LEE COUNTY BOARD OF COUNTY COMMISSIONERS

ZONING
and
COMPREHENSIVE PLAN AMENDMENT HEARING
AGENDA

Wednesday, November 6, 2024
9:30AM

DCI2023-00015 Z-24-022	Pine Island Road CPD
DCI2023-00049 Z-24-023	Royal Palm Multifamily RPD
CPA2023-00010	BSR 40
CPA2023-00012	Babcock Lee Comprehensive Plan Amendment

NOTICE OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold a public hearing at 9:30 am on Wednesday, November 6, 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 case(s) below.

DCI2023-00015 / Pine Island Road CPD

Request to rezone 9.7± acres from Agricultural (AG-2) and Commercial (C-1 and C-1A) to Commercial Planned Development (CPD) to allow a maximum of 115,000 square feet of commercial uses including a convenience food and beverage store with sixteen fueling positions.

Located At SW corner of Pine Island Road and Cleveland Avenue, North Fort Myers Planning Community, Lee County, FL

DCI2023-00049 / Royal Palm Multifamily RPD

Request to rezone 19.33 +/- acres from Mobile Home Conservation Residential District (MHC-2) to Residential Planned Development (RPD) to allow 391 multifamily dwelling units with amenities, including 136 units of bonus density.

Located At SW corner of Old Gladiolus Drive and US 41, South Fort Myers Planning Community, Lee County, FL

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

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

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

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

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

In accordance with the Americans with Disabilities Act, Lee County will not discriminate against qualified individuals with disabilities in its services, programs, or activities. To request an auxiliary aid or service for effective communication or a reasonable modification to participate, contact 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.

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, November 6, 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:

> CPA2023-00010 BSR 40 - Amend Lee Plan Map 1-A, Future Land Use Map, to redesignate the +38.51 acre property from Open Lands and Wetlands to Central Urban and Wetlands future land use categories, and update Table 1(b), Year 2045 Allocations, to accommodate development within the Central Urban future land use category in the Burnt Store Planning District. The property is located on the east side of Burnt Store Road, east of the Cape Coral City Limits, and approximately one mile south of the Charlotte County boundary.

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 PROPOSED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN (TRANSMITTAL HEARING)

The Lee County Board of County Commissioners will hold a public hearing to consider proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, November 6, 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. At the hearing, the Board will consider the proposed amendments for transmittal to the Florida Department of Commerce:

> CPA2023-00012 Babcock Lee Text Amendment - Amend Lee Plan Policies 1.1.15, 29.9.1, and 29.9.2 relating to the New Community future land use category and Note 19 of Table 1(a), Summary of Residential Densities, to increase the residential density for the approximately 4,157-acre portion of Babcock Ranch in Lee County from 1 unit per 2.5 acres with a maximum of 1,630 units to 1 unit per 1.9 acres with a maximum of 2,078 units and reduce the nonresidential intensity from 600 hotel rooms to 250 hotel rooms. The subject site is generally located east of State Road 31 and north of North River Road.

This transmittal hearing is the first step in a two-step public hearing process to amend the Lee Plan. A second hearing will follow the Department of Commerce's review of the application.

Documentation for the Proposed Comprehensive Plan Amendment is available at https://www.leegov.com/dcd/planning/cpa or at the Department of Community Development located at 1500 Monroe Street, Fort Myers, Florida. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

It is the intent of the Board of County Commissioners that the provisions of this Comprehensive Plan Amendment 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.

DCI2023-00015
PINE ISLAND ROAD
CPD

Staff Summary

CASE NUMBER & NAME:	DCI2023-00015 / Pine Island Road CPD
REQUEST:	Request to rezone 9.7± acres from Agricultural (AG-2) and Commercial (C-1 and C-1A) to Commercial Planned Development (CPD) to allow a maximum of 115,000 square feet of commercial uses including a convenience food and beverage store with sixteen fueling positions.
RESOLUTION NUMBER:	Z-24-022
LOCATION:	SW corner of Pine Island Road and Cleveland Avenue, North Fort Myers Planning Community, Lee County, FL
OWNER:	41 Pine RRV, LLC
APPLICANT:	Phoenix Associates of Florida, Inc.
AGENT:	Josephine Medina, AICP RVI Planning and Landscape Architecture 28100 Bonita Grande Drive, Suite 305 Bonita Springs, FL 34135
HEARING EXAMINER RECOMMENDATION:	Approve, subject to conditions and deviations set forth in Exhibit B.
PARTICIPANTS (2):	1. Sarah Decker 2. Jason Harper

DCI2023-00015

Aerial

Subject Property

City Limits

N
W E
S

0 250 500 750
Feet

Lee County
Southwest Florida

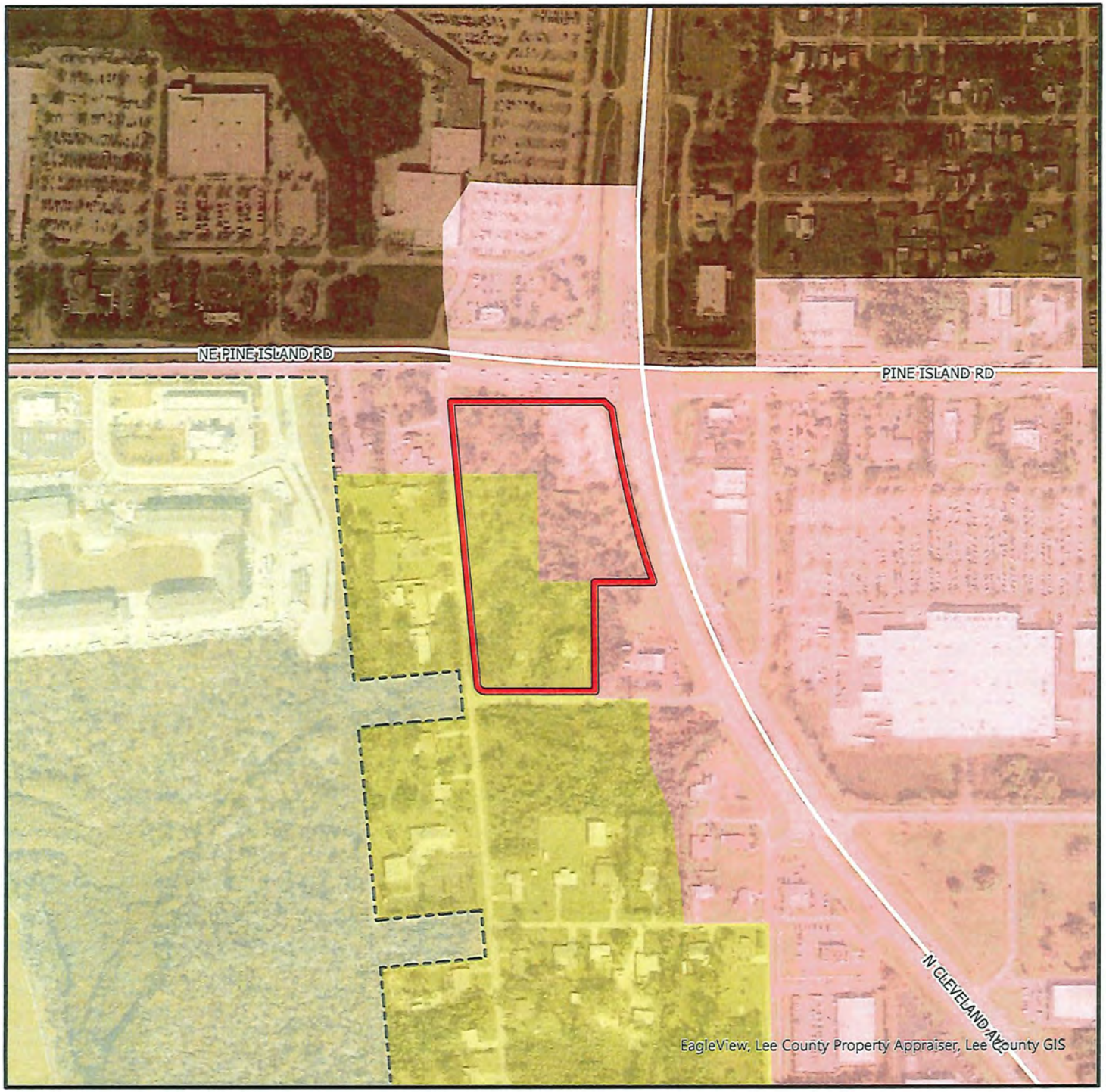
Summary of Hearing Examiner Recommendation

PINE ISLAND ROAD CPD

The request seeks to develop the southwest corner of the US 41 and Pine Island Road intersection with a range of intense commercial uses and a storage facility.

The Master Concept Plan and conditions of approval ensure protection of nearby residents. This is accomplished through site design that orients intense uses toward arterial roadways, enhances right of way buffers along Herron Road, and imposes limitations on hours of operation.

Detailed recommendation follows



DCI2023-00015

Future Land Use

- Subject Property
- Intensive Development
- Central Urban
- Sub-Outlying Suburban
- City Limits

N
W E
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0 250 500 750
Feet

Lee County
Southwest Florida

DCI2023-00015

Aerial

Subject Property

City Limits

N
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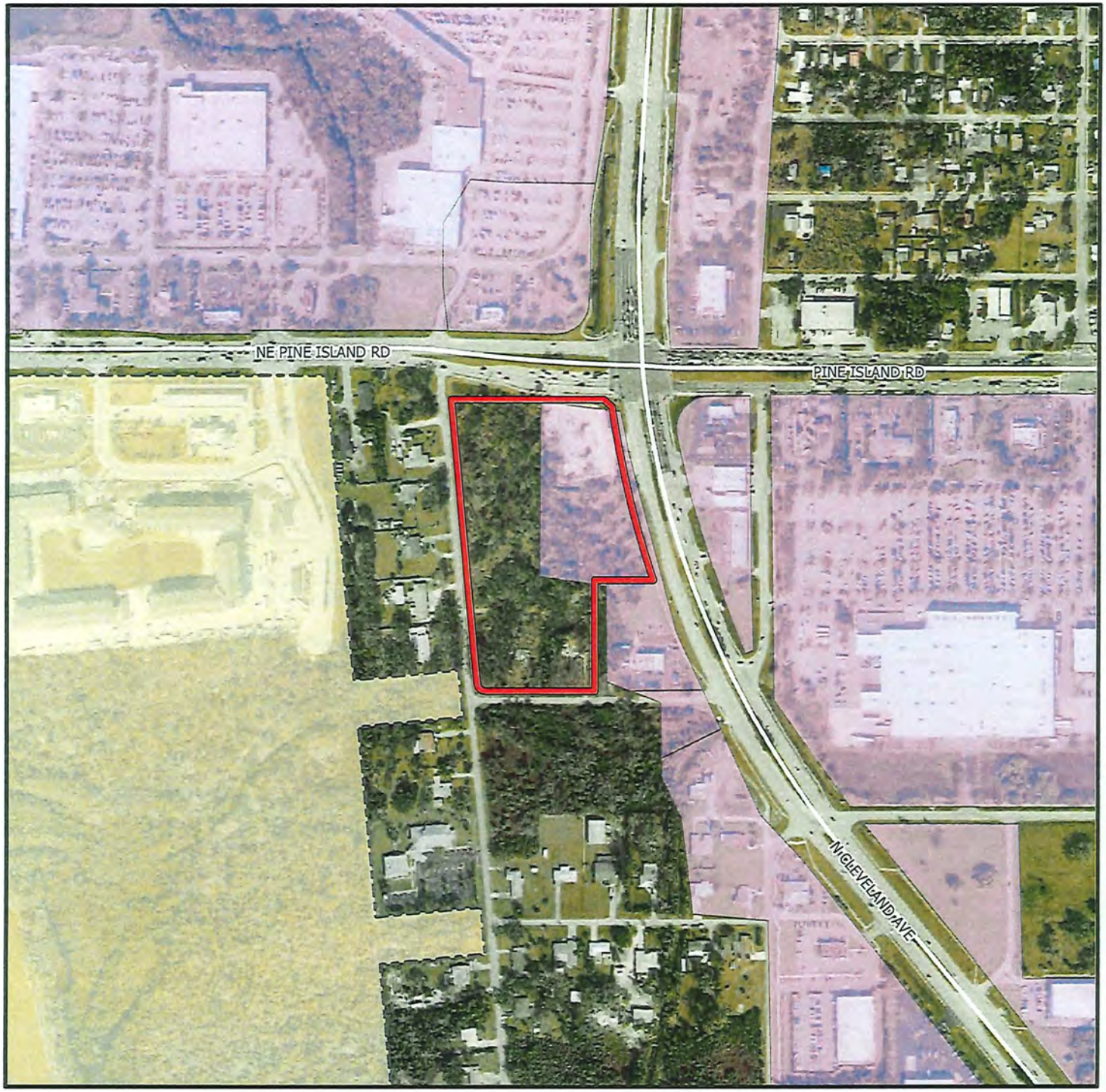
0 250 500 750
Feet

Lee County
Southwest Florida



DCI2023-00015

Mixed Use Overlay

Subject Property

Mixed Use Overlay

City Limits

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0 250 500 750
Feet

Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2023-00015

Regarding: **PINE ISLAND ROAD CPD**

Location: Southwest corner of US 41 and Pine Island Road
North Fort Myers Planning Community
(District 4)

Hearing Date: August 14, 2024
Record Closed: **September 23, 2024**

I. Request

Rezone 9.7 acres from Commercial (C-1 and C-1A) and Agricultural (AG-2) to Commercial Planned Development (CPD), to allow 121,800 square feet of commercial uses with maximum heights of 45 feet. The request seeks alternative development scenarios as follows:

Option A:

- Up to 100,000 sq. ft. mini or public warehouse,
- 4,000 sq. ft. carwash,
- 2,500 sq. ft. auto repair services,
- 5,000 sq. ft. fast food restaurant,
- 7,800 sq. ft. commercial retail uses.

Option B:

- Up to 100,000 sq. ft. mini or public warehouse,
- 4,000 sq. ft. carwash,
- 2,500 sq. ft. auto repair services,
- 7,500 sq. ft. convenience food and beverage store with 16 fuel pumps.

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approve, subject to 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 in North Fort Myers to the CPD 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.[2]

Request

Applicant requests to rezone 9.7 acres from C-1 and C-1A and AG-2 to CPD. The proposed CPD includes two potential development scenarios:

Option A:

- Up to 100,000 sq. ft. mini or public warehouse,
- 4,000 sq. ft. carwash,
- 2,500 sq. ft. auto repair services,
- 5,000 sq. ft. fast food restaurant,
- 7,800 sq. ft. commercial retail uses.

Option B:

- Up to 100,000 sq. ft. mini or public warehouse,
- 4,000 sq. ft. carwash,
- 2,500 sq. ft. auto repair services,
- 7,500 sq. ft. convenience food and beverage store with 16 fuel pumps.

The request includes two deviations from LDC standards. Maximum building heights will be 45 feet.

The Master Concept Plan (MCP) clusters buildings internal to the site and provides enhanced buffering along Herron Road. Both development options feature driveways on US 41, Pine Island Road, and Herron Road. The Herron Road

[1] LDC §34-145(d)(4) a.
[2] Hearing Examiner codified conditions and deviations from prior approvals.

Access drive is located 125 feet from Pine Island Road to minimize impacts to the neighborhood.

Character of Area

The property is in the North Fort Myers Planning District and subject to a community plan. The site is located at the intersection of US 41/North Cleveland Avenue and Pine Island Road.

US 41/North Cleveland Avenue is a "Commercial Corridor" under the North Fort Myers Community Plan.[3] The corridor is developed with large retail centers and midsize commercial businesses. Multifamily development is underway north of Merchant's Crossing.[4] There is an auto repair business on the corner of Pineapple Lane and US 41/North Cleveland Avenue. Herron Road is developed with single family homes and a church.

History

The 9.7 acre site is comprised of 11 separate parcels. Three parcels abutting US 41/North Cleveland Avenue are zoned C-1. These parcels lie within the Mixed Use Overlay. One parcel along Pine Island Road is zoned C-1A and the remaining seven parcels are zoned for agriculture.[5]

The commercially zoned parcels were formerly developed with a car wash. Three of the seven agriculturally zoned parcels hosted three single family dwellings. All improvements have been removed and the property is now vacant.

Lee Plan

Planned developments must be consistent with the Lee Plan.[6]

The Lee Plan designates the property within the Intensive Development and Sub-Outlying Suburban future land use categories.

The Intensive Development Future Land Use category is the most intense under the Lee Plan. Intensive Development areas are located along major arterial roads with access to a wide array of services.[7] These areas are considered suited for intense development.[8]

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[3] LDC §§33-1537, 33-1566(a).
[4] Commercial uses in the immediate area include regional shopping centers, convenience stores with fuel pumps, and pharmacies.
[5] Staff Report page 2.
[6] LDC §34-411(a).
[7] The property is in an area of the County characterized by intense development patterns.
[8] See Lee Plan Table 1(b).

Sub-Outlying Suburban lands feature low density residential land uses. These areas generally do not have the infrastructure needed to support intense development. This Sub-Outlying Suburban category are typically found in areas where intense development is not anticipated or where there is a desire to retain a low-density community character.[9] The Sub-Outlying Suburban classification of a portion of the site appears to be a vestige from development patterns predating the urbanization of the US 41 and Pine Island Road corridors. Properties along Herron Road are sandwiched between the City of Cape Coral and the intense development along Pine Island Road and US 41.

The juxtaposition of the two diametrically different land use categories requires careful attention to site design and buffering.

The property's current zoning designation is C-1, C-1A, and AG-2. The purpose of the C-1 and C-1A districts is to regulate continuance of commercial and select residential land uses.[10] The purpose of agricultural districts is to provide for agricultural operations with ancillary residential use.[11] The Lee Plan discourages new agricultural uses in future urban areas with public services and infrastructure available to serve development.[12] The requested planned development district authorizes development of land uses better suited to property in an urban area.[13]

Development in North Fort Myers is subject to a Community Plan adopted as part of the Lee Plan as well as specific use and site design criteria in the LDC.[14] The Community Plan emphasizes protecting North Fort Myers' character, economic vitality, and quality of life.[15] The proposed CPD will serve residents in surrounding areas and the traveling public.

The Economic Element of the Lee Plan encourages expansion of the County's economic base.[16] The proposed mix of land uses contributes to a positive business climate creating additional employment opportunities.[17]

A portion of the site is located within a Mixed Use Overlay.[18] The Mixed Use Overlay is desirable for mixed use development due to its proximity to public transit, shopping, and employment centers.

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[9] Lee Plan Policy 1.1.11.
[10] LDC §34-841.
[11] LDC §34-651.
[12] Lee Plan Goal 9, Objective 9.2.
[13] Lee Plan Goal 6, Objective 9.2, Policies 6.1.4, 6.1.7, 9.2.1.
[14] Lee Plan Goal 30 adopted by Lee County Ordinance No. 09-11 on February 25, 2009. Community specific LDC regulations adopted by Lee County Ordinance No. 12-01 on January 10, 2012.
[15] *See* Lee Plan Goal 30.
[16] Lee Plan Goal 158 Objective 158.2.
[17] Lee Plan Goal 158, Objective 158.3.
[18] Lee Plan Map 1-C: Mixed Use Overlay.

Lee Tran routes 140 and 595 travel along US 41 and Pine Island Road with transit stops proximate to the project.[19] There are sidewalks and shared use paths on Pine Island Road and US 41.[20]

Compatibility

Compatibility between land uses exists when land uses do not unduly impact one another. Planned development zoning is a useful tool when integrating new development with surrounding land uses.[21] The planned development zoning district allows flexibility in site design to address potential incompatibilities with residential development on Herron Road.

The property's location at the intersection of two heavily traveled arterial roadways makes the site suitable for intense land uses.[22] The Mixed Use Overlay designation on a portion of the site encourages compact urban development forms.[23] The property qualifies as "infill" contributing to contiguous development patterns.[24]

Zoning the property to a commercial district will permit development of uses designed to serve nearby residential land uses and traveling public.[25] The proposed CPD is consistent with development patterns along the US41/North Cleveland Avenue commercial corridor.[26] The site will serve as a transition between the US41 corridor and less intense uses to the west. The Herron Road right of way separates residential land uses from proposed commercial uses and more intense development and traffic along US 41.[27]

The North Fort Myers Community Plan encourages streetscape and landscape improvements along North Cleveland Avenue.[28] While property in a Mixed Use Overlay generally benefits from scaled back open space and landscape requirements,[29] the LDC imposes enhanced landscape requirements for some uses regardless of location.[30] These enhanced standards will apply to convenience stores with fuel pumps as well as fast food restaurants.

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[19] Lee Plan Policy 39.1.3.
[20] Lee Plan Policies 39.6.4, 43.1.1, Lee Plan Map 3-D: Lee County Walkways & Bikeways.
[21] LDC §34-612(2).
[22] LDC §34-413
[23] Lee Plan Map 1-C, 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 Goal 6, Objective 2.2, Policy 6.1.7.
[25] Lee Plan Goal 30.
[26] Lee Plan Policies 1.1.2, 6.1.7, 11.2.5.
[27] The sub-outlying Suburban future land use designation on Herron Road is a vestige of prior development patterns. The site borders an enclave of single family development bounded by the City of Cape Coral and the Intensive Development category.
[28] Lee Plan Policy 30.3.1.
[29] LDC §10-425.
[30] LDC §§10-424, 10-425; *see* also LDC §10-425.

Lighting on the property is regulated by LDC outdoor lighting standards.[31] Developer must comply with illumination restrictions, shielding and orientation of lighting fixtures. In addition, as a commercial structure, the warehouse facility will be subject to LDC design standards for commercial buildings.[32]

The MCP and recommended conditions will shield residents of Herron Road from project impacts. Conditions include placement of the carwash and dumpsters internal to the project, relocation of Herron Road driveway access to within 125 feet of Pine Island Road, enhanced buffering along Herron Road, and limitations on carwash hours of operation. Recommended conditions and site design reflected in the MCP ensures limited impact to area residents.

There was no testimony on the record as to whether the warehouse facility will be monitored by security cameras, or if there are plans to provide onsite security personnel.[33] Notwithstanding proximity to residences, no restrictions were proposed on hours of operation The Hearing Examiner recommends hours of operation for warehouse uses from 6 am to 10 pm daily. If applicant intends to operate 24 hours a day, the Hearing Examiner recommends a condition requiring onsite security personnel between the hours of 10 pm and 6 am.

LDC

Rezoning requests must comply with County regulations or seek deviations.

Once rezoned, permitted uses must be consistent with the design standards for the North Fort Myers Commercial Corridor.[34] Commercial projects in North Fort Myers are required to provide publicly accessible open space.[35] Future buildings must comply with North Fort Myers Urban Design Guidelines for commercial land uses.[36] The Community Plan also encourages streetscape and landscape improvements along US 41/North Cleveland Avenue.[37] Site development must comply with these regulations or seek variances.

A "deviation" is a departure from a land development regulation.[38] Applicants must demonstrate deviations enhance the planned development and will not cause a

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[31] LDC §34-625.
[32] The purpose of the commercial building design standards is to maintain and complement the street scape by requiring buildings to be designed with architectural features and patterns that provide visual interest consistent with the community's identity and local character. LDC §10-620 *et seq.*
[33] Requested uses did not include a caretaker's residence.
[34] North Fort Myers is subject to a community plan set forth in Lee Plan Goal 30 as well as supplemental development regulations in LDC §33-1531 *et seq.*, including standards governing architecture, signs, landscaping, and site design. LDC §§33-1571, 33-1596. Land uses must be consistent with the commercial corridor use regulations.
[35] LDC §33-1572.
[36] LDC §33-1575 *et seq.*
[37] Lee Plan Policy 30.3.1.
[38] LDC §34-2.

detriment to the public.[39] The CPD includes two deviations; one relating to parking and the other to internal road buffering.[40] Applicant submitted a parking study of seven warehouse facilities in Lee County and Fort Myers demonstrating parking demand is lower than LDC standards. County staff accepted the study in support of the requested parking deviation.

Staff recommended approval of both deviations, and the Hearing Examiner agrees with this recommendation. [41]

The North Fort Myers Community Planning & Design Review Panel reviewed the request prior to hearing and expressed no objection to the proposed zoning.[42] The property will be subject to further community review at the development order stage.[43]

Development will be subject to road, fire, and emergency medical services impact fees.[44]

Environmental/Natural Resources

Rezoning requests must not adversely affect environmentally critical/sensitive areas or natural resources.

A portion of the site has been cleared and does not contain wetlands.[45] The species survey revealed no evidence of protected species.[46] The MCP depicts 2.56 acres of open space, 1.0 acre of which will be comprised of an upland indigenous preserve. Project open space includes wet and dry detention areas and landscape buffers.

Developer must install enhanced plantings along Herron Road.[47] The 30 foot wide Type F buffer will include ten trees every 100 linear feet with a double staggered hedgerow. The hedgerow must be 48 inches high at installation and maintained at 60 inches to ensure a lush landscape buffer along the Herron Road right of way. The buffer will ameliorate potential impacts to residents on Herron Road.

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[39] LDC §34-373(a)(9).
[40] LDC §§34-2013(b)(3), 34-2020(b).
[41] The Hearing Examiner may recommend approval, approval with modifications or denial of deviations based on findings that a deviation (1) enhances the planned development and, (2) preserves/promotes public health, safety, and welfare. LDC §34-377(a)(4).
[42] Advertised meeting held on February 6, 2024, before the North Fort Myers Community Planning Panel. LDC §33-1532(a). *See* Staff Report Attachment F.
[43] LDC §33-1532.
[44] Lee Plan Policies 38.1.1, 38.1.5; LDC Chapter 2.
[45] Staff Report Attachment F: Testimony of Barrett Stejskal, BearPaws Environmental Consulting.
[46] *Id.*
[47] *See* Condition 6.

Buffers and landscaping within open space areas must follow Xeriscape principles and consist of native landscape to conserve water.[48]

The Hearing Examiner finds the proposed CPD will not harm environmentally critical/sensitive areas or natural resources.[49] The plan of development includes removal of exotic vegetation.

Transportation

Access must be sufficient to support development intensity and expected impacts must be addressed by existing county regulations.

The property is bounded on four sides by roadways: Pine Island Road, US 41, Herron Road, and Pineapple Lane. US 41/North Cleveland Ave and Pine Island Road are state maintained arterial roadways.[50] As such, Florida Department of Transportation has permit authority over driveway access and location. Herron Road and Pineapple Lane are County maintained local roads.

Three access drives will serve the site: A right in only access from Pine Island Road, a right-in/right-out access to US 41, and a full access from Herron Road.[51] The Herron Road access drive is located 125 feet from Pine Island Road to limit project related traffic in the adjacent residential neighborhood.[52]

The Traffic Impact Statement (TIS) calculated project impacts on the county road network.[53] The TIS reflects the convenience store/gas station use attracts a significant amount of traffic from vehicles already traveling adjoining roadways.[54] This "pass by" traffic reduces impacts to the road network.

The TIS concludes most roadways will not be significantly impacted by the project at buildout. The exception is Pine Island Road west of US 41, which will operate *below* adopted levels of service at buildout.[55] However, the condition exists in 2027 with *and without* the proposed development.[56] The County does not require special mitigation to address existing transportation deficiencies. As a result, project traffic

[48] Lee Plan Objective 126.2, Policy 126.2.1, LDC §10-421.

[49] Lee Plan 125.1.2.

[50] Lee County Administrative Code 11-1.

[51] MCP. The MCP depicts no access to Pineapple Lane.

[52] The developer must upgrade Herron Road to the project access to meet County road standards.

[53] TIS attached to Applicant's 48 hour memorandum prepared by TR Transportation Consultants, Inc. revised February 16, 2024.

[54] *Id.* Consistent with FDOT studies in Florida, pass-by rates for gas station use is 77%. Proposed retail uses will also experience pass-by trip reductions. Significant impact is defined as the project trips impacting a roadway link greater than 140% of the adopted Level of Service "C" service volumes.

[55] TIS attached to Applicant's 48 hour memorandum prepared by TR Transportation Consultants, Inc. revised February 16, 2024. Significant impact is defined as the project trips impacting a roadway link greater than 140% of the adopted Level of Service "C" service volumes.

[56] The County will not require special mitigation to address level of service issues when there are existing transportation deficiencies not caused by a project.

generated by the proposed rezoning does not warrant roadway capacity improvements.[57]

Further analysis of transportation impacts, including site-related turn lane improvements, will occur during development order permitting.[58]

Transit

Lee Tran Route 140 runs along US 41.[59] Project design must comply with LDC requirements to facilitate transit access.[60]

Greenways Master Plan

The property is on the Pine-Island Hendry Trail, which runs along Pine Island Road.[61]

Public Services

Public services include facilities, capital improvements, and infrastructure necessary to support development at urban levels of intensity.[62] The Lee Plan requires evaluation of available public services during the rezoning process.[63]

Public services and infrastructure are in place to serve the property.[64] The site is surrounded by paved roadways. There is public water and sanitary sewer

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[57] TIS attached to Applicant's 48 hour memorandum prepared by TR Transportation Consultants, Inc. revised February 16, 2024.

[58] Site related road improvements include capital improvements and right-of-way dedications for direct access to the development. Direct access improvements may include: (1) site access and roads; (2) Median cuts; (3) Turn and deceleration/acceleration lanes; (4) Traffic control measures; (5) Access/frontage roads providing frontage for newly created lots; (6) Roads or intersection improvements whose primary purpose is to provide access to the development; (7) Improvements to bicycle and pedestrian facilities along parcel frontage of public streets; (8) Improvements to transit facilities within one-quarter mile of parcel frontage measured along principal perimeter streets.
LDC §§10-1, 10-7(b), 10-286, 10-288, 10-441.

[59] Lee Plan Map 3-C: 2045 Financially Feasible Transit Network. An improved transit stop is located on US 41 along the site frontage. *See* Lee Plan Policies 43.1.1, 158.3.1.

[60] LDC §10-442(b) requires projects proposing 30,000 square feet or greater commercial floor area must provide a paved walkway to the nearest bus stop and install a bicycle storage rack, signage, and a landing pad within the road right of way or dedicated easement.

[61] Lee Plan Map 4-E Greenways Master Plan.

[62] Public services include public water and sewer, paved streets, parks, and recreation facilities, urban levels of police, fire and emergency services, surface water management, schools, employment, industrial and commercial centers, institutional, public, or administrative facilities, and community facilities.

[63] Lee Plan Policy 2.2.1.

[64] Lee Plan Glossary definition of Public Services, Goal 4, Policies 1.1.2, 2.2.1, Standards 4.1.1, 4.1.2.

infrastructure to serve the property.[65] Fire, EMS, and law enforcement services are available from nearby stations.[66]

The property has access to two major arterials: Pine Island Road and US 41. Pine Island Road offers connections to I-75, Del Prado Boulevard, and Business US 41. Lee Tran services the US 41 and Pine Island Road corridors.[67] Applicant may be required to provide convenient access to the nearest bus stop.[68] A shared use path for cyclists and pedestrians is located on Pine Island Road and US 41.[69]

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County resources.[70] Conditions must be plausibly related to the project's anticipated impacts, and pertinent to mitigating impacts to the public.[71]

The CPD is subject to conditions addressing impacts reasonably anticipated from development.[72] Notable conditions include restoration of indigenous upland vegetation, restrictions on hours of operation, and signs to discourage truck traffic on Herron Road.[73]

The Hearing Examiner has the authority to recommend additional conditions in the context of a proposed planned development.[74] In furtherance of this authority, the Hearing Examiner recommends conditions to ensure compatibility with nearby residents on Herron Road. These conditions include limiting the hours of operation of the carwash and warehouse facility.

Hearing Examiner revised conditions/deviations for clarity, compliance with state law and to remove LDC references applicable to development by Condition 1.

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[65] Lee County Utilities and FGUA have public water and sanitary sewer infrastructure in proximity to the property. Lee Plan Standards 4.1.1, 4.1.2; Staff Report.
[66] North Fort Myers Fire Control & Rescue Service District has stations on Barrett Road and Trail Dairy Circle. Lee County EMS Medic 7 and Lee County Sheriff North District Office are located on Pondella Road.
[67] Lee Plan Objective 11.2, Policy 30.3.3; Lee Tran Route 140.
[68] Developer must ensure access to public transportation if available. Lee Plan Objective 11.2, Policy 30.3.3, Map 3-C, LDC §33-1574 identifies design techniques that facilitate public access to transit.
[69] Lee Plan Map 3-D: Lee County Walkways & Bikeways.
[70] 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).
[71] LDC §34-932(b).
[72] LDC §§34-83(b)(4) a.3, 34-377(a)(2)c; Lee Plan Objective 77.3, Policies 5.1.5, 6.1.4, 77.3.1, 135.9.6.
[73] The Hearing Examiner further restricted the carwash hours of operation in deference to resident's concerns regarding noise.
[74] LDC 34-145(d)(1)c. and (d)(6)a.

Public

Two members of the public attended the hearing who were residents of Herron Road. They expressed concerns regarding the intrusion of commercial traffic into their residential neighborhood and attendant noise. Hearing Examiner's prehearing site visit brought the public's concerns into sharp focus.[75]

In response to resident concerns, Applicant revised the MCP relocating the Herron Road driveway closer to Pine Island Road. The revised MCP repositions intense uses proximate to US 41 and Pine Island Road. Applicant volunteered conditions limiting the hours of operation of the car wash and requiring the placement of signs discouraging commercial trucks from using Herron Road as a means of ingress or egress from the site. The Hearing Examiner further limited carwash hours of operation. In addition, the Hearing Examiner imposed limits warehouse hours of operation.[76]

Conclusion

The Hearing Examiner recommends approval of the requested Pine Island Road CPD, subject to conditions in Exhibit B.

The Hearing Examiner finds the Pine Island Road CPD meets LDC criteria and, as conditioned, is compatible with surrounding development.[77]

IV. Findings and Conclusions

Based on the testimony and exhibits presented in the record, the Hearing Examiner finds:

A. The requested CPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 6, 11, 30, 60, 61, 77, 95, 125, 158, 159; Objectives 2.1, 4.1, 6.1, 11.1, 11.2, 30.2, 77.2, 77.3, 126.2, and Policies 1.1.2, 1.1.11, 1.6.5, 2.2.1, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 30.2.5, 39.1.3, 135.9.6, Lee Plan Maps 1-A, 1-B, 1-C, 2-A, 3-C, 3-D, 4-A, 4-B, 4-E, Table 1(b).

B. As conditioned, the Pine Island Road CPD:

1. Is consistent with the LDC 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 Goals 2, 6, 30, Objectives 2.1, 2.2, 11.2, and Policies 1.1.2,

[75] The Hearing Examiner makes a site visit on each case. Lee County Administrative Code 2-6 §3.1.
[76] Mini-warehouse and public warehouse uses.
[77] Lee Plan Policy 6.1.4.

1.1.11, 5.1.5, 6.1.4, 11.2.1, 30.3.1, 39.1.3, 135.9.5, 135.9.6; LDC §§34-411, 34-413.

3. Provides sufficient road access to support proposed development intensity. Lee Plan Objective 39.1, Policies 6.1.4, 6.1.5, 30.3.3, 38.1.1, 39.1.1, 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 6.1.5, 38.1.1, 38.1.5, 39.1.3, 39.2.1; 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, 77, 125, Objectives 77.3, 126.2, Policies 6.1.6, 60.1.1, 61.3.6, 77.3.1, 77.3.3, 125.1.2, 125.1.3, 126.2.1, and Standard 4.1.4; and

6. Public services and infrastructure will be available to serve the development. Goals 2, 4, 6, 11, 95, Objectives 2.1, 2.2, 4.1, 6.1,158.3, Policies 2.2.1, 4.1.1, 4.1.2, 6.1.4, 11.2.1, 39.2.1, 65.2.1, 158.3.1, 160.1.1, Standards 4.1.1, 4.1.2.

C. The proposed uses are appropriate at the location. Lee Plan Goals 2, 6, 11, 30; Objectives 2.1, 2.2, 11.2, Policies 2.1.1, 2.1.2, 6.1.7, 6.1.8, 11.2.5, 39.1.3, 135.9.6, Lee Plan Table 1(b)

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 30, 125, Objectives 77.2, 77.3, 126.2, Policies 5.1.5, 6.1.4, 30.3.1, 53.1.5, 56.1.4, 77.3.1, 126.2.1, 135.9.6: 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).

F. Will be served by urban services and infrastructure. Lee Plan Goal 2, Objectives 2.1, 2.2, Policy 2.2.1, 4.1.1, 4.1.2.

Date of Recommendation: September 25, 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

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A TRACT OR PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING A PORTION OF LOT 8, LITTLE GROVES UNIT "B", AS RECORDED IN PLAT BOOK 9, PAGE 11, ALL OF LOT 4, MARIANA PARK ADDITION NO. 1, AS RECORDED IN PLAT BOOK 10, PAGE 36, ALL OF LOTS 8, 9, 10, 11, 12, AND PORTIONS OF LOTS 13 AND 14, MARIANA PARK 3RD ADDITION, AS RECORDED IN PLAT BOOK 12, PAGE 61, ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL 102, AS DESCRIBED IN OFFICIAL RECORDS BOOK 2614, PAGES 3177 THROUGH 3197, OF SAID PUBLIC RECORDS; THENCE S 89°54'05" E ALONG THE SOUTH LINE OF SAID PARCEL AND THE SOUTH RIGHT-OF-WAY LINE OF NE PINE ISLAND ROAD (STATE ROAD 78 – WIDTH VARIES) FOR 472.90 FEET; THENCE S 44°54'04" E ALONG SAID SOUTH LINE AND SAID RIGHT-OF-WAY LINE FOR 33.81 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF N. CLEVELAND AVENUE (U.S. 41 / STATE ROAD 45 – 200 FEE WIDE) AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 2,964.79 FEET, TO WHICH POINT A RADIAL LINE BEARS S 81°47'47" W; THENCE SOUTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 10°40'37" FOR 552.48 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID MARIANA PARK ADDITION NO. 1; THENCE N 89°56'16" W ALONG SAID NORTH LINE FOR 181.44 FEET TO AN INTERSECTION WITH THE WEST LINE OF LOT 3 OF SAID MARIANA PARK ADDITION NO. 1; THENCE S 00°17'45" E ALONG SAID WEST LINE FOR 343.97 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF PINEAPPLE LANE (50 FEET WIDE); THENCE N 89°56'16" W ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 339.37 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 84°37'20" FOR 36.92 FEET TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF HERRON ROAD (50 FEET WIDE); THENCE N 05°18'56" W ALONG SAID EAST RIGHT-OF-WAY LINE FOR 885.63 FEET TO THE **POINT OF BEGINNING.**

SUBJECT PARCEL CONTAINS: 9.71 ACRES, MORE OR LESS.

BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83/2011 (CORS), WHEREIN THE SOUTH RIGHT-OF-WAY LINE OF N.E. PINE ISLAND ROAD (STATE ROAD 78) BEARS S 89°54'05" E. THE SCALE FACTOR IS 0.999942347.

ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED: 05-30-2023.

Digitally signed by Allen M Vose III
Date: 2023.06.09 11:38:23 -04'00'

ALLEN M. VOSE III, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION NO. 7191
DATE SIGNED 06-09-2023
S:\Jobs\86xx\8638\Surveying\Descriptions\8638P BNDY LGL.doc
S:\Jobs\86xx\8638\Surveying\Descriptions\8638P BNDY SKT.dwg

REVIEWED
DCI2023-00015
Rick Burris, Principal Planner
Lee County DCD/Planning
5/7/2024

• SERVING THE STATE OF FLORIDA •

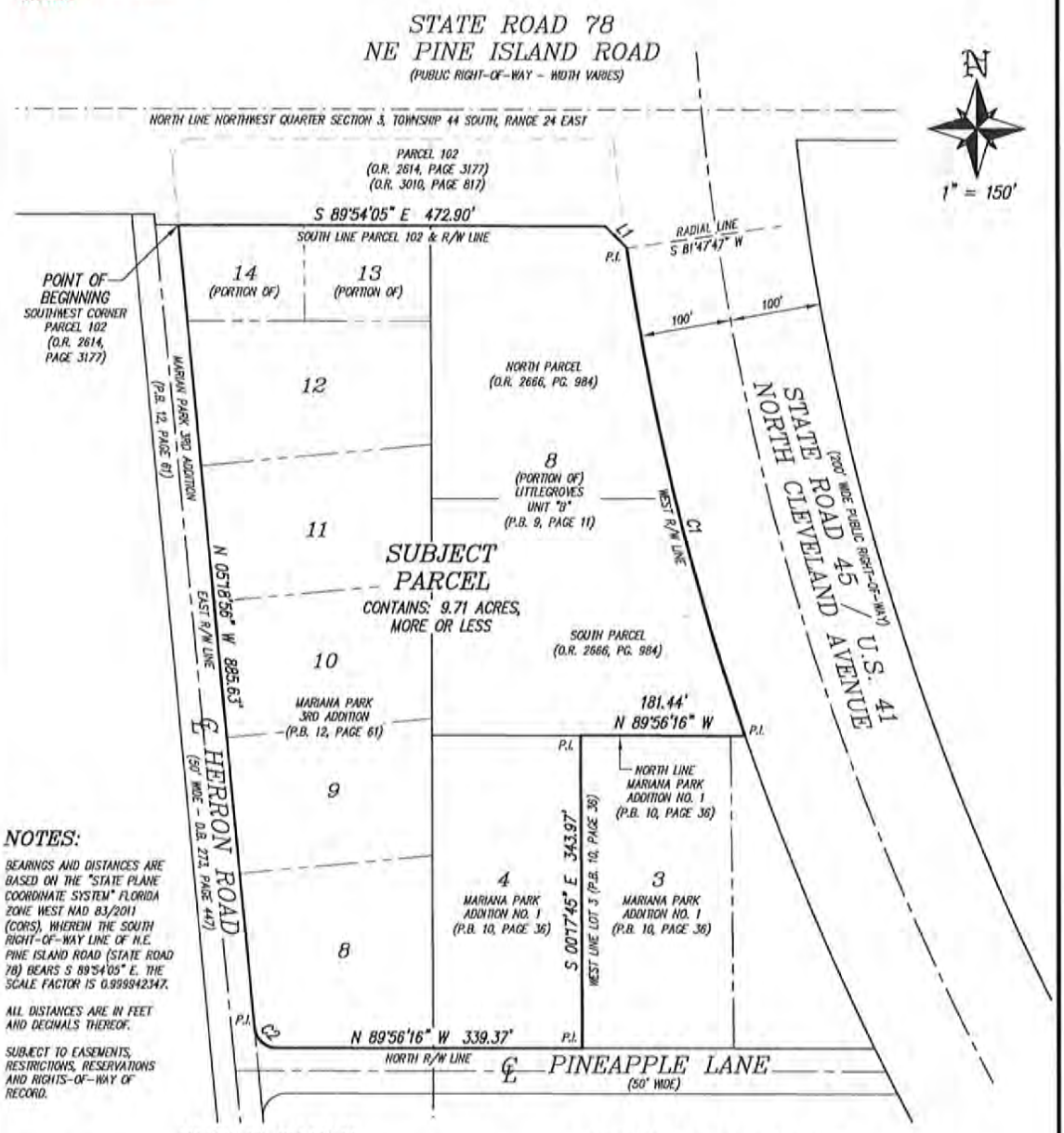
10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690

SKETCH OF DESCRIPTION

OF

A TRACT OR PARCEL OF LAND LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

REVIEWED
DCI2023-00015
Rick Burris, Principal Planner
Lee County DCD/Planning
5/7/2024



NOTES:

BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83/2011 (CORS), WHEREIN THE SOUTH RIGHT-OF-WAY LINE OF N.E. PINE ISLAND ROAD (STATE ROAD 78) BEARS S 89°54'05" E. THE SCALE FACTOR IS 0.999942347.

ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	2964.79'	10°40'37"	552.48'	551.68'	S 13°32'31" E
C2	25.00'	84°37'20"	36.92'	33.66'	N 47°37'36" W

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 44°54'04" E	33.81'

LEGEND:

℄	INDICATES CENTERLINE
P.B.	INDICATES PLAT BOOK
O.B.	INDICATES DEED BOOK
R/W	INDICATES RIGHT-OF-WAY
#	INDICATES LOT NUMBER #
I.N.	INDICATES INSTRUMENT NUMBER
P.I.	INDICATES POINT OF INTERSECTION
L1	INDICATES LINE DATA: SEE LINE TABLE
C1	INDICATES CURVE DATA: SEE CURVE TABLE
P.S.M.	INDICATES PROFESSIONAL SURVEYOR AND MAPPER
CORS	INDICATES CONTINUOUSLY OPERATING REFERENCE STATION

S:\JOBS\86XX\8638\SURVEYING\DESCRIPTIONS\8638P BNDY LGL.DOC
S:\JOBS\86XX\8638\SURVEYING\DESCRIPTIONS\8638P BNDY SKT.DWG

SEE SHEET 1 OF 2 FOR COMPLETE METES AND BOUNDS LEGAL DESCRIPTION

THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

ALLEN M. VOSE III * LICENSE NUMBER 7191 * STATE OF FLORIDA * PROFESSIONAL SURVEYOR & MAPPER

Digitally signed by Allen M Vose III
Date: 2023.06.09 11:38:41 -04'00'

ALLEN M. VOSE III, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION NO. 7191

- DATE SIGNED: 06-09-2023
- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490
FAX: (239) 939-2523

ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

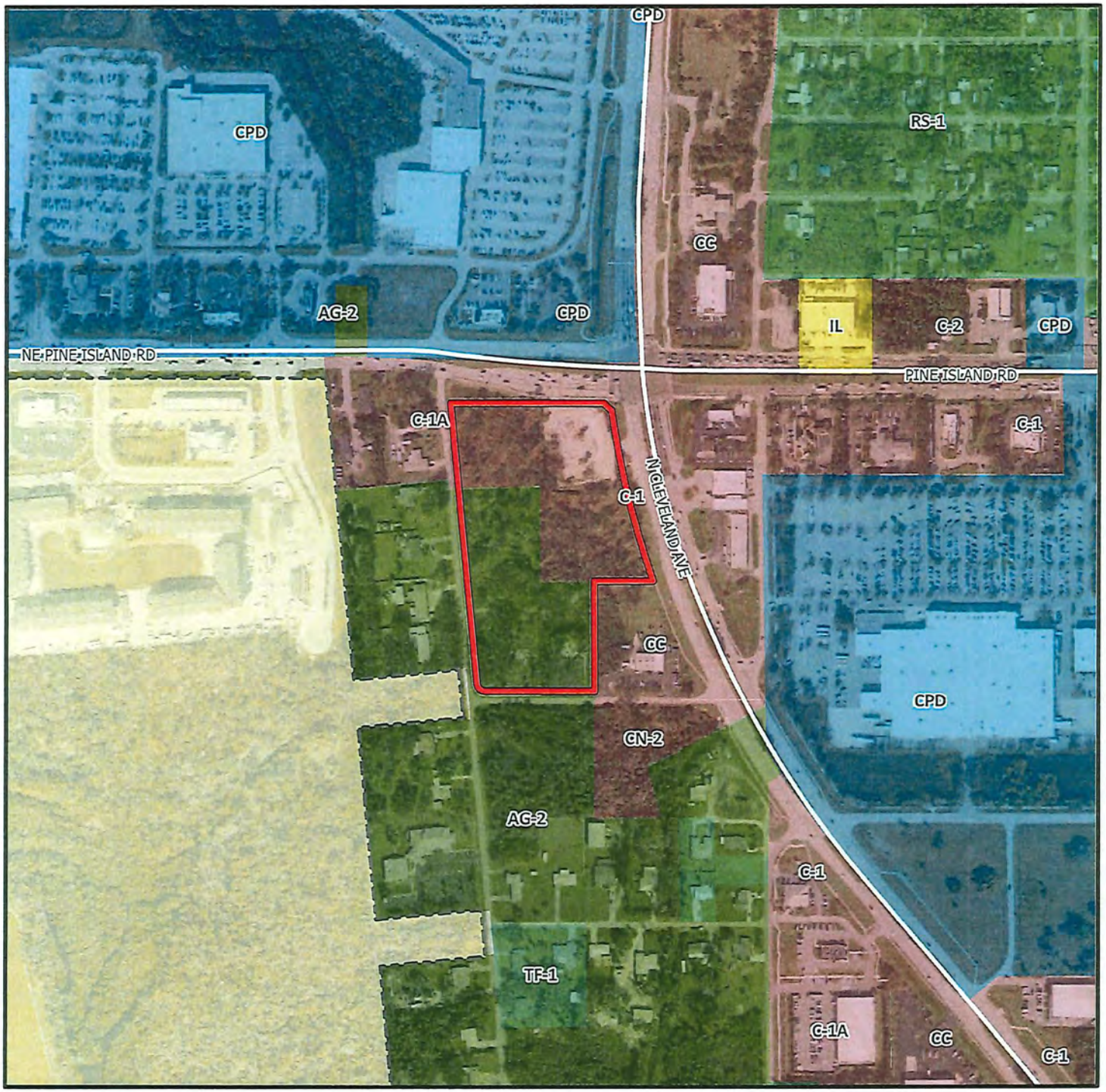
WWW.BANKSENG.COM

SKETCH OF DESCRIPTION

14993 N CLEVELAND AVE

NORTH FORT MYERS, LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
05-30-2023	8638P	BNDY SKT	AMV	AMV	1" = 150'	2	2	03-44-24



DCI2023-00015

Zoning

Subject Property

City Limits

N
W
E
S

0 250 500 750
Feet

Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS
As revised by the Hearing Examiner

CONDITIONS

1. Master Concept Plan (MCP). Development must be consistent with four-page MCP dated September 23, 2024, entitled "Pine Island Road CPD", prepared by Phoenix Associates of Florida, Inc. except as modified by the conditions below. (Exhibit B1)

   Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC, except where deviations are approved herein. Amendments to the MCP, conditions, or deviations require further review and approval.

   Approved Development Parameters. The property is approved to develop up to 121,800 square feet of commercial land uses as follows:

   Option A:

   - Up to 100,000 sq. ft. mini-warehouse/public warehouse,
   - 4,000 sq. ft. carwash,
   - 2,500 sq. ft. auto repair services,
   - 5,000 sq. ft. fast food restaurant
   - 7,800 sq. ft. commercial retail uses

   Option B:
   - Up to 100,000 sq. ft. mini-warehouse/public warehouse,
   - 4,000 sq. ft. carwash,
   - 2,500 sq. ft. auto repair services,
   - 7,500 convenience food and beverage store with 16 fuel pumps.

2. Schedule of Permitted Uses and Property Development Regulations.

   a. Permitted Uses
   Accessory uses, buildings, and structures
   ATM (Automated Teller Machine)
   Auto parts store (with installation services)
   Automobile Repair and Service: Groups I, II
   Automobile Service Station
   Bank & Financial Establishments: Groups I, II
   Car Wash
   Clothing Store, General
   Convenience Food and Beverage Store (limited to a maximum of 16 fuel pumps)

Drive-through facility for any permitted use
Essential Service Facilities: Group I
Excavation: Water Retention
Food Stores: Group I
Hardware Store
Hobby, Toy, and Game Shops
Laundry or Dry Cleaning: Group I
Lawn and Garden Supply Store
Paint, Glass, and Wallpaper
Parking Lot (accessory)
Personal Services: Groups I-IV (Excludes bail bonding, escort services, fortune tellers, palm readers or card readers, massage parlors, and tattoo parlors)
Pet Shop
Rental and Leasing Establishments: Groups I, II
Repair Shops: Groups I, II
Restaurant, Fast Food
Self-Service Fuel Pumps, in conjunction with a Convenience Food and Beverage Store
Signs
Specialty Retail Shops: Groups I, II, & III
Temporary Uses
Used Merchandise Stores: Groups I (except pawn shops), II, III
Variety Store
Warehouse: Public
Mini Warehouse

b. Site Development Regulations

Development Criteria	Commercial
Setbacks	
Perimeter	25 feet
Side Yard	15 feet
Rear	20 feet
Preserve	30 feet
Maximum Building Height	45 feet
Overall Minimum Lot Area and Dimensions	
Area	25,000 sq. feet
Width	150 feet
Depth	150 feet
Maximum Building Coverage	40 percent

3. Open Space
Development order plans must depict a total of 2.56 acres open space.

4. Indigenous Open Space
Development order plans must depict 1.00 acres of indigenous preserve area to include 135 percent credit (1.35 acres of indigenous open space with credits). Plans must substantially comply with the MCP.

5. Indigenous Restoration and Buffers
The first development order application must include an indigenous restoration plan. Restoration plants used to meet right-of-way buffer requirements must comply with LDC §10-416(d). Supplemental buffer landscaping must comply with LDC §10-420. An above ground temporary irrigation system must be specified on the development order plans.

6. Enhanced Buffer on Herron Road. Development order plans must depict an LDC "Type F" buffer along the eastern edge of Herron Road, north and south of the onsite native preserve.

