LEE COUNTY BOARD OF COUNTY COMMISSIONERS

ZONING
and
COMPREHENSIVE PLAN AMENDMENT HEARING
AGENDA

Wednesday, March 20, 2024
9:30AM

DCI2022-00031 **Z-24-004**	FPL VERANDAH TRANSMISSION SUBSTATION
DCI2022-00032 **Z-23-034**	BAYSHORE VILLAGE
CPA2022-00019	CARY+DUKE+POVIA MAP AMENDMENT - ADOPTION

NOTICE OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold a public hearing at 9:30 am on Wednesday, March 20, 2024 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 cases below.

DCI2022-00031 / FPL Verandah Transmission Substation

Request to rezone 135.27± acres from Light Industrial (IL) and Agricultural (AG-2) to Community Facilities Planned Development (CFPD) for a proposed substation (Essential Service Facilities, Group II) and associated improvements.

Located at 11090, 11130, and 11150 Palm Beach Blvd., approximately 0.4± miles west of Wildwood Ln., Fort Myers Shores Community, Lee County, FL.

DCI2022-00032 / Bayshore Village

Amendment to Zoning Resolution Z-06-046, in the Commercial Planned Development (CPD) District, to permit the addition of various commercial uses, an increase in total commercial intensity from 61,000 square feet to 100,000 square feet.

Located at 17300 Wells Rd., Bayshore 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.

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, March 20, 2024. 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:

> CPA2022-00019: Cary+Duke+Povia CPA - Amend the Lee County Utilities Future Water Service Areas Map (Map 4A) and the Lee County Utilities Future Sewer Service Areas Map (Map 4B), to include a 788+/- acre property located on North River Road, approximately 1 mile east of SR 31.

Documentation for the Proposed Comprehensive Plan Amendment is available at https://www.leegov.com/dcd/planning/cpa or at the Department of Community Development located at 1500 Monroe 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.

DCI2022-00031
FPL VERANDAH TRANSMISSION SUBSTATION

Staff Summary

CASE NUMBER & NAME:	DCI2022-00031 / FPL Verandah Transmission Substation
REQUEST:	Request to rezone 135.27± acres from Light Industrial (IL) and Agricultural (AG-2) to Community Facilities Planned Development (CFPD) for a proposed substation (Essential Service Facilities, Group II) and associated improvements.
RESOLUTION NUMBER:	Z-24-004
LOCATION:	11090, 11130, and 11150 Palm Beach Blvd approximately 0.4± miles west of Wildwood Ln., Fort Myers Shores Community, Lee County, FL.
OWNER:	Florida Power & Light Company c/o: Property Tax-PSX-JB
APPLICANT:	Florida Power & Light Company c/o Gregg A Hall
AGENT:	Roberto Cabrera Culpepper & Terpening, Inc. 2980 South 25th Street Fort Pierce, FL 34981
HEARING EXAMINER RECOMMENDATION:	Approve, subject to conditions and deviations set forth in Exhibit B
PARTICIPANT: (1)	Eric Letter

DCI2022-00031

Aerial

Subject Property

N
W
E
S

0 500 1,000 1,500 2,000
Feet

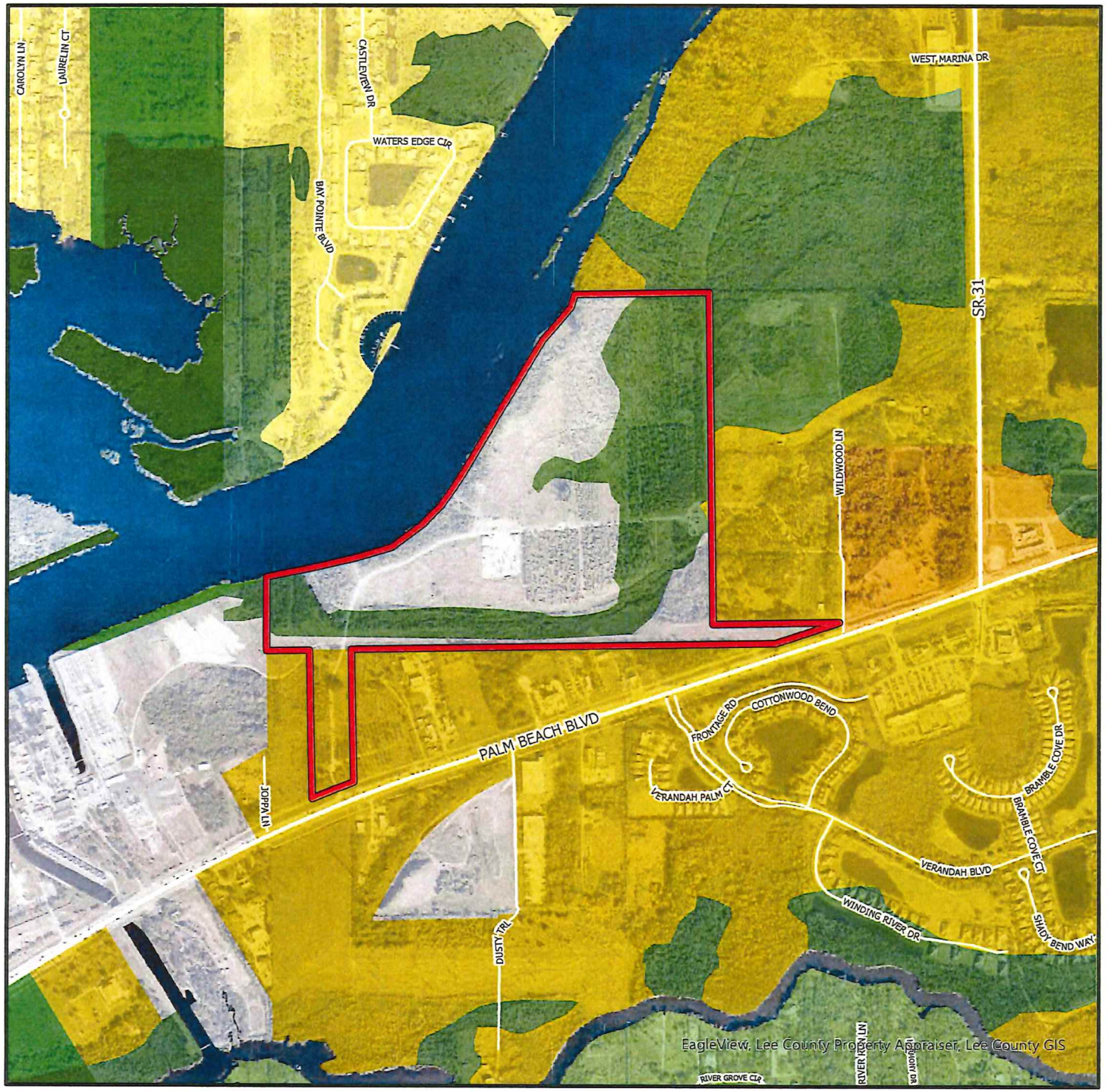
Lee County
Southwest Florida

Summary of Hearing Examiner Recommendation

FPL VERANDAH TRANSMISSION SUBSTATION

The request seeks to rezone property to accommodate an FPL electrical substation. The facility will be setback from the road right-of-way and adequately screened to ensure compatibility with surrounding development.

Detailed recommendation follows



DCI2022-00031

Future Land Use

- Subject Property
- Urban Community
- Suburban
- Sub-Outlying Suburban
- Public Facilities
- Rural Community Preserve
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

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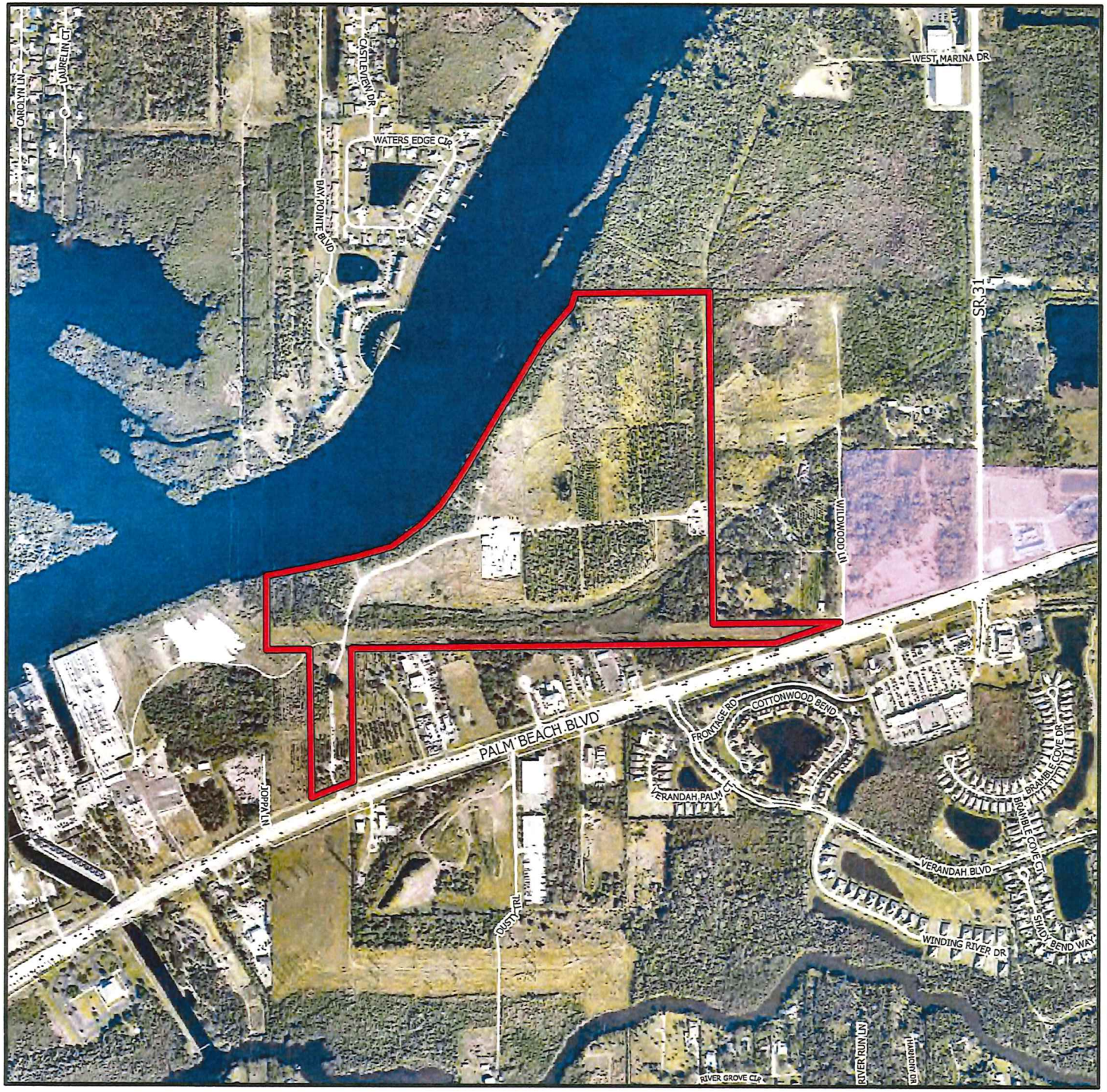
Lee County
Southwest Florida



DCI2022-00031

Mixed Use Overlay

Subject Property

Mixed Use Overlay

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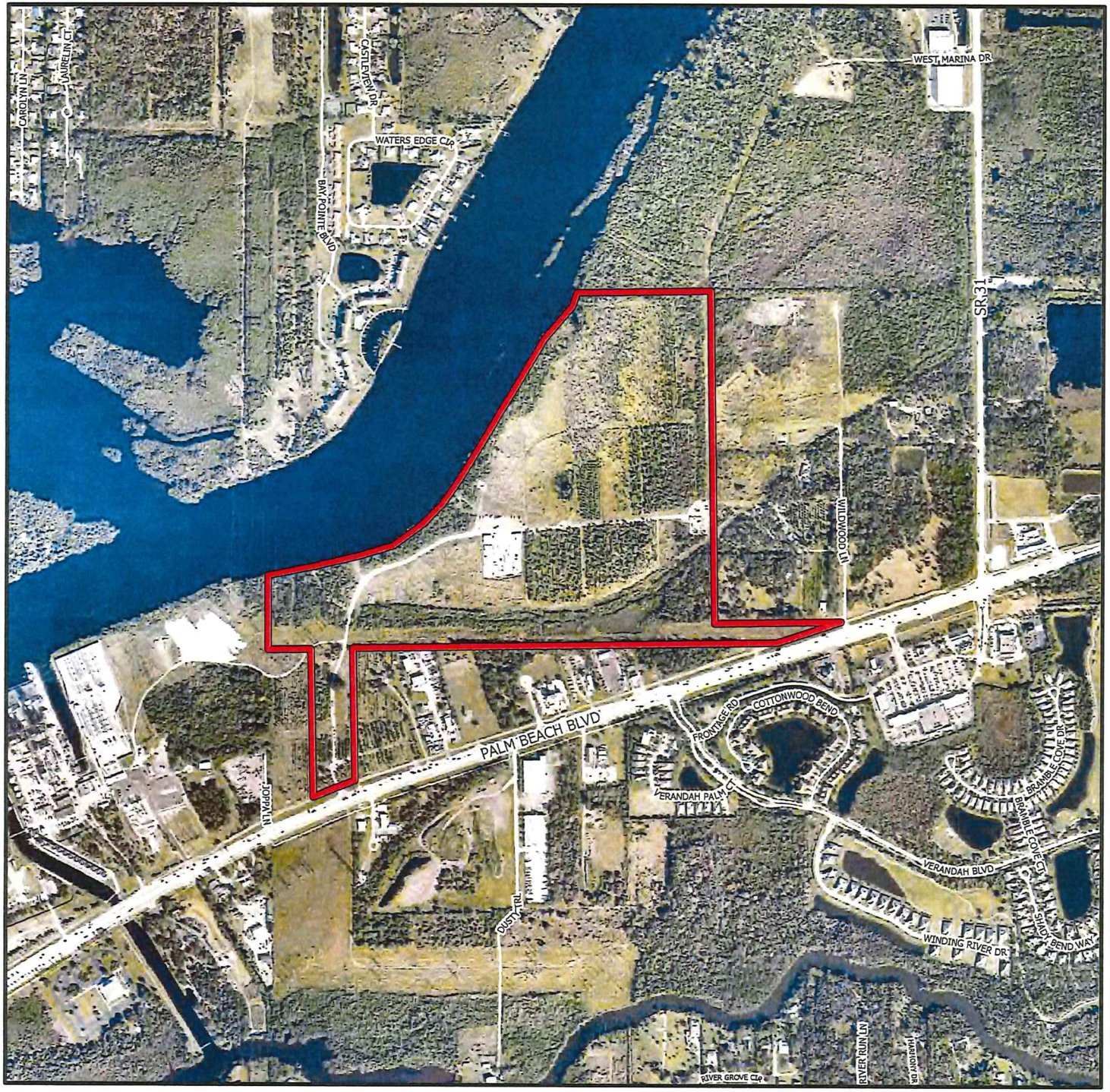
Feet

Lee County

Southwest Florida



DCI2022-00031

Aerial

Subject Property

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Feet

Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2022-00031

Regarding: **FPL VERANDAH TRANSMISSION SUBSTATION**

Location: 11090, 11130, and 11150 Palm Beach Boulevard
Fort Myers Shore Planning Community
(District 5)

Hearing Date: February 1, 2024

I. Request

Rezone 135.27 acres from Light Industrial (IL), Agricultural (AG-2), and Commercial (C-2) to Community Facilities Planned Development (CFPD) to allow Electric Transmission Station (Essential Service Facilities, Group II).

The property's legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approve, 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.[1] In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone 135.27 acres in the Caloosahatchee Shores Planning Community.

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] LDC 34-145(d)(4) a.

Synopsis of Request

The request rezones 135.27 acres from Light Industrial (IL), Agricultural (AG-2), and Commercial (C-2) to the Community Facilities Planned Development (CFPD) zoning district to allow construction of an Electric Transmission Station.

The Master Concept Plan (MCP) depicts approximately 2.6 acres dedicated to the substation facility. Applicant proposes no buildings on the property.[2] Planned improvements include the substation facility, (security fence/wall, parking stalls, buffers and stormwater management facilities) and improvements to an existing access road.[3] The balance of the site includes indigenous preserve and areas not slated for development.

Staff recommends approval of the request, finding the proposed CFPD satisfies Lee Plan and LDC review criteria.

Zoning History

The property is mostly vacant, a small portion of the site is used as a staging area ~~for~~ FPL equipment. A large area of the site accommodates an ongoing agricultural use in the form of an in-ground nursery.[4]

Character of the Area

The property fronts on State Route 80 a heavily traveled six lane State arterial roadway. Development along the road corridor includes commercial, public facilities, and limited agriculture. Few homes are visible from the road. The Caloosahatchee River runs along the north property boundary.

Lee Plan

Planned developments must be consistent with the Lee Plan.[5]

The Lee Plan classifies the property as Wetlands and Public Facilities.[6] Wetland Areas may develop with very low-density residential uses and recreation uses that do not affect the ecological function of the wetlands.[7]

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[2] Staff Report Attachment D: Request Statement and sufficiency response prepared by Roberto Cabrera, PE, Culpepper & Terpening, Inc.
[3] MCP entitled "FPL Verandah Substation, Master Concept Plan" (one page) dated 10/6/2023 (Applicant Exhibit "a": 48 hour letter.
[4] Staff Report Attachment N: Affidavit of Agricultural Use.
[5] LDC §§34-411, 34-491.
[6] Lee Plan Map 1-A.
[7] Lee Plan Policy 1.5.1; Wetlands must be consistent with Lee Plan Goal 124.

The remainder of the site is designated Public Facilities. Public utilities serve as critical infrastructure and are permitted in all land use categories.[8] The Lee Plan Vision Statement notes the County's public facilities will be maintained at adequate levels of service through construction of new facilities. The Lee Plan also directs the County to provide public facilities and services adequate to serve the needs of existing and future development.[9] The proposed electrical substation will transfer electricity from the power plant to other areas in the County.[10]

The property is within the State Route 80 Overlay in the Caloosahatchee Shores Planning Community.[11] Development activity is subject to the Community Plan and specific site design criteria.[12] The Caloosahatchee Shores Community Plan emphasizes aesthetic appearance to protect community character.[13] The proposed electrical substation will not be visible from the road. A narrow strip of land hosts an access road to the interior of the 135.27 acre property.

The property is bounded on the north by the Caloosahatchee River. Palm Beach Boulevard/State Route 80 forms a portion of the southern boundary.[14] Land uses between the site and the highway include commercial, agricultural, and essential services. The east property line abuts agriculturally zoned property, some of which is developed with residential land uses. Property to the west is developed with the Florida Power & Light electrical power plant.

Compatibility exists when land uses can exist in proximity to each other and no one use unduly negatively impacts another use.[15] Planned development zoning districts offer opportunities to integrate development with surrounding land uses through conditioning.

The majority of property will remain vacant or in agricultural use.[16] Clustering improvements preserves environmentally sensitive areas on the site. Perimeter setbacks and landscaping will protect surrounding development from visual

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[8] Lee Plan Objectives 158.3, 161.4, Policy 2.1.3.
[9] Lee Plan Goal 95.
[10] FPL identified the site as suitable for the substation because FPL already owns the property and it is proximate to its Fort Myers power plant and existing transmission lines, minimizing cost to its customers. Testimony of Victoria Toris, FPL Siting project Manager.
[11] LDC §33-1481(a)(2).
[12] Lee Plan Goal 21 adopted by Lee County Ordinance No. 03-21 on October 23, 2003. Community specific LDC regulations adopted by Lee County Ordinance No. 12-01 on January 10, 2012. *See also* Lee Plan Map 2-A, LDC §33-1480 *et seq*.
[13] Lee Plan Goal 21.
[14] The MCP depicts a narrow entrance from Palm Beach Boulevard/SR 80 to a large tract of land extending north to the Caloosahatchee River. The majority of the south property boundary abuts commercially zoned properties fronting the Palm Beach Boulevard/SR 80 corridor.
[15] Florida Statutes s. 163.3164(9).
[16] *See* MCP and Staff Report Attachment N: Affidavit of Agricultural Use (in ground nursery operation); Lee Plan 5.1.5.

impacts of electrical infrastructure.[17] High voltage areas of the substation will be enclosed with special fencing to protect the public from potential hazards.[18]

LDC

The application seeks to rezone the property to a Planned Development District.[19] One of the purposes of "planned development" zoning is to integrate new development with surrounding land uses,[20] and to further the goals of the Lee Plan while providing flexibility in planning and design.[21] The CFPD district accommodates governmental, religious, and community service activities that are necessary to support development in other zoning districts.[22]

The primary purpose of the rezoning is to facilitate construction of an electric transmission station, which is classified as an essential service facility.[23] Essential service facilities include buildings and above ground structures required to provide electricity to the public. "Essential Services, Group II" includes electrical distribution facilities exceeding 425 square feet in area or 10 feet in height.[24]

Applications to rezone property must comply with the LDC and other County regulations or qualify for deviations.[25] A "deviation" is a departure from a land development regulation.[26] Applicants must demonstrate each requested deviation enhances the planned development and will not cause a detriment to the public.[27]

Applicant requests six deviations to accommodate the proposed site design. The deviations seek relief from LDC standards for access, waste storage areas, plantings around dry detention areas, landscaping, entrance gate setbacks, and paved turn arounds outside entrance gate.

Requests for deviations from landscaping requirements in the Caloosahatchee Shores Planning Community must meet LDC variance criteria.[28] Staff and Applicant testified traditional landscaping around planned overhead powerlines and electrical utilities would create safety issues. Staff concluded minimum relief

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[17] Landscape buffers and existing vegetation will screen and protect visual aesthetic of the Caloosahatchee shores community.
[18] LDC §34-1747. The LDC requires high voltage areas to be completely enclosed with an eight foot high chain link fence topped with three stands of barbed wire.
[19] LDC §34-931(d).
[20] LDC §34-612(2).
[21] LDC §§34-411(a), 34-612(2).
[22] *Id.*
[23] LDC §34-2: Essential services includes electrical utility company construction of facilities necessary to serve the public. The term includes transformers, switching equipment, meters and other equipment.
[24] LDC §34-622(c)(13).
[25] Development will be subject to further permitting under the LDC, including those specific to the Caloosahatchee Shores Planning Community. LDC Chapter 33, Article VII, §§ 33-1480 *et seq.*
[26] LDC §34-2.
[27] LDC §34-373(a)(9).
[28] Lee Plan Policy 21.1.2, LDC §34-145.

entails deleting tree requirements in areas proximate to electrical power lines. Staff found vegetation and buffering in other areas of the site will adequately screen and protect visual aesthetic of the Caloosahatchee Shores community.[29]

Staff recommended approval, finding the deviations advance the objectives of the planned development and protects public health, safety, and welfare.[30] Staff also found requested landscape deviations met variance criteria required by the Caloosahatchee Shores Community Plan. The Hearing Examiner agrees with this assessment.

Applicant hosted a public information meeting in advance of hearing.[31]

Transportation

The MCP proposes a single driveway onto Palm Beach Boulevard/State Route 80.[32] As a state maintained arterial roadway, Florida Department of Transportation (FDOT) will determine and permit the driveway location. [33]

Community Facilities Planned Developments consisting of infrastructure and no buildings typically generate minimal vehicular trips on the road network. Applicant filed a waiver from the requirement to produce a Traffic Impact Statement because the proposed substation is an unmanned facility accessed by FPL employees twice a month. The MCP indicates the entrance to the site will be secured by a gate.

Environmental and Natural Resources

A protected species survey of the site yielded no evidence of protected species.[34] Applicant must obtain state permits to authorize impacts to wetlands.[35]

Due to its size, the request meets the criteria for a large project. Consequently, the dedicates a minimum of 20% of the site to open space.[36] The site design protects existing vegetation by clustering improvements in the southwest portion of the site.[37] Staff recommends the project include a minimum of 12.77 acres of indigenous preserve to protect existing indigenous vegetation.[38] Applicant's

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[29] Staff Report. Testimony of Dirk Danley, Jr., AICP, Principal Planner.
[30] LDC §§34-373(a)(9), 34-377(a)(4).
[31] LDC §33-1482. *See* Staff Report Attachment L.
[32] Palm Beach Boulevard/SR 80 is designated on Lee Plan Map 3-D (Lee County Walkways & Bikeways) for sidewalks/shared use path.
[33] Lee County Administrative Code 11-1.
[34] Staff Report Attachment I: Department of Community Development Environmental Staff Report.
[35] Staff notes that much of the property is designated as Wetlands on the Future Land Use Map; construction of the substation will cause only minor impacts to onsite wetlands.
[36] Staff recommended condition requires a minimum of 27.05 acres of open space. *See* Condition 3
[37] The site design integrates planned electrical infrastructure with the site's natural features. Lee Plan Goal 124, Objective 60.4, Policies 77.3.4, 124.1.1.
[38] LDC §10-415(b).

proposed MCP includes indigenous preserve areas that will subject to an indigenous management plan at the time of development order permitting.[39]

Staff concluded the project design complies with State requirements for water quality and quantity.[40]

Public Services

Public services include the services, facilities, capital improvements, and infrastructure necessary to support development at urban levels of density and intensity.[41] The Lee Plan requires an evaluation of public services during the rezoning process.[42]

The property has access to services and infrastructure including paved roads, surface water management, police, fire protection, and emergency medical services.[43] Lee County Utilities (LCU) has pressure mains along Palm Beach Boulevard but they are both transition mains. For this reason, LCU agreed not to provide service to the site.[44] The application materials indicate plans to install a well and septic system.[45]

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect natural resources.[46] Planned developments may be subject to special conditions to protect the public interest.[47] Conditions must plausibly relate to anticipated impacts, and be pertinent to mitigating impacts to public health, safety, and welfare.[48]

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[39] LDC §§10-414, 10-415(b)(4). See Condition 5.
[40] The MCP impacts only a small area of wetlands to accommodate the proposed electrical substation. Lee Plan Objective 125.1, Policies 60.1.1, 60.1.2, 123.2.3, 125.1.2, 125.1.3, and 126.1.1. See Staff Report Attachments I and M (Stormwater Management Plan Dated April 2022 prepared by Culpepper & Terpening, Inc. for Florida Power & Light).
[41] Public services include public water and sewer, paved streets, parks and recreation facilities, urban levels of police, fire and emergency services, urban surface water management, schools, employment, industrial and commercial centers, institutional, public, or administrative facilities, and community facilities.
[42] Lee Plan Policy 2.2.1.
[43] Fort Myers Shores Fire Department Station on Palm Beach Boulevard is located within a quarter mile of the site and provides fire and emergency medical services. Lee County Sheriff provides law enforcement to the area from a substation approximately 5.8 miles from the property. Staff Report: Attachment H Sheriff's
[44] Staff Report Attachment H: LCU letter dated May 6, 2022.
[45] Staff Report Attachment P: Application.
[46] LDC §§34-145(d)(4) a.2.(b), LDC 34-377(a)(3), and 34-932(b and c).
[47] LDC §34-932(b).
[48] LDC §34-932(c).

The proposed CFPD is subject to several conditions of approval.[49] The conditions reasonably relate to the impacts anticipated from the development.[50]

Public Participation

One member of the public attended the hearing before the Hearing Examiner.

During the project planning process, Applicant held a public meeting in the Caloosahatchee Shore community.[51]

If approved by the Board, the project will be subject to further community meetings at the development order stage of permitting.[52]

Conclusion

Based on the testimony and exhibits in the record, the Hearing Examiner recommends approval subject to conditions set forth in Exhibit B.

IV. Findings and Conclusions

The Hearing Examiner recommends approval of the CFPD subject to conditions, and makes the following findings and conclusions:

A. The requested Community Facilities Planned Development (CFPD) complies with the Lee Plan. *See* Lee Plan Goals 2, 4, 60, 61, 77, 124, 125; Objectives 4.1, 77.3, 158.3, 161.4, Policies 2.1.2, 2.2.1, 17.3.3, 17.3.4, 60.1.1, 60.1.2, 123.2.3, 126.1.1, 161.4.3; Lee Plan Maps 1-A, 1-B, 2-A;

B. As conditioned herein, the CFPD zoning designation:

1. Meets the standards set forth in the LDC and other regulations or qualifies for deviations. LDC Chapters 2, 10, 33, and 34.

2. Is compatible with existing and planned uses in the surrounding area. Lee Plan Objectives 2.1, 2.2, Policies 2.1.1, 2.1.2, 2.1.3.

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[49] Conditions address development parameters, required open space, preservation and management of indigenous vegetation, wetland impacts and limitations on the continuation of agricultural uses.
[50] LDC §34-83(b)(4) a.3.
[51] Staff Report Attachment L: Applicant held an advertised Public Information Meeting at the Crossroads Baptist Church on December 5, 2022. No members of the public attended the meeting.
[52] LDC §33-1482(1).

3. Will provide access to support the proposed development intensity. Lee Plan Objective 39.1, Policies 2.2.1, 39.1.1, 39.2.1, 39.2.2; and LDC 34-411.

4. Existing regulations and conditions of approval address expected impacts on transportation facilities. Lee Plan Policies 38.1.1, 135.9.6; LDC 2-265 *et seq.*, LDC 10-7(b).

5. Will not adversely affect environmentally critical areas or natural resources. Lee Plan Goals 59, 60, 61, 77,123, 124, 125, Objectives 59.1, 60.4, 61.2, 77.3, 125.1, 126.2, Policies 60.1.1, 60.1.2, 61.3.11, 77.3.1, 77.3.2, 77.3.3, 77.3.4, 123.2.3, 123.2.15,124.1.1, 125.1.2, 125.1.3, 126.1.1, and Standard 4.1.4; and

6. Will be served by public services and infrastructure including public water and sewer, paved streets, police, fire and emergency services, and surface water management. Lee Plan Goals 2, 4, Objectives 2.1, 2.2, 4.1; Policies 2.2.1, 65.2.1, and Standards 4.1.1, 4.1.2.

C. The proposed uses are appropriate at the location. Lee Plan Goals 2, Objectives 2.1, 2.2, Policies 2.1.1, 2.1.2, 2.1.3; and LDC 34-411.

D. The recommended conditions of approval and county regulations provide sufficient safeguards to protect the public interest. Lee Plan Policies 5.1.5; LDC 34-145(d)(4) a.2.b), LDC 34-377(a)(3), 34-411, 34-932, 34-936.

E. The recommended conditions are reasonably related to the impacts expected from the proposed development. LDC §§34-932, 34-936

F. The deviations recommended for approval:

1. Enhance the objectives of the planned development; and

2. Promote the intent of the LDC to protect public health, safety, and welfare. LDC §§34-373(a)(9), 34-377(a)(4).

Date of Recommendation: February 21, 2024.

Donna Marie Collins
Chief 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

EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF LAND, LYING IN SECTIONS 25 AND 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 25; THENCE ALONG THE WEST LINE OF SAID SECTION 25, NORTH 00°05'15" WEST, A DISTANCE OF 553.58 FEET TO THE MEAN HIGH WATER LINE; THENCE ALONG THE MEAN HIGH WATER LINE ON THE FOLLOWING COURSES: NORTH 78°43'26" EAST, A DISTANCE OF 356.74 FEET; NORTH 76°24'11" EAST, A DISTANCE OF 334.06 FEET; NORTH 73°23'36" EAST, A DISTANCE OF 273.12 FEET; NORTH 52°53'02" EAST, A DISTANCE OF 281.52 FEET; NORTH 44°06'05" EAST, A DISTANCE OF 195.72 FEET; NORTH 33°41'13" EAST, A DISTANCE OF 307.55 FEET; NORTH 30°34'59" EAST, A DISTANCE OF 1,150.69 FEET; NORTH 40°29'00" EAST, A DISTANCE OF 316.92 FEET; NORTH 16°35'01" EAST, A DISTANCE OF 107.12 FEET TO THE NORTH LINE OF GOVERNMENT LOT 5; THENCE ALONG SAID NORTH LINE, NORTH 89°05'39" EAST, A DISTANCE OF 996.20 FEET TO THE EAST LINE OF THE WEST 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 25; THENCE ALONG SAID EAST LINE, SOUTH 00°48'41" EAST, A DISTANCE OF 2,494.17 FEET TO THE NORTH LINE OF THE SOUTH 150 FEET OF THE EAST 3/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 25; THENCE ALONG SAID NORTH LINE, NORTH 89°05'39" EAST, A DISTANCE OF 938.34 FEET TO THE NORTH RIGHT OF WAY LINE OF PALM BEACH BOULEVARD (STATE ROAD 80); THENCE ALONG SAID NORTH RIGHT OF WAY LINE, SOUTH 71°36'07" WEST, A DISTANCE OF 499.01 FEET TO THE SOUTH LINE OF SAID SECTION 25; THENCE ALONG SAID SOUTH LINE, SOUTH 89°05'41" WEST, A DISTANCE OF 3,145.43 FEET; THENCE SOUTH 01°06'13" EAST, A DISTANCE OF 993.05 FEET TO SAID NORTH RIGHT OF WAY LINE; THENCE ALONG SAID NORTH RIGHT OF WAY LINE ON A NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS 5,804.58 FEET, THENCE SOUTHWEST ALONG THE ARC OF SAID CURVE A DISTANCE OF 333.74 FEET THROUGH A CENTRAL ANGLE OF 03°17'39", ALONG WITH A CHORD BEARING SOUTH 68°12'37" WEST AND CHORD DISTANCE OF 333.69 FEET TO A NON-RADIAL LINE; THENCE NORTH 01°05'15" WEST, A DISTANCE OF 1,112.01 FEET TO THE SOUTH LINE OF SAID SECTION 25; THENCE ALONG SAID SOUTH LINE, SOUTH 89°05'41" WEST, A DISTANCE OF 318.12 FEET TO THE PLACE AND POINT OF BEGINNING.

SAID LAND CONTAINING 135.27 ACRES MORE OR LESS

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HERON.

REVIEWED
DCI2022-00031
Rick Burris, Principal Planner
Lee County DCD/Planning
3/8/2023

Digitally signed by Thomas P Kiernan
Date: 2023.01.31 16:15:12 -05'00'

THOMAS P. KIERNAN
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NO. 6199

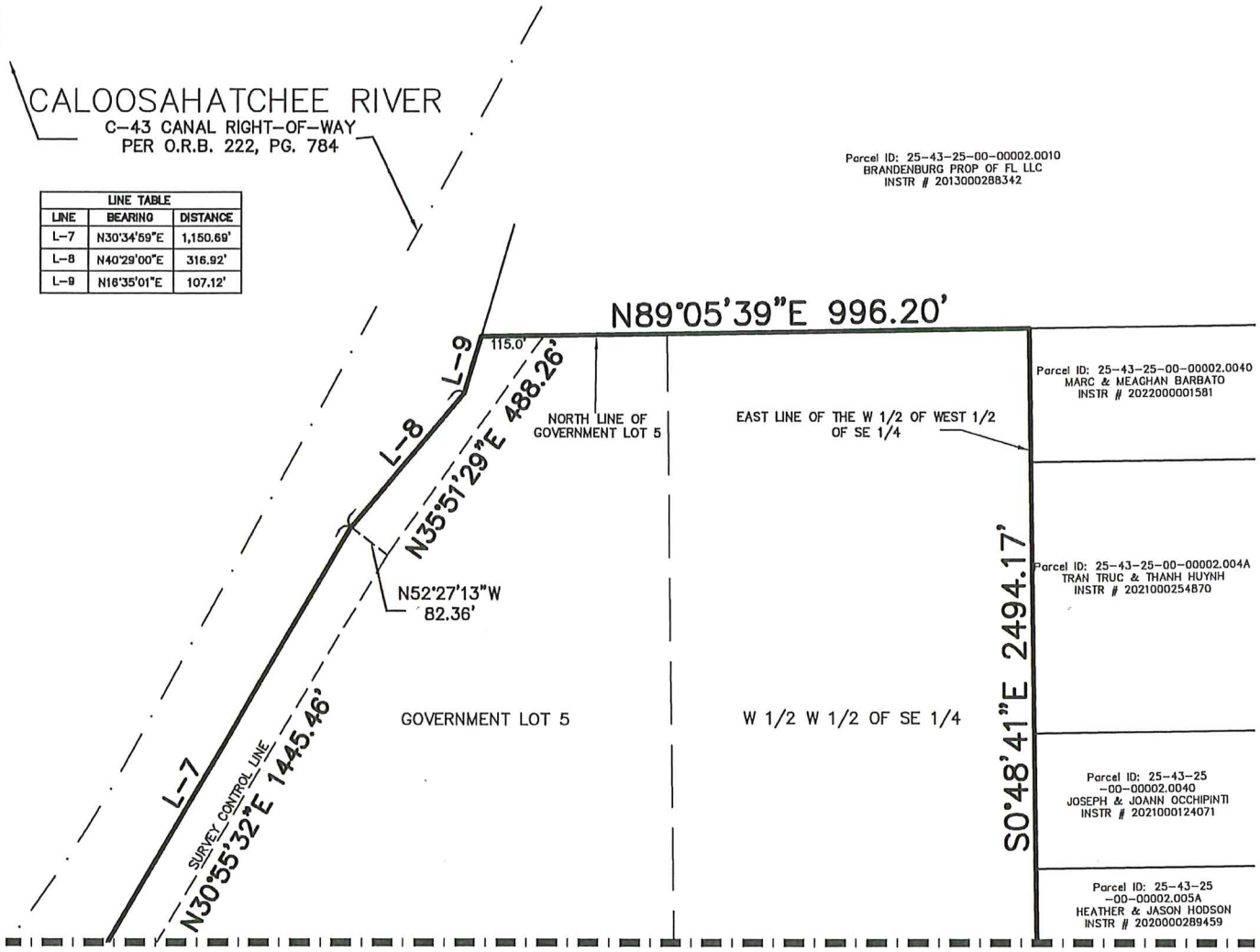
DATE

I hereby certify to the best of my knowledge and belief this is a true, accurate and complete depiction of a field survey performed under my direction and completed on January 30, 2023. I further certify that said drawing is in compliance with the Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mappers, in Chapter 5J-17, Florida Administrative Code pursuant to Section 472.027, Florida Statutes.

CULPEPPER & TERPENING INC
2980 SOUTH 25th STREET • FORT PIERCE, FLORIDA 34981
PHONE 772-464-3537 • FAX 772-464-9497 • www.ct-eng.com
STATE OF FLORIDA BOARD OF PROFESSIONAL ENGINEERS AUTHORIZATION NO. 4286

DESCRIPTION	
PARCEL ID 25-43-25-00-00005.0000 36-43-25-00-00001.002A AND 36-43-25-00-00001.0030 SECTION 25+36, TOWNSHIP 43 SOUTH, RANGE 25 EAST Lee County, Florida	
JOB NO: 22-031	SCALE: N/A
DRAWN BY: LEH	DATE: 01-30-23

EXHIBIT A



LINE TABLE		
LINE	BEARING	DISTANCE
L-7	N30°34'59"E	1,150.69'
L-8	N40°29'00"E	316.92'
L-9	N16°35'01"E	107.12'

LEGEND:

(BB) = BASIS OF BEARINGS
O.R.B. = OFFICIAL RECORD BOOK
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R/W = RIGHT OF WAY
SEC. = SECTION
TWSP. = TOWNSHIP
℄ = CENTERLINE
= DENOTES SET 5/8" IRON ROD & CAP LB 4286

BEARINGS SHOWN HEREON ARE RELATIVE TO THE IS THE SOUTH LINE OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 25 EAST, HAVING A BEARING OF SOUTH 89°05'41" WEST

GRAPHIC SCALE
0 150 300
SCALE: 1"=300'

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STATE OF FLORIDA BOARD OF PROFESSIONAL ENGINEERS AUTHORIZATION NO. 4286

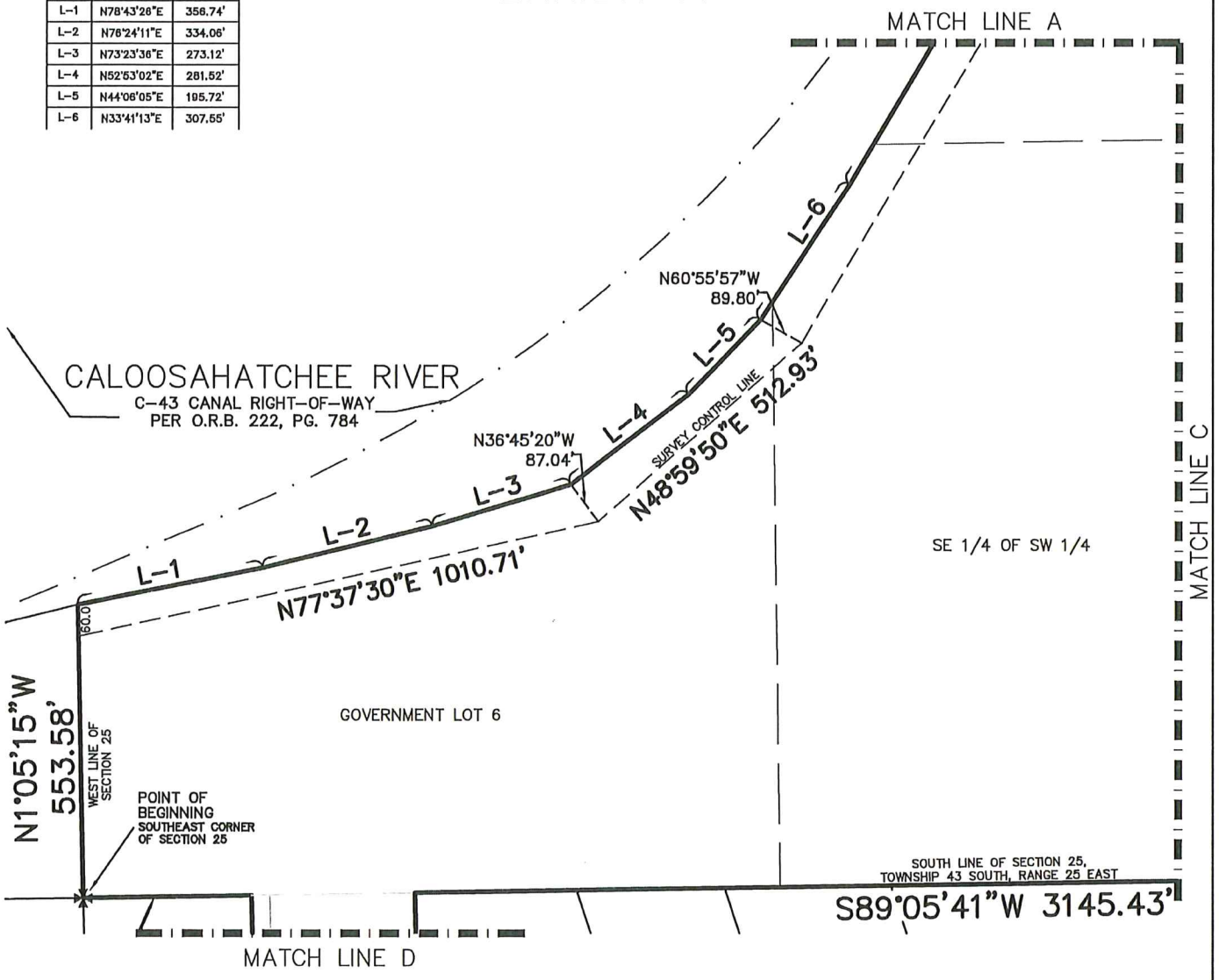
SKETCH

PARCEL ID 25-43-25-00-00005.0000
36-43-25-00-00001.002A AND 36-43-25-00-00001.0030
SECTION 25+36, TOWNSHIP 43 SOUTH, RANGE 25 EAST
Lee County, Florida

JOB NO: 22-031	SCALE: N/A
DRAWN BY: LEH	DATE: 01-30-23

EXHIBIT A

LINE TABLE		
LINE	BEARING	DISTANCE
L-1	N78°43'28"E	356.74'
L-2	N76°24'11"E	334.06'
L-3	N73°23'36"E	273.12'
L-4	N52°53'02"E	281.52'
L-5	N44°06'05"E	195.72'
L-6	N33°41'13"E	307.55'



REVIEWED
DCI2022-00031
Rick Burris, Principal
Planner
Lee County DCD/Planning
3/8/2023

LEGEND:

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GRAPHIC SCALE
0 150 300
SCALE: 1"=300'

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SKETCH

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36-43-25-00-00001.002A AND 36-43-25-00-00001.0030
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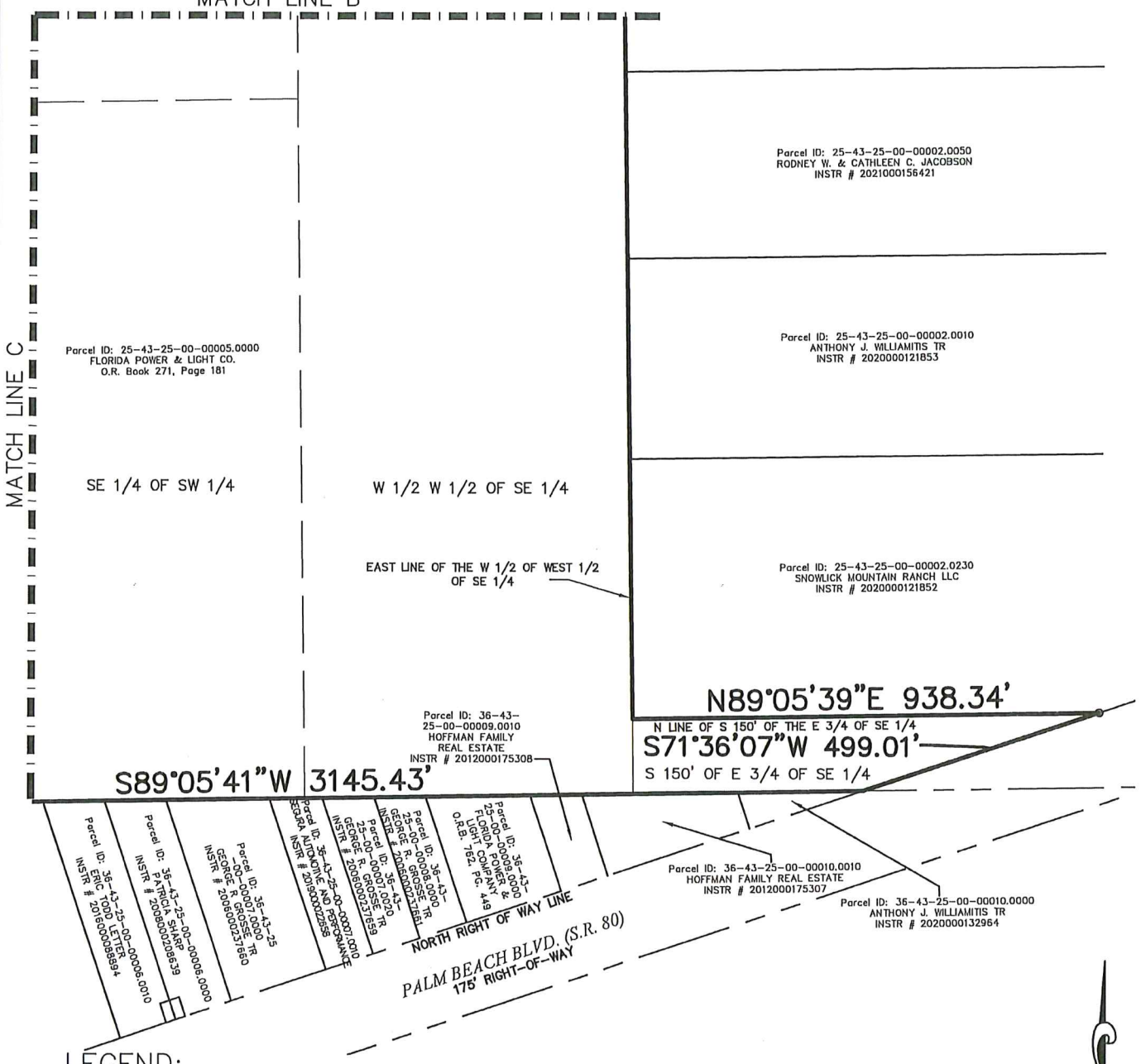
Lee County, Florida

JOB NO: 22-031	SCALE: N/A
DRAWN BY: LEH	DATE: 01-30-23

EXHIBIT A



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36-43-25-00-00001.002A AND 36-43-25-00-00001.0030
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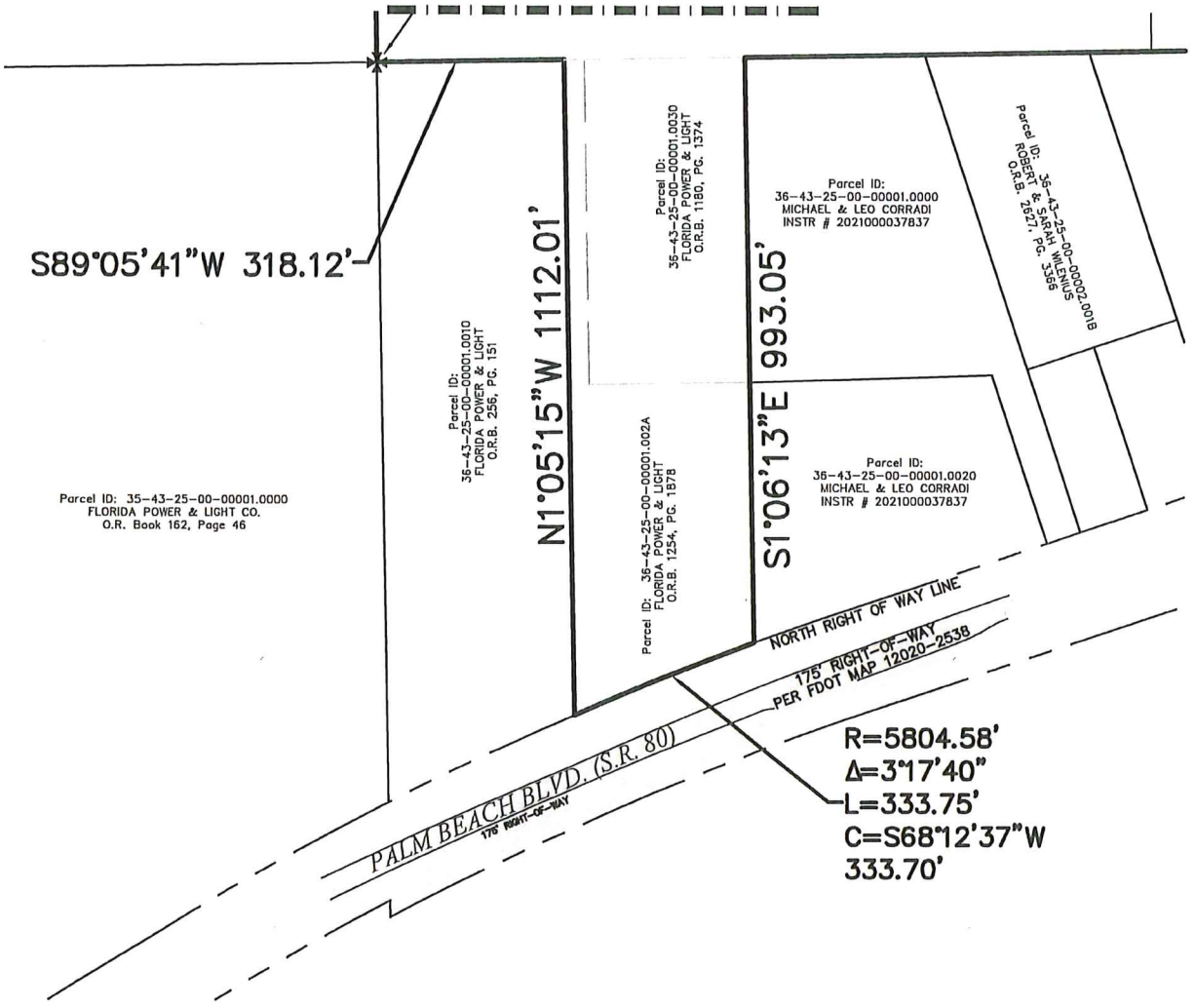
Lee County, Florida

JOB NO: 22-031	SCALE: N/A
DRAWN BY: LEH	DATE: 01-30-23

EXHIBIT A

MATCH LINE D



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GRAPHIC SCALE

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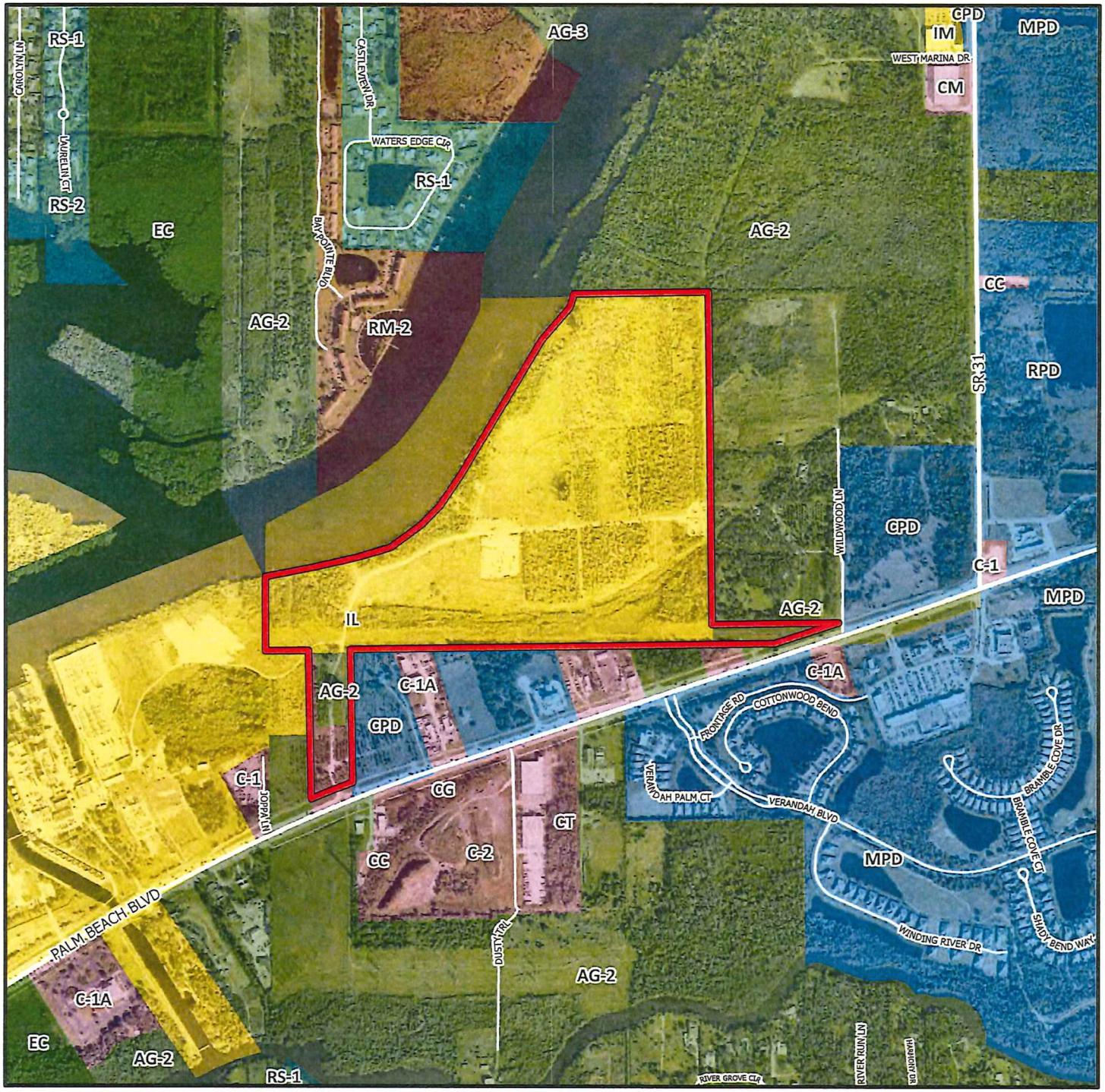


DCI2022-00031

Zoning

Subject Property

N
W E
S

0 500 1,000 1,500 2,000
Feet

Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS
As revised by the Hearing Examiner

CONDITIONS

1. Master Concept Plan (MCP) Development must be consistent with the MCP entitled "FPL Verandah Substation - Master Concept Plan" dated January 22, 2024, except as modified by conditions below. (Exhibit B1)

   Compliance with Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC at the time of local development order approval, except where deviations have been approved herein. Subsequent amendments to the MCP and governing conditions/deviations may be subject to further approval.

   Approved Development Parameters. Development intensity is limited to infrastructure necessary to provide an Electrical Substation (Essential Services, Group II). The development includes no buildings.

2. Permitted Uses and Site Development Regulations

   a. Schedule of Uses

      Accessory Uses and Structures
      Entrance Gates and Gatehouse (*See* Deviations 5 and 6)
      Essential Services
      Essential Service Facilities: Groups I, II (Excluding Solid Waste Transfer Facilities)
      Fences, Walls
      Parking Lot, accessory
      Signs
      Water Retention/Detention

   b. Site Development Regulations

      Minimum lot area and dimensions:

Lot area:	39,500 Square Feet
Lot width:	100 feet
Lot Depth:	130 feet

Setbacks:

Street:	100 feet (Palm Beach Boulevard)
Boundary:	100 feet
Water body, other:	100 feet
Minimum Open Space:	20%
Maximum lot coverage:	35%

3. Open Space
Development order plans must depict 27.05 acres of open space.

4. Indigenous Preserve
Development order plans must depict a total of 12.77 acres of indigenous preserve.

5. *Indigenous Habitat Management Plan*
Development order submittals must include:
   i. Indigenous Management Plan.
   ii. Schedule for completion of indigenous preservation within five consecutive years.
   iii. Map depicting location of mechanical and hand-removal methods of exotic vegetation.

6. Vegetation Removal
The Vegetation Removal Permit application submittals must include survey point maps depicting preservation areas and limits of mechanical clearing.

~~7. Wetland Impacts~~
~~No development in wetlands regulated by the State of Florida may be commenced without the appropriate state agency permit or authorization. Development orders and development permits authorizing development within wetlands or lands located within the Wetlands future land use category may be issued subject to a condition that construction may not commence until issuance of the required state permits.~~

Hearing Examiner Note: *Relocated to condition 10 to include with statutory required text regarding state and local permitting. (s. 125.022(6), F.S.)*

7. Agricultural Uses:
   a. Bona fide agricultural uses consisting of "farming, horticulture, pasturage, forestry, citrus and other fruit groves, greenhouses and nurseries, truck farms and dairy farms, commercial fish, frog or poultry hatcheries, and raising of hogs and other farm animals", in existence when the zoning application was filed may continue in accordance with the attached Agricultural Use Affidavit. Agricultural uses must terminate upon development order approval over the area containing these uses.

b. Clearing or injury of native trees and/or other native vegetation, including understory, in agricultural areas is prohibited. Existing areas of bona fide agricultural use that include existing grass pasture(s) may be mowed but not cleared or expanded. This prohibition is not intended to preclude County approved requests for invasive exotic vegetation removal. Violations of this condition requires restoration in accordance with LDC §10-423.

c. Prior to development order approval, Applicant, its successors or assigns must provide written proof, subject to approval by the Lee County Attorney's Office, of the following:

8. Termination of all agricultural use on portions of the property included in the development order application/approval with the exception of development orders solely approved for approval of a plat. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:

a) Date the agricultural uses ceased;

b) Legal description of the property subject to development order approval;

c) Affirmative statement/Affidavit that applicant, its successors or assigns acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and the owner covenants with the County they will not allow agricultural uses on the property unless and until the property is rezoned to permit such uses; and,

d) The affidavit constitutes a binding covenant between applicant, its successors or assigns, and the County. The covenant must be properly recorded in the public records of the County at the expense of applicant, its successors or assigns.

9. Termination of the agricultural tax exemption for the portion of the property included in the development order application/approval. Proof of termination must include a copy of the written request to the property appraiser requesting termination of the tax exemption.

10. **State and Federal Permits**

a. Generally. 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.

b. State Wetland Permits. Developer may not commence construction on development impacting wetlands until issuance of required state permits. Development activity must comply with state wetland permits and applicable local development permits.

If the State does not approve wetland impacts or if State wetland permits are not consistent with proposed wetland impacts reflected in County development permits, then Developer must amend County development permit approvals to be consistent with state wetland permits and applicable Lee Plan and LDC regulations regarding development within wetlands.

DEVIATIONS

1. Required Street Access. Deviation (1) seeks a deviation from LDC §10-291(2) which requires development to abut and have access to a public or private street, constructed/improved to meet the standards in LDC §10-296 to allow and to provide an accessway meeting standards set forth in AASHTO publication "Guidelines for Geometric Design of Low Volume Roads, 2019."

   Hearing Examiner Recommendation: Approved.

2. Refuse and Solid Waste Disposal Facilities. Deviation (2) seeks a deviation from LDC §10-261, which requires on-site space for garbage and recycling containers, to allow no garbage and recycling container storage area.

   Hearing Examiner Recommendation: Approved.

3. Dry Detention. Deviation (3) seeks a deviation from LDC §33-1494, which requires dry detention areas to be planted with Southern Red Maple, South Florida Slash Pine, Laurel Oak, or Cypress trees, to allow no additional plantings within the dry detention pond.

   Hearing Examiner Recommendation: Approved, subject to the following condition:

   Development Order plans must demonstrate native grasses and shrubs within the detention area.

4. Buffering Adjacent Property. Deviation (4) seeks relief from LDC §10-416(d)(6), which requires roads, drives, or parking areas associated with nonresidential uses located less than 125 feet from an existing single-family residential subdivision or single-family residential lots to be buffered by a solid wall or combination berm and solid wall not less than eight feet in height, which must be constructed not less than 25 feet from abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 linear feet

or a 30-foot-wide, to allow a 30-foot Type-F buffer with the hedge planted a minimum of 20 feet from abutting property.

Hearing Examiner Recommendation: Approved.

5. Entrance Gates and Gatehouses. Deviation (5) seeks a deviation from LDC §34-1748(1)d.1. which requires a minimum 100 foot setback from the nearest intersecting street for an entrance gate to allow the entrance gate to be located 65 feet from the Palm Beach Boulevard right-of-way.

Hearing Examiner Recommendation: Approved.

6. Entrance Gates and Gatehouses (Turnarounds). Deviation (6) seeks a deviation from LDC §34-1748(5), which requires a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle specified in the AASHTO Green Book current edition, to provide a three-point turn around as depicted on the MCP.

Hearing Examiner Recommendation: Approved.

Exhibits to Conditions:
B1 MCP entitled "FPL Verandah Substation Master Concept Plan" dated January 22, 2024

VERANDAH SUBSTATION SITE DATA

OWNER/APPLICANT:
BOB BEAULIEU
FLORIDA POWER & LIGHT CO.
700 UNIVERSE BOULEVARD
JUNO BEACH, FL 33408
MAIL STOP: TS4/JW

SURVEYOR:
THOMAS P. KIERNAN, P.S.M.
CULPEPPER & TERPENING, INC.
2980 SOUTH 25TH STREET
FORT PIERCE, FL 34981

OWNERS REPRESENTATIVES / ENGINEEER:
ROBERTO CABRERA, PE
CULPEPPER & TERPENING, INC.
2980 SOUTH 25TH. STREET
FORT PIERCE, FL 34981
PHONE: (772) 464-3537

ARCHITECT:
FLORIDA POWER & LIGHT CO.
700 UNIVERSE BOULEVARD
JUNO BEACH, FL 33408

1.) **PROJECT NAME:** VERANDAH SUBSTATION

2.) **LOCATION:** LEE COUNTY, FL

3.) **PROJECT DESCRIPTION:** ELECTRICAL SUBSTATION

4.) **PARCEL ID NO'S (STRAP #'s):** 25-43-25-00-00005.0000; 36-43-25-00-00001.0030; 36-43-25-00-00001.002A

5.) **SITE AREA:** 135.27 TOTAL ACRES
10.11 DEVELOPMENT AREA

6.) **ZONING:** IL, AG-2, C-2

7.) **LAND USE:** TBD

8.) **FLOOD ZONE:** FLOOD ZONE: ZONE 'D' AND 'X' PER LEE CO. FEMA FLOOD MAP 12071C0284F, DATED AUGUST 28, 2008

9.) **BUFFER REQUIREMENTS:**

PROPERTY LINE	ADJACENT USE	BUFFER REQUIRED
NORTH	R.O.W.	20' TYPE D
EAST	AG-2	NON REQUIRED
SOUTH	COM	NON REQUIRED
WEST	IND	NON REQUIRED

10.) **OPEN SPACE REQUIREMENTS:**

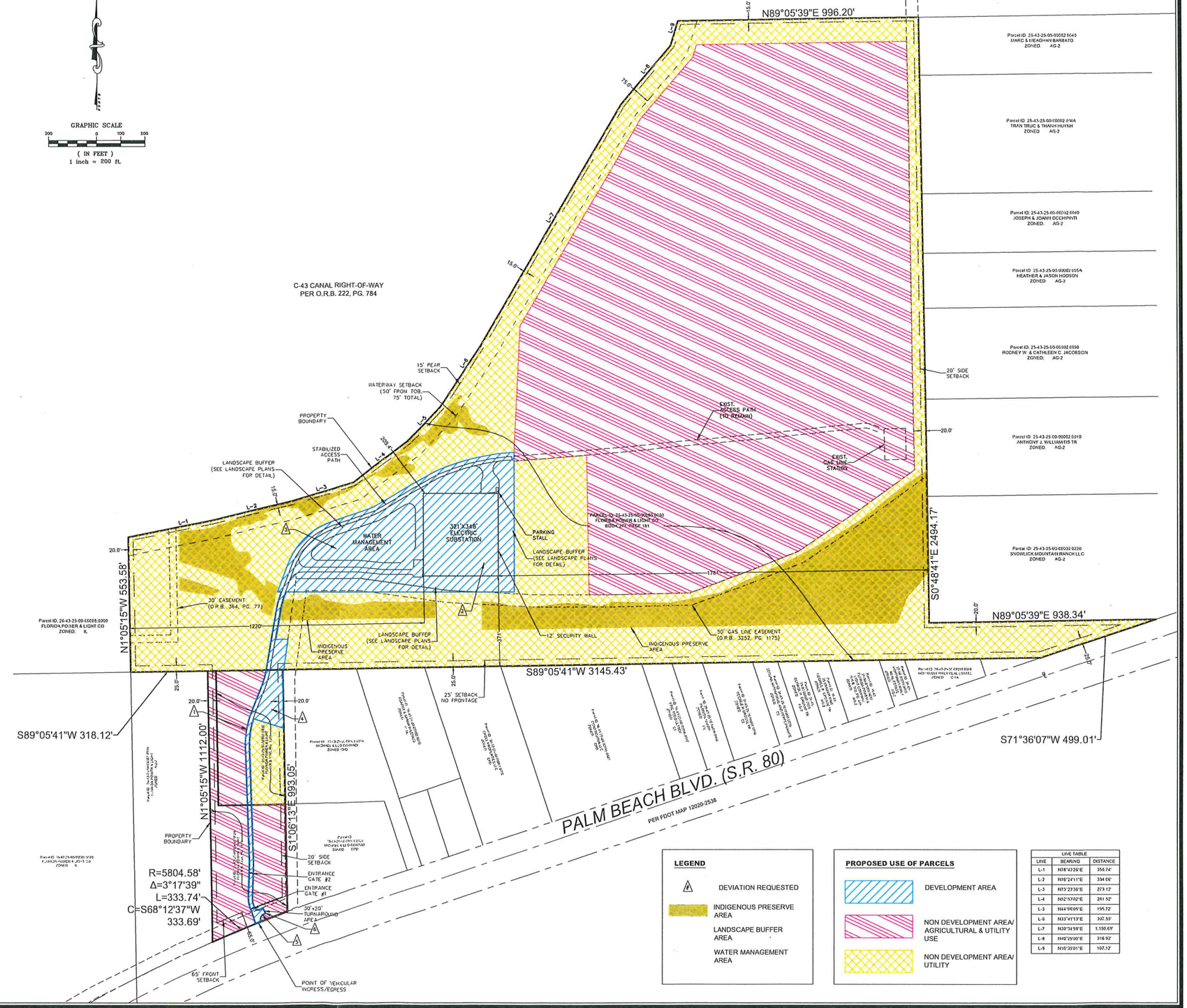
	AREA	PERCENTAGE
REQUIRED (FOR TOTAL AREA)	27.05	20%
PROVIDED (FOR TOTAL AREA)	27.05	20%

11.) **INDIGENOUS PRESERVE:**

	AREA	PERCENTAGE
REQUIRED (FOR TOTAL AREA)(a)	12.77	9.44%
PROVIDED (FOR TOTAL AREA)	12.77	9.44%

(a) As per the FLUCCS map, dated 10/04/223, only 12.77 acres of qualifying habitat are available for indigenous preserve.

GRAPHIC SCALE
200 0 100 200
(IN FEET)
1 inch = 200 ft.



LEGEND
- DEVIATION REQUESTED
- INDIGENOUS PRESERVE AREA
- LANDSCAPE BUFFER AREA
- WATER MANAGEMENT AREA

PROPOSED USE OF PARCELS
- DEVELOPMENT AREA
- NON DEVELOPMENT AREA/ AGRICULTURAL & UTILITY USE
- NON DEVELOPMENT AREA/ UTILITY

LINE TABLE

LINE	BEARING	DISTANCE
L-1	N78°43'20"E	356.74'
L-2	N76°24'11"E	334.06'
L-3	N73°23'36"E	273.12'
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EXHIBIT B-1

COMPUTER FILE REF.	FIELD BK./PG.

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STATE OF FLORIDA BOARD OF PROFESSIONAL ENGINEERS AUTHORIZATION NO. 4286

-REVISIONS-	BY	DATE
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	BY	DATE
DESIGNED		
CALCS.	RC	09-05-22
DRAWN	RC	09-05-22
DETAILED		
CHECKED	RC	09-26-22
APPROVED	RC	09-26-22

FPL VERANDAH SUBSTATION

MASTER CONCEPT PLAN

DATE: 01-22-2024
HORIZ. SCALE: 1"=200'
VERT. SCALE: N/A
JOB No. 22-033
SHEET 1 of 1

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Dirk Danley, Jr., Principal Planner, date received January 17, 2024 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *PowerPoint Presentation:* Prepared by Lee County Staff for DCI2022-00031, FPL Verandah Transmission Substation, dated February 1, 2024 (multiple pages – 8.5"x11")[color]

APPLICANT EXHIBITS

a. *48-Hour Notice:* Email from Roberto Cabrera to Hearing Examiner, with copies to Victoria Toris, Butch Terpening, Dirk Danley, Jr., Rebecca Sweigert, Tracy Toussaint, Jamie Princing, Elizabeth Workman, Audra Ennis, Nicholas DeFilippo, Ohdet Kleinmann, Abby Henderson, Lee Werst, Warren Baucom, Mikki Rozdolski, Amanda Swindle, Esq., Anthony Rodriguez, Phil Gillogly, Marcus Evans, Jennifer Rodriguez, and Maria Perez, dated Tuesday, January 30, 2024, 9:25 AM (multiple pages – 8.5"x11" and 1 page – 11"x17")

1. *Revised Master Concept Plan:* Prepared by Culpepper & Terpening Inc., dated January 22, 2024, for FPL Verandah Substation (1 page – 11"x17" and 24" x 36")[color]

2. *Résumé:* For Victoria Toris, Siting project Manager with FPL (1 page – 8.5"x11")

3. *Résumé:* For Roberto Cabrera, P.E., Senior Project Manager (1 page – 8.5"x11")

4. *PowerPoint Presentation:* Prepared for DCI2022-00031, FPL Verandah Transmission Substation, Community Facilities Planned Development (CFPD Rezoning Request (multiple pages – 8.5"x11")[color]

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Dirk Danley, Jr.

Applicant Representatives:

1. Roberto Cabrera
2. Victoria Toris

Public Participants:

1. Eric Letter

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.

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WEST	IND	NON REQUIRED

10.) **OPEN SPACE REQUIREMENTS:**

	AREA	PERCENTAGE
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PROVIDED (FOR TOTAL AREA)	27.05	20%

11.) **INDIGENOUS PRESERVE:**

	AREA	PERCENTAGE
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PROVIDED (FOR TOTAL AREA)	12.77	9.44%

(a) As per the FLUCCS map, dated 10/04/223, only 12.77 acres of qualifying habitat are available for indigenous preserve.

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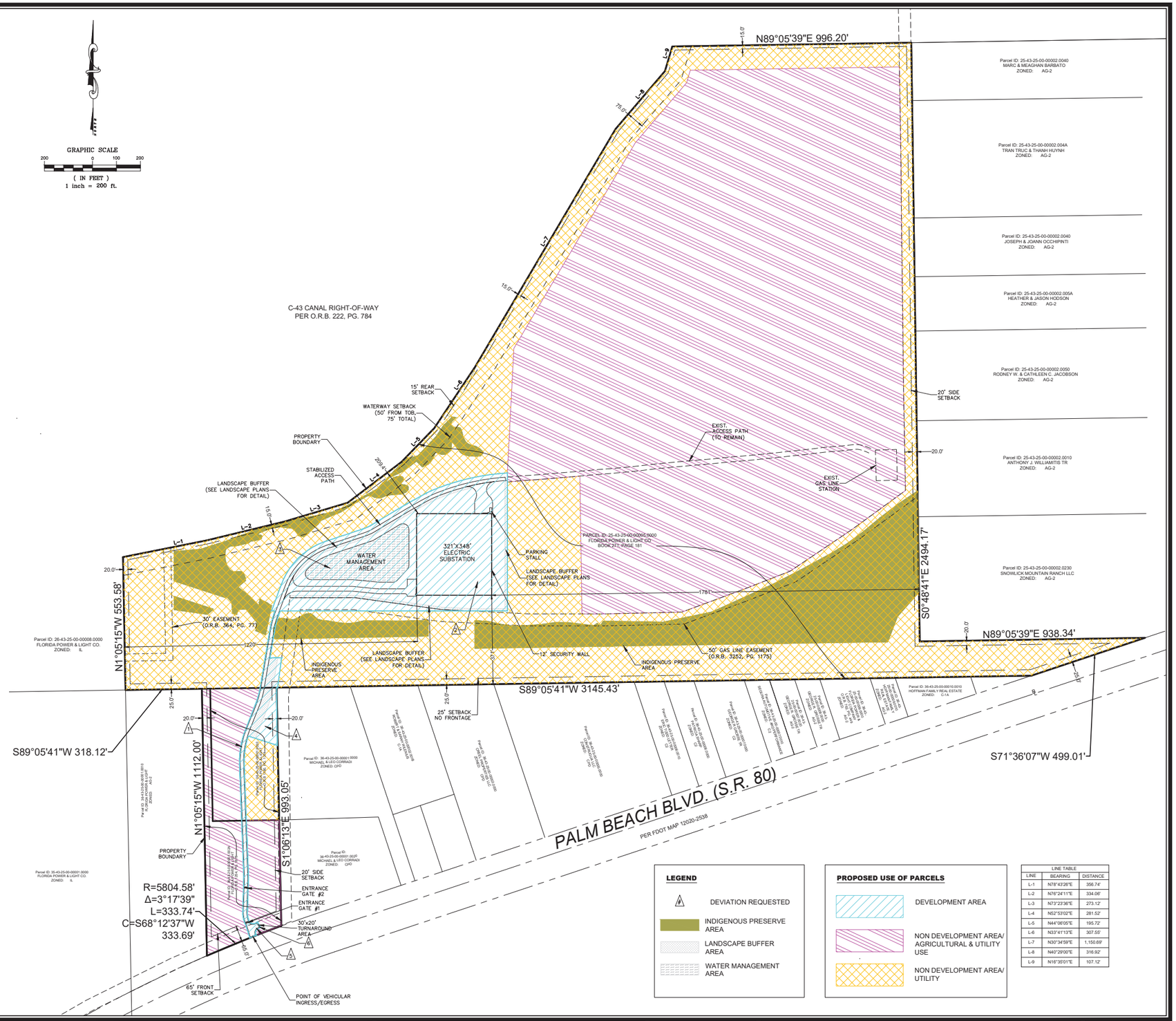
(IN FEET)
1 inch = 200 ft.



LEGEND
- DEVIATION REQUESTED
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PROPOSED USE OF PARCELS
- DEVELOPMENT AREA
- NON DEVELOPMENT AREA/ AGRICULTURAL & UTILITY USE
- NON DEVELOPMENT AREA/ UTILITY

LINE TABLE

LINE	BEARING	DISTANCE
L-1	N78°43'26"E	356.74'
L-2	N76°24'11"E	334.06'
L-3	N73°23'36"E	273.12'
L-4	N52°53'02"E	281.52'
L-5	N44°06'05"E	195.72'
L-6	N33°41'13"E	307.55'
L-7	N30°34'59"E	1,150.69'
L-8	N40°29'00"E	316.92'
L-9	N16°35'01"E	107.12'

P:\Proj-2022\22-03.001 Verandah Transmission Substation - Design\Eng\22-03.001 Master Concept Plan.dwg Plotted: 1/23/2024 6:38 PM By: ROBERTO CABRERA

COMPUTER FILE REF.	FIELD BK./PG.

CULPEPPER & TERPENING INC
2980 SOUTH 25th STREET • FORT PIERCE, FLORIDA 34981
PHONE 772-464-3537 • FAX 772-464-9497 • www.ct-eng.com
STATE OF FLORIDA BOARD OF PROFESSIONAL ENGINEERS AUTHORIZATION NO. 4286

-REVISIONS-	BY	DATE
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	BY	DATE
DESIGNED		
CALCS.	RC	09-05-22
DRAWN	RC	09-05-22
DETAILED		
CHECKED	RC	09-26-22
APPROVED	RC	09-26-22

FPL VERANDAH SUBSTATION

MASTER CONCEPT PLAN

DATE: 01-22-2024
HORIZ. SCALE: 1"=200'
VERT. SCALE: N/A
JOB No. 22-033
SHEET 1 of 1

ATTACHMENT C

A. Conditions:

1. Master Concept Plan/Development Parameters

The development of this project must be consistent with the one-page Master Concept Plan entitled "FPL Verandah Substation- Master Concept Plan" dated 10-06-2023, except as modified by the conditions below. Development must comply with all the requirements of the LDC at the time of local development order approval, except as may be granted by deviation as part of this planned development. Subsequent amendments to the Master Concept Plan or the conditions or deviations attached thereto are subject to the planned development amendment process established by the Land Development Code.

Project intensity is limited to the infrastructure necessary to provide an Electrical Substation (Essential Services, Group II). No buildings are proposed within the development.

2. Uses and Site Development Regulations

The following limits apply to the project and uses:

a. Schedule of Uses

Accessory Uses and Structures
Entrance Gates and Gatehouse (See Deviations 5 and 6)
Essential Services
Essential Service Facilities: Groups I and II (Excluding Solid Waste Transfer Facilities)
Fences, Walls
Parking Lot, accessory
Signs
Water Retention/ Detention

b. Site Development Regulations

Minimum lot area and dimensions:

Lot area:	39,500 Square Feet
Lot width:	100 feet
Lot Depth:	130 feet

Setbacks:

Street:	200 feet (Palm Beach Boulevard)
Boundary:	200 feet
Water body, other:	200 feet
Minimum Open Space:	30%
Maximum lot coverage:	35%

3. Open Space
   Prior to the issuance of the first development order, the development order plans must depict 27.05 acres of open space.

4. Indigenous Preserve
   Prior to the issuance of the first development order, the development order plans must depict a total of 12.77 acres of indigenous preserve.

5. *Indigenous Habitat Management Plan*
   a. Prior to the issuance of the first development order, the applicant must submit an indigenous management plan.

   b. Prior to the issuance of the first development order, the development order plans must include:
      i. A schedule for the indigenous preservation to be completed within at least five consecutive years.
      ii. A map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located.

6. Vegetation Removal
   The applicant must submit with the vegetation removal permit survey point maps depicting the preservation areas and mechanical clearing limits.

7. Wetland Impacts
   No development in wetlands regulated by the State of Florida may be commenced without the appropriate state agency permit or authorization. Development orders and development permits authorizing development within wetlands or lands located within the Wetlands future land use category may be issued subject to a condition that construction may not commence until issuance of the required state permits.

8. Agricultural Uses:
   (i) Bona fide agricultural uses consisting of "farming, horticulture, pasturage, forestry, citrus and other fruit groves, greenhouses and nurseries, truck farms and dairy farms, commercial fish, frog or poultry hatcheries, and raising of hogs and other farm animals", which were in existence when the application for this project was filed, may continue in accordance with the Agricultural Use Affidavit filed with the zoning application until such time as a local development order is approved for the area that contains these uses.

   (ii) Clearing or injury of native trees and/or other native vegetation, including understory, in agricultural areas is prohibited. Existing areas of bona fide agricultural use that include existing grass pasture(s) may be mowed, but may not be cleared or expanded. This prohibition of clearing or expansion is not intended to preclude County approved requests for removal of invasive exotic vegetation. Violations of this condition will require restoration in accordance with Section 10-423 of the LDC.

(iii) Prior to issuance of a local development order, the applicant, its successors or assigns must provide written proof, subject to approval by the Lee County Attorney's Office, of the following:

1) Termination of all agricultural use on any portion of the property included in the development order application/approval with the exception of development orders solely approved for approval of a plat. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:

a. The date the agricultural uses ceased;

b. The legal description of the property subject to the development order approval;

c. An affirmative statement that the applicant, its successors or assigns acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the County that they will not allow any such uses on the property unless and until the property is rezoned to permit such uses; and,

d. That the affidavit constitutes a covenant between the applicant, its successors or assigns, and the County that is binding on the applicant, its successors or assigns. The covenant must be properly recorded in the public records of the County at the expense of the applicant, its successors or assigns.

2) Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof as to the termination must include a copy of the request to terminate the tax exemption submitted to the property appraiser.

B. Deviations

1. Deviation (1) seeks a deviation from LDC 10-291(2) which requires all development to abut and have access to a public or private street, constructed or improved, to meet the standards in 10-296 to allow and to provide an accessway that meets the standards set forth in AASHTO publication "Guidelines for Geometric Design of Low Volume Roads, 2019."

   This deviation is APPROVED.

2. Deviation (2) seeks a deviation from LDC 10-261, which requires on-site space for the placement of garbage and recycling containers, to allow and to provide no garbage and recycling container storage area.

   This deviation is APPROVED.

3. Deviation (3) seeks a deviation from LDC Section 33-1494, which requires dry detention areas to be planted with Southern Red Maple, South Florida Slash Pine, Laurel Oak, or Cypress trees, to allow and to provide no additional plantings within the dry detention pond.

This deviation is APPROVED, subject to the following condition:

Prior to Development Order approval, plans must demonstrate that native grasses and shrubs within the detention area.

4. Deviation (4) seeks relief from LDC Section 10-416(d)(6), which requires roads, drives, or parking areas associated with residential subdivisions or with a multifamily or nonresidential use that are located less than 125 feet from an existing single-family residential subdivision or single-family residential lots to be buffered by a solid wall or combination berm and solid wall not less than eight feet in height, which must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 linear feet or a 30-foot-wide, to allow a 30-foot Type-F buffer with the hedge planted a minimum of 20 feet from the abutting property.

   This deviation is APPROVED.

5. Deviation (5) seeks a deviation from LDC Section 34-1748(1)d.1. which requires a minimum of 100 feet setback from the nearest intersecting street for an entrance gate is requested to allow to allow the entrance gate to be located 65 feet from the Palm Beach Boulevard right-of-way.

   This deviation is APPROVED.

6. Deviation (6) seeks a deviation from LDC Section 34-1748(5), which requires a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current edition, to provide a three-point turn around as depicted on the Master Concept Plan.

   This deviation is APPROVED.

LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

CASE NUMBER: DCI2022-00031
CASE NAME: FPL VERANDAH TRANSMISSION SUBSTATION
TYPE OF CASE: COMMUNITY FACILITIES PLANNED DEVELOPMENT (CFPD)
HEARING EXAMINER DATE: FEBRUARY 1, 2024
SUFFICIENCY DATE: NOVEMBER 14, 2023

REQUEST:

An application has been submitted by Roberto Cabrera and Butch Terpening of Culpepper and Terpening, Inc. on behalf of Florida Power & Light Co. c/o Greg Hall to seek a rezoning of 135.27 acres from Light Industrial (IL), Agricultural (AG-2), and Commercial (C-2) to Community Facilities Planned Development (CFPD) to allow an Electric Transmission Station (Essential Service Facilities, Group II).

The subject property is located at 11090, 11130, and 11150 Palm Beach Boulevard, Fort Myers Shores County Planning Community, Lee County, FL. (District #5), STRAP Numbers 25-43-25-00-00005.0000, 36-43-25-00-00001.002A, and 36-43-25-00-00001.0030

SUMMARY:

Staff recommends APPROVAL of the applicant's request, with recommended Conditions found in Attachment C.

Staff notes two remaining issues that will need to be resolved by the applicant prior to hearing:

- Natural waterways require a buffer per LDC Section 10-416(d)(9) which has not been demonstrated on the Master Concept Plan. The applicant must provide a revised MCP demonstrating a 50-foot natural waterway buffer landward of non-seawalled natural waterways as measured from the mean high-water line or top of bank, whichever is further landward.

- The indigenous areas that the applicant has described as FLUCCS 510E3, FLUCCS 630E3, and FLUCCS 640E3. The applicant is utilizing the 510E3, which is currently the Caloosahatchee River. Staff requests that the applicant to remove streams and waterways from the calculation of indigenous open space per LDC Section 10-1 (definition of indigenous) and LDC Section 10-701. Due to the lack of vegetation, the applicant must revise the calculation to only include the FLUCCS codes 640E3 and 630E3. FLUCCS codes 640E3 and 630E3 are the only indigenous areas onsite; therefore, the indigenous open space requirement is being provided to the furthest extent possible, meeting LDC Section 10-415(b).

HISTORY OF PARCEL AND CHARACTER OF THE AREA:

The subject property is predominantly vacant, with some areas being used for staging for FP&L equipment, and other areas used for agricultural uses. This property is accessed by Palm Beach Boulevard (SR 80), a State-maintained arterial roadway, but is predominantly separated from Palm Beach Boulevard by a row of commercial lots.

The subject property is designated as Public Facilities and Wetlands on the Lee County Future Land Use Map (Lee Plan Map 1-A). Additionally, the property is within the Caloosahatchee Shores Community Plan Area as described in Goal 21 of the Lee Plan. Land uses surrounding the property include a mix of commercial, agricultural, and essential service uses. The following are the surrounding future land use designations, zoning districts, and existing land uses:

North

To the north of the subject property is the Caloosahatchee River.

East

Properties to the east are zoned Agricultural (AG-2) and are in the Suburban and Wetlands Future Land Use Categories. These properties are developed with a mix of residential and agricultural uses.

South

Properties to the south contain a mix of zoning districts including Commercial (C-1A and C-2), Agricultural (AG-2), and three Commercial Planned Developments (CPDs) approved by Resolutions Z-07-024, Z-06-059, and Z-05-056 (Attachment G). These properties are in the Suburban future land use category and contain a mix of freestanding commercial uses and vacant land.

West

Property to the west is zoned Light Industrial (IL) and is in the Public Facilities future land use category. This property is developed with a Florida Power & Light electrical power plant. The applicant's proposed electrical substation is intended to transfer electricity from this power plant to other areas in the County.

ANALYSIS:

This request is to rezone approximately 135.27 acres from Light Industrial (IL), Agricultural (AG-2), and Commercial (C-2) to Community Facilities Planned Development (CFPD) to allow an Electric Transmission Station (Essential Service Facilities, Group II). The footprint of the proposed substation will be approximately 2.6 acres centrally located within the subject property, with the remainder of the property proposed to be undeveloped, or to continue use as agricultural land (Attachment N).

The applicant seeks six deviations from LDC requirements regarding roadway cross sections, dumpster requirements, turnaround requirements, and landscaping requirements.

Rezoning Criteria:

Section 34-612 of the Lee County Land Development Code describes the intent of the utilization of the Planned Development zoning district. The purpose of planned development zoning is to further implement the goals, objectives, and policies of the Lee Plan, while providing some degree of flexibility in the planning and design of proposed developments.

LDC Section 34-145(d) establishes the review criteria for all 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's request statement that addresses the decision-making criteria for a Planned Development Rezoning (Attachment D).

Master Concept Plan:

The applicant has provided a one-page master concept plan entitled "FPL Verandah Substation, Master Concept Plan" dated 10/6/2023 (Attachment O). The plan shows the approximately 2.6 acres that is proposed for the substation, as well as areas to remain undeveloped and areas designated as indigenous preserve. The Master Concept Plan also shows the primary water detention areas west of the substation, buffer locations, the proposed access easement, and the parking stalls associated with the use.

Development Pattern Considerations:

Policy 1.1.8 of the Lee Plan address areas designated as Public Facilities within the County. Despite the mix of future land use categories within subject property, the electrical substation is proposed to be located solely within this category. The proposed use is considered a public facility; therefore, staff finds this request consistent with Policy 1.1.8. Additionally, Policy 2.1.3 states public utilities and are permitted in all land use categories, which further expands the consistency with this category.

Objective 1.5 describes the Wetlands future land use category. These areas are limited to low density residential uses and recreational areas that will not adversely affect the ecological functions of wetlands. Staff notes that much of this property is designated as Wetlands on the Future Land Use Map, but only some wetland areas are intended to be impacted for the development of the substation. Any activities in the wetland areas must be consistent with Objective 1.5 and Goal 124 of the Lee Plan. For the review of this application, staff finds the request, as conditioned, consistent with Objective 1.5.

Objectives 2.1 and 2.2 encourage new growth in future urban areas where adequate facilities exist or are assured and where compact and contiguous development patterns can be created. Policy 2.2.1 encourages development within Lee County where sufficient infrastructure exists. The applicant

has provided sufficient documentation to demonstrate that the available infrastructure would support the development intensity that is proposed (see Attachments H, J, and M). Staff notes that the electric substation is intended to provide extra electrical capacity based on the growth of the area and will assist in providing necessary services to new development. Staff finds this request consistent with Objective 2.1, Objective 2.2, and Policy 2.2.1.

Policy 5.1.5 of the Lee Plan aims to protect uses that are potentially destructive to the character and integrity of residential environment. The separation from the nearest residential use and the proposed substation is more than 1,000 feet. Staff does not find the substation to present concern for compatibility with residential uses. Staff finds the request consistent with Policy 5.1.5.

Goal 21 of the Lee Plan establishes Caloosahatchee Shores community plan. Policy 21.1.2 states that any deviation from landscaping or buffering may not be granted unless the request meets the approval criteria for variances set forth in the LDC Chapter 34. Staff notes deviations are sought by the applicant for landscaping relief, and staff will review these deviations for compliance with variance criteria. The remaining objectives and policies relate to the residential, commercial, and industrial uses, and are therefore not applicable to this rezoning request. Staff finds the request consistent with Goal 21 and Policy 21.1.2 of the Lee Plan.

Policies 60.1.1 and 60.1.2 seek to incorporate, utilize, and where possible, to restore natural surface water flowways and associated habitats. This is expanded by Policy 123.2.3, which prohibits water management and development projects from disrupting the natural functions of natural systems. Policy 126.1.1 states that natural water system features which are essential to detention, purification, runoff, recharge, and maintenance of stream flows must be identified, protected, and managed. The development will preserve on-site wetlands, which incorporate historic flowways and associated habitat. The project design will also comply with State requirements for water quality and quantity. Staff finds the request consistent with Policies 60.1.1, 60.1.2, 123.2.3, and 126.1.1.

Goal 125 of the Lee Plan establishes objectives and policies to ensure that water quality is maintained or improved for the environment and people of Lee County. Objective 125.1 states that development must maintain high water quality, meeting or exceeding state and federal water quality standards. Policies 125.1.2 and 125.1.3 require new development to not degrade surface and ground water quality and require the design of drainage systems that minimize nutrient loading and pollution in off-site charges. The applicant provided a Stormwater Narrative that describes the method by which the request is consistent with these policies (Attachment M). Staff finds the request consistent with Goal 115, Objective 125.1, and Policies 125.1.2 and 125.1.3.

Public Information Meeting:

LDC Sections 33-1480 through 33-1524 establish companion requirements to the Community Plan. LDC Section 33-1482 requires a public information meeting for rezoning requests and the applicant has provided the requisite public information session summary to demonstrate compliance with this requirement (Attachment L).

Environmental Considerations:

Environmental Staff has provided a report for the proposed development and provided findings regarding protected species, indigenous habitat, open space, and buffer requirements (Attachment I). Staff notes that the project meets the requirement for a large project and must provide a minimum

of 20 percent open space for the facility. Staff recommends the following condition to ensure this open space compliance:

Prior to the issuance of the first development order, the development order plans must depict 27.05 acres of open space.

To ensure that the project retains its indigenous preserve area, staff recommends the following condition:

Prior to the issuance of the first development order, the development order plans must depict a total of 12.77 acres of indigenous preserve.

Staff also notes that the applicant has not provided an Indigenous Habitat Management Plan which will then be required at the time of Development Order. Staff recommends the following conditions to ensure that all requirements of the indigenous management plan have been met at the time of Development Order Approval:

Prior to the issuance of the first development order, the applicant must submit an indigenous management plan.

Prior to the issuance of the first development order, the development order plans must include:

i. *A schedule for the indigenous preservation to be completed within at least five consecutive years.*
ii. *A map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located.*

The applicant must submit with the vegetation removal permit survey point maps depicting the preservation areas and mechanical clearing limits.

No development in wetlands regulated by the State of Florida may be commenced without the appropriate state agency permit or authorization. Development orders and development permits authorizing development within wetlands or lands located within the Wetlands future land use category may be issued subject to a condition that construction may not commence until issuance of the required state permits.

Bicycle and Pedestrian Facilities:

The proposed development fronts Palm Beach Boulevard (SR 80), which is designated for bicycle/pedestrian facilities on Lee Plan Map 3-D. There are existing bike lanes on Palm Beach Boulevard on the northern and southern portions of the roadway. At the time of Development Order approval, coordination with Florida Department of Transportation will be required to ensure that no additional improvements will be required.

Urban Services:

The nearest Fire and EMS Substation is a quarter mile west, and a Sheriff's substation is approximately 5.8 miles south of the development. There are other available urban services available for this development, but the nature of the request does not merit further review. Water and Wastewater will be provided to this site per the utility availability letter provided by the applicant (Attachment H).

Deviation Requests:

The applicant has requested six deviations in conjunction with this rezoning. An analysis and justification for the requested deviations is attached (Attachment D). Staff's analysis of each deviation and a recommendation for each request is as follows:

1. Deviation (1) seeks a deviation from LDC 10-291(2) which requires all development to abut and have access to a public or private street, constructed or improved, to meet the standards in 10-296 to allow and to provide an accessway that meets the standards set forth in AASHTO publication "Guidelines for Geometric Design of Low Volume Roads, 2019."

   The applicant notes that based on the low volume of trips associated with the proposed use, that a reduced standard should be implemented for the required access to the subject property. The applicant states that the AASHTO Standards include a two-way single lane road is proposed as this will function as a local road with less than 50 vehicles per day. Additionally, the proposed width of 14 feet is within the range of 10 -14 feet recommended width in the above reference guideline. Development Services staff has reviewed this deviation and does not object to the request. Staff recommends APPROVAL of this deviation.

2. Deviation (2) seeks a deviation from LDC 10-261, which requires on-site space for the placement of garbage and recycling containers, to allow and to provide no garbage and recycling container storage area.

   Development Services staff has reviewed this deviation and does not object to the request. Staff recommends APPROVAL of this deviation.

3. Deviation (3) seeks a deviation from LDC Section 33-1494, which requires dry detention areas to be planted with Southern Red Maple, South Florida Slash Pine, Laurel Oak, or Cypress trees, to allow and to provide no additional plantings within the dry detention pond.

   Per Lee Plan Policy 21.1.2 "Any deviation from landscaping, buffering, signage or architectural requirements may not be granted unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34". The applicant notes that this project will be an essential services utility project with overhead electric lines. FPL's development policy is to plant in the correct locations to minimize conflict between landscaping and electrical equipment in order to protect of health and safety of the general public. In lieu of this requirement native grasses and shrubs are proposed.

   LDC Section 34-145 establishes the variance criteria referenced in Policy 21.1.2 and staff offers the following analysis. The use of the property with overhead powerlines and utility uses cause an inherent condition where the implementation of this landscaping requirements in adjacent areas may cause a safety issue that would preclude the use of the property for the essential service of electricity. These conditions are not the results of the property owner, but rather the inherent conflict between landscaping requirements and electrical service. Staff finds that the minimum relief would be to not provide trees in areas proximate to electrical power lines. Staff also notes that vegetation and buffers in other areas of the property will protect surrounding properties from visual injury, and staff finds the deviation request consistent with the Lee Plan.

Staff recommends APPROVAL of this deviation, subject to the following condition:

Prior to Development Order approval, plans must demonstrate that native grasses and shrubs within the detention area.

4. Deviation (4) seeks relief from LDC Section 10-416(d)(6), which requires roads, drives, or parking areas associated with residential subdivisions or with a multifamily or nonresidential use that are located less than 125 feet from an existing single-family residential subdivision or single-family residential lots to be buffered by a solid wall or combination berm and solid wall not less than eight feet in height, which must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 linear feet or a 30-foot-wide, to allow a 30-foot Type-F buffer with the hedge planted a minimum of 20 feet from the abutting property.

   This deviation is proposed at the southern end of the property where the accessway approaches the eastern boundary of the subject property. The applicant has stated, "although this property is not zoned residential, there is a current residential home on the property. A modified buffer is proposed where the access road encroaches less than the required 125-foot separation from the abutting property line. The buffer proposed is to provide a 30-foot-wide Type F buffer, where possible, a minimum of 20 feet from the abutting property for screening."

