourage transitions from commercial uses to less intensive land uses and site design that considers the following preferred characteristics to attain compatibility with adjacent residential uses:

- a. Site Orientation
  - i. Vehicular access should be from a collector, arterial or access street.
  - ii. Pedestrian access should be designed to provide internal and external circulation from adjacent neighborhoods.
  - iii. Streets should be designed with elements to provide visual or physical buffering may serve as boundaries between different intensities of land uses.
  - iv. Site improvements within commercial areas such as lighting, signage and landscaping should be designed and coordinated in order to create a positive identity and visual image throughout the development area.

- b. Site design should promote the preservation and integration of mature trees, natural vegetation, natural and environmentally sensitive areas whenever feasible.
- c. Screening and landscaping
  - i. Creative and extensive use of landscaping and berming techniques for natural transitions between differing intensities of land uses is encouraged.
  - ii. Fences should not be used as a sole method of providing screening and buffering between differing intensities of land uses.
  - iii. The City shall review and revise landscaping and signage standards for commercial development to enhance the visual and physical environment to foster its integration of other land uses.
- d. Lighting used to illuminate parking areas, signs or structures should be placed and designed to deflect light away from adjoining property or public streets through fixture type, height, orientation and location.

**Policy 9.5:** The City encourages the use of multi-family residential, compound buildings, professional offices, and parks as transitional uses between commercial development and low-density residential neighborhood. Such development should include:

- a. Design elements such as: height and scale compatible with the surrounding residential uses
- b. Site design that is compatible with surrounding residential neighborhoods with consideration given to extensive screening, architectural features, building and parking orientation, and preservation of natural features; and
- c. Primary site access provided from arterials, collectors or access streets in order to discourage traffic from directly entering residential areas.

**Policy 9.6:** Commercial developments and compound buildings shall be encouraged to preserve substantial areas of natural vegetation.

*Although a site-specific plan cannot be considered as part of this comprehensive plan amendment application, Policies 9.4, 9.5 and 9.6 of the comprehensive plan in conjunction with the City's Land Development Regulations as well as incentives available through the City's Development Incentive Program provide assurances that the subject property will be well-designed and integrated with its surrounding environment.*

***HOUSING ELEMENT:  
GOALS, OBJECTIVES AND POLICIES***

**GOAL:** To provide good quality housing in safe, clean neighborhoods, offering a broad choice of options in both type (single family and multi-family) and tenure (owner and renter occupied) to meet the needs of present and future residents of the City, regardless of age or income status.

*The approval of this comprehensive plan amendment application will be consistent with this goal, as a well-integrated community will be designed in which a variety of housing products/types is made available to a wide array of residents in the Cape Coral market. As stated earlier, Newfields Companies LLC finds that the soil is free of arsenic contamination and is safe for residential use.*

***INFRASTRUCTURE ELEMENT:  
GOALS, OBJECTIVES, AND POLICIES***

**GOAL 1:** Consistency with the 5-Year Capital Improvements Program and the adopted levels of service - required public facilities will be provided in a manner that promotes orderly, compact, and efficient urban growth.

*The subject property is located within the Urban Services Infill Area where there is adequate capacity to serve the site. The approval of this application will be consistent with this goal.*

***ECONOMIC DEVELOPMENT ELEMENT:  
GOALS, OBJECTIVES AND POLICIES***

**GOAL:** Mobilize public and private resources to achieve an economically balanced community with a superior quality of life, employment opportunities for current and future residents and a diversified tax base.

*The approval of this application will serve to provide additional employment opportunities, diversify the City's tax base, and attract new businesses to the area.*

**Policy 3.2:** The City of Cape Coral shall provide for the location of industrial and commercial development according to the following guidelines:

- The Future Land Use Element's Commercial Node Criteria;
- Access to the transportation network, notably proximity to arterials and collectors;

- Access to utilities;
- Acceptable impacts on the environment and adjacent land uses;
- A focus on scale and clustered development, such as research and technology parks, as valuable economic assets to the City and give such projects high priority;
- Developments will also attract post-secondary education assets, including vocational schools, undergraduate colleges and universities and post-graduate education and research institutions.

*The subject parcel has access to Palm Tree Boulevard, a minor arterial, and convenient access to Cape Coral Parkway and Del Prado Boulevard, both of which are major arterials. The site also has access to utilities required for a mixed-use development. The goals, objectives and policies of the City's Comprehensive Plan, as well as its land development regulations and PDP process will ensure that the adjacent land uses are not adversely impacted.*

**Objective 5:** Recognizing that workforce is a primary determinant for business growth and attraction, the City will establish programs that encourage development of a higher quality workforce, including retention of local students, and that provide housing opportunities that will be suitable for the city's workforce.

*The range of housing types proposed for this site will serve to provide additional housing opportunities that will assist the City in meeting this objective.*

**CONSERVATION AND COASTAL MANAGEMENT ELEMENT:  
GOALS, OBJECTIVES AND POLICIES**

**Policy 1.4.4:** The City will lessen the potential impacts of automobile emissions pollution by:

- (a) Promoting mixed use development by designating specific prime development sites for Mixed Use Development that combines residential land uses with commercial and professional land uses to reduce trip generation;
- (b) Maintaining development standards, pursuant to S. 163.3202, F.S., to require vegetative buffer strips between arterial roadways and residential developments; and
- (c) Pursuant to the Transportation Element, providing and/or encouraging alternative means of transportation such as car-pooling, public transit, and bicycle and pedestrian paths.

*The approval of this land use change is consistent with this policy of the City's Comprehensive Plan.*

Section 8.7.3 "Consistency with Comprehensive Plan and General Standards" of the *Cape Coral Land Use and Development Regulations* as follows:

1. The extent to which the value of the property is diminished by the proposed land use restriction or zoning to the property.

*The subject parcel has a land use designation of "Parks" and residential zoning (R1B). The Future Land Use Element of the City's Comprehensive Plan states that the "densities/intensities of use for various parks and recreational facilities are those established in the Recreation and Open Space Element of this Comprehensive Plan..." and the City's Land Development Regulations restrict uses in the R1B district to: entrance gates, essential service, family day care home, home occupation, nature and wildlife preserves, parks – group I, and single family dwelling. Therefore, a property with Parks future land use designation and R1B zoning has the following permissible uses: essential service, nature and wildlife preserves, and Parks – Group I. The City's Land Development Regulations lists the following uses for Parks - Group I: nature center, neighborhood park, special parks, beach, beach access, boat ramp, children's play area, fishing pier, highway rest stop or nature preserve and wildlife preserve. None of these uses are economically viable uses on the 175.17 acres of privately-owned property. Therefore, the redesignation of this property from Parks to Mixed Use does not diminish the value of the property, but rather increases the value of the property, as well as the lands surrounding it.*

2. The extent to which the removal of a proposed land use restriction or change depreciates the value of other properties in the area.

*The proposed Mixed Use land use designation may serve to increase the values of nearby residential properties. In addition, access to the golf course was restricted in that it was a pay-to-play golf course, the open space and recreation facilities proposed by this project will be open and accessible to all residents. Oftentimes, proximity to a public park increases property values in the surrounding area.*

*Furthermore, the property has R1B zoning and a golf course use is permitted by special exception only. Although the golf course was a legal non-conforming use in the past, the use has been terminated for more than one year; continuation of a golf course use would require a special exception. Therefore, in this case, inaction (the failure to obtain a legal and economically viable use for the property) will only serve to depreciate the value of the surrounding properties. In contrast, a mixed use development is likely to increase the parcel's value, as well as the value of the surrounding properties.*

3. The suitability of the property for the land use restriction imposed on the property.

*The 175± acre property is an unplatted tract, adjacent to a collector roadway with utilities are available/existent to serve the site. Because the surrounding area is an established residential neighborhood, careful site-planning and innovative design will be required to ensure compatibility. These items will be carefully reviewed during the Planned Development Project process.*

4. The character of the neighborhood, existing uses, zoning of nearby and surrounding properties, and compatibility of the proposed land use restriction.

*The surrounding area is essentially built-out (approximately 94%). Special design techniques will be required to ensure a continuation of the surrounding neighborhood character. The goals, objectives and policies of the City's Comprehensive Plan and the City's Land Development Regulations, as well as careful review at time of PDP application will ensure that the neighborhood is adequately protected.*

5. The relative gain to the community as compared to the hardship, if any imposed, by the proposed land use restriction.

*When considering this standard, one must consider the hardship that exists on the subject parcel in its present-day condition. With a land use designation of Parks and residential zoning, the only permitted uses for the site are: park, nature preserve or environmental park, none of which are financially feasible or economically viable. Even the continuation of a golf course would require a special exception approval. A change in either the FLU or zoning – or both – is required in order for the site to have an economically viable and conforming use. An economic feasibility study was undertaken by Fishkind & Associates which concluded that the continuation of the existing (and non-conforming) golf course use is not financially feasible.*

*The City's comprehensive plan acknowledges a deficient of high-quality commercial developments, and encourages mixed use projects to be developed at suitable scale, especially on large parcels (3 acres or more) within the Urban Infill Service Area. The proposed project poses a great potential to create a unique and valuable development which will serve the community by providing much needed commercial uses and to create new job opportunities within the area. As an added benefit, the mixed use development will provide a range of housing opportunities in a development where it is feasible and possible to walk or bike to work.*

6. The community need for the use proposed by the land use restriction.

*The proposed mixed-use development will provide a variety of opportunities to the community: an array of housing types, new businesses, a walkable community, and public open spaces. Comprehensive Plan goals, objectives and policies cite the need and desire for such a development in Cape Coral.*

7. The extent to which the proposed land use restriction promotes the health, safety, morals, or general welfare of this community.

*The proposed land use will create a community which will be pedestrian-friendly, accessible to public transportation and bike routes – these will promote individual health by encouraging physical activity and a reduction of the dependence on the automobile. The uses envisioned with the land use change (residential, office, retail) are consistent with the morals of the community. Furthermore, the Public Benefit Areas which are required by the Mixed Use land use designation will provide public areas which will foster a sense of community to the residents of the development and the community at large.*

8. The extent to which the proposed land use will impact the level of service standards for public facilities.

*The City's recent expansion of its water and wastewater plants will adequately handle the project's anticipated demand for potable water and wastewater.*

*In regard to traffic impacts, the City's 2007 Evaluation and Appraisal Report states that "approximately 60% of the City's workforce leaves Cape Coral to go to work each day." While the proposed land use change does have the potential to increase traffic in the area, the land use change also has potential to create job opportunities that would reduce the number of residents leaving the City each day. Policy 1.4.4 of the Conservation and Coastal Management Element states that mixed use developments "lessen the potential impacts of automobile emissions pollution by promoting mixed use development by designating specific prime development sites for Mixed Use Development that combines residential land uses with commercial and professional land uses to reduce trip generation."*

*In regard to parks, recreation and/or open space, realizing that the removal of this 175+/- acre site from the City's Parks FLU designation will ostensibly decrease the amount of public park area available for the City's residents, one might assume that the City's adopted level of service for open space and recreation could be adversely impacted. It should be noted that the land is privately-owned, not publicly owned. In addition, any development on the site will result in the payment of a parks impact fee. Moreover, as noted in the City's 2007 EAR, "New public parks and recreational facilities may also be attainable through private applicant participation in the proposed Development Incentive Program (DIP). In exchange for additional density and intensity above baseline levels in the proposed Commercial Activity Center, the amended Mixed Use district and the proposed CRA zoning districts, private applicants may provide new public parks and recreational facilities on and offsite." Therefore, a reduction in the City's parks and open space land area or adopted level of service is not anticipated as a result of this land use change.*

*On the contrary, the continuation of the current land use designation would create an inconsistency which may result in unanticipated impacts to the City. Clearly the intent of the Parks designation is for publicly-owned land, not privately owned land. Policy 4.2 of the Recreation and Open Space Element of the Comprehensive Plan states that "the City will promote safety at public parks and recreation facilities through the use of information signage, lighting, rails, fences, and other appropriate measures." Policy 3.3 states that the City will assure the safety of all public park users. How is it justifiable for the City to continue the Parks land use designation without providing the necessary services and expenditures required in compliance with these (and other) comprehensive plan policies? Furthermore, as explained earlier, the continuation of a golf course is not consistent with the current zoning of the parcel (R1B), nor with the goals, objectives and policies of the Comprehensive Plan.*

9. Whether the proposed land use restriction, removal of restriction is consistent with the City of Cape Coral Comprehensive Land Use Plan.

*The continuation of the existing land use designation of Parks on a parcel which is privately owned is inconsistent with the City's Comprehensive Plan. The continuation of a non-conforming land use (golf course) which is no longer a legal non-conforming use, a land use that according to economic analysis has little chance of surviving the local market – is also not consistent with the goals, objectives and policies of the City's Comprehensive Plan.*

*The proposed future land use amendment is consistent with the goals, objectives and policies of the City of Cape Coral's Comprehensive Plan. The subject property is of adequate size and configuration for a mixed use development, and is located within the City's Urban Infill Service Area where the infrastructure to serve the site is currently in place. The City's Comprehensive Plan, Land Development Regulations, as well as its Development Incentive Program provide design standards which will ensure that the proposed development is harmonious and compatible with the surrounding land uses.*

*Consistent with the goal of the Housing Element of the plan, the project will provide a range of housing choices to the residents of the City. The project is also consistent with the goals, objectives and policies of the plan's Economic Element, as it will create a high-quality commercial center and attract new businesses to the area.*

**Florida Gulf Ventures LLC  
Impact Assessment**

For purposes of this impact assessment, residential densities for all land use classifications are assumed to be capped at 800 dwelling units, while non-residential intensities for all classifications assume a maximum intensity of 425,000 SF. Residential potable water usage assumes 200 gallons per day per dwelling unit; wastewater assumes 250 gpd per dwelling unit. Given that non-residential square footage involves office and retail development, the assumption is that both potable water and wastewater impacts would equal approximately 0.3 gpd per square foot.

Type: **Dwelling Units**

Existing: 0  
Proposed: 800 (proposed density cap)  
Net Change: +800 dwelling units

Type: **Population\***

Existing: 0  
Proposed: 1,992  
Net Change: +1,992

\* 2.49 persons/household = avg. household size; 2000 Census

Type: **Water Use**

Existing: 5,536-gal/day max  
Proposed: 287,500 gal/day max (160,000 gal/day max residential usage plus 127,500 gal/day non-residential)  
Net Change: +281,964 gpd  
Facility Capacity: 15 MGD  
Funded Facility Capacity by 2008: 30.1 MGD  
Permitted Usage: 16.9 MGD (average), 22.5 MGD (max)  
Avg. Daily Flow: 11.25 MGD  
Capacity Available?: Yes

Type: **Sewage**

Existing: 5,536-gal/day max  
Proposed: 327,500-gal/day max (200,000-gal/day max residential usage plus 127,500-gal/day non-residential)  
Net Change: +321,964 gpd  
Facility Capacity: 15.1 MGD  
Funded Facility Capacity by 2008: 28.4 MGD  
Avg. Daily Flow: 12.9 MGD  
Capacity Available?: Yes

Type: **Solid Waste**

Existing: 7,009-lbs./day max  
Proposed: 66,900-lbs./day max (9,100-lbs./day residential plus  
27,800-lbs./day non-residential)  
Net Change: +59,891 lbs./day  
Facility Capacity: 1,200 ton/day  
Existing Demand: 1,315 ton/day  
Capacity Available: Yes

Type: **Traffic/Peak Hour Trips**

Existing: 39/AM peak and 54/PM peak  
Proposed: 661/AM peak and 1,442/PM peak  
Net Change: +622/AM peak and +1,388/PM peak  
Facility Capacity: Palm Tree Boulevard has an adopted Level of Service "D"  
Capacity Available: Off-site improvements may be required.



**MORRIS-DEPEW ASSOCIATES, INC.**  
ENGINEERS • PLANNERS • SURVEYORS  
LANDSCAPE ARCHITECTS  
2914 Cleveland Avenue • Fort Myers, FL 33901  
(239) 337-3993 Office • (239) 337-3994 Fax  
#LC26000330

## Memorandum

**DATE:** January 30, 2009  
**TO:** Dr. David W. Depew Ph.D., AICP  
**CC:**  
**FROM:** Ryan Shute  
**PHONE:** (239)337-3993  
**FAX:** (239)337-3994  
**PROJECT:** Cape Coral Golf Club (MDA #07094)

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The preliminary trip generation and trip distribution analysis were prepared for the requested potential comprehensive plan density for the former Cape Coral Golf Club property. The density analyzed consisted of the following:

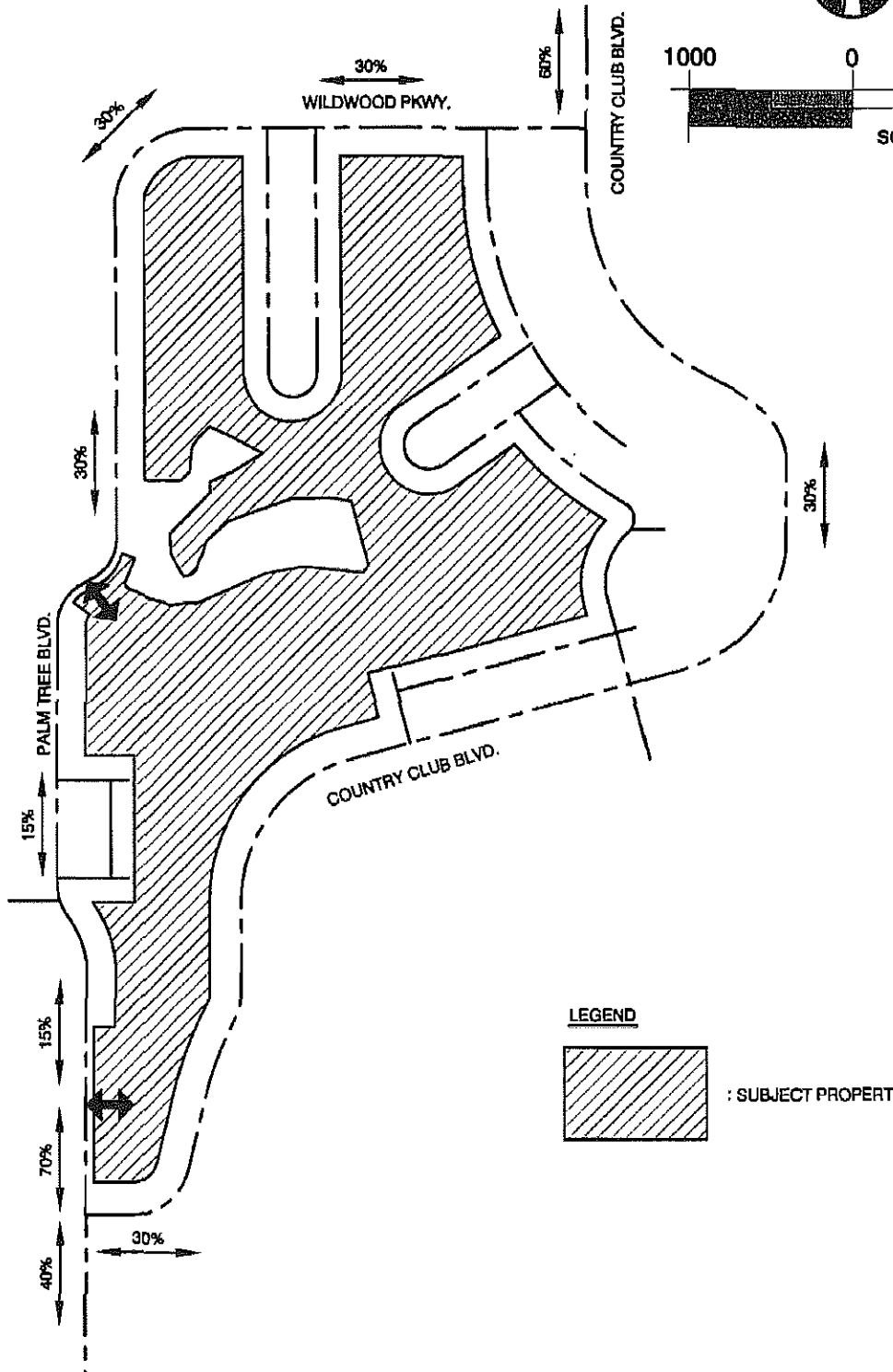
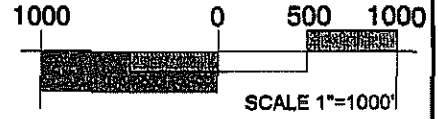
Single Family Homes – 400 units  
Multi-family Units - 400 units  
General Office – 100,000 SF  
Retail Neighborhood Shopping Center – 325,000 SF

The preliminary trip generation numbers indicate that 1442 additional PM peak hour trips could be associated with the project on the roads surrounding the project. These roads are Country Club Boulevard, Palm Tree Boulevard and Wildwood Parkway.

The project has two to three direct access points onto Palm Tree Blvd. These access points are likely to be stop controlled. Signalization and turn lane improvements are likely necessary at the intersection of Palm Tree Blvd and Country Club Blvd as well as the intersection of Wildwood Parkway and Country Club Blvd.

Palm Tree Blvd currently has a Level of Service of D. The increased traffic on Palm Tree Blvd could push it towards a Level of Service of E. Palm Tree Blvd is a divided two lane street. Sufficient right of way appears available to add additional lanes to mitigate a Level of Service failure on Palm Tree Blvd if necessary.

Country Club Blvd is a four lane divided street and currently has a Level of Service of C. The increase in trips that could be associated with the proposed density from the comprehensive plan change will not likely cause this link to fail.



