

LEE COUNTY BOARD OF COUNTY COMMISSIONERS ZONING and COMPREHENSIVE PLAN AMENDMENT HEARING AGENDA

Wednesday, October 4, 2023 9:30AM

CPA2023-00001 BABCOCK RD- US41 MAP AMENDMENT - ADOPTION

DCI2022-00050 Z-23-027 PENZANCE SQUARE CPD

NOTICE OF PROPOSED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN (ADOPTION HEARING)

The Lee County Board of County Commissioners will hold a public hearing to consider the adoption of proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, October 4, 2023. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers.

The Board proposes to adopt an ordinance amending the Lee Plan as follows:

CPA2023-00001 Babcock US-41 Map Amendment Amend Lee Plan Map 1-A to redesignate the +25.60 acre property from the Urban Community future land use category to the Central Urban future land use category. The property is located at 7084 Babcock Road, Estero, Florida.

Copies of this Notice and the proposed ordinance are available for inspection or copying during regular business hours at the Minutes Office of the Clerk of Courts of Lee County. The Minutes Office is located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

Lee County will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income or family status. To request language interpretation, document translation or an ADA-qualified reasonable modification at no charge to the requestor, contact Joan LaGuardia, (239) 839-6038, Florida Relay Service 711, at least five business days in advance. El Condado de Lee brindará servicios de traducción sin cargo a personas con el idioma limitado del inglés.

NOTICE OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold a public hearing at 9:30 am on Wednesday, October 4, 2023 in the Board Chambers at 2120 Main St., Ft. Myers, FL, to review the written recommendations made by the Hearing Examiner and make a final decision on the case below.

DCI2022-00050 / Penzance Square CPD

Amend the Penzance Square CPD (Resolution Z-06-092) to modify the master concept plan and schedule of uses and increase the allowable commercial square footage from 90,000 square feet to 185,000 square feet.

Located at 7530 Penzance Blvd., South Fort Myers, Planning Community, Lee County, FL.

Copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Section, 1500 Monroe St., Ft. Myers, FL. Telephone 239-533-8585 for additional information.

If you did not appear before the Hearing Examiner or otherwise become a participant for that case in which you wish to testify, the law does not permit you to address the Board of County Commissioners.

Statements before the Board of County Commissioners regarding the zoning case will be strictly limited to testimony presented to the Hearing Examiner, testimony concerning the correctness of the findings of fact or conclusions of law contained in the record, or to allege the discovery of new, relevant information which was not available at the time of the hearing before the Hearing Examiner.

Any document that a participant of record intends to submit must have been submitted as part of the Record in the hearing before the Hearing Examiner or the document is relevant new evidence that was not known or could not have been reasonably discovered by the participant at the time of the hearing before the Hearing Examiner. All other documents will not be accepted by the Board. To ensure compliance with these regulations, copies of documents not submitted as part of the record before the Hearing Examiner must be provided to the Applicant and County Staff (JPrincing@leegov.com) not less than 2 days before the date of the zoning hearing.

If a participant decides to appeal a decision made by the Board of County Commissioners with respect to any matter considered at this hearing, a verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

In accordance with the Americans with Disabilities Act, Lee County will not discriminate against qualified individuals with disabilities in its services, programs, or activities. To request an auxiliary aid or service for effective communication or a reasonable modification to participate, contact Joan LaGuardia, (239) 533-2314, ADArequests@leegov.com or Florida Relay Service 711. Accommodation will be provided at no cost to the requestor. Requests should be made at least five business days in advance.

CPA2023-00001

Babcock Road – US 41

SUMMARY SHEET CPA2023-00001 – BABCOCK US-41 ADOPTION HEARING

REQUEST:

- Amend the Future Land Use Map designation on ±25.60 acres from Urban Community to Central Urban.
- Amend Table 1(b) 2045 population allocation to accommodate residential development on the subject property.

The requested map amendment is a small scale comprehensive plan amendment per Florida Statute 163.3187(1). The amendment will allow for infill redevelopment of a 267 unit multi-family housing development. The site is currently vacant.

LPA PUBLIC HEARING:

The LPA discussed the proposed amendments and various merits of the case, including the compatibility with the surrounding area.

LPA PUBLIC INPUT:

There were <u>two public comments</u> concerning the proposed amendment. One addressing the boundary of the subject property and the other by the owner of the property in support of the amendment at the LPA Hearing.

LPA MOTION:

A motion was made to recommend that the Board of County Commissioners (BoCC) <u>adopt</u> CPA2023-00001. The motion passed 4 to 0.

| RAYMOND BLACKSMITH | AYE |
|--------------------|--------|
| KEITH DEAN | ABSENT |
| DUSTIN GARDNER | AYE |
| DAWN RUSSELL | AYE |
| DON SCHROTENBOER | AYE |
| STAN STOUDER | ABSENT |
| HENRY ZUBA | ABSENT |

STAFF RECOMMENDATION:

Staff recommends that the BoCC *adopt* the proposed amendment as provided in Attachment 1.

LEE COUNTY ORDINANCE NO. ___

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN TO ADOPT A SMALL SCALE AMENDMENT (CPA2023-00001) **PERTAINING** BABCOCK ROAD US-41 MAP AMENDMENT; PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN MAP 1-A. THE FUTURE LAND USE MAP; LEGAL EFFECT OF THE "LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC **HEARING**; GEOGRAPHICAL APPLICABILITY; SEVERABILITY: INCLUSION IN CODE, CODIFICATION AND SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

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

WHEREAS, the Local Planning Agency ("LPA") held a public hearing on the adoption of the proposed amendment on August 28, 2023. At that hearing the LPA found the proposed amendment to be consistent with the Lee Plan and recommended that the Board adopt the amendment; and

WHEREAS, the Board held a public hearing for the adoption of the proposed amendment on October 4, 2023. At that hearing, the Board approved a motion to adopt proposed amendment CPA2023-00001 pertaining to Babcock Road US-41 Map Amendment, amending Map 1-A of the Lee Plan, the Future Land Use Map. The subject parcel is located at the at 7084 Babcock Road, Estero, Florida.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a public hearing to review a proposed small scale amendment to the Future

Land Use Map Series of the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Lee Plan discussed at that meeting and later approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." This amending ordinance may be referred to as the "Babcock Road US-41 Map Amendment (CPA2023-00001)".

<u>SECTION TWO: ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN</u> FUTURE LAND USE MAP SERIES, MAP 1-A

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment to the Future Land Use Map Series, Map 1-A, the Future Land Use Map to redesignate the +25.60 acre property from the Urban Community future land use category to the Central Urban future land use category. The subject parcel is located at 7084 Babcock Road, Estero, Florida. The corresponding staff report and analysis, along with all attachments for this amendment, are adopted as "support documentation" for the Lee Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION FIVE: GEOGRAPHIC APPLICABILITY

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

SECTION SIX: SEVERABILITY

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

SECTION SEVEN: INCLUSION IN CODE, CODIFICATION AND SCRIVENERS' ERROR

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

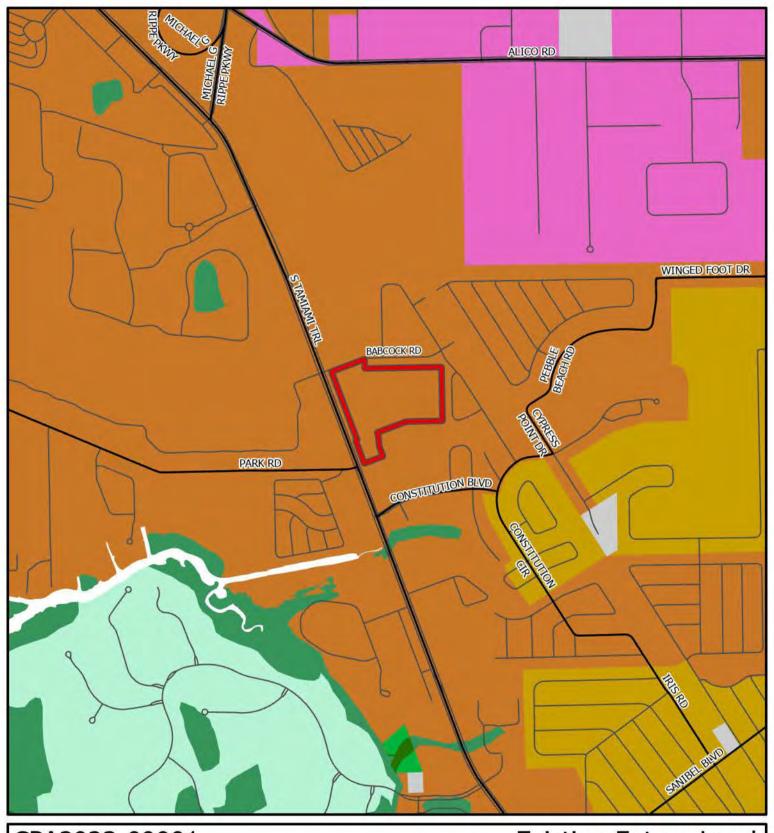
SECTION EIGHT: EFFECTIVE DATE

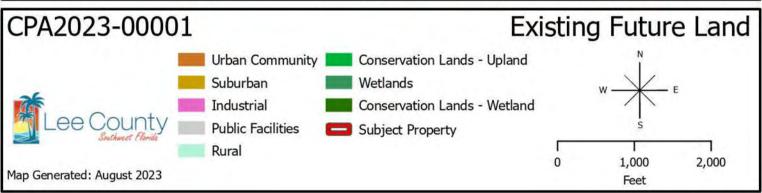
The small scale Lee Plan amendment adopted by this ordinance will be effective 31 days after adoption unless challenged within 30 days after adoption. If challenged within 30 days after adoption, the small scale amendment to the Lee Plan will not be effective until the Florida Department of Economic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

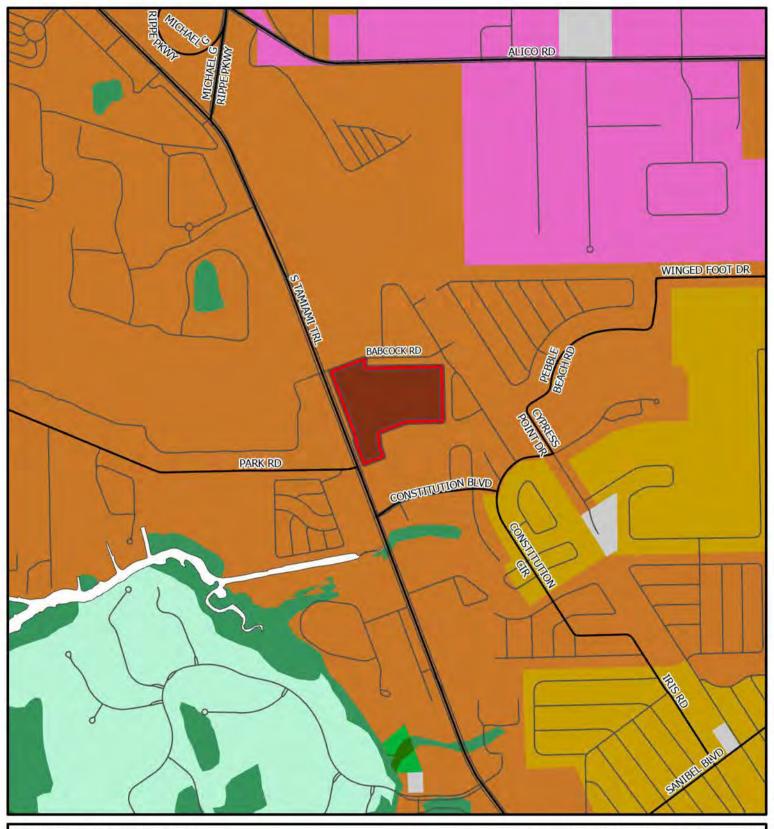
| | ner made a m The vote wa | otion to adopt the foregoing ordinance, seconded as as follows: |
|--|---|---|
| | Kevin Ruane Cecil L Pendergras Raymond Sandelli Brian Hamman Mike Greenwell | S S |
| DONE AND | ADOPTED this 4th d | ay of October 2023. |
| ATTEST: KEVIN C. KARNES CLERK OF CIRCU | | LEE COUNTY BOARD OF COUNTY COMMISSIONERS |
| BY: Deputy Clerk | | BY: Brian Hamman, Chair |
| | | DATE: |
| | | APPROVED AS TO FORM FOR THE RELIANCE OF LEE COUNTY ONLY |
| | | Lee County Attorney's Office |
| Adopted existi | BOCC October 4, 2023): ng Future Land Use Map ons to Future Land Use N | |

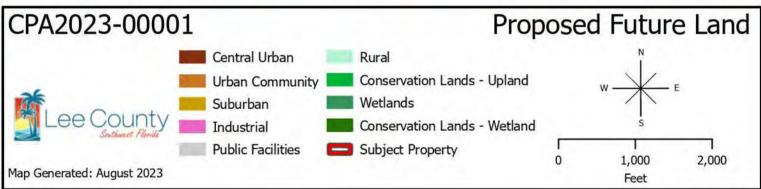
Adopted revisions to Table 1(b)

CAO Draft 9/8/23









Attachment 1 Page 2 of 2

| | | | | | | | | Planning | g District | | | | |
|-------------|--|-------------|------------|---------------------------------|------------------------------|----------------------|------------------------------|---------------------------|--------------------------|-----------------------|--------------------------|-----------------------------------|-------------------------------------|
| | Future Land Use Category | Unincorpora | ted County | District 1 Northeast Lee County | District 2 Boca Grande | District 3 Bonita | District 4 Fort Myers Shores | District 5 Burnt Store | District 6 Cape Coral | District 7 Captiva | District 8 Fort Myers | District 9 Fort Myers Beach | District 10 Gateway / Airport |
| | | Existing | Proposed | ŕ | | | | | | | | | · |
| | Intensive Development | 1,483 | 1,483 | - | - | - | 17 | - | 21 | - | 238 | - | - |
| | Central Urban | 13,838 | 13,850 | - | - | - | 207 | - | - | - | 230 | - | 25 |
| | Urban Community | 22,683 | 22,635 | 813 | 453 | - | 475 | - | - | - | - | - | 150 |
| | Suburban | 14,871 | 14,871 | - | - | - | 1,950 | - | - | - | 80 | - | - |
| | Outlying Suburban | 3,638 | 3,638 | 25 | - | - | 490 | 13 | 3 | 429 | - | - | - |
| ۷. | Sub-Outlying Suburban | 1,731 | 1,731 | - | - | - | 330 | - | - | - | - | - | 227 |
| 16 | Commercial | - | - | - | - | - | - | - | - | - | - | - | - |
| § | Industrial | 15 | 15 | - | - | - | - | - | - | - | - | - | 6 |
| Category | Public Facilities | - | - | - | - | - | - | - | - | - | - | - | - |
| | University Community | 503 | 503 | - | - | - | - | - | - | - | - | - | - |
| Use | Destination Resort Mixed Use Water Dependent | 8 | 8 | - | - | - | - | - | - | - | - | - | - |
| 15 | Burnt Store Marina Village | 2 | 2 | - | - | - | - | 2 | - | - | - | - | - |
| Land | Industrial Interchange | - | _ | - | - | - | _ | - | - | - | - | - | _ |
| Ιď | General Interchange | 134 | 134 | - | - | - | _ | _ | _ | _ | - | - | 35 |
| 0. | General Commercial Interchange | - | | - | - | _ | _ | - | - | - | - | - | - |
| Ιž | Industrial Commercial Interchange | - | - | - | - | - | _ | - | _ | _ | - | - | _ |
| Future | University Village Interchange | - | _ | - | - | - | _ | - | - | _ | - | - | - |
| 14 | New Community | 2,104 | 2,104 | 1,115 | - | _ | _ | _ | _ | _ | _ | _ | 989 |
| By | Airport | - | - | | - | - | - | - | _ | - | - | - | |
| ā | Tradeport | 3 | 3 | - | - | _ | _ | _ | - | | _ | _ | 3 |
| ij | Rural | 7,764 | 7,764 | 2,431 | - | | 800 | 730 | _ | - | _ | _ | |
| Residential | Rural Community Preserve | 3,517 | 3,517 | | - | | | - 730 | _ | | _ | | |
| Sic | Coastal Rural | 1,338 | 1,338 | | | | | | | | - | - | |
| į | Outer Island | 233 | 233 | 2 | 4 | <u> </u> | 1 | _ | - | 169 | - | - | |
| _ | Open Lands | 2,186 | 2,186 | 153 | - | <u> </u> | | 257 | - | - | _ | - | |
| | Density Reduction/ Groundwater Resource | 6,974 | 6,974 | 131 | - | - | - | - 257 | - | - | - | - | |
| | • | | 6,974 | - 131 | - | | _ | | - | - | _ | - | |
| | Conservation Lands Upland | - | | - | | - | - | - | - | - | - | - | |
| | Wetlands | - | - | - | - | - | | | - | - | - | - | - |
| Ι | Conservation Lands Wetland | 83.026 | 82,990 | | | | | - 4 000 | - | | | | 4 425 |
| | nincorporated County Total Residential | | | 4,669 | 457 | - | 4,270 | 1,002 | 24 | 598 | 548 | - | 1,435 |
| | mmercial | 8,915 | 8,915 | 300 | 53 | - | 450 | 27 | 9 | 125 | 150 | - | 1,216 |
| | dustrial | 4,787 | 4,787 | 30 | 3 | - | 300 | 10 | 15 | 70 | 315 | - | 2,134 |
| | n Regulatory Allocations | - | - | | | | | | | | | | |
| | blic | 120,211 | 120,222 | 14,191 | 622 | - | 4,864 | 7,323 | 6 | 2,340 | 583 | - | 9,660 |
| - | tive AG | 21,944 | 21,944 | 5,500 | - | - | 240 | 90 | - | - | - | - | 2 |
| Passive AG | | 13,665 | 13,665 | 5,500 | - | - | 615 | 100 | - | - | - | - | 465 |
| Co | nservation | 87,746 | 85,514 | 2,458 | 297 | - | 1,163 | 3,186 | 67 | 1,595 | 926 | - | 2,206 |
| V | cant | 26,224 | 26,250 | 1,145 | 28 | - | 733 | 766 | 8 | 103 | 17 | - | 88 |
| To | tal | 366,520 | 366,520 | 33,793 | 1,460 | - | 12,634 | 12,505 | 129 | 4,831 | 2,538 | - | 17,205 |
| Pop | ulation Distribution (unincorporated Lee County) | 584,331 | 585,390 | 8,235 | 1,470 | - | 35,253 | 2,179 | 152 | 725 | 5,273 | - | 23,340 |

| | | Planning District | | | | | | | | | | | | |
|-----------------|--|-------------------|-----------------------------------|----------|------------------|------------------------|------------------------------------|-------------------------|-------------|----------------------------------|------------------------------------|---------------------------|-----------------------|-------------------------|
| | Future Land Use Category | | District 12 Iona / McGregor | | ict 13 Carlos | District 14 Sanibel | District 15 South Fort Myers | District 16 Pine Island | District 17 | District 18 Southeast Lee County | District 19 North Fort Myers | District 20 Buckingham | District 21 Estero | District 22 Bayshore |
| | | | | Existing | Proposed | | | | | | | | | |
| | Intensive Development | - | - | - | | - | 801 | 1 | 30 | - | 376 | - | - | - |
| | Central Urban | - | 656 | 20 | 32 | - | 3,113 | - | 7,362 | - | 2,225 | - | - | - |
| | Urban Community | - | 978 | 1,255 | 1,207 | - | 863 | 540 | 17,034 | - | 7 | 115 | - | - |
| | Suburban | - | 2,566 | 2,069 | 2,069 | - | 1,202 | 659 | - | - | 6,345 | - | - | - |
| | Outlying Suburban | 1,253 | 438 | - | - | - | - | 502 | - | - | 396 | - | 90 | - |
| ج ا | Sub-Outlying Suburban | - | - | 13 | 13 | - | - | - | - | - | 145 | 66 | - | 950 |
| Category | Commercial | - | - | - | - | - | - | - | - | - | - | - | - | - |
| leg. | Industrial | - | 3 | 3 | 3 | - | 3 | - | - | - | - | - | - | - |
| ğ | Public Facilities | - | - | - | - | - | - | - | - | - | - | - | - | - |
|) a | · | - | - | 503 | 503 | - | - | - | - | - | - | - | - | - |
| Future Land Use | Destination Resort Mixed Use Water Dependent | - | 8 | - | - | - | - | - | - | - | - | - | - | - |
| ٦ | Burnt Store Marina Village | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Ĭ | Industrial Interchange | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 17 | General Interchange | 58 | - | - | - | - | - | - | - | 8 | 14 | - | - | 20 |
| 18 | General Commercial Interchange | - | - | - | - | - | - | - | - | - | - | - | - | - |
| ıţ. | Industrial Commercial Interchange | - | - | - | - | - | - | - | - | - | - | - | - | - |
| F | University Village Interchange | - | - | - | - | - | - | - | - | - | - | - | - | - |
| چ۱ | New Community | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 1 | Airport | - | - | - | - | - | - | - | - | - | - | - | - | - |
| t; | Tradeport | - | - | - | - | - | - | - | - | - | - | - | - | - |
| la | Rural | 1,573 | - | 99 | 99 | - | - | 227 | 14 | - | 454 | 50 | - | 1,387 |
| Residential By | Rural Community Preserve | - | - | - | - | - | - | - | - | - | - | 3,517 | - | - |
| es | Coastal Rural | - | - | - | - | - | - | 1,338 | - | - | - | - | - | - |
| ۳ | Outer Island | - | 2 | - | - | - | - | 55 | - | - | - | - | - | - |
| | Open Lands | 80 | - | - | - | - | - | - | - | - | 30 | - | - | 1,667 |
| | Density Reduction/ Groundwater Resource | - | - | - | - | - | - | - | - | 4,742 | - | - | - | 2,101 |
| | Conservation Lands Upland | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Wetlands | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Conservation Lands Wetland | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | nincorporated County Total Residential | 2,964 | 4,650 | 3,962 | 3,926 | - | 5,982 | 3,322 | 24,440 | 4,750 | 9,991 | 3,748 | 90 | 6,125 |
| Co | ommercial | 326 | 774 | 938 | 938 | - | 2,012 | 288 | 900 | 118 | 1,121 | 19 | 18 | 72 |
| | dustrial | 5 | 198 | 387 | 387 | - | 566 | 67 | 218 | 215 | 244 | 4 | 2 | 4 |
| | n Regulatory Allocations | | | | | | | | | | | | | |
| _ | ıblic | 3,214 5 | 4,898 | 6,364 | 6,375 | - | 5,883 | 4,831 | 20,267 | 17,992 | 10,117 | 3,052 | 653 | 3,351 |
| | Active AG | | 13 | 5 | 5 | - | - | 2,780 | 35 | 12,000 | 90 | 630 | 4 | 550 |
| Pa | Passive AG | | - | 5 | 5 | - | - | 70 | 50 | 2,500 | 250 | 2,000 | - | 2,100 |
| | Conservation | | 9,786 | 2,232 | | - | 211 | 15,489 | 1,077 | 41,028 | 1,607 | 382 | 1,465 | 895 |
| Va | Vacant | | 55 | 220 | 246 | - | 4 | 2,200 | 14,804 | 2,400 | 1,227 | 850 | 130 | 1,425 |
| To | Total | | 20,374 | 14,114 | 14,114 | - | 14,658 | 29,047 | 61,791 | 81,003 | 24,649 | 10,684 | 2,362 | 14,523 |
| Pop | ulation Distribution (unincorporated Lee County) | 14,322 | 44,132 | 53,556 | 54,615 | - | 76,582 | 13,431 | 162,245 | 17,369 | 110,722 | 5,951 | 741 | 8,653 |

STAFF REPORT FOR BABCOCK ROAD – US 41: CPA2023-00001

Small-Scale Map Amendment to the Lee Plan



Recommendation: Adopt

Applicant: Alan Freeman

Representative: Quattrone & Associates, Inc.

<u>Property Location:</u> 7084 Babcock Road Estero

Property Size: ± 25.60 Acres

Planning District: District 13

<u>Commissioner District:</u> District #2

Hearing Dates: LPA: 08/28/23 BoCC #1: 10/04/23

Attachments:

1: Proposed Amendments

REQUEST

- Amend the Future Land Use Map designation on ±25.60 acres from Urban Community to Central Urban.
- Amend Table 1(b): 2045 Population Allocation to accommodate residential development on the subject property.

SUMMARY

The requested amendments will allow the applicant to develop a multi-family project, increasing the maximum standard density from six dwelling units per acre to 10 dwelling units per acre.

PROJECT LOCATION

The subject property is located on the east side of US 41. The property is less than a mile south of the intersection of US 41 and Alico Road, and approximately 2.5 miles north of the intersection of US 41 and Estero Boulevard.



Figure 1: Location Map

RECOMMENDATION

Staff recommends that the Board of County Commissioners (BoCC) **adopt** the requested amendments based on the analysis and findings provided in this staff report.

PART 1 STAFF DISCUSSION AND ANALYSIS

CONCURRENT REQUESTS

The applicant has filed two additional applications indicating the type of development that is anticipated on the subject property:

- A request for administrative approval of bonus density (ADD2023-00060) to allow density above the standard range, and
- Development order (DO) application (DOS2022-00199) which outlines the development plans for a 267 unit multi-family residential development.

SUBJECT PROPERTY

The subject property is currently vacant land that is zoned C-2. This area of the County has been designated as Urban Community since the Lee Plan's inception in 1984¹. The Urban Community designation was given to San Carlos Park to recognize the existing needs of the community that grew from the San Carlos Park subdivision².

Since 1984, the area around San Carlos Park has increased in intensity, with the founding of Florida Gulf Coast University, the expansion of Southwest Florida International Airport, and the increasing industrial development along Alico Road.

The property was incorporated into the Mixed Use Overlay through Ordinance 07-15, the adopting ordinance of CPA2005-00037, which originally established the Mixed Use Overlay in Lee County. According to the staff report of CPA2005-00037, the areas selected for the Mixed Use Overlay were appropriate for compact development containing a mixture of uses³.

SURROUNDING PROPERTIES

Nearby uses contain commercial parcels and residential duplexes within the Urban Community future land use category. The surrounding properties are primarily conventionally zoned, with one planned development to the west, across US 41. Commercial uses to the north, south, and east of the property are within the Mixed Use Overlay; however, residential uses to the north are outside the boundaries of the Mixed Use Overlay. Additional detail is provided in Table 1 and Figure 2, below.

¹ Lee County Board of County Commissioners, *Lee County Ordinance No. 84-28: Lee County Comprehensive Plan* (Lee County, 1984), 1-7.

² Lee County Board of County Commissioners, *Lee County Comprehensive Plan* (Lee County, 1984), III-20, Illustration #3.

³ Lee County Division of Planning, *Staff Report for Comprehensive Plan Amendment CPA2005-37* (Lee County, 2007), 25.

TABLE 1: SURROUNDING PROPERTIES INFORMATION

| | Future Land Use | Zoning | Existing Use |
|-------|-----------------|--|-------------------------------------|
| North | Urban Community | RM-2 & C-2 | Self-Storage &Residential Duplex |
| East | Urban Community | C-2 | Commercial & Outdoor Storage |
| South | Urban Community | C-1 & C-2 | Retail Commercial |
| West | Urban Community | CN-2, CS-1, Harborage CPD approved for 28,000 SF Commercial ⁴ | US 41 |



Figure 2: Mixed Use Overlay

DISCUSSION AND ANALYSIS – MAP 1-A: FUTURE LAND USE MAP

The applicant is requesting to amend the future land use category of the subject property from Urban Community to Central Urban to allow higher density on the subject property. The current future land use category allows for a standard density of up to six dwelling units per acre, with the opportunity to pursue bonus density up to 10 dwelling units per acre. The proposed future land use category would allow a standard density of up to 10 dwelling units per acre with the opportunity to pursue bonus density of 15 dwelling units per acre. Lee Plan policies describing the existing and proposed future land use categories are provided below.

⁴ Lee County Board of County Commissioners, Resolution Number Z-89-010, (Lee County, 1989), 3.

POLICY 1.1.3: The <u>Central Urban</u> future land use category can best be characterized as the "urban core" of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public and quasipublic, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre), with a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.

POLICY 1.1.4: The <u>Urban Community</u> future land use category are areas characterized by a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities then other future urban categories described in this plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units.

The requested amendment would allow for greater density on the subject property than is currently permitted. The existing and proposed future land use categories are otherwise similar in allowed uses and intensity of non-residential development. Analysis of the proposal's consistency with several elements discussing residential development is warranted.

Goal 5 of the Lee Plan directs the County to "accommodate the projected population of Lee County in the year 2045 in appropriate locations". The proposed change to the Future Land Use Map would increase the allowable density on the subject property, helping Lee County accommodate the projected population. However, staff must also review the appropriateness of the additional density of subject parcel based on consistency with applicable Lee Plan policies. These policies are discussed below.

Objective 2.2 provides that new development should be directed "to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created." The proposed amendments will allow for an in-fill development project that provides housing within an area where public facilities and regulatory levels of service already exist, consistent with Objective 2.2. Availability of public facilities and services are discussed in greater detail in the Service Availability section of this report.

Policy 5.1.2 prohibits residential development "where physical constraints exist, or require the density and design to be adjusted accordingly." The Policy provides that such constraints or hazards may include flood, storm, or hurricane hazards; unstable soil or geological conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community. There are no characteristics of the property that would prohibit residential development.

The applicant's Environmental Analysis identified approximately 12.72 acres of Spoil Area (FLUCCS Code 743), 8.95 acres of Open Land (FLUCCS Code 190), 2.99 acres of Borrow Area (FLUCCS Code 742), and 1.9 acres of Shopping Mall (FLUCCS Code 1411), within the boundary of the subject property. South Florida Water Management District (SFWMD) has issued a formal wetland determination and an Environmental Resource Permit (ERP) that determined no wetlands were present on the site⁵. The site previously contained a 13.60 acre shallow borrow pit which has since been filled, as approved by LDO2020-00308 and SFWMD Exemption No. 36-102363-P. No protected species have been identified within the project boundaries per the applicant's Protected Species Survey provided as part of the DOS2022-00199 submittal.

The subject property abuts residential development to the north and commercial development to the east and south. In the existing state, offsite flows from the residential development and commercial development flow through the subject property and outfall into the US 41 right of way. The applicant's approved SFWMD ERP includes measures to maintain these offsite flow patterns in compliance with **Policy 126.1.4** which requires that development designs maintain or improve surface water flows. The subject property is located outside of the Coastal High Hazard Area. The property is within FEMA Flood Zone AE and will need to develop in accordance with FEMA regulations⁶. This is consistent with Policy 5.1.2, which allows for "design to be adjusted accordingly."

Policy 5.1.3 directs high-density residential developments to locations near employment and shopping centers. The property is centrally located on US 41, between Alico Road and Constitution Boulevard, approximately two miles north of the Village of Estero. This location is also approximately 4 miles from Gulf Coast Town Center and approximately one mile south of Alico Road, giving the property close access to a major commercial center and a growing industrial center of the County. The parcel is also approximately six miles away from Florida Gulf Coast University, with 16,004 students and 914 staff⁷.

The location of this site is geographically suited to support the workforce of the industrial base and the population of residents who are pursuing an education. This amendment is consistent with the Housing Element and Economic Element of the Lee Plan, specifically **Policy 135.1.9** and **Policy 160.1.3.** With the stated purpose of **Goal 5** to accommodate the projected population in appropriate locations, the subject site is appropriate for the requested future land use category change.

Based on the analysis above, redesignating the subject property from Urban Community to Central Urban is found to be appropriate and consistent with the Lee Plan.

DISCUSSION AND ANALYSIS – TABLE 1(b): YEAR 2045 ALLOCATIONS

In addition to the requested Future Land Use Map amendment, the applicant has requested an amendment to Table 1(b). This amendment is necessary to maintain internal consistency with the 2045 Lee County population accommodations and **Policy 1.6.5** of the Lee Plan at time of development order. The Table 1(b) amendment would provide residential acres for the Central Urban future land use category in the San Carlos Planning District (District 13). The proposed amendments include adding 12 acres of residential development to the Central Urban future land use category in Planning District 13 and

⁵ APP No. 221025-34136 and APP No 221025-36369

⁶ Federal Emergency Management Agency, FEMA Flood Map Service Center, US Department of Homeland Security, 2022, accessed August 8, 2023,

https://msc.fema.gov/portal/search?AddressQuery=7084%20Babcock%20Road%2C%20Estero%2C%20FL

⁷ Florida Gulf Coast University, based on Fall 2022 enrollment, https://www.fgcu.edu/about/fastfacts

subtracting 48 residential acres in the Urban Community future land use category of Planning District 13 in order to make the population balance countywide. The proposed changes to Table 1(b) are identified in Attachment 1.

SERVICE AVAILABILITY

The proposed amendment to the Future Land Use Map would increase the allowable density on the subject property. There are adequate mass transit, potable water, sanitary sewer, solid waste, police, fire/EMS, and school services to accommodate anticipated development on the subject property.

Transportation: The subject property is located on US 41 and Babcock Road. US 41 is a state-maintained arterial road and Babcock Road is a county-maintained minor collector.

<u>Short Range Impacts:</u> Proposed amendment will not cause any roadway link to fall below the recommended minimum acceptable Level of Service thresholds.

<u>Long Range Impacts:</u> Proposed amendment will not cause any roadway link to fall below the recommended minimum acceptable Level of Service thresholds.

Segments of US 41 adjacent to the site are projected to operate at service level "F" by the year 2045 with and without the proposed amendment. Transportation concurrency is non-regulatory per Florida Statutes Section 163.3180 and Lee Plan Policy 95.1.3, which provides "Compliance with non-regulatory LOS standards will not be a requirement for continued development permitting, but will be used for facility planning purposes."

Mass Transit: The subject property is within ¼ mile of a fixed route corridor and bus stop #11569 is within ¼ mile of the property. The 2020 Transit Development Plan identifies the need for enhanced or additional transit services in the area. The developer may be required to connect to and improve transit facilities.

Utilities: The subject property is within the Lee County Utilities future potable water and sanitary sewer service areas as identified on Lee Plan Maps 4-A and 4-B. Lee County Utilities has provided a letter stating that adequate potable water and sanitary sewer services are available to support the increased density. Potable water service will be provided through the Pinewood Water Treatment Plant and sanitary sewer will be provided by Three Oaks Water Reclamation Facility. There are no reuse mains within the vicinity of the project.

Solid Waste: The subject property has access to solid waste services. Solid waste collection services will be provided by Lee County using the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

Fire: The San Carlos Park Fire Protection and Rescue Service District indicated that they are capable of providing fire protection to the subject property. The subject property is approximately 1.8 miles from Station 51 with a response time of less than three minutes.

EMS: The subject property has access to Emergency Medical Services. Lee County Emergency Medical Services indicated that they will be able to serve the property from Medic 9 located 1.8 miles from the property. Three other locations are within 6 miles of the property.

Police: The Lee County Sheriff's Office will provide law enforcement services primarily from the South District offices in Bonita Springs. The Sheriff indicated in a letter that development of the subject property will not affect the ability of the Lee County Sheriff's Office to provide core services at this time. The Sheriff's Office requests a Crime Prevention through Environmental Design report at the time of Development Order.

Schools: The School District of Lee County provided a letter stating that capacity is an issue within the Concurrency Service Area (CSA) at the elementary school level, however, capacity is available in the adjacent CSA.

CONCLUSIONS

The proposed amendment, which increases the maximum standard density from six dwelling units per acre to 10 dwelling units per acre, with the potential for bonus density up to 15 dwelling units per acre, assists Lee County in accommodating the projected 2045 population outside of the Coastal High Hazard Area.

Staff has reviewed the proposed amendments and provides the following conclusions.

- Development in the surrounding area, including the growing employment centers, support the proposed increase in density, consistent with 135.1.9 and 160.1.3.
- There are adequate regulatory levels of service available to accommodate anticipated development on the subject property, consistent with Objective 2.2.
- The subject property is appropriate for increased residential development, and no characteristics of the property would prohibit residential development, consistent with Policies 5.1.3 and 5.1.2.
- The uses allowed within the proposed future land use category are compatible with nearby uses.

For the reasons discussed in this staff report, staff recommends that the Board of County Commissioners *adopt* the proposed amendments as provided in Attachment 1.

PART 2

LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: August 28, 2023

A. LOCAL PLANNING AGENCY REVIEW

The applicant's representatives provided a presentation addressing the requested amendments, subject property, existing and proposed future land use categories, surrounding uses, consistency with the Lee Plan, and concurrent development order.

Members of the LPA asked for clarification of the boundary of the amendment and whether a public information hearing was needed.

Following this, staff made a presentation addressing the requested amendments, subject property, and consistency with the Lee Plan and staff recommendation.

There were two public comments on the proposed amendment. The first public comment opposed inclusion of one of the outparcels adjacent to US 41 if it were to be used for residential development and requested that it be removed from the overall request. The second public comment was from the owner of the subject property, expressing support for the amendment.

B. LOCAL PLANNING AGENCY RECOMMENDATION

A motion was made to recommend that the Board of County Commissioners (BoCC) *adopt* CPA2023-00001. The motion passed 4 to 0.

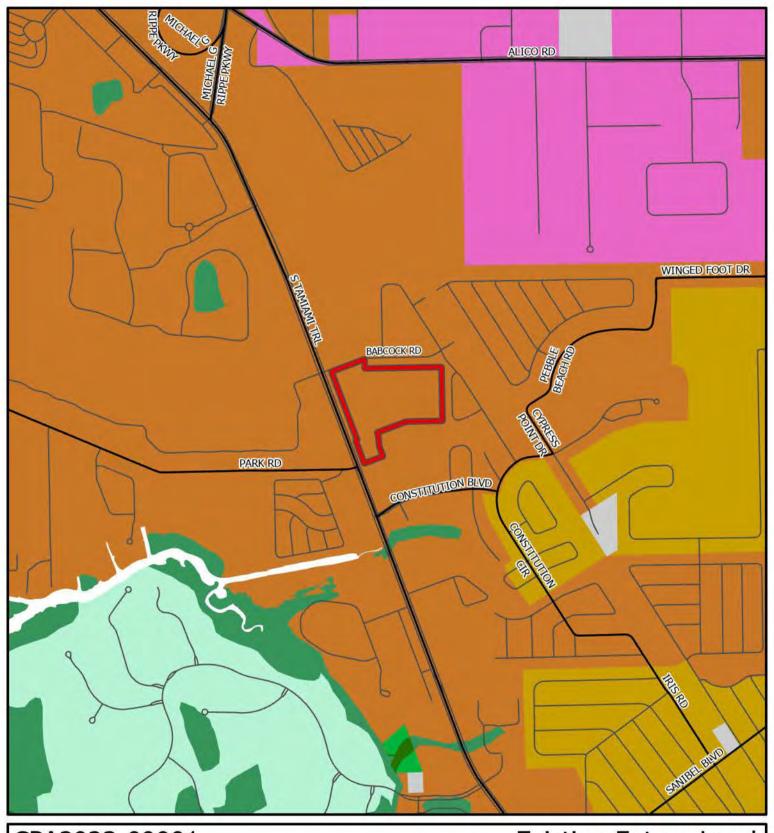
| RAYMOND BLACKSMITH | AYE |
|--------------------|--------|
| KEITH DEAN | ABSENT |
| DUSTIN GARDNER | AYE |
| DAWN RUSSELL | AYE |
| DON SCHROTENBOER | AYE |
| STAN STOUDER | ABSENT |
| HENRY ZUBA | ABSENT |

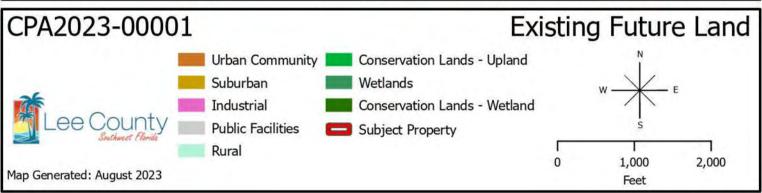
C. STAFF RECOMMENDATION

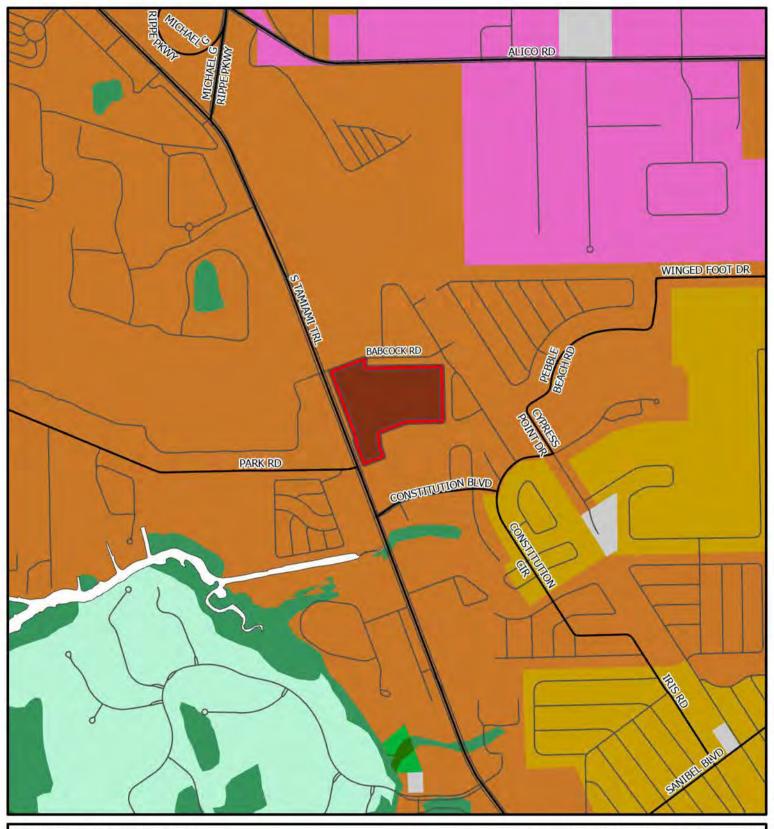
Staff recommends that the BoCC adopt the proposed amendment as provided in Attachment 1.

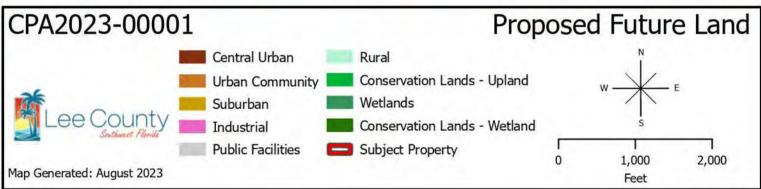
ATTACHMENT 1

- > Existing Future Land Use Map
- ➤ Proposed Future Land Use Map
- **≻** Table 1(b)









Attachment 1 Page 2 of 2

| | | | | | | | | Planning | g District | | | | |
|-------------|---|-------------|------------|---------------------------------------|------------------------------|----------------------|------------------------------|---------------------------|--------------------------|-----------------------|--------------------------|-----------------------------------|-------------------------------------|
| | Future Land Use Category | Unincorpora | ted County | District 1 Northeast Lee County | District 2 Boca Grande | District 3 Bonita | District 4 Fort Myers Shores | District 5 Burnt Store | District 6 Cape Coral | District 7 Captiva | District 8 Fort Myers | District 9 Fort Myers Beach | District 10 Gateway / Airport |
| | | Existing | Proposed | | | | | | | | | | |
| | Intensive Development | 1,483 | 1,483 | - | - | - | 17 | - | 21 | - | 238 | - | - |
| | Central Urban | 13,838 | 13,850 | - | - | 1 | 207 | - | - | - | 230 | - | 25 |
| | Urban Community | 22,683 | 22,635 | 813 | 453 | - | 475 | - | - | - | - | - | 150 |
| | Suburban | 14,871 | 14,871 | - | - | - | 1,950 | - | - | - | 80 | - | - |
| | Outlying Suburban | 3,638 | 3,638 | 25 | - | - | 490 | 13 | 3 | 429 | - | - | - |
| ۱ 🛌 | Sub-Outlying Suburban | 1,731 | 1,731 | - | - | - | 330 | - | - | - | - | - | 227 |
| 9 | Commercial | - | - | - | - | - | - | - | - | - | - | - | - |
| 6 | Industrial | 15 | 15 | - | - | - | - | - | - | - | - | - | 6 |
| Category | Public Facilities | - | - | - | - | - | - | - | - | - | - | - | - |
| | University Community | 503 | 503 | - | - | - | - | - | - | - | - | - | - |
| Use | Destination Resort Mixed Use Water Dependent | 8 | 8 | - | - | - | - | - | - | - | - | - | - |
| 15 | Burnt Store Marina Village | 2 | 2 | - | - | - | - | 2 | - | - | - | - | - |
| Land | Industrial Interchange | - | - | - | - | - | _ | - | - | - | - | - | _ |
| ľα | General Interchange | 134 | 134 | - | - | _ | _ | - | - | - | - | - | 35 |
| 0. | General Commercial Interchange | - | | - | - | _ | - | - | - | _ | - | _ | _ |
| Future | Industrial Commercial Interchange | - | _ | - | - | _ | - | - | - | _ | - | - | _ |
| 15 | University Village Interchange | - | _ | - | - | _ | _ | - | - | _ | - | - | _ |
| 15 | New Community | 2,104 | 2,104 | 1,115 | - | _ | _ | _ | _ | _ | _ | _ | 989 |
| By | Airport | - | | | - | - | _ | - | _ | _ | - | - | - |
| <u>a</u> . | Tradeport | 3 | 3 | - | - | - | _ | _ | _ | _ | - | - | 3 |
| ı fi | Rural | 7,764 | 7,764 | 2,431 | - | _ | 800 | 730 | _ | _ | - | - | |
| Residential | Rural Community Preserve | 3,517 | 3,517 | | - | _ | - | - | _ | _ | - | _ | |
| Sic | Coastal Rural | 1,338 | 1,338 | _ | - | | | _ | _ | _ | - | _ | |
| l & | Outer Island | 233 | 233 | 2 | 4 | - | 1 | _ | _ | 169 | - | _ | _ |
| _ | Open Lands | 2,186 | 2,186 | 153 | - | _ | | 257 | _ | - | _ | _ | _ |
| | Density Reduction/ Groundwater Resource | 6,974 | 6,974 | 131 | - | _ | - | - | _ | _ | _ | - | |
| | Conservation Lands Upland | - 0,574 | 0,574 | - 131 | - | | <u> </u> | | | | - | | |
| | Wetlands | - | | - | - | _ | _ | _ | - | _ | _ | _ | |
| | Conservation Lands Wetland | - | | - | - | | | - | _ | | - | - | - |
| l | incorporated County Total Residential | 83.026 | 82,990 | 4,669 | 457 | - | 4,270 | 1,002 | 24 | 598 | 548 | _ | 1,435 |
| _ | | | <u> </u> | <u> </u> | | | | <u> </u> | | | | | |
| - | mmercial | 8,915 | 8,915 | 300 | 53 | - | 450 | 27 | 9 | 125 | 150 | - | 1,216 |
| | lustrial | 4,787 | 4,787 | 30 | 3 | - | 300 | 10 | 15 | 70 | 315 | - | 2,134 |
| | Regulatory Allocations | - | | | | | | | | | | | |
| | blic | 120,211 | 120,222 | 14,191 | 622 | - | 4,864 | 7,323 | 6 | 2,340 | 583 | - | 9,660 |
| Active AG | | 21,944 | 21,944 | 5,500 | - | - | 240 | 90 | - | - | - | - | 2 |
| _ | ssive AG | 13,665 | 13,665 | 5,500 | - | - | 615 | 100 | - | - | - | - | 465 |
| | nservation | 87,746 | 85,514 | 2,458 | 297 | - | 1,163 | 3,186 | 67 | 1,595 | 926 | - | 2,206 |
| _ | cant | 26,224 | 26,250 | 1,145 | 28 | - | 733 | 766 | 8 | 103 | 17 | - | 88 |
| То | | 366,520 | 366,520 | 33,793 | 1,460 | - | 12,634 | 12,505 | 129 | 4,831 | 2,538 | - | 17,205 |
| Рорі | lation Distribution (unincorporated Lee County) | 584,331 | 585,390 | 8,235 | 1,470 | - | 35,253 | 2,179 | 152 | 725 | 5,273 | - | 23,340 |

| Planning District | | | | | | | | | | | | | | |
|-------------------|---|-----------------------------|-----------------------------------|----------------|------------------|------------------------|------------------------------------|-------------------------|-----------------------------|--|------------------------------------|---------------------------|-----------------------|-------------------------|
| | Future Land Use Category | District 11 Daniels Parkway | District 12 Iona / McGregor | Distr San C | ict 13 Carlos | District 14 Sanibel | District 15 South Fort Myers | District 16 Pine Island | District 17 Lehigh Acres | District 18 Southeast Lee County | District 19 North Fort Myers | District 20 Buckingham | District 21 Estero | District 22 Bayshore |
| | | | | Existing | Proposed | • | | | | | | | | |
| | Intensive Development | - | - | - | | - | 801 | 1 | 30 | - | 376 | - | - | - |
| | Central Urban | - | 656 | 20 | 32 | - | 3,113 | - | 7,362 | - | 2,225 | - | - | - |
| | Urban Community | - | 978 | 1,255 | 1,207 | - | 863 | 540 | 17,034 | - | 7 | 115 | - | - |
| | Suburban | - | 2,566 | 2,069 | 2,069 | - | 1,202 | 659 | - | - | 6,345 | - | - | - |
| | Outlying Suburban | 1,253 | 438 | - | - | - | - | 502 | - | - | 396 | - | 90 | - |
| ا ح | Sub-Outlying Suburban | - | - | 13 | 13 | - | - | - | - | - | 145 | 66 | - | 950 |
| 0 | Commercial | - | - | - | - | - | - | - | - | - | - | - | - | - |
| g | Industrial | - | 3 | 3 | 3 | - | 3 | - | - | - | - | - | - | - |
| Category | Public Facilities | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | University Community | - | - | 503 | 503 | - | - | - | - | - | - | - | - | - |
| Use | Destination Resort Mixed Use Water Dependent | - | 8 | - | - | - | - | - | - | - | - | - | - | - |
| 15 | Burnt Store Marina Village | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Land | Industrial Interchange | - | - | - | - | - | - | - | - | - | - | - | - | - |
| <u> </u> | General Interchange | 58 | - | - | - | - | - | - | - | 8 | 14 | - | - | 20 |
| 0.1 | General Commercial Interchange | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Įξ | Industrial Commercial Interchange | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Future | University Village Interchange | - | - | - | - | - | - | 1 | - | - | - | - | - | - |
| By I | New Community | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Airport | - | - | - | - | - | - | - | - | - | - | 1 | - | - |
| ia | Tradeport | - | - | - | - | - | - | - | - | - | - | - | - | - |
| nt | Rural | 1,573 | - | 99 | 99 | - | - | 227 | 14 | - | 454 | 50 | - | 1,387 |
| Residential | Rural Community Preserve | - | - | - | - | - | - | 1 | - | - | - | 3,517 | - | - |
| Ś | Coastal Rural | - | - | - | - | - | - | 1,338 | - | - | - | - | - | - |
| Re | Outer Island | - | 2 | - | - | - | - | 55 | - | - | - | - | - | - |
| | Open Lands | 80 | - | - | - | - | - | - | - | - | 30 | - | - | 1,667 |
| | Density Reduction/ Groundwater Resource | - | - | - | - | - | - | 1 | - | 4,742 | - | - | - | 2,101 |
| | Conservation Lands Upland | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Wetlands | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Conservation Lands Wetland | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Ur | incorporated County Total Residential | 2,964 | 4,650 | 3,962 | 3,926 | - | 5,982 | 3,322 | 24,440 | 4,750 | 9,991 | 3,748 | 90 | 6,125 |
| Со | mmercial | 326 | 774 | 938 | 938 | - | 2,012 | 288 | 900 | 118 | 1,121 | 19 | 18 | 72 |
| Inc | lustrial | 5 | 198 | 387 | 387 | - | 566 | 67 | 218 | 215 | 244 | 4 | 2 | 4 |
| Nor | Non Regulatory Allocations | | | | | | | | | | | | | |
| | Public | | 4,898 | 6,364 | 6,375 | - | 5,883 | 4,831 | 20,267 | 17,992 | 10,117 | 3,052 | 653 | 3,351 |
| Ac | Active AG | | 13 | 5 | 5 | - | - | 2,780 | 35 | 12,000 | 90 | 630 | 4 | 550 |
| Pa | Passive AG | | - | 5 | 5 | - | - | 70 | 50 | 2,500 | 250 | 2,000 | - | 2,100 |
| Со | Conservation | | 9,786 | 2,232 | | - | 211 | 15,489 | 1,077 | 41,028 | 1,607 | 382 | 1,465 | 895 |
| | Vacant | | 55 | 220 | 246 | - | 4 | 2,200 | 14,804 | 2,400 | 1,227 | 850 | 130 | 1,425 |
| _ | Total | | 20,374 | 14,114 | 14,114 | - | 14,658 | 29,047 | 61,791 | 81,003 | 24,649 | 10,684 | 2,362 | 14,523 |
| Рорі | lation Distribution (unincorporated Lee County) | 8,221 14,322 | 44,132 | 53,556 | 54,615 | - | 76,582 | 13,431 | 162,245 | 17,369 | 110,722 | 5,951 | 741 | 8,653 |



APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

| Pro | ject Name: Babcock Rd = US 41 ject Description: The application is requested to the second s | sting a map Ameno | lment to change the | 25.60-acre site from Url | oan Community |
|----------|--|-------------------|--------------------------|-------------------------------|----------------|
| | | | | | |
| Maj | o(s) to Be Amended: Map 1, Page 1 | | | MEGE | 00000 |
| Stat | e Review Process: X Small-Scale Re | eview Sta | te Coordinated Revi | ew De Southe | State Review |
| | | | | | 5 |
| 1. | Name of Applicant: AlanC Freeman | | | AUG 15 | 2023 |
| | Address: 28120 Hunters Ridge Blvd. Suite | 2.5 | | | |
| | City, State, Zip: Bonita Springs, FL 3413 | 35 | | COMMUNITY DE | VELOPMENT |
| | Phone Number: <u>239-267-8888</u> | | E-mail: alan | c freeman@yahoo.com | TEEO! INE! |
| 2. | Name of Contact: Quattrone & Associate | es, Inc. | | | |
| | Address: 4301 Veronica Shoemaker Blvd | | | | |
| | City, State, Zip: Fort Myers, FL 33916 | | | | |
| | Phone Number: 239-936-5222 | | E-mail: _perm | ts@qainc.net | |
| 4. 1. | City, State, Zip: Bonita Springs, FL 3413 Phone Number: 239-267-8888 Property Location: Site Address: 7084, 7082 Babcock R | | E-mail: <u>alan</u> _ | c_freeman@yahoo.com | |
| | 2. STRAP(s): <u>08-46-25-00-01005.0000;</u> | 08-46-25-00-0100 | 5.0010; 07-46-25-0 | 0-00009.001A:07-46-25 | -00-00010.0010 |
| | 07-46-25-00-00011.0020 | | | | |
| 5, | Property Information: | | | | |
| | Total Acreage of Property: 25.60 | | | ded in Request: 25.60 | |
| | | | Curren | t Zoning: <u>AG-2, C-1, C</u> | C-2 |
| | Current Future Land Use Category(ies): | - had been | | | |
| | Area in Each Future Land Use Category: Existing Land Use: <u>Urban Community</u> | 25.60 | | | |
| | | | | | |
| 5. | Calculation of maximum allowable deve | lopment under cu | rrent Lee Plan: | | |
| | Residential Units/Density: 10 du/ac = 256 Based on Maximum Total Density | Commercial Inte | nsity: <u>250,000 sf</u> | Industrial Intensity: | Per "LDC" |
| 7. | Calculation of maximum allowable deve | lopment with pro | posed amendments | | |
| | Residential Units/Density: 15 du/ac = 384 Based on Maximum Total Density | Commercial Inter | nsity: 250,000 sf | Industrial Intensity: | Per "LDC" |

Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on the maximum development.

- Traffic Circulation Analysis: The analysis is intended to determine the effect of the land use change on the Financially
 Feasible Highway Plan Map 3A (20-year plus horizon) and on the Capital Improvements Element (5-year horizon).
 Toward that end, an applicant must submit a Traffic Impact Statement (TIS) consistent with Lee County Administrative
 Code (AC)13-17.
 - a. Proposals affecting less than 10 acres, where development parameters are contained within the Traffic Analysis Zone (TAZ) or zones planned population and employment, or where there is no change in allowable density/intensity, may be eligible for a TIS requirement waiver as outlined in the Lee County TIS Guidelines and AC-13-17. Identification of allowable density/intensity in order to determine socio-economic data for affected TAZ(s) must be coordinated with Lee County Planning staff. Otherwise a calculation of trip generation is required consistent with AC-13-17 and the Lee County TIS Guidelines to determine required components of analysis for:
 - i. Total peak hour trip generation less than 50 total trip ends trip generation.
 - ii. Total peak hour trip generation from 50 to 300 total trip ends trip generation, trip distribution and trip assignment (manual or Florida Standard Urban Transportation Modeling Structure (FSUTMS) analysis consistent with AC-13-17 and TIS Guidelines), short-term (5 year) and long-range (to current Lee Plan horizon year) segment LOS analysis of the nearest or abutting arterial and major collector segment(s) identified in the Transportation Inventory based on the trip generation and roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is recommended prior to submittal of the application to discuss use of FSUTMS, any changes to analysis requirements, or a combined CPA and Zoning TIS short term analysis.
 - iii. Total peak hour trip generation is over 300 total trip ends trip generation, mode split, trip distribution and trip assignment (manual or FSUTMS analysis consistent with AC-13-17 and TIS Guidelines), short-term (five-year) and long-range (to current Lee Plan horizon year) segment LOS analysis of arterial and collector segments listed in the Transportation Inventory. LOS analysis will include any portion of roadway segments within an area three miles offset from the boundary of the application legal description metes and bounds survey. LOS analysis will also include any additional segments in the study area based on the roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is required prior to submittal of the application.
 - Map amendment greater than 10 acres -Allowable density/intensity will be determined by Lee County Planning staff.
- 2. Provide an existing and future conditions analysis for the following (see Policy 95.1.3):
 - a. Sanitary Sewer
 - b. Potable Water
 - e. Surface Water/Drainage Basins
 - d. Parks, Recreation, and Open Space
 - e. Public Schools

Analysis for each of the above should include (but is not limited to) the following (see the Lee County Concurrency Management Report):

- a Franchise Area, Basin, or District in which the property is located
- b. Current LOS, and LOS standard of facilities serving the site
- c. Projected 2030 LOS under existing designation
- d Projected 2030 LOS under proposed designation
- e. Existing infrastructure, if any, in the immediate area with the potential to serve the subject property
- f. Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements
- g. Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water

In addition to the above analysis, provide the following for potable water:

- Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
- b. Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.
- c. Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
- d. Include any other water conservation measures that will be applied to the site (see Goal 54).