   The south area where the accessway is located, is limited in space, and has a unique parcel orientation. The single-family home to the east of the accessway is currently non-conforming, based on the zoning district. While the non-conformity of the adjacent property does not pertain to the decision-making criteria for variance approval, it does provide context to the deviation request.

   LDC Section 34-145 establishes the variance criteria referenced in Policy 21.1.2 and staff offers the following analysis. The access easement that is proposed includes a minimal development footprint, including the use (and improvement) of the existing unpaved access easement. Staff notes that there are dimensional constraints based on the existing meandering design of the accessway, that would not allow for the wall and berm at least 25 feet from the property line. Staff notes that the continued use of the existing access would not be a condition caused by the applicant, but rather an existing condition of the site. The proposed alternative landscape plan provided by the applicant will meet the minimum variance necessary and will still sufficiently protect the neighbor from any visual injury. Staff finds the deviation request consistent with the Lee Plan and recommends APPROVAL of this deviation.

   Prior to the issuance of development order, the applicant must demonstrate compliance with the Master Concept Plan.

5. Deviation (5) seeks a deviation from LDC Section 34-1748(1)d.1. which requires a minimum of 100 feet setback from the nearest intersecting street for an entrance gate is requested to allow to allow the entrance gate to be located 65 feet from the Palm Beach Boulevard right-of-way.

   Development Services staff has reviewed this deviation and do not object to the request. Staff recommends APPROVAL of this deviation.

6. Deviation (6) seeks a deviation from LDC Section 34-1748(5), which requires a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU)

vehicle as specified in the AASHTO Green Book current edition, to provide a three-point turn around as depicted on the Master Concept Plan.

Development Services staff has reviewed this deviation and do not object to the request. Staff recommends APPROVAL of this deviation.

CONCLUSION:

Based on the analysis provided above, staff offers the following review of the decision-making criteria for the planned development rezoning request. Staff finds that the request, as conditioned:

a) Complies with the Lee Plan;

Based on the analysis above, staff finds that the request is consistent with the Lee Plan. The proposed uses are compatible with existing and proposed uses and meet or exceed the objectives and policies above.

b) Meets this Code and other applicable County regulations or qualifies for deviations;

The applicant seeks six deviations, and staff recommends approval of these deviations with conditions where appropriate. Staff finds that the request meets or exceeds County regulations.

c) Is compatible with existing and planned uses in the surrounding area;

The mix of uses surrounding the subject property includes a mix of agricultural land, residential and commercial uses, and essential services. The request, as conditioned, is compatible with surrounding existing and planned uses.

d) Will provide access sufficient to support the proposed development intensity;

Access is proposed from Palm Beach Boulevard (SR 80). Staff finds that there will be sufficient access to support the development.

e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

Staff has reviewed the anticipated transportation impacts and finds that, as conditioned, impacts to the roadway system are adequately addressed.

f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and

Staff has reviewed the potential environmental impacts and has determined that the request, as conditioned, meets the requirements of the Land Development Code and Lee Plan and sufficiently protects existing environmentally critical areas and natural resources.

g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

As indicated in the analysis above, the property is served by requisite Urban Services.

Additionally, staff has concluded:

a) The proposed use or mix of uses is appropriate at the proposed location;

The proposed use is appropriate for the location based on site configuration and enhancements to ensure compatibly with the nearby residential uses.

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

Staff finds the recommended conditions of approval appropriate to sufficiently address the impacts to public's interest with respect to the proposed development.

c) That each requested deviation enhances the achievement of the objectives of the planned development and reserves and promotes the general intent of the Land Development Code to protect the public health, safety, and welfare:

Staff recommends approval of six deviations and finds that the deviations, as conditioned, enhance the achievement of the objectives of the planned development and protect the public health, safety, and welfare.

ATTACHMENTS:

A. Expert Witness Information
B. Maps: surrounding zoning, future land use and aerial photograph
C. Recommended Conditions and Deviations
D. Request Statement/Deviation Request Language
E. Legal Description
F. Resolution Z-74-321
G. Southern Property Zoning Resolutions
    a. Resolution Z-07-024
    b. Resolution Z-06-059
    c. Resolution Z-05-056
H. Water/Wastewater Letter of Availability
I. Environmental Staff Report
J. Traffic Impact Statement Waiver
K. Letters of No Objection
L. Public Information Meeting Documents
M. Stormwater Management Plan
N. Agricultural Affidavit
O. Master Concept Plan

DCI2022-00032
BAYSHORE VILLAGE

Staff Summary

CASE NUMBER & NAME:	DCI2022-00032 / Bayshore Village
REQUEST:	Amendment to Zoning Resolution Z-06-046, in the Commercial Planned Development (CPD) District, to permit the addition of various commercial uses, an increase in total commercial intensity from 61,000 square feet to 100,000 square feet.
RESOLUTION NUMBER:	Z-23-034
LOCATION:	17300 Wells Rd., Bayshore Planning Community, Lee County, FL
OWNER:	OB 4, LLC
APPLICANT:	OB 4, LLC
AGENT:	Carl Barraco, P.E. Barraco and Associates, Inc 2271 McGregor Blvd., Se. 100 Fort Myers, FL 33901
HEARING EXAMINER RECOMMENDATION:	Approve, subject to conditions and deviations set forth in Exhibit B
PARTICIPANTS: (11)	Steven Brodkin Calvin Buckmaster Gennifer Griffis Trinda Griffis Benjamin Hofland Zachary Lombardo, Esq. Lisa Musho Michael Musho Nathan Polle Susan Swift Cathy Queen

DCI2022-00032

Aerial

Subject Property

N
W
E
S

0 300 600 900

Feet

Lee County
Southwest Florida

Summary of Hearing Examiner Recommendation

BAYSHORE VILLAGE CPD

Applicant seeks to amend an existing commercial planned development to increase intensity and add uses in a General Interchange Area.

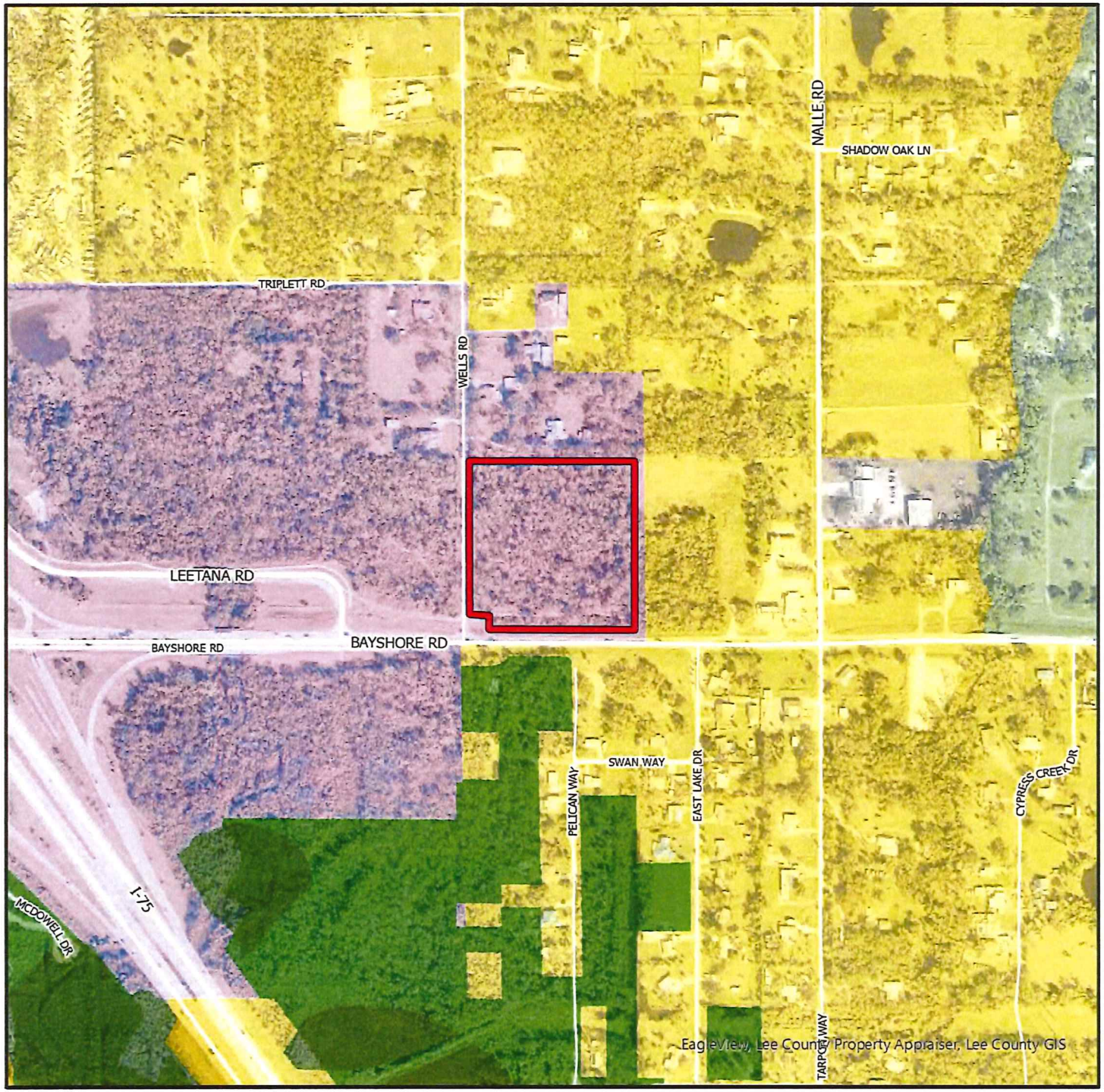
The Board found commercial uses compatible with surrounding development in 2006. Since 2006, development pressure within the Bayshore Community Babcock Ranch is changing the character of the Bayshore Road corridor.

Board approved development applications in the community include several suburban-style subdivisions rather than ranchettes on acreage. Ongoing development in Babcock Ranch has impacted the volume and character of traffic on Bayshore Road and the I-75 interchange since the 2006 approval. The character of the Bayshore Road corridor will continue to change following FDOT's plans for a divergent diamond interchange, four lane divided improvements between the interchange and SR 31.

The Hearing Examiner finds Staff's recommendation limiting commercial intensity to 92,750 square feet achieves an appropriate balance between the property's General Interchange designation and the Bayshore Community Plan.[1] Conditions of approval adequately protect residential land uses north of the site and balance uses reasonably foreseeable in an interchange area and the community plan.

Detailed recommendation follows

[1] The Department of Community Development recommended approval of 92,750 square feet of commercial use. The staff recommendation represents a 7,500 square foot reduction in Applicant's request.



DCI2022-00032

Future Land Use

- Subject Property
- Suburban
- Sub-Outlying Suburban
- Public Facilities
- General Interchange
- Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

N
W E
S

0 300 600 900
Feet

Lee County
Southwest Florida

DCI2022-00032

Aerial

Subject Property

N
W
E
S

0 300 600 900

Feet

Lee County

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2022-00032

Regarding: **BAYSHORE VILLAGE CPD**

Location: 17300 Wells Road
Bayshore Planning Community
(District 5)

Hearing Date: October 11, 2023 (No Hearing)
Continued Dates: December 13, 2023 (Hearing)
December 14, 2023 (Hearing)
Record Closed: January 5, 2024

I. Request

Amend Bayshore Village Commercial Planned Development to:

(1) Increase commercial development intensity from 61,000 square feet to 100,000 square feet and up to 125 hotel units; and

(2) Expand schedule of permitted uses.

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approve, 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 the planned development district.[2] In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to amend the Bayshore Village Commercial Planned Development (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

[2] LDC §34-145(d)(4) a.

substantial competent evidence to support the recommendation. Discussion supporting the recommendation of approval with conditions follows below.

Synopsis of Request

The request seeks to increase commercial intensity of the 8.75 acre Bayshore Village CPD by (1) increasing square footage from 61,000 square feet to 100,000 square feet, (2) expanding the list of permitted uses, and (3) allowing up to 125 hotel units with a 120 square foot reduction in commercial square footage for each hotel unit. If the site is developed with a 125 room hotel, maximum developable commercial square footage would be reduced to 77,750 square feet. The request includes six deviations from LDC criteria.

The request includes alternate Master Concept Plans (MCPs) featuring two development scenarios.[3]

Both MCPs depict: A 75 foot wide indigenous preserve along the north property boundary. The preserve serves as a landscape buffer, which may require supplemental plantings following removal of exotics.[4] The MCPs include an eight foot high wall/berm, a portion of which must be of masonry materials.[5]

MCP Alternate A: Depicts three development tracts with buildings up to 35 feet in height. Hotels may be up to 48 feet in height.

MCP Alternate B: Depicts a single building up to 48 feet in height. (Hotel only)

Building Height: Buildings exceeding two stories and hotels 35 feet or less in height must set back 150 feet from north property line.[6] Hotels exceeding 35 feet in height must locate within the southern 300 feet of the site measured from the Bayshore right of way.[7]

Staff Recommendation

The Department of Community Development recommends approval of 92,750 square feet of commercial use. The staff recommendation represents a 7,500 square foot reduction in Applicant's request. Staff also recommends approval of the request for up to 125 hotel units with a reduction of permissible commercial square footage.

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[3] MCPs dated December 8, 2023.
[4] Lee Plan Policy 123.2.9.
[5] Masonry wall required when roads, drives, parking areas, refuse and recycling material collection areas, emergency power generators, and goods/service delivery areas are within 125 feet of the north property line. Developer has option to utilize opaque composite or other non-wood material otherwise.
[6] Conditions 9, 11.E.
[7] *Id.*

Disputed Issues

Staff and Applicant agreed on permitted uses, setbacks, and buffers to ensure compatibility with residential land uses north of the site.

The parties did not agree on the proposed increase in square footage. At close of hearing, Applicant modified its request to 100,000 square feet.[8] Staff adjusted their recommendation to 92,750 square feet.

The Hearing Examiner finds Staff's recommendation achieves a satisfactory balance between the General Interchange designation, the Bayshore Community Plan, and compatibility with surrounding land uses.

Over the course of hearing, Applicant adjusted the MCPs to improve compatibility with residential land uses in the vicinity.[9] Notable features include:

Height – Project height capped at 48 feet, which is less than the 75 foot height permitted in the General Interchange.[10]

Setbacks – Development activity must set back from the rear property line a minimum of 75 feet, exceeding code requirements. The MCP achieves the 75 foot setback by locating a preserve along the north property boundary. Buildings exceeding two stories must set back 150 feet from the north property line, which also exceeds code requirements.[11]

Buffer - Rear buffer exceeds code.[12]

Wall – Provided although not required because of 75 feet width of preserve

Light industrial uses not permitted – Light industrial land uses are permissible in the General Interchange category but the list of permitted uses does not include those uses.[13]

Residential uses not permitted – Residential uses are permissible in the General Interchange category at minimum densities of 8 dwellings per acre with potential for bonus densities up to 22 dwellings per acre.[14] The list of permitted uses does not include residential dwellings.

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[8] The original request sought approval of 125,000 square feet of commercial land uses and a 44 unit hotel, with potential to increase hotel units up to 125 units with a reduction in commercial square footage.
[9] Lee Plan Policies 5.1.5, 6.1.4.
[10] LDC §§34-935(f)(1)d and 34-2175(b) permits heights of 75 feet in General Interchange category.
[11] *See* LDC 34-2443 (special setback regulations to protect abutting land uses. The required 150 setback for two story structures exceeds code required setback).
[12] LDC §§10-416(d)(6), 34-935(b).
[13] Lee Plan Policy 1.3.2.
[14] *Id.*

Planning and Zoning History.

The Board classified the property as General Interchange in 1989.[15] In 2003, the Board adopted the Bayshore Community Plan including the property within its boundaries.[16] The site was rezoned from AG-2 to CPD in 2006.[17]

The property is vacant.

Character of Area

The property fronts on Bayshore Road/SR 78 in North Fort Myers east of the interstate. Land uses along Bayshore Road feature small scale commercial development, ranchette homesites, single family subdivisions, nurseries, and RV parks. A sign posted on adjacent property announces pending development of a self-storage facility.[18] Several properties on Bayshore are zoned for commercial land uses. Single family land uses and the Seminole Campground RV Park are north of the Interchange Area.

Increased development pressure on the community and surrounding areas since the 2006 zoning approval is evident from increased traffic on Bayshore Road. The corridor supports a noticeable volume of truck traffic. Dump trucks and semi-tractor trailers are prevalent among vehicles traveling the roadway.

Lee Plan

Planned developments must be consistent with the Lee Plan.[19]

The property is located within the northeast quadrant of the Bayshore Road/I-75 Interchange Area.[20] Interstate Highway Interchange Areas are special areas designated for a specific primary role.[21] General Interchange Areas are intended

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[15] Part I of the Bert J Harris, Jr. Private Property Rights Protection Act took effect on October 1, 1995. Florida Statutes Ch. 70.001. The Act has had a chilling effect on interpreting new regulations to unfairly burden private property and may offer some explanation why Lee Plan Policy 17.1.3 adopted in 2018 clarified community plan objectives and policies are not regulatory and require implementing land development regulations. Without implementing LDC provisions, the Hearing Examiner must read the Lee Plan as a whole to harmonize potentially competing policies.

[16] Lee County Ordinance 03-02 adopted January 9, 2003.

[17] Bayshore Village Market Square CPD Zoning Resolution Z-06-046 approved August 21, 2006. The resolution approved up to 61,000 sq. feet of commercial retail/office uses on the 8.75 acre parcel.

[18] The neighboring CPD is approved for a 30,000-square-foot self-storage facility. Maximus Self-Storage. *See* Staff Report Attachment O: Zoning Resolution Z-10-036 and ADD 2022-00117.

[19] LDC §§34-411(a), 34-491.

[20] Northeast quadrant of the interchange is designated General Interchange by the Lee Plan Future Land Use Map. Map 1-A.

[21] Lee Plan Objective 1.3.

primarily for land uses serving the traveling public including service stations, hotels/motels, restaurants, and a range of other commercial land uses.[22]

Bayshore Community Plan

The Board adopted the Bayshore Community Plan in 2003. Testimony in opposition to the request asserts the Bayshore Plan supersedes the property's General Interchange designation.[23] However, a plain reading of the Lee Plan does not support this interpretation.

Lee Plan Policy 17.1.1 requires community plans to be coordinated with county-wide and regional plans regarding population accommodation, transportation, employment, economic development, and infrastructure needs. Further, Policy 17.1.3 notes community plans consist of "long term objectives and policies that *are not regulatory in nature*.[24] If needed, land development regulations may be adopted to implement a community plan."[25]

The General Interchange designation must be read together with the Bayshore Plan to achieve the Board's legislative intent for the property.[26] Interchange Areas are intended to provide services beyond the surrounding community.

A close reading of the Bayshore Plan confirms it is no impediment to the request. Goal 18 aspires to protect the Bayshore community's rural character by maintaining minimal commercial activity. Four objectives guide review of development applications.[27]

- Objective 18.1: Land Use. First and foremost, the County is directed to ensure separation of urban and rural land uses.[28] The Future Land Use

[22] Lee Plan Policy 1.3.2; *See also* Goal 6.
[23] Members of the public assert the Bayshore Community Plan supersedes the property's General Interchange designation. Transcript December 13, 2023.
[24] Lee Plan Policy 17.1.3, (emphasis supplied). The Bayshore Community Plan does not have companion LDC regulations implementing the plan's policies and objectives. The Lee Plan plainly states Community Plan policies and objectives are not regulatory unless the Board adopts land development regulations to implement.
[25] LDC Chapter 33 is devoted to implementation of community plans. The purpose of the LDC community planning regulations is to adopt guidelines and provisions necessary to achieve Lee Plan goals, objectives and policies for recognized planning communities. LDC §33-1. Nearly half the community plans established in the Lee Plan have adopted LDC regulations to implement the plan: Caloosahatchee Shores, North Olga, Captiva, Greater Pine Island, Lehigh Acres, Upper Captiva, North Fort Myers and Page Park. The Bayshore community is not among the communities with implementing regulations.
[26] Lee Plan Policy 17.1.1.
[27] The community plan objectives address Land Use, Transportation, Sewer and Water, and Parks and Recreation.
[28] Lee Plan Objective 18.1: Land Use.

Map reveals the site is surrounded by urban/suburban classified land.[29] Rural designated lands lie east of Nalle Road.

- The Bayshore Plan directs retail commercial uses to Interstate Interchange Areas. The property has been designated General Interchange for over 30 years and zoned for commercial use since 2006.

- The Bayshore plan permits non-retail commercial uses "consistent with the Lee Plan and LDC."[30] Commercial uses are consistent with the General Interchange category. The MCP employs enhanced buffers and setbacks from residential land uses. Site development must meet LDC criteria or seek deviations.

- Objective 18.2: Transportation. This objective pertains to *county* road improvements. Testimony at hearing confirms planned state road improvements contemplate a redesign of the interchange to include a divergent diamond configuration, signal at Wells Road, and a four lane divided cross section for Bayshore Road. These improvements include curbs, gutters, and offroad facilities for cyclists and pedestrians.[31]

- Objectives 18.3 and 18.4 are not applicable to the request.[32]

The Lee Plan Economic Element encourages commercial uses to expand the County's economic base.[33] The proposed increase in commercial intensity contributes to a positive business climate creating additional employment opportunities.[34] The property's location within an Interstate Highway Interchange Area makes it well suited for commercial uses.[35]

Compatibility

One of the purposes of "planned development" zoning is to integrate development with surrounding land uses.[36]

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[29] Lee Plan Map 1-A. reveals the General Interchange category lies north, southwest, and west of the site. Sub Outlying Suburban lands lie east and southeast. Conservation lands lie further south across Bayshore Road. Sub Outlying Suburban lands continue up to a mile north of the Interchange area as well.
[30] Lee Plan Policy 18.1.1.
[31] Applicant PowerPoint Presentation and testimony of Ted Treesh, TR Transportation Services. The proposed design is consistent with Policy 18.2.1 directing physical separation between state roads and bicycle pedestrian facilities.
[32] Potable water and sanitary sewer service infrastructure already exists adjacent to the site. Staff Report Attachment Q, Lee Plan Maps 4-A, 4-B. Objective 18.4 directs the County to explore constructing an equestrian park within the community.
[33] Lee Plan Objective 161.4.
[34] Lee Plan Goals 6, 158, Objective 158.2, Policy 158.2.1. (Allocate adequate land on the Future Land Use Map and in Table 1(b) to meet future commercial, industrial, agricultural, residential, and recreational needs of residents and tourists.)
[35] Lee Plan Policy 161.4.3
[36] Another purpose is to provide flexibility in development design. LDC §34-612(2).

Properties in the immediate vicinity are in the General Interchange. These properties may develop with a broad range of land uses including tourist commercial, general commercial, and multifamily dwellings.[37] Permissible densities range from eight dwellings per acre to as high as 22 dwellings per acre. The request expands the array of permissible commercial uses consistent with the General Interchange designation.[38] The requested uses are compatible with those reasonably foreseeable in the General Interchange.[39]

Sub-Outlying Suburban classified lands lie further east and across Bayshore Road to the southeast.[40] Lands classified Sub-Outlying Suburban are characterized by low density residential development.

The Bayshore Community Plan requires separation between urban and rural land uses.[41] As demonstrated above, the property and adjacent properties have an urban/suburban classification. The closest Rural designated lands lie east of Nalle Road. The MCP achieves the directive of separating urban and rural land uses.[42]

Although classified as General Interchange, abutting property to the north includes a single family residence. When proposed development is adjacent to a less intense land use, the design emphasis must separate and protect the use.[43] The alternate MCPs protect residential land uses using open space, buffers, and setbacks, specifically:[44]

> Preserve. A 75 foot wide indigenous preserve (1.06 acre) separates development areas from the north property line.[45] Recommended conditions require supplemental plantings to achieve a continuous visual screen.[46]
>
> Fence/Wall. Condition requires an 8 foot high opaque fence/wall along the south edge of preserve.
>
> Wet Retention Areas. MCP Alternative A includes a large lake at the east half of the site, further separating development activity from the north

[37] Lee Plan Policy 1.3.2.
[38] Lee Plan Goal 6, Policies 1.3.2, 6.1.7. The zoning request is consistent with emerging development patterns in Bayshore interchange and constitutes infill development. *See* Lee Plan Glossary definition - infill.
[39] Goal 6. Abutting property is slated to develop as a storage facility.
[40] Conservation lands lie further south.
[41] Lee Plan Objective 18.1: Land Use.
[42] Lee Plan Policies 6.1.3, 6.1.6, 6.1.7.
[43] LDC §34-411(k).
[44] Lee Plan Objective 18.1: The County will enforce land development regulations that ensure separation of urban and rural land uses through implementation of open space, buffers, and setback requirements. *See also* Policies 5.1.5, 6.1.6.
[45] Property to the north is zoned for agriculture and developed with a single family residence.
[46] Lee Plan Policy 123.2.9.

property line. MCP Alternative B depicts two water detention areas flanking the loading area of the building with similar effect.

Building Setbacks. Buildings exceeding two stories must set back 150 from the north property line. Certain uses are restricted to the southern 400 feet of the site.[47]

Conditions governing permissible square footage and other measures protect Wells Road residents. Remaining conditions balance uses reasonably foreseeable in an interchange area and the community plan.[48]

Notably, the Board found commercial uses compatible with surrounding development in 2006.[49] Since the 2006 finding of compatibility, the Board approved numerous development applications in the community. Several include suburban-type subdivisions rather than ranchettes on acreage, initiating a gradual transition in the character of new residential land uses. Ongoing development in Babcock Ranch has impacted the volume and character of traffic on Bayshore Road and the I-75 interchange since 2006.

Based on the foregoing analysis, the Hearing Examiner concludes the requested amendments are consistent with the Lee Plan. Recommended conditions achieve necessary balance between uses reasonably foreseeable in the interchange and the Bayshore Community Plan.

LDC

Requests to amend existing zoning approvals must comply with the LDC and other County regulations. [50]

Applicant seeks to expand permitted uses and increase permissible height. Requested changes must meet the LDC and other County regulations or qualify for deviations.[51] "Deviations" are departures from land development regulations.[52]

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[47] Limiting certain uses to the "southern 400 feet" maintains an approximate 220 foot separation from north property line. Uses restricted to the southern 400 feet of the property include: Car Wash, Drive through facilities, Food truck park, Repair shops, Group IV, Fast food restaurant, Self-service fuel pumps, and Vehicle and equipment dealers Group IV. Some of those uses are subject to further conditioning under the LDC.

[48] The area will change dramatically following installation of a divergent diamond interchange, four lane divided improvements to SR 78 with an urban cross section.

[49] Lee Plan Policy 6.1.4.

[50] LDC §34-2: Development of County Impact means developments that may have a substantial effect upon the health, safety, and welfare of the citizens of the County or natural resources. *See also* LDC §§34-341(a), 34-411(a), 34-612(2). Lee Plan Policies 2.1.2, 2.1.1, 6.1.3. The planned development district affords flexibility in site design.

[51] Development will be subject to further permitting under the LDC.

[52] LDC §34-2.

Applicants must demonstrate each deviation enhances the planned development and will not cause a detriment to the public.[53]

Applicant requests six deviations to accommodate the proposed site design.[54] Staff recommends approval, finding the deviations advance the planned development and protect public health, safety, and welfare.[55] The Hearing Examiner agrees with this assessment.

Applicant conducted a public information meeting at the New Hope Church on October 26, 2002.[56]

The project will be subject to road, fire, and emergency services impact fees.[57]

Environmental/Natural Resources

Requests to rezone property may not adversely affect environmentally critical/sensitive areas or natural resources.

Open Space/Indigenous Vegetation

The property is wooded and contains indigenous vegetation.[58] As a large project, site design must devote a minimum of 30% of the acreage to open space.[59]

The MCP depicts open space within buffers, preserves, and stormwater management areas.[60] A preserve consisting of approximately 1.06 acres of indigenous vegetation serves as a natural buffer from residential land uses.[61] Applicant's Indigenous Management Plan includes long term monitoring and maintenance plans to ensure survival of the preserve.[62]

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[53] LDC §34-373(a)(9).
[54] Applicant withdrew two of the originally requested 8 deviations. The deviations pertain to excavation setbacks from abutting commercially zoned property, parking lot interconnections, lot width and area for fast food and carwashes, cul-de-sacs, and buffers. The buffer deviation allows for a substitution of the 75 foot wide indigenous preserve area for the less stringent Type C or F buffer provided developer supplements plantings after removal of exotic vegetation to achieve a continuous visual screen.
[55] LDC §§34-373(a)(9), 34-377(a)(4).
[56] Lee Plan Policy 17.3.5.
[57] LDC Chapter 2.
[58] Staff Report Attachment J.
[59] LDC §10-415. This amounts to approximately 2.63 acres.
[60] *See* MCP. Lee Plan Objectives 77.2, 77.3, LDC §34-935(g)(4) b. The MCP provides 2.63 acres of open space.
[61] The 1.06 acre tract will be 75 feet width allowing for 125% indigenous credits allowing the project to satisfy code requirement that 50% of open space must be comprised of native vegetation. Placement of the preserve along the north property line minimizes impacts to the abutting residential land use. Lee Plan Policy 77.3.5.
[62] Condition 5.

The preserve includes mature native vegetation and exotics.[63] Staff recommends a supplemental planting plan to compensate for gaps resulting from removal of exotic vegetation.[64] A 75 foot wide preserve area along the north property line and proposed fence/wall effectively screen neighboring residential land uses.[65]

Protected Species

The property is vacant and covered with native and exotic plant species. Despite indigenous vegetation, the Protective Species Survey disclosed no evidence of listed or protected species.[66] The initial protected species survey noted evidence of Gopher tortoises but none were observed during a subsequent survey.[67] Staff recommends requiring updated surveys with the development order application.[68]

Wellfield Protection

The Lee Plan requires the County to protect groundwater supplies from activity that may degrade those supplies.[69] The County regulates development activity within wellfield protection zones. Land uses/activities are subject to periodic inspection by wellfield protection officers.[70]

The property lies within travel times of a 1-Year and 5-Year Wellfield Protection Zone and approximately 200 feet from a County Public Water Supply Well.[71] Travel times represent the time it takes for a pollutant to reach a wellfield based on groundwater flow and withdrawal models.

Certain uses have the potential to adversely impact public water supply wells if located within the 1-Year travel time.[72] Staff recommends conditions (1) ensuring compliance with the County Wellfield Protection Ordinance and (2) prohibiting certain uses within the 1-Year zone.[73]

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[63] Staff Report Attachment J and Conditions 4, 5.

[64] Since exotic vegetation must be removed during development order permitting, Staff recommends a conditions requiring developer to supplement the preserve with native plantings if removal of exotics results in gaps in the screen. Lee Plan Policy 123.2.9. *See* Conditions 4 and 5.

[65] LDC §34-411(g),(h), and (i). A deviation from the code required Type C/F buffer along the north property line allows the 75 foot wide indigenous preserve to substitute for a planted buffer. (Deviation 6).

[66] Staff Report Attachment J – Environmental Staff Report. Protected species survey prepared by Bear Paws Environmental Consulting. The report does not to say there is no wildlife on the property, only that there is no evidence of listed or protected species onsite.

[67] Initial protected species survey conducted in August 2021 disclosed evidence of gopher tortoises. Since the 2023 survey did not discover evidence of gopher tortoise use, staff recommends a condition for an updated survey prior to development order approval.

[68] *See* Condition 6. Lee Plan Policies 123.8.1, 123.8.2.

[69] Lee Plan Goals 63, 123, 125 Objective 63.2, Policies 125.1.1, 125.1.2.

[70] Lee Plan Policies 63.1.2, 125.1.6, LDC §14-252.

[71] Staff Report Attachment I: Natural Resources. *See also* Lee Plan Map 4-C and LDC Appendix N.

[72] *Id.*

[73] Prohibited uses in the 1-Year zone include: Automobile repair and service, Groups I, II, Automobile service station, with or without gas pumps, Bus station/Depot, with fueling stations, Convenience Food and

The Hearing Examiner finds the proposed amendments will not harm environmentally critical/sensitive areas or natural resources.[74] The MCP and conditions of approval enhance the property's environmental features by removing exotic vegetation and preserving native vegetation.

Transportation

Zoning actions must demonstrate sufficient access to support development intensity. Expected impacts to the road network must be addressed by existing county regulations and conditions of approval.[75]

The Board approved several residential subdivisions in the Bayshore community since adoption of the community plan. Ongoing development of Babcock Ranch has also increased traffic on Bayshore Road/SR 78.

The MCP proposes driveway access to Wells and Bayshore Roads/SR78. Wells Road is a two lane County maintained local road.[76] Bayshore Road/SR 78 is a two lane arterial roadway connecting I-75 to State Route 31. As a state maintained facility, FDOT has permit authority over driveway access and location.

Applicant's Transportation Impact Statement (TIS) assumed project buildout in 2028.[77] For the most part, the project will not adversely affect the surrounding roadway network.[78] Bayshore Road west of Wells Road is projected to operate at a poor LOS at buildout both with and without the proposed development. This road segment is considered a "future preexisting transportation deficiency." As such, under Florida law, the CPD is not responsible for mitigating impacts to the roadway.

FDOT is conducting a PD&E study to widen Bayshore Road/SR 78 between I-75 and SR 31. The study determines right-of-way needs and cross-sections necessary to widen the road to a four lane divided highway.[79] Future improvement to a four lane facility addresses projected level of service deficiencies.[80]

Beverage store, with gas pumps, Dry cleaning, Repair shops, Group IV, Self-service fuel pumps, Truck stop.

[74] Lee Plan 125.1.2; LDC §34-411(g),(h).

[75] LDC §34-145(d).

[76] Lee County Administrative Code 11-1.

[77] Staff Report Attachment K: Traffic Impact Analysis for Bayshore Village by TR Transportation Consultants, Inc. dated November 4, 2022.

[78] *Id.*

[79] Upon completion of the PD&E Study, the project will proceed to right-of-way acquisition, design, and construction.

[80] Construction is not currently funded in FDOT's 5-Year Adopted Work Program. Once the PD&E study is complete, the project will proceed to Right of Way acquisition, design, and construction. Testimony at hearing suggests FDOT's four lane improvement will limit the property's access to Bayshore Road to a right-in, right-out access.

Applicant's PowerPoint demonstrates FDOT's planned cross-section is an "urban" design with two travel lanes in each direction, raised median with curbs and gutter, and a shared use path on each side.[81] Applicant's transportation expert testified FDOT elected to satisfy right of way requirements from the north side of the road.[82] His testimony disclosed plans to realign Pritchett Parkway and Wells Road will likely dictate the location of the project's Wells Road access.[83]

In anticipation of a possible relocation of the Wells Road access, staff recommends a condition. The condition allows an administrative adjustment of the driveway location so long as it is *no closer than* 200 feet from the north property line. If adjusted closer, the MCP must be amended via the public hearing process.[84]

Intersection analysis indicates three intersections along Bayshore Road will operate at poor LOS at buildout. Specifically, Bayshore's intersection at Pritchett Parkway, Wells Road, and site access.[85] Developer is responsible for site related improvements necessary to address deficiencies during development order permitting.[86]

The TIS concludes the MPD will pay its transportation impacts with road impact fees.[87] More detailed, analysis of impacts to area roadways will occur during development order permitting.

Bayshore Road is part of the Pine Island-Hendry Trail.[88] The County Walkways & Bikeways Map depicts a shared use path along the property's road frontage. Testimony at hearing noted FDOT plans for SR 78 improvements include off road bike/ped facilities.[89]

Public Services and Infrastructure

Availability of public services and infrastructure must be analyzed during rezoning.[90]

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[81] Testimony of Jennifer Sapen, AICP and Ted Treesh, Transcript December 13, 2023.
[82] Testimony of Ted Treesh Transcript December 13, 2023.
[83] *Id.*
[84] If Wells Road access moves closer than 200 feet from the north property line, review via the public hearing process is appropriate to re-evaluate compatibility/buffering. Wells Road is the most likely access for deliveries and fueling trucks given project access to Bayshore Road will be restricted to right-in, right-out turning movements following FDOT improvements to SR 78/Bayshore Road. *See* Condition 15.
[85] Deficiencies occur during the PM peak hour from southbound delays.
[86] The project will also be subject to road impact fees.
[87] Lee Plan Policies 38.1.1, 38.1.5. Staff Report Attachments K, L: Traffic Impact Statement prepared by TR Transportation Consultants, Inc. for Bayshore Village dated November 4, 2022, and Memorandum from Md Rakibul Alam, Senior Transportation Planner to Adam Mendez, Senior Planner dated September 20, 2023.
[88] Lee Plan Greenways Master Plan Map 4-E.
[89] Testimony of Ted Treesh, Transcript December 13, 2023.
[90] Lee Plan Policy 2.2.1.

Public services include services, facilities, capital improvements, and infrastructure necessary to support development. The property has access to paved roads, public water, sanitary sewer, surface water management, police, fire, and emergency medical services.[91]

Conditions

The County must administer the zoning process to minimize the impacts of proposed land uses on adjacent property and protect natural resources.[92] Conditions must plausibly relate to anticipated impacts, and pertinent to mitigating impacts to public health, safety, and welfare.[93]

The request to amend the Bayshore Village CPD is subject to several conditions of approval. The conditions have been tailored to address anticipated project impacts.[94]

The Hearing Examiner revised conditions to remove references to the LDC provisions applicable by virtue of the first condition. The Hearing Examiner also made minor revisions to improve clarity.

Public Participation

Several members of the public attended the public hearing before the Hearing Examiner but only 11 spoke on the record.[95]

The Hearing Examiner accepted a petition signed by 138 persons as well as several emails. These documents were unanimous in opposition to the application. Common concerns centered on maintaining rural character, traffic impacts, development intensity, flooding, wildlife, buffering, water quality, and building height.[96]

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[91] Lee Plan Goals 2, 70, Objectives 2.2, 4.1, 53.1, 56.1, 56.2, 66.1, Policies 2.2.1, 56.1.4. The property is located within the Lee County Utilities franchise area for potable water service with infrastructure adjacent to the site. Florida Governmental Utilities Authority has infrastructure in the area with capacity to provide sanitary sewer. Bayshore Fire District Station 131 and Emergency Medical Services dispatch Medic Station 19 are located a quarter mile from the site on Nalle Road. Law enforcement services are available from the Lee County Sheriff Nort District offices on Pondella Road. The property has access to paved roadways including a county maintained local road and a state maintained arterial. Staff Report Attachment F: Project Narrative prepared by Barraco and Associates, Inc.

[92] Lee Plan Policy 135.9.6; LDC §§34-145(d)(4), 34-377, 34-932.

[93] LDC §34-932(c).

[94] LDC §34-83(b)(4) a.3.

[95] Zachary Lombardo, Esq. represented his clients Michael and Lisa Musho, who also spoke on the record.

[96] Also noted was effect on property values, crime, insufficient infrastructure to support development intensity.

Conclusion

The Hearing Examiner recommends approval of the proposed amendments to the Bayshore Village CPD subject to conditions set forth in Exhibit B.

IV. Findings and Conclusions

Based on the testimony and exhibits in the record, the Hearing Examiner recommends approval of the proposed amendments to the Bashore Village CPD, subject to conditions, and makes the following findings and conclusions:

A. The amendments to the CPD comply with the Lee Plan. Lee Plan Goals 2, 6, 18, 63, 77, 125, 158; Objectives 2.1, 2.2, 4.1, 18.1, 77.2, 125.1, 158.2, 161.4, and Policies 1.6.5, 2.1.1, 2.1.2, 2.2.1, 6.1.3, 6.1.5, 18.1.1, 39.2.1, 125.1.2, 125.1.3, 158.2.1, 161.4.3; Lee Plan Maps 1-A, 1-B, 2-A, 3-D, 4-A, 4-B, 4-C, Table 1(b).

B. *As conditioned herein*, the amended CPD:

1. Meets standards in the LDC and other regulations or qualifies for deviations. and LDC Chapters 2, 10, 14, 34.

2. Is compatible with existing and planned uses in the surrounding area. Lee Plan Goals 2, 6, Objectives 2.1, 2.2, and Policies 2.1.1,5.1.5, 6.1.1, 6.1.4, 6.1.5, 6.1.6 and LDC §34-411(j).

3. provides access to support the proposed development intensity. Lee Plan Policies 6.1.1, 6.1.5, 39.2.1; and LDC §34-411(d).

4. Existing regulations and conditions of approval address expected impacts on transportation facilities. Lee Plan Objective 39.1, Policy 6.1.5, LDC §§2-261 *et seq.*, 10-7(b), 10-286.

5. Will not adversely affect environmentally critical areas or natural resources. Lee Plan Goal 63, Objectives 77.2, 77.3, Policies 6.1.1, 6.1.6, 54.1.3, 61.3.6, 77.3.1, 77.3.5, 123.2.4, 125.1.2, 125.1.3, 126.2.1, and Standard 4.1.4, Lee Plan Map 4-C.

6. Will be served by urban services including public water and sewer, paved streets, police, fire and emergency services, and urban surface water management. Lee Plan Objectives 2.1, 2.2, 4.1, 6.1, Policies 2.2.1, 6.1.1, 6.1.4, 53.1.5, 53.1.8, 56.1.4, 151.2.3; Standards 4.1.1, 4.1.2., Lee Plan Maps 4-A, 4-B.

C. The proposed uses are appropriate at the location. Lee Plan Goal 2, Objectives 1.1, 2.1, 2.2, Policies 2.1.1, 2.2.2, 6.1.4, 6.1.7, 6.1.8, 18.1.1, Table 1(b); and LDC §34-411.

D. The recommended conditions of approval and applicable regulations provide sufficient safeguards to protect the public interest. Lee Plan Policies 5.1.5, 6.1.4, 63.1.2, 77.3.1, 135.9.6, LDC §34-411.

E. The recommended conditions are reasonably related to the impacts expected from the proposed development. Lee Plan Goals 123, 125, 126, Objective 126.2, Policies 5.1.5, 123.2.9, 123.8.1, 123.8.2, 125.1.6, 126.2.1, 135.9.6.

F. The deviations recommended for approval:

1. Enhance the objectives of the planned development; and
2. Promote the intent of the LDC to protect public health, safety, and welfare.

Date of Recommendation: February 12, 2024.

Donna Marie Collins
Chief 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

Case: DCI2022-00032

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

Exhibit A

PROPERTY DESCRIPTION

BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH QUARTER CORNER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22, NORTH 00°05'58" EAST, A DISTANCE OF 1,335.67 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22; THENCE ALONG THE SOUTH LINE OF SAID FRACTION, NORTH 89°56'30" WEST, A DISTANCE OF 663.22 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22; THENCE ALONG THE EAST LINE OF SAID FRACTION, NORTH 00°00'23" WEST, A DISTANCE OF 39.91 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF BAYSHORE ROAD AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED;

THENCE ALONG SAID RIGHT-OF-WAY, NORTH 89°43'04" WEST, A DISTANCE OF 540.25 FEET TO A POINT ON THE BOUNDARY OF ORDER OF TAKING, PARCEL 103 AS DESCRIBED IN OFFICIAL RECORDS BOOK 1136, PAGE 443, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG SAID BOUNDARY FOR THE FOLLOWING TWO (2) COURSES AND DISTANCES, 1) NORTH 00°16'36" EAST, A DISTANCE OF 50.00 FEET; 2) THENCE NORTH 86°05'09" WEST, A DISTANCE OF 73.58 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF WELLS ROAD; THENCE ALONG SAID EAST LINE, NORTH 00°06'43" WEST, A DISTANCE OF 571.75 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22; THENCE ALONG SAID NORTH LINE, SOUTH 89°54'08" EAST, A DISTANCE OF 614.45 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22; THENCE ALONG THE EAST LINE OF SAID FRACTION, SOUTH 00°00'23" EAST, A DISTANCE OF 628.38 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.75 ACRES, MORE OR LESS.

NOTES:

1. *BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA WEST ZONE, 1983 DATUM WITH 2011 ADJUSTMENT OBTAINED UTILIZING RTK GPS OBSERVATIONS ON THE FDOT NETWORK AND REFER TO THE NORTH LINE OF BAYSHORE ROAD LEE COUNTY, FLORIDA AS BEING N 89°43'04" W.*

2. *DIMENSIONS SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.*

3. *THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR THE DIGITAL SIGNATURE AND DIGITAL SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER. NO ADDITIONS OR DELETIONS TO THIS SKETCH AND DESCRIPTION ARE PERMITTED WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE SIGNING PARTY.*

REVIEWED
DCI2022-00032
Rick Burris, Principal Planner
Lee County DCD/Planning
4/6/2023

NOT A SURVEY

DRAWN BY:	KJG
CHECKED BY:	DLS
JOB CODE:	BVMP
SCALE:	N/A
DATE:	4/5/2022
FILE:	21-168-S&L
SHEET:	1 of 2

NOT COMPLETE WITHOUT SHEETS 1 AND 2 OF 2

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Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LC 26000266

Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380

Q. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134

SKETCH AND DESCRIPTION

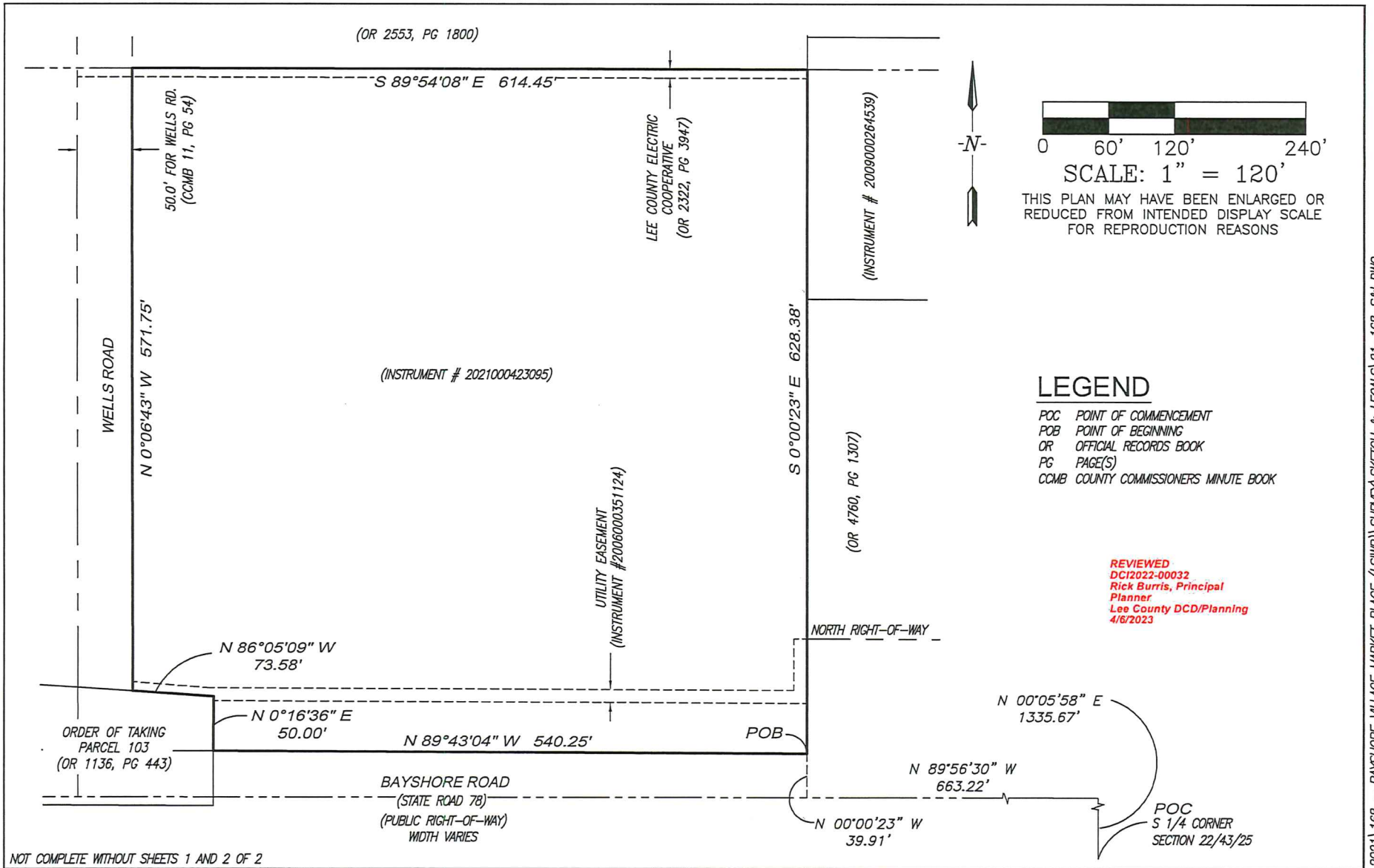
A PARCEL OF LAND

LYING IN
SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

DATE SIGNED
Digitally signed by Donald L. Saintenoy III, PSM
Date: 2022.04.05 10:57:07 -04'00'

DONALD L. SAINTENOY III, P.S.M
FL LICENSE #6761
FOR THE FIRM

G:\SURVEY\PROJECT SURVEY 2021\168 - BAYSHORE VILLAGE MARKET PLACE (LSIWR)\SURVEY\SKETCH & LEGALS\21-168-S&L.DWG



LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
OR	OFFICIAL RECORDS BOOK
PG	PAGE(S)
CCMB	COUNTY COMMISSIONERS MINUTE BOOK

REVIEWED
DCI2022-00032
Rick Burris, Principal Planner
Lee County DCD/Planning
4/6/2023

NOT COMPLETE WITHOUT SHEETS 1 AND 2 OF 2

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Q. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134

SKETCH AND DESCRIPTION

A PARCEL OF LAND

LYING IN
SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

NOT A SURVEY

DRAWN BY:	KJG
CHECKED BY:	DLS
JOB CODE:	BVMP
SCALE:	1" = 120'
DATE:	4/5/2022
FILE:	21-168-S&L
SHEET:	2 of 2

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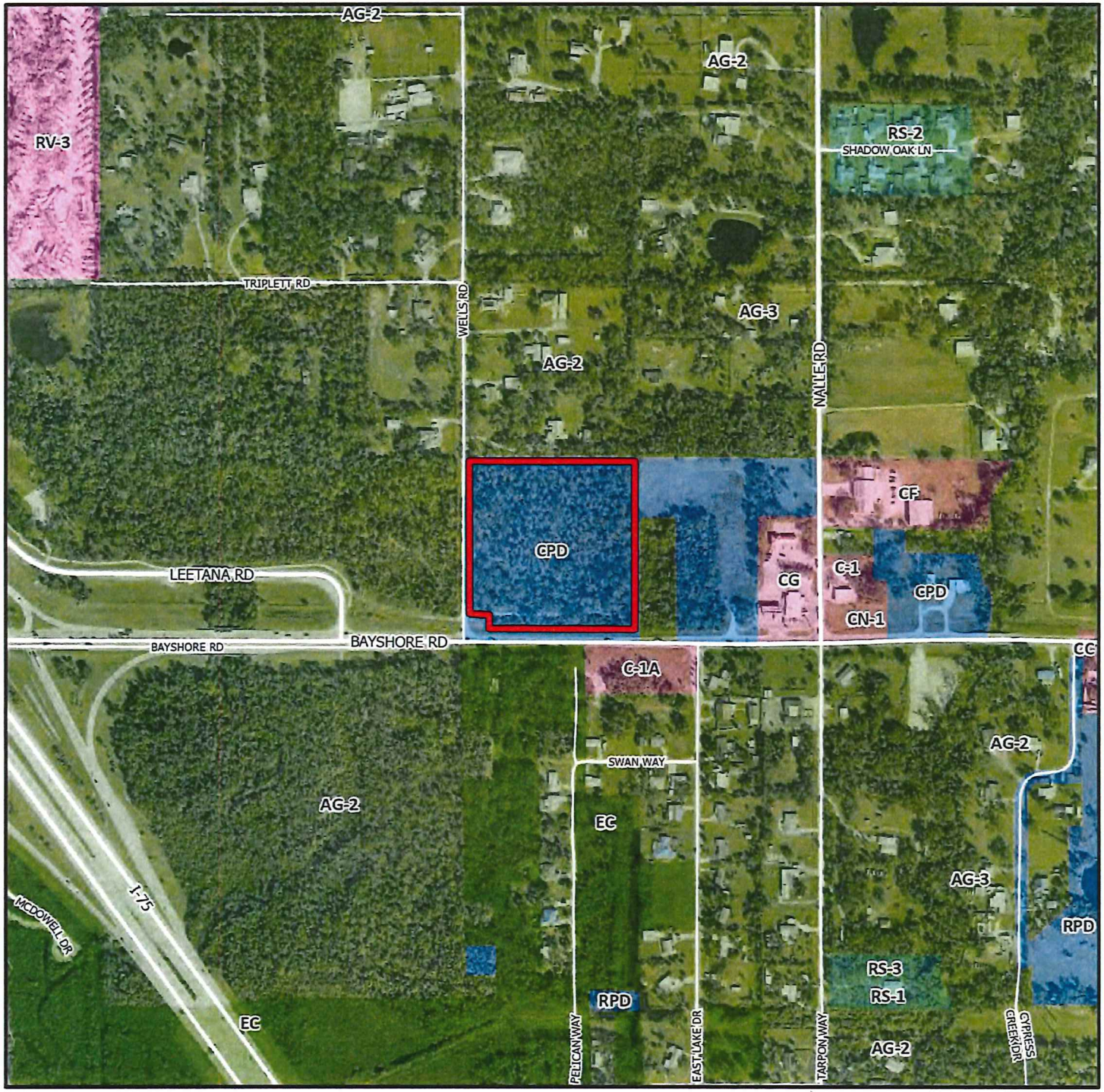


DCI2022-00032

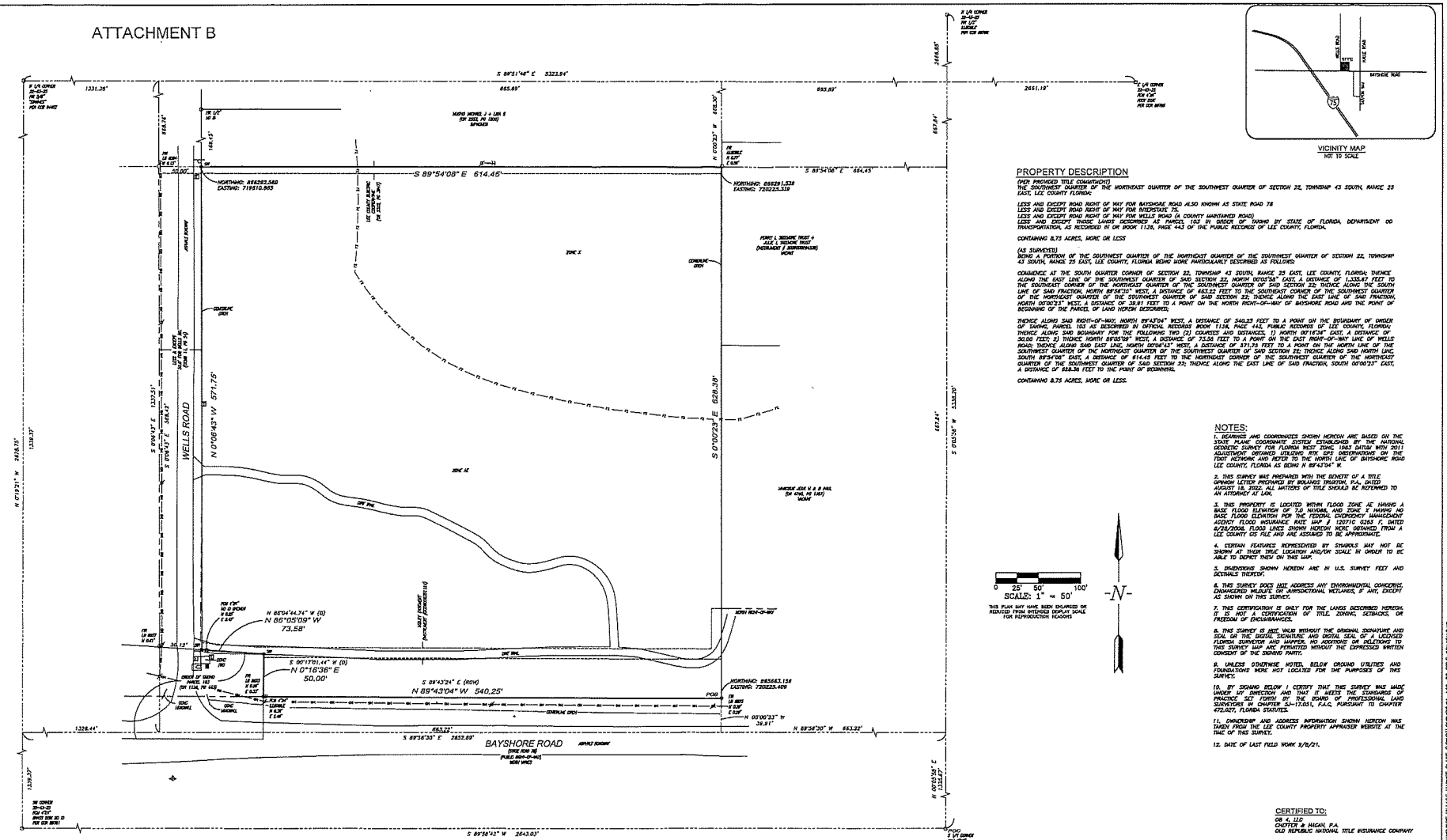
Zoning

Subject Property

N
W E
S

0 300 600 900
Feet

Lee County
Southwest Florida



ATTACHMENT B

VICINITY MAP
NOT TO SCALE

PROPERTY DESCRIPTION

(PER PROVIDED TITLE COMMITMENT)
THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA:

LESS AND EXCEPT ROAD RIGHT OF WAY FOR BAYSHORE ROAD ALSO KNOWN AS STATE ROAD 78
LESS AND EXCEPT ROAD RIGHT OF WAY FOR INTERSTATE 75.
LESS AND EXCEPT ROAD RIGHT OF WAY FOR WELLS ROAD (A COUNTY MAINTAINED ROAD)
LESS AND EXCEPT THOSE LANDS DESCRIBED AS PARCEL 103 IN ORDER OF TAKING BY STATE OF FLORIDA, DEPARTMENT OO TRANSPORTATION, AS RECORDED IN OR BOOK 1136, PAGE 443 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

CONTAINING 8.75 ACRES, MORE OR LESS

(AS SURVEYED)
BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE ALONG SAID RIGHT-OF-WAY, NORTH 89°43'04" WEST, A DISTANCE OF 540.25 FEET TO A POINT ON THE BOUNDARY OF ORDER OF TAKING, PARCEL 103 AS DESCRIBED IN OFFICIAL RECORDS BOOK 1136, PAGE 443, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG SAID BOUNDARY FOR THE FOLLOWING TWO (2) COURSES AND DISTANCES, 1) NORTH 00°16'36" EAST, A DISTANCE OF 50.00 FEET; 2) THENCE NORTH 86°05'09" WEST, A DISTANCE OF 73.58 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF WELLS ROAD; THENCE ALONG SAID EAST LINE, NORTH 00°06'43" WEST, A DISTANCE OF 571.75 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22; THENCE ALONG SAID NORTH LINE, SOUTH 89°54'08" EAST, A DISTANCE OF 614.45 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22; THENCE ALONG THE EAST LINE OF SAID FRACTION, SOUTH 00°00'23" EAST, A DISTANCE OF 628.38 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.75 ACRES, MORE OR LESS.

NOTES:

1. BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA WEST ZONE, 1983 DATUM WITH 2011 ADJUSTMENT OBTAINED UTILIZING RTK GPS OBSERVATIONS ON THE FDOT NETWORK AND REFER TO THE NORTH LINE OF BAYSHORE ROAD LEE COUNTY, FLORIDA AS BEING N 89°43'04" W.

2. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE OPINION LETTER PREPARED BY BOLANOS TRUXTON, P.A., DATED AUGUST 18, 2022. ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.

3. THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE AE HAVING A BASE FLOOD ELEVATION OF 7.0 NAVD88, AND ZONE X HAVING NO BASE FLOOD ELEVATION PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP # 12071C 0263 F, DATED 8/28/2008. FLOOD LINES SHOWN HEREON WERE OBTAINED FROM A LEE COUNTY GIS FILE AND ARE ASSUMED TO BE APPROXIMATE.

4. CERTAIN FEATURES REPRESENTED BY SYMBOLS MAY NOT BE SHOWN AT THEIR TRUE LOCATION AND/OR SCALE IN ORDER TO BE ABLE TO DEPICT THEM ON THIS MAP.

5. DIMENSIONS SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.

6. THIS SURVEY DOES NOT ADDRESS ANY ENVIRONMENTAL CONCERNS, ENDANGERED WILDLIFE OR JURISDICTIONAL WETLANDS, IF ANY, EXCEPT AS SHOWN ON THIS SURVEY.

7. THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS, OR FREEDOM OF ENCUMBRANCES.

8. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR THE DIGITAL SIGNATURE AND DIGITAL SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER. NO ADDITIONS OR DELETIONS TO THIS SURVEY MAP ARE PERMITTED WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE SIGNING PARTY.

9. UNLESS OTHERWISE NOTED, BELOW GROUND UTILITIES AND FOUNDATIONS WERE NOT LOCATED FOR THE PURPOSES OF THIS SURVEY.

10. BY SIGNING BELOW I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17.051, F.A.C. PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

11. OWNERSHIP AND ADDRESS INFORMATION SHOWN HEREON WAS TAKEN FROM THE LEE COUNTY PROPERTY APPRAISER WEBSITE AT THE TIME OF THIS SURVEY.

12. DATE OF LAST FIELD WORK 9/8/21.

CERTIFIED TO:

OB 4, LLC
CHEFFER & HAGAN, P.A.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

LEGEND

REVISION: ADDED AS SURVEYED LEGAL DESCRIPTION 03/10/2023.
REVISION: CONVERTED TO BOUNDARY SURVEY TO REFERENCED TITLE OPINION LETTER 08/19/2022.
REVISION: ADDED STATE PLANE COORDINATES 08/9/2022.
REVISION: ADDED CERTIFICATIONS 12/9/2021. REVISION: REVISED TO REFLECT CCMD 9/16/2021.
REVISION: REVISED PER NEW TITLE COMMITMENT 9/13/2021.

GradyMinor

Q. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134

Civil Engineers • Land Surveyors • Planners • Landscape Architects
Cert. of Auth. EB 0005151 | Cert. of Auth. LB 0005151 | Business LC 26000266
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DRAWN BY:	KJG
CHECKED BY:	DLS
JOB CODE:	LSIWR
SCALE:	1" = 50'
DATE:	9/3/2021
FILE:	21-168-BS TITLE OPINION.DWG
SHEET:	1 of 1

BOUNDARY SURVEY

A PARCEL OF LAND

LYING IN
SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

DATE SIGNED

DONALD L. SANTEROY III, P.S.M.
FL LICENSE #6761
FOR THE FIRM

G:\SURVEY\PROJECT SURVEY 2021\168 – BAYSHORE VILLAGE MARKET PLACE (LSIWR)\SURVEY\21-168-BS TITLE OPINION.DWG

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

As revised by the Hearing Examiner

CONDITIONS

1. Master Concept Plan and Development Parameters

a. Master Concept Plan (MCP). Development must be substantially consistent with the Master Concept Plans Entitled "Master Concept Plan ALT A" or "Master Concept Plan ALT B", last revised December 29, 2023. (Exhibits B1 and B2).

Hearing Examiner Note: Applicant to revise MCPs consistent with recommendations herein and update plan revision date accordingly.

b. Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC except where deviations are approved herein. Subsequent amendments to the MCP or auxiliary documentation will be subject to further development review/approvals.

c. Approved Development Parameters. Development is limited to a maximum of 92,750 square feet of non-residential floor area, to include outdoor restaurant seating. Transferable Development Units (TDUs) may not be utilized in conjunction with this approval. The site may develop up to 125 hotel rooms provided there is a reduction in commercial square footage as follows: Each hotel room reduces approved commercial intensity by 120 square feet.

Hearing Examiner Note: Recommended commercial intensity reflects staff's final recommendation at the close of hearing.

d. Superseding Resolution. This resolution supersedes and replaces Resolution Z-06-046.

2. Schedule of Uses and Property Development Regulations

a. Schedule of Uses

An asterisk (*) Indicates uses restricted to southern 400 feet of the property. Restriction does not apply if abutting property is zoned other than residential or agricultural.

Accessory uses and structures
Administrative offices

Animal clinic (no outdoor runs)
ATM (Automatic Teller Machine)
Auto parts store (no installation)
Automobile repair and service, Groups I, II (*) (subject to Condition 7)
Automobile service station, with or without gas pumps (*) (subject to Condition 7)
Bait and tackle shop
Banks and financial establishments, Groups I, II
Boats:
    Boat parts store (limited to one)
    Boat sales (subject to Condition 10)
Broadcast studio, commercial radio, and television
Building material sales
Business Services, Groups I, II
Caretaker's residence
Car wash, accessory or standalone (*)
Cleaning and maintenance services
Clothes stores, general
Clubs:
    Commercial
    Fraternal
    Membership organization
    Private
Computer and data processing services
Consumption on premises, indoor only ~~(subject to LDC §34-1264)~~

Hearing Examiner Note: Recommend deletion of highlighted text. LDC §34-1264 applicable by virtue of condition 1.

Contractors and builders, Groups I, II
Convenience food and beverage store, with or without gas pumps and EV charging stations (*) (subject to Condition 7)
Day care center, adult, child
Department store
Drive through facility for any permitted use (*)
Drug store, pharmacy
Entrance gates and gatehouses
Emergency operations center
EMS, fire, or sheriff's station
Essential services
Essential service facilities, Group I
Excavation:
    Water retention
Farm equipment, sales, storage, rental, or service
Feed or fertilizer, mixing and sales
Fences, Walls

Food stores, Groups I, II
Food truck park (*) (subject to Condition 13)
Gift and souvenir shop
Hardware store
Health care facilities, Groups III
Hobby, toy, and game shops
Hotel (subject to Condition 11)
Household and office furnishings, Groups I, II, III
Laundromat
Lawn and garden supply store
Library
Maintenance facility (government)
Medical office
~~Non-store retailer~~

Hearing Examiner Note: Recommend deletion of highlighted text. The use is repeated two lines down.

Motion picture production studio
Non-store retailers, All Groups
Package store (no related consumption on premises ~~and subject to LDC §34-1263~~)

Hearing Examiner Note: Recommend deletion of highlighted text. LDC §34-1263 applicable by virtue of condition 1.

Paint, glass, and wallpaper store
Parks, Groups I, II
Parking lot:
- Accessory
- Park-and-ride
- Temporary

Personal services, Groups I, II, III, & IV (Excluding Steam or Turkish Baths, Escort Services, Palm Readers, Fortunetellers or Card Readers)
Pet services (No outdoor runs)
Pet shop (No outdoor runs)
Pharmacy
Place of worship
Plant nursery
Post office
Recreation facilities commercial, Groups I, IV (limited to gymnasiums and health clubs)
Religious facility
Rental or leasing establishments, Groups I, II, III
Repair shops, Groups I, II, III, IV (*) (subject to Condition 7)
Research and development laboratories, Group II

Restaurants, All Groups
Restaurant, fast food (*)
Schools, commercial
Self-service fuel pumps (*) (maximum of 22 subject to Condition 7)
Signs (subject to Condition 14)
Social services, Groups I, II
Specialty retail shops, All Groups
Storage:
    Indoor
    Open (subject to Condition 10)
Studios
Supermarket
Temporary uses
Theater, indoor
Transportation services, Groups II, III (excluding bus stations and depots)
Used merchandise stores, All Groups
Variety store
Vehicle and equipment dealers, Groups I, II, III, IV (*) (subject to Conditions 7 and 10)
Warehouse:
    Mini
    Public

Uses that require Special Exception or approval through the public hearing amendment process:

Bar or cocktail lounge
Boat storage, dry, not exceeding 18 feet above grade
Boat storage, dry, exceeding 18 feet above grade (limited to wholly within an enclosed building not to exceed 35 feet in building height)
Food and beverage service, limited
Parking lot: Commercial

b. Property Development Regulations

Minimum Lot Area and Dimensions

Lot Area:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Building Setbacks and Maximum Building Heights:

Street, public	~~30 feet~~ 50 feet (Sapen testimony 12-14-23)
Street, private	20 feet
Side (East):	15 feet
Rear (North):	~~25 feet~~ 75 feet *See* Conditions 10 & 11

Hearing Examiner Note: Revised to address conflict with the record.

Uses with specific development regulations:	
Maximum building heights:	
Hotel	48 feet (see Condition 11)
All other buildings and structures	35 feet (see Condition 9)
Lot Coverage:	40 percent

3. Open Space

Development order plans must depict 30 percent open space (2.63 acres). If subdivided, each development parcel must include a minimum of 10 percent open space.

4. Indigenous Preserve

Development order plans must depict the indigenous preserve area as the 75-foot wide buffer to along the north perimeter. Following removal of exotics, developer must install native plantings must be planted to maintain proper screening along the single-family lot abutting the property to the north. Development order plans must depict 1.33 acres of indigenous open space in substantial compliance with MCP Alternates A and B and consistent with the following chart:

Indigenous Credit Chart				
Preserve Area	Indigenous Ac.	Width of Area	Credit %	Indigenous with credits
Preserve 1	***1.06***	***75-foot***	***125%***	***1.33***

5. Indigenous Habitat Plan

Development order plans must include the following:

a. Substantial compliance with the Indigenous Management Plan, attached as Exhibit B3

b. Schedule for completion of indigenous preservation and restoration within five consecutive years.

c. Map depicting location of mechanical and hand-removal of exotic vegetation. Mechanical clearing must be limited to non-indigenous areas.

d. Planting list for preserve area, subject to approval by County Staff.

e. Exotic removal and restoration) of indigenous habitat (supplemental plantings must begin concurrently with improvement to land. The first development order application must include supplemental planting plans that are subject to County Staff approval.

6. Gopher Tortoise Survey

Prior to development order approval, the property must be re-surveyed for the presence of gopher tortoises and their burrows. If gopher tortoises or burrows are found, developer must submit a Gopher Tortoise Management Plan with the Indigenous Preserve Management Plan for staff review and approval. The Gopher Tortoise Management Plan must include details on habitat management and provide open herbaceous foraging areas and perpetual maintenance of the habitat. The Gopher Tortoise Management Plan must include the following:

a. Copy of the Florida Fish and Wildlife Conservation Commission Gopher Tortoise Permit, and if applicable, receipt of payment to County staff prior to issuance of a Vegetation Removal Permit.

b. Vegetation Removal Permit to install gopher tortoise fencing and burrow excavation prior to site work.

c. Gopher tortoises and commensal species located during burrow excavation must be moved to indigenous preserves or relocated through state and federal permits.

d. Number of tortoises and commensal species moved to preserves must be reported to staff or relocated through FWC permitting.

e. Active and inactive gopher tortoise burrows discovered outside indigenous preserves must be excavated and fully collapsed prior to issuance of a Vegetation Removal Permit for clearing and filling of development area.

7. Lee County Public Water Supply Wells

a. Wellfield Protection Ordinance. Prior to development order approval, developer must demonstrate compliance with Lee County Wellfield Protection Ordinance.

~~The following uses are not permitted within 1-year or 5-year Wellfield Protection Zone travel times depicted by Lee Plan Map 4-C.~~

- ~~Truck stop with or without gas pumps~~
- ~~Laundry and dry cleaning, Groups I and II~~

Hearing Examiner Note: The above uses were not supported by staff and removed from requested uses see Transcript December 13, 2023, Testimony of Adam Mendez

b. Uses Subject to Further Conditioning. The following uses have the potential to adversely impact public water supply wells and are permitted only when in compliance with the remainder of this condition.

- Automobile repair and service, Groups I and II
- Automobile service station, with or without gas pumps
- Convenience food and beverage store, with gas pumps
- Repair Shops, Groups IV
- Self-service fuel pumps
- Vehicle and equipment dealers
- Any use exceeding regulated substance thresholds in subsections c and d.

c. Storage of Regulated Hazardous Substances. Development order plans must depict storage location and combined sum of quantities of regulated hazardous, toxic substances and sanitary hazards defined by the Wellfield Protection Ordinance. Combined sum of regulated hazardous, toxic substances and sanitary hazards within the 1-year Wellfield Protection Zone travel time must not exceed 110 gallons if the substance is a liquid or 1,110 pounds if the substance is a solid.

d. Bulk Fuel Storage. Development Order plans must depict bulk storage of fuel in excess of 110 gallons outside of the 1-year Wellfield Protection Zone travel time.

e. Maintenance Plan. Development Order plans must include a Maintenance Plan for review and approval by the County Division of Natural Resources. The Maintenance Plan must establish:

- A quarterly containment and emergency equipment inspection schedule performed by a qualified professional.
- Annual submission of maintenance and inspection logs and records to the County Division of Natural Resources.

f. Fuel Storage Systems – Secondary Containment. Development order plans must note fuel storage systems must be constructed with secondary containment consisting of double walled tanks and/or lines.

g. Fuel Storage Systems – Leak Detection. Development order plans must specify fuel storage systems will be equipped with leak detection system, alarms, and a protocol to provide for shutdown of system pending leak investigation.

~~h. During construction the combined sum of regulated hazardous, toxic substances and sanitary hazards, as defined by the Wellfield Protection Ordinance, must not exceed 110 gallons if the substance is a liquid or 1,110 pounds if the substance is a solid within the 1-year Wellfield Protection Zone travel time.~~

Hearing Examiner Note: The above paragraph is redundant with paragraph 7c above. Recommend deletion.

h. Surface Water Quality Monitoring Plan. Development order plans must include a Surface Water Quality Monitoring Plan. The Surface Water Monitoring Plan for review and approval by the County Division of Natural Resources. And must establish the following:

- Goals and Objectives of the Plan.
- Outfall monitoring schedule during "wet" season of June through September and "dry" season of October through May. The County Division of Natural Resources will establish the monitoring constituents prior to development order approval based on the final proposed uses.
- Baseline surface water quality monitoring data completed and provided to the County Division of Natural Resources prior to commencement of construction.
- Water quality monitoring data must be provided to the Division of Natural Resources annually. The data must include a report comparing State surface water quality standards, plots of parameters, and recommendations. Results must be reported as an Electric Data Deliverable (EDD) in a format approved by the Division of Natural Resources.
- Contingency plan in the event of discovery of an exceedance of State Surface Water Quality Standards. The Contingency Plan must include notification to impacted residents and applicable authorities.

i. Groundwater Quality Monitoring Plan. Development order submittals must include a Groundwater Quality Monitoring Plan for review and approval by the County Division of Natural Resources. The Groundwater Quality Monitoring Plan must establish the following:

- Goals and Objectives of the Plan.
- Semi-annual monitoring schedule. The monitoring constituents will be determined by the County Division of Natural Resources prior to development order approval based on final proposed uses.
- Groundwater monitoring wells must be installed prior to commencement of construction, consisting of two monitoring wells upstream and two monitoring wells downstream of the regulated hazardous, toxic substances and sanitary hazard storage area. Monitoring well locations and depth subject to County Division of Natural Resources approval.
- Baseline groundwater quality monitoring data completed and provided to County Division of Natural Resources prior to commencement of construction.
- Groundwater quality monitoring data must be provided to the County Division of Natural Resources annually. The data must include a report comparing State water quality standards, plots of parameters, and recommendations. Groundwater quality monitoring must continue through the life of the Public Supply Well. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.
- Contingency plan in the event of discovery of an exceedance of State Water Quality Standards. The Contingency Plan must include an emergency plan and notification to impacted residents, applicable authorities, and the Director of Lee County Natural Resources.

j. Bonding. Development Order plans must identify proposed uses and the Wellfield Protection Officer will determine if a surety bond, performance bond, letter of credit, or escrow agreement is required to cover the cost to abandon and replace the public supply well in accordance with the facility's Operating Permit, consistent with the Wellfield Protection Ordinance.

8. Masonry Wall/Berm Combination

The following requirements must be satisfied prior to development order approval:

a. Masonry Wall. An opaque eight-foot-high masonry wall or eight-foot-high masonry wall and berm combination must be constructed within 25 feet of the south side of the indigenous preserve in areas where the following is located within 125 feet of the north property line: roads, drives, parking, refuse and recyclable material collection areas, emergency power generators, service areas for delivery of goods or services. The height of the masonry wall or masonry wall/berm combination must be measured from the top of the nearest internal paved surface.

b. Alternative Materials. The wall/berm combination depicted on the MCPs adjacent to areas not specified in Condition 8(a) may optionally utilize an opaque composite or other non-wood wall material. Transitions between materials must maintain the required eight foot height.

c. Length. The wall or wall/berm combination must commence within 15 feet of the Wells Road right-of-way and extend east continuously until within 15 feet of the east property line.

d. Exception. This condition is inapplicable if the abutting property to the north is not utilized for single-family residential uses at time of development order approval.

e. Public Hearing. Modifications to this condition requires public hearing.

9. Project Building and Structure Heights

a. Public Hearing. Development may not exceed building and structure heights specified herein unless approved via the public hearing process.

b. LDC. LDC provisions allowing additional height with increased setbacks are inapplicable to the CPD.

c. Setback from North Property Line. Buildings exceeding two stories must be set back 150 feet from the north property line.

10. High Intensity Uses

a. Convenience Food and Beverage Stores, Fast-Food Restaurants, Car Washes.

i. Except for Deviations 5 and 6, deviations from LDC §34-1353 must be obtained through the public hearing process.

ii. Convenience food and beverage stores and fast-food restaurants must be set back 50 feet from public rights-of-way; this condition also applies to restaurants with drive-through facilities.

b. Display, sale, rental or storage of motor vehicles, boats, recreational vehicles, trailers, mobile homes, or equipment.

i. Deviations from LDC §34-1352 must be obtained through the public hearing process.

ii. Automotive dealerships exceeding 4 acres in size or providing multi-story display or storage of vehicles must obtain approval through the

public hearing process. Automotive repair and service must be located within the southern 400 feet of the property.

iii. Items and areas used for storage areas, display, or offered for sale or rent must be set back a minimum of minimum of 150 feet from the north property line and 50 feet from Wells Road right-of-way.

11. Hotel

Hotel uses are subject to the following conditions:

a. Maximum Units/Conversion. Retail intensity may be converted to a maximum of 125 hotel units at a conversion rate of 1 hotel unit per every 120-square-foot reduction in the 92,750-square-foot commercial allocation. Transfer of commercial square footage to hotel units must be reviewed through the administrative amendment process.

b. Principal Building. The project is limited to one hotel within a principal building. Ancillary and accessory structures may be developed detached from the principal structure.

c. Room Sizes. Room sizes 725 square feet and less are equivalent to one unit. Room sizes exceeding 725 square feet are equivalent to two units.

d. Lock-off Accommodations. Each "keyed room" will be calculated as a separate rental unit.

e. Maximum Height. Maximum permitted height for hotel use is 48 feet. Structures accessory to the hotel are limited to a maximum permitted height of 35 feet. If the principal building exceeds 35 feet in height, then the hotel must be located in the southern 300 feet of the property, measured from the Bayshore Road right-of-way. See general height provision in Condition 9.

f. Setbacks. Buildings must be set back a minimum of 50 feet from Bayshore Road and Wells Road rights-of-way. Hotel uses 35 feet in height or less must be set back a minimum of 150 feet from the north property line.

g. Electric Vehicle (EV) Charging. EV Charging stations may be accessory to the hotel use, subject to development order approval.

12. Vehicular Trip Generation

Notwithstanding land use density/intensity conversions permitted by the LDC or zoning conditions herein, development intensity may not exceed the trip generation rate of 92,750 square feet of commercial retail use calculated utilizing the Institute

of Transportation Engineers (ITE) Trip Generation Manual in effect at time of development order approval.

13. Food Truck Park

Food truck park may be approved through the administrative amendment and development order process. The application submittals must include a conceptual site plan meeting minimum required details for special exception site plans in the LDC. The application must include a project narrative setting forth the intended operation and any other information determined necessary by the Director.

14. Project Signs

a. Wells Road. Ground-mounted signs on Wells Road, located greater than 300 feet from the Bayshore Road edge of pavement, are limited to monument signs and instructional signage not to exceed 8 feet in height.

b. Electronic Changing Message Centers (ECM). ECM signs are restricted to areas within 50 feet of the Bayshore Road right-of-way.

c. Interior Directional Signs. Interior directional signs must comply with the LDC.

15. Wells Road Access

The MCP depicts access to Wells Road in excess of 250 feet from the north property line. The Wells Road access is subject to final design of the anticipated FDOT reconfiguration of Wells Road. If the Wells Road access must be shifted north due to reasons beyond the control of the developer, developer may obtain an administrative amendment to the MCP relocating the access provided the relocated access is no closer than 200 feet from the north property line.

16. State/Federal Permits

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.

DEVIATIONS

1. Excavation Setback. Deviation #1 seeks relief from LDC §10-329, which requires an excavation setback of 50 feet from private property lines under separate ownership, to allow a 30-foot excavation setback from the eastern perimeter.

Hearing Examiner Recommendation: Deviation 1 **approved**, limited to easterly commercially zoned property and the easterly abutting AG-2-zoned parcel fronting Bayshore Road if the AG-2 parcel is not developed with single-family residential uses at time of development order approval.

2. Commercial Parking Lot Interconnections. Deviation #2 seeks relief from LDC §10-610(e), which requires adjacent commercial uses to provide parking lot interconnections for automobile, bicycle, and pedestrian traffic, to allow no interconnection with the abutting CPD approved by Resolution Z-10-036 (Maximus Self-Storage, formerly W & W Service Park).

Hearing Examiner Recommendation: Deviation 2 **approved,** subject to the following conditions:

i. The easterly parking lot interconnection on the MCPs must be made at time of development order approval if the easterly abutting property is zoned and developed commercial.

ii. If the eastern abutting property is zoned for commercial uses but is not developed at time of development order approval, the approved development order plans must depict a parking lot interconnection stub to the property line. Developer must construct the parking lot interconnection prior to receipt of a Certificate of Completion.

iii. If the eastern property is not zoned for commercial uses, developer must construct a 24-foot-wide cross-access easement for future parking lot interconnection. The easement language must be acceptable to the County Attorney's Office, executed and recorded in the Public Records prior to approval of building permits.

3. Deviation #3 is withdrawn.

4. Minimum Lot Frontage. Deviation #4 seeks relief from LDC §34-1353(c)(1), which requires a minimum lot width of 150 feet for fast food restaurants and car washes to allow a 100-foot lot width.

Hearing Examiner Recommendation: Deviation 4 **approved**, subject to Condition 10.

5. Minimum, Lot Area. Deviation #5 seeks relief from LDC §34-1353(c)(3), which requires a minimum lot area of 25,000 square feet for fast food restaurants and car washes to allow a minimum lot area of 15,000 square feet.

Hearing Examiner Recommendation: Deviation 5 **approved**, subject to Condition 10.

6. Landscape Standards – Buffering Adjacent Property. Deviation #6 seeks relief from LDC §10-416(d)(3), which requires a Type "C" or Type "F" Buffer when commercial land uses abut residential land uses, to allow the indigenous preserve to function as a planted buffer along the north property.

Hearing Examiner Recommendation: Deviation 6 **approved**, subject to the following condition:

a. If the preserve does not create a continuous visual screen equivalent to a Type C or F buffer, the first development order plans must include a list of supplemental plantings and a replanting plan, subject to approval by Lee County staff.

7. Street Design - Cul-de-sacs. Deviation #7 seeks relief from LDC §10-296(k), which requires roadways to terminate with a cul-de-sac, to allow no cul-de-sac if an adequate turn-around is provided within the commercial outparcels in conjunction with MCP Alternate A.

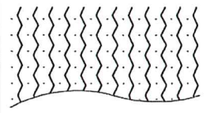
Hearing Examiner Recommendation: Deviation 7 **approved**, subject to the following condition:

a. The development order application must include a letter of no objection from the governing fire district.

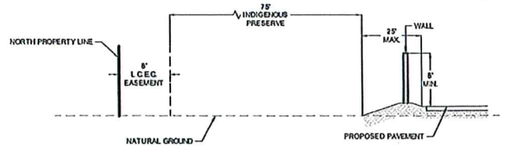
8. Deviation #8 is withdrawn.

Exhibits to Conditions:
B1 Master Concept Plan Alternative A
B2 Master Concept Plan Alternative B
B3 Indigenous Management Plan

SINUOUS LAKE SHORELINE DETAIL



LAKE EDGES WILL BE SINUOUS IN ACCORDANCE WITH LEE COUNTY LAND DEVELOPMENT CODE REGULATIONS



PRESERVE AND WALL/BERM DETAIL

1. MASONRY WALL REQUIRED WHEN ROADS, DRIVES, PARKING AREAS, REFUSE & RECYCLABLE MATERIAL COLLECTION AREAS, EMERGENCY POWER GENERATORS, AND/OR SERVICE AREAS FOR DELIVERY OF GOODS OR SERVICES ARE LOCATED WITHIN 125' OF THE NORTHERN PROPERTY LINE.
2. OPAQUE COMPOSITE OR OTHER NON-WOOD MATERIAL MAY BE USED WHEN NOTE #1 ABOVE IS NOT APPLICABLE.

LAND USE: SINGLE FAMILY RESIDENTIAL
ZONING: AG-2
FLU: GENERAL INTERCHANGE

OPEN SPACE CALCULATION

REQUIRED OPEN SPACE	
8.75 AC X 30% =	2.63 AC
REQUIRED INDIGENOUS	
2.63 AC X 50% =	1.32 AC

PROVIDED OPEN SPACE		PROVIDED INDIGENOUS
PRESERVE	1.06 AC	PRESERVE @ 1.06 AC
LAKE (2.63 X 25%)	0.66 AC	x 125% = 1.33 AC
OTHER	0.91 AC	
TOTAL =	2.63 AC	

NOTES:
IF SUBDIVIDED , EACH PARCEL MUST PROVIDE A MINIMUM OF 10% OPEN SPACE.

APPLYING THE INDIGENOUS INCENTIVE CREDITS ALLOWED BY LDC 10-415(b)(3), A RATE OF 125% IS APPLIED DUE TO THE PRESERVE MINIMUM WIDTH OF 75' AND A MINIMUM AREA OD ONE ACRE.

LAND USE: VACANT
ZONING: AG-2
FLU: GENERAL INTERCHANGE

415' TO NEAREST INTERSECTION

SPECIAL NOTE:
AT THE TIME OF DEVELOPMENT ORDER SUBMITTAL THE FINAL LOCATION OF THIS INTERSECTION SHALL BE COORDINATED WITH ANY DEFINITIVE PLANS OF THE PRITCHETT PKWY REALIGNMENT THAT MAY EXIST AT THAT TIME.

LEGEND

- PARKING & LANDSCAPING PER LDC
- LOADING / SERVICE AREA
- PRESERVE
- LAKE

PROPOSED SIGNS

1. MONUMENT SIGN
2. PYLON SIGN (MAXIMUM 1 SIGN)
3. PYLON SIGN (MAXIMUM 1 SIGN)
4. MONUMENT SIGN

290'-310' INTERSECTION SEPARATION

WELLS ROAD (LOCAL ROAD)

LEE COUNTY
HEARING EXAMINER
2024 JAN -3 PM 4:30

LAND USE: SINGLE FAMILY RESIDENTIAL
ZONING: AG-2
FLU: GENERAL INTERCHANGE

PRESERVE TO SERVE AS LANDSCAPE BUFFER (6)
SUPPLEMENTAL HEDGE PLANTINGS TO BE ADDED AS NEEDED TO CREATE A CONTINUOUS VISUAL SCREEN AS REQUIRED BY LDC 10-416(D)(4)

8' WIDE LEE COUNTY ELECTRIC COOPERATIVE (OR 2322, PG 3947) EXCEPTION 11

INDIGENOUS PRESERVE = 1.06 AC
(0.51 AC @ 411E1 AND 0.55 AC @ 420E2)

TYPE "D" BUFFER

BUILDING A
(2 STORY MAX)

8' HIGH WALL/BERM COMBINATION

LAKE

20' L.M.E.

75'

(2) (1) 30' EXCAVATION SETBACK
(DEVIATION #1)

LAND USE: VACANT
ZONING: CPD
FLU: GENERAL INTERCHANGE & SUB-OUTLYING SUBURBAN

(4) 1 STORY BLDG. B1

BUILDING B2
(2 STORY)

BUILDING B3
(1 STORY)

BUILDING C
HOTEL: 4 STORY MAX
OTHER USES: 2 STORY MAX

400' SETBACK

TYPE "A" BUFFER

LAND USE: VACANT
ZONING: AG-2
FLU: GENERAL INTERCHANGE & SUB-OUTLYING SUBURBAN

LAND USE: VACANT
ZONING: CPD
FLU: SUB-OUTLYING SUBURBAN

CONNECTION TO EASTERLY ABUTTING PROPERTY (AT DEVELOPMENT ORDER)
1. IF ZONED AND DEVELOPED COMMERCIAL - PROVIDE CONNECTION
2. IF ZONED COMMERCIAL BUT NOT DEVELOPED - PROVIDE PARKING LOT INTERCONNECTION
3. IF NOT ZONED COMMERCIAL - PROVIDE A 24' CROSS-ACCESS EASEMENT

(2) (1) (4) (3)

TYPE "D" BUFFER

12' WIDE UTILITY EASEMENT (INSTRUMENT # 2006000351124) EXCEPTION 12

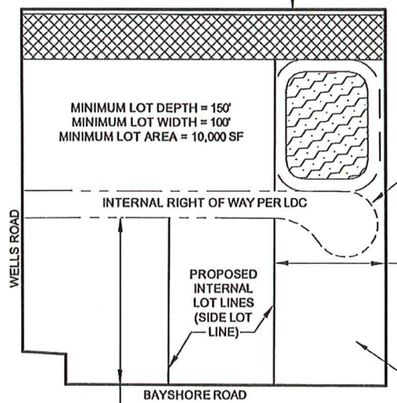
548' INTERSECTION SEPARATION (8)

233' INTERSECTION SEPARATION

BAYSHORE RD
(2-LANE ARTERIAL)

EAST LAKE DR

SUBDIVISION DETAIL



(7) CUL DE SAC NOT REQUIRED IF SPRINKLER SYSTEMS ARE INSTALLED IN THE COMMERCIAL BUILDINGS AND A TURN AROUND IS PROVIDED IN THE EASTERN MOST LOT. FINAL DESIGN MUST BE APPROVED BY THE LOCAL FIRE DEPARTMENT DURING DEVELOPMENT ORDER PERMITTING.

150' MINIMUM LOT WIDTH FOR CONVENIENCE FOOD AND BEVERAGE STORE. 100' MINIMUM LOT WIDTH FOR ALL OTHER USES.

15,000 SF MINIMUM LOT AREA FOR FAST FOOD AND STANDALONE CAR WASH. 25,000 SF MINIMUM LOT AREA FOR CONVENIENCE FOOD AND BEVERAGE STORE. 10,000 SF MINIMUM LOT AREA FOR ALL OTHER USES.

TYPE D BUFFER (TYPICAL FOR MOST USES) (3)
25' WIDE BUFFER WITH FAST FOOD, RESTAURANTS, CAR WASHES, CONVENIENCE FOOD & BEVERAGE STORES & AUTOMOBILE SERVICE STATIONS CONSISTING OF:

1. THE REQUIRED NUMBER OF TREES IS 5 CANOPY TREES PER 100 LINEAR FEET. THREE SABAL PALM TREES MAY BE CLUSTERED TO MEET ONE CANOPY TREE REQUIREMENT. PALMS ARE LIMITED TO A MAXIMUM OF 50 PERCENT OF THE RIGHT-OF-WAY TREE REQUIREMENT. PALMS MUST BE CLUSTERED AND PLANTED IN STAGGERED HEIGHTS, A MINIMUM OF THREE PALMS PER CLUSTER, SPACED AT A MAXIMUM OF 4 FEET ON CENTER, WITH A MINIMUM OF A FOUR FOOT DIFFERENCE IN HEIGHT BETWEEN EACH TREE.
2. ALL OF THE TREES MUST BE A MINIMUM OF 14 FEET IN HEIGHT AT THE TIME OF INSTALLATION. TREES MUST HAVE A MINIMUM OF A THREE AND ONE-HALF INCH CALIPER AT 12 INCHES ABOVE THE GROUND AND A SIX-FOOT SPREAD. AT INSTALLATION, SHRUBS MUST BE A MINIMUM OF THREE GALLON, 24 INCHES IN HEIGHT AT TIME OF PLANTING AND MAINTAINED AT A MINIMUM OF 36 INCHES IN HEIGHT WITHIN ONE YEAR OF PLANTING. THE SHRUBS MUST BE PLANTED THREE FEET ON CENTER.

LAND USE: VACANT
ZONING: EC
FLU: CONSERVATION LANDS UPLAND

PELICAN WAY (UNIMPROVED RIGHT OF WAY)

LAND USE: VACANT
ZONING: C-1A
FLU: SUB-OUTLYING SUBURBAN

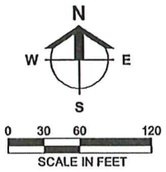


EXHIBIT B-1

Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING
www.barraco.net
2271 McGREGOR BLVD., SUITE 100
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

LIGHT BAYSHORE VILLAGE LLC & REESERETLAND BAYSHORE VILLAGE LLC

PROJECT DESCRIPTION

BAYSHORE VILLAGE

LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND INTENDED FOR CONCEPTUAL PLANNING PURPOSES ONLY.

SITE LAYOUT AND LAND USE INTENSITIES OR DENSITIES MAY CHANGE SIGNIFICANTLY BASED UPON SURVEY, ENGINEERING, ENVIRONMENTAL AND / OR REGULATORY CONSTRAINTS AND / OR OPPORTUNITIES.

FILE NAME	24066Z02-A.DWG
LOCATION	J:\24066\DWG\ZONING\
PLOT DATE	TUE. 1-2-2024 - 2.16 PM
PLOT BY	ALYSSA FONTAINE

CROSS REFERENCED DRAWINGS

BASE PLAN = 24066Z00-A.DWG

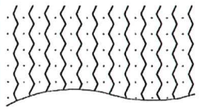
PLAN REVISIONS	
1-25-23	1ST SUFFICIENCY RESPONSE
2-17-23	2ND SUFFICIENCY RESPONSE
3-14-23	DEVIATION #6
6-12-23	WELLS RD @ INTENSIVE CRITERIA
7-7-23	ADD DEVIATION #8
9-27-23	AUGUST/SEPTEMBER SUFFICIENCY
12-8-23	48-HOUR REVISIONS
12-29-23	ADD WALL CROSS SECTION & NOTES

PLAN STATUS

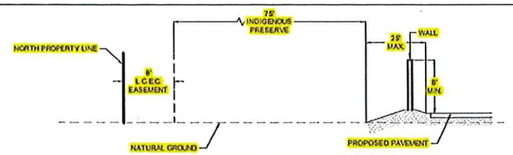
MASTER CONCEPT PLAN ALT A

PROJECT / FILE NO.	SHEET NUMBER
24066	1

SINUOUS LAKE SHORELINE DETAIL



LAKE EDGES WILL BE SINUOUS IN ACCORDANCE WITH LEE COUNTY LAND DEVELOPMENT CODE REGULATIONS



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LAND USE: SINGLE FAMILY RESIDENTIAL
ZONING: AG-2
FLU: GENERAL INTERCHANGE

LAND USE: VACANT
ZONING: AG-2
FLU: GENERAL INTERCHANGE

415' TO NEAREST INTERSECTION

OPEN SPACE CALCULATION

REQUIRED OPEN SPACE	
8.75 AC X 30% =	2.63 AC
REQUIRED INDIGENOUS	
2.63 AC X 50% =	1.32 AC

PROVIDED OPEN SPACE		PROVIDED INDIGENOUS
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LEGEND

- PARKING & LANDSCAPING PER LDC
- LOADING / SERVICE AREA
- PRESERVE
- LAKE

PROPOSED SIGNS

1. MONUMENT SIGN
2. 3. PYLON SIGN (MAXIMUM 1 SIGN)
4. MONUMENT SIGN

LAND USE: SINGLE FAMILY RESIDENTIAL
ZONING: AG-2
FLU: GENERAL INTERCHANGE

8' WIDE LEE COUNTY ELECTRIC COOPERATIVE (OR 2322, PG 3947) EXCEPTION 11

PRESERVE TO SERVE AS LANDSCAPE BUFFER SUPPLEMENTAL HEDGE PLANTINGS TO BE ADDED AS NEEDED TO CREATE A CONTINUOUS VISUAL SCREEN AS REQUIRED BY LDC 10-416(D)(4) (6)

INDIGENOUS PRESERVE = 1.06 AC.
(0.51 AC @ 411E1 AND 0.55 AC @ 420E2)

75'

TYPE "D" BUFFER

BUILDING A
(2 STORY MAX)

8' HIGH WALL/BERM COMBINATION

LAKE

20' L.M.E.