**LEGEND**




: SUBJECT PROPERTY

NDA PROJECT: 07094	
DESIGNED BY: RMB	DRAWN BY: DAW
DATE: 01-29-2008	
SHEET 1 of 1	

**PROJECT TRAFFIC DISTRIBUTION**

FLORIDA GULF VENTURES LLC  
CAPE CORAL GOLF CLUB REDEVELOPMENT

Cape Coral, Florida

**MORRIS**  **DEPEW**

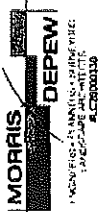
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(888) 824-6222  
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FL. CA. NO. 6532 / FL. CERT. NO. LB8881 / LC26000330

REVISIONS



**Table A Project Trip Generation**

LUC	Units	Description	Trip Generation		Gross Trip Directional Distribution						
			Type	Trips	Entering	Exiting	Entering	Exiting	Entering	Exiting	
210	DU	Single Family Detached Housing	ADT Weekday	$\text{Ln}(T) = 0.82 \text{Ln}(X) + 2.71$	3722	50%	50%	1861	1861		
			AM PHT	$(T) = 0.70 (X) + 9.74$	290	25%	75%	73	217		
			PM PHT	$\text{Ln}(T) = 0.80 \text{Ln}(X) + 0.51$	366	83%	37%	230	136		
230	DU	Residential Condominiums/ Townhouse	ADT Weekday	$\text{Ln}(T) = 0.67 \text{Ln}(X) + 2.46$	2149	50%	50%	1075	1074		
			AM PHT	$\text{Ln}(T) = 0.60 \text{Ln}(X) + 0.26$	157	17%	83%	27	130		
			PM PHT	$\text{Ln}(T) = 0.82 \text{Ln}(X) + 0.32$	187	67%	33%	125	92		
710	1000 SF	General Office Building	ADT Weekday	$\text{Ln}(T) = 0.77 \text{Ln}(X) + 3.65$	1334	50%	50%	667	667		
			AM PHT	$\text{Ln}(T) = 0.80 \text{Ln}(X) + 1.55$	188	88%	12%	166	22		
			PM PHT	$T = 1.12(X) + 78.81$	181	17%	83%	32	158		
820	1000 SF	Shopping Center	ADT Weekday	$\text{Ln}(T) = 0.65 \text{Ln}(X) + 5.63$	14610	50%	50%	7305	7305		
			AM PHT	$\text{Ln}(T) = 0.58 \text{Ln}(X) + 2.32$	309	51%	39%	188	120		
			PM PHT	$\text{Ln}(T) = 0.67 \text{Ln}(X) + 3.37$	1401	49%	51%	686	715		

1. Trip Generation Equations per ITE Trip Generation 8th Edition

Project Trip Generation Summary			
Proposed Trip Ends	Gross Trips Pass By Trips	Internal Trips	Net Trips
Total ADT =	21816	1725	5454
Total AM PHT =	843	72	210
Entering AM PHT =	455	35	103
Exiting AM PHT =	488	37	108
Total PM PHT =	2145	180	524
Entering PM PHT =	1073	88	256
Exiting PM PHT =	1072	92	266
			16362
			661
			317
			346
			1442
			727
			715

G:\07084-Cape Coral Golf Club Redevelopment\Camp plan traffic\07084 Traffic Trip Generation

### Table B Pass-By Trips

**Pass By Trips for Shopping Center**

	PM Peak Hr	AADT
Palm Tree N of Country Club	540	5400
Palm Tree S of Country Club	774	
Country Club S of Wildwood	639	7100

Percentage of Pass By Trips  
for Shopping Center  
from figure 5.5 Trip Generation Handbook

$$\ln(T) = -0.291 \ln(X) + 5.001 \quad = \quad 27.6\%$$

Average Existing Peak Hour Trips =	651				
<b>Retail Pass By Trips =</b>	<b>180</b>	Entering	88	Exiting	92
<b>AADT Pass By Trips</b>	<b>1725</b>				

*Existing Trip Data Obtained from 2007 Traffic Volume Count Data in The City of Cape Coral and City of Cape Coral 2008 Traffic Volume Data*

**Table C. Internal Project Trip Estimates**

	PM Peak Hours Trips			Adjusted PM Peak Hour Trips		
	Enter	Exit	Total	Enter	Exit	Total
Residential (400 Single Family Home & 400 Townhouse Condominium)						
Internal Trips to / from Office	355	198	553	355	198	553
Internal Trips to / from Retail	-7	0	-7	-7	0	-7
	-110	-105	-215	-110	-105	-215
	<b>238</b>	<b>93</b>	<b>331</b>	<b>238</b>	<b>93</b>	<b>331</b>
Office						
100,000 SF	32	159	191	32	159	191
Internal Trips to / from Office	-2	-2	-4	-2	-2	-4
Internal Trips to / from Residential	0	-3	-3	0	-7	-7
Internal Trips to / from Retail	-4	-37	-41	-4	-14	-18
	<b>26</b>	<b>117</b>	<b>143</b>	<b>26</b>	<b>136</b>	<b>162</b>
Retail						
325,000 SF	686	715	1401	715	686	1401
Internal Trips to / from Residential	-62	-86	-148	-105	-110	-215
Internal Trips to / from Office	-14	-21	-35	-14	-4	-18
Internal Trips to / from Retail	-137	-143	-280	-137	-143	-280
	<b>473</b>	<b>465</b>	<b>938</b>	<b>459</b>	<b>429</b>	<b>888</b>
<i>Internal Trips Reductions based on Table 7.1 and 7.2 of the Trip Generation Handbook</i>						
				<b>Total Internal Trips</b>	<b>-258</b>	<b>-524</b>

CITY OF CAPE CORAL

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT William Nolan, President WPN & Associates, Inc.  
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE APPEAL TO THE PLANNING &  
ZONING COMMISSION/LOCAL PLANNING AGENCY, BOARD OF ZONING  
ADJUSTMENTS AND APPEALS AND/OR CITY COUNCIL FOR

Land Use

(Type of Public Hearing – i.e. PDP, Zoning, Special Exception, Variance, etc.)

BLOCK \_\_\_\_\_ LOTS \_\_\_\_\_ UNIT 9 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION See attached survey

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

Florida Gulf Ventures LLC  
Corporation/Company Name

Ryan Companies US Inc., Managing Member

*Patrick G. Ryan*

PROPERTY OWNER (Signature & Title)

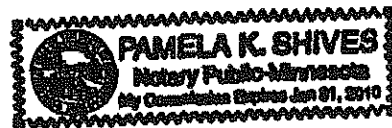
PATRICK G. RYAN, PRES.

State of Minnesota

County of Winnepin

The foregoing instrument was acknowledged before me this 30 day of June,  
2008, by an individual who is personally known X or has produced identification \_\_\_\_\_,  
(type of I.D. produced \_\_\_\_\_), and who did/did not take  
an oath.

Pamela K. Shives  
Notary Public



My Commission Expires Jan 31, 2010

Note: Please list all owners, if a corporation, please supply the Planning Division with a copy of  
corporation papers.

7/23/99, 10/30/01

ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. I will be given tentative hearing date(s) when I return with ALL of the above information. The date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I or my representative must attend any applicable meetings scheduled for the Planning & Zoning Commission/Local Planning Agency, Board of Zoning Adjustments and Appeals, and Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand that I am responsible for recording the approved Resolution/Ordinance with the Lee County Clerk of Circuit Courts and providing a copy of the recorded Resolution/Ordinance to the City of Cape Coral Planning Division.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

Florida Gulf Ventures LLC  
CORPORATION/COMPANY NAME

Ryan Companies US, Inc., Managing Member

Patrick G. Ryan PATRICK G. RYAN, PRES.  
PROPERTY OWNER (Signature & Title)

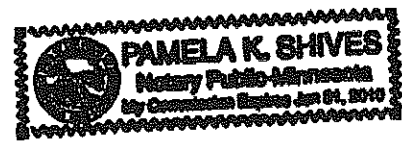
State of Minnesota

County of Hennepin

The foregoing instrument was acknowledged before me this 30 day of June, 2008, by an individual who is personally known X or has produced identification \_\_\_\_\_, (type of I.D. produced \_\_\_\_\_), and who did/did not take an oath.

Pamela K. Shives  
Notary Public  
My Commission Expires: Jan 31, 2010

Revised 12/28/08; 102502



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## NOTICE OF PUBLIC HEARING

**YOU ARE HEREBY NOTIFIED** that the City of Cape Coral, Florida, proposes to adopt ORDINANCE 20 – 09, AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM PARKS AND RECREATION (PK) TO MIXED USE (MX) LAND USE FOR A TRACT OF LAND SITUATED IN THE SOUTH HALF (S 1/2) OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 23 EAST AND THE NORTH HALF (N 1/2) OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 23 EAST, AND IN THE SOUTH HALF (S 1/2) OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND IN THE NORTH HALF (N 1/2) OF SECTION 7, TOWNSHIP 45 SOUTH, RANGE 24 EAST, BEING THE TOTAL GOLF COURSE PARCEL, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY IS LOCATED AT 4003 PALM TREE BOULEVARD; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

**FURTHER** that an application has been received from FLORIDA GULF VENTURES, LLC.

**FURTHER** that said request will be reviewed by the Cape Coral Planning and Zoning Commission/Local Planning Agency on **April 22, 2009** at 9:00 A.M. in the Council Chambers at City Hall.

**FURTHER** that said request will be reviewed by the Cape Coral City Council on **May 20, 2009** at 5:05 P.M. in the Council Chambers at City Hall.

**FURTHER** any person may appear at the public hearings and be heard, subject to proper rules of conduct. Written comments filed with the Director will be entered into the record. The hearings may be continued from time to time as necessary.

**FURTHER** any person deciding to appeal any decision made at these hearings may need to insure that a verbatim record includes the testimony and evidence upon which the appeal is to be based.

**FURTHER** in accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

**FURTHER** You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Please reference the case number below within your correspondence and mail to: **Department of Community Development, Planning and Growth Management Division, P. O. Box 150027, Cape Coral, FL 33915-0027**; or email [comdev@capecoral.net](mailto:comdev@capecoral.net). For further information, please call **(239) 574-0597**.

by order of  
Bonnie J. Potter, MMC  
City Clerk

LEGAL AD - DCD  
PUBLISH AD: 4/9/09  
5/6/09

(REF # LU 07-01000015)

Department of Community Development  
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: FLORIDA GULF VENTURES, LLC.

APPLICATION NO: LU 07-0100015

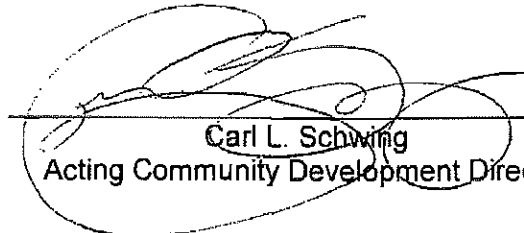
STATE OF FLORIDA     )  
                                  ) §  
COUNTY OF LEE        )

I, Carl L. Schwing, having first been duly sworn according to law, state on my oath the following:

That I am the Acting Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

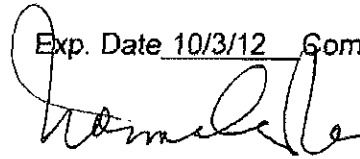
That pursuant to City of Cape Coral code. Section 8.3.2A and Section 8.11.3.A all required written notice and publication has been provided. Also posting of a sign has been done when applicable per Section 8.3.2A.

DATED this 10<sup>th</sup> day of April, 2009.

  
\_\_\_\_\_  
Carl L. Schwing  
Acting Community Development Director

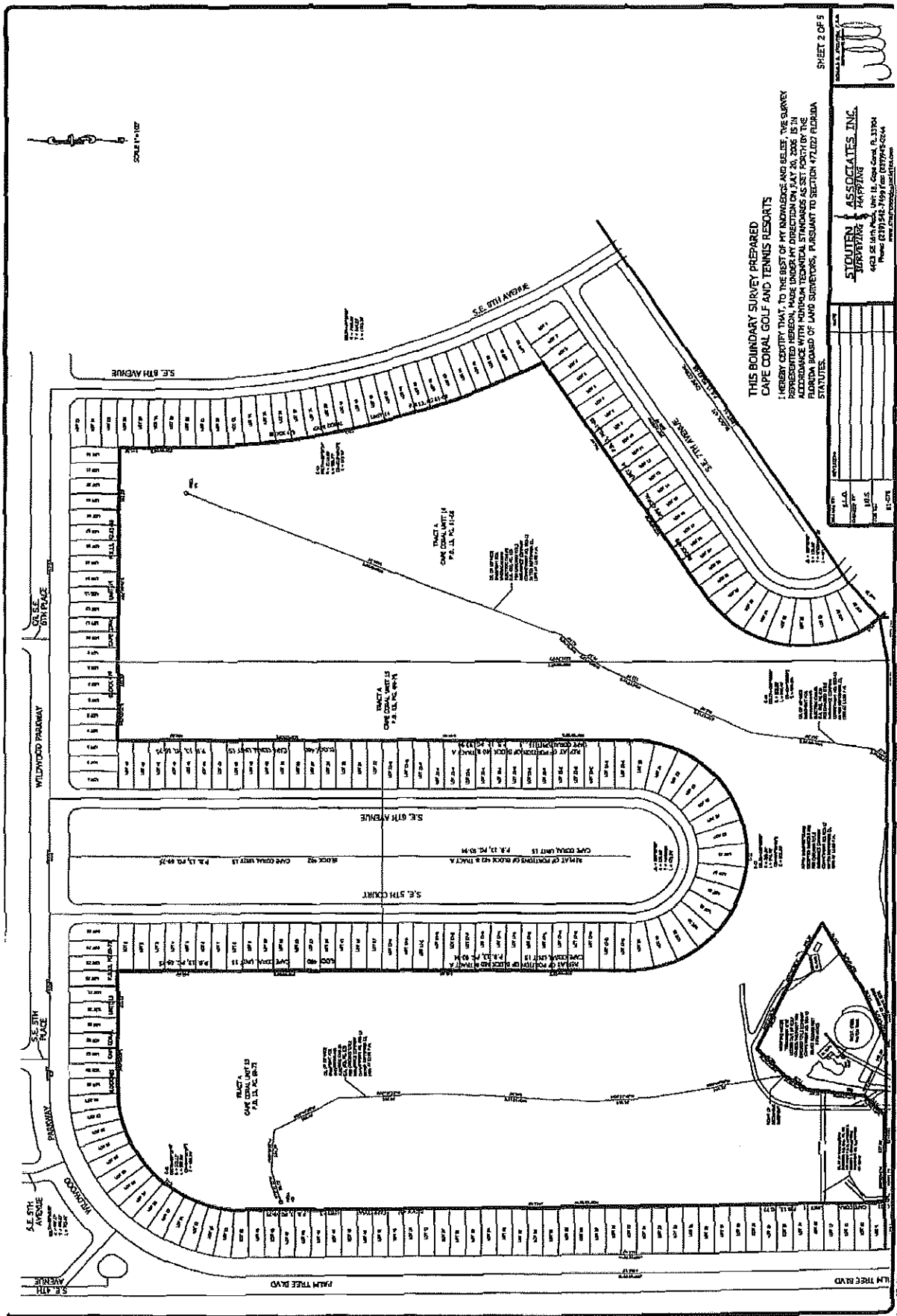
STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of April, 2009, by Carl L. Schwing, who is personally known to me and who did not take an oath.

Exp. Date 10/3/12 Commission # DD812344  
  
\_\_\_\_\_  
Signature of Notary Public  
Norma A. Nunez  
\_\_\_\_\_  
Print Name of Notary Public

NOTARY PUBLIC STATE OF FLORIDA  
Norma A. Nunez  
Commission # DD812344  
Expires: OCT. 03, 2012  
BOND THRU ATLANTIC BONDING CO., INC.





THIS BOUNDARY SURVEY PREPARED FOR  
**CAPE CORAL GOLF AND TENNIS RESORTS**  
 HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE SURVEY  
 IS ACCURATE AND CORRECT IN ALL RESPECTS AND THAT THE INFORMATION  
 CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
 I AM A LICENSED SURVEYOR IN THE STATE OF FLORIDA AND AM REGISTERED  
 WITH THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 471.022, FLORIDA  
 STATUTES.

**STOUTEN SURVEYING ASSOCIATES, INC.**  
 4625 S.W. 11th Ave., Unit 11, Cape Coral, FL 33904  
 Phone: (239) 542-7199 Fax: (239) 542-0244  
 www.stoutensurveying.com

NO.	DESCRIPTION	DATE
1	PREPARED	07/20/2006
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
10	REVISION	

DATE: 07/20/2006  
 TIME: 10:00 AM  
 DRAWN BY: J. STOUTEN  
 CHECKED BY: J. STOUTEN  
 SCALE: 1" = 100'

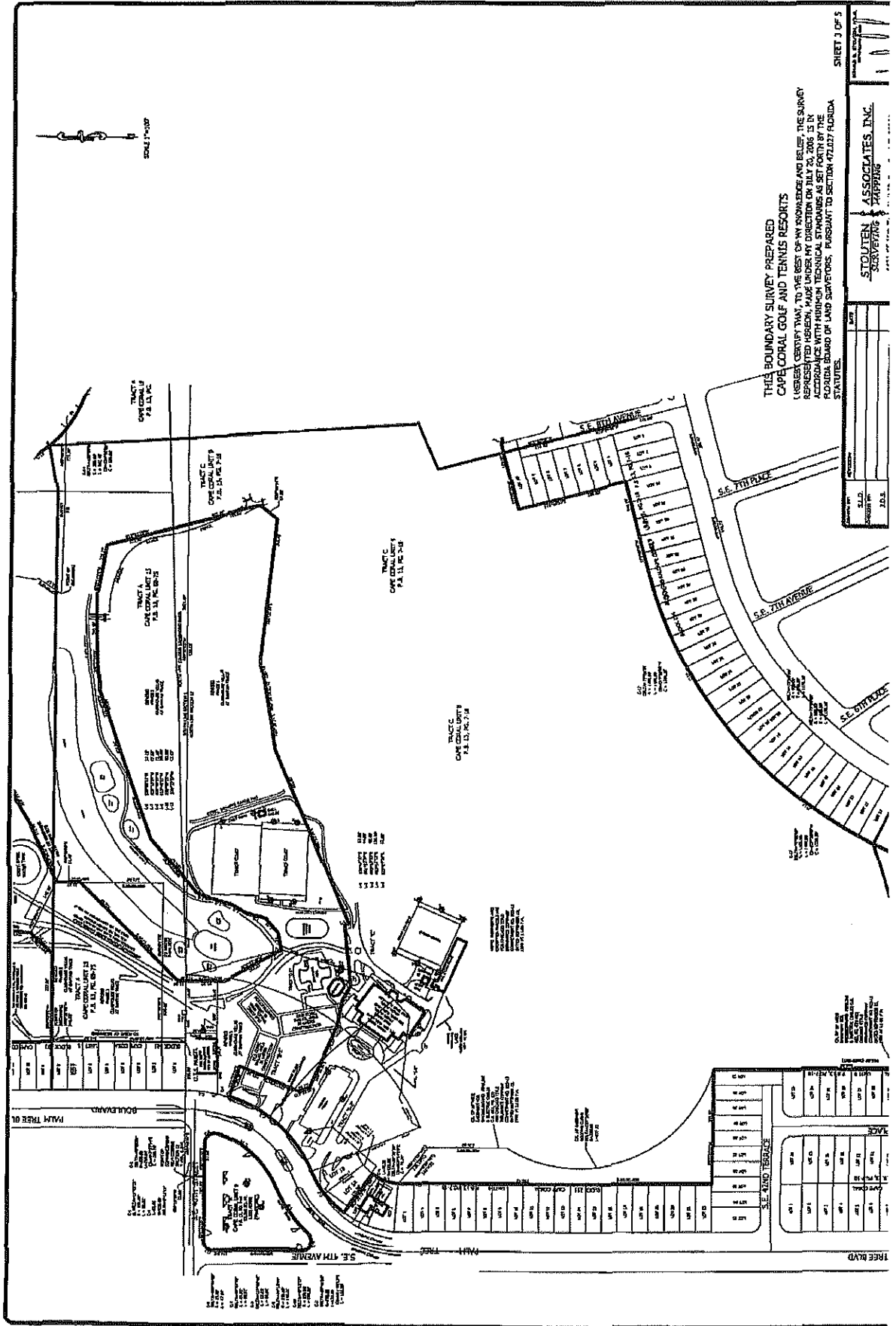
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 TRACT: CAPE CORAL TRACT  
 BLOCK: CAPE CORAL BLOCK  
 LOT: CAPE CORAL LOT

DATE: 07/20/2006  
 TIME: 10:00 AM  
 DRAWN BY: J. STOUTEN  
 CHECKED BY: J. STOUTEN  
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DATE: 07/20/2006  
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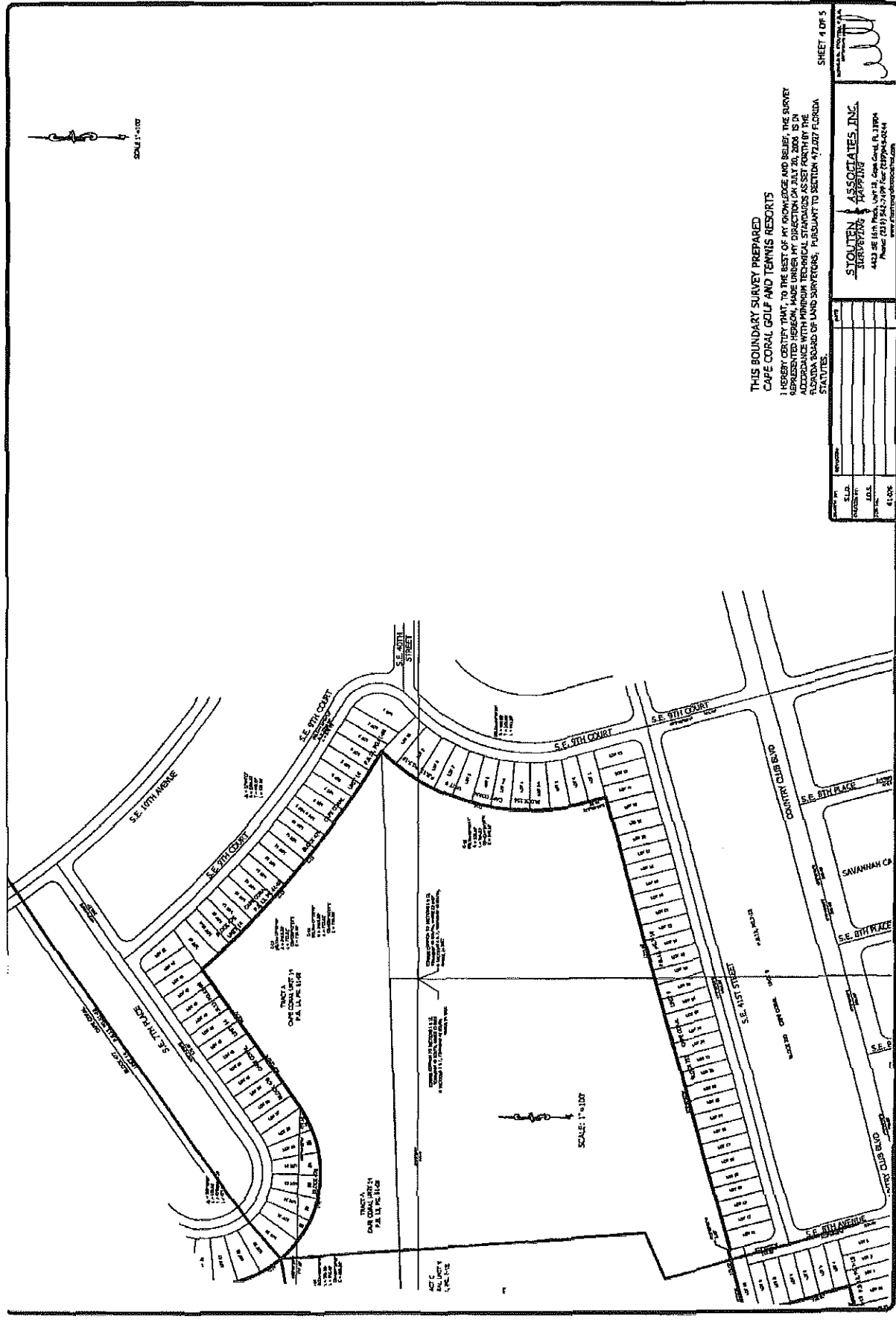


THIS BOUNDARY SURVEY PREPARED FOR CAPE CORAL GOLF AND TENNIS RESORTS (HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS SURVEY REPRESENTS HEREON, MADE UNDER MY DIRECTION ON JULY 20, 2006 IS IN ACCORDANCE WITH MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 471.07, FLORIDA STATUTES.