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:

- a. Fire protection with adequate response times
- b. Emergency medical service (EMS) provisions
- e. Law enforcement
- d. Solid Waste
- e. Mass Transit
- f. Schools

In reference to above, the applicant must supply the responding agency with the information from application items 5, 6, and 7 for their evaluation. This application must include the applicant's correspondence/request to the responding agency.

Environmental Impacts

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

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

Impacts on Historic Resources

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

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

Internal Consistency with the Lee Plan

- Discuss how the proposal affects established Lee County population projections, Lee Plan Table 1(b) and the total population capacity of the Lee Plan Future Land Use Map.
- 2 List all goals and objectives of the Lee Plan that are affected by the proposed amendment or that affect the subject property. This analysis should include an evaluation of all relevant policies under each goal and objective.
- 3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

State Policy Plan and Regional Policy Plan

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

Justify the proposed amendment based upon sound planning principles

Support all conclusions made in this justification with adequate data and analysis.

Planning Communities/Community Plan Area Requirements

If located within a planning community/community plan area, provide a meeting summary document of the required public informational session [Lee Plan Goal 17].

Sketch and Legal Description

The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

SUBMITTAL REQUIREMENTS

Clearly label all submittal documents with the exhibit name indicated below.

For each map submitted, the applicant will be required to submit a 24"x36" version and 8.5"x11" reduced map for inclusion in public hearing packets.

MINIMUM SUBMITTAL ITEMS (3 Copies)

| X | Completed Application (Exhibit – M1) |
|---|--|
| X | Disclosure of Interest (Exhibit – M2) |
| X | Surrounding Property Owners List, Mailing Labels, and Map For All Parcels Within 500 Feet of the Subject Property (Exhibit – M3) |
| X | Existing Future Land Use Map (Exhibit – M4) |
| X | Map and Description of Existing Land Uses (Not Designations) of the Subject Property and Surrounding Properties (Exhibit – M5) |
| X | Map and Description of Existing Zoning of the Subject Property and Surrounding Properties (Exhibit - M6) |
| X | Signed/Sealed Legal Description and Sketch of the Description for Each FLUC Proposed (Exhibit - M7) |
| X | Copy of the Deed(s) of the Subject Property (Exhibit - M8) |
| X | Aerial Map Showing the Subject Property and Surrounding Properties (Exhibit – M9) |
| X | Authorization Letter From the Property Owner(s) Authorizing the Applicant to Represent the Owner (Exhibit - M10) |
| X | Proposed Amendments (Exhibit – M11) |
| X | Lee Plan Analysis (Exhibit – M12) |
| X | Environmental Impacts Analysis (Exhibit – M13) |
| X | Historic Resources Impact Analysis (Exhibit – M14) |
| X | Public Facilities Impacts Analysis (Exhibit – M15) |
| X | Traffic Circulation Analysis (Exhibit – M16) |
| X | Existing and Future Conditions Analysis - Sanitary Sewer, Potable Water, Surface Water/Drainage Basins, Parks and Rec, Open Space, Public Schools (Exhibit – M17) |
| X | Letter of Determination For the Adequacy/Provision of Existing/Proposed Support Facilities - Fire Protection, Emergency Medical Service, Law Enforcement, Solid Waste, Mass Transit, Schools (Exhibit – M18) |
| X | State Policy Plan and Regional Policy Plan (Exhibit – M19) |
| X | Justification of Proposed Amendment (Exhibit - M20) |
| | Planning Communities/Community Plan Area Requirements (Exhibit - M21) |
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APPLICANT - PLEASE NOTE:

Changes to Table 1(b) that relate directly to and are adopted simultaneously with a future land use map amendment may be considered as part of this application for a map amendment.

Once staff has determined the application is sufficient for review, 15 complete copies will be required to be submitted to staff. These copies will be used for Local Planning Agency hearings, Board of County Commissioners hearings, and State Reviewing Agencies. Staff will notify the applicant prior to each hearing or mail out to obtain the required copies.

If you have any questions regarding this application, please contact the Planning Section at (239) 533-8585.

| I, Paul H Freeman property described herein, and th other supplementary matter attac my knowledge and belief. I also the property during normal work through this application. | nat all answers to the ched to and made a authorize the staff | part of this application. of Lee County Commu | ication and any ske are honest and tru nity Development | etches, data, or to the best of to enter upon |
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| Signature of Applicant | Date | | | |
| Paul H Freeman | | | | |
| Printed Name of Applicant | | | | |
| STATE OF FLORIDA COUNTY OF LEE | | | | |
| The foregoing instrument was sw presence or □ online notarization | on October | 19 8022 | | (date) by |
| (name of person providing oath of type of Signature of Notary Publ | of identification) as | o is personally known to ident ification. | o me or who has p | roduced |
| (Name typed, printed or star | la (l (| MY COMMISSION EXPIRES: JU | I HRABAK DN #GG355296 UL 23, 2023 st State Insurance | |

| I, Alan C. Freeman property described herein, and that other supplementary matter attach my knowledge and belief. I also at the property during normal workin through this application. | t all answers to the ed to and made a pa uthorize the staff of | questions in the art of this applie Lee County Co | is application and a cation, are honest a ommunity Develop | any sketches, data, or and true to the best of pment to enter upon |
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| Signature of Applicant | Date | | | |
| Alan C. Freeman | | | | |
| Printed Name of Applicant | | | | |
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| STATE OF FLORIDA | | | | |
| COUNTY OF LEE | | | | |
| The foregoing instrument was swo presence or □ online notarization or | n October | - 19 20 | H2 | (date) by |
| (name of person providing oath or (type of Signature of Notary Public | identification) as id | is personally kr dentification. | nown to me or who | has produced |
| Name typed, printed or stam | h ped) | MY COL | SHARON HRABAK MMISSION #GG355296 PIRES JUL 23, 2023 through 1st State Insurance | |

, certify that I am the owner or authorized representative of the I. Devin Benjamin property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application. Signature of Applicant Devin Benjamin Printed Name of Applicant STATE OF FLORIDA COUNTY OF LEE The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of physical presence or □ online notarization on 10 FEBRUARY 1013 BY NEVIN BRAGE (date) by (name of person providing oath or affirmation), who is personally known to file of who has produced (type of identification) as identification. Signature of Notary (Public (Name typed, printed or stamped) CHARLENE RUSSELL MY COMMISSION I HISTORISE

EXPIRES: October 27, 2.04 road Para Natury Public Underwall

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared Alan C. Freeman, who, being first duly sworn and deposed says:

- 1. That I am the record owner, or a legal representative of the record owner, of the property that is located at <u>08-46-25-00-01005.0000</u> and is the subject of an Application for zoning action (hereinafter the "Property").
- That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

- 3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.
- 4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.
- 5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.
- Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

| Name and Address | Percentage of Ownership | |
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Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief. Property Owner Alan C. Freeman-Manager Print Name ********NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS******** ALL OTHER APPLICATION TYPES MUST BE NOTARIZED STATE OF FLORIDA COUNTY OF LEE The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, on October 19 2022(date) by Man C Free man (name of person providing oath or affirmation), who is personally known to me or who has produced _ (type of identification) as identification. STAMP/SEAL Signature of Notary Public SHARON HRABAK MY COMMISSION #GG355296 EXPIRES: JUL 23, 2023 Bonded through 1st State Insurance

| I, Alan C. Freeman property described herein, and that other supplementary matter attach my knowledge and belief. I also a the property during normal working through this application. | at all answers to the ned to and made a authorize the staff | he questions in to part of this app of Lee County | this application an dication, are hones Community Deve | st and true to the best of |
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| ae a Ch | | | | |
| Signature of Applicant | Date | | | |
| Alan C. Freeman | | | | |
| Printed Name of Applicant | | | | |
| STATE OF FLORIDA COUNTY OF LEE | | | | |
| The foregoing instrument was swe | orn to (or affirme | d) and subscribe | ed hefore me by m | neans of W physical |
| presence or O online notarization o | | | the state of the s | (date) by |
| (name of person providing oath or type of Signature of Notary Public | fidentification) as | | known to me or w | |
| Shann Hughah (Name typed, printed or stam | pped) | MY CC | SHARON HRABAK DMMISSION #GG355296 PIRES: JUL 23, 2023 through 1st State Insurance | |

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared Alan C. Freeman, who, being first duly sworn and deposed says:

- 1. That I am the record owner, or a legal representative of the record owner, of the property that is located at <u>07-46-25-00-00010.0010</u>, <u>07-46-25-00-00011.0020</u>, <u>08-46-25-00-01005.0010</u>, <u>08-46-25-00-01006.0000</u>, <u>08-46-25-00-01007.0000</u>, <u>08-46-25-00-01008.0000</u>, <u>08-46-25-00-01001.009C</u> and is the subject of an Application for zoning action (hereinafter the "Property").
- That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

- 3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.
- 4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.
- 5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.
- Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

| Name and Address | Percentage of Ownership |
|------------------|----------------------------|
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Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief. Alan C. Freeman-Trustee Print Name *********NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS********* ALL OTHER APPLICATION TYPES MUST BE NOTARIZED STATE OF FLORIDA COUNTY OF LEE The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, on the level 20 32 (date) by Alan Checman (name of person providing oath or affirmation), who is personally known to me or who has produced (type of identification) as identification. STAMP/SEAL Signature of Noter Public SHARON HRABAK MY COMMISSION #GG355296 EXPIRES: JUL 23, 2023 Bonded through 1st State Insurance

AFFIDAVIT

| I, Alan C. Freeman property described herein, and to other supplementary matter attac my knowledge and belief. I also the property during normal work through this application. | hat all answers to t ched to and made a authorize the staff | the questions a part of this f of Lee Cou | in this application, are noty Community | tion and any ske honest and tru Development | tetches, data, or ue to the best of to enter upon |
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| Signature of Applicant | Date | | | | |
| Alan C. Freeman | | | | | |
| Printed Name of Applicant | | | | | |
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| STATE OF FLORIDA | | | | | |
| COUNTY OF LEE | | | | | |
| | | | | | |
| The foregoing instrument was s | | | | e by means of | |
| presence or online notarization | on Octob | er 19 | 2007 | | _(date) by |
| (name of person providing oath | or affirmation), wh | ho is persona | ally known to m | e or who has r | roduced |
| | of identification) a | | | • | |
| 6.1/1/ | | | | | |
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| Signature of Notary Pub | lic | - | | | |
| Shown Hoge | wh | | SHARON HRABA MY COMMISSION #GG EXPIRES JUL 23, 2 Bonded through 1st State | G355296 2023 | |
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| Signature of Applicant | Date | | | |
| Alan C. Freeman | | | | |
| Printed Name of Applicant | | | | |
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| STATE OF FLORIDA | | | | |
| COUNTY OF LEE | | | | |
| The foregoing instrument was sworn | to (or affirmed) | and subs | arihad hafara ma hu | mann of the abusinal |
| presence or \(\square\) online notarization on | Oxtober | | 2022 | (date) by |
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| Signature of Notary Public | | | D. C. | 7 |
| | | Schul Low | SHARON HRABAK MY COMMISSION #GG35529 | 6 |
| Shows Charles | | | EXPIRES: JUL 23, 2023 Bonded through 1st State Insurance | |
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DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared <u>Paul H Freeman</u>, who, being first duly sworn and deposed says:

- 1. That I am the record owner, or a legal representative of the record owner, of the property that is located at <u>07-46-25-00-0009.001A</u> and is the subject of an Application for zoning action (hereinafter the "Property").
- 2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

- 3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.
- 4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.
- 5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.
- 6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

| Name and Address | Percentage of Ownership |
|------------------|----------------------------|
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| | |

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief. Paul H. Freeman-Trustee Print Name *******NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS********** ALL OTHER APPLICATION TYPES MUST BE NOTARIZED STATE OF FLORIDA COUNTY OF LEE The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, on October 19 2022 (date) by A of Cheman (name of person providing oath or affirmation), who is personally known to me or who has produced (type of identification) as identification. SHARON HRABAK MY COMMISSION #GG355296 STAMP/SEAL EXPIRES: JUL 23, 2023 Signature of Notary Public Bonded through 1st State Insurance

AFFIDAVIT

| I, Paul H Freeman property described herein, and that a other supplementary matter attached my knowledge and belief. I also aut the property during normal working through this application. | all answers to the of to and made a path horize the staff of | questions in the rt of this appl Lee County (| ication, are honest Community Develo | any sketches, data, or and true to the best of pment to enter upon |
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| Signature of Applicant | Date | | | |
| Paul H Freeman | | | | |
| Printed Name of Applicant | | | | |
| STATE OF FLORIDA COUNTY OF LEE | | | | |
| The foregoing instrument was sworn presence or □ online notarization on | | and subscribe | | ans of ☑ physical (date) by |
| (name of person providing oath or a | | | | |
| Signature of Notary Public | dentification) as id | ent ificatio n. | | • |
| Name typed, printed or stampe | (d) | 3 mico/ | SHARON HRABAK COMMISSION #GG355296 EXPIRES: JUL 23, 2023 ed through 1st State Insurance | |

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared <u>Devin Benjamin</u>, who, being first duly sworn and deposed says:

- 1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 17-45-25-03-00000.1000 and is the subject of an Application for zoning action (hereinafter the "Property").
- 2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

- 3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.
- 4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.
- 5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.
- 6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

| Name and Address | Percentage of Ownership |
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The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, on by the by the by the first of the person providing oath or affirmation, who is personally known to me or who has produced to the by the personal transfer of the p

(type of identification) as identification.

STAMP/SEAL

CHARLENE RUSSELL
MY COMMISSION # HH 020456
EXPIRES: October 27, 2024
Bonded Thru Notary Public Underwriters

Signature of Notary Public

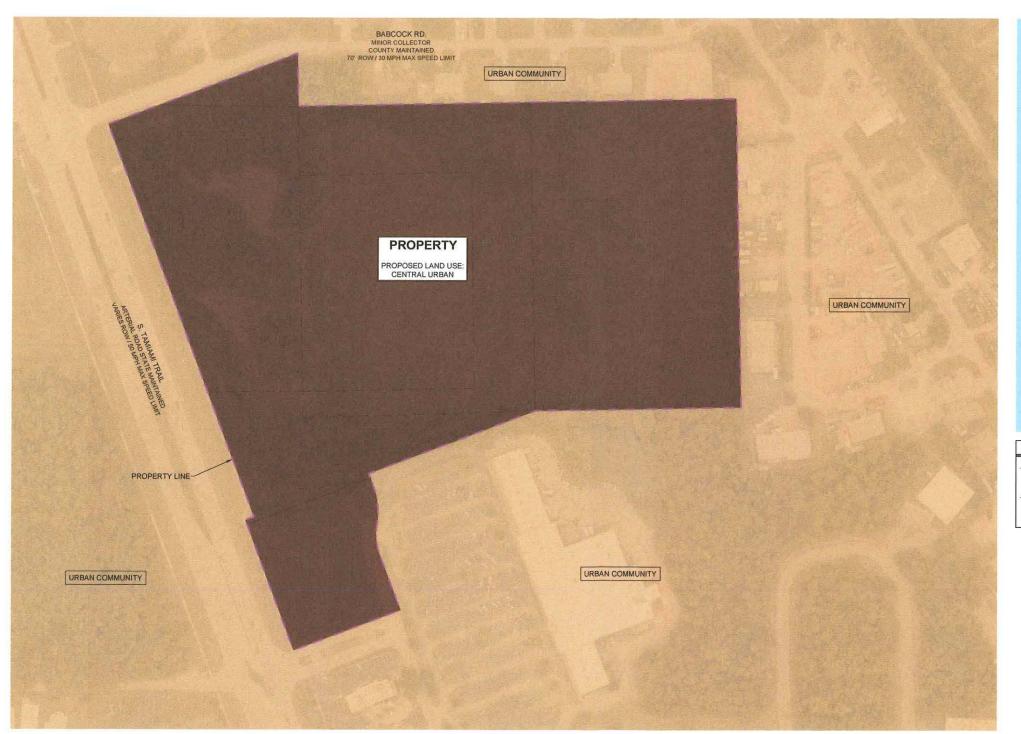
AFFIDAVIT

| other supplementary matter attack my knowledge and belief. I also | , certify that I am the owner or authorized representative of the at all answers to the questions in this application and any sketches, data, or hed to and made a part of this application, are honest and true to the best of authorize the staff of Lee County Community Development to enter upon ing hours for the purpose of investigating and evaluating the request made |
|--|--|
| Signature of Applicant | Date Date |
| | |
| Devin Benjamin | |
| Printed Name of Applicant | |
| presence or online notarization (name of person providing oath of | worn to (or affirmed) and subscribed before me by means of physical on 1/2 FBNUAN 1023 BY. DEVIN BNAGE (date) by or affirmation), who is personally known to me of who has produced of identification, as identification. |
| (Name typed, printed or stan | MIGU nped) |
| | CHARLENE RUSSELL MY COMMISSION # HH 020456 EXPIRES: October 27, 2024 Sonded Thru Notary Public Underwriters |

Property List of Owners On Record

| Strap # | Owner on Record | Owner Address |
|------------------------|----------------------|---|
| 07-46-25-00-00009.001A | Paul H Freeman Trust | 28120 Hunter Ridge Blvd, Ste 5 Bonita Springs, FL 34135 |
| 07-46-25-00-00010.0010 | Alan C Freeman Trust | 28120 Hunter Ridge Blvd, Ste 5 Bonita Springs, FL 34135 |
| 07-46-25-00-00011.0020 | Alan C Freeman Trust | 28120 Hunter Ridge Blvd, Ste 5 Bonita Springs, FL 34135 |
| 08-46-25-00-01005.0000 | SW FL Dev Group Inc. | 28120 Hunter Ridge Blvd, Ste 5 Bonita Springs, FL 34135 |
| 08-46-25-00-01005.0010 | Alan C Freeman Trust | 28120 Hunter Ridge Blvd, Ste 5 Bonita Springs, FL 34135 |
| 08-46-25-00-01006.0000 | Alan C Freeman Trust | 28120 Hunter Ridge Blvd, Ste 5 Bonita Springs, FL 34135 |
| 08-46-25-00-01007.0000 | Alan C Freeman Trust | 28120 Hunter Ridge Blvd, Ste 5 Bonita Springs, FL 34135 |
| 08-46-25-01-00000.001B | Alan C Freeman Trust | 28120 Hunter Ridge Blvd, Ste 5 Bonita Springs, FL 34135 |

EXHIBIT M-4 FUTURE LAND USE - PROPOSED



Intensive Development Central Urban Suburban Outlying Suburban Sub-Outlying Suburban Commercial Industrial Public Facilities University Community Burnt Store Marina Village Destination Resort Mixed Use Water Dependent Special Urban Areas Industrial Interchange General Commercial Interchange Industrial Commercial Interchange University Village Interchange New Community Tradeport Non-Urban Areas Rural Rural Community Preserve Coastal Rural Outer Island Open Lands Density Reduction/Groundwater Resource Conservation Lands - Upland Wetlands Conservation Lands - Wetland

NOTES:

- THIS AERIAL PHOTOGRAPH SHOWN WERE PROVIDED BY LEE COUNTY GOVERNMENT AND WERE TAKEN IN 2021.



ALFRED QUATTRONE, P.I.
FL. REG #52741
VALO CHLY VARISTAMFED SEAL SAVED BY: Gabriela SAVED ON: 6/5/23

Quattrone & Associates, Inc.

BABCOCK- US 41
FUTURE LAND USE MAP - PROPOSED
ACCESS UNDETERMINED
FORT MYERS, FL 33967

SHEET M-4
FUTURE LAND
USE PROPOSED



Babcock Road & US 41

Narrative Description of Existing Land Uses Exhibit M5

Subject Property

The subject property consists of 8 parcels that make up 25.60 acres and are located on the southeast corner of S. Tamimi Trail-US41 (State Maintained, 6-lane divided arterial roadway) and Babcock Rd (a county maintained minor collector road) within the commercial road corridor. The property is in Section 07, Township 46 South, Range 25 East, and Section 08, Township 46 South, Range 25 Lee County, Florida at 17801-831 South Tamiami Trail, Fort Myers. We are proposing to extend the existing reverse access road to connect Babcock Rd to Constitution Blvd.

North

To the north, across Babcock Rd. are existing Single -Family and Duplex Residential properties and proposed future development of a hybrid storage facility known as "The Toy Vault".

East

To the East is a well-established Commercial Subdivision consisting of Marc's Automotive (auto repair shop), Southwest Florida Auto (Auto Sales), Florida Structural Group (Structural Repair Group), Superior Marine salvage (Marine Shop and Services) as well as several commercial buildings and multifamily buildings.

South

To the south, a neighborhood shopping plaza, fast food restaurant and across from Constitution Blvd is an existing Days Inn, by Wyndham hotel, Springs Grill Pizzeria and Port San Carlos Gardens M/F Condo Building.

West

To the West, across from US Hwy 41 is developed with a multi-use commercial building, Mobile Gas station and vacant land

EXHIBIT M-5 EXISTING LAND USE MAP DEPARTMENT OF REVENUE PROPERTY CLASSIFICATION CODE LEGEND: VACANT COMMERCIAL COMMUNITY SHOPPING CENTER DRIVE IN RESTAURANTS 08 80 08 08 08 00 10 GRAZING LAND CLASS I GRAZING LAND CLASS VI CHURCHES, TEMPLES 65 SUBJECT PROPERTY STRAP #'s 07-46-25-00-00009.001A 08-45-25-00-01005.0010 07-46-25-00-0010.0010 08-46-25-00-01005.0000 07-46-25-00-00011.0020 07-46-25-00-00011.0020 08-46-25-00-01007.0000 08-46-25-01-00000.001B BABCOCK- US 41 EXISTING USES MAP ACCESS UNDETERMINED FORT MYERS, FL 33967 10 SUBJECT PROPERTY 65 65 10 Quattrone & Associates, Inc. 65 PROPERTY LINE 10 16 O 22 PLAN VIEW SCALE ALFRED QUATTRONE, P.E. FL. REG #52741

SHEET M-5 EXISTING LAND USE



Babcock Road & US 41

Narrative Description of Existing Zoning Exhibit M6

The subject property is 25.60 acres consisting of 8 parcels. The current zoning is Commercial (C-Iand C-2).

West

Properties to the west, across US 41 are zoned CS-1 (Special Commercial Office), CN-2 (Neighborhood Commercial) C-1A and CPD (Commercial Planned Development). The Commercial Planned Development known as, Harborage PUD/CPD is approved for 24,900 sf of Commercial and 565 units of Residential Uses.

North

Properties to the North, across Babcock Rd. are zoned C-2 (Commercial) and RS-2 (Residential Multifamily)

East

Properties to the east are zoned C-I (Commercial)

South

To the south, is zoned C-2 and across Constitution Blvd is zoned CT (Tourist Commercial)

EXHIBIT M-6 ZONING LAND USE THIS AERIAL PHOTOGRAPH SHOWN WERE PROVIDED BY LEE COUNTY GOVERNMENT AND WERE TAKEN IN 2021. ZONING: C-2 BABCOCK RD. MINOR COLLECTOR COUNTY MAINTAINED 0' ROW/ 30 MPH MAX SPEED LIMIT FUTURE LAND USE DATA FROM LEE COUNTY GIS OPEN DATA, UPDATED 2021. ZONING: RM-2 ZONING: C-2 BABCOCK- US 41 ZONING LAND USE MAP ACCESS UNDETERMINED FORT MYERS, FL 33967 PROPERTY LINE SITE ZONING: AG-2 ZONING: CPD ZONING: C-1 Quattrone & Associates, Inc. Engineers, Planners, & Development Consultants 1301 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239-936-5222 PROPERTY LINE ZONING: CN-1 α ZONING: C-1 ALFRED QUATTRONE, P.E. FL. REG #52741 PLAN VIEW SCALE SHEET M-6

PART OF THE SE 1/4 SECTION 7 &
PART OF THE SW 1/4 OF THE SW 1/4 SECTION 8,
TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

DESCRIPTION:

ALL OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2351, PAGE 3155, ALSO KNOWN AS PARCEL 1; AND ALL OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2241, PAGE 204, ALSO KNOWN AS PARCEL 2; PUBLIC RECORDS OF LEE COUNTY, FLORIDA; BEING LOCATED IN THE SOUTHWEST 1/4, SOUTHWEST 1/4, SECTION 8; THE SOUTHWEST QUARTER OF SECTION 8; AND THE SOUTHEAST QUARTER OF SECTION 7, AS WELL AS PART OF LOT 1, SAN CARLOS CENTER, AS DEPICTED ON PAGE 1 OF PLAT BOOK 42, SAID PUBLIC RECORDS, ALL LYING IN TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 8, ALSO BEING THE NORTHWEST CORNER OF SAN CARLOS PARK NORTHWEST ADDITION AS RECORDED IN PLAT BOOK 28, PAGES 12 AND 13 SAID PUBLIC RECORDS, SAID POINT LYING NORTH 01 DEGREES 03 MINUTES 52 SECONDS WEST, 2624.95 FEET FROM THE SOUTHWEST CORNER OF SECTION 8; THENCE SOUTH 01 DEGREES 03 MINUTES 52 SECONDS EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST OUARTER OF SECTION 8, ALSO BEING THE WEST LINE OF SAID SAN CARLOS PARK NORTHWEST ADDITION, A DISTANCE OF 1204.59 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1837, PAGE 3275 SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01 DEGREES 03 MINUTES 52 SECONDS EAST, A DISTANCE OF 120.32 FEET TO THE SOUTHWEST CORNER OF SAID SAN CARLOS PARK NORTHWEST ADDITION; THENCE NORTH 88 DEGREES 55 MINUTES 59 SECONDS EAST, ALONG THE NORTH LINE OF SAID PARCEL 2 AND THE SOUTH LINE OF SAID SAN CARLOS PARK NORTHWEST ADDITION, A DISTANCE OF 529.82 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1830, PAGE 3434 AND THE NORTHWEST CORNER OF SAID PARCEL 1; THENCE CONTINUE NORTH 88 DEGREES 55 MINUTES 59 SECONDS EAST, ALONG SAID SOUTH LINE AND THE NORTH LINE OF SAID PARCEL 1, A DISTANCE OF 470.00 FEET TO THE NORTHWEST CORNER OF SAN CARLOS PARK COMMERCIAL ADDITION AS RECORDED IN PLAT BOOK 29, PAGES 18 AND 19 SAID PUBLIC RECORDS, AND THE NORTHEAST CORNER OF SAID PARCEL 1; THENCE SOUTH 01 DEGREES 04 MINUTES 01 SECONDS EAST, ALONG THE WEST LINE OF SAID SAN CARLOS PARK COMMERCIAL ADDITION AND THE EAST LINE OF SAID PARCEL 1, A DISTANCE OF 701.04 FEET TO THE NORTH LINE AND AN EXTENSION OF LOT 1,

NOTES:

- BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER, OF THE SOUTHWEST QUARTER OF SAID SECTION 8 AS BEING S01°03'52"E,
- ALL DIMENSIONS ARE IN U.S. SURVEY FEET OR DECIMALS THEREOF.
- NOT VALID WITHOUT THE ATTACHED SKETCH OF DESCRIPTION.
- 4. THIS IS NOT A BOUNDARY SURVEY



Digitally signed by Darren Townsend Date: 2023.02.16 14:41:40 -05'00'

DARREN TOWNSEND PROFESSIONAL SURVEYOR AND MAPPER FLORIDA CERTIFICATE. NO. 6476

NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

AIM

AIM Engineering & Surveying, Inc. 2161 FOWLER STREET, SUITE 100

FORT MYERS, FLORIDA 33901 www.aimengr.com PHONE (239) 332-4569 TOLL FREE (800) 226-4569 LICENSED BUSINESS No. 3114

LEGAL DESCRIPTION & SKETCH BABCOCK & US 41 PARCEL 3

| I | DRAWN: | | | CHECKED: | | CLIEN | IT: | |
|------|-----------------|-------------|---------------|-------------------|----------------|-----------------------------|--------------|--|
| RH | 02-14-2 | 023 | DT 02-14-2023 | | 23 | QUATTRONE & ASSOCIATES, INC | | |
| 1000 | CT NO.: 1441 | SECTION 7 & | | TOWNSHIP: 46 S | RANGE: 25 E | COUNTY: LEE | SHEET 1 OF 3 | |

LEGAL DESCRIPTION & SKETCH

PART OF THE SE 1/4 SECTION 7 &

PART OF THE SW 1/4 OF THE SW 1/4 SECTION 8,

TOWNSHIP 46 SOUTH, RANGE 25 EAST

LEE COUNTY, FLORIDA

SAN CARLOS CENTER AS RECORDED IN PLAT BOOK 42, PAGE 2 OF SAID PUBLIC RECORDS; THENCE ALONG SAID NORTH LINE AND THE EXTENSION THEREOF SOUTH 88 DEGREES 55 MINUTES 59 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF SAID SAN CARLOS NORTHWEST ADDITION, A DISTANCE OF 470.00 FEET; THENCE CONTINUE ALONG SAID SOUTH LINE, SOUTH 69 DEGREES 17 MINUTES 11 SECONDS WEST, A DISTANCE OF 404.89 FEET TO THE NORTHWEST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 4129, PAGE 4367, SAID PUBLIC RECORDS; THENCE ALONG THE WESTERLY BOUNDARIES OF SAID LANDS FOR THE FOLLOWING 4 COURSES: 1.) THENCE SOUTH 20 DEGREES 42 MINUTES 49 SECONDS EAST, A DISTANCE OF 29.76 FEET TO A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 170 FEET, A DELTA ANGLE OF 30 DEGREES 18 MINUTES 33 SECONDS, BEING SUBTENDED BY A CHORD BEARING SOUTH 5 DEGREES 33 MINUTES 32 SECONDS EAST, A CHORD DISTANCE OF 88.88 FEET; 2.) THENCE ALONG SAID CURVE TO THE RIGHT A DISTANCE OF 89.93 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 130.00 FEET, A DELTA ANGLE OF 30 DEGREES 18 MINUTES 33 SECOND, BEING SUBTENDED BY A CHORD BEARING SOUTH 05 DEGREES 33 MINUTES 32 SECONDS EAST, A CHORD DISTANCE OF 67.97 FEET; 3.) THENCE ALONG SAID CURVE TO THE LEFT, A DISTANCE OF 68.77 FEET; 4.) THENCE SOUTH 20 DEGREES 42 MINUTES 49 SECONDS EAST, A DISTANCE OF 134.72 FEET; THENCE LEAVING SAID BOUNDARIES, SOUTH 69 DEGREES 23 MINUTES 55 SECONDS WEST, A DISTANCE OF 260.62 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF S.R. 45 (U.S. 41, 153 FEET FROM THE CENTERLINE OF SURVEY FOR MAP SECTION 12010-2503); THENCE NORTH 20 DEGREES 36 MINUTES 05 SECONDS WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 315.37 FEET TO THE NORTHWEST CORNER OF LOT 1 SAN CARLOS CENTER, AS DEPICTED ON PAGES 1 AND 2 OF PLAT BOOK 42, SAID PUBLIC RECORDS, THENCE CONTINUE ALONG SAID RIGHT OF WAY, NORTH 69 DEGREES 17 MINUTES 11 SECONDS EAST, A DISTANCE OF 21.00 FEET, THENCE CONTINUE ALONG SAID RIGHT OF WAY, NORTH 20 DEGREES 36 MINUTES 05 SECONDS WEST, A DISTANCE OF 952.61 TO THE SOUTHERLY RIGHT OF WAY LINE OF BABCOCK ROAD EXTENSION (60 FEET WIDE); THENCE NORTH 69 DEGREES 24 MINUTES 09 SECONDS EAST, ALONG SAID BABCOCK ROAD EXTENSION, A DISTANCE OF 460.23 FEET TO THE POINT OF BEGINNING.

CONTAINING 25.60 ACRES, MORE OR LESS.

| | | C | URVE TAE | BLE | |
|-------|--------|---------|--------------|-----------------|--------|
| CURVE | LENGTH | RADIUS | DELTA | CHORD BEARING | CHORD |
| C-1 | 89.93 | 170.00' | 030° 18' 33" | S 05° 33' 32" E | 88.88' |
| C-2 | 68.77' | 130.00' | 030° 18' 33" | S 05° 33′ 32" E | 67.97 |



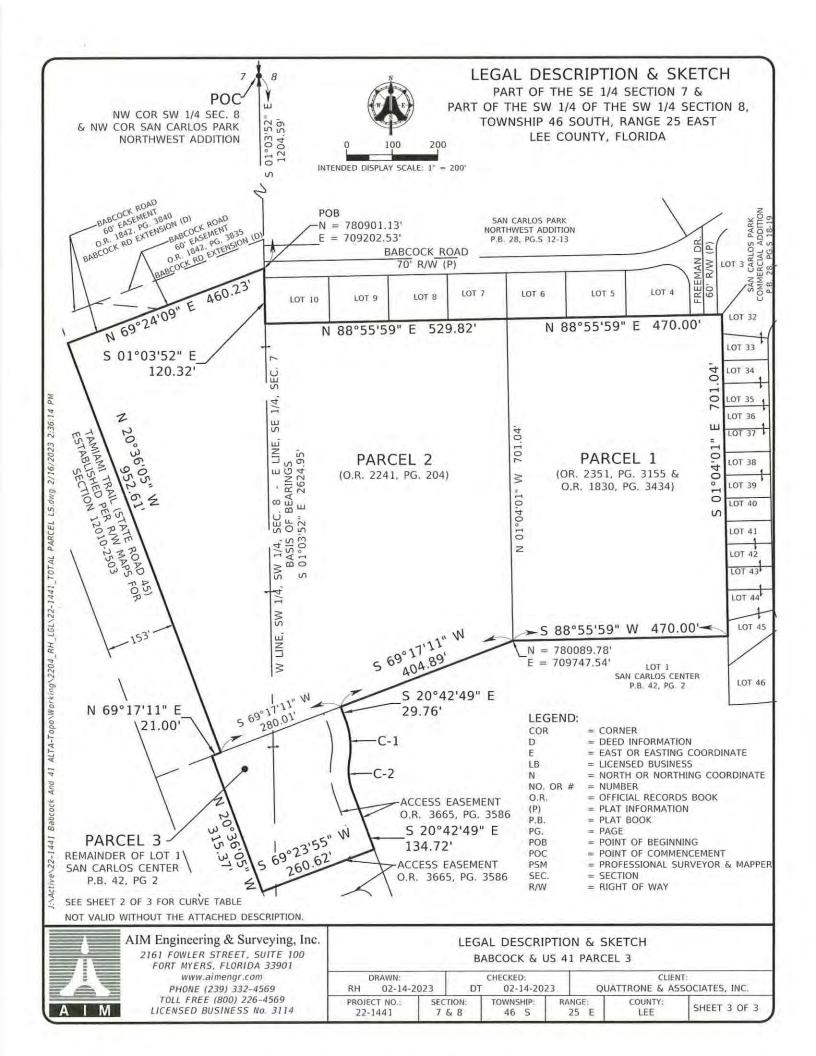
AIM Engineering & Surveying, Inc.

2161 FOWLER STREET, SUITE 100 FORT MYERS, FLORIDA 33901 www.aimengr.com PHONE (239) 332-4569 TOLL FREE (800) 226-4569

LICENSED BUSINESS No. 3114

LEGAL DESCRIPTION & SKETCH BABCOCK & US 41 PARCEL 3

| 1 | DRAWN: | | CHECKED: | | | CLIE | VT: |
|--------|---------|-----|----------|-------------------|----------------|----------------|-----------------|
| RH | 02-14-2 | 023 | DT | 02-14-202 | 23 | QUATTRONE & AS | SSOCIATES, INC. |
| 1.0000 | CT NO.: | | ION: | TOWNSHIP: 46 S | RANGE: 25 E | COUNTY: LEE | SHEET 2 OF 3 |



WDFREE

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07-46-25-00-00007.001A 07-46-25-00-00010.0630 08-46-25-00-01006.0000 Folio_No. 08-46-25-00-01005.0010

3070383

WARRANTY DEED

THIS INDENTURE, made the day of August, 1991 by and between JULES FREEMAN, individually and as Beneficiary of the Estate of Edythe Freeman, and PAUL H. FREEMAN, ALAN C. FREEMAN and NEIL D. FREEMAN FREEMAN and NEIL D. FREEMAN, individually, and as Trustees of the Residuary Trust and beneficiaries of the Estate of Edythe Freeman, collectively referred to as the parties of the first part, and PAUL H. FREEMAN and ALAN C. FREEMAN, as Trustees, whose post office address is 19091 Tamiami Trail S.E., Fort Myers, Florida 33912, the parties of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, and sold to the parties of the second part, their successors and assigns forever, the following described land, situate and being in the County of Lee, State of Florida, to-wit:

See Exhibit "A" attached hereto.

Subject to easements, restrictions and limitations of record, if any, provided nothing herein shall reimpose same; and zoning ordinances.

The Grantors warrant and represent that the referenced property is not homestead property and that neither Grantors nor any member of Grantors' families have ever resided thereon or on land contiguous thereto.

The Grantors constitute all of the beneficiaries of the Estate of Edythe Freeman.

And the said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:

ion WITNESS FREEMAN GERALDINE

D. CLARK

LEE MARY

Kel oler NITNESS JANIE D. HERSHEY

WITNESS DAVID CHOATE

mu BILL ENNEN JULES FREEMAN, individually and TOSE FAIRWAY BEND CIALLE SARASITA, F. 34243 as Beneficiary

PAUL H. FREEMAN, individually and as Trustee and as Beneficiary 6045 ROLLING ROAD DRIVE

MIAMI, E. 33156

ALAN C. FREEMAN, individually and as Trustee and as Beneficiary

13716 BRYNLOOD LANG S.E. FT. MYSRS FL. 33912

NEIL D. FREEMAN, individually and as Trustee and as Beneficiary SSI W. FULLERAM PRIUT. esoto MP Callon CHICAGO, IL. GOLIY WITNESS TRESETTE MLCULLOM

North Carolina STATE OF FLORIDA COUNTY OF Watawaa

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared JULES FREEMAN, individually and as Beneficiary, to me known to be the person described in and who executed the foregoing instrument and he has acknowledged before me that he executed the same.

LOUIS IN My Commission Expires:

My Commission Expires October 22, 1995

Notary Public

ELIZABETH

STATE OF FLORIDA COUNTY OF

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared PAUL H. FREEMAN, individually and as Trustee and as Beneficiary, to me known to be the person described in and who executed the foregoing instrument and he has acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this the day of the county and State 1 and aforesaid this think the county and state 1 and aforesaid this the county and aforesaid this the county aforesaid the county

My Commission Expires:

NOTARY PUBLIC. STATE OF FLORIDA. MY COMMISSION EXPIRES; OCT. 15, 1993, SONDED THRU NOTARY PUBLIC UNDERWRITERS.

-and Notary Public

STATE OF FLORIDA COUNTY OF Lee

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared ALAN C. FREEMAN, individually and as Trustee and as Beneficiary, to me known to be the person described in and who executed the foregoing instrument and he has acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 12 day of Juquet ", 1991.

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA MY COMMISSION EXP. OCT. 15, 1994 BONDED THRU GENERAL INS. UND.

A Dina Notary Public Garol A. Draayer

TIGORY DAMINING DIOR

13

1 0

1997

STATE OF ILLINOIS COUNTY OF COOK

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared NEIL D. FREEMAN, individually and as Trustee and as Beneficiary, to me known to be the person described in and who executed the foregoing instrument and he has acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this day of Queust, 1991.

My Commission Expires:

Diesotto Mocacoon Notary Public TRESELLE MCCUllowi 230 USUperior Chq 1, 7600 " OFFICIAL SEAL " Tresette McCullom NOTARY PUBLIC, STATE LET IT 19 C

MY COMMISSION EXPIRES 3/30/92

This Instrument prepared by:

PAUL H. FREEMAN, P.A. 9100 South Dadeland Blvd., Suite 1406 Miami, Florida 33156 (305) 662-5999

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 8, AND THE SOUTHEAST QUARTER OF SECTION 7, ALL IN TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 8 AND ALSO BEING THE NORTHWEST CORNER OF SAN CARLOS PARK NORTHWEST ADDITION AS RECORDED IN PLAT BOOK 28, PAGES 12 AND 13 OF THE PUBLIC RECORDS OF LEE COUNTY. FLORIDA; THENCE \$01°02'58"E (BASIS OF BEARINGS BASED ON THE CENTERLINE SURVEY FROM S.R. 45 RIGHT-OF-WAY MAP, SECTION 12010-2503, SHEET 5, BEING N20°35'30"W) ALONG THE WEST LINE OF SAID SECTION 8 AND SAN CARLOS PARK NORTHWEST ADDITION FOR 1204.59 FEET TO THE NORTHEAST CORNER-OF LANDS DESCRIBED IN O.R. BOOK 1837, PAGE 3275 OF AFORESAID PUBLIC RECORDS AND THE POINT OF BEGINNING: THENCE CONTINUE S01°02'58"E FOR 121.15 FEET TO THE SOUTHWEST CORNER OF SAID SAN CARLOS PARK NORTHWEST ADDITION; THENCE N88°57'02"E ALONG THE SOUTH LINE OF SAID SAN CARLOS PARK NORTHWEST ADDITION FOR 530.00 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN O.R. BOOK 1830, PAGE 3434 OF AFORESAID PUBLIC RECORDS: THENCE S01°02'58"E ALONG THE WEST LINE OF SAID LANDS FOR 701.04 FEET TO THE NORTH LINE OF LOT 1, SAN CARLOS CENTER AS RECORDED IN PLAT BOOK 42, PAGE 2 OF AFORESAID PUBLIC RECORDS; THENCE S69°19'18"W ALONG SAID NORTH LINE FOR 684.42 FEET INTO AFORESAID SECTION 7 TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF S.R. 45 (U.S. 41, 153 FEET FROM THE CENTERLINE OF SURVEY): THENCE N20°35'30"W ALONG SAID RIGHT-OF-WAY LINE FOR 953.15 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF BABCOCK ROAD EXTENSION (60 FEET WIDE); THENCE N69°24'30"E ALONG SAID RIGHT-OF-WAY LINE FOR 459.97 FEET TO THE POINT OF BEGINNING.

CONTAINING 16.04 ACRES, MORE OR LESS.

0R224 | PG0207

91 AUG 16 PH 2: 19

STRAP #08-46-25-00-01005.0000

3316616

QUIT CLAIM DEED Sperwort

THIS INDENTURE, made this 2nd day of December, 1992, between EAST MULLOCH DRAINAGE DISTRICT, a Drainage District created pursuant to the provisions of Chapter 63-930, Law of Florida (1963), of the County of Lee and State of Florida, party of the first part, and SOUTHWEST FLORIDA DEVELOPMENT GROUP, INC., party of the second part,

WITNESSETH

That the said party of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all the right, title, interest, claims and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Lee, State of Florida, to wit:

See Attached "Exhibit A"

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part.

This Deed is subject to the easement and reservation rights of the Grantor, for drainage and related purposes, over, through and across the above property in accordance with the terms and provisions of that certain Easement and Maintenance Agreement dated December 2, 1992, between the parties hereto, which Easement and Maintenance Agreement is intended to be recorded in the Public Records of Lee County, Florida.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal the day and year first above written.

Prepared by:

Alan C. Freeman 19091 Tamiami Trail, S.E. Fort Myers, Florida 33908 RECORD VISHED - CHASUL CREEN, CLERK

| | Signed, Sealed and Delivered | EAST MULLOCH DRAINAGE DISTRICT |
|---|---|--|
| | in Our Presences | 0 |
| ~ | 11 15 | 1/20 1/20 |
| 0 | This This | BY: Alekan TIX april |
| / | Witness FANCES G. BOESE | STEPHEN H. SCOTT, Chairman of |
| , | 1 | the Board of Supervisors |
| _ | Advis of County | |
| | Witness Ave L- Cyana E. | |
| | | |
| | Bottomer | BY: Q. CK |
| | Witness Bill Canton | ALAN C. FREEMAN, Member of |
| | - | the Board of Supervisors |
| | Samuel A | and Delive of Empervisors |
| | Witness DAVID L. CHENTE | 1 |
| | | |
| | Wordy Williamson | BY: (Azul Same |
| | Witness NENDY WILLIAMSON | AYLE SASSANO, Member of |
| | | the Board of Supervisors |
| | | the bonta of Supervisors |
| | Witness Javin L. Oronte | |
| | | |
| | | |
| | STATE OF FLORIDA | |
| | COUNTY OF LEE | |
| | | |
| | | , |
| | EXECUTION of the foregoing instrum | ent was acknowledged before me this. 3 rd day |
| | Of AREEMber, 1992, by WEAhEA | A Scoly who is personally |
| | known to me or who has produced suffi | cient evidence of identification (described below) |
| | and who did not take an oath. | , |
| | A | > |
| | N | |
| | Marco VI. | auce I' |
| C | NOTARY PUBLIC - SIGNATURE A | BOVE |
| | / | |
| | NOTARY NAME: OFFICIA | LNOTARY SEAL (Affix Notary Scal) |
| | COMMISSION NO.: NOTARY PUBL | ions 5 notice |
| | COMMISSION EXP. DATE: COMMISSION EXP. DATE: NY COMMISSION | |
| | Notary Name/Commission No./Exp. Date | |
| | - 10m2 J Thinto, Commission 140./Exp. Da | ie - typed or printed |

STATE OF FLORIDA COUNTY OF LEE

| OI DECEMBER, 1992, 6 | Y AloN C. FREEMAN | who is personally |
|---|---|---|
| known to me or who ha | s produced sufficient evidence of ide | ntification (described below) |
| and who did not take as | n oath. | |
| | | |
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| 1 A | | |
| N. 11- | ~ ' | |
| Mances X1 ; | DIP.CLO | |
| NOTARY PUBLIC - S | IGNATURE ABOVE | |
| | | |
| NOTARY NAME: | OFFICIAL NOTARY SEAL | (Affix Notary Seal) |
| COMMISSION NO.: | NOTARY PUBLIC STATE OF FLORIDA | |
| COMMISSION EXP. I | DATE: COMMISSION NO CC213215 MY COMMISSION IN 1 JULY 8,1996 | |
| | on No./Exp. Date - typed or printed | |
| | | |
| STATE OF FLORIDA | | |
| COUNTY OF LEE | | |
| COUNTY OF LEE | | , |
| EXECUTION of the fo | oregoing instrument-was acknowledge | d before me this 31 day |
| EXECUTION of the fo | Y GAYLE SASSANO | who is personally |
| EXECUTION of the foot of XECEMBER, 1992, be known to me or who has | s produced sufficient evidence of ide | who is personally |
| EXECUTION of the fo | s produced sufficient evidence of ide | who is personally |
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| EXECUTION of the for of XECEMBER. 1992, be known to me or who has and who did not take as | s produced sufficient evidence of ide n oath. | who is personally |
| EXECUTION of the for of XECEM here. 1992, to known to me or who has and who did not take as | s produced sufficient evidence of ide n oath. | who is personally ntification (described below) |
| EXECUTION of the for of XECEMBER. 1992, to known to me or who has and who did not take as NOTARY PUBLIC - S | s produced sufficient evidence of ide n oath. IGNATURE ABOVE OFFICIAL NOTARY SHALL FRANCES G BOESE | who is personally |
| EXECUTION of the for of NECEMBER. 1992, be known to me or who has and who did not take as NOTARY PUBLIC - SONOTARY NAME: COMMISSION NO.: | os produced sufficient evidence of ide n oath. IGNATURE ABOVE OFFICIAL NOTARY SEAL FRANCES G BOESE NOTARY PUBLIC STATE OF FLORIDA | who is personally ntification (described below) |
| EXECUTION of the for of AECEM here. 1992, be known to me or who has and who did not take as NOTARY PUBLIC - S NOTARY NAME: COMMISSION NO.: COMMISSION EXP. I | os produced sufficient evidence of ide n oath. IGNATURE ABOVE OFFICIAL NOTARY SEAL FRANCES G BOESE NOTARY PUBLIC STATE OF FLORIDA | who is personally ntification (described below) |

1

Commencing at the Southwest corner of said Section 8; thence North 0 degrees 59' 23" West 600.00' feet along the West line of the Southwest 1/4, Southwest 1/4 of said Section 8; thence North 89 degrees 00' 37" East 530.0' to the Point of the Beginning;

Thence North 0 degrees 59' 23" West 701.04 feet parallel with the West line of the Southwest 1/4, of said Section 8 to a point on the South line of San Carlos Park, Northwest Addition, as recorded in Plat Book 28, Pages 12 and 13; Thence North 89 degrees 00' 37" East 470.00 feet along the South line of San Carlos Park, Northwest Addition, to the Northwest corner of San Carlos Park, Commercial Addition, as recorded in Plat Book 28, Pages 18 and 19; Thence South 0 degrees 59' 23" East 701.04 feet along the West line of San Carlos Park Commercial Addition; Thence South 89 degrees 00' 37" West 470.00 feet parallel with the South line of San Carlos Park, Northwest Addition to the Point of Beginning.



INSTR # 5264341 OR BK 03505 PG 4845

RECURDED 10/19/01 12:42 PM CHARLIE GREEN CLERK OF COURT LEE COUNTY RECORDING FEE 15.00 DOC TAX PD (F. S. 201. 02) 0.70

FOLIO NO. 28-46-15-01-0000 - 0010

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, executed this 18 day of October, 2001, by ALAN C. FREEMAN, individually and as Trustee, of Lee County, Florida, party of the first part, to ALAN C. FREEMAN, as Trustee of an unrecorded land trust pursuant to Section 689.071 of the Florida Statutes, with the power and authority either to protect, conserve, and to sell, or to lease or to encumber or to otherwise manage and dispose of the real property described herein whose post office address is 19091 Tamiami Trail S.E., Ft. Myers, Florida, 33908, party of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said party of the second part forever, all the right, title, interest, claim and demand which the said party of the first part has in and to the following described parcel of real property, situate, lying and being in the County of Lee, State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO

This Deed is being recorded to properly convey title to Alan C. Freeman, as Trustee under Section 689.071, correcting the omission of the powers in the original deed, and to specify the area owned by the Grantee which now comprises a shopping center owned by the Grantee.

The property conveyed hereunder is not now, nor has it ever been the homestead property of the Grantor, nor has it ever been adjacent to the homestead property of the Grantor.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part forever.

IN WITNESS WHEREOF the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

Correl

WITNESS

WITNESS

ALAN C. FREEMAN, Individually and as Trustee

STATE OF FLORIDA COUNTY OF LEE

EXECUTION OF the foregoing instrument was acknowledged before me this // day of October, 2001, by ALAN C. FREEMAN, who is produced sufficient evidence of identification (described below) and who did not take an oath. oath.

Description of identification produced:

NOTARY PUBLIC - SIGNATURE ABOVE NOTARY NAME: COMMISSION NO.: COMMISSION EXP. DATE:

(Affix Notary Seal)

Notary Name/Commission No./Exp. Date - type or printed

Stephen Bradley Bowman COMMISSION # CC 722626 EXPIRES MAR 8, 2002 BONDED THRU ATLANTIC BONDING CO., INC.

This instrument prepared by: Paul H. Freeman, Esq. 1840 West 49th Street Suite 410 Hialeah, Florida 33012 (305) 827-3331 Florida Bar # 0161840

DESCRIPTION:

A tract of land lying in Sections 8 and 17, Township 46 South, Range 25 East, Lee County, Florida being more particularly described as follows:

Commence at the Southwest corner of the Northwest Quarter (N.W.1/4) of the Northwest Quarter (N.W.1/4) of Section 17, Township 46 South, Range 25 East, Lee County, Florida; thence Easterly along the South line of the Northwest Quarter (N.W.1/4) of the Northwest Quarter (N.W.1/4) of said Section 17 for 328.46 feet to a point on the centerline of U.S. Highway 41 (State Road 45); thence N.20°35'30"W, along said centerline for 1750.08 feet; thence N.69°24'30"E. for 153.00 feet to a 6" X 6" State Road Department concrete monument marking the Northeasterly right-ofway line of said U.S. Highway 41; thence N.69°19'18"E. for 280.00 feet to the Point of beginning; thence S.20°35'30"E. for 30.19 feet to a point of curvature on the arc of a curve concave Southwesterly; thence Southeasterly 89.92 feet along said curve having a radius of 170.00 feet and a central angle of 30°18'28" to a point of reverse curvature; thence Southeasterly 68.77 feet along the arc of said curve having a radius of 130.00 feet and a central angle of 30°18'28" to a point of tangency; thence S.20°35'30"E. for 449.02 feet to a point of curvature on the arc of a curve concave Northeasterly; thence Southeasterly 117.11 feet along the arc of said curve having a radius of 80.00 feet and a central angle of 83°52'30" to a point of tangency; thence N.75°31' 56"E. for 59.14 feet to a point of curvature on the arc of a curve concave Southwesterly; thence Southeasterly for 186.20 feet along the arc of said curve having a radius of 120.00 feet and a central angle of 88°54'22" to a point of non-tangency; thence N.06°21'30"W. for 136.63 feet to a point of curvature on the arc of a curve concave Southeasterly; thence Northeasterly 19.84 feet along the arc of said curve having a radius of 15.00 feet and a central angle of 75°46'00" to a point of tangency; thence N.69°24'30"E. for 292.92 feet; thence N.00°48'59"W. for 280.36 feet; thence N.28°49'13"E. for 109.19 feet; thence N.53°26'05"E. for 168.14 feet to a point on a curve on the Southerly line of San Carlos Park Commercial Addition as recorded in Plat Book 28, Pages 18 and 19, Public Records of Lee County, Florids; thence run Southwesterly along the Southerly line of said San Carlos Park Commercial Addition for 82.86 feet along the arc of a curve concave Southeasterly, with a radius of 1000.00 feet, a delta of 04°44'52", a chord bearing of S.86°34' 36"W, and a chord distance of 82.84 feet to the Southwest corner of Lot 46, said San Carlos Park Commercial Addition; thence N.01°02'58"W. along the West line of said San Carlos Park Commercial Addition for 149.02 feet; thence S.88°57'02"W. for 469.84 feet; thence S.69°19'18"W. for 404.42 feet to the point of beginning.

Tract containing 11.58 acres, more or less.

Bearings are based on the centerline of U.S. Highway 41 as being N.20°35'30"W.

John B. Harris P.S.M. #4631

October 17, 2001



This Instrument Prepared By and Can Be Returned to: Jay A. Brett SHEPPARD, BRETT, STEWART, HERSCH & KINSEY, P.A. P.O. Drawer 400 Fort Myers, Florida 33902 INSTR # 6056826
UR 8K 04129 Pgs 4367 - 4371; (5pgs)
RECURDED 11/24/2003 03:40:01 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 24.00
DEED DUC 0.70
DEPUTY CLERK C Keller

FEE SIMPLE DEED

THIS INDENTURE, made this 21 day of November, 2003, between WEBBER COMMERCIAL PROPERTIES, LLC, a Florida Limited Liability Company, whose mailing address is: 6751 Boston State Road, Hamburg, New York 14075, Grantor, and WEBBER COMMERCIAL PROPERTIES, LLC, a Florida Limited Liability Company, whose mailing address is: 6751 Boston State Road, Hamburg, New York 14075, Grantee,

WITNESSETH, that the said Grantor, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD & VALUABLE CONSIDERATION-----to them in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, its heirs and assigns forever, the following described land, situate, lying and being in the County of Lee, State of Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE AS DEPICTED ON THE SKETCH ATTACHED AS EXHIBIT "B" HERETO.

THIS IS A DEED OF CONFIRMATION GIVEN FOR THE SOLE PURPOSE OF CONFIRMING AN APPROVED LOT SPLIT FOR PARCEL "F" AS RECONFIRMED BY LEE COUNTY, FLORIDA IN CASE# LDO 2003-00332-TYPE 05 LIMITED REVIEW (COMMERCIAL LOT SPLIT) AS PER LETTER FROM THE LEE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT, DEVELOPMENT SERVICES DIVISION DATED OCTOBER 10, 2003, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "C".

