LEE COUNTY BOARD OF COUNTY COMMISSIONERS

COMPREHENSIVE PLAN AMENDMENT
and
ZONING HEARING
AGENDA

Wednesday, August 7, 2024
9:30AM

CPA2023-00011	ROYAL PALM MULTIFAMILY CPA - ADOPTION
DCI2023-00038 Z-24-014	FLOOR & DECOR LEE COUNTY
DCI2022-00037 Z-24-009	BAYSHORE 31 RPD
DCI2022-00039 Z-24-016	BURNT STORE MIXED-USE DEVELOPMENT
DCI2022-00049 Z-24-005	SANTOYO TRUCK PARTS AND SALES

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 a proposed amendment to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, August 7, 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:

> CPA2023-00011 Royal Palm Multifamily CPA Map Amendment: Amend Lee Plan Map 1-A to redesignate the ±19.3 acre property from the Central Urban future land use category to the Intensive Development future land use category. The property is located at 15180 Meadow Circle, Fort Myers, FL 33908.

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

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

Lee County will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income or family status. To request language interpretation, document translation or an ADA-qualified reasonable modification at no charge to the requestor, contact Raphaela Morais-Peroba, (239) 533-8782, Florida Relay Service 711, at least five business days in advance. El Condado de Lee brindará servicios de traducción sin cargo a personas con el idioma limitado del inglés.

NOTICE OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold a public hearing at 9:30 am on Wednesday, August 7, 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.

DCI2023-00038 / Floor & Decor Lee County

Request to rezone 7.99± acres from Agricultural (AG-2) to Commercial Planned Development (CPD) to allow for up to 80,000 square feet of retail floor area.

Located at 2800 NE Pine Island Rd. and 1481 Barrett Rd., North Fort Myers Planning Community, Lee County, FL.

DCI2022-00037 / Bayshore 31 RPD

Request to rezone 34.8± acres from Agricultural (AG-2) and Residential (RS-1) to Residential Planned Development (RPD) to allow for up to 180 multiple-family residential units.

Located at 7150 & 7200 Bayshore Road, North Fort Myers Planning Community, Lee County, FL.

DCI2022-00039 / Burnt Store Mixed-Use Development

Request to rezone 35.49± acres from Agricultural (AG-2) to Mixed-Use Planned Development (MPD) to permit the development of a 354-unit multiple-family development and a maximum of 263,470 square feet of commercial and light industrial uses.

Located east of Burnt Store Rd., north of Durden Pkwy. and south of the Charlee Rd., in the far northwest corner of Lee County, Burnt Store Planning Community, Lee County, FL.

DCI2022-00049 / Santoyo Truck Parts and Sales

Request to rezone 2.82± acres from Neighborhood Commercial (CN-2) to Commercial Planned Development (CPD) to allow a maximum of 17,116 square feet of commercial floor area to allow for truck parts, sales and repair. Maximum height proposed is 35 feet.

Located at 15850 S. Tamiami Trl., San Carlos 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 Raphaela Morais-Peroba, (239) 533-8782, ADArequests@leegov.com or Florida Relay Service 711. Accommodation will be provided at no cost to the requestor. Requests should be made at least five business days in advance.

CPA2023-00011

Royal Palm Multifamily Small Scale Map Amendment

SUMMARY SHEET
CPA2023-00011 – ROYAL PALM MULTIFAMILY
ADOPTION HEARING

REQUEST:
Amend the Future Land Use Map designation on ±19.3 acres from Central Urban to Intensive Development.

The requested map amendment is a small-scale comprehensive plan amendment per Florida Statute 163.3187(1). The amendment will allow for infill redevelopment of a multi-family housing project. The site is the location of the former Royal Palm mobile-home park.

LPA PUBLIC HEARING:
The LPA discussed the proposed amendments and various merits of the case, including the compatibility with the surrounding area, impact of redevelopment, and site accessibility.

LPA PUBLIC INPUT:
There was one public comment concerning the proposed amendment. The public comment was in favor of the proposed amendment.

LPA MOTION:
A motion was made to recommend that the Board of County Commissioners (BoCC) ***adopt*** CPA2023-00011. The motion passed 5 to 0.

RAYMOND BLACKSMITH	**AYE**
DUSTIN GARDNER	**ABSENT**
DAWN RUSSELL	**AYE**
JENNIFER SAPEN	**AYE**
DON SCHROTENBOER	**ABSENT**
STAN STOUDER	**AYE**
HENRY ZUBA	**AYE**

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

LEE COUNTY ORDINANCE NO. 24-XX

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN TO ADOPT A SMALL SCALE AMENDMENT (CPA2023-00011) PERTAINING TO ROYAL PALM MULTI-FAMILY; PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN MAP 1-A, THE FUTURE LAND USE MAP; LEGAL EFFECT OF THE "LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY; INCLUSION IN CODE, CODIFICATION AND SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

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

WHEREAS, the Local Planning Agency ("*LPA*") held a public hearing on the adoption of the proposed amendment on June 24, 2024. At that hearing the LPA found the proposed amendment to be consistent with the Lee Plan and recommended that the Board adopt the amendment; and

WHEREAS, the Board held a public hearing for the adoption of the proposed amendment on August 7, 2024. At that hearing, the Board approved a motion to adopt proposed amendment CPA2023-00011 pertaining to Royal Palm Multi-Family, amending Map 1-A of the Lee Plan, the Future Land Use Map. The subject parcel is located on Old Gladiolus Drive, approximately 0.3 miles from the intersection of Old Gladiolus Drive and Gladiolus Drive.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a public hearing to review a proposed small scale amendment to the Future Land Use Map Series of the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Lee Plan discussed at that meeting and later approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." This amending ordinance may be referred to as the "Royal Palm Multi-Family (CPA2023-00011)".

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

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment to the Future Land Use Map Series, Map 1-A, the Future Land Use Map to redesignate approximately 19.3 acres from the Central Urban to the Intensive Development future land use category. The subject parcel is located on Old Gladiolus Drive, approximately 0.3 miles from the intersection of Old Gladiolus Drive and Gladiolus Drive. The corresponding staff report and analysis, along with all attachments for this amendment, are adopted as "support documentation" for the Lee Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: MODIFICATION

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

SECTION FIVE: GEOGRAPHIC APPLICABILITY

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

SECTION SIX: SEVERABILITY

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

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

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

SECTION EIGHT: EFFECTIVE DATE

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

Commissioner _____ made a motion to adopt the foregoing ordinance, seconded by Commissioner _____. The vote was as follows:

Kevin Ruane	____
Cecil L Pendergrass	____
Raymond Sandelli	____
Brian Hamman	____
Mike Greenwell	____

DONE AND ADOPTED this 7th of August, 2024.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BY:_____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Mike Greenwell, Chair

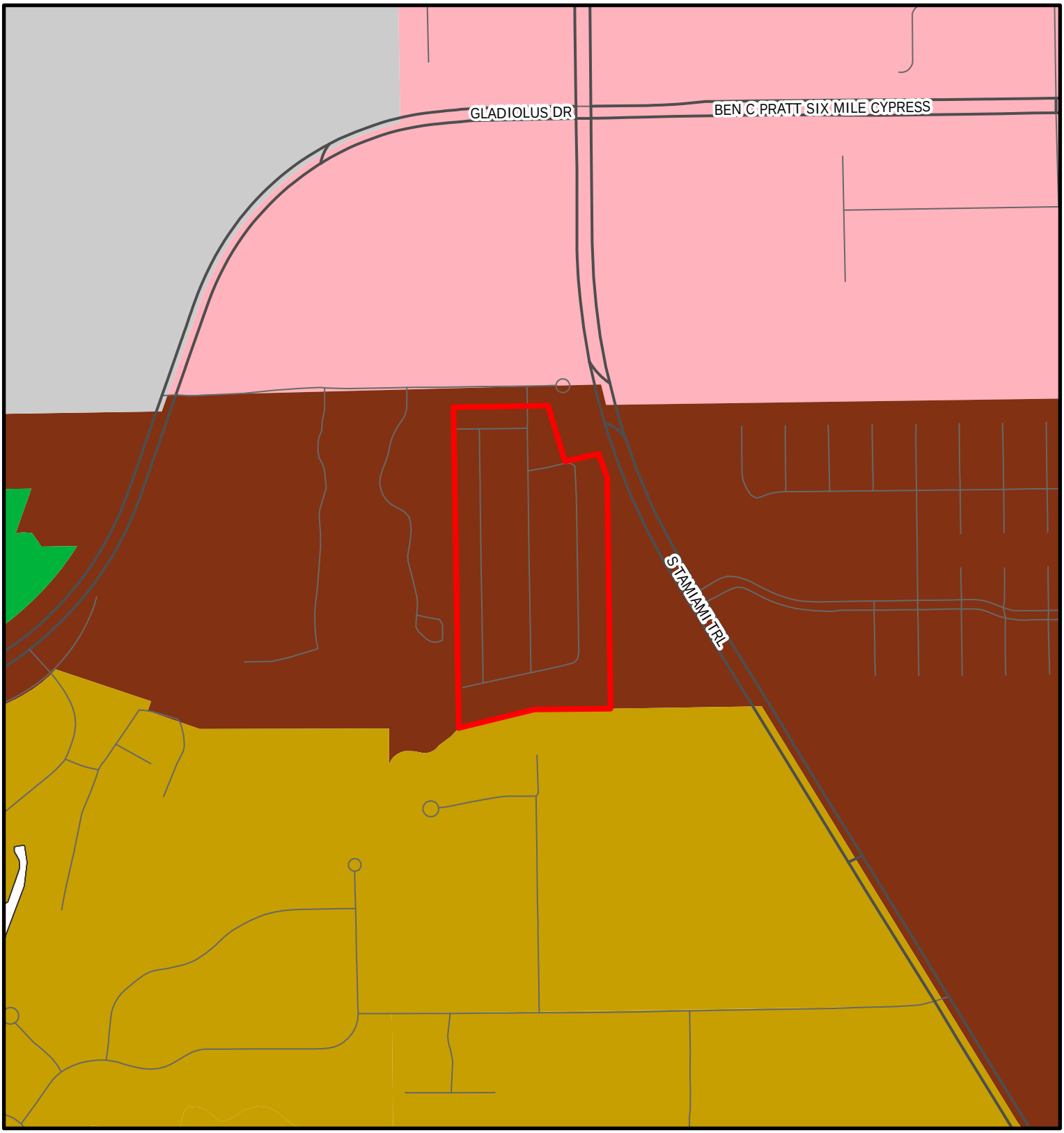
DATE: _____

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

_____
Lee County Attorney's Office

Exhibit A (Adopted by BOCC August 7, 2024):
Existing Future Land Use Map
Proposed Future Land Use Map

CAO Draft 7/3/2024 6:56:25 AM



CPA2023-00011

Existing Future Land Use

- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Public Facilities
- Conservation Lands - Upland
- Subject Property

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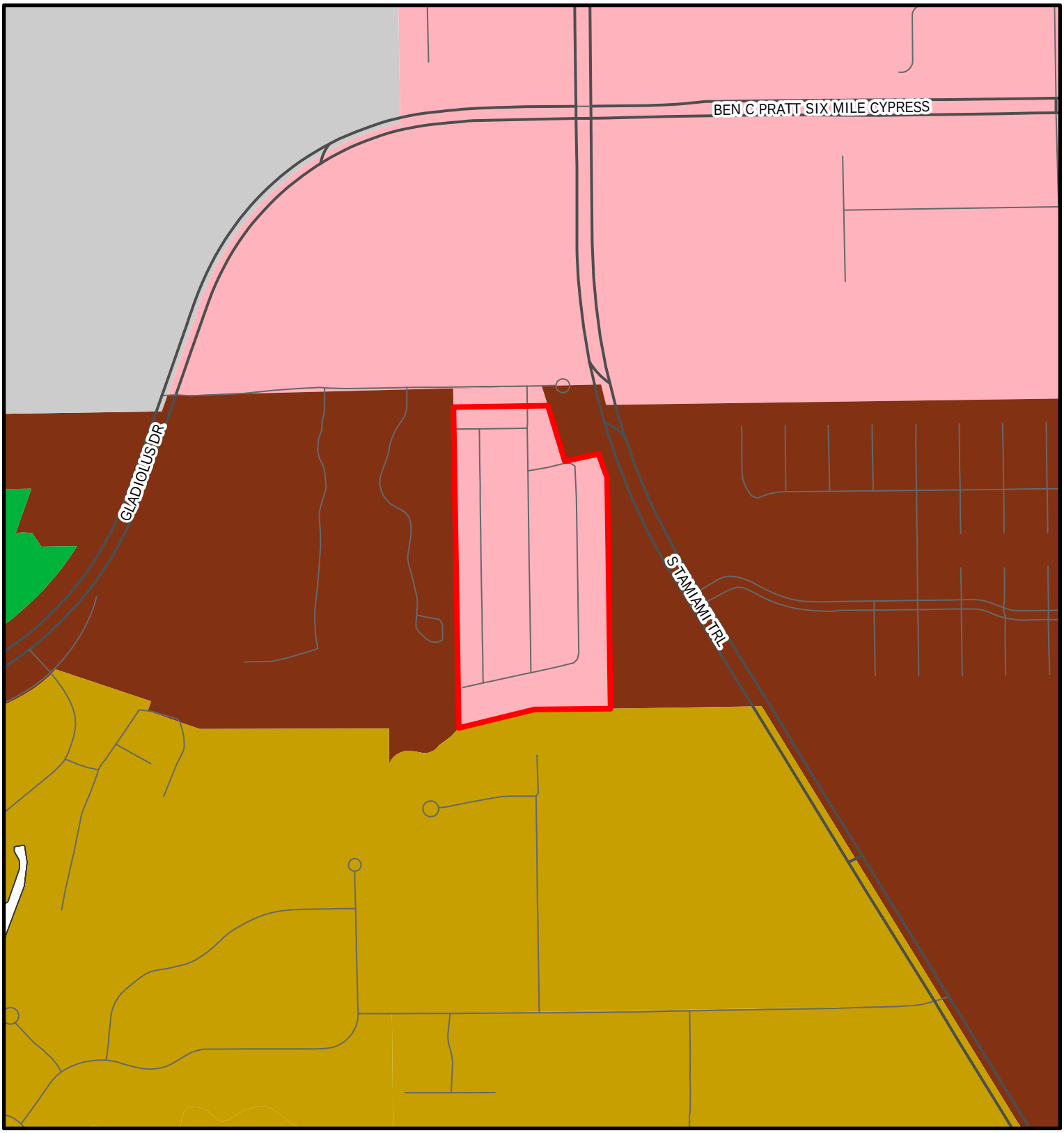
Lee County
Southwest Florida

Map Generated: June 2024



CPA2023-00011

Proposed Future Land

Lee County
Southwest Florida

- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Public Facilities
- Conservation Lands - Upland
- Subject Property

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STAFF REPORT FOR ROYAL PALM MULTIFAMILY: CPA2023-00011

Small-Scale Map Amendment to the Lee Plan

Recommendation:
Adopt

Applicant:
Flournoy Development Group

Representative:
Fred Drovdlic, AICP
RVi Planning and Landscape Architecture

Property Location:
15180 Meadow Cir
Fort Myers

Property Size:
± 19.3 Acres

Planning District:
District 15

Commissioner District:
District #3

Hearing Dates:
LPA: 06/24/24
BoCC #1: 08/07/24

Attachments:
1: Proposed Amendments

REQUEST

Amend Lee Plan Map 1-A to redesignate approximately 19.3 acres from the Central Urban to the Intensive Development future land use category.

SUMMARY

This is a privately initiated Comprehensive Plan Amendment to the Future Land Use Map (Map 1-A), requesting to change the future land use category from Central Urban to Intensive Development. The amendments will support the redevelopment of a hurricane-damaged mobile home park as a multi-family residential project by increasing the maximum standard density from 10 dwelling units per acre to 14 dwelling units per acre and allowing the applicant to request bonus density up to 22 dwelling units per acre.

PROJECT LOCATION

The subject property is located on Old Gladiolus Drive, approximately 0.3 miles from the intersection of Old Gladiolus Drive and Gladiolus Drive. The property has frontage on Old Gladiolus Drive to the north and is proposing a new access point to US-41 to the east.

Figure 1: Location Map

RECOMMENDATION

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

PART 1
STAFF DISCUSSION AND ANALYSIS

CONCURRENT REQUESTS

The applicant has concurrently filed an application to rezone the subject property from Mobile Home Conservation Residential District (MHC-2) to Residential Planned Development (RPD), indicating the type of development that is anticipated on the subject property. The RPD proposes development of multi-family units at maximum density, utilizing the existing access point on Old Gladiolus Drive and adding a new access point onto US-41[1].

SUBJECT PROPERTY

The subject property is located on the site previously occupied by Royal Palm Village. This community was established in 1982 as an age-restricted (50+) mobile home community. The previous development located on the site consisted of approximately 130 mobile homes on individually owned parcels[2]. The community sustained significant damage during Hurricane Ian, and a majority of members voted to dissolve the condominium association and sell the property[3]. The subject property was rezoned to MHC-2 in 1991[4] and has been designated as Central Urban since the Lee Plan's inception in 1984[5].

SURROUNDING PROPERTIES

Nearby uses contain a mix of residential types, including condominiums, quadplexes, single-family homes, and mobile homes. Surrounding residential properties are within the Central Urban and Suburban future land use categories. The Suburban future land use category, which contains a mixture of single-family homes and commercial uses, is separated from the subject property by Philip's Creek. There are commercial properties east of the subject property on both sides of US-41 within the Central Urban future land use category. Commercial parcels to the north, across Old Gladiolus Drive, are within the Intensive Development future land use category. The surrounding properties are conventionally zoned, with a mixture of zoning categories consisting of C-1, CC, RM-2, RS-1, and AG-2. The surrounding commercial uses consist of an automotive dealership, two large-scale commercial stores, and several strip commercial developments. Additional details on the surrounding properties are provided in Table 1.

TABLE 1: SURROUNDING PROPERTIES INFORMATION

	Future Land Use	Zoning	Existing Use
North	Intensive Development	C-1	Car Dealership
East	Central Urban	C-1 & CC	Retail commercial
South	Suburban	RS-1, AG-2 & CC	Single-family
West	Central Urban	RM-2	Multi-family

[1] DCI2023-00049

[2] Shaw, D. (1982). Declaration of condominium: Royal Palm Village Condominium. *Lee County Official Records Book 1617, pp. 762-811*.

[3] Caves, J.R. (2023). Plan of termination of Royal Palm Village Condominium. *Lee County Official Records INSTR. # 2023000254733.*

[4] Z-90-055.

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

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

The applicant is requesting to amend the future land use category of the subject property from Central Urban to Intensive Development. The current future land use category allows for a standard density of up to 10 dwelling units per acre, with the opportunity to pursue bonus density of up to 15 dwelling units per acre. The proposed future land use category would allow a standard density of up to 14 dwelling units per acre with the opportunity to pursue bonus density of up to 22 dwelling units per acre. The existing and proposed future land use categories are otherwise similar in allowed uses and intensity of non-residential development.

Lee Plan policies describing the existing and proposed future land use categories are provided below.

> ***POLICY 1.1.2:*** *The Intensive Development future land use category is located along major arterial roads. By virtue of their location, the County's current development patterns, and the available and potential levels of public services, areas with this designation are suited to accommodate high densities and intensities. Mixed use developments of high-density residential, commercial, limited light industrial, and office uses are encouraged to be developed as described in Objective 11.1, where appropriate. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre), with a maximum total density of twenty-two dwelling units per acre (22 du/acre). The maximum total density may be increased to thirty dwelling units per acre (30 du/acre) utilizing Greater Pine Island Transfer of Development Units.*
>
> ***POLICY 1.1.3****: The Central Urban future land use category can best be characterized as the "urban core" of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public and quasipublic, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre), with a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.*

The requested amendment would allow for greater density on the subject property than is currently permitted.

Objective 2.2, regarding Development Timing, provides that new development should be directed "to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created." The proposed amendments will allow for the redevelopment of an existing residential use at a higher density than previously allowed, providing housing within an area where public facilities and services already exist, consistent with Objective 2.2. The availability of public facilities and services is discussed in greater detail in the Service Availability section of this report. The proposed amendment is consistent with Objective 2.2.

Lee Plan **Goal 5** specifically relates to the development of residential land uses and directs the County to "accommodate the projected population of Lee County in the year 2045 in appropriate locations". The proposed change to the Future Land Use Map would increase the allowable density on the subject property, helping Lee County accommodate the projected 2045 population in an existing future urban area.

Policy 5.1.2 directs Lee County to prohibit residential development "where physical constraints exist, or require the density and design to be adjusted accordingly." The Policy provides that such constraints or hazards may include flood, storm, or hurricane hazards; unstable soil or geological conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community. The subject property is located within the Coastal High Hazard Area (Lee Plan Map 5-A), which identifies areas within the storm surge line of a category 1 storm established on a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model and in Federal Emergency Management Agency (FEMA) Flood Zone AE-EL11. To minimize hazards to the proposed development, the design will be required to be adjusted accordingly to be consistent with Policy 2.2, including being constructed to standards of the Florida Building Code and FEMA based on the property's flood zone. Additionally, the companion rezoning provides increased setbacks between Philip's Creek and the nearest proposed residential buildings beyond what is currently required. The proposed amendment is consistent with Policy 5.1.2.

Policy 5.1.3 directs high-density residential developments to locations near employment and shopping centers, schools and parks, and mass transit and bicycle facilities. The property is centrally located near US-41, approximately one-quarter mile south of the intersection of US-41 and Gladiolus Drive, where Gladiolus Drive becomes Six Mile Cypress Parkway. There is an existing area of commercial and industrial activity approximately three-quarters of a mile north along Andrea Lane. A wide variety of retail uses operate along US-41, and the Market Square and Bell Tower shopping centers are within a mile and a half to two miles of the property. The subject property has access to several major commercial centers and an industrial center of the County. It also has close access to Lakes Park, Florida Southwestern State College, South Fort Myers High School, LeeTran Route 240, and is in close proximity to existing routes on the Lee County Walkways and Bikeways Map and Lee County Greenways Master Plan (Lee Plan Maps 3-D and 4-E). The proposed amendment is consistent with Policy 5.1.3.

As discussed above, the proposed amendment is consistent with the stated purpose of **Goal 5** – "to accommodate the projected population in appropriate locations, guided by the Future Land Use Map, and in attractive and safe neighborhoods with a variety of price ranges and housing types." This is further supported by the Housing Element and Economic Element of the Lee Plan, specifically **Policy 135.1.9** and **Policy 160.1.3.**

Lee Plan **Policy 101.1.4** regarding Coastal Area Planning and Sec. 163.3178(8), F.S. require comprehensive plan amendments that increase density within the Coastal High Hazard Area to provide appropriate mitigation to offset the additional density. The development will be required to maintain an emergency preparedness plan meeting the standards set forth in Lee County Administrative Code 7-7. The developer is responsible for mitigating the impacts on hurricane shelter availability and evacuation capability in accordance with Lee County Land Development Code Chapter 2, Article XI. The extent of mitigation required will be determined at the time of Development Order. The proposed amendment is consistent with Policy 101.1.4.

Given the previously developed nature of the property, there are no wetlands or rare and unique upland habitats within the subject property boundary documented in the applicant's Environmental Impact Analysis. Additionally, the applicant did not identify any protected species on the property. The southern boundary of the property abuts Philip's Creek, a natural waterbody that conveys offsite flows that originate from the east side of US-41 and residential properties to the south of Philip's Creek. These offsite flows are then ultimately conveyed to Estero Bay Aquatic Preserve. The concurrent rezoning application is proposing to maintain the existing surface water flows as required by **Policy 126.1.4**.

Based on the analysis above, the proposed Future Land Use Map amendment to redesignate the subject property from Central Urban to Intensive Development is consistent with the Lee Plan's goals, objectives, and policies.

SERVICE AVAILABILITY

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

Transportation: The subject property is located on Old Gladiolus Drive but has requested an additional access point on US-41 from the Florida Department of Transportation. US-41 is a state-maintained arterial road and Old Gladiolus Drive is a county-maintained local road.

Short-range Impacts: The proposed amendment will not cause any roadway link to fall below the recommended minimum acceptable Level of Service thresholds.

Long-Range Impacts: The proposed amendment will not cause any roadway link to fall below the recommended minimum acceptable Level of Service thresholds.

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

Mass Transit: The subject property is within one-quarter mile of a fixed route corridor, and bus stop #11490 is within one-quarter mile of the property. The 2021 Transit Development Plan identifies the need for enhanced or additional transit services in the area. The developer may be required to connect to and improve transit facilities at the time of Development Order.

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

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

Fire: The South Trail Fire Protection and Rescue Service District provided a letter dated March 8, 2024, stating that it is capable of providing fire protection to the subject property.

EMS: The subject property has access to Emergency Medical Services. Lee County Emergency Medical Services provided a letter dated November 16, 2024, stating that it is able to serve the property from one ambulance located 1.6 miles from the property and a second location 2.3 miles from the property.

Police: The Lee County Sheriff's Office will provide law enforcement services primarily from the Central District offices in Fort Myers. The Sheriff's Office stated in a letter dated November 13, 2023, that the development of the subject property will not affect its ability to provide core services at this time. The Sheriff's Office requests a Crime Prevention through Environmental Design report at the time of Development Order.

Schools: The School District of Lee County provided a letter dated November 16, 2023, stating that capacity is an issue within the Concurrency Service Area (CSA) at the elementary school level; however, capacity is available in the adjacent CSA, which is acceptable according to Sec. 163.3180(6), F.S. and Lee Plan Policy 68.2.3. This is common, and the school board will adjust its population projections accordingly.

CONCLUSIONS

The proposed Comprehensive Plan Amendment to the Future Land Use Map, to change the future land use category designation of the subject property from Central Urban to Intensive Development, assists Lee County in accommodating the projected 2045 population in an existing Future Urban Area, where existing infrastructure and development are in place by increasing the maximum standard density from 10 dwelling units per acre to 14 dwelling units per acre, with the potential for bonus density up to 22 dwelling units per acre.

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

- Development in the surrounding area, including the existing employment center, recreation space, and commercial activity, supports the proposed increase in density, consistent with Goal 5, and Policies 135.1.9 and 160.1.3.
- There are adequate regulatory levels of service available to accommodate anticipated development on the subject property, consistent with Objective 2.2.
- The subject property is appropriate for increased residential development, and the developer is able to design the property to minimize hazards to residential development, consistent with Policies 5.1.3 and 5.1.2.
- The uses allowed within the proposed future land use category are compatible with nearby uses.

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

PART 2

LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: June 24, 2024

A. LOCAL PLANNING AGENCY REVIEW

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

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 about the ownership of the property, hurricane damage sustained by the property, impact of required fill and stormwater management, access to the site, distance to the single-family homes south of the property, the definition of Coastal High Hazard Area, existing elevation of the property, notice given to nearby property owners, density requested under the concurrent rezone, consistency with State Statutes, and future changes to Map 1-A in this area.

There was one public comment on the proposed amendment. The public comment expressed support of the proposed amendment, citing changes in the surrounding area and difficulty meeting flood elevation on individual mobile-home parcels.

B. LOCAL PLANNING AGENCY RECOMMENDATION

A motion was made to recommend that the Board of County Commissioners (BoCC) ***adopt*** CPA2023-00011. The motion passed 5 to 0.

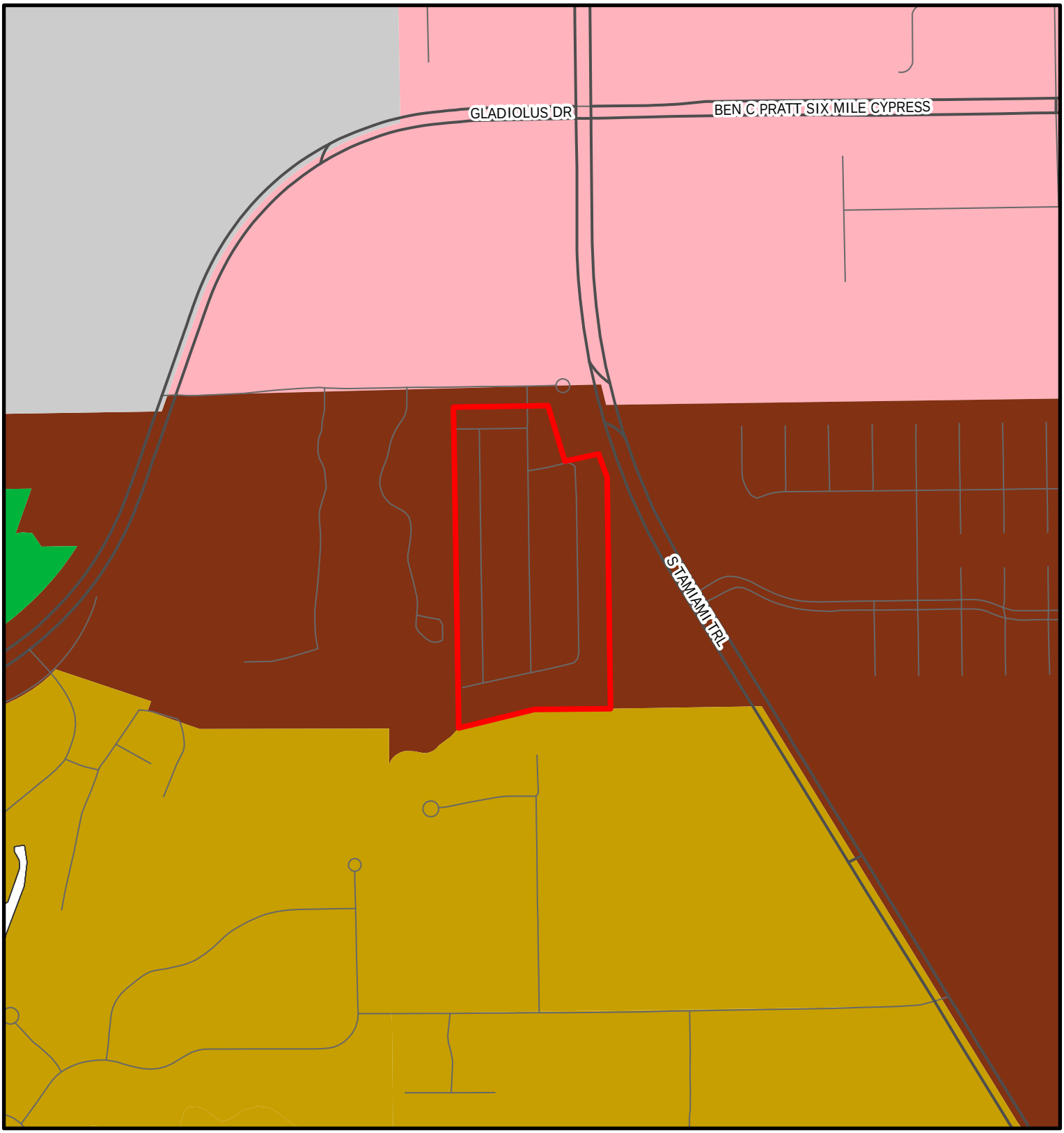
RAYMOND BLACKSMITH	**AYE**
DUSTIN GARDNER	**ABSENT**
DAWN RUSSELL	**AYE**
JENNIFER SAPEN	**AYE**
DON SCHROTENBOER	**ABSENT**
STAN STOUDER	**AYE**
HENRY ZUBA	**AYE**

C. STAFF RECOMMENDATION

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

ATTACHMENT 1

- **Existing Future Land Use Map**
- **Proposed Future Land Use Map**



CPA2023-00011

Existing Future Land Use

- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Public Facilities
- Conservation Lands - Upland
- Subject Property

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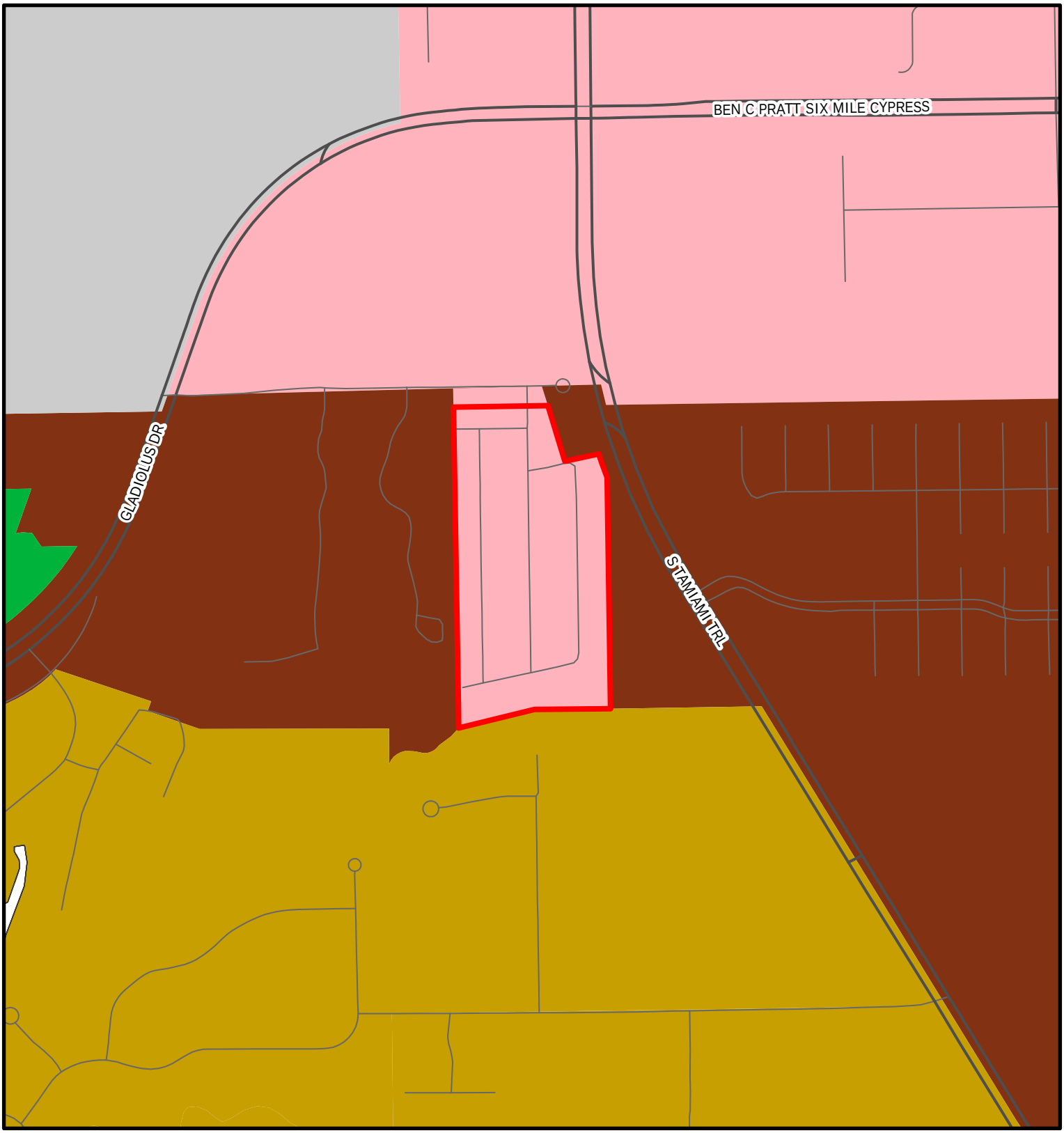
Lee County
Southwest Florida

Map Generated: June 2024



CPA2023-00011

Proposed Future Land

- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Public Facilities
- Conservation Lands - Upland
- Subject Property

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Feet

Lee County
Southwest Florida

Map Generated: June 2024

RVi

December 8, 2023

Lee County Community Development
Planning Section
1500 Monroe Street
Fort Myer, FL 33908

S: ROYAL PALM MULTIFAMILY CPA
Small-scale Comprehensive Plan Map Amendment Application

Dear Planning Staff:

The Flournoy Development Group ("Applicant") seeks to amend Future Land Use Map 1-A to change the Future Land Use Category (FLUC) from Central Urban to Intensive Development. The 19.33+/- acre subject property is generally located on the corner of Old Gladius Road and US Highway 41 in unincorporated Lee County, Florida. The Property has historically been known as the Royal Palm Villages mobile home park. The park flooded during Hurricane Ian and since that time the Flournoy Group has worked to successfully terminate all property ownership within the park and allow for this urban infill development that will be built to new FEMA flood standards.

The development program is for 391 multifamily apartments where 255 units are derived from base density and 136 from bonus density. The property is within the Coastal High Hazard Area which restricts the option of using bonus; therefore, the requested use of the bonus density will be for site-built affordable housing at 140% AMI.

The CPA application is a companion request to a Residential Planned Development (RPD) rezoning application and Bonus Density application. The Applicant seeks to rezone the 19.33 +/- acres from MHC-2 to RPD to allow for 391 multifamily apartments with supporting amenities.

Enclosed please find a completed small-scale comprehensive plan map amendment application.

If you have any further questions, please do not hesitate to contact me directly at (239) 318-6707 or fdrovdlic@rviplanning.com.

Sincerely,

RVi **Planning + Landscape Architecture**

Fred Drovdlic, AICP
Planning Director

ROYAL PALM MULTIFAMILY CPA

Small-scale Comprehensive Plan Amendment

- Map Amendment -

December 8, 2023

PREPARED FOR:
Flournoy Development

SUBMITTED TO:
Lee County, Community Development
Development Services Department
1500 Monroe Street
Fort Myers, FL 33901

RVi

January 31, 2024

Katie Woellner, AICP
Principal Planner
Lee County Community Development, Zoning Section
1500 Monroe Street
Fort Myer, FL 33908

Re: Royal Palm Multifamily CPA – Map Amendment
1st INSUFFICIENCY RESPONSE LETTER
CPA2023-00011

Dear Katie:

Enclosed please find responses to your insufficiency letter dated *January 23, 2024*. The following information has been provided to assist with the approval process:

1. Revised Exhibit M7 – Boundary Survey
2. Revised Exhibit M11 – Lee Plan Narrative
3. Revised Exhibit M14 – Public Facilities
4. Revised Exhibit M15 – Traffic Impact Statement
5. Revised Exhibit M17 – Letters of Determination of Availability
6. Revised Exhibit M18 – State Policy
7. Revised Exhibit M19 – Justification of Proposed Amendment
8. New Exhibit M12 - Risk Evac Analysis_Comp 01.30.2024

The following is a list of staff comments with our responses in **bold**:

PLANNING COMMENTS

1. Letters of Availability:
   a. The Fire Letter of Availability was missing. The application materials only included the request letter, not the agency's response.
   b. Provide the Letter of Availability request letters for EMS, Schools, Solid Waste, Law Enforcement, archaeological, and parks.

   RESPONSE: Exhibit M17 is revised and contains all the letters received. Lee Tran and Fire is included.

2. The application materials need to provide direct support for the Comprehensive Plan Amendment, not the rezone. Exhibit M11 also includes analyses and discussion relating to the rezone which are not relevant to the FLUM amendment. Revise the analyses for Policies 2.2.1, 5.2.4, 61.3.6, 61.3.7, 125.1.2, and 125.1.3 so that they directly relate to the FLU map amendment.

   RESPONSE: Exhibit M11 narrative has been revised to better focus on the comprehensive plan amendment for the sections noted.

3. The analysis provided for Policy 101.1.4 in Exhibit M11 states to see an attached report which was not included in the FLUM amendment application. Include this report and summarize the findings to verify compliance with the Lee Plan policy.

   RESPONSE: The report is attached as Exhibit M12 - Risk Evac Analysis_Comp 01.30.2024.

4. Exhibit 18, State Policy and Regional Policy Plan, #22 states that the map amendment from Central Urban to Intensive Development does not alter the density or allowance for population to occupy the parcel; however, this map amendment does increase the density allowed on the parcel. Additionally, as stated in other places in the application, this property flooded during hurricane Ian which conflicts with the statement, "This is an ideal place for quick and effective evacuation and a proper place for density as it is inland out of most major dangers such as flooding or tidal surges." Reword this consistency statement to better reflect the conditions on site.

   RESPONSE: Wording has been rewritten to be more accurate.

   JR Evans has prepared a risk evacuation analysis report, attached as Exhibit M12 - Risk Evac Analysis_Comp 01.30.2024, to demonstrate safe evacuation given the potentially increased population density.

5. The following typos need to be addressed:
   a. Page 1 of Exhibit M11, the Lee Plan Analysis, part II, paragraph 2 references designating the property as part of the Lee County Utilities service area. This property is already within the LCU service area. Provide clarification of this request or remove the statement.

      RESPONSE: Addressed.

   b. The analyses for Standard 4.1.3 and Policy 54.1.6 state that Reuse is available on site; however, the utilities availability letter stated that no reuse lines were in the vicinity. Clarify where this reuse is coming from or revise to be consistent with the LCU availability letter.

      RESPONSE: Addressed. Reuse is not available.

   c. Exhibit 14, page 1, Comprehensive Plan Amendment (Maps), paragraph 2 includes a reference to the General Interchange FLUC.

      RESPONSE: Addressed.

   d. Exhibit M18, Page 4, last paragraph includes another reference to General Interchange.

      RESPONSE: Addressed.

   d. Exhibit M19, Page 3, paragraph 1 states, "the difference lies in the fact that the Intensive Development allows for bonus density." The existing Central Urban FLUC allows for Bonus Density too. Clarify that the proposed FLUC allows more bonus density.

      RESPONSE: Addressed.

f. The analysis for Policy 95.1.3(3) states that the property "is intended to be developed as part of the existing CPD, as amended." The companion rezone is to RPD. Revise.

RESPONSE: Addressed.

g. The analysis for policy 5.1.1 states that this is an application to rezone the property. This application is for a FLUM amendment.

RESPONSE: Analysis is NA to FLUM amendment. Removed.

LEGAL DESCRIPTION/SURVEY COMMENTS

6. The sketch of the subject property does not include a state plane coordinate at the point of beginning (POB) and a second point at an opposing corner. The legal description of the property does not include the directional call for the centerline of Phillips Creek as it shows in the sketch, the sketch does not include the length of the first call (POC to POB) as it does in the description, and several other directional calls within the legal description are inconsistent with the sketch.

   RESPONSE: A revised Boundary Survey and Sketch and Description is included in the resubmittal as Exhibits M7.

TRANSPORTATION COMMENTS

7. Tables 1A and 3A require revision, as the LOS standard for Winkler Rd. (North of College Pkwy) appears inaccurate. Additionally, kindly make any necessary updates in the Transportation Impact Study (TIS) to reflect this change.

   RESPONSE: A revised Traffic Impact Statement is in the submittal addressing the changes requested.

8. Table 2A also requires revision, specifically concerning the accuracy of the K- factor and D-factor for most segments. Please refer to the Lee County Traffic Count Report and the Florida Traffic Online Webpage for accurate information. Furthermore, the estimation of Peak Hour Peak Directional Project Traffic should be based on the peak directional count (133) generated from the development.

   RESPONSE: A revised Traffic Impact Statement is in the submittal addressing the changes requested.

If you have any further questions, please do not hesitate to contact me directly at (239) 318-6707 or fdrovdlic@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture

Fred Drovdlic, AICP
Planning Director

March 13, 2024

Joseph Sarracino
Planner
Lee County Community Development, Planning Section
1500 Monroe Street
Fort Myer, FL 33908

Re: Royal Palm Multifamily CPA – Map Amendment
2nd INSUFFICIENCY RESPONSE LETTER
CPA2023-00011

Dear Katie:

Enclosed please find responses to your insufficiency letter dated *March 5, 2024*. The following information has been provided to assist with the approval process:

1. Revised Exhibit M3 – Property Ownership List and Map Exhibit
2. Exhibit M4 – Archaeological Sensitivity Map
3. Revised Exhibit M5 – Surrounding Land Uses Map
4. Revised Exhibit M7 – Boundary Survey and Sketch
5. Revised Exhibit M11 – Lee Plan Narrative
6. Exhibit M14 – Surface Water Management Plan-Royal Palm
7. Exhibit M14 – Water Quality Monitoring Plan-Royal
8. Revised Exhibit M17 – Letters of Determination of Availability (Fire)

The following is a list of staff comments with our responses in **bold**:

APPLICATION MATERIALS COMMENTS

1. Please provide physical copies of the mailing labels for property owners within 500 feet of the subject parcel.

RESPONSE: Labels have been printed and dropped off at counter on Floor 2 with a cover letter.

2. Exhibit M20 is not applicable to the proposed amendment. Remove Exhibit M20 from the application materials.

RESPONSE: We request that Exhibit M20 be removed from the Accela file.

3. Provide a map showing the subject property's location on the archaeological sensitivity map for Lee County.

RESPONSE: It abuts Archaeological Sensitivity 2 area along Old Gladiolus but is not within an area. A map under Exhibit M4 - Archaeological Sensitivity Map has been created.

4. Include the current use of the subject property on the Surrounding Land Uses Map.

RESPONSE: Exhibit M5 - Surrounding Land Uses Map has been edited to add the current use which is a vacated mobile home park.

5. Exhibit M16 of the original submittal states that an application was filed to add the property to the Lee County Utilities (LCU) service area. The property is already in the LCU service area. Remove this statement and resubmit Exhibit M16.

RESPONSE: Changed as requested.

6. Confirm that no "Living Units" as referenced in the Plan of Termination exist on the property.

RESPONSE: All but two or three units have been removed from the property. The units that remain are uninhabitable. They do not have running water or power to the site. The units were never reinhabited post-Ian.

7. The Property Owners exhibit lists 126 STRAP numbers associated with the request. Lee County GIS lists 136 STRAP numbers within the boundaries of the subject property. Explain the discrepancy between submitted materials and County data.

RESPONSE: We reran the LeePA database and corrected the Exhibit M3 – Property Ownership List and Map Exhibit to show 136 STRAP numbers which matches the GIS database.

8. Approval, Consent and Joinder of Unit Owner documents were not provided for several addresses. Provide the Approval, Consent and Joinder of Unit Owner documents for the following addresses or clarify why they were not provided:

RESPONSE: The provided Approval, Consent and Joinder of Unit Owner only requires 80% of the property owners to sign in order to proceed with vacating all properties. The missing addresses were part of the 20% that did not physically signa notarized document but were not necessary for the passing of the act.

PLANNING COMMENTS

9. Analysis of Policy 61.3.6 and Exhibit M14 reference a surface water management plan that was not included in the submittal materials. Include the surface water management plan.

RESPONSE: The exhibit was included in the companion zoning application and is now included as Exhibit M14 - Surface Water Management Plan-Royal Palm v01.pdf in this insufficiency response.

10. Analysis of Policy 125.1.3 references a water quality management plan that was not included in the submittal materials. Include the draft water quality management plan.

RESPONSE: The exhibit was included in the companion zoning application and is now included as Exhibit M14 - Water Quality Monitoring Plan-Royal Palm v01.pdf in this insufficiency response.

11. The resubmittal package did not include a letter of service availability for Fire. Submit the letter of availability from the appropriate Fire District.

RESPONSE: The letter is included in the resubmittal.

12. Analysis of Policy 54.1.6 continues to state that reuse is available to the subject property. Revise to clarify that reuse is not available to the subject property.

RESPONSE: Corrected.

13. Analyze Lee Plan Policies 1.6.5, 5.1.2, and 5.1.5.

RESPONSE: Added to the Lee Plan Analysis.

LEGAL DESCRIPTION/SURVEY COMMENTS

14. The sketch of the subject property does not include a state plane coordinate at the point of beginning (POB) and a second point at an opposing corner. These are found on the boundary survey which is not a required submittal document.

RESPONSE: A revised survey is included in the resubmittal.

15. The revised legal description of the property does not incorporate the directional call for the centerline of Phillips Creek as it shows in the sketch.

RESPONSE: The legal description has been corrected.

16. The legal description does not close at an acceptable level using either the written description (incorporating the call for Phillips Creek) or the measured distances on the sketch. Directional calls within the legal description are inconsistent with the sketch. The measured calls on the boundary survey do result in an acceptable level of accuracy but are not the same as the legal descriptions on any of the documents.

RESPONSE: The legal description has been corrected.

If you have any further questions, please do not hesitate to contact me directly at (239) 318-6707 or fdrovdlic@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture

Fred Drovdlic, AICP
Planning Director

April 16, 2024

Joseph Sarracino
Planner
Lee County Community Development, Planning Section
1500 Monroe Street
Fort Myer, FL 33908

Re: Royal Palm Multifamily CPA – Map Amendment
3rd INSUFFICIENCY RESPONSE LETTER
CPA2023-00011

Dear Joe:

Enclosed please find responses to your insufficiency letter dated *April 12, 2024*. The following information has been provided to assist with the approval process:

1. Revised Exhibit M11 – Lee Plan Narrative
2. Title Opinion as Exhibit M7
3. Hard copy of labels to Zoning Counter

The following is a list of staff comments with our responses in **bold**:

APPLICATION MATERIALS COMMENTS

1. Please provide physical copies of the mailing labels (i.e. sticker labels) for property owners within 500 feet of the subject parcel.

   RESPONSE: Labels have been printed and dropped off at counter on Floor 2 with a cover letter.

2. Provide a Title Opinion as referenced on the Boundary Survey for the subject property.

   RESPONSE: The title opinion has been part of the RPD zoning package and is now uploaded in the CPA as well.

PLANNING COMMENTS

3. Updates proposed to Table 1(b) would create a population distribution that does not match Lee County's population projections and may not be required for development of the subject property.

   RESPONSE: Exhibit M11 - Lee Plan Analysis has been updated to eliminate the narrative on Policy 1.6.5 after discussion with staff.

If you have any further questions, please do not hesitate to contact me directly at (239) 318-6707 or fdrovdlic@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture

Fred Drovdlic, AICP
Planning Director

Table of Contents

Contents

EXHIBIT M1 – CPA APPLICATION

Lee County Community Development

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

Project Name: **Royal Palm Multifamily CPA**

Project Description: **Proposal to change the Future Land Use category (FLUC) of the 19.33+/- acre site from Central Urban to Intensive Development. The request requires a map amendment to the Lee Plan Map 1A. The proposal will allow for a development of with a maximum of 391 multifamily apartments – 255 (base density units); 136 (bonus density units). The site is in the CHHA so the bonus density proposed is for site-built affordable housing. This map amendment will be accompanied by a requested RPD Rezone petition and Bonus Density application.**

Map(s) to Be Amended: **Lee Plan Map 1A – Future Land Use Map**

State Review Process: ■ Small-Scale Review ☐ State Coordinated Review ☐ Expedited State Review

---

1. **Name of Applicant:** **Flournoy Development Group**
   Address: 2200 Brookstone Centre Parkway
   City, State, Zip: Columbus, GA 31904
   Phone Number: (407) 913-6750 E-mail: cooper.reece@flournoydev.com

2. **Name of Contact:** **Fred Drovdlic, AICP**
   Address: RVi Planning and Landscape Architecture, 1514 Broadway, Suite 201
   City, State, Zip: Fort Myers, FL 39901
   Phone Number: 239-318-6707 E-mail: fdrovdlic@rviplanning.com

3. **Owner(s) of Record:** See "Property Ownership List and Map Exhibit"
   Address:
   City, State, Zip:
   Phone Number: E-mail:

4. **Property Location:**
   1. Site Address: See "Property Ownership List and Map Exhibit"
   2. STRAP(s): See "Strap Numbers Exhibit"

5. **Property Information:**
   Total Acreage of Property: 19.33 acres Total Acreage Included in Request: 19.33 acres
   Total Uplands: 19.33 acres Total Wetlands: 1.16 acres (natural waterways) Current Zoning: MHC-2
   Current Future Land Use Category: Central Urban
   Area in Each Future Land Use Category: All
   Existing Land Use: Former Royal Palm Villages mobile home park now terminated with most units removed

6. **Calculation of maximum allowable development under current Lee Plan:**
   Residential Units/Density: 182 base; 91 bonus Commercial Intensity: N/A Industrial Intensity: N/A

7. **Calculation of maximum allowable development with proposed amendments:**
   Residential Units/Density: 255 base; 145 bonus Commercial Intensity: N/A Industrial Intensity: N/A

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 range improvements
g Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water

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

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 LeeCounty.

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 andobjective.
3. Describe how the proposal affects adjacent local governments and their comprehensiveplans.

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)

☒	Completed Application (Exhibit – M1)
☐	Filing Fee (Exhibit – M2)
☒	Disclosure of Interest (Exhibit – M3)
☒	Surrounding Property Owners List, Mailing Labels, and Map For All Parcels Within 500 Feet of the Subject Property (Exhibit – M3)
☒	Future Land Use Map - Existing and Proposed (Exhibit – M4)
☒	Map and Description of Existing Land Uses (Not Designations) of the Subject Property and Surrounding Properties (Exhibit – M5)
☒	Map and Description of Existing Zoning of the Subject Property and Surrounding Properties (Exhibit – M6)
☒	Signed/Sealed Legal Description and Sketch of the Description for Each FLUC Proposed (Exhibit – M7)
☒	Copy of the Deed(s) of the Subject Property (Exhibit – M8)
☒	Aerial Map Showing the Subject Property and Surrounding Properties (Exhibit – M9)
☒	Authorization Letter From the Property Owner(s) Authorizing the Applicant to Represent the Owner (Exhibit – M10)
☒	Lee Plan Analysis (Exhibit – M11)
☒	Environmental Impacts Analysis (Exhibit – M12)
☒	Historic Resources Impact Analysis (Exhibit – M13)
☒	Public Facilities Impacts Analysis (Exhibit – M14)
☒	Traffic Circulation Analysis (Exhibit – M15)
☒	Existing and Future Conditions Analysis - Sanitary Sewer, Potable Water, Surface Water/Drainage Basins, Parks and Rec, Open Space, Public Schools (Exhibit – M16)
☒	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)
☒	State Policy Plan and Regional Policy Plan (Exhibit – M18)
☒	Justification of Proposed Amendment (Exhibit – M19)
☒	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.

EXHIBIT M3 – DISCLOSURE AND VARIANCE REPORT

FLOURNOY MULTIFAMILY RPD

Property Owners Exhibit

DATABASE FROM ALL PARCELS SELECTED ON LEEPA

1. 35-45-24-05-00000.0010,
2. 35-45-24-05-00000.0020,
3. 35-45-24-05-00000.0030,
4. 35-45-24-05-00000.0040,
5. 35-45-24-05-00000.0050,
6. 35-45-24-05-00000.0060,
7. 35-45-24-05-00000.0070,
8. 35-45-24-05-00000.0080,
9. 35-45-24-05-00000.0090,
10. 35-45-24-05-00000.0100,
11. 35-45-24-05-00000.0110,
12. 35-45-24-05-00000.0120,
13. 35-45-24-05-00000.0130,
14. 35-45-24-05-00000.0140,
15. 35-45-24-05-00000.0150,
16. 35-45-24-05-00000.0160,
17. 35-45-24-05-00000.0170,
18. 35-45-24-05-00000.0180,
19. 35-45-24-05-00000.0190,
20. 35-45-24-05-00000.0200,
21. 35-45-24-05-00000.0210,
22. 35-45-24-05-00000.0220,
23. 35-45-24-05-00000.0230,
24. 35-45-24-05-00000.0240,
25. 35-45-24-05-00000.0250,
26. 35-45-24-05-00000.0260,
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134. 35-45-24-L2-05000.02CE,
135. 35-45-24-L2-05000.03CE,
136. 35-45-24-L2-0500R.00CE

WAL-MART STORES EAST LP
PROPERTY TAX DEPT
PO BOX 8050 MS 0555
BENTONVILLE AR 72716

BJA PROPERTIES I LLC
8850 TERRENE CT
BONITA SPRINGS FL 34135

TT OF CYPRESS INC
505 S FLAGLER DR STE 700
WEST PALM BEACH FL 33401

STATE OF FL DOT
PO BOX 1249
BARTOW FL 33831

LOWES HOME CENTERS INC
1000 LOWE'S BLVD, TAX52
MOORESVILLE NC 28117

LOST TREE APARTMENTS LLC
300 OREGON ST #306
HOLLYWOOD FL 33019

LOST TREE APARTMENTS LLC
300 OREGON ST #306
HOLLYWOOD FL 33019

BARKIS CARWASH INC
15834 BROTHERS CT
FORT MYERS FL 33912

SCHNEIDER TIMOTHY & KACEY
1477 CUMBERLAND CT
FORT MYERS FL 33919

BLANTON CHRISTA
15321 WIL-LEW LANE
FORT MYERS FL 33908

KENDALL TIMOTHY W & JODI E
15291 WILL-LEW LN
FORT MYERS FL 33908

SEWELL TERRY W & JONI B
15469 CHLOE CIR
FORT MYERS FL 33908

PARKSIDE PLACE CONDO ASSN
SAK + ASSOC; ATTN: S KOLENUT
8695 COLLEGE PKWY STE 2031
FORT MYERS FL 33919

PARK HOWARD R & ALEX ANN
7070 PHILIPS CREEK CT
FORT MYERS FL 33908

DUDEK GREGORY P & TERESA M
7090 PHILIPS CREEK CT
FORT MYERS FL 33908

ESTRELLA THOMAS
7110 PHILIPS CREEK CT
FORT MYERS FL 33908

SHANKLE ZACHARY R
7130 PHILIPS CREEK CT
FORT MYERS FL 33908

MARTINEAU JOEL F &
7150 PHILIPS CREEK CT
FORT MYERS FL 33908

BOSWAY THOMAS & LINDA
7171 PHILIPS CREEK CT
FORT MYERS FL 33908

SMOLYAR ALBERT & YANA
14021 CLEAR WATER LANE
FORT MYERS FL 33907

FYODOROV GALINA +
7131 PHILIPS CREEK CT
FORT MYERS FL 33908

DOROTHY A TARI TRUST
7091 PHILIPS CREEK CT
FORT MYERS FL 33908

JAMAICA BAY VENTURE III LLC
COVE COMMUNITIES
2999 N 44TH ST #200
PHOENIX AZ 85018

SUSENCE FL HOLDINGS LLC
13279 AVILA BEACH COVE
DELRAY BEACH FL 33446

BURHANS LINDSEY & SUSAN +
9300 VITTORIA CT
FORT MYERS FL 33912

DORIS HILL TRUST +
893 CYPRESS LAKE CIR
FORT MYERS FL 33919

SUSENCE FL HOLDINGS LLC
1614 COLONIAL BLVD STE 101
FORT MYERS FL 33907

SANJO REALTY CORP
10608 PLANTATION BAY DR
TAMPA FL 33647

BULLARD JOHN
15051 PARKSIDE DR #101
FORT MYERS FL 33908

SUTTLE LONNIE R L/E
15051 PARKSIDE DR #103
FORT MYERS FL 33908

HELFERT ERIN
7111 PHILIPS CREEK CT
FORT MYERS FL 33908

PHILIPS CREEK PROP OWNERS ASSN
7150 PHILIPS CREEK CT
FORT MYERS FL 33908

SUSENCE FL HOLDINGS LLC
13279 AVILA BEACH COVE
DELRAY BEACH FL 33446

SPEEDWAY LLC
PROPERTY TAX DEPARTMENT
539 SOUTH MAIN ST
FINDLAY OH 45840

FIFTH THIRD BANK
MD 10ATA1 CORP FAC
38 FOUNTAIN SQUARE PLZ
CINCINNATI OH 45263

BREECE JACK J TR
PO BOX 305
AMANDA OH 43102

A + K REALTY LLC
101 LITTLE NAHANT RD
NAHANT MA 01908

15051 THINK BIGGIE LLC
420 JEFFERSON AVENUE
MIAMI FL 33138

SUTTLE LONNIE R L/E
15051 PARKSIDE DR #102
FORT MYERS FL 33908

AZAR CEZAR +
11419 MESSMORE RD
UTICA MI 48317

BULLARD DONALD T & BRENDA TR
10160 PALMER RD
BROOKLYN MI 49230

POAGE SHERRY ANN
15051 PARKSIDE DR #203
FORT MYERS FL 33908

SAVCHETZ DAVID & SHERI
11040 CHAMPIONSHIP DR
FORT MYERS FL 33913

EASTCOTT GORDON J & LINDA M TR
35209 DEWBERRY ST
FARMINGTON HILLS MI 48331

CUNIBERTI EDOARDO S &
2550 JARDIN LN
WESTON FL 33327

FRIDH KYLE N &
24920 DIVOT DR
BONITA SPRINGS FL 34135

WALSH PATRICK F & MARY P
14 MARINE RD # 1
BOSTON MA 02127

HINDLEY MARK +
15101 PARKSIDE DR UNIT 103
FORT MYERS FL 33908

KENYON WARREN H JR &
15101 PARKSIDE DR UNIT 5
FORT MYERS FL 33908

KROB KEVIN A + SHERRI L
4967 210TH ST NE
SOLON IA 52333

SHUCK WILLIAM
15166 PARKSIDE DR #6
FORT MYERS FL 33908

MUNRO GERALD K SR TR
39647 TUNSTALL DR
CLINTON TOWNSHIP MI 48038

KORMOS GEORGE
21665 INDIAN BAYOU DR
FORT MYERS BEACH FL 33931

CARFORE CINDY
15176 BAHIA CT
FORT MYERS FL 33908

HAWKS RICHARD K L/E
15075 PARKSIDE DR SW #6
FORT MYERS FL 33908

MATHISEN THELMA L L/E
311 HIGHLAND DR
ENGLEWOOD OH 45322

WIEMAN DENNIS C & JULIE A +
16226 ASHEBORO CT
FORT MYERS FL 33908

KEPLEY CHARLES G & CONNIE R
15101 PARKSIDE DR #104
FORT MYERS FL 33908

GARDELIS DEMETRIOUS +
15101 PARKSIDE DR #202
FORT MYERS FL 33908

SLOAN DOUGLAS E & AMY
305 BUNDY AVE
NEW CASTLE IN 47362

DESOTELL MATTHEW JON
9012 WATER TUPELO RD
FORT MYERS FL 33912

HARRINGTON SHARON L TR
15125 PARKSIDE DR #103
FORT MYERS FL 33908

KILCOYNE DENNIS P &
3511 SOLEDAD CANYON RD
ACTON CA 93510

AKHMEDJANOV SHUKHRAT
5640 CHELSEY LN STE 204
FORT MYERS FL 33912

GIZZI BRIAN P +
15155 PARKSIDE DR #401
FORT MYERS FL 33908

ENNIS HALEY +
15155 PARKSIDE DR #103
FORT MYERS FL 33908

HACKER ROBERT A & BONNIE J
6361 PAWNEE RIDGE DR
LOVELAND OH 45140

THOMPSON SUSAN
15155 PARKSIDE DR #203
FORT MYERS FL 33908

HURLES BETHEL J + DAVID A
3973 BUR OAK TRL
LIMA OH 45807

LYONS AMY
261 TIMOTHY DR
NICHOLASVILLE KY 40356

REID THOMAS H JR & NANCY J
17 DUNHAM LN
EASTAMPTON NJ 08060

KOHLBUS STEVEN & CARIN +
15125 PARKSIDE DR #104
FORT MYERS FL 33908

MICOVIC MIRJANA
2209 CARA CARA WAY
NAPLES FL 34120

DESANTIS VITO +
40 FLEETWOOD AVE APT 6C
MOUNT VERNON NY 10552

RENDE CONNIE
15155 PARKSIDE DR #102
FORT MYERS FL 33908

RANDALL PETER EDWARD
117 OLD FORT RD
NEWPORT RI 02840

WOOD ANDREW BLAKE
15155 PARKSIDE DR #202
FORT MYERS FL 33908

WRIGHT JOHN ROBERT GORDON &
2-17 HILL ST
PICTON ON K0K 2T0
CANADA

NOWOGRODZKI KONRAD
15177 PARKSIDE DR #102
FORT MYERS FL 33908

PIONTKOWSKI GARY TR
8622 BANYAN BAY BLVD
FORT MYERS FL 33908

KLINGENMEIER SCOT
15177 PARK SIDE DR APT 5
FORT MYERS FL 33908

KNIGHT GAVIN D
10976 CHERRY LAUREL DR
FORT MYERS FL 33912

RANDY R + SARA E WHITMER
1101 N BANCORFT ST
INDIANAPOLIS IN 46201

SHUCK WILLIAM L
15166 PARKSIDE DR UN 6
FORT MYERS FL 33908

SWEATT SVETLANA
15205 PARKSIDE DR #101
FORT MYERS FL 33908

ODONNELL MARY B TR
5119 N OAK PARK AVE
CHICAGO IL 60656

GOMEZ WENDY
15205 PARKSIDE DR #103
FORT MYERS FL 33908

COSTIGLIOLA NANCY A
15205 PARKSIDE DR #104
FORT MYERS FL 33908

TABARRINI CAROL L
15205 PARK SIDE DR APT 5
FORT MYERS FL 33908

SUTTON TONI FERRELL
15205 PARKSIDE DR #202
FORT MYERS FL 33908

GIARDINA MICHAEL A +
15205 PARK SIDE DR APT 7
FORT MYERS FL 33908

LEMIEUX ARMAND H L/E
15205 PARK SIDE DR APT 8
FORT MYERS FL 33908

RVi
28100 Bonita Grande Drive
Suite 305
Bonita Springs, FL 34135
Tel 239 405 7777
www.rviplanning.com

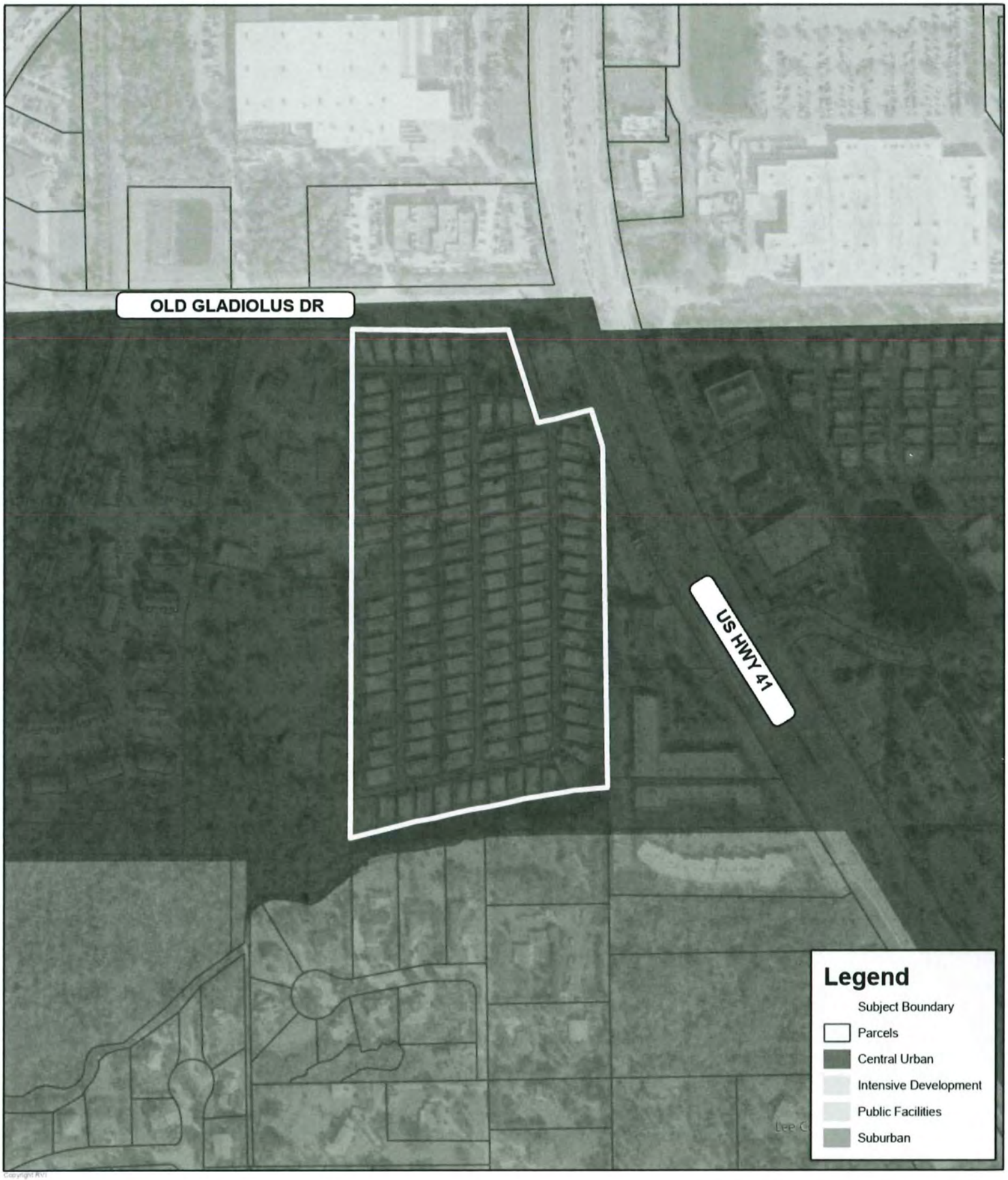
FLOURNOY MULTIFAMILY RPD • **PARCELS MAP**

- Lee County, FL
- 11/1/2023
- # 23001957
- Flournoy Development Group

0 200 400
Feet

EXHIBIT M4 – FUTURE LAND USE MAP - EXISTING AND PROPOSED

Lakes
Regional
Park
STOBLE LOOP
REFLECTION KEY CIR



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Bonita Springs, FL 34135
Tel 239 405 7777
www.rviplanning.com

FLOURNOY MULTIFAMILY RPD • **FUTURE LAND USE MAP**

- Lee County, FL
- 11/1/2023
- # 23001957
- Flournoy Development Group

0 200 400
Feet


GLADIOLUS DR

EXHIBIT M5 – MAP AND DESCRIPTION OF EXISTING LAND USES OF THE SUBJECT PROPERTY AND SURROUNDING PROPERTIES

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28100 Bonita Grande Drive
Suite 305
Bonita Springs, FL 34135
Tel: 239.405.7777
www.rviplanning.com

FLOURNOY MULTIFAMILY RPD • **SURROUNDING LAND USES MAP**

Lee County, FL

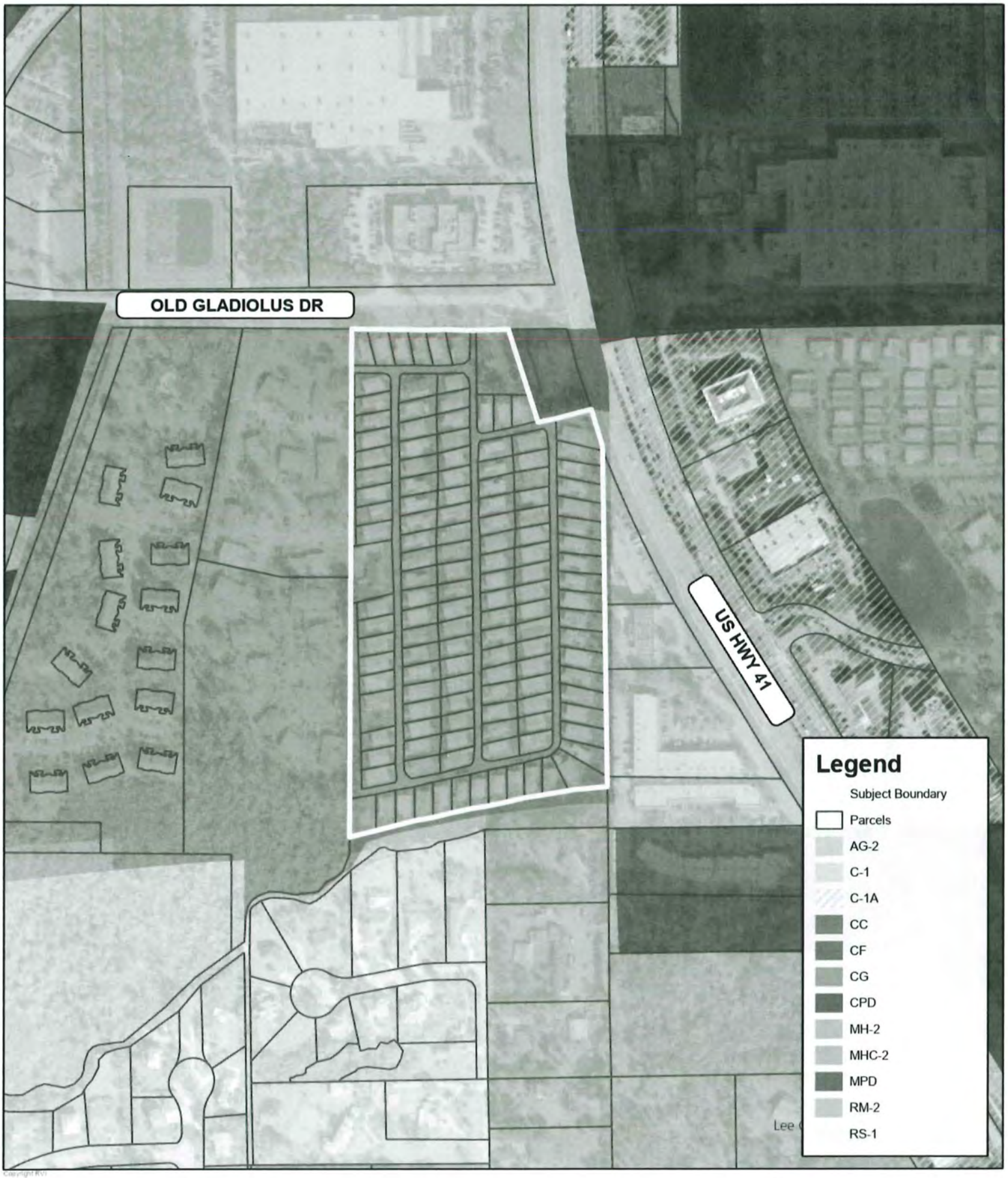
11/1/2023

23001957

Flournoy Development Group

0 200 400 Feet

EXHIBIT M6 – MAP AND DESCRIPTION OF EXISTING ZONING OF THE SUBJECT PROPERTY AND SURROUNDING PROPERTIES



RVi
28100 Bonita Grande Drive
Suite 305
Bonita Springs, FL 34135
Tel 239 405 7777
www.rviplanning.com

FLOURNOY MULTIFAMILY RPD • **CURRENT ZONING MAP**

- Lee County, FL
- 11/1/2023
- # 23001957
- Flournoy Development Group

0 200 400
Feet

EXHIBIT M7 – LEGAL SKETCH AND DESCRIPTION

EASEMENTS

PER OPINION OF TITLE PREPARED BY STRAYHORN, PERSONS-MALUCKA & FISHER
EFFECTIVE DATE OF OPINION OF TITLE: OCTOBER 17,2023 @ 5:00 PM

RIGHTS FOR PUBLIC ROAD RIGHT OF WAY AS CONTAINED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 844, PAGE 311, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

TO THE SUBJECT PROPERTY AND IS SHOWN HEREON

RIGHT AS DESCRIBED IN THE IN THE WARRANTY DEED AS RIGHTS OF WAY DITCHES FOR THE BENEFIT OF IONA DRAINAGE HIGH RIGHTS OF WAY WERE DESIGNATED ON THE MINUTES OF SAID DRAINAGE DISTRICT, RECORDED IN DEED BOOK 182 THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

TO THE SUBJECT PROPERTY, BUT IS BLANKET IN NATURE AND CAN'T BE GRAPHICALLY DEPICTED HEREON

UTILITY EASEMENT FOR THE BENEFIT OF THE PARCEL DESCRIBED IN LEE COUNTY PUBLIC RECORDS BOOK 1569, PAGE 2346, PURPOSE OF INSTALLING A SEWER SERVICE LINE AND FOR PROVIDING ACCESS TO THE ROYAL PALM CONDOMINIUM NO. INCH MAIN SEWER LINE AS CONTAINED IN THE AGREEMENT FOR EASEMENT, CONSTRUCTION AND MAINTENANCE IN OFFICIAL RECORDS BOOK 1569, PAGE 4730, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

TO THE SUBJECT PROPERTY AND IS SHOWN HEREON

EMENT FOR THE PURPOSE OF MAINTAINING THE EXISTING SEWAGE DISPOSAL SERVICE LINES AS CONTAINED IN THE T FOR EASEMENT AND MAINTENANCE OF SEWAGE DISPOSAL SERVICE LINES RECORDED IN OFFICIAL RECORDS BOOK 2022, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

TO THE SUBJECT PROPERTY AND IS SHOWN HEREON

EMENT FOR THE BENEFIT OF COMCAST OF CALIFORNIA, XIV, LLC FOR CONSTRUCTION, USE AND MAINTENANCE OF A I COMMUNICATIONS SYSTEM AS CONTAINED IN THE GRANT OF EASEMENT RECORDED AT INSTRUMENT NUMBER 34, OFFICIAL RECORDS OF LEE COUNTY, FLORIDA.

TO THE SUBJECT PROPERTY, BUT IS BLANKET IN NATURE AND CAN'T BE GRAPHICALLY DEPICTED HEREON

EMENT FOR THE BENEFIT OF COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC FOR THE CONSTRUCTION, USE AND ON OF A BROADBAND COMMUNICATIONS SYSTEM AS CONTAINED IN THE GRANT OF EASEMENT RECORDED AT INSTRUMENT [redacted]2019, IN OFFICIAL RECORDS OF LEE COUNTY, FLORIDA.

TO THE SUBJECT PROPERTY, BUT IS BLANKET IN NATURE AND CAN'T BE GRAPHICALLY DEPICTED HEREON

SCHEDULE "B-II" EXCEPTIONS

PER TITLE COMMITMENT PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY
COMMITMENT NUMBER 11252888, DATED [redacted]2023 @ 5:00 PM

ENDMENTS FOR PUBLIC ROAD RIGHT OF WAY AS CONTAINED IN WARRANTY DEED RECORDED IN DEED BOOK 60, PAGE 311 AND IN ITY DEED RECORDED IN OFFICIAL RECORDS BOOK 844, PAGE 353, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

ECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON

EMENT FOR RIGHTS OF WAY DITCHES FOR THE BENEFIT OF IONA DRAINAGE DISTRICT AS CONTAINED IN WARRANTY DEED IS IN DEED BOOK 182, PAGE 401, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

ECTS THE SUBJECT PROPERTY, BUT IS BLANKET IN NATURE AND CAN'T BE GRAPHICALLY DEPICTED HEREON

EEMENT FOR EASEMENT, CONSTRUCTION AND MAINTENANCE, RECORDED IN OFFICIAL RECORDS BOOK 1569, PAGE, 4730, I RECORDS OF LEE COUNTY, FLORIDA.

ECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON

EEMENT FOR EASEMENT AND MAINTENANCE OF SEWAGE DISPOSAL SERVICE LINES, RECORDED IN OFFICIAL RECORDS BOOK 2, 1179, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

ECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON

COUNTY ORDINANCE NO. 86-14 RELATING TO GARBAGE AND SOLID WASTE COLLECTION RECORDED IN OFFICIAL RECORDS 9, PAGE 2281, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

A SURVEY MATTER

EMENT TO COMCAST OF CALIFORNIA XIV, LLC RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER [redacted]
LCORDS OF LEE COUNTY, FLORIDA.

ECTS THE SUBJECT PROPERTY, BUT IS BLANKET IN NATURE AND CAN'T BE GRAPHICALLY DEPICTED HEREON.

HT OF EASEMENT TO COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC RECORDED IN OFFICIAL RECORDS INSTRUMENT [redacted], PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

ECTS THE SUBJECT PROPERTY, BUT IS BLANKET IN NATURE AND CAN'T BE GRAPHICALLY DEPICTED HEREON

* CLAIM THAT ANY PORTION OF THE INSURED LAND IS SOVEREIGN LANDS OF THE STATE OF FLORIDA, INCLUDING SUBMERGED I ARTIFICIALLY EXPOSED LANDS ACCRETED TO SUCH LAND

* AFFECT THE SUBJECT PARCEL, CURRENT SHORELINE IS SHOWN. ANY PORTION OF THE LAND ARTIFICIALLY FILLED OR D IS/ARE DETERMINED BY THIS SURVEY.

NOTWITHSTANDING THE LEGAL DESCRIPTION IN SCHEDULE A, THIS POLICY DOES NOT INSURE TITLE TO ANY LANDS LYING BELOW H OR ORDINARY HIGH WATER LINE OF ANY NAVIGABLE OR TIDALLY INFLUENCED WATERS.

* A SURVEY MATTER

INALIENABLE RIGHTS OF THE PUBLIC TO USE THE NAVIGABLE WATERS COVERING THE LANDS DESCRIBED ON SCHEDULE A

A SURVEY MATTER

NATURE, EXTENT OR EXISTENCE OF RIPARIAN RIGHTS OR LITTORAL RIGHTS IS NOT INSURED.

A SURVEY MATTER

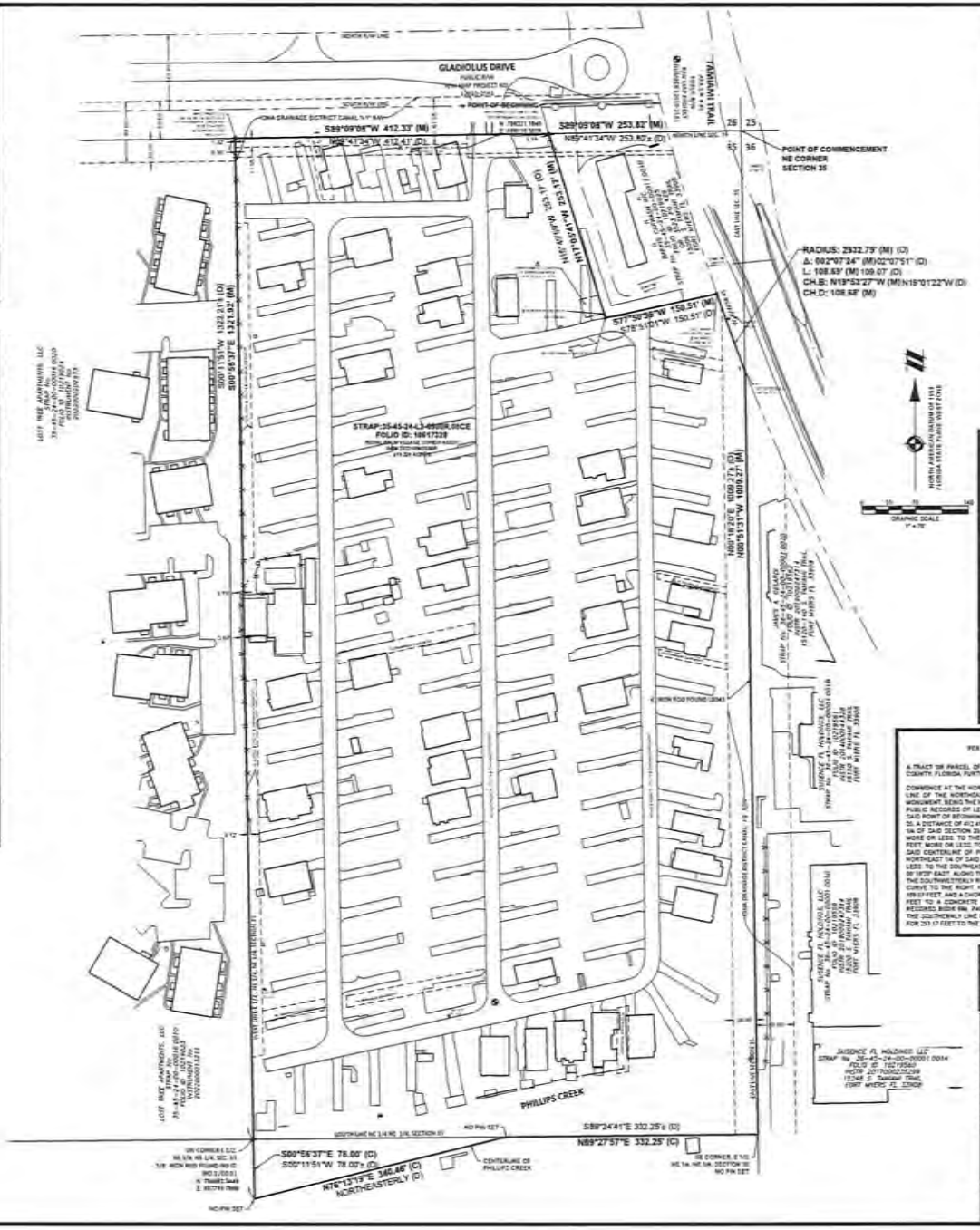
INSURED "LAND" AS DEFINED BY THE POLICY SHALL NOT INCLUDE ANY WHERE HOME WHICH MAY BE AFFIXED TO OR ON THE LAND AND TITLE TO ANY SUCH MOBILE HOME IS NOT INSURED.

A SURVEY MATTER

NTS OF FORMER UNIT OWNERS TO OCCUPY SUBJECT PROPERTY IN ACCORDANCE WITH SECTION 7 (A) OF THE PLAN OF TION OF ROYAL PALM VILLAGE CONDOMINIUM RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER [redacted]2 PUBLIC OF LEE COUNTY, FLORIDA.

A SURVEY MATTER

KEY MAP



SURVEYOR'S LEGEND

Abbreviation	Symbol Legend	Symbol	Description
POB	PROFESSIONAL SURVEY & MAPPER	⊕	SIGN
LC	LICENSED SURVEYOR	⊕	GUY ANCHO
LB	LICENSED BUSINESS	■	MAILBOX
IRC	IRON ROD & CAP	⊕	AERIAL TARGET
MHC	SANITARY SEWER MANHOLE	⊕	CONCRETE MONUMENT FOUND
MHD	DRAINAGE MANHOLE	⊕	CONCRETE POWER POLE
MES	MITERED END SECTION	⊕	DRAINAGE INLET
INV.	INVERT	⊕	FIRE HYDRANT
RCP	REINFORCED CONCRETE PIPE	⊕	IRON ROD
CMP	CORRUGATED METAL PIPE	⊕	TRANSFORMER
R/W	RIGHT-OF-WAY	⊕	ELECTRIC CABINET
OR	OFFICIAL RECORD	⊕	LIGHT POLE
NO.	NUMBER	⊕	SANITARY SEWER MANHOLE
(M)	MEASURED	⊕	STORM DRAINAGE MANHOLE
(D)	DESCRIBED	⊕	ELECTRIC METER
(C)	CALCULATED BASED ON FIELD MEASUREMENTS	⊕	MITERED END SECTION
ID	IDENTIFICATION	⊕	OAK TREE
Δ	DELTA	⊕	PALM TREE
L	LENGTH	⊕	PALM TREE
CH B.	CHORD BEARING	⊕	PALM TREE
CH D.	CHORD DISTANCE	⊕	PINE TREE
D.B.	DEED BOOK	⊕	TELEVISION RISER
PG.	PAGE	⊕	TELEPHONE RISER
O.R.B.	OFFICIAL RECORD BOOK	⊕	ELECTRIC RISER
		⊕	WIRELESS POWER POLE
		⊕	WEAK HIGH WATER FLAG

GUARDRAIL
FENCE LINE
ONE - ONE OVERHEAD ELECTRIC LINE
BUILDING
ASPHALT PAVEMENT
CONCRETE
IRON DRAINAGE LINE
CONCRETE DRAINAGE LINE
SANITARY SEWER LINE
SUBJECT PROPERTY LINE
ADJACENT PROPERTY LINE
EASEMENT LINE
RIGHT-OF-WAY LINE
WATER'S EDGE LINE
FEMA FLOOD LINE

SURVEYOR'S NOTES

1. THIS MAP OF BOUNDARY A TOPOGRAPHIC SURVEY IS NOT VALID UNLESS IT BEARS EITHER THE DIGITAL OR PHYSICAL SIGNATURE AND SEAL OF THE FLORIDA LICENSED SURVEYOR IDENTIFIED BELOW.
2. ELEVATIONS SHOWN HEREON ARE RELATIVE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88),AND IS BASED ON THE "REFERENCE BENCHMARK" STATED HEREON. THE SITE BENCHMARKS SHOWN HEREON WERE ESTABLISHED USING A REAL-TIME KINEMATIC (RTK) GPS OBSERVATION ON BOTH THE REFERENCE BENCHMARK AND SET SITE BENCHMARKS, MEETING OR EXCEEDING THE STANDARDS OF PRACTICE.
3. HORIZONTAL COORDINATES SHOWN HEREON ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT, FLORIDA STATE PLANE, WEST ZONE AND IS BASED ON THE "REFERENCE BENCHMARK" STATED HEREON. THE SITE BENCHMARKS SHOWN HEREON WERE ESTABLISHED USING A REAL-TIME KINEMATIC (RTK) GPS OBSERVATION ON BOTH THE REFERENCE BENCHMARK AND SET SITE BENCHMARKS, MEETING OR EXCEEDING THE STANDARDS OF PRACTICE
4. THE LANDS SHOWN HEREON LIE IN ZONE "AE" DESIGNED AS BASE FLOOD ELEVATION DETERMINED AT 11 FEET, PER THE FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL (NO. 12071C0479G) FOR LEE COUNTY UNINCORPORATED AREAS, EFFECTIVE 11/16/2021. THE LIMITS OF SAID ZONES ARE GRAPHICALLY DEPICTED HEREON AS SCALED AND MAY BE SCALED FROM SAID MAP OR IMPORTED FROM GIS DATA PROVIDED BY FEMA. THE ABOVE STATEMENT IS FOR INFORMATION ONLY AND WE ASSUME NO LIABILITY FOR THE CORRECTNESS OF THE SITED (MAPS). IN ADDITION, THE ABOVE STATEMENT DOES NOT REPRESENT THE SURVEYOR'S OPINION OF THE PROBABILITY OF FLOODING.
5. NO ABSTRACT FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP OR OTHER INSTRUMENTS OF RECORD, EXCEPT FOR THOSE NOTED HEREON, HAVE BEEN PROVIDED TO THIS FIRM.
6. ATTENTION IS DIRECTED TO THE FACT THAT THIS MAP MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
7. SYMBOLS DEPICTED HEREON DO NOT REFLECT ACTUAL SIZE. PUBLISHED DIMENSIONS PRECEDE MAP SCALING
8. THE SURVEYED LANDS MAY BE SUBJECT TO JURISDICTIONAL ENTITIES
9. THE DELINEATION OF LANDS SHOWN HEREON IS AS PER THE CLIENT'S INSTRUCTIONS.

LEGAL DESCRIPTION

PER OPINION OF TITLE PREPARED BY STRAYHORN, PERSONS-MALUCKA & FISHER
EFFECTIVE DATE OF OPINION OF TITLE: OCTOBER 17,2023 @ 5:00 PM

A TRACT OR PARCEL OF LAND LYING IN THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 35; THENCE RUN NORTH 89°41'34" WEST, ALONG THE NORTH LINE OF THE NORTHEAST 1/4, OF SAID SECTION 35, A DISTANCE OF 253.82 FEET, MORE OR LESS TO A CONCRETE MONUMENT, BEING THE NORTHEASTERLY CORNER OF A PARCEL AS RECORDED IN OFFICIAL RECORDS BOOK 694, PAGE 648, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; FROM SAID POINT OF BEGINNING CONTINUE NORTH 89°41'34" WEST ALONG SAID NORTH LINE OF THE NORTHEAST 1/4, OF SECTION 35, A DISTANCE OF 412.41 FEET, TO THE NORTHWEST CORNER OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 35; THENCE RUN SOUTH 00°11'51" WEST, ALONG THE WEST LINE OF SAID FRACTION, 1322.21 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE CONTINUE SOUTH 89°11'51" WEST, FOR 78.00 FEET, MORE OR LESS, TO THE CENTERLINE OF PHILLIPS CREEK; THENCE RUN NORTHEASTERLY ALONG THE MEANDERS OF SAID CENTERLINE OF PHILLIPS CREEK TO ITS INTERSECTION WITH THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 35; THENCE RUN SOUTH 89°24'41" EAST, ALONG SAID SOUTH LINE, 332.25 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35; THENCE RUN NORTH 89°19'55" EAST, ALONG THE EAST LINE OF SAID SECTION 35, 1089.27 FEET, MORE OR LESS, TO A CONCRETE MONUMENT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF U.S. 41 (S.R. 845) (TAMIAMI TRAIL), SAID CONCRETE MONUMENT IS A P.C. OF A CURVE TO THE RIGHT, HAVING FOR ITS ELEMENTS A RADIUS OF 2932.79 FEET, A DELTA ANGLE OF 02°07'51", AN ARC OF 109.07 FEET, AND A CHORD BEARING OF NORTH 19°01'22" WEST; THENCE RUN ALONG SAID CURVE TO THE RIGHT, FOR 109.07 FEET TO A CONCRETE MONUMENT, BEING THE SOUTHEASTERLY CORNER OF A PARCEL AS RECORDED IN OFFICIAL RECORDS BOOK 694, PAGE 648, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTH 78°51'01" WEST, ALONG THE SOUTHERNMOST LINE OF SAID PARCEL, 159.51 FEET TO A CONCRETE MONUMENT; THENCE RUN NORTH 15°49'58" WEST, FOR 253.17 FEET TO THE POINT OF BEGINNING

THIS SURVEY HAS BEEN PREPARED WITH REFERENCE TO THE FOLLOWING:
NGS BM Q 245
NORTHING 764419.71'
EASTING 857967.39'
ELEVATION 4.43'
DESCRIPTION PID AD1566

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSONS PERSONS, OR ORGANIZATIONS IDENTIFIED BELOW AND ITS CERTIFICATION IS NON-TRANSFERABLE. ANY COPY HEREOF, TO BE ENFORCEABLE, MUST BE ENDORSED WITH THE SEAL OF A REGISTERED SURVEYOR EMPLOYED BY THIS FIRM.
Flournoy Development Group, LLC

ALTA/NSPS LAND TITLE CERTIFICATION

TO: Flournoy Development Group, LLC, Fidelity National Title Insurance Company, and Burr & Forman LLP:

THIS IS TO CERTIFY THAT THIS MAP OF PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS", JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS,AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6, 7(a), and (3) OF TABLE "A" THEREOF. THE FIELD WORK WAS COMPLETED ON: 09/13/2023
PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF FLORIDA, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN. THE POSITIONAL UNCERTAINTIES RESULTING FROM THE SURVEY MEASUREMENTS MADE ON THE SURVEY DO NOT EXCEED THE ALLOWABLE POSITIONAL TOLERANCE.

TRACEY N. BIRCH, P.S.M.
FLORIDA REGISTRATION NO. 5579
ATWELL, LLC
CERTIFICATE OF AUTHORIZATION NO. LB 7852
DATE OF SIGNATURE: 01/31/2024
DATE OF SURVEY: 12/05/2023

STATE OF FLORIDA
5579
STATE OF FLORIDA

REV	DRAFTER	REV. DATE	COMMENTS
1	TWB	12.20.23	ADD 2 CONTAMINATED AREA FLAGS AND UTILITIES FROM COUNTY REVIEW
3	MOTIVE	01.30.24	REMOVE OF TITLE

ATWELL
ATWELL, LLC
2400 MAITLAND CENTER PKWY, STE 262
MAITLAND, FL 32751
(407) 843-1800
FLORIDA SURVEY CERTIFICATE OF AUTHORIZATION #LB 7852

LOCATED IN:
SECTION 35
TOWNSHIP 45 SOUTH RANGE 24 EAST
AND
SECTION 2
TOWNSHIP 46 SOUTH RANGE 24 EAST

15160 HENDON CIRCLE
UNINCORPORATED AREAS, LEE COUNTY, FLORIDA 33908

ALTA/NSPS LAND TITLE SURVEY
MAP OF
BOUNDARY AND TOPOGRAPHIC SURVEY
OF
ROYALE PALMS

FIELD BOOK	PAGES

BWG	KH	CH	SD
FM: TWB			
FIELD DATE: 01/25/2023			
PLOT DATE: 01/31/2024			
JOB: 23001850			
SHEET NO. 1 OF 1			

SURVEYOR'S LEGEND

Abbreviation	Description
PSM	PROFESSIONAL SURVEYOR & MAPPER
LS	LICENSED SURVEYOR
LB	LICENSED BUSINESS
IRC	IRON ROD & CAP
SMC	SANITARY SEWER MANHOLE
MHD	DRAINAGE MANHOLE
MES	MITERED END SECTION
INV	INVERT
RCP	REINFORCED CONCRETE PIPE
CMP	CORRUGATED METAL PIPE
R/W	RIGHT-OF-WAY
OR	OFFICIAL RECORD
NO	NUMBER
(M)	MEASURED
(D)	DESCRIBED
(C)	CALCULATED BASED ON FIELD MEASUREMENTS
ID	IDENTIFICATION
Δ	DELTA
L	LENGTH
CH B	CHORD BEARING
CH D	CHORD DISTANCE
D.B.	DEED BOOK
P.G.	PAGE
O.R.B.	OFFICIAL RECORD BOOK

Symbol	Description
	SIGN
	GUY ANCHOR
	MAILBOX
	AERIAL TARGET
	CONCRETE MONUMENT FOUND
	CONCRETE POWER POLE
	DRAINAGE INLET
	FIRE HYDRANT
	IRON ROD
	TRANSFORMER
	ELECTRIC CABINET
	LIGHT POLE
	SANITARY SEWER MANHOLE
	STORM DRAINAGE MANHOLE
	ELECTRIC METER
	MITERED END SECTION
	OAK TREE
	PALM TREE
	PALM TREE
	PALM TREE
	PINE TREE
	TELEVISION RISER
	TELEPHONE RISER
	ELECTRIC RISER
	WOODEN POWER POLE
	MEAN HIGH WATER FLAG

GUARDRAIL
FENCE LINE
OHE OVERHEAD ELECTRIC LINE
BUILDING
ASPHALT PAVEMENT
CONCRETE

STORM DRAINAGE LINE
SANITARY SEWER LINE
SUBJECT PROPERTY LINE
ADJACENT PROPERTY LINE
EASEMENT LINE
RIGHT-OF-WAY LINE
WATER'S EDGE LINE
FEMA FLOOD LINE

NORTH AMERICAN DATUM OF 1983
FLORIDA STATE PLANE, WEST ZONE

GRAPHIC SCALE (1" = 40')

REV	DRAFTER	REV. DATE	COMMENTS
1	FVB	12/05/23	ADD 3 CONTIGUOUS AREA STAMPS AND UTILITIES
2	MCF/VB	01/30/24	INCLUDE PER STANDARDS FROM COUNTY AND REMOVE OTHER

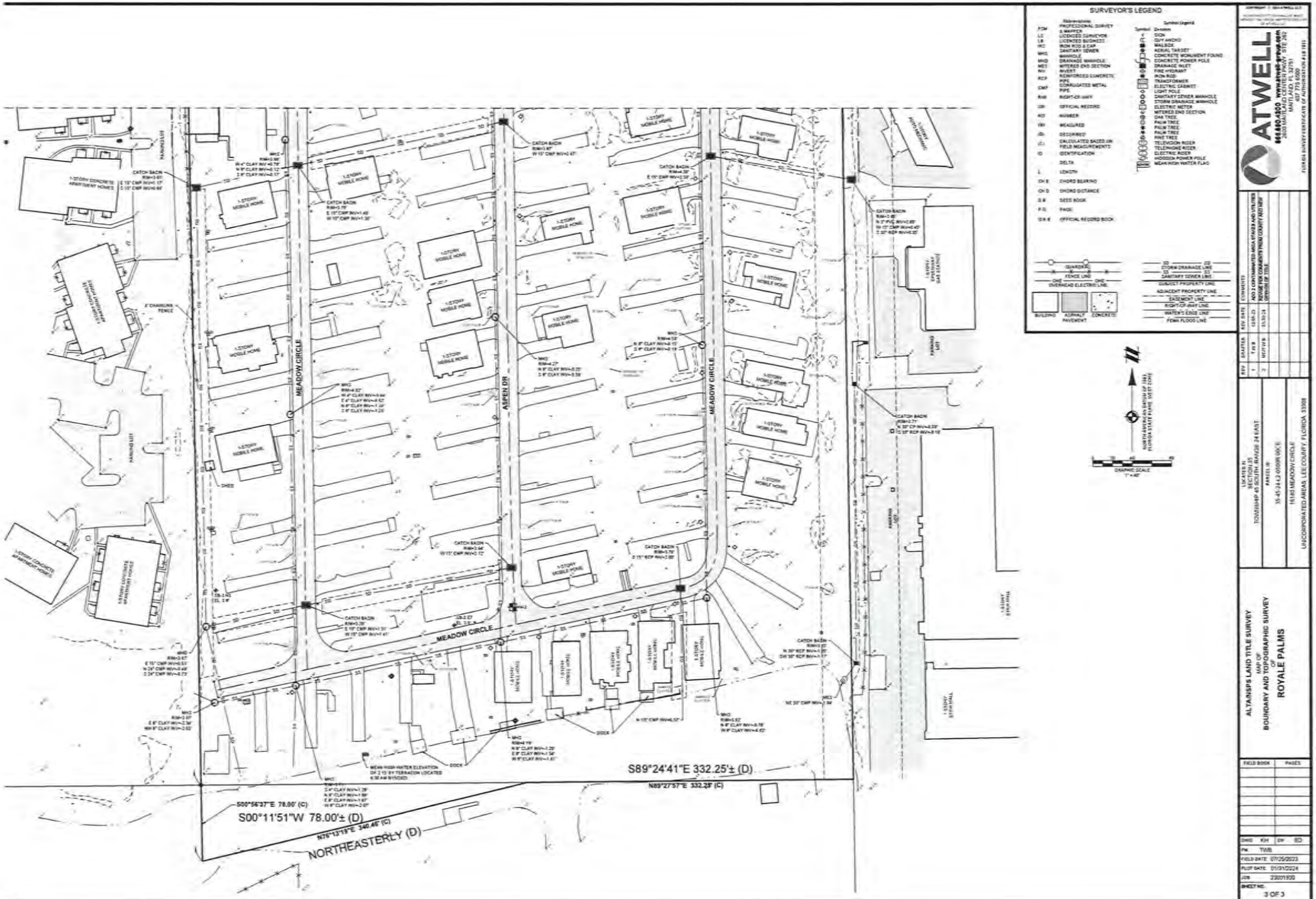
ATWELL
888.850.4800 www.atwell-group.com
2400 MAITLAND CENTER PKWY, STE 202
MAITLAND, FL 32751
FLORIDA SURVEY CERTIFICATE OF AUTHORIZATION # LB 7827

LOCATED IN
SECTION 35
TOWNSHIP 45 SOUTH, RANGE 24 EAST
PARCEL ID:
35-45-24-L2-00005.0002
15160 MEADOW CIRCLE
UNINCORPORATED AREAS, LEE COUNTY, FLORIDA, 33908

ALTA/NSPS LAND TITLE SURVEY
MAP OF
BOUNDARY AND TOPOGRAPHIC SURVEY
OF
ROYALE PALMS

FIELD BOOK	PAGES

DWG	KH	CK	ED
PM	TWB		
FIELD DATE	07/25/2023		
PLOT DATE	01/31/2024		
JOB	23001830		
SHEET NO	2 OF 3		



SURVEYOR'S LEGEND

Abbreviations		Symbol	Description
PSM	PROFESSIONAL SURVEY & MAPPER		CON
LC	LICENCED SURVEYOR		CUY ANCHO
LB	LICENCED BUSINESS		MAILBOX
IRC	IRON ROD & CAP		AERIAL TARGET
SMH	SANITARY SEWER MANHOLE		CONCRETE MONUMENT FOUND
MHD	DRAINAGE MANHOLE		CONCRETE POWER POLE
MES	MITERED END SECTION		DRAINAGE INLET
INV	INVERT		FIRE HYDRANT
RCP	REINFORCED CONCRETE PIPE		IRON ROD
CMP	CORRUGATED METAL PIPE		TRANSFORMER
ROW	RIGHT-OF-WAY		ELECTRIC CABINET
OR	OFFICIAL RECORD		LIGHT POLE
NO	NUMBER		SANITARY SEWER MANHOLE
MEAS	MEASURED		STORM DRAINAGE MANHOLE
(D)	DESCRIBED		ELECTRIC METER
(C)	CALCULATED BASED ON FIELD MEASUREMENTS		MITERED END SECTION
ID	IDENTIFICATION		OAK TREE
Δ	DELTA		PALM TREE
L	LENGTH		PALM TREE
CH B	CHORD BEARING		PALM TREE
CH D	CHORD DISTANCE		PINE TREE
D.B.	DEED BOOK		TELEVISION RISER
P.G.	PAGE		TELEPHONE RISER
O.R.B.	OFFICIAL RECORD BOOK		ELECTRIC RISER
			HOOSIER POWER POLE
			MEAN HIGH WATER FLAG

GUARDRAIL
FENCE LINE ONE
OVERHEAD ELECTRIC LINE ONE
BUILDING
ASPHALT PAVEMENT
CONCRETE

STORM DRAINAGE LINE
SANITARY SEWER LINE
SUBJECT PROPERTY LINE
ADJACENT PROPERTY LINE
EASEMENT LINE
RIGHT-OF-WAY LINE
WATER'S EDGE LINE
FEMA FLOOD LINE

NORTH ARROW IS BASED UP 1983 FLORIDA STATE PLANE WEST ZONE

GRAPHIC SCALE
1" = 40'

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407.215.8585 WWW.ATWELL-USA.COM
3200 MAITLAND CENTER PKWY, STE 300
MAITLAND, FL 32751
FLORIDA CERTIFICATE OF AUTHORIZATION #1851

REV	QUARTER	REV DATE	COMMENTS
1	Year	12/05/23	ADD 2 CONTINUOUS MEAS STATES AND UTILITIES
2	MONTH	01/30/24	REVISE PER COMMENTS FROM COUNTY AND HOA/POA

LOCATED IN SECTION 35 TOWNSHIP 45 SOUTH, RANGE 24 EAST
PARCEL ID: 35-45-24-L2-01008.0053
16180 MEADOW CIRCLE
UNINCORPORATED AREA, LEE COUNTY, FLORIDA 33908

ALTA/NSPS LAND TITLE SURVEY
MAP OF
BOUNDARY AND TOPOGRAPHIC SURVEY
OF
ROYALE PALMS

FIELD BOOK	PAGES

DWG KH CK SD
PM TMB
FIELD DATE 07/25/2023
PLOT DATE 01/31/2024
JOB 23001930
SHEET NO. 3 OF 3

ROYAL PALM VILLAGE

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 35; THENCE RUN SOUTH 89°09'08" WEST ALONG THE NORTH LINE OF THE NORTHEAST 1/4, OF SAID SECTION 35, A DISTANCE OF 253.82 FEET TO THE NORTHWESTERLY CORNER OF A PARCEL AS RECORDED IN OFFICIAL RECORDS BOOK 994, PAGE 648, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED:

THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 17°05'41" EAST, A DISTANCE OF 253.17 FEET; THENCE RUN NORTH 77°50'39" EAST, A DISTANCE OF 150.51 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF TAMIAMI TRAIL (AKA STATE ROAD 45, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY PER RIGHT-OF-WAY MAP PROJECT NUMBER 12010-2561), SAID POINT ALSO BEING ON A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 2932.79 FEET AND A CENTRAL ANGLE OF 02°07'24", SUBTENDED BY A CHORD WITH A BEARING OF SOUTH 19°53'27" EAST, 108.68 FEET; THENCE RUN ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND SAID NON-TANGENT CURVE, AN ARC DISTANCE OF 108.69 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 35; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE AND CURVE, RUN SOUTH 00°51'31" EAST ALONG SAID EAST LINE, A DISTANCE OF 1009.27 FEET TO THE SOUTHEAST CORNER OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 35; THENCE DEPARTING SAID EAST LINE, RUN SOUTH 89°27'57" WEST ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 35, A DISTANCE OF 332.25 FEET TO THE CENTERLINE OF PHILLIPS CREEK; THENCE DEPARTING SAID SOUTH LINE, RUN SOUTH 76°13'19" WEST, MEANDERING ALONG SAID CENTERLINE OF PHILLIPS CREEK, A DISTANCE OF 340.46 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE DEPARTING SAID MEANDER LINE, RUN NORTH 00°56'37" WEST, A DISTANCE OF 78.00 FEET TO THE SOUTHWEST CORNER OF SAID EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35; THENCE RUN NORTH 00°56'37" WEST, A DISTANCE OF 1321.92 FEET TO THE NORTHWEST CORNER OF SAID EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35; THENCE RUN NORTH 89°09'08" EAST ALONG SAID NORTH LINE OF SECTION 35, A DISTANCE OF 412.33 FEET TO THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED PARCEL OF LAND LIES IN LEE COUNTY, FLORIDA, AND CONTAINS 19.324 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. THIS LEGAL DESCRIPTION IS NOT VALID IF PRINTED, OR WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF THE PROFESSIONAL SURVEYOR AND MAPPER SHOWN HEREON.
2. NO ABSTRACT FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD HAVE BEEN PROVIDED BY THIS FIRM.
3. THE "LEGAL DESCRIPTION" HEREON HAS BEEN PREPARED BY THE SURVEYOR AT THE CLIENT'S REQUEST.
4. THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY, AS SUCH.
5. THE DELINEATION OF LANDS SHOWN HEREON IS AS PER THE CLIENT'S INSTRUCTIONS.
6. THIS LEGAL DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY, AS SUCH.
7. ATTENTION IS DIRECTED TO THE FACT THAT THIS MAP MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
8. BEARINGS SHOWN HEREON ARE ASSUMED, DERIVING A BEARING OF N89°09'08"E ALONG THE NORTH LINE OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AS MEASURED.
9. NORTHINGS AND EASTINGS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT, FLORIDA STATE PLANES, WEST ZONE.