DATE	2006
SCALE	1" = 100'
SHEET NO.	20.0
TOTAL SHEETS	20.0

STOUTEN SURVEYING & MAPPING, INC.  
 1000 S.W. 10TH AVENUE, SUITE 100  
 MIAMI, FLORIDA 33135  
 (305) 351-1111  
 FAX (305) 351-1112  
 WWW.STOUTENSURVEYING.COM

SHEET 3 OF 5

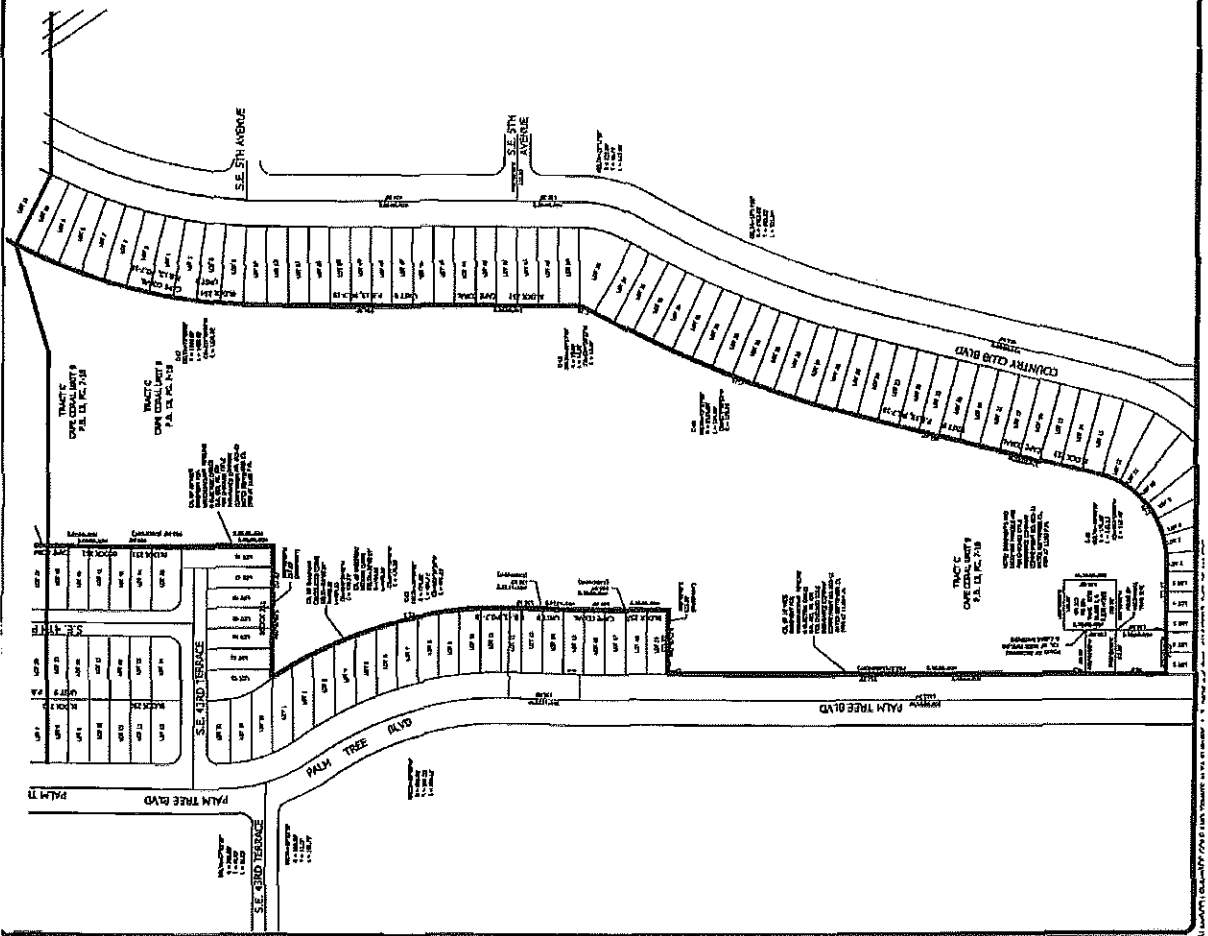
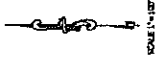


THIS BOUNDARY SURVEY PREPARED  
 CAPE CORAL GOLF AND TENNIS RESORTS  
 1. WESELY COUNTRY TRACT TO THE WEST OF MK HIGHWAY AND BUSHY, THE SURVEY  
 REPRESENTED HEREON, MADE UNDER MY DIRECTION ON MAY 10, 2011, IN  
 ACCORDANCE WITH MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE  
 FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 47.027, FLORIDA  
 STATUTES.

SHEET 4 OF 5

**STOUTEN SURVEYING ASSOCIATES, INC.**  
 4432 SE 16th Place, Unit 12, Cape Coral, FL 33904  
 Phone: (239) 542-1091 Fax: (239) 542-0214  
 www.stoutensurveying.com

NO.	DESCRIPTION	DATE
1	PREPARED BY	
2	CHECKED BY	
3	DATE	
4	SCALE	
5	PROJECT NO.	
6	DATE	
7	BY	
8	DATE	
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17	BY	
18	DATE	
19	BY	
20	DATE	



THIS BOUNDARY SURVEY PREPARED  
 CAPE CORAL GOLF AND TENNIS RESORTS  
 I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE SURVEY  
 REPRESENTED HEREON, MADE UNDER MY DIRECTION ON JAN. 20, 2008, IS IN  
 ACCORDANCE WITH MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE  
 FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 47.02, FLORIDA  
 STATUTES.

SHEET 4 OF 5



**STOUTEN**  
 SURVEYING &  
 ASSOCIATES, INC.  
 4412 E. USH ROAD, UNIT 10, CAPE CORAL, FL 33904  
 PHONE: (239) 542-7490 FAX: (239) 542-0244  
 WWW.STOUTENSURVEYING.COM

NO.	DATE	DESCRIPTION
1	12-15-07	PREPARED
2	11-07	REVISION

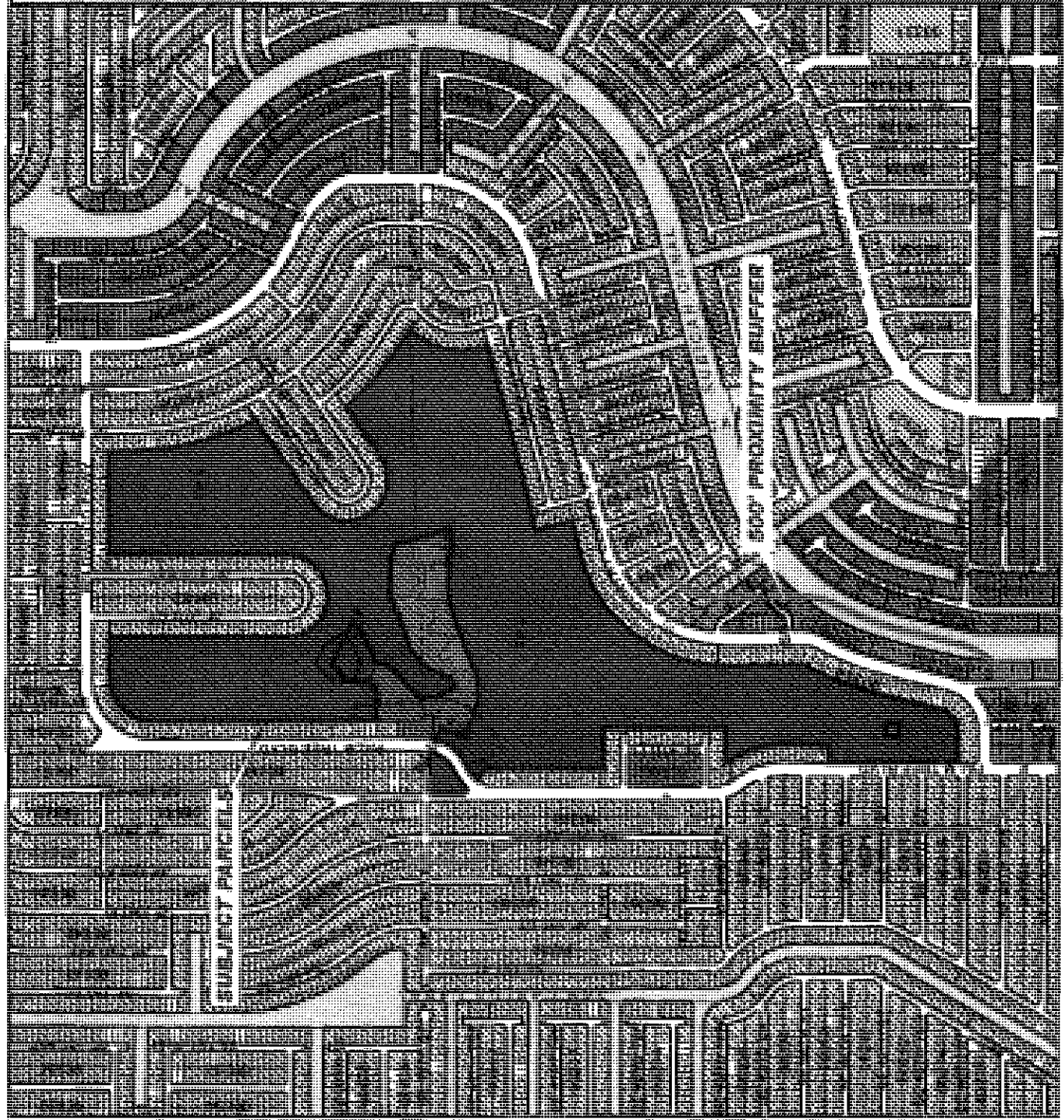
**CITY OF CAPE CORRAL**  
**Planning & Growth**  
**Management Division**  
**500' Property Owners Map**  
 Case No. LU07-0000018  
 BLOCK 151, LOTS 1A, 4, 1B, 1B-A  
 Pt of TR 8, TR C  
**Excluding Return Easement**

- Landmark**
- Airport Power
  - Canal/Canal
  - Flood Hazard
- Future Land Use**
- Single Family
  - Single Family/Neighborhood
  - Medium Density
  - Low Density Residential
  - Low Density Residential B
  - Rural Land
  - Forest Land
  - Recreation/Open Space
  - Conservation/Arboreal Corridor
  - Forest/Neighborhood
  - Commercial/Professional
  - Office/Professional
  - Highway Corridor
  - Industrial
  - Public Education
  - Public/Institutional/Professional
  - Public/Institutional/Professional
  - Public/Institutional/Professional



June 11, 2008  
 February 13, 2009  
 100 200 300 400 500

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# HAMMER PLANNING INFORMATION

## **Land Use Planning Analysis**

***Florida Gulf Venture, LLC v. City of Cape Coral, Florida***  
**Cape Coral, Florida**

**September 19, 2012**

***Prepared by:***  
**Engelhardt, Hammer & Associates, Inc.**  
**4343 Anchor Plaza Parkway, Suite 220**  
**Tampa, Florida 33634**

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## **Introduction**

Engelhardt, Hammer & Associates, Inc. has been retained by the City of Cape Coral to perform a planning analysis on property located on the east side of Palm Tree Boulevard (4003 Palm Tree Boulevard), approximately 0.25 miles north of the Cape Coral Parkway/Palm Tree Boulevard intersection, in the southeastern section of the City of Cape Coral, Florida (Exhibit A). The property is owned by Florida Golf Venture, LLC and was historically occupied by the Cape Coral Golf and Tennis Resort, which was closed in 2006. There is a smaller triangular-shaped parcel located on the western side of Palm Tree Boulevard that is also part of the property ownership.

In 2007, the property owner filed an application with the City of Cape Coral Department of Community Development, Planning Division, for a Comprehensive Plan Land Use Map Amendment. The application specifically requested to amend the property's designation on the City's future land use map from Parks and Recreation (PK) to Mixed Use (MX). On April 22, 2009, the City's Planning & Zoning Commission, serving as the Local Planning Agency, recommended denial of the land use map amendment. The City Commission considered the Planning & Zoning Commission's recommendation and subsequently denied the amendment request on May 20, 2009.

This analysis summarizes planning issues related to the subject property and evaluates the property's development entitlements within the context of Cape Coral's Comprehensive Plan and the Cape Coral Land Use and Development Regulations. Further, this analysis identifies the subject property's development potential, from a planning perspective, as of May 20, 2009.

Engelhardt, Hammer & Associates, Inc. reserves the right to update this report upon becoming aware of new or updated information. All information contained in this report is subject to the assumptions and limiting conditions contained in Appendix A.

## **Summary of Site Characteristics**

Political Jurisdiction:	City of Cape Coral, Florida
Physical Address:	4003 Palm Tree Boulevard Cape Coral, Florida 33904
Location:	East side of Palm Tree Boulevard, approximately 0.25 miles north of Cape Coral Parkway.
STRAP Number (Lee County):	12-45-23-C2-0000A.0000
Total Site Area:	175.174+ acres (per legal description)
Comprehensive Plan Classification:	Parks & Recreation (PK)
Zoning District:	Single Family Residential (R-1B)

## **Land Development in the City of Cape Coral**

A number of government agencies and a variety of land development regulations control land development in the City of Cape Coral. These land development regulations include the City's Comprehensive Plan and other regulations that set forth land use, subdivision, landscaping, building construction, stormwater drainage, environmental and sign requirements for land development.

## Comprehensive Plan

The City of Cape Coral's Comprehensive Plan was adopted on February 13, 1989. Its most recent amendment, relative to the Date of Value, was adopted on April 6, 2009 and became effective on May 7, 2009. The Comprehensive Plan as adopted on that date will be the basis for analysis of the subject property on the Date of Value.

The Comprehensive Plan is the principal regulatory document that governs the general location, type and intensity of development. The Comprehensive Plan outlines future land use patterns and growth policies designed to guide the City's development. Other land development regulations control specific phases of the land development process and also serve to implement the Comprehensive Plan.

The plan consists of a number of individual "chapters" referred to as elements. These plan elements address topics such as housing, intergovernmental coordination, transportation, utilities, infrastructure, conservation and coastal management, capital improvements, population and demographics, existing land use, recreation and open space and other subject areas related to the City's future growth and development.

One of the most important elements, for land use and development issues, is the *Future Land Use Element (FLUE)*, which contains a Future Land Use Map (FLUM), goals, objectives and policies. The FLUE establishes and defines residential, commercial, agricultural, industrial and special purpose land use categories to guide growth. Residential density and commercial intensity limits are found in the FLUE, along with future growth and land use policies, development standards and commercial development locational criteria.

According to the Future Land Use Map (FLUM), the subject property is designated with the Parks and Recreation (PK) land use category (Exhibit B). The Parks and Recreation category permits uses identified in the Recreation and Open Space Element, which include public parks, recreational facilities and open space.

The surrounding properties along the outer perimeter of the subject site have a land use designation of Single Family Residential (4.4 dwelling units/acre) and the properties surrounding the central perimeter of the subject site are designated Multiple-Family Residential (16 dwelling units/acre).

The level of service standard established in the City's Recreation and Open Space Element for golf courses is one (1) course/100,000 population. As of the Date of Value, there were three (3) golf courses in operation in the City (as previously noted, the subject golf course facility was closed in 2006). The estimated 2009 population is 168,000 and the existing golf courses satisfied the adopted level of service standard at that time.

The City's Future Land Use Map (FLUM) divides the City into three Urban Service Area overlay districts. These districts are the Urban Services Infill Area, the Urban Services Transition Area and the Urban Services Reserve Area. The subject property is part of the Urban Services Infill Area (Exhibit C). According to the FLUE, the Urban Services Infill Area is the area with the highest density of existing land uses and highest levels of existing services. The Urban Services Infill Area is also the area of the City to which community facilities, infrastructure, and services will be extended as the highest priority of the Comprehensive Plan.

## Land Use and Development Regulations

The City of Cape Coral's Land Use and Development Regulations (LUDR) were originally adopted in 1973 and have been amended numerous times since that initial adoption. The most recent amendment, as it relates to the Date of Value, became effective on May 18, 2009. The LUDR as adopted on that date will be the basis for analysis of the subject property.

The LUDR represents the City's efforts to implement its Comprehensive Plan by creating a unified land development code. The LUDR establishes regulations, standards and review procedures for the use and development of land consistent with the policies of the Comprehensive Plan.

### Zoning

The subject property is zoned Single Family Residential (R-1B)(Exhibit D). The R-1B district is one of the single family zoning districts in the City of Cape Coral LUDR. The LUDR states that the purpose of these single family districts is to encourage and protect single family development at a variety of densities with varying dimensional requirements and to permit other uses generally compatible with such residential uses.

Permitted uses include single family, family day care and parks. Uses that require special exception use approval, by an advertised public hearing before the Board of Zoning Adjustment and Appeals, include assisted living facilities, country clubs and golf courses. The golf course on the subject property has been operating as a legal non-conforming use. The golf course was not permitted under the City's current Code, as its development pre-dated the City's incorporation. Because the use has been abandoned for more than one (1) year, the legal non-conforming status has expired. Continuation of the golf course use would require approval of a special exception. A copy of the permitted uses in the R-1B zoning district is attached to this report as Appendix B.

The following table illustrates the minimum development regulations for the R-1B district.

**TABLE A**  
**R-1B District Dimensional Standards/Regulations**

Regulations	Requirement
Minimum Lot Area	10,000 square feet
Minimum Lot Depth	100 feet
Minimum Lot Width	80 Feet
Minimum Living Area	
Non-waterfront	1,100 square feet
Waterfront	1,800 square feet
Maximum Building Height	30 feet
Setbacks	
• Front	25 feet
• Side	7.5 feet
• Rear	20 feet

The surrounding properties along the outer perimeter of the subject site are zoned Single Family Residential (R-1B), while the adjacent properties along the central perimeter are zoned Multi-Family Residential (R-3).

### **South Cape Coral Community Redevelopment Area**

The subject property was analyzed and reviewed for inclusion within a potential Community Redevelopment Expansion Area in South Cape Coral. The City's Community Redevelopment Agency (CRA), a seven (7) member Board appointed by the City Council of Cape Coral, contracted with Real Estate Research Consultants, Inc. to conduct a "Finding of Necessity" analysis and report, in April 2009, which concluded that conditions in the study area (including the subject property) demonstrated the earmarks of blight. The Community Redevelopment Agency of the City of Cape Coral received and considered the findings and conclusions of the study and, on April 21, 2009, voted to recommend to the City Council that the existing Community Redevelopment Area, in the southeast portion of the City, be expanded to include "Area 12," which includes the subject golf course property (Exhibit E).

A draft Resolution, presented to the City Council on May 11, 2009 (prior to the Date of Value) to set a future public hearing date, specifically directed the Community Redevelopment Agency of the City of Cape Coral to "carry out community redevelopment...in the Expansion Areas...to further cause, promote and encourage rehabilitation, conservation and redevelopment within the Expansion Area... and to prepare and bring to the City Council for its consideration a plan for the redevelopment of the Expansion Area." The City Council of Cape Coral formally adopted the Resolution which expanded the boundaries of the Community Redevelopment Area on June 8, 2009. Adoption of the Resolution further supports and encourages the redevelopment of the subject property.

### **Subject Property's Existing Conditions**

The subject property consists primarily of an irregular-shaped 173.8+/- acre property located on the east side of Palm Tree Boulevard (4003 Palm Tree Boulevard), approximately 0.25 miles north of the Cape Coral Parkway/Palm Tree Boulevard intersection. The subject property also includes a 1.2+/- acre triangular-shaped tract that is located on the west side of Palm Tree Boulevard west of the site's entrance. The property is the abandoned Cape Coral Golf and Tennis Resort, which was a private full-service golf course facility (Exhibit F-1 and F-2). Since the Golf Club was closed in 2006, the club house and other accessory structures have been demolished.

The majority of the property's outer perimeter is surrounded by single family residential development with multi-family residential condominiums located adjacent to the central portion of the property. The property is relatively flat in topography, with some variation in elevation associated with typical golf course features. Several mature trees exist on the site and there are five (5) moderately sized man-made lakes across the property.

There is approximately 1,389 feet of total frontage on Palm Tree Boulevard, which is located on the western boundary of the site. The subject property has one existing driveway centrally located on Palm Tree Boulevard. There is a potential opportunity for additional access at the

southern end of the subject site, where there is 952+/- feet of direct frontage on Palm Tree Boulevard. Palm Tree Boulevard is a two-lane divided roadway with one hundred feet (100') of right-of-way and is classified as a collector roadway.

The City of Cape Coral provides public water and sewer service to the area. Existing water lines vary in width from 8 to 10 inches and include PVC mains along Palm Tree Boulevard. Existing sewer mains vary in width from 6-inches to 8-inches along Palm Tree Boulevard. Based on discussions with City staff, there is adequate water and sewer capacity to service new development.