Property Appraiser's Parcel Identification Number: 08-46-25-01-00000.0010

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

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

3

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

Cindy A. Gracon #01GR5067894
Commission Number Notary Public, State of New York
Commission Exp. Date: Qualified in Erie County
My Commission Expires 10[28]2000

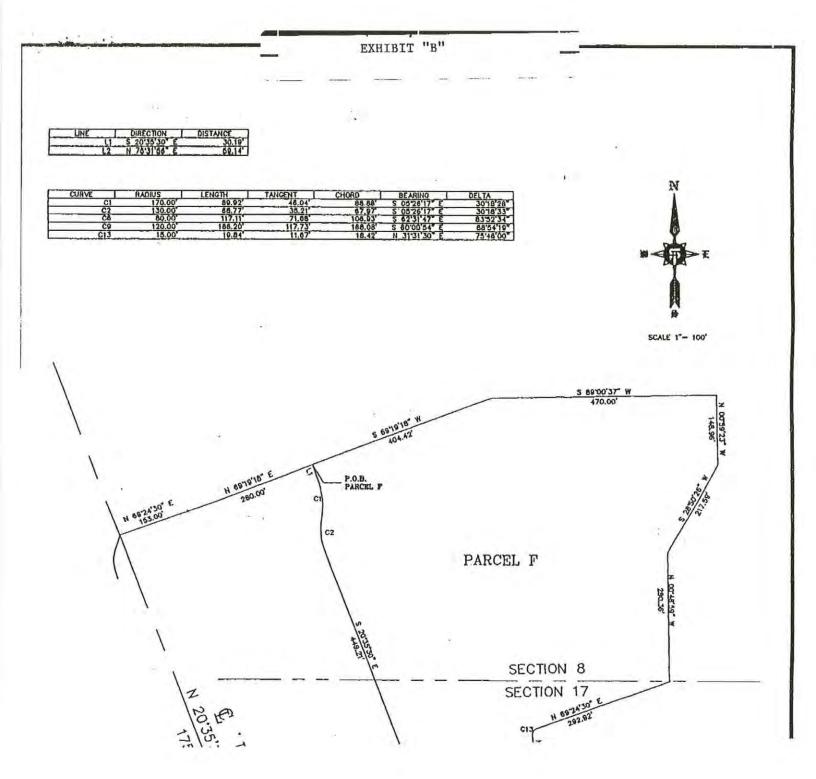
EXHIBIT "A"

DESCRIPTION: PARCEL F

A tract of land lying in sections 8 and 17, Township 46 South, Ronge 25 East, Lee County, Florida being more particularly described as follows:

Commence at the Southwest corner of the Northwest Quarter (NW 1/4) of the Nortwest Quarter (NW 1/4) of Section 17, Township 46 South, Range 25 East; thence Easterly along the South line of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of sold Section 17 for 328.48 feet to a point on the centerline of U.S. Highway 41 (State Road 45); thence N. 20° 35° 30° W. along sald contentine for 1750.08 feet; thence N. 89° 24° 30° E. for 153.00 feet; thence N. 89° 19° 18" E. for 280.00 feet to the Point of Beginning: thence S. 20° 35° 30° E. for 30.19 feet to a point of curvature on the arc of a curve concave Southwestory; thence Southeasterly 89.92 feet along said curve having a radius of 170.00 feet and a central angle of 30° 18' 28" to a point of reverse curvature; thence Southeasterly 68.77 feet along the arc of said curve having a radius of 130.00 feet and a central angle of 30° 18' 33" to a point of tangency; thence S. 20° 35° 30" E. for 449.21 feet to a point of curvature on the are of a curve concave Northeasterly; thence Southeasterly 117.11 feet along the are of said curve having a radius of 80.00 feet and a central angle of 83° 52° 34° to a point of tangency: thence N. 75° 31′ 58" E for 59.14 feet to a point of curvature on the arc of a curve concave Southwesterly; thence Southeasterly for 186.20 feet along the arc of said curve having a radius of 120.00 feet and a central angle of 88° 54' 19" to a point of non-tangency; thence N. 06" 21' 30" W. for 136.63 feet to a point of curvature on the arc of a curve concave Southeasterly, thence Northeasterly 19.84 feet along the arc of sald curve having a radius of 15.00 feet and a central angle of 75° 46' 00" to a point of tangency; thence N. 69° 24' 30" E.for 292.92 feet; thence N. 00° 48' 59" W. for 280.36 feet; thence N. 28° 50' 28" E. for 217.59 feet; thence N. 00° 59° 23" W. for 148.98 feet; thence S. 89° 00' 37" W. for 470,00 feet; thence S. 69° 19' 18" W. for 404.42 feet to the Point of Beginning.

Tract containing 11.49 acres more or less.





BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8375

Bob Janes District One

Douglas R. St. Cerny District Two October 10, 2003

Ray Judah District Three

Andrew W. Coy

JAY BRETT 2121 WEST FIRST ST FORT MYERS, FL 33901

John E. Albion District Five

Donald D. Stilwell County Manager

James G. Yeager County Altomey

Dlana M. Parker County Heading Examiner RE: SAN CARLOS MARKETPLACE SHP CT

LDO2003-00332 - TYPE 05 Limited Review (commercial lot split)

L05 Application (Type 5)

Dear JAY BRETT:

Your application for a Land Development Code TYPE 05 Limited Review (commercial lot split) has been approved for a Development Order for a commercial lot split for the following:

This approves reaffirmation of DOS 96-01-208.05L for parcel reconfiguration of Parcel F, San Carlos Marketplace Shopping Center.

NOTE: Development Services Lot Split verifies that the lot complies with applicable Zoning and Development Standards as outlined in the Lee County Land Development Codes.

It is the responsibility of the property owner to record deeds in the public records of Lee County to properly execute the subdivision (splitting) of land approved by the LDC Limited Review Development Order within six (6) years from the date of this approval.

This approval does not relieve the development from the responsibility to obtain all necessary Federal, State and local permits.

If you have any questions concerning this matter, please contact this office.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT

Development Services Division

Peter J. Eckenrode

Development Services Director

PJE/LLL

5 sets of plans.

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111 Internet address http://www.lee-county.com AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER Kevin C. Karnes, Lee County Clerk of Circuit Court INSTR, # 2022000179283, Doc Type D, Pages 2, Recorded 5/27/2022 at 3:46 PM, Deputy Clerk PSMITH

Rec Fees: \$18.50 Deed Doc: \$2,443.00

Prepared by and return to: John D. Spear, Esq.

Henderson, Franklin, Starnes & Holt, P.A. (B) 3451 Bonita Bay Blvd. Suite 206 Bonita Springs, FL 34134 239-344-1100

File Number: JDS 40857-1

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 24th day of May, 2022 between David Luciani whose post office address is 25711 Inlet Way Court, Bonita Springs, FL 34135, grantor, and 7001 Constitution, LLC, a Florida limited liability company whose post office address is 6350 NW 120 Dr., Coral Springs, FL 33076, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida to-wit:

A tract or parcel of land lying in part of Lot 1, San Carlos Center, as recorded in Plat Book 42, Page 1, Public Records of Lee County, Florida described as follows:

Commencing at the Northwesterly corner of the aforesaid Lot 1, said point lying on the Easterly right-of-way line of State Road 45 (U.S. Hwy. 41, Tamiami Trail) 132.00 feet right-of-way from centerline; thence run S. 20° 35'30" E. along said right-of-way line for 719.43 feet to a concrete monument; thence run N. 69° 24'30" E. for 249.00 feet to the point of beginning; thence run N. 25° 00'53" E. for 7.35 feet to a point on a curve on the Southwesterly right-of-way line of a 40.00 foot wide ingress-egress easement; thence run Southeasterly along said right-of-way line for 82.71 feet along the arc of a curve concave Northeasterly, with a radius of 120.00 feet and a delta of 39° 28'52" to a point of tangency; thence run N. 75° 31'56" E. along said right-of-way line for 59.14 feet to a point of curvature; thence run Southeasterly along said right-of-way line for 124.14 feet along the arc of a curve concave Southwesterly, with a radius of 80.00 feet and a delta of 88° 54'22" to a point of tangency; thence run S. 15° 33'45" E along said right-of-way for 50.15 feet to a point on the Northerly right-of-way line of Constitution Boulevard; thence run Southwesterly along said right-of-way line for 204.15 feet along a curve concave Southeasterly, with a radius of 1063.00 feet and a delta of 11° 00'14"; thence run N. 20° 35'30" W. for 178.77 feet to the point of beginning.

Parcel Identification Number: 17-46-25-03-00000.1000

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the Constitution of the State of Florida, nor is it contiguous to or a part of homestead property. Grantor's residence and homestead address is: 25711 Inlet Way Ct., Bonita Springs, FL.

Subject to property taxes for the year of closing; covenants, restrictions and public utility easements of record; existing zoning and governmental regulations.

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2021.

| Signed, sealed and delivered in our presentations of the Signed States o | David Luciani (Seal) |
|--|--|
| State of Florida County of Lee The foregoing instrument was acknow day of | wledged before me by means of [X] physical presence or [] online notarization, the first open states of the latest that the latest area of the latest and the latest area of the latest area. The latest area of the latest area. The latest area of the latest area. |
| [Notary Seal] | Notary Public O |
| | Printed Name: |
| | My Commission Expires: |
| Commission # HH 178411 Commission # HH 178411 Commission # HH 178411 Commission # HH 178411 | 000 TO 100 TO 10 |

INSTR # 2005000065895, Doc Type D, Pages 4, Recorded 10/11/2005 at 04:31 PM, Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D \$0.70 Rec. Fee \$35.50 Deputy Clerk KCARTWRIGHT

> FOLIO NO. 08-46-25-01-00000.001B

OUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, executed this ____ day of September, 2005, by ALAN C. FREEMAN, Individually and as Trustee, whose post office address is 19091 Tamiami Trail S.E., Fort Myers, Florida 33908, party of the first part, to ALAN C. FREEMAN, as Trustee under a Florida Land Trust Agreement, with the power and the authority either to protect, conserve, and to sell, or to lease or to encumber or to otherwise manage and dispose of the real property described herein, whose post office address is 19091 Tamiami Trail S.E., Fort Myers, Florida 33908, party of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said party of the second part forever, all the right, title, interest, claim and demand which the said party of the first part has in and to the following described parcel of real property, situate, lying and being in the County of Lee, State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE AS DEPICTED ON THE SKETCH ATTACHED AS EXHIBIT "B" HERETO.

THIS IS A DEED OF CONFIRMATION GIVEN FOR THE SOLE PURPOSE OF CONFIRMING AN APPROVED LOT SPLIT FOR PARCEL "D" AS RECONFIRMED BY LEE COUNTY, FLORIDA IN CASE # LDO 2003-00332-TYPE 05 LIMITED REVIEW (COMMERCIAL LOT SPLIT) AS PER LETTER FROM THE LEE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT, DEVELOPMENT SERVICES DIVISION DATED SEPTEMBER 23, 2004, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "C".

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part forever.

The Property is not now nor has it ever been Homestead Property of the Grantor nor adjacent to any homestead property of the Grantor.

IN WITNESS WHEREOF the said party of the first part has hereunto set his hand and seal the day and year first above written.

By:

Signed, sealed and delivered

in the presence of:

ooke

WITNESS

WITNESS

STATE OF FLORIDA

COUNTY OF LEE

MAN FAX

-7+h EXECUTION OF the foregoing instrument was acknowledged before me this ______, day of September, 2005, by ALAN C. FREEMAN, Individually and as Trustee, who is personally known to me or who has produced sufficient evidence of identification (described below) and who did take an oath.

Description of identification produced:_

trooke NOTARY PUBLIC - SIGNATURE ABOVE

ller

This instrument prepared by: Paul H. Freeman, Esq. 1840 West 49th Street, Suite 410 Hialeah, FL 33012

Brooke S Allen My Commission DD104505 Expires March 28, 2006

c (

as Trustee

Alan C. Freeman, Individually and

EXHIBIT "A"

DESCRIPTION: (Tract "D")

A tract or parcel of land lying in Section 17, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Southwest corner of the Northwest Quarter (N.W.1/4) of the Northwest Quarter (N.W.1/4) of the aforesaid Section 17; thence run East along said fraction of a Section for 328.46 feet to the centerline of U.S. Highway 41 (State Road 45); thence run N.20°35'30"W. along said centerline for 1750.08 feet; thence run N.69°24'30"E. for 153.00 feet to a 6" X 6" State Road Department concrete monument marking the Northeasterly right-of-way line of said U.S. Highway 41; thence run N.69°19'18"E. for 684.42 feet; thence run N.89°00'37"E. for 469.84 feet to a point on the West line of San Carlos Park Commercial Addition as recorded in Plat Book 28, Pages 18 and 19, Public Records of Lee County, Florida; thence run S.01°02'58"E. for 149.02 feet to the Southwest corner of Lot 46 of said San Carlos Park Commercial Addition; thence run S.28°49'13"W, for 217.85 feet; thence run S.00°48'59"E, for 280.36 feet to the point of beginning; thence run S.00°48'59"E. for 88.51 feet; thence run S.06°20'25"E. for 173.68 feet to a point on the Northerly right-of-way line of Constitution Boulevard: thence run S.83°36'47"W, along said right-of-way line for 127.84 feet to a point of curvature; thence run Southwesterly for 151.29 feet along the arc of a curve concave Southeasterly, with a radius of 1063.00, a delta of 08°09' 16", a chord bearing of S.79°32'12"W. and a chord distance of 151.16 feet to the Easterly line of a 40.00 foot wide roadway easement; thence run N.15°33'45"W, for 50.12 feet; thence run N.06° 21'30"W. for 136.63 feet to a point of curvature; thence run Northeasterly for 19.84 feet along the arc of a curve concave Southeasterly, with a radius of 15.00 feet, a delta of 75°46'00", a chord bearing of N.31°31'30"E, and a chord distance of 18,42 feet to a point of tangency; thence run N.69°24'30"E. for 292.92 feet to the point of beginning.

Said tract contains 1.487 acres, more or less and is subject to easements, reservations and restrictions of record.

Bearings are based on the aforesaid centerline of U.S. Highway 41 as being N.20°35'30"W.

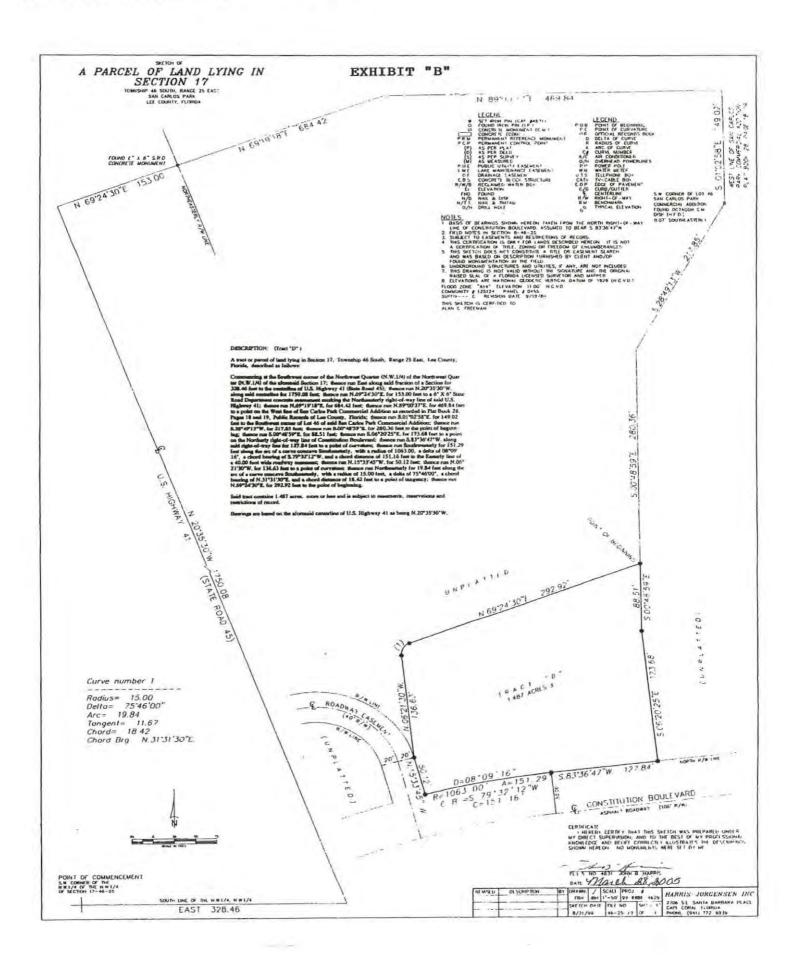




EXHIBIT "C"

CORRECTIVE LETTER

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-479-8375

Bob Janes District One

Douglas R. St. Cerny

District Two

Ray Judah

District Three Andrew W. Coy District Four

John E. Alblon District Five

Donald D. Sillwell County Manager

James G. Yeager County Attorney

Dlana M. Parker County Hearing Examiner

September 23, 2004

JAY BRETT

2121 WEST FIRST ST FORT MYERS, FL 33901

RE: SAN CARLOS MARKETPLACE SHP CT

LDO2003-00332 - TYPE 05 Limited Review (commercial lot split)

L05 Application (Type 5)

Dear JAY BRETT:

Your application for a Land Development Code TYPE 05 Limited Review (commercial lot split) has been approved for a Development Order for a commercial lot split for the following:

This approves reaffirmation of DOS 96-01-208.05L for parcel reconfiguration of Parcels A-F, San Carlos Marketplace Shopping Center.

NOTE: Development Services Lot Split verifies that the lot complies with applicable Zoning and Development Standards as outlined in the Lee County Land Development Codes.

It is the responsibility of the property owner to record deeds in the public records of Lee County to properly execute the subdivision (splitting) of land approved by the LDC Limited Review Development Order within six (6) years from the date of this approval.

This approval does not relieve the development from the responsibility to obtain all necessary Federal, State and local permits.

If you have any questions concerning this matter, please contact this office.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT

Development Services Division

Peter J. Eckenrode

Development Services Director

PJE/LLL

5 sets of plans.

318340.

..

on2 | 39 PG | 66

THIS INSTRUMENT PREPARED BY:
GUARDIAN TITLE SERVICES CORPORATION
13391 McGREGOR BOULEVARD
FORT MYERS, FLORIDA 33919

STRAP NO: 08-46-25-00-01008.0000

GRANTEE'S SOCIAL SECURITY NO;

THIS WARRANTY DEED Made this IST day, MARCH, 1990,

by Jack E. Craft, Individually and as Trustee

.. 3183.40

herein after called the grantor, to

Alan C. Freeman, Trustee

MRODIES

whose post office address is: 19091 S. Januari Wrail

hereinafter called the grantee:
(wherever used herein the terms "grantor" and "grantee" include all the
parties to this instrument and the heirs, legal representatives and assigns of
individuals, and the successors and assigns of corporations)

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

SEE ATTACHED EXHIBIT "A"

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

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

AND the grantor hereby covenants, with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor has hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1989, restrictions, reservations and easements of record, if any.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year above written.

Signed, sealed and delivered in our presence:

Mitness Drunk

Jack E. Craft

, Individually and as Trustee

itness

STATE OF PENNSYLYANIA COUNTY OF MERCER

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared

Jack E. Craft, Individually and as Trustee

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

WITNESS my hand and official seal in the County and State last aforesaid this VDE day of Febrary, 1990.

Notary Public

My Commission expires:

PATRICK J POCKLY, NOTARY PUBLIC GROVE CITY BORD, MERCER COUNTY MY COMMISSION EXPIRES JULY 8, 1990

wardeedr Member, Pennsylvania Association of Notanes (SEAL)

CHARLIE GREEN LEE CTY FEXHBIT"A"

90 APR -2 PM 2: 14 LEGAL DESCRIPTION

.0R2 | 39 PG | 665

A PARCEL OF LAND IN SECTIONS 8 AND 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 67, BLOCK 8 OF SAN CARLOS PARK COMMERCIAL ADDITION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28 AT PAGES 18 AND 19 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST FORMING A PORTION OF THE WESTERLY RIGHT-OF-WAY LINE OF CONSTITUTION CIRCLE AS DESCRIBED IN OFFICIAL RECORD BOOK 473 AT PAGE 362 OF SAID PUBLIC RECORDS, SAID POINT BEARING N 48"30"11" W FROM THE RADIUS POINT OF SAID CURVE; THENCE SOUTHWESTERLY ALONG SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 650.00 FEET AND A CENTRAL ANGLE OF 14"43"44" FOR 167.07 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09"00"40" FOR 102.23 FEET TO THE POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE CONCAVE TO THE NORTH; THENCE SOUTHWESTERLY, WESTERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 35.00 FEET AND CENTRAL ANGLE OF 82°51'33' FOR 50.62 FEET TO THE POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE CONCAVE TO THE SOUTH FORMING A PORTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF CONSTITUTION BOULEVARD; THENCE WESTERLY ALONG THE ARC OF SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 1187.82 FEET AND A CENTRAL ANGLE OF 16"57"20" FOR 351.51 FEET TO THE POINT OF TANGENCY; THENCE S 83°39'35" W FOR 264.50 FEET; THENCE N 00°48'59" W FOR 316.31 FEET; THENCE S 89"11"01" W FOR 362.86 FEET; THENCE N 20"35"30" W FOR 239.16 FEET; THENCE N 00°59'23" W FOR 325.68 FEET; THENCE N 89°00'37" E FOR 422.55 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE AFOREMENTIONED PLAT OF SAN CARLOS PARK COMMERCIAL ADDITION: THENCE ALONG THE BOUNDARY OF SAID PLAT FOR THE FOLLOWING DESCRIBED THREE (3) COURSES: (1) S 00°57'23" E FOR 148.15 FEET TO AN INTERSECTION WITH THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT BEARING S 00°59'14" E FROM THE RADIUS POINT OF SAID CURVE. (2) THENCE EASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 1000.00 FEET AND A CENTRAL ANGLE OF 27°14'19" FOR 475.40 FEET; (3) THENCE S 32"31'46" E FOR 226.25 FEET; THENCE S 57"28"14" W FOR 127.18 FEET; THENCE S 32"31"46" E FOR 137.00 FEET; THENCE S 57"28"14" W FOR 25.82 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY LINE OF PHASE 1 OF PLAZA DE MANANA, A CONDOMINIUM; THENCE S 32°31'46" E ALONG SAID SOUTHWESTRLY LINE FOR 374.36 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT PARCELS ONE AND TWO AS FOLLOWS:

PARCEL GNE

A parcel of land in Section 6. Township 46 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Commence at the Southwest corner of Lot 67, block 8 of San Carlos Park Commercial Addition, according to the plat thereof as recorded in Plat Book 28 at Pages 18 and 19 of the Public Records of Lee County, Florida; thence N. 32 degrees 51'46" W. along the southwesterly line of the said Block 8 for 445.35 feet to the point of beginning of the herein described parcel of land; thence continue N. 52 degrees 51'46" W. along said southwesterly line for 226.25 feet to an intersection with the southeasterly line of Lots 46 through 52 inclusive of said block 8 and the point of intersection with the arc of a circular curve concave to the northwest, said point bearing S. 26 degrees 13'35" E. from the radius point of said curve; thence southwesterly along the arc of said curve having for its elements a radius of 1000.00 feet and a central angle of 8 degrees 52'42" for 154.95 feet; thence S. 32 degrees 31'46" E. for 386.78 feet; thence N. 57 degrees 28'14" E. for 25.82 feet; thence N. 32 degrees 31'46" W. for 137.00 feet; thence W. 57 degrees 26'14" E. for 127.18 feet to the point of beginning.

PARCEL TWO

Tract or parcel of land in Sections 8 and 17, Township 46 South, Range 25 East, Lee County, Florida which is described as follows: From the Southwest corner of Lot 67, Block 8, SAN CARLOS PARK, COMMERCIAL ADDITION, a subdivision as recorded in Plat Book 28, Pages 18 and 19 of the Lee County, Florida Public Records: thence Southwesterly along the Northwesterly right of way (50 feet from centerline) of Constitution Circle and the arc of a curve having a radius of 650.00 feet, concave Southeasterly and a chord bearing of South 34 degrees 07'57" West for 269.32 feet to the point of reverse curvature of a tangent curve to the right having a radius of 35.0 feet; thence Southwesterly along the arc of said curve for 50.62 feet to the point of reverse curvature of a tangent curve to the left having a radius of 1187.82 feet; thence Northwesterly along the Northerly right of way (53 feet from centerline) of Constitution Boulevard and the arc of said curve for 131.70 feet; thence North 01 degrees 02' West for 140.57 feet; thence South 88 degrees 58' West for 15.25 feet; thence North 32 degrees 31'46" West for 144.40 feet to the Point of Deginning; thence North 57 degrees 26'14" East for 122.0 feet; thence North 32 degrees 31'46" West for 138.0 feet; thence South 57 degrees 26'14" West for 122.0 feet; thence South 57 degrees 26'14" West for 122.0 feet; thence South 57 degrees 26'14" West for 122.0 feet; thence South 58 degrees 31'46" East for 122.0 feet; thence South 57 degrees 26'14" West for 122.0 feet; thence South 58 degrees 31'46" East for 124.0 feet; thence North 57 degrees 26'14" East for 124.0 feet; thence North 57 degrees 26'14" East for 126.0 feet; thence South 57 degrees 26'14" West for 126.0 feet; thence South 58 degrees 31'46" East for 138.0 feet; thence South 57 degrees 26'14" East for 126.0 feet; thence South 58 degrees 31'46" East for 138.0 feet; thence South 57 degrees 26'14" East for 126.0 feet; thence South 58 degrees 31'46" East for 138.0 feet; thence South 58 degrees 31'46" East for 138.0 feet; thence S

THIS INDENTURE, made the 2 day of September, 1990 by MARCUS M. MOORE, individually and as Trustee, party of the first part, and ALAN C. FREEMAN, as Trustee, whose post office address is 19091 Tamiami Trail, S.E., Fort Myers, Florida 33908, party of the second next of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the party of the second part, his successors and assigns forever, the following described land, situate and being in the County of Lee, State of Florida, to-wit:

See Exhibit "A"
The property conveyed by this deed is vacant land and is not and does not adjoin the homestead of the grantor.

Subject to easements, restrictions and limitations of record, if any, provided nothing herein shall reimpose same; zoning, ordinances and taxes for the year 1990 and subsequent years.

Subject to that certain mortgage from Marcus M. Moore, Trustee to Harry M. Lowell, Trustee dated August 27, 1985, recorded September 19, 1985 in Official Records Book 1804, Page 4385 of the Public Records of Lee County, Florida having a remaining principal balance of approximately One Hundred Twenty One Thousand Six Hundred (\$121,600.00) Dollars.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

WITNESS

STATE OF FLORIDA COUNTY OF LEE

Marin M Moore MARCUS M. MOORE, individually and as Trustee

Documentary Tau Fd. 5 872.85 Intengible Tax Pd;

OMPLIE GREEN, CLERK, LEE COUNTY

Doputy Clerk

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared MARCUS M. MOORE, individually and as Trustee, to me known to be the person described in and who executed the foregoing instrument and he has acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this day of September, 1990.

My Commission Expires:

This Instrument prepared by:

PAUL H. FREEMAN, P.A. 9100 South Dadeland Blvd., Suite 1406 Miami, Florida 33156 (305) 662-5999

Bonded by 1: 5/30/94 12015

Notary Public in ' '

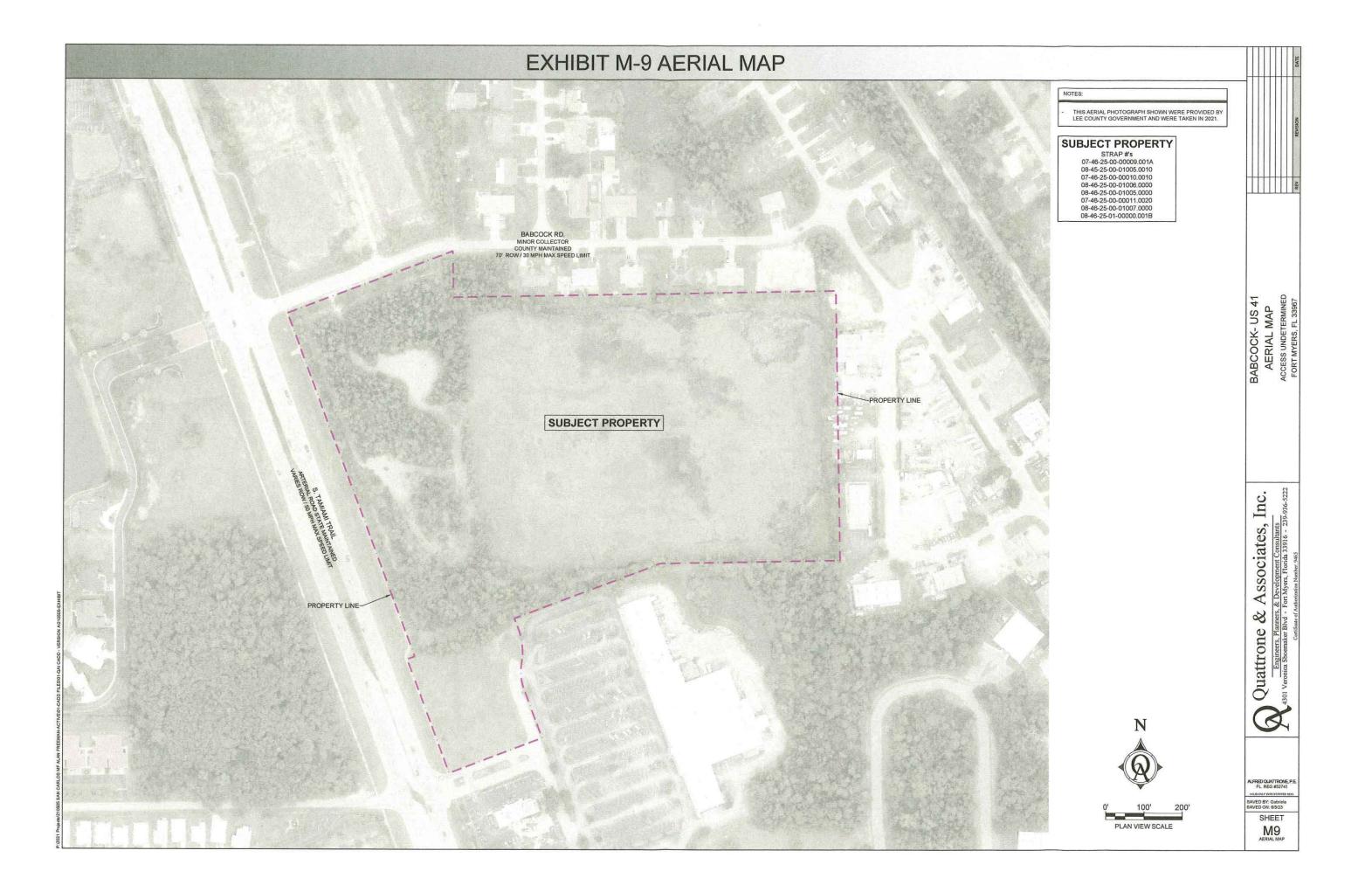
: -- w.F.;

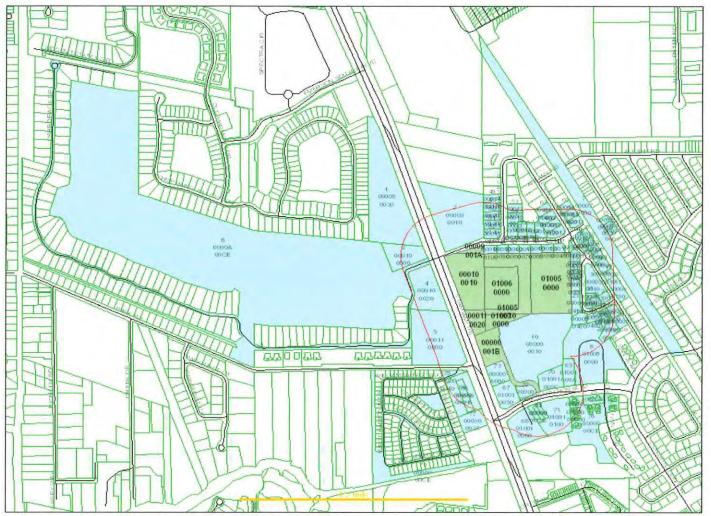
mala

or2 | 79 PG0899

Commencing at the Southwest corner of the Northwest quarter (NW 1/4) of the Northwest quarter (NW 1/4) of Section 17, Township 46 South, Range 25 East; thence Easterly along the North line of said quarter-quarter 328.46 feet to the survey C/L of U.S. Hwy. #41 (SR 45); thence North 20°35'30" West along said centerline for 1030.65 feet; thence North 69°24'30" East for 132 feet to the Easterly R/W of U.S. #41; thence continue North 69°24'30" East for 249 feet; thence South 20°35'30" East for 178.63 feet to the North R/W of Constitution Boulevard; thence along the R/W of Constitution Blvd., for 395.45 feet, said R/W being a curve having a radius of 1063 feet, a delta angle of 21°18'53", a chord of 393.17 feet and a chord bearing of North 73°00'08" East to the P.T. of said curve to the Point of Beginning; thence North 83°39'35" East along said R/W for 241.89 feet; thence North 0°48'59" West for 316.31 feet; thence South 89°11'01" West for 362.86 feet; thence South 20°35'30" East for 360.88 feet to the Point of Beginning.

90 OCT -1 PH 3: 30





Date of Report:

July 05, 2023

Buffer Distance:

500

feet Rerun

Click here to download the map image, mailing labels (Avery 5161) and CSV formatted information.

Parcels Affected: 127

Subject Parcels:

 $08-46-25-00-01005.0010,\ 08-46-25-00-01006.0000,\ 08-46-25-00-01007.0000,\ 08-46-25-01-00000.001B$

To change, add or remove subject parcels please change the parcel selection in GeoView

| OWNER NAME AND ADDRESS | STRAP AND LOCATION | LEGAL DESCRIPTION | MAP INDEX |
|--|-------------------------|---------------------------|--------------|
| HARBOUR PLAZA LLC | 07-46-25-00-00008.0030 | PARL IN NE 1/4 OF SE 1/4 | 1 |
| LUCIE GUERRERO | 17640-680 S TAMIAMI TRL | DESC OR 1857 PG 1845 + | |
| 9200 CORPORATE BLVD UNIT 250 ROCKVILLE MD 20850 | FORT MYERS FL 33908 | OR 2901 PG 915 | |
| QUAKER SOUTHWEST FLORIDA LLC | 07-46-25-00-00009.0010 | PARL IN SE 1/4 | 2 |
| 6210 OLD LAKE SHORE RD | 17811-890 TOY VAULT LN | AS DESC IN | |
| LAKE VIEW NY 14085 | FORT MYERS FL 33967 | OR 1837 PG 3283 | |
| HARBORAGE LAKE COMMONS LLC | 07-46-25-00-00010.0000 | PARL IN S 1/2 W | 3 |
| 7910 SUMMERLIN LAKES DR | ACCESS UNDETERMINED | OF US-41 E OF HARBORAGE | |
| FORT MYERS FL 33907 | FORT MYERS FL 33908 | SUBD LESS OR 1924 PG 136 | |
| RIVERSIDE INVESTORS LLC | 07-46-25-00-00010.0020 | PARL IN SE 1/4 W OF US 41 | 4 |
| 4875 PELICAN COLONY BLVD #2001 | ACCESS UNDETERMINED | AS DESC IN OR 1924 PG 136 | |
| BONITA SPRINGS FL 34134 | FORT MYERS FL 33908 | | |
| RIVERSIDE INVESTORS LLC | 07-46-25-00-00011.0000 | FRM SE CORN OF SECTION | 5 |
| 4875 PELICAN COLONY BLVD #2001 | ACCESS UNDETERMINED | S88DW FOR 218.20 FT THN | |
| BONITA SPRINGS FL 34134 | FORT MYERS FL 33908 | N20DW 36.91 FT TO POB THN | |
| | | | |

| | | CONT N20DW 686.63 FT THN N87DW 400 FT ETC | |
|--|---|--|----|
| HARBORAGE OWNERS ASSN INC SENTRY MANAGEMENT INC 2180 WEST SR 434 SUITE 5000 LONGWOOD FL 32779 | 07-46-25-05-0000A.00CE 5000 HARBORAGE DR FORT MYERS FL 33908 | HARBORAGE PB 38 PG 6 TRACTS A THRU D + LT 33 ADJ TR C C/E | 6 |
| SEMINOLE GULF RAILWAY L P 4110 CENTER POINTE DR STE 207 FORT MYERS FL 33916 | 08-46-25-00-00007.0000 RAILROAD R/W FORT MYERS FL 33967 | STRIP OF LAND RR R/W RUNNING SELY ACROSS SEC. | 7 |
| FREEMAN ALAN C 28120 HUNTERS RIDGE BLVD STE 5 BONITA SPRINGS FL 34135 | 08-46-25-00-01008.0000 ACCESS UNDETERMINED FORT MYERS FL 33967 | PAR IN SEC 8 + 17 DESC OR 1269/1980 + OR1708/2343 LESS OR 2400/1319 + PT OR2720/876 + LESS OR 3505/4845 | 8 |
| KUSH PARTNERS INC | 08-46-25-00-01008.0010 | PAR IN SW1/4 SEC 08 | 9 |
| 16677 BOBCAT DR | 17567 LIBERTY SQUARE CIR | LYING S+SWLY OF A C L RR | |
| FORT MYERS FL 33908 | FORT MYERS FL 33967 | DESC OR 2720/876 | |
| WEBBER COMMERCIAL PROPERTIES L 6160 RIVER SHORE COURT N FORT MYERS FL 33917 | 08-46-25-01-00000.0010 18011 S TAMIAMI TRL FORT MYERS FL 33908 | PAR LYING IN SECT 08 + 17 DESC IN OR 3669 PG 372 PT LT 1 SAN CARLOS CNT | 10 |
| S&T TOWING OF SW FLORIDA INC DAVID TARQUINO 17525 ROCKEFELLER CIR FORT MYERS FL 33967 | 08-46-25-15-00008.0190 17525/541 ROCKEFELLER CIR FORT MYERS FL 33967 | SAN CARLOS PK COMM ADDN BLK 8 PB 28 PG 19 LOTS 15 THRU 20 | 11 |
| KERSHAW THOMAS R & | 08-46-25-15-00008.0210 | SAN CARLOS PK COMM ADDN | 12 |
| 5626 RIVERSIDE DR | 17517 ROCKEFELLER CIR | BLK 8 PB 28 PG 19 | |
| CAPE CORAL FL 33904 | FORT MYERS FL 33967 | LOTS 21 + 22 | |
| ASAMBLEA DE IGLESIAS CRISTIANA | 08-46-25-15-00008.0230 | SAN CARLOS PK COMM ADDN | 13 |
| PO BOX 1356 | 17509/511 ROCKEFELLER CIR | BLK 8 PB 28 PG 19 | |
| ESTERO FL 33928 | FORT MYERS FL 33967 | LOTS 23 THRU 25 | |
| MONDI RENTALS 17497 LLC | 08-46-25-15-00008.0260 | SAN CARLOS PK COMM ADDN | 14 |
| 15880 SHAMROCK DR | 17497 ROCKEFELLER CIR | BLK 8 PB 28 PG 19 | |
| FORT MYERS FL 33967 | FORT MYERS FL 33967 | LOTS 26 + 27 | |
| CURRYS AUTOMOTIVE OF LEE COUNT 17497 ROCKEFELLER CIR FORT MYERS FL 33967 | 08-46-25-15-00008.0280 17489 ROCKEFELLER CIR FORT MYERS FL 33967 | SAN CARLOS PK COMM ADDN BLK 8 PB 28 PG 19 LOT 28 | 15 |
| CURRYS AUTOMOTIVE OF LEE COUNT 17497 ROCKEFELLER CIR FORT MYERS FL 33967 | 08-46-25-15-00008.0290 17481 ROCKEFELLER CIR FORT MYERS FL 33967 | SAN CARLOS PK COMM ADDN BLK 8 PB 28 PG 19 LOT 29 | 16 |
| BOLANOS ERIC | 08-46-25-15-00008.0300 | SAN CARLOS PK COMM ADDN | 17 |
| 17771 CASTLE HARBOR DR | 17461 ROCKEFELLER CIR | BLK 8 PB 28 PG 19 LOT 30 | |
| FORT MYERS FL 33967 | FORT MYERS FL 33967 | + 31 LESS OR 1084 PG 984 | |
| MIDONE TRUST | 08-46-25-15-00008.0320 | SAN CARLOS PK COMM ADDN | 18 |
| 5140 SEASHELL AVE | 17474 ROCKEFELLER CIR | BLK 8 PB 28 PG 19 | |
| NAPLES FL 34103 | FORT MYERS FL 33967 | LTS 32 + 33 + PT LT 31 | |
| MARCS AUTOMOTIVE LLC | 08-46-25-15-00008.0340 | SAN CARLOS PK COMM ADDN | 19 |
| 17492 ROCKEFELLER CIR | 17492 ROCKEFELLER CIR | BLK 8 PB 28 PG 19 | |
| FORT MYERS FL 33967 | FORT MYERS FL 33967 | LOTS 34 + 35 | |
| MARCS AUTOMOTIVE LLC | 08-46-25-15-00008.0360 | SAN CARLOS PK COMM ADDN | 20 |
| 17492 ROCKEFELLER CIR | 17500 ROCKEFELLER CIR | BLK 8 PB 28 PG 19 | |
| FORT MYERS FL 33967 | FORT MYERS FL 33967 | LOT 36 | |
| MARCS AUTOMOTIVE LLC | 08-46-25-15-00008.0370 | SAN CARLOS PK COMM ADDN | 21 |
| 17492 ROCKEFELLER CIR | 17504 ROCKEFELLER CIR | BLK 8 PB 28 PG 19 | |
| FORT MYERS FL 33967 | FORT MYERS FL 33967 | LOT 37 | |
| FARMER TED S | 08-46-25-15-00008.0380 | SAN CARLOS PK COMM ADDN | 22 |
| 1955 W BASELINE RD STE 113-615 | 17514 ROCKEFELLER CIR | BLK 8 PB 28 PG 19 | |
| MESA AZ 85202 | FORT MYERS FL 33967 | LOTS 38 THRU 40 | |

| BWP HOLDINGS GROUP LLC | 08-46-25-15-00008.0410 | SAN CARLOS PK COMM ADDN | 23 |
|--|---|--|----|
| 17520 ROCKEFELLER CIRCLE | 17520 ROCKEFELLER CIR | BLK 8 PB 28 PG 19 | |
| ESTERO FL 33967 | FORT MYERS FL 33967 | LOTS 41 THRU 45 | |
| EVANS JOHN J JR TR | 08-46-25-15-00008.0460 | SAN CARLOS PK COMM ADDN | 24 |
| PO BOX 798 | 17540 ROCKEFELLER CIR | BLK 8 PB 28 PG 19 | |
| ESTERO FL 33928 | FORT MYERS FL 33967 | LOTS 46 + 47 | |
| MONDI RENTALS 17497 LLC | 08-46-25-15-00008.0480 | SAN CARLOS PK COMM ADDN | 25 |
| 15880 SHAMROCK DR | 17548 ROCKEFELLER CIR | BLK 8 PB 28 PG 19 | |
| FORT MYERS FL 33912 | FORT MYERS FL 33967 | LOTS 48 + 49 + 50 | |
| PETERS MICHAEL J & MARLA J | 08-46-25-15-00008.0510 | SAN CARLOS PL COMM ADDN | 26 |
| 914 ROBALO DR | 17560 ROCKEFELLER CIR | BLK 8 PB 28 PG 19 | |
| FORT MYERS FL 33919 | FORT MYERS FL 33967 | LOT 51 | |
| PETERS MICHAEL J & MARLA J | 08-46-25-15-00008.0520 | SAN CARLOS PK COMM ADDN | 27 |
| 914 ROBALO DR | 17564 ROCKEFELLER CIR | BLK 8 PB 28 PG 19 | |
| FORT MYERS FL 33919 | FORT MYERS FL 33967 | LOT 52 | |
| PETERS MICHAEL J & MARLA J | 08-46-25-15-00008.0530 | SAN CARLOS PK COMM ADDN | 28 |
| 914 ROBALO DR | 17568 ROCKEFELLER CIR | BLK 8 PB 28 PG 19 | |
| FORT MYERS FL 33919 | FORT MYERS FL 33967 | LOTS 53 THRU 55 | |
| D & G SEALCOATING AND STRIPING | 08-46-25-15-00008.0560 | SAN CARLOS PK COMM ADDN | 29 |
| 17580 ROCKEFELLER CIR | 17580 ROCKEFELLER CIR | BLK 8 PB 28 PG 19 | |
| FORT MYERS FL 33967 | FORT MYERS FL 33967 | LOT 56 THRU 58 | |
| VUOLO CHARLES JR & JO ANN 1311 LONGWOOD DR FORT MYERS FL 33919 | 08-46-25-15-00009.0010 17515 ROCKEFELLER CIR FORT MYERS FL 33967 | SAN CARLOS PK COMM ADDN BLK 9 PB 28 PG 19 LOTS 1 THRU 4 + LOTS 11 THRU 14 + POR OF VAC ALLEY OR 4091 PG 1137 | 30 |
| VUOLO CHARLES JR & JOANN P 1311 LONGWOOD DR FORT MYERS FL 33919 | 08-46-25-15-00009.0050 17529 ROCKEFELLER CIR FORT MYERS FL 33967 | SAN CARLOS PK COMM ADDN BLK 9 PB 28 PG 19 LOT 5 + POR OF VAC ALLEY OR 4091 PG 1137 | 31 |
| TURKETT R KEITH & DEBRA R 21605 BELHAVEN WAY ESTERO FL 33928 | 08-46-25-15-00009.0060 17545 ROCKEFELLER CIR FORT MYERS FL 33967 | SAN CARLOS PK COMM ADDN BLK 9 PB 28 PG 19 LOT 6 + POR OF VAC ALLEY OR 4091 PG 1137 | 32 |
| TURKETT R KEITH + 21605 BELHAVEN WAY ESTERO FL 33928 | 08-46-25-15-00009.0070 17551 ROCKEFELLER CIR FORT MYERS FL 33967 | SAN CARLOS PK COMM ADD BLK 9 PB 28 PG 19 LOTS 7 + 8 + POR OF VAC ALLEY OR 4091 PG 1137 | 33 |
| DI FOGGIA DOMINIQUE TR 5140 SEASHELL AVE NAPLES FL 34103 | 08-46-25-15-00009.0090 17530 ROCKEFELLER CIR FORT MYERS FL 33967 | SAN CARLOS PK COMM ADDN BLK 9 PB 28 PG 19 LOTS 9 + 10 + POR OF VAC ALLEY OR 4091 PG 1137 | 34 |
| NGUYEN CLIFFORD H + ESTRELLA RUIZ 2804 DEL PRADO BLVD S STE 102 CAPE CORAL FL 33904 | 08-46-25-16-00015.0010 17446/448 DUMONT DR FORT MYERS FL 33967 | SAN CARLOS PARK N ADDN BLK 15 PB 28 PG 15 LOTS 1 + 2 | 35 |
| HEIDAK AMRO ISMAIL | 08-46-25-16-00015.0030 | SAN CARLOS PARK N ADDN | 36 |
| 19050 S TAMIAMI TRAIL | 17454/456 DUMONT DR | BLK 15 PB 28 PG 15 | |
| FORT MYERS FL 33908 | FORT MYERS FL 33967 | LOTS 3 THRU 5 | |
| 17464 DUMONT LLC | 08-46-25-16-00015.0060 | SAN CARLOS PARK N ADDN | 37 |
| 6130 BRIXWORTH DR | 17464/466 DUMONT DR | BLK 15 PB28 PG15 | |
| FYLER TX 75703 | FORT MYERS FL 33967 | LOT 6 THRU 8 | |
| 7124 BABCOCK ROAD LLC | 08-46-25-17-00010.0010 | SAN CARLOS PARK NW ADDN | 38 |
| PO BOX 606 | 7124/7126 BABCOCK RD | BLK 10 PB 28 PG 13 | |
| MANHASSET NY 11030 | FORT MYERS FL 33967 | LOT 1 | |
| BARRETO DIEGO | 08-46-25-17-00010.0020 | SAN CARLOS PARK NW ADDN | 39 |
| 7114 BABCOCK RD | 7114/7116 BABCOCK RD | BLK 10 PB 28 PG 13 LT 2 + | |
| FORT MYERS FL 33967 | FORT MYERS FL 33967 | PT LT 3 DESC OR 2094/3183 | |

| MIDONE TRUST | 08-46-25-17-00010.0030 | SAN CARLOS PARK NW ADDN | 40 |
|-----------------------------|-------------------------------|----------------------------|----|
| 5140 SEASHELL AVE | CORNER LOT | BLK 10 PB 28 PG 13 | |
| NAPLES FL 34103 | FORT MYERS FL 33967 | LOT 3 LESS R/W OR 1084/982 | |
| MHLV VENTURES LLC | 08-46-25-17-00010.0040 | SAN CARLOS PARK NW ADDN | 41 |
| 500 PORTSIDE DR | 7064/7066 BABCOCK RD | BLK 10 PB 28 PG 13 | |
| NAPLES FL 34103 | FORT MYERS FL 33967 | LOT 4 | |
| EMILE NICLES & VANIA NELSON | 08-46-25-17-00010.0050 | SAN CARLOS PK NW ADDN | 42 |
| 7056 BABCOCK RD | 7054/7056 BABCOCK RD | BLK 10 PB 28 PG 13 | |
| FORT MYERS FL 33967 | FORT MYERS FL 33967 | LOT 5 | |
| BABCOCK ROAD PROPERTIES LLC | 08-46-25-17-00010.0060 | SAN CARLOS PK NW ADDN | 43 |
| 4633 LONG LAKE DR | 7044/7046 BABCOCK RD | BLK 10 PB 28 PG 13 | |
| FORT MYERS FL 33905 | FORT MYERS FL 33967 | LOT 6 | |
| CIRLU LLC | 08-46-25-17-00010.0070 | SAN CARLOS PK NW ADDN | 44 |
| 9901 NW 80TH AVE #3H | 7034/7036 BABCOCK RD | BLK 10 PB 18 PG 13 | |
| MIAMI LAKES FL 33016 | FORT MYERS FL 33967 | LOT 7 | |
| VALLADARES CLEMENTE | 08-46-25-17-00010.0080 | SAN CARLOS PK NW ADDN | 45 |
| PO BOX 1048 | 7024/7026 BABCOCK RD | BLK 10 PB 28 PG 13 | |
| ESTERO FL 33929 | FORT MYERS FL 33967 | LOT 8 | |
| SAN KIM | 08-46-25-17-00010.0090 | SAN CARLOS PK NW ADDN | 46 |
| 20633 EAST SILVER PALM DR | 7014/7016 BABCOCK RD | BLK 10 PB 28 PG 13 | |
| ESTERO FL 33928 | FORT MYERS FL 33967 | LOT 9 | |
| PENARANDA CARLO T TR | 08-46-25-17-00010.0100 | SAN CARLOS PK NW ADDN | 47 |
| 5820 HARBORAGE DR | 7004/7006 BABCOCK RD | BLK 10 PB 28 PG 13 | |
| FORT MYERS FL 33908 | FORT MYERS FL 33967 | LOT 10 | |
| SHAW GAIL | 08-46-25-17-00011.0110 | SAN CARLOS PARK NW ADD | 48 |
| 17410 W CARNEGIE CIR | 17400/402 W CARNEGIE CIR | BLK 11 PB 28 PG 13 | |
| FORT MYERS FL 33967 | FORT MYERS FL 33967 | LOT 11 | |
| SHAW GAIL P | 08-46-25-17-00011.0120 | SAN CARLOS PARK NW ADDN | 49 |
| 17410 W CARNEGIE CIR | 17410/412 W CARNEGIE CIR | BLK 11 PB 28 PG 13 | |
| FORT MYERS FL 33967 | FORT MYERS FL 33967 | LOT 12 | |
| DUPUIE LORI A L/E | 08-46-25-17-00011.0130 | SAN CARLOS PARK N W ADDN | 50 |
| 16140 MYRIAD LN APT 105 | 17420/422 W CARNEGIE CIR | BLK 11 PB 28 PG 13 | |
| FORT MYERS FL 33908 | FORT MYERS FL 33967 | LOT 13 | |
| REHBERGER MARY TR | 08-46-25-17-00011.0140 | SAN CARLOS PARK NW ADDN | 51 |
| 17432 W CARNEGIE CIR | 17430/432 W CARNEGIE CIR | BLK 11 PB 28 PG 13 | |
| FORT MYERS FL 33967 | FORT MYERS FL 33967 | LOT 14 | |
| REHBERGER MARY TR | 08-46-25-17-00011.0150 | SAN CARLOS PARK NW ADDN | 52 |
| 7011 BABCOCK RD #A | 7011 BABCOCK RD | BLK 11 PB 28 PG 13 | |
| FORT MYERS FL 33967 | FORT MYERS FL 33967 | LOT 15 | |
| BAKER DARREL | 08-46-25-17-00012.0050 | SAN CARLOS PK NW ADDN | 53 |
| 21515 BELHAVEN WAY | 17415/417 W CARNEGIE CIR | BLK 12 PG 28 PG 13 | |
| ESTERO FL 33928 | FORT MYERS FL 33967 | LOT 5 | |
| SANG MICHAEL T & IRINA | 08-46-25-17-00012.0060 | SAN CARLOS PK NW ADDN | 54 |
| PO BOX 552 | 17425-429 W CARNEGIE CIR | BLK 12 PB 28 PG 13 | |
| MIAMI FL 33257 | FORT MYERS FL 33967 | LOT 6 + NLY 20 FT OF LOT 7 | |
| PORTILLO JOSE JOEL & | 08-46-25-17-00012.0070 | SAN CARLOS PK NW ADDN | 55 |
| 17435 W CARNEGIE CIR | 17435 W CARNEGIE CIR | BLK 12 PB 28 PG 13 | |
| FORT MYERS FL 33967 | FORT MYERS FL 33967 | LOT 7 LESS NLY 20 FT | |
| BABCOCK ROAD LLC | 08-46-25-17-00012.0080 | SAN CARLOS PK NW ADDN | 56 |
| 4856 PALM BEACH BLVD | 7035/7037 BABCOCK RD | BLK 12 PB 28 PG 13 | |
| FORT MYERS FL 33905 | FORT MYERS FL 33967 | LOT 8 | |
| WADE MARGARET L/E | 08-46-25-17-00012.0090 | SAN CARLOS PARK NW ADDN | 57 |
| 7045 BABCOCK RD | 7045/7047 BABCOCK RD | BLK 12 PB 28 PG 13 | |
| FORT MYERS FL 33967 | FORT MYERS FL 33967 | LOT 9 | |
| REAMER LIT LISCET | 08-46-25-17-00012.0100 | SAN CARLOS PARK NW ADDN | 58 |
| 7055 BABCOCK RD | 7055/7057 BABCOCK RD | BLK 12 PB 28 PG 13 | |
| FORT MYERS FL 33967 | FORT MYERS FL 33967 | LOT 10 | |

| BABCOCK ROAD PROPERTIES LLC | 08-46-25-17-00012.0110 | SAN CARLOS PARK NW ADD N | 59 | |
|--|--|---|----|--|
| 4633 LONG LAKE DR | 7065/7067 BABCOCK RD | BLK 12 PB 28 PG 13 | | |
| FORT MYERS FL 33905 MYERS ENDO ASSET MANAGEMENT LL 13650 BRYNWOOD LN FORT MYERS FL 33912 | FORT MYERS FL 33967 08-46-25-17-00012.0120 17434/436 E CARNEGIE CIR FORT MYERS FL 33967 | SAN CARLOS PARK NW ADDN BLK 12 PB 28 PG 13 LOT 12 | 60 | |
| SPENCER BRENDA J TR | 08-46-25-17-00012.0130 | SAN CARLOS PARK NW ADDN | 61 | |
| 17414 E CARNEGIE CIR | 17424/426 E CARNEGIE CIR | BLK 12 PB 28 PG 13 | | |
| FORT MYERS FL 33967 | FORT MYERS FL 33967 | LOT 13 | | |
| SPENCER BRENDA J TR | 08-46-25-17-00012.0140 | SAN CARLOS PARK NW ADDN | 62 | |
| 17414 E CARNEGIE CIR | 17414/416 E CARNEGIE CIR | BLK 12 PB 28 PG 13 | | |
| FORT MYERS FL 33967 | FORT MYERS FL 33967 | LOT 14 | | |
| BARRETO ALFREDO F | 08-46-25-17-00013.0010 | SAN CARLOS PARK NW ADDN | 63 | |
| 11631 RED HIBISCUS DR | 17437/441 E CARNEGIE CIR | BLK 13 PB 28 PG 13 | | |
| BONITA SPRINGS FL 34135 | FORT MYERS FL 33967 | LOT I | | |
| SAN CARLOS LANDS INC | 08-46-25-17-00013.0020 | SAN CARLOS PK NW ADDN | 64 | |
| 4128 SAGUARO LN | 17431/433 E CARNEGIE CIR | BLK 13 PB 28 PG 13 | | |
| IRVING TX 75063 | FORT MYERS FL 33967 | LOT 2 | | |
| ZHOU WEI WEI | 08-46-25-17-00013.0030 | SAN CARLOS PK NW ADDN | 65 | |
| 17421/425 E CARNEGIE CIR | 17421/425 E CARNEGIE CIR | BLK 13 PB 28 PG 13 | | |
| FORT MYERS FL 33967 | FORT MYERS FL 33967 | LOT 3 | | |
| FREEMAN ALAN C | 08-46-25-L4-U1691.2905 | PLAZA DE MANANA CONDO | 66 | |
| 28120 HUNTERS RIDGE BLVD STE 5 | ACCESS UNDETERMINED | OR 1377 PG 2049 | | |
| BONITA SPRINGS FL 34135 | FORT MYERS FL 33967 | + PT OR 2720/876 | | |
| BANC-FLO HOLDINGS LLC PO BOX 167 WINSTON SALEM NC 27102 | 17-46-25-00-01001.0050 18031 S TAMIAMI TRL FORT MYERS FL 33908 | FROM SW COR OF NW 1/4 OF NW 1/4 RUN E 328.46 FT TO C/L OF ST RD 45 TH NWLY + PARL DESC IN OR 4118/4397 | 67 | |
| MAAS HOSPITALITY BS LLC | 17-46-25-00-01001.0060 | PARL IN NW 1/4 OF NW 1/4 | 68 | |
| 2231 DEL PRADO BLVD | 18051 S TAMIAMI TRL | E OF US 41 SO OF | | |
| CAPE CORAL FL 33990 | FORT MYERS FL 33908 | CONSTITUTION BLVD | | |
| FREEMAN ALAN C | 17-46-25-00-01001.009A | PARL IN SEC 8 + 17 | 69 | |
| 28120 HUNTERS RIDGE BLVD STE 5 | 7015 CONSTITUTION BLVD | DESC IN OR 1804 PG 4380 LESS | | |
| BONITA SPRINGS FL 34135 | FORT MYERS FL 33967 | OR 3505/4845 + INST 2005-65895 | | |
| FREEMAN ALAN C TR 28120 HUNTERS RIDGE BLVD STE 5 BONITA SPRINGS FL 34135 | 17-46-25-00-01001.009C 7011 CONSTITUTION BLVD FORT MYERS FL 33967 | PARL IN NW 1/4 OF SEC 17 DESC IN INST 2005-65895 | 70 | |
| AHMED HOLDING GROUP LLC 231 DEL PRADO BLVD CAPE CORAL FL 33990 | 17-46-25-00-01001.0100 7000 CONSTITUTION BLVD FORT MYERS FL 33967 | PARL IN NW 1/4 DESC OR 1478 PG 1151 | 71 | |
| 7001 CONSTITUTION LLC 6350 NW 120TH DR CORAL SPRINGS FL 33076 | 17-46-25-03-00000.1000 7001 CONSTITUTION BLVD FORT MYERS FL 33967 | PT LOT 1 OF SAN CARLOS CENTER IN SEC 17 AREA 03 AS DESC IN INST 2005-64463 | 72 | |
| MCDONALDS RESTAURANTS OF FL | 17-46-25-03-00000.A000 | SAN CARLOS CENTER | 73 | |
| 8850 TERRENE CT | 7105 CONSTITUTION BLVD | PB 42 PG 2 | | |
| BONITA SPRINGS FL 34135 | FORT MYERS FL 33967 | TRACT A | | |
| PORT SAN CARLOS GARDENS 7000 PORT BLVD FORT MYERS FL 33967 | 17-46-25-20-00000.00CE PORT SAN CARLOS CARDENS C/E FORT MYERS FL 33967 | PORT SAN CARLOS GARDENS CONDO BUILDING A DESC OR BK 0260 PG 0600 COMMON ELEMENTS | 74 | |
| SAN CARLOS SPRINGS CONDO ASSOC BENSONS INC 12650 WHITEHALL DR FORT MYERS FL 33907 | 17-46-25-23-00000.00CE SAN CARLOS SPRINGS CONDO C/E FORT MYERS FL 33967 | A CONDOMINIUM LOCATED IN SEC 17 TWP 46 RGE 25 AS DESC IN OR 1673 PG 4196 COMMON ELEMENTS | 75 | |
| SPRINGS OF SAN CARLOS | 17-46-25-24-00000.00CE | SPRINGS OF SAN CARLOS | 76 | |
| P + M PROPERTY MGMT | 7008 CONSTITUTION BLVD | OR 2532 PG 2336 | | |