(2) (1) 30' EXCAVATION SETBACK (DEVIATION #1)

LAND USE: VACANT
ZONING: CPD
FLU: GENERAL INTERCHANGE & SUB-OUTLYING SUBURBAN

LAND USE: VACANT
ZONING: AG-2
FLU: GENERAL INTERCHANGE & SUB-OUTLYING SUBURBAN

LAND USE: VACANT
ZONING: CPD
FLU: SUB-OUTLYING SUBURBAN

290'-310' INTERSECTION SEPARATION

WELLS ROAD (LOCAL ROAD)

(4) 1 STORY BLDG. B1

BUILDING B2
(2 STORY)

(1) BUILDING B3
(1 STORY)

400' SETBACK

BUILDING C
HOTEL: 4 STORY MAX
OTHER USES: 2 STORY MAX

TYPE "A" BUFFER

CONNECTION TO EASTERLY ABUTTING PROPERTY (AT DEVELOPMENT ORDER)
1. IF ZONED AND DEVELOPED COMMERCIAL - PROVIDE CONNECTION
2. IF ZONED COMMERCIAL BUT NOT DEVELOPED - PROVIDE PARKING LOT INTERCONNECTION
3. IF NOT ZONED COMMERCIAL - PROVIDE A 24' CROSS-ACCESS EASEMENT

(2) TYPE "D" BUFFER

(3)

12' WIDE UTILITY EASEMENT (INSTRUMENT # 2006000351124) EXCEPTION 12

(4)

548' INTERSECTION SEPARATION (8)

233' INTERSECTION SEPARATION

BAYSHORE RD (2-LANE ARTERIAL)

TYPE D BUFFER (TYPICAL FOR MOST USES) (3)
25' WIDE BUFFER WITH FAST FOOD, RESTAURANTS, CAR WASHES, CONVENIENCE FOOD & BEVERAGE STORES & AUTOMOBILE SERVICE STATIONS CONSISTING OF:

1. THE REQUIRED NUMBER OF TREES IS 5 CANOPY TREES PER 100 LINEAR FEET. THREE SABAL PALM TREES MAY BE CLUSTERED TO MEET ONE CANOPY TREE REQUIREMENT. PALMS ARE LIMITED TO A MAXIMUM OF 50 PERCENT OF THE RIGHT-OF-WAY TREE REQUIREMENT. PALMS MUST BE CLUSTERED AND PLANTED IN STAGGERED HEIGHTS, A MINIMUM OF THREE PALMS PER CLUSTER, SPACED AT A MAXIMUM OF 4 FEET ON CENTER, WITH A MINIMUM OF A FOUR FOOT DIFFERENCE IN HEIGHT BETWEEN EACH TREE.
2. ALL OF THE TREES MUST BE A MINIMUM OF 14 FEET IN HEIGHT AT THE TIME OF INSTALLATION. TREES MUST HAVE A MINIMUM OF A THREE AND ONE-HALF INCH CALIPER AT 12 INCHES ABOVE THE GROUND AND A SIX-FOOT SPREAD. AT INSTALLATION, SHRUBS MUST BE A MINIMUM OF THREE GALLON, 24 INCHES IN HEIGHT AT TIME OF PLANTING AND MAINTAINED AT A MINIMUM OF 36 INCHES IN HEIGHT WITHIN ONE YEAR OF PLANTING. THE SHRUBS MUST BE PLANTED THREE FEET ON CENTER.

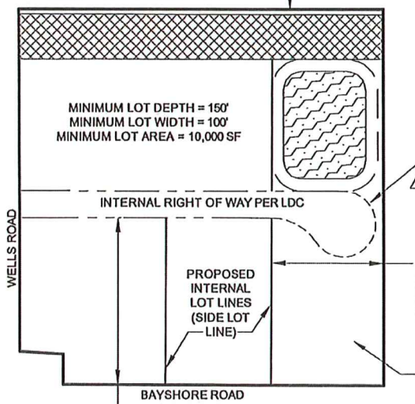
LAND USE: VACANT
ZONING: EC
FLU: CONSERVATION LANDS UPLAND

PELICAN WAY (UNIMPROVED RIGHT OF WAY)

LAND USE: VACANT
ZONING: C-1A
FLU: SUB-OUTLYING SUBURBAN

EAST LAKE DR

SUBDIVISION DETAIL

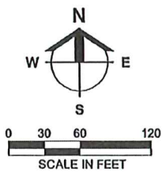


(7) CUL DE SAC NOT REQUIRED IF SPRINKLER SYSTEMS ARE INSTALLED IN THE COMMERCIAL BUILDINGS AND A TURN AROUND IS PROVIDED IN THE EASTERN MOST LOT. FINAL DESIGN MUST BE APPROVED BY THE LOCAL FIRE DEPARTMENT DURING DEVELOPMENT ORDER PERMITTING.

150' MINIMUM LOT WIDTH FOR CONVENIENCE FOOD AND BEVERAGE STORE. 100' MINIMUM LOT WIDTH FOR ALL OTHER USES.

15,000 SF MINIMUM LOT AREA FOR FAST FOOD AND STANDALONE CAR WASH. 25,000 SF MINIMUM LOT AREA FOR CONVENIENCE FOOD AND BEVERAGE STORE. 10,000 SF MINIMUM LOT AREA FOR ALL OTHER USES.

150' MINIMUM LOT DEPTH FOR FAST FOOD, STANDALONE CAR WASH, AND CONVENIENCE FOOD AND BEVERAGE STORE. 100' MINIMUM LOT DEPTH FOR ALL OTHER USES.



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FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

LIGHT BAYSHORE VILLAGE LLC & REESERETLAND BAYSHORE VILLAGE LLC

PROJECT DESCRIPTION

BAYSHORE VILLAGE

LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND INTENDED FOR CONCEPTUAL PLANNING PURPOSES ONLY.

SITE LAYOUT AND LAND USE INTENSITIES OR DENSITIES MAY CHANGE SIGNIFICANTLY BASED UPON SURVEY, ENGINEERING, ENVIRONMENTAL AND / OR REGULATORY CONSTRAINTS AND / OR OPPORTUNITIES.

FILE NAME	24066Z02-A.DWG
LOCATION	J:\24066\DWG\ZONING\
PLOT DATE	TUE. 1-2-2024 - 2:16 PM
PLOT BY	ALYSSA FONTAINE

CROSS REFERENCED DRAWINGS

BASE PLAN = 24066Z00-A.DWG

PLAN REVISIONS	
1-25-23	1ST SUFFICIENCY RESPONSE
2-17-23	2ND SUFFICIENCY RESPONSE
3-14-23	DEVIATION #8
6-12-23	WELLS RD @ INTENSIVE CRITERIA
7-7-23	ADD DEVIATION #8
9-27-23	AUGUST/SEPTEMBER SUFFICIENCY
12-8-23	48-HOUR REVISIONS
12-29-23	ADD WALL CROSS SECTION & NOTES

PLAN STATUS

MASTER CONCEPT PLAN ALT A

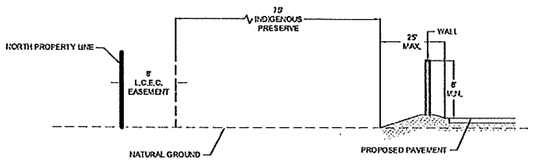
PROJECT / FILE NO.	SHEET NUMBER
24066	1

OPEN SPACE CALCULATION

REQUIRED OPEN SPACE	
8.75 AC X 30% =	2.63 AC
REQUIRED INDIGENOUS	
2.63 AC X 50% =	1.32 AC

PROVIDED OPEN SPACE		PROVIDED INDIGENOUS
PRESERVE	1.06 AC	PRESERVE @ 1.06 AC
LAKE (2.63 X 25%)	0.66 AC	x 125% = 1.33 AC
OTHER	0.91 AC	
TOTAL =	2.63 AC	

NOTES: APPLYING THE INDIGENOUS INCENTIVE CREDITS ALLOWED BY LDC 10-415(b)(3), A RATE OF 125% IS APPLIED DUE TO THE PRESERVE MINIMUM WIDTH OF 75' AND A MINIMUM AREA OD ONE ACRE.



PRESERVE AND WALL/BERM DETAIL

1. MASONRY WALL REQUIRED WHEN ROADS, DRIVES, PARKING AREAS, REFUSE & RECYCLABLE MATERIAL COLLECTION AREAS, EMERGENCY POWER GENERATORS, AND/OR SERVICE AREAS FOR DELIVERY OF GOODS OR SERVICES ARE LOCATED WITHIN 125' OF THE NORTHERN PROPERTY LINE.
2. OPAQUE COMPOSITE OR OTHER NON-WOOD MATERIAL MAY BE USED WHEN NOTE #1 ABOVE IS NOT APPLICABLE.

SPECIAL NOTE:
AT THE TIME OF DEVELOPMENT ORDER SUBMITTAL THE FINAL LOCATION OF THIS INTERSECTION SHALL BE COORDINATED WITH ANY DEFINITIVE PLANS OF THE PRITCHETT PKWY REALIGNMENT THAT MAY EXIST AT THAT TIME.

PROPOSED SIGNS

① MONUMENT SIGN
②③ PYLON SIGN (MAXIMUM 1 SIGN)
④ MONUMENT SIGN

LAND USE: SINGLE FAMILY RESIDENTIAL
ZONING: AG-2
FLU: GENERAL INTERCHANGE

LAND USE: VACANT
ZONING: AG-2
FLU: GENERAL INTERCHANGE

425' TO NEAREST INTERSECTION

290'-310' INTERSECTION SEPARATION

WELLS ROAD (LOCAL ROAD)

BAYSHORE RD
(2-LANE ARTERIAL)

LAND USE: SINGLE FAMILY RESIDENTIAL
ZONING: AG-2
FLU: GENERAL INTERCHANGE

PRESERVE TO SERVE AS LANDSCAPE BUFFER SUPPLEMENTAL HEDGE PLANTINGS TO BE ADDED AS NEEDED TO CREATE A CONTINUOUS VISUAL SCREEN AS REQUIRED BY LDC 10-416(D)(4) (6)

8' WIDE LEE COUNTY ELECTRIC COOPERATIVE (OR 2322, PG 3947) EXCEPTION 11

INDIGENOUS PRESERVE = 1.06 AC
(0.51 AC @ 411E1 AND 0.55 AC @ 420E2)

75'

8' HIGH WALL/BERM COMBINATION

DETENTION

DETENTION

BUILDING A
(2 STORY MAX)

TYPE "D" BUFFER ④

TYPE "D" BUFFER ①

TYPE "D" BUFFER ②

TYPE "D" BUFFER ③ (5)

TYPE "A" BUFFER ②

548' INTERSECTION SEPARATION (8)

233' INTERSECTION SEPARATION

LAND USE: VACANT
ZONING: CPD
FLU: GENERAL INTERCHANGE & SUB-OUTLYING SUBURBAN

LAND USE: VACANT
ZONING: AG-2
FLU: GENERAL INTERCHANGE & SUB-OUTLYING SUBURBAN

LAND USE: VACANT
ZONING: CPD
FLU: SUB-OUTLYING SUBURBAN

CONNECTION TO EASTERLY ABUTTING PROPERTY (AT DEVELOPMENT ORDER)
1. IF ZONED AND DEVELOPED COMMERCIAL - PROVIDE CONNECTION
2. IF ZONED COMMERCIAL BUT NOT DEVELOPED - PROVIDE PARKING LOT INTERCONNECTION
3. IF NOT ZONED COMMERCIAL - PROVIDE A 24' CROSS-ACCESS EASEMENT

12' WIDE UTILITY EASEMENT (INSTRUMENT # 2006000351124) EXCEPTION 12

N
W E
S
0 30 60 120
SCALE IN FEET

LEGEND

PARKING & LANDSCAPING PER LDC
LOADING / SERVICE AREA
PRESERVE
LAKE

LAND USE: VACANT
ZONING: EC
FLU: CONSERVATION LANDS UPLAND

PELICAN WAY
(UNIMPROVED RIGHT OF WAY)

LAND USE: VACANT
ZONING: C-1A
FLU: SUB-OUTLYING SUBURBAN

EAST LAKE DR

EXHIBIT B2

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ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

LIGHT BAYSHORE VILLAGE LLC & REESERETLAND BAYSHORE VILLAGE LLC

PROJECT DESCRIPTION

BAYSHORE VILLAGE

LEE COUNTY, FLORIDA

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FILE NAME	24066Z02-B.DWG
LOCATION	J:\24066\DWG\ZONING\
PLOT DATE	TUE, 1-2-2024 - 2:17 PM
PLOT BY	ALYSSA FONTAINE

CROSS REFERENCED DRAWINGS

BASE PLAN = 24066Z00-B.DWG

PLAN REVISIONS	
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2-17-23	2ND SUFFICIENCY RESPONSE
3-14-23	DEVIATION #6
6-12-23	WELLS RD @ INTENSIVE CRITERIA
7-7-23	ADD DEVIATION #8
9-27-23	AUGUST/SEPTEMBER SUFFICIENCY
12-8-23	48-HOUR REVISIONS
12-29-23	ADD WALL CROSS SECTION & NOTES

PLAN STATUS

MASTER CONCEPT PLAN ALT B

PROJECT / FILE NO.	SHEET NUMBER
24066	1

OPEN SPACE CALCULATION

REQUIRED OPEN SPACE	
8.75 AC X 30% =	2.63 AC
REQUIRED INDIGENOUS	
2.63 AC X 50% =	1.32 AC

PROVIDED OPEN SPACE		PROVIDED INDIGENOUS
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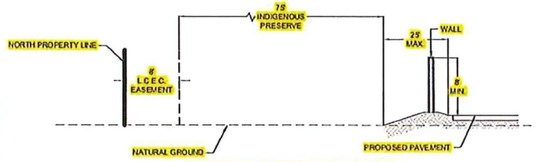
LAKE (2.63 X 25%)	0.66 AC	x 125% = 1.33 AC
OTHER	0.91 AC	
TOTAL =	2.63 AC	

NOTES: APPLYING THE INDIGENOUS INCENTIVE CREDITS ALLOWED BY LDC 10-415(b)(3), A RATE OF 125% IS APPLIED DUE TO THE PRESERVE MINIMUM WIDTH OF 75' AND A MINIMUM AREA OD ONE ACRE.



PRESERVE AND WALL/BERM DETAIL

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PROPOSED SIGNS

① MONUMENT SIGN
②③ PYLON SIGN (MAXIMUM 1 SIGN)
④ MONUMENT SIGN

LAND USE: SINGLE FAMILY RESIDENTIAL
ZONING: AG-2
FLU: GENERAL INTERCHANGE

LAND USE: VACANT
ZONING: AG-2
FLU: GENERAL INTERCHANGE

425' TO NEAREST INTERSECTION

290'-310' INTERSECTION SEPARATION

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PRESERVE TO SERVE AS LANDSCAPE BUFFER SUPPLEMENTAL HEDGE PLANTINGS TO BE ADDED AS NEEDED TO CREATE A CONTINUOUS VISUAL SCREEN AS REQUIRED BY LDC 10-416(D)(4) (6)

8' WIDE LEE COUNTY ELECTRIC COOPERATIVE (OR 2322, PG 3947) EXCEPTION 11

INDIGENOUS PRESERVE = 1.06 AC
(0.51 AC @ 411E1 AND 0.55 AC @ 420E2)

75'

8' HIGH WALL/BERM COMBINATION

DETENTION

DETENTION

WELLS ROAD (LOCAL ROAD)

TYPE "D" BUFFER

BUILDING A
(2 STORY MAX)

TYPE "A" BUFFER

LAND USE: VACANT
ZONING: CPD
FLU: GENERAL INTERCHANGE & SUB-OUTLYING SUBURBAN

LAND USE: VACANT
ZONING: AG-2
FLU: GENERAL INTERCHANGE & SUB-OUTLYING SUBURBAN

LAND USE: VACANT
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12' WIDE UTILITY EASEMENT (INSTRUMENT # 2006000351124) EXCEPTION 12

TYPE "D" BUFFER

548' INTERSECTION SEPARATION (6)

233' INTERSECTION SEPARATION

BAYSHORE RD
(2-LANE ARTERIAL)

N
W E
S

0 30 60 120
SCALE IN FEET

LEGEND

- PARKING & LANDSCAPING PER LDC
- LOADING / SERVICE AREA
- PRESERVE
- LAKE

LAND USE: VACANT
ZONING: EC
FLU: CONSERVATION LANDS
UPLAND

PELICAN WAY
(UNIMPROVED RIGHT OF WAY)

LAND USE: VACANT
ZONING: C-1A
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EAST LAKE DR

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PREPARED FOR

LIGHT BAYSHORE VILLAGE LLC & REESERETLAND BAYSHORE VILLAGE LLC

PROJECT DESCRIPTION

BAYSHORE VILLAGE

LEE COUNTY, FLORIDA

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FILE NAME	24066Z02-B.DWG
LOCATION	J:\24066\DWG\ZONING\
PLOT DATE	TUE, 1-2-2024 - 2:17 PM
PLOT BY	ALYSSA FONTAINE

CROSS REFERENCED DRAWINGS

BASEPLAN = 24066Z00-B.DWG

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12-29-23	ADD WALL CROSS SECTION & NOTES

PLAN STATUS

MASTER CONCEPT PLAN ALT B

PROJECT / FILE NO.	SHEET NUMBER
24066	1

BAYSHORE VILLAGE

PRESERVE MANAGEMENT PLAN

Lee County STRAP #: 22-43-25-00-00023.0000

January 2023
Updated April 2023

Prepared For:

OB4, LLC – Randy Thibaut
c/o: Land Solutions – Rhonda Brewer
6810 International Center Boulevard
Fort Myers, FL 33912
Phone: 239-489-4066
Email: rbrewer@lsicompanies.com

Prepared By:

BearPaws Environmental Consulting
1599 Covington Circle East
Phone: (239) 340-0678
Email: BearPaws.Env.Consulting@GMail.com

EXHIBIT B3

INTRODUCTION

The 9.25± acre Bayshore Village project site is located in Section 22, Township 43S, and Range 25, of Lee County, Florida. More specifically, the site is located at 17300 Wells Road, north of Bayshore Road (SR 78), and west of Nalle Road, in North Fort Myers, Florida. Please see the attached Project Location Map (Exhibit A).

PROPERTY DESCRIPTION

The property is composed mainly of pine flatwoods with upland hardwood forest. The upland preserve is located in the northernmost portion of the site and will encompass 1.06± acres of pine flatwoods and mixed upland forest. The goal of this preserve management plan is to improve the condition of the uplands and provide a natural preserve area for the flora and fauna on the property. The on-site preserve area provides habitat for nesting and create foraging areas for all kinds of wildlife species.

MITIGATION & MAINTENANCE PLAN

The purpose of this preserve management plan is to improve the condition of the preserve area, ensure that preserve area is maintained exotic free and nuisance plants are controlled to healthy levels thru a scheduled maintenance program, and provide a natural preserve area for the flora and fauna on the property. The on-site preserve area provides habitat for nesting and create foraging areas for all kinds of wildlife species. On-site enhancement activities will be conducted concurrently with the on-site construction activities.

The preserve areas will correspond to the preserve habitat depicted on the master site plan. The preserve areas have been previous placed under a conservation easement and maintained in perpetuity, by the owner or their successor. Exotic plants will be killed in a manner consistent with current exotic removal practices while ensuring that neighboring plants are left unharmed and the soil left as undisturbed as possible. It is recommended that any use of herbicides be applied by a licensed herbicide applicator, utilizing approved methods, and best management practices. All exotics will be physically removed from the proposed preserves; no stacking, tee-peeing, log cabin, or girdling methods will be utilized, unless otherwise approved by County staff.

On-site enhancement activities will be conducted concurrently with the on-site construction activities. These enhancement activities will include the hand removal of exotic and nuisance vegetation from the upland and wetland preserve areas. The exotics to be eradicated include, but are not limited to, melaleuca (*Melaleuca quinquenervia*), and Brazilian pepper (*Schinus terebinthifoloius*). This program is incorporated into a two phase process; the initial exotic removal and the subsequent annual maintenance.

The proposed mitigation areas will be enhanced through the removal of exotic species, monitored, and maintained on a regular schedule for five years. After this time, perpetual management will include continued removal of exotic species. The goal of the maintenance effort is to achieve less than five (5) percent cover of exotics immediately following any maintenance and that the total exotic and nuisance species constitute no more than five (5) percent of total cover between maintenance activities. The purpose and intent of this plan is to ensure that the preserve areas are maintained free of exotic plants in perpetuity. This is achieved by establishing a scheduled program to maintain the site free of exotic plants (as defined by the latest exotic plant list published by the Florida Exotic Pest Plant Council) immediately after maintenance and at other times the exotic and nuisance species constitute no more than 5 percent of total cover.

DEBRIS REMOVAL

Debris and garbage in the preserve area will be removed as needed within the preserve area. No large debris is currently located within the preserve area. Any garbage found will be removed from the preserve and disposed of in the proper receptacles.

MITIGATION SUCCESS CRITERIA

Monitoring of the preserve area shall be conducted for a minimum of five years with annual reports submitted to the County. If native upland species does not achieve an 80% native coverage within the initial two years of the monitoring, native species shall be planted in accordance with the maintenance program. At end of the monitoring program the entire preserve area shall contain 80% coverage of desirable native species.

All mitigation areas will consist of no more than five percent cover by exotic and/or nuisance species at all times. Exotic and nuisance vegetation species are identified as those exotic species listed as CAT I and CAT II by the Florida Exotic Pest Plant Council (FEPPC). The preserve areas will be managed such that exotic/nuisance plant species do not dominate any one section of areas within the preserves. This is also applicable to native vegetation to ensure diversity within the upland habitats. Perpetual maintenance of the preserve areas is recommended to ensure coverage by native desirable vegetation is maintained as specified in the permit.

MONITORING

Monitoring Methodology

The proposed monitoring of the preserve area will begin concurrently with construction and will consist of baseline, time-zero, and annual monitoring of vegetation, wildlife, and rainfall. The baseline monitoring report will document conditions in the project site as they currently exist. The time-zero report will document the conditions immediately following completion of mitigation activities. The annual reports will document the extent of success of the project and, if needed, identify specific actions to be taken to improve the conditions within the project area. Sampling transects and methodology for the baseline, time-zero, and annual reports will utilize identical methods of data collection from identical sampling stations. The location of the proposed sampling stations will be taken along the edge of the preserve areas, immediately adjacent to the upland buffer area. A monitoring map is included as Exhibit B.

Vegetation Monitoring

Upland vegetation will be monitored prior to and following enhancement and restoration activities. Sampling in preserve area will involve canopy, sub-canopy, and ground cover species established within the preserve area. Species richness and a visual estimate of percent cover will be calculated for canopy and sub-canopy stratum. The approximate locations of the sampling point locations will be shown on the monitoring map.

Sampling point locations will be established in several locations within the preserve area. During each monitoring event, these areas will be walked and any exotic vegetation observed will be noted within the report. Vegetation will be sampled in each of the areas from where the monitoring photographs were taken; this vegetative sampling includes canopy, sub-canopy, and herbaceous strata.

Wildlife Monitoring
Regular observations of wildlife will be made during the monitoring event by qualified ecologists. Observations will consist of recording evidence and signs of wildlife (i.e., direct sightings, vocalizations, burrows, nests, tracks, droppings, etc.).

Photographic Documentation
Permanent fixed-point photograph stations will be established in the preserve area providing physical documentation of the condition and appearance of an area, as well as any changes taking place within it. Monitoring photographs will accompany vegetation data in each report. Locations of photograph stations will remain the same throughout the duration of the monitoring program.

Rainfall and Hydrological Monitoring
Rainfall readings will also be recorded from an official rain gauge at a near-by location. These readings will be included in all future monitoring reports. Preserve water level data obtained concurrently with each monitoring even and will be included in their respective annual mitigation monitoring reports.

MONITORING REPORTS

Concurrently with construction, the permittee will submit annual monitoring reports to the County documenting the success of the mitigation program and general condition of the preserve area. Within 60 days of permit issuance or modification, the baseline monitoring for the preserve area will be submitted to the County. The time-zero monitoring report will be submitted within 60 days of completion of enhancement activities. Annual monitoring reports will include the following information:

- Brief description of mitigation and maintenance work performed since the previous report along with a discussion of any modifications to the mitigation or maintenance program.
- Brief description of anticipated mitigation and maintenance work to be conducted over the next year.
- Results of quantitative vegetation monitoring conducted in the preserve area.
- A list of observed wildlife species.
- Monitoring photographs taken at photograph stations within the preserve area.
- Hydrologic data and available local rainfall data.

MAINTENANCE AND LONG-TERM MANAGEMENT

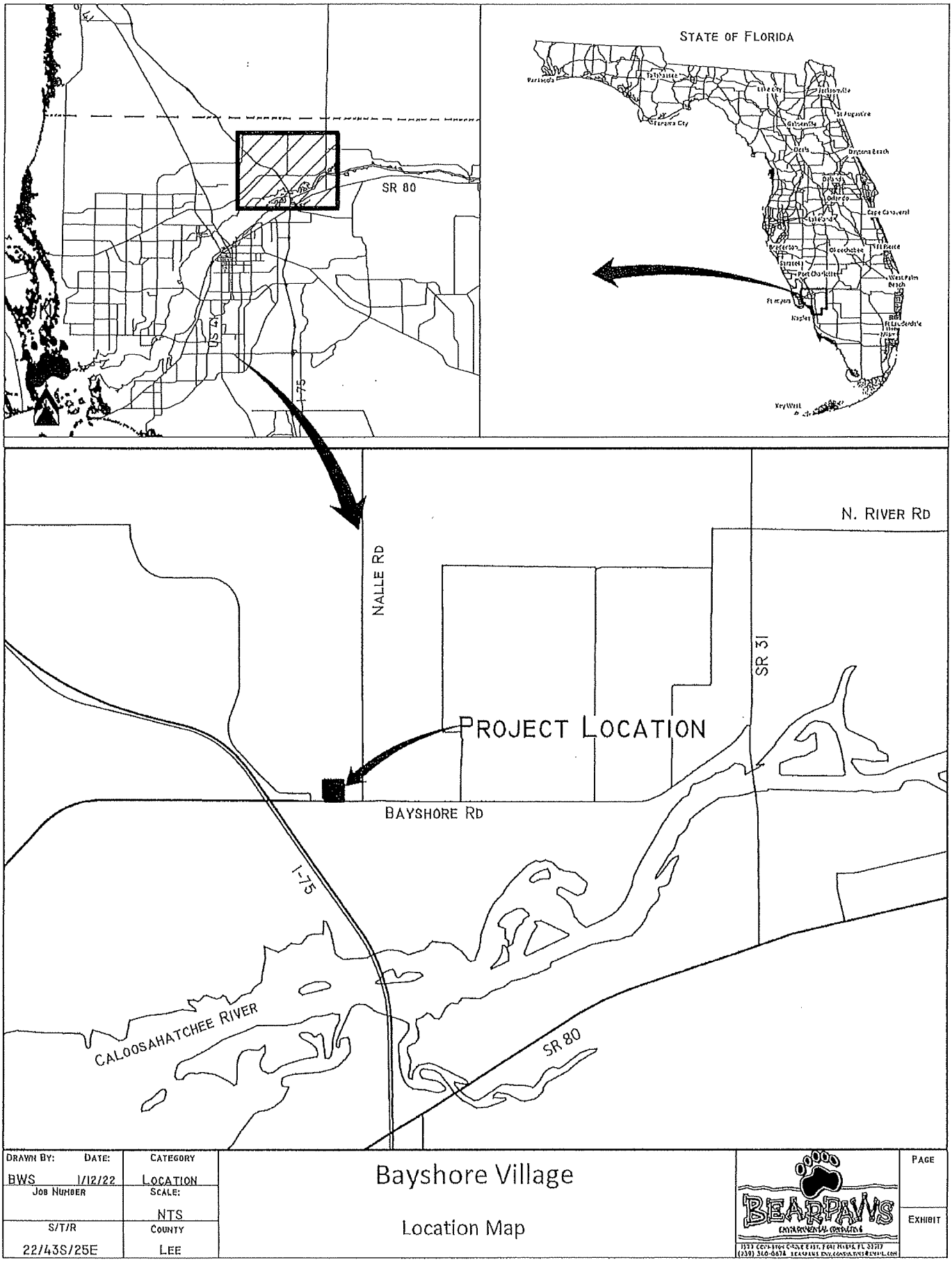
Following the completion of the initial exotic removal effort upon the commencement of construction, annual inspections of the mitigation area will occur for the first five (5) years. During these inspections, the mitigation area will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an appropriate herbicide. Any additional potential problems will also be noted and corrective actions taken. Once exotic/nuisance species levels have been reduced to acceptable limits (i.e., less than five percent cover), inspections of the preserve area will be conducted annually.

Maintenance will be conducted in perpetuity to ensure that the preserve area are free of exotic vegetation (as currently defined by the EPPC) immediately following maintenance and that exotic and nuisance species will constitute no more than five percent of total combined cover. A mitigation and monitoring work schedule will be prepared, submitted, and approved by the County, prior to issuance of the vegetation removal permit.

Exhibit A

Project Location Map

DCI2022-00032 Lee County ePlan



DRAWN BY:	DATE:	CATEGORY
BWS	1/12/22	LOCATION
JOB NUMBER		SCALE: NTS
S/T/R		COUNTY
22/43S/25E		LEE

Bayshore Village

Location Map

BEARPAWS ENVIRONMENTAL CONSULTING

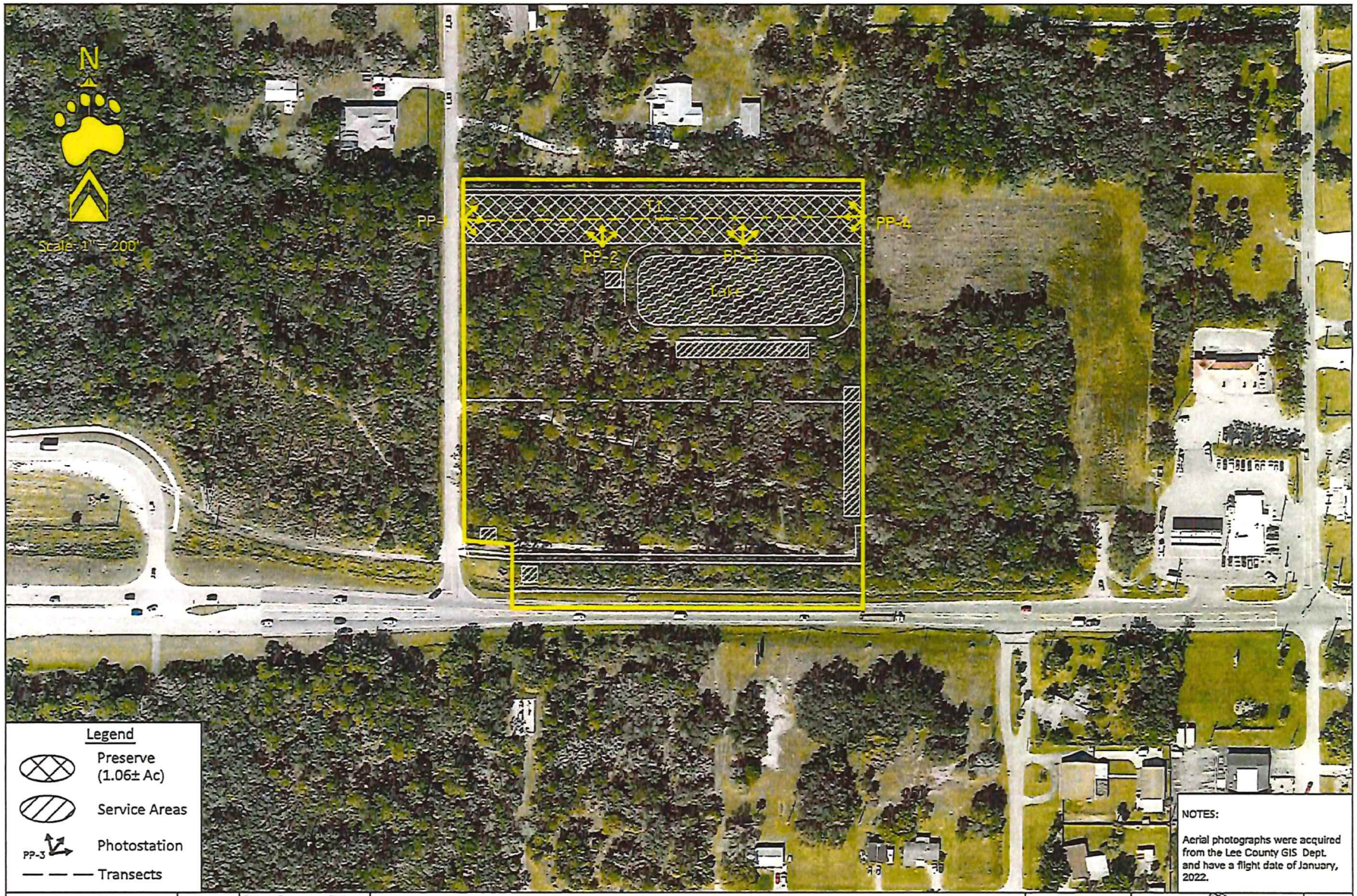
1933 COLONIAL CIRCLE EAST, FORT MYERS, FL 33917
(239) 360-0678 BEARPAWS.ENV.CONSULTING@GMAIL.COM

PAGE

EXHIBIT

Exhibit B

Preserve Monitoring Map



NOTES:

Aerial photographs were acquired from the Lee County GIS Dept. and have a flight date of January, 2022.

Revisions	Date:

Drawn By:	Date:
BWS	1/12/22
Job Number	
S/T/R	
22/43S/25E	

Bayshore Village

Indigenous Preserve Mitigation/Monitoring Map

Category	Aerial
Scale:	1" = 200'
County	Lee

BEARPAWS ENVIRONMENTAL CONSULTING
15197 Cuvington Circle East, Fort Myers, FL 33919
(239) 340-8878 bearpaws.environmentalconsulting@gmail.com

Page	
-	
Exhibit	
-	

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

a. *48-Hour Notice:* Memorandum from Adam Mendez, Senior Planner to Donna Marie Collins, Chief Hearing Examiner, dated December 4, 2023 (multiple pages – 8.5"x11")

1. *DCD Staff Report with attachments for DCI:* Prepared by Adam Mendez, Senior Planner, date received September 26, 2023 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *PowerPoint Presentation:* Prepared by Lee County Staff for Bayshore Village, DCI2022-00032 (multiple pages – 8.5"x11") [color]

3. *Maps:* Attachment C replacement of Staff's Staff Report (4 pages – 8.5"x11")

4. *Public Emails and Petitions:* (multiple pages – 8.5"x11")

5. *Draft Revised Conditions:* (multiple pages – 8.5"x11")

6. *Written Submissions:* Email from Adam Mendez, to Olga Ramos, Hearing Examiner, Maria Perez, Jamie Princing, Zsuzsanna Weigel, Neale Montgomery, Esq., Camryn Siverson, Nicholas DeFilippo, Joseph Sarracino, and Ronald Inge, dated Thursday, December 21, 2023, 2:16 PM (multiple pages – 8.5"x11") {post hearing submittal}

APPLICANT EXHIBITS

a. *48-Hour Notice:* Email from Olga Ramos to Hearing Examiner and Maria Perez, with copies to Jose Adams, Esq., and Lee Werst, dated December 11, 2023, 10:48 AM (multiple pages – 8.5"x11")

1. *PowerPoint Presentation:* Prepared for Bayshore Village CPD, DCI2022-00032, dated December 13, 2023 (multiple pages – 8.5"x11") [color]

2. *Revised Uses:* Page 2 of Exhibit 2 of Adam Mendez's December 4, 2023, Letter to Hearing Examiner (1 page – 8.5"x11")

3. *PowerPoint Presentation:* Prepared for Bayshore Village CPD, DCI2022-00032, dated December 14, 2023 (multiple pages – 8.5"x11") [color]

4. *Written Submissions:* Email from Olga Ramos, to Hearing Examiner and Maria Perez, with copies to Neale Montgomery, Esq., Adam Mendez, Camryn Siverson,

Nicholas DeFilippo, and Joseph Sarracino (2 pages – 8.5"x11") {post hearing submittal}

5. *Written Submissions (Second):* Email from Laurie L. Plue, to Hearing Examiner, with copies to Neale Montgomery, Esq., Adam Mendez, Jennifer Sapen, Carl Barraco, Alyssa Barraco, R. Brewer, Dawn Russell, Ron Inge, and Olga Ramos (2 pages – 8.5"x11" and 4 pages – 11"x17")) {post hearing submittal}

OTHER EXHIBITS

Steven Brodkin

1. *Presentation:* (multiple pages – 8.5"x11")

Zachary Lombardo, Esq.

1. *PowerPoint Presentation:* Prepared for Objection to Bayshore Village CPD, DCI2022-00032, on behalf of Lisa and Michael Musho, Adjacent Property Owners of 17350 Wells Road; and Transcript for Case #DCI2005-00100 (multiple pages – 8.5"x11") [color]

2. *Letter:* From Zachary W. Lombardo, Esq., to Adam Mendez, Senior Planner with lee County Department of Community Development, dated September 12, 2023 (multiple pages – 8.5"x11")

Lisa Musho

1. *Noise Abatement Part 2:* State DOTs Study New Noise Wall Options, dated November 18, 202 (multiple pages – 8.5"x11")

Nathan Poole, PE

1. *Résumé:* For Nathan Poole, PE (1 page – 8.5"x11")

2. *Letter:* From Nathan Poole, PE, to Adam Mendez, Senior Planner with lee County Department of Community Development, dated September 12, 2023 (multiple pages – 8.5"x11")

Susan Swift

1. *Folder:* Susan Swift's Profile and Planning Report (multiple pages – 8.5"x11")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Brandon Dunn
2. Nick DeFilippo
3. Marcu Evans
4. Phil Gillogly
5. Adam Mendez
6. Brian Roberts
7. Camryn Siverson
8. Lee Werst

Applicant Representatives:

1. Carl A. Barraco
2. Ron Inge
3. W. Kirk Martin
4. Neale Montgomery, Esq.
5. Jennifer Sapen
6. Barrett Stejskal
7. Nelson Taylor
8. Ted Treesh

Public Participants:

1. Steven Brodkin
2. Calvin Buckmaster

3. Gennifer Griffis
4. Trinda Griffis
5. Benjamin Hofland
6. Zachary Lombardo, Esq.
7. Lisa Musho
8. Michael Musho
9. Nathan Polle
10. Susan Swift
11. Cathy Queen

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.

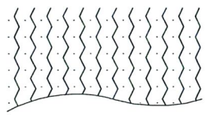
C. Participants may not submit documents to the Board of County Commissioners unless they were marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

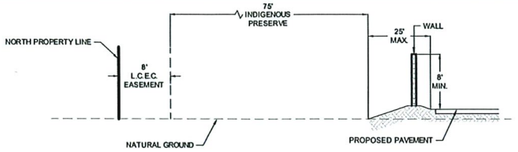
A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.

B. A verbatim transcript may also be available for purchase from the court reporting service.

SINUOUS LAKE SHORELINE DETAIL



LAKE EDGES WILL BE SINUOUS IN ACCORDANCE WITH LEE COUNTY LAND DEVELOPMENT CODE REGULATIONS



PRESERVE AND WALL/BERM DETAIL

1. MASONRY WALL REQUIRED WHEN ROADS, DRIVES, PARKING AREAS, REFUSE & RECYCLABLE MATERIAL COLLECTION AREAS, EMERGENCY POWER GENERATORS, AND/OR SERVICE AREAS FOR DELIVERY OF GOODS OR SERVICES ARE LOCATED WITHIN 125' OF THE NORTHERN PROPERTY LINE.
2. OPAQUE COMPOSITE OR OTHER NON-WOOD MATERIAL MAY BE USED WHEN NOTE #1 ABOVE IS NOT APPLICABLE.

OPEN SPACE CALCULATION

REQUIRED OPEN SPACE	
8.75 AC X 30% =	2.63 AC
REQUIRED INDIGENOUS	
2.63 AC X 50% =	1.32 AC

PROVIDED OPEN SPACE		PROVIDED INDIGENOUS
PRESERVE	1.06 AC	PRESERVE @ 1.06 AC
LAKE (2.63 X 25%)	0.66 AC	x 125% = 1.33 AC
OTHER	0.91 AC	
TOTAL =	2.63 AC	

NOTES:
IF SUBDIVIDED , EACH PARCEL MUST PROVIDE A MINIMUM OF 10% OPEN SPACE.

APPLYING THE INDIGENOUS INCENTIVE CREDITS ALLOWED BY LDC 10-415(b)(3), A RATE OF 125% IS APPLIED DUE TO THE PRESERVE MINIMUM WIDTH OF 75' AND A MINIMUM AREA OD ONE ACRE.

PROPOSED SIGNS

1. MONUMENT SIGN
2. 3. PYLON SIGN (MAXIMUM 1 SIGN)
4. MONUMENT SIGN

LEGEND

- PARKING & LANDSCAPING PER LDC
- LOADING / SERVICE AREA
- PRESERVE
- LAKE

SPECIAL NOTE:
AT THE TIME OF DEVELOPMENT ORDER SUBMITTAL THE FINAL LOCATION OF THIS INTERSECTION SHALL BE COORDINATED WITH ANY DEFINITIVE PLANS OF THE PRITCHETT PKWY REALIGNMENT THAT MAY EXIST AT THAT TIME.

LAND USE: SINGLE FAMILY RESIDENTIAL
ZONING: AG-2
FLU: GENERAL INTERCHANGE

LAND USE: VACANT
ZONING: AG-2
FLU: GENERAL INTERCHANGE

415' TO NEAREST INTERSECTION

290'-310' INTERSECTION SEPARATION

WELLS ROAD (LOCAL ROAD)

LAND USE: SINGLE FAMILY RESIDENTIAL
ZONING: AG-2
FLU: GENERAL INTERCHANGE

PRESERVE TO SERVE AS LANDSCAPE BUFFER SUPPLEMENTAL HEDGE PLANTINGS TO BE ADDED AS NEEDED TO CREATE A CONTINUOUS VISUAL SCREEN AS REQUIRED BY LDC 10-416(D)(4) (6)

8' WIDE LEE COUNTY ELECTRIC COOPERATIVE (OR 2322, PG 3947) EXCEPTION 11

INDIGENOUS PRESERVE = 1.06 AC
(0.51 AC @ 411E1 AND 0.55 AC @ 420E2)

75'

TYPE "D" BUFFER

BUILDING A
(2 STORY MAX)

8' HIGH WALL/BERM COMBINATION

LAKE

20' L.M.E.

(2) (1) 30' EXCAVATION SETBACK (DEVIATION #1)

LAND USE: VACANT
ZONING: CPD
FLU: GENERAL INTERCHANGE & SUB-OUTLYING SUBURBAN

(4)

1 STORY BLDG. B1

BUILDING B2
(2 STORY)

400' SETBACK

BUILDING C
HOTEL: 4 STORY MAX
OTHER USES: 2 STORY MAX

TYPE "A" BUFFER

LAND USE: VACANT
ZONING: AG-2
FLU: GENERAL INTERCHANGE & SUB-OUTLYING SUBURBAN

LAND USE: VACANT
ZONING: CPD
FLU: SUB-OUTLYING SUBURBAN

(1)

BUILDING B3
(1 STORY)

(2)

CONNECTION TO EASTERLY ABUTTING PROPERTY (AT DEVELOPMENT ORDER)
1. IF ZONED AND DEVELOPED COMMERCIAL - PROVIDE CONNECTION
2. IF ZONED COMMERCIAL BUT NOT DEVELOPED - PROVIDE PARKING LOT INTERCONNECTION
3. IF NOT ZONED COMMERCIAL - PROVIDE A 24' CROSS-ACCESS EASEMENT

(3)

TYPE "D" BUFFER

(4)

12' WIDE UTILITY EASEMENT (INSTRUMENT # 2006000351124) EXCEPTION 12

548' INTERSECTION SEPARATION (8)

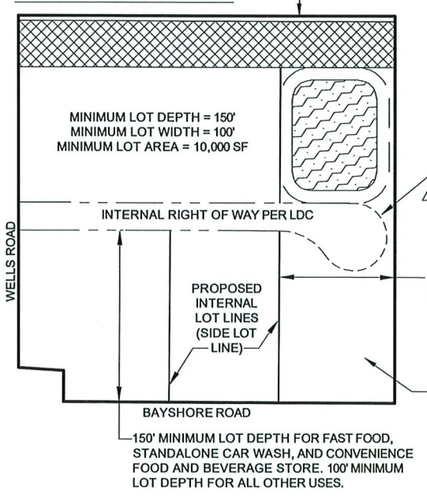
233' INTERSECTION SEPARATION

BAYSHORE RD
(2-LANE ARTERIAL)

N
W E
S

0 30 60 120
SCALE IN FEET

SUBDIVISION DETAIL



(7) CUL DE SAC NOT REQUIRED IF SPRINKLER SYSTEMS ARE INSTALLED IN THE COMMERCIAL BUILDINGS AND A TURN AROUND IS PROVIDED IN THE EASTERN MOST LOT. FINAL DESIGN MUST BE APPROVED BY THE LOCAL FIRE DEPARTMENT DURING DEVELOPMENT ORDER PERMITTING.

150' MINIMUM LOT WIDTH FOR CONVENIENCE FOOD AND BEVERAGE STORE. 100' MINIMUM LOT WIDTH FOR ALL OTHER USES.

15,000 SF MINIMUM LOT AREA FOR FAST FOOD AND STANDALONE CAR WASH. 25,000 SF MINIMUM LOT AREA FOR CONVENIENCE FOOD AND BEVERAGE STORE. 10,000 SF MINIMUM LOT AREA FOR ALL OTHER USES.

150' MINIMUM LOT DEPTH FOR FAST FOOD, STANDALONE CAR WASH, AND CONVENIENCE FOOD AND BEVERAGE STORE. 100' MINIMUM LOT DEPTH FOR ALL OTHER USES.

(3) TYPE D BUFFER (TYPICAL FOR MOST USES)
25' WIDE BUFFER WITH FAST FOOD, RESTAURANTS, CAR WASHES, CONVENIENCE FOOD & BEVERAGE STORES & AUTOMOBILE SERVICE STATIONS CONSISTING OF:

1. THE REQUIRED NUMBER OF TREES IS 5 CANOPY TREES PER 100 LINEAR FEET. THREE SABAL PALM TREES MAY BE CLUSTERED TO MEET ONE CANOPY TREE REQUIREMENT. PALMS ARE LIMITED TO A MAXIMUM OF 50 PERCENT OF THE RIGHT-OF-WAY TREE REQUIREMENT. PALMS MUST BE CLUSTERED AND PLANTED IN STAGGERED HEIGHTS, A MINIMUM OF THREE PALMS PER CLUSTER, SPACED AT A MAXIMUM OF 4 FEET ON CENTER, WITH A MINIMUM OF A FOUR FOOT DIFFERENCE IN HEIGHT BETWEEN EACH TREE.
2. ALL OF THE TREES MUST BE A MINIMUM OF 14 FEET IN HEIGHT AT THE TIME OF INSTALLATION. TREES MUST HAVE A MINIMUM OF A THREE AND ONE-HALF INCH CALIPER AT 12 INCHES ABOVE THE GROUND AND A SIX-FOOT SPREAD. AT INSTALLATION, SHRUBS MUST BE A MINIMUM OF THREE GALLON, 24 INCHES IN HEIGHT AT TIME OF PLANTING AND MAINTAINED AT A MINIMUM OF 36 INCHES IN HEIGHT WITHIN ONE YEAR OF PLANTING. THE SHRUBS MUST BE PLANTED THREE FEET ON CENTER.

LAND USE: VACANT
ZONING: EC
FLU: CONSERVATION LANDS UPLAND

PELICAN WAY (UNIMPROVED RIGHT OF WAY)

LAND USE: VACANT
ZONING: C-1A
FLU: SUB-OUTLYING SUBURBAN

EAST LAKE DR

Barraco and Associates, Inc.
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LAND PLANNING
www.barraco.net
2271 McGREGOR BLVD., SUITE 100
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

LIGHT BAYSHORE VILLAGE LLC & REESERETLAND BAYSHORE VILLAGE LLC

PROJECT DESCRIPTION

BAYSHORE VILLAGE

LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND INTENDED FOR CONCEPTUAL PLANNING PURPOSES ONLY.

SITE LAYOUT AND LAND USE INTENSITIES OR DENSITIES MAY CHANGE SIGNIFICANTLY BASED UPON SURVEY, ENGINEERING, ENVIRONMENTAL AND / OR REGULATORY CONSTRAINTS AND / OR OPPORTUNITIES.

FILE NAME	24066Z02-A.DWG
LOCATION	J:\24066\DWG\ZONING\
PLOT DATE	TUE. 1-2-2024 - 2:16 PM
PLOT BY	ALYSSA FONTAINE

CROSS REFERENCED DRAWINGS

BASEPLAN = 24066Z00-A.DWG

PLAN REVISIONS	
1-25-23	1ST SUFFICIENCY RESPONSE
2-17-23	2ND SUFFICIENCY RESPONSE
3-14-23	DEVIATION #6
6-12-23	WELLS RD @ INTENSIVE CRITERIA
7-7-23	ADD DEVIATION #8
9-27-23	AUGUST/SEPTEMBER SUFFICIENCY
12-8-23	48-HOUR REVISIONS
12-29-23	ADD WALL CROSS SECTION & NOTES

PLAN STATUS

MASTER CONCEPT PLAN ALT A

PROJECT / FILE NO.	SHEET NUMBER
24066	1

OPEN SPACE CALCULATION

REQUIRED OPEN SPACE	
8.75 AC X 30% =	2.63 AC
REQUIRED INDIGENOUS	
2.63 AC X 50% =	1.32 AC

PROVIDED OPEN SPACE		PROVIDED INDIGENOUS
PRESERVE	1.06 AC	PRESERVE @ 1.06 AC
LAKE (2.63 X 25%)	0.66 AC	x 125% = 1.33 AC
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TOTAL =	2.63 AC	

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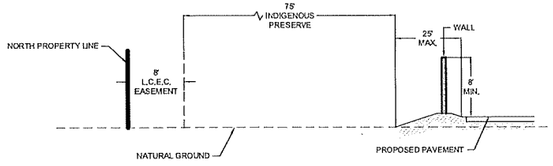

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SPECIAL NOTE:
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PROPOSED SIGNS

1. MONUMENT SIGN
2. 3. PYLON SIGN (MAXIMUM 1 SIGN)
4. MONUMENT SIGN

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ZONING: AG-2
FLU: GENERAL INTERCHANGE

LAND USE: VACANT
ZONING: AG-2
FLU: GENERAL INTERCHANGE

425' TO NEAREST INTERSECTION

290'-310' INTERSECTION SEPARATION

WELLS ROAD (LOCAL ROAD)

BAYSHORE RD
(2-LANE ARTERIAL)

LAND USE: SINGLE FAMILY RESIDENTIAL
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SUPPLEMENTAL HEDGE PLANTINGS TO BE ADDED AS NEEDED TO CREATE A CONTINUOUS VISUAL SCREEN AS REQUIRED BY LDC 10-416(D)(4) — 6

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INDIGENOUS PRESERVE = 1.06 AC
(0.51 AC @ 411E1 AND 0.55 AC @ 420E2)

75'

8' HIGH WALL/BERM COMBINATION

DETENTION

DETENTION

BUILDING A
(2 STORY MAX)

TYPE "D" BUFFER

TYPE "D" BUFFER

TYPE "D" BUFFER

TYPE "D" BUFFER — 3

TYPE "A" BUFFER

548' INTERSECTION SEPARATION — 8

233' INTERSECTION SEPARATION

LAND USE: VACANT
ZONING: AG-2
FLU: GENERAL INTERCHANGE & SUB-OUTLYING SUBURBAN

LAND USE: VACANT
ZONING: CPD
FLU: GENERAL INTERCHANGE & SUB-OUTLYING SUBURBAN

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EAST LAKE DR

LEGEND

- PARKING & LANDSCAPING PER LDC
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N
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0 30 60 120
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PROJECT DESCRIPTION

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PLOT BY	ALYSSA FONTAINE

CROSS REFERENCED DRAWINGS

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12-29-23	ADD WALL CROSS SECTION & NOTES

PLAN STATUS

MASTER CONCEPT PLAN ALT B

PROJECT / FILE NO.	SHEET NUMBER
24066	1

Conditions

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

(1) Master Concept Plan and Development Parameters

a. Master Concept Plan. Development of the subject property must be substantially consistent with the one-page Master Concept Plan Entitled "Master Concept Plan ALT A" or "Master Concept Plan ALT B", last revised 9/27/2023 and attached hereto as Attachment D.
Staff Note: Applicant to prepare revised MCPs consistent with recommendations herein, date referenced above to be updated accordingly.

b. Development Parameters. Development is limited to a maximum of 92,750 square feet of non-residential floor area, including any outdoor restaurant seating. Transferable Development Units (TDUs) may not be utilized in conjunction with this approval.

c. Compliance with Lee Plan and LDC. Development must comply with all the requirements of the Lee Plan and LDC at the time of local development order approval, except as may be granted by deviation as part of this planned development. Subsequent amendments to the Master Concept Plan or its auxiliary documentation attached thereto are subject to the planned development amendment process established by the Land Development Code.

d. Superseding Resolution. Resolution Z-06-046 is hereby superseded and replaced with this amended resolution.

(2) Schedule of Uses and Property Development Regulations

a. Schedule of Uses

(*) Indicates uses restricted to southern 400 feet of the subject property. Locational restrictions no longer apply if the abutting northern property is zoned for uses other than residential or agricultural.

Accessory uses and structures
Administrative offices
Animal clinic (no outdoor runs)
ATM (Automatic Teller Machine)
Auto parts store (no installation)
Automobile repair and service, Groups I and II (*) (subject to Condition 7)
Automobile service station, with or without gas pumps (*) (subject to Condition 7)
Bait and tackle shop
Banks and financial establishments, Groups I and II
Boats:

- Boat parts store (limited to one)
- Boat sales (subject to Condition 10)

Broadcast studio, commercial radio and television
Building material sales
Business Services, Groups I and II
Caretaker's residence
Car wash, accessory or standalone (*)
Cleaning and maintenance services
Clothes stores, general
Clubs:

- Commercial
- Fraternal
- Membership organization
- Private

Computer and data processing services
Consumption on premises, indoor only (subject to LDC §34-1264)
Contractors and builders, Groups I, and II
Convenience food and beverage store, with or without gas pumps and EV charging stations (*) (subject to Condition 7)
Day care center, adult, child
Department store
Drive through facility for any permitted use (*)
Drug store, pharmacy
Entrance gates and gatehouses
Emergency operations center
EMS, fire or sheriff's station
Essential services
Essential service facilities, Group I
Excavation:

- Water retention

Farm equipment, sales, storage, rental or service
Feed or fertilizer, mixing and sales
Fences, Walls
Food stores, Groups I and II
Food truck park (*) (subject to Condition 13)
Gift and souvenir shop
Hardware store
Health care facilities, Groups III
Hobby, toy and game shops
Hotel (subject to Condition 11)
Household and office furnishings, Groups I, II and III
Laundromat
Lawn and garden supply store
Library
Maintenance facility (government)
Medical office
Non-store retailer
Motion picture production studio
Nonstore retailers, All Groups
Package store (no related consumption on premises and subject to LDC §34-1263)
Paint, glass and wallpaper store

Parks, Groups I and II
Parking lot:
- Accessory
- Park-and-ride
- Temporary

Personal services, Groups I, II, III & IV (Excluding Steam or Turkish Baths, Escort Services, Palm Readers, Fortunetellers or Card Readers)
Pet services (No outdoor runs)
Pet shop (No outdoor runs)
Pharmacy
Place of worship
Plant nursery
Post office
Recreation facilities commercial, Group I and IV (limited to gymnasiums and health clubs)
Religious facility
Rental or leasing establishments, Groups I, II, and III
Repair shops, Groups I, II, III, and IV (*) (subject to Condition 7)
Research and development laboratories, Group II
Restaurants, All Groups
Restaurant, fast food (*)
Schools, commercial
Self-service fuel pumps (*) (limited to a maximum of 22 and subject to Condition 7)
Signs (subject to Condition 14)
Social services, Groups I and II
Specialty retail shops, All Groups
Storage:
- Indoor
- Open (subject to Condition 10)

Studios
Supermarket
Temporary uses
Theater, indoor
Transportation services, Groups II and III (excluding bus stations and depots)
Used merchandise stores, All Groups
Variety store
Vehicle and equipment dealers, Groups I, II, III, and IV (*) (subject to Conditions 7 and 10)
Warehouse
- Mini
- Public

Uses that must be expressly obtained through the special exception or public hearing amendment process:

Bar or cocktail lounge
Boat storage, dry, not exceeding 18 feet above grade
Boat storage, dry, exceeding 18 feet above grade (limited to wholly within an enclosed building not to exceed 35 feet in building height)
Food and beverage service, limited

Parking lot: Commercial

b. Property Development Regulations

Minimum Lot Area and Dimensions

Lot Area:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Building Setbacks and Maximum Building Heights:

Street, public	30 feet
Street, private	20 feet
Side (East):	15 feet
Rear (North):	25 feet
Uses with specific development regulations:	See Conditions 10 & 11
Maximum building heights:	
Hotel	48 feet (see Condition 11)
All other buildings and structures	35 feet (see Condition 9)
Lot Coverage:	40 percent

(3) Open Space

Prior to the issuance of the first development order, the development order plans must depict 30 percent open space (2.63 acres). If subdivided, individual development parcels must include a minimum of 10 percent open space.

(4) Indigenous Preserve

Prior to the issuance of the first development order, the development order plans must depict the indigenous preserve area as the 75-foot buffer to along the north perimeter. If exotics are removed, native plantings must be planted to maintain proper screening along the single-family lot abutting the subject property to the north. The development order plans must also depict a total of 1.33 acres of indigenous open space in substantial compliance with Master Concept Plan Alternates A and B, dated September 27, 2023 per the following breakdown:

Indigenous Credit Chart				
Preserve Area	Indigenous Ac.	Width of Area	Credit %	Indigenous with credits
Preserve 1	***1.06***	***75-foot***	***125%***	***1.33***

Staff Note: Applicant to prepare revised MCPs consistent with recommendations herein, date referenced above to be updated accordingly.

(5) Indigenous Habitat Plan

Prior to the issuance of the first development order, the development order plans must demonstrate the following:

a. Substantial compliance with the Indigenous Management Plan, attached as Attachment J, Exhibit B.

b. A schedule for the indigenous preservation and restoration to be completed within five consecutive years.

c. A map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located. Mechanical clearing must be limited to non-indigenous areas.

d. An appropriate planting list for the preserve area, approved by Lee County Staff.

e. Exotic removal and restoration (supplemental plantings) of indigenous habitat to begin concurrently with improvements to land, which must be provided at time of local development order application. The supplemental planting plans must be approved by Lee County Staff.

(6) Gopher Tortoise Survey

Prior to local development order approval, the property must be re-surveyed for the presence of gopher tortoises and their burrows, and, if found, a gopher tortoise management plan must be submitted as part of the indigenous preserve management plan for review and approval. The gopher tortoise management plan must include details on habitat management to provide open herbaceous foraging areas, and how the habitat will be maintained in perpetuity. The management should also include the following details pertaining to site work:

a. A copy of the Florida Fish and Wildlife Conservation Commission Gopher Tortoise Permit and receipt of payment, if applicable, must be submitted to the staff prior to issuance of a Vegetation Removal Permit.

b. A Vegetation Removal Permit to install gopher tortoise fencing and burrow excavation must be obtained prior to any site work.

c. Any gopher tortoises and commensal species located during burrow excavation must be moved to appropriate indigenous preserves or relocated through state and federal permits.

d. The number of tortoises and any commensal species moved to preserves must be reported to staff or relocated through FWC permitting.

e. All active and inactive gopher tortoise burrows located outside of the indigenous preserves must be excavated and fully collapsed prior to issuance of a Vegetation Removal Permit for clearing and filling of the development area.

(7) Lee County Public Water Supply Wells

A. Prior to local development order approval, the developer must demonstrate compliance with the Lee County Wellfield Protection Zone Ordinance and identify the proposed use(s). The following uses are not permitted within the 1-year or 5-year Wellfield Protection Zone travel time, as depicted by Lee Plan Map 4-C.

- Truck stop with or without gas pumps
- Laundry and dry cleaning, Groups I and II

B. The following uses have the potential to adversely impact the proximate public water supply wells and are therefore only permitted on the subject property when in compliance with the remainder of this condition.

- Automobile repair and service, Groups I and II
- Automobile service station, with or without gas pumps
- Convenience food and beverage store, with gas pumps
- Repair Shops, Groups IV
- Self-service fuel pumps
- Vehicle and equipment dealers
- Any use exceeding the regulated substance thresholds in subsections C and D

C. Prior to local development order approval, the plans must depict the storage location and combined sum of all quantities of regulated hazardous, toxic substances and sanitary hazards as defined by the Wellfield Protection Ordinance. The combined sum of regulated hazardous, toxic substances and sanitary hazards must not exceed 110 gallons if the substance is a liquid or 1,110 pounds if the substance is a solid within the 1-year Wellfield Protection Zone travel time.

D. Prior to local development order approval, the plans must depict bulk storage of fuel, in excess of 110 gallons, outside of the 1-year Wellfield Protection Zone travel time.

E. Prior to local development order approval, the developer must provide a Maintenance Plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the Maintenance Plan must establish:

- A quarterly containment and emergency equipment inspection schedule performed by a qualified professional.
- All maintenance and inspections logs and records must be provided to Lee County Division of Natural Resources annually.

F. Prior to local development order approval, the plans must note that fuel storage systems must be constructed with secondary containment consisting of double walled tanks and/or lines.

G. Prior to local development order approval, the plans must note that fuel storage systems equipped with leak detection system, with appropriate alarms and protocol to provide for shutdown of system pending leak investigation will be implemented.

H. During construction the combined sum of regulated hazardous, toxic substances and sanitary hazards, as defined by the Wellfield Protection Ordinance, must not exceed 110 gallons if the substance is a liquid or 1,110 pounds if the substance is a solid within the 1-year Wellfield Protection Zone travel time.

I. Prior to local development order approval, the developer must provide a Surface Water Quality Monitoring Plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the Surface Water Monitoring Plan must establish the following:

- The overall Goals and Objectives of the Surface Water Quality Monitoring Plan.
- An outfall monitoring schedule during “wet” season of June through September and “dry” season of October through May. The monitoring constituents will be determined prior to issuance of local development order by the Lee County Division of Natural Resources based on the final uses proposed.
- Baseline surface water quality monitoring data will be included in the monitoring plan and must be completed and provided to Lee County Division of Natural Resources prior to commencement of construction.
- Water quality monitoring data must be provided to the Division of Natural Resources annually and must include a report with a comparison of State surface water quality standards, plots of parameters, and recommendations. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.
- A contingency plan in the event an exceedance of State Surface Water Quality Standards is discovered. This plan must include notification to impacted residents and applicable authorities.

J. Prior to local development order approval, the developer must provide a Groundwater Quality Monitoring Plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the Groundwater Quality Monitoring Plan must establish the following:

- The overall Goals and Objectives of the Groundwater Quality Monitoring Plan.
- A semi-annual monitoring schedule. The monitoring constituents will be determined prior to issuance of local development order by the Lee County Division of Natural Resources based on the final uses proposed.
- Groundwater monitoring wells must be installed prior to commencement of construction, consisting of two monitoring wells upstream and two monitoring wells downstream of the regulated hazardous, toxic substances and sanitary hazard storage area, with locations and depths subject to Lee County Division of Natural Resources approval.
- Baseline groundwater quality monitoring data will be included in the monitoring plan and must be completed and provided to Lee County Division of Natural Resources prior to commencement of construction.
- Groundwater quality monitoring data must be provided to the Lee County Division of Natural Resources annually and must include a report with a comparison of State water quality standards, plots of parameters, and recommendations. Groundwater quality monitoring must continue through the lifetime of the Public Supply Well. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.
- A contingency plan in the event an exceedance of State Water Quality Standards is discovered. This plan must include an emergency plan and notification to impacted residents, applicable authorities, and the Director of Lee County Natural Resources.

K. Bonding. Prior to local development order approval, the Development Order plans must identify the proposed use and the Wellfield Protection Officer will determine if a surety bond, performance bond, letter of credit, or escrow agreement is required to cover the cost to abandon and replace the public supply well in accordance with the facility's Operating Permit, as outlined in the Wellfield Protection Ordinance.

(8) Masonry Wall/Berm Combination

Prior to any local development order approval, the following wall requirements must be met:

A. A completely opaque 8-foot-high masonry wall or 8-foot-high masonry wall and berm combination must be provided within 25 feet of the south side of the indigenous preserve area where roads, drives, parking areas, refuse and recyclable material collection areas, emergency power generators, service areas for delivery of goods or services are located within 125 feet of the north property line. The height of the masonry wall or masonry wall/berm combination must be measured from the top of the nearest internal paved surface.

B. The 8-foot-high wall/berm combination depicted on the Master Concept Plans adjacent to areas not specified in Condition 8(a) may optionally utilize a completely opaque composite or other non-wood wall material. Any transition between materials must maintain the required height.

C. The wall or wall/berm combination must commence within 15 feet of the Wells Road right-of-way and extend east continuously until within 15 feet of the eastern MCP boundary line.

D. Condition 8 is null and void if the northern abutting property is not utilized for single-family residential uses at time of local development order approval. Any modifications to reduce this condition requires public hearing.

Staff Note: Applicant to prepare revised MCPs to include the general location and proposed height of the wall or wall/berm combination, with appropriate annotations, consistent with recommendations herein.

(9) Project Building or Structure Height

A. The building and structure heights specified herein may not be exceeded without obtaining approval through the public hearing process. The provisions of LDC Section 34-2174, additional permitted height when increased setbacks provided, may not be utilized within the planned development.

B. All buildings exceeding two stories must be setback 150 feet from the north property line.

(10) High Intensity Uses

This condition pertains the following uses:

a. Convenience Food and Beverage Stores, Fast-Food Restaurants, Car Washes.

i. Except for Deviations 5 and 6 contained herein, deviations from LDC Section 34-1353 must be sought through the public hearing process.

ii. Convenience food and beverage stores and fast-food restaurants must be set back 50 feet from any public right-of-way; this condition also applies to any restaurant with a drive-through facility.

b. Display, sale, rental or storage for motor vehicles, boats, recreational vehicles, trailers, mobile homes or equipment.

i. Deviations from LDC Section 34-1352 must be sought through the public hearing process.

ii. Automotive dealerships exceeding 4 acres in size or providing multi-story display or storage of vehicles must receive approval through the public hearing amendment process to ensure consistency with the LDC and Lee Plan. All automotive repair and service must be located within the southern 400 feet of the subject property.

iii. All items and areas used for storage areas, display, or offered for sale or rent must be set back a minimum of minimum of 150 feet from the north property line and 50 feet from Wells Road right-of-way.

(11) Hotel Use

The development of a hotel on the subject property is subject to the following conditions:

A. Maximum Units/Conversion. Retail intensity may be converted to a maximum of 125 hotel units at a conversion rate of 1 hotel unit per every 120-square-foot reduction of the 92,750-square-foot intensity allocation. The transfer of retail intensity to hotel units must be reviewed through the administrative amendment process.

B. Principal Building. The project is limited to one hotel within one principal building. Ancillary and accessory structures may be developed detached from the principal structure.

C. Room Sizes. Room sizes 725 square feet and less are equivalent to one unit. Room sizes exceeding 725 square feet are equivalent to two units.

D. Lock-off Accommodations. Where lock-off accommodations are provided, each "keyed room" will be calculated as a separate rental unit.

E. Maximum Height. The maximum permitted height for a hotel use is 48 feet, accessory structures are limited to a maximum permitted height of 35 feet. If the principal building exceeds 35 feet in height, then it must be located in the southern 300 feet of the subject property, as measured from the Bayshore Road right-of-way. Buildings must be set back a minimum of 50 feet from the Bayshore Road and Wells Road rights-of-way. A hotel use 35 feet in height or less must be set back a minimum of 150 feet from the north property line and 50 feet from the Bayshore Road right-of-way. See Condition 9, general height provision.

F. Electric Vehicle (EV) Charging. EV Charging stations may be provided as accessory to the hotel use, subject to local development order approval.

(12) Project Vehicular Trip Generation

Regardless of any land use density/intensity conversion allowed per the Land Development Code or zoning condition specific to this development, the development is allowed a maximum calculated development intensity with respect to new trip generation utilizing the following development scenario based upon the Institute of Transportation Engineers (ITE) Trip Generation Manual in effect at time of local development order: 92,750 square-feet commercial retail.

(13) Food Truck Park

The principal use of a food truck park may be approved through the administrative amendment and local development order process. The application must be accompanied by a conceptual site plan meeting the minimum required details for special exception site plans in LDC Section 34-202. The application must include a project narrative of the intended operation and any other information determined necessary by the Director.

(14) Project Signage

A. Ground-mounted signs on Wells Road, located greater than 300 feet from the Bayshore Road edge of pavement, are limited to monument signs and instructional signage not to exceed 8 feet in sign height.

B. The Electronic Changing Message Center (EMC) sign type is limited to locations within 50 feet of the Bayshore Road right-of-way.

C. Interior directional signs will be governed by the Land Development Code.

(15) Project Access to Wells Road

The project access to Wells Road is depicted in excess of 250 feet from the north property line on the approved Master Concept Plans and is subject to final design of the anticipated Wells Road reconfiguration. In the event the project access must be shifted north due to reasons beyond the control of the developer, an administrative amendment to relocate this access point may be considered if the relocated access point is no closer than 200 feet from the north property line.

Deviations

Deviation #1:

Seeks relief from LDC §10-329, which requires an excavation setback of 50 feet from any private property line under separate ownership, to allow a 30-foot excavation setback from the eastern perimeter.

This deviation is **APPROVED**, subject to the condition that the reduction applies to easterly commercially-zoned property, and the easterly abutting AG-2-zoned parcel fronting Bayshore Road, if the parcel is not developed with single-family residential uses at time of local development order approval.

Deviation #2:

Seeks relief from LDC §10-610(e), which requires adjacent commercial uses to provide parking lot interconnections for automobile, bicycle and pedestrian traffic, to allow no interconnection with the abutting northeastern CPD approved by Resolution Z-10-036 (Maximus Self-Storage, f.k.a W & W Service Park).

This deviation is **APPROVED,** subject to the following conditions:

i. The easterly parking lot interconnection annotated on the Master Concept Plans must be made at time of local development order if the easterly abutting property is zoned and developed commercial.

ii. If the eastern abutting property is zoned for commercial uses, but is not developed at time of local development order approval for the subject property, a parking lot interconnection stub must be made to the property line and depicted on the approved development order plans.

iii. If the property is not zoned for commercial uses, a 24-foot-wide cross-access easement must be provided for future parking lot interconnection. The easement language must be acceptable to the County Attorney's Office and executed and recorded in the Public Records prior to approval of any building permit for commercial uses on the property.

Deviation #3:

Seeks relief from LDC §10-415(b)(1)b.4. which requires developments greater than five acres in size that abut an arterial or collector road and that have existing native trees within 50 feet of the right-of-way to be designed to provide a 50-foot right-of-way buffer for tree preservation, to instead allow buffer requirements of Chapters 10 and 34 to override. The project is meeting it's preservation requirements in accordance with 10-415(b)(1)a.; therefore, subsection (LDC §10-415(b)(1)b.) is not applicable.

This Deviation is **WITHDRAWN**.

Deviation #4:

Seeks relief from LDC §34-1353(c)(1), which requires a minimum lot width of 150 feet for fast food restaurants and car washes to allow a 100-foot lot width.

This Deviation is **APPROVED**, subject to Condition 10.

Deviation #5:

Seeks relief from LDC §34-1353(c)(3), which requires a minimum lot area of 25,000 square feet for fast food restaurants and car washes to allow a minimum lot area of 15,000 square feet.

This Deviation is **APPROVED**, subject to Condition 10.

Deviation #6:

Seeks relief from LDC §10-416(d)(3), which requires a Type “C” or Type “F” Buffer when a commercial land use abuts a residential land use, to allow the indigenous preserve to function as a planted buffer along the north property.

This Deviation is **APPROVED**, subject to the following condition:

a. In the event the proposed preserve does not create a continuous visual screen equivalent to a Type C or F buffer, then prior to the issuance of the first development order, the development order plans must provide a list of supplemental plantings and a replanting plan, subject to approval by Lee County staff.

Deviation #7:

Seeks relief from LDC §10-296(k), which requires all roadways to be terminated with a cul-de-sac, to allow no cul-de-sac if an adequate turn-around is provided within the commercial outparcels in conjunction with MCP Alternate A only.

This deviation is **APPROVED**, subject to the following condition:

a. Prior to local development order approval, a letter of no objection must be provided from the fire district having jurisdiction.

Deviation #8:

Seeks relief from LDC §10-296(e)(1)i.1.ii, which requires a 12-foot-wide wide pedestrian facility and a 5-foot-wide bike lane, to allow no sidewalk or bike lane on Bayshore Road.

This deviation is **WITHDRAWN**.

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

Case Number: DCI2022-00032
Case Name: Bayshore Village
Case Type: Planned Development Amendment
Area to be Amended: 8.75 Acres
Sufficiency Date: February 13, 2023
Hearing Date: October 11, 2023[1]

REQUEST:

Carl Barraco, P.E., on behalf of Light Bayshore Village, LLC and Reeseretland Bayshore Village, LLC, has filed an application to amend the Bayshore Village Market Square Commercial Planned Development (CPD) approved by Resolution Z-06-046, to increase development intensity from a maximum of 61,000 square feet (±6,971 square feet per acre) to a maximum of 137,500 square feet (±15,714 square feet per acre) and 125 hotel units.[2] The proposed schedule of uses expands beyond previously permitted retail, office and restaurant uses, including uses largely permitted in the General Commercial (CG) Conventional District.

The subject property is comprised of 8.75 acres and is located at 17300 Wells Road, Bayshore Community Plan Area (Commissioner District #5). The applicant has indicated the property's current STRAP Number is 22-43-25-00-00023.0000. A legal description, sketch and boundary survey of the subject property are attached as Attachment B of this report.

SUMMARY:

The Bayshore Community Plan desires to preserve the existing rural residential, agricultural and equestrian oriented character of the community. The subject property is located in the General Interchange Future Land Use Category.[3] Properties to the north, along Wells Road, are within the General Interchange and Sub-Outlying Suburban Future Land Use Categories and are utilized for residential purposes. Staff has evaluated the surrounding area and the concentration of intensity approved within other General Interchange areas[4] and recommends that the increase in intensity be limited to 10,000 square feet per acre with an intensity conversion opportunity for a maximum of 125 hotel units. Staff recommends APPROVAL of a modified intensity threshold and schedule of uses,

[1] One additional day of hearing is scheduled for October 12, 2023, if necessary.
[2] Applicant's proposed Land Use Conversation Table includes ability to increase requested 125,000-square-foot intensity threshold by 10 percent via administrative amendment (see Maximum Intensity Table Note, Attachment H of this report).
[3] See Policy 1.3.2 of the Lee County Comprehensive Plan.
[4] See Staff Report Table 1 on page 5.

which aim to balance the public and private interest in the subject property. Recommended conditions and deviations are found in Attachment E of this report.

HISTORY OF PARCEL:

October of 2005: an application[5] to rezone the subject property from Agricultural (AG-2) to Commercial Planned Development (CPD) was filed with Lee County in reference to The Village Square on Bayshore. The request sought a maximum commercial intensity of 99,999 square feet on 8.75 acres and was largely limited to office/medical office, retail and standard restaurant uses.

May 18, 2006: in response to public concerns before the Hearing Examiner, the applicant reduced the maximum proposed intensity to 71,000 square feet, which was incorporated into the Hearing Examiner's recommendation. The Applicant's Attorney, Mathew Uhle, testified to the mixture of uses sought by the request "*Mr. Roeder said quite accurately that the deleterious uses have largely been removed or not even proposed. No fast-food is proposed for this property, no self-service fuel pumps, no convenience stores, no open storage, no vehicle sales and no water or sewer treatment plants, and that was in essential, in essential services. So the list of uses are a combination of retail and office uses, which we think are appropriate*."[6]

Michael Roeder, the applicant's land use planning representative, testified that "*Policy 1.3.2 then goes to the General Interchange description which is what this is and it says the General Interchange areas are intended primarily for land uses that serve the traveling public, service stations, hotel, motel, restaurants and gift shops. And at first blush if there's any criticism of this plan it's that it may be too neighborhood-oriented and not enough toward the traveling public. We don't have service stations. We don't have hotels and motels. And I think to reconcile that issue you need to go to the Bayshore Plan, which is Policy 20 – well, it's actually Goal 20, the Bayshore Community, and then Objective 20.1 and Policy 20.1.1. And I have to say that I was the consultant to the Bayshore Planning Community when this was developed and worked with that group to get this into the plan, so I'm very familiar with the background of it*."[7],[8]

August 21, 2006: The Board of County Commissioners approves the rezoning request at a reduced intensity of 61,000 square feet, and in doing so, reduced building height to one building story not exceeding 25 feet. [9] This approval included measures of compatibility afforded to residential uses along Wells Road such as a 75-foot-wide indigenous preserve area/enlarged buffer, an 8-foot-high wall or wall and berm combination south of the indigenous preserve, and a 150-foot minimum building setback from the north property line.

This approval has not been modified and the property remains undeveloped. The surrounding property remains low-density residential and the subject property is wooded, consisting of a mixture

[5] Case Number DCI2005-00100.
[6] See Court Reporter Transcript for DCI2005-00100 Hearing Examiner Hearing, top of Page 83 (Attachment S).
[7] Referenced goal, objective and policy have been renumbered in the current Lee Plan codification. Goal 20 is now Goal 18; Objective 20.1 is now Objective 18.1 and Policy 20.1.1 is now Policy 18.1.1.
[8] See Court Reporter Transcript for DCI2005-00100 Hearing Examiner Hearing, Page 46 (Attachment S).
[9] See Resolution Z-06-046, Attachment M.

of pine flatwoods, mixed upland hardwoods and cleared trails according to the environmental assessment provided in support of the request.[10]

CHARACTER OF THE AREA:

The character of the area is summarized appropriately in Goal 18 of the Lee Plan: rural residential, agriculture and equestrian oriented with minimal commercial activities in the surrounding Bayshore Community interchange area (see Attachment C, Aerial). The Comprehensive Plan language was originally adopted into the Lee Plan in 2003 and remains an appropriate description of the areas surrounding the subject property. The property is located ±1,900 feet east of Interstate 75 (I-75) and ±660 feet west of Nalle Road. Property immediately surrounding the subject property is depicted in Attachment C of this report and can be characterized as follows:

North

Lands to the north of the subject property are zoned Agricultural (AG-2) and are located in the General Interchange Future Land Use Category. Directly north is 17350 Wells Road, an abutting single-family residence on 3.7 acres sharing approximately 614 linear feet of common property line with the subject property. Further north, along Wells Road, are large acreage single-family home sites ranging from 1 acre to 5 acres within the Sub-Outlying Suburban Future Land Use Category.

South

Lands to the south of the subject property, across Bayshore Road (State Road 78), are zoned Environmentally Critical (EC) and are located in the Conservation Lands Uplands Future Land Use Category. These lands are largely undeveloped and wooded apart from a Lee County Public Water Supply well compound. Land adjacent to this district, to the east, is zoned Commercial (C-1A) and is located in the Sub-Outlying Suburban Future Land Use Category. These 1.4 acres are cleared and vacant apart from a billboard structure.

East

Lands to the east of the subject property are located in the Sub-Outlying Suburban Future Land Use Category and are zoned Commercial Planned Development (CPD) and Agricultural (AG-2). The CPD District is currently approved for a 30,000-square-foot self-storage facility[11] on a T-shaped 4.46-acre property with planned access on both Bayshore Road and Nalle Road. The AG-2 District is approximately one acre and is undeveloped. Immediately east of the AG-2 District is a one-acre CPD District with access depicted on Bayshore Road, currently approved for a small mixed-use commercial center with a maximum gross floor area of 3,570 square feet.[12]

[10] See Environmental Assessment and Species Survey, Exhibit A of Attachment J.
[11] Maximus Self-Storage: See ADD2022-00117, Attachment O.
[12] S.P.C. Interchange Store: See Resolution Z-92-061, Attachment N

West

Lands to the west of the subject property, across Wells Road, are located in the General Interchange Future Land Use Category and are zoned Agricultural (AG-2). These lands are largely vacant except for a northeasterly single-family residence.

Availability of Public Services

Public services are defined by the Lee Plan as "the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development" The following details the level of public services currently serving the subject property:

Public water and sewer: The subject property is located within Lee County Utilities Future Service Area as depicted on Map 4A of the Lee County Comprehensive Land Use Plan. Potable water lines are in operation adjacent to the property with available capacity. The property is located within the Florida Governmental Utility Authority (FGUA) wastewater franchise area. Wastewater disposal service is generally available to the subject property with sufficient capacity (see Attachment Q).

Paved streets and roads: The subject property is bound by Wells Road, a County-maintained local road, and Bayshore Road a State-maintained arterial road.

Public transit and pedestrian facilities: No public transit is within a standard or extended walking shed of the subject property. The nearest pedestrian facilities exist within the Pritchett Parkway right-of-way, approximately 440 feet to the west.

Police, fire, and emergency services: The subject property is located in the Bayshore Fire District, with the nearest Station (#131) located at 17350 Nalle Road, approximately 0.25 miles Northeast. This station also contains EMS dispatch (Medic Station #19). The Lee County Sheriff's Office (LCSO) serves the subject property, with the nearest substation located at 121 Pondella Road, approximately 7 miles southwest (LCSO North District).

ANALYSIS:

The Bayshore Village Market Square approval in Resolution Z-06-046 afforded commercial use of the 8.75-acre subject property after balancing the interchange area land use entitlements of the subject property against the rural community character preservation values set forth in the Lee Plan. The approved uses and intensity were found appropriate in an interchange in proximity to rural residential uses found on Wells Road.[13] The request seeks to intensify the project from 61,000 square feet by ±105 percent (125,000 square feet and 125 hotel units), including an ability to increase intensity by 10 percent administratively for a total of 137,500 square feet (±125 percent increase). The applicant states the intensification increase is in response to changing market conditions in the Bayshore and Northeast Lee County Community Planning Areas.[14]

[13] DCI2005-00100 Staff Report, Page 8 of 16.
[14] See Applicant's Request Statement, Page 2 of 11, Attachment F.

A concentration of 125,000 (or 137,500) square feet on 8.75 acres is 14,285 (or 15,714) square feet per acre and 14.29 hotel units per acre. Staff reviewed concentration of intensity in various planned development approvals across all General Interchange areas of the County for a relative comparison.

Table 1 below identifies projects by the active zoning resolution, project acreage and intensity.

TABLE 1

I-75 Exit	Project Name	Planning District	Resolution	Acreage	Maximum Intensity	Per Acre
143	North River Plaza	North Fort Myers	Z-10-032	41.6	260,000SF + 180 Hotel Units	6,250SF + 4.3 Hotel Units
143	Bayshore 22	North Fort Myers	Z-22-012	22.23	240,000SF	10,796SF
143	Bayshore/I-75 Land Trust	North Fort Myers	Z-86-191	22.56	130,000SF + 182 Hotel Units	5,762SF + 8.06 Hotel Units
131	Daniels Marketplace	Daniels Parkway	Z-08-043	65.5	390,000SF + 120 Hotel Units	5,954SF + 1.8 Hotel Units
131	Galleria East	Daniels Parkway	Z-03-026	14.21	170,000SF + 120 Hotel Units	11,963SF + 8.4 Hotel Units
131	Daniels/I-75 Commerce Center	Gateway/ Airport	Z-02-032	64	610,000SF + 120 Hotel Units	9,531SF + 1.9 Hotel Units
128	Vintage Commerce Center	Gateway/ Airport	Z-19-035	33.95	350,000SF + 300 Hotel Units	10,309SF + 8.8 Hotel Units
128	Alico Crossroads Center	Gateway/ Airport	Z-08-035	46.69	377,000SF + 100 Hotel Units	8,074SF + 2.2 Hotel Units

According to these figures, the average concentration of intensity in the General Interchange Future Land Use category is **8,579 square feet per acre**, while the average hotel unit concentration is approximately **5 units per acre**. Land Development Code (LDC) Section 34-373(a)(8) requires requested intensity to be allocated by type and floor area of each type. The applicant's requested maximum intensity by type is depicted in Table 2 below (see Attachment H).

TABLE 2

MAXIMUM INTENSITY TABLE	
	Maximum Intensity
	(SF) (*)
Retail W/ Supermarket	125,000 sf
Retail W/o Supermarket	100,000 sf
Hotel	125 rooms
Mini-warehouse/Storage	75,000 sf
Light Industrial	125,000 sf
High Turnover Restaurant	35,000 sf
* Note: An increase of up to 10% may be allowed through an administrative amendment	

The 125,000 square feet of requested light industrial intensity sought is not recommended by staff due to conflict with Policy 18.1.3 of the Lee Plan.[15] The applicant's request statement summarizes the proposed schedule uses as "comparable to the uses permitted in the General Commercial (CG) District." Review of LDC Section 34-844 verifies the majority of uses permitted by right, administratively and by special exception in the CG District are listed accordingly in the proposed schedule of uses.[16] LDC Section 34-841(h) establishes the purpose and intent statement for the CG District:

"The purpose and intent of the CG district is to permit the designation of suitable locations for and to facilitate the proper development and use of consumer-oriented commercial facilities which are of a type or scale which are not suited for and do not generally seek locations in neighborhood, community or regional shopping centers. Such uses frequently consist of a single principal building containing sales, administration, repair services or manufacture; often rely on large ground areas for storage or display of goods; and are relatively insensitive to the impacts of adjacent land uses while generating substantial impacts on their neighbors. High visual exposure and easy accessibility, usually from arterial roads or suburban highways, are important." [emphasis added].

General commercial, tourist commercial multi-family and light industrial uses are forecasted in the General Interchange by Policy 1.3.2. The Lee Plan Future Land Use Map indicates uses ultimately permissible on property, but it is not a guarantee those uses are immediately appropriate. The Bayshore Community Plan employs objectives and policies to promote the defined Goal below:

"Protect the existing rural residential, agricultural and equestrian-oriented character of the community by maintaining low residential densities and minimal commercial activities and exclude incompatible uses that are destructive to the character of this rural residential environment."[17]

[15] Lee Plan Policy 18.1.3: No new industrial uses or industrial rezonings are permitted after February 3, 2003.
[16] See Applicant's Request Statement and Schedule of Uses (Attachments F and G).
[17] Lee Plan Goal 18.

Retail uses in Bayshore are limited to the interstate interchange areas, with minor commercial and non-retail commercial uses permitted elsewhere consistent with the Lee Plan and the LDC.[18] All proposed uses that are not currently permitted on the subject property have been compiled into a separate list for review (Attachment P). The recommendation contained herein includes removal of incompatible uses and some uses that cannot be located in the southerly 300 feet of the subject property. Furthermore, staff recommends the maximum increase in intensity be limited to 10,000 square feet per acre, which is marginally above the average intensity concentration found in the General Interchange areas noted above. Absent these staff recommendations, the applicant's request would locate the highest General Interchange intensity in the county within the Bayshore Community Plan area, on property that shares 614 feet of common boundary with single-family residence, which is incompatible with the surrounding existing low-density residential uses and contravenes the defined Goal of the Bayshore Community Planning area.

Schedule of Uses

The applicant's proposed schedule of uses is attached as Attachment G. Several uses have been earmarked by the applicant to be located only within the southern 300 feet of the subject property provided the abutting northern residence remains zoned for agricultural and single-family uses. This proffered locational restriction applies to: Automobile Repair and Service, Automobile Service Station, Bar or Cocktail Lounge, Car Wash, Convenience Food and Beverage Store, Food Truck Park, Repair Shops, Fast-Food Restaurant, Self Service Fuel Pumps and Truck Stop.

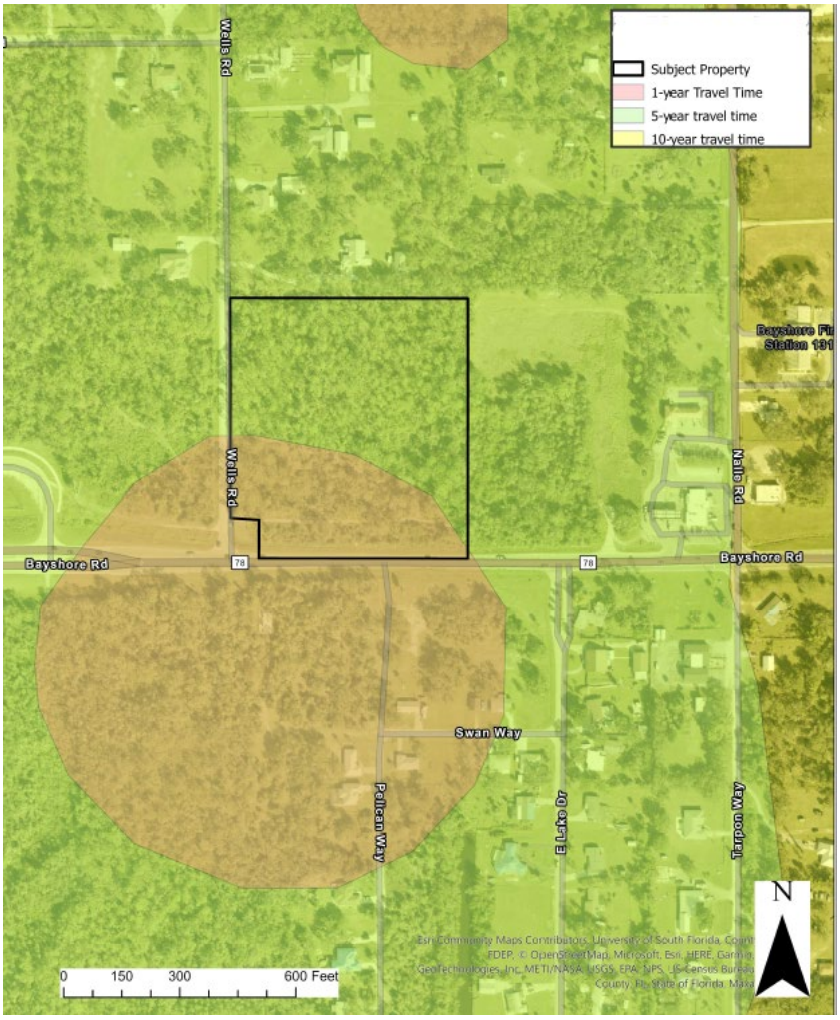
The subject property falls within the 1-year and 5-year Wellfield Protection Zone travel times and is approximately 200 feet north of a Lee County Public Water Supply well. The travel time represents the amount of time it takes a potential pollutant to reach the wellfield based on groundwater flow and withdrawal models. Natural Resources Staff has evaluated the request and has determined several of the proposed uses have the potential to adversely impact this nearby Public Water Supply well if located within the 1-year travel time.

(See **Figure 1**, color-coded Wellfield Protection Zone Travel Times Map on following page)

[18] Lee Plan Policy 18.1.1: Retail commercial uses will be limited to the Interstate Interchange designation at Bayshore and I-75, plus minor commercial uses at the intersections of Nalle Road and Bayshore, SR 31 and Bayshore, and SR 31 and Old Bayshore. Non-retail commercial uses are permitted elsewhere consistent with the Lee Plan and the LDC.

Figure 1: Wellfield Protection Zone Travel Times Map

(Lee Plan Map 4-C)



Several of these uses are deemed incompatible with the nearby residential area and have been restricted to the southern 300 feet of the property accordingly to address compatibility issues with established residential uses. However, this restriction places these uses largely within the 1-Year Wellfield Protection Zone Travel Time; therefore, staff is recommending the following uses be removed from the schedule of uses.[19]

- Automobile Repair and Service, Groups I and II
- Automobile Service Station, with or without fuel pumps
- Bus Station/Depot, with fueling stations
- Convenience Food and Beverage Store, with fuel pumps
- Excavation, Oil or Gas

[19] See Natural Resources Staff Report, Attachment I.

- Repair Shops, Group V
- Truck Stop

Additional uses stricken from this recommendation include:

- Agricultural Uses
- Bus Station/Depot
- Flea Market: Open
- Mobile Home Dealers
- Model Display Center
- Parking Lot: Public Parking Garage
- Recreation Facilities Commercial, Group IV
- Vehicle and Equipment Dealers, Group V

Agricultural uses are not permissible in a CPD District and are not recognized by Resolution Z-06-046.[20] Open flea markets, mobile home dealers, multi-level public parking garages, Group IV commercial recreation facilities (stadiums, fairgrounds, arenas) and Group V equipment dealers (earthmovers, bulldozing cranes and similar large construction or hauling equipment) can be sought through public hearing amendment with additional detail, which the current proposal lacks to support that these uses are compatible with surrounding land uses and consistent with Lee Plan Goal 18. The use of a Model Display Center, as defined,[21] would involve the construction of dwelling unit types not permitted in the General Interchange Future Land Use Category, limiting the reuse of these structures, and ultimately an underutilization of General Interchange lands. If clustered and seeking high visual exposure from the Bayshore Road corridor, unit types listed in this use classification could detract from the rural character the Bayshore Community seeks to preserve.

The remaining uses[22] are found to be appropriate in context and significantly diversify the former schedule of uses. Sufficient safeguards exist in the conditions of approval and land development regulations governing each use to meet required findings for approval.

Property Development Regulations

As required by LDC Section 34-373(a)(10), each planned development zoning application must include property development regulations that establish the minimum lot area and dimensions, minimum setbacks, maximum height, and maximum lot coverage within the planned development. Uses that have specific setback requirements within the LDC will be subject to the requirements set forth in the LDC, unless specifically stated otherwise within the proposed property development

[20] See LDC Section 34-934 and Condition 4 of Z-06-046.

[21] Model display center means three or more single-family detached homes, mobile homes or recreational vehicles, or four or more duplex or two-family units (not buildings), erected on a single, undivided property for purposes of promoting sales of units for construction or emplacement elsewhere (LDC Section 34-1952).

[22] See Attachment E, Development Regulations, Conditions and Deviations. Applicant's proposed uses are formatted in strike-though in this attachment, indicating a recommendation to remove uses in strike-through format at this time.

regulations table. The applicant's property development regulations are attached as Attachment F of this report and include alternate development regulations for specific uses (fast-food, car wash, convenience food and beverage store, fuel canopy) and correspond to certain deviations requested as part of this application. These development regulations are typical of nonresidential development and are further regulated by conditions of approval.

All development is subject to a 35-foot height maximum apart from the requested hotel use. The applicant is seeking approval for a maximum height of 48 feet (four building stories) for the hotel depicted on which is depicted on Master Concept Plan Alternate A in the southeast corner of the site adjacent to Bayshore Road. Staff finds the additional 13 feet of building height appropriate provided it is limited to a hotel use which is set back a minimum of 150 feet from Wells Road, 300 feet the north property line and 50 feet from Bayshore Road.

Master Concept Plans

Master Concept Plans are proposed to accommodate two scenarios:

1. Subdivision to accommodate outparcels fronting Bayshore Road and Wells Road (Alternate A)
2. Development of a unified site with a large franchise box-store/shopping center (Alternate B)

Both Master Concept Plans depict a 75-foot-wide (1.06 acre) indigenous preserve parallel to the north property line. The preserve abuts an 8-foot-wide utility easement, separating the preserve from the north property line. The location of building, parking and water management areas vary from concept to concept (see Attachment D).

The currently approved Master Concept Plan transitions from north to south with a similar northerly 75-foot-wide preserve area, then an 8-foot-high masonry wall/berm combination, then parking and service areas (including covered parking) until reaching 150 feet from the north property line where further development can begin occurring in Area "B" (the anchor parcel). Development of the anchor parcel "main building" is subject to Condition 17 of Resolution Z-06-046, which requires exterior elevations to be in substantial compliance with a conceptual elevation attached to the resolution. The condition does not preclude departures from the conceptual elevation to satisfy the Board of County Commissioners ultimately approved maximum building height reduction to one-story and 25 feet.

To the south of the Area "B" is an accessway separating the outparcels that are limited to a cumulative maximum of 8,000 square feet of floor area per Resolution Z-06-046.

On the proposed MCPs a "Wells Road Improvements Detail" depicts a cross section that does not meet LDC Section 10-296 (Street Design and Construction Standards) requirements. The applicant has not provided a deviation request with justification to support the alternate standard. Staff recommends the applicant remove the detail from both MCPs and notes that departures from LDC Section 10-296 may be considered at time of local development order in compliance with LDC Section 10-104(b).

Proposed Deviations

Deviation means a departure from a specific regulation of the LDC or other applicable regulation or code, when requested as part of a planned development in accordance with LDC Section 34-373(a)(9), based on the findings established in LDC Section 34-377(a)(4). Each deviation must enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare. The applicant has provided a schedule of deviations with corresponding justifications found in Attachment F of the report.

Deviation #1:

Seeks relief from LDC §10-329, which requires an excavation setback of 50 feet from any private property line under separate ownership, to allow a 30-foot excavation setback from the eastern perimeter. The applicant justifies that the reduction will be between the abutting commercially zoned parcel and will enhance the proposed development without detriment to public, health, safety and welfare. The requested excavation setback reduction depicted on Master Concept Plan Alternate A is also notably adjacent to the vacant agricultural parcel in the Sub-Outlying Suburban Future Land Use. Staff concurs with the applicant and recommends APPROVAL of Deviation #1, subject to the condition that the reduction applies to commercially zoned-property and to the easterly adjacent AG-2 zoned parcel fronting Bayshore Road provided it is not developed with single-family residential uses at time of local development order approval.