7. Warehouse Hours of Operation. Warehouse operations are limited to the hours of 7:00 am to 10:00 pm daily. If the property owner intends to operate warehouse uses 24 hours a day, there must be security personnel onsite between the hours of 10:00 pm and 7:00 am.

8. Buffers Around Warehouse Uses
   a. Development order submittals for mini or public warehouse must reflect an enhanced 15-foot-wide buffer along the internal accessway abutting the mini or public warehouse with landscape vegetation meeting LDC §34-1353(e)(1) specifications. Tree and shrub species must be consistent along the internal accessway to create a unified landscape plan.

   b. Development order submittals for mini or public warehouses must include landscape plans depicting a five-foot-wide buffer along the southeast property line abutting Community Commercial zoned property.

9. Site Access
Access to US 41 and SR 78 depicted on the MCP is conceptual and subject to modification based upon final approval from Florida Department of Transportation.

10. Commercial Trucks Prohibited on Herron Road. Development order plans must depict the posting location of signs prohibiting trucks from using Herron Road for ingress to or egress from the site.

11. Dumpsters. Dumpsters are prohibited within 100 feet of the Herron Road right-of-way.

12. Carwash Hours of Operation. Carwash may be operated between the hours of 8:00 a.m. and 7:00 p.m., seven days a week.

13. State and Federal Permits
County development permits do not create rights to obtain permits from state or federal agencies and do not create liability on the part of the County if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

DEVIATIONS

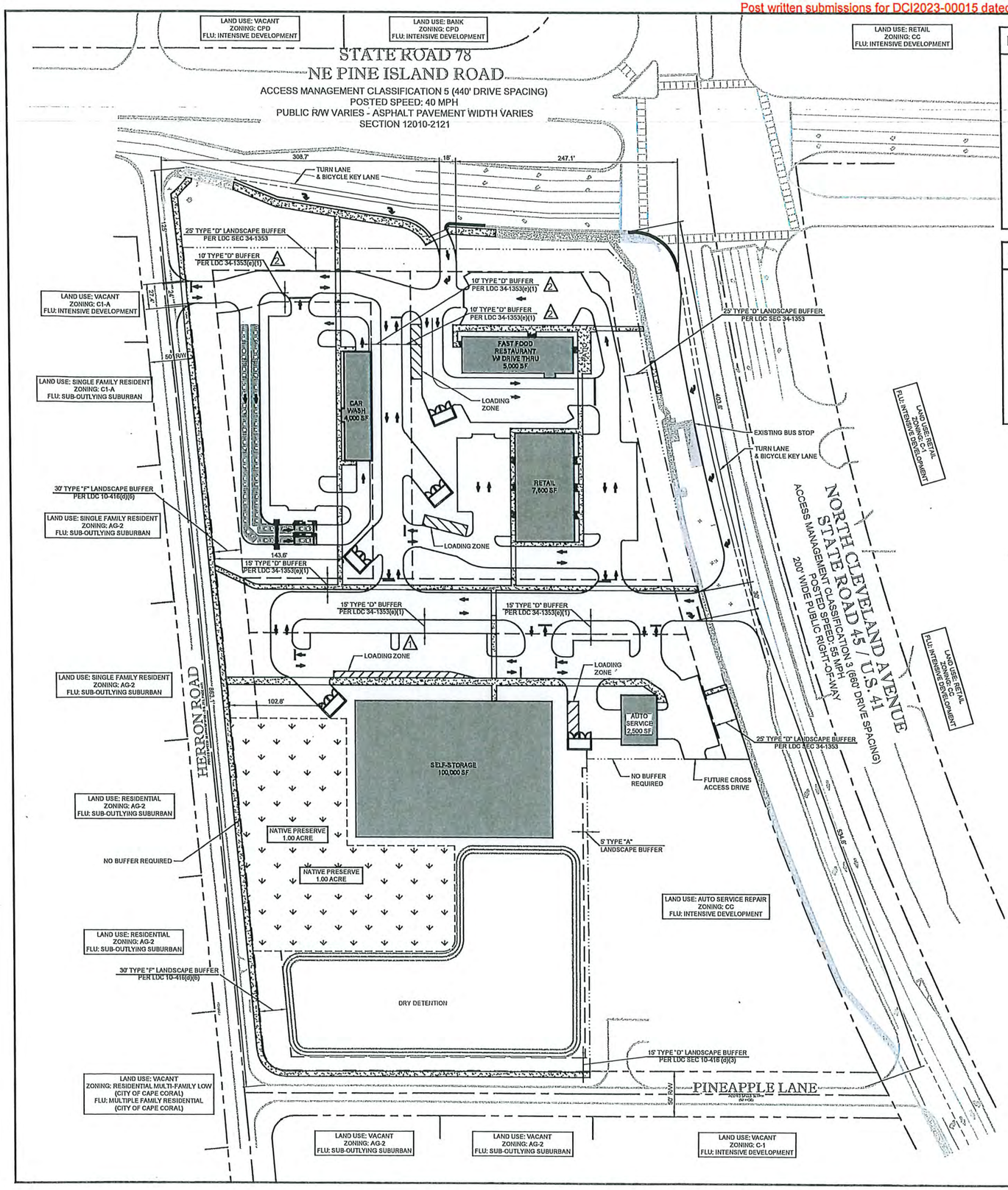
1. Required Parking Spaces. Deviation 1 seeks relief from LDC §34-2020(b), which requires non-residential uses, particularly mini or public warehouse, to provide a minimum of one space per 25 storage units to allow for a minimum of one space per 50 storage units, with a minimum of five spaces.

   Hearing Examiner Recommendation: Approved.

2. Buffers. Deviation 2 seeks relief from LDC 34-1353(e), which requires convenience food and beverage stores, automobile service stations, fast food restaurants, and car washes to provide 15 foot wide right-of-way buffer if abutting an internal accessway to a commercial development to allow for a 10 foot wide buffer where those uses adjacent to internal rights-of-way in the locations depicted on the MCP.

   Hearing Examiner Recommendation: Approved.

Exhibits to Conditions:
B1 Master Concept Plan entitled "Pine Island Road CPD", prepared by Phoenix Associates of Florida, Inc. dated September 23, 2024.



PROJECT SUMMARY

SITE LOCATION:	SWC OF N CLEVELAND AVE & NE PINE ISLAND RD LEE COUNTY, FL 33903
PROJECT AREA:	9.71 ACRE ±
STRAP NUMBER:	0344240100000008B 0344240100000008A 03442401000000080 03442406000000040 03442411000000080 03442411000000090 03442411000000100 03442411000000110 03442411000000120 03442411000000130 03442411000000140
ZONING/REZONING	C-1, C-1A & AG-2 TO CPD

LEGEND

⬚	CPD BOUNDARY
■	BUILDING
═	PEDESTRIAN CROSSWALK
↓	VEHICULAR FLOW INGRESS/EGRESS
▨	LOADING ZONE
☐	PAVEMENT EDGE DRIVE
▒	SIDEWALK
△#	DEVIATION TRIANGLE

OPEN SPACE SUMMARY

LAND USE	AREA
ON-SITE INDIGENOUS PRESERVE PROVIDED	1.00 ACRES
OTHER OPEN SPACE PROVIDED	1.56 ACRES
TOTAL OPEN SPACE REQUIRED	2.56 ACRES
TOTAL OPEN SPACE PROVIDED	2.56 ACRES
PUBLICLY ACCESSIBLE OPEN SPACE REQUIRED	0.35 ACRES
PUBLICLY ACCESSIBLE OPEN SPACE PROVIDED	0.35 ACRES

INDIGENOUS PRESERVE SUMMARY

LAND USE	AREA
ON-SITE INDIGENOUS PRESERVE REQUIRED	1.29 ACRES
ON SITE INDIGENOUS PRESERVE PROVIDED	1.35 ACRES (1.0 ACRES PROVIDED ON SITE X 135% (CREDIT))

EXHIBIT B-1

REFERENCE NORTH

0' 120' 240'

SCALE: 1" = 120'

No.	Revision/Issue	Date
	ISSUE FOR REVIEW	01/23/23
	ISSUE FOR DCI REVIEW COMMENTS	09/01/23
	REVISED LAYOUT	01/18/24
	REVISED BUFFERS	04/10/24
	REVISED FOR HEX	08/09/24
	POST HEX REVISION	09/23/24

INFINITY

INFINITY ENGINEERING GROUP, LLC

1208 East Kennedy Boulevard
Suite 230
Tampa, Florida 33602
[p]: 813.434.4770
[f]: 813.445.4211
www.icgroup.net
FL Cert. of Auth. No. 27889

PHOENIX
ASSOCIATES OF
FLORIDA
13180 LIVINGSTON ROAD | SUITE 204 | NAPLES, FLORIDA 34109
PH (239) 596-9111 | FX (239) 596-2637 | WWW.PHOENIX-ASSOCIATES.COM

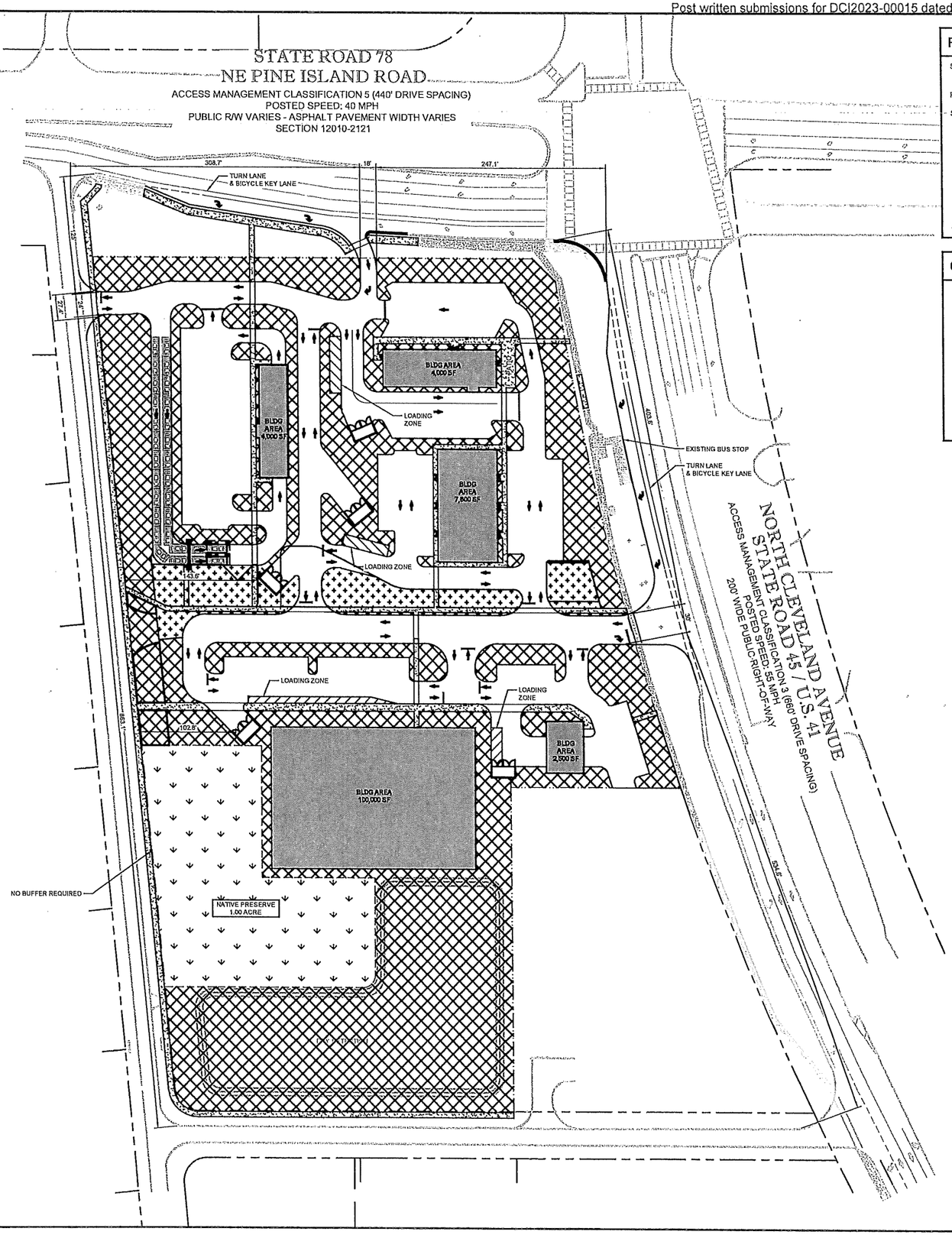
NISIT SAPPARKHAO, P.E.
FL REG. NO. 64085

DATE

Project Name and Address
PINE ISLAND ROAD CPD
SWC OF N CLEVELAND AVE & NE PINE ISLAND RD
LEE COUNTY, FLORIDA 33903

Sheet Title
MASTER CONCEPT PLAN

Project No. 300-21.00	Sheet
Date 01-23-23	**MCP1.1**
Scale AS NOTED	



PROJECT SUMMARY

SITE LOCATION:	SWC OF N CLEVELAND AVE & NE PINE ISLAND RD LEE COUNTY, FL 33903
PROJECT AREA:	9.71 ACRE ±
STRAP NUMBER:	03442401000000088 0344240100000008A 03442401000000080 03442406000000040 03442411000000080 03442411000000090 03442411000000100 03442411000000110 03442411000000120 03442411000000130 03442411000000140
ZONING/REZONING	C-1, C-1A & AG-2 TO CPD

LEGEND

- CPD BOUNDARY
- BUILDING
- PUBLICLY ACCESSIBLE OPEN SPACE = 0.35 ACRES
- TOTAL OPEN SPACE PROVIDED = 2.56 ACRES
- NATIVE PRESERVE = 1.00 ACRE
- PEDESTRIAN CROSSWALK
- VEHICULAR FLOW INGRESS/EGRESS
- LOADING ZONE
- PAVEMENT EDGE DRIVE
- SIDEWALK
- # DEVIATION TRIANGLE

OPEN SPACE SUMMARY

LAND USE	AREA	LAND USE	AREA
REQUIRED OPEN SPACE	2.56 ACRES (0.20 X 3.49 ACRES + 0.30 X 6.22 ACRES)	REQUIRED ON-SITE PRESERVE	1.29 ACRES (0.5 x 2.56 ACRES)
PROVIDED OPEN SPACE	2.56 ACRES (INCLUDES NATIVE PRESERVE)		
REQUIRED PUBLICLY ACCESSIBLE OPEN SPACE	0.35 ACRES (0.10 X 3.49 ACRES)	PROVIDED ON-SITE PRESERVE (PER LDC SEC. 10-415(B)(3)(a) & (b)(4) CREDITS)	1.35 ACRES = (135% (CREDIT) x 1.0 ACRES PROVIDED ON-SITE)
PROVIDED PUBLICLY ACCESSIBLE OPEN SPACE (IN ADDITION TO REQUIRED OPEN SPACE)	0.35 ACRES		

REFERENCE NORTH

0' 120' 240'

SCALE: 1" = 120'

No.	Revision/Issue	Date
	POST HEX REVISION	09/23/24
	REVISED FOR HEX	08/09/24
	REVISED BUFFERS	04/10/24
	REVISED LAYOUT	01/18/24
	ISSUE FOR DCI REVIEW COMMENTS	09/01/23
	ISSUE FOR REVIEW	01/23/23

INFINITY ENGINEERING GROUP, LLC
1208 East Kennedy Boulevard
Suite 230
Tampa, Florida 33602
[p]: 813.434.4770
[f]: 813.445.4211
www.iegroup.net
FL Cert. of Auth. No. 27889

PHOENIX ASSOCIATES OF FLORIDA
13180 LIVINGSTON ROAD | SUITE 204 | NAPLES, FLORIDA 34109
PH. (239) 596-9111 | FX. (239) 596-2637 | WWW.PHOENIXCORP.US/BOCA.HTM

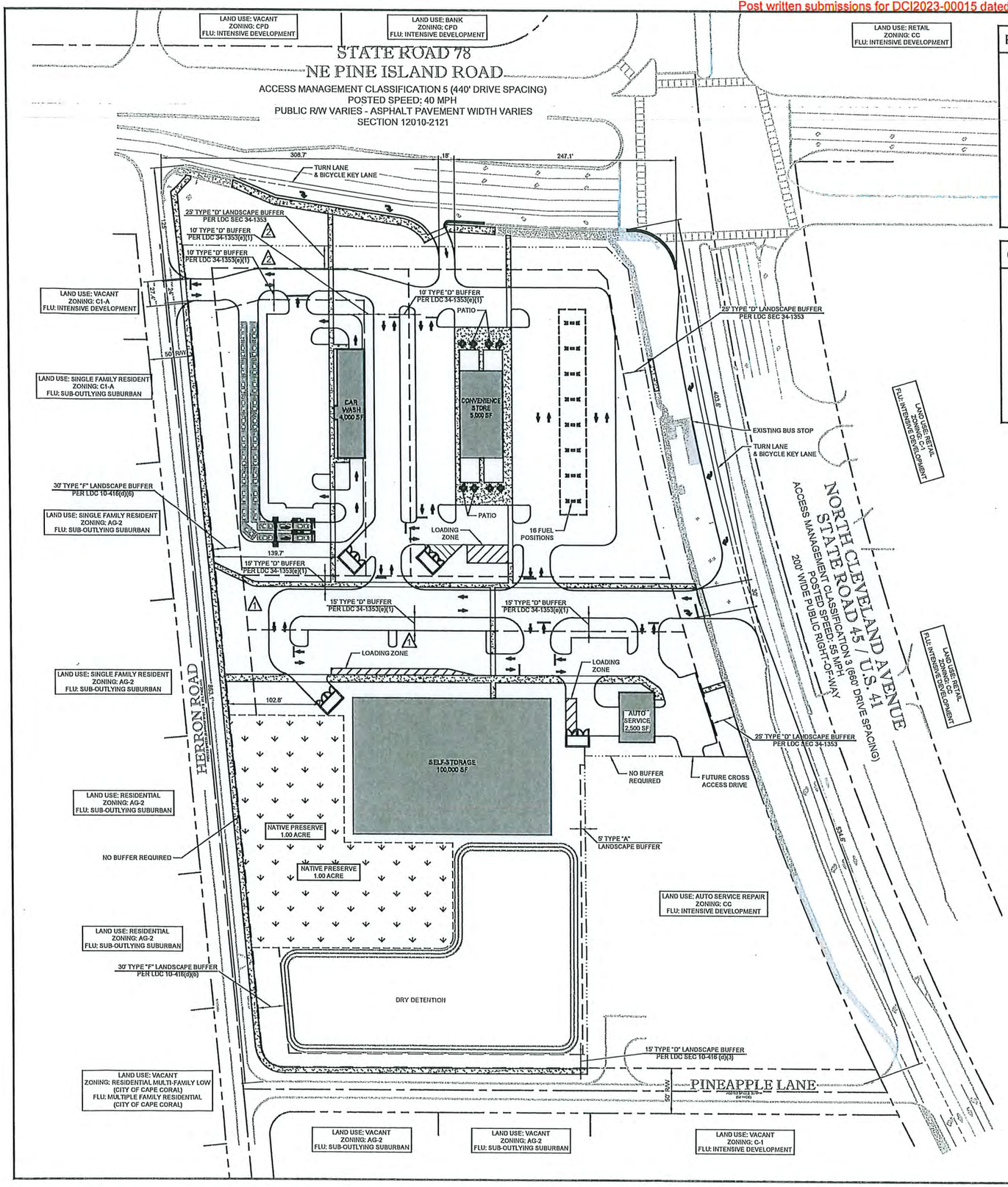
NISIT SAPPARKHAO, P.E.
FL REG. NO. 64085

DATE

Project Name and Address
PINE ISLAND ROAD CPD
SWC OF N CLEVELAND AVE & NE PINE ISLAND RD
LEE COUNTY, FLORIDA 33903

Sheet Title
OPEN SPACE EXHIBIT

Project No.	300-21.00
Date	01-23-23
Scale	AS NOTED
Sheet	MCP12



PROJECT SUMMARY

SITE LOCATION:	SWC OF N CLEVELAND AVE & NE PINE ISLAND RD LEE COUNTY, FL 33903
PROJECT AREA:	9.71 ACRE ±
STRAP NUMBER:	03442401000000088 03442401000000084 03442401000000080 03442406000000040 03442411000000080 03442411000000090 03442411000000100 03442411000000110 03442411000000120 03442411000000130 03442411000000140
ZONING/REZONING	C-1, C-1A & AG-2 TO CPD

LEGEND

- CPD BOUNDARY
- BUILDING
- PEDESTRIAN CROSSWALK
- VEHICULAR FLOW INGRESS/EGRESS
- LOADING ZONE
- PAVEMENT EDGE DRIVE
- SIDEWALK
- DEVIATION TRIANGLE

OPEN SPACE SUMMARY

LAND USE	AREA
ON-SITE INDIGENOUS PRESERVE PROVIDED	1.00 ACRES
OTHER OPEN SPACE PROVIDED	1.56 ACRES
TOTAL OPEN SPACE REQUIRED	2.56 ACRES
TOTAL OPEN SPACE PROVIDED	2.56 ACRES
PUBLICLY ACCESSIBLE OPEN SPACE REQUIRED	0.35 ACRES
PUBLICLY ACCESSIBLE OPEN SPACE PROVIDED	0.35 ACRES

INDIGENOUS PRESERVE SUMMARY

LAND USE	AREA
ON-SITE INDIGENOUS PRESERVE REQUIRED	1.29 ACRES
ON SITE INDIGENOUS PRESERVE PROVIDED	1.35 ACRES (1.0 ACRES PROVIDED ON SITE X 135% (CREDIT))

REFERENCE NORTH

0' 120' 240'

SCALE: 1" = 120'

No.	Revision/Issue	Date
	ISSUE FOR DCI REVIEW	01/23/23
	ISSUE FOR DCI REVIEW COMMENTS	09/01/23
	REVISED LAYOUT	01/18/24
	REVISED BUFFERS	04/10/24
	REVISED FOR HEX	08/09/24
	POST HEX REVISION	09/23/24

INFINITY

INFINITY ENGINEERING GROUP, LLC

1208 East Kennedy Boulevard
Suite 230
Tampa, Florida 33602
[p]: 813.434.4770
[f]: 813.445.4211
www.iegroup.net
FL Cert. of Auth. No. 27889

PHOENIX ASSOCIATES OF FLORIDA

13180 LIVINGSTON ROAD | SUITE 204 | NAPLES, FLORIDA 34109
PH. (239) 596-0111 | FX (239) 596-2627 | WWW.PHOENIX-ASSOCIATES.COM

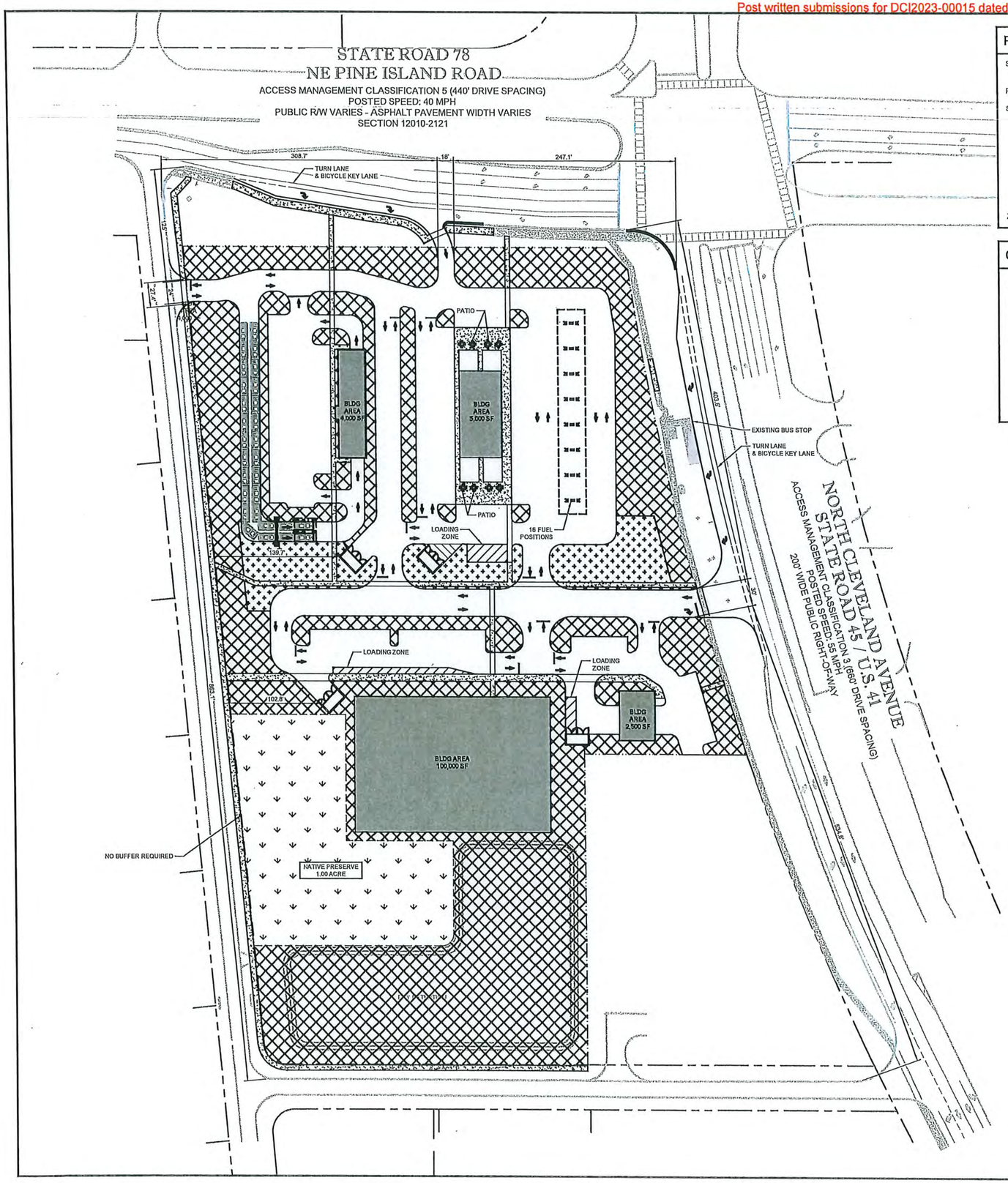
NISIT SAPPARKHAO, P.E.
FL REG. NO. 64085

DATE

Project Name and Address
PINE ISLAND ROAD CPD
SWC OF N CLEVELAND AVE & NE PINE ISLAND RD
LEE COUNTY, FLORIDA 33903

Sheet Title
MASTER CONCEPT PLAN

Project No.	300-21.00
Date	01-23-23
Scale	AS NOTED
Sheet	MCP2.1



PROJECT SUMMARY

SITE LOCATION:	SWC OF N CLEVELAND AVE & NE PINE ISLAND RD LEE COUNTY, FL 33903
PROJECT AREA:	9.71 ACRE ±
STRAP NUMBER:	03442401000000088 03442401000000084 03442401000000080 03442406000000040 03442411000000080 03442411000000090 03442411000000100 03442411000000110 03442411000000120 03442411000000130 03442411000000140
ZONING/REZONING	C-1, C-1A & AG-2 TO CPD

LEGEND

- CPD BOUNDARY
- BUILDING
- PUBLICLY ACCESSIBLE OPEN SPACE = 0.35 ACRES
- TOTAL OPEN SPACE PROVIDED = 2.56 ACRES
- NATIVE PRESERVE = 1.00 ACRE
- PEDESTRIAN CROSSWALK
- VEHICULAR FLOW INGRESS/EGRESS
- LOADING ZONE
- PAVEMENT EDGE DRIVE
- SIDEWALK
- # DEVIATION TRIANGLE

OPEN SPACE SUMMARY

LAND USE	AREA	LAND USE	AREA
REQUIRED OPEN SPACE	2.56 ACRES (0.20 X 3.49 ACRES + 0.30 X 6.22 ACRES)	REQUIRED ON-SITE PRESERVE	1.29 ACRES (0.5 x 2.56 ACRES)
PROVIDED OPEN SPACE	2.56 ACRES (INCLUDES NATIVE PRESERVE)		
REQUIRED PUBLICLY ACCESSIBLE OPEN SPACE	0.35 ACRES (0.10 X 3.49 ACRES)	PROVIDED ON-SITE PRESERVE (PER LDC SEC. 10-415(B)(3)(a) & (b)(4) CREDITS)	1.35 ACRES = (135% (CREDIT) x 1.0 ACRES PROVIDED ON-SITE)
PROVIDED PUBLICLY ACCESSIBLE OPEN SPACE (IN ADDITION TO REQUIRED OPEN SPACE)	0.35 ACRES		

REFERENCE NORTH

0' 120' 240'

SCALE: 1" = 120'

No.	Revision/Issue	Date
	POST HEX REVISION	09/23/24
	REVISED FOR HEX	08/09/24
	REVISED BUFFERS	04/10/24
	REVISED LAYOUT	01/18/24
	ISSUE FOR DCI REVIEW COMMENTS	09/01/23
	ISSUE FOR REVIEW	01/12/23

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13180 LORMONTON ROAD | SUITE 204 | NAPLES, FLORIDA 34109
PH: (239) 596-9111 | FX: (239) 594-2537 | WWW.PHOENIXDC-ASSOCIATES.COM

NISIT SAPPARKHAO, P.E.
FL REG. NO. 64085

DATE

Project Name and Address
PINE ISLAND ROAD CPD
SWC OF N CLEVELAND AVE & NE PINE ISLAND RD
LEE COUNTY, FLORIDA 33903

Sheet Title
OPEN SPACE EXHIBIT

Project No. 300-21.00	Sheet MCP2.2
Date 01-23-23	
Scale AS NOTED	

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Elizabeth Workman, Principal Planner, date received July 30, 2024 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *Affidavit of Publication:* Advertisement for zoning case DCI2023-00015 Pine Island Road CPD, date of hearing August 14, 2024 (1 page – 8.5"x11")

3. *PowerPoint Presentation:* Prepared by Lee County Staff for DCI2023-00015 Pine Island Road CPD, dated August 14, 2024 (multiple pages – 8.5"x11")[color]

APPLICANT EXHIBITS

a. *48-Hour Notice:* Email from Alexis Crespo with RVI Planning and Landscaping Architecture, to Maria Perez. C. Lasano, Josephine Medina, Brett Nevaril, Barrett Stejskal, Ted Treesh, Elizabeth Workman, and Diogo Rodrigues, with copies to Rebecca Sweigert, Tracy Toussaint, Jamie Princing, Elizabeth Workman, Audra Ennis, Nicholas DeFilippo, Ohdet Kleinmann, Abby Henderson, Lee Werst, Warren Baucom, Mikki Rozdolski, Anthony Rodriguez, Dirk Danley, Jr., Phil Gillogly, Marcus Evans, and Jennifer Rodriguez, dated Sunday, August 11, 2024, 11:53 AM (multiple pages – 8.5"x11" & 11"x17")

1. *PowerPoint Presentation:* Prepared by RVI Planning and Landscaping Architecture for DCI2023-00015 Pine Island Road CPD, dated August 14, 2024 (multiple pages – 8.5"x11")[color]

2. *Written Submissions:* Email from Alexis Crespo with RVI Planning and Landscaping and Architecture, to Maria Perez, C. Lascano, Brett Nevaril, Diogo Rodrigues, Ted Treesh, Barrett Stejskal, and Elizabeth Workman, with copies to Rebecca Sweigert, Tracy Toussaint, Jamie Princing, Elizabeth Workman, Audra Ennis, Nicholas DeFilippo, Ohdet Kleinmann, Abby Henderson, Lee Werst, Marcus Baucom, and Jennifer Rodriguez, dated Monday, September 23, 2024, 5:09 PM (multiple pages – 8.5"x11" and 11"x17"){post hearing submittal}

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Elizabeth Workman

Applicant Representatives:

1. Alexis Crespo
2. Brett Nevaril
3. Barrett Stejkal
4. Ted Treesh

Public Participants:

1. Sarah Decker
2. Jason Harper

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.

Pine Island Road Commercial Planned Development (DCI2023-00015)

Attachment E – Conditions and Deviations

Section A. - Conditions

1. The development of this project must be consistent with two-page Master Concept Plan (MCP) dated April 17, 2023 and entitled "Pine Island Road CPD", prepared by Phoenix Associates of Florida attached as staff report Attachment D, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at the time of local development order, except as may be granted by deviation as part of this planned development. If changes to the MCP, or conditions, or deviations are subsequently pursued, appropriate approvals will be necessary.

   This project is limited a maximum of 121,800 square feet of commercial uses, including the following two scenarios for the use-specific intensities:

   - a maximum 10,000 square foot mini-warehouse,
   - 4,000 square foot carwash,
   - 2,500 square foot auto repair services,
   - 7,500 square foot convenience food and beverage store with 16 fuel pumps, OR
   - 5,000 square foot fast food restaurant,
   - 7,800 square foot commercial retail uses

2. The following limits apply to the project and uses:

   a. <u>Schedule of Uses</u>

      Accessory uses, buildings, and structures
      ATM (Automated Teller Machine)
      Auto parts store (with installation services)
      Automobile Repair and Service: Groups I & II
      Automobile Service Station
      Bank & Financial Establishments: Group I & II
      Car Wash
      Clothing Store, General
      Convenience Food and Beverage Store (limited to a maximum of 16 fuel pumps)
      Drive-through facility for any permitted use
      Essential Service Facilities: Group I
      Excavation: Water Retention
      Food Stores: Group I
      Hardware Store
      Hobby, Toy, and Game Shops
      Laundry or Dry Cleaning: Group I
      Lawn and Garden Supply Store
      Paint, Glass, and Wallpaper
      Parking Lot (accessory)

Personal Services: Groups I-IV (Excludes bail bonding, escort services, fortune tellers, palm readers or card readers, massage parlors, and tattoo parlors)
Pet Shop
Rental and Leasing Establishments: Group I & II
Repair Shops: Group I & II
Restaurant, Fast Food
Self-Service Fuel Pumps, in conjunction with a Convenience Food and Beverage Store
Signs
Specialty Retail Shops: Groups I, II, & III
Temporary Uses
Used Merchandise Stores: Groups I (except pawn shops), II, & III
Variety Store
Warehouse: Mini Warehouse

b. Site Development Regulations

Development Criteria	Commercial
Setbacks	
Perimeter	25 feet
Side Yard	15 feet
Rear	20 feet
Preserve	30 feet
Maximum Building Height	45 feet
Overall Minimum Lot Area and Dimensions	
Area	25,000 square feet
Width	150 feet
Depth	150 feet
Maximum Building Coverage	40 percent

5. Open Space
Prior to the issuance of the first development order, the development order plans must depict a total of 2.56 acres of open space.

6. Indigenous Open Space
Prior to the issuance of the first development order, the development order plans must depict 1.00 acres of indigenous preserve area to include 135 percent credit (1.35 acres of indigenous open space with credits). Plans must be in substantial compliance with the Master Concept Plan dated April 3, 2023, attached hereto as Attachment D.

7. Indigenous Restoration and Buffers
Prior to the issuance of the first development order, an indigenous restoration plan must be submitted. The restoration plants being used to meet the rights-of-way buffer requirements must comply with LDC Section 10-416(d). Any supplemental buffer landscaping proposed must comply

with LDC Section 10-420 and an above ground temporary irrigation system must be specified on the development order plans.

9. Mini Warehouse Buffers
   a. Prior to the issuance of a development order for the mini warehouse, the applicant must provide an enhanced 15-foot-wide buffer along the internal accessway abutting the mini-warehouse with landscape vegetation meeting LDC Section 34-1353(e)(1) specifications. The proposed tree and shrubs species must be consistent along the internal accessway to create a unified landscape plan.

   b. Prior to the issuance of a development order for the mini warehouse, the landscape plans must depict a five-foot-wide buffer along the southeast property line abutting the Community Commercial zoned property.

10. The access locations on US 41 and SR 78 shown on the Master Concept Plan are conceptual in nature and subject to modification based upon final approval from the Florida Department of Transportation (FDOT).

Section B. – Deviations

1. **Deviation (1)** seeks relief from Lee County Land Development Code (LDC) Section 34-2013(b)(3), which allows a maximum 35-foot-wide parking lot entrance width at the property line, to allow for a maximum of 56-foot parking lot entrance at the property line along Herron Road.

   This deviation is **APPROVED**.

2. **Deviation (2)** seeks relief from Lee County Land Development Code (LDC) Section 34-2020(b), which requires non-residential uses, particularly mini-warehouse, to provide a minimum of one space per 25 storage units, with a minimum of five spaces, to allow for a minimum of one space per 50 storage units, with a minimum of five spaces.

   This deviation is **APPROVED**.

3. **Deviation (3)** Recommended to be withdrawn.

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

Case Number: DCI2023-00015
Case Name: Pine Island Road Commercial Planned Development
Area Subject to Request: +/- 9.7 Acres
Case Type: Minor Planned Development Rezone
Sufficiency Date: May 13, 2024
Hearing Date: August 14, 2024

REQUEST:

RVi Planning + Landscape Architecture has filed an application to rezone approximately 9.7 acres from Commercial (C-1 and C-1A), and Agricultural (AG-2) to Commercial Planned Development (CPD).

> This project is limited a maximum of 121,800 square feet of commercial uses with a maximum height of 45 feet, including the following two scenarios for the use-specific intensities:
>
> - a maximum 10,000 square foot mini-warehouse,
> - 4,000 square foot carwash,
> - 2,500 square foot auto repair services,
> - 7,500 square foot convenience food and beverage store with 16 fuel pumps, OR
> - 5,000 square foot fast food restaurant,
> - 7,800 square foot commercial retail uses

The subject property is located at the southwest corner of North Cleveland Avenue and Pine Island Road in the North Fort Myers Community Plan area. The 4.6 acres of the 9.7-acre property is located within the Sub-Outlying Suburban future land use category and the remaining acreage is within the Intensive Development future land use category according to the **Lee Plan Map 1-A**. Approximately 3.5 acres of the subject property is in the Mixed-Use Overlay per **Lee Plan Map 1-C**. The applicant held a public information meeting in compliance with **Land Development Code Section 33-1532** (see Attachment F). A legal description and boundary survey of the subject property are included as Attachment B of the staff report.

SUMMARY:

Staff recommends **APPROVAL** of the applicant's request, as conditioned, to rezone approximately 9.7-acres to Commercial Planned Development to allow the following maximum intensities, which comprise a total of 121,800-square-feet of commercial uses, which includes a maximum 10,000 square foot mini-warehouse, 4,000 square foot carwash, 2,500 square foot auto repair service station, 7,500 square foot convenience food and beverage store with 16 fuel pumps, or 5,000 square foot fast food restaurant and 7,800 square foot commercial retail uses. The maximum height is 45 feet (Attachment E & F). The applicant has requested three deviations from LDC Section 34-2013(b)(3), 34-2020(b), and 33-1581(b). Staff is recommending approval Deviations #1 and #2. Deviation #3 must be withdrawn.

OUTSTANDING ISSUE:

There are two outstanding issues identified by staff. Staff recommends the applicant withdraw Deviation #3 because the buffer being provided is an enhanced buffer. The Mixed Use Overlay buffer requirements per **LDC Section 10-425** require a five-foot-wide right-of-way buffer, which supersedes **LDC Section 33-1581(b)**, which requires a 20-foot-wide right-of-way buffer. The MCP and the Deviation and Justification documents must be revised to eliminate Deviation #3. The second issue is the Surface Water Management Plan states that the preserve will be incorporated into the stormwater management system as the final attenuation area prior to discharging offsite. The proposed preserve is an upland mixed hardwood, and the applicant is restoring the preserve with upland species. Utilizing the preserve to accommodate the stormwater management will destroy the existing native upland vegetation and the proposed upland restoration. These documents must be revised as part of the 48-hour letter.

HISTORY OF PARCEL:

The subject property consists of 11 parcels with three parcels zoned Commercial (C-1) that abut North Cleveland Avenue, one parcel along the northwest zoned Commercial (C-1A), and the remaining seven parcels zoned Agricultural (AG-2). The parcels located along the northern property line were previously developed with a car wash with access to Pine Island Road and North Cleveland Avenue. The car wash was demolished in 2022 (DEM2022-00684). Two parcels zoned Agricultural (AG-2) are located at the southeast corner of the subject property and were previously developed with single-family dwelling units which were demolished in 2007 (DEM2007-00203 & DEM2007-00342). The remaining eight parcels have never been developed. The proposed project is within the North Fort Myers Community Plan area, specifically in the Commercial Corridor. The three parcels zoned Commercial (C-1) that abut North Cleveland Avenue are in the Mixed Use Overlay per **Lee Plan Map 1-C**. The Mixed Use Overlay design standards allow for reductions in parking requirements per **LDC Section 34-2020(c)** and landscaping requirements per **LDC Section 10-425**. Certain uses specified in **LDC Section 10-424** must comply with the supplementary district regulations in Chapter 34 and are prohibited from designing a site to the Mixed Use Overlay buffer and open space requirements. The applicant is proposing two uses (convenience food and beverage store and fast food restaurants) that are specified in **LDC Section 10-424** which have certain buffer requirements per **LDC Section 34-1352(e)(1)**.

CHARACTER OF THE AREA:

The subject parcel is located in an area that has existing and planned uses. The parcel abutting the subject property along the southeast corner is zoned Community Commercial (CC) and is an automobile repair business. The subject property abuts rights-of-way along all four sides of its perimeter. The north and east property lines abut State-maintained arterial roadways (NE Pine Island Road and North Cleveland Avenue) and the west and south property lines abut County-maintained local roadways (Herron Road and Pineapple Road) The properties further north and east are heavily developed with commercial uses creating the commercial corridor at the intersection of NE Pine Island Road and North Cleveland Avenue. The properties west and south of the subject property are zoned Agricultural (AG-2) with a mix of single-family dwelling units, vacant land, and religious facilities. Most of the parcels that abut the arterial roadways are developed with commercial uses. Property immediately surrounding the subject property is depicted in Attachment C of this report and can be characterized as follows:

North

The subject property abuts NE Pine Island Road, a State-maintained arterial road. Further north of the subject property is Merchants Crossing Shopping Center, zoned Commercial Planned Development (CPD) and developed with a mix of retail, restaurants, medical clinics, and multi-family residential dwelling units. This area is within the Intensive Development and Central Urban Future Land Use Categories and the Mixed Use Overlay.

East

The subject property abuts North Cleveland Avenue, a State-maintained arterial road. Further east of the subject property is a shopping center, zoned CPD and Commercial (C-1) and developed with a mix of retail including Walmart, a bank, and restaurants. This area is within the Intensive Development Future Land Use Category and the Mixed Use Overlay.

Northeast

Palmona Park, a single-family subdivision is located to the northeast of the intersection of Pine Island Road and North Cleveland Avenue. Palmona Park consists of ¼ to ½ acre lots zoned Residential (RS-1), Mobile Home (MH-1) and Two-Family Conservation (TFC-2). This area is within the Central Urban Future Land Use Category.

South

The subject property abuts Pineapple Lane, a County-maintained local road. Further south of the subject property is property zoned Commercial Neighborhood (CN-2), which is vacant, and Agricultural (AG-2) which is vacant, and developed with existing single-family residential uses. This area is within the Intensive Development and Sub-Outlying Suburban Future Land Use Categories and is partially in the Mixed Use Overlay.

West

The subject property abuts Herron Road, a County-maintained local road. Further west of the subject property is property zoned Commercial (C-1A) that consists of vacant land, single-family residential dwelling units, and duplex dwelling units. The land further west is within the City of Cape Coral and is developed with multi-family dwelling units and commercial outparcels abutting NE Pine Island Road. Judd Creek Preserve, a conservation area within the City of Cape Coral, connects to Hancock Creek Preserve, a County-maintained preservation area to the south. This area is within the Sub-Outlying Suburban and Intensive Development Future Land Use Categories.

AVAILABILTY OF URBAN SERVICES:

Public Services are defined by the Lee Plan as "*the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity*." The level of urban services currently serving the subject property are as follows:

Public water and sewer: The subject property is within the Future Water and Sanitary Sewer Service Areas per **Lee Plan Map 4-A and 4-B**. The applicant has provided a letter of availability for potable water from Lee County Utilities and sanitary sewer from Florida Governmental Utility Authority. Potable water and wastewater utility lines are available in proximity to the subject property, with sufficient capacity available for the proposed development intensity; however, developer funded system enhancements such as line extensions may be required (see Attachment G).

Public transit and pedestrian facilities: An existing shared-use path and sidewalk are located along NE Pine Island Road and North Cleveland Avenue according to **Lee Plan Map 3-D**. LeeTran has two bus lines that serve North Cleveland Avenue and NE Pine Island Road. Route 140 primarily serves North Cleveland Avenue and Route 595 serves North Cleveland Avenue and NE Pine Island Road.

Police, fire, and emergency services: EMS – Medic 7 and a Sherriff's office are located less than two miles to the southeast at 121 Pondella Road. North Fort Myers Fire Department Station 2 is located less than one mile to the southwest at 1280 Barrett Road.

PROPERTY DEVELOPMENT REGULATIONS & OFF-STREET PARKING:

The applicant proposes property development regulations that include maximum heights, minimum setbacks, and maximum lot coverage (Attachment F). Staff finds the proposed property development regulations appropriate to facilitate development in accordance with the MCP.

DEVIATIONS:

The applicant has requested three deviations. Deviation #1 is being requested from **LDC Section 34-2013(3)**, which allows a maximum 35-foot-wide parking lot entrance at the property line, to allow for a maximum 56-foot parking lot entrance at the Herron Road property line. This request is necessary to ensure the turning movements for larger vehicles accessing the gas station and mini-warehouse have sufficient turning area without negatively affecting the surrounding property owners. Staff is recommending **APPROVAL of Deviation #1**.

Deviation #2 is being requested from **LDC Section 34-2020(b)**, required parking spaces for non-residential uses, which requires warehouse, mini warehouse to provide a minimum of one space per 25 storage units, with a minimum of five spaces, to allow for a minimum of one space per 50 storage units, with a minimum of five spaces. The applicant is proposing 500 storage units and per LDC Section 34-2020(b) the site would require 20 parking spaces. The applicant is proposing five parking spaces and designated loading and unloading zones in addition to the five parking spaces. TR Transportation Consultants, Inc. has analyzed the mini-warehouse trip and parking generation and has determined that the five parking spaces plus the designated loading and unloading zones will be sufficient to serve the mini-warehouse use. In addition, the parking demand study completed for Arborwood Village, DCI2023-00024, established the parking demands for mini-warehouse and the subject request is consistent with the parking demand study. Development Services and Department of Transportation staff have reviewed Deviation #2 and recommend **APPROVAL**.

Deviation #3 is being requested from **LDC Section 33-1581(b)**, which requires a 20-foot-wide Type-D buffer along internal accessways, to allow a 15-foot-wide Type-D buffer. The applicant states in the request that the buffer landscaping vegetation will meet the code per **LDC Section 33-1581(b)**, which requires five trees per 100 linear feet and a double hedge. **Lee Plan Policy 30.2.5** requires deviations from landscaping, architecture, and site design to comply with the variance criteria per **LDC Section 34-145(b)(3).** Staff recommends that this deviation be withdrawn because the applicant is providing enhanced internal accessway right-of-way buffers abutting the retail and mini-warehouse uses, which require a five-foot-wide right-of-way buffer per **LDC Section 10-424**. The project is in the Mixed Use Overlay, which allows a five-foot-wide buffer width for right-of-way buffers. Uses such as gas stations, convenience food and beverage stores, open storage, rental and leasing establishments, or fast-food restaurants must comply with the supplementary district requirements in Chapter 34. The applicant is proposing uses that must comply with **LDC Sections 10-424 and 34-1353(e).** The internal accessways abutting the proposed gas station and convenience food and beverage uses must comply with **LDC Section 34-1353(e)(1)**, which requires a 15-foot-wide buffer with five trees per 100 linear feet and a double hedge. The applicant is required to provide a five-foot-wide buffer abutting all uses along the remainder of the internal accessway per **LDC Section 10-425**. In accordance with **LDC Section 33-1533,** the mixed use buffer requirements supersede the North Fort Myers Community Plan Area Commercial Corridor right-of-way buffer requirements, which require a 20-foot-wide right-of-way buffer per **LDC Section 33-1581(b**). Deviation #3 is not required, and the applicant is providing an enhanced right-of-way buffer abutting the mini-warehouse that creates a 15-foot-wide separation from the parking and loading zone areas and is consistent with the abutting right-of-way buffers within the planned development, thereby creating a cohesive development scheme. Staff recommends a condition to ensure that the enhanced 15-foot-wide buffer is provided as part of the mini-warehouse use as depicted on the Master Concept Plan. The condition includes a requirement that the landscape vegetation must consist of similar species as the other commercial tracts within the planned development.

REVIEW CRITERIA:

LDC Section 34-145 establishes the review criteria for rezoning requests. Before recommending approval of a rezoning request, the Hearing Examiner must find the request:

a) Complies with the Lee Plan;

b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;

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

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

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

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

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

For Planned Development rezoning requests, the Hearing Examiner must also find:

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

b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and

c) That each requested deviation:

    1) Enhances the achievement of the objectives of the planned development; and

    2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

The applicant has provided a narrative that addresses the planned development rezoning request with analysis against the applicable criteria (see Attachment F). The following provides staff's analysis of the request, as measured against the established criteria.

REVIEW CRITERIA ANALYSIS:

The subject property is in the Intensive Development and Sub-Outlying Suburban future land use categories. Approximately 5.1 acres of the subject property is located along NE Pine Island Road and North Cleveland Avenue within the Intensive Development future land use category. **Lee Plan Policy 1.1.2** describes this future land use category as land along major arterial roads with access to public services to support high intensities. Mix use developments are encouraged in this category due to the accessibility of public services. The applicant is proposing a fast-food restaurant, car wash and retail and automotive repair and service station within the Intensive Development future land uses category. The proposed project has access to two arterial roads and access to public services to support t-he intensity of development. Staff finds the request, as conditioned, to be **CONSISTENT with Lee Plan Policy 1.1.2**.

The remainder of the project is in the Sub-Outlying Suburban future land category. The applicant is proposing a mini-warehouse use within this future land use category. **Lee Plan Policy 1.1.11** is characterizes the Sub-Outlying Suburban future land use category as low density residential areas. The infrastructure required to support high density is not planned or in place. The applicant is proposing a commercial development with high intensity uses and no density abutting the two arterial roads and the less intense mini-warehouse abutting two local roads to minimize impacts to the adjacent residential uses to the west and south. The applicant is maintaining existing access points to NE Pine Island Road and North Cleveland Avenue, which can support the trips generated by the proposed uses. Staff finds the request, as conditioned, to be **CONSISTENT with Lee Plan Policy 1.1.11**.

The proposed development complies with **Objectives 2.1 and 2.2** for development location and timing due to the development being an infill project where a convenience food and beverage with fuel pumps was previously permitted. The site is in an area that has access to potable water and sewer and access to existing sidewalks along NE Pine Island Road and North Cleveland Avenue. LeeTran has two bus routes along both arterial roads and the proposed project is near fire and EMS stations, and other services to

demonstrate compliance with **Lee Plan Objectives 2.1 and 2.2 and Policy 2.2.1 and Standards 4.1.1 and 4.1.2**.

GOAL 6 of the Lee Plan and subsequent Policies 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, and 6.1.11 permit orderly and well-planned commercial development at appropriate locations within the County. The applicant is proposing to redevelop the corner of NE Pine Island Road and North Cleveland Avenue to a commercial multi-use development to serve the residents of North Fort Myers Community Plan area. The property was previously developed as a convenience food and beverage store with gas pumps and a car wash along the north property line. The south portions of the property are occupied by single-family residential dwelling units that were demolished. The applicant is providing the required buffers and open space per **LDC Section 34-1353(e)(1)** and an enhanced internal access right-of-way buffer abutting the mini-warehouse to be consistent with the landscape theme. The applicant has provided a Master Concept Plan that depicts the preservation/restoration area and stormwater management lake within the south portion of the site. This design in this area of the Master Concept Plan provides additional screening and setbacks for the proposed mini-warehouse, and automobile repair and service station uses to protect the single-family residential uses along Herron Road and Pineapple Road. The applicant has focused the more intense uses along the two arterial roads utilizing the existing access points to NE Pine Island Road and North Cleveland Avenue. Because of the site design and compliance with buffering and open space, staff finds the request, as conditioned, to be **CONSISTENT with Lee Plan Goal 6 and Policies 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, and 6.1.11**.

The proposed project is located in the Mixed Use Overlay according to **Lee Plan Map 1-C**. **Policies 11.2.1 and 11.2.2** focus on the location and design of projects within the Mixed Use Overlay as it pertains to pedestrian, transit, and automobile connectivity. The applicant has provided an interconnection to the property to the southeast that is currently an automobile repair and service station use. The applicant will be required at time of development order to provide pedestrian connections to the LeeTran bus stops and sidewalks to demonstrate walkability within the development to the offsite connections. Staff finds the request, as conditioned, to be **CONSISTENT with Lee Plan Policies 11.2.1 and 11.2.2**.