LEGEND & SYMBOLS

POB	=	POINT OF BEGINNING
POC	=	POINT OF COMMENCEMENT
POT	=	POINT OF TERMINATION
R/W	=	RIGHT-OF-WAY
SEC	=	SECTION
PID	=	PARCEL IDENTIFICATION
PB	=	PLAT BOOK
ORB	=	OFFICIAL RECORDS BOOK
PG	=	PAGE
SQ.FT.	=	SQUARE FEET
AC	=	ACRES
AKA	=	ALSO KNOWN AS
(C)	=	CALCULATED DATA
(D)	=	RECORDED DATA
(M)	=	MEASURED DATA
(N)	=	NORTHING
(E)	=	EASTING

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT ALL PARTS OF THIS SKETCH HAVE BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF FLORIDA, 5J-17, F.A.C., TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF NOT VALID WITHOUT A SIGNATURE AND RAISED SEAL FROM THE SURVEYOR.

DATE 03/13/2024

DALTON R. CROSS, P.S.M.
FLORIDA LICENSE #7329

FLOURNOY DEVELOPMENT GROUP

THIS SKETCH IS NOT A SURVEY

SHEET	1	OF	3		
DRW:	MC	CHK:	NW	PM:	DC
SEC:	35	TWN:	45S	RNG:	24E

PLOT DATE: **03/13/2024**

FILE: 23001930 ROYAL PALM VILLAGE-SOD

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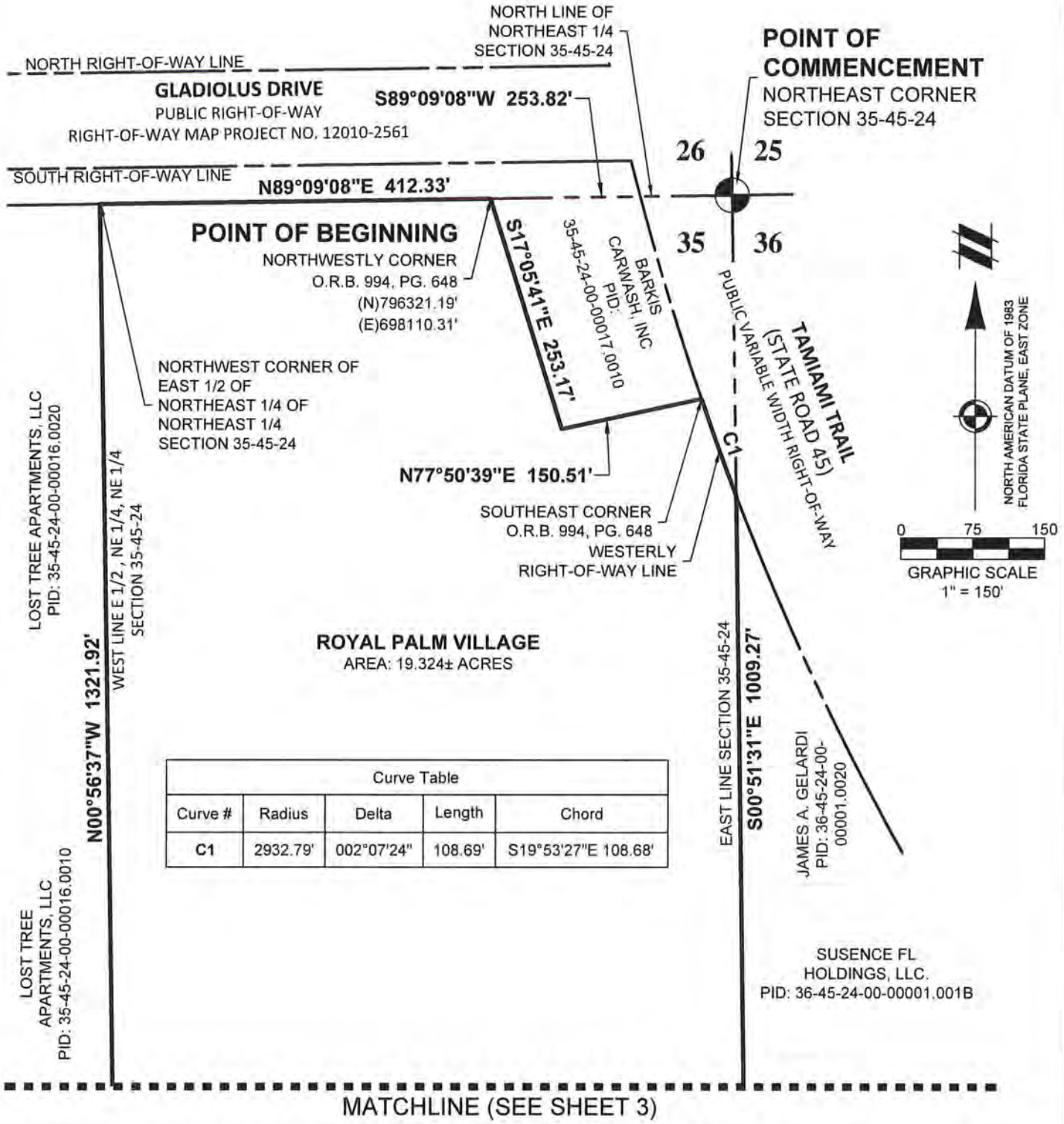
2600 MAITLAND CENTER PKWY, STE 262
MAITLAND, FLORIDA 32751
407.775.6500 | LICENSED BUSINESS #7832

ROYAL PALM VILLAGE

SKETCH OF LEGAL DESCRIPTION



Curve Table				
Curve #	Radius	Delta	Length	Chord
C1	2932.79'	002°07'24"	108.69'	S19°53'27"E 108.68'

FLOURNOY DEVELOPMENT GROUP

THIS SKETCH IS NOT A SURVEY

SHEET	2	OF	3		
DRW:	MC	CHK:	NW	PM:	DC
SEC:	35	TWN:	45S	RNG:	24E

PLOT DATE: **03/13/2024**

FILE: 23001930 ROYAL PALM VILLAGE-SOD

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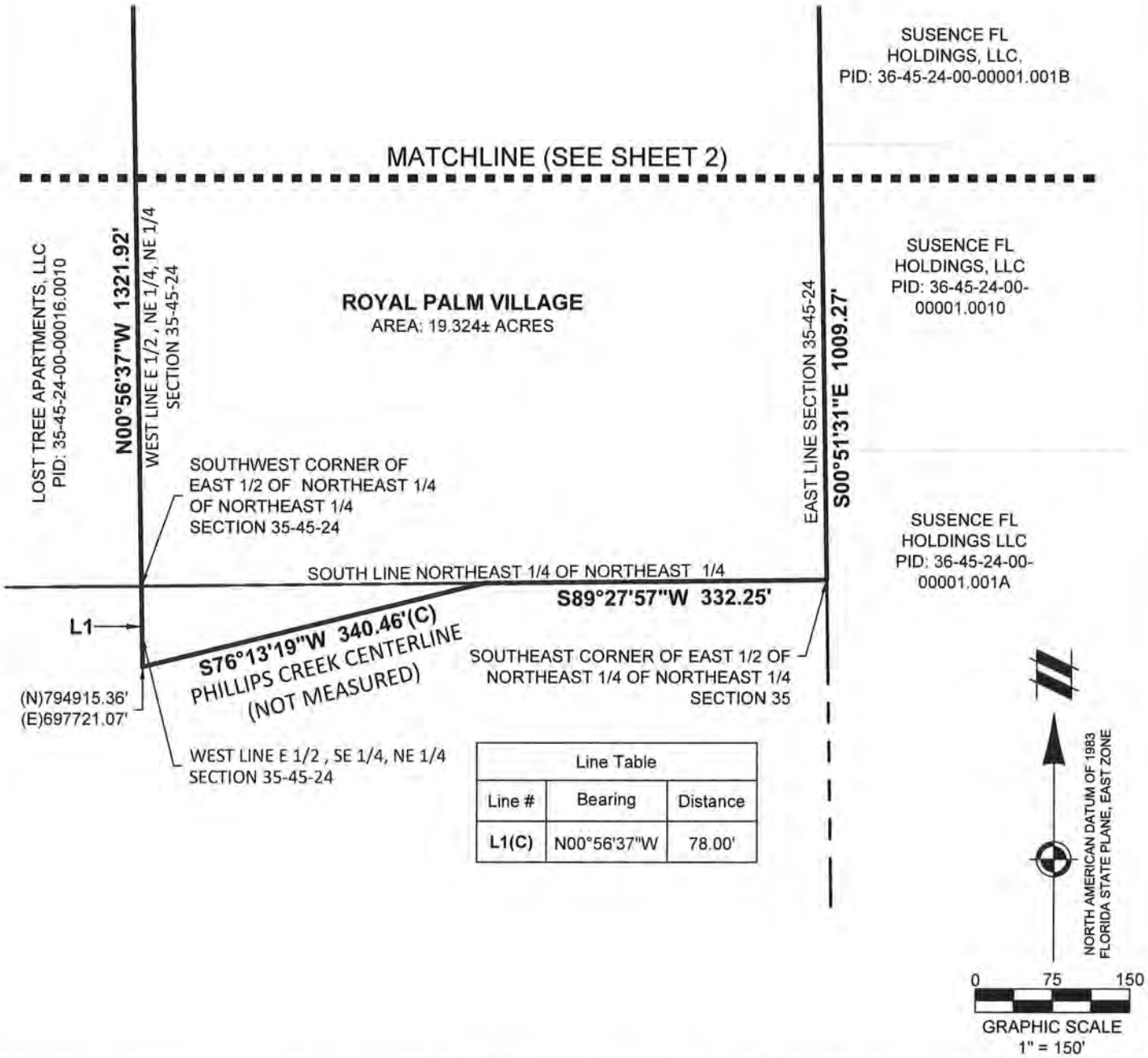
www.atwell-group.com
2600 MAITLAND CENTER PKWY, STE 262
MAITLAND, FLORIDA 32751
407.775.6500 | LICENSED BUSINESS #7832

ROYAL PALM VILLAGE

SKETCH OF LEGAL DESCRIPTION



Line Table		
Line #	Bearing	Distance
L1(C)	N00°56'37"W	78.00'

THIS SKETCH HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ORGANIZATIONS IDENTIFIED BELOW AND ITS CERTIFICATION IS NON-TRANSFERABLE. ANY COPY HEREOF, TO BE CONSIDERED VALID, MUST BE EMBOSSED WITH THE SEAL OF A REGISTERED SURVEYOR EMPLOYED BY THIS FIRM.

FLOURNOY DEVELOPMENT GROUP

THIS SKETCH IS NOT A SURVEY

SHEET	3	OF	3		
DRW:	MC	CHK:	NW	PM:	DC
SEC:	35	TWN:	45S	RNG:	24E

PLOT DATE: **03/13/2024**

FILE: 23001930 ROYAL PALM VILLAGE-SOD

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MAITLAND, FLORIDA 32751
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Strayhorn, Persons-Mulicka & Fisher
A Southwest Florida Tradition Since 1915
2125 First Street, Suite 201, Fort Myers, FL 33901
P: 239.334.1260 | STRAYHORNLAW.COM

OPINION OF TITLE

Name of Issuing Attorney: Jennifer L. Fisher
Plat Number:
Development Order Number:
Effective Date of Opinion of Title: October 17, 2023 at 5:00 P.M.

Certified To: Lee County Board of County Commissioners

I am an attorney licensed and eligible to practice law in the State of Florida and I have searched the Public Records of Lee County, Florida and have examined the title to the real property more particularly described in the metes and bounds description attached hereto as Exhibit "A." I have made a careful examination of the Public Records of Lee County, Florida, with respect to the real property described in the attached Exhibit "A". This Opinion of Title is provided to satisfy the requirements of Lee County Land Development Code Section 34-202(a)(7). Based on the foregoing, I am of the opinion that:

Title to the property, as of the Effective Date of this Opinion of Title set forth above, is vested in:

Royal Palm Village Condominium Association, Inc., a Florida non-profit corporation, as Termination Trustee under the Plan of Termination of Royal Palm Village Condominium, recorded July 27, 2023, in Official Records Instrument Number 2023000254733, Public Records of Lee County, Florida.

The following are all of those persons or entities holding a mortgage secured by the property:

A. **Mortgage executed by Salvatore J. Ditta and Kristin J. Erickson Ditta, husband and wife, Mortgagor, in favor of Fifth Third Mortgage Company, Mortgagee, dated June 8, 2007, in the original principal amount of $78,300.00, recorded June 8, 2007, in Official Records Instrument Number 2007000183919. (Unit 69)**

B. **Mortgage executed by Donald R. Derby, Sr. and Bonnie L. Derby, his wife, Mortgagor, in favor of Equity Trust Company d/b/a Sterling Trust Custodian FBO: Joseph J. Janas, Sr., Account #106155, Mortgagee, dated February 25, 2011, in the original principal amount of $75,000.00, recorded March 17, 2011, in Official Records Instrument Number 2011000065732. Note: Satisfaction of Mortgage recorded in Official Records Instrument Number 2022000337609, is not executed by Equity Trust Company d/b/a Sterling Trust Custodian FBO: Joseph J. Janas, Sr. Account #106155. (Unit 25)**

C. **Mortgage executed by R. Eugene Crye, Mortgagor, in favor of the Administrator of the U.S. Small Business Administration, an agency of the Government of the United**

States of America, Mortgagee, dated April 7, 2023, in the original principal amount of $191,300.00, recorded May 3, 2023, in Official Records Instrument Number 2023000157468. (Unit 114)

The following are all easements and rights of way affecting the real property described in Exhibit A, whether recorded or unrecorded.

	Type of Easement	Recording Information
1.	Easement for public road right of way as contained in the Warranty Deed.	Recorded in Official Records Book 944 Page 359, Public Records of Lee County, Florida.
2.	Easements as described in the in the Warranty Deed as rights of way for ditches for the benefit of the Iona Drainage District which rights of way were designated on the minutes of said Drainage District.	Recorded in Deed Book 182 Pages 401, of the Public Records of Lee County, Florida.
3.	An 8' utility easement for the benefit of the parcel described in Lee County Public Records Book 1906, Page 3548, for the purpose of installing a sewer service line and for providing access to the Royal Palm Condominium Association, Inc.'s main sewer line as contained in the Agreement for Easement, Construction and Maintenance.	Recorded in Official Records Book 1996 Pages 4730, of the Public Records of Lee County, Florida.
4.	An easement for the purpose of maintaining the existing sewage disposal service lines as contained in the Agreement for Easement and Maintenance of Sewage Disposal Service Lines	Recorded in Official Records Book 2022 Pages 1179, of the Public Records of Lee County, Florida.
5.	An easement for the benefit of Comcast of California, XIV, LLC for the construction, use and maintenance of a broadband communications system as contained in the Grant of Easement.	Recorded at Instrument Number 2009000095034, Official Records of Lee County, Florida.
6.	An easement for the benefit of Comcast Cable Communications Management, LLC for the construction, use and maintenance of a broadband communications system as contained in the Grant of Easement.	Recorded at Instrument Number 2020000022059, Official Records of Lee County, Florida.

Sincerely,

Jennifer L. Fisher, Esquire

Exhibit A

LEGAL DESCRIPTION

A tract or parcel of land lying in the Northeast 1/4 of Section 35, Township 45 South, Range 24 East, Lee County, Florida, further described as follows:

Commence at the Northeast corner of said Section 35; thence run North 89°41'34" West, along the North line of the Northeast 1/4, of said Section 35, a distance of 253.80 feet, more or less to a concrete monument, being the Northwesterly corner of a parcel as recorded in Official Records Book 994, Page 648, Public Records of Lee County, Florida, and the Point of Beginning of the parcel herein described: From said Point of Beginning continue North 89°41'34" West along said North line of the Northeast 1/4, of Section 35, a distance of 412.41 feet, to the Northwest corner of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of said Section 35; thence run South 00°11'51" West, along the West line of said fraction, 1322.21 feet, more or less, to the Southwest corner of said fraction; thence continue South 00°11'51" West, for 78.00 feet, more or less, to the centerline of Phillips Creek; thence run Northeasterly along the meander of said centerline of Phillips Creek to its intersection with the South line of the Northeast 1/4 of the Northeast 1/4 of said Section 35; thence run South 89°24'41" East, along said South line, 332.25 feet, more or less, to the Southeast corner of said Northeast 1/4 of the Northeast 1/4 of Section 35; thence run North 00°16'20" East, along the East line of said Section 35, 1009.27 feet, more or less, to a concrete monument on the Southwesterly Right of Way line of U.S. 41, (S.R. #45) (Tamiami Trail), said concrete monument is a P.C. of a curve to the right, having for its elements a radius of 2932.79 feet, a delta angle of 02°07'51", an arc of 109.07 feet, and a chord bearing of North 19°01'22" West; thence run along said curve to the right, for 109.07 feet to a concrete monument, being the Southeasterly corner of a parcel as recorded in Official Records Book 994, Page 648, Public Records of Lee County, Florida; thence run South 78°51'01" West, along the Southernly line of said parcel, 150.51 feet to a concrete monument; thence run North 15°49'59" West, for 253.17 feet to the Point of Beginning.

EXHIBIT M8 – DEEDS

INSTR. # 2023000254733, Pages 127
Doc Type: TER, Recorded: 7/27/2023 at 1:09 PM
Kevin C. Karnes Lee County Clerk of the Circuit Court
Rec Fees: $1,081.00

Deputy Clerk RRUMER
#1

Prepared by and returned to:

Becker & Poliakoff, P.A.
James Robert Caves, III, Esquire
12140 Carissa Commerce Court, Suite 200
Fort Myers, FL 33966

PLAN OF TERMINATION OF ROYAL PALM VILLAGE CONDOMINIUM

This Plan of Termination ("Plan") is made this 24th day of July 2023, by Royal Palm Village Condominium Association, Inc. ("Association"), pursuant to the Second Amended and Restated Declaration of Condominium of Royal Palm Village Condominium and Chapter 718.117, Florida Statutes.

1. The Condominium. Royal Palm Village Condominium ("Condominium") was created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in Public Records of Lee County, Florida (the "Declaration").

2. Termination of the Condominium. At a properly noticed membership meeting held on May 15, 2023, 97.72% of the total voting interests approved the Plan of Termination, and 1.51% of the total voting interests rejected the Plan of Termination. Upon the recordation of this Plan in the Public Records of Lee County, Florida, ("Effective Date") the Condominium shall be deemed terminated in accordance with this Plan, the Declaration, and Section 718.117, Florida Statutes, the condition for the recording of the Plan of Termination of the Condominium being the approval required in accordance with the Declaration. All terms herein, if not otherwise defined herein, shall have the meaning set forth in the Declaration, or in the absence thereof, in the Florida Condominium Act (Chapter 718, Florida Statutes, as it exists on the date hereof). Upon the Effective Date, title to the former condominium property vests in the Trustee (as hereinafter defined), pursuant to Section 718.117(13) and the former unit owners' rights and title as tenants in common in undivided interests in the condominium property vest in the Trustee. The Unit Owners thereafter become the beneficiaries of the proceeds realized from the Plan, as further described herein. Liens that encumber a former Unit shall be transferred to the proceeds of sale of the former condominium property and the proceeds of sale or other distribution of Association Property, common surplus, or other Association assets attributable to such former Unit in their same priority. The Trustee may deal with the "Property" (as hereinafter defined) or any interest therein as it sees fit, without requiring the consent of any owners/beneficiaries or lienors, inasmuch as the Plan confers on the Trustee the authority to protect, conserve, manage, sell, or dispose of the Property.

3. Property. For purposes of this Plan, the "Property" shall mean and refer to the aggregate of the following:

a) All property which was submitted to the Condominium form of ownership pursuant to the Declaration, including, without limitation, any and all Units and appurtenances thereto as defined in Article 8 of the Declaration and the Common Elements;

b) Any and all real property owned by the Association;

c) Any and all improvements located on the real property referenced in subparagraphs 3(a) or 3(b) above (collectively, the "Realty");

d) All fixtures, equipment, machinery, vehicles, furnishings and items of personal property located on and used in the operation of the Realty and owned by the Association;

e) All applicable licenses, permits, warranties, authorizations and approvals pertaining to ownership and/or operation of the Realty in the Association's possession, if any;

f) The common surplus of the Association, if any;

g) Any and all intangible rights of the Association affecting the Realty; and

h) All contract rights pertaining to the ownership and operation of the Realty which are assignable and would affect the Property after closing, if any.

Notwithstanding any provision to the contrary herein or in the Declaration, the Property shall exclude any and all "Living Units" as that term is defined in Article 1.27 of the Declaration. Such Living Units shall remain the property of the applicable Unit Owner, who shall retain the right, and has provided hereinafter, shall have the obligation, to remove such Living Unit from their Unit.

4. Plan Provisions.

a) Termination Trustee. The Association with an address of 7831 Forest Lane, Indianapolis, IN, 46240-2618, shall be the Termination Trustee ("Trustee") with respect to this Plan. The powers of the Trustee shall be exercised by the Board of Directors and shall include, without limitation: (i) all of the powers given the Board of Directors of the Association pursuant to the Declaration, as well as the Articles of Incorporation and the Bylaws of the Association; (ii) all the powers of a Termination Trustee set forth in Section 718.117(6), Florida Statutes; (iii) the power and the authority to protect, conserve, manage, sell or dispose of the Property pursuant to Section 718.117(14), Florida Statutes, including the right to contract for and dispose of the Property; and (iv) all of the powers necessary to effectuate this Plan. The Trustee shall have the sole discretion to operate, maintain, repair, alter, sell, convey and/or dispose of the Property, without requiring the consent of any other party, including, any former unit owner, the Association Membership or any lienor.

b) Reports. The Trustee, by execution hereof, agrees to prepare and transmit copies of all reports required by Section 718.117(8), Florida Statutes. All reports shall be sent to

the then current Owners (former unit owners) and lienors at the mailing addresses, if any, provided to the Association by the Unit Owners or lienors prior to the Effective Date, or any updated addresses provided in writing to the Trustee subsequent to the Effective Date.

c) Date After Which Plan May Be Void. If this Plan is not recorded in the Public Records of Lee County, Florida by December 31, 2025, the Plan will be void.

5. Allocation of Proceeds of Sale of Condominium Property.

a) Common Elements. There are no contemplated separate proceeds for the value of the Common Elements, and to the extent there is separate value received for the Common Elements, the same shall be distributed in the same manner as the value of the Units and All Other Property as set forth below in Paragraph 5(b).

b) Units and All Other Property. The portion of the proceeds of the sale of the former Condominium Property shall be allocated to the former unit owners in the same proportions as the ownership of Common Elements (1/132nd) as provided in Article 6 of the Declaration, in accordance with Section 718.117(12)(b)3., Florida Statutes.

c) Insurance and Condemnation Proceeds. As of the date this Plan is signed, the Association is not in possession of any insurance proceeds or condemnation proceeds. If any such proceeds are received prior to the Effective Date, or through the sale of the former condominium property, they will be distributed as set forth in Paragraph 5(b).

6. Sale of Property.

a) The Property shall, as soon as practicable after recordation of this Plan of Termination, and the Termination of the Condominium, be sold.

7. Operation of Property Subsequent to Termination.

a) After termination in accordance with this Plan, and until the Property is sold, the Association shall continue to operate the Property, and assess all Owners of property that constituted the Condominium Units ("former unit owners") prior to termination in the same manner and with the same rights and obligations as set forth in the Declaration, until the Property is sold. Former unit owners shall have the right to occupy and utilize their interests in the former condominium units in the same manner and with the same rights and obligations as set forth in the Declaration, but only for sixty (60) days following the recordation of this Plan of Termination. Following sixty (60) days from the recordation of this Plan of Termination, all rights to occupy and utilize the former condominium units shall terminate, and all Living Units shall be removed from the former condominium units. In the event any Living Unit is not removed by the 60th day following the recordation of this Plan of Termination, the Trustee shall have the authority to have the Living Unit removed at the expense of the Unit Owner and such cost may be withheld from any proceeds discussed in Paragraph 8 below.

b) Until the closing on the Property, the "former unit owners" shall remain liable for all assessment obligations associated with the Condominium and Association, which shall pay for the expenses of the operation of the Condominium and Association through the date

of a sale of the Property in accordance with Article 10 of the Declaration, notwithstanding the fact that the Declaration may have been terminated, and any such obligations shall be paid in accordance with Paragraph 8 hereof. Following the recording of this Plan of Termination, notwithstanding the forgoing, the expenses associated with providing utilities and other services to the Living Units, including but not limited to potable water and sewer service, shall be billed directly and only to those former unit owners occupying the Living Units in the Condominium and the cost of same may be deducted from any amounts to be disbursed to such former unit owners pursuant to Paragraph 8 below. Such utility expenses shall be allocated to the relevant former unit owners in the manner determined by the Trustee.

8. Distributions: To the extent the Trustee sells the Property, as anticipated by this Plan, distributions will be made in accordance with the follow procedure:

a) Notice. Not less than thirty (30) days before the first distribution, the Trustee shall deliver by certified mail, return receipt requested, a notice of the estimated distribution to all Owners, lienors of the Property, and lienors of each Unit at their last known addresses stating a good faith estimate of the amount of the distributions to each class and the procedures and deadline for notifying the Trustee of any objections to the amount. The deadline must be at least fifteen (15) days after the date the notice was mailed. If an Owner or lienor files a timely objection with the Trustee, the Trustee need not distribute the funds and property allocated to the respective Owner or lienor until the Trustee has had a reasonable time to determine the validity of the adverse claim. In the alternative, the Trustee may interplead the Owner, lienor, and any other person claiming an interest and deposit the funds allocated pursuant to the notice of estimated distribution in the court registry, at which time the Property, Association Property, any common surplus, and other assets of the Association are free of all claims and liens of the parties to the suit. In an interpleader action, the Trustee and prevailing party may recover reasonable attorneys' fees and costs.

b) Distribution Priority. The proceeds from any sale of the Property shall be in the following priority:

(i) To pay the reasonable Termination Trustee's fees and costs, including brokerage expenses, consultants' fees, attorneys' fees, title insurance, accounting fees and costs, and any other expense incurred by the Trustee in executing this Plan of Termination, and/or preparing the Property for sale and selling the Property.

(ii) To lienholders of liens recorded prior to the recording of the Declaration, if any.

(iii) To purchase-money lienholders on former Units to the extent necessary to satisfy their liens; however, the distribution may not exceed an Owner's (former unit owner's) share of the proceeds.

(iv) To lienholders of liens of the Association which have been consented to under S. 718.121(1), if any.

(v) To creditors of the Association, as their interests appear.

(vi) To Owners (former unit owners), the proceeds of any sale of Property subject to satisfactions of liens on each former Unit in their order of priority, in shares specified in the Plan, unless objected to by an Owner or lienor as provided in Paragraph 8(a).

(vii) To Unit Owners, the remaining Condominium Property, subject to satisfaction of liens on each Unit in their order of priority, in shares specified in the plan of termination, unless objected to by a Unit Owner or a lienor as provided in Paragraph 8(a).

(viii) To Owners (former unit owners), the proceeds of any sale of Association Property, the remaining Association Property, any common surplus, and other assets of the Association, subject to satisfactions of liens on each former Unit in their order of priority, together with payment of any unpaid assessments to the Association, in shares specified in the Plan, unless objected to by an Owner or a lienor as provided in Paragraph 8(a).

(c) Interim Distributions and Amounts to be Withheld. The Trustee shall have the authority, in its sole discretion, to make one or more interim distributions, in the priority described above, following the closing on the sale of the Property and during the winding up period for the Association. As provided in Paragraphs 7(a) and 7(b), above, if the Association incurs expenses, following the recordation of this Plan of Termination due to a Unit Owner's action, including their failure to timely remove the Living Unit and/or continuing to occupy the Unit following the recordation of this Plan of Termination, all such expense, if not paid, shall be withheld from any disbursement to such Unit Owner.

IN WITNESS WHEREOF, the Association in its own right and as Trustee executes this Plan as of the date set forth above.

[Signatures begin next page. Approval, Consent, and Joinder of Unit Owners are also attached hereto.]

WITNESSES:
(TWO)

Kelsey Vallee
Signature
Kelsey P. Vallee
Printed Name

E. Cole
Signature
Eternity Cole
Printed Name

ROYAL PALM VILLAGE CONDOMINIUM ASSOCIATION, INC.

BY: Rodney Pickett
Rodney Pickett, President

Date: 24 July 2023

(CORPORATE SEAL)

STATE OF Indiana)
) SS:
COUNTY OF Marion)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 24th day of July, 2023, by Rodney Pickett as President of Royal Palm Village Condominium Association, Inc., a Florida Corporation, on behalf of the corporation. He ☐ is personally known to me or ☒ has produced INDL8927-39-5942 (type of identification) as identification.

Notary Public

Adam J. Fitzgerald
Printed Name

My commission expires: 5/25/24

ADAM J. FITZGERALD
NOTARY PUBLIC
SEAL
STATE OF INDIANA
Commission Number 0685919
My Commission Expires 05/25/2024

WITNESSES:
(TWO)

Signature

Steven R.S. Curtin
Printed Name

Signature

Michael Small
Printed Name

ROYAL PALM VILLAGE CONDOMINIUM ASSOCIATION, INC.

BY: Janet L Bley
Janet Bley, Secretary

Date: 7-24-2023

(CORPORATE SEAL)

STATE OF Florida)
) SS:
COUNTY OF Lee)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 24th day of July, 2023, by Janet Bley as Secretary of Royal Palm Village Condominium Association, Inc., a Florida Corporation, on behalf of the corporation. She ☐ is personally known to me or ☑ has produced FL Drivers License (type of identification) as identification.

Notary Public

Janet Dunnigan
Printed Name

My commission expires: 9-1-2025

JANET DUNNIGAN
MY COMMISSION # HH 172100
EXPIRES: September 1, 2025
Bonded Thru Notary Public Underwriters

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 1, said Unit having a street address of 15610 Meadow Circ. _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Jennifer Pratt
Printed Name: Jennifer Pratt

Rachel Richardson
Printed Name: Rachel Richardson

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Franklin D Iams
Printed Name: FRANKLIN D IAMS
Date: 6-14-23

STATE OF Michigan)
)SS:
COUNTY OF Eaton)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 14th day of June, 2023 by Franklin D. Iams. He/She ☐ is personally known to me or ☒ has produced (type of identification) Driver License as identification.

Kodee A Adkins
Notary Public
Kodee A Adkins
Printed Name

My Commission Expires: 10-29-23

WITNESSES
(Two for each signature)

Jennifer Pratt
Printed Name: Jennifer Pratt

Rachel Richardson
Printed Name: Rachel Richardson

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Beverly L. Iams
Printed Name: Beverly L. Iams
Date: 6-14-23

STATE OF Michigan)
)SS:
COUNTY OF Eaton)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 14th day of June, 2023 by Beverly L Iams. He/She ☐ is personally known to me or ☒ has produced (type of identification) Driver License as identification.

Kodee A Adkins
Notary Public
Kodee A Adkins
Printed Name

My Commission Expires: 10-29-23


RECEIVED
JUN 20 2023
BECKER
Fort Myers Office

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 4, said Unit having a street address of 15570 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Rachel Wisner
Printed Name: Rachel Wisner

Printed Name: Elizabeth Edwards

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Gale D. Hutchens
Printed Name: Gale D. Hutchens

Date: June 6 - 23

STATE OF Illinois)
)SS:
COUNTY OF Macon)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6 day of June, 2023 by Gale Dean Hutchens. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers Li # H325-2843-3309 as identification.

OFFICIAL SEAL
BRIANNA L. MAY
Notary Public - State of Illinois
My Commission Expires 11/04/2026

Brianna L May
Notary Public

Brianna L May
Printed Name

My Commission Expires: 11/04/2026

WITNESSES
(Two for each signature)

Rachel Wisner
Printed Name: Rachel Wisner

Printed Name: Elizabeth Edwards

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Nelda L. Hutchens
Printed Name: Nelda L. Hutchens

Date: 06-06-2023

STATE OF Illinois)
)SS:
COUNTY OF Macon)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6 day of June, 2023 by Nelda Lorene Hutchens. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers Li # H325-6323-2770 as identification.

OFFICIAL SEAL
BRIANNA L. MAY
Notary Public - State of Illinois
My Commission Expires 11/04/2026

Brianna L May
Notary Public

Brianna L May
Printed Name

My Commission Expires: 11/04/2026

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 5, said Unit having a street address of 15560 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Nancy Fabian
Printed Name: NANCY FABIAN

Michele Evans
Printed Name: Michele EVANS

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: John Hudak
Printed Name: John Hudak
Date: 06-08-23

STATE OF Ohio)
)SS:
COUNTY OF Trumbull)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by John Hudak. He/She ☒ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Natalie S Minor
Notary Public
Natalie S. Minor
Printed Name

My Commission Expires: 6/11/2024

NATALIE S. MINOR
Notary Public - State of Ohio
My Commission Expires
June 11, 2024

WITNESSES
(Two for each signature)

Nancy Fabian
Printed Name: NANCY FABIAN

Michele Evans
Printed Name: Michele EVANS

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Deborah Hudak
Printed Name: Deborah Hudak
Date: 06-08-2023

STATE OF Trumbull) Ohio
)SS:
COUNTY OF Trumbull)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by Deborah Hudak. He/She ☒ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Natalie S Minor
Notary Public
Natalie S. Minor
Printed Name

My Commission Expires: 6/11/2024

NATALIE S. MINOR
Notary Public - State of Ohio
My Commission Expires
June 11, 2024

23522246v.1

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 6, said Unit having a street address of 15550 MEADOW CIR 33908, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Tara R Tavargeau

Printed Name: Caprincia Myrick

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Marcella F Hogg

Printed Name: MARCELLA F. HOGG

Date: 6/13/23

STATE OF Florida)
)SS:
COUNTY OF Lee)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 13th day of JUNE, 2023 by Marcella F Hogg. He/She ☐ is personally known to me or ☑ has produced (type of identification) FL DRIVERS LICENSE as identification.

Notary Public

Janet Dunnigan

Printed Name

My Commission Expires: 9-1-2025

JANET DUNNIGAN
MY COMMISSION # HH 172100
EXPIRES: September 1, 2025
Bonded Thru Notary Public Underwriters

WITNESSES
(Two for each signature)

Printed Name:

Printed Name:

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:

Printed Name:

Date:

STATE OF)
)SS:
COUNTY OF)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this day of , 2023 by . He/She ☐ is personally known to me or ☐ has produced (type of identification) as identification.

Notary Public

Printed Name

My Commission Expires:

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 6, said Unit having a street address of 15550 MEADOW CIR, FT. MYERS, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Lori Wancic
Printed Name: Lori Wancic

Ellen B. Miller
Printed Name: Ellen B. Miller

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Michael E. DiBiase
Printed Name: MICHAEL E. DiBIASE
Date: JUNE 13, 2023

STATE OF OH)
)SS:
COUNTY OF Lake)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 13 day of June, 2023 by Michael DiBiase. He/She ☐ is personally known to me or ☑ has produced (type of identification) Ohio License as identification.

SHANNON GEORGE
NOTARY PUBLIC • STATE OF OHIO
Recorded in Lake County
My commission expires May 23, 2024

Notary Public

Shannon George
Printed Name

My Commission Expires: May 23, 2024

WITNESSES
(Two for each signature)

Printed Name:

Printed Name:

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:
Printed Name:
Date:

STATE OF)
)SS:
COUNTY OF)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this day of , 2023 by . He/She ☐ is personally known to me or ☐ has produced (type of identification) as identification.

Notary Public

Printed Name

My Commission Expires:

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 7, said Unit having a street address of 15540 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Janine Lee
Printed Name: Janine Lee

Paige Newlon
Printed Name: Paige Newlon

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Donald E Campbell
Printed Name: DONALD E CAMPBELL
Date: 6/7/2023

STATE OF Indiana)
)SS:
COUNTY OF Washington)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of June, 2023 by Donald E Campbell. He/She ☒ is personally known to me or ☐ has produced (type of identification) Shelly Burlington as identification. Drivers License

Shelly Burlington
Notary Public
Shelly Burlington
Printed Name

SHELLY BURLINGTON
Notary Public – Seal
Washington County – State of Indiana
Commission Number 707511
My Commission Expires Nov 12, 2025

My Commission Expires: 11/12/2025

WITNESSES
(Two for each signature)

Janine Lee
Printed Name: Janine Lee

Paige Newlon
Printed Name: Paige Newlon

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Dorothy K Campbell
Printed Name: DOROTHY K CAMPBELL
Date: 6-7-23

STATE OF Indiana)
)SS:
COUNTY OF Washington)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of June, 2023 by Dorothy Campbell. He/She ☒ is personally known to me or ☐ has produced (type of identification) Drivers License as identification.

Shelly Burlington
Notary Public
Shelly Burlington
Printed Name

My Commission Expires: 11/12/2025

SHELLY BURLINGTON
Notary Public – Seal
Washington County – State of Indiana
Commission Number 707511
My Commission Expires Nov 12, 2025

2352246v.1

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 10, said Unit having a street address of 15510 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: JEFFREY A. LOWRY

Printed Name: BETH A. SMITH

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: William D. Conaway

Printed Name: WILLIAM D. CONAWAY

Date: June 13, 2023

STATE OF INDIANA)
)SS:
COUNTY OF HOWARD)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 13th day of June, 2023 by William D. Conaway. He/She ☐ is personally known to me or ☒ has produced (type of identification) Driver's License as identification.

Teresa A. Harvey
Notary Public

TERESA A. HARVEY
Printed Name

My Commission Expires:

NOTARY PUBLIC SEAL INDIANA

TERESA A. HARVEY
Notary Public - Seal
Howard County - State of Indiana
Commission Number NP0741365
My Commission Expires May 23, 2030

WITNESSES
(Two for each signature)

Printed Name: JEFFREY A. LOWRY

Printed Name: BETH A. SMITH

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Ginger K. Conaway

Printed Name: GINGER K. CONAWAY

Date: June 13, 2023

STATE OF INDIANA)
)SS:
COUNTY OF HOWARD)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 13th day of June, 2023 by Ginger K. Conaway. He/She ☐ is personally known to me or ☒ has produced (type of identification) Driver's License as identification.

Teresa A. Harvey
Notary Public

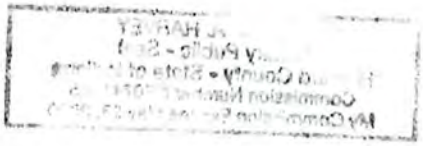
TERESA A. HARVEY
Printed Name

My Commission Expires:

NOTARY PUBLIC SEAL INDIANA

TERESA A. HARVEY
Notary Public - Seal
Howard County - State of Indiana
Commission Number NP0741365
My Commission Expires May 23, 2030

23522246v.1



APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 11, said Unit having a street address of 15500 MEADAN CIRCLE, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Dana Stumpe
Printed Name: Dana Stumpe

Samantha Blankenship
Printed Name: Samantha Blankenship

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: James G. Haddox
Printed Name: James G. Haddox
Date: 6/7/23

STATE OF Missouri)
)SS:
COUNTY OF Gasconade)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7 day of June, 2023 by James G. Haddox (He/She) ☐ is personally known to me or ☒ has produced (type of identification) Drivers License as identification.

Kaylee Abney
Notary Public

Kaylee Abney
Printed Name

My Commission Expires: 3/9/26

KAYLEE ABNEY
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
COUNTY OF GASCONADE
COMMISSION #22691088
My Commission Expires: March 9, 2026

WITNESSES
(Two for each signature)

Dana Stumpe
Printed Name: Dana Stumpe

Samantha Blankenship
Printed Name: Samantha Blankenship

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Glenda J. Haddox
Printed Name: GLENDA J. Haddox
Date: 6/7/23

STATE OF Missouri)
)SS:
COUNTY OF Gasconade)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7 day of June, 2023 by Glenda J Haddox. (He/She) ☐ is personally known to me or ☒ has produced (type of identification) Drivers License as identification.

Kaylee Abney
Notary Public

Kaylee Abney
Printed Name

My Commission Expires: 3/9/26

KAYLEE ABNEY
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
COUNTY OF GASCONADE
COMMISSION #22691088
My Commission Expires: March 9, 2026

23522246v.1

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 12, said Unit having a street address of 15490 Meadow Cir 33908 Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Thomas A. Hansen

Printed Name: Eric Lundgren

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Nancy L. Cotton
Printed Name: Nancy L. Cotton
Date: 06/20/2023

STATE OF FL)
)SS:
COUNTY OF LEE)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 20th day of June, 2023 by Nancy L. Cotton. He/She ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Notary Public State of Florida
Chelsea Renee Sparks
My Commission HH 303236
Expires 8/22/2026

Chelsea Renee Sparks
Notary Public

Chelsea Renee Sparks
Printed Name

My Commission Expires: 8/22/26

WITNESSES
(Two for each signature)

Printed Name: Thomas A. Hansen

Printed Name: Eric Lundgren

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Timothy W. Kendall
Printed Name: Timothy W. Kendall
Date: 6/20/2023

STATE OF FL)
)SS:
COUNTY OF LEE)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 20th day of June, 2023 by Timothy W. Kendall. He/She ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Notary Public State of Florida
Chelsea Renee Sparks
My Commission HH 303236
Expires 8/22/2026

Chelsea Renee Sparks
Notary Public

Chelsea Renee Sparks
Printed Name

My Commission Expires: 8/22/26

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 12, said Unit having a street address of 15490 meadow Cir 33908, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Thomas H. Hansen

Printed Name: Eric Lundgren

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Jodi E. Kendall

Printed Name: Jodi Kendall

Date: 6/20/2023

STATE OF FL)
)SS:
COUNTY OF LEE)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 20th day of June, 2023 by Jodi E. Kendall. He/She ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Notary Public State of Florida
Chelsea Renee Sparks
My Commission HH 303236
Expires 8/22/2026

Chelsea Renee Sparks
Notary Public

Chelsea Renee Sparks
Printed Name

My Commission Expires: 8/22/26

WITNESSES
(Two for each signature)

Printed Name: _____

Printed Name: _____

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: _____

Printed Name: _____

Date: _____

STATE OF _____)
)SS:
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2023 by _____. He/She ☐ is personally known to me or ☐ has produced (type of identification) _____ as identification.

_____
Notary Public

_____
Printed Name

My Commission Expires: _____

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 13, said Unit having a street address of 15480 Meadow Cir. _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Skylar Bowers
Printed Name: Skylar Bowers

LaCreshia Reeves
Printed Name: LaCreshia Reeves

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Philip Leroy Korenstra
Printed Name: Philip Leroy Korenstra
Date: 6/15/23

STATE OF Indiana)
)SS:
COUNTY OF Elkhart)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 15th day of June, 2023 by Philip Leroy Korenstra. He/She ☐ is personally known to me or ☒ has produced (type of identification) Indiana Operator License as identification.

RACHEL KELMAN
Notary Public - Seal
St Joseph County - State of Indiana
Commission Number NP0723793
My Commission Expires Nov 25, 2027

Rachel Kelman
Notary Public
Rachel Kelman
Printed Name

My Commission Expires: 11/25/2027

WITNESSES
(Two for each signature)

Skylar Bowers
Printed Name: Skylar Bowers

LaCreshia Reeves
Printed Name: LaCreshia Reeves

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Marlene Sue Korenstra
Printed Name: Marlene Sue Korenstra
Date: 6/15/2023

STATE OF Indiana)
)SS:
COUNTY OF Elkhart)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 15th day of June, 2023 by Marlene Sue Korenstra. He/She ☐ is personally known to me or ☒ has produced (type of identification) Indiana Drivers License as identification.

RACHEL KELMAN
Notary Public - Seal
St Joseph County - State of Indiana
Commission Number NP0723793
My Commission Expires Nov 25, 2027

Rachel Kelman
Notary Public
Rachel Kelman
Printed Name

My Commission Expires: 11/25/2027

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 14, said Unit having a street address of 15470 Meadow Cr, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Lapriacia Myrick

Printed Name: Michael Small

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Janet A Bley
Printed Name: Janet A Bley
Date: June 5, 2023

STATE OF Florida)
)SS:
COUNTY OF Lee)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 5TH day of June, 2023 by Janet A. Bley. He/She ☐ is personally known to me or ☑ has produced (type of identification) Drivers License as identification.

JANET DUNNIGAN
MY COMMISSION # HH 172100
EXPIRES: September 1, 2025
Bonded Thru Notary Public Underwriters

Notary Public
Janet Dunnigan
Printed Name

My Commission Expires: 9-1-2025

WITNESSES
(Two for each signature)

Printed Name: Lapriacia Myrick

Printed Name: Michael Small

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Michael F. Bley
Printed Name: MICHAEL F. BLEY
Date: JUNE 5, 2023

STATE OF Florida)
)SS:
COUNTY OF Lee)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 5th day of June, 2023 by Michael F. Bley. He/She ☐ is personally known to me or ☑ has produced (type of identification) Drivers License as identification.

JANET DUNNIGAN
MY COMMISSION # HH 172100
EXPIRES: September 1, 2025
Bonded Thru Notary Public Underwriters

Notary Public
Janet Dunnigan
Printed Name

My Commission Expires: 9-1-2025

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 15, said Unit having a street address of 15460 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Ria N Cole
Printed Name: Ria N Cole

Whitney Eakright
Printed Name: Whitney Eakright

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Jerry W. Renbarger
Printed Name: Jerry W. Renbarger
Date: 6-8-23

STATE OF Indiana)
)SS:
COUNTY OF Wabash)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by Jerry Renbarger. He/She ☐ is personally known to me or ☒ has produced (type of identification) IN DL as identification.

KARINA LYNN
COUNTY OF RESIDENCE - WABASH
Commission #NP0732942
Commission Expires 04-06-2029

Karina Lynn
Notary Public

Karina Lynn
Printed Name

My Commission Expires: 04/06/2029

WITNESSES
(Two for each signature)

Ria N Cole
Printed Name: Ria N Cole

Whitney Eakright
Printed Name: Whitney Eakright

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Joan G. Renbarger
Printed Name: Joan G Renbarger
Date: 6-8-23

STATE OF Indiana)
)SS:
COUNTY OF Wabash)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by Joan Renbarger. He/She ☐ is personally known to me or ☒ has produced (type of identification) IN DL as identification.

KARINA LYNN
COUNTY OF RESIDENCE - WABASH
Commission #NP0732942
Commission Expires 04-06-2029

Karina Lynn
Notary Public

Karina Lynn
Printed Name

My Commission Expires: 04/06/2029

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 16, said Unit having a street address of 15450 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Tara R. Courangeau

Michael Small
Printed Name: Michael Small

STATE OF FLORIDA)
)SS:
COUNTY OF LEE)

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Nancy L. Trumbauer
Printed Name: Nancy L. Trumbauer

Date: 6/12/2023

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 12TH day of JUNE, 2023 by NANCY L. TRUMBAUER. He/She ☐ is personally known to me or ☑ has produced (type of identification) DRIVERS LICENSE as identification.

Janet Dunnigan
Notary Public

Janet Dunnigan
Printed Name

My Commission Expires: 9-1-2025

JANET DUNNIGAN
MY COMMISSION # HH 17210
EXPIRES: September 1, 2025
Bonded Thru Notary Public Underwrit

WITNESSES
(Two for each signature)

Printed Name:

Printed Name:

STATE OF)
)SS:
COUNTY OF)

ALL OWNERS SIGN AND PRINT NAME BELOW

BY:
Printed Name:

Date:

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this day of , 2023 by . He/She ☐ is personally known to me or ☐ has produced (type of identification) as identification.

Notary Public

Printed Name

My Commission Expires:

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 17, said Unit having a street address of 15440 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Marsha McCall
Printed Name: Marsha McCall

Allison Christian
Printed Name: Allison Christian

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Ronald L Bright
Printed Name: Ronald Bright
Date: 6/6/23

STATE OF Florida)
)SS:
COUNTY OF Marion)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 6th day of June, 2023 by Ronald L. Bright. He/She ☐ is personally known to me or ☐ has produced (type of identification) Drivers License as identification.

KIMBERLY STARR
NOTARY PUBLIC
STATE OF FLORIDA
NO. GG 924949
MY COMMISSION EXPIRES DEC. 08, 2023

Kimberly Starr
Notary Public
Kimberly Starr
Printed Name

My Commission Expires: Dec 08 2023

WITNESSES
(Two for each signature)

Marsha McCall
Printed Name: Marsha McCall

Allison Christian
Printed Name: Allison Christian

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Janet Bright
Printed Name: Janet Bright
Date: 06/06/23

STATE OF Florida)
)SS:
COUNTY OF Marion)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 6th day of June, 2023 by Janet Bright. He/She ☐ is personally known to me or ☑ has produced (type of identification) Drivers License as identification.

KIMBERLY STARR
NOTARY PUBLIC
STATE OF FLORIDA
NO. GG 924949
MY COMMISSION EXPIRES DEC. 08, 2023

Kimberly Starr
Notary Public
Kimberly Starr
Printed Name

My Commission Expires: Dec 08, 2023

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 21, said Unit having a street address of 15400 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Cathy J. Harrington

Printed Name: Paige Harrington

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Stephen E. Hilchey

Printed Name: STEPHEN Hilchey

Date: 6/9/23

STATE OF Vermont)
)SS:
COUNTY OF Bennington)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 9th day of June, 2023 by Stephen Hilchey (He/She) ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Notary Public State of Vermont
Paige M. Harrington
Commission * No. 157.0014053 *
My Commission Expires Jan. 31, 2025

Paige Harrington
Notary Public

Paige Harrington
Printed Name

My Commission Expires: 1570014053

WITNESSES
(Two for each signature)

Printed Name: Cathy J. Harrington

Printed Name: Paige Harrington

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Helen E. Hilchey

Printed Name: Helen E. Hilchey

Date: 6-9-23

STATE OF Vermont)
)SS:
COUNTY OF Bennington)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 9th day of June, 2023 by Helen Hilchey. He/(She) ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Notary Public State of Vermont
Paige M. Harrington
Commission * No. 157.0014053 *
My Commission Expires Jan. 31, 2025

Paige Harrington
Notary Public

Paige Harrington
Printed Name

My Commission Expires: 1570014053

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 18, said Unit having a street address of 15430 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Alison Mercado

Printed Name: Vanessa Paul Rice

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Judith Baka
Printed Name: Judith Baka
Date: 6-8-23

STATE OF South Carolina)
)SS:
COUNTY OF Anderson)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by Judith Baka. He/She ☐ is personally known to me or ☒ has produced (type of identification) S.C. DL 00746734 as identification.

Notary Public
SUSAN T Stewart
Printed Name

My Commission Expires: 3-13-2025

SUSAN T STEWART NOTARY PUBLIC COM. EXP. 3-13-25 SOUTH CAROLINA

WITNESSES
(Two for each signature)

Printed Name: Alison Mercado

Printed Name: Vanessa Paul Rice

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Jeffrey Baka
Printed Name: Jeffrey Baka
Date: 6-8-2023

STATE OF South Carolina)
)SS:
COUNTY OF Anderson)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 8th day of June, 2023 by Jeffrey Baka. He/She ☐ is personally known to me or ☑ has produced (type of identification) SC DL 100746730 as identification.

Notary Public
SUSAN T Stewart
Printed Name

My Commission Expires: 03-13-2025

SUSAN T STEWART NOTARY PUBLIC COM. EXP. 3-13-25 SOUTH CAROLINA

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 20, said Unit having a street address of 15410 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Shawn Van Eyck

Printed Name: Amanda Woitas

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Francis P. Velishek
Printed Name: FRANCIS P. VELISHEK
Date: 6-12-2023

STATE OF MN)
)SS:
COUNTY OF LeSueur)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 12 day of June, 2023 by Francis. He/She ☐ is personally known to me or ☒ has produced (type of identification) License as identification.

ROXANNE SPANGLER
NOTARY PUBLIC
MINNESOTA
My Commission Expires 01/31/2027

Notary Public
RoxAnne Spangler
Printed Name

My Commission Expires: 1/31/27

WITNESSES
(Two for each signature)

Printed Name: Shawn Van Eyck

Printed Name: Amanda Woitas

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Sharon A. Velishek
Printed Name: SHARON A. VELISHEK
Date:

STATE OF)
)SS:
COUNTY OF)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 12 day of June, 2023 by Sharon. He/She ☐ is personally known to me or ☒ has produced (type of identification) License as identification.

ROXANNE SPANGLER
NOTARY PUBLIC
MINNESOTA
My Commission Expires 01/31/2027

Notary Public
RoxAnne Spangler
Printed Name

My Commission Expires: 1/31/27

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 22, said Unit having a street address of 15390 MEADOW CIRCLE, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: LENORE L. SARDINA

Printed Name: Sarah Hand

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:

Printed Name: ELAINE K. WESOLOWSKI

Date: 6/8/23

STATE OF New York)
)SS:
COUNTY OF Erie)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by _____. He/She ☐ is personally known to me or ☑ has produced (type of identification) FLSDL W242-205-42-728-0 as identification.

Notary Public

Jacob Bolick

Printed Name

JACOB J BOLICK
Notary Public - State of New York
NO. 01BO6417279
Qualified in Niagara County
My Commission Expires May 10, 2025

My Commission Expires: _____

WITNESSES
(Two for each signature)

Printed Name: _____

Printed Name: _____

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: _____

Printed Name: _____

STATE OF _____)
)SS:
COUNTY OF _____)

Date: _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2023 by _____. He/She ☐ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Notary Public

Printed Name

My Commission Expires: _____

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 24, said Unit having a street address of 15370 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Amy J Golightly

Printed Name: Rebecca Kirchner

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Holly R Iversen
Printed Name: Holly R. Iversen
Date: June 13, 2023

STATE OF Illinois)
)SS:
COUNTY OF Bureau)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 13th day of June, 2023 by Holly Iversen. He/She ☒ is personally known to me or ☐ has produced (type of identification) _____ as identification.

OFFICIAL SEAL
MARELYN J CREDI
NOTARY PUBLIC STATE OF ILLINOIS
My Commission Expires Sept. 21, 2024

Marelyn J Credi
Notary Public
Marelyn J Credi
Printed Name

My Commission Expires: Sept 21, 2024

WITNESSES
(Two for each signature)

Printed Name: Amy J. Golightly

Printed Name: Rebecca Kirchner

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Kevin Kirchner
Printed Name: KEVIN KIRCHNER
Date: 6-13-23

STATE OF Illinois)
)SS:
COUNTY OF Bureau)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 13th day of June, 2023 by Kevin Kirchner. He/She ☒ is personally known to me or ☐ has produced (type of identification) _____ as identification.

OFFICIAL SEAL
MARELYN J CREDI
NOTARY PUBLIC STATE OF ILLINOIS
My Commission Expires Sept. 21, 2024

Marelyn J Credi
Notary Public
Marelyn J Credi
Printed Name

My Commission Expires: Sept 21, 2024

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 25, said Unit having a street address of 15360 MEADOW CIR, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Laprincia Laycock

Printed Name: Michael Small

STATE OF Florida)
)SS:
COUNTY OF Lee)

ALL OWNERS SIGN AND PRINT NAME BELOW

BY:

Printed Name: DONALD DERBY

Date: 7 JUN 23

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 7th day of June, 2023 by DONALD DERBY. He/She ☐ is personally known to me or ☑ has produced (type of identification) DRIVERS LICENSE as identification.

Notary Public

Janet Dunnigan

Printed Name

My Commission Expires: 9-1-2025

JANET DUNNIGAN
MY COMMISSION # HH 172100
EXPIRES: September 1, 2025
Bonded Thru Notary Public Underwriters

WITNESSES
(Two for each signature)

Printed Name: Laprincia Laycock

Printed Name: Michael Small

STATE OF FLORIDA)
)SS:
COUNTY OF LEE)

ALL OWNERS SIGN AND PRINT NAME BELOW

BY:

Printed Name: BONNIE DERBY

Date: June 7, 2023

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 7th day of JUNE, 2023 by BONNIE DERBY. He/She ☐ is personally known to me or ☑ has produced (type of identification) DRIVERS LICENSE as identification.

Notary Public

Janet Dunnigan

Printed Name

My Commission Expires: 9-1-2025

JANET DUNNIGAN
MY COMMISSION # HH 172100
EXPIRES: September 1, 2025
Bonded Thru Notary Public Underwriters

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 24, said Unit having a street address of 15350 Meadow Cir., _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Lora R. Tavarez

Printed Name: Michael Small

STATE OF Florida)
)SS:
COUNTY OF Lee)

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Joyce Stallings

Printed Name: Joyce Stallings

Date: 6-12-23

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 12th day of June, 2023 by Joyce Stallings. He/She ☐ is personally known to me or ☑ has produced (type of identification) Drivers License as identification.

JANET DUNNIGAN
MY COMMISSION # HH 172100
EXPIRES: September 1, 2025
Bonded Thru Notary Public Underwriters

Notary Public

Janet Dunnigan

Printed Name

My Commission Expires: 9-1-2025

WITNESSES
(Two for each signature)

Printed Name: _____

Printed Name: _____

STATE OF _____)
)SS:
COUNTY OF _____)

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: _____

Printed Name: _____

Date: _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2023 by _____. He/She ☐ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Notary Public

Printed Name

My Commission Expires: _____

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 26, said Unit having a street address of 15350 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Pauline Eckardt
Printed Name: PAULINE ECKARDT

Marion M. Lovely
Printed Name: Marion M. Lovely

STATE OF Connecticut)
)SS: Wallingford
COUNTY OF New Haven)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Bonnie Michaud
Printed Name: Bonnie Michaud
Date: 6-15-2023

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 15 day of June, 2023 by Bonnie T. Michaud. He/She ☐ is personally known to me or ☒ has produced (type of identification) CT DL Exp 9/30/2026 as identification.

CRAIG JEFFREY
NOTARY PUBLIC
CONNECTICUT
MY COMMISSION EXPIRES 5/31/2025

Notary Public

Craig Jeffrey
Printed Name

My Commission Expires:

WITNESSES
(Two for each signature)

Printed Name:

Printed Name:

STATE OF)
)SS:
COUNTY OF)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: N/A
Printed Name:
Date:

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this day of , 2023 by . He/She ☐ is personally known to me or ☐ has produced (type of identification) as identification.

Notary Public

Printed Name

My Commission Expires:


RECEIVED
JUN 20 2023
BECKER
Fort Myers Office

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 27, said Unit having a street address of 15340 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Paige Jones
Printed Name: Paige Jones

Sandra Blaschke
Printed Name: Sandra Blaschke

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Lorinda Hoatchings
Printed Name: Lorinda Hoatchings
Date: June 9th, 2023

STATE OF Indiana)
)SS:
COUNTY OF Lawrence)

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization this 9th day of June, 2023 by Lorinda Hoatchings. He/She [ ] is personally known to me or [X] has produced (type of identification) Florida Drivers License as identification.

JULIE R. INMAN
Notary Public, State of Indiana
Commission # NP0726182
My Commission Expires
April 6, 2028

Julie R. Inman
Notary Public

Julie R. Inman
Printed Name

My Commission Expires: April 6, 2028

WITNESSES
(Two for each signature)

Printed Name:

Printed Name:

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:
Printed Name:
Date:

STATE OF)
)SS:
COUNTY OF)

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization this day of , 2023 by . He/She [ ] is personally known to me or [ ] has produced (type of identification) as identification.

Notary Public

Printed Name

My Commission Expires:

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 28, said Unit having a street address of 15330 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Brianna Johnson
Printed Name: Brianna Johnson

Carly M. Rodgers
Printed Name: Carly M. Rodgers

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: James L Beckwith
Printed Name: JAMES L BECKWITH
Date: 6/17/23

STATE OF MI)
)SS:
COUNTY OF Lapeer)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 17 day of June, 2023 by James L Beckwith He/She ☐ is personally known to me or ☒ has produced (type of identification) MI DL as identification.

ELIZABETH S MCVETY
NOTARY PUBLIC, STATE OF MI
COUNTY OF LAPEER
MY COMMISSION EXPIRES Feb 11, 2025
ACTING IN COUNTY OF Lapeer

Elizabeth S McVety
Notary Public
Elizabeth S McVety
Printed Name

My Commission Expires: 2-11-25

WITNESSES
(Two for each signature)

Brianna Johnson
Printed Name: Brianna Johnson

Carly M. Rodgers
Printed Name: Carly M. Rodgers

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Bonnie Ruth Beckwith
Printed Name: Bonnie Ruth Beckwith
Date: 6-17-23

STATE OF MI)
)SS:
COUNTY OF Lapeer)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 17 day of June, 2023 by Bonnie R Beckwith. He/She ☐ is personally known to me or ☒ has produced (type of identification) MI DL as identification.

ELIZABETH S MCVETY
NOTARY PUBLIC, STATE OF MI
COUNTY OF LAPEER
MY COMMISSION EXPIRES Feb 11, 2025
ACTING IN COUNTY OF Lapeer

Elizabeth S McVety
Notary Public
Elizabeth S McVety
Printed Name

My Commission Expires: 2-11-25

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 29, said Unit having a street address of 15320 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Julia Anderson
Printed Name: Julia Anderson

Nicole Curtiss
Printed Name: Nicole Curtiss

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Scott Beckwith
Printed Name: Scott Beckwith

Date: 7-5-23

STATE OF Michigan)
)SS:
COUNTY OF Lapeer)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of July, 2023 by Scott Beckwith. He ☒ is personally known to me or ☐ has produced (type of identification) _____ as identification.

MADISON WOODALL
Notary Public, SANILAC County, MI
Acting in Lapeer County MI
My Commission Expires FEB 22, 2028

Madison J Woodall
Notary Public

Madison L Woodall
Printed Name

My Commission Expires: Feb 22, 2028

WITNESSES
(Two for each signature)

Julia Anderson
Printed Name: Julia Anderson

Nicole Curtiss
Printed Name: Nicole Curtiss

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Jane R. Beckwith
Printed Name: Jane R. Beckwith

Date: 7/5/2023

STATE OF Michigan)
)SS:
COUNTY OF Lapeer)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of July, 2023 by Jane R. Beckwith. She ☐ is personally known to me or ☒ has produced (type of identification) B230 368 734 189 as identification.

MADISON WOODALL
Notary Public, SANILAC County, MI
Acting in Lapeer County MI
My Commission Expires FEB 22, 2028

Madison J Woodall
Notary Public

Madison L Woodall
Printed Name

My Commission Expires: Feb 22, 2028

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 30, said Unit having a street address of _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: JANICE DUVAL

Printed Name: Kyle Ori

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Linda R. Schaefer
Printed Name: LINDA R. SCHAEFER
Date: June 14, 2023

STATE OF OHIO)
)SS:
COUNTY OF LORAIN)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 14 day of June, 2023 by LINDA SCHAEFER. He/She ☐ is personally known to me or ☐ has produced (type of identification) Driver's License RU857633 as identification.

KYLE ORI
Notary Public, State of Ohio
My Commission Expires:
02/22/2027

Notary Public

Kyle Ori
Printed Name

My Commission Expires: 02-22-27

WITNESSES
(Two for each signature)

Printed Name: _____

Printed Name: _____

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: _____
Printed Name: _____
Date: _____

STATE OF _____)
)SS:
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2023 by _____. He/She ☐ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Notary Public

Printed Name

My Commission Expires: _____

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 31, said Unit having a street address of 15300 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Donald W. Landis

Printed Name: ROBERT BRUCE LANDIS

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Alan M. Moore
Printed Name: Alan M. Moore
Date: June 8 2023

STATE OF Pennsylvania)
)SS:
COUNTY OF Sullivan)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by Alan M. Moore. He/She ☒ is personally known to me or ☒ has produced (type of identification) PA DL as identification.

Commonwealth of Pennsylvania - Notary Seal
Shelly Hawkins, Notary Public
Bradford County
My commission expires April 8, 2025
Commission number 1226268
Member, Pennsylvania Association of Notaries

Notary Public
Shelly Hawkins
Printed Name

My Commission Expires: 4-8-25

WITNESSES
(Two for each signature)

Printed Name: Donald W. Landis

Printed Name: ROBERT BRUCE LANDIS

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Marion Kay Moore
Printed Name: Marion Kay Moore
Date: June 8 2023

STATE OF Pennsylvania)
)SS:
COUNTY OF Sullivan)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by Marion Kay Moore. He/She ☐ is personally known to me or ☒ has produced (type of identification) PA DL as identification.

Commonwealth of Pennsylvania - Notary Seal
Shelly Hawkins, Notary Public
Bradford County
My commission expires April 8, 2025
Commission number 1226268
Member, Pennsylvania Association of Notaries

Notary Public
Shelly Hawkins
Printed Name

My Commission Expires: 4-8-25

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 34, said Unit having a street address of 15270 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Christopher Davis

Printed Name: Ruth A. Cobb

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Gala Engle

Printed Name: Gala Engle

Date: 06/06/2023

STATE OF FL)
)SS:
COUNTY OF Polk)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6th day of June, 2023 by Gala Engle. He/She ☐ is personally known to me or ☒ has produced (type of identification) FL DL # 889-0 as identification.

KIMBERLY J HULVERSON
Notary Public - State of Florida
Commission # HH 28518
My Comm. Expires Aug 5, 2024

Kimberly J Hulverson
Notary Public

Kimberly J. Hulverson
Printed Name

My Commission Expires: 8/5/2024

WITNESSES
(Two for each signature)

Printed Name:

Printed Name:

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:

Printed Name:

Date:

STATE OF)
)SS:
COUNTY OF)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this day of , 2023 by . He/She ☐ is personally known to me or ☐ has produced (type of identification) as identification.

Notary Public

Printed Name

My Commission Expires:

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 35, said Unit having a street address of 15260 Meadow SR _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

_____
Printed Name: Rachel Swendig

_____
Printed Name: Ralph Olson

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Louis Vargas
Printed Name: Louis Vargas
Date: 6-9-23

STATE OF Ohio)
)SS:
COUNTY OF Hamilton)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 9th day of June, 2023 by Louis Vargas. He/She ☐ is personally known to me or ☒ has produced (type of identification) Ohio Driver License as identification.

_____
Notary Public

Ryan D. Welsh
Printed Name

My Commission Expires: 11-02-2026

RYAN DAVID WELSH - NOTARY PUBLIC
COMM EXP: NOV 2, 2026
STATE OF OHIO

WITNESSES
(Two for each signature)

_____
Printed Name: _____

_____
Printed Name: _____

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: _____
Printed Name: _____
Date: _____

STATE OF _____)
)SS:
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2023 by _____. He/She ☐ is personally known to me or ☐ has produced (type of identification) _____ as identification.

_____
Notary Public

_____
Printed Name

My Commission Expires: _____

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 40, said Unit having a street address of 15210 MEADOW CIRCLE, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: John Edmondson

Printed Name: Ty Hinson

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Robert Hale

Printed Name: ROBERT HALE

Date: 6-17-23

STATE OF TN)
)SS:
COUNTY OF WILLIAMSON)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 17 day of JUNE, 2023 by ROBERT HALE. He/She ☑ is personally known to me or ☑ has produced (type of identification) TN DRIVER'S as identification.

Notary Public

JASON BLACKSTOCK

Printed Name

My Commission Expires: 7-15-2023

JASON BLACKSTOCK
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF WILLIAMSON
MY COMM. EXPIRES JULY 15, 2023

WITNESSES
(Two for each signature)

Printed Name: John Edmondson

Printed Name: Ty Hinson

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Linda Hale

Printed Name: LINDA HALE

Date: 6-17-23

STATE OF TN)
)SS:
COUNTY OF WILLIAMSON)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 17 day of JUNE, 2023 by _____. He/She ☐ is personally known to me or ☑ has produced (type of identification) TN DRIVER'S as identification.

Notary Public

JASON BLACKSTOCK

Printed Name

My Commission Expires: 7-15-2023

JASON BLACKSTOCK
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF WILLIAMSON
MY COMM. EXPIRES JULY 15, 2023

23522246v.1

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 41, said Unit having a street address of 15200 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Randy A. Harris

Printed Name: Diane M. Harris

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: JoAnn M Harris
Printed Name: JoAnn M Harris
Date: 6/8/23

STATE OF Michigan)
)SS:
COUNTY OF Monroe)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by JoAnn M Harris. He/She ☐ is personally known to me or ☒ has produced (type of identification) H620421569119 as identification.

Notary Public
Holli Noel Pendleton
Printed Name

Holli Noel Pendleton
Notary Public of Michigan
Monroe County
Expires 12/18/2026
Acting in the County of Monroe

My Commission Expires: 12-18-2026

WITNESSES
(Two for each signature)

Printed Name: Randy A. Harris

Printed Name: Diane C. Harris

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Robyn A Churchill
Printed Name: Robyn A Churchill
Date: 6/8/23

STATE OF Michigan)
)SS:
COUNTY OF Monroe)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by Robyn Ann Churchill. He/She ☐ is personally known to me or ☒ has produced (type of identification) S420744067258 as identification.

Notary Public
Holli Noel Pendleton
Printed Name

My Commission Expires: 12-18-2026

Holli Noel Pendleton
Notary Public of Michigan
Monroe County
Expires 12/18/2026
Acting in the County of Monroe

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 42, said Unit having a street address of 15190 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Shanmaine Tatum

Printed Name: Jeanette McMeeh

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Joyce Ann Eckart Trustee
Printed Name: Joyce Ann Eckart, Trustee
Date: June 6, 2023

STATE OF _____)
)SS:
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6 day of June, 2023 by Joyce Ann Eckart. He/She ☒ is personally known to me or ☒ has produced (type of identification) DL NC 00002588704 5 as identification.

LILIANA M LARA
NOTARY PUBLIC
Commission Expires
09-12-2023
DURHAM COUNTY, NC

Notary Public

Liliana M. Lara.
Printed Name

My Commission Expires: 09-12-2023

WITNESSES
(Two for each signature)

Printed Name: _____

Printed Name: _____

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: _____
Printed Name: _____
Date: _____

STATE OF _____)
)SS:
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2023 by _____. He/She ☐ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Notary Public

Printed Name

My Commission Expires: _____

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 43, said Unit having a street address of 15150 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: ROBERT MAHL

Printed Name: THOMAS A LUTZ

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Joseph D Price

Printed Name: Joseph D Price

Date: 6/6/23

STATE OF INDIANA)
)SS:
COUNTY OF MADISON)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6th day of JUNE, 2023 by JOSEPH PRICE. He/She ☒ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Notary Public

THOMAS J. GROCLE

Printed Name

My Commission Expires: 11/6/2030

WITNESSES
(Two for each signature)

Printed Name: ROBERT MAHL

Printed Name: THOMAS A LUTZ

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Teresa R. Price

Printed Name: Teresa R. Price

Date: 6/6/2023

STATE OF INDIANA)
)SS:
COUNTY OF MADISON)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6th day of JUNE, 2023 by TERESA PRICE. He/She ☒ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Notary Public

THOMAS J. GROCLE

Printed Name

My Commission Expires: 11/6/2030

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 44, said Unit having a street address of 15140 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Caprincia Reynick

Printed Name: Robert Silvano, III

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:

Printed Name: Steven Farmer

Date: 06/05/2023

STATE OF Florida)
)SS:
COUNTY OF Lee)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by Steven Farmer. He/She ☐ is personally known to me or ☒ has produced (type of identification) Driver License as identification.

STEVEN R.S. CURTIN
MY COMMISSION # HH 260067
EXPIRES: May 2, 2026

Notary Public

Steven R.S. Curtin
Printed Name

My Commission Expires: 05/02/26

WITNESSES
(Two for each signature)

Printed Name: Caprincia Reynick

Printed Name: Robert Silvano, III

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Cheryl Farmer

Printed Name: Cheryl Farmer

Date: 06/05/2023

STATE OF Florida)
)SS:
COUNTY OF Lee)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by Cheryl Farmer. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers license as identification.

STEVEN R.S. CURTIN
MY COMMISSION # HH 260067
EXPIRES: May 2, 2026

Notary Public

Steven R.S. Curtin
Printed Name

My Commission Expires: 05/02/26

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 45, said Unit having a street address of 15730 MEADOW Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Mary Bidwell
Printed Name: Mary Bidwell

Cheryl Lopez
Printed Name: Cheryl Lopez

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Cheryl M. Adkins
Printed Name: CHERYL M. ADKINS
Date: 06-06-23

STATE OF Ohio)
)SS:
COUNTY OF Union)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6 day of June, 2023 by Cheryl M Adkins. He/She ☒ is personally known to me or ☐ has produced (type of identification) _____ as identification.

CHAD R. FRITZ
ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION
SEC 147.03 R.C.

Notary Public
Chad R Fritz
Printed Name

My Commission Expires: No Expiration

WITNESSES
(Two for each signature)

Mary Bidwell
Printed Name: Mary Bidwell

Cheryl Lopez
Printed Name: Cheryl Lopez

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Walter Adkins
Printed Name: WALTER ADKINS
Date: 06-6-23

STATE OF Ohio)
)SS:
COUNTY OF Union)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6 day of June, 2023 by Walter Adkins. He/She ☒ is personally known to me or ☐ has produced (type of identification) _____ as identification.

CHAD R. FRITZ
ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION
SEC 147.03 R.C.

Notary Public
Chad R Fritz
Printed Name

My Commission Expires: No Expiration

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 46, said Unit having a street address of 15120 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Danielle Davis

Printed Name: Martha T. Hernandez

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:

Printed Name: Coleen Ohl

Date: June 6, 2023

STATE OF New York)
)SS:
COUNTY OF Rockland)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 6th day of June, 2023 by Coleen Ohl. He/She ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

01HE641143 1NY

Notary Public

Martha T. Hernandez

Printed Name

My Commission Expires: 11/23/2024

WITNESSES
(Two for each signature)

Printed Name: _____

Printed Name: _____

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: _____

Printed Name: _____

Date: _____

STATE OF _____)
)SS:
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2023 by _____. He/She ☐ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Notary Public

Printed Name

My Commission Expires: _____

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 46, said Unit having a street address of 15120 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Sabrina A Marinell
Printed Name: Sabrina A Marinell

Michael Small
Printed Name: Michael Small

STATE OF Florida)
)SS:
COUNTY OF Lee)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: David D Coffey Jr.
Printed Name: David D Coffey Jr.
Date: 6-5-23

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 5TH day of June, 2023 by David D. Coffey Jr. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers License as identification.

JANET DUNNIGAN
MY COMMISSION # HH 172100
EXPIRES: September 1, 2025
Bonded Thru Notary Public Underwriters

Janet Dunnigan
Notary Public
Janet Dunnigan
Printed Name

My Commission Expires: 9-1-2025
9-1-2025

WITNESSES
(Two for each signature)

Printed Name:

Printed Name:

STATE OF)
)SS:
COUNTY OF)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:
Printed Name:
Date:

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this day of , 2023 by . He/She ☐ is personally known to me or ☐ has produced (type of identification) as identification.

Notary Public

Printed Name

My Commission Expires:

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No._____, said Unit having a street address of _____ _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Katherine Smiley

Printed Name: Shelby R. Brandon

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: _____
Printed Name: RANDY L. MACE
Date: 6/7/2023

STATE OF Ohio)
)SS:
COUNTY OF Fairfield)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of June, 2023 by Randy L. Mace. He/She ☐ is personally known to me or ☒ has produced (type of identification) Ohio drivers license as identification.

SHELBY R. BRANDON
NOTARY PUBLIC
STATE OF OHIO
Commission expires
10-31-2024

Notary Public

Shelby R. Brandon
Printed Name

My Commission Expires: 10/31/2024

WITNESSES
(Two for each signature)

Katherine Smiley
Printed Name

Printed Name: Shelby R. Brandon

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: _____
Printed Name: Sally Dawn Mace
Date: 06 07 2023

STATE OF Ohio)
)SS:
COUNTY OF Fairfield)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of June, 2023 by Sally Dawn Mace. He/She ☐ is personally known to me or ☒ has produced (type of identification) Ohio drivers license as identification.

SHELBY R. BRANDON
NOTARY PUBLIC
STATE OF OHIO
Commission expires
10-31-2024

Notary Public

Shelby R. Brandon
Printed Name

My Commission Expires: 10/31/2024

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 48, said Unit having a street address of 15100 MEADOW CIRCLE, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Rita Lachcik
Printed Name: Rita Lachcik

Nancy Fox
Printed Name: NANCY FOX

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: James Gray
Printed Name: JAMES GRAY
Date: 6/15/23

STATE OF New Jersey)
)SS:
COUNTY OF Burlington)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 15 day of June, 2023 by James Gray. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers License as identification.

KRISTINA B MITCHELL
Notary Public, State of New Jersey
My Commission Expires Dec 17, 2026

Notary Public
Kristina Mitchell
Printed Name

My Commission Expires: 12/17/26

WITNESSES
(Two for each signature)

Rita Lachcik
Printed Name: Rita Lachcik

Nancy Fox
Printed Name: Nancy Fox

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Stacy Gray
Printed Name: STACY GRAY
Date: 6/15/23

STATE OF New Jersey)
)SS:
COUNTY OF Burlington)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 15 day of June, 2023 by Stacy Gray. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers License as identification.

KRISTINA B MITCHELL
Notary Public, State of New Jersey
My Commission Expires Dec 17, 2026

Notary Public
Kristina Mitchell
Printed Name

My Commission Expires: 12/17/26

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 49, said Unit having a street address of 15090 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Kristin Emerson
Printed Name: Kristin Emerson

Printed Name: Seth Harris

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Rod DeVary
Printed Name: Rod DeVary
Date: 6-8-23

STATE OF ILLINOIS)
)SS:
COUNTY OF Mclean)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by Rod Devary. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers License as identification.

Anna McDannald
Notary Public
Anna McDannald
Printed Name

My Commission Expires: 9-4-2024

Anna McDannald
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires Sep 02, 2024

WITNESSES
(Two for each signature)

Kristin Emerson
Printed Name: Kristin Emerson

Printed Name: Seth Harris

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Teresa DeVary
Printed Name: Teresa DeVary
Date: 6-8-23

STATE OF ILLINOIS)
)SS:
COUNTY OF Mclean)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by Teresa Devary. He/She ☐ is personally known to me or ☒ has produced (type of identification) drivers license as identification.

Anna McDannald
Notary Public
Anna McDannald
Printed Name

My Commission Expires: 9-2-2024

Anna McDannald
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires Sep 02, 2024

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 50, said Unit having a street address of 15080 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Ginger Barkhausen

Printed Name: Jennifer S. Moreland

STATE OF Florida)
)SS:
COUNTY OF LEE)

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Paul Hoy Debbie K Hoy
Printed Name: Paul Hoy
Date: 6/23/23

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 26th day of June, 2023 by Paul Hoy. He ☐ is personally known to me or ☑ has produced (type of identification) Drivers License as identification.

Notary Public
Scott Fast
Printed Name

My Commission Expires: 9-27-25

SCOTT FAST
Notary Public
State of Florida
Comm# HH179727
Expires 9/27/2025

WITNESSES
(Two for each signature)

Printed Name: Ginger Barkhausen

Printed Name: Jennifer S. Moreland

STATE OF Florida)
)SS:
COUNTY OF LEE)

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Debbie Hoy
Printed Name: Debbie Hoy
Date: 6/23/23

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this 26th day of June, 2023 by Debbie Hoy. She ☐ is personally known to me or ☑ has produced (type of identification) Drivers License as identification.

Notary Public
Scott Fast
Printed Name

My Commission Expires: 9-27-25

SCOTT FAST
Notary Public
State of Florida
Comm# HH179727
Expires 9/27/2025

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 51, said Unit having a street address of 15070 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)
Alaina Wesselman
Printed Name:
Alaina Wesselman Jennifer Rhodes
Printed Name: Jennifer Rhodes

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Andrew S Hortenstine
Printed Name: Andrew S. Hortenstine
Date: 06/08/2023

STATE OF Illinois)
)SS:
COUNTY OF Fayette)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 8th day of June, 2023 by Andrew Hortenstine. He/She ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

JENNIFER LAY
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires Apr 25, 2026

My Commission Expires: 04-25-2026

Notary Public
Jennifer Lay
Printed Name

WITNESSES
(Two for each signature)
Alaina Wesselman
Printed Name: Alaina Wesselman
Jennifer Rhodes
Printed Name: Jennifer Rhodes

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Joan M Hortenstine
Printed Name: Joan M. Hortenstine
Date: 06/08/2023

STATE OF Illinois)
)SS:
COUNTY OF Fayette)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 8th day of June, 2023 by Joan Hortenstine. He/She ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

JENNIFER LAY
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires Apr 25, 2026

My Commission Expires: 04-25-2026

Notary Public
Jennifer Lay
Printed Name

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 52, said Unit having a street address of 15060 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Crystal Higginbotham
Printed Name: Crystal Higginbotham

Adrianne Brown
Printed Name: Adrianne Brown

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: John Schlectic
Printed Name: John Schlectic

Date: 6-5-23

STATE OF SOUTH CAROLINA)SS:
COUNTY OF BEAUFORT)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 5 day of June, 2023 by John Schlectic. He/She ☐ is personally known to me or ☑ has produced (type of identification) Drivers License as identification.

Notary Public

Lisa Darazs
Printed Name

My Commission Expires: 12/28/2028

WITNESSES
(Two for each signature)

Crystal Higginbotham
Printed Name: Crystal Higginbotham

Adrianne Brown
Printed Name: Adrianne Brown

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Elizabeth J Schlectic
Printed Name: Elizabeth J Schlectic

Date: 6-5-23

STATE OF SOUTH CAROLINA)SS:
COUNTY OF BEAUFORT)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 5 day of June, 2023 by Elizabeth Schlectic. He/She ☐ is personally known to me or ☑ has produced (type of identification) Drivers License as identification.

Notary Public

Lisa Darazs
Printed Name

My Commission Expires: 12/28/2028

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 53, said Unit having a street address of 1505 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Marcelline Homeleski
Printed Name: Marcelline Homeleski

Michael Homeleski
Printed Name: Michael Homeleski

ALL OWNERS SIGN AND PRINT NAME BELOW

BY Paul L Ayers Jr.
Printed Name: Paul L. Ayers Jr.
Date: 6/23/23

STATE OF Indiana)
)SS:
COUNTY OF Hamilton)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 23 day of June, 2023 by Paul L. Ayers Jr. He/She ☐ is personally known to me or ☒ has produced (type of identification) Indiana Driver's License as identification.

MICHAEL ALLEN HAYES
Notary Public - Seal
Marion County - State of Indiana
Commission Number 713567
My Commission Expires May 17, 2026

Notary Public
Michael Allen Hayes
Printed Name

My Commission Expires: May 17, 2026

WITNESSES
(Two for each signature)

Marcelline Homeleski
Printed Name: Marcelline Homeleski

Michael Homeleski
Printed Name: Michael Homeleski

ALL OWNERS SIGN AND PRINT NAME BELOW

BY Louise G Ayers
Printed Name: Louise G. Ayers
Date: June 23, 2023

STATE OF Indiana)
)SS:
COUNTY OF Hamilton)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 23 day of June, 2023 by Louise G. Ayers. He/She ☐ is personally known to me or ☒ has produced (type of identification) Indiana Driver's License as identification.

MICHAEL ALLEN HAYES
Notary Public - Seal
Marion County - State of Indiana
Commission Number 713567
My Commission Expires May 17, 2026

Notary Public
Michael Allen Hayes
Printed Name

My Commission Expires: May 17, 2026

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 54, said Unit having a street address of 15040 MEADOW CIRCLE, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Harold D Bauer JR

Printed Name: Candy Bauer

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Marilyn M. Moon
Printed Name: MARILYN M. MOON
Date: June 7, 2023

STATE OF Indiana)
)SS:
COUNTY OF Allen)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7 day of June, 2023 by Marilyn M. Moon. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers License as identification.

Allison Warner, Notary Public
Allen County, State of Indiana
Commission No: NP0742697
My Commission Expires 07/28/2030

Notary Public
Allison Warner
Printed Name

My Commission Expires: 07/28/2030

WITNESSES
(Two for each signature)

Printed Name: Harold D. Bauer Jr

Printed Name: Candy Bauer

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Richard A Moon
Printed Name: RICHARD A. MOON
Date: 6/7/2023

STATE OF Allen Indiana)
)SS:
COUNTY OF Allen)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7 day of June, 2023 by Richard Moon. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers License as identification.

Allison Warner, Notary Public
Allen County, State of Indiana
Commission No: NP0742697
My Commission Expires 07/28/2030

Notary Public
Allison Warner
Printed Name

My Commission Expires: 07/28/2030

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 55, said Unit having a street address of 15030 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Michael G. Trombley
Printed Name: Michael G. Trombley

Douglas John Helm
Printed Name: Douglas John Helm

STATE OF MN)
)SS:
COUNTY OF Hennepin)

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Nora J Trombley
Printed Name: Nora J. Trombley

Date: 06/12/2023

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 12th day of June, 2023 by Nora J Trombley. He/She ☒ is personally known to me or ☒ has produced (type of identification) Driver License as identification.

SUSAN C MCROY
Notary Public
Minnesota
My Commission Expires
Jan 31, 2027

Susan C. McRoy
Notary Public

Susan C. McRoy
Printed Name

My Commission Expires: 1/31/2027

WITNESSES
(Two for each signature)

Printed Name:

Printed Name:

STATE OF)
)SS:
COUNTY OF)

ALL OWNERS SIGN AND PRINT NAME BELOW

BY:
Printed Name:

Date:

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this day of , 2023 by . He/She ☐ is personally known to me or ☐ has produced (type of identification) as identification.

Notary Public

Printed Name

My Commission Expires:

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 56, said Unit having a street address of 15020 Meadow Cir, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Michael Small
Printed Name: Michael Small

Printed Name: Leprincia Nyack

STATE OF Florida)
)SS:
COUNTY OF Lee)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Mary C. Allen
Printed Name: Mary C. Allen
Date: 6-13-23

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 13th day of June, 2023 by Mary C. Allen. He/She ☐ is personally known to me or ☑ has produced (type of identification) FL Drivers License as identification.

Janet Dunnigan
Notary Public

Janet Dunnigan
Printed Name

My Commission Expires: 9-1-2025

JANET DUNNIGAN
MY COMMISSION # HH 172100
EXPIRES: September 1, 2025
Bonded Thru Notary Public Underwriters

WITNESSES
(Two for each signature)

Michael Small
Printed Name: Michael Small

Printed Name: Leprincia Nyack

STATE OF Florida)
)SS:
COUNTY OF Lee)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Sage H. Allen
Printed Name: GEORGE H ALLEN
Date: JUNE-13-23

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 13th day of June, 2023 by George H Allen. He/She ☐ is personally known to me or ☑ has produced (type of identification) FL Drivers License as identification.

Janet Dunnigan
Notary Public

Janet Dunnigan
Printed Name

My Commission Expires: 9-1-2025

JANET DUNNIGAN
MY COMMISSION # HH 172100
EXPIRES: September 1, 2025
Bonded Thru Notary Public Underwriters

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 57, said Unit having a street address of 15010 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Erik J Wandrie

Printed Name: Kalkidan mezgebu

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Sally A. Balcom
Printed Name: Sally A. Balcom
Date: 06-07-23

STATE OF MI)
)SS:
COUNTY OF Emmet)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of June, 2023 by Sally Balcom. He/She ☐ is personally known to me or ☒ has produced (type of identification) Michigan Driver's License as identification.

Therese Bujold
Notary Public

Therese Bujold
Printed Name

My Commission Expires: Nov 8, 2023 JB 2029

THERESE BUJOLD
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF EMMET
My Commission Expires NOVEMBER 8th, 2029
Acting in the County of Emmet

WITNESSES
(Two for each signature)

Printed Name: Erik J Wandrie

Printed Name: kalkidan mezgebu

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Mark E Balcom
Printed Name: Mark E. Balcom
Date: 06-07-23

STATE OF MI)
)SS:
COUNTY OF Emmet)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of June, 2023 by Mark Balcom. He/She ☐ is personally known to me or ☒ has produced (type of identification) Michigan Driver's License as identification.

Therese Bujold
Notary Public

Therese Bujold
Printed Name

My Commission Expires: Nov. 8, 2029

THERESE BUJOLD
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF EMMET
My Commission Expires NOVEMBER 8th, 2029
Acting in the County of Emmet

23522246v.1

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 58, said Unit having a street address of 15071 Meadow Cir, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Michael Small
Printed Name: Michael Small

Robert A. Sliwa III
Printed Name: Robert Sliwa, III

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Barbara Seidell
Printed Name: BARBARA SEIDELL
Date: 6/9/23

STATE OF Florida)
)SS:
COUNTY OF Lee)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 9TH day of JUNE, 2023 by BARBARA SEIDELL. He/She ☐ is personally known to me or ☑ has produced (type of identification) DRIVERS LICENSE as identification.

Janet Dunnigan
Notary Public

Janet Dunnigan
Printed Name

My Commission Expires: 9-1-2025

JANET DUNNIGAN
MY COMMISSION # HH 172100
EXPIRES: September 1, 2025
Bonded Thru Notary Public Underwriters

WITNESSES
(Two for each signature)

Michael Small
Printed Name: Michael Small

Robert A. Sliwa III
Printed Name: Robert Sliwa, III

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Edmund R Seidell
Printed Name: EDMUND SEIDELL
Date: 6/9/23

STATE OF Florida)
)SS:
COUNTY OF Lee)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 9TH day of JUNE, 2023 by EDMUND SEIDELL. He/She ☐ is personally known to me or ☑ has produced (type of identification) DRIVERS LICENSE as identification.

Janet Dunnigan
Notary Public

Janet Dunnigan
Printed Name

My Commission Expires: 9-1-2025

JANET DUNNIGAN
MY COMMISSION # HH 172100
EXPIRES: September 1, 2025
Bonded Thru Notary Public Underwriters

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 60, said Unit having a street address of 15101 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Sara E. Heil
Printed Name: Sara E. Heil

Malinda Dudley
Printed Name: Malinda Dudley

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: James M. Hotz
Printed Name: James M. Hotz
Date: 6-5-23

STATE OF Florida)
)SS:
COUNTY OF Lee)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 5th day of June, 2023 by James Hotz. He/She ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Malinda Dudley
Notary Public

Malinda J. Dudley
Printed Name

MALINDA J. DUDLEY
MY COMMISSION # HH 298696
EXPIRES: December 9, 2026

My Commission Expires: _____

WITNESSES
(Two for each signature)

Sara E. Heil
Printed Name: Sara E. Heil

Malinda Dudley
Printed Name: Malinda Dudley

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Sally Hotz
Printed Name: Sally Hotz
Date: 6-5-23

STATE OF Florida)
)SS:
COUNTY OF Lee)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this 6th day of June, 2023 by Sally Hotz. He/She ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Malinda Dudley
Notary Public

Malinda J. Dudley
Printed Name

My Commission Expires: _____

MALINDA J. DUDLEY
MY COMMISSION # HH 298696
EXPIRES: December 9, 2026

23522246v.1

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 61, said Unit having a street address of 15111 Meadow Circle, _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Jillian M Smith

Printed Name: Diane L Osterdorf

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Marie W. Coutu
Printed Name: Marie W. Coutu
Date: 6/8/23

STATE OF IA)
)SS:
COUNTY OF Cerro Gordo)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by Marie Coutu. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers License as identification.

CATHERINE ANN KORTH
Commission Number 831897
My Commission Expires
May 11, 2024

Catherine Korth
Notary Public
Catherine Korth
Printed Name

My Commission Expires: May 11th, 2024

WITNESSES
(Two for each signature)

Printed Name: Jillian M Smith

Printed Name: Diane L Osterdorf

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Edward Coutu
Printed Name: Edward C. Coutu
Date: 6/8/23

STATE OF IA)
)SS:
COUNTY OF Cerro Gordo)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by Edward Coutu. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers License as identification.

CATHERINE ANN KORTH
Commission Number 831897
My Commission Expires
May 11, 2024

Catherine Korth
Notary Public
Catherine Korth
Printed Name

My Commission Expires: May 11th, 2024

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 62, said Unit having a street address of 15121 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Jennifer Rabb

Printed Name: Lana Long

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:
Printed Name: MARYANN A RICHARDS
Date: 6-8-23

STATE OF Ohio)
)SS:
COUNTY OF Fairfield

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by MaryAnn Richards. He/She ☒ is personally known to me or ☐ has produced (type of identification) Ohio DL as identification.

BRANDEE CUNNINGHAM
Notary Public, State of Ohio
My Commission Expires 10-30-2026

Notary Public
Brandee Cunningham
Printed Name

My Commission Expires: 10-30-2026

WITNESSES
(Two for each signature)

Printed Name: Jennifer Rabb

Printed Name: Lana Long

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:
Printed Name: DANIEL A. RICHARDS
Date: 6-8-2023

STATE OF Ohio)
)SS:
COUNTY OF Fairfield

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by Daniel Richards. He/She ☒ is personally known to me or ☐ has produced (type of identification) as identification.

BRANDEE CUNNINGHAM
Notary Public, State of Ohio
My Commission Expires 10-30-2026

Notary Public
Brandee Cunningham
Printed Name

My Commission Expires: 10-30-2026

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 63, said Unit having a street address of 15131 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Samantha Maile
Printed Name: Samantha Maile

Jorge Lopez
Printed Name: Jorge Lopez

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Frank Giordani
Printed Name: Frank Giordani

Date: 6-12-23

STATE OF Pennsylvania)
)SS:
COUNTY OF Montgomery)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 12 day of June, 2023 by Francis A Giordani. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers License as identification.

Notary Public
Dylan R Gordon
Printed Name

My Commission Expires: 09/12/2025

Commonwealth of Pennsylvania - Notary Seal
DYLAN R GORDON - Notary Public
Montgomery County
My Commission Expires September 12, 2025
Commission Number 1196137

WITNESSES
(Two for each signature)

Samantha Maile
Printed Name: Samantha Maile

Jorge Lopez
Printed Name: Jorge Lopez

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Hope Giordani
Printed Name: Hope Giordani

Date: 6-12-2023

STATE OF Pennsylvania)
)SS:
COUNTY OF Mongomery)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 12 day of June, 2023 by Hope M Giordani. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers License as identification.

Notary Public
Dylan R Gordon
Printed Name

My Commission Expires: 09/12/2025

Commonwealth of Pennsylvania - Notary Seal
DYLAN R GORDON - Notary Public
Montgomery County
My Commission Expires September 12, 2025
Commission Number 1196137

23522246v.1

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 65, said Unit having a street address of 15151 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)
Elizabeth A. Gregory
Printed Name: Elizabeth A Gregory
Ashley McCormick
Printed Name: Ashley McCormick

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Charles F. Saathoff
Printed Name: Charles F. Saathoff
Date: 6-9-23

STATE OF Mississippi)
)SS:
COUNTY OF Desoto)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 9th day of June, 2023 by Charles F Saathoff. He/She ☐ is personally known to me or ☒ has produced (type of identification) FL DL S3101 46362 100 as identification.

Gwen L Brister
Notary Public
Gwen L Brister
Printed Name

My Commission Expires: 4/9/2027

STATE OF MISSISSIPPI GWEN BRISTER NOTARY PUBLIC ID No. 347749 My Comm. Expires April 09, 2027 DESOTO COUNTY

WITNESSES
(Two for each signature)
Elizabeth A. Gregory
Printed Name: Elizabeth A. Gregory
Ashley McCormick
Printed Name: Ashley McCormick

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Mary Ann Saathoff
Printed Name: MARY ANN SAATHOFF
Date: June 9, 2023

STATE OF Mississippi)
)SS:
COUNTY OF Desoto)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 9th day of June, 2023 by Mary Ann Saathoff. He/She ☐ is personally known to me or ☒ has produced (type of identification) FL DL S310 581 38 507 0 as identification.

Gwen L Brister
Notary Public
Gwen L Brister
Printed Name

My Commission Expires: 4/9/2027

STATE OF MISSISSIPPI GWEN BRISTER NOTARY PUBLIC ID No. 347749 My Comm. Expires April 09, 2027 DESOTO COUNTY

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 66, said Unit having a street address of 15161 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

William McKnight
Printed Name: WILLIAM McKNight

Sylvia A. McCauley
Printed Name: Sylvia A. McCauley

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Forrest E Merrick III
Printed Name: FORREST E MERRICK III
Date: 6/13/23

STATE OF SC)
)SS:
COUNTY OF Oconee)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 13 day of June, 2023 by Forrest E Merrick. He/She ☑ is personally known to me or ☐ has produced (type of identification) Driver's License as identification.

Geraldine D. White
Notary Public
Geraldine D. White
Printed Name

GERALDINE WHITE
NOTARY PUBLIC
SOUTH CAROLINA
MY COMMISSION EXPIRES 02-22-27

My Commission Expires: 02/22/2027

WITNESSES
(Two for each signature)

William McKnight
Printed Name: WILLIAM McKNight

Sylvia A. McCauley
Printed Name: Sylvia A. McCauley

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Yvette L. Merrick
Printed Name: YVETTE L. MERRICK
Date: 6-13-23

STATE OF SC)
)SS:
COUNTY OF Oconee)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 13 day of June, 2023 by Yvette L. Merrick. He/She ☑ is personally known to me or ☐ has produced (type of identification) Driver's License as identification.

Geraldine D. White
Notary Public
Geraldine D. White
Printed Name

My Commission Expires: 02/22/2027

GERALDINE WHITE
NOTARY PUBLIC
SOUTH CAROLINA
MY COMMISSION EXPIRES 02-22-27

23522246v.1

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 68, said Unit having a street address of 15181 MEADOW CIRCL, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Brooke Williams

Printed Name: Taylyn Teeple

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Michael E. Minnick Sr

Printed Name: MICHAEL E MINNICK SR

Date: 06/15/2023

STATE OF Indiana)
)SS:
COUNTY OF Whitley)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 15 day of June, 2023 by Michael E Minnick. He/She ☐ is personally known to me or ☒ has produced (type of identification) Driver's License as identification.

Notary Public

Printed Name

KATELYN GROSS, Notary Public
Whitley County, State of Indiana
Commission Number NP0737980
My Commission Expires December 15, 2029

My Commission Expires: December 15, 2029

WITNESSES
(Two for each signature)

Printed Name: Brooke Williams

Printed Name: Taylyn Teeple

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Loretta R Minnick

Printed Name: Loretta R. Minnick

Date: 6/15/23

STATE OF Indiana)
)SS:
COUNTY OF Whitley)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 15 day of June, 2023 by Loretta R Minnick. He/She ☐ is personally known to me or ☒ has produced (type of identification) Driver's License as identification.

Notary Public

Printed Name

My Commission Expires: December 15, 2029

KATELYN GROSS, Notary Public
Whitley County, State of Indiana
Commission Number NP0737980
My Commission Expires December 15, 2029

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 21-UR-69, said Unit having a street address of 15191 Meadow Dr _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Debra J. LaBonne
Printed Name: Debra J. LaBonne

Printed Name: Maria Morales-Randall

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Kristin J Erickson Ditta
Printed Name: KRISTIN J ERICKSON - DITTA
Date: 6/28/23

STATE OF FLORIDA)
)SS:
COUNTY OF Lee)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 28 day of June, 2023 by Salvatore & Kristin Ditta. He/She ☐ is personally known to me or ☒ has produced (type of identification) Driver License & Identification Card as identification.

MARIA MORALES-RANDALL
MY COMMISSION # HH 396188
EXPIRES: May 9, 2027

Notary Public
Maria Morales-Randall
Printed Name

My Commission Expires: _____

WITNESSES
(Two for each signature)

Debra J. LaBonne
Printed Name: Debra J. LaBonne

Printed Name: Maria Morales-Randall

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Salvatore J Ditta
Printed Name: SALVATORE J DITTA
Date: 6/28/23

STATE OF FLORIDA)
)SS:
COUNTY OF Lee)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 28 day of June, 2023 by Salvatore Ditta. He/She ☐ is personally known to me or ☒ has produced (type of identification) Identification Card as identification.

MARIA MORALES-RANDALL
MY COMMISSION # HH 396188
EXPIRES: May 9, 2027

Notary Public
Maria Morales-Randall
Printed Name

My Commission Expires: _____


RECEIVED
JUN 29 2023
BECKER
Fort Myers Office

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 70, said Unit having a street address of 15201 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Anna Grobe

Printed Name: Gunnar P. Brow

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Allan J. Gipps

Printed Name: Allan J. Gipps

Date: 6-28-2023

STATE OF Michigan)
)SS:
COUNTY OF Benzie)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 28th day of June, 2023 by Allan J. Gipps. He ☒ is personally known to me or ☐ has produced (type of identification) _____ as identification.

M. GOODMAN
NOTARY PUBLIC, STATE OF MICHIGAN
COUNTY OF BENZIE
My Commission Expires Jan. 07, 2026
Acting in the County of _____

M. Goodman
Notary Public

M. Goodman
Printed Name

My Commission Expires: 1-7-26

WITNESSES
(Two for each signature)

Printed Name: Anna Grobe

Printed Name: Gunnar P. Brow

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Marcia Gipps

Printed Name: Marcia Gipps

Date: 6-28-2023

STATE OF ~~Benzie~~ Michigan)
)SS:
COUNTY OF Benzie)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 28th day of June, 2023 by Marcia Gipps. She ☐ is personally known to me or ☐ has produced (type of identification) _____ as identification.

M. GOODMAN
NOTARY PUBLIC, STATE OF MICHIGAN
COUNTY OF BENZIE
My Commission Expires Jan. 07, 2026
Acting in the County of _____

M. Goodman
Notary Public

M. Goodman
Printed Name

My Commission Expires: 1-7-26

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 75, said Unit having a street address of 15221 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Edw. F Shannon
Printed Name: EDW. F. SHANNON

Eileen C Shannon
Printed Name: Eileen C Shannon

ALL OWNERS SIGN AND PRINT NAME BELOW

Jimmie D. Hughey
BY:
Printed Name: JIMMIE D HUGHEY
Date: 6-16-2023

STATE OF IL)
)SS:
COUNTY OF Madison)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 16 day of June, 2023 by Jimmie D Hughey. He/She ☐ is personally known to me or ☒ has produced (type of identification) Florida ID Card as identification.

OFFICIAL SEAL
KRISTEN M MANNY
NOTARY PUBLIC - STATE OF ILLINOIS
03/13/2025

Kristen M Manny
Notary Public
KRISTEN M MANNY
Printed Name

My Commission Expires: 3/13/25

WITNESSES
(Two for each signature)

Edw F Shannon
Printed Name: EDW. F. SHANNON

Eileen C. Shannon
Printed Name: Eileen C Shannon

ALL OWNERS SIGN AND PRINT NAME BELOW

Deanna Hughey
BY:
Printed Name: DEANNA HUGHEY
Date: 6-16-2023

STATE OF IL)
)SS:
COUNTY OF Madison)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 16 day of June, 2023 by Deanna Hughey. He/She ☐ is personally known to me or ☒ has produced (type of identification) Illinois Drivers License as identification.

OFFICIAL SEAL
KRISTEN M MANNY
NOTARY PUBLIC - STATE OF ILLINOIS
03/13/2025

Kristen M Manny
Notary Public
KRISTEN M MANNY
Printed Name

My Commission Expires: 3/13/25

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 73, said Unit having a street address of 15231 Meadowarde, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Brooke Lee Johnson

Printed Name: Allison M. Roller

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Valorie Mahas

Printed Name: Valorie Mahas

Date: 6/12/23

STATE OF Ohio)
)SS:
COUNTY OF Lucas)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 12 day of June, 2023 by Valorie Mahas. He/She ☒ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Paige Langenderfer
Notary Public

Paige Langenderfer
Printed Name

PAIGE LANGENDERFER, NOTARY PUBLIC STATE OF OHIO COMM. EXP. 03/16/26

My Commission Expires: 3/16/26

WITNESSES
(Two for each signature)

Printed Name: Allison M. Roller

Printed Name: VIVIAN MAHAS

ALL OWNERS SIGN AND PRINT NAME BELOW

BY:

Printed Name: BRIAN MAHAS

Date: 06-20-23

STATE OF Ohio)
)SS:
COUNTY OF Lucas)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 20th day of June, 2023 by Brian Mahas. He/She ☒ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Paige Langenderfer
Notary Public

Paige Langenderfer
Printed Name

PAIGE LANGENDERFER, NOTARY PUBLIC STATE OF OHIO COMM. EXP. 03/16/26

My Commission Expires: 3/16/26

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 74, said Unit having a street address of 15241 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: LoRilee BRODIE

Printed Name:

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Ralph Taylor Patricia Taylor

Printed Name: RALPH & PATRICIA TAYLOR

Date: 6-7-2023

STATE OF Illinois)
)SS:
COUNTY OF DuPage)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7 day of JUNE, 2023 by PATRICIA TAYLOR. He/She ☐ is personally known to me or ☐ has produced (type of identification) DRIVERS LICENSE as identification.

Official Seal
Linda L Butler
Notary Public State of Illinois
My Commission Expires 11/22/2026

Notary Public

LINDA L. Butler

Printed Name

My Commission Expires: 11-22-2026

WITNESSES
(Two for each signature)

Printed Name: Dustin Gray

Printed Name:

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Ralph Taylor Patricia Taylor

Printed Name: RALPH & PATRICIA TAYLOR

Date: 6-7-2023

STATE OF Illinois)
)SS:
COUNTY OF DuPage)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7 day of JUNE, 2023 by RALPH TAYLOR. He/She ☐ is personally known to me or ☐ has produced (type of identification) DRIVERS LICENSE as identification.

Official Seal
Linda L Butler
Notary Public State of Illinois
My Commission Expires 11/22/2026

Notary Public

LINDA Butler

Printed Name

My Commission Expires: 11-22-2023

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 76, said Unit having a street address of 15261 Meadow Circ, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Amber Kilansk

Printed Name: Alex Rock

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Virginia Bishop
Printed Name: Virginia Bishop
Date: 6-7-23

STATE OF Vermont)
)SS:
COUNTY OF Rutland)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 07 day of June, 2023 by Virginia Bishop. He/She ☐ is personally known to me or ☑ has produced (type of identification) Fl Drv. Lic as identification.

Sharon Reta
Notary Public
Sharon Reta
Printed Name

My Commission Expires: 01-31-2025

SHARON RETA
Notary Public - State of Vermont
Commission # 157.0006532
My Commission Expires Jan 31,2025

WITNESSES
(Two for each signature)

Printed Name: Amber Kilansk

Printed Name: Alex Rock

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Herman Bish
Printed Name: HERMAN BISHOP
Date: 6-7-23

STATE OF Vermont)
)SS:
COUNTY OF Rutland)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 07 day of June, 2023 by Herman Bishop. He/She ☐ is personally known to me or ☑ has produced (type of identification) Fl. Drv. Lic as identification.

Sharon Reta
Notary Public
Sharon Reta
Printed Name

My Commission Expires: 01-31-2025

SHARON RETA
Notary Public - State of Vermont
Commission # 157.0006532
My Commission Expires Jan 31,2025

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 77, said Unit having a street address of 15271 Meadow Cir, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

John Daniel McAllen Jr
Printed Name: John Daniel McAllen Jr

Barbara K. Boehm
Printed Name: BARBARA K. Boehm

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Robert J. Boehm
Printed Name: Robert J. Boehm
Date: 6-7-2023

STATE OF Indiana)
)SS:
COUNTY OF Marion)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of June, 2023 by Robert Boehm. He/She ☐ is personally known to me or ☒ has produced (type of identification) IND1 as identification.

Notary Public
Najee Wilkins
Printed Name

My Commission Expires: 08/17/2030

NAJEE WILKINS
Notary Public - Seal
Marion County - State of Indiana
Commission Number NP0743075
My Commission Expires Aug 17, 2030

WITNESSES
(Two for each signature)

John Daniel McAllen Jr
Printed Name: John Daniel McAllen Jr

Robert J. Boehm
Printed Name: Robert J. Boehm

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Barbara K. Boehm
Printed Name: BARBARA K. Boehm
Date: 6-7-2023

STATE OF Indiana)
)SS:
COUNTY OF Marion)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of June, 2023 by Barbara Boehm. He/She ☐ is personally known to me or ☒ has produced (type of identification) IND1 as identification.

Notary Public
Najee Wilkins
Printed Name

My Commission Expires: 08/17/2030

NAJEE WILKINS
Notary Public - Seal
Marion County - State of Indiana
Commission Number NP0743075
My Commission Expires Aug 17, 2030

23522246v.1

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 78, said Unit having a street address of 15281 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Justin Rodriguez

Printed Name: Sandra Salas Bailon

STATE OF Florida)
)SS:
COUNTY OF Lee)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:
Printed Name: Allen R Ellis Jr
Date: June 6th 2023

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 6th day of June, 2023 by Allen R Ellis JR. He/She ☐ is personally known to me or ☑ has produced (type of identification) FL DL as identification.