## **Development Potential**

### **Existing Entitlements**

The subject property has a comprehensive plan future land use designation of Parks and Recreation (PK). The PK land use category designates public parks, recreational facilities and open space as permissible uses. The definition of recreational facilities, as found in the City's Land Use and Development Regulations, includes commercial, personal, private and public uses. Therefore, a broad range of recreational facilities is permissible within the existing comprehensive plan category.

The site is zoned Single Family Residential (R-1B). Although not considered to provide the maximum development potential, uses permitted in the R-1B zoning district and consistent with the property's land use designation of PK include parks, golf courses and/or a country club.

### **Development Constraints**

#### **Site Characteristics**

There are significant constraints that could impact the future development or redevelopment potential of the subject property. These include its irregular shape, adjacent established neighborhoods and single family development pattern, transportation concurrency and impacts related to the existence of two (2) bald eagle nests. The development of the small parcel located on the western side of Palm Tree Boulevard and separated from the larger, primary parcel is also compromised, to a greater degree, by its size, shape and general location.

The unique shape of the primary property creates challenges regarding the efficient placement of specific uses. The narrow and linear southern portion of the property as well as the equally narrow northern two (2) "fingers" limit the opportunities for locating future roadways, lots and/or building pads.

#### **Surrounding Neighborhood Compatibility**

The subject property is completely surrounded by existing residential development within established neighborhoods. As the property is situated along the rear yards of numerous residences, compatibility is an important factor when considering the potential range of uses and the layout for any future development of the subject site. Sensitivity to the established residential development pattern should be one of the initial and primary design elements when contemplating the development or redevelopment potential of the subject property.

### Transportation Impacts

Another significant issue related to the subject site's development potential is transportation concurrency. Any development proposal would be required to address traffic impacts on the roadway network servicing the development. Said analysis should include roadway average annual daily traffic (AADT) counts, peak hour capacity, road rights-of-way, current traffic levels, adopted level of service (LOS) for the affected roadways and potential off-site roadway improvements.

### Bald Eagle Nests

The Florida Fish and Wildlife Conservation Commission (FWC) and the City of Cape Coral's Department of Community Development, Environmental Division, have identified one (1) bald eagle nest (LE-079) on the subject property and one (1) bald eagle nest (LE-079A) located on a lattice tower abutting the boundary of the subject property (Exhibits G-1 and G-2).

Protection of the bald eagle changed when it was removed from the state threatened list. That occurred when the State's management plan and new eagle rules were developed and approved by the FWC in April 2008. The U.S. Fish and Wildlife Service (USFWS) removed the bald eagle from the federal endangered and threatened list in 2007.

The State and Federal guidelines provide details on when a permit is recommended for proposed activities. Generally, a permit is recommended if the habitat around the buffer will be permanently impacted closer than or more intensely than other activities near the nest. In accordance with the guidelines and conversations with Michelle VanDeventer, FWC Biologist and Eagle Specialist, no exterior construction activities and site work may be conducted within 330' of an active or alternate bald eagle nest during the nesting season (October 1 to May 15), or whenever eagles are present at the nest site. Site work and exterior construction activities between 330' and 660' from the nest may be conducted during the nesting season when the USFWS Bald Eagle Monitoring Guidelines are followed.

Outside of the nesting season, no FWC disturbance permit is required if land development activity occurs a minimum distance of 330 feet from the nest, or a minimum distance equal to the closest existing activity of similar scope (e.g. residential uses) from the nest, and is conducted in accordance with the State and Federal guidelines.

In addition to the State and Federal guidelines, there are City regulations for bald eagle protection. In 2006, the City of Cape Coral adopted a Bald Eagle Protection ordinance. Development on parcels of one (1) acre or more, which contain all or part of an Eagle Nest Management Zone, requires submittal and approval of a Bald Eagle Management Plan. The Eagle Nest Management Zone is a circular buffer area with a radius of 1,100 feet from the active eagle nest as the center.

The City may approve a Bald Eagle Management Plan that will permit heavy construction and development activities within an Eagle's Nest Management Zone during the eagle nesting period. However, said Plan may be considered only if it identifies a Qualified Eagle Monitor, approved by the City, and the monitoring protocol is applied to the entire 1,100 foot buffer zone, as opposed to the lesser dimensions identified by the USFWS and FWC guidelines. Notwithstanding the above, the City's ordinance identifies a 350 foot buffer zone within which the City may prohibit any development or construction from taking place.

Exhibits H-1 and H-2 identify the eagle's nest locations and illustrate the FWC and City of Cape Coral buffer zones. The maps also illustrate a buffer zone with a radius equal to the distance

from the eagle nest to the nearest existing residential development, as permissible by the FWC guidelines, and lists the acreage of the portion of the subject property within that buffer zone.

Development activities proposed to occur closer to the eagle nest(s) than the aforementioned distances or that cannot be conducted in accordance with the State and Federal guidelines will require an FWC Eagle Permit. The FWC will not permit any activity within one hundred feet (100') of a nest at any time of the year, except for nests built on artificial structures. Depending on the distance from the nest within which the permit application requests disturbance, the issuance of an FWC Eagle Permit will require one (1) or two (2) conservation measures, as outlined in the State's Bald Eagle Management Plan, which may include the following:

- Contribute approximately \$35,455 to the Bald Eagle Management Fund (total amount subject to change based on fluctuation of the consumer price index).
- Provide financial assurance (such as a surety bond) in the amount of \$50,000 (letters of credit are not accepted at this time).
- Grant a conservation easement over the 330-foot buffer zone of an active or alternate bald eagle nest within the same or an adjacent county, or within the same core nesting area. When the buffer is only partially owned by the applicant, contribute an onsite easement over the portion of the 300-foot buffer zone to which the applicant holds title.
- Grant a conservation easement over suitable bald eagle nesting habitat onsite or offsite.
- Propose an alternate conservation measure that advances the goal of the management plan based upon the particular facts and circumstances presented by the applicant.
- For projects with a buffer of 330 feet or less, two (2) conservation measures are required, and one of the two (2) measures should be the \$35,455 contribution.

### **Redevelopment Options**

Given the surrounding residential development pattern, from a planning perspective, the most reasonable development potential for the subject property is for residential use including single family dwelling units or a mixture of single family and multi-family residences. Any proposed development should incorporate an open space buffer around the perimeter to provide compatibility with the adjacent pre-existing single family and multi-family residential developments.

In order to develop single family and multi-family residences on the subject property, a Comprehensive Plan Future Land Use Map amendment to the Single Family Residential (SFR) and Multiple-Family Residential (MFR) land use category, respectively, would be required. If applicable due to the mix of uses, the portion of the subject property designated with the Multiple-Family Residential land use category should be located adjacent to the existing Banyan Trace townhome development, along the central perimeter of the property and also designated with the Multiple-Family Residential land use category.

If the entire property is developed with a single family residential use, a subsequent or concurrent rezoning would not be required as the subject property is appropriately zoned R-1B, which is consistent with the SFR land use designation. Any portion of the property to be developed with multi-family residential and designated with the MFR land use category would

require a rezoning to the Multi-Family Residential (R-3) zoning district, which is the same district the existing multi-family residential condominium on the adjacent property is zoned.

The SFR land use category permits up to 4.4 dwelling units/acre, while the MFR land use category permits up to 16.0 dwelling units/acre. Development of the 173.8+/- acre primary portion of the subject property with only the single family residential use could yield a theoretical maximum potential of approximately 765 dwelling units, based upon the maximum density permissible in the SFR land use category. If developed with a mix of residential uses, then it is possible to obtain a higher number of residential units based upon the acreage assigned to the multi-family development.

Due to its unique shape, size, location and existing physical attributes, all or a portion of the subject property could be redeveloped with a non-traditional type of use, either separately or in combination with the above-described residential uses. As an alternative to the preferred development scenarios described above, all or a portion of the subject site could be well suited for a private or public recreational facility, arts/cultural facility, place of worship, religious facility and/or a non-profit, private, public or parochial school.

Although religious facilities are not specifically listed as permitted uses within the PK land use designation, religious facilities which are primarily recreational (e.g. camps, retreats, etc.) could be permissible within the property's PK land use designation. The property's existing zoning designation of R-1B recognizes religious-related facilities and activities as permissible in the R-1B zoning district as Special Exception Uses. An associated non-profit, private, public or parochial school is also permissible as a Special Exception use within the R-1B zoning district designation. Special Exception uses require the review and approval of the City's Board of Adjustment and Appeals, which includes an advertised public hearing.

A public or not-for-profit recreational use on the subject property is permissible and consistent with the uses permitted within the site's Parks & Recreation comprehensive plan land use designation. Depending upon the level of intensity and the amenities or specific types of recreational uses proposed, a rezoning may be required.

An independent school and/or religious facility, that is non-recreational related, may be permissible within the R-1B zoning district, with the approval of a special exception; however, a comprehensive plan future land use map amendment to an appropriate future land use designation would be required

The 1.2-acre separate parcel located on the west side of Palm Tree Boulevard is also designated Parks & Recreation on the comprehensive plan future land use map and zoned R-1B. Because of its triangular shape, minimal size and proximity to the existing adjacent residential land uses, there are limited types of uses that could be developed on the subject property.

This smaller property could be redeveloped with a single family residential use, which would require a small-scale comprehensive plan amendment to SFR, but no zoning change. Alternatively, dependent upon final site development engineering, the property could be redeveloped with a duplex/tri-plex residential use or a small office. Both types of uses would also require a small-scale comprehensive plan future land use map amendment as well as a rezoning to accommodate the desired use.

## **Preliminary Transportation Analysis**

As previously noted, one of the primary constraints associated with the redevelopment of the subject property is related to the City's review of transportation concurrency and potential impacts of the proposed development on the surrounding roadway network.

Development of the subject property would primarily impact Palm Tree Boulevard, which provides the sole access to the site. Palm Tree Boulevard is a two-lane divided roadway that is bordered by single family residential development. As noted previously, Palm Tree Boulevard is classified as a collector roadway. Its current level of service (LOS) standard is "C" and its adopted LOS standard is "D". Based on current traffic counts and an adopted LOS of "D", there is currently excess capacity on Palm Tree Boulevard.

Pursuant to discussions with City staff, traffic analysis for general planning purposes should utilize AADT and the FDOT ARTPLAN 2009 computer software program and standards contained in the Institute of Transportation Engineers (ITE) Trip Generation (7<sup>th</sup> Edition) manual. Therefore, to determine the number of potential single family dwelling units approvable, the above methodology was utilized based on an analysis that would not exceed LOS "D".

2009 Average Annual Daily Traffic (AADT) counts are available for Palm Tree Boulevard between SE 47<sup>th</sup> Terrace and Country Club Boulevard and for the segment north of Country Club Boulevard. Those counts are as follows:

- N. of SE 47th Terrace: 6,800 trips
- N. of Country Club Boulevard: 4,800 trips

The adopted LOS "D" permits a maximum AADT of 10,600 trips. Any trips beyond that threshold would create an LOS of "E", and therefore require mitigation of traffic impacts. Typically, mitigation would require acquisition of additional rights-of-way for road widening and/or roadway improvements on other roadways utilized to access the site. It is noted that the LDC provides for the mitigation of development impacts on transportation facilities that exceed the City's concurrency management standards. A proportionate fair-share contribution may be made as mitigation for the additional transportation impacts related to the impacted roadway network and can include (individually or in combination): private funds, contributions of land, and/or construction and contribution of facilities.

Based on 2009 AADT and maximum AADT standards for LOS "D", the following additional trips could be accommodated before Palm Tree Boulevard exceeds its adopted LOS standard "D":

- N. of SE 47th Terrace: 3,800 trips
- N. of Country Club Boulevard: 5,800 trips

To analyze the subject property's development potential based on available capacity, the roadway segment with the lowest available excess capacity, in this case the 47<sup>th</sup> SE Terrace link, would be utilized.

The highest average trip generation rate per dwelling unit for single family detached housing was for a Saturday with an average daily trip generation rate per dwelling unit of 10.10. Based on the above factors and additional trips available on Palm Tree Boulevard (3,800 trips), 376 single family dwelling units could be developed on the subject property without exceeding an LOS standard of "D".

To analyze the development potential of the single family/multi-family scenario, the same trip generation methodology was utilized as for the single family scenario. The average daily trip generation rate for a single family dwelling unit is 10.10 and the average daily trip generation rate for condominium/townhouse is 5.86. It should be noted that a number of possible combinations of single-family and multi-family dwelling units could be developed while maintaining the roadway LOS "D" standard.

It has been noted that Palm Tree Boulevard has 100 feet of right-of-way. As previously stated, the City's concurrency management standards may permit development entitlements in excess of those thresholds specified above, through a proportionate fair-share contribution for mitigation of transportation impacts. Therefore, additional potential development may be accommodated on the subject property through mitigation of transportation impacts.

In order to determine additional development potential, a detailed traffic impact analysis would be required based on a specific development scenario. Additionally, analyzing an alternative use development scenario, as suggested earlier in this report, from a traffic concurrency standpoint as well as any detailed traffic analysis is beyond the scope of this report.

### **Summary/Conclusions**

The most probable development potential for the subject property is for single family residential or a combination of single family and multi-family residential. Based on obtaining a future land use map amendment to SFR, a single family residential development could yield a maximum of 765 dwelling units on the subject property. As a mixed residential development, including a future land use map amendment to SFR and MFR, the maximum theoretical development potential could generate more units depending upon the acreage dedicated to each residential land use type.

However, based solely on LOS limitations on Palm Tree Boulevard, a single family development scenario would be limited to a total of 376 dwelling units. Another potential development scenario is for a combination of single family and multi-family, which could yield more residential units. It is noted that additional potential development entitlements may be accommodated on the subject property through mitigation of transportation impacts.

In addition to the transportation related constraints, the presence of the eagle nests could preclude development of a portion of the subject property and/or provide for additional time and expense related to appropriate permitting with the State FWC and the City's Bald Eagle Protection Ordinance. The guidelines restrict development activity based on varied buffer zones and the nesting season as well as the status of the nests at the time of permitting the proposed development (e.g. active, inactive, alternate, etc.).

A non-traditional development, like a religious facility, major recreational facility, specialized retreat or academy-type use would be a unique opportunity for infill redevelopment of the subject property. Such a development could be an option for the subject property as an alternative to the typical residential uses; however, limits to the level of intensity should be considered in order to ensure compatibility with the surrounding existing neighborhood.

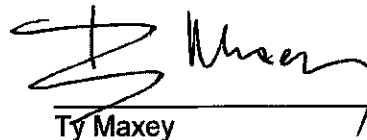
A non-passive recreational use or a recreational-related religious facility would be consistent with the property's existing PK future land use designation and R-1B zoning district, although a special exception approval would be required. A more intensive independent use, like a school (private, public, non-profit or parochial school) or a specialized academy would require a future land use map amendment to SFR and may require a rezoning and/or special exception use approval, based upon the specific use and intensity of said use.

Engelhardt, Hammer & Associates, Inc.



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Ethel Hammer  
Principal



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Ty Maxey  
Principal Planner

**APPENDIX A**  
**General Assumptions and General Limiting Conditions**

1. The information, including, but not limited to, opinions, findings, conclusions and recommendations, contained in this land use planning analysis report does not, nor is it intended to, represent, in whole or in part thereof, legal opinion or advice, regarding any law, regulation, resolution or other instrument of law. Nothing in this document is intended to constitute legal advice or opinion and readers of this report should contact an attorney for any advice concerning matters of law.
2. No survey of the property has been made by Engelhardt, Hammer & Associates, Inc. and no responsibility is assumed in connection with such matters. Any sketches contained in this report are included only to assist the reader in visualizing the property, its surroundings or to illustrate a concept.
3. Information and data furnished by others is generally assumed to be true, correct and reliable. A reasonable effort has been made by Engelhardt, Hammer & Associates, Inc. to obtain the best available information and data; however, no responsibility for its accuracy is assumed by Engelhardt, Hammer & Associates, Inc.
4. It is assumed that there are no hidden, latent or obscure conditions of the property, subsoil, structures, hazardous wastes or other such conditions that would make the property unsuitable for use.
5. Engelhardt, Hammer & Associates, Inc. will not be required to give testimony or appear in court because of having made this analysis and report, with reference to the property in question, unless arrangements have been previously made thereof.
6. Possession of this report, or copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any persons other than the party to whom it is addressed without the written consent of Engelhardt, Hammer & Associates, Inc., and in any event only with proper written qualifications, including, but not limited to, assumptions and limiting conditions, and only in its entirety.
7. No environmental impact studies were either requested or made in conjunction with this land use planning analysis and Engelhardt, Hammer & Associates, Inc. hereby reserves the right to alter, amend, revise, or rescind any portions of the report based upon any subsequent environmental impact studies, research or investigation.
8. Neither all nor any part of the contents of this report, or copy thereof, shall be conveyed to the public or governments through advertising, public relations, news, sales or any other media without written consent and approval of Engelhardt, Hammer & Associates, Inc.
9. Neither the name of Engelhardt, Hammer & Associates, Inc. nor this report may be used in connection with any financing plan that would be classified as a public offering under state or federal securities laws.
10. Acceptance of and/or use of this report constitute acceptance of the foregoing General Assumptions and General Limiting Conditions.

## Appendix B

### Permitted Uses Cape Coral Land Use and Development Regulations

#### § 2.7 District regulations.

##### .1 *Single-Family Residential Districts (R-1A and R-1B).*

##### A. *Purpose and intent.* These districts are established to:

1. Encourage and protect single-family development at a variety of densities with varying dimensional requirements;
2. Permit other uses generally compatible with such residential uses; and
3. Otherwise implement this ordinance.

##### B. *Permitted uses (all districts).*

1. Entrance gates (applicable to private subdivisions with private rights-of-way);

(Ord. 3-97, 2-10-1997)

2. Essential service;
3. Essential service facilities - Group II - distribution electric substation only (see § 3~~2~~7);
4. Family day care home;
5. Home occupation;
6. Nature and wildlife preserves;
7. Parks - Group I; and
8. Single-family dwelling.

(Ord. 125-06, 10-23-2006)

C. *Special exception uses (all districts).*

1. Assisted living facility (minimum area three acres and PDP);

(Ord. 68-98, 11-30-1998)

2. Child care facility/preschool/ kindergarten;

(Ord. 3-97, 2-10-1997)

3. Country club;

4. Essential service facilities - Group I (except communication [wireless] towers);

(Ord. 81-04, 8-2-2004; Ord. 69-10, 10-18-2010)

5. Gate house, within a planned development project only;

(Ord.36-04, 4-12-2004)

6. Golf course;

7. Government uses - Group II;

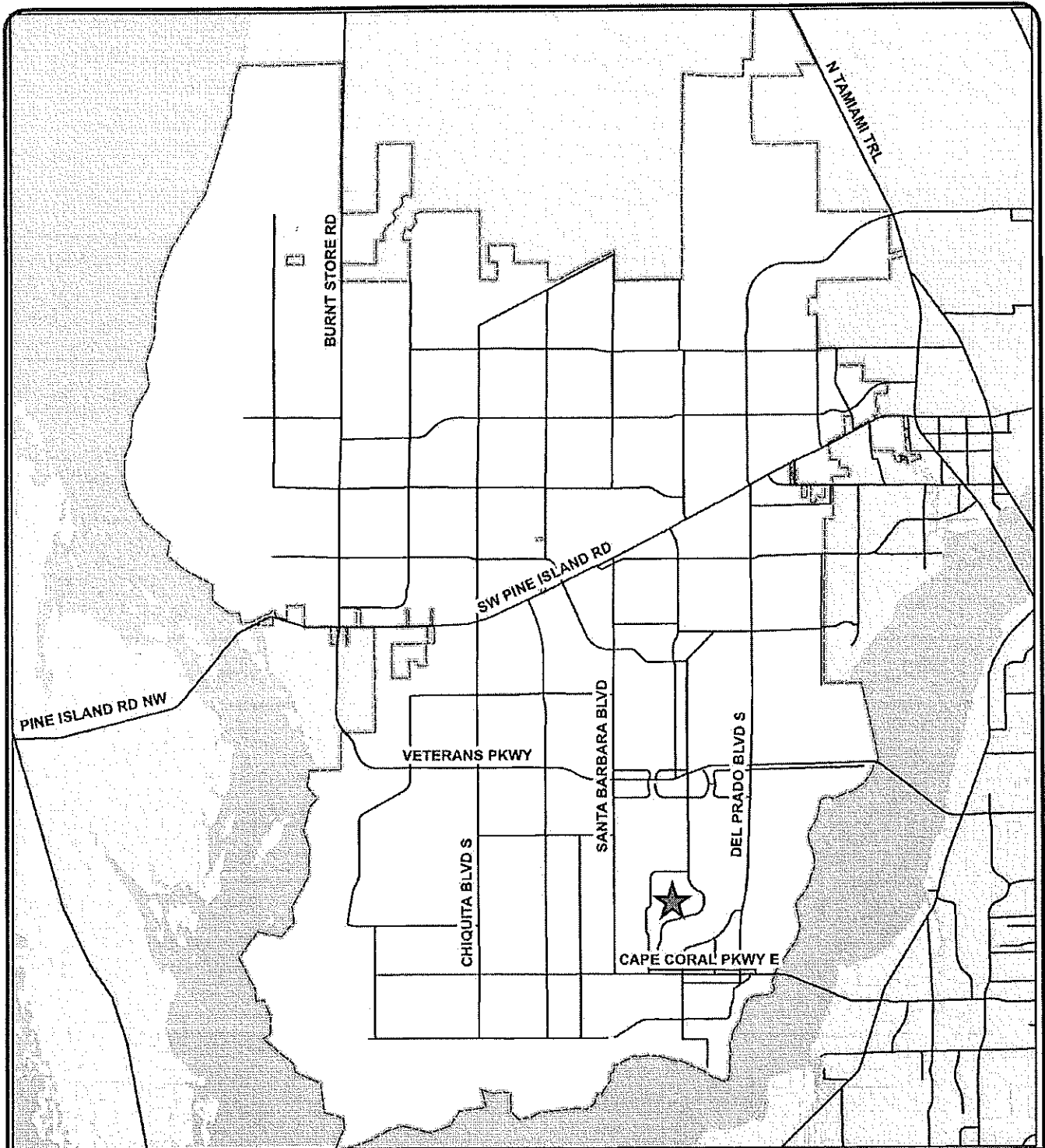
8. Model home site(s) (see special regulations);