| 14360 S TAMIAMI TRL UNIT B FORT MYERS FL 33912 | FORT MYERS FL 33967 | COMMON ELEMENT | |
|--|---|---|----|
| LAKE GENEVA GROUP LLC 402 HIGH POINT DR STE 101 COCOA FL 32926 | 18-46-25-00-00036.002A 18080 S TAMIAMI TRL FORT MYERS FL 33908 | PARL IN SEC 17 + 18 AS DESC IN OR 1731 PG 1929 | 77 |
| COACH LIGHT MANOR INC | 18-46-25-01-00000.0040 | COACHLIGHT MANOR M/H PK | 78 |
| 18050 S TAMIAMI TRL #4 | 4 COACH LIGHT DR | OR 1555 PG 2264 | |
| FORT MYERS FL 33908 | FORT MYERS FL 33908 | LOT 4 DESC OR 3974/1966 | |
| COACH LIGHT MANOR OWNERS ASSN 125 COACH LIGHT MANOR FORT MYERS FL 33908 | 18-46-25-01-00000.00CE COACH LIGHT MANOR C/E FORT MYERS FL 33908 | COACHLIGHT MANOR MOBILE HOME CO-OP OR 1555 PG 2264 COMMON AREAS | 79 |
| PRESERVE PLAZA COMMERCIAL COND 18070 S TAMIAMI TRL STE 11 FORT MYERS FL 33908 | 18-46-25-27-00000.00CE 18070 S TAMIAMI TRL FORT MYERS FL 33908 | PARCEL IN NE 1/4 AS DESC IN OR 4617 PG 3008 COMMON ELEMENT | 80 |
| SAN CARLOS INVESTMENT LLC | 17-46-25-20-00000.0010 | PORT SAN CARLOS GARDENS | 81 |
| 2231 DEL PRADO BLVD | 7000 PORT BLVD #1 | CONDO BLDG-A OR260/PG600 | |
| CAPE CORAL FL 33990 | FORT MYERS FL 33967 | APT.1 | |
| AHMED MUNTASER | 17-46-25-20-00000.0020 | PORT SAN CARLOS GARDENS | 81 |
| 2231 DEL PRADO BLVD | 7000 PORT BLVD #2 | CONDO BLDG-A OR260/PG600 | |
| CAPE CORAL FL 33990 | FORT MYERS FL 33967 | APT 2 | |
| AHMED MAISHA | 17-46-25-20-00000.0030 | PORT SAN CARLOS GARDENS | 81 |
| 2231 DEL PRADO BLVD | 7000 PORT BLVD #3 | CONDO BODG-A OR260/PG600 | |
| CAPE CORAL FL 33990 | FORT MYERS FL 33967 | APT.3 | |
| AHMED MAISHA | 17-46-25-20-00000.0040 | PORT SAN CARLOS GARDENS | 81 |
| 2231 DEL PRADO BLVD | 7000 PORT BLVD #4 | CONDO BLDG-A OR260/PG600 | |
| CAPE CORAL FL 33990 | FORT MYERS FL 33967 | APT 4 | |
| M4 TRADING LLC | 17-46-25-20-00000.0050 | PORT SAN CARLOS GARDENS | 81 |
| 2231 DEL PRADO BLVD S | 7000 PORT BLVD #5 | CONDO BLDG-A/OR260/PG600 | |
| CAPE CORAL FL 33990 | FORT MYERS FL 33967 | APT.5 | |
| SAN CARLOS INVESTMENT LLC | 17-46-25-20-00000.0060 | PORT SAN CARLOS GARDENS | 81 |
| 2231 DEL PRADO BLVD | 7000 PORT BLVD #6 | CONDO BLDG-A OR 260 PG 600 | |
| CAPE CORAL FL 33990 | FORT MYERS FL 33967 | APT 6 | |
| SAN CARLOS INVESTMENT LLC | 17-46-25-20-00000.0070 | PORT SAN CARLOS GARDENS | 81 |
| 2231 DEL PRADO BLVD | 7000 PORT BLVD #7 | CONDO BLDG-A OR260/PG600 | |
| CAPE CORAL FL 33990 | FORT MYERS FL 33967 | APT.7 | |
| SAN CARLOS INVESTMENT LLC | 17-46-25-20-00000.0080 | PORT SAN CARLOS GARDENS | 81 |
| 2231 DEL PRADO BLVD | 7000 PORT BLVD #8 | CONDO BLDG-A OR260/PG600 | |
| CAPE CORAL FL 33990 | FORT MYERS FL 33967 | APT 8 | |
| SAN CARLOS INVESTMENT LLC | 17-46-25-20-00000.0090 | PORT SAN CARLOS GARDENS | 81 |
| 2231 DEL PRADO BLVD | 7000 PORT BLVD #9 | CONDO BLDG-A OR260/PG600 | |
| CAPE CORAL FL 33990 | FORT MYERS FL 33967 | APT.9 | |
| SAN CARLOS INVESTMENT LLC | 17-46-25-20-00000.0100 | PORT SAN CARLOS GARDENS | 81 |
| 2231 DEL PRADO BLVD | 7000 PORT BLVD #10 | CONDO BLDG-A OR260/PG600 | |
| CAPE CORAL FL 33990 | FORT MYERS FL 33967 | APT 10 | |
| SAN CARLOS INVESTMENT LLC | 17-46-25-20-00000.0110 | PORT SAN CARLOS GARDENS | 81 |
| 2231 DEL PRADO BLVD | 7000 PORT BLVD #11 | CONDO BLDG-A OR260/PG600 | |
| CAPE CORAL FL 33990 | FORT MYERS FL 33967 | APT 11 | |
| SAN CARLOS INVESTMENT LLC | 17-46-25-20-00000.0120 | PORT SAN CARLOS GARDENS | 81 |
| 2231 DEL PRADO BLVD | 7000 PORT BLVD #12 | CONDO BLDG-A OR260/PG600 | |
| CAPE CORAL FL 33990 | FORT MYERS FL 33967 | APT 12 | |
| SAN CARLOS INVESTMENT LLC | 17-46-25-20-00000.0130 | PORT SAN CARLOS GARDENS | 81 |
| 2231 DEL PRADO BLVD | 7000 PORT BLVD #13 | CONDO BLDG-A OR260/PG600 | |
| CAPE CORAL FL 33990 | FORT MYERS FL 33967 | APT.13 | |
| SAN CARLOS INVESTMENT LLC | 17-46-25-20-00000.0140 | PORT SAN CARLOS GARDENS | 81 |
| 2231 DEL PRADO BLVD | 7000 PORT BLVD #14 | CONDO BLDG-A OR260/PG600 | |
| CAPE CORAL FL 33990 | FORT MYERS FL 33967 | APT 14 | |

| SAN CARLOS INVESTMENT LLC | 17-46-25-20-00000.0150 | PORT SAN CARLOS GARDENS | 81 | | | |
|---|--|---|----|--|--|--|
| 2231 DEL PRADO BLVD | 7000 PORT BLVD #15 | CONDO BLDG-A OR260/PG600 | | | | |
| CAPE CORAL FL 33990 | FORT MYERS FL 33967 | APT 15 | | | | |
| GUAY PHILLIP 1821 WALKLEY RD UNIT 39 OTTAWA ON K1H 6X9 CANADA | 17-46-25-20-00000.0160 7000 PORT BLVD #16 FORT MYERS FL 33967 | PORT SAN CARLOS GARDENS CONDO BLDG-A OR260/PG600 APT 16 | | | | |
| SAN CARLOS INVESTMENT LLC | 17-46-25-20-00000.0170 | PORT SAN CARLOS GARDENS | | | | |
| 2231 DEL PRADO BLVD | 7000 PORT BLVD #17 | CONDO BLDG-A OR260/PG600 | | | | |
| CAPE CORAL FL 33990 | FORT MYERS FL 33967 | APT 17 | | | | |
| SAN CARLOS INVESTMENT LLC | 17-46-25-20-00000.0180 | PORT SAN CARLOS GARDENS | 81 | | | |
| 2231 DEL PRADO BLVD | 7000 PORT BLVD #18 | CONDO BLDG-A OR260/PG600 | | | | |
| CAPE CORAL FL 33990 | FORT MYERS FL 33967 | APT 18 | | | | |
| SAN CARLOS INVESTMENT LLC | 17-46-25-20-00000.0190 | PORT SAN CARLOS GARDENS | 81 | | | |
| 2231 DEL PRADO BLVD | 7000 PORT BLVD #19 | CONDO BLDG-A OR260/PG600 | | | | |
| CAPE CORAL FL 33990 | FORT MYERS FL 33967 | APT.19 | | | | |
| SAN CARLOS INVESTMENT LLC | 17-46-25-20-00000.0200 | PORT SAN CARLOS GARDENS | 81 | | | |
| 2231 DEL PRADO BLVD | 7000 PORT BLVD #20 | CONDO BLDG-A OR260/PG600 | | | | |
| CAPE CORAL FL 33990 | FORT MYERS FL 33967 | APT.20 | | | | |
| KELLY RYAN M | 17-46-25-24-00000.0110 | SPRINGS OF SAN CARLOS COND | 82 | | | |
| 1438 E NORTHWEST HWY | 7008 CONSTITUTION BLVD #11 | OR 1679 PG 3079 | | | | |
| ARLINGTON HEIGHTS IL 60004 | FORT MYERS FL 33967 | UNIT 11 | | | | |
| JONES JERRY E & CONSTANCE L | 17-46-25-24-00000.0120 | SPRINGS OF SAN CARLOS COND | 82 | | | |
| 1971 CEDARVILLE RD | 7008 CONSTITUTION BLVD #12 | OR 1679 PG 3079 | | | | |
| GOSHEN OH 45122 | FORT MYERS FL 33967 | UNIT 12 | | | | |
| VIOX MIKE & | 17-46-25-24-00000.0130 | SPRINGS OF SAN CARLOS COND | | | | |
| 1387 SR 28 | 7008 CONSTITUTION BLVD #13 | OR 1679 PG 3079 | | | | |
| LOVELAND OH 45140 | FORT MYERS FL 33967 | UNIT 13 | | | | |
| ALBRECHT H WOBST LLC | 17-46-25-24-00000.0140 | SPRINGS OF SAN CARLOS COND | | | | |
| 7910 N HIGHLAND AVE | 7008 CONSTITUTION BLVD #14 | OR 1679 PG 3079 | | | | |
| TAMPA FL 33604 | FORT MYERS FL 33967 | UNIT 14 | | | | |
| TEED JOHN & TERRY ANN 4-16 HAVENRIDGE CT ST THOMAS ON N5P 4P6 CANADA | 17-46-25-24-00000.0210 7008 CONSTITUTION BLVD #21 FORT MYERS FL 33967 | SPRINGS OF SAN CARLOS COND OR 1679 PG 3079 UNIT 21 | 83 | | | |
| HOTALING SHARON R & | 17-46-25-24-00000.0220 | SPRINGS OF SAN CARLOS COND | | | | |
| 7008 CONSTITUTION BLVD #22 | 7008 CONSTITUTION BLVD #22 | OR 1679 PG 3079 | | | | |
| FORT MYERS FL 33967 | FORT MYERS FL 33967 | UNIT 22 | | | | |
| COLE GLEN C III + | 17-46-25-24-00000.0230 | SPRINGS OF SAN CARLOS COND | | | | |
| 1357 NORTH RD | 7008 CONSTITUTION BLVD #23 | OR 1679 PG 3079 | | | | |
| MOUNT VERNON ME 04352 | FORT MYERS FL 33967 | UNIT 23 | | | | |
| KELLY RYAN | 17-46-25-24-00000.0240 | SPRINGS OF SAN CARLOS COND | | | | |
| 1438 E NORTHWEST HWY | 7008 CONSTITUTION BLVD #24 | OR 1679 PG 3079 | | | | |
| ARLINGTON HEIGHTS IL 60004 | FORT MYERS FL 33967 | UNIT 24 | | | | |
| JANUSKA WILLIAM | 17-46-25-24-00000.0310 | SPRINGS OF SAN CARLOS COND | 84 | | | |
| 9360 CROCUS ST | 7008 CONSTITUTION BLVD #31 | OR 1679 PG 3079 | | | | |
| FORT MYERS FL 33967 | FORT MYERS FL 33967 | UNIT 31 | | | | |
| DENMAN JOHN B & DIETLIND H | 17-46-25-24-00000.0320 | SPRINGS OF SAN CARLOS COND | 84 | | | |
| 7008 CONSTITUTION BLVD APT 32B | 7008 CONSTITUTION BLVD #32 | OR 1679 PG 3079 | | | | |
| FORT MYERS FL 33967 | FORT MYERS FL 33967 | UNIT 32 | | | | |
| DOWNEY DEBORAH | 17-46-25-24-00000.0330 | SPRINGS OF SAN CARLOS COND | 84 | | | |
| PO BOX 1215 | 7008 CONSTITUTION BLVD #33 | OR 1679 PG 3079 | | | | |
| EASTHAMPTON MA 01027 | FORT MYERS FL 33967 | UNIT 33 | | | | |
| KELLY RYAN | 17-46-25-24-00000.0340 | SPRINGS OF SAN CARLOS COND | 84 | | | |
| 1438 E NORTHWEST HIGHWAY | 7008 CONSTITUTION BLVD #34 | OR 1679 PG 3079 | | | | |
| ARLINGTON HEIGHTS IL 60004 | FORT MYERS FL 33967 | UNIT 34 | | | | |
| JSCB CAPITAL LLC 5916 E FARM RD 170 ROGERSVILLE MO 65742 | 18-46-25-27-00000.0101 18070 S TAMIAMI TRL #101 FORT MYERS FL 33908 | PRESERVE PLAZA COMMERCIAL | 85 | | | |

| | | CONDO DESC OR 4617 PG 3008 UNIT 101 | | |
|--|---|---|----|--|
| WILSON JOHN D MIDLAND IRA INC 18070 S TAMIAMI TRL STE 11 FORT MYERS FL 33908 | 18-46-25-27-00000.0102 18070 S TAMIAMI TRL #102 FORT MYERS FL 33908 | PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 102 | 85 | |
| SCHECHTER ANDRE TR 18-46-25-27-00000.0103 26721 DUBLIN WOODS CIR STE 1 18070 S TAMIAMI TRL #103 BONITA SPRINGS FL 34135 FORT MYERS FL 33908 CURRIE SCOT 18-46-25-27-00000.0104 | | PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 103 | 85 | |
| CURRIE SCOT 18-46-25-27-00000.0104 17416 ARIZONA RD 18070 S TAMIAMI TRL #104 FORT MYERS FL 33967 FORT MYERS FL 33908 | | PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 104 | 85 | |
| BOLIVAR HOLDINGS LLC 9928 S TRYON ST CHARLOTTE NC 28273 18-46-25-27-00000.0105 18070 S TAMIAMI TRL #105 FORT MYERS FL 33908 | | PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 105 | 85 | |
| SECUREAHEAD LLC 6181 TIDEWATER ISLAND CIR FORT MYERS FL 33908 | 18-46-25-27-00000.0106 18070 S TAMIAMI TRL #106 FORT MYERS FL 33908 | PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 106 | 85 | |
| LINEKA LLC STS REALTY GROUP 26721 DUBLIN WOODS CIR STE I BONITA SPRINGS FL 34135 | GROUP 18070 S TAMIAMI TRL #107 COMMERCIAL N WOODS CIR STE 1 FORT MYERS FL 33908 CONDO DESC OR 4617 PG 3008 | | | |
| LINEKA LLC STS REALTY GROUP 26721 DUBLIN WOODS CIR STE 1 BONITA SPRINGS FL 34135 | 18-46-25-27-00000.0108 18070 S TAMIAMI TRL #108 FORT MYERS FL 33908 | PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 108 | 85 | |
| LLORENTE GUILLERMO 12821 SW 134TH CT #11 MIAMI FL 33186 18-46-25-27-00000.0109 18070 S TAMIAMI TRL #1 FORT MYERS FL 33908 | | PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNITS 109 + 110 | 85 | |
| PRINCESS INVESTMENT PROPERTIE 18070 S TAMIAMI TRL STE 11 FORT MYERS FL 33908 | S 18-46-25-27-00000.0111 18070 S TAMIAMI TRL #111 FORT MYERS FL 33908 | PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 111 | 85 | |
| PRINCESS INVESTMENT 18070 S TAMIAMI TRL #112 FORT MYERS FL 33908 | 18-46-25-27-00000.0112 18070 S TAMIAMI TRL #112 FORT MYERS FL 33908 | PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 112 | 85 | |
| TMKB PROPERTIES LLC 9930 COUNTRY OAKS DR FORT MYERS FL 33967 | 18-46-25-27-00000.0113 18070 S TAMIAMI TRL #113 FORT MYERS FL 33908 | PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 113 | 85 | |
| ROCHA BUILDINGS LLC 18070 S TAMIAMI TRL # 114 FORT MYERS FL 33908 | 18-46-25-27-00000.0114 18070 S TAMIAMI TRL #114 FORT MYERS FL 33908 | PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 114 | 85 | |
| KONG RU JING 224-08 77TH AVE BAYSIDE NY 11364 | 18-46-25-27-00000.0115 18070 S TAMIAMI TRL #115 FORT MYERS FL 33908 | PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 115 | 85 | |
| AZIZI REAL ESTATE HOLDINGS LLC 2814 LEE BLVD # 3 LEHIGH ACRES FL 33971 | 18-46-25-27-00000.0116 18070 S TAMIAMI TRL #116 FORT MYERS FL 33908 | PRESERVE PLAZA COMMERCIAL CONDO DESC OR 4617 PG 3008 UNIT 116 | 85 | |



Babcock Road & US 41

Lee Plan Analysis Exhibit MII

Request

The proposed Lee Plan Map Amendment is to re-designate approximately 25.60 \pm acres from the Urban Community Future Land use to Central Urban Future Land use category. The Map Amendment is being filed concurrently with a request to rezone 24.32 \pm acres from Commercial (C-1) and Agricultural (AG-2) to Commercial (C-2) for the purpose of mixed-use developed to allow for multifamily and commercial uses on the site. The companion C-2 rezoning will demonstrate compliance with the Lee County Land Development code. The surrounding area has been mostly developed with a mixture of Residential and Commercial uses.

Existing and Surrounding Conditions

The subject property is located at the southeast corner of US 41 (Tamiami Trail) and Babcock Rd. The overall site consists of 8 parcels as demonstrated in the aerial below. The eight parcels are zoned Commercial (C-2) and agriculture (AG-2) and are currently disturbed vacant.



The subject property is located within the San Carlos Planning Community and has a future land use classification of Urban Community according to the Lee Plan.



Lee Plan Consistency Narrative

Future Land Use Element

OBJECTIVE 1.1: FUTURE URBAN AND SUBURBAN AREAS. Designate areas with varying intensities on the Future Land Use Map (Map 1-A) that provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services. (Ord. No. 17-13)

POLICY 1.1.4: The Urban Community future land use category are areas characterized by a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities then other future urban categories described in this plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units. (Ord. No. 94-30, 02-02, 09-06, 10-10, 10-33, 16-07, 21-09)

The site is presently designated as Urban Community on the FLU map. The area has been widely developed with residential and commercial uses since the designation of Urban Community. The subject property is located adjacent to US 41 (South Tamiami Trail), access to Constitution Blvd, and adequate existing public services and infrastructure available to support the requested change to Central Urban. Changing the property to Central Urban future land use will provide opportunities for increased development of economic growth within an area with support capacity.

The subject parcel is within the boundaries of the Mixed-Use Goal II vision. The mixed use as stated in Policy II.I.I is consistent in both Urban Community, existing and Central Urban, proposed.

The applicant has requested a change to Conventionally rezone eight parcels that combined total ±23.61-ac to C-2 to allow development of the site to enable to construct with 354 multi-family dwelling units (to include 118 bonus density units and 236 standard units as allowed in Central Urban FLU.

POLICY 1.6.5: The Planning Communities Map and Acreage Allocation Table (see Map 16, Table I(b), and Policies I.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses through the Plan's horizon. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the acreage totals for residential, commercial or industrial uses contained in Table I(b) to be exceeded. This policy will be implemented as follows:



- I. For each Planning Community the county will maintain a parcel-based database of existing land use. The database will be periodically updated at least twice every year, in September and March, for each Planning Community.
- 2. Project reviews for development orders must include a review of the capacity, in acres, that will be consumed by buildout of the development order. No development order, or extension of a development order, will be issued or approved if the acreage for a land use, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Table I(b) regardless of other project approvals in that Planning Community.
- 3. At each regularly-scheduled date for submission of the Lee Plan Evaluation and Appraisal Report, the county must conduct a comprehensive evaluation of Planning Community Map and the Acreage Allocation Table system, including but not limited to, the appropriateness of land use distribution, problems with administrative implementations, if any, and areas where the Planning Community Map and the Acreage Allocation Table system might be improved. (Ordinance No. 94-29, 98-09, 00-22, 07-13, 10-20, 19-13)

The acreage allocation table shows 20 acres allocated for central urban, however the Future Land Use Map does not show existing Central Urban therefore the future Land Use map will need to be modified to reflect the additional ±50-acres of land to be added to the Central Urban Land Use Category in the San Carlos Planning Community (District 13). This is necessary to reflect the FLU Map amendment resignation of ±25.60 acres from Urban Community to Central Urban Future Land Use Category.



| | TAB | LE | 1(b) | |
|------|------|-----|------|--------|
| VEAR | 2045 | ALI | DC | ATIONS |

| | | Planning District | | | | | | | | | | | |
|-------------|---|-----------------------------------|-----------------------------------|---------------------------|------------------------|------------------------------------|-------------------------|-----------------------------|--|------------------------------------|---------------------------|-----------------------|------------|
| | Future Land Use Category | District 11 Daniels Parkway | District 12 Iona / McGregor | District 13 San Carlos | District 14 Sanibel | District 15 South Fort Myers | District 16 Pine Island | District 17 Lehigh Acres | District 18 Southeast Lee County | District 19 North Fort Myers | District 20 Buckingham | District 21 Estero | District 2 |
| | Intensive Development | - | H | - 2 | - | 801 | 1 | 30 | | 376 | 1 | 8 | 3 |
| - 1 | Central Urban | | 656 | 20 | | 3,113 | - 4 | 7,362 | | 2.225 | | X. | |
| 1 | Urban Community | 3-1 | 978 | 1,348 | | 163 | 540 | 17,034 | - | | 115 | 2 | |
| -1 | Suburban | | 2,566 | 2,069 | - | 1,702 | 659 | | | 6,387 | 1.0 | (F) | |
| -1 | Outlying Suburban | 1,251 | 438 | | | | 507 | 4.1 | 100 | 406 | | 90 | |
| | Sub-Outlying Suburban | | | 13 | - | | | | | 145 | 66 | - | 9 |
| 5 | Commercial | | - | | | - | - | - 6 | 2 | | | 9 | - |
| cotegory | Industrial | | 3 | 1 | | 3 | | 9 | | | | | |
| 3 | Public Facilities | - | - 3 | | | | | ŧ | 51 | = | * | | |
| | University Community | | _ | 503 | | - | - | F. | - 1 | × = | | | - 0 |
| OSC | Destination Resort Mixed Use Water Dependent | - 38 | | 9 | | | | 7 | 1 | - | 9 | | |
| | Burnt Store Marina Village | - | - | - | | | | 14. | - 4 | - | | - 8 | |
| 200 | Industrial Interchange | 5.1 | - | - | | | | | | 2.1 | + | | |
| 3 | General Interchange | 58 | - | 7 | 1.4 | - | | -F. | 8 | 14 | 100 | 191 | |
| ruture | General Commercial Interchange | - 3 | - 3 | . 35 | - 34 | - | - | 9.1 | | | - E | 1 19 | |
| i | Industrial Commercial Interchange | - 2 | | | - | | | - A1 | 0-1 | | 71 | 1 8 | |
| 5 | University Village Interchange | - 4 | - | 1.0 | 2 | - | - | ~ | 4.0 | - | H. | 1 2 | |
| - | New Community | - 3 | 100 | | ٥ | L | - | 1 | - | - | 3.0 | - 6 | |
| à | Airport | | - | | - | 8 1 | | 2 | | | | | |
| 3 | Tradeport | - | - A | | - 1 | - | | - | | - 4 | W. | - | - |
| 8 | Rural | 1,573 | | 99 | | | 227 | 34 | | 454 | 50 | | 1,3 |
| 3 | Rural Community Preserve | - | 1 . S. | 1.0 | 1.41 | - | | | | | 3,517 | 3 | |
| residential | Coastal Rural | | S. | × × | | | 1,338 | | | - 2 | | - 40 | 9 |
| č | Outer Island | | 2 | | | | 55 | - | 4 | 2 | 100 | 3 | - |
| 9 | Open Lands | 30 | - A | | | | | - | | 30 | 100 | 30 | 2,6 |
| П | Density Reduction/ Groundwater Resource | | | | - | - 5 | | - X | 4,742 | | - 6 | 9- | 2.1 |
| 1 | Conservation Lands Upland | | | 100 | | | | | | | | 0 | |
| ч | Wetlands | 140 | | 19 | | | 12 | 10.1 | | 9-1 | | | |
| - | Conservation Lands Wetland | | | 50 | 9 | 7 | 7 - 1 | 140 | 100 | | - 0 | | |
| Un | incorporated County Total Residential | 2,964 | 4,650 | 4,024 | | 5,982 | 3,322 | 24,440 | 4,750 | 10,035 | 3,745 | 90 | 6,12 |
| - | mmercial | 326 | 774 | 918 | - 41 | 2,012 | 288 | 900 | 118 | 1.121 | 19 | 18 | 7 |
| | lustrial | 5 | 198 | 387 | | 566 | 67 | 218 | 215 | 244 | 4 | 2 | - 1 |
| | Regulatory Allocations | | | | | | - | | | | | | |
| | blic | 3,214 | 4,896 | 6,364 | | 5,883 | 4.631 | 20.267 | 17,992 | 10.117 | 3.052 | 653 | 3,35 |
| - | tive AG | 5 | 13 | 5 | | 2,000 | 2,780 | 35 | 12,000 | 90 | 630 | 4 | 550 |
| | ssive AG | 10 | | 5 | | | 70 | 50 | 2,500 | 250 | 2,000 | 1 | 2,10 |
| _ | reservation | 1,677 | 9,786 | 2,212 | | 211 | 15.489 | 1,077 | 41,028 | 1,607 | 382 | 1,463 | 89 |
| - | cant | 20 | 55 | 158 | | 4 | 2,200 | 14,504 | 2,400 | 1,183 | 850 | 130 | 1,42 |
| To | | B.221 | 20,374 | 14.114 | | 14,658 | 29,947 | 61,791 | 81,003 | 24,649 | 10,684 | 2,362 | 14,52 |
| _ | Hation Distribution (unincorporated Lee County) | 14,322 | 44,132 | 54,615 | | 76.582 | 13,431 | 162,245 | 17,369 | 110,722 | 5,951 | 741 | 8,65 |

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Ordinance No. 94-30, 00-22)

POLICY 2.1.1: Most residential, commercial, industrial, and public development is expected to occur within the designated future urban areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.

POLICY 2.1.2: New land uses will be permitted only if they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan. (Ordinance No. 00-22)

POLICY 2.1.5: Residential and commercial development proposals within the vicinity of existing or proposed commodity movement facilities must demonstrate land use compatibility with these



uses during the rezoning process and propose mitigation measures for adverse impacts. (Ordinance No. 99-15, 19-02)

Objective 2.1 and implementing policy 2.1.1, 2.1.2 and 2.1.5 encourage the use of existing urban areas where services and infrastructure exist to serve new development. The requested Central Urban FLU category is a future urban area with a full range of existing urban services available directly at the subject property. This includes, but not limited to, potable water, sanitary sewer, and roadway capacity. Development in this location provides for a compact and contiguous growth pattern.

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in Section 163.3164(7), F.S.) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, F.S. and the concurrency requirements in the Land Development Code. (Ordinance No.94-30, 00-22, 17-19)

POLICY 2.2.1: Rezoning's and Development of Regional Impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Ordinance No. 94-30, 00-22)

The primary access to the site will be provided by US 41 (S. Tamiami Trail)., a State maintained Arterial roadway. A secondary access will be provided by Babcock Rd. and Constitution Blvd, a County maintained collector road. The subject property is located within the Lee County Utilities franchise area for potable water and central sewer with adequate capacity available. Urban services are available at or near the project site. Schools, EMS, Fire, and sheriff's office services are available in the vicinity of the project consistent with objective 2.2 and policy 2.2.1 of the FLU element. Letters of adequacy of service providers are attached in the application.

POLICY 2.2.2: Map I of the Future Land Use Map series indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the county's growth beyond the Lee Plan's planning horizon of 2030. During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:

- Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; and
- 2. Whether a given proposal is for land so far beyond existing development or adequate public facilities that approval should be delayed in an effort to encourage compact and efficient growth patterns; and



3. Whether a given proposal would result in unreasonable development expectations that may not be achievable because of acreage limitations contained in the Acreage Allocation Table (see Policy 1.7.6, Map 16 and Table 1(b)). Additional provisions related to mining are provided in Policy 33.1.4.

In all cases where rezoning is approved, such approval does not constitute a determination that the minimum acceptable levels of service (see Policy 95.1.3) will be available concurrent with the impacts of the proposed development. Such a determination must be made prior to the issuance of additional development permits, based on conditions which exist at that time, as required by Lee County's concurrency management system. (Ordinance No. 94-30, 98-09, 10-20)

The applicant has analyzed public service availability and confirmed that capacity is available at the present time to serve the uses permitted by the proposed Central Urban FLU map designation. Development of the site with commercial and residential uses will not burden any existing public facilities. This amendment proposes to revise the table I (b) acreage allocation, to increase the acreage by 25.60 +/- acres to accommodate the proposed change in FLU categories, and a corresponding reduction in acreage is proposed in the Urban Community FLU category community.

OBJECTIVE 2.9: CARRYING CAPACITY. Understand the carrying capacity of the future land use map and integrate the concept into planning strategies. (Ordinance No. 07-16)

The modification is to a FLU category which permits residential uses in addition to commercial land uses is addressing the carrying capacity of the Lee Plan FLU map. Providing more residential development capacity to urban services and employment where capacity exists to accommodate this growth is consistent with good urban planning strategies.

GOAL 4: GENERAL DEVELOPMENT STANDARDS. Pursue or maintain land development regulations which protect the public health, safety and welfare, encourage creative site designs and balance development with service availability and protection of natural resources. (Ordinance No. 94-30, 07-15,17-13)

STANDARD 4.1.1: WATER.

- 2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility.
- 3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility
- 4. All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Chapter 62-555, FAC.



The subject property is within the Lee County Utilities potable water franchise area as depicted on Lee Plan Map 6 of the Lee Plan. Potable water will be provided from the Pinewood Water Treatment Plant. An adequacy letter stating that this plant has adequate capacity to provide service to the proposed development is provided as part of this application.

STANDARD 4.1.2: SEWER.

2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within I/4 mile from any part of the development.

The proposed development is within the Lee County Utilities sewer franchise area as depicted on Lee Plan Map 7 of the Lee Plan. Wastewater treatment will be provided from the Three Oaks Water Reclamation Facility. A letter stating that this facility has adequate capacity to provide service to the proposed development is provided as part of this application.

STANDARD 4.1.4: ENVIRONMENTAL FACTORS.

I. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.

The proposed land use change will have no impact on environmentally sensitive lands. Whether the site is developed with uses under the Central Urban FLU or uses currently permitted within the Urban Community FLU. Efforts will be made to preserve and protect any wetlands or environmentally sensitive areas that may be encountered on site.

GOAL 5: RESIDENTIAL LAND USES. To accommodate the projected population of Lee County in the year 2045 in appropriate locations, guided by the Future Land Use Map, and in attractive and safe neighborhoods with a variety of price ranges and housing types. (Ord. No. 94-30, 07-12, 21-09)

POLICY 5.1.1: Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned developments except if located within the Mixed-Use Overlay. (Ord. No. 00-22, 21-09)

The Subject parcels are located within the Mixed-Use Overlay the Requested FLU Map change will facilitate a rezoning that is consistent with Policy 5.1.1



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

The subject property is not within the Coastal High Hazard Area as based on and delineated in Map 5 of the Lee Plan. The proposed residential development consisting of approximately 267 dwelling units will utilize a clustered development pattern providing the necessary environmental, historical, water quality, and infrastructure enhancement measures needed to ensure proper functionality and design. Additionally, the proposed project will be designed in such a way that the future commercial uses will be located along US 41 and the residential development will be clustered on the eastern side of the property. The project will include perimeter setbacks, open space and buffers to ensure compatibility with surrounding uses and consistency with Policy 5.1.5 of the Lee Plan, to "protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment" and Policy 5.1.6, which calls for development regulations requiring high-density, multi-family, cluster, and mixed-use developments to have open space, buffering, landscaping, and recreation areas appropriate for their density and design.

POLICY 5.1.3: During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Ord. No. 94-30)

There are existing commercial developments offering employment and shopping opportunities all along S. Tamiami Trail/US 41 with restaurants, businesses, and shopping centers. These uses include a Publix, CVS, and an Ace Hardwar only 4 minutes to the south. San Carlos Park Elementary School is 2.2± miles from the site, Three Oaks Middle School is 3.8± miles from the site and Island Park High School is 2.4± miles from the site. Karl Drews Park and Community Center is within 2.2± miles, San Carlos Community Pool is 1.9± miles, Three Oaks Park is within 4.3± miles, and Koreshan State Park is within 4.4± miles. Lee Tran Routes 240 and 140 run along US 41 at this location with existing bus stops ±350' to the north and ±1000' to the south. There are existing sidewalks on both sides of US 41, an existing bike lane, existing paved shoulder and proposed shared use path. The requested Map amendment will support a rezoning consistent with Policy 5.1.3

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in the LDC, Chapter 10, are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or



eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The LDC will continue to require appropriate buffers for new developments. (Ord. No. 94-30, 99-15, 00-22)

The subject property is in an area surrounded by existing residential and commercial development. The requested increase in density is consistent with the surrounding area and provides for additional infill development in an area where existing public facilities are available. Therefore, the additional units will not be destructive to the character and integrity of the residential environment additionally The Properties are within the existing Mixed-Use Overlay the requested Map amendment will support a rezoning consistent with Policy 5.1.5

GOAL 6: COMMERCIAL LAND USES. To permit orderly and well-planned commercial development at appropriate locations within the county. (Ordinance No. 94-30)

POLICY 6.1.4: Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities. (Ordinance No. 94-30, 00-22)

The existing zoning and developed uses in the surrounding area are primarily commercial and residential development. The principal land uses for Central Urban are areas that already are heavily settled and have, or will have, the greatest range and highest levels of public services. Residential and commercial land uses will continue to be predominate within the current land use category and therefore continue to be compatible. One of the only differences in the land use category change is the allowable dwelling units per acre. These uses are appropriate in this location due to the proximity to the interstate.

POLICY 6.1.5: The land development regulations will require that commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include but are not limited to frontage roads; clustering of activities; limiting access; sharing access; setbacks from existing rights-of-way; acceleration, deceleration and right-turn-only lanes; and, signalization and intersection improvements. (Ordinance No. 94-30, 00-22)

The subject parcel is in an area where capacity exists on the adjacent existing roadway network. A signalized intersection is located at US 41 and Constitution Blvd, providing access to the site. As discussed in the attached traffic analysis, the change in land use is not expected to substantially increase and may decrease the number of potential new trips generated by the development at buildout. Whether developed within the Urban Community or the Central Urban Land Use, the site is expected to generate similar traffic generation. Therefore, the proposed FLU change will have minimal impact on the existing roadway network capacity.

POLICY 6.1.6: The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is



encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.

The proposed change in land use will not have any impact on landscaping, open space or buffering on the subject site. The proposed development will provide adequate open space and buffering as required by the Land Development Code (LDC) under either FLU.

GOAL II: MIXED USE. Encourage mixed use developments that integrate multiple land uses, public amenities and utilities at various scales and intensities in order to provide diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle-friendly environments. (Ord. No. 17-13)

The remaining undeveloped lands develop at the maximum base density of 10 dwelling units per acre could potentially be developed with 236 dwelling units. If approved for the maximum potential bonus density at 15 dwelling units per acre, yields a maximum of 354 dwelling units. Demands on public facilities were estimated based on the maximum potential residential development in conjunction with the existing 501,811 square feet of commercial entitlement, which is also supported by the Central Urban category. The application materials supporting this request include copies of the Letters of Availability for the potable water and sanitary sewer from Lee County Utilities. Lee County Emergency Medical Services, South Trail Fire Protection & Rescue Service District, and the Lee County Sheriff's Office all have confirmed that the project has complete emergency service availability. LeeTran, and Lee County Solid Waste confirmed ability to accommodate the capacity demands of the proposed project. The submitted application demonstrates that services are available consistent with Goal 4 of the Lee Plan.

All other objectives and policies within Goal II for mixed use development will be consistent with either existing Urban Community FLU or proposed Central Urban FLU.

POLICY 11.2.2: Development in the Mixed-Use Overlay should accommodate connections to adjacent uses. (Ord. No. 07-15, 17-13)

Interconnection between Babcock Rd to Constitution is being proposed in Concurrent Development Order (DOS2022-00199)

GOAL 37: LEVEL OF SERVICE (LOS) STANDARDS. Establish and maintain specified transportation LOS standards. (Ordinance No. 98-09, 99-15, 00-08, 17-13)

POLICY 37.1.3: Lee County will use the most current Highway Capacity Manual, FDOT Quality Level of Service Handbook, and other best practices to calculate LOS. (Ordinance No. 98-09, 99-15, 07-09, 17-13)

The proposed land use change will have no adverse impact on the Level of Service of the Adjacent roads. As discussed in the attached traffic analysis, the change in



land use is not expected to substantially increase and will likely decrease the number of potential new trips generated by the development at buildout. A proposed development will comply with all transportation requirements of the LDC at time of zoning and development order.

GOAL 59: PROTECTION OF LIFE AND PROPERTY. To reduce the hazards to life, health, and property created by flooding due to rainfall in a manner consistent with the community's criteria for the preservation of environmental values and the conservation of natural resources.

OBJECTIVE 59.1: Lee County will continue its efforts in developing a surface water management planning process designed to produce and maintain an up-to-date body of technical information, and, based on that information, the necessary surface water management plans, regulatory mechanisms, and facility proposals that will improve the protection of present and future uses of real property from stormwater flooding, while preserving or enhancing the environmental and natural resource values of both land and water. (Ord. No. 94-30, 00-22)

POLICY 59.1.3: Maintain floodplain regulations in accordance with the most recently adopted Flood Insurance Rate Map (FIRM) and other available sources. (Ord. No. 94-30, 07-12, 18-28)

POLICY 59.1.4: Continue to develop, update, and improve technical information, with the assistance of the USDA Natural Resources Conservation Service, United States Geological Survey, Federal Emergency Management Agency (FEMA), SFWMD, and other agencies, in order to better determine the current flooding risks associated with severe rainfall events. (Ord. No. 91-19, 94-30, 99-15, 02-02)

POLICY 59.1.9: Maintain the floodplain management plan and analyze the flooding problem in the unincorporated areas of Lee County, inventory the flood hazard area, review possible activities to remedy identified flooding problems, select appropriate alternatives, and formulate a schedule for implementation. (Ord. No. 92-35, 94-30, 00-22, 07-12, 18-28)

OBJECTIVE 61.3: GENERAL SURFACE WATER MANAGEMENT STANDARDS. Lee County will continue to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems. (Ord. No. 94-30, 00-22)

POLICY 61.3.2: Maintain floodplains to minimize the potential loss of life and damage to property by flooding. (Ord. No. 00-22, 18-28)

POLICY 61.3.5: The County will maintain regulations which provide for the management and protection of floodplains, consistent with state and federal regulations. (Ord. No. 00-22)

The property is within FEMA flood zone AE 11.00 – 13.00' contours. This will be mitigated by placing fill such that the finished floor elevation is one foot above the FEMA base flood elevation as required by Florida Building Code and Chapter 6, LDC. Prior to future development on the property, the applicant will obtain the prerequisite Environmental Resource Permit (ERP) from South Florida Water Management District, and all other applicable state agencies. The request is consistent with Policies 59.1.3, 59.1.4, 59.1.9, 61.3.2 and 61.3.5.



POLICY 95.1.3: LOS standards will be the basis for planning and provision of required public facilities and services within Lee County. Regulatory LOS standards will be the basis for determining the adequacy of public facilities for the purposes of permitting new development. Compliance with non-regulatory LOS standards will not be a requirement for continued development permitting but will be used for facility planning purposes. The LOS will be the basis for facility design, for setting impact fees, and (where applicable) for the operation of the Concurrency Management System (CMS).

a. Sanitary Sewer - The site will provide Sanitary Sewer, meeting all the requirements in accordance with LDC requirements for development

b. Potable Water - The site will provide Potable Water, meeting all the requirements in accordance with LDC requirements for development

c. Surface Water/Drainage Basins – The property will include controlled discharge into the Mullock Creek system, meeting all requirements of South Florida Water Management District and Lee County at the time of development order.

d. Parks, Recreation, and Open Space - Any proposed development will provide all required Landscaping and Open Space as required by LDC.

GOAL 125: WATER QUALITY. To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County. (Ord. No. 17-19, 18-28)

The proposed planned development will be consistent with Lee Plan Goal 125, Objective 125.1, and Policies 125.1.1 through 125.1.6. The proposed development will not generate pollution and will meet all the conditions and requirements of Lee County's Wellfield Protection Ordinance No. 07-35.

POLICY 126.1.4: Development designs must provide for maintaining or improving surface water flows, groundwater levels, and lake levels at or above existing conditions. (Ord. No. 00-22, 18-28)

The proposed mixed-use development will include an engineered surface water (stormwater) management system, based on the rules, standards, and criteria of the SFWMD ERP program, and be consistent with the criteria of Part IV of Chapter 373, Florida Statutes. Through the elimination of the existing conveyance features, and construction of the stormwater management system, predevelopment water resources conditions (shallow groundwater and surface water) will be maintained, or otherwise enhanced. The attenuation of stormwater flows through the creation of wet detention areas (lakes), results in surface water supplies being seasonally stored, thereby improving recharge potential to the underlying Water Table Aquifer and enhancing shallow groundwater levels. The features also provide improved surface water quality treatment, provide wildlife habitat and can be used to supplement irrigation supplies. Therefore, the development design not only maintains, but potentially improves existing water resource conditions.

GOAL 141: IDENTIFICATION AND EVALUATION. To provide for the identification and evaluation of the historic resources of Lee County.

Reference exhibit M13 and site there are no resources listed on national register or any other recorded cultural or historic resources.



Although a portion of the site falls within the Archaeological Sensitivity Level 2, the proposed land use change will have no impact on the historic or archaeological resources of Lee County. The land use change to Central Urban FLU will not increase the allowable development intensity or potential development footprint different than existing Urban Community FLU. Historic or archaeological impacts will be avoided in either case and a certificate to dig will be requested from Lee County in accordance with LDC requirements at time of development.

Conclusion

The Future Land Use change from Urban Community to Central Urban will allow for a mixed-use infill development with both residential uses and supportive neighborhood commercial uses. The property is located within a mature developed area of Lee County as evidence by surrounding land use, densities, and intensities. The site is in proximately to goods, services, recreation, and public infrastructure. Flexibility in the uses for the subject site will not provide for additional intensity, nor provide any new deficiencies or impact the public health, safety or welfare, only residential density will increase with the change from Urban Community to Central Urban. Central Urban will continue to protect the natural resources and environmental features of the property through compliance with the Land Development Code and will efficiently utilize the existing public facilities and services in the area. The change will allow continued support of mixed-use development within the overlay and in an appropriate location, thereby accommodating growth in areas intended by Lee County Comprehensive Plan. This narrative confirms that the proposed request from Urban Community to Central Urban is consistent with the LeePlan and Land Development Code for the future land use change.



Babcock Road & US 41

Environmental Analysis Exhibit M12

The total site area is ±25.60-ac which consists of disturbed land. The site is bordered by roadways, commercial and residential development. The existing vegetation for the 24.34 acres in size, A dense canopy mainly cover by exotics is the dominant upland site feature (approximately 10.94 acres). There are two upland FLUCCS categories on this site. They are FLUCCS 190, Open land is drastically disturbed land where the current use does not have a specific purpose and FLUCCS 743 Spoil area is land that has been elevated or filled with fill material. In this case it was the filling of an upland dug excavation dug log ago. There is no evidence of listed species utilizing the south side of the property for habitat as most of the site has been developed/disturbed.

The change in land use from Urban Community to Central Urban will not have an effect on the environmental aspects of the site. In both cases, the development intensity will be similar, indigenous preserve areas will be provided in accordance with the Land Development code, wetland impacts will be avoided or mitigated in accordance with SFWMD and county requirements, and any listed species, if encountered will be addressed per local and state requirements.



Babcock Road & US 41

Historical Resources Impact Analysis Exhibit M13

Florida Master Site File

Per the Florida Master Site File, there are not any previously recorded cultural or historic resources located within 150 feet of the subject property.

Archaeological Sensitivity Map

 ± 450 ft South of the subject property is identified as being archaeologically sensitive 2 on the Lee County Archaeological Sensitivity Map dated December 2014. See below.





Babcock -US 41

Existing and Future Public Facilities Impacts Analysis
Exhibit M14 and Exhibit M16

Potable Water and Sanitary Sewer

The subject property is within Lee County Utilities (LCU)

The subject property is within the Lee County Utilities (LCU) potable water franchise area as depicted on Maps 4A and 4B of the Lee Plan. LCU owns and maintains existing potable water and wastewater lines along the adjacent streets. Pinewood Water Treatment Plant will provide potable water service to the proposed development while Three Oaks Water Reclamation Facility will provide wastewater service.

Lee County utilities has sufficient capacity to provide water and sewer service at buildout for both the existing Urban Community land use as well as the proposed Central Urban land use to include multi-family residential units. As similar uses could be developed in both land use categories, the difference in the expected water and sewer demand would be only due to the addition of the residential units and is summarized below.

Per F.A.C. 64E-6, residential/commercial:

Residential:

100 gallons per day per 1-bedroom unit (750 sf or less of building area)

200 gallons per day per 2-bedroom unit (751-1200 or less of building area)

300 gallons per day per 3-bedroom unit (1201-2250 sf or less of building area)

400 gallons per day per 4- bedroom unit (2251-3300 sf or less of building area)

Commercial:

15 gallons per day per employee per 8 hours shift or

15 gallons per day per 100 sf of floor space, whichever is grater

(288 2-bedroom multi-family residential units = 57,600 gpd; 60,000 sf office space= 9,000 gpd. The proposed project can expect an average potable water and sanitary sewer demand of 66,600 GPD.

Water and sewer demand for the balance of the property would remain unchanged whether in the Urban Community or central Urban land use.

According to the 2022 Lee County Concurrency Report, LCU's interconnected water distribution system is permitted with a capacity of 52.9 million gallons per day (MGPO) and is projected planned future to operate at 54.3 MGPO. Therefore, there is sufficient capacity within the existing water distribution system to serve the project at build-out.

According to the 2022 Lee County Concurrency Report LCU's / CFM combined wastewater Water Reclamation Facility is permitted with a capacity of 43.4 million gallons per day (MGPD) and is projected to operate at 49.4, by 2023/2024. Therefore, there is sufficient capacity within the existing plant to serve the increase in demand to the wastewater system from the project at build-out.



Surface Water/Drainage Basins

The existing site consists of vacant disturbed parcels. There is an existing stormwater swale along ROW of S. Tamiami Trail. The existing stormwater runoff sheet flows generally to the south into Mullock Creek flow way. The property has submitted to SFWMD for an Environmental Resource application # 221025-36369 to serve the 25.60-acre proposed development.

The subject site is currently in a FEMA Zone AE-EL11 per map panel 12071C0577H, which has an established base flood elevation of 11" NAVD.

The Lee Plan Policy 95.1.3 establishes regulatory standards and non-regulatory standards for public facilities and states as follows:

Stormwater Management Facilities LOS: The existing surface water management system in the unincorporated areas of the county will be sufficient to prevent the flooding of designated evacuation routes (see Map 3J) from the 25-year, 3-day storm event (rainfall) for more than 24 hours.

The 2022 Concurrency Report confirms that none of the evacuation routes in the studied watersheds are anticipated to be flooded for more than 24 hours, and that new developments that receive approval from the South Florida Water Management District and comply with standards in Florida Administrative Code Chapter 62- 330 will be deemed concurrent with the Lee Plan's surface water management LOS. The Babcock Rd- US 41 project will receive approval for an Environmental Resource Permit from the South Florida Water Management District and, as such, will be consistent with the surface water management Level of Service standards of the Lee Plan.

The change in land use from Urban Community to Central Urban will change the developable area. The proposed development will include a surface water management system which will provide both stormwater attenuation and water quality treatment. The surface water management system will include controlled discharge into the Mullocks Creek system, meeting all requirements of South Florida Water Management District and Lee County at the time of development order.

The change in land use will have no impacts on the design or function of the surface water management system, drainage basin, discharge rates, nutrient loadings, water quality or flood zone.

Parks, Recreation and Open Space

Regional Parks:

The Lee County Public Facilities Level of Service and Concurrency Report 2022 indicates a total of 7,066 acres of existing regional parks operated by county, local, state, and federal governments within Lee County. The capacity required to meet The Lee Plan Policy 95.1.3 non-regulatory level of-service standard of 6 acres per 1,000 total seasonal county population is equal to:

923,000 [seasonal county population] X (6 acres/1,000 population) = 5,538 acres

The Bureau of Economic and Business Research (BEBR) Projections of Florida Population by County, 2020-2045, with Estimates for 2019 provided a high projected population of 997,000



for Lee County in 2030. This would require 5,982 acres to meet the level of service standard. There is more than adequate existing Regional Park acreage in Lee County to meet the needs of the project.

Community Parks

The Lee County Public Facilities Level of Service and Concurrency Report 2022 indicates a total of 670.1 acres of existing community parks operated by Lee County or jointly operated with The School District of Lee County within Lee County. The capacity required to meet the Lee Plan Policy 95.1.3 non-regulatory level of-service standard of 0.8 acres per 1,000 total permanent county population is equal to:

384,000 [permanent unincorporated county population] X (0.8 ac/1,000 population) = 307 ac

The existing inventory of community parks within Lee County meets the community park level ofservice standard in the County for the year 2020 and will continue to do so at least through the next five years. The level of service standard increased from 285 acres in 2019 to 295 acres in 2021 which represents here is more than adequate existing Community Park acreage in Lee County to meet the needs of the project.

Public Schools

The subject property is within the South Zone, Lee Plan Policy 95.1.3 provides that Public Schools Facilities LOS standards for Elementary Schools, Middle Schools, High Schools and Special Purpose Facilities is based upon Permanent Florida Inventory School Houses (FISH) capacity and is 100% as adjusted by the School Board annually to account for measurable programmatic changes.

According to the Lee County Public Facilities Level of Service and Concurrency Report 2022, the South Zone showed an available capacity of 638 elementary school seats, 337 middle school seats, and 347 high school seats. The letter of review and recommendation has been requested from the School District of Lee County.



Engineers, Planners & Development Consultant

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BABCOCK ROAD - US 41

TRAFFIC IMPACT STATEMENT

July 2023

Prepared By: Carson Roisum

Reviewed By: Alfred Quattrone, P.E. FL. REG #52741

> Al Quattrone, Professorul Engineer, State of Florida, Ucense No. 52741 This item has been digrally signed and walled by Al Quattrone, FE. on 7/31/2023.

Frinted copies of this document are not considered signed and scaled and the signature must be verified on any electronic copies.

Alfred Digitally signed by Alfred Quattrone Quattrone O7:38:25

QAI Project # 220102





Babcock Road - US-41

STRAP#: 074625000009001A, 7462500000100010, 7462500000110020, 0846250100000001B, 8462500010070000, 8462500010060000, 8462500010050010, Babcock Rd — US 41, Fort Myers, FL. 33967.

The purpose of the TIS is to analyze the potential traffic impacts and identify any improvements or conflicts by altering the future land use category in an overall area.

EXISTING CONDITIONS

OVERVIEW

The subject property is located approximately 1.3 miles south of the intersection of Alico Rd and US-41. The comprehensive planned area for this analysis includes 13 parcels with a total area described below. The total area is acquired from Aim Engineering & Surveying Inc. with a Legal Sketch & Description dated from 12-05-2022 showing 25.60 acres total.

| Strap # | |
|--------------------------|--|
| 0746250000009001A | |
| 7462500000100010 | |
| 7462500000110020 | |
| 8462500010060000 | |
| 8462500010050010 | |
| 8462500010070000 | |
| 0846250100000001B | |
| Total Area = 25.60 Acres | |

ROADWAY INFORMATION

S Tamiami Trail (US-41) is a state-maintained six-lane divided arterial with a posted speed limit of 50 mph. Alico Rd is a four-lane divided arterial within the vicinity of the subject site. Alico Rd has a posted speed limit of 45 mph and is under the jurisdiction of the Lee County Department of Transportation. Michael G. Rippe Pkwy is a six-lane divided county maintained arterial within the vicinity of the subject site. Michael G. Rippe Pkwy has a posted speed limit of 55 mph. Babcock Rd is a two-lane two-way county maintained minor collector roadway, with a speed limit of 30 mph. Constitution Blvd is a two-way divided county maintained major collector roadway with a posted speed limit of 30 mph.

PROPOSED DEVELOPMENT

The existing development area is zoned with a future land use of Urban Community with a maximum base density of 6 dwelling units per gross acre. The proposed future land use for the area is Central Urban with a maximum base density of 10 dwelling units per gross area, totaling 267 multi-family dwellings units with the purchase of an allowable number of TDRs. For both Urban Community and Central Urban, the same commercial developments/retail can be built so there is no net improvement or change in terms of trip generation onto local roadway. The proposed development will be analyzed by looking at the overall impact of 267 residential units instead of net difference.

Below is the land use codes utilized to calculate the projected trips:

LUC 220 - Multifamily Housing (Low-Rise)

267 Dwelling Units



TRIP GENERATION

The trip generation proposed for the development was determined using OTISS software which references the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, I Ith Edition. LUC-220 had best fit curves available for the weekday and AM/PM peak hour analysis. All the analyses for LUC 220 were generated using the ITE best fit rate

The table below outlines the anticipated A.M. and P.M. peak hour trip generation for the proposed use as well as weekday analysis, calculated by OTISS.

| Land Hea | Peal | cAM | Peak | PM | Weekday | | |
|--|-------|------|-------|------|---------|------|--|
| Land Use | Entry | Exit | Entry | Exit | Entry | Exit | |
| 220 – Multifamily Housing (Low-Rise) 267 Dwelling Units | 25 | 81 | 85 | 50 | 893 | 894 | |

TRIP DISTRIBUTION

The total trip from the future development is assumed to all eventually come from S Tamiami Trail (US-41). It is assumed that 50% of trips will be accessing the site from the north and 50% of the trips will be accessing the site traveling south on US-41. Additionally, it was assumed that 30% of traffic heading to/from the north will access both Alico Road and Michael G. Rippe Parkway (15% each). These assumptions w determined by referencing nearby commodities and businesses.

PROJECT LEVEL OF SERVICE AND IMPROVEMENTS

There is one roadway that will be analyzed for Level of Service, S Tamiami Trail (US-41).

Florida Traffic Online currently displays the 100th highest hour traffic volume of 2,413 trips just north and south of the site, and 2,900 north of Alico Road on US 41. For the county-maintained roadways, the most recent concurrency report was utilized to determine peak hour traffic. Utilizing the specific service volumes attached in the Appendix, it was found that all roadways have sufficient capacity with and without the project traffic. Therefore, no LOS degradation is expected for current conditions.