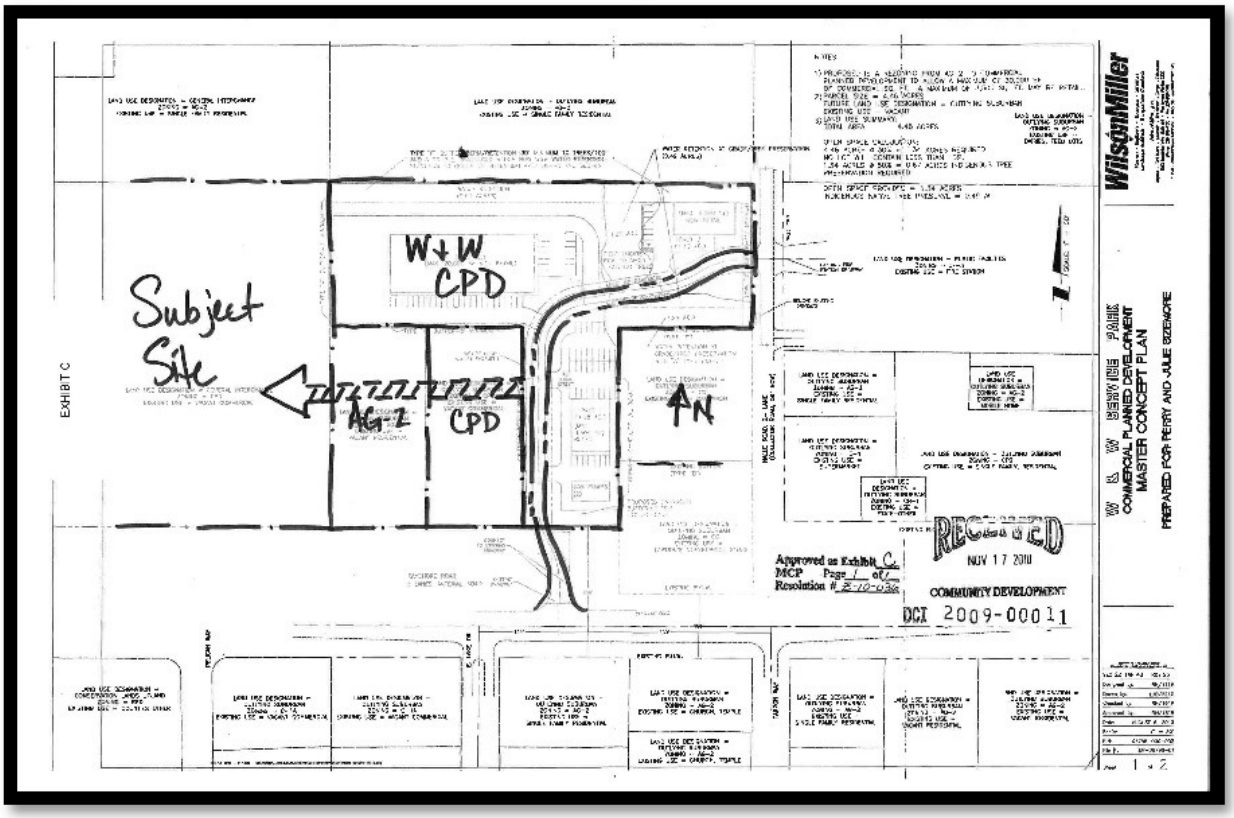
Deviation #2:

Seeks relief from LDC §10-610(e), which requires adjacent commercial uses to provide parking lot interconnections for automobile, bicycle and pedestrian traffic, to allow no interconnection with the abutting northeastern CPD (Maximus Self-Storage, f.k.a. W & W Service Park). The applicant justifies in review of each development's respective conceptual plans (subject property and abutting CPD) conceptual water management facilities conflict, and alternately proposes to provide interconnection to the southerly Agricultural (AG-2) parcel should that parcel be zoned commercial at time of local development order approval. The applicant further justifies the alternate creates greater [parking lot interconnection] separation from the residential uses to the north and will not adversely impact the proposed development footprint.

The northeast abutting Maximus Self-Storage CPD Amendment (ADD2022-00117) is recognized in the applicant's justification as not yet approved during analysis, and at that time the proposed Master Concept Plan shifted vehicular areas away from the shared property line with conceptual retention and buffering. This Administrative Amendment was ultimately approved after refinement of the MCP requiring parking lot interconnection opportunity with Bayshore Village, in accordance with Condition 13 of the original project's Zoning Resolution (Z-10-036) (f.k.a W & W Service Park) (see Attachment O). With consideration that Maximus Self-Storage is currently zoned for commercial uses (as opposed to the alternative connection proposed), the CPD has made commitments to conform to LDC §10-610(e) by connecting to Bayshore Village, and the CPD has access potential to both

Bayshore Road and Nalle Road, staff recommends the requested deviation be approved in a limited capacity. Should the adjacent AG-2 property be zoned for commercial uses with parking lot interconnections through the easterly adjacent one-acre CPD, as depicted in the applicant's justification Figure (Figure 2 below), at time of local development approval, parking lot interconnection to the northeastern CPD would be unnecessary and the deviation is warranted. However, if at time of local development order review these conditions do not exist, the development should interconnect with the northeasterly Maximus Storage/W&W Service Park CPD. The recommended deviation condition ensures the first available parking lot interconnection opportunity is required at time of local development order, promoting cross-access to both respective sites from Wells Road and Nalle Road (and potentially Pritchett Parkway if realignment occurs at Wells Road) without the need to access the Bayshore arterial road system, eliminating unnecessary vehicular conflict, as intended by LDC principles.

Figure 2: Applicant's Proposed Potential Reverse Frontage Road



1) Staff recommends **APPROVAL** of Deviation #2 subject to condition that the deviation may only be utilized, if at time of local development order approval, a parking lot interconnection opportunity exists in the alternate location depicted on the MCPs, in accordance with LDC Section 10-610, and the facilities are either in place or the right to construct the facilities over and across the abutting parcel and through to the easterly CPD have been obtained. The language is intended to only promote utilization of the deviation in the event alternate parking lot interconnections are readily available to the same Maximus Self-Storage CPD, as

conceptualized above, through the intervening properties fronting Bayshore Road. The deviation, as conditioned, preserves and promotes this Code to protect the public health, safety and welfare.

Deviation #3:

Seeks relief from LDC §10-415(b)(1)b.4, which requires developments greater than five acres in size that abut an arterial or collector road and that have existing native trees within 50 feet of the right-of-way to be designed to provide a 50-foot right-of-way buffer for tree preservation, to instead allow buffer requirements of Chapters 10 and 34 to override. Environmental staff has determined that the requested deviation is not necessary as the requirement is not applicable. The project is meeting its preservation requirements in accordance with 10-415(b)(1)a. therefore, the requirements in subsection LDC §10-415(b)(1)b. are not applicable.

Staff recommends WITHDRAWAL of Deviation #3.

Deviation #4:

Seeks relief from LDC §34-1353(c)(1), which requires a minimum lot width of 150 feet for fast food restaurants and car washes to allow a 100-foot lot width (see combined justification with Deviation #5).

Deviation #5:

Seeks relief from LDC §34-1353(c)(3), which requires a minimum lot area of 25,000 square feet for fast food restaurants and car washes to allow a minimum lot area of 15,000 square feet.

Applicant justifies these deviations apply solely to fast-food restaurants and standalone carwashes and would promote fee-simple lot sizes consistent with some fast-food and car wash franchises without deviating from the required supplemental setbacks and landscape buffer requirements applicable to the uses to minimize off-site impacts. Staff is in agreement with the applicant and recommends APPROVAL of Deviations #4 and #5 subject to the condition that the uses are located within the southerly 300 feet of the subject property, as proffered by the applicant, and that no deviations from the setback and landscaping requirements may be obtained without a separate public hearing zoning action (amendment or rezoning).

Deviation #6:

Seeks relief from LDC §10-416(d)(3), which requires a Type "C" or Type "F" Buffer[23] when a commercial land use abuts a residential land use, to allow the indigenous preserve to function as a planted buffer along the north property. The applicant justification states that the combination of the 75-foot-wide preserve area and currently wooded 8-foot-wide LCEC utility easement will be superior to the required Type "C" or "F" buffers. The justification references that supplemental plantings will be provided in the event the required exotic vegetation removal in the preserve understory results in a reduction in the required continuous visual screen intended by code-required buffers. The

[23] Buffer types delineated in LDC Section 10-416(d)(4).

justification further extrapolates 5 additional required tree plantings, and 15 additional feet of buffer width, is equivalent to a LDC §10-416 required wall.[24]

While staff supports the deviation to allow the preserve to function as the required buffer (as conditioned), staff does not by extension support the elimination of the separate site-specific masonry wall requirement of Resolution Z-06-046[25], as further detailed in the approaching compatibility analysis herein.

Staff recommends APPROVAL of Deviation #6 subject to the following condition:

"In the event the proposed preserve does not create a continuous visual screen equivalent to a Type C or F buffer, then prior to the issuance of the first development order, the development order plans must provide a list of supplemental plantings and a replanting plan, approved by Lee County staff."

Deviation #7:

Seeks relief from LDC §10-296(k), which requires all roadways to be terminated with a cul-de-sac, to allow no cul-de-sac if an adequate turn-around is provided within the commercial outparcels in conjunction with MCP Alternate A only. The applicant justifies that final design must be approved by the local fire district during local development order review.

Based on the applicant's response to staff and communication with the fire district, the fire district having jurisdiction is unable to review and support the requested deviation at this time due to limited detail and degree of variability sought; therefore, staff recommends the WITHDRAWAL of Deviation #7 until such a time that the review and recommendation can be provided. The Development Services section does not support the requested deviation at this time.

Deviation #8:

Seeks relief from LDC §10-296(e)(1)i. 1. ii, which requires a 12-foot-wide wide pedestrian facility and a 5-foot-wide bike lane, to allow no sidewalk or bike lane on Bayshore Road. The applicant justifies that Bayshore Road (State Road 78) is currently the subject of a project/design and engineering improvement study from I-75 to State Road 31 and includes conceptual shared-use paths on both sides of the roadway. The justification states the LDC-required improvements would be temporary in nature until the state demolishes and rebuilds the facility and cause unnecessary impacts to drivers during construction of a temporary facility and demolition.

Staff recommends APPROVAL of Deviation #8 subject to the condition that the deviation is only valid if construction of a multi-use path by FDOT is planned within five years of local development order submittal and is stipulated accordingly in the local development order approval.

[24] A solid wall, berm or wall and berm combination, not less than eight feet in height as measured from the finished grade of the project site. All trees and shrubs required in the buffer must be placed on the residential side of the wall. Walls must be constructed to ensure that historic flow patterns are accommodated and all stormwater from the site is directed to on-site detention/retention areas in accordance with the SFWMD requirements.
[25] See Condition 1 and corresponding Master Concept Plan location note "8' High Masonry Wall/Berm Combination". Also See Conditions 11, 15 and Exhibit C of Resolution Z-06-046 (Attachment M).

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 rezoning with analysis of the applicable criteria (see Attachment F). The following provides staff's analysis of the request, as measured by the established criteria.

Compliance with the Lee Plan

As indicated previously, the subject property is located in the Bayshore Community Plan Area and General Interchange Future Land Use category. Objective 1.3 of the Lee Plan summarizes the intent of the various interchange categories as special areas adjacent to the interchanges of Interstate 75 that maximize critical access points, minimize adverse traffic impacts and provide

appropriate buffers, visual amenities, and safety measures. Policy 1.3.2 establishes the General Interchange Future Land Use Category is intended primarily for land uses that serve the traveling public, and by virtue of characteristics such as location and desire for flexibility, are also suited for a broad range of commercial, light industrial and multi-family residential uses. The applicant seeks to diversify and intensify an existing planned development's commercial output by incorporating a multitude of new LDC use classifications, property development regulations, deviations and multiple Master Concept Plans in a manner that promotes increased flexibility.

Staff recommends retention of several proposed uses and a 42.6 percent increase from the current commercial floor area intensity of 61,000 square feet to 87,500 (10,000 square feet per acre), with a separate base allocation for hotel units and the ability to convert the commercial floor area balance to additional hotel units to greater serve the traveling public. The recommended concentration of intensity (non-residential floor area and hotel units per acre) is similar to other approved projects located widely across Unincorporated Lee County, most of which are in well-established General Interchange Land Use Category areas.

The recommendation reduces the push for 137,500 square of commercial floor area (±15,714 square feet per acre), which minimizes adverse impacts related to traffic and other incompatible facets of the request and therefore provides greater measures of public health, safety and welfare. The applicant's traffic impact statement identifies that an adjacent segment of Bayshore Road is expected to fail by the estimated project build out year of 2028 with or without the project traffic, due to capacity[26] issues attributed to background growth.[27] Staff finds reducing the proposed project intensity to comply with LDC and Lee Plan maintains a reasonably expected use of 8.75 acres of General Interchange lands, similar to other interchange projects. Further, through recommended conditions, the project will provide appropriate buffers and visual amenities and is therefore CONSISTENT with Objective 1.3 and Policy 1.3.2, as conditioned herein.

Lee Plan Objective 2.1 and Policy 2.1.1 promote contiguous and compact growth patterns within designated future urban areas to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, and minimize the cost of services. Lee Plan Objective 2.2 and Policy 2.2.1 seek to direct new growth to portions of future urban areas where adequate public facilities and services exist, where compact and contiguous development patterns can be created, and where compatibility with surrounding land uses is assured. The subject property is located within a designated future urban area is served by existing road and utility infrastructure and is also located within 200 feet of a Public Water Supply well. The property will be served by the Lee County Utilities for potable water and Florida Governmental Utility Authority for wastewater consistent with Lee Plan Standards 4.1.1 and 4.1.2. The subject property will be provided with police, fire protection and emergency services. The request seeks to further concentrate commercial use of a pre-existing approval for additional compact commercial use in a future urban area that is served by public services, and as conditioned, in a manner offering adequate compatibility assurances. Determinantal

[26] The maximum number of vehicles having a reasonable expectation of passing over a given section of roadway during a given time period under prevailing roadway and traffic conditions (Lee Plan Glossary Definition of "Capacity, Road")

[27] See Sufficiency of Access and Transportation analysis on Pages 21 and 22.

uses to natural resources have been removed and restricted within the 1-Year Wellfield Protection Zone Travel Time; therefore, staff finds that the request, as conditioned, is **CONSISTENT with Objectives 2.1 and 2.2, Policies 2.1.1, and 2.2.1, and Standards 4.1.1 and 4.1.2 of the Lee Plan.**

Often **Policy 5.1.5** is analyzed when evaluating potential impacts to existing and future residential areas. The existing low-density residential uses north of the project on Wells Road are at the center of this discussion, and for further applicability of policy, the General Interchange Future Land Use also anticipates residential uses. Therefore, it is reasonable to state that these immediately abutting low-density residential uses may also transition into higher density residential uses in the planning horizon. The aforementioned policy aims 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. 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*." [emphasis added]. As detailed in the compatibility analysis on Pages 19 and 20, the existing and future residential areas to the north of Wells Road are provided compatibility assurances in the form of staff recommended conditions. Conditions are in response to the extraordinary transition of intensity to low density residential uses which are not appropriately safeguarded by generally applicable land development regulations. These conditions were formerly enacted in the less intensive approved project to protect from the encroachment of uses that are potentially destructive to the residential environment. The general land development regulations in the LDC and other County Ordinances, as supplemented by the recommendation contained herein, mitigate expected impacts from the subject property in a satisfactory manner. The request, as conditioned, is **CONSISTENT** with **Policy 5.1.5.**

Goal 6 promotes orderly and well-planned commercial development at appropriate locations in the county. **Policy 6.1.1** requires development approvals for commercial land uses to be consistent with various policies, including traffic and access impacts, screening and buffering, adequacy of urban services, compatibility with surrounding land uses, proximity to other similar centers and environmental considerations. **Policy 6.1.4** states that "*commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities*." As detailed in this report, the request, as conditioned, is compatible with surrounding land uses and public services are available to serve the proposed development. **Policies 6.1.5 through 6.1.11** address traffic, buffering, architecture and open space, prohibit premature scattered development, address school safety, commercial entitlements, redevelopment incentives and revitalization directives. As further expanded in the criteria analysis below, Staff finds that the request, as conditioned, is **CONSISTENT** with **Goal 6** and its attendant objectives and policies**.**

As stated above, **Goal 18** is set forth in the **Lee Plan** to protect the existing rural residential, agricultural and equestrian-oriented character of the community by maintaining low residential

densities and minimal commercial activities while excluding incompatible uses that are destructive to the character of the rural residential environment.

Objective 18.1 is a directive that the County will continue to enforce land development regulations that ensure separation of urban and rural land uses through the implementation of open space and buffers. Policies 18.1.1 states "retail commercial uses will be limited to the Interstate Interchange designation at Bayshore and I-75, plus minor commercial uses at the intersections of Nalle Road and Bayshore, SR 31 and Bayshore, and SR 31 and Old Bayshore. Non-retail commercial uses are permitted elsewhere consistent with the Lee Plan and the LDC." Policy 18.1.3 prohibits new industrial uses or industrial rezonings subsequent to February 3, 2003.

As conditioned, the request limits commercial activities in a manner that is not destructive to the character of the Bayshore rural residential and agricultural environment. Adequate safeguards are in place to mutually separate the planned development and its environs from the low-density residential uses to the north along Wells Road in the form of conditions and generally applicable land development regulations. Newly proposed industrial uses are recommended for removal; therefore, staff finds that the request, as conditioned, is CONSISTENT with Goal 18 and its attendant objectives and policies.

Lee Plan Goal 63 requires the protection of Lee County's groundwater supplies from those activities having the potential to deplete or degrade those supplies. Policy 125.1.2 states new development and additions to existing development must not degrade surface and ground water quality. To ensure compliance with the Lee Plan and ensure the protection of the Public Water Supply, staff recommends certain conditions, as discussed in the Natural Resources Staff Report[28] and consolidated in the Recommended Conditions (Attachment E). Therefore, the request, as conditioned, is CONSISTENT with Goal 63 and Policy 125.1.2.

Land Development Code Compliance

County regulations which are not specifically departed from as part of this planned development request will apply to the balance of applicable LDC, Code of Ordinances and Administrative Code provisions. If future deviations are proposed, each will be evaluated with established LDC review criteria. Staff finds the proposed planned development amendment to be in compliance with the LDC, including regulations which pertain to:

- Use, including supplemental regulations;
- LDC Chapter 10 Development Standards; and
- Division 9 of Article VI, Chapter 34, Planned Development Districts.

[28] See Attachment I, Natural Resources Staff Report.

Compatibility with existing and planned uses in the surrounding area

Compatible means "in describing the relation between two land uses, buildings or structures, or zoning districts, the state wherein those two things exhibit either a positive relationship based on fit, similarity or reciprocity of characteristics, or a neutral relationship based on a relative lack of conflict (actual or potential) or on a failure to communicate negative or harmful influences one to another."[29]

Several proposed uses have been vetted by the applicant and staff as inappropriate within the northern ±330 feet of the north property line and are only proposed in the southern 300 feet of the subject property (provided the northern property remains a single-family residence). This residential use of the property immediately north and the nearby surrounding residential land uses north on Wells Road are expected to remain for the foreseeable future. Some incompatible uses, such as truck stops, convenience food and beverage stores, fast food restaurants and car washes, rely on high visual exposure and ease of access from Bayshore Road for viable operation, so limiting these uses to a location near Bayshore is a sensible concession to the low-density residential uses to the north and lends itself to the required finding of compatibility with surrounding existing uses.

LDC Section 34-411(k) specifies that "Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significant higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs." [emphasis added].

The existing CPD approval integrated several compatibility measures to ensure adequate separation exists between the low-density residential uses to the north on Wells Road and the conceptual development plan for the site. The location of the preserve and insulating 8-foot-high masonry wall (or wall and berm combination), as well as the 150-foot building setback were all found necessary to mutually separate the existing Bayshore Community residences along Wells Road from the development potential of 61,000 square feet, not to exceed one building story (25 feet in height). The proposed intensification of this former approval by 125 percent (137,500 square feet), compiled with an increase in maximum building height (ranging between 35 and 48 feet, three to four stories) and the integration of uses derived from the General Commercial (CG) District[30] override these approved compatibility measures and will adversely impact immediately surrounding low-density residential land uses. The request poses an incompatible development program that will result in a relationship characterized by a stark transition between the low-density residential land uses and unparalleled commercial intensity in the Bayshore Community.

[29] LDC Section 34-2, Definitions.

[30] Staff Report previously notes that the purpose and intent statement finds the uses in CG District to be relatively insensitive to the impacts of adjacent land uses while generating substantial impacts on their neighbors (LDC Section 34-841(h)).

This proposed development program is exacerbated by the request to eliminate previous compatibility measures despite the desire to significantly intensify. Elimination of the currently required 8-foot-high masonry wall/berm wall combination is proposed by the applicant. It is the applicant's assertion that the proposed 75-foot-wide indigenous preserve (also functioning as the required buffer) is superior to LDC-required wall/landscape combination based on an extrapolation contrasting the general "C" and "F" Type LDC landscape buffers. The justification mentions an ambiguously undefined level of sound attenuation by the plant matter in the preserve and does not make any relative comparison to the sound attenuation afforded by the existing masonry wall required by Resolution Z-06-046. Research on the subject of best sound attenuation practices acknowledge that trees and shrubs can decrease noises such as highway-traffic noise levels if vegetative matter is high enough, wide enough, and dense enough (cannot be seen through); however, vegetative matter is often an impractical way to effectively mitigate noise as compared to the sound attenuation of a masonry wall. According to The Center for Environmental Excellence by the American Association of State Highway and Transportation Officials (AASHTO) "Trees and shrubs can decrease highway-traffic noise levels if high enough, wide enough, and dense enough, but it would take at least 100 feet of dense vegetation to provide the same benefit as the smallest feasible noise wall. Because of this, the FHWA [Federal Highway Administraiton] has not approved using vegetation for noise abatement."[31]

Staff cannot support the request to eliminate the masonry wall and berm combination given the nature of the request and also finds that utilization of the wall is imperative to successfully integrate the staff recommended 52 percent cumulative intensification[32] in a compatible manor.

Further steps to assure compatibility in this report include:

- Limiting retail intensity/general commercial intensity to no greater than 10,000 square feet per acre[33]
- Establishing defined areas for intensive uses and building heights exceeding 35 feet
- Eliminating uses[34] for which the current proposal lacks sufficient detail and parameters to provide compatibility assurances[35]
- Prohibiting use of general LDC provisions allowing additional height for increased setbacks

[31] Noise Abatement Part 2: State DOTs Study New Noise Wall Options, published November 18, 2020: https://environment.transportation.org/news/noise-abatement-part-2-state-dots-study-new-noise-wall-options/

[32] Cumulative figure represents an increase from 61,000 square feet to 87,500 square feet and a separate allocation of 44 hotel units. The applicant's Land Use Conversion Matrix assesses a comparative value of 120 square feet of retail floor area per hotel unit (44 x 120 = 5,280 square feet + 87,500 square feet = 92,780 square feet equivalent intensity) a 52 percent increase from 61,000 square feet.

[33] A separate allocation of 5 hotel units per acre does not subtract from the recommended commercial floor area allocation.

[34] It is worth noting none of the recommended eliminated uses were previously approved by Resolution Z-06-046.

[35] With sufficient detail, uses may be reconsidered through future public hearing amendment to individually examine the integration of such use(s), when controlled under specified conditions designed to promote the compatibility.

Sufficiency of Access and Transportation Impacts

The request currently proposes two vehicular access points (a single access on Bayshore and Wells Roads) as compared to the existing approval (two access points on Wells Road and one on Bayshore Road). The property has sufficient access opportunities to the surrounding road network and vehicular access to Bayshore Road will be subject to Florida Department of Transportation (FDOT) approval at time of permitting. The applicant has also provided a traffic impact statement (TIS) concerning the trip generation expected by the project (see Attachment K). Development Services has issued a memorandum concerning the project's transportation impacts (see Attachment L). In summary, several arterial and collector roadway sections are expected to be significantly impacted by the proposed development at the projects anticipated build-out of 2028. However, all roadway sections analyzed will continue to operate at an acceptable Level of Service "C" with or without the project, except for the section of Bayshore Road located between Pritchett Parkway and Wells Road, which is expected to operate at a Level of Service (LOS) "F" with and without the project. Therefore, the project will not have a detrimental impact on the surrounding roadway system, as conditioned. In addition to the level of service capacity, staff has tabulated estimated LOS on nearby roadway intersections. It is worth noting that the Lee Plan does not establish a standard for intersection LOS. This information is purely informational and was derived from the applicant's TIS.

As noted above, the Bayshore Road segment west of Wells Road is expected to reach capacity with or without the project by 2028 due to the anticipated background growth. Lee Plan Objective 2.2.3 states:

"When an area within the County is approaching the capacity of the necessary facilities as described above, requested rezonings to increase densities and intensities may be deferred or denied to give preference to existing vacant lots and other valid development approvals, provided that a constitutionally mandated reasonable use of land would still be permitted." [emphasis added]

Since the language of policy referenced is discretionary, the project is not inconsistent with this policy. The recommendation to propose a modified intensity threshold to comply with the balance of land development regulations will consequently reduce the number of vehicular trips represented in the applicant's TIS significantly, as 125,000 square feet of ITE[36] Land Use Code Shopping Plaza was utilized to forecast impacts, whereas a maximum of 87,500 square feet non-residential floor area (including outdoor restaurant seating) is recommended by staff with a separate allocation of 44 hotel units.[37] The intensity allocation may be converted into additional hotel units not to exceed 125 hotel units at the conversion rate of 120 square feet per 1 hotel room unit.[38] Conversions must be approved by the county with an ongoing tabulated development summary. The applicant's Land Use Conversion Matrix (Attachment H) also

[36] The Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition.
[37] Roughly over 5 hotel units an acre, above the average represented in Table 1 on Page 5 of this Report.
[38] See applicant's "Land Use Conversion Matrix", Attachment H. Conversions based on ITE Trip Generation.

included a "Maximum Intensity" allocations table, as required for application sufficiency. The proposed Conversion and Maximum Intensity Tables have been reviewed by staff substantively, and in light of the reduction of proposed intensity considered herein, do not find it necessary to establish a cap on many of the listed uses except for hotel units (125 maximum.)[39] A recommended condition concerning the total vehicular trips permissible aligning with these findings is incorporated into the recommended conditions of approval.[40]

No adverse impacts to environmentally critical or sensitive areas and natural resources

Some requested uses pose a significant risk to the nearby Public Water Supply well, if located within the 1-year travel time. The 1-year travel time encompasses the large majority of the southern 300 feet of the subject property (see Attachment I). Consequently, in order to reach a finding of no adverse impacts on natural resources, some uses are not recommended within the 1-year travel time, and some are eliminated from the site as previously outlined. Therefore, the request, as conditioned, will not disturb environmentally critical or sensitive areas or natural resources. Environmental and Natural Resources staff have reviewed the request and recommend conditions of approval to make this finding.

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 public (urban) services to accommodate the development recommendation contained herein. Future improvements required as part of development order approval will further improve urban services and pedestrian facilities.

Supplemental Planned Development Criteria

Staff finds the proposed development to be consistent with the following additional criteria:

b) The proposed use or mix of uses is appropriate at the proposed location;

c) 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

d) The requested deviations, as conditioned:

   1) Enhance the achievement of the objectives of the planned development; and

   2) Preserve and promote the general intent of this Code to protect the public health, safety and welfare

[39] 125 maximum hotel units is consistent with applicant's proposed cap.
[40] See Attachment E, Recommended Conditions.

Public opposition

Staff received a substantial volume of input and interest from members of the public in response to the request, and at the request of several individuals, staff is submitting these individuals' written comments on the record during the Hearing. In summary, the concerns are largely related to transportation deficiencies and safety, especially vehicular and pedestrian safety, as well as compatibility and consistency with Goal 18 and its attendant objectives and policies seeking to preserve the rural character of the community. Though not required, the applicant did host a community meeting within the Bayshore Community. It was a well-attended meeting with an estimated 75-80 people. A summary document is attached hereto as Attachment R.

CONCLUSION:

In summary, the following factors warrant careful consideration of the intensity of land uses proposed on the subject property:

- Compatibility with existing abutting residential land uses;
- Consistency with Goal 18, the Bayshore Community Plan;
- Traffic on Bayshore Road, evidenced by existing conditions and projected levels of service failure by 2028, even without the proposed project;
- Uncontrolled traffic flow onto Bayshore Road at the intersection of Wells Road;
- The public water supply well located approximately 200 feet from the subject property;
- The General Interchange Future Land Use Policy and comparative concentrations of intensity developed in these interchange areas; and
- The findings of Resolution Z-06-046, the evolved conditions of the Bayshore Community, and identification of what LDC or Lee Plan attributes have changed to materially alter those findings.

After careful consideration of all documents submitted in support of the applicant's request, and analysis of other interchange area approvals, the maximum proposed intensity sought on 8.75 acres introduces a concentration that is not typical in interchange areas throughout Unincorporated Lee County, especially when in comparison to other more developed interchange areas with significantly higher levels of public services. To introduce the applicant's proposed intensity and sought conditions unrefined into a community with no approved or established intensity within remote comparison is starkly inconsistent with Goal 18[41], which aims to protect the existing rural residential, agricultural and equestrian-oriented character of the community by maintaining low residential densities and minimal commercial activities and exclude incompatible uses that are destructive to the character of the rural residential environment.

Staff recommends a modified maximum intensity threshold, which provides a significant but proportionate increase in nonresidential floor area, offers a wide range of land uses including those

[41] See Objective 17.1 and Goal 18.

that primarily serve the traveling public, revises property development regulations and deviations, and incorporates two Master Concept Plans in a manner that promotes flexibility in the General Interchange Future Land Use Category in compatible manner that is not destructive to the Bayshore Community.

Based upon this analysis of the application and the standards for approval of planned development amendment, staff finds the request, as conditioned, to be consistent with the established review criteria. Staff recommends APPROVAL of a modified intensity threshold and schedule of uses with conditions attached hereto as Attachment E.

MCP Modifications necessary to align with staff recommendation

- Remove "Wells Road Improvement Detail" from both MCPs;
- Include the location of the 8-foot-high masonry wall or 8-foot-high masonry wall/berm combination on both MCPs per recommended Condition 8, Attachment E; and
- Include clarification requested by stipulated project sufficiency letter: "Please include the following note within the Open Space/Indigenous Preserve table on the MCPs: "Applying the indigenous incentive credits allowed by LDC 10-415(b)(3), a rate of 125% is applied due to the preserve minimum width of 75 feet and minimum area of one acre."

ATTACHEMENTS:

A. Expert Witness Information
B. Legal Description, Sketch and Boundary Survey
C. Aerial, Future Land Use, and Current Zoning Maps
D. Master Concept Plan
E. Development Regulations, Conditions and Deviations
F. Applicant's Submittals
   - Project Narrative
   - Deviations & Justifications
   - Property Development Regulations
   - Proposed Conditions
   - Surface Water Management Narrative
   - Maps
G. Applicant's Schedule of Uses
H. Applicant's Land Use Conversion Table
I. Natural Resources Staff Report
J. Environmental Staff Report
K. Applicant's Traffic Impact Statement
L. Development Services Memoranda
M. Resolution Z-06-046
N. Resolution Z-92-061
O. Administrative Amendment ADD2022-00117 (Maximus Self-Storage)
   - Resolution Z-10-036 (W&W Service Park)

P. List of Proposed Uses Not Approved by Resolution Z-06-046
Q. Utility Letters of Availability
   - LCU
   - FGUA
R. Public Information Session Summary
S. DCI2005-00100 Hearing Examiner Hearing Transcript

CPA2022-00019

Cary Duke CPA

SUMMARY SHEET
CPA2022-00019: CARY+DUKE+POVIA MAP AMENDMENT
ADOPTION HEARING

REQUEST:
Amend Lee Plan Maps 4-A and 4-B to include ±788.97 acres on the Lee County Utilities Future Water and Sewer Service Areas. The property is located on the south side of North River Road, approximately one mile east of the intersection of North River Road and SR 31.

The amendment is associated with a concurrent Residential Planned Development application to allow up to 1,099 residential units on the subject property.

PUBLIC COMMENT:
Approximately sixty-five (65) members of the public provided public comment on the proposed amendment. Sixty-one members of the public were opposed to the amendment and four supported the amendment. Public comments included concern over traffic, the ability of emergency service vehicles to respond to the site, constructing the utility line under the river, general incompatibility with the neighboring very low-density residential uses and a belief that septic systems are better for the environment than public utilities.

TRANSMITTAL HEARING:
A motion was made to ***transmit*** CPA2022-00019 as recommended by staff. The motion passed 5 to 0.

MIKE GREENWELL	**AYE**
BRIAN HAMMAN	**AYE**
CECIL L. PENDERGRASS	**AYE**
KEVIN RUANE	**AYE**
RAY SANDELLI	**AYE**

STATE REVIEW:
Lee County received responses from FloridaCommerce, the Florida Department of Transportation (FDOT), the Florida Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission (FWC). The state reviewing agencies had no comments, recommendations, or objections on the proposed amendments.

STAFF RECOMENDATION:
Staff recommends that the Board of County Commissioners ***adopt*** the amendments to the Lee Plan as transmitted and as provided in Attachment 1.

LEE COUNTY ORDINANCE NO. 24-XX
(Cary+Duke+Povia Map)
(CPA2022-00019)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE CARY+DUKE+POVIA MAP (CPA2022-00019) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, 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 the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on September 25, 2023; and,

WHEREAS, the Board held a public hearing on December 6, 2023. On December 6, 2023, prior to commencing the case presentation for the transmittal of the proposed amendment, the Board continued the hearing until January 17, 2024.

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on January 17, 2024. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Cary+Duke+Povia Map (CPA2022-00019) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the January 17, 2024 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on March 20, 2024, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and 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 "Cary+Duke+Povia Ordinance (CPA2022-00019)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends the Lee County Utilities Future Water Service Areas (Lee Plan Map 4-A) to add property to the Lee County Utilities Future Water Service Area, and amends the Lee County Utilities Future Sewer Service Areas (Lee Plan Map 4-B) to add property to the Lee County Utilities Future Sewer Service Area. The property is located on the south side of North River Road, approximately one mile east of the intersection of North River Road and SR 31.

The corresponding Staff Reports and Analysis, along with all attachments and application submittals for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

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 that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

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

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

SECTION EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____. The vote was as follows:

Kevin Ruane	_____
Cecil L Pendergrass	_____
Raymond Sandelli	_____
Brian Hamman	_____
Mike Greenwell	_____

DONE AND ADOPTED this 20th day of March 2024.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BY:_____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY FLORIDA

BY: _____
Mike Greenwell, Chair

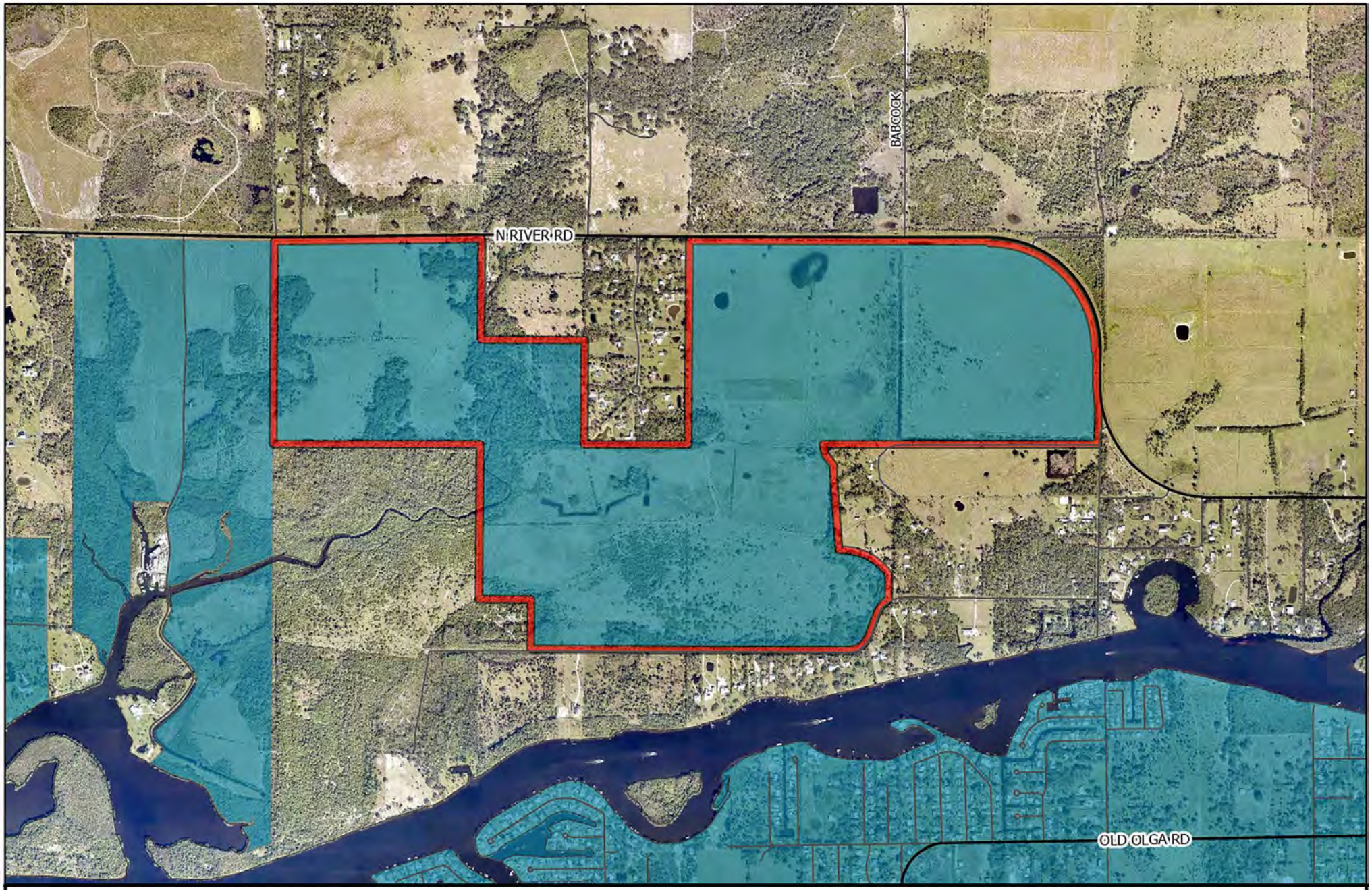
DATE:_____

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

_____
County Attorney's Office

Exhibit A (Adopted by BOCC March 20, 2024):
Adopted revisions to Future Water Service Areas Map 4-A
Adopted revisions to Future Sewer Service Areas Map 4-B

CAO Draft 2/26/2024 4:09:43 PM



CPA2022-00019

Future Water Service Areas

Lee County
Southwest Florida

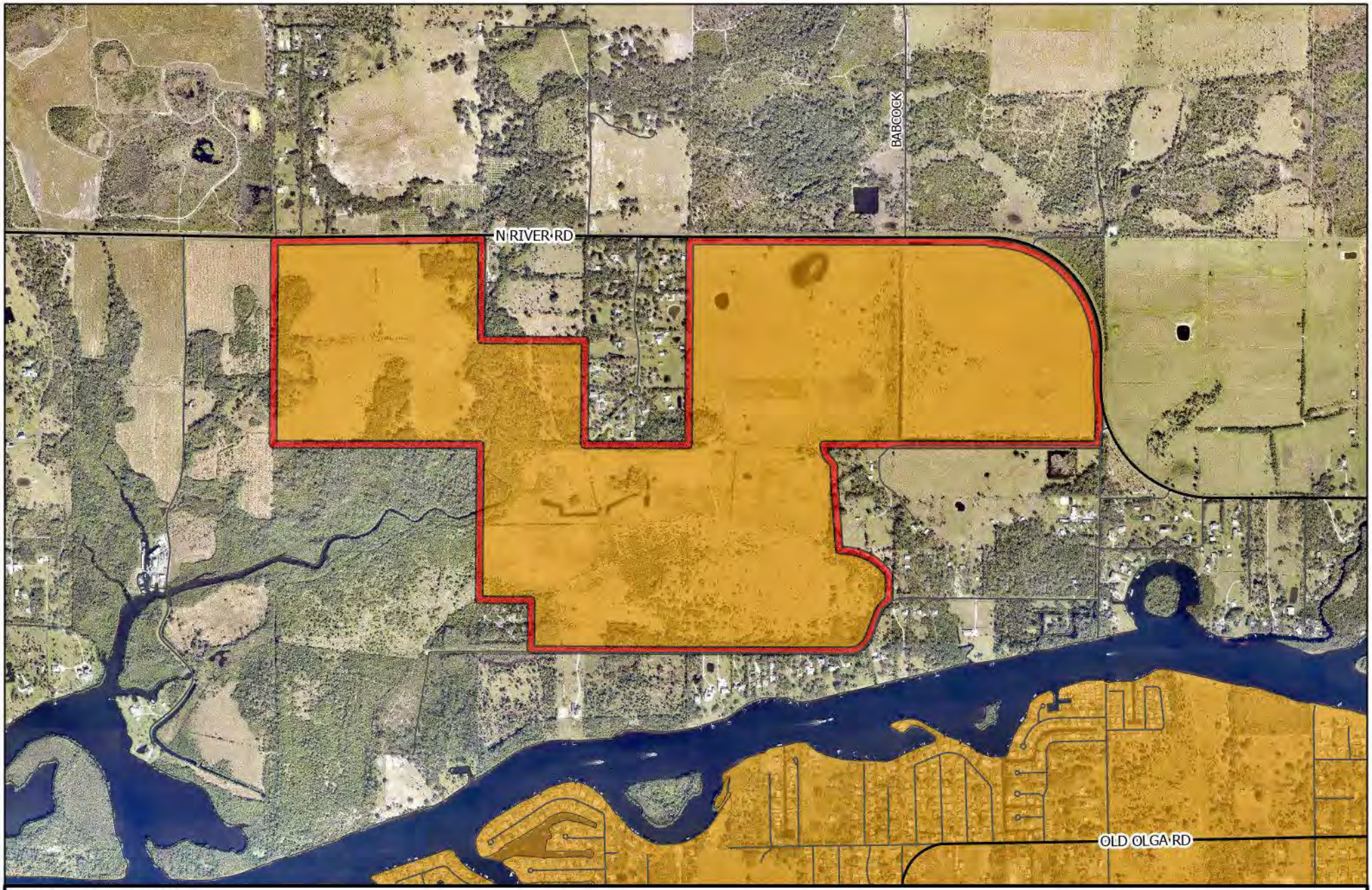
Proposed Future Water Service Areas

Existing Future Water Service Areas

N
W
E
S

0 1,000 2,000
Feet

Map Generated: September 2023



CPA2022-00019

Future Sewer Service Areas

Lee County
Southwest Florida

Proposed Future Sewer Service Areas

Future Sewer Service Areas

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Feet

Map Generated: September 2023

STAFF REPORT FOR CPA2022-00019: CARY+DUKE+POVIA

Privately Initiated Map Amendment to the Lee Plan

Recommendation:
Adopt

Applicant:
Neal Communities of Southwest Florida, Inc.

Representatives:
Jem Frantz, AICP
RVi Planning + Landscape Architecture

Property Location:
13230 North River Road

Property Size:
±788.97 Acres

Planning District:
Northeast Lee County

Commissioner District:
District 5

Hearing Dates:
LPA: 09/25/2023
BoCC #1: 01/17/2024
BoCC #2: 03/20/2024

Attachment(s):
1: Proposed Amendments
2: Applicant Materials

SUMMARY OF AMENDMENTS

- Amend the Lee County Utilities Future Water Service Areas (Lee Plan Map 4-A) to add property to the Lee County Utilities Future Water Service Area.
- Amend the Lee County Utilities Future Sewer Service Areas (Lee Plan Map 4-B) to add property to the Lee County Utilities Future Sewer Service Area.

PROJECT LOCATION

The property is located on the south side of North River Road, approximately one mile east of the intersection of North River Road and SR 31. See Figure 1, below.

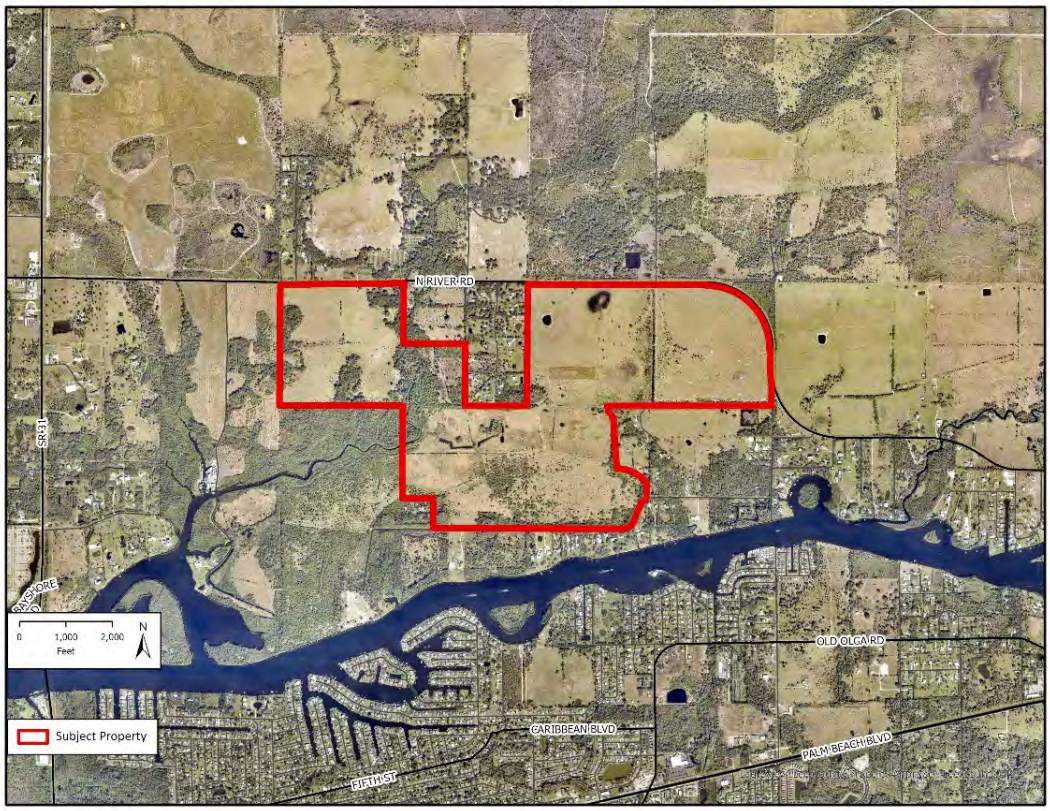


Figure 1: Subject Property

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 REVIEW

CONCURRENT APPLICATION REVIEW

While this request is to add the subject property to Lee County Utilities Future Water and Sewer Service Areas, the applicant has filed a companion rezoning application (DCI2022-00067) that is being reviewed concurrently with this plan amendment application. Chapter 163.3184(12), F.S. provides: "At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection."

The concurrent rezoning request is to rezone ±788.97 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to allow development of a clustered residential community containing up to 1,099 dwelling units. The proposed amendment would allow the applicant to take advantage of the density increase allowed by **Policy 123.2.17**, which grants an additional unit for each acre of Rare and Unique upland habitat preserved and/or restored. To receive this incentive the developer would need to preserve and restore Rare and Unique upland habitat by clustering development to maximize open space and minimize groundwater impacts by connecting to potable water and sewer services. This incentive is available only to properties within the Rural future land use category. Analysis of DCI2022-00067 shows that the incentive the applicant would receive is approximately 0.4 dwelling units per acre.

Even with the recommended transmittal of the proposed amendments, the applicant must demonstrate consistency with the Lee Plan, including the proposed amendments, in order for the companion rezoning to receive a favorable recommendation.

SUBJECT SITE AND SURROUNDING PROPERTIES

The subject property is on the south side of North River Road, approximately one mile east of the intersection of North River Road and State Road 31. The property is currently zoned Agricultural (AG-2) and consists of passive agriculture uses.

Surrounding properties are primarily passive agriculture and large-lot subdivisions. Immediately west of the property are the Owl Creek Residential Planned Development and the Babcock Ranch Mixed-use Planned Development on the south and north sides of North River Road, respectively. Additional information can be found in Table 1 below.

TABLE 1: SURROUNDING PROPERTIES INFORMATION

	Future Land Use	Zoning	Existing Use
North	DR/GR, New Community, Conservation Lands Upland	MH-1, EC, & MPD approved for 1,630 units and 1.17 million square feet of retail, office, hotel, and recreation	Single-Family Residential, Agriculture, & Vacant
East	Rural	AG-2	Single-Family Residential & Vacant
South	Rural & Wetlands	AG-2	Single-Family Residential & Vacant
West	Rural & Wetlands	RPD approved for 380 units	Vacant

DISCUSSION AND ANALYSIS: MAP AMENDMENT

Future Land Use Element

The applicant proposes expanding Lee Plan Maps 4-A and 4-B to include the subject property within Lee County Utility's future water and sewer service areas.

The Rural future land use category, is described in **Policy 1.4.1:**

> **POLICY 1.4.1:** The Rural areas are to remain predominantly rural – that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).

The subject property is currently within the Rural future land use category and will remain in that future land use category. The proposed amendment will not change the allowable use of the subject property. Policy 1.4.1 provides that "these areas are not to be programmed to receive urban-type capital improvements," meaning that a developer may expand, but that residents should not expect improvements to be programmed through County capital improvement projects. The proposed amendment is consistent with the existing future land use category.

Development of residential uses under 2.5 dwelling units per acre does not require connection to public water and sewer service to be consistent with **Policy 4.1.1** and **Policy 4.1.2**, however Lee County Utilities has indicated that capacity is available to serve the subject property for water and sewer per the applicant's request. Based on the current Lee Plan[1], the developer would be allowed to develop up to approximately 788 dwelling units using self-service wells and septic tanks.

The Subject property is within the Agricultural Overlay, as identified on Map 1-G. **Policy 1.6.7** describes the Agricultural Overlay special treatment area. Policy 1.6.7 provides that agricultural uses "should be protected from the impacts of new developments, and the county should not attempt to alter or curtail agricultural operations on them merely to satisfy the life-style expectations of non-urban residents." This policy is meant to protect existing agricultural uses in non-urban areas from compatibility concerns of nearby residents. Policy 1.6.7 does not prohibit the conversion of agricultural uses to other uses. Although Florida Statute 163.3177(6)(a) requires the Lee Plan's future land use element include the general distribution and location of land for agriculture, Florida Statute 187.201(22)(b)(1) ensures the goals and policies in state and regional plans are not interpreted to restrict the conversion of agriculture lands to other uses. Similar language was deleted from the Lee Plan in Ordinance 21-09 to "remove redundancy with Florida Statute."

Objective 2.1 of the Lee Plan states that "Contiguous and compact growth patterns will be promoted to… contain urban sprawl… [and] conserve land, water, and natural resources…" Implementation of the proposed amendments will not detract from the distinction between future non-urban areas and future suburban or future urban areas as envisioned by the Lee Plan. Amendments to the Lee Plan that encourage both the continued use of the Rural future land use categories in appropriate areas and the conservation of land, water and natural resources and systems are consistent with Objective 2.1.

[1] Lee Plan Policies 1.4.1 and 124.1.1, and Standards 4.1.1 and 4.1.2

Community Planning Area

The **Northeast Lee County Community Plan, Lee Plan Goal 27**, provides objectives and policies applicable to both the Alva and North Olga Community Plan areas in order to "maintain, enhance, and support the heritage and rural character, natural resources, and agricultural lands" in Northeast Lee County. Objective 27.1 and Policy 27.1.1 of the Lee Plan discuss the need to maintain and enhance the rural character of Northeast Lee County, including through the use of clustered development in order to conserve "large areas of open lands." Additionally **Objective 27.2** and **Policy 27.2.1** direct applicants to develop and refine rural planning tools in order to "enhance and maintain Northeast Lee County's sense of place and provide for the long-term preservation of large tracts of contiguous natural resource and open space areas."

The **North Olga Community Plan, Lee Plan Goal 29**, is to: "Promote and support the unique rural character, heritage, economy, quality of life, and natural resources in the North Olga Community Plan area." Policy 29.2.1 "encourages the design of planned developments to include a mix of unit types and flexible lot sizes to **allow for clustering**, affordability, **preservation of open space, natural assets** and diversity of choice within the community" [emphasis added]. The proposed areas for preservation of Rare and Unique Upland Habitats contain two known archeological sites, which were documented as part of a cultural resource study conducted on the property. The preservation of the Rare and Unique Upland Habitat would protect these archeological sites. The incentive provided in Policy 123.2.17 would allow for a form of development that is consistent with the Goals, Objectives, and Policies within the Northeast Lee County and North Olga Community Plans[2].

As previously stated, any proposed rezoning must demonstrate consistency with all Lee Plan requirements. The applicant held public meetings within the boundaries of both the Alva and North Olga Community Planning Areas, consistent with **Policy 17.3.3.** A meeting in the Alva Community Plan area was held on March 14, 2023, and a meeting in the North Olga Community Plan area was held on June 20, 2023.

Environmental Analysis

The applicant's Environmental Analysis identified 700.57± acres of uplands consisting of Pine Flatwoods (FLUCCS 4119), Live Oak (FLUCCS 4279), Cabbage Palm (FLUCCS 4289), 70.29± acres of wetlands consisting of Cabbage Palm, Hydric (4281), and 18.10± acres of Other Surface Waters (OSW) consisting of Streams and Waterways (FLUCCS 510). A formal wetland jurisdictional determination was not provided therefore the upland and wetland acreages provided are subject to review and approval by the applicable State agency.

The Protected Species Survey provided by the applicant noted observations of adult and juvenile Crested Caracara, adult and juvenile Sandhill Crane, Snail Kite, Snowy Egret, Tri-colored Heron, Wood Stork, Little Blue Heron, Juvenile Bald Eagle, American Alligator, and Gopher Tortoise. These species are identified as protected species per the Lee County Land Development Code and a species management plan will be required prior to future development per the Land Development Code.

Application materials submitted with the concurrent zoning indicate that the western and eastern portions of the subject property receive offsite flows that cross the property generally from the north to the south, towards the Caloosahatchee River. These flows are conveyed through the property by Trout Creek and a series of man-made drainage ditches that connect to Otter Creek. Otter Creek has been altered throughout the years as evidenced by historical aerials. Future development should preserve Trout

[2] Lee Plan Goal 29, Objective 29.2, 29.2.1

Creek flowway and ensure that surface water flows are maintained or improved consistent with Lee Plan **Policies 60.4.3, 126.1.1, 126.1.4.**

The subject property is within the State adopted Caloosahatchee River Basin Management Action Plan (BMAP) for Total Nitrogen and Total Phosphorus. The western portion of the property, within the Trout Creek Waterbody ID (WBID), is within a State adopted Total Maximum Daily Load for Fecal Coliform and is impaired for Escherichia coli. The eastern portion of the property is within the Otter Creek WBID. The property outfalls into a portion of the Caloosahatchee River that is within a State adopted Total Maximum Daily Load for Nitrogen and is impaired for Dissolved Oxygen, Enterococci, Iron, Chlorophyll-a, Total Nitrogen, and Total Phosphorus. In addition, northern portions of the subject property, abutting North River Road, are within the 1-year, 5-year, and 10-year Wellfield Protection Zone travel times. Given the unique surface water and groundwater resources in the immediate area, future development should be encouraged to use public sanitary sewer in lieu of the 788 septic tanks that could be allowed on the subject property.

Lee County should recognize expansion of sewer and water to the subject property is appropriate given the environmental concerns regarding water quality of the Caloosahatchee River[3]. Recent changes to Florida Statutes indicate the State's desire to move toward sanitary sewer in areas within a BMAP. House Bill 1379, passed in the 2023 legislative session, states that "local governments subject to a basin management action plan…must provide the department [FDEP] an update on the status of construction of sanitary sewers to serve such areas."[4]

Policy 126.1.4 of the Lee Plan requires development designs must maintain groundwater levels at or above existing levels. Connecting to the LCUs potable water system, will reduce stress on the shallow aquifer and help to maintain or improve groundwater levels near the subject property., Therefore, amending the Lee Plan to allow for connection to LCU's potable water is consistent with Policy 126.1.4. This is particularly important for the subject property, as the surrounding properties primarily rely on Sandstone Aquifer for their potable water needs. Conditions may also be required to the concurrent rezoning request in order to further demonstrate consistency with Policy 126.1.4. This will ensure water leaving the site is maintained or improved for the protection of the environment.

Transportation Analysis

Analysis of the surrounding roadway network indicates that the increase in density allowed through Policy 123.2.17 causes a segment of State Road 31 to fall below the recommended Level of Service threshold. This segment of State Road 31 is in the design stage of a widening project according to Florida Department of Transportation[5].

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."

Public Facilities Impact

[3] Florida Department of Environmental Protection, *2022 5-Year Review of the Caloosahatchee River and Estuary Basin Management Action Plan,* December 2022; Lapointe et al., *Microbial Source Tracking in Lee County Waterways,* Florida Atlantic University, March 2022.

[4] Florida House of Representatives, *CS/CS/HB 1379: Environmental Protection,* March 2022.

[5] Florida Department of Transportation, *428917-1*, July 2023. https://www.swflroads.com/project/428917-1

- Fire: The subject property is served by Bayshore Fire Rescue, who has indicated that the property currently lies outside of five road miles of the subject site.
- Emergency Medical Services: Lee County Emergency Medical Services (EMS) will provide service to the subject property. Lee County EMS has indicated that they cannot yet sufficiently serve the entirety of the subject property within the established response time threshold. Development of an EMS station nearby on State Road 31 is planned to begin in the near future. This is an issue that would exist with and without the proposed amendments to Maps 4-A and 4-B. Staff recommends that future zoning action consist of mitigation techniques such as development phasing in order to ensure that EMS service is adequate for the entire project site at build-out.
- Utilities: The subject property is not currently located within the Lee County Utilities Future Service Area. Potable water and sanitary sewer lines are not in operation at the vicinity, and thus, developer-funded system enhancements are required. Potable water service will be provided by the North Lee County Water Treatment Plant and sanitary sewer service will be provided by the City of Fort Myers North Water Reclamation Facility. There are no reuse mains within the vicinity. Lee County Utilities has indicated that there is sufficient capacity to provide service to the subject property.
- Public Transit: The subject property does not meet applicability standards for LeeTran. The property is not within one quarter mile of a fixed route corridor, and there is no identified need for enhanced or additional transit services in the area.
- Schools: The School District of Lee County has determined that capacity is an issue within the Concurrency Service Area (CSA) at the elementary school level; however, capacity is available within the adjacent CSA.
- Police: The Lee County Sheriff's Office will serve the subject property and has indicated that service can be provided to the subject property. Law enforcement will be provided from the North District offices in North Fort Myers. The Sheriff's Office requests a Crime Prevention Through Environmental Design report at time of Development Order.
- Solid Waste: Lee County Solid Waste is capable of providing solid waste collection service to the subject property. Service will be provided through franchised hauling contractors, with disposal of waste accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

CONCLUSIONS

The proposed amendment will extend Lee County Utilities Future Water and Sewer Service Areas to the approximately 788 acre subject site. Inclusion of the subject property on Maps 4-A and 4-B allows developer funded expansion of sewer and water service. While the Lee Plan states that areas within the Rural future land use category are not to be programmed to receive urban-type capital improvements, it does not say that utilities may not be extended to Rural areas through developer funded improvements. It is acknowledged that the availability of water and sewer could result in an increase of density of approximately 0.4 units per acre in exchange for preserving and restoring Rare and Unique upland habitat by clustering development to maximizing open space and minimizing groundwater impacts.

This request is consistent with the Lee Plan by protecting aquifer water levels by reducing reliance on private well and septic systems. The request is also consistent with new direction from the State to expand sewer service to areas under a Basin Management Action Plan. It would be inconsistent with direction from the State to deny the applicant's request to provide services to the subject property. In summary,

- The proposed amendments are consistent with the future land use category and surrounding property uses.
- The proposed amendments promote the use of sanitary sewer in BMAP areas, consistent with state statutes.
- The proposed amendments will allow for a form of development consistent with the Objectives and Policies of Goal 27 and Goal 29 of the Lee Plan.
- The proposed amendment helps to ensure area groundwater levels will be maintained at or above existing levels, consistent with the Lee Plan.

Staff recommends that the Board of County Commissioners ***transmit*** the proposed amendment as shown in Amendment 1.

PART 2
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: September 25, 2023

A. LOCAL PLANNING AGENCY REVIEW

The applicant's representatives provided a presentation addressing the requested amendments, subject property, impact analysis, surrounding uses, consistency with the Lee Plan, and concurrent rezoning.

During the applicant's presentation members of the LPA asked about the process from this point to the beginning of construction, the cost of utility expansion, and who would be responsible for extending water and sewer lines.

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

Members of the LPA asked staff whether input from required community meetings was considered, the scope of the decision before the LPA, transportation concurrency, availability of emergency medical service, archaeological sites on the property, availability of fire services, availability of public transit, which water and sewer treatment plant locations will provide those respective services, whether service was contiguous to the site, whether the proposal met the goals of the community plan area, protected species, and stormwater management.

There were 53 members of the public who made comments on the proposed amendment. Public comments primarily expressed concerns over traffic, lack of infrastructure, increased density, inconsistency with existing character of the surrounding area, and forced connections to sewer and water services.

B. LOCAL PLANNING AGENCY RECOMMENDATION

A motion was made to recommend that the Board of County Commissioners ***transmit*** CPA2022-00019. The motion failed 3 to 2.

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

C. STAFF RECOMENDATION

Staff recommends that the Board of County Commissioners ***transmit*** the amendments to the Lee Plan as provided in Attachment 1.

PART 3

BOARD OF COUNTY COMMISSIONERS
TRANSMITTAL HEARING

DATE OF PUBLIC HEARING: January 17, 2024

A. BOARD REVIEW

Staff provided a presentation for the proposed amendment, which included the purpose of the proposed amendments, anticipated impacts of the amendments, consistency with the Lee Plan, and staff recommendation. Board members asked staff questions regarding the reasoning for staff's recommendation, and clarification on the process for approval.

The applicant's representatives provided a presentation to the BoCC, which included details about the requested Comprehensive Plan Amendment and the anticipated conceptual site plan for the proposed development. Members of the BoCC asked the applicant about the proposed density, environmental impacts, and infrastructure improvements.

Approximately sixty-five (65) members of the public provided public comment on the proposed amendment, four (4) of whom supported the amendment. Public comments included concern over traffic, the ability of emergency service vehicles to respond to the site, constructing the utility line under the river, general incompatibility with the neighboring very low-density residential uses and a belief that septic systems are better for the environment than public utilities.

At the conclusion of public comment, the applicant responded to the public concerns.

The Board then inquired about the financial responsibility of the long-term maintenance of the infrastructure the applicant would be providing to the county, the location of the line, whether running the utilities line under the river was common practice, the process to detect leaks, and EMS availability on the site.

B. BOARD ACTION

A motion was made to ***transmit*** CPA2022-00019 as recommended by staff. The motion passed 5 to 0.

VOTE:

MIKE GREENWELL	**AYE**
BRIAN HAMMAN	**AYE**
CECIL L. PENDERGRASS	**AYE**
KEVIN RUANE	**AYE**
RAY SANDELLI	**AYE**

PART 4
STATE REVIEWING AGENCIES'
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS

Comments from the State Reviewing Agencies were due to Lee County by February 23, 2024.

A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

Lee County received responses from the following review agencies addressing the transmitted amendment:

- FloridaCommerce,
- Florida Department of Transportation (FDOT),
- Florida Fish and Wildlife Conservation Commission (FWC), and
- Florida Department of Environmental Protection (FDEP)

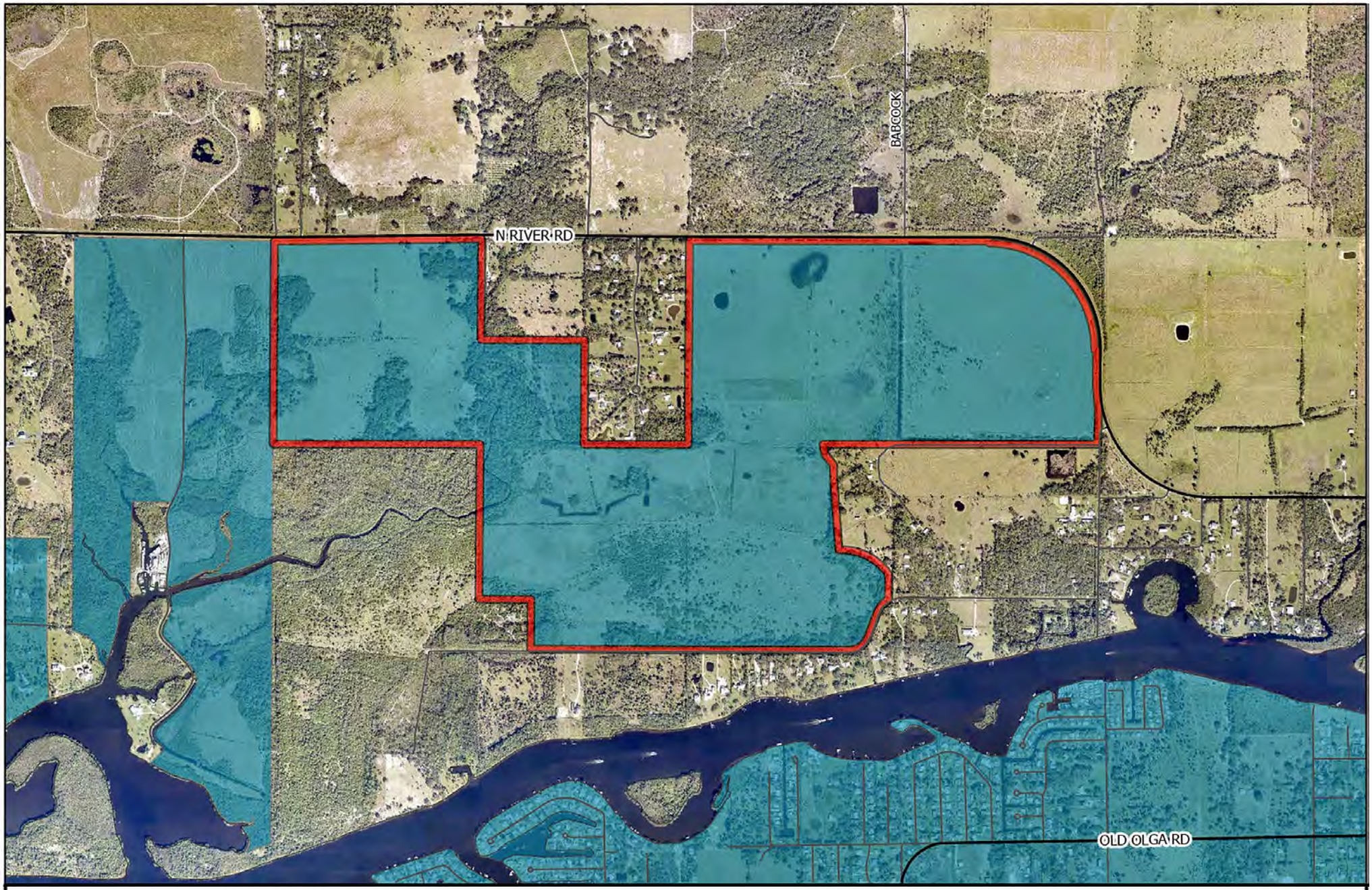
The responding state agencies had no objections, recommendations, or comments on the transmitted amendment.

B. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners ***adopt*** the amendments to the Lee Plan as transmitted and as provided in Attachment 1.

ATTACHMENT 1

- **Map 4-A**
- **Map 4-B**



CPA2022-00019

Future Water Service Areas

Lee County
Southwest Florida

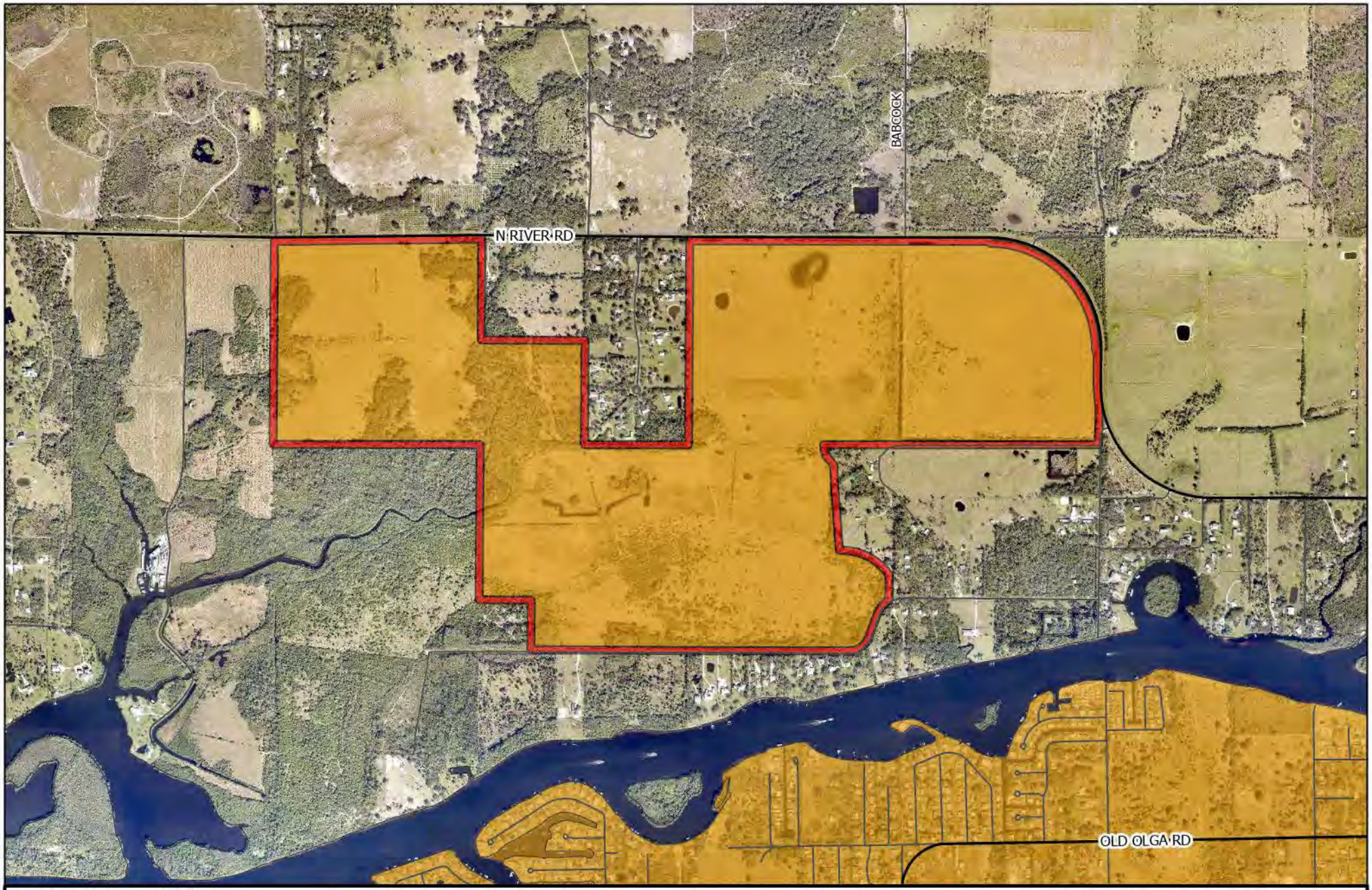
Proposed Future Water Service Areas

Existing Future Water Service Areas

N
W
E
S

0 1,000 2,000
Feet

Map Generated: September 2023



CPA2022-00019

Future Sewer Service Areas

Lee County
Southwest Florida

Proposed Future Sewer Service Areas

Future Sewer Service Areas

N
W
E
S

0 1,000 2,000
Feet

Map Generated: September 2023

CARY+DUKE+POVIA
Comprehensive Plan Map Amendment
LPA Hearing

September 25, 2023

PREPARED FOR:
Neal Communities of Southwest Florida, LLC

SUBMITTED TO:
Lee County Department of Community Development
Planning Section
1500 Monroe St.
Fort Myers, FL 33901

RVi

Table of Contents

Contents

Cover Letter, Completed Application Form & Additional Agents (EXHIBIT M1)

December 5, 2022

Lee County Community Development
Planning Section
1500 Monroe Street
Fort Myer, FL 33908

RE: Cary Duke CPA
Lee County Comprehensive Plan Amendment (Map) Application

Dear Ms. Rozdolski:

Neal Communities of Southwest Florida, LLC ("Applicant") is proposing a large-scale Comprehensive Plan Amendment (Map) on the 788+/- acres located at 13230 N. River Road in unincorporated Lee County, Florida, generally one mile east of the SR 31 Pine Island and N River Road intersection in the Northeast Lee County/North Olga Planning Communities.

Specifically, the Applicant seeks a map change to at the property to the Future Water Service Areas Map (Map 4A) and Future Sewer Service Area Map (Map 4B).

This application is a companion application to the Cary+Duke+Povia RPD rezoning.

Enclosed please find a completed CPA application. We look forward to working with you.

Sincerely,

RVi Planning + Landscape Architecture

Jeremy Frantz, AICP
Project Director

Lee County Community Development

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

ProjectName: Cary+Duke+Povia RPD

ProjectDescription: A request to amend the Lee County Utilities Future Water Service Areas Map (Map 4A) the Lee County Utilities Future Sewer Service Areas Map (Map 4B) and to include a 788+/- acre property within the Future Water Service Area and Sewer Service Area. The request is associated with a proposed RPD Rezone to allow for a maximum of 1,099 single-family dwelling units.

Map(s) to Be Amended: Lee County Utilities Future Water Service Areas Map (Map-4A) and Future Water Service Areas Map (Map-4B).

State Review Process: ☐ Small-Scale Review ☐ State Coordinated Review ■ Expedited State Review

1. **Name of Applicant:** Neal Communities of Southwest Florida, Inc.
   Address: 28100 Bonita Grande Dr., Suite 106
   City, State, Zip: Bonita Springs, FL, 34135
   Phone Number: 239-405-7366 E-mail: toak@nealcommunities.com

2. **Name of Contact:** Jeremy Frantz, AICP
   Address: 28100 Bonita Grande Dr., Suite 305
   City, State, Zip: Bonita Springs, FL, 34135
   Phone Number: 239-357-9580 E-mail: jfrantz@rviplanning.com

3. **Owner(s) of Record:** See Attached.
   Address:
   City, State, Zip:
   Phone Number: E-mail:

4. **Property Location:**
   1. SiteAddress: 13230 N River Road, Alva, FL 33920; 14406 Duke Hwy, Alva, FL 33920 & Access Undetermined
   2. STRAP(s): 17-43-26-00-00001.0000; 17-43-26-01-00003.0000; 17-43-26-01-00008.0000; 17-43-26-01-00009.0000; 16-43-26-00-00001.0040; 16-43-26-00-00001.0070; 16-43-26-00-00001.0000; 17-43-26-01-00004.0000

5. **Property Information:**
   Total Acreage of Property: 788+/- acres Total Acreage Included in Request: 788+/- acres
   Total Uplands: 718+/-acres Total Wetlands: 70+/- acres Current Zoning: AG-2
   Current Future Land Use Category(ies): Rural & Wetlands
   Area in Each Future Land Use Category: Rural = 718+/- ac Wetlands = 70+/- ac
   Existing Land Use: Agriculture / Pasture

6. **Calculation of maximum allowable development under current Lee Plan:**
   Residential Units/Density: 771 Commercial Intensity: 0 Industrial Intensity: 0

7. **Calculation of maximum allowable development with proposed amendments:**
   Residential Units/Density: 1,099 Commercial Intensity: 0 Industrial Intensity: 0

Public Facilities Impacts

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

1. **Traffic Circulation Analysis**: The analysis is intended to determine the affect 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.

    b. 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
    c. 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 rangeimprovements
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:

a. 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
c. 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:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map 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:

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

Internal Consistency with the Lee Plan

1. 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	Filing Fee (Exhibit – M2)
X	Disclosure of Interest (Exhibit – M3)
X	Surrounding Property Owners List, Mailing Labels, and Map For All Parcels Within 500 Feet of the Subject Property (Exhibit – M3)
X	Future Land Use Map - Existing and Proposed (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	Lee Plan Analysis (Exhibit – M11)
X	Environmental Impacts Analysis (Exhibit – M12)
X	Historic Resources Impact Analysis (Exhibit – M13)
X	Public Facilities Impacts Analysis (Exhibit – M14)
X	Traffic Circulation Analysis (Exhibit – M15)
X	Existing and Future Conditions Analysis - Sanitary Sewer, Potable Water, Surface Water/Drainage Basins, Parks and Rec, Open Space, Public Schools (Exhibit – M16)
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 – M17)
X	State Policy Plan and Regional Policy Plan (Exhibit – M18)
X	Justification of Proposed Amendment (Exhibit – M19)
X	Planning Communities/Community Plan Area Requirements (Exhibit – M20)

APPLICANT – PLEASE NOTE:

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.

Y

ADDITIONAL AGENTS

Company Name:	Pavese Law Firm		
Contact Person:	Steve Hartsell		
Address:	1833 Hendry Street		
City, State, Zip:	Fort Myers, FL 33901		
Phone Number:	(239) 336-6244	Email:	Stevehartsell@paveselaw.com

Company Name:	Passarella & Associates, Inc.		
Contact Person:	Brett Bartek		
Address:	13620 Metropolis Avenue, Suite 200		
City, State, Zip:	Fort Myers, FL 33912		
Phone Number:	(239) 274-0067	Email:	brettb@passarella.net

Company Name:	Rhodes and Rhodes Land Surveying, Inc.		
Contact Person:	Edward Cieslak		
Address:	28100 Bonita Grande Dr., Suite 107		
City, State, Zip:	Bonita Springs, FL 34135		
Phone Number:	(239) 405-8166	Email:	edward@rhodesandrhodes.net

Company Name:	JR Evans Engineering, P.A.		
Contact Person:	Brandon Frey P.E.		
Address:	9351 Corkscrew Road, Suite 102		
City, State, Zip:	Estero, FL 33928		
Phone Number:	(239) 405-9148	Email:	brandon@jreeng.com

Company Name:	TR Transportation Engineering, Inc.		
Contact Person:	Yury Bykau, P.E.		
Address:	2726 Oak Ridge Court, Suite 503		
City, State, Zip:	Fort Myers, FL, 33901		
Phone Number:	(239) 278-3090	Email:	yury@trtrans.net

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

Disclosure of Interest (EXHIBIT M3)

DISCLOSURE OF INTEREST
AFFIDAVIT

BEFORE ME this day appeared G. Keith Cary, 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 17-43-26-00-00001.0000; 17-43-26-01-00003.0000; 17-43-26-01-00009.0000; 16-43-26-00-00001.0040; 17-43-26-01-00004.0000; 16-43-26-00-00001.0070 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
N/A	N/A

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.

X _____
Property Owner

G. Keith Cary
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 07 Dec 2022 (date) by G. KEITH CARY (name of person providing oath or affirmation), who is ~~personally known~~ to me or who has produced _____ (~~type of identification~~) as identification.

_____
Signature of Notary Public

STAMP/SEAL

CYNTHIA L. TRAMMELL
Commission # HH 322224
Expires November 20, 2026

DISCLOSURE OF INTEREST
AFFIDAVIT

BEFORE ME this day appeared Mary Ellen Povia, 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 16-43-26-00-00001.0000 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
N/A	N/A

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.

Mary Ellen Povia
Property Owner

MARY ELLEN POVIA
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 12/5/22 (date) by Mary Ellen Povia (name of person providing oath or affirmation), who is personally known to me or who has produced FL Drivers License P100-536-45-842-0 (type of identification) as identification.

Alexis Gaure Arrieta
Signature of Notary Public

STAMP/SEAL

NOTARY PUBLIC STATE OF FLORIDA
ALEXIS GAURE ARRIETA
Commission # HH 264212
Expires May 15, 2026

DISCLOSURE OF INTEREST
AFFIDAVIT

BEFORE ME this day appeared RAYMOND & KATHY HARVEY 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 17-43-26-01-00008.0000 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
N/A	N/A

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.

Kathy R Harney
Property Owner

RAYMOND G. & KATHY L HARNEY
Print Name

************NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS************
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF ~~FLORIDA~~ WASHINGTON
COUNTY ~~OF LEE~~ SNOHOMISH

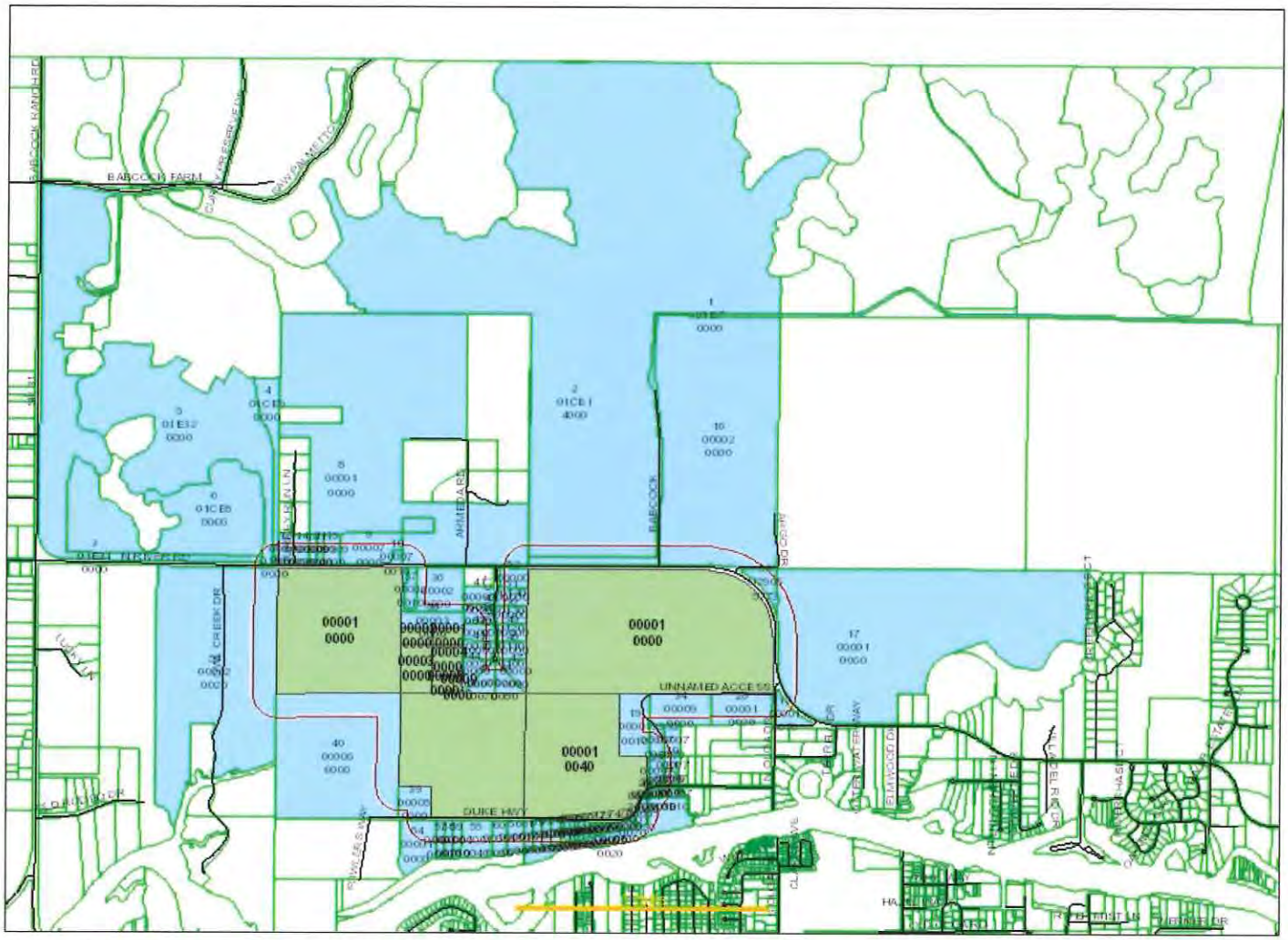
The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☑ physical presence or ☐ online notarization, on December 5th, 2022 (date) by Raymond and Kathy Harney (name of person providing oath or affirmation), who is personally known to me or who has produced Driver License (type of identification) as identification.

STAMP/SEAL

BRYAN PECKHAM
COMMISSION EXPIRES
NOTARY
PUBLIC
LIC. No. 199726
05-19-2026
STATE OF WASHINGTON

Signature of Notary Public

Surrounding Property Owners List, Mailing Labels & Map (EXHIBIT M3)



Date of Report: February 24, 2023

Buffer Distance: 500 feet Rerun

Parcels Affected: 76

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

Subject Parcels: **16-43-26-00-00001.0000, 16-43-26-00-00001.0040, 17-43-26-00-00001.0000, 17-43-26-01-00001.0000, 17-43-26-01-00002.0000, 17-43-26-01-00003.0000, 17-43-26-01-00004.0000, 17-43-26-01-00008.0000, 17-43-26-01-00009.0000**

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
BABCOCK PROPERTY HOLDINGS LLC KITSON AND PARTNERS 4500 PGA BLVD STE 400 PALM BEACH GARDENS FL 33418	**03-43-26-L4-01I67.0000** ACCESS UNDETERMINED ALVA FL 33920	BABCOCK RANCH COMMUNITY LEE COUNTY PHASE 1 AS DESC IN INSTRUMENT 2022000234859 TRACT I-67	1
BABCOCK PROPERTY HOLDINGS LLC KITSON AND PARTNERS 4500 PGA BLVD STE 400 PALM BEACH GARDENS FL 33418	**04-43-26-L4-01CE1.4000** ACCESS UNDETERMINED ALVA FL 33920	BABCOCK RANCH COMMUNITY LEE COUNTY PHASE 1 AS DESC IN INSTRUMENT 2022000234859 TRACT CE-14	2
BABCOCK PROPERTY HOLDINGS LLC KITSON AND PARTNERS 4500 PGA BLVD STE 400 PALM BEACH GARDENS FL 33418	**07-43-26-L1-01E31.0000** ACCESS UNDETERMINED ALVA FL 33920	BABCOCK RANCH COMMUNITY LEE COUNTY PHASE 1 AS DESC IN INSTRUMENT 2022000234859 TRACT E-31 LESS INSTRUMENT 2022000393608	3

BABCOCK PROPERTY HOLDINGS LLC KITSON AND PARTNERS 4500 PGA BLVD STE 400 PALM BEACH GARDENS FL 33418	**07-43-26-L2-01CE9.0000** ACCESS UNDETERMINED ALVA FL 33920	BABCOCK RANCH COMMUNITY LEE COUNTY PHASE 1 AS DESC IN INSTRUMENT 2022000234859 TRACT CE-9	4
BABCOCK PROPERTY HOLDINGS LLC KITSON AND PARTNERS 4500 PGA BLVD STE 400 PALM BEACH GARDENS FL 33418	**07-43-26-L2-01E32.0000** ACCESS UNDETERMINED ALVA FL 33920	BABCOCK RANCH COMMUNITY LEE COUNTY PHASE 1 AS DESC IN INSTRUMENT 2022000234859 TRACT E-32 LESS INSTRUMENT 2022000393608	5
BABCOCK PROPERTY HOLDINGS LLC KITSON AND PARTNERS 4500 PGA BLVD STE 400 PALM BEACH GARDENS FL 33418	**07-43-26-L3-01CE8.0000** ACCESS UNDETERMINED ALVA FL 33920	BABCOCK RANCH COMMUNITY LEE COUNTY PHASE 1 AS DESC IN INSTRUMENT 2022000234859 TRACT CE-8	6
BABCOCK PROPERTY HOLDINGS LLC KITSON AND PARTNERS 4500 PGA BLVD STE 400 PALM BEACH GARDENS FL 33418	**07-43-26-L3-01I68.0000** ACCESS UNDETERMINED ALVA FL 33920	BABCOCK RANCH COMMUNITY LEE COUNTY PHASE 1 AS DESC IN INSTRUMENT 2022000234859 TRACT I-68	7
ARMEDA FAMILY LLC 19440 ARMEDA RD ALVA FL 33920	**08-43-26-00-00001.0000** 19551 ARMEDA RD ALVA FL 33920	PARL IN SEC 8 AS DESC IN OR 1134 PG 0362	8
SNELL FRANK A TR 1470 ROYAL PALM SQ BLVD FORT MYERS FL 33919	**08-43-26-00-00007.0000** 13341 N RIVER RD ALVA FL 33920	S 1/2 OF SE 1/4 OF SW 1/4 + S1/2 OF NW1/4 OF SW1/4 OF SE1/4 LESS OR 1285 1967	9
SNELL FRANK A TR 1470 ROYAL PALM SQ BLVD FORT MYERS FL 33919	**08-43-26-00-00007.0010** 13441 N RIVER RD ALVA FL 33920	PARL IN SW 1/4 OF SE 1/4 AS DESC IN OR 1285 PG 1967	10
LEE AMANDA & 13161 N RIVER RD ALVA FL 33920	**08-43-26-00-00009.0020** 13161 N RIVER RD ALVA FL 33920	W 1/2 OF SE 1/4 OF SW 1/4 OF SW 1/4 LESS THE W 140 FT	11
SUMMERALL RANDALL C 13131 N RIVER RD ALVA FL 33920	**08-43-26-00-00009.002A** 13131 N RIVER RD ALVA FL 33920	THE W 140 FT OF W 1/2 OF SE 1/4 OF SW 1/4 OF SW 1/4	12
ONEILL MICHAEL 13033 N RIVER RD ALVA FL 33920	**08-43-26-00-00010.0010** 13033 N RIVER RD ALVA FL 33920	W 1/2 OF S W 1/4 OF S W 1/4 OF S W 1/4 DESC IN OR 1432 PG 635	13
PIPKINS DAVID S & 19100 TURKEY RUN LN ALVA FL 33920	**08-43-26-00-00010.0020** 19100 TURKEY RUN LN ALVA FL 33920	E1/2 OF SW1/4 OF SW1/4 OF SW1/4 DESC IN OR 1505 PG 1868	14
SUMMERALL CAROLYN + 13201 N RIVER RD ALVA FL 33920	**08-43-26-L4-00009.0000** 13201 N RIVER RD ALVA FL 33920	E 1/2 OF SW 1/4 OF SW 1/4 OF SW 1/4 + LOT DESC. INSTR. # 2018000023968	15
LEE COUNTY CONSERVATION 2020 PO BOX 398 FORT MYERS FL 33902	**09-43-26-00-00002.0000** N RIVER RD ALVA FL 33920	E PART OF SEC LYING E OF LINE DESC IN DB 279 PG 68 + DB 308 PG 530 LESS S 60 FT OF E 60 FT + LESS OR 439 PG 715	16
TELEGRAPH CREEK CATTLE CO LLC 10660 DEAL RD NORTH FORT MYERS FL 33917	**15-43-26-00-00001.0060** ACCESS UNDETERMINED ALVA FL	N 1/2 OF SEC + N 1/2 OF N 1/2 OF S 1/2 SEC 15 + W 1/2 OF W1/2 SEC14 LYING N OF C/L OF CREEK LESS RD R/W + LESS OR1233/994 + LESS INST#2007000060354 + 2008000119140 + TRIANGULAR PARL DESC IN OR 4503/4670	17
STEVE D SMITH 360 LLC 15000 N RIVER RD ALVA FL 33920	**15-43-26-00-00001.0070** 15000 N RIVER RD ALVA FL 33920	PARL LYING IN W 1/2 OF W 1/2 LYING SWLY OF N RIVER RD + LYING N OF OLGA DR + E OF N	18

		OLGA RD AS DESC IN OR 4503 PG 4670	
CARY GLENN KEITH & PO BOX 718 FORT MYERS FL 33902	**16-43-26-00-00001.0010** 18451 N OLGA DR ALVA FL 33920	SW 1/4 LESS PARCEL 1.003 DESC IN INST 2006-281030 LYING N OF R/W OR 2026/2985	19
CARY LAND COMPANY LLC PO BOX 718 FORT MYERS FL 33902	**16-43-26-00-00001.0020** 18401 N OLGA DR ALVA FL 33920	N 1/2 OF NE 1/4 OF SE 1/4	20
MAY RANDALL M 14410 DUKE HWY ALVA FL 33920	**16-43-26-00-00001.0030** 14410 DUKE HWY ALVA FL 33920	A PARL IN SW 1/4 OF SEC AS DESC IN OR 484 PG 407	21
WALDRON ROBERT LYLE II & 14560 DUKE HWY ALVA FL 33920	**16-43-26-00-00001.0050** 14500 DUKE HWY ALVA FL 33920	SW 1/4 LESS PARCEL 1.003 DESC IN INST 2006-281030 LYING S OF R/W OR 2026/2985	22
WALDRON ROBERT LYLE II & 14560 DUKE HWY ALVA FL 33920	**16-43-26-00-00001.0060** 14450 DUKE HWY ALVA FL 33920	PARL LOC IN SW 1/4 LYING S OF R/W DESC IN OR 2026/2985 LESS 1.0030 + 0070	23
CARY + DUKE PROPERTIES LLC PO BOX 718 FORT MYERS FL 33902	**16-43-26-00-00001.0070** 14406 DUKE HWY ALVA FL 33920	PARL LOC IN SW 1/4 LYING S OF R/W DESC IN OR 2026/2985 LESS 1.0030 + 0060	24
SOUTH FLA WATER MGMT DIST LAND MANAGEMENT PO BOX 24680 WEST PALM BEACH FL 33416	**16-43-26-00-00006.0020** DUKE HWY ALVA FL 33920	S 471FT OF SW 1/4 OF SE 1/4 LYING W OF CRK SEC 16 + N 1/2 OF N 1/2 OF SEC 21 LYING N OF RIVER DESC IN OR 50 PG 414 + OR 53 PG 214 + OR 17 PG 80	25
WALDRON ROBERT LYLE II & 14560 DUKE HWY ALVA FL 33920	**16-43-26-00-00007.0010** 14560 DUKE HWY ALVA FL 33920	PARL IN SE 1/4 OF SEC 16 S OF DUKE HWY E OF CREEK DESC OR 2132/1948 AKA TR A	26
RONCO LAWRENCE G & CARLA D 14600 DUKE HWY ALVA FL 33920	**16-43-26-00-00007.001B** 14600 DUKE HWY ALVA FL 33920	PARL IN SE 1/4 SEC 16 S OF DUKE HWY E OF CREEK DESC OR 1982/2816 AKA TR B	27
MOON CHRISTOPHER G & 1460 DUKE HWY ALVA FL 33920	**16-43-26-00-00007.001C** 14640 DUKE HWY ALVA FL 33920	PARL IN SE 1/4 SEC 16 S OF DUKE HWY E OF CREEK DESC IN OR 1982 PG 2819	28
ALGER THERESA HEYDEN + 14561 DUKE HWY ALVA FL 33920	**16-43-26-00-00007.0020** 14561 DUKE HWY ALVA FL 33920	W 1/2 OF NW 1/4 OF SW 1/4 OF SE 1/4 LESS R/W OR 2026/2986	29
REDFERN W E JR & 14651 DUKE HWY ALVA FL 33920	**16-43-26-00-00007.0030** 14651 DUKE HWY ALVA FL 33920	NE 1/4 OF NW 1/4 OF SW 1/4 OF SE 1/4 + E 10' OF SE 1/4 OF NW 1/4 OF SW 1/4 OF SE 1/4 AS DESC IN OR1348 PG 470	30
ALLEN SUSAN L & 14641 DUKE HWY ALVA FL 33920	**16-43-26-00-00007.0040** 14641 DUKE HWY ALVA FL 33920	SE 1/4 OF NW 1/4 OF SW 1/4 OF SE 1/4 FR 16-43-26-00-00007.0000 LESS R/W OR 2026/2985	31
CARY LAND COMPANY LLC PO BOX 718 FORT MYERS FL 33902	**16-43-26-00-00007.0070** ACCESS UNDETERMINED ALVA FL	E 1/2 OF SW 1/4 OF NW 1/4	32
CARY JASON COLE + PO BOX 718 FORT MYERS FL 33902	**16-43-26-00-00007.0090** 18471 N OLGA DR ALVA FL 33920	W 1/2 SW 1/4 OF NW 1/4 OF SE 1/4	33
CARY LAND COMPANY LLC PO BOX 718 FORT MYERS FL 33902	**16-43-26-00-00009.0000** 18431 N OLGA DR ALVA FL 33920	N 1/2 OF NW 1/4 OF SE 1/4	34
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	**16-43-26-L2-U2905.5773** ACCESS UNDETERMINED ALVA FL 33920	N 1/2 SEC 16 TWN 43 RG 26 INSTRUMENT 2021000316566	35

		PARCELS 1 + 2 + FORMER FDOT ROW	
VAN HORNE SUZANNE L + 13630 N RIVER RD ALVA FL 33920	**17-43-26-00-00002.0000** 13630 N RIVER RD ALVA FL 33920	N 3/4 OF NW 1/4 OF NE 1/4 LESS RD R/W + LESS INST#2008000262414	36
EDWARDS DAVE & ANNA M + 13620 N RIVER RD ALVA FL 33920	**17-43-26-00-00002.0010** 13620 N RIVER RD ALVA FL 33920	PARL LYING IN N 3/4 OF NW 1/4 OF NE 1/4 AS DESC IN INST#2008000262414	37
CARY GLENN KEITH & PO BOX 718 FORT MYERS FL 33902	**17-43-26-00-00003.0000** ACCESS UNDETERMINED ALVA FL	S 1/2 OF S 1/2 OF NW 1/4 OF NE 1/4	38
WOODS D DENNIS 14120 DUKE HWY ALVA FL 33920	**17-43-26-00-00005.0000** 13591 DUKE HWY ALVA FL 33920	SW 1/4 OF SW 1/4 OF SE 1/4 LESS R/W OR 2026/2985	39
NORTH RIVER COMMUINITIES LLC 9990 COCONUT RD STE 200 BONITA SPRINGS FL 34135	**17-43-26-00-00006.0000** 13231 DUKE HWY ALVA FL 33920	SW 1/4 LESS R/W OR 2026/2985	40
BROWN DOUGLAS G & SANDRA H PO BOX 1005 ALVA FL 33920	**17-43-26-02-00000.0020** 18961 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 2	41
BORCHERING BARRY C & 18901 SERENOA CT ALVA FL 33920	**17-43-26-02-00000.0040** 18901 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 4	42
SUSHIL HARLY M & KATELYN M 18871 SERENOA CT ALVA FL 33920	**17-43-26-02-00000.0050** 18871 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 5	43
LANDGRAF JAMES E TR 18841 SERENOA CT ALVA FL 33920	**17-43-26-02-00000.0060** 18831/41 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 6	44
OCONNELL DENIS J JR & 18811 SERENOA CT ALVA FL 33920	**17-43-26-02-00000.0070** 18811 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 7	45
TILTON ANDREW DOUGLAS 18810 SERENOA CT ALVA FL 33920	**17-43-26-02-00000.0080** 18810 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 8	46
DYER JOHN F 18840 SERENOA CT ALVA FL 33920	**17-43-26-02-00000.0090** 18840 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 9	47
YATES DONALD C & KIMBERLY K 18870 SERENOA CT ALVA FL 33920	**17-43-26-02-00000.0100** 18870 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 10	48
GUGEL RITA NACKEN 18900 SERENOA CT ALVA FL 33920	**17-43-26-02-00000.0110** 18900 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 11	49
SANDERFORD R D & 18930 SERENOA CT ALVA FL 33920	**17-43-26-02-00000.0120** 18930 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 12	50
CUTSHALL PAUL L JR & 18950/60 SERENOA CT ALVA FL 33920	**17-43-26-02-00000.0130** 18950/60 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 13	51
PHILLIPS DENNIS J & 18990 SERENOA CT ALVA FL 33920	**17-43-26-02-00000.0140** 18990 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 14	52
TALON VENTURES LLC 10 WIMBLEDON CT FRISCO TX 75034	**18-43-26-00-00002.0020** 12850 N RIVER RD ALVA FL 33920	E1/2 OF SEC 18 N OF TROUT CREEK LESS OR1100/642 + PORT IN GOVT LOT 2 OF SEC 19 LESS INST#2006-467705	53