9. Parks - Groups II and III;

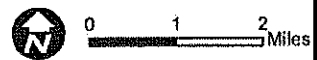
10. Places of worship (one-acre minimum lot area);

11. Religious facilities (one-acre minimum lot area); and

12. Schools: non-profit, private, public, or parochial - Group I.



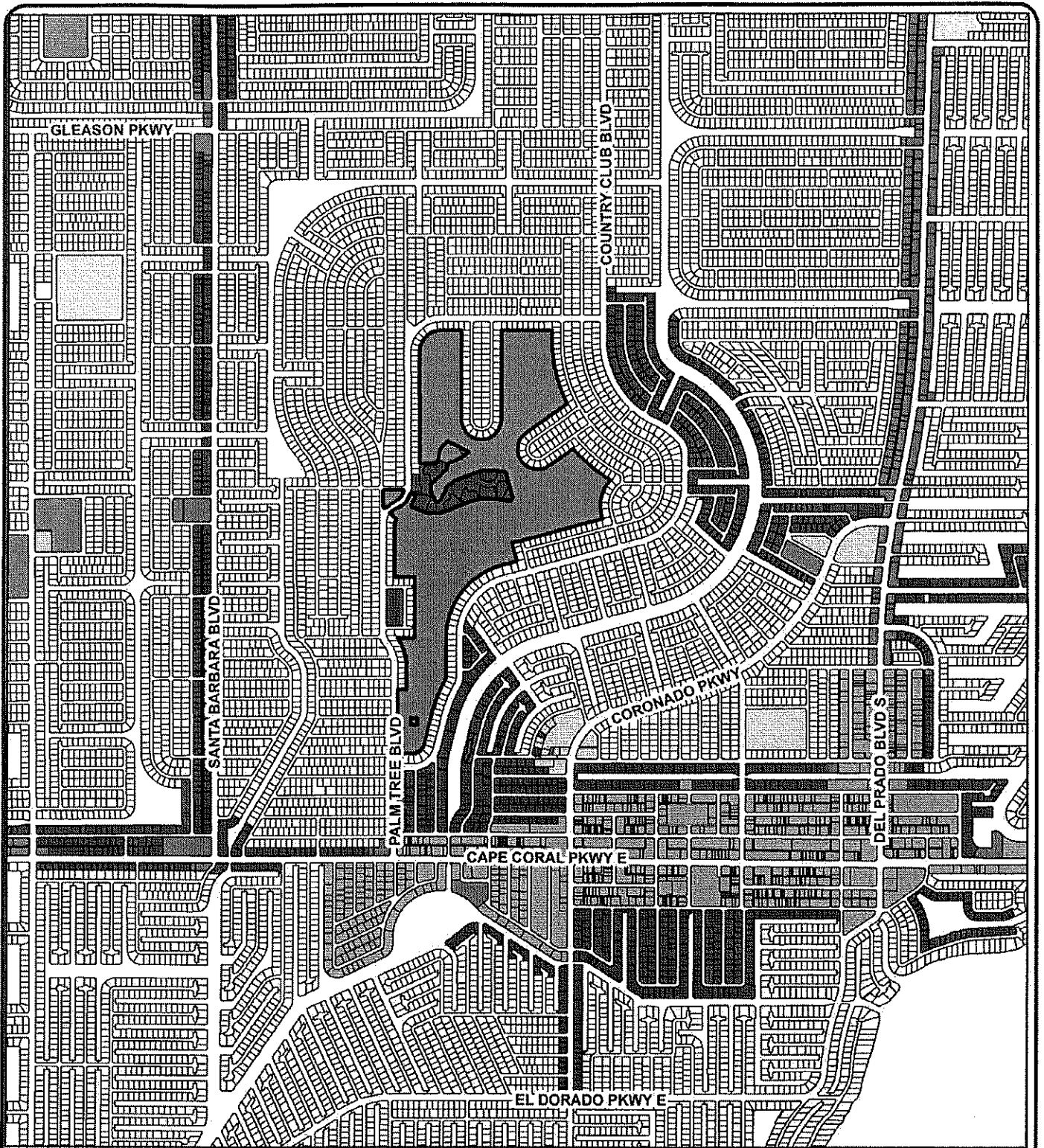
-  Subject Property
-  City of Cape Coral
-  Lee County



**Exhibit A  
Location Map  
Florida Gulf Venture, LLC v.  
City of Cape Coral, Florida**

  
**ENGELHARDT, HAMMER & ASSOCIATES**  
Land Planning - GIS - Paper Testimony  
4943 Anchor Plaza Parkway, Suite 226, Tampa, Florida 33611  
Telephone (813) 887-8700, Fax (813) 887-8711

Source: Cape Coral GIS, City Boundary, May 2009.



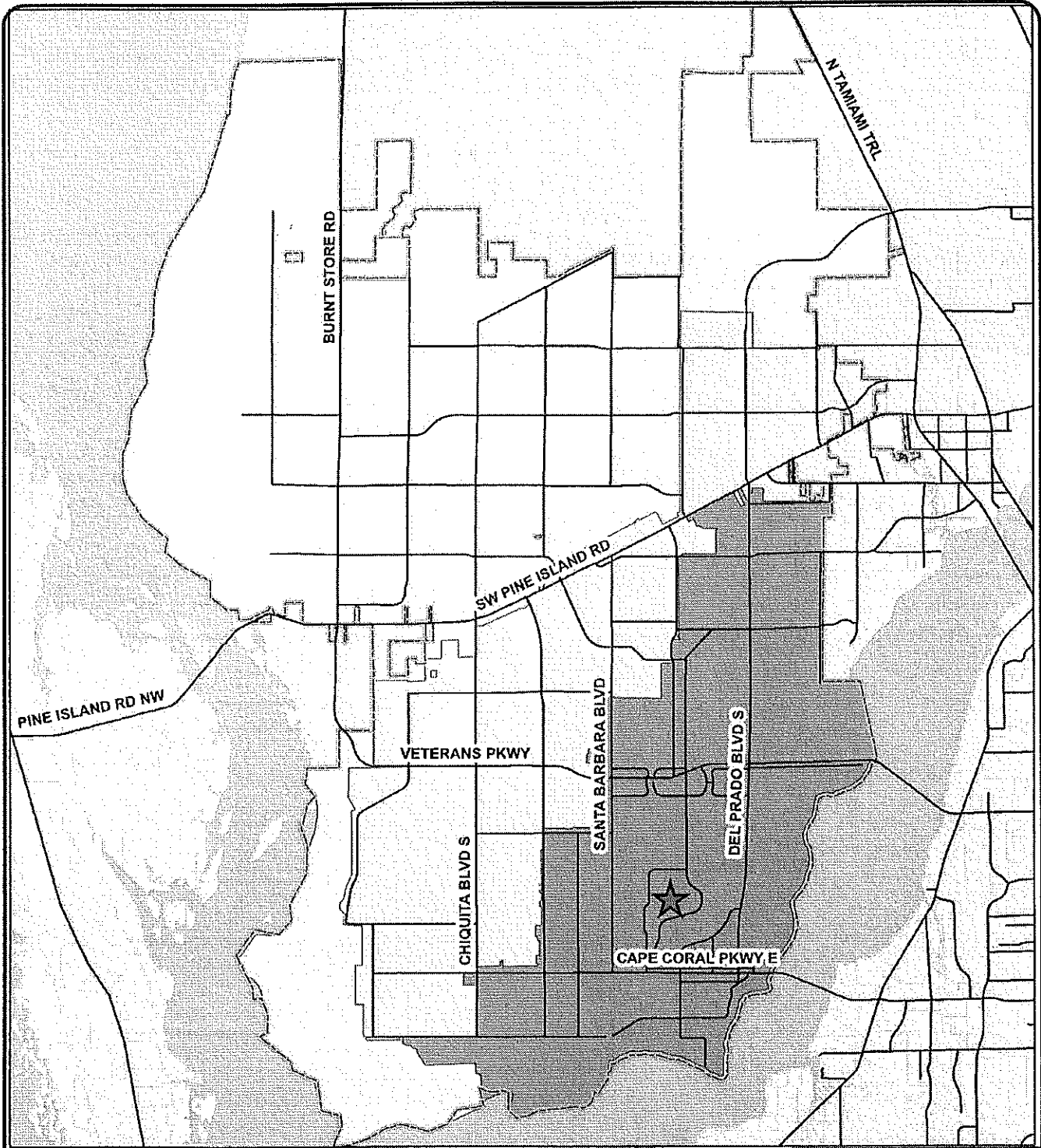
- |  |                                       |
|--|---------------------------------------|
| Subject Property                       | Public Facilities                     |
| <b>Cape Coral Future Land Use</b>      | Parks and Recreation                  |
| Commercial/Professional (FAR 1.0)      | Single Family Residential (4.4 du/ac) |
| Downtown Mixed (40 du/ac, FAR 4.0)     | Single Family and Multifamily by PDP  |
| Multiple Family Residential (16 du/ac) |                                       |



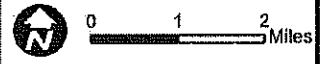
**Exhibit B**  
**Future Land Use Map**  
**Florida Gulf Venture, LLC v.**  
**City of Cape Coral, Florida**

Land Planning • GIS • Expert Testimony  
 1743 Anchor Plaza Parkway, Suite 220, Tampa, Florida 33634  
 Telephone (813) 840-9190, Fax (813) 840-8311

Source: Cape Coral GIS, FLU current as of May 20, 2009;  
 Lee County Property Appraiser GIS Parcel Data current as of May 2009.



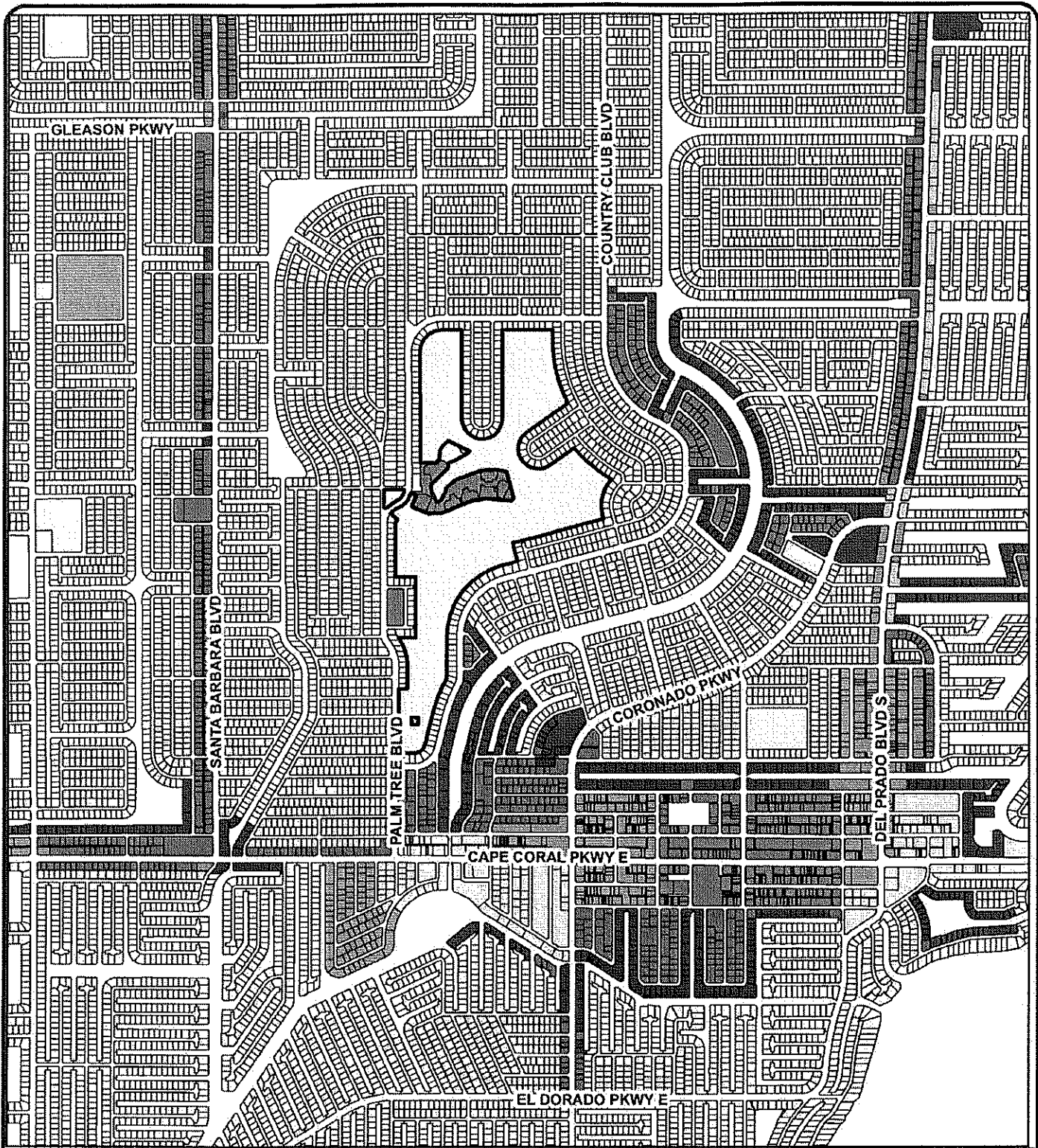
- ★ Subject Property
- ▭ City of Cape Coral Municipal Boundary
- ▭ Lee County
- Cape Coral Urban Service Areas**
- ▭ Reserve
- ▭ Transition
- ▭ Infill



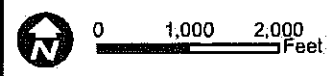
**Exhibit C**  
 Urban Service Areas Map  
 Florida Gulf Venture, LLC v.  
 City of Cape Coral, Florida

**ENGEL HARDY, HAMMER & ASSOCIATES**  
 Land Planning • GIS • Survey • Estimation  
 4713 Anchor Plaza Parkway, Suite 200, Tampa, Florida 33637  
 Telephone: (813) 849-0100, Fax: (813) 850-5511

Source: Cape Coral GIS,  
 City Boundary, May 2009.  
 Urban Service Areas as of May 2009.



Subject Property	DG, Downtown Gateway	R3, Multi-Family Residential
<b>Cape Coral Zoning</b>	P1, Professional Office	R3W, Multi-Family Residential
C1, Pedestrian-Commercial	P1W, Professional Office	RD, Residential Development
C1W, Pedestrian-Commercial	R1B, Single Family Residential	W, Places of Worship
DC, Downtown Core	R1BG, Single Family Residential	
DE, Downtown Edge	R1BW, Single Family Residential	

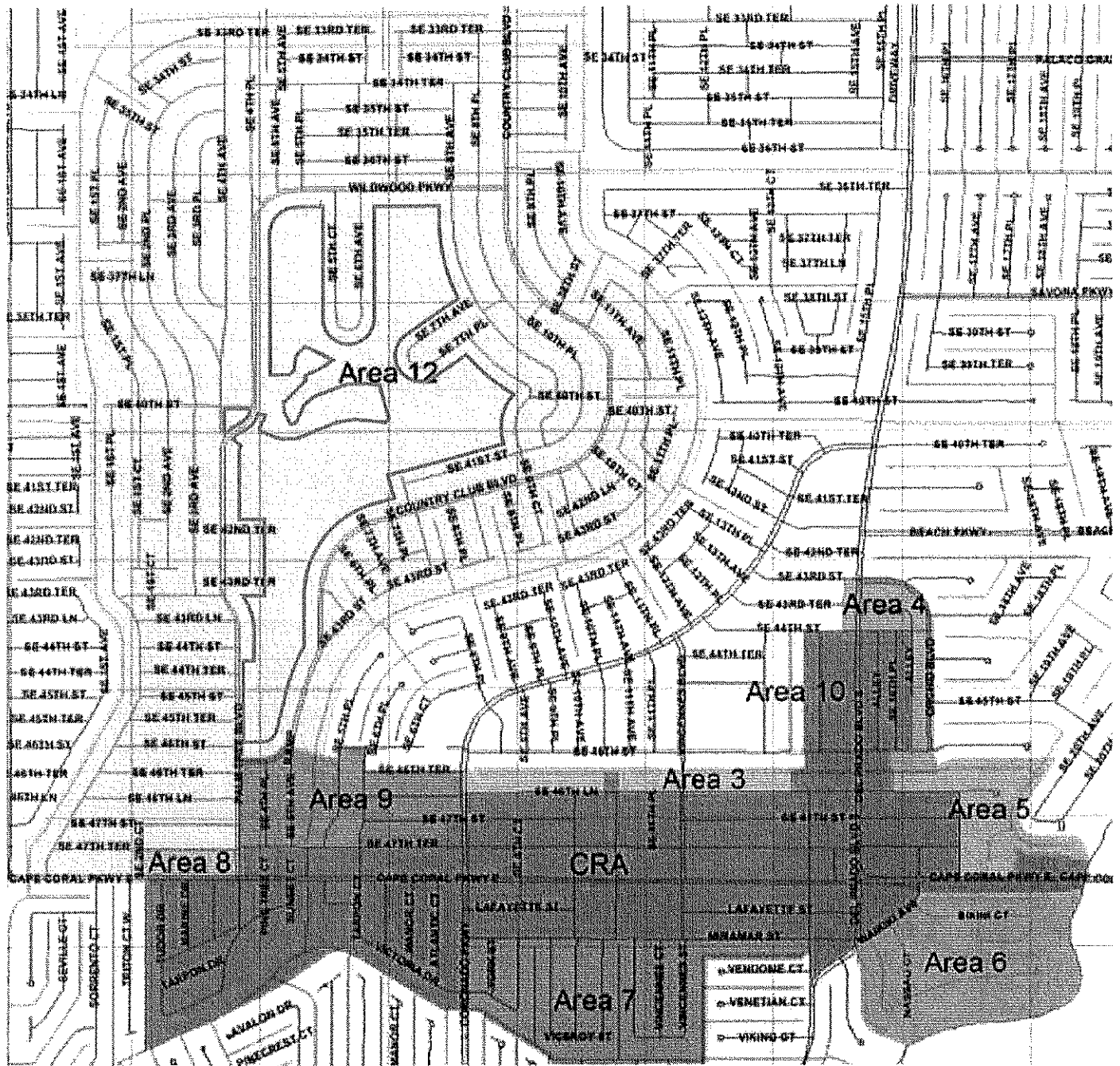


**Exhibit D**  
**Zoning Map**  
 Florida Gulf Venture, LLC v.  
 City of Cape Coral, Florida

**ENGELHARDT, HAMMER & ASSOCIATES, L.L.C.**  
 Land Planning • GIS • Expert Testimony  
 2343 Anchor Plaza Parkway, Suite 224, Tampa, Florida 33634  
 Telephone: (813) 589-3100, Fax: (813) 589-8511

Source: Cape Coral GIS, Zoning current as of May 20, 2009;  
 Lee County Property Appraiser GIS Parcel Data current as of May 2009.

CAPE CORAL, GOLF COURSE, 09083(dwg)CRA Plan 20089 expansion areas.dwg, 3/16/2011 11:35:53 AM, HP CLJ 55500N PCL 6



**LEGEND**

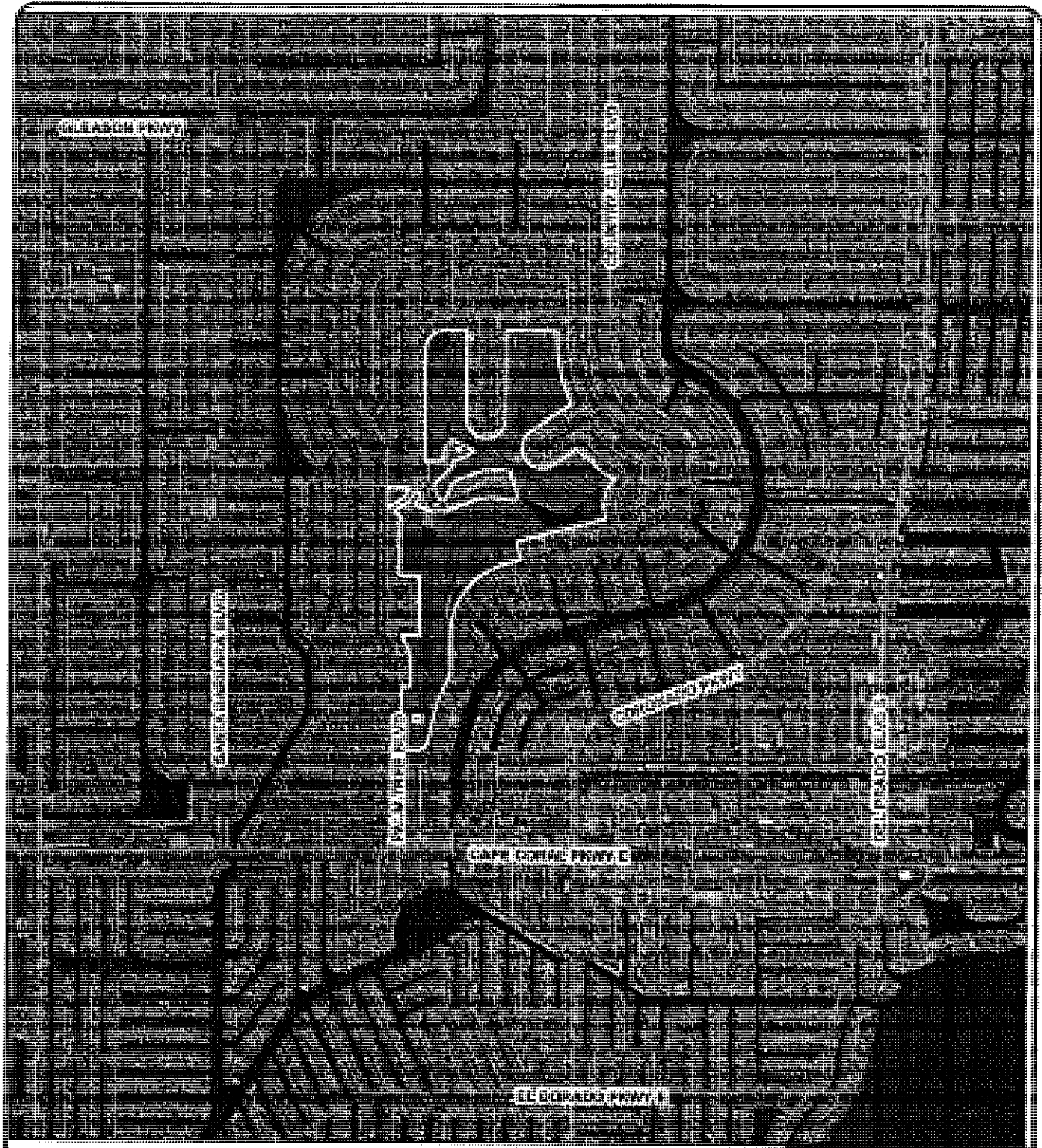
————— SUBJECT PROPERTY



N.T.S.