As mentioned above, the proposed project is in the North Fort Myers Community Plan area, which requires a public information meeting per **Lee Plan Policy 17.3.5**. The applicant advertised and held a public information meeting at the North Fort Myers Recreation Center on February 6, 2024. The applicant has provided the meeting summary, list of attendees, and affidavit of publication per **LDC Section 33-1532** (Attachment F).

The proposed project is in the Commercial Corridor of the North Fort Myers Community Plan area, specifically designated as Neighborhood Center per **Lee Plan Policy 30.2.4**. The Neighborhood Center requires public open space and pedestrian connections to public transit and uses. The applicant is depicting an interconnection to the commercial property at the southeast corner of the subject property. The applicant will be required to provide a sidewalk and sidewalk connections to the pedestrian facilities to LeeTran bus stops and existing and proposed sidewalks. The applicant is proposing public open space as depicted on sheet two of the Master Concept Plan to meet **Lee Plan Policy 30.2.6**. As mentioned, the parcels were previously developed with a convenience food and beverage store with fuel pumps and single-family dwelling units. The structures have been demolished and the applicant is proposing the planned

development to redevelop the site to meet the current Lee Plan and Land Development Code requirements or seek deviations meeting **Lee Plan Policy 30.2.7**. Staff finds the proposed project, as conditioned, to be consistent with the **Lee Policies 30.2.4, 30.2.6, and 30.2.7.**

Lee Plan Objectives 60.4 and Policies 60.4.1, 60.4.2, 60.4.3, and 61.4.4 all speak to the design of the stormwater management system, utilization of green infrastructure to filter pollutants, and preservation of existing natural flow-ways. The applicant submitted a Surface Water Management Plan (Attachment F). The applicant has indicated in the Surface Water Management Plan that the existing surface water flows to the south and east to a culvert along Herron Road that outfalls to Judd Creek. The proposed stormwater management system will be designed to provide onsite conveyance through a piping system that will convey water to the wet detention that will discharge to the preservation area and outfall to the offsite culvert that leads to Judd Creek. The applicant will be required to provide a planted littoral shelf along the wet detention lake banks. The applicant must revise the Surface Water Management Plan to not utilize the restored indigenous preserve area because this area is an upland mix hardwood per the environmental report that is proposed to be restored with upland restoration vegetation (Attachment F). Staff finds the request, as conditioned, to be consistent with **Lee Plan Objective 60.4 and Policies 60.4.1, 60.4.2, 60.4.3, and 61.4.4.**

Land Development Code Compliance

Staff finds the proposed planned development rezoning request, as conditioned, to be in compliance with the LDC, including regulations which pertain to:

- Use and corresponding supplemental regulations, such as parking.
- LDC Chapter 10 Development Standards.
- Details required on the MCP and compliance with Division 9 of Article VI, Chapter 34, Planned Development Districts.

All relevant County regulations, which are not specifically deviated from as part of this planned development request, will apply, such as LDC, Code of Ordinances and Administrative Code provisions. If future deviations are proposed, each will be evaluated within the parameters of the established LDC review criteria.

Compliance with LDC Section 34-145(d)(4)

Staff makes the following findings with respect to this request:

a) Complies with Lee Plan.

The proposed rezoning, as conditioned, is consistent with the Lee Plan as demonstrated in the analysis in this staff report.

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

The applicant will be required to obtain a development order for the proposed project that must comply with the Land Development Code and Lee Plan. The deviations that are requested are needed to maintain the existing design with respect to access. The deviations, if the request is approved, will maintain the accesses along the arterial roads and allow a wider access drive to accommodate the type

of vehicles entering the development without disrupting the surrounding uses. The request for reduction in the parking requirements for the warehouse, mini warehouse use will provide a more compact development with loading and unloading zones that fit the development scheme.

c) Compatibility with existing and planned uses in the surrounding area.

The proposed development is in the Commercial Corridor, specifically the Neighborhood Commerical area, within the North Fort Myers Community Plan area, which intends for intense commercial development abutting the arterial roadway network to serve surrounding uses. The applicant has designed the Master Concept Plan to depict intense development accessing the arterial roads and less intense commercial uses with access to the local road. The buffers meet or exceed the Land Development Code to provide screening and visual relief from the proposed maximum building height of 45 feet.

d) Sufficiency of Access and Transportation Impacts.

The proposed development has existing accesses to NE Pine Island Road and North Cleveland Avenue, both of which are State-maintained arterial roads. The applicant is requesting Deviation #1 to allow a 56-foot-wide parking lot entrance from Herron Road instead of the maximum 35 feet permitted by **LDC Section 34-2013(b)(3)** to accommodate large vehicles. Per the Traffic Impact Statement, the access is sufficient to support the proposed development (see Attachments F & H).

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

The applicant has provided a Traffic Impact Statement that analyzes the proposed trips within the surrounding roadway network with trips assigned based upon the routes drivers are anticipated to utilize to access the proposed development. The TIS studies the roadway links with or without the proposed additional trips to ensure that there are no significant impacts to the level of service. The study indicates that the roadways have sufficient capacity available to accommodate the new trips. It is anticipated that the existing turn lanes along NE Pine Island Road and North Cleveland Avenue will need to be extended; however, those improvements will be evaluated at time of development order (see Attachment F & H).

f) No adverse impacts to environmentally critical or sensitive areas and natural resources.

The request will have no impacts to environmentally sensitive or critical areas. The applicant has provided a Florida Land Use Cover and Classification System (FLUCCS) map depicting the habitat types on the site (see Attachment F). The applicant indicates that the site is disturbed where the existing homesteads and commercial uses were previously located. The FLUCCS map depicts the remaining land as upland mixed hardwoods. The soils map and staff inspections indicate that the southwest corner is more of a hydric mixed hardwood. The applicant is preserving 1.00 acre of

upland mixed hardwoods which will be restored per the Preserve Management Plan (see Attachment F). The Surface Water Management Plan indicates that the preserve will be utilized for surface water management. The Preserve Management Plan includes upland plant species being proposed for restoration. The preserve has existing upland species. The applicant will need to design the surface water management so that that preserve is not included in the stormwater management plan to ensure survivability of existing and proposed upland restoration. Per the Protected Species Survey, there were no protected species on the site (see Attachment F).

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

As noted and defined above, the subject property is located within a future urban area. The subject property has adequate access to urban services to accommodate the development proposed by the request. Future improvements required by the LDC at time of local development order approval will further improve urban services and pedestrian facilities surrounding the subject property.

h) Supplemental Planned Development Criteria

Staff finds the request to be consistent with the following additional criteria:

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

b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and

c) That each requested deviation, as conditioned:

1) Enhances the achievement of the objectives of the planned development; and

2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

CONCLUSION:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff finds the request to be consistent with the established review criteria. The Commercial Planned Development rezone is consistent with the Intensive Development and Sub-Outlying Suburban future land use designations and the applicable goals, objectives, and policies of the Lee Plan. The request, as conditioned, is appropriate in the context of its surroundings. Staff recommends **APPROVAL** of the request to rezone the property from Commercial (C-1 and C-1A), and Agricultural (AG-2) to Commercial Planned Development (CPD) to allow the following:

A maximum of 121,800 square feet of commercial uses, including the following two scenarios for the use-specific intensities:

- a maximum 10,000 square foot mini-warehouse,
- 4,000 square foot carwash,
- 2,500 square foot auto repair services,

- 7,500 square foot convenience food and beverage store with 16 fuel pumps, OR
- 5,000 square foot fast food restaurant,
- 7,800 square foot commercial retail uses

The maximum proposed height is 45 feet (see Attachment E).

ATTACHMENTS:

A. Expert Witness Information
B. Legal Description, Sketch and Description
C. Location Aerial, Future Land Use, and Current Zoning Maps
D. Master Concept Plan
E. Development Regulations and Conditions
F. Applicant's Project Narrative
   Schedule of Uses & Property Development Regulations
   North Fort Myers Community Meeting Summary
   Surface Water Management Narrative
   Deviation Request and Justification
   Applicant's Protected Species Survey
   Applicant's Preserve Management Plan
   Applicant's Transportation Impact Statement
G. Utility Availability Letters
H. Department of Transportation Staff Memorandum

DCI2023-00049
ROYAL PALM MULTIFAMILY RPD

Staff Summary

CASE NUMBER & NAME:	DCI2023-00049 / Royal Palm Multifamily RPD
REQUEST:	Request to rezone 19.33 +/- acres from Mobile Home Conservation Residential District (MHC-2) to Residential Planned Development (RPD) to allow 391 multifamily dwelling units with amenities, including 136 units of bonus density.
RESOLUTION NUMBER:	Z-24-023
LOCATION:	SW corner of Old Gladiolus Drive and US 41, South Fort Myers Planning Community, Lee County, FL
OWNER:	Royal Palm Village Condominium Association, Inc.
APPLICANT:	Flourney Development Group
AGENT:	Fred Drovdlic, AICP RVI Planning and Landscape Architecture 1514 Broadway, Suite 201 Fort Myers, FL 33901
HEARING EXAMINER RECOMMENDATION:	Approve, subject to conditions and deviations set forth in Exhibit B.
PARTICIPANTS (9):	1. Janet Bley 2. Robyn Campbell 3. Gregory Dudek 4. Thomas Estrella 5. Eric Farmer 6. Tim Kendall 7. Tom Lowen 8. Rod Pickett 9. Zachary Shankle

DCI2023-00049

Aerial

Subject Property

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Lee County
Southwest Florida

Summary of Hearing Examiner Recommendation

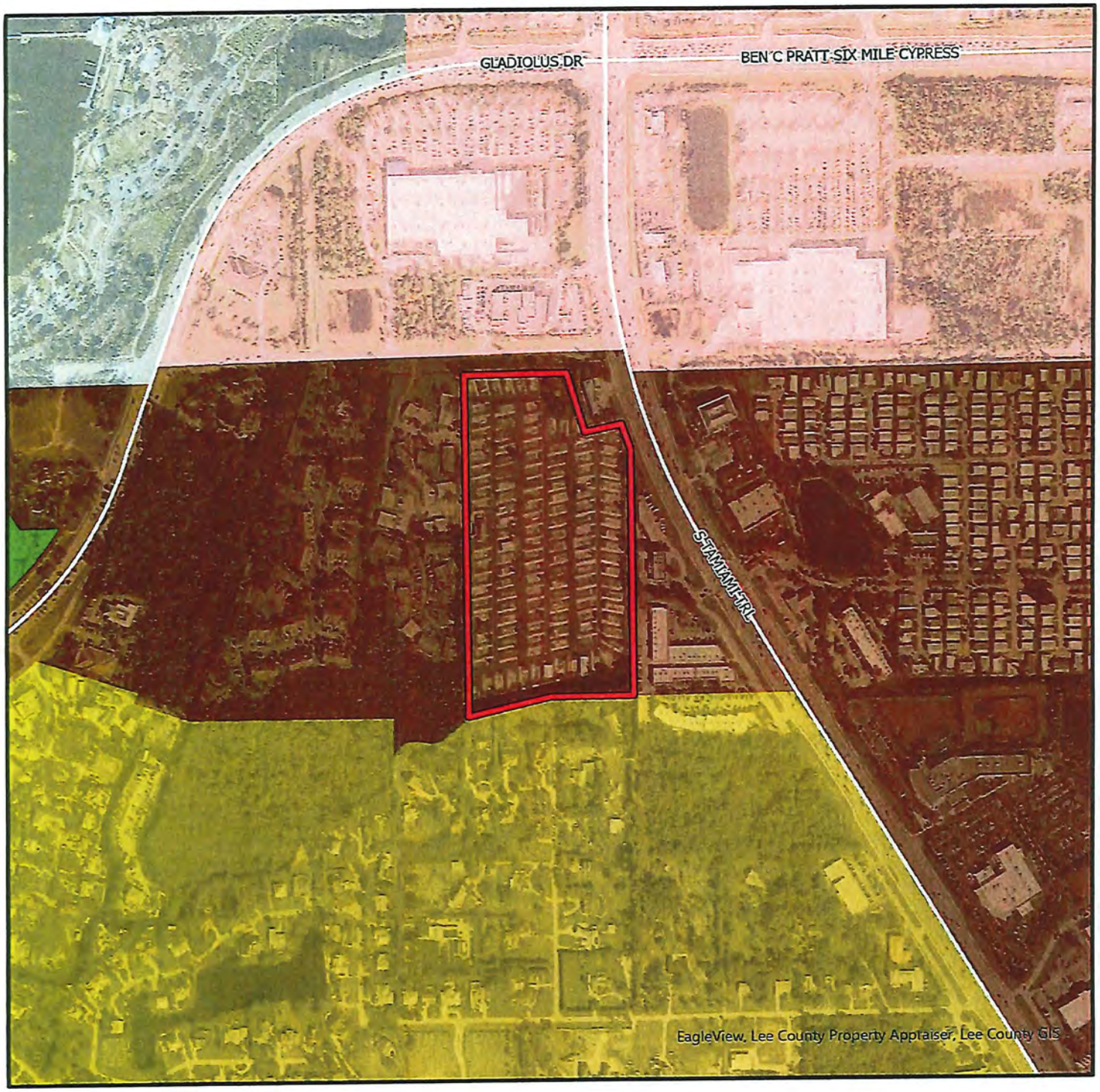
ROYAL PALM MULTIFAMILY RPD

The request seeks to revitalize a mobile home park ravaged by Hurricane Ian. Applicant proposes to construct a multi-family community utilizing bonus density for site-built affordable housing. The property is in the Coastal High Hazard Area and must comply with site-specific development standards.

A recent Lee Plan amendment redesignated the property to Intensive Development. Proposed density, inclusive of bonus units, remains within the permissible range.

Several members of the public spoke at hearing, divided evenly between opposition and support of the request.

Detailed recommendation follows



DCI2023-00049

Future Land Use

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

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Southwest Florida

DCI2023-00049

Aerial

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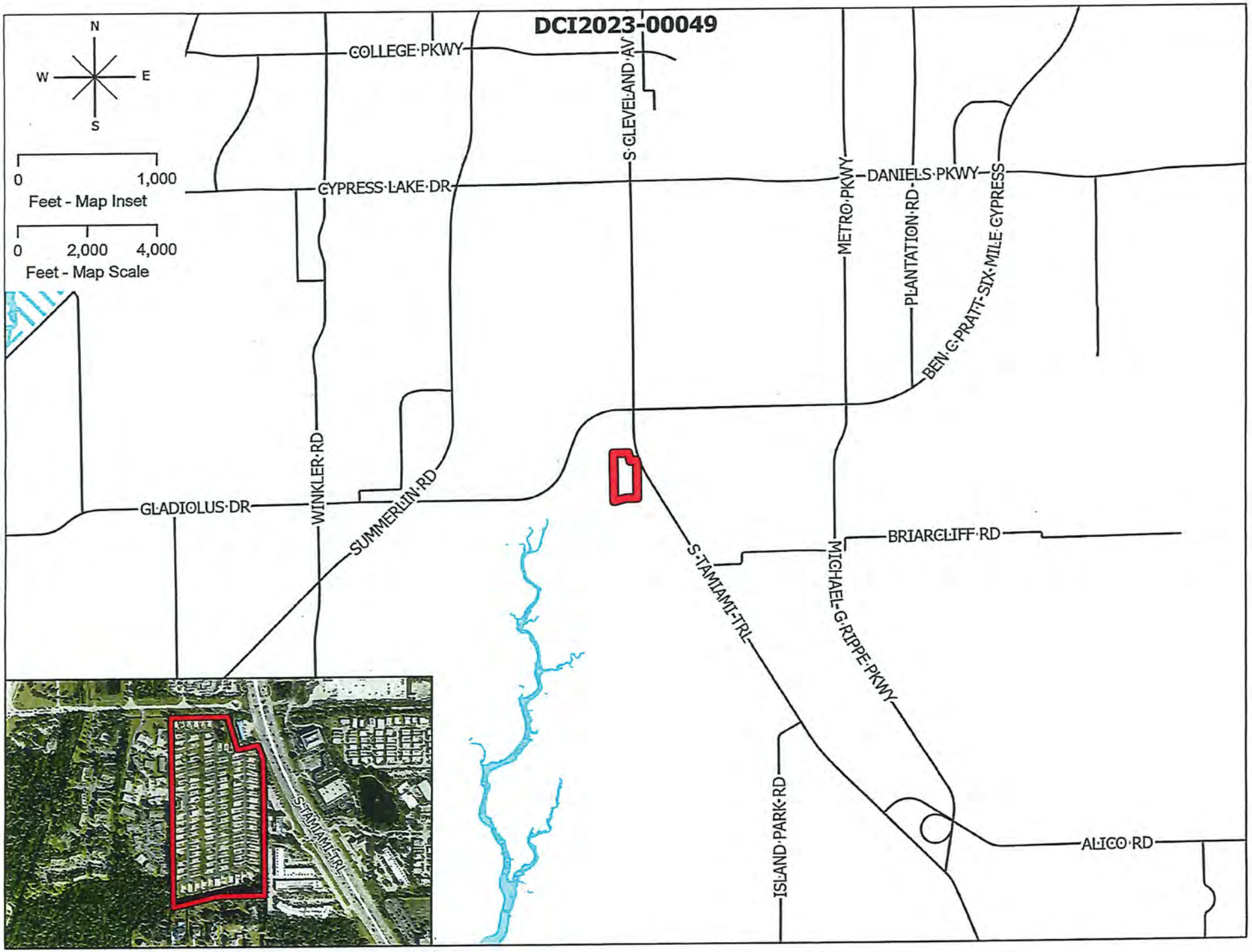
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CYPRESS LAKE DR
METRO PKWY
DANIELS PKWY
PLANTATION RD
BEN G PRATT SIX MILE CYPRESS
WINKLER RD
SUMMERLIN RD
GLADIOLUS DR
S TAMIAMI TRL
BRIARCLIFF RD
MICHAEL G RIPPE PKWY
ISLAND PARK RD
ALICO RD

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2023-00049

Regarding: **ROYAL PALM MULTIFAMILY RPD**

Location: 15180 Meadow Circle
South Fort Myers Planning Community
(District 3)

Hearing Date: August 29, 2024
Record Closed: **August 30, 2024**

I. Request

Rezone 19.33± acres from Mobile Home (MHC-2) to Residential Planned Development (RPD) to allow a maximum of 391 multi-family units, 60 feet in height. Requested density includes 136 bonus units.

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.[1] In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on the application to rezone 19.33± acres to RPD.

In preparing a recommendation for the Board, Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC), and other County regulations to the facts presented. There must be competent substantial evidence in the record to support the recommendation to the Board.

Discussion supporting the Hearing Examiner's recommendation of approval follows below.

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[1] LDC §34-145(d)(4)a.

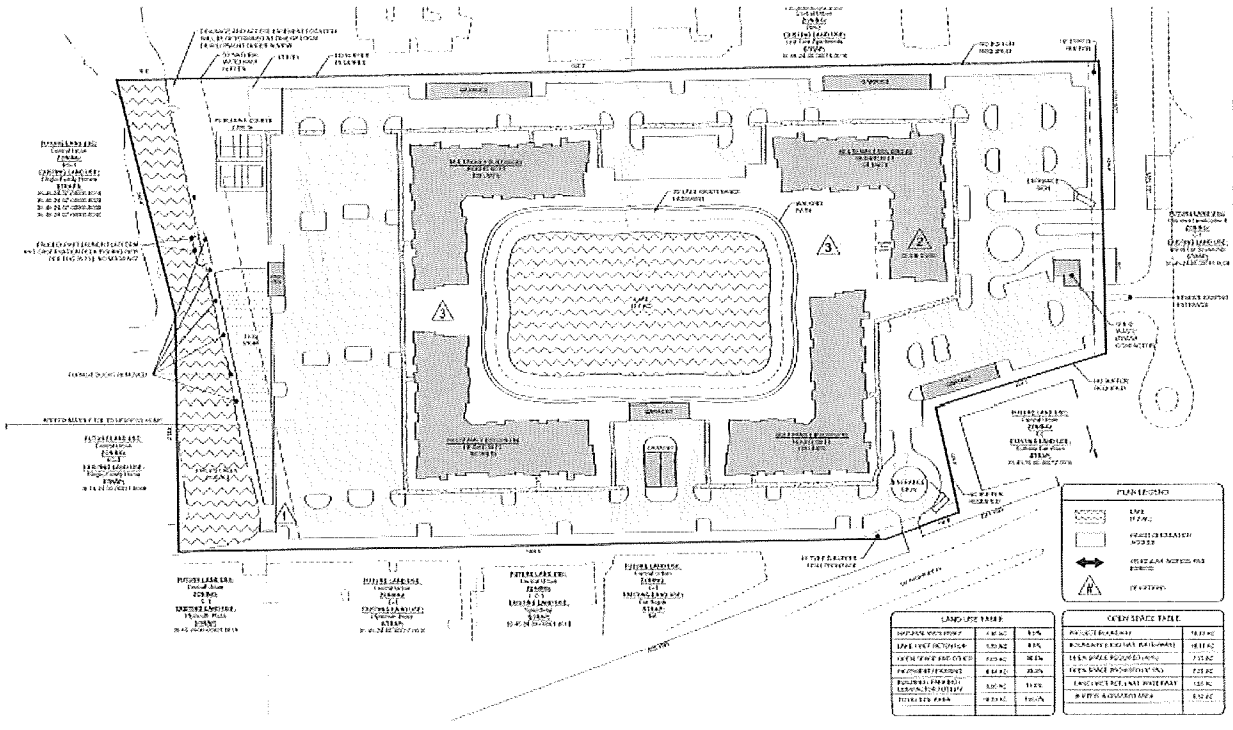
Request

The property is west of US 41, south of Old Gladiolus Drive. The site is uniquely positioned between intense commercial and residential uses. A mobile home park historically occupied the site, but was destroyed by Hurricane Ian.

The request seeks approval of a residential development consisting of 391 multi-family dwelling units.[2] Applicant proposes to develop 136 affordable housing units utilizing the bonus density program. Site design includes four residential buildings with a clubhouse, garages, lake, dog park, pickleball courts, open space, and parking. Buildings are centralized around the lake to maximize buffers from adjacent residents. Maximum building heights will be 60 feet.

The Board approved a Lee Plan map amendment designating the property as Intensive Development on August 7, 2024.[3]

Staff recommended approval, finding the proposed RPD satisfies review criteria in the LDC and Lee Plan.



[2] Base density is 255 units with up to 136 bonus units.
[3] *See* Staff Report (pg. 1, referencing CPA2023-00011, Attachment D). The property was previously in the Central Urban future land use category.

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. Provides 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.[4]

If the request involves planned development zoning, such as RPD, the Hearing Examiner must also find:

H. The proposed use is appropriate at the proposed location;

I. 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.[5]

[4] *See* LDC §34-145(d)(4)(a)(1).
[5] *See* LDC §34-145(d)(4)(a)(2).

History of the Site

The Royal Palm Village mobile home community occupied the site from 1982 until Hurricane Ian struck in 2022.[6] The property supported 130 mobile homes on individually owned lots governed by a Declaration of Condominium.[7] The owners voted to dissolve the condominium following destruction caused by the hurricane.[8] The site is mostly vacant, with some remnants of development.[9]

Character of Surrounding Area

The site fronts Old Gladiolus Drive and US 41. Intense commercial uses line the US 41 corridor. The Gladiolus Drive/US 41 intersection is among the busiest in the county and sits just north of the site. Commercial retail centers including a Lowe's hardware store, auto dealership, car wash, auto repair shop, gas station, and Walmart Plaza with fast food outparcels are to the north and east.

Phillips Creek adjoins to the south, separating the property from a large lot residential neighborhood.[10] The Lost Tree Village and Pine Meadows multifamily communities abut to the west.[11]

The requested RPD infills a heavily developed area, promoting contiguous and compact growth patterns consistent with the Lee Plan.[12]

Lee Plan Consistency

Planned developments must be consistent with the Lee Plan.[13]

The Lee Plan Future Land Use Map classifies the property as Intensive Development in the South Fort Myers Planning District.[14] The Intensive Development land use category permits high levels of development. Permissible density ranges from 8 to 22 dwellings per acre but may be as high as 30 units per acre under certain circumstances.[15] Intensive Development areas are suited to accommodate high densities.[16]

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[6] *See* Staff Report (pg. 1-2).
[7] *Id*; *See also* Attachment F.
[8] *See* Staff Report (pg. 2).
[9] The Hearing Examiner conducted a site visit on August 28, 2024.
[10] *See* Staff Report (pg. 2-3). The RS-1 lots to the south consist of ½ acre to ¾ acre lots in the Philips Creek Subdivision Plat (Staff Report Attachment G).
[11] Lands to the west are zoned RM-2 and have been developed with single-story and two-story residential buildings. *See* Staff Report (pg. 3).
[12] Lee Plan Objectives 2.1 and 2.2.
[13] Lee Plan Policy 2.1.2; LDC §34-411(a).
[14] Lee Plan Maps 1-A, 1-B, Policy 1.1.2.
[15] Maximum density is 22 units per acre. Developers may increase maximum density to 30 dwellings per acre when utilizing Greater Pine Island Transfer of Development Units. Lee Plan Policy 1.1.2.
[16] Lee Plan Policy 1.1.2.

The proposed density of 21 units per acre falls within the permissible range. Applicant seeks 136 units through the affordable housing bonus density program.[17] The RPD will utilize site-built affordable housing consistent with Lee Plan directives for properties within the Coastal High Hazard Area.[18] Providing a diversity of housing types while meeting the community's affordable housing needs satisfies various Lee Plan directives.[19]

Requests for bonus density must demonstrate compliance with supplemental requirements set forth in the LDC.[20] Applicants must show:

1. Additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector/arterial road;
2. Existing and committed public facilities are not so overwhelmed that a density increase would be contrary to the overall public interest;
3. Storm shelters are provided if the development is located within the coastal high hazard area; and
4. The resulting development will be compatible with existing and planned surrounding land uses.

Traffic

The property has an existing access to Old Gladiolus Drive, a county-maintained local road.[21] Old Gladiolus Drive intersects with Gladiolus Drive, a state-maintained arterial road. Site design envisions adding a right-in/right-out access on US 41, a state-maintained arterial road. The Florida Department of Transportation (FDOT) is reviewing Applicant's permit application seeking US 41 access.[22]

Project traffic will directly access an arterial road in satisfaction of the review criteria.[23]

Public Facilities

The record reflects existing and committed public facilities will not be so overwhelmed that a density increase would be contrary to the public interest.[24]

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[17] Applicant also indicated it may utilize gray water legislation to achieve additional density. *See* Applicant Ex. 1 (slide 13); Drovdlic Testimony (Transcript pg. 18-19).
[18] Lee Plan Policies 101.3.6, 101.3.7; Drovdlic Testimony (Transcript pg. 50-51).
[19] *See* Lee Plan Goal 135, Objective 135.1, Policy 135.1.1, 135.1.4, 135.1.9, 135.1.14, 135.4.14.
[20] LDC §2-146(b).
[21] Applicant proposes to relocate the access farther west and gate it to restrict use to residents and guests.
[22] Drovdlic and Treesh Testimony (Transcript pgs. 33-35, 43-45).
[23] Mr. Treesh testified FDOT permitting was underway with no indication that the US 41 access would not be approved. *Id.* at 45. Ms. Workman elaborated traffic on Old Gladiolus passes medical office, commercial, and multi-family uses before reaching Gladiolus Drive, the next arterial road. *Id.* at 76.
[24] *See* Staff Report (pg. 4, Attachment G & I).

Sufficient road capacity accommodates projected trip generation.[25] Applicant provided a Traffic Impact Statement (TIS) and letters of availability from service providers to demonstrate compliance with this criterion.[26]

Storm Mitigation

The property is located within the Coastal High Hazard Area.[27] Applicant prepared a Coastal High Hazard/Hurricane Risk Assessment Report analyzing the flooding/storm surge risks, FEMA flood elevation designation, and how site design improves resiliency.[28] Applicant's expert pointed to significant safety benefits afforded by construction standards applicable to new development.[29]

Compatibility

The LDC defines *compatible* to mean the state wherein two land uses/buildings/ structures/zoning districts exhibit either: (1) a positive relationship based on fit, similarity or reciprocity of characteristics; or (2) a neutral relationship based on a relative lack of conflict or on a failure to communicate negative/harmful influences on one another.[30]

A multi-family residential use is compatible with existing development patterns. Multi-family development is generally accepted as an appropriate transition between lower density residential and nonresidential land uses along arterial road networks. The proposed RPD serves as a transition from the single-family neighborhood to the south to commercial uses along US 41/Old Gladiolus Drive.

The proposed site plan considers neighboring uses and buffers adjacent residents by:

- Increasing setbacks from prior mobile home placement.[31]
- Clustering development as far north as possible to distance site activity from existing residences.[32]

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[25] *See* Staff Report (Attachment E: TIS prepared by TR Transportation Consultants, dated Dec. 6, 2023).
[26] *See* Staff Report (Attachment E, H). Applicant obtained letters from the Lee County Sherriff, South Trail Fire Control and Rescue District, Lee County School District, Lee County Utilities, Public Safety, Parks & Recreation, and Lee County Solid Waste.
[27] Lee Plan Map 5-A.
[28] *See* Staff Report (pg. 9, Attachment E); Fountain Testimony (Transcript pg. 37-42); Applicant Ex. 1 (slide 25-28).
[29] Ms. Fountain elaborated that mobile home residents evacuate at higher rates than apartment dwellers, further aiding regional evacuation efforts. Other safety benefits include strict construction standards imposed by FEMA, state, and local regulations. Fountain and Workman Testimony (Transcript pg. 37-42, 66-68).
[30] LDC §34-2.
[31] Drovdlic Testimony (Transcript pg. 23-24).
[32] The nearest residence is 400-550 feet away from project buildings. The MCP reflects 170 feet separates the parking areas from the nearest residence. Drovdlic Testimony (Transcript pg. 24, 58).

- Restricting access on Old Gladiolus Drive to residents/guests to prohibit cross-through traffic.[33]
- Enhancing buffers, including a 50-foot waterway buffer to separate the RPD from southern neighbors.[34]
- Locating garages along the western boundary to minimize off-site impacts to western neighbors.[35]
- Replacing six existing docks in Philips Creek with one unified observation deck/paddlecraft launch constructed consistent with LDC requirements.[36]
- Improving water quality and implementing shoreline stabilization of Philips Creek.[37]
- Prohibiting lighting and limiting hours for the dog park and pickleball courts.

Applicant provided sufficient evidence to satisfy each of the requisite criteria to support participation in the bonus density program.

Transportation

Planned developments must have access to roads with sufficient capacity to support proposed intensity.[38] Existing regulations or conditions of approval must address expected impacts on transportation facilities.[39]

The site plan reflects direct access to US 41.[40] A second access is located on Old Gladiolus Drive with indirect access to Gladiolus Drive.[41] FDOT governs connections to US 41 and is reviewing the proposed right-in/right-out access.[42]

Access will be gated to prevent passthrough traffic.[43] Project accesses have a circular design to facilitate traffic flow.[44] Ultimate traffic circulation design will be determined during development order review.

The record supports a finding that there is sufficient access to support the proposed development.[45]

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[33] Treesh Testimony (Transcript pg. 44-45).
[34] Applicant provided Line-of-Sight exhibits at hearing. Applicant Ex. 1 (slide 18). Deviation 1 grants a slight reduction for parking areas in the southeast.
[35] Garages are lower impact activity centers than the multi-family buildings clustered around the internal lake.
[36] *See* MCP; Drovdlic Testimony (Transcript pg. 25-26).
[37] Lee Plan Objective 101.4.
[38] LDC §34-145(d)(4)(a)(1)(d); §34-411(d)(1).
[39] LDC §34-145(d)(4)(a)(1)(e); §34-411(d)(2).
[40] US 41 at this location is a six-lane divided arterial road. Applicant proposes a right-in/right-out to US 41. *See* Staff Report (Attachment J).
[41] Old Gladiolus Drive is a county-maintained road that connects to Gladiolus Drive, a county-maintained arterial road. *See* Staff Report (pg. 9, Attachment J).
[42] *See Id.*; Drovdlic and Treesh Testimony (Transcript pg. 33-35, 43-47).
[43] Drovdlic and Treesh Testimony (Transcript pg. 15, 44).
[44] Drovdlic Testimony (Transcript pg. 55-57).
[45] Treesh Testimony (Transcript pg. 43-47); *See* Staff Report (Attachment E, J); Applicant Ex. 1 (slide 29).

The Traffic Impact Statement (TIS) demonstrates area roadways will operate at acceptable levels of service at buildout.[46] The report concluded the request does not significantly impact affected roads.[47]

Site-related improvements will be evaluated during local development order review.[48]

Environmental

Rezoning requests cannot adversely affect environmentally critical or sensitive areas and natural resources.[49]

Applicant meets open space requirements on upland areas.[50] The request includes an open space deviation due to calculations involving Philips Creek acreage in the property boundary.[51]

Philips Creek is a natural waterbody that conveys offsite flows from the east side of US 41 to Hendry Creek and the Estero Bay Aquatic Preserve.[52] Applicant will preserve the existing flow way consistent with Lee Plan directives.[53]

The surface water management system will be directed to onsite attenuation areas prior to discharging into Phillips Creek.[54] The Florida Department of Environmental Protection (FDEP) identifies the Creek as an impaired waterbody.[55] Accordingly, Applicant must abide by the Surface Water Quality Monitoring Plan to ensure maximum daily loads are not exceeded and that the request does not degrade water quality.[56]

There are no protected species or wetlands on site.[57]

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[46] *See* Staff Report (Attachment E: TIS prepared by TR Transportation Consultants, dated Dec. 6, 2023), (Attachment J).
[47] Mr. Treesh explained County regulations define "significant impacts" as project trips exceeding 10% of LOS C on affected roadways. Transcript at 42. Ms. Workman echoed the LOS remains the same with/without project traffic. *Id.* at 68.
[48] Applicant must address site related improvements, including turn lanes, if warranted during the development order process. Lee Plan Objective 39.1, Policy 39.1.1, LDC §10-287.
[49] *See* LDC §34-145(d)(4)a1(e).
[50] LDC §10-415(a) requires 40% open space based on total land area. Philips Creek occupies 1.16 acres, prompting Applicant to seek a deviation in recognition of this constraint. The MCP reflects 36.4% open space including the Philips Creek acreage.
[51] *See Id.* Condition 1 incorporates the Open Space Plan into the RPD zoning resolution.
[52] *See* Staff Report (Attachment I); Fountain Testimony (Transcript pg. 53-55).
[53] Lee Plan 60.4.3, 126.1.4.
[54] *See* Staff Report (Attachment E, I); Fountain and Workman Testimony (Transcript pg. 53-55, 72-73, 133-136).
[55] *See* Staff Report (Attachment I).
[56] Condition 6.
[57] *Id.*

Public Services

The Lee Plan requires the availability of urban services be evaluated during the rezoning process. Public services are the services, facilities, capital improvements, and infrastructure necessary to support development.[58]

A broad range of services and infrastructure serve the site.[59] Services include public water and sewer, solid waste collection, schools, libraries, medical facilities, law enforcement, fire, and emergency medical services.[60]

Shopping, recreation, and employment centers are in proximity. Transit stops are within walking distance, as well as bicycle and pedestrian facilities.[61]

Development will be subject to road, park, school, fire, and EMS impact fees.[62]

Public Participation

Applicant conducted a public information meeting, not required by the LDC.[63]

There was significant public participation at hearing, with speakers both in support and opposition of the request.[64] Speakers in opposition reside south and west of the site. Concerns focused on flooding, traffic, impact on property values, noise, and compatibility. Rebuttal testimony addressed concerns, resulting in additional conditions prepared by the parties to protect residents from development impacts.[65]

Conditions

The County must administer the zoning process so that proposed land uses acceptably minimize adverse impacts to adjacent residential properties.[66]

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[58] Lee Plan Glossary definition of public services.
[59] Applicant Ex. 1 (slide 11); Staff Report (Attachment H).
[60] South Trail Fire Station #63, EMS Station #35 and Medic #8 provide emergency services to the site. Law Enforcement will be supplied by Lee County Sheriff's offices. Each provider submitted letters confirming capacity to serve the proposed development. Lee County provided letters of availability for potable water and sanitary sewer. *See* Staff Report (pg. 3, Attachment H); Lee Plan Maps 4-A, 4-B.
[61] *See* Staff Report (pg. 4); Lee Plan Maps 3-D, 4-E; LDC §10-256. Shared use paths are on US 41 and Gladiolus Drive. A bicycle path is also on US 41. LeeTran has a stop within easy walking distance. Drovdlic Testimony (Transcript pg. 16-17, referencing Routes 240 and 140).
[62] LDC §§2-261 *et seq.*, §§2-301 *et seq.*, §§2-341 *et seq.*, §§2-381 *et seq.*
[63] *See* Staff Report (pg. 1, Attachment E), Applicant Ex. 1 (slide 7). The meeting was held on December 6, 2023. The Staff Report contains a meeting summary, notice of the meeting sent to affected neighbors, and an aerial map. *See Id.* Strayhorn Testimony (Transcript pg. 10-11).
[64] Public Testimony (Transcript pg. 80-119). Staff also submitted a letter of objection from the Parkside Place community at hearing. *See* Staff Ex. 5; Workman Testimony (Transcript pg. 79-80).
[65] Rebuttal Testimony (Transcript pg.120-139); Applicant Ex. 2: Post-Hearing Written Submissions (dated August 30, 2024).
[66] Lee Plan Policy 135.9.6.

Accordingly, the proposed RPD will be subject to conditions of approval. Conditions must plausibly relate to impacts anticipated from the development and be pertinent to mitigating impacts on public health, safety, and welfare.[67]

Staff and the Applicant provided additional conditions after hearing public comment to address concerns related to off-site impacts. Specifically, the parties agreed to limit height to four stories; prohibit lighting of amenity areas including the dog park and pickleball courts; restrict operation of amenity areas to dusk/dawn; and require gated access to limit passthrough traffic. These are in addition to conditions governing site development parameters, permitted uses, water quality monitoring, and enhanced buffer plantings.

Deviations

The proposed RPD includes three deviation requests. "Deviations" are departures from the land development regulations.[68]

The Hearing Examiner's standard of review for deviations requires a finding that each deviation:

1. Enhances objectives of the planned development; and
2. Protects public health, safety, and welfare.[69]

The requested deviations pertain to buffers, open space, and parking.[70] Staff found two deviations met LDC criteria for approval, but recommended denial of the parking deviation.[71]

The Hearing Examiner agrees with staff's recommendations finding the open space and buffer deviations, as conditioned, enhance the RPD and protect public health, safety, and welfare.[72] The Hearing Examiner further agrees with staff's recommended denial of the parking deviation. There is not sufficient evidence in the record to support a finding that reducing parking protects public health, safety, and welfare.[73]

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[67] LDC §34-932(b).
[68] LDC §34-2.
[69] LDC §34-377(a)(4).
[70] Applicant seeks deviations from LDC §10-416(d)(9), 34-2020, and 10-415(a).
[71] *See* Staff Report (pg. 4); Drovdlic and Workman Testimony (Transcript pgs. 27-31, 73-76).
[72] LDC §34-373(a)(9), §34-377(a)(4).
[73] Applicant provided ample testimony and argument as to why the parking standard should be lower for clubhouses under certain circumstances but did not submit a parking study. There is no evidence to suggest that granting the requested deviation protects public health, safety, or welfare. Absent LDC amendment to lower clubhouse parking standards, the Hearing Examiner cannot make the requisite finding to support approval of Deviation 2.

Conclusion

In conclusion, the Hearing Examiner recommends approval of the requested RPD, subject to the conditions set forth in Exhibit B.

IV. Findings and Conclusions

Based on record testimony and evidence, the Hearing Examiner makes the following findings and conclusions:

As conditioned, the Royal Palm RPD:

A. Complies with the Lee Plan. Lee Plan Goals 2, 4, 5, 135; Objectives 2.1, 2.2, 4.1, 5.1, 60.4, 77.1, 77.3, 135.1; Policies 1.1.2, 1.6.5, 2.1.2, 2.2.1, 4.1.1, 4.1.2, 4.1.4, 5.1.2, 5.1.3, 5.1.5, 5.1.6, 5.1.7, 5.1.8, 60.4.1, 61.3.6, 61.3.11, 61.4.4, 101.1.1, 101.3.2, 101.3.7, 135.1.9, 135.1.14, 135.9.5, 135.9.6, 160.1.3; Lee Plan Maps 1-A, 1-B, 3-D, and 5-A.

B. Complies with the Land Development Code and other County regulations or qualifies for deviations. LDC §§34-145(d), 34-341, 34-378, 34-411, 34-413, 34-491, 34-612(2), 34-932;

C. Is compatible with existing and planned uses. Lee Plan Objectives 2.1, 2.2, Policies 5.1.5, 135.9.5, 135.9.6; LDC §34-411;

D. Will provide sufficient access to support the proposed development. LDC §34-411(d).

E. Expected impacts on transportation facilities will be addressed by the conditions of approval or County regulations. Lee Plan Policies 39.1.1; LDC §§ 2-261 *et seq.*, 10-287, 34-411;

F. Will not adversely affect environmentally critical areas and natural resources. Lee Plan Goals 77, 125; Objectives 77.1, 77.3, 101.1.1, 101.3, 126.2; Policies 61.3.1, 61.3.6, 61.3.11, 125.1.2, 126.2.1, Standard 4.1.4; and LDC §34-411;

G. Will be served by urban services. Lee Plan Glossary, Lee Plan Goals 2, 4, Objectives 2.1, 2.2, 4.1, and Standards 4.1.1 and 4.1.2; LDC §10-256, 34-411.

H. The proposed mix of uses is appropriate at the proposed location. Lee Plan Goals 2, 5; Policies 2.1.1, 2.2.2, 5.1.2, 5.1.3, 5.1.5, 135.1.9, 135.9.6.

I. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. Lee Plan Policies: 5.1.5, 5.1.6, 126.2.1 and 135.9.6; LDC §34-411, 34-932.

F. As conditioned herein, the requested deviations:

1. Enhance the objectives of the planned development, and
2. Protect public health, safety, and welfare.

Date of Recommendation: October 3, 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

ROYAL PALM VILLAGE

LEGAL DESCRIPTION

Exhibit A

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

REVIEWED
DCI2023-00049
Rick Burris, Principal Planner
Lee County DCD/Planning
7/25/2024

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.

Digitally signed by Dalton Cross
Date: 2024.03.13 14:55:04 -04'00'

DALTON R. CROSS License Number 7329 STATE OF FLORIDA Professional Surveyor and Mapper

DATE 03/13/2024

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

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

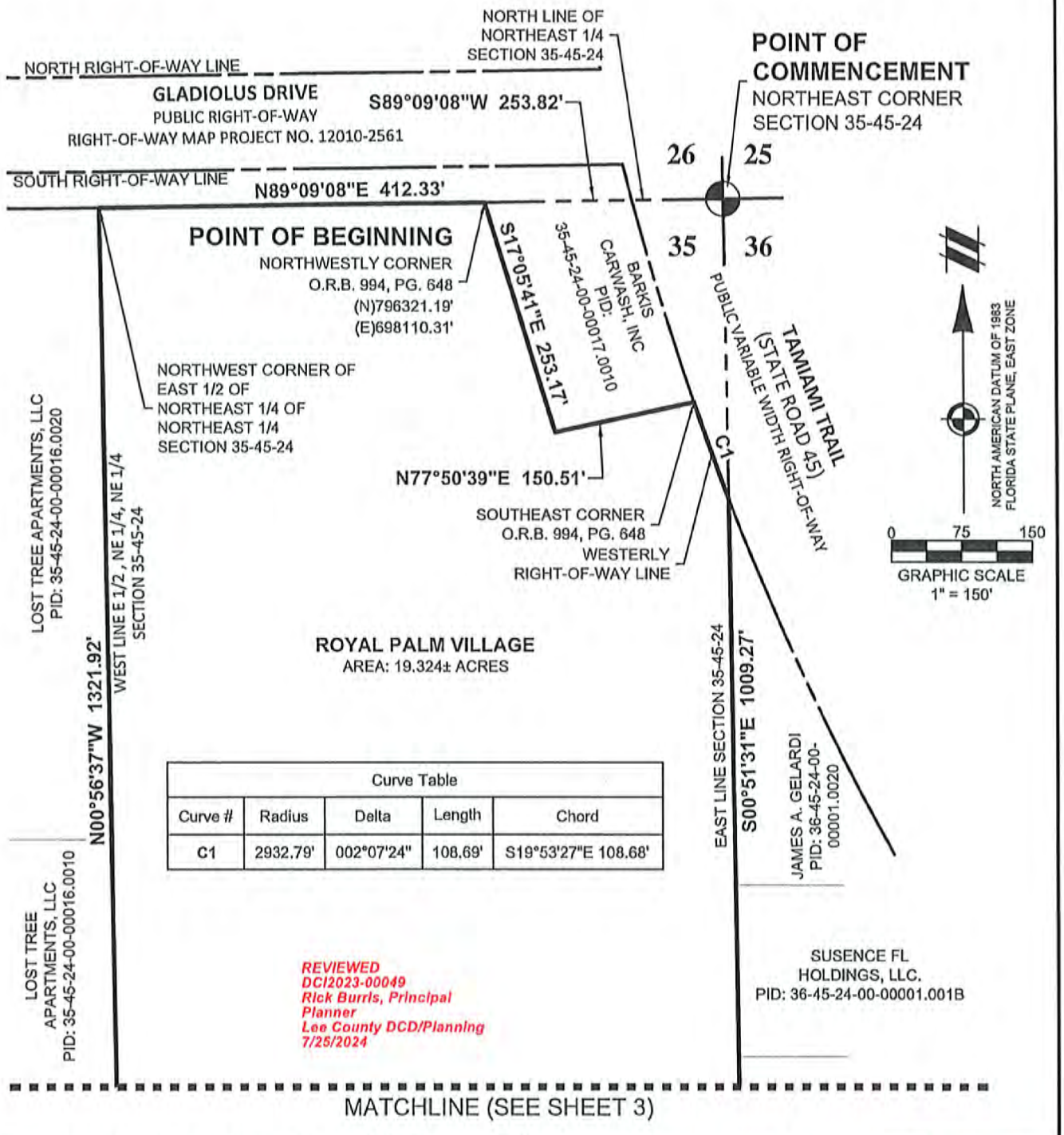
THIS SKETCH IS NOT A SURVEY

SHEET 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		

ATWELL
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



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

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 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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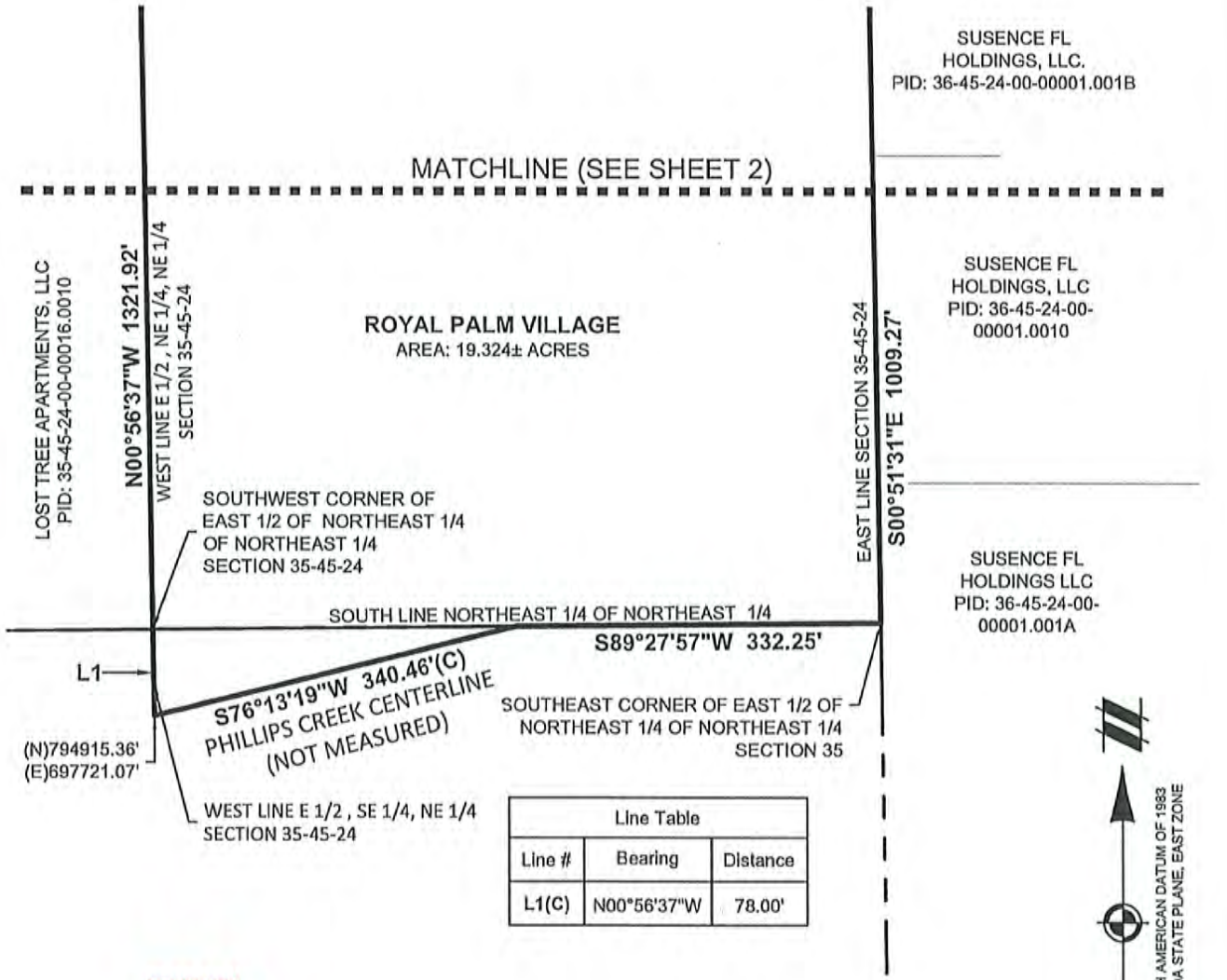
MAITLAND, FLORIDA 32751
407.775.6500 | LICENSED BUSINESS #7832

ROYAL PALM VILLAGE

SKETCH OF LEGAL DESCRIPTION



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

REVIEWED
DCI2023-00049
Rick Burris, Principal Planner
Lee County DCD/Planning
7/25/2024

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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DCI2023-00049

Zoning

Subject Property

N
W
E
S

0 500 1,000
Feet

Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

As modified by the Hearing Examiner

CONDITIONS

1. Master Concept Plan (MCP)/Development Parameters

a. MCP. Development must be substantially consistent with the two-page MCP entitled "Royal Palm Multi-Family RPD," prepared by RVi Planning + Architecture, dated April 2, 2024, except as modified by conditions below (Exhibit B1).

b. LDC and Lee Plan. Development must comply with the LDC and Lee Plan at time of development order approval, except where deviations are granted herein. Subsequent modifications to the MCP or conditions of approval may require further development approvals.

c. Development Parameters. The RPD is limited to a maximum 391 dwelling units, including 136 bonus density units, and amenities. The maximum height permitted is four stories, or sixty (60) feet.

2. Uses and Site Development Regulations

a. **Schedule of Uses**

Accessory Uses, Buildings, and Structures
Administrative Offices
Dwelling unit: Multi-family
Entrance gates and gatehouse
Essential services
Essential service facilities: Group I
Excavation:
    Water retention
    Fences, Walls
Recreation facilities:
    Personal
    Private on-site
Signs
Temporary Uses

b. **Site Development Regulations**

General Parameters	
Minimum Lot Coverage:	40 percent
Maximum Multi-family Building Height:	60 feet
Maximum Garage Building Height:	35 feet
Minimum Open Space:	40 percent
Minimum Lot Area:	19.33 acres

Building Setbacks	
Street (Public):	20 feet
Front:	15 feet
Rear:	5 feet
Side:	0 feet
Minimum Building Separation:	20 feet
Natural Waterway:	50 feet
Waterbody:	20 feet

3. Condominium Lots

Developer must provide documentation from Lee County Property Appraiser's office demonstrating the condominium lots have been removed prior to development order issuance.

4. Open Space

Development order plans must calculate required open space based on 18.17 acres of developable land (less 1.16 acres for Philips Creek).

5. Natural Waterway Buffer

Development order plans must depict ten native trees, 50 shrubs, and 20 salt tolerant littoral grasses per 100 linear feet. Species must be native and meet LDC §10-420 specifications. Grasses must be salt tolerant.