SHORT TERM AND LONG-TERM ANALYSIS

Per Lee County standards, the proposed amendment is to be analyzed for 2028 and 2045. The existing 2022 peak hour peak season peak direction volumes were calculated by adjusting both Lee County and FDOT's appropriate traffic counts. These values were then assigned an appropriate growth rate and were converted to future traffic volumes. US-41 directly adjacent to the subject site is anticipated to operate at Level of Service C in 2028 both with and without the addition of project traffic. However, north of Alico road US 41 is expected to fail with and without the proposed trips. US-41 in 2045 is expected to operate below the minimum LOS value without the addition of project traffic in all scenarios. Alico Road and Michael G. Rippe Parkway are expected to operate at Level of Service C in both 2028 and 2045 with the addition of the project traffic. Therefore, no improvements will be warranted as a result of the proposed development. Table 2 displays both scenarios.



CONCLUSION

The proposed development will not have a significant impact on the surrounding roadway network. Based on the Level of Service analysis conducted as a part of this report, the proposed changes will not degrade US-41. US-41 is anticipated to operate below minimum standards in the horizon year both with and without the project traffic. Therefore, no roadway capacity improvements are required as a result of the proposed change.

REFERENCES

- Florida Traffic Information Online
- FDOT's Generalized Peak Hour Directional Volumes, Table 7
- Institute of Transportation Engineers Trip Generation, 11th Edition
- Lee County Generalized Level of Service Thresholds 2016 (LCDOT)
- Lee County Traffic Counts 2022 (LCDOT)
- Lee County Concurrency Report 2022 (LCDOT)
- Trip Generation by OTISS Online Traffic Impact Study Software

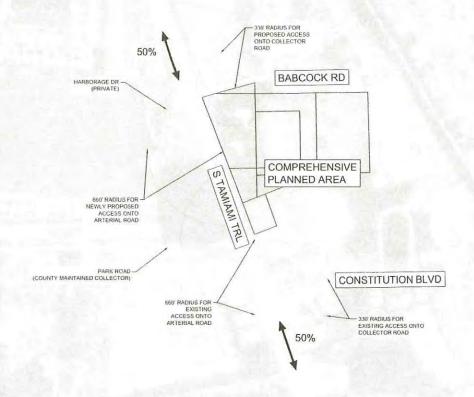


TRIP DISTRIBUTION EXHIBITS

Trip LOS Exhibits T-01 & T-02









Quattrone & Associates, Inc.

Engineers, Planners, & Development Consultants 4301 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239-936-5222

Certificate of Authorization Number: 9465

INBOUND TRIPS

TIS LOS EXHIBIT

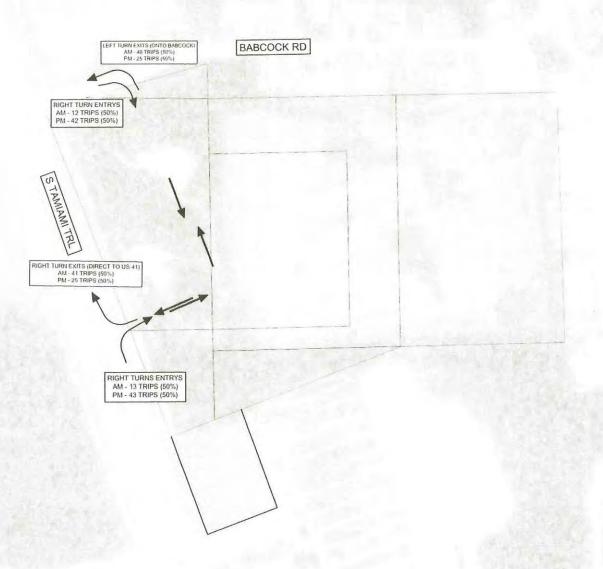
BABCOCK ROAD

FORT MYERS, FL 33967.

T-01 010F 03

| PROPOSED TRIPS | |
|------------------------|-----|
| Driveway Volume | |
| 7-9 AM Peak Hour Enter | 25 |
| 7-9 AM Peak Hour Exit | 81 |
| 7-9 AM Peak Hour Total | 106 |
| 4-6 PM Peak Hour Enter | 85 |
| 4-6 PM Peak Hour Exit | 50 |
| 4-6 PM Peak Hour Total | 135 |







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BABCOCK APARTMENTS

TURN LANE EXHIBIT BABCOCK ROAD FORT MYERS, FL 33967.

SHEET T-02 03OF 03



TRIP GENERATION ANALYSIS

- ITE generated trips table
- Level of Service (Table 1)
- Short Term and Horizon Year LOS (Table 2)



| Scenario - 1 | | | | | | | | | | | |
|---|----------------|--|---------|--------------------------|--------------------------|---------------------|---------|-------|-----|--|--|
| Land Use & Data Source | Location | 100 | Size | Time Period | Method | Entry | Exit | Total | | | |
| | Location | | Sitte | Time Feriou | Rate/Equation | Split% | Split 6 | 10121 | | | |
| 20(2) - Multifamily Housing (Low-Rise) - Not | General | Dwelling Units | its 267 | Weekday, Peak Hour of | Best Fit (LIN) | 25 | 80 | 105 | | | |
| ata Source: Trip Generation Manual, 11th Ed | Urban/Suburban | | | 207 | Adjacent Street Traffic, | T = 0.31(X) + 22.85 | 24% | 76% | 103 | | |
| 20 - Multifamily Housing (Low-Rise) - Not Close | General | Prove Ware Challer | m erm | Weekday, Peak Hour of | Best Fit (LIN) | 85 | 50 | 125 | | | |
| ata Source: Trip Generation Manual, 11th Ed | Urban/Suburban | Dwelling Units | 267 | Adjacent Street Traffic, | T = 0.43(X) + 20.55 | 63% | 37% | 135 | | | |
| 20(1) - Multifamily Housing (Low-Rise) - Not | General | 9 10 10 10 10 10 10 10 10 10 10 10 10 10 | 262 | 7 Weekday | Best Fit (LIN) | 893 | 893 | 1786 | | | |
| ata Source: Trip Generation Manual, 11th Ed | Urban/Suburban | Dwelling Units | 267 | | T = 6.41(X) + 75.31 | 50% | 50% | | | | |

TABLE 1: LEVEL OF SERVICE THRESHOLDS

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 106 VPH IN= 25 OUT= 81

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 135 VPH IN= 85 OUT= 50

| ROADWAY | SEGMENT | ROADWAY CLASS | LOS A | LOS B | LOS C | LOS D VOLUME | LOS E | PROJECTED TRAFFIC DISTRIBUTION | PROJECT TRAFFIC AM PEAK | PROJECT TRAFFIC PIM PEAK | PROJECT/LOS C |
|------------------------|-----------------|---------------|-------|-------|-------|-----------------|-------|--------------------------------------|-------------------------------|--------------------------------|---------------|
| US 41 | N. of Site | 6LD | | - | 3,087 | 3,171 | 3,171 | 50% | 41 | 43 | 1.38% |
| | S. of Site | 6LD | 19 | - 2 | 3,087 | 3,171 | 3,171 | 50% | 41 | 43 | 1.38% |
| | N. of Alico Rd. | 6LD | + | + | 3,087 | 3,171 | 3,171 | 20% | 16 | 17 | 0.55% |
| Alico Rd. | E. of US 41 | 4LD | 1.2 | 250 | 1,840 | 1,960 | 1,960 | 15% | 12 | 13 | 0.69% |
| Michael G. Rippe Pkwy. | N. of US 41 | 6LD | 12 | 2. | 3,087 | 3,171 | 3,171 | 15% | 12 | 13 | 0.41% |

^{*} The Level of Service thresholds for US 41 were obtained from the FDOT Generalized Service Volume Table

^{**} The Level of Service thresholds for County Roadways were obtained from the Lee County Generalized Service Volume Table

TABLE 2: SHORT TERM AND HORIZON YEAR ANALYSIS

| | | | | Segment | K Factor | D Factor |
|--------------------------------------|---------|--------|---------|---------|----------|----------|
| | | | | 120034 | 0.09 | 0.531 |
| | | | | 120067 | 0.09 | 0.537 |
| TOTAL AM PEAK HOUR PROJECT TRAFFIC = | 105 VPH | IN≃ 25 | OUT= 81 | | | |
| TOTAL PM PEAK HOUR PROJECT TRAFFIC = | 135 VPH | IN= 85 | OUT= 50 | | | |

| | | STA. | BASE YR | 2022 | YRS OF | ANNUAL | PRESENT PK HR PK | 2028 PK HR PK SEASON | 2028 | 2045 PK HR PK SEASON | 2045 | PROJECT | AM | PM | BACKGROI PROJE | UND+AM | BACKGROU PROJEC | IND+PM | 204 BACKGROU PROJEC | JND+PM | BACKGROU PROJEC | UND+PM |
|------------------------|-----------------|--------|---------|--------|--------|--------|---------------------|----------------------------|------|----------------------------|------|---------|---------|---------|-------------------|--------|--------------------|--------|---------------------------|--------|--------------------|--------|
| ROADWAY | SEGMENT | # | ADT | ADT | GROWTH | RATE | SEASON | VOLUME | LOS | VOLUME | LOS | TRAFFIC | TRAFFIC | TRAFFIC | VOLUME | LOS | VOLUME | LOS | VOLUME | LOS | VOLUME | LOS |
| US 41 | N. of Site | 120034 | 50,500 | 50,500 | 16 | 2.00% | 2,413 | 2,718 | C | 3,806 | F | 50% | 41 | 43 | 2,758 | C | 2,760 | C | 3,846 | F | 3,848 | F |
| | S. of Site | 120034 | 50,500 | 50,500 | 16 | 2.00% | 2,413 | 2,718 | C | 3,806 | F | 50% | 41 | 43 | 2,758 | C | 2,760 | C | 3,846 | F | 3,848 | F |
| | N. of Alico Rd. | 120067 | 55,000 | 60,000 | 15 | 2.00% | 2,900 | 3,266 | F | 4,573 | F | 20% | 16 | 17 | 3,282 | F | 3,283 | F | 4,589 | F | 4,590 | F |
| Alico Rd. | E. of US 41 | 204 | 23,400 | 25,600 | 6 | 2.00% | 1,171 | 1,319 | C | 1,847 | D | 15% | 12 | 13 | 1,331 | .c | 1,331 | c | 1,859 | D | 1,859 | D |
| Michael G. Rippe Pkwy. | N. of US 41 | 531 | 17,500 | 15,000 | 0 | 2.00% | 1,397 | 1,573 | C | 2,203 | C | 15% | 12 | 13 | 1,585 | C | 1,586 | C | 2,215 | C | 2,216 | C |

^{* 2022} Peak Hour Peak Season Values Were Calculated Using FDOT's K and D Factors Multiplied by the Current AADT Volume for State Controlled Roadways

^{** 2022} Peak Hour Peak Season Values Were Calculated Using Lee County's 2022 Concurrency Report for County Controlled Roadways

^{***} Growth Rates were Calculated by Referencing LCDOT & FDOT's AADT Traffic Count Volumes

^{****} A Minimum Growth Rate of 2.00% was Assigned



TRIP GENERATION GRAPHS

- Land Use Description
- ITE generated graphs



Land Use: 220 Multifamily Housing (Low-Rise)

Description

Low-rise multifamily housing includes apartments, townhouses, and condominiums located within the same building with at least three other dwelling units and that have two or three floors (levels). Various configurations fit this description, including walkup apartment, mansion apartment, and stacked townhouse.

- A walkup apartment typically is two or three floors in height with dwelling units that are accessed by a single or multiple entrances with stairways and hallways.
- A mansion apartment is a single structure that contains several apartments within what appears to be a single-family dwelling unit.
- · A fourplex is a single two-story structure with two matching dwelling units on the ground and second floors. Access to the individual units is typically internal to the structure and provided through a central entry and stairway.
- A stacked townhouse is designed to match the external appearance of a townhouse. But, unlike a townhouse dwelling unit that only shares walls with an adjoining unit, the stacked townhouse units share both floors and walls. Access to the individual units is typically internal to the structure and provided through a central entry and stairway.

Multifamily housing (mid-rise) (Land Use 221), multifamily housing (high-rise) (Land Use 222), affordable housing (Land Use 223), and off-campus student apartment (low-rise) (Land Use 225) are related land uses.

Land Use Subcategory

Data are presented for two subcategories for this land use: (1) not close to rail transit and (2) close to rail transit. A site is considered close to rail transit if the walking distance between the residential site entrance and the closest rail transit station entrance is 1/2 mile or less.

Additional Data

For the three sites for which both the number of residents and the number of occupied dwelling units were available, there were an average of 2.72 residents per occupied dwelling unit.

For the two sites for which the numbers of both total dwelling units and occupied dwelling units were available, an average of 96.2 percent of the total dwelling units were occupied.

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip



generation resource page on the ITE website (https://www.ite.org/technical-resources/topics/tripand-parking-generation/).

For the three sites for which data were provided for both occupied dwelling units and residents, there was an average of 2.72 residents per occupied dwelling unit.

It is expected that the number of bedrooms and number of residents are likely correlated to the trips generated by a residential site. To assist in future analysis, trip generation studies of all multifamily housing should attempt to obtain information on occupancy rate and on the mix of residential unit sizes (i.e., number of units by number of bedrooms at the site complex).

The sites were surveyed in the 1980s, the 1990s, the 2000s, the 2010s, and the 2020s in British Columbia (CAN), California, Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, Minnesota, New Jersey, Ontario (CAN), Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, and Washington.

Source Numbers

188, 204, 237, 300, 305, 306, 320, 321, 357, 390, 412, 525, 530, 579, 583, 638, 864, 866, 896, 901, 903, 904, 936, 939, 944, 946, 947, 948, 963, 964, 966, 967, 1012, 1013, 1014, 1036, 1047, 1056, 1071, 1076



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units On a: Weekday

Setting/Location: General Urban/Suburban

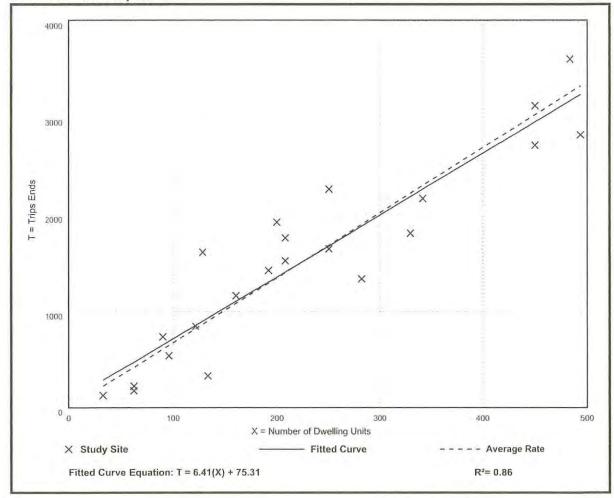
Number of Studies: 22 Avg. Num. of Dwelling Units: 229

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 6.74 | 2.46 - 12.50 | 1.79 |

Data Plot and Equation





Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

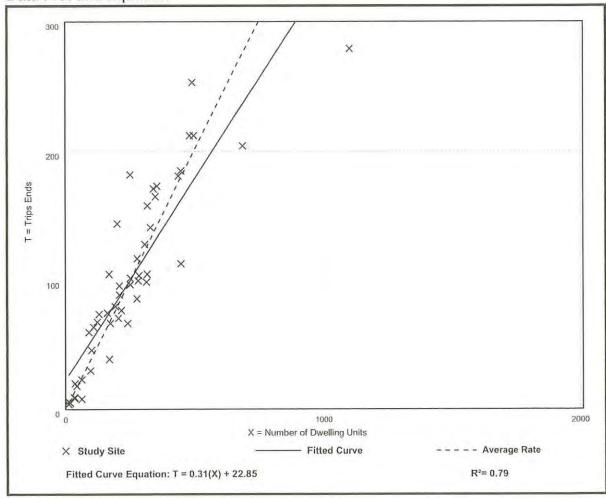
Number of Studies: 49 Avg. Num. of Dwelling Units: 249

Directional Distribution: 24% entering, 76% exiting

Vehicle Trip Generation per Dwelling Unit

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 0.40 | 0.13 - 0.73 | 0.12 |

Data Plot and Equation





Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

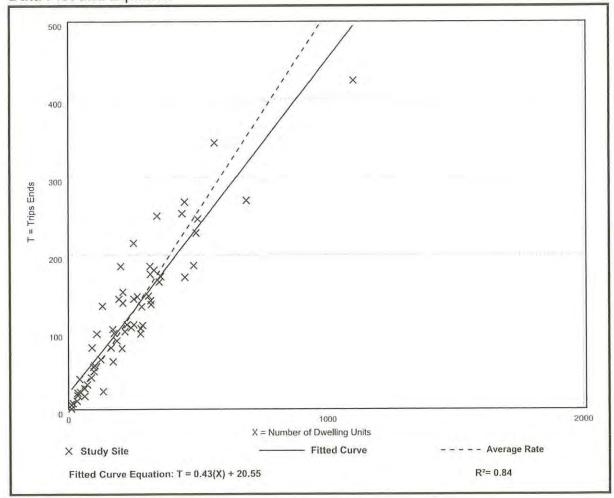
Number of Studies: 59 Avg. Num. of Dwelling Units: 241

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 0.51 | 0.08 - 1.04 | 0.15 |

Data Plot and Equation





CONCURRENCY & TRAFFIC REPORT

- Florida Traffic Online's Historical AADT Values
- 2022 Lee County Traffic Count Report
- 2022 Lee County Concurrency Report
- 2016 Generalized Service Thresholds
- FDOT Generalized Peak Hour Directional Volumes, Table 7



2021 HISTORICAL AADT REPORT

12 - LEE

34 - SR 45/US 41, NW OF SANIBEL BOULEVARD LC424

| AADT | DIRECTION | DIR | ECTION 2 | *K FACTOR | D FACTOR | T FACTOR |
|--|--|-------------|---|--|--|--|
| 50500 C 42500 C 54000 C 49000 C 48500 C 45000 C 42000 C 42000 C 41000 C 41000 C 41000 C 44500 C 53500 F 50500 C | N 25000 N 21000 N 26500 N 24500 N 23500 N 24500 N 22500 N 21000 N 19500 N 20500 N 20000 N 19000 N 20500 N 22500 N 22500 N 22500 | 99999999999 | 25500 21500 27500 24500 24500 24000 22500 21000 20000 20500 20000 19500 22000 27000 25500 | 9.00 9.00 9.00 9.00 9.00 9.00 9.00 9.00 | 53.10 52.80 53.30 53.30 53.20 56.20 54.50 54.60 59.70 54.30 55.00 57.60 54.47 58.94 54.76 54.38 | 5.30 5.30 3.70 5.00 4.00 4.00 3.50 4.20 3.40 3.30 3.30 3.30 3.80 3.80 |

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE

S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE

V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION TRANSPORTATION STATISTICS OFFICE 2022 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

| SITE: | 0067 - SR | 45/US | 41, NORTHWE | ST OF ALICO ROAD | LC420 | | |
|--|--|-------------|--|--|--|--|--|
| YEAR | AADT | 2 | DIRECTION 1 | DIRECTION 2 | *K FACTOR | D FACTOR | T FACTOR |
| 20221 20220 2019 2018 2017 2016 2015 2014 2013 2012 2011 | 60000 60000 46000 52000 52000 53000 58500 50000 60500 62000 | 00000000000 | N 29500 N 29500 N 29500 N 29500 N 25500 N 25500 N 26500 N 26500 N 25500 N 25500 N 30500 N 31500 | \$ 30500 \$ 30500 \$ 23500 \$ 26500 \$ 26500 \$ 26500 \$ 29500 \$ 29500 \$ 25500 \$ 30000 \$ 31500 | 9.00 9.00 9.00 9.00 9.00 9.00 9.00 9.00 | 53.30 53.30 53.30 53.30 53.30 54.50 54.50 54.50 54.50 55.60 | 5.50 5.50 4.40 4.30 4.60 4.37 3.50 4.20 4.80 4.40 |
| 2009 2008 2007 | 56500 59000 55000 | Č | N 28500 N 30000 N 28500 | S 28000 S 29000 S 26500 | 10.24 10.37 10.16 | 54.47 58.94 54.76 | 4.60 5.10 5.40 |

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE

S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN *K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

| Updated 5/3/2023 | | | | | Da | ily Traff | ic Volu | ne (AAI | OT) | | | |
|------------------|-----------------------------|-----------|-------|-------|-------|-----------|---------|---------|-------|-------|-------|-------|
| STREET | LOCATION | Station # | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
| A & W BULB RD | N OF GLADIOLUS DR | 215 | 6800 | | 6600 | | 7100 | | 7700 | | | |
| ALABAMA RD | N OF IMMOKALEE RD | 201 | | | 6800 | | 7100 | | 6000 | | | |
| ALABAMA RD | S OF HOMESTEAD RD | 200 | 9000 | 9300 | 10300 | 11000 | | 10200 | 10700 | 7900 | | 11800 |
| ALICO RD | E OF US 41 | 204 | 23400 | 19900 | 21900 | 24100 | 22100 | 22800 | 24200 | 25600 | | |
| ALICO RD | E OF LEE RD | 207 | | | | | | | | | | |
| ALICO RD | W OF I - 75 | 10 | 29100 | 38400 | 41100 | 43600 | 44800 | 47900 | 49800 | 41900 | 49600 | 53700 |
| ALICO RD | E OF 1 - 75 | 53 | 26900 | 28400 | 25600 | 24300 | 24600 | 26200 | 24200 | 20200 | 26100 | 28000 |
| ALICO RD | E OF BEN HILL GRIFFIN PKWAY | 205 | | 7500 | | 8500 | | 8900 | | | | 16200 |
| ALICO RD | N OF CORKSCREW RD | 206 | | | | | | | | | | 5300 |

| Updated 5/3/2023 | | | | | Da | ily Traff | ic Volu | me (AAI | DT) | | | |
|------------------------|----------------------------|-----------|-------|-------|-------|-----------|---------|---------|-------|-------|-------|-------|
| STREET | LOCATION | Station # | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
| McGREGOR BLVD | @ SANIBEL TOLL PLAZA | 320 | 16300 | 23100 | | | | | | | | |
| McGREGOR BLVD | AT SANIBEL TOLL PLAZA | 120 | | | 17900 | 20600 | 18400 | 18000 | 18200 | 16400 | 19400 | 19600 |
| McGREGOR BLVD | E OF KELLY RD | 38 | 15500 | 15800 | 16100 | 15600 | 15700 | 15900 | 15900 | 15300 | 16100 | 14800 |
| McGREGOR BLVD (SR 867) | S OF PINE RIDGE RD | 37 | 27400 | 27700 | 28300 | 28000 | 27600 | 27800 | 30000 | 25500 | 28700 | 28100 |
| McGREGOR BLVD (SR 867) | N OF A&W BULB RD | 126 | | | | | | | | 32200 | 39300 | 38200 |
| McGREGOR BLVD | N OF MANUELS DR | <u>29</u> | 14800 | 14700 | 15200 | 15500 | 13200 | 11500 | 15400 | 13100 | 13300 | 14900 |
| METRO PKWY (SR 739) | N OF SIX MILE PKWY | 337 | 14300 | | | | | | | | | |
| METRO PKWY (SR 739) | S OF CRYSTAL DR | 125 | | | | | | | | 20900 | | 26300 |
| METRO PKWY (SR 739) | N OF ARC WAY | 45 | 21600 | 22700 | 24300 | 25200 | 25000 | 25300 | 25700 | 23400 | 25200 | 25500 |
| METRO PKWY (SR 739) | S OF SIX MILE CYPRESS PKWY | 3809 | | | | | | | | | | 27600 |
| MICHAEL RIPPE PKWY | S OF SIX MILE CYPRESS PKWY | 531 | 17500 | | | | | | | | | |
| MILWAUKEE BLVD | E OF HOMESTEAD RD | 341 | | | | | 3700 | | 3800 | | | |

Table 21 b): Link-Level Service Volumes and LOS Table
Table 21 b) 1 of 7

| nk No. | NAME | ROADWA | / UNK | F. Class | ROAD | 1 | RFORMANCE TANDARD | 1110 | 021 10 GHEST I | | FUT | URE FO (2021 | recast () | Notes |
|-------------|-------------------------|--------------------------------|------------------------|---------------|------|-----|-------------------------|------|-------------------|------|-----|-----------------|--------------|--|
| | | FROM | TO | | TYPE | L05 | DIRECTIONAL CAPACITY | LOS | VOL | v/c | LOS | VOL | v/c | mics |
| 0100 | A & W BULB RD | GLADIOLUS DR | McGREGOR BLVD | Maj. Col | 2LN | E | 860 | C | 342 | 0.40 | (| 360 | 0.42 | |
| 0200 | ALABAMA RO | SR 82 | MILWAUKEE BLVD | M. Art | 2LN | Ε | 990 | 0 | 265 | 0.27 | C | 279 | 0.28 | |
| 0300 | ALABAMA RD | MILWAUKEE BLVD | HOMESTEAD RD | M. Art | 2LN | E | 990 | C | 349 | 0.35 | C | 367 | 0.37 | |
| 0400 | ALEXANDER BELL BLVD | SR 82 | MILWAUKEE SLVD | M. Art | 2LN | E | 990 | Ð | 561 | 0.57 | D | 590 | 0.60 | |
| 0500 | ALEXANDER BELL BLVD | MILWAUKEE BLVD | LEELAND HEIGHTS | M. Art | 2LN | E | 990 | 0 | 561 | 0.57 | Đ | 654 | 0.66 | Shadow Lakes |
| 1590 | ALICO RD | US 41 | DUSTY RD | P. Art | 410 | E | 1,980 | 8 | 1,171 | 0.59 | 8 | 1,230 | 0.62 | |
| 0500 | ALICO RD | DUSTY RD | LEE RO | P. Art | 610 | E | 2,960 | B | 1,171 | 0.40 | B | 1,532 | 0.52 | Alico Business Fark |
| 700 | ALICO RD | LEE RD | THREE OAKS PKWY | P. Art | 6L0 | E | 2,960 | В | 1,171 | 0.40 | 8 | 1,419 | 0.48 | Three Oaks Regional Center |
| 1000 | ALICO RD | THREE OAKS PKWY | 1-75 | P. Art | 6LD | E | 2,960 | 8 | 2,428 | 0.82 | 8 | 2,552 | 0.86 | EEPCO Study |
| 900 | ALICO RO | 1-75 | BEN HILL GRIFFIN BLVD | P. Art | 600 | E | 2,960 | 8 | 1,278 | 0.43 | 8 | 1,425 | 0.48 | EEPCO Study |
| 000 | ALICO RD | BEN HILL GRIFFIN BLVD | GREEN MEADOW DR | Maj. Col | ZUN | E | 1,100 | 0 | 395 | 0.36 | E | 808 | 0.73 | 4 Ln constr 2018, EEPCO Study* |
| 050 | ALICO RO | GREEN MEADOW DR | CORKSCREW RD | Maj Col | ZLN | E | 1,100 | B | 131 | 0.12 | В | 224 | 0.20 | EEPCO Study |
| 200 | BABCOCK RD | US 41 | ROCKEFELLER CIA | Min. Cal | 2LN | E | 860 | C | 55 | 0.06 | (| 162 | 0.19 | old count |
| 400 | BARRETT RD | PONDELLA RD | PINE ISLAND PO (US 78) | Maj. Col | 2LN | E | 860 | C | 103 | 0.12 | C | 115 | 0.14 | old count projection(2009) |
| 500 | BASS RD | SUMMERLIN RD | GLADIOLUS DR | Maj. Col | 4LN | E | 1,790 | (| 564 | 0.32 | (| 822 | 0.45 | 10,141,000,000,000,000,000,000,000,000,0 |
| 500 | BANSHORERD (SR.78) | BUS 41 | NEW POST SO/HART SID | State | 400 | 3 | 1,100 | 0 | 1,975 | 0,94 | 0 | 2,076 | 0.99 | |
| 700 | BAYSHUNE RO (SR 78) | HARTAD | SLATER RD | State | 40 | Ð | £100 | 6 | 1,821 | 0.87 | 逐 | 2,152 | 100 | |
| 800 | BAISHCRE FO (SR 75) | SLATER RD | H75 | State | 4.5 | 9 | 2,100 | 2 | 1,222 | 82.0 | 5 | 1,441 | 0.69 | |
| | SAYSHORE RD (SR. 78) | 1-75 | MALLERE | State | ZEN | 0 | 524 | T | 741 | 0.60 | E | 945 | 1.02 | |
| 900 | MYSHINE和银剂 | MALLERO | 5833 | State | 2LN | 0 | 924 | 2 | 741 | 6.80 | DE. | 941 | 1.02 | |
| 100 | BEN HILL GRIFFIN PKWY | CORKSCREW RD | FGCU ENTRANCE | P. Art | 400 | E | 2,000 | 8 | 1,361 | 0.68 | 8 | 1,763 | 0.88 | |
| 200 | BEN HILL GRIFFIN PKWY | FGCU BOULEVARD S | COLLEGE CLUB DR | P. Art | 410 | E | 2,000 | В | 1,361 | 0.68 | B | 1,430 | 0.72 | |
| 250 | BEN HILL GRIFFIN PKWY | COLLEGE CLUB DR | AUCO RO | P. Art | 6LD | E | 3,000 | A | 1,123 | 0.37 | A | 1,215 | 0.41 | |
| 950 | BEN HILL GRIFFIN PKWY | ALICO RD | TERMINAL ACCESS RD | Controlled xs | 410 | E | 1,980 | A | 980 | 0.49 | A | 1,030 | 0.52 | |
| 300 | BETH STACEY BLVD | 23RD ST | HOMESTEAD RD | Maj. Col | 2LN | E | 860 | C | 340 | 0.40 | C | 565 | 0.65 | |
| 400 | BONITA BEACH RD | HICKORY BLVD | VANDERBILT DR | P. Art | 4LD | E | 1,900 | 0 | 736 | 0.39 | C | 774 | 0.41 | Constrained In City Plan * |
| 500 | BONITA BEACH RD | VANDERBILT DR | U\$41 | P. Art | 410 | E | 1,900 | C | 1,433 | 0.75 | C | 1,506 | 0.79 | Constrained In City Plan |
| 600 | BONITA BEACH RD | US 41 | OLD 41 | P. Art | 4(0 | E | 1,860 | 0 | 1,427 | 0.77 | C | 1,500 | 0.81 | Constrained, old count projection(20 |
| 700 | BONITA BEACH RD | OLD 41 | IMPERIAL ST | P. Art | 6.0 | E | 2,800 | C | 1,900 | 0.68 | C | 2,005 | 0.72 | Constrained in City Plan (2010) |
| 800 | BONITA BEACH RD | IMPERIAL ST | W OF 1-75 | P. Art | 6LD | E | 2,800 | C | 2,091 | 0.75 | C | 2,197 | 0.78 | Constrained in City Plan |
| | BONITA BEACH RD | E OF 1-75 | BONITA GRAND DR | M. Art | 400 | E | 2,020 | 8 | 626 | 0.31 | 8 | 658 | 0.33 | Constrained in City Plan |
| 950 | BONITA BEACH RD | BONITA GRANDE DR | Logan Boulevard | M.Art | 410 | E | 2,020 | 8 | 626 | 0.31 | B | 658 | 0.33 | Constrained in City Plan |
| 66 | BONITA GRANCE DE | BONITA SEACH RO | E TERRY ST | Maj. Col | 2174 | Ē | (860) | 0 | 692 | 0.80 | E | 782 | 0.91 | old count projection (2009) |
| | BOYSCOUT RD | SUMMERLIN AD | US 41 | P. Art | SUN | E | 2,520 | E | 1,847 | 0.73 | E | 1,941 | 0.77 | |
| | BRANTLEYRO | SUMMERUN RD | US 41 | Maj. Col | 2LN | E | 860 | 0 | 287 | 0.33 | C | 302 | 0.35 | |
| 100 | BRIARCLIFF RD | US 41 | TRIPLE CROWN CT | Maj. Col | 2LN | E | 860 | (| 158 | 0.12 | Ĺ | 156 | 0.19 | |
| | | SR 80 | North RIVER RD | Maj. Col | 2UN | E | 860 | (| 280 | 0.33 | C | 294 | 0.34 | old count projection (2009) |
| | BUCKINGHAM RD | SR 82 | GUNNERY RD | P. Art | 2UN | E | 990 | D | 491 | 0.50 | D | 516 | 0.52 | |
| | BUCKINGHAM RD | GUNNERY RD | ORANGE RIVER BLVD | P. Art | 2LN | E | 990 | C | | 0.40 | C | 415 | 0.42 | |
| | BUCKINGHAM RD | ORANGE RIVER BLVD | SR 80 | P. Art | 2LN | E | 990 | 0 | 644 | 0.65 | F | 1,057 | 1.07 | Buckingham 345 & Portico |
| | BURNT STORE RD | SR 78 | VAN BUREN PKWY | Controlled xs | 4LD | E | 2,950 | В | | 0.28 | 8 | 870 | 0.29 | |
| | BURNT STORE RD | VAN BUREN PKWY | COUNTY LINE | Controlled xs | -2UN | E | 1,140 | (| | 0.46 | C | | 0.55 | |
| | | CITY LIMITS IN END EDISON SAID | PONDELLARD | State | 6LD | 0 | 3,171 | | 1,715 | | | | 0.65 | |
| | BUS 41 (N TAMBAM) TR. | | SR.7E | State | 60 | 0 | 5,171 | 4 | | | | 5305 | | |
| | BUS 41 (N TAMBAMI TR.) | | LITTLETON 8D | State | 4(0) | D | 2,300 | 5 | | 0.47 | | 1,345 | | |
| | BUS 41 (NTAMBAM) TR. S | | 0541 | State | 40 | 0 | 2,100 | £. | | | | 796 | | |
| | | DEL PRADO BLVD | McGREGOR BLVD | P. Art | ALB | E | 4,000 | D | | | | 3,255 | | |
| /00 | CAPTIVA DR | BLIND PASS | SOUTH SEAS | Maj Col | 2LN | E | 860 | C | 267 | 031 | C | 302 | 0.35 | Constrained, old count(2010) |
| | ia anni anni | d Collector Roadway - Unin | | | | | _ | | | | | | | Unincorporated Lee County |

County-Maintained Collector Roadway - Unincorporated Lee County

County-Maintained Collector Roadway - Incorporated Lee County

County-Maintained Arterial Roadway - Unincorporated Lee County

County-Maintained Arterial Roadway - Unincorporated Lee County

County-Maintained Arterial Roadway - Incorporated Lee County

Table 21 b): Link-Level Service Volumes and LOS Table
Table 21 b) 4 of 7

| | | | EE COUNTY ROAD LIN | (VOLUMES (| County- | | tate-Maintai FORMANCE | | Koadw 021 100 | | FIE | IRF FO | RECAST | |
|-------|-----------------------|------------------------------|----------------------|-------------|---------|-----|--------------------------|-------|------------------|-------|------|---------|-----------|----------------------------------|
| k No. | NAME | ROADWAY | UNK | F. Class | ROAD | | TANDARO | 10.00 | HEST H | | 101 | (2026 | | Notes |
| | | FROM | ТО | | TYPE | LOS | DIRECTIONAL CAPACITY | LOS | VOL | v/c | LOS | VOL. | V/C | |
| 900 | JOEL BLVD | 18TH ST | SR 80 | P. Art | 201 | E | 1,010 | C | 482 | 0.48 | D | 506 | 0.50 | |
| | JOHN MORRIS RD | BUNCHE BEACH | SUMMERLIN RD | Min. Col | 2111 | E | 860 | C | 62 | 0.07 | (| 72 | 0.08 | old count projection |
| | JOHN MORRIS RD | SUMMERUN RD | IONA RD | Maj Col | 2LN | E | 860 | C | 256 | 0.30 | C | 269 | 0.31 | |
| | KELLY RD | McGREGOR BLVD | SAN CARLOS BLVD | Mar. Col | 2LN | E | 860 | C | 264 | 0.31 | C | 277 | 0.32 | |
| | KELLY RD | SAN CARLOS BLVD | PINE RIDGE RD | Maj. Col | 2LN | E | 860 | C | 106 | 0.12 | ć | 120 | 0.14 | old count projection (2010) |
| | LAUREL DR | BUS 41 | BREEZE DR | Maj. Col | 2LN | E | 860 | C | 384 | 0.45 | C | 404 | 0.47 | the season by the same of season |
| | LEE BLVD | SR 82 | ALVIN AVE | P. Art | 6LD | E | 2,840 | В | 2,084 | 0.75 | В | 2,190 | | |
| 4700 | LEE BLVD | ALVIN AVE | GUNNERY RD | P. Art | 6LD | E | 2,840 | 8 | 1,957 | | 8 | 2,136 | | |
| 4800 | LEE BLVD | GUNNERY RD | HOMESTEAD RD | P. Art | 6LD | E | 2,840 | В | 1,093 | | В | 2,200 | 0.77 | |
| 4900 | LEE BLVD | HOMESTEAD RD | WILLIAMS AVE | P Art | 4LD | E | 1,980 | В | 898 | 0.45 | 3 | 943 | 0.48 | |
| | LEE BLVD | WILLIAMS AVE | LEELAND HEIGHTS | P. Art | 2LN | E | 1,020 | C | 898 | 0.88 | C | 943 | 0.92 | |
| | LEE RD | SAN CARLOS BLVD | ALICO RD | May Col | ZLN | E | 860 | C | 544 | 0.63 | D | 614 | 0.71 | old count projection(2015) |
| 5100 | LEELAND HEIGHTS | HOMESTEAD RO | JOEL BLVD | P. Art | 4LN | E | 1,800 | 8 | 832 | 0.45 | 8 | 867 | 0.48 | |
| | LEONARD BLVD | GUNNERY RD | WESTGATE BLVD | M. Art. | 2LN | E | 860 | 0 | 763 | 0.89 | D | 819 | 0.95 | |
| | LITTLETON RD | CORBETT RD | 05 41 | Maj. Col | 2LN | E | 860 | C | 528 | 0.61 | C | 555 | 0.65 | |
| | LITTLETON RD | US 41 | 8US 41 | Maj. Col | 2LN | E | 860 | C | 437 | 0.51 | C | 459 | 0.53 | |
| | LUCKETT RD | ORTIZ AVE | 1-75 | M. Art | 2LN | E | 880 | 8 | 317 | 0.36 | B | 392 | 0.45 | 4 Ln design & ROW |
| | LUCKETT AD | 1-75 | COUNTRY LAKES DR | May Col | 201 | E | 860 | 8 | 285 | 0.33 | C | 299 | 0.35 | |
| 5700 | MAPLE DR* | SUMMERUN RD | 2ND AVE | Min. Col | 2LN | E | 860 | C | 77 | 0.09 | 0 | 89 | 0.10 | old coura projection |
| 5800 | MICGREGOR BLVD | SANIBEL TPLAZA | HARBOR DR | P. Art. | 4L0 | E | 1,960 | B | 1,173 | 0.60 | 8 | 1,233 | 0.63 | barran I dans |
| 5900 | MEGREGOR BLVD | HARBOR DR | SUMMERLIN RD | P. Art | 4LD | E | 1,960 | В | 1,150 | 0.60 | В | 1,240 | 0.63 | |
| 6000 | McGREGOR BLVD | SUMMERLIN RD | KELLY RD | M. Art. | 410 | E | 1,960 | A | 927 | 0.47 | A | 983 | 0.50 | |
| 6100 | McGREGOR BLVD | KELLY RD | GLADIOLUS DR | M. Art | 410 | E | 1,960 | A | 927 | 0.47 | A | 975 | 0.50 | |
| 6200 | NY GREGOR BLVD ISB 86 | DED MEGREGOR /GLADIOLUS DR | HONA COOP SO | State | 400 | b | 2100 | 0 | 1,465 | 0.70 | E | L835 | 0.78 | 9 1 5 |
| 6300 | MAGREGOR BLVO (SR 86 | TIONA LOOP RD | PINERIOGERD | State | 410 | D | 2,100 | 6 | 1,455 | 0.70 | | 1,635 | 0.78 | |
| 5400 | MIGREGOR BLVD (SR 86 | PINE RIDGE RD | CYPRESS LAKE OR. | State | 4(0) | 0 | 2,100 | C | 1,674 | 0.80 | C | 1,875 | 0,89 | |
| 6500 | NICEREGOR BLVD (SA 96 | CYPREST LANE DR | COLLEGE PICEY | State | 410 | D | 2.105 | Ċ. | 1,674 | 0.80 | 1 | 1,273 | 0.39 | |
| 6600 | MIGREGOR BLVD ISR SE | COLLEGE POWY | WINKLERED | State | 201 | 9 | 924 | 0 | 736 | 0.79 | 0 | 797 | 0.06 | Constrained |
| 6700 | MIGREGOR BLVD FOR SE | WINKLER RD | TANGLEWOOD BLVD | State | 201 | 0 | 970 | F | 1,089. | 107 | (1) | 1,143 | 1.18 | Constrained |
| 6800 | MISTEGOR BLVD (SA BE | TANGLEWOOD BLVD | COLONIAL BLVD | State | 201 | 0 | 970 | 98 | 1,039 | 107 | (E | 1,143 | 116 | Constrained |
| 6900 | METRO PKWY (SR 735) | SIX MILE PKWY | DANIELS PRWY | State | 800 | 0 | 3,171 | 0 | 1.136 | 0.36 | 0 | 1,497 | 3,47 | |
| 7000 | METRO PKWY (SR 739) | DANIELEPKWY | CRISTAL DR | State | 410 | 0 | 2,100 | C | 1,184 | 0.55 | E | 1,445 | 0.59 | |
| 7100 | METRIC PKWY (SR 799) | CRYSTALOR | DANLEYOR | State | 410 | 0 | 2,100 | 1 | 1,665 | 0.79 | D | 2,092 | 1.00 | |
| 7200 | METRO PRWY ISR 734) | DAMI FY DE | COLONIAL BIAU | State | 415 | 0 | 2.100 | 1 | 1.885 | 0.79 | n | 1092 | 100 | |
| | MICHAEL PIEWY | US\$1 | SPEMBLES PHWY | State | 6(0) | 0 | 3,171 | C | 1,597 | 0.44 | E | 1,875 | 0.59 | |
| /600 | MILWAUSEE BLVD | ALABAMA BLVU | BELL BLVD | Maj, Col | 2LN | t | 860 | (| 163 | 0.20 | C | 1/5 | 0.20 | , |
| 7700 | MILWAUKEE BLVD | BELL BLVD | COLUMBUS BLVD | Min. Col | 2LN | E | 860 | C | 168 | 0.20 | C | 181 | 0.21 | |
| 7800 | MOODY RD | HANCOCK B. PKWY | PONDELLA RO | Min, Col | 2LN | E | 860 | C | 182 | 0.21 | C | 206 | 0.24 | old count projection(2009) |
| 7900 | NALLE GRADE RD | SLATER RD | NALLE FD | Min. Col | 2LN | E | 860 | C | 69 | 0.08 | C | 72 | 0.08 | |
| 8000 | NALLE RD | SR 78 | NALLE GRADE RD | Min_Col | 201 | E | 860 | (| 128 | 0.15 | C | 147 | 0.17 | • |
| 8100 | NEALRD | ORANGE RIVER BLVD | BUCKINGHAM RD | Min_Col | 2LN | E | 360 | C | 130 | 0.15 | C | 137 | 0.16 | • |
| | NORTH RIVER RD | SR 31 | FRANKLIN LOCK RD | M. Art. | 201 | E | 1,140 | A | 145 | 0.13 | 8 | 264 | 0.23 | |
| | NORTH RIVER RD | FRANKLIN LOCK RD | BROADWAY RD | M. Art | 2LN | E | 1,140 | A | | 0.13 | Ð | 286 | 0.25 | |
| | NORTH RIVER RE | BROADWAY RO | COUNTY LINE | M. Art | 21.11 | E | 1,140 | A | 100 | 0.09 | A | 133 | 0.12 | |
| | OLGA RD* | 5R 80 W | SR 80 E | Min. Col | 2LN | E | 860 | (| 82 | 0.10 | ľ, | 95 | 0.11 | old count projection |
| | ORANGE GROVE BLVD | CLUB ENTR | HANCOCK B. PKWY | Min. Col | 2LN | E | 860 | (| 393 | 0.46 | C | 488 | 0.57 | old count(2009) |
| | ORANGE GROVE BLVD | HANCOCK B. PKWY | PONDELLA RD | Min. Col | 4LN | E | 1,790 | (| 528 | 0.29 | C | 555 | 0.31 | |
| 9300 | ORANGE RIVER BLVD | SR 50 | STALEY RD | Maj. Col | 2LN | E | 1,000 | D | 477 | 0.48 | D | 502 | 0.50 | |
| | County-Maintaine | ed Collector Roadway - Unin | corporated Lee Coun | Ty. | - | | Sta | te-N | laintai | ned A | rter | ial Roa | adway - U | Inincorporated Lee County |
| | County-Maintaine | ed Collector Roadway - Incor | porated Lee County | | | | Cou | unty | Maint | ained | Con | trolled | d Access | Aterial Facility |
| | County-Maintaine | ed Arterial Roadway - Uninco | orporated Lee County | | | | Cou | unty | Maint | ained | Ехр | ressw | ау | |

County-Maintained Arterial Roadway - Incorporated Lee County

Lee County Generalized Peak Hour Directional Service Volumes Urbanized Areas

| April 2010 | j | | | | c:\input5 | |
|-------------------------|---|------------------------------|---|---|--|---|
| | | Uninterr | upted Flow | | | |
| | | | Level of Se | | | |
| Lane | Divided | Α | В | С | D | E |
| 1 | Undivided | 130 | 420 | 850 | 1,210 | 1,640 |
| 2 | Divided | 1,060 | 1,810 | 2,560 | 3,240 | 3,590 |
| 3 | Divided | 1,600 | 2,720 | 3,840 | 4,860 | 5,380 |
| | | an ione Post | Arterials | | | |
| lass I (4 | mph or high | er posted s | Level of Se | rvice | | |
| Lane | Divided | Α | В | С | D | Е |
| 1 | Undivided | * | 140 | 800 | 860 | 860 |
| 2 | Divided | * | 250 | 1,840 | 1,960 | 1,960 |
| 3 | Divided | * | 400 | 2,840 | 2,940 | 2,940 |
| 4 | Divided | * | 540 | 3,830 | 3,940 | 3,940 |
| Lane 1 | 5 mph or slov Divided Undivided | A * | Level of Se B * | rvice C 330 | D 710 | E 780 |
| Lane 1 2 3 | Divided | А | Level of Se B | rvice C 330 710 1,150 | 710 1,590 2,450 | 780 1,660 2,500 |
| Lane 1 2 | Divided Undivided Divided | A * | Level of Se B * | rvice C 330 710 | 710 1,590 | 780 1,660 2,500 |
| Lane 1 2 3 | Divided Undivided Divided Divided | A * * * | Level of Se B * * * * led Access | 710 710 1,150 1,580 Facilities | 710 1,590 2,450 | 780 1,660 2,500 |
| Lane 1 2 3 | Divided Undivided Divided Divided | A * * * | Level of Se B * * * * | 710 710 1,150 1,580 Facilities | 710 1,590 2,450 | 780 1,660 2,500 |
| Lane 1 2 3 4 Lane 1 | Divided Undivided Divided Divided Divided Divided | A * * Control | Level of Se B * * * led Access Level of Se | 710 1,150 1,580 Facilities | 710 1,590 2,450 3,310 D 940 | 780 1,660 2,500 3,340 E 940 |
| Lane 1 2 3 4 | Divided Undivided Divided Divided Divided Divided | A * * * Control | Level of Se B * * * led Access Level of Se B | 710 1,150 1,580 Facilities rvice C | 710 1,590 2,450 3,310 | 780 1,660 2,500 3,340 E 940 |
| Lane 1 2 3 4 Lane 1 | Divided Undivided Divided Divided Divided Divided Undivided | A * * Control | Level of Se B * * led Access Level of Se B 160 | 710 1,150 1,580 Facilities rvice C 880 | 710 1,590 2,450 3,310 D 940 | 780 1,660 2,500 3,340 E 940 2,100 |
| Lane 1 2 3 4 Lane 1 2 | Divided Undivided Divided Divided Divided Divided Undivided Divided | A * * Control A * | Level of Se B * * led Access Level of Se B 160 270 | rvice | 710 1,590 2,450 3,310 D 940 2,100 | 780 1,660 2,500 3,340 E 940 2,100 3,180 |
| Lane 1 2 3 4 Lane 1 2 | Divided Undivided Divided Divided Divided Divided Undivided Divided | A * * Control A * A | Level of Se B * * led Access Level of Se B 160 270 430 Collectors Level of Se B | Tryice C 330 710 1,150 1,580 Facilities rvice C 880 1,970 3,050 rvice C | 710 1,590 2,450 3,310 D 940 2,100 3,180 | 780 1,660 2,500 3,340 E 940 2,100 3,180 |
| Lane 1 2 3 4 Lane 1 2 3 | Divided Undivided Divided Divided Divided Divided Divided Divided Undivided Divided Divided | A * * Control A * * | Level of Se B * * led Access Level of Se B 160 270 430 Collectors Level of Se | rvice | 710 1,590 2,450 3,310 D 940 2,100 3,180 D 660 | 780 1,660 2,500 3,340 E 940 2,100 3,180 E 740 |
| Lane 1 2 3 4 Lane 1 2 3 | Divided Undivided Divided Divided Divided Divided Divided Undivided Divided Divided Divided Divided | A * * Control A * A | Level of Se B * * led Access Level of Se B 160 270 430 Collectors Level of Se B * * | rvice | 710 1,590 2,450 3,310 D 940 2,100 3,180 | 780 1,660 2,500 3,340 E 940 2,100 3,180 E 740 780 |
| Lane 1 2 3 4 Lane 1 2 3 | Divided Undivided Divided Divided Divided Divided Divided Undivided Divided Divided Undivided Divided Undivided Undivided Undivided | A * * Control A * A * | Level of Se B * * led Access Level of Se B 160 270 430 Collectors Level of Se B * | rvice | 710 1,590 2,450 3,310 D 940 2,100 3,180 D 660 | 780 1,660 2,500 3,340 E 940 2,100 3,180 E 740 |

Urbanized Areas

January 2020

| | INTERRU | PTED F | LOW FACI | LITIES | 16.7 |
|-------|-----------------|-------------------------|----------------------------------|-------------|-------|
| | STATE SIG | NALI | ZED ART | ERIALS | |
| | Class I (40 mp | h or hig | her posted | speed limit |) |
| Lanes | Median | В | C | D | E |
| 1 | Undivided | * | 830 | 880 | ** |
| 2 | Divided | * | 1,910 | 2,000 | 赤辛 |
| 3 | Divided | * | 2,940 | 3,020 | ** |
| 4 | Divided | * | 3,970 | 4,040 | 非非 |
| | Class II (35 mp | h or slo | wer posted | speed limit | .) |
| Lanes | Median | В | C | D | E |
| 1 | Undivided | * | 370 | 750 | 800 |
| 2 | Divided | * | 730 | 1,630 | 1,700 |
| 3 | Divided | * | 1,170 | 2,520 | 2,560 |
| 4 | Divided | * | 1,610 | 3,390 | 3,420 |
| | | orrespond the indica | ing state volur ted percent.) | nes | ts |

| Lanes | Median | Exclusive Left Lanes | Exclusive Right Lanes | Adjustment Factors |
|-------|-----------|-------------------------|--------------------------|-----------------------|
| 1 | Divided | Yes | No | +5% |
| 1 | Undivided | No | No | -20% |
| Multi | Undivided | Yes | No | -5% |
| Multi | Undivided | No | No | -25% |
| - | - | - | Yes | + 5% |

One-Way Facility Adjustment

Multiply the corresponding directional volumes in this table by 1.2

BICYCLE MODE²

(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)

| Paved Shoulder/Bicycle | | | | |
|---------------------------|-----|-------|--------|--------|
| Lane Coverage | В | C | D | Е |
| 0-49% | * | 150 | 390 | 1,000 |
| 50-84% | 110 | 340 | 1,000 | >1,000 |
| 85-100% | 470 | 1,000 | >1,000 | 非常 |

PEDESTRIAN MODE²

(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)

| Sidewalk Coverage | В | C | D | E |
|-------------------|-----|-----|-----|--------|
| 0-49% | 妆 | * | 140 | 480 |
| 50-84% | * | 80 | 440 | 800 |
| 85-100% | 200 | 540 | 880 | >1,000 |

BUS MODE (Scheduled Fixed Route)3

(Buses in peak hour in peak direction)

| Sidewalk Coverage | В | C | D | E |
|-------------------|-----|----------|----------|----------|
| 0-84% | > 5 | ≥ 4 | ≥ 3 | ≥ 2 |
| 85-100% | >4 | ≥ 3 | ≥ 2 | ≥ 1 |

| | | FREEWAY | S | |
|-------|-----------|--------------|---------|--------|
| | (| Core Urbaniz | ed | |
| Lanes | В | C | D | E |
| 2 | 2,230 | 3,100 | 3,740 | 4,080 |
| 3 | 3,280 | 4,570 | 5,620 | 6,130 |
| 4 | 4,310 | 6,030 | 7,490 | 8,170 |
| 5 | 5,390 | 7,430 | 9,370 | 10,220 |
| 6 | 6,380 | 8,990 | 11,510 | 12,760 |
| | | Urbanized | | |
| Lanes | В | C | D | E |
| 2 | 2,270 | 3,100 | 3,890 | 4,230 |
| 3 | 3,410 | 4,650 | 5,780 | 6.340 |
| 4 | 4,550 | 6,200 | 7,680 | 8,460 |
| 5 | 5,690 | 7,760 | 9,520 | 10,570 |
| | Free | eway Adjusti | ments | |
| | Auxiliary | | Ramp | |
| | Lane | | Meterin | g |
| | + 1,000 | | + 5% | |

UNINTERRUPTED FLOW FACILITIES

| ı | UNINTERR | UPTED | FLOW H | IIGHWA | YS |
|-------|-----------|-------|--------|--------|-------|
| Lanes | Median | В | C | D | E |
| 1 | Undivided | 580 | 890 | 1,200 | 1,610 |
| 2 | Divided | 1,800 | 2,600 | 3,280 | 3,730 |
| 3 | Divided | 2,700 | 3,900 | 4,920 | 5,600 |

Uninterrupted Flow Highway Adjustments

| Lanes | Median | Exclusive left lanes | Adjustment factors |
|-------|-----------|----------------------|--------------------|
| 1 | Divided | Yes | +5% |
| Multi | Undivided | Yes | -5% |
| Multi | Undivided | No | -25% |

Values shown are presented as peak hour directional volumes for levels of service and are for the automobile truck modes onless specifically stated. This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Calculations are based on planning applications of the HCM and the Transit Capacity and Quality of Service Manual.

² Level of service for the bicycle and pedestrian modes in this table is based on number of vehicles, not number of bicyclists or pedestrians using the facility.

Buses per hour shown are only for the peak hour in the single direction of the higher traffic

* Cannot be achieved using table input value defaults.

** Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached. For the bicycle mode, the level of service letter grade (including F) is not achievable because there is no maximum vehicle volume threshold using table input value defaults.

Source:

Florida Department of Transportation Systems Implementation Office https://www.fdot.gov/planning/systems

Sharon Hrabak

From:

Sharon Hrabak

Sent:

Tuesday, August 16, 2022 12:12 PM

To:

DGemelli@leegov.com

Cc: Subject: Al Quattrone; Shelly Stalnos Request for Letter of Service Availability San Carlos/Babcock

Attachments:

Letter of Availability - Lee County School District.pdf; Geo Map.pdf

Mr. Gemelli,

We will be proposing a Comprehensive Amendment to change the future land use and as part of the submittal we need to provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities. Please see attached Letter of request as well as the Geo Map for the properties that would be included with our proposal.

Please feel free to reach out if you have any questions.

Thank you,

Sharon Hrabak

Quattrone & ssociates. Inc.

4301 Veronica Shoemaker Blvd. Fort Myers, Florida 33916

P: 239-936-5222 | F: 239-936-7228 sharon@gainc.net | www.gainc.net



Engineers, Planners & Development Consultants
4301 Veronica Shoemaker Blvd. Fort Myers, FL
239.936.5222 | QAINC.net | f 239.936.7228

August 16, 2022

Mr. Benjamin Abes, EMS Chief Lee County Department of Public Safety P.O. Box 398 Fort Myers, FL 33902

Re:

Request for Letter of Service Availability

Babcock Rd& US 41

Comprehensive Plan Amendment

Strap # 07-46-25-00-00009.001A, 07-46-25-00-00010.0010, 07-4625-00-00011.0020, 08-46-25-00-01005.0000, 08-46-25-00-01005.0010, 08-46-25-00-01006.0000 08-46-25-00-01007.0000, 08-46-25-00-01008.0000, 08-46-25-01-00000.001B 08-46-25-01-00000.0010, 17-45-25-03-00000.1000, 17-46-25-00-01001-009A, 17-46-25-01-00000.0010

17-46-25-00-01001.009C

Dear Ms. Abes:

We are in the process of preparing an application for a Small-Scale Comprehensive Plan Amendment for the referenced parcels located east of US 41 and South of Babcock Road. The requested amendment would change the current Future Land use from Urban Community to Central Urban Classification (as shown on Map 1 of the Lee County Comp Plan) for the above listed parcels with 49.1 combined acreage.

The primary intent of the amendment is to accommodate a multi-family residential community on a portion of the property. The land uses are very similar with the exception, Central Urban is intended to better accommodate higher density range. Although the proposed land use would be slightly more intensive from a development, traffic, utility and public service needs standpoint, there is adequate infrastructure to serve the project.

The application requires we provide a Letter of Service Availability from all agencies determining the adequacy/ provision of existing/proposed support facilities. If you could please provide us with a letter of availability for services to the referenced parcels at your earliest convenience, we would greatly appreciate it.

If you have any questions, or require additional information, please do not hesitate to contact me at 239-936-5222 or sharon@gainc.net

Sincerely,
QUATTRONE & ASSOCIATES, INC.