KATHRYN B. MULLEN
Notary Public, State of Florida
Commission# HH 83032
My comm. expires Jan. 20. 2025

Notary Public

Printed Name

My Commission Expires: 01/20/23

WITNESSES
(Two for each signature)

Printed Name: Justin Rodriguez

Printed Name: Sandra Salas Bailon

STATE OF Florida)
)SS:
COUNTY OF Lee)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:
Printed Name: Rebecca Buck
Date: 6/6/23

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 6th day of June, 2023 by Rebecca Buck. He/She ☐ is personally known to me or ☑ has produced (type of identification) FL DL as identification.

Notary Public

Printed Name

My Commission Expires: 01/20/25

KATHRYN B. MULLEN
Notary Public, State of Florida
Commission# HH 83032
My comm. expires Jan. 20. 2025

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 79, said Unit having a street address of 15280 ASPEN Dr, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Emily CKuetemeyer
Printed Name: Emily CKuetemeyer

V Falk
Printed Name: Vivi Falk

STATE OF Illinois)
)SS:
COUNTY OF Piatt)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Richard L Wavering (Trustee)
Printed Name: Richard L. Wavering
Date: 6-9-23

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 9th day of June, 2023 by Richard L. Wavering. He/She ☐ is personally known to me or ☑ has produced (type of identification) Drivers License as identification.

Denise J. Becker
Notary Public

Denise J. Becker
Printed Name

OFFICIAL SEAL
DENISE J BECKER
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 09/18/2024

My Commission Expires: 9/18/2024

WITNESSES
(Two for each signature)

Printed Name:

Printed Name:

STATE OF)
)SS:
COUNTY OF)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:
Printed Name:
Date:

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this day of , 2023 by . He/She ☐ is personally known to me or ☐ has produced (type of identification) as identification.

Notary Public

Printed Name

My Commission Expires:

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 80, said Unit having a street address of 15270 Aspen Dr. _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Lara R. Youngdale

Printed Name: Michael Small

STATE OF Florida)
)SS:
COUNTY OF Lee)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Judith L. Schulte
Printed Name: Judith L. Schulte
Date: 6-5-2023

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 5th day of June, 2023 by Judith L. Schulte. He/She ☐ is personally known to me or ☑ has produced (type of identification) Drivers License as identification.

JANET DUNNIGAN
MY COMMISSION # HH 172100
EXPIRES: September 1, 2025
Bonded Thru Notary Public Underwriters

Notary Public
Janet Dunnigan
Printed Name

My Commission Expires: 9-1-2025

WITNESSES
(Two for each signature)

Printed Name: _____

Printed Name: _____

STATE OF _____)
)SS:
COUNTY OF _____)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: _____
Printed Name: _____
Date: _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2023 by _____. He/She ☐ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Notary Public

Printed Name

My Commission Expires: _____

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 81, said Unit having a street address of 15260 ASPEN DRIVE, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Caprice A Nyquist

Michael Small
Printed Name: Michael Small

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Stanley R Walters
Printed Name: STANLEY R. WALTERS
Date: 6/7/2023

STATE OF Florida)
)SS:
COUNTY OF Lee)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 7th day of JUNE, 2023 by STANLEY R. WALTERS. He/She ☐ is personally known to me or ☑ has produced (type of identification) DRIVERS LICENSE as identification.

JANET DUNNIGAN
MY COMMISSION # HH 172100
EXPIRES: September 1, 2025
Bonded Thru Notary Public Underwriters

Janet Dunnigan
Notary Public

Janet Dunnigan
Printed Name

My Commission Expires: 9-1-2025

WITNESSES
(Two for each signature)

Printed Name:

Printed Name:

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:
Printed Name:
Date:

STATE OF)
)SS:
COUNTY OF)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this day of , 2023 by . He/She ☐ is personally known to me or ☐ has produced (type of identification) as identification.

Notary Public

Printed Name

My Commission Expires:

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 82, said Unit having a street address of 15750 Aspen Dr, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Alexis Bennett

Printed Name: JANIS Budds

STATE OF New York)
)SS:
COUNTY OF Herkimer)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Linda D Carl

Printed Name: Linda D Carl

Date: 6/15/23

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 15 day of June, 2023 by Linda Duffy Carl. He/She ☐ is personally known to me or ☑ has produced (type of identification) Florida Dr. licence as identification.

NANCI T. RUSSELL
Notary Public In The State Of New York
No. 01RU6074444
Appointed in Herkimer County
My Commission Expires 5/25/2026

Notary Public

Nanci T Russell

Printed Name

My Commission Expires: 5/25/2026

WITNESSES
(Two for each signature)

Printed Name:

Printed Name:

STATE OF)
)SS:
COUNTY OF)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:

Printed Name:

Date:

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this day of , 2023 by . He/She ☐ is personally known to me or ☐ has produced (type of identification) as identification.

Notary Public

Printed Name

My Commission Expires:

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 34, said Unit having a street address of 15230 Aspen Dr. _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Linda Weber
Printed Name: Linda Weber

Lisa McKorkle
Printed Name: LISA McKorkle

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Franklin Huerner
Printed Name: FRANKLIN HUERNER

Date: 6-7-23

STATE OF Missouri)
)SS:
COUNTY OF Gasconade)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 7th day of June, 2023 by Franklin Huerner. He/She ☐ is personally known to me or ☑ has produced (type of identification) MO Drivers License as identification.

Emily N Hollandsworth
Notary Public

Emily N Hollandsworth
Printed Name

EMILY N. HOLLANDSWORTH
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
COUNTY OF GASCONADE
COMMISSION #21881919
My Commission Expires: August 12, 2025

My Commission Expires: August 12, 2025

WITNESSES
(Two for each signature)

Linda Weber
Printed Name: Linda Weber

Lisa McKorkle
Printed Name: Lisa McKorkle

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Linda Huerner
Printed Name: Linda Huerner

Date: 6-7-23

STATE OF Missouri)
)SS:
COUNTY OF Gasconade)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 7th day of June, 2023 by Linda Huerner. He/She ☐ is personally known to me or ☑ has produced (type of identification) MO Drivers License as identification.

Emily N Hollandsworth
Notary Public

Emily N Hollandsworth
Printed Name

My Commission Expires: August 12, 2025

EMILY N. HOLLANDSWORTH
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
COUNTY OF GASCONADE
COMMISSION #21881919
My Commission Expires: August 12, 2025

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APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 84, said Unit having a street address of 15230 Aspen Dr. _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Brandon Biele

Printed Name: Nicole Elsey

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Michael R. Huerner
Printed Name: Michael R. Huerner
Date: 6/16/23

STATE OF Missouri)
)SS:
COUNTY OF Phelps)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 16th day of June, 2023 by Michael Ryan Huerner. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers License as identification.

Notary Public
Tiffany Ann Macormic
Printed Name

TIFFANY ANN MACORMIC
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
COMMISSIONED FOR PHELPS COUNTY
MY COMMISSION EXPIRES JAN. 21, 2026
ID #12377819

My Commission Expires: 01-21-2026

WITNESSES
(Two for each signature)

Printed Name: Brandon Biele

Printed Name: Nicole Elsey

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Melinda Lauth
Printed Name: Melinda Lauth
Date: 6-16-23

STATE OF Missouri)
)SS:
COUNTY OF Phelps)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 16th day of June, 2023 by Melinda Raye Lauth. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers License as identification.

Notary Public
Tiffany Ann Macormic
Printed Name

My Commission Expires: 01-21-2026

TIFFANY ANN MACORMIC
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
COMMISSIONED FOR PHELPS COUNTY
MY COMMISSION EXPIRES JAN. 21, 2026
ID #12377819

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 85, said Unit having a street address of 15220 Aspen Drive, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Michael Snell
Printed Name: Michael Snell

Robert J. Silano III
Printed Name: Robert Silano, III

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Donna Green
Printed Name: Donna Green
Date: 6-9-23

STATE OF FLORIDA)
)SS:
COUNTY OF LEE)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 9TH day of JUNE, 2023 by DONNA GREEN. He/She ☐ is personally known to me or ☑ has produced (type of identification) DRIVERS LICENSE as identification.

Janet Dunnigan
Notary Public

Janet Dunnigan
Printed Name

My Commission Expires: 9-1-2025

JANET DUNNIGAN
MY COMMISSION # HH 172100
EXPIRES: September 1, 2025
Bonded Thru Notary Public Underwriters

WITNESSES
(Two for each signature)

Printed Name:

Printed Name:

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:
Printed Name:
Date:

STATE OF)
)SS:
COUNTY OF)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this day of , 2023 by . He/She ☐ is personally known to me or ☐ has produced (type of identification) as identification.

Notary Public

Printed Name

My Commission Expires:

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 86, said Unit having a street address of 15210 Aspen Dr. _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Christy Blackstock
Printed Name: Christy Blackstock

Judith A High
Printed Name: Judith A High

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Michele L Romano
Printed Name: Michele L. Romano
Date: 06-16-23

STATE OF FL)
)SS:
COUNTY OF Lee)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 16 day of June, 2023 by Michele L. Romano. He/She ☐ is personally known to me or ☑ has produced (type of identification) D.L. as identification.

Shirl J. Stringer
Notary Public

Shirl J. Stringer
Printed Name

SHIRL J. STRINGER NOTARY PUBLIC MY COMMISSION EXPIRES 2-23-2027 STATE OF FLORIDA COMMISSION NUMBER HH 341274

My Commission Expires: _____

WITNESSES
(Two for each signature)

_____
Printed Name: _____

_____
Printed Name: _____

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: _____
Printed Name: _____
Date: _____

STATE OF _____)
)SS:
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2023 by _____. He/She ☐ is personally known to me or ☐ has produced (type of identification) _____ as identification.

_____
Notary Public

_____
Printed Name

My Commission Expires: _____

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 87, said Unit having a street address of 15200 Aspen Drive, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

M-Ha
Printed Name: Mara Harris

Cyprina Adams
Printed Name: Cypriana Adams

STATE OF Illinois)
)SS:
COUNTY OF Sangamon)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: M J L
Printed Name: Michael J. Layden
Date: 6/26/23

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 26 day of June, 2023 by Michael J. Layden. He ☐ is personally known to me or ☑ has produced (type of identification) ILDL as identification.

Notary Public
Amanda Donley
Printed Name

My Commission Expires: 1-5-2027

OFFICIAL SEAL
AMANDA N. DONLEY
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 01-05-2027

WITNESSES
(Two for each signature)

Mara Harris
Printed Name: Mara Harris

Cypriana Adams
Printed Name: Cypriana Adams

STATE OF Sangamon)
)SS:
COUNTY OF Illinois)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Terry Layden
Printed Name: Terry Layden
Date: 6/26/23

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 26 day of June, 2023 by Terry Layden. She ☐ is personally known to me or ☑ has produced (type of identification) ILDL as identification.

Notary Public
Amanda Donley
Printed Name

My Commission Expires: 1-5-2027

OFFICIAL SEAL
AMANDA N. DONLEY
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 01-05-2027

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 87, said Unit having a street address of 15200 Aspen Drive, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Joann Ernst

Printed Name: Angela M. Dees

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: _____

Printed Name: Michael J. Layden, Jr.

Date: 6/26/23

STATE OF IL)
)SS:
COUNTY OF Sangamon)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 26th day of June, 2023 by Michael J. Layden, Jr. He ☐ is personally known to me or ☒ has produced (type of identification) IL ID State as identification.

Notary Public

Ryan Olenski

Printed Name

My Commission Expires: 12/10/24

RYAN G OLENSKI
Official Seal
Notary Public - State of Illinois
My Commission Expires Dec 10, 2024

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 88, said Unit having a street address of 15190 Aspen Dr _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Aaron Rudduck

Printed Name: TRISTESSA HAYES

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: James Bennett
Printed Name: James Bennett
Date: 6/7/23

STATE OF Ohio)
)SS:
COUNTY OF Franklin)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 7th day of June, 2023 by James Bennett. He/She ☐ is personally known to me or ☑ has produced (type of identification) Ohio Driver's License as identification.

JACOB KELTZ
Notary Public, State of Ohio
My Comm. Expires 09/01/2025

Notary Public
Jacob Keltz
Printed Name

My Commission Expires: 09/01/2025

WITNESSES
(Two for each signature)

Printed Name: Aaron Rudduck

Printed Name: TRISTESSA HAYES

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Margaret G Bennett
Printed Name: Margaret G. Bennett
Date: 6/7/23

STATE OF Ohio)
)SS:
COUNTY OF Franklin)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 7th day of June, 2023 by Margaret G Bennett. He/She ☐ is personally known to me or ☑ has produced (type of identification) Ohio Driver's License as identification.

JACOB KELTZ
Notary Public, State of Ohio
My Comm. Expires 09/01/2025

Notary Public
Jacob Keltz
Printed Name

My Commission Expires: 09/01/2025

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

Syracuse Properties, LLC, an Indiana limited liability company, is the record owner of Unit No. 89, said Unit having a street address of 15191 Aspen Dr., Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

_____

Printed Name: _____

_____

Printed Name: _____

ALL OWNERS SIGN AND PRINT
NAME BELOW

Syracuse Properties, LLC, an Indiana limited liability company

BY: Bruce Korenstra

Name: Bruce Korenstra, Member

Date: 06/27/2023

STATE OF Indiana)
)SS:
COUNTY OF Kosciusko)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 27th day of June, 2023 by Patti Leathers. He/She ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

PATTI LEATHERS
Notary Public, State of Indiana
Noble County
Commission Number 714421
My Commission Expires
June 17, 2026

Patti Leathers

Notary Public

Patti Leathers

Printed Name

My Commission Expires: 06-17-26

WITNESSES
(Two for each signature)

_____

Printed Name: _____

_____

Printed Name: _____

ALL OWNERS SIGN AND PRINT
NAME BELOW

Syracuse Properties, LLC, an Indiana limited liability company

BY: Roger Korenstra

Name: Roger Korenstra, Member

Date: 06/27/2023

STATE OF Indiana)
)SS:
COUNTY OF Kosciusko)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 27th day of June, 2023 by Patti Leathers. He/She ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

PATTI LEATHERS
Notary Public, State of Indiana
Noble County
Commission Number 714421
My Commission Expires
June 17, 2026

Patti Leathers

Notary Public

Patti Leathers

Printed Name

My Commission Expires: 06-17-26

13

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

Syracuse Properties, LLC, an Indiana limited liability company, is the record owner of Unit No. 89, said Unit having a street address of 15180 Aspen Dr., Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Crystal Schuler

Printed Name: CRYSTAL SCHULER

Dora Martinez

Printed Name: DMartinez

STATE OF Indiana)
)SS:
COUNTY OF Kosciusko)

ALL OWNERS SIGN AND PRINT
NAME BELOW

Syracuse Properties, LLC, an Indiana limited liability company

BY: Bruce Korenstra

Name: Bruce Korenstra, Member

Date: 07-10-2023

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 10th day of July, 2023 by Bruce Korenstra. He/She ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

PATTI LEATHERS
Notary Public, State of Indiana
Noble County
Commission Number 714421
My Commission Expires
June 17, 2026

Patti Leathers

Notary Public

Patti Leathers

Printed Name

My Commission Expires: 06-17-2026

WITNESSES
(Two for each signature)

Crystal Schuler

Printed Name: CRYSTAL SCHULER

Dora Martinez

Printed Name: DMartinez

STATE OF Indiana)
)SS:
COUNTY OF Kosciusko)

ALL OWNERS SIGN AND PRINT
NAME BELOW

Syracuse Properties, LLC, an Indiana limited liability company

BY: Roger Korenstra

Name: Roger Korenstra, Member

Date: 07-10-2023

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 10th day of July, 2023 by Roger Korenstra. He/She ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

PATTI LEATHERS
Notary Public, State of Indiana
Noble County
Commission Number 714421
My Commission Expires
June 17, 2026

Patti Leathers

Notary Public

Patti Leathers

Printed Name

My Commission Expires: 06-17-2026

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 90, said Unit having a street address of 15170 Aspen DR. _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Brent A. Song
Printed Name: BRENT A. SONG

Printed Name: CORGYE JOHNSON

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Delton W Fowler
Printed Name: DELTON W FOWLER
Date: 6/15/23

STATE OF WV)
)SS:
COUNTY OF Mason)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 15 day of June, 2023 by Delton W Fowler. He/She ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
Sheila Matheny
403 Plummer Drive
Leon,WV 25123
My Commission Expires June 05, 2025

Sheila Matheny
Notary Public
Sheila Matheny
Printed Name

My Commission Expires: June 5, 2025

WITNESSES
(Two for each signature)

Printed Name: _____

Printed Name: _____

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: _____
Printed Name: _____
Date: _____

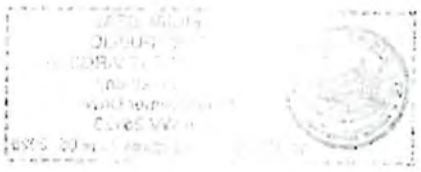
STATE OF _____)
)SS:
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2023 by _____. He/She ☐ is personally known to me or ☐ has produced (type of identification) _____ as identification.

_____
Notary Public

_____
Printed Name

My Commission Expires: _____



APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 92, said Unit having a street address of 15150 Aspen Dr. _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Janyarie A Centrella

Printed Name: Michael J. Zordan Christophe Mastroni.

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Patricia A. Behrens

Printed Name: Patricia A. Behrens

Date: June 6, 2023

STATE OF Connecticut)
)SS:
COUNTY OF Litchfield)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6th day of June, 2023 by _____. He/She ☐ is personally known to me or ☒ has produced (type of identification) Florida Drivers License as identification.

Notary Public

Michael J. Zordan
Printed Name

My Commission Expires: 7/31/2023

WITNESSES
(Two for each signature)

Printed Name: Janyarie A Centrella

Printed Name: Christopher Mastroni

ALL OWNERS SIGN AND PRINT NAME BELOW

BY Patricia A. Behrens

Printed Name: Patricia A. Behrens

Date: June 6, 2023

STATE OF Connecticut)
)SS:
COUNTY OF Litchfield)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6th day of June, 2023 by _____. He/She ☐ is personally known to me or ☒ has produced (type of identification) Florida Drivers License as identification.

Notary Public

Michael J. Zordan
Printed Name

My Commission Expires: 7/31/2023

23522246v.1

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 93, said Unit having a street address of 1514 U Aspen Dr. _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Debra K DeLancey
Printed Name: Debra K DeLancey

Nicole Lovett
Printed Name: Nicole Lovett

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Jeffrey S Klink
Printed Name: Jeffrey S. Klink
Date: 6-6-23

STATE OF Indiana)
)SS:
COUNTY OF Steuben)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6 day of June, 2023 by Jeffrey S Klink. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers License as identification.

Lori K Kurtz
Notary Public

Lori K Kurtz
Printed Name

My Commission Expires: 10/06/2026

Official Seal
Lori K Kurtz
Steuben County
Commission Expire 10/6/2026
Commission # 621471

WITNESSES
(Two for each signature)

Debra K. DeLancey
Printed Name: Debra K. DeLancey

Nicole Lovett
Printed Name: Nicole Lovett

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Rea M. Klink
Printed Name: Rea M Klink
Date: 6-6-23

STATE OF Indiana)
)SS:
COUNTY OF Steuben)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6 day of June, 2023 by Rea M Klink. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers License as identification.

Lori K Kurtz
Notary Public

Lori K Kurtz
Printed Name

My Commission Expires: 10/06/2026

Official Seal
Lori K Kurtz
Steuben County
Commission Expire 10/6/2026
Commission # 621471

23522246v.1

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 93, said Unit having a street address of 15140 Aspen Dr. _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Debra K. DeLancey
Printed Name: Debra K DeLancey

Nicole Lovett
Printed Name: Nicole Lovett

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Jeffrey S Klink
Printed Name: Jeffrey S. Klink
Date: 6-6-23

STATE OF Indiana)
)SS:
COUNTY OF Steuben)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6 day of June, 2023 by Jeffrey S Klink. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers License as identification.

Lori K Kurtz
Notary Public

Lori K Kurtz
Printed Name

My Commission Expires: 10/06/2026

Official Seal
Lori K Kurtz
Steuben County
Commission Expire 10/6/2026
Commission # 621471

WITNESSES
(Two for each signature)

Debra K. DeLancey
Printed Name: Debra K. DeLancey

Nicole Lovett
Printed Name: Nicole Lovett

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Rea M. Klink
Printed Name: Rea M Klink
Date: 6-6-23

STATE OF Indiana)
)SS:
COUNTY OF Steuben)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6 day of June, 2023 by Rea M Klink. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers License as identification.

Lori K Kurtz
Notary Public

Lori K Kurtz
Printed Name

My Commission Expires: 10/06/2026

Official Seal
Lori K Kurtz
Steuben County
Commission Expire 10/6/2026
Commission # 621471

23522246v.1

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 94, said Unit having a street address of 15130 Aspen Dr. _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Diane Utiz

Printed Name: Ryan Posner

STATE OF Ohio)
)SS:
COUNTY OF Lake)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Ronald M. Kaminsky
Printed Name: Ronald M. Kaminsky
Date: 6/7/23

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of June, 2023 by Ronald Kaminsky. He/She ☐ is personally known to me or ☒ has produced (type of identification) Driver License as identification.

Notary Public

Toni Leonard
Printed Name

My Commission Expires: 9-22-23

TONI LEONARD
Notary Public, STATE OF OHIO
My Commission Expires
SEPTEMBER 22, 2023

WITNESSES
(Two for each signature)

Printed Name: Diane Utiz

Printed Name: Ryan Posner

STATE OF Ohio)
)SS:
COUNTY OF Lake)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Rita C Kaminsky
Printed Name: Rita C Kaminsky
Date: 6/7/23

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of June, 2023 by Rita C Kaminsky. He/She ☐ is personally known to me or ☒ has produced (type of identification) Driver License as identification.

Notary Public

Toni Leonard
Printed Name

My Commission Expires: 9-22-23

TONI LEONARD
Notary Public, STATE OF OHIO
My Commission Expires
SEPTEMBER 22, 2023

23522246v.1

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 95, said Unit having a street address of 15120 Aspen Dr, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Dawn Fournier
Printed Name: Dawn Fournier

Lisa Lariviee
Printed Name: Lisa Lariviee

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Maurice Parent
Printed Name: Maurice Parent
Date: 6/8/23

STATE OF Vermont)
)SS:
COUNTY OF Franklin)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8 day of June, 2023 by Maurice Parent. He/She ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Lisa Lariviee
Notary Public
Lisa Lariviee
Printed Name

My Commission Expires: 1/31/2025

Lisa Ann Lariviee Commission No. 157.0007160 Expires: Jan. 31, 25 Notary Public State of Vermont

WITNESSES
(Two for each signature)

Dawn Fournier
Printed Name: Dawn Fournier

Lisa Lariviee
Printed Name: Lisa Lariviee

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Pierrette Parent
Printed Name: Pierrette Parent
Date: 6-8-23

STATE OF Vermont)
)SS:
COUNTY OF Franklin)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8 day of June, 2023 by Pierrette Parent. He/She ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Lisa Lariviee
Notary Public
Lisa Lariviee
Printed Name

My Commission Expires: 1/31/2025

Lisa Ann Lariviee Commission No. 157.0007160 Expires: Jan. 31, 25 Notary Public State of Vermont

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 96, said Unit having a street address of 15110 Aspen Drive, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Tristan Bush

Printed Name: Beth Cano

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Linda D. Heffley
Printed Name: Linda D. Heffley
Date: June 9, 2023

STATE OF Tennessee)
)SS:
COUNTY OF Maury)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this 9th day of June, 2023 by Linda Heffley. He/She ☑ is personally known to me or ☑ has produced (type of identification) Driver's License as identification.

Notary Public

Elaina Konke
Printed Name

My Commission Expires: 05/19/2027

ELAINA KONKE
STATE OF TENNESSEE NOTARY PUBLIC
MAURY COUNTY

WITNESSES
(Two for each signature)

Printed Name:

Printed Name:

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:
Printed Name:
Date:

STATE OF)
)SS:
COUNTY OF)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this day of , 2023 by . He/She ☐ is personally known to me or ☐ has produced (type of identification) as identification.

Notary Public

Printed Name

My Commission Expires:


STATE
OF
TENNESSEE
NOTARY
PUBLIC

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 96, said Unit having a street address of 15110 Aspen Dr _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Kim Morin

Printed Name: Chelsea Short

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Patricia L. Walden

Printed Name: Patricia L. Walden

Date: 6-6-23

STATE OF Michigan)
)SS:
COUNTY OF Lenawee)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6th day of June, 2023 by _____. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers license as identification.

Brandi Lynn Johns
Notary Public

Brandi Lynn Johns
Printed Name

My Commission Expires: 12-30-2025

BRANDI LYNN JOHNS
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF LENAWEE
My Commission Expires 12/30/2025
Acting in the County of Lenawee

WITNESSES
(Two for each signature)

Printed Name: Kim Morin

Printed Name: Chelsea Short

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Patricia L Walden

Printed Name: Patricia L Walden

Date: 6-6-23

STATE OF Michigan)
)SS:
COUNTY OF Lenawee)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6th day of June, 2023 by Patricia Waldon. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers License as identification.

Brandi Lynn John
Notary Public

Brandi Lynn Johns
Printed Name

My Commission Expires: 12-30-2025

BRANDI LYNN JOHNS
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF LENAWEE
My Commission Expires 12/30/2025
Acting in the County of Lenawee

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 1, said Unit having a street address of 15100 ASPEN DRIVE, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Tianna Glass-Tapp

Printed Name: Susan C Murphy

STATE OF CONN)
)SS: E. HARTFORD
COUNTY OF HARTFORD)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Marie Malena
Printed Name: MARIE MALENA
Date: JUNE 7 2023

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of JUNE, 2023 by MARIE MALENA. He/She ☒ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Daniel Zito
Notary Public

DANIEL ZITO
Printed Name

DANIEL J. ZITO
Notary Public
My Commission Expires 4/30/2024

My Commission Expires: _____

WITNESSES
(Two for each signature)

Printed Name: _____

Printed Name: _____

STATE OF _____)
)SS:
COUNTY OF _____)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: _____
Printed Name: _____
Date: _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2023 by _____. He/She ☐ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Notary Public

Printed Name

My Commission Expires: _____

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 98, said Unit having a street address of 15090 Aspen Drive, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Laura Hewitt
Printed Name: Laura Hewitt

Nicole Sokol
Printed Name: Nicole Sokol

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: James A. Gulley, Sr.
Printed Name: James A. Gulley, Sr.
Date: 6/07/2023

STATE OF Vermont)
)SS:
COUNTY OF Bennington)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 7th day of June 2023 by Morgan Drzewiecki. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers license as identification.

Morgan Drzewiecki
Notary Public

Morgan Drzewiecki
Printed Name

My Commission Expires: 1/31/2025

WITNESSES
(Two for each signature)

Laura Hewitt
Printed Name: Laura Hewitt

Nicole Sokol
Printed Name: Nicole Sokol

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Carolee P. Gulley
Printed Name: Carolee P. Gulley
Date: 6/07/2023

STATE OF Vermont)
)SS:
COUNTY OF Bennington)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of June, 2023 by Morgan Drzewiecki. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers license as identification.

Morgan Drzewiecki
Notary Public

Morgan Drzewiecki
Printed Name

My Commission Expires: 1/31/2025

MORGAN DRZEWIECKI
Notary Public State of Vermont
No.157.0015002
Commisson Expires 1/31/2025

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 99, said Unit having a street address of 15070 Aspen Drive, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Robyn A Churchill

Printed Name: JoAnn M Harris

ALL OWNERS SIGN AND PRINT NAME BELOW

BY:

Printed Name: Randy A. Harris ~~+ Diane C Harris~~

Date: 6/8/2023

STATE OF Michigan)
)SS:
COUNTY OF Monroe)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by Randy A Harris. He/She ☐ is personally known to me or ☒ has produced (type of identification) H620 733 040 249 as identification.

Notary Public

Holli Noel Pendleton

Printed Name

My Commission Expires: 12-18-2026

Holli Noel Pendleton
Notary Public of Michigan
Monroe County
Expires 12/18/2026
Acting in the County of Monroe

WITNESSES
(Two for each signature)

Printed Name: Robyn A Churchill

Printed Name: JoAnn M Harris

ALL OWNERS SIGN AND PRINT NAME BELOW

BY:

Printed Name: Diane C. Harris

Date: 6/8/2023

STATE OF Michigan)
)SS:
COUNTY OF Monroe)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this 8th day of June, 2023 by Diane C Harris. He/She ☐ is personally known to me or ☒ has produced (type of identification) H620 143 119 749 as identification.

Notary Public

Holli Noel Pendleton

Printed Name

My Commission Expires: 12-18-2026

Holli Noel Pendleton
Notary Public of Michigan
Monroe County
Expires 12/18/2026
Acting in the County of Monroe

23522246v.1

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 100, said Unit having a street address of 15121 Aspen Dr. _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Lindsay Moreno

Printed Name: John P Lamb

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: William McKnight
Printed Name: William McKnight
Date: 6/8/23

STATE OF South Carolina)
)SS:
COUNTY OF Oconee)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by William McKnight. He/She ☐ is personally known to me or ☒ has produced (type of identification) SC DL as identification.

Notary Public

Nichole G Fox
Printed Name

My Commission Expires: 7/19/2023

NICHOLE G. FOX MY COMM. EXP. NOTARY PUBLIC 07/19/2023 SOUTH CAROLINA

WITNESSES
(Two for each signature)

Printed Name: Lindsay Moreno

Printed Name: John P Lamb

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Julia McKnight
Printed Name: Julia McKnight
Date: 6/08/2023

STATE OF South Carolina)
)SS:
COUNTY OF Oconee)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by Julia McKnight. He/She ☐ is personally known to me or ☒ has produced (type of identification) SC DL as identification.

Notary Public

Nichole G. Fox
Printed Name

My Commission Expires: 7/19/2023

NICHOLE G. FOX MY COMM. EXP. NOTARY PUBLIC 07/19/2023 SOUTH CAROLINA

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 101, said Unit having a street address of 15731 ASPEN DR, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Lapancia Myrick

Printed Name: Michael Small

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Wayne E. Graham

Printed Name: WAYNE E. GRAHAM

Date: 06-09-2023

STATE OF Florida)
)SS:
COUNTY OF Lee)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 9TH day of June, 2023 by Wayne E Graham. He/She ☐ is personally known to me or ☑ has produced (type of identification) Drivers License as identification.

Notary Public

Janet Dunnigan

Printed Name

My Commission Expires: 9-1-2025

JANET DUNNIGAN
MY COMMISSION # HH 172100
EXPIRES: September 1, 2025
Bonded Thru Notary Public Underwriters

WITNESSES
(Two for each signature)

Printed Name:

Printed Name:

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:

Printed Name:

Date:

STATE OF)
)SS:
COUNTY OF)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this day of , 2023 by . He/She ☐ is personally known to me or ☐ has produced (type of identification) as identification.

Notary Public

Printed Name

My Commission Expires:

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 103, said Unit having a street address of 15157 N. Aspen Dr. Unit E, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Jaime Cecil
Printed Name: Jaime Cecil

J T Boerckel II
Printed Name: J T Boerckel II

STATE OF IL)
)SS:
COUNTY OF McLean)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: John Green
Printed Name: JOHN GREEN
Date: 6/7/23

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7 day of June, 2023 by John Green. He/She ☒ is personally known to me or ☐ has produced (type of identification) _____ as identification.

"OFFICIAL SEAL"
MOLLY R. PLANERT
NOTARY PUBLIC — STATE OF ILLINOIS
MY COMMISSION EXPIRES MAY 9, 2026

My Commission Expires: 05/09/26

Molly R Planert
Notary Public
Molly R Planert
Printed Name

WITNESSES
(Two for each signature)

Jaime Cecil
Printed Name: Jaime Cecil

John T Boerckel II
Printed Name: John T Boerckel II

STATE OF IL)
)SS:
COUNTY OF McLean)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Rita K. Green
Printed Name: RITA K. GREEN
Date: 6/7/23

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7 day of June, 2023 by Rita Green. He/She ☒ is personally known to me or ☐ has produced (type of identification) _____ as identification.

"OFFICIAL SEAL"
MOLLY R. PLANERT
NOTARY PUBLIC — STATE OF ILLINOIS
MY COMMISSION EXPIRES MAY 9, 2026

My Commission Expires: 05/09/26

Molly R. Planert
Notary Public
Molly R. Planert
Printed Name

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 104, said Unit having a street address of 15161 ASPEN DR. _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: LEONARD LOWEN

Printed Name: KAY A LOWEN

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Thomas M Lowen
Printed Name: THOMAS M LOWEN
Date: 6/7/2023

STATE OF FLORIDA)
)SS:
COUNTY OF LAKE)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7TH day of JUNE, 2023 by THOMAS LOWEN. He/She ☐ is personally known to me or ☒ has produced (type of identification) FLORIDA D.L. as identification.

JORGE BAEZ
Notary Public - State of Florida
Commission # HH 360822
My Comm. Expires Feb 9, 2027

Notary Public
JORGE BAEZ
Printed Name

My Commission Expires: FEBRUARY 9TH 2027

WITNESSES
(Two for each signature)

Printed Name: LEONARD LOWEN

Printed Name: KAY A. LOWEN

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Barbara J. Lowen
Printed Name: BARBARA J. LOWEN
Date: 6/7/2023

STATE OF FLORIDA)
)SS:
COUNTY OF LAKE)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7TH day of JUNE, 2023 by BARBARA LOWEN. He/She ☐ is personally known to me or ☒ has produced (type of identification) FLORIDA D.L. as identification.

JORGE BAEZ
Notary Public - State of Florida
Commission # HH 360822
My Comm. Expires Feb 9, 2027

Notary Public
JORGE BAEZ
Printed Name

My Commission Expires: FEBRUARY 9TH 2027

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 106, said Unit having a street address of 15181 Aspen Dr. _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

Fort Myc F 339

WITNESSES
(Two for each signature)

Printed Name: JEFFREY A. LOWRY

Printed Name: Beth A. Smith

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: _____

Printed Name: DAVID L. VAN BIBBER

Date: June 15, 2023

STATE OF INDIANA)
)SS:
COUNTY OF HOWARD)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 15th day of June, 2023 by David L. VanBibber. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers License as identification.

NOTARY PUBLIC SEAL INDIANA

Notary Public

Teresa A. Harvey
Printed Name

My Commission Expires: _____

TERESA A. HARVEY
Notary Public - Seal
Howard County - State of Indiana
Commission Number NP0741365
My Commission Expires May 23, 2030

WITNESSES
(Two for each signature)

Printed Name: JEFFREY A. LOWRY

Printed Name: Beth A. Smith

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: _____

Printed Name: CONNIE J. VAN BIBBER

Date: June 15, 2023

STATE OF INDIANA)
)SS:
COUNTY OF HOWARD)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 15th day of June, 2023 by Connie J. VanBibber. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers License as identification.

NOTARY PUBLIC SEAL INDIANA

Notary Public

TERESA A. HARVEY
Printed Name

My Commission Expires: _____

TERESA A. HARVEY
Notary Public - Seal
Howard County - State of Indiana
Commission Number NP0741365
My Commission Expires May 23, 2030

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APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 105, said Unit having a street address of 15211 Boston Way, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Danielle Tenzycki

Printed Name: MARIE TALLEY

STATE OF PA)
)SS:
COUNTY OF CHESTER)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:
Printed Name: GEORGE E LEY
Date: 6/13/23

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 13th day of June, 2023 by GEORGE E LEY. He/She ☐ is personally known to me or ☒ has produced (type of identification) FL. DRIVER'S LICENSE as identification.

Commonwealth of Pennsylvania-Notary Seal
KATHY S WATSON, NOTARY PUBLIC
CHESTER COUNTY
MY COMMISSION EXPIRES APRIL 29, 2025
COMMISSION NUMBER 1396806

My Commission Expires:

Notary Public
KATHY S WATSON
Printed Name

WITNESSES
(Two for each signature)

Printed Name: Danielle Tenzycki

Printed Name: MARIE TALLEY

STATE OF PA)
)SS:
COUNTY OF CHESTER)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:
Printed Name: GENEVIEVE I LEY
Date: 6/13/23

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 13th day of June, 2023 by GENEVIEVE I LEY. He/She ☐ is personally known to me or ☒ has produced (type of identification) FL. DRIVER'S LICENSE as identification.

Commonwealth of Pennsylvania-Notary Seal
KATHY S WATSON, NOTARY PUBLIC
CHESTER COUNTY
MY COMMISSION EXPIRES APRIL 29, 2025
COMMISSION NUMBER 1396806

My Commission Expires:

Notary Public
KATHY S WATSON
Printed Name

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 109, said Unit having a street address of 15211 Aspen Dr, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Michelle Nusser
Printed Name: Michelle Nusser

Ashley Nicolia
Printed Name: Ashley Nicolia

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Warren Sanders
Printed Name: WARREN SANDERS
Date: 6-8-23

STATE OF OHIO)
)SS:
COUNTY OF Fairfield)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 8th day of June, 2023 by Natasha M. Snell. He/She ☐ is personally known to me or ☐ has produced (type of identification) Drivers License as identification.

Natasha M Snell
Notary Public, State of Ohio
My Commission Expires:
February 21,2028

Natasha M. Snell
Notary Public
Natasha M. Snell
Printed Name

My Commission Expires: 02/21/28

WITNESSES
(Two for each signature)

Michelle Nusser
Printed Name: Michelle Nusser

Ashley Nicolia
Printed Name: Ashley Nicolia

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Deborah E. Sanders
Printed Name: DEBORAH E SANDERS
Date: 6-8-23

STATE OF OHIO)
)SS:
COUNTY OF Fairfield)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 8th day of June, 2023 by Natasha M. Snell. He/She ☐ is personally known to me or ☐ has produced (type of identification) Drivers License as identification.

Natasha M Snell
Notary Public, State of Ohio
My Commission Expires:
February 21,2028

Natasha M. Snell
Notary Public
Natasha M. Snell
Printed Name

My Commission Expires: 02/21/28

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 110, said Unit having a street address of 15721 Aspen, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Lynn Drescher

Printed Name: Sunnie Nylund

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:

Printed Name: Glenn Kral

Date: 6-7-23

STATE OF Wisconsin)
)SS:
COUNTY OF Oneida)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7 day of June, 2023 by Glenn Kral. He/She ☒ is personally known to me or ☒ has produced (type of identification) Driver License as identification.

Notary Public

Joan K. Elgersma

Printed Name

My Commission Expires: 02/13/2024

JOAN K. ELGERSMA NOTARY PUBLIC STATE OF WISCONSIN

WITNESSES
(Two for each signature)

Printed Name: Lynn Drescher

Printed Name: Sunnie Nylund

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:

Printed Name: Lynne Kral

Date: 6-7-23

STATE OF Wisconsin)
)SS:
COUNTY OF Oneida)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this 7 day of June, 2023 by Lynne Kral. He/She ☐ is personally known to me or ☒ has produced (type of identification) Drivers Lic. as identification.

Notary Public

Joan K. Elgersma

Printed Name

My Commission Expires: 02/13/2024

JOAN K. ELGERSMA NOTARY PUBLIC STATE OF WISCONSIN

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 111, said Unit having a street address of 15231 Queen Dr., Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Diane A Huddleston
Printed Name: Diane A. Huddleston

Diane A Huddleston Russell Huddleston
Printed Name: Russell Huddleston

STATE OF Pennsylvania
)SS:
COUNTY OF Cambria

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Gerald R Eash
Printed Name: Gerald R. Eash
Date: 6/8/2023

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by Gerald R. Eash. He/She ☐ is personally known to me or ☒ has produced (type of identification) PA DL 10069447 as identification.

Commonwealth of Pennsylvania - Notary Seal
Tammy V. Watt, Notary Public
Cambria County
My commission expires May 22, 2025
Commission number 1175155
Member, Pennsylvania Association of Notaries

Tammy V Watt
Notary Public
Tammy V Watt
Printed Name

My Commission Expires: May 22, 2025

WITNESSES
(Two for each signature)

Diane A Huddleston
Printed Name: Diane A. Huddleston

Diane A. Huddleston Russell Huddleston
Printed Name: Russell Huddleston

STATE OF Pennsylvania
)SS:
COUNTY OF Cambria

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Patty L Eash
Printed Name: Patty L. Eash.
Date: 6/8/2023.

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of June, 2023 by Patty L Eash. He/She ☐ is personally known to me or ☐ has produced (type of identification) PA DL 09088039 as identification.

Commonwealth of Pennsylvania - Notary Seal
Tammy V. Watt, Notary Public
Cambria County
My commission expires May 22, 2025
Commission number 1175155
Member, Pennsylvania Association of Notaries

Tammy V Watt
Notary Public
Tammy V. Watt
Printed Name

My Commission Expires: May 22, 2025

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

Bixler Family, LLC, an Ohio limited liability company, is the record owner of Unit No. 112, said Unit having a street address of 15244 Aspen Drive, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Gretel Nicotel

Printed Name: Rita C. Rodriguez

ALL OWNERS SIGN AND PRINT
NAME BELOW

Bixler Family, LLC, an Ohio limited liability company

BY: _____

Name: Michael J. Bixler, Authorized Representative

Date: 6/13/23

STATE OF OH)
)SS:
COUNTY OF ERIE)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 13th day of June, 2023 by Michael J. Bixler (He/She ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Mary Ann Campbell
Notary Public

Mary Ann Campbell
Printed Name

My Commission Expires: 02/06/2027

MARY ANN CAMPBELL
Notary Public
State of Ohio

My Commission Expires
02/06/2027

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 114, said Unit having a street address of 15261 ASPEN DRIVE, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Victoria Hummer
Printed Name: Victoria Hummer

Emily Cox
Printed Name: Emily Cox

STATE OF Indiana)
)SS:
COUNTY OF Madison)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: R. Eugene Crye
Printed Name: R EUGENE CRYE
Date: JUNE 7, 2023

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 7 day of June, 2023 by R. Eugene Crye. He/She ☐ is personally known to me or ☑ has produced (type of identification) Drivers License as identification.

VICTORIA HUMMER
Notary Public, State of Indiana
Madison County
Commission Number NP0739629
My Commission Expires
March 07, 2030

Victoria Hummer
Notary Public

Victoria Hummer
Printed Name

My Commission Expires: 3-7-2030

WITNESSES
(Two for each signature)

Printed Name:

Printed Name:

STATE OF)
)SS:
COUNTY OF)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:
Printed Name:
Date:

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this day of , 2023 by . He/She ☐ is personally known to me or ☐ has produced (type of identification) as identification.

Notary Public

Printed Name

My Commission Expires:

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 115, said Unit having a street address of 15271 ASPEN DR. _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Brandon A. Mabrey

Printed Name: Kelsey P. Vanie

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: _____
Printed Name: ROD PICKETT
Date: 5 JUNE 2023

STATE OF Indiana)
)SS:
COUNTY OF Marion)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 5th day of June, 2023 by ROD PICKETT. He/She ☐ is personally known to me or ☒ has produced (type of identification) DRIVER'S LICENSE as identification.

SARAH NICOLE HALL
NOTARY PUBLIC
SEAL
STATE OF INDIANA
Commission Number NP0739198
My Commission Expires 02/15/2030

My Commission Expires: 02/15/2030

_____
Notary Public

SARAH NICOLE HALL
Printed Name

WITNESSES
(Two for each signature)

Printed Name: Brandon A Mabrey

Printed Name: Kelsey P. Vanie

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: _____
Printed Name: Diane Pickett
Date: 5 June 2023

STATE OF Indiana)
)SS:
COUNTY OF Marion)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 5th day of June, 2023 by DIANE PICKETT. He/She ☐ is personally known to me or ☒ has produced (type of identification) DRIVER'S LICENSE as identification.

SARAH NICOLE HALL
NOTARY PUBLIC
SEAL
STATE OF INDIANA
Commission Number NP0739198
My Commission Expires 02/15/2030

My Commission Expires: 02/15/2030

_____
Notary Public

SARAH NICOLE HALL
Printed Name

23522246v.1

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. #116, said Unit having a street address of 15281 Aspen Dr., _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Joselynn Bradley
Printed Name: Joselynn Bradley

Kathleen Poats
Printed Name: Kathleen Poats

STATE OF MO)
)SS:
COUNTY OF Camden)

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Duane Ruettgers
Printed Name: Duane Ruettgers
Date: 6-7-2023

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of June, 2023 by Duane Ruettgers. He/She ☐ is personally known to me or ☒ has produced (type of identification) MO DL as identification.

KATIE JONES
Notary Public-Notary Seal
Camden County-State of Missouri
Commission Number 18870419
My Commission Expires Jun 27, 2026

My Commission Expires: 6-27-2026

Notary Public
Katie Jones
Printed Name

WITNESSES
(Two for each signature)

Joselynn Bradley
Printed Name: Joselynn Bradley

Kathleen Poats
Printed Name: Kathleen Poats

STATE OF MO)
)SS:
COUNTY OF Camden)

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Marsha Ruettgers
Printed Name: Marsha Ruettgers
Date: 6-7-2023

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of June, 2023 by Marsha Ruettgers. He/She ☐ is personally known to me or ☒ has produced (type of identification) MO DL as identification.

KATIE JONES
Notary Public-Notary Seal
Camden County-State of Missouri
Commission Number 18870419
My Commission Expires Jun 27, 2026

My Commission Expires: 6-27-2026

Notary Public
Katie Jones
Printed Name

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 117, said Unit having a street address of 15401 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Cameron Bristol

Printed Name: Tashay Jones

STATE OF New York)
)SS:
COUNTY OF Rensselaer)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Kim Marie Dickey
Printed Name: KimMarie Dickey
Date: June 10, 2023

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 10 day of June, 2023 by KimMarie Dickey. He/She ☐ is personally known to me or ☒ has produced (type of identification) NYS Driver License as identification.

Teri Williams
Notary Public, State of New York
NO. 01WI6428281
Qualified in Rensselaer County
Commission expires January 18, 2026

Notary Public
Teri Williams
Printed Name

My Commission Expires: 1-18-2026

WITNESSES
(Two for each signature)

Printed Name:

Printed Name:

STATE OF)
)SS:
COUNTY OF)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:
Printed Name:
Date:

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this day of, 2023 by. He/She ☐ is personally known to me or ☐ has produced (type of identification) as identification.

Notary Public

Printed Name

My Commission Expires:

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 117, said Unit having a street address of 15401 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Cameron Bristol

Printed Name: Tashay Jones

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Harry J. Percey
Printed Name: HARRY J PERCEY
Date: 6-12-23

STATE OF New York)
)SS:
COUNTY OF Rensselaer)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 10 day of June, 2023 by Harry Percey. He/She ☐ is personally known to me or ☒ has produced (type of identification) NYS Driver License as identification.

Teri Williams
Notary Public, State of New York
NO. 01WI6428281
Qualified in Rensselaer County
Commission expires January 18, 2026

Notary Public
Teri Williams
Printed Name

My Commission Expires: 1-18-2026

WITNESSES
(Two for each signature)

Printed Name: Cameron Bristol

Printed Name: Tashay Jones

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Francine B. Percey
Printed Name: Francine B. Percey
Date: June 10, 2023

STATE OF New York)
)SS:
COUNTY OF Rensselaer)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 10 day of June, 2023 by Francine Percey. He/She ☐ is personally known to me or ☒ has produced (type of identification) NYS Driver License as identification.

Notary Public
Teri Williams
Printed Name

My Commission Expires: 1-18-2026

Teri Williams
Notary Public, State of New York
NO. 01WI6428281
Qualified in Rensselaer County
Commission expires January 18, 2026

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 119, said Unit having a street address of 15421 Meadow CIR, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Tara R. Tourangeau

Printed Name: Lapriscia Mynick

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:
Printed Name: Anthony S Azzarello
Date: 6/6/2023

STATE OF Florida)
)SS:
COUNTY OF Lee)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 6TH day of June, 2023 by Anthony S Azzarello. He/She ☐ is personally known to me or ☐ has produced (type of identification) Drivers License as identification.

JANET DUNNIGAN
MY COMMISSION # HH 172100
EXPIRES: September 1, 2025
Bonded Thru Notary Public Underwriters

Notary Public
Janet Dunnigan
Printed Name

My Commission Expires: 9-1-2025

WITNESSES
(Two for each signature)

Printed Name: Tara R. Tourangeau

Printed Name: Lapriscia Mynick

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Sandra Jean Azzarello
Printed Name: Sandra Jean Azzarello
Date: 06-06-2023

STATE OF Florida)
)SS:
COUNTY OF Lee)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 6TH day of June, 2023 by Sandra Jean Azzarello. He/She ☐ is personally known to me or ☑ has produced (type of identification) Drivers License as identification.

JANET DUNNIGAN
MY COMMISSION # HH 172100
EXPIRES: September 1, 2025
Bonded Thru Notary Public Underwriters

Notary Public
Janet Dunnigan
Printed Name

My Commission Expires: 9-1-2025

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 120, said Unit having a street address of 15431 Meadow Circle Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Alessa Holloway

Printed Name: Morgan Deal

STATE OF Indiana)
)SS:
COUNTY OF Grant)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Connie L Martin Farley

Printed Name: Connie L Martin Farley

Date: 6/8/23

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 8th day of June, 2023 by Connie L Martin Farley. He/She ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

MELISSA D LITTLE
Notary Public, State of Indiana
Madison County
Commission Number NP0651414
My Commission Expires
February 26, 2030

Notary Public

Printed Name

My Commission Expires: 2/26/2030

WITNESSES
(Two for each signature)

Printed Name: _____

Printed Name: _____

STATE OF _____)
)SS:
COUNTY OF _____)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: _____

Printed Name: _____

Date: _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2023 by _____. He/She ☐ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Notary Public

Printed Name

My Commission Expires: _____

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 121, said Unit having a street address of 15441 Meadow Cir. _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

L Todd Allen
Printed Name: L TODD ALLEN

Lori Dougherty
Printed Name: Lori Dougherty

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: John Kottke
Printed Name: JOHN KOTTKE
Date: 6/7/2023

STATE OF Illinois)
)SS:
COUNTY OF Macon)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of June, 2023 by John Kottke. He/She ☐ is personally known to me or ☒ has produced (type of identification) Illinois Drivers License as identification.

Melany L Stout
Notary Public
Melany L Stout
Printed Name

"OFFICIAL SEAL"
MELANY L STOUT
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 07-07-2025

My Commission Expires: 07-07-2025

WITNESSES
(Two for each signature)

L Todd Allen
Printed Name: L. Todd Allen

Lori Dougherty
Printed Name: Lori Dougherty

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Elaine Kottke
Printed Name: Elaine Kottke
Date: 6/7/2023

STATE OF Illinois)
)SS:
COUNTY OF Macon)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of June, 2023 by Elaine Kottke. He/She ☐ is personally known to me or ☒ has produced (type of identification) Illinois Drivers License as identification.

Melany L Stout
Notary Public
Melany L Stout
Printed Name

My Commission Expires: 07-07-2025

"OFFICIAL SEAL"
MELANY L STOUT
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 07-07-2025

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 122, said Unit having a street address of 15457 Meadow Ct. _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Grisel Orozco
Printed Name: Grisel Orozco

Jennifer Barnes
Printed Name: Jennifer Barnes

STATE OF Florida)
)SS:
COUNTY OF Lee)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Connie M. Massey
Printed Name: CONNIE M. MASSEY
Date: June 9, 2023

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 9 day of June, 2023 by Connie Massey. He/She ☐ is personally known to me or ☒ has produced (type of identification) FL DL M200113496390 as identification.

Grisel Orozco
Notary Public

Grisel Orozco
Printed Name

GRISEL OROZCO
MY COMMISSION # GG 315193
EXPIRES: June 16, 2023
My Commission Expires:

WITNESSES
(Two for each signature)

_____
Printed Name: _____

_____
Printed Name: _____

STATE OF _____)
)SS:
COUNTY OF _____)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: _____
Printed Name: _____
Date: _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2023 by _____. He/She ☐ is personally known to me or ☐ has produced (type of identification) _____ as identification.

_____
Notary Public

_____
Printed Name

My Commission Expires: _____

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 123, said Unit having a street address of 15461 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Laprincia Myrick

Michael Small
Printed Name: Michael Small

STATE OF Florida)
)SS:
COUNTY OF Lee)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Timothy C Roseman
Printed Name: Timothy C Roseman
Date: June 6, 2023

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 6th day of June, 2023 by Timothy C Roseman. He/She ☐ is personally known to me or ☑ has produced (type of identification) Drivers License as identification.

JANET DUNNIGAN
MY COMMISSION # HH 172100
EXPIRES: September 1, 2025
Bonded Thru Notary Public Underwriters

Janet Dunnigan
Notary Public
Janet Dunnigan
Printed Name

My Commission Expires: 9-1-2025

WITNESSES
(Two for each signature)

Printed Name: Laprincia Myrick

Michael Small
Printed Name: Michael Small

STATE OF Florida)
)SS:
COUNTY OF Lee)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Karen Ann Roseman
Printed Name: Karen Ann Roseman
Date: 6-6-2023

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 6th day of June, 2023 by Karen Ann Roseman He/She ☐ is personally known to me or ☑ has produced (type of identification) Drivers License as identification.

JANET DUNNIGAN
MY COMMISSION # HH 172100
EXPIRES: September 1, 2025
Bonded Thru Notary Public Underwriters

Janet Dunnigan
Notary Public
Janet Dunnigan
Printed Name

My Commission Expires: 9-1-2025

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 124, said Unit having a street address of 15471 MEADOW CIRCL _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Cathy D. Stewart
Printed Name: CATHY D. STEWART

Amanda Condon
Printed Name: Amanda Condon

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Phyllis A. Warnock
Printed Name: Phyllis A. Warnock
Date: 6-7-2023

STATE OF Indiana)
)SS:
COUNTY OF Howard)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of June, 2023 by Phyllis A. Warnock. He/She ☒ is personally known to me or ☐ has produced (type of identification) driver's license as identification.

Amanda J Condon
Notary Public
Amanda J Condon
Printed Name

My Commission Expires: 12-07-23

AMANDA J CONDON NOTARY SEAL PUBLIC HOWARD COUNTY, STATE OF INDIANA MY COMMISSION EXPIRES 12-07-23 COMMISSION NO. NP0675380

WITNESSES
(Two for each signature)

Cathy D Stewart
Printed Name: CATHY D. STEWART

Amanda Condon
Printed Name: Amanda Condon

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Robert L. Warnock
Printed Name: ROBERT L. WARNOCK
Date: 06-07-2023

STATE OF Indiana)
)SS:
COUNTY OF Howard)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of June, 2023 by Robert L Warnock. He/She ☒ is personally known to me or ☐ has produced (type of identification) driver's license as identification.

Amanda J Condon
Notary Public
Amanda J Condon
Printed Name

My Commission Expires: 12-07-23

AMANDA J CONDON NOTARY SEAL PUBLIC HOWARD COUNTY, STATE OF INDIANA MY COMMISSION EXPIRES 12-07-23 COMMISSION NO. NP0675380

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(~~We~~) am(are) the record owner(s) of Unit No. 125, said Unit having a street address of 15481 MEADOW CIRCLE, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: ~~JEFF BROOKS~~ TIMOTHY S GROOS

Printed Name: TIMOTHY S GROOS

STATE OF Virginia)
City of)SS:
~~COUNTY~~ OF Manassas)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Susan R. Kidwell

Printed Name: SUSAN R. KIDWELL

Date: June 6th 2023

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6th day of June, 2023 by Susan R. Kidwell. He/She ☒ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Cynthia W. Weakland
Notary Public

Cynthia W Weakland
Printed Name

Notary No. 164198

My Commission Expires: 8/31/2026

WITNESSES
(Two for each signature)

TIMOTHY S GROOS

Printed Name: _____

_____

Printed Name: _____

STATE OF _____)
)SS:
COUNTY OF _____)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: _____

Printed Name: _____

Date: _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2023 by _____. He/She ☐ is personally known to me or ☐ has produced (type of identification) _____ as identification.

_____
Notary Public

_____
Printed Name

My Commission Expires: _____

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 1, said Unit having a street address of 123 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

WITNESS ONE SIGNATURE
Printed Name: WITNESS ONE NAME

WITNESS TWO SIGNATURE
Printed Name: WITNESS ONE NAME

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: *John Doe SIGNATURE*
Printed Name: John Doe

Date: June 1, 2023

STATE OF Notary to complete)
)SS:
COUNTY OF Notary to complete)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2023 by John Doe. He/She ☐ is personally known to me or ☐ has produced (type of identification) Notary to complete as identification.

Notary to complete
Notary Public

Notary to complete
Printed Name

My Commission Expires: Notary to complete

WITNESSES
(Two for each signature)

WITNESS ONE SIGNATURE
Printed Name: WITNESS ONE NAME

WITNESS TWO SIGNATURE
Printed Name: WITNESS ONE NAME

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: *Jane Doe SIGNATURE*
Printed Name: _____

Date: June 1, 2023

STATE OF Notary to complete)
)SS:
COUNTY OF Notary to complete)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2023 by Jane Doe. He/She ☐ is personally known to me or ☐ has produced (type of identification) Notary to complete as identification.

Notary to complete
Notary Public

Notary to complete
Printed Name

My Commission Expires: Notary to complete

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 125, said Unit having a street address of 15481 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Rick Cassady

Printed Name: John Tice

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Mary Cassady
Printed Name: Mary Cassady
Date: 06/27/2023

STATE OF NORTH CAROLINA)
)SS:
COUNTY OF MACON)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 27th day of June, 2023 by Mary Cassady. She ☐ is personally known to me or ☑ has produced (type of identification) drivers license as identification.

Liza Brown
Notary Public
Liza Brown
Printed Name

My Commission Expires: 5/17/2026

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 126, said Unit having a street address of 15491 McGregor Cir, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Sabrina A Marinelli

Printed Name: Sabrina A Marinelli

Printed Name: Lorraine Myrick

STATE OF Florida)
)SS:
COUNTY OF Lee)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: John W McGregor

Printed Name JOHN W McGREGOR

Date: 6/6/23

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 6th day of June, 2023 by John W. McGregor. He/She ☐ is personally known to me or ☑ has produced (type of identification) Drivers License as identification.

JANET DUNNIGAN
MY COMMISSION # HH 172100
EXPIRES: September 1, 2025
Bonded Thru Notary Public Underwriters

Janet Dunnigan

Notary Public

Janet Dunnigan

Printed Name

My Commission Expires: 9-1-2025

WITNESSES
(Two for each signature)

Printed Name:

Printed Name:

STATE OF)
)SS:
COUNTY OF)

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY:

Printed Name:

Date:

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this day of , 2023 by . He/She ☐ is personally known to me or ☐ has produced (type of identification) as identification.

Notary Public

Printed Name

My Commission Expires:

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 127, said Unit having a street address of 15501 MEADOW CIR. _____, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Christi K. Kanable
Printed Name: CHRISTI K. Kanable

Donna K. LoCoco
Printed Name: DONNA K. LoCoco

ALL OWNERS SIGN AND PRINT NAME BELOW

NOTARY PUBLIC - STATE OF INDIANA
SEAL
DONNA K LOCOCO
COMMISSION NUMBER NP0657775
MY COMMISSION EXPIRES NOVEMBER 02, 2030

BY: Stan Johnson
Printed Name: STAN JOHNSON
Date: June 12, 2023

STATE OF Indiana)
)SS:
COUNTY OF CASS)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 12th day of June, 2023 by STAN JOHNSON. He/She ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Donna K LoCoco
Notary Public

DONNA K. LoCoco
Printed Name

My Commission Expires: 11-2-2030

WITNESSES
(Two for each signature)

Christi K. Kanable
Printed Name: Christi K. Kanable

Camella Rodgers
Printed Name: Camella Rodgers

ALL OWNERS SIGN AND PRINT NAME BELOW

NOTARY PUBLIC - STATE OF INDIANA
SEAL
DONNA K LOCOCO
COMMISSION NUMBER NP0657775
MY COMMISSION EXPIRES NOVEMBER 02, 2030

BY: Stan Johnson
Printed Name: STAN JOHNSON
Date: June 12, 2023

STATE OF Indiana)
)SS:
COUNTY OF CASS)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 12th day of June, 2023 by STAN JOHNSON. He/She ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Donna K LoCoco
Notary Public

DONNA K. LoCoco
Printed Name

My Commission Expires: 11-2-2030

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 123, said Unit having a street address of 15511 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Allison Schwark

Printed Name: Stanton A Livingston III

ALL OWNERS SIGN AND PRINT NAME BELOW

BY:

Printed Name: Stanton Alivingston JR

Date: 6/2/2023

STATE OF Wisconsin)
)SS:
COUNTY OF Walworth)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of June, 2023 by Stanton A Livingston Jr. He/She ☒ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Notary Public

Julie K Olson
Printed Name

My Commission Expires: 5-16-2024

JULIE K OLSON NOTARY PUBLIC STATE OF WISCONSIN

WITNESSES
(Two for each signature)

Printed Name: Allison Schwark

Printed Name: Stanton A Livingston III

ALL OWNERS SIGN AND PRINT NAME BELOW

BY:

Printed Name: Janet Livingston

Date: 6/7/2023

STATE OF Wisconsin)
)SS:
COUNTY OF Walworth)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of June, 2023 by Janet Livingston. He/She ☒ is personally known to me or ☐ has produced (type of identification) _____ as identification.

Notary Public

Julie K Olson
Printed Name

My Commission Expires: 5-16-2024

JULIE K OLSON NOTARY PUBLIC STATE OF WISCONSIN

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

Syracuse Properties, LLC, an Indiana limited liability company, is the record owner of Unit No. 129, said Unit having a street address of 15521 Meadow Cir., Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Crystal Schuler

Printed Name: CRYSTAL SCHULER

Dora Martinez

Printed Name: Dora Martinez

ALL OWNERS SIGN AND PRINT
NAME BELOW

Syracuse Properties, LLC, an Indiana limited liability company

BY: Bruce Korenstra

Name: Bruce Korenstra, Member

Date: 07-10-2023

STATE OF Indiana)
)SS:
COUNTY OF Kosciusko)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 10th day of July, 2023 by Bruce Korenstra. He/She ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

PATTI LEATHERS
Notary Public, State of Indiana
Noble County
Commission Number 714421
My Commission Expires
June 17, 2026

Patti Leathers

Notary Public

Patti Leathers

Printed Name

My Commission Expires: 06-17-2026

WITNESSES
(Two for each signature)

Crystal Schuler

Printed Name: CRYSTAL SCHULER

Dora Martinez

Printed Name: Dora Martinez

ALL OWNERS SIGN AND PRINT
NAME BELOW

Syracuse Properties, LLC, an Indiana limited liability company

BY: Roger Korenstra

Name: Roger Korenstra, Member

Date: 07-10-2023

STATE OF Indiana)
)SS:
COUNTY OF Kosciusko)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 10th day of July, 2023 by Roger Korenstra. He/She ☑ is personally known to me or ☐ has produced (type of identification) _____ as identification.

PATTI LEATHERS
Notary Public, State of Indiana
Noble County
Commission Number 714421
My Commission Expires
June 17, 2026

Patti Leathers

Notary Public

Patti Leathers

Printed Name

My Commission Expires: 06-17-2026

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 130, said Unit having a street address of 15531 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Erik J Wandrie

Printed Name: Kalkidan Mezemer

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Mark E Balcom

Printed Name: Mark E. Balcom

Date: 06-07-2023

STATE OF MI)
)SS:
COUNTY OF Emmet)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of June, 2023 by Mark Balcom. He/She ☐ is personally known to me or ☒ has produced (type of identification) Michigan Driver's License as identification.

Notary Public

Therese Bujold

Printed Name

My Commission Expires: Nov. 8 2029

THERESE BUJOLD
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF EMMET
My Commission Expires NOVEMBER 8th, 2029
Acting in the County of Emmet

WITNESSES
(Two for each signature)

Printed Name: Erik J Wandrie

Printed Name: Kalkidan Mezemer

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Carla S. Balcom

Printed Name: Carla S. Balcom

Date: 06-07-2023

STATE OF MI)
)SS:
COUNTY OF Emmet)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of June, 2023 by Carla Balcom. He/She ☐ is personally known to me or ☒ has produced (type of identification) Michigan Driver's License as identification.

Notary Public

Therese Bujold

Printed Name

My Commission Expires: Nov 8, 2029

THERESE BUJOLD
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF EMMET
My Commission Expires NOVEMBER 8th, 2029
Acting in the County of Emmet

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 131, said Unit having a street address of 15541 Meadow Cir., Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Julia Anderson
Printed Name: Julia Anderson

Madison J Woodall
Printed Name: Madison L Woodall

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Robert K Gleason
Printed Name: Robert K. Gleason

Date: 6-26-23

STATE OF Michigan)
)SS:
COUNTY OF Lapeer)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 26th day of June, 2023 by Robert K. Gleason. He ☐ is personally known to me or ☒ has produced (type of identification) Drivers license G425 745 41 503 as identification.

Nicol Curtiss
Notary Public

Nicole Curtiss
Printed Name

My Commission Expires: Jan 10 2029

Nicole Curtiss
Notary Public, Lapeer County, MI
Acting in Lapeer County MI
My Commission Expires Jan. 10, 2029

WITNESSES
(Two for each signature)

Julia Anderson
Printed Name: Julia Anderson

Madison J Woodall
Printed Name: Madison L Woodall

ALL OWNERS SIGN AND PRINT NAME BELOW

BY: Sherry A Gleason
Printed Name: Sherry A. Gleason

Date: 6-26-23

STATE OF Michigan)
)SS:
COUNTY OF Lapeer)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 26th day of June, 2023 by Sherry A. Gleason. She ☐ is personally known to me or ☒ has produced (type of identification) G425 765 067 341 0. L. as identification.

Nicol Curtiss
Notary Public

Nicole Curtiss
Printed Name

My Commission Expires: Jan 10 2023

Nicole Curtiss
Notary Public, Lapeer County, MI
Acting in Lapeer County MI
My Commission Expires Jan. 10, 2029

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 132, said Unit having a street address of 15551 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Meagan Probst
Printed Name: Meagan Probst

Heather Percival
Printed Name: Heather J. Percival

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: David Jennings
Printed Name: DAVID JENNINGS
Date: 6-6-23

STATE OF ILLINOIS)
)SS:
COUNTY OF EFFINGHAM)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6 day of June, 2023 by David Jennings. He/She ☒ is personally known to me or ☐ has produced (type of identification) [redacted] as identification.

STACY RICHARDSON
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires Jan 22, 2024

Stacy Richardson
Notary Public
Stacy Richardson
Printed Name

My Commission Expires:

WITNESSES
(Two for each signature)

Meagan Probst
Printed Name: Meagan Probst

Heather Percival
Printed Name: Heather J. Percival

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Doris Jennings
Printed Name: Doris Jennings
Date: 6-6-23

STATE OF ILLINOIS)
)SS:
COUNTY OF EFFINGHAM)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6 day of June, 2023 by Doris Jennings. He/She ☒ is personally known to me or ☐ has produced (type of identification) _____ as identification.

STACY RICHARDSON
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires Jan 22, 2024

Stacy Richardson
Notary Public
Stacy Richardson
Printed Name

My Commission Expires:

APPROVAL, CONSENT AND JOINDER OF UNIT OWNER

I(We) am(are) the record owner(s) of Unit No. 131, said Unit having a street address of 15541 Meadow Circle, Fort Myers, Florida, 33908, in Royal Palm Village, a Condominium, as created by recording the Declaration of Royal Palm Village Condominium, on July 7, 1982, in Official Records Book 1617, Page 762 *et seq.*, of the Public Records of Lee County, Florida. The First Amended and Restated Declaration of Condominium was recorded on April 22, 1999, in Official Records Book 3107, Page 2489 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended and Restated Declaration was recorded on March 22, 2012, at Instrument Number 2012000063399 in the Public Records of Lee County, Florida (the "Declaration"), hereby grant written consent to and join in the execution and approve the recording of the Plan of Termination of Declaration of Condominium of Royal Palm Village as approved by the Unit Owners on May 15, 2023.

WITNESSES
(Two for each signature)

Printed Name: Laura Bossett

Printed Name: Nicole Curtiss

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Robert K Gleason

Printed Name: Robert K Gleason

Date: 6-20-23

STATE OF Michigan)
)SS:
COUNTY OF Lapeer)

The foregoing instrument was acknowledged before me by means of ■ physical presence or ☐ online notarization this 20th day of June, 2023 by Amy L. Nicolson. He/She ☐ is personally known to me or ■ has produced (type of identification) Michigan driver's License as identification.

Amy L. Nicolson
Notary Public

Printed Name

AMY L. NICOLSON
Notary Public, Genesee County, MI
Acting in Lapeer County, MI
My Commission Expires July 18, 2026

My Commission Expires:

WITNESSES
(Two for each signature)

Printed Name: Laura Bossett

Printed Name: Nicole Curtiss

ALL OWNERS SIGN AND PRINT
NAME BELOW

BY: Sherry A Gleason

Printed Name: Sherry A Gleason

Date: 6-20-23

STATE OF Michigan)
)SS:
COUNTY OF Lapeer)

The foregoing instrument was acknowledged before me by means of ■ physical presence or ☐ online notarization this 20th day of June, 2023 by Amy L. Nicolson. He/She ☐ is personally known to me or ■ has produced (type of identification) Michigan driver's License as identification.

Amy L. Nicolson
Notary Public

Printed Name

AMY L. NICOLSON
Notary Public, Genesee County, MI
Acting in Lapeer County, MI
My Commission Expires July 18, 2026

My Commission Expires:

23522246v.1

EXHIBIT M9 – AERIAL MAP

RVi

28100 Bonita Grande Drive
Suite 305
Bonita Springs, FL 34135
Tel: 239.405.7777
www.rviplanning.com

FLOURNOY MULTIFAMILY RPD • **AERIAL MAP**

- Lee County, FL
- 11/1/2023
- # 23001957
- Flournoy Development Group

0 200 400
Feet

EXHIBIT M10 – AUTHORIZATION LETTER

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, Rod Pickett (name), as President (owner/title) of Royal Palm Village Condominium Association, Inc. (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.

Rod Pickett
Signature

7 NOV 2023
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 7th day of november, 2023, by (KV) KELSEY P VAHLE (name of person providing oath or affirmation), who is personally known to me or has produced Indiana Drivers licence (type of identification) as identification.

NOTARY PUBLIC SEAL
STATE OF INDIANA
Commission Number NP0747164
My Commission Expires 02/26/2031

Kelsey P. Vahle
Signature of Notary Public

EXHIBIT M11 – LEE PLAN ANALYSIS

Royal Palm Multifamily CPA

Exhibit M11 – Lee Plan Analysis

I. REQUEST

Flournoy Development Group ("Applicant") seeks to redevelop the former Royal Palm Village mobile home park property, located directly southwest corner of Old Gladius Road and US Highway 41, in unincorporated Lee County, Florida. The park flooded during Hurricane Ian and since that time the Flournoy Group has worked to successfully terminate all property ownership within the park and allow for this urban infill development that will be built to new FEMA flood standards. The Applicant seeks to develop the 19.33 +/- acres to allow for 391 multifamily apartments with supporting amenities.

To accomplish the density of the development program a Comprehensive Plan Map Amendment is required. The request will be to move the property from Central Urban to Intensive Development, which allows 14 dwelling units per acre in base density and 8 dwelling units per acre in bonus density, where 255 units are derived from base density and 136 from bonus density. The property is within the Coastal High Hazard Area which restricts the option of using bonus density; therefore, the requested use of the bonus density will be for up site-built affordable housing at 140% AMI.

A new access point is proposed on US 41 to provide access to Lee Tran and interconnectivity to the multi-use pedestrian and bicycle regional network in addition to the existing access onto Old Gladiolus Drive.

A companion RPD and Bonus Density Application has been submitted as DCI2023-00049.

II. PROPERTY HISTORY

The Property is located south of Old Gladius Road and west US Highway 41. The Property is located within the South Fort Myers Planning Community Area. The Property is currently developed as the Royal Palm Village property. Access is provided from Old Gladius Road. However, there is a drainage and stormwater management easement located on the southern portion of the property.

The Applicant has filed a Comprehensive Plan Map Amendments to change the Future Land Use (FLU) designation of the Property from "Central Urban" to "Intensive Development".

III. EXISTING CONDITIONS

The property is in the South Fort Myers Planning Community Area and as mentioned above, it was historically developed as the Royal Palm Village (mobile home park). The mobile home park ownership has been terminated (see attached termination agreement recorded at the Lee County Clerk) and most units have been removed.

There are no known environmentally sensitive areas on site. The site does abut, and the property line extends over a portion of Philips Creek to the south. Philips Creek is a shallow waterway that connects to Otsego Bay and is part of the Hendry Creek watershed but is only navigable near the subject property by kayaks and low drag, small boats.

The area to the north is in Intensive Development, to the east and west Central Urban, and south in the Suburban future land use category. The zoning is a mix of C-1, CC, RM-2, and AG-2 districts. The property to the north, east and west is either multifamily or commercial making this parcel a perfect infill redevelopment in a central employment center. The properties to the south are single-family homes on larger lots that are on average 170 feet from the southern property line and 350-550 feet from the nearest proposed multifamily building.

The surrounding area is as follows in the table below and map below.

Table 1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING	EXISTING LAND USE
NORTH	Intensive Development	C-1	Infinity Car Dealership / retention
SOUTH	Central Urban / Suburban	RS-1; AG-2	Phillips Creek / Single Family Residential Homes
EAST	Central Urban	CC; C-1	Car Wash; Auto Shop; Speedway Gas Station, Retail Center
WEST	Central Urban	RM-2	Lost Tree Apartments

- **NORTH:** Old Gladius Road and the Infinity Car Dealership.
- **SOUTH:** Phillips Creek along with Single Family Residential Homes
- **EAST:** US 41 and commercial uses such as Car Wash; an Auto Shop, a Speedway Gas Station, and Retail Center
- **WEST:** The Lost Tree Multifamily apartments.

The site is not in any special overlay except the Property is within the Coastal High Hazard Area (CHHA) and Evacuation Zone A, but with no FEMA floodway concerns. The site is at the western most outskirts of the CHHA. The FEMA Flood Map places the site in the AE-11 zone.

Map 1- CHHA

Urban services are in place to serve intense development. The site has access to all major urban services including, but not limited to, public sanitary sewer and water, fire, EMS, police, parks, public schools, solid waste, transit with bus stop within 200 feet, and shared use paths.

V. PUBLIC INFRASTRUCTURE

The Property has access to the necessary utilities to service the project and all urban services are adequate to serve the proposed development.

- Letters of availability have been secured from Lee County Utilities for water and sanitary sewer.
- Roadways have adequate capacity as the site, as proposed, will have direct access onto US 41, a state maintained principal arterial, and secondary access to Gladiolus Drive, a Lee County maintained arterial via Old Gladiolus Drive Lee County local road.
- Lee Tran states the proposed development is within one-quarter mile of a fixed-route corridor and the closest bus stop is # 11490. Bus serves the South Fort Myers Area by via Route 140 (Merchants Crossing/Bell Tower) and Route 240 (Coconut Point Mall/Bell Tower) located at the car wash directly adjacent to the property (approximately less than 200 ft.) on both the northbound and southbound travel lanes along the US Highway 41 roadway.

- The US 41 proposed access provides connection to the shared use path on the west side of US 41.
- The site is entrance onto Old Gladiolus Drive is within ¼ mile of the shared path on Gladiolus Drive and the Lakes Park regional Lee County Park.
- South Trail Fire Station #63 is within one mile of the site north on US 41 to Harper Road.
- The Lee County Sheriff's South District primary substation is within one mile as is an EMS substation on Six Mile Cypress Parkway.

VII. LEE PLAN COMPLIANCE

The following is an analysis of the Comprehensive Plan Amendment, and the companion Residential Planned Development, meets consistency with goals, objectives and policies of the Lee County Comprehensive Plan (Lee Plan).

POLICY 1.1.2: The Intensive Development future land use category is located along major arterial roads. By virtue of their location, the County's current development patterns, and the available and potential levels of public services, areas with this designation are suited to accommodate high densities and intensities. Mixed use developments of high-density residential, commercial, limited light industrial, and office uses are encouraged to be developed as described in Objective 11.1, where appropriate. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre), with a maximum total density of twenty-two dwelling units per acre (22 du/acre). The maximum total density may be increased to thirty dwelling units per acre (30 du/acre) utilizing Greater Pine Island Transfer of Development Units. (Ord. No. 94- 30, 09-06, 10-10, 16-07, 21-09).

The property is currently in the Central Urban FLUC and proposed to be in the Intensive Development FLUC. Both categories encourage uses that best serve the local residents and commuter traffic including dense multifamily development, particularly where urban services are present, and is near employment centers. As discussed in the existing conditions, this site in an excellently placed redevelopment with all urban level services in proximity with available capacities. It replaces a mobile home park that was in a risk area for flooding from tidally influenced waters abutting to the south. New construction at the proper flood elevations of a hurricane resistant multifamily structure is an appropriate infill development.

The property is in the Coastal High Hazard Area which restricts the option to build bonus density to site built affordable housing only. Therefore, the plan is to apply for a land use change to Intensive Development via Map Amendment. In the Intensive Category, this would allow for 14 du/acre of market rate units with an additional 8 du/acre available via bonus density as site-built affordable housing (140% AMI). The affordable housing restriction is not monitored by the state but by Lee County and expires after seven full years of operations. Our intended plan is to develop 391 units, or 21.5 units per acre. Therefore, sufficient acreage is allocated for the proposed development.

The applicant met with Lee County staff to discuss this methodology and staff appeared receptive to this entitlement change request. The request will need to satisfy criteria for hurricane evacuation times and be subject to hurricane impact mitigation.

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:

Table 1(b) does not need updated. There is sufficiency acreage in the Intensive Development category.

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, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

The comprehensive plan map change to Intensive development to allow more density and bonus units for affordable housing, coupled with the proposed rezoning, will allow for a compact development pattern in an area intended for urban levels of intensity and density and permit redevelopment of infill units near transit and employment centers, as well as regional park and shared use path system.

The Intensive Land Use category and redevelopment proposed is in direct compliance with this and other policies in the Lee Plan. All urban services are available to the sight with major employment centers in close proximity and transit service within ¼ mile.

As outlined in detail within the comprehensive plan and zoning applications, the project provides for compatibility with the surrounding mixed uses of moderately high-density residential development and commercial uses. Development within the project is compacted with four 4-story buildings providing sufficient open space and supporting amenities. Long existing multifamily developments are located directly west of the Property. As a result, this RPD makes efficient use of this planned extension of infrastructure and eliminates development patterns dependent on well and septic as Lee County Utilities has stated they have capacity to serve the increased density proposed.

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 F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance.

All urban levels of service are available with capacity. The Property is contiguous to developed or developing properties along US 41, representing logical and efficient growth within the Central Urban or Intensive Development FLUC. The Applicant has provided letters of availability and a detailed explanation of the public facilities and services available to support future development of the Property. The proposed rezoning fully complies with the above policy's intent to direct new growth to appropriate Future Urban Areas of the county.

POLICY 2.2.1: Rezoning's and Development of Regional Impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

The road network in the region has been constructed to support the character of the area with direct access (proposed) onto am major arterial (US 41) and access to Summerlin Road, a second major arterial via Old Gladiolus Drive, both roads with capacity.

The Property is located within Lee County Future Water and Sewer Franchise Areas and will connect to both sewer and water service. The property is near existing networks, utility services and compatible, similar land uses. The utility service area currently abuts the eastern boundary.

There are adequate public facilities and services in the immediate vicinity of the project to serve the proposed development in terms of schools, fire, EMS and Sheriff's protection.

The proposed Master Concept plan provides compatibility with surrounding areas through the provision of expansive preserve areas and significant distances between residential lots and the project boundary.

As a result, the proposed development is completely internalized from surrounding development. Finally, buffering, maximum building heights, and development standards are similar to other planned developments approved in the South Fort Myers Planning Community.

GOAL 4

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. (Ord. No. 17-13)

STANDARD 4.1.1: WATER.

1. ***Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Fla. Admin. Code R. 62-550).***

   The site is currently serviced by Lee County Utilities for sewer and water and has capacity to continue serving the increased density proposed. A letter of utility availability has been secured from LCU.

2. ***If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4- A), then the development must be connected to that utility.***

   According to Lee Plan Map 4-A and 4-B the site lies within the LCU Future Sewer and Water Service Area. The project will connect to Lee County Sewer and Water Service.

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.***

   We have received a letter of utility availability from LCU that states service and capacity is available to serve the projected needs of this sight.

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.***

   There is current service to the site so no need for expanded service lines.

5. ***If a new development is located in a certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4-A), and the utility cannot provide the service or cannot provide the service except at a clearly unreasonable cost to the developer, the developer is encouraged to petition the appropriate regulatory agency to contract the service area so that the development may establish its own community water system or invite another adjacent utility to expand its service area in order to provide the required service.***

   According to Lee Plan Map 4-A and 4-B the site lies within the LCU Future Sewer and Water Service Area. The site is served by LCU and the project will connect to Lee County Sewer and Water Service.

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.***

   Not applicable.

7. ***Lee County Utilities may provide potable water service to properties not located within the future water service area when such potable water service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.***

   Not applicable.

STANDARD 4.1.2: SEWER.

1. ***Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.***

   The site is currently serviced by Lee County Utilities for sewer and water and has capacity to continue serving the increased density proposed. A letter of utility availability has been secured from LCU that states there is capacity for service the density proposed.

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

   According to Lee Plan Map 4-B it is within the Future Sewer Service Area for Lee County. A letter of utility availability has been secured from LCU that states there is capacity for service the density proposed.

3. ***If there is not sufficient capacity nor adequate infrastructure within l/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.***

   Not applicable.

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.***

   Not applicable.

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.***

   Not applicable.

6. ***Lee County Utilities may provide sanitary sewer service to properties not located within the future sewer service area when such sanitary sewer service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.***

   Not applicable.

STANDARD 4.1.3: REUSE

According to LCU in the letter of service availability reuse is not served to this site.

GOAL 5 (RESIDENTIAL LAND USES)

OBJECTIVE 5.1: All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan. (Ord. No. 94-30, 00-22)

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

The request is intended to allow for the development of multifamily residential dwellings on the 19.33-acre property in the form of a Residential Planned Development subject to conditions, performance/design standards, limited schedule of uses, and a binding Master Concept Plan. The request will ensure that the property is developed with uses similar neighboring properties, thereby protecting the character and integrity of the existing communities.

- The site is within one mile of major employment businesses including but not limited to Home Depot, Lowe's Wal-Mart and an entire commercial corridor along US 41 extending a significant distance north and south.
- Lee Tran serves the South Fort Myers Area by via Route 140 (Merchants Crossing/Bell Tower) and Route 240 (Coconut Point Mall/Bell Tower) located at the car wash directly adjacent to the property (approximately less than 200 ft.) on both the northbound and southbound travel lanes along the US Highway 41 roadway.
- The US 41 proposed access provides connection to the shared use path on the west side of US 41.
- The site is entrance onto Old Gladiolus Drive is within ¼ mile of the shared path on Gladiolus Drive and the Lakes Park regional Lee County Park.

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

The proposed residential development is a multifamily structure that is designed to meet the current FEMA design elevation as the property is in the Coastal High Hazard Area. The proposed buildings will be designed to sustain hurricane and the resulting flood waters that made the former mobile home park uninhabitable.

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

inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The LDC will continue to require appropriate buffers for new developments.

In isolation the increasing of potential density and intensity on the site by changing the FLUC from Central Urban to Intensive Development may seem that the request is not compatible with this request as there are a half dozen single-family homes to the south across the creek. However, when taken with the RPD zoning the site plan pays close attention to the layout to keep height and intense uses away from the single-family homes. The site plan complies with LDC requirements for a 50-foot natural waterway buffer which is a substantial increase in buffer area over the previous mobile home location, some of which were with 10 feet to the top of bank. The building placement is a minimum of 400 feet from the closest home with heights that are barely visible from the edge of the single-family lots to the south. The multifamily use is appropriate in this area as infill development near major employment centers as long as care is taken with site planning and proper buffering as conditioned in the zoning.

POLICY 5.1.6: Maintain development regulations that require high-density, multi-family, cluster, and mixed use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design. (Ord. No. 94-30)

The proposed development will maintain the requirements for 40% open space, all required buffers, and a natural waterway 50-foot buffer on the south boundary. Amenities will be on site including pickle ball, dog park, and clubhouse with gym and meeting areas.

POLICY 5.1.7: Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space. (Ord. No. 94-30, 00-22).

The proposed RPD includes 40% open space, car wash area, dog park, pickle ball courts and a community amenity center with additional recreational facilities. Sidewalks are provided on both sides of all internal roadways and provide pedestrian and bicycle connections to US 41. A multi-use pathway is located along US 41. All open space and amenities will be directly accessible to all residents within the RPD.

POLICY 5.2.4: The site design of the proposed development must be compatible with surrounding land uses to the maximum extent possible. (Ord. No. 10-08)

The request will ensure that the property is developed with uses similar to neighboring properties. The intensive land use category abuts this property to the north while the development to the north and east is of intense nature that allows this to be dense urban infill with affordable bonus density units.

Impacts to surrounding land uses are minimal due to the similarity of intent and intensity of uses. The zoning conditions and LDC requirements have adequately addressed any potential impacts on adjacent uses.

The proposed RPD includes development standards which comply with the South Fort Myers Community regulations. A minimum 50-foot buffer will be provided to adjacent single-family properties to the south.

POLICY 54.1.2: In developing and implementing local landscape regulations including the preservation, reforestation, and wetlands restoration requirements, preference will be given to native species which are adapted to the region's climatic regime.

The site is currently developed as a mobile home park. The Project site does not contain any wetlands or surface waters. Phillips Creek is located directly south of the Property.

The attached Environmental Report did not show the existence of the listed species such as the American Alligator, Florida Burrow Owl, Gopher Tortoises, Southeastern American Kestral, and Wood Storks on the property.

POLICY 54.1.6: Maintain development regulations that require new development to connect to a reuse water system if a system is near the development and has sufficient capacity.

Lee County states that reuse is NOT available to the site.

POLICY 61.1.1: Lee County recognizes that all fresh waters are a resource to be managed and allocated wisely and will support allocations of the resource on the basis 1) of ensuring that sufficient water is available to maintain or restore valued natural systems, and 2) of assigning to any specified use or user the lowest quality freshwater compatible with that use, consistent with financial and technical constraints.

The Applicant will obtain an Environmental Resource Permit from the South Florida Water Management District. The master drainage system and established conservation areas proposed in this amendment request, and which will be established through the ERP and subsequent development orders, are designed in compliance with this policy.

OBJECTIVE 61.3: GENERAL SURFACE WATER MANAGEMENT STANDARDS. Lee County will continue to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems.

POLICY 61.3.6: Require developments to provide surface water management systems, acceptable programs for operation and maintenance, and post-development runoff conditions that reflect the natural surface water flow rate, direction, quality, hydroperiod, and drainage basin.

Please refer to the surface water management plan in Exhibit M14.

POLICY 61.3.7: Channelization of natural streams and rivers is prohibited; channelization of other natural watercourses is discouraged.

No change will be made to the natural stream to the south. A dog park amenity is located within the Project and is adjacent to the Phillips Creek. Regulations are in compliance with the LDC.

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

a. Sanitary Sewer – Lee County Utilities serves the area and has capacity. LCU has stated in a letter of availability.

b. Potable Water – Lee County Utilities serves the area and has capacity. LCU has stated in a letter of availability.

c. Surface Water/Drainage Basins – The property is intended to be developed as part of and RPD (DCI2023-00049). The project will be required to meet all LDC provisions for surface water management, pre-treatment, storage and treatment including the System Requirement: Prevent the flooding of designated evacuation routes on The Lee Plan Map 15 from the 25-year, 3-day storm event (rainfall) for more than 24 hours.

d. Parks, Recreation, and Open Space – Lee County Parks and Recreation has provided a letter of service availability.

e. Public Schools – A letter of capacity has been received from Lee County Schools.

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.***

Please see the report by JR Evans, which is part of the original submittal as "Exhibit M12 - Risk Evac Analysis Comp 01.30.2024", that addresses these criteria and shows that the proposed development meets at least one of the criteria.

POLICY 101.3.2: Restrict development in the Coastal High Hazard Area to uplands except as needed for the provision of public facilities.

The site contains 18.17 acres of upland out of 19.33 total acres. The proposed Master Concept Plan (MCP) limits development to the upland acreage. The Acreage that is not considered upland is the area of Phillips Creek that is within the boundary. Development is restricted to within 50-feet of this natural waterway by way of required buffers.

POLICY 101.3.6: Prohibit the use of Transferable Development Units (TDUs) and bonus density utilizing cash contributions for affordable housing on property located within the Coastal High Hazard Area.

The proposed development is proposing using up to 145 units of bonus density as permitted by the proposed land use change. According to this policy the request for bonus density includes all units to be site built affordable units at 140% or less of AMI.

POLICY 101.3.7: Bonus density for site-built affordable housing development will be considered within the Coastal High Hazard Area.

As mentioned, the request for bonus density includes the limitation for the units to be site built affordable making the request consistent with this policy.

The applicant feels the consideration of bonus density in this area is good planning. The former mobile home flooded 2-3 feet in Hurricane Ian. Since that time the Flournoy Group and the Royal Palm Village POA have successfully terminated the 132 individual lots making way for redevelopment. It is telling that this was able to be accomplished. A CHHA is not an appropriate location for mobile homes, particularly on older parcels that are not raised to current base flood elevations. Repeated flood risks prompted the corporation of the termination.

The site is in the middle of a major employment area, abutted by multifamily developments, acts as an appropriate transition from commercial activity on US 41 to lower densities, has access to two major arterials (with proposed new access to US 41), is within one mile of Lakes Park, has access to Lee Tran with ¼ mile of a bus stop, is serviced by all major urban services as confirmed by the letters of availability for the Lee Plan map amendment letters received. The site is perfect for higher density infill redevelopment, particularly when considering the structures will be built to modern codes and FEMA flood elevations.

POLICY 125.1.2: New development and additions to existing development must not degrade surface and ground water quality.

POLICY 125.1.3: The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems.

The permit process will require a water quality management plan addressing the issues in these policies. The draft plan is part of Exhibit M14.

IX. CONCLUSION

The proposed Flournoy Multifamily CPA allows for redevelopment into a well-planned multifamily community which accommodates increasing demand for vertical density and will allow for increase bonus density, which is limited to affordable multi-family housing, to be integrated into the surrounding employment center.

The proposed Flournoy Multifamily RPD also provides significant protection to the surrounding neighborhood to the south through a site plan which internalizes development through sufficient buffers and setbacks, two access points, and restoration supporting amenities on site.

EXHIBIT M12 – ENVIRONMENTAL IMPACT ANALYSIS

Royal Palm RPD

Lee County, Florida

Coastal High Hazard/Hurricane Risk Assessment Report

Prepared By:

J.R. EVANS ENGINEERING

9961 Interstate Commerce Drive, Suite 230
Fort Myers, FL 33914

January 2024

TABLE OF CONTENTS

Elizabeth A. Fountain, P.E.
Florida Reg. No. 60077
C.A. #29226

Section 1

J.R. EVANS
ENGINEERING

January 30, 2024

Royal Palm RPD Property
Lee County, Florida
Coastal High Hazard Area (CHHA)/ Hurricane Risk Assessment Report

This report is prepared and provided to evaluate the Royal Palm RPD property with respect to hurricane risk and the potential impacts to evacuation facilities due to the proposed changes in density per the pending Rezoning application. The property was previously used as a mobile home park, known as the Royal Palm Village mobile home park. The property previously contained approximately 134 mobile home sites and an amenity center. The property experienced impacts from hurricane Ian and the previous uses of the property have been terminated. It is understood that that the property's ownership is currently pursuing a rezoning process for 19.3 acres of the overall property to achieve a zoning of RPD to allow 391 multi-family apartments/units with supporting amenities. The rezoning effort is associated with the redevelopment of the property, in response to recent hurricane Ian and the intent to increase resiliency for the property's new structures.

This report evaluates the specific property conditions with respect to location, flooding and storm surge risks, and potential impact on evacuation activities. This report also provides the distinction between the different uses and designations of "Coastal High Hazard Area (CHHA)"as used by the planning/zoning industry and the FEMA/National Flood Insurance Program and Construction industries. This report has been prepared by the JR Evans Engineering, P.A. Floodplain Management and Stormwater Design Department's director, Mrs. Elizabeth Fountain, P.E., CFM, a licensed Professional Engineer, and a Certified Floodplain Manager. In addition, JR Evans Engineering P.A. has provided an evaluation pertaining to risk and emergency preparedness by Emergency Management Expert, Jim von Rinteln, CFM, CEM, FPEM.

EXECUTIVE SUMMARY

This Report comprises a comprehensive analysis of the Royal Palm Village RPD property from an Engineering and Emergency Management perspective. The key findings of this analysis are as follows:

- The subject 19.3 acres associated with the proposed rezoning application falls completely outside the Coastal High Hazard Area (CHHA) currently designated by FEMA, in which the FEMA maps have been recently updated and are effective as of November 17, 2022, to reflect more current storm surge affects.
- The entire property is situated in a FEMA Mapped Special Flood Hazard Areas of AE (EL 11). Because this property is in a coastal area near the Gulf of Mexico, it is in a potential evacuation zone, which is typical for developments of this type in coastal Florida.
- The subject property is located within the NOAA/SLOSH-defined Coastal High Hazard AREA (CHHA) as depicted on Map 5-A within the Lee Plan.
- The finished first-floor elevation of any newly constructed building at this location will be required to be a minimum of 1-foot above the FIRM/FEMA Zone Base Flood Elevation (BFE) designation.
- The current building code (FBC ICC 2020) and minimum elevation requirements for this project provide significantly increased elevation requirements and structural reinforcing elements to enhance resilience against the potential impacts of hurricanes and flooding.

- The project's potential additional residents and guests are not expected to significantly contribute to emergency evacuation or sheltering needs in the area.
    - US 41 (Tamiami Trail North), Danials Parkway, Ben C/Six Mile Cypress Parkway, and Alico Road are State designated hurricane evacuation routes.
    - There are numerous public shelters in the vicinity outside potential evacuation areas, all with capacity to house residents.
    - Based on the companion Traffic Impact Study for the rezoning, prepared by TR Transportation Consultants, Inc.; the project's additional units will not have a significant impact on any of the analyzed roadway segments and adopted capacities of roadways located within a 3-mile radius
- FEMA CHHA and storm surge modeling is used for the development of coastal floodplain boundaries, emergency management plans, and implementation of building codes. This model uses historical data and forecasts to model the most likely outcome from any given hurricane event. The result includes the regulatory mapping of the floodplains for the 1% annual-chance-event (100-year) and 0.2% annual-chance-event (500-year) floodplains affecting coastal and inland communities.
- SLOSH CHHA and storm modeling is used to model the worst-case scenario storm under the most perfect conditions. No single hurricane event will produce the regional flooding as depicted using this model.

Provided below are the descriptions and distinctions associated with the term "Coastal High Hazard Area" or CHHA, which is a critical aspect of this potential project when evaluating the risks related to major storm events such as hurricanes and tropical storms.

FEMA CHHA

The term "Coastal High Hazard Area (CHHA)" as defined by the Federal Emergency Management Agency (FEMA) is as follows:

> *An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The coastal high hazard area is identified as Zone V on Flood Insurance Rate Maps (FIRMs). Special floodplain management requirements apply in V Zones including the requirement that all buildings be elevated on piles or columns.*

The Coastal High Hazard Area is meant to represent the area of coastal flooding which is subject to high or moderate velocity wave action during a significant storm event, such as a hurricane event, also referred to as a 1%-annual-chance-event. To determine the location and characteristics of these coastal high hazard areas, computer models are executed to evaluate the effects of storm surge, wave generation and overland flow of the waves. The results of the comprehensive storm surge modeling determine the mapping of the coastal flood zones, with appropriate designations and determined flood elevations. The CHHA areas are depicted on FEMA maps as Zone VE and Coastal A Zone, defined by the Limit of Moderate Wave Action (LiMWA) on the Flood Maps.

SLOSH CHHA

In regional planning activities and in emergency management planning, the SLOSH (Sea, Lake, Overland Surges from Hurricanes) model data is typically used to evaluate potential maximum surge levels for properties and assist municipalities with evacuation zones and route planning. The results of the SLOSH model are used to define the CHHA areas associated with the evacuation zones. The SLOSH model is a computerized model developed by the National Weather Service

(NWS) to estimate storm surge heights resulting from historical, hypothetical, or predicted hurricanes by considering the atmospheric pressure, size, forward speed, and track data. The SLOSH model does not explicitly model the impacts of waves on top of the surge, nor does it account for normal river flow or rain flooding. The products of the SLOSH model, known as The Maximum of the Maximum Envelope of High Water (MEOW), or MOM, provide a worst-case snapshot for a particular storm category under "perfect" storm conditions. No single hurricane will produce the regional flooding depicted in the MOMs. Instead, the product is intended to capture the worst-case highest-water value at a particular location for the purpose of hurricane evacuation planning.

Section 2

SITE SPECIFIC INFORMATION

The Royal Palm RPD property is located in Lee County Evacuation Zone A. The subject property is located within the following FEMA defined Special Hazard Area: Zone AE (EL 11). The entire property is located outside the FEMA designated Costal High Hazzard Areas (CHHA) Zone VE and Coastal A Zone (Please see image on following page). Other site-specific characteristics and building requirements will help minimize and mitigate the impacts from a storm event. These include the following:

- The subject property is located outside of the FEMA mapped coastal high hazard area flood zone.
- All new structures in Florida must be constructed to meet the current Florida building code, FBC ICC 2020 and ASCE 24-14 for those located within a Special Flood Hazard Area (SFHA). A few key aspects of these regulations include the following:
    - The minimum finished floor elevation (FFE) is required to be constructed at least of 1 foot, or more, above Base Flood Elevation (BFE) to prevent any flooding of the structure and reduce risk of flood damage.
    - New or substantially improved structures are required to meet current FBC and ASCE 24-14 applicable requirements, including with foundation elements, elevation requirements for habitable floors and utility infrastructure, floodproofing measures and limits on enclosures/walls located below Base Flood Elevation.
    - New buildings are required to have increased structural reinforcing elements which greatly improves the resilience of the structure in high-velocity hurricane zones.
- The US 41 (Tamiami Trail North), Daniels Parkway, Ben C/Six Mile Cypress Parkway and Alico Road are State designated hurricane evacuation routes providing immediate and expedited access in the event of an evacuation without increasing out of County drive times.
- Based on the companion Traffic Impact Study for the rezoning, prepared by TR Transportation Consultants, Inc.; the project's additional units will not have a significant impact on any of the analyzed roadway segments and adopted roadway capacities for roadways located within a 3-mile radius. Specifically, on US 41, south of Island Park Rd, the analysis demonstrates that the additional units only impact the segment by less than 0.3% of adopted roadway capacity.
- There are numerous public shelters in the immediate vicinity in Lee County, which have capacity to house additional residents.
- The Royal Palm RPD's Operational Staff will maintain an Emergency Preparedness Plan outlining the protocol and actions required to provide safety, preparedness, response, recovery, and mitigation before, during and after a tropical storm system and other emergencies. The Emergency Preparedness Plan will meet the requirements of Lee County AC 7-7 and be reviewed and updated annually.

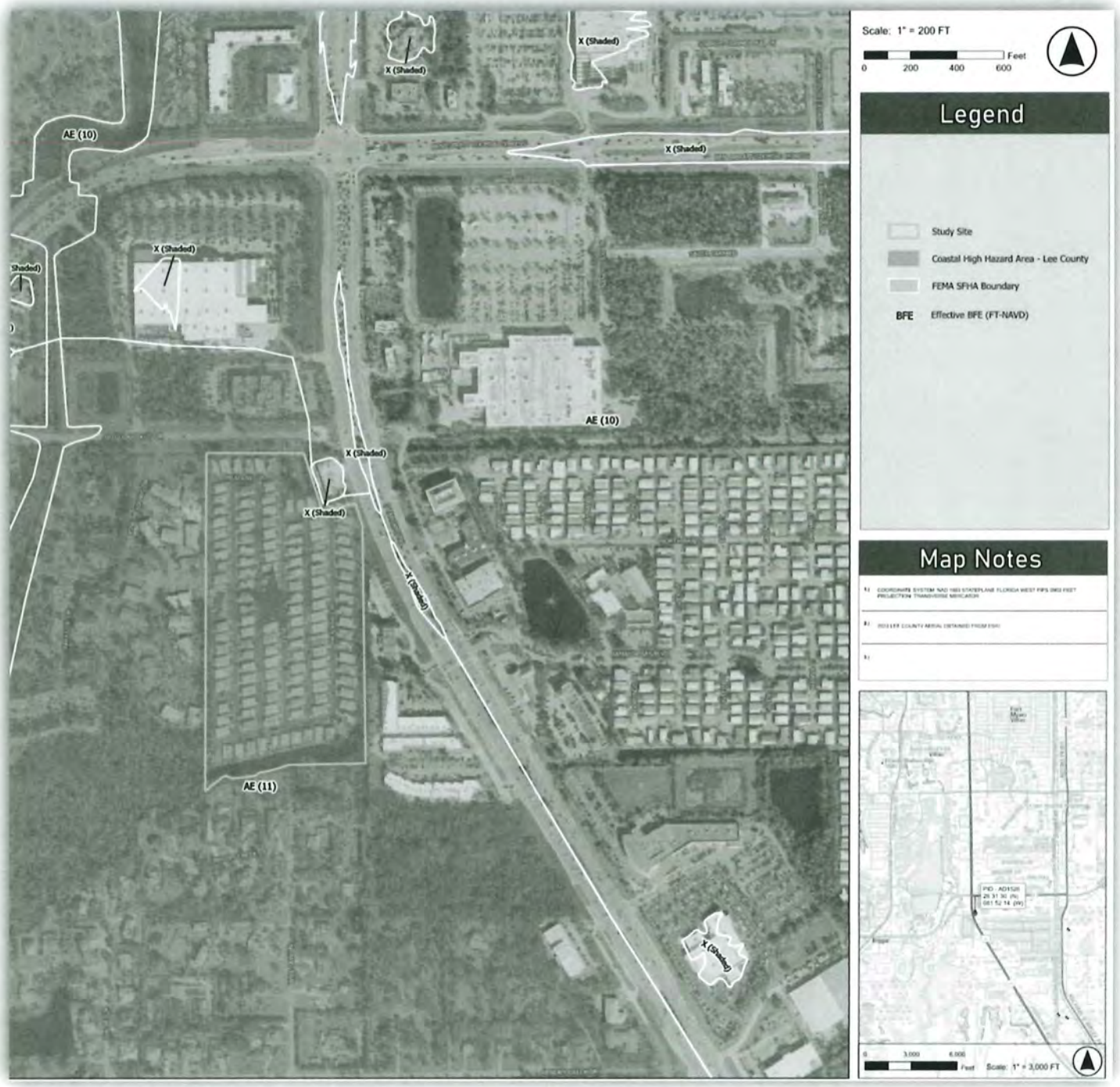
The following figures depict the location of the project site in relation to the FEMA Mapped Flood Hazard Areas and the extent of the CHHA (defined by FEMA):

FEMA National Flood Hazard Layer Map

FEMA National Flood Hazard Layer Map


LIMIT OF CHHA
(COASTAL A ZONE & ZONE VE)

The following figure depict the location of the project site in relation to the NOAA Defined CHHA as depicted on Map 5-A of the Lee Plan:



Utilized by FEMA and accepted by municipalities, the term CHHA is defined as very high-risk areas subject to intense coastal flooding and wave action in which special floodplain management requirements are applicable, particularly with respect to construction and building. The other application is associated with the results of the SLOSH (Sea, Lake, Overland Surges from Hurricanes) model developed by the National Weather Services and utilized for emergency management and planning activities.

As previously mentioned, the Coastal High Hazard Area with respect to FEMA, is meant to represent the area of coastal flooding which is subject to high or moderate velocity wave action during a significant storm event, referred to as the 1%-annual-chance-event. The locations of these coastal high hazard areas are based on the results of the comprehensive storm surge modeling and wave propagation modeling. The CHHA areas are depicted on FEMA maps as Zone VE and Coastal A Zone, defined by the Limit of Moderate Wave Action (LiMWA) on the Flood Maps.

FEMA has recently completed a multi-County coastal study, including Lee County and incorporated jurisdictions, which included a substantial update to the region's storm surge modeling with consideration of numerous recent hurricanes and tropical storms that have come close and through the study area. Based on the current Flood Insurance Study (FIS) for Lee County effective November 17, 2022, the updated coastal analysis was based historical records and data from actual storms passing through or nearby the study area with specific characteristics such as strength, size, and track. The historic storm data was used in conjunction with numerical hydrodynamic models to determine storm surge levels. An extreme value analysis was conducted on the storm surge modeling results to determine a stillwater elevation (SWEL) for the 1% annual chance event. In addition to the storm surge modeling, an overland wave hazard analysis was conducted to determine the combined effects of ground, vegetation, and physical features within the study area on wave heights and propagation. The results of these analyses determined the final elevations for the 1% annual-chance flood event associated with the study area which is depicted on the FIRMs for Lee County. This information is utilized for establishing the criteria in design, construction, and floodplain management industries as it represents the most recent and best available data related to storm surge and flood risks.

As mentioned earlier, the SLOSH model is commonly used in regional and emergency management planning to assess potential maximum surge levels for properties. It's a computerized model created by the National Weather Service (NWS) that produces a product called The Maximum of the Maximum Envelope of High Water (MEOW) or MOM, which represents a worst-case scenario for a particular storm category under "perfect" storm conditions. The model creates a wind field that drives the storm surge, but it doesn't account for the impacts of waves on top of the surge or normal river flow or rain flooding. It's important to note that no single hurricane will produce the regional flooding depicted in the MOMs. Rather, the product is designed to capture the worst-case highest-water value at a particular location for the purpose of hurricane evacuation planning.

The FEMA mapping and analyses are used for Florida Building Code (FBC) regulations and local development codes. In our professional opinion, the analyses prepared through the FEMA program and subsequent studies provide the best evaluation for the extent of coastal flooding and impacts to coastal communities within southwest Florida.

Section 3

RISK AND EMERENCY PREPAREDNESS

This evaluation represents a thorough hurricane risk analysis of the Royal Palm property located just West of US 41 (Tamiami Trail North, Lee County, Florida. The highlights of this analysis are as follows:

Vulnerability:

- This property is located in unincorporated Lee County, Florida.
- The property is located outside of the Coastal High Hazard Area (CHHA), as defined by FEMA.
- The property is located in an AE-11 FEMA Flood Zone.
- It is in a designated Lee County Evacuation Zone A.
- During some tropical storms and hurricane threats this area is subject to mandatory evacuations.
- This is not an unusual property parcel for development of this type in coastal Florida.
- The current building and elevation requirements that would be used to construct this project provide substantially superior resiliency to the effects of tropical storms, hurricanes and flooding compared to older construction.
- The potential residents and guests would not substantially add to the emergency evacuation route times or sheltering requirements for this area.
- The previous use of the property as a mobile-home community typically results in a higher rate of evacuation participation and sheltering needs.
- The property's ownership and operation entity will maintain an Emergency Preparedness Plan which meets the requirements of Lee County AC 7-7.
- There are numerous hurricane shelters within a 25-mile radius of this project. Please reference Figure below .
- Residents who were to evacuate outside this area would not substantially add to the traffic on the current established evacuation routes.

New Code Construction:

All new structures in Florida must be constructed to meet the current Florida building code, FBC ICC 2020 and ASCE 24-14 (Flood Resistant Design and Construction) for those structures located in Special Flood Hazard Areas. Florida Building Code requires structures to have increased structural reinforcing elements, elevated elevations, and many other requirements which greatly improve a structures resilience in high-velocity hurricane zones and flood prone areas.

Location:

The project is located just West of US 41 (Tamiami Trail North). The property is located along the Gulf of Mexico and borders the coastal high-risk flood zone. The property location is in Zone AE-11, and is outside of the coastal high hazard area, according to the FEMA mapped Special Flood Hazard Areas. It is in an "A" evacuation zone, which could be subject to mandatory evacuations during hurricanes (and potentially some tropical storms).

Evacuation:

The project site is in Lee County evacuation zone "A", not unlike a large number of dwellings and structures in Florida. Evacuation zone A could be subject to mandatory evacuations in all categories of hurricanes and potentially some tropical storms. The US 41 (Tamiami Trail North), Daniels Parkway, Ben C/Six Mile Cypress Parkway, and Alico Road and are State designated hurricane evacuation routes providing immediate and expedited access in the event of an evacuation without increasing out of

county drive times. If evacuating to a shelter, there are thirty-four (34) public shelters in Lee County outside any evacuation zone, which have capacity to house additional residents.