6. Water Quality Monitoring

Developer must provide a Surface Water Quality Monitoring Plan for approval by the Lee County Division of Natural Resources. At a minimum, the Surface Water Monitoring Plan (the "Plan") must establish the following:

a. The overall Goals and Objectives of the Plan.
b. An outfall monitoring schedule during "wet" season of June through September and "dry" season of October through May for Total Phosphorus, Total Nitrogen, Copper, Iron, Enterococci, Field Temperature, Specific Conductance, Dissolved Oxygen, Turbidity, pH, Total Dissolved Solids, and Total Hardness.
c. A baseline monitoring event 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/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. A contingency plan in the event an exceedance of State Surface Water Quality Standards is discovered. The Plan must include notification to impacted residents and applicable authorities.

7. Transportation

a. The US 41 access shown on the MCP is conceptual and subject to modification based upon final approval from the Florida Department of Transportation (FDOT).

b. Development is allowed a maximum calculated intensity for new trip generation utilizing the following development scenario based upon the Institute of Transportation Engineers (ITE) Trip Generation Manual in effect at the time of local development order: 391 Dwelling Units of Multi-Family Housing Mid-Rise (LUC 221).

8. Amenities

The dog park and pickleball courts will be open from dawn to dusk and will not be lighted.

9. Gated Access

Vehicular entrance and exit points must be gated to restrict access to residents and their guests.

10. 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 undertake actions in violation of state/federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

DEVIATIONS

1. **Waterway Buffer**. **Deviation (1)** seeks relief from LDC §10-416(d)(9), which requires developments abutting a natural waterway to provide a 50-foot-wide natural waterway buffer measured from mean high water or top of bank, whichever is further landward, within a common element/tract and containing six native canopy trees and 50 native shrubs per 100 linear feet, *to allow a 20-foot-wide buffer at the southeast corner where the parking encroaches into the 50-foot-wide buffer.*

   HEX Recommendation: Approve, subject to Condition 5.

2. **Deviation (2)** seeks relief from Lee County Land Development Code (LDC) Section 34-2020, Table 7, which requires four parking spaces per 1,000 square feet for clubhouses and ancillary uses within a residential community without a golf course, *to allow the 10,000-square-foot clubhouse parking to be calculated at 2.5 spaces per 1,000 square feet of parking.*

   HEX Recommendation: Deny.

3. **Open Space. Deviation (3)** seeks relief from LDC §10-415(a), which requires large residential developments to provide 40 percent open space based on the total area of the subject request, *to allow the open space calculation from the developable land area of 18.17 acres since 1.16 acres is within Philips Creek.*

   HEX Recommendation: Approve, subject to Conditions 4 and 5.

Exhibits to Conditions:
B1 Master Concept Plan dated April 2, 2024

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Elizabeth Workman, Principal Planner, date received August 13, 2024 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *Affidavit of Publication:* For case DCI2023-00049 Palms Multifamily RPD (1 page – 8.5"x11")

3. *Permit Plan:* Prepared by Atwell Group for Flournoy Development Group, Inc., dated July 12, 2024 (1 page – 11"x17")

4. *PowerPoint Presentation:* Prepared by Lee County Staff for DCI2023-00049, Royal Palm Multi-Family RPD, dated August 29, 2024 (multiple pages – 8.5"x11")[color]

5. *Letter:* From Sara Whitmer, President of Parkside Place Condominium Association, to Elizabeth Workman, received by Community Development August 28, 2024 (1 page – 8.5"x11")

APPLICANT EXHIBITS

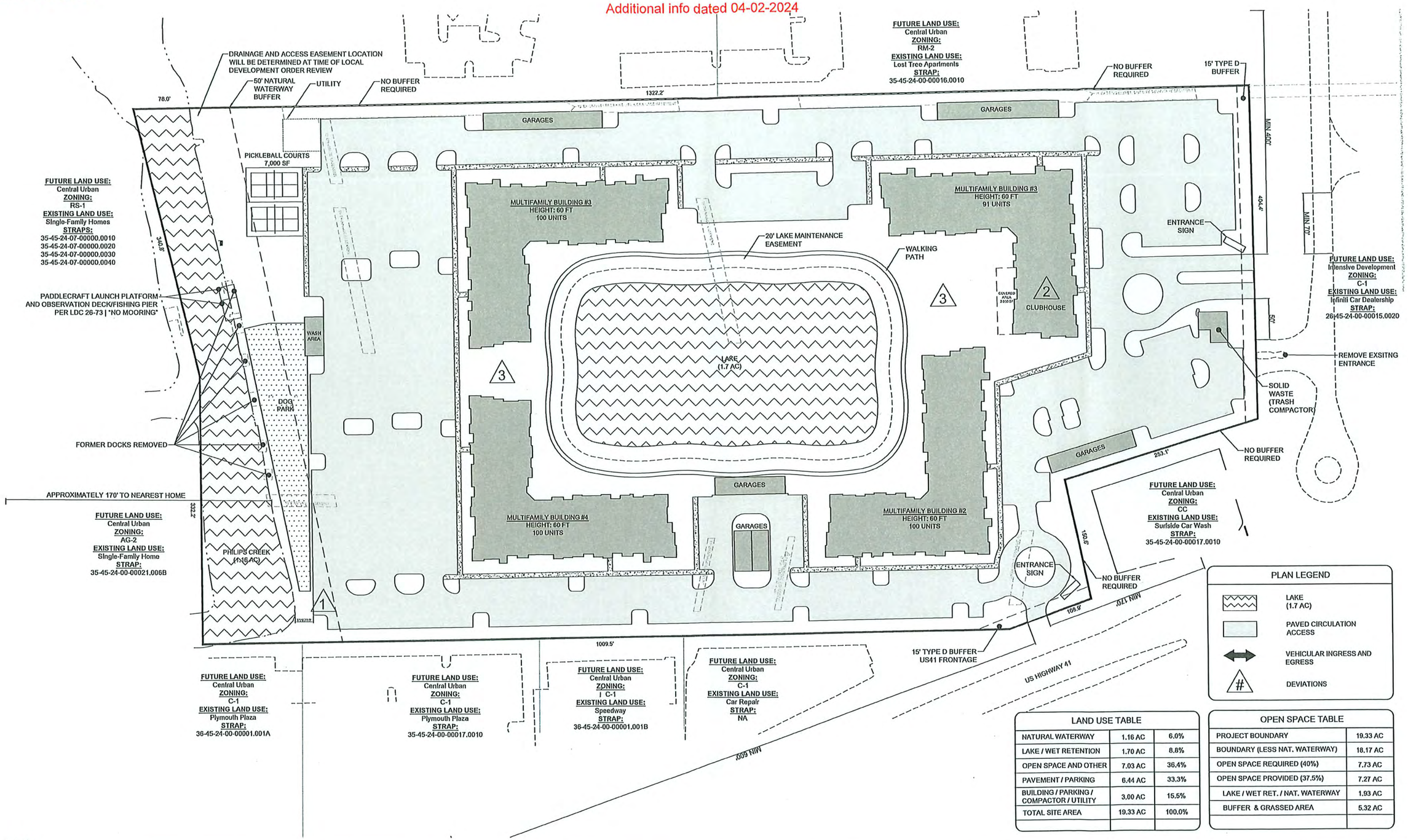
a. *48-Hour Notice:* Email from Megan Strayhorn, Esq., to Maria Perez, Reece Cooper, Fred Drovdlic, Paul Damico, D. Gastel, Bruce Strayhorn, Esq., TR Transportation, Elizabeth Workman, with copies to Rebecca Sweigert, Tracy Toussaint, Jamie Princing, Elizabeth Workman, Audra Ennis, Nicholas DeFilippo, Ohdet Kleinmann, Abby Henderson, Lee Werst, Warren Baucom, Mikki Rozdolski, Anthony Rodriguez, Dirk Danley, Jr., Phil Gillogly, Marcus Evans, and Jennifer Rodriguez, dated Tuesday, August 27, 2024, 6:49 AM (multiple pages – 8.5"x11")

b. *Exhibit List:* Email from Megan Strayhorn, Esq., to Maria Perez, dated Wednesday, August 28, 2024, 8:00 a.m. (2 pages – 8.5"x11")

c. *Revised Exhibit List:* Email from Megan Strayhorn, Esq., to Maria Perez, dated Wednesday, August 28, 2024, 2:37 p.m. (multiple pages – 8.5"x11")

1. *PowerPoint Presentation:* Prepared by for DCI2023-00049, Royal Palm Multi-Family RPD, dated August 29, 2024 (multiple pages – 8.5"x11")[color]

Additional info dated 04-02-2024



PLAN LEGEND

- LAKE (1.7 AC)
- PAVED CIRCULATION ACCESS
- VEHICULAR INGRESS AND EGRESS
- # DEVIATIONS

LAND USE TABLE		
NATURAL WATERWAY	1.16 AC	6.0%
LAKE / WET RETENTION	1.70 AC	8.8%
OPEN SPACE AND OTHER	7.03 AC	36.4%
PAVEMENT / PARKING	6.44 AC	33.3%
BUILDING / PARKING / COMPACTOR / UTILITY	3.00 AC	15.5%
TOTAL SITE AREA	19.33 AC	100.0%

OPEN SPACE TABLE	
PROJECT BOUNDARY	19.33 AC
BOUNDARY (LESS NAT. WATERWAY)	18.17 AC
OPEN SPACE REQUIRED (40%)	7.73 AC
OPEN SPACE PROVIDED (37.5%)	7.27 AC
LAKE / WET RET. / NAT. WATERWAY	1.93 AC
BUFFER & GRASSED AREA	5.32 AC

RVi

ROYAL PALM MULTIFAMILY RPD • MASTER CONCEPT PLAN

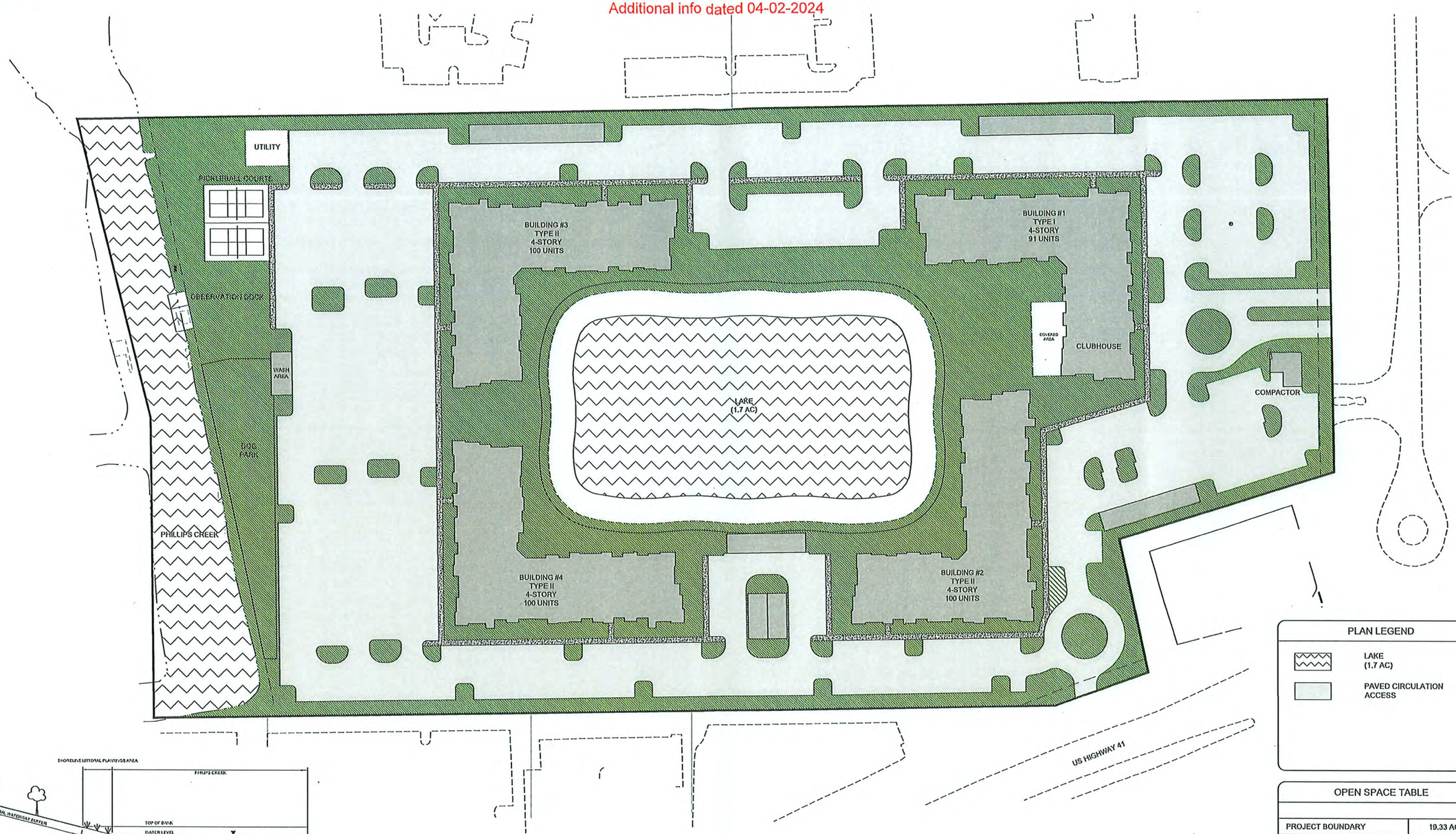
LEE COUNTY, FLORIDA
MARCH 29, 2024
2300-1957
FLOURNOY DEVELOPMENT GROUP

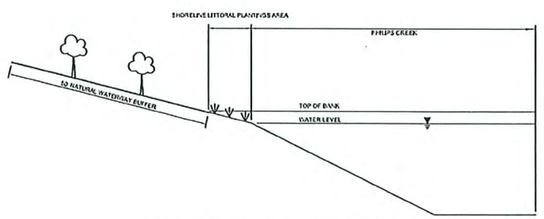
EXHIBIT B-1

0 25' 50' 100'
SCALE: 1" = 50'-0"

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

Additional info dated 04-02-2024





TYPICAL NATURAL WATERWAY BUFFER
CROSS-SECTION

PLAN LEGEND	
	LAKE (1.7 AC)
	PAVED CIRCULATION ACCESS

OPEN SPACE TABLE	
PROJECT BOUNDARY	19.33 AC
OPEN SPACE REQUIRED (40%)	7.73 AC
OPEN SPACE PROVIDED (37.5%)	7.25 AC
PHILLIPS CREEK / LAKE / WET RETENTION (MAX 25% OF REQUIRED)	1.93 AC
BUFFER & GRASSED AREA	5.32 AC

RVi

ROYAL PALMS MULTIFAMILY RPD • OPEN SPACE PLAN

- LEE COUNTY, FLORIDA
- JANUARY 31, 2024
- 2300-1957
- FLOURNOY DEVELOPMENT GROUP

0 25' 50' 100'
SCALE: 1" = 50'-0"

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Elizabeth Workman, Principal Planner, date received August 13, 2024 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *Affidavit of Publication:* For case DCI2023-00049 Palms Multifamily RPD (1 page – 8.5"x11")

3. *Permit Plan:* Prepared by Atwell Group for Flournoy Development Group, Inc., dated July 12, 2024 (1 page – 11"x17")

4. *PowerPoint Presentation:* Prepared by Lee County Staff for DCI2023-00049, Royal Palm Multi-Family RPD, dated August 29, 2024 (multiple pages – 8.5"x11")[color]

5. *Letter:* From Sara Whitmer, President of Parkside Place Condominium Association, to Elizabeth Workman, received by Community Development August 28, 2024 (1 page – 8.5"x11")

APPLICANT EXHIBITS

a. *48-Hour Notice:* Email from Megan Strayhorn, Esq., to Maria Perez, Reece Cooper, Fred Drovdlic, Paul Damico, D. Gastel, Bruce Strayhorn, Esq., TR Transportation, Elizabeth Workman, with copies to Rebecca Sweigert, Tracy Toussaint, Jamie Princing, Elizabeth Workman, Audra Ennis, Nicholas DeFilippo, Ohdet Kleinmann, Abby Henderson, Lee Werst, Warren Baucom, Mikki Rozdolski, Anthony Rodriguez, Dirk Danley, Jr., Phil Gillogly, Marcus Evans, and Jennifer Rodriguez, dated Tuesday, August 27, 2024, 6:49 AM (multiple pages – 8.5"x11")

b. *Exhibit List:* Email from Megan Strayhorn, Esq., to Maria Perez, dated Wednesday, August 28, 2024, 8:00 a.m. (2 pages – 8.5"x11")

c. *Revised Exhibit List:* Email from Megan Strayhorn, Esq., to Maria Perez, dated Wednesday, August 28, 2024, 2:37 p.m. (multiple pages – 8.5"x11")

1. *PowerPoint Presentation:* Prepared by for DCI2023-00049, Royal Palm Multi-Family RPD, dated August 29, 2024 (multiple pages – 8.5"x11")[color]

2. *Written Submissions:* Email from Megan Strayhorn, Esq., to Maria Perez, with copies to Elizabeth Workman and Fred Drovdlic, dated Friday, August 30, 2024, 10:48 AM (multiple pages – 8.5"x11"){post hearing submittal}

OTHER EXHIBITS

Zachary Shankle

1. *Photographs:* (3 pages – 8.5"x11")[color]

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Elizabeth Workman

Applicant Representatives:

1. Fred Drovdlic
2. Elizabeth Fountain
3. Magen Strayhorn, Esq.
4. Ted Treesh

Public Participants:

1. Janet Bley
2. Robyn Campbell
3. Gregory Dudek
4. Thomas Estrella
5. Eric Farmer
6. Tim Kendall
7. Tom Lowen
8. Rod Pickett
9. Zachary Shankle

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.

Royal Palm Multi-Family RPD (DCI2023-00049)

Attachment C – Conditions and Deviations

Section A. - Conditions

1. The development of this project must be consistent with two-page Master Concept Plan (MCP) entitled "Royal Palm Multi-Family RPD", prepared by RVi Planning + Architecture, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at the time of local development order, except as may be granted by deviation as part of this planned development. If changes to the MCP or conditions or deviations are subsequently pursued, appropriate approvals will be necessary.

   This project is limited to a maximum of 391 dwelling units, including 136 bonus density units, and amenities, subject to the conditions enumerated herein.

2. The following limits apply to the project and uses:

   a. <u>Schedule of Uses</u>

   Accessory uses, buildings, and structures
   Administrative Offices
   Dwelling unit: Multi-family
   Entrance gates and gatehouse
   Essential services
   Essential service facilities: Group I
   Excavation: Water retention
   Fences, Walls
   Recreation facilities:
   - Personal
   - Private on-site

   Signs
   Temporary Uses

   b. <u>Site Development Regulations</u>

   <u>General Parameters</u>

Minimum Lot Coverage	40 percent
Maximum Multi-family Building Height	60 feet
Maximum Garage Building Height	35 feet
Minimum Open Space	40 percent
Minimum Lot Area	19.33 acres

   <u>Building Setbacks</u>

Street (Public)	20 feet
Front	15 feet
Rear	5 feet
Side	0 feet

Minimum Building Separation	20 feet
Natural Waterway	50 feet
Waterbody	20 feet

3. Condominium Lots
   Prior to the issuance of a development order approval, the applicant or successor must provide documentation from Lee County Property Appraiser's office demonstrating the condominium lots have been removed.

4. Open Space
   Prior to the issuance of the first development order, the development order plans must calculate required open space based on 18.17 acres of developable land (less 1.16 acres for Philips Creek).

5. Natural Waterway Buffer
   Prior to the issuance of the first development order, the development order plans must depict ten native trees, 50 shrubs, and 20 salt tolerant littoral grasses per 100 linear feet. All species must be native and meet the specifications per LDC Section 10-420. Grasses must salt tolerant.

6. 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 Phosphorus, Total Nitrogen, Copper, Iron, Enterococci, Field Temperature, Specific Conductance, Dissolved Oxygen, Turbidity, pH, Total Dissolved Solids and Total Hardness.

   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. Transportation
   a. The access location on US 41 shown on the Master Concept Plan is conceptual in nature and subject to modify based upon final approval from the Florida Department of Transportation (FDOT).

   b. Regardless of any land use density/intensity conversion allowed per the Land Development Code or zoning condition specific to this development, the development is allowed a maximum

calculated development intensity with respect to new trip generation utilizing the following development scenario based upon the Institute of Transportation Engineers (ITE) Trip Generation Manual in effect at the time of local development order: 391 Dwelling Units of Multi-Family Housing Mid-Rise (LUC 221). Buildings containing multiple-family residential units may not be less than four (4) habitable floors.

Section B. – Deviations

1. **Deviation (1)** seeks relief from Lee County Land Development Code (LDC) Section 10-416(d)(9), which requires developments abutting a natural waterway to provide a 50-foot-wide natural waterway buffer measured from mean high water or top of bank, whichever is further landward, within a common element or tract and containing six native canopy trees and 50 native shrubs per 100 linear feet, to allow a 20-foot-wide buffer at the southeast corner where the parking encroaches into the 50-foot-wide buffer.

   This deviation is **APPROVED** subject to Condition 5.

2. **Deviation (2)** seeks relief from Lee County Land Development Code (LDC) Section 34-2020, Table 7, which requires four parking spaces per 1,000 square feet for clubhouses and ancillary uses within a residential community without a golf course, to allow the 10,000-square-foot clubhouse parking to be calculated at 2.5 spaces per 1,000 square feet of parking.

   This deviation is **DENIED**.

   Deviation (3) seeks relief from Lee County Land Development Code (LDC) Section 10-415(a), which requires large residential developments to provide 40 percent open space based on the total area of the subject request, to allow the open space calculation from the developable land area of 18.17 acres since 1.16 acres is within Philips Creek.

   This deviation is **APPROVED** subject to Condition 5.

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

Case Number: DCI2023-00049
Case Name: Royal Palm Multi-Family Residential Planned Development
Area Subject to Request: +/- 19.33 Acres
Case Type: Minor Planned Development Rezone
Sufficiency Date: April 30, 2024
Hearing Date: August 29, 2024

REQUEST:

RVi Planning + Landscape Architecture, on behalf of the Flournoy Development Group, has filed an application to rezone approximately 19.33 acres from Mobile Home (MHC-2) to Residential Planned Development (RPD) to allow a maximum of 391 dwelling units that includes 136 site-built affordable housing bonus density units with a clubhouse and dog park. The maximum proposed height is 60 feet.

The subject property is located at the southwest corner of Old Gladiolus Drive and South Tamiami Trail, approximately 0.3 miles from the intersection of Old Gladiolus Road and Gladiolus Drive. The parcel is located within the Intensive Development Future Land Use Category and the South Fort Myers Community Plan area. A concurrent Comprehensive Plan Amendment (CPA2023-00011) redesignated the subject property to the Intensive Development Future Land Use Category, as adopted by the Board of County Commissioners on August 7, 2024 (Attachment D). The applicant conducted a public information meeting, which is not required per the Lee Plan or Land Development Code (LDC) (see Attachment E). A legal description and boundary survey of the subject property are attached as Attachment K of the staff report.

SUMMARY:

Staff recommends **APPROVAL** of the applicant's request to rezone approximately 19.33 acres to Residential Planned Development to allow 391 dwelling units, which includes 136 site-built affordable housing bonus density, an amenity center, and dog park with a maximum height of 60 feet, with conditions (Attachment E). The applicant has requested three deviations from LDC Sections 10-416(d)(9), 34-2020, Table 7, and 10-415(a) (Attachment E). Staff recommended approval of Deviations #1 pertaining to natural waterway buffer and #3 pertaining to required open space. Staff recommends denial of Deviation #2, which seeks relief from residential amenity parking requirements.

HISTORY OF PARCEL:

The subject property is located on the site previously occupied by Royal Palm Village. This mobile home community was established in 1982 with 130 mobile homes on individually owned parcels per the Declaration of Condominium (Attachment F). The subject property was rezoned from Mobile Home (MH-2) and Recreational Vehicle (RV-3) to Mobile Home (MHC-2) and was designated as Central Urban in 1984 when the Lee County Comprehensive Plan was adopted (Attachment F). The dwelling units abutting Philips

Creek were set back approximately ten to 20 feet from the creek and some units had docks or fishing piers. Royal Palm Village sustained significant damage during Hurricane Ian, and most of the members voted to dissolve the condominium association and sell the property (Attachment F). The Board of County Commissioners adopted CPA2023-00011, which changed the future land use category from Central Urban to Intensive Development to reach the maximum dwelling units allowed per Lee Plan Table 1(a), which allows a maximum base density range of 14 dwelling units per acre. This is an additional eight dwelling units with bonus density when compared to the density limitations of the Central Urban Future Land Use category and will allow 400 dwelling units based on 18.17 acres (less 1.16 acres of natural waterway). The property is within the Coastal High Hazard Area per **Lee Plan Map 5-A**; and therefore, bonus density must be in the form of site-built affordable housing in accordance with **Lee Plan Policies 101.3.6 and 101.3.7**. The applicant is proposing a total of 391 dwelling units with bonus density, which is an overall density of approximately 21 dwelling units per acre based on 18.17 acres (less 1.16 acres of natural waterway).

CHARACTER OF THE AREA:

The subject parcel is in an area that has a wide variety of existing uses. The parcels adjacent to the subject property consist of single-family or multi-family residential developments and commercial developments. The parcels further north and east of the subject property, which abut Old Gladiolus Drive and South Tamiami Trail, are all commercially zoned. The parcels further south of the subject property are a mix of large half acre to one-acre residential lots. The parcels to the west are a mix of single-family and commercial uses and zoning districts. Property immediately surrounding the subject property is depicted in Attachment B of this report and can be characterized as follows:

North

The subject property abuts Old Gladiolus Drive, which is a County-maintained local road. The properties further north are zoned Commercial (C-1) and consist of a car dealership and Lowe's Home Improvement.

East

The east property line partially abuts South Tamiami Trail, which is a State-maintained arterial road, as well as commercial zoned (C-1) properties that are developed with a convenience food and beverage store and other commercial uses. The properties further east of South Tamiami Trail are zoned commercial (C-1A) and are developed with a mix of commercial uses. East of the C-1A zoned properties is the Jamaica Bay mobile home subdivision, zoned MH-2.

South

The subject property abuts Philips Creek, a natural waterway, that is part of the Hendry Creek Watershed that connects to the Estero Bay Aquatic Preserve. The properties further south is zoned Residential (RS-1) and consist of ½ acre to ¾ acre lots as recorded in the Philips Creek Subdivision Plat (Attachment G). The plat depicts a recorded Preservation Easement along the rear lot lines of Lot 1 thru 7 (Attachment G).

West

The subject property abuts Lost Tree Village and Park Meadows, zoned Multi-Family Residential (RM-2). Lost Tree Village abuts the northwest property line of the subject property. The multi-family dwelling units were developed in the early 1980s. The dwelling units are single-story buildings. Park Meadows is south of Lost Tree Village and west of the subject property. The multi-family units within Park Meadows consist of two-story condominiums that are approximately 45 feet in height.

AVAILABILTY OF URBAN SERVICES:

Public Services are defined by the Lee Plan as "*the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity*." The level of urban services currently serving the subject property are as follows:

Public water, Sewer, and Solid Waste: The proposed project is within the Future Sewer and Water Service Areas in accordance with Lee Plan Maps 4-A and 4-B. The applicant has provided a letter of availability for potable water and sanitary sewer from Lee County Utilities. Potable water will be provided by Green Meadows Water Treatment Plant and sanitary sewer will be provided by Fiesta Village Water Reclamation Facility. There is sufficient capacity available for service to 391 multi-family dwelling units with an estimated potable water flow of approximately 97,750 gallons per day; however, developer funded system enhancements such as line extensions may be required (see Attachment H). The applicant has provided a letter from the Solid Waste Department stating that they can provide solid waste collection service for the proposed 391 multi-family dwelling units.

Police, fire, and emergency services: Emergency Management Services Medic Station #35 is located northeast of the subject property at 14752 Six Mile Cypress Parkway, approximately 1.6 miles away from the subject property and Medic #8 at 15961 Winkler Road, approximately 2.3 miles away from the subject property (see Attachment H). The closest Fire Station is South Trail Fire – Station #63 located at 5531 Halifax Avenue, 1.10 miles away from the subject property. The Lee County Sheriff's office is located at 14750 Six Mile Cypress Parkway, approximately 1.6 miles from the subject parcel. Emergency management, the South Trail fire district and the Lee County Sheriff's office have provided letters stating that they have the capacity to provide service to the 391 dwelling units.

Schools and Parks

The School District of Lee County has provided a letter that was submitted by the applicant for the zoning case but was part of the comprehensive plan amendment. It is anticipated by the district's generation rate system that the development would have a total of 16.82 school-aged children. The subject property is within the South Choice Zone and capacity would be an issue within this concurrency service area at the elementary school level. However, the adjacent concurrency service area would be able to serve since it has capacity. (Attachment H). The applicant provided a letter from Lee County Parks and Recreation that evaluated the capacity of the park system to serve the proposed project. Lakes Park is less than a half mile away to the west from the subject property. The parks and recreation service availability letter states that the available capacity is 7,066 acres of regional parks and 832 community parks. The required capacity per

Lee Plan 95.1.3 is 5,538 acres of regional parks and 295 acres of community parks. The park system has sufficient capacity to serve the 391 dwelling units being proposed (Attachment H).

Public transit and pedestrian facilities: The property is near existing routes on the Lee County Walkways and Bikeways Map and Lee County Greenways Master Plan per **Lee Plan Maps 3-D and 4-E**. A shared-use path and on-road bikeway currently exist along US 41 and a shared use path exists along Gladiolus Drive per **Lee Plan Map 3-D**. The applicant will be required to provide a sidewalk along Old Gladiolus Drive to connect to the existing pedestrian facilities along US 41 and Gladiolus Drive per **LDC Section 10-256**. The closest LeeTran bus stop is located along US 41 at the end of the Old Gladiolus Drive cul-de-sac. The bus stop serves Routes 140 and 240 going southbound. The closest northbound bus stop is located across US 41 and serves Routes 140 and 240 going northbound. Prior to development order approval, the applicant will be required to provide sidewalks internal to the project and abutting the subject property in accordance with LDC Section 10-256.

PROPERTY DEVELOPMENT REGULATIONS & OFF-STREET PARKING:

The applicant proposes property development regulations that include maximum heights, minimum setbacks, maximum lot coverage (Attachment E). Staff finds the proposed property development appropriate to facilitate development in accordance with the MCP.

DEVIATIONS:

The applicant has requested three deviations from LDC Sections 10-416(d)(9), 34-2020, Table 7, and 10-415(a) (Attachment E). Deviation #1 seeks relief from LDC Section 10-416(d)(9) which requires developments abutting a natural waterway to provide a 50-foot-wide natural waterway buffer measured from mean high water or top of bank, whichever is further landward. The buffer for residential subdivisions must be in a common element or tract and must include six native canopy trees and 50 native shrubs per 100 linear feet. The applicant is requesting to provide a 20-foot-wide buffer at the southeast corner where proposed parking encroaches into the 50-foot-wide buffer. The applicant will provide the 50-foot-wide buffer along the remaining natural waterway and the buffer vegetation will be provided per code. Staff is recommending approval with a condition that incorporates the Deviation #3 enhancements into the natural waterway buffer (see Condition 5, Attachment C).

Deviation #2 is being requested from LDC Section 34-2020, Table 7 which requires four spaces per 1,000 square feet for clubhouses and ancillary uses within a residential community without a golf course, to allow the 10,000-square-foot clubhouse parking to be calculated at a ratio of 2.5 spaces per 1,000 square feet of parking, which is a reduction of 15 spaces (37.5 percent). Staff is recommends denial of Deviation #2 because the applicant has submitted a development order (DOS2024-00101) that demonstrates compliance with LDC Section 34-2020, Table 7.

Deviation #3 seeks relief from LDC Section 10-415(a), which requires large residential developments to provide 40 percent open space based on the total area of the subject request. The applicant is requesting this deviation to base the open space calculation on the developable land area of 18.17 acres since 1.16 acres of land is submerged within Philips Creek. Staff recommends approval of Deviation #3 with a condition

requiring an enhanced buffer containing landscaping in addition to the natural waterway buffer along Phillips Creek (see Condition 5, Attachment C).

REVIEW CRITERIA:

LDC Section 34-145 establishes the review criteria for rezoning requests. Before recommending approval of a rezoning request, the Hearing Examiner must find the request:

a) Complies with the Lee Plan;

b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;

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

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

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

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

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

For Planned Development rezoning requests, the Hearing Examiner must also find:

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

b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and

c) That each requested deviation:

    1) Enhances the achievement of the objectives of the planned development; and

    2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

The applicant has provided a narrative that addresses the planned development rezoning request with analysis against the applicable criteria (see Attachment E). The following provides staff's analysis of the request, as measured against the established criteria.

REVIEW CRITERIA ANALYSIS:

The subject property is currently within the Central Future Land Use Category (FLUC) per the Lee Plan. The Board of County Commissioners approved a concurrent Comprehensive Plan Amendment (CPA2023-00011) to designate the subject property within the Intensive Development Future Land Use Category on August 7, 2024 (Attachment D). The amendment allows higher density on the subject property due to the change in the land use category. The previous future land use category, Central Urban, allows for up to fifteen dwelling

units per acre with a maximum density of twenty dwelling units per acre with the transfer of development units. The Intensive Development future land use category allows up to fourteen units per acre with the opportunity to pursue bonus density of twenty-two dwelling units per acre. The applicant is proposing 391 dwelling units that includes 136 bonus density units, bonus density units must be site built affordable housing since the project is in the Coastal High Hazard area per **Lee Plan Map 5-A and Lee Plan Policy 101.3.7**. **Lee Plan Policy 1.1.2** characterizes the Intensive Development future land use category as mixed use developments of high-density residential, commercial, limited light industrial, and office uses in an area located along arterial roads. Proposed developments in the Intensive Development future land use category have access to public services to support a higher intensity development. The properties north and east of the subject property are all within the Intensive Development future land use category, creating an opportunity for a higher intensity and density corridor in the South Fort Myers Planning area.

Lee Plan Policy 1.6.5 establishes the distribution, extent, and location of land uses through the Lee Plan's horizon per the Planning Districts Map and Acreage Allocation Table per **Map 1-B and Table 1(b)**. Currently, the Central Urban Future Land Use (FLU) has 3,113 acres within the South Fort Myers Planning Area. CPA2023-00011 removes 18.17 acres (excludes Philips Creek) from the Central Urban future land use category and add it to the Intensive Development future land use category, which currently has 801 acres of land allocated to residential uses. Therefore, the applicant's request to rezone 20.14 acres for residential uses complies with **Lee Plan Policy 1.6.5**. Staff finds the request, as conditioned, to be **CONSISTENT with Policies 1.1.4 and 1.6.5.**

The proposed development complies with **Objectives 2.1 and 2.2** for development location and timing due to the development being an infill project. The previous development was a mobile home park that sustained damage due to Hurricane Ian. The multi-family dwelling units and site improvements will meet the current land development and building codes. The site is in an area that has access to potable water and sanitary sewer. The property is located within a half mile of sidewalks and LeeTran public transportation. Fire, EMS, and sheriff's stations are within a mile of the site. Staff finds the proposed project in compliance with **Lee Plan Objectives 2.1 and 2.2 and Policy 2.2.1 and Standards 4.1.1 and 4.1.2**.

GOAL 5 of the Lee Plan is to ensure that residential uses needed to accommodate the project population of Lee County in the year 2045 are provided 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. The request is intended to result in the development of a multi-family residential project that includes 136 site-built affordable housing units. The concurrent CPA amended the future land use category to increase the allowable density to help accommodate future housing needs within the future urban area and redevelop a property to current land development building codes. Staff finds the request, as conditioned, to be consistent with **Goal 5** and is further supported by the Housing and Economic Elements of the Lee Plan, specifically **Lee Plan Policies 135.1.9** and **160.1.3**, which ensure a mix of residential types and designs of housing County-wide to support a diverse workforce.

Lee Plan Policy 5.1.2 prohibits residential development from being located where "physical constraints or hazards exist". Constraints or hazards may include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; or environmental limitations. The site is within the Coastal High Hazard area per **Lee Plan Map 5-A**, which identifies areas within the storm surge line of a category one storm

established on a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized surge model and in Federal Emergency Management Agency (FEMA) Flood Zone AE-EL11. The site is an infill parcel that was developed with mobile homes in early 1982. The units existed in an area that was not built to accommodate stormwater or account for Philips Creek or current flood elevation. The applicant will be required to design the project to meet the standards of the Florida Building Code and FEMA requirements based on the property's flood zone. The Master Concept Plan and deviation requests are reviewed to ensure that the design protects the public's health and safety by requiring a 50-foot natural waterway buffer along Philips Creek that consists of landscaping that provides protection during a storm event as compared to the previous mobile homes that were ten to 20 feet from the edge of Philips Creek. Staff finds the request, as conditioned, to be consistent with the **Lee Plan Policy 5.1.2**.

Lee Plan Policy 5.1.3 directs high density residential developments to locations near employment and shopping centers, schools, parks, and mass transit and bicycle facilities. The property is centrally located near two arterial roads that serve wide range of commercial centers to support the proposed multi-family development. The site is located near Lakes Park, Florida Southwestern State College, South Fort Myers High School, and LeeTran Routes 240 and 140. The applicant will be required to provide internal sidewalks that connect to offsite pedestrian sidewalks that will be reviewed during the development order review process. Staff finds the request, as conditioned, to be consistent with the **Lee Plan Policy 5.1.3**.

Lee Plan Objectives 60.4 and Policies 60.4.1, 60.4.2, 60.4.3, and 61.4.4 all speak to the design of the stormwater management system, utilization of green infrastructure to filter pollutants, preservation of existing natural flow-ways, and including flow-ways as part of the surface water management plan with depictions of the watersheds and their trunk and major tributaries. The applicant submitted a Surface Water Management Plan (Attachment E). The property has existing catch basins and drainage swales located in the existing streets that supported the mobile home lots. Perimeter swales along the east and west property lines convey runoff to the south, where they outfall to a ditch connecting to Philips Creek, which connects to Hendry Creek and ultimately outfalls into the Estero Bay Aquatic Preserve. The proposed stormwater management system will consist of a centrally located lake with an outfall structure located along the south property line. The applicant indicates that the existing natural flow patterns flow from the east side of South Tamiami Trail through the subject property to Philips Creek will be maintained. The Surface Water Management Plan indicates that the onsite stormwater will be directed to the onsite attenuation areas before discharging to Philips Creek. Philips Creek is within the Hendry Creek Watershed, which is an impaired waterbody. Natural Resources staff has provided a memorandum explaining the impaired waterways and recommended conditions to ensure a surface water quality monitoring plan is submitted at time of development order (Attachment I). The applicant is providing a drainage and access easement in accordance with **LDC Section 10-328** to ensure County staff has access to maintain Philips Creek in the event of an emergency. The applicant is providing a 50-foot natural waterway buffer as required per **LDC Section 10-416(d)(9)** with a small parking lot encroachment at the southeast corner. Staff has recommended a condition to require a planted littoral shelf along Philips Creek in addition to the 50-foot natural waterway buffer landscape plantings for filtering of runoff and stabilization of the slope along Philips Creek. Staff finds the request, as conditioned, to be consistent with **Lee Plan Objective 60.4 and Policies 60.4.1, 60.4.2, 60.4.3, and 61.4.4.**

Lee Plan 101.1.4 requires comprehensive plan amendments which increase density within the Coastal High Hazard area meet criteria established in Section 163.3178(8), F.S. which require appropriate mitigation to offset the additional density. The applicant is required to maintain an emergency preparedness plan meeting the standards set forth in Administrative Code 7-7. The applicant must provide mitigation for impacts on hurricane shelter availability and evacuation capability in accordance with **LDC Chapter 2**. The applicant has provided a Coastal High Hazard Hurricane Assessment Report that explains the measures being taken for the development (Attachment E). The extent of the mitigation will be required at the time of Development Order. Staff finds the request, as conditioned, to be consistent with **Lee Plan 101.1.4**.

Lee Plan Policy 101.3.2 restricts development in the Coastal High Hazard Area to uplands, except as needed for the provision of public facilities. The Royal Palm Village was built prior to the comprehensive plan or land development code requirements. Impacts to the land occurred prior to the South Florida Water Management or the Department of Environmental Protection wetland permitting. The applicant has submitted a Natural Resources Report that includes a protected species survey and FLUCCS map. The applicant is proposing to build the units and site improvements on the site in a smaller footprint than what was previously built due to open space and buffering requirements. There are no wetlands on the site and the proposed project is providing pretreatment prior to conveying surface water to Philips Creek. Staff is requiring a planted littoral shelf along Philips Creek in conjunction with the 50-foot natural waterway buffer to provide additional filtration and stormwater buffering. Staff finds the request, as conditioned, to be consistent with **Lee Plan 101.3.2**.

Lee Plan Policy 125.1.2 states that new development and additions to existing development must not degrade surface and ground water quality. As mentioned, Philips Creek is in the Hendry Creek watershed which is verified as being impaired. The applicant has provided a Water Quality Report and Natural Resources staff recommends water quality monitoring requirements that must be met as part of the development order process (Attachments E and I).

Land Development Code Compliance

Staff finds the proposed planned development rezoning request, as conditioned, to be in compliance with the LDC, including regulations which pertain to:

- LDC Section 2-146(b) Bonus Density Review Criteria.
- Use and corresponding supplemental regulations, such as parking.
- LDC Chapter 10 Development Standards.
- Details required on the MCP and compliance with Division 9 of Article VI, Chapter 34, Planned Development Districts.

All relevant County regulations, which are not specifically deviated from as part of this planned development request, will apply, such as LDC, Code of Ordinances and Administrative Code provisions. If future deviations are proposed, each will be evaluated within the parameters of the established LDC review criteria.

Compliance with LDC Section 2-146(b) (Bonus Density)

1. **The additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road.**

   The proposed development currently has access to Old Gladiolus Drive, a County-maintained road, which is the only means of access to the subject property. The existing entrance is proposed to be relocated to the west and used as a secondary access point. The applicant has requested an additional access point on South Tamiami Trail from the Florida Department of Transportation. The additional traffic will be utilizing South Tamiami Trail, a State-maintained arterial road, which provides access to the subject property and commercial uses to the north and south. Old Gladiolus Drive is a County-maintained local road which provides access to the multi-family, commercial, and medical office uses from Gladiolus Drive located to the west of the subject property. The proposed project is in compliance with criterion #1.

2. **Existing and committed public facilities are not so overwhelmed that a density increase would be contrary to the overall public interest.**

   The applicant has provided a Traffic Impact Statement and Letters of Availability from Lee County Utilities stating that public facilities will not be overwhelmed by the proposed density. Urban services exist and have available capacity to serve subject property. The subject property is located where fire, EMS, police, parks, schools, and LeeTran public transportation are located within proximity of the subject property. 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 **Lee Plan Policy 68.2.3**.

3. **Storm shelters or other appropriate mitigation is provided if the development is located within the coastal high hazard area as defined in LDC Section 2-483.**

   The subject property is within the Coastal High Hazard Area in accordance with **Lee Plan Map 5-A**. The applicant has provided a Coastal High Hazard / Hurricane Risk Assessment Report explaining the flooding and storm surge risks, FEMA flood elevation designation, and the proposed project's design to increase the resiliency of the new structures (Attachment E). The site is being redeveloped to bring it into compliance with the current standards for setbacks, the natural waterway buffer abutting Philips Creek, open space requirements, and building codes to build a more resilient development.

4. **The resulting development will be compatible with existing and planned surrounding land uses.**

   Compatible means, in describing the relation between two land uses, buildings or structures, or zoning districts, the state wherein those two things exhibit either a positive relationship based on fit, similarity or reciprocity of characteristics, or a neutral relationship based on a relative lack of conflict (actual or potential) or on a failure to communicate negative or harmful influences one to another (LDC Section 34-2).

The parcel is in an area of Lee County that has access to existing uses, LeeTran bus routes, utilities, and a roadway network to support the 391 dwelling units being proposed. The applicant has provided a Master Concept Plan the depicts four buildings centrally located around a lake (Attachment C). Parking areas, including three parking garages, are being proposed. The south property line consists of a 50-foot-wide natural waterway buffer that consists of six native canopy trees and 50 native shrubs per 100 linear feet surrounding pickleball courts, fenced in dog park, and fishing/observation pier with paddlecraft launch. The natural waterway buffer provides a natural screening to shield the uses from the single-family subdivision across Philips Creek. The applicant will be required to provide right-of-way buffers abutting Old Gladiolus Drive and South Tamiami Trail that are 15 feet wide and consist of five trees per 100 linear feet and a double hedgerow. The applicant is not required to provide a buffer along the west property line per LDC Section 10-416(d). A 15-foot-wide drainage and utility easement exists along the west property line and the abutting parking area provides access for County staff to maintain the drainage easement that outfalls to Philips Creek in an emergency event.

Compliance with LDC Section 34-145(d)(4)

a) Complies with Lee Plan.

The proposed rezoning is consistent with the Lee Plan as demonstrated in the analysis.

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

The applicant currently has a development order under review. The development order must comply with the Land Development Code and Lee Plan. The deviations that are requested are needed to maintain the design to comply with parking, including the encroachment into the natural waterway buffer. Calculating open space from the developable land and not including Philips Creek creates an opportunity to enhance the natural waterway, providing additional screening above code requirements. The deviations, if approved, will allow the applicant to comply with the parking requirements. The deviations are recommended for approval with conditions for shoreline enhancements along Philips Creek to increase water quality and stabilization of the shoreline.

c) Compatibility with existing and planned uses in the surrounding area.

As previously stated above, the proposed development is compatible with the surrounding land uses.

d) Sufficiency of Access and Transportation Impacts.

The proposed development has existing access to Old Gladiolus Drive, a local road, and is proposing an additional access to South Tamiami Trail, an arterial road. Per the Traffic Impact Statement, the accesses are sufficient to support the proposed development (see Attachments E & J).

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

As stated previously, the proposed project is proposed to have access to Old Gladiolus Drive, a County-maintained local road, and South Tamiami Trail, a State-maintained arterial road. New trip assignments were made to the surrounding road network to evaluate Level of Service (LOS) impacts as necessary at site entrances, intersections within the vicinity of site entrances, and intersections anticipated to be most affected by the proposed development. Following Administrative Code AC-13-17 Traffic Study Guidelines for Planned Development Rezonings, a "significant impact" is characterized by a 10 percent or greater increase in the total peak-hour intersection volume (sum of all four approaches) upon project completion. At time of development order, the project will be evaluated to determine required offsite roadway improvements, if applicable. (see Attachment E and J).

f) No adverse impacts to environmentally critical or sensitive areas and natural resources

The site was previously developed with no indigenous vegetation preserved and the Philips Creek shoreline impacted by docks and piers. Dwelling units were approximately ten feet from the water's edge. Per the Protected Species Survey, there were no protected species on the site (see Attachment E).

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

As noted, and defined above, the subject property is located within a future urban area. The subject property has adequate access to urban services to accommodate the development proposed by the request. Future improvements required by the LDC at time of local development order approval will further improve urban services and pedestrian facilities surrounding the subject property.

h) Supplemental Planned Development Criteria

Staff finds the request to be consistent with the following additional criteria:

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

b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and

c) That deviations #1 and #3, 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.

CONCLUSION:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff finds the request to be consistent with the established review criteria. The Residential Planned Development rezone is consistent with the Intensive Development future land use designation and the applicable goals, objectives and policies of the Lee Plan. The request, as conditioned, is appropriate in the context of its surroundings. Staff recommends **APPROVAL** of the request to rezone the property from Mobile Home (MHC-2) to Residential Planned Development (RPD) to allow a maximum of 391 dwelling units that includes 136 site-built affordable housing bonus density units with a clubhouse and dog park with a maximum proposed height is 60 feet subject to the conditions attached as Attachment C of this report.

ATTACHMENTS:

A. Expert Witness Information
B. Case Maps
C. Conditions, Deviations, and Master Concept Plan received April 2, 2024
D. Comprehensive Plan Amendment CPA2023-00011
E. Applicant's Narrative
   Schedule of Uses
   Public Information Meeting
   Deviations and Justifications
   Property Development Regulations
   Coastal High Hazard / Emergency Preparedness Mitigation
   Surface Water Management Plan
   Protect Species Survey
   Water Quality Plan
   Traffic Impact Statement
F. Declaration of Condominium
   Resolution Z-90-055
   Termination of Royal Palm Village Condominium
G. Philips Creek Subdivision Plat
H. Lee County Utilities Letter of Availability
   Letter of Service School District
   Letter of Service Emergency Management
   Letter of Service Lee County Sheriff
   Letter of Service Lee County Parks and Recreation
I. Natural Resources Staff Report
J. Transportation Staff Report
K. Legal description and Survey

CPA2023-00010

BSR 40

SUMMARY SHEET
CPA2023-00010 – BSR 40
ADOPTION HEARING

REQUEST:
Amend the Future Land Use Map (Map 1-A) to redesignate the subject property from the Open Lands and Wetlands future land use categories to the Central Urban and Wetlands future land use categories.

Amend the Year 2045 Allocations Table (Table 1(b)) to provide for residential acreage allocation in the Central Urban future land use category within the Burnt Store Planning District (District 5).

LPA PUBLIC HEARING:
The LPA discussed the proposed amendments and various merits of the case, including the expansion of transportation facilities, environmental impact, choice of proposed future land use category, specifics of amendments to Table 1(b), and availability of utilities.

LPA PUBLIC INPUT:
There were no public comments concerning the proposed amendment.

LPA MOTION:
A motion was made to recommend that the Board of County Commissioners (BoCC) ***adopt*** CPA2023-00010. The motion passed 4 to 2.

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

RECOMMENDATION:
Staff and the LPA recommend that the BoCC ***adopt*** the proposed amendment as provided in Attachment 1.

LEE COUNTY ORDINANCE NO. ___
BSR 40
(CPA2023-00010)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN TO ADOPT A SMALL SCALE AMENDMENT PERTAINING TO BSR 40 (CPA2023-00010); 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 September 23, 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 November 6, 2024. At that hearing, the Board approved a motion to adopt proposed amendment CPA2023-00010 pertaining to BSR 40, amending Map 1-A of the Lee Plan, the Future Land Use Map. The subject parcel is located at the east side of Burnt Store Road, east of the Cape Coral City Limits, and approximately one mile south of the Charlotte County boundary.

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 "BSR 40 (CPA2023-00010)".