Sharon Hrabak Permitting Manager

Sharon Hrabak

From:

Sharon Hrabak

Sent:

Tuesday, August 16, 2022 12:12 PM

To: Cc: DGemelli@leegov.com Al Quattrone; Shelly Stalnos

Subject:

Request for Letter of Service Availability San Carlos/Babcock

Attachments:

Letter of Availability - Lee County School District.pdf; Geo Map.pdf

Mr. Gemelli,

We will be proposing a Comprehensive Amendment to change the future land use and as part of the submittal we need to provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities. Please see attached Letter of request as well as the Geo Map for the properties that would be included with our proposal.

Please feel free to reach out if you have any questions.

Thank you,

Sharon Hrabak

Quattrone &

4301 Veronica Shoemaker Blvd. Fort Myers, Florida 33916

P: 239-936-5222 | F: 239-936-7228 sharon@gainc.net | www.gainc.net



Engineers, Planners & Development Consultants

4301 Veronica Shoemaker Blvd. Fort Myers, FL 239.936.5222 | QAINC.nef | f 239.936.7228

August 16, 2022

Mr. Dominic Gemelli Executive Director, Operational Planning & Projects Division of Operations School District of Lee County 2855 Colonial Boulevard Fort Myers, Florida 33966

Re:

Request for Letter of Service Availability

Babcock Rd& US 41

Comprehensive Plan Amendment

Strap # 07-46-25-00-00009.001A, 07-46-25-00-00010.0010, 07-4625-00-00011.0020,

08-46-25-00-01005.0000, 08-46-25-00-01005.0010, 08-46-25-00-01006.0000 08-46-25-00-01007.0000, 08-46-25-00-01008.0000, 08-46-25-01-00000.001B 08-46-25-01-00000.0010, 17-45-25-03-00000.1000, 17-46-25-00-01001-009A,

17-46-25-00-01001.009C

Dear Mr. Gemelli:

We are in the process of preparing an application for a Small-Scale Comprehensive Plan Amendment for the referenced parcels located east of US 41 and South of Babcock Road. The requested amendment would change the current Future Land use from Urban Community to Central Urban Classification (as shown on Map I of the Lee County Comp Plan) for the above listed parcels with 49.1 combined acreage.

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If you have any questions, or require additional information, please do not hesitate to contact me at 239-936-5222 or sharon@gainc.net

Sincerely,
QUATTRONE & ASSOCIATES, INC.

Sharon Hrabak

Sharon Hrabak

From:

Sharon Hrabak

Sent:

Tuesday, August 16, 2022 12:15 PM

To:

rsnyder@sheriffleefl.org

Cc: Subject: Al Quattrone; Shelly Stalnos Letter of Availability San Carlos/ Babcock

Attachments:

Letter of Availability - Lee County Sheriff's Office.pdf; Geo Map.pdf

Mr. Snyder

We will be proposing a Comprehensive Amendment to change the future land use and as part of the submittal we need to provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities. Please see attached Letter of request as well as the Geo Map for the properties that would be included with our proposal.

Please feel free to reach out if you have any questions.

Thank you,

Sharon Hrabak

Quattrone &

4301 Veronica Shoemaker Blvd. Fort Myers, Florida 33916 P: 239-936-5222 | F: 239-936-7228 sharon@gainc.net | www.qainc.net

Engineers, Planners & Development Consultants

4301 Veronica Shoemaker Blvd. Fort Myers, FL 239.936.5222 | QAINC.net | f 239.936.7228

August 16, 2022

Major Rich Snyder Lee County Office of the Sherriff 14750 Six Mile Cypress Parkway Fort Myers, FL 33912

Re:

Request for Letter of Service Availability

Babcock Rd& US 41

Comprehensive Plan Amendment

Strap # 07-46-25-00-00009.001A, 07-46-25-00-00010.0010, 07-4625-00-00011.0020, 08-46-25-00-01005.0000, 08-46-25-00-01005.0010, 08-46-25-00-01006.0000

08-46-25-00-01007.0000, 08-46-25-00-01008.0000, 08-46-25-01-00000.001B 08-46-25-01-00000.0010, 17-45-25-03-00000.1000, 17-46-25-00-01001-009A.

17-46-25-00-01001.009C

Dear Major Rich Snyder:

We are in the process of preparing an application for a Small-Scale Comprehensive Plan Amendment for the referenced parcels located east of US 41 and South of Babcock Road. The requested amendment would change the current Future Land use from Urban Community to Central Urban Classification (as shown on Map 1 of the Lee County Comp Plan) for the above listed parcels with 49.1combined acreage.

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If you have any questions, or require additional information, please do not hesitate to contact me at 239-936-5222 or sharon@qainc.net
Sincerely,
QUATTRONE & ASSOCIATES, INC.

Sharon Hrabak Permitting Manager

Sharon Hrabak

From:

Sharon Hrabak

Sent:

Thursday, March 2, 2023 8:37 AM

To: Cc: BKantor@leegov.com Leona Martin; Al Quattrone

Subject:

Pugliese Multi Family

Attachments:

Letter of Availability - Lee County Solid Waste.pdf; Geo Map.pdf

Brigitte,

We will be proposing a Comprehensive Amendment to change the future land use and as part of the submittal we need to provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities. Please see attached Letter of request as well as the Geo Map for the properties that would be included with our proposal.

Please feel free to reach out if you have any questions.

Thank you,

Sharon Hrabak



4301 Veronica Shoemaker Blvd. Fort Myers, Florida 33916 P: 239-936-5222 | F: 239-936-7228 sharon@qainc.net | www.gainc.net



Engineers, Planners & Development Consultants 4301 Veronica Shoemaker Blvd. Fort Myers, FL 239.936.5222 | QAINC.net | f 239.936.7228

August 16, 2022

Brigitte Kantor Lee County Public Utilities Solid Waste Division P.O. Box 398 Fort Myers, FL 33902

Re:

Request for Letter of Service Availability

Babcock Rd& US 41

Comprehensive Plan Amendment

Strap # 07-46-25-00-00009.001A, 07-46-25-00-00010.0010, 07-4625-00-00011.0020, 08-46-25-00-01005.0000, 08-46-25-00-01005.0010, 08-46-25-00-01006.0000 08-46-25-00-01007.0000, 08-46-25-00-01008.0000, 08-46-25-01-00000.001B 08-46-25-01-00000.0010, 17-45-25-03-00000.1000, 17-46-25-00-01001-009A.

17-46-25-00-01001.009C

Dear Ms. Kantor:

We are in the process of preparing an application for a Small-Scale Comprehensive Plan Amendment for the referenced parcels located east of US 41 and South of Babcock Road. The requested amendment would change the current Future Land use from Urban Community to Central Urban Classification (as shown on Map 1 of the Lee County Comp Plan) for the above listed parcels with 49.1combined acreage.

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If you have any questions, or require additional information, please do not hesitate to contact me at 239-936-5222 or sharon@qainc.net

Sincerely,
QUATTRONE & ASSOCIATES, INC.

Sharon Hrabak Permitting Manager

Sharon Hrabak

From:

Sharon Hrabak

Sent:

Tuesday, August 16, 2022 12:11 PM

To:

jmccollum@leegov.com

Subject:

Letter of availability San Carlos/Babcock

Attachments:

Letter of Availability - Lee County Transit.pdf; Geo Map.pdf

Mr. McCollum

We will be proposing a Comprehensive Amendment to change the future land use and as part of the submittal we need to provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities. Please see attached Letter of request as well as the Geo Map for the properties that would be included with our proposal.

Please feel free to reach out if you have any questions.

Thank you,

Sharon Hrabak



4301 Veronica Shoemaker Blvd. Fort Myers, Florida 33916 P: 239-936-5222 | F: 239-936-7228 sharon@gainc.net | www.gainc.net



Engineers, Planners & Development Consultants

4301 Veronica Shoemaker Blvd. Fort Myers, FL 239.936.5222 | QAINC.net | f 239.936.7228

August 16, 2022

Mr. Levi McCollum Lee County Transit 3401 Metro Parkway Fort Myers, FL 33901

Re:

Request for Letter of Service Availability

Babcock Rd& US 41

Comprehensive Plan Amendment

Strap # 07-46-25-00-0009.001A, 07-46-25-00-00010.0010, 07-4625-00-00011.0020,

08-46-25-00-01005.0000, 08-46-25-00-01005.0010, 08-46-25-00-01006.0000 08-46-25-00-01007.0000, 08-46-25-00-01008.0000, 08-46-25-01-00000.001B 08-46-25-01-00000.0010, 17-45-25-03-00000.1000, 17-46-25-00-01001-009A,

17-46-25-00-01001.009C

Dear Mr. McCollum:

We are in the process of preparing an application for a Small-Scale Comprehensive Plan Amendment for the referenced parcels located east of US 41 and South of Babcock Road. The requested amendment would change the current Future Land use from Urban Community to Central Urban Classification (as shown on Map 1 of the Lee County Comp Plan) for the above listed parcels with 49.1combined acreage.

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If you have any questions, or require additional information, please do not hesitate to contact me at 239-936-5222 or sharon@gainc.net

Sincerely,
QUATTRONE & ASSOCIATES, INC.

Sharon Hrabak Permitting Manager

Sharon Hrabak

From: Sharon Hrabak

Sent: Thursday, March 2, 2023 8:35 AM

To: Cambareri, Dave

Cc: Leona Martin; Al Quattrone
Subject: Pugliese Tamiami Trail

Attachments: Geo Map.pdf; Letter of Availability - San Carlos Fire Department.pdf

David,

We will be proposing a Comprehensive Amendment to change the future land use and as part of the submittal we need to provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities. Please see attached Letter of request as well as the Geo Map for the properties that would be included with our proposal.

Please feel free to reach out if you have any questions.

Thank you,

Sharon Hrabak

Quattrone & ssociates. Inc.

4301 Veronica Shoemaker Blvd. Fort Myers, Florida 33916

P: 239-936-5222 | F: 239-936-7228 sharon@gainc.net | www.gainc.net



Engineers, Planners & Development Consultants

4301 Veronica Shoemaker Blvd. Fort Myers, FL 239.936.5222 | QAINC.net | f 239.936.7228

August 16, 2022

David Cambareri, Chief San Carlos Fire Department 935 I Workman Way Fort Myers, FL 33905

Re: Request for Letter of Service Availability

Babcock Rd& US 41

Comprehensive Plan Amendment

Strap # 07-46-25-00-0009.001A, 07-46-25-00-00010.0010, 07-4625-00-00011.0020,

08-46-25-00-01005.0000, 08-46-25-00-01005.0010, 08-46-25-00-01006.0000 08-46-25-00-01007.0000, 08-46-25-00-01008.0000, 08-46-25-01-00000.001B 08-46-25-01-00000.0010, 17-45-25-03-00000.1000, 17-46-25-00-01001-009A.

17-46-25-00-01001.009C

Dear Chief Cambareri:

We are in the process of preparing an application for a Small-Scale Comprehensive Plan Amendment for the referenced parcels located east of US 41 and South of Babcock Road. The requested amendment would change the current Future Land use from Urban Community to Central Urban Classification (as shown on Map I of the Lee County Comp Plan) for the above listed parcels with 49.1 combined acreage.

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If you have any questions, or require additional information, please do not hesitate to contact me at 239-936-5222 or sharon@qainc.net
Sincerely,

QUATTRONE & ASSOCIATES, INC.

Sharon Hrabak Permitting Manager

GeoView Map



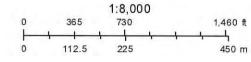
August 16, 2022

HospitalLocations

Library Locations

School Locations

School Locations



This map is NOT a legal land survey and should not be used or relied upon as such. No warranties, express or implied, are provided with the data, use, accuracy or interpretation,



THE SCHOOL DISTRICT OF LEE COUNTY

Jacqueline Heredia

District Planning Specialist 2855 Colonial Boulevard, Fort Myers, FL 33966 | O: 239.335.1494

March 28, 2023

Sharon Hrabak Quattrone & Associates, INC Engineers, Planners & Development Consultants 4301 Veronica Shoemaker BLVD. Fort Myers, FL

RE: Babcock RD & US41

Dear Ms. Hrabak,

This letter is in response to your request for concurrency review originally dated August 16, 2022 for the subject property captioned above and within, in regard to student capacity impact.

This development is a request for up to 267 multi-family housing units. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For multi-family homes, the generation rate is .116 and further broken down by grade level into the following, 0.058 for elementary, 0.028 for middle and 0.03 for high. An approximate 31 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

The Concurrency Analysis attached, displays the impact of this development. Capacity is an issue within the Concurrency Service Area (CSA) at the elementary school level, however, capacity is available in the adjacent CSA.

Thank you and if I may be of further assistance, please contact me at 239-335-1473.

Sincerely,

Jacqueline Heredia

Jacqueline Heredia

District Planning Specialist

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY

Lee County School District

NAME/CASE NUMBER

S. Tamiami Trail Comp Plan Amend

OWNER/AGENT

Quattrone & Associates INC

ITEM DESCRIPTION

Babcock Rd & US 41

LOCATION

07-46-25-00-00009.001A, 07-46-25-00-00010.0010, 07-4625-00-00011.0020,

ACRES CURRENT FLU 49.63

CURRENT ZONING

Urban

CORRENT ZONIN

PROPOSED DWELLING UNITS BY

TYPE

| Single Family | Multi Family | Mobile Home |
|---------------|--------------|-------------|
| 0 | 267 | 0 |

| STUDENT GENERATION | |
|--------------------|--|
| Elementary School | |
| Middle School | |
| High School | |

| | Student Ge | eneration Rates | |
|-------|------------|-----------------|-----------------------|
| SF | MF | МН | Projected Students |
| 0.149 | 0.058 | | 15.49 |
| 0.071 | 0.028 | | 7.48 |
| 0.077 | 0.03 | | 8.01 |

Source: Lee County School District, September 8, 2018 letter

| CSA SCHOOL NAME 2022/23 |
|-------------------------|
| South CSA, Elementary |
| South CSA, Middle |
| South CSA, High |

| CSA Capacity (1) | CSA Projected Enrollment (2) | and the back and and | | Available Capacity W/Impact | LOS is 100% Perm FISH Capacity | Adjacent CSA Available Capacity w/Impact |
|------------------|---------------------------------|----------------------|----|-----------------------------------|--------------------------------------|---|
| 14,234 | 14,026 | 208 | 15 | 193 | 99% | |
| 7,293 | 6,912 | 381 | 7 | 374 | 95% | |
| 9,536 | 8,492 | 1,044 | 8 | 1036 | 89% | |

⁽¹⁾ Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan

Prepared by: Jacqueline Heredia, District Planning Specialist

⁽²⁾ Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)

⁽³⁾ Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual



BOARD OF COUNTY COMMISSIONERS

John E. Manning District One

April 22, 2022

Via E-Mail

Cecil L Pendergrass

Raymond Sandelli District Three

Brian Hamman District Four

Frank Mann District Five

Roger Desjarlais County Manager

Richard Wm Wesch County Attorney

Donna Marie Collins County Chief Hearing Examiner Shelly Stalnos

Quattrone & Associates, Inc. 4301 Veronica Shoemaker, Blvd.

Fort Myers, FL 33916

RE: Potable Water and Wastewater Availability

STRAP # 07-46-25-00-00010-0010, 07-46-25-00-00009.001A,

07-46-25-00-00011.0020, 08-46-25-00-01006.0000, 08-46-25-00-01005.0000,

08-46-25-00-01005.0010, 08-46-25-00-01007.0000

Dear Ms. Stalnos:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 4A and 4B of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 288 multi-family residential units and 60,000 sf of commercial all with an estimated flow demand of approximately 66,600 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Pinewood Water Treatment Plant.

Sanitary sewer service will be provided by Three Oaks Water Reclamation Facility. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

There are no reuse mains in the vicinity of these parcels.

Prior to beginning design work on this project, please meet with LCU Staff to determine the best point of connection and discuss requirements for construction.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the

Babcock Multifamily - Letter.Docx April 22, 2022 Page 2

approval of all State and local regulatory agencies.

Further, this letter of availability of potable water and sanitary sewer service is to be utilized for Zoning only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

Many M. Cours

Mary McCormic Technician Senior 239-533-8532

UTILITIES ENGINEERING

Carmine Marceno Sheriff



State of Florida County of Lee

March 8, 2023

Sharon Hrabak Quattrone & Associates, Inc. 4301 Veronica Shoemaker Blvd. Fort Myers, FL 33912

Ms. Hrabak,

The Lee County Sheriff's Office has reviewed your application for a Small-Scale Comprehensive Plan Amendment for the following parcels:

| 07-46-25-00-00009.001A | 08-46-25-00-01006.0000 | 17-45-25-03-00000.1000 |
|------------------------|------------------------|------------------------|
| 07-46-25-00-00010.0010 | 08-46-25-00-01007.0000 | 17-46-25-00-01001-009A |
| 07-4625-00-00011.0020 | 08-46-25-00-01008.0000 | 17-46-25-00-01001.009 |
| 08-46-25-00-01005.0000 | 08-46-25-01-00000.001B | |
| 08-46-25-00-01005.0010 | 08-46-25-01-00000.0010 | |

The requested amendment would change the current Future Land use from Urban Community to Central Urban Classification for the above parcels with 41.9 combined acres and accommodate a multi-family residential community on a portion of the property. This Agency evaluated your request solely on its ability to provide law enforcement service to the project. Based on that criterion, these proposed changes would not affect our ability to provide law enforcement services to the project and surrounding area.

Law enforcement services will be provided from our South District offices in Bonita Springs. At the time of application for a development order or building permit, we request that the applicant provide a Crime Prevention Through Environmental Design (CPTED) report done by the applicant and given to the Lee County Sheriff's Office for review and comment.

Please contact Community Response Unit Crime Prevention Practitioner Beth Schell at (239) 477-1677 with any questions regarding the CPTED study.

Respectfully,

Chris Reeves

Major, Patrol Bureau





Babcock Road & US 41

State and Regional Policy Plan Exhibit M18

Florida Department of Economic Opportunity - Comprehensive Plan

CONSISTENCY WITH STATE COMPREHENSIVE PLAN The State of Florida Comprehensive Plan is provided in Florida Statute Section 187.201. The applicant's request is not in conflict with any of the plan's stated goals or policies. However, the applicant's requested map change and goal of multifamily development at the subject property does further several of the stated goals and meet the intent of several specific polices:

187.201(6)-Public Safety

- (a) Goal. —Florida shall protect the public by preventing, discouraging, and punishing criminal behavior, lowering the highway death rate, and protecting lives and property from natural and manmade disasters.

 (b) Policies:
- 9. Increase crime prevention efforts to enhance the protection of individual personal safety and property.

<u>CONSISTENCY</u>: The Lee County Sheriff's has provided a letter of service availability for this site.

- 22. Require local governments, in cooperation with regional and state agencies, to prepare advance plans for the safe evacuation of coastal residents.
- 23. Require local governments, in cooperation with regional and state agencies, to adopt plans and policies to protect public and private property and human lives from the effects of natural disasters.

<u>CONSISTENCY</u>: The map amendment from Urban Community to Central Urban will allow development of higher density of residential on the site with access to US41 and Constitution Blvd. This will provide multiple evacuation options for residents on a parcel outside the Coastal High Hazard Zone.

187.201(7)-Water Resources

- (a) Goal. —Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.
- b)(5) Ensure that new development is compatible with existing local and regional water supplies.

<u>CONSISTENCY</u>: The site is within Lee County Utilities service area an availability letter is submitted stating LCU has sufficient capacity to provide potable and sanitary sewer service. The sites potable water will be provided through Pinewood Water Treatment Plant and the Sanitary sewer service will be treated at the Three Oaks Water Reclamation Facility.



10. Protect surface and groundwater quality and quantity in the state.

<u>CONSISTENCY</u>: The change from Urban Community to Central Urban will have no impact on the surface water or groundwater quality or quantity. In either case any proposed development will be required to adhere to all surface and groundwater policies in the LDC. This will include consistency with State surface and groundwater regulations.

187.201(9) NATURAL SYSTEMS AND RECREATIONAL LANDS. —

(a) Goal. —Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.

(b) Policies:

- 1. Conserve forests, wetlands, fish, marine life, and wildlife to maintain their environmental, economic, aesthetic, and recreational values.
- 3. Prohibit the destruction of endangered species and protect their habitats.
- 4. Establish an integrated regulatory program to assure the survival of endangered and threatened species within the state.

<u>CONSISTENCY</u>: The subject property has been disturbed and partially developed. The indigenous preserve areas will be provided in accordance with the Land Development Code. A Formal Wetland Determination has been completed and there are no wetlands on the site in accordance with SFWMD and county requirements.

187.201(12) HAZARDOUS AND NONHAZARDOUS MATERIALS AND WASTE. —

(a) Goal. —All solid waste, including hazardous waste, wastewater, and all hazardous materials, shall be properly managed, and the use of landfills shall be eventually eliminated.

(b) Policies:

2. By 1994, provide in all counties a countywide solid waste collection system to discourage littering and the illegal dumping of solid waste.

<u>CONSISTENCY</u>: The subject property is serviced by the Lee County Solid Waste Department with adequate capacity per submitted letter of adequacy.

187.201(15) LAND USE

(a) Goal. —In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.

CONSISTENCY The formal wetland determination issued for the subject parcels states there are no jurisdictional wetlands or other surface waters on the subject parcel. The project location provides excellent opportunity for infill development with full availability of public services and near retail and existing employment centers. The proposed development supports the growth of the community without contributing to additional sprawl.



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

CONSISTENCY The subject property is in an area that is substantially developed with commercial uses providing employment opportunities to residential uses proposed on the subject property. Infill development with multifamily residential will create an opportunity for a pedestrian-focused, mixed-use community. Furthermore, the access points via Babcock Road and Constitution Blvd. will provide adequate traffic circulation within the pre-established and proposed mixed-use community.

187.201(17) PUBLIC FACILITES

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

<u>CONSISTENCY</u> The applicant has not requested any special incentives for development, only the opportunity to provide infill development in an area with existing public facilities. The surrounding area is verified to have adequate capacity remaining to accommodate the maximum potential development.

187.201(19)(b)(9) Ensure that the transportation system provides Florida's citizens and visitors with timely and efficient access to services, jobs, markets, and attractions.

<u>CONSISTENCY</u> The traffic analysis that was performed for this request demonstrates that no improvements are necessary to accommodate the maximum potential development allowed under Central Urban FLU.

187.201(19) TRANSPORTATION

(b)(15) Promote effective coordination among various modes of transportation in urban areas to assist urban development and redevelopment efforts.

CONSISTENCY LeeTran provides service to this area with scheduled stops along US 41 (S. Tamiami Trail) and Constitution Blvd. Sidewalks are already in place along US 41 (S. Tamiami Trail) and Constitution Blvd. At time of site planning, the multifamily development will be designed with accommodations to promote multi model opportunities.

187.201(21) ECONOMY

(a) Goal. —Florida shall promote an economic climate which provides economic stability, maximizes job opportunities, and increases per capita income for its residents.

<u>CONSISTENCY</u> Locating diverse housing options in proximity to existing employment centers provides for a more stable, flexible, and sustainable economic climate. This benefits the workforce. Increasing the ability of additional residential units in the US41/Constitution Blvd area is consistent with urban planning goals placing higher density where adequate services are available and transit friendly development is possible.



187.201(24) EMPLOYMENT

(b)(5) Ensure that the transportation system provides maximum access to jobs and markets.

<u>CONSISTENCY</u> The existing, roadway and sidewalk network combined with the proximity to public transportation, provides the ability for transit friendly design to maximize easy access to employment and retail needs.

Southwest Florida Regional Planning Council (SWFRPC)

ECONOMIC DEVELOPMENT ELEMENT The economic development element of the Regional Policy Plan details the economic infrastructure and growth opportunities to support the public facilities of the region. If the region "Maximizing the use of existing facilities through increased capacity can serve additional development more efficiently, without the cost of new construction (assuming the expansion can meet relevant requirements). In addition, expansion of an existing facility can encourage continued development and infill in its service area."

The requested map amendment will utilize the existing public facilities and emergency services of Lee County which, are provided by attached Letters of Availability. Therefore, the requested amendment is consistent with the overall economic development goals of the Regional Policy Plan.

Goal I seeks to provide a well-maintained social, health, and educational infrastructure to support business and industry in Southwest Florida by assisting local governments and state agencies in planning for future support service facilities, before the need arises.

Lee County is consistent with Goal I by providing a yearly concurrency report and maintaining and updated Comprehensive Plan with Capital Improvements Program. The proposed LeePlan amendment will not cause public services or facilities to fall under acceptable established Level of Service (LOS). The Regional Policy plan acknowledges that future growth and development will occur in Southwest Florida to accommodate natural population growth as well as expansion of existing businesses and/or the creation of new business.

EMERGENCY PREPARDNESS ELEMENT The Regional Policy Plan "natural hazards include excessive rainfall, storm surge flooding, destructive winds and lightning normally cause by severe thunderstorms, hurricanes and tornadoes"

The proposed LeePlan amendment will not create any additional burden to Emergency Preparedness. At time of Development Order for any multi-family development request the applicant will meet the required Hurricane Preparedness as required by Lee County.



NATURAL RESOURCES ELEMENT The Regional Policy Plan states in the Natural Resources Element that "Southwest Florida has an abundance of natural resources that, along with a favorable climate, creates economic opportunities, recreational opportunities and a quality of life that is important to the citizens and visitors to the region. The protection of these resources creates a challenge to planners, managers and decision makers in a rapidly growing region that must utilize these resources for economic reasons and to create housing for our population."

The requested LeePlan amendment will facilitate infill development on disturbed property with no known sensitive, important, or unique environmental resources, while also supporting the rapid growth of the community through increased density allowed by the FLU change.

REGIONAL TRANSPORTATION ELEMENT The Regional Policy Plan states that "a regional transportation plan will be an integral component of the future overall regional quality of life"

The Traffic Analysis as provided demonstrates that the requested LeePlan amendment will not cause indue burden to the surrounding roadway network. Additionally, the location of proposed multifamily residential in proximity to shopping and employment centers will increase internal capture decreasing generation of US41 trips.



Babcock Road & US 41

Justification of Proposed Amendment Exhibit M19

The applicant is requesting an amendment to Lee Plan Map I, Page I Future Land Use map to add a ± 25.60 -acre site into the Central Urban Future Land Use. The subject parcels are located at the southwest corner of Babcock Road and Us 41(S. Tamiami Trail) and north of Constitutional Blvd. The 8 parcels are disturbed vacant. The property currently is within the Urban Community Future Use Category and zoned C-I and AG-2.

The applicant proposes to amend the future Land Use Map of the Lee Plan to redesignate approximately ±25.60 acres from the Urban Community Future Land Use Category to the Central Urban Future Land Use Category. The property owner(s) desires to amend the existing zoning from Agriculture (AG-2) to Commercial (C-2) for a portion of the property to develop a multi-family and Commercial.

The companion conventional rezoning will demonstrate compliance with the density standards for the Central Urban Future Land Use Category. The balance of the site would be utilized for a variety of commercial uses consistent with the uses permitted in the Central Urban Future Land Use Category.

Development of commercial and residential uses on the subject property represents one of the desirable and economically viable land uses in this location due to the proximity to US-41(S. Tamiami Trail). Exhibit M5 identifies the various existing and planned land uses that abut the site.

The applicant intends on developing the property with a mixture of commercial and residential uses and the proposed Map Amendment is being filed concurrently with an application to rezone the subject property to C-2 to allow those uses.

The Lee Plan encourages development of mixed use in areas that are heavily settled and that have the greatest range and highest levels of public services to accommodate the projected population. Documentation has been provided in the Lee Plan Analysis that the proposed request is consistent with these Policies as a result of the subject property:

- Being located along US-41 (S. Tamiami Trail).
- Having adequate infrastructure and urban services available; and
- Being consistent with Policies specifically pertaining to the Central Urban including:

In conclusion, the subject property meets all the locational criteria for Central Urban and commercial zoning and the proposed Map Amendment is consistent with all Goals, Policies, and Objectives of the Lee Plan.

BABCOCK - US 41 PROJECT LISTED SPECIES

| FLUCCS | Common Name | Scientific Name | Status | Observed | |
|-----------|-------------------------------|---------------------------------|----------------|----------|--|
| 1411 | N/A | N/A | N/A | N/A | |
| 190 | N/A | N/A | N/A | N/A | |
| 411 | Beautiful paw-paw | Deeringothamnus pulchellus | LCP | N | |
| | Big Cypress fox squirrel | Sciurus niger avicennia | ST LCP | N | |
| | Eastern Indigo Snake | Drymarchon corais couperi | FE LCP | N | |
| | Florida Coontie | Zamia floridana | LCP | N | |
| | Fakahatchee burmannia | Burmannia flava | LCP | N | |
| | Florida Black Bear | Ursus americanus LCP floridanus | | N | |
| | Florida Bonneted Bat | Eumops floridanus | FE SFDE LCP | N | |
| | Florida panther | Felis concolor coryi | FE LCP | N | |
| | Gopher Frog | Rana areolata | STLSCC | N | |
| 411 cont. | Gopher tortoise | Gopherus polyphemus | ST LCP | N | |
| | Satinleaf | Chrysophyllum olivaeforme | LCP | N | |
| | Red-cockaded woodpecker | Picoides borealis | FE LCP | N | |
| | Southeastern American Kestrel | Falco sparverius paulus | | N | |
| 742 | N/A | N/A | N/A | N/A | |
| 743 | Gopher tortoise | Gopherus polyphemus | ST LCP | | |
| 8145 | N/A | N/A | N/A | N/A | |

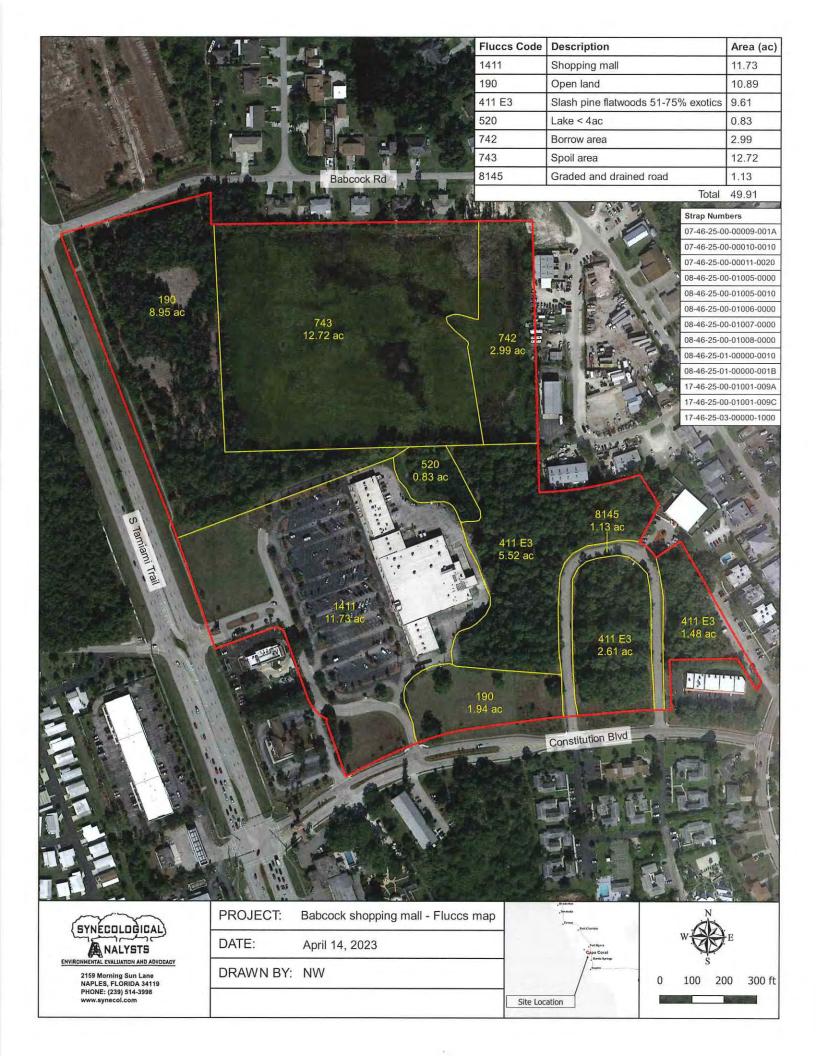


TABLE 1(b) YEAR 2045 ALLOCATIONS

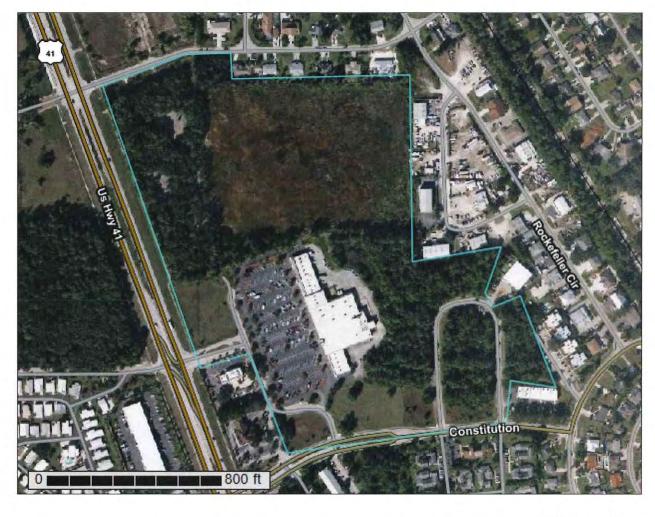
| | Planning District | | | | | | | | | | | | |
|-------------|---|-----------------------------------|-----------------------------------|------------------------|---------------------|------------------------------------|-------------------------|--------------------------|--|------------------------------------|---------------------------|--------------------|------------|
| | Future Land Use Category | District 11 Daniels Parkway | District 12 Iona / McGregor | District 13 San Carlos | District 14 Sanibel | District 15 South Fort Myers | District 16 Pine Island | District 17 Lehigh Acres | District 18 Southeast Lee County | District 19 North Fort Myers | District 20 Buckingham | District 21 Estero | District 2 |
| | Intensive Development | | I I | | | 801 | 1 | 30 | | 376 | | - 41 | - |
| | Central Urban | - | 656 | 32 -20 | - | 3,113 | 1 | 7,362 | R | 2,225 | | | - |
| | Urban Community | | 978 | 1270 1,318 | | 863 | 540 | 17,034 | F 7 | 4 | 115 | 14. | - 4 |
| | Suburban | - 1- | 2,566 | 2,069 | | 1,202 | 659 | * | - 4 | 6,387 | | - 3 | - |
| | Outlying Suburban | 1,253 | 438 | | | | 502 | 1 | 197 | 406 | | 90 | |
| 1 | Sub-Outlying Suburban | | - | 13 | | 190 | | 11 (19) | | 145 | 66 | | 9. |
| Category | Commercial | - | | | - | 191 | 4 | 190 | 4 | | | | |
| 6a | Industrial | | 3 | 3 | | 3 | - | 1 | * | - | | 19 | 14 |
| at | Public Facilities | | - | | 1 | | - | * | | | | 1 | |
| 7000 | University Community | | - | 503 | 7.10 | | - | | 1 3 | | | | |
| Use | Destination Resort Mixed Use Water Dependent | | 8 | | 141 | 2 | | - 0- | | - | | | |
| 2 | Burnt Store Marina Village | - | | | | | - | 7- | | - | | | |
| Land | Industrial Interchange | | | | 1 | | +0.0 | | | - L | | | |
| 10 | General Interchange | 58 | 121 | - 4 | | | | | 8 | 14 | | | |
| e | General Commercial Interchange | - | | | | 3 2 1 | | - 0 | | - 27 | - 3 | | |
| Future | Industrial Commercial Interchange | - 1 | | 1.0 | | - | | | 4 | | 1 | - | |
| 5 | University Village Interchange | | | | | - | | | | | 4. | | |
| By | New Community | 121 | - × | | | | | | | | | | |
| | Airport | - 2 | - | | 121 | | | 1.0 | | | - | | |
| ia | Tradeport | - | | * | | | 104 | - 1 | 1 40 | 1.0 | 1 | 1.0 | |
| 2 | Rural | 1,573 | - | 99 | - | | 227 | 14 | | 454 | 50 | | 1,38 |
| de | Rural Community Preserve | | | | | | | | | - | 3,517 | 1,4 | |
| Residential | Coastal Rural | | - | | | - | 1,338 | | | | | | - |
| 2 | Outer Island | | 2 | 1 | 41 | - | 55 | 201 | - | | 1.0 | - | |
| | Open Lands | 80 | - | | - 3 | - 1 | | - | | 30 | | | 1,66 |
| I | Density Reduction/ Groundwater Resource | | - | | - | | - | 08 | 4,742 | | - 4 | | 2,10 |
| - 1 | Conservation Lands Upland | | | | | 4.1 | 4 | | | | | | - |
| | Wetlands | 8 | | | | 8.1 | | | - | * | * | | - |
| | Conservation Lands Wetland | ¥1 | - 1 | 1 | 14 | 1910 | , L | - | | | | | |
| Un | incorporated County Total Residential | 2,964 | 4,650 | 39894,024 | - | 5,982 | 3,322 | 24,440 | 4,750 | 10,035 | 3,748 | 90 | 6,125 |
| Cor | mmercial | 326 | 774 | 938 | A | 2,012 | 288 | 900 | 118 | 1,121 | 19 | 18 | 72 |
| Ind | lustrial | 5 | 198 | 387 | W. | 566 | 67 | 218 | 215 | 244 | 4 | 2 | 4 |
| Vor | Regulatory Allocations | | | | | | | | | | | | |
| | blic | 3,214 | 4,898 | 6,375 6,364 | | 5,883 | 4,831 | 20,267 | 17,992 | 10,117 | 3,052 | 653 | 3,351 |
| Act | tive AG | 5 | 13 | 5 | | | 2,780 | 35 | 12,000 | 90 | 630 | 4 | 550 |
| Pas | ssive AG | 10 | | 5 | | ¥ 1 | 70 | 50 | 2,500 | 250 | 2,000 | | 2,100 |
| Cor | nservation | 1,677 | 9,786 | 2,232 | | 211 | 15,489 | 1,077 | 41,028 | 1,607 | 382 | 1,465 | 895 |
| Va | cant | 20 | 55 | 183 158 | - 4 | 4 | 2,200 | 14,804 | 2,400 | 1,183 | 850 | 130 | 1,425 |
| Tot | tal | 8,221 | 20,374 | 14,114 | - | 14,658 | 29,047 | 61,791 | 81,003 | 24,649 | 10,684 | 2,362 | 14,523 |
| onu | lation Distribution (unincorporated Lee County) | 14,322 | 44,132 | 54,615 | | 76,582 | 13,431 | 162,245 | 17,369 | 110,722 | 5,951 | 741 | 8,653 |



NRCS

Natural Resources Conservation Service A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Lee County, Florida



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

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| Legend | 10 |
| Map Unit Legend | 11 |
| Map Unit Descriptions | |
| Lee County, Florida | |
| 36—Immokalee sand-Urban land complex, 0 to 2 percent slopes 64—Brynwood fine sand, wet-Urban land complex, 0 to 2 percent | 13 |
| slopes | 15 |
| 102—Cypress Lake fine sand-Urban land complex, 0 to 2 percent | |
| slopes | 18 |
| 141—Cocoa fine sand-Urban land complex, 0 to 2 percent slopes | |
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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.



MAP LEGEND

Area of Interest (AOI) Spoil Area Area of Interest (AOI) Ô. Stony Spot Soils 00 Very Stony Spot Soil Map Unit Polygons W. Wet Spot Soil Map Unit Lines Other A Soil Map Unit Points Special Line Features Special Point Features Water Features Blowout (0) Streams and Canals Borrow Pit Transportation Clay Spot Rails +++ Closed Depression Interstate Highways Gravel Pit US Routes Gravelly Spot Major Roads Landfill Local Roads Lava Flow Background Marsh or swamp Aerial Photography Mine or Quarry Miscellaneous Water Perennial Water Rock Outcrop Saline Spot Sandy Spot Severely Eroded Spot Sinkhole Slide or Slip Sodic Spot

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Lee County, Florida Survey Area Data: Version 20, Sep 1, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 14, 2021—Nov 23, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
|-----------------------------|--|--------------|----------------|
| 36 | Immokalee sand-Urban land complex, 0 to 2 percent slopes | 7.9 | 15.5% |
| 64 | Brynwood fine sand, wet-Urban land complex, 0 to 2 percent slopes | 9.4 | 18.4% |
| 102 | Cypress Lake fine sand-Urban land complex, 0 to 2 percent slopes | 33.1 | 64.8% |
| 141 | Cocoa fine sand-Urban land complex, 0 to 2 percent slopes | 0.6 | 1,3% |
| Totals for Area of Interest | | 51.1 | 100.0% |

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it

was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An association is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Lee County, Florida

36—Immokalee sand-Urban land complex, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 2x9c1

Elevation: 0 to 150 feet

Mean annual precipitation: 42 to 68 inches Mean annual air temperature: 70 to 77 degrees F

Frost-free period: 355 to 365 days

Farmland classification: Not prime farmland

Map Unit Composition

Immokalee and similar soils: 43 percent

Urban land: 35 percent

Minor components: 22 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Immokalee

Setting

Landform: Flatwoods on marine terraces

Landform position (three-dimensional): Riser, talf

Down-slope shape: Linear Across-slope shape: Linear

Parent material: Sandy marine deposits

Typical profile

A - 0 to 9 inches: sand E - 9 to 36 inches: sand Bh - 36 to 55 inches: sand C - 55 to 80 inches: sand

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Poorly drained

Runoff class: Very high

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high

(0.57 to 1.98 in/hr)

Depth to water table: About 6 to 18 inches

Frequency of flooding: None Frequency of ponding: None

Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

Sodium adsorption ratio, maximum: 4.0

Available water supply, 0 to 60 inches: Very low (about 3.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 4w

Hydrologic Soil Group: B/D

Forage suitability group: Sandy soils on flats of mesic or hydric lowlands

(G155XB141FL)

Other vegetative classification: South Florida Flatwoods (R155XY003FL), Sandy

soils on flats of mesic or hydric lowlands (G155XB141FL)

Hydric soil rating: No

Description of Urban Land

Setting

Landform: Flatwoods on marine terraces

Landform position (three-dimensional): Riser, talf

Down-slope shape: Linear Across-slope shape: Linear

Parent material: No parent material

Interpretive groups

Land capability classification (irrigated): None specified

Forage suitability group: Forage suitability group not assigned (G155XB999FL)

Other vegetative classification: Forage suitability group not assigned

(G155XB999FL)

Hydric soil rating: Unranked

Minor Components

Basinger

Percent of map unit: 5 percent

Landform: Depressions on marine terraces

Landform position (three-dimensional): Tread, dip

Down-slope shape: Concave, linear Across-slope shape: Concave, linear

Other vegetative classification: Sandy soils on flats of mesic or hydric lowlands

(G155XB141FL) Hydric soil rating: Yes

Pomello

Percent of map unit: 4 percent

Landform: Knolls on marine terraces, ridges on marine terraces

Landform position (two-dimensional): Summit, backslope

Landform position (three-dimensional): Interfluve, side slope, riser

Down-slope shape: Convex Across-slope shape: Linear

Other vegetative classification: Sand Pine Scrub (R155XY001FL), Sandy soils on

rises and knolls of mesic uplands (G155XB131FL)

Hydric soil rating: No

Oldsmar

Percent of map unit: 4 percent

Landform: Flatwoods on marine terraces Landform position (three-dimensional): Talf

Down-slope shape: Convex Across-slope shape: Linear

Other vegetative classification: South Florida Flatwoods (R155XY003FL), Sandy

soils on flats of mesic or hydric lowlands (G155XB141FL)

Hydric soil rating: No

Satellite

Percent of map unit: 2 percent

Landform: Flatwoods on marine terraces

Landform position (three-dimensional): Tread, talf

Down-slope shape: Linear Across-slope shape: Linear

Other vegetative classification: Sand Pine Scrub (R155XY001FL), Sandy soils on rises and knolls of mesic uplands (G155XB131FL)

Hydric soil rating: No

Felda

Percent of map unit: 2 percent

Landform: Flatwoods on marine terraces

Landform position (three-dimensional): Tread, talf

Down-slope shape: Linear Across-slope shape: Linear

Other vegetative classification: Slough (R155XY011FL), Sandy over loamy soils

on flats of hydric or mesic lowlands (G155XB241FL)

Hydric soil rating: Yes

Immokalee

Percent of map unit: 2 percent

Landform: Flatwoods on marine terraces

Landform position (three-dimensional): Riser, talf

Down-slope shape: Linear Across-slope shape: Linear

Other vegetative classification: South Florida Flatwoods (R155XY003FL), Sandy

soils on flats of mesic or hydric lowlands (G155XB141FL)

Hydric soil rating: No

Brynwood

Percent of map unit: 2 percent

Landform: Flatwoods on marine terraces

Landform position (three-dimensional): Tread, talf

Down-slope shape: Linear Across-slope shape: Linear

Other vegetative classification: South Florida Flatwoods (R155XY003FL), Sandy

soils on flats of mesic or hydric lowlands (G155XB141FL)

Hydric soil rating: Yes

Jenada

Percent of map unit: 1 percent Landform: Flats on marine terraces

Landform position (three-dimensional): Tread, dip

Down-slope shape: Linear

Across-slope shape: Concave, linear

Other vegetative classification: Slough (R155XY011FL), Sandy soils on stream

terraces, flood plains, or in depressions (G155XB145FL)

Hydric soil rating: Yes

64-Brynwood fine sand, wet-Urban land complex, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 2zlfd

Elevation: 0 to 80 feet

Mean annual precipitation: 42 to 70 inches

Mean annual air temperature: 70 to 79 degrees F

Frost-free period: 360 to 365 days

Farmland classification: Not prime farmland

Map Unit Composition

Brynwood and similar soils: 45 percent

Urban land: 33 percent

Minor components: 22 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Brynwood

Setting

Landform: Flatwoods on marine terraces

Landform position (three-dimensional): Tread, talf

Down-slope shape: Linear Across-slope shape: Linear

Parent material: Sandy marine deposits over limestone

Typical profile

A - 0 to 2 inches: fine sand Eg - 2 to 7 inches: fine sand Bw - 7 to 12 inches: fine sand 2R - 12 to 22 inches: bedrock

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: 2 to 20 inches to lithic bedrock

Drainage class: Poorly drained

Runoff class: Very high

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high

(0.60 to 5.95 in/hr)

Depth to water table: About 3 to 18 inches

Frequency of flooding: None Frequency of ponding: None

Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

Sodium adsorption ratio, maximum: 4.0

Available water supply, 0 to 60 inches: Very low (about 0.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 4w

Hydrologic Soil Group: B/D

Forage suitability group: Sandy soils on flats of mesic or hydric lowlands

(G155XB141FL)

Other vegetative classification: South Florida Flatwoods (R155XY003FL), Sandy

soils on flats of mesic or hydric lowlands (G155XB141FL)

Hydric soil rating: Yes

Description of Urban Land

Setting

Landform: Flatwoods on marine terraces

Landform position (three-dimensional): Riser, talf

Down-slope shape: Linear Across-slope shape: Linear

Parent material: No parent material

Interpretive groups

Land capability classification (irrigated): None specified

Forage suitability group: Forage suitability group not assigned (G155XB999FL)

Other vegetative classification: Forage suitability group not assigned

(G155XB999FL)

Hydric soil rating: Unranked

Minor Components

Cypress lake

Percent of map unit: 5 percent

Landform: Flatwoods on marine terraces

Landform position (three-dimensional): Tread, talf

Down-slope shape: Linear Across-slope shape: Linear

Other vegetative classification: South Florida Flatwoods (R155XY003FL), Sandy

over loamy soils on flats of hydric or mesic lowlands (G155XB241FL)

Hydric soil rating: Yes

Basinger

Percent of map unit: 3 percent

Landform: Depressions on marine terraces

Landform position (three-dimensional): Tread, dip

Down-slope shape: Concave, linear Across-slope shape: Concave, linear

Other vegetative classification: Sandy soils on flats of mesic or hydric lowlands

(G155XB141FL) Hydric soil rating: Yes

Jenada

Percent of map unit: 3 percent

Landform: Flatwoods on marine terraces

Landform position (three-dimensional): Tread, dip

Down-slope shape: Linear Across-slope shape: Concave

Other vegetative classification: Forage suitability group not assigned

(G156AC999FL) Hydric soil rating: Yes

Dania

Percent of map unit: 3 percent

Landform: Marshes on marine terraces

Landform position (three-dimensional): Tread, dip

Down-slope shape: Concave Across-slope shape: Concave

Other vegetative classification: Freshwater Marshes and Ponds (R156AY010FL),

Organic soils in depressions and on flood plains (G156AC645FL)

Hydric soil rating: Yes

Clewiston

Percent of map unit: 2 percent

Landform: Depressions on marine terraces, flats on marine terraces

Landform position (three-dimensional): Tread, dip, talf

Down-slope shape: Concave, linear Across-slope shape: Concave, linear

Other vegetative classification: Freshwater Marshes and Ponds (R155XY010FL), Organic soils in depressions and on flood plains (G155XB645FL) Hydric soil rating: Yes

Wabasso

Percent of map unit: 2 percent

Landform: Flatwoods on marine terraces

Landform position (three-dimensional): Tread, talf

Down-slope shape: Linear Across-slope shape: Linear

Other vegetative classification: South Florida Flatwoods (R155XY003FL), Sandy

soils on flats of mesic or hydric lowlands (G155XB141FL)

Hydric soil rating: No

Brynwood

Percent of map unit: 2 percent

Landform: Flatwoods on marine terraces

Landform position (three-dimensional): Tread, talf

Down-slope shape: Linear Across-slope shape: Linear

Other vegetative classification: South Florida Flatwoods (R155XY003FL), Sandy

soils on flats of mesic or hydric lowlands (G155XB141FL)

Hydric soil rating: No

Pompano

Percent of map unit: 2 percent

Landform: Flatwoods on marine terraces

Landform position (three-dimensional): Tread, dip

Down-slope shape: Linear

Across-slope shape: Linear, concave

Other vegetative classification: Slough (R155XY011FL), Sandy soils on flats of

mesic or hydric lowlands (G155XB141FL)

Hydric soil rating: Yes

102—Cypress Lake fine sand-Urban land complex, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 2zldz

Elevation: 0 to 70 feet

Mean annual precipitation: 42 to 56 inches Mean annual air temperature: 68 to 77 degrees F

Frost-free period: 350 to 365 days

Farmland classification: Not prime farmland

Map Unit Composition

Cypress lake and similar soils: 42 percent

Urban land: 36 percent

Minor components: 22 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Cypress Lake

Setting

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Landform: Drainageways on marine terraces, flatwoods on marine terraces

Landform position (three-dimensional): Tread, dip, talf

Down-slope shape: Linear

Across-slope shape: Concave, linear

Parent material: Sandy and loamy marine deposits over limestone

Typical profile

A - 0 to 3 inches: fine sand
E - 3 to 14 inches: fine sand
E/B - 14 to 25 inches: fine sand
Btg - 25 to 30 inches: fine sandy loam

2R - 30 to 40 inches: bedrock

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: 8 to 40 inches to lithic bedrock

Drainage class: Poorly drained

Runoff class: Very high

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high

(0.60 to 2.00 in/hr)

Depth to water table: About 3 to 18 inches

Frequency of flooding: None Frequency of ponding: None

Calcium carbonate, maximum content: 4 percent

Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

Sodium adsorption ratio, maximum: 4.0

Available water supply, 0 to 60 inches: Very low (about 2.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 3w

Hydrologic Soil Group: A/D

Forage suitability group: Sandy over loamy soils on flats of hydric or mesic

lowlands (G155XB241FL)

Other vegetative classification: South Florida Flatwoods (R155XY003FL), Sandy

over loamy soils on flats of hydric or mesic lowlands (G155XB241FL)

Hydric soil rating: Yes

Description of Urban Land

Setting

Landform: Flatwoods on marine terraces

Landform position (three-dimensional): Riser, talf

Down-slope shape: Linear Across-slope shape: Linear

Parent material: No parent material

Interpretive groups

Land capability classification (irrigated): None specified

Forage suitability group: Forage suitability group not assigned (G155XB999FL)

Other vegetative classification: Forage suitability group not assigned

(G155XB999FL)

Hydric soil rating: Unranked

Minor Components

Brynwood

Percent of map unit: 8 percent

Landform: Flatwoods on marine terraces

Landform position (three-dimensional): Tread, talf

Down-slope shape: Linear Across-slope shape: Linear

Other vegetative classification: South Florida Flatwoods (R155XY003FL), Sandy

soils on flats of mesic or hydric lowlands (G155XB141FL)

Hydric soil rating: Yes

Wabasso

Percent of map unit: 6 percent

Landform: Flatwoods on marine terraces

Landform position (three-dimensional): Tread, talf

Down-slope shape: Linear Across-slope shape: Linear

Other vegetative classification: South Florida Flatwoods (R155XY003FL), Sandy

soils on flats of mesic or hydric lowlands (G155XB141FL)

Hydric soil rating: No

Pineda

Percent of map unit: 4 percent

Landform: Drainageways on marine terraces, flats on marine terraces

Landform position (three-dimensional): Tread, dip, talf

Down-slope shape: Linear

Across-slope shape: Linear, concave

Other vegetative classification: Slough (R155XY011FL), Sandy over loamy soils

on flats of hydric or mesic lowlands (G155XB241FL)

Hydric soil rating: Yes

Ft. drum

Percent of map unit: 2 percent

Landform: Flatwoods on marine terraces

Landform position (three-dimensional): Tread, talf

Down-slope shape: Convex Across-slope shape: Linear

Other vegetative classification: Sandy soils on flats of mesic or hydric lowlands

(G155XB141FL) Hydric soil rating: No

Cypress lake

Percent of map unit: 2 percent

Landform: Flatwoods on marine terraces, drainageways on marine terraces

Landform position (three-dimensional): Tread, talf, dip

Down-slope shape: Linear

Across-slope shape: Linear, concave

Other vegetative classification: South Florida Flatwoods (R155XY003FL), Sandy

over loamy soils on flats of hydric or mesic lowlands (G155XB241FL)

Hydric soil rating: No

141—Cocoa fine sand-Urban land complex, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 2x9dh

Elevation: 0 to 20 feet

Mean annual precipitation: 45 to 54 inches Mean annual air temperature: 70 to 77 degrees F

Frost-free period: 360 to 365 days

Farmland classification: Not prime farmland

Map Unit Composition

Cocoa and similar soils: 45 percent

Urban land: 40 percent

Minor components: 15 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Cocoa

Setting

Landform: Rises on marine terraces, flatwoods on marine terraces

Landform position (three-dimensional): Tread, rise

Down-slope shape: Convex Across-slope shape: Linear

Parent material: Sandy marine deposits over limestone

Typical profile

A - 0 to 3 inches: fine sand E - 3 to 13 inches: fine sand Bw - 13 to 27 inches: fine sand Bt - 27 to 31 inches: fine sand 2R - 31 to 41 inches: bedrock

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: 20 to 40 inches to lithic bedrock

Drainage class: Moderately well drained

Runoff class: Negligible

Capacity of the most limiting layer to transmit water (Ksat): High to very high (1.98

to 19.98 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None Frequency of ponding: None

Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

Sodium adsorption ratio, maximum: 4.0

Available water supply, 0 to 60 inches: Very low (about 2.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 3s

Custom Soil Resource Report

Hydrologic Soil Group: A

Forage suitability group: Shallow or moderately deep, sandy or loamy soils on

rises and ridges of mesic uplands (G155XB521FL)

Other vegetative classification: Longleaf Pine-Turkey Oak Hills (R155XY002FL), Shallow or moderately deep, sandy or loamy soils on rises and ridges of mesic

uplands (G155XB521FL)

Hydric soil rating: No

Description of Urban Land

Setting

Landform: Flatwoods on marine terraces

Landform position (three-dimensional): Riser, talf

Down-slope shape: Linear Across-slope shape: Linear

Parent material: No parent material

Interpretive groups

Land capability classification (irrigated): None specified

Forage suitability group: Forage suitability group not assigned (G155XB999FL)

Other vegetative classification: Forage suitability group not assigned

(G155XB999FL)

Hydric soil rating: Unranked

Minor Components

Cypress lake

Percent of map unit: 8 percent

Landform: Drainageways on marine terraces, flats on marine terraces

Landform position (three-dimensional): Tread, dip, talf

Down-slope shape: Linear, convex Across-slope shape: Concave, linear

Other vegetative classification: South Florida Flatwoods (R155XY003FL), Sandy

over loamy soils on flats of hydric or mesic lowlands (G155XB241FL)

Hydric soil rating: Yes

Brynwood

Percent of map unit: 7 percent

Landform: Flatwoods on marine terraces

Landform position (three-dimensional): Tread, talf

Down-slope shape: Linear Across-slope shape: Linear

Other vegetative classification: South Florida Flatwoods (R155XY003FL), Sandy

soils on flats of mesic or hydric lowlands (G155XB141FL)

Hydric soil rating: Yes

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Custom Soil Resource Report

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Sharon Hrabak

From: Vovsi, Eman M. <Eman.Vovsi@DOS.MyFlorida.com>

Sent: Monday, March 6, 2023 12:19 PM

To: Sharon Hrabak
Subject: RE: Babcock
Attachments: Template_102.pdf

EXTERNAL SENDER

Completed; no cultural resources detected Kind regards,

Eman M. Vovsi, Ph.D. (he/him/his)

Sr. Data Base Analyst – Florida Department of State

Bureau of Historic Preservation - Florida Master Site File - Tallahassee, FL 32399-0250 - Phone: 850.245.6377 - e-mail: Eman.Vovsi@DOS.MyFlorida.com

"Due to and depending on the requested information, work load and limited staffing, it may take longer than usual to get a response. Thank you for your patience and understanding during this time."