For evacuation efforts, Lee County utilizes a phased approach when orders to evacuate are issued. When orders to evacuate are issued Zone A, Mobile/Manufacture Homes, and Special Needs Registrants are the first to evacuate, and because of the phased process, may be evacuating while the weather is non-threatening. This approach allows the County time to receive better information from the National Hurricane Center, and determine which other Zones need to evacuate. It also helps reduce the number of evacuees on the roadways at the same time, providing more time for movement of people.

When evacuating for hurricanes, the time needed to evacuate is determined from studies conducted by the Florida Division of Emergency Management and Regional Planning Councils, with the assistance of Local Emergency Management agencies. These studies provide both a Base Evacuation Time for each Evacuation Zone, and an Operational Evacuation Time. The Base Evacuation Time is the worst-case scenario with 100% of the people in each zone evacuating at the same time. The Operational Evacuation Time is based on information from the Regional Planning Councils and Local Emergency Management agencies that is specific to their Region, and County. It accounts for the behavior of residents, traffic patterns, roadway construction, etc. Based on the current regional evacuation study by the Florida Department of Emergency Management and Regional Planning Councils, the evacuation time for Lee County's Surge Evacuation Zone A is 10 to 10.5 hours at the time of the order of evacuation.

Evacuation participation is based on several factors including behavioral responses. For example, based on the most recent (2017) Southwest Regional Planning Council's evacuation transportation model analysis, which includes behavioral assumptions for evacuation responses, the projected evacuation participation rates for Lee County Site-Built Homes in Zone A for an Evacuation Level A are at 50% and up to 90% for an Evacuation Level E. In comparison, the evacuation participation rates for residences in mobile home sites in Zone A is greater, being at 70% for an Evacuation Level A up to 95% for an Evacuation Level E. In another study conducted for Northeast Florida Regional Planning Council in 2021 entitled "Florida Statewide Regional Evacuation Study Program", the evacuation rate for Lee County during Hurricane Irma (2018) was 49%. Provided below are figures from the respective study reports illustrating the evacuation rates.

Figure III-12: Evacuation Participation Rates: Lee County Site-Built Homes

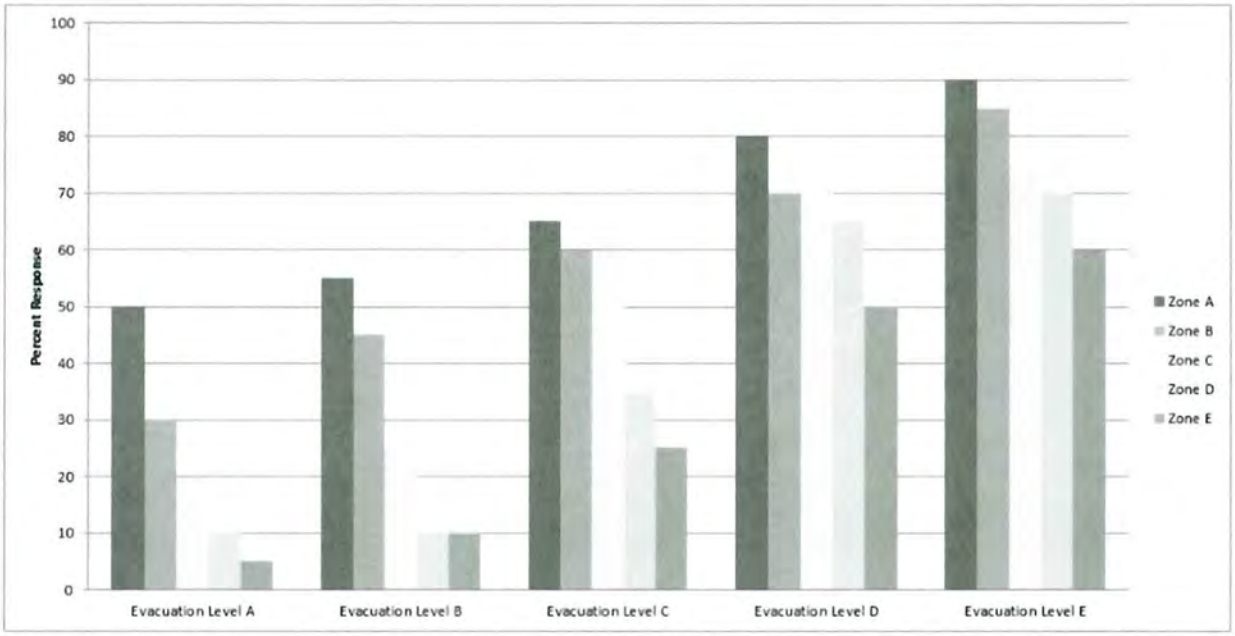
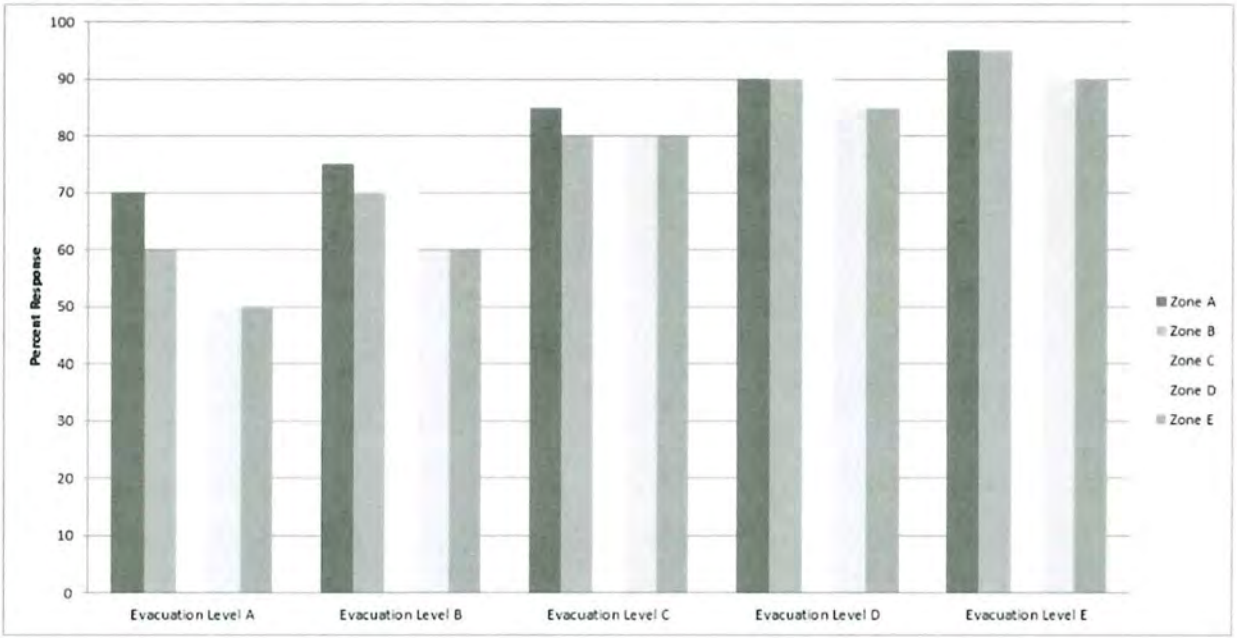


Figure III-13: Evacuation Participation Rates: Lee County Mobile Homes



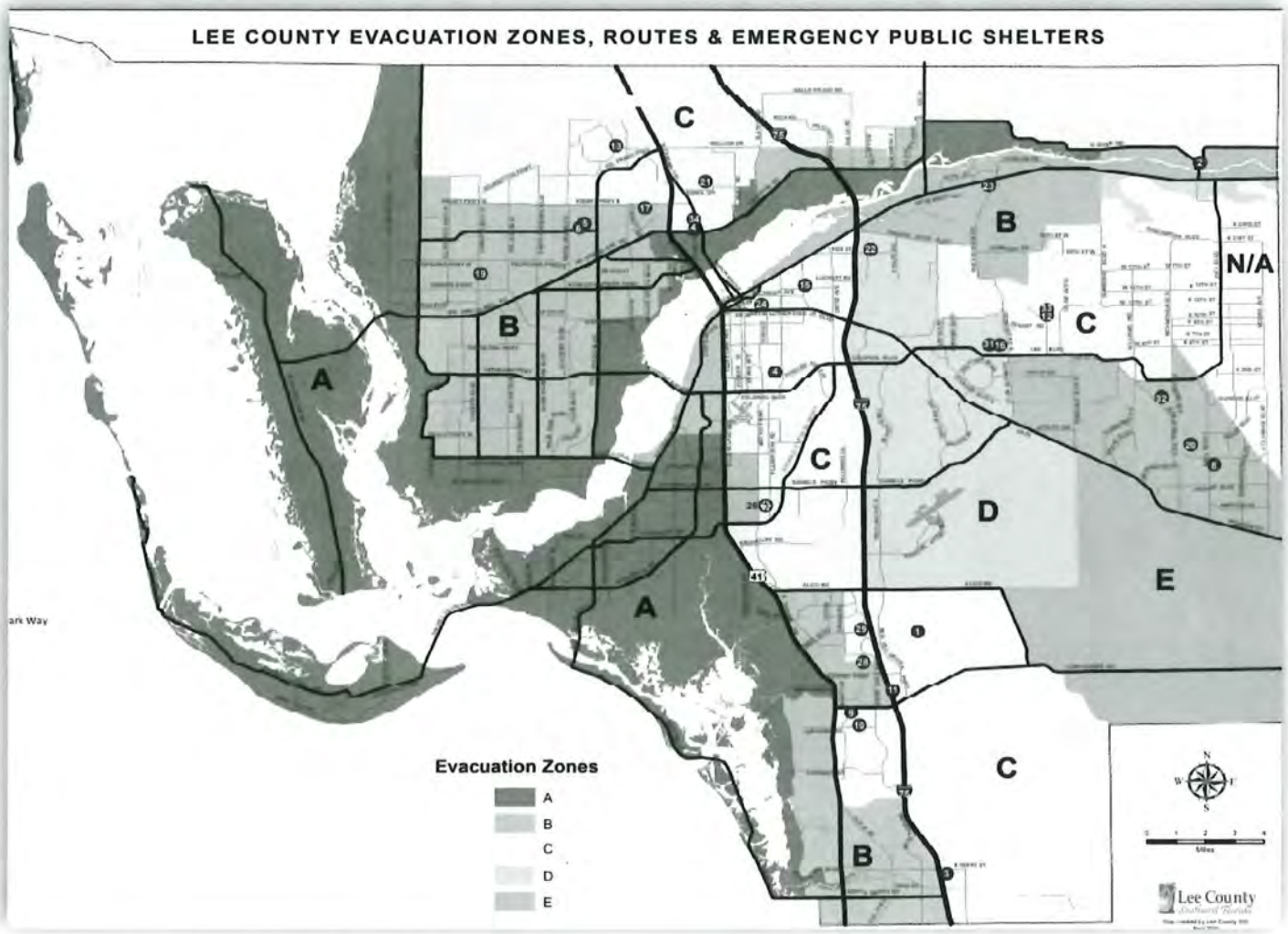
Florida Statewide Regional Evacuation Study Program

Table 3.7 Evacuation Comparisons by County

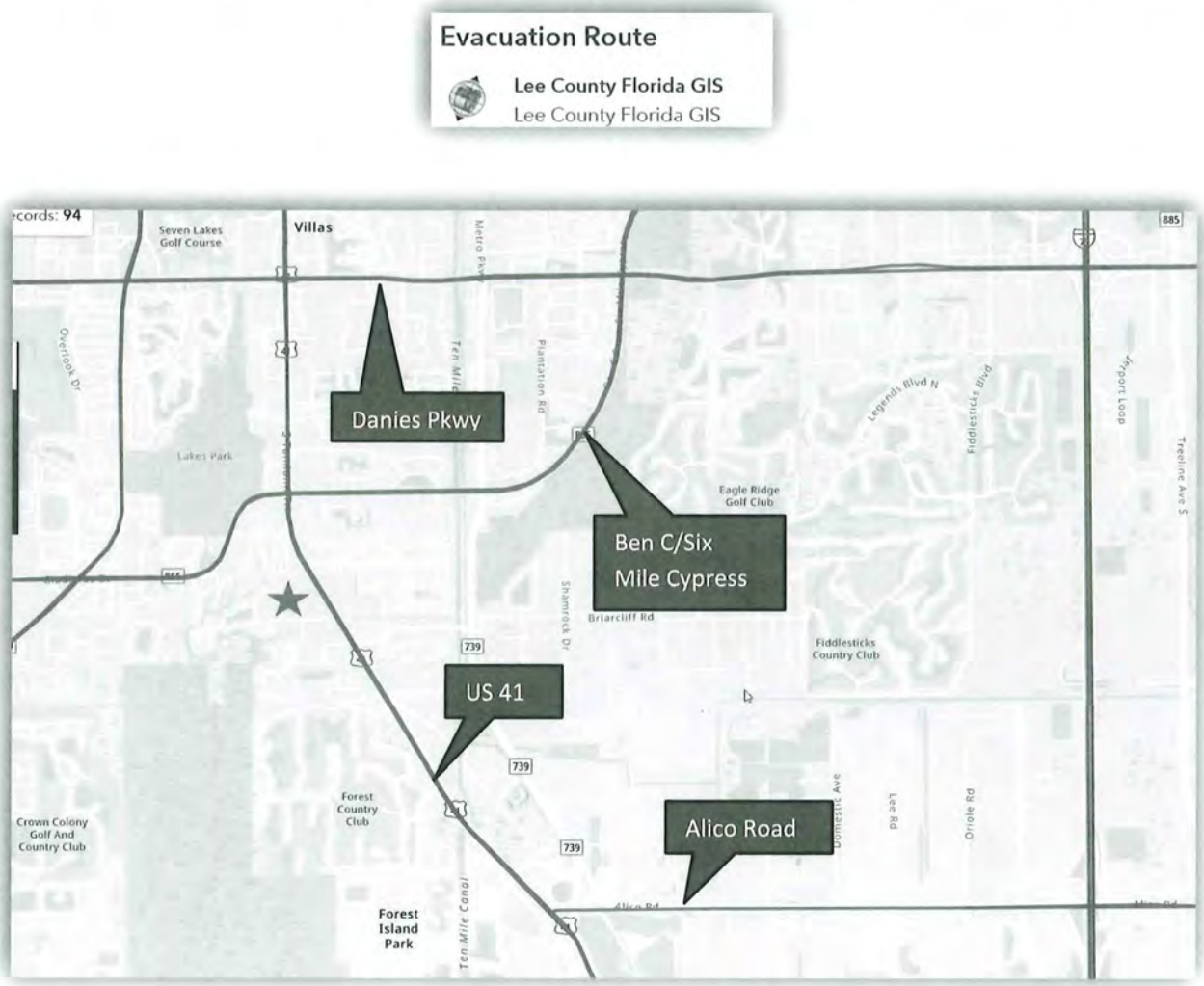
Hurricane Event	County	Percent Evacuated (Survey)	Percent Evacuated (LBS Data)	Difference
Irma	Bay	10%	24%	14%
Irma	Brevard	25%	29%	4%
Irma	Broward	21%	27%	6%
Irma	Charlotte	45%	46%	2%
Irma	Citrus	21%	28%	7%
Irma	Collier	41%	50%	9%
Irma	Duval	19%	24%	5%
Irma	Escambia	5%	23%	17%
Irma	Flagler	27%	23%	-4%
Irma	Franklin	30%	38%	8%
Irma	Gulf	74%	33%	-41%
Irma	Hernando	27%	25%	-2%
Irma	Hillsborough	30%	34%	3%
Irma	Indian River	19%	32%	13%
Irma	Lee	49%	45%	-4%
Irma	Levy	75%	36%	-39%
Irma	Manatee	29%	39%	10%

This project, as proposed with the potential for additional units, should not have a significant impact on the safe evacuation of this area or Lee County in general.

Provided below is an image of Lee Evacuation Routes and Shelter Locations:



Provided below is an image of State-Approved Evacuation Routes in proximity to the project location:



Section 4

PRELIMINARY ANALYSIS OF POTENTIAL SHELTER/EVACUATION MITIGATION

It is understood that as part of the Development Order permitting process with Lee County and in accordance with Lee Plan Policy 101.1.4, the Division Director will make the final decision with respect to the determination of hurricane shelter and evacuation impacts and the acceptability of the type and degree of mitigation offered to address the proposed development. Provided below is a preliminary analysis of the potential mitigation costs for addressing the proposed development's impact on shelter spaces and evacuation facilities. The analysis is based on the proposed rezoning request parameters, Lee County Land Development Code, Section 2-484, and the assumption that 100% of the additional units would be occupied and contribute to the evacuation process from the property.

The analysis below is intended to evaluate the potential additional impact between the existing uses on the property and proposed uses. This analysis is based on the difference in residential units between the previous 134 mobile-home units and the proposed 391 apartment units with this rezoning request.

Shelter Mitigation Analysis

Determine Shelter Spaces Required:

Net additional residential units = 391 (Proposed) – 134 (Existing/Previous) = 257 Units

- **Apartment Units**
  U X P = N
  257 Units x 2 = 514 (Total Residents by Apartment Units)

  N x Ssr = Sp(r)
  514 x 0.21 = 107.94 (Shelter Spaces Needed by Apartment Units)

- **Totals for all Residential Units**
  Sp(r) + Sp(hu) = Sp x Rfa = Sq(t)
  Total Units 107.94 X 20 = 2,158.8 Square Feet

Notes:
O = Number of people per unit
R = Residents in residence
N = Number of residents in development
U = Number of residential units
Hu = Number of hotel/motel units
P = Persons per household*
Rfa = Required square feet of shelter floor area per space (currently 20 square feet per space)
Sp(r) = Shelter spaces needed by development's residential units
Sp(hu) = Shelter spaces needed by development's hotel/motel units
Ssr = Shelter seeking rate (currently 0.21 is used)
Sq(t) = total square feet of shelter floor area required for the development

Mitigation Payment Analysis (in lieu of donation of land or use of a private structure):

- **Costs of Shelter Improvements**
  Total Required Square Feet = 2,158.8 Sq(t)
  Shelter Improvement Costs= 2,158.8 x $6.66 per Sq(t)
  Subtotal= $14,377.61
  Emergency Power Costs = Total Shelter Spaces X $20
  Subtotal = 107.94 x $20 = **$2,158.80**
  Total Costs of Shelter Improvements -= $16,536.41 – Total Shelter and Evacuation Impact Fee

Evacuation Facilities Mitigation Analysis

- Calculate Number of Evacuating Vehicles for all Residential Units:
  U + V = Ev(r)
  U = 257
  V = Number of vehicles per occupied unit; Current = 1.1
  257 (Total Evacuating Vehicles) x 1.1 = ***282.7= 283 Evacuation Vehicles***

DEFINITIONS

Costal High Hazard: *An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The coastal high hazard area is identified as Zone V on Flood Insurance Rate Maps (FIRMs). Special floodplain management requirements apply in V Zones including the requirement that all buildings be elevated on piles or columns.*

Coastal Zone A: *Area landward of a V Zone, or landward of an open coast without mapped V Zones. In a Coastal A Zone, the principal source of flooding will be astronomical tides, storm surges, seiches or tsunamis, not riverine flooding. During base flood conditions, the potential for breaking wave heights between 1.5 feet and 3.0 feet will exist.*

Evacuation Zone: *These are areas that officials may order evacuated during a hurricane. These zones are mapped by the National Hurricane Center and indicate areas that could be affected by storm surge, storm-driven waves that can inundate a community. Zones in costal Lee County are identified from A-E with inland portions of the County not being included in any evacuation zone.*

Limit of Moderate Wave Action (LiMWA): *Flood maps in coastal areas may include a line called the Limit of Moderate Wave Action (LiMWA). The LiMWA marks the inland limit of the Coastal A Zone— the part of the coastal SFHA referenced by building codes and standards where wave heights can be between 1.5 and 3 feet during a base flood event. Past events have shown that waves as small as 1.5 feet can cause foundation failure and structural damage to buildings.*

Maximum Envelope of High Water(MEOW): *Provides a worst-case basin snapshot for a particular storm category, forward trajectory, and initial tide level, incorporating uncertainty in forecast landfall location. MEOWs are not storm specific and available to view in the SLOSH display program for all operational basins. No single hurricane will produce the regional flooding depicted in the MEOWs. Instead, the product is intended to capture the worst-case, high-water value at a particular location for hurricane evacuation planning.*

SLOSH: *(Sea, Lake, Overland Surges from Hurricanes) model developed by the National Weather Services and utilized for emergency management and planning activities. The SLOSH model is a computerized model developed by the National Weather Service (NWS) to estimate storm surge heights resulting from historical, hypothetical, or predicted hurricanes by considering the atmospheric pressure, size, forward speed, and track data.*

Special Hazard Area (SFHA): *An area having special flood, mudflow or flood-related erosion hazards and shown on a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM) Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.*

Stillwater Elevation: *Stillwater(SWL) means the flood level not including the effects of waves (wave amplitude and wave setup; setup is addressed in a separate Focused Study Group report) or tsunamis and including storm surge and astronomic tide. The SWL is a coastal water surface resulting from astronomical tides, storm surge, and, depending on the location, other effects such as El Niño effects or seiching. The SWL does not include wave heights and runup. The stillwater elevation (SWEL) is the statistical elevation of the SWL relative to a specified datum*

Zone AE: *Flood hazard areas identified on the Flood Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. The base floodplain where base flood elevations are provided. AE Zones are now used on new format FIRMs instead of A1-A30 Zones.*

Zone VE: *Areas along coasts subject to inundation by the 1-percent-annual-chance flood event with additional hazards due to storm-induced velocity wave action. BFEs derived from detailed hydraulic coastal analyses are shown within these zones. (Zone VE is used on new and revised maps in place of Zones V1–V30.) These areas have a 26% chance of flooding over the life of a 30-year mortgage. Base flood elevations derived from detailed analyses are shown at selected intervals within these zones*

Section 5

Natural Resources Report

Ft. Myers Multi-Tenant Development

June 20, 2023 | Project Number: H1237288

Site Location:

15180 Meadow Circle
Ft. Myers, Lee County, Florida

Prepared for:

Flournoy Development
PO Box 6566
Columbus, Georgia 31917

Terracon

5463 West Waters Avenue Suite 830
Tampa, Florida 33634-1253
P 813-221-0050
F 813-221-0050
Terracon.com

June 20, 2023

Flournoy Development Group
PO Box 6566
Columbus, Georgia, 31917

Attn: Mr. Cooper Reece
P (407) 913-6750
E cooper.reece@flournoydev.com

RE: **Natural Resources Report**
Ft. Myers Multi-Tenant Development
15180 Meadow Circle
Ft. Myers, Lee County, Florida
Terracon Project No. H1237288

Dear Mr. Reece,

Terracon Consultants, Inc. (Terracon) is pleased to submit the enclosed Natural Resources Report for the above-referenced site. The scope of this assessment included a wetland assessment and listed species assessment.

This work was performed in general accordance with the scope of services outlined in the Agreement for Services dated March 28, 2023. This report was prepared for the exclusive reliance of Flournoy Development Group ("client"). Use or reliance by any other party is prohibited without the written authorization of the client and Terracon.

We trust that this information will assist you in your evaluation of the site. If you have questions concerning this report, or if we can assist you in other matters, please contact us.

Sincerely,
Terracon

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Table of Contents

1.0 Introduction

The site consists of ±18.72 acres of land located at 15180 Meadow Circle (identified as Lee County Parcel Nos. 00000-0010 – 00000-1130, 05000-01CE, 0017-0010, 05000-03CE, and 05000-02CE) in Ft. Myers, Florida. The site currently consists of 132 individual mobile home lots. It is the understanding of Terracon that the site will be developed with multi-family residential buildings and associated infrastructure.

Any potential wetland areas on the site would likely fall under the jurisdiction of the South Florida Water Management District (SFWMD) for the State, and potentially the Florida Department of Environmental Protection (FDEP) under the State 404 Program as "Assumed Waters". Potential impacts to species which are listed as threatened or endangered would fall under the jurisdiction of the Florida Fish and Wildlife Conservation Commission (FWC) for state listed species, and the United States Fish and Wildlife Service (USFWS) for federally listed species. The following sections provide Terracon's methodologies and findings to conduct a natural resources assessment of the site.

2.0 Methodology

2.1 Wetland Assessment

Terracon initially reviews readily available published resources to preliminarily identify features indicative of jurisdictional resources on the project site or in the immediate vicinity. The Natural Resource Conservation Service (NRCS) Soil Survey for Lee County, the National Wetland Inventory (NWI), the Florida Department of Transportation (FDOT) Florida Land Use, Cover and Forms Classification System (FLUCFCS), and historical aerial imagery are also reviewed.

A site reconnaissance is then conducted on site utilizing the FDEP Wetlands Delineation Manual[1], Rule 62-340 Florida Administrative Code (FAC) and Rule 62-331 FAC and guidance provided in the June 2020 Navigable Waters Protection Rule (NWPR) and assessed for the presence of wetlands and surface waters based on the three wetland parameters of hydrophytic vegetation, hydrology, and hydric soil indicators. The presence or absence of wetland indicators is documented and photographed on site.

It is anticipated that the project and any potential wetlands would qualify under the "Assumed Waters Rule" so wetlands and surface waters on-site will be assessed to determine if they would constitute Waters of the United States (WOTUS) and be federally regulated by the FDEP. Although the Navigable Waters Protection Rule (NWPR) was vacated in federal court on August 31, 2021, the FDEP is still utilizing the NWPR to determine jurisdiction until state regulations can be modified to be consistent with the new federal regulations. Therefore, the wetlands/surface waters will be assessed under the NWPR. If

[1]Gilbert, K.M., J.D. Tobe, R.W. Cantrell, M.E. Sweely, and J.R. Cooper. 1995. The Florida Wetlands Delineation Manual. FDEP, Tallahassee, FL.

wetlands are present, the applicant will have the opportunity to present information regarding whether the wetlands are considered WOTUS and FDEP will review.

2.2 Listed Species Assessment

The site is preliminarily investigated for the presence of state and federally protected animal and plant species and their habitat.[2] Literature and agency file searches are conducted to identify the potential occurrence of state and federally protected animal species on the site. A review of Geographical Information System (GIS) databases[3] containing listed species observations and a map review is performed prior to the field assessment. The USFWS Information, Planning, and Conservation (IPAC) and Florida Natural Areas Inventory (FNAI) search engines are also utilized to determine potential occurrences.

USFWS-IPAC identifies potential occurrences and habitat for federally listed threatened and endangered species, proposed listed and candidate species, and designated critical habitat. The FNAI search engine identifies potential occurrences of both federally and state listed species. The results of the USFWS-IPAC and FNAI search results are then compiled to produce Table 1 in Appendix C of this report. The search results are supplemented by data from the FWC. Additional FWC databases researched for this assessment include Map Direct, wading bird colonies, the eagle nest locator, and GIS data layers of species occurrences. Database search results are included in Appendix C.

A general wildlife survey is then performed on site by conducting the following activities:

- Stationary monitoring stations are established to survey for migratory bird species utilizing the site and transects are walked to locate any migratory bird nests on the site.
- A reconnaissance-level listed flora and fauna survey is conducted for the project area.
- An assessment is conducted by a qualified biologist to identify the occurrence and relative abundance of species considered endangered, threatened, or listed as a species of special concern by the USFWS (50 CFR 11-12) or the FWC (Chapter 68A-27, FAC). All sightings, sign, call, tracks, scat, nests, cavities, burrow, and probable habitat of wildlife observed is documented.
- If encountered, observations of listed species are recorded, their locations marked utilizing a GPS with sub-meter accuracy, and the location is marked on an aerial photograph. A determination is made to determine what additional formal surveys may be required to address species occurrence on the site.

[2]Species-specific survey methods were not used as this is a preliminary site inspection.

[3]The data was obtained from the Florida Fish and Wildlife Conservation Commission and the Florida Natural Areas Inventory.

Table 1 in Appendix C provides a list of state and federally protected animal and plant species with the potential to occur within the vicinity of the site in Lee County, Florida, and makes a recommendation as to whether further investigations are warranted.

2.3 Land Cover

To better categorize on-site habitats, on-site areas were demarcated and classified using FLUCFCS.[4] Particular attention was allocated to undeveloped and natural areas. The current conditions are discussed in Section 4.0 of this report and reflected on Exhibit 6 (Appendix A).

2.4 Functional Assessment

If wetlands and/or surface waters are identified on site, a preliminary assessment is conducted in accordance with Rule 62-345 FAC: Uniform Mitigation Assessment Method (UMAM) to assess current site conditions and associated wetland function. The three areas of focus when determining wetland function consists of a review of location and landscape support, water environment, and community structure/benthic community. These three parameters are assigned a value between 0 and 10 with 0 representing no wetland function (uplands) and 10 representing optimal wetland function. These scores are averaged out a maximum potential score of 30 and represented as a percentage of wetland function. This percentage is referred to as the UMAM "Delta" which represents the functional "value", of the wetlands used to estimate mitigation needs should direct or indirect impacts be proposed. Terracon's preliminary UMAM analysis is limited in nature and is to be used to determine mitigation estimates only. Final UMAM scores are subject to regulatory approval.

3.0 Desktop Assessment

3.1 Topography and Hydrology

A review of the United States Geological Survey (USGS) topographical maps for this parcel (Ft. Myers SE, FL Quadrangle, 1987), and elevation data from Google Earth indicate the parcel is situated between 5 and 10 feet above mean sea level (amsl). Surface water drainage is anticipated to be consistent with the topographic gradient of the site which generally flows towards the southwest. According to the USGS Topographic Map Key, the site appears to be developed as of the most recent topographic map. The topographic maps are included as Exhibit 1, Appendix A.

3.2 Soil Survey

According to the Natural Resources Conservation Service (NRCS) Soil Survey for Lee County, mapped soil units on the site include the following:

[4]Florida Department of Transportation, Survey and Mapping Office Geographic Mapping Section. January 1999, Third Ed. Florida Land Use, Cover and Forms Classification System. Tallahassee, FL.

- **6 – Hallandale fine sand:** Poorly drained with average depth to water table between 7 to 20 inches below ground surface (bgs). This soil type is mapped along the north and east portions of the site.
- **39 - Isles fine sand, depressional:** Very poorly drained with average depth to water table at about 0 to 10 inches bgs. This soil type is mapped along the southwest portion of the site.
- **42 - Wabasso sand, limestone substratum:** Poorly drained with average depth to water table between 10 to 40 inches bgs. This soil type is mapped along the southeast portion of the site.
- **59 – Urban land, 0 to 2 percent slopes:** Somewhat poorly drained with average depth to water table between 24 to 42 inches bgs. This is the dominant soil type located on site.

During the site reconnaissance, Terracon dug test pits to analyze subsurface soil conditions for hydric soil indicators. According to the *Hydric soils of Florida Handbook*, Hallandale fine sand (6), Isles fine sand, depressional (39), Wabasso sand, limestone substratum (42), and Urban land, 0 to 2 percent slops (59) are categorized as hydric soils. These soil types were not observed to be consistent with the NRCS soil survey due field verification.

Additionally, Terracon reviewed the *Gopher Tortoise Burrowing Suitability* layer on the NRCS Web Soil Survey. According to this resource, Wabasso sand, limestone substratum (42) and Urban land, 0 to 2 percent slopes (59) are not rated. Hallandale fine sand and Isles fine sand(39) are rated as "Unsuitable" and are therefore not conductive for burrowing fauna such as the gopher tortoise *(Gopherus polyphemus)* or the Florida burrowing owl *(Athene cunicularia)*. The NRCS Soil Survey Map for the site is included as Exhibit 3.

3.3 National Wetlands Inventory

The NWI map of the site was reviewed to identify potential wetlands and surface waters. The map for the site was published by USFWS and depicts probable wetland areas and surface waters based on stereoscopic analysis of high-altitude aerial photographs, topographic maps, and soil survey information. The NWI map depicts a small portion of a Freshwater Forested/Shrub Wetland extending onto the southwest corner of the site; however, this was not observed by Terracon during the site reconnaissance. The NWI map for the site is included as Exhibit 4.

3.4 Flood Zones

Terracon reviewed the Federal Emergency Management Agency (FEMA) ArcGIS online open data portal to determine if the subject project area falls within a designated flood zone area. The site is located within Flood Zone AE, which are areas subject to a 0.2% annual chance flood hazard, and which base flood elevations (BFE) have been determined. The BFE for this portion of the site is 9 feet amsl. The FEMA 100-Year Flood Zone Map is included as part of Appendix A.

3.5 Previously Issued Wetland Permits

Terracon reviewed the following sources to determine if wetland or surface water permits had previously been issued for the site, or if the site is associated with a currently valid permit.

- **Environmental Resource Permit (ERP) Database:** The SFWMD and FDEP Environmental Resource Permit (ERP) databases were reviewed to identify potential wetland areas and permits previously issued for the site. According to the records search, there are six SFWMD-issued Dock Self-Certification ERPs associated with the site. These dock permits were proposed for the south adjoining surface water. No surface waters were identified within the parcels. The ERPs are tabulated below.

  Table 1: Site permit history.

Parcel No.	Self-Certification ERP No.	Date Filed	Expiration
00000-0260	0361484001EE	2/20/18	2/20/19
00000-0290	0361496001EE	2/20/18	2/20/19
00000-0300	0386888001EE	4/16/20	4/16/21
00000-0310	0361489001EE	2/20/18	2/20/19
05000-03CE	0361495001EE	2/20/18	2/20/19
05000-03CE	0361495002EE	2/28/18	2/28/19

- **State 404 Program Permit Database:** The FDEP State 404 Program permit database was reviewed to identify potential wetland areas and permits previously issued for the site. According to the records search, there are no previously issued State 404 Program permits associated with the site.

- **USACE Permit Database:** The US Army Corps of Engineers (USACE) permit database was reviewed to identify potential wetland areas and permits issued for the site. According to the records search, there are no previously issued wetland permits associated with the site.

3.6 Recorded Conservation Easements

Terracon reviewed site information made available through the Lee County Property Appraiser website, and available data layers made available through FDEP's Map Direct database to determine if the site was associated with recorded conservation easements. According to these resources, there are no conservation easements recorded for the site. However, Terracon recommends that title records for the site be researched prior to acquisition or development of the site.

4.0 Site Reconnaissance

The site was reviewed by Sarah Phillips on June 13, 2023. The site was investigated for the presence of wetlands and surface waters using the Routine On-site Determination Method described in the FDEP Wetland Delineation Manual. Additionally, the site was investigated to determine if habitat for listed threatened or endangered species was present based on FLUCFCS designation. The following section outlines Terracon's observations during the site reconnaissance.

4.1 Existing Site Conditions

Based on the site inspection and review of the above resources, the following land uses were observed on the site:

- **Mobile Home Units** (Mapped FLUCFCS Code – 122) ±18.72 acres: The site consists of 132 individual mobile home lots. The canopy consists of sabal palm (*Sabal palmetto)*, live oak (*Quercus virginiana*), areca palm (*Dypsis lutescens*), pygmy date palm (*Phoenix roebelenii*), ponytail palm (*Beaucarnea recurvata*), queen palm (*Syagrus romanzoffiana*), foxtail palm (*Wodyetia bifurcata*), American mahogany (*Swietenia macrophylla*), Florida avocado (*Persea americana*), and Australian umbrella tree (*Schefflera arboricola*). The subcanopy consists of Brazilian pepper (*Schinus terebinthifolia*), bird of paradise (*Strelitzia reginae*), croton (*Codiaeum variegatum*), ti plant (*Cordyline fruticose*), sapling pygmy date palm, sapling areca palm, dwarf Australian umbrella tree, and Spanish bayonet (*Yucca aloifolia*). The groundcover consists of St. Augustine grass (*Stenotaphrum secundatum*), torpedo grass (*Panicum repens*), Bermuda grass (*Cynodon dactylon*), and dog fennel (*Eupatorium capillifolium*).

5.0 Wetland Jurisdiction and Permitting Needs

5.1 Lee County

The site is located within the jurisdictional boundaries of unincorporated Lee County. Lee County does not have an independent regulatory program for wetland or surface water impacts, or endangered species impacts, but requires that all new developments be conducted in accordance with other state and federal permitting agencies (SFWMD, FDEP, USACE, USFWS, FWC, etc.) under Section 34-1577 of the Lee County Land Development Code (LDC).

5.2 South Florida Water Management District

The site is located within the jurisdictional boundary of SFWMD. No indications of the presence of SFWMD jurisdictional wetlands or surface waters were identified on site. However, an environmental resource permit (ERP) application would still need to be submitted to address stormwater needs as they relate to the project.

5.3 Florida Department of Environmental Protection

Currently wetlands and surface waters are assessed to determine if they would constitute WOTUS and be federally regulated by the FDEP under the Assumed Waters Rule that went into effect on December 22, 2020. Although the Navigable Waters Protection Rule (NWPR) was vacated in federal court on August 31, 2021, the FDEP is using the NWPR to make jurisdictional determinations for one calendar year from the date of vacatur. Based on a review of the site, there are no wetlands or surface waters located on the site. Therefore, a State 404 Program permit should not be required by FDEP.

6.0 Functional Assessment

No wetlands or applicable surface waters were found onsite. Therefore, a preliminary UMAM analysis was not conducted during the site assessment.

7.0 Listed Species Assessment

7.1 Listed Wildlife

During the site reconnaissance, Terracon surveyed utilizing the methodologies as outlined in Section 2.2 of this report. Based on our observations, potential habitat for the following fauna was identified on site:

- **American Alligator** *(Alligator mississippiensis)*: This species is listed a federally threatened due to similarity of appearance to the American crocodile. The species inhabits freshwater lakes, slow moving rivers, and brackish waters. Potential habitat for this species is located on the southern site boundary near the south adjoining surface water. However, because the proposed development activities will not impact aquatic resources and no surface water was identified to extend onto the site boundary, the proposed development is not likely to adversely affect the American alligator.

- **Florida Burrowing Owl** *(Athene cunicularia floridana)*: This species inhabits high, sparsely vegetated areas with sandy substrate. These areas typically include dry prairie, sandhill, pastures, ruderal areas, roadsides, ballfields, parks, etc. The site contains suitable habitat for this species; however, the site was investigated for burrows and no burrows or owls were identified on site. Based on the results of the site reconnaissance, additional coordination with FWC should not be required for this species.

- **Gopher Tortoise** *(Gopherus polyphemus)*: The gopher tortoise is listed as a state-threatened species. Typical habitat for this species includes dry upland habitats which include disturbed sites and improved pastures. The site contains suitable habitat for this species; however, the site was investigated for burrows and no burrows were identified on site. Based on the results of the site reconnaissance, additional coordination with FWC should not be required for this species.

- **Southeastern American Kestrel** *(Falco sparverius paulus):* It should be noted that although not listed on the IPaC or FNAI reports, the project site falls within the documented range of the state-threatened southeastern American kestrel. This species forages in open pine forests, old fields, and pastures. This species is a secondary cavity nesting species and typically utilizes owl and woodpecker cavities for nesting. During the site reconnaissance, no kestrels or potential nest trees were identified on site. Therefore, it is the opinion of Terracon that the proposed development is not likely to adversely affect this species and additional coordination with FWC should not be required.

- **Wood Stork** (*Mycteria americana*): This state/federally listed species typically nests in forested wetlands and forages in shallow ponds and freshwater marshes. Although this site is located within a wood stork core foraging area (CFA), Terracon did not observe foraging or nesting habitat on site. Therefore, it is the opinion of Terracon that the proposed development will have *No Effect* on this species, and no additional coordination with USFWS should be required for this species.

No other listed threatened or endangered fauna species or suitable habitat for listed fauna species was identified on site during the site reconnaissance.

7.2 Migratory Birds

7.2.1 Bald Eagles

Bald Eagles are protected under the Bald and Golden Eagle Protection Act (BGEP) and the Migratory Bird Treaty Act (MBTA). No bald eagle *(Haliaeetus leucocephalus)* or golden eagle *(Aquila chrysaetos)* individuals, nests, or eggs was noted on the site during the site reconnaissance. In addition, Terracon accessed the bald eagle nest locator dataset provide through FDEP's Map Direct database, as well as the eagle nest location map made available through the National Audubon Society's Eagle Watch Program website. According to these sources, there are no documented bald eagle nests or eagle nest protection zones within one mile of the project site. No impacts to bald eagles are anticipated during site development.

7.2.2 Other Migratory Birds

No migratory birds, nests, or eggs protected under the MBTA were noted on the site during the site reconnaissance.

7.3 Listed Plant Species

No listed threatened or endangered plant species was identified on site during the site reconnaissance. It should be noted that the site reconnaissance may have been conducted outside of the survey season for certain species; however, there are currently no state or federal regulatory protections regarding the removal or destruction of listed plant species unless they are located on federal lands. As such, additional consultation with the agencies regarding listed plant species should not be required.

8.0 Conclusions and Recommendations

The site was investigated to identify the potential presence of wetlands and listed species on the site. Based on the results of our assessment, Terracon makes the following conclusions and recommendations:

- No wetlands or surface waters were identified on the site. An ERP application will need to be submitted to SFWMD to address stormwater needs as they relate to the project.
- No wetlands or surface waters were identified on site. Therefore, a State 404 Program permit should not be required by FDEP.
- No listed threatened or endangered species, or their habitat, were identified on site. Therefore, it is the opinion of Terracon that the proposed project will have no effect on listed threatened or endangered species.

9.0 Standard of Care

Terracon's services were performed in a manner consistent with generally accepted practices of the profession undertaken in similar studies in the same geographical area during the same time period. Terracon makes no warranties, express or implied, regarding the findings, conclusions or recommendations. Please note that Terracon does not warrant the work of laboratories, regulatory agencies or other third-party resources supplying information used in the preparation of the report. These services were performed in accordance with the scope of work agreed to by the client. Findings, conclusions, and recommendations resulting from these services are based upon information derived from the on-site activities and other services performed under this scope of work; such information is subject to change over time. Certain indicators of the presence of wetlands may have been latent, inaccessible, unobservable, or not present during our services.

10.0 User Reliance

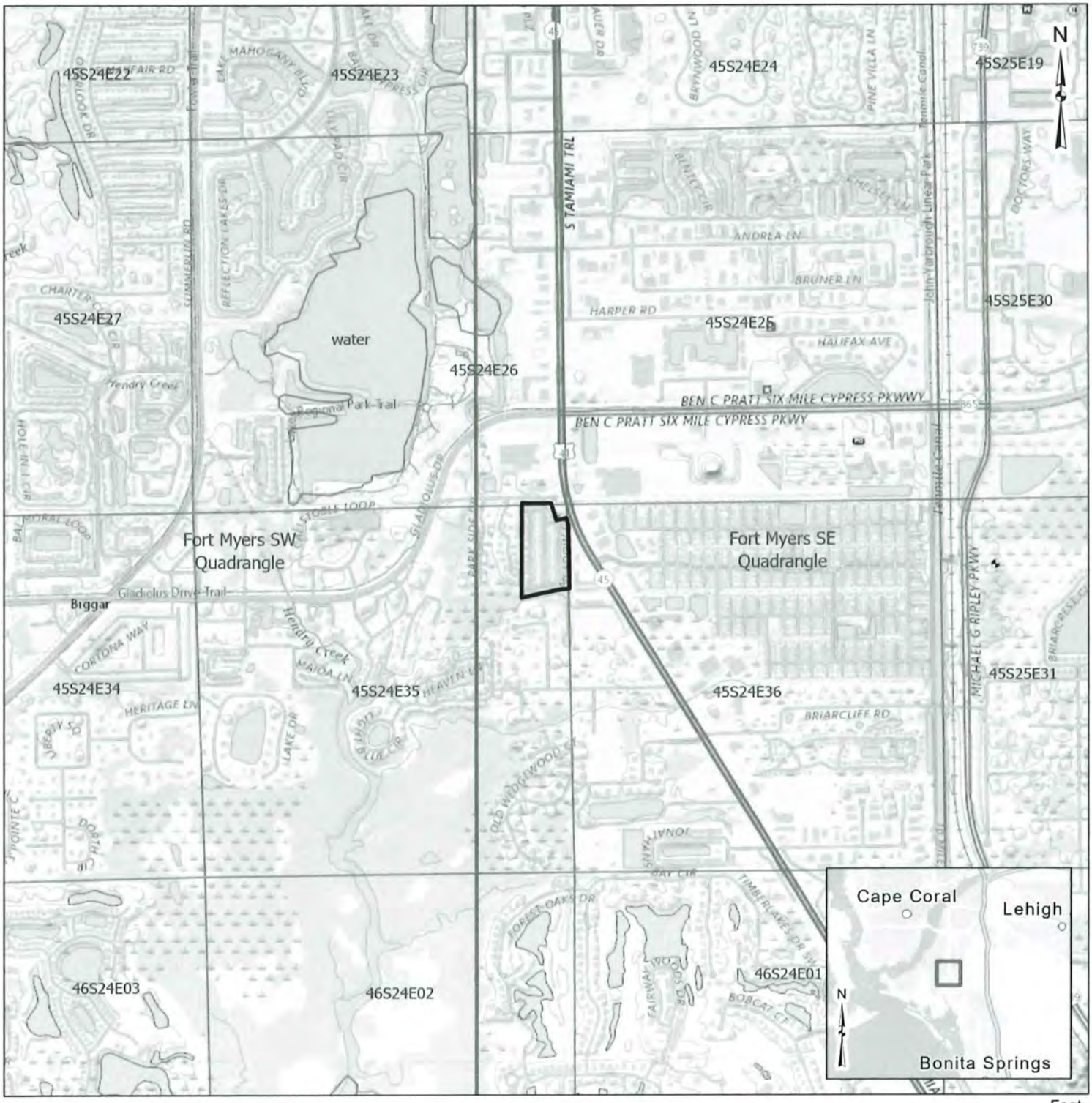
This report is prepared for the exclusive use and reliance of Flournoy Development Group. Use or reliance by any other party is prohibited without the written authorization of Flournoy Development Group and Terracon Consultants, Inc. (Terracon). Reliance on this report by the client and all authorized parties will be subject to the terms, conditions and limitations stated in the proposal and Terracon's Agreement for Services. The limitation of liability defined in the Agreement for Services is the aggregate limit of Terracon's liability to the client and all relying parties.

11.0 Additional Considerations

It should be noted that development projects within the state of Florida typically involve additional natural resources considerations that are regulated by state, and federal agencies as well as local governments. Additionally, the project funding may constitute a federal nexus and be subject to regulation under the National Environmental Policy Act (NEPA); which requires additional consutlation efforts with federal agencies, native american tribes, and the general public. At the request of the client, Terracon can provide the following services:

- Tree inventories/Health Assessments
- Tree Mitigation Plans And Permitting Assistance
- Desk-Based Assessment (DBA) for Archaeological and Historical Resources
- Cultural Resources Assessment Survey (CRAS)
- Historical Structure Assessments and National Register Nominations
- NEPA Services
- Public Outreach
- Guidance on Environmental and Cultural Elements of Land Development Code (LDC)
- Land Use Feasibility Studies
- Wetland Mitigation Bank Siting, Permitting, and Monitoring
- Grant Management Services

Appendix A
Exhibits



DATA SOURCES:
USGS Topographic Survey; Fort Myers SE Quadrangle; ESRI - USGS Topographic Basemap & World Navigation Map

Project No.:	H1237288
Date:	Jun 2023
Drawn By:	GRS
Reviewed By:	SP

Terracon
1675 Lee Road Winter Park, FL 32789
PH. (407) 740-6110 terracon.com

Project Location

Natural Resources Assessment
Fort Myers Multi-Tenant Development
Lee County, Florida

Exhibit

1

Project Boundary (18.72 ac.±)
Lee County Parcels

Feet
0 100 200 400

DATA SOURCES:
Lee County - Parcels (2023); ESRI - World Imagery Hybrid Basemap & World Navigation Map

Project No.:	H1237288
Date:	Jun 2023
Drawn By:	GRS
Reviewed By:	SP

Terracon
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Aerial Photograph

Natural Resources Assessment
Fort Myers Multi-Tenant Development
Lee County, Florida

Exhibit

2

Project Boundary

SSURGO Soils

- 6, Hallandale Fine Sand
- 39, Isles Fine Sand, Depressional
- 42, Wabasso Sand, Limestone Substratum
- 59, Urban Land

DATA SOURCES:
USDA - NRCS SSURGO Soils Survey of Lee County, FL; ESRI - World Imagery Hybrid Basemap & World Navigation Map

Project No.:	H1237288
Date:	Jun 2023
Drawn By:	GRS
Reviewed By:	SP

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NRCS Soils

Natural Resources Assessment
Fort Myers Multi-Tenant Development
Lee County, Florida

Exhibit

3

Project Boundary

National Wetlands Inventory
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine
- Estuarine and Marine Deepwater

Feet
0 250 500 1,000

DATA SOURCES:
USFWC - National Wetlands Inventory (NWI), ESRI - World Imagery Basemap & World Navigation Map

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Project No.:	H1237288
Date:	Jun 2023
Drawn By:	GRS
Reviewed By:	SP

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National Wetlands Inventory

Natural Resources Assessment
Fort Myers Multi-Tenant Development
Lee County, Florida

Exhibit

4

Project Boundary

FEMA Flood Hazard Zones

Zone AE - Base Flood Elev. Determined

Zone AE Floodway

Feet

0 300 600 1,200

DATA SOURCES:
FEMA - Flood Hazard Zones for Lee County (Effective Date 11/16/2022); FIRM Panel - 12071C0438G; ESRI - World Imagery Basemap & World Navigation Map

Project No.:	H1237288
Date:	Jun 2023
Drawn By:	GRS
Reviewed By:	SP

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FEMA

Natural Resources Assessment
Fort Myers Multi-Tenant Development
Lee County, Florida

Exhibit

5

Project Boundary (18.72 ac.±)

FLUCFCS

122, Mobile Home Units (18.72 ac.±)

Feet

0 100 200 400

DATA SOURCES:
Florida Land Use, Cover and Forms Classification System (FLUCFCS), ESRI - World Imagery Basemap & World Navigation Map

Project No.:	H1237288
Date:	Jun 2023
Drawn By:	GRS
Reviewed By:	SP

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Existing Site Conditions

Natural Resources Assessment
Fort Myers Multi-Tenant Development
Lee County, Florida

Exhibit

6

Appendix B
Photos

Photo #1 View of Mapped FLUCFCS Code – 122 Mobile Home Units

Photo #2 View of Mapped FLUCFCS Code – 122 Mobile Home Units

Photo #3 View of Mapped FLUCFCS Code – 122 Mobile Home Units

Photo #4 View of Mapped FLUCFCS Code – 122 Mobile Home Units

Photo #5 View of southern property boundary and south adjoining surface water body

Appendix C
Species Lists

Table 1 Listed Threatened and Endangered Species				
Species	**Federal Status**	**State Status**	**Habitat**	**Habitat Present**
Reptiles				
American Alligator (*Alligator mississippiensis*)		T	Freshwater, slow moving rivers, swamps, marshes, and lakes.	No suitable habitat observed on site.
American Crocodile (*Crocodylus acutus*)	E	E	Coastal estuarine marshes, tidal swamps, and creeks along edges of mainland and islands. Usually associated with mangroves. Nests on beaches, stream banks, and levees.	No suitable habitat observed on site.
Eastern Indigo Snake *(Drymarchon couperi)*	T	T	Broad range of habitats, from scrub and sandhill to wet prairies and mangrove swamps. In northern part of range, often winters in gopher tortoise burrows in sandy uplands but forages in more hydric habitats. Requires very large tracts to survive.	No suitable habitat observed on site.
Gopher Tortoise *(Gopherus polyphemus)*	C	T	Typically found in dry upland habitats, including sandhills, scrub, xeric oak hammock, and dry pine flatwoods; also commonly uses disturbed habitats such as pastures, old fields, and road shoulders. Tortoises excavate deep burrows for refuge from predators, weather, and fire; more than 300 other species of animals have been recorded sharing these burrows. Above-ground activity is greatly reduced during cold weather, with tortoises in northern Florida remaining below ground for months.	Suitable habitat observed on site; no burrows identified onsite.
Birds				
Audubon's Crested Caracara *(Polyborus plancus audubonii)*	T		The Florida population commonly occurs in dry or wet prairie areas with scattered cabbage palms (Sabal palmetto). It may also be found in lightly wooded areas. Scattered saw palmetto, scrub oaks, and cypress may also be present. Widespread changes in land use may have forced a change in the type of habitat this subspecies will use. The caracara now uses improved or semi-improved pasture. The presence of seasonal wetlands may be an important factor in the attractiveness of these pastures to caracaras	No suitable habitat observed on site.

Table 1 Listed Threatened and Endangered Species				
Species	**Federal Status**	**State Status**	**Habitat**	**Habitat Present**
Bald Eagle (Haliaeetus leucocephalus)		FT	Areas close to coast, bays, rivers, lakes, or other water bodies. Nests in tall trees that provide clear view of surroundings	No suitable habitat observed on site.
Eastern Black Rail (*Laterallus jamaicensis*)	T		Tidally or non-tidally influenced, and range in salinity from salt to brackish to fresh. Can be found in higher elevation wetland zones with some shrubby vegetation. Impounded and unimpounded intermediate marshes	No suitable habitat observed on site.
Everglade Snail Kite *(Rostrhamus sociabilis plumbeus)*	E	N	Snail Kite habitat consists of freshwater marshes and the shallow vegetated edges of natural and manmade lakes where apple snails can be found. Snail Kites require foraging areas that are relatively clear and open so that they can visually search for apple snails.	No suitable habitat observed on site.
Florida Burrowing Owl *(Athene cunicularia floridana)*		T	High, sparsely vegetated, sandy ground. Natural habitats include dry prairie and sandhill. Makes extensive use of ruderal areas such as pastures, airports, ball fields, parks, school grounds, university campuses, road right-of-ways, and vacant spaces in residential areas. Seasonal Occurrence: Predominately non-migratory; maintains home ranges and territories while nesting	Suitable habitat observed on site; no burrows identified onsite.
Wood Stork *(Mycteria americana)*	T	T	Nests colonially in a variety of inundated forested wetlands, including cypress strands and domes, mixed hardwood swamps, sloughs, and mangroves. Forages mainly in shallow water in freshwater marshes, swamps, lagoons, ponds, tidal creeks, flooded pastures and ditches, where they are attracted to falling water levels that concentrate food sources (mainly fish).	No suitable habitat observed onsite.
Mammals				
Big Cypress Fox Squirrel		T	Primarily a ground dwelling species that inhabits stands of cypress, slash pine savanna, mangrove swamps, tropical hardwood forests, live oak woods, coastal broadleaf evergreen hammocks, and suburban habitat including golf courses, city parks, and residential areas.	No suitable habitat observed on site.

Table 1 Listed Threatened and Endangered Species				
Species	**Federal Status**	**State Status**	**Habitat**	**Habitat Present**
Florida Panther (*Puma concolor coryi*)		E	Requires extensive blocks of mostly forested communities. Large wetlands that are generally inaccessible to humans are important for diurnal refuge. Will tolerate improved areas in a mosaic of natural communities.	No suitable habitat observed on site.
Florida Bonneted Bat (*Eumops glaucinus floridanus*)		E	Roosts in palms and hollow trees and in buildings. Forages high in air over natural as well as human-altered landscapes	No suitable habitat observed on site.
Insects				
Miami Blue Butterfly (*Cyclargus thomasi bethunebakeri*)		E	Inhabits tropical hardwood hammocks, tropical pine rocklands, and beachside scrub in Florida.	No suitable habitat observed on site.
Plants				
Aboriginal Prickly-Apple (*Harrisia aboriginum*)	E		This cactus occurs in Florida in coastal strand vegetation (relatively low salt-tolerant shrubs and grasses), tropical coastal hammocks. Populations are likely to be at least on sites with shelly substrates. Plants may be quite close to the mangrove zone, but not in it.	No suitable habitat observed on site.
Beautiful Pawpaw *(Deeringothamnus pulchellus)*	E	E	Open slash pine or longleaf pine flatwoods with wiregrass and dwarf live oak in the understory.	No suitable habitat observed on site.
Celestial Lily *(Nemastylis floridana)*		E	Wet flatwoods, prairies, marshes, cabbage palm hammocks edges.	No suitable habitat observed on site.
Florida Beargrass		T	Scrub, sandhill, scrubby flatwoods, and xeric hammock	No suitable habitat observed on site.

Table 1 Listed Threatened and Endangered Species				
Species	**Federal Status**	**State Status**	**Habitat**	**Habitat Present**
(Nolina atopacarpa)				
Many-flowered Grass Pink *(Calopogon multiflorus)*		T	Fire maintained damp pinelands and meadows	No suitable habitat observed on site.
Nodding Pinweed *(Lechea cernua)*		T	Sand pine scrub	No suitable habitat observed on site.
Sanibel Lovegrass (*Eragrostis pectinaceae var. tracyi*)		E	Roadsides, railroad embankments, gardens and cultivated fields.	No suitable habitat observed on site.
Small's Flax (Linum carteri) Small		E	Pine rockland. Small's flax: pine rocklands, pine flatwoods, adjacent disturbed areas.	No suitable habitat observed on site.

TABLE 1 KEY

[1] No longer listed in Florida as of January 11,2017, but is part of the *Imperiled Species Management Plan*
[2] No longer listed in Florida as of January 11,2017. Commensal species with gopher tortoise.

FEDERAL LEGAL STATUS: Definitions derived from U.S. Endangered Species Act of 1973, Sec. 3. Note that the federal status given by FNAI refers only to Florida populations and that federal status may differ elsewhere.

C = Candidate species for which federal listing agencies have sufficient information on biological vulnerability and threats to support proposing to list the species as Endangered or Threatened.
E = Endangered: species in danger of extinction throughout all or a significant portion of its range.
T = Threatened: species likely to become Endangered within the foreseeable future throughout all or a significant portion of its range.
SAT = Treated as threatened due to similarity of appearance to a species which is federally listed such that enforcement personnel have difficulty in attempting to differentiate between the listed and unlisted species.

STATE LEGAL STATUS: Provided by FNAI for information only. For official definitions and lists of protected species, consult the relevant state agency. Definitions derived from "Florida's Endangered Species and Species of Special Concern, Official Lists" published by Florida Fish and Wildlife Conservation Commission, 1 August 1997, and subsequent updates.

C = Candidate for listing at the Federal level by the USFWS
FE = Listed as Endangered Species at the Federal level by the USFWS
FT = Listed as Threatened Species at the Federal level by the USFWS
FT(S/A) = Federal Threatened due to similarity of appearance

ST = State population listed as Threatened by the FWC. Defined as a species, subspecies, or isolated population which is acutely vulnerable to environmental alteration, declining in number at a rapid rate, or whose range or habitat is decreasing in area at a rapid rate and as a consequence is destined or very likely to become an endangered species within the foreseeable future.

SSC = Listed as Species of Special Concern by the FWC. Defined as a population which warrants special protection, recognition, or consideration because it has an inherent significant vulnerability to habitat modification, environmental alteration, human disturbance, or substantial human exploitation which, in the foreseeable future, may result in its becoming a threatened species. (SSC* for *Pandion haliaetus* (Osprey) indicates that this status applies in Monroe county only.)

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Florida Ecological Services Field Office
1339 20th Street
Vero Beach, FL 32960-3559
Phone: (772) 562-3909 Fax: (772) 562-4288
Email Address: fw4flesregs@fws.gov
https://www.fws.gov/office/florida-ecological-services

In Reply Refer To:
Project Code: 2023-0091640
Project Name: Ft. Myers

June 09, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. **Please include your Project Code, listed at the top of this letter, in all subsequent correspondence regarding this project.** Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see https://www.fws.gov/birds/policies-and-regulations.php.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of

this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Marine Mammals
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Florida Ecological Services Field Office
1339 20th Street
Vero Beach, FL 32960-3559
(772) 562-3909

PROJECT SUMMARY

Project Code: 2023-0091640
Project Name: Ft. Myers
Project Type: Commercial Development
Project Description: Multi-Family
Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@26.52243285,-81.87194751840599,14z

Counties: Lee County, Florida

ENDANGERED SPECIES ACT SPECIES

There is a total of 19 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Florida Bonneted Bat *Eumops floridanus* There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8630	Endangered
Florida Panther *Puma (=Felis) concolor coryi* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1763	Endangered
Puma (=mountain Lion) *Puma (=Felis) concolor (all subsp. except coryi)* Population: FL No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6049	Similarity of Appearance (Threatened)
West Indian Manatee *Trichechus manatus* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. ***This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.*** Species profile: https://ecos.fws.gov/ecp/species/4469	Threatened

BIRDS

NAME — STATUS

Audubon's Crested Caracara *Polyborus plancus audubonii* — Threatened
- Population: FL pop.
- No critical habitat has been designated for this species.
- Species profile: https://ecos.fws.gov/ecp/species/8250

Eastern Black Rail *Laterallus jamaicensis ssp. jamaicensis* — Threatened
- No critical habitat has been designated for this species.
- Species profile: https://ecos.fws.gov/ecp/species/10477

Red Knot *Calidris canutus rufa* — Threatened
- There is **proposed** critical habitat for this species.
- Species profile: https://ecos.fws.gov/ecp/species/1864

Wood Stork *Mycteria americana* — Threatened
- Population: AL, FL, GA, MS, NC, SC
- No critical habitat has been designated for this species.
- Species profile: https://ecos.fws.gov/ecp/species/8477
- General project design guidelines: https://ipac.ecosphere.fws.gov/project/3HCM5C6J5ND55ACJRMHV7NCBEI/documents/generated/6954.pdf

REPTILES

NAME — STATUS

American Alligator *Alligator mississippiensis* — Similarity of Appearance (Threatened)
- No critical habitat has been designated for this species.
- Species profile: https://ecos.fws.gov/ecp/species/776

American Crocodile *Crocodylus acutus* — Threatened
- Population: U.S.A. (FL)
- There is **final** critical habitat for this species. Your location does not overlap the critical habitat.
- Species profile: https://ecos.fws.gov/ecp/species/6604

Eastern Indigo Snake *Drymarchon couperi* — Threatened
- No critical habitat has been designated for this species.
- Species profile: https://ecos.fws.gov/ecp/species/646

Green Sea Turtle *Chelonia mydas* — Threatened
- Population: North Atlantic DPS
- There is **final** critical habitat for this species. Your location does not overlap the critical habitat.
- Species profile: https://ecos.fws.gov/ecp/species/6199

Kemp's Ridley Sea Turtle *Lepidochelys kempii* — Endangered
- There is **proposed** critical habitat for this species.
- Species profile: https://ecos.fws.gov/ecp/species/5523

Loggerhead Sea Turtle *Caretta caretta* — Threatened
- Population: Northwest Atlantic Ocean DPS
- There is **final** critical habitat for this species. Your location does not overlap the critical habitat.
- Species profile: https://ecos.fws.gov/ecp/species/1110

FISHES

NAME — STATUS

Gulf Sturgeon *Acipenser oxyrinchus (=oxyrhynchus) desotoi* — Threatened

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.
Species profile: https://ecos.fws.gov/ecp/species/651

INSECTS

NAME — STATUS

Miami Blue Butterfly *Cyclargus (=Hemiargus) thomasi bethunebakeri* — Endangered

No critical habitat has been designated for this species.
Species profile: https://ecos.fws.gov/ecp/species/3797

Monarch Butterfly *Danaus plexippus* — Candidate

No critical habitat has been designated for this species.
Species profile: https://ecos.fws.gov/ecp/species/9743

FLOWERING PLANTS

NAME — STATUS

Aboriginal Prickly-apple *Harrisia (=Cereus) aboriginum (=gracilis)* — Endangered

Population:
There is **final** critical habitat for this species. Your location does not overlap the critical habitat.
Species profile: https://ecos.fws.gov/ecp/species/2833

Beautiful Pawpaw *Deeringothamnus pulchellus* — Endangered

Population:
No critical habitat has been designated for this species.
Species profile: https://ecos.fws.gov/ecp/species/4069

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

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1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Kestrel *Falco sparverius paulus* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9587	Breeds Apr 1 to Aug 31
American Oystercatcher *Haematopus palliatus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8935	Breeds Apr 15 to Aug 31

NAME	BREEDING SEASON
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Sep 1 to Jul 31
Black Skimmer *Rynchops niger* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5234	Breeds May 20 to Sep 15
Chimney Swift *Chaetura pelagica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Great Blue Heron *Ardea herodias occidentalis* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Jan 1 to Dec 31
Gull-billed Tern *Gelochelidon nilotica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9501	Breeds May 1 to Jul 31
King Rail *Rallus elegans* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8936	Breeds May 1 to Sep 5
Lesser Yellowlegs *Tringa flavipes* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Magnificent Frigatebird *Fregata magnificens* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Oct 1 to Apr 30
Mangrove Cuckoo *Coccyzus minor* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Apr 20 to Aug 20
Painted Bunting *Passerina ciris* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Apr 25 to Aug 15
Prairie Warbler *Dendroica discolor* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Red-headed Woodpecker *Melanerpes erythrocephalus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10

NAME	BREEDING SEASON
Reddish Egret *Egretta rufescens* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/7617	Breeds Mar 1 to Sep 15
Ruddy Turnstone *Arenaria interpres morinella* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Short-billed Dowitcher *Limnodromus griseus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9480	Breeds elsewhere
Swallow-tailed Kite *Elanoides forficatus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8938	Breeds Mar 10 to Jun 30
Willet *Tringa semipalmata* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 5
Wilson's Plover *Charadrius wilsonia* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 1 to Aug 20

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (▪)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee

was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ( )
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

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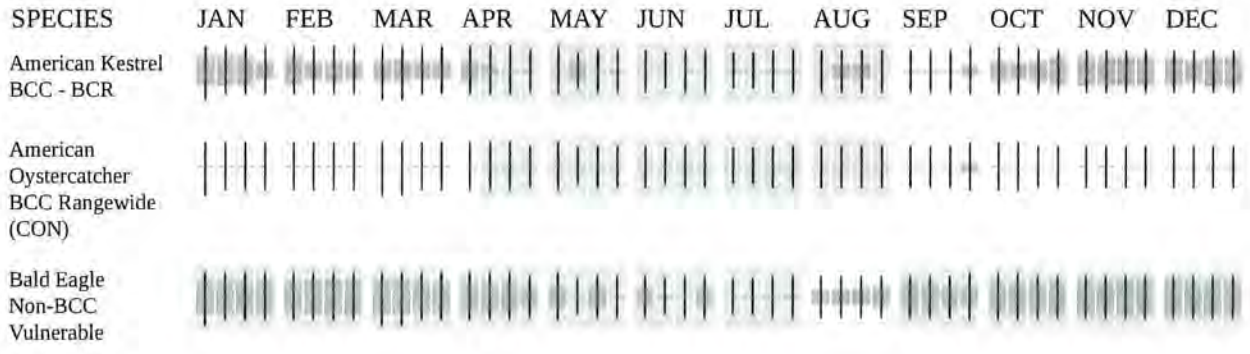
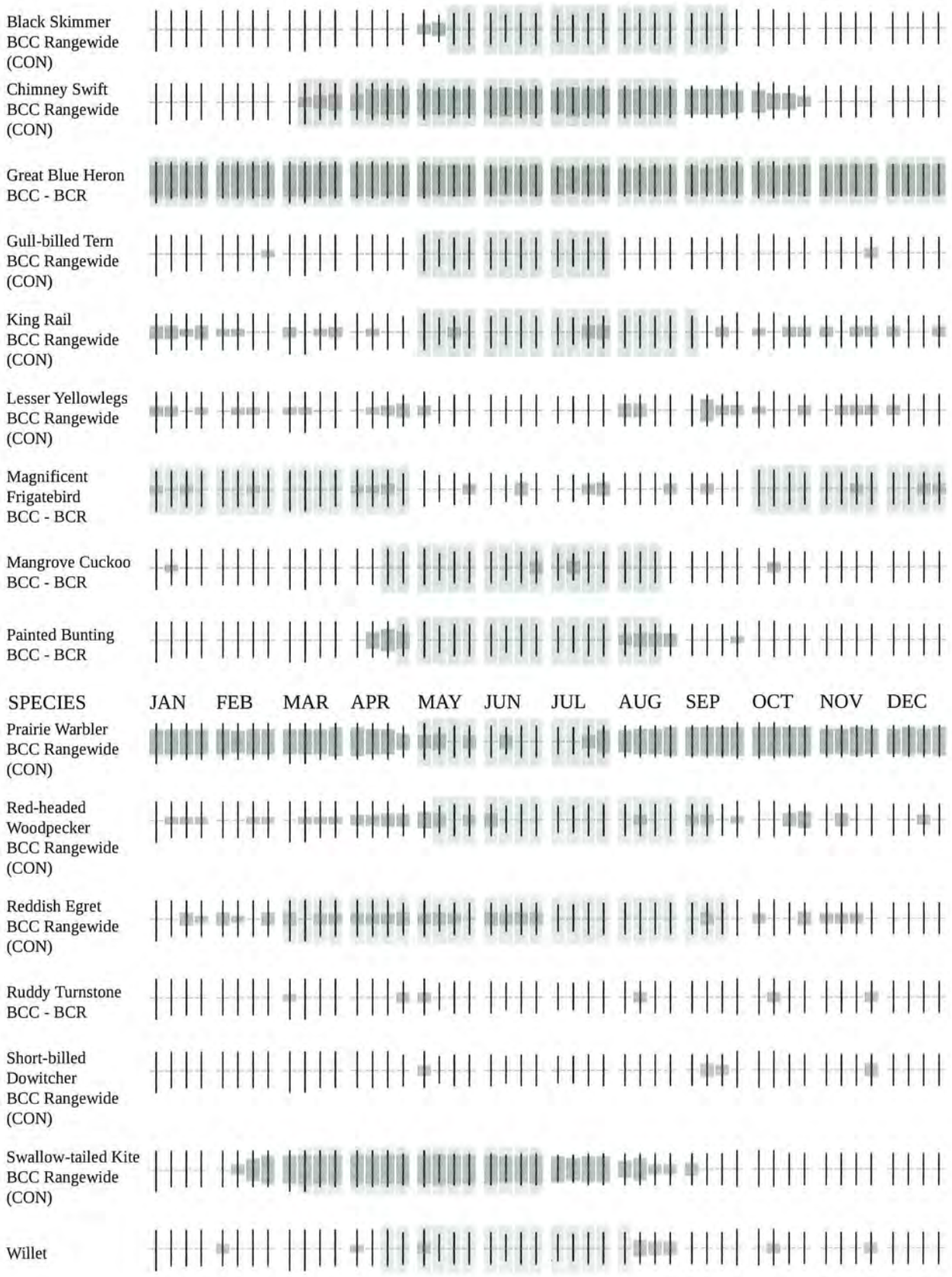
probability of presence breeding season | survey effort – no data




Black Skimmer BCC Rangewide (CON)
Chimney Swift BCC Rangewide (CON)
Great Blue Heron BCC - BCR
Gull-billed Tern BCC Rangewide (CON)
King Rail BCC Rangewide (CON)
Lesser Yellowlegs BCC Rangewide (CON)
Magnificent Frigatebird BCC - BCR
Mangrove Cuckoo BCC - BCR
Painted Bunting BCC - BCR
SPECIES
JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC
Prairie Warbler BCC Rangewide (CON)
Red-headed Woodpecker BCC Rangewide (CON)
Reddish Egret BCC Rangewide (CON)
Ruddy Turnstone BCC - BCR
Short-billed Dowitcher BCC Rangewide (CON)
Swallow-tailed Kite BCC Rangewide (CON)
Willet

BCC Rangewide (CON)

Wilson's Plover
BCC Rangewide (CON)

Additional information can be found using the following links:

- Birds of Conservation Concern https://www.fws.gov/program/migratory-birds/species
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf

MIGRATORY BIRDS FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the Rapid Avian Information Locator (RAIL) Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?
To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the RAIL Tool and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?
Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects
For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?
If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report
The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

MARINE MAMMALS

Marine mammals are protected under the Marine Mammal Protection Act. Some are also protected under the Endangered Species Act[1] and the Convention on International Trade in Endangered Species of Wild Fauna and Flora[2].

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walruses, polar bears, manatees, and dugongs] and NOAA Fisheries[3] [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the Marine Mammals page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

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1. The Endangered Species Act (ESA) of 1973.
2. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
3. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

NAME

West Indian Manatee *Trichechus manatus*

Species profile: https://ecos.fws.gov/ecp/species/4469

WETLANDS

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- R5UBFx

FRESHWATER FORESTED/SHRUB WETLAND

- PFO3Cd

IPAC USER CONTACT INFORMATION

Agency: Terracon
Name: Sarah Phillips
Address: 5463 W Waters Ave Ste 830
City: Tampa
State: FL
Zip: 33634
Email sarah.phillips@terracon.com
Phone: 8133210312

1018 Thomasville Road
Suite 200-C
Tallahassee, FL 32303
850-224-8207
850-681-9364 fax
www.fnai.org

Florida Natural Areas Inventory

Biodiversity Matrix Query Results

UNOFFICIAL REPORT

Created 6/9/2023

(Contact the FNAI Data Services Coordinator at 850.224.8207 or kbrinegar@fnai.fsu.edu for information on an official Standard Data Report)

NOTE: The Biodiversity Matrix includes only rare species and natural communities tracked by FNAI.

Report for 2 Matrix Units: 36940 , 36941

Descriptions

DOCUMENTED - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit.

DOCUMENTED-HISTORIC - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit; however the occurrence has not been observed/reported within the last twenty years.

LIKELY - The species or community is *known* to occur in this vicinity, and is considered likely within this Matrix Unit because:

1. documented occurrence overlaps this and adjacent Matrix Units, but the documentation isn't precise enough to indicate which of those Units the species or community is actually located in; *or*
2. there is a documented occurrence in the vicinity and there is suitable habitat for that species or community within this Matrix Unit.

POTENTIAL - This Matrix Unit lies within the known or predicted range of the species or community based on expert knowledge and environmental variables such as climate, soils, topography, and landcover.

Matrix Unit ID: 36940

1 **Documented** Element Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Haliaeetus leucocephalus Bald Eagle	G5	S3	N	N

0 **Documented-Historic** Elements Found

3 **Likely** Elements Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Mesic flatwoods	G4	S4	N	N
Mycteria americana Wood Stork	G4	S2	T	FT
Sciurus niger avicennia Big Cypress Fox Squirrel	G5T2	S2	N	ST

Matrix Unit ID: 36941

0 **Documented** Elements Found

0 **Documented-Historic** Elements Found

2 **Likely** Elements Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Mesic flatwoods	G4	S4	N	N
Sciurus niger avicennia Big Cypress Fox Squirrel	G5T2	S2	N	ST

Matrix Unit IDs: 36940 , 36941

21 **Potential** Elements Common to Any of the 2 Matrix Units

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Ardea herodias occidentalis Great White Heron	G5T2	S2	N	N
Athene cunicularia floridana Florida Burrowing Owl	G4T3	S3	N	ST
Calopogon multiflorus many-flowered grass-pink	G2G3	S2S3	N	T
Crocodylus acutus American Crocodile	G2	S2	T	FT
Deeringothamnus pulchellus beautiful pawpaw	G1	S1	E	E

Drymarchon couperi Eastern Indigo Snake	G3	S2?	T	FT
Elytraria caroliniensis var. angustifolia narrow-leaved Carolina scalystem	G4T2	S2	N	N
Eragrostis pectinacea var. tracyi Sanibel lovegrass	G5T1	S1	N	E
Eretmochelys imbricata Hawksbill Sea Turtle	G3	S1	E	FE
Gopherus polyphemus Gopher Tortoise	G3	S3	C	ST
Gymnopogon chapmanianus Chapman's skeletongrass	G3	S3	N	N
Lechea cernua nodding pinweed	G3	S3	N	T
Linum carteri var. smallii Small's flax	G2T2	S2	N	E
Nemastylis floridana celestial lily	G2	S2	N	E
Nolina atopocarpa Florida beargrass	G3	S3	N	T
Puma concolor coryi Florida Panther	G5T1	S1	E	FE
Rallus longirostris scottii Florida Clapper Rail	G5T3?	S3?	N	N
Rivulus marmoratus Mangrove Rivulus	G4G5	S3	SC	N
Rostrhamus sociabilis Snail Kite	G4G5	S2	E	FE
Setophaga discolor paludicola Florida Prairie Warbler	G5T3	S3	N	N
Ursus americanus floridanus Florida Black Bear	G5T4	S4	N	N

Unofficial Report

These results are considered unofficial. FNAI offers a Standard Data Request option for those needing certifiable data.

Appendix D
Resumes

Brian P. Brandon, PWS

Environmental Department Manager III

PROFESSIONAL EXPERIENCE

Mr. Brandon's experience includes serving in leadership roles at consulting firms in Florida for the past decade, having expert level experience in wetland delineation, wetland permitting and compliance, wetland functional assessment/mitigation plans, wetland monitoring, habitat assessments, habitat conservation plans, floral/vegetation surveys, threatened and endangered species surveys, migratory bird evaluations, wildlife monitoring, creation and maintenance of avian protection programs, tribal and agency consultation pursuant to the National Environmental Policy Act (NEPA), Phase I Environmental Site Assessments (ESA), Asbestos sampling, Lead-based Paint sampling, and other environmental assessment and monitoring techniques. His experience also includes coordination with the United States Fish and Wildlife Service (USFWS), Florida Fish and Wildlife Conservation Commission (FWC), Federal Communications Commission (FCC), various state and tribal historic preservation offices (HPOs), the Florida Department of Environmental Protection (FDEP), United States Army Corps of Engineers (USACE), all 5 Florida Water Management Districts, and dozens of county and municipal representatives for various permitting and compliance projects.

PROJECT EXPERIENCE

Durando Yeehaw Ranch – Yeehaw Junction, Florida

Senior Staff Scientist and Project Manager for land analysis that includes demography of saw palmetto stands, agricultural soil analysis, and land use analysis to determine the correlation between palmetto densities and productivity and available soil nutrients on site. The 12,000-acre project site was proposed to be utilized for saw palmetto propagation and harvesting.

Placid Solar Projects – Highlands County

Senior Staff Scientist and Project Manager for a proposed 2,000 acre solar farm. Scope of services includes wetland delineation and permitting assistance, gopher tortoise and burrowing owl surveys, formal surveys for crested caracara, Florida scrub-jay, Florida bonneted bat, sand skinks and blue-tailed mole skinks, Southeastern American kestrel, and agency consultation.

Endangered Plant Surveys – Lake County Florida

Conducted surveys for the federally endangered Lewton's polygala and clasping warea on an outparcel owned by Seminole State Forest. Surveys were conducted in pre-established plots. The target species were identified, and the growth status was recorded. All collected data was used to monitor yearly population growth, correlate impacts of prescribed fire, and determine if detrimental effects from invasive herbs affected rare plant species population. Work was conducted as a volunteer for the Florida Forest Service.

Endangered Plant Surveys – Polk County, Florida

Conducted demography survey on the state endangered blushing scrub balm at a confidential site in Polk County, Florida. Surveys consisted of measuring

EDUCATION

Bachelor of Science, Biology
University of Central Florida, 2012

Graduate Certificate, Wetlands and Water Resource Management, University of Florida 2020

YEARS WITH TERRACON: 4
YEARS WITH OTHER FIRMS: 6

CERTIFICATIONS

Professional Wetland Scientist (PWS) No. 3405

FWC Authorized Gopher Tortoise Agent No. GTA-14-00004D

FWC Burrowing Owl Authorized Agent No. RAG-21-00005

Certified Florida Master Naturalist

PROFESSIONAL TRAINING

38-Hour USACE Wetland Delineation Training

AFFILIATIONS

Florida Native Plant Society – Tarflower Chapter

National Association of Environmental Professionals

Ecological Society of America

National Audubon Society

Florida Association of Environmental Soil Scientists

Society of Wetland Scientists

and recording plant height and width, and counting stems, flowers, and seeds. The data was used to determine germination rates in response to the prescribed fire regiment of the area.

Grand Medina Resort (Everest Place) – Osceola County, Florida
Project Manager and Senior Ecologist for conducting annual wetland monitoring for Consumptive Use Permit with the City of Apopka. The scope of work included bringing the CUP permit into compliance by conducting wetland monitoring for a two-year period; collecting GPS data of water elevations at four lakes, analyzing vegetative cover, and making a correlation between annual rainfall data, piezometer data, and visual observations to determine if groundwater drawdown is occurring as the result of the City's water usage.

ADDITIONAL EXPERIENCE

Biological Assessments - Alabama, Florida, Georgia, North Carolina, South Carolina*
Project Manager and Lead Biologist. Analyzed habitat structure and performed surveys to determine anticipated impacts to threatened and endangered species and species of special concern pursuant to Section 7 of the Endangered Species Act. Species-specific surveys include gopher tortoise, migratory bird evaluations, bats, red cockaded woodpeckers, Florida scrub-jays, and various vegetation surveys. Consulted with lead agency for determinations of "no adverse effect" findings and coordinated permitting when necessary.

Wetland Delineations –Florida, Georgia, Maryland*
Project Manager and Lead Wetland Scientist. Determined the landward extent of wetlands and other surface waters in accordance with Florida Administrative Code 62-340 and the Army Corps of Engineers wetland delineation methodology. Delineated wetland boundaries and coordinated Environmental Resource Permits (ERP's), Nationwide Permits, and Individual Permits with the FDEP, USACE, and all Water Management Districts.

Migratory Bird Evaluations and Avian Protection Programs – Nationwide*
Director of Migratory Bird Services. Managed and directed a team of scientists to conduct evaluations/formal surveys of Osprey, Bald Eagle, Red-tailed Hawk, Great Horned Owl, Crested Caracara, Crows, Ravens, Eastern Kingbirds, and other migratory birds for compliance with the Migratory Bird Treaty Act (MBTA), Bald and Golden Eagle Protection Act, and Endangered Species Act. Determined nest status and facilitated permit actions. Created and maintained Avian Protection Programs for various national clientele.

SARAH E. PHILLIPS

FIELD SCIENTIST

PROFESSIONAL EXPERIENCE

Sarah is a Field Scientist in Terracon's Tampa, Florida office. She is responsible for conducting and managing Phase I Environmental Site Assessments (ESAs) and Soil and Groundwater Management Plans (SGMPs) for private and state regulatory clients and has served as a Field Technician and Ecologist in Limited Site Investigations (LSIs), Natural Attenuation Monitoring (NAM) reports, Threatened and Endangered (T&E) Species Surveys, Preliminary Wetland Assessments, and Wetland Delineations. Tasks include project management, local agency and state records reviews, historical research, physical site reconnaissance, soil and groundwater sampling activities, regulatory records review, and report writing. Ms. Phillips has served as a Project Manager for assessments throughout the West and Central areas of Florida. Properties assessed have included undeveloped land, retail/commercial developments, industrial facilities, active farms, and multi-family home complexes.

PROJECT EXPERIENCE

Residential Development – Wimauma, Florida
Ecologist for a residential development project. The scope of services includes wetland assessment, listed species assessment and report deliverables. Responsible for assisting with wetland and listed species assessments.

Residential Development – Seffner, Florida
Ecologist for a residential development project. The scope of services includes wetland assessment, listed species assessment and report deliverables. Responsible for assisting with wetland and listed species assessments.

Multi-family Development – Sarasota, Florida
Ecologist for a multi-family development project. The scope of services includes wetland assessment, listed species assessment and report deliverables. Responsible for assisting with wetland and listed species assessments.

Multi-family Development – Palmetto, Florida
Ecologist for a multi-family development project. Scope of work includes wetland delineation, listed species assessment, Uniform Mitigation Assessment Method (UMAM) wetland scoring, permitting of wetland impacts with the USACE, SWFWMD, and the EPC, wetland mitigation, a Phase I ESA, and a LSI and soil sampling activities. Responsible for preparing the Phase I ESA and assisting with LSI preparation, soil sampling activities, wetland delineation, listed species assessment, and UMAM scoring.

Active Farm – Plant City, Florida
Field Scientist for a Phase I Environmental Site Assessment for an approximate 408-acre active farming site. The entirety of the project included a Limited Site Investigation, Environmental Planning wetland assessments and listed species assessments, and Geotechnical services.

EDUCATION

Bachelor of Science, Environmental Science and Policy

Bachelor of Science, Marine Biology

University of South Florida
Tampa, Florida 2022

CERTIFICATIONS
40-Hour HAZWOPER

AFFILIATIONS

The Florida Association of Environmental Professionals (FAEP)

Tampa Bay Association of Environmental Professionals (TBAEP)

American Geophysical Union (AGU)

PRESENTATIONS/ PUBLISHED ARTICLES

"An Investigation into Processes that Define Effective Recycling Legislation in the Tampa Bay Area" presented at the American Geophysical Union Fall Meeting national convention in December 2021

"An Investigation on the Ecological, Economic, and Political Factors of Recycling in the U.S. and the Tampa Bay Area" presented at the University of South Florida's Undergraduate Humanities Conference in January 2022

EXHIBIT M13 – HISTORIC RESOURCES IMPACT ANALYSIS

ROYAL PALM MULTIFAMILY CPA

Historic Resources Impact Analysis

I. REQUEST

The contract purchaser for the 19.33+/- acre subject property, Flournoy Development Group, LLC ("Applicant"), is requesting a Comprehensive Plan Amendment for one change to Lee County's Comprehensive Plan:

1. Amend Map 1-A – Future Land Use – from Central Urban to the Intensive Development Future Land Use Category (FLUC).

Additionally, there is a companion zoning action being submitted to rezone from MHC-2 to Residential Planned Development (RPD) and a Bonus Density application. The intent is to use the property is to redevelop the property to 391 multifamily apartments including site built affordable residential housing.

II. HISTORIC RESOURCES IMPACT ANALYSIS

The property does not contain any historic resources (including structure, districts, and/or archaeologically sensitive areas). A letter has been secured from the Division of Historical Resources - Florida Department of State which is included in this document.

This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at CompliancePermits@dos.MyFlorida.com for project review information.

November 9, 2023

Lindsey Craig
Planner Staff
RVi Planning + Landscape Architecture
10150 Highland Manor Drive, Suite 450 • Tampa, FL 33610
813.443.8282 Main

In response to your request on November 9, 2003, the Florida Master Site File lists no cultural resources recorded within Section 35 Township 45S Range 24E for the Flournoy RPD Project, Lee County.

This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.

- **Because vandalism and looting are common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.**
- **While many of our records document historically significant resources, the documentation of a resource at the Florida Master Site File does not necessarily mean the resource is historically significant.**

#

- **Federal, state and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at** CompliancePermits@dos.MyFlorida.com

Please do not hesitate to contact us if you have any questions regarding the results of this search.

Sincerely,

Eman M. Vovsi

Eman M. Vovsi, Ph.D.
Florida Master Site File
Eman.Vovsi@DOS.MyFlorida.com


Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

EXHIBIT M14 – PUBLIC FACILITIES IMPACTS ANALYSIS

Royal Palm Multifamily CPA

Exhibit 14 - Public Facilities Impacts Analysis

I. REQUEST

The contract purchaser for the 19.33+/- acre subject property, Flournoy Development Group ("Applicant"), is requesting a Comprehensive Plan Amendment for one change to Lee County's Comprehensive Plan:

1. Amend Map 1-A – Future Land Use – from Central Urban to the Intensive Development Future Land Use Category (FLUC).

Additionally, there is a companion zoning action being submitted to rezone the property from MHC-2 to Residential Planned Development (RPD) and a Bonus Density application. The development program is for 391 multifamily apartments where 255 units are derived from base density and 136 from bonus density. The property is within the Coastal High Hazard Area which restricts the option of using bonus; therefore, the requested use of the bonus density will be for site-built affordable housing at 140% AMI.

Comprehensive Plan Amendment (Maps)
The impacts of the requested amendments are compared to the existing by-right entitlements per the future land use designations. The density permitted for the development area is consistent between the current and proposed land use category at up to 22 units per acre.

The uses between the two land use categories both allow for intense uses. The General Interchange FLUC encourages uses that best serve the travelling public and because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial, and multi-family dwelling units. The Intensive Development FLUC is also to be located along major arterial roads and similarly the available and potential levels of public services in both these areas are suited to accommodate high densities and intensities. However, in the Intensive Development category mixed use developments of high-density residential, commercial, limited light industrial, and office uses are encouraged.

CURRENT FUTURE LAND USE	Acreage	Density	Residential Units
Central Urban	19.33 less 1.16 natural waterways = 18.17+/- developable	10 du/acre (base) 4du/acre (bonus)	182 (base) 91 (bonus) **= 273 du**
PROPOSED FUTURE LAND USE	**Acreage**	**Density**	**Residential Units**
Intensive Development	19.33 less 1.16 natural waterways = 18.17+/- developable	14 du/acre (base) 8 du/acre (bonus)	255 (base 145 (bonus) **= 400 du**

Potable Water
The entirety of the subject property is in the Lee County Utilities Future Water Service Area which is demonstrated in Lee Plan Map 4-A. The requested residential density is currently permissible within the existing General Interchange FLUC. The request for utility availability assumed full development of the residential.

Per Lee Plan Policy 95.1.3, an average treatment and disposal capacity of 250 gallons per day per Equivalent Residential Connection (ERC) is required. The 2022 Lee County Concurrency Report indicates that Potable Water is available at a capacity of 319 gallons per day per ERC which exceeds the required LOS. Per Lee County Utilities, sewer capacity is available at the prescribed LOS rate.

A Letter of Availability has been obtained from Lee County Utilities confirming the property will be served by the Corkscrew Water Treatment Plant and capacity is available for the residential density proposed for the subject property which is as follows:

RESIDENTIAL
Existing Maximum Residential per General Interchange FLUC
391 ERC X 250 GPD = 97,750 GPD

Proposed Impact of Residential within Intensive Development
391 ERC X 250 GPD = 97,750 GPD

Sanitary Sewer
The subject property is within the Lee County Utilities Future Sewer Service Area which is demonstrated in Lee Plan Map 4-B.

Per Lee Plan Policy 95.1.3, an average treatment and disposal capacity of 200 gallons per day per Equivalent Residential Connection (ERC) is required. The 2023 Lee County Concurrency Report indicates that Sanitary Sewer is available at a capacity of 141 gallons per day per ERC; which exceeds the required LOS. A Letter of Availability is pending from Lee County Utilities confirming the property will be served by the Gateway Water Treatment Plant and capacity is available for the residential density proposed for the subject property.

RESIDENTIAL
Existing Maximum Residential per General Interchange FLUC
391 ERC X 200 GPD = 78,200 GPD

Proposed Impact of Residential within Intensive Development and the Mixed-use Overlay
391 ERC X 200 GPD = 78,200 GPD

Solid Waste
Per the letter received from Lee County Solid Waste on November 15, 2023, The Lee County Solid Waste Department is capable of providing solid waste collection service for the proposed 391 multi family dwelling units located on the southwest corner of Old Gladius Road and US Highway 41 through our franchised hauling contractors. Disposal of the solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

- LOS Standard = 7 lbs/day/capita OR 990,405 tons/year
- Current Capacity = 7.6 lbs/day/capita OR 1,134,667 tons/year

Surface Water/Drainage Basins
The non-regulatory standards described in Policy 95.1.3(4)(c) require new development to be designed to South Florida Water Management District (SFWMD) standards to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event. Additionally, it requires that the stormwater system must prevent the flooding of designated evacuation routes on the Lee Plan Map 15 from the 25-year, 3-day storm event for more than 24 hours. The proposed map amendment and concurrent residential planned development will be consistent with the requirements of Lee Plan Policy 95.1.3 (including Map 3-J) as an ERP permit is required to be obtained for the proposed development prior to construction commencement.

Parks, Recreation, and Open Space
The non-regulatory standards described in Policy 95.1.3(6)(a & b) require six (6) acres of developed regional park land open for public use per 1,000 total seasonal county population for all of Lee County and 0.8 acres of developed community park land open for public use per 1,000 unincorporated Lee County permanent population.

According to the Letter of Service availability received on November 15, 2023, in April 2014, the Lee County Board of County Commissioners adopted a comprehensive plan amendment eliminating concurrency requirements for transportation and parks, and moved both from regulatory to non-regulatory standards. In light of this, we do not have the authority to deny your request based on parks service availability.

That being said, the below numbers represent the current required and available acreages for regional and community park land as set forth by the requirements of Policy 95.1.3 in the Lee Plan. The Department's available capacity meets the current adopted level-of-service standard, and is projected to meet the adopted level-of-service standard for at least the next five years.

- Required Capacity – 5,538 acres of regional parks and 295 acres of community parks
- Available Capacity – 7,066 acres of regional parks and 832 acres of community parks

Regional Parks Level of Service:
867,000 [seasonal county population] X (6 acres/1,000 population) = 5,202 acres

The 2022 Lee County Concurrency Report indicates that there is a total required 5,202 acres of regional parks and that the available capacity lists 7,051 acres of regional parks therefore there is available capacity to meet the adopted LOS standard.

Additionally, the 2022 Concurrency Report states that the existing inventory meets the regional park level-of-service standard in the County for the year 2019 and will continue to do so at least through the next five years of the capital improvement plan (CIP).

Community Parks Level of Service
361,315 [permanent unincorporated county population] X (0.8 acres/1,000 population) = 295 Acres

The 2020 Lee County Concurrency Report indicates that there is a total required 295 acres of community parks and that the available capacity lists 832 acres of community parks therefore there is available capacity to meet the adopted LOS standard.

Additionally, the 2020 Concurrency Report states that the existing inventory meets the regional park level-of-service standard in the County for the year 2019 and will continue to do so at least through the next five years of the capital improvement plan (CIP).

Public Schools
The subject property is located within the School District of Lee County's South Zone. The letter of capacity from the district has been received on November 16, 2023 and states, "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."

Fire
A letter of Availability received from the South Trail Fire Control and Rescue District Station #62, located at 13500 Sophomore Lane, confirms that the station is available to provide fire suppression and non-transport ALS emergency medical services to the parcels in the development given the proposed density and intensity.

Sheriff
A letter of Availability dated November 16, 2023, states, "This Agency evaluated your rezoning request solely on its ability to provide law enforcement service to the development. Based on that criterion, we do not object to the proposed development. Law enforcement services will be provided from our Central District offices in 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 new development orders or building permits, the applicant shall 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 comments. Please contact Crime Prevention Practitioner Tiffany Wood at (239) 477-1885 with any questions regarding the CPTED study."

EMS
A letter of Availability dated November 16, 2023, states, "Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the location you have provided. There is one ambulance located 1.6 miles east. A second location is 2.3 miles west.

It is our opinion that the EMS service availability for the proposed development of this property is adequate at this time. Should the plans change, a new analysis of this impact would be required."

RVi
Planning + Landscape Architecture

Royal Palm Village

Surface Water Management Plan Narrative

The following narrative demonstrates compliance with LDC34-373(b)1 and LeePlan Policy 125.1.4.

LDC 34-373(b)1 states:

(b)(1) A written description of the surface water management plan that includes:

a. The runoff characteristics of the property in its existing state;

b. In general terms, the drainage concept proposed, including the outfall to canals or natural water bodies including how drainage flow from adjacent properties will be maintained;

c. The retention features (including existing natural features) that will be incorporated into the drainage system and the legal mechanism which will guarantee their maintenance;

d. How existing natural features will be preserved. Include an estimate of the ranges of existing and post development water table elevations, where appropriate;

e. If the property is subject to seasonal inundation or subject to inundation by a stream swollen by the rains of a 100-year storm event, indicate the measures that will be taken to mitigate the effects of expectable flooding.

LeePlan Policy 125.1.4 states:

POLICY 125.1.4: Developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data. (Ord. No. 00-22, 18-28)

Existing Runoff Characteristics

The project site is developed, containing an existing mobile home park. Existing catch basin inlets are located in the streets, with 15" corrugated metal pipe conveyed runoff to multiple outfalls located at the north, east, and south boundaries of the property. Survey and map data show that there are no existing stormwater ponds on the site. SWFWMD shows no previous permitting history for the site. Perimeter swales located along the eastern and western property lines convey runoff to the south, where they outfall to an existing ditch connecting to Hendry Creek. There are two outfall pipes along the southern boundary, both of which connect directly to this ditch. Additionally, there are two outfall pipes along the eastern boundary that connect to an existing swale. This swale is then routed to the ditch connected to Hendry Creek. The northern outfall pipe connects to an existing roadside ditch adjacent to Old Gladiolus Drive. There is a small offsite drainage area in the northeast portion of site, where it appears runoff from a neighboring gas station temporarily enters the property before exiting into an existing offsite swale.

Proposed Conceptual Runoff Characteristics

The design intent of the proposed project is to obtain a new South Florida Water Management District Environmental Resource Permit (SFWMD ERP). Obtaining a SFWMD ERP during the development order process will meet the requirements of 10-321(a) as "establish compliance" with the LDC.

All uses within the project will be developed in one sub-basin. Stormwater attenuation and flood control will be provided onsite, within the water management system. The control elevation for the projects' storm water management system is 2.50 FT and was determined through treatment volume calculations for the developed

sub-basin. The proposed stormwater management system provides greater than the minimum amount of treatment volume required for the sub-basin.

The project has one proposed outfall location to the south at an existing onsite ditch. The project will ultimately flow through existing flow-ways and culverts to Hendry Creek with the ultimate out fall as the Estero Bay. All post-development stormwater run-off will be routed through a lake to an outfall structure designed to provide the required water quality detention on a basin wide basis per the SFWMD handbook. The outfall structure will discharge to the existing onsite ditch located at the southern edge of the property.

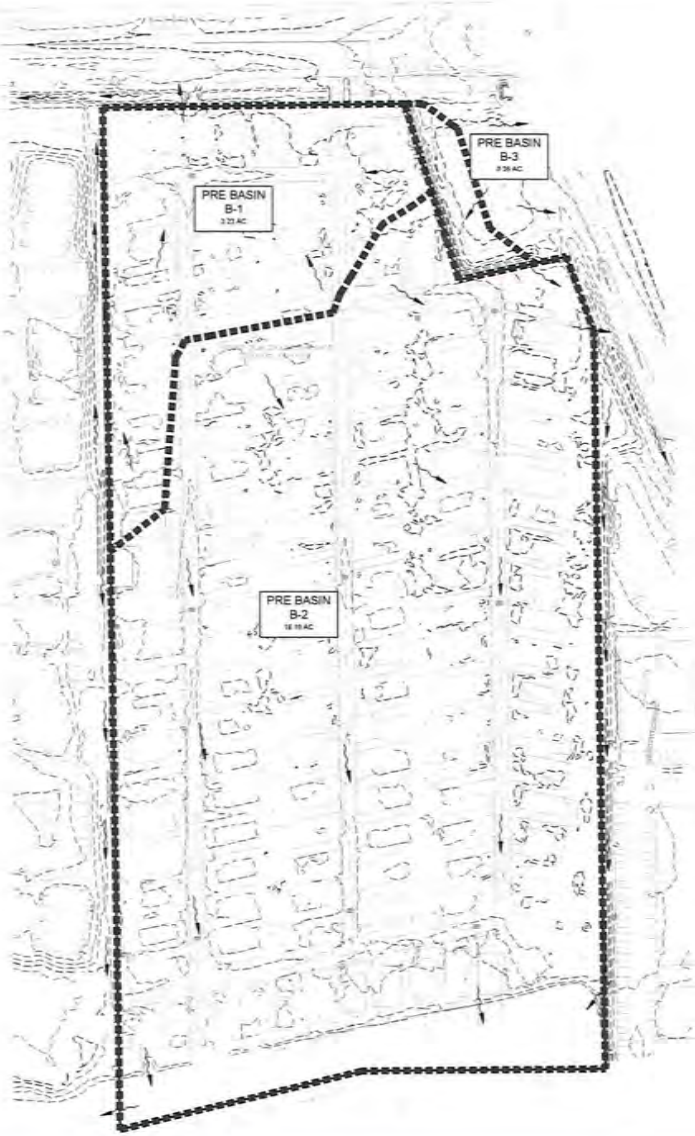
It is anticipated during the SFWMD ERP, additional design work will be required to meet impaired water criteria for Hendry Creek. Additional design work may be in the form of retention of a calculated volume of water, engineered design structures to reduce pollutants, or other means to achieve compliance with SFWMD water quality standards.

All operation and maintenance work for the proposed project will be the responsibility of a Property Owners Association if subdivided or the property owner if unified property ownership is retained.

According to FEMA Flood Insurance Rate Map (FIRM) Community Panel Number 12071C0438H, which references the Tidal Elevation, the entirety of the subject property is located within FEMA flood Zone AE with a base flood elevation of 11. SFWMD ERP criteria requires design of finish floor elevations of 1 foot above the 100 year storm peak stage, and a minimum perimeter berm elevation at the 25 year storm peak stage. If SFWMD requires compensatory storage due to riverine flooding then the project will comply with SFWMD requirements.

A component of a SFWMD ERP permit is issuance of a water quality certification. Accomplished through design of system to reduce pollutants with special attention to impaired waters such as Hendry Creek, issuance of a SFWMD ERP including a water quality certification is consistent with Policy 125.1.4 for state water quality standards. Not anticipated at the subject site but, if any of the waters are subject to Section 404 standards issuance of a FDEP or ACOE permit will also be consistent with Policy 125.1.4 for federal water quality standards. The water quality permitting process will address the need for appropriate monitoring program to collect data for compliance. This will be under the jurisdiction of SFWMD, FDEP, ACOE permitting. The water quality monitoring program will be provided to Lee County prior to commencement of any site construction requiring a Development Order or Vegetation Permit.

All required stormwater and water quality state and federal permits will be provided to Lee County upon receipt and prior to commencement of any construction.

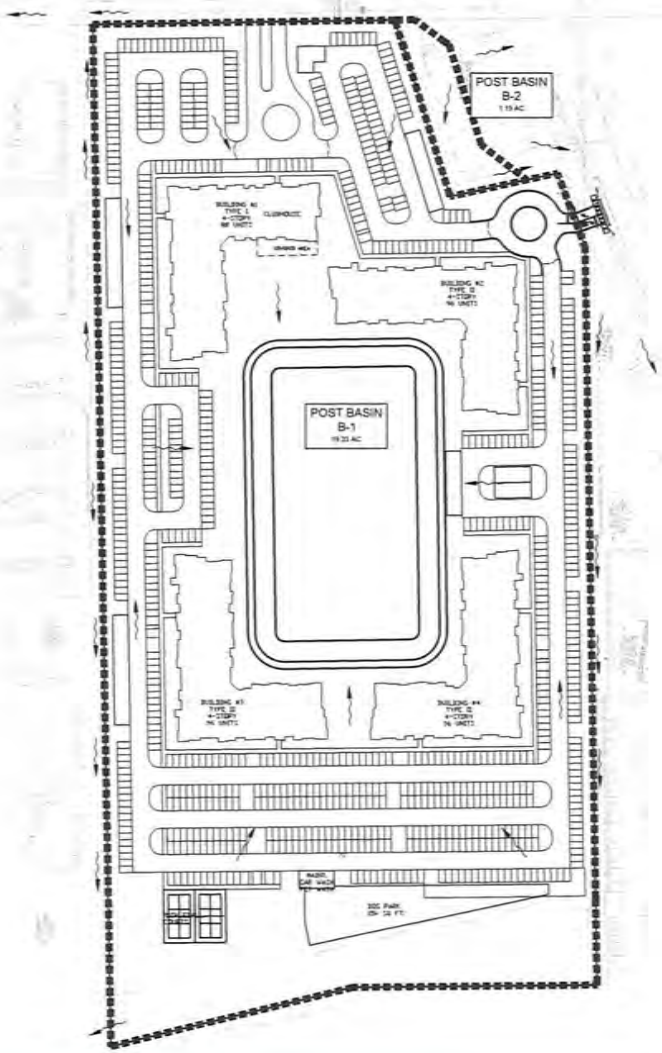


ATWELL

Royal Palm Village

Pre-Development Drainage Exhibit

26 January 2024



LEGEND

POST-DEVELOPMENT DRAINAGE BOUNDARY

FLOW DIRECTION

POST BASIN B-X XX.XX AC. BASIN AREA

N

ATWELL

Royal Palm Village

Post-Development Drainage Exhibit

28 January 2024

Royal Palm Village

Water Quality Monitoring Plan

January 26, 2024

Prepared By:

ATWELL

CONSULTING. ENGINEERING. CONSTRUCTION.

111 N. Magnolia Ave. Suite 1350
Orlando, FL 32801
(407) 743-3524

Prepared For:
Flournoy Development Group, LLC
P.O. Box 6566
Columbus, GA 31917

Engineer of Record:

Brian Cassidy, P.E.
Fl. Registration #67373

Purpose:
The Water Quality Monitoring Plan is being created to monitor water quality conditions at the Royal Palm Village project site. The goal is to prevent turbidity and pollutants from entering into the Hendry Creek basin from the construction and operation of the proposed Storm Water Management system.

1. Baseline Monitoring

Surface water outfall at the south of the property will undergo monitoring. There will be a sampling site established as the South surface water outfall monitoring station. This location is determined as the outfall for the proposed storm water management system. The figure below depicts this location:

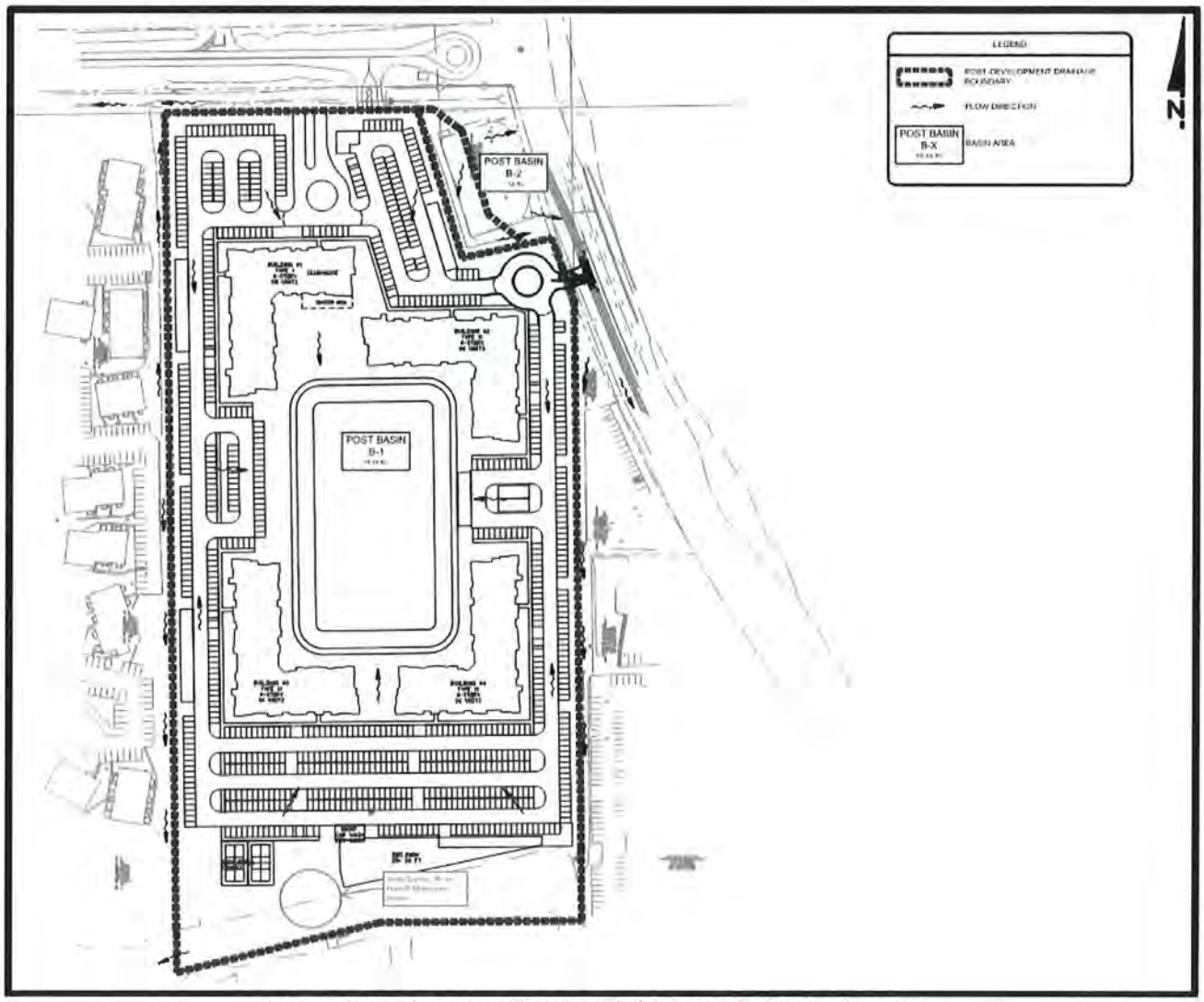


Figure 1: South Surface Water Outfall Monitoring Station location

The included parameters in the monitoring process are as follows: Turbidity, pH, Total Phosphorus, Total Nitrogen, Temperature, Specific Conductance, and Dissolved Oxygen (electrode and % saturation).