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

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 re-designate the future land use categories of ±38.51 acres from Open Lands and Wetlands to Central Urban and Wetlands and to Table 1(b):Year 2045 Population Allocations to accommodate residential development in the Burnt Store Planning District. The subject parcel is located on the east side of Burnt Store Road, east of the Cape Coral City Limits, and approximately one mile south of the Charlotte County boundary. 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 6th of November, 2024.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BY:_____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
_____, Chair

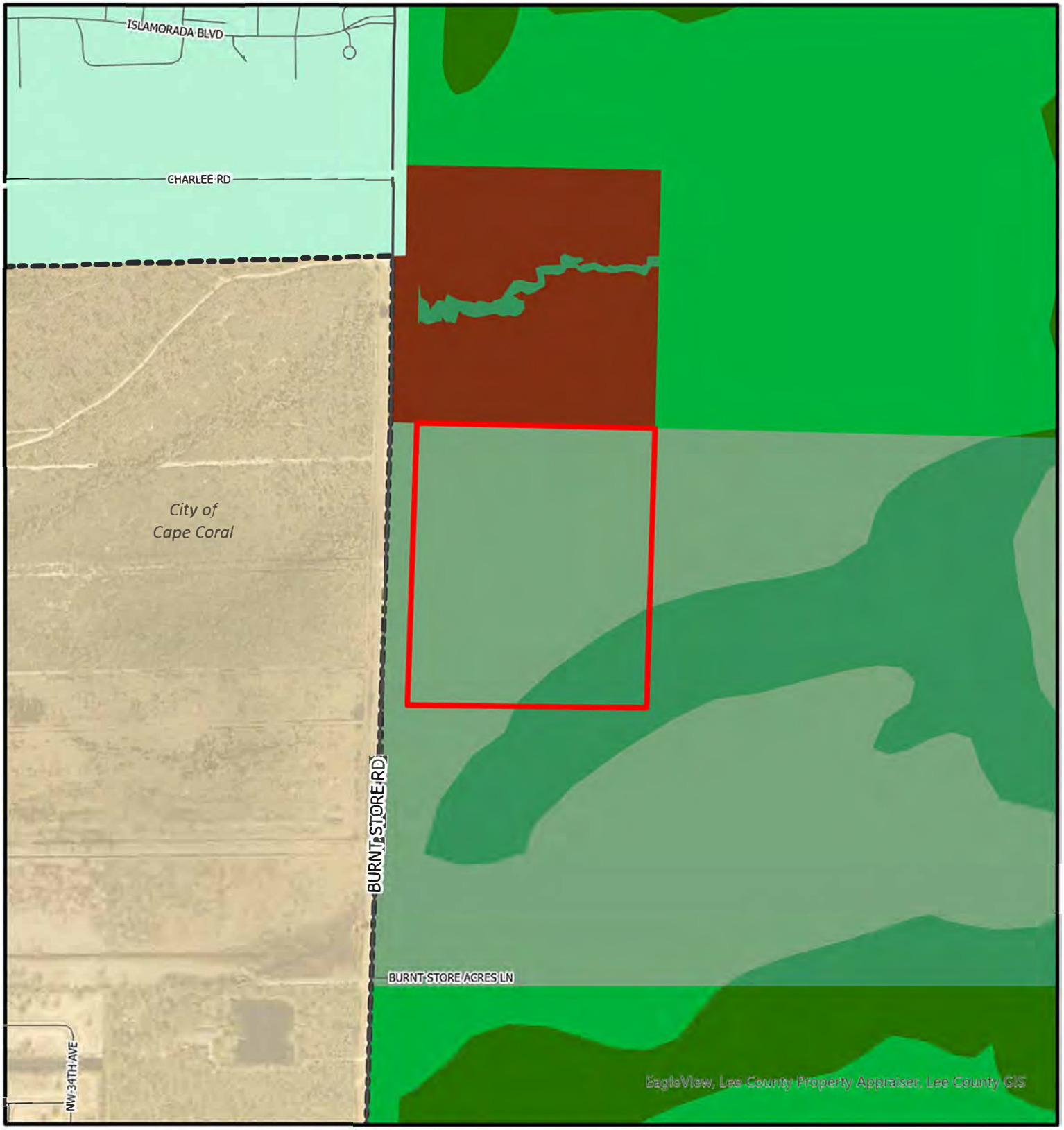
DATE:_____

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

_____
Lee County Attorney's Office

Exhibit A (Adopted by BOCC November 6, 2024):
Adopted existing Future Land Use Map 1-A
Adopted revisions to Future Land Use Map 1-A
Adopted revisions to Table 1(b) Year 2045 Allocations

CAO Draft 10/2/2024 10:42:29 AM



CPA2023-00010

Existing Future Land Use

Lee County
Southwest Florida

Map Generated: August 2024

- Central Urban
- Rural
- Open Lands
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland
- Subject Property
- City Limits

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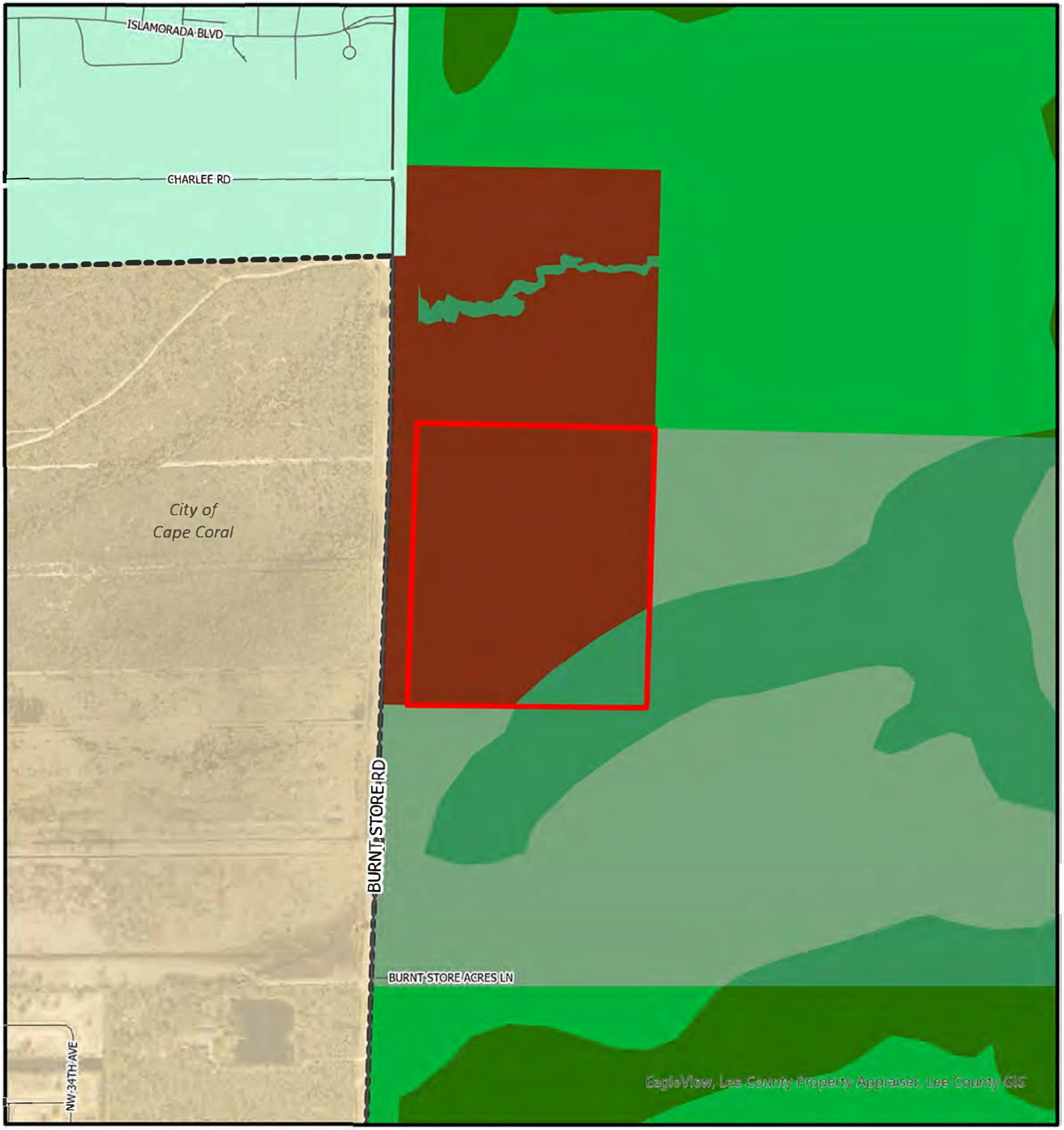

CPA2023-00010

Proposed Future Land Use

- Central Urban
- Rural
- Open Lands
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland
- Subject Property
- City Limits

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Lee County
Southwest Florida

Map Generated: August 2024

Table 1(b) Year 2045 Allocations

Future Land Use Category		Unincorporated County		Planning District										
				District 1	District 2	District 3	District 4	District 5 Burnt Store		District 6	District 7	District 8	District 9	District 10
		Existing	Proposed	Northeast Lee County	Boca Grande	Bonita	Fort Myers Shores	Existing	Proposed	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway / Airport
Residential By Future Land Use Category	Intensive Development	~~1,483~~	1,483	-	-	-	17	~~-~~	-	21	-	238	-	-
	Central Urban	~~13,839~~	13,768	-	-	-	207	~~-~~	24	-	-	230	-	25
	Urban Community	~~22,739~~	22,739	813	453	-	475	~~-~~	-	-	-	-	-	150
	Suburban	~~14,913~~	14,913	-	-	-	1,950	~~-~~	-	-	-	80	-	-
	Outlying Suburban	~~3,648~~	3,648	25	-	-	490	~~13~~	13	3	429	-	-	-
	Sub-Outlying Suburban	~~1,732~~	1,732	-	-	-	330	~~-~~	-	-	-	-	-	227
	Commercial	~~-~~	-	-	-	-	-	~~-~~	-	-	-	-	-	-
	Industrial	~~15~~	15	-	-	-	-	~~-~~	-	-	-	-	-	6
	Public Facilities	~~-~~	-	-	-	-	-	~~-~~	-	-	-	-	-	-
	University Community	~~503~~	503	-	-	-	-	~~-~~	-	-	-	-	-	-
	Destination Resort Mixed Use Water Dependent	~~8~~	8	-	-	-	-	~~-~~	-	-	-	-	-	-
	Burnt Store Marina Village	~~2~~	2	-	-	-	-	~~2~~	2	-	-	-	-	-
	Industrial Interchange	~~-~~	-	-	-	-	-	~~-~~	-	-	-	-	-	-
	General Interchange	~~115~~	115	-	-	-	-	~~-~~	-	-	-	-	-	15
	General Commercial Interchange	~~-~~	-	-	-	-	-	~~-~~	-	-	-	-	-	-
	Industrial Commercial Interchange	~~-~~	-	-	-	-	-	~~-~~	-	-	-	-	-	-
	University Village Interchange	~~-~~	-	-	-	-	-	~~-~~	-	-	-	-	-	-
	New Community	~~2,104~~	2,104	1,115	-	-	-	~~-~~	-	-	-	-	-	989
	Airport	~~-~~	-	-	-	-	-	~~-~~	-	-	-	-	-	-
	Tradeport	~~3~~	3	-	-	-	-	~~-~~	-	-	-	-	-	3
	Rural	~~7,764~~	7,764	2,431	-	-	800	~~730~~	730	-	-	-	-	-
	Rural Community Preserve	~~3,517~~	3,517	-	-	-	-	~~-~~	-	-	-	-	-	-
	Coastal Rural	~~1,338~~	1,338	-	-	-	-	~~-~~	-	-	-	-	-	-
	Outer Island	~~233~~	233	2	4	-	1	~~-~~	-	-	169	-	-	-
	Open Lands	~~2,186~~	2,186	153	-	-	-	~~257~~	257	-	-	-	-	-
	Density Reduction/ Groundwater Resource	~~6,974~~	6,974	131	-	-	-	~~-~~	-	-	-	-	-	-
	Conservation Lands Upland	~~-~~	-	-	-	-	-	~~-~~	-	-	-	-	-	-
	Wetlands	~~-~~	-	-	-	-	-	~~-~~	-	-	-	-	-	-
	Conservation Lands Wetland	~~-~~	-	-	-	-	-	~~-~~	-	-	-	-	-	-
Unincorporated County Total Residential		~~83,115~~	83,044	**4,669**	**457**	**-**	**4,270**	~~1,002~~	1,026	**24**	**598**	**548**	**-**	**1,415**
Commercial		~~8,916~~	8,916	**300**	**53**	**-**	**450**	~~27~~	27	**9**	**125**	**150**	**-**	**1,216**
Industrial		~~4,788~~	4,788	**30**	**3**	**-**	**300**	~~10~~	10	**15**	**70**	**315**	**-**	**2,134**
Non Regulatory Allocations														
Public		~~120,211~~	120,211	**14,191**	**622**	**-**	**4,864**	~~7,323~~	7,323	**6**	**2,340**	**583**	**-**	**9,660**
Active AG		~~21,944~~	21,944	**5,500**	**-**	**-**	**240**	~~90~~	90	**-**	**-**	**-**	**-**	**2**
Passive AG		~~13,685~~	13,685	**5,500**	**-**	**-**	**615**	~~100~~	100	**-**	**-**	**-**	**-**	**485**
Conservation		~~87,746~~	87,746	**2,458**	**297**	**-**	**1,163**	~~3,186~~	3,186	**67**	**1,595**	**926**	**-**	**2,206**
Vacant		~~26,118~~	26,189	**1,145**	**28**	**-**	**733**	~~766~~	742	**8**	**103**	**17**	**-**	**88**
Total		~~366,523~~	366,523	**33,793**	**1,460**	**-**	**12,635**	~~12,504~~	12,504	**129**	**4,831**	**2,539**	**-**	**17,206**
Population Distribution (unincorpor		~~584,331~~	584,331	**8,235**	**1,470**	**-**	**35,253**	~~2,179~~	2,949	**152**	**725**	**5,273**	**-**	**22,566**

Table 1(b) Year 2045 Allocations

Future Land Use Category		Planning District												
		District 11 Daniels Parkway	District 12 Iona / McGregor	District 13 San Carlos	District 14 Sanibel	District 15 South Fort Myers	District 16 Pine Island	District 17 Lehigh Acres	District 18 Southeast Lee County	District 19 North Fort Myers Existing	District 19 North Fort Myers Proposed	District 20 Buckingham	District 21 Estero	District 22 Bashore
Residential By Future Land Use Category	**Intensive Development**	-	-	-	-	801	1	30	-	~~376~~	376	-	-	-
	Central Urban	-	656	20	-	3,113	-	7,362	-	~~2,225~~	2,130	-	-	-
	Urban Community	-	978	1,318	-	863	540	17,034	-	-	-	115	-	-
	Suburban	-	2,566	2,069	-	1,202	659	-	-	~~6,387~~	6,387	-	-	-
	Outlying Suburban	1,253	438	-	-	-	502	-	-	~~406~~	406	-	90	-
	Sub-Outlying Suburban	-	-	13	-	-	-	-	-	~~145~~	145	66	-	950
	Commercial	-	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial	-	3	3	-	3	-	-	-	-	-	-	-	-
	Public Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-
	University Community	-	-	503	-	-	-	-	-	-	-	-	-	-
	Destination Resort Mixed Use Water Dependent	-	8	-	-	-	-	-	-	-	-	-	-	-
	Burnt Store Marina Village	-	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	General Interchange	58	-	-	-	-	-	-	8	~~14~~	14	-	-	20
	General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	University Village Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	New Community	-	-	-	-	-	-	-	-	-	-	-	-	-
	Airport	-	-	-	-	-	-	-	-	-	-	-	-	-
	Tradeport	-	-	-	-	-	-	-	-	-	-	-	-	-
	Rural	1,573	-	99	-	-	227	14	-	~~454~~	454	50	-	1,387
	Rural Community Preserve	-	-	-	-	-	-	-	-	-	-	3,517	-	-
	Coastal Rural	-	-	-	-	-	1,338	-	-	-	-	-	-	-
	Outer Island	-	2	-	-	-	55	-	-	-	-	-	-	-
	Open Lands	80	-	-	-	-	-	-	-	~~30~~	30	-	-	1,667
	Density Reduction/ Groundwater Resource	-	-	-	-	-	-	-	4,742	-	-	-	-	2,101
	Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-	-	-
	Wetlands	-	-	-	-	-	-	-	-	-	-	-	-	-
	Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-	-	-
Unincorporated County Total Residential		**2,964**	**4,651**	**4,024**	**-**	**5,982**	**3,322**	**24,440**	**4,750**	~~**10,037**~~	**9,942**	**3,748**	**90**	**6,125**
Commercial		**326**	**774**	**938**	**-**	**2,012**	**288**	**900**	**118**	~~**1,121**~~	**1,121**	**19**	**18**	**72**
Industrial		**5**	**198**	**387**	**-**	**566**	**67**	**218**	**215**	~~**244**~~	**244**	**4**	**2**	**4**
Non Regulatory Allocations														
Public		**3,214**	**4,898**	**6,364**	**-**	**5,883**	**4,831**	**20,267**	**17,992**	~~**10,117**~~	**10,117**	**3,052**	**653**	**3,351**
Active AG		**5**	**13**	**5**	**-**	**-**	**2,780**	**35**	**12,000**	~~**90**~~	**90**	**630**	**4**	**550**
Passive AG		**10**	**-**	**5**	**-**	**-**	**70**	**50**	**2,500**	~~**250**~~	**250**	**2,000**	**-**	**2,100**
Conservation		**1,677**	**9,786**	**2,232**	**-**	**211**	**15,489**	**1,077**	**41,028**	~~**1,607**~~	**1,607**	**382**	**1,465**	**895**
Vacant		**20**	**55**	**158**	**-**	**4**	**2,200**	**14,804**	**2,400**	~~**1,183**~~	**1,183**	**850**	**130**	**1,425**
Total		**8,221**	**20,375**	**14,113**	**-**	**14,658**	**29,047**	**61,791**	**81,003**	~~**24,649**~~	**24,649**	**10,685**	**2,362**	**14,522**
Population Distribution (unincorpor		**14,723**	**44,132**	**53,974**	**-**	**76,582**	**13,431**	**161,031**	**18,538**	~~**110,722**~~	**109,952**	**5,951**	**741**	**8,653**

STAFF REPORT FOR CPA2023-00010: BSR 40

Privately Initiated Small-Scale Map Amendment

Recommendation
Adopt

Applicant
Kevin & AnnMarie Campbell

Representative
Linda Miller, AICP
Avalon Engineering

Property Size
±38.51 Acres

Planning District:
District 5
Burnt Store

Commissioner District
District 4

Hearing Dates
LPA: 09/23/2024
BoCC: 11/06/2024

Attachment(s):
1: Proposed Amendments
2: Applicant Materials

REQUEST

- Amend the Future Land Use Map (Map 1-A) to re-designate the future land use categories of ±38.51 acres from Open Lands and Wetlands to Central Urban and Wetlands.
- Amend Table 1(b): 2045 Population Allocation to accommodate residential development in the Burnt Store Planning District.

SUMMARY

The amendment to the Future Land Use Map will change the allowable density and uses of the subject property from 1 dwelling unit per 10 acres to allow up to 10 dwelling units an acre. These proposed amendments are anticipated to facilitate the development of residential and non-residential uses compatible with nearby development anticipated within the City of Cape Coral.

PROJECT LOCATION

The property is located on the east side of Burnt Store Road, east of the Cape Coral City Limits, and approximately one mile south of the Charlotte County boundary.

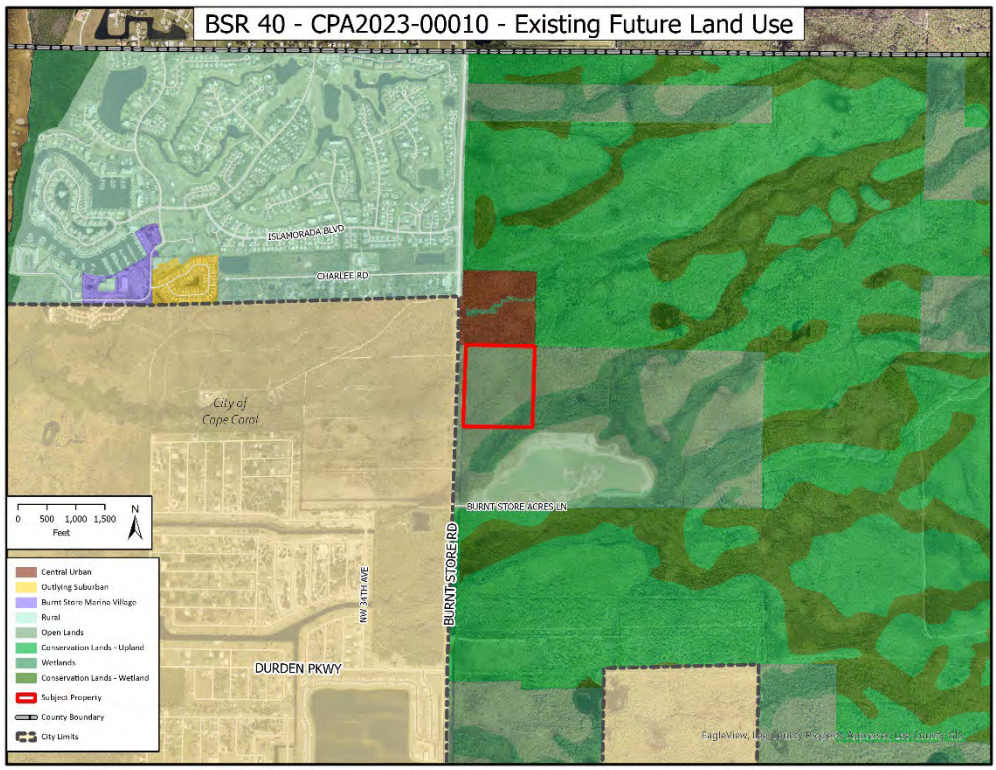


Figure 1: Subject Property Location Map including Existing Future Land Use designations

RECOMMENDATION

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

PART 1
STAFF DISCUSSION AND ANALYSIS

Existing Conditions

The ±38.51-acre subject property is currently undeveloped and consists of a single parcel. The property is currently in the Open Lands and Wetlands future land use categories and is zoned AG-2. The subject property is in Planning District 5 (Burnt Store) and is not within any established Community Plan Area within the Lee Plan.

The subject property is currently designated as Open Lands and Wetlands on the Future Land Use Map, described by Policy 1.4.4 and Objective 1.5 of the Lee Plan, respectively.

> ***POLICY 1.4.4****: Open Lands are upland areas that are located north of Rural and/or sparsely developed areas in Township 43 South. These areas are extremely remote from public services and are characterized by agricultural and low-density residential uses. Commercial and industrial uses are permitted in this category in accordance with the standards in the Rural category. The maximum density in this category is one dwelling unit per ten acres (1 du/10 acres); except that a maximum density of one dwelling unit per five acres (1 du/5 acres) is permitted if the Planned Development process is used to prevent adverse impacts on environmentally sensitive lands*
>
> ***POLICY 1.5.1****: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII.*

The proposed amendment would re-designate the subject property from the Open Lands and Wetlands future land use categories to the Central Urban and Wetlands future land use categories. This change removes the limitation that commercial uses must be intended to serve residents of the adjacent rural areas to allow general commercial uses and changes the maximum standard density from one dwelling unit per 10 acres to 10 dwelling units per acre.

A formal wetland jurisdictional determination was not provided by the applicant; therefore, in accordance with **Policy 124.1.2**, the existing portion of the property within the Wetlands future land use category will remain in the Wetlands future land use category until a formal wetland jurisdictional determination showing the extent of state-designated wetlands is provided. Calculation of density within the Wetlands future land use category will be determined through future zoning and development order actions.

The current zoning designation is AG-2, allowing for agricultural related uses. The applicant has stated an intention to file a future application to rezone the subject property. This application has not yet been submitted.

Adoption of the proposed amendment does not guarantee that future rezoning applications will be consistent with the Lee Plan. Consistency of any future rezoning application with the Lee Plan will be analyzed during the zoning process.

Surrounding Properties

The property north of the subject property is within the Central Urban and Wetlands future land use categories. This property was redesignated from Open Lands and Wetlands to Central Urban and Wetlands by Ordinance Number 23-04. The property to the north was also approved for a rezone to Mixed Use Planned Development (MPD) to permit 354 multi-family dwelling units and 222,900 square feet of commercial development by the BoCC on August 7, 2024.

Immediately to the east of the subject property is a ±42.3-acre privately owned vacant property in the Open Lands future land use category, zoned AG-2. To the east of this is the Yucca Pens Unit of the Babcock Webb Wildlife Management Area, managed by the Florida Fish and Wildlife Conservation Commission. This preserve consists of parcels owned by the State of Florida, generally acquired between 1996 and 2014.[1]

South of the subject property is a Residential Planned Development (RPD) consisting of approximately 123 acres. This RPD was approved for excavation for mining of fill dirt, to be followed by the construction of 19 single-family dwelling units. The RPD was approved in 2004 by Resolution Z-04-009.

The subject property is bordered on the west by Burnt Store Road. West of Burnt Store Road are the Charlotte Harbor Preserve State Park, Charlotte Harbor Buffer Preserve, and a vacant parcel in the City of Cape Coral Zoned R-1. The R-1 zoning district in Cape Coral is designed for single-family residential development and additional uses compatible with single-family homes. Maximum density within the R-1 zoning District is 4.4 dwelling units per acre. Additional information on the surrounding properties can be found in Table 1 below.

TABLE 1: SURROUNDING PROPERTIES INFORMATION

	Future Land Use	Zoning	Existing Use
North	Central Urban	MPD Approved for 354 dwelling units and 263,470 square feet of commercial and light industrial	Vacant
East	Open Lands & Wetlands	AG-2	Vacant/Preserve
South	Open Lands & Wetlands	Residential Planned Development approved for 19 dwelling units	Vacant
West	Single and Multi-Family (Cape Coral) & Commercial Activity Center (Cape Coral)	R1 (Cape Coral)	Vacant/Preserve

Discussion and Analysis

The comprehensive plan applies to all land use decisions within the county. Where goals, objectives, or policies of particular elements conflict, those conflicts will be resolved based on an analysis of the Lee

[1] *A Management Plan for Fred C. Babcock-Cecil M. Webb Wildlife Management Area,* Florida Fish and Wildlife Conservation Commission, November 2014.

Plan as a whole. The Lee Plan analysis included in this staff report outlines the proposed amendments in relation to the most applicable Lee Plan goals, objectives, and policies to determine their appropriateness.

Map 1-A: Future Land Use Map

The proposed amendment redesignates the majority of the subject property from the Open Lands future land use category to the Central Urban future land use category. The Central Urban future land use category is described by Policy 1.1.3.

> ***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.*

This region of the county, traditionally characterized by very low-intensity and low-density development, has become a subject of interest for future growth in recent years. In 2016, an interlocal agreement was executed between Charlotte and Lee Counties, allowing Charlotte County Utilities to provide water, sewer, and reuse service to land in Lee County along Burnt Store Road. This expansion included the subject property. Based on **Policies 4.1.1 and 4.1.2**, the density allowed and anticipated by the proposed amendment would require future development connections to public sewer and water systems. The ability of the subject property to connect to public utilities enables the applicant to comply with Policies 4.1.1 and 4.1.2.

Objective 2.2 provides that new development should be directed "to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created." As discussed above, the subject property is located where public facilities are planned and will be available. Burnt Store Road is also being expanded from a two-lane arterial road to a four-lane arterial. More information regarding the expansion of Burnt Store Road can be found in the "Transportation" section of this report. In addition to the availability of utility and transportation infrastructure, the City of Cape Coral has recently approved changes to their development regulations that would allow for intense mixed-use development along the Burnt Store Road corridor. These changes are discussed in greater detail in this report's "Surrounding Municipalities" subsection. The increased development allowed by the proposed amendment can be served by planned or available infrastructure and is consistent and compatible with the development anticipated within the City of Cape Coral along the Burnt Store Road corridor and is consistent with Objective 2.2.

Goal 5 provides that Lee County will accommodate the projected population in appropriate locations with attractive and safe neighborhoods with various housing types and prices. **Policy 5.1.2** prohibits residential development where physical constraints or hazards exist or require density and design to be adjusted accordingly. The property is in FEMA flood zone "X (shaded)" and is not within the Coastal High Hazard Area as depicted on Lee Plan Map 5-A. **Policy 135.1.9** requires Lee County to "ensure a mix of residential

types and designs on a County-wide basis" through the Future Land Use Map. The proposed amendment will help to accommodate Lee County's projected population in an appropriate location and may help ensure a mix of residential types and designs throughout the County, consistent with **Goal 5, Policy 5.1.2,** and **Policy 135.1.9** of the Lee Plan.

Environmental Analysis

Lee Plan **Policy 126.1.4** requires that development designs maintain or improve surface water flows, groundwater levels, and lake levels at or above existing conditions prior to future development. The subject property is within both the Yucca Pen Creek and Durden Creek watersheds.

The Yucca Pen Creek Watershed is on the Florida Department of Environmental Protection Study List for Dissolved Oxygen based on the number of exceedances for the sample size. The Northwest Lee County Surface Water Management Plan provides the following recommendation: "Future developments within the unincorporated areas of Lee County east of Burnt Store Road should be required to provide treatment for 1-inch of runoff generated from the developed areas through wet or dry retention/detention systems as the BMPs." Future rezonings and development orders will be analyzed to determine consistency with **Goal 125**, which ensures the maintenance or improvement of water quality for the protection of the environment of Lee County.

Future development will require a Lee County Development Order approval and Environmental Resource Permit approval from the South Florida Water Management District (SFWMD) and must comply with surface water quality standards as required by SFWMD and Lee County.

Table 1(b): Year 2045 Allocations

The applicant is also proposing an amendment to Table 1(b). This amendment is necessary to maintain internal consistency with the 2045 Lee County population accommodations and **Policy 1.6.5** of the Lee Plan at the time of the development order. The Table 1(b) amendment is consistent with Lee Plan **Goal 5**, which is to provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the 2045 projected population of Lee County. Staff recommends that Table 1(b) be amended to add 24 acres of residential development acreage to the Central Urban future land use category in Planning District 5 (Burnt Store) and subtract 95 residential acres in the Central Urban future land use category of Planning District 19 (North Fort Myers) in order to accommodate the anticipated development and make the population balance countywide. Staff's recommended changes to Table 1(b) are identified in Attachment 1.

The proposed amendments are consistent with the Lee Plan and help accomplish several aims of the Lee Plan. The proposed amendment is also consistent with the area surrounding the subject property.

Surrounding Municipalities

Due to the subject property's unique location, approximately one mile from the Charlotte County boundary and adjacent to the City of Cape Coral, Staff examined how the proposed FLUM amendment would fit with the surrounding municipalities.

The subject property is adjacent to the boundary of the City of Cape Coral, which has a separate Comprehensive and Land Development Regulations. Lee County staff consulted with Cape Coral

Development Services Division staff to understand the future land use and anticipated development patterns of parcels near the subject property within city boundaries.

Cape Coral passed a text amendment to their comprehensive plan to guide future development along Burnt Store Road on December 7, 2022, to plan for what is likely the next area of urban development over the coming years. This area is one of the last remaining areas in Cape Coral with large, vacant lots available for development. In anticipation of potential growth in this corridor, the city created the Burnt Store Road District (BURST).

Cape Coral's BURST does not allow for stand-alone residential uses. Multi-family development of up to 25 dwelling units an acre will be permitted as part of a mixed-use building. Commercial development in this future land use category will allow a maximum floor area ratio of 1.0.

Cape Coral followed up the text amendments with the BURST map amendment (LU21-0017) to incorporate BURST in the City's future land use map. The map amendment has been transmitted to the State Reviewing Agencies, and the Cape Coral City Council expects to hold the adoption hearing on the amendment on September 18, 2024[2]. Based on the proposed map amendment, the area of the BURST will include most of the parcels bordering Burnt Store Road north of Van Buren Parkway within Cape Coral city limits. The proposed density and intensity permitted within adjacent properties in Cape Coral indicates that this area will be the city's next center of higher-intensity development.

Recent development pressure along Burnt Store Road within Charlotte County has prompted the Charlotte County Board of County Commissioners to direct Charlotte County Community Development Staff to analyze the Burnt Store corridor and determine if changes should be made to the Charlotte County Comprehensive Plan or Land Development Code to better guide development that meets the needs residents within the vicinity of Burnt Store Road.

The proposed amendment to Lee County's Future Land Use Map would allow for uses that are compatible and complimentary with the development anticipated in adjacent communities.

Service Availability and Capacity

Consistent with **Objective 2.2**, there are adequate potable water, sanitary sewers, solid waste, police, fire/EMS, and school services and facilities to accommodate the proposed amendment.

Transportation: Access to the property is from County Road 765 (Burnt Store Road), which is a paved, county-maintained arterial roadway. Lee Plan amendments require both a short-range (5 years) and long-range (20+ years) level of service (LOS) analysis. Based on the information in the application materials, the proposed amendment will cause a reduction in LOS standards for Burnt Store Road in the short-range. This level of service deficit is expected to be rectified in the long-range, with Burnt Store Road operating at or above adopted LOS standards by 2045.

[2] At the September 18, 2024, meeting of the Cape Coral City Council, LU21-0017 was withdrawn from consideration in order to revise the legal description of lands to be included within the BURST category to ensure consistency with the City Council's motion during the transmittal hearing. According to City of Cape Coral staff, this item will be brought back to the City Council to adopt the BURST category on the Future Land Use Map in the near future.

Lee County has designated Burnt Store Road, from State Road 78 (Pine Island Road) to the Charlotte County line, as a controlled access road facility. Improvements are underway for Burnt Store Road, which will expand the roadway from two to four lanes and implement controlled access locations. Connection from the subject property to Burnt Store Road must comply with Lee County Resolution 20-09-26. The expansion of the Burnt Store Road segment adjacent to the subject property is currently in the design phase, with the expected completion of the design by the end of 2024.

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 not within one-quarter mile of a fixed-route corridor, the closest bus stop is not within one-quarter mile of a bus stop, and the 2016 TDP does not identify the need for enhanced or additional transit services in the area.

Utilities: The subject property has water, sewer, and reclaimed water service through a 2016 interlocal agreement between Lee and Charlotte counties. Charlotte County Utilities will provide water and sewer service. In a letter dated February 9, 2024, Charlotte County Utilities indicated that potable water, sanitary sewer, and reclaimed water connections are available.

Solid Waste: Lee County Solid Waste indicated in a letter dated July 5, 2023, that collection services are available to the subject property. 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 Cape Coral Fire Department indicated in a letter dated June 28, 2023, that they are capable of providing fire protection. A full-time fire station is located approximately two miles from the subject property.

EMS: Lee County Emergency Medical Services indicated in a letter dated July 20, 2023, that service is available to the property. One ambulance is located approximately 5.8 miles south of the site.

Law Enforcement: The Lee County Sheriff's Office (LCSO) indicated in a letter dated July 7, 2023, that adequate service can be provided to the subject property. LCSO will provide law enforcement services from the Gulf District offices in Saint James City. LCSO requests a Crime Prevention Through Environmental Design Report in future submittals.

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 generation of elementary and middle school students, according to a letter from the Lee County School District dated July 5, 2023. Capacity is an issue within the Concurrency Service Area (CSA) at the elementary school level; however, capacity is available in the adjacent CSA.

Adequate public services and infrastructure are available to serve future development of the subject property at intensities allowed by the Central Urban future land use category.

Conclusions

Anticipated development and infrastructure improvements to this area of Lee County make the subject property appropriate to be developed as a Future Urban Area, as the property will no longer be "extremely remote from public services" and the area will not be "characterized by agricultural and low-density residential uses" as typically found on lands within the Open Lands future land use category. The proposed Lee Plan Amendments are consistent with the Goals, Objectives, and Policies contained in the Lee Plan, as discussed in the report and summarized below.

- The increased development that would be allowed by the proposed amendment is consistent and compatible with the development anticipated within the City of Cape Coral along Burnt Store Road and with parcels adjacent to the subject property.
- There are adequate potable water, sanitary sewers, solid waste, police, fire/EMS, and school services and facilities to accommodate the proposed amendment.
- Burnt Store Road is expected to operate at adopted LOS standards following the completion of the widening project.
- The proposed amendment will help to accommodate Lee County's projected population in an appropriate location.

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

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, adjacent municipality planning, and future transportation facilities.

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

Members of the LPA asked about the timing of future expansion of Burnt Store Road, specifics of the amendments to Table 1(b), reason for the proposed future land use category, surrounding conservation properties, and availability of utilities.

There were no public comments concerning the proposed amendment.

B. LOCAL PLANNING AGENCY RECOMMENDATION

A motion was made to recommend that the Board of County Commissioners (BoCC) ***adopt*** CPA2023-00011. The motion passed 4 to 2.

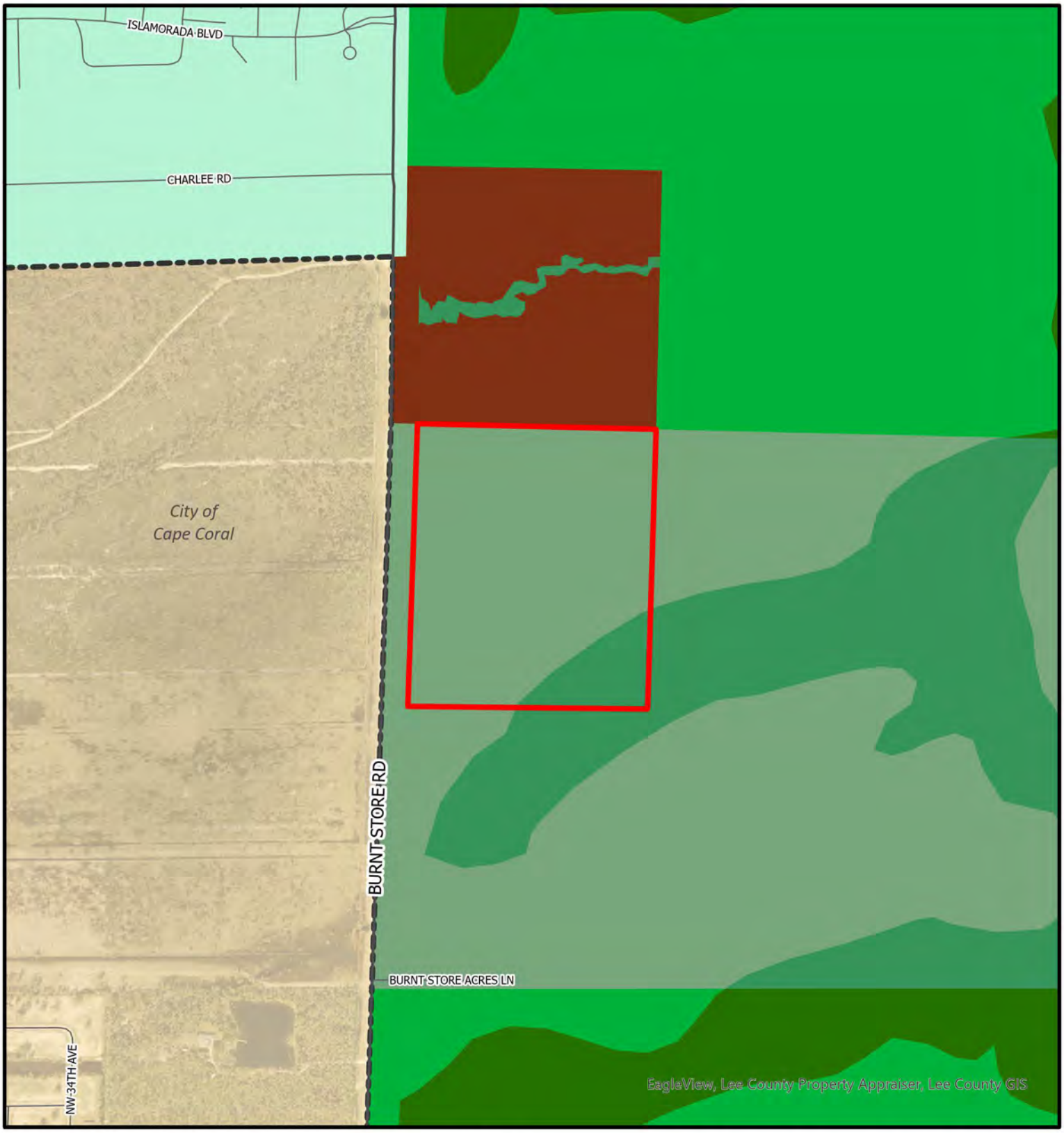
RAYMOND BLACKSMITH	**AYE**
DUSTIN GARDNER	**AYE**
DAWN RUSSELL	**AYE**
JENNIFER SAPEN	**AYE**
DON SCHROTENBOER	**ABSENT**
STAN STOUDER	**NAY**
HENRY ZUBA	**NAY**

C. STAFF RECOMMENDATION

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

ATTACHMENT 1

- **Map 1A Existing Future Land Use Map**
- **Map 1A Proposed Future Land Use Map**
- **Table 1(b) Existing and Proposed**



CPA2023-00010

Existing Future Land Use

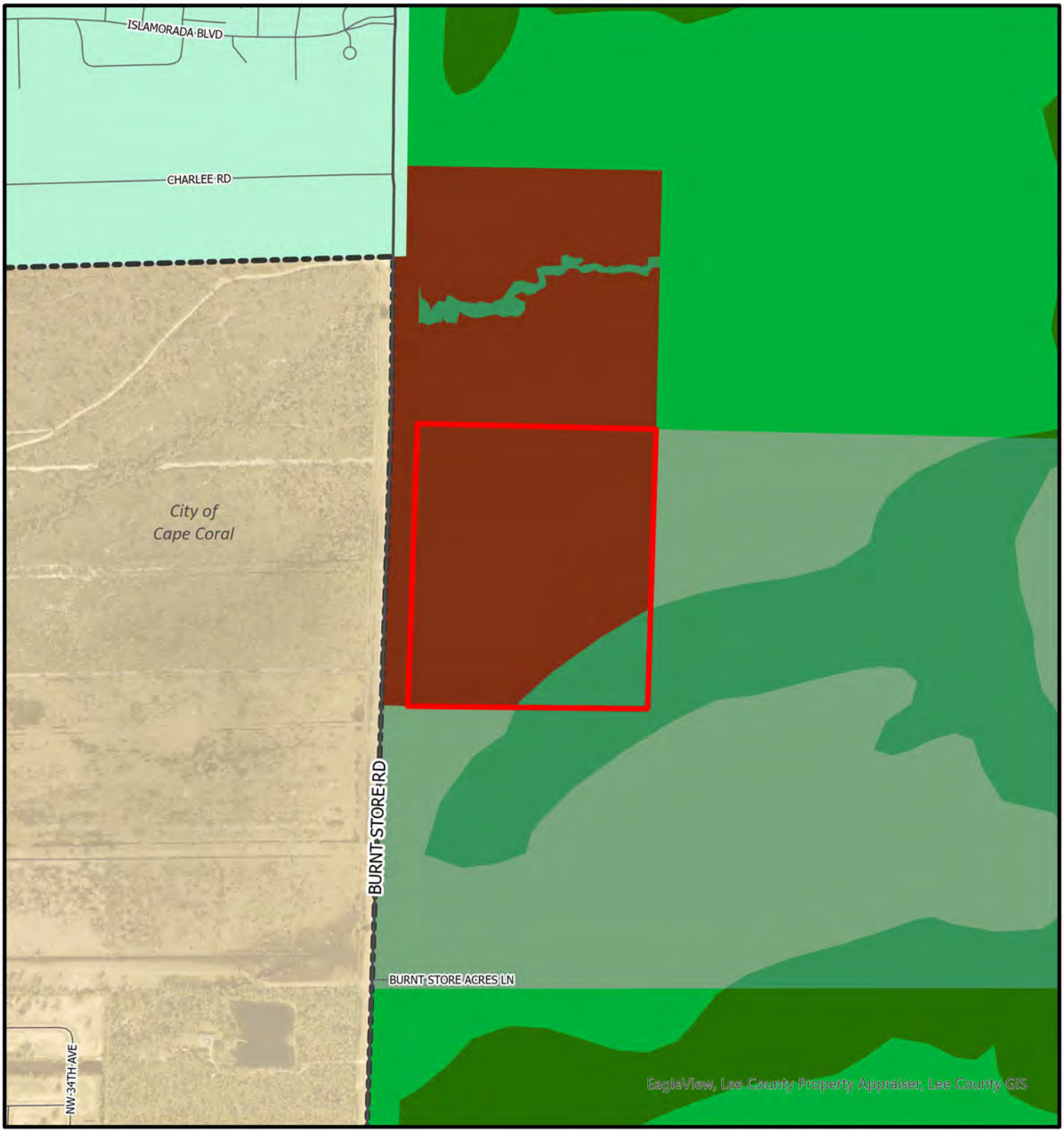
- Central Urban
- Rural
- Open Lands
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland
- Subject Property
- City Limits

N
W E
S

0 500 1,000
Feet

Lee County
Southwest Florida

Map Generated: August 2024



CPA2023-00010

Proposed Future Land Use

- Central Urban
- Rural
- Open Lands
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland
- Subject Property
- City Limits

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Feet

Lee County
Southwest Florida

Map Generated: August 2024

Table 1(b) Year 2045 Allocations

Future Land Use Category		Unincorporated County		Planning District										
				District 1	District 2	District 3	District 4	District 5 Burnt Store		District 6	District 7	District 8	District 9	District 10
		Existing	Proposed	Northeast Lee County	Boca Grande	Bonita	Fort Myers Shores	Existing	Proposed	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway / Airport
Residential By Future Land Use Category	Intensive Development	~~1,483~~	1,483	-	-	-	17	~~-~~	-	21	-	238	-	-
	Central Urban	~~13,839~~	13,768	-	-	-	207	~~-~~	24	-	-	230	-	25
	Urban Community	~~22,739~~	22,739	813	453	-	475	~~-~~	-	-	-	-	-	150
	Suburban	~~14,913~~	14,913	-	-	-	1,950	~~-~~	-	-	-	80	-	-
	Outlying Suburban	~~3,648~~	3,648	25	-	-	490	~~13~~	13	3	429	-	-	-
	Sub-Outlying Suburban	~~1,732~~	1,732	-	-	-	330	~~-~~	-	-	-	-	-	227
	Commercial	~~-~~	-	-	-	-	-	~~-~~	-	-	-	-	-	-
	Industrial	~~15~~	15	-	-	-	-	~~-~~	-	-	-	-	-	6
	Public Facilities	~~-~~	-	-	-	-	-	~~-~~	-	-	-	-	-	-
	University Community	~~503~~	503	-	-	-	-	~~-~~	-	-	-	-	-	-
	Destination Resort Mixed Use Water Dependent	~~8~~	8	-	-	-	-	~~-~~	-	-	-	-	-	-
	Burnt Store Marina Village	~~2~~	2	-	-	-	-	~~2~~	2	-	-	-	-	-
	Industrial Interchange	~~-~~	-	-	-	-	-	~~-~~	-	-	-	-	-	-
	General Interchange	~~115~~	115	-	-	-	-	~~-~~	-	-	-	-	-	15
	General Commercial Interchange	~~-~~	-	-	-	-	-	~~-~~	-	-	-	-	-	-
	Industrial Commercial Interchange	~~-~~	-	-	-	-	-	~~-~~	-	-	-	-	-	-
	University Village Interchange	~~-~~	-	-	-	-	-	~~-~~	-	-	-	-	-	-
	New Community	~~2,104~~	2,104	1,115	-	-	-	~~-~~	-	-	-	-	-	989
	Airport	~~-~~	-	-	-	-	-	~~-~~	-	-	-	-	-	-
	Tradeport	~~3~~	3	-	-	-	-	~~-~~	-	-	-	-	-	3
	Rural	~~7,764~~	7,764	2,431	-	-	800	~~730~~	730	-	-	-	-	-
	Rural Community Preserve	~~3,517~~	3,517	-	-	-	-	~~-~~	-	-	-	-	-	-
	Coastal Rural	~~1,338~~	1,338	-	-	-	-	~~-~~	-	-	-	-	-	-
	Outer Island	~~233~~	233	2	4	-	1	~~-~~	-	-	169	-	-	-
	Open Lands	~~2,186~~	2,186	153	-	-	-	~~257~~	257	-	-	-	-	-
	Density Reduction/ Groundwater Resource	~~6,974~~	6,974	131	-	-	-	~~-~~	-	-	-	-	-	-
	Conservation Lands Upland	~~-~~	-	-	-	-	-	~~-~~	-	-	-	-	-	-
	Wetlands	~~-~~	-	-	-	-	-	~~-~~	-	-	-	-	-	-
	Conservation Lands Wetland	~~-~~	-	-	-	-	-	~~-~~	-	-	-	-	-	-
Unincorporated County Total Residential		~~83,115~~	83,044	4,669	457	-	4,270	~~1,002~~	1,026	24	598	548	-	1,415
Commercial		~~8,916~~	8,916	300	53	-	450	~~27~~	27	9	125	150	-	1,216
Industrial		~~4,788~~	4,788	30	3	-	300	~~10~~	10	15	70	315	-	2,134
Non Regulatory Allocations														
Public		~~120,211~~	120,211	14,191	622	-	4,864	~~7,323~~	7,323	6	2,340	583	-	9,660
Active AG		~~21,944~~	21,944	5,500	-	-	240	~~90~~	90	-	-	-	-	2
Passive AG		~~13,685~~	13,685	5,500	-	-	615	~~100~~	100	-	-	-	-	485
Conservation		~~87,746~~	87,746	2,458	297	-	1,163	~~3,186~~	3,186	67	1,595	926	-	2,206
Vacant		~~26,118~~	26,189	1,145	28	-	733	~~766~~	742	8	103	17	-	88
Total		~~366,523~~	366,523	33,793	1,460	-	12,635	~~12,504~~	12,504	129	4,831	2,539	-	17,206
Population Distribution (unincorpor		~~584,331~~	584,331	8,235	1,470	-	35,253	~~2,179~~	2,949	152	725	5,273	-	22,566

Table 1(b) Year 2045 Allocations

Future Land Use Category		Planning District												
		District 11 Daniels Parkway	District 12 Iona / McGregor	District 13 San Carlos	District 14 Sanibel	District 15 South Fort Myers	District 16 Pine Island	District 17 Lehigh Acres	District 18 Southeast Lee County	District 19 North Fort Myers Existing	District 19 North Fort Myers Proposed	District 20 Buckingham	District 21 Estero	District 22 Bashore
Residential By Future Land Use Category	**Intensive Development**	-	-	-	-	801	1	30	-	~~376~~	376	-	-	-
	Central Urban	-	656	20	-	3,113	-	7,362	-	~~2,225~~	2,130	-	-	-
	Urban Community	-	978	1,318	-	863	540	17,034	-	~~-~~	-	115	-	-
	Suburban	-	2,566	2,069	-	1,202	659	-	-	~~6,387~~	6,387	-	-	-
	Outlying Suburban	1,253	438	-	-	-	502	-	-	~~406~~	406	-	90	-
	Sub-Outlying Suburban	-	-	13	-	-	-	-	-	~~145~~	145	66	-	950
	Commercial	-	-	-	-	-	-	-	-	~~-~~	-	-	-	-
	Industrial	-	3	3	-	3	-	-	-	~~-~~	-	-	-	-
	Public Facilities	-	-	-	-	-	-	-	-	~~-~~	-	-	-	-
	University Community	-	-	503	-	-	-	-	-	~~-~~	-	-	-	-
	Destination Resort Mixed Use Water Dependent	-	8	-	-	-	-	-	-	~~-~~	-	-	-	-
	Burnt Store Marina Village	-	-	-	-	-	-	-	-	~~-~~	-	-	-	-
	Industrial Interchange	-	-	-	-	-	-	-	-	~~-~~	-	-	-	-
	General Interchange	58	-	-	-	-	-	-	8	~~14~~	14	-	-	20
	General Commercial Interchange	-	-	-	-	-	-	-	-	~~-~~	-	-	-	-
	Industrial Commercial Interchange	-	-	-	-	-	-	-	-	~~-~~	-	-	-	-
	University Village Interchange	-	-	-	-	-	-	-	-	~~-~~	-	-	-	-
	New Community	-	-	-	-	-	-	-	-	~~-~~	-	-	-	-
	Airport	-	-	-	-	-	-	-	-	~~-~~	-	-	-	-
	Tradeport	-	-	-	-	-	-	-	-	~~-~~	-	-	-	-
	Rural	1,573	-	99	-	-	227	14	-	~~454~~	454	50	-	1,387
	Rural Community Preserve	-	-	-	-	-	-	-	-	~~-~~	-	3,517	-	-
	Coastal Rural	-	-	-	-	-	1,338	-	-	~~-~~	-	-	-	-
	Outer Island	-	2	-	-	-	55	-	-	~~-~~	-	-	-	-
	Open Lands	80	-	-	-	-	-	-	-	~~30~~	30	-	-	1,667
	Density Reduction/ Groundwater Resource	-	-	-	-	-	-	-	4,742	~~-~~	-	-	-	2,101
	Conservation Lands Upland	-	-	-	-	-	-	-	-	~~-~~	-	-	-	-
	Wetlands	-	-	-	-	-	-	-	-	~~-~~	-	-	-	-
	Conservation Lands Wetland	-	-	-	-	-	-	-	-	~~-~~	-	-	-	-
Unincorporated County Total Residential		**2,964**	**4,651**	**4,024**	**-**	**5,982**	**3,322**	**24,440**	**4,750**	~~**10,037**~~	**9,942**	**3,748**	**90**	**6,125**
Commercial		**326**	**774**	**938**	**-**	**2,012**	**288**	**900**	**118**	~~**1,121**~~	**1,121**	**19**	**18**	**72**
Industrial		**5**	**198**	**387**	**-**	**566**	**67**	**218**	**215**	~~**244**~~	**244**	**4**	**2**	**4**
Non Regulatory Allocations														
Public		**3,214**	**4,898**	**6,364**	**-**	**5,883**	**4,831**	**20,267**	**17,992**	~~**10,117**~~	**10,117**	**3,052**	**653**	**3,351**
Active AG		**5**	**13**	**5**	**-**	**-**	**2,780**	**35**	**12,000**	~~**90**~~	**90**	**630**	**4**	**550**
Passive AG		**10**	**-**	**5**	**-**	**-**	**70**	**50**	**2,500**	~~**250**~~	**250**	**2,000**	**-**	**2,100**
Conservation		**1,677**	**9,786**	**2,232**	**-**	**211**	**15,489**	**1,077**	**41,028**	~~**1,607**~~	**1,607**	**382**	**1,465**	**895**
Vacant		**20**	**55**	**158**	**-**	**4**	**2,200**	**14,804**	**2,400**	~~**1,183**~~	**1,183**	**850**	**130**	**1,425**
Total		**8,221**	**20,375**	**14,113**	**-**	**14,658**	**29,047**	**61,791**	**81,003**	~~**24,649**~~	**24,649**	**10,685**	**2,362**	**14,522**
Population Distribution (unincorpor		**14,723**	**44,132**	**53,974**	**-**	**76,582**	**13,431**	**161,031**	**18,538**	~~**110,722**~~	**109,952**	**5,951**	**741**	**8,653**

Avalon Engineering
Established in 1980

December 5, 2023

Lee County Planning and Zoning Division
Community Development Department
1500 Monroe Street
Fort Myers, Florida 33901

SUBJECT: BSR 40
Application for a Comprehensive Plan Amendment - Map

On behalf of Kevin and Annmarie Campbell and Robert D and Elaine J Gerrero, Avalon Engineering is submitting a comprehensive plan map amendment application package for amending the future land use of approximately 40+/- acres of property on Burnt Store Road N from AG-2 Open Lands to Central Urban.