HARNEY RAYMOND E TR 20311 8TH DR SE BOTHELL WA 98012	**20-43-26-00-00001.0000** 13638 DUKE HWY ALVA FL 33920	PARL IN NE 1/4 AS DESC IN OR 1227 PG 1185	54
MILLER ALBERT N JR TR 5351 CAPTAINS CT NEW PORT RICHEY FL 34652	**20-43-26-00-00001.0040** 13808 DUKE HWY ALVA FL 33920	W 1/2 OF NE 1/4 OF NE 1/4 LESS PAR 1.001 + RD R/W	55
CARY GLENN KEITH & PO BOX 718 FORT MYERS FL 33902	**20-43-26-00-00001.0050** 13910 DUKE HWY ALVA FL 33920	TH E 1/2 OF TH E 1320 FT OF GOVT LOT 1 LYING N OF C + F S CONTROL DIST LESS THE W 330 FT	56
HINCKLEY JESSICA & 13705 FARMER ROAD PALMETTO BAY FL 33158	**20-43-26-00-00001.0060** 13714 DUKE HWY ALVA FL 33920	W 517 FT OF E 1837 FT LYG N OF C + FSC DIST N OF RVR	57
FERNANDEZ FAMILY TRUST + 8584 PEGASUS DR LEHIGH ACRES FL 33971	**20-43-26-00-00001.0070** 13746 DUKE HWY ALVA FL 33920	PARL LOC IN GOVT LOT 1 AS DESC IN OR 2906 PG 1605	58
FEELEY TODD S + 14180 DUKE HWY ALVA FL 33920	**20-43-26-00-00001.0080** 13778 DUKE HWY ALVA FL 33920	PARL LOC IN GOVT LOT 1 AS DESC IN OR 2906 PG 1608	59
CARY LAND COMPANY LLC PO BOX 718 FORT MYERS FL 33902	**20-43-26-00-00001.0090** 13860 DUKE HWY ALVA FL 33920	TH E 1/2 OF TH E 1320 FT OF GOVT LOT 1 LESS THE E 330FT LYING N OF C + F S CONTROL DIST	60
FIELDS WILLIAM T & 14080 DUKE HWY ALVA FL 33920	**21-43-26-00-00001.0000** 14080 DUKE HWY ALVA FL 33920	PARL IN GOV LOT 5 DESC OR 2029 PG 46	61
WOODS D DENNIS & DEBRA L 65663 HESS RD EDWARDSBURG MI 49112	**21-43-26-00-00001.0030** 14120 DUKE HWY ALVA FL 33920	PARL IN GOV LOT 5 AS DESC OR 2029 PG 55	62
MBS DEVELOPMENT COMPANY LTD 7685 FIELDS ERTEL RD CINCINNATI OH 45241	**21-43-26-00-00001.0040** 14100 DUKE HWY ALVA FL 33920	PARL IN GOV LOT 5 DESC OR 2029 PG 44	63
MOYER DONALD J JR 14130 DUKE HWY ALVA FL 33920	**21-43-26-00-00001.0050** 14130 DUKE HWY ALVA FL 33920	PARL IN GOV LOT 5 DESC OR 2029 PG 53	64
ADAMS HUGH M III & 14150 DUKE HWY ALVA FL 33920	**21-43-26-00-00002.0000** 14150 DUKE HWY ALVA FL 33920	E 80 FT OF W 860 FT N OF CSFFC IN NW 1/4 OF NW 1/4	65
GILLONS RYAN & MELISSA 1151 E WOODLAWN AVE HASTINGS MI 49058	**21-43-26-12-00000.0010** 14160 DUKE HWY ALVA FL 33920	RIVER RIDGE S/D PB 42 PG 76 LOT 1	66
DONNAHOE BARBARA T TR 14180 DUKE HWY ALVA FL 33920	**21-43-26-12-00000.0020** 14180 DUKE HWY ALVA FL 33920	RIVER RIDGE S/D PB 42 PG 76 LOT 2	67
MCNEILL ROBERT N & ELAINE C TR 14200 DUKE HWY ALVA FL 33920	**21-43-26-12-00000.0030** 14200 DUKE HWY ALVA FL 33920	RIVER RIDGE S/D PB 42 PG 76 LOT 3	68
BANFER ELIZABETH TR 14220 DUKE HWY ALVA FL 33920	**21-43-26-12-00000.0040** 14220 DUKE HWY ALVA FL 33920	RIVER RIDGE S/D PB 42 PG 76 LOT 4	69
STANCEL WILLIAM R & STE 11 13723 JETPORT COMMERCE WAY FORT MYERS FL 33913	**21-43-26-12-00000.0050** 14240 DUKE HWY ALVA FL 33920	RIVER RIDGE S/D PB 42 PG 76 LOT 5	70
UNKNOWN HEIRS OF 14260 DUKE HWY ALVA FL 33920	**21-43-26-12-00000.0060** 14260 DUKE HWY ALVA FL 33920	RIVER RIDGE S/D PB 42 PG 76 LOT 6	71

DURLING KEITH O 14280 DUKE HWY ALVA FL 33920	**21-43-26-12-00000.0070** 14280 DUKE HWY ALVA FL 33920	RIVER RIDGE S/D PB 42 PG 76 LOT 7	72
DURLING RICHARD F 14300 DUKE HWY ALVA FL 33920	**21-43-26-12-00000.0080** 14300 DUKE HWY ALVA FL 33920	RIVER RIDGE S/D PB 42 PG 76 LOT 8	73
PRITCHETT R H III & LYNNE R PO BOX 2148 FORT MYERS FL 33902	**21-43-26-12-00000.0090** 14350 DUKE HWY ALVA FL 33920	RIVER RIDGE S/D PB 42 PG 76 LOT 9	74
PRITCHETT RICHARD H III & PO BOX 2148 FORT MYERS FL 33902	**21-43-26-12-00000.0100** 14400 DUKE HWY ALVA FL 33920	RIVER RIDGE S/D PB 42 PG 76 LOT 10	75

BABCOCK PROPERTY HOLDINGS LLC
KITSON AND PARTNERS
4500 PGA BLVD STE 400
PALM BEACH GARDENS FL 33418

BABCOCK PROPERTY HOLDINGS LLC
KITSON AND PARTNERS
4500 PGA BLVD STE 400
PALM BEACH GARDENS FL 33418

BABCOCK PROPERTY HOLDINGS LLC
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PALM BEACH GARDENS FL 33418

BABCOCK PROPERTY HOLDINGS LLC
KITSON AND PARTNERS
4500 PGA BLVD STE 400
PALM BEACH GARDENS FL 33418

SNELL FRANK A TR
1470 ROYAL PALM SQ BLVD
FORT MYERS FL 33919

LEE AMANDA &
13161 N RIVER RD
ALVA FL 33920

ONEILL MICHAEL
13033 N RIVER RD
ALVA FL 33920

SUMMERALL CAROLYN +
13201 N RIVER RD
ALVA FL 33920

TELEGRAPH CREEK CATTLE CO LLC
10660 DEAL RD
NORTH FORT MYERS FL 33917

CARY GLENN KEITH &
PO BOX 718
FORT MYERS FL 33902

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BABCOCK PROPERTY HOLDINGS LLC
KITSON AND PARTNERS
4500 PGA BLVD STE 400
PALM BEACH GARDENS FL 33418

BABCOCK PROPERTY HOLDINGS LLC
KITSON AND PARTNERS
4500 PGA BLVD STE 400
PALM BEACH GARDENS FL 33418

BABCOCK PROPERTY HOLDINGS LLC
KITSON AND PARTNERS
4500 PGA BLVD STE 400
PALM BEACH GARDENS FL 33418

ARMEDA FAMILY LLC
19440 ARMEDA RD
ALVA FL 33920

SNELL FRANK A TR
1470 ROYAL PALM SQ BLVD
FORT MYERS FL 33919

SUMMERALL RANDALL C
13131 N RIVER RD
ALVA FL 33920

PIPKINS DAVID S &
19100 TURKEY RUN LN
ALVA FL 33920

LEE COUNTY
CONSERVATION 2020
PO BOX 398
FORT MYERS FL 33902

STEVE D SMITH 360 LLC
15000 N RIVER RD
ALVA FL 33920

CARY LAND COMPANY LLC
PO BOX 718
FORT MYERS FL 33902

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MAY RANDALL M
14410 DUKE HWY
ALVA FL 33920

WALDRON ROBERT LYLE II &
14560 DUKE HWY
ALVA FL 33920

SOUTH FLA WATER MGMT DIST
LAND MANAGEMENT
PO BOX 24680
WEST PALM BEACH FL 33416

RONCO LAWRENCE G & CARLA D
14600 DUKE HWY
ALVA FL 33920

ALGER THERESA HEYDEN +
14561 DUKE HWY
ALVA FL 33920

ALLEN SUSAN L &
14641 DUKE HWY
ALVA FL 33920

CARY JASON COLE +
PO BOX 718
FORT MYERS FL 33902

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

EDWARDS DAVE & ANNA M +
13620 N RIVER RD
ALVA FL 33920

WOODS D DENNIS
14120 DUKE HWY
ALVA FL 33920

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WALDRON ROBERT LYLE II &
14560 DUKE HWY
ALVA FL 33920

CARY + DUKE PROPERTIES LLC
PO BOX 718
FORT MYERS FL 33902

WALDRON ROBERT LYLE II &
14560 DUKE HWY
ALVA FL 33920

MOON CHRISTOPHER G &
1460 DUKE HWY
ALVA FL 33920

REDFERN W E JR &
14651 DUKE HWY
ALVA FL 33920

CARY LAND COMPANY LLC
PO BOX 718
FORT MYERS FL 33902

CARY LAND COMPANY LLC
PO BOX 718
FORT MYERS FL 33902

VAN HORNE SUZANNE L +
13630 N RIVER RD
ALVA FL 33920

CARY GLENN KEITH &
PO BOX 718
FORT MYERS FL 33902

NORTH RIVER COMMUINITIES LLC
9990 COCONUT RD STE 200
BONITA SPRINGS FL 34135

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BROWN DOUGLAS G & SANDRA H
PO BOX 1005
ALVA FL 33920

SUSHIL HARLY M & KATELYN M
18871 SERENOA CT
ALVA FL 33920

OCONNELL DENIS J JR &
18811 SERENOA CT
ALVA FL 33920

DYER JOHN F
18840 SERENOA CT
ALVA FL 33920

GUGEL RITA NACKEN
18900 SERENOA CT
ALVA FL 33920

CUTSHALL PAUL L JR &
18950/60 SERENOA CT
ALVA FL 33920

TALON VENTURES LLC
10 WIMBLEDON CT
FRISCO TX 75034

MILLER ALBERT N JR TR
5351 CAPTAINS CT
NEW PORT RICHEY FL 34652

HINCKLEY JESSICA &
13705 FARMER ROAD
PALMETTO BAY FL 33158

FEELEY TODD S +
14180 DUKE HWY
ALVA FL 33920

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BORCHERING BARRY C &
18901 SERENOA CT
ALVA FL 33920

LANDGRAF JAMES E TR
18841 SERENOA CT
ALVA FL 33920

TILTON ANDREW DOUGLAS
18810 SERENOA CT
ALVA FL 33920

YATES DONALD C & KIMBERLY K
18870 SERENOA CT
ALVA FL 33920

SANDERFORD R D &
18930 SERENOA CT
ALVA FL 33920

PHILLIPS DENNIS J &
18990 SERENOA CT
ALVA FL 33920

HARNEY RAYMOND E TR
20311 8TH DR SE
BOTHELL WA 98012

CARY GLENN KEITH &
PO BOX 718
FORT MYERS FL 33902

FERNANDEZ FAMILY TRUST +
8584 PEGASUS DR
LEHIGH ACRES FL 33971

CARY LAND COMPANY LLC
PO BOX 718
FORT MYERS FL 33902

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FIELDS WILLIAM T &
14080 DUKE HWY
ALVA FL 33920

MBS DEVELOPMENT COMPANY LTD
7685 FIELDS ERTEL RD
CINCINNATI OH 45241

ADAMS HUGH M III &
14150 DUKE HWY
ALVA FL 33920

DONNAHOE BARBARA T TR
14180 DUKE HWY
ALVA FL 33920

BANFER ELIZABETH TR
14220 DUKE HWY
ALVA FL 33920

UNKNOWN HEIRS OF
14260 DUKE HWY
ALVA FL 33920

DURLING RICHARD F
14300 DUKE HWY
ALVA FL 33920

PRITCHETT RICHARD H III &
PO BOX 2148
FORT MYERS FL 33902

PageBreak

WOODS D DENNIS & DEBRA L
65663 HESS RD
EDWARDSBURG MI 49112

MOYER DONALD J JR
14130 DUKE HWY
ALVA FL 33920

GILLONS RYAN & MELISSA
1151 E WOODLAWN AVE
HASTINGS MI 49058

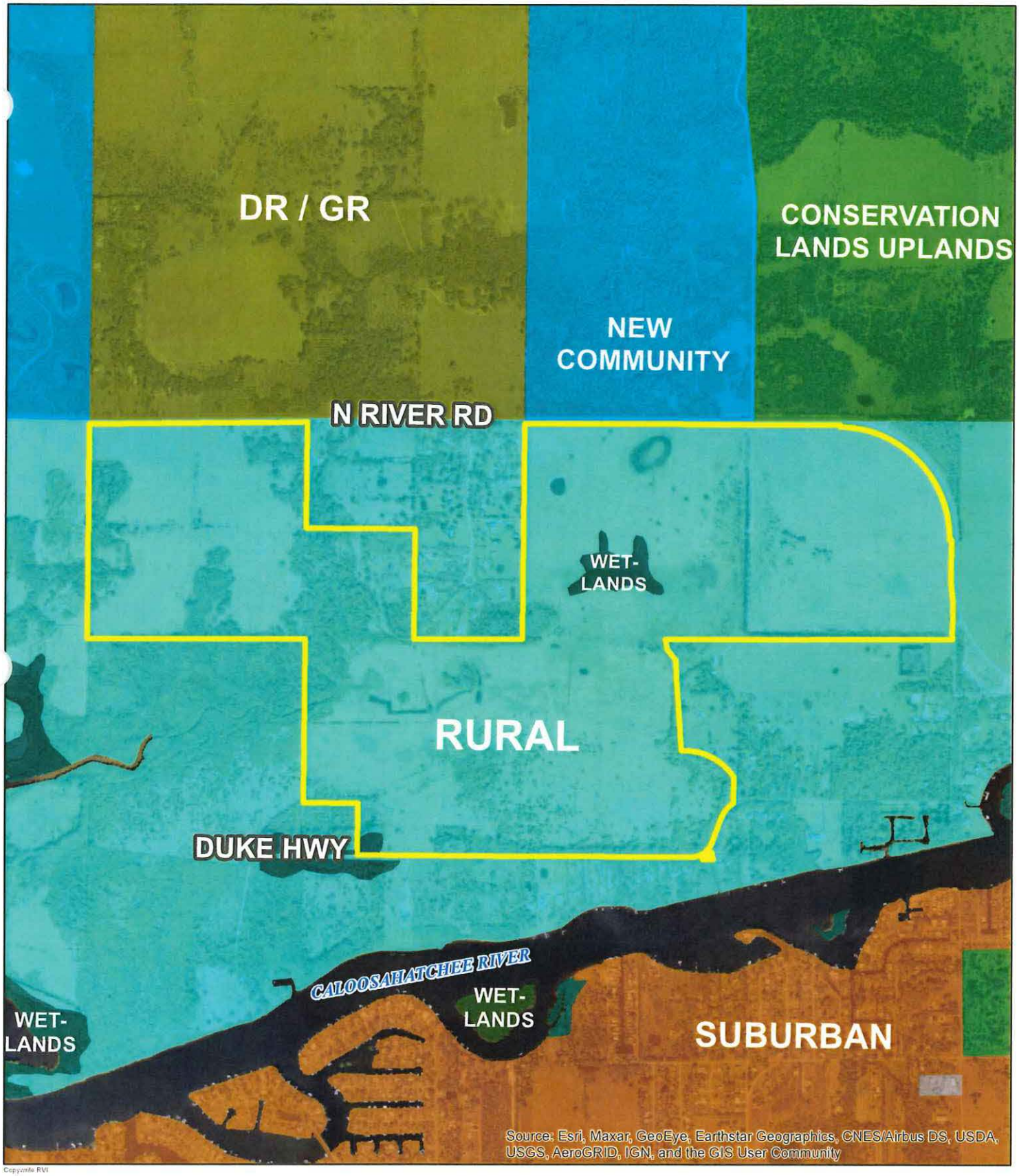
MCNEILL ROBERT N & ELAINE C TR
14200 DUKE HWY
ALVA FL 33920

STANCEL WILLIAM R &
STE 11
13723 JETPORT COMMERCE WAY
FORT MYERS FL 33913

DURLING KEITH O
14280 DUKE HWY
ALVA FL 33920

PRITCHETT R H III & LYNNE R
PO BOX 2148
FORT MYERS FL 33902

Future Land Use Map – Existing & Proposed (EXHIBIT M4)



CARY + DUKE + POVIA CPA/PD• CURRENT FUTURE LAND USE MAP

RVi
10401 Highland Manor Dr.
Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

- Lee County, FL
- Date: 12/1/2022
- # 22001300
- Neal Communites SW FL Inc.

Subject Boundary

- Conservation Lands Upland
- Conservation Lands Wetland
- Density Reduction/Groundwater Resource
- New Community
- Public Facilities
- Rural
- Suburban
- Wetlands

0 490 980 1,960
Feet

Document Path: \\FLBON\Projects\2022\22001300 - Cary Duke CPA & PD (Neal Comm \04 BASE INFORMATION\02 GIS\MXDs\Final MXDs\Cary Duke Current Water Service Area M

RVi
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Suite 220
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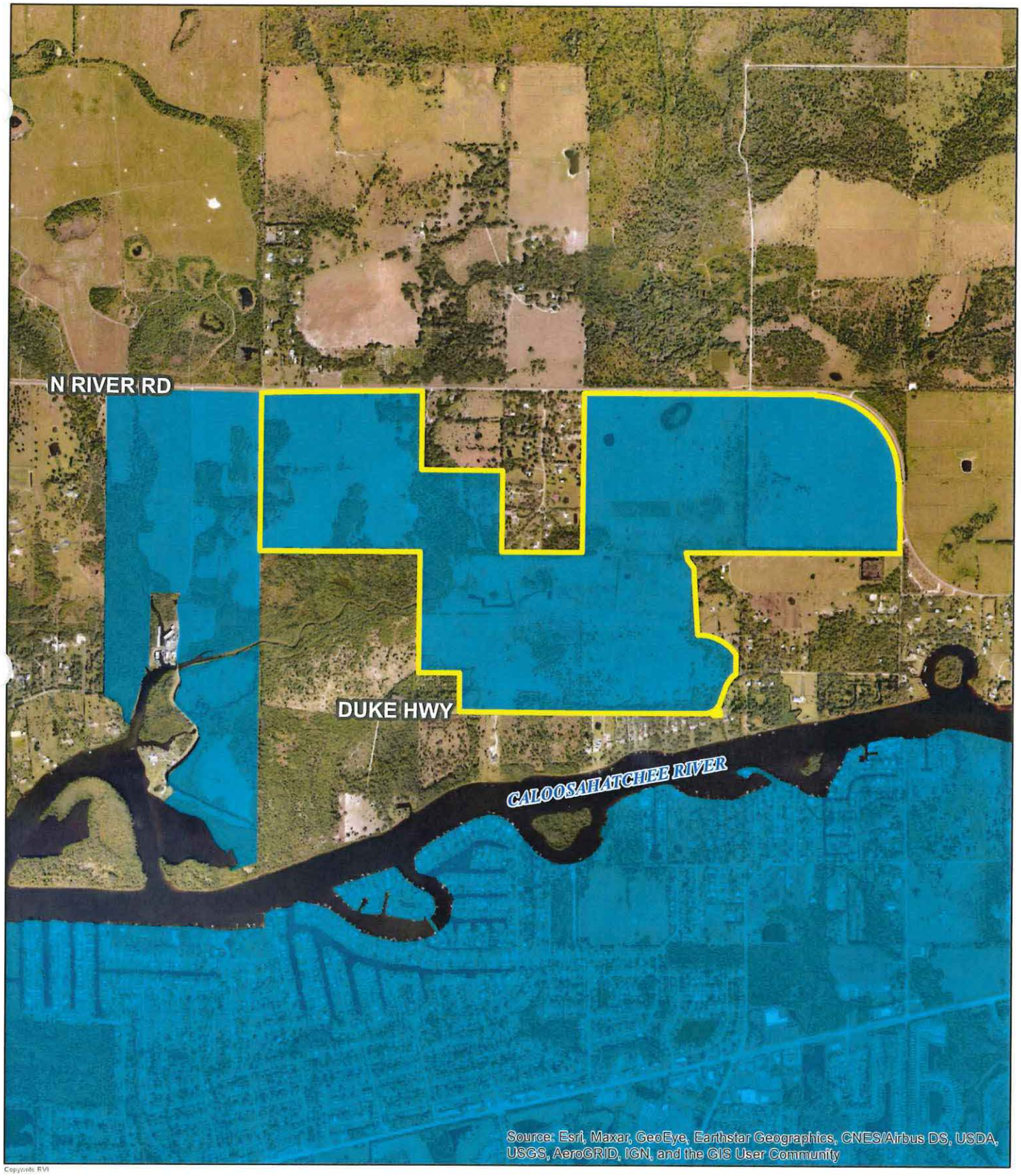
www.rviplanning.com

CARY DUKE CPA/PD•CURRENT WATER SERVICE AREA MAP

- Lee County, FL
- Date: 12/5/2022
- # 22001300
- Neal Communites SW FL Inc.

Subject Boundary
Future Water Service Area

0 625 1,250 2,500
Feet



Document Path: \\FLBON\Projects\2022\22001300 - Cary Duke CPA & PD (Neal Comm)\04 BASE INFORMATION\02 GIS\MXDs\Final MXDs\Cary Duke Proposed Water Service Area

RVi
10401 Highland Manor Dr.
Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

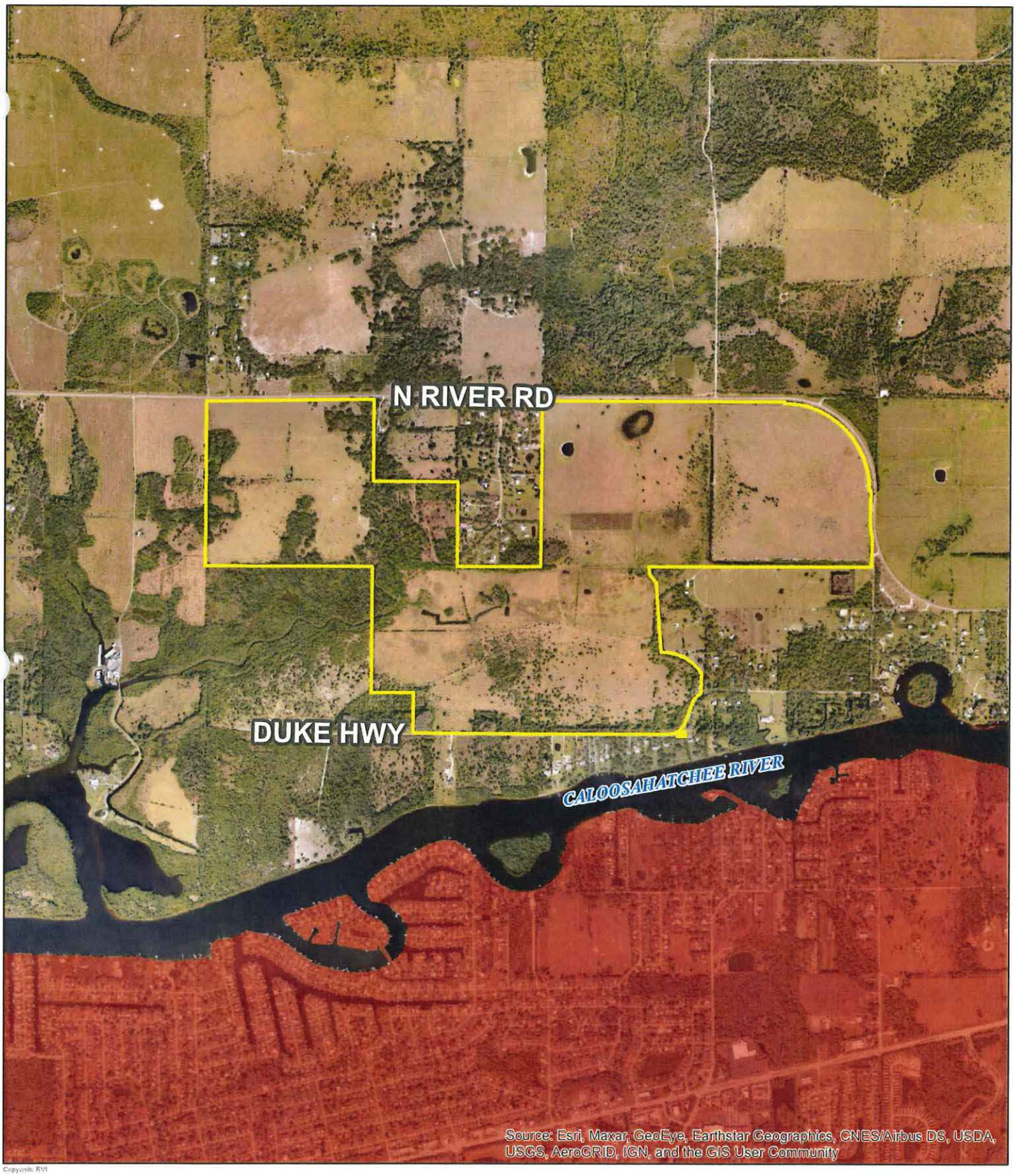
CARY + DUKE + POVIA CPA/PD• PROPOSED WATER SERVICE AREA MAP

- Lee County, FL
- Date: 12/1/2022
- # 22001300
- Neal Communites

Subject Boundary

Future Water Service Area

0 650 1,300 2,600
Feet



Document Path: \\FLBON\Projects\2022\22001300 - Cary Duke CPA & PD (Neal Comm \04 BASE INFORMATION\02 GIS\MXDs\Final MXDs\Cary Duke Current Sewer Service Area M

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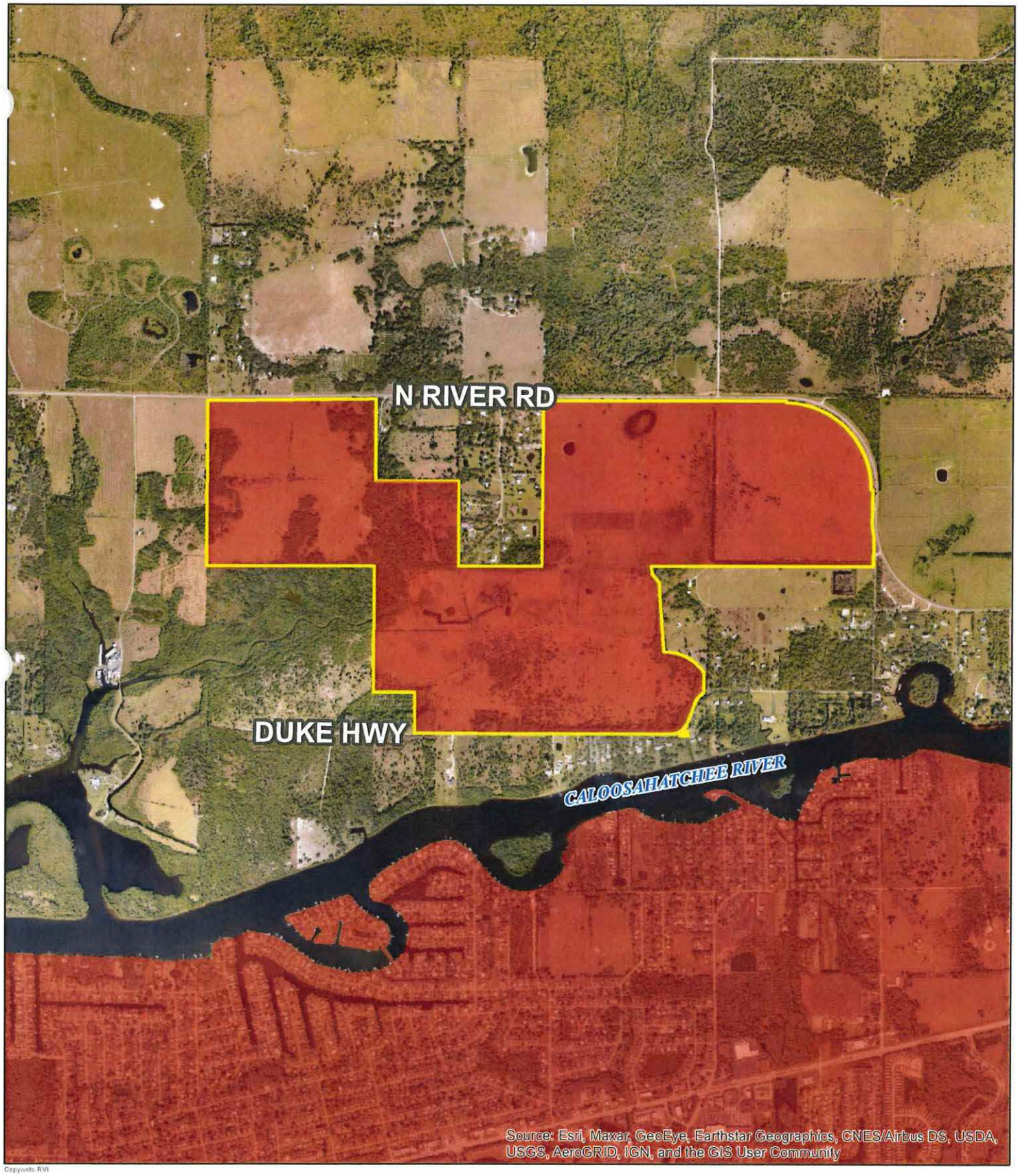
Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

CARY DUKE CPA/PD• CURRENT SEWER SERVICE AREA MAP

- Lee County, FL
- Date: 11/29/2022
- 22001300
- Neal Communites SW FL Inc.

Subject Boundary
Future Sewer Service Area

0 625 1,250 2,500
Feet



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10401 Highland Manor Dr.
Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

CARY + DUKE + POVIA CPA/PD • PROPOSED SEWER SERVICE AREA MAP

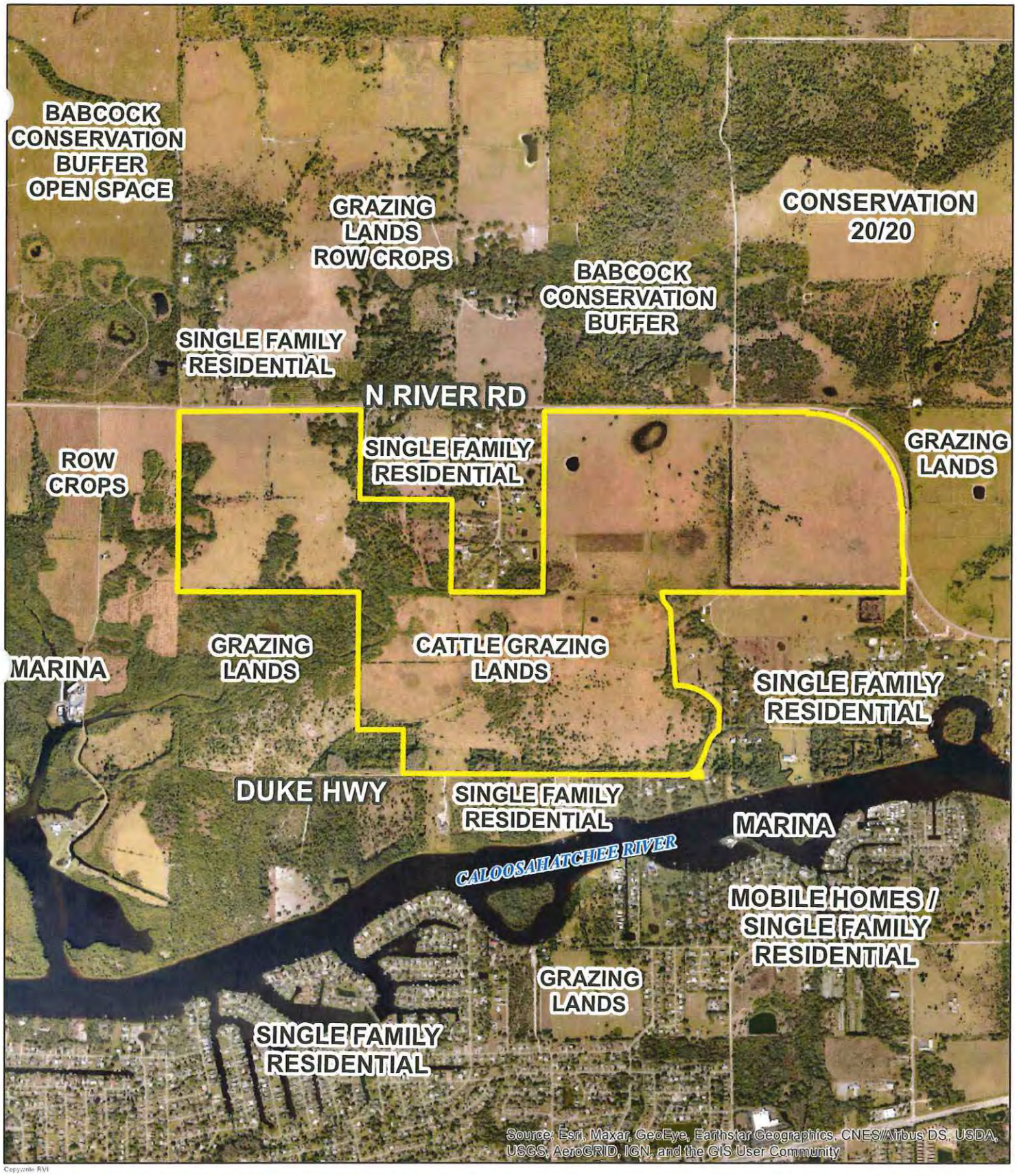
- Lee County, FL
- Date: 12/1/2022
- # 22001300
- Neal Communites SW FL Inc.

Subject Boundary

Future Sewer Service Area

0 625 1,250 2,500 Feet

Map & Description of Existing Land Uses of the Subject Property & Surrounding Properties (EXHIBIT M5)



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Tampa, FL 33610
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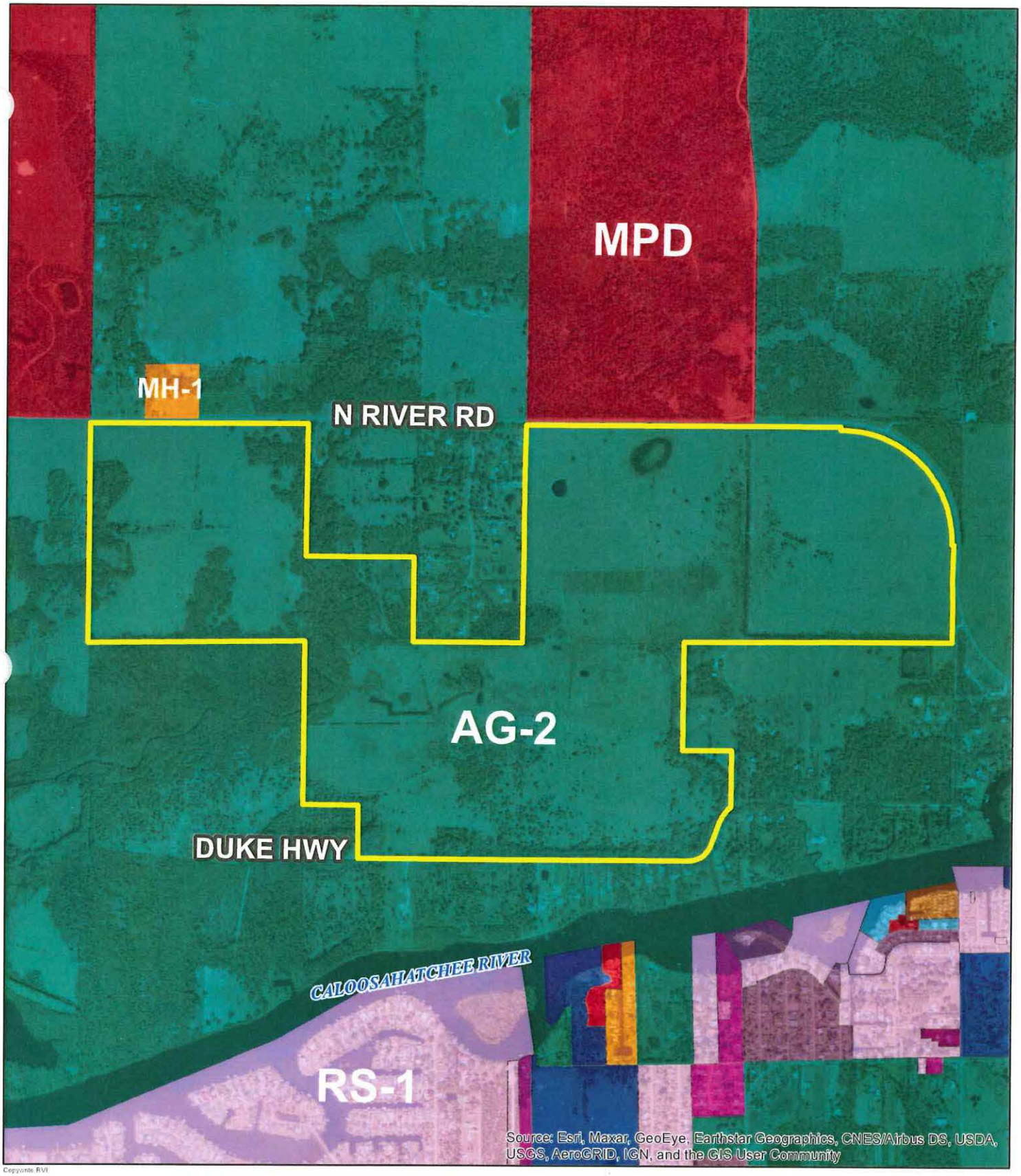
CARY + DUKE + POVIA CPA/PD • SURROUNDING PROPERTIES MAP

- Lee County, FL
- Date: 2/28/2023
- # 22001300
- Neal Communites SW FL Inc.

Subject Boundary

0 550 1,100 2,200 Feet

Map & Description of Existing Zoning of the Subject Property & Surrounding Properties (EXHIBIT M6)



Document Path: \\FLBON\Projects\2022\22001300 - Cary Duke CPA & PD (Neal Comm \04 BASE INFORMATION\02 GIS\MXDs\Cary Duke Zoning Map (current).mxd

RVi
10401 Highland Manor Dr.
Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

CARY DUKE CPA/PD •CURRENT ZONING MAP

- Lee County, FL
- Subject Boundary
- Date: 10/19/2022
- 22001300
- Neal Communites SW FL Inc.

AG-2	MH-2	RS-1	RS-5	
C-1A	MPD	RS-2	TFC-2	
CPD	RM-2	RS-3		
MH-1	RPD	RS-4		

0 487.5 975 1,950
Feet

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

Signed & Sealed Legal Description & Sketch (EXHIBIT M7)

RHODES & RHODES LAND SURVEYING, INC.
28100 BONITA GRANDE DRIVE #107 NAPLES, FLORIDA 34135
PHONE (239) 405-8166 FAX (239) 405-8163

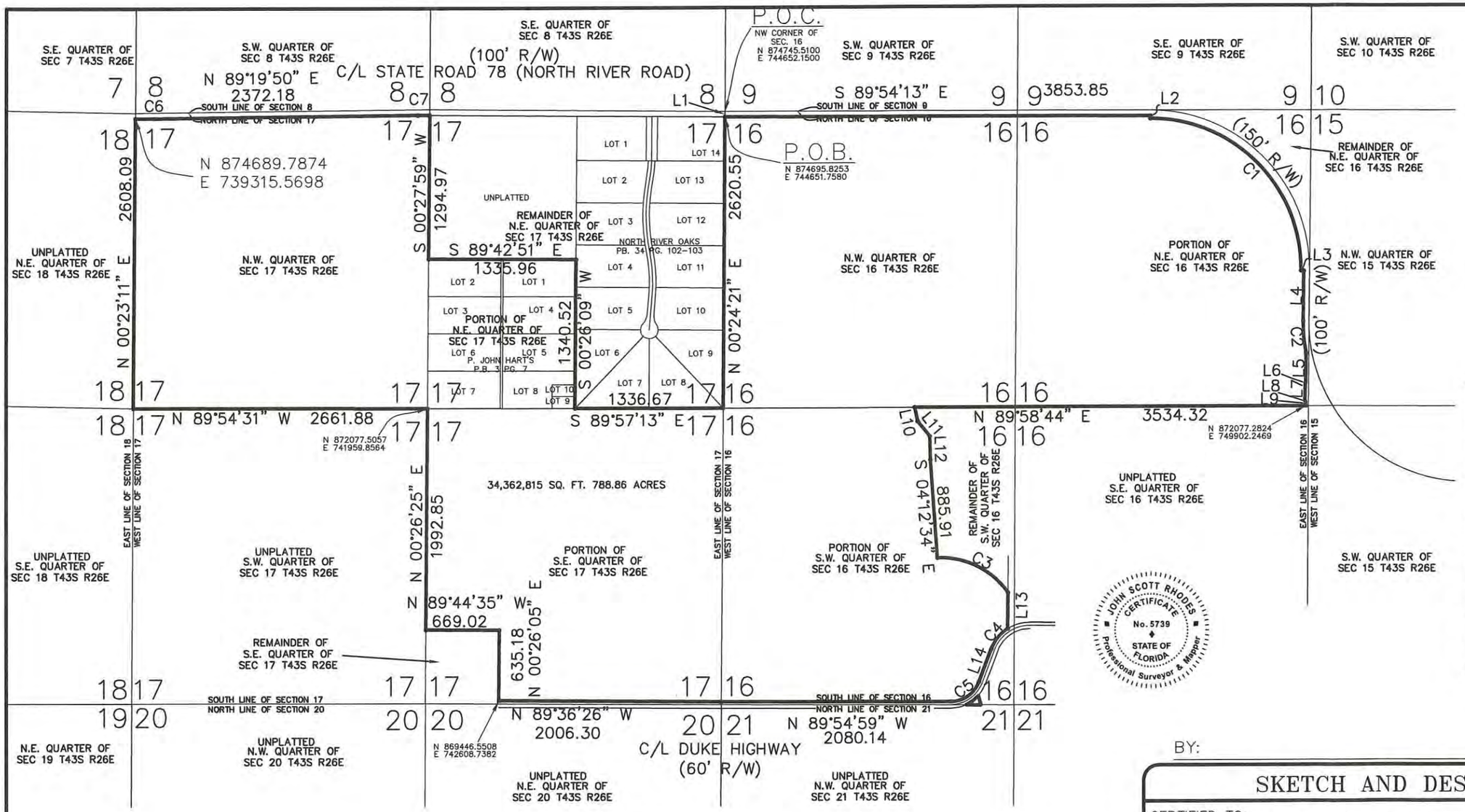
PARCEL 1

BEING A PORTION OF SECTION 16 AND 17, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE NORTHWEST CORNER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE SOUTH 00°23'30" WEST, ALONG THE WESTERLY SECTION LINE OF SAID SECTION 16 A DISTANCE OF 50.00 FEET TO THE SOUTHERN RIGHT OF WAY LINE OF STATE ROAD NO. 78 (N. RIVER ROAD), ACCORDING THE STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT OF WAY MAP RECORDED IN SECTION 12560-2604 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. AND TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE ALONG THE SAID SOUTHERLY RIGHT OF WAY OF STATE ROAD NO. 78 THE FOLLOWING 11 COURSES, COURSE (1) SOUTH 89°54'13" EAST, 3,853.85 FEET; COURSE (2) SOUTH 00°05'41" WEST, 25.00 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE (3) SOUTHEASTERLY, 2,144.24 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1,357.40 FEET, THROUGH A CENTRAL ANGLE OF 90°30'30" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 44°39'04" EAST, 1,928.15 FEET; COURSE (4) SOUTH 89°23'49" EAST, 25.00 FEET; COURSE (5) SOUTH 00°36'11" WEST, 451.22 FEET TO A POINT OF CURVATURE; COURSE (6) SOUTHERLY, 291.78 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 1,482.40 FEET, THROUGH A CENTRAL ANGLE OF 11°16'39" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 05°02'09" EAST, 291.31 FEET; COURSE (7) SOUTH 00°30'35" WEST, 269.95 FEET; COURSE (8) NORTH 89°29'25" WEST, 6.10 FEET; COURSE (9) SOUTH 00°31'50" WEST, 163.49 FEET; COURSE (10) SOUTH 89°29'25" EAST, 6.16 FEET; COURSE (11) SOUTH 00°30'35" WEST, 40.31 FEET THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16; THENCE SOUTH 89°58'44" WEST ALONG THE SAID SOUTH LINE OF SAID SECTION 16, A DISTANCE OF 3,534.32 FEET; THENCE SOUTH 11°37'59" EAST, A DISTANCE OF 129.40 FEET; THENCE SOUTH 38°55'40" EAST, A DISTANCE OF 171.91 FEET; THENCE SOUTH 01°24'18" EAST, A DISTANCE OF 210.70 FEET; THENCE SOUTH 04°12'34" EAST, A DISTANCE OF 885.91 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE SOUTHEASTERLY, 741.98 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 735.02 FEET, THROUGH A CENTRAL ANGLE OF 57°50'17" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 63°49'32" EAST, 710.87 FEET; THENCE SOUTH 00°18'05" WEST, A DISTANCE OF 324.92 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF DUKE HIGHWAY, RIGHT OF WAY MAP DUKE HIGHWAY ACCORDING TO THE PLAT OR MAP RECORDED IN MAP BOOK 2, PAGES 1 THROUGH 9 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND TO A POINT ON A NON-TANGENTIAL CURVE; THENCE ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF DUKE HIGHWAY THE FOLLOWING 5 COURSES. COURSE (1) SOUTHWESTERLY, 241.09 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 370.00 FEET, THROUGH A CENTRAL ANGLE OF 37°20'01" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 39°14'38" WEST, 236.85 FEET; COURSE (2) SOUTH 20°31'56" WEST, 313.99 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE (3) SOUTHWESTERLY, 328.15 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 270.00 FEET, THROUGH A CENTRAL ANGLE OF 69°38'12" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 55°16'41" WEST, 308.33 FEET; COURSE (4) NORTH 89°54'59" WEST, 2,080.14 FEET; COURSE (5) NORTH 89°36'26" WEST, 2,006.30 FEET; THENCE NORTH 00°26'05" EAST LEAVING THE SAID NORTHERLY RIGHT OF WAY LINE OF DUKE HIGHWAY, A DISTANCE OF 635.18 FEET; THENCE NORTH 89°44'35" WEST, A DISTANCE OF 668.84 FEET TO A POINT ON THE WESTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 43 SOUTH, RANGE 26 EAST; THENCE NORTH 00°34'39" EAST ALONG THE SAID WESTERLY LINE OF SECTION 17, A DISTANCE OF 1,995.23 FEET TO THE NORTHWEST CORNER OF SOUTHEAST QUARTER OF SECTION 17 ALSO BEING THE CENTER OF SECTION 17; THENCE NORTH 89°58'05" WEST ALONG THE SOUTHERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, A DISTANCE OF 2,666.94 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 17; THENCE NORTH 00°23'17" EAST ALONG THE WESTERLY SECTION OF SAID SECTION 17, A

DISTANCE OF 2,608.51 FEET TO A POINT ON THE SAID SOUTH RIGHT OF WAY LINE OF STATE ROAD 78 AND TO A POINT ON A NON-TANGENTIAL CURVE; THENCE ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE OF SECTION 17 THE FOLLOWING 3 COURSES, COURSE (1) EASTERLY, 179.42 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 11,509.16 FEET, THROUGH A CENTRAL ANGLE OF 00°53'36" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 89°47'08" EAST, 179.42 FEET; COURSE (2) NORTH 89°19'50" EAST, 2,372.18 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE (3) EASTERLY, 113.88 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 11,409.16 FEET, THROUGH A CENTRAL ANGLE OF 00°34'19" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 89°44'43" EAST, 113.88 FEET TO A POINT ON THE EASTERLY LINE OF NORTHWEST QUARTER OF SAID SECTION 17; THENCE SOUTH 00°26'50" WEST ALONG THE SAID EASTERLY LINE OF THE NORTHWEST QUARTER OF SECTION 17, A DISTANCE OF 1,295.15 FEET TO THE NORTHWEST CORNER OF P. JOHN HART'S, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 7, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.; THENCE ALONG THE BOUNDARY LINE OF SAID P. JOHN HART'S THE FOLLOWING 2 COURSES, COURSE (1) SOUTH 89°42'51" EAST, 1,336.16 FEET; COURSE (2) SOUTH 00°25'09" WEST, 1,340.40 FEET TO THE SOUTHEAST CORNER OF SAID P. JOHN HART'S AND BEING THE SOUTHWEST CORNER OF NORTH RIVER OAKS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 34 PAGES 102 AND 103, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.; THENCE ALONG THE BOUNDARY LINE OF SAID NORTH RIVER OAKS THE FOLLOWING 2 COURSES, COURSE (1) SOUTH 89°56'54" EAST, 1,336.09 FEET; COURSE (2) NORTH 00°24'21" EAST, 2,620.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 34,362,815 SQUARE FEET OR 788.86 ACRES, MORE OR LESS.



NOT A SURVEY

LINE TABLE		
LINE	LENGTH	BEARING
L1	50.00'	S 00°23'30" W
L2	25.00'	S 00°05'41" W
L3	25.00'	S 89°23'49" E
L4	451.22'	S 00°36'11" W
L5	269.95'	S 00°30'35" W
L6	6.10'	S 89°29'25" E
L7	163.49'	S 00°31'50" W
L8	6.16'	N 89°29'25" W
L9	40.31'	S 00°30'35" W
L10	129.40'	N 11°37'59" W
L11	171.91'	N 38°55'40" W
L12	210.70'	N 01°24'18" W
L13	324.92'	S 00°18'05" W
L14	313.99'	S 20°31'56" W

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	1357.40	90°30'30"	2144.24'	1928.15'	N 44°39'04" W
C2	1482.40	11°16'39"	291.78'	291.31'	S 05°02'09" E
C3	735.02	57°50'17"	741.98'	710.87'	N 63°49'32" W
C4	370.00	37°20'01"	241.09'	236.85'	S 39°14'38" W
C5	270.00	69°38'12"	328.15'	308.33'	N 55°16'41" E
C6	11509.16	0°53'36"	179.42'	179.42'	N 89°47'08" E
C7	11409.16	0°34'27"	114.31'	114.31'	N 89°50'15" E

ABBREVIATIONS
BOB = BASIS OF BEARING
C/L = CENTERLINE
FPL = FLORIDA POWER AND LIGHT
P = PLAT
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
PSM = PROFESSIONAL SURVEYOR AND MAPPER
R/W = RIGHT OF WAY LINE

JOHN SCOTT RHODES CERTIFICATE No. 5739 STATE OF FLORIDA Professional Surveyor & Mapper

BY: JOHN SCOTT RHODES PSM #5739

SKETCH AND DESCRIPTION

CERTIFIED TO:
NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC, A FLORIDA LIMITED LIABILITY COMPANY

RHODES & RHODES LAND SURVEYING, INC. LICENSE #LB 6897

28100 BONITA GRANDE DRIVE SUITE 107
BONITA SPRINGS, FL 34135
(239) 405-8166 (239) 405-8163 FAX

bk:	pg:	date:
XX	XX	MARCH 24, 2023
		scale: 1" = 1200'
		cogo #: 22-345

design:
drawn: EFC
checked: JSR
acad #: 2022-345
view: PLOT
project#: 2022-345
sheet #: 3 of 3
file #: 2022-345

Z:\Cary Duke or Neal 2022-345\2022-245 MASTER BNDY SKETCH & DESCRIP.dwg, Layout2, 3/24/2(5:31 PM, 1:1

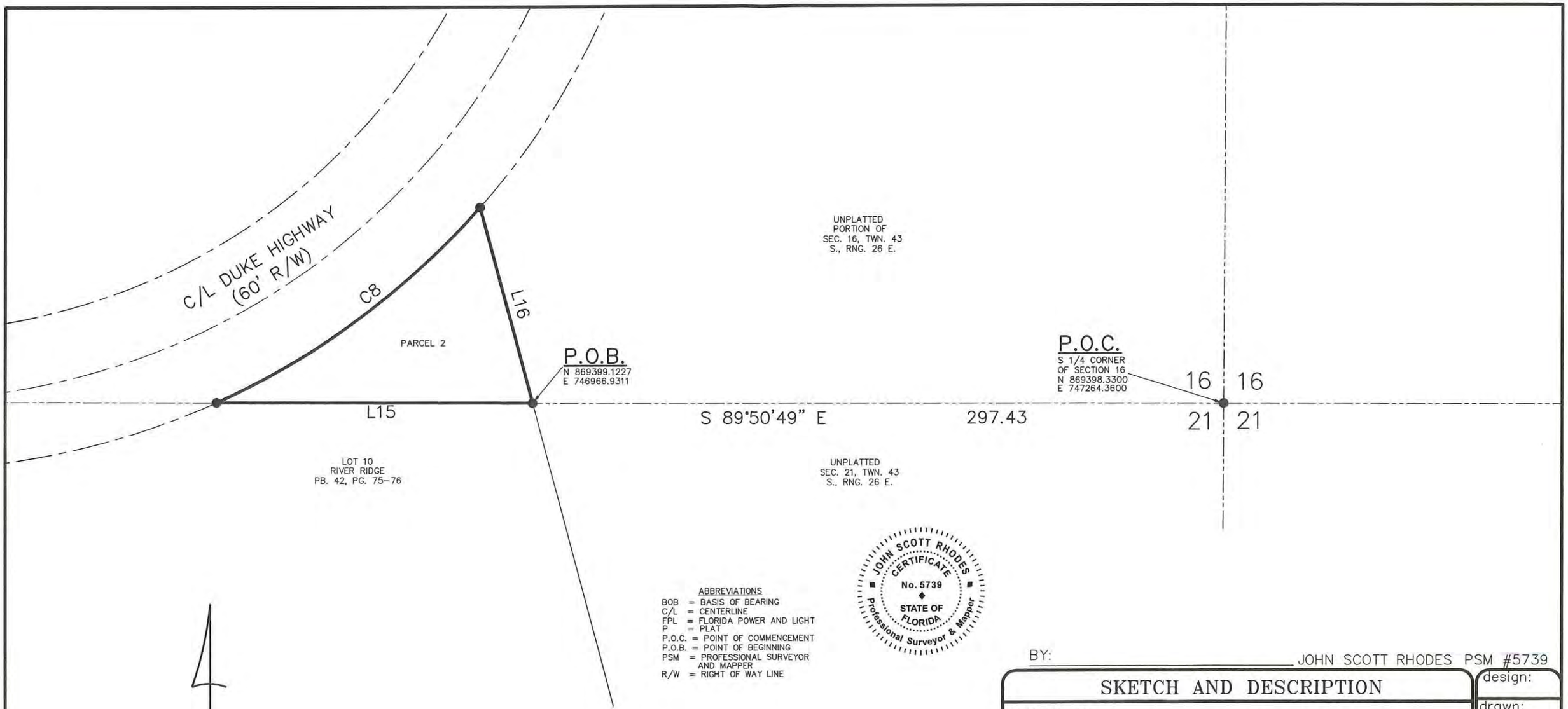
RHODES & RHODES LAND SURVEYING, INC.
28100 BONITA GRANDE DRIVE #107 NAPLES, FLORIDA 34135
PHONE (239) 405-8166 FAX (239) 405-8163

PARCEL 2

BEING A PORTION OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE SOUTH ¼ CORNER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA.; THENCE NORTHTH 89°50'49" WEST ALONG THE SOUTHERLY LINE OF SAID SECTION 16, A DISTANCE OF 297.43 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTH 89°50'47" WEST CONTINUING ALONG THE SAID SOUTH LINE OF SECTION 16, A DISTANCE OF 135.87 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF DUKE HIGHWAY ACCORDING TO THE OFFICIAL RECORDS BOOK 2026 PAGE 2985, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TO A POINT ON A NON-TANGENTIAL CURVE; THENCE NORTHEASTERLY ALONG THE SAID SOUTHERLY RIGHT OF WAY OF DUKE HIGHWAY, 141.87 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 330.00 FEET, THROUGH A CENTRAL ANGLE OF 24°37'53" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 53°39'41" EAST, 140.78 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY OF DUKE HIGHWAY, SOUTH 15°00'51" EAST, A DISTANCE OF 86.74 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,973 SQUARE FEET OR 0.114 ACRES, MORE OR LESS.



ABBREVIATIONS

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P = PLAT
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
PSM = PROFESSIONAL SURVEYOR AND MAPPER
R/W = RIGHT OF WAY LINE

JOHN SCOTT RHODES CERTIFICATE No. 5739 STATE OF FLORIDA Professional Surveyor & Mapper

N

0 300 600 1200 2400
GRAPHIC SCALE

NOT A SURVEY

LINE TABLE		
LINE	LENGTH	BEARING
L15	135.87'	S 89°50'47" E
L16	86.74'	N 15°00'51" W

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C8	330.00	24°37'53"	141.87'	140.78'	N 53°39'41" E

BY: _____ JOHN SCOTT RHODES PSM #5739

SKETCH AND DESCRIPTION

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NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC, A FLORIDA LIMITED LIABILITY COMPANY

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LICENSE #LB 6897

28100 BONITA GRANDE DRIVE SUITE 107
BONITA SPRINGS, FL 34135
(239) 405-8166 (239) 405-8163 FAX

bk:	pg:	date:
XX	XX	MARCH 24, 2023
		scale: 1" = 1200'
		cogo #: 22-345

design:
drawn: EFC
checked: JSR
acad #: 2022-345
view: PLOT
project#: 2022-345
sheet #: 2 of 2
file #: 2022-345 MASTER S&D 2

Z:\Cary Duke Jr Neal 2022-345\2022-245 MASTER BNDY SKETCH & DESCRIP 2.dwg, Layout2, 3/27/ 29:48 PM, 1:1

Deeds of Subject Property (EXHIBIT M8)

Linda Doggett, Lee County Clerk of Circuit Court
INSTR. # 2021000316566, Doc Type D, Pages 3, Recorded 9/27/2021 at 3:09 PM, Deputy Clerk LHINSPETER ERECORD
Rec Fees: $27.00 Deed Doc: $1,050.00

This Instrument Prepared By: Shari M. Garcia
PATRIOT TITLE SERVICES, LLC
1705 Colonial Blvd. #A-2
Fort Myers, Florida 33907
File Number: **7538**
Strap Number: 16-43-26-00-00001.0000

Warranty Deed

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

Made this 20 day of September, 2021, BETWEEN

Povia Family, LLC, a Florida limited liability company

whose post office address is: 5991 Buckingham Rd., Fort Myers, Florida 33905, **grantor**

and **Lee County, a political subdivision of the State of Florida**

whose post office address is: P.O. Box 398, Fort Myers, FL 33902-0398 , **grantee,**

WITNESSETH: That the said grantor, for and in consideration of the sum of One Hundred Fifty Thousand dollars & no cents ($150,000.00) , 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, successors and assigns forever, the following described land, situate, lying and being in Lee County, Florida towit:

See attached legal description

Subject to easements and restrictions of record, if any, which are specifically not extended or reimposed hereby.

Said 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 warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; that the land is free of all encumbrances except taxes accruing subsequent to December 31, 2020.

Acquisition approved by the Lee County Board
of Commissioners action on August 17, 2021
and accepted on behalf of the board by
Leah Chin on September 20, 2021
in accordance with Consent Agenda Item 6
Project NLC WWTP Parcel 114
Exp to 15 MGD

File Number: **7538**
Strap Number: 16-43-26-00-00001.0000

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness #1 signature

BREANNA SARVER

Witness #1 print name

Witness #2 signature

SHARI M GARCIA

Witness #2 print name

Povia Family, LLC, a Florida limited liability company

Mary Ellen Povia

By: Mary Ellen Povia
Title: Managing Member

STATE OF FLORIDA **COUNTY OF** LEE

I HEREBY CERTIFY, that on this 20 day of September, 2021 before me personally appeared (by means of physical presence) **Mary Ellen Povia, as Managing Member** of **Povia Family, LLC, a Florida limited liability company,** who is personally known to me or who has provided Driver's License(s) as identification and who is the person described in and who executed the foregoing instrument and who after being duly sworn says and has acknowledged that the execution hereof is free act and deed for the uses and purposed herein mentioned.

SWORN TO AND SUBSCRIBED before me the undersigned Notary Public by my hand and official seal, the day and year last aforesaid.

Notary Public

My Commission Expires:

(seal)

Notary printed

LEGAL DESCRIPTION: (AS DESCRIBED BY THIS OFFICE)

THE NORTH ONE-HALF (1/2) OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA LYING NORTHEASTERLY OF THE CURRENT RIGHT OF WAY OF NORTH RIVER ROAD LESS AND EXCEPT THE FORMER RIGHT OF WAY AS REFERENCED IN RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS ADOPTED FEBRUARY 15, 1967 AND SHOWN ON STATE ROAD RIGHT OF WAY MAP SECTION 12560-2604, DATED JULY 20, 1965 AND LESS THE TAKING PER OFFICIAL RECORDS BOOK 353, PAGE 829 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

BEGIN AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE S.00°35'48"W., ALONG THE EAST LINE OF SAID SECTION, FOR A DISTANCE OF 400.96 FEET TO A POINT ON THE MAINTAINED RIGHT OF WAY LINE AS SHOWN ON STATE ROAD RIGHT OF WAY MAP SECTION 12560-2604, DATED JULY 20, 1965 BEING A POINT ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 611.00 FEET; THENCE ALONG SAID MAINTAINED RIGHT OF WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 54°02'56", A CHORD BEARING OF N.43°40'59"W., A CHORD LENGTH OF 555.24 FEET AND AN ARC LENGTH OF 576.38 FEET; THENCE S.89°54'42"E. FOR A DISTANCE OF 387.66 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 52,738 SQUARE FEET, OR 1.211 ACRES, MORE OR LESS

TOGETHER WITH

PARCEL 2

COMMENCE AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.89°54'42"W., ALONG THE NORTH LINE OF SAID SECTION, FOR A DISTANCE OF 700.72 FEET; THENCE S.27°33'00"W., A DISTANCE OF 30.43 FEET TO A POINT ON THE SOUTHERLY MAINTAINED RIGHT OF WAY AS SHOWN ON STATE ROAD RIGHT OF WAY MAP SECTION 12560-2604, DATED JULY 20, 1965 AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE S.89°54'42"E., ALONG SAID MAINTAINED RIGHT OF WAY, FOR A DISTANCE OF 126.11 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 550.00 FEET; THENCE ALONG SAID RIGHT OF WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°30'30", A CHORD BEARING OF S.44°39'27"E., A CHORD LENGTH OF 781.26 FEET AND AN ARC LENGTH OF 868.82 FEET; THENCE S.00°35'48"W. FOR A DISTANCE OF 301.41 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1507.40 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 41°10'29", A CHORD BEARING OF N.41°51'46"W., A CHORD LENGTH OF 1060.11 FEET AND AN ARC LENGTH OF 1083.27 FEET; THENCE N.27°33'00"E. FOR A DISTANCE OF 76.47 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 194,758 SQUARE FEET, OR 4.471 ACRES, MORE OR LESS

COMBINED ACREAGE IS 5.682 ACRES, MORE OR LESS.

INSTR # 2010000111482, Doc Type CT, Pages 2, Recorded 05/04/2010 at 09:02 AM, Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D $0.70 Deputy Clerk DMAYS

D 100.CC

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA
CIVIL ACTION

FILED
MAY 03 2010
CHARLIE GREEN, CLERK
CIRCUIT/COUNTY COURTS
BY D.C.

Harney, Raymond E, atf Harney Revocable Trust Dated December 9 2005 etal
Plaintiff
vs
North River Communities LLC etal
Defendant

Case No. 09-CA-066359

CERTIFICATE OF TITLE

The undersigned clerk of the court certifies that he or she executed and filed a certificate of sale in this action on April 20, 2010 for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in Lee County, Florida:

See Exhibit "A" attached hereto

Was sold to: Cary & Duke Properties, LLC a Florida limited liability Company

Address: 18451 North Olga Road, Ft Myers, FL 33920

WITNESS my hand and the seal of the court on May 03, 2010

Charlie Green, Clerk of Co

By: _____ Deputy Clerk

Copies furnished to all parties

Charlie Green
Clerk of Circuit Court

By: Serena Pitts
Deputy Clerk

Parcel One

A. The Southeast one-quarter of Section 17, Township 43 South Range 26 East, less and except the Southwest one-quarter of the Southwest one-quarter of the Southeast one-quarter of Section 17, Township 43 South, Range 26 East, and also less and except any portion of the subject property contained in the Order of Taking recorded in O.R. Book 353, Page 829, of the Public Records of Lee County, Florida.

AND

B. The Southwest one-quarter of Section 16, Township 43 South, Range 26 East, less and except therefrom Parcel No. 1.003 as reflected on the Lee County, Florida Tax Assessmant Rolls, and also less and except the following parcels:

(i) The East one-half of the Northeast one-quarter of the Southwest one-quarter of Section 16, Township 43 South, Range 26 East; and

(ii) The Easterly 60 feet of the Southeast one-quarter of the Southwest one-quarter of Section 16, Township 43 South, Range 26 East, Lee County, Florida.

Parcel Two A

The Northwest one-quarter of Section 17, Township 43 South, Range 26 East, less and except any portion of the subject property contained in the Order of Taking recorded in O.R. Book 353, Page 829, of the Public Records of Lee County, Florida.

Parcel Two C

Lots 3 through 7, inclusive, and Lots 9 and 10 of P. JOHN HARTS SUBDIVISION, a subdivision according to the plat thereof, as recorded in Plat Book 3, at Page 7, of the Public Records of Lee County, Florida.

EXHIBIT "A"

INSTR # 2010000111482, Doc Type CT, Pages 2, Recorded 05/04/2010 at 09:02 AM, Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D $0.70 Deputy Clerk DMAYS

D 100.00

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA
CIVIL ACTION

FILED
MAY 03 2010
CHARLIE GREEN, CLERK
CIRCUIT/COUNTY COURTS
BY D.C.

Harney, Raymond E, atf Harney Revocable Trust Dated December 9 2005 etal
Plaintiff
vs
North River Communities LLC etal
Defendant

Case No. 09-CA-066359

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WITNESS my hand and the seal of the court on May 03, 2010

Charlie Green, Clerk of Co

By: _____ Deputy Clerk

Copies furnished to all parties

Charlie Green
Clerk of Circuit Court

By: Serena Pitts
Deputy Clerk

Parcel One

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AND

B. The Southwest one-quarter of Section 16, Township 43 South, Range 26 East, less and except therefrom Parcel No. 1.003 as reflected on the Lee County, Florida Tax Assessmant Rolls, and also less and except the following parcels:

(i) The East one-half of the Northeast one-quarter of the Southwest one-quarter of Section 16, Township 43 South, Range 26 East; and

(ii) The Easterly 60 feet of the Southeast one-quarter of the Southwest one-quarter of Section 16, Township 43 South, Range 26 East, Lee County, Florida.

Parcel Two A

The Northwest one-quarter of Section 17, Township 43 South, Range 26 East, less and except any portion of the subject property contained in the Order of Taking recorded in O.R. Book 353, Page 829, of the Public Records of Lee County, Florida.

Parcel Two C

Lots 3 through 7, inclusive, and Lots 9 and 10 of P. JOHN HARTS SUBDIVISION, a subdivision according to the plat thereof, as recorded in Plat Book 3, at Page 7, of the Public Records of Lee County, Florida.

EXHIBIT "A"

INSTR # 2010000111482, Doc Type CT, Pages 2, Recorded 05/04/2010 at 09:02 AM, Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D $0.70 Deputy Clerk DMAYS

D 70 (1)
D 100.00

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA
CIVIL ACTION

FILED
MAY 03 2010
CHARLIE GREEN, CLERK
CIRCUIT/COUNTY COURTS
BY D.C.

Harney, Raymond E, atf Harney Revocable Trust Dated December 9 2005 etal
Plaintiff
vs
North River Communities LLC etal
Defendant

Case No. 09-CA-066359

CERTIFICATE OF TITLE

The undersigned clerk of the court certifies that he or she executed and filed a certificate of sale in this action on April 20, 2010 for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in Lee County, Florida:

See Exhibit "A" attached hereto

Was sold to: Cary & Duke Properties, LLC a Florida limited liability Company

Address: 18451 North Olga Road, Ft Myers, FL 33920

WITNESS my hand and the seal of the court on May 03, 2010

Charlie Green, Clerk of Co

By: _____
Deputy Clerk

Copies furnished to all parties

Charlie Green
Clerk of Circuit Court

By: Serena Pitts
Deputy Clerk

Parcel One

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AND

B. The Southwest one-quarter of Section 16, Township 43 South, Range 26 East, less and except therefrom Parcel No. 1.003 as reflected on the Lee County, Florida Tax Assessmant Rolls, and also less and except the following parcels:

(i) The East one-half of the Northeast one-quarter of the Southwest one-quarter of Section 16, Township 43 South, Range 26 East; and

(ii) The Easterly 60 feet of the Southeast one-quarter of the Southwest one-quarter of Section 16, Township 43 South, Range 26 East, Lee County, Florida.

Parcel Two A

The Northwest one-quarter of Section 17, Township 43 South, Range 26 East, less and except any portion of the subject property contained in the Order of Taking recorded in O.R. Book 353, Page 829, of the Public Records of Lee County, Florida.

Parcel Two C

Lots 3 through 7, inclusive, and Lots 9 and 10 of P. JOHN HARTS SUBDIVISION, a subdivision according to the plat thereof, as recorded in Plat Book 3, at Page 7, of the Public Records of Lee County, Florida.

EXHIBIT "A"

INSTR # 2010000111482, Doc Type CT, Pages 2, Recorded 05/04/2010 at 09:02 AM, Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D $0.70 Deputy Clerk DMAYS

D 100.00

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA
CIVIL ACTION

FILED
MAY 03 2010
CHARLIE GREEN, CLERK
CIRCUIT/COUNTY COURTS
BY D.C.

Harney, Raymond E, atf Harney Revocable Trust Dated December 9 2005 etal
Plaintiff
vs
North River Communities LLC etal
Defendant

Case No. 09-CA-066359

CERTIFICATE OF TITLE

The undersigned clerk of the court certifies that he or she executed and filed a certificate of sale in this action on April 20, 2010 for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in Lee County, Florida:

See Exhibit "A" attached hereto

Was sold to: Cary & Duke Properties, LLC a Florida limited liability Company

Address: 18451 North Olga Road, Ft Myers, FL 33920

WITNESS my hand and the seal of the court on May 03, 2010

Charlie Green, Clerk of Co

By: _____
Deputy Clerk

Copies furnished to all parties

Charlie Green
Clerk of Circuit Court

By: Serena Pitts
Deputy Clerk

Parcel One

A. The Southeast one-quarter of Section 17, Township 43 South Range 26 East, less and except the Southwest one-quarter of the Southwest one-quarter of the Southeast one-quarter of Section 17, Township 43 South, Range 26 East, and also less and except any portion of the subject property contained in the Order of Taking recorded in O.R. Book 353, Page 829, of the Public Records of Lee County, Florida.

AND

B. The Southwest one-quarter of Section 16, Township 43 South, Range 26 East, less and except therefrom Parcel No. 1.003 as reflected on the Lee County, Florida Tax Assessmant Rolls, and also less and except the following parcels:

(i) The East one-half of the Northeast one-quarter of the Southwest one-quarter of Section 16, Township 43 South, Range 26 East; and

(ii) The Easterly 60 feet of the Southeast one-quarter of the Southwest one-quarter of Section 16, Township 43 South, Range 26 East, Lee County, Florida.

Parcel Two A

The Northwest one-quarter of Section 17, Township 43 South, Range 26 East, less and except any portion of the subject property contained in the Order of Taking recorded in O.R. Book 353, Page 829, of the Public Records of Lee County, Florida.

Parcel Two C

Lots 3 through 7, inclusive, and Lots 9 and 10 of P. JOHN HARTS SUBDIVISION, a subdivision according to the plat thereof, as recorded in Plat Book 3, at Page 7, of the Public Records of Lee County, Florida.

EXHIBIT "A"

INSTR # 2010000111481, Doc Type CT, Pages 2, Recorded 05/04/2010 at 09:02 AM, Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D $0.70 Deputy Clerk DMAYS

2) .70 $ 100.00

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA
CIVIL ACTION

FILED
MAY 03 2010
CHARLIE GREEN, CLERK
CIRCUIT/COUNTY COURTS
BY D.C.

Harney, Raymond E, atf Harney Revocable Trust Dated December 9 2005 etal
Plaintiff
vs
North River Communities LLC etal
Defendant

Case No. 09-CA-066364 09-CA-060364

CERTIFICATE OF TITLE
(AS to Count I)

The undersigned clerk of the court certifies that he or she executed and filed a certificate of sale in this action on April 20, 2010 for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in Lee County, Florida:

See Exhibit "A" attached hereto

Was sold to:

RAYMOND E. HARNEY and KATHY R. HARNEY, as Trustees of the HARNEY REVOCABLE TRUST dated December 9, 2005,

Address: 18451 N Olga Road, N Fort Myers, FL 33920

WITNESS my hand and the seal of the court on May 03, 2010

Charlie Green, Clerk of Court

By: S Pitts
Deputy Clerk

Copies furnished to all parties

Charlie Green
Clerk of Circuit Court

By: Serena Pitts
Deputy Clerk

EXHIBIT "A"

Parcel Two D

Lot 8, P. JOHN HARTS SUBDIVISION, a subdivision according to the plat thereof, as recorded in Plat Book 3, at Page 7, of the Public Records of Lee County, Florida.

EXHIBIT "A"

INSTR # 2010000111482, Doc Type CT, Pages 2, Recorded 05/04/2010 at 09:02 AM, Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D $0.70 Deputy Clerk DMAYS

$ 10.00 CC

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA
CIVIL ACTION

FILED
MAY 03 2010
CHARLIE GREEN, CLERK
CIRCUIT/COUNTY COURTS
BY _____ D.C.

Harney, Raymond E, atf Harney Revocable Trust Dated December 9 2005 etal
Plaintiff
vs
North River Communities LLC etal
Defendant

Case No. 09-CA-066359

CERTIFICATE OF TITLE

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The following property in Lee County, Florida:

See Exhibit "A" attached hereto

Was sold to: Cary & Duke Properties, LLC a Florida limited liability Company

Address: 18451 North Olga Road, Ft Myers, FL 33920

WITNESS my hand and the seal of the court on May 03, 2010

Charlie Green, Clerk of Co

By: _____
Deputy Clerk

Copies furnished to all parties

Charlie Green
Clerk of Circuit Court

By: Serena Pitts
Deputy Clerk

Parcel One

A. The Southeast one-quarter of Section 17, Township 43 South Range 26 East, less and except the Southwest one-quarter of the Southwest one-quarter of the Southeast one-quarter of Section 17, Township 43 South, Range 26 East, and also less and except any portion of the subject property contained in the Order of Taking recorded in O.R. Book 353, Page 829, of the Public Records of Lee County, Florida.

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(ii) The Easterly 60 feet of the Southeast one-quarter of the Southwest one-quarter of Section 16, Township 43 South, Range 26 East, Lee County, Florida.

Parcel Two A

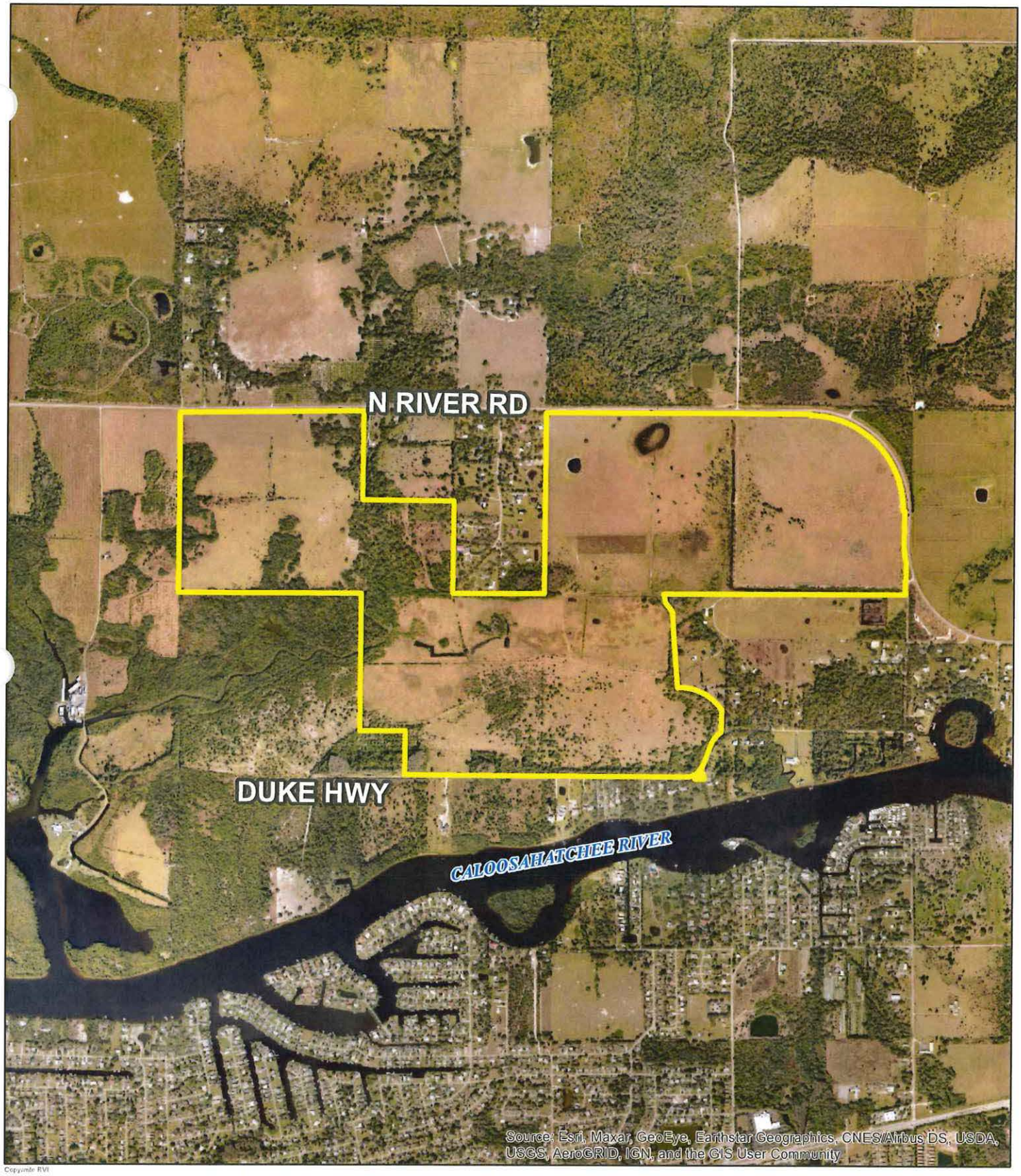
The Northwest one-quarter of Section 17, Township 43 South, Range 26 East, less and except any portion of the subject property contained in the Order of Taking recorded in O.R. Book 353, Page 829, of the Public Records of Lee County, Florida.

Parcel Two C

Lots 3 through 7, inclusive, and Lots 9 and 10 of P. JOHN HARTS SUBDIVISION, a subdivision according to the plat thereof, as recorded in Plat Book 3, at Page 7, of the Public Records of Lee County, Florida.

EXHIBIT "A"

Aerial Map Showing the Subject Property and Surrounding Properties (EXHIBIT M9)



Document Path: \\FLBON\Projects\2022\22001300 - Cary Duke CPA & PD (Neal Comm\04 BASE INFORMATION\02 GIS\MXDs\Final MXDs\Cary Duke - Aerial Map.mxd

RVi
10401 Highland Manor Dr.
Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

CARY + DUKE + POVIA CPA/PD • AERIAL MAP

- Lee County, FL
- Subject Boundary
- Date: 12/1/2022
- 22001300
- Neal Communites SW FL Inc.

0 550 1,100 2,200
Feet

Letter of Authorization from the Property Owner (EXHIBIT M10)

LETTER OF AUTHORIZATION

To Whom It May Concern:

Please be advised that G. Keith Cary, an authorized persons with Cary & Duke Properties, LLC owner of the Subject Property, hereby authorizes Neal Communities of Southwest Florida, Inc. to act on its behalf in applying for a Lee County Comprehensive Plan Amendment. This authority to represent our interest includes any and all documents required as part of the Comprehensive Plan Amendment petition submitted on my behalf.

STRAP NUMBER(S) or LEGAL DESCRIPTION

STRAP #: 17-43-26-00-00001.0000; 17-43-26-01-00003.0000; 17-43-26-01-00009.0000; 16-43-26-00-00001.0040; 17-43-26-01-00004.0000; 16-43-26-00-00001.0070

G. Keith Cary

Signature of Owner

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 07 day of Dec, 2022, by G. KEITH CARY, who is personally known to me, or has produced _____ as identification and who did not take an oath.

(Notary Seal)

Cynthia L Trammell

Signature of Notary Public

Commission No.

(Print, type or stamp commissioned name of Notary Public)

NOTARY PUBLIC STATE OF FLORIDA

CYNTHIA L. TRAMMELL
Commission # HH 322224
Expires November 20, 2026

LETTER OF AUTHORIZATION

To Whom It May Concern:

Please be advised that Mary Ellen Povia , an authorized persons with Povia Family, LLC owner of the Subject Property, hereby authorizes Neal Communities of Southwest Florida, Inc. to act on its behalf in applying for a Lee County Comprehensive Plan Amendment. This authority to represent our interest includes any and all documents required as part of the Comprehensive Plan Amendment petition submitted on my behalf.

STRAP NUMBER(S) or LEGAL DESCRIPTION

STRAP #: 16-43-26-00-00001.0000

Mary Ellen Povia

Signature of Owner

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 5th day of December, 2022, by Mary Ellen Povia, who is personally known to me, or has produced FL-DL as identification and who did not take an oath. P100-586-45-842-0

(Notary Seal)

Alexis Gaure Arrieta

Signature of Notary Public

Commission No.

Alexis Gaure Arrieta

(Print, type or stamp commissioned name of Notary Public)

ALEXIS GAURE ARRIETA
Commission # HH 254212
Expires May 15, 2026

LETTER OF AUTHORIZATION

To Whom It May Concern:

Please be advised that Raymond E. Harney/ Kathy R. Harney, an authorized persons with Harney Trust owner of the Subject Property, hereby authorizes Neal Communities of Southwest Florida, Inc. to act on its behalf in applying for a Lee County Comprehensive Plan Amendment. This authority to represent our interest includes any and all documents required as part of the Comprehensive Plan Amendment petition submitted on my behalf.

STRAP NUMBER(S) or LEGAL DESCRIPTION

STRAP #: 17-43-26-01-00008.0000

Kathy R Harney

Signature of Owner

STATE OF ~~FLORIDA~~ WASHINGTON
COUNTY OF ~~LEE~~ SNOHOMISH

The foregoing instrument was acknowledged before me this 5th day of December 2022, by Raymond and Kathy Harney who is personally known to me, or has produced Driver License as identification and who did not take an oath.

(Notary Seal)

Signature of Notary Public

Bryan Peckham

(Print, type or stamp commissioned name of Notary Public)

Commission No.
199726

BRYAN PECKHAM
COMMISSION EXPIRES
NOTARY
PUBLIC
LIC. No. 199726
05-19-2026
STATE OF WASHINGTON

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Timothy Oak (name), as SWFL Regional President (owner/title) of Neal Communities of Southwest Florida (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized 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 thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Notes:

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then they must include their title of "trustee."*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.*

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Signature

12/8/22
Date

**********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, this 9 day of December, 20 22, by Tim Oak (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL

BENJAMIN A. GIBBS
MY COMMISSION # HH 131879
EXPIRES: June 17, 2025
Bonded Thru Notary Public Underwriters

Signature of Notary Public

Lee Plan Analysis & State and Regional Policy Plan (EXHIBITS M11 & M18)

Cary+Duke+Povia Map Amendment
Lee Plan Analysis & State and Regional Policy Plan
Exhibits M11 & M18

I. Lee Plan Analysis

The following is an analysis of how the proposed amendment is consistent with the goals, policies, and objectives of the Lee Plan.

POLICY 1.4.1: The Rural future land use category are areas that are to remain predominantly rural – that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural future land use category is one dwelling unit per acre (1 du/acre). See Policy 123.2.17 for a potential density incentive resulting from preservation and/or restoration of Rare and Unique Upland Habitat.

The Property is located in the Rural and Wetlands Future Land Use Category (FLUC). Unique to the Rural FLUC, the addition of the Property into the Future Water and Sewer Service Areas creates the opportunity to generate additional dwelling units through the Planned Development process as anticipated in this Policy and Policy 123.2.17.

The companion zoning request (DCI2022-00067) is limited to residential dwellings at 1.39 du/acre which is consistent with a base density of 1 du/acre and additional dwelling units generated through the preservation, restoration, and creation of rare and unique uplands, as allowed in Policy 123.2.17. Therefore, the proposed uses and density are entirely consistent with the above policy and other related Rural FLUC policies governing use of these lands.

POLICY 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII.

The attached proposed density calculations for the Cary+Duke+Povia RPD utilize a density calculation for impacted wetlands of 1 du/20 acres. Preserved wetlands utilize a density calculation of 1 unit per acre consistent with Table 1(a) Note 8. Therefore, the proposed CPA and RPD are consistent with this policy.

POLICY 1.6.5: The Planning Districts Map and Acreage Allocation Table (Map 1-B and Table 1(b)) depict the proposed distribution, extent, and location of generalized land uses through the Plan's horizon. Acreage totals are provided for land in each Planning District 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 1(b) to be exceeded. This policy will be implemented as follows:

1. For each Planning District the County will maintain a parcel based database of existing land use.

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 1(b) regardless of other project approvals in that Planning District.

3. When updating the Lee Plan's planning horizon, a comprehensive evaluation of the Planning Districts Map and Acreage Allocation Table will be conducted.

This proposed amendment does not change the Future Land Use Designation of the Property. Table 1(b) currently allocates a maximum of 1,948 acres for residential development in the Rural Future Land Use Category within District 1 Northeast Lee County. According to the Planning Department, 636 acres remain for residential acreage. The companion zoning request (DCI2022-00067) includes 368 acres of residential development. Therefore, sufficient acreage is allocated for the proposed development.

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.

The companion zoning request (DCI2022-00067) will allow for a compact development pattern in an area intended for low-density development and will maintain a rural community character, in direct compliance with this and other policies in the Lee Plan. As outlined in detail within the application, the project provides for compatibility with the surrounding low-density residential development and agricultural uses. Development within the project is clustered primarily within existing uplands and provides for 60 percent open space, representing a compact development footprint, while also maintaining a rural residential density. The recently approved Owl Creek RPD extended the utility service areas to the western boundary of the subject property. As a result, this RPD makes efficient use of this planned extension of infrastructure and eliminates development patterns dependent on well and septic.

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 §163.3164, Fla. Stat.) will be granted only when consistent with the provisions of §163.3202(2)(g) and § 163.3180, Fla. Stat. and the concurrency requirements in the LDC.

The Property is contiguous to developed or developing properties in the Northeast Lee County community, representing logical and efficient growth within the Rural FLUC. The attached letters of availability demonstrate there is sufficient capacity in all regulatory LOS facilities to provide public services to support the proposed density. Additionally, the attached Public Infrastructure Map demonstrates the Property is in the vicinity of adequate public facilities and public investment. Therefore, the proposed amendment and rezoning fully comply with the above policy's intent to direct new growth to areas of the County where adequate public facilities exist or are assured and where compact development patterns can be created.

OBJECTIVE 4.1: WATER, SEWER, AND ENVIRONMENTAL STANDARDS. Consider water, sewer, and environmental standards during the rezoning process. Ensure the standards are met prior to issuing a local development order.

STANDARD 4.1.1: WATER.

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.

A letter of availability dated 11/28/2022 was provided by Lee County Utilities identifying the facility's capacity for the development of projected water and sewer demand.

4. All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Fla. Admin. Code R. 62-555.

The proposed waterline extensions shall be designed to meet minimum fire flows and provide adequate domestic service water flows as required by the Florida Administrative Code.

6. If a development lies outside any service area as described above, the developer may:

- ***request that the service area of Lee County Utilities or an adjacent water utility be extended to incorporate the property;***
- ***establish a community water system for the development; or***

- ***develop at an intensity that does not require a community water system.***

  The Property is immediately adjacent to the Lee County Utilities Service Area and while the companion rezoning application proposes a density below 2.5 dwelling units per acre, the incorporation of the Property into Map 4A facilitates benefits to the natural resources in the area. The proposed community design provides for a compact form of development which provides significant preservation, creation and restoration of rare and unique uplands, and wetland and floodplain preservation while also removing the potential for up to 788 private wells.

STANDARD 4.1.2: SEWER.

4. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.

5. If a development lies outside any service area as described above, the developer may:

- ***request that the service area of Lee County Utilities or an adjacent sewer utility be expanded to incorporate the property;***
- ***establish a self-provided sanitary sewer system for the development;***
- ***develop at an intensity that does not require sanitary sewer service; or***
- ***if no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Fla. Admin. Code R. 64E-6 may be utilized, contingent on approval by all relevant authorities.***

The Property is outside the current service area and while the companion rezoning application proposes a density below 2.5 dwelling units per acre, the incorporation of the Property into Map 4B facilitates benefits to the natural resources in the area. The proposed community design provides for a compact form of development which provides significant preservation, creation and restoration of rare and unique uplands, and wetland and floodplain preservation while also removing the potential for up to 788 septic systems.

The Applicant has also explored the potential to connect to alternative providers. The Property is also in the vicinity of the FGUA franchise area, however, the utility cannot provide service except at a clearly unreasonable cost to the applicant. Therefore, connection to the LCU system for sanitary sewer is the most cost-effective option for the applicant.

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.

While portions of the Property are located in the Coastal High Hazard Area (CHHA), the proposed RPD preserves the floodway and floodplain surrounding Trout Creek. The proposed RPD protects against impacts from coastal flooding by providing storage within the surface water management system and the protection of 420 acres of wetland and upland preservation. The RPD does not propose to exceed allowable maximum density permitted by the underlying FLUCs. Additionally, impacts to hurricane shelters will be addressed through the impact mitigation requirements in LDC Section 2-485 at the time of local development order.

POLICY 17.3.2: One public information meeting is required for privately-initiated applications that propose a text change within a community plan or revises a map designation within a community plan area boundary. The meeting must be conducted before the application can be found complete.

POLICY 17.3.3: Public information meetings required pursuant to the provisions of this subelement must be held within the established community plan area boundary that is affected by the amendment.

Pursuant to Policies 17.3.2, 17.3.3, and 27.1.8, two public information meetings were held related to this request and the companion zoning request (DCI2022-00067). The first meeting was held in North Olga on January 26, 2023, and the meeting summary has been added to the revised Exhibit M20. The second meeting was held in Alva on March 14, 2023. A summary of these meetings is attached with Exhibit M20.

POLICY 53.1.8: The costs of new or augmented potable water infrastructure that is developed by Lee County will be borne by those who benefit from the improved supply.

POLICY 53.1.9: New development will pay through appropriate financial mechanisms its fair share of the costs of providing standard potable water for that development.

The proposed expansion of potable water service will be through developer funded improvements. The cost extend infrastructure to the Property will not be borne by Lee County.

OBJECTIVE 60.1: SURFACE WATER. Develop a surface water management program that is multi-objective in scope, geographically based on basin boundaries, and incorporates the requirements of applicable adopted Basin Management Action Plans.

POLICY 60.1.1: Require design of surface water management systems to protect or enhance the groundwater.

A surface water management system is proposed which will provide water quality treatment before discharging into Trout Creek.

POLICY 60.1.2: Incorporate, utilize, and where practicable restore natural surface water flowways and associated habitats.

The companion zoning request (DCI2022-00067) includes significant preservation areas which will maintain existing flowways and associated habitats to the maximum extent practicable.

POLICY 61.1.6: When and where available, reuse water should be the first option for meeting irrigation needs of a development. Where reuse water is not available, surface water or low-quality groundwater should be utilized for irrigation. All other potential water sources must be eliminated prior to selecting potable water as the sole source for meeting the irrigation needs of a development. New developments will coordinate with County staff regarding the source of irrigation water.

Surface water will be used for all irrigation of landscaping within the community. The proposed community will not use potable water provided as a result of this amendment for irrigation purposes.

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)

The attached letters of availability demonstrate adequate public facilities for all regulatory LOS standards. As noted in this policy, only regulatory LOS standards are used for determining adequacy of public facilities for the purposes of permitting new development. The Applicant along with the County will continue to monitor fire and EMS LOS as the project proceeds through the permitting process and utilize this information for facility planning purposes.

POLICY 95.3.3: Financing of public facilities and services will utilize appropriate revenue sources. The cost for the provision and expansion of services and facilities will be borne primarily by those who benefit, using funding mechanisms such as

impact fees, special taxing or benefit districts, community development districts, dedication of land and facilities, in-lieu-of fees, and capital construction, operation, and maintenance funds.

The proposed extension of water and sanitary sewer services to the Property will be privately funded by the development.

POLICY 101.1.4: Require that comprehensive plan amendments which increase density within the Coastal High Hazard Area or on islands meet one of the following criteria in accordance with § 163.3178(8), Fla. Stat.:

1. ***Will not result in an out of County hurricane evacuation time that exceeds 16 hours for a Category 5 storm event (Level E storm surge threat); or***
2. ***Will maintain a 12 hour evacuation time to shelter for a Category 5 storm event (Level E storm surge threat) and ensure shelter space is available to accommodate the additional population; or***
3. ***Will provide appropriate mitigation as determined by Lee County Department of Public Safety, to satisfy both criteria above, which may include the payment of money or construction of hurricane shelters and transportation facilities.***

Impacts to hurricane evacuation times will be addressed through the impact mitigation requirements in LDC Section 2-485(c) at the time of local development order.

OBJECTIVE 124.1: Protect and conserve the natural functions of wetlands and wetland systems by maintaining wetland protection regulations.

POLICY 124.1.1: Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII, and except that owners of wetlands adjacent to Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban, and Sub-Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership (see Table 1(a)).

The proposed development is limited to very low density residential uses. Density is calculated at 1 du/20 acres in all wetlands proposed to be impacted in accordance with table 1(a). Densities from preserved wetlands are transferred to developable contiguous uplands under common ownership at 1 dwelling unit per acre, consistent with the maximum allowable density for the adjacent Rural Future Land Use Category as identified in this policy and Table 1(a) Note 8.

POLICY 124.1.2: The County's wetlands protection regulations will be consistent with the following:

2. No development in wetlands regulated by the State of Florida may be commenced without the appropriate state agency permit or authorization. Development orders and development permits authorizing development within wetlands or lands located within the Wetlands future land use category may be issued subject to a condition that construction may not commence until issuance of the required state permits.

Wetland limits were reviewed and approved on a portion of the Property by SFWMD as part of Application No. 080519-3 on September 3 and 5, 2008, however, the ERP was eventually withdrawn. A condition is proposed in the companion rezoning request which requires that construction may not commence until an ERP is obtained to authorize any impacts to wetlands proposed by the MCP.

6. The density on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit will be calculated at a density of one dwelling unit per 20 acres. Nonresidential uses on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit must be consistent with the non-residential uses permitted in the immediately adjacent, least intense, upland future land use category.

Density is calculated at 1 du/20 acres in all wetlands proposed to be impacted in accordance with table 1(a). Densities from preserved wetlands are transferred to developable contiguous uplands under common ownership at 1 dwelling unit per acre, consistent with the maximum allowable density for the adjacent Rural Future Land Use Category as identified in this policy and Table 1(a) Note 8.

POLICY 125.1.2: New development and additions to existing development must not degrade surface and ground water quality.

Incorporation of the Property into Map 4A and Map 4B removes the potential for groundwater withdrawals and potential impacts from up to 788 private wells and septic systems.

II. **State Comprehensive Plan Consistency**

The Community Planning Act of 2011 (HB7207) removed the requirement to address consistency with the local comprehensive plan and state comprehensive plan, however, the proposed amendment is consistent with the State Comprehensive Land Use Plan's intent to ensure the protection of natural resources. Specifically, the amendment is consistent with the following guiding policies:

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.

(b) Policies.—

1. ***Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.***
2. ***Develop a system of incentives and disincentives which encourages a separation of urban and rural land uses while protecting water supplies, resource development, and fish and wildlife habitats.***

As identified in the attached letter of availability there is service capacity in place to serve the project in terms of potable water and sanitary sewer service. The proposed amendment does not affect the capacity to serve solid waste, law enforcement, fire, parks, and school services for the development.

No changes to the current, Rural Future Land Use Category of the subject property are proposed and the proposed density is consistent with the allowable density in the Lee Plan. Therefore, the proposed extension of water and sewer services supports rural land uses while also reducing the need for individual well and septic systems for the Cary+Duke+Povia RPD.