EXHIBIT E  
SOUTH CAPE CRA PLAN AMENDMENT 2009  
FLORIDA GULF VENTURE, LLC Vs  
CITY OF CAPE CORAL, FLORIDA

**ENGELHARDT, HAMMER & ASSOCIATES**  
Land Planning - GIS - Survey Testimony  
4343 Anchor Plaza Parkway, Suite 220, Tampa, Florida 33634  
Telephone (813) 889-8100, Fax (813) 889-8811



Subject Property



0 1,000 2,000 Feet

Scale: 1" = 100'  
 Aerial Photograph  
 Florida Gulf Ventures, L.L.C.  
 City of Cape Coral, Florida

Engineering, Planning & Architecture  
 1111 Parkway, Suite 1000  
 Cape Coral, Florida 33914  
 Phone: 239.541.1111 Fax: 239.541.1112

Source: PG&A 2008 Aerial Imagery



LE-079

Legend

Single Street

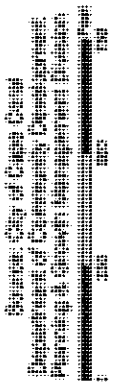
360 Ft Buffer

660 Ft Buffer

1160 Ft Buffer

City of Cape Coral  
 Department of Community Development  
 Planning & Growth Management Division

Map Date:  
 11/15/2011



This map was prepared for the City of Cape Coral. It is not to be used for any other purpose without the express written consent of the City of Cape Coral. The City of Cape Coral is not responsible for any errors or omissions on this map. The City of Cape Coral is not responsible for any damages or liabilities arising from the use of this map.

LE-079A

**Legend**

- Engine Mount
- 100 Ft Buffer
- 400 Ft Buffer
- 1100 Ft Buffer

City of Green Bay  
Department of Community Development  
Planning & Growth Management Division

Scale: 1" = 100 Feet



Map prepared by: [Name]  
Date: [Date]



**Legend**

**Subject Property Buffer Zones**

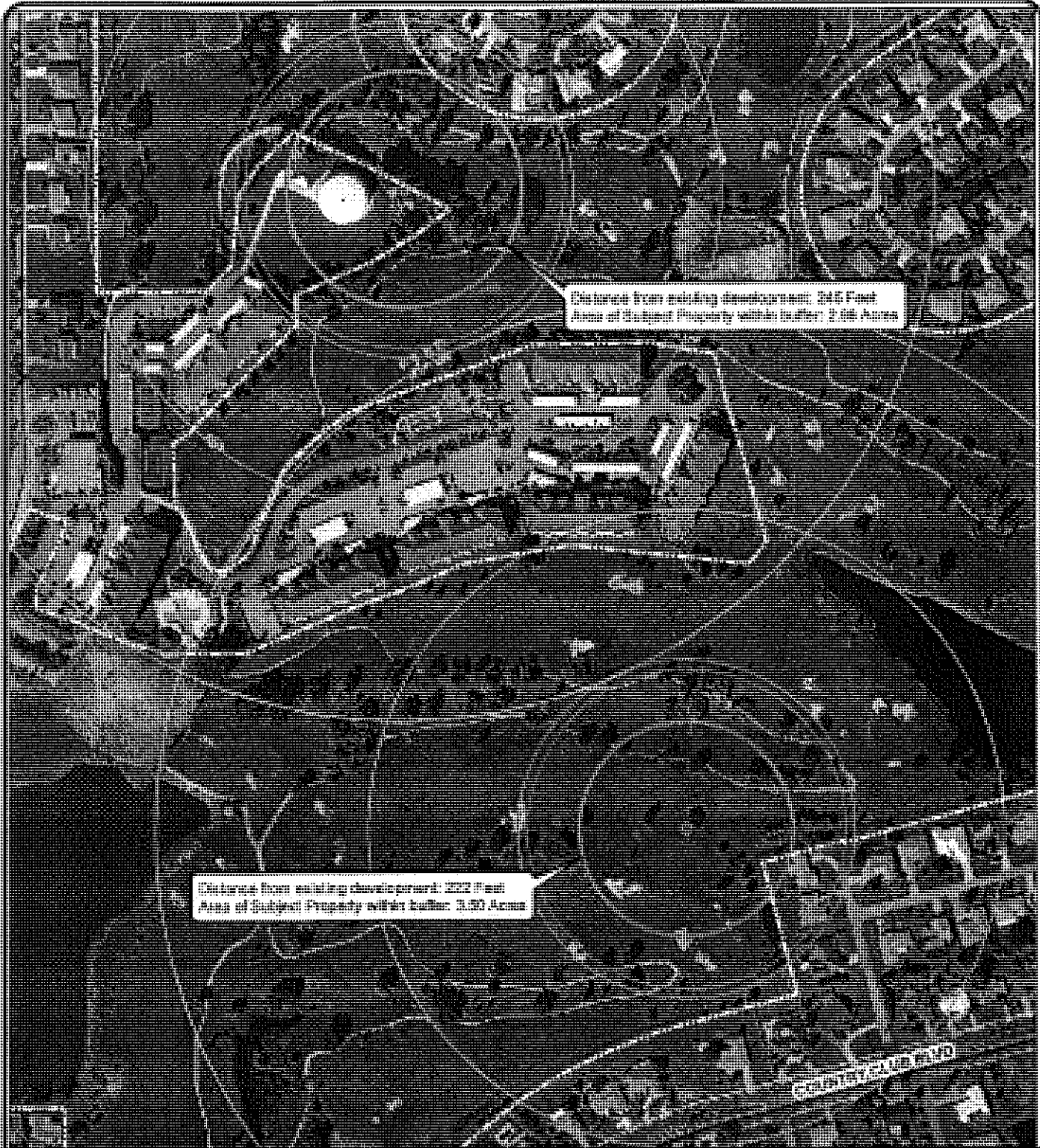
- Eagle Nest
- 250' (FMC Buffer Zone)
- 200' (City of Cape Coral Buffer Zone)
- 100' (FMC Buffer Zone)
- 100' (City of Cape Coral Eagle's Nest Management Zone)
- Eagle Nest Buffer From Existing Development

Source: PCOT 2000 Aerial Imagery



**Exhibit H-1  
Eagle Nest Locations  
and Buffer Zones**

**MANAGEMENT PLAN**  
 1. PURPOSE AND SCOPE  
 2. GENERAL INFORMATION  
 3. MANAGEMENT PLAN  
 4. APPENDICES



**Legend**

**Subject Property Buffer Zones**

- Eagle Nest
- 333' (FWC Buffer Zone)
- 300' (City of Cape Coral Buffer Zone)
- 300' (FWC Buffer Zone)
- 9100' (City of Cape Coral Eagle's Nest Management Zone)
- Eagle Nest Buffer From Existing Development

Source: FDOT 2006 Aerial Imagery



**Exhibit H-3  
Eagle Nest Locations  
and Buffer Zones**

**Engineering Services & Consulting**  
 10000 S. Pine Ridge Road, Suite 100, Cape Coral, FL 33904  
 Telephone: 239.591.1111 Fax: 239.591.1112

# LAND SALES



## LAND SALE 2



**Location:** Three non-contiguous properties generally situated north of Pine Island Road, west of Del Prado Blvd, east of Burnt Store Road and south of Wilmington Pkwy, Cape Coral, Lee County, Florida.

**Seller:** Thieman Enterprises, LLC

**Buyer:** The School Board of Lee County

**Instrument No.:** 2008000185501, et al

**Legal Description:** Contained in file.

**Folio No.:** 25-43-23-C1-02315.0000

**Sale Date:** July 07, 2008 (March 2008 Contract Dates)

**Sale Price:** \$9,102,500 (See Comments)

**Financing:** Cash to seller

**Size:** 79.04 Ac

**Unit Price:** \$115,163/Ac (See Comments)

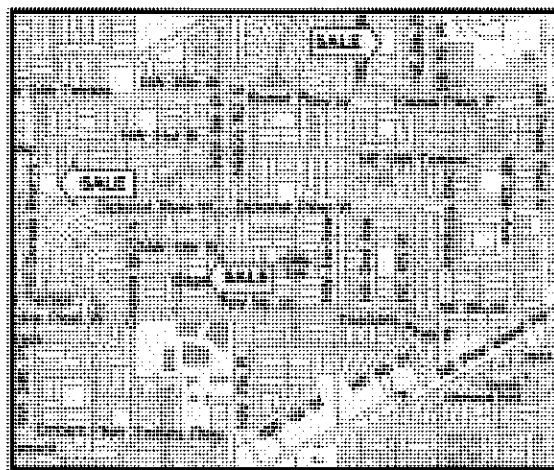
**Zoning:** RD (Residential Development), City of Cape Coral

**Future Land Use:** SM (Single Family/Multi Family)

**Utilities:** All public utilities necessary for development are available

**Access:** Available on fronting roadways

**Comments:** The Lee County School District purchased three non-contiguous properties for future use. The properties were recorded via three separate deeds, as summarized in the following chart. The existing zoning/future land use allows single-family residential use at a maximum density of 4.4 du/acre and/or multi-family residential use at maximum densities ranging from 8 to 16 du/acre.



Document #	Sale Date	Sale Price	Land Size (Ac.)	Price/Ac
2008000185492	7/7/2008	\$2,556,900	23.00	\$111,170
2008000185501	7/7/2008	\$3,778,300	27.79	\$135,959
2008000185521	7/7/2008	\$2,767,300	28.25	\$97,958
<b>Totals</b>		<b>\$9,102,500</b>	<b>79.04</b>	<b>\$115,163</b>

### LAND SALE 3



**Location:** Along the west side of Burnt Store Road, south of Charlee Road, Cape Coral, Lee County, Florida.

**Seller:** Newcom Real Properties, LLC

**Buyer:** Lee County

**Instrument No.:** 2008/230996

**Legal Description:** Contained in file.

**Folio No.:** 07-43-23-C2-00001.0100; 07-43-23-C2-00001.009A

**Sale Date:** August 28, 2008  
(Contract executed 8/5/08)

**Sale Price:** \$2,160,000

**Financing:** Cash to seller

**Size:** 30.870 Ac

**Unit Prices:** \$69,971/Ac; \$35,410/Unit

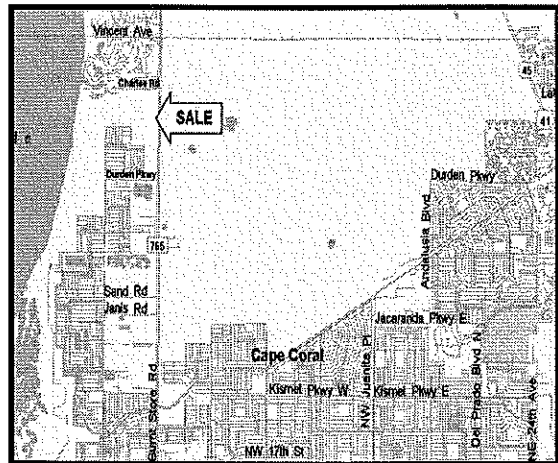
**Zoning:** R1A (Single Family Residential), City of Cape Coral

**Future Land Use:** SM (Single Family/Multi Family), City of Cape Coral

**Utilities:** Private well/septic and public electricity and phone are available.

**Access:** Access to the property is from Burnt Store Road.

**Comments:** The property was purchased by Lee County for conservation/preservation and contains 1.34 acres of wetlands. Given the current zoning and lack of available public water/sewer utilities, the achievable density is 2 du/ac. If the property was rezoned and the utilities were extended to the site the maximum achievable density would increase up to 16 du/ac.



## LAND SALE 4



**Location:** Along the east side of Freshman Lane and west side of Sophomore Ln, about 350 Ft south of Daniels Parkway, Fort Myers, Lee County, Florida.

**Seller:** S.W. Florida Land Eleven, L.L.C.

**Buyer:** Ten Acres Ventures, LLC, et al.

**Instrument No.:** 2008000277716, et al

**Legal Description:** Contained in file.

**Folio No.:** 21-45-25-02-00000.0090, et al.

**Sale Date:** October 20, 2008

**Sale Price:** \$2,900,000

**Financing:** Cash to seller

**Size:** 36.150 Ac

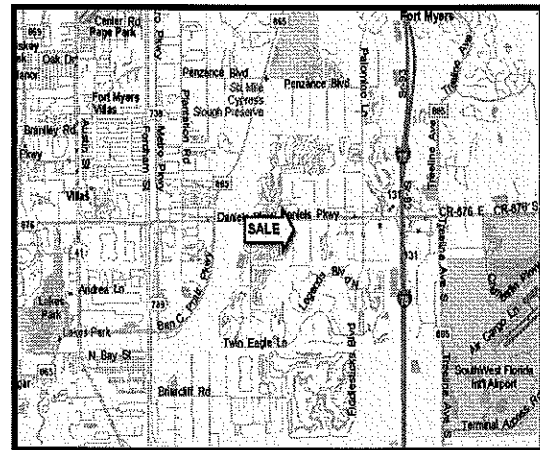
**Unit Price:** \$80,221/Ac

**Zoning:** RPD (Residential Planned Development), Lee County

**Future Land Use:** Outlying Suburban (Lee County)

**Utilities:** All public utilities necessary for development are available.

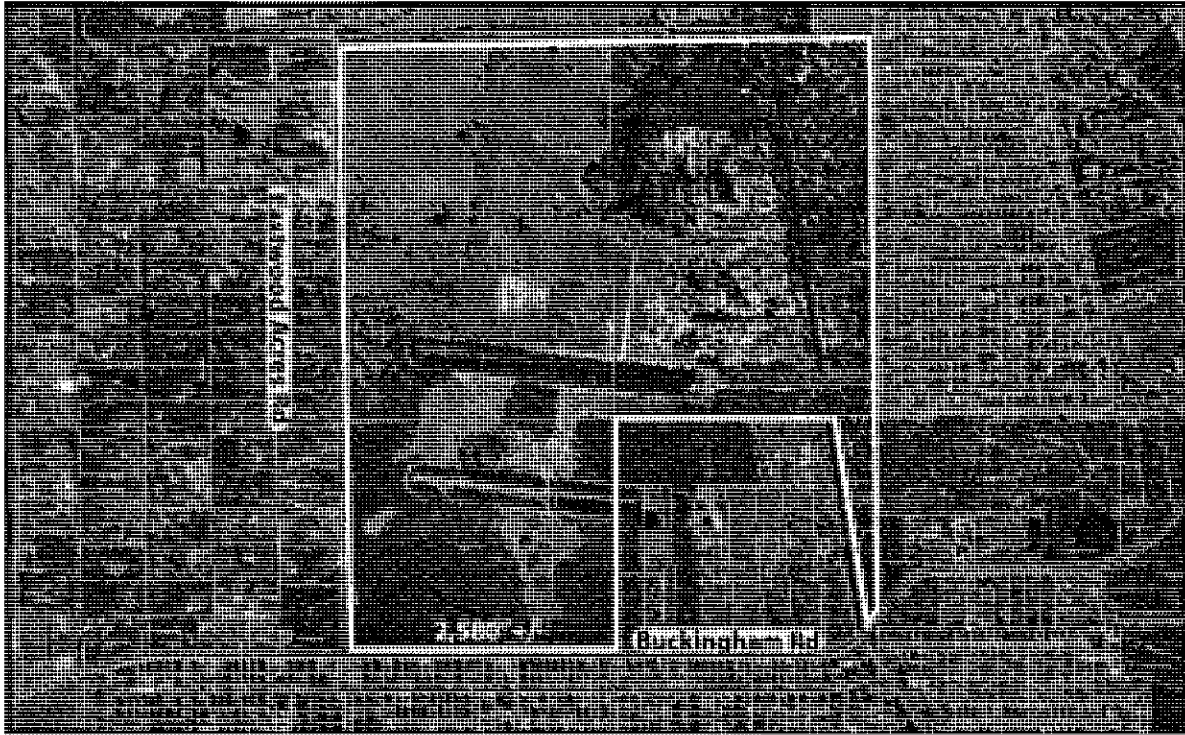
**Access:** Access is from both Freshman Land and Sophomore Lane (both paved)



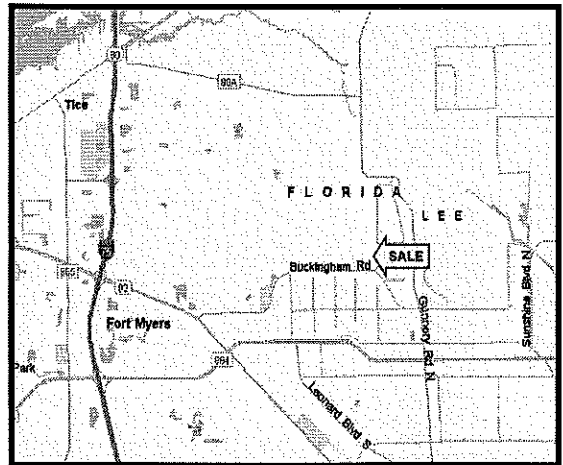
**Comments:** At the time of sale, the property had zoning approval and SFWMD/ACOE permits for a proposed 64-unit single-family residential subdivision known as Waterstone. Additionally, the SFWMD/ACOE permits included a 3.76-acre commercial component to the north fronting Daniels Pkwy. A Lee County development order modifying Waterford to include the commercial component was applied for, initially denied and then vacated for lack of future submittals in mid-2007. The seller previously contracted to sell the commercial component in July 2007 combined with adjacent lands to the east, with the sales closing in Dec. 2007 and July 2008. The overall 40-acre property had about 21-acres of wetlands on-site which were proposed to be mitigated by preserving and enhancing 7.36 acres on-site and off-site mitigation to include purchasing 4.13 credits within the Panther Island wetland mitigation bank. The commercial tract includes drainage rights into the proposed retention pond on the residential component. The 36-acre sale property was improved with two homes at the time of sale, however the homes reportedly had not been occupied for some time and the price was reportedly based upon land value only. Subsequent to purchase, one of the homes was demolished and the larger two-story home was gutted and renovated. The buyer closed the sale via six different LLC's recorded by six separate deeds as described in the chart below.

No.	Buyer	Instrument#	Sale Price	Acres	Price/Ac.	Price/Ac.
1	Ten Acres Ventures, LLC	2008000277716	\$ 1,400,000	10.15	\$137,931	\$3.17
2	Thirteen Ventures, LLC	2008000277717	\$ 500,000	5.20	\$96,154	\$2.21
3	Fourteen Ventures, LLC	2008000277718	\$ 300,000	5.20	\$57,692	\$1.32
4	Twenty-One Ventures, LLC	2008000277719	\$ 200,000	5.20	\$38,462	\$0.88
5	Twenty-Two Ventures, LLC	2008000277720	\$ 250,000	5.20	\$48,077	\$1.10
6	Twenty-Three Ventures, LLC	2008000277721	\$ 250,000	5.20	\$48,077	\$1.10
Totals			\$ 2,900,000	36.15	\$80,221	\$1.84

## LAND SALE 5



- Location:** North side of Buckingham Road, east of Eastwood Acres Road, Fort Myers, Lee County, Florida.
- Seller:** Watermen-Equestrian Club, LLC
- Buyer:** Lee County
- Instrument No.:** 2008000309748
- Legal Description:** Contained in file.
- Folio No.:** 17-44-26-00-00001.0000, et al.
- Sale Date:** November 11, 2008 (Contract 9/30/08)
- Sale Price:** \$12,584,000 (See Comments)
- Financing:** Cash to seller
- Size:** 572.110 Ac (about 10% wetlands)
- Unit Price:** \$21,996/Ac (See Comments)
- Zoning:** AG-2 (Agricultural), Lee County
- Future Land Use:** Rural Community Preserve & Wetlands
- Utilities:** Public telephone and electric; private well and septic available.
- Access:** Access to the property is from Buckingham Road (paved).
- Comments:** Lee County purchased this property under the Conservation 20/20 program based upon a contract price of \$22,000 per acre. A previous sale of this property occurred in June 2004 at a recorded price of \$11,020,000 or about \$19,300 per gross acre.



## LAND SALE 6



**Location:** East side of East Avenue, Buckingham, Lee County, Florida.

**Seller:** Marian Land Company

**Buyer:** Lee County

**Instrument No.:** 2008000330281

**Legal Description:** Contained in file.

**Folio No.:** 15-44-26-00-00003.0000

**Sale Date:** December 11, 2008

**Sale Price:** \$4,631,700

**Financing:** Cash to seller

**Size:** 202.000 Ac

**Unit Price:** \$22,929/Ac

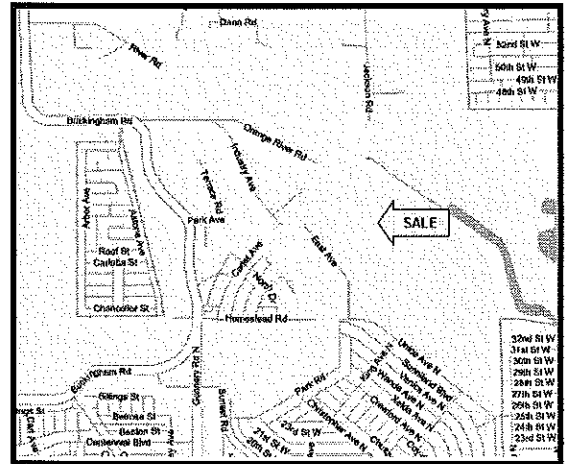
**Zoning:** AG-2, Agricultural (Lee County)

**Future Land Use:** Rural Community Preserve (192+/- acres) and Wetlands (10 acres)

**Utilities:** Public electric and telephone; private well and septic available

**Access:** Access to the property is from county maintained paved road.

**Comments:** The property was purchased by the Lee County Conservation 20/20 program for conservation and recreation areas. Purchase based on 206 acres at \$22,500 per acre. Buckingham airstrip is just west of this property.



## LAND SALE 7



**Location:** East side of Stringfellow Road, about three miles south of Pine Island Road, Saint James City, Lee County, Florida.