Surface Water			
Parameter	***Lab or Field***	***Units***	***Method***
Turbidity	Field	NTU	EPA 180.1
pH	Field	pH units	EPA 150.1
Total Phosphorus	Lab	mg/L as P	EPA 365.4
Total Nitrogen	Lab	mg/L	EPA 351.2/353.2
Tempurature	Field	C	EPA 170.1
Specific Conductance	Field	mhos/cm	EPA 120.1
Dissolved Oxygen (electrode and % saturation)	Field	mg/L & %	EPA 350.1

2. Water Quality Monitoring

It is required that water quality monitoring data shall be reported annually, and a comprehensive report will be generated to show findings. Items included in this report shall include state water quality standards in comparison to collected data, visual and graphical aids to depict parameters, conclusive findings, and suggested actions. The Lee County Natural Resources Department (LCNRD) will receive results in an approved format. The annual report will be based on a 12 month calendar year, January to December. Biannual samples are to be collected from the monitoring station for lab analysis. Submittal will be within 90 days of receiving lab results for the final sample. Modifications to the Plan can be requested after a five year period from the stormwater management system's date of certification. All modifications are subject to state water quality standards and approval by the LCNRD.

3. Quality Assurance

Water samples will be obtained according to the standards set in FDEP Quality Assurance Rule F.A.C. 62-160 and adopted as the "Department of Environmental Protection Standard Operating Procedures for Field Activities DEP-SOP-001/01". For quality assurance, one field cleaned equipment blank will be obtained for each sampling event. In the biannual reports submitted to LCNRD, lab analysis reports and chain of custody reports will be given. A laboratory certified under the National Environmental Laboratory Accreditation Program will perform testing using methods and QA standards as stated in F.A.C. 62-160.

4. Data Analysis

A submittal of lab analysis results will be given to LCNRD within 30 days of receiving them. Relevant target levels will be compared to the results, and further assessment will be given to the parameters failing to meet these levels. Statistical analysis will be used on the surface water results, and as additional data is collected through biannual samples a 95% confidence interval and standard deviation values will be computed. Failure to be within this confidence interval will require an assessment to recognize atypical data. Results and data will be separated into seasonal sets, as these factors can pose the possibility of variations. Linear regression analysis will be utilized separately, following the above parameter.

5. Reporting

LCNRD will receive Biannual Monitoring Reports from the applicant that provides water quality data for each biannual sampling event. As stated previously, LCNRD will have a submittal of these results within 30 days of receiving them from the lab. Reports will contain cumulative results, conclusions, and recommendations. Water quality concerns will be acknowledged and addressed in combination with LCNRD. This also includes any potential modifications to parameters, frequency, reporting, etc. Biannual reports give a standard review of the data to date and a decision of parameters of concern exist. Comprehensive analysis of complete data will be included in the annual report.

6. Contingencies and Corrective Actions

Action will be taken within 30 days of identified water quality concerns. Conditions both onsite and offsite will be reviewed and additional samples will be collected in needed. Any required corrective actions will be stated to LCNRD. The establishment of a comprehensive notification process will be utilized in the event of any non-compliance to state water quality standards. The LCNRD will be notified per the instruction of www.leegov.com/naturalresources/NPDES/cleanwaterviolations. The FDEP will be notified per floridadep.gov/pollutionnotice. Property owners within a 1 mile radius will also be notified. A contingency plan will be created to acknowledge the possibility of contaminated water in the water management system and the effects it could potentially have on surrounding areas. Prior to a Lee County Development Order Permit, a preliminary plan will be submitted for approval to the LCNRD. Finalization of this preliminary plan will be subject to the final design and construction of the site. LCNRD will be included in collaboration with the applicant to acknowledge any issues and potential changes needed for parameters, frequency, and reporting to guarantee effective solutions.

EXHIBIT M15 – TRAFFIC IMPACT STATEMENT

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

January 31, 2024

Mr. Fred Drovdlic
RVi Planning + Landscape Architecture
1514 Broadway Avenue
Fort Myers, FL 33901

RE: Royal Palm Multi-Family
DCI2023-00049 & CPA2023-00011

Dear Mr. Drovdlic:

TR Transportation Consultants, Inc. has reviewed the Traffic Impact Statement (TIS) comments issued by the Lee County Department of Community Development regarding the above project. The comments and TR Transportation's response to those comments are listed below for reference.

Rezoning Analysis DCI2023-00049

> *Table 6A needs revision. The Peak Hour Peak Season Peak Direction Traffic Count for US 41 (S. of Six Mile and S. of Island Park Rd.) is not consistent with the 2022 Lee County Public Facilities Level of Services and Concurrency Report.*

Table 6A was revised to reflect the correct value for this segment of U.S. 41 south of Six Mile Cypress Parkway. The revised table and a revised Figure 3 illustrating the Level of Service analysis is attached to this response. U.S. 41 remains at a LOS "F" south of Six Mile Cypress Parkway in 2028 both with and without the project.

> *As the project generates between 100 and 300 peak-hour trips, information regarding the level of Service of all the site accesses and all intersections within one-quarter of a mile area must be provided.*

Attached to this response is a drawing indicating the intersections that are within ¼ mile of the site access drive on Old Gladiolus Drive. The only intersections are along U.S. 41 and include the site access drive and the two signalized intersections of Six Mile Cypress Parkway and Jamacia Bay Boulevard. The project is not projected to add any turning movements to the intersection of Jamacia Bay Boulevard so an analysis of this intersection would not provide any useful information as the only movements impacted would be the northbound and southbound through movements along U.S. 41. The project would only be adding approximately thirty (30) trips to the through movement at the Jamica Bay Boulevard intersection at U.S. 41. U.S. 41 currently carries approximately 2,500 cars in the peak direction during the peak hour on a typical weekday (4,800 vehicles in both directions). Therefore, the project would only be impacting the peak

directional volume by just over 1% of the total peak hour volume on U.S. 41, which is an insignificant increase.

Likewise, the project will have an insignificant impact to the intersection of U.S. 41 at the Six Mile Cypress Parkway intersection, one of the busiest intersections during the peak hours in Lee County. This project is anticipated to add approximately 96 vehicles in the peak hour to this intersection (see attached Figure 2). During a typical weekday peak hour, this intersection will accommodate over 7,500 vehicles. Therefore, this project will only impact this intersection by less than 1.3%. Evaluation of this signalized intersection will not provide any appreciable information. This intersection is already functioning over capacity and has been studied by FDOT an Lee County for future improvements, including a grade-separation.

An analysis of the site access drive intersection with U.S. 41 is attached to this response for information. It should be noted that the applicant is in the permitting process with the Florida Department of Transportation for the access drive connection to U.S. 41 and they did not request any intersection analysis along U.S. 41 to the north and south of this access drive connection.

Comprehensive Plan Amendment TIS Comments (CPA2023-00011)

> *Tables 1A and 3A require revision, as the LOS standard for Winkler Rd. (North of College Pkwy) appears inaccurate. Additionally, kindly make any necessary updates in the Transportation Impact Study (TIS) to reflect this change.*

These tables were revised to reflect the correct 2-lane service volume for this segment of Winkler Road. It did not change the analysis results for either the Short Term analysis or the 2045 analysis. Both the Short Term analysis and 2045 analysis spreadsheets are also attached to this response for reference.

> *Table 2A also requires revision, specifically concerning the accuracy of the K-factor and D-factor for most segments. Please refer to the Lee County Traffic Count Report and the Florida Traffic Online Webpage for accurate information. Furthermore, the estimation of Peak Hour Peak Directional Project Traffic should be based on the peak directional count (133) generated from the development.*

The data in Table 2A for Gladiolus Drive was changed based on K-100 and D-factor data from the Lee County Permanent County Station #46 (Gladiolus Drive W. of US 41). Six Mile Cypress Parkway was changed based on the K-100 and D-factor data from Lee County Permanent County Station #18 (Six Mile Cypress Parkway north of Winkler Road). Winkler Road was changed based on the K-100 and D-factor data from Lee County Permanent County Station #37 (McGregor Boulevard south of Pine Ridge Road) based on PCS references from previous Lee County Traffic Count reports for Winkler

Road. The analysis was also changed to reflect the impacts based on the peak directional count being generated from the project (133 trips). None of these changes impacted the Level of Service on the roadway segments as previously reported.

A copy of the revised **Table 2A** is attached to this response for reference. Copies of the PCS data from the referenced Lee County PCS stations are also attached illustrating the K-100 and D-factors.

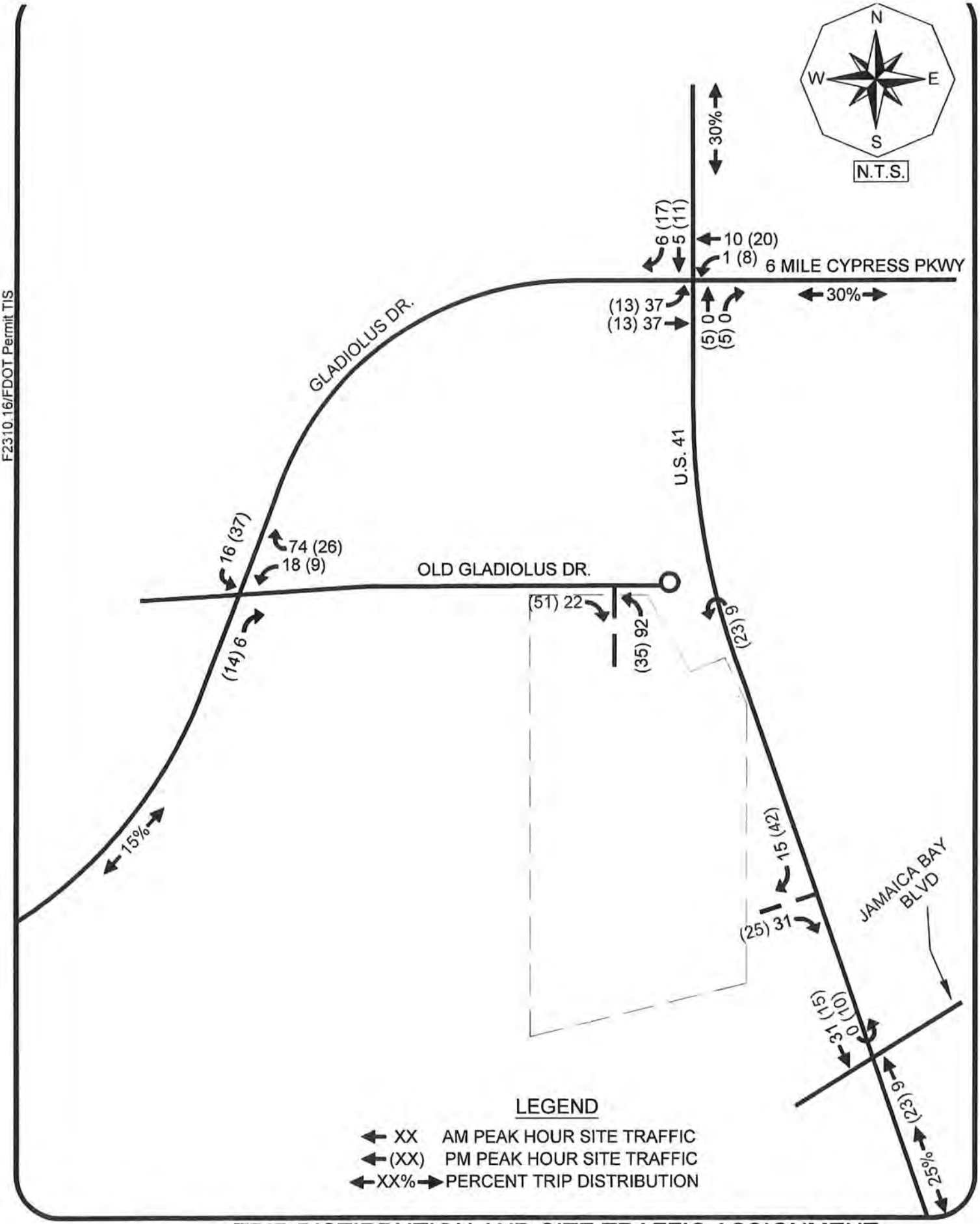
If you have any additional questions, please do not hesitate to contact us.

Sincerely,

Ted B. Treesh, PTP
President

Attachments

K:\2023\10 October\16 Royal Palm Village Comp Plan Rezone\Sufficiency\1-31-2024 Sufficiency.doc



F2310.16/FDOT Permit TIS

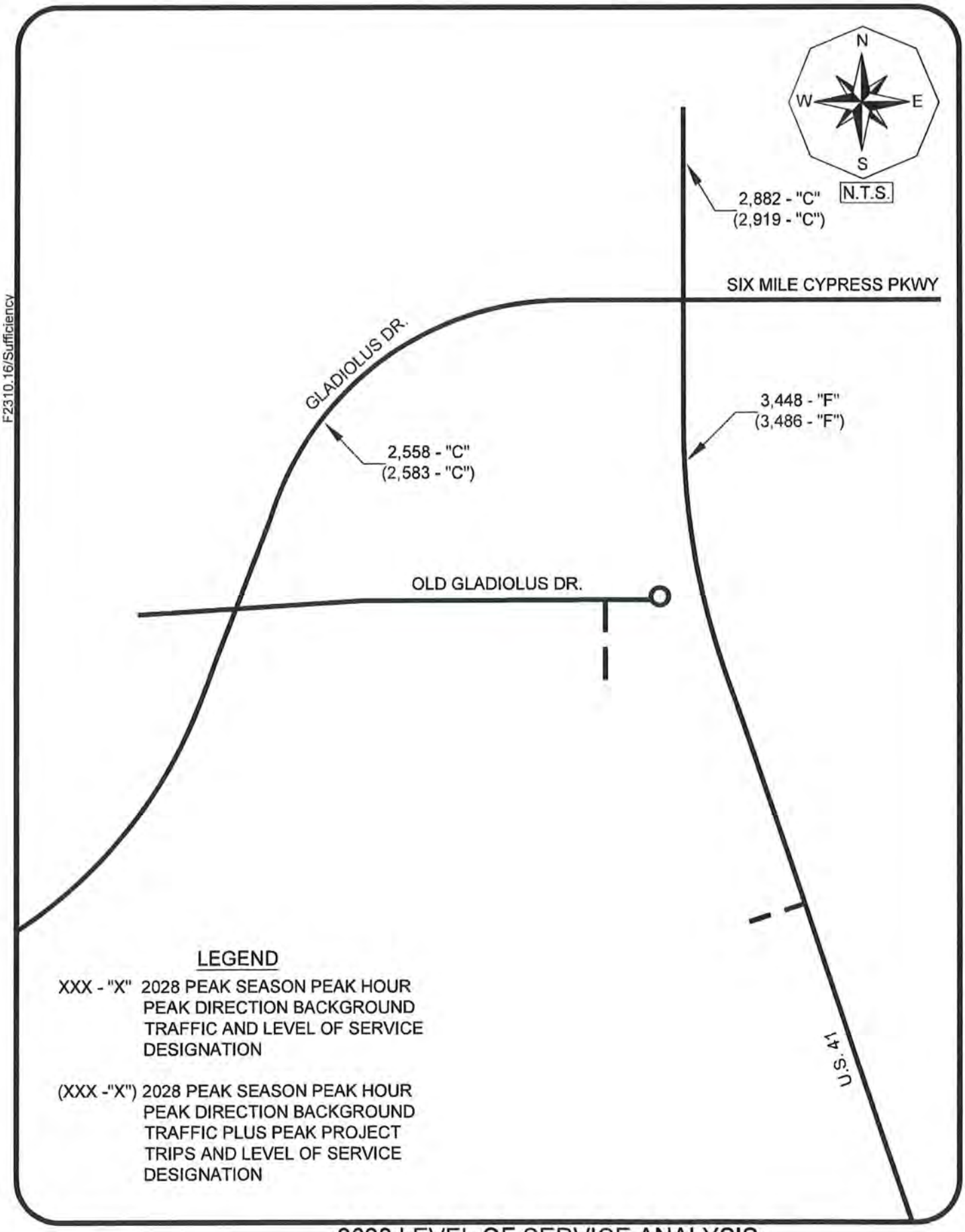
TRANSPORTATION CONSULTANTS, INC

TRIP DISTIRBUTION AND SITE TRAFFIC ASSIGNMENT

ROYAL PALM
MULTIFAMILY RPD

Figure 2

F2310.16/Sufficiency



TR TRANSPORTATION CONSULTANTS, INC

2028 LEVEL OF SERVICE ANALYSIS
ROYAL PALM
MULTIFAMILY RPD

Figure 3

HCS Two-Way Stop-Control Report

General Information

Analyst	tbt
Agency/Co.	TR Transportation Cons.
Date Performed	12/6/2023
Analysis Year	2028
Time Analyzed	AM Peak Build-out
Intersection Orientation	North-South
Project Description	Royal Palm MF

Site Information

Intersection	US 41/Site Access
Jurisdiction	FDOT
East/West Street	Site Access
North/South Street	US 41
Peak Hour Factor	0.93
Analysis Time Period (hrs)	0.25

Lanes

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	0	1		0	0	0	0	0	3	0	0	0	3	0
Configuration				R							T				T	TR
Volume (veh/h)				31							2563				2683	15
Percent Heavy Vehicles (%)				0												
Proportion Time Blocked																
Percent Grade (%)		0														
Right Turn Channelized		No														
Median Type | Storage		Left + Thru								1						

Critical and Follow-up Headways

Base Critical Headway (sec)				7.1												
Critical Headway (sec)				7.10												
Base Follow-Up Headway (sec)				3.9												
Follow-Up Headway (sec)				3.90												

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)				33												
Capacity, c (veh/h)				105												
v/c Ratio				0.32												
95% Queue Length, Q_{95} (veh)				1.2												
Control Delay (s/veh)				54.6												
Level of Service (LOS)				F												
Approach Delay (s/veh)		54.6														
Approach LOS		F														

HCS Two-Way Stop-Control Report

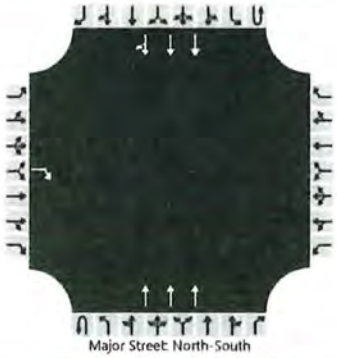
General Information

Analyst	tbt
Agency/Co.	TR Transportation Cons.
Date Performed	12/6/2023
Analysis Year	2028
Time Analyzed	PM Peak Build-out
Intersection Orientation	North-South
Project Description	Royal Palm MF

Site Information

Intersection	US 41/Site Access
Jurisdiction	FDOT
East/West Street	Site Access
North/South Street	US 41
Peak Hour Factor	0.93
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	0	1		0	0	0	0	0	3	0	0	0	3	0
Configuration				R							T				T	TR
Volume (veh/h)				25							2719				3093	42
Percent Heavy Vehicles (%)				0												
Proportion Time Blocked																
Percent Grade (%)		0														
Right Turn Channelized		No														
Median Type | Storage		Left + Thru								1						

Critical and Follow-up Headways

Base Critical Headway (sec)				7.1												
Critical Headway (sec)				7.10												
Base Follow-Up Headway (sec)				3.9												
Follow-Up Headway (sec)				3.90												

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)				27												
Capacity, c (veh/h)				72												
v/c Ratio				0.37												
95% Queue Length, Q_{95} (veh)				1.4												
Control Delay (s/veh)				81.7												
Level of Service (LOS)				F												
Approach Delay (s/veh)		81.7														
Approach LOS		F														

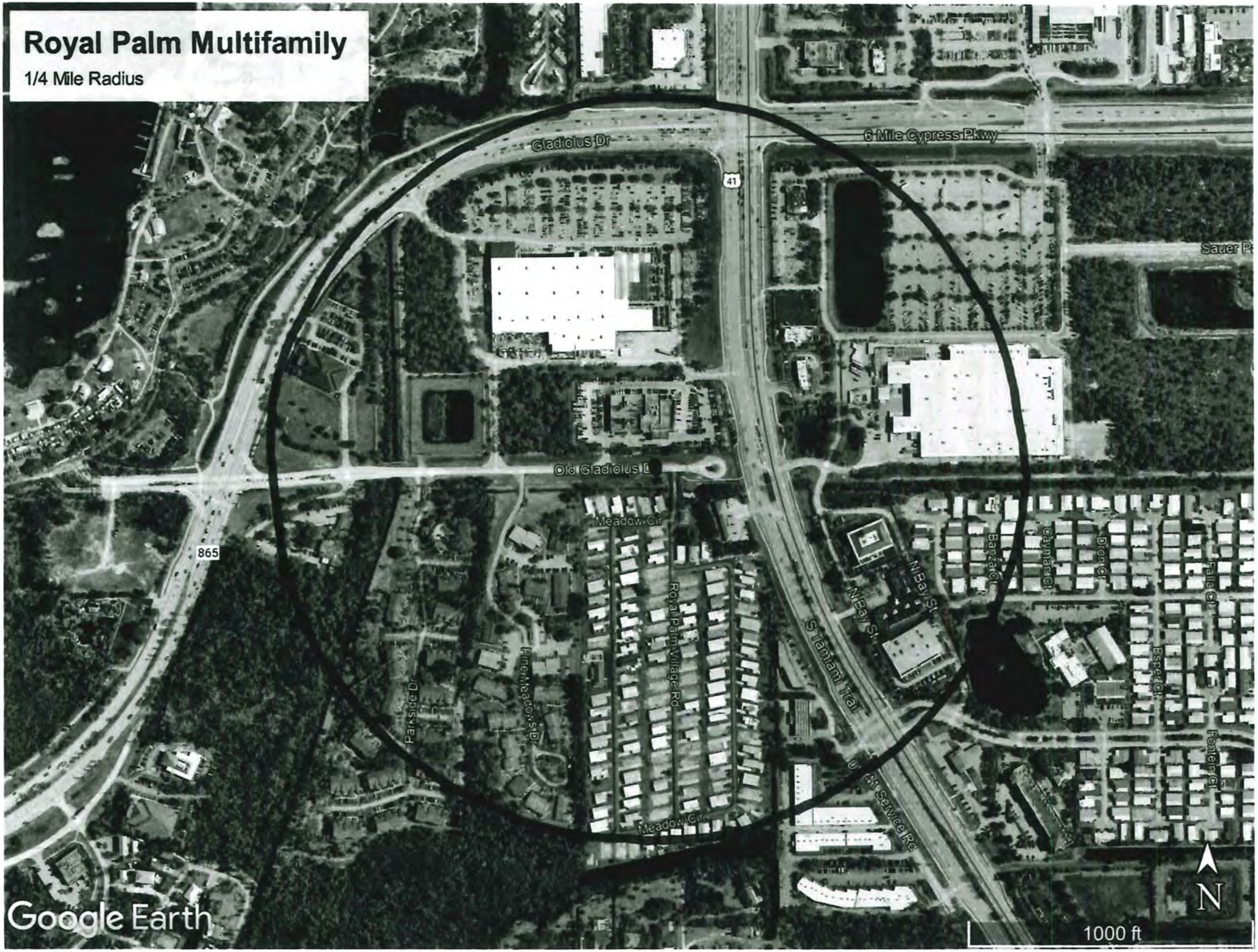

Royal Palm Multifamily
1/4 Mile Radius
Gladiolus Dr
6 Mile Cypress Pkwy
41
Old Gladiolus Dr
Meadow Cir
865
Royal Palm Village Rd
Pine Meadows Dr
Pebble Beach Dr
S Tamiami Trl
Frontage Rd
N Bay St
Banana Ct
Cayman Ct
Dron Ct
Falle Ct
Esper Ct
Fontana Ct
Google Earth
N
1000 ft

TABLE 1A
LEVEL OF SERVICE THRESHOLDS
2045 LONG RANGE TRANSPORTATION ANALYSIS - ROYAL PALM VILLAGE

Revised 1-30-2024

		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
Gladiolus Drive	W. of Bass Rd	4LD	Arterial	0	250	1,840	1,960	1,960
	W. of Winkler Rd	6LD	Arterial	0	400	2,840	2,940	2,940
	W. of Summerlin Rd	6LD	Arterial	0	400	2,840	2,940	2,940
	W. of US 41	6LD	Arterial	0	400	2,840	2,940	2,940
Six Mile Cypress Pkwy	W. of Metro Pkwy	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
	S. of Daniels Pkwy	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
	N. of Daniels Pkwy	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
US 41	N. of College Pkwy	6LD	Arterial	0	0	2,940	3,020	3,020
	S. of College Pkwy	6LD	Arterial	0	0	2,940	3,020	3,020
	S. of Daniels Pkwy	6LD	Arterial	0	0	2,940	3,020	3,020
	S. of Six Mile Cypress	6LD	Arterial	0	0	2,940	3,020	3,020
	S. of Island Park Rd	6LD	Arterial	0	0	2,940	3,020	3,020
	S. of Alico Rd	6LD	Arterial	0	0	2,940	3,020	3,020
Metro Pkwy/Michael Rippe	N. of Daniels Pkwy	6LD	Arterial	0	0	2,940	3,020	3,020
	S. of Daniels Pkwy	6LD	Arterial	0	0	2,940	3,020	3,020
	N. of Alico Rd	6LD	Arterial	0	0	2,940	3,020	3,020
Summerlin Rd	W. of Bass Rd	6LD	Controlled Access Facility	0	430	3,050	3,180	3,180
	W. of Winkler Rd	6LD	Controlled Access Facility	0	430	3,050	3,180	3,180
	W. of Gladiolus Dr	6LD	Controlled Access Facility	0	430	3,050	3,180	3,180
	S. of Cypress Lake Dr	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
	S. of College Pkwy	6LD	Controlled Access Facility	0	430	3,050	3,180	3,180
	N. of College Pkwy	6LD	Controlled Access Facility	0	430	3,050	3,180	3,180
Winkler Rd	S. of Summerlin Rd	2LN	Arterial	0	140	800	860	860
	N. of Summerlin Rd	4LN	Arterial	0	250	1,840	1,960	1,960
	N. of Gladiolus Dr.	2LN	Arterial	0	140	800	860	860
	N. of Cypress Lake Dr	4LD	Arterial	0	250	1,840	1,960	1,960
	N. of College Pkwy	2LN	Arterial	0	140	800	860	860
Cypress Lake/Daniels Pkwy	W. of Winkler Rd	4LD	Arterial	0	250	1,840	1,960	1,960
	W. of Summerlin Rd	4LD	Arterial	0	250	1,840	1,960	1,960
	W. of U.S. 41	6LD	Controlled Access Facility	0	430	3,050	3,180	3,180
	W. of Metro Pkwy	6LD	Controlled Access Facility	0	430	3,050	3,180	3,180
	W. of Six Mile Cypress Pkwy	6LD	Controlled Access Facility	0	430	3,050	3,180	3,180
	E. of Six Mile Cypress Pkwy	6LD	Controlled Access Facility	0	430	3,050	3,180	3,180
Alico Road	E. of U.S. 41	6LD	Arterial	0	400	2,840	2,940	2,940

[ ] - 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 for Florida's Urbanized Areas Table 7.

TABLE 2A
2045 ROADWAY LINK LEVEL OF SERVICE CALCULATIONS
ROYAL PALM VILLAGE

Revised 1-30-2024

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 173 VPH IN= 40 OUT= 133

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 PK HR PEAK DIRECTION TRAFFIC VOLUMES & LOS VOLUME [1]	LOS	PROJECT TRAFFIC DIST.	PK DIR PM PROJ TRAFFIC	2045 BACKGROUND PLUS PROJ PEAK DIRECTION TRAFFIC VOLUMES & LOS VOLUME	LOS
Gladiolus Drive	W. of Bass Rd	32,113	46	32,113	0.088	2,826	0.58	WEST	1,639	C	3%	4	1,643	C
	W. of Winkler Rd.	38,658	46	38,658	0.088	3,402	0.58	WEST	1,973	C	5%	7	1,980	C
	W. of Summerlin Rd.	35,076	46	35,076	0.088	3,087	0.58	WEST	1,790	C	5%	7	1,797	C
	W. of US 41	59,546	46	59,546	0.088	5,240	0.58	WEST	3,039	F	20%	27	3,066	F
Six Mile Cypress Pkwy	W. of Metro Pkwy	30,497	18	30,497	0.090	2,745	0.61	WEST	1,674	C	30%	40	1,714	C
	S. of Daniels Pkwy	29,968	18	29,968	0.090	2,697	0.61	WEST	1,645	C	10%	13	1,658	C
	N. of Daniels Pkwy	17,392	18	17,392	0.090	1,565	0.61	WEST	955	C	2%	3	958	C
US 41	N. of College Pkwy	48,751	109	48,751	0.091	4,436	0.54	NORTH	2,395	C	8%	11	2,406	C
	S. of College Pkwy	61,014	109	61,014	0.091	5,552	0.54	NORTH	2,998	D	10%	13	3,011	D
	S. of Daniels Pkwy	56,815	109	56,815	0.091	5,170	0.54	NORTH	2,792	C	30%	40	2,832	C
	S. of Six Mile Cypress	62,085	109	62,085	0.091	5,650	0.54	NORTH	3,051	F	40%	53	3,104	F
	S. of Island Park Rd.	61,372	109	61,372	0.091	5,585	0.54	NORTH	3,016	D	25%	33	3,049	F
	S. of Alico Rd	50,161	109	50,161	0.091	4,565	0.54	NORTH	2,465	C	10%	13	2,478	C
Metro Pkwy/Michael Rippe	N. of Daniels Pkwy	34,301	3809	34,301	0.109	3,739	0.51	NORTH	1,907	C	10%	13	1,920	C
	S. of Daniels Pkwy	36,804	3809	36,804	0.109	4,012	0.51	NORTH	2,046	C	20%	27	2,073	C
	N. of Alico Rd.	29,648	3809	29,648	0.109	3,232	0.51	NORTH	1,648	C	0%	0	1,648	C
Summerlin Rd	W. of Bass Rd.	43,033	47	43,033	0.108	4,648	0.61	NORTH	2,835	C	2%	3	2,838	C
	W. of Winkler Rd	41,924	47	41,924	0.108	4,528	0.61	NORTH	2,762	C	5%	7	2,769	C
	W. of Gladiolus Dr	46,095	47	46,095	0.108	4,978	0.61	NORTH	3,037	C	10%	13	3,050	D
	S. of Cypress Lake Dr	28,644	47	28,644	0.108	3,094	0.61	NORTH	1,887	C	0%	0	1,887	C
	S. of College Pkwy	33,180	47	33,180	0.108	3,583	0.61	NORTH	2,186	C	2%	3	2,189	C
	N. of College Pkwy	46,696	47	46,696	0.108	5,043	0.61	NORTH	3,076	D	0%	0	3,076	D
Winkler Rd.	S. of Summerlin Rd.	15,903	37	15,903	0.089	1,415	0.57	SOUTH	807	D	0%	0	807	D
	N. of Summerlin Rd	8,326	37	8,326	0.089	741	0.57	SOUTH	422	C	1%	1	423	C
	N. of Gladiolus Dr.	13,716	37	13,716	0.089	1,221	0.57	SOUTH	696	C	1%	1	697	C
	N. of Cypress Lake Dr	21,996	37	21,996	0.089	1,958	0.57	SOUTH	1,116	C	0%	0	1,116	C
	N. of College Pkwy	5,535	37	5,535	0.089	493	0.57	SOUTH	281	C	0%	0	281	C
Cypress Lake/Daniels Pkwy	W. of Winkler Rd.	23,695	82	23,695	0.095	2,251	0.53	WEST	1,193	C	5%	7	1,200	C
	W. of Summerlin Rd.	42,282	82	42,282	0.095	4,017	0.53	WEST	2,129	F	6%	8	2,137	F
	W. of U.S. 41	43,755	82	43,755	0.095	4,157	0.53	WEST	2,203	C	10%	13	2,216	C
	W. of Metro Pkwy	57,305	30	57,305	0.092	5,272	0.51	WEST	2,689	C	5%	7	2,696	C
	W. of Six Mile Cypress Pkwy	56,316	30	56,316	0.092	5,181	0.51	WEST	2,642	C	3%	4	2,646	C
	E. of Six Mile Cypress Pkwy	78,589	30	78,589	0.092	7,230	0.51	WEST	3,687	F	8%	11	3,698	F
Alico Road	E. of U.S. 41	33,454	10	33,454	0.092	3,078	0.53	EAST	1,631	C	15%	20	1,651	C

1 The 2045 Pk Hr Pk Direction Traffic Volumes were calculated by adjusting the 2045 AADT volumes obtained from the adopted FSUTMS model by the appropriate K and D factors

* The K-100 and D factors for County mantained roadways were obtained from 2022 Lee County Traffic Count Report

TABLE 3A
LEVEL OF SERVICE THRESHOLDS
ROYAL PALM VILLAGE

Revised 1-30-2024

				GENERALIZED SERVICE VOLUMES				
				LOS A	LOS B	LOS C	LOS D	LOS E
ROADWAY	ROADWAY SEGMENT	# LANES	ROADWAY DESIGNATION	VOLUME	VOLUME	VOLUME	VOLUME	VOLUME
Gladiolus Drive	W. of Bass Rd.	4LD	Arterial	0	250	1,840	1,960	1,960
	W. of Winkler Rd.	6LD	Arterial	0	400	2,840	2,940	2,940
	W. of Summerlin Rd.	6LD	Arterial	0	400	2,840	2,940	2,940
	W. of US 41	6LD	Arterial	0	400	2,840	2,940	2,940
Six Mile Cypress Pkwy	W. of Metro Pkwy	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
	S. of Daniels Pkwy	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
	N. of Daniels Pkwy	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
US 41	N. of College Pkwy	6LD	Arterial	0	0	2,940	3,020	3,020
	S. of College Pkwy	6LD	Arterial	0	0	2,940	3,020	3,020
	S. of Daniels Pkwy	6LD	Arterial	0	0	2,940	3,020	3,020
	S. of Six Mile Cypress	6LD	Arterial	0	0	2,940	3,020	3,020
	S. of Island Park Rd.	6LD	Arterial	0	0	2,940	3,020	3,020
	S. of Alico Rd.	6LD	Arterial	0	0	2,940	3,020	3,020
Metro Pkwy/Michael Rippe	N. of Daniels Pkwy	6LD	Arterial	0	0	2,940	3,020	3,020
	S. of Daniels Pkwy	6LD	Arterial	0	0	2,940	3,020	3,020
	N. of Alico Rd.	6LD	Arterial	0	0	2,940	3,020	3,020
Summerlin Rd	W. of Bass Rd.	6LD	Controlled Access Facility	0	430	3,050	3,180	3,180
	W. of Winkler Rd.	6LD	Controlled Access Facility	0	430	3,050	3,180	3,180
	W. of Gladiolus Dr.	6LD	Controlled Access Facility	0	430	3,050	3,180	3,180
	S. of Cypress Lake Dr.	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
	S. of College Pkwy	6LD	Controlled Access Facility	0	430	3,050	3,180	3,180
	N. of College Pkwy	6LD	Controlled Access Facility	0	430	3,050	3,180	3,180
Winkler Rd.	S. of Summerlin Rd.	2LN	Arterial	0	140	800	860	860
	N. of Summerlin Rd.	4LN	Arterial	0	250	1,840	1,960	1,960
	N. of Gladiolus Dr.	2LN	Arterial	0	140	800	860	860
	N of Cypress Lake Dr	4LD	Arterial	0	250	1,840	1,960	1,960
	N. of College Pkwy	2LN	Arterial	0	140	800	860	860

TABLE 4A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
ROYAL PALM VILLAGE

TOTAL PROJECT TRAFFIC AM = 173 VPH IN = 40 OUT= 133

TOTAL PROJECT TRAFFIC PM = 164 VPH IN= 100 OUT= 64

Revised 1-30-2024

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]	2028 PK HR PK SEASON PEAK DIRECTION VOLUME	LOS	V/C Ratio	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2028 BCKGRND + AM PROJ VOLUME	LOS	V/C Ratio	2028 BCKGRND + PM PROJ VOLUME	LOS	V/C Ratio
Gladiolus Drive	W. of Bass Rd	73	22600	23000	7	2.00%	1,149	1,320	C	0.67	3%	4	3	1,324	C	0.68	1,323	C	0.67
	W. of Winkler Rd	73	22600	23000	7	2.00%	1,149	1,320	C	0.45	5%	7	5	1,326	C	0.45	1,325	C	0.45
	W. of Summerlin Rd	73	22600	23000	7	2.00%	1,149	1,320	C	0.45	5%	7	5	1,326	C	0.45	1,325	C	0.45
	W. of US 41	73	42000	46500	7	2.00%	2,227	2,558	C	0.87	20%	27	20	2,585	C	0.88	2,578	C	0.88
Six Mile Cypress Pkwy	W. of Metro Pkwy	30	36,500	40,000	7	2.00%	1,941	2,230	F	1.06	30%	40	30	2,269	F	1.08	2,260	F	1.08
	S. of Daniels Pkwy	30	30,600	32,500	7	2.00%	1,371	1,575	C	0.75	10%	13	10	1,588	C	0.76	1,585	C	0.75
	N. of Daniels Pkwy	30	20,200	23,500	7	2.19%	951	1,106	C	0.53	2%	3	2	1,109	C	0.53	1,108	C	0.53
US 41	N. of College Pkwy	109	58,000	71,500	7	3.03%	2,598	3,203	F	1.06	8%	11	8	3,213	F	1.06	3,211	F	1.06
	S. of College Pkwy	109	36,500	40,000	7	2.00%	2,598	2,984	D	0.99	10%	13	10	2,998	D	0.99	2,994	D	0.99
	S. of Daniels Pkwy	109	36,500	40,000	7	2.00%	2,509	2,882	C	0.95	30%	40	30	2,922	C	0.97	2,912	C	0.96
	S. of Six Mile Cypress	109	65,500	71,000	7	2.00%	3,171	3,642	F	1.21	40%	53	40	3,696	F	1.22	3,682	F	1.22
	S. of Island Park Rd	109	53,000	60,000	7	2.00%	3,171	3,642	F	1.21	25%	33	25	3,676	F	1.22	3,667	F	1.21
	S. of Alico Rd	109	50,000	62,500	7	3.24%	3,171	3,964	F	1.31	10%	13	10	3,977	F	1.32	3,974	F	1.32
Metro Pkwy/Michael Rippe	N. of Daniels Pkwy	3809	21,641	25,000	7	2.08%	1,164	1,368	C	0.46	10%	13	10	1,381	C	0.46	1,378	C	0.46
	S. of Daniels Pkwy	3809	23,000	25,000	7	2.00%	1,136	1,305	C	0.43	20%	27	20	1,332	C	0.44	1,325	C	0.44
	N. of Alico Rd	3809	23,500	33,500	7	5.20%	1,397	1,991	C	0.66	0%	0	0	1,991	C	0.66	1,991	C	0.66
Summerlin Rd	W. of Bass Rd	47	31,800	38,700	7	2.85%	1,928	2,346	C	0.74	2%	3	2	2,349	C	0.74	2,348	C	0.74
	W. of Winkler Rd	47	31,800	38,700	7	2.85%	1,928	2,346	C	0.74	5%	7	5	2,353	C	0.74	2,351	C	0.74
	W. of Gladiolus Dr	47	31,800	38,700	7	2.85%	1,928	2,346	C	0.74	10%	13	10	2,360	C	0.74	2,356	C	0.74
	S. of Cypress Lake Dr	47	22,800	24,700	7	2.00%	1,530	1,757	C	0.84	0%	0	0	1,757	C	0.84	1,757	C	0.84
	S. of College Pkwy	47	22,800	24,700	7	2.00%	1,808	2,077	C	0.65	2%	3	2	2,079	C	0.65	2,079	C	0.65
	N. of College Pkwy	35	31,500	31,500	7	2.00%	1,802	2,070	C	0.65	0%	0	0	2,070	C	0.65	2,070	C	0.65
Winkler Rd	S. of Summerlin Rd	39	6,400	6,200	6	2.00%	461	530	C	0.62	0%	0	0	530	C	0.62	530	C	0.62
	N. of Summerlin Rd	39	6,400	6,200	6	2.00%	276	317	C	0.16	1%	1	1	318	C	0.16	318	C	0.16
	N. of Gladiolus Dr	39	45,200	45,000	9	2.00%	593	681	C	0.79	1%	1	1	683	C	0.79	682	C	0.79
	N. of Cypress Lake Dr	39	45,200	45,000	9	2.00%	746	857	C	0.44	0%	0	0	857	C	0.44	857	C	0.44
	N. of College Pkwy	39	45,200	45,000	9	2.00%	350	402	C	0.47	0%	0	0	402	C	0.47	402	C	0.47
Cypress Lake/Daniels Pkwy	W. of Winkler Rd	82	29,000	26,000	15	2.00%	1,419	1,630	C	0.83	5%	7	5	1,637	C	0.51	1,635	C	0.83
	W. of Summerlin Rd	82	29,000	26,000	15	2.00%	1,419	1,630	C	0.83	6%	8	6	1,638	C	0.52	1,636	C	0.83
	W. of U.S. 41	82	29,000	26,000	15	2.00%	2,085	2,395	C	0.75	10%	13	10	2,408	C	0.76	2,405	C	0.76
	W. of Metro Pkwy	30	29,000	26,000	15	2.00%	2,288	2,628	C	0.83	5%	7	5	2,635	C	1.25	2,633	C	0.83
	W. of Six Mile Cypress Pkwy	30	29,000	26,000	15	2.00%	2,109	2,423	C	0.76	3%	4	3	2,427	C	0.76	2,426	C	0.76
	E. of Six Mile Cypress Pkwy	30	29,000	26,000	15	2.00%	2,985	3,429	F	1.08	8%	11	8	3,439	F	1.08	3,437	F	1.08
Alico Road	E. of U.S. 41	10	25,223	45,500	13	4.64%	1,171	1,609	C	0.55	15%	20	15	1,629	C	0.55	1,624	C	0.55

1. AGR for all roadways was calculated based the historical traffic data obtained from the Lee County Traffic Count Report and Florida Traffic Online webpage.
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.

TABLE 6A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
ROYAL PALM VILLAGE

Revised 1-31-2024

TOTAL PROJECT TRAFFIC AM = 160 VPH IN = 37 OUT= 123

TOTAL PROJECT TRAFFIC PM = 153 VPH IN= 93 OUT= 60

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]	2028 PK HR PK SEASON PEAK DIRECTION VOLUME	LOS	V/C Ratio	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2028 BCKGRND + AM PROJ VOLUME	LOS	V/C Ratio	2028 BCKGRND + PM PROJ VOLUME	LOS	V/C Ratio
Gladiolus Drive	W. of Summerlin Rd.	73	22600	23000	7	2.00%	1,149	1,320	C	0.45	5%	6	5	1,326	C	0.45	1,324	C	0.45
	W. of US 41	73	42000	46500	7	2.00%	2,227	2,558	C	0.87	20%	25	19	2,583	C	0.88	2,577	C	0.88
Six Mile Cypress Pkwy	W. of Metro Pkwy	30	36,500	40,000	7	2.00%	1,941	2,230	F	1.06	30%	37	28	2,266	F	1.08	2,257	F	1.07
	S. of Daniels Pkwy	30	30,600	32,500	7	2.00%	1,371	1,575	C	0.75	10%	12	9	1,587	C	0.76	1,584	C	0.75
US 41	S. of Daniels Pkwy	109	36,500	40,000	7	2.00%	2,509	2,882	C	0.95	30%	37	28	2,919	C	0.97	2,910	C	0.96
	S. of Six Mile Cypress	109	65,500	71,000	7	2.00%	3,002	3,448	F	1.14	40%	49	37	3,498	F	1.16	3,486	F	1.15
	S. of Island Park Rd.	109	53,000	60,000	7	2.00%	3,002	3,448	F	1.14	25%	31	23	3,479	F	1.15	3,472	F	1.15

1 AGR for all roadways was calculated based the historical traffic data obtained from the Lee County Traffic Count Report and Florida Traffic Online webpage.

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.

PCS 18 - Six Mile Cypress Pkwy north of Winkler Rd

2022 AADT = 20,700 VPD

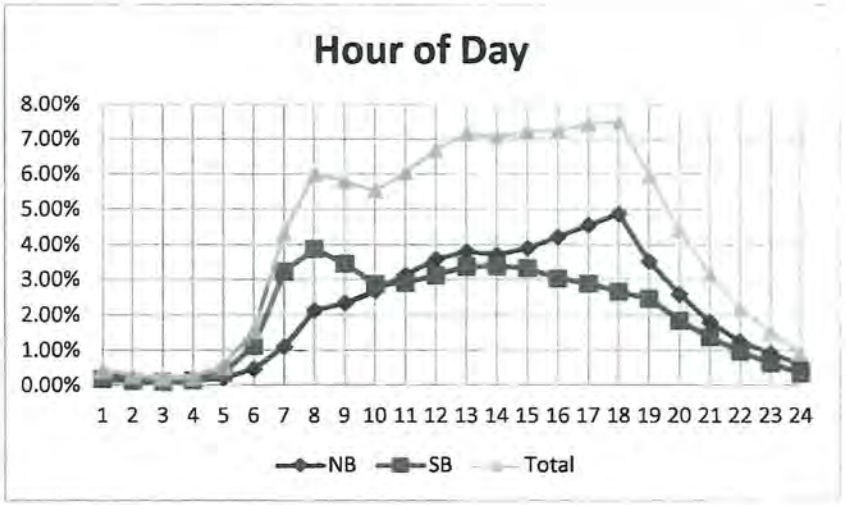
Hour	NB	SB	Total
0	0.28%	0.19%	0.46%
1	0.18%	0.12%	0.30%
2	0.14%	0.10%	0.24%
3	0.13%	0.13%	0.26%
4	0.21%	0.37%	0.58%
5	0.46%	1.12%	1.59%
6	1.10%	3.23%	4.35%
7	2.13%	3.88%	6.02%
8	2.34%	3.47%	5.82%
9	2.69%	2.87%	5.56%
10	3.14%	2.92%	6.06%
11	3.59%	3.13%	6.71%
12	3.81%	3.38%	7.19%
13	3.71%	3.38%	7.10%
14	3.90%	3.33%	7.23%
15	4.23%	3.04%	7.26%
16	4.56%	2.89%	7.45%
17	4.87%	2.66%	7.53%
18	3.53%	2.46%	5.99%
19	2.60%	1.85%	4.44%
20	1.81%	1.37%	3.17%
21	1.24%	0.96%	2.20%
22	0.91%	0.63%	1.53%
23	0.61%	0.34%	0.95%

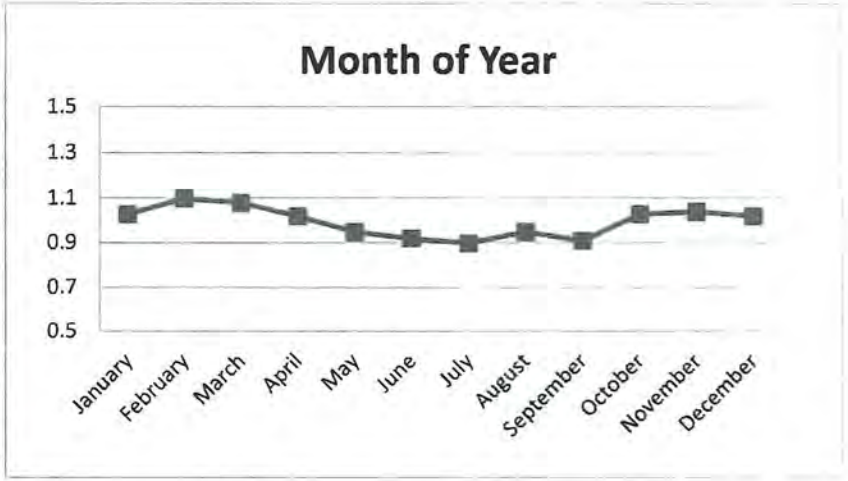
Month of Year	Fraction
January	1.03
February	1.1
March	1.08
April	1.02
May	0.95
June	0.92
July	0.9
August	0.95
September	0.91
October	1.03
November	1.04
December	1.02

Day of Week	Fraction
Sunday	0.71
Monday	1.04
Tuesday	1.1
Wednesday	1.1
Thursday	1.08
Friday	1.12
Saturday	0.87

Directional Factor		
AM	0.75	SB
PM	0.61	NB

Design Hour Volume		
#	Volume	Factor
5	2134	0.103
10	2081	0.101
20	2000	0.097
30	1961	0.095
50	1917	0.093
100	1868	0.090
150	1837	0.089
200	1812	0.088





PCS 37 - McGregor Blvd south of Pine Ridge Rd

2022 AADT = 28,100 VPD

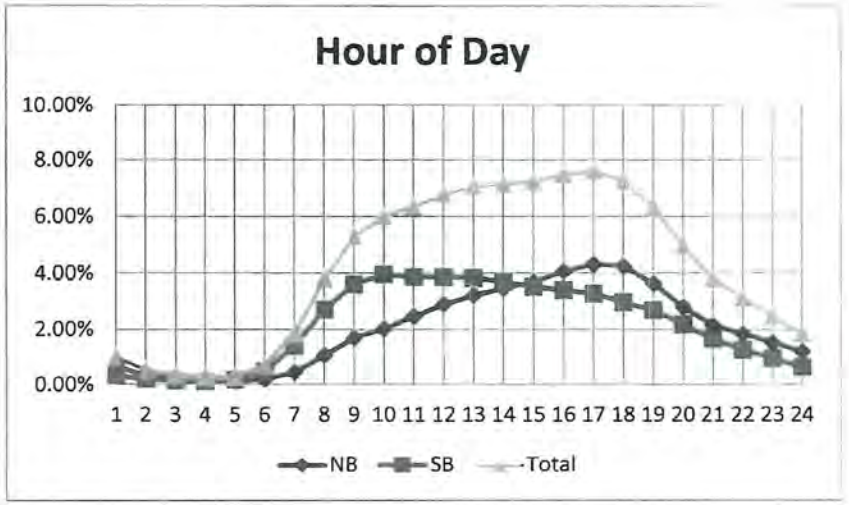
Hour	NB	SB	Total
0	0.69%	0.35%	1.04%
1	0.35%	0.22%	0.57%
2	0.22%	0.16%	0.38%
3	0.18%	0.13%	0.31%
4	0.13%	0.19%	0.31%
5	0.20%	0.50%	0.71%
6	0.46%	1.42%	1.89%
7	1.08%	2.72%	3.81%
8	1.71%	3.61%	5.32%
9	2.04%	3.96%	6.00%
10	2.49%	3.87%	6.36%
11	2.92%	3.87%	6.80%
12	3.22%	3.85%	7.08%
13	3.47%	3.71%	7.17%
14	3.70%	3.54%	7.23%
15	4.08%	3.41%	7.49%
16	4.33%	3.28%	7.62%
17	4.27%	2.99%	7.27%
18	3.65%	2.71%	6.35%
19	2.81%	2.18%	4.99%
20	2.17%	1.66%	3.83%
21	1.85%	1.27%	3.12%
22	1.53%	0.97%	2.50%
23	1.21%	0.65%	1.86%

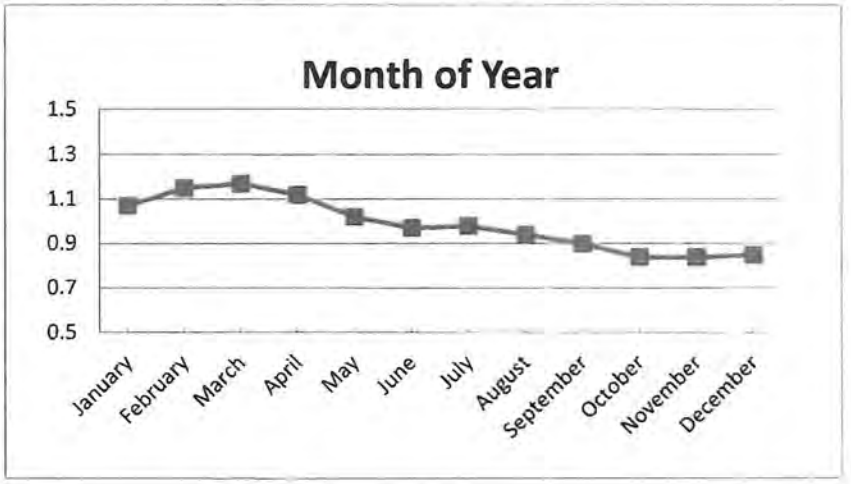
Month of Year	Fraction
January	1.07
February	1.15
March	1.17
April	1.12
May	1.02
June	0.97
July	0.98
August	0.94
September	0.9
October	0.84
November	0.84
December	0.85

Directional Factor		
AM	0.75	SB
PM	0.57	NB

Day of Week	Fraction
Sunday	0.82
Monday	1.01
Tuesday	1.04
Wednesday	1.06
Thursday	1.04
Friday	1.08
Saturday	0.96

Design Hour Volume		
#	Volume	Factor
5	2649	0.094
10	2615	0.093
20	2587	0.092
30	2575	0.092
50	2547	0.091
100	2493	0.089
150	2457	0.087
200	2434	0.087





PCS 46 - Gladiolus Dr west of US 41

2022 AADT = 46,200 VPD

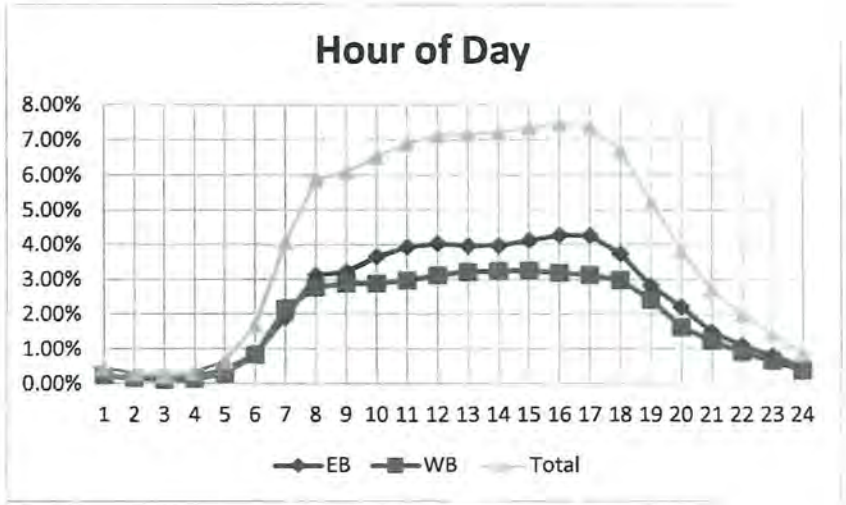
Hour	EB	WB	Total
0	0.24%	0.23%	0.47%
1	0.17%	0.16%	0.33%
2	0.15%	0.12%	0.27%
3	0.20%	0.13%	0.34%
4	0.40%	0.29%	0.68%
5	0.86%	0.84%	1.70%
6	1.90%	2.17%	4.07%
7	3.12%	2.77%	5.89%
8	3.22%	2.89%	6.11%
9	3.66%	2.88%	6.54%
10	3.93%	2.98%	6.91%
11	4.03%	3.12%	7.15%
12	3.96%	3.22%	7.19%
13	3.97%	3.25%	7.23%
14	4.11%	3.26%	7.37%
15	4.27%	3.20%	7.47%
16	4.26%	3.13%	7.39%
17	3.74%	2.98%	6.72%
18	2.83%	2.42%	5.25%
19	2.22%	1.63%	3.85%
20	1.50%	1.23%	2.73%
21	1.11%	0.90%	2.01%
22	0.80%	0.65%	1.45%
23	0.52%	0.38%	0.90%

Month of Year	Fraction
January	1.06
February	1.14
March	1.13
April	1.06
May	0.95
June	0.88
July	
August	
September	
October	0.95
November	0.91
December	0.89

Directional Factor		
AM	0.53	WB
PM	0.58	EB

Day of Week	Fraction
Sunday	0.74
Monday	1.04
Tuesday	1.08
Wednesday	1.1
Thursday	1.06
Friday	1.08
Saturday	0.89

Design Hour Volume		
#	Volume	Factor
5	4350	0.094
10	4314	0.093
20	4259	0.092
30	4233	0.092
50	4173	0.090
100	4085	0.088
150	4031	0.087
200	3971	0.086



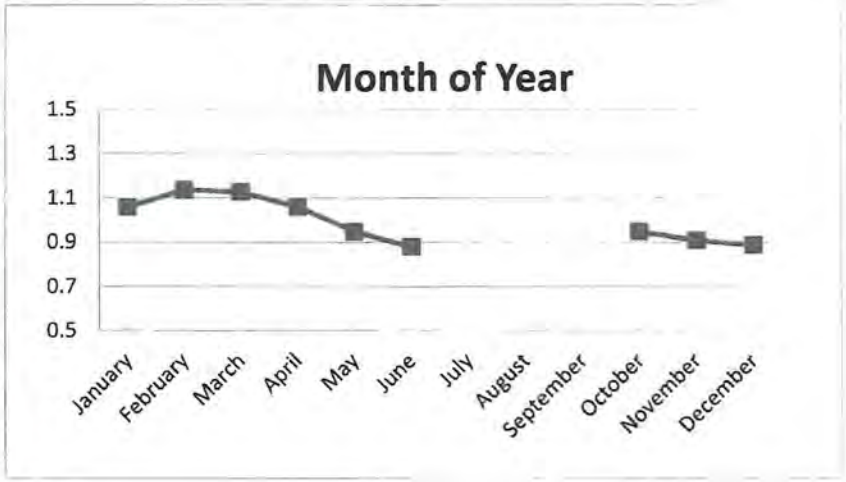


EXHIBIT M16 – EXISTING AND FUTURE CONDITIONS ANALYSIS - SANITARY SEWER, POTABLE WATER, SURFACE WATER/DRAINAGE BASINS, PARKS AND REC, OPEN SPACE, PUBLIC SCHOOLS

Royal Palm Multifamily CPA

Exhibit M16 - Existing and Future Conditions Analysis

I. PROPERTY HISTORY

The Property is located south of Old Gladius Road and west US Highway 41. The Property is located within the South Fort Myers Planning Community Area. The Property is currently developed as the Royal Palm Village property. Access is provided from Old Gladius Road. However, there is a drainage and stormwater management easement located on the southern portion of the property.

The Applicant has filed a Comprehensive Plan Map Amendments to change the Future Land Use (FLU) designation of the Property from "Central Urban" to "Intensive Development".

II. EXISTING CONDITIONS

The property is in the South Fort Myers Planning Community Area and as mentioned above, it was historically developed as the Royal Palm Village (mobile home park). The mobile home park ownership has been terminated (see attached termination agreement recorded at the Lee County Clerk) and most units have been removed.

There are no known environmentally sensitive areas on site. The site does abut, and the property line extends over a portion of Philips Creek to the south. Philips creek is a shallow waterway that connects to Otsego Bay but is only navigable near the subject property by kayaks and low drag, small boats.

The area to the north is in Intensive Development, to the east and west Central Urban, and south in the Suburban future land use category. The zoning is a mix of C-1, CC, RM-2, and AG-2 districts. The property to the north, east and west is either multifamily or commercial making this parcel a perfect infill redevelopment in a central employment center. The properties to the south are single-family homes on larger lots that are on average 170 feet from the southern property line and 350-550 feet from the nearest proposed multifamily building.

The surrounding area is as follows in the table below and map below.

Table 1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING	EXISTING LAND USE
NORTH	Intensive Development	C-1	Infinity Car Dealership / retention
SOUTH	Central Urban / Suburban	RS-1; AG-2	Phillips Creek / Single Family Residential Homes
EAST	Central Urban	CC; C-1	Car Wash; Auto Shop; Speedway Gas Station, Retail Center
WEST	Central Urban	RM-2	Lost Tree Apartments

- **NORTH:** Old Gladius Road and the Infinity Car Dealership.
- **SOUTH:** Phillips Creek along with Single Family Residential Homes
- **EAST:** US 41 and commercial uses such as Car Wash; an Auto Shop, a Speedway Gas Station, and Retail Center
- **WEST:** The Lost Tree Multifamily apartments.

III. FUTURE CONDITIONS

The site is not in any special overlay except the Property is within the Coastal High Hazard Area (CHHA) and Evacuation Zone A, but with no FEMA floodway concerns. The site is at the western most outskirts of the CHHA. The FEMA Flood Map places the site in the AE-11 zone.

The request is to increase the potential density by moving the property into the Intensive Development FLUC which allows the property which allows density to be calculated over the residential areas. The increased potential density is justified by the following analysis.

Central Location
In the captured image of the Lee County Future Land Use Map the subject property is marked with a yellow star. The significance of this regional view is to show the central location and significance of the US 41 and Gladius Drive / 6 Mile Cypress Parkway intersection. The interchange is located in the southeast corner of the South Fort Myers Planning District. The area is built out with retail centers, fast food restaurants, a car dealership, Department stores, and home improvement stores The Property is located within the southwest corridor of the US 41 and Gladius Drive / 6 Mile Cypress Parkway intersection. US 41 is a major arterial roadway that travels north-south in Lee County and serves as a major connection to all of the east-west arterials such as Daniels Parkway, Colonial Boulevard, Estero Parkway, 6 Mile Cypress Parkway, etc.

The applicant feels the consideration of bonus density in this area is good planning. The former mobile home flooded 2-3 feet in Hurricane Ian. Since that time the Flournoy Group and the Royal Palm Village POA have successfully terminated the 132 individual lots making way for redevelopment. It is telling that this was able to be accomplished. A CHHA is not an appropriate location for mobile homes, particularly on older parcels that are not raised to current base flood elevations. Repeated flood risks prompted the corporation of the termination.

Infill
The road is largely developed along US 41. The subject property is located in the southwest quadrant of US 41 and Gladius Parkway. The area is predominantly developed along US 41 to the north and south roadway. North of the Property includes a car dealership and a Lowes Improvement Center. To the east includes various of retail stores such as Wal-Mart and Home Deport, offices, and commercial retail and service plazas. South of the property includes a single-family residential development. However, directly west of the property includes multifamily apartments. The overall area is largely built out with a mix of commercial and residential developments.

The site is in the middle of a major employment area, abutted by multifamily developments, acts as an appropriate transition from commercial activity on US 41 to lower densities, has access to two major arterials (with proposed new access to US 41), is within one mile of Lakes Park, has access to Lee Tran with ¼ mile of a bus stop, is serviced by all major urban services as confirmed by the letters of availability for the Lee Plan map amendment letters received. The site is perfect for higher density infill redevelopment, particularly when considering the structures will be built to modern codes and FEMA flood elevations.
Serves Residential Rooftops
The site sits central to a region that has been developed with surrounding single-family and multifamily dwelling units.

Infrastructure
The Property has access to the necessary utilities to service the project and all urban services are adequate to serve the proposed development.

- Letters of availability have been secured from Lee County Utilities for water and sanitary sewer.
- Roadways have adequate capacity as the site, as proposed, will have direct access onto US 41, a state maintained principal arterial, and secondary access to Gladiolus Drive, a Lee County maintained arterial via Old Gladiolus Drive Lee County local road.
- Lee Tran serves the South Fort Myers Area by via Route 140 (Merchants Crossing/Bell Tower) and Route 240 (Coconut Point Mall/Bell Tower) located at the car wash directly adjacent to the property (approximately less than 200 ft.) on both the northbound and southbound travel lanes along the US Highway 41 roadway.
- The US 41 proposed access provides connection to the shared use path on the west side of US 41.
- The site is entrance onto Old Gladiolus Drive is within ¼ mile of the shared path on Gladiolus Drive and the Lakes Park regional Lee County Park.
- South Trail Fire Station #63 is within one mile of the site north on US 41 to Harper Road.
- The Lee County Sheriff's South District primary substation is within one mile as is an EMS substation on Six Mile Cypress Parkway.

Map 1- CHHA

Urban services are in place to serve intense development. The site has access to all major urban services including, but not limited to, public sanitary sewer and water, fire, EMS, police, parks, public schools, solid waste, transit with bus stop within 200 feet, and shared use paths.

EXHIBIT M17 – LETTER OF DETERMINATION FOR THE ADEQUACY/PROVISION OF EXISTING/PROPOSED SUPPORT FACILITIES - FIRE PROTECTION, EMERGENCY MEDICAL SERVICE, LAW ENFORCEMENT, SOLID WASTE, MASS TRANSIT, SCHOOLS

SOUTH TRAIL FIRE PROTECTION
&
RESCUE SERVICE DISTRICT

Established 1965

"Compassion, Commitment, Courage"

March 8, 2024

Letter of Serviceability

To Whom It May Concern,

The South Trail Fire District is capable of servicing the proposed Flournoy RPD project at the site of the former Royal Palm Village Mobile Home Park utilizing its current service-delivery model, to include fire/life safety, Advanced Life Support (non-transport), and fire inspection and plan review services.

The sole source of fiscal sustainment for these services is derived from ad valorem property taxes. The District will be able to provide the comprehensive services necessary to meet the needs of this normal community growth, provided that these parcels remain within Unincorporated Lee County and the boundaries of the District's jurisdiction.

Please do not hesitate to contact me anytime, should you need any further assistance.

Thank you for your time.

Respectfully,

Nate Burley

Nate Burley
Division Chief-Fire and Life Safety
South Trail Fire District
239-464-1635 cell (text if not urgent)
239-482-8030 office
nburley@southtrailfire.org

Lee County
Southwest Florida
BOARD OF COUNTY COMMISSIONERS

LeeTran
Lee County Transit
Planning Department
3401 Metro Parkway
Fort Myers, FL 33901

January 29, 2024

Fred Drovdlic, AICP
Director of Planning

Flournoy RPD
Letter of Service Availability Request

Mr. Fred,

LeeTran has reviewed your request for service availability regarding a proposed Comprehensive Plan Amendment. After reviewing the site and comparing the location with our existing and planned route locations according to the 2021 Transit Development Plan (TDP), the following has been determined:

- Subject area is within one-quarter mile of a fixed-route corridor
- Closest bus stop, #11490 is within one-quarter mile of the subject parcels
- The 2021 TDP does identify the need for enhanced or additional transit services in the area

The proposed development is within one-quarter mile of a fixed-route corridor and the closest bus stop is # 11490. If this becomes a DO or LDO type D, the developer must provide an 8' x 30', landing pad within the road right-of-way or dedicated easement, however, there is a sidewalk that can be considered within these dimensions; the only improvement that will need to be completed is an installation of a bicycle storage rack. Therefore, the developer would be required to make the necessary improvements based on the current Lee County Transit LDC section 10-442 (a)(1) but will be reassessed at the time of DO/LDO.

If transit services have been modified within one-quarter mile of the subject parcels at the time of a DO or LDO type D submittal, necessary improvements will be determined at that time.

If you have any questions or require further information, please do not hesitate to contact me at (239) 533-0340 or cmarinodiaz@leegov.com.

Sincerely,

Clarissa Marino Diaz

Clarissa Marino Diaz,

Transit Service Planner

Phone: (239) 533-0340

Lee County
Southwest Florida

Board of County Commissioners

November 16, 2023

Fred Drovdlic
RVi Planning + Landscape Architecture
10401 Highland Manor Dr. #220
Tampa, FL 33610

Re: Letter of Service Availability – Flournoy CPA

Mr. Drovdlic,

I am in receipt of your letter requesting a Letter of Service Availability for a Comprehensive Plan Amendment. The property consists of 1 parcel totaling 19.33+/- acres located on the southwest corner of Old Gladius Road and US Highway 41. The Applicant is proposing Large-Scale Comprehensive Plan Map amendment to change the Future Land Use designation of the property from "Central Urban" to the "Intensive Development" classification.

Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the location you have provided. There is one ambulance located 1.6 miles east. A second location is 2.3 miles west.

It is our opinion that the EMS service availability for the proposed development of this property is adequate at this time. Should the plans change, a new analysis of this impact would be required.

Sincerely,

Benjamin Abes
Director, Public Safety

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

November 16, 2023

RE: Flournoy -Comprehensive Plan Amendment

Dear Fred Drovdlic:

This letter is in response to your request for concurrency review dated November 10, 2023, for the subject property in Old Gladius Road and US highway 41 in regard to educational impact. This project is located in South choice Zone.

This development is a request for 391 Multifamily 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 .042 and further broken down by grade level into the following, .035 for elementary, .017 for middle and .039 for high. A total of 16.82 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	Flournoy Multifamily
OWNER/AGENT	RVI Planning + Landscape Architecture
ITEM DESCRIPTION	
LOCATION	Old Gladiud Road US 41
ACRES	19.33
CURRENT FLU	
CURRENT ZONING	RPD

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
	391	

	Student Generation Rates			
STUDENT GENERATION	**SF**	**MF**	**MH**	**Projected Students**
Elementary School	0.035	0.015		5.87
Middle School	0.017	0.009		3.52
High School	0.039	0.019		7.43
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**
South CSA, Elementary	14,234	14,026	208	6	202	99%	
South CSA, Middle	7,293	6,912	381	4	377	95%	
South CSA, High	9,536	8,492	1,044	7	1037	89%	

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

(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, Planning Specialist

Lee County
Southwest Florida

Board of County Commissioners

November 15, 2023

RVI Planning + Landscape Architecture
Attn: Lindsey Craig, Planner staff
10150 Highland Manor Drive, Suite 450
Tampa, FL 33610
RE: Flournoy – Comprehensive Plan Amendment
Letter of Service Availability

Dear Ms. Craig:

The Lee County Solid Waste Department is capable of providing solid waste collection service for the proposed 391 multi family dwelling units located on the southwest corner of Old Gladius Road and US Highway 41 through our franchised hauling contractors. Disposal of the solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

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

Carmine Marceno
Sheriff

State of Florida
County of Lee

"Proud to Serve"

November 13, 2023

Fred Drovdlic
RVi Planning + Landscape Architecture
1514 Broadway, Suite 201
Fort Myers, Florida 33901

Mr. Drovdlic,

The Lee County Sheriff's Office reviewed your Comprehensive Plan Amendment application request for a 19.33 +/- acre parcel located at the southwest corner of Old Gladiolus Road and U.S. 41 in incorporated Lee County.

The proposed Large-Scale Comprehensive Plan Map amendment would change the Future Land Use designation of the property from "Central Urban" to "Intensive Development" and designate the parcel in the Lee County Utilities (LCU) services area to connect to centralized potable water and sanitary sewer services. We acknowledge that the request would allow for a maximum of 391 multifamily dwelling units, with a proposed population at build out of 1,009 people. Buildout would occur by 2030 dependent upon market demand.

This Agency evaluated your rezoning request solely on its ability to provide law enforcement service to the development. Based on that criterion, we do not object to the proposed development. Law enforcement services will be provided from our Central District offices in 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 new development orders or building permits, the applicant shall 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 comments. Please contact Crime Prevention Practitioner Tiffany Wood at (239) 477-1885 with any questions regarding the CPTED study.

Respectfully,

Chris Reeves
Major, Patrol Bureau

This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at CompliancePermits@dos.MyFlorida.com for project review information.

November 9, 2023

Lindsey Craig
Planner Staff
RVi Planning + Landscape Architecture
10150 Highland Manor Drive, Suite 450 • Tampa, FL 33610
813.443.8282 Main

In response to your request on November 9, 2003, the Florida Master Site File lists no cultural resources recorded within Section 35 Township 45S Range 24E for the Flournoy RPD Project, Lee County.

This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.

- **Because vandalism and looting are common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.**
- **While many of our records document historically significant resources, the documentation of a resource at the Florida Master Site File does not necessarily mean the resource is historically significant.**

#

- **Federal, state and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at** CompliancePermits@dos.MyFlorida.com

Please do not hesitate to contact us if you have any questions regarding the results of this search.

Sincerely,

Eman M. Vovsi

Eman M. Vovsi, Ph.D.
Florida Master Site File
Eman.Vovsi@DOS.MyFlorida.com

Lee County
Southwest Florida

Board of County Commissioners

November 15, 2023

Fred Drovdlic, AICP
Planning Director
RVI Planning + Landscape Architecture
1514 Broadway, Suite 201
Fort Myers, FL 33901

Re: Flournoy – Comprehensive Plan Amendment
Letter of Service Availability

Dear Mr. Drovdlic,

In April 2014, the Lee County Board of County Commissioners adopted a comprehensive plan amendment eliminating concurrency requirements for transportation and parks, and moved both from regulatory to non-regulatory standards. In light of this, we do not have the authority to deny your request based on parks service availability.

That being said, the below numbers represent the current required and available acreages for regional and community park land as set forth by the requirements of Policy 95.1.3 in *The Lee Plan*. The Department's available capacity meets the current adopted level-of-service standard, and is projected to meet the adopted level-of-service standard for at least the next five years.

Required Capacity – 5,538 acres of regional parks and 295 acres of community parks
Available Capacity – 7,066 acres of regional parks and 832 acres of community parks

Please feel free to contact me directly at (239) 672-2094 or ARegnaert@leegov.com if you have further questions.

Sincerely,

Armand Regnaert
Principal Planner
Lee County Parks & Recreation
3410 Palm Beach Blvd
Fort Myers, FL 33916


Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Lee County
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

December 6, 2023 Via E-Mail

Fred Drovdlic, AICP
RVI Planning and Landscape Architecture
1514 Broadway, Suite 201
Fort Myers, FL 33901

RE: **Potable Water and Wastewater Availability**
Chief Court Industrial Rezoning - Royal Plam Villages – 15180 Meadow Cir.
STRAP # 35-45-24-L2-05000.01CE and Plus See Attached List

To whom this may concern:

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

Your firm has indicated that this project will consist of 391 multi-family residential units with an estimated flow demand of approximately 97,750 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 Green Meadows Water Treatment Plant.

Sanitary sewer service will be provided by our Fiesta Village 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 Due Diligence only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

Ashanti Shahriyar

Ashanti Shahriyar
Plan Reviewer
239-533-8531
UTILITIES ENGINEERING

Lee County
Southwest Florida

LEE COUNTY UTILITIES
REQUEST FOR LETTERS OF AVAILABILITY

DATE: NOVEMBER 30, 2023

TO: DCAP STAFF
Lcudcap@leegov.com

FROM: FRED DROVDLIC, AICP
FIRM: RVI PLANNING AND LANDSCAPE ARCHITECTURE
ADDRESS: 1514 BROADWAY, SUITE 201
ADDRESS: FORT MYERS, FL 33901 -
PHONE#: (239)318-6707 FAX: ( ) -
E-MAIL ADDRESS: FDROVDLIC@RVIPLANNING.COM

PROJECT NAME: CHIEF COURT INDUSTRIAL REZONING

PREVIOUS PROJECT NAME(S): ROYAL PALM VILLAGES MOBILE HOME PARK

STRAP NUMBER(S): 35-45-24-L2-05000.01CE PLUS SEE ATTACHED LIST

PRIOR STRAP NUMBER(S) (IF ANY):

LOCATION/SITE ADDRESS: 15180 MEADOW CIRCLE, FORT MYERS, FL 33908

PURPOSE OF LETTER:

☐ DEVELOPMENT ORDER SUBMITTAL ☐ FINANCING ☐ EFFLUENT REUSE
☐ PERMITTING OF SURFACE WATER MANAGEMENT (SOUTH FLORIDA WATER MANAGEMENT DISTRICT)
☒ OTHER: (PLEASE SPECIFY)

RESIDENTIAL PLANNED DEVELOPMENT AND COMPREHENSIVE PLAN MAP AMENDMENT

PLANNED USE:

☐ COMMERCIAL ☐ INDUSTRIAL ☐ RESIDENTIAL - (☐ SINGLE-FAMILY ☒ MULTI-FAMILY)
☐ OTHER: (PLEASE SPECIFY) _____

PLANNED # OF COMMERCIAL/INDUSTRIAL BUILDINGS: 4 TOTAL SQUARE FOOTAGE: _____

RESIDENTIAL UNITS: SINGLE-FAMILY: _____ MULTI-FAMILY: 391

AVERAGE ESTIMATED DAILY FLOW (GPD): 97,750 (☒ WATER ☒ WASTE-WATER) (GPD): _____ ☐ REUSE

PLEASE SHOW CALCULATION USED TO DETERMINE AVERAGE ESTIMATED DAILY FLOW (GPD) PER CRITERIA SET FORTH IN LEE COUNTY UTILITIES DESIGN MANUAL: _____

CHAPTER 64E-6 OF THE FLORIDA ADMINISTRATIVE CODE GUIDELINES

Multi-family residential at 250 GPD per unit = 97,750 GPD

_____

_____

Please e-mail the completed form to Lcudcap@leegov.com.
If you should have any questions or require assistance, please feel free to call our office at (239) 533-8531.

November 10, 2023

Pamela Keyes
Lee County Utilities
7391 College Parkway
Fort Myers, FL 33907

RE: Flournoy – Comprehensive Plan Amendment
Letter of Service Availability

Dear Ms. Keyes,

RVi Planning + Landscape Architecture, on behalf of the applicant and contract purchaser of the subject property, the Flournoy Development Group, is preparing a Comprehensive Plan Amendment application for the above referenced project. The property consists of 1 parcel totaling 19.33+/- acres located on the southwest corner of Old Gladius Road and US Highway 41 in unincorporated Lee County, Florida. An aerial location map depicting the subject property has been attached for your reference.

The Applicant is proposing Large-Scale Comprehensive Plan Map amendment to change the Future Land Use designation of the property from "Central Urban" to "Intensive Development" and designate the Property in the Lee County Utilities (LCU) services area to connect to centralized potable water and sanitary sewer services. The request is to allow for a maximum of 391 multifamily dwelling units.

The proposed population at build out is estimated at 1,009 people (maximum of 391 dwelling units X 2.58 persons per dwelling unit). Buildout is anticipated to occur by 2030; however, this date is variable depending upon market demand.

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 any further questions, please do not hesitate to contact me directly at (239) 318-6707 or fdrovdlic@rviplanning.com.

Sincerely,
RVi Planning + Landscape Architecture

Fred Drovdlic, AICP

Enclosure

RVi

FLOURNEY MULTIFAMILY RPD

List of Lots

STRAP #'s of the terminated lots of Royal Palms Village Mobile Home Park

35-45-24-05-00000.0010	35-45-24-05-00000.0430	35-45-24-05-00000.0840	35-45-24-05-00000.1290
35-45-24-05-00000.0020	35-45-24-05-00000.0440	35-45-24-05-00000.0850	35-45-24-05-00000.1300
35-45-24-05-00000.0030	35-45-24-05-00000.0450	35-45-24-05-00000.0860	35-45-24-05-00000.1310
35-45-24-05-00000.0040	35-45-24-05-00000.0460	35-45-24-05-00000.0870	35-45-24-05-00000.1320
35-45-24-05-00000.0050	35-45-24-05-00000.0470	35-45-24-05-00000.0880	35-45-24-05-00000.1330
35-45-24-05-00000.0060	35-45-24-05-00000.0480	35-45-24-05-00000.0890	35-45-24-L2-05000.01CE
35-45-24-05-00000.0070	35-45-24-05-00000.0490	35-45-24-05-00000.0900	35-45-24-L2-05000.02CE
35-45-24-05-00000.0080	35-45-24-05-00000.0500	35-45-24-05-00000.0910	35-45-24-L2-05000.03CE
35-45-24-05-00000.0090	35-45-24-05-00000.0510	35-45-24-05-00000.0920	35-45-24-L2-0500R.00CE
35-45-24-05-00000.0100	35-45-24-05-00000.0520	35-45-24-05-00000.0930	35-45-24-05-00000.0410
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35-45-24-05-00000.0400	35-45-24-05-00000.0810	35-45-24-05-00000.1220	

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FLOURNOY MULTIFAMILY RPD • **AERIAL MAP**

- Lee County, FL
- 11/1/2023
- # 23001957
- Flournoy Development Group

0 200 400
Feet

EXHIBIT M18 – STATE POLICY PLAN AND REGIONAL POLICY PLAN

I. STATE COMPREHENSIVE PLAN

Although the Community Planning Act of 2011 eliminated the requirement for consistency of the local comprehensive plan with the state comprehensive plan, the following analysis is included for further justification of the request. The plan amendment is consistent and furthers the adopted State Comprehensive Plan. Relevant portions are discussed below.

187.201(6) PUBLIC SAFETY.—
(a) Goal.—Florida shall protect the public by preventing, discouraging, and punishing criminal behavior, lowering the highway death rate, and protecting lives and property from natural and manmade disasters.

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

CONSISTENCY: The Lee County Sheriff's Office has provided a letter of service availability for this site.

(b) Policies:
22. Require local governments, in cooperation with regional and state agencies, to prepare advance plans for the safe evacuation of coastal residents.

23. Require local governments, in cooperation with regional and state agencies, to adopt plans and policies to protect public and private property and human lives from the effects of natural disasters.

CONSISTENCY: The map amendment from Central Urban to Intensive Development increases potential density or allowance for population to occupy the parcel and need to evacuate during a natural disaster.

CURRENT FUTURE LAND USE	Acreage	Density	Residential Units
Central Urban	19.33 less 1.16 natural waterways = 18.17+/- developable	10 du/acre (base) 4du/acre (bonus)	182 (base) 91 (bonus) **= 273 du**
PROPOSED FUTURE LAND USE	**Acreage**	**Density**	**Residential Units**
Intensive Development	19.33 less 1.16 natural waterways = 18.17+/- developable	14 du/acre (base) 8 du/acre (bonus)	255 (base 145 (bonus) **= 400 du**

The Lee County Emergency Management department will need to account for the potential population increase. Currently the and likeliness of a natural disaster is assigned to Evacuation Zone A. According to the LCEM plan, Zone A is a vulnerable Evacuation Zone. Well prepared and

protected buildings should be safe in most events. However, if evacuations are required, the safest option may be to travel to the east coast. The site will have direct access to Old Gladius Road and US Highway 41. Access to these major arterial roadways can allow for effective evacuation. The site is also within 2.3 miles of South Fort Myers High School which is a public shelter site.

JR Evans has prepared a risk evacuation analysis report, attached as Exhibit M12 - Risk Evac Analysis_Comp 01.30.2024, to demonstrate safe evacuation given the potentially increased population density.

187.201(7) WATER RESOURCES.—
(a) Goal.—Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.

(b) Policies:
5. Ensure that new development is compatible with existing local and regional water supplies.

CONSISTENCY: Lee County Utilities has issued a letter of utility service availability for the site.

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

CONSISTENCY: The site is undergoing a planned development zoning, a custom zoning district that will be required to meet the Land Development Code regulations for Lee County, and additionally may be conditioned by the County to ensure consistency with all groundwater quality and quantity

requirements. Moreover, in order for development to occur an Environmental Resource Permit will have to be attained from the State of Florida which will enforce the requirements to protect surface and ground water.

187.201(9) NATURAL SYSTEMS AND RECREATIONAL LANDS.—
(a) Goal.—Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.

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

CONSISTENCY: Lee County requires a Protected species Survey and mitigation if endangered or protected species are found. Lee County's requirements are consistent with State programs and requirements. The Southwest Florida Water Management District (SFWMD) monitors the protection of wetlands and similar environmentally sensitive site.

187.201(12) HAZARDOUS AND NONHAZARDOUS MATERIALS AND WASTE.—
(a) Goal.—All solid waste, including hazardous waste, wastewater, and all hazardous materials, shall be properly managed, and the use of landfills shall be eventually eliminated.

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

CONSISTENCY: Lee County Solid Waste has provided a letter of service availability to dispose of all solid waste on site and Lee County has an incineration plant to minimize landfill contributions.

187.201(14) PROPERTY RIGHTS.—
(a) Goal.—Florida shall protect private property rights and recognize the existence of legitimate and often competing public and private interests in land use regulations and other government action.

(b) Policies:
1. Provide compensation, or other appropriate relief as provided by law, to a landowner for any governmental action that is determined to be an unreasonable exercise of the state's police power so as to constitute a taking.
2. Determine compensation or other relief by judicial proceeding rather than by administrative proceeding.
3. Encourage acquisition of lands by state or local government in cases where regulation will severely limit practical use of real property.

CONSISTENCY: The site is under private contracts and not negatively affected by State or local policy or land use regulations that would constitute compensation.

(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.

CONSISTENCY: The development area is an urban environment with current intense allowances for development that are appropriate as the site is serviced by or has commitments from all applicable urban services agencies such as EMS, Police, Fire, Transit, Utilities, Schools, Solid Waste and Parks. Additionally, the site will have access to major roadways with adequate carrying capacity when the current plans for US Highway 41.

(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.
2. Promote rehabilitation and reuse of existing facilities, structures, and buildings as an alternative to new construction.
3. Allocate the costs of new public facilities on the basis of the benefits received by existing and future residents.

CONSISTENCY: The site is considered an urban site as it has been in the Central Urban future land use category. The change to Intensive Development is a reflection of the proper placement of population and affordable housing near major commercial employment centers that are serviced by all means if urban services.

EXHIBIT M19 – JUSTIFICATION OF PROPOSED AMENDMENT

Royal Palm Multifamily CPA

Exhibit M19 – Justification of Proposed Amendment

I. REQUEST

The contract purchaser for the 19.33+/- acre subject property, Meyers Group, LLC ("Applicant"), is requesting a Comprehensive Plan Amendment for one change to Lee County's Comprehensive Plan:

1. Amend Map 1-A – Future Land Use – from Central Urban to the Intensive Development Future Land Use Category (FLUC).

II. FLUC CHANGE JUSTIFICATION

The request is to increase the potential density by moving the property into the Intensive Development FLUC which allows the property which allows density to be calculated over the residential areas. The increased potential density is justified by the following analysis.

Central Location

In the captured image of the Lee County Future Land Use Map the subject property is marked with a yellow star. The significance of this regional view is to show the central location and significance of the US 41 and Gladius Drive / 6 Mile Cypress Parkway intersection. The interchange is located in the southeast corner of the South Fort Myers Planning District. The area is built out with retail centers, fast food restaurants, a car dealership, Department stores, and home improvement stores The Property is located within the southwest corridor of the US 41 and Gladius Drive / 6 Mile Cypress Parkway intersection. US 41 is a major arterial roadway that travels north-south in Lee County and serves as a major connection to all of the east-west arterials such as Daniels Parkway, Colonial Boulevard, Estero Parkway, 6 Mile Cypress Parkway, etc.

The applicant feels the consideration of bonus density in this area is good planning. The former mobile home flooded 2-3 feet in Hurricane Ian. Since that time the Flournoy Group and the Royal Palm Village POA have successfully terminated the 132 individual lots making way for redevelopment. It is telling that this was able to be accomplished. A CHHA is not an appropriate location for mobile homes, particularly on older parcels that are not raised to current base flood elevations. Repeated flood risks prompted the corporation of the termination.

Infill

The road is largely developed along US 41. The subject property is located in the southwest quadrant of US 41 and Gladius Parkway. The area is predominantly developed along US 41 to the north and south roadway. North of the Property includes a car dealership and a Lowes Improvement Center. To the east includes various of retail stores such as Wal-Mart and Home Deport, offices, and commercial retail and service plazas. South of the property includes a single-family residential development. However, directly west of the property includes multifamily apartments. The overall area is largely built out with a mix of commercial and residential developments.

The site is in the middle of a major employment area, abutted by multifamily developments, acts as an appropriate transition from commercial activity on US 41 to lower densities, has access to two major arterials (with proposed new access to US 41), is within one mile of Lakes Park, has access to Lee Tran with ¼ mile of a bus stop, is serviced by all major urban services as confirmed by the letters of availability for the Lee Plan map amendment letters received. The site is perfect for higher density infill redevelopment, particularly when considering the structures will be built to modern codes and FEMA flood elevations.

Serves Residential Rooftops
The site sits central to a region that has been developed with surrounding single-family and multifamily dwelling units.

Infrastructure
The Property has access to the necessary utilities to service the project and all urban services are adequate to serve the proposed development.

- Letters of availability have been secured from Lee County Utilities for water and sanitary sewer.
- Roadways have adequate capacity as the site, as proposed, will have direct access onto US 41, a state maintained principal arterial, and secondary access to Gladiolus Drive, a Lee County maintained arterial via Old Gladiolus Drive Lee County local road.
- Lee Tran serves the South Fort Myers Area by via Route 140 (Merchants Crossing/Bell Tower) and Route 240 (Coconut Point Mall/Bell Tower) located at the car wash directly adjacent to the property (approximately less than 200 ft.) on both the northbound and southbound travel lanes along the US Highway 41 roadway.
- The US 41 proposed access provides connection to the shared use path on the west side of US 41.
- The site is entrance onto Old Gladiolus Drive is within ¼ mile of the shared path on Gladiolus Drive and the Lakes Park regional Lee County Park.
- South Trail Fire Station #63 is within one mile of the site north on US 41 to Harper Road.
- The Lee County Sheriff's South District primary substation is within one mile as is an EMS substation on Six Mile Cypress Parkway.

Impacts of the Request

The impacts of the requested amendments are compared to the existing by-right entitlements per the future land use designations. The density under the Central Urban future land use category allows up to 15 units per acre with bonus density. The density under the proposed Intensive Development future land use category allows for up to 14 units per acre with base density at 8 units per acre for a total of 22 units per acre.

The uses between the two land use categories both allow for intense uses. The Central Urban FLUC encourages uses mixed use developments and best serves as an urban core. Thus, these areas are already the most heavily settled and have the greatest range and highest levels of public with a broad range of land uses that include residential, commercial, public and quasi-public, and limited light industrial land uses. The Intensive Development FLUC is also to be located along major arterial roads (Us 41) and similarly the available and potential levels of public services in both these areas are suited to accommodate high densities and intensities. However, in the Intensive Development category mixed use developments of high-density residential, commercial, limited light industrial, and office uses are encouraged.

Overall, the two land use categories, given the location, have very similar intended permitted uses and allowances for similar intensities. The primary difference in the request does not lie in the permitted uses but in the request for increased dwelling units under the Intensive Development FLUC. This will allow for more population to be located within the project many of which will be for affordable housing units as required in the CHHA.

CURRENT FUTURE LAND USE	Acreage	Density	Residential Units
Central Urban	19.33 less 1.16 natural waterways = 18.17+/- developable	10 du/acre (base) 4du/acre (bonus)	182 (base) 91 (bonus) **= 273 du**
PROPOSED FUTURE LAND USE	**Acreage**	**Density**	**Residential Units**
Intensive Development	19.33 less 1.16 natural waterways = 18.17+/- developable	14 du/acre (base) 8 du/acre (bonus)	255 (base 145 (bonus) **= 400 du**

Conclusion

Intense development is good in the correct location. The Intensive Development FLUC is located north of the Property and will allow for the expansion of FLU as well as similar residential density upon request. The move to Intensive Development will allow for vertical density and will allow for increase bonus density, which is limited to affordable multi-family housing, to be integrated into the surrounding commercial services.

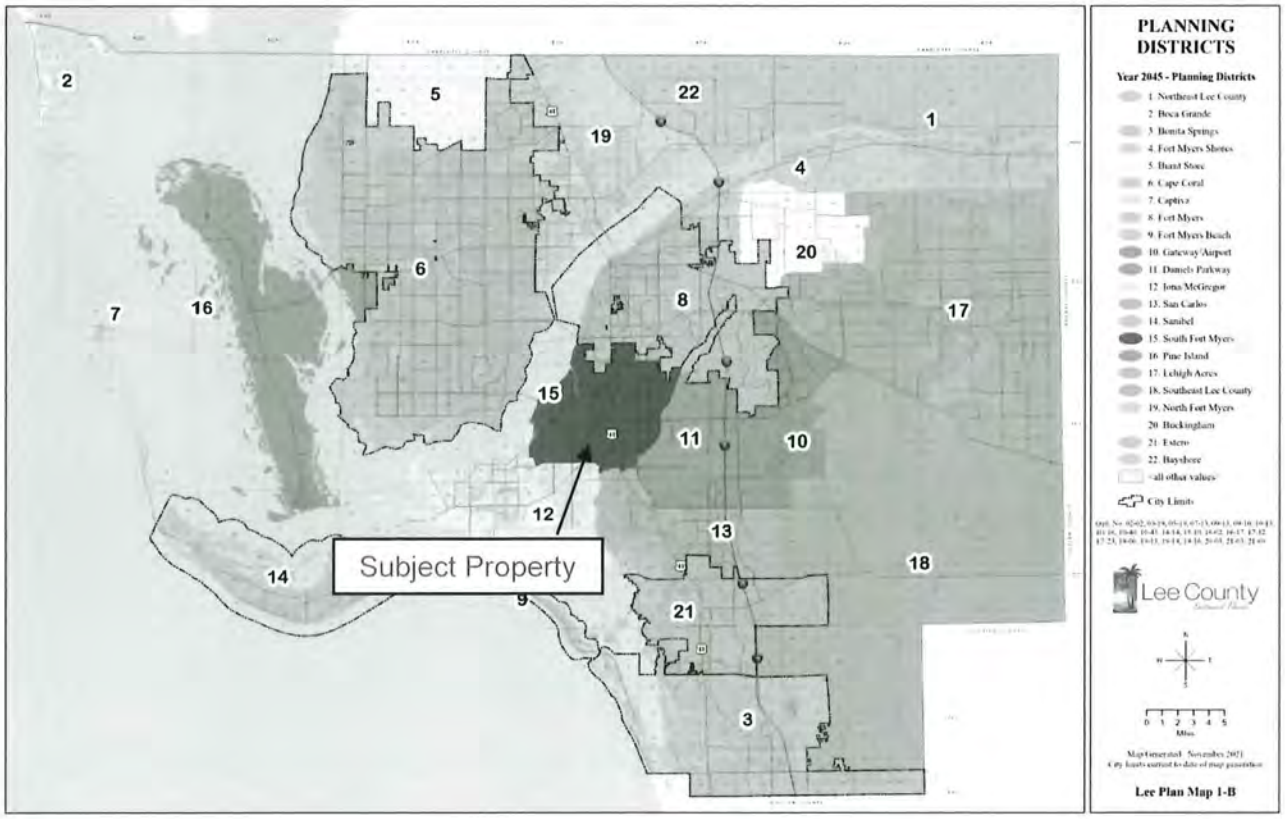
EXHIBIT M20 – PLANNING COMMUNITIES/COMMUNITY PLAN AREA REQUIREMENTS

Royal Palm Multifamily CPA

Exhibit M20 – Planning Districts/Community Plan Area Requirements

I. LEE PLAN

Lee Plan Map 1-B shows the parcels as part of the South Fort Myers Planning District (#11). The Property is within a planning community with specific Land Development Code requirements; therefore, a required public meeting and will meet community plan code as part of the LDC.



DCI2023-00038
FLOOR & DECOR
LEE COUNTY

Staff Summary

CASE NUMBER & NAME:	DCI2023-00038 / Floor & Decor Lee County
REQUEST:	Request to rezone 7.99± acres from Agricultural (AG-2) to Commercial Planned Development (CPD) to allow for up to 80,000 square feet of retail floor area.
RESOLUTION NUMBER:	Z-24-014
LOCATION:	2800 NE Pine Island Road and1481 Barrett Road, North Fort Myers Planning Community, Lee County, FL.
OWNER:	Renollett Daniel
APPLICANT:	Logan Opsahl
AGENT:	Logan Opsahl Lowndes, Drosdick, Doster, Kantor & Reed, P.A. 215 N. Eola Dr. Orlando, FL 32801
HEARING EXAMINER RECOMMENDATION:	Approval, subject to the conditions and deviations set forth in Exhibit B
PARTICIPANTS: (0)	NONE

DCI2023-00038

Aerial

Subject Property

City Limits

N
W
E
S

0 300 600 900

Feet

Lee County
Southwest Florida

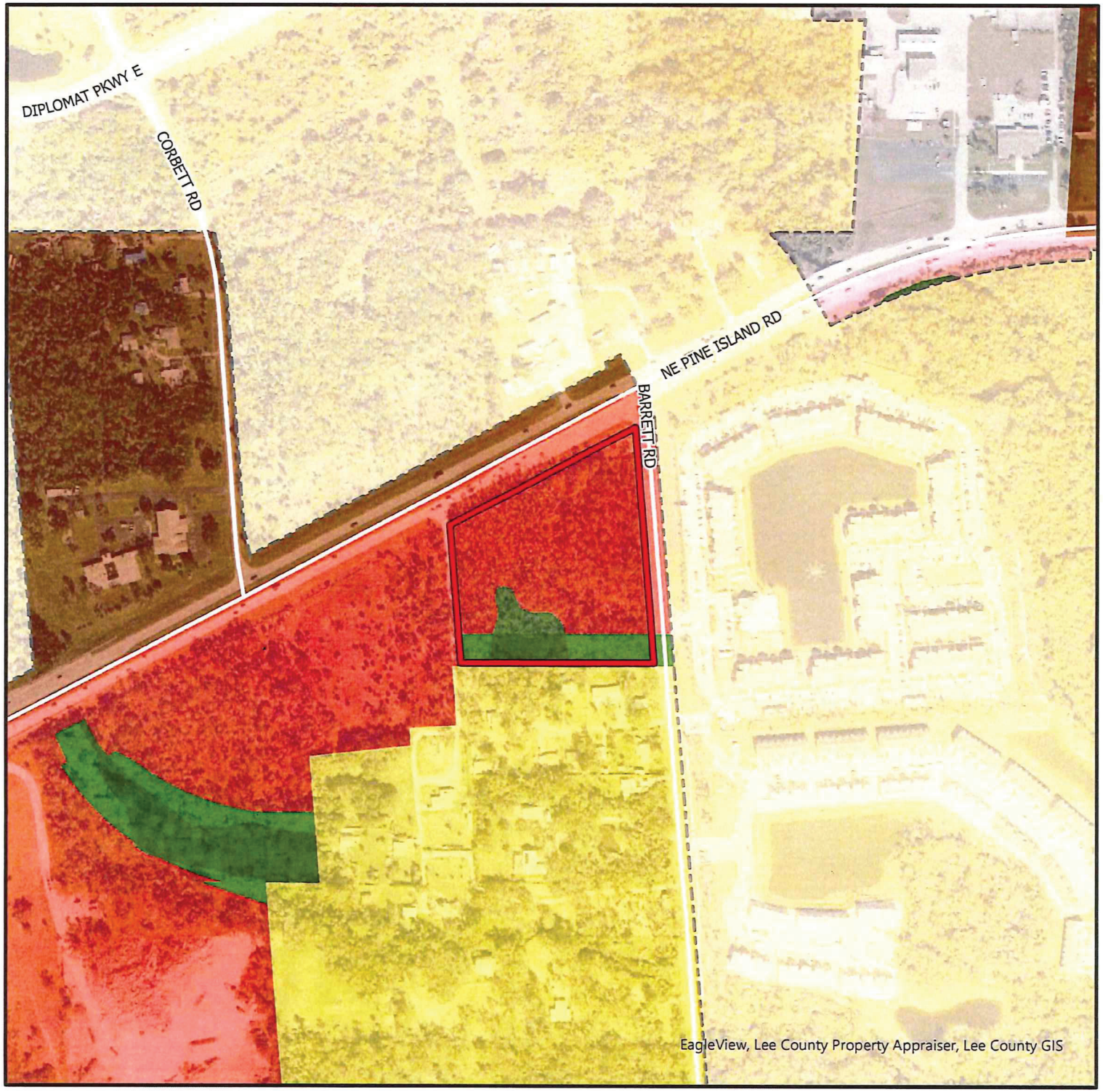
Summary of Hearing Examiner Recommendation

FLOOR & DÉCOR CPD

Applicant seeks to rezone vacant land along Pine Island Road to construct 80,000 square feet of commercial floor area. Site design includes two access points on Barrett Road and an extensive Preservation Area along the southern boundary.

The request infills development along a heavily developed corridor at a suitable location.

Detailed recommendation follows



DCI2023-00038

Future Land Use

- Subject Property
- Intensive Development
- Central Urban
- Sub-Outlying Suburban
- Commercial
- Public Facilities
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland
- City Limits

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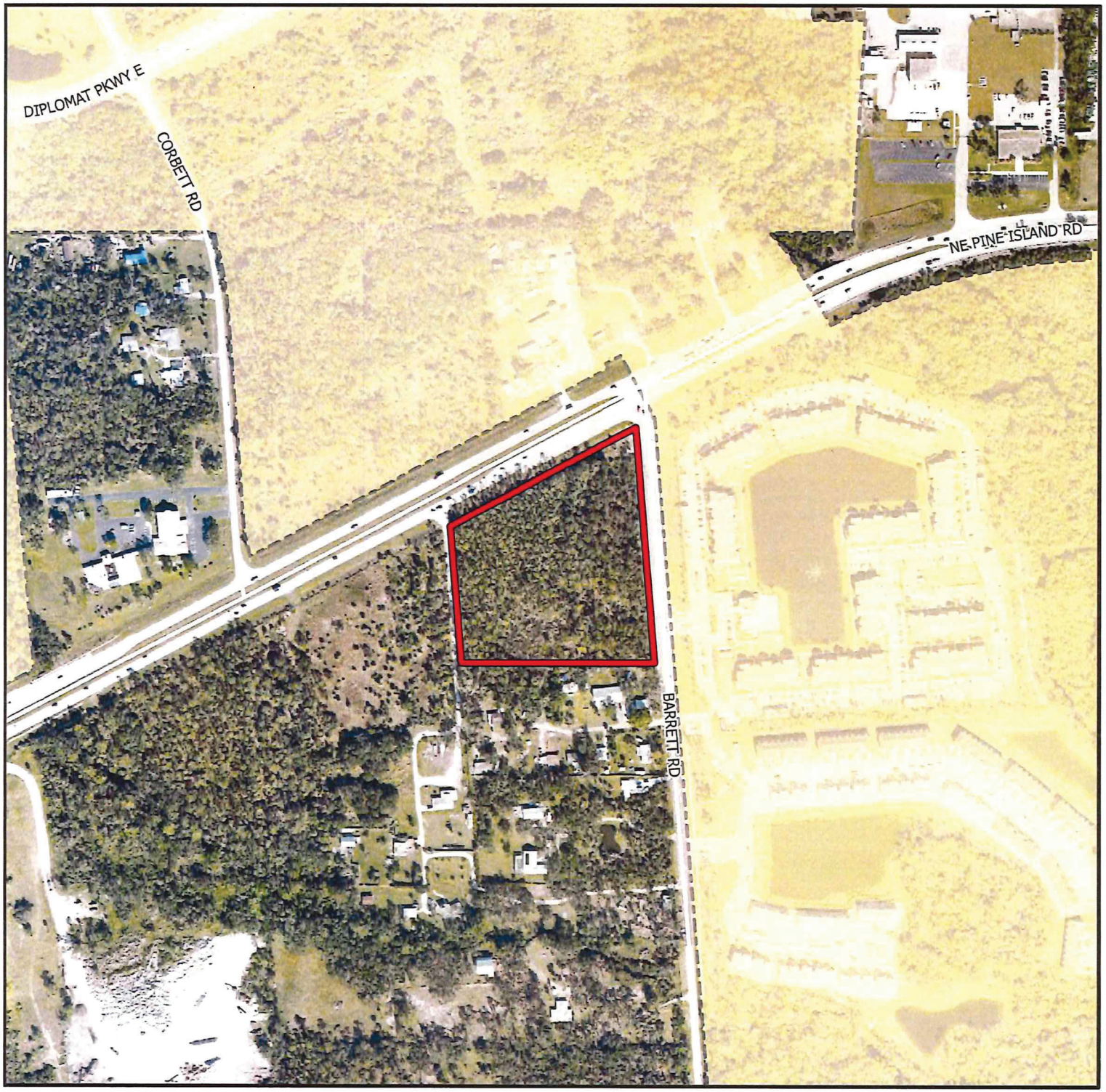
Lee County
Southwest Florida



DCI2023-00038

Aerial

Subject Property

City Limits

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Feet

Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2023-00038

Regarding: **FLOOR & DÉCOR CPD**

Location: 1481 Barrett Road and 2800 NE Pine Island Road
North Fort Myers Planning Community
(District 4)

Hearing Date: June 6, 2024 (Not Heard)
Continued Date: **July 11, 2024**

I. Request

Rezone 7.99± acres from Agricultural (AG-2) to Commercial Planned Development (CPD) to allow 80,000 square feet of retail floor area.

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

II. Hearing Examiner Recommendation

Approval, subject to the conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the planned development district.[1] In satisfaction of this duty, the Hearing Examiner accepted testimony and evidence on the application to rezone to CPD.

In preparing a recommendation to the Board, the Hearing Examiner must consider the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC), and other applicable County regulations to the facts presented in a rezoning request.[2] Specifically, the Hearing Examiner must find the request compatible with surrounding uses and complies with Lee Plan and LDC requirements relating to such items as transportation facilities, natural resources, and public services.[3] The

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[1] LDC §34-145(d)(1)b.
[2] LDC §34-145(d)(3).
[3] LDC §34-145(d)(4).

Hearing Examiner's recommendation must be based on competent and substantial evidence.[4]

Discussion supporting the recommendation of CPD approval follows below.

Zoning Review Criteria

Before recommending approval for rezoning to the Board, the Hearing Examiner must find the request:

A. Complies with the Lee Plan;

B. Meets the LDC and other applicable County regulations or qualifies for deviations;

C. Is compatible with existing and planned uses in the surrounding area;

D. Will provide access sufficient to support the proposed development intensity;

E. Addresses expected impacts on transportation facilities through existing County regulations or 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.[5]

If the request involves planned development zoning, the Hearing Examiner must also find:

H. The proposed use or mix of uses is appropriate at the proposed location;

I. The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and

J. Each requested deviation (1) enhances the achievement of the objectives of the planned development, and (2) protects public health, safety, and welfare.[6]

[4] Lee Co. Admin. Code 2-6, 3.3(A)(2); LDC §34-83(a)(4)a.1(a).
[5] LDC §34-145(d)(4)a.1.
[6] LDC §34-145(d)(4)a.2.

Request Synopsis

Applicant seeks to rezone 7.99± acres to CPD to develop an 80,000 square foot Floor & Decor facility.[7] Site design centers the building on the property, flanked by parking and drive aisles. A 100-foot-wide preservation area runs along the southern border. Open space lines the perimeter of the site.[8]

The development contemplates two access points on Barrett Road. Both deviation requests address separation requirements necessary to accommodate site conditions and align with neighboring development.[9]

Staff recommended approval, finding the CPD satisfied LDC review criteria.

Character of the Area

The vacant property sits on Pine Island Road, at the edge of the Lee County/Cape Coral line. Intense commercial and residential uses dominate the Pine Island Road corridor. Single family homes and multi-family developments line Barrett Road to the west and south. Vacant lands abut to the west.[10]

Lee Plan Consistency/Compatibility

Planned developments must be consistent with the Lee Plan.[11] Requests for rezoning must be compatible with existing/planned uses in the surrounding area.[12] Planned developments must be located to minimize negative effects of proposed uses on neighboring properties.[13]

The property is located within the Commercial future land use category in the Commercial Corridor of the North Fort Myers Planning Community. [14] A small portion is designated within the Conservation Lands and Wetlands categories.[15]

The Commercial category is reserved for commercial and light industrial uses along established road corridors.[16] Residential uses are prohibited in this

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[7] There are references in the record to the site comprising 8.03± acres, but the legal description and Master Concept Plan both denote 7.99± acres. *See* Staff Report (Attachments D, K).
[8] Applicant Ex. 1 (slide 7).
[9] The southern access point aligns with the multi-family development across Barrett Road. McDonald Testimony.
[10] The adjoining site to the west is zoned CG, without known development plans. Badamtchian Testimony.
[11] LDC §34-411(a).
[12] LDC §34-145(d)(4)a.
[13] LDC §§34-411(c) and (i).
[14] Lee Plan Map 1A-B, 2A, Policy 1.1.10; Lee Plan Policy 30.2.5; LDC §33-1537, §33-1566 *et. seq.* Supplemental land development regulations apply to Commercial Corridor properties.
[15] *See* Lee Plan Map 1-A; *See* Staff Report (pg. 3, Attachment B).
[16] Lee Plan Policy 1.1.10.

category.[17] Accordingly, rezoning to CPD brings the site into greater compliance with its future land use designation.[18]

The proposed development promotes contiguous and compact growth consistent with Lee Plan directives.[19] The requested facility develops an infill parcel proximate to intense commercial and residential uses.[20] The facility offers employment and retail opportunities, improving the community's economic base.[21] Supplemental regulations ensure development achieves community design standards.[22]

The CPD complies with the Commercial category's requirement that rezonings utilize the planned development process to prevent adverse impacts to surrounding areas.[23] Preservation areas and buffers adequately protect adjacent residences from project impacts.[24]

Land within the Conservation Lands and Wetlands categories are predominantly within the Preservation Area or used as open space.[25] The Preservation Area provides a substantial buffer to the south. Staff proposed extensive environmental conditions consistent with Conservation Lands and Wetlands directives.[26]

The requested rezoning is consistent with the Lee Plan and compatible with the surrounding area.