187.201 (17) PUBLIC FACILITIES.—

(a) Goal.—Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner.

(b) Policies.—

1. **Provide incentives for developing land in a way that maximizes the uses of existing public facilities.**
3. **Allocate the costs of new public facilities on the basis of the benefits received by existing and future residents.**

The proposed extension of services will provide service to residents concurrently with new development. Additional planned extensions of service are planned for the adjacent Owl Creek Reserve RPD to the west of the subject property. The extension also supports the companion rezoning request which will allow for the creation of additional dwelling units through a clustered community design with significant preservation areas on site.

The proposed extension of water and sewer services to the Cary+Duke+Povia RPD will be privately funded by the developer.

III. Regional Policy Plan Consistency

The proposed amendment is consistent with the Southwest Florida Regional Policy Plan (SWFRPP) as follows:

Water Resources

Goal 3: Water Management Districts and local governments must have programs based on scientific modeling to protect surface water, potable water wells, wellfields and contributing areas from contamination.

The proposed map amendment will result in a reduction in the number of private wells servicing the potable water needs in this area allowing for more frequent maintenance and monitoring of water quality and quantity to protect against surface water contamination.

Environmental Impacts Analysis (EXHIBIT M12)

CARY + DUKE + POVIA RPD
ENVIRONMENTAL ASSESSMENT

April 2023

Prepared For:

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Project No. 22NCC3903

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INTRODUCTION

An environmental assessment was conducted on Cary + Duke + Povia RPD (Project) to document existing land uses and vegetative cover; document the presence of state jurisdictional wetlands; research any potential utilization by wildlife and plant species listed by the Florida Fish and Wildlife Conservation Commission (FWCC), the Florida Department of Agriculture and Consumer Services (FDACS), and the U.S. Fish and Wildlife Services (USFWS) as Threatened, Endangered, or Species of Special Concern; and document listed species utilization within the Project site. The assessment included field surveys to map vegetation communities, an official review of agency records for documented occurrences of listed species on the property, and field surveys to document listed species utilization within the Project. This report summarizes the results of the environmental assessment.

The Project totals 788.96± acres and is located in Sections 16 and 17, Township 43 South, Range 26 East, Lee County (Figure 1). The Project site is surrounded by agricultural lands, undeveloped forested lands, and low-density single-family residential housing (Exhibit 1).

The property consists of improved pasture and forested areas. Two tributaries of the Caloosahatchee River are located on the Project site. Trout Creek bisects the property on the western portion of the Project site. Otter Creek, which has historically been channelized, is located on the eastern portion of the Project site.

LAND USES AND VEGETATION ASSOCIATIONS

Vegetation and land cover mapping for the Project was conducted using Lee County 2021 rectified aerials. Groundtruthing of the vegetative communities was conducted on April 27, 28, and 29; May 3; and October 11 and 12, 2022 utilizing the Florida Land Use, Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation 1999). Level IV FLUCFCS was utilized to denote disturbance and hydrologic conditions. Exotic or "E" codes were used to identify levels of exotic and invasive vegetation (e.g., Brazilian pepper (*Schinus terebinthifolia*), melaleuca (*Melaleuca quinquenervia*), and bamboo (*Bambusa vulgaris*)). AutoCAD 3D 2021 software was used to determine the acreage of each mapping area, produce summaries, and generate the FLUCFCS and Wetlands Map for the Project (Exhibit 2). An aerial photograph of the property with an overlay of the FLUCFCS and Wetlands Map is provided as Exhibit 3.

A total of 41 vegetative and land cover types (i.e., FLUCFCS codes) were identified within the Project site. The site contains disturbed native wetland systems including mixed wetland hardwoods, wetland shrub, and freshwater marsh. The on-site wetland habitats have been disturbed by ditching and exotic infestation. Additionally, two rare and unique upland habitat types exist in the northeast portion of the Project site: Live Oak, Disturbed (FLUCFCS Code 4279 E1, E2, and E3) and Cabbage Palm, Disturbed (FLUCFCS Code 4289 E2). A summary of the FLUCFCS codes with acreage breakdown and description of each FLUCFCS is presented in Exhibit 4.

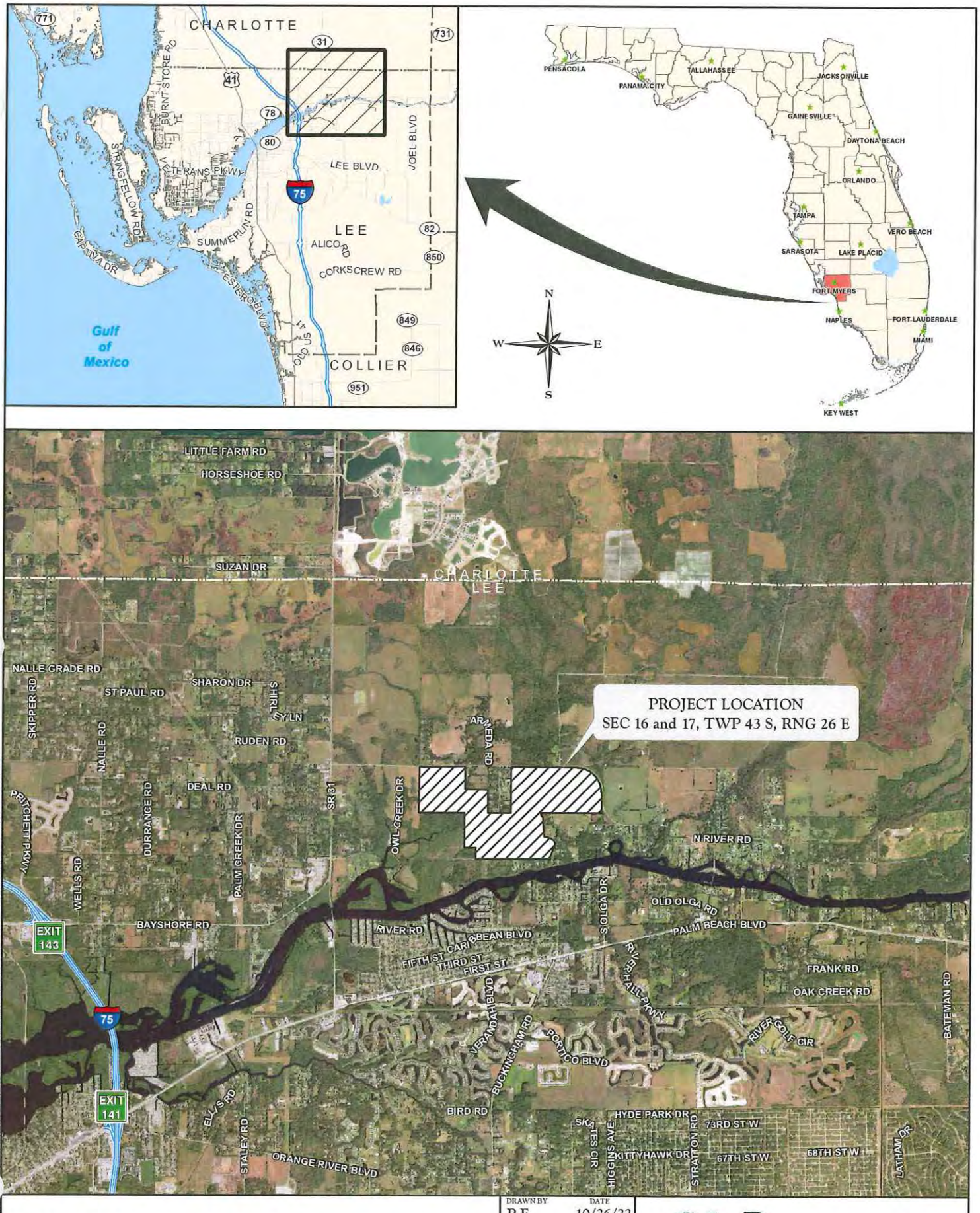


FIGURE 1. PROJECT LOCATION MAP
CARY + DUKE + POVIA RPD

DRAWN BY	DATE
P.F.	10/26/22
REVIEWED BY	DATE
B.B.	10/26/22
REVISED	DATE
R.F.	03/14/23

PASSARELLA & ASSOCIATES, INC. Consulting Ecologists

SOILS

The soils for the property, per the Natural Resources Conservation Service (formerly the Soil Conservation Service), are shown on Exhibit 5. A brief description for each soil type per the Soil Survey of Lee County, Florida (U.S. Department of Agriculture 1984 & 2020) is presented in Exhibit 6.

JURISDICTIONAL WETLANDS

The jurisdictional wetlands and "other surface waters" (OSWs) by FLUCFCS code are summarized in Table 1. South Florida Water Management District (SFWMD) jurisdictional wetlands constitute 70.29± acres or approximately 8.9 percent of the Project site. SFWMD jurisdictional OSWs constitute 18.10± acres or approximately 2.3 percent of the Project site.

Table 1. SFWMD Wetland and OSW Acreages by FLUCFCS Code

FLUCFCS Code	Description	Acreage
Wetlands		
262	Low Pasture	44.83
4221	Brazilian Pepper, Hydric	1.03
4281 E1	Cabbage Palm, Disturbed, Hydric (0-24% Exotics)	0.69
4281 E2	Cabbage Palm, Disturbed, Hydric (25-49% Exotics)	0.60
4281 E3	Cabbage Palm, Disturbed, Hydric (50-75% Exotics)	0.39
4291 E1	Wax Myrtle, Disturbed, Hydric (0-24% Exotics)	0.33
6189 E2	Willow, Disturbed (25-49% Exotics)	<0.01
6219 E1	Cypress, Disturbed (0-24% Exotics)	1.69
6219 E2	Cypress, Disturbed (25-49% Exotics)	1.85
6309 E1	Wetland Forested Mixed, Disturbed (0-24% Exotics)	1.67
6309 E2	Wetland Forested Mixed, Disturbed (25-49% Exotics)	3.59
6309 E3	Wetland Forested Mixed, Disturbed (50-75% Exotics)	3.42
6309 E4	Wetland Forested Mixed, Disturbed (76-100% Exotics)	1.70
6319 E4	Wetland Shrub, Disturbed (76-100% Exotics)	1.08
6419 E3	Freshwater Marsh, Disturbed (50-75% Exotics)	3.65
6419 E4	Freshwater Marsh, Disturbed (76-100% Exotics)	3.75
Wetlands Total		**70.29**
OSWs		
510	Streams and Waterways	8.82
514	Ditch	5.34
525	Cattle Pond	3.94
OSWs Total		**18.10**

The prominent wetland features consist of low pasture, wetland forested mixed, freshwater marsh, cypress, and wetland shrub scattered throughout the Project site. In addition, the OSWs mapped on the property include ditching, cattle ponds, and two tributaries of the Caloosahatchee River. A U.S. Geological Survey quadrangle map is provided as Exhibit 7.

LISTED SPECIES

Listed wildlife species as listed by the FWCC and the USFWS that have the potential to occur on the Project site are listed in Table 2 (FWCC 2022 and USFWS 1999). Listed plant species as listed by the FDACS and the USFWS (FDACS Chapter 5B-40) that have the potential to occur on the Project site are listed in Table 3. Information used in assessing the potential occurrence of these species included the Lee County Land Development Code, Field Guide to the Rare Plants of Florida (Chafin 2000), Atlas of Florida Vascular Plants (Wunderlin 2004), and professional experience and knowledge of the geographic region. In addition, FWCC and USFWS records for documented listed species were reviewed for listed species records on or adjacent to the property (Exhibit 8).

Table 2. Listed Wildlife Species That Could Potentially Occur Within the Project

Common Name	Scientific Name	Designated Status		Potential Habitats (FLUCFCS Code)
		FWCC	USFWS	
Amphibians				
Gopher frog	*Lithobates capito*	*	-	3219, 4119, 6129, 6309
Reptiles				
American alligator	*Alligator mississippiensis*	FT(S/A)	FT(S/A)	510, 514, 525, 6189, 6219, 6309, 6419
Eastern indigo snake	*Drymarchon corais couperi*	FT	FT	3219, 4119, 4279, 4281, 4289
Gopher tortoise	*Gopherus polyphemus*	ST	-	110, 211, 213, 3219, 4119, 422, 4279, 4349, 740, 743, 747, 814
Birds				
Crested caracara	*Caracara cheriway*	FT	FT	211, 213, 262, 3219, 4279, 4281, 4289
Everglade snail kite	*Rostrhamus sociabilis plumbeus*	FE	FE	262, 6419
Florida burrowing owl	*Athene cunicularia floridana*	ST	-	110, 211, 213, 740, 743, 747
Florida sandhill crane	*Grus canadensis pratensis*	ST	-	211, 262, 3219, 6419
Limpkin	*Aramus guarauna*	*	-	510, 514, 525, 6219, 6309, 6419

Table 2. (Continud)

Common Name	Scientific Name	Designated Status		Potential Habitats (FLUCFCS Code)
		FWCC	USFWS	
Little blue heron	*Egretta caerulea*	ST	-	262, 4291, 510, 514, 525, 6189, 6219, 6309, 6319, 6419
Red-cockaded woodpecker	*Picoides borealis*	FE	FE	4119
Roseate spoonbill	*Ajaia ajaja*	ST	-	510, 514, 525
Snowy egret	*Egretta thula*	*	-	262, 4291, 510, 514, 525, 6189, 6219, 6309, 6319, 6419
Southeastern American kestrel	*Falco sparverius paulus*	ST	-	3219, 4119
Tri-colored heron	*Egretta tricolor*	ST	-	262, 4291, 510, 514, 525, 6189, 6219, 6309, 6319, 6419
Wood stork	*Mycteria americana*	FT	FT	525, 6219, 6309, 6419
Mammals				
Big cypress fox squirrel	*Sciurus niger avicennia*	ST	-	4119, 6215, 6219, 6309
Florida black bear	*Ursus americanus floridanus*	*	-	3219, 4119, 4279, 4281, 4289, 4349, 6215, 6309, 6319
Florida bonneted bat	*Eumops floridanus*	FE	FE	4119, 4349,
Florida Panther	*Puma concolor coryi*	FE	FE	211, 4119, 4279, 4281, 4289, 4349, 6215, 6219, 6309, 6319

FWCC – Florida Fish and Wildlife Conservation Commission
USFWS – U.S. Fish and Wildlife Service
FE – Federally Endangered
FT – Federally Threatened
FT(S/A) – Federally Threatened due to similarity of appearance
ST – State Threatened
*No longer listed by the FWCC; however, specific protection measures still apply

Table 3. Listed Plant Species That Could Potentially Occur Within the Project

Common Name	Scientific Name	Designated Status		Potential Location (FLUCFCS Code)
		FDACS	USFWS	
Curtis's milkweed	*Asclepias curtissii*	E	-	3219
Fakahatchee burmannia	*Burmania flava*	E	-	3219, 4119
Satinleaf	*Chrysophyllum oliviforme*	T	-	4119
Beautiful pawpaw	*Deeringothamnus pulchellus*	E	E	3219, 4119
Florida coontie	*Zamia floridana*	CE	-	3219, 4119
Twisted airplant	*Tillandsia flexuosa*	T	-	4279, 6189

Table 3. (Continud)

Common Name	Scientific Name	Designated Status		Potential Location (FLUCFCS Code)
		FDACS	USFWS	
Simpson's stopper	*Myrcianthes fragrans* var. *simpsonii*	T	-	4279, 4281, 4289
Hand adder's tongue fern	*Ophioglossum palmatum*	E	-	4279

FDACS – Florida Department of Agriculture and Consumer Services
USFWS – U.S. Fish and Wildlife Service
CE – Commercially Exploited
E – Endangered
T – Threatened

Gopher Frog (*Lithobates capito*)
The gopher frog could potentially occur within the native uplands on the Project site. The gopher frog is typically found in association with populations of gopher tortoise (*Gopherus polyphemus*).

American Alligator (*Alligator mississippiensis*)
The American alligator could potentially occur within the ditches, stream, cattle pond, and native herbaceous wetlands within the site.

Eastern Indigo Snake (*Drymarchon corais couperi*)
The Eastern indigo snake could potentially occur within the native uplands on the Project site. The Eastern indigo snake is typically found in association with populations of gopher tortoise.

Gopher Tortoise (*Gopherus polyphemus*)
Potential habitat for gopher tortoise on the Project site includes pasture areas, upland pine (*Pinus* sp.) flatwoods, palmetto prairies, disturbed land, and spoil piles.

Crested Caracara (*Caracara cheriway*)
Potential foraging habitat for the crested caracara on the Project site includes pasture areas, cabbage palm, and palmetto prairies. Its primary habitat in Florida is native prairie with associated marshes, cabbage palm (*Sabal palmetto*), and cabbage palm/live oak (*Quercus virginiana*) hammocks (Rodgers et al. 1996).

Everglade Snail Kite (*Rostrhamus sociabilis plumbeus*)
Potential foraging habitat for the Everglade snail kite includes ditches, cattle ponds, low pasture, and freshwater marsh.

Florida Burrowing Owl (*Athene cunicularia floridana*)
Potential Florida burrowing owl habitat exists within the upland pastures and disturbed areas within the Project site.

Florida Sandhill Crane (*Grus canadensis pratensis*)
Potential foraging habitat for the Florida sandhill crane may exist within the Project's upland pastures, palmetto prairies, freshwater marsh, and low pasture. Preferred sandhill crane habitat

includes prairies and shallow marshes dominated by pickerelweed (*Pontederia cordata*) and maidencane (*Panicum hemitomon*).

Little Blue Heron (*Egretta caerulea*), Tri-Colored Heron (*Egretta tricolor*), and other wading birds
Potential foraging habitat for state-listed and other wading birds within the Project site includes the forested and herbaceous wetlands, as well as the ditches, stream, and cattle pond.

Red-Cockaded Woodpecker (*Picoides borealis*)
Potential habitat for the red-cockaded woodpecker on the Project site includes the pine flatwoods habitat.

Roseate Spoonbill (*Ajaia ajaja*)
Potential habitat for the roseate spoonbill on the Project site includes freshwater marsh habitat, as well as the ditches, stream, and cattle pond.

Southeastern American Kestrel (*Falco sparverius paulus*)
Potential foraging habitat for the Southeastern American kestrel on the Project site may exist within the pine flatwoods and palmetto prairie. Since 1980, observations of Southeastern American kestrel in Florida have occurred primarily in sandhill or sand pine (*Pinus clausa*) scrub areas of North and Central Florida (Rodgers *et al.* 1996).

Wood Stork (*Mycteria americana*)
Potential wood stork foraging habitat within the Project site includes forested and herbaceous wetlands, as well as the ditches, stream, and cattle pond. Almost any wetland depression where fish tend to become concentrated, either through local reproduction by fish or as a consequence of area drying, may be good for feeding habitat (Rodgers *et al.* 1996).

Big Cypress Fox Squirrel (*Sciurus niger avicennia*)
Potential nesting and foraging habitat on the Project site for the Big Cypress fox squirrel includes the pine flatwoods, hardwood/conifer, and mixed wetland forest. Dense interiors of mixed cypress-hardwood strands seem to be avoided by fox squirrels (Moler 1992).

Florida Black Bear (*Ursus americanus floridanus*)
Potential habitat for the Florida black bear includes the native upland and wetland forested habitats on the Project site.

Florida Bonneted Bat (*Eumops floridanus*)
Florida bonneted bats could potentially roost within the forested upland and wetland habitats on the Project site, and/or forage over the herbaceous wetlands and open water areas. The Florida bonneted bat is known to occur in cities and forested areas on both the east and west coasts of South Florida from Charlotte County to Palm Beach County (Marks and Marks 2006; Humphrey 1992).

Florida Panther (*Puma concolor coryi*)
The Project is not located within the Florida panther primary or secondary zones (Kautz et al. 2006); however, telemetry points from radio-collared panthers have been recorded by the FWCC

near the property (Exhibit 8). Potential habitat for the Florida panther includes the native upland and forested wetland habitats on the Project site.

A Lee County protected species survey was conducted on the Project site on April 27, 28, 29, May 3, and October 11, 12, 2022. A total of 137 gopher tortoise burrows, 2 American alligators and 2 alligator nests, 1 Everglade snail kite, 5 wood storks, 2 adult crested caracaras, 1 juvenile crested caracara, 4 adult Florida sandhill cranes, 1 juvenile Florida sandhill crane, 6 little blue herons, 6 tri-colored herons, 1 juvenile bald eagle (*Haliaeetus leucocephalus*), and 3 snowy egrets were observed on the Project site during the protected species survey.

The two adult and one juvenile crested caracara were recorded utilizing multiple parts of the Project site. A dilapidated crested caracara nest located in a cabbage palm was documented on the northwest portion of the Project site. No crested caracaras were observed utilizing the nest during the protected species survey or other fieldwork. The nest is in disrepair and has become further degraded since Hurricane Ian in late September 2022.

Two adult and one juvenile Florida sandhill crane were documented within the northwestern portion of the Project during the April 2022 survey dates. Two adult Florida sandhill crane were recorded utilizing multiple parts of the Project site during the October 2022 survey dates. No Florida sandhill nesting activity was observed during the protected species survey or other fieldwork.

The snail kite is listed as endangered by the USFWS. The wood stork and crested caracara are listed as threatened by the USFWS. The gopher tortoise, Florida sandhill crane, little blue heron, and tri-colored heron are listed as threatened by the FWCC. The American alligator is listed as threatened by FWCC due to similarity of appearance to the American crocodile (*Crocodylus acutus*) (FWCC 2022). The snowy egret is not listed by the USFWS or the FWCC but is a designated Lee County protected species.

No Lee County protected plant species were observed on the property during the protected species survey. However, scattered occurrences of state-listed plant species were documented, including royal palm (*Roystonea regia*), golden leather fern (*Acrostichum aureum*), giant wild pine (*Tillandsia utriculata*), and Florida butterfly orchid (*Encyclia tampensis*). The royal palm and the giant wild pine are listed as endangered by the FDACS. The golden leather fern is listed as threatened by the FDACS. The Florida butterfly orchid is listed as commercially exploited by the FDACS. There were no federally listed plant species documented during the protected species survey.

A summary of the listed wildlife species, their sign (i.e., burrows), and listed plant species observed and documented within the Project are provided in Tables 4 and 5. The locations of the observed listed wildlife species are depicted in Exhibit 9.

Table 4. Listed Wildlife Species Observed

Common Name	Scientific Name	Designated Status		Observed Location (FLUCFCS Code)
		FWCC	USFWS	
Reptiles				
American alligator	*Alligator mississippiensis*	ST (SA)	FT (SA)	525, 6309 E2
Gopher tortoise (burrow)	*Gopherus polyphemus*	ST	-	211, 213, 4119 E1, 422, 740, 743
Birds				
Bald Eagle	*Haliaeetus leucocephalus*	*	*	213
Crested caracara	*Caracara cheriway*	FT	FT	211, 213, 262, 4279 E1
Everglade snail kite	*Rostrhamus sociabilis plumbeus*	FE	FE	211
Florida sandhill crane	*Grus canadensis pratensis*	ST	-	211, 6419 E4
Snowy egret	*Egretta thula*	**	**	262, 510, 525
Tri-colored heron	*Egretta tricolor*	ST	-	262, 6419 E4, 747, 814
Wood stork	*Mycteria americana*	FT	FT	262

FWCC – Florida Fish and Wildlife Conservation Commission
USFWS – U.S. Fish and Wildlife Service
FT – Federally Threatened
ST – State Threatened
SA – Similar Appearance
*Lee County Protected Species
** No longer listed by the FWCC; however, specific protection measures still apply

Table 5. Listed Plant Species Observed

Common Name	Scientific Name	Designated Status		Observed Location (FLUCFCS Code)
		FDACS	USFWS	
Florida butterfly orchid	*Encyclia tampensis*	CE	-	4279 E1
Giant wild pine	*Tillandsia utriculata*	E	-	747
Golden leather fern	*Acrostichum aureum*	T	-	6309 E3
Royal palm	*Roystonea regia*	E	-	6219 E1

FDACS – Florida Department of Agriculture and Consumer Services
USFWS – U.S. Fish and Wildlife Service
CE – Commercially exploited
E – Endangered
T - Threatened

SUMMARY

A total of 41 vegetative and land cover types (i.e., FLUCFCS codes) were identified within the Project site. SFWMD jurisdictional wetlands constitute 70.29± acres or approximately 8.9 percent

of the Project site. SFWMD jurisdictional OSWs constitute 18.10± acre or approximately 2.3 percent of the Project site. The OSW acreage includes two tributaries of the Caloosahatchee River. One tributary is located in the central portion of the site and consists a natural stream. The second tributary is located in the eastern portion of the site and has been significantly augmented (i.e., relocated and channelized) as part of past agricultural activities.

A Lee County protected species survey was conducted on the Project site on April 27, 28, 29, May 3, and October 11, 12, 2022. A total of 137 gopher tortoise burrows, 2 American alligators and 2 alligator nests, 1 Everglade snail kite, 5 wood storks, 2 adult crested caracaras, 1 juvenile crested caracara, 4 adult Florida sandhill cranes, 1 juvenile Florida sandhill crane, 6 little blue herons, 6 tri-colored herons, 1 juvenile bald eagle, and 3 snowy egrets were observed on the Project site during the protected species survey. The snail kite is listed as endangered by the USFWS. The wood stork and crested caracara are listed as threatened by the USFWS. The gopher tortoise, Florida sandhill crane, little blue heron, and tri-colored heron are listed as threatened by the FWCC. The American alligator is listed as threatened by FWCC due to similarity of appearance to the American crocodile. The snowy egret is not listed by the USFWS or the FWCC but is a designated Lee County protected species.

No Lee County protected plant species were observed on the property during the protected species survey. However, scattered occurrences of state-listed plant species were documented, including royal palm (*Roystonea regia*), golden leather fern (*Acrostichum aureum*), giant wild pine (*Tillandsia utriculata*), and Florida butterfly orchid (*Encyclia tampensis*). The FDACS lists the royal palm and the giant wild pine as endangered, the golden leather fern as threatened, and the Florida butterfly orchid as commercially exploited. There were no federally listed plant species documented during the protected species survey.

REFERENCES

Chafin, Linda G. 2000. Field Guide to the Rare Plants of Florida. Florida Natural Areas Inventory. Tallahassee, Florida.

Florida Department of Agriculture and Consumer Services. Florida's Federally Listed Plant Species. Chapter 5B-40, F.A.C.

Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System. Procedure No. 550-010-001-a. Third Edition.

Florida Fish and Wildlife Conservation Commission. 2022. Florida's Endangered Species, Threatened Species and Species of Special Concern. Official Lists. Florida Fish and Wildlife Conservation Commission. Tallahassee, Florida.

Humphrey, Stephen R. 1992. Rare and Endangered Biota of Florida; Volume I. Mammals. University Press of Florida, Gainesville, Florida. 392 pages.

Kautz, R., R. Kawula, T. Hoctor, J. Comiskey, D. Jansen, D. Jennings, J. Kasbohm, F. Mazzotti, R. McBride, L. Richardson, K. Root. 2006. How much is enough? Landscape-scale conservation for the Florida panther. Biological Conservation, Volume 130, Issue 1, Pages 118-133.

Marks, C.S. and G.E. Marks. 2006. Bats of Florida. University Press of Florida, Gainesville, Florida.

Moler, P.E. 1992. Rare and Endangered Biota of Florida. Volume III. Amphibians and Reptiles. University Press of Florida, Gainesville, Florida.

Rodgers, J.A, H.W. Kale, and H.T. Smith. 1996. Rare and Endangered Biota of Florida. Volume V. Birds. University Press of Florida, Gainesville, Florida.

U.S. Department of Agriculture, Soil Conservation Service. 1984. Soil Survey of Lee County, Florida.

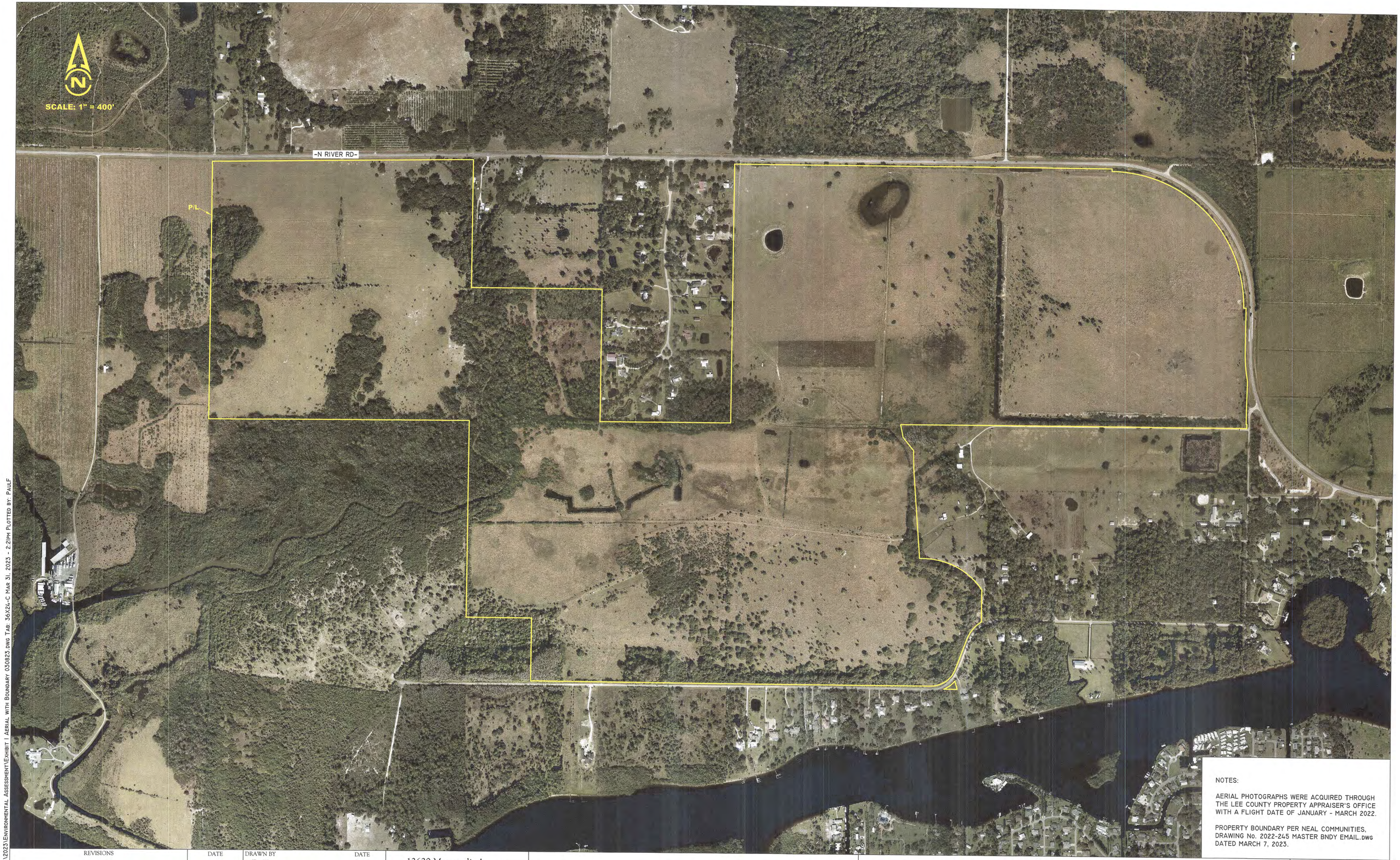
U.S. Department of Agriculture, Soil Conservation Service. 2020. Soil Survey of Lee County, Florida.

U.S. Fish and Wildlife Service. 1999. Multi-Species Recovery Plan for South Florida. U.S. Fish and Wildlife Service, Vero Beach, Florida.

Wunderlin, R. P., and B. F. Hansen. 2004. *Atlas of Florida Vascular Plants*. (http://www.plantatlas.usf.edu/).] Institute for Systematic Botany, University of South Florida, Tampa.

EXHIBIT 1

AERIAL WITH BOUNDARY



NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY - MARCH 2022.

PROPERTY BOUNDARY PER NEAL COMMUNITIES, DRAWING No. 2022-245 MASTER BNDY EMAIL.DWG DATED MARCH 7, 2023.

REVISIONS	DATE
Revised project name	12/02/22
Revised boundary	03/07/23

		DATE
DRAWN BY	R.F.	11/29/22
DESIGNED BY	B.B.	11/29/22
REVIEWED BY	B.B.	11/29/22

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Consulting Ecologists
PASSARELLA & ASSOCIATES INC

CARY + DUKE + POVIA RPD

AERIAL WITH BOUNDARY

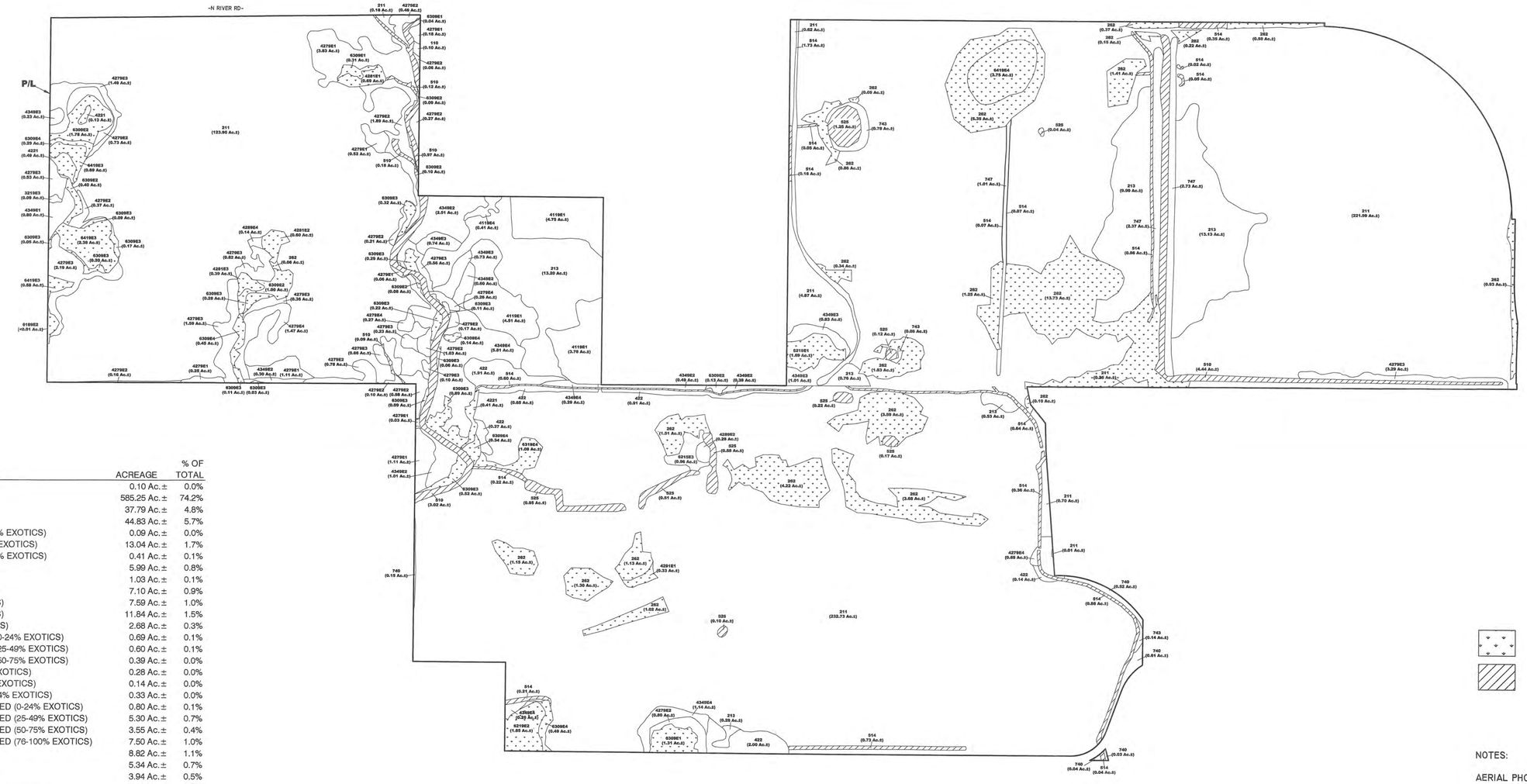
DRAWING No. 22NCC3903

SHEET No. EXHIBIT 1

J:\2022\22ncc3903\20231\Environmental Assessment\Exhibit 1 Aerial with Boundary 030823.dwg Tab: 36x24-C Mar 31, 2023 - 2:21pm Plotted by: PaulF

EXHIBIT 2

FLUCFCS AND WETLANDS MAP



LEGEND:

⁘	SFWMD WETLANDS (70.29 Ac.±)
▨	SFWMD "OTHER SURFACE WATERS" (18.10 Ac.±)

FLUCFCS CODE	DESCRIPTION	ACREAGE	% OF TOTAL
110	RESIDENTIAL, LOW DENSITY	0.10 Ac.±	0.0%
211	IMPROVED PASTURE	585.25 Ac.±	74.2%
213	WOODLAND PASTURE	37.79 Ac.±	4.8%
262	LOW PASTURE	44.83 Ac.±	5.7%
3219 E3	PALMETTO PRAIRIE, DISTURBED (50-75% EXOTICS)	0.09 Ac.±	0.0%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	13.04 Ac.±	1.7%
4119 E4	PINE FLATWOODS, DISTURBED (76-100% EXOTICS)	0.41 Ac.±	0.1%
422	BRAZILIAN PEPPER	5.99 Ac.±	0.8%
4221	BRAZILIAN PEPPER, HYDRIC	1.03 Ac.±	0.1%
4279 E1	LIVE OAK, DISTURBED (0-24% EXOTICS)	7.10 Ac.±	0.9%
4279 E2	LIVE OAK, DISTURBED (25-49% EXOTICS)	7.59 Ac.±	1.0%
4279 E3	LIVE OAK, DISTURBED (50-75% EXOTICS)	11.84 Ac.±	1.5%
4279 E4	LIVE OAK, DISTURBED (76-100% EXOTICS)	2.68 Ac.±	0.3%
4281 E1	CABBAGE PALM, DISTURBED, HYDRIC (0-24% EXOTICS)	0.69 Ac.±	0.1%
4281 E2	CABBAGE PALM, DISTURBED, HYDRIC (25-49% EXOTICS)	0.60 Ac.±	0.1%
4281 E3	CABBAGE PALM, DISTURBED, HYDRIC (50-75% EXOTICS)	0.39 Ac.±	0.0%
4289 E2	CABBAGE PALM, DISTURBED (25-49% EXOTICS)	0.28 Ac.±	0.0%
4289 E4	CABBAGE PALM, DISTURBED (76-100% EXOTICS)	0.14 Ac.±	0.0%
4291 E1	WAX MYRTLE, DISTURBED, HYDRIC (0-24% EXOTICS)	0.33 Ac.±	0.0%
4349 E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	0.80 Ac.±	0.1%
4349 E2	HARDWOOD/CONIFER MIXED, DISTURBED (25-49% EXOTICS)	5.30 Ac.±	0.7%
4349 E3	HARDWOOD/CONIFER MIXED, DISTURBED (50-75% EXOTICS)	3.55 Ac.±	0.4%
4349 E4	HARDWOOD/CONIFER MIXED, DISTURBED (76-100% EXOTICS)	7.50 Ac.±	1.0%
510	STREAMS AND WATERWAYS	8.82 Ac.±	1.1%
514	DITCH	5.34 Ac.±	0.7%
525	CATTLE POND	3.94 Ac.±	0.5%
6189 E2	WILLOW, DISTURBED (25-49% EXOTICS)	0.00 Ac.±	0.0%
6215 E3	CYPRESS, DRAINED, DISTURBED (50-75% EXOTICS)	0.96 Ac.±	0.1%
6219 E1	CYPRESS, DISTURBED (0-24% EXOTICS)	1.69 Ac.±	0.2%
6219 E2	CYPRESS, DISTURBED (25-49% EXOTICS)	1.85 Ac.±	0.2%
6309 E1	WETLAND FORESTED MIXED, DISTURBED (0-24% EXOTICS)	1.67 Ac.±	0.2%
6309 E2	WETLAND FORESTED MIXED, DISTURBED (25-49% EXOTICS)	3.59 Ac.±	0.5%
6309 E3	WETLAND FORESTED MIXED, DISTURBED (50-75% EXOTICS)	3.42 Ac.±	0.4%
6309 E4	WETLAND FORESTED MIXED, DISTURBED (76-100% EXOTICS)	1.70 Ac.±	0.2%
6319 E4	WETLAND SHRUB, DISTURBED (76-100% EXOTICS)	1.08 Ac.±	0.1%
6419 E3	FRESHWATER MARSH, DISTURBED (50-75% EXOTICS)	3.65 Ac.±	0.5%
6419 E4	FRESHWATER MARSH, DISTURBED (76-100% EXOTICS)	3.75 Ac.±	0.5%
740	DISTURBED LAND	1.35 Ac.±	0.2%
743	SPOIL AREAS	0.99 Ac.±	0.1%
747	BERM	6.10 Ac.±	0.8%
814	ROAD	1.73 Ac.±	0.2%
	TOTAL	**788.96 Ac.±**	**100.0%**

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY - MARCH 2022.

PROPERTY BOUNDARY PER NEAL COMMUNITIES, DRAWING No. 2022-245 MASTER BNDY EMAIL.DWG DATED MARCH 7, 2023.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

REVISIONS	DATE		DATE
		DRAWN BY R.F.	11/29/22
Revised project name	12/02/22	DESIGNED BY B.B.	11/29/22
Revised boundary	03/07/23	REVIEWED BY B.B.	11/29/22

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PASSARELLA & ASSOCIATES INC
Consulting Ecologists

CARY + DUKE + POVIA RPD

FLUCFCS AND WETLANDS MAP

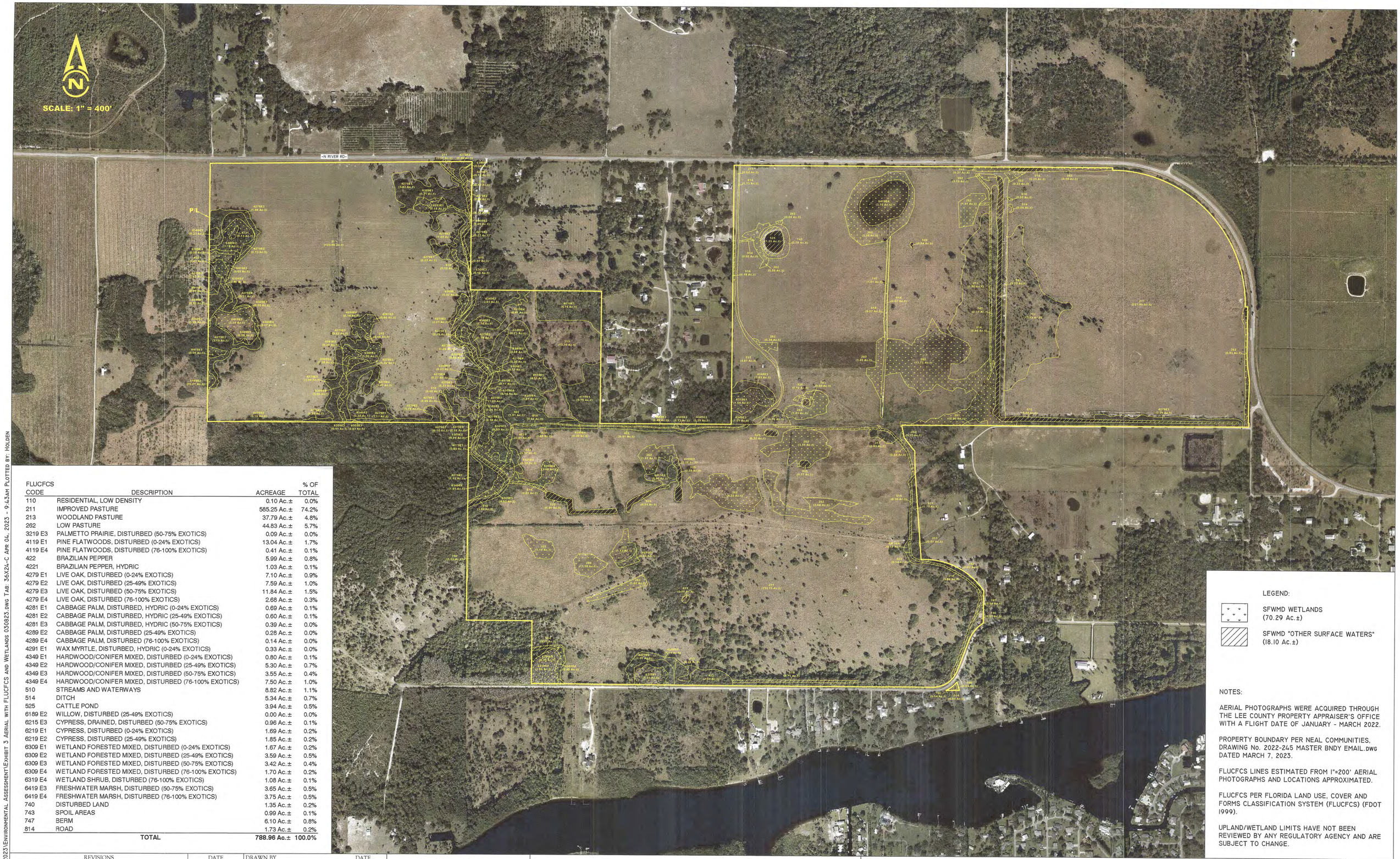
DRAWING No. 22NCC3903

SHEET No. EXHIBIT 2

J:\2022\22NCC3903\2023\ENVIRONMENTAL ASSESSMENT\EXHIBIT 2 FLUCFCS AND WETLANDS MAP 030823.DWG TAB: 36X24-M APR 04, 2023 - 9:43AM PLOTTED BY: HOLDEN

EXHIBIT 3

AERIAL WITH FLUCFCS AND WETLANDS



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4289 E4	CABBAGE PALM, DISTURBED (76-100% EXOTICS)	0.14 Ac.±	0.0%
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	TOTAL	**788.96 Ac.±**	**100.0%**

LEGEND:

SFWMD WETLANDS (70.29 Ac.±)

SFWMD "OTHER SURFACE WATERS" (18.10 Ac.±)

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY - MARCH 2022.

PROPERTY BOUNDARY PER NEAL COMMUNITIES, DRAWING No. 2022-245 MASTER BNDY EMAIL.DWG DATED MARCH 7, 2023.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

REVISIONS	DATE
Revised project name	12/02/22
Revised boundary	03/07/23

		DATE
DRAWN BY	R.F.	11/29/22
DESIGNED BY	B.B.	11/29/22
REVIEWED BY	B.B.	11/29/22

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CARY + DUKE + POVIA RPD

AERIAL WITH FLUCFCS AND WETLANDS

DRAWING No. 22NCC3903

SHEET No. EXHIBIT 3

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EXHIBIT 4

EXISTING LAND USE AND COVER SUMMARY TABLE AND FLUCFCS DESCRIPTIONS

CARY + DUKE + POVIA RPD
EXISTING LAND USE AND COVER SUMMARY TABLE
AND FLUCFCS DESCRIPTIONS

March 2023

Table 1 provides a summary and an acreage breakdown of the existing land use and habitat cover types (i.e., Florida Land Use, Cover and Forms Classification System (FLUCFCS) codes) found on the Project site, while a description of each of the FLUCFCS classifications follows.

Table 1. Existing Land Use and Cover Summary

FLUCFCS Code	Description	Acreage	Percent of Total
110	Residential, Low Density	0.10	<0.1
211	Improved Pasture	585.25	74.2
213	Woodland Pasture	37.79	4.8
262	Low Pasture	44.83	5.7
3219 E3	Palmetto Prairie, Disturbed (50-75% Exotics)	0.09	<0.1
4119 E1	Pine Flatwoods, Disturbed (0-24% Exotics)	13.04	1.7
4119 E4	Pine Flatwoods, Disturbed (76-100% Exotics)	0.41	0.1
422	Brazilian Pepper	5.99	0.8
4221	Brazilian Pepper, Hydric	1.03	0.1
4279 E1	Live Oak, Disturbed (0-24% Exotics)	7.10	0.9
4279 E2	Live Oak, Disturbed (25-49% Exotics)	7.59	1.0
4279 E3	Live Oak, Disturbed (50-75% Exotics)	11.84	1.5
4279 E4	Live Oak, Disturbed (76-100% Exotics)	2.68	0.3
4281 E1	Cabbage Palm, Hydric, Disturbed (0-24% Exotics)	0.69	0.1
4281 E2	Cabbage Palm, Hydric, Disturbed (25-49% Exotics)	0.60	0.1
4281 E3	Cabbage Palm, Hydric, Disturbed (50-75% Exotics)	0.39	<0.1
4289 E2	Cabbage Palm, Disturbed (25-49% Exotics)	0.28	<0.1
4289 E4	Cabbage Palm, Disturbed (76-100% Exotics)	0.14	<0.1
4291 E1	Wax Myrtle, Hydric, Disturbed (0-24% Exotics)	0.33	<0.1
4349 E1	Hardwood/Conifer Mixed, Disturbed (0-24% Exotics)	0.80	0.1
4349 E2	Hardwood/Conifer Mixed, Disturbed (25-49% Exotics)	5.30	0.7
4349 E3	Hardwood/Conifer Mixed, Disturbed (50-75% Exotics)	3.55	0.4
4349 E4	Hardwood/Conifer Mixed, Disturbed (76-100% Exotics)	7.50	1.0
510	Streams and Waterways	8.82	1.1
514	Ditch	5.34	0.7

Table 1. Continued

FLUCFCS Code	Description	Acreage	Percent of Total
525	Cattle Pond	3.94	0.5
6189 E2	Willow, Disturbed (25-49% Exotics)	<0.01	<0.1
6215 E3	Cypress, Drained, Disturbed (50-75% Exotics)	0.96	0.1
6219 E1	Cypress, Disturbed (0-24% Exotics)	1.69	0.2
6219 E2	Cypress, Disturbed (25-49% Exotics)	1.85	0.2
6309 E1	Wetland Forested Mixed, Disturbed (0-24% Exotics)	1.67	0.2
6309 E2	Wetland Forested Mixed, Disturbed (25-49% Exotics)	3.59	0.5
6309 E3	Wetland Forested Mixed, Disturbed (50-75% Exotics)	3.42	0.4
6309 E4	Wetland Forested Mixed, Disturbed (76-100% Exotics)	1.70	0.2
6319 E4	Wetland Shrub, Disturbed (76-100% Exotics)	1.08	0.1
6419 E3	Freshwater Marsh, Disturbed (50-75% Exotics)	3.65	0.5
6419 E4	Freshwater Marsh, Disturbed (76-100% Exotics)	3.75	0.5
740	Disturbed Land	1.35	0.2
743	Spoil Areas	0.99	0.1
747	Berm	6.10	0.8
814	Road	1.73	0.2
Total		**788.96**	**100.0**

Residential, Low Density (FLUCFCS Code 110)
This upland area occupies 0.10± acre or less than 0.1 percent of the Project. It consists of single-family homes alongside the North River Road (CR 78).

Improved Pasture (FLUCFCS Code 211)
This upland area occupies 585.25± acres or 74.2 percent of the Project. The canopy is open and includes widely scattered slash pine (*Pinus elliottii*), cabbage palm (*Sabal palmetto*), and live oak (*Quercus virginiana*). The sub-canopy is open and includes widely scattered cabbage palm, wax myrtle (*Morella cerifera*), and Brazilian pepper. The ground cover includes bahiagrass (*Paspalum notatum*), tropical soda apple (*Solanum viarum*), smutgrass (*Sporobolus indicus*), broomsedge bluestem (*Andropogon virginicus*), blackberry (*Rubus* sp.), flatsedge (*Cyperus* sp.), torpedograss (*Panicum repens*), frogfruit (*Phyla nodiflora*), caesarweed (*Urena lobata*), and Asiatic pennywort (*Centella asiatica*).

Woodland Pasture (FLUCFCS Code 213)
This upland area occupies 37.79± acres or 4.8 percent of the Project. The canopy has scattered slash pine, live oak, laurel oak (*Quercus laurifolia*), and cabbage palm. The sub-canopy includes widely scattered slash pine, Brazilian pepper, persimmon (*Diospyros virginiana*), wax myrtle, live oak, laurel oak, and cabbage palm. The ground cover contains bahiagrass, smutgrass, broomsedge

bluestem, muscadine grapevine (*Vitis rotundifolia*), saw palmetto (*Serenoa repens*), cabbage palm, caesarweed, earleaf greenbrier (*Smilax auriculata*), and blackberry.

Low Pasture (FLUCFCS Code 262)
This wetland area occupies 44.83± acres or 5.7 percent of the Project. The canopy is open. The sub-canopy contains widely scattered cabbage palm, Brazilian pepper, wax myrtle, and Carolina willow (*Salix caroliniana*). The ground cover includes inundated beaksedge (*Rhynchospora inundata*), Southern beaksedge (*Rhynchospora microcarpa*), Asiatic pennywort, creeping primrose willow (*Ludwigia repens*), dayflower (*Commelina diffusa*), pickerelweed (*Pontederia cordata*), bushy bluestem (*Andropogon glomeratus*), sawgrass (*Cladium jamaicense*), white-top sedge (*Rhynchospora colorata*), torpedograss, marsh pennywort (*Hydrocotyle umbellata*), savanna iris (*Iris savannarum*), frogfruit, Southern umbrellasedge (*Fuirena scirpoidea*), smartweed (*Persicaria* sp.), arrowhead (*Sagittaria lancifolia*), bighead rush (*Juncus megacephalus*), aster (*Aster* sp.), sesbania (*Sesbania* sp.), spikerush (*Eleocharis cellulosa*), saltmarsh mallow (*Kosteletzkya* sp.), and rosy camphorweed (*Pluchea baccharis*).

Palmetto Prairie, Disturbed (50-75% Exotics) (FLUCFCS Code 3219 E3)
This upland community type occupies 0.09± acre or less than 0.1 percent of the Project. The canopy contains scattered live oak and cabbage palm. The sub-canopy contains Brazilian pepper. The ground cover contains saw palmetto, caesarweed, beautyberry (*Callicarpa americana*), Brazilian pepper, and greenbrier (*Smilax* sp.).

Pine Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4119 E1)
This upland community type occupies 13.04± acres or 1.7 percent of the Project. The canopy contains slash pine with scattered cabbage palm and live oak. The sub-canopy contains slash pine with scattered cabbage palm, live oak, and Brazilian pepper. The ground cover contains broomsedge bluestem, Brazilian pepper, bahiagrass, wax myrtle, saw palmetto, caesarweed, and blackberry.

Pine Flatwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 4119 E4)
This upland community type occupies 0.41± acre or 0.1 percent of the Project. The vegetation associations are similar to FLUCFCS Code 4119 E1, except with 76 to 100 percent Brazilian pepper in the sub-canopy.

Brazilian Pepper (FLUCFCS Code 422)
This upland area occupies 5.99± acres or 0.8 percent of the Project. The canopy is open. The sub-canopy is dominated by Brazilian pepper with scattered wax myrtle and cabbage palm. The ground cover includes Brazilian pepper.

Brazilian Pepper, Hydric (FLUCFCS Code 4221)
This wetland area occupies 1.03± acres or 0.1 percent of the Project. The canopy is dominated by Brazilian pepper with occasional scattered live oak, cabbage palm, swamp bay (*Persea palustris*), and Carolina willow. The sub-canopy is dominated by Brazilian pepper with scattered cabbage palm, live oak, swamp bay, myrsine (*Myrsine cubana*), wax myrtle, saltbush (*Baccharis halimifolia*), Carolina willow, pond apple (*Annona glabra*), red mangrove (*Rhizophora mangle*), and swamp dogwood (*Cornus foemina*). The ground cover contains Brazilian pepper, cabbage

palm, giant leather fern (*Acrostichum danaeifolium*), swamp fern (*Telmatoblechnum serrulatum*), creeping primrose willow, smartweed, cattail (*Typha* sp.), shield fern (*Thelypteris* sp.), muscadine grapevine, greenbrier, Southern beaksedge, flatsedge, and marsh pennywort.

Live Oak, Disturbed (0-24% Exotics) (FLUCFCS Code 4279 E1)
This upland community type occupies 7.10± acres or 0.9 percent of the Project. The canopy contains live oak with scattered laurel oak, pop ash (*Fraxinus caroliniana*), Brazilian pepper, and cabbage palm. The sub-canopy contains live oak, cabbage palm, laurel oak, wax myrtle, myrsine, wild coffee (*Psychotria nervosa*), swamp bay, caesarweed, saltbush, and Brazilian pepper. The ground cover includes saw palmetto, poison ivy, beautyberry, wild coffee, Virginia creeper (*Parthenocissus quinquefolia*) Brazilian pepper, tropical soda apple, beggar-ticks (*Bidens alba*), St. Augustine grass (*Stenotaphrum secundatum*), caesarweed, Boston fern (*Nephrolepis* sp.), cabbage palm, broomsedge bluestem, white stopper (*Eugenia axillaris*), and carpetgrass (*Axonopus fissifolius*).

Live Oak, Disturbed (25-49% Exotics) (FLUCFCS Code 4279 E2)
This upland community type occupies 7.59± acres or 1.0 percent of the Project. The vegetation associations are similar to FLUCFCS Code 4279 E1, except with 25 to 49 percent Brazilian pepper in the sub-canopy.

Live Oak, Disturbed (50-75% Exotics) (FLUCFCS Code 4279 E3)
This upland community type occupies 11.84± acres or 1.5 percent of the Project. The vegetation associations are similar to FLUCFCS Code 4279 E2, except with 50 to 75 percent Brazilian pepper in the sub-canopy.

Live Oak, Disturbed (76-100% Exotics) (FLUCFCS Code 4279 E4)
This upland community type occupies 2.68± acres or 0.3 percent of the Project. The vegetation associations are similar to FLUCFCS Code 4279 E3, except with 76 to 100 percent Brazilian pepper in the sub-canopy.

Cabbage Palm, Hydric, Disturbed (0-24% Exotics) (FLUCFCS Code 4281 E1)
This wetland community type occupies 0.69± acre or 0.1 percent of the Project. The canopy contains cabbage palm with scattered laurel oak and swamp bay. The sub-canopy contains cabbage palm, Brazilian pepper, myrsine, laurel oak, wax myrtle, Carolina willow, swamp dogwood, and buckthorn (*Sideroxylon* sp.). The ground cover contains giant leather fern, swamp fern, cabbage palm, Brazilian pepper, Asiatic pennywort, marsh pennywort, smartweed, sand cordgrass (*Spartina bakeri*), laurel oak, dayflower, Peruvian primrose willow (*Ludwigia peruviana*), pickerelweed, and buttonbush (*Cephalanthus occidentalis*).

Cabbage Palm, Hydric, Disturbed (25-49% Exotics) (FLUCFCS Code 4281 E2)
This wetland community type occupies 0.60± acre or 0.1 percent of the Project. The vegetation associations are similar to FLUCFCS Code 4281 E1, except with 25 to 49 percent Brazilian pepper in the sub-canopy.

Cabbage Palm, Hydric, Disturbed (50-75% Exotics) (FLUCFCS Code 4281 E3)
This wetland community type occupies 0.39± acre or less than 0.1 percent of the Project. The vegetation associations are similar to FLUCFCS Code 4281 E2, except with 50 to 75 percent Brazilian pepper in the sub-canopy.

Cabbage Palm, Disturbed (25-49% Exotics) (FLUCFCS Code 4289 E2)
This upland community type occupies 0.28± acre or less than 0.1 percent of the Project. The canopy contains cabbage palm with scattered live oak. The sub-canopy contains Brazilian pepper, wax myrtle, and cabbage palm. The ground cover includes smutgrass, bahiagrass, wild coffee, dog fennel (*Eupatorium capillifolium*), beggar-ticks, knotroot foxtail (*Setaria parviflora*), scattered broomsedge, and Guinea grass (*Urochloa maxima*).

Cabbage Palm, Disturbed (76-100% Exotics) (FLUCFCS Code 4289 E4)
This upland community type occupies 0.14± acre or less than 0.1 percent of the Project. The vegetation associations are similar to FLUCFCS Code 4289 E2, except with 76 to 100 percent Brazilian pepper in the sub-canopy.

Wax Myrtle, Hydric, Disturbed (0-24% Exotics) (FLUCFCS Code 4291 E1)
This wetland community type occupies 0.33± acre or less than 0.1 percent of the Project. The canopy is open. The sub-canopy contains wax myrtle, Brazilian pepper, saltbush, and cabbage palm. The ground cover contains shield fern, Brazilian pepper, laurel oak, marsh pennywort, swamp fern, and Asiatic pennywort.

Hardwood/Conifer Mixed, Disturbed (0-24% Exotics) (FLUCFCS Code 4349 E1)
This upland community type occupies 0.80± acre or 0.1 percent of the Project. The canopy contains live oak, slash pine, and cabbage palm. The sub-canopy contains live oak, Brazilian pepper, cabbage palm, wax myrtle, saltbush, beautyberry, and scattered saw palmetto. The ground cover contains bahiagrass, broomsedge bluestem, smutgrass, beautyberry, Brazilian pepper, marsh pennywort, caesarweed, live oak, cabbage palm, greenbrier, dayflower, and saw palmetto.

Hardwood/Conifer Mixed, Disturbed (25-49% Exotics) (FLUCFCS Code 4349 E2)
This upland community type occupies 5.30± acres or 0.7 percent of the Project. The vegetation associations are similar to FLUCFCS Code 4349 E1, except with 25 to 49 percent Brazilian pepper in the sub-canopy.

Hardwood/Conifer Mixed, Disturbed (50-75% Exotics) (FLUCFCS Code 4349 E3)
This upland community type occupies 3.55± acres or 0.4 percent of the Project. The vegetation associations are similar to FLUCFCS Code 4349 E2, except with 50 to 75 percent Brazilian pepper in the sub-canopy.

Hardwood/Conifer Mixed, Disturbed (76-100% Exotics) (FLUCFCS Code 4349 E4)
This upland community type occupies 7.50± acres or 1.0 percent of the Project. The vegetation associations are similar to FLUCFCS Code 4349 E3, except with 76 to 100 percent Brazilian pepper in the sub-canopy.

Streams and Waterways (FLUCFCS Code 510)
This open water area occupies 8.82± acres or 1.1 percent of the Project.

Ditch (FLUCFCS Code 514)
This open water area occupies 5.34± acres or 0.7 percent of the Project. Ground cover vegetation includes cattail.

Cattle Pond (FLUCFCS Code 525)
This open water area occupies 3.94± acres or 0.5 percent of the Project.

Willow, Disturbed (25-49% Exotics) (FLUCFCS Code 6189 E2)
This wetland community type occupies less than 0.01± acre of the Project. The canopy contains Carolina willow with scattered cabbage palm and Brazilian pepper. The sub-canopy contains Carolina willow, cabbage palm, Brazilian pepper, wax myrtle, swamp dogwood, and buckthorn. The ground cover includes smartweed, swamp fern, shield fern, sawgrass, cattail, Carolina willow, cabbage palm, dayflower, white-top sedge, and Brazilian pepper.

Cypress, Drained, Disturbed (50-75% Exotics) (FLUCFCS Code 6215 E3)
This wetland community type occupies 0.96± acre or 0.1 percent of the Project. The canopy contains bald cypress (*Taxodium distichum*) and the sub-canopy contains Brazilian pepper, pop ash, and cabbage palm. The ground cover contains caesarweed and scattered swamp fern.

Cypress, Disturbed (0-24% Exotics) (FLUCFCS Code 6219 E1)
This wetland community type occupies 1.69± acres or 0.2 percent of the Project. The canopy includes bald cypress, cabbage palm, and scattered laurel oak. The sub-canopy contains cabbage palm, Brazilian pepper, bishopwood (*Bischofia javanica*), red maple (*Acer rubrum*), and swamp bay. The ground cover includes spikerush (*Eleocharis interstincta*), pickerelweed, giant leather fern, and swamp fern.

Cypress, Disturbed (25-49% Exotics) (FLUCFCS Code 6219 E2)
This wetland community type occupies 1.85± acres or 0.2 percent of the Project. The vegetation associations are similar to FLUCFCS Code 6219 E1, except with 25 to 49 percent melaleuca and/or Brazilian pepper in the sub-canopy.

Wetland Forested Mixed, Disturbed (0-24% Exotics) (FLUCFCS Code 6309 E1)
This wetland community type occupies 1.67± acres or 0.2 percent of the Project. The canopy contains live oak, laurel oak, slash pine, cabbage palm, swamp bay, and Carolina willow. The sub-canopy contains Brazilian pepper, cabbage palm, myrsine, wild coffee, Peruvian primrose willow, Carolina willow, swamp dogwood, laurel oak, swamp bay, wax myrtle, persimmon, saltbush, live oak, white stopper, and buckthorn. The ground cover includes swamp fern, giant leather fern, cabbage palm, marsh pennywort, Brazilian pepper, wild coffee, Peruvian primrose willow, royal fern (*Osmunda regalis* var. *spectabilis*), arrowhead, water hyssop (*Bacopa* sp.), Asiatic pennywort, Southern beaksedge, smartweed, torpedograss, rosy camphorweed, shield fern, swamp lily (*Crinum americanum*), dog fennel, bulrush (*Scirpus* sp.), peppervine (*Ampelopsis arborea*), white-top sedge, and cattail.

Wetland Forested Mixed, Disturbed (25-49% Exotics) (FLUCFCS Code 6309 E2)
This wetland community type occupies 3.59± acres or 0.5 percent of the Project. The vegetation associations are similar to FLUCFCS Code 6309 E1, except with 25 to 49 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Wetland Forested Mixed, Disturbed (50-75% Exotics) (FLUCFCS Code 6309 E3)
This wetland community type occupies 3.42± acres or 0.4 percent of the Project. The vegetation associations are similar to FLUCFCS Code 6309 E2, except with 50 to 75 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Wetland Forested Mixed, Disturbed (76-100% Exotics) (FLUCFCS Code 6309 E4)
This wetland community type occupies 1.70± acres or 0.2 percent of the Project. The vegetation associations are similar to FLUCFCS Code 6309 E3, except with 76 to 100 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Wetland Shrub, Disturbed (76-100% Exotics) (FLUCFCS Code 6319 E4)
This wetland community type occupies 1.08± acres or 0.1 percent of the Project. The canopy is open. The sub-canopy contains saltbush, giant leather fern, wax myrtle, Brazilian pepper, scattered Carolina willow, and swamp bay. The ground cover contains giant leather fern, marsh pennywort, Brazilian pepper, saltbush, sawgrass, shield fern, and creeping primrose willow.

Freshwater Marsh, Disturbed (50-75% Exotics) (FLUCFCS Code 6419 E3)
This wetland community type occupies 3.65± acres or 0.5 percent of the Project. The canopy is open. The sub-canopy contains wax myrtle, Brazilian pepper, and scattered cabbage palm. The ground cover contains sawgrass, giant leather fern, marsh pennywort, cattail, pickerelweed, torpedograss, sesbania, creeping primrose willow, and swamp fern.

Freshwater Marsh, Disturbed (76-100% Exotics) (FLUCFCS Code 6419 E4)
This wetland habitat type occupies 3.75± acres or 0.5 percent of the Project. The vegetation associations are similar to FLUCFCS Code 6419 E3, except with 76 to 100 percent West Indian marsh grass (*Hymenachne amplexicaulis*), alligatorweed (*Alternanthera philoxeroides*), and water lettuce (*Pistia stratiotes*) in the ground cover.

Disturbed Land (FLUCFCS Code 740)
This upland area occupies 1.35± acres or 0.2 percent of the Project. The canopy is open with cabbage palm, live oak, slash pine, red cedar (*Juniperus virginiana),* Florida strangler fig *(Ficus aurea)*, Washington fan palm (*Washingtonia robusta*), laurel oak, and other unknown landscape trees. The sub-canopy contains scattered cabbage palm, citrus (*Citrus* sp.), wax myrtle, and Brazilian pepper. The ground cover contains bahiagrass, smutgrass, broomsedge, wax myrtle, frogfruit, caesarweed, Brazilian pepper, and Asiatic pennywort.

Spoil Areas (FLUCFCS Code 743)
This upland area occupies 0.99± acre or 0.1 percent of the Project and consists of spoil material.

Berm (FLUCFCS Code 747)

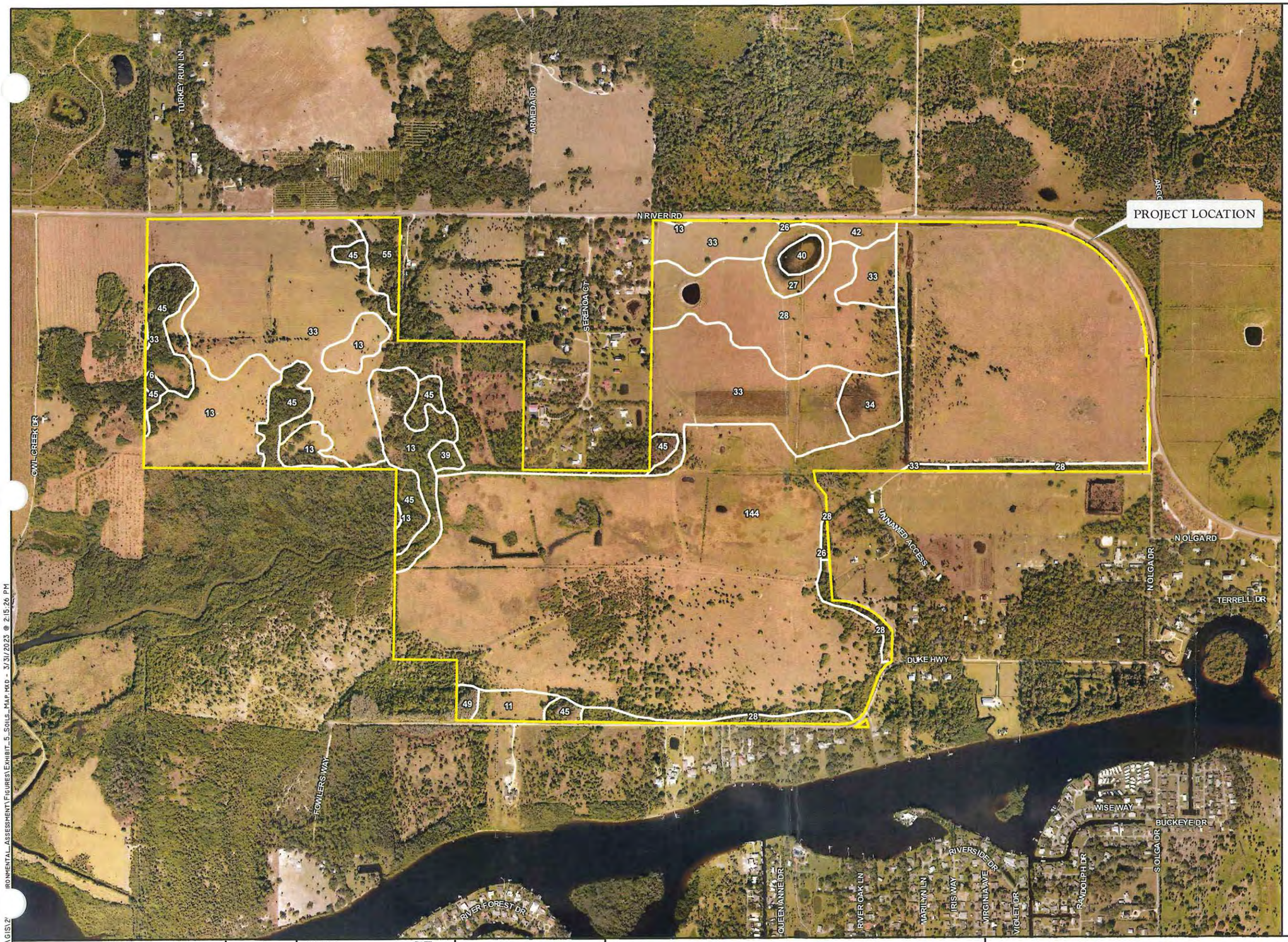
This upland land use type occupies 6.10± acre or 0.8 percent of the Project and includes spoil material left over from the excavation of ditches. The canopy may include scattered slash pine and live oak. The sub-canopy may include beautyberry, wax myrtle, and Brazilian pepper. The ground cover consists of a mixture of bahiagrass, tropical soda apple, smutgrass, broomsedge bluestem, blackberry, and flatsedge.

Road (FLUCFCS Code 814)

This upland land use type occupies 1.73± acre or 0.2 percent of the Project and includes an unmaintained, partially paved roadway. The canopy and sub-canopy are open. The ground cover is consistent with improved pasture (FLUCFCS Code 211).

EXHIBIT 5

SOILS MAP



LEGEND

CARY + DUKE + POVIA RPD

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Soil Unit	Description
6	Brynwood fine sand, wet, 0 to 2 percent slopes
11	Myakka fine sand, 0 to 2 percent slopes
13	Cypress Lake fine sand, 0 to 2 percent slopes
26	Pineda-Pineda, wet, fine sand, 0 to 2 percent slopes
27	Pompano fine sand, frequently ponded, 0 to 1 percent slopes
28	Immokalee sand, 0 to 2 percent slopes
33	Oldsmar sand, 0 to 2 percent slopes
34	Malabar fine sand, 0 to 2 percent slopes
39	Isles fine sand, frequently ponded, 0 to 1 percent slopes
40	Anclote sand, frequently ponded, 0 to 1 percent slopes
42	Wabasso sand, limestone substratum, 0 to 2 percent slopes
45	Copeland fine sandy loam, frequently ponded, 0 to 1 percent slopes
49	Felda fine sand, frequently ponded, 0 to 1 percent slopes
55	Cocoa fine sand, 0 to 2 percent slopes
144	Caloosa fine sand, 0 to 2 percent slopes

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY - MARCH 2022.

PROPERTY BOUNDARY PER NEAL COMMUNITIES. DRAWING No. 2022-245 MASTER BNDY EMAIL.dwg DATED MARCH 7, 2023.

SOILS MAPPING WAS ACQUIRED FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE WEBSITE OCTOBER 2022.

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REVISIONS	DATE

DRAWN BY: T.S., R.F.	DATE: 03/07/23
DESIGNED BY: C.R.	DATE: 03/07/23
REVIEWED BY	DATE

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PASSARELLA & ASSOCIATES INC

CARY + DUKE + POVIA RPD
SOILS MAP

DRAWING No.: 22NCC3903

SHEET No.: EXHIBIT 5

EXHIBIT 6

SOILS SUMMARY TABLE AND DESCRIPTIONS

CARY + DUKE + POVIA RPD
SOILS SUMMARY TABLE AND DESCRIPTIONS

March 2023

Table 1. Soils Listed by the Natural Resource Conservation Service on the Project

Mapping Unit	Description
6	Brynwood fine sand, wet, 0 to 2 percent slopes
11	Myakka fine sand, 0 to 2 percent slopes
13	Cypress Lake fine sand, 0 to 2 percent slopes
26	Pineda-Pineda, wet, fine sand, 0 to 2 percent slopes
27	Pompano Fine Sand, frequently ponded, 0 to 1 percent slopes
28	Immokalee Sand, 0 to 2 percent slopes
33	Oldsmar Sand, 0 to 2 percent slopes
34	Malabar Fine Sand, 0 to 2 percent slopes
39	Isles fine sand, frequently ponded, 0 to 1 percent slopes
40	Anclote Sand, frequently ponded, 0 to 1 percent slopes
42	Wabasso sand, limestone substratum, 0 to 2 percent slopes
45	Copeland fine sandy loam, frequently ponded, 0 to 1 percent slopes
49	Felda fine sand, frequently ponded, 0 to 1 percent slopes
55	Cocoa fine sand, 0 to 2 percent slopes
144	Caloosa fine sand, 0 to 2 percent slopes

6 – Brynwood fine sand, wet, 0 to 2 percent slope
This is a nearly level, very poorly drained soil in depressions. Slopes are concave and less than 2 percent. Typically, the surface layer is black fine sand about 4 inches thick. The substratum is fine sand to a depth of 16 inches with hard fractures limestone below. Between 4 and 16 inches in depth the fine sands are light brownish gray to brown. In most years, under natural conditions, the water table is within 12 inches of the surface for 4 to 5 months and between 12 and 20 inches most of the rest of the year.

11 – Myakka fine sand, 0 to 2 percent slopes
This is a nearly level, poorly drained soil on broad flatwoods areas. Slopes are smooth to slightly concave and range from 0 to 2 percent. Typically, the surface layer is very dark gray fine sand about 3 inches thick. The subsurface layer is fine sand about 23 inches thick. In the upper 3 inches it is gray, and in the lower 20 inches it is light gray. The subsoil is fine sand to a depth of 80 inches or more. The upper 4 inches is black and firm, the next 5 inches is dark reddish brown and friable, the nest 17 inches is black and firm, the next 11 inches is dark reddish brown and friable, and the lower 17 inches is mixed black and dark reddish brown and friable. In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months and 10 to 40 inches below the surface for 2 to 6 months. It is more than 40 inches below the surface during extended dry periods.

13 – Cypress Lake fine sand, 0 to 2 percent slopes

This is a nearly level, poorly drained soil on flatwoods. Slopes are smooth and range from 0 to 2 percent. Typically, the surface layer is gray fine sand about 3 inches thick. The subsurface layer is fine sand about 22 inches thick. The upper 11 inches is light gray and the lower 11 inches is very pale brown. The subsoil, about 5 inches thick, is gray fine sandy loam with brownish yellow mottles and calcareous nodules. At a depth of 30 inches is a layer of fractured limestone. In most years, under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months. It recedes below the limestone for about 6 months.

26 – Pineda-Pineda, wet, fine sand, 0 to 2 percent slopes

This is a nearly level, poorly drained soil on sloughs. Slopes are smooth to slightly concave and range from 0 to 1 percent. Typically, the surface layer is black fine sand about 1 inch thick. The subsurface layer is very pale brown fine sand about 4 inches thick. The upper part of the subsoil is brownish yellow fine sand about 8 inches thick. The next 10 inches is strong brown fine sand. The next 6 inches is yellowish brown fine sand. The next 7 inches is light gray fine sand with brownish yellow mottles. The lower part of the subsoil is light brownish gray fine sandy loam with light gray sandy intrusions about 18 inches thick. The substratum is light gray fine sand to a depth of 80 inches or more. In most years, under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months. It is 10 to 40 inches below the surface for more than 6 months, and it recedes to more than 40 inches below the surface during extended dry periods. During periods of high rainfall, the soil is covered by a shallow layer of slowly moving water for periods of about 7 to 30 days or more.

27 – Pompano Fine Sand, frequently ponded, 0 to 1 percent slope

This is a nearly level, poorly drained soil in depressions. Slopes are concave and less than 1 percent. Typically, the surface layer is gray fine sand about 3 inches thick. The substratum is fine sand to a depth of 80 inches or more. The upper 32 inches is light brownish gray with few, fine, faint yellowish-brown mottles. The lower 45 inches is light gray. In most years, under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months and stands above the surface for about 3 months. It is 10 to 40 inches below the surface for more than 5 months.

28 – Immokalee Sand, 0 to 2 percent slope

This is a nearly level, poorly drained soil in flatwoods areas. Slopes are smooth to convex and range from 0 to 2 percent. Typically, the surface layer is black sand about 4 inches thick. The subsurface layer is dark gray sand in the upper 5 inches and light gray sand in the lower 27 inches. The subsoil is sand to a depth of 69 inches. The upper 14 inches is black and firm, the next 5 inches is dark reddish brown, and the lower 14 inches is dark yellowish brown. The substratum is very pale brown sand to a depth of 80 inches or more. In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months and 10 to 40 inches below the surface for 2 to 6 months. It recedes to a depth of more than 40 inches during extended dry periods.

33 – Oldsmar Sand, 0 to 2 percent slope

This is a nearly level, poorly drained soil on low, broad flatwoods areas. Slopes are smooth to slightly convex and range from 0 to 2 percent. Typically, the surface layer is black sand about 3 inches thick. The subsurface layer is gray and light gray sand about 39 inches thick. The upper

part of the subsoil is very dark gray sand about 5 inches thick. The lower part of the subsoil is yellowish brown and mixed light brownish gray and brown fine sandy loam about 11 inches thick. Pale brown sand extends to a depth of 80 inches or more. In most years, under natural conditions, the water table is at a depth of less than 10 inches for 1 to 3 months. It is at a depth of 10 to 40 inches for more than 6 months, and it recedes to a depth of more than 40 inches during extended dry periods.

34 – Malabar Fine Sand, 0 to 2 percent slopes

This is a nearly level, poorly drained soil on sloughs. Slopes are smooth to concave and range from 0 to 2 percent. Typically, the surface layer is dark gray fine sand about 5 inches thick. The next 12 inches is light gray and very pale brown fine sand. Below this is a 16-inch layer of light yellowish brown fine sand with yellow mottles and a 9-inch layer of brownish yellow fine sand. The subsoil layer is gray loamy fine sand about 9 inches thick with large yellowish-brown mottles. The next 8 inches is gray fine sandy loam with large brownish yellow mottles. Below is light gray loamy fine sand with yellowish brown mottles to a depth of 80 inches or more. In most years, under natural conditions, the water table is at a depth of less than 10 inches for 2 to 4 months. It is at a depth of 10 to 40 inches for more than 6 months, and it recedes to a depth of more than 40 inches during extended dry periods. During periods of high rainfall, the soil is covered by a shallow layer of slowly moving water for periods of about 7 to 30 days or more.

39 – Isles fine sand, frequently ponded, 0 to 1 percent slopes

This is a nearly level, very poorly drained soil in depressions. Slopes are smooth to concave and less than 1 percent. Typically, the surface layer is very dark gray fine sand about 5 inches thick. The subsurface layer is about 5 inches of light gray fine sand. Next is 11 inches of very pale brown fine sand with yellowish brown mottles. The subsoil is 26 inches of gray fine sandy loam with brownish yellow mottles and pockets of light brownish gray loamy sand. Limestone bedrock is at a depth of 47 inches. In most years, under natural conditions, the water table is above the surface for 3 to 6 months. It is within a depth of 10 to 40 inches for 2 to 4 months. The water table recedes to depth of more than 40 inches during extended dry periods.

40 – Anclote Sand, frequently ponded, 0 to 1 percent slopes

This is a nearly level, very poorly drained soil in isolated depressions. Slopes are smooth to concave and less than 1 percent. Typically, the surface layer is about 22 inches thick. The upper 8 inches is black sand, and the lower 14 inches is black sand with common light gray pockets and streaks throughout. The substratum is sand to a depth of 80 inches or more. The upper 18 inches is light brownish gray, and the lower 40 inches is light gray. Included with this soil in mapping are small areas of Pompano and Floridana soils. Included soils make up about 10 to 15 percent of any mapped area. In most years, under natural conditions, the soil is ponded for more than 6 months.

42 – Wabasso sand, limestone substratum, 0 to 2 percent slopes

This is a nearly level, poorly drained soil on broad flatwoods. Slopes range from 0 to 2 percent. Typically, the surface layer is black sand about 3 inches thick. The subsurface layer is sand about 16 inches thick. The upper 10 inches is gray, and the lower 6 inches is light gray. The subsoil is about 32 inches thick. The upper 2 inches is dark brown sand that is well coated with organic matter. The next 2 inches is dark reddish brown friable sand. The next 14 inches is brown loose

sand with dark brown streaks along root channels. The lower 14 inches is light brownish gray, firm fine sandy loam with light olive brown mottles. A hard, fractured limestone ledge and boulders are at a depth of 51 inches. In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months. It is 10 to 40 inches below the surface for 2 to 4 months. It is below the limestone during extended dry periods.

45 – Copeland fine sandy loam, frequently ponded, 0 to 1 percent slopes

This is a low, nearly level, very poorly drained soil in depressions. Slopes are concave and less than 1 percent. Typically, the surface layer is about 8 inches of very dark gray sandy loam. The subsoil is very dark gray sandy loam about 12 inches thick. It is underlain by 8 inches of light brownish gray sandy clay loam with soft calcium carbonate throughout. Fractured limestone bedrock is at a depth of 28 inches. Under natural conditions, the water table is above the surface for 3 to 6 months. It is 10 to 40 inches below the surface for about 3 to 6 months.

49 – Felda fine sand, frequently ponded, 0 to 1 percent slopes

This is a nearly level, poorly drained soil in depressions. Slopes are concave and less than 1 percent. Typically, the surface layer is gray fine sand about 4 inches thick. The subsurface layers extend to a depth of 35 inches. The upper 13 inches is grayish brown fine sand and the lower 18 inches is light gray fine sand with yellowish brown mottles. The subsoil is about 17 inches thick. The upper 6 inches is gray sandy loam and the lower 11 inches is sandy clay loam with many yellowish brown and strong brown mottles. Below this is light gray fine sand to a depth of 80 inches or more. In most years, under natural conditions, the soil is ponded for about 3 to 6 months or more. The water table is within a depth of 10 to 40 inches for 4 to 6 months.

55 – Cocoa fine sand, 0 to 2 percent slopes

This is a nearly level to gently sloping, moderately well drained soil on ridges. Slopes are smooth to slightly convex and range form 0 to 2 percent. Typically, the surface layer is brown fine sand about 3 inches thick. The subsurface layer is reddish yellow fine sand about 10 inches thick. The next layer is yellowish red fine a sand about 4 inches thick. The next 10 inches is reddish yellow fine sand, and below this is 4 inches of strong brown fine sand. Fractured limestone bedrock is at a depth of 31 inches. In most years, under natural conditions, the water table is within 24 inches of the surface for 1 to 2 months and 24 to 40 inches below the surface for 1 to 2 months. It recedes to more than 40 inches below the surface during extended dry periods.

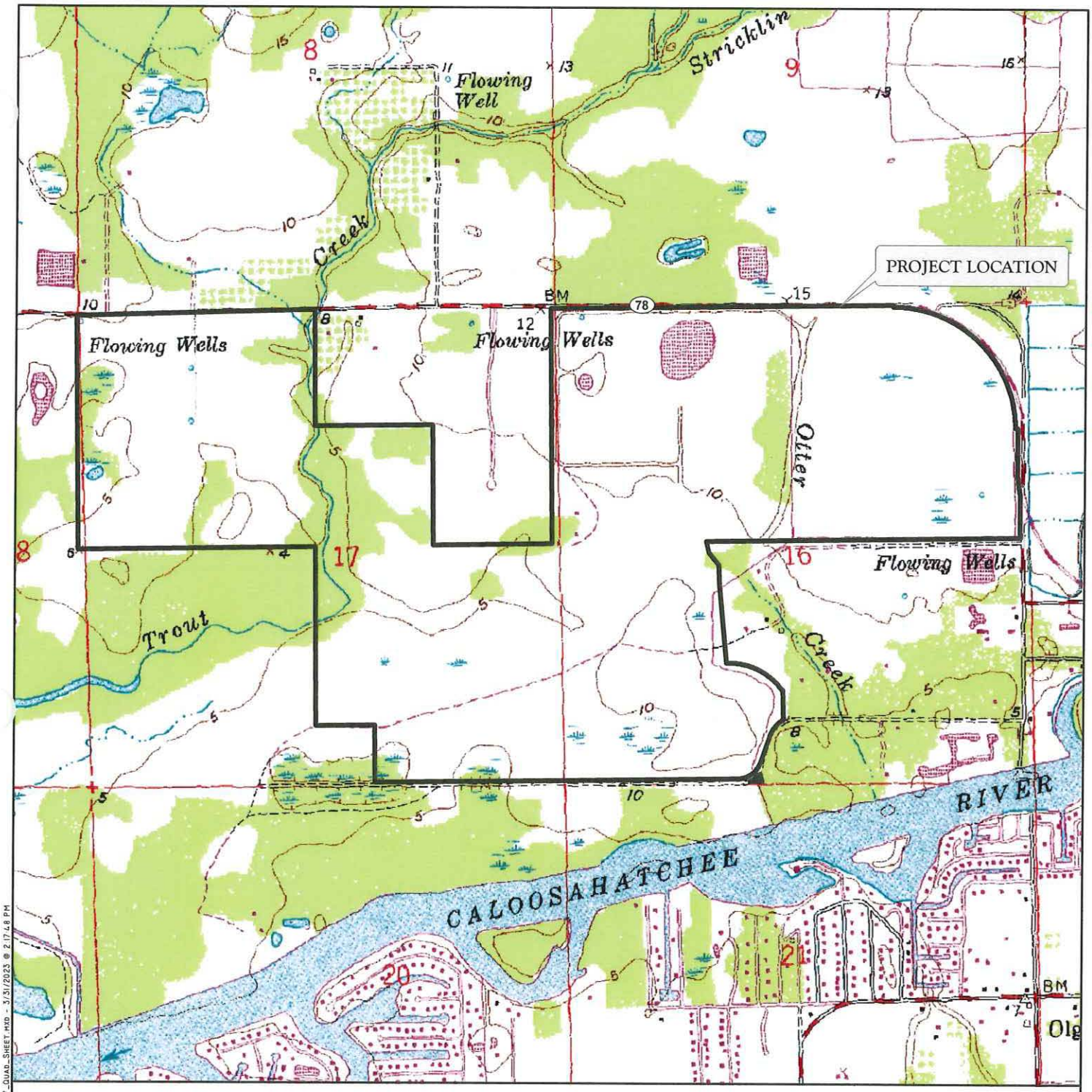
144 – Caloosa fine sand, 0 to 2 percent slopes

This is a very deep, moderately well drained, slowly permeable soil on broad to narrow flats bordering major rivers that have been dredged. They formed in sandy over clayey sediments deposited and spread from dredge and fill operations. Slopes are smooth to slightly convex and range from 0 to 2 percent. Typically, the surface layer is light brownish gray fine sand about 10 inches thick. The next layer is stratified pale brown fine a sand to a depth of approximately 27 inches. The next 11 inches is stratified light gray silty clay and clay, and below that stratified gray and dark gray silty clay and clay to a depth up to 80 inches. Thickness of the fill material ranges from 40 to more than 80 inches. Fragments of shell range from sand-size up to 6 cm in size. Shell content ranges from less than 5 percent to 30 percent, by volume, throughout, but the weighted average of shell content (2 mm or larger) in the control section is less than 10 percent, by volume.

Included with this soil in mapping are small areas of Matlacha and St. Augustine soils. The water table is within a depth of 18 to 42 inches for 2 to 4 months during rainy season.

EXHIBIT 7

QUAD SHEET



LEGEND

CARY + DUKE + POVIA RPD

N
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S

0 750 1,500
Feet

NOTES:

DIGITAL RASTER GRAPHIC USGS TOPOGRAPHIC QUADRANGLES WERE ACQUIRED FROM THE LAND BOUNDARY INFORMATION SYSTEM (LABINS) WEBSITE JULY 2007.

\ENVIRONMENTAL_ASSESSMENT\FIGURES\EXHIBIT_7_QUAD_SHEET.MXD - 3/31/2023 @ 2:17:48 PM

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EXHIBIT 7. QUAD SHEET

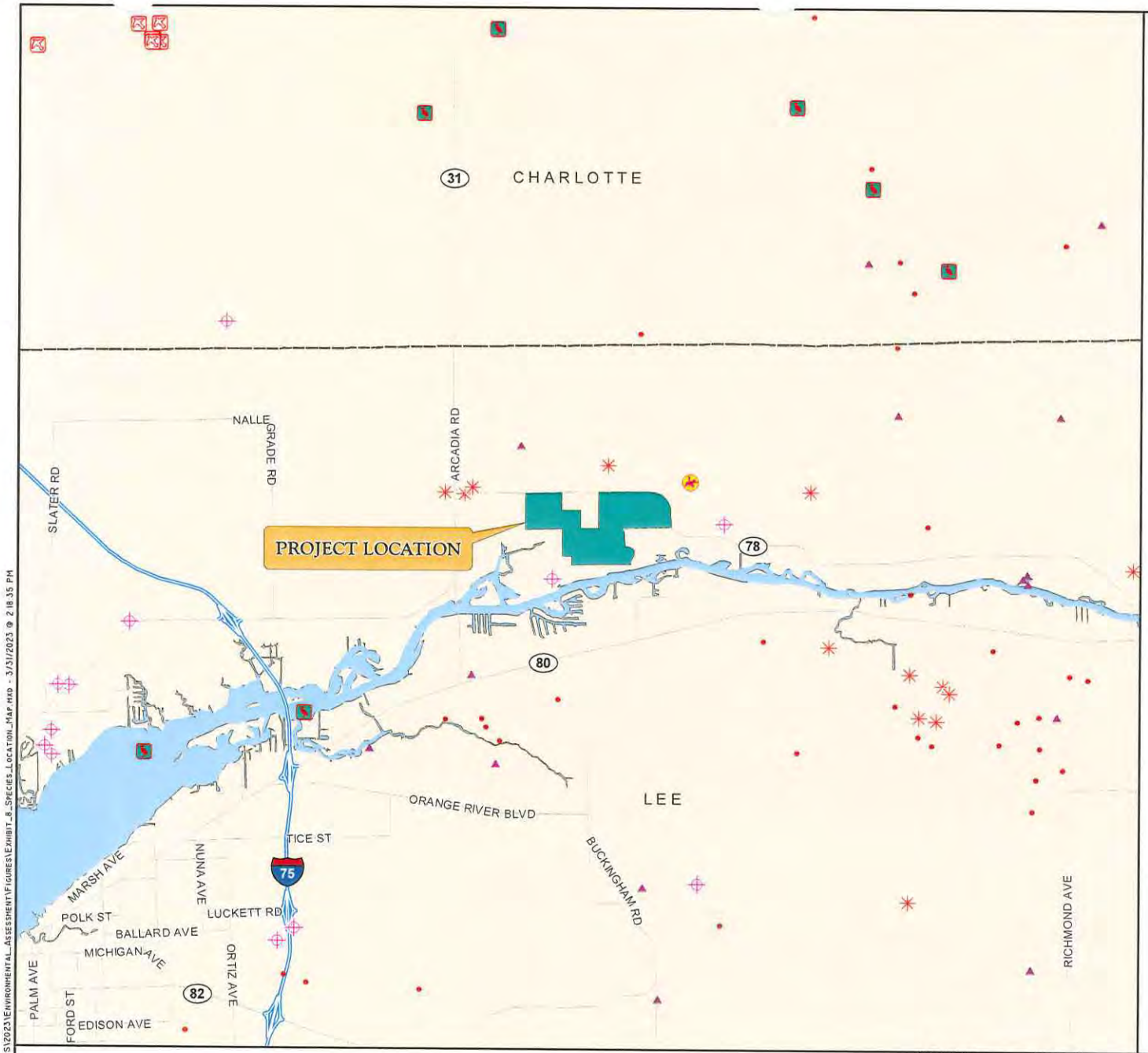
CARY + DUKE + POVIA RPD

DRAWN BY	DATE
T.S., R.F.	3/7/23
REVIEWED BY	DATE
C.R.	3/7/23
REVISED	DATE

PASSARELLA & ASSOCIATES, INC.
Consulting Ecologists

EXHIBIT 8

DOCUMENTED OCCURRENCES OF LISTED SPECIES



LEGEND

- CARY + DUKE + POVIA RPD
- BALD EAGLE NEST LOCATION
- BLACK BEAR LOCATION
- CRESTED CARACARA LOCATION
- FLORIDA PANTHER TELEMETRY
- RED-COCKADED WOODPECKER LOCATION
- SCRUB JAY LOCATION
- WADING BIRD LOCATION

N
W E
S

0 1 2
Miles

NOTES:

EAGLE NEST LOCATIONS WERE ACQUIRED FROM THE AUDUBON EAGLEWATCH ON FEBRUARY 2023.

BLACK BEAR LOCATIONS WERE ACQUIRED FROM THE FWCC ON SEPTEMBER 2022 AND ARE CURRENT TO 2007.

CRESTED CARACARA LOCATIONS WERE ACQUIRED FROM THE USFWS ON AUGUST 2022 AND ARE CURRENT TO 2022.

PANTHER TELEMETRY WAS ACQUIRED FROM THE FWCC ON SEPTEMBER 2021 AND SEPTEMBER 2022 AND IS CURRENT TO MAY 2022.

RED-COCKADED WOODPECKER LOCATIONS WERE ACQUIRED FROM THE FWCC ON AUGUST 2022.

SCRUB JAY LOCATIONS WERE ACQUIRED FROM THE USFWS ON AUGUST 2022.

WADING BIRD ROOKERIES WERE ACQUIRED FROM THE FWCC ON AUGUST 2022 AND ARE CURRENT TO 1999.