Provided, please find the following items to help assist with the review and approval process:

- Cover Letter;
- Project Request;
- Project Narrative;
- Exhibit M1 Comprehensive Plan Map Amendment Application;
- Exhibit M2 Disclosure of Interest Affidavit;
- Exhibit M3 Surrounding Property Owners List, Map and Mailing Labels;
- Exhibits M4 Future Land Use Map Existing and Exhibit 4A Future Land Use Map Proposed;
- Exhibit M5 Existing Use Land Map;
- Exhibit M6 Existing Zoning Map;
- Exhibit M7 Legal Description of Sketch of Description;
- Exhibit 8 Quit Claim Deed;
- Exhibit M9 Aerial Map and Subject property and Surrounding Properties;
- Exhibit 10 Authorization from Property Owner; NA
- Exhibit 11 Proposed Amendments NA;
- Exhibit 12 Lee Plan Analysis;
- Exhibit 13 Environmental Impact Analysis;
- Exhibit 14 Historic Resources Impact Analysis;
- Exhibit 15 Public Facilities Impacts Analysis;
- Exhibit 16 Traffic Circulation Analysis;
- Exhibit 17 Existing Future and Conditions Analysis (Sanitary Sewer, Potable Water, Surface Water/Drainage Basins, Parks and Rec, Open Space, Public Schools);
- Exhibit 18 Letter of Determination for the Adequacy/Provision of Existing and Proposed Support Facilities (Fire Protection, Emergency Medical Service, Law Enforcement, Solid Waste, Mass Transit, Schools)

. Exhibit 19 State Policy Plan and Regional Policy Plan
. Exhibit 20 Justification of Proposed Amendment
. Exhibit 21 Planning Communities/Community Plan Area Requirement

If you have any questions or comments, please fee free to call me at 583-2077 Extension 216 or email me at linda@avaloneng.com

Sincerely,

AVALON ENGINEERING, INC.

Linda Miller

Linda Miller, AICP
Planning Director/Vice President

BSR 40

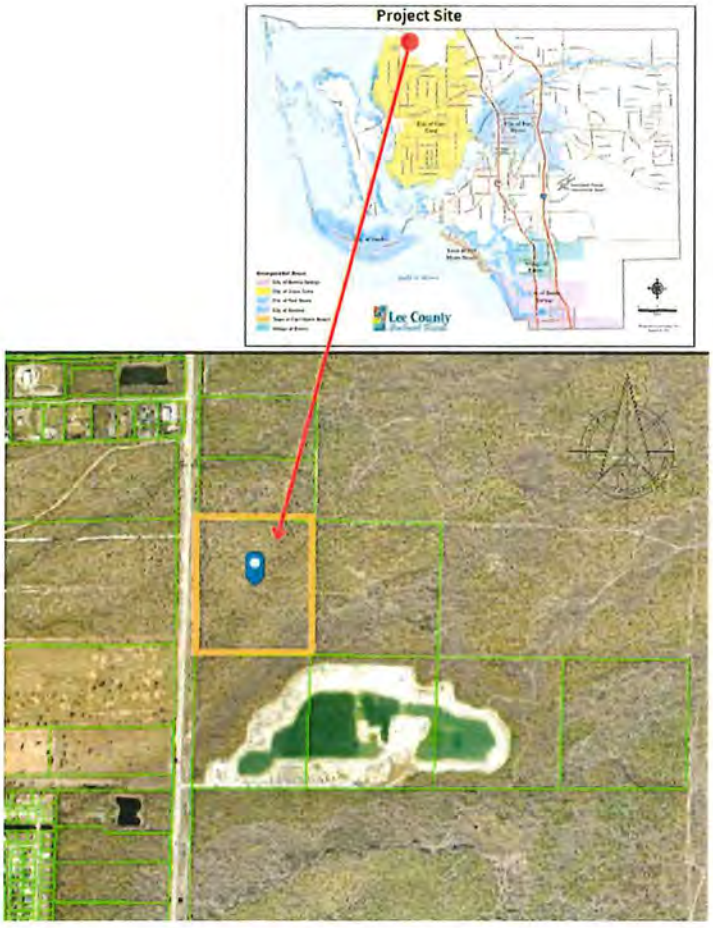
Application for a Comprehensive Plan Amendment-Map
Revised 3/4/2024

Project Request

The requested application for a Comprehensive Plan Amendment-Map to amend the Future Land Use for approximately 34.36 +/- acres of property on Burnt Store Road N from Open Lands to Central Urban. The 4.15 acres of Wetland classified area will remain as wetland within this request.

Project Narrative

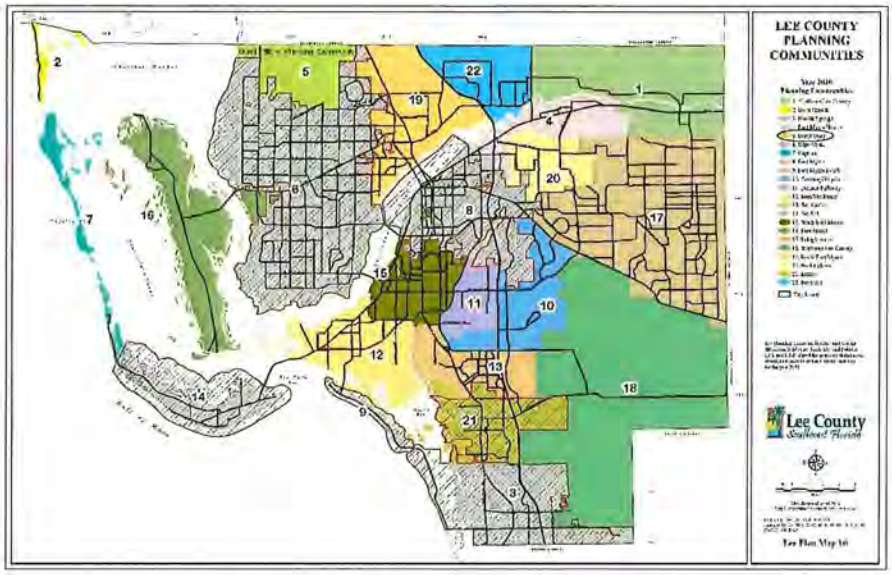
The property subject to this application request is one parcel containing approximately 38.51 +/- acres southeast of the intersection of Burnt Store Road and Charlee Road, Strap Number 08-43-23-00-00001.0000.



Project Location Map

The subject parcel and adjacent parcels are within Lee County. There are two other governmental judications within close proximity to the subject parcel, the City of Cape Coral, along the western side of Burnt Store Road, and Charlotte County northeast and northwest of the subject parcel.

The subject parcel is designated as Open Lands for 34.35 acres and Wetland for 4.15 acres. The site is zoned AG-2 (Agricultural). The parcel is square in size with an average depth of 1194 feet and 1404 feet in length. The parcel is in the Burnt Store Planning Community, Area 5 as designated on the Lee County Planning Communities, Lee Plan Map 16.



Lee County Planning Communities Map

Burnt Store Planning Community

"Burnt Store - This Community is in the northwest corner of the mainland of unincorporated Lee County. The property east of Burnt Store Road is designated Open Lands and the land west of Burnt Store Road is designated as Rural (also known as Burnt Store Marina) with the exception of 10 acres designated as Outlying Suburban. Most of The Burnt Store Marina development was approved prior to the adoption of the 1984 Lee Plan and is "vested" for densities higher than allowed by the current plan.

The Burnt Store Marina development is primarily residential with a high percentage of seasonal residents. There are some commercial and marine oriented amenities within the Burnt Store Marina development primarily serving residents of that development. This area is expected to substantially grow through the year 2030. Today, most of the community's commercial needs are served outside of the community in Cape Coral, North Fort Myers, and Fort Myers, or in Charlotte County. This development pattern is expected to remain through 2020."

The subject parcel is vacant with the closest development being the Dollar General located on the west side of Burnt Store Road, north of the subject parcel, an 18-lot residential development on Burnt Store Road south of the subject parcels and Burnt Store Marina, a residential community also north of the subject parcels.

The subject property is near parcels within the City of Cape Coral, on the west side of Burnt Store Road, and south of the subject property that have a Future Land Use designation that supports a higher density and greater intensity of uses then what is currently permitted by the Open Lands Future Land Use on these parcels. The Lee County Open Lands Future Land Use permits one dwelling unit per every 5 acres and limited commercial uses.

Within 1.4 miles of the subject parcel, heading south on Burnt Store Road, there is a total of 125.12 acres that supports a greater density and intensity land use than the subject parcel currently: there are 87.48 acres in Cape Coral that have a Commercial Activity Center Land Use, which is a Mixed-Use Land Use supporting a minimum of 12 du/acres or 75 units and a maximum of 16 du/ac of density and an Intensity of 1.0 FAR. Within 0.45 of a mile, there are 56 acres in Cape Coral designated as Commercial Land Use, which supports a variety of commercial retail, office and support uses with an FAR of 1.0. Within 0.30 of a mile, there are 21.12 acres, currently designated as Single Family/Multi-Family, which if zoned RML would support 16 du/ac. A 502 site RV Resort is located just over a mile south of the subject parcel.

"Policy 1.15.m of the City of Cape Coral's Future Land Use Element of their Comprehensive Plan. The purpose of the Commercial Activity Center (CAC) future land use classification is to promote non-residential and mixed-use development at key locations, within proximity to major corridors throughout the City of Cape Coral in areas where a mix of uses may be developed. The Commercial Activity Center classification is a mixed-use classification designed to minimize the need for vehicle trips through the development of both residential and non-residential uses in a single project. Furthermore, the purpose of the Commercial Activity Center is to integrate all uses through landscape, site, and architectural design standards. In addition, the Commercial Activity Center land use classification is intended to provide locations that offer employment opportunities and daily goods and services to the local community and, in some instances, attract patrons from the region. Commercial Activity Centers are intended to be pedestrian friendly and interconnected with adjacent projects – whether residential or non-residential".

"Policy 1.15.m of the City of Cape Coral's Future Land Use Element of their Comprehensive Plan. Commercial/Professional: Intensities of use in the Commercial/Professional (CP) land use classification shall not exceed a floor to lot area ratio (FAR) of 1.0. The Commercial (C) District is designed to facilitate a broad variety of large or small commercial uses. Uses allowed in the C District range from a variety of small or neighborhood-based commercial uses to larger retail or service uses, which may serve a relatively large trade area and, which may be developed as major shopping facilities. As many commercial uses have the potential to generate relatively high levels of vehicular trips from customers and sometimes delivery vehicles, preferred locations for the C District have direct access onto arterial or collector roads and adequate depth (a minimum of 250 feet) for larger- scale development."

Within a little over a half of a mile to the south of the subject parcels is a Planned Community called "Hudson Creek". Hudson Creek is a mixed-use development in the City of Cape Coral. The project consists of a total of 1732 acres with residential, commercial, and conservation/preserve land use. The project is a MXPUD for 3500 residential units (2500 single family and 1000 multi-family units), an Assisted Living Facility with 800 beds, a university, retail, and restaurant square footage totaling 425,000, 150,000 square feet of office uses and a 500 room Hotel.

BSR 40

Exhibit M1

Application for a Comprehensive Plan Amendment – Map

Lee County Community Development

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

Project Name: BSR 40

Project Description: Amend the future land use of approximately 34.35+/- acres of property on Burnt Store Road N from Open Lands to Central Urban

Map(s) to Be Amended: Future Land Use Map

State Review Process: [X] Small-Scale Review [ ] State Coordinated Review [ ] Expedited State Review

1. **Name of Applicant:** Kevin & Annmarie Campbell + Robert D. & Elaine J. Gerrero
   Address: 10791 Orange River Boulevard
   City, State, Zip: Ft. Myers, Florida 33905
   Phone Number: 239-872-2953 or 239-872-2955 E-mail: kevincampbell1@comcast.net
   Campbell_ann@comcast.net

2. **Name of Contact:** Linda Miller, AICP / Avalon Engineering, Inc.
   Address: 2503 Del Prado Boulevard South, Suite 200
   City, State, Zip: Cape Coral, Florida 33904
   Phone Number: 239-573-2077 Extension E-mail: linda@avaloneng.com

3. **Owner(s) of Record:** Same as Applicant
   Address:
   City, State, Zip:
   Phone Number: E-mail:

4. **Property Location:**
   1. Site Address: Unassigned Burnt Store Road N., Cape Coral, FL 33993
   2. STRAP(s): 08-43-23-00-00001.0000

5. **Property Information:**
   Total Acreage of Property: 38.51+/- Total Acreage Included in Request: 34.35+/-
   Total Uplands: 34.35 Total Wetlands: 4.16+/- Current Zoning: AG-2
   Current Future Land Use Category(ies): Open Lands and Wetlands
   Area in Each Future Land Use Category: 34.35 acres with Open Lands and 4.16 acres with Wetland
   Existing Land Use: Vacant Property

6. **Calculation of maximum allowable development under current Lee Plan:**
   Residential Units/Density: 7 du/ 1per 5 acres Commercial Intensity: minimal uses
   Industrial Intensity: N/a

7. **Calculation of maximum allowable development with proposed amendments:**
   Residential Units/Density: 400 units Commercial Intensity: 150,000 Industrial Intensity: 10,000

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 effect of the land use change on the Financially Feasible Highway Plan Map 3A (20-year plus horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit a Traffic Impact Statement (TIS) consistent with Lee County Administrative Code (AC)13-17.

    a. Proposals affecting less than 10 acres, where development parameters are contained within the Traffic Analysis Zone (TAZ) or zones planned population and employment, or where there is no change in allowable density/ intensity, may be eligible for a TIS requirement waiver as outlined in the Lee County TIS Guidelines and AC-13-17. Identification of allowable density/intensity in order to determine socio-economic data for affected TAZ(s) must be coordinated with Lee County Planning staff. Otherwise a calculation of trip generation is required consistent with AC-13-17 and the Lee County TIS Guidelines to determine required components of analysis for:

        i. Total peak hour trip generation less than 50 total trip ends – trip generation.

        ii. Total peak hour trip generation from 50 to 300 total trip ends – trip generation, trip distribution and trip assignment (manual or Florida Standard Urban Transportation Modeling Structure (FSUTMS) analysis consistent with AC-13-17 and TIS Guidelines), short-term (5 year) and long-range (to current Lee Plan horizon year) segment LOS analysis of the nearest or abutting arterial and major collector segment(s) identified in the Transportation Inventory based on the trip generation and roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is recommended prior to submittal of the application to discuss use of FSUTMS, any changes to analysis requirements, or a combined CPA and Zoning TIS short term analysis.

        iii. Total peak hour trip generation is over 300 total trip ends - trip generation, mode split, trip distribution and trip assignment (manual or FSUTMS analysis consistent with AC-13-17 and TIS Guidelines), short-term (five-year) and long-range (to current Lee Plan horizon year) segment LOS analysis of arterial and collector segments listed in the Transportation Inventory. LOS analysis will include any portion of roadway segments within an area three miles offset from the boundary of the application legal description metes and bounds survey. LOS analysis will also include any additional segments in the study area based on the roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is required prior to submittal of the application.

    b. Map amendment - greater than 10 acres -Allowable density/intensity will be determined by Lee County Planning staff.

2. **Provide an existing and future conditions analysis for the following (see Policy 95.1.3):**
    a. Sanitary Sewer
    b. Potable Water
    c. Surface Water/Drainage Basins
    d. Parks, Recreation, and Open Space
    e. Public Schools

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

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

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

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

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

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

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

Environmental Impacts

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

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

Impacts on Historic Resources

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

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

Internal Consistency with the Lee Plan

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

State Policy Plan and Regional Policy Plan

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

Justify the proposed amendment based upon sound planning principles

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

Planning Communities/Community Plan Area Requirements

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

Sketch and Legal Description

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

SUBMITTAL REQUIREMENTS

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

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

MINIMUM SUBMITTAL ITEMS (3 Copies)

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

APPLICANT – PLEASE NOTE:

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

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

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

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

We, Kevin & Annmarie Campbell + Robert D & Elaine J Guerrero, as Joint Tenants in Common of 08-43-23-00-00001.0000, swear or affirm under oath, that we are the owners 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.

Kevin Campbell **Signature (Kevin Campbell)**	7-14-23 **Date**
Signature (Annmarie Campbell)	7/14/2023 **Date**
Robert D Guerrero **Signature (Robert D Gerrero)**	7/14/23 **Date**
E Guerrero **Signature (Elaine J Gerrero)**	7/14/23 **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 14th day of July, 20 23, by Kevin Campbell & others above (name of person providing oath or affirmation), who is personally known to me or who has produced (personally known) (type of identification) as identification.

STAMP/SEAL

SIERRA MARRERO
Notary Public - State of Florida
Commission # GG 918610
My Comm. Expires Oct 2, 2023
Bonded through National Notary Assn.

Signature of Notary Public

Property Data

STRAP: 08-43-23-00-00001.0000 Folio ID: 10026914

Generated on 6/13/2023 2:57 PM

Owner Of Record - Tenants in Common [Change Address]

CAMPBELL KEVIN & ANNMARIE +
GERRERO ROBERT D & ELAINE J
10791 ORANGE RIVER BLVD
FORT MYERS FL 33905

Site Address

Site Address maintained by E911 Program Addressing

BURNT STORE RD N
CAPE CORAL FL 33993

Property Description

Do not use for legal documents!

NW 1/4 OF NW 1/4 LESS WLY 132 FT

[Tax Map Viewer] [View Comparables]

[Pictometry Aerial Viewer]

Current Working Values

Tax Roll Value Letter Tax Refund Status

Just	315,520

Attributes

Land Units Of Measure	AC
Units	39.44
Total Number of Buildings	0
Total Bedrooms / Bathrooms	0
1st Year Building on Tax Roll	N/A
Historic Designation	No

Image of Structure

Photo Date January of 2008 ☐ View other photos

Last Inspection Date: 05/23/2019

Property Value History

Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Taxable
1992	280,800	280,800	280,800	280,800	0	280,800
1993	280,800	2,090	2,090	2,090	0	2,090
1994	280,800	2,660	2,660	2,660	0	2,660
1995	280,800	6,620	6,620	6,620	0	6,620
1996	280,800	10,150	10,150	10,150	0	10,150
1997	280,800	10,440	10,440	10,440	0	10,440
1998	280,800	10,260	10,260	10,260	0	10,260
1999	280,800	10,010	10,010	10,010	0	10,010
2000	280,800	10,220	10,220	10,220	0	10,220
2001	309,740	10,480	10,480	10,480	0	10,480
2002	309,730	10,400	10,400	10,400	0	10,400
2003	248,190	11,240	11,240	11,240	0	11,240
2004	536,090	11,560	11,560	11,560	0	11,560
2005	1,111,880	12,030	12,030	12,030	0	12,030
2006	2,382,600	12,470	12,470	12,470	0	12,470
2007	2,382,600	10,520	10,520	10,520	0	10,520
2008	873,620	12,350	12,350	12,350	0	12,350
2009	476,520	13,380	13,380	13,380	0	13,380
2010	428,868	11,754	11,754	11,754	0	11,754
2011	299,744	11,556	11,556	11,556	0	11,556
2012	256,360	12,779	12,779	12,779	0	12,779
2013	256,360	19,286	19,286	19,286	0	19,286
2014	153,816	20,667	20,667	20,667	0	20,667
2015	193,256	20,627	20,627	20,627	0	20,627
2016	193,256	22,836	22,836	22,836	0	22,836
2017	193,256	20,548	20,548	20,548	0	20,548
2018	193,256	19,602	19,602	19,602	0	19,602
2019	193,256	20,114	20,114	20,114	0	20,114
2020	193,256	22,323	22,323	22,323	0	22,323
2021	315,520	21,140	21,140	21,140	0	21,140
2022	315,520	21,258	21,258	21,258	0	21,258

BSR 40

Application for a Comprehensive Plan Amendment-Map

Exhibit M2

Disclosure of Interest

DISCLOSURE OF INTEREST
AFFIDAVIT

BEFORE ME this day appeared Kevin & Annmarie Campbell + Robert D & Elaine J Gerrero, who, being first duly sworn and deposed says:

1. That they are the record owners, or a legal representative of the record owner, of the property that is located in 08-43-23-00-00001.0000 and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

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

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
N/A	N/A

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

Signature of Property Owner

Kevin Campbell
Print Name

Signature of Property Owner

Annemarie Campbell
Print name

Signature of Property Owner

Robert D. Gerrero

Signature of Property Owner

Elaine J. Gerrero

************NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS************
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☑ physical presence or ☐ online notarization, on 7/14/23 (date) by All parties above (name of person providing oath or affirmation), who is personally known to me or who has produced personally known (type of identification) as identification.

Signature of Notary Public

STAMP/SEAL

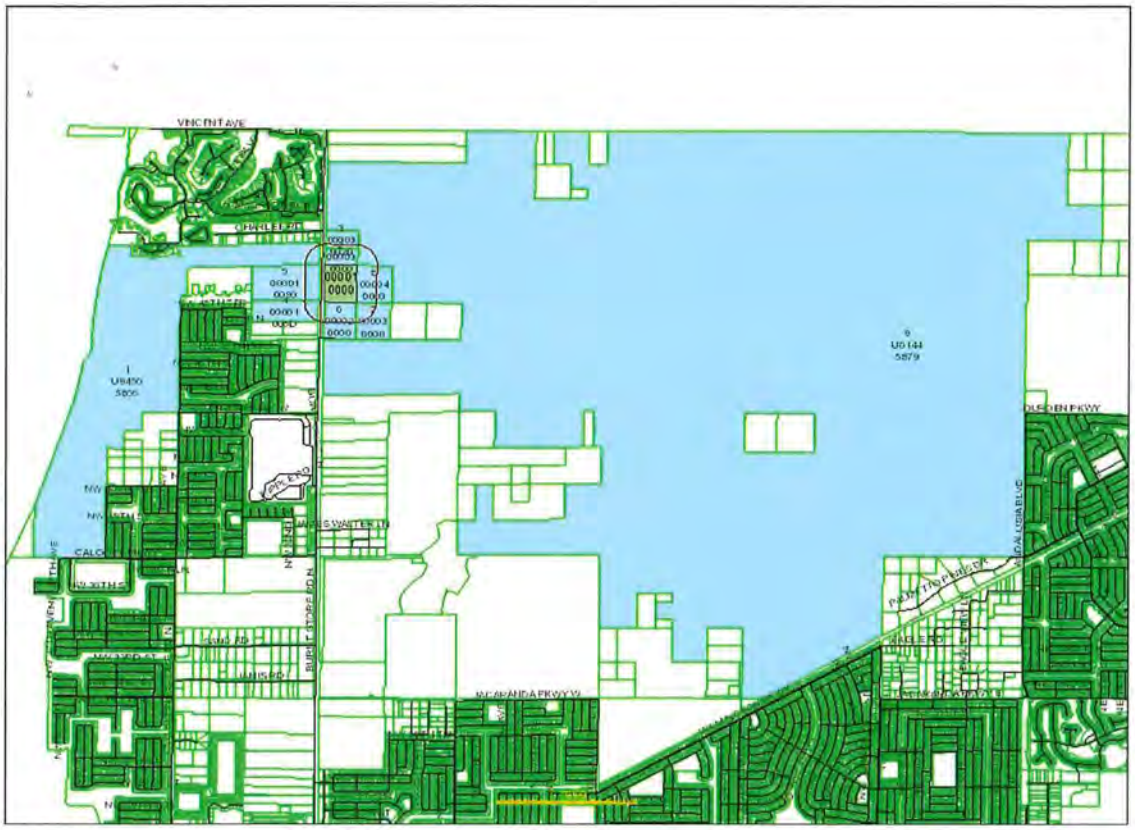
SIERRA MARRERO
Notary Public - State of Florida
Commission # GG 918610
My Comm. Expires Oct 2, 2023
Banded through National Notary Assn.

BSR 40

Application for a Comprehensive Plan Amendment-Map

Exhibit 3

Surrounding Property Owners List, Map
and
Mailing Labels



Date of Report: June 28, 2023

Buffer Distance: 750 feet Rerun

Parcels Affected: 9

Subject Parcel: **08-43-23-00-00001.0000**

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

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

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
TIITF STATE OF FLORIDA DEPT OF ENVIR PROTECTION 3900 COMMONWEALTH BLVD TALLAHASSEE FL 32399	**12-43-22-C3-U9450.5856** CHARLOTTE HARBOR PRESERVE STATE PARK CAPE CORAL FL 33993	PRESERVE LANDS LYING WLY BURNT STORE RD + WLY NWLY CC UNIT 90	1
SVR INVESTMENTS LLC 2135 MAYFAIR WAY LOT 28 TITUSVILLE FL 32796	**05-43-23-00-00003.0000** BURNT STORE RD N CAPE CORAL FL 33993	S 1/2 OF SW 1/4 OF SW1/4 LESS W 132 FT	2
SVR INVESTMENTS LLC 2135 MAYFAIR WAY LOT 28 TITUSVILLE FL 32796	**05-43-23-00-00003.0020** BURNT STORE RD N CAPE CORAL FL 33993	N 1/2 OF SW 1/4 OF SW 1/4 LESS W 132 FT	3
DUBOSE SHAWN R 36750 WHISPERING PINES RD NORTH FORT MYERS FL 33917	**07-43-23-C2-00001.008D** ACCESS UNDETERMINED CAPE CORAL FL 33993	N 1/2 OF S 1/2 OF N E 1/4 + S 1/8 OF N 1/2 OF NE 1/4 LESS R/W SR 765	4
LEE COUNTY CONSERVATION 2020 PO BOX 398 FORT MYERS FL 33902	**07-43-23-C2-00001.0090** BURNT STORE RD N CAPE CORAL FL 33993	N 1/2 OF NE 1/4 LESS N 50 FT RES FOR RD R/W + LESS STATE R/W	5
CC LAND DEVELPOPMENT COMPANY 2222 SECOND ST FORT MYERS FL 33901	**08-43-23-00-00002.0000** 4751 BURNT STORE RD N CAPE CORAL FL 33993	SW 1/4 OF NW 1/4 LESS WLY 132 FT	6
CC LAND DEVELPOPMENT COMPANY 2222 SECOND ST FORT MYERS FL 33901	**08-43-23-00-00003.0000** ACCESS UNDETERMINED CAPE CORAL FL 33993	SE 1/4 OF NW 1/4 OF SEC 08 TWN 43 RGE 23	7
HENRY JEWEL A & STEVEN M 16820 SANTUARY EST DR CAPE CORAL FL 33993	**08-43-23-00-00004.0000** ACCESS UNDETERMINED CAPE CORAL FL 33993	NE 1/4 OF NW 1/4 SEC 08 DESC IN OR 1904 PG 2670	8
TIITF STATE OF FLORIDA DEPT OF ENVIR PROTECTION 3900 COMMONWEALTH BLVD TALLAHASSEE FL 32399	**10-43-23-L3-U0144.5879** ACCESS UNDETERMINED CAPE CORAL FL 33993	YUCCA PENS LANDS LYING IN TWN 43 RGE 23	9

TIITF STATE OF FLORIDA
DEPT OF ENVIR PROTECTION
3900 COMMONWEALTH BLVD
TALLAHASSEE FL 32399

SVR INVESTMENTS LLC
2135 MAYFAIR WAY LOT 28
TITUSVILLE FL 32796

SVR INVESTMENTS LLC
2135 MAYFAIR WAY LOT 28
TITUSVILLE FL 32796

DUBOSE SHAWN R
36750 WHISPERING PINES RD
NORTH FORT MYERS FL 33917

LEE COUNTY
CONSERVATION 2020
PO BOX 398
FORT MYERS FL 33902

CC LAND DEVELPOPMENT COMPANY
2222 SECOND ST
FORT MYERS FL 33901

CC LAND DEVELPOPMENT COMPANY
2222 SECOND ST
FORT MYERS FL 33901

HENRY JEWEL A & STEVEN M
16820 SANTUARY EST DR
CAPE CORAL FL 33993

TIITF STATE OF FLORIDA
DEPT OF ENVIR PROTECTION
3900 COMMONWEALTH BLVD
TALLAHASSEE FL 32399

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Application for a Comprehensive Plan Amendment-Map

Exhibit 4

Existing Future Land Use Map

BSR 40

0 400 800
(IN FEET)

FUTURE URBAN AREAS
- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Outlying Suburban
- Sub-Outlying Suburban
- Commercial
- Industrial Development
- Public Facilities
- University Community
- Burnt Store Marina Village
- Destination Resort Mixed Use Water Dependent

INTERCHANGE AREAS
- General Interchange
- University Village Interchange
- Industrial Commercial Interchange
- Industrial Interchange
- General Commercial Interchange

NEW COMMUNITY
- New Community

AIRPORT AREAS
- Tradeport
- Airport

NON-URBAN AREAS
- Rural
- Rural Community Preserve
- Coastal Rural
- Outer Island
- Open Lands
- Density Reduction/Groundwater Resource
- Conservation Lands - Upland

ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)
- Wetlands
- Conservation Lands - Wetland

- City Limits

See Chapter XIII and Lee County Administrative Code 13-2 for standards and procedures for administrative interpretations of the Lee Plan.

Avalon Engineering Established IN 1980	Future Land Use Map - Existing	Exhibit M4

BSR 40

Application for a Comprehensive Plan Amendment-Map

Exhibit 4A

Existing Future Land Use Map Proposed

BSR 40

N

0 400 800

(IN FEET)

FUTURE URBAN AREAS
- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Outlying Suburban
- Sub-Outlying Suburban
- Commercial
- Industrial Development
- Public Facilities
- University Community
- Burnt Store Marina Village
- Destination Resort Mixed Use Water Dependent

INTERCHANGE AREAS
- General Interchange
- University Village Interchange
- Industrial Commercial Interchange
- Industrial Interchange
- General Commercial Interchange

NEW COMMUNITY
- New Community

AIRPORT AREAS
- Tradeport
- Airport

NON-URBAN AREAS
- Rural
- Rural Community Preserve
- Coastal Rural
- Outer Island
- Open Lands
- Density Reduction/Groundwater Resource
- Conservation Lands - Upland

ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)
- Wetlands
- Conservation Lands - Wetland

- City Limits

See Chapter XIII and Lee County Administrative Code 13-2 for standards and procedures for administrative interpretations of the Lee Plan.

Avalon Engineering Established IN 1980	Future Land Use Map - Proposed	Exhibit M4A

BSR 40

Application for a Comprehensive Plan Amendment-Map

Exhibit M5

Existing Use Map

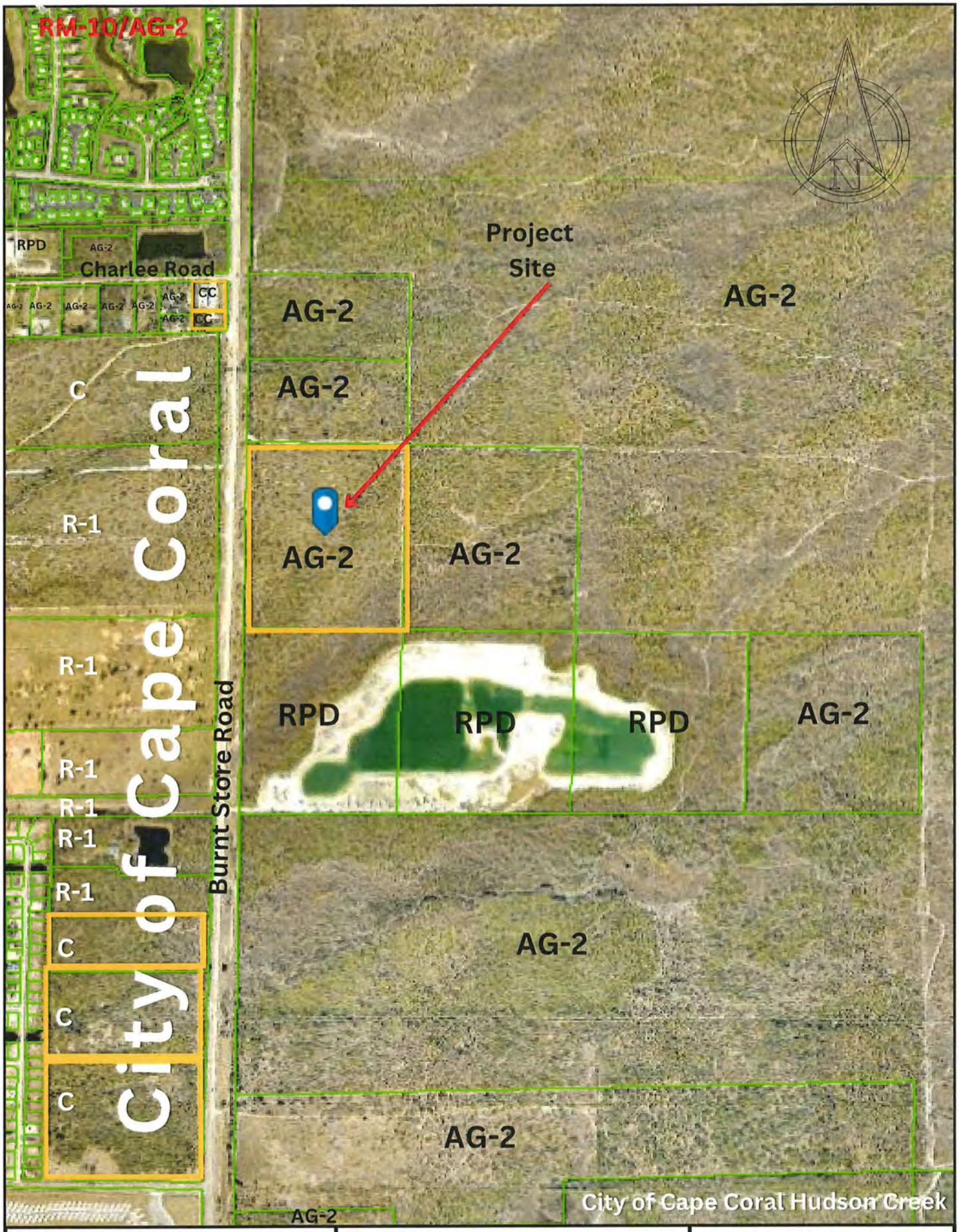
Avalon Engineering Established in 1980	Existing Use	Exhibit M5

BSR 40

Application for a Comprehensive Plan Amendment-Map

Exhibit M6

Existing Zoning Map



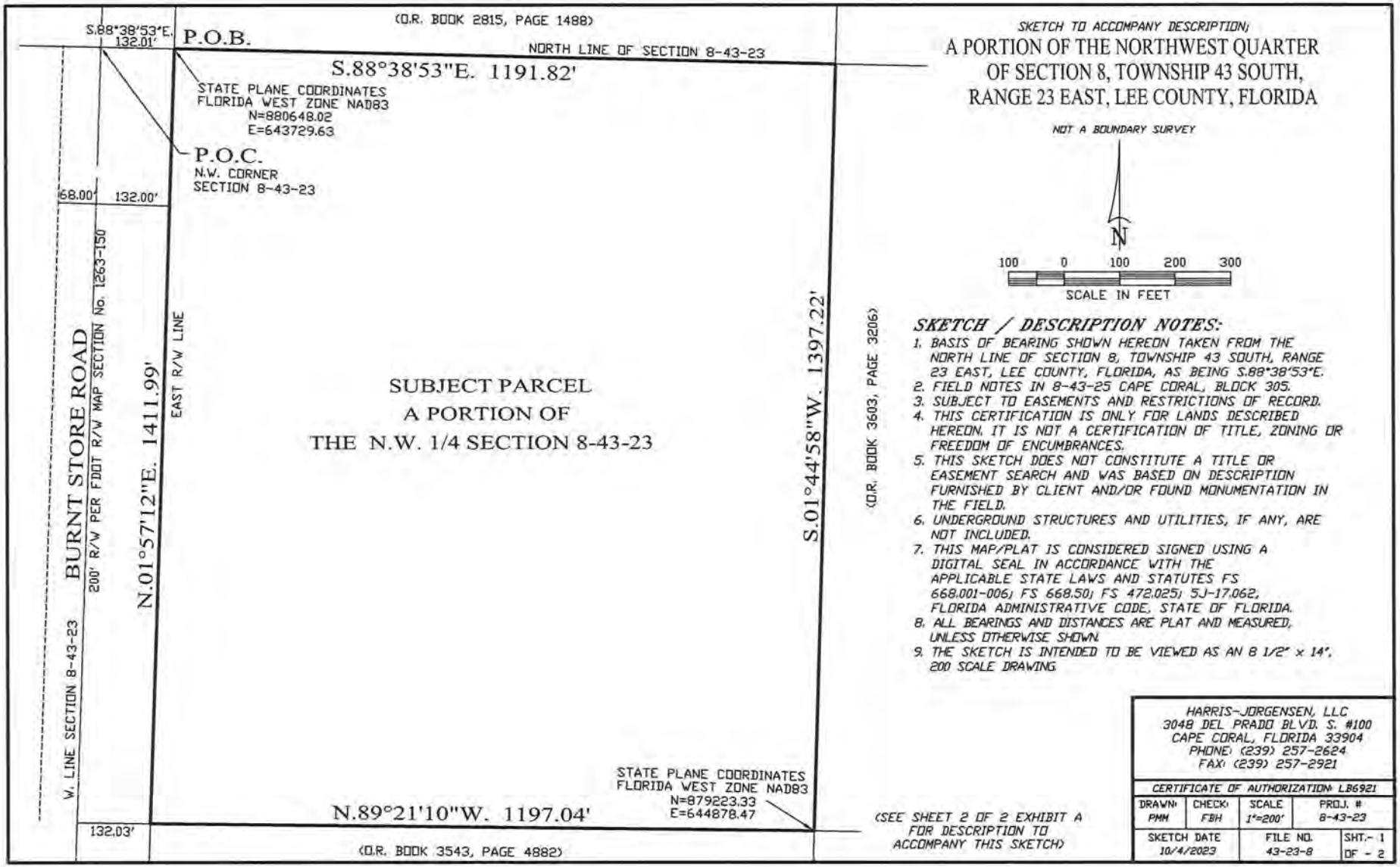
Avalon Engineering Established in 1980	Existing Zoning Map	Exhibit M6

BSR 40

Application for a Comprehensive Plan Amendment-Map

Exhibit M7

Sketch and Legal Description of Subject Property



SKETCH TO ACCOMPANY DESCRIPTION;

A PORTION OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA

NOT A BOUNDARY SURVEY

N

100 0 100 200 300

SCALE IN FEET

SKETCH / DESCRIPTION NOTES:

1. *BASIS OF BEARING SHOWN HEREON TAKEN FROM THE NORTH LINE OF SECTION 8, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°38'53"E.*
2. *FIELD NOTES IN 8-43-25 CAPE CORAL, BLOCK 305.*
3. *SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.*
4. *THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.*
5. *THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.*
6. *UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.*
7. *THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006; FS 668.50; FS 472.025; 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.*
8. *ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.*
9. *THE SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 200 SCALE DRAWING.*

(SEE SHEET 2 OF 2 EXHIBIT A FOR DESCRIPTION TO ACCOMPANY THIS SKETCH)

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

CERTIFICATE OF AUTHORIZATION: LB6921

DRAWN:	CHECK:	SCALE	PROJ. #
PMM	FBH	1"=200'	8-43-23
SKETCH DATE		FILE NO.	SHT.- 1
10/4/2023		43-23-8	OF - 2

EXHIBIT "A"

(SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY DESCRIPTION)

DESCRIPTION TO ACCOMPANY SKETCH

A PORTION OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA

NOT A BOUNDARY SURVEY

DESCRIPTION:

A PLOT OR PORTION OF LAND LYING IN THE NORTHWEST QUARTER (NW¼) OF SECTION 8, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, SAID PLOT OR PORTION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 8, THENCE RUN S.88°38'53"E. ALONG THE NORTH LINE OF SAID SECTION FOR 132.01 FEET, TO THE POINT OF BEGINNING; THENCE RUN S.88°38'53"E. ALONG SAID NORTH LINE FOR 1191.82 FEET; THENCE RUN S.01°44'58"W. FOR 1397.22 FEET; THENCE RUN N.89°21'10"W. TO A POINT ALONG THE EAST RIGHT OF WAY LINE OF BURNT STORE ROAD, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY SECTION MAP No. 1263-15, FOR 1197.04 FEET; THENCE RUN N.01°57'12"E. ALONG SAID EAST RIGHT OF WAY LINE FOR 1411.99 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 1,677,480.22 SQUARE FEET, OR 38.51 ACRES, MORE OR LESS.

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

DRAWN:	CHECK:		PROJ. #
PMM	FBH		8-43-23
SKETCH DATE:		FILE NO.	SHT.-2
10/4/2023		43-23-8	OF - 2

BSR 40

Application for a Comprehensive Plan Amendment-Map

Exhibit 8

Quit Claim Deed

Kevin C. Karnes, Lee County Clerk of Circuit Court
INSTR. # 2023000147786, Doc Type D, Pages 3, Recorded 4/26/2023 at 9:13 AM, Deputy Clerk WMILLER ERECORD
Rec Fees: $27.00 Deed Doc: $0.70

PREPARED WITHOUT TITLE
EXAMINATION, SURVEY OR OPINION

Property Appraiser's Parcel Identification No.
08-43-23-00-00001.0000

QUIT CLAIM DEED

THIS QUIT CLAIM DEED is made this 25th day of April, 2023, between **ANNMARIE CAMPBELL and WALLACE D. CAMPBELL, as joint tenants in common with rights of survivorship,** whose post office address is 10791 Orange River Blvd., Fort Myers, Florida 33905, party of the first part, and **KEVIN CAMPBELL and ANNMARIE CAMPBELL, Husband and Wife,** whose post office address is 10791 Orange River Blvd., Fort Myers, Florida 33905, party of the second part, and **ROBERT D. GERRERO and ELAINE J. GERRERO, Husband and Wife,** whose post office address is 3015 S.E. 22nd Place, Cape Coral, Florida 33904, party of the third part:

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten Dollars ($10.00) in hand paid by the said party of the second part and the party of the third part, and love and affection, the receipt and sufficiency of which is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part and party of the third part, in the proportions set forth below, all the right, title, interest, claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Lee, State of Florida, to wit:

An undivided two-thirds (2/3) interest in the following described property to **KEVIN CAMPBELL and ANNMARIE CAMPBELL, Husband and Wife**, party of the second part;

and

An undivided one-third (1/3) interest in the following described property to **ROBERT D. GERRERO and ELAINE J. GERRERO, Husband and Wife**, party of the third part:

Northwest quarter (1/4) of the Northwest quarter (1/4) of Section 8, Township 43 South, Range 23 East, less any portion of land for road purposes.

SUBJECT TO Restrictions, Conditions, Covenants, Rights, Rights of Way, and Easements now of record, if any, and taxes for the current and subsequent years.

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

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

This deed is given with only the stated nominal consideration and among family members and involves the assumption of no mortgage, therefore minimum state documentary stamps are affixed.

The property described herein is not and has never been the homestead of the grantors, nor is it contiguous to the homestead of the grantors.

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

Signed, Sealed and Delivered in Our Presence:

Witnesses:

Debra L Hardwick
DEBRA L. HARDWICK

By: _____
ANNMARIE CAMPBELL

Zoë Kaiser
ZOË KAISER

By: Wallace D. Campbell
WALLACE D. CAMPBELL

STATE OF FLORIDA)
) SS:
COUNTY OF LEE)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 25th day of April, 2023, by ANNMARIE CAMPBELL and WALLACE D. CAMPBELL, who are personally known to me or who has produced _____ as identification.

Nancy R. Vieceli
NANCY R. VIECELI
Notary Public - State of Florida
My Commission No. HH 367202
My Commission Expires: 03/31/2027

PREPARED BY/RETURN TO:

Andre J. Patrone, Esq.
PATRONE, KEMP, BENTLEY & MACE, P.A.
8695 College Parkway, Suite 202
Fort Myers, Florida 33907

SEND TAX BILL TO:

Kevin Campbell and Annmarie Campbell
10791 Orange River Blvd.
Fort Myers, Florida 33905

Kevin C. Karnes, Lee County Clerk of Circuit Court
INSTR. # 2023000147786, Doc Type D, Pages 3, Recorded 4/26/2023 at 9:13 AM, Deputy Clerk WMILLER ERECORD
Rec Fees: $27.00 Deed Doc: $0.70

PREPARED WITHOUT TITLE
EXAMINATION, SURVEY OR OPINION

Property Appraiser's Parcel Identification No.
08-43-23-00-00001.0000

QUIT CLAIM DEED

THIS QUIT CLAIM DEED is made this 25th day of April, 2023, between **ANNMARIE CAMPBELL and WALLACE D. CAMPBELL, as joint tenants in common with rights of survivorship,** whose post office address is 10791 Orange River Blvd., Fort Myers, Florida 33905, party of the first part, and **KEVIN CAMPBELL and ANNMARIE CAMPBELL, Husband and Wife,** whose post office address is 10791 Orange River Blvd., Fort Myers, Florida 33905, party of the second part, and **ROBERT D. GERRERO and ELAINE J. GERRERO, Husband and Wife,** whose post office address is 3015 S.E. 22nd Place, Cape Coral, Florida 33904, party of the third part:

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten Dollars ($10.00) in hand paid by the said party of the second part and the party of the third part, and love and affection, the receipt and sufficiency of which is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part and party of the third part, in the proportions set forth below, all the right, title, interest, claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Lee, State of Florida, to wit:

An undivided two-thirds (2/3) interest in the following described property to **KEVIN CAMPBELL and ANNMARIE CAMPBELL, Husband and Wife**, party of the second part;

and

An undivided one-third (1/3) interest in the following described property to **ROBERT D. GERRERO and ELAINE J. GERRERO, Husband and Wife**, party of the third part:

Northwest quarter (1/4) of the Northwest quarter (1/4) of Section 8, Township 43 South, Range 23 East, less any portion of land for road purposes.

SUBJECT TO Restrictions, Conditions, Covenants, Rights, Rights of Way, and Easements now of record, if any, and taxes for the current and subsequent years.

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

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

This deed is given with only the stated nominal consideration and among family members and involves the assumption of no mortgage, therefore minimum state documentary stamps are affixed.

The property described herein is not and has never been the homestead of the grantors, nor is it contiguous to the homestead of the grantors.

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

Signed, Sealed and Delivered in Our Presence:

Witnesses:

Debra L Hardwick
DEBRA L. HARDWICK

By: _____
ANNMARIE CAMPBELL

_____
ZOË KAISER

By: Wallace D. Campbell
WALLACE D. CAMPBELL

STATE OF FLORIDA)
) SS:
COUNTY OF LEE)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 25th day of April, 2023, by ANNMARIE CAMPBELL and WALLACE D. CAMPBELL, who are personally known to me or who has produced _____ as identification.

Nancy R. Vieceli
NANCY R. VIECELI
Notary Public - State of Florida
My Commission No. HH 367202
My Commission Expires: 03/31/2027

PREPARED BY/RETURN TO:

Andre J. Patrone, Esq.
PATRONE, KEMP, BENTLEY & MACE, P.A.
8695 College Parkway, Suite 202
Fort Myers, Florida 33907

SEND TAX BILL TO:

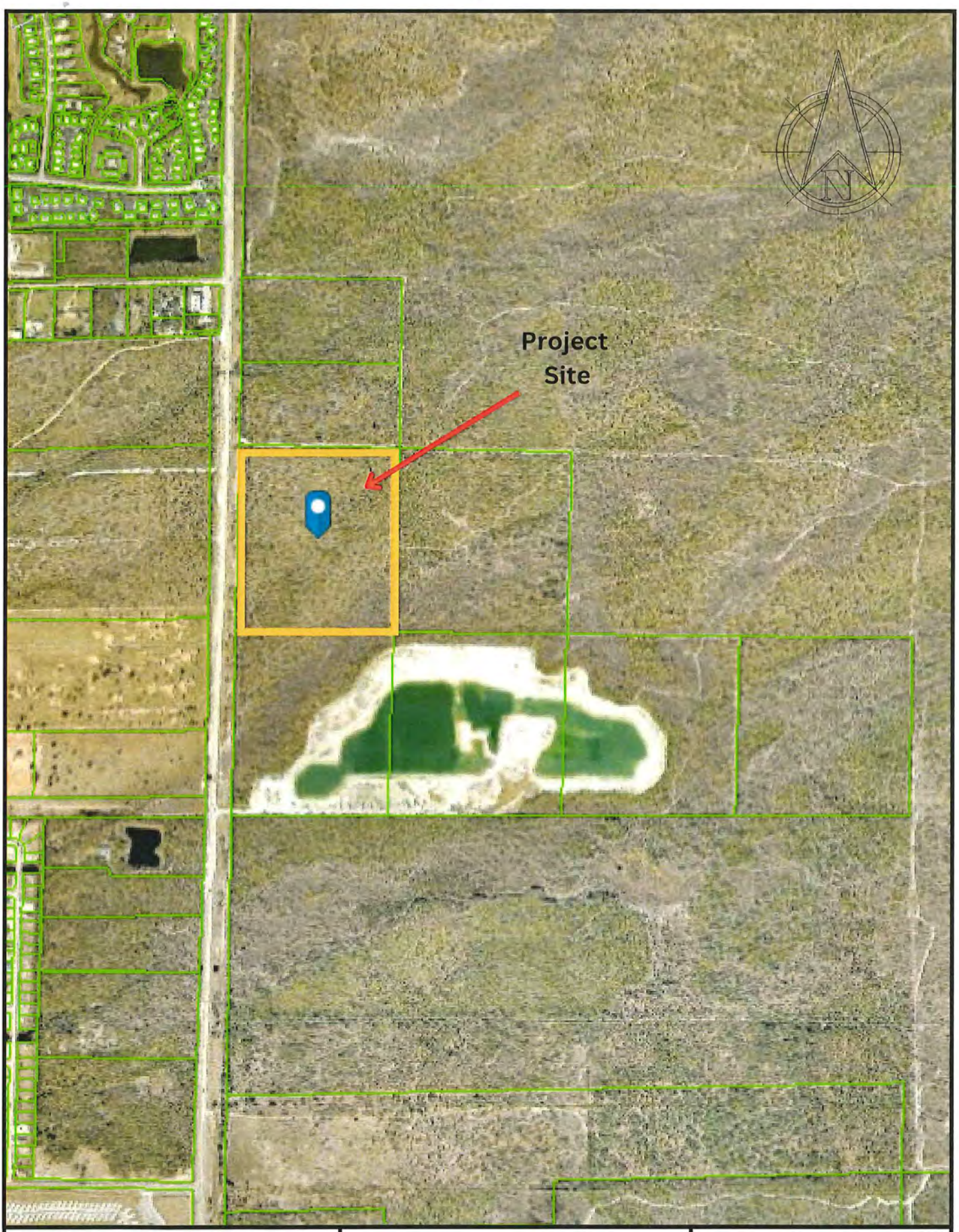
Kevin Campbell and Annmarie Campbell
10791 Orange River Blvd.
Fort Myers, Florida 33905

BSR 40

Application for a Comprehensive Plan Amendment-Map

Exhibit M9

Aerial Map Showing the Subject Property and Surrounding Properties



Avalon Engineering Established in 1980	Aerial Map Showing the Subject Property and Surrounding Properties	Exhibit M9

BSR 40

Application for a Comprehensive Plan Amendment-Map

Exhibit M12

Lee Plan Analysis

BSR 40

Application for a Comprehensive Plan Amendment-Map

Lee Plan Analysis

The proposed development is consistent with the Lee Plan, specifically these objectives and policies.

Burnt Store Planning Community - This Community is in the northwest corner of the mainland of unincorporated Lee County. This area is expected to substantially grow through the year 2030. Today, most of the community's commercial needs are served outside of the community in Cape Coral, North Fort Myers, and Fort Myers, or in Charlotte County. This development pattern is expected to remain through 2020."

We believe that parcels on both sides of Burnt Store Road north of Durden Parkway, whether in the City of Cape Coral or within the jurisdiction of Lee County, will be develop with similar densities and intensities to other parcels within the City of Cape Coral to the south and west and Charlotte County, and the City of Punta Gorda to the north, expanding the Urban Core of the City of Cape Coral to reach the Charlotte County line. This area will offer commercial services not currently available in either of the two other judications within this area while providing some residential multi-family units that may not be permitted within this Burnt Store Road Area within the City of Cape Coral.

FUTURE LAND USE ELEMENT

POLICY 1.1.3: The Central Urban Future Land Use Category can best be characterized as the "urban core" of the county. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses will continue to predominate in the Central Urban area with future development in this category encouraged to be developed as a mixed-use, as described in Objective 11.1, where appropriate.

Mixed-use developments are a desired use within the Central Urban Future Land Use classification. Burnt Store Road in this area of Lee County is planned to support a variety of commercial uses as well as many residential options. The subject parcel should be included in this core area and be utilized to provide jobs, grow businesses, and expand the residential options (by providing multi-family units) within an area of Lee County that is planned for growth in the near further.