**Seller:** High Point Land Improvement

**Buyer:** Sarasota Conservation Foundation, Inc.

**Instrument No.:** 2009000061000, et al

**Legal Description:** Contained in file.

**Folio No.:** 10-45-22-00-00001.0000 (portion of) & 11-45-22-00-00001.0000

**Sale Date:** March 04, 2009

**Sale Price:** \$9,000,000 (See Comments)

**Financing:** Cash to seller

**Size:** 229.390 Ac

**Unit Prices:** \$39,234/Ac; \$38,627/Unit (Approved)

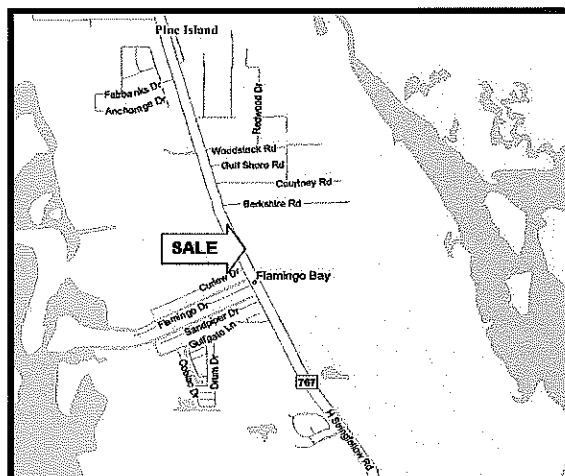
**Zoning:** C1-A (Commercial) and AG-2 (Agricultural), Lee County

**Future Land Use:** Coastal Rural and Wetlands

**Utilities:** Public phone, electric and water available

**Access:** From Stringfellow Road

**Comments:**



The Grantor (High Point) purchased 420+/- acres along Stringfellow Road in October 2003 for \$3,800,000. Subsequent to the 2003 purchase, High Point began the entitlement process and ultimately received a development order in 2007 allowing for development of approximately 348 residential units on the upland portion of the site. The sale, as outlined above, totals about 229 acres of the northern portion of High Point's holdings and 233 approved residential units. After this sale, High Point is left with about 191+/- acres of adjacent land, over which Sarasota Conservation Foundation has rights of first refusal as part of the negotiations involving the sale as outlined above.

The total 229 acre sale consists of about 49 acres of wetlands. Furthermore, the interest purchased by Sarasota Conservation can be further categorized as 207.34 gross acres purchased fee simple and 22.05 acres purchased via a conservation easement. The conservation easement runs along the southern boundary of the sale property and serves as a buffer between High Point's remaining holdings and the fee property purchased by Sarasota Conservation and is intended for use as a public park. Basically, the agreed upon value between seller and buyer was \$9,000,000 for about 229 acres, or \$39,300 per gross acre. At closing, the seller received less because as part of the negotiations there were seller donations and other costs. Specifically, the seller agreed to deliver the property free of exotics and incurred cost removing Melaleuca and Brazilian Peppers. Additionally, the seller was to help provide funds for infrastructure costs relating to the park development.

## LAND SALE 8



**Location:** Along the west side of Interstate 75, just east of Morgan Hill Road, Fort Myers, Lee County, Florida.

**Seller:** Morgan Hill Investment, LLP (F/K/A Nature Walk Developers)

**Buyer:** Lee County

**Instrument No.:** 2009000283978

**Legal Description:** Contained in file.

**Folio No.:** 10-45-25-P3-00006.1010 and 10-45-25-P3-00006.2000

**Sale Date:** October 20, 2009

**Sale Price:** \$1,500,000

**Financing:** Cash to Seller

**Size:** 56.250 Ac

**Unit Prices:** \$26,667/Ac; \$6,696/Unit (proposed)

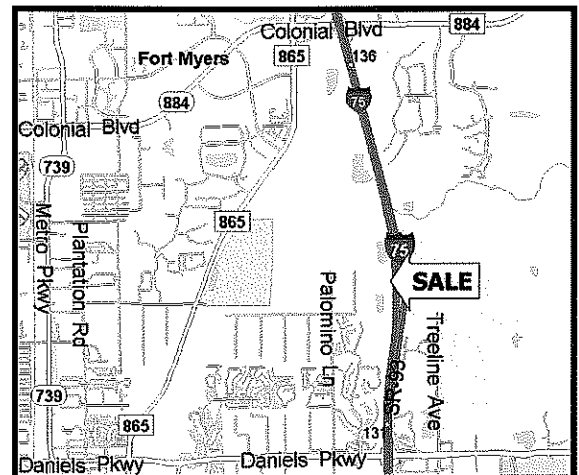
**Zoning:** MU (Mixed Use), City of Fort Myers

**Future Land Use:** Mixed Use, City of Fort Myers

**Utilities:** Public electric and telephone; private well and septic.

**Access:** The property has no developed access to any public roadway. The potential for future access results from an ingress/egress easement located near the northern portion of the property.

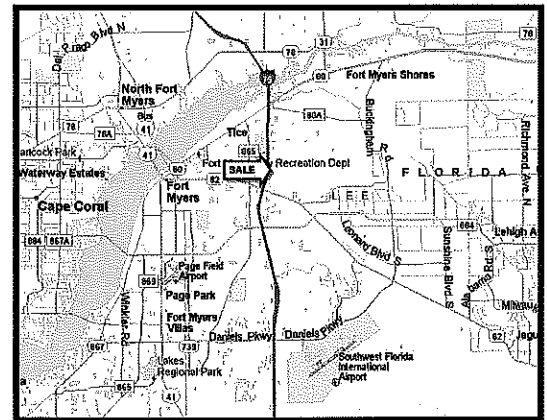
**Comments:** Lee County purchased this property through its Conservation 20/20 program to add to the already 2,450+/- acres in the Six Mile Cypress Slough Preserve. Morgan Hill (Nature Walk) assembled this tract of land from two separate sellers in early/mid 2006 for a total purchase price of \$1,070,200. Morgan Hill then annexed the property into the City of Fort Myers and proceeded with development plans and permitting for 224 coach home units on 29.9 acres of the site with the balance to remain wetland preserve. Although the property is about 75% wetlands, resulting in only 14.3+/- acres of uplands, they had plans to mitigate in order to create 29.9 acres of developable area. Even though well through the development/entitlement process, Morgan Hill decided to sell the entire property to Lee County for preservation purposes. The sale to Lee County at \$1,500,000 reflects a price per upland acre of \$104,900 per acre.



## LAND SALE 9



**Location:** Northeast quadrant of Interstate 75 and State Road 82 (MLK Blvd), Fort Myers, Lee County, Florida.  
**Seller:** Keystone Creek, LLC and C-Hack, LLC  
**Buyer:** Lee County  
**Instrument No.:** 2010000110617, et al.  
**Legal Description:** Contained in file.  
**Folio No.:** 24-44-25-P1-00001.1000, et al.  
**Sale Date:** May 03, 2010 (See Comments)  
**Sale Price:** \$36,256,200 (See Comments)  
**Financing:** Cash to seller  
**Size:** 1,213.000 Ac (See Comments)  
**Unit Price:** \$29,890/Ac (See Comments)  
**Zoning:** Various (See Comments)  
**Future Land Use:** Various (See Comments)  
**Utilities:** All utilities necessary for development are available.  
**Access:** Various access points, including SR 82 and Buckingham Rd.  
**Comments:**



Lee County purchased this property for the Conservation 20/20 project. The property was acquired by the county via three parcels that were independently valued, identified as Parcels 390, 410, and 422, located within the city limits of Ft. Myers. About 35 acres of P. 390 is encumbered with an FP&L transmission line easement. About 70 acres of P. 410 is encumbered with a 580-foot wide FP&L transmission line easement. The 1,213 acre sale property is a portion of the overall Heritage Lakes Planned Development, containing a total land area of 1,575 acres. Heritage Lakes is a mixed use development consisting of commercial, residential, preservation lands, and golf course. The majority of the proposed commercial development within Heritage Lakes is not included in the Lee County purchase. The County purchase, was for the most part, the residential, preservation, and golf course portions of Heritage Lakes. A county incinerator/waste facility is located directly east of Parcel 390. The purchase prices negotiated for each parcel are as follows:

Parcel	Zoning	FLU	Sale Price	Size/Ac±	Price/Ac
Parcel 390	RS-6 & REC	(A) Low Density SF	\$14,508,000	468	\$31,000
Parcel 410	HLSFD & CON	Heritage Lakes Single Family &	\$4,628,200	317	\$14,600
Parcel 422	RM-12, CG, CI, CON, REC	A-2, B1, B2, CON, REC	\$17,120,000	428	\$40,000
<b>Total</b>			<b>\$36,256,200</b>	<b>1,213±</b>	<b>\$29,890</b>

The purchase option agreement was approved in Early 2010 with various take-down dates, as follows:

Takedown Amounts per 1/2010 Option Agreement:			Transactions Recorded as of 4/2012:			
Sale	Sale Price	Size (AC)±	Instrument #	Sale Price	Size/Ac±	Deed Date
Initial Sale	\$10,828,200	517	2010000110617	\$10,837,400	517	5/3/10
Option 1	\$16,153,000	463	2010000164296	\$16,260,100	467	7/1/10
Option 2	\$9,120,000	228	2011000027057	\$8,730,400	218	2/1/11
Option 3	\$155,000	5	exp. 6/1/11			
<b>Total</b>	<b>\$36,256,200</b>	<b>1,213</b>		<b>\$35,827,900</b>	<b>1,202</b>	

## LAND SALE 10



**Location:** West side of Imperial Pkwy (Three Oaks Pkwy), west of I-75, south of Strike Ln and north of Terry Street, Bonita Springs, Lee County, Florida.

**Seller:** Colonial Homes, Inc.

**Buyer:** Toll FL V Limited Partnership

**Instrument No.:** 2010000164802

**Legal Description:** Contained in file.

**Folio No.:** 14-47-25-B3-00001.0010

**Sale Date:** July 01, 2010

**Sale Price:** \$7,000,000

**Financing:** Cash to seller

**Size:** 121.370 Ac

**Unit Prices:** \$57,675/Ac; \$10,495/Unit (Approved);  
\$26,119/Unit (Proposed)

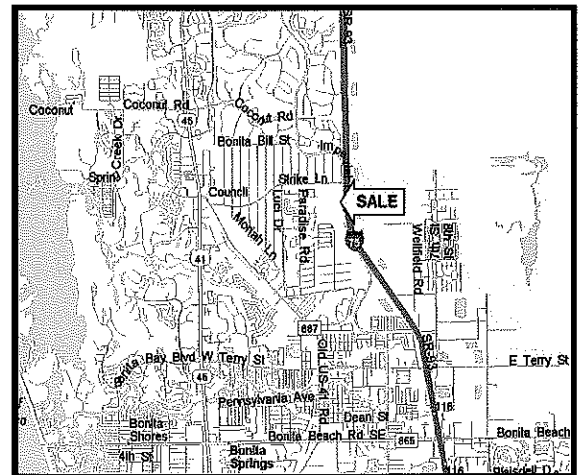
**Zoning:** RPD (Residential Planned Dev.) Lee County

**Future Land Use:** Medium Density Residential, Lee County

**Utilities:** All public utilities necessary for development are available

**Access:** Along Imperial Pkwy and Wild Turkey Ave

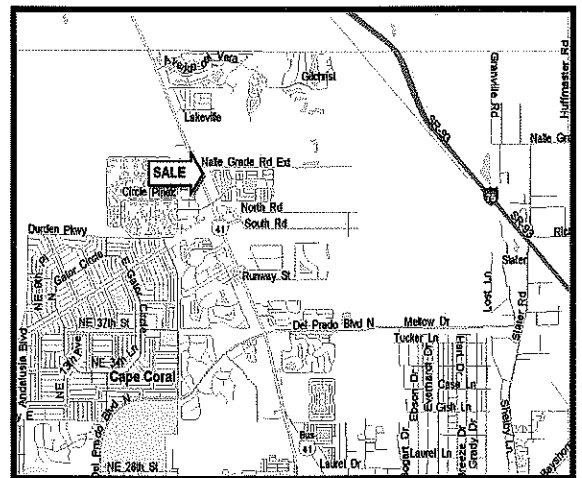
**Comments:** At the time of sale, the property was approved for 667 units consisting of both single-family and multi-family units (5.5 du/acre). The buyer (Toll Brothers) purchased the property and subsequently modified the approvals for a proposed single-family development known as Bonita Lakes which consists of 268 dwelling units. The property consists of about 82 acres of cleared lands and pine flatwoods, as well about 40 acres of wetlands which were approved to be impacted. The sale included the 24.65 mitigation credits from Big Cypress Mitigation Bank to offset the wetland impacts associated with development of this property. A prior sale of the property occurred in January 2005 for \$11,519,200.



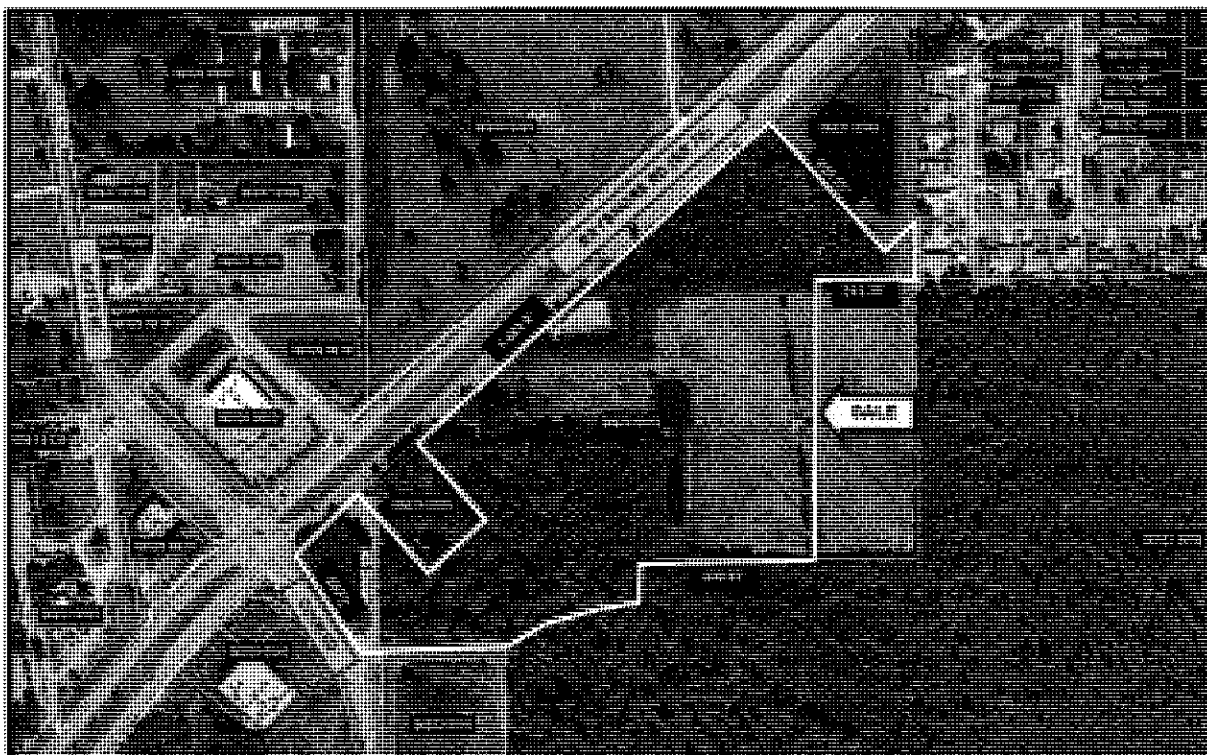
## LAND SALE 11



- Location:** Southeast corner of N. Tamiami Trl and Nalle Grade Road Ext., North Fort Myers, Lee County, Florida.
- Seller:** Coral Gulf II, LLC
- Buyer:** North East Ft. Myers Castle Plaza, LLC
- Instrument No.:** 2009000207983
- Legal Description:** Contained in file.
- Folio No.:** 09-43-24-00-00009.0000
- Sale Date:** July 24, 2009
- Sale Price:** \$2,042,400
- Financing:** Cash to seller.
- Size:** 20.597 Ac
- Unit Prices:** \$99,160/Ac; \$2.28/SF
- Zoning:** C-1A (Commercial) & CC (Community Commercial), Lee County
- Future Land Use:** Suburban (Lee County)
- Utilities:** All public utilities necessary for development are available.
- Access:** The site has over 2,000 feet of frontage and access via Tamiami Trail.
- Comments:** The portion of the site fronting along Tamiami Trail is zoned C-1A (Commercial) and the rear portion is zoned CC (Community Commercial). A previous sale of the property occurred in March of 2005 at a recorded price of \$2,260,000.



## LAND SALE 12



**Location:** Southeast corner of Bayshore Road and Slater/Coon Road, , North Fort Myers, Lee County, Florida.

**Seller:** GFY Associates, LLC

**Buyer:** Bay 02, LLC

**Instrument No.:** 2009000300365

**Legal Description:** Contained in file.

**Folio No.:** 30-43-25-00-00025.0010

**Sale Date:** November 05, 2009

**Sale Price:** \$3,729,700 (See Comments)

**Financing:** Cash to seller

**Size:** 19.797 Ac

**Unit Prices:** \$188,394/Ac; \$4.32/SF (See Comments)

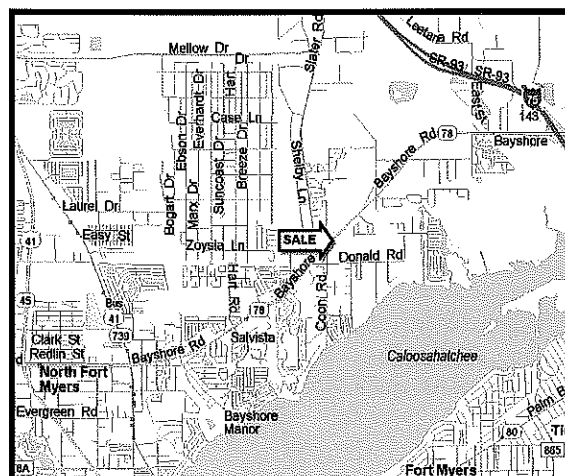
**Zoning:** CPD (Commercial Planned Dev.), Lee County

**Future Land Use:** Suburban (Lee County)

**Utilities:** All public utilities necessary for development are available.

**Access:** Access is from Bayshore Road and Coon Road (both paved).

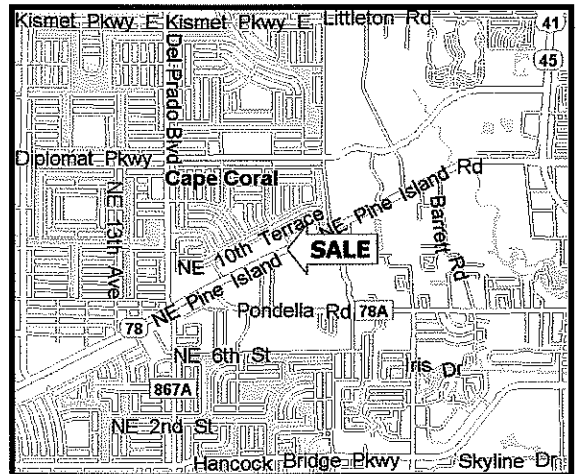
**Comments:** The property was purchased by a developer (Halvorsen) to develop a Publix-anchored 69,791 SF shopping center, with three out-parcels each with a maximum building area of 5,000 SF, for a total building area of about 85,000 SF. The seller retained adjacent acreage proposed for an additional out-parcel within the shopping center. This 20-acre +/- shopping center is part of a 70-acre +/- mixed use project, which will include a 175-lot residential subdivision. There was reportedly \$200,000+/- of impact fee credits that transferred with this sale. However, they are estimated to be more than offset by off-site development costs required for this site, as well as construction of a common retention pond by buyer that will benefit the seller's remaining adjacent acreage.



## LAND SALE 13



- Location:** At the northeast corner of NE Pine Island Road and Hibiscus Drive Extension, Cape Coral, Lee County, Florida.
- Seller:** NAP Eastpoint, LLC
- Buyer:** Eastpoint Stimuli, LLC
- Instrument No.:** 2009000340613, et al
- Legal Description:** Contained in file.
- Folio No.:** 05-44-24-C3-03548.0020 et al.
- Sale Date:** December 23, 2009
- Sale Price:** \$2,200,000 (See Comments)
- Financing:** PMM in the amount of \$1,700,000.
- Size:** 15.817 Ac (See Comments)
- Unit Prices:** \$139,088/Ac; \$3.19/SF (See Comments)
- Zoning:** CORR (Corridor), Cape Coral
- Future Land Use:** PIRD (Pine Island Road District), Cape Coral
- Utilities:** Public water, sewer, electric and telephone.
- Access:** From Hibiscus Drive Extension, paved.
- Comments:**



This sale is located within the "Eastpoint Subdivision" Planned Development Project and is approved for 90,000 square feet of commercial use within six proposed commercial parcels. Confirmation indicates the gross land area is about 15.8 acres, which includes an existing stormwater detention pond that benefits not only the sale property but adjacent properties as well. Deducting the size of the retention pond and related drainage easement reflects a usable area of about 12 acres. In this regard, the sale can be viewed as 12 acres of commercial land on Pine Island Road with off-site retention. Based on this analysis, the sale reflects a price of \$4.21 per useable square foot. Included in the \$2,200,000 sales price were existing impact fee credits of \$320,642. Deducting the impact fee credits indicates an effective price to the land of \$1,879,358, which equates to \$3.60 per useable square foot or \$2.73 per overall square foot. The western 414 feet of the property is subject to a use restriction, prohibiting certain operational uses through the duration of the BJ's lease.