J:\2022\22nicc3903\GIS\2023\Environmental_Assessment\Figures\Exhibit_8_Species_Location_Map.mxd - 3/31/2023 @ 2:18:35 PM

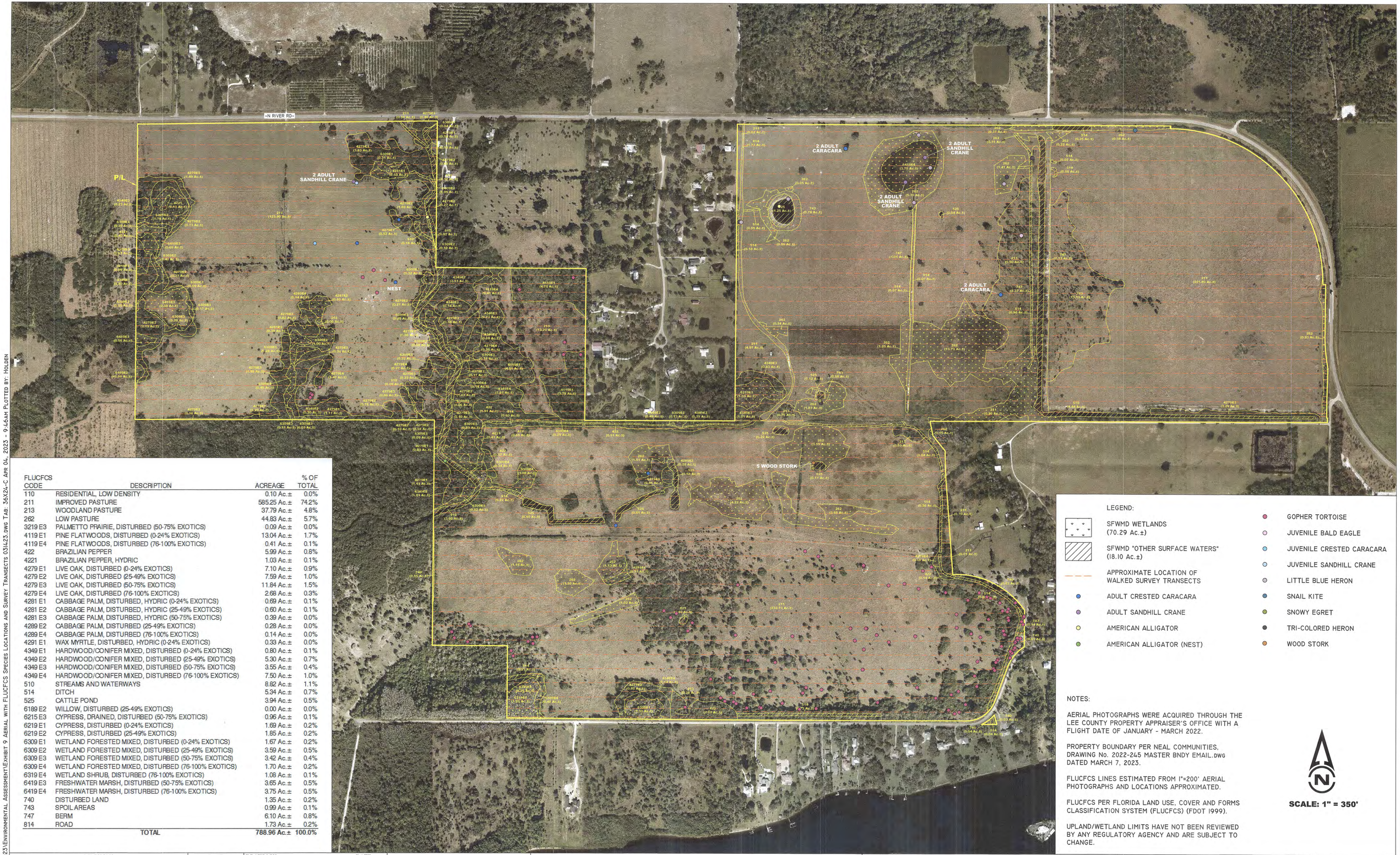
EXHIBIT 8. DOCUMENTED OCCURRENCES OF LISTED SPECIES
CARY + DUKE + POVIA RPD

DRAWN BY	DATE
T.S., R.F.	03/07/23
REVIEWED BY	DATE
C.R.	03/07/23
REVISED	DATE

Consulting Ecologists
PASSARELLA & ASSOCIATES INC

EXHIBIT 9

AERIAL WITH FLUCFCS, SPECIES LOCATIONS, AND SURVEY TRANSECTS



FLUCFCS CODE	DESCRIPTION	ACREAGE	% OF TOTAL
110	RESIDENTIAL, LOW DENSITY	0.10 Ac.±	0.0%
211	IMPROVED PASTURE	585.25 Ac.±	74.2%
213	WOODLAND PASTURE	37.79 Ac.±	4.8%
262	LOW PASTURE	44.83 Ac.±	5.7%
3219 E3	PALMETTO PRAIRIE, DISTURBED (50-75% EXOTICS)	0.09 Ac.±	0.0%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	13.04 Ac.±	1.7%
4119 E4	PINE FLATWOODS, DISTURBED (76-100% EXOTICS)	0.41 Ac.±	0.1%
422	BRAZILIAN PEPPER	5.99 Ac.±	0.8%
4221	BRAZILIAN PEPPER, HYDRIC	1.03 Ac.±	0.1%
4279 E1	LIVE OAK, DISTURBED (0-24% EXOTICS)	7.10 Ac.±	0.9%
4279 E2	LIVE OAK, DISTURBED (25-49% EXOTICS)	7.59 Ac.±	1.0%
4279 E3	LIVE OAK, DISTURBED (50-75% EXOTICS)	11.84 Ac.±	1.5%
4279 E4	LIVE OAK, DISTURBED (76-100% EXOTICS)	2.68 Ac.±	0.3%
4281 E1	CABBAGE PALM, DISTURBED, HYDRIC (0-24% EXOTICS)	0.69 Ac.±	0.1%
4281 E2	CABBAGE PALM, DISTURBED, HYDRIC (25-49% EXOTICS)	0.60 Ac.±	0.1%
4281 E3	CABBAGE PALM, DISTURBED, HYDRIC (50-75% EXOTICS)	0.39 Ac.±	0.0%
4289 E2	CABBAGE PALM, DISTURBED (25-49% EXOTICS)	0.28 Ac.±	0.0%
4289 E4	CABBAGE PALM, DISTURBED (76-100% EXOTICS)	0.14 Ac.±	0.0%
4291 E1	WAX MYRTLE, DISTURBED, HYDRIC (0-24% EXOTICS)	0.33 Ac.±	0.0%
4349 E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	0.80 Ac.±	0.1%
4349 E2	HARDWOOD/CONIFER MIXED, DISTURBED (25-49% EXOTICS)	5.30 Ac.±	0.7%
4349 E3	HARDWOOD/CONIFER MIXED, DISTURBED (50-75% EXOTICS)	3.55 Ac.±	0.4%
4349 E4	HARDWOOD/CONIFER MIXED, DISTURBED (76-100% EXOTICS)	7.50 Ac.±	1.0%
510	STREAMS AND WATERWAYS	8.82 Ac.±	1.1%
514	DITCH	5.34 Ac.±	0.7%
525	CATTLE POND	3.94 Ac.±	0.5%
6189 E2	WILLOW, DISTURBED (25-49% EXOTICS)	0.00 Ac.±	0.0%
6215 E3	CYPRESS, DRAINED, DISTURBED (50-75% EXOTICS)	0.96 Ac.±	0.1%
6219 E1	CYPRESS, DISTURBED (0-24% EXOTICS)	1.69 Ac.±	0.2%
6219 E2	CYPRESS, DISTURBED (25-49% EXOTICS)	1.85 Ac.±	0.2%
6309 E1	WETLAND FORESTED MIXED, DISTURBED (0-24% EXOTICS)	1.67 Ac.±	0.2%
6309 E2	WETLAND FORESTED MIXED, DISTURBED (25-49% EXOTICS)	3.59 Ac.±	0.5%
6309 E3	WETLAND FORESTED MIXED, DISTURBED (50-75% EXOTICS)	3.42 Ac.±	0.4%
6309 E4	WETLAND FORESTED MIXED, DISTURBED (76-100% EXOTICS)	1.70 Ac.±	0.2%
6319 E4	WETLAND SHRUB, DISTURBED (76-100% EXOTICS)	1.08 Ac.±	0.1%
6419 E3	FRESHWATER MARSH, DISTURBED (50-75% EXOTICS)	3.65 Ac.±	0.5%
6419 E4	FRESHWATER MARSH, DISTURBED (76-100% EXOTICS)	3.75 Ac.±	0.5%
740	DISTURBED LAND	1.35 Ac.±	0.2%
743	SPOIL AREAS	0.99 Ac.±	0.1%
747	BERM	6.10 Ac.±	0.8%
814	ROAD	1.73 Ac.±	0.2%
	TOTAL	788.96 Ac.±	100.0%

LEGEND:

- SFWMD WETLANDS (70.29 Ac.±)
- SFWMD "OTHER SURFACE WATERS" (18.10 Ac.±)
- APPROXIMATE LOCATION OF WALKED SURVEY TRANSECTS
- ADULT CRESTED CARACARA
- ADULT SANDHILL CRANE
- AMERICAN ALLIGATOR
- AMERICAN ALLIGATOR (NEST)
- GOPHER TORTOISE
- JUVENILE BALD EAGLE
- JUVENILE CRESTED CARACARA
- JUVENILE SANDHILL CRANE
- LITTLE BLUE HERON
- SNAIL KITE
- SNOWY EGRET
- TRI-COLORED HERON
- WOOD STORK

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY - MARCH 2022.

PROPERTY BOUNDARY PER NEAL COMMUNITIES, DRAWING No. 2022-245 MASTER BNDY EMAIL.DWG DATED MARCH 7, 2023.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

N

SCALE: 1" = 350'

REVISIONS	DATE
Revised boundary	03/14/23

		DATE
DRAWN BY	R.F.	10/24/22
DESIGNED BY	B.B.	10/24/22
REVIEWED BY	B.B.	10/24/22

13620 Metropolis Avenue
Suite 200
Ft. Myers, FL 33912
Phone (239) 274-0067
Fax (239) 274-0069

PASSARELLA & ASSOCIATES INC
Consulting Ecologists

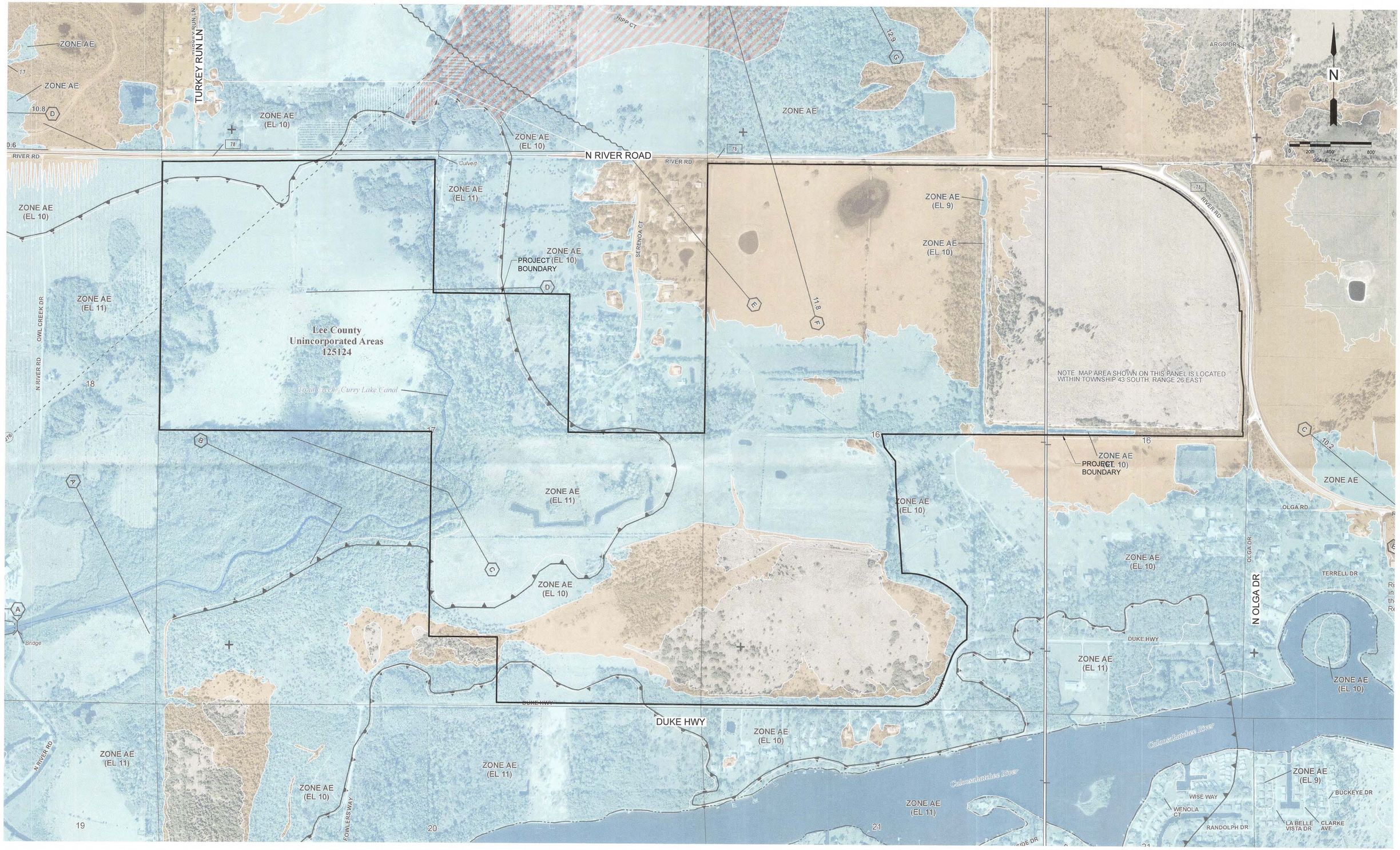
CARY + DUKE + POVIA RPD

AERIAL WITH FLUCFCS, SPECIES LOCATIONS, AND SURVEY TRANSECTS

DRAWING No. 22NCC3903

SHEET No. EXHIBIT 9

J:\2022\22NCC3903\2023\ENVIRONMENTAL ASSESSMENT\EXHIBIT 9 AERIAL WITH FLUCFCS SPECIES LOCATIONS AND SURVEY TRANSECTS 031423.DWG TAB: 36X24-C APR 04, 2023 - 9:46AM PLOTTED BY: HOLDEN

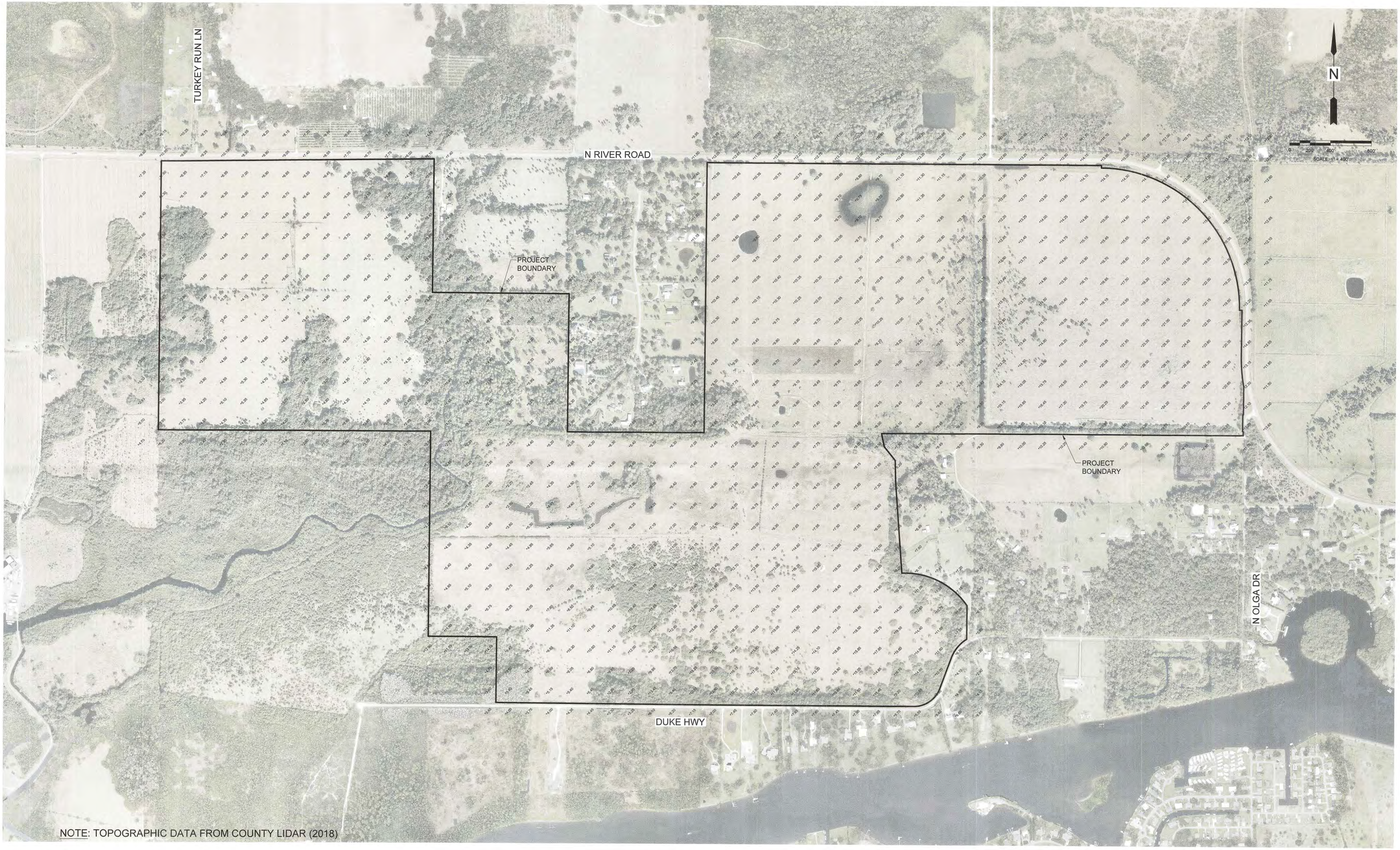


J.R. EVANS ENGINEERING

FEMA FLOOD MAP

CARY+DUKE+POVIA

00911-00 E1201 - TOPO MAP.DWG
May 24, 2023



NOTE: TOPOGRAPHIC DATA FROM COUNTY LIDAR (2018)

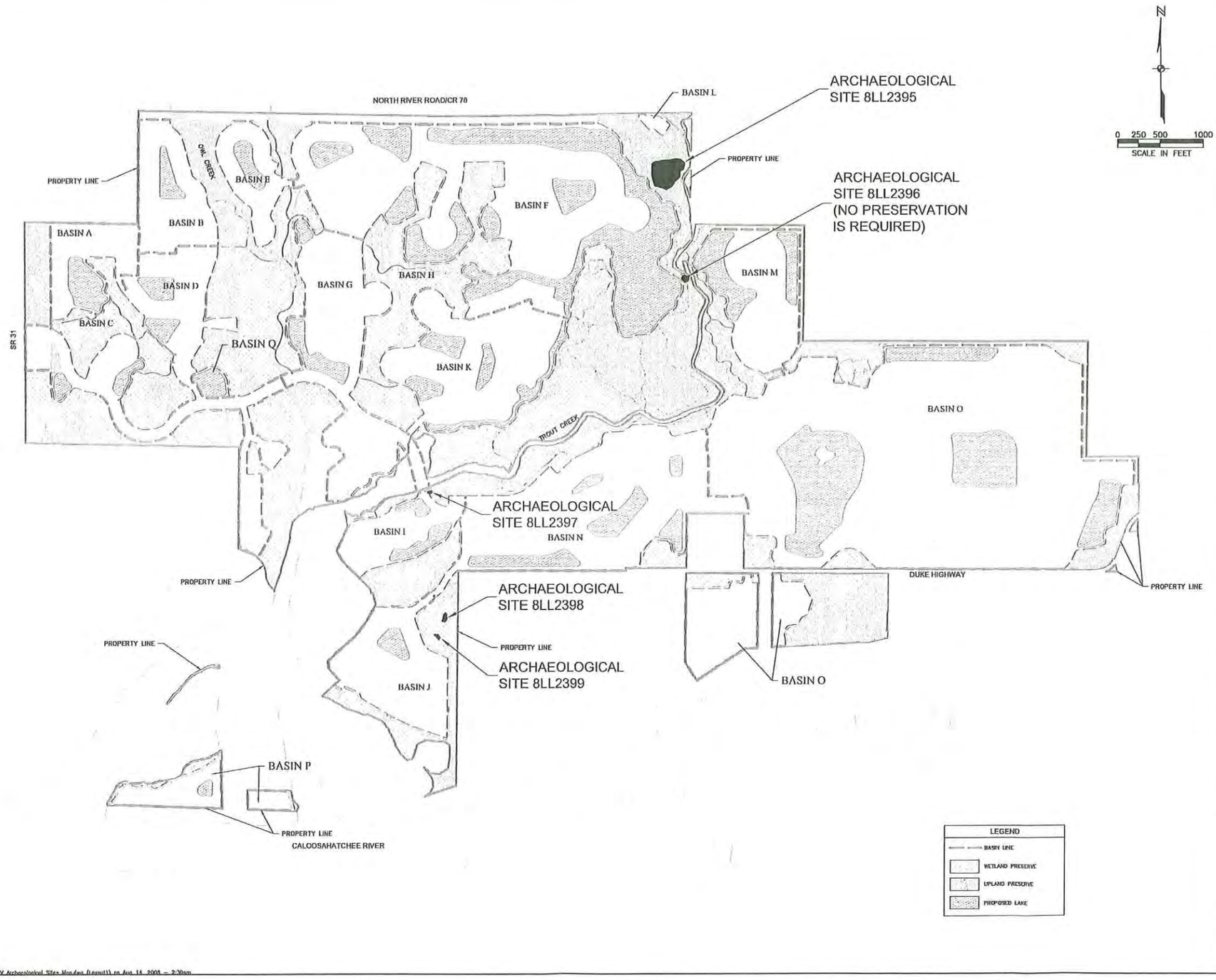
J.R. EVANS ENGINEERING

TOPOGRAPIC MAP

CARY+DUKE+POVIA

00911-00 E12 - TOPO MAP.DWG
February 16, 2023

Historic Resources Impact Analysis (EXHIBIT M13)



JOHNSON ENGINEERING
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FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. 642 & L.B. 4642

NORTH RIVER COMMUNITIES, LLC

NORTH RIVER VILLAGE
LEE COUNTY, FLORIDA

REVISIONS

NO.	DESCRIPTION	DATE

DATE: JULY, 2008
PROJECT NO. 20070882
FILE NO.16,17,18,19,20-43-26
SCALE: 1" = 500'

ARCHAEOLOGICAL SITES MAP

SHEET NUMBER
1 OF 1

FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Ms. Kim Perry
Archaeological and Historical Conservancy, Inc.
4800 S.W. 64th Avenue, Suite 107
Davie, Florida 33314

August 1, 2008

Re: DHR Project File No.: 2008-04076
Received by DHR: July 2, 2008
A Phase I Cultural Resource Assessment Survey of the North River Assemblage Parcels, Lee County, Florida

Dear Ms. Perry:

We note that in February 2006 through October 2007, Archaeological and Historical Conservancy, Inc. conducted the above referenced survey for Bonita Bay Properties, Inc. in anticipation of a request by the Florida Division of Historical Resources for a cultural resource assessment survey. Our office proceeded to review this report with the expectation that Bonita Bay Properties, Inc. will be engaging in permitting processes that will require this office to comment on possible adverse impacts tot cultural resources listed or eligible for listing in the National Register of Historic Places (NRHP), or otherwise of historical, architectural, or archaeological significance. We recommend at the time such actions are taken, a copy of this letter be forwarded to the permitting agency(ies) with the application. This may eliminate the permitting agency(ies) from having to submit an application to the Division of Historical Resources for review, or, if applications are forwarded to the Division with this letter, it would facilitate our review.

AHC identified five previously unrecorded archaeological sites (8LL2395 – 8LL2399) within the project area during the investigation. AHC determined that Site 8LL2396 does not appear to be eligible for listing on the NRHP based on low artifact density and limited research potential. AHC determined that Sites 8LL2395 and 8LL2397 – 8LL2399 appear to be eligible for listing on the NRHP based on research potential. Additionally, 8LL2398 and 8LL2399 are unique for their location within a cypress head.

AHC recommends preservation of all sites. If preservation is not possible, AHC recommends that sites be subjected to Phase II site assessments.

Based on the information provided, our office finds the submitted report complete and sufficient in accordance with Chapter 1A-46, *Florida Administrative* Code. We concur that Site 8LL2396 does not appear eligible for listing on the NRHP. Because it is ineligible, our office is not requesting additional investigation or preservation of 8LL2396. However, treatment of this or any other site should be determined in consultation with the appropriate local government.

While there is insufficient information for our office to make an eligibility determination for the remaining sites, we concur that Phase II site assessments should be conducted if Sites 8LL2395, 8LL2397, 8LL2398, or 8LL2399 cannot be preserved.

For any questions concerning our comments, please contact April Westerman, Historic Preservationist, by electronic mail at amwesterman@dos.state.fl.us, or by phone at (850) 245-6333. We appreciate your continued interest in protecting Florida's historic properties.

Sincerely,

Frederick P. Gaske, Director, and
State Historic Preservation Officer

Analysis of Impacts from Proposed Changes (EXHIBITS M14 & M16)

Cary+Duke+Povia Map Amendment
Analysis of Impacts from Proposed Changes
Exhibits M14, M16

1) Traffic Circulation Analysis

The attached Traffic Circulation Analysis, by TR Transportation Consultants, demonstrates that the proposed amendment will not cause any roadway links to fall below the recommended minimum acceptable Level of Service thresholds as recommended in Policy 37.1.1 and that no changes to the adopted Long-Range Transportation Plan.

2) Sanitary Sewer

Franchise Area, Basin, or District

The property is located in the vicinity of both the Florida Governmental Utilities Authority (FGUA) North Fort Myers Service Area and the Lee County Utilities (LCU) CFM-Central Wastewater Treatment Plant (WWTP) Service Area. The LCU service area is proposed to be amended to include this property.

Levels of Service

According to the 2022 Concurrency Report, LCU Water Reclamation Facilities (WRFs) are reported as one central system for concurrency purposes and both the FGUA and LCU systems are operating within capacity and meet the LOS standard for unincorporated Lee County.

The 2022 Concurrency Report indicates that LCU WRFs have a capacity of 43.4 MGD. In 2021, the actual average daily flow was 33.0 MGD. The 2026 projected demand is 47.3 MGD. As detailed below, capacity expansion projects will increase future capacity to 49.4 MGD. The projected excess capacity after completion of currently planned expansions is 2.1 MGD.

Lee Plan Policies 56.1.2 and 95.1.3 establishes an LOS standard for Sanitary Sewer of 200 GPD per Equivalent Residential Connection (ERC).

The proposed sanitary sewer use of the development is calculated as follows:
1,099 ERC x 200 GPD = 219,800 GPD

The attached letter of availability from LCU indicates there is sufficient capacity within the existing plant to serve the 219,800 GPD increase in demand.

Existing infrastructure

The nearest wastewater forcemain is located on the south side of the Caloosahatchee River. Service to the property by LCU will be provided by developer funded improvements to extend the existing forcemain into the Property for service.

Programmed Improvements/Expansions

The 2022 Concurrency Report indicates there are two projects to increase LCU central system capacity in the Lee County CIP. A 2.0-MGD expansion of the Three Oaks Water Reclamation Facility is scheduled for completion in fiscal year 2023/2024 and a 4.0-MGD capacity expansion to the Southeast Water Reclamation Facility is scheduled for completion in fiscal year 2027/2028.

Letter of Availability

Please see the enclosed letter from LCU confirming the availability of centralized sewer service (Exhibit M17).

3) **Potable Water Service**

Franchise Area, Basin, or District

The Property is located adjacent to the Lee County Utilities (LCU) Franchise Area and the North Lee County Water Treatment Plant (WTP) Service Area. The water service area is proposed to be amended to include this property.

Levels of Service

According to the 2022 Concurrency Report, LCU WTPs operate as one central system and capacity is adequate to meet the LOS standard for the five-year CIP planning period

The 2022 Concurrency Report indicates that LCU WTPs have a capacity of 52.9 MGD. In 2021, the actual average daily flow was 34.8 MGD. The 2026 projected demand is 37.6 MGD. The projected excess capacity in 2026 is 15.3 MGD.

Lee Plan Policies 53.1.3 and 95.1.3 establish an LOS standard for Potable Water of 250 GPD per Equivalent Residential Connection (ERC).

The proposed water use of the development is calculated as follows:
1,099 ERC x 250 GPD = 274,750 GPD

Therefore, there is sufficient capacity within the existing plant to serve the 274,750 GPD increase in demand.

Existing infrastructure

The nearest LCU water distribution main is located within the Bayshore Rd. right-of-way approximately 4.5 miles west of the subject property. Service to the property will be provided by developer funded improvements to connect to the existing water main and extending mains into the Property for service.

Programmed Improvements/Expansions

The Capital Improvement Program Update (2021) allocates funding to an expansion project for the North Lee County WTP to expand the facility's treatment capacity from the currently permitted 11.6 MGD to 15 MGD. The 2022 Concurrency Report estimates the completion date of the project in fiscal year 2023/24.

Letter of Availability

Please see the enclosed letter from LCU confirming the availability of centralized potable water (Exhibit M17).

4) Surface Water/Drainage Basins – South Florida Water Management District

The Property is located in the Trout Creek and Otter Creek Watersheds according to the Lee County Watershed Map (Lee Plan Map 5B). The site currently allows runoff to sheet flow into the Caloosahatchee River tributaries. Two separate stormwater management systems are anticipated due to the nature of the property topography and hydrology, one on each side of Trout Creek. The stormwater will discharge runoff into the waters of Trout Creek and flow downstream into the Caloosahatchee River. The design intent is to allow existing flows to pass through the property.

Levels of Service

Lee Plan Policies 60.1.7 and 95.1.3 establish an LOS standard for Stormwater Management Facilities as follows:

> *(a) 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 3-F) from the 25-year, 3-day storm event (rainfall) for more than 24 hours.*
> *(b) Maintain adequate public infrastructure so that all new private and public structures which are constructed a minimum of one foot above the 100-year, 3-day storm event flood plain level will be safe from flooding from a 100-year, 3-day storm event (rainfall).*
> *(c) Regulation of Private and Public Development - Surface water management systems in new private and public developments (excluding widening of existing roads) will be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]). Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in state rules including but not limited to requirements listed in the Numeric Nutrient Criteria, Total Maximum Daily Load Program and Basin Management Action Plan. New developments will be designed to avoid increased flooding of surrounding areas. These standards are designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to minimize change to the historic hydroperiod of receiving waters, to maintain the quality of receiving waters, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest.*
> *(d) Design trunk conveyance crossings of arterial roads to be free of flooding from 25-year, 3-day storm event.*
> *(e) Design major collectors and arterial roadways to have no more than 6 inches of water for a 25-year, 3-day storm event."*

The 2022 Concurrency Report indicates that no evacuation routes are expected to be flooded for more than 24 hours. Additionally, the Project will be required to obtain an ERP permit from SFWMD. Therefore, the Project will comply with the LOS standard for Stormwater Management Facilities.

5) Parks, Recreation, Open Space

Objectives 83.1 and 84.1 and Policy 95.1.3 establish a non-regulatory LOS standard for Community Parks and Regional Parks as follows:

> *"(a) Regional Parks - 6 acres of developed regional park land open for public use per 1000 total seasonal County population for all of Lee County.*
> *(b) Community Parks - 0.8 acres of developed community park land open for public use per 1,000 unincorporated Lee County permanent population."*

The 2022 Concurrency Report indicates the following required and available capacities needed to meet these LOS standards:

Type	Required Capacity	Available Capacity
Regional Parks	5,538 acres	7,066 acres
Community Parks	295 acres	832 acres

As a result, there is adequate acreage to accommodate the proposed development of 1,099 dwelling units.

6) Public Schools

The Property is located in the East Zone. According to the 2022 Concurrency Report, projected capacity for elementary, middle and high schools in the East zone for the 2022-23 school year as follows:

School Type	Capacity
Elementary Schools	-371
Middle Schools	351
High Schools	552
Total	**532**

Lee Plan Policies 68.1.1 and 95.1.3 establish an LOS standard for schools of "100% of Permanent FISH Capacity" for Elementary Schools, Middle Schools, High Schools, and Special Purpose Facilities.

The proposed demand for seats is calculated 0.297 students per single family dwelling unit, which results in the following demand for each school type as follows:

School Type	Students per Single-Family Dwelling	Total Demand (Seats)
Elementary	0.149	164

Middle School	0.071	78
High School	0.077	85
Total		**327**

Several construction projects in the next five years will ensure available seat capacity is met. Additionally, the 2022 Concurrency Report notes that contiguous districts may provide capacity when capacity in the project's District is not available.

Programmed Improvements/Expansions

Two facilities are programmed to be opened in the East Zone. The 2022 Concurrency Report estimates that the completion of Elementary School "J," and the expansion of Lehigh Acres Middle School will provide additional seats for the 2023-24 school year.

Letter of Availability

The capacity analysis above demonstrates that adequate capacity exists to accommodate the proposed development. Additionally, the School District has provided the enclosed letter confirming the availability of seats (Exhibit M17).

Traffic Circulation Analysis (EXHIBIT M15)

TR TRANSPORTATION CONSULTANTS, INC

2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
FAX 239.278.1906

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

MEMORANDUM

TO: Mr. Jack Weber
Neal Communities

FROM: Yury Bykau, P.E.
Senior Project Manager

DATE: Revised: June 15, 2023

RE: Cary+Duke+Povia
Comprehensive Plan Amendment
Lee County, Florida

TR Transportation Consultants, Inc. has completed a traffic circulation analysis for the proposed Comprehensive Plan for the property located along the south side of North River Road approximately 1 mile east of SR 31 in Lee County, Florida. Based on the discussion with RVi Planning, the subject site will be subject to a Comprehensive Plan Amendment that will allow the site to be added to the Future Water and Sewer Services Maps 4A and 4B.

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

Under the existing Rural Land Use Category (FLU), approximately 788 acres of property can be developed with up to 788 residential dwelling units at a density of 1 dwelling unit per acre, plus additional incentive density of up to 1 dwelling unit per acre under Policy 123.2.17. The applicant proposes 1,099 dwelling units in the concurrently filed Residential Planned Development application. The Applicant is proposing a Comprehensive Plan Amendment on the subject property to add the 788 acres to Future Water and Sewer Services Maps 4A and 4B.

Table 1 summarizes the residential intensities that could be developed under the existing land use designation and residential intensities as a result of the incentive density per Policy 123.2.17.

Table 1
Land Uses
Cary+Duke+Povia

Existing/ Proposed	Land Use Category	Intensity
Existing	Rural	788 Dwelling Units
Proposed W/ Incentive Density	Rural	1,099 Dwelling Units

The trip generation for the with and without incentive density scenarios was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation Manual***, 11th Edition. Land Use Code 210 (Single-Family Detached Housing) was utilized for the trip generation purposes of the residential uses. Using this land use ensures that the analysis is completed based on the worst-case trip generation scenario. **Table 2** and **Table 3** outline the anticipated weekday AM and PM peak hour and daily trip generation based on the existing and proposed future land use categories, respectively. The trip generation equations utilized are attached to this Memorandum for reference.

Table 2
Trip Generation – Permitted
Cary+Duke+Povia

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Single-Family Residential (788 Units)	122	365	487	436	256	692	6,741

Table 3
Trip Generation – Proposed
Cary+Duke+Povia

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Single-Family Residential (1,099 Units)	165	495	660	596	350	946	9,154

Table 4 indicates the trip generation difference between the proposed Map Amendment and existing land use category (Table 2 vs Table 3). The resultant trip change in Table 4 indicates that the trip generation will be **increased** in the AM and PM peak hour conditions as a result of the proposed amendment.

Table 4
Trip Generation – Resultant Trip Change (Table 2 vs Table 3)
Cary+Duke+Povia

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed Incentive Density	165	495	660	596	350	946	9,154
Existing Land Use Designation	-122	-365	-487	-436	-256	-692	-6,741
Resultant Trip Change	**+43**	**+130**	**+173**	**+160**	**+94**	**+254**	**+2,413**

Long Range Impacts (20-year horizon)

The Lee County Metropolitan Planning Organization's (MPO) 2045 Long Range Transportation Plan was reviewed to determine if any future roadway improvements were planned in the vicinity of the subject site. Based on the review, roadway improvements within the vicinity of the subject site shown on the 2045 Financially Feasible Plan were the widening of SR 31 to a six-lane facility from SR 80 to Charlotte County and widening of SR 78 to a four-lane facility from SR 31 to I-75. Note, the Lee County 2045 Needs Plans also indicates widening of SR 80 to a six-lane facility from SR 31 to Buckingham Road. Improvements that are shown on the Needs Plan are not included in this analysis. The Lee County 2045 Highway Cost Feasible Plan and 2045 Needs Plan maps are attached to this Memorandum for reference.

The Lee County Metropolitan Planning Organization's (MPO) long range transportation travel model was also reviewed in order to determine the impacts the amendment would have on the surrounding area. The base 2045 loaded network volumes were determined for the roadways within the study area and then the PM peak hour trips to be generated by additional trips in Table 3 were added to the projected 2045 volumes. The Level of Service for the surrounding roadways was then evaluated. The Level of Service threshold volumes were derived based on the attached ***Lee County Generalized Peak Hour Directional Service Volumes*** table as well as ***FDOT's Generalized Peak Hour Directional Volumes***, Table 7 and Table 9.

The results of the analysis indicate that the addition of the trips as a result of the proposed incentive density to the projected 2045 volumes will not cause any roadway links, except for SR 31 between SR 78 and North River Road, to fall below the recommended minimum acceptable Level of Service thresholds as recommended in Policy 37.1.1 of the Lee County Comprehensive Plan. The adopted Level of Service for SR 31 between SR

78 and North River Road is LOS" C". With the project traffic scenario, this roadway is anticipated to operate at a LOS "D". However, 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.*" Note, SR 80 east of SR 31 was shown to operate at a poor Level of Service in the 2045 background (without project traffic) conditions. As previously mentioned, SR 80 is shown to be widened to a six-lane facility on the Lee County's 2045 Needs Plan, which would alleviate this projected background deficiency. Therefore, no changes to the adopted long range transportation plan are required as result of the proposed Map Amendments. Attached **Table 1A** and **Table 2A** reflect the Level of Service analysis based on the 2045 conditions.

Short Term Impacts Analysis (2026)

The 2021/2022-2025/2026 Lee County Transportation Capital Improvement Plan and the 2022-2026 Florida Department of Transportation Adopted Work Program were reviewed to determine the short term impacts the proposed Map Amendment would have on the surrounding roadways. Based on the review, SR 31 is funded to be widened to a four-lane facility from SR 78 to Cook Brown Road by Babcock Ranch. The construction for this improvement is scheduled to start in late 2023. There are no other programmed improvements in the vicinity of the subject site. Note, FDOT is currently conducting PD&E studies on SR 31 from SR 80 to SR 78 as well as on SR 78 from I-75 to SR 31 to evaluate future widening of these roadways to four-lane facilities.

Table 3A and **Table 4A** attached to this report indicate the projected 5-year planning Level of Service on the surrounding roadways based on the additional trips shown in Table 5. The existing peak hour, peak season, peak direction traffic volumes on the various roadway links maintained by Lee County were obtained from the most recent ***Lee County Public Facilities Level of Service and Concurrency Report***. The existing peak hour, peak season, peak direction traffic volumes for state maintained roadways were derived by factoring the latest AADT volumes by appropriate K & D factors obtained from FDOT's ***Florida Traffic Online*** webpage.

The existing peak hour, peak season, peak direction traffic volumes were then factored by the appropriate annual growth rates in order to obtain the 2026 background traffic conditions on the area roadway network. The growth rates for each roadway were calculated based on historical traffic data obtained from the FDOT's ***Florida Traffic Online*** webpage as well as the traffic data from the latest ***Lee County Traffic Count Database System (TCDS)***. Based on the project traffic distribution illustrated within Table 4A, the roadway link data was analyzed for the year 2026 without the proposed amendment and year 2026 with the proposed amendment. Traffic data obtained from the aforementioned Lee County and FDOT resources is attached to this Memorandum for reference.

The results of the analysis indicate that the addition of the trips as a result of the proposed incentive density to the projected 2026 volumes will only cause SR 31 from SR 78 to SR 80 to fall below the minimum acceptable Level of Service standards. However, as previously mentioned FDOT is currently conducting PD&E Study on SR 31 to widen this roadway segment to a four-lane facility, which would alleviate this projected deficiency. The proposed Map Amendment does not cause any other roadways in the short-range analysis to fall below the minimum acceptable Level of Service standards. Therefore, based on this analysis no modifications will be necessary to the Lee County or FDOT short term capital improvement programs. Capacity analysis will be evaluated again at the time the project will seek rezoning and local Development Order approvals.

Conclusion

The proposed Comprehensive Plan Amendment is for a property located along the south side of North River Road approximately 1 mile east of SR 31 in Lee County, Florida. The proposed Map Amendment on the subject property will add the site to the Future Water and Sewer Service Maps 4A and 4B.

The results of the long-range link Level of Service analysis indicated that the addition of the trips as a result of the proposed incentive density to the projected 2045 volumes will not cause cause any roadway links, except for SR 31 between SR 78 and North River Road, to fall below the recommended minimum acceptable Level of Service thresholds as recommended in Policy 37.1.1 of the Lee County Comprehensive Plan. The adopted Level of Service for SR 31 between SR 78 and North River Road is LOS" C". With the project traffic scenario, this roadway is anticipated to operate at a LOS "D". However, 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.*"

The results of the short-range link Level of Service analysis indicated that the addition of the trips as a result of the proposed incentive density to the projected 2026 volumes will only cause SR 31 from SR 78 to SR 80 to fall below the minimum acceptable Level of Service standards. However, as previously mentioned FDOT is currently conducting PD&E Study on SR 31 to widen this roadway segment to a four-lane facility, which would alleviate this projected deficiency. The proposed Map Amendment does not cause any other roadways to fall below the minimum acceptable Level of Service standards. Capacity analysis will be evaluated again at the time the project will seek rezoning and local Development Order approvals.

No modifications are necessary to the Short Term Capital Improvement Plan or the Long Range Transportation Plan to support the proposed Amendment. In addition, the proposed amendment will not significantly alter the socio-economic data forecasts that were utilized in the development of the Long Range Transportation Plan.

Attachments

TABLES 1A & 2A

2045 LOS ANALYSIS

TABLE 1A
LEVEL OF SERVICE THRESHOLDS
2045 LONG RANGE TRANSPORTATION ANALYSIS - CARY+DUKE+POVIA CPA

		2045 E + C NETWORK LANES		GENERALIZED SERVICE VOLUMES				
				LOS A	LOS B	LOS C	LOS D	LOS E
ROADWAY	ROADWAY SEGMENT	# Lanes	Roadway Designation	VOLUME	VOLUME	VOLUME	VOLUME	VOLUME
N. River Rd	E. of SR 31	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
	E. of Site	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
SR 31	N. of North River Rd.	6LD	Uninterrupted Flow Highway	0	2,300	3,320	4,240	4,830
	S. of North River Rd	6LD	Uninterrupted Flow Highway	0	2,300	3,320	4,240	4,830
	S. of SR 78	6LD	Arterial	0	0	3,087	3,171	3,171
SR 78 (Bayshore Rd)	W. of SR 31	4LD	Arterial	0	0	2,005	2,100	2,100
SR 80 (Palm Beach Blvd)	W. of SR 31	6LD	Arterial	0	0	3,087	3,171	3,171
	E. of SR 31	4LD	Arterial	0	0	2,005	2,100	2,100

[ ] - Denotes the LOS Standard for each roadway segment

* Level of Service Thresholds for Lee County roadways were taken from the Generalized Peak Hour Directional Service Volume tables for Urbanized Areas (dated April 2016)
* Level of Service Thresholds for State mantained roadways were taken from FDOT's Generalized Peak Hour Directional Volumes,Table 7 and Table 9.

TABLE 2A
2045 ROADWAY LINK LEVEL OF SERVICE CALCULATIONS
CARY+DUKE+POVIA CPA

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 946 VPH IN= 596 OUT= 350

ROADWAY	ROADWAY SEGMENT	2045 FSUTMS AADT	COUNTY PCS / FDOT SITE #	AADT BACKGROUND TRAFFIC	K-100 FACTOR	100TH HIGHEST HOUR PK DIR 2-WAY VOLUME	D FACTOR	PM PK HR PEAK DIRECTION	2045 PEAK DIRECTION TRAFFIC VOLUMES & LOS VOLUME	LOS	PROJECT TRAFFIC DIST.	PK DIR PM PROJ TRAFFIC	2045 BACKGROUND PLUS PROJ PEAK DIRECTION TRAFFIC VOLUMES & LOS VOLUME	LOS
N. River Rd	E. of SR 31	12,426	124650	12,426	0.095	1,180	0.535	EAST	631	C	90%	536	1,167	D
	E. of Site	11,371	124650	11,371	0.095	1,080	0.535	EAST	578	C	10%	60	638	C
SR 31	N. of North River Rd.	69,826	120273	69,826	0.095	6,633	0.523	SOUTH	3,164	C	20%	119	3,283	C
	S. of North River Rd.	59,332	121001	59,332	0.095	5,637	0.528	NORTH	2,976	C	70%	417	3,393	D
	S. of SR 78	54,311	120030	54,311	0.090	4,888	0.528	SOUTH	2,307	C	50%	298	2,605	C
SR 78 (Bayshore Rd)	W. of SR 31	30,972	121002	30,972	0.090	2,787	0.528	EAST	1,472	C	20%	119	1,591	C
SR 80 (Palm Beach Blvd)	W. of SR 31	53,399	126005	53,399	0.090	4,806	0.528	EAST	2,538	C	35%	209	2,747	C
	E. of SR 31	50,780	120085	50,780	0.090	4,570	0.528	EAST	2,413	F	10%	60	2,473	F

* The K-100 and D factors were obtained from Florida Traffic Online resource.

TABLES 3A & 4A

5-YEAR LOS ANALYSIS

TABLE 3A
LEVEL OF SERVICE THRESHOLDS
CARY+DUKE+POVIA CPA

				GENERALIZED SERVICE VOLUMES				
				LOS A	LOS B	LOS C	LOS D	LOS E
ROADWAY	ROADWAY SEGMENT	# LANES	ROADWAY DESIGNATION	VOLUME	VOLUME	VOLUME	VOLUME	VOLUME
N. River Rd	E. of SR 31	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
	E. of Site	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
SR 31	N. of North River Rd.	4LD	Uninterrupted Flow Highway	0	1,530	2,210	2,820	3,220
	S. of North River Rd.	4LD	Uninterrupted Flow Highway	0	1,530	2,210	2,820	3,220
	S. of SR 78	2LU	Arterial	0	0	915	970	970
SR 78 (Bayshore Rd)	W. of SR 31	2LU	Arterial	0	0	872	924	924
SR 80 (Palm Beach Blvd)	W. of SR 31	6LD	Arterial	0	0	3,087	3,171	3,171
	E. of SR 31	4LD	Arterial	0	0	2,005	2,100	2,100

☐ - Denotes the LOS Standard for each roadway segment

* Level of Service Thresholds for Lee County arterials/collectors taken from the Generalized Peak Hour Directional Service Volume tables for Urbanized Areas (dated April 2016)
* Level of Service Thresholds for State mantained roadways were taken from FDOT's Generalized Peak Hour Directional Volumes, Table 7 and Table 9.

TABLE 4A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
CARY+DUKE+POVIA CPA

TOTAL PROJECT TRAFFIC AM =	660	VPH	IN =	165	OUT=	495
TOTAL PROJECT TRAFFIC PM =	946	VPH	IN=	596	OUT=	350

FDOT Sta. #	K	D
120273	0.095	0.523
121001	0.095	0.528
120030	0.090	0.528
121002	0.090	0.528
126005	0.090	0.528
120085	0.090	0.528

ROADWAY	ROADWAY SEGMENT	LCDOT PCS OR FDOT SITE #	BASE YR ADT	2021 ADT	YRS OF GROWTH.[1]	ANNUAL RATE	2021 PK HR PK SEASON PEAK DIR.[2]	2026 PK HR PK SEASON PEAK DIRECTION VOLUME	LOS	V/C Ratio	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2026 BCKGRND + AM PROJ VOLUME	LOS	V/C Ratio	2026 BCKGRND + PM PROJ VOLUME	LOS	V/C Ratio
N River Rd	E. of SR 31	348	2,693	3,400	8	2.96%	145	168	B	0.14	90%	446	536	613	C	0.51	704	C	0.58
	E. of Site	348	2,693	3,400	8	2.96%	145	168	B	0.14	10%	50	60	217	B	0.18	227	B	0.19
SR 31	N. of North River Rd.	120273	5,719	11,560	15	4.86%	579	735	B	0.23	20%	99	119	834	B	0.26	854	B	0.27
	S. of North River Rd.	121001	11,100	16,000	15	2.47%	803	907	B	0.28	70%	347	417	1,253	B	0.39	1,324	B	0.41
	S. of SR 78	120030	12,500	15,900	15	2.00%	756	834	C	0.86	50%	248	298	1,082	F	1.12	1,132	F	1.17
SR 78 (Bayshore Rd)	W. of SR 31	121002	8,400	12,400	15	2.63%	589	671	C	0.73	20%	99	119	770	C	0.83	790	C	0.86
SR 80 (Palm Beach Blvd)	W. of SR 31	126005	26,004	34,000	13	2.08%	1,616	1,791	C	0.56	35%	173	209	1,964	C	0.62	2,000	C	0.63
	E. of SR 31	120085	36,000	43,000	15	2.00%	2,043	2,256	F	1.07	10%	50	60	2,306	F	1.10	2,316	F	1.10

1 AGR for roadways was calculated based the historical traffic data obtained from Florida Traffic Online webpage and Lee County Traffic Count Database System (TCDS)

2 Current peak hour peak season peak direction traffic volumes for all County roadways were obtained from the 2022 Lee County Public Facilities Level of Service and Concurrency Report

2 Current peak hour peak season peak direction traffic volumes for state mantained roadways were obtained by adjusting the 2021 AADT by the appropriate K and D factors

LEE COUNTY GENERALIZED SERVICE VOLUME TABLE

Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

April 2016 c:\input5

Uninterrupted Flow Highway

Level of Service

Lane	Divided	A	B	C	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

Arterials

Class I (40 mph or higher posted speed limit)

Level of Service

Lane	Divided	A	B	C	D	E
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

Class II (35 mph or slower posted speed limit)

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	330	710	780
2	Divided	*	*	710	1,590	1,660
3	Divided	*	*	1,150	2,450	2,500
4	Divided	*	*	1,580	3,310	3,340

Controlled Access Facilities

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	160	880	940	940
2	Divided	*	270	1,970	2,100	2,100
3	Divided	*	430	3,050	3,180	3,180

Collectors

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	310	660	740
1	Divided	*	*	330	700	780
2	Undivided	*	*	730	1,440	1,520
2	Divided	*	*	770	1,510	1,600

Note: the service volumes for I-75 (freeway), bicycle mode, pedestrian mode, and bus mode should be from FDOT's most current version of LOS Handbook.

FDOT GENERALIZED PEAK HOUR DIRECTIONAL VOUMES TABLE 7 & TABLE 9

TABLE 7 Generalized **Peak Hour Directional** Volumes for Florida's Urbanized Areas

January 2020

INTERRUPTED FLOW FACILITIES

STATE SIGNALIZED ARTERIALS

Class I (40 mph or higher posted speed limit)

Lanes	Median	B	C	D	E
1	Undivided	*	830	880	**
2	Divided	*	1,910	2,000	**
3	Divided	*	2,940	3,020	**
4	Divided	*	3,970	4,040	**

Class II (35 mph or slower posted speed limit)

Lanes	Median	B	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

Non-State Signalized Roadway Adjustments

(Alter corresponding state volumes by the indicated percent)

Non-State Signalized Roadways - 10%

Median & Turn Lane Adjustments

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 MODE[2]

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

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

PEDESTRIAN MODE[2]

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

Sidewalk Coverage	B	C	D	E
0-49%	*	*	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	B	C	D	E
0-84%	> 5	≥ 4	≥ 3	≥ 2
85-100%	> 4	≥ 3	≥ 2	≥ 1

UNINTERRUPTED FLOW FACILITIES

FREEWAYS

Core Urbanized

Lanes	B	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	B	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

Freeway Adjustments

Auxiliary Lane	Ramp Metering
+ 1,000	+ 5%

UNINTERRUPTED FLOW HIGHWAYS

Lanes	Median	B	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%

[1] Values shown are presented as peak hour directional volumes for levels of service and are for the automobile/truck modes unless 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.

[3] Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.

* 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/

TABLE 9

Generalized **Peak Hour Directional** Volumes for Florida's Rural Undeveloped Areas **and** Developed Areas Less Than 5,000 Population[1]

January 2020

INTERRUPTED FLOW FACILITIES

STATE SIGNALIZED ARTERIALS

Lanes	Median	B	C	D	E
1	Undivided	*	670	740	**
2	Divided	*	1,530	1,580	**
3	Divided	*	2,360	2,400	**

Non-State Signalized Roadway Adjustments

(Alter corresponding state volumes by the indicated percent)

Non-State Signalized Roadways - 10%

Median & Turn Lane Adjustments

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 MODE[2]

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

Rural Undeveloped

Paved Shoulder/Bicycle Lane Coverage	B	C	D	E
0-49%	*	70	110	170
50-84%	60	120	180	580
85-100%	140	210	1,000	>1,000

Developed Areas

Paved Shoulder/Bicycle Lane Coverage	B	C	D	E
0-49%	*	120	260	840
50-84%	100	240	720	1,000
85-100%	320	1,000	>1,000	**

PEDESTRIAN MODE[2]

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

Sidewalk Coverage	B	C	D	E
0-49%	*	*	120	460
50-84%	*	80	430	770
85-100%	180	520	860	>1,000

UNINTERRUPTED FLOW FACILITIES

FREEWAYS

Lanes	B	C	D	E
2	2,010	2,770	3,270	3,650
3	2,820	3,990	4,770	5,470
4	3,630	5,220	6,260	7,300

Freeway Adjustments

Auxiliary Lane
+ 1,000

UNINTERRUPTED FLOW HIGHWAYS

Rural Undeveloped

Lanes	Median	B	C	D	E
1	Undivided	240	450	730	1,490
2	Divided	1,630	2,350	2,910	3,280
3	Divided	2,450	3,530	4,360	4,920

Developed Areas

Lanes	Median	B	C	D	E
1	Undivided	540	820	1,110	1,490
2	Divided	1,530	2,210	2,820	3,220
3	Divided	2,300	3,320	4,240	4,830

Passing Lane Adjustments

Alter LOS B-D volumes in proportion to the passing lane length to the highway segment length

Uninterrupted Flow Highway Adjustments

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

[1]Values shown are presented as peak hour directional volumes for levels of service and are for the automobile/truck modes unless 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.

* 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/

TRAFFIC DATA

FDOT FLORIDA TRAFFIC ONLINE

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 4650 - NORTH RIVER ROAD, EAST OF S.R. 31

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2021	3600 T	E 1800	W 1800	9.50	53.50	13.60
2020	3400 S	E 1700	W 1700	9.50	53.80	12.50
2019	3400 F	E 1700	W 1700	9.50	54.90	12.50
2018	3200 C	E 1600	W 1600	9.50	55.20	12.50
2017	3200 T	E 1600	W 1600	9.50	54.90	12.20
2016	3000 S	E 1500	W 1500	9.50	54.80	15.00
2015	2800 F	E 1400	W 1400	9.50	55.50	15.00
2014	2600 C	E 1300	W 1300	9.50	55.20	15.00
2013	1000 S	0	0	9.50	55.00	12.20
2012	1000 F	0	0	9.50	55.30	11.50
2011	1000 C	E 0	W 0	9.50	55.20	11.70

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
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0273 - SR-31,202' NORTH OF FOXHILL ROAD,LEE CO.

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2021	11660 C	N 5695	S 5965	9.50	52.30	21.20
2020	9182 C	N 4508	S 4674	9.50	52.70	23.40
2019	9292 C	N 4645	S 4647	9.50	52.10	25.30
2018	7959 C	N 4032	S 3927	9.50	54.10	26.90
2017	7337 C	N 3712	S 3625	9.50	53.40	28.20
2016	6620 C	N 3338	S 3282	9.50	53.90	26.60
2015	5216 C	N 2618	S 2598	9.50	55.60	28.00
2014	4653 C	N 2325	S 2328	9.50	55.60	27.00
2013	4195 C	N 2099	S 2096	9.50	55.90	29.00
2012	4217 C	N 2149	S 2068	9.50	56.40	26.90
2011	4126 C	N 2094	S 2032	9.50	55.10	25.60
2010	4034 C	N 2041	S 1993	9.79	54.46	26.00
2009	3964 C	N 1994	S 1970	9.81	52.26	25.10
2008	4232 C	N 2124	S 2108	9.88	55.53	23.50
2007	6039 C	N 3027	S 3012	10.95	51.84	43.50
2006	5719 C	N 2850	S 2869	10.95	51.84	43.50

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
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 1001 - SR 31, SOUTH OF CR 78/NORTH RIVER ROAD (LC393)

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2021	16000 C	N 8000	S 8000	9.50	52.80	23.30
2020	11000 C	N 5500	S 5500	9.50	53.70	23.40
2019	11000 C	N 5500	S 5500	9.50	54.00	25.30
2018	9400 C	N 4700	S 4700	9.50	55.20	26.90
2017	8800 C	N 4500	S 4300	9.50	54.40	20.20
2016	8600 F	N 4200	S 4400	9.50	57.70	20.20
2015	7800 C	N 3800	S 4000	9.50	57.50	20.20
2014	7200 F	N 3600	S 3600	9.50	56.80	20.50
2013	7000 C	N 3500	S 3500	9.50	56.50	20.50
2012	7500 C	N 3800	S 3700	9.50	54.20	22.60
2011	7300 F	N 3700	S 3600	9.50	56.20	17.60
2010	7300 C	N 3700	S 3600	9.91	56.34	17.60
2009	7100 C	N 3600	S 3500	9.98	55.90	19.70
2008	7700 C	N 3900	S 3800	10.16	57.01	23.50
2007	9200 C	N 4600	S 4600	10.16	54.76	32.60
2006	11100 C	N 5500	S 5600	8.81	55.95	43.90

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
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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
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0030 - SR 31, NORTH OF SR 80/PALM BEACH BOULEVARD LC391

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2021	15900 C	N 7900	S 8000	9.00	52.80	14.20
2020	13800 C	N 6600	S 7200	9.00	53.70	17.80
2019	13500 C	N 6600	S 6900	9.00	54.00	20.80
2018	11500 C	N 5600	S 5900	9.00	55.20	18.60
2017	11200 C	N 5500	S 5700	9.00	54.40	19.00
2016	11100 F	N 5500	S 5600	9.00	57.70	12.50
2015	10100 C	N 5000	S 5100	9.00	57.50	12.50
2014	8700 F	N 4300	S 4400	9.00	56.80	14.90
2013	8500 C	N 4200	S 4300	9.00	56.50	14.90
2012	8700 C	N 4400	S 4300	9.00	54.20	13.80
2011	8500 F	N 4200	S 4300	9.00	56.20	13.70
2010	8500 C	N 4200	S 4300	9.91	56.34	13.70
2009	7800 C	N 3800	S 4000	9.98	55.90	13.40
2008	8500 C	N 4200	S 4300	10.16	57.01	12.80
2007	8700 C	N 4300	S 4400	10.16	54.76	10.80
2006	12500 C	N 6100	S 6400	10.23	54.38	33.20

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
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 1002 - SR 78/BAYSHORE ROAD, SOUTHWEST OF SR 31

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2021	12400 C	E 6400	W 6000	9.00	52.80	21.80
2020	11000 C	E 5700	W 5300	9.00	53.70	18.90
2019	10600 C	E 5500	W 5100	9.00	54.00	22.00
2018	9600 C	E 5000	W 4600	9.00	55.20	21.60
2017	9200 C	E 4600	W 4600	9.00	54.40	13.00
2016	8600 F	E 4300	W 4300	9.00	57.70	13.00
2015	7800 C	E 3900	W 3900	9.00	57.50	13.00
2014	7300 F	E 3700	W 3600	9.00	56.80	14.00
2013	7100 C	E 3600	W 3500	9.00	56.50	14.00
2012	7500 C	E 3800	W 3700	9.00	54.20	16.40
2011	6800 F	E 3500	W 3300	9.00	56.20	14.90
2010	6800 C	E 3500	W 3300	9.91	56.34	14.90
2009	6900 C	E 3500	W 3400	9.98	55.90	17.00
2008	7500 C	E 3800	W 3700	10.16	57.01	19.30
2007	8400 C	E 4300	W 4100	10.16	54.76	23.30
2006	8400 C	E 4300	W 4100	10.23	54.38	21.60

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
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6005 - SR 80/PALM BEACH BLVD, 0.25 MI W OF SR 31. PTMS 104, LCPR 05

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2021	34000 T	0	0	9.00	52.80	11.70
2020	33500 S	0	0	9.00	53.70	11.50
2019	35000 F	0	0	9.00	54.00	12.30
2018	35091 C	0	0	9.00	64.90	12.60
2017	34000 F	0	0	9.00	64.90	11.10
2016	32970 C	E 16326	W 16644	9.00	64.90	10.40
2015	30167 C	E 14945	W 15222	9.00	63.20	11.00
2014	27785 C	E 13885	W 13900	9.00	62.60	5.90
2013	26228 C	E 12981	W 13247	9.00	61.80	9.50
2012	25563 C	E 12791	W 12772	9.00	61.60	10.80
2011	26888 C	E 13397	W 13491	9.00	61.60	12.40
2010	26743 C	E 13334	W 13409	9.89	61.01	8.90
2009	25939 C	E 12914	W 13025	9.90	62.73	9.60
2008	26004 C	E 12909	W 13095	10.24	63.18	9.20

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
2021 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0085 - SR 80/PALM BEACH BLVD, EAST OF SR 31 LC360

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2021	43000 C	E 21500	W 21500	9.00	52.80	7.50
2020	36500 C	E 18000	W 18500	9.00	53.70	8.30
2019	36500 C	E 18000	W 18500	9.00	54.00	9.00
2018	33500 C	E 16500	W 17000	9.00	55.20	9.30
2017	33500 C	E 16500	W 17000	9.00	54.40	8.50
2016	35000 C	E 17500	W 17500	9.00	57.70	8.20
2015	32000 C	E 16000	W 16000	9.00	57.50	9.00
2014	29500 S	E 15000	W 14500	9.00	56.80	9.20
2013	28500 F	E 14500	W 14000	9.00	56.50	9.20
2012	28500 C	E 14500	W 14000	9.00	54.20	9.20
2011	29500 F	E 14500	W 15000	9.00	56.20	9.40
2010	29500 C	E 14500	W 15000	9.91	56.34	9.40
2009	29500 C	E 14500	W 15000	9.98	55.90	9.50
2008	30000 C	E 15000	W 15000	10.16	57.01	8.10
2007	34000 C	E 17000	W 17000	10.16	54.76	8.50
2006	36000 C	E 18000	W 18000	10.23	54.38	11.00

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

TRAFFIC DATA FROM LEE COUNTY TRAFFIC COUNT DATABASE SYSTEM

LEE COUNTY

MS2

Traffic Count Database System (TCDS)

List View | All DIRs

Record	1 of 1	Goto Record	go

Location ID	348	**MPO ID**	
Type	SPOT	**HPMS ID**	
On NHS		**On HPMS**	
LRS ID		**LRS Loc Pt.**	
SF Group	2	**Route Type**	
AF Group		**Route**	
GF Group		**Active**	Yes
Class Dist Grp		**Category**	
Seas Clss Grp			
WIM Group			
QC Group	Default		
Fnct'l Class	-	**Milepost**	
Located On	N River Rd		
Loc On Alias			
EAST OF	SR-31		
More Detail			

STATION DATA

Directions: EB WB

AADT

Year	AADT	DHV-30	K %	D %	PA	BC	Src
2021	3,400						
2019	2,900	354	12				
2017	3,100	316	10				
2015	2,900	301	10				
2013	2,693						

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Travel Demand Model

	Model Year	Model AADT	AM PHV	AM PPV	MD PHV	MD PPV	PM PHV	PM PPV	NT PHV	NT PPV

VOLUME COUNT

	Date	Int	Total
	Thu 4/22/2021	15	3,996
	Wed 4/21/2021	15	3,746
	Tue 4/20/2021	15	3,534
	Thu 2/14/2019	15	3,744
	Wed 2/13/2019	15	3,262
	Tue 2/12/2019	15	3,758
	Thu 4/27/2017	15	3,599
	Wed 4/26/2017	15	3,487
	Tue 4/25/2017	15	3,433
	Thu 4/16/2015	15	3,233

|<< < > >>| 1-10 of 40

mm / dd / yyyy To Date

VOLUME TREND

Year	Annual Growth
2021	8%
2019	-3%
2017	3%
2015	4%
2013	6%
2011	-4%
2006	4%
2005	-10%
2004	15%
2003	8%

LEE COUNTY PUBLIC FACILITIES
LEVEL OF SERVICE AND
CONCURRENCY REPORT

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

Table 21 b) 4 of 7

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)

Link No.	NAME	ROADWAY LINK FROM	ROADWAY LINK TO	F. Class	ROAD TYPE	PERFORMANCE STANDARD LOS	PERFORMANCE STANDARD DIRECTIONAL CAPACITY	2021 100TH HIGHEST HOUR LOS	2021 100TH HIGHEST HOUR VOL	2021 100TH HIGHEST HOUR V/C	FUTURE FORECAST (2026) LOS	FUTURE FORECAST (2026) VOL	FUTURE FORECAST (2026) V/C	Notes
13900	JOEL BLVD	18TH ST	SR 80	P. Art	2LN	E	1,010	C	482	0.48	D	506	0.50	
14000	JOHN MORRIS RD	BUNCHE BEACH	SUMMERLIN RD	Min. Col	2LN	E	860	C	52	0.07	C	72	0.08	old count projection
14100	JOHN MORRIS RD	SUMMERLIN RD	IONA RD	Maj. Col	2LN	E	860	C	255	0.30	C	269	0.31	*
14200	KELLY RD	McGREGOR BLVD	SAN CARLOS BLVD	Maj. Col	2LN	E	860	C	264	0.31	C	277	0.32	
14300	KELLY RD	SAN CARLOS BLVD	PINE RIDGE RD	Maj. Col	2LN	E	860	C	106	0.12	C	120	0.14	old count projection(2016)
14500	LAUREL DR	BUS 41	BREEZE DR	Maj. Col	2LN	E	860	C	384	0.45	C	404	0.47	
14600	LEE BLVD	SR 82	ALVIN AVE	P. Art	6LD	E	2,840	B	2,084	0.73	B	2,190	0.77	
14700	LEE BLVD	ALVIN AVE	GUNNERY RD	P. Art	6LD	E	2,840	B	1,957	0.69	B	2,136	0.75	
14800	LEE BLVD	GUNNERY RD	HOMESTEAD RD	P. Art	6LD	E	2,840	B	2,093	0.74	B	2,200	0.77	
14900	LEE BLVD	HOMESTEAD RD	WILLIAMS AVE	P. Art	4LD	E	1,980	B	898	0.45	B	943	0.48	
14930	LEE BLVD	WILLIAMS AVE	LEELAND HEIGHTS	P. Art	2LN	E	1,020	C	898	0.88	C	943	0.92	
15000	LEE RD	SAN CARLOS BLVD	ALICO RD	Maj. Col	2LN	E	860	C	544	0.63	D	614	0.71	old count projection(2015)
15100	LEELAND HEIGHTS	HOMESTEAD RD	JOEL BLVD	P. Art	4LN	E	1,800	B	832	0.46	B	867	0.48	*
15200	LEONARD BLVD	GUNNERY RD	WESTGATE BLVD	M. Art	2LN	E	860	D	753	0.89	D	819	0.95	
15300	LITTLETON RD	CORBETT RD	US 41	Maj. Col	2LN	E	860	C	528	0.61	C	555	0.65	
15400	LITTLETON RD	US 41	BUS 41	Maj. Col	2LN	E	860	C	437	0.51	C	459	0.53	
15500	LUCKETT RD	ORTIZ AVE	I-75	M. Art	2LN	E	860	B	317	0.36	B	392	0.45	4 Ln design & ROW
15600	LUCKETT RD	I-75	COUNTRY LAKES DR	Maj. Col	2LN	E	860	B	285	0.33	C	299	0.35	
15700	MAPLE DR*	SUMMERLIN RD	2ND AVE	Min. Col	2LN	E	860	C	77	0.09	C	99	0.10	old count projection
15800	McGREGOR BLVD	SANIBEL T PLAZA	HARBOR DR	P. Art	4LD	E	1,960	B	1,173	0.60	B	1,233	0.63	
15900	McGREGOR BLVD	HARBOR DR	SUMMERLIN RD	P. Art	4LD	E	1,960	B	1,180	0.60	B	1,240	0.63	
16000	McGREGOR BLVD	SUMMERLIN RD	KELLY RD	M. Art	4LD	E	1,960	A	927	0.47	A	983	0.50	
16100	McGREGOR BLVD	KELLY RD	GLADIOLUS DR	M. Art	4LD	E	1,960	A	927	0.47	A	975	0.50	
16200	McGREGOR BLVD (SR 867	OLD McGREGOR /GLADIOLUS DR	IONA LOOP RD	State	4LD	D	2,100	C	1,465	0.70	C	1,635	0.78	
16300	McGREGOR BLVD (SR 867	IONA LOOP RD	PINE RIDGE RD	State	4LD	D	2,100	C	1,465	0.70	C	1,635	0.78	
16400	McGREGOR BLVD (SR 867	PINE RIDGE RD	CYPRESS LAKE DR	State	4LD	D	2,100	C	1,674	0.80	C	1,873	0.89	
16500	McGREGOR BLVD (SR 867	CYPRESS LAKE DR	COLLEGE PKWY	State	4LD	D	2,100	C	1,674	0.80	C	1,873	0.89	
16600	McGREGOR BLVD (SR 867	COLLEGE PKWY	WINKLER RD	State	2LN	D	924	C	726	0.79	C	797	0.86	Constrained
16700	McGREGOR BLVD (SR 867	WINKLER RD	TANGLEWOOD BLVD	State	2LN	D	970		1,039	1.07		1,143	1.18	Constrained
16800	McGREGOR BLVD (SR 867	TANGLEWOOD BLVD	COLONIAL BLVD	State	2LN	D	970		1,039	1.07		1,143	1.18	Constrained
16900	METRO PKWY (SR 739)	SIX MILE PKWY	DANIELS PKWY	State	6LD	D	3,171	C	1,136	0.36	C	1,492	0.47	
17000	METRO PKWY (SR 739)	DANIELS PKWY	CRYSTAL DR	State	4LD	D	2,100	C	1,184	0.56	C	1,446	0.69	
17100	METRO PKWY (SR 739)	CRYSTAL DR	DANLEY DR	State	4LD	D	2,100	C	1,665	0.79	D	2,092	1.00	
17200	METRO PKWY (SR 739)	DANLEY DR	COLONIAL BLVD	State	4LD	D	2,100	C	1,665	0.79	D	2,092	1.00	
	MICHAEL RIPPE PKWY	US41	SIX MILES PKWY	State	6LD	D	3,171	C	1,397	0.44	C	1,875	0.59	
17600	MILWAUKEE BLVD	ALABAMA BLVD	BELL BLVD	Maj. Col	2LN	E	860	C	168	0.20	C	175	0.20	*
17700	MILWAUKEE BLVD	BELL BLVD	COLUMBUS BLVD	Min. Col	2LN	E	860	C	158	0.20	C	181	0.21	*
17800	MOODY RD	HANCOCK B. PKWY	PONDELLA RD	Min. Col	2LN	E	860	C	182	0.21	C	205	0.24	old count projection(2009)
17900	NALLE GRADE RD	SLATER RD	NALLE RD	Min. Col	2LN	E	860	C	59	0.08	C	72	0.08	
18000	NALLE RD	SR 76	NALLE GRADE RD	Min. Col	2LN	E	860	C	128	0.15	C	147	0.17	*
18100	NEAL RD	ORANGE RIVER BLVD	BUCKINGHAM RD	Min. Col	2LN	E	860	C	130	0.15	C	137	0.16	*
18200	NORTH RIVER RD	SR 31	FRANKLIN LOCK RD	M. Art	2LN	E	1,140	A	145	0.13	B	264	0.23	
18300	NORTH RIVER RD	FRANKLIN LOCK RD	BROADWAY RD	M. Art	2LN	E	1,140	A	145	0.13	B	286	0.25	
18400	NORTH RIVER RD	BROADWAY RD	COUNTY LINE	M. Art	2LN	E	1,140	A	100	0.09	A	133	0.12	
18900	OLGA RD*	SR 80 W	SR 80 E	Min. Col	2LN	E	860	C	82	0.10	C	95	0.11	old count projection
19100	ORANGE GROVE BLVD	CLUB ENTR.	HANCOCK B. PKWY	Min. Col	2LN	E	860	C	393	0.46	C	488	0.57	old count(2009)
19200	ORANGE GROVE BLVD	HANCOCK B. PKWY	PONDELLA RD	Min. Col	4LN	E	1,790	C	528	0.29	C	555	0.31	
19300	ORANGE RIVER BLVD	SR 80	STALEY RD	Maj. Col	2LN	E	1,000	D	477	0.48	D	502	0.50	

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 - Incorporated Lee County

State-Maintained Arterial Roadway - Unincorporated Lee County

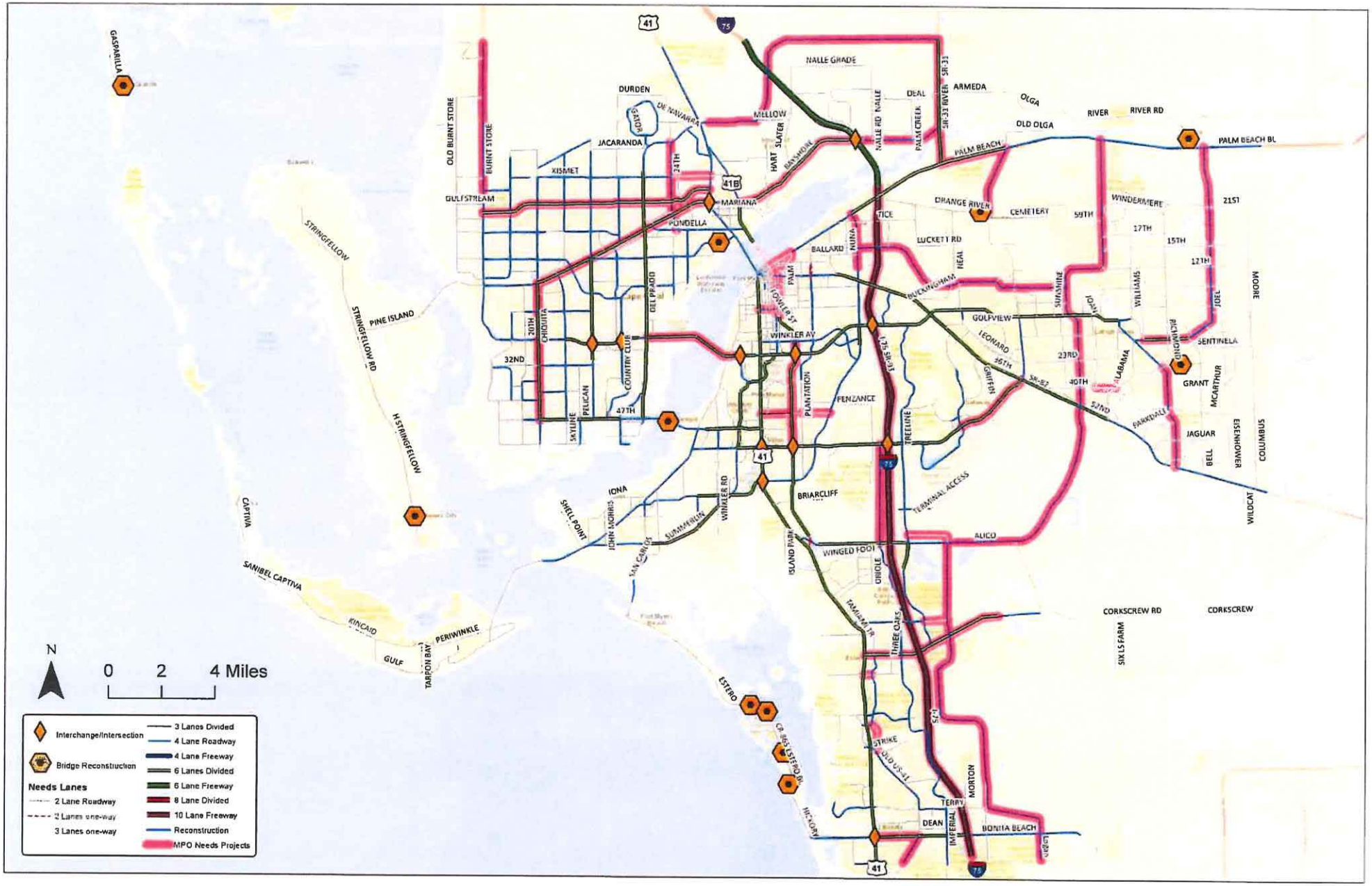
County Maintained Controlled Access Aterial Facility

County Maintained Expressway

LEE COUNTY MPO 2045 COST FEASIBLE HIGHWAY PLAN


N
0 2 4 Miles
Cost Feasible Lanes
Interchange/Intersection
Bridge Reconstruction
2 Lane Roadway
2 Lanes one-way
3 Lanes one-way
3 Lane Roadway
4 Lane Roadway
4 Lane Limited Access
6 Lanes Divided
6 Lane Freeway
8 Lane Divided
10 Lane Freeway
Reconstruction
Cost Feasible Projects
GASPARILLA
PINE ISLAND
STRINGFELLOW
STRINGFELLOW RD
N STRINGFELLOW
CAPTIVA
SANIBEL CAPTIVA
KINCAID
GULF
TARPON BAY
PERIWINKLE
IONA
SWEET POINT
JOHN MORRIS
SUMMERLIN
WINKLER RD
SAN CARLOS
BRIARCLIFF
ISLAND PARK
WINGED FOOT
CIRCLE
TAMIAMI TR
THREE OAKS
ESTERO
CORKSCREW RD
CORKSCREW
SIX LS FARM
WILDCAT
STRIKE
OLD US-41
TERRY
MORTON
DEAN
IMPERIAL
BONITA BEACH
HICKORY
OLD BURNT STORE
BURNT STORE
GULFSTREAM
DURDEN
DE NAVARRA
JACARANDA
KISMET
24TH
MELLOW
HART
SLATER
BAYSHORE
MARIANA
PONDELLA
NALLE GRADE
NALLE RD
DEAL
PALM CREEK
SR-31
SR-31 RIVER
ARMEDA
OLGA
RIVER
RIVER RD
OLD OLGA
PALM BEACH
PALM BEACH BL
ORANGE RIVER
CEMETERY
TICE
BALLARD
NUNA
LUCKETT RD
NEAL
PALM
BUCKINGHAM
FOWLER ST
WINKLER AV
GULFVIEW
LEONARD
36TH
SR-82
PENZANCE
PLANTATION
TREELINE
TERMINAL ACCESS
ALICO
DEL PRADO
COUNTRY CLUB
CHIQUITA
20TH
12ND
PELICAN
SKYLINE
47TH
59TH
17TH
15TH
12TH
WINDERMERE
215T
WILLIAMS
JOEL
MOORE
SENTINELA
RICHMOND
SHERIDAN
YORK
23RD
40TH
ALABAMA
GRANT
MCARTHUR
EISENHOWER
COLUMBUS
JAGUAR
BELL
PARKDALE
52ND
I-75

LEE COUNTY MPO 2045 NEEDS PLAN


N
0 2 4 Miles
Interchange/Intersection
Bridge Reconstruction
Needs Lanes
2 Lane Roadway
2 Lanes one-way
3 Lanes one-way
3 Lanes Divided
4 Lane Roadway
4 Lane Freeway
6 Lanes Divided
6 Lane Freeway
8 Lane Divided
10 Lane Freeway
Reconstruction
MPO Needs Projects
GASPARILLA
PINE ISLAND
STRINGFELLOW
STRINGFELLOW RD
CAPTIVA
SANIBEL CAPTIVA
KINCAID
PERIWINKLE
GULF
TARPON BAY
OLD BURNT STORE
BURNT STORE
GULFSTREAM
DURDEN
DE NAVARRA
JACARANDA
XISMET
MARIANA
PONDELLA
NALLE GRADE
MELLOW
HART SLATER
BAYSHORE
NALLE RD NALLE
PALM CREEK
SR-31
SR-31 RIVER
ARMEDA
DEAL
OLGA
OLD OLGA
RIVER
RIVER RD
PALM BEACH
PALM BEACH BL
ORANGE RIVER
CEMETERY
WINDERMERE
59TH
17TH
15TH
12TH
21ST
MOORE
LUCKETT RD
BALLARD
NUNA
NEAL
PALM
FOWLER ST
BUCKINGHAM
SUNSHINE
JOEL
WILLIAMS
GOLFVIEW
LEONARD
WINKLER AV
SENTINELA
GRANT
MCARTHUR
EISENHOWER
COLUMBUS
ALABAMA
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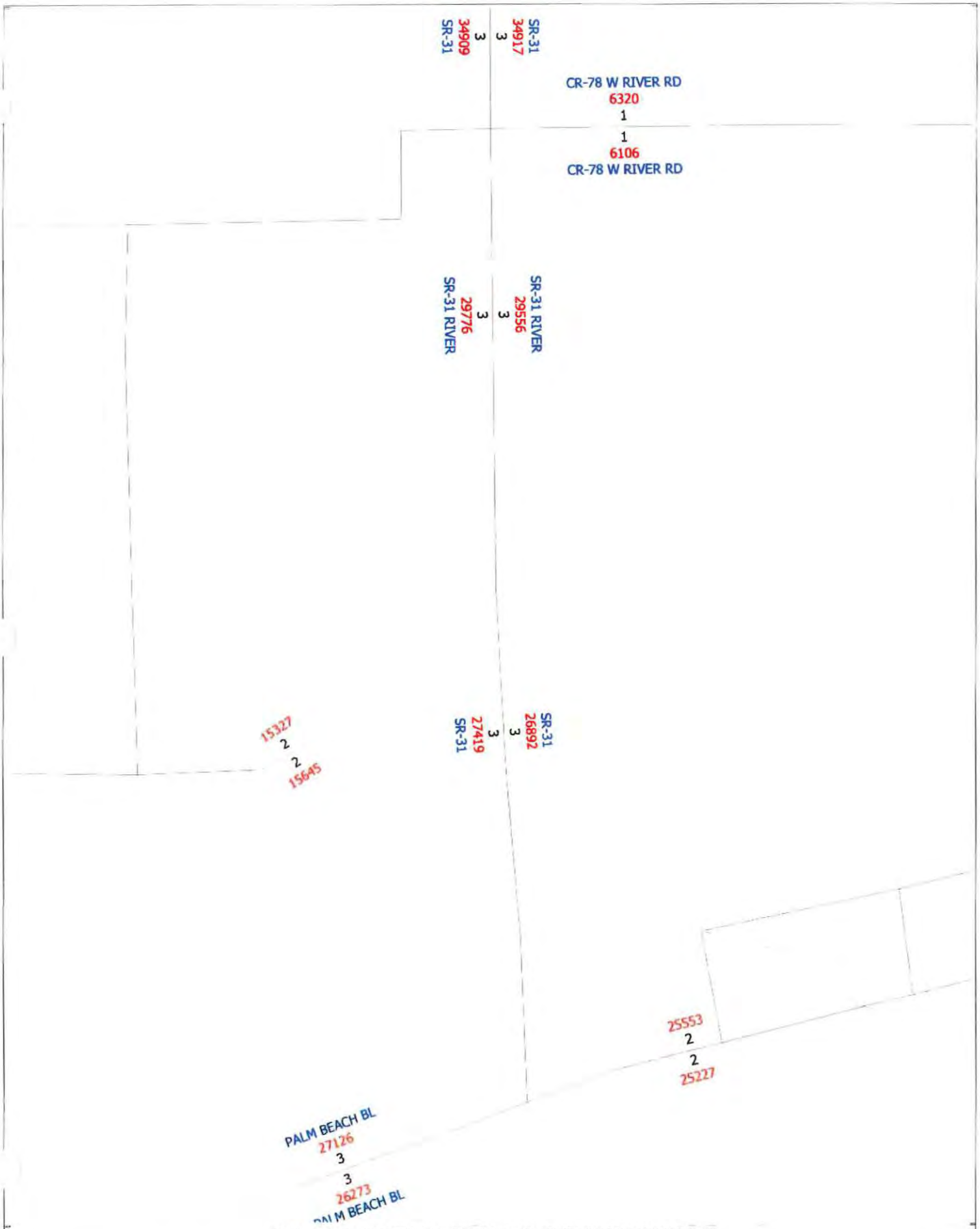
ALICO
WINGED FOOT
ORIOLE
TAMIAMI TR
THREE OAKS
CORKSCREW RD
CORKSCREW
SIX LS FARM
BRIARCLIFF
IONA
SHELL POINT
JOHN MORRIS
SUMMERLIN
WINKLER RD
SAN CARLOS
ISLAND PARK
ESTERO
CR 865/ESTERO BL
HICKORY
STRIKE
OLD US-41
TERRY
MORTON
IMPERIAL
DEAN
BONITA BEACH
32ND
47TH
30TH
CHIQUITA
DEL PRADO
COUNTRY CLUB
PELICAN
SKYLINE
41
41B
75

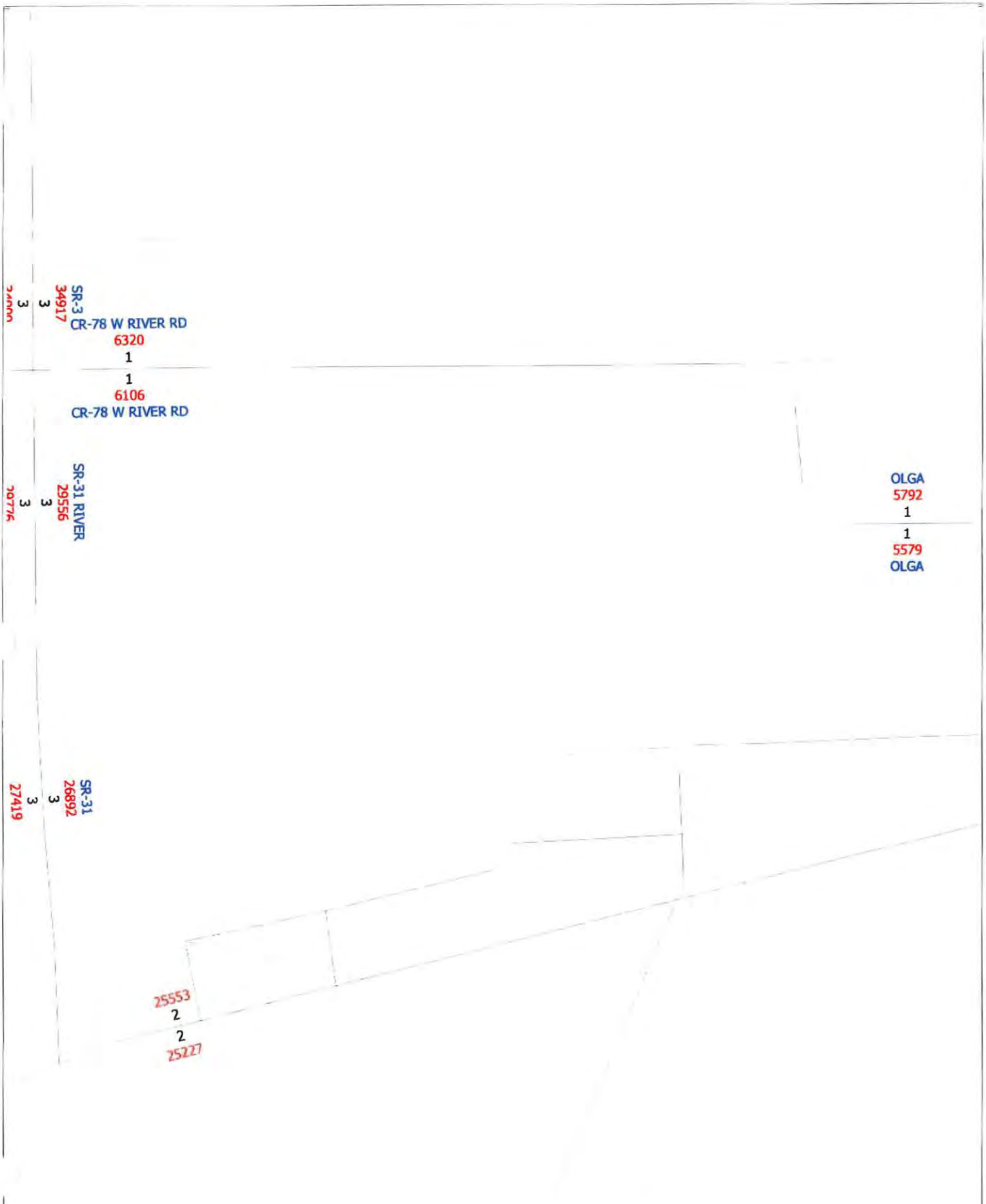
2045 E+C NETWORK VOLUMES



2045 E+C COST FEASIBLE ROADWAY NETWORK

cube

(Licensed to TR Transportation Consultants Inc)



2045 E+C COST FEASIBLE ROADWAY NETWORK

cube

(Licensed to TR Transportation Consultants Inc)

FDOT DISTRICT ONE

LOS SPREADSHEET

Section No.	State Road No.	Local Road Name	From	From M.P.	To	To M.P.	Section Length	SIS	Context Class	Functional Classification	Posted Speed	Area Type	Facility Type	FDOT LOS Std.	County LOS Std.	City LOS Std.	Year 2021						
																	Arterial Class	Divided/ Undivided	One/Two Way	Left Turn Bays	Right Turn Bays	Thru Lanes	Peak Hr Capacity
120050000	SR 80	MAIN ST	US 41 (Cleveland Ave)	0.000	SR 82/Monroe St	0.165	0.165		C5	Principal Arterial-other	30	UA	A	D	D	E	3	U	2W	WL	WR	3	1,620*
120220030	SR 80 WB	1ST ST	SR 739/US 41 Bus (Fowler St)	0.035	SR 80/Seaboard St	1.000	1.205		C3C	Principal Arterial-other	30	UA	A	D	D	E	3	U	2W	WL	WR	3	1,620*
120030000	SR 80	PALM BEACH BLVD	SR 80/Seaboard St	1.000	CR 80B (Orte Ave)	4.364	3.698		C3C	Principal Arterial-other	45	UA	A	D	D	E	4	D	2W	WL	WR	4	3,400
120040000	SR 80	PALM BEACH BLVD	CR 80B (Orte Ave)	4.364	I-75	5.340	1.152		C3C	Principal Arterial-other	45	UA	A	D	D		4	D	2W	WL	WR	4	3,400
120050000	SR 80	PALM BEACH BLVD	I-75	5.340	SR 31 (Arcadia Rd)	5.249	0.703	SIS	C3C	Principal Arterial-other	55	UA	A	D	D		4	D	2W	WL	WR	4	3,400
120020000	SR 80	PALM BEACH BLVD	SR 31 (Arcadia Rd)	5.249	CR 80A/Buckingham Rd/Old Olga	10.741	2.492	SIS	C3C	Principal Arterial-other	45	UA	A	D	D		4	D	2W	WL	WR	4	3,400
120010000	SR 80	PALM BEACH BLVD	CR 80A/Buckingham Rd/Old Olga	10.741	Hacker Creek Rd	13.308	2.567	SIS	C2	Principal Arterial-other	55	UA	H	D	D		4	D	2W	WL	WR	4	3,280
120000000	SR 80	PALM BEACH BLVD	Hacker Creek Rd	13.308	CR 884 (Joel Blvd)	15.227	1.919	SIS	C2	Principal Arterial-other	55	RDA	H	C	C		4	D	2W	WL	WR	4	3,280
120010000	SR 80	PALM BEACH BLVD	CR 884 (Joel Blvd)	15.227	Hendry County Line	20.340	5.113	SIS	C2	Principal Arterial-other	60	RDA	H	C	C		4	D	2W	WL	WR	4	3,280
120020000	SR 80 EB	SR 80/2ND ST/SEABOARD ST	SR 739 (Fowler St)	0.397	SR 80 (Palm Beach Blvd)	1.360	0.963		C4R	Principal Arterial-other	35	UA	A	D	D	E	2	U	1W	WL	OR	2	1,950
120060000	SR 75	PINE ISLAND RD	CR 765/CR 884/Burnt Stone Rd	5.467	Chiquita Blvd	7.514	2.047		C3C	Principal Arterial-other	50	UA	A	D	D	C	4	D	2W	WL	WR	4	2,400
120040000	SR 75	PINE ISLAND RD	Chiquita Blvd	7.514	Santa Barbara Blvd	9.757	2.243		C3C	Principal Arterial-other	50	UA	A	D	D	C	4	D	2W	WL	WR	4	2,400
120030000	SR 75	PINE ISLAND RD	Santa Barbara Blvd	9.757	Del Prado Blvd	12.061	2.304		C3C	Principal Arterial-other	55	UA	A	D	D	C	4	D	2W	WL	WR	4	2,400
120050000	SR 75	PINE ISLAND RD	Del Prado Blvd	12.061	Hancock Creek Blvd/NE 24th Ave	13.248	1.187		C3C	Principal Arterial-other	55	UA	A	D	D	C	4	D	2W	WL	WR	4	2,400
120060000	SR 75	PINE ISLAND RD	Hancock Creek Blvd/NE 24th Ave	13.248	SR 45/US 41 (Cleveland Ave)	14.741	1.493		C3C	Principal Arterial-other	55	UA	A	D	D		4	D	2W	WL	WR	4	2,400
120070000	SR 75	PINE ISLAND RD	SR 45/US 41 (Cleveland Ave)	14.741	SR 739/US 41 Bus	15.535	0.794		C3C	Principal Arterial-other	45	UA	A	D	D		4	D	2W	WL	WR	4	3,400
120080000	SR 78	BAYSHORE RD	SR 739/US 41 Bus	15.535	New Post Rd/Hart Rd	17.013	1.457		C3R	Principal Arterial-other	50	UA	A	D	D		4	D	2W	WL	WR	4	3,400
120090000	SR 78	BAYSHORE RD	New Post Rd/Hart Rd	17.013	Coon Rd/Slater Rd	18.235	1.220		C3R	Principal Arterial-other	50	UA	A	D	D		4	D	2W	WL	WR	4	3,400
120100000	SR 78	BAYSHORE RD	Coon Rd/Slater Rd	18.235	W of Pritchett Pkwy	21.179	2.944		C2	Principal Arterial-other	50	UA	A	D	D		4	D	2W	WL	WR	4	3,400
120110000	SR 78	BAYSHORE RD	W of Pritchett Pkwy	21.179	SR 31	24.404	3.225		C3R	Minor Arterial	50	UA	A	D	D		4	U	2W	WL	WR	2	824
120090000	SR 31	ARCADIA RD	SR 80	0.000	Old Rodeo Dr	1.040	1.040	SIS	C2	Minor Arterial	40	UA	A	D	D		4	D	2W	WL	WR	2	870
120080000	SR 31	ARCADIA RD	Old Rodeo Dr	1.040	Charlotte County Line	4.084	3.044	SIS	C2	Principal Arterial-other	60	RDA	H	C	C			U	2W	WL	WR	2	520
120030000	SR 776	DANIELS PKWY	W of I-75	7.247	E of Rest Area	7.760	0.513		C3C	Principal Arterial-other	50	UA	A	D	D		4	D	2W	WL	WR	6	3,471

↑ current Capacity

TRIP GENERATION EQUATIONS

Single-Family Detached Housing
(210)

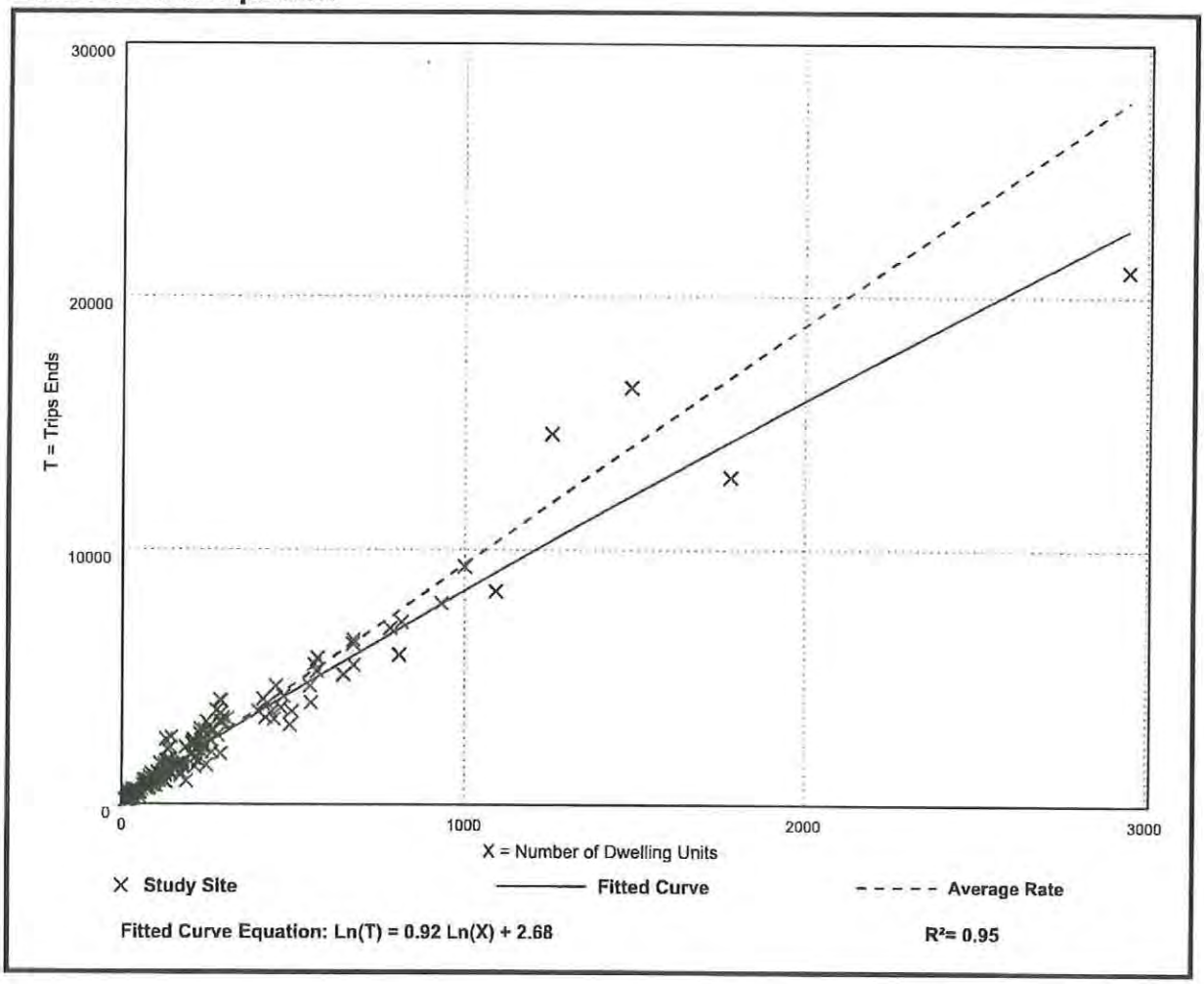
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 174
Avg. Num. of Dwelling Units: 246
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.43	4.45 - 22.61	2.13

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.92 Ln(X) + 2.68

R^2= 0.95

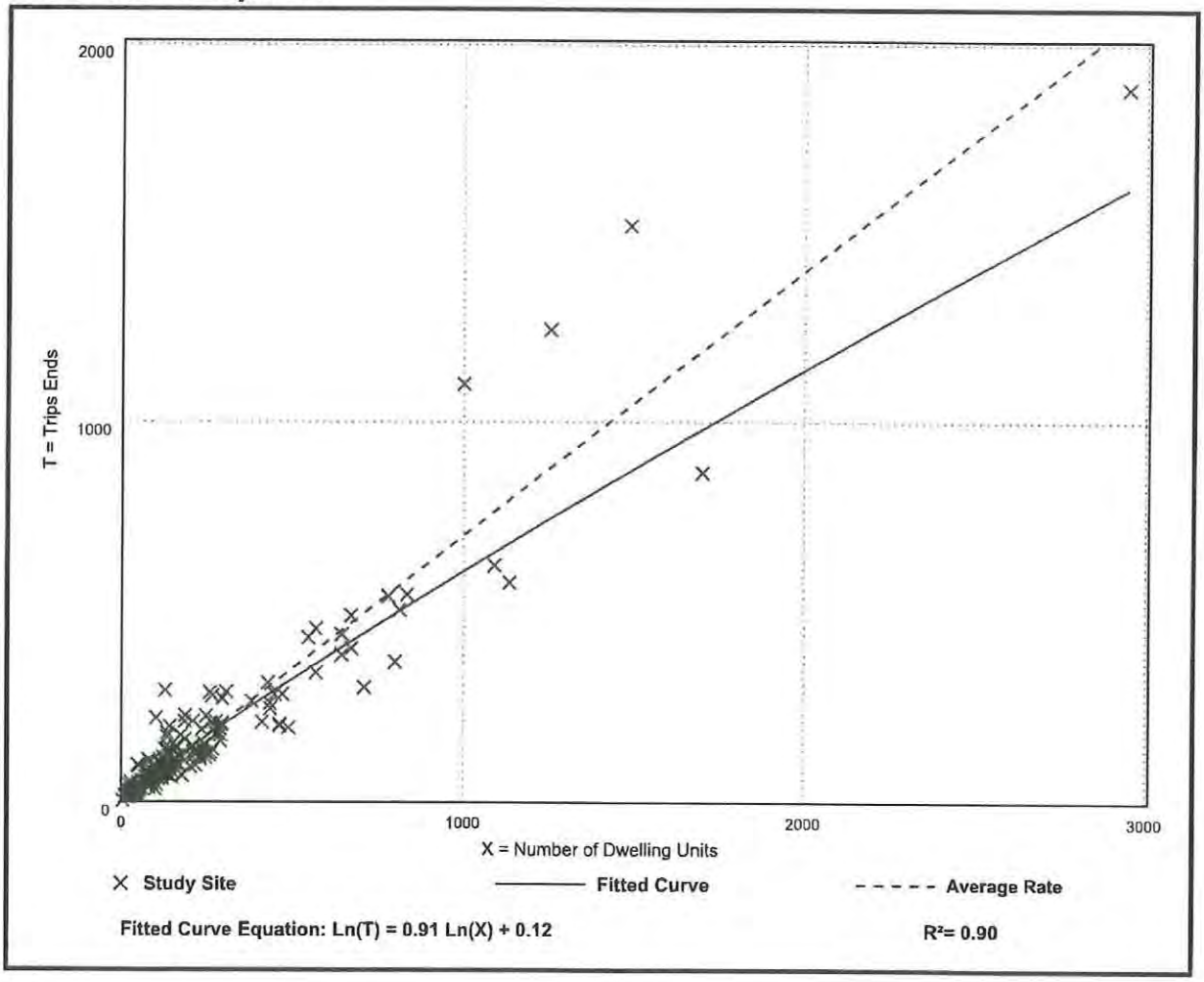
Single-Family Detached Housing
(210)

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: 192
Avg. Num. of Dwelling Units: 226
Directional Distribution: 26% entering, 74% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.70	0.27 - 2.27	0.24

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.91 Ln(X) + 0.12

R^2= 0.90

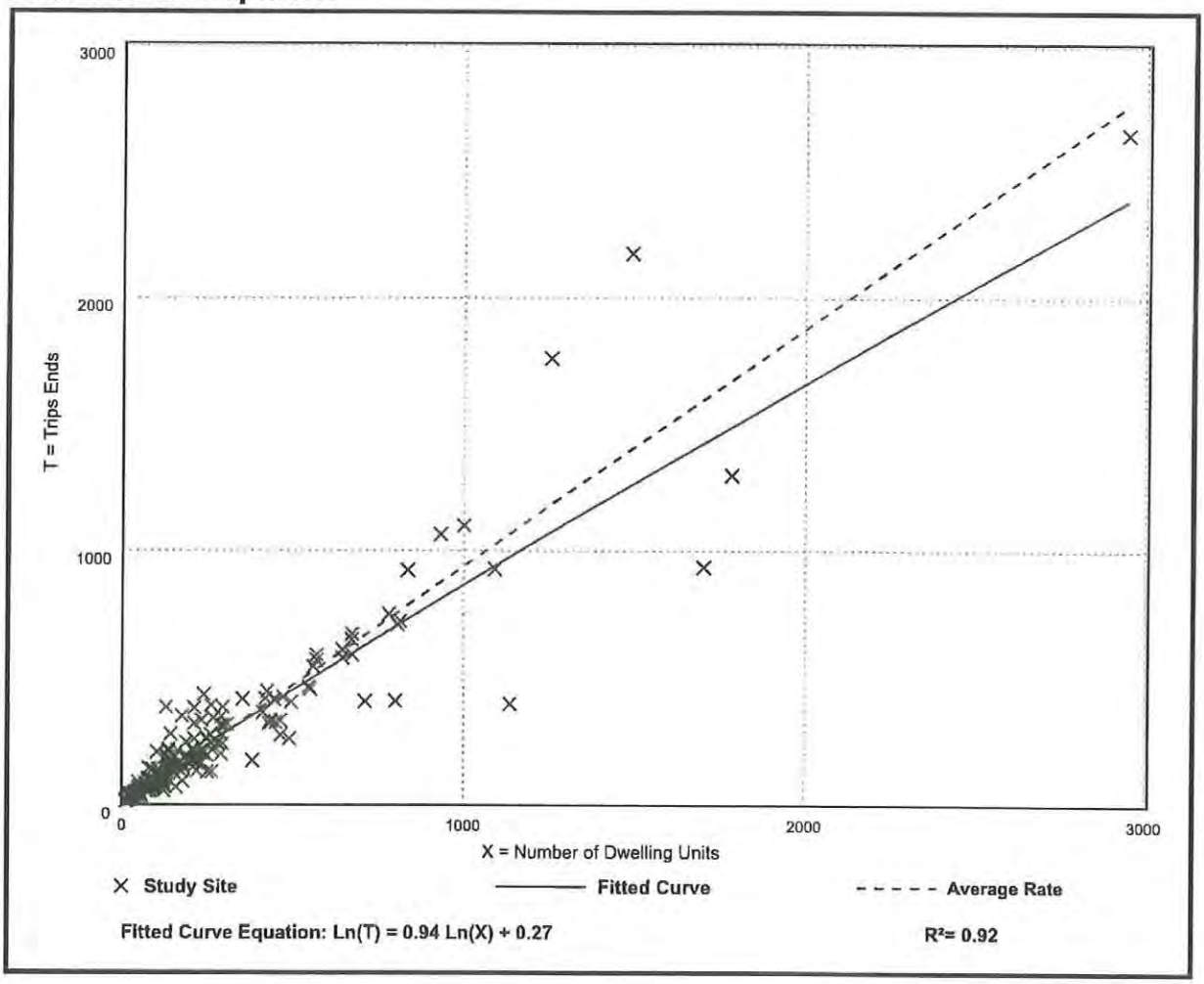
Single-Family Detached Housing
(210)

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: 208
Avg. Num. of Dwelling Units: 248
Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.94	0.35 - 2.98	0.31

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.94 Ln(X) + 0.27

R^2= 0.92

Letters of Determination for The Adequacy/Provision of Existing/Proposed Support Facilities (EXHIBIT M17)

Lee County
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

November 28, 2022 Via E-Mail

Jeremy Frantz
RVI Planning
28100 Bonita Grande Drive
Bonita Springs, FL 34135

RE: **Potable Water and Wastewater Availability**
Cary Duke RPD
STRAP # 17-43-26-00-0001.0000; 17-43-26-01-00003.0000; 17-43-26-01-00009.0000; 16-43-26-00-00001.0040; 17-43-26-01-00004.0000; 17-43-26-01-00008.0000; 16-43-24-00-00001.0000

Dear Mr. Frantz:

The subject properties are not located within Lee County Utilities Future Service Area as depicted on Maps 4A and 4B of the Lee County Comprehensive Land Use Plan. The nearest potable water north of the Caloosahatchee River is located on Bayshore Road approximately 4.5 mile west of the subject parcels. The nearest wastewater is on the south side of the Caloosahatchee River. In order to provide service to the subject parcels completion of a comprehensive plan amendment and developer funded system enhancements such as, but not limited to, line extensions will be required.