From: Sharon Hrabak <Sharon@qainc.net>
Sent: Monday, March 6, 2023 11:58 AM
To: FMSFILE <FMSFILE@dos.myflorida.com>

Cc: Tobias, Jennifer L. <Jennifer.Tobias@dos.myflorida.com>

Subject: Babcock

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

To Whom it May Concern,

Can you please send us a list of any known historical resources located on

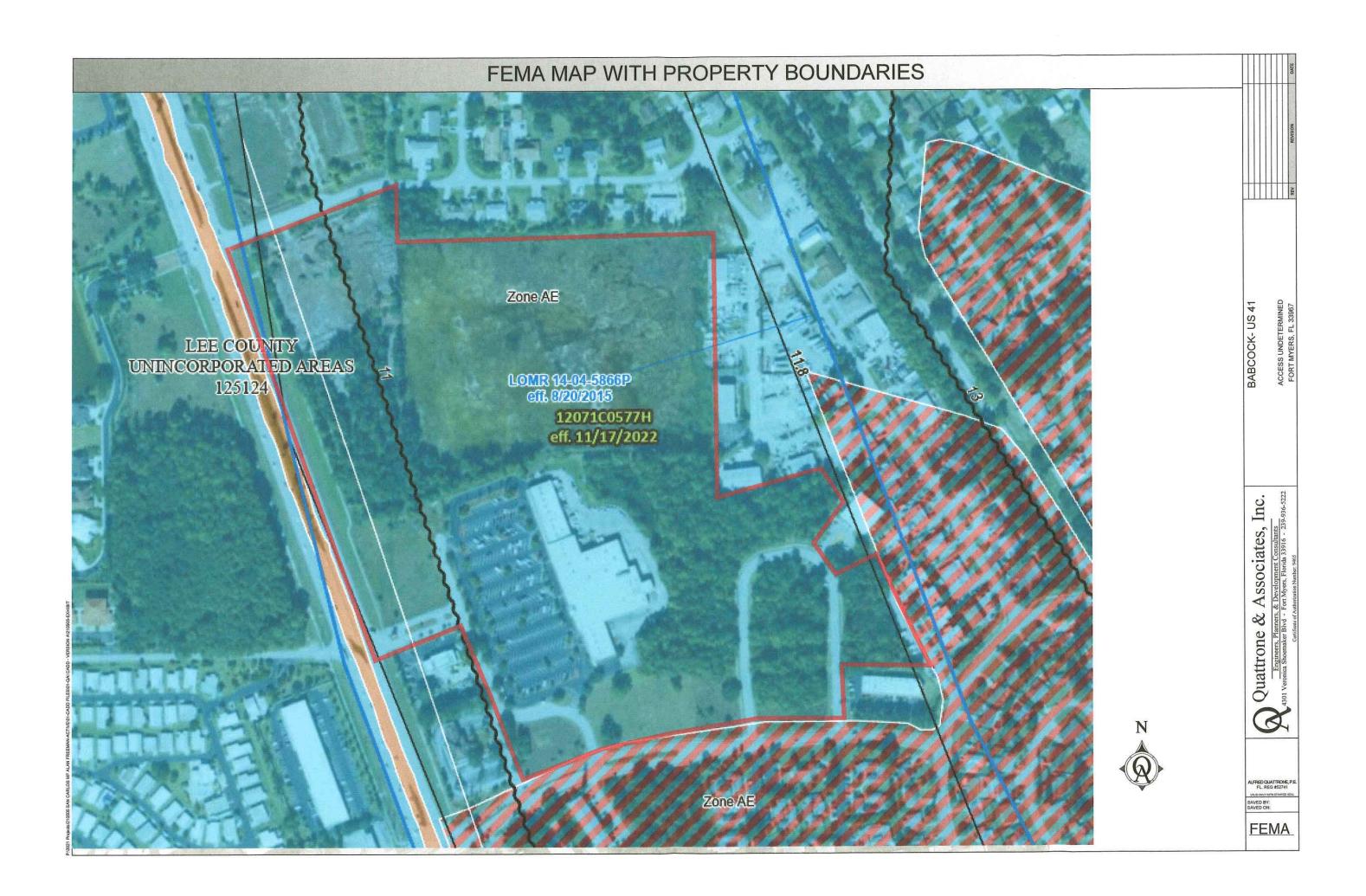
The properties are located 7084, 7082 Babcock Rd.; 18011 S. Tamiami Trl; 7001, 7015, 7011 Constitution Blvd with STRAP(s): 08-46-25-00-01005.0000; 08-46-25-00-01005.0010; 08-46-25-01-00000.0010; 17-46-25-03-00000.1000; 17-46-25-00-01001.009A; 17-46-25-00-01001.009C; 07-46-25-00-00009.001A; 07-46-25-00-00010.0010 07-46-25-00-00011.0020; 08-46-25-00-01006.0000; 08-46-25-00-01007.0000; 08-46-25-00-01008.0000; 08-46-25-01-00000.001B

Thank you,

Sharon Hrabak



4301 Veronica Shoemaker Blvd. Fort Myers, Florida 33916 P: 239-936-5222 | F: 239-936-7228 sharon@qainc.net | www.qainc.net



DESCRIPTION OF LANDS SURVEYED FROM FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT

NCS-1105765-INDY & OPINION OF TITLE DATED FEBRUARY 8, 2023:

PARCEL 1

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4, SOUTHWEST 1/4, SECTION 8, TOWNSHIP 46 SOUTH, RANGE 25

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 8: THENCE NORTH 0 DEGREES 59' 23" WEST 600,00' FEET ALONG THE WEST LINE OF THE SOUTHWEST 1/4, SOUTHWEST 1/4 OF SAID SECTION 8: THENCE NORTH 89 DEGREES 00' 37" EAST 530,0' TO THE POINT OF THE BEGINNING, THENCE NORTH 0 DEGREES 59' 23" WEST 701,04 FEET PARALLEL WITH THE WEST LINE OF THE SOUTHWEST 1/4, OF SAID SECTION 8 TO A POINT ON THE SOUTH LINE OF SAN CARLOS PARK, NORTHWEST ADDITION, AS RECORDED IN PLAT BOOK 28, PAGES 12 AND 13: THENCE NORTH 89 DEGREES 00' 39" EAST 4700 FEET ALONG THE SOUTH LINE OF SAN CARLOS PARK, NORTHWEST ADDITION, TO THE NORTHWEST CORNER OF SAN CARLOS PARK, COMMERCIAL ADDITION, AS RECORDED IN PLAT BOOK 38, PAGES 19 AND 100; THENCE SCHILL DEGREES 610' 3" SAN CARLOS PARK, COMMERCIAL ADDITION, AS RECORDED IN PLAT BOOK 28, PAGES 18 AND 19: THENCE SOUTH 0 DEGREES 59' 23" EAST 701,04 FEETALONG THE WEST LINE OF SAN CARLOS PARK COMMERCIAL ADDITION; THENCE SOUTH 89 DEGREES 00' 37" WEST 470,00 FEET PARALLEL WITH THE SOUTH LINE OF SAN CARLOS PARK, NORTHWEST ADDITION TO THE POINT OF BEGINNING

A TRACT OR PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 8, AND THE SOUTHEAST QUARTER OF SECTION 7, ALL IN TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 8 AND ALSO BEING THE NORTHWEST COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 8 AND ALSO BEING THE NORTHWEST CORNER OF SAN CARLOS PARK NORTHWEST ADDITION AS RECORDED IN PLAT BOOK 28, PAGES 12 AND 13 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SO1'02'58'E (BASIS OF BEARINGS BASED ON THE CENTERLINE SURVEY FROM S.R. 45 RIGHT-OF-WAY MAP, SECTION 12010-2503, SHEET 5, BEING N20'35'30"W) ALONG THE WEST LINE OF SAID SECTION 8 AND SAN CARLOS PARK NORTHWEST ADDITION FOR 1204.59 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN O.R. BOOK 1837, PAGE 3275 OF AFORESAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE CONTINUE 501"02'58"E FOR 121.15 FEET TO THE SOUTHWEST CORNER OF SAID SAN CARLOS PARK NORTHWEST ADDITION; THENCE MISB'57'02"E ALONG THE SOUTH LINE OF SAID SAN CARLOS PARK NORTHWEST ADDITION FOR 530,00 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN O.R. BOOK 1830, PAGE 3434 OF AFORESAID PUBLIC RECORDS; THENCE SO1'02'58"E ALONG THE WEST LINE OF SAID LANDS FOR 701.04 FEFT TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN 0.R. BOOK 1830, PAGE 3434 OF AFORESAID PUBLIC RECORDS; THENCE SO1'02'58"E ALONG THE WEST LINE OF SAID LANDS FOR 701.04 FEFT TO THE NORTH LINE OF LOT 1. SAID CARROS CORPTE AS RECORDS IN PAGE 700.04 FEFT TO THE NORTHWEST LORD OF SAID LANDS FOR 701.04 FEFT TO THE NORTH LINE OF LOT 1. SAID CARROS CORPTE AS RECORDS. DESCRIBED IN O.R. BOOK 1830, PAGE 3434 OF AFORESAID PUBLIC RECORDS; THENCE 501-02'88'E ALONG THE WEST LINE OF SAID LANDS FOR 701.04 FEET TO THE NORTH LINE OF LOT 1, SAN CARLOS CENTER AS RECORDED IN PLAT BOOK 42, PAGE 2 OF AFORESAID PUBLIC RECORDS; THENCE 569-19'18'W ALONG SAID NORTH LINE FOR 684.42 FEET INTO AFORESAID SECTION 7 TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 5.R. 45 (U.S. 41, 153 FEET FROM THE CENTERLINE OF SURVEY); THENCE N20'35'30'W ALONG SAID RIGHT-OF-WAY LINE FOR 963.15 " FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF BABCOCK ROAD EXTENSION (60 FEET WIDE); THENCE N69'24'30'E ALONG SAID RIGHT-OF-WAY LINE FOR 459.97 FEET TO THE POINT OF BEGINNING.

APPARENT SCRIVENER'S ERROR IN TITLE COMMITMENT, VESTING DOCUMENT O.R. 2241, PG, 0204 STATES "953.15 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF BABCOCK ROAD EXTENSIONS

PARCEL 3

PART OF LOT 1. SAN CARLOS CENTER, AS DEPICTED ON PAGE 1 OF PLAT BOOK 42, PUBLIC RECORDS OF LEE COUNTY FLORIDA

COMBINED DESCRIPTION AS SURVEYED

ALL OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2351, PAGE 3155, ALSO KNOWN AS PARCEL 1: AND ALL OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2241, PAGE 204, ALSO KNOWN AS PARCEL 2; PUBLIC RECORDS OF LEE COUNTY, FLORIDA; BEING LOCATED IN THE SOUTHWEST 1/4, SOUTHWEST 1/4, SECTION 8; THE SOUTHWEST OUARTER OF SECTION 8; AND THE SOUTHEAST QUARTER OF SECTION 8; AND THE SOUTHEAST QUARTER OF SECTION 7, AS WELL AS PART OF LOT 1, SAN CARLOS CENTERS DEPICTED ON PAGE 1 OF PLAT BOOK 42, SAID PUBLIC RECORDS, ALL LYING IN TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 8. ALSO BEING THE NORTHWEST CORNER OF SAN CARLOS PARK NORTHWEST ADDITION AS RECORDED IN PLAT BOOK 28, PAGES 12 AND 13 SAID PUBLIC RECORDS, SAID POINT LYING NORTH 01 DEGREES 03 MINUTES 52 SECONDS WEST, 2624.95 FEET FROM THE SOUTHWEST CORNER OF SECTION 8; THENCE SOUTH 01 DEGREES 03 MINUTES 52 SECONDS EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SAN CARLOS PARK NORTHWEST ADDITION, A DISTANCE OF 1204.59 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1837, PAGE 3275 SAID PUBLIC RECORDS AND THE POINT OF BEGINNING: THENCE CONTINUE SOUTH 01 DEGREES 03 MINUTES 52 SECONDS EAST, A DISTANCE OF 120.32 FEET TO THE SOUTHWEST CORNER OF SAID SAN CARLOS PARK NORTHWEST ADDITION; THENCE NORTH 88 DEGREES 55 MINUTES 59 SECONDS EAST, ALONG THE NORTH LINE OF SAID PARCEL 2 AND THE SOUTH LINE OF SAID SAN CARLOS PARK NORTHWEST ADDITION, A DISTANCE OF 529.82 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1830, PAGE 3434 AND THE NORTHWEST CORNER OF SAID PARCEL 1; THENCE CONTINUE NORTH 88 DEGREES 55 MINUTES 59 SECONDS EAST, ALONG SAID SOUTH LINE AND THE NORTH LINE OF SAID PARCEL 1, A DISTANCE OF 470.00 FEET TO THE NORTHWEST CORNER OF SAN CARLOS PARK COMMERCIAL ADDITION AS RECORDED IN PLAT BOOK 29, PAGES 18 AND 19 SAID PUBLIC RECORDS. AND THE NORTHEAST CORNER OF SAID PARCEL 1; THENCE SOUTH 01 DEGREES 04 MINUTES 01 SECONDS EAST, ALONG THE WEST LINE OF SAID SAN CARLOS PARK COMMERCIAL ADDITION AND THE EAST LINE OF SAID PARCEL 1, A DISTANCE OF 701.04 FEET TO THE NORTH LINE AND AN EXTENSION OF LOT 1, SAN CARLOS CENTER AS RECORDED IN PLAT BOOK 42, PAGE 2 OF SAID PUBLIC RECORDS; THENCE ALONG SAID NORTH LINE AND THE EXTENSION THEREOF SOUTH 88 DEGREES 55 MINUTES 59 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF SAID SAN CARLOS NORTHWEST ADDITION, A DISTANCE OF 470.00 FEET; THENCE CONTINUE ALONG SAID SOUTH LINE, SOUTH 69 DEGREES 17 MINUTES 11 SECONDS WEST, A DISTANCE OF 404.89 FEET TO THE NORTHWEST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 4129, PAGE 4367, SAID PUBLIC RECORDS; THENCE ALONG THE WESTERLY BOUNDARIES OF SAID LANDS FOR THE FOLLOWING 4 COURSES: 1.) THENCE SOUTH 20 DEGREES 42 MINUTES 49 SECONDS EAST, A DISTANCE OF 29.76 FEET TO A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 170 FEET, A DELTA ANGLE OF 30 DEGREES 18 MINUTES 33 SECONDS, BEING SUBTENDED BY A CHORD BEARING SOUTH 5 DEGREES 33 MINUTES 32 SECONDS EAST, A CHORD DISTANCE OF 88.88 FEET; 2.) THENCE ALONG SAID CURVE TO THE RIGHT A DISTANCE OF 89.93 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 130,00 FEET, A DELTA ANGLE OF 30 DEGREES 18 MINUTES 33 SECOND, BEING SUBTENDED BY A CHORD BEARING SOUTH 05 DEGREES 33 MINUTES 32 SECONDS EAST, A CHORD DISTANCE OF 67.97 FEET; 3.) THENCE ALONG SAID CURVE TO THE LEFT, A DISTANCE OF 68.77 FEET; 4.) THENCE SOUTH 20 DEGREES 42 MINUTES 49 SECONDS EAST, A DISTANCE OF 134.72 FEET: THENCE LEAVING SAID BOUNDARIES, SOUTH 69 DEGREES 23 MINUTES 55 SECONDS WEST, A DISTANCE OF 260,62 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF S.R. 45 (U.S. 41, 153 FEET FROM THE CENTERLINE OF SURVEY FOR MAP SECTION 12010-2503); THENCE NORTH 20 DEGREES 36 MINUTES 05 SECONDS WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 315.37 FEET TO THE NORTHWEST CORNER OF LOT 1 SAN CARLOS CENTER, AS DEPICTED ON PAGES 1 AND 2 OF PLAT BOOK 42, SAID PUBLIC RECORDS, THENCE CONTINUE ALONG SAID RIGHT OF WAY, NORTH 69
DEGREES 17 MINUTES 11 SECONDS EAST, A DISTANCE OF 21.00 FEET, THENCE CONTINUE ALONG SAID RIGHT OF WAY, NORTH 20
DEGREES 36 MINUTES 05 SECONDS WEST, A DISTANCE OF 952.61 TO THE SOUTHERLY RIGHT OF WAY LINE OF BABCOCK ROAD EXTENSION (60 FEET WIDE); THENCE NORTH 69 DEGREES 24 MINUTES 09 SECONDS EAST, ALONG SAID BABCOCK ROAD EXTENSION A DISTANCE OF 460.23 FEET TO THE POINT OF BEGINNING

NOTES:

- THE PURPOSE OF THIS SURVEY IS TO RETRACE AND PERPETUATE THE BOUNDARIES OF THE ABOVE DESCRIBED PARCEL
- BEARINGS & COORDINATES SHOWN ARE STATE PLANE, FLORIDA WEST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT): ESTABLISHED BY RTK GPS OBSERVATIONS WITH CORRECTIONS RECEIVED FROM THE FDOT FLORIDA PERMANENT REFERENCE NETWORK (FPRN). THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTIONS IS THE BASIS OF BEARINGS WHICH BEARS 5 01°03'52" E.
- ALL PHYSICAL FEATURES SHOWN HEREON WERE LOCATED IN THE FIELD. UNLESS OTHERWISE NOTED, BY THE SURVEY FIELD CREW AS RECORDED IN FIELD BOOK: 1783, PAGES 7-11, 16-17; BOOK 1800, PAGES 53-54; BOOK 1837, PAGES 5-6; AND BOOK 1858, PAGE 03, THE LAST DAY OF FIELD WORK WAS 02-02-2023.
- 4. NO UNDERGROUND UTILITIES OR IMPROVEMENTS, IF ANY, WERE LOCATED OTHER THAN SHOWN HEREON
- UNDERGROUND ENCROACHMENTS INCLUDING FOUNDATIONS (IF ANY) WERE NOT LOCATED.
- NO WETLAND AREAS OR JURISDICTIONAL WETLANDS (IF ANY) WERE LOCATED FOR THIS SURVEY, NOR WERE ANY MARKERS FOR SUCH DRSERVED
- NO SEARCH FOR VISIBLE EVIDENCE OF EXISTING OR FORMER AREAS OF FACILITIES WHICH MAY HAVE INVOLVED USE OR STORAGE OF HAZARDOUS OR TOXIC SUBSTANCES WAS MADE.
- 8. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NCS-1105765-INDY, COMMITMENT EFFECTIVE DATE: JANUARY 7, 2022 AT 8:00 AM, SEE SUMMARY OF SCHEDULE B-II EXCEPTIONS ON THIS SHEET, AN OPINION OF TITLE BY PAUL H. FREEMAN, ATTORNEY AT LAW, DATED SEPTEMBER 1, 2022 WAS ALSO FURNISHED, A SECOND OPINION OF TITLE BY PAUL H. FREEMAN, ATTORNEY AT LAW, DATED FEBRUARY 8, 2023 WAS ALSO PROVIDED.
- 9. ALL RECORDING REFERENCES ARE TO THE PUBLIC RECORDS OF LEE COUNTY, FL.
- 10. ALL DISTANCES, AND COORDINATES ARE IN U.S. SURVEY FEET OR DECIMALS THEREOF

ALTA NSPS LAND TITLE SURVEY

PART OF THE SE 1/4 SECTION 7 & PART OF THE SW 1/4 OF THE SW 1/4 SECTION 8, TOWNSHIP 46 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

- 11. SURVEYED PARCEL ACREAGE: PARCEL 1 7.56 ACRES, MORE OR LESS; PARCEL 2 16.05 ACRES, MORE OR LESS; PARCEL 3 1.99 ACRES, MORE OR LESS; TOTAL PARCEL (1, 2, & 3) - 25.60 ACRES, MORE OR LESS
- 12. NO EVIDENCE OF RECENT EARTHWORK WAS OBSERVED ON THE SUBJECT PARCEL THIS SURVEY.
- 13, NO EVIDENCE OF PROPOSED CHANGES IN STREET RIGHT OF WAY LINES WAS PROVIDED. NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS WAS OBSERVED THIS SURVEY.
- THE PROPERTY DESCRIBED HEREON IS THE SAME AS THE PROPERTY DESCRIBED IN FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. NCS-1105765-INDY WITH AN EFFECTIVE DATE OF JANUARY 7, 2022; AND OPINION OF TITLE DATED FEBRUARY B, 2023. ALL EASEMENTS, COVENANTS, AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT, AND OPINION OF TITLE OR APPARENT FROM A PHYSICAL INSPECTION OF THE SITE OR OTHERWISE KNOWN HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE SUBJECT PROPERTY.
- THE SURVEYED PARCEL HAS ACCESS TO PUBLIC RIGHT OF WAY VIA FREEMAN DRIVE, BABCOCK ROAD EXTENSION, AND TAMIAMI TRAIL (STATE ROAD 45).
- NO GAPS, GORES, OR OVERLAPS WERE OBSERVED IN THE RECORD DESCRIPTIONS DURING THE COMPLETION OF THIS SURVEY. 18. THE SURVEYED PARCEL LIES ENTIRELY WITHIN ZONE AE (EL 10), PER FLOOD INSURANCE RATE MAP PANEL 12071C0577G,
- EFFECTIVE DATE DECEMBER 7, 2018.

TITLE COMMITMENT SUMMARY OF SCHEDULE B-II EXCEPTIONS, AND SPECIAL EXCEPTIONS IN TITLE OPINIONS:

- DETECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT. NOT A MATTER OF SURVEY, NOT MAPPED.
- RIGHTS OR CLAIMS OF PARTIES IN POSSESSION OF THE LAND NOT SHOWN BY THE PUBLIC RECORDS. VISIBLE EVIDENCE OF POSSESSION WAS LOCATED AS MAPPED HEREIN
- ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND. AFFECTS THE SUBJECT PARCEL AS MAPPED HEREIN.
- ANY LIEN OR RIGHT TO A LIEN FOR SERVICES, LABOR, MATERIAL OR EQUIPMENT, UNLESS SUCH LIEN IS SHOWN BY THE PUBLIC RECORDS AT DATE OF POLICY AND NOT OTHERWISE EXCEPTED FROM COVERAGE HEREIN. NOT A MATTER OF SURVEY, NOT MAPPED.
- ANY DISPUTE AS TO THE BOUNDARIES CAUSED BY A CHANGE IN THE LOCATION OF ANY WATER BODY WITHIN OR ADJACENT TO THE LAND PRIOR TO DATE OF POLICY, AND ANY ADVERSE CLAIM TO ALL OR PART OF THE LAND THAT IS, AT DATE OF POLICY, OR WAS PREVIOUSLY UNDER WATER EASEMENTS OR CLAIMS OF EASEMENTS NOT SHOWN BY THE PUBLIC RECORDS. NO WATER BODIES, NATURAL NOR MANMADE WERE OBSERVED ON THE SURVEYED PARCELS.
- TAXES OR SPECIAL ASSESSMENTS NOT SHOWN AS LIENS IN THE PUBLIC RECORDS OR IN THE RECORDS OF THE LOCAL TAX COLLECTING AUTHORITY, AT DATE OF POLICY, NOT A MATTER OF SURVEY, NOT MAPPED.
- ANY MINERALS OR MINERAL RIGHTS LEASED, GRANTED OR RETAINED BY CURRENT OR PRIOR OWNERS.
- B. TAXES AND ASSESSMENTS FOR THE YEAR 2022 AND SUBSEQUENT YEARS, WHICH ARE NOT YET DUE AND PAYABLE
- NOT A MATTER OF SURVEY, NOT MAPPED.
- TERMS AND CONDITIONS OF ANY EXISTING UNRECORDED LEASE(S), AND ALL RIGHTS OF LESSEE(S) AND ANY PARTIES CLAIMING THROUGH THE LESSEE(S) UNDER THE LEASE(S).
 - NOT A MATTER OF SURVEY, NOT MAPPED.
- DRAINAGE EASEMENT, GRANTED FROM COASTLAND CORPORATION OF FLORIDA TO JACK CRAFT TRUSTEE, RECORDED IN OFFICIAL RECORDS BOOK 1830, PAGE 3431 AS AFFECTED BY EASEMENT AND MAINTENANCE AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 2351, PAGE 3150, SEPTEMBER 1 OPINION OF TITLE SPECIAL EXCEPTION #1 STATES THIS HAS BEEN
 - EASEMENT IS BLANKET IN NATURE OVER ALL OF PARCEL 1; SEE SHEETS 2-6 FOR APPROXIMATE LOCATION OF BORROW PIT. AREA CONTAINING EVIDENCE OF BORROW PIT HAS BEEN AFFECTED BY EARTHWORK ACTIVITY, THE HATCHED AREA IS AN APPROXIMATION OF PROBABLE PIT LIMITS BASED ON CURRENT TOPOGRAPHIC EVIDENCE
- GRANT OF UTILITY EASEMENT, GRANTED FROM ALAN C. FREEMAN TRUSTEE TO GULF UTILITY COMPANY, RECORDED IN OFFICIAL RECORDS BOOK 2970, PAGE 520. SEPTEMBER 1 OPINION OF TITLE SPECIAL EXCEPTION #2, FEBRUARY 8 OPINION OF TITLE
 - EASEMENT IS AN ENCUMBRANCE TO THE SOUTHERLY ADJOINING PARCEL, AND DOES NOT TOUCH NOR AFFECT THE SURVEYED
- 12. ANY CLAIM THAT THE TITLE IS SUBJECT TO A TRUST OR LIEN CREATED UNDER THE PERISHABLE AGRICULTURAL COMMODITIES 1930 (7 U.S.C. §§499A, ET SEQ.) OR THE PACKERS AND STOCKYARDS ACT (7 U.S.C. §§181 ET SEQ.) OR UNDER SIMILAR
- NOT A MATTER OF SURVEY, NOT MAPPED.
- TERMS AND CONDITIONS IN THAT CERTAIN DECLARATION OF EASEMENTS AND COVENANTS DATED JUNE 12, 2002 RECORDED IN OFFICIAL RECORDS BOOK 3665, PAGE 3586 PUBLIC RECORDS OF LEE COUNTY AS TO THE PORTION OF THE PROPERTY DESCRIBED IN TAX PARCEL 08-46-25-01-00000.001B. - FEBRARY 8 OPINION OF TITLE SPECIAL EXCEPTION #2, ALL PLOTTABLE EASEMENTS MAPPED ON SHEET 2 OF 2



LECEND.

| LEGEND | | | |
|-----------|---|-------|---|
| ALTA | = AMERICAN LAND TITLE ASSOCIATION | 0 | = AIR RELEASE VALVE |
| £ | = CENTERLINE | | DESIGNATION |
| CB | = CHORD BEARING | φ | = BENCHMARK |
| CCR | = CERTIFIED CORNER RECORD | | = GROUND EL. |
| CLTF | = CHAIN LINK TYPE FENCE | | = GROUND EL. |
| CMP | = CORRUGATED METAL PIPE | 10.12 | = HARD SURFACE EL |
| CONC | = CONCRETE | 19.16 | - HAND JONIACE EE |
| COR | = CORNER | 6 | = FIBER OPTIC CABLE MARKER |
| (D) | = DEED / TITLE COMMITMENT DIMENSION | G | - Tibeli of the Choce Halling |
| E | = EAST OR EASTING | X | = FIRE HYDRANT |
| ENG EL | = ENGINEERING = ELEVATION (NAVD 88) | -44 | |
| FCM | = FOUND CONCRETE MONUMENT | M | = IRRIGATION VALVE |
| FDOT | = FLORIDA DEPARTMENT OF TRANSPORTATION | ** | |
| FIP | = FOUND IRON PIPE | 0 | = TELEPHONE MANHOLE |
| FIRC | = FOUND IRON ROD AND CAP AS NOTED | | |
| | = FOUND PARKER-KALON NAIL | 9 | = SEWER VALVE |
| | = GLOBAL POSITIONING SYSTEM | | |
| | = HIGH DENSITY POLYETHYLENE | -0 | = SIGN |
| 1D | = IDENTIFICATION | | vertex of the transport |
| INC | = INCORPORATED | 50 | = WATER VALVE |
| INST. | = INSTRUMENT | | |
| INV. | = INVERT | | = ASPHALT |
| | = LICENSED BUSINESS | | = ASPHALI |
| (M) | = RIGHT OF WAY MAP DIMENSION | _ | |
| N | = NORTH OR NORTHING | 12.3 | = CONCRETE |
| | = NORTH AMERICAN VERTICAL DATUM OF 1988 | 12500 | - CONCRETE |
| NO./# | = NUMBER | - | |
| NSPS | | | = APPROXIMATE LIMITS OF BORROW PIT |
| | = OFFICIAL RECORD BOOK | | A5 OBSERVED 06-21-22 (SEE EXCEPTION 10) |
| P.B. | = PLAT BOOK | | (20, 20, 20, 20, 20, 20, 20, 20, 20, 20, |
| | = PAGE | | == BARBED WIRE FENCE |
| | = PROFESSIONAL LAND SURVEYOR | | CITAIN THE PENCE THE SEC OFFICENMENT HOTELS |
| POB | = POINT OF BEGINNING = POINT OF COMMENCEMENT | | == CHAIN LINK FENCE UNLESS OTHERWISE NOTED |
| PSM | = PROFESSIONAL SURVEYOR & MAPPER | mmmm | = WOODS LINE |
| PT | = PART OF | | |
| R/W | = RIGHT OF WAY | | |
| RCP | = REINFORCED CONCRETE PIPE | | |
| | = REAL-TIME KINEMATIC | | |
| SEC. | = SECTION | | |
| SIRC | = SET 5/8" IRON ROD W/ CAP "AIM ENG LB 3114" | | |
| Suite | AND THE WORLD HAVE AND THE PARTY. | | |

INDEX OF SHEETS:

SIGNED:

 DESCRIPTION, NOTES, SCHEDULE B-2 EXCEPTIONS, TITLE OPINION SPECIAL EXCEPTIONS, LOCATION MAP, LEGEND, AND CERTIFICATION
 BOUNDARY SURVEY DETAILS SHEET 2

ALTA / NSPS LAND TITLE SURVEY CERTIFICATION:

TO OSCAR LAND ACQUISITIONS, LLC, (NAME OF LENDER, IF KNOWN), FIRST AMERICAN TITLE INSURANCE COMPANY, AND PAUL H. FREEMAN, ATTORNEY AT LAW:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4 6(A), 6(B), 7(A), 7(B)(1), 8, 9, 10, 11(A), 13, 16, 17, AND 18 OF TABLE A THEREOF. THE FIELD WORL WAS COMPLETED ON FEBRUARY 02, 2023.

DATE OF PLAT OR MAP: FEBRUARY 07, 2023

DARREN TOWNSEND



Digitally signed by Darren Townsend Date: 2023.02.09

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ALTA P 1

4569

800-239-T/0N

PHONE.

Surveying,

8

Engineering

AIM I

SUITE 33901

ZIGH FORT

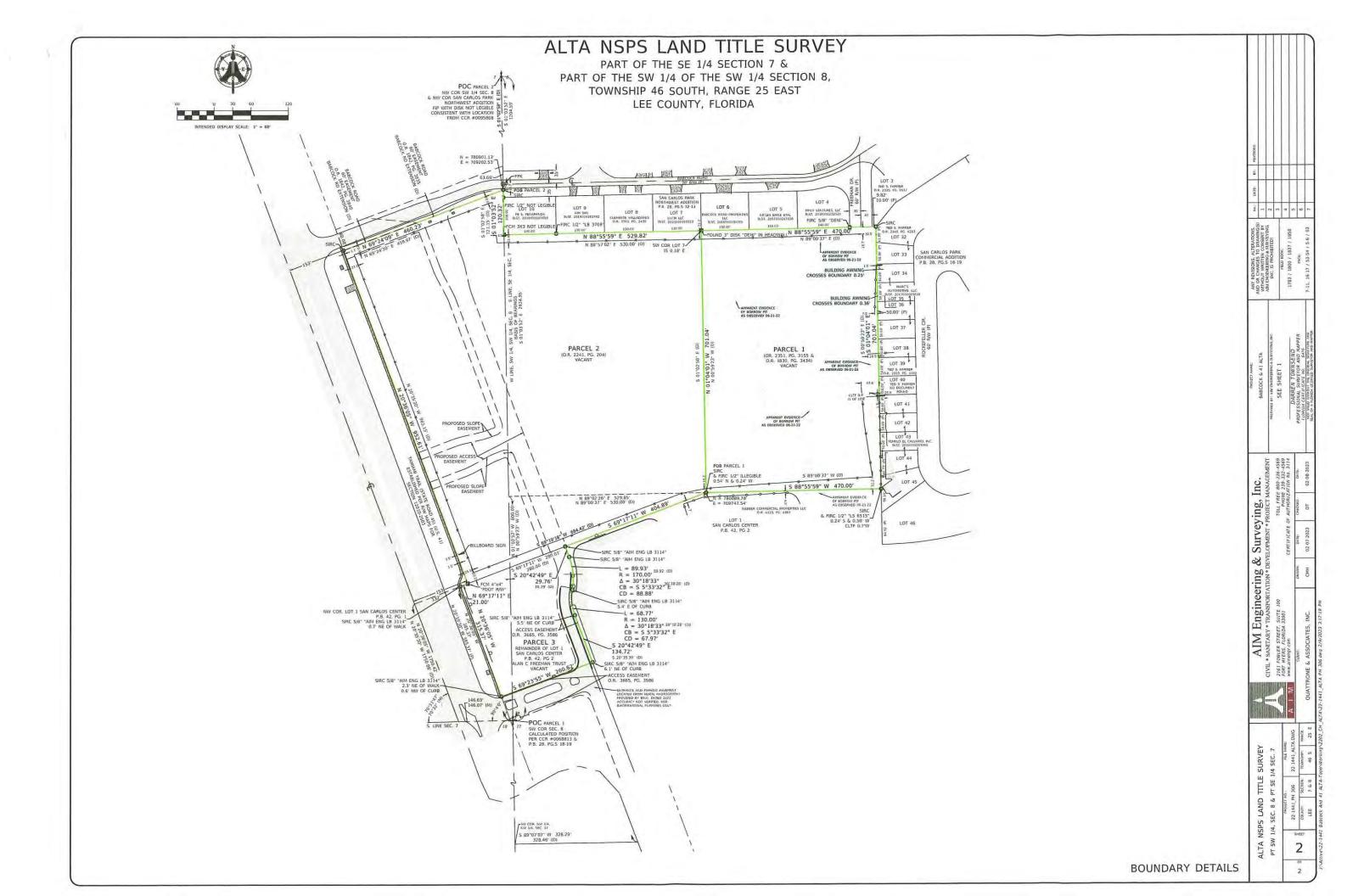
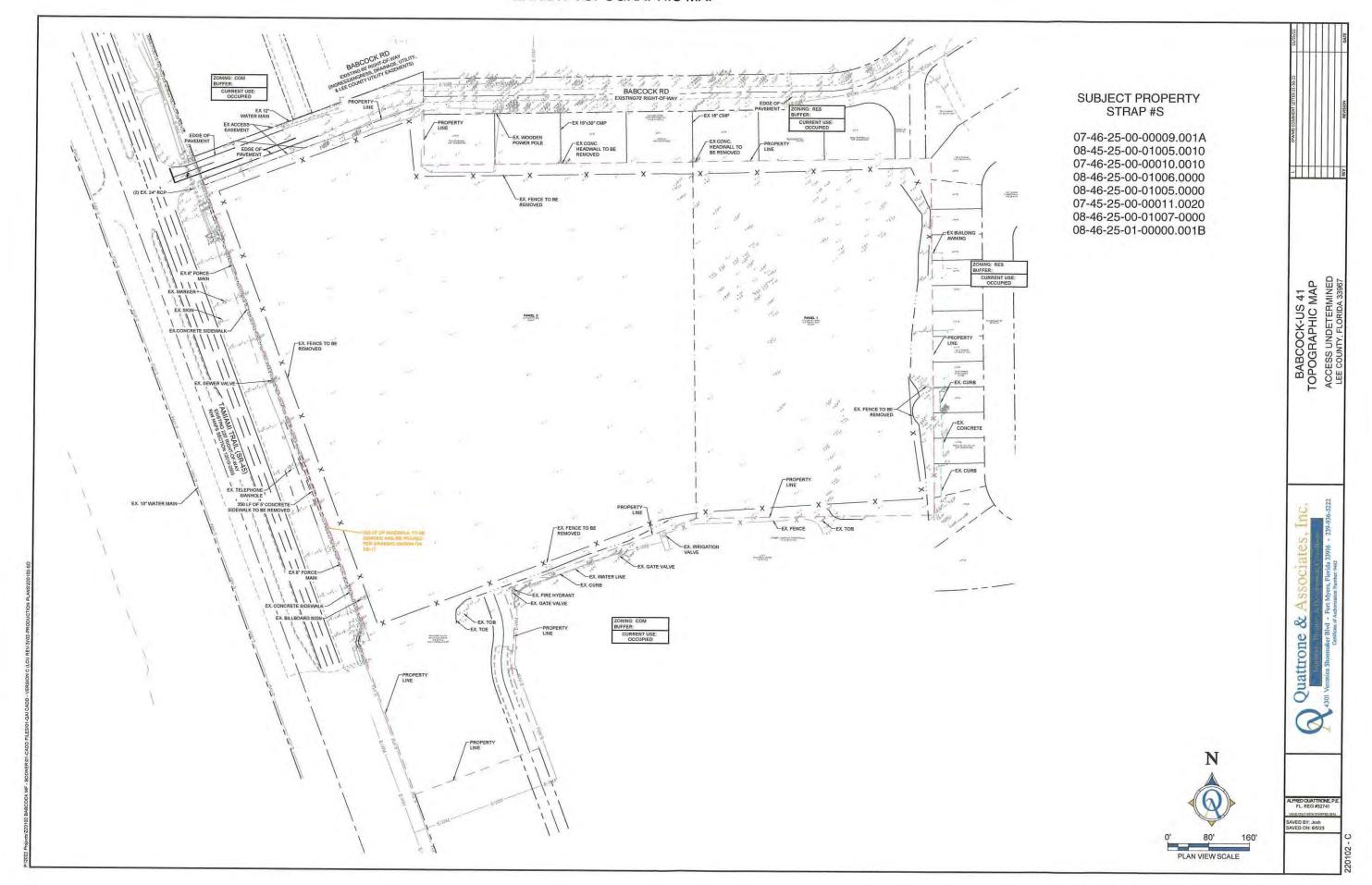


EXHIBIT TOPOGRAPHIC MAP



DCI2022-00050 PENZANCE SQUARE CPD

Staff Summary

CASE NUMBER & NAME: DCI2022-00050 / Penzance Square CPD

REQUEST: Amend the Penzance Square CPD (Resolution Z-06-092) to

modify the master concept plan and schedule of uses and increase the allowable commercial square footage from 90,000

square feet to 185,000 square feet.

RESOLUTION NUMBER: Z-23-027

LOCATION: 7530 Penzance Blvd., South Fort Myers, Planning Community,

Lee County, FL

OWNER: PENZANCE SQUARE LLC

APPLICANT: Penzance Square, LLC

AGENT: Sharon Umpenhour

Q. Grady Minor & Associates, P.A.

3800 Via Del Rey

Bonita Springs, FL 34134

HEARING EXAMINER

RECOMMENDATION: Approve, subject to the conditions and deviations set forth in the

Exhibit B.

PARTICIPANTS: (19) Haifa L. Amra

Lyn-Ann Bedoun Katie Berkey Kathy Cox Ed Desmond Terry Dirutigliano Doreen Falcone Nick Falcone Mary Herath

Ruth Klingenberger

Perry Lynch
Rose Metoxen
Steven Michaud
David Minnick
Mary Jane Scullin
Jeanne Struve
Mike Struve
Karen Suzor
Mitch Weiner



MEMORANDUM FROM THE OFFICE OF THE LEE COUNTY HEARING EXAMINER

DATE:

August 24, 2023

TO: Board of County Commissioners

FROM:

Amanda L. Rivera

Hearing Deputy Examiner

RE:

PENZANCE SQUARE CPD - DCI2022-00050

Modification to Hearing Examiner Recommendation

CONDITIONS

1. Master Concept Plan (MCP) and Development Parameters

MCP. Development must be consistent with two-page MCP entitled a) "Penzance Square CPD," prepared by Q. Grady Minor and Associates, PA, stamped received July 6, 2023 (Exhibit B1).

Copies Provided to:

Michael Jacob, Deputy County Attorney Joseph Adams, Assistant County Attorney Anthony Rodriguez, Zoning Manager Elizabeth Workman, Principal Planner Jamie Princing, Community Development Applicant/Applicant's Representative(s)

Revised: 3/06/2017

Summary of Hearing Examiner Recommendation

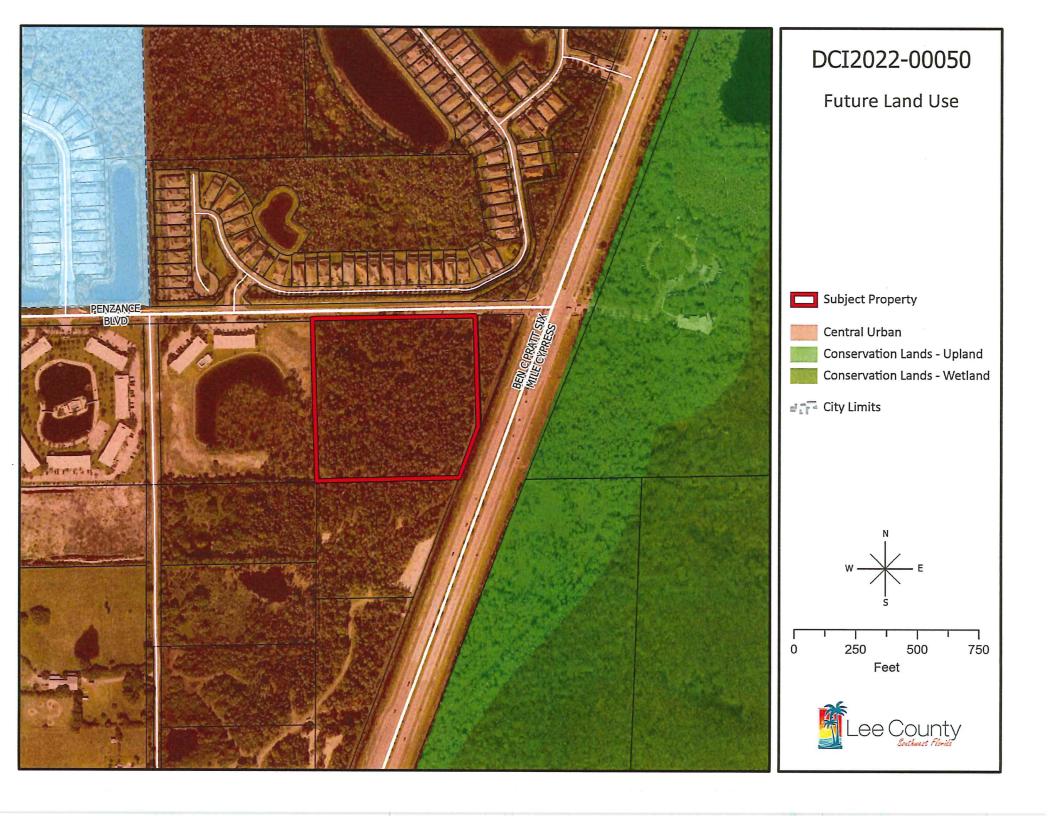
PENZANCE SQUARE CPD

Applicant seeks to amend an existing CPD off Six Mile Cypress Parkway and Penzance Boulevard. <u>Although the request nearly doubles permitted square footage</u>, <u>proposed uses generate less than half the traffic contemplated by current approvals</u>. This is due largely to replacing medical office/retail uses with public/mini-warehouse uses.

Proposed site design streamlines project traffic by eliminating access to Six Mile Cypress and reducing access to Penzance Boulevard to a single driveway. The LDC designates Six Mile Cypress Parkway as a controlled access facility. A single access to Penzance Boulevard is appropriate given: (1) the significant reduction in project traffic volumes; (2) security concerns associated with storage uses; and (3) LDC preference to direct traffic away from controlled access facilities to preserve safety and traffic capacity.

The request seeks no deviations from LDC requirements.

Detailed recommendation follows





OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING:

DCI2022-00050

Regarding:

PENZANCE SQUARE CPD

Location:

7530 Penzance Blvd

South Fort Myers Planning Community

(District 2)

Hearing Date:

June 29, 2023 July 7, 2023

Record Closed: J

- ---**,** - - - -

I. Request

Amend Zoning Resolution Z-06-062 to increase commercial square footage from 90,000 square feet to 185,000 square feet, revise the Schedule of Uses to add business services, contractor offices, and public/mini-warehouses, and modify the Master Concept Plan (MCP) to alter building configuration, indigenous preserve area, and access to Penzance Boulevard.¹

The property's legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approval, subject to the conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves as an advisor to the Board of County Commissioners (Board) on applications to rezone property to a planned development zoning district.² In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to amend the development parameters and MCP for a 10-acre CPD.

In preparing a recommendation to the Board, the Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), Land Development Code (LDC), and other County regulations to facts adduced at hearing. The record must contain substantial competent evidence to support the recommendation.

¹ The request originally sought private warehouses, but staff did not support that use. Workman Testimony (Transcript pg. 39-40).

² LDC §34-145(d)(4) a.

Synopsis of Request

The request seeks to amend an approved, but undeveloped, CPD on 10 acres in South Fort Myers. The property lies along the Six Mile Cypress Parkway and Penzance Boulevard corridors. Specifically, the request:

- Increases commercial square footage from 90,000 to 185,000 square feet,
- Revises the schedule of permitted uses to include business services, contractor offices, and public/mini-warehouse, and
- Modifies the MCP to change the building configuration, indigenous preserve area, and access to Penzance Boulevard.

Notwithstanding the array of permitted uses, the MCP depicts four commercial/flex space buildings and a three-story warehouse facility. There is a pending development order consistent with the MCP.³ The site plan orients the warehouse facility toward Six Mile Cypress Parkway, a four-lane divided arterial roadway, farther from established residential areas.

Proposed maximum building heights are 35 feet for commercial buildings and 45 feet for warehouse uses.

Applicant <u>does not seek deviations</u> from LDC requirements. <u>Staff recommended</u> approval, subject to conditions.

Zoning Review Criteria

Before recommending approval for rezoning to the Board, the Hearing Examiner must find the request:

- A. Complies with the Lee Plan;
- B. Meets the LDC and other applicable County regulations, or qualifies for deviations;
- C. Is compatible with existing and planned uses in the surrounding area;
- D. Will provide access sufficient to support the proposed development intensity;
- E. The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- F. Will not adversely affect environmentally critical or sensitive areas and natural resources; and

³ DOS2023-00036.

G. Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.⁴

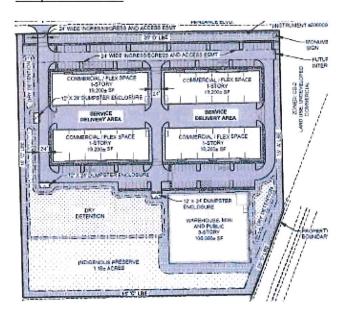
If the request involves planned development zoning, such as a RPD, the Hearing Examiner must also find:

- H. The proposed use or mix of uses is appropriate at the proposed location;
- The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- J. Each requested deviation (1) enhances the achievement of the objectives of the planned development, and (2) preserves and promotes the general intent of the LDC to protect public health, safety, and welfare.⁵

Zoning History

The property has been zoned CPD since 1995. The site is currently approved for 90,000 square feet of commercial office space. There is a pending development order under review that includes four 19,200 square foot flex space buildings, one storage building, and associated infrastructure.

Proposed MCP



⁴ See LDC §34-145(d)(4)(a)(1).

⁵ See LDC §34-145(d)(4)(a)(2).

⁶ Z-06-062.

⁷ DOS2023-00036.

Lee Plan

Planned developments must be consistent with the Lee Plan.⁸ The Lee Plan Future Land Use Map classifies the property as <u>Central Urban</u>.⁹ The Central Urban land use category is the <u>second most intense under the Lee Plan</u>. Central Urban areas typically contain a variety of commercial and light industrial uses, housing, services, and infrastructure.¹⁰

The proposal to increase commercial square footage and modify the schedule of uses to include business services, contractor offices, and warehouse (mini/public) is consistent with the Central Urban designation.¹¹ The pending development order application to develop flex space and storage are low impact uses unlikely to create negative offsite impacts.

Compatibility

Compatibility exists when land uses can exist in proximity to each other, and no one use unduly negatively impacts another use.¹² Zoning requests must be compatible with existing and planned uses in the area and minimize potential negative effects on neighboring property.¹³

The property lies within the <u>South Fort Myers Planning District</u>, a core area of the county with high intensity uses and a range of public facilities and urban services.¹⁴ Employment centers, residential development and a broad range of infrastructure and services feature predominately in the planning district. <u>Six Mile Cypress Parkway is an emerging focal point of commercial and residential development.</u> <u>The requested CPD amendment to modify development parameters promotes contiguous and compact growth patterns in the area.¹⁵</u>

The proposed site design is compatible with surrounding land uses, which consist of existing and approved multi- and single-family residential development and commercial uses along Six Mile Cypress Parkway. Density of surrounding residential development ranges from 5 to 12 dwelling units per acre. Abutting land uses include the Coral Rock RPD, a multifamily apartment complex and the Carissa RPD, approved for 260 multi-family units with bonus density at a maximum

⁸ Lee Plan Policy 2.1.2; LDC §34-411(a)

⁹ Lee Plan Objective 1.5, Policies 1.1.3.

¹⁰ The Central Urban category offers the greatest range and highest levels of urban services and infrastructure. Lee Plan Policy 1.1.3.

¹¹ The requested mix of uses achieves Central Urban directives to meet Lee Plan Objective 11.1.

¹² Florida Statutes §163.3164(9); The Lee Plan offers benchmarks from which to measure compatibility, particularly in the context of uses adjacent to established residential development. Lee Plan Policies 5.1.5, 135.9.5, 135.9.6.

¹³ LDC §34-145(d)(4), §34-411; Lee Plan Policies 5.1.5, 135.9.5, 135.9.6.

¹⁴ Lee Plan Map 1. See Lee Plan Policy 1.1.3

¹⁵ Lee Plan Objectives 2.1 and 2.2

¹⁶ See Staff Report; Applicant Ex. 1 (slide 8); Workman Testimony (Transcript pg. 33-36).

height of 50 feet. The remainder of the property abuts arterial and collector roadways.

The MCP reflects enhanced buffers along project boundaries, including rights-of-way. The west boundary abutting the Coral Rock Apartments includes indigenous preserves, dry detention (open space) and an internal access drive. In areas where roads or parking are within 125 feet of the property line, the MCP reflects a landscaped buffer and an 8-foot wall setback 25 feet from the property line. Site design employs graduated building heights to match adjacent properties. 19

In addition, the requested amendment is subject to numerous conditions to bolster compatibility with nearby residential uses, including:

- ➤ Replacing high traffic generating uses (medical office and health care facilities) with lower generating uses (public/mini-warehousing);
- Excluding uses objectionable to area residents;²⁰
- ➤ Enhancing LDC lighting standards/conditions due to the proximity to the Six Mile Cypress Slough;
- Prohibiting backlight/neon signs;
- ➤ Exceeding open space requirements by 14%;²¹
- > Enhancing buffers along property boundaries;
- > Limiting hours of operation;
- Prohibiting broadcast systems to limit off-site noise;
- Controlling trip generation to place guardrails on the amount of traffic associated with the project;
- Reducing wildlife attractions through bear-proofing and enhanced dumpster requirements;²² and
- Requiring warehousing doors to face away from Six Mile Cypress Parkway.²³

¹⁷ Mr. Arnold noted original zoning approvals included enhanced buffers along Penzance Boulevard, carried over to the current request. Transcript pg. 13.

¹⁸ The landscaping in this area will include a minimum of 5 trees and 18 shrubs per 100 lineal feet.

¹⁹ Ms. Workman detailed surrounding developments with heights consistent with the CPD's requested heights. The increase to 45 feet is limited to warehouse uses proximate to the Carissa RPD which permits a height of 50 feet. Buildings closer to existing residential developments stays limited at 35 feet. Workman Testimony (Transcript pg. 33-36).

²⁰ Significant attention at hearing was given to the proposed Schedule of Uses, particularly Personal Services uses. Applicant agreed to exclude objectionable uses from that category. See Condition 2a.

²¹ The LDC requires 30% open space; Applicant is providing 44%. See Condition 3.

²² Solid waste collection conditions are generally addressed at the time of development order review rather than at time of zoning. Notwithstanding, Condition 11 is proposed for adoption.

²³ Applicant agreed to this condition at hearing, although it was not included in the Post-Hearing Written Submissions. The Hearing Examiner recommends inclusion of a limitation to condition 1. Transcript pg. 116.



Transportation

Planned developments must have access to roads with sufficient capacity to support proposed intensity.²⁴ Existing regulations or conditions of approval must address expected impacts on transportation facilities.²⁵

The site will access Penzance Boulevard, a county-maintained collector roadway.²⁶ Original site design included three access points: two on Penzance Boulevard and an optional connection to Six Mile Cypress Parkway, a controlled access facility.²⁷ Proposed site design reduces access to a single point on Penzance Boulevard in furtherance of county policy to direct traffic away from controlled access facilities.²⁸

The proposed increase in square footage is not anticipated to create negative offsite impacts.29 This is because warehouse/storage uses are low traffic generators. The Traffic Impact Statement (TIS) showed the request produces half of the traffic the current zoning permits.30

28 LDC §10-298.

²⁴ LDC §34-145(d)(4)(a)(1)(d); §34-411(d)(1).

²⁵ LDC §34-145(d)(4)(a)(1)(e); §34-411(d)(2).

²⁶ Lee Co. Admin. Code 11-1.

²⁷ Z-06-062.

²⁹ The proposed warehouse use represents a reduction in traffic and commercial intensity than more intense uses previously approved under the existing CPD zoning designation. The more intense retail, medical and office space uses will be displaced by warehouse uses, which generate fewer trips. Penzance Square CPD Amendment Traffic Impact Statement prepared by JMB Transportation Engineering, Inc. revised May 25. 2023 (Staff Report Attachment J).

³⁰ See Staff Report (Attachment J); Banks Testimony (Transcript pg. 18).

The TIS demonstrates area roadways will operate at acceptable levels of service at project buildout.³¹ The report concludes the project will mitigate impacts to the county's transportation network through the payment of impact fees.³² Site-related improvements will be evaluated during local development order review.³³

Environmental

Rezoning requests cannot adversely affect environmentally critical or sensitive areas and natural resources.³⁴

The site contains wetlands but has yet to receive a formal jurisdictional wetland determination or South Florida Water Management Permit. Applicant's Protected Species Survey disclosed no evidence of listed species on the site.³⁵

The MCP depicts 4.32 acres of open space, exceeding code requirements.³⁶ Applicant's Indigenous Habitat Management Plan and MCP preserves 1.18 acres of wetland pine flatwoods. The Management Plan addresses exotic removal, restoration, and long-term maintenance of onsite indigenous vegetation.

The Six Mile Cypress Watershed is a critical area for surface water management.³⁷ The proposed storm water management system incorporates wet and dry detention prior to discharging into a roadside drainage conveyance on Six Mile Cypress Parkway.³⁸ Treated storm water from the site flows south into a portion of the Six Mile Cypress Slough system and ultimately to the Ten Mile Canal.

Public Services

The Lee Plan requires the availability of public services and infrastructure to be evaluated during the rezoning process. Public services are the services, facilities, capital improvements, and infrastructure necessary to support development.³⁹

³¹ Penzance Square CPD Amendment Traffic Impact Statement. Staff Report Attachment J. See also Staff Report Attachment K: Memo from Md Rakibul Alam, Senior Transportation Planner, Department of Community Development entitled "Penzance Square CPD (DCI 2022-00050) Transportation-Related Analysis."

³² LDC §2-265.

³³ Developer must address site related improvements, including turn lanes, if warranted during the development order process. Lee Plan Objective 39.1, Policy 39.1.1, LDC §10-8, §10-287.

³⁴ See LDC §34-145(d)(4)a1(e).

³⁵ Staff Report (Attachment H: Environmental Staff Report).

³⁶ The LDC requires large commercial projects to assign 30% of the site to open space. The MCP assigns 44% of project acreage to open space, exceeding code requirements by 14%. Staff Report (Attachment H). ³⁷ Lee Plan Objective 60.3.

³⁸ See Staff Report (Attachment G). The system is designed to accommodate 100 year and 3 year storm events.

³⁹ Lee Plan Glossary definition of urban services.

As the site lies within the County's urban core, a broad range of services and infrastructure are available to the development. These services include public water and sewer, law enforcement, fire, and emergency medical service.⁴⁰ Development will be subject to road, fire, and EMS impact fees.⁴¹

Public

There was significant public participation at hearing. Nineteen members of the public spoke in opposition to the request. Most speakers reside in the Cypress Walk community, situated north of the property across Penzance Boulevard.⁴²

Concerns primarily focused on traffic, safety, flooding, impact on property values, wildlife, and compatibility. Rebuttal testimony addressed concerns, resulting in additional conditions to protect area residents from project impacts.⁴³ Off-site impacts are further mitigated by compliance with LDC standards, as Applicant seeks no deviations in the request.

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect natural resources.⁴⁴ Conditions must plausibly relate to anticipated impacts, and pertinent to mitigating impacts to public health, safety, and welfare.⁴⁵

The proposed CPD is subject to numerous conditions of approval. <u>Proposed conditions limit hours of operation</u>, outdoor broadcasting, lighting standards, project trip generation, and require enhancements to open space, indigenous preserve areas, and landscaping/buffers. The conditions reasonably relate to the impacts anticipated from the development. The conditions reasonably relate to the impacts anticipated from the development.

⁴² In addition to those appearing at hearing, staff testified to receiving over 50 phone calls and entered more than 30 letters of opposition into the record. See Staff Ex. 4. Notably, most letters objected to commercial use of the site despite its existing CPD zoning. The site has existing approvals for more intense commercial uses than the requested amendment seeks. See Z-06-062. The Hearing Examiner lacks authority to unilaterally downzone the property to residential uses. See LDC §34-145.

⁴⁰ Lee Plan Objectives 53.1, 56.1, Policies 1.1.3, 6.1.4. The property will be served by the Fort Myers Fire Department Station #17 on Six Mile Cypress Parkway. EMS services are provided by EMS Station #35 on Sophomore Lane. Lee County Sheriff provides law enforcement services. The closest Lee Tran Route 50 runs along Daniels Parkway with a stop approximately 1.5 miles from the property. See Staff Report (pg. 5. Attachment I).