## LAND SALE 14



**Location:** East side of Plantation Road, south of Colonial Boulevard, Fort Myers, Lee County, Florida.

**Seller:** Kendall's Colonial Plantation, LLC

**Buyer:** New Hope Presbyterian Church of Southwest Florida, Inc.

**Instrument No.:** 2010000188738

**Legal Description:** Contained in file.

**Folio No.:** 06-45-25-P2-00002.019A

**Sale Date:** July 26, 2010 (See Comments)

**Sale Price:** \$2,400,000

**Financing:** Cash to seller.

**Size:** 20.502 Ac

**Unit Prices:** \$117,064/Ac; \$2.69/SF

**Zoning:** PUD (Planned Unit Dev.), City of Fort Myers

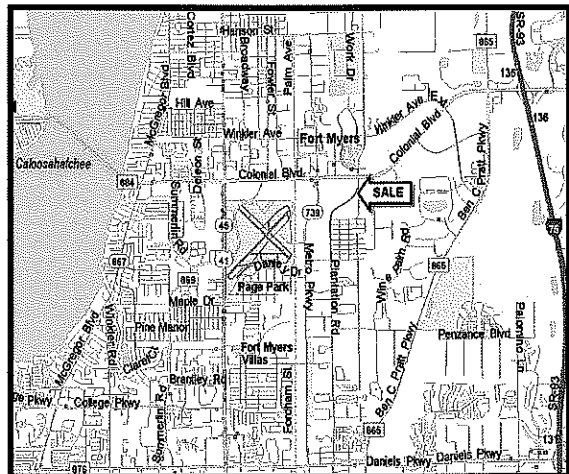
**Future Land Use:** Mixed Use (City of Fort Myers)

**Utilities:** All public utilities are available.

**Access:** Access is from Plantation Road (paved).

**Comments:**

In October 2009, the buyer approached the seller (Ascot Development) directly and negotiated a price for the 20.5-acre property contingent upon obtaining development approvals for a church facility. The 20.5-acre parcel is a portion of a larger 75.84 acre property which had existing approvals in-place for a mixed-use project known as Midtowne Village PUD consisting of 765 residential units, 16,800 square feet of commercial use and a 13,400 square foot amenity center. During the contract period, the seller amended the PUD, including a name change to New Hope PUD, for a phased, mixed-use commercial project consisting of a worship center on the sale property (20.5 acres), a public cemetery on 38 acres, eight (8) commercial out-parcels ranging in size from 1.24 to 1.84 acres; with an alternate use of multi-family and senior living facilities in place of a public cemetery. At time of sale, the property was essentially vacant land utilized for agricultural purposes. Inclusive in the sale was a turn lane dedication agreement with the seller/developer, as well as various easements pertinent to the overall development. The seller previously purchased the larger 75.84 acre property in February 2005 for a recorded price of \$12,000,000 or about \$3.63/SF (\$158,228/Ac).



## LAND SALE 15



**Location:** East side of I-75, just south of State Road 82 (Dr. Martin Luther King Blvd), Fort Myers, Lee County, Florida.

**Seller:** Forum II, LLC

**Buyer:** Hemera Fort Myers, Ltd.

**Instrument No.:** 2010000258548

**Legal Description:** Contained in file.

**Folio No.:** 22-44-25-P4-00911-0000, et al.

**Sale Date:** October 10, 2010

**Sale Price:** \$4,000,000

**Financing:** Cash to seller

**Size:** 24.150 Ac

**Unit Prices:** \$165,631/Ac; \$3.80/SF (Land); \$11.94/SF (Bldg)

**Zoning:** MU-2, Mixed-Use District 2) Forum SDA - City of Ft Myers

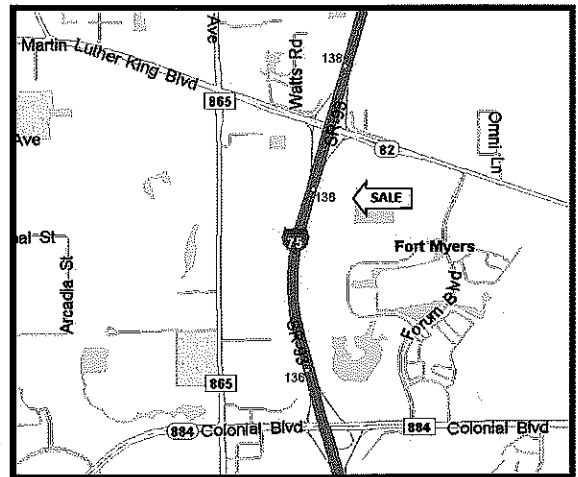
**Future Land Use:** S/C (Special Community) Forum DRI

**Utilities:** All public utilities necessary for development are available

**Access:** From Champion Ring Road and Forum Corporate Pkwy

**Comments:**

The property is a portion of the Forum Corporate Park within the 706-acre Forum at Fort Myers DRI which is approved for 1,256 residential dwellings, 856,040 SF of office and 1,272,854 SF of retail/commercial. The sale property consists of 24.15 acres comprised of four shovel ready pads and one parcel needing to be cleared and graded. Each site has a development order (expires 11/10/10) and is approved for professional & medical office. Utilities are stubbed out to the sites, the interior road is completed and on/off-site drainage and retention is in-place. The property falls under the 2006 Road Impact Fee schedule which provides the new owner with a more than 50% discount off current fees. The total approved building area is 335,000 square feet and the individual parcels are outlined as follows.

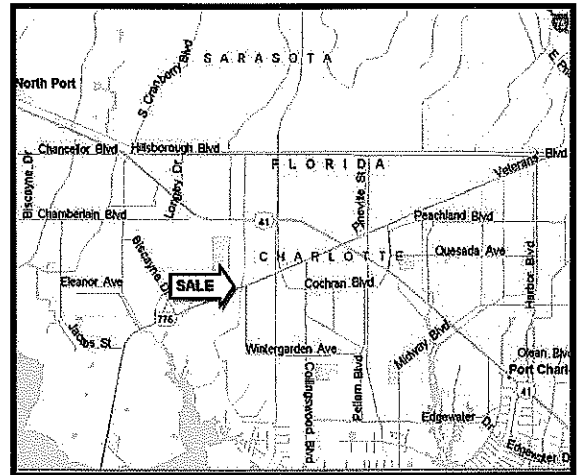


Parcel	Acreage	Land SF	Building SF (Allowable)	FAR	Comments
3	3.49	152,145	60,000	0.39	I-75 Frontage, Pad Ready
4	3.85	167,706	54,900	0.33	Pad Ready
5	3.81	165,947	60,000	0.36	I-75 Frontage, Pad Ready
6	3.98	173,390	60,000	0.35	Pad Ready
7	9.02	392,907	100,100	0.25	I-75 Frontage, Wooded
<b>Totals</b>	<b>24.15</b>	<b>1,052,095</b>	<b>335,000</b>	<b>0.32</b>	

## LAND SALE 16



- Location:** Along the north side of SR 776 (El Jobean Rd), within the proposed Murdock Village Redevelopment Area, Charlotte County, Florida.
- Seller:** Charlotte County
- Buyer:** Southwest Land Developers, Inc. (SLD)
- OR Bk/Pg:** Not Recorded
- Legal Description:** Contained in file.
- Folio No.:** Multiple
- Sale Date:** December 06, 2010 Negotiations 2010
- Sale Price:** \$6,600,000 (See Comments)
- Financing:** See Comments
- Size:** 137.500 Ac
- Unit Price:** \$48,000/Ac (See Comments)
- Zoning:** PD (Planned development), Charlotte County
- Future Land Use:** Murdock Village Mixed Use Redevelopment
- Utilities:** Utilities necessary for development are available in the area.
- Access:** Access is from SR 776 (El Jobean Rd).
- Comments:** This transaction is a swap of entitled undeveloped land within the Murdock Village proposed mixed use project in exchange for 33.5 acres of commercial land within the Airport Commerce Center with infrastructure and utilities in place. The agreed-upon price for the 137.5 acres was based on the entitlements of 430 single family units, 66 multi-family units and 260,523 SF of commercial. The value of the land "swap" was based on multiple appraisals of each property prepared by various appraisers retained by Charlotte County, with estimated overall land unit value ranging from about \$31,300 to \$80,700 per gross acre.



# **GENERAL AREA DATA**



# Lee County Profile

Visit [eFlorida.com](http://eFlorida.com) to learn more.

## GEOGRAPHY

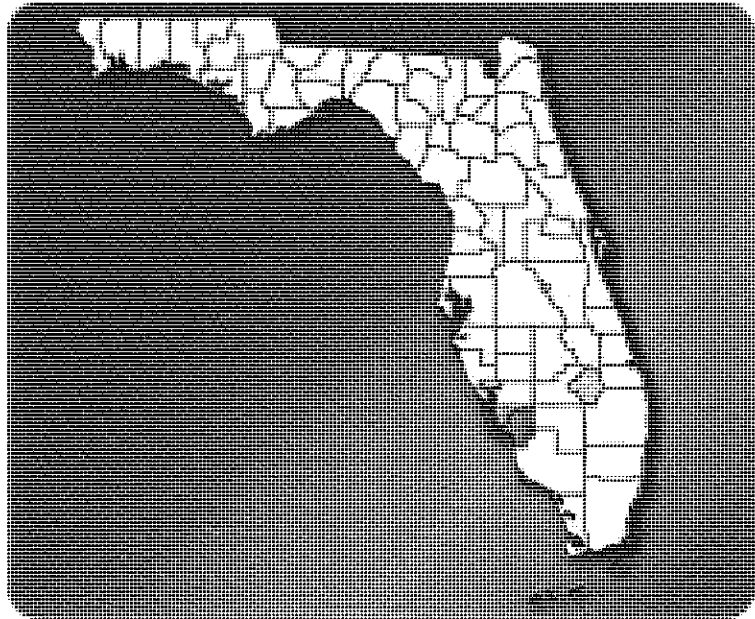
### Primary Economic Development Contact

**Nearest MSA:** Cape Coral-Ft. Myers  
**Time Zone:** Eastern  
**Local Area Code(s):** 239  
**Largest Cities:**  
 1 Cape Coral  
 2 Ft. Myers  
 3 Bonita Springs

### Miles\* To:

Tallahassee	.....	303
Orlando	.....	134
Tampa	.....	102
Jacksonville	.....	258
Miami	.....	118
Atlanta	.....	515
Chicago	.....	1102
Dallas	.....	992
New York	.....	1071

\*Miles are calculated from county seat.



## POPULATION

	Lee	Florida
1980:	205,266	9,746,961
1990:	335,113	12,938,071
2010:	618,754	18,801,310
2020(p):	779,800	21,326,800
2040(p):	1,086,600	26,081,800

(p) Denotes Projected Population

## PER CAPITA PERSONAL INCOME

	Lee	Florida
2007	\$42,298	\$39,449
2008	\$42,459	\$40,133
2009	\$40,750	\$38,965

## CLIMATE

Average Temperature	High	Low
January:	74	53
July:	91	74
<b>Florida Mean Annual Precipitation</b>	..... 53	
<b>Average Annual Rain Days</b>	..... 112	

## MIGRATION

(2009)

<b>In-Migration</b>	28,309
<b>Out-Migration</b>	31,138
<b>Net-Migration</b>	-2,829

\*Estimates based on IRS Statistics of Income data

## LABOR FORCE

## EXISTING EMPLOYMENT

(2010)	
Labor Force	277,533
Labor Force % of County Population	44.9
Number in County Unemployed	35,491
Unemployment Rate	12.8%

Monthly labor force data are available from the [Florida Agency for Workforce Innovation](#).

### EMPLOYMENT BY INDUSTRY

N/D = No Data	Lee	Florida
(2010)		
Average Annual Employment	192,515	7,109,630
Natural Resources & Mining	1.0%	1.2%
Construction	8.1%	5.0%
Manufacturing	2.2%	4.3%
Trade, Transportation and Utilities	21.9%	21.2%
Information	1.5%	1.9%
Financial Activities	5.6%	6.6%
Professional & Business Services	11.8%	14.8%
Education & Health Services	12.1%	22.0%
Leisure & Hospitality	15.0%	13.2%
Other Services	3.4%	3.3%
Public administration	6.2%	6.6%
Unclassified	0.0%	0.0%

#### Average Annual Wage

(2010)	
All Industries	\$37,602
Construction	\$36,212
Education & Health Services	\$47,619
Financial Activities	\$45,282
Information	\$51,141
Leisure & Hospitality	\$19,945
Manufacturing	\$39,927
Natural Resources & Mining	\$24,473
Other Services	\$28,060
Professional & Business Services	\$45,929
Public administration	\$46,744
Trade, Transportation and Utilities	\$31,770
Unclassified	\$186,041

### Major Private Sector Employers

**Publix Supermarkets**  
**Business Line:** Grocer, Retail  
**Number of Employees**..... 4,215

**Wal-Mart**  
**Business Line:** General Merchandise, Retail  
**Number of Employees**..... 2,071

**Chico's FAS, Inc.**  
**Business Line:** Corporate Headquarters-Women's Clothing  
**Number of Employees**..... 1,120

**Bonita Bay Group**  
**Business Line:** Real Estate Development  
**Number of Employees**..... 969

**WCI Group**  
**Business Line:** Real Estate Development  
**Number of Employees**..... 700

**Goodwill Industries, Inc.**  
**Business Line:** Non-Profit, Retail  
**Number of Employees**..... 615

**LYNX Services**  
**Business Line:** Insurance Claims Processing Center  
**Number of Employees**..... 405

**Pall Corporation**  
**Business Line:** Aviation Components  
**Number of Employees**..... 353

**Gartner**  
**Business Line:** It, Finance, Inside Sales Center  
**Number of Employees**..... 350

**Source Interlink Companies**  
**Business Line:** Corporate Headquarters  
**Number of Employees**..... 335

### TRANSPORTATION

Federal Interstates	I-75	Nearest Airport with Scheduled Commerical Airline Service:	Southwest Florida International Airport
Federal Highways	US-41	# Runways	1
State Highways	SR-31, SR-78, SR-80, SR-82	Longest Paved Runway(ft.)	12000
Railroads	Seminole Gulf Railway	General Aviation Airports	Page Field Airport
		Local Deep Water Port	Manatee County Port Authority
		Miles to Closest Port	77

### STATE AND LOCAL TAXATION

COUNTY

**Countywide Ad Valorem Millage Rates:**

<b>Government</b>	3.6506
<b>Schools</b>	7.8540
<b>Special</b>	0.5377
<b>Total</b>	12.0423

<b>Ad Valorem Tax Exemption:</b>	No
<b>Retail Sales Tax (Local Option)</b>	0.00
<b>Federal Enterprise Zone</b>	No
<b>State Enterprise Zone</b>	EZ-3601

**STATE**

<b>Corporate Income Tax</b>	5.5%
<b>Personal Income Tax</b>	0.0%
<b>Retail Sales Tax</b>	6.0%

**COMMERCIAL/INDUSTRIAL SERVICES**

**Electric Companies:**

- ∩ Florida Power & Light
- ∩ Lee County Electric Cooperative

**Natural Gas Companies:**

- ∩ TECO Energy/Peoples Gas

**Telephone Companies:**

- ∩ Sprint
- ∩ TelCove

**Water & Sewer Companies:**

- ∩ Fort Myers Municipal System
- ∩ Bonita Springs Utilities
- ∩ Lee County Utilities
- ∩ City of Cape Coral Utilities
- ∩ North Fort Myers Utilities

<b>Existing Industrial Zoned Land</b>	Yes
<b>Number of Acres</b>	20,000
<b>Largest Available Contiguous Parcel</b>	150

<b>Industrial Parks</b>	Yes
<b>Number of Acres</b>	4,900
<b>Largest Available Contiguous Parcel</b>	50

<b>Foreign Trade Zones</b>	Yes
<b>Zone Number(s)</b>	213

**MEDIA**

**Local Radio Stations:**

- ∩ 13 AM Stations
- ∩ 28 FM Stations

**Local Television Stations:**

- ∩ WVCU 30
- ∩ WTVK 6
- ∩ WINK 11
- ∩ WZVN 7

**EDUCATION**

	<b>Public Schools</b>	<b>Teachers</b>	<b>Enrollments</b>
<b>Totals:</b>	116	5,470	81,965

**Private Schools Available: Yes**

**POST SECONDARY EDUCATION SERVING THE COUNTY:**

**Colleges/Universities:**

- ∩ Hodges University
- ∩ Barry University
- ∩ Florida Gulf Coast University
- ∩ Nova Southeastern University
- ∩ Southwest Florida College
- ∩ Edison State College
- ∩ Rasmusen College

**Junior/Community Colleges:**

- ∩ none listed

**Technical Schools:**

- ∩ Lee County High-Tech Center - North
- ∩ Lee County High-Tech Center - Central

**Other Schools:**

- ∩ Edu Tech

**FINANCIAL INSTITUTIONS**

**Number of Banks:** 241

**Number of Savings and Loans:** 0

**Number of Credit Unions:** 1

- ⌘ WRXY 49
- ⌘ WBBH 2
- ⌘ WFTX 4
- ⌘ WEVU 8

**Locally Printed Newspapers:**

- ⌘ Fort Myers News-Press
- ⌘ Naples Daily News
- ⌘ Cape Coral Daily Breeze

**QUALITY OF LIFE**

**Cost of Living**

<b>Price Level Index, (2010)</b>	
<b>Florida State Average = 100</b>	
<b>2008</b>	102.06
<b>2009</b>	102.83
<b>2010</b>	102.61

**Medical Services:**

- ⌘ Cape Coral Hospital
- ⌘ Gulf Coast Hospital
- ⌘ Healthpark Medical Center
- ⌘ Lee Memorial Hospital
- ⌘ Lehigh Regional Medical Center

**Recreational Opportunities:**

- ⌘ 19 Artificial Reefs in the Gulf of Mexico
- ⌘ 50 miles of sandy beaches
- ⌘ 90+ Golf Courses
- ⌘ Florida Everblades Ice Hockey Team
- ⌘ J.N. Ding Darling National Wildlife Refuge
- ⌘ Minnesota Twins/Boston Red Sox Spring Training
- ⌘ Sun Splash Family Waterpark

**Historical Points Of Interest:**

- ⌘ Bailey-Matthews Shell Museum
- ⌘ Cabbage Key
- ⌘ Fort Myers Historical Museum
- ⌘ Koreshan State Historic Site
- ⌘ Mound Key State Archaeological Site
- ⌘ Sanibel Historical Village and Museum
- ⌘ Thomas Edison-Henry Ford Winter Estates

**Cultural Events/Festivals:**

- ⌘ Barbara B. Mann Performing Arts Hall
- ⌘ Broadway Palm Dinner Theater
- ⌘ Cultural Park Theatre Co., Inc.
- ⌘ Edison Festival of Light
- ⌘ Florida Repertory Theatre at the Arcade Theatre
- ⌘ Periwinkle Playhouse
- ⌘ Symphony of Southwest Florida

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 Visit us on the World Wide Web: <http://www.eflorida.com>

# **QUALIFICATIONS**

## **QUALIFICATIONS OF CHAD G. DURRANCE, MAI**

### **Business Address**

Durrance & Associates  
300 S. Hyde Park Avenue, Ste. 201  
Tampa, Florida 33606  
E-mail Address: [chad@durranceappraisals.com](mailto:chad@durranceappraisals.com)

Office: (813) 253-5351  
Toll Free: (888) 566-7419

### **Education**

B.S. Degree, Major of Real Estate and Urban Land Studies, University of Florida, 1988

The following courses and seminars have been completed under the direction of the Appraisal Institute and others.

### ***Courses (Partial Listing)***

- Course 1A - Basic Principles Methods and Techniques
- Course 1A-2 - Appraisal Basic Valuation
- Course 1B-A - Capitalization Theory and Techniques, Part A
- Course 1B-B - Capitalization Theory and Techniques, Part B
- Course 2-1 - Case Studies in Real Estate Valuation
- Course 2-2 - Valuation Analysis and Report Writing
- Course SPP - Standards of Professional Practice, 1989 and 1994
- Course 430 - Standards of Professional Practice, Part C, 1997
- Course 430 - Standards of Professional Practice, Part C, 1998
- Course I400 - National USPAP Update, 2010
- Course N/A - Florida State Law for Real Estate Appraisers, 2010
- Course 824 - Appraising the Appraisal: Appraisal Review-General, 2012

### ***Seminars (Partial Listing)***

- Feasibility Analysis, 1991
- Hotel/Motel Valuation, 1992
- Condemnation - Legal Rules and Appraisal Practices, 1992
- Easement Valuation, 1992
- Powerline Easements, 1994
- Appraisal of Retail Properties, 1995
- Analyzing Operating Expenses, 1996
- Tree Trunk Formulas, 1996
- Data Confirmation and Verification Methods, 1996
- Litigation Skills for the Appraiser, 1997
- Land Use Planning and Eminent Domain in Florida, 1997
- Valuation of Detrimental Conditions in Real Estate, 1998
- The Technology – Assisted Appraiser, 2002
- Appraisal Consulting, 2002
- Land Valuation Assignments, 2003
- Market Analysis & Site To Do Business, 2005
- Appraisal Problems Presented In a Mini Case Study Format, 2005
- Eminent Domain (CLE), 2006

**QUALIFICATIONS OF CHAD G. DURRANCE, MAI**  
**(Continued)**

***Seminars (Continued)***

- Condominiums, Co-Ops, and PUDs, 2007
- Spotlight on USPAP: Common Errors and Issues, 2009
- Uniform Appraisal Standards for Federal Land Acquisitions, 2010
- A Debate on the Allocation of Hotel Total Assets, 2010
- Appraisal Curriculum Overview – General, 2011

The Appraisal Institute conducts a program of continuing education for its designated members. MAIs and SRAs, who meet the minimum standards of this program, are awarded periodic educational certification. Chad G. Durrance, MAI is certified under this program.

**Professional Organizations**

- Member of the Appraisal Institute, MAI Designation, Certificate No. 9596
- State-Certified General Real Estate Appraiser (Florida), License No. RZ987.
- Appointment to Regional Ethics and Counseling Panel of the Appraisal Institute (1994-96).
- Member of Association of Eminent Domain Professionals, (AEDP).

**Experience**

- President of Durrance & Associates, P.A. (1994 to Present)
- Conducted appraisals on vacant lands, commercial and industrial properties, office buildings, apartments, tax credit housing projects, retail stores, income properties, restaurants, banks, residential condominium developments and subdivisions, shopping centers, citrus groves, churches, easements, utility systems, special use projects, and other property types.
- A total of 80% or more of our appraisal assignments are eminent domain related. This has resulted in the appraisal of many different type properties around the state, ranging from simple takings of small residential properties to highly complex partial takings of multi-million dollar properties with unique and challenging valuation issues. A partial listing of some of the more unique and complex assignments includes water reservoirs, flowage easements, gas pipeline easements, electric utility systems, access studies, impact of government regulations on specific property rights, parking loss, condemnation blight and impact on value, leasehold and apportionment analysis, and similar type assignments.
- Appraisals and/or testimony have been conducted for a variety of entities and individuals for the purpose of condemnation, tax planning, apportionment hearings, legal proceedings, investment analysis and Bert Harris Claims.
- Geographic scope of appraisal assignments includes Florida.