Environmental/Natural Resources

Planned development design should reflect creative use of open space.[27] Developers must make an effort to protect and preserve natural site features.[28]

The site is densely vegetated and contains wetlands.[29] Accordingly, the request is undergoing review by the South Florida Water Management District.[30] Hearing testimony confirms Applicant will mitigate wetland impacts through mitigation credits.[31]

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[17] *Id.*
[18] Permitted uses under the AG-2 district are misaligned with Commercial land use directives. *See* LDC §34-651 *et. seq.*; Lee Plan Policy 1.1.10.
[19] *See* Lee Plan Objectives 2.1, 2.2, Policies 2.1.1, 2.2.1, 6.1.7, Staff Report (pg. 3).
[20] *See* Lee Plan Policies 6.1.3, 6.1.4.
[21] *See* Lee Plan Goal 158.
[22] *See* LDC §33-1542 *et. seq.*, §33-1566 *et. seq.,* Lee Plan 30.2.9.
[23] Lee Plan Policy 1.1.10.
[24] *See* Lee Plan Policy 5.1.5; Staff Report (pg.3). The MCP reflects Code compliant buffering. The Preservation Area serves as a buffer to the south.
[25] McDonald Testimony; Lee Plan Policy 124.1.1.
[26] *See* Condition 3; Staff Report (Attachment E); Lee Plan Objective 30.5.
[27] LDC §34-411(h).
[28] LDC §34-411(g).
[29] *See* Staff Report (Attachment E).
[30] *See* Staff Report (Attachment E, citing SFWMD ERP 36-109805-P).
[31] McDonald Testimony.

Site design provides adequate buffers from neighboring properties and exceeds open space requirements.[32] Environmental review discovered no protected species on site.[33]

Transportation Facilities/Traffic

Planned developments must have access to roads with sufficient capacity to support proposed intensity.[34] Existing regulations or conditions of approval must address expected transportation impacts.[35]

The project fronts Pine Island Road and Barrett Road.[36] Site design locates two access points on Barrett Road.[37] The northern point offers right-in access, while the southern point is full-access.[38] The property has adequate frontage to accommodate access.[39]

Lee Tran Route 595 services the site with existing stops on Pine Island Road.[40]

The Traffic Impact Statement (TIS) evaluated transportation impacts and concluded the request will not degrade levels of service on affected roadways/intersections.[41]

Public Services

Public services are the facilities, capital improvements, and infrastructure necessary to support development.[42] The Lee Plan requires urban service evaluation for rezoning.[43]

The request constitutes infill development in an area served by a host of urban services and infrastructure including roads, potable water, sanitary sewer, police, fire, and emergency medical services.[44]

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[32] *See* MCP Open Space Table.
[33] Applicant must conduct further environmental study during development order review.
[34] LDC §34-145(d)(4)(a)(1)(d); §34-411(d)(1).
[35] LDC §34-145(d)(4)(a)(1)(e); §34-411(d)(2).
[36] Pine Island Road is a four-lane road maintained by the State.
[37] Consistent with LDC §10-285(a), prohibiting access on an arterial road if projects have alternative access.
[38] *See* MCP; Staff Report (Attachment F).
[39] *See* Staff Report (Attachment F); Lee Plan Objective 39.1, Policy 39.1.1.
[40] *See* Staff Report (pg. 2); Lee Plan Policy 30.3.3.
[41] *See* Staff Report (pg. 2, Attachment H: TIS prepared by TR Transportation Consultants, Inc. dated Oct. 16, 2023, Attachment F: Memo from Md Rakibul Alan dated April 29, 2024).
[42] Lee Plan Glossary. Public services include public water and sewer, paved streets and roads, public transit, parks and recreation facilities, urban levels of police, fire and emergency services, urban surface water management, schools, employment, institutional/public/administrative/community facilities, and libraries.
[43] Lee Plan Policy 2.2.1.
[44] *See* Staff Report (pg. 2-3). North Fort Myers Fire Station No. 2 with EMS is 0.6± miles away.

Conditions

The county must administer the zoning process so proposed uses acceptably minimize adverse impacts to adjacent property. Conditions must plausibly relate to impacts anticipated from the proposed development and must be pertinent to mitigating those impacts for public health, safety, and welfare.[45]

The CPD will be subject to conditions of approval addressing development parameters and environmental features. The conditions relate to impacts anticipated from the project.[46]

Deviations

"Deviations" are departures from LDC regulations.[47] Applicant requested two deviations, both relating to separation requirements. Staff supports the requested deviations.

The Hearing Examiner's standard of review requires a finding that the deviations:

1. Enhance achievement of objectives of the planned development; and
2. Protect public health, safety, and welfare.[48]

Applying LDC deviation standards of review to testimony and evidence in the record, the Hearing Examiner concludes the requested deviations meet approval criteria.[49]

Public

Applicant presented its request at a community meeting in compliance with LDC requirements.[50] No members of the public appeared at the hearing before the Hearing Examiner.

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[45] LDC §34-932(b).
[46] LDC §34-83(b)(4)a.3. The Hearing Examiner recommends revisions to conditions to improve clarity.
[47] LDC §34-2.
[48] LDC 34-145(d)(4).
[49] LDC 34-377(a)(4).
[50] LDC §33-1532. *See* Staff Ex. 3. The meeting was held on June 26, 2024.

Conclusion

The Hearing Examiner concurs with staff's analysis and recommendation that the requested CPD meets LDC approval criteria.

IV. Findings and Conclusions

The Hearing Examiner makes the following findings and conclusions based on testimony and evidence in the record:

As conditioned herein, the proposed CPD:

A. Complies with the Lee Plan. *See* Lee Plan Goals 2, 4, 6, 30, 158, Objective 2.1, 2.2, 30.5, 39.1, and Policies 1.1.10, 1.4.6, 1.5.1, 1.7.6, 2.1.1, 2.2.1, 5.1.5, 6.1.3, 6.1.4, 6.1.7, 30.2.5, 30.2.9, 39.1.1, 123.2.4, 123.2.8, 124.1.1; Lee Plan Maps 1A-B, 2A.

B. Complies with the LDC and other County regulations. *See* LDC §10-1, §10-416, §§33-1531 *et. seq.*, §34-623, §34-625, §34-934.

C. Is compatible with existing and planned uses in the area. *See* Lee Plan Policies 1.1.10, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 6.1.1, 6.1.3, 6.1.4, 6.1.6, 6.1.7, LDC §34-411(c), (i), and (j).

D. Will provide sufficient access to support the proposed development. *See* LDC §10-285(a).

E. Expected impacts on transportation facilities will be addressed by existing County regulations or conditions of approval. *See* Lee Plan Goal 39, Policy 6.1.5, 39.1.1; LDC §34-411(d).

F. Will not adversely affect environmentally critical areas and natural resources. *See* Lee Plan Goal 77, Objectives 4.1, 77.2; Policies 1.4.6, 1.5.1, 123.2.4, 123.2.8, 123.2.9, and LDC §34-411(h).

G. Will be served by urban services. *See* Lee Plan Glossary, Maps 4A-B, Goal 2; Objectives 2.1, 2.2, 4.1; Policies 2.2.1, 6.1.4, and Standards 4.1.1 and 4.1.2; LDC §34-411(d).

H. The proposed mix of uses is appropriate at the proposed location. *See* Lee Plan Policies 1.1.10, 2.1.1, 6.1.1, and 6.1.7.

I. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. *See* Lee Plan Policy 6.1.1; *See also* LDC Chapters 10, 33, and 34.

J. As conditioned herein, the deviations:

(1) Enhance the objectives of the planned development; and

(2) Protect public health, safety, and welfare. *See* §34-377(b)(4).

Date of Recommendation: July 12, 2024.

Amanda L. Rivera
Deputy Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

Exhibit A

SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

DESCRIPTION: FLOOR & DECOR PARCEL (PREPARED BY SURVEYOR)

A PARCEL OF LAND LOCATED IN SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA AND BEING PREMISES DESCRIBED IN DEED TO DANIEL RENOLLETT, RECORDED IN OFFICIAL RECORD INSTRUMENT NUMBER 2011000222648, ALL REFERENCES HEREIN ARE TO PUBLIC RECORDS OF LEE COUNTY, FLORIDA, PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST; THENCE WITH THE EAST LINE OF SAID NORTHWEST 1/4, SOUTH 04°33'12" EAST, A DISTANCE OF 584.25 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 78 (NE PINE ISLAND ROAD) PER FDOT RIGHT-OF-WAY MAP SECTION #12060-2519; THENCE WITH SAID SOUTH LINE SOUTH 61°58'00" WEST, A DISTANCE OF 65.32 FEET TO THE INTERSECTION OF SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 78 AND WEST RIGHT-OF-WAY LINE OF BARRETT ROAD AND THE POINT OF BEGINNING; THENCE WITH SAID WEST LINE SOUTH 04°32'48" EAST, A DISTANCE OF 737.18 FEET TO THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 4; THENCE WITH SAID SOUTH LINE SOUTH 89°58'30" WEST, A DISTANCE OF 597.19 FEET TO THE EAST LINE OF PREMISES RECORD IN INSTRUMENT NUMBER 2019000114584; THENCE WITH SAID EAST LINE NORTH 04°41'25" WEST, A DISTANCE OF 430.94 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 78; THENCE WITH SAID SOUTH LINE NORTH 61°58'00" EAST, A DISTANCE OF 650.28 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 7.999 ACRES (348,040 SQUARE FEET) OF LAND, MORE OR LESS.

SURVEYOR'S NOTES:

1) THIS IS NOT A FIELD SURVEY. THIS SKETCH AND DESCRIPTION WAS PREPARED IN ACCORDANCE WITH STANDARDS OF PRACTICE FOR SURVEYORS AND MAPPERS AS SET FORTH IN ADMINISTRATIVE RULE 5J-17, FLORIDA ADMINISTRATIVE CODE. THIS IS NOT A BOUNDARY SURVEY.

2) THE BASIS OF BEARINGS FOR THIS SURVEY IS GRID NORTH STATE PLANE COORDINATE SYSTEM, FLORIDA WEST (NGS ZONE 902). THE WEST RIGHT-OF-WAY LINE OF BARRETT ROAD BEARS SOUTH 04°32'48" EAST.

3) ADDITIONS AND/OR DELETIONS TO THIS SKETCH OF DESCRIPTION, BY ANYONE OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

4) PRINTED COPIES OF THIS SKETCH AND DESCRIPTION ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. DIGITAL COPIES OF THIS SKETCH AND DESCRIPTION ARE NOT CONSIDERED VALID WITHOUT THE ELECTRONIC SIGNATURE AS SET FORTH IN ADMINISTRATIVE RULE 5J-17, FLORIDA ADMINISTRATIVE CODE.

REVIEWED
DCI2023-00038
Rick Burris, Principal Planner
Lee County DCD/Planning
4/1/2024

MATTHEW C. BOONE License Number LS7414 STATE OF FLORIDA Professional Surveyor and Mapper

Digitally signed by Matthew C Boone
Date: 2023.11.16 16:10:37 -05'00'

MATTHEW BOONE
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 7414

THIS SKETCH & DESCRIPTION IS NOT VALID UNLESS SHEETS 1-2 ARE INCLUDED

KCI # 512302600.00

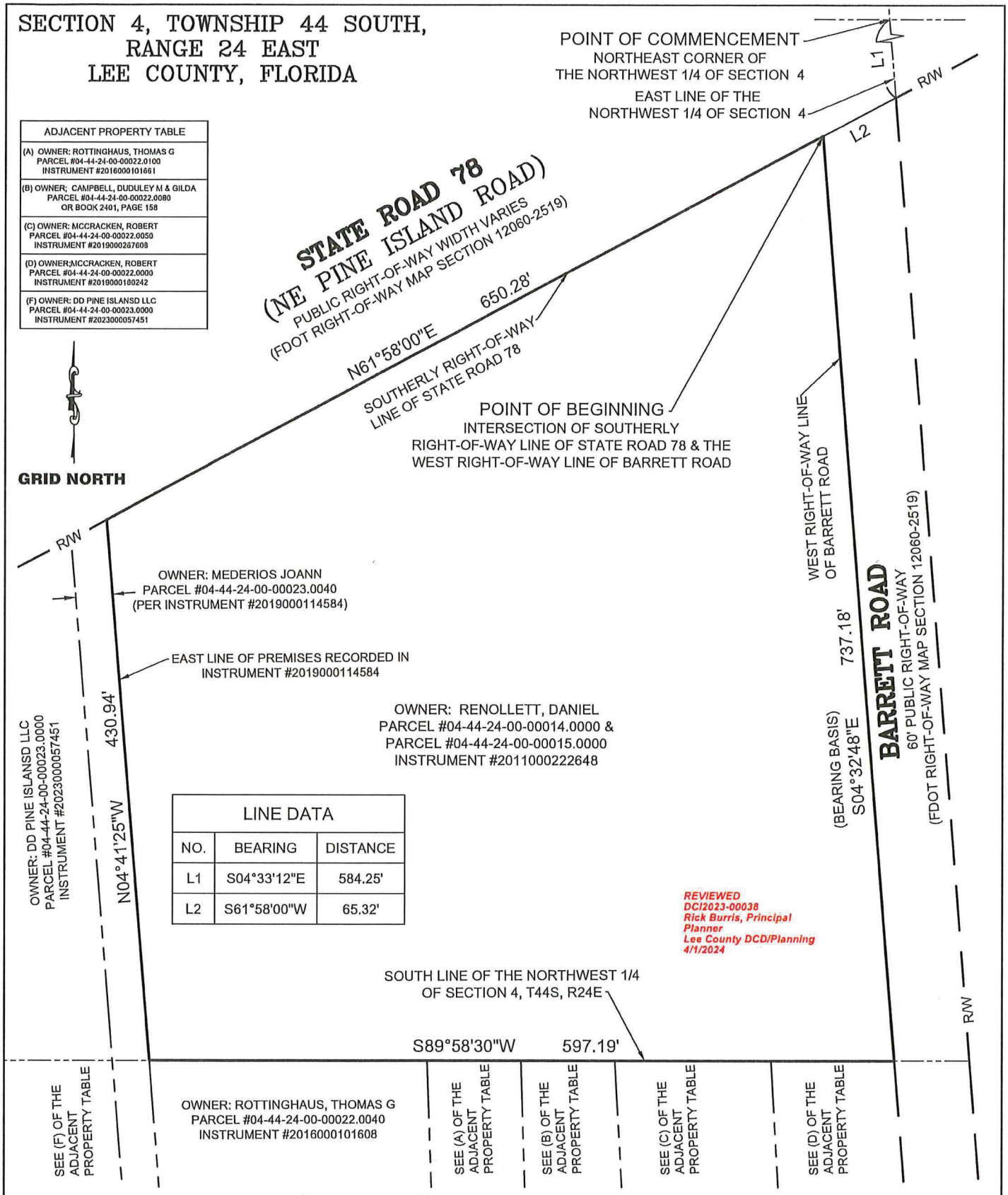
REV#	REVISION	DATE
0	ISSUED	11/16/23

KCI TECHNOLOGIES
LICENSED BUSINESS # 6901
3915 N US HIGHWAY 301
TAMPA, FL 33619
PHONE: (813) 740-2300
KCI TECHNOLOGIES

SKETCH & DESCRIPTION OF
FLOOR & DECOR PARCEL
2800 NE PINE ISLAND ROAD
FOR
THOMAS ENGINEERING GROUP

DATE:	SCALE:	SHEET:
NOV 16, 2023	NTS	1 OF 2

SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA



ADJACENT PROPERTY TABLE
(A) OWNER: ROTTINGHAUS, THOMAS G PARCEL #04-44-24-00-00022.0100 INSTRUMENT #2016000101661
(B) OWNER; CAMPBELL, DUDULEY M & GILDA PARCEL #04-44-24-00-00022.0080 OR BOOK 2401, PAGE 158
(C) OWNER: MCCRACKEN, ROBERT PARCEL #04-44-24-00-00022.0050 INSTRUMENT #2019000267608
(D) OWNER;MCCRACKEN, ROBERT PARCEL #04-44-24-00-00022.0000 INSTRUMENT #2019000180242
(F) OWNER: DD PINE ISLANSD LLC PARCEL #04-44-24-00-00023.0000 INSTRUMENT #2023000057451

LINE DATA		
NO.	BEARING	DISTANCE
L1	S04°33'12"E	584.25'
L2	S61°58'00"W	65.32'

REVIEWED
DCI2023-00038
Rick Burris, Principal Planner
Lee County DCD/Planning
4/1/2024

NOT A FIELD SURVEY

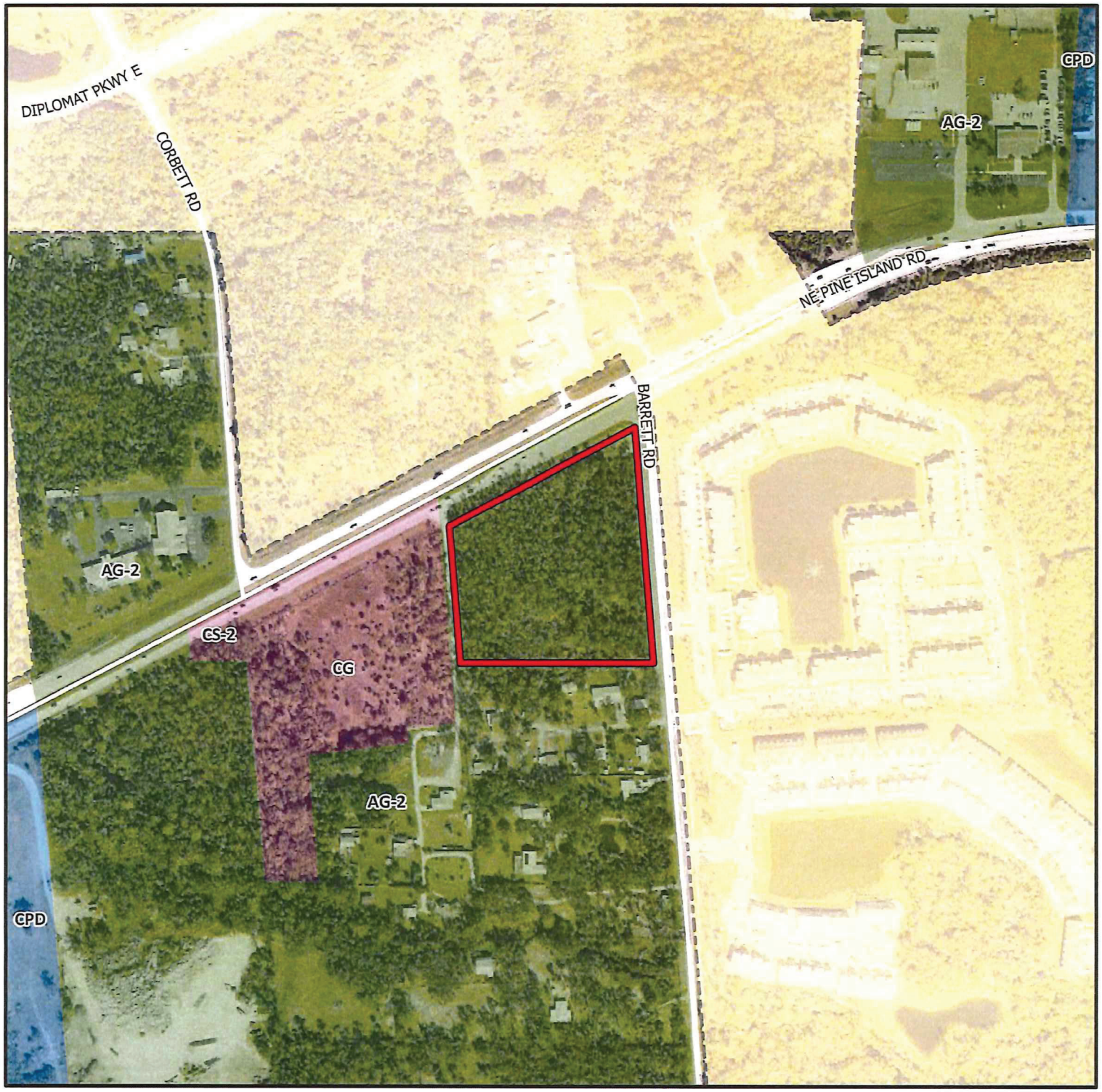
LEGEND
R/W = RIGHT-OF-WAY LINE

THIS SKETCH & DESCRIPTION IS NOT VALID UNLESS SHEETS 1-2 ARE INCLUDED

KCI TECHNOLOGIES
LICENSED BUSINESS # 6901
3915 N US HIGHWAY 301
TAMPA, FL 33619
PHONE: (813) 740-2300

SKETCH & DESCRIPTION OF
FLOOR & DECOR PARCEL
2800 NE PINE ISLAND ROAD
FOR
THOMAS ENGINEERING GROUP

DATE:	SCALE:	SHEET:
NOV 16, 2023	1" = 100'	2 OF 2



DCI2023-00038

Zoning

Subject Property

City Limits

N
W
E
S

0 300 600 900

Feet

Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

1. Master Concept Plan (MCP)/Development Parameters

a. MCP. Development must be substantially consistent with the one-page (MCP) entitled "Floor & Décor, North Fort Myers," dated April 16, 2024, (Exhibit B1), except as modified by the conditions below.

b. LDC and Lee Plan. Development must comply with the LDC and Lee Plan at time of local development order approval, except as may be granted by deviation herein. Subsequent changes to the MCP or conditions/deviations are subject to the planned development amendment process established in the LDC.

c. Development Parameters. Project intensity is limited to a maximum of 80,000 square feet of commercial uses.

2. Uses and Site Development Regulations

a. Schedule of Uses

Accessory Uses and Structures
Administrative Offices
ATM (automatic teller machines)
Essential Services
Essential Service Facilities, Group I
Excavation: Water Retention
Excess Spoil Removal
Household and Office Furnishings, Groups I & III
Signs

b. Site Development Regulations

Minimum Lot Area and Dimensions:

Area:	8 acres
Width:	430 feet
Depth:	600 feet

Minimum Setbacks:

Street (Public):	25 feet
Side:	25 feet
Rear:	25 feet

Water Body: 25 feet

Development Perimeter Building Setback: 25 feet

Maximum Building Height: 35 feet

Minimum Building Separation: One-half the sum of the heights of both buildings, or 20 feet, whichever is greater.

Maximum Lot Coverage: 45%

Minimum Open Space: 30%

3. Environmental

a. Development order plans must depict/include:
   i. 4.19 acres of open space.
   i. 10% publicly accessible open space.
   ii. A map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located. Indigenous preservation areas are limited to hand removal of exotics only.
   iii. An indigenous management plan.
   iv. The preservation of native heritage trees with at least a 20-inch caliper DBH to the maximum extent possible. If a heritage tree must be removed from, a replacement tree with a minimum 20-foot height must be planted within open space.
   v. A tree barricade and protection plan.
   vi. An erosion control plan with illustrations of how fill is impacting existing preservation trees.

b. The buffer material/vegetation must be measured from the parking lot grade of the project at the time of the first development order

c. Developer may not commence construction impacting wetlands until issuance of required state and federal permits. Development activity must comply with required state and federal wetland permits and applicable local development permits.

4. Development Permits

County development permits do not create rights to obtain permits from state/federal agencies. Further, County development permits 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

undertakes actions in violation of state/federal law. Applicant must obtain applicable state/federal permits prior to commencing development

DEVIATIONS

1. Deviation #1: Connection Separation. A deviation from LDC §10-285(a), which requires a minimum of 330-foot connection separation on major collector roads in the future suburban areas, to allow a 312-foot connection separation from NE Pine Island Road intersection to the northern access point of the subject site.

   HEX Recommendation: Approve

2. Deviation #2: Connection Separation. A deviation from LDC§10-285(a), which requires a minimum of 330-foot connection separation on major collector roads in the future suburban areas, to allow a 286-foot connection separation between the northern and southern access points to the site on Barrett Road.

   HEX Recommendation: Approve, subject to the following condition:

   The northern access point is limited to right-in only. The southern entrance may be a full access point.

Exhibits to Conditions:
B1 MCP entitled "Floor & Décor, North Fort Myers" dated April 16, 2024

GENERAL NOTES

1. DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
2. ALL RADII 5' UNLESS OTHERWISE NOTED.
3. RADII AT THE MAIN ENTRIES SHALL BE 25' UNLESS OTHERWISE NOTED.
4. REFER TO ARCHITECTURAL AND ELECTRICAL PLANS FOR SITE LIGHTING POLES, FIXTURES AND ELECTRICAL PLAN PRIOR TO PLACING PAVEMENT.
5. SITE LIGHTING IS BY OTHERS. REF. SITE LIGHTING PLANS FOR LOCATIONS AND DETAILS PRIOR TO PLACING PAVEMENT.
6. REFER TO ARCHITECTURAL AND STRUCTURAL PLANS FOR EXACT BUILDING DIMENSIONS.
7. SIDEWALKS TO HAVE A 5% MAXIMUM RUNNING SLOPE AND A MAXIMUM 2% CROSS SLOPE IN ACCORDANCE WITH ADA REQUIREMENTS.
8. FIELD VERIFY ADA GRADES PRIOR TO PLACING PAVEMENT. CONTRACTOR SHALL CONSTRUCT ALL ACCESSIBLE ROUTES IN ACCORDANCE WITH ADA STANDARDS AND THE LEE COUNTY.
9. REF. IRRIGATION PLANS PRIOR TO PLACING PAVEMENT.
10. STRIPING SHALL BE ACCORDING TO THE LEE COUNTY AND FDOT REQUIREMENTS.
11. CONTRACTOR SHALL BUDGET FOR ACCESSIBLE STALL STRIPING, FIRE LANE STRIPING, DIRECTIONAL ARROWS, ETC.
12. REF. BUILDING PLANS FOR ALL EXTERIOR STAIRS DETAILS.
13. CONTRACTOR TO ADJUST EXISTING SANITARY SEWER MANHOLES, STORM SEWER MANHOLES, ELECTRICAL MANHOLES, FIRE HYDRANTS, VALVE BOXES, WATER METERS, ETC. TO MATCH PROPOSED FINISHED GRADES IF NECESSARY.
14. STRIPING SHALL BE 4" SOLID WHITE LINES
15. SEE ARCHITECTURAL AND SIGN DRAWINGS FOR EXACT LOCATION, DIMENSIONS AND DETAILS FOR THE PROPOSED MONUMENT SIGNS SHOWN. LOCATION AND SIZE SHOWN ON THIS PLAN ARE FOR GENERAL COORDINATION PURPOSES ONLY.
16. SEE ARCHITECTURAL DRAWINGS FOR EXACT BUILDING DIMENSIONS AND DETAILS. ANY BUILDING DIMENSIONS SHOWN ON THIS PLAN ARE FOR GENERAL COORDINATION PURPOSES ONLY AND SHOULD NOT BE USED TO LAYOUT THE BUILDING OR ITS APPURTENANCES (STAIRS, DOORS, DOCKS, ETC).COORDINATE WITH ARCHITECTURAL AND STRUCTURAL PLANS.
17. THERE ARE NO POTENTIAL IMPACTS TO GROUND AND SURFACE WATERS, WETLANDS OR FLOOD PLAINS ANTICIPATED DUE TO CONSTRUCTION OF THIS PROJECT. IF REQUIRED, DEWATERING WILL REMAIN ON SITE. SURFACE WATER MANAGEMENT FOLLOWS THE MASTER SYSTEM.

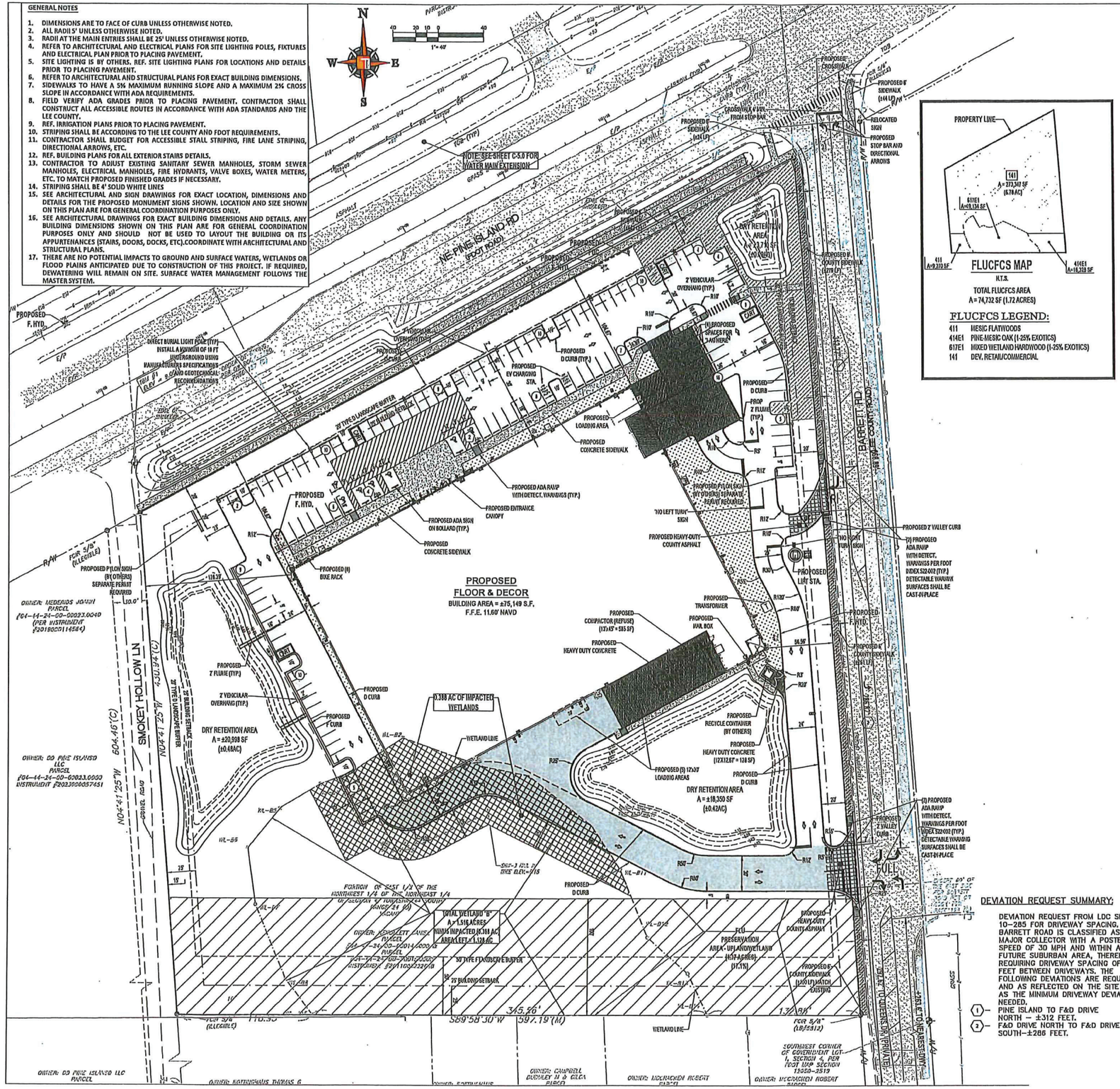

N
W
E
S
1"= 40'
NE PINE ISLAND RD (HOOT ROAD)
PROPOSED F.HYD.
DIRECT BURIAL LIGHT POLE (TYP.) INSTALL A MINIMUM OF 18 FT UNDERGROUND USING MANUFACTURER'S SPECIFICATIONS AND GEOTECHNICAL RECOMMENDATION
PROPOSED OVERHEAD UTILITIES
PROPOSED D CURB
PROPOSED EV CHARGING STA.
PROPOSED D CURB (TYP.)
PROPOSED LOADING AREA
PROPOSED CONCRETE SIDEWALK
PROPOSED ADA RAMP WITH DETECT. WARNINGS (TYP.)
PROPOSED ENTRANCE CANOPY
PROPOSED ADA SIGN ON BOLLARD (TYP.)
PROPOSED CONCRETE SIDEWALK
PROPOSED (N) BIKE RACK
PROPOSED PYLON SIGN (BY OTHERS) SEPARATE PERMIT REQUIRED
PROPOSED
F&D
PROPOSED
FLOOR & DECOR
BUILDING AREA = ±75,149 S.F.
F.F.E. 11.60' NAVD
PROPOSED TRANSFORMER
PROPOSED COMPACTOR (REFUSE) (17'x15' = 535 SF)
PROPOSED MAIL BOX
PROPOSED HEAVY DUTY CONCRETE
PROPOSED RECYCLE CONTAINER (BY OTHERS)
PROPOSED HEAVY DUTY CONCRETE (12'X12.67' = 128 SF)
PROPOSED (5) 12'x37' LOADING AREAS
DRY RETENTION AREA A = ±20,998 SF (±0.48AC)
DRY RETENTION AREA A = ±18,350 SF (±0.42AC)
DRY RETENTION AREA A = ±27,741 SF (0.64AC)
0.388 AC OF IMPACTED WETLANDS
WETLAND LINE
TOTAL WETLAND "B" A = 1.518 ACRES MINUS IMPACTED (0.388 AC) AREA LEFT = 1.130 AC
FCU PRESERVATION AREA - UPLAND/WETLAND (4.57 ACRES) (17.1%)
30' FCU/DCD PERVIOUS BUFFER
25' BUILDING SETBACK
PROPOSED HEAVY DUTY COUNTY ASPHALT
PROPOSED 6' COUNTY SIDEWALK (±491 LF) MATCH EXISTING
PROPOSED 2' VALLEY CURB
(7) PROPOSED ADA RAMP WITH DETECT. WARNINGS PER FDOT INDEX 522-002 (TYP.) DETECTABLE WARNING SURFACES SHALL BE CAST-IN-PLACE
PROPOSED LIFT STA.
PROPOSED F.HYD.
PROPOSED 6' COUNTY SIDEWALK (±491 LF)
PROPOSED (1) 12'x37' LOADING AREA
PROPOSED 2' VALLEY CURB
FUEL
PROPOSED 6' VALLEY CURB
PROPOSED (2) ADA RAMP WITH DETECT. WARNINGS PER FDOT INDEX 522-002 (TYP.) DETECTABLE WARNING SURFACES SHALL BE CAST-IN-PLACE
PROPOSED CROSSWALK
PROPOSED 6' SIDEWALK (±41 LF)
CROSSWALK 6' FWY FROM STOP BAR
PROPOSED STOP BAR AND DIRECTIONAL ARROWS
RELOCATED SIGN
NOTE: SEE SHEET C-3.0 FOR WATER MAIN EXTENSION
BARRETT RD
(80' PUBLIC ACCESS R/W)
"NO LEFT TURN" SIGN
"NO LEFT TURN" SIGN
PROPOSED 6' COUNTY SIDEWALK (±278 LF)
PROPOSED (6) 12'x37' LOADING AREAS
PROPOSED (3) 12'x37' LOADING AREAS
PROPOSED 6' COUNTY SIDEWALK (±1,278 LF)
PROPOSED (1) 12'x37' LOADING AREA
PROPOSED (2) 12'x37' LOADING AREAS
PROPOSED (1) 12'x37' LOADING AREA
PROPOSED (3) 12'x37' LOADING AREAS
PROPOSED (1) 12'x37' LOADING AREA
PROPOSED (2

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

a. *Response to Additional Information Requested by Hearing Examiner:* Email from Joseph Adams to Logan Opsahl, Esq., with copies to Chahram Badamtchian and Anthony Rodriguez, dated Monday, June 3, 2024, 1:11 PM (1 page – 8.5"x11")

1. *DCD Staff Report with attachments:* Prepared by Chahram Badamtchian, Senior Planner, date received May 22, 2024 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *Notice of Affidavit:* For Zoning Case DCI2023-00038, Floor & Décor (1 page – 8.5"x11")

3. *Public Meeting Package:* (multiple pages – 8.5"x11")

APPLICANT EXHIBITS

a. *48-Hour Notice:* Email from Logan Opsahl, Esq., to Maria Perez, dated June 3, 2024, 4:23 PM (multiple pages – 8.5"x11")[color]

1. *PowerPoint Presentation:* Prepared for CPD Zoning Request, DCI2023-00039, dated July 11, 2024 (3 double-sided pages – 8.5"x11")[color}

2. *Master Concept Plan:* Prepared by Edward M. McDonald, P.E., with SBLM Architects (1 page – 24"x36")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Chahram Badamtchian

Applicant Representatives:

1. Edward M. McDonald
2. Logan Opsahl

Public Participants:

None

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.

GENERAL NOTES

1. DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
2. ALL RADII 5' UNLESS OTHERWISE NOTED.
3. RADII AT THE MAIN ENTRIES SHALL BE 25' UNLESS OTHERWISE NOTED.
4. REFER TO ARCHITECTURAL AND ELECTRICAL PLANS FOR SITE LIGHTING POLES, FIXTURES AND ELECTRICAL PLAN PRIOR TO PLACING PAVEMENT.
5. SITE LIGHTING IS BY OTHERS. REF. SITE LIGHTING PLANS FOR LOCATIONS AND DETAILS PRIOR TO PLACING PAVEMENT.
6. REFER TO ARCHITECTURAL AND STRUCTURAL PLANS FOR EXACT BUILDING DIMENSIONS.
7. SIDEWALKS TO HAVE A 5% MAXIMUM RUNNING SLOPE AND A MAXIMUM 2% CROSS SLOPE IN ACCORDANCE WITH ADA REQUIREMENTS.
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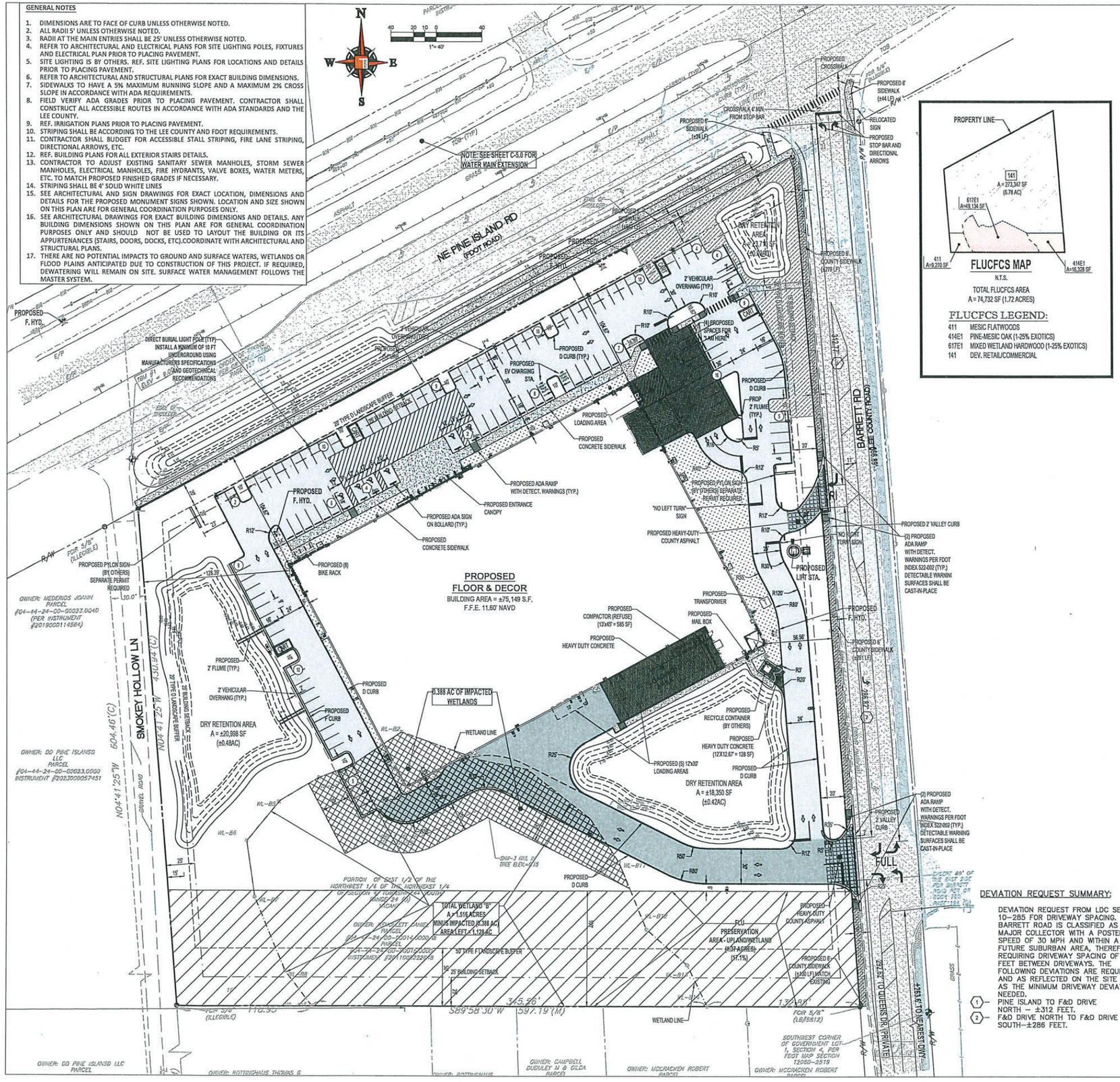
13. CONTRACTOR TO ADJUST EXISTING SANITARY SEWER MANHOLES, STORM SEWER MANHOLES, ELECTRICAL MANHOLES, FIRE HYDRANTS, VALVE BOXES, WATER METERS, ETC. TO MATCH PROPOSED FINISHED GRADES IF NECESSARY.
14. STRIPING SHALL BE 4' SOLID WHITE LINES
15. SEE ARCHITECTURAL AND SIGN DRAWINGS FOR EXACT LOCATION, DIMENSIONS AND DETAILS FOR THE PROPOSED MONUMENT SIGNS SHOWN. LOCATION AND SIZE SHOWN ON THIS PLAN ARE FOR GENERAL COORDINATION PURPOSES ONLY.
16. SEE ARCHITECTURAL DRAWINGS FOR EXACT BUILDING DIMENSIONS AND DETAILS. ANY BUILDING DIMENSIONS SHOWN ON THIS PLAN ARE FOR GENERAL COORDINATION PURPOSES ONLY AND SHOULD NOT BE USED TO LAYOUT THE BUILDING OR ITS APPURTENANCES (STAIRS, DOORS, DOCKS, ETC).COORDINATE WITH ARCHITECTURAL AND STRUCTURAL PLANS.
17. THERE ARE NO POTENTIAL IMPACTS TO GROUND AND SURFACE WATERS, WETLANDS OR FLOOD PLAINS ANTICIPATED DUE TO CONSTRUCTION OF THIS PROJECT. IF REQUIRED, DEWATERING WILL REMAIN ON SITE. SURFACE WATER MANAGEMENT FOLLOWS THE MASTER SYSTEM.


N
S
E
W
1"= 40'
NE PINE ISLAND RD (FDOT ROAD)
BARRETT RD (SEE COUNTY ROAD)
PROPOSED FLOOR & DECOR
BUILDING AREA = ±75,149 S.F.
F.F.E. 11.60' NAVD
DRY RETENTION AREA
A = ±20,998 SF
(±0.48AC)
DRY RETENTION AREA
A = ±18,350 SF
(±0.42AC)
0.388 AC OF IMPACTED WETLANDS
TOTAL WETLAND "B"
A = 1.516 ACRES
MINUS IMPACTED 0.388 AC
AREA LEFT = 1.128 AC
FLU PRESERVATION AREA - UPLAND/WETLAND (1.37 ACRES) (17.1%)
SMOKEY HOLLOW LN
GRAVEL ROAD
NOTE: SEE SHEET C-5.0 FOR WATER MAIN EXTENSION
PROPOSED F. HYD.
PROPOSED (8) BIKE RACK
PROPOSED PYLON SIGN (BY OTHERS) SEPARATE PERMIT REQUIRED
PROPOSED ADA SIGN ON BOLLARD (TYP.)
PROPOSED ADA RAMP WITH DETECT. WARNINGS (TYP.)
PROPOSED ENTRANCE CANOPY
PROPOSED CONCRETE SIDEWALK
PROPOSED LOADING AREA
PROPOSED CONCRETE SIDEWALK
PROPOSED EV CHARGING STA.
(4) PROPOSED SPACES FOR EV CHARGING HERE
2' VEHICULAR OVERHANG (TYP.)
PROPOSED D CURB (TYP.)
PROP Z FLUME (TYP.)
PROPOSED FYLON SIGN (BY OTHERS) SEPARATE PERMIT REQUIRED
"NO LEFT TURN" SIGN
PROPOSED HEAVY-DUTY COUNTY ASPHALT
PROPOSED LIFT STA.
PROPOSED TRANSFORMER
PROPOSED COMPACTOR (REFUSE) (12'x45' = 585 SF)
PROPOSED MAIL BOX
PROPOSED HEAVY DUTY CONCRETE
PROPOSED RECYCLE CONTAINER (BY OTHERS)
PROPOSED HEAVY DUTY CONCRETE (12'X12.67' = 128 SF)
PROPOSED (5) 12'x37' LOADING AREAS
PROPOSED Z VALLEY CURB
(2) PROPOSED ADA RAMP WITH DETECT. WARNINGS PER FDOT INDEX 522-002 (TYP.) DETECTABLE WARNING SURFACES SHALL BE CAST-IN-PLACE
(2) PROPOSED ADA RAMP WITH DETECT. WARNINGS PER FDOT INDEX 522-002 (TYP.) DETECTABLE WARNING SURFACES SHALL BE CAST-IN-PLACE
PROPOSED 6' COUNTY SIDEWALK (±261 LF)
PROPOSED 6' COUNTY SIDEWALK (±279 LF)
PROPOSED 6' SIDEWALK (±24 LF)
PROPOSED 6' SIDEWALK (±44 LF)
PROPOSED CROSSWALK
CROSSWALK 4' MIN FROM STOP BAR
RELOCATED SIGN
PROPOSED STOP BAR AND DIRECTIONAL ARROWS
PROPOSED HEAVY-DUTY COUNTY ASPHALT
PROPOSED 2' VALLEY CURB
PROPOSED HEAVY-DUTY COUNTY ASPHALT
PROPOSED 6' COUNTY SIDEWALK (±261 LF) MATCH EXISTING
DIRECT BURIAL LIGHT POLE (TYP.) INSTALL A MINIMUM OF 18 FT UNDERGROUND USING MANUFACTURERS SPECIFICATIONS AND GEOTECHNICAL RECOMMENDATIONS
30' TYPE D LANDSCAPE BUFFER
25' BUILDING SETBACK
PROPOSED Z FLUME (TYP.)
Z VEHICULAR OVERHANG (TYP.)
PROPOSED D CURB
PROPOSED F CURB
PROPOSED 6' SIDEWALK
PROPOSED 6' SIDEWALK
PROPOSED 6' SIDEWALK

DCI2023-00038, Floor & Décor CPD
Conditions and Deviations

A. Conditions

1. MASTER CONCEPT PLAN/DEVELOPMENT PARAMETERS

The development of this project must be consistent with the one-page Master Concept Plan entitled **"**Floor & Décor, North Fort Myers", dated April 16, 2024, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of local Development Order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

This planned development will allow a maximum of 80,000 square feet of commercial uses.

2. USES AND SITE DEVELOPMENT REGULATIONS

a. Schedule of Uses

Accessory Uses and Structures
Administrative Offices
ATM (automatic teller machines)
Essential Services
Essential Service Facilities, Group I
Excavation: Water Retention
Excess Spoil Removal
Household and Office Furnishings, Groups I & III
Signs

b. Site Development Regulations

Minimum Lot Area and Dimensions:

Area:	8 acres
Width:	430 feet
Depth:	600 feet

Minimum Setbacks:

Street (Public):	25 feet
Side:	25 feet
Rear:	25 feet
Water Body:	25 feet

Development Perimeter Building Setback: 25 feet

Maximum Building Height: 35 feet

Minimum Building Separation: One-half the sum of the heights of both buildings, or 20 feet, whichever is greater.

Maximum Lot Coverage: 45%

Minimum Open Space: 30%

3. Environmental

a) The development order plans must depict 4.19 acres of open space.

b) The development order plans must depict 10% publicly accessible open space.

c) The developer may not commence construction on development impacting wetlands until issuance of any required state and federal permits. Development activity must comply with any required state and federal wetland permits and applicable local development permits.

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

e) The development order plans must include a map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located. The indigenous preservation areas are limited to hand removal of exotics only.

f) Prior to the first development order, plans must demonstrate the preservation of native heritage trees with at least a 20-inch caliper DBH to the maximum extent possible. If a heritage tree must be removed from a site, then a replacement tree with a minimum 20-foot height must be planted within an appropriate open space area.

g) The buffer material/vegetation must be measured from the parking lot grade of the project at the time of the first development order.

h) Prior to the issuance of the first development order, the applicant must provide a tree barricade and protection plan.

i) Prior to the issuance of the first development order, an erosion control plan must be submitted with illustrations of how the fill is impacting the existing preservation trees.

B. DEVIATIONS:

Deviations

The applicant is requesting the following 2 deviations in conjunction with this rezoning action.

Deviation #1: Connection Separation.
A deviation from Land Development Code Section 10-285(a), which requires a minimum of 330-foot connection separation on major collector roads in the future suburban areas, to allow a 312-foot connection separation from NE Pine Island Road intersection to the northern access point of the subject site.

Deviation #2: Connection Separation.
A deviation from Land Development Code Section 10-285(a), which requires a minimum of 330-foot connection separation on major collector roads in the future suburban areas, to allow a 286-foot connection separation between the northern and southern access points to the site on Barrett Road.

Staff recommends approval of the requested deviations subject to the following condition:

> *The northern access point to the site is limited to right-in only, while the southern entrance may be a full access point to the site.*

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

TYPE OF CASE: **PLANNED DEVELOPMENT/DCI**
CASE NUMBER: **DCI2023-00038**
HEARING EXAMINER DATE: **June 6, 2024**

APPLICATION SUMMARY

Applicant: Logan Posahl from Lowndes Law Firm in reference to Floor & Décor CPD.

Request: Request to rezone 8.03± acres from Agricultural (AG-2) to Commercial Planned Development (CPD) to allow for up to 80,000 square feet of retail floor area.

Location: The subject property is located at 2800 Pine Island Road and 1481 Barrett Road in the North Fort Myers Community Plan area, Lee County, FL. (District #4). The applicant indicates the property's STRAP numbers are 04-44-24-00-00014.0000 and 04-44-24-00-00015.0000.

SUMMARY:

Staff recommends approval of the applicant's request to rezone the subject property with the conditions and deviations found in Attachment C.

The conditions have been prepared to address the proposed development and consistency with the Lee County Comprehensive Plan (Lee Plan), compatibility with surrounding land uses, and addressing future infrastructure needs to support the development and address the needs of the community.

The applicant's request includes two (2) deviations from the requirements of the Land Development Code. Staff recommends approval of both deviations.

CHARACTER OF THE AREA

The area is developed with a mix of commercial and residential uses along NE Pine Island Road interspersed with a few vacant parcels. Most of the area to the north of NE Pine Island Road is under the City of Cape Coral's jurisdiction. The subject property and the property immediately to the west are in the Commercial Future Land Use category. The property immediately to the south is in the Sub-Outlying Suburban Future Land Use category. Properties to the north and east are within the City of Cape Coral jurisdiction.

To the north, across NE Pine Island Road, this property abuts a place of worship and some vacant lands, all located in the City of Cape Coral.

To the east, across Barrett Road, there is a multiple-family residential development located in the City of Cape Coral.

To the south there are some single-family residences, zoned Agricultural (AG-2).

To the west, across Smoky Hollow Lane, this property abuts a vacant parcel zoned General Commercial (CG).

ANALYSIS

The subject property is located in North Fort Myers Community Plan area. The site consists of 8.03± acres and is currently vacant. The property fronts on NE Pine Island and Barret Roads and Smokey Hollow Lane. The request is to rezone the site from Agricultural to Commercial Planned Development to allow for up to 80,000 square feet of commercial retail uses.

The Traffic Impact Statement (TIS) provided by the applicant indicates 80,000 square feet of retail (limited to Household and office furnishings, Groups I & III). The proposed use will generate 500 two-way trips daily.

As required by Land Development Code Section 33-1532, the applicant held an advertised public informational meeting in North Fort Myers on June 27, 2023. A synopsis of that meeting in attached hereto as Attachment I.

Environmental

Environmental Staff has reviewed this project and recommends approval subject to conditions (See Attachment E).

Transportation

Lee County Infrastructure Planning staff reviewed this request and recommends approval subject to conditions (Attachment F). This project will generate 500 daily two-way trips. Barrett Road, north and south of this project will function at a Level of Service “C” with or without this project.

Master Concept Plan

The Master Concept Plan depicts two entrances to the development from Barrett Road The northern entrance is right-in only, while the southern entrance is full access point to the site. The Master Concept Plan also depicts a large preserve area to the south consistent with the FLU. The Master Concept Plan depicts a circular drive with a 75,000± square-foot building and parking spaces on three sides of it. Even though the site fronts on three streets, the site’s access points are from Barrett Road only.

Availability of Urban Services

The Lee Plan defines Urban Services as the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity.

Public sewer and water: County potable water and sanitary sewer services are available to the site and the site will connect to those services.

Paved streets and roads: The subject property fronts NE Pine Island Road which is an arterial road, and Barrett Road, a collector road. This site will have access to NE Pine Island Road via Barrett Road.

Public transit: Lee Tran Route 595, with stops on NE Pine Island Road Road, connects this site to North Cleveland Avenue and to Del Prado Boulevard.

Urban levels of police, fire, and emergency services: The subject property will be provided urban levels of police, fire and emergency services. Fire protection is provided by North Fort Myers Fire Control District (Station #2), located 1280 Barrett Road. This fire station also contains an EMS substation (0.6 miles from this site).

Urban surface water management: Future development will be required to comply with the LDC, including provisions for surface water management.

Schools: This request does not contain residential uses and therefore, will have no impact on classroom needs.

Employment, industrial, and commercial centers: The subject property will provide employment opportunities in the area.

LEE PLAN

The site is located in the North Fort Myers Planning District and within the Commercial, Wetlands, Conservation lands, Upland and Wetland Future Land Use categories as established by the Lee Plan.

This property is mostly located in the Commercial Future Land Use category established by the Lee Plan. This Future Land Use category is reserved mainly for commercial activities and selective light industrial uses. According to the Lee Plan, appropriate land use mixtures include commercial retail, hotels, banks, and office uses. Staff finds the proposed development, as conditioned, consistent with Policy 1.1.10 of the Lee Plan.

A small portion of the site in located in the Conservation Lands, Upland and Wetland. This area of the site will not be impacted by the development of the site. Staff finds the proposed development, as conditioned, consistent with Policy 1.4.6 of the Lee Plan.

Approximately 1.5 acres of the site in located in the Wetlands Future Land Use category. The applicant's proposed plan impacts approximately 25.6 percent of this area. Staff recommends conditions of approval requiring permit for mitigation prior to construction and finds the proposed development, as conditioned, consistent with Objective 1.5 of the Lee Plan.

This property fronts on three roads, one of which is an arterial road (NE Pine Island Road). Water and sewer services are available to the site. All urban services are available to this site, and the area is planned and is programmed to be developed with uses similar to this development project. Staff finds the proposed development, as conditioned, consistent with Policy 2.2.1 of the Lee Plan.

Water and sewer lines are within the vicinity of this parcel, and they will be extended to provide services to this site. Staff finds the proposed development consistent with Standards 4.1.1 and 4.1.2 of the Lee Plan.

The site is appropriately buffered and separated from any residential areas and will have no negatively impact in the area. The proposed uses are not anticipated to be destructive to the character and integrity of the residential environment. Staff finds the proposed development consistent with Policy 5.1.5 of the Lee Plan.

This development is in the Commercial Future Land Use category, which requires to Planned Development rezoning to minimize the impact on residential areas located in the vicinity of the site. This project is being reviewed for traffic impact, neighborhood compatibility, availability and adequacy of urban services and landscaping and buffer requirements.

The area, due to its location and Future Land Use designation, is appropriate for commercial retail uses. It fronts on three road, one of which is an arterial road. The site meets DCI thresholds and is being rezoned to Commercial Planned Development, and the proposed uses are compatible with the uses in the area. Staff finds the proposed development, as conditioned, consistent with Objective 6.1, Goals 6.1.3, 6.1.4, 6.1.5 and 6.1.6 of the Lee Plan.

PLANNING DISTRICT MAP AND ALLOCATION TABLE

POLICY 1.6.5: The Planning Communities Map and Acreage Allocation Table (see Map 1-B and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2045.

The subject property is located in the North Fort Myers Planning District. The Lee Plan has allocated 1,121 acres of land for commercial uses within this planning district by the year 2045. Staff finds the request consistent with the allocations for the North Fort Myers Planning District. This finding is not a guarantee that there will be sufficient allocations for development in the future. Such a determination will be made at time of local development order.

Deviations

The applicant is requesting the following 2 deviations in conjunction with this rezoning action.

Deviations 1 and 2: Connection Separation.

Two deviations from Land Development Code Section 10-285(a), which requires a minimum of 330-foot connection separation on major collector roads in the future suburban areas, to allow: 1) a 312-foot connection separation from the NE Pine Island and Barrett Roads intersection to the northern access point of the subject site, and 2) a 286-foot connection separation between the northern and southern access points to the site on Barrett Road. These deviations are recommended for approval.

Findings and Conclusions

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff finds that the request:

a) Complies with Lee Plan as discussed in the Lee Plan analysis section of this report, specifically Lee Plan Policies 1.1.10, 1.4.6, 2.2.1, Lee Plan Standards 4.1.1 and 4.1.2, and Objectives 1.5 and 11.1, 6.1 and Goal 6 of the Lee Plan, Land Development Code, and other applicable codes and regulations; and

b) Meets the Land Development Code and other applicable County regulations; or qualifies for deviations; and

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

d) Will provide access sufficient to support the proposed development intensity and the expected impacts on existing or planned transportation facilities will be mitigated through existing County regulations or conditions of approval; and

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

f) Will be served by urban services, defined in Lee Plan Standards 4.1.1 and 4.1.2 and other applicable Lee Plan Policies; and

g) The proposed mix of uses is appropriate at the proposed location; and

h) 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.

i) 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.

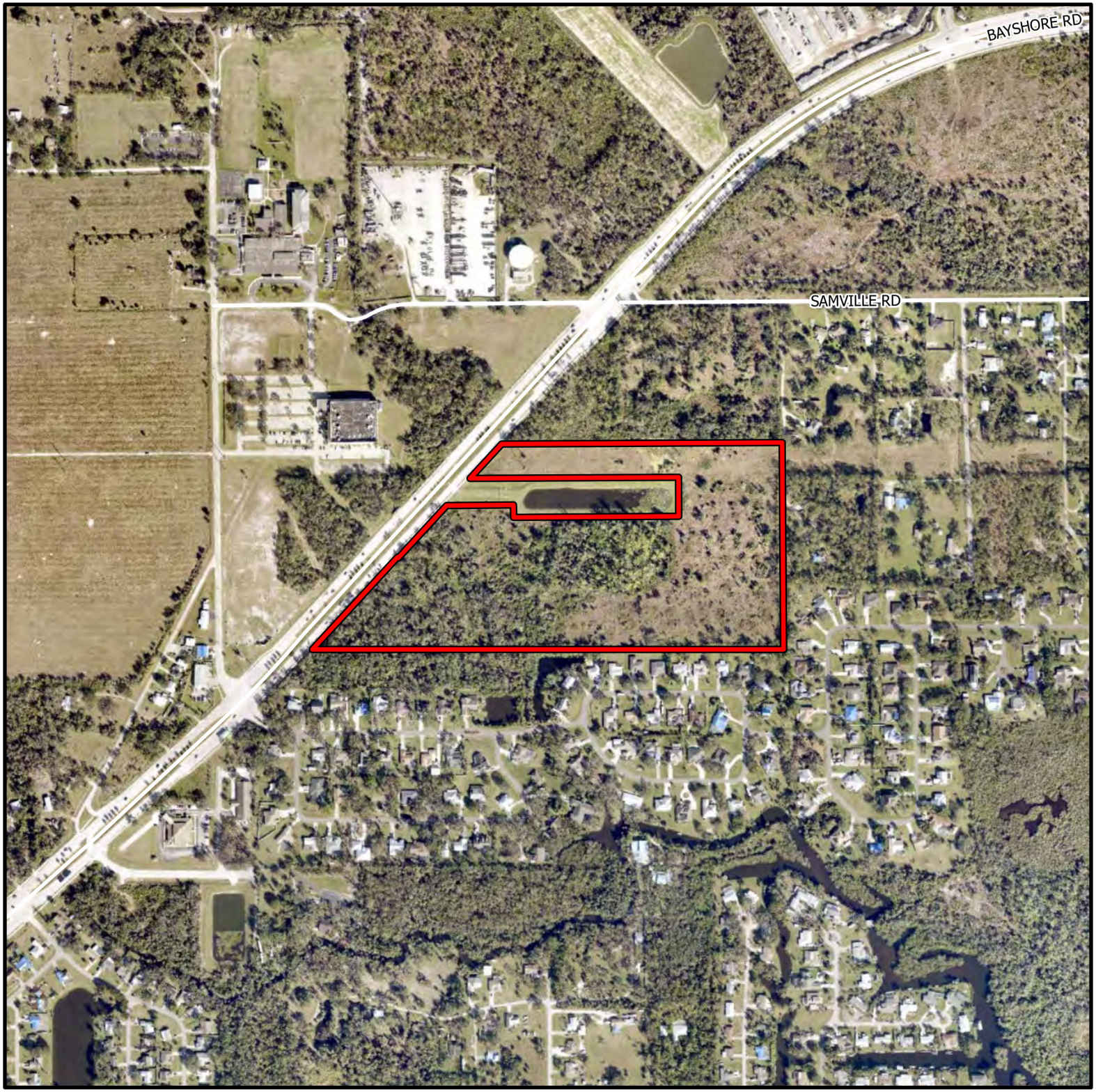
ATTACHMENTS:

A. Expert Witness Information
B. Maps: surrounding zoning, future land use and aerial photograph
C. Conditions and Deviations
D. Master Concept Plan
E. Zoning Section's Environmental Staff Report
F. Memorandum from Lee County Department of Transportation
G. Utilities Letter of availability for water and sewer
H. TIS
I. Synopsis of Neighborhood Informational Meeting
J. Application and Narrative
K. Legal Description

DCI2022-00037
BAYSHORE 31 RPD

Staff Summary

CASE NUMBER & NAME:	DCI2022-00037 / Bayshore 31 RPD
REQUEST:	Request to rezone 34.8± acres from Agricultural (AG-2) and Residential (RS-1) to Residential Planned Development (RPD) to allow for up to 180 multiple-family residential units.
RESOLUTION NUMBER:	Z-24-009
LOCATION:	7150 & 7200 Bayshore Road, North Fort Myers Planning Community, Lee County, FL.
OWNER:	John A White Trust
APPLICANT:	Land America, LLC c/o Chris King
AGENT:	Alexis Crespo RVi Planning + Landscape Architecture 28100 Bonita Grande Drive Bonita Springs, FL 34135
HEARING EXAMINER RECOMMENDATION:	Approval, subject to the conditions and deviations set forth in Exhibit B
PARTICIPANTS: (2)	Miles Eckert Rachel Morreale



DCI2022-00037

Aerial

Subject Property

N
W
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S

0 300 600 900 1,200
Feet

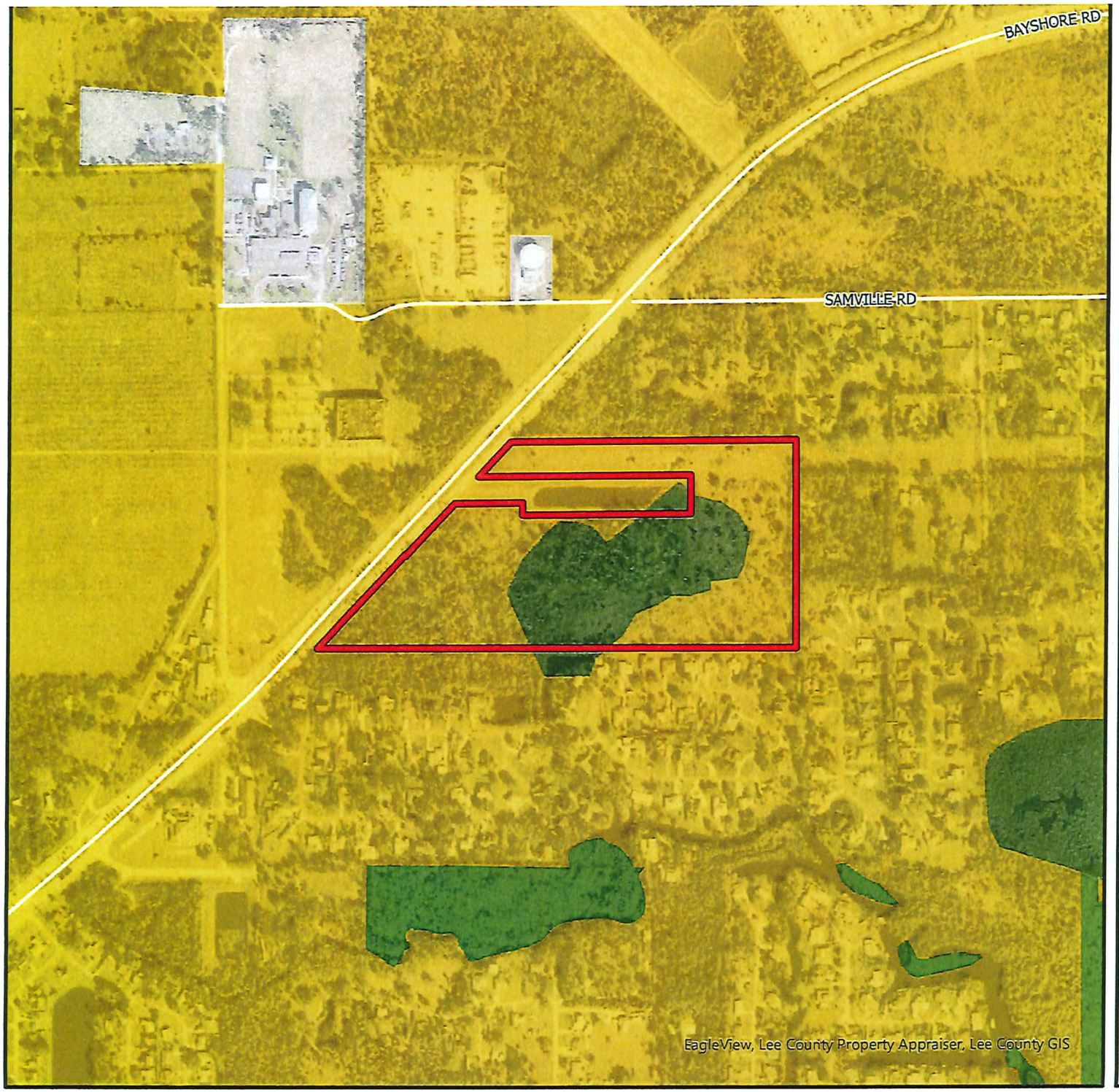
Lee County
Southwest Florida

Summary of Hearing Examiner Recommendation

BAYSHORE 31 RPD

The request seeks to develop property fronting on Bayshore Road with residential land uses. The proposed project constitutes infill development on major arterial roadway featuring a wide array of residential, commercial, and light industrial uses.

Detailed recommendation follows



DCI2022-00037

Future Land Use

- Subject Property
- Suburban
- Public Facilities
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

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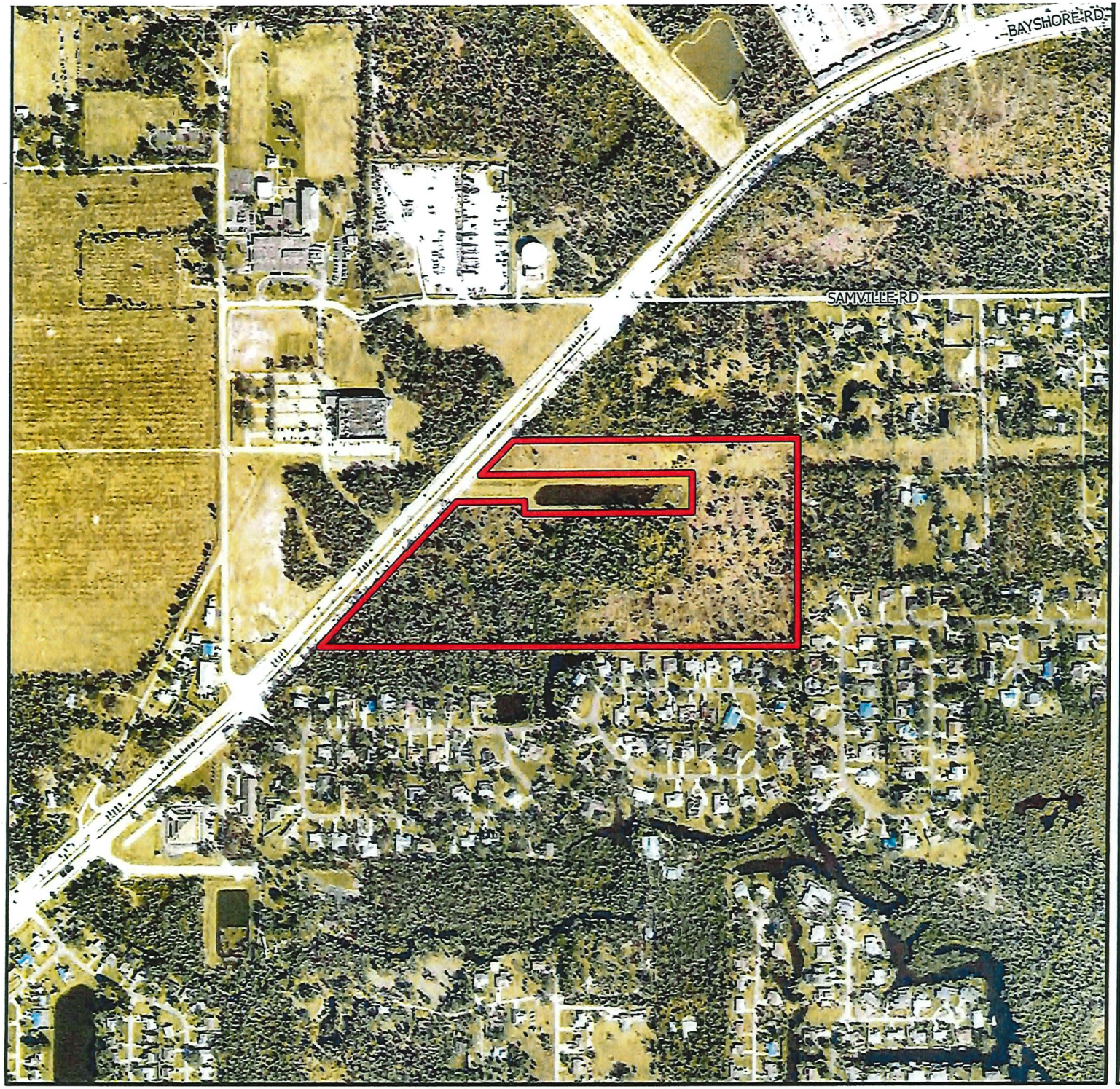
0 300 600 900 1,200
Feet

Lee County
Southwest Florida



DCI2022-00037

Aerial

Subject Property

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0 300 600 900 1,200
Feet

Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2022-00037

Regarding: **BAYSHORE 31 RPD**

Location: 7150 and 7200 Bayshore Road
North Fort Myers Planning Community
(District 4)

Hearing Date: March 28, 2024 (Not Heard)
Continued Date: June 13, 2024

I. Request

Rezone 34.8± acres from Agriculture and Residential Single-Family to Residential Planned Development to allow 180 multiple-family residential units.

The legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approve, subject to the conditions and deviations in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the planned development zoning district.[1] In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone 34.8 acres to the Residential Planned Development District (RPD).

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.

Discussion supporting the Hearing Examiner's recommendation of approval with conditions follows below.

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[1] LDC §34-145(d)(4) a.

Request

The request seeks to rezone 34.8 acres from Agriculture (AG-2) and Single Family Residential (RS-1) to RPD to allow development of up to 180 dwellings. Development will consist of dwellings, surface parking, private amenities, and supportive infrastructure.

The request includes five deviations from LDC criteria.

Staff recommended approval of the request subject to conditions.

Character of Area

The property is located on Bayshore Road, west of Interstate 75 in the North Fort Myers Planning District.[2] The Bayshore Road corridor is a highway developing with residential, commercial, and industrial land uses. Residential and commercial land uses are in proximity to the site.

The Master Concept Plan (MCP) includes indigenous preserves, lakes, buffers, and development tracts. An FDOT detention pond and powerline easement encumber the north third of the property. Residential land uses abut to the south and east.[3] Bayshore Road borders the property on the west. Across Bayshore Road is a parcel zoned for light industrial uses and a large church.

History

The property is vacant and zoned for agriculture and single family development.[4]

Lee Plan

The Lee Plan regulates land development in the County.[5] Its Future Land Use Map divides the County into future urban, nonurban, and environmentally sensitive areas. All development must be consistent with the Lee Plan and the Future Land Use Map.[6]

The property's future land use designation is Suburban and Wetlands.[7] Suburban designated lands consist primarily of residential land uses on the fringe of more intensely developed areas.[8] The Lee Plan emphasizes protecting existing

[2] Lee Plan Map 1-B. The property address is 7150 and 7200 Bayshore Road, North Fort Myers.
[3] Daughtery's Creek subdivision lies to the south/southeast.
[4] AG-2 and RS-1.
[5] LDC 34-491.
[6] Lee Plan Policy 2.1.2; LDC §§34-411(a), 34-491: Rezonings must be consistent with Lee Plan goals, objectives, and polices. Potential conflicts between the Lee Plan and the LDC must be resolved in favor of the Lee Plan.
[7] Lee Plan Map 1-A.
[8] Lee Plan Policy 1.1.5.

residential neighborhoods in the Suburban category.[9] Standard density is one to six units per acre. The proposed 180 dwellings is within permissible density limitations.[10]

Wetlands may develop with very low-density residential and recreation uses that do not impact the ecological function of the wetlands.[11] The MCP designates most onsite wetlands as preserve.[12]

Approximately 41% of the property lies within a Coastal High Hazard Area.[13] Development in coastal areas is subject to additional requirements under the Lee Plan's Conservation and Coastal Management Element.[14] The Plan restricts development in Coastal High Hazard Areas to uplands.[15] The property is within a Hurricane Category 1 Storm Surge/Tide area and Evacuation Zone A and will be subject to County regulations designed to reduce vulnerability from hurricanes and flooding.[16] In addition, FEMA regulations require a minimum finished floor elevation to be one foot above base flood.

Since the MCP impacts wetlands that function as a natural defense against coastal flooding, staff recommends a condition requiring compensation for the flood storage capacity of impacted wetlands.[17]

The current zoning designation is RS-1 and AG-2. The purpose of the RS-1 district is to accommodate development of detached, conventionally built single family dwellings. The purpose of the AG-2 district is to support agricultural operations with ancillary residential use.[18] The Lee Plan discourages new agricultural uses in future urban areas.[19] The requested RPD zoning district authorizes land uses better suited for property designated as Suburban.[20]

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[9] *Id.*

[10] The property acreage could accommodate a maximum of 197 dwelling units based on its future land use designation of Suburban and Wetlands.

[11] Lee Plan Policy 1.5.1; Wetlands must be consistent with Lee Plan Goal 124.

[12] The MCP proposes minimal wetland impacts.

[13] Coastal High Hazard Areas are areas below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model and delineated by Lee Plan Map 5-A. Lee Plan Glossary. *See also* s. 163.3177(6)(a)10,c(VI), F.S. See Staff 48 Hour Submittal dated March 26, 2024.

[14] Lee Plan Objective 2.6. *See* Goals 72, 101, Objective 101.3, Policy 101.1.1.

[15] Lee Plan Policy 101.3.2. There is a limited exception for public facilities inapplicable to the request.

[16] Florida Statutes 163.3178(2)(h), Lee Plan Goal 72, Objective 72.2, Map 5-A; LDC 2-481 *et seq*

[17] Proposed Condition 6 requires the developer to quantify the flood storage volume provided by impacted wetlands within the Coastal High Hazard Area and demonstrate equal compensatory flood storage volume within the proposed development on engineer plans submitted with the development order application.

[18] LDC 34-651.

[19] Lee Plan Goal 9, Objective 9.2.

[20] Lee Plan Goal 5, Objective 9.2, Policies 5.1.1, 5.1.5 5.1.7, 9.2.1.

Compatibility

Compatibility exists when land uses can exist in proximity and no one use unduly impacts another in a negative manner.[21] The planned development zoning district integrates new development with surrounding land uses.[22] Planned development zoning can also further Lee Plan goals providing flexibility in planning/design.[23]

Development in North Fort Myers is subject to a Community Plan.[24] The North Fort Myers Community Plan emphasizes protecting community character, natural resources, and quality of life.[25] The Lee Plan favors compact and contiguous development patterns in areas with services and infrastructure to support development.[26] Surrounding lands feature residential, commercial, and industrial land uses. The site constitutes infill development consistent with existing development patterns.[27]

The staff report describes the intended product as "villa style" rental homes clustered around open space areas.[28] Applicant's PowerPoint depicts dwellings resembling single family homes served by a common parking area internal to the site. [29]

The Lee Plan encourages a diverse mix of housing to serve County residents. In furtherance of this directive, the request expands housing options in North Fort Myers and the County in general.[30]

Perimeter buffers and open space to separate and screen the project from residential land uses along its perimeter. Buffers along the south and east property lines will be 15 feet wide, comprised of five trees and double staggered row of hedges, maintained to form a 36 inch high continuous visual screen within one year after planting.[31]

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[21] Florida Statutes s. 163.3164(9); The Lee Plan offers benchmarks to measure compatibility of uses adjacent to established residential development. Lee Plan Policies 5.1.5, 135.9.5, 135.9.6.
[22] LDC §§34-411(a), 34-612(2),
[23] *Id.*
[24] Lee Plan Goal 30 adopted by Lee County Ordinance No. 09-11 on February 25, 2009. Community specific LDC regulations were subsequently adopted in Lee County Ordinance No. 12-01 (January 10, 2012) codified as LDC §33-1531 *et seq.*
[25] *See* Lee Plan Goal 30.
[26] Lee Plan Objectives 2.1, 2.2, Policies 2.2.1, 5.1.3.
[27] Lee Plan Policy 5.1.3.
[28] Lee Plan Goals 5, 135, 158. Policies 135.1.9.(directive to ensure a mix of residential housing types countywide), 160.1.3.
[29] Staff Report Attachment M: Application and Applicant Narrative
[30] Lee Plan Goals 5, 135, 158. Policies 30.1.3, 135.1.9.
[31] LDC 10-146d.(4).

LDC

Development must comply with County land development regulations or seek deviations.

A "deviation" is a departure from a land development regulation.[32] Requests for deviations must demonstrate that the deviation will enhance the planned development and not cause a public detriment.[33]

The application seeks five deviations from the LDC pertaining to dead end street configuration, excavation setbacks, site access, waterway buffer encroachments, and width of buffer plantings. Applicant offered testimony in support of the deviations based on the LDC standard of review.[34] Staff recommended approval of all deviations.

The Hearing Examiner must recommend approval, approval with modifications, or denial of requested deviations based upon findings that the deviations (1) enhance the planned development and, (2) preserve/promote public health, safety, and welfare.[35] The Hearing Examiner finds the requested deviations meet LDC approval criteria.

Development in the North Fort Myers Planning District is subject to the North Fort Myers Community Plan.[36] Community specific LDC regulations require community review of zoning applications within the district.[37] Applicant conducted an advertised neighborhood meeting at the North Fort Myers Recreation Center prior to hearing.[38] Applicant/developer must conduct additional community meetings at the development order stage.

Development will be subject to impact fees for road, park, fire, school, and emergency medical services.[39]

Environmental/Natural Resources

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

---

[32] LDC §34-2.
[33] LDC §34-373(a)(9).
[34] LDC §34-377(a)(4)
[35] LDC §34-377(a)(4).
[36] Lee Plan Goal 30 and supplemental development regulations in LDC §33-1531 et seq. Future development permits, including development orders, must comply with community standards.
[37] LDC §33-1532(a)(2).
[38] Staff Report Attachment H: Public Informational Meeting Summary. Meeting held on Monday November 27, 2023.
[39] LDC Chapter 2, Article VI.

The MCP depicts 13.92 acres of open space, which includes 6.96 acres of indigenous preserve.[40] Applicant's plan of development impacts 2.1 acres of wetlands and preserves the remaining 4.34 wetland acres onsite. Applicant must obtain state permits to authorize wetland impacts.[41]

The protected species survey yielded no evidence of protected species.[42]

Buffers and landscaping within common areas must follow Xeriscape principles and consist of native landscape to conserve water.[43]

The Hearing Examiner finds the proposed RPD zoning will not harm environmentally critical/sensitive areas or natural resources.[44] The MCP and conditions of approval will enhance the property's environmental features by removing exotic vegetation and preserving native upland and wetland vegetation.[45]

Transportation/Traffic

Applications to rezone property must demonstrate sufficient road access to support proposed development intensity and expected impacts on transportation facilities will be addressed by County regulations and conditions of approval.

The property has 920 feet of frontage on Bayshore Road, a State maintained arterial roadway.[46] The MCP depicts a single driveway access to Bayshore Road and a secondary emergency access running between Hartwig Lane and Bayshore Road.[47]

---

[40] The 6.96 acres of indigenous vegetation consist of upland and wetland preserves. Lee Plan Objective 123.2, Policies 77.3.1, 77.3.5, 123.2.4, 123.2.6, 123.2.13, 123.2.15, 123.3.1.

[41] Development of wetlands in Coastal High Hazard Areas is subject to permitting by the South Florida Water Management District through the Environmental Resource Permitting process.

[42] Applicant's protected species survey yielded no protected species. Staff Report Attachment E: BearPaws Environmental Consulting report prepared for Bayshore 35 (*sic*) Acres dated December 2021 and updated August 2023.

[43] Lee Plan Objective 126.2, Policy 126.2.1. The common elements of the project will have Florida friendly plantings with low irrigation requirements.

[44] Lee Plan 125.1.2.

[45] Environmental Staff Review memo dated February 23, 2024, prepared by Beth Workman, Principal Environmental Planner.

[46] Lee County Administrative Code 11-1. As a state maintained facility, FDOT will determine the precise location of the Bayshore access. Applicant's narrative statement suggests a possibility of a median opening across from the project access pending FDOT approval.

[47] A 160 foot wide FPL easement encumbers the north end of the property. An emergency only stabilized access is the only improvement planned within the easement. The emergency access is adjacent to an FDOT retention pond. This emergency access will serve the project as well as residents on Hartwig Lane. Staff Report Attachment M: Applicant Narrative Statement. Applicant 48 Hour Letter dated March 25, 2024, and June 10, 2024.

Transportation studies concluded project traffic will not negatively impact surrounding roadways.[48] Further, no road improvements are necessary to accommodate projected trip generation. The Traffic Impact Statement concludes the project will pay for transportation impacts with road impact fees.[49]

Developer must address site related improvements during development order review.[50]

Public Services and Infrastructure

Public services are the services, facilities, capital improvements, and infrastructure necessary to support development.[51] The Lee Plan requires an evaluation of the availability of public services during zoning.[52]

The property fronts on Bayshore Road, a State maintained arterial roadway with a multipurpose trail.[53] The MCP depicts one primary access serving the project from Bayshore and an emergency access to Bayshore. This emergency access will also connect to Hartwig Lane.[54] Lee County Utilities has potable water lines to serve the project.[55] Florida Governmental Utility Authority has infrastructure to provide sanitary sewer service.

The North Fort Myers Fire Control & Rescue Service District Station on Slater Road provides fire protection and emergency medical services to the area.[56] The North District Offices of the Lee County Sheriff provides law enforcement services to the community.

Schools, parks, libraries, community facilities, shopping, and employment centers are located within a reasonable distance.[57]

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[48] Chahram Badamtchian, Senior Planner dated February 23, 2024, and Traffic Impact Statement prepared by TR Transportation Consultants, Inc. for Bayshore 31 RPD revised August 9, 2023.
[49] Lee Plan Policies 38.1.1, 38.1.5. Staff Report Attachment N: Traffic Impact Statement prepared by TR Transportation Consultants, Inc. for Bayshore 31 RPD revised August 9, 2023.
[50] Lee Plan Objective 39.1 and Policy 39.1.1.
[51] Public services and infrastructure available to serve the project will include public water (Lee County Utilities), sewer (FGUA), paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools.
[52] Lee Plan Policy 2.2.1.
[53] The Lee Plan designates Bayshore Road as a future shared use facility for cyclists and pedestrians. Lee Plan Map 3-D.
[54] The planned emergency access to Bayshore will also serve residents along Hartwig Lane, who currently only have access to Sanville Road.
[55] Lee Plan Map 4-A.
[56] North Fort Myers Fire Control & Rescue Service District Station 3.
[57] Staff Report Attachment M: Application and Applicant Narrative. There are four elementary schools, and six parks/recreational facilities within five miles of the site.

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County's water resources.[58] Conditions must plausibly relate to anticipated impacts, and pertinent to mitigating impacts to public health, safety, and welfare.[59] The RPD will be subject to conditions of approval designed to address impacts reasonably anticipated from development.[60]

The Hearing Examiner recommends minor revisions to wording of conditions and deviations to improve clarity.

Public

Two residents of Daughtrey's Creek subdivision spoke at hearing. They expressed concerns regarding potential increases in the risk of flooding due to the differential in elevation between the project and their property. Applicant's representatives clarified state and county development regulations are designed to ensure minimal if any offsite impacts from stormwater flows.

Conclusion

The Hearing Examiner finds the requested Bayshore 31 RPD district meets LDC criteria and, as conditioned, is compatible with surrounding development. Accordingly, the Hearing Examiner recommends approval subject to conditions in Exhibit B.

The Hearing Examiner revised conditions of approval for clarity, compliance with state law and to remove references to the LDC applicable to development by Condition 1.

IV. Findings and Conclusions

Based on the testimony and exhibits presented in the record, the Hearing Examiner finds:

A. The requested Bayshore 31 RPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 5, 30, 60, 61, 77, 95, 123, 125, 135, 158; Objectives 1.5, 2.1, 2.2, 4.1, 5.1, 6.1, 77.1, 77.3, 95.1.3, 123.2, 123.4, 126.2, 135.1, 158.1, and Policies 1.1.5, 1.5.1, 1.6.5, 2.1.2, 2.2.1, 2.2.2, 5.1.1, 5.1.5, 5.1.7, 5.1.10, 5.2.4, 123.2.4, 124.1.1, 135.1.9, 135.9.6, 158.1.7; Lee Plan Maps 1-A, 1-B, 3-D, 4-A, 4-B, 4-E, and Table 1(a).

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[58] Lee Plan Policies 5.1.5, 135.9.5, 135.9.6; LDC 34-145(d)(4) a.2.(b), LDC §§34-377(a)(3), 34-411, and 34-932(c).
[59] LDC §34-932(b).
[60] LDC §§34-83(b)(4) a.3, 34-377(a)(2)c; Lee Plan Goals 60, 61, 77, 125, Policies 5.1.5, 60.1.1, 61.3.11.

B. As conditioned, the RPD zoning designation:

1. Is consistent with the Land Development Code or qualifies for deviations. LDC Chapters 2, 10, 33, and 34.

2. Is compatible with existing or planned uses in the surrounding area. Lee Plan Objectives 2.1, 158.1, and Policies 5.1.2, 5.1.3, 5.1.5, 5.2.4, 135.1.9, 135.9.5, 135.9.6, 158.1.7; LDC §§34-411, 34-413, *and*

3. Provides sufficient road access to support proposed development intensity. Lee Plan Policies 39.2.1, 39.2.2.

4. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 39.1, Policies 37.3.3, 38.1.1, 38.1.5, 39.1.1, 39.1.3; LDC §§2-261 *et seq.*, 34-411(d) and (e).

5. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 60, 61, 77, 123, 125, Objectives 60.4, 61.2, 123.1, 123.2, 123.4, 123.8, 124.1, 126.2, Policies 5.1.6, 30.5.3, 60.1.2, 60.4.1, 60.4.2, 60.4.3, 61.3.4, 61.3.6, 61.3.8, 61.3.11, 77.3.1, 77.3.5, 77.3.7, 123.2.4, 123.2.13, 123.8.1, 125.1.2, 125.1.4, 126.1.4, 126.2.1, 158.1.7, and Standard 4.1.4.

6. Public services and infrastructure will be available to serve the development. Goals 2, 4, 95, Objectives 2.1, 2.2, 4.1, Policies 2.2.1, 95.1.3, Standards 4.1.1, 4.1.2.

C. The proposed uses are appropriate at the subject location. Lee Plan Goals 2, 5, 6,30; Objectives 2.1, 2.2, Policies 2.1.1, 2.1.2, 5.1.2, 5.1.3, 5.1.5, 5.2.4, 124.1.1, 135.9.5, 135.9.6.

D. The County regulations and recommended conditions provide sufficient safeguards to protect the public interest and relate to impacts expected from the proposed development. Lee Plan Policies 5.1.2, 5.1.5, 61.3.3, 61.3.8, 123.2.15, 123.2.9, 135.9.6, 158.1.7; LDC §§34-377(a)(3), 34-411 and 34-932(c).

E. Deviations recommended for approval enhance the planned development and preserve public health, safety, and welfare. LDC §§34-373(a)(9), 34-377(a)(4).

Date of Recommendation: June 17, 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

SECTION 29, TOWNSHIP 43 SOUTH, RANGE 25 EAST
NORTH FORT MYERS, FLORIDA

DESCRIPTION:

ALL OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2905, PAGE 2913 LYING EAST OF STATE ROAD 78 (BAYSHORE ROAD) AND ALL LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2905, PAGE 2915, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; LESS THAT PORTION OF LAND DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 3852, PAGE 2525, OF SAID PUBLIC RECORDS; SAID LANDS LYING IN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 29; THENCE N 00°14'26" W, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER (NW 1/4), FOR 1012.23 FEET; THENCE N 89°59'37" EAST, ALONG THE SOUTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2905, PAGE 2913, FOR 440.41 FEET TO THE EASTERLY BOUNDARY OF SAID ORDER OF TAKING, SAID EASTERLY BOUNDARY ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 78 (BAYSHORE ROAD), AND THE **POINT OF BEGINNING;** THENCE ALONG SAID EASTERLY BOUNDARY THE FOLLOWING SEVEN (7) COURSES: 1) N 42°40'02" E, FOR 587.21 FEET; 2) S 47°19'58" E, FOR 5.00 FEET; 3) N 42°40'02" E, FOR 332.86 FEET; 4) N 89°35'54" E, FOR 313.06 FEET; 5) S 00°24'13" E, FOR 58.18 FEET; 6) N 89°35'54" E, FOR 771.92 FEET TO THE MOST EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3852, PAGE 2525, OF SAID PUBLIC RECORDS; 7) N 00°24'08" W, ALONG SAID MOST EASTERLY LINE, FOR 182.19 FEET TO THE SOUTH LINE OF THE NORTH 160.00 FEET OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2905, PAGE 2915, SAID SOUTH LINE ALSO BEING THE SOUTH LINE OF A 160.00 FOOT WIDE POWERLINE UTILITY EASEMENT DESCRIBED IN DEED BOOK 234, PAGE 45, OF SAID PUBLIC RECORDS; THENCE ALONG SAID SOUTH LINES, S 89°41'37" W, FOR 974.39 FEET TO SAID EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 78 (BAYSHORE ROAD) PER ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 3852, PAGE 2525; THENCE N 42°40'02" E, ALONG SAID EASTERLY RIGHT OF WAY LINE, FOR 218.68 FEET TO THE NORTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2905, PAGE 2915, SAID LINE ALSO BEING THE NORTH LINE OF SAID POWERLINE UTILITY EASEMENT; THENCE ALONG SAID NORTH LINES, N 89°41'37" E, FOR 1310.98 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER (NW 1/4); THENCE S 00°24'06" E, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER (NW 1/4), FOR 967.12 FEET; THENCE S 89°59'37" W, ALONG THE SOUTH LINE OF SAID LANDS, FOR 2202.90 FEET TO THE **POINT OF BEGINNING.**

SAID LANDS CONTAINING 34.80 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF BAYSHORE ROAD AS BEING N 42°40'02" E.

REVIEWED
DCI2022-00037
Rick Burris, Principal
Planner
Lee County DCD/Planning
2/13/2024

DARREN K. TOWNSEND License Number 6476 STATE OF FLORIDA Professional Surveyor & Mapper

Digitally signed by Darren Townsend
Date: 2023.11.03 11:48:25 -04'00'

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

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

THIS IS NOT A SURVEY

NOT VALID WITHOUT THE ATTACHED SKETCH OF DESCRIPTION.

J:\Active\21-1256 Bayshore\Working\2110_JMS\Legals & Sketches\2310_34-acres_as-surveyed_Legals & Sketches.dwg 11/3/2023 11:28:29 AM

AIM Engineering & Surveying, Inc.
2161 FOWLER STREET, SUITE 100
FORT MYERS, FLORIDA 33901
www.aimengr.com
PHONE (239) 332-4569
TOLL FREE (800) 226-4569
LICENSED BUSINESS No. 3114

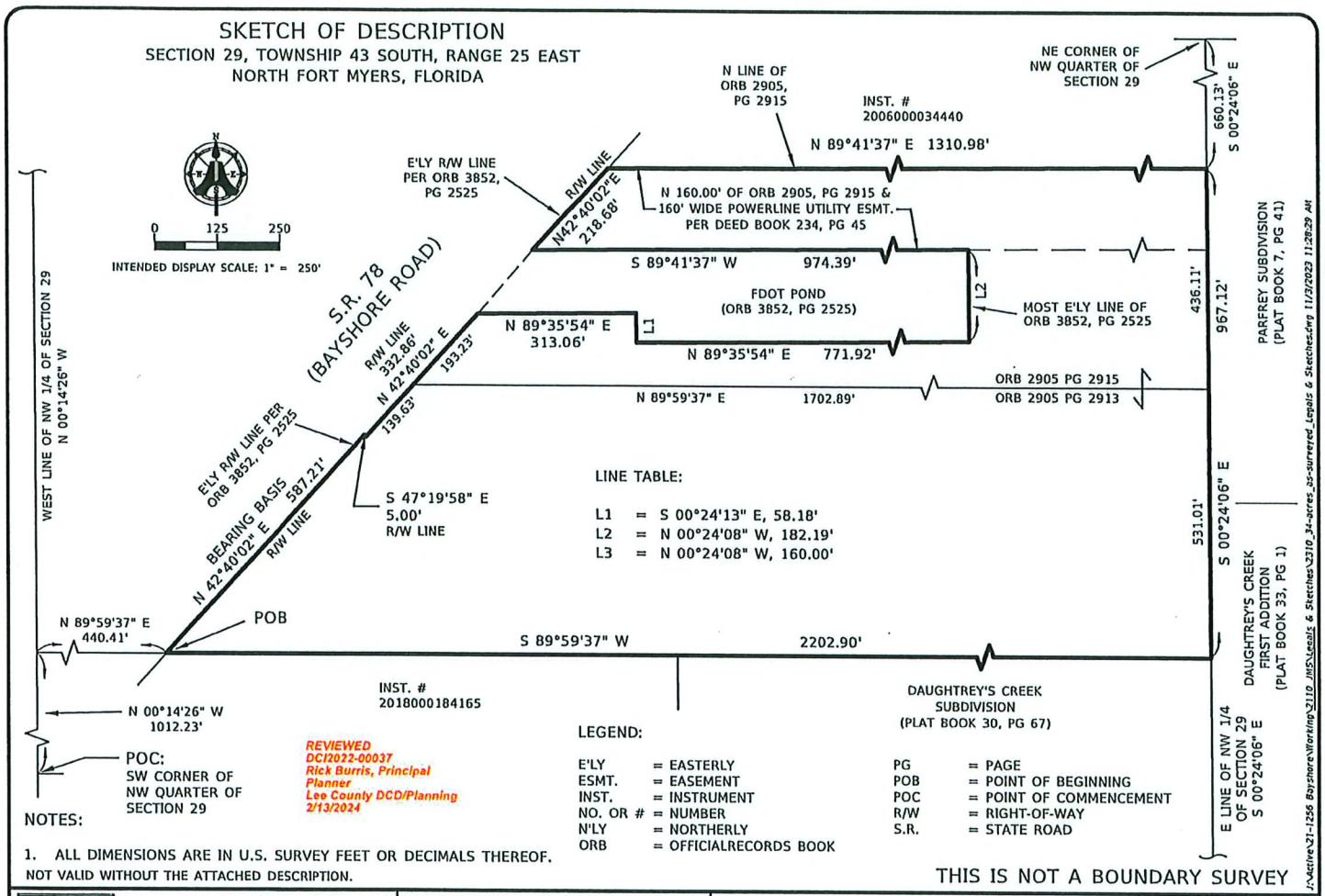
LEGAL DESCRIPTION & SKETCH
34-ACRE PARCEL

DRAWN:	CHECKED:	CLIENT:			
JS 10-31-2023	DT 11-01-2023	LAND AMERICA, LLC			
PROJECT NO.: 21-1256	SECTION: 29	TOWNSHIP: 43 S	RANGE: 25 E	COUNTY: LEE	SHEET 1 OF 2

ATTACHMENT O

SKETCH OF DESCRIPTION

SECTION 29, TOWNSHIP 43 SOUTH, RANGE 25 EAST
NORTH FORT MYERS, FLORIDA



LINE TABLE:

L1	=	S 00°24'13" E, 58.18'
L2	=	N 00°24'08" W, 182.19'
L3	=	N 00°24'08" W, 160.00'

REVIEWED
DCI2022-00037
Rick Burris, Principal Planner
Lee County DCD/Planning
2/13/2024

LEGEND:

E'LY	= EASTERLY	PG	= PAGE
ESMT.	= EASEMENT	POB	= POINT OF BEGINNING
INST.	= INSTRUMENT	POC	= POINT OF COMMENCEMENT
NO. OR #	= NUMBER	R/W	= RIGHT-OF-WAY
N'LY	= NORTHERLY	S.R.	= STATE ROAD
ORB	= OFFICIALRECORDS BOOK		

NOTES:

1. ALL DIMENSIONS ARE IN U.S. SURVEY FEET OR DECIMALS THEREOF.
NOT VALID WITHOUT THE ATTACHED DESCRIPTION.

THIS IS NOT A BOUNDARY SURVEY

J:\Active\21-1256 BayshoreWorking\2110 JMS\Legals & Sketches\2310_34-acres_as-surveyed_Legals & Sketches.dwg 11/3/2023 11:28:29 AM

AIM Engineering & Surveying, Inc.
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www.aimengr.com
PHONE (239) 332-4569
TOLL FREE (800) 226-4569
LICENSED BUSINESS No. 3114

SEE SHEET 1

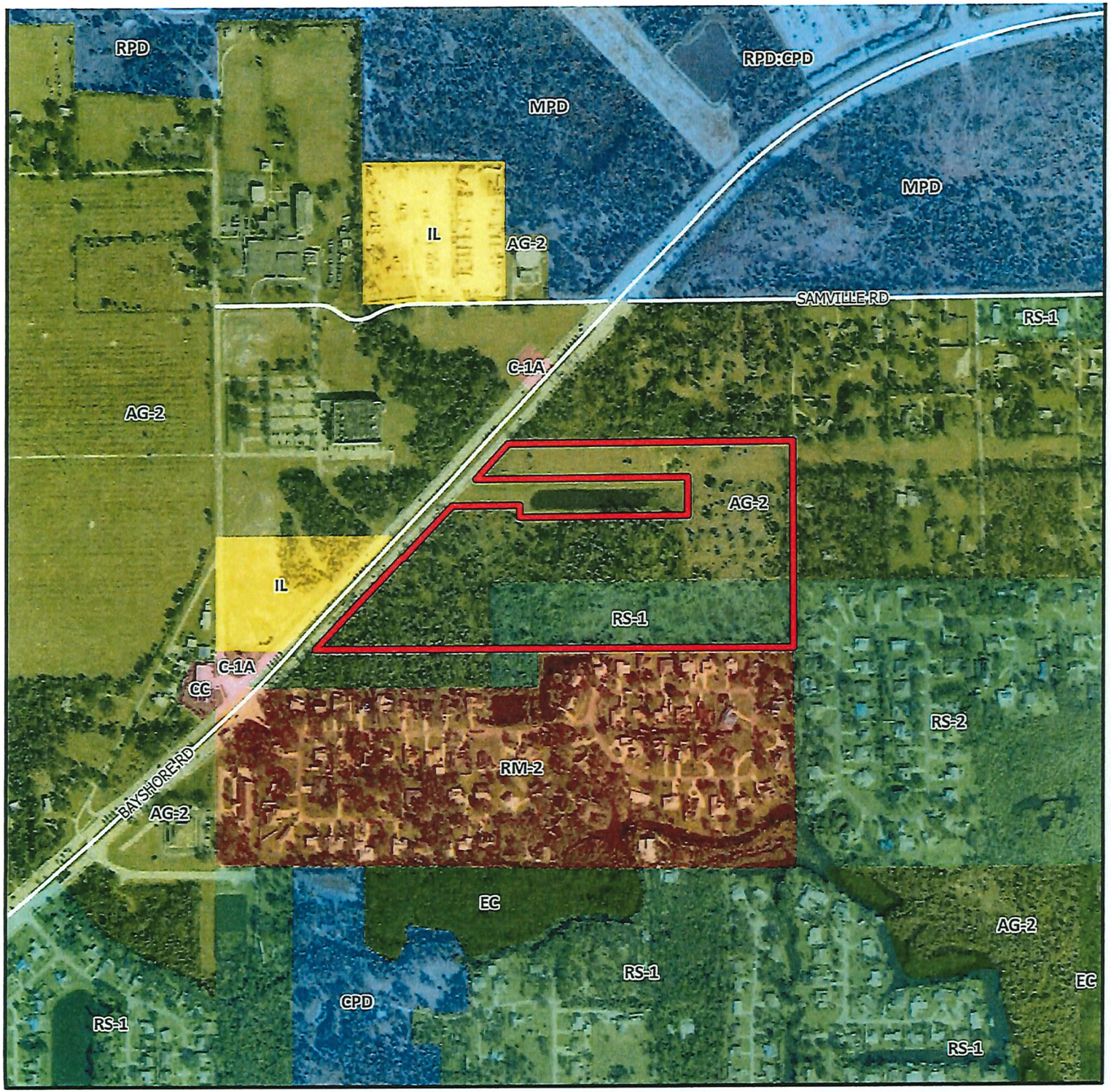
DARREN TOWNSEND
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE. NO. 6476

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

LEGAL DESCRIPTION & SKETCH
34-ACRE PARCEL

DRAWN:	CHECKED:	CLIENT:
RH 10-31-2023	DT 11-01-2023	LAND AMERICA, LLC

PROJECT NO.:	SECTION:	TOWNSHIP:	RANGE:	COUNTY:	
21-1256	29	43 S	25 E	LEE	SHEET 2 OF 2



DCI2022-00037

Zoning

Subject Property

N
W E
S

0 300 600 900 1,200
Feet

Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

As Revised by the Hearing Examiner

CONDITIONS

1. Master Concept Plan and Approved Development Parameters

Master Concept Plan (MCP). Development must be consistent with the one-page MCP entitled "Bayshore 31 RPD" dated June 13, 2024, except as modified by conditions below.

Compliance with Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC except where deviations have been approved in this resolution. Changes to the MCP or conditions of approval may require further development approvals.

Approved Development Parameters. The RPD is approved to develop up to 180 multiple family dwelling units.

2. Permitted Uses and Site Development Regulations

a. Schedule of Uses

Accessory Uses and Structures
Administrative Offices
Dwelling Units:
    Multiple-Family, limited to 180 dwelling units
Entrance Gates and Gatehouses
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention
Fences and Walls
Models:
    Model Unit
Parking Lot, Accessory
Real Estate Sales Office
Recreational Facilities
    Personal
    Private-On-Site
Residential Accessory Uses
Signs

Temporary Uses, limited to construction trailers and storage during development.

b. Site Development Regulations

Minimum Lot Area and Dimensions:

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

Minimum Building Setbacks:

Development Perimeter:	15 feet
Street:	25 feet
Side:	0 feet
Rear:	0 feet
Waterbody:	25 feet
Building Separation:	10 feet
Maximum Lot Coverage:	50%
Maximum Building Height:	35 feet

3. Model Unit and Real Estate Sales

a. Number of Model Units. The project may include up to nine active model units at one time.

b. Location. Development order plans must identify the location of model units.

c. Floor Plans. Each model unit must exhibit a unique floor plan.

4. Natural Resources

Development order submittals must include a draft drainage and access easement in favor of Lee County. The easement must permit County access to the onsite flow way and allow the right, but not the obligation, to maintain the flow way in accordance with LDC criteria. Applicant/developer must execute a drainage and access easement prior to county issuance of a certificate of completion for the project.

5. Wetland Impacts

Development order submittals must include either a.) the receipt for wetland mitigation payments or b.) wetland mitigation plans for impacted wetlands.

6. Coastal High Hazard Area

Development order submittals must include calculations that quantify the flood storage volume provided by wetlands within the Coastal High Hazard Area and demonstrate equal compensatory flood storage volume within the proposed development on the engineer plans.

7. 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 § regulations regarding development within wetlands.

DEVIATIONS

1. Street Design and Construction Standards. Deviation 1 seeks relief from LDC §10-296(k), which requires dead-end streets to be closed at one end by a circular turnaround, to instead to allow a hammerhead design for dead-end streets that are a maximum of 150 feet in length.

Hearing Examiner Recommendation: Approved.

2. Excavations. Deviation 2 seeks relief from LDC §10-329(d)(1)a.3, which requires excavation setbacks of 50 feet from property lines under separate ownership, to allow a 30-foot excavation setback from a Florida Department of Transportation (FDOT) detention pond.

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

Development order landscape plans must depict an enhanced Type-A landscape buffer abutting the FDOT detention pond along the northeast property line. The Type-A buffer must include four

trees per 100 linear feet and a single hedge row. Landscape vegetation must comply with LDC Plant Material Standards.

3. Required Street Access. Deviation 3 seeks relief from LDC §10-291(3), which requires developments greater than five acres to provide more than one means of ingress or egress, to allow one primary access to Bayshore Road and one "emergency only" stabilized access to Hartwig Lane.

Hearing Examiner Recommendation: Approved.

4. Landscape Standards. Deviation 4 seeks relief from LDC §10-416(d)(9), which requires a 50-foot-wide natural waterway buffer, to allow an existing FDOT drainage easement to encroach within the waterway buffer.

Hearing Examiner Recommendation: Approved.

5. Plant Installation and Maintenance Standards. Deviation 5 seeks relief from LDC §10-421(a)(2), which requires buffer trees and shrubs to be planted in a minimum width area equal to one-half the required width of the buffer, to allow a planting width of between 17 and 26 feet.

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

Development order plans must depict a minimum 17-foot to 25-foot-wide planting area outside the 70-foot FDOT drainage easement and 20-foot Lee County maintenance easement.