⁴¹ LDC Chapter 2, Article VI.

⁴³ See Rebuttal Testimony (Transcript pg. 114-145); Applicant Ex. 2: Post-Hearing Written Submissions (dated July 6, 2023).

⁴⁴ Lee Plan Policy 135.9.6; LDC §34-145(d)(4) a.2.(b), LDC §34-377(a)(3), and §34-932 (b)-(c).

⁴⁵ LDC §34-932(c).

⁴⁶ Conditions require preservation of wetland pine flatwoods, management of indigenous vegetation, landscape/buffer enhancements, and lighting, among others. The Hearing Examiner recommends conditioning the public/mini-warehouse use on door facing away from Six Mile Cypress Parkway consistent with Applicant's hearing testimony to address residents' concerns.

⁴⁷ LDC §34-83(b)(4) a.3.

Conclusion

In conclusion, the Hearing Examiner recommends approval of the requested CPD, subject to the conditions set forth in Exhibit B.

IV. Findings and Conclusions

The Hearing Examiner makes the following findings and conclusions based on the testimony and evidence in the record:

- A. The proposed amendments to the Penzance Square CPD comply with the Lee Plan. Lee Plan Goals 2, 4, 5, 60, 61, 77, 135, Objectives 1.5, 2.1, 2.2, 4.1, 6.1, 11.1, 60.2, 60.3, 61.4, 77.1, 77.3, 126.2, Policies 1.1.3, 2.2.1, 4.1.1, 4.1.2, 5.1.5, 6.1.1, 6.1.3, 6.1.4, 6.1.6, 6.1.8, 60.1.1, 60.4.1, 60.4.2, 61.3.11
- B. As conditioned, the proposed amendments to the CPD:
 - 1. Meet the Land Development Code and other county regulations or qualifies for deviations. LDC Ch 2, 10, and 34.
 - 2. Is compatible with existing and planned uses in the surrounding area. Lee Plan Objectives 2.1, 2.2, Policies 1.1.3, 2.1.1, 2.2.1, 5.1.5, 6.1.4, 6.1.7.
 - 3. Provides access sufficient to support the proposed development intensity. Expected impacts on transportation facilities will be addressed by county regulations and conditions of approval. Lee Plan Objective 39.1, Policies 2.2.1, 39.1.1.
 - 4. Will not adversely affect environmentally critical areas and natural resources. Lee Plan Goal 77, Objectives 77.2, 77.3, and Policies 6.1.6, 125.1.2
 - 5. Will be served by public services including paved roads, potable water, sanitary sewer, urban surface water management, police, fire, and emergency services. Lee Plan Goals 2, 4, 6, Objectives 2.1, 2.2, 4.1, 6.1, 53.1, 56.1, Policies 2.2.1, 6.1.5, 39.2.1, Standards 4.1.1 and 4.1.2; and
 - 6. The proposed use is appropriate at the location. Lee Plan Goals 6, Objectives 2.1, 2.2, Policies 2.1.1, 2.1.2, 6.1.4, 6.1.7, 6.1.8.
 - Recommended conditions and applicable regulations provide sufficient safeguards to protect the public interest. In addition, recommended conditions reasonably relate to impacts expected

from the proposed development. Lee Plan Policies 5.1.5, 6.1.4, 77.3.5, 123.2.11, 123.12.2, 123.12.3, 126.2.1

Date of Recommendation: August 22, 2023.

Amanda L. Rivera Deputy Hearing Examiner

Lee County Hearing Examiner 1500 Monroe Street, Suite 218 Post Office Box 398 Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map

Exhibit B Recommended Conditions and Deviations

Exhibit C Exhibits Presented at Hearing

Exhibit D Hearing Participants

Exhibit E Information

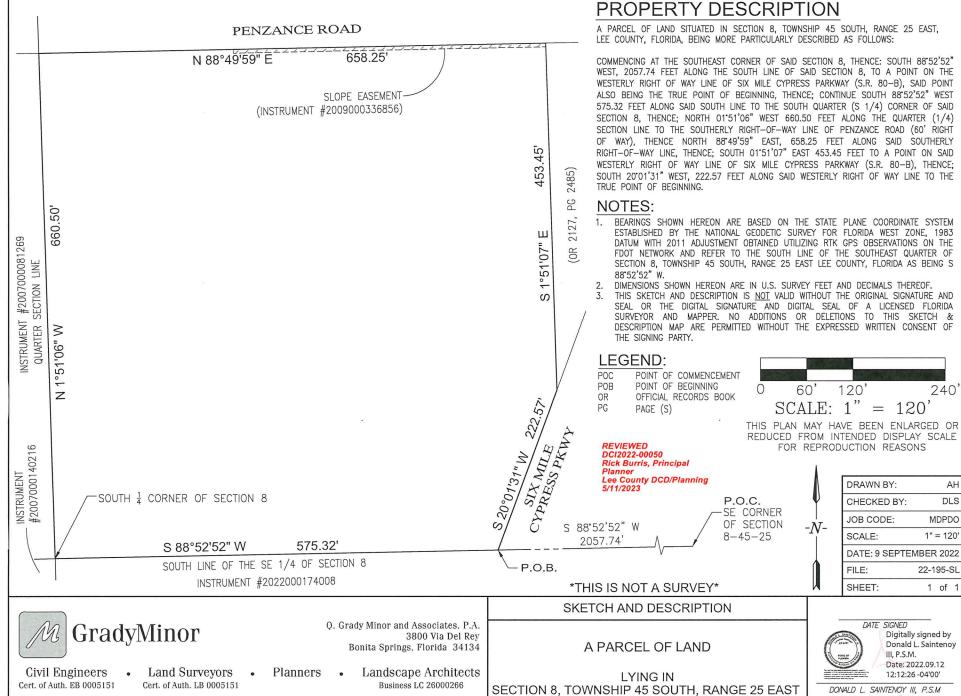
Exhibit A LEGAL DESCRIPTION AND VICINITY MAP

Bonita Springs: 239.947.1144

www.GradyMinor.com

FL LICENSE #6761

FOR THE FIRM



Fort Myers: 239.690.4380

LEE COUNTY, FLORIDA

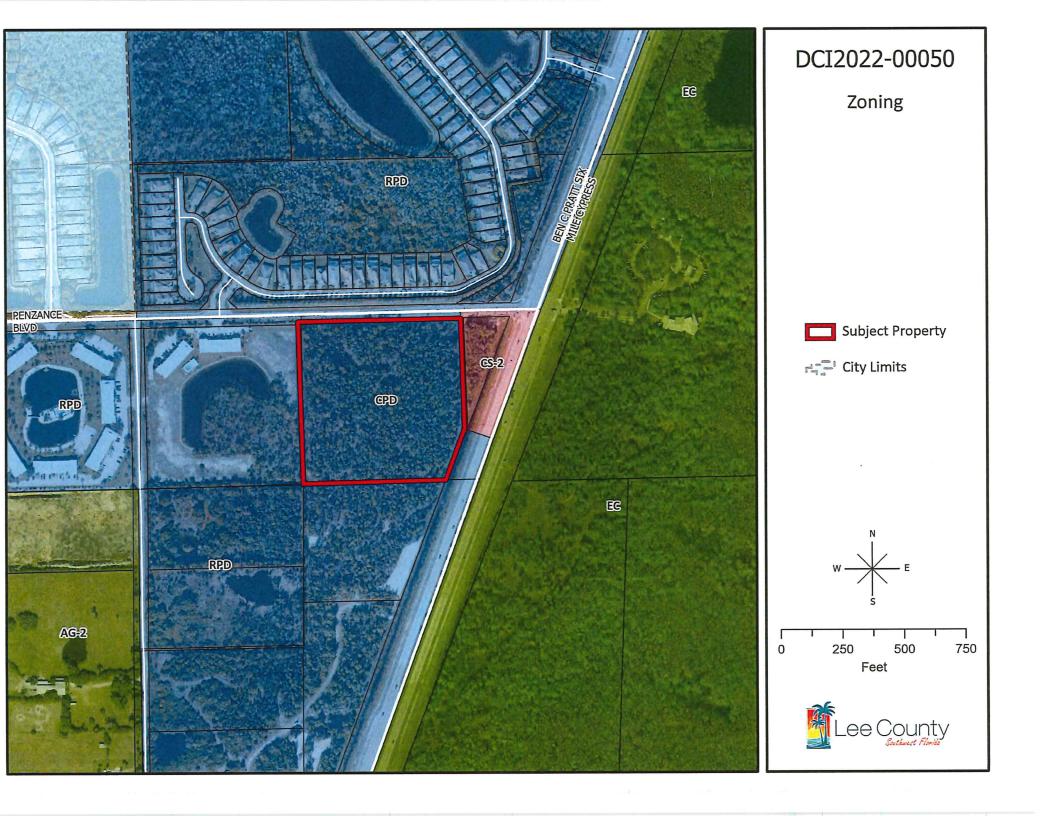


Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS As Revised by the Hearing Examiner

CONDITIONS

References to uses are as defined/listed in the Lee County Land Development Code (LDC).

1. Master Concept Plan (MCP) and Development Parameters

- a) MCP. Development must be consistent with two-page MCP entitled "Penzance Square CPD," prepared by Q. Grady Minor and Associates, PA, stamped received July 6, 2023 (Exhibit B1).
- b) <u>LDC and Lee Plan</u>. Development must substantially comply with the LDC and Lee Plan at the time of local development order, except where deviations are granted herein. Subsequent amendments to this zoning resolution and MCP may be subject to further development approvals.
- c) <u>Development Parameters</u>. The CPD is limited to 105,000 square feet of public or mini-warehouse use and 80,000 square feet of commercial uses.

2. <u>Uses and Site Development Regulations</u>

a) Schedule of Uses

Accessory uses, buildings, and structures

Administrative Offices

ATM

Banks and Financial establishments, Groups I and II

Business Services, Group I (excluding bail bonding)

Cleaning and Maintenance Services

Computer and Data Processing Services

Contractors and Builders, Group I

Cultural Facilities, limited to Art Galleries and Museums

Essential Services

Essential Services, Group I

Excavation, Water Retention

Fences and Walls

Insurance Companies

Non-Store Retailers, Groups I, II, and III

Parcel and Express Services

Parking Lot, accessory

Personal Services, Groups I, II, III, and IV (excluding Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors, & Coinoperated laundromats)

Post Office, limited to an accessory to a principal use only

Printing and Publishing, limited to a maximum of 3,000 square feet

Rental or Leasing Establishment, Groups I and II (excluding passenger car pickup and drop off)

Research and Development Laboratories, Groups II and IV

Repair Shops, Groups I and II

Signs

Social Services, Group I (excluding public welfare centers)

Studios

Temporary Uses

Warehouse, Mini or Public (doors must face away from Six Mile Cypress Parkway)

b) <u>Site Development Regulations</u>

Minimum lot size: 10,000 square feet

Minimum lot width: 100 feet Minimum lot depth: 100 feet

Minimum Setbacks:

Street: 25 feet (public) / 20 feet (private)

Side: 15 feet Rear: 20 feet Preserve: 25 feet Perimeter: 25 feet

Minimum Building Separation: 20 feet

Maximum Commercial Building Height: Two stories/35 feet

Maximum Warehouse, Public or Mini Height: Three stories/45 feet

Maximum lot coverage: 45 percent

3. Open Space

Development order plans must depict 44 percent or 4.32 acres of open space that includes 1.18 acres of indigenous wetland pine flatwoods.

4. Wetland Impacts

Developer may not commence construction on development impacting wetlands until the issuance of required state permits prior to the issuance of the vegetation removal permit. Developer must submit survey point maps depicting the preservation and mechanical clearing limits. Development activity must comply with state wetland permits and applicable local development orders.

5. Indigenous Management

Development order plans must include the following:

- a. An indigenous preservation schedule demonstrating restoration completed within five consecutive years;
- b. A map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located; and
- c. An indigenous management plan in substantial compliance with the Indigenous Management Plan by Turrell, Hall and Associates, Inc. received March 28, 2023.

6. Buffer Enhancements

Development order plans must depict the following buffers:

- a. A 25-foot Type D landscape buffer along Ben C Pratt/Six Mile Cypress Parkway and Penzance Boulevard that includes five trees per 100 linear feet and a double hedge row. The trees must be 16-foot-high, four-inch caliper canopy trees (no palms) and shrubs must be proposed at 36 inches and maintained at 64 inches.
- A 15-foot Type A buffer abutting the Special Commercial Office District (CS-2) property along the east property line must include eight trees per 100 linear feet and a single hedge row proposed two-foot-on-center. The trees must be 16-foot-high, four-inch caliper canopy trees (no palms) and shrubs must be proposed at 36 inches and maintained at 64 inches.
- c. A 15-foot Type C buffer along the south and west property lines. Plantings must be along the external side of the wall (wall must not be less than eight feet in height as measured from the finished grade). The buffer must include five trees and 18 shrubs per 100 linear feet. The shrubs must be maintained at 60 inches.

7. Landscaping

- a. Landscape plans must depict the dry detention/drainage areas planted with native herbaceous vegetation specified at one-gallon container size and planted three-foot-on-center and wetland trees proposed at 20-feet-on-center specified at ten-feet-in-height, two-inch caliper. The general tree requirement may be reduced by one ten-foot tree for each 400 square feet of dry detention/drainage area planted.
- b. Landscape plants must be native to the Six Mile Cypress Watershed Basin (Exhibit B2). This includes buffers, general trees, parking lot areas, and

building perimeter planting areas to reduce the risk of exotic plant encroachment into the Six Mile Cypress Slough.

8. Outdoor Speakers

Public address/loudspeaker systems for broadcasting outdoors are prohibited.

9. Lighting

- a. Lighting of pedestrian and parking areas must be internally directed and must not adversely affect adjacent properties. Parking lot lamps must be hooded and must not exceed 20 feet in height. Mercury vapor lamps/lights are prohibited.
- b. Outdoor lighting poles/fixtures located in the vehicle use area must be shielded, full-cutoff, recessed, down-lit with high pressure sodium fixtures and a yellow or orange color luminance.
- c. Site and building mounted luminaries must produce a maximum initial illuminance value no greater than 0.20 horizontal and vertical footcandles at the site boundary and no greater than 0.01 horizontal footcandles 15 feet beyond the site boundary. Where the site boundary abuts a public right-of-way (Ben C Pratt Six Mile Cypress Parkway and Penzance Boulevard), light trespass requirements must be met relative to the curb line instead of the site boundary.
- d. Backlight or neon signs are prohibited.
- 10. <u>Hours of Operation</u>. Hours of operation for commercial uses are limited to 7:00 a.m. to 10:00 p.m. daily.

11. Dumpsters

- a. Dumpsters must comply with bear-proofing requirements of the Florida Fish and Wildlife Commission. If no such requirements are established for commercial enterprises, then garbage being temporarily stored outside must be kept in bear-proof containers or comparable structures.
- b. Solid waste pick-ups must be increased in frequency if the garbage being stored outside contains raw/cooked food or food products attracting wildlife from the Six Mile Cypress Slough or surrounding undeveloped areas.

12. Transportation

a. The CPD's maximum calculated intensity for new trip generation is permitted, based on the following scenario (utilizing the Institute of Transportation Engineers (ITE) Trip Generation Manual in effect at the time of local development order): a mini-warehouse use of 105,000 square feet and a specialty trade contractor use of 80,000 square feet. b. Prior to development order approval, a cross-access easement, acceptable to the County Attorney's Office and the Developer, must be recorded to provide access to the abutting triangular parcel to the east. The cross-access easement must: (i) be between the Developer and the adjacent property owner to the east; (ii) address cross-access easement rights; and (iii) provide for the maintenance of the access ways. The easement agreement may also address other issues such as indemnity and hold harmless provisions.

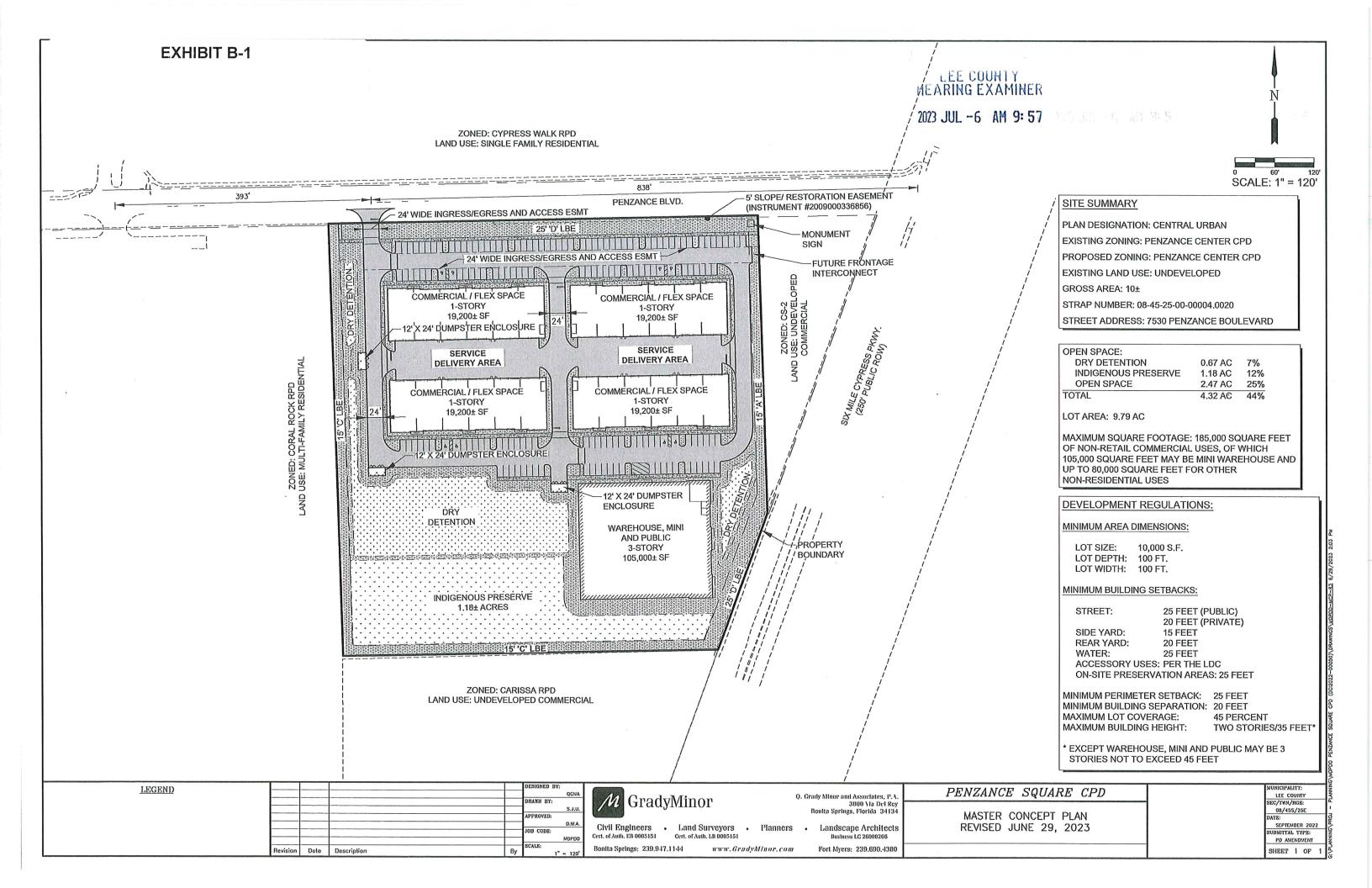
13. <u>Development Permits</u>

County development permits do not create rights to obtain permits from state or federal agencies and do not create liability on the part of the County if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

Exhibits to Conditions:

B1 MCP stamped received July 6, 2023

B2 Six Mile Cypress Watershed Basin Plant List



RECOMMENDED NATIVE PLANTS FOR LANDSCAPE USE WITHIN THE SIX MILE CYPRESS WATERSHED BASIN

Trees native to the Six Mile Watershed:

- red maple (Acer rubrum) 0 pond apple (Annona glabra)* 0 swamp dogwood (Cornus foemina) XX persimmon (Diospyros virginiana) . 0 pop ash (Fraxinus caroliniana) X dahoon holly (Ilex cassine) XX swampbay (Persea palustris) XX South. Florida slash pine (Pinus elliottii var. densa) XXlaurel oak (Quercus laurifolia) XXwater oak (Ouercus nigra) XX live oak (<u>Ouercus</u> <u>virginiana</u>) XX sabal or cabbage palm (Sabal palmetto) 0 coastal plain willow (Salix caroliniana) 0
- pond cypress (Taxodium ascendens) bald cypress (Taxodium distichum) XX
- Florida elm (<u>Ulmus americana</u> var. <u>floridana</u>)

Shrubs native to the Six Mile Watershed:

- XX groundsel tree (Baccharis halimifolia)
- XX tar-flower (Befaria racemosa)
- 0 buckthorn, saffron plum (Bumelia celastrina)
- American beautyberry (Callicarpa americana) XX
- 0 buttonbush (Cephalanthus occidentalis)
- 0 coral bean, cherokee bean (Erythrina herbacea) * 0 St. John's wort (Hypericum spp.)
- X gallberry (Ilex glabra)
- XX rusty lyonia (Lyonia ferruginea)
- 0 fetterbush (Lyonia lucida) XX wax myrtle (Myrica cerifera)
- XX rapenea, myrsine (Myrsine quianensis) X
 - wild coffee (Psychotria nervosa)*
- 0 softleaf coffee (Psychotria sulzneri)*
- 0 winged sumac (Rhus copallina) XX saw palmetto (Serenoa repens)
- * = REPRESENTS COLD SENSITIVITY

XERISCAPE LEGEND FOR TREES AND SHRUBS:

- XX = VERY DROUGHT TOLERANT
- X = MODERATELY DROUGHT TOLERANT
- 0 = UNRATED

Recommended native plants (continued) ...

Ferns native to the Six Mile Watershed:

leather fern (Acrostichum danaeifolium)*
swamp fern (Blechnum serrulatum)
strap fern (Campyloneurum phyllitidis)
Boston fern (Nephrolepis spp.)
cinnamon fern (Osmunda cinnamomea)
royal fern (Osmunda regalis)
whisk fern (Psilotum nudum)
bracken fern (Pteridium aquilinum)
shield fern (Thelypteris spp.)

Groundcover plants and vines native to the Six Mile Watershed:

threeawn grass (<u>Aristida stricta</u>) butterfly-weed (<u>Asclepias tuberosa</u>) pawpaw (Asimina reticulata) asters (Aster spp.) pine-pink (Bletia purpurea) yellow canna (Canna flaccida) tickseed (Coreopsis leavenworthii) string lily, swamp lily (Crinum cellulosa) spikerush (Eleocharis cellulosa) prairie iris, blue flag (Iris hexagona) rush (Juncus spp.) red root (Lachnanthes caroliniana) pine lily (Lilium catesbaei) white water-lily (Nymphaea odorata) maidencane (Panicum hemitomon) Virginia creeper (Parthenocissus guinquefolia) pickerelweed (Pontederia cordata) meadow beauty (Rhexia spp.) black-eyed susan (Rudbeckia hirta) duck potato, arrowleaf (Sagittaria lanceolata) bulrush (Scirpus americanus) soft-stem bulrush (Scirpus validus) blue-eyed grass (Sisyrinchium spp.) greenbriar (Smilax spp.) sand cordgrass (Spartina bakerii) Fakahatchee grass (Tripsacum dactyloides) Florida gamagrass (Tripsacum floridanum) wild grape (Vitis spp.) yellow-eyed grass (Xyris spp.) knot grass (<u>Paspalum</u> spp.) muhly grass (Muhlenbergia capillaris)

Prepared by Division of Environmental Sciences staff for the Six Mile Cypress Basin Review Board (11/90)

(0695E)

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

- 1. DCD Staff Report with attachments for DCI: Prepared by Elizabeth Workman, Principal Planner, date received June 14, 2023 (multiple pages 8.5"x11" & 11"x14") [black & white, color]
- 2. The News-Press Affidavit of Notice of Public Hearing: For Zoning Case DCi2022-00050, Penzance Square CPD, June 29, 2023, at 9:00 a.m. (1 page 8.5"x11")
- 3. *PowerPoint Presentation:* Prepared by Lee County Staff for Penzance Square CPD Amendment, DCI2022-00050, dated June 29, 2023, Staff Presentation (multiple pages 8.5"x11")[color]
- 4. *Letters of Opposition:* (multiple pages 8.5"x11")
- 5. Revisions to Conditions: (4 pages 8.5"x11")

APPLICANT EXHIBITS

- a. 48-Hour Notice: Email from Sharon Umpenhour, to Maria Perez, dated Tuesday, June 27, 2023, 9:07 AM (3 pages 8.5"x11")
- 1. PowerPoint Presentation: Prepared by Grady Minor for Penzance Square CPD Amendment, DCI2022-00050, dated June 29, 2023, Hearing Examiner Meeting (multiple pages 8.5"x11")[color]
- 2. Written Submissions: Email from Jeff Wright, Esq., to Hearing Examiner, with copies to Elizabeth Workman, Anthony Rodriguez, Katie Berkey, and Wayne Arnold, dated Thursday, July 6, 2023 9:44 AM (6 pages 8.5"x11" and 1 page 11"x17"){post hearing submittal}

OTHER EXHIBITS

Lee Ann Bedoun

1. Article: Written by Paul Knowles with The Wilmot-Tavistock Gazette, dated Thursday, June 1, 2023 (1 page – 8.5"x11")

Katie Berkey

- 1. Spreadsheet: (3 double-sided pages 8.5"x11")
- 2. Lee County Resolution No. 20-03-10: Adopted March 3, 2020 (3 double-sided pages 8.5"x11")

Terry Dirutigliano

1. Renderings of Penzance Square: (multiple pages – 8.5"x11")

Ruth Klingenberger

1. (5 pages - 8.5"x11")[color]

Mary Jane Scullin

1. *Presentation:* (multiple pages – 8.5"x11")

Exhibit D

HEARING PARTICIPANTS

County Staff:

- 1. Marcus Evans
- 2. Elizabeth Workman

Applicant Representatives:

- 1. Wayne Arnold
- 2. James Banks
- 3. Michael Herrera
- 4. Jeff Wright

Public Participants:

- 1. Haifa L. Amra
- 2. Lyn-Ann Bedoun
- 3. Katie Berkey
- 4. Kathy Cox
- 5. Ed Desmond
- 6. Terry Dirutigliano
- 7. Doreen Falcone
- 8. Nick Falcone
- 9. Mary Herath
- 10. Ruth Klingenberger
- 11. Perry Lynch
- 12. Rose Metoxen

DCI2022-00050

- 13. Steven Michaud
- 14. David Minnick
- 15. Mary Jane Scullin
- 16. Jeanne Struve
- 17. Mike Struve
- 18. Karen Suzor
- 19. Mitch Weiner

Exhibit E

INFORMATION

UNAUTHORIZED COMMUNICATIONS

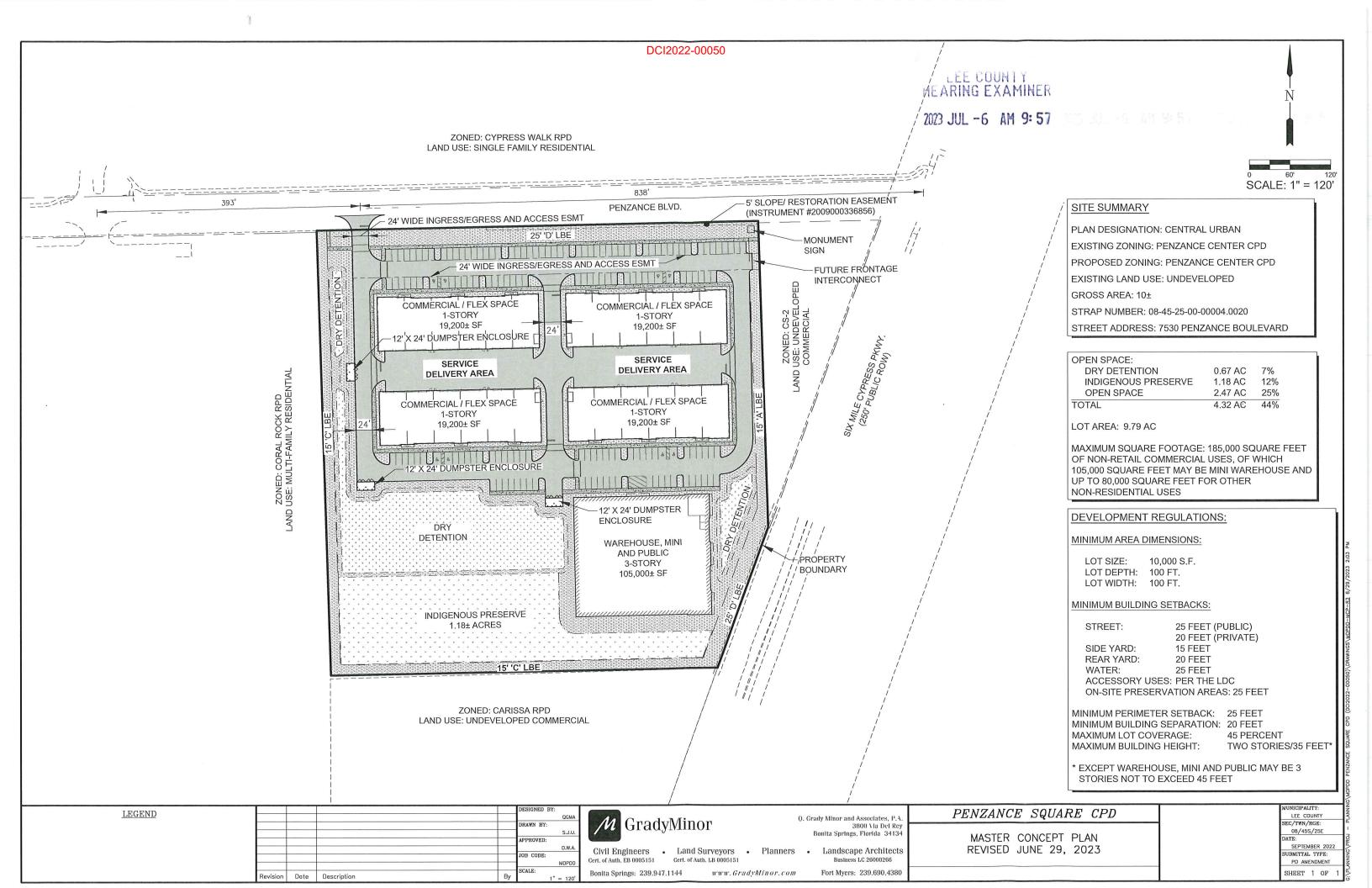
The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

- A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.
- B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.
- C. Participants may not submit documents to the Board of County Commissioners unless they were marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

- A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.
- B. A verbatim transcript may also be available for purchase from the court reporting service.



Penzance Square CPD - DCI2022-00050

Attachment E - Conditions

Section A. - Conditions

1. The development of this project must be consistent with two-page Master Concept Plan (MCP) entitled "Penzance Square CPD", prepared by Q. Grady Minor and Associates, PA, stamped 03/28/2023, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at the time of local development order, except as may be granted by deviation as part of this planned development. If changes to the MCP or conditions or deviations are subsequently pursued, appropriate approvals will be necessary.

This project is limited to 105,000 square feet of public or mini-warehouse and 80,000 square feet of commercial uses.

2. The following limits apply to the project and uses:

a. Schedule of Uses

Accessory uses, buildings, and structures

Administrative Offices

ATM

Banks and Financial establishments, Groups I and II

Business Services, Group I (excluding bail bonding)

Cleaning and Maintenance Services

Computer and Data Processing Services

Contractors and Builders, Group I

Cultural Facilities, limited to Art Galleries and Museums

Essential Services

Essential Services, Group I

Excavation, Water Retention

Fences and Walls

Insurance Companies

Non-Store Retailers, Groups I, II, and III

Parcel and Express Services

Parking Lot, accessory

Personal Services, Groups I, II, III, and IV

Post Office, limited to an accessory to a principal use only

Printing and Publishing, limited to a maximum of 3,000 square feet

Rental or Leasing Establishment, Groups I and II (excluding passenger car pickup and drop off)

Research and Development Laboratories, Groups II and IV

Repair Shops, Groups I and II

Signs

Social Services, Group I (excluding public welfare centers)

Studios Temporary Uses Warehouse, Mini or Public

b. Site Development Regulations

Minimum lot size: 10,000 square feet

Minimum lot width: 100 feet Minimum lot depth: 100 feet

Minimum Setbacks:

Street: 25 feet (public) / 20 feet (private)

Side: 15 feet Rear: 20 feet Preserve: 25 feet Perimeter: 25 feet

Minimum Building Separation: 20 feet

Maximum commercial building height: two stories/35 feet Maximum Warehouse, Public or Mini: three stories/45 feet

Maximum lot coverage: 45 percent

3. Open Space.

Prior to the issuance of the first development order, the development order plans must depict 44 percent or 4.32 acres of open space that includes 1.18 acres of indigenous wetland pine flatwoods.

4. Wetland Impacts.

The developer may not commence construction on development impacting wetlands until the issuance of required state permits prior to the issuance of the vegetation removal permit. The developer must submit survey point maps depicting the preservation and mechanical clearing limits. Development activity must comply with state wetland permits and applicable local development orders.

5. Indigenous Management

Prior to the issuance of the first development order, the development order plans must include the following:

- An indigenous preservation schedule demonstrating restoration completed within five consecutive years; and
- b. A map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located: and

c. An indigenous management plan that is in substantial compliance with the Indigenous Management Plan by Turrell, Hall and Associates, Inc. received March 28, 2023.

6. Buffer Enhancements

Prior to the issuance of the first development order, the following buffers must be depicted on the development order plans:

- a. A 25-foot Type D landscape buffer along Ben C Pratt/Six Mile Cypress Parkway and Penzance Boulevard that includes five trees per 100 linear feet and a double hedge row. The trees must be 16-foot-high, four-inch caliper canopy trees (no palms) and the shrubs must be proposed at 36 inches and maintained at 64 inches.
- b. A 15-foot Type A buffer abutting the Special Commercial Office District (CS-2) property along the east property line must include eight trees per 100 linear feet and a single hedge row proposed two-foot-on-center. The trees must be 16-foot-high, four-inch caliper canopy trees (no palms) and the shrubs must be proposed at 36 inches and maintained at 64 inches.
- c. A 15-foot Type C buffer along the south and west property lines that depicts the buffer plantings proposed along the external side of the wall (wall must not be less than eight feet in height as measured from the finished grade). The buffer must include five trees and 18 shrubs per 100 linear feet. The shrubs must be maintained at 60 inches.

7. Landscaping

- a. The landscape plans must depict the dry detention or drainage areas planted with native herbaceous vegetation that are specified at one-gallon container size and planted three-footon-center and wetland trees proposed at 20-feet-on-center specified at ten-feet-in-height, twoinch caliper. The general tree requirement may be reduced by one ten-foot tree for each 400 square feet of dry detention or drainage area planted.
- b. All landscape plants used on the site, including buffers, general trees, parking lot areas and building perimeter planting areas, must be native to the Six Mile Cypress Watershed Basin (Exhibit N). This will reduce the risk of exotic plant encroachment into the Six Mile Cypress Slough.

8. Lighting

- a. Lighting of pedestrian and parking areas for any permitted use must be internally directed and must not adversely affect any adjacent properties. Parking lot lamps must be hooded and must not exceed 20 feet in height. Mercury vapor lamps/lights are prohibited.
- b. All outdoor lighting poles/fixtures located in the vehicle use area will be shielded, full-cutoff, recessed, down-lit with high pressure sodium fixtures and a yellow or orange color luminance.
- c. All site and building mounted luminaries will produce a maximum initial illuminance value no greater than 0.20 horizontal and vertical footcandles at the site boundary and no greater than 0.01 horizontal footcandles 15 feet beyond the site boundary. Where the site boundary abuts

a public right-of-way (Ben C Pratt Six Mile Cypress Parkway and Penzance Boulevard), light trespass requirements will be met relative to the curb line instead of the site boundary.

9. <u>Dumpsters</u>

- a. All dumpsters on the site must comply with any bear-proofing requirements of the Florida Fish and Wildlife Commission. If no such requirements are established for commercial enterprises, then all garbage being temporarily stored outside will be kept in bear-proof containers, or comparable structures.
- b. Solid waste pick-ups must be increased in frequency, if the garbage being stored outside contains food, raw or cooked, or food products that are attracting wildlife from the Six Mile Cypress Slough and surrounding undeveloped areas.

10. Transportation

- a. The development's maximum calculated intensity for new trip generation is allowed, regardless of any land use intensity conversion permitted under the Land Development Code or specific zoning conditions for this development. This is based on the following scenario, utilizing the Institute of Transportation Engineers (ITE) Trip Generation Manual in effect at the time of local development order: a mini-warehouse use of 105,000 square feet and a specialty trade contractor use of 80,000 square feet.
- b. Prior to development order approval, a cross-access easement, acceptable to the County Attorney's Office and the owner of the property subject to this zoning resolution, must be recorded to provide access to the parcel to the east (currently zoned CS-2; STRAP #08-46-25-00-00004.0000). The cross-access easement must be between the owner of the subject property and the adjacent CS-2 property owner and must address the cross-access easement rights and provide for the maintenance of the access ways. At the option of the parties, the easement agreement may also address other issues such as indemnity and hold harmless provisions.

Lee County, Florida DEPARTMENT OF COMMUNITY DEVELOPMENT ZONING SECTION STAFF REPORT

Case Number: DCI2022-00050
Case Name: Penzance Square CPD
Area Subject to Request: +/- 10 Acres

Case Type: Planned Development Amendment

Sufficiency Date: May 1, 2023 Hearing Date: June 29, 2023

REQUEST:

Q. Grady Minor & Associates, P.A. has filed an application to amend Zoning Resolution Z-06-062 to increase the allowable commercial square footage from 90,000 square feet to 185,000 square feet and to revise the Schedule of Uses to add business services, contractor offices, and warehouse (mini, public, and private). The Master Concept Plan (MCP) is being amended to modify the building configuration, indigenous preserve area, and access to Penzance Boulevard.

The subject property is located on the west side of Ben C Pratt/Six Mile Cypress Parkway approximately 1.50 miles north of the intersection of Daniels Parkway and Ben C Pratt/Six Mile Cypress Parkway. The property is not located in a Community Plan area. The property is located in the Central Urban Future Land Use Category according to the Lee Plan. A legal description and boundary survey of the subject property are attached as Attachment B of the staff report.

SUMMARY:

Staff recommends **APPROVAL** of the applicant's request, as conditioned, to increase the total development intensity of the planned development to 185,000 square feet including 80,000 square feet of commercial uses and 105,000 square feet of public or mini warehouse uses with the conditions found in Attachment E of the staff report.

HISTORY OF PARCEL:

The subject property was previously rezoned from Agricultural (AG-2) to Commercial Planned Development per Zoning Resolution Z-95-011 (Attachment L). This zoning resolution was vacated and the subject property was rezoned in 2006 from the vacated Commercial Planned Development to a Commercial Planned Development which revised the schedule of uses and Master Concept Plan by Resolution Z-06-062 (Attachment L). The applicant has submitted a development order, DOS2023-00036, that is under review and includes four 19,200-square-foot flex space buildings, one storage building, and associated infrastructure to support the improvements.

CHARACTER OF THE AREA:

The property is located west of Ben C Pratt/Six Mile Cypress Parkway, north of Daniels Parkway and South of Colonial Boulevard. The area west of Ben C Pratt/Six Mile Cypress Parkway is primarily within the Central Urban Future Land Use Category per the Lee Plan. The area east of Ben C Pratt/Six Mile Cypress Parkway is within the Conservation Lands Upland and Conservation Lands Wetland Future Land Use Categories according to the Lee Plan. The subject property abuts Penzance Boulevard and the properties located west, north and south of the subject property are all within the Central Urban Future Land use category and zoned Residential Planned Development (RPD). Further west along Penzance Boulevard, the properties are zoned Agricultural and are intermittently developed with vacant and single-family homes. South and west of the subject property, abutting Ben C Pratt/Six Mile Cypress Parkway, the properties are zoned Residential Planned Development, Special Commercial Office District (CS-2), Commercial Planned Development (CPD), and Planned Unit Development (PUD). The majority of the properties north of the subject property are within the City of Fort Myers and consist of residential and commercial uses. Property immediately surrounding the subject property is depicted in Attachment C of this report and can be characterized as follows:

North

The subject property abuts Penzance Boulevard, a County-maintained road that is classified as a major collector. Penzance Boulevard intersects with Ben C Pratt Six Mile Cypress Parkway to the east which is a County-maintained, arterial road, and Plantation Road located to the west, which is a County-maintained, arterial road. The property north of Penzance Boulevard is zoned Residential Planned Development and was rezoned from Commercial Planned Development (Resolution Z-97-020A) to Residential Planned Development per Resolution Z-05-057 (Cypress Walk RPD) to allow 216 single-family and multi-family dwelling units with a height of 35 feet (Attachment M). The properties located to the northeast are conventionally-zoned Residential (RS-1) and Agricultural (AG-2). The RS-1 lots are part of Timbers Subdivision consisting of a quarter to half-acre single-family residential lots. Between the Timbers Subdivision and Cypress Walk RPD is a portion of Heritage Palms Estates consisting of two-family attached residential dwelling units located within the City of Fort Myers and having access to Penzance Boulevard. All of the properties to the north within unincorporated Lee County are in the Central Urban Future Land Use Category per the Lee Plan.

East

To the east of the subject property is a Special Commercial Office District (CS-1) parcel that is vacant. On the opposite side of the CS-2 property is Ben C Pratt/Six Mile Cypress Parkway which is a County-maintained arterial road. Further east is the Six Mile Cypress Slough Preserve, which is within the Conservation Land Upland and Conservation Land Wetland Future Land Use Categories per the Lee Plan. The access to the Six Mile Cypress Slough Preserve is directly east of the access to Penzance Boulevard from Ben C Pratt/Six Mile Cypress Parkway. This intersection is signalized.

South

The subject property abuts a Residential Planned Development to the south that was rezoned from Commercial Planned Development, Resolution Z-06-007, to Residential Planned Development, Resolution Z-21-006. Resolution Z-06-007 was approved and reinstated for two years for 100,000 square feet of

commercial, 50,000 square feet of office space, and 100 hotel/motel units with a maximum height of 35 feet (Attachment M). The property was rezoned in 2021, Resolution Z-21-006, to allow 260 multi-family dwelling units with 87 bonus density units at a maximum height of 50 feet (Attachment M). The property to the southwest is zoned Residential Planned Development and was rezoned in 2013, Resolution Z-13-025, to allow a maximum of 92 multi-family or townhouse dwelling units with buildings proposed greater than 35 feet to provide increased setbacks per LDC Sections 34-2174(a) and 34-935(e)(4), which require increased setbacks (Attachment M).

West

The subject property abuts a Residential Planned Development called Coral Rock RPD that was rezoned from AG-2 to RPD per Resolution Z-98-054 to allow 76 multi-family dwelling units consisting of six 35-foot buildings (Attachment M).

It is important to point out that the land abutting Ben C Pratt/Six Mile Cypress has been slowly transforming from land rezoned in the late nineties and early 2000s for intense commercial uses to residential uses in the mid-to-late 2000s. Throughout those years, height was generally approved at 35 to 50 feet for two-to-three story buildings. Although a signal was installed at the intersection of Penzance Boulevard and Ben C Pratt/Six Mile Cypress Parkway, the uses were limited to residential with low intensity commercial uses. Staff has limited the uses that were previously approved due to the transformation of this area and the applicant providing one access point for the development.

Schedule of Uses

The applicant has provided Schedule of Uses that included what was previously approved per Resolution Z-06-062 plus additional uses shown underlined (Attachment G). Staff has recommended removal of some of the uses because they are not compatible with the transitioning surrounding residential uses (Attachment F). These uses include Contractors and Builders, Group II, Freight and Cargo Handling Establishments, Health Care Facility, Group III, Lumber and Wood Products, Manufacturing, Group II, and Medical Offices. Contactors and Builders, Group II allows for offices, indoor storage and light fabrication work. Outdoor storage of materials and equipment is permitted if enclosed. The types of uses associated with Contractor and Builders, Group II per LDC 34-622(c)(9) are general contractors, plumbers and pipe fitters, masonry, demolition services, carpentry and other heavy construction uses that are too intense due to the light fabrication and outdoor storage that would be allowed. The light fabrication is a quasi-industrial use that is not compatible abutting residential developments. Furthermore, work that is allowed with these types of uses would create environmental impacts to wildlife associated with the Six Mile Cypress Slough to the east due to the outdoor storage of materials that is allowed. Lumber and Wood Products, Manufacturing, Group If includes millwork and kitchen cabinets which are uses that are too intense to be abutting residential uses. Freight and Cargo Handling Establishments are places where packing, shipping, and transportation are the primary use, which presents compatibility concerns due to potential hours of operation geared toward a 24hour-seven-day a week industry which would negatively affect the surrounding uses. In conjunction with the removal of Freight and Cargo Handling Establishments, staff also recommends the removal of Warehouse, Private from the Schedule of Uses. Warehouses are defined in LDC Section 34-1 as follows:

Public Warehouse is defined as indoor storage units available to the general public at a fee for the dead storage of farm products, furniture and other household goods or commercial or private goods of any nature. Access to the storage units is from interior doors and individual exterior overhead doors are not provided.

Mini-Warehouse is defined as any building designed or used to provide individual storage units with separate exterior doors as the primary means of access, to individuals or businesses for a fee. The storage units must be used solely as dead storage depositories for personal property, inventory and equipment and not for any other use.

Private Warehouse is defined as indoor terminal facilities operated primarily for a specific commercial establishment or group of establishments in a particular industrial or economic field, such as moving companies, transfer companies, freight delivery, specific retail store storage or beverage distribution, but not generally accessible to the public.

Public Warehouse, as stated in the definition, is not accessible to the public. The subject property is surrounded by residential uses and a private warehouse use, which is quasi industrial in nature, does not support the surrounding community and is incompatible with the character of the area.

The previous zoning resolution approved Health Care Facility, Group III and Medical Offices, and the approved master concept plan was designed to accommodate the traffic and the parking that these uses would generate. The site had two access drives to Penzance Boulevard and one cross access easement proposed to the east to access Ben C Pratt/Six Mile Cypress Parkway (Attachment L). The site was designed with one building that was proposed along the west property line with supporting parking centrally located. The Traffic Impact Statement that was submitted with the subject application states that the proposed amendment will "displace previously approved and more intense land uses, which consist of retail, medical, and office space, with less intense self-storage and flex space land uses" (Attachment G). The applicant did not evaluate the medical office or health care facility uses with the additional proposed uses. As previously stated, staff recommends removal of the more intense uses to ensure that the surrounding residential uses are not negatively affected by the development. In addition, Infrastructure Planning staff has recommended a condition to ensure that at time of development order, the uses are reviewed and the Traffic Impact Statement provides a complete analysis of the uses being proposed with the development order to ensure that one access drive to Penzance Boulevard is sufficient (Attachment K). Paring down the Schedule of Uses in conjunction with the recommended condition, ensures that the proposed development will be compatible with surrounding land uses and that the development has sufficient access to support the uses.

Availability of Urban Services

Public Services are defined by the Lee Plan as "the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity." The level of urban services currently serving the subject property are as follows:

<u>Public water and sewer:</u> The applicant has provided a letter of availability for potable water and sanitary sewer from Lee County Utilities. Potable water and wastewater utility lines are available in proximity to the subject property, with sufficient capacity available for the proposed development; however, developer funded system enhancements such as line extensions may be required (see Attachment I).

<u>Public transit and pedestrian facilities:</u> Shared-use paths are located along the west and east sides of Ben C Pratt/Six Mile Cypress Parkway. The closest LeeTran bus stop is located approximately 1.5 miles south along Daniels Parkway or 2.5 miles to the north at the intersection of Ben C Pratt/Six Mile Cypress Parkway and Colonial Boulevard.

<u>Police, fire, and emergency services</u>: Fort Myers Fire Department Station #17 is located north of the subject property at 11000 Ben C Pratt/Six Mile Cypress Parkway. Lee County EMS Station #35 is located at 13500 Sophomore Lane, southeast of the subject property. The Lee County Sheriff's Office is located southwest of the subject property approximately four miles away on Ben C Pratt/Six Mile Cypress Parkway.

Property Development Regulations & Off-Street Parking

The applicant proposes property development regulations that include maximum heights, minimum setbacks, maximum lot coverage (Attachment G). Staff finds the proposed property development appropriate within each respective development tract on the MCP.

Review Criteria

LDC Section 34-145 establishes the review criteria for rezoning requests. Before recommending approval of a rezoning request, the Hearing Examiner must find the request:

- a) Complies with the Lee Plan;
- b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations:
- c) Is compatible with existing and planned uses in the surrounding area:
- d) Will provide access sufficient to support the proposed development intensity;
- e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban Area category.

For Planned Development rezoning requests, the Hearing Examiner must also find:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and

- c) That each requested deviation:
 - 1) Enhances the achievement of the objectives of the planned development; and
 - 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

The applicant has provided a narrative that addresses the proposed planned development amendment with analysis of the applicable criteria (see Attachment G). The following provides staff's analysis of the request, as measured against the established criteria.

REVIEW CRITERIA ANALYSIS:

The subject property is within the Central Urban Future Land Use Category (FLUC) per the Lee Plan. Lee Plan Policy 1.1.3 characterizes Central Urban as the "urban core" of the County that is heavily settled and has the greatest range and highest levels of public services. Residential uses are allowed at a density range of four dwelling units per acre to ten dwelling units per acre, with a maximum total density of fifteen dwelling units per acre. The density may increase to 20 units per acre by utilizing Greater Pine Island Transfer of Development Units. In addition, future development in this category is encouraged to be mixed use, as described in Lee Plan Objective 11.1, providing a variety of housing units within the Central Urban FLUC. The subject property is located within an area comprised of residential uses abutting Ben C Pratt/Six Mile Cypress Parkway. The closest commercial properties are located to the north along Colonial Boulevard and Ben C Pratt/Six Mile Cypress Parkway or Daniels Parkway to the south. The area between Colonial Boulevard and Daniels Parkway is primarily residential. The proposed limited commercial uses will diversify this area to provide a mix of less intense commercial uses to be compatible and support the surrounding residential developments. Therefore, as conditioned, staff finds the request CONSISTENT with Policy 1.1.3 and Lee Plan Objective 11.1.

The proposed development complies with **Objectives 2.1** and **2.2** for development location and timing due to the variety of surrounding residential uses to support the proposed commercial uses. As mentioned, there is access to potable water and sewer and the property is in close proximity to schools, parks, and other services to demonstrate compliance with **Lee Plan Objectives 2.1** and **2.2** and **Policy 2.2.1** and **standards 4.1.1** and **4.1.2**.

Lee Plan Objective 6.1 and Policies 6.1.1, 6.1.4, and 6.1.6 require commercial land uses to be consistent with policies that required the availability of essential services, site design standards to provide landscaping, open space, and buffering, proximity to other similar centers, and the impact on the surrounding uses. The development is located in an area that is served by central water and sewer, EMS, Fire, and Police protection, and access to a multi-use pedestrian/bike path. The applicant has provided a Master Concept Plan that depicts enhanced buffers that are 25 feet wide, with code minimum being 15 feet wide abutting rights-of-way. The buffers abutting the residential developments located along the west and south property lines will be code compliant with 15-foot-wide buffers and an eight-foot-high wall. The code requires 30 percent open space and the applicant is providing 44 percent. Half of the code minimum open space percentage is being provided through the preservation of indigenous vegetation which is located in the southwestern portion of the site providing a larger buffer and setback to screen the development. The 45-foot-tall

warehouse is proposed within the southeastern corner tucked behind a 25-foot-wide buffer along Six Mile Cypress/Ben C Pratt Parkway and a setback of more than 50 feet or more setback from the residential development to the south. The warehouse building is proposed to be 45 feet tall and the residential development located to the south is approved to have 50-foot-tall multi-family building or townhomes. The difference in height provides a gradual reduction as the developments transition to the north with the 35-foot-tall commercial buildings proposed along Penzance Boulevard consistent with the 35-foot-high buildings at Cypress Walk, north of the subject property. The additional buffering and increased setbacks will further enhance the compatibility with the surrounding residential uses. Staff finds the proposed project, as conditioned with increased setbacks, larger buffers along rights-of-way, access to essential services, and gradient building heights, demonstrates compliance with Lee Plan Objective 6.1 and Policies 6.1.1, 6.1.4, and 6.1.6.

Lee Plan Objectives 60.2 and 60.3 and Policies 60.1.1, 60.4.1, 60.4.2, 61.3.11 all speak to the design of the stormwater management system and the utilization of green infrastructure to filter pollutants and protect the surrounding natural environment. The proposed development is within the Six Mile Cypress Basin which is a critical area within Lee County. Development proposed within this critical area must demonstrate green infrastructure design within the development. The applicant has designed the stormwater management to filter through on-site dry detention areas before draining into the on-site wetland indigenous preserve. The on-site preserve is proposed to be restored per the indigenous management plan to increase the support for wildlife that may utilize the preserve, as well as provide attenuation for water quality. Staff has included conditions to ensure that the detention areas and the wetland indigenous preserve will be planted with native vegetation (Attachment H). Staff finds that the proposed development, as conditioned, meets Lee Plan Objectives 60.2 and 60.3 and Policies 60.1.1, 60.4.1, 60.4.2, 61.3.

The applicant provided a Traffic Impact Statement that included an analysis of the trip generation and the level of service with or without the proposed development. The applicant provided data for the mini-warehouse and specialty trade contractor uses but did not take into consideration the other uses in concert with the proposed amendment. The proposed project will not have a detrimental impact on the surrounding roadway system and staff has recommended conditions pertaining to the cross-access easement required prior to development order approval. In addition, at time of development order, the applicant must provide a traffic impact statement assessing the site-specific uses based on the development scenario of the mini-warehouse and specialty trade contractor.

Land Development Code Compliance

Staff finds the proposed planned development amendment, as condition, to be in compliance with the LDC, including regulations which pertain to:

- Use and corresponding supplemental regulations, such as parking;
- LDC Chapter 10 Development Standards; and
- Details required on the MCP and compliance with Division 9 of Article VI, Chapter 34, Planned Development Districts.

All relevant County regulations, which are not specifically deviated from as part of this planned development request, will apply, such as LDC, Code of Ordinances and Administrative Code provisions.

If future deviations are proposed, each will be evaluated within the parameters of the established LDC review criteria.

a) Compatibility with existing and planned uses in the surrounding area

As previously detailed, staff finds the requested, as conditioned, to be compatible with existing and planned uses in the surrounding area. The transition between the abutting 50-foot-high multi-family residential to the south the 45-foot-high public or mini-warehouse building transitioning to 35-foot-high commercial buildings proposed on-site is mitigated by the increased setbacks and buffering along the rights-of-way and the wetland indigenous preserve. In addition, proposed uses that are not compatible with the surrounding residential uses have been removed from the Schedule of Uses (Attachment F). As stated, the proposed development is providing enhanced landscaping and open space, as conditioned, and depicted on the MCP.

b) Sufficiency of Access and Transportation Impacts

The applicant has provided a traffic impact statement (TIS) concerning trip generation expected by the project (see Attachment J). Infrastructure Planning staff has reviewed the applicant's TIS and has provided separate memorandum concerning the project's transportation impacts (see Attachment K). In summary, the vehicular trip generation associated with the request includes 170 new trips in the PM peak hour and 142 new trips in the AM peak hour. Staff concludes that the proposed project will not have a detrimental impact on the surrounding roadway system. Further evaluation of the traffic impacts will take place at time of local development order approval in compliance with existing county regulations and the recommended conditions of approval.

f) No adverse impacts to environmentally critical or sensitive areas and natural resources

The applicant provided a Protected Species Survey that included a Florida Land Use Cover and Classification System (FLUCCS) map. The FLUCCS depicts the presence of wetlands on the site. The applicant is protecting approximately 1.18 acres of wetlands that have not been verified by the South Florida Water Management District. The applicant has provided an indigenous management plan that provides a restoration planting plan. The applicant indicates that the majority of the site is classified as wetland but has not been issued a formal jurisdictional wetland determination from SFWMD. The applicant will be required at time of development order to demonstrate mitigation for any State wetlands that are proposed to be impacted in order to be in compliance with Lee Plan Policy 124.1.2. There were no protected species observed on the site. The applicant is meeting the required open space and buffers per LDC Sections 10-415 and 10-416(d). The Environmental Staff Report is attached as Attachment H of this report.

q) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category

As noted and defined above, the subject property is located within a future urban area. The subject property has adequate access to urban services to accommodate the development proposed by

the request. Future improvements required by the LDC at time of local development order approval will further improve urban services and pedestrian facilities surrounding the subject property.

h) Supplemental Planned Development Criteria

Staff finds the request to be consistent with the following additional criteria:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) That each requested deviation, as conditioned:
 - 1) Enhances the achievement of the objectives of the planned development; and
 - 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

CONCLUSION:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff finds the request to be consistent with the established review criteria. The CPD amendment is consistent with the Central Urban future land use designation and the applicable goals, objectives and policies of the Lee Plan. The request, as conditioned, is appropriate in the context of its surroundings with the removal of inappropriate uses. Staff recommends **APPROVAL** of the request to amend the zoning to added uses and revise the Master Concept Plan with the conditions attached as Attachment E of this report.

ATTACHMENTS:

- A. Expert Witness Information
- B. Legal Description
- C. Aerial, Future Land Use, and Current Zoning
- D. Master Concept Plan
- E. Development Regulations and Conditions
- F. Staff Strike-thru Schedule of Uses
- G. Applicant's Project Narrative

Schedule of Uses

Property Development Regulations

Stormwater Narrative

- H. Environmental Sciences Staff Report
 - Applicant's Protected Species Survey
- I. Utility Availability Letter
- J. Applicant's Transportation Impact Statement received May 25, 2023
- K. Development Services Infrastructure Planning Memorandum
- L. Prior Zoning Resolutions

- M. Abutting property Zoning Resolutions
- N. Six Mile Cypress Watershed Basin plant list