OBJECTIVE 1.4: NON-URBAN AREAS. Designate on the Future Land Use Map categories for those areas not anticipated for urban development at this time.

Currently the subject parcel has a non-urban future land use designation, but we do not feel that this future land use classification clearly defines how this area will be developed in the future. This area contains parcels with the frontage of Burnt Store Road, in Lee County or the City of Cape Coral. These properties will contain vital commercial services for this area of Lee County and the City of Cape Coral residents in the future.

POLICY 1.4.4 Open Lands Open Lands are upland areas that are located north of Rural and/or sparsely developed areas in Township 43 South. These areas are extremely remote from public services and are characterized by agricultural and low-density residential uses. Commercial and industrial uses are permitted in this category in accordance with the standards in the Rural category. The maximum density in this category is one dwelling unit per ten acres (1 du/10 acres); except that a maximum density of one dwelling unit per five acres (1 du/5 acres) is permitted if the Planned Development process is used to prevent adverse impacts on environmentally sensitive lands. (Ord. No. 94-30, 18-28)

Currently the subject parcel has an Open Land Future Land Use designation, which we feel does not accurately represent the future land use of this parcel. The parcel has direct frontage on Burnt Store Road, which will be a one of three major arterial roads into the City of Cape Coral. Parcels along Burnt Store Road within the City of Cape Coral are designated for a variety of commercial uses. The commercial uses permitted at this time with Open Lands Future Land Use is very limited. This parcel, though in Lee County, should have the same development rights as parcels within the City of Cape Coral or Charlotte County.

OBJECTIVE 1.5: WETLANDS. Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with § 373.019(27), Fla. Stat. through the use of the unified state delineation methodology described in Fla. Admin. Code R. 62-340, as ratified and amended in § 373.4211, Fla. Stat.

There are approximately 4.15 acres of wetland areas within the subject parcel, located mainly in the southeastern corner of the parcel. The request to amend the future land use of the subject parcel does not include amending the future land use on the wetland designated areas within the subject parcel. These areas will retain their wetland future land use designation.

POLICY 1.5.1: Permitted land uses in Wetlands consist of very low-density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII.

There are approximately 4.15 acres of wetland areas within the subject parcel, located mainly in the southeastern corner of the parcel. The request to amend the future land use of the subject parcel does not include amending the future land use on the wetland designated areas with the subject parcel. These areas will retain their wetland future land use designation.

POLICY 1.5.3: Wetlands that are conservation lands will be subject to the provisions of Policy 1.4.6 as well as the provisions of Objective 1.5. The most stringent provisions of either category will apply. Conservation wetlands will be identified on the Future Land Use Map to distinguish them from non-conservation wetlands.

The wetland areas within the project site are not under conservation currently. As part of the future development of this parcel and at the time of permitting through South Florida Water Management District these areas may be placed into conservation and preserved.

POLICY 1.6.5: The Planning Districts Map and Acreage Allocation Table (Map 1-B and Table 1(b)) depicts the proposed distribution, extent, and location of generalized land uses through the Plan's Horizon. Acreage totals are provided for land in each Planning 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.

The Acreage Allocation Table currently does not depict acreage that has the Central Urban designation within the Burnt Store Planning Area. An amendment to Table 1(b) which reduces the Open Lands Land Use area by 34 acres and adding these acres into the Central Urban Land Use would be required if this Comprehensive Plan Amendment (Future Land Use Map) is approved. A strike-through of this table is provided below.

TABLE 1(b)
YEAR 2045 ALLOCATIONS

	Future Land Use Category	Unincorporated County	Planning District									
			District 1 Northeast Lee County	District 2 Boca Grande	District 3 Bonita	District 4 Fort Myers Shores	District 5 Burnt Store	District 6 Cape Coral	District 7 Captiva	District 8 Fort Myers	District 9 Fort Myers Beach	District 10 Gateway / Airport
Residential By Future Land Use Category	Intensive Development	1,483	-	-	-	17	-	21	-	238	-	-
	Central Urban	13,838	-	-	-	207	34	-	-	230	-	25
	Urban Community	22,739	813	453	-	475	-	-	-	-	-	150
	Suburban	14,913	-	-	-	1,950	-	-	-	80	-	-
	Outlying Suburban	3,640	25	-	-	490	13	3	429	-	-	-
	Sub-Outlying Suburban	1,731	-	-	-	330	-	-	-	-	-	227
	Commercial	-	-	-	-	-	-	-	-	-	-	-
	Industrial	15	-	-	-	-	-	-	-	-	-	6
	Public Facilities	-	-	-	-	-	-	-	-	-	-	-
	University Community	503	-	-	-	-	-	-	-	-	-	-
	Destination Resort Mixed Use Water Dependent	8	-	-	-	-	-	-	-	-	-	-
	Burnt Store Marina Village	2	-	-	-	-	2	-	-	-	-	-
	Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-
	General Interchange	114	-	-	-	-	-	-	-	-	-	15
	General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-
	Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-
	University Village Interchange	-	-	-	-	-	-	-	-	-	-	-
	New Community	2,104	1,115	-	-	-	-	-	-	-	-	989
	Airport	-	-	-	-	-	-	-	-	-	-	-
	Tradeport	3	-	-	-	-	-	-	-	-	-	3
	Rural	7,764	2,431	-	-	100	730	-	-	-	-	-
	Rural Community Preserve	3,517	-	-	-	-	-	-	-	-	-	-
	Coastal Rural	1,338	-	-	-	-	-	-	-	-	-	-
	Outer Island	233	2	4	-	1	-	-	169	-	-	-
	Open Lands	2,186	153	-	-	-	233 852	-	-	-	-	-
	Density Reduction/ Groundwater Resource	6,974	131	-	-	-	-	-	-	-	-	-
	Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-
	Wetlands	-	-	-	-	-	-	-	-	-	-	-
	Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-
Unincorporated County Total Residential		83,113	4,669	457	-	4,270	1,002	24	598	548	-	1,415
Commercial		8,916	300	53	-	450	27	9	125	150	-	1,216
Industrial		4,787	30	3	-	300	10	15	70	315	-	2,154
Non Regulatory Allocations												
Public		120,211	14,191	622	-	4,864	7,923	6	2,340	583	-	9,660
Active AG		21,944	5,500	-	-	240	90	-	-	-	-	2
Passive AG		13,685	5,500	-	-	615	100	-	-	-	-	485
Conservation		87,746	2,450	297	-	1,163	3,186	67	1,595	926	-	2,206
Vacant		26,118	1,145	28	-	733	766	8	103	17	-	88
Total		366,520	33,793	1,460	-	12,634	12,505	129	4,831	2,538	-	17,205
Population Distribution (unincorporated Lee County)		584,331	8,235	1,470	-	35,253	2,179	152	725	5,273	-	22,281

November 2021 (Ord. No. 02-02, 03-19, 05-19, 07-13, 09-15, 09-16, 10-15, 10-16, 10-40, 10-43, 14-14, 15-10, 16-02, 16-17, 17-12, 17-23, 18-06, 19-13, 19-14, 19-16, 20-05, 21-03, 21-09)
Printed 11/06/2021

GOAL 2: GROWTH MANAGEMENT. To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.

The infrastructure necessary to develop the subject parcel as a mixed-use development with commercial and residential uses is currently in place. There are utility services, road capacity, and emergency facilities available to this site.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

The future development pattern for parcels along Burnt Store Road will be contiguous and similar to what is being planned in this area for parcels within the City of Cape Coral and parcels within Charlotte County. The subject parcel will connect to other developments along Burnt Store Road, providing compact development to utilization of services that are currently in place.

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

The subject parcel is within a future urban area even though the County's Future Land Use Map doesn't currently reflect it as such. The City of Cape Coral is currently amending their Future Land Use Map for parcels along Burnt Store Road to create a new Land Use and Zoning Category which will provide a development plan for the expected growth within this urban area.

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.

The Burnt Store area will be the new growth area within Lee County within the next five years. The Burnt Store roadway improvements planned to continue to expand and improve Burnt Store Road from Pine Island Road to US 41 connecting Cape Coral to Charlotte County will provide the adequate public facilities needed to develop the parcels with direct access to Burnt Store Road. Utility services are in place to have water, sewer, and reuse water to the site.

GOAL 4: GENERAL DEVELOPMENT STANDARDS. Pursue or maintain land development regulations which protect the public health, safety and welfare, encourage creative site designs and balance development with service availability and protection of natural resources.

The subject parcel will be required to connect to existing utility services for water, sewer and reuse provided by Charlotte County through an interlocal agreement with Lee County. The utility services are in place and sized appropriately to service the future development of the subject parcel.

GOAL 5: RESIDENTIAL LAND USES. To accommodate the projected population of Lee County in the year 2045 in appropriate locations, guided by the Future Land Use Map, and in attractive and safe neighborhoods with a variety of price ranges and housing types.

The subject parcel contains the acreage, depth and overall shape to support a mixed use development containing residential units and a variety of commercial uses.

POLICY 5.1.1: Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as Planned Developments except if located within the Mixed Use Overlay.

The future zoning amendment request will be through a Mixed Use Planned Development.

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.

There are no physical constraints within the subject parcel that should prohibit residential development.

GOAL 6: COMMERCIAL LAND USES. To permit orderly and well-planned commercial development at appropriate locations within the County.

The request to amend the Future Land Use Designation to Central Urban Land Use will permit commercial development on the subject parcel. This commercial development will provide services and products needed for this area of Lee County and is in the appropriate location for these types of services.

OBJECTIVE 6.1: Development approvals for commercial land use must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan.

This request is consistent with Goal 4.

POLICY 6.1.1: All applications for commercial development will be reviewed and evaluated as to:

1. Traffic and access impacts (rezoning and development orders);

2. Landscaping and detailed site planning (development orders);

3. Screening and buffering (Planned Development rezoning and development orders);

4. Availability and adequacy of services and facilities (rezoning and development orders);

5. Impact on adjacent land uses and surrounding neighborhoods (rezoning);

6. Proximity to other similar centers (rezoning); and

7. Environmental considerations (rezoning and development orders).

The future development of commercial uses on the subject parcel will require the applicant to analysis the above-mentioned impacts as part of the rezoning and development order processes for the subject parcel.

POLICY 6.1.4: Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.

Compatible uses and buffering can be provided along the north and southern property lines to protect the future adjacent uses.

GOAL 11: MIXED USE. Encourage mixed use developments that integrate multiple land uses, public amenities and utilities at various scales and intensities in order to provide: diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle-friendly environments. (Ord. No. 17-13)

The request for a Central Urban Land Use promotes this Goal by permitting a variety of Commercial and Residential uses within one development.

POLICY 11.1.1: Developments located within the Intensive Development, Central Urban, or Urban Community future land use categories that have existing connectivity or can demonstrate that connectivity may be created to adjacent neighborhoods are strongly encouraged to be developed with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use).

The development of the subject parcel will include a mixture of uses, commercial including office and retail as well as flex space and multi-family residential.

TRANSPORTATION ELEMENT

POLICY 39.1.3: Through the plan amendment and zoning process, the County will direct high intensity land uses to land proximate to existing and future transit corridors identified on the Transportation Map Series, MPO Long Range Transportation Plan, and TDP.

The Burnt Store roadway improvements planned to expand and improve Burnt Store Road from Pine Island Road to US 41 connecting Cape Coral to Charlotte County will provide the adequate public facilities needed to develop the parcels with direct access to Burnt Store Road. This Comprehensive Plan Map Amendment will plan for a future high intensity area of this section of Lee County.

COMMUNITY FACILITIES ELEMENT

POLICY 53.1.9: New development will pay through appropriate financial mechanisms its fair share of the costs of providing standard potable water for that development. (Ordinance No. 00- 22).

Any development of the site will be required to pay for the cost of providing potable water to this site.

POLICY 57.1.4: Continue to require that all development will pay the appropriate fees and connect to a reuse water system if such system is near or adjacent to the development and has sufficient surplus to supply the development.

This site will have access to reuse water from Charlotte County through an interlocal agreement between Lee County and Charlotte County.

POLICY 57.1.5: Continue to encourage the developer driven expansion of infrastructure to provide reuse water service when sufficient supply is available.

This site will extend reuse water service to serve the proposed development.

POLICY 60.4.1: Encourage new developments to design surface water management systems with Best Management Practices including, but not limited to, filtration marshes, grassed swales planted with native or Florida Friendly Landscaping vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.

The request will preserve the existing areas that have a wetland future land use designation. The future design of the stormwater management system for the development of this site will assist in maintaining the wetlands on-site.

POLICY 60.4.2: The County encourages new developments to design their surface water management system to incorporate existing wetland systems.

The request will preserve the existing areas that have a wetland future land use designation. The future design of the stormwater management system for the development of this site will assist in maintaining the wetlands on-site.

POLICY 65.1.4: Refer requests for rezonings and development reviews to independent fire districts for comments and recommendations.

The site is served by the Cape Coral Fire Department. A Letter of Availability has been provided.

PARKS, RECREATION & OPEN SPACE ELEMENT

GOAL 77: DEVELOPMENT DESIGN REQUIREMENTS. To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation. (Ord. No. 94-30, 02-02)

OBJECTIVE 77.1: Development regulations will continue to require that new residential developments provide sufficient open space to meet the needs of their residents.

This development will be required to provide 30% open space within the residential and commercial sections of this development.

POLICY 77.3.1: Any new development with existing indigenous vegetation is encouraged to provide half of the required open space as existing native plant communities. Any new development with existing native trees without associated native groundcover or understory is encouraged to provide half of the required open space with areas containing existing native trees. The planting of native shrub species within native tree protection areas is encouraged.

The development of this site will comply with this policy.

HOUSING ELEMENT

GOAL 135: MEETING HOUSING NEEDS. To provide decent, safe, and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the County. OBJECTIVE 135.1: HOUSING AVAILABILITY. To ensure the types, costs, and locations of housing are provided to meet the needs of the County's population by working with private and public housing providers.

Currently, there are no multi-family housing projects within this area of Lee County and Cape Coral. Approving a Land Use classification that permits multi-family residential in this area of Lee County will comply with this policy.

POLICY 135.1.9: The County will ensure a mix of residential types and designs on a Countywide basis by providing for a wide variety of allowable housing densities and types through the planned development process and a sufficiently flexible Future Land Use Map.

Currently, there are no multi-family housing projects within this area of Lee County and Cape Coral. Approving a Land Use classification that permits multi-family residential in this area of Lee County will comply with this policy.

HISTORIC PRESERVATION ELEMENT

GOAL 141: IDENTIFICATION AND EVALUATION. To provide for the identification and evaluation of the historic resources of Lee County. OBJECTIVE 141.1: IDENTIFICATION. Maintain existing programs to identify the historic and archaeological resources of Lee County, develop new identification programs (such as, but not limited to, a program to identify Lee County resources listed on the National Register of Historic Places), and make information available to the public and other public agencies.

Even though there are no historic resources noted on this site, the development of the site will comply with all policies and procedures if any archaeological items are discovered during construction.

POLICY 141.1.2: Require all applications for development review to identify the location and status of historic resources (including archaeological sites). The Lee County Historic and Architectural Survey and the Archaeological Site Inventory and Zone Management Plan will serve as data bases. The Historic Preservation Board will advise the Board of County Commissioners as to any action it deems appropriate or perform other duties as specified in the Historic Preservation Ordinance.

Even though there are no historic resources noted on this site, the development of the site will comply with all policies and procedures if any archaeological items are discovered during construction.

GOAL 158: Lee County will achieve and maintain a diversified and stable economy by providing a positive business climate that assures maximum employment opportunities while maintaining a high quality of life.

Providing commercial uses where needed in the County along Burnt Store Road assists with achieving this Goal.

POLICY 159.1.4: Maintain Land Development Code regulations to support the growth of existing and future businesses.

This amendment will allocate for commercial uses within this area of Lee County, where the growth is occurring.

OBJECTIVE 159.2: Establish and maintain programs designed to encourage the retention and expansion of the County's existing economic base.

This amendment will allow for the expansion of some existing businesses and provide space to encourage new commercial uses within this area of Lee County.

Policy 160.1.3: Ensure the development of a wide variety of housing options are available to support a diverse workforce.

The proposed amendment to Central Urban will support a mixed use development with both residential and commercial uses proposed, providing additional housing options in close proximity to job opportunities.

BSR 40

Application for Comprehensive Plan Amendment-Map

Exhibit 13

Environmental Impact Analysis

Protected Species Survey and Florida Bonneted Bat Roost Survey

Environmental Assessment

BSR 40

Environmental Assessment

Section 08, Township 43 South, Range 23 East
Lee County, Florida

June 2023
Revised February 2024

Prepared for:

Kevin Campbell
10791 Orange River Blvd
Fort Myers, Florida 33905

Prepared by:

OWEN
ENVIRONMENTAL CONSULTING, LLC
15957 Tropical Breeze Drive, Fort Myers, FL 33908
(239) 994-9007

Introduction

The 39.43± acre Burnt Store Road property consists of Strap Number 08-43-23-00-00001.0000. The property is located within a portion of Section 5, Township 43 South, Range 23 East, Lee County, Florida (Exhibit A).

Based on a review of historic aerial photography, the property has been undeveloped.

The proposed mixed use zoning would consist of commercial development along Burnt Store Road and multi-family units located to the rear or eastern portion of the site. None of the wetlands onsite will be impacted.

The analysis below addresses the character of the proposed project for commercial and residential use in light of the proposed enhancement and preservation onsite.

Existing Vegetative Communities

The predominant upland and wetland vegetation associations were mapped in the field on 2023 digital color 1" = 250' scale aerial photography. The property boundary was obtained from Lee County Property Appraiser and inserted into the digital aerial. The property boundary was not staked in the field at the time of our site inspection and was, therefore, estimated based on the overlay of the approximate boundary on the aerial photography. Two vegetation associations were identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS). Exhibit B depicts the approximate location and configuration of these vegetation associations and Table 1 summarizes the acreages by FLUCCS Code.

Table 1. Acreage Summary by FLUCCS Code

FLUCCS CODE	DESCRIPTION	ACREAGE
411E	Pine Flatwoods, Invaded by Exotics (5 – 9%)	35.75
625E2*	Hydric Pine Flatwoods, Invaded by Exotics (26 – 50%)	3.68
Upland Subtotal		**35.75**
Wetland Subtotal		**3.68**
Surface Waters		**0.00**
Other Surface Waters Subtotal		**0.00**
Total		**39.43**

* Potential Jurisdictional Wetland

Surrounding Land

The land to the north, south, east, and southeast is all privately owned. The land in the northwest and northeast is state owned. The parcel to the west of the subject property is owned by the county and is part of Lee Conservation 2020. See Exhibit C for the Surrounding Land Map.

Soils

26. Pineda Fine Sand – This is a nearly level poorly drained soil on sloughs. Slopes are smooth to slightly concave and range from 0 to 1 percent. Typically, the surface layer is black fine sand about 1 inch thick. The subsurface layer is very pale brown fine sand about 4 inches thick. The upper part of the subsoil is brownish yellow fine sand about 8 inches thick. The next 10 inches is strong brown fine sand. The next 6 inches is yellowish brown fine sand. The next 7 inches is light gray fine sand with brownish yellow mottles. The lower part of the subsoil is light brownish gray fine sandy loam with light gray sandy intrusions about 18 inches thick. The substratum is light gray fine sand to a depth of 80 inches or more. Included with this soil in mapping are small areas of Wabasso, Valkaria, Felda, Hallendale, Boca, and Malabar soils. Also included are small areas of Pineda soils that are in higher positions on the landscape. Small areas of Pineda, depressional soils are also included. Some area of this soils are underlain by limestone or shell fragments at a depth of 60 inches or more. In a few places, a thin layer of very friable calcareous material is at a depth of 10 to 30 inches, and in other places a thin dark brown or black layer occurs at the base of the subsurface layer. Included soils make up about 10 to 15 percent of any mapped area. In most years, under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months. It is 10 to 40 inches below the surface for more than 6 months, and it recedes to more than 40 inches below the surface during extended dry periods. During periods of high rainfall, the soil is covered by a shallow layer of slowly moving water for periods of about 7 to 30 days or more. The available water capacity is very low in the surface and subsurface layers and in the upper, sandy part of the subsoil and medium in the lower, loamy part of the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers of the upper, sandy part of the subsoil and slow or very slow in the lower, loamy part of the subsoil. Natural vegetation consists of pineland threeawn, panicums, sedges, maidencane, wax myrtle, South Florida slash pine, and scattered clumps of saw palmetto. This soil has poor suitability for cultivated crops because of wetness.

35. Wabasso Sand - This is a nearly level, poorly drained soil on flatwoods. Slopes are smooth to slightly convex and range from 0 to 2 percent. Typically, the surface layer is dark gray sand about 6 inches thick. The subsurface layer is sand to a depth of 24 inches. The upper 11 inches is light brownish gray with dark grayish brown stains along root channels, and the lower 7 inches is light gray with dark grayish brown stains. The subsoil is about 38 inches thick. The upper 4 inches is dark brown sand with few iron concretions. The next 8 inches is brownish yellow sandy clay loam with light brownish gray, light gray, and reddish-brown mottles. The lower 26 inches is light gray sandy clay loam with pale olive and olive mottles and stains along root channels. Below is light gray fine sandy loam with olive mottles extending to a depth of 80 inches *or more.* Included with this soil in mapping *are* small areas of Boca, EauGallie, Hallandale, Felda, Myakka, and Oldsmar soils. Also included *are* soils, similar to this Wabasso soil, with a surface layer that is *more* than 8 inches thick. Included soils make up about 10 to 15 percent of any mapped *area.* In most years, under natural conditions, the water table is less than 10 inches below the surface for 2 to 4 months. It is 10 to 40 inches below the surface for more than 6 months. It recedes to a depth of more than 40 inches during extended dry periods. The available

water capacity is low in the surface and subsurface layers and medium in the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers, moderate in the upper part of the subsoil, and slow *or very* slow in the lower part of the subsoil. Natural vegetation consists of saw palmetto, South Florida slash pine, cabbage palm, and bluestem. This soil is poorly suited to cultivated crops because of wetness.

Please see Exhibit D for the Soils Map.

Wetlands

The property contains areas in the southeast and southwest of the property that meet the criteria to be South Florida Water Management District (SFWMD) jurisdictional wetlands. Areas mapped as FLUCCS Code 625E2 (3.68± acres) are likely to be claimed as jurisdictional wetland by the SFWMD (Exhibit F). The SFWMD jurisdictional wetlands onsite will not be impacted.

Potential Listed Species

The property has been evaluated for the potential presence of listed species. A review of the Florida Fish and Wildlife Conservation Commission (FWC) listed species occurrence database (updated June 2022) shows that there are no known state or federally listed species in the project area (Exhibit G).

This assessment focuses on identifying the federal and state listed species that potentially could be found within the various vegetative habitats on the project site (Table 2).

Table 2. Listed Species That Could Potentially Occur Onsite

FLUCCS CODE	Species Name	Status
411	Eastern Indigo Snake (*Drymarchon corais couperi*)	FT, ST
	Gopher Tortoise (*Gopherus polyphemus*)	ST
	Red-cockaded Woodpecker (*Picoides borealis*)	FE, SE
	Southeastern American Kestrel (*Falco sparverius paulus*)	ST
	Big Cypress Fox Squirrel (*Sciurus niger avicennia*)	ST
	Florida Panther (*Felis concolor coryi*)	FE,SE
	Beautiful Pawpaw (*Deeringothamnus pulchellus*)	FE,SE
	Fakahatchee Burmannia (*Burmannia flava*)	SE
	Florida Coontie (*Zamia floridana*)	NA
	Satinleaf (*Chrysophyllum olivaeforme*)	NA

FLUCCS CODE	Species Name	Status
625	Eastern Indigo Snake (*Drymarchon corais couperi*)	FT, ST
	Little Blue Heron (*Egretta caerulea*)	ST
	Red-cockaded Woodpecker (*Picoides borealis*)	FE, SE
	Tricolored Heron (*Egretta tricolor*)	ST
	Big Cypress Fox Squirrel (*Sciurus niger avicennia*)	ST
	Everglades Mink (*Mustela vison evergladensis*)	ST
	Florida Panther (*Felis concolor coryi*)	FE, SE

ST – State designated Threatened
SE – State designated Endangered
FT – Federally designated Threatened
FE – Federally designated Endangered

Nesting habitat for the bald eagle does occur within the property but there are no nests onsite. The closest bald eagle nest (LE-009 last active 2015 - 2016) is located approximately 1700' northeast of the property. The property is outside of the 660' bald eagle nest protection zone. Please see Exhibit G.

According to the FWC listed species occurrence database the property is located within the FWS designated Core Foraging Area of a wood stork colony. The wood stork (*Mycteria americana*) is listed as threatened by both the FWC and the FWS. No wood storks have been observed onsite. Colony locations provided by FWS show one colony within a 15 mile radius of the property, 13.5 miles southeast.

The property is not located within a primary or secondary zone of the 2007 Florida Panther Focus Area and is not within the 2003 Panther Consultation Area identified by the FWS. The Florida panther (*Felis concolor coryi*) is listed as endangered by both the FWS and FWC. There are no telemetry points on or near the subject property.

The Florida bonneted bat (*Eumops floridanus)* is listed as endangered by the FWS and the FWC. The FWS established a Consultation Area for this species in its October 22, 2019 letter to the COE. This letter also establishes survey protocols for determining both potential roosting and foraging activities on proposed development sites and potential Best Management Practices (BMP) to lessen the potential impacts of development on the species. The property is located within the Consultation Area. This bat typically roosts in cavities within large live or dead trees but may also roost in abandoned buildings and under bridges. Florida bonneted bats forage in a variety of upland, wetland, and open water habitats preferring open areas.

Four (4) potential Florida bonneted bat cavity snags were observed during a Protected Species Survey conducted June 2023. These trees consist of dead pine trees (snags) in advanced stages of decay. Many of the potential cavities are very shallow and do not penetrate the heartwood of the snag. No evidence of bat utilization (bat vocalization/chatter from within the potential cavities or guano on or around the snags) was observed. No live trees with cavities or artificial structures were observed on-site.

Seven (7) potentially occupied gopher tortoise (*Gopherus polyphemus*) burrows were observed in the pine flatwoods (FLUCCS 411E) on subject property during a Protected Species Survey conducted in June 2023. The gopher tortoise is listed as threatened by the FWC but not listed by the FWS. It is likely that gopher tortoise burrows are scattered throughout the pine flatwoods on this site. A permit from the FWC will be required if gopher tortoise burrows are found to be located within or immediately adjacent (25 feet or less) to proposed development areas that result in earthwork, mechanical land clearing, or other activities that could collapse the burrow.

Given the habitats on-site and the presence of gopher tortoise burrows, the eastern indigo snake (*Drymarchon corais couperi*) may also be present on the property. The eastern indigo snake is listed as threatened by the FWC and FWS. The FWS uses a model that focuses on the size of contiguous potential habitat (both on and off the site) as well as the habitat types and proximity to reported eastern indigo snake sightings to determine if they believe this species is likely to be present on-site. FWS's standard protection measures for the eastern indigo snake (educational materials, letting a snake move out of harm's way if seen, etc.) are typically sufficient to address any potential impacts to the eastern indigo snake.

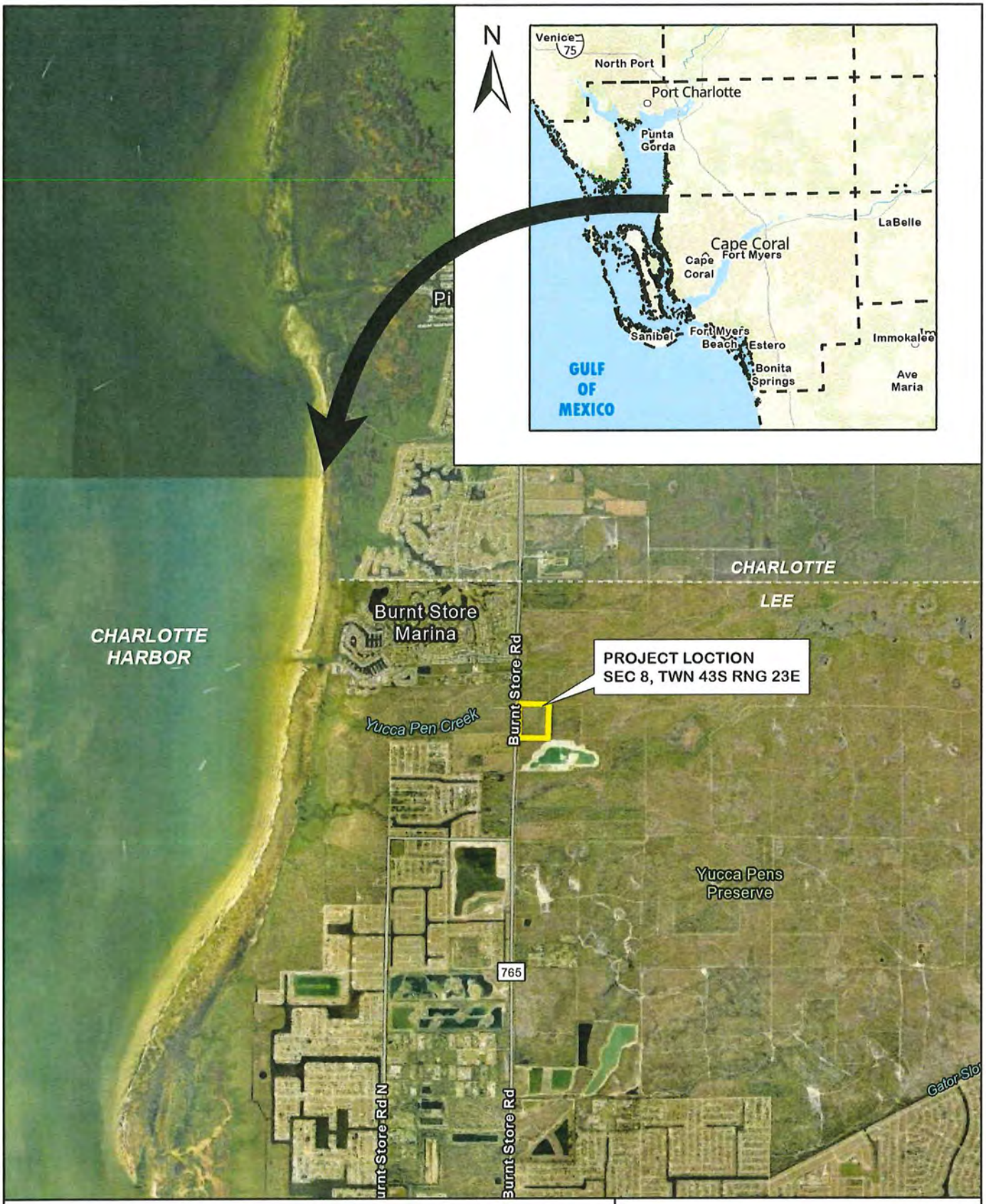
According to the FWC listed species occurrence database the property is located within the FWS Red-cockaded Woodpecker Consultation Area. Red-cockaded woodpeckers (*Picoides borealis*) are listed as endangered by both the FWC and the FWS.

Exhibit A

Location Map

BSR 40

23-033



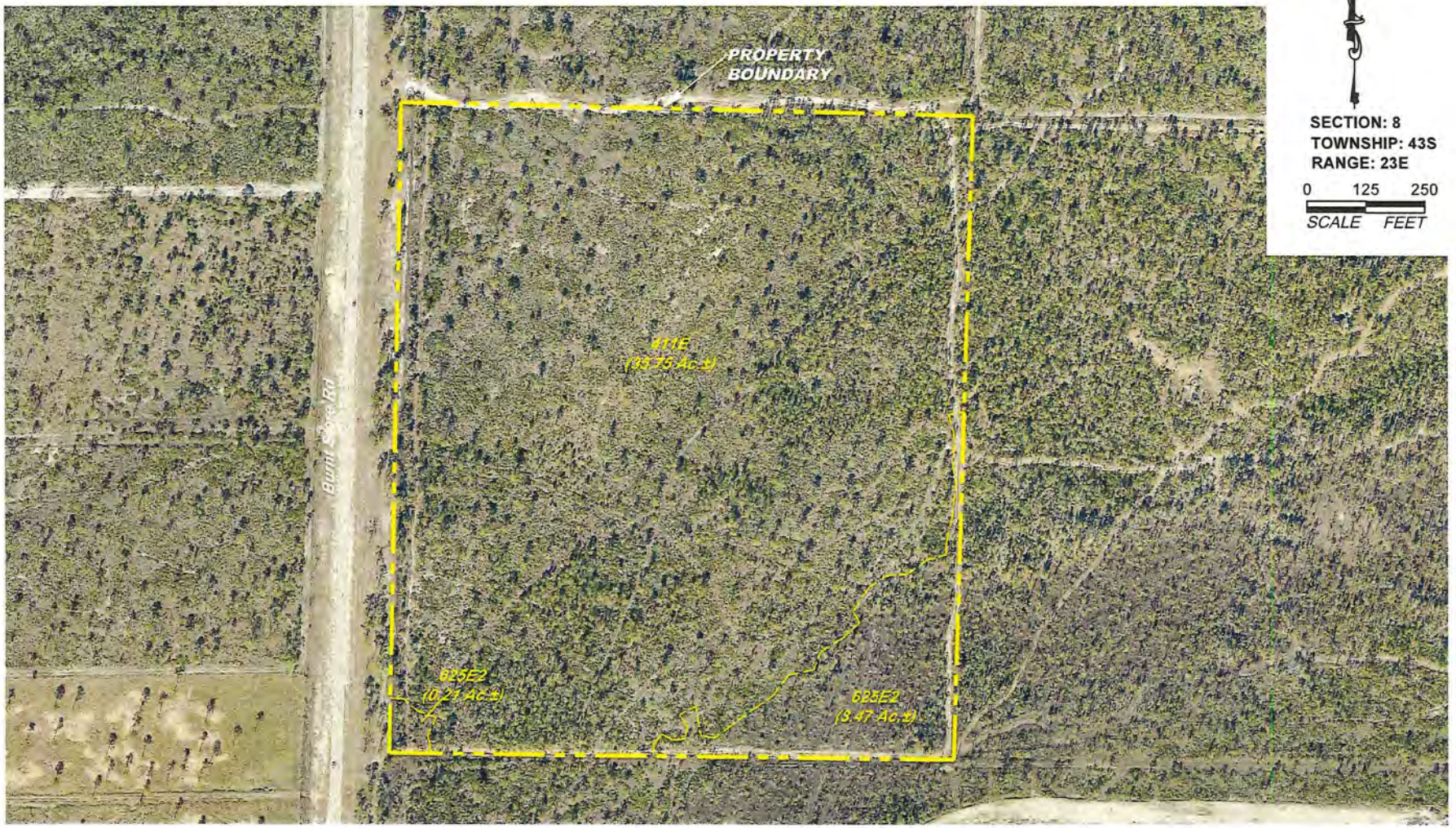
Project Location Map

OWEN ENVIRONMENTAL CONSULTING, LLC.
FORT MYERS 239-994-9007

Exhibit B

Vegetation Map

BSR 40



Notes:
1. Property boundary was obtained from Lee County Property Appraisers Website
2. Mapping is based on photo interpretation of 2023 aerial photography and ground truthing in June 2023.
3. 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%)	35.75 Ac.±
625E2*	Hydric Pine Flatwoods Invaded by Exotics (26-50%)	3.68 Ac.±
	Total	**39.43 Ac.±**

* Potential SFWMD Jurisdictional Wetlands

23-033

Vegetation Map

OWEN ENVIRONMENTAL CONSULTING, LLC.
FORT MYERS 239-994-9007

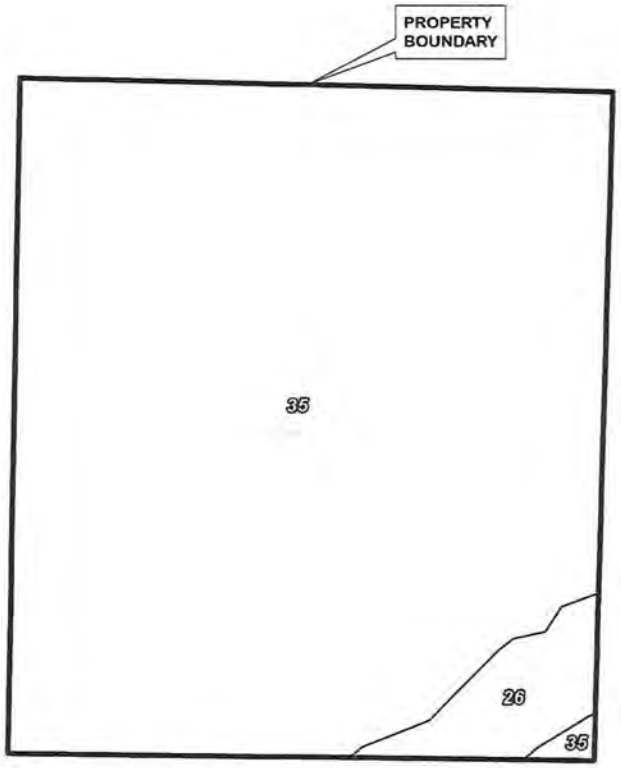
Exhibit C

Surrounding Land Map

Surrounding Lands Map | **BSR 40** | OWEN ENVIRONMENTAL CONSULTING, LLC. FORT MYERS 239-994-9007

Exhibit D

Soils Map



Soil Legend	
26	Pineda-Pineda, wet, fine sand, 0 to 2 percent slopes
35	Wabasso sand, 0 to 2 percent slopes

N

300 150 0 300

Feet

Soils Map	***BSR 40***	*OWEN ENVIRONMENTAL CONSULTING, LLC.* *FORT MYERS 239-994-9007*

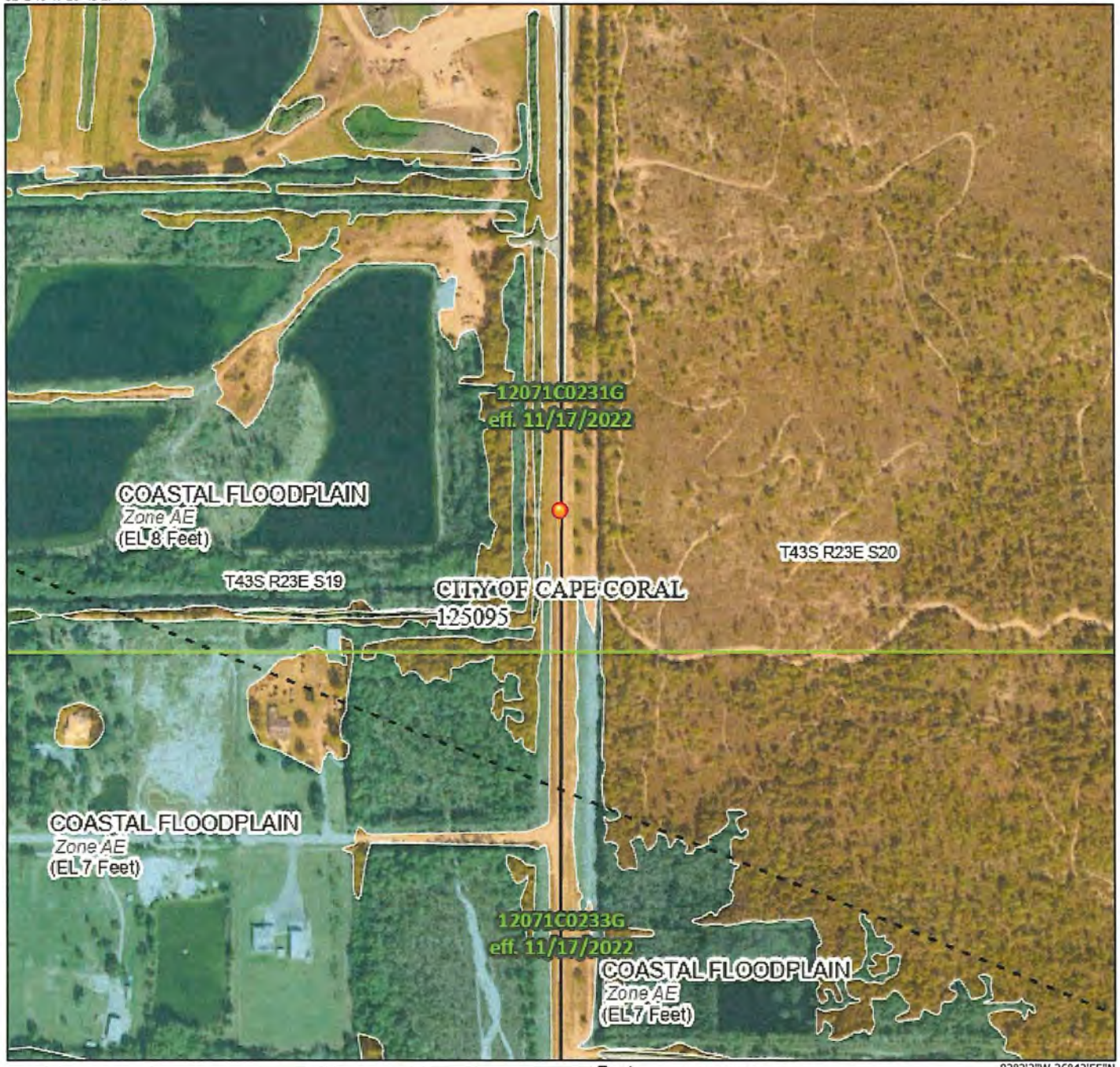
Exhibit E

FEMA Maps

National Flood Hazard Layer FIRMette

FEMA

82°2'40"W 26°43'27"N



82°2'2"W 26°42'55"N

0 250 500 1,000 1,500 2,000 Feet

1:6,000

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 / 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS
- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

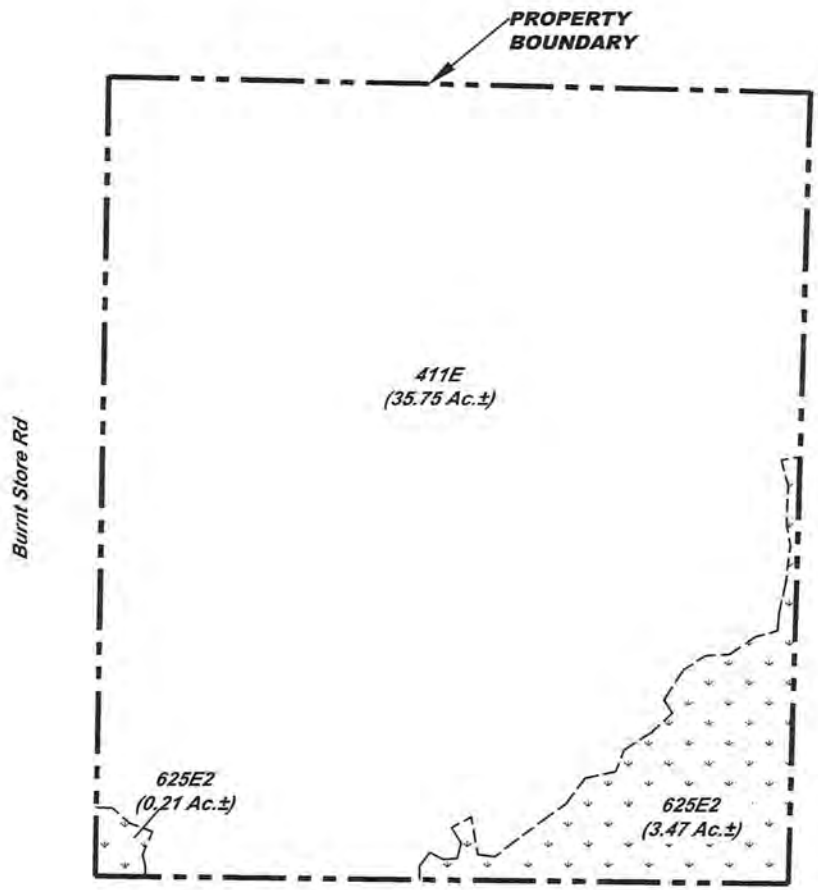
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **6/27/2023 at 10:56 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Exhibit F

Wetland Map

BSR 40



SECTION: 8
TOWNSHIP: 43S
RANGE: 23E

0 125 250
SCALE FEET

Legend:

Potential Jurisdictional Wetlands
(3.68 Ac.±)

Notes:
1. Property boundary was obtained from Lee County Property Appraisers Website
2. Mapping is based on photo interpretation of 2023 aerial photography and ground truthing in June 2023.
3. 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%)	35.75 Ac.±
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	Total	**39.43 Ac.±**

* Potential SFWMD Jurisdictional Wetlands

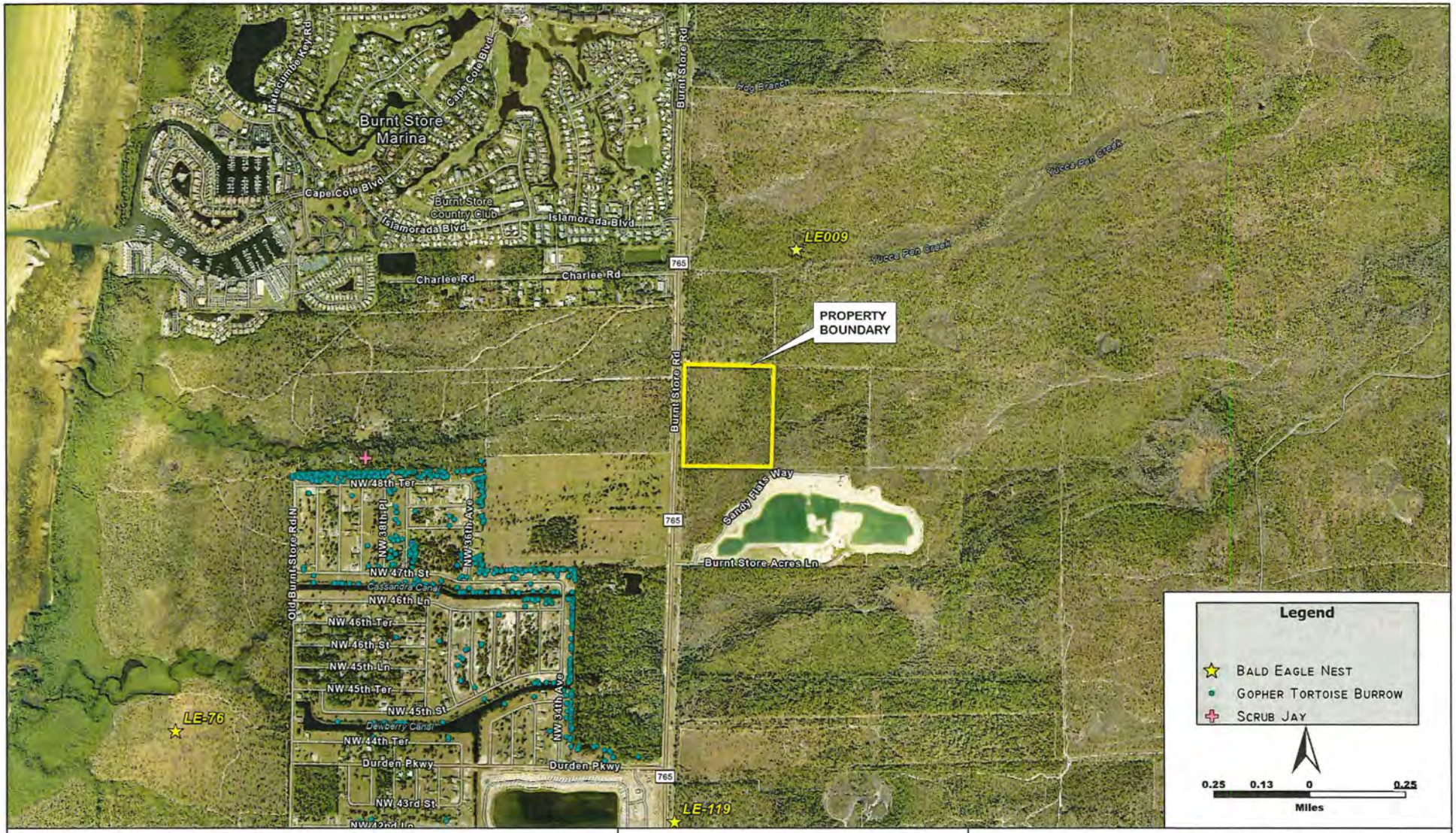
23-033

Wetland Map

OWEN ENVIRONMENTAL CONSULTING, LLC.
FORT MYERS 239-994-9007

Exhibit G

Protected Species Database Map



Aerial with Listed Species Database Map	***BSR 40***	*OWEN ENVIRONMENTAL CONSULTING, LLC.* *FORT MYERS 239-994-9007*

BSR 40

Application for Comprehensive Plan Amendment-Map

Exhibit M14

Historic Resources Impact Analysis

BSR 40

Application for a Comprehensive Plan Amendment-Map

Historic Preservation Element

POLICY 141.1.2: Require all applications for development review to identify the location and status of historic resources (including archaeological sites). The Lee County Historic and Architectural Survey and the Archaeological Site Inventory and Zone Management Plan will serve as data bases. The Historic Preservation Board will advise the Board of County Commissioners as to any action it deems appropriate or perform other duties as specified in the Historic Preservation Ordinance.

Even though there are no historic resources noted on this site, the development of the site will comply with all policies and procedures if any archaeological items are discovered during construction. See email below from the Bureau of Historic Preservation | Division of Historical Resources| Florida Department of State.

From: Frederick, Cassandra A.
To: Lynda Brooks
Subject: (23-110) Burnt Store Road N Mixed Use Development
Date: Wednesday, June 28, 2023 10:00:17 AM
Attachments: image001.png
image003.png
Map.pdf

Good morning Lynda,

There are no previously recorded resources in the area you indicated. I have attached a map for your reference. Please let me know if you have any questions or need anything else. Have a great day!

Kind regards,

CASSIE FREDERICK
Historic Data Analyst | Florida Master Site File | Bureau of Historic Preservation | Division of Historical Resources | Florida Department of State | 500 South Bronough Street | Tallahassee, Florida 32399 | 850.245.6424 | 1.800.847.7278 | Fax: 850.245. 6439 | flheritage.com

Dear Mr. Fowler:

As part of a Lee County Comprehensive Plan Amendment application a letter of determination for the adequacy/provision of existing proposed support services facilities available to the proposed development is required.

Please address your letter to the attention of Mrs. Linda Miller, AICP, Planning Director at the address provided below.

Your time and attention to this matter is greatly appreciated.