Exhibits to Conditions:
B1 Master Concept Plan entitled "Bayshore 31 RPD" dated June 13, 2024

EXHIBIT B-1

OPEN SPACE CALCULATION

REQUIRED	
34.8 AC X 40% =	13.92 AC
PROVIDED	
LAKE (MAX LAKE = 3.48 AC)	3.48 AC
PRESERVE	6.96 AC
BUFFERS / OTHER OPEN	3.48 AC
OPEN SPACE PROVIDED =	13.92 AC

INDIGENOUS CALCULATION

REQUIRED	
13.92 AC X 50% =	6.96 AC
PROVIDED	
UPLAND	2.58 AC
WETLAND	4.38 AC
INDIGENOUS PROVIDED =	6.96 AC

LAND USE SUMMARY

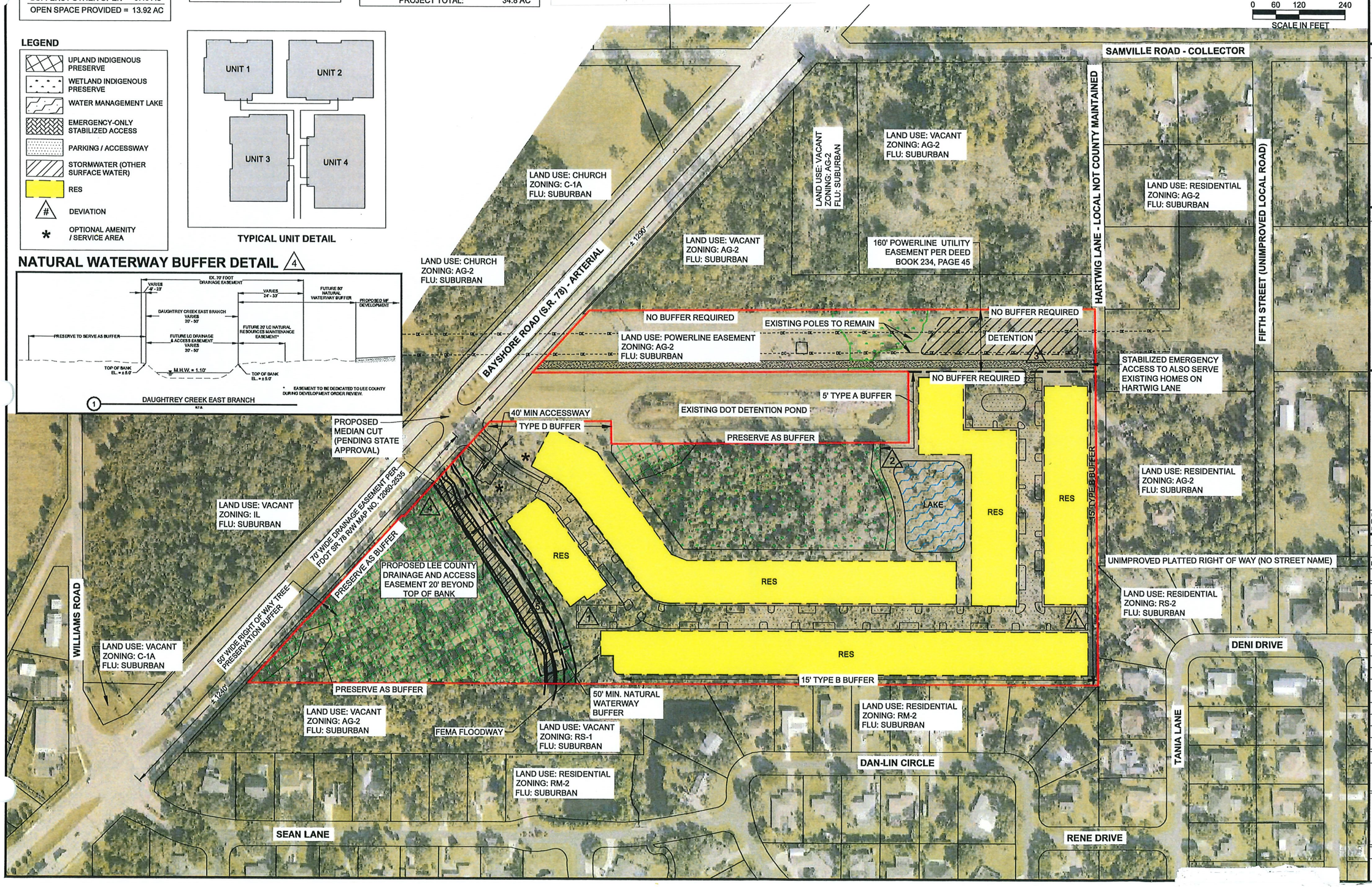
PRESERVE	6.96 AC
LAKE	0.86 AC
DEVELOPMENT AREA	10.28 AC
AMENITY/SERVICE AREA/LEASING	0.24 AC
PARKING / ACCESSWAYS	4.48 AC
DETENTION / OPEN SPACE	11.98 AC
PROJECT TOTAL:	34.8 AC

LEGEND

- UPLAND INDIGENOUS PRESERVE
- WETLAND INDIGENOUS PRESERVE
- WATER MANAGEMENT LAKE
- EMERGENCY-ONLY STABILIZED ACCESS
- PARKING / ACCESSWAY
- STORMWATER (OTHER SURFACE WATER)
- RES
- # DEVIATION
- * OPTIONAL AMENITY / SERVICE AREA

TYPICAL UNIT DETAIL

NATURAL WATERWAY BUFFER DETAIL 4



Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING
www.barraco.net
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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

BLACK SPIDER LAND COMPANY, LLC

101 PUGLIESE WAY SUITE 200
DELRAY BEACH, FLORIDA, 33444

PROJECT DESCRIPTION

BAYSHORE
31 RPD

PART OF SECTION 29,
TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

FILE NAME	24085Z02-NEW.DWG
LOCATION	J:\24085\DWG\ZONING\
PLOT DATE	WED, 6-12-2024 - 11:00 AM
PLOT BY	WES KAYNE

CROSS REFERENCED DRAWINGS

BASEPLAN = 24085Z00-NEW.DWG

PLAN REVISIONS

6/13/2024	HEX HEARING

PLAN STATUS

MASTER CONCEPT PLAN

PROJECT / FILE NO.	SHEET NUMBER
24085	1

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

a. *48-Hour Notice:* Email from Jamie Princing, to Hearing Examiner, Tom Sacharski, Chahram Badamtchian, Anthony Rodriguez, Elizabeth Workman, Nicholas DeFilippo, Brandon Dunn, Katherine Woellner, Phil Gillogly, Marcus Evans, Md Rakibul Alam, Tina Boone, Lauren Schaefer, and Erica Temerario, dated Tuesday, March 26, 2024, 10:56 AM (5 pages – 8.5"x11")

1. *DCD Staff Report with attachments for DCI:* Prepared by Chahram Badamtchian, Senior Planner, date received March 8, 2024 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *Publication Notice:* Notice of Public Hearing for Zoning Case Number DCI2022-00037, Bayshore 31 RPD (1 page – 8.5"x11")

APPLICANT EXHIBITS

a. *48-Hour Notice:* Tom Sacharski, to Hearing Examiner and Chahram Badamtchian, with copies to Alexis Crespo, Richard Akin, Esq., Chris King, and William Hulton, dated Monday, March 25, 2024, 3:36 PM (6 pages – 8.5"x11" & 1 page – 11"x17")

b. *Second 48-Hour Notice:* Tom Sacharski, to Maria Perez, C. King, Chahram Badamtchian, Alexis Crespo, Richard Akin, Esq., and Carl Barraco, dated Monday, June 10, 2024, 10:28 AM (7 pages – 8.5"x11" & 1 page – 11"x17")

c. *Third 48-Hour Notice:* Tom Sacharski, to Maria Perez, C. King, Chahram Badamtchian, Alexis Crespo, Richard Akin, Esq., and Carl Barraco, dated Wednesday, June 12, 2024, 1:30 PM (7 pages – 8.5"x11" & 1 page – 11"x17")

1. *PowerPoint Presentation:* Prepared by RVi Planning and Landscape Architecture, for Bayshore 31 RPD, DCi2022-00037, Lee County Hearing Examiner, dated June 13, 2024 (multiple pages – 8.5"x11")[color]

2. *Master Concept Plan:* Prepared by Barraco and Associates, Inc., for Bayshore 31 RPD, dated June 13, 2024 (1 page – 11"x17 and 1 page – 24"x36")[color]

3. Résumé: For Tom Sacharski, AICP, Planning Senior Project Manager with RVi Planning and Landscape Architecture (1 page – 8.5"x11")

OTHER EXHIBITS

Miles Eckert

1. (1 page – 8.5"x11")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Chahram Badamtchian, Senior Planner

Applicant Representatives:

1. Richard Akin, Esq.
2. Carl Barraco, P.E.
3. Tom Sacharski, AICP
4. Barrett Stejskal
5. Ted Treesh

Public Participants:

1. Miles Eckert
2. Rachel Morreale

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.

OPEN SPACE CALCULATION

REQUIRED	
34.8 AC X 40% =	13.92 AC
PROVIDED	
LAKE (MAX LAKE = 3.48 AC)	3.48 AC
PRESERVE	6.96 AC
BUFFERS / OTHER OPEN	3.48 AC
OPEN SPACE PROVIDED =	13.92 AC

INDIGENOUS CALCULATION

REQUIRED	
13.92 AC X 50% =	6.96 AC
PROVIDED	
UPLAND	2.58 AC
WETLAND	4.38 AC
INDIGENOUS PROVIDED =	6.96 AC

LAND USE SUMMARY

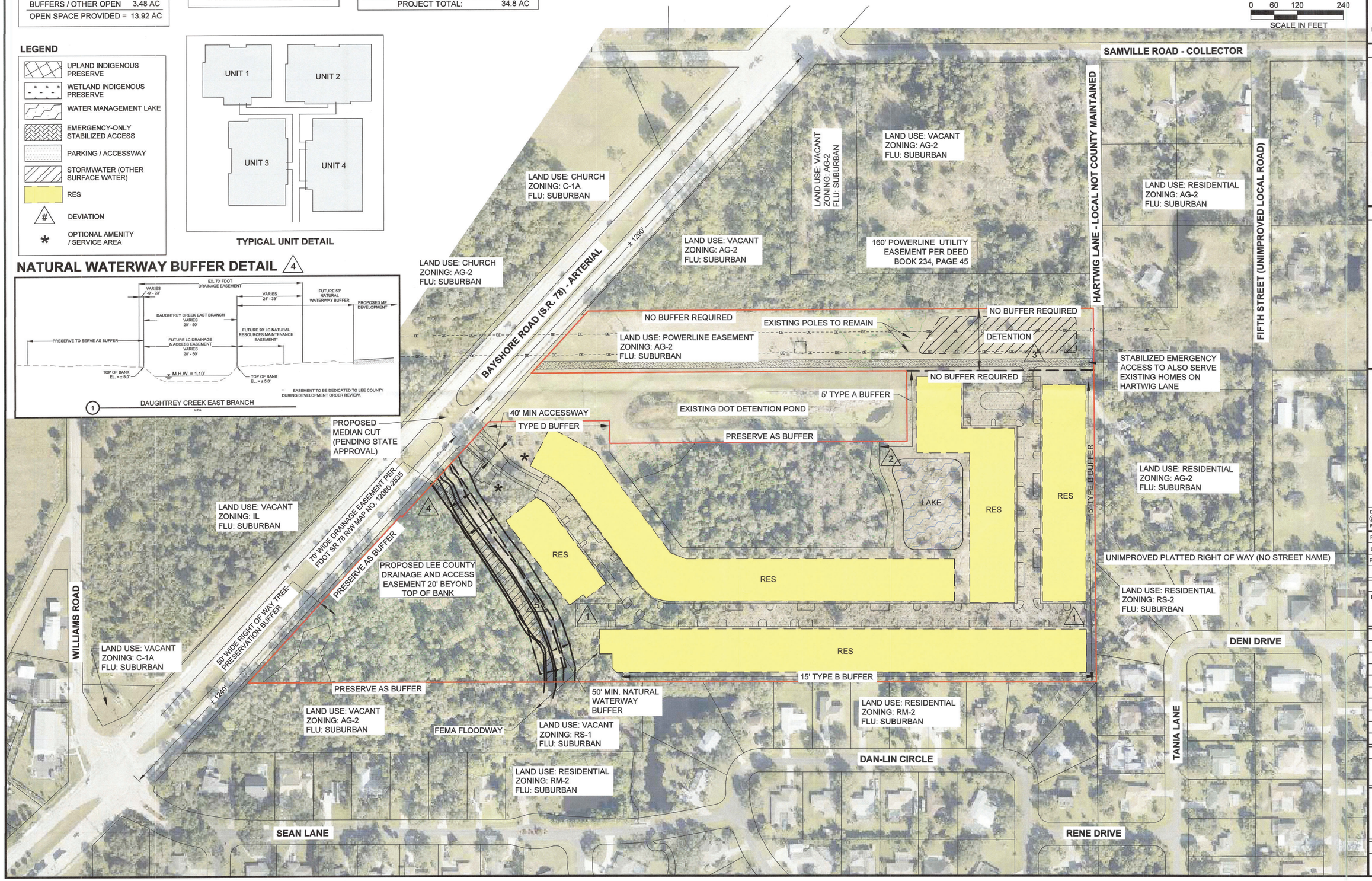
PRESERVE	6.96 AC
LAKE	0.86 AC
DEVELOPMENT AREA	10.28 AC
AMENITY/SERVICE AREA/LEASING	0.24 AC
PARKING / ACCESSWAYS	4.48 AC
DETENTION / OPEN SPACE	11.98 AC
PROJECT TOTAL:	34.8 AC

LEGEND

- UPLAND INDIGENOUS PRESERVE
- WETLAND INDIGENOUS PRESERVE
- WATER MANAGEMENT LAKE
- EMERGENCY-ONLY STABILIZED ACCESS
- PARKING / ACCESSWAY
- STORMWATER (OTHER SURFACE WATER)
- RES
- # DEVIATION
- * OPTIONAL AMENITY / SERVICE AREA

TYPICAL UNIT DETAIL

NATURAL WATERWAY BUFFER DETAIL 4



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

BLACK SPIDER LAND COMPANY, LLC

101 PUGLIESE WAY SUITE 200
DELRAY BEACH, FLORIDA, 33444

PROJECT DESCRIPTION

BAYSHORE 31 RPD

PART OF SECTION 29,
TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

FILE NAME	24085Z02-NEW.DWG
LOCATION	J:\24085\DWG\ZONING\
PLOT DATE	WED. 6-12-2024 - 11:00 AM
PLOT BY	WES KAYNE

CROSS REFERENCED DRAWINGS

BASEPLAN = 24085Z00-NEW.DWG

PLAN REVISIONS

6/13/2024	HEX HEARING

PLAN STATUS

MASTER CONCEPT PLAN

PROJECT / FILE NO.	SHEET NUMBER
24085	1

DCI2022-00037, Bayshore 31 RPD
Conditions and Deviations

A. Conditions

1. MASTER CONCEPT PLAN/DEVELOPMENT PARAMETERS

The development of this project must be consistent with the one-page Master Concept Plan entitled **"**Bayshore 31 RPD" dated November 10, 2023, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of local Development Order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

This planned development will allow a maximum of 180 multiple-family dwelling units.

2. USES AND SITE DEVELOPMENT REGULATIONS

a. Schedule of Uses

Accessory Uses and Structures
Administrative Offices
Dwelling Units:
    Multiple-Family, limited to 180 dwelling units
Entrance Gates and Gatehouses
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention
Fences and Walls
Models:
    ~~Display Center/Sales Center~~
    Model Unit
Parking Lot, Accessory
Real Estate Sales Office
Recreational Facilities
    Personal
    Private-On-Site
Residential Accessory Uses
Signs
Temporary Uses, limited to construction trailers and storage at the time of Development, ~~Real Estate Sales Office~~

b. Site Development Regulations

Minimum Lot Area and Dimensions:

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

Minimum Building Setbacks:

Development Perimeter:	15 feet
Street:	25 feet
Side:	0 feet
Rear:	0 feet
Waterbody:	25 feet
Building Separation:	10 feet
Maximum Lot Coverage:	50%
Maximum Building Height:	30 feet

3. Model unit and real estate sales:

a. The number of model units will be limited to no more than nine within the development at any point in time.

b. Any model homes or real estate sales must be identified on the development order plans.

c. Real estate sales will be limited to the sale of lots or units within the Bayshore 31 RPD only.

d. Models cannot be of the same floor plan and each must be a separate different design.

4. Natural Resources:

Prior to issuance of a local development order, the developer must submit a draft drainage and access easement in favor of Lee County. The drainage and access easement must permit Lee County access to the flowway to allow the right but not the obligation to maintain the flowway per LDC Section 10-328. The draft drainage and access easement must be executed prior to the issuance of a certificate of completion for the project.

B. DEVIATION:

Deviation 1: A deviation from Lee County Land Development Code (LDC) Section 10-296(k), which requires dead-end streets to be closed at one end by a circular turnaround, to instead to allow for a hammerhead design for dead-end streets that are a maximum of 150 feet in length.

This deviation is approved. The applicant has provided a letter of no-objection from the North Fort Myers Fire District for the design of dead-end internal streets.

Deviation 2: A deviation from Lee County Land Development Code (LDC) Section 10-329(d)(1)a.3, which requires an excavation setback of 50 feet from any property line under separate ownership, to allow a 30-foot excavation setback from the FDOT detention pond to the north.

This deviation is approved subject to the following condition:

> Prior to development order approval, the landscape plans must depict an enhanced Type-A landscape buffer abutting the Florida Department of Transportation detention pond along the northeast property line. The Type-A buffer must include four trees per 100 linear feet and a single hedge row. Landscape vegetation must be specified in accordance with LDC Section 10-420 Plant Material Standards.

Deviation 3: A deviation from Lee County Land Development Code (LDC) Section 10-291(3), which requires developments of more than five acres to provide more than one means of ingress or egress, to allow one primary access on Bayshore Road and one emergency only stabilized access on Hartwig Lane.

This deviation is approved. This site contains a small frontage on Bayshore road, which cannot accommodate two means of access. Hartwig Lane is a non-County maintained road providing access to a few single-family residences. An emergency access point to Hartwig Lane will provide an ingress and egress point to this development in emergencies while protecting the neighboring residences.

Deviation 4: A deviation from Lee County Land Development Code (LDC) Section 10-416(d)(9), which requires a 50-foot-wide natural waterway buffer, to allow the existing FDOT drainage easement to encroach within the waterway buffer.

This deviation is approved. This is an existing condition, and the applicant cannot modify the existing FDOT easement.

Deviation 5: A deviation from Lee County Land Development Code (LDC) Section 10-421(a)(2), which requires trees and shrubs used in buffers to be planted in a minimum width area equal to one-half the required width of the buffer, to allow a planting width of between 17 and 26 feet.

This deviation is approved subject to the following condition:

> The development order must depict a minimum 17-foot to 25-foot-wide planting area outside of the 70-foot FDOT drainage easement and 20-foot Lee County maintenance easement.

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

TYPE OF CASE:	PLANNED DEVELOPMENT/DCI
CASE NUMBER:	DCI2022-00037
HEARING EXAMINER DATE:	March 28, 2024

Applicant: RVi Planning + Landscape Architecture in reference to Bayshore 31 RPD.

Request: Request to rezone 34.8± acres from Agricultural (AG-2) and Residential Single-Family (RS-1) to Residential Planned Development (RPD) to allow for up to 180 multiple-family residential units.

Location: The subject property is located 7150 and 7200 Bayshore Road, North Fort Myers Planning Community, Lee County, FL (District #4). The applicant indicates the STRAP numbers are: 29-43-25-00-00004.0000 and a portion of 29-43-25-00-00001.0010.

Summary
Staff recommends APPROVAL of the applicant's request to rezone the subject property from Agricultural (AG-2) and Residential Single-Family (RS-1) to Residential Planned Development (RPD) with the conditions and deviations found in Attachment C.

The conditions have been prepared to address the proposed development and consistency with the Lee County Comprehensive Plan (Lee Plan), compatibility with surrounding land uses, and addressing future infrastructure needed to support the development.

The applicant's request included five (5) deviations from the requirements of the Land Development Code. Staff is recommending approval of the requested deviations.

Character of the Area
The area going through a fast-paced rezoning and development process. Within the vicinity of this development there are several large Planned Developments approved, with some are currently under development. The Planned Developments in the area include: Bayshore 57 MPD, approved for 140,000 square feet of commercial and 176 residential units, Oak Creek RPD, approved for 1,120 dwelling units, Chapel Creek RPD/CPD, approved for 60,000 square feet of commercial and 625 residential units, Gully Creek RPD, approved for 330 residential units, Bayshore 75, approved for 250 single-family dwellings, and Bayshore 65 MPD, approved for 357 residential units and 80,000 square feet of commercial entitlement.

This property contains a large (160-foot-wide) powerline easement along its entire north side. To the north of the easement, there is a vacant AG-2 zoned property.

To the east, across Hartwig Lane, a non-County maintained local road, there several single-family residences, zoned AG-2.

To the south and southeast, there are two single-family subdivisions, zoned RM-2 and RS-2 and a strip of vacant land, zoned AG-2.

To the west, across Bayshore Road, there are vacant parcels, zoned IL and AG-2.

Analysis
The subject site, which consists of 34.8± acres, is currently vacant and is mostly zoned Agricultural (AG-2) with a small portion of it zoned Single-family Residential (RS-1). The request is to rezone the property to Residential Planned Development (RPD) to allow for the development of the site with up to 180 multiple family residential dwelling units.

The Future Land Use of the property are Suburban and Wetlands. Suburban allows a density range of one (1) to six (6) dwelling units per acre, while Wetlands, when disturbed, allows one unit per twenty acres. The applicant is proposing 180 dwelling units on the site with a density of approximately 5.1 dwelling units per acre, relying in part on wetland preservation pursuant to Policy 124.1.1 of the Lee Plan.

As required by Land Development Code Section 33-1532, the applicant held an advertised public informational meeting in North Fort Myers on November 27, 2023. A synopsis of that meeting in attached hereto as Attachment "H".

Environmental
Environmental staff reviewed this request and recommended approval subject to conditions (Attachment E).

Environmental taff inspected the site and found evidence of wild hog tracks. No protected species or signs of protected species were found on the site.

The applicant must provide 13.92 acres of open space of which 6.96 acres must be indigenous open space. The Master Concept Plan depicts upland indigenous, and wetland indigenous areas represented in different hatching patterns. These areas are being preserved and coincide with the indigenous native vegetation FLUCCS of Mixed Upland Forest (FLUCCS 420E2), Hydric Cabbage Palm (FLUCCS 428E2), and Cypress Wetlands (FLUCCS 621E2).

Transportation
Infrastructure Planning staff has reviewed this project and has recommended approval (Attachment F).

It is anticipated that this project, when completed by 2029, will generate 1,119 daily trips. The roadway level of service analysis indicates Bayshore will operate at a Level of Service standard (LOS "C") with or without the project.

Lee Plan
The subject property is located in the Suburban and Wetlands Future Land Use categories.

Approximately 28.5 acres of this 34.8-acre site is in the Suburban Future Land Use category. The proposed density of 5.5 dwelling units per acre of Suburban and preserved freshwater wetlands is consistent with the allowed density of 1 to 6 dwelling units per acre in the Suburban Community category. Therefore, this request is consistent with Policy 1.1.5 of the Lee Plan.

Approximately 6.49 acres of the site is in the Wetlands Future Land Use category, off which 2.1 acres will be impacted and 4.34 acres will be preserved. Wetlands allow a density of one unit per 20 acres; however, Table 1(a), footnote 8(b) and Policy 124.1.1 allow the density from the

preserved freshwater wetlands to be transferred to upland portions of the site at the same underlying density as permitted for those uplands. Therefore, this request is consistent with Policies 1.5.1 and 124.1.1 of the Lee Plan.

The proposed development promotes contiguous and compact growth patterns, limits urban sprawl and minimizes the costs of services. Adequate public services exist to serve the property. Sewer and water are available to the site. The property has direct frontage on Bayshore Road. Therefore, the request is consistent with Objectives 2.1 and 2.2 and Policies 2.1.1 and 2.2.1 of the Lee Plan.

Water service from the Lee County Utilities and sewer service from the Florida Governmental Utility Authority (FGUA) are available to the site and the site will be connected to those services. Staff finds the request consistent with Standards 4.1.1 and 4.1.2 of the Lee Plan (Attachment "G").

This development will be designed to pretreat the run-off water before it is discharged off-site. This will ensure that water quality is maintained or improved for the protection of the environment. Therefore, the request is consistent with Goal 125 of the Lee Plan.

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 at levels of urban density and intensity.

Public sewer and water: Central potable water and sanitary sewer service is available to the site from Lee County Utilities and Florida Governmental Utility Authority (FGUA), with adequate capacity to serve this development. Development must connect to public water and sewer services when development activity triggers the connection requirements of the LDC.

Paved streets and roads: The subject property fronts on Bayshore Road, providing adequate access to the site.

Public transit: Bus Route 590 is located along Bayshore Road, which is about a quarter mile south of the project entrance. (Attachment "I").

Parks and recreation facilities/community facilities: North Fort Myers Park located at 2000-2051 North Recreation Parkway and North Fort Myers Library located at 2001 North Tamiami Trail are less than 2 miles from this site.

Urban levels of police, fire, and emergency services: The subject property will be provided urban levels of police, fire and emergency services. Fire protection is provided by North Fort Myers Fire Control District, located at 16290 Slater Road, approximately 2 miles from this site. Ambulance services are co-located with the fire station.

Urban surface water management: Any future development will be required to comply with the LDC, including provisions for surface water management.

Schools: The subject property is located within the Lee County School District East Choice Zone. Based on the information provided by the School District, there is a capacity issue within the Concurrency Service Area (CSA) at the elementary level; however, capacity is available in the adjacent CSA. There is adequate capacity for middle and high schools in the area for the anticipated 74 school-aged children who will reside within this development (Attachment "J").

Employment and commercial centers: The subject property is in close proximity of existing commercial uses on Bayshore Road, North Tamiami Trail and North Cleveland Avenue, providing employment and shopping opportunities in the area.

Planning Community Map and Allocation Table
POLICY 1.6.5: The Planning Communities Map and Acreage Allocation Table (see Map 1-B and Table 1(b)), depict the proposed distribution, extent, and location of generalized land uses for the year 2045.

The subject property is located in the North Fort Myers Planning Community. The Planning Community Year 2045 Allocations indicate that 10,035 acres are allocated to residential uses in the North Fort Myers Planning Community. From that number, 2,225 acres of residential acreage is still available. Staff finds the request CONSISTENT with the allocations for the North Fort Myers Planning Community.

Deviations:
The applicant is requesting the following deviations:

Deviation 1: A deviation from Lee County Land Development Code (LDC) Section 10-296(k), which requires dead-end streets to be closed at one end by a circular turnaround to instead to allow for a hammerhead design for dead-end streets that are a maximum of 150 feet in length.

The applicant has provided a letter of no-objection from North Fort Myers Fire District for the design of dead-end internal streets.

Deviation 2: A deviation from Lee County Land Development Code (LDC) Section 10-329(d)(1)a.3, which requires an excavation setback of 50 feet from any property line under separate ownership, to allow a 30-foot excavation setback from the FDOT detention pond to the north.

Deviation 3: A deviation from Lee County Land Development Code (LDC) Section 10-291(3), which requires developments of more than five acres to provide more than one means of ingress or egress, to allow one primary access on Bayshore Road and one emergency only stabilized access on Hartwig Lane.

This site contains a small frontage on Bayshore road, which cannot accommodate two means of access. Hartwig Lane is a non-County maintained road providing access to a few single-family residences. An emergency access point to Hartwig Lane will provide an ingress and egress point to this development in emergencies while protecting the neighboring residences.

Deviation 4: A deviation from Lee County Land Development Code (LDC) Section 10-416(d)(9), which requires a 50-foot-wide natural waterway buffer, to allow the existing FDOT drainage easement to encroach within the waterway buffer.

This is an existing condition, and the applicant cannot modify the existing FDOT easement.

Deviation 5: A deviation from Lee County Land Development Code (LDC) Section 10-421(a)(2), which requires trees and shrubs used in buffers to be planted in a minimum width area equal to one-half the required width of the buffer, to allow a planting width of between 17 and 26 feet.

Findings and Conclusions

Based upon an analysis of the application and the standards for approval of planned development rezonings, as required by Land Development Code Section 34-145(d)(4)a.1, staff offers the following findings and conclusions:

The request, as conditioned:

- Complies with Lee Plan as discussed in the Lee Plan analysis section of this report, specifically Lee Plan Policies 1.1.5, 1.5.1, 2.1.1, 2.2.1, 124.1.1; Objectives 2.1, and 2.2, Standards 4.1.1 and 4.1.2; Goal 125.

- Meets the Land Development Code and other applicable County regulations or qualifies for deviations.

- Is compatible with existing and planned uses in the surrounding area.

- Will provide access sufficient to support the proposed development intensity and the expected impacts on existing or planned transportation facilities will be mitigated through existing County regulations or conditions of approval.

- Will not adversely affect environmentally critical or sensitive areas and natural resources.

- Will be served by urban services, as defined in the Lee Plan.

- The proposed residential uses are appropriate at the proposed location.

- The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.

- The deviations recommended for approval, pursuant to section 34-373(a)(9):

    - Enhance the achievement of the objectives of the planned development; and

    - Preserve and promote the general intent of this Code to protect the public health, safety and welfare.

Conclusion

Lee County staff has reviewed the proposed rezoning request and recommends approval of the RPD zoning with conditions. The uses and density proposed by this request are consistent with the Lee Plan and compatible with surrounding existing land uses.

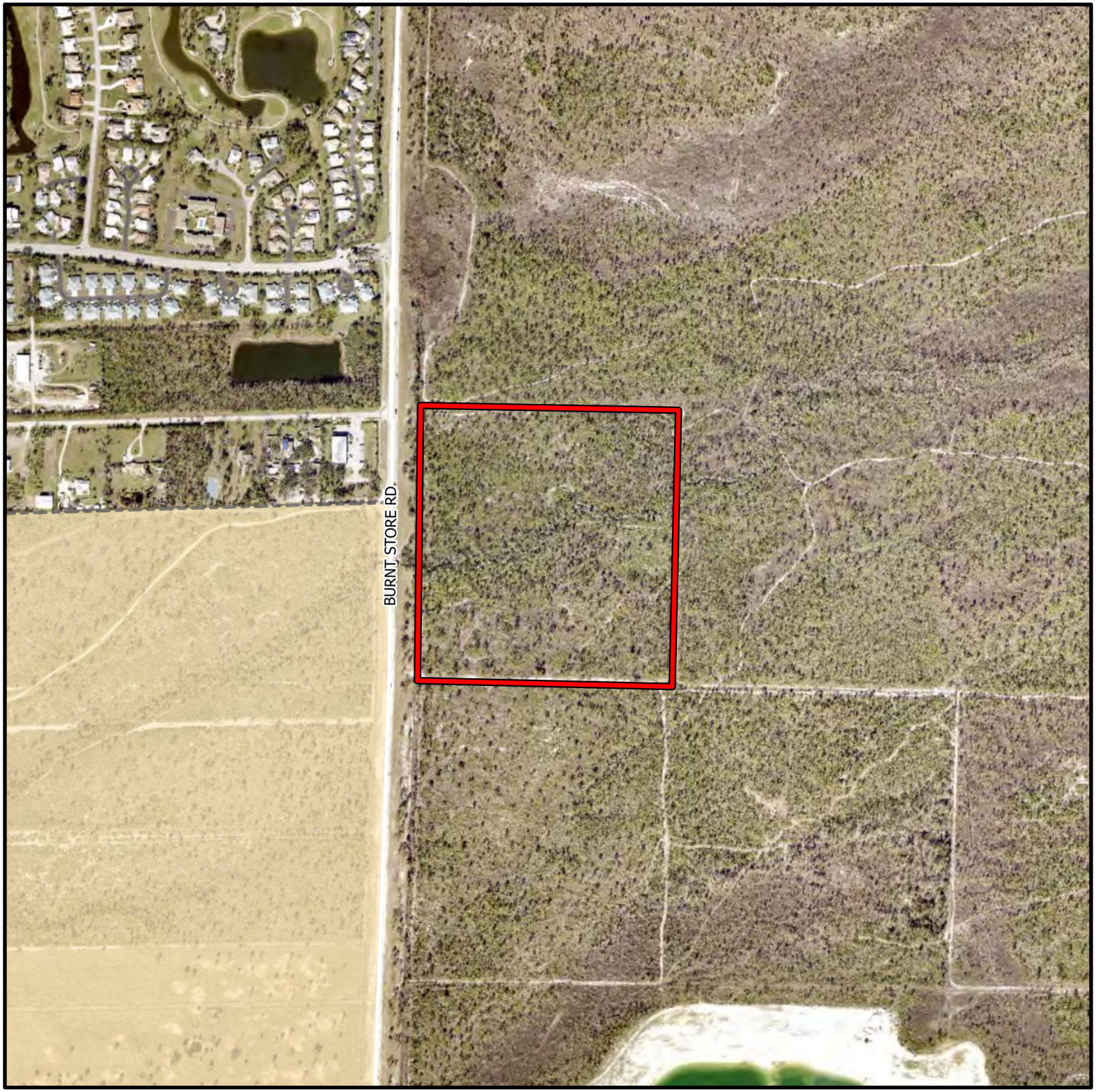
ATTACHMENTS:

A. Expert Witness Information
B. Maps: Surrounding Zoning, Future Land Use and Aerial Photograph
C. Recommended Conditions and Deviations
D. Master Concept Plan
E. Memorandum from Lee County Section of Zoning, Environmental Review
F. Memorandum from Lee County Department of Transportation
G. Letter of Availability for Water and Sewer
H. Public Informational Meeting Summary
I. LeeTran Bus Route Map
J. Memorandum from the Lee County School District
K. Letter of no objection from North Fort Myers Fire District
L. Memorandum from Lee County Department of Natural Resources
M. Application and Narrative
N. TIS
O. Legal Description

DCI2022-00039 BURNT STORE MIXED-USE DEVELOPMENT

Staff Summary

CASE NUMBER & NAME:	DCI2022-00039 / Burnt Store Mixed-Use Development
REQUEST:	Request to rezone 35.49± acres from Agricultural (AG-2) to Mixed-Use Planned Development (MPD) to permit the development of a 354-unit multiple-family development and a maximum of 263,470 square feet of commercial and light industrial uses.
RESOLUTION NUMBER:	Z-24-016
LOCATION:	East of Burnt Store Rd., north of Durden Pkwy. and south of the Charlee Rd., in the far northwest corner of Lee County, Burnt Store Planning Community, Lee County, FL.
OWNER:	SVR Investments LLC
APPLICANT:	SVR Investments LLC
AGENT:	Linda Miller Avalon Engineering, Inc. 2503 Del Prado Blvd. South, Ste. 200 Cape Coral, FL 33904
HEARING EXAMINER RECOMMENDATION:	Approval, subject to the conditions and deviations set forth in Exhibit B
PARTICIPANT: (1)	Steven Weisberg



DCI2022-00039

Aerial

Subject Property

City Limits

N

W E

S

0 300 600 900 1,200

Feet

Lee County

Southwest Florida

Summary of Hearing Examiner Recommendation

BURNT STORE
MIXED USE PLANNED DEVELOPMENT

The request seeks to rezone 35.49 acres on Burnt Store Road to the Mixed Use Planned Development District to authorize 354 multi-family dwelling units and 263,470 square feet of commercial/light industrial uses.

The Economic Element of the Lee Plan encourages expanding the County's economic base. The proposed mix of land uses contribute to a positive business climate creating employment opportunities and housing options. Proposed multi-family dwellings expand housing options to support a diverse workforce.

Detailed recommendation follows

DCI2022-00039

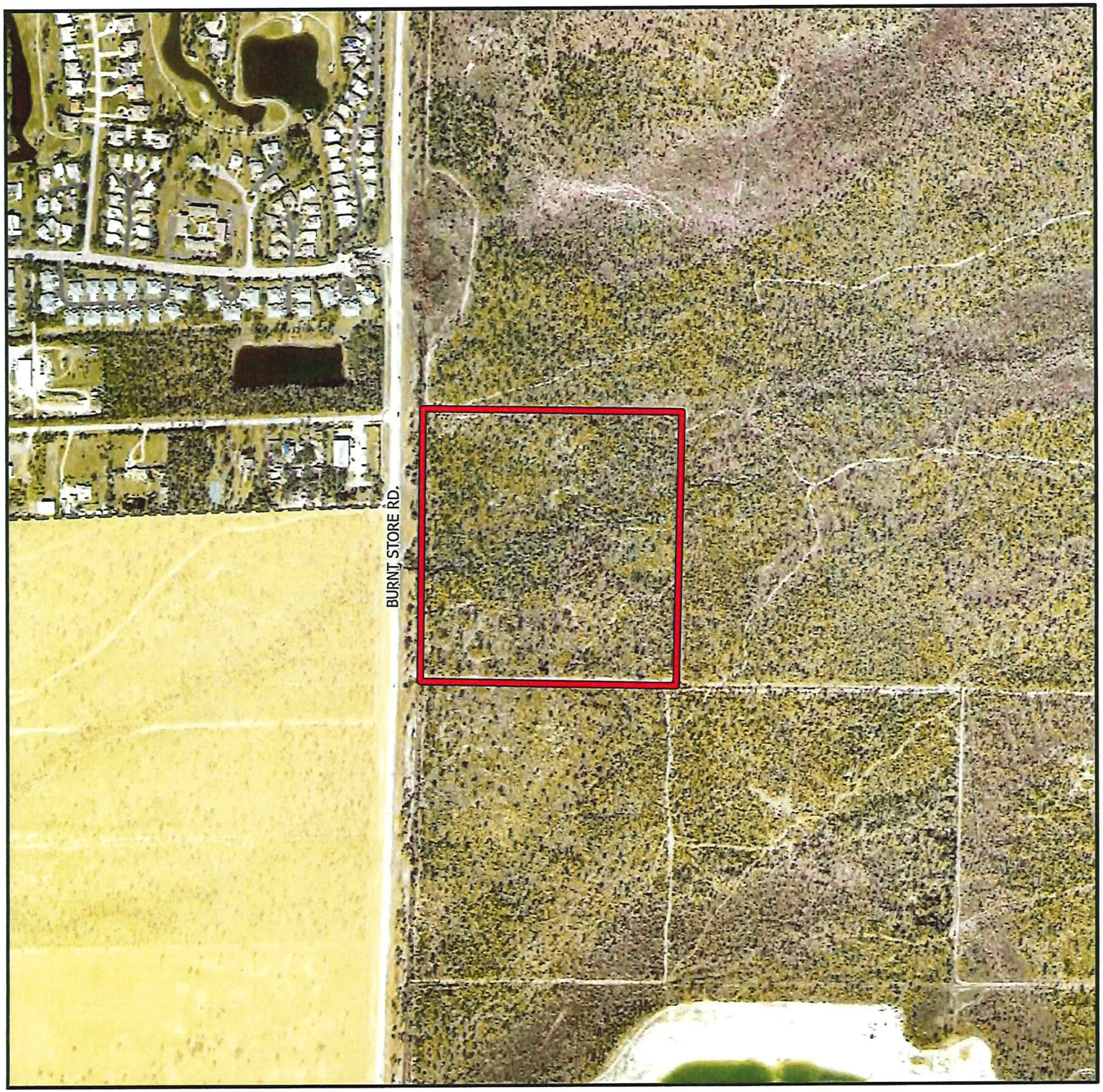
Future Land Use

- Subject Property
- Central Urban
- Rural
- Open Lands
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland
- City Limits

N
W E
S

0 300 600 900 1,200
Feet

Lee County
Southwest Florida



DCI2022-00039

Aerial

Subject Property

City Limits

N

W E

S

0 300 600 900 1,200

Feet

Lee County

Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2022-00039

Regarding: **BURNT STORE MIXED USE PLANNED DEVELOPMENT**

Location: Along Burnt Store Road North,
Southeast Corner of Intersection of Charlee Road and Burnt Store Road North
Burnt Store Planning Community
(District 4)

Hearing Date: June 13, 2024

I. Request

Rezone 35.49± acres from Agriculture to Mixed Use Planned Development to authorize development of up to 354 multiple family units and 263,470 square feet of commercial/light industrial uses.

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approval, subject to the conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the planned development zoning district.[1] In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone property to the Mixed Use Planned Development District. Staff recommended approval with conditions.

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.

Discussion supporting the Hearing Examiner's recommendation of approval with conditions follows below.

[1] LDC §34-145(d)(4) a.

Request

The request seeks to rezone 35.49 acres from Agriculture (AG-2) to the Mixed Use Planned Development District (MPD) to authorize development of up to 354 multi-family dwelling units and 263,470 square feet of commercial/light industrial uses. Applicant anticipates project buildout in 2028.[2]

The property is located on Burnt Store Road, north of Durden Parkway and south of Charlee Road in the northwest corner of Lee County.

The Master Concept Plan (MCP) depicts two distinct development tracts north and south of Yucca Pen Creek.[3] The MCP designates the north development tract for commercial, warehouse, and open storage uses. The southern development tract depicts four multi-story buildings and clubhouse/amenities. The Yucca Pen Creek, its associated wetlands, and remainder of the site is dedicated to open space.

Applicant seeks 2 deviations from the LDC. Deviations request relief from standards governing site access and the dimensions of the solid waste collection area serving public and mini-warehouse uses.

Building heights will not exceed 54 feet for residential land uses and 44 feet for commercial and light industrial uses.[4]

Staff recommended approval of the request subject to conditions.

Character of Area

The property lies in northwest Lee County along Burnt Store Road near the Lee – Charlotte County line.

The Yucca Pens Preserve lies to the north and east of the site.[5] Burnt Store Marina, a mixed use development, and a Dollar Store lie north and west across Burnt Store Road. Also across Burnt Store Road is the Charlotte Harbor Preserve State Park.

Land uses south of the site include vacant parcels zoned for agriculture, a residential planned development approved in 2004, and lands within the Yucca Pens Preserve.[6] Further south is the City of Cape Coral.

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[2] The transportation analysis assumes buildout in 2028. *See* Staff Report Attachments K and L.
[3] MCP dated May 7, 2024.
[4] These height limitations are consistent with height regulations in the Central Urban future land use category. LDC §§34-935(f)(1).
[5] Yucca Pens is part of the Babcock Webb Wildlife Management Area managed by the Florida Fish and Wildlife Conservation Commission.
[6] The Burnt Store Acres RPD approves 19 dwellings on approximately 123 acres. Z-04-009.

Property within the City of Cape Coral south of the property is characterized by scattered residential land uses and an RV Park.

Lee Plan

The Lee Plan regulates land development activity in the County.[7] The Plan's Future Land Use Map divides the County into future urban, nonurban, and environmentally sensitive areas. All development must be consistent with the Lee Plan including the Future Land Use Map.[8]

The Board amended the Lee Plan to change the Future Land Use Map designation from Open Lands/Wetlands to Central Urban/Wetlands in 2023.[9] Central Urban areas have access to a wide range of public services.[10] An array of land uses are permissible in the Central Urban category.[11] Standard density ranges from four to 10 units per acre. Maximum total density is typically 15 units per acre but may be as high as 20 units per acre with Greater Pine Island Transfer of Development Units.[12]

Areas designated Wetlands may consist of low-density residential and recreation uses that do not adversely affect the ecological functions of wetlands.[13] The plan of development does not propose wetland impacts.[14]

The purpose of agricultural districts is to provide for agricultural operations with ancillary residential use.[15] The Lee Plan discourages new agricultural uses in future urban areas with public services and infrastructure available to serve development.[16] The requested planned development zoning district authorizes development of land uses better suited to property designated Central Urban.[17]

The request proposes residential, commercial, and light industrial land uses. Mixed use planned developments with residential land uses capture a percentage of

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[7] LDC §34-491.

[8] Lee Plan Policy 2.1.2; LDC §§34-411(a), 34-491: Rezonings must be consistent with Lee Plan goals, objectives, and policies. Potential conflicts between the Lee Plan and the LDC must be resolved in favor of the Lee Plan.

[9] CPA 2021-00009 adopted by Lee County Ordinance No. 23-04 on March 8, 2023. There will be a future Lee Plan amendment adjusting the Year 2045 Allocations to accommodate development of the property. Acreage in the Table becomes regulatory at the development order stage of permitting. Accordingly, the absence of acreage for residential in the Central Urban category is not a bar to rezoning the property for residential land uses. *See* Lee Plan Policies 1.6.5, 2.2.2.

[10] Lee Plan Policy 1.1.3.

[11] Residential, commercial, public, and quasi-public and limited light industrial land uses are permissible in Central Urban. *Id.* The Lee Plan encourages mixed use development in this category. *See* Lee Plan Objective 11.1, Policies 1.1.3, 11.1.1, 11.1.2.

[12] Lee Plan Policy 1.1.3.

[13] Lee Plan Policy 1.5.1.

[14] Testimony of Paul Owen, President, Owen Environmental Consulting, LLC

[15] LDC §34-651.

[16] Lee Plan Goal 9, Objective 9.2.

[17] Lee Plan Goal 5, Objective 9.2, Policies 1.1.3.

vehicular trips generated by the project.[18] The Lee Plan authorizes residential densities to be calculated from the entire project acreage when projects within Central Urban area include residential, commercial, and light industrial uses. Applicant employed this policy in requesting 354 dwellings on the 38.51 acre site.

The Economic Element of the Lee Plan encourages expansion of the County's economic base.[19] The proposed mix of land uses contribute to a positive business climate by creating employment opportunities and housing options.[20] The proposed multi-family dwellings expand housing options and will support a diverse workforce.[21]

Compatibility

One purpose of "planned development" zoning is to integrate new development with surrounding land uses, providing consistency and visual harmony.[22]

Mixed use development is ideal at this location; The site is located on a major transportation corridor and proximate to employment/shopping centers in Charlotte County and the City of Cape Coral.[23] The site has access to public water and sanitary sewer, reuse water (for irrigation), paved roads, police, fire, and emergency medical services.[24]

The Lee Plan encourages compact and contiguous development patterns in areas with services and infrastructure to support new development.[25] The land uses will serve residents in a rapidly developing area of Lee and Charlotte Counties.[26] Notably, the City of Cape Coral is in the process of adopting a new future land use classification along Burnt Store Road authorizing increased density and intensity of development.[27] Specifically, the pending amendment authorizes multifamily densities up to 25 units per acre and a variety of commercial and light industrial uses.[28]

Conditions of approval requires updated species surveys, compliance with a Bald Eagle Management Plan, preservation/management of indigenous vegetation, and ongoing monitoring of surface water quality.[29]

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[18] LDC §§34-931(h), 34-940(b); *See* Lee Plan Goal 11.
[19] Lee Plan Goals 158, 161, Objective 158.2.
[20] Lee Plan Goals158, 159, 160, Objective 158.3 Policies 135.1.9, 160.1.3.
[21] Lee Plan Policies 135.1.9, 160.1.1, 160.1.2, 161.1.3.
[22] Another purpose is to provide flexibility in development design. LDC §34-612(2).
[23] Lee Plan Goal 11, Objectives 2.1, 2.2, 11.1, Policies 2.2.1, 2.2.2, 6.1.4; LDC §34-413.
[24] Lee Plan Policies 1.1.3, 2.2.1, 2.2.2, 6.1.1, 6.1.4, 54.1.10, 54.1.11, 61.1.6, 126.1.2. Standards 4.1.1, 4.1.2, 4.1.3.
[25] Lee Plan Objectives 2.1, 2.2, Policies 2.2.1, 5.1.3.
[26] Lee Plan Policies 6.1.4, 135.9.5, 135.9.6.
[27] BURST. See Applicant Hearing Exhibit 1: PowerPoint. *See* Lee Plan Goal 152.
[28] Testimony of Linda Miller, AICP, and Dirk Danley, AICP Principal Planner, Dept of Community Development.
[29] Lee Plan Goals 123, 124, 125, 126. See conditions 3, 4, 5, 7, and 8.

LDC

The property is vacant and zoned for agriculture.

Development must comply with County land development regulations or seek deviations. A "deviation" is a departure from a land development regulation.[30] Applicants must demonstrate deviations enhance the planned development and will not cause detriment to the public.[31]

The request seeks two deviations from the LDC. Requested deviations pertain to site access and square footage assigned to waste collection/recycling for warehouse uses. Applicant offered testimony and evidence in support of the deviations.[32] Staff recommended approval of both deviations. The Hearing Examiner agrees with staff's recommendation, finding the deviations meet LDC approval criteria.[33]

The project will be subject to road, park, fire, EMS, and school impact fees.[34]

Environmental/Natural Resources

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

The Yucca Pen Creek bisects the property and conveys offsite flows to the Charlotte Harbor Aquatic Preserve.[35] The MCP employs creative site design to preserve Yucca Pens Creek and associated vegetation.[36]

The MCP devotes 49.9% of the land area to open space, amounting to 17.72 acres. Approximately 6.35 of those acres will consist of indigenous vegetation. There are potentially 2.01 acres of jurisdictional wetlands and surface waters on the property.[37]

The commercial tract north of the creek provides 6.12 acres of open space, which exceeds code requirement by 1.56 acres. Approximately 2.28 acres of the open

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[30] LDC §34-2.
[31] LDC §34-373(a)(9).
[32] LDC §34-377(a)(4).
[33] The Hearing Examiner may recommend approval, approval with modifications or denial of requested deviations based upon findings that a deviation (1) enhances the planned development and, (2) preserves/promotes public health, safety, and welfare. LDC §34-377(a)(4).
[34] LDC Chapter 2.
[35] Staff Report Attachment J: Lee County Natural Resources Staff Memorandum from Nic DeFilippo, Senior Environmental Planner dated May 3, 2024. The site is part of the Yucca Pen Watershed. Lee Plan Map 5-D.
[36] Lee Plan Standard 4.1.4; LDC §34-411(g).
[37] *See* MCP.

space on this tract is comprised of indigenous vegetation.[38] A quarter acre of the commercial tract lies within the 660' buffer zone for Eagle Nest LE-009.[39] A Bald Eagle Management Plan will guide development activity within the area.[40]

Onsite wet and dry detention together with preserves will treat/filter storm water flows leaving the site improving surface water quality.[41] Recommended conditions of approval require developer to implement a Surface Water Quality Monitoring Plan.[42] Buffers and landscaped areas must follow Xeriscape principles and consist of native landscape to conserve water.[43]

The Hearing Examiner finds the proposed MPD will not harm environmentally critical/sensitive areas or natural resources.[44] The proposed plan of development enhances the site's environmental features by preserving upland and wetland vegetation.

Transportation

The MCP must depict sufficient road access to support proposed development intensity and expected impacts on transportation facilities must be addressed by County regulations and conditions of approval.

The MCP depicts access to Burnt Store Road via two driveways consistent with the Burnt Store Road Controlled Access Resolution.[45] Controlled access roads are subject to Board resolution specifying access points along the roadway corridor. The purpose of the controlled access resolution is to preserve safety and roadway traffic capacity. Each access will be shared with property north and south of site.

Access to the northern development tract will be via a directional median opening at the intersection of Burnt Store and Charlee roads. Access to the southern development tract will be via a single right-in/right-out only driveway. The driveways are positioned at the north and south property boundaries.[46] In addition, the MCP depicts two stabilized ingress and egress accesses serving each development tract in the event of emergency.[47]

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[38] Although the MCP shows 6.12 acres of open space, the code requires only 4.56 acres (30%). Half of "required" open space must be comprised of indigenous vegetation. The MCP complies with this requirement by land area to open space and 50% of the open space is comprised of indigenous vegetation.
[39] Testimony of Paul Owen. *See also* Staff Report Attachment I: Lee County Environmental Staff Report.
[40] Staff Report Attachment J: LC Natural Resources Staff Memorandum from Nic DeFilippo, Senior Environmental Planner dated May 3, 2024.
[41] *See* Lee Plan Goals 60, 61, 125, Objectives 60.4, 61.2, Policies 60.4.1, 60.4.5, 61.3.11, 125.1.1, 125.1.2.
[42] Condition 5.
[43] Lee Plan Objective 126.2, Policy 126.2.1.
[44] Lee Plan 125.1.2.
[45] Resolution 20-09-26 adopted September 15, 2020. The intent of the resolution is to set access points at specific locations and restrict access along the designed road corridor to those locations.
[46] The MCP depicts the land area supporting the driveways as shared with adjacent properties.
[47] *See* MCP.

Applicant requested a deviation from LDC access standards to allow a single driveway to serve each development tract. Staff recommended approval subject to construction of a secondary emergency only stabilized access north and south of the creek.

Applicant's Traffic Impact Statement and staff's analysis conclude the MPD will not cause Burnt Store Road in the immediate vicinity to operate below adopted levels of service at project buildout in 2028.

Site-related turn lane improvements will be evaluated at the time of development order permitting.

Public Services and Infrastructure

Public services are services, facilities, capital improvements, and infrastructure necessary to support development.[48] The Lee Plan requires an evaluation of public services during the rezoning process.[49]

There is a wide array of public services and infrastructure to serve the site.[50]

The property fronts on Burnt Store Road a County maintained arterial roadway.[51] The Lee Plan designates Burnt Store Road as a future bike/pedestrian facility.[52] Developer must comply with LDC requirements regarding future improvements to accommodate bike/pedestrian uses.[53]

Development will connect to Charlotte County Utilities potable water supply.[54] Charlotte County Burnt Store Water Reclamation Facility will provide sanitary sewer services.[55] Reuse water is also available to serve the property's irrigation needs. The property will be served by the Cape Coral Fire Department.[56] The Lee County Sheriff provides law enforcement services to the area.[57]

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[48] Public services and infrastructure available to serve the project will include public water and sewer paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools.
[49] Lee Plan Goal 95 and Policy 2.2.1.
[50] Lee Plan Policies 2.2.1, 5.1.3, 6.1.1, 6.1.4
[51] Lee County Administrative Code 11-1. Two primary driveways will serve the project. In addition, the north and south development tracts will each be served by a secondary stabilized emergency access.
[52] Lee Plan Map 3-D.
[53] LDC §10-256.
[54] Utilities Department customers in the Burnt Store area are serviced by the Charlotte County Utilities Burnt Store Reverse Osmosis Water Treatment Facility located on Burnt Store Road near the Charlotte/Lee County line. Lee Plan Policies 55.1.1, 55.1.5.
[55] The Burnt Store Water Reclamation Facility shares a location with the Burnt Store Water Treatment Plant near the Charlotte/Lee County line. Lee Plan Goal 56, Objectives 56.1, 56.2, Policies 55.1.1, 56.1.4.
[56] Lee Plan Objective 65.2, Policy 65.2.1.
[57] Staff Report Attachment N: CPA 2021-00009 BOCC Adoption Staff Report dated February 22, 2023.

Residents will have access to schools, parks, hospital/medical facilities, shopping, and employment centers within reasonable distances.[58] Burnt Store Road is part of the Charlotte-Lee-Hendry Trail.[59]

Development will be subject to impact fees for road, park, fire, school, and emergency medical services.[60]

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County's resources.[61] Conditions must be plausibly related to the project's anticipated impacts, and pertinent to mitigating impacts to the public.[62] The MPD will be subject to conditions of approval designed to address impacts reasonably anticipated from development.[63] Notable conditions include compliance with a Bald Eagle Management Plan, surveys for Florida Bonneted Bat and Gopher Tortoises, surface water quality monitoring, and management of indigenous habitats.

The Hearing Examiner revised wording of conditions/deviations to improve clarity.

Public

One member of the public attended the hearing and spoke in support of the application.

Conclusion

The Hearing Examiner recommends approval and finds the requested MPD district meets LDC criteria and, as conditioned, is compatible with surrounding development.[64]

The Hearing Examiner revised conditions of approval for clarity, compliance with state law and to remove references to the LDC applicable to development by Condition 1.

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[58] Lee Plan Goals 66, 95, Objective 95.1.
[59] Lee Plan Map 4-E: Lee County Greenways Master Plan.
[60] LDC Chapter 2, Article VI.
[61] Lee Plan Policies 5.1.5, 135.9.6; LDC §§34-145(d)(4) a.2.(b), 34-377(a)(3), 34-411, and 34-932(c).
[62] LDC §34-932(b).
[63] LDC §§34-83(b)(4) a.3, 34-377(a)(2)c; Lee Plan Objectives 47.2, 77.3, Policies 5.1.5, 6.1.4, 47.2.1, 47.2.2, 77.3.1.
[64] Lee Plan Policy 6.1.4.

IV. Findings and Conclusions

Based on the testimony and exhibits presented in the record, the Hearing Examiner finds:

A. The requested MPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 5, 6, 11, 60, 61, 77, 95, 123, 124, 125, 126, 135, 151, 152, 158, 161; Objectives 2.1, 2.2, 4.1, 5.1, 6.1, 60.4, 61.2, 77.1, 77.2, 77.3, 122.2, 123.1, 123.2, 123.3, 123.4, 123.6, 123.8, 124.1, 126.2, 135.1, 161.1, 161.3, and Policies 1.1.3, 1.6.5, 2.1.2, 2.2.1, 5.1.1, 5.1.5, 5.1.6, 5.1.7, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 11.1.1, 11.1.2, 135.1.9, 135.9.6, 160.1.3, Lee Plan Maps 1-A, 1-B, 3-D, 4-E, Table 1(a).

B. As conditioned, the MPD zoning district:

1. Is consistent with the Land Development Code or qualifies for deviations. LDC Chapters 2, 10, and 34.

2. Is compatible with existing or planned uses in the surrounding area. Lee Plan Goal 152, Objectives 2.1, 2.2, 161.1, 161.3, and Policies 1.1.3, 5.1.5, 6.1.4, 135.9.5, 135.9.6, 160.1.3, 161.2.2, 161.3.1; LDC §§34-411, 34-413.

3. Provides sufficient road access to support proposed development intensity. Lee Plan Objective 161.4, Policies 6.1.5, 161.1.2, 161.4.3.

4. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 39.1, Policies 38.1.1, 38.1.5, 39.1.1, 39.1.3; LDC §§2-261 *et seq.*, 34-411(d) and (e).

5. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 59, 60, 61, 77, 123, 125, 126, Objectives 60.4, 61.2, 77.1, 77.3, 122.2, 123.6, 124.1, 126.2, Policies 6.1.6, 59.1.5, 60.1.2, 60.4.1, 60.4.2, 60.4.3, 61.1.6, 61.3.3, 61.3.6, 61.3.9, 61.3.11, 77.3.1, 77.3.3, 123.1.5, 123.2.3, 123.2.10, 125.1.2, 125.1.4, 126.1.1, 126.1.2, 126.1.4, 126.2.1, and Standard 4.1.4.

6. Public services and infrastructure will be available to serve the development. Goals 2, 4, 5, 6, 56, 95, Objectives 2.1, 2.2, 4.1, 65.2, Policies 1.1.1, 1.1.3, 2.2.1, 6.1.4, 54.1.10, 54.1.11, 55.1.1, 56.1.4, 57.1.5, 61.1.6, 160.1.1, 161.1.2, 161.4.3, Standards 4.1.1, 4.1.2.

C. The proposed uses are appropriate at the location. Lee Plan Goals 2, 5, 6, 11, 152; Objectives 2.1, 2.2, 56.2, 135.1, Policies 2.1.1, 2.1.2, 5.1.3, 6.1.7, 11.1.1, 11.1.2, 135.1.9, 135.9.6, 160.1.3, 161.3.1, Lee Plan Tables 1(a).

D. The County regulations and recommended conditions provide sufficient safeguards to protect the public interest and relate to impacts expected from the proposed development. Lee Plan Goals 56, 123, 124, 125, Objectives 77.3, 123.6, 126.2, Policies 5.1.5, 6.1.4, 6.1.6, 53.1.5, 54.1.10, 54.1.11, 56.1.4, 61.3.8, 77.3.1, 126.2.1, 135.9.5, 135.9.6: LDC §§34-145(d)(4)a.2.b), 34-377(a)(3), 34-936, 34-411 and 34-932(c).

E. Deviations recommended for approval enhance the planned development and preserve public health, safety, and welfare. LDC §§34-373(a)(9), 34-377(a)(4).

Date of Recommendation: June 20, 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

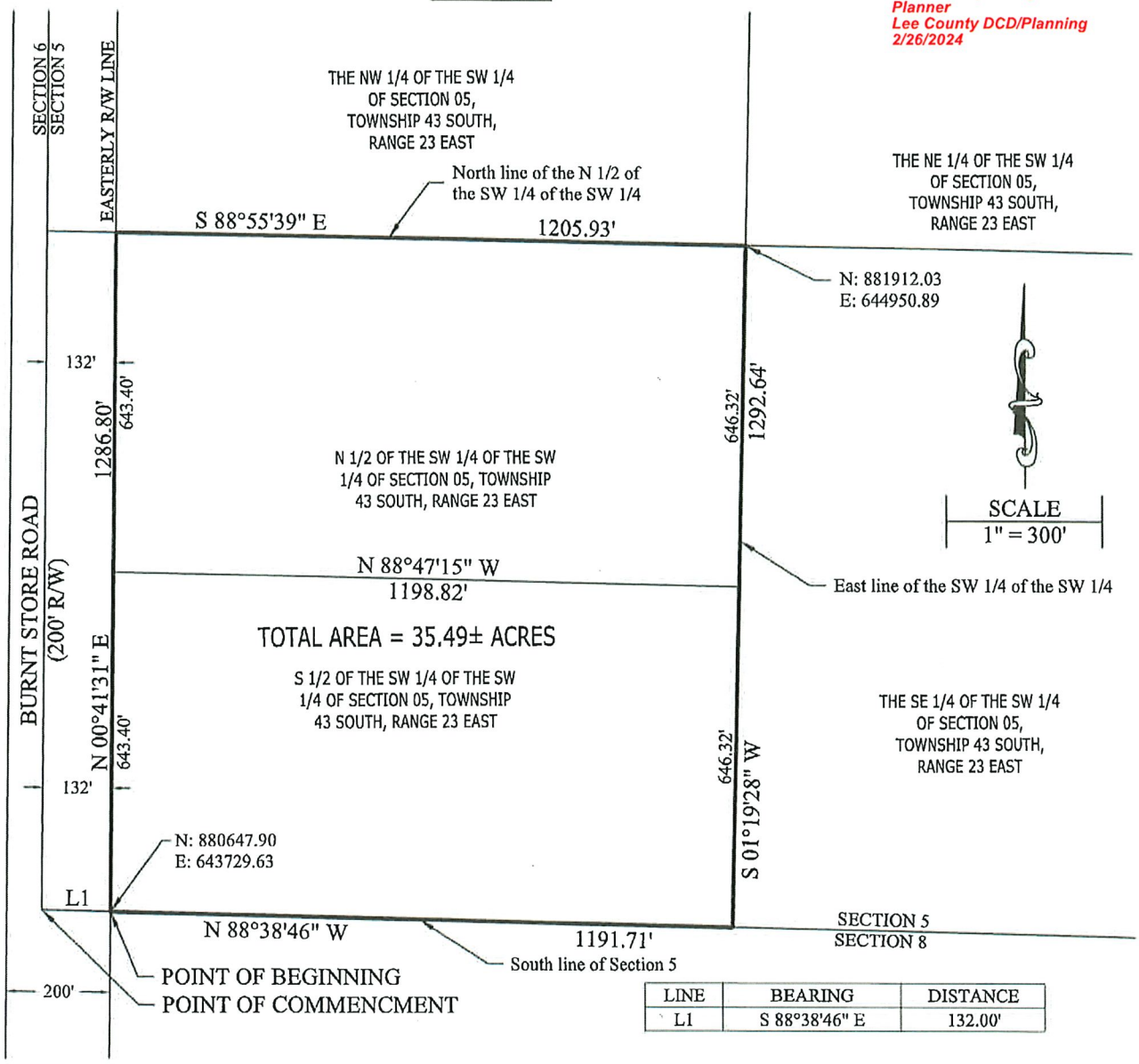
LEGAL DESCRIPTION AND VICINITY MAP

Exhibit 7b

Exhibit A

Sketch

REVIEWED
DCI2022-00039
Rick Burris, Principal Planner
Lee County DCD/Planning
2/26/2024



LINE	BEARING	DISTANCE
L1	S 88°38'46" E	132.00'

SURVEY NOTES:
1. BEARINGS ARE BASED ON THE EAST RIGHT-OF-WAY LINE OF BURNT STORE ROAD BEING N00°41'31"E.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. *COPYRIGHT 2021, ARDURRA GROUP, INC., ALL RIGHTS RESERVED.*
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF ARDURRA GROUP, INC.
6. NOT VALID WITHOUT SHEET 2 OF 2.
7. COORDINATES SHOWN HEREON ARE IN REFERENCE TO THE FLORIDA WEST STATE PLANE COORDINATE SYSTEM (ZONE 0902) (NAD 83/2011) AND DETERMINED USING THE FDOT PERMANENT REFERENCE STATION NETWORK (FPRN).

LEGEND:
R/W = RIGHT-OF-WAY

Sheet 1 of 2

Sketch to Accompany Description
Burnt Store Road Parcels
lying in Section 05, Township 43 South, Range 23 East, Lee County, Florida.

SHEET 1 OF 2

Prepared for: SVR Management, LLC

SECTION 05, TOWNSHIP 43S, RANGE 23E

THIS IS NOT A SURVEY

ARDURRA
COLLABORATE. INNOVATE. CREATE.
324 Nicholas Parkway W, Unit A
Cape Coral, Florida 33991
Phone: (239) 673-9541
www.Ardurra.com
License #LB-2610

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **March 15, 2021** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

Digitally signed by Jeffrey Stouten
Date: 2022.02.10 10:31:32 -05'00'

JEFFREY D. STOUTEN (FOR THE FIRM)
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6584
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Description

LEGAL DESCRIPTION:

A parcel or tract of land lying in the Southwest quarter (SW 1/4) of the Southwest quarter (SW 1/4) of Section 5, Township 43 South, Range 23 East, Lee County, Florida, being more particularly described as follows:
Commencing at the Southwest corner of said Section 5, thence S88°38'46"E, along the South line of said Section 5, a distance of 132.00 feet to an intersection with the Easterly right-of-way line of Burnt Store Road and the POINT OF BEGINNING. From said Point of Beginning, thence run N00°41'31"E, along said Easterly right-of-way line, a distance of 1,286.80 feet to an intersection with the north line of the North one half (N 1/2) of the Southwest quarter (SW 1/4) of the Southwest quarter (SW 1/4) of said Section 5; thence run S88°55'39"E, along the North line of said North one half (N 1/2), a distance of 1,205.93 feet to an intersection with the East line of said Southwest quarter (SW 1/4) of the Southwest quarter; thence run S01°19'28"W, along said East line, a distance of 1,292.64 feet to an intersection with the South line of said Section 5; thence run N88°38'46"W, along said South line, a distance of 1,191.71 feet to an intersection with said Easterly right-of-way line and the POINT OF BEGINNING.

Said parcel contains 35.49 acres (more or less)

Bearings are based on the Easterly right-of-way line of Burnt Store Road being N00°41'31"E.

THIS IS NOT A SURVEY	Description to Accompany Sketch *Burnt Store Road Parcels* lying in Section 05, Township 43 South, Range 23 East, Lee County, Florida.	*Not Valid without Sheet 1 of 2*
Sheet 2 of 2	ARDURRA COLLABORATE. INNOVATE. CREATE. 324 Nicholas Parkway W, Unit A Cape Coral, Florida 33991 Phone: (239) 673-9541 www.Ardurra.com License #LB-2610	I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **March 15, 2021** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes. *See Sheet 1 of 2 for Signature and Seal*
Prepared for: SVR Management, LLC SECTION 05, TOWNSHIP 43S, RANGE 23E		JEFFREY D. STOUTEN (FOR THE FIRM) FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6584 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER

DCI2022-00039

Zoning

Subject Property

City Limits

N
W
E
S

0 300 600 900 1,200
Feet

Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

1. Master Concept Plan (MCP). Development must be consistent with the one-page MCP entitled "Mixed Use Planned Development for SVR, LLC" prepared by Avalon Engineering, Inc, dated May 7, 2024, except where modified by conditions below.

   Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC except where deviations have been approved herein. Changes to the MCP, development parameters or conditions require further development approvals.

   Approved Development Parameters. The property may be developed with up to 354 dwelling units and a maximum gross floor area of 263,470 square feet of commercial and light industrial uses.

2. Permitted Uses and Property Development Regulations.

   a. Schedule of Approved Uses

Residential Tract

Accessory Uses and Structures
Dwelling Units:
- Multiple-Family Building
- Townhouse

Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention Only
Fences, Walls
Home Occupation
Models:
- Model Home
- Model Unit

Recreation Facilities, Personal
Signs
Temporary Uses (limited to Temporary Contractor's Office and Equipment Storage Shed)

Commercial/Light Industrial Tract

Accessory Uses & Structures
Administrative Offices

Animal Clinic or Kennel
Auto Parts Store
Bait and Tackle Shop
Banks and Financial Establishments, Groups I, II
Building Material Sales
Business Services, Groups I, II
Car Wash
Cleaning and Maintenance Services
Clubs, Commercial, Fraternal, Private
Clothing Stores, General
Computer and Data Processing
Contractors and Builders, Group I
Drive-Thru Facility for any permitted use
Drugstore/Pharmacy
Entrance Gates and Gatehouses
Essential Services
Essential Services Facilities, Group I
Excavation, Water Retention
Farm Equipment, Sales, Rental
Fences, Walls
Food Stores, Groups I, II
Hardware Stores
Healthcare Facilities, Groups I, II, III
Hobby, toy and game shops
Hotel/Motel
Household and Office Furnishings, All Groups
Insurance Companies
Lawn and Garden Supply Stores
Machine Shop
Measuring, Analyzing, and Controlling Instruments
Medical Office
Novelties, Jewelry, Toys, and Signs, Groups I, II, III
Non-store Retailers, All Groups
Package Store
Paint, Glass & Wallpaper
Parking Lot
- Accessory
- Commercial
- Garage
- Public Park & Ride
- Temporary

Personal Services, All Groups (Except escort services, palm reader & tattoo from Group IV)
Pet Services
Pet Shop
Real Estate Sales Office

Recreation Facilities, Commercial, Groups I, III
Rental or Leasing Establishments, Groups I, II, III
Repair Shops, Groups I, II, III
Research and Development Laboratories, Groups II, IV
Restaurant, Fast Food
Restaurant, Groups I, III
Schools, Commercial
Signs
Social Services, Groups I, II
Specialty Retail Shops, All Groups
Storage, Open (limited to RV Storage)
Studios
Used Merchandise Stores, Groups I, II, III, IV
Variety Store
Warehouse:
- Hybrid
- Mini-warehouse
- Public

b. Site Development Regulations

Residential Tract

Lot Size	
Minimum Lot Area:	1 acre
Minimum Lot Width:	100 feet
Minimum Lot Depth:	100 feet

Setbacks	
Street Public, Private	25 feet
Side (north)	15 feet
Side (south)	50 feet
Rear	20 feet
Waterbody	50 feet

Maximum Lot Coverage	40 percent
Maximum Height	54 feet

Commercial and Light Industrial Tract

Lot Size

Minimum Lot Area:	1 acre
Minimum Lot Width:	100 feet
Minimum Lot Depth:	100 feet

Setbacks	
Street Public, Private	25 feet
Side (north)	15 feet
Side (south)	50 feet
Rear	20 feet
Waterbody	50 feet
Maximum Lot Coverage	40 percent
Maximum Height	44 feet

3. Bald Eagle Management
Developer must adhere to the Bald Eagle Management Plan for proposed impacts within 660 feet of the Bald Eagle nest. The 660-foot buffer zone and the activities and restrictions outlined in the Bald Eagle management plan must be shown on development order plans. Bald Eagle Management Plan dated November 2023, attached as Exhibit B2.

4. Species Survey
Developer must submit an updated Florida Bonneted Bat and Gopher Tortoise surveys with the application for a vegetation removal permit.

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

   a. Goals and Objectives of the Plan.

   b. Outfall monitoring schedule during "wet" season of June through September and "dry" season of October through May for Total Kjeldahl Nitrogen, Ammonia, Total Nitrogen, Nitrite, Nitrate, Chlorophyll A, Total Phosphorus, Chloride, Total Dissolved Solids, Copper, Iron, Lead, E. coli, Total Hardness, Field Temperature, Specific Conductance, pH and Dissolved Oxygen.

   c. Baseline monitoring event completed prior to commencement of construction.

   d. Annual submission of water quality monitoring data to the Division of Natural Resources for a minimum of 5 years including a report with a comparison of State surface water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding state surface water quality monitoring standards, developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an

Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.

e. Contingency plan upon exceedance of State Surface Water Quality Standards. Contingency plan must include notification to impacted residents and applicable authorities.

6. Open Space
   a. Development order plans for the commercial development area must depict 6.12 acres of open space.

   b. Development order plans for the multi-family residential development area must depict 11.60 acres of open space.

7. Indigenous Preservation
   a. Development order plans for the commercial development area must depict 2.29 acres of indigenous preserve area.

   b. Development order plans for the multi-family residential development area must depict 4.06 acres of indigenous preserve area.

8. Indigenous Preservation and Management Plan
   a. Development order submittals must include an indigenous habitat management plan, subject to approval by Environmental Staff.

   b. Development order submittals must include a map depicting tree protection methods for indigenous preserves abutting development areas. The plans must protect South Florida Slash Pines at the full canopy drip line and all other hardwoods at three-quarters of the canopy drip line. Mechanical clearing is prohibited in indigenous preserve areas.

9. Southern Buffer
   Development order plans must depict a 10-foot-wide buffer with five trees per 100 linear feet and a double hedge row. Buffer vegetation must comply with LDC minimum plant material standards.

DEVIATIONS

1. Refuse and Solid Waste Disposal Facilities. Deviation (1) seeks relief from LDC §10-261(a), which requires a dumpster enclosure area of 1,705.6 square feet for mini- and public warehouse, to allow an enclosure area of 288 square feet for the mini- and public warehouse use.

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

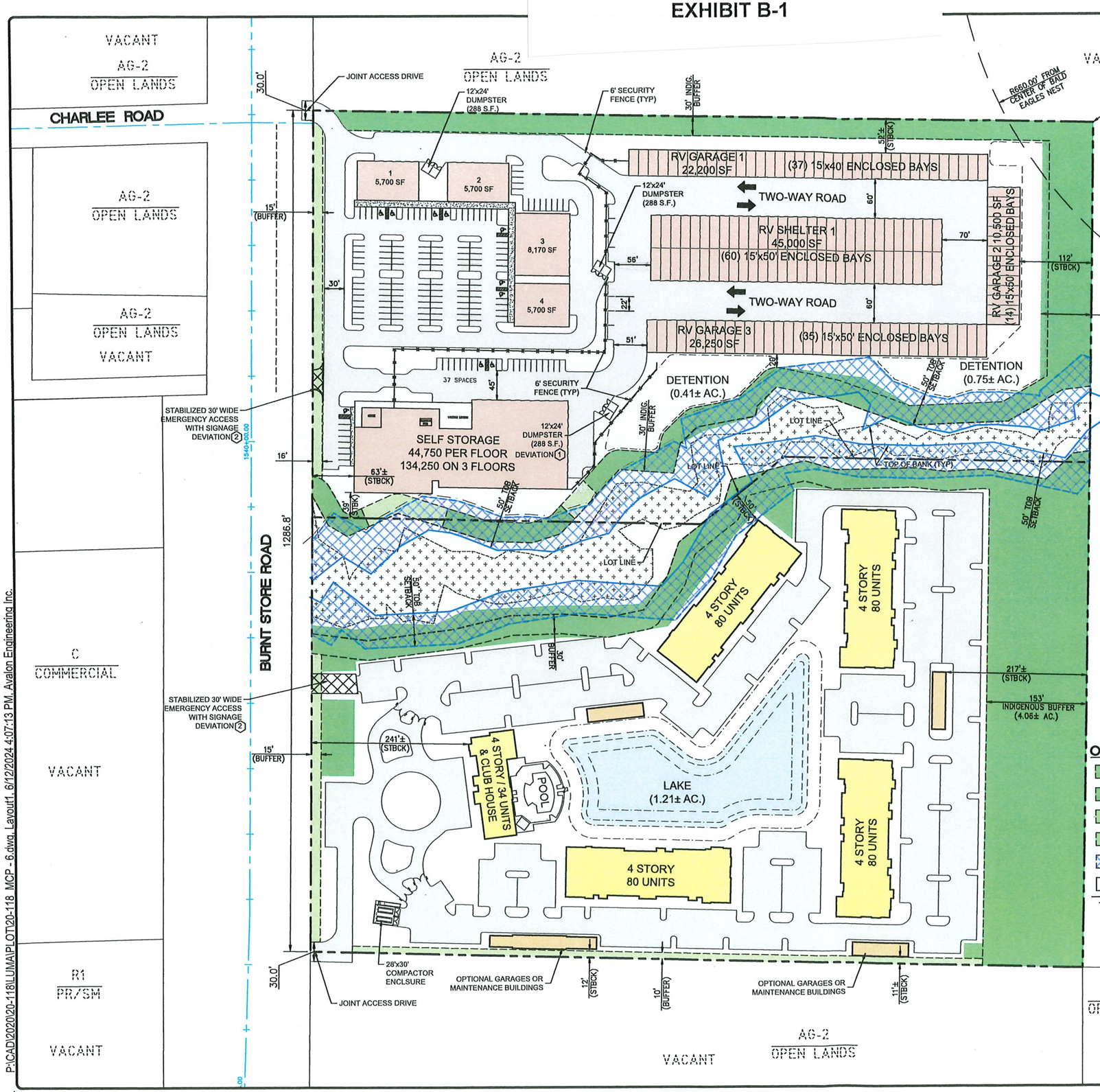
The refuse area is limited to mini- and public warehouse office operations only. Development order submittals must include a copy of the lease agreement demonstrating tenants are prohibited from using on-site dumpsters.

2. Required Street Access. Deviation (2) seeks relief from LDC §10-291(3), which requires two means of ingress or egress for residential developments of more than five acres and commercial/industrial developments more than 10 acres to allow one access point to each portion of the development and an emergency stabilized access point to serve as a second means of ingress and egress to each portion of the project.

Hearing Examiner Recommendation: Approved, subject to the following condition: Development Order plans must depict the stabilized emergency access locations as fenced or chained to preclude use by the public absent emergency.

Exhibits to Conditions:
B1 MCP dated May 7, 2024
B2 Bald Eagle Management Plan, dated November 2023

EXHIBIT B-1



N

0 40 80 (IN FEET)

MIXED USE PLANNED DEVELOPMENT (MPD)
FOR
SVR INV, LLC
LEE COUNTY, FLORIDA

TOTAL SITE AREA:

TOTAL SITE AREA:	**1,546,100 SF**	**35.49 AC**	**100.0%**
BUILDINGS: (BUILDING FOOTPRINT)	**267,120 SF**	**6.13 AC**	**17.3%**
PAVEMENT:	**465,073 SF**	**10.68 AC**	**30.1%**
CONCRETE:	**42,000 SF**	**0.96 AC**	**2.7%**
(CONC WALKS, POOL DECK, AND AMENITY COURT YARD & DUMPSTERS)			
TOTAL IMPERVIOUS AREA:	**774,193 SF**	**17.77 AC**	**50.1%**
TOTAL OPEN SPACE AREA:	**771,907 SF**	**17.72 AC**	**49.9%**
(INCLUDES 50,400 SF DETENTION, 52,580 SF LAKE & VEGITATION BUFFER)			

COMMERCIAL DEVELOPMENT AREA:
663,033 SF TOTAL AREA
30% REQUIRED OPEN SPACE: 198,909 SQUARE FEET OR 4.56 ACRES
50% INDIGENOUS PLANTING REQUIREMENT: 2.28 ACRES
TOTAL OPEN SPACE PROVIDED: 6.12 ACRES
2.29 NATIVE INDIGENOUS PLANTING AREA
0.31 REQUIRED LANDSCAPE BUFFER
3.52 OTHER OPEN SPACE

MULTI-FAMILY DEVELOPMENT AREA:
883,067 SF TOTAL AREA
40% REQUIRED OPEN SPACE: 353,226.80 OR 8.10 ACRES
50% INDIGENOUS PLANTING REQUIREMENT: 4.05 ACRES
TOTAL OPEN SPACE PROVIDED: 11.60 ACRES
4.06 NATIVE INDIGENOUS PLANTING AREA
0.37 LANDSCAPE BUFFER
7.17 OTHER OPEN SPACE

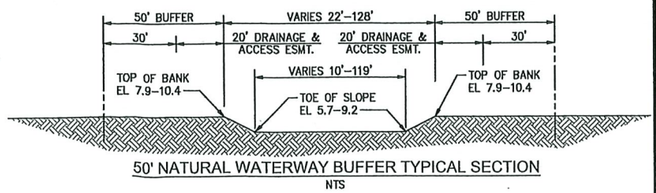
WETLANDS
POTENTIAL JURISDICTIONAL WETLANDS AND SURFACE WATER (2.01 AC)

OPEN SPACE LEGEND:
- PROPOSED INDIGENOUS (COMMERCIAL) BUFFER: 2.29± AC.
- PROPOSED INDIGENOUS (MULTI-FAMILY) BUFFER: 4.06± AC.
- PROPOSED LANDSCAPE (COMMERCIAL) BUFFER: 0.31± AC.
- PROPOSED LANDSCAPE (MULTI-FAMILY) BUFFER: 0.37± AC.
- PROPOSED TOP OF BERM SETBACK: 50'
- OTHER OPEN SPACE: 11.39± AC.

TOTAL OPEN SPACE: 17.72± AC. (49.9%)

REQUESTED DEVIATIONS
(1) DEVIATION (1) SEEKS RELIEF FROM THE LDC10-261 REQUIREMENT TO PROVIDE A SOLID WASTE FACILITY CONTAINER 1,705 SQ. FT. TO ALLOW A 288 SQ. FT DUMPSTER AREA FOR THE MINI WAREHOUSE/RV STORAGE USES ONLY

(2) DEVIATION (2) SEEKS RELIEF FROM THE LCD10-291(3) REQUIREMENT WHERE A SECOND MEANS OF INGRESS OR EGRESS IS REQUIRED FOR EACH OF THE DEVELOPMENT AREAS. A STABLIZED EMERGENCY DRIVEWAY ONLY IS PROVIDED ON EACH DEVELOPMENT AREA.



50' NATURAL WATERWAY BUFFER TYPICAL SECTION
NTS

ELEVATIONS BASED ON: NGVD 29

APPLICANT EXHIBIT# 2
DC 20230000039

PREPARED 05/07/2024

DATE	BY	REVISION DESCRIPTION

AVALON ENGINEERING, INC.
2503 DEL PRADO BLVD. S #200
CAPE CORAL, FLORIDA 33904
FBPE #3128 (239) 73-2077

MIXED USE PLANNED DEV.
SVR INV, LLC
BURNT STORE ROAD NORTH
CAPE CORAL, FLORIDA 33993

MASTER CONCEPT PLAN

#20-118/CONST.

1 OF 1

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EXHIBIT B2

Burnt Store Mixed Use Planned Development

Section 5, Township 43 South, Range 23 East
Lee County, Florida

Bald Eagle Management Plan

November 2023

Prepared for:

SVR MGMT, LLC
5015 Skyline Blvd
Cape Coral, FL 33914

Prepared by:

OWEN
ENVIRONMENTAL CONSULTING, LLC
15957 Tropical Breeze Drive, Fort Myers, FL 33908
(239) 994-9007

I. INTRODUCTION

The 35.49± acre project is located within a portion of Section 5, Township 43 South, Range 23 East, Lee County, Florida (Figure 1). The parcel is enclosed to the north, east, and south by undeveloped land. Burnt Store Road N borders the parcel to the west.

A bald eagle management plan will need to be approved for nest LE-009 by Lee County as a portion of the proposed mixed use planned development will be within the 660' eagle buffer zone. This management plan has been created to outline the project's proposed protection measures for nest LE-009.

II. SITE CONDITIONS

The majority of the site is relatively undisturbed pine flatwoods forest with a small stream (Yucca Pen Creek) flowing through the center of the property flowing east to west. This property is currently undeveloped with vegetation that includes slash pine (*Pinus elliottii*), laurel oak (*Quercus laurifolia*), earleaf acacia (*Acacia auriculiformis*), sand live oak (*Quercus geminata*), melaleuca (*Melaleuca quinquenervia*), wax myrtle (*Myrica cerifera*), saw palmetto (*Serenoa repens*), wiregrass (*Aristida beyrichiana*) and smutgrass (*Sporobolus indicus*) in the pine flatwoods and slash pine, laurel oak, bald cypress (*Taxodium distichum*), melaleuca, earleaf acacia, Brazilian pepper (*Schinus terebinthifolia*), willow (*Salix caroliniana*), swamp bay (*Persea palustris*), cabbage palm (*Sabal palmetto*), wax myrtle, downy rose myrtle (*Rhodomyrtus tomentosa*), hog plum (*Ximenia americana*), saw palmetto, royal fern (*Osmunda regalis*), and spider lily (*Hymenocallis latifolia)* in the mixed wetland hardwoods which border Yucca Pen Creek.

III. SITE OBSERVATIONS

A southern bald eagle (*Haliaeetus leucocephalus*) pair have constructed a nest in a slash pine tree located approximately 549' feet northeast of the subject parcel's northeast property corner (Figure 2). This nest (LE-009) was first identified by the Florida Fish and Wildlife Conservation Commission (FWC) as active for the 1998 season. The historic bald eagle nest activity as noted by FWC is found below in Table 1.

Table 1. Historic Bald Eagle Nest LE-009 Status

Nesting Season	Nest Status
1998/1999	Active
1999/2000	Active
2000/2001	Active
2001/2002	Active
2002/2003	Active
2003/2004	Active
2004/2005	Active
2005/2006	Not Active
2006/2007	Active

Nesting Season	Nest Status
2007/2008	Active
2008/2009	Active
2009/2010	Active
2010/2011	No Observations
2011/2012	No Observations
2012/2013	Not Active
2013/2014	No Observations
2014/2015	No Observations
2015/2016	No Observations
2016/2017	Active

IV. GENERAL DEVELOPMENT GUIDELINES

The protection measures outlined below have been designed utilizing the FWS's *National Bald Eagle Management Guidelines* (FWS 2007a) and Section 14-111 through 14-120 of the Lee County Land Development Code. These proposed restrictions and requirements apply only to the Burnt Store Mixed Use Development project and are not binding on any other property in the vicinity of bald eagle nest LE-009.

If nest LE-009 is vacated before the end of the nesting season (May 15th) or if Lee County Division of Environmental Sciences (DES) determines that nest LE-009 has been abandoned, construction activities may commence upon confirmation of those conditions by DES. If the nest is not active by March 15th or as confirmed by DES, then the nesting season for nest LE-009 shall be considered over and the construction restrictions shall not apply. A determination that the nest is not active shall be consistent with the *Bald Eagle Monitoring Guidelines* (FWS 2007b).

A. 330 Feet Zone Activities and Restrictions

The project area is not located within the 330' LE-009 nest buffer zone.

B. 330 - 660 Feet Zone Activities and Restrictions

Approximately 0.25 acres of the property is within the 660' buffer of nest LE-009 (Figure 3). The project will include a storm water detention area and indigenous buffer within the 660' zone. The restrictions described below are only applicable to the portion of the property within 660' of nest LE-009.

1. Major exterior construction activities, such as initial site clearing, major earth work, grading, and storm water detention area construction may occur during the nesting season provided that the activities do not disturb the nesting bald eagles as defined by the *Bald Eagle Monitoring Guidelines*. Monitoring consistent with the *Bald Eagle Monitoring Guidelines* shall be required during these construction activities.

2. The use of any chemicals that are known to be toxic to wildlife shall be prohibited within 660± feet of the bald eagle nest. The use of all chemical will be in accordance with labeling instructions.

3. Outdoor lighting installed within 660± feet of the bald eagle nest shall be subdued, shielded, and directed away from the nest tree.

4. After construction is completed, normal storm water detention maintenance activities will be allowed throughout the year.

5. A 30' indigenous habitat buffer will be provided along the north property line and a 67' indigenous habitat buffer will be provided along the east property line.

C. Greater Than 660 Feet Zone Activities and Restrictions

The proposed uses of the property more than 660 feet of Bald Eagle Nest LE-009 consist of enclosed storage, flex space, and residential for the remainder of the development. Construction activities and normal mixed use facilities activities will be allowed outside of 660± feet of the bald eagle nest throughout the year.

V. IMPLEMENTATION

The land owner/developer and the future Property Owners Association (if any) will be responsible for following this Bald Eagle Management Plan. A qualified ecologist will monitor nest LE-009 (if work as described by Item IV.B.1 above is undertaken during the nesting season) consistent with the Bald Eagle Monitoring Guidelines and will submit the reports to DES on a monthly basis. DES staff will review these reports and may also inspect the site to verify compliance with the conditions of this Bald Eagle Management Plan. Any violation of these conditions may result in a Stop Work Order being issued to halt all construction activity during the bald eagle nesting season, including building inspections, until the violation is resolved.

All of the management practices will remain in effect until the nest is deemed abandoned or lost by DES pursuant to Section 14-112 of the Land Development Code. None of these management practices will be required after the nest is deemed abandoned or lost. The nest will be defined as abandoned if the nest is intact or partially intact but has been inactive through five or more consecutive nesting seasons. The nest will be defined as lost if the nest or nest tree is destroyed by natural causes (e.g. nest that fell apart or was blown out of a tree, or the tree itself was lost) and is not rebuilt in the same tree within three nesting seasons.

VI. BALD EAGLE MANAGEMENT PLAN MODIFICTIONS

Any changes to this Bald Eagle Management Plan must be reviewed and approved by DES staff through the planned development administrative amendment process. Any future owners of the Mixed Use Planned Development project that are affected by this

Bald Eagle Management Plan will be provided with a copy of this plan. At the time of platting, the Bald Eagle Management Plan will be included in the property association documents.

35.5± Acre Parcel N Burnt Store Road

22-010

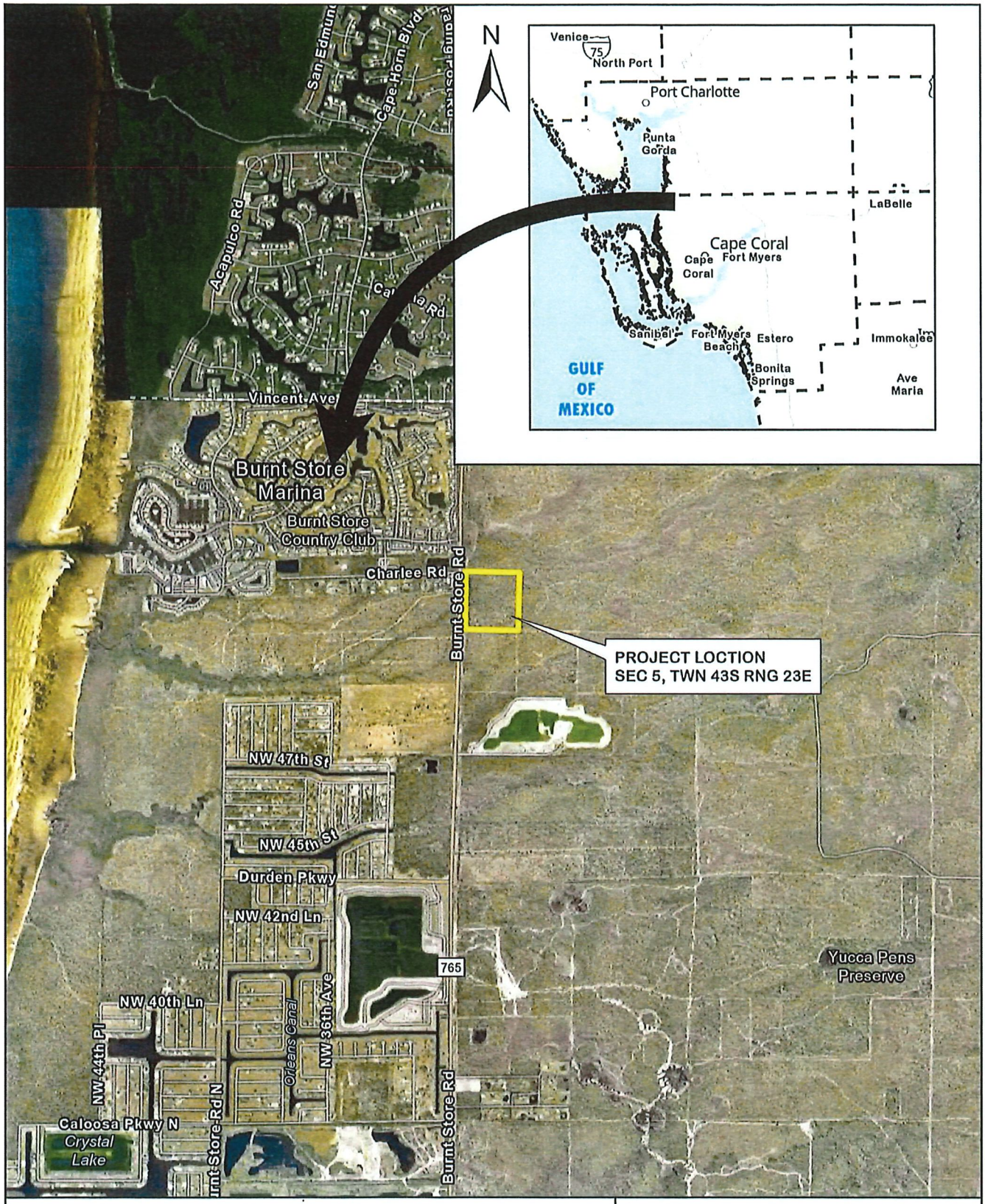


Figure 1. Project Location Map

OWEN ENVIRONMENTAL CONSULTING, LLC.
FORT MYERS 239-994-9007

35.5± Acre Parcel N Burnt Store Road

SECTION: 5
TOWNSHIP: 43S
RANGE: 23E

0 175 350
SCALE FEET

Notes:

1. *Property boundary provided by ARDURRA.*
2. *Creek boundary is approximate and was obtained through interpolation of topographic survey.*
3. *Mapping based on photointerpretation of 2019 aerial photography and ground truthing in July 2020.*
4. *Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.*

FLUCCS	Description	Acreage
411E	Pine Flatwoods Invaded by Exotics (5-9%)	33.43 Ac.±
510**	Streams & Waterways	0.43 Ac.±
617E*	Mixed Wetland Hardwoods Invaded by Exotics (5-9%)	1.63 Ac.±
	Total	35.49 Ac.±

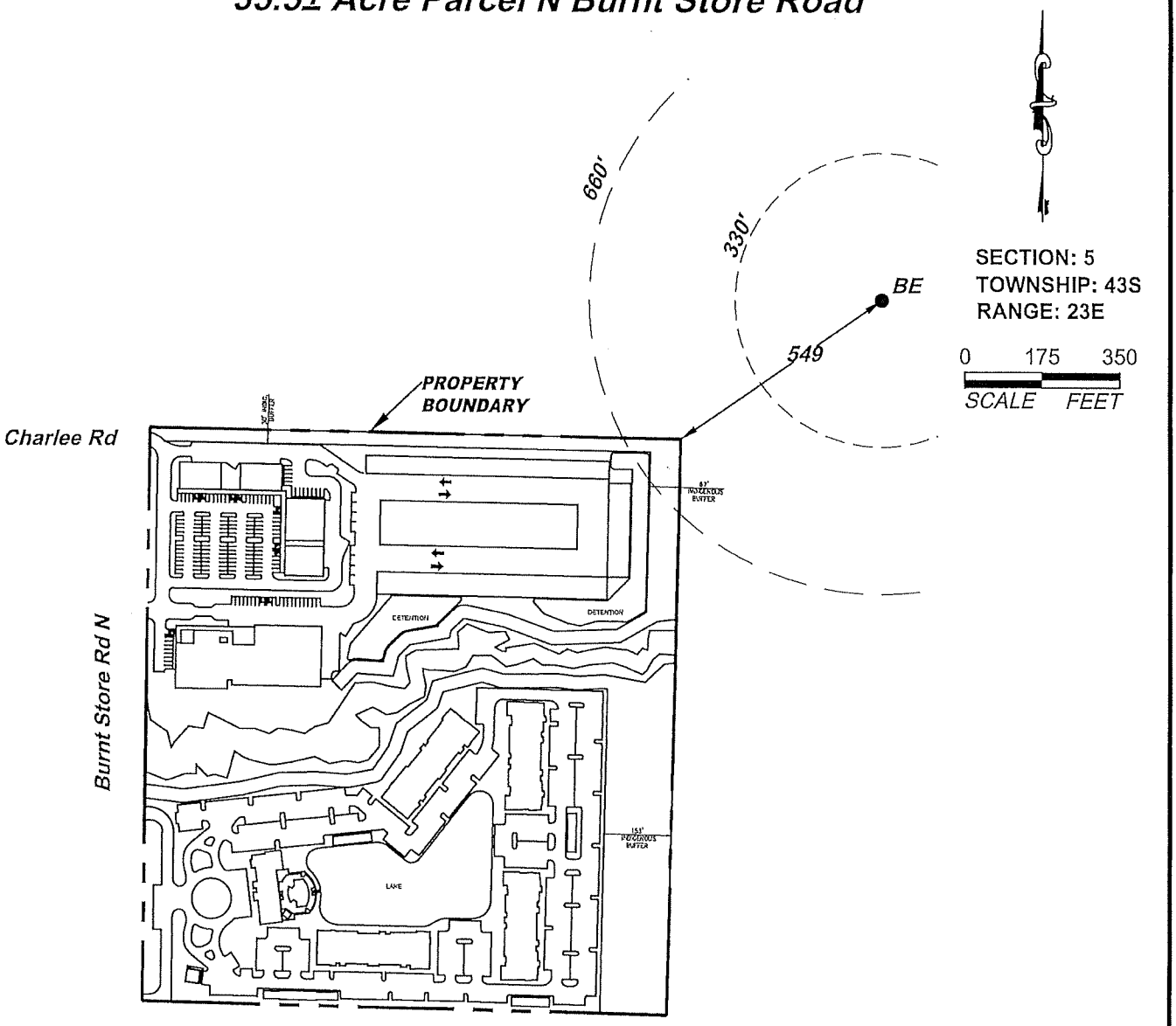
* Potential Jurisdictional Wetlands
** Potential Jurisdictional Other Surface Waters

22-010

Figure 2. Bald Eagle Nest Location

OWEN ENVIRONMENTAL CONSULTING, LLC.
FORT MYERS 239-994-9007

35.5± Acre Parcel N Burnt Store Road



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22-010

Figure 3. Site Plan	OWEN ENVIRONMENTAL CONSULTING, LLC. FORT MYERS 239-994-9007

REFERENCES

Florida Fish and Wildlife Conservation Commission. 2008. Bald Eagle Management Plan. 60p.

U.S. Fish and Wildlife Service. 2007a. National Bald Eagle Management Guidelines. 23p.

U.S. Fish and Wildlife Service. 2007b. Bald Eagle Monitoring Guidelines. 20p.

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

a. *48-Hour Notice:* Email from Jamie Princing, to Linda Miller, Dirk Danley, Jr., Anthony Rodiguez, Elizabeth Workman, Nicholas DeFilippo, Brandon Dunn, Katherine Woellner, Marcus Evans, Pakorn Sutitarnnontr, Tim Brooks, Brittany Banker, Phil Gillogly, Rebecca Sweigert, Hearing Examiner, Maria Perez, Stephen Raleigh, dated Tuesday, June 11, 2024, 2:45 PM (multiple pages – 8.5"x11")

b. *Résumé:* For Katherine Woellner, AICP, Principal Planner with Lee County Board of County Commissioners (1 double-sided page – 8.5"x11")

1. *DCD Staff Report with attachments for DCI:* Prepared by Dirk Danley, Jr., Principal Planner, date received May 20, 2024 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *PowerPoint Presentation:* Prepared by Lee County Staff for DCI2022-00039, Burnt Store Mixed Use Planned Development, Staff Presentation dated June 13, 2024 (multiple pages – 8.5"x11")[color]

APPLICANT EXHIBITS

a. *48-Hour Notice:* Email from Richard Akin, Esq., to Hearing Examiner, with copies to Linda Miller, Dirk Danley, Jr., Elizabeth Workman, and Kirsten Shultz, dated Monday, June 10, 2024, 6:28 PM (2 pages – 8.5"x11")

1. *PowerPoint Presentation:* Prepared by SVR Management, LLC, Henderson, Franklin, Starnes and Holt PA, Avalon Engineering, Inc., Owen Environmental Consulting, and TR Transportation Consultants, Inc., for DCI2022-00039, Burnt Store Mixed Use Planned Development, dated June 13, 2024 (multiple pages – 8.5"x11")[color]

2. *Master Concept Plan:* Prepared by Avalon Engineering, Inc., for SVR INV, LLC, Mixed Use Planned Development MPD, prepared date 5/7/2024 (1 page – 11"x17" and 1 page 24"x36")[color]

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Dirk Danley, Jr, AICP

Applicant Representatives:

1. Richard Akin, Esq.
2. Linda Miller, AICP
3. Paul Owen, President, Owen Environmental Consulting, LLC

Public Participants:

1. Steven Weisberg

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.

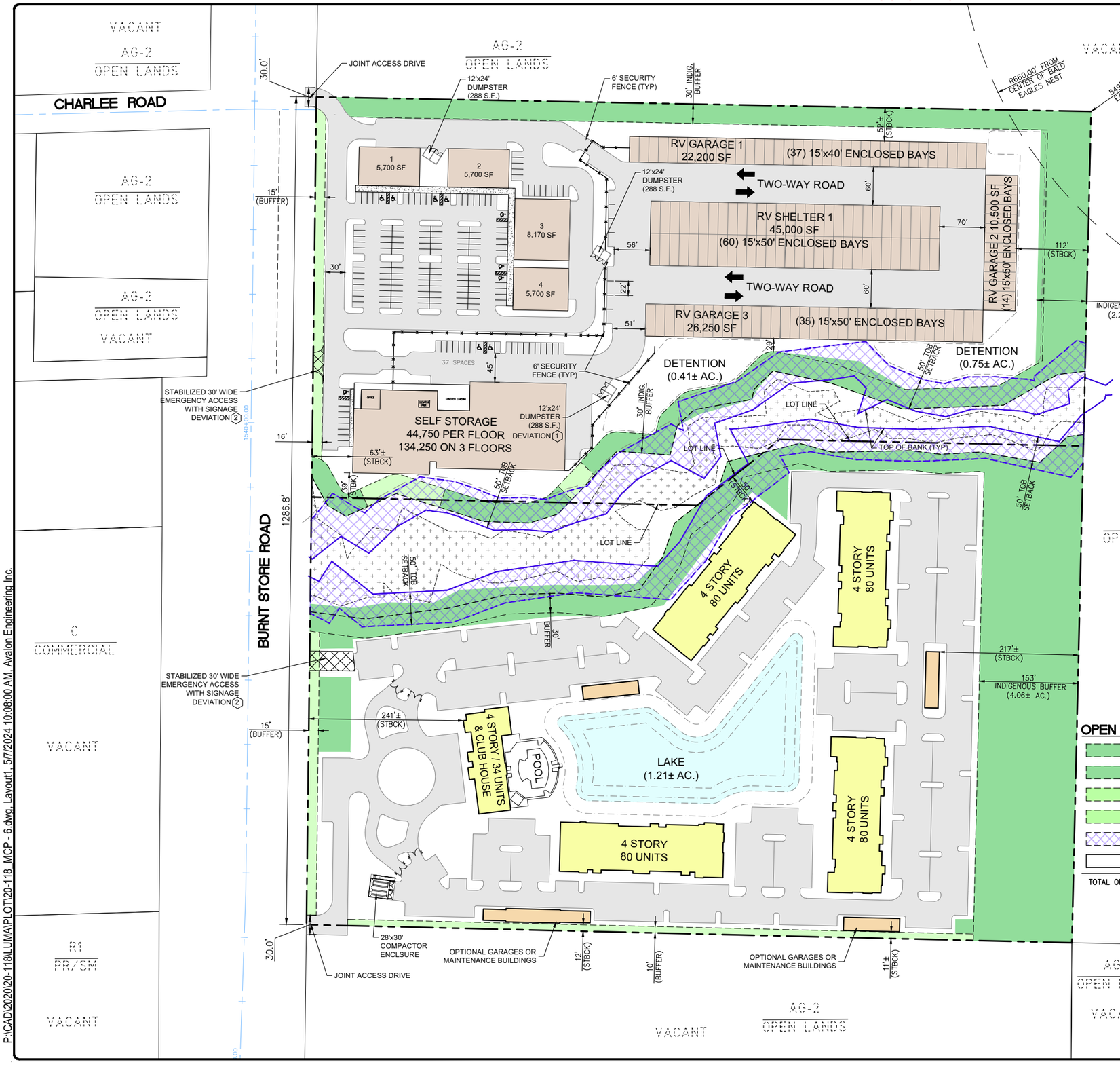
C. Participants may not submit documents to the Board of County Commissioners unless they were marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at hearing.

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.

Additional info dated 05-07-2024



MIXED USE PLANNED DEVELOPMENT (MPD)
FOR
SVR INV, LLC
LEE COUNTY, FLORIDA

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(BUILDING FOOTPRINT)			
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POTENTIAL JURISDICTIONAL WETLANDS AND SURFACE WATER (2.01 AC)

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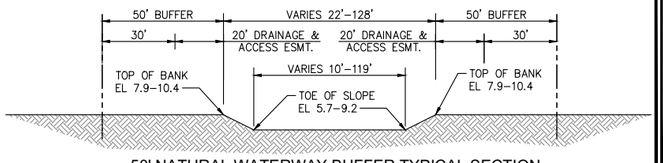

50' NATURAL WATERWAY BUFFER TYPICAL SECTION
NTS

VERTICAL ELEVATIONS BASED ON: NGVD 29

THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G15-23.004,FAC ON 5/7/2024

DATE	BY	REVISION DESCRIPTION

AVALON ENGINEERING, INC.
2503 DEL PRADO BLVD. S #200
CAPE CORAL, FLORIDA 33904
FBPE#3128 (239) 73-2077

MIXED USE PLANNED DEV.
SVR INV, LLC
BURNT STORE ROAD NORTH
CAPE CORAL, FLORIDA 33993

MASTER CONCEPT PLAN

#20-118/CONST.

1 OF 1

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ATTACHMENT C

A. Conditions

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Mixed Use Planned Development for SVR, LLC" prepared by Avalon Engineering, Inc, dated 05/07/2024, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

   The development is allowed a maximum of 354 residential dwelling units and a maximum total gross floor area of 263,470 square feet of commercial and light industrial uses.

2. The following limits apply to the project and uses.

   a. Schedule of Uses

   Residential Tract

   Accessory Uses and Structures
   Dwelling Units:
   - Multiple-Family Building
   - Townhouse

   Entrance Gates and Gatehouse
   Essential Services
   Essential Service Facilities, Group I
   Excavation, Water Retention Only
   Fences, Walls
   Home Occupation
   Models:
   - Model Home
   - Model Unit

   Recreation Facilities, Personal
   Signs
   Temporary Uses (limited to Temporary Contractor's Office and Equipment Storage Shed)

   Commercial/Light Industrial Tract

   Accessory Uses & Structures
   Administrative Offices
   Animal Clinic or Kennel
   Auto Parts Store
   Bait and Tackle Shop

Banks and Financial Establishments, Groups I, II
Building Material Sales
Business Services, Groups I, II
Car Wash
Cleaning and Maintenance Services
Clubs, Commercial, Fraternal, Private
Clothing Stores, General
Computer and Data Processing
Contractors and Builders, Group I
Drive-Thru Facility for any permitted use
Drugstore/Pharmacy
Entrance Gates and Gatehouses
Essential Services
Essential Services Facilities, Group I
Excavation, Water Retention
Farm Equipment, Sales, Rental
Fences, Walls
Food Stores, Groups I, II
Hardware Stores
Healthcare Facilities, Groups I, II, III
Hobby, toy and game shops
Hotel/Motel
Household and Office Furnishings, All Groups
Insurance Companies
Lawn and Garden Supply Stores
Machine Shop
Measuring, Analyzing, and Controlling Instruments
Medical Office
Novelties, Jewelry, Toys, and Signs, Groups I, II, III
Non-store Retailers, All Groups
Package Store
Paint, Glass & Wallpaper
Parking Lot
    Accessory
    Commercial
    Garage
    Public Park & Ride
    Temporary
Personal Services, All Groups (Except escort services, palm reader & tattoo from Group IV)
Pet Services
Pet Shop

Real Estate Sales Office
Recreation Facilities, Commercial, Groups I, III
Rental or Leasing Establishments, Group I, II, III
Repair Shops, Group I, II, III
Research and Development Laboratories, Groups II, IV
Restaurant, Fast Food
Restaurant, Group I, III
Schools, Commercial
Signs
Social Services, Groups I, II
Specialty Retail Shops, All Groups
Storage, Open (limited to RV Storage)
Studios
Used Merchandise Stores, Group I, II, III, IV
Variety Store
Warehouse:
- Hybrid
- Mini-warehouse
- Public

b. Site Development Regulations

Residential Tract

Lot Size

Minimum Lot Area:	1 acre
Minimum Lot Width:	100 feet
Minimum Lot Depth:	100 feet

Setbacks

Street Public, Private	25 feet
Side (north)	15 feet
Side (south)	50 feet
Rear	20 feet
Waterbody	50 feet
Maximum Lot Coverage	40 percent
Maximum Height	54 feet

Commercial and Light Industrial Tract

Lot Size

Minimum Lot Area:	1 acre
Minimum Lot Width:	100 feet
Minimum Lot Depth:	100 feet

Setbacks

Street Public, Private	25 feet
Side (north)	15 feet
Side (south)	50 feet
Rear	20 feet
Waterbody	50 feet
Maximum Lot Coverage	40 percent
Maximum Height	44 feet

3. Bald Eagle Management
Prior to local development order approval, the developer must adhere to the attached a Bald Eagle Management Plan, dated November 2023, for all proposed impacts within 660 feet of the bald eagle nest. The 660-foot buffer zone and the activities and restrictions outlined in the bald eagle management plan must be shown on the development order plans.