Your firm has indicated that this project will consist of 1,099 single family residential units with an estimated flow demand of approximately 274,750 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 North Lee County Water Treatment Plant.

Sanitary sewer service will be provided by the City of Fort Myers North 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 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 Comprehensive Plan Amendment and Zoning only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Technician Senior
239-533-8532
UTILITIES ENGINEERING

LEE COUNTY UTILITIES
REQUEST FOR LETTERS OF AVAILABILITY

DATE: NOVEMBER 18, 2022

TO: MARY MCCORMIC
Technician Senior

FROM: JEREMY FRANTZ

FIRM: RVI PLANNING

ADDRESS: 28100 BONITA GRANDE DR.

ADDRESS: BONITA SPRINGS, FL 34135 -

PHONE#: (239)357-9580 FAX: ( ) -

E-MAIL ADDRESS: JFRANTZ@RVIPLANNING.COM

PROJECT NAME: CARY DUKE RPD

PREVIOUS PROJECT NAME(S): N/A

STRAP NUMBER(S): SEE ATTACHED

PRIOR STRAP NUMBER(S) (IF ANY): N/A

LOCATION/SITE ADDRESS: ACCESS UNDETERMINED

PURPOSE OF LETTER:

☐ DEVELOPMENT ORDER SUBMITTAL ☐ FINANCING ☐ EFFLUENT REUSE

☐ PERMITTING OF SURFACE WATER MANAGEMENT (SOUTH FLORIDA WATER MANAGEMENT DISTRICT)

☒ OTHER: (PLEASE SPECIFY) CPA AMENDMENT AND PUD REZONING

PLANNED USE:

☐ COMMERCIAL ☐ INDUSTRIAL ☒ RESIDENTIAL - (☒ SINGLE-FAMILY ☐ MULTI-FAMILY)

☐ OTHER: (PLEASE SPECIFY) ____

PLANNED # OF COMMERCIAL/INDUSTRIAL BUILDINGS: N/A TOTAL SQUARE FOOTAGE:

0 RESIDENTIAL UNITS: SINGLE-FAMILY: 1,099 MULTI-FAMILY: ____

AVERAGE ESTIMATED DAILY FLOW (GPD): 250 (☒ WATER ☒ WASTE-WATER) (GPD): 200 ☐ REUSE

PLEASE SHOW CALCULATION USED TO DETERMINE AVERAGE ESTIMATED DAILY FLOW (GPD) PER CRITERIA SET FORTH IN LEE COUNTY UTILITIES DESIGN MANUAL: WATER = 250 GPD; WW = 200 GPD
Water: Single-Family (Sf) Residences = 1,099 Units * 250 Gpd/Sf Residence = 274,750 Gpd
Wastewater: Single-Family (Sf) Residences = 1,099 Units * 200 Gpd/Sf Residence = 219,800 Gpd

____

Please e-mail the completed form to mmccormic@leegov.com.
If you should have any questions or require assistance, please feel free to call our office at (239) 533-8532.

February 17th, 2023

Plan Reviewer
Lee County DCD
1500 Monroe St.
Fort Myers, FL 33901

Cary Duke

LeeTran has received the request regarding the subject property in Fort Myers. After reviewing the site and comparing the location with our existing and planned route locations according to the LeeTran 2020 Transit Development Plan (TDP), the following is determined:

- The proposed development is not within ¼ mile fixed-route corridor

Based on the LeeTran 2021 Transit Development Plan (TDP) this development is not within a one-quarter mile of a fixed route corridor, no improvements are required based on the current Lee County Transit LDC section 10-441. The development will be reassessed at the time of DO.

If you have any questions or require further information, please do not hesitate to contact me at (239) 533-0340.

Sincerely,

Clarissa Marino Diaz

Clarissa Marino Diaz, Planner
Lee County Transit

February 15, 2023

Clarissa Marino Diaz
Transit Service Planner
LeeTran Planning Department
3401 Metro Pkwy
Fort Myers, FL 33901

RE: Cary Duke RPD – Comprehensive Plan Amendment
Letter of Service Availability

Dear Ms. Clarissa Marino Diaz,

RVi Planning + Landscape Architecture is preparing a Comprehensive Plan Amendment & Planned Development Rezone application for the above referenced project. The property consists of 788 +/- acres and is located at 13230 N. River Road in unincorporated Lee County, Florida, generally one mile east of the SR 31 Pine Island and N River Road intersection. An aerial location map depicting the subject property has been attached for your reference.

The Applicant is proposing a Large-Scale Comprehensive Plan Map Amendment to change the Future Water Service Areas Map (Map 4A) and Future Sewer Service Area Map (Map 4B) and a PD Rezone request to rezone the entire 788 +/- acres from AG-2 to Residential Planned Development (RPD) which will allow for the development of up to 1,099 single-family and two-family units on the subject property.

To complete the application process, we are required to secure a service availability letter from your agency stating whether existing facilities are capable of serving this future project. I greatly appreciate your time and consideration of this matter. If you have and further questions, please feel free to contact me directly at (239) 319-0026 or jfrantz@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture

Jeremy Frantz, AICP
Project Director

CARY+DUKE+POVIA RPD

Property Owners Exhibit

I. PROPERTY OWNERS LIST

STRAP Number	Property Owner	Section. Township. Range
17-43-26-00-00001.0000	Cary & Duke Properties, LLC	17.43.26E
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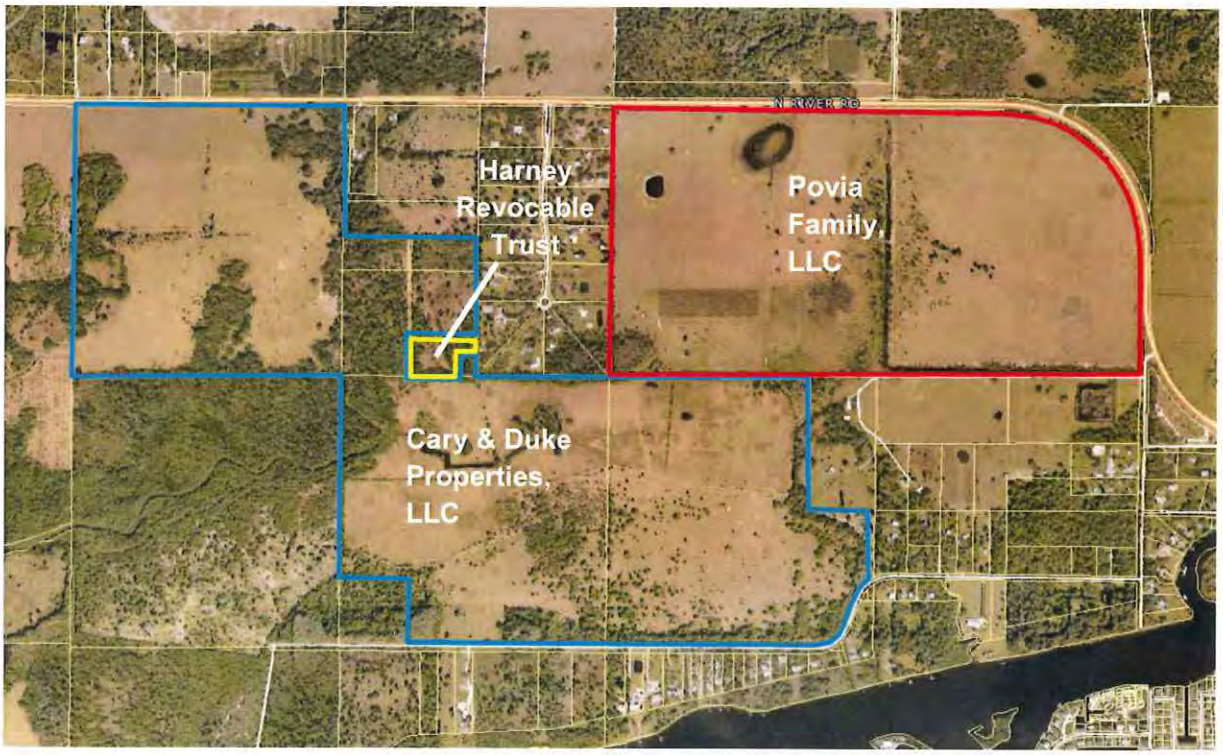
II. PROPERTY OWNERS MAP



Lee County
Southwest Florida

Board of County Commissioners

February 20, 2023

RVI Planning + Landscape Architecture
Attn: Jeremy Frantz, Project Director
28100 Bonita Grande Dr, Suite 305
Bonita Springs, FL 34135
RE: Cary Duke RPD – Comprehensive Plan Amendment
Letter of Service Availability

Dear Mr. Frantz:

The Lee County Solid Waste Department is capable of providing solid waste collection service for the comprehensive plan amendment & planned development rezone at 13230 N. River Road in unincorporated Lee County, which will allow for the development of up to 1,099 single-family and two-family units on the subject property through the franchised hauling contractors. Disposal of the solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

Please review Lee County Land Development Code, Chapter 10, Section 261, with requirements for on-site space for placement and servicing of solid waste containers. Please note that the property owner will be responsible for all future applicable solid waste assessments and fees.

If you have any questions, please call me at (239) 533-8007.

Sincerely,

Justin Lighthall

Justin Lighthall
Manager, Public Utilities
Lee County Solid Waste Department

February 15, 2023

Mr. Justin Lighthall
Director, Solid Waste
Lee County Solid Waste Division
P.O. Box 398
Ft. Myers, FL 33902

RE: Cary Duke RPD – Comprehensive Plan Amendment
Letter of Service Availability

Dear Mr. Lighthall,

RVi Planning + Landscape Architecture is preparing a Comprehensive Plan Amendment & Planned Development Rezone application for the above referenced project. The property consists of 788 +/- acres and is located at 13230 N. River Road in unincorporated Lee County, Florida, generally one mile east of the SR 31 Pine Island and N River Road intersection. An aerial location map depicting the subject property has been attached for your reference.

The Applicant is proposing a Large-Scale Comprehensive Plan Map Amendment to change the Future Water Service Areas Map (Map 4A) and Future Sewer Service Area Map (Map 4B) and a PD Rezone request to rezone the entire 788 +/- acres from AG-2 to Residential Planned Development (RPD) which will allow for the development of up to 1,099 single-family and two-family units on the subject property.

To complete the application process, we are required to secure a service availability letter from your agency stating whether existing facilities are capable of serving this future project. I greatly appreciate your time and consideration of this matter. If you have and further questions, please feel free to contact me directly at (239) 319-0026 or jfrantz@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture

Jeremy Frantz, AICP
Project Director

CARY+DUKE+POVIA RPD

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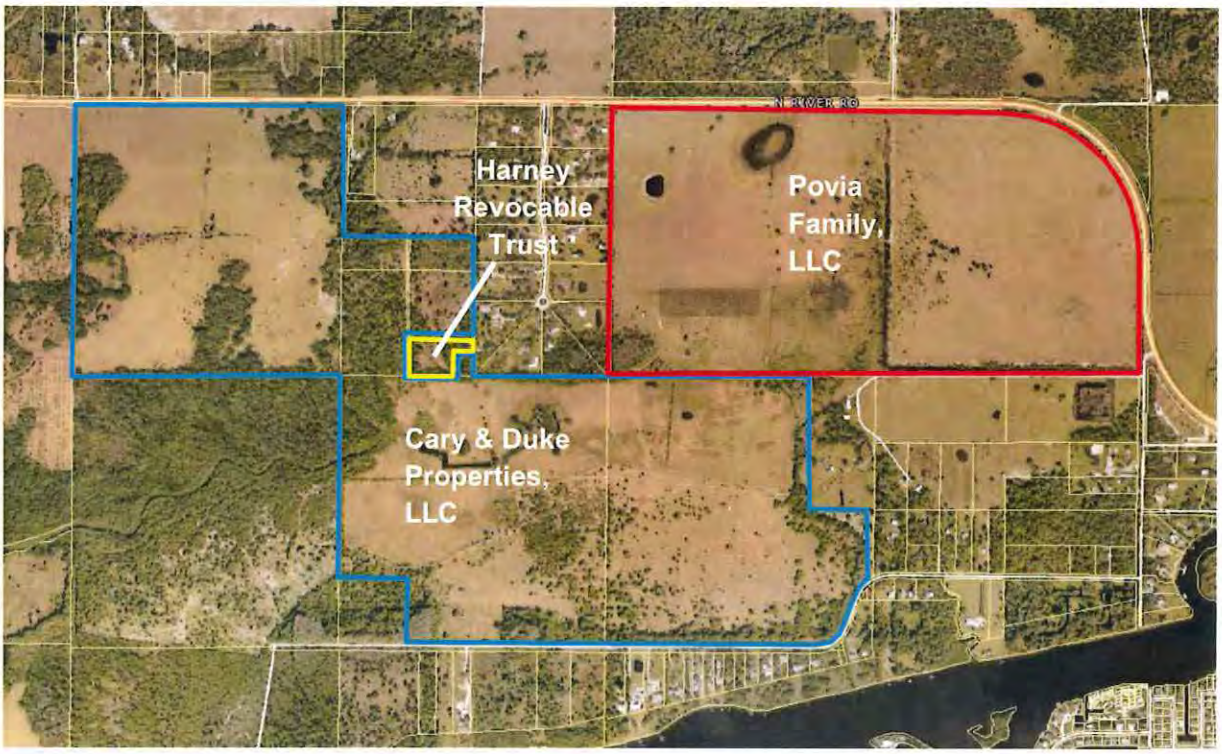

PERSONAL | PASSIONATE | PROGRESSIVE

THE SCHOOL DISTRICT OF LEE COUNTY

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

March 10, 2023

RE: Single Family Concurrency Review in N River RD

Dear Jeremy Frantz:

This letter is in response to your request for concurrency review dated February 15, 2022 for the subject property in 13230 N River Road regard to educational impact East Zone.

This development is a request for 1099 Single 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, .149 for elementary, .0071 for middle and .077 for high. A total of 326.4 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 239-335-1494

Sincerely,

Jacqueline Heredia, District Planning Specialist

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY	Lee County School District
NAME/CASE NUMBER	Cary Duke Povia RPD
OWNER/AGENT	RVI
ITEM DESCRIPTION	
LOCATION	13230 N River Road
ACRES	788.00
CURRENT FLU	RPD
CURRENT ZONING	

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
1099		0

	Student Generation Rates			
STUDENT GENERATION	**SF**	**MF**	**MH**	**Projected Students**
Elementary School	0.149	0.058		163.75
Middle School	0.071	0.028		78.03
High School	0.077	0.03		84.62

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

CSA SCHOOL NAME 2022/23	**CSA Capacity (1)**	**CSA Projected Enrollment (2)**	**CSA Available Capacity**	**Projected Impact of Project**	**Available Capacity W/Impact**	**LOS is 100% Perm FISH Capacity**	**Adjacent CSA Available Capacity w/Impact**
East CSA, Elementary	14,234	14,026	208	164	44	100%	
East CSA, Middle	7,293	6,912	381	78	303	96%	
East CSA, High	9,536	8,492	1,044	85	959	90%	

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

(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

Prepared by: Jacqueline Heredia, District Planning Specialist

February 15, 2023

Jacqueline Heredia
Planning District Specialist
The School District of Lee County
2855 Colonial Boulevard
Fort Myers, FL 33966

RE: Cary Duke RPD – Comprehensive Plan Amendment
Letter of Service Availability

Dear Ms. Heredia,

RVi Planning + Landscape Architecture is preparing a Comprehensive Plan Amendment & Planned Development Rezone application for the above referenced project. The property consists of 788 +/- acres and is located at 13230 N. River Road in unincorporated Lee County, Florida, generally one mile east of the SR 31 Pine Island and N River Road intersection. An aerial location map depicting the subject property has been attached for your reference.

The Applicant is proposing a Large-Scale Comprehensive Plan Map Amendment to change the Future Water Service Areas Map (Map 4A) and Future Sewer Service Area Map (Map 4B) and a PD Rezone request to rezone the entire 788 +/- acres from AG-2 to Residential Planned Development (RPD) which will allow for the development of up to 1,099 single-family and two-family units on the subject property.

To complete the application process, we are required to secure a service availability letter from your agency stating whether existing facilities are capable of serving this future project. I greatly appreciate your time and consideration of this matter. If you have and further questions, please feel free to contact me directly at (239) 319-0026 or jfrantz@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture

Jeremy Frantz, AICP
Project Director

CARY+DUKE+POVIA RPD

Property Owners Exhibit

I. PROPERTY OWNERS LIST

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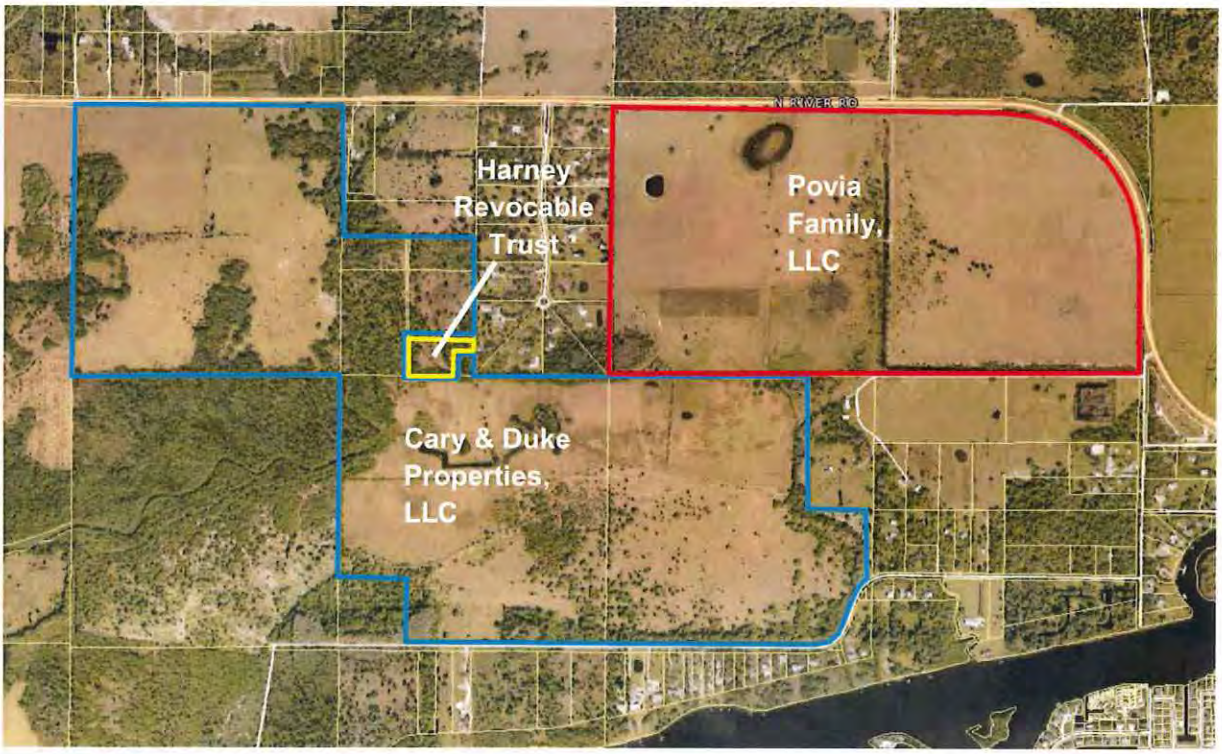

Lee County
Southwest Florida

Board of County Commissioners

March 3, 2023

Jeremy Frantz, AICP
RVi Planning
28100 Bonita Grande Drive, Suite 305
Bonita Springs, FL 34135

Re: Letter of Service Availability – Cary Duke RPD

Mr. Frantz,

I am in receipt of your letter requesting a Letter of Service Availability for the proposed Cary Duke RPD. The property consists of approximately 788 acres and is located at 13230 N. River Road. The request is to develop the property up to 1,099 single and two-family dwellings.

Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the location you have provided. Because we currently serve this area and have a sufficient response data sample, we evaluated response times in this vicinity to simulate the anticipated demand and response.

The primary ambulance for this location is Medic 11, located 5.0 miles southwest. Medic 19 is 5.2 miles west. Neither of these locations can arrive at the entrance to the development within the requirements of Lee County Ordinance 08-16, let alone into the development.

It is our opinion that the EMS service availability for the proposed development of this property is not adequate at this time. Should the plans change, a new analysis of this impact would be required.

Sincerely,

Benjamin Abes
Director, Public Safety

February 15, 2023

Chief Benjamin Abes
Lee County Emergency Medical Services
P.O. Box 398
Ft. Myers, FL 33902-0398

RE: Cary Duke RPD – Comprehensive Plan Amendment
Letter of Service Availability

Dear Chief Abes,

RVi Planning + Landscape Architecture is preparing a Comprehensive Plan Amendment & Planned Development Rezone application for the above referenced project. The property consists of 788 +/- acres and is located at 13230 N. River Road in unincorporated Lee County, Florida, generally one mile east of the SR 31 Pine Island and N River Road intersection. An aerial location map depicting the subject property has been attached for your reference.

The Applicant is proposing a Large-Scale Comprehensive Plan Map Amendment to change the Future Water Service Areas Map (Map 4A) and Future Sewer Service Area Map (Map 4B) and a PD Rezone request to rezone the entire 788 +/- acres from AG-2 to Residential Planned Development (RPD) which will allow for the development of up to 1,099 single-family and two-family units on the subject property.

To complete the application process, we are required to secure a service availability letter from your agency stating whether existing facilities are capable of serving this future project. I greatly appreciate your time and consideration of this matter. If you have and further questions, please feel free to contact me directly at (239) 319-0026 or jfrantz@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture

Jeremy Frantz, AICP
Project Director

CARY+DUKE+POVIA RPD

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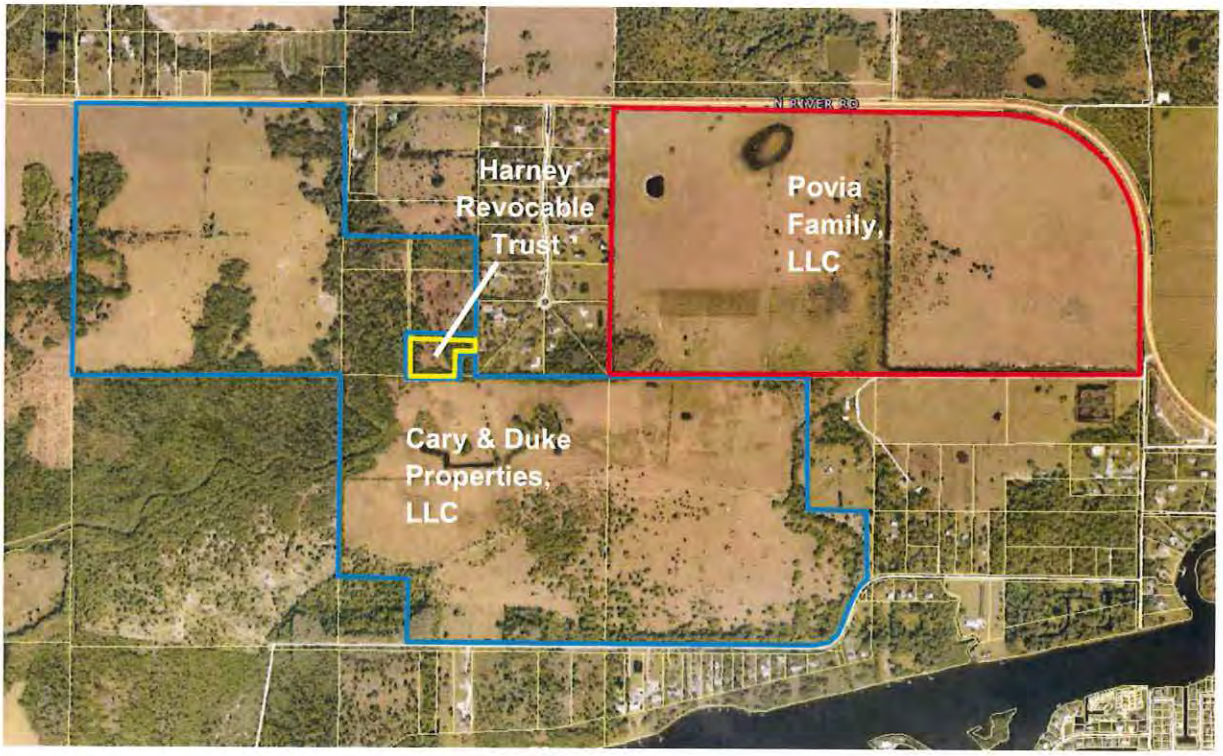

Carmine Marceno
Sheriff

"Proud to Serve"

State of Florida
County of Lee

March 13, 2023

Jeremy Frantz
RVi Planning + Landscape Architecture
28100 Bonita Grande Drive, Suite 305
Bonita Springs, FL 34135

Mr. Frantz,

The Lee County Sheriff's Office has reviewed your Comprehensive Plan Amendment & Planned Development Rezone Letter of Service Availability request for a 788 +-acre development located south of North River Road and generally one mile east of SR 31 in unincorporated Lee County.

The Applicant is proposing a Large-Scale Comprehensive Plan Map Amendment to change the Future Water Service Areas Map (Map 4A) and Future Sewer Service Area Map (Map 4B) and a PD Rezone request to rezone the entire 788 +/- acres from AG-2 to Residential Planned Development, which will allow for the development of up to 1,099 single-family and two-family units on the subject property. This Agency evaluated your request solely on its ability to provide law enforcement service to the development, and we have determined that we are able to provide services to the proposed project.

Law enforcement services will be provided from our North District offices in North Fort Myers. As this development builds out, we will factor its impact into our annual manpower review and make adjustments accordingly. 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,

94027

Chris Reeves
Major, Patrol Bureau

February 15, 2023

Chief Doug Underwood
Lee County Sheriff
17350 Nalle Road
Fort Myers, FL 33917

RE: Cary Duke RPD – Comprehensive Plan Amendment
Letter of Service Availability

Dear Chief Underwood,

RVi Planning + Landscape Architecture is preparing a Comprehensive Plan Amendment & Planned Development Rezone application for the above referenced project. The property consists of 788 +/- acres and is located at 13230 N. River Road in unincorporated Lee County, Florida, generally one mile east of the SR 31 Pine Island and N River Road intersection. An aerial location map depicting the subject property has been attached for your reference.

The Applicant is proposing a Large-Scale Comprehensive Plan Map Amendment to change the Future Water Service Areas Map (Map 4A) and Future Sewer Service Area Map (Map 4B) and a PD Rezone request to rezone the entire 788 +/- acres from AG-2 to Residential Planned Development (RPD) which will allow for the development of up to 1,099 single-family and two-family units on the subject property.

To complete the application process, we are required to secure a service availability letter from your agency stating whether existing facilities are capable of serving this future project. I greatly appreciate your time and consideration of this matter. If you have and further questions, please feel free to contact me directly at (239) 319-0026 or jfrantz@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture

Jeremy Frantz, AICP
Project Director

CARY+DUKE+POVIA RPD

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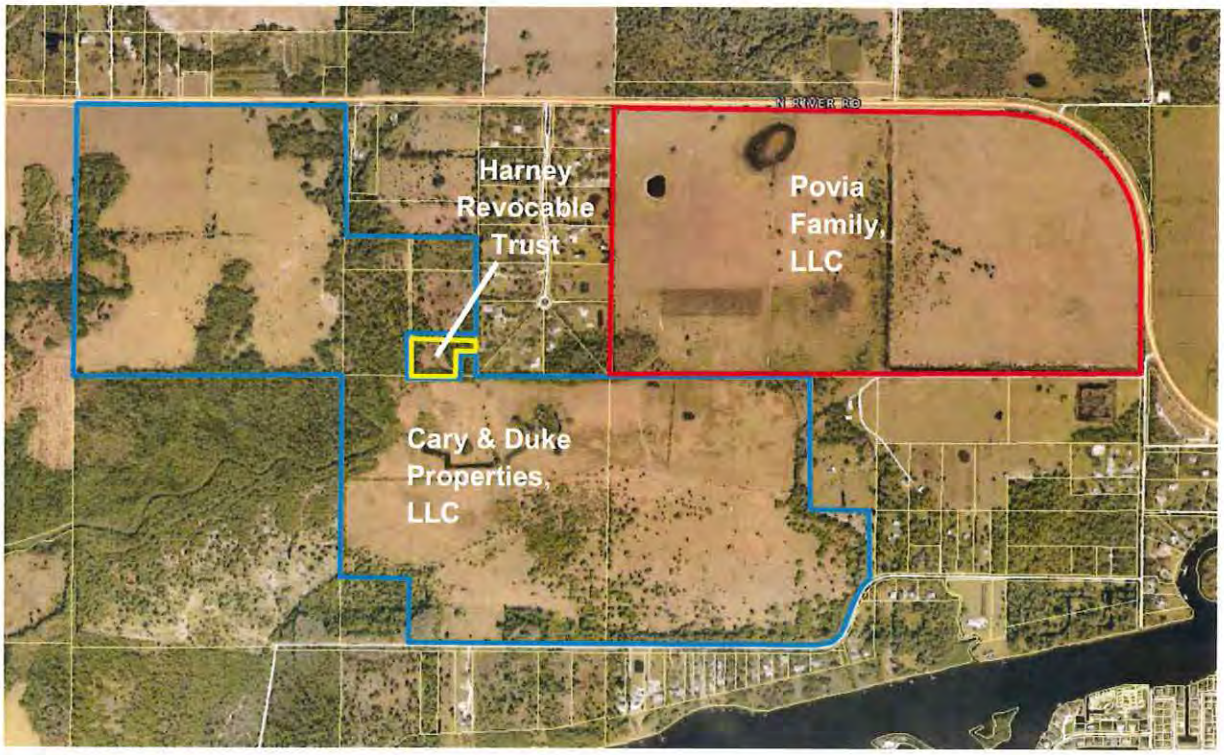

BAYSHORE FIRE PROTECTION AND RESCUE SERVICE DISTRICT

17350 Nalle Road, North Fort Myers, Florida 33917

Business: 239-543-3443 Fax: 239-543-7075

"Serving With Pride"

February 28, 2023

Josephine Medina, AICP
Project Manager
RVi Planning + Landscape Architecture
28100 Bonita Grande Dr, Suite 305
Bonita Springs, FL 34135

RE: Cary Duke RPD – Comprehensive Plan Amendment
Letter of Service Availability

Josephine,

With regards to your request for a letter of availability concerning the above referenced project, Bayshore Fire Protection & Rescue District is aware that the project is proposing 1,099 single-family and two-family units along North River rd. The District does provide fire and rescue services to the subject property, and can provide services to the proposed development. Based upon the location of the subject property, it will be outside of 5 road miles from the fire station as required for ISO. However, the District and Lee County EMS are in the early phases of planning a second station along SR 31, closer to the subject property. The District may have some additional needs to provide adequate services in the future. However, we are committed to working with the developer to ensure that adequate fire and rescue services are provided to this project, and maintaining an ISO class 2 rating for the area. Please feel free to contact me if you have any further questions or concerns.

Sincerely,

William Underwood
Fire Chief
Bayshore Fire Rescue

February 16, 2023

Chief Doug Underwood
Lee County Sheriff
17350 Nalle Road
Fort Myers, FL 33917

RE: Cary Duke RPD – Comprehensive Plan Amendment
Letter of Service Availability

Dear Chief Underwood,

RVi Planning + Landscape Architecture is preparing a Comprehensive Plan Amendment & Planned Development Rezone application for the above referenced project. The property consists of 788 +/- acres and is located at 13230 N. River Road in unincorporated Lee County, Florida, generally one mile east of the SR 31 Pine Island and N River Road intersection. An aerial location map depicting the subject property has been attached for your reference.

The Applicant is proposing a Large-Scale Comprehensive Plan Map Amendment to change the Future Water Service Areas Map (Map 4A) and Future Sewer Service Area Map (Map 4B) and a PD Rezone request to rezone the entire 788 +/- acres from AG-2 to Residential Planned Development (RPD) which will allow for the development of up to 1,099 single-family and two-family units on the subject property.

To complete the application process, we are required to secure a service availability letter from your agency stating whether existing facilities are capable of serving this future project. I greatly appreciate your time and consideration of this matter. If you have and further questions, please feel free to contact me directly at (239) 319-0026 or jfrantz@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture

Jeremy Frantz, AICP
Project Director

CARY+DUKE+POVIA RPD

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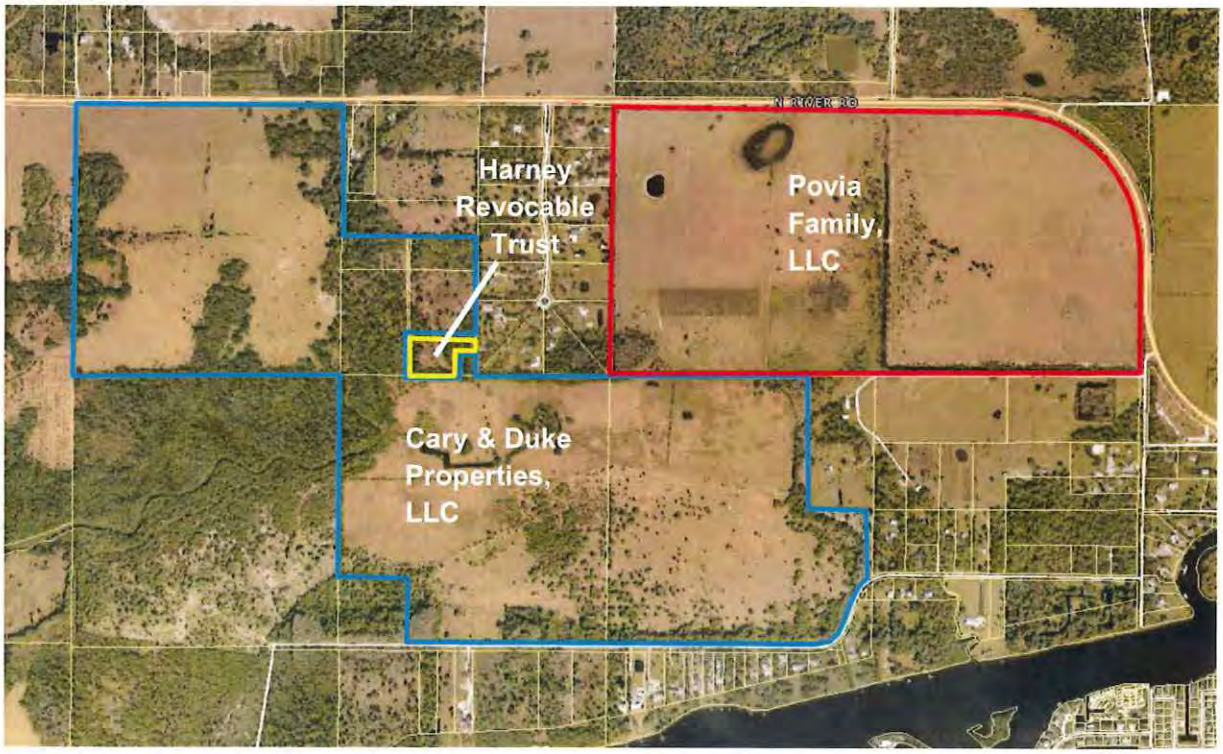


Justification of Proposed Amendment (EXHIBIT M19)

Cary+Duke+Povia Map Amendment
Justification of Proposed Amendment
Exhibit M19

I. Request

Neal Communities of Southwest Florida, Inc. ("Applicant") is requesting approval of a Large-Scale Comprehensive Plan Map Amendment to add the 788 +/- acres subject property to the Lee County Utilities, Future Water Service Areas Map (Map 4A) and Future Sewer Service Areas Map (Map 4B).

The Applicant is filing a companion Residential Planned Development (RPD) rezoning application to allow the development of a maximum of 1,099 residential dwelling units, with amenities, expansive upland and wetland preservation areas, and supportive infrastructure. The proposed Map Amendments will allow for the privately funded expansion of water services that would benefit existing and future residents of the area.

II. Background Information

Existing Conditions & Property History

The Property is located south of North River Road, west of N. Olga Drive, and approximately one mile east of SR 31 in unincorporated Lee County, FL. The Property has a Future Land Use designation of Rural and Wetlands and contains some areas that are located within the Coastal High Hazard Area. The Property is currently zoned Agricultural (AG-2) and is located within the Northeast Lee County - North Olga Lee County Community Planning Area. The Property consists of grazing lands and natural areas and is bisected by Trout Creek.

The parcels under ownership by Cary+Duke Properties, LLC and Povia Family, LLC have historically been used for agricultural purposes. The properties are currently vacant or used for cattle grazing. A portion of the Property is made up of the P. John Hart's Subdivision (Plat Book 3 Page 7) and is owned by Harney Trust. This subdivision was recorded in 1911 and while the lots have been partially cleared of vegetation in the past, there has not been further development activity.

There are no other past zoning actions, comprehensive plan land use changes, environmental mitigation, uses, subdivisions, platting, structures built, etc.

The property is adjacent to existing planned water and sewer extensions to the west of the Property which was recently approved for the Owl Creek Reserve MPD.

Surrounding Land Use Pattern

The Property is in a rapidly changing area of Lee County due to proximity to the Town of Babcock Ranch. While there are several large tracts of agricultural properties and large-lot rural subdivisions in the area, several large tracts are converting to residential and mixed use development, in a manner that upholds the rural character and protects North Olga's unique environmental resources.

Lands to the immediate north of North River Road are zoned for 1,630 dwelling units and 1.17M square feet of non-residential uses.

Similarly, Owl Creek Reserve MPD immediately to the west of the Property was approved for 380 dwelling units. As part of this approval the developer also received approval to expand water services to the area via companion Comprehensive Plan Map Amendment which added 342 +/- acres to the Lee County Utilities, Future Water Service Area Map. The developer did not propose to extend the Sewer Service Map boundary to include their property as sanitary sewer service was anticipated to be provided by FGUA at the time of their application.

Table 1 below further defines the surrounding Future Land Use designations, zoning districts and existing land uses.

Table 1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USE
NORTH	Rural; DR/GR (Private Recreational Facilities Overlay); New Community; Conservation Lands Uplands	AG-2; MH-1; MPD	Right of Way (North River Road), single-family residential homes, row crops; Babcock MPD' Conservation 20/20 (Bob Janes Preserve)
SOUTH	Rural, Wetlands	AG-2(Agricultural)	Right of Way (Duke Highway), single-family residential homes, grazing lands
EAST	Rural	AG-2 (Agricultural)	Right of Way (North River Road), single-family residential homes, grazing lands
WEST	Rural; Wetlands	AG-2 (Agricultural)	Single-family residential homes, row crops, grazing lands

III. Justification of Proposed Amendment

The map amendment request will allow for the 788+/- acre residential development to connect to Lee County Utilities via the inclusion within the Lee County Utilities, Future Water Service Areas Map (Map 4A) and Sewer Map (Map 4B). No future land use designation change or text amendment is being requested as part of this comprehensive plan map amendment. The companion rezone request allows for a maximum of 1,099 units along with associated infrastructure and amenities. The addition of the Property to Maps 4A and 4B facilitates the design of this community in a compact form of development with significant buffering, and preservation and enhancement of rare and unique upland habitats.

Supporting this compact form of development will also eliminate the potential for over 700 wells and septic systems, providing a significant benefit to water quality and natural resource values in North Olga. Additionally, reducing wells and septic systems in areas proximate to the Caloosahatchee

River mitigate the potential impacts to water quality from development in the area. The potential for numerous wells on the property would be contrary to intent of protecting aquifers in the Lee Plan.

The proposed extension of water and sewer services will support development of the property in a manner consistent with the Lee Plan as recently amended in Lee Plan Policy 123.2.17, to ensure demand for housing is accommodated while providing significant environmental preservation in the form of 60 percent open space, 50 percent wetland preservation, and 420 acres of preserves, including over including over 300 acres of Rare and Unique Upland habitat restoration. The plan also provides for the protection of the Trout Creek flowway through the Property and provides floodplain mitigation. The compact development also serves to protect the rural character and natural viewsheds through large buffers and setbacks along an arterial roadway.

The proposed Lee Plan Map Amendment furthers the intent of the Lee Plan and represents an opportunity to continue previously approved privately funded expansion of water and sewer services within the North Olga Community. This amendment provides protection to the environment and benefits the public health safety and welfare of existing and future residents, at no cost to the County.

For these reasons, the Applicant respectfully requests approval of this Lee Plan Map Amendment as proposed.

Planning Communities/Community Plan Area Requirements (EXHIBIT M20)

Cary+Duke+Povia Map Amendment
Planning Communities/Community Plan Area Requirements - Exhibit M20

GOAL 27 NORTHEAST LEE COUNTY COMMUNITY PLAN:

OBJECTIVE 27.1: AGRICULTURAL AND RURAL CHARACTER. Maintain and enhance the viability of the existing and evolving commercial agricultural operations, preserve open space, and retain the rural character of Northeast Lee County. For the purposes of this objective, rural character is defined as those characteristics that convey a sense of rural lifestyle such as large lots or clustered development, ample views of wooded areas, open spaces, and river fronts, working farms and productive agricultural uses, and the protection of environmentally sensitive lands.

POLICY 27.1.1: Support the agricultural and rural character within Northeast Lee County by encouraging continued commercial agricultural operations and encourage new development to be clustered to conserve large areas of open lands.

POLICY 27.1.5: In all discretionary actions, consider the effect on Northeast Lee County's commercial agricultural operations and rural character.

The addition of the Property to the Future Water and Sewer Service Area maps supports the development of a clustered residential development which will include 423± acres of native habitat preserve areas, including over 300 acres of rare and unique upland preservation. Significant portions of these preserves are adjacent to public rights-of-way ensuring that the rural character of the area is preserved in perpetuity. In contrast, if central water and sewer is not extended to the Property, the existing AG-2 zoning allows for over 700 large lot residential dwelling units with no requirement for open lands to be preserved.

POLICY 27.1.8: The owner or agent of a rezoning or special exception request within the Northeast Lee County Community Plan area must conduct two public information meetings, in accordance with Policies 17.3.3 and 17.3.4, prior to the application being found sufficient. One meeting must be held within the Alva Community Plan area boundary and the other in the North Olga Community Plan area boundary.

The Applicant has gone above and beyond minimum code requirements in meeting with the North Olga Community Planning Panel and individual property owners along Duke Hwy. in advance of filing this petition and throughout the application review process to gain early feedback that informed the proposed project design. The Applicant has attended the past three (3) North Olga meetings and held a voluntary community meeting with Duke Hwy residents on August 13, 2022. All of these meetings were conducted to assist in the preparation of this application.

The Applicant held legally advertised public information meetings within the Alva and the North Olga community plan area boundaries as detailed in the attached public meeting

summary. These meetings were held in Alva on March 14, 2023, and in North Olga on June 20, 2023. Additionally, the Applicant advertised and attended a meeting with the North Olga Planning Panel at their regular meeting location on January 26, 2023, and the meeting summary is attached.

OBJECTIVE 27.2: RURAL PLANNING TOOLBOX. To develop and further the use of a rural toolbox of incentives, programs, and regulations that enhance and maintain Northeast Lee County's sense of place and provide for the long-term preservation of large tracts of contiguous natural resource and open space areas, while providing the regulatory flexibility needed to support commercial agricultural operations.

POLICY 27.2.1: Work with Alva and North Olga to develop and refine rural planning tools including but not limited to: transfer of development rights and purchase of development rights programs, conservation and agricultural easements, farmland trusts, and LDC regulations.

The proposed Map Amendment allows for significant private investment in the extension of water and sewer services. Additionally, the companion rezoning request utilizes unique planning tools available in Policy 123.2.17 which includes development incentives in exchange for significant preservation areas to be placed under conservation easement.

OBJECTIVE 27.3: NATURAL RESOURCES. To enhance, preserve and protect the physical integrity, ecological standards, and rural character of Northeast Lee County by focusing on: water basins; native vegetation; wildlife habitat and resources; and areas designated for long-term conservation.

POLICY 27.3.2: Identify, maintain, and enhance appropriate public access to Northeast Lee County's public lands and surface waters, balanced with new and ongoing efforts to protect and enhance the community's water quality and natural resources.

The addition of the Property to the Future Water and Sewer Service Area Maps will eliminate the potential for over 700 wells and septic systems, providing a significant benefit to water quality and natural resource values in North Olga.

Additionally, the companion rezoning request preserves and enhances the rural character of Northeast Lee County through the enhanced buffers, setbacks preservation and the extension of utility services to the Property.

As a result, the project will provide significant ecological benefits at no cost to the County. The plan provides over 60 percent of land in designated open space, which exceeds the typical open space requirement of 40 percent when not meeting the requirements for incentive density in Policy 123.2.17. Additionally, the native preservation areas include 420 acres, including over 300 acres of preservation, restoration or creation of Rare and Unique

upland habitat. This is entirely consistent with the intent of the above policy to preserve natural resources in North Olga.

GOAL 29: NORTH OLGA COMMUNITY PLAN. Promote and support the unique rural character, heritage, economy, quality of life, and natural resources in the North Olga Community Plan area.

POLICY 29.1.1: Protect the community's rural aesthetic qualities, preserve the natural and historic resources, and support a diverse rural economy by promoting compact or clustered development areas that maintain large, contiguous tracts of open space, while supporting commercial agricultural businesses.

OBJECTIVE 29.2: RESIDENTIAL LAND USES. Protect and enhance the rural character of the North Olga Community by evaluating residential development proposals for consistency with the community's rural character and sense of community. Rural character is defined as those characteristics that convey the rural lifestyle such as: large lots or clustered development, ample view of wooded areas, open spaces, and river fronts, working farms, productive agricultural uses, and the protection of environmentally sensitive lands.

POLICY 29.2.1: Proposed planned developments will be encouraged to provide a mix of unit types and flexible lot sizes to allow for clustering, affordability, preservation of open space, natural assets, and diversity of choice within the community.

As identified above, addition of the Property to the Future Water and Sewer Service Area maps supports the development of a clustered residential development which will include 420 acres of native habitat preserve areas, including over 300 acres of rare and unique upland preservation. Significant portions of these preserves are adjacent to public rights-of-way ensuring that the rural character of the area is preserved in perpetuity. In contrast, if central water and sewer is not extended to the Property, the existing AG-2 zoning could allow for over 700 large lot residential dwelling units with no requirement for open lands to be preserved.

OBJECTIVE 29.7: CONSERVATION. Preserve, protect, and, where possible, enhance the physical integrity, rural character, ecological values, and natural beauty of the North Olga Community Plan area, focusing upon the Caloosahatchee River, native vegetation, wildlife resources, and areas designated for long-term conservation.

POLICY 29.7.3: Proposed planned developments will consider the incorporation of "Firewise" principles in site design, including building orientation, access management, landscaping type and placement. For the purposes of this policy, Firewise principles are those guidelines developed by the National Fire Protection Association to mitigate the risk of wildland fire to homes in the wildland/urban interface.

The extension of water and sewer services to the Property will help to mitigate the risk of wildland fire to homes by providing access to water lines in an area that does not currently have infrastructure in place. Other development characteristics detailed in the companion rezoning request will ensure the use of buffers to vegetated areas, compliance with current building codes, and the use of native vegetation in landscaping.

Cary+Duke+Povia Residential Planned Development
Neighborhood Meeting Summary

In compliance with Lee Plan Policy 27.1.8, Neal Communities of Southwest Florida, LLC, (Applicant) and their consultant team hosted advertised public information meetings in North Olga and Alva, as well as additional public meetings with the community. A summary of the public meetings is provided below.

North Olga Meetings

Planning Panel Meeting

The North Olga meeting was held at the Bayshore Fire Department Station 131, 17350 Nalle Road, North Fort Myers, FL 33917, at 6:00 p.m., on Thursday, January 26, 2023. The meeting notice was published in the News-Press on January 9, 2023. The Affidavit of Publication is attached as Exhibit A. Please note that this meeting was originally advertised for a meeting on January 19, 2023, but was rescheduled on January 18, 2023, at the community's request. Panel leadership requested the change by phone after the panel's internal email notification to members was not released on time. The rescheduled date of January 26th was chosen by the panel.

The list of participants is attached as Exhibit B and demonstrates approximately 25 attendees were present at the meeting in addition to the consultant team.

Alexis Crespo, AICP, with RVi Planning + Landscape Architecture, Brandon Frey, P.E., with JR Evans Engineering, and Jack Weber and Katie Rhyne with Neal Communities of Southwest Florida, introduced the project, explained changes that have been made since the Applicant's previous presentation to the North Olga group, and presented three exhibits which included an Aerial, and illustrative examples of similar developments, which are attached as Exhibit C, and an MCP, which is attached as Exhibit D.

The Applicant explained the proposed development will include 1,099 single-family and two-family dwelling units, for a maximum density of 1.4 units per acre (figure was rounded from 1.39), and wetland preserves. The Master Concept Plan was also displayed and proposed uses, access points, open space and restoration plan, and project perimeter setbacks were also discussed. After the presentation the Applicant opened the floor for attendees to ask questions and make comments.

Questions and comments raised from attendees included the following topics:

- How water and sewer would be provided.
- Questions regarding traffic impacts on North Road and SR 31.
- Questions about buffer distances, whether fencing was proposed, and proposed berm heights and locations.
- Issues regarding flooding from Babcock Ranch, the Caloosahatchee River, and where drainage will be directed.
- How hurricane shelter impacts would be addressed.
- Questions about proposed development characteristics such as:

    - Dwelling types,
    - Pricing,
    - Density,
    - Sizes,
    - Architectural style,
    - Whether the project would be gated,
    - If there would be a CDD, and
    - Whether sidewalks are proposed.
- How streetlights would protect rural character.
- The anticipated buildout timeframe.
- The size and location of the largest contiguous preserve area.
- Whether the development would be combined with the Owl Creek development to the west.
- Whether fill dirt is needed.
- How utilities would be routed to the development.
- Questions about how additional density is generated and whether density would be increased in the future.

The Applicant offered to provide tours of Neal Communities other developments and attendees were provided contact information and if there were any other questions. It was also noted that the Applicant would continue to attend meetings in North Olga throughout the application process.

Following the discussion and public comment, the Applicant thanked the attendees and provided contact information. The Applicant's presentation was concluded at approximately 7:00 p.m.

2nd Advertised Meeting

Since the N. Olga Planning Panel holds meetings outside of the North Olga boundary, a second advertised meeting was held at the Cracker Shack Cafe, 18672 SR 31, North Fort Myers, FL 33920, at 11:00 a.m., on Tuesday, June 20, 2023. The meeting notice was published in the News-Press on June 10, 2023. The Affidavit of Publication is attached as Exhibit A.

The list of participants is attached as Exhibit B and demonstrates approximately 59 attendees were present at the meeting in addition to the consultant team.

Jeremy Frantz, AICP, with RVi Planning + Landscape Architecture, Brandon Frey, P.E., with JR Evans Engineering, Yury Bykau, P.E., with TR Transportation, Shane Johnson, with Passarella and Associates, and Jack Weber, Ivory Matthews, Katie Rhyne and Dan Ciesielski, with Neal Communities of Southwest Florida, introduced the project, and presented three exhibits which included an Aerial, and illustrative examples of similar developments, which are attached as Exhibit C, and an MCP, which is attached as Exhibit E.

The Applicant explained the proposed development will include 1,099 single-family and two-family dwelling units, for a maximum density of 1.39 units per acre, and 423 acres of preserves. The Master Concept Plan was also displayed and proposed uses, access points, open space and restoration plan, and project perimeter setbacks were also discussed. After the presentation the Applicant opened the floor for attendees to ask questions and make comments.

Questions and comments raised from attendees included the following topics:

- How access would be provided to the property.

- How water and sewer will be provided, and whether there is wastewater capacity.
- Questions regarding traffic impacts and the planned widening of North Road and SR 31.
- Questions about other projects in the area.
- The potential for nutrient impacts to the Caloosahatchee.
- How public meetings are advertised.
- Issues regarding the potential for flooding and where drainage will be directed.
- How hurricane evacuation would be addressed.
- Questions about proposed development characteristics such as:
    - Dwelling types,
    - Density and the number of lots,
    - Lot Sizes,
    - Whether the project would be gated, and
    - If there would be a CDD or homeowners association and whether they could control the number of vehicles or activities in the development.
- The anticipated construction timeframe.
- Concerns about the values of new residents that will move in.
- Whether the project size has changed.
- Whether the development would be combined with the Owl Creek development to the west.
- Whether fill dirt is needed.
- Concerns regarding wildlife habitat.
- Suggestions were made to:
    - Reduce the density being requested.
    - Donate the property to Conservation 20/20.
- How the development will impact property values and taxes.
- What stormwater event the development will be planned for and how off-site stormwater will be addressed.
- A request to include design and architectural features that are compatible with the rural area.
- What will happen with the excess dirt that came from the Calooshatchee.
- Whether the applicant can ask for more density at a later date.
- Who owns the property now.
- Whether there will be blasting.

It was also noted that the application process is ongoing and that once public hearings are scheduled, the hearing dates would be advertised.

Following the discussion and public comment, the Applicant thanked the attendees and provided contact information. The Applicant's presentation was concluded at approximately 12:30 p.m.

Alva Meeting

The Alva meeting was held at the Alva Community Center, 21471 N. River Rd., Alva, FL 33920, at 7:00 p.m., on Tuesday, March 14, 2023. The meeting notice was published in the News-Press on March 4, 2023. The Affidavit of Publication is attached as Exhibit A.

The list of participants is attached as Exhibit B and demonstrates approximately 48 attendees were present at the meeting in addition to the consultant team.

Jeremy Frantz, AICP, with RVi Planning + Landscape Architecture, Jack Weber, with Neal Communities of Southwest Florida, Shane Johnson, with Passarella and Associates, Yury Bykau, with TR Transportation, and Brandon Frey, P.E., with JR Evans Engineering, introduced the project and presented three exhibits which included an Aerial, and illustrative examples of similar developments, which are attached as Exhibit C, and an MCP, which is attached as Exhibit E.

The Applicant explained the proposed development includes a new Residential Planned Development and update to the Future Water and Sewer Service Area maps to allow a maximum of 1,099 single-family and two-family dwelling units for a maximum density of 1.39 dwelling units per acre. The presentation also noted that the development includes 51 acres of wetland preserve areas, 420 acres of total preserve area and is designed to preserve the current rural character. The Master Concept Plan was also displayed and proposed uses, access points, open space and restoration plan, project perimeter setbacks and stormwater system requirements were also discussed. After the presentation the Applicant opened the floor for attendees to ask questions and make comments.

Questions and comments raised from attendees included the following topics:

- Agricultural style developments such as Riverwind Cove are preferred, not suburban lots.
- Listed species and habitat on the property.
- Density of the project combined with other surrounding developments.
- Whether the Applicant has begun working with SFWMD.
- Questions about transportation impacts, traffic safety, how the access points will function, whether turn lanes would be provided, and whether there would be impacts to hurricane evacuation.
- How the development would impact response times related to EMS and Fire service.
- The sizes of homes and whether fewer units have been considered.
- Concerns about new residents not sharing the same values as existing residents.
- It was noted that public spaces are needed in the area.
- How water and sewer would be provided.
- Whether hearing dates have been established.
- It was noted that the Community Plan should be followed for the area.
- The rain event the community is required to plan for and whether flooding of the surrounding area would increase.
- Whether there are any historic resources on the property.
- Whether the community would result in high-speed or fiber optic internet access becoming available to the surrounding area.
- Whether the development includes properties along the Caloosahatchee.
- Whether the Applicant has worked with the school district.

The Applicant's presentation was concluded at approximately 8:00 p.m.

Exhibit A
Affidavit of Publication

0005548561 / FNP-0000002582

The News-Press
media group
news-press.com A GANNETT COMPANY

Attn:
RVI PLANNING, INC
28100 BONITA GRANDE DR
BONITA SPRINGS, FL 34135

State of Wisconsin, County of Brown:
Before the undersigned authority personally appeared D Roberts, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

Notice of Meetings

In the Twentieth Judicial Circuit Court was published in said newspaper editions dated or by publication on the newspaper's website, if authorized, on:

01/09/2023

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 14th of February 2023, by legal clerk who is personally known to me.

D Roberts
Affiant

Kathleen Allen
Notary State of Wisconsin, County of Brown

1-7-25
My commission expires

# of Affidavits: 1

This is not an invoice

KATHLEEN ALLEN
Notary Public
State of Wisconsin

NOTICE OF PUBLIC INFORMATION MEETING

DATE: Thursday, January 19, 2023

TIME: 6:00 PM

ADDRESS: Bayshore Fire Department Station 131, 17350 Nalle Road, North Fort Myers, FL 33917

In accordance with the North Olga Planning Community Requirements of the Lee County Land Development Code, the Applicant, Neal Communities of Southwest Florida, Inc, will be presenting information to the public on the following request:

The request is to rezone the 788+/- acre Property from Agriculture (AG-2) to Residential Planned Development (RPD) to allow for a maximum of 1,099 single-family dwelling units, private on-site recreational uses, and supportive infrastructure. The maximum building height is 35 feet. The site will connect to centralized water and sewer services. A companion Comprehensive Plan Amendment will include the subject Property in the Lee County Future Water Services Area Map (Map 4A) and the Future Sewer Service Area Map (Map 4B).

The purpose of the meeting is to educate community members and nearby landowners about the proposed development and to address any questions.

For questions, please contact:

Jeremy Frantz, AICP
RVi Planning + Landscape Architecture
28100 Bonita Grande Drive, Suite 305, Bonita Springs, FL 34135

(239) 357-9580 or jfrantz@rviplanning.com
AD#5548561 1/9/2023

0005615754 / FNP-0000002582

The News-Press
media group
news-press.com A GANNETT COMPANY

Attn:
RVI PLANNING, INC
28100 BONITA GRANDE DR
BONITA SPRINGS, FL 34135

State of Wisconsin, County of Brown:
Before the undersigned authority personally appeared D Roberts, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

Notice of Meetings

In the Twentieth Judicial Circuit Court was published in said newspaper editions dated or by publication on the newspaper's website, if authorized, on:

03/04/2023

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 7th of April 2023, by legal clerk who is personally known to me.

D. Roberts
Affiant

Kathleen Allen
Notary State of Wisconsin, County of Brown

1-7-26
My commission expires

KATHLEEN ALLEN
Notary Public
State of Wisconsin

# of Affidavits: 1

This is not an invoice

NOTICE OF PUBLIC INFORMATION MEETING

DATE: Tuesday, March 14, 2023

TIME: 7:00 PM

ADDRESS: Alva Community Center, 21471 N. River Rd., Alva, FL 33920

In accordance with the Northeast Lee County Community Plan Requirements of the Lee County Land Development Code and Lee Plan, the Applicant, Neal Communities of Southwest Florida, Inc, will be presenting information to the public on the following request:

The request is to rezone the 788+/- acre Property from Agriculture (AG-2) to Residential Planned Development (RPD) to allow for a maximum of 1,099 single-family dwelling units, private on-site recreational uses, and supportive infrastructure. The maximum building height is 35 feet. The site will connect to centralized water and sewer services. A companion Comprehensive Plan Amendment will include the subject Property in the Lee County Future Water Services Area Map (Map 4A) and the Future Sewer Service Area Map (Map 4B).

The purpose of the meeting is to educate community members and nearby landowners about the proposed development and to address any questions.

For questions, please contact:

Jeremy Frantz, AICP
RVi Planning + Landscape Architecture
28100 Bonita Grande Drive, Suite 305, Bonita Springs, FL 34135
(239) 357-9580 or jfrantz@rviplanning.com
AD # 5615754 March 4, 2023

0005728700 / FNP-000000258

The News-Press media group
news-press.com A GANNETT COMPANY

Attn:
RVI PLANNING, INC
28100 BONITA GRANDE DR STE 305
BONITA SPRINGS, FL 34135

State of Wisconsin, County of Brown:
Before the undersigned authority personally appeared A Kokott, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

Notice of Meetings

In the Twentieth Judicial Circuit Court was published in said newspaper editions dated or by publication on the newspaper's website, if authorized, on:

06/10/2023

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 13th of June 2023, by legal clerk who is personally known to me.

Amy Kokott
Affiant

Notary State of Wisconsin, County of Brown

10-25-26
My commission expires

RYAN SPELLER
Notary Public
State of Wisconsin

NOTICE OF PUBLIC INFORMATION MEETING

DATE: Tuesday, June 20, 2023

TIME: 11:00 AM

ADDRESS: Cracker Shack Cafe, 18672 SR 31, Alva, FL 33917

In accordance with the North Olga Planning Community Requirements of the Lee County Land Development Code, the Applicant, Neal Communities of Southwest Florida, Inc, will be presenting information to the public on the following request:

The request is to rezone the 788+/- acre Property from Agriculture (AG-2) to Residential Planned Development (RPD) to allow for a maximum of 1,099 single-family dwelling units, private on-site recreational uses, and supportive infrastructure. The maximum building height is 35 feet. The site will connect to centralized water and sewer services. A companion Comprehensive Plan Amendment will include the subject Property in the Lee County Future Water Services Area Map (Map 4A) and the Future Sewer Service Area Map (Map 4B).

The purpose of the meeting is to educate community members and nearby landowners about the proposed development and to address any questions.

For questions, please contact:

Jeremy Frantz, AICP
RVi Planning + Landscape Architecture
28100 Bonita Grande Drive, Suite 305, Bonita Springs, FL 34135
(239) 357-9580 or jfrantz@rviplanning.com
AD # 5728700 June 10, 2023

# of Affidavits: 1

This is not an invoice

Exhibit B
Sign-in Sheets

#	Name	Sign-in Address	E-mail	Phone #
	Debbie McEwen	2997 Bateman Rd Alva	debmcl229@aol.com	239-851-6872
	Lonnie Pritchett	14350 Duke Hwy	KLRPRIT@GMAIL.COM	239-233-6614
	Dennis & Deb Woods	14120 Duke Hwy	dwoodsgoblue@msn.com	269-240
	Denise Eberle	23091 Tuckahoe Rd Alva FL	SEMSOUCH@NOL.COM Please keep us on email list	305-394-
	Ken DeWalt	7 Jute St (Alva FL On The Riva)	KenDewsHI@GMAIL.COM	610 22
	Connie			941-226
	Jack Keever	5800 Lakewood Ranch Blvd Sarasota	jkeever@neal communities.com	
	Joe Broughton	2920 Hickey Creek Rd	JBROUGHTON@BURGESSBRANT.COM	239-2
	Clark Cay	18731 Serena Court	COCAY88@GMAIL.com	
	Katie Rhyne	5800 Lakewood Ranch Blvd N	krhyne@nealcommunities.com	941-328
	Walter McKee	18331 Telegraph Creek Ln Alva FL	wemckee@embarqmail.com	

#	Name	Sign-in Address	E-mail	Ph
	Christi Pritchett	14350 DUKE HWY	CPRITCHETT@LSICOMPANIES.COM	239-7
	Cindy Seligman	N Olga	Cranmag@tampabay.rr.com	
	Chris Orzech	18231 Lyndhurst Ln	chris.orz@sbcglobal.net	
	Ryan Gillons	14160 Duke Hwy	RyanGillons11@gmail	
	John Broderick	Babcock Property Holdings	jbroderick@tampapartners.com	
	Todd Feeley	13778 Duke Hwy	jtftodd@gmail.com	
	Bill+Linda Redfern	14651 Duke Hwy	Williamredfern1776 @gmail	23
	MARY POVIA			
	MICAEL HIPP	14500 HIPP CT		
	RONI HIPP	14500 HIPP CT		
	Suzanne Armeda	19440 Armeda Rd		

Sign-in

#	Name	Address	E-mail	Phone #
	BRANDON FREY		BRANDONJREEN6.com	239-634-6600
	Frank Musco	18110 N. OLGA DR.	fvmusco@HOTMAIL.com	239 693 8721
	Debra VanRooked			
	Matt Adams	15020 N Olga Rd	[illegible] matthewadams@	352-802-36[illegible]
	Richard Durling	14300 Duke Highway	rdurlinge marvin-homes.com	239-410-175[illegible]
	Charlie Smith			

March 14, 2023 Sign In

Date	Printed Name	Address	Contact Number	e-mail	Signature
3/14	Janice Klingensmith	18121 Traverse Dr. ALVA		jkling2004@gmail	
3/14	KATHY SHEPARD	18143 ALVA. TRAVERSE DR.	239-225-5514		
3/14	ALAN KLINGENSMITH	18121 TRAVERSE DR	239-693-6697	alanlk924@gmail.com	
3/14	Ken DeWaff	You know			
3/14	Debbie McEwen			on file	
3/14	Amy Fichter	PO Box 1002	872-2971 Alva, FL.	amyf50@gmail.com	
3/14	Henry Fichter	PO Box 1002 Alva, FL 33920	872-~~2971~~ 2625	grantfichter@gmail.com	
3/14	Chris Ozimek	18231 Lyndhurst			
3/14	Darius Cochran	17610 Taylor Rd.	872-7653	DariusLCochran@gmail.com	
3/14	Amanda Cochran	17610 Taylor Rd	980-3572	redstorm911@aol.com	
3/14	Kathryn Snider	3130 Styles Rd	707-4475	Snider5@cmbay.mail.com	
3/14	Nick Snider	3130 Styles Rd	823-3026	Nicholas.S.06@gmail.com	Nick Snider

We, the undersigned affix our signatures to oppose the Caloosa 80 amendment to the Lee Plan for the Alva Community.

MARCH 14, 2023 SIGN-IN SHEET

Date	Printed Name	Address	Contact Number	e-mail	Signature
3/14/23	Paul & Maria Mussler				
3/14	Jeff + Paula GISH		239-693-2801		
3/14	Denise Eberle	FILE	FILE	FILE	
3/14	Beverly Craft		615 351-1359		
3/14	LORRIE & JENNIFER BRIGGS	FILE	"	"	
3/14	Glenn & Ella Dyess				
3/14	Derek Folder				
3/14	Aaron Renfroe				
3/14	NicoladeFeat		3058961293		
3/14	Cris + Annette Goodman				
3/14	Jaubree Randall	15880 River Creek Ct	239-690-7892	randall taubree@	
3/14	CRAIG RANDALL	"	"		

~~We, the undersigned affix our signatures to oppose the Caloosa 80 amendment to the Lee Plan for the Alva Community~~

3/14 RICHARD DURLING DURLING

3/14 STEVE BRADLEY BRADLEY (HOLLY)

Sign In Sheet

Date	Printed Name	Address	Contact Number	e-mail	Signature
3/14	Chris Gibbs	21160 Capt Nelson Ct	530 826 4685	wyliejtg@garlic.com	
3/14	Jack Snider	3130 Styles Rd	239-707-4476	Snidercjm@AIMRCFL.com	
3/14	Joseph Maguire	2991 Bateman Rd	239 206 5006	JPMAGUIRE@gmail.com	
3/14	Susanne Bisplinghoff	18031 Riverchase Ct	239-980-2470	seb623@hotmail.com	
3/14	Glenn Fichter	18050 Lynchburg Dr Alva FL 33920	239-633-8912	GlennSouthern@Aol.com	
3/14	Larry + Beth Murphy	17770 Gimpson Creek Ct	239 850 1467	mlaw5fn@aol.com	
3/14	Ernie Merari	21850 N. River Rd.	239-470-2877	erniemerarite@msn.com	
3/14	Kevin + Quinn Wyman	17370 Oak Crk	714-794-7193	KCOFHB@Yahoo.com	
3/14	Laurel Hammond	19190 Parkinson Alva			
	Olivia + Armand Regnault	2020 Mitchell Ave, Alva	239-357-2767		ORR

We, the undersigned affix our signatures to oppose the Caloosa 80 amendment to the Lee Plan for the Alva Community.

March 14, 2023 Sign-On

Date	Printed Name	Address	Contact Number	e-mail	Signature
3/14/23	Sabrina Thompson	18751 River Estates Ln			Sabrina Thompson
3/14/23	Ed Thompson	"			Ed Thompson
3/14/23	Mike Mushko	17350 Wells Rd		WTIE@Comcast.net	
3/14/23	Patricia Picco	18181 Riverchase Ct	469-400-0622	Pat.picco@hotmail.com	
3/14/23	Armand Regnaer	2078 Mitchell Ave. Alva			

We, the undersigned affix our signatures to oppose the Caloosa 80 amendment to the Lee Plan for the Alva Community.

June 20, 2023
Sign-in Sheets

Name	Address	Email
Kyle Wade	130 Wyandotte Ave Alva, FL 33920	Kwade46.KW@gmail.com
Rosa-Mary McCoy	3160 Packinghouse Road Alva, FL 33920	opposed otjob@aol.com
Jo Kennedy	23491 N. River Rd Alva, Fl. 33920	oppose
Aldo Ibarra (Apposed)	18470 Telegraph Creek Ln Alva, FL. 33920	Aldoallaboutcars.2yahoo.net
Mercedes Ibarra (Apposed)	18470 Telegraph Creek Ln Alva, FL. 33920	Ibarracessi@aol.com
Tyson & Kim Stempel	16300 Forest Mist Ct Alva, FL 33920	Stempel0919@gmail.com
William Redfern	14651 Duke Hwy Alva	William redfern 1776@gmail.com
Teresa OConnell	18811 Serena Ct Alva, Fl. 33920	DTOconnell@embarqmail.com
DALE & THERESA DANIELS	2120 HICKLYS CREEK DR ALVA, FL 33920	ddaniels361@comcast.net

Name	Address	Email
Michael Vitch		RWCHOAMikeV@gmail.com
John F Dyer		
Charles & Melissa Turner	17891 & 18001 Owl Creek	turner3e mc.com
Terri lynn Dunford	12190 Old Rodeo Dr.	Ternip@aol.com
John Archer		
CHRISSY METTAUER	19741 N River Rd Alva	CHRISSY@MC-FL.COM
Patty Walker Opposse	12928 Palm Bch Blvd.	PattyWalkerRemax@gmail.com
Jolena Esperto	WINK	~~jolena@gl~~ jolena.esperto@winknews.com
Jamie Goldman	WINK	JAMIEGOLDMAN@UFL.EDU

Name	Address	Email
Steven Brodkin opposed	17720 Durrance Rd. N. Ft. Myers, FL 33917	SteveB239@aol.com
Sheri Lewellyn opposed	19321 Turkey Run Ln Alva FL 33920	sheri.lewellyn@gmail.com
Bonnie Fury opposed	19321 Turkey Run Ln Alva, FL. 33920	bandgFury@AOL.com
Mike Spencer Opposed	2510 Hickey Creek Rd Alva FL 33920	Chevy3457@gmail.com
Darius I Cochran opposed	17610 Taylor Rd. Alva Florida 33920	Darius1cochran@gmail.com
SANDEE OGDEN	18090 N. OLGA DR ALVA, FL 33920	SANDEEOGDEN@GMAIL.COM
James Whitney	17721 N. River Rd Alva FL 33920	
RICH ALLEN	22 CARRIAGE CN. N. FORT MYERS 33917	
Audrey Whitney	17721 N River Rd Alva, FL 33920	

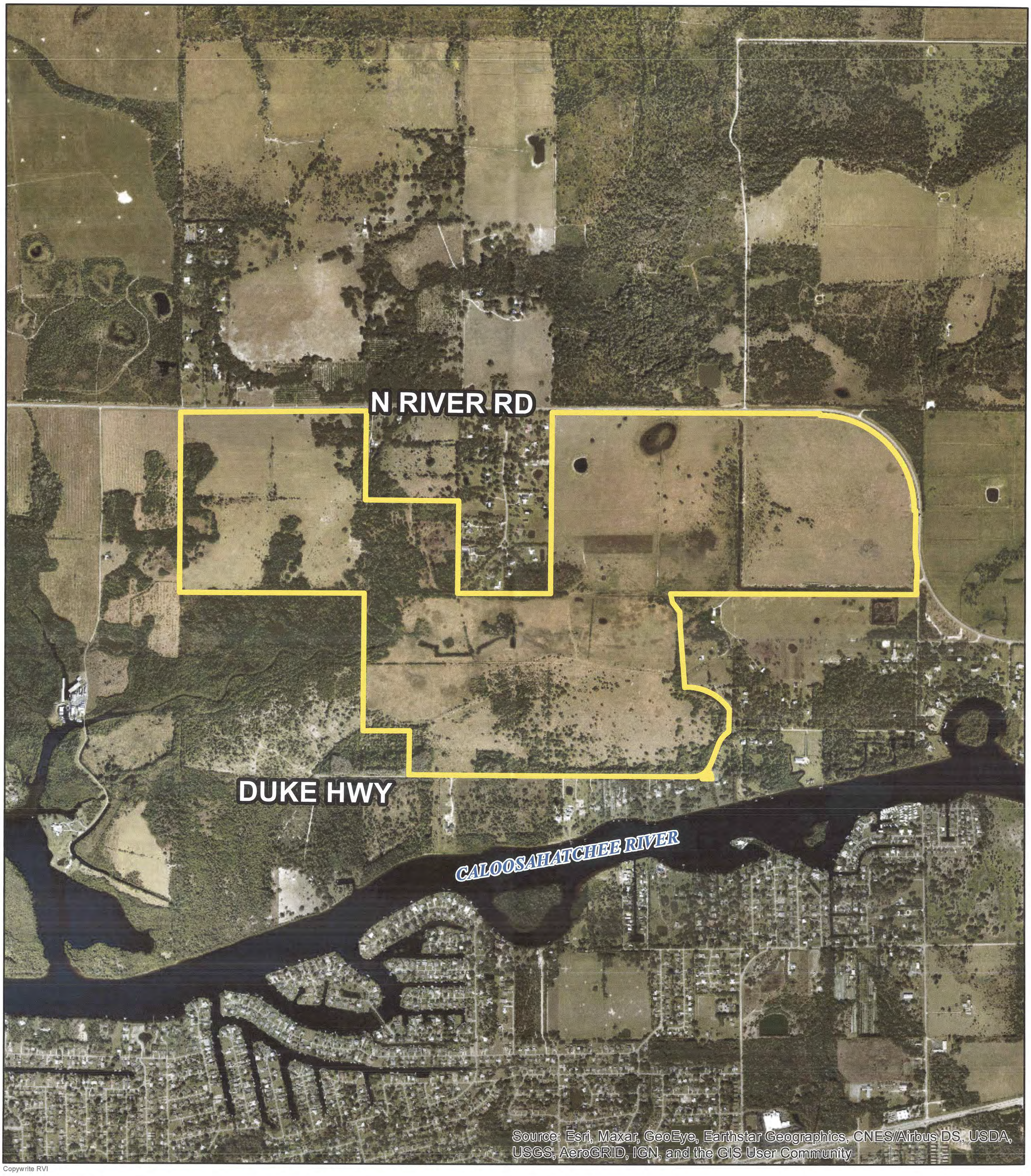
Name	Address	Email
Connie Dennis OPPOSED	19041 Fox Run Rd Alva FL	conniedennis1128@gmail.com
Roxanne Gause (oppose)	1921 Goodo Ave Alva	Gause_RL@yahoo.com
Richard Durling	14300 Duke Highway Alva	rdurling@marvin-homes.com
Paul + Jeff Gish	18830 River Est Ln.	
Guy MAHAN	18110 TRAVERSE DR	GUY MAHAN@GMAIL
SUSAN MAHAN	18110 TRAVERSE DR	MAHAN.SUSAN@GMAIL.COM
Haley Zarcone		haley.zarcone@winknews.com
Sebastian Valencia		
Tom/Cheri Mulling		

Name	Address	Email
Carla Ronco (OPPOSE)	14600 Duke Hwy Alva, FL 33920	CarlaRoncoRemax@gmail.com
Larry Ronco (oppose)	14600 Duke Hwy Alva FL, 33920	RoncoREMAX@gmail.com
DONALYN MOON (oppose)	14640 DUKE HWY ALVA FL 33920	DMOONFL@GMAIL.COM
Tyler Ronco (Oppose)	17461 Frank rd Alva, FL, 33920	TylerRoncoRemax@gmail.com
Debbie Billings-Morrison (oppose?)	18060 Otter Water Way	billings.deb@gmail.com
Bruce Morrison - OPPOSE!	18060 Otter Water Way	bruce_morrison@Rocketmail.com
Tom Brookman oppose!	18051 Otter Water Way	tombrookman@icloud.com
Andrea Francis OPPOSE!	19300 Turkey Run Lane	rafrancis@embarqmail.com
Angelique Otey	2117 DAVIS BLVD FTM 05	JAHLIQUE@ELITEPARAMEDICAL.COM

Name	Address	Email
Glenn Fichter opposed	19050 Lyndhurst Ln PO Box 545 Alva FL 33920	Glennsouthern@aol.com
Amy Fichter opposed	17281 N. River Rd Alva FL. 33920 P.O. Box 1002 Alva FL. 33920	Amyf50@gmail.com
John + Helen Wilson opposed	18140 N Olga Dr Alva FL 33920	HWilson@hfwilson.com
Charles Morris opposed	17630 Otk Cr. Rd ALVA FL 33920	csmorris1123@embarqmail.com
Beth Murphy oppose	17770 Cypress Creek Rd Alva FL 33920	mLAW97@aol.com
Jeanne Dunbar oppose	22631 Tuckahoe Rd. Alva FL 33920	rabnud62@aol.com
Larry Dean oppose	18010 Villa DeLiRio Dr ALVA FL	LARRY WOLVE@HOTMAIL.COM
OTISHAIDE FERNANDES	ALVA	AGAINST ALL

Name	Address	Email
Kathy Barnes	10471 Deal Rd N Ft Im	barnKat64@gmail.com
Kelli + Tom	Babcock Ranch	—

Exhibit C
Presentation Materials



Document Path: \\FLBON\Projects\2022\22001300 - Cary Duke CPA & PD (Neal Communities)\04 BASE INFORMATION\02 GIS\MXDs\Final MXDs\Cary Duke - Aerial Map.mxd

RVi

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Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

CARY + DUKE + POVIA CPA/PD • AERIAL MAP

- Lee County, FL
- Subject Boundary
- Date: 12/1/2022
- # 22001300
- Neal Communites SW FL Inc.

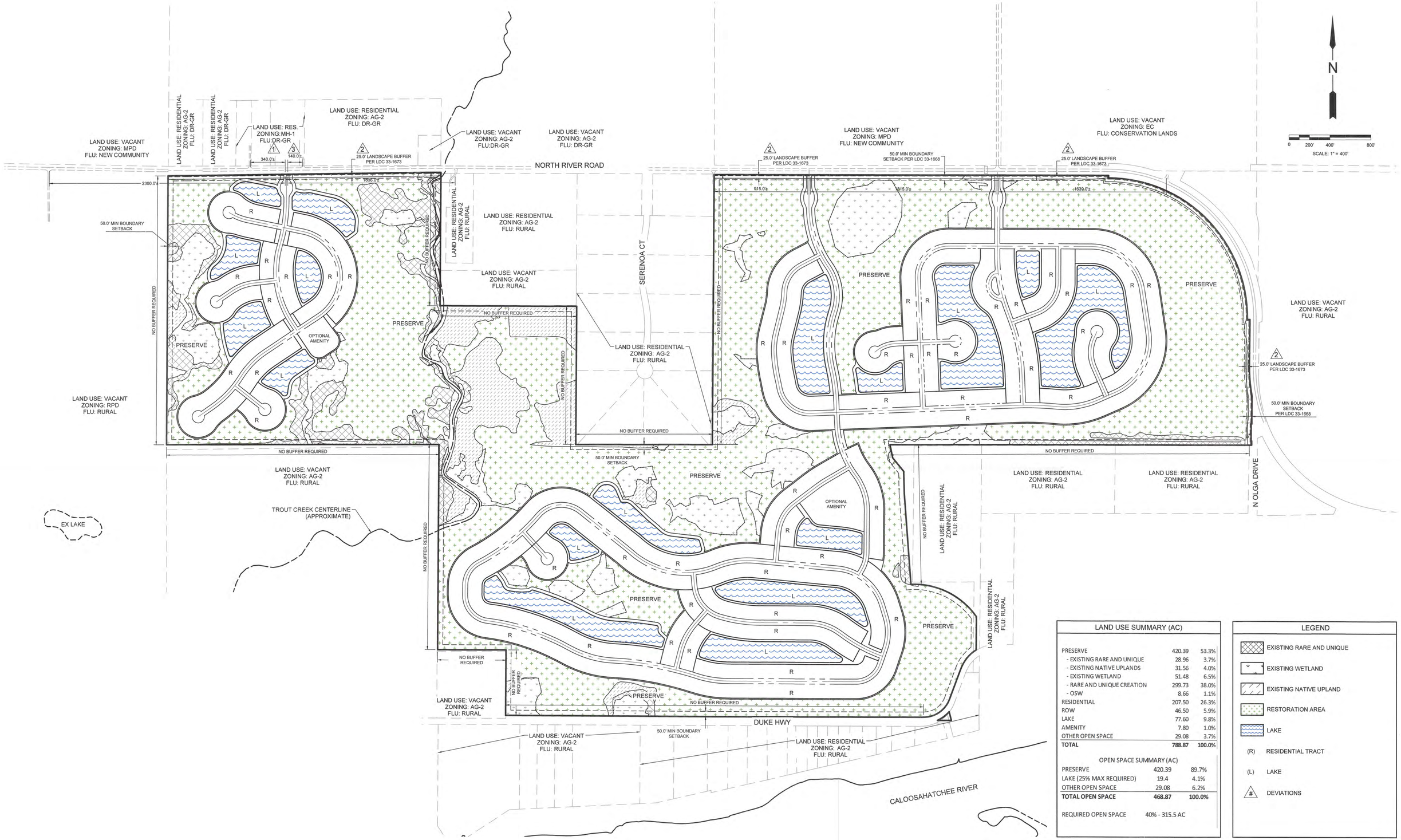
0 550 1,100 2,200
Feet

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

NEALCOMMUNITIES

Where You Live Matters

Exhibit D
January 26, 2023 – Master Concept Plan



LAND USE SUMMARY (AC)		
PRESERVE	420.39	53.3%
- EXISTING RARE AND UNIQUE	28.96	3.7%
- EXISTING NATIVE UPLANDS	31.56	4.0%
- EXISTING WETLAND	51.48	6.5%
- RARE AND UNIQUE CREATION	299.73	38.0%
- OSW	8.66	1.1%
RESIDENTIAL	207.50	26.3%
ROW	46.50	5.9%
LAKE	77.60	9.8%
AMENITY	7.80	1.0%
OTHER OPEN SPACE	29.08	3.7%
TOTAL	**788.87**	**100.0%**

OPEN SPACE SUMMARY (AC)		
PRESERVE	420.39	89.7%
LAKE (25% MAX REQUIRED)	19.4	4.1%
OTHER OPEN SPACE	29.08	6.2%
TOTAL OPEN SPACE	**468.87**	**100.0%**
REQUIRED OPEN SPACE	40% - 315.5 AC	

LEGEND

- EXISTING RARE AND UNIQUE
- EXISTING WETLAND
- EXISTING NATIVE UPLAND
- RESTORATION AREA
- LAKE
- (R) RESIDENTIAL TRACT
- (L) LAKE
- (#) DEVIATIONS

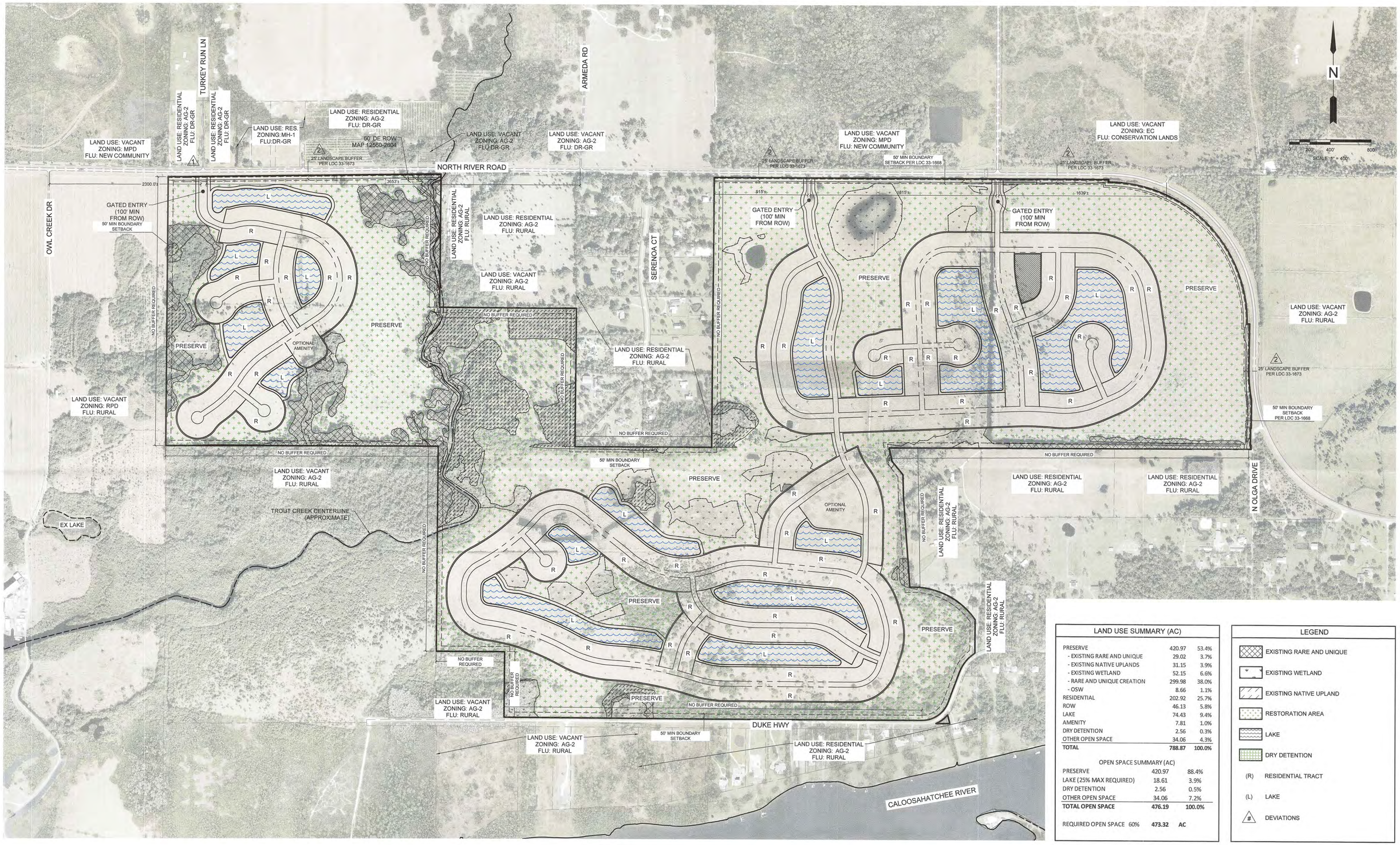
J.R. EVANS ENGINEERING

CARY+DUKE+POVIA RPD

MASTER CONCEPT PLAN

00911-00 E0506 - OA MCP.DWG
January 17, 2023

Exhibit E
March 14 & June 20, 2023 – Master Concept Plan



LAND USE SUMMARY (AC)

PRESERVE	420.97	53.4%
- EXISTING RARE AND UNIQUE	29.02	3.7%
- EXISTING NATIVE UPLANDS	31.15	3.9%
- EXISTING WETLAND	52.15	6.6%
- RARE AND UNIQUE CREATION	299.98	38.0%
- OSW	8.66	1.1%
RESIDENTIAL	202.92	25.7%
ROW	46.13	5.8%
LAKE	74.43	9.4%
AMENITY	7.81	1.0%
DRY DETENTION	2.56	0.3%
OTHER OPEN SPACE	34.06	4.3%
TOTAL	**788.87**	**100.0%**

OPEN SPACE SUMMARY (AC)

PRESERVE	420.97	88.4%
LAKE (25% MAX REQUIRED)	18.61	3.9%
DRY DETENTION	2.56	0.5%
OTHER OPEN SPACE	34.06	7.2%
TOTAL OPEN SPACE	**476.19**	**100.0%**
REQUIRED OPEN SPACE 60%	**473.32**	**AC**

LEGEND

- EXISTING RARE AND UNIQUE
- EXISTING WETLAND
- EXISTING NATIVE UPLAND
- RESTORATION AREA
- LAKE
- DRY DETENTION
- (R) RESIDENTIAL TRACT
- (L) LAKE
- (#) DEVIATIONS

J.R. EVANS ENGINEERING

CARY+DUKE+POVIA RPD

MASTER CONCEPT PLAN

00911-00 E0507 - OA MCP DWG
February 17, 2023