Thank you,

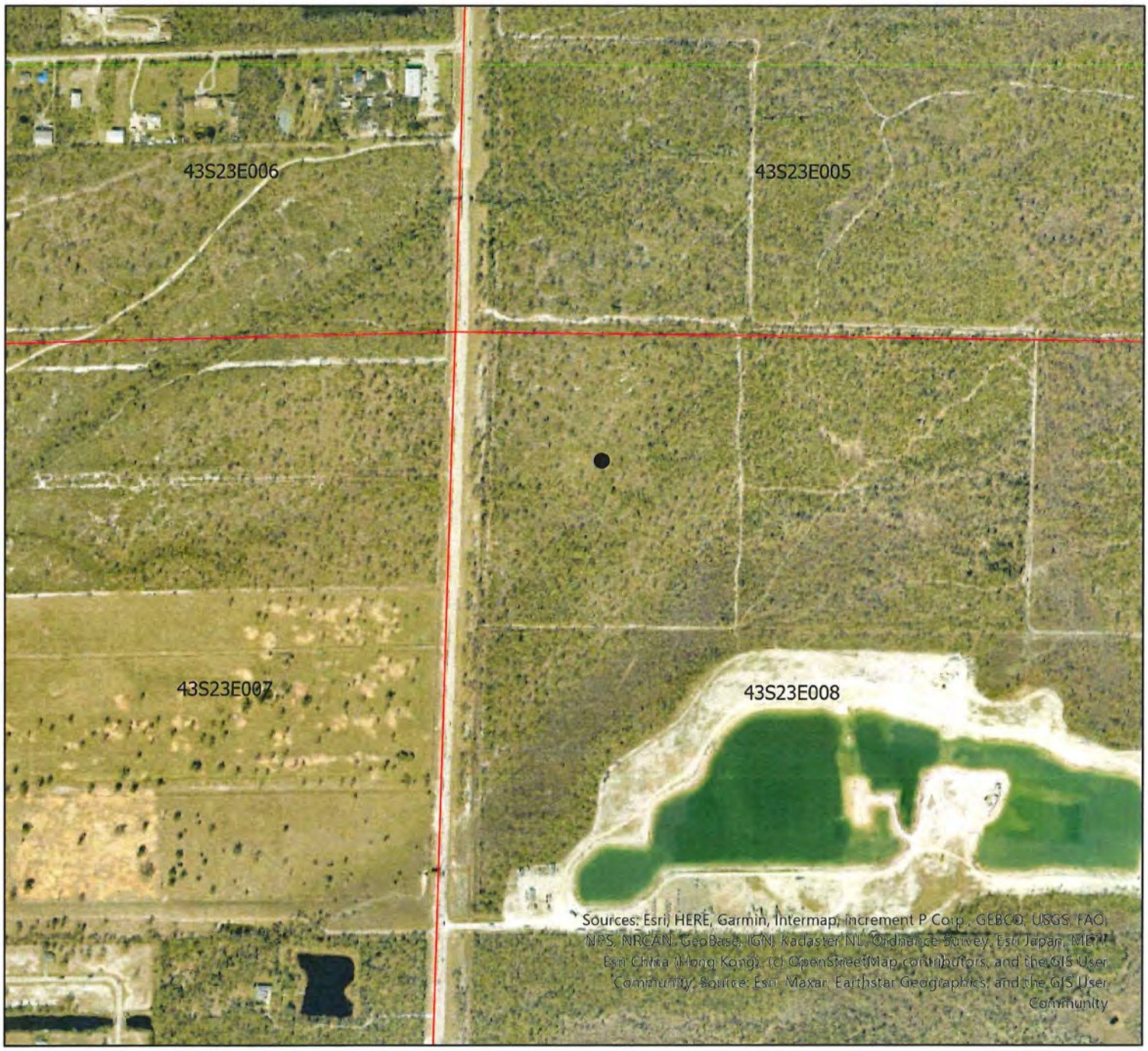
Lynda

Life may not be the party we hoped for, but while we are here we might as well dance

Anonymous

Lynda Brooks
Project Coordinator
Avalon Engineering, Inc.
2503 Del Prado Blvd. S. Suite 200
Cape Coral, FL 33904
Serving our community since 1980
Office (239) 573 – 2077
lynda@AvalonEng.com

Project Map



- BufferLines
- FloridaStructures
- FloridaSites
- HistoricalBridges
- ResourceGroups
- NationalRegister
- HistoricalCemeteries
- TRS
- BufferPolygon
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 2.4m Resolution Metadata
- BufferPoints

0 0.07 0.15 0.3 Miles

N

Created on 6/28/2023 by Florida Master Site File

BSR 40

Application for Comprehensive Plan Amendment-Map

Exhibit M15

Public Facilities Impacts Analysis

BSR 40

Application for a Comprehensive Plan Amendment-Map

Public Facilities Impacts Analysis

In January of 2016, Charlotte County and Lee County executed an Interlocal Agreement for Water, Sewer and Reclaimed Water to serve the subject parcel and other Lee County parcels along the eastern side of Burnt Store Road. (Refer to Exhibit M18 Letter of Determination for the Adequacy/Provision of Existing/Proposed Support Facilities)

BSR 40

Application for Comprehensive Plan Amendment-Map

Exhibit M16

TIS Report

TR TRANSPORTATION CONSULTANTS, INC

2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
FAX 239.278.1906

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

MEMORANDUM

TO: Ms. Linda Miller
Avalon Engineering, Inc.

FROM: Yury Bykau, P.E.
Senior Project Manager

DATE: Revised: April 25, 2024

RE: Burnt Store Road – 40 Acre
Strap No. 08-43-23-00-00001.0000
Comprehensive Plan Amendment
Lee County, Florida

TR Transportation Consultants, Inc. has completed a traffic circulation analysis for the proposed Comprehensive Plan for approximately 40 acres of property located on the east side of Burnt Store Road approximately ¼ of a mile south of Charlee Road in Lee County, Florida. Based on the discussion with Avalon Engineering, the approximate 40-acre site will be subject to a Map Amendment that will change the land use designation from Open Lands and Wetlands to Central Urban.

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

Under the existing Open Lands and Wetlands Land Use Category (FLU), the site could be developed with various non-residential land uses that are needed to serve the rural community such as a Tractor Supply Store and a Variety Store. For the trip generation comparison purposes, the permitted development under the existing land use category on site was assumed to consist of a 30,000 square foot Tractor Supply Store and a 12,000 square foot Variety Store.

The Applicant is proposing a Map Amendment on the approximate 40-acre site to change the land use designation from Open Lands and Wetlands to Central Urban. For analysis purposes, under the Central Urban Future Land Use category the site was assumed to consist of up to 400 multi-family residential dwelling units and 160,000 square feet of commercial uses. **Table 1** summarizes the uses/intensities that could be developed under the existing land use designation and uses/intensities assumed under the proposed land use designation.

Table 1
Land Uses
Burnt Store Road – 40 Acre

Existing/ Proposed	Land Use Category	Intensity
Existing	Open Lands	30,000 Sq. Ft Tractor Supply Store & 12,000 Sq. Ft. Variety Store
Proposed	Central Urban	400 Multi-Family Dwelling Units, 160,000 Sq. Ft. Commercial

The trip generation for the with and without amendment scenarios was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation Manual***, 11th Edition. Land Use Code 810 (Tractor Supply Store), Land Use Code 814 (Variety Store), Land Use Code 220 (Multifamily Housing Low-Rise) and Land Use Code 820 (Shopping Center >150K) were utilized for the trip generation purposes of the permitted/proposed uses on site. The trip generation equations utilized are attached to this Memorandum for reference.

Table 2 and **Table 3** outline the anticipated weekday AM and PM peak hour and daily trip generation based on the existing and proposed future land use categories, respectively. Both tables also incorporated a reduction in trips due to "pass-by" traffic. Note, since there will be a certain internal interaction between the residential and commercial uses under the proposed land use category scenario, Table 3 also incorporated reduction in trips due to "internal capture". The summary sheets utilized to calculate these internal capture rates for the weekday AM peak hour and PM peak hour are attached to this Memorandum for reference. Note, the internal capture calculations were completed consistent with the methodologies in the NCHRP Report and published in the ITE ***Trip Generation Handbook***, 3rd Edition.

Table 2
Trip Generation
Based on Existing Land Use Category
Burnt Store Road – 40 Acre

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-way)
Tractor Supply Store (30,000 Sq. Ft.)	N/A	N/A	N/A	20	22	42	N/A
Variety Store (12,000 Sq. Ft.)	20	16	36	41	39	80	764
Total Trips	**20**	**16**	**36**	**61**	**61**	**122**	**764**
Less LUC 814 Pass-by	-6	-6	-12	-13	-13	-26	-260
Net New Trips	**14**	**10**	**24**	**48**	**48**	**96**	**504**

Table 3
Trip Generation
Based on Proposed Land Use Category
Burnt Store Road – 40 Acre

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-way)
Multifamily Housing (400 Dwelling Units)	35	112	147	121	72	193	2,639
Shopping Center (160,000 Sq. Ft.)	141	87	228	380	412	792	10,041
Total Trips	**176**	**199**	**375**	**501**	**484**	**985**	**12,680**
Less Internal Capture * (1% AM/ 17% PM)	-2	-2	-4	-86	-86	-172	-2,156
Less LUC 820 Pass-by (29% for <300k Sq. Ft.)	-33	-33	-66	-102	-102	-204	-2,417
Net New Trips	**141**	**164**	**305**	**313**	**296**	**609**	**8,107**

*Included internal capture between the residential and commercial uses.

Table 4 indicates the trip generation difference between the proposed and existing land use categories (Table 2 vs Table 3). The resultant trip change in Table 4 indicates that the trip generation will be **increased** in the AM and PM peak hour conditions as a result of the proposed amendment.

Table 4
Trip Generation – Resultant Trip Change (Table 2 vs Table 3)
Burnt Store Road – 40 Acre

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed Land Use Designations	141	164	305	313	296	609	8,107
Existing Land Use Designations	-14	-10	-24	-48	-48	-96	-504
Resultant Trip Change	**+127**	**+154**	**+281**	**+265**	**+248**	**+513**	**+7,603**

Long Range Impacts (20-year horizon)

The Lee County Metropolitan Planning Organization's (MPO) 2045 Long Range Transportation Plan was reviewed to determine if any future roadway improvements were planned in the vicinity of the subject site. Based on the review, the only roadway improvement within the vicinity of the subject site shown on the 2045 Financially Feasible Plan was the widening of Burnt Store Road to a four-lane facility from Pine Island Road to Lee County/Charlotte County line. The Lee County 2045 Highway Cost Feasible Plan map is attached to this Memorandum for reference.

The Lee County Metropolitan Planning Organization's (MPO) long range transportation travel model was also reviewed in order to determine the impacts the amendment would have on the surrounding area. The base 2045 loaded network volumes were determined for the roadways within the study area and then the PM peak hour trips to be generated by additional trips in Table 3 were added to the projected 2045 volumes. The Level of Service for the surrounding roadways was then evaluated. The Level of Service threshold volumes were derived based on the attached ***Lee County Generalized Peak Hour Directional Service Volumes*** table.

The results of the analysis indicate that the addition of the project trips to the network will not cause any roadway link to fall below the adopted Level of Service standard for each analyzed roadway link within the study area. Therefore, no changes to the adopted long range transportation plan are required as result of the proposed land use change. Attached **Table 1A** and **Table 2A** reflect the Level of Service analysis based on the 2045 conditions.

Short Term Impacts Analysis (2029)

The 2021/2022-2025/2026 Lee County Transportation Capital Improvement Plan as well as the latest Cape Coral Capital Improvement Program were reviewed to determine if any future roadway improvements were planned in the vicinity of the subject site in the next five (5) years. Based on the review, there are no roadway capacity improvements identified on either work program. It is important to note that Florida Department of Transportation (FDOT) is currently preparing PD&E study to evaluate widening of Burnt Store Road to a four-lane divided roadway from Van Buren Parkway to Lee County/Charlotte County line. This improvement was not included in this analysis since it has yet to be funded for construction.

Table 3A and **Table 4A** attached to this report indicate the projected 5-year planning Level of Service on the surrounding roadways based on the trips shown in Table 3. The existing peak hour, peak season, peak direction traffic volumes on the various roadway links maintained by Lee County were obtained from the most recent ***Lee County Public Facilities Level of Service and Concurrency Report.***

The existing peak hour, peak season, peak direction traffic volumes were then factored by the appropriate annual growth rates in order to obtain the 2029 background traffic conditions on the area roadway network. The growth rates for each roadway were calculated based on historical traffic data obtained from the latest ***Lee County Traffic Count Report***. At the request of the County Staff, an annual growth rate of 5.44% was assumed. Based on the project traffic distribution illustrated within Table 4A, the roadway link data was analyzed for the year 2029 without the proposed amendment and year 2029 with the proposed amendment. Traffic data obtained from the Lee County Traffic Count Report is attached to this Memorandum for reference.

The results of the analysis indicate that the addition of the project trips to the network will only cause Burnt Store south of the site to fall below the adopted Level of Service standard. From Table 4A, Burnt Store Road north of site was shown to operate at acceptable Level of Service in the 2029 both with and without project traffic conditions. As previously mentioned, Florida Department of Transportation (FDOT) is currently preparing PD&E study to evaluate widening of Burnt Store Road to a four-lane divided roadway from Van Buren Parkway to Lee County/Charlotte County line. This study is anticipated to be completed by late 2024. The Lee County Metropolitan Planning Organization's (MPO) 2045 Long Range Transportation Plan also indicates the widening of Burnt Store Road from Van Buren Parkway to Lee County/Charlotte County line with a construction timeframe between years 2031-2035. The future widening of Burnt Store Road to a four-lane facility will address the roadway capacity deficiencies shown in the short-range Level of Service Analysis conducted as part of this report. Therefore, based on this analysis no modifications will be necessary to the Lee County or Cape Coral short term capital improvement programs. Capacity analysis will be evaluated again at the time the project seeks rezoning and local Development Order approvals.

Conclusion

The proposed Comprehensive Plan Amendment is for approximately 40 acres of property located on the east side of Burnt Store Road approximately ¼ of a mile south of Charlee Road in Lee County, Florida. The proposed Map Amendment on the subject property will the land use designation from Open Lands and Wetlands to Central Urban.

The results of the long-range link Level of Service analysis indicated that the addition of the trips as a result of the proposed request to the projected 2045 volumes will NOT cause any roadway links to fall below the recommended minimum acceptable Level of Service thresholds as recommended in Policy 37.1.1 of the Lee County Comprehensive Plan. All analyzed roadway segments were shown to operate at an acceptable Level of Service in 2045 both with and without the proposed project.

The results of the short-range link Level of Service analysis indicated that the addition of the project trips to the network will only cause Burnt Store south of the site to fall below the adopted Level of Service standard. Burnt Store Road north of site was shown to operate at acceptable Level of Service in the 2029 both with and without project traffic conditions. As previously mentioned, Florida Department of Transportation (FDOT) is currently preparing PD&E study to evaluate widening of Burnt Store Road to a four-lane divided roadway from Van Buren Parkway to Lee County/Charlotte County line. This study is anticipated to be completed by late 2024. The Lee County Metropolitan Planning Organization's (MPO) 2045 Long Range Transportation Plan also indicates the widening of Burnt Store Road from Van Buren Parkway to Lee County/Charlotte County line with a construction timeframe between years 2031-2035. The future widening of Burnt Store Road to a four-lane facility will address the roadway capacity deficiencies shown in the short-range Level of Service Analysis conducted as part of this report.

No modifications are necessary to the Short Term Capital Improvement Plan or the Long Range Transportation Plan to support the proposed Amendment. In addition, the proposed amendment will not significantly alter the socio-economic data forecasts that were utilized in the development of the Long Range Transportation Plan. Capacity analysis will be evaluated again at the time the project seeks rezoning and local Development Order approvals.

Attachments

TABLES 1A & 2A

2045 LOS ANALYSIS

TABLE 1A
LEVEL OF SERVICE THRESHOLDS
2045 LONG RANGE TRANSPORTATION ANALYSIS - BURNT STORE ROAD 40 ACRE

		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
Burnt Store Road	N. of Vincent Ave	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
	N. of Islamorada Blvd	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
	N. of Site	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
	N. of Durden Pkwy	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
	S. of Durden Pkwy	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
Durden Pkwy	W. of Burnt Store Rd	2LU	Collector	0	0	310	660	740

- 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)

TABLE 2A
2045 ROADWAY LINK LEVEL OF SERVICE CALCULATIONS
BURNT STORE ROAD 40 ACRE

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 609 VPH IN= 313 OUT= 296

ROADWAY	ROADWAY SEGMENT	2045 FSUTMS AADT	COUNTY PCS / FDOT SITE #	AADT BACKGROUND TRAFFIC	K-100 FACTOR	100TH HIGHEST HOUR PK DIR 2-WAY VOLUME	D FACTOR	PM PK HR PEAK DIRECTION	2045 PEAK DIRECTION TRAFFIC VOLUMES & LOS VOLUME	LOS	PROJECT TRAFFIC DIST.	PK DIR PM PROJ TRAFFIC	2045 BACKGROUND PLUS PROJ PEAK DIRECTION TRAFFIC VOLUMES & LOS VOLUME	LOS
Burnt Store Road	N. of Vincent Ave	21,807	12	21,807	0.095	2,072	0.56	SOUTH	1,160	C	15%	47	1,207	C
	N. of Islamorada Blvd	18,827	12	18,827	0.095	1,789	0.56	SOUTH	1,002	C	20%	63	1,065	C
	N. of Site	23,870	12	23,870	0.095	2,268	0.56	SOUTH	1,270	C	35%	110	1,380	C
	N. of Durden Pkwy	21,327	12	21,327	0.095	2,026	0.56	SOUTH	1,135	C	65%	203	1,338	C
	S. of Durden Pkwy	23,958	12	23,958	0.095	2,276	0.56	SOUTH	1,275	C	60%	188	1,463	C
Durden Pkwy	W. of Burnt Store Rd	4,343	12	4,343	0.095	413	0.56	WEST	231	C	5%	16	247	C

* The K-100 and D factors were obtained from the Lee County Traffic Count Report.
* Due to lack of traffic data for Durden Pkwy, the K and D Factors were assumed from County's PCS No. 12.

TABLES 3A & 4A

5-YEAR LOS ANALYSIS

TABLE 3A
LEVEL OF SERVICE THRESHOLDS
BURNT STORE ROAD - 40 ACRE

				GENERALIZED SERVICE VOLUMES				
				LOS A	LOS B	LOS C	LOS D	LOS E
ROADWAY	ROADWAY SEGMENT	# LANES	ROADWAY DESIGNATION	VOLUME	VOLUME	VOLUME	VOLUME	VOLUME
Burnt Store Road	N. of Vincent Ave	2LU	Controlled Access Facility	0	160	880	940	940
	N. of Islamorada Blvd	2LU	Controlled Access Facility	0	160	880	940	940
	N. of Site	2LU	Controlled Access Facility	0	160	880	940	940
	N. of Durden Pkwy	2LU	Controlled Access Facility	0	160	880	940	940
	S. of Durden Pkwy	2LU	Controlled Access Facility	0	160	880	940	940

[ ] - Denotes the LOS Standard for each roadway segment

* Level of Service Thresholds for Lee County arterials/collectors taken from the Generalized Peak Hour Directional Service Volume tables for Urbanized Areas (dated April 2016)

* Durden Parkway was not included in this analysis due to lack of traffic data for this roadway.

TABLE 4A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
BURNT STORE ROAD - 40 ACRE

TOTAL PROJECT TRAFFIC AM = 305 VPH IN = 141 OUT= 164

TOTAL PROJECT TRAFFIC PM = 609 VPH IN= 313 OUT= 296

ROADWAY	ROADWAY SEGMENT	LCDOT PCS OR FDOT SITE #	BASE YR ADT	2022 ADT	YRS OF GROWTH.[1]	ANNUAL RATE	2021 PK HR PK SEASON PEAK DIR.[2]	2029 PK HR PK SEASON PEAK DIRECTION VOLUME	LOS	V/C Ratio	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2029 BCKGRND + AM PROJ VOLUME	LOS	V/C Ratio	2029 BCKGRND + PM PROJ VOLUME	LOS	V/C Ratio
Burnt Store Road	N. of Vincent Ave	12	5,200	11,500	9	5.44%	528	807	C	0.86	15%	25	47	831	C	0.88	854	C	0.91
	N. of Islamorada Blvd	12	5,200	11,500	9	5.44%	528	807	C	0.86	20%	33	63	839	C	0.89	869	C	0.92
	N. of Site	12	5,200	11,500	9	5.44%	528	807	C	0.86	35%	57	110	864	C	0.92	916	D	0.97
	N. of Durden Pkwy	12	5,200	11,500	9	5.44%	528	807	C	0.86	65%	107	203	913	D	0.97	1,010	F	1.07
	S. of Durden Pkwy	12	5,200	11,500	9	5.44%	528	807	C	0.86	60%	98	188	905	D	0.96	994	F	1.06

1 AGR for roadways was calculated based the historical traffic data obtained from the Lee County Traffic Count Report

2 Current peak hour peak season peak direction traffic volumes for all County roadways were obtained from the 2020 Lee County Public Facilities Level of Service and Concurrency Report.

* Durden Parkway was not included in this analysis due to lack of traffic data for this roadway.

LEE COUNTY GENERALIZED SERVICE VOLUME TABLE

Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

April 2016 c:\input5

Uninterrupted Flow Highway

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	130	420	850	1,210	1,640
2	Divided	1,060	1,810	2,560	3,240	3,590
3	Divided	1,600	2,720	3,840	4,860	5,380

Arterials

Class I (40 mph or higher posted speed limit)

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	140	800	860	860
2	Divided	*	250	1,840	1,960	1,960
3	Divided	*	400	2,840	2,940	2,940
4	Divided	*	540	3,830	3,940	3,940

Class II (35 mph or slower posted speed limit)

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	330	710	780
2	Divided	*	*	710	1,590	1,660
3	Divided	*	*	1,150	2,450	2,500
4	Divided	*	*	1,580	3,310	3,340

Controlled Access Facilities

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	160	880	940	940
2	Divided	*	270	1,970	2,100	2,100
3	Divided	*	430	3,050	3,180	3,180

Collectors

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	310	660	740
1	Divided	*	*	330	700	780
2	Undivided	*	*	730	1,440	1,520
2	Divided	*	*	770	1,510	1,600

Note: the service volumes for I-75 (freeway), bicycle mode, pedestrian mode, and bus mode should be from FDOT's most current version of LOS Handbook.

TRAFFIC DATA FROM LEE COUNTY

TRAFFIC COUNT REPORT

Updated 5/3/2023			Daily Traffic Volume (AADT)									
STREET	LOCATION	Station #	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
BONITA BEACH RD	W OF SPANISH WELLS	131								24700	31800	32200
BONITA BEACH RD	E OF OLD 41 RD	226										
BONITA BEACH RD	E OF RACE TRACK RD	130								29300	39700	39700
BONITA BEACH RD	W OF I-75	42	28800	35100	35300		36400	38900	40500	37900	43500	44200
BONITA BEACH RD	E OF I - 75	235										22400
BROADWAY (ESTERO)	W OF US 41	463	5200		5700		6200		6300		5700	
BUCKINGHAM RD	S OF PALM BEACH BLVD	11	8800	9000	9300	9800	9800	10400	11400	11100	13100	13800
BUCKINGHAM RD	S OF CEMETERY RD	227		10600		9800		9600		8600		7800
BUCKINGHAM RD	E OF ALVIN AVE	232		7000		8600		9200		10700		10600
BURNT STORE RD	N OF PINE ISLAND RD	233	12600	12600	13600	14800	15300	15100	19100	16800		
BURNT STORE RD	S OF CHARLOTTE CO. LINE	12	5200	6300	7000	7700	8000	8300	8800	8600	10000	11500
BUSINESS 41 (SR 739)	N OF EDISON BRIDGE	41	25100	27200	28000				35600	33500	38200	41500
CAPE CORAL PKWY	E OF 11TH CT	114								20300	25300	25900
CAPE CORAL PKWY	E OF SKYLINE BLVD	13	26400	27700	28800	29700	28200	29600	30400	27700	31100	31600
CAPE CORAL PKWY	E OF 6TH ST	2112										44600
CAPE CORAL PKWY	W OF PALM TREE	56	44800	44100								
CAPE CORAL BRIDGE	W OF BRIDGE	234	45600	51600								
CAPE CORAL BRIDGE	AT TOLL PLAZA	122			44000	42600	42000	43100	47800	43400	49700	49400
CEMETERY RD	E OF BUCKINGHAM RD	486		5700		5800		5500		6700		7100
CHAMBERLIN PKWY	S OF DANIELS PKWY	33	1200	1200	1200	1200						
CHIQUITA BLVD	N OF SW 27TH ST	58	17100	17700	16800	16700						

PCS 12 - Burnt Store Rd south of Charlotte County Line

2022 AADT = 11,500 VPD

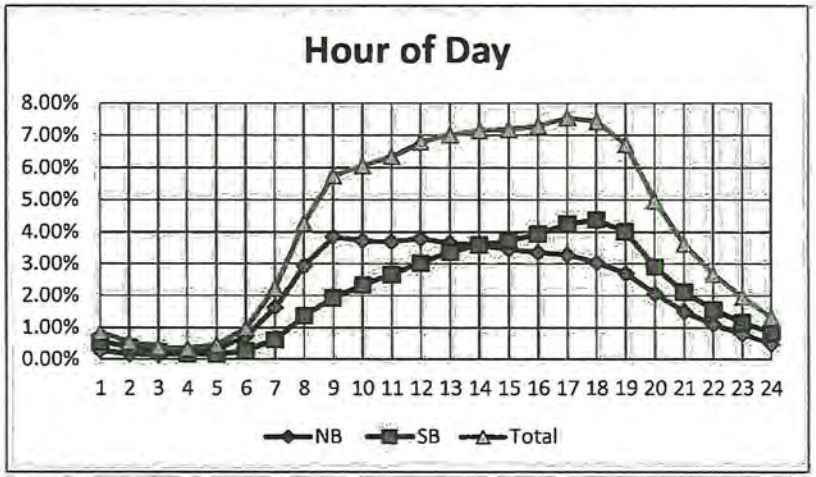
Hour	NB	SB	Total
0	0.28%	0.57%	0.85%
1	0.17%	0.38%	0.55%
2	0.14%	0.24%	0.38%
3	0.18%	0.16%	0.34%
4	0.31%	0.15%	0.46%
5	0.73%	0.26%	0.99%
6	1.63%	0.62%	2.24%
7	2.93%	1.37%	4.28%
8	3.84%	1.93%	5.76%
9	3.73%	2.34%	6.06%
10	3.70%	2.66%	6.35%
11	3.79%	3.02%	6.80%
12	3.65%	3.37%	7.02%
13	3.57%	3.59%	7.16%
14	3.46%	3.73%	7.19%
15	3.35%	3.93%	7.29%
16	3.28%	4.25%	7.55%
17	3.04%	4.38%	7.44%
18	2.70%	4.01%	6.72%
19	2.07%	2.90%	4.98%
20	1.51%	2.12%	3.63%
21	1.11%	1.57%	2.68%
22	0.79%	1.16%	1.96%
23	0.47%	0.85%	1.32%

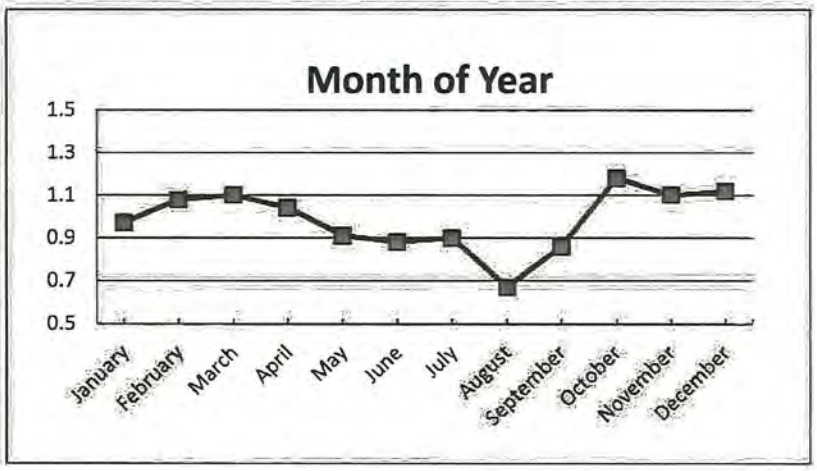
Month of Year	Fraction
January	0.97
February	1.08
March	1.1
April	1.04
May	0.91
June	0.88
July	0.9
August	0.67
September	0.86
October	1.18
November	1.1
December	1.12

Day of Week	Fraction
Sunday	0.83
Monday	1
Tuesday	1
Wednesday	1.04
Thursday	1.06
Friday	1.11
Saturday	0.95

Directional Factor		
AM	0.72	NB
PM	0.56	SB

Design Hour Volume		
#	Volume	Factor
5	1218	0.106
10	1178	0.102
20	1156	0.101
30	1134	0.099
50	1120	0.097
100	1095	0.095
150	1071	0.093
200	1055	0.092





LEE COUNTY PUBLIC FACILITIES
LEVEL OF SERVICE AND
CONCURRENCY REPORT

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

Table 21 b) 1 of 7

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)															
Link No.	NAME	ROADWAY LINK		F. Class	ROAD TYPE	PERFORMANCE STANDARD		2021 100TH HIGHEST HOUR			FUTURE FORECAST (2026)			Notes
		FROM	TO			LOS	DIRECTIONAL CAPACITY	LOS	VOL	V/C	LOS	VOL	V/C	
00100	A & W BULB RD	GLADIOLUS DR	McGREGOR BLVD	Maj. Col	2LN	E	860	C	342	0.40	C	360	0.42	
00200	ALABAMA RD	SR 82	MILWAUKEE BLVD	M. Art	2LN	E	990	C	265	0.27	C	279	0.28	
00300	ALABAMA RD	MILWAUKEE BLVD	HOMESTEAD RD	M. Art	2LN	E	990	C	349	0.35	C	367	0.37	
00400	ALEXANDER BELL BLVD	SR 82	MILWAUKEE BLVD	M. Art	2LN	E	990	D	561	0.57	D	590	0.60	
00500	ALEXANDER BELL BLVD	MILWAUKEE BLVD	LEELAND HEIGHTS	M. Art	2LN	E	990	D	561	0.57	D	654	0.66	Shadow Lakes
00590	ALICO RD	US 41	DUSTY RD	P. Art	4LD	E	1,980	B	1,171	0.59	B	1,230	0.62	
00600	ALICO RD	DUSTY RD	LEE RD	P. Art	6LD	E	2,960	B	1,171	0.40	B	1,532	0.52	Alico Business Park
00700	ALICO RD	LEE RD	THREE OAKS PKWY	P. Art	6LD	E	2,960	B	1,171	0.40	B	1,419	0.48	Three Oaks Regional Center
00800	ALICO RD	THREE OAKS PKWY	I-75	P. Art	6LD	E	2,960	B	2,428	0.82	B	2,552	0.86	EEPCO Study
00900	ALICO RD	I-75	BEN HILL GRIFFIN BLVD	P. Art	6LD	E	2,960	B	1,278	0.43	B	1,425	0.48	EEPCO Study
01000	ALICO RD	BEN HILL GRIFFIN BLVD	GREEN MEADOW DR	Maj. Col	2LN	E	1,100	C	395	0.36	E	808	0.73	4 Ln constr 2018, EEPCO Study*
01050	ALICO RD	GREEN MEADOW DR	CORKSCREW RD	Maj. Col	2LN	E	1,100	B	131	0.12	B	224	0.20	EEPCO Study
01200	BABCOCK RD	US 41	ROCKEFELLER CIR	Min. Col	2LN	E	860	C	55	0.06	C	162	0.19	old count
01400	BARRETT RD	PONDELLA RD	PINE ISLAND RD (US 78)	Maj. Col	2LN	E	860	C	103	0.12	C	116	0.14	old count projection(2009)
01500	BASS RD	SUMMERLIN RD	GLADIOLUS DR	Maj. Col	4LN	E	1,790	C	564	0.32	C	822	0.46	
01600	BAYSHORE RD (SR 78)	BUS 41	NEW POST RD/HART RD	State	4LD	D	2,100	C	1,975	0.94	D	2,076	0.99	
01700	BAYSHORE RD (SR 78)	HART RD	SLATER RD	State	4LD	D	2,100	C	1,821	0.87	F	2,152	1.02	
01800	BAYSHORE RD (SR 78)	SLATER RD	I-75	State	4LD	D	2,100	C	1,222	0.58	C	1,441	0.69	
01900	BAYSHORE RD (SR 78)	I-75	NALLE RD	State	2LN	D	924	C	741	0.80	F	941	1.02	
02000	BAYSHORE RD (SR 78)	NALLE RD	SR 31	State	2LN	D	924	C	741	0.80	F	941	1.02	
02100	BEN HILL GRIFFIN PKWY	CORKSCREW RD	FGCU ENTRANCE	P. Art	4LD	E	2,000	B	1,361	0.68	B	1,763	0.88	
02200	BEN HILL GRIFFIN PKWY	FGCU BOULEVARD S	COLLEGE CLUB DR	P. Art	4LD	E	2,000	B	1,361	0.68	B	1,430	0.72	
02250	BEN HILL GRIFFIN PKWY	COLLEGE CLUB DR	ALICO RD	P. Art	6LD	E	3,000	A	1,123	0.37	A	1,215	0.41	
26950	BEN HILL GRIFFIN PKWY	ALICO RD	TERMINAL ACCESS RD	Controlled xs	4LD	E	1,980	A	980	0.49	A	1,030	0.52	
02300	BETH STACEY BLVD	23RD ST	HOMESTEAD RD	Maj. Col	2LN	E	860	C	340	0.40	C	565	0.66	
02400	BONITA BEACH RD	HICKORY BLVD	VANDERBILT DR	P. Art	4LD	E	1,900	C	736	0.39	C	774	0.41	Constrained In City Plan *
02500	BONITA BEACH RD	VANDERBILT DR	US 41	P. Art	4LD	E	1,900	C	1,433	0.75	C	1,506	0.79	Constrained In City Plan
02600	BONITA BEACH RD	US 41	OLD 41	P. Art	4LD	E	1,860	C	1,427	0.77	C	1,500	0.81	Constrained, old count projection(2010)
02700	BONITA BEACH RD	OLD 41	IMPERIAL ST	P. Art	6LD	E	2,800	C	1,908	0.68	C	2,005	0.72	Constrained In City Plan(2010)
02800	BONITA BEACH RD	IMPERIAL ST	W OF I-75	P. Art	6LD	E	2,800	C	2,091	0.75	C	2,197	0.78	Constrained In City Plan
02900	BONITA BEACH RD	E OF I-75	BONITA GRAND DR	M. Art	4LD	E	2,020	B	626	0.31	B	658	0.33	Constrained In City Plan
02950	BONITA BEACH RD	BONITA GRANDE DR	Logan Boulevard	M. Art	4LD	E	2,020	B	626	0.31	B	658	0.33	Constrained In City Plan
03100	BONITA GRANDE DR	BONITA BEACH RD	E TERRY ST	Maj. Col	2LN	E	860	D	692	0.80	E	782	0.91	old count projection(2009)
03200	BOYSCOUT RD	SUMMERLIN RD	US 41	P. Art	6LN	E	2,520	E	1,847	0.73	E	1,941	0.77	
03300	BRANTLEY RD	SUMMERLIN RD	US 41	Maj. Col	2LN	E	860	C	287	0.33	C	302	0.35	
03400	BRIARCLIFF RD	US 41	TRIPLE CROWN CT	Maj. Col	2LN	E	860	C	158	0.18	C	166	0.19	
03500	BROADWAY RD (ALVA)	SR 80	North RIVER RD	Maj. Col	2LN	E	860	C	280	0.33	C	294	0.34	old count projection(2009)
03700	BUCKINGHAM RD	SR 82	GUNNERY RD	P. Art	2LN	E	990	D	491	0.50	D	516	0.52	
03730	BUCKINGHAM RD	GUNNERY RD	ORANGE RIVER BLVD	P. Art	2LN	E	990	C	395	0.40	C	415	0.42	
03800	BUCKINGHAM RD	ORANGE RIVER BLVD	SR 80	P. Art	2LN	E	990	D	644	0.65	F	1,057	1.07	Buckingham 345 & Portico
03900	BURNT STORE RD	SR 78	VAN BUREN PKWY	Controlled xs	4LD	E	2,950	B	828	0.28	B	870	0.29	
04000	BURNT STORE RD	VAN BUREN PKWY	COUNTY LINE	Controlled xs	2LN	E	1,140	C	528	0.46	C	626	0.55	
04200	BUS 41 (N TAMIAMI TR, S	CITY LIMITS (N END EDISON BRG)	PONDELLA RD	State	6LD	D	3,171	C	1,715	0.54	C	2,082	0.66	
04300	BUS 41 (N TAMIAMI TR, S	PONDELLA RD	SR 78	State	6LD	D	3,171	C	1,715	0.54	C	2,082	0.66	
04400	BUS 41 (N TAMIAMI TR, S	SR 78	LITTLETON RD	State	4LD	D	2,100	C	994	0.47	C	1,245	0.59	
04500	BUS 41 (N TAMIAMI TR, S	LITTLETON RD	US 41	State	4LD	D	2,100	C	596	0.28	C	796	0.38	
04600	CAPE CORAL BRIDGE	DEL PRADO BLVD	McGREGOR BLVD	P. Art	4LB	E	4,000	D	3,097	0.77	D	3,255	0.81	
04700	CAPTIVA DR	BLIND PASS	SOUTH SEAS	Maj. Col	2LN	E	860	C	267	0.31	C	302	0.35	Constrained, old count(2010)

County-Maintained Collector Roadway - Unincorporated Lee County

County-Maintained Collector Roadway - Incorporated Lee County

County-Maintained Arterial Roadway - Unincorporated Lee County

County-Maintained Arterial Roadway - Incorporated Lee County

State-Maintained Arterial Roadway - Unincorporated Lee County

County Maintained Controlled Access Aterial Facility

County Maintained Expressway

LEE COUNTY MPO 2045 COST FEASIBLE HIGHWAY PLAN


N
0 2 4 Miles
Cost Feasible Lanes
Interchange/Intersection
Bridge Reconstruction
2 Lane Roadway
2 Lanes one-way
3 Lanes one-way
3 Lane Roadway
4 Lane Roadway
4 Lane Limited Access
6 Lanes Divided
6 Lane Freeway
8 Lane Divided
10 Lane Freeway
Reconstruction
Cost Feasible Projects
NALLE GRADE
DURDEN
MELLOW
ARMEDA
OLGA
RIVER RD
OLD OLGA
PALM BEACH BL
PALM BEACH
ORANGE RIVER
CEMETERY
WINDERMERE
59TH
17TH
15TH
12TH
215T
MARIANA
PONDELLA
GULFSTREAM
KISMET
JACARANDA
OLD BURNT STORE
BURNT STORE
DE NAVARRA
HART
SLATER
BAYSHORE
NALLE RD
PALM CREEK
SR-31
SR-31 RIVER
TICE
LUCKETT RD
NEAL
BALLARD
NUNA
PALM
BUCKINGHAM
SUNSHINE
JOEL
WILLIAMS
MOORE
GOLFVIEW
LEONARD
WINKLER AV
FOWLER ST
DEL PRADO
CHIQUITA
20TH
32ND
COUNTRY CLUB
PELICAN
SKYLINE
47TH
PLANTATION
PENZANCE
GRIFFIN
SR-82
LEE SR-82
23RD
36TH
40TH
52ND
ALABAMA
SENTINELA
RICHMOND
GRANT
MCARTHUR
PARKDALE
JAGUAR
BELL
RAMONA
ESSEX HOUSE
COLUMBUS
WILDCAT
TREELINE
TERMINAL ACCESS
BRIARCLIFF
ALICO
WINGED FOOT
ORIOLE
ISLAND PARK
WINKLER RD
SUMMERLIN
JOHN MORRIS
IONA
SHELL POINT
SAN CARLOS
TAMIAMI TR
THREE OAKS
CORKSCREW RD
CORKSCREW
SIX LS FARM
PINE ISLAND
STRINGFELLOW
STRINGFELLOW RD
H STRINGFELLOW
CAPTIVA
SANIBEL CAPTIVA
KINCAID
PERIWINKLE
GULF
TARPON BAY
ESTERO
CR 865/ESTERO BL
HICKORY
STRIKE
OLD US-41
TERRY
MORTON
DEAN
IMPERIAL
BONITA BEACH
Logan
I-75
41
41B
75
78

4.0 Implementation

4.1 Identifying Needs

The Needs Assessment identified projects to support the ultimate vision of mobility to meet the future transportation demands for the Lee County MPO planning area without regard for cost and available funding. An extensive process was conducted to identify projects that are needed in the future. This included a comprehensive review of the projects identified in the 2040 LRTP; review of the LeeTran Transit Development Plan for consistency; review of partner jurisdiction Bicycle/Pedestrian Master Plans; working with Lee County MPO and member jurisdiction staff; working with stakeholders, including the MPO Board; and working with the public.

Determining the transportation projects and strategies to include in the 2045 Cost Feasible LRTP was based on evaluation of the prioritized needs and availability of transportation revenues. This section provides a listing of the major projects identified during the Needs Assessment phase of the LRTP.

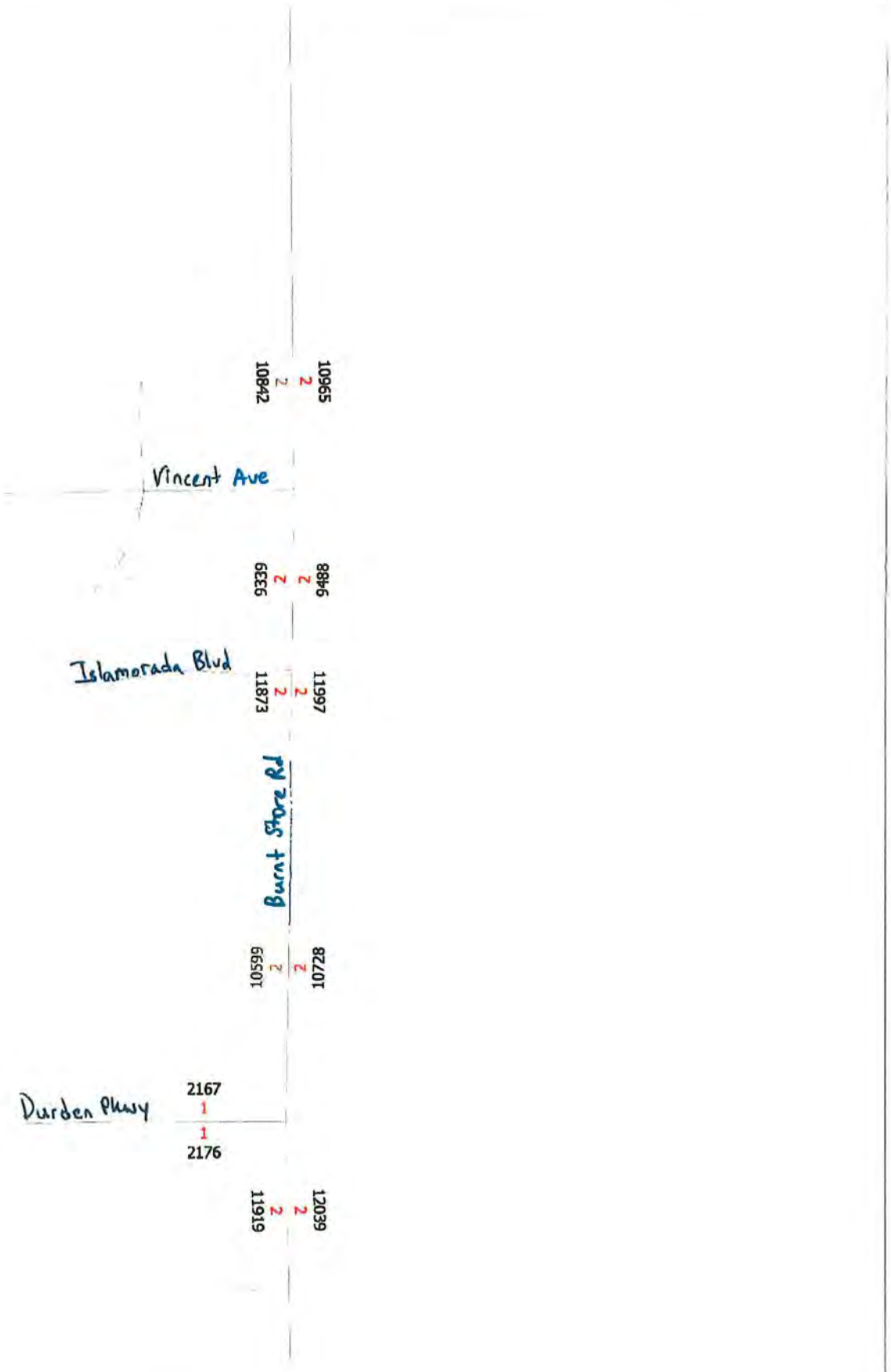
4.1.1 Existing and Committed Transportation Conditions

Prior to developing a list of transportation improvement needs, projects committed to be completed over the next five years were reviewed. Table 4-1 illustrates the transportation projects currently underway and funded for construction through 2025.

Table 4-1: Existing Priority Projects

Project Location	Project Description	Construction Timeframe
I-75 at Daniels Parkway	Interchange Improvement	2021—2025
I-75 at Colonial Blvd	Interchange Improvement	2021—2025
SR 31 from SR 78 to Cook Brown Road (Charlotte County)	Widen to 4 lanes	2021—2025
SR 865 from Estero Blvd to Summerlin Rd	Roadway Reconstruction	2021—2025
Big Carlos Bridge	Bridge Replacement	2021—2025
Advanced Traffic Management System	Traffic Signal Upgrades	2026—2030
Metro Parkway from Daniels Pkwy to Winkler Ave	Widen to 6 lanes	2026—2030
US 41 at SR 78	Intersection Improvement	2026—2030
Burnt Store Rd from Van Buren Pkwy to Charlotte County	Widen to 4 lanes	2031—2035
Old US 41 from Collier County to Bonita Beach Rd	Widen to 4 lanes	2031—2035
SR 31 from SR 80 to SR 78	Widen to 6 lanes	2031—2035
SR 78 from I-75 to SR 31	Widen to 4 lanes	2031–2035
US 41 at Six Mile Cypress Parkway	Intersection Improvement	2031—2035
US 41 at Bonita Beach Road	Intersection Improvement	2031—2035

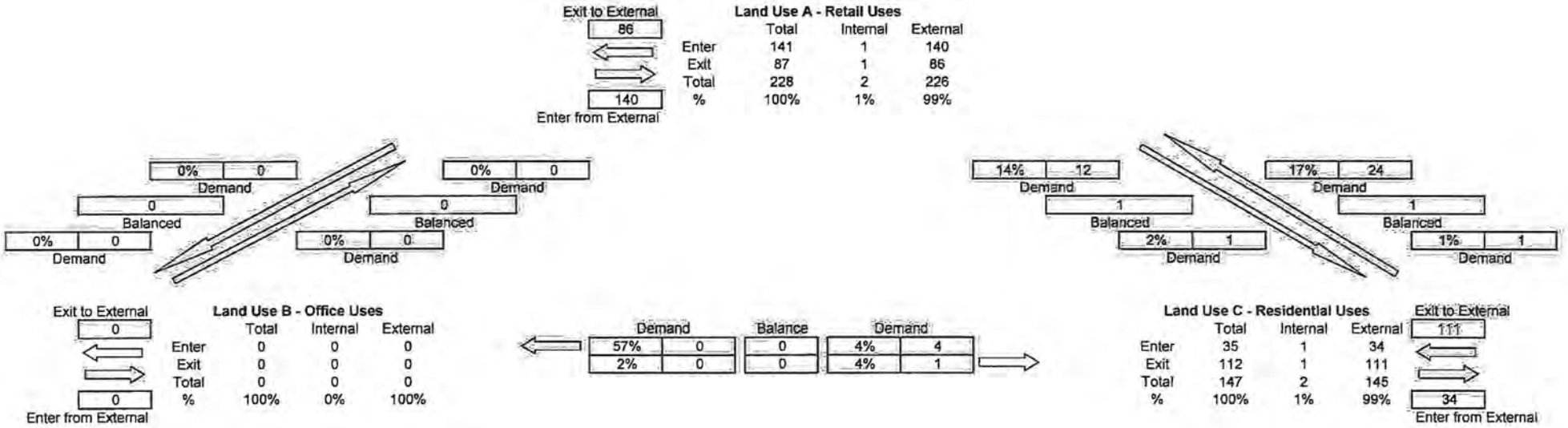
2045 E+C NETWORK VOLUMES



2045 E+C COST FEASIBLE NETWORK VOLUMES AND LANES

INTERNAL CAPTURE WORKSHEETS

Internal Capture Calculation Summary Sheet
WEEKDAY AM PEAK HOUR



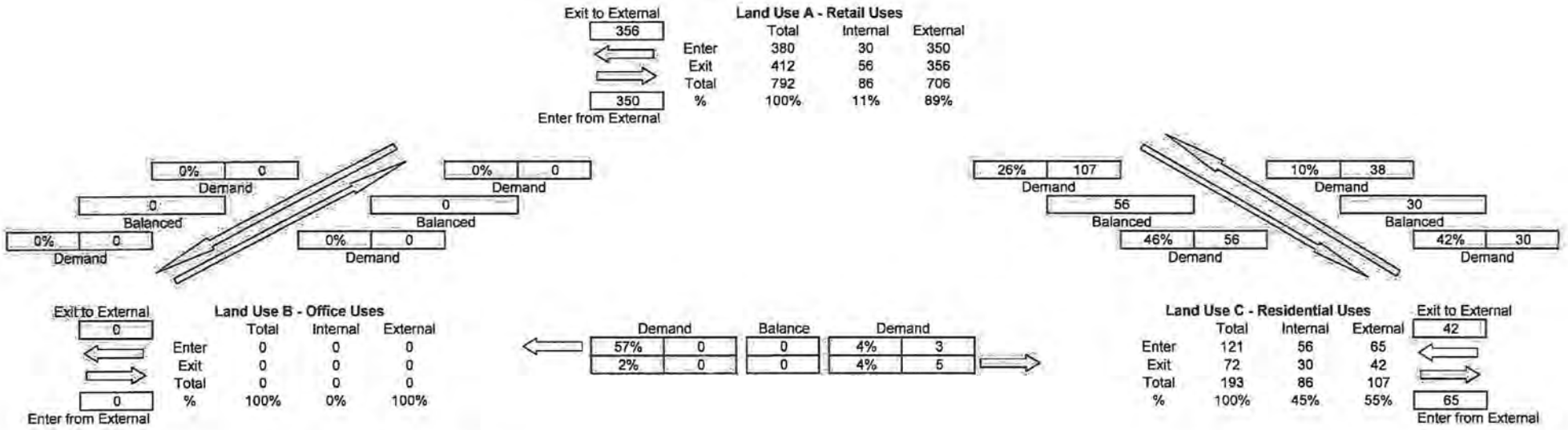
Net External Trips for Multi-Use Development

	Land Use A	Land Use B	Land Use C	Total
Enter	140	0	34	174
Exit	86	0	111	197
Total	226	0	145	371
Single-Use Trip Gen. Est.	228	0	147	375

Internal Capture Rate

1%

Internal Capture Calculation Summary Sheet
WEEKDAY PM PEAK HOUR



Net External Trips for Multi-Use Development

	Land Use A	Land Use B	Land Use C	Total
Enter	350	0	65	415
Exit	356	0	42	398
Total	706	0	107	813
Single-Use Trip Gen. Est.	792	0	193	985

Internal Capture Rate

17%

FDOT BURNT STORE ROAD PD&E STUDY INFORMATION

FDOT Southwest Florida
Florida Department of Transportation

Burnt Store Road Project Development and Environment (PD&E) 436928-1

Project Details	
Work Type	Widening
Phase	PD&E
Limits	Van Buren Parkway to Charlotte County Line
Length	5.7 miles
City	Cape Coral
County	Lee
Study Cost	$2,250,000

Contact Information
PD&E Project Manager Steven A Andrews 863-519-2270

ITE PASS-BY RATES

Vehicle Pass-By Rates by Land Use

Source: ITE *Trip Generation Manual*, 11th Edition

Land Use Code	814
Land Use	Variety Store
Setting	General Urban/Suburban
Time Period	Weekday PM Peak Period
# Data Sites	5
Average Pass-By Rate	34%

Pass-By Characteristics for Individual Sites

GFA (000)	State or Province	Survey Year	# Interviews	Pass-By Trip (%)	Non-Pass-By Trips			Adj Street Peak Hour Volume	Source
					Primary (%)	Diverted (%)	Total (%)		
8	Florida	2010	145	30	—	—	70	610	9
10	Florida	2010	127	34	—	—	66	1284	9
10	Florida	2010	247	40	—	—	60	3165	9
10	Florida	2010	154	44	—	—	56	1573	9
17	Florida	2010	50	22	—	—	78	1380	9

Vehicle Pass-By Rates by Land Use

Source: ITE *Trip Generation Manual*, 11th Edition

Land Use Code	820								
Land Use	Shopping Center (> 150k)								
Setting	General Urban/Suburban								
Time Period	Weekday PM Peak Period								
# Data Sites	8 Sites with GLA between 150 and 300k				16 Sites with GLA between 300 and 900k				
Average Pass-By Rate	29% for Sites with GLA between 150 and 300k				19% for Sites with GLA between 300 and 900k				
	Pass-By Characteristics for Individual Sites								
					Non-Pass-By Trips				
GLA (000)	State or Province	Survey Year	# Interviews	Pass-By Trip (%)	Primary (%)	Diverted (%)	Total (%)	Adj Street Peak Hour Volume	Source
213	Florida	1990	312	28	31	41	72	—	33
225	Illinois	1994	264	35	32	33	65	1970	24
227.9	Kentucky	1993	—	34	35	31	66	—	34
235	Kentucky	1993	211	35	29	36	65	2593	2
255	Iowa	1994	222	23	38	39	77	3706	24
256	Connecticut	1994	208	27	51	22	73	3422	24
293	Illinois	1994	282	24	70	6	76	4606	13
294	Pennsylvania	1994	213	24	48	18	76	4055	24
350	Massachusetts	1994	224	18	45	37	82	2112	24
361	Virginia	1994	315	17	54	29	83	2034	24
375	North Carolina	1994	214	29	48	23	71	2053	24
413	Texas	1994	228	28	51	21	72	589	24
418	Maryland	1994	281	20	50	30	80	5610	24
450	California	1994	321	23	49	28	77	2787	24
476	Washington	1994	234	25	53	22	75	3427	24
488	Texas	1994	257	12	75	13	88	1094	13
560	Virginia	1994	437	19	49	32	81	3051	24
581	Colorado	1994	296	18	53	29	82	2939	24
598	Colorado	1994	205	17	55	28	83	3840	24
633	Texas	1994	257	10	64	26	90	—	24
667	Illinois	1994	200	16	53	31	84	2770	24
738	New Jersey	1994	283	13	75	12	87	8059	24
800	California	1994	205	21	51	28	79	7474	24
808	California	1994	240	13	73	14	87	4035	24

TRIP GENERATION EQUATIONS