4. Species Survey
Prior to the issuance of a vegetation removal permit, an updated Florida Bonneted Bat survey and Gopher Tortoise survey must be submitted, and the site inspected for protected species.

5. Surface Water Quality Monitoring
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:

a. The overall Goals and Objectives of the Surface Water Monitoring Plan;

b. An outfall monitoring schedule during "wet" season of June through September and "dry" season of October through May for Total Kjeldahl Nitrogen, Ammonia, Total Nitrogen, Nitrite, Nitrate, Chlorophyll A, Total Phosphorus, Chloride, Total Dissolved Solids, Copper, Iron, Lead, E. coli, Total Hardness, Field Temperature, Specific Conductance, pH and Dissolved Oxygen.

c. A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction.

d. Water quality monitoring data must be provided to the Division of Natural Resources annually for a minimum of 5 years and must include a report with a comparison of State surface water quality standards, plots of parameters, and recommendations. After five

years of meeting or exceeding state surface water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.

e. 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.

6. Open Space
   a. Prior to the issuance of the first development order for the commercial development area, the development order plans must depict 6.12 acres of open space.

   b. Prior to the issuance of the first development order for the multi-family residential development area, the development order plans must depict 11.60 acres of open space.

7. Indigenous Preservation
   a. Prior to the issuance of the first development order for the commercial development area, the development order plans must depict 2.29 acres of indigenous preserve area.

   b. Prior to the issuance of the first development order for the multi-family residential development area, the development order plans must depict 4.06 acres of indigenous preserve area.

8. Indigenous Preservation and Management Plan
   a. Prior to the issuance of the first development order, the applicant must submit an indigenous habitat management plan, subject to the approval of Environmental Staff.

   b. Prior to the issuance of the first development order, the development order plans must include a map depicting tree protection methods for the indigenous preserves abutting the development areas. South Florida Slash Pines must be protected at full canopy drip line and all other hardwoods must be protected at three-quarters of the canopy drip line. Mechanical clearing is prohibited in all indigenous preserve areas.

9. Southern Buffer
   Prior to the issuance of the first development order, the applicant must provide a 10-foot-wide buffer with five trees per 100 linear feet and a double hedge row. The buffer vegetation must be in compliance with the minimum plant material standards per LDC Section 10-420.

B. Deviations

1. Deviation (1) seeks relief from Section 10-261(a) – Solid Waste Disposal Facilities, which requires a 1,705.6 square feet dumpster enclosure area for a mini-warehouse and public warehouse, to allow 288 square feet of an enclosure area for the mini-warehouse and public warehouse use.

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

(a) Use of the refuse area is limited to office operations only. At time of development order, a copy of the lease agreement showing that tenants are prohibited from the use of the on-site dumpsters must be submitted.

2. Deviation (2) seeks relief from LDC Section 10-291(3) – Required Street Access, which requires two means of ingress or egress for residential development of more than five acres and commercial or industrial development more than 10 acres to allow one access point into each portion of the development, with a corresponding emergency stabilized access point to serve as a second means of ingress and egress.

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

(a) Prior to Development Order approval, plans must show that the stabilized emergency access locations are either fenced or chained to preclude use of the public for personal use vehicles.

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

CASE NUMBER: DCI2022-00039
CASE NAME: BURNT STORE MIXED USE PLANNED DEVELOPMENT (MPD)
TYPE OF CASE: MAJOR PLANNED DEVELOPMENT
HEARING EXAMINER DATE: JUNE 13, 2024
SUFFICIENCY DATE: APRIL 11, 2024

REQUEST:

An application has been submitted by Linda Miller, AICP of Avalon Engineering on behalf of SVR Investments, LLC to rezone approximately 35.49 acres from Agricultural (AG-2) to Mixed Use Planned Development (MPD) to allow a 354-unit multiple family development and 263,470 square feet of commercial/light industrial uses.

The subject property is located along Burnt Store Road North, at the southeast corner of the intersection of Charlee Road and Burnt Store Road North and is in the Burnt Store Planning Community, Lee County, FL. (District #4), with a Legal Description described in Attachment Q.

SUMMARY:

Staff recommends approval of the applicant's request, as conditioned in Attachment C. The request meets the intent of the Lee Plan and Land Development Code. The applicant seeks two deviations and staff recommends approval of these requested deviations.

HISTORY OF PARCEL AND CHARACTER OF THE AREA:

The subject parcel is approximately 35.49 acres located on the east side of Burnt Store Road, a County-maintained arterial roadway. The property consists of two parcels that are zoned Agricultural (AG-2) and are undeveloped. The property is accessed by Burnt Store Road, but specific access points are approved by a Controlled Access Management Plan approved by Lee County Resolution 20-09-26 (Attachment M).

The subject property recently completed a Comprehensive Plan Amendment (CPA2021-00009) which was approved by the Lee County Boad of County Commissioners on March 8, 2023. This map amendment re-designated the subject property from Open Lands and Wetlands to Central Urban and Wetlands (Attachment N). This approval was based largely on approved land use changes to the properties adjacent to and nearby the subject property that are within the jurisdictional limits of the City of Cape Coral. The City designated lands in this corridor as the Burnt Store Road District (BURST); and are permitted to have higher multiple-family density (25 units per acre) with consideration for commercial uses as well. Although the Central Urban future land use category does not permit the same density considered within BURST, the category acknowledges the changes coming to a predominantly undeveloped corridor and allows for a more urban development pattern compared to what was previously considered.

The subject property is located north and east of the jurisdictional limits of the City of Cape Coral and less than a mile south of the Charlotte County line. The property is surrounded by the Yucca Pen to

the north and east, and the Yucca Pen Creek runs in an east-west direction along the center of the property. With exception of lands west of the property, land surrounding the property are either undeveloped or located within State preserved land. The following characterizes the zoning districts and land use categories of land surrounding the subject property.

North:

Property to the north and east is zoned Agricultural (AG-2) and is in the Conservation Lands and Wetlands future land use categories. This land is part of the Yucca Pen Preserve managed by the Florida Fish and Wildlife Conservation Commission (FWC).

South:

Property to the south is zoned Agricultural (AG-2) and is in the Open Lands and Wetlands future land use category. This property is undeveloped, but the property is under consideration for a similar Comprehensive Plan amendment to re-designate the future land use category from Open Lands to Central Urban.

West:

Properties to the west are separated by Burnt Store Road North and have a split jurisdiction, where the northern portions are within the boundaries of Unincorporated Lee County, and the southern portion; is within the boundaries of the City of Cape Coral. The property within the County's jurisdiction is zoned Community Commercial (CC) is in the Rural future land use category and is developed with a variety store. Properties within the limits of the City of Cape Coral are zoned Commercial (C) and Single-Family Residential (R1) and are in the Natural Resources/Preservation future land use category.

ANALYSIS

The applicant seeks to rezone approximately 35.49 acres from Agricultural (AG-2) to Mixed Use Planned Development (MPD) to allow a 354-unit multiple family development and 263,470 square feet of commercial/light industrial uses. The applicant's request assumes that all 35.49 acres of the development can be used to derive density at 10 units an acre. In order to achieve this level of density and intensity, the applicant seeks the provide the mix of uses described in Lee Plan Policy 11.1.2. This Policy allows for residential densities to be calculated from the entire project acreage when the development considers at least three uses (residential, commercial, and industrial), provided that the property is in the Intensive Development, Central Urban, or Urban Community future land use category. The request, as defined in the applicant's request narrative (Attachment G), considers the appropriate mix of uses to accomplish the requirements of this Policy. The applicant's narrative also details the nature of the request and an analysis of how the request complies with the Lee Plan to demonstrate consistency with the applicable criteria for approval (Attachment G).

Planned Development Rezoning:

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.

Master Concept Plan

The applicant has provided a Master Concept Plan which depicts a conceptual plan for the proposed development. The MCP shows development tracts, buffers and open space areas, access points, lakes, and deviation reference locations (Attachment D). The development is split between a northern tract, which is intended to be a mix of commercial and industrial uses, and southern tract which is intended to be developed as a multiple-family development. These tracts are separated by the Yucca Pen Creek.

Development Pattern Considerations:

Much of the subject property is in the Central Urban future land use category as described in Lee Policy 1.1.3, which describes these areas as the 'urban core' of the county. Areas designated as Central Urban allow for standard densities from four dwelling units per acre to ten units per acre as well as a mix of commercial, public and semi-public, and light industrial land uses. The applicant seeks residential development that maximizes the proposed density and also considers many commercial and industrial uses. Staff finds the proposed request consistent with Lee Plan Policy 1.1.3.

Objectives 2.1 and 2.2 of the Lee Plan intend to direct new growth to future urban areas in compact and contiguous growth patterns where adequate public facilities exist. The subject property is located near an arterial corridor where urban services exist. The applicant has provided a letter of water and wastewater utility availability through an interlocal agreement between Lee and Charlotte Counties (Attachment H). The applicant has also provided a Traffic Impact Statement (Attachment K) to

demonstrate that the roadway system can support the proposed uses. Staff finds the rezoning request, as conditioned, consistent with Objective 2.1, Objective 2.2, and Policy 2.2.1.

Policy 5.1.2 prohibits residential development where natural physical constraints or hazards exist, including hurricane and flood hazards, soil or geologic conditions, environmental limitations, or aircraft noise. The subject property is not located in a Coastal High Hazard Area or floodway and is located in Flood Insurance Rate Map (FIRM) Zone X (Shaded) and X. Regardless of the lack of physical constraints evident on the subject property, the applicant will be required to meet the requirements of Chapter 2, Article XI of the Land Development Code regarding hurricane preparedness and mitigation at the time of application for a local development order. This includes the determination of necessary hurricane sheltering, and mitigation of impacts to state evacuation times for residential development. Staff finds the request, as conditioned, consistent with Policy 5.1.2.

Policy 5.1.5 of the Lee Plan intends to protect the existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of residential development. The nearest residential uses are approximately 450 feet to the west of the subject property and are separated by the Burnt Store Road right-of-way and a variety store. The proposed development separates residential and non-residential uses in a way that allows for natural areas surrounding the creek to separate the residential uses and non-residential uses. Staff finds the request consistent with Policy 5.1.5.

Policy 6.1.1 of the Lee Plan requires that applications be reviewed for traffic and access impacts, incorporate landscaping and detailed site planning, screening, and buffering, ensure availability of services and facilities, minimize impacts on adjacent uses, be located in proximity to other similar centers, and properly mitigate environmental impacts. The applicant has provided the requisite information for a review of these factors. Staff finds the planned development rezoning request consistent with Policy 6.1.1.

Policy 6.1.4 of the Lee Plan requires that commercial uses be approved only when compatible with adjacent existing and proposed land uses as well as existing and programmed services and facilities. The areas designated for commercial uses are adjacent to Burnt Store Road and separated from residential uses by the Yucca Pen Creek, and there are sufficient programmed services and facilities to accommodate the proposed development. These commercial areas are separated from external residential uses. Staff finds this request consistent with Policy 6.1.4.

Policy 6.1.6 of the Lee Plan requires commercial development to provide adequate and appropriate landscaping, open space, and buffering. The applicant has demonstrated compliance with the landscaping, open space, and buffering requirements of the LDC. Staff finds the request, as conditioned, consistent with Policy 6.1.6.

Policy 6.1.7 of the Lee Plan prohibits commercial developments from locating in a way that opens new areas to premature, scattered, or strip development. The proposed development is characteristic of the surrounding and nearby lands of the Burnt Store Road Corridor based on the changes provided for by the City of Cape Coral. Given the transitional nature of the Burnt Store Road Corridor, this rezoning does not open the area to new premature development. Staff finds this planned development rezoning request consistent with Policy 6.1.7.

Goal 7 of the Lee Plan establishes objectives and policies regarding industrial development. Policy 7.1.1 requires that all industrial rezoning and development orders comply with local, state, and federal air, water, and noise pollution standards and be reviewed and evaluated for impact and effect on

environmental and natural resources, impact on water quality and water needs, fire and safety, noise, and odor, buffering and screening, utility and sewer demands, and employment characteristics. The applicant's request does not include any requests for relief from the Land Development Code requirements pertaining to natural resources, including water quality. The proposed development intensity will likely generate significant employment in the area. All proposed uses are required to comply with local, state, and federal air, water, and noise pollution standards. Staff finds the proposed rezoning consistent with Policy 7.1.1.

Policy 7.1.2 requires Industrial Planned Developments to be designed to arrange development in a way that promotes compatibility and screening, reduces dependence on the automobile, promotes pedestrian movement, utilizes joint parking, and provides necessary facilities and services where existing facilities are inadequate to serve the proposed use. Although proposed as a Mixed Use Planned Development, the planned development will comply with Land Development Code requirements as it pertains to the promotion of pedestrian movement, and landscaping and screening, Staff finds the proposed rezoning consistent with Policy 7.1.2.

Policies 7.1.8 and 7.1.9 require industrial development to properly screen from residential uses and prohibit industrial traffic from traversing through primarily residential uses. There are no residential uses immediately adjacent to the proposed development. Staff notes that there are residential uses proposed for the southern half of the development, but significant vegetation is required along the Yucca Pen Creek, which will ensure industrial uses will be sufficiently screened against the residential uses to the south. Staff finds this request consistent with Policies 7.1.8 and 7.1.9.

Goal 11 of the Lee Plan establishes Objectives and Policies to encourage mixed use development to diversify land use types, facilitate a variety of housing types, and increase connectivity between housing, employment, and retail, while reducing vehicle trip lengths and providing greater access to alternative means of transportation. Objective 11.1 allows and encourages mixed use development within future land use categories and at appropriate locations where sufficient infrastructure exists to support the development. The request proposes a mix of uses within a cohesive development with employment opportunities and residential uses where there is sufficient infrastructure for existing and future development. Staff finds this planned development rezoning request consistent with Objective 11.1.

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 groundwater quality and require the design of drainage systems that minimize nutrient loading and pollution in off-site charges. Based on the analysis under the natural resources considerations section of this report, staff finds the request, as conditioned, consistent with Goal 125, Objective 125.1, and Policies 125.1.2 and 125.1.3.

Goal 135 of the Lee Plan addresses the necessity to meet housing needs as Lee County grows in population. Policy 135.1.9 states that the county will ensure a mix of residential housing types on a county-wide basis through the planned development process. This rezoning request considers up to 354 multiple-family dwelling which assists in meeting the housing needs of the county. Staff finds the proposed rezoning consistent with Goal 135 and Policy 135.1.9.

Goal 158 of the Lee Plan establishes the County's intent to provide a diversified and stable economy by providing a positive business climate and employment opportunities for the residents of Lee County. Staff notes that this rezoning request will provide additional employment opportunities for the area and additional housing adjacent to employment areas. Staff finds this planned development consistent with Goal 158.

Natural Resources Considerations

Natural Resources Staff provided analysis on the proposed rezoning (Attachment J). Below are conditions proposed by staff to ensure that the development meets the requirements of the Land Development Code and Lee Plan at the time of Development Order Approval.

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:

i) The overall Goals and Objectives of the Surface Water Monitoring Plan;

ii) An outfall monitoring schedule during "wet" season of June through September and "dry" season of October through May for Total Kjeldahl Nitrogen, Ammonia, Total Nitrogen, Nitrite, Nitrate, Chlorophyll A, Total Phosphorus, Chloride, Total Dissolved Solids, Copper, Iron, Lead, E. coli, Total Hardness, Field Temperature, Specific Conductance, pH and Dissolved Oxygen.

iii) A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction.

iv) Water quality monitoring data must be provided to the Division of Natural Resources annually for a minimum of 5 years and must include a report with a comparison of State surface water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding state surface water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.

v) 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.

Natural resources staff notes that a portion of the property falls within 660 feet of a bald eagle nest. The applicant provided a bald eagle management plan as part of application materials that was approved by the Eagle Technical Advisory Committee. In order to ensure that the future development of the property is consistent with LDC Section 14-119(c), staff recommends the following condition:

Prior to local development order approval, the developer must adhere to the attached a Bald Eagle Management Plan, dated November 2023, for all proposed impacts within 660 feet of the bald eagle nest. The 660-foot buffer zone and the activities and restrictions outlined in the bald eagle management plan must be shown on the development order plans.

Environmental Considerations

Environmental staff provided analysis on the request as it relates to protected species, open space, buffers, and preservation of the creek bed (Attachment I). The environmental assessment provided by the applicant showed activity on the property for bonneted bats and gopher tortoises. Based on the findings provided by the applicant, staff recommends the following condition:

> *Prior to the issuance of a vegetation removal permit, an updated Florida Bonneted Bat survey and Gopher Tortoise survey must be submitted, and the site inspected for protected species*.

Environmental staff also notes that the applicant is meeting the required open space requirements for the development, the recommends the following condition to ensure that 6.12 acres of commercial open space and 11.60 acres of multiple-family residential open space is provided:

> *Prior to the issuance of the first development order for the commercial development area, the development order plans must depict 6.12 acres of open space.*
>
> *Prior to the issuance of the first development order for the multi-family residential development area, the development order plans must depict 11.60 acres of open space.*

Land Development Code Section 10-415(b) requires that 50 percent of the open space is required to consist of on-site preservation of indigenous plant communities. Staff recommends the following conditions to ensure that the indigenous open space is provided:

> *Prior to the issuance of the first development order for the commercial development area, the development order plans must depict 2.29 acres of indigenous preserve area.*
>
> *Prior to the issuance of the first development order for the multi-family residential development area, the development order plans must depict 4.06 acres of indigenous preserve area.*

Environmental staff noted in the report that the applicant did not provide an indigenous habitat management plan (IHMP), and therefore recommends the following condition to ensure that these requirements are provided to staff at time of development order:

> *Prior to the issuance of the first development order, the applicant must submit am indigenous habitat management plan, subject to the approval of Environmental Staff.*
>
> *Prior to the issuance of the first development order, the development order plans must include a map depicting tree protection methods for the indigenous preserves abutting the development areas. South Florida Slash Pines must be protected at full canopy drip line and all other hardwoods must be protected at three-quarters of the canopy drip line. Mechanical clearing is prohibited in all indigenous preserve areas.*

In the report provided by environmental staff, it is noted that the applicant is providing an enhanced buffer along the southern boundary of the property. Staff recommends conditions of approval that would require the applicant to provide an enhanced buffer along the southern property line:

> *Prior to the issuance of the first development order, the applicant must provide a 10-foot-wide buffer with five trees per 100 linear feet and a double hedge row. The buffer vegetation must be in compliance with the minimum plant material standards per LDC Section 10-420.*

Transportation Considerations:

The applicant has provided a Traffic Impact Statement (TIS) that describes the impact that the proposed request will have on the County Roadway system (Attachment K). Infrastructure Planning Staff has reviewed the TIS and has found that the proposed project will not have a significant detrimental impact on the roadway system (Attachment L).

Urban Services:

Utilities: The subject property has water, sewer, and reclaimed water service through a 2016 interlocal agreement between Lee and Charlotte Counties. Water and sewer service will be provided by Charlotte County Utilities.

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

EMS, Fire, and Sheriff's: The Cape Coral Fire Department indicated they can provide fire protection for the proposed development. A full-time fire station is located approximately two miles from the subject property. The subject property has access to EMS services. Lee County Emergency Medical Services will be able to serve the property from Medic 41, located 6.8 miles south of the property. The Lee County Sheriff's Office (LCSO) will provide law enforcement services from the Gulf District in Pineland.

Schools: The subject property is in the West Choice Zone, W2. There is adequate school seat capacity to serve the subject property and the project's students.

Deviation Requests:
The applicant seeks two deviations from the Land Development Code as part of this request (Attachment F). Below is the staff analysis of the requests based on the narrative and justification provided by the applicant.

1. Deviation (1) seeks relief from Section 10-261(a) – Solid Waste Disposal Facilities, which requires a 1,705.6 square feet dumpster enclosure area for a min-warehouse and public warehouse, to allow 288 square feet of an enclosure area for the mini-warehouse and public warehouse use.

   The applicant received a letter of no objection from Lee County Solid Waste (Attachment O) and Development Services staff did not object to the request.

   Staff recommends **approval** of this deviation.

2. Deviation (2) seeks relief from LDC Section 10-291(3) – Required Street Access, which requires two means of ingress or egress for residential development of more than five acres and commercial or industrial development more than 10 acres to allow one access point into each portion of the development, with a corresponding emergency stabilized access point to serve as a second means of ingress and egress.

The proposed development is portioned into two parcels, both of which meet the requirement for a second means of ingress and egress. Because the development is subject to Burnt Store Road Controlled Access Management Plan, the access points to the property have been predetermined and approved by the Board of County Commissioners, which included single access points for the north and the south portion of the development. Yucca Pen Creek would not allow for the connection between the two portions of property without significantly impacting open space, preserve areas, and a natural waterbody that serves as a primary outfall for the Yucca Pen Management Area. The applicant seeks the deviation to allow a stabilized access point for each portion of the development and has received letters of no objection from the appropriate public safety organizations (Attachment P). Staff recommends **approval** of this deviation subject to the following deviation:

Prior to Development Order approval, plans must show that the stabilized emergency access locations are either fenced or chained to preclude use by the general public.

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 proposed request:

a) Complies with the Lee Plan;

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

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

The applicant seeks two deviations, and staff recommends approval of these deviations.

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

The mix of uses surrounding the subject property includes a mix of residential, commercial, and light industrial uses. The request, as conditioned, is consistent with surrounding existing and planned uses.

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

Access is proposed on Burnt Store Road North, a County-maintained arterial roadway. Staff finds that there will be sufficient access to support the request.

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

Staff has reviewed the transportation impacts of the development, and has concluded that the request does not significantly impact the roadway network in the area.

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

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.

Additionally, staff has concluded:

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

The proposed mix of uses is similar to those surrounding the subject property.

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 proposed conditions appropriate for approval and sufficiently address the public's interest expected from 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 the two requested deviations, and staff finds that each deviation request, as conditioned, serves to protect public health, safety, and welfare.

Staff, therefore, recommends approval of this rezoning request from Agricultural (AG-2) to Mixed Use Planned Development (MPD), as conditioned in Attachment C.

ATTACHMENTS:

A. Expert Witness List
B. Aerial, Current Zoning, and Future Land Use Maps
C. Conditions and Deviations
D. Master Concept Plan
E. Applicant's Proposed Schedule of Uses
F. Applicant's Schedule of Deviations and Justifications
G. Applicant's Request Narrative and Lee Plan Consistency
H. Utility Interlocal Agreement
I. Lee County Environmental Staff Memorandum
J. Lee County Natural Resources Staff Memorandum
K. Traffic Impact Statement
L. Lee County Infrastructure Planning Staff Memorandum
M. Burnt Store Road Controlled Access Management Plan
N. Comprehensive Plan Amendment CPA2021-00009
O. Letter of No Objection Lee County Solid Waste
P. Letters of No Objection Deviation 2
Q. Legal Description, Sketch and Boundary Survey

DCI2022-00049 SANTOYO TRUCK PARTS AND SALES

Staff Summary

CASE NUMBER & NAME:	DCI2022-00049 / Santoyo Truck Parts and Sales
REQUEST:	Request to rezone 2.82± acres from Neighborhood Commercial (CN-2) to Commercial Planned Development (CPD) to allow a maximum of 17,116 square feet of commercial floor area to allow for truck parts, sales and repair. Maximum height proposed is 35 feet.
RESOLUTION NUMBER:	Z-24-005
LOCATION:	15850 S Tamiami Trl. San Carlos Planning Community, Lee County, FL.
OWNER:	Santoyo Fernando
APPLICANT:	Santoyo Fernando
AGENT:	Peter Maastricht Maastricht Engineering, Inc. 7370 College Pkwy., Ste. 211 Fort Myers, FL 33908
HEARING EXAMINER RECOMMENDATION:	Approval, subject to the conditions and deviations set forth in Exhibit B
PARTICIPANTS: (20)	John Butson Karen Butson Angela Dujlovic Stephen Duffy Jo Fettin Joyce Franey Darrell Freeman Jeannie Hicks Maria Lijana Tom Lijana William F. Matuszek David McKenna Michele McLead Antoinette McLoughlin William McLoughlin Lou Moss Terry B. Rehnborg Ron Tubb Christine Terwilleger Lorena Weaver

DCI2022-00049

Aerial

Subject Property

N
W E
S

0 300 600 900

Feet

Lee County
Southwest Florida

Summary of Hearing Examiner Recommendation

SANTOYO TRUCK PARTS AND SALES

Applicant seeks planned development (PD) zoning on Commercial zoned land to permit a truck/parts sales/service establishment. Proposed uses include an "Auto Parts Store" and "Vehicle/Equipment Dealer," which permits *incidental* repairs. The LDC permits robust repair work under the "Auto Repair and Service" use category, which is not permitted in the PD.

Residents of the neighboring Jonathan's Bay multi-family development provided significant public testimony at hearing. Concerns primarily centered around the repair component of the request. The parties devised additional conditions to address neighbors' concerns including:

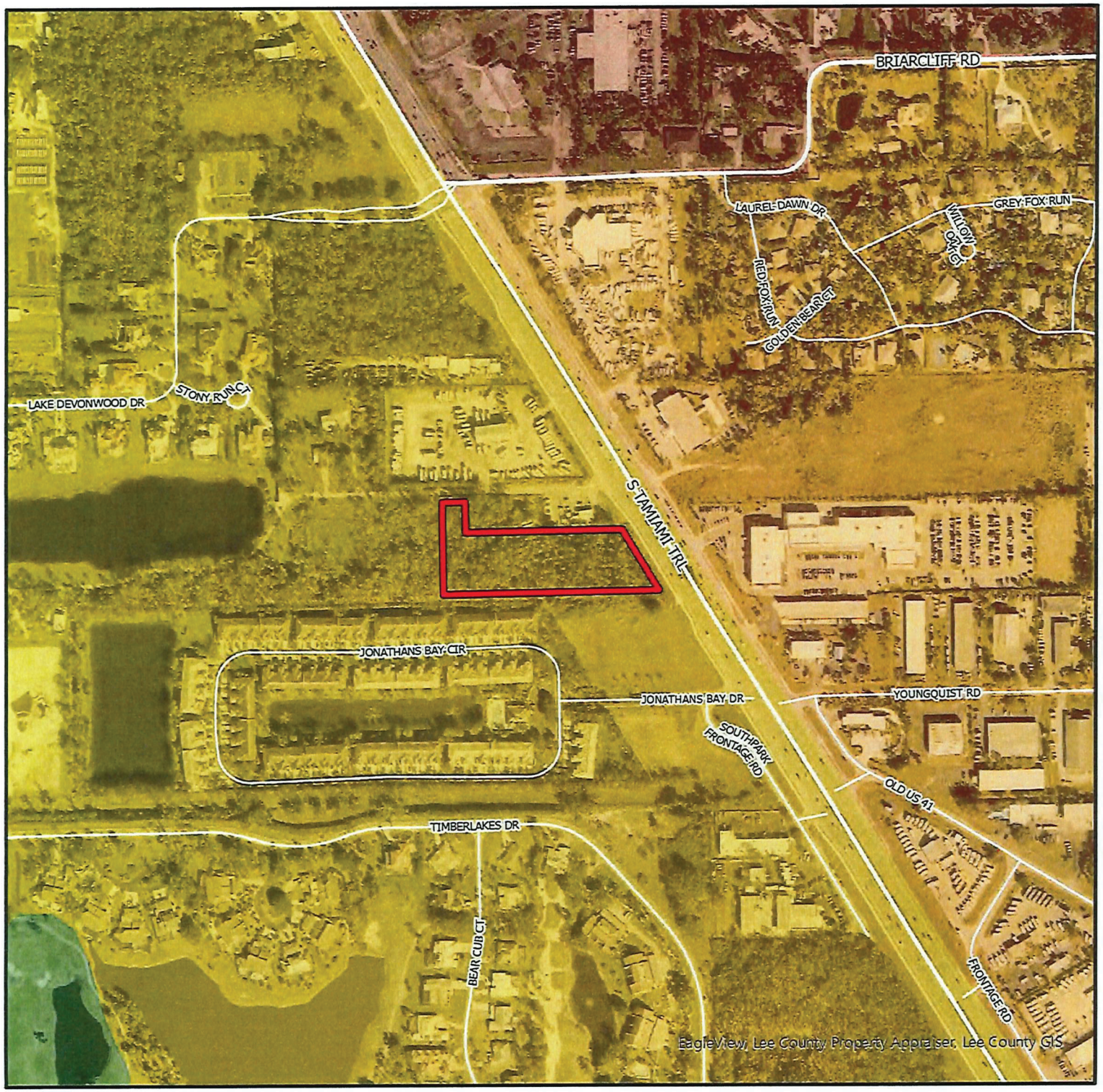
- Defining "ancillary repairs" to mean manual repairs without the use of air guns/similar equipment;
- Limiting repair hours to 8:00 am-5:00 pm, Monday – Saturday; and
- Reducing the number of service bay doors to two oriented east/west, away from residents.

These measures are in addition to:

- An eight-foot-high wall with landscaping separating the property from residential uses;
- LDC regulations governing noise, lighting, and odor; and
- State and Federal regulations imposing standards on stormwater management and water/air quality.

Upon careful review of the record, the Hearing Examiner finds the request satisfies LDC review criteria, as conditioned.

Detailed recommendation follows



DCI2022-00049

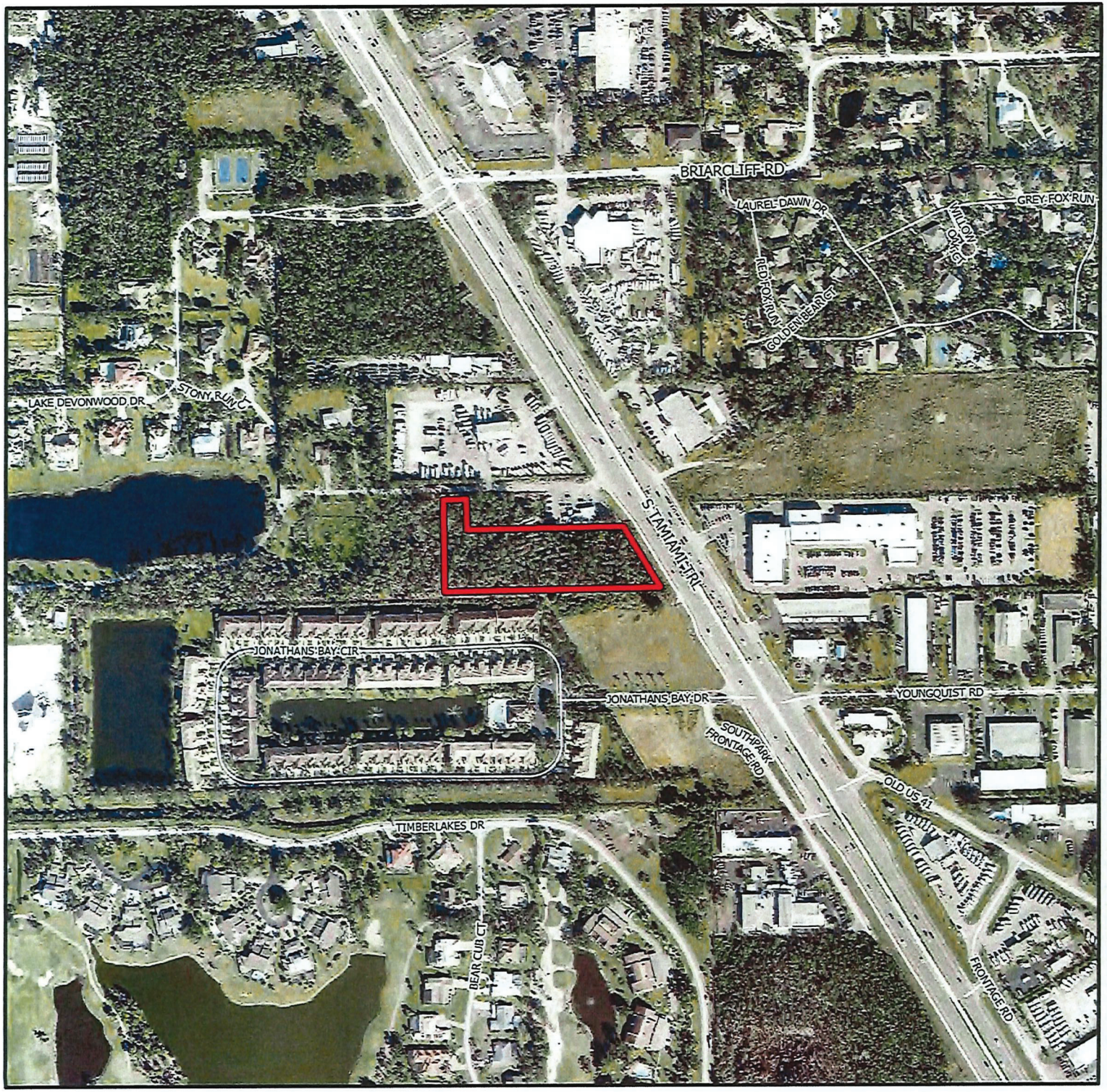
Future Land Use

- Subject Property
- Central Urban
- Urban Community
- Suburban
- Wetlands

N
W E
S

0 300 600 900
Feet

Lee County
Southwest Florida



DCI2022-00049

Aerial

Subject Property

N
W E
S

0 300 600 900
Feet

Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2022-00049

Regarding: **SANTOYO PARTS AND SALES**

Location: 15850 S. Tamiami Trail
San Carlos Planning Community
(District 3)

Hearing Date: February 8, 2024 (Continued)
Continued Date: April 10, 2024 (Heard)
Record Closed: **April 17, 2024**

I. Request

Rezone 2.82± acres from Neighborhood Commercial (CN-2) to Commercial Planned Development (CPD) to allow 17,000 square feet of commercial uses including truck parts, sales, and incidental repair. Maximum building height is 35 feet.

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

II. Hearing Examiner Recommendation

Approval, subject to the conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the CPD district.[1] In satisfaction of this duty, the Hearing Examiner accepted testimony and evidence on the application to rezone CN-2 lands to CPD.

In preparing a recommendation to the Board, the Hearing Examiner must consider the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC), and other applicable County regulations to the facts presented in a rezoning request.[2] Specifically, the Hearing Examiner must find the request compatible with surrounding uses and complies with Lee Plan and LDC requirements relating to

[1] LDC §34-145(d)(1)(a) & (2)(a).
[2] LDC §34-145(d)(3).

such items as transportation facilities, natural resources, and urban services.[3] The Hearing Examiner may take judicial notice of previous Board decisions.[4] The Hearing Examiner's recommendation must be based on competent and substantial evidence.[5]

Discussion supporting the recommendation of approval of the proposed CPD follows below.

Request Synopsis and Zoning History

The 2.82± acre property is in the San Carlos Planning Community, west of US 41 between Briarcliff Road and Island Park Road.

The property is commercially zoned and vacant. The Board rezoned the site from Agricultural (AG-2) to CN-2 with Special Exception approval for a drive-through facility in 1989.[6]

Applicant seeks to develop 17,000 square feet of commercial uses for a truck sales/parts/repair facility. Floor area is spread across two single-story buildings. The building closest to US 41 comprises 10,000 square feet of a truck parts store.[7] A 7,000 square foot truck dealer/storage building sits further west into the site. Water management features line the western boundary. The Master Concept Plan (MCP) indicates an eight-foot-high wall buffers adjoining residential areas to the south.

Applicant operates a truck repair establishment east of US 41, in a more industrialized area. Hearing testimony confirms Applicant intends to expand its operations to the property for truck/parts sales while retaining its existing location for more intense repair work.[8] Applicant testified the intended use is akin to an AutoZone for trucks and not to replace the industrial site where it currently operates. The requested facility is distinguishable from the existing location as the request is limited to manual repairs, hours of operation, shielding storage materials, and enhanced buffering.

Staff recommended approval, finding the proposed CPD satisfies LDC review criteria.

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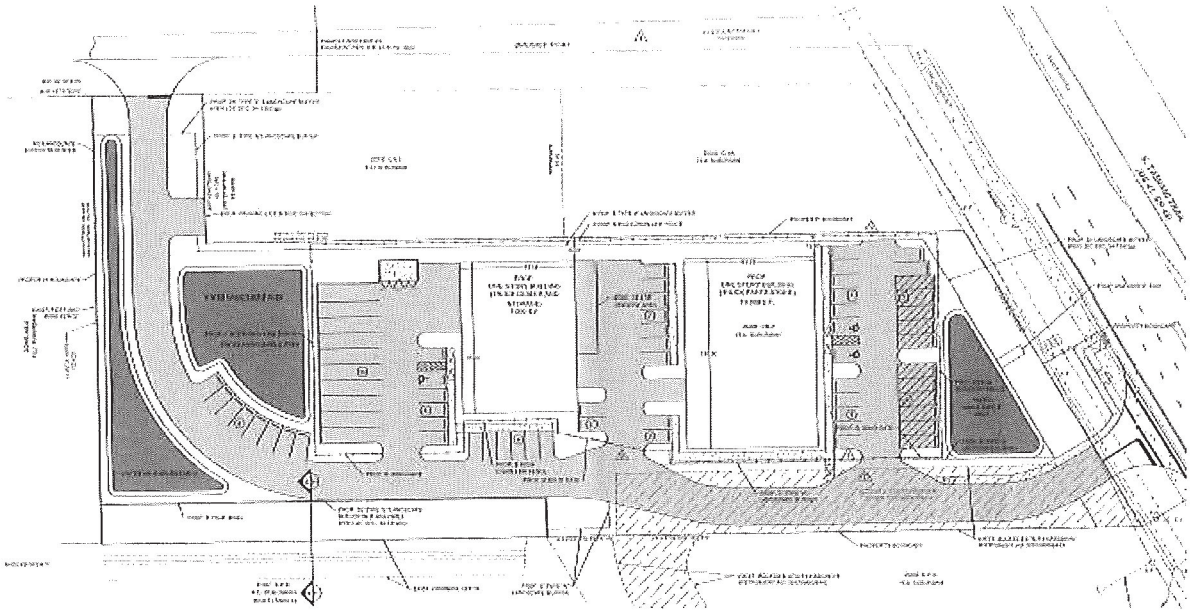
[3] LDC §34-145(d)(4).
[4] Lee Co. Admin. Code 2-6, 2.3.D(4)(b).
[5] Lee Co. Admin. Code 2-6, 3.3.A(2); LDC §34-83(a)(4)(a)(1)(a).
[6] *See* Staff Report (pg. 1, Attachment H: Z-89-008).
[7] Testimony reflects this building will be akin to an AutoZone, but specific to truck parts. DeLisi and Danley Testimony (Transcript pg. 9, 34-35, 42).
[8] DeLisi Testimony (Transcript pg. 9, 12, 21-22, 34-36).



Zoning Review Criteria

Before recommending approval, the Hearing Examiner must find the request:

A. Complies with the Lee Plan;

B. Meets the LDC and other applicable County regulations or qualifies for deviations;

C. Is compatible with existing and planned uses in the surrounding area;

D. Will provide access sufficient to support the proposed development intensity;

E. Addresses impacts on transportation facilities by County regulations or conditions of approval;

F. Will not adversely affect environmentally critical/sensitive areas or natural resources; and

G. Will be served by urban services if located in a Future Urban area.[9]

When the requested zoning action is a planned development, the Hearing Examiner must also find:

H. The proposed use/mix of uses is appropriate at the proposed location;

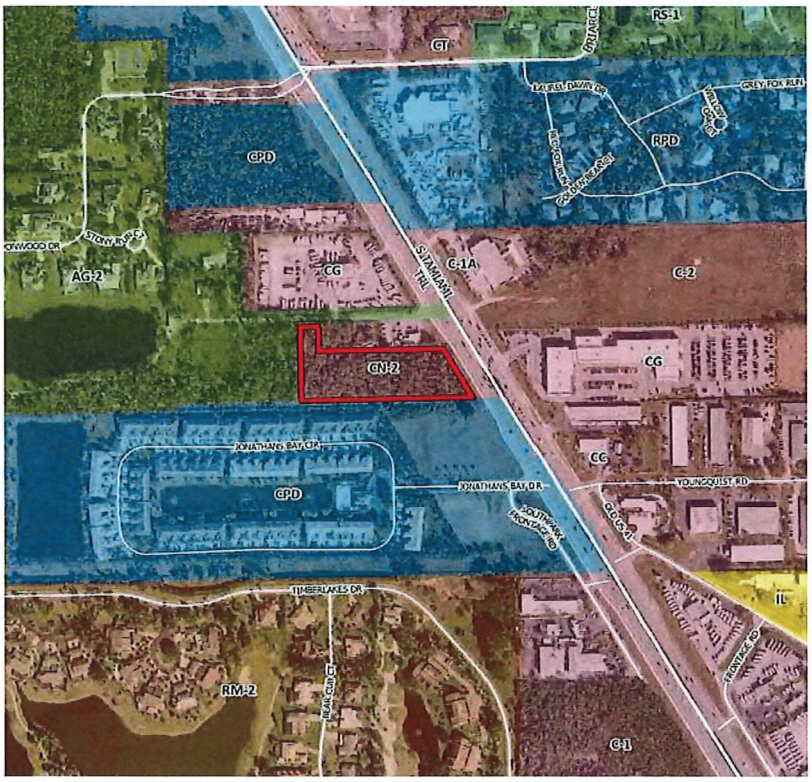
[9] LDC §34-145(d)(4)(a)(1).

I. Recommended conditions (1) provide sufficient safeguards to the public interest, and (2) reasonably relate to impacts on the public interest expected from the proposed development; and

J. Requested deviations (1) enhance the planned development, and (2) protect public health, safety, and welfare.[10]

Character of the Area

The property is located on US 41 between Gladiolus Drive and Island Park Road. Commercial and residential developments characterize the area. Heavy commercial uses including boat/recreational vehicle/auto dealers are north and east of the site. The Jonathan Bay development sits to the south, developed with townhomes and two commercial outparcels.[11]



[10] LDC §34-145(d)(4)(a)(2).
[11] Staff Report (Attachment I: Z-96-082).

Lee Plan Consistency and Compatibility

Planned developments must be consistent with the Lee Plan and minimize negative effects on neighboring properties.[12] Rezoning requests must be compatible with existing/planned uses in the surrounding area.[13]

The Lee Plan Future Land Use Map classifies the site as Suburban in the San Carlos Planning Community.[14]

Suburban lands are on the fringe of urban areas.[15] The Suburban category prohibits industrial use.[16] Staff eliminated the "auto repair/service" use to ensure the site is not used for industrial purposes.[17]

The development pattern along the US 41 corridor is predominantly commercial with residential uses behind. Commercial uses in the immediate area are tailored to automotive establishments, restaurants, and strip centers.[18] The request infills development along a well-established corridor and effectively utilizes existing infrastructure.[19]

The site's CN-2 zoning designation permits a broad range of commercial uses, including auto parts/sales.[20] The requested PD zoning intensifies permitted uses by adding Vehicle/Equipment Dealers to allow truck sales.[21] PD zoning is a useful tool to integrate new development with surrounding land uses.[22] The PD districts allow flexibility in site design while providing a process and record on which the public can rely.[23] The site's current conventional zoning does not offer the same protections.[24]

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[12] LDC §34-411(a), (c), and (i). The LDC *does not* impose a standard requiring PDs to have *no* negative effect on neighboring properties, but to *minimize* such effects. *See* LDC §34-411(c),(i)(emphasis added).
[13] LDC §34-145(d)(4)(a).
[14] *See* Lee Plan Map 1-A, Policy 1.1.5; Staff Report (pg. 1,3, Attachment B).
[15] Lee Plan Policy 1.1.5.
[16] *Id.*
[17] Danley Testimony (Transcript pg. 44). Staff confirmed the proposal is classified as a heavy commercial use. *Id.* at pg. 44-45. Since the use is not industrial or within the Industrial land use category, Lee Plan Goal 7 and its attendant objectives/policies do not apply.
[18] DeLisi Testimony (Transcript pg. 8, 15).
[19] Lee Plan Objectives 2.1, 2.2., Policies 2.1.1, 2.2.1.
[20] LDC §34-844.
[21] *See generally* LDC §34-2, §34-620(c)(2), §34-620(c)(55). Questions arose during hearing as to why Applicant needed to rezone for the requested use. Staff clarified rezoning is necessary to allow truck sales, beyond auto sales currently permitted. Danley Testimony (Transcript pg. 200-01). The Vehicle/Equipment Dealers use group permits incidental servicing and repairs. LDC §34-620(c)(55).
[22] LDC §34-612(2)(b).
[23] LDC §34-612(2)(h).
[24] Applicant could develop the site consistent with a myriad of uses permitted by right without public input/review. *See* LDC §34-844.

The Lee Plan protects existing residential areas from the encroachment of potentially destructive uses.[25] Given the sensitivity of the repair element of the proposed use on neighboring residents, the Parties addressed compatibility as follows:

- "Auto repair/service" use removed to prevent the site from functioning primarily as a repair facility.[26]
- Ancillary repairs restricted to vehicles/parts sold on-site.[27]
- Repairs limited to manual work: oil changes, battery replacement, windshield wiper replacement, detailing/cleaning, and minor electrical work. Air guns and tire changes are prohibited.[28]
- Hours of operation limited to 8am-5pm, Monday through Saturday.[29]
- Applicant must comply with State and Federal regulations governing air pollution and hazardous waste.[30]
- Ancillary repairs to be conducted in an entirely enclosed building.[31]
- Bay doors limited to two and oriented east/west away from residential uses to minimize off-site impacts of ancillary repairs.[32]

Applicant provided a line-of-sight exhibit illustrating the visual impact to adjoining residents. Building elevations are partially obstructed from neighbors' view by the eight-foot-high masonry wall and 20-foot-tall live oaks along the wall's exterior.[33] [34]

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[25] Lee Plan Policy 5.1.5 protects residential areas from potentially destructive uses to the character/integrity of the residential environment. Requests for PD zoning can be denied only if LDC development regulations or conditions of approval cannot be devised to minimize/eliminate potential impacts. Post-Hearing conditions adequately minimize potential site impacts by restricting work to manual repairs, imposing hours of operation, and orienting bay doors away from residential development. *See* Applicant Ex. 2.
[26] Danley Testimony (Transcript pg. 42).
[27] Condition 4c.
[28] Condition 4d.
[29] Condition 4a.
[30] LDC §34-623, Lee Plan Goal 127, Policy 69.2.3, Danley Testimony (Transcript pg. 197).
[31] Condition 4, requiring compliance with LDC §34-1351.
[32] DeLisi, Danley, and Maastricht Testimony (Transcript pg. 10, 43-44, 178).
[33] *See* Applicant Ex. 1 (slide 10); DeLisi Testimony (Transcript pg. 17).
[34] *See generally* LDC §34-623, §34-624, requiring compliance with air/noise/water pollution standards, and preventing Applicant from creating a nuisance through noise/vibration/smoke/dust/toxic materials/odors/fires/explosive hazards/light pollution/glare. Hours of operation will be 8am-5pm, Monday to Saturday. Maastricht Testimony (Transcript pg. 27). Danley Testimony (Transcript pg. 45).

Supplemental LDC regulations govern vehicle display/sales facilities.[35] These regulations impose additional location, setbacks, visibility, lighting, noise, and buffer requirements to mitigate off-site impacts. Applicant must demonstrate compliance with these requirements at the time of development order.

The standard of review for PD requests requires the Hearing Examiner and Board to consider whether generally applicable development regulations are adequate to address potentially incompatible uses.[36] If regulations are deemed inadequate, conditions must be attached to minimize or eliminate potential impacts.[37] Only if adequate conditions cannot be devised may the applicant be denied.[38] Upon careful consideration of the record, the Hearing Examiner finds the conditions adequately minimize potential impacts.[39]

The request further advances Lee Plan economic objectives by expanding an existing business and providing new employment opportunities.[40]

The requested CPD is consistent with the Lee Plan and compatible with the surrounding area.[41]

Transportation/Traffic

Planned developments must have access to roads with sufficient capacity to support proposed intensity.[42] Existing regulations or conditions of approval must address expected impacts on transportation facilities.[43]

The site plan reflects access to US 41 directly and indirectly via an easement through property to the north. FDOT controls access to US 41. Applicant indicated FDOT preliminary review supported a right-in/right-out access to US 41 as

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[35] *See generally* LDC §§34-1351 & 34-1352. Condition 4 requires compliance with LDC §34-1351, requiring repairs to be performed within a completely enclosed building, notwithstanding that provision facially applies to auto repair/service facilities.
[36] Lee Plan Policy 5.1.5.
[37] *Id.*
[38] *Id.* The standard mandates conditions minimize *or* eliminate impacts. The standard does *not* require elimination of potential impacts, based upon a plain reading of the Lee Plan. Policy 5.1.5.
[39] The Hearing Examiner carefully reviewed all evidence and testimony in the record and could not make a finding that "adequate conditions can[not] be devised" to minimize impacts. Lee Plan Policy 5.1.5. LDC regulations and post-hearing conditions address issues raised at hearing. *See* Applicant Ex. 2: Post-Hearing Written Submissions, dated 4/17/24. To deny a zoning request, the Hearing Examiner must find maintaining the existing zoning is not arbitrary, discriminatory, *or* unreasonable *and* accomplishes a legitimate public purpose. LDC §34-145(d)(4)b. Given the extensive conditions regulating the proposed use, the Hearing Examiner cannot reach this determination.
[40] Lee Plan Goal 158, 159; Objectives 158.2, 158.2.3. Goal 159 specifically directs supporting retention and expansion of existing businesses.
[41] Lee Plan Objectives 2.1, 2.2, 11.1, 61.3, 101.1, Policies 1.1.5, 1.4.1, 1.5.1, 2.1.1, 1.4.1, 5.1.3, 5.1.5, 5.1.6, 6.1.6, 6.1.7, 101.1.1, 101.1.2, 101.3.2, 125.1.2, 125.1.3.
[42] LDC §34-145(d)(4)(a)(1)(d); §34-411(d)(1).
[43] LDC §34-145(d)(4)(a)(1)(e); §34-411(d)(2).

indicated on the MCP.[44] There is also a shared access easement to the CPD to the south.[45]

Applicant demonstrated the request provides sufficient access to support proposed development.[46]

The Traffic Impact Statement (TIS) evaluated transportation impacts and concluded the request will not degrade levels of service on affected roadways/intersections.[47]

Site related impacts will be evaluated during development order review.[48]

Environmental and Natural Resources

Planned development design should reflect creative use of open space.[49] Developers must try to protect and preserve natural site features.[50]

The site is predominantly pine flatwoods with varying degrees of exotic vegetation.[51] There is a small, isolated wetland along the northern boundary.[52] Applicant must address wetland impacts through state and federal permitting before commencing site development.[53]

Coastal High Hazard Area

The property lies within a Coastal High Hazard Area.[54] Development in coastal areas is subject to additional requirements under the Conservation and Coastal

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[44] Treesh Testimony (Transcript pg. 30).
[45] Staff Report (Attachment D: Request Narrative). The record indicates a car wash is under permitting review for the parcel immediately south. DeLisi Testimony (Transcript pg. 8).
[46] LDC §34-145(d)(4)(a)(1)(d); Staff Report (pg. 5, Attachment J-K); Treesh Testimony (Transcript pg. 30).
[47] *See* Staff Report (pg. 5, Attachment J: TIS prepared by TR Transportation Consultants, Inc. dated Aug. 19, 2022, Attachment K: Memo from Md Rakibul Alan dated Jan. 2, 2024); Applicant Ex. 1 (slide 11). Treesh Testimony (Transcript pg. 29-34).
[48] Site related improvements include capital improvements and right-of-way dedications for "direct access" improvements to the project. Direct access improvements include site driveways/roads, median cuts made necessary by driveways/roads, right-turn, left-turn and deceleration/acceleration lanes serving driveways/roads, traffic control measures, and roads/intersection improvements whose primary purpose at the time of construction is to provide access to the development. *See,* Lee Plan Glossary and LDC §2-264; Lee Plan Objective 39.1, Policy 39.1.1. LDC §2-66 *et. seq.*
[49] LDC §34-411(h).
[50] LDC §34-411(g).
[51] Applicant Ex. 1 (slide 12); DeLisi and Sterk Testimony (Transcript pg. 22, 174).
[52] *See* Staff Report (Attachment D); *Id.* at slide 12, showing FLUCCS map. The potential wetland comprises 0.4± acres.
[53] The expert ecologist noted off-site wetland mitigation is likely. Sterk Testimony (Transcript pg. 174).
[54] Coastal High Hazard Areas are areas below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model and delineated by Lee Plan Map 5-A. Lee Plan Glossary. *See also* F.S. §163.3177(6)(a)10,c(VI).

Management Element of the Lee Plan.[55] The Lee Plan restricts development in Coastal High Hazard Areas to uplands.[56]

The project will be subject to County land development regulations designed to reduce vulnerability from natural disasters such as hurricanes and flooding.[57] Expert testimony confirmed site elevation differences with adjoining properties will be closely examined during development permitting to ensure project waters are retained on-site.[58] Conditions of approval further address wetland compensatory flood storage volume for wetlands in the Coastal High Hazard area.[59]

Public Services

Public/urban services are the facilities, capital improvements, and infrastructure necessary to support development.[60] The Lee Plan requires an evaluation of available urban services during the rezoning process.[61]

A host of urban services and infrastructure serve the property including roads, transit, potable water, sanitary sewer, police, fire, and emergency medical services.[62] Applicant must comply with transit facility requirements since the property is within one-quarter mile of Lee Tran Route 140.[63]

Pedestrian and bicycle facilities will be evaluated at the time of development order review.[64]

Deviations

"Deviations" are departures from LDC regulations.[65] The request proposes four deviations. The deviations relate to landscaping/buffers and transportation design necessary to address existing site conditions.[66] Staff supports the requested deviations.

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[55] Lee Plan Objective 2.6. *See* Goals 72, 101, Policy 101.1.1.
[56] Lee Plan Policy 101.3.2. There is a limited exception for public facilities that is inapplicable to the request.
[57] Lee Plan Goal 72, Objective 72.2, Policies 67.3.10, 101.3.2.
[58] Maastricht Testimony (Transcript pg. 176, 196).
[59] Condition 5(b).
[60] Lee Plan Glossary: Public services include public water/sewer, paved streets/roads, public transit, parks/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, community facilities such as senior citizens centers, libraries, and community centers.
[61] Lee Plan Policy 2.2.1.
[62] *See* Staff Report (pg. 5, Attachment M: LCU Letter of Availability). The site is served by Sheriff, Fire, and EMS stations 1.9 miles to the north.
[63] *See* Staff Report (pg. 5); LDC §§10-441 *et. seq.*
[64] Lee Plan Map 3-D; Staff Report (pg. 5).
[65] LDC §34-2.
[66] Applicant seeks deviations from §10-416(d)(1), §34-1748(5), §10-610(e), and §10-296. Maastricht and Danley Testimony (Transcript pg. 23-29, 47). Existing easements, right-of-way, and abutting commercial development of the Skip Obe Seafood necessitate deviation requests. *See Id.*

The Hearing Examiner's standard of review requires a finding that the deviation:

1. Enhances achievement of objectives of the planned development; and
2. Protects public health, safety, and welfare.[67]

Applying LDC deviation standards of review to testimony and evidence in the record, the Hearing Examiner concludes requested deviations meet approval criteria.[68]

Conditions

The county must administer the zoning process so proposed land uses acceptably minimize adverse impacts to adjacent property. Conditions must plausibly relate to anticipated impacts from the proposed development and must be pertinent to mitigation of those impacts on public health, safety, and welfare.[69]

The CPD will be subject to conditions of approval. The conditions relate to impacts anticipated from the project.[70] The Hearing Examiner recommends:

1. Revisions to improve clarity;
2. Incorporating post-hearing conditions that provide additional protections for neighbors from off-site impacts;[71]
3. Adding the east/west bay door orientation discussed at hearing; [72] and
4. Deletion of conditions that restate LDC standards and criteria applicable to the project pursuant to Condition 1.[73]

Public

Residents of the neighboring Jonathan's Bay multi-family community spoke at hearing in opposition to the request.[74] Concerns primarily related to compatibility, scope of repair work, flooding, noise, contamination, air quality, property values, lighting, and fencing.[75] The parties addressed concerns on rebuttal and provided

[67] LDC §34-145(d)(4)a.2(c).
[68] LDC §34-377(a)(4).
[69] LDC 34-932(b).
[70] LDC §34-83(a)(4)a.3.
[71] Applicant Ex. 2: Post-Hearing Written Submissions, dated 4/17/24.
[72] DeLisi and Danley Testimony (Transcript pg. 36-37, 44).
[73] This includes deletion of the transportation condition proposed in the Staff Report as Condition 3. Condition 1 limits project intensity, which will govern traffic impact analysis during development order permitting.
[74] Public Testimony (Transcript pg. 54-173).
[75] In addition to oral testimony, members of the public entered many exhibits into the record. The Hearing Examiner extensively reviewed all evidence and testimony in the record. *See* Ex. C to this Recommendation and Transcript of Proceedings for April 10, 2024.

additional conditions to restrict the nature of repairs, limit hours of operation, and clarify ancillary repairs are solely for vehicles/parts sold on-site.[76]

Conclusion

The Hearing Examiner concurs with staff's analysis and recommendation of approval.

IV. Findings and Conclusions

The Hearing Examiner makes the following findings and conclusions based on the testimony and evidence in the record:

As conditioned herein, the proposed CPD:

A. Complies with the Lee Plan. *See* Lee Plan Goals 2, 4, 6, 39, 77, 101, 125, 158, Objectives 2.1, 2.2, 61.3, 101.1, and Policies 1.1.5, 2.1.1, 2.2.1, 5.1.5, 6.1.1, 6.1.4, 6.1.6, 6.1.7, 101.1.1, 101.3.2, 125.1.2, 125.1.3, Standards 4.1.1, 4.1.2; Lee Plan Maps 1A-B, 5A.

B. Complies with the LDC and other County regulations or qualifies for deviations. *See* LDC Chapters 10 and 34.

C. Is compatible with existing and planned uses in the area. *See* Lee Plan Policies 1.1.5, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 6.1.1, 6.1.4; LDC §§34-411(c), (i), and (j).

D. Provides sufficient access to support the proposed development intensity, with expected impacts on transportation facilities addressed by existing County regulations or conditions of approval. *See* Lee Plan Policies 6.1.1, 6.1.5. *See* Lee Plan Goal 39, Objective 39.1; LDC §34-411(d).

E. Will not adversely affect environmentally critical areas and natural resources. *See* Lee Plan Goals 77, 101, Objectives 4.1, 77.1, Policies 6.1.6, 125.1.2, Standard 4.1.4, LDC §34-411(h).

F. Will be served by urban services. *See,* Lee Plan Glossary, Maps 4A-B, Goal 2; Objectives 2.1, 2.2, 4.1, 53.1, 56.1; Policies 2.2.1, and Standards 4.1.1 and 4.1.2; LDC §34-411(d).

G. The proposed mix of uses is appropriate at the proposed location. *See* Lee Policies 1.1.5, 2.1.1, 6.1.4, 6.1.7. §34-145(d)(4)a.2(a)

[76] Applicant Ex. 2: Post-Hearing Written Submissions, dated 4/17/24.

H. Recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. *See* LDC Chapters 10 and 34.

I. As conditioned herein, the deviations:

(1) Enhance the objectives of the planned development; and

(2) Protect public health, safety, and welfare. *See* §34-145(d)(4)(a)(2)(c); §34-377(b)(4).

Date of Recommendation: June 13, 2024.

Amanda L. Rivera
Deputy Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

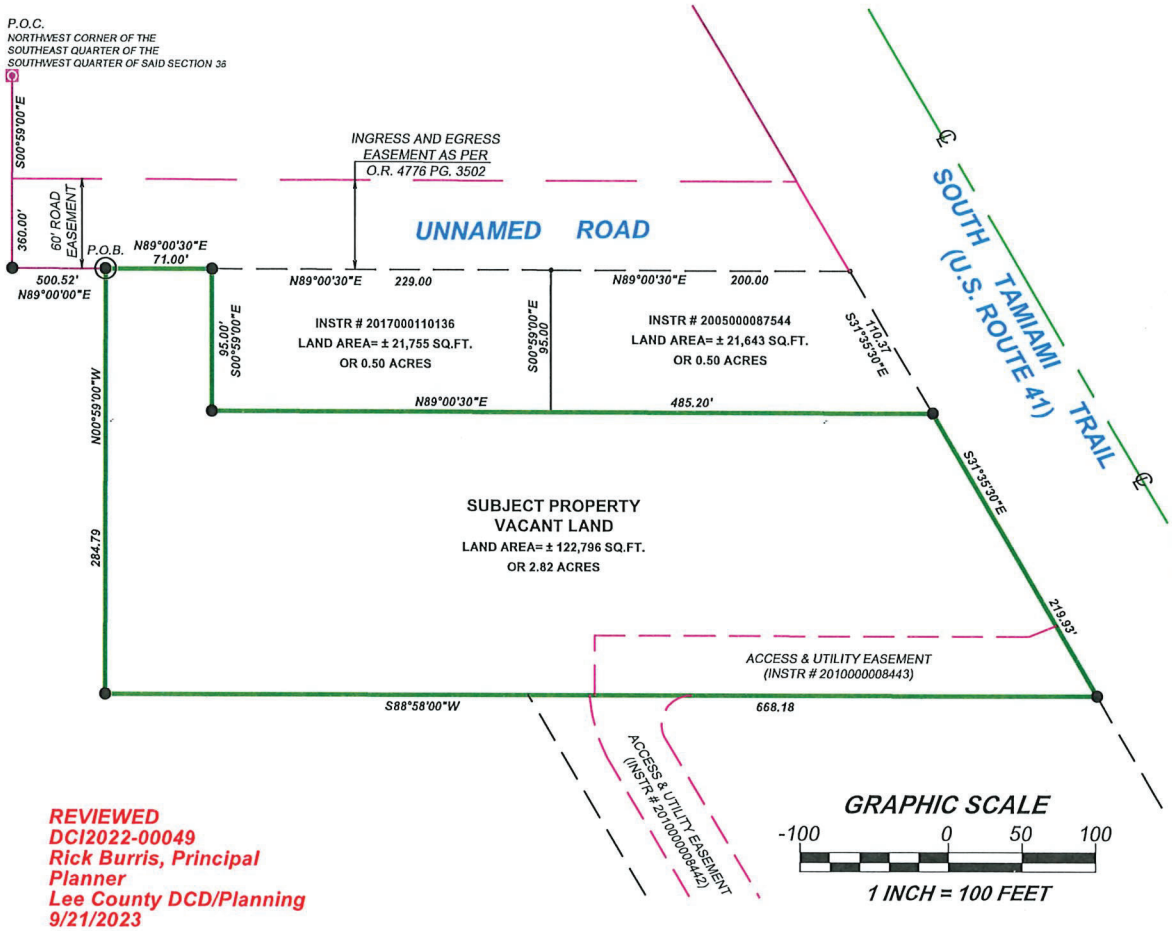
LEGAL DESCRIPTION AND VICINITY MAP

GEOMETRIC SURVEYING INC.
2804 DEL PRADO BLVD S, SUITE 202
CAPE CORAL, FL 33904
(239)-540-6257

15850 S. TAMIAMI TRAIL, FORT MYERS, FL 33908

SKETCH AND LEGAL DESCRIPTION
THIS IS NOT A SURVEY

Exhibit A



REVIEWED
DCI2022-00049
Rick Burris, Principal Planner
Lee County DCD/Planning
9/21/2023

CERTIFICATION:
FERNANDO SANTOYO

ABBREVIATIONS:
℄ = CENTER LINE
U.E. = UTILITY EASEMENT
D.M.E. = DRAINAGE & MAINTENANCE EASEMENT

SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY: THAT THE SKETCH OF THIS SPECIFIC SURVEY WAS PREPARED UNDER MY SUPERVISION AND THAT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17.050-52 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO 472 OF THE FLORIDA STATUTES AND THAT THE SKETCH THEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY: _____ 07/18/2023
MIGUEL J. GARAY (DATE)

PROFESSIONAL LAND SURVEYOR AND MAPPER LS#6594
STATE OF FLORIDA (NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER)

LEGAL DESCRIPTION:
A LOT OR PARCEL OF LAND LYING IN THE NORTH HALF (N 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: FROM THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE AFORESAID SECTION 36; RUN THENCE S 00° 59' 00" E ALONG THE WESTERLY LINE OF THE AFORESAID FRACTIONAL SECTION A DISTANCE OF 360.00 FEET; THENCE N 89° 00' 00" E PARALLEL WITH THE NORTHERLY LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE AFORESAID SECTION 36 AND ALONG THE SOUTHERLY LINE OF A ROADWAY EASEMENT 60.00 FEET WIDE A DISTANCE OF 500.52 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE N 89° 00' 30" E ALONG THE AFORESAID SOUTHERLY EASEMENT LINE A DISTANCE OF 71.00 FEET; THENCE RUN S00°59'00" E FOR 95.0 FEET; THENCE N 89° 00' 30" E FOR 485.20 FEET TO A POINT ON THE SOUTHWESTERLY R/W LINE OF THE TAMIAMI TRAIL (STATE ROAD #45 -200 FEET WIDE); THENCE S 31°35'30" E ALONG THE AFORESAID SOUTHWESTERLY R/W LINE OF STATE ROAD #45 A DISTANCE OF 219.93 FEET; THENCE S 88°58'00" W ALONG THE NORTHERLY LINE OF THE SOUTHERLY 15 FEET OF THE AFORESAID NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) A DISTANCE OF 668.18 FEET; THENCE N 00°59' 00" W A DISTANCE OF 284.79 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S NOTES:
1. THIS SKETCH IS BASED ON INFORMATION FURNISHED BY CLIENT OR CLIENTS REPRESENTATIVE.
2. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. BEARINGS SHOWN HEREON ARE BASED ON PLAT

DRAWN BY:	CDP
DATE:	12/27/2022
SURVEY NO:	18-00219
SHEET:	1 OF 1

SEAL
MIGUEL J. GARAY
LICENSE NUMBER 6594
STATE OF FLORIDA
PROFESSIONAL SURVEYOR & MAPPER

L.S.#6594 L.B.#8203

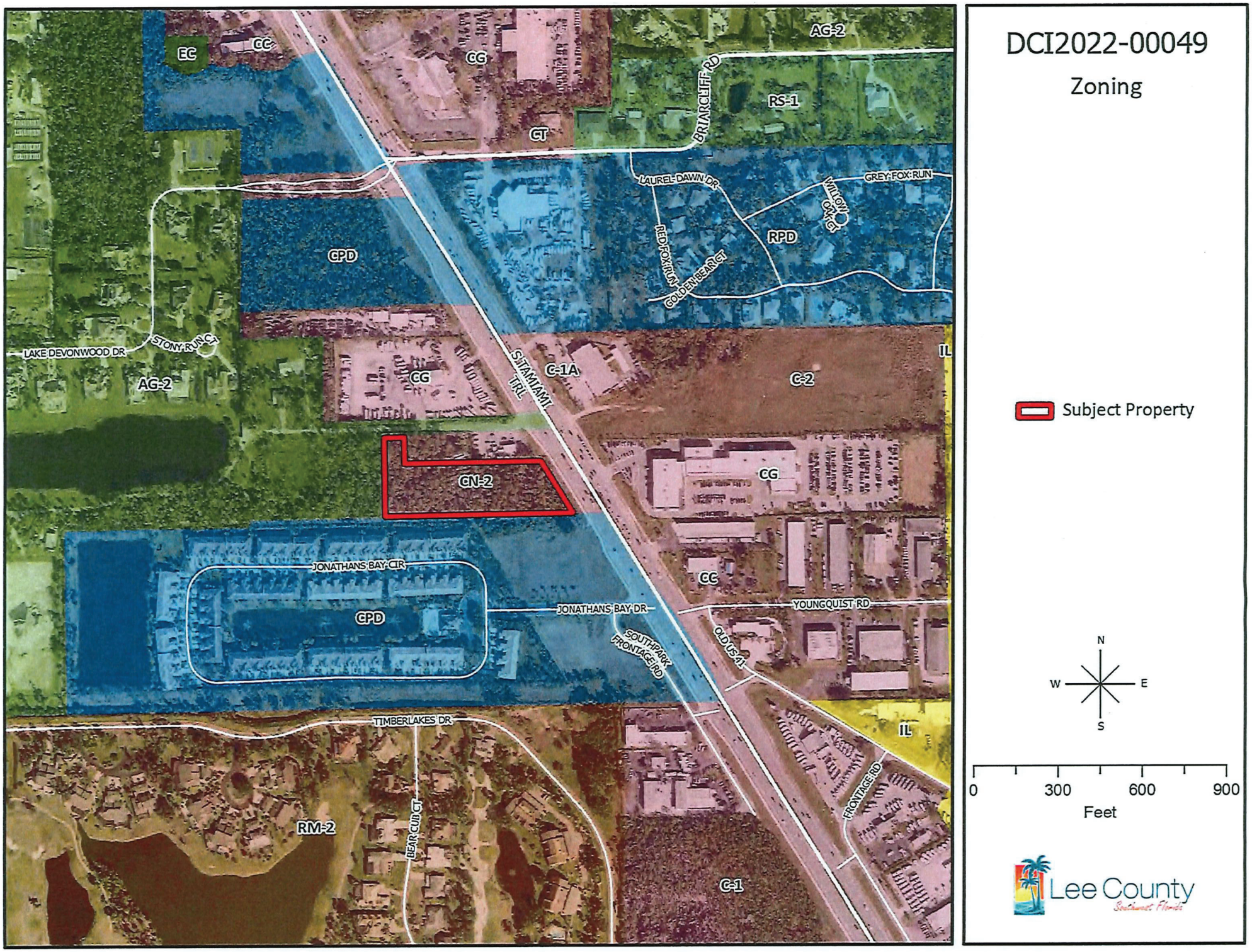

DCI2022-00049
Zoning
Subject Property
EC
CC
CG
CT
AG-2
RS-1
BRIARCLIFF RD
LAUREL DAWN DR
GREY FOX RUN
WILLOW OAK CT
RED FOX RUN
GOLDEN BEAR CT
RPD
CPD
LAKE DEVONWOOD DR
STONY RUN CT
AG-2
CG
SR 45 TAMIAMI TRL
C-1A
C-2
IL
CN-2
CG
JONATHANS BAY CIR
CPD
JONATHANS BAY DR
SOUTHPARK FRONTAGE RD
CC
YOUNGQUIST RD
OLD US 41
IL
TIMBERLAKES DR
RM-2
BEAR CUB CT
C-1
FRONTAGE RD
N
W
E
S
0
300
600
900
Feet
Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS
(as revised by the Hearing Examiner)

CONDITIONS

1. Master Concept Plan (MCP)/Development parameters

a. MCP. Development must be consistent with the "Santoyo Truck Parts and Sales – Master Concept Plan" dated 8/04/2023 (Exhibit B1), prepared by Maastricht Engineering, Inc., except as modified by the conditions below.

b. Lee Plan and LDC. Development must comply with the LDC and Lee Plan at time of local development order, except as modified by deviation herein. Subsequent changes to the MCP or this zoning resolution may require additional zoning approval.

c. Development Parameters. Project intensity is limited to 17,000 square feet of commercial uses.

2. Uses and Development Regulations

a. **Schedule of Uses**

Accessory Uses and Structures
Administrative Offices
Auto Parts Store
Business Services – Group II
Entrance gates and gatehouse
Essential Services
Essential Service Facilities – Group I
Excavation, Water Retention
Fences, Walls
Non-Store Retailers, All Groups
Parking Lot: Accessory
Signs
Storage – indoor
Temporary Uses
Vehicle and Equipment Dealers, all groups

b. **Site Development Regulations**

Lot Size

Minimum Lot Area: 2.82 acres

Minimum Lot Width:	75 feet
Minimum Lot Depth:	100 feet
Setbacks	
Street:	25 feet
Side (north):	15 feet
Side (south):	50 feet
Rear:	20 feet
Waterbody:	25 feet
Maximum Lot Coverage:	40%
Maximum Height:	35 feet

3. Environmental Conditions

Development order plans must depict 20% open space.

4. Vehicle and Equipment Dealer

a. Ancillary repair must comply with LDC §34-1351 and may only be conducted 8:00 a.m. to 5:00 p.m., Monday through Saturday.

b. Service bays are limited to two for the entire development and must be oriented to face east/west.

c. Ancillary repairs are limited to vehicles sold/installation of parts purchased on the premises.

d. Repairs are limited to manual repairs including oil changes, battery replacement, windshield wiper replacement, detailing/cleaning, and minor electrical work. Tire changes and the use of air guns or other similar equipment are prohibited.

5. Coastal High Hazard Area

a. Development order submittals must include the mitigation payment receipt or mitigation plans for anticipated wetland impacts.

b. Developer must provide calculations on the engineering plans that quantify the flood storage volume provided by wetlands within the Coastal High Hazard Area, and demonstrate equal compensatory flood storage volume to replace the loss of the wetland area within the proposed development.

6. 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 the applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if the applicant undertakes actions resulting in a violation of state or federal law. Developer must obtain applicable state/federal permits prior to commencing development.

b. State Wetland Permits. The 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 impact reflected in County development permits, 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. **Buffer.** Deviation 1 seeks relief from LDC §10-416(d)(1), which requires buffering along the entire site perimeter whenever development abuts a different use, to allow the buffer to be located 40 feet from the property line in the southeast corner.

   HEX Recommendation: Approve

2. **Entrance Gate**. Deviation 2 seeks relief from LDC §34-1748(5), which requires a paved turn-around with a turning radius sufficient to accommodate a U-turn for a single unit truck as specified in the AASHTO Green Book current edition on the ingress side of the gate/gatehouse, to allow wider driveway aprons as turnarounds to permit vehicles to return to the access drive in a forward motion and continue toward the rear exit.

   HEX Recommendation: Approve

3. **Parking Lot Interconnections**. Deviation 3 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 parking lot interconnection to the developed parcel zoned Commercial (C-1A) abutting northeast.

   HEX Recommendation: Approve

4. **Private Road Design**. Deviation 4 seeks relief from LDC §10-296, which specifies design requirements of local roadways, to allow an alternative cross section for improvements to the unnamed private road. The alternative plan includes widening the road surface to achieve a minimum of 22 feet, structural repairs as necessary, an addition of 1.0 inch of FDOT Type SP 9.5 asphalt, and cleaning/clearing exotics/other vegetation from roadway ditches.

   HEX Recommendation: Approve

Exhibits to Conditions:
B1 Master Concept Plan dated 8/4/2023

ATTENTION IS DIRECTED TO THE FACT THAT THESE PLANS MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.

ZONING

SITE:	(CN-2)	PROJECT SITE
NORTH:	(CN-2)(C-1A)	COMMERCIAL
EAST:	(CG)	COMMERCIAL
SOUTH:	(CPD)	MULTI-FAMILY/COMMERCIAL
WEST:	(AG-2)	COMMERCIAL

OPEN SPACE

20% REQUIRED FOR COMMERCIAL
2.82 AC. x 0.20 = 0.56 AC. REQUIRED
OPEN SPACE PROVIDED: >0.56 AC.

LANDSCAPE BUFFERS

	REQ'D	PROV'D	TYPE	ZONE	WALL
NORTH:	25'/5'	25'/5'	E/A	CN-2/C-1A	NO/NO
WEST:	N/A	N/A	N/A	AG-2	NO
EAST:	25'	25'	E	R.O.W.	NO
SOUTH:	25'/5'	25'/5'	E/A	C.P.D.	YES/NO

NOTES

SITE ADDRESS: 15850 S. TAMIAMI TRAIL FORT MYERS, FL 33908

SITE AREA: 122,796 S.F. (2.82 AC.)

STRAP NUMBER: 36-45-24-00-00025.0050

MAXIMUM BUILDING HEIGHT: 35 FEET

IMPERVIOUS AREA: 1.55 AC. (1.99 AC. MAX.)

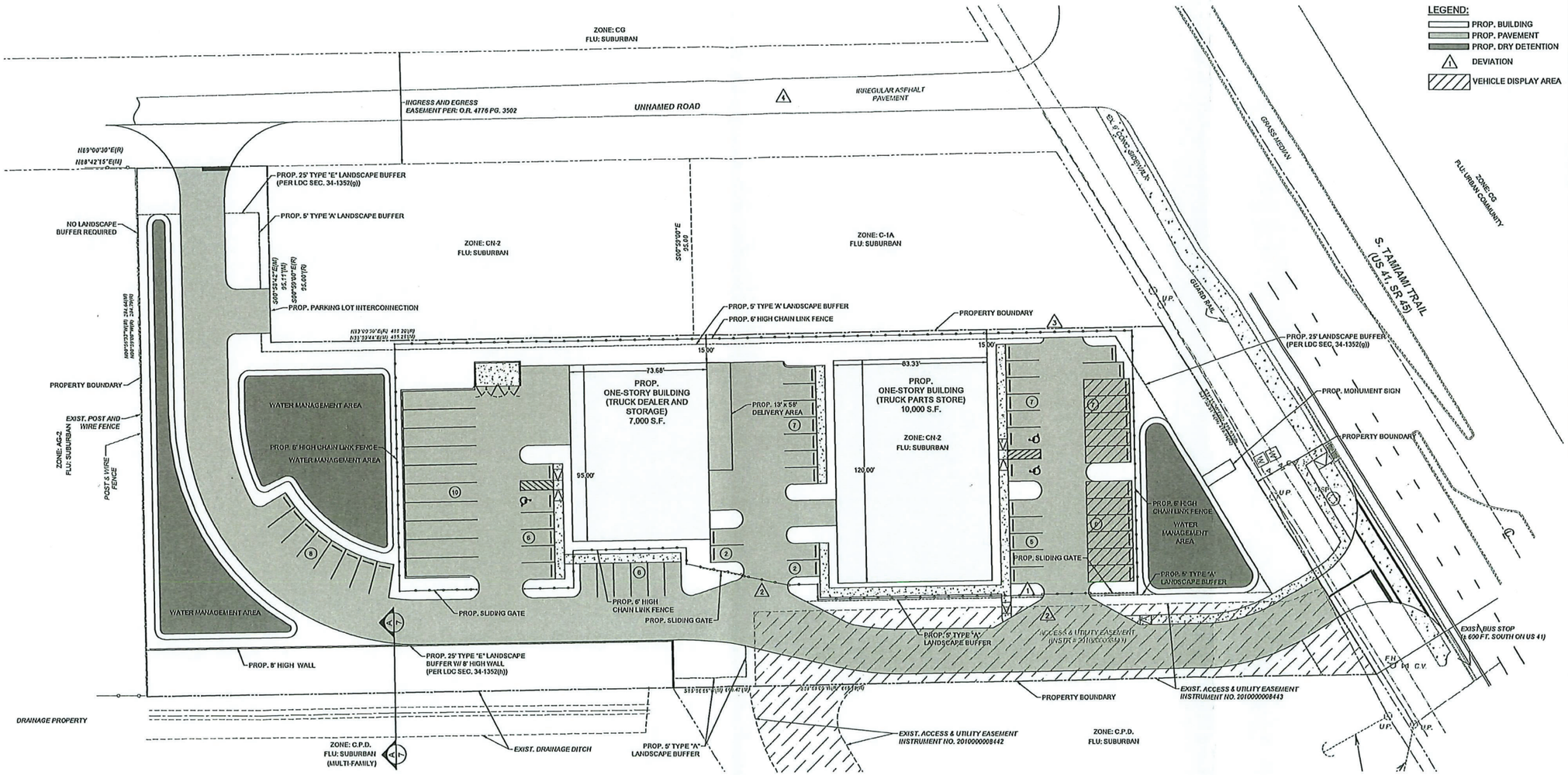
FEMA FLOOD ZONE: AE-EL 11

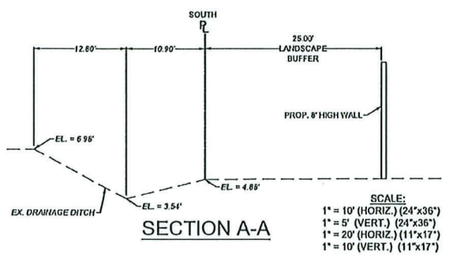
BUS STOP

STOP ID: 1560
BUS ROUTE A": RTE.140S
BUS ROUTE "B": RTE. 240S
EXIST. BUS STOP LOCATED ON US 41 ±600 FT. SOUTH (WEST SIDE). TO BE EQUIPPED W/ BIKE RACK.

0 15 30
1" = 30' (24x36)
1" = 60' (11x17)

LEGEND:
- PROP. BUILDING
- PROP. PAVEMENT
- PROP. DRY DETENTION
- 1 DEVIATION
- VEHICLE DISPLAY AREA





SECTION A-A

SCALE:
1" = 10' (HORIZ.) (24"x36")
1" = 5' (VERT.) (24"x36")
1" = 20' (HORIZ.) (11"x17")
1" = 10' (VERT.) (11"x17")

DATE: 07-28-23
PROJ. #: 18-131
CAD TECH: JCU
ENGINEER: DANIEL P. JOHNSON P.E.
FL. LICENSE NUMBER: 37973

MAASTRICHT ENGINEERING
2294 COLLEGE PARKWAY, SUITE 201 • FORT MYERS, FL 33907 • (239)362-0002 • FAX # 47625

DEVELOPER:
FERNANDO SANTOYO
8331 COOPER PL
FORT MYERS, FL 33967

DATE	BY	REVISION DESCRIPTION

SANTOYO TRUCK PARTS & SALES
SECTION 36, TOWNSHIP 45 S, RANGE 24 E
LEE COUNTY, FLORIDA 33908

MASTER CONCEPT PLAN

SHEET 1 OF 1

EXHIBIT B-1

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

a. *Environmental Staff Report:* Memorandum from Beth Workman, Principal Environmental Planner, to Dirk Danley, Jr., Principal Planner, dated February 7, 2024, regarding Santoyo Truck Parts and Repair, DCI2022-00049 (multiple pages – 8.5"x11")

1. *DCD Staff Report with attachments for DCI:* Prepared by Dirk Danley, Jr., Principal Planner, date received January 24, 2024 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *PowerPoint Presentation:* Prepared by Lee County Staff for DCI2022-00049, Santoyo Truck Parts and Repair, dated April 10, 2024 (multiple pages – 8.5"x11")[color]

APPLICANT EXHIBITS

a. *48-Hour Notice:* Email from Olga Ramos to Dirk Danley, Jr., dated Monday, April 8, 2024, 9:06 AM (multiple pages – 8.5"x11")

1. *PowerPoint Presentation:* Prepared for DCI2022-00049, Santoyo CPD, Hearing Examiner Hearing, dated April 10, 2024 (multiple pages – 8.5"x11")[color]

2. *Written Submissions:* Email from Olga Ramos, to Hearing Examiner and Maria Perez, with copies to Dirk Danley, Jr., Joseph Adams, Esq., and Neale Montgomery, Esq., dated Wednesday, April 17, 2024, 2:28 PM (3 pages – 8.5"x11"){post hearing submittal}

OTHER EXHIBITS

Karen Butson

1. *Letter:* (1 page – 8.5"x11")

Jo Fettin

1. Letter: From Cosmo and Elizabeth Digneo, dated April 6, 2024, Robert Simone, dated February 7, 2024 and Richard Mendick, (multiple pages – 8.5"x11")

Joyce Franey

1. *Photographs:* (1 board 22"x 26" and 2 poster board 14"x 18" and 22" and 26")[color]

Tom Lijana

1. Letter: (multiple pages – 8.5"x11")

William Matuszek

1. Letter: From William & Michele McLeod, dated April 10, 2024 (multiple pages – 8.5"x11")

Antoinette McLoughlin

1. *Petition:* (multiple pages – 8.5"x11")
2. *Letters:* (multiple pages – 8.5"x11")
3. *Letters and Photographs:* (multiple pages – 6.5"x 5" and 8.5"x11")[color]

Terry Rehiborg

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

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Dirk Danley, Jr.

Applicant Representatives:

1. Daniel DeLisi
2. Pete Maastricht
3. Neale Montgomery, Esq.
4. Ted Treesh
5. Jeremy Sterk

Public Participants:

1. John Butson
2. Karen Butson
3. Angela Dujlovic
4. Stephen Duffy
5. Jo Fettin
6. Joyce Franey
7. Darrell Freeman
8. Jeannie Hicks
9. Maria Lijana
10. Tom Lijana
11. William F. Matuszek
12. David McKenna

13. Michele McLead
14. Antoinette McLoughlin
15. William McLoughlin
16. Lou Moss
17. Terry B. Rehnborg
18. Ron Tubb
19. Christine Terwilleger
20. Lorena Weaver

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.

ATTENTION IS DIRECTED TO THE FACT THAT THESE PLANS MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.

ZONING

SITE:	(CN-2)	PROJECT SITE
NORTH:	(CN-2)(C-1A)	COMMERCIAL
EAST:	(CG)	COMMERCIAL
SOUTH:	(CPD)	MULTI-FAMILY/COMMERCIAL
WEST:	(AG-2)	COMMERCIAL

OPEN SPACE

20% REQUIRED FOR COMMERCIAL
2.82 AC. x 0.20 = 0.56 AC. REQUIRED
OPEN SPACE PROVIDED: >0.56 AC.

LANDSCAPE BUFFERS

	REQ'D	PROV'D	TYPE	ZONE	WALL
NORTH:	25'/5'	25'/5'	E/A	CN-2/C-1A	NO/NO
WEST:	N/A	N/A	N/A	AG-2	NO
EAST:	25'	25'	E	R.O.W.	NO
SOUTH:	25'/5'	25'/5'	E/A	C.P.D.	YES/NO

NOTES

SITE ADDRESS: 15850 S. TAMIAMI TRAIL FORT MYERS, FL 33908

SITE AREA: 122,796 S.F. (2.82 AC.)

STRAP NUMBER: 36-45-24-00-00025.0050

MAXIMUM BUILDING HEIGHT: 35 FEET

IMPERVIOUS AREA: 1.55 AC. (1.99 AC. MAX.)

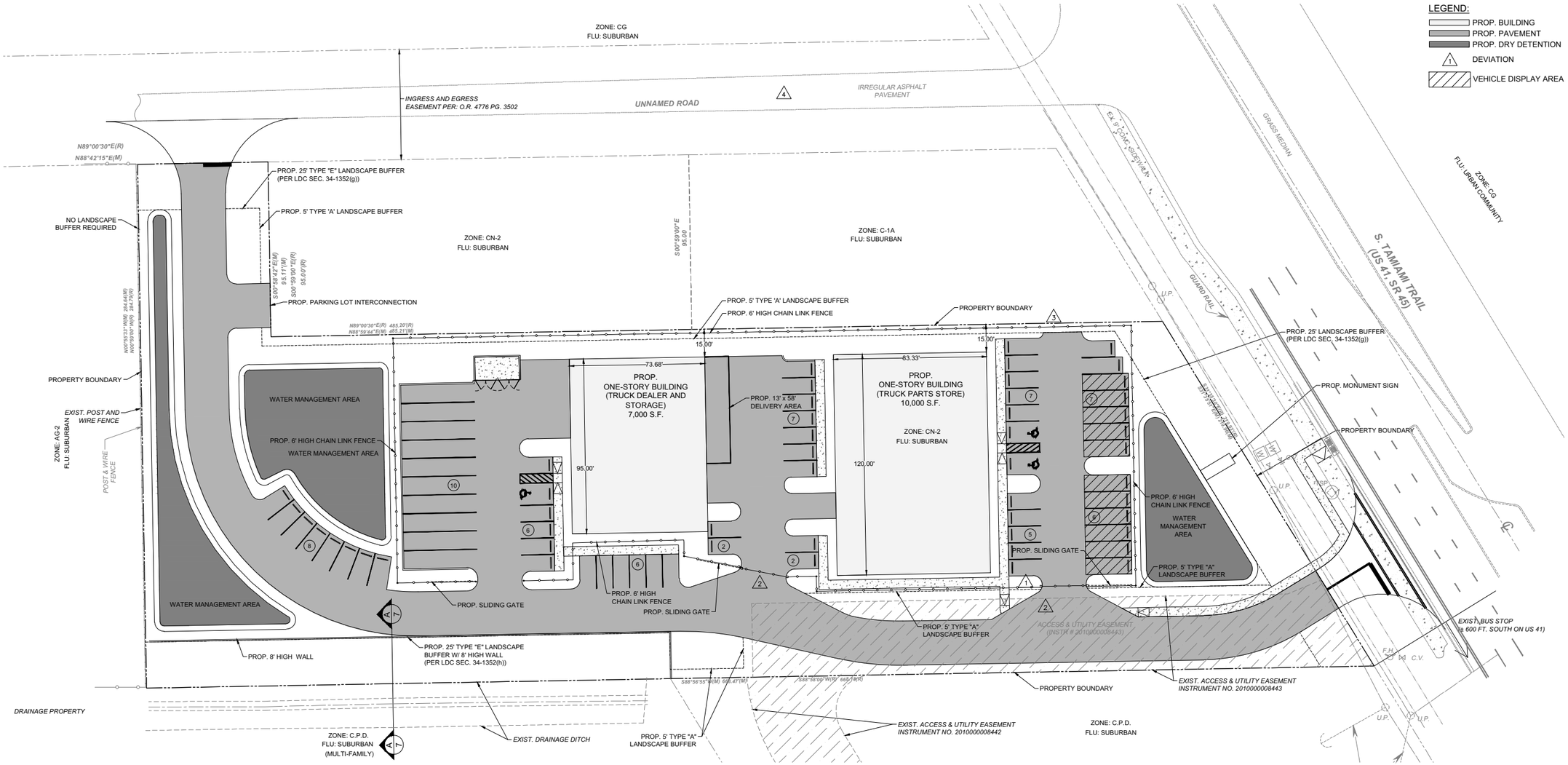
FEMA FLOOD ZONE: AE-EL 11

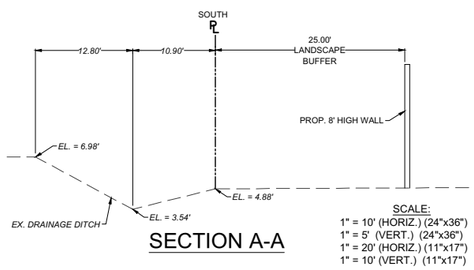
BUS STOP

STOP ID: 1560
BUS ROUTE A": RTE.140S
BUS ROUTE "B": RTE. 240S
EXIST. BUS STOP LOCATED ON US 41 ±600 FT. SOUTH (WEST SIDE). TO BE EQUIPPED W/ BIKE RACK.

0 15 30
1" = 30' (24x36)
1" = 60' (11x17)

LEGEND:
- PROP. BUILDING
- PROP. PAVEMENT
- PROP. DRY DETENTION
- DEVIATION
- VEHICLE DISPLAY AREA





SECTION A-A

SCALE:
1" = 10' (HORIZ.) (24"x36")
1" = 5' (VERT.) (24"x36)
1" = 20' (HORIZ.) (11"x17")
1" = 10' (VERT.) (11"x17")

DATE: 07-26-22
PROJ. #: 18-131
CAD TECH: JCU
ENGINEER: DANIEL P. JOHNSON P.E.
FL. LICENSE NUMBER: 37573

MAASTRICHT ENGINEERING
3570 COLLEGE PARKWAY, SUITE 214 ● FORT MYERS, FL 33905 ● (239) 362-3000 ● FIRM # 29674

DEVELOPER:
FERNANDO SANTOYO
8331 CORAL DR.
FORT MYERS, FL 33967

DATE	BY	REVISION DESCRIPTION

SANTOYO TRUCK PARTS & SALES
SECTION 36, TOWNSHIP 45 S, RANGE 24 E
LEE COUNTY, FLORIDA 33908

MASTER CONCEPT PLAN

SHEET 1 OF 1

Y:\Maastricht Engineering\CAD\2018\18-131\MCP\04 18-131 MASTER CONCEPT PLAN.dwg Friday, August 04, 2023 2:01:36 PM

ATTACHMENT C

A. Conditions

1. Development must be consistent with the "Santoyo Truck Parts and Sales – Master Concept Plan" dated 8/04/2023 prepared by Maastricht Engineering, Inc, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

   Project intensity is limited to 17,000 square feet of commercial uses.

2. The following limits apply to the project and uses.

   a. Schedule of Uses

   Accessory Uses and Structures
   Administrative Offices
   Auto Parts Store
   Business Services – Group II
   Entrance gates and gatehouse
   Essential Services
   Essential Service Facilities – Group I
   Excavation, Water Retention
   Fences, Walls
   Non-Store Retailers, All Groups
   Parking Lot: Accessory
   Signs
   Storage – indoor
   Temporary Uses
   Vehicle and Equipment Dealers, all groups

   a. Site Development Regulations

   Lot Size

Minimum Lot Area:	2.82 acres
Minimum Lot Width:	75 feet
Minimum Lot Depth:	100 feet

   Setbacks

Street Public, Private	25 feet
Side (north)	15 feet
Side (south)	50 feet
Rear	20 feet

Waterbody	25 feet
Maximum Lot Coverage	40 percent
Maximum Height	35 feet

3. Traffic Impact

   Development intensity is limited to new trips generated by a 17,000-SF automobile parts and service use as estimated by the Institute of Transportation Engineers (ITE) Trip Generation Manual current at time of local development order.

4. Environmental Conditions

   Prior to the issuance of the first development order, the development order plans must depict 20 percent open space.

5. Vehicle and Equipment Dealer

   a. Ancillary repair on the subject property must comply with the requirements of LDC Section 34-1351.

   b. Service bays are limited to three for the entire development.

B. Deviations

1. Deviation 1 seeks relief from LDC Section 10-416(d)(1) – Buffering adjacent property – which requires buffering along the entire perimeter of the of the proposed development whenever the proposed development abuts a different use, to allow for the proposed buffer to be located 40 feet from the property line in the southeast corner of the property.

   This deviation is APPROVED.

2. Deviation 2 seeks relief 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 be provided on the ingress side of the gate or gatehouse, to allow for wider driveway aprons to serve as turnaround to allow vehicles to return to the access drive in a forward motion and continue towards the rear exit.

   This deviation is APPROVED.

3. Deviation 3 seeks relief from LDC Section 10-610(e) Parking lot interconnections, which requires adjacent commercial uses to provide parking lot interconnections for automobile, bicycle and pedestrian traffic, to allow for no parking lot interconnection to the developed parcel zoned Commercial (C-1A) abutting to the northeast.

   This deviation is APPROVED.

4. Deviation 4 seeks relief from LDC Section 10-296, which requires certain design requirements of a local roadway, to allow an alternative cross section for the improvements to the unnamed road (Private Road). The alternative plan includes widening the road surface to achieve a minimum of 22 feet, structural repairs as necessary, an addition of 1.0 inch of FDOT Type SP 9.5 asphalt, and cleaning and clearing exotics and other vegetation from roadway ditches.

   This deviation is APPROVED.

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

CASE NUMBER: DCI2022-00049
CASE NAME: SANTOYO TRUCK PARTS AND REPAIR
TYPE OF CASE: MINOR PLANNED DEVELOPMENT
HEARING EXAMINER DATE: FEBRUARY 8, 2024
SUFFICIENCY DATE: NOVEMBER 17, 2023

REQUEST:

An application has been submitted by Peter M Maastricht of Maastricht Engineering, Inc. on behalf of Fernando Santoyo of Santoyo Truck Parts and Repair, Inc. to rezone approximately 2.82 acres from Neighborhood Commercial (CN-2) to Commercial Planned Development (CPD) to allow 17,000 square feet of commercial uses including truck sales, part sales and repair.

The subject property is located at 15850 South Tamiami Trail, San Carlos Planning Community, Lee County, FL (District #3), STRAP Number: 36-45-24-00-00025.0050.

SUMMARY:

Staff recommends APPROVAL of the applicant's request with conditions found in Attachment C.

Staff proposes conditions to ensure that the development remains compatible with the surrounding uses, including clarification of the schedule of uses, and limitations on ancillary repair within the development.

HISTORY OF PARCEL AND CHARACTER OF THE AREA:

The subject property is zoned Neighborhood Commercial (CN-2) and is currently undeveloped. The property was rezoned by Resolution Z-89-008 from Agricultural (AG-2) to Neighborhood Commercial (CN-2) with a Special Exception for a drive-thru facility (Attachment H). The subject property is an irregular shape with approximately 2.82 acres in size with approximately 235 feet of frontage along South Tamiami Trail, a State-maintained arterial roadway, and approximately 83.3 feet of frontage along an unnamed access easement to the north.

The surrounding properties are generally characterized by a mix of heavy commercial uses, including boat, recreational vehicle, and passenger car dealers to the north and east of the subject property and residential development to the south and west of the subject property.

The surrounding development patterns can be characterized as follows:

North:

Properties to the north are zoned Neighborhood Commercial (CN-2) and Commercial (C-1A) and are in the Suburban future land use category. The property zoned CN-2 is undeveloped and the property zoned C-1A is developed with a freestanding restaurant. Further north is property separated by an unnamed access road that is zoned General Commercial (CG) and is developed with a recreational vehicle dealership and repair business.

East:

Properties to the east are separated by South Tamiami Trail, are zoned General Commercial (CG), and are in the Urban Community future land use category. This property has been developed with a vehicle and equipment dealership.

South:

Property to the south is zoned Commercial Planned Development (CPD) approved by Resolution Z-96-082 (Attachment I) and is in the Suburban future land use category. The Jonathan Bay development is primarily developed as a town home neighborhood with two commercial outparcels along South Tamiami Trail that are undeveloped.

West:

Property to the west is zoned Agricultural (AG-2), is in the Suburban future land use category, and is undeveloped.

ANALYSIS

The subject application proposes to rezone approximately 2.82 acres from Neighborhood Commercial (CN-2) to Commercial Planned Development (CPD) to allow 17,000 square feet of commercial uses including truck sales, part sales, and repair. The applicant seeks to develop the property with two buildings. The building nearest to South Tamiami Trail is proposed to be a 10,000-square-foot auto part store, and the building further west is proposed to be a 7,000-square-foot vehicle and equipment dealer and storage building.

The applicant has provided a one-page master concept plan entitled "Santoyo Truck Parts and Sales – Master Concept Plan" dated 8/04/2023. The master concept plan depicts the location of the proposed buildings, parking areas, access points, buffers, open space, and deviation locations (Attachment N).

Planned Development Rezoning:

Section 34-612 of the Lee County Land Development Code (LDC) describes the intent of the utilization of the Planned Development zoning district. The purpose of planned developments 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.

Section 34-145 of the LDC 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 has provided a request statement that explains the request to rezone the property from Neighborhood Commercial (CN-2) to Commercial Planned Development (CPD) and has also provided a consistency analysis of the Lee Plan Comprehensive Plan (Attachment D).

Land Development Code Analysis:

The uses proposed by the applicant include Auto Parts Store and Vehicle and Equipment Dealer (all groups). These uses are defined by the Land Development Code as follows:

> *"Auto parts store* means establishments primarily engaged in the retail sale of new or used automobile, truck, trailer or motorcycle parts and accessories. The term "auto parts store" does not include auto wrecking yards." – LDC Section 34-2
>
> *"Vehicle and equipment dealers.* This group includes establishments primarily involved in the retail sale or storage of motor vehicles, trailers, boats and other similar equipment. Incidental servicing and repairs and the stocking of replacement parts is a normal ancillary function." - LDC Section 34-622(c)(55)

LDC Section 34-1351 and LDC Section 34-1352 establish specific development regulations for automotive repair and for the display and sale of vehicles and trailers. LDC Section 34-1351 requires all repair services to be wholly within an enclosed building. While repair areas are not specifically delineated on the Master Concept Plan, staff notes that this requirement must be complied with when the development is completed and in operation. The Master Concept Plan does demonstrate compliance with the setbacks and buffers required for the display and sale of vehicles in LDC Section 34-1352.

Development Pattern Considerations:

The subject property is in the Suburban future land use category which is described in Lee Plan Policy 1.1.5 as a predominantly residential area on the fringe of urban areas around the County. This category also considers residential uses up to six units per acre and allows for commercial uses. The proposed planned development contemplates commercial uses that are consistent with the category. Staff finds the proposed use consistent with Policy 1.1.5.

Objectives 2.1 and 2.2 of the Lee Plan intend to direct new growth to future urban areas in compact and contiguous growth patterns where adequate public facilities exist. The applicant has provided sufficient documentation to demonstrate that the available infrastructure would support the

development intensity that is proposed as evidenced by the letter of utility availability and the Traffic Impact Statement. Staff finds the proposed planned development rezoning consistent with Objective 2.1, Objective 2.2, and Policy 2.2.1.

Policy 5.1.5 of the Lee Plan intends to protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of residential development. The uses proposed by the applicant are generally in character with the other commercial uses to the north and east of the subject property. Staff notes that the proposed auto parts store does not pose a compatibility issue to the residential development to the south, but the vehicle and equipment dealer in the western building may potentially impact the residential development to the south. Staff notes that the Master Concept Plan has been oriented to locate the proposed vehicle dealer building in a manner that separates it by at least 50 feet from the common property line with a 25-foot-wide Type E buffer which includes an 8-foot wall. Staff also recommends conditions to ensure that the project will remain compatible. This includes the removal of two uses (Automotive Repair and Service, Groups I and II) to ensure that any repair is incidental to the dealer, and not a freestanding truck repair business, and recommends the limitation of the number of service bays to up to three, to ensure that there are limited instances of repair associated with the business. Staff finds this planned development rezoning request, as conditioned, consistent with Policy 5.1.5.

Policy 6.1.1 of the Lee Plan requires that applications be reviewed for traffic and access impacts, incorporate landscaping and detailed site planning, provide screening and buffering, ensure availability of services and facilities, minimize impacts on adjacent uses, be in proximity to other similar centers, and properly mitigate environmental considerations. The applicant has provided the requisite information for a review of these factors that are assessed throughout this report. Staff finds request consistent with Policy 6.1.1.

Policy 6.1.4 of the Lee Plan requires that commercial uses be approved only when compatible with adjacent existing and proposed land uses as well as existing and programmed services and facilities. Staff finds that the master concept plan and recommended conditions of approval foster compatibility with adjacent uses. Staff finds this request consistent with Policy 6.1.4.

Policy 6.1.6 of the Lee Plan requires commercial development to provide adequate and appropriate landscaping, open space, and buffering. The applicant has demonstrated compliance with the landscaping, open space, and buffering requirements of the LDC. Staff finds this request consistent with Policy 6.1.6.

Policy 6.1.7 of the Lee Plan prohibits commercial developments from locating in a way to open new areas to premature, scattered, or strip development. This rezoning request will allow for redevelopment of an existing commercially zoned property that is located along a commercial corridor and is surrounded by commercial uses to the north and east. Staff finds this request consistent with Policy 6.1.7.

Policy 125.1.2 requires new development and additions to existing development to not degrade surface and ground water quality. The applicant has not requested deviations from any water quality requirements in the Land Development Code, and therefore will be required to meet these standards with any future development of the property. Staff finds this request consistent with Policy 125.1.2.

Goal 158 of the Lee Plan establishes the County's intent to provide a diversified and stable economy by providing a positive business climate and employment opportunities for the residents of Lee County. The proposed commercial use adds to the employment opportunities within the area, which

will continue the promotion of employment opportunities for the community. Staff finds this planned development consistent with Goal 158.

Transportation Considerations:

The applicant has provided a traffic impact statement for the proposed development and provided analysis on the surrounding transportation system (Attachment J). Infrastructure Planning staff has provided analysis and comment of the applicant's traffic impact statement (Attachment K). Staff notes that the proposed project is not anticipated to adversely impact the surrounding roadway system. Staff also recommends the following condition to ensure compliance with the Land Development Code.

> *"Development intensity is limited to new trips generated by a 17,000-SF automobile parts and service use as estimated by the Institute of Transportation Engineers (ITE) Trip Generation Manual current at time of local development order*."

Bicycle and Pedestrian Facilities:

The subject property fronts South Tamiami Trail (US 41), which is located on Lee Plan Map 3-D. At the time of development order approval, the development must comply with the bicycle and pedestrian requirements contained in Chapter 10 of the Land Development Code.

Transit Facilities:

The subject property is within one-quarter mile of Lee Tran Route 140. At the time of development order approval, all new development must comply with the transit facility requirements found in Chapter 10 of the Land Development Code.

Urban Services:

The subject property is serviced by Sheriff, Fire, and EMS stations 1.9 miles north of the property.

Standards 4.1.1 and 4.1.2 address water and sanitary sewer requirements for commercial developments. The applicant has provided a letter of utility availability to support the future development of this parcel as described in this request (Attachment M). Staff finds the proposed development consistent with Standards 4.1.1 and 4.1.2.

Deviations:

The applicant seeks four deviations as part of this request and has provided justification as to how the requested deviations meet the criteria for approval (Attachment G). Below is staff analysis of the proposed deviations:

1. Deviation 1 seeks relief from LDC Section 10-416(d)(1) – Buffering adjacent property – which requires buffering along the entire perimeter of the of the proposed development whenever the proposed development abuts a different use, to allow for the proposed buffer to be located 40 feet from the property line in the southeast corner of the property.

   The applicant states that there is an existing access and utility easement that runs along the southern boundary of the subject property for approximately 334 feet. The nature of the easement would not allow for sufficient buffering to be located within the easement area, and as a result the

applicant seeks to place the required buffer plantings to the north of the easement. It should be noted that this easement terminates prior to the residential portion of the development to the south, and therefore will not impact the required buffer adjacent to residential uses. Staff recommends APPROVAL of this deviation.

2. Deviation 2 seeks relief 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 be provided on the ingress side of the gate or gatehouse, to allow for wider driveway aprons to serve as turnaround to allow vehicles to return to the access drive in a forward motion and continue towards the rear exit.

   Development Services has reviewed this deviation and offered no objection. Staff recommends APPROVAL of this deviation.

3. Deviation 3 seeks relief from LDC Section 10-610(e) Parking lot interconnections, which requires adjacent commercial uses to provide parking lot interconnections for automobile, bicycle and pedestrian traffic, to allow for no parking lot interconnection to the developed parcel zoned Commercial (C-1A) abutting to the northeast.

   Development Services has reviewed this deviation and offered no objection. Staff recommends APPROVAL of this deviation.

4. Deviation 4 seeks relief from LDC Section 10-296, which requires certain design requirements of a local roadway, to allow an alternative cross section for the improvements to the unnamed road (Private Road). The alternative plan includes widening the road surface to achieve a minimum of 22 feet, structural repairs as necessary, an addition of 1.0 inch of FDOT Type SP 9.5 asphalt, and cleaning and clearing exotics and other vegetation from roadway ditches.

   The applicant states that existing roadway utilizes open drainage and has a pavement width that ranges between ±15 feet and ±18 feet. The existing pavement is currently in poor condition with several structural failures. The project is in the Suburban Future Land Use category which would typically call for the "Suburban Local Street" cross section consisting of open drainage, shoulders, planting areas and sidewalks. Given the nature of the existing roadway and the existing adjacent development, the applicant proposes a cross-section to include widening to 11 feet travel lanes and open drainage.

   Development Services has reviewed this deviation and offered no objection. Staff recommends APPROVAL of this deviation.

CONCLUSION:

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

a) Complies with the Lee Plan;

   Based on the analysis above, staff finds that the proposed planned development rezoning, as conditioned, is consistent with the Lee Plan. The proposed uses and intensities 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 has demonstrated compliance with the requirements of the Land Development Code, including but not limited to LDC Section 34-373 and 34-1352.

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

The proposed use is appropriate for the location, and as conditioned, is compatible with the surrounding area.

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

Access is proposed on South Tamiami Trail (US 41) and an unnamed accessway. Impacts to these roadways will be required to be mitigated consistent with the requirements of the Land Development Code.

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

Staff has reviewed the transportation impacts of the request and has concluded that the request does not significantly impact the roadway network in the area.

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

Staff has reviewed the potential environmental impacts and the request, as conditioned, sufficiently protects environmental resources.

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

This request has demonstrated or will provide for sufficient urban services, including utilities, roadways, transit, bicycle and pedestrian facilities, and public safety, are available for the project.

Additionally, staff has concluded:

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

Staff finds that as conditioned, the proposed use is appropriate for the area.

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 proposed conditions appropriate for approval to sufficiently address impacts to the public's interest expected from 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 four deviations.

Staff, therefore, recommends approval of this Planned Development Rezoning, as conditioned in Attachment C.

ATTACHMENTS:

A. Expert Witness Information
B. Maps: surrounding zoning, future land use and aerial photograph
C. Recommended Conditions and Deviations
D. Request Statement
E. Legal Description
F. Applicant Proposed Conditions
G. Applicant Schedule of Deviations.
H. Resolution Z-89-008
I. Resolution Z-96-082
J. Traffic Impact Statement
K. Infrastructure Planning Memorandum
L. Stormwater Management Plan
M. Letter of Utility Availability
N. Master Concept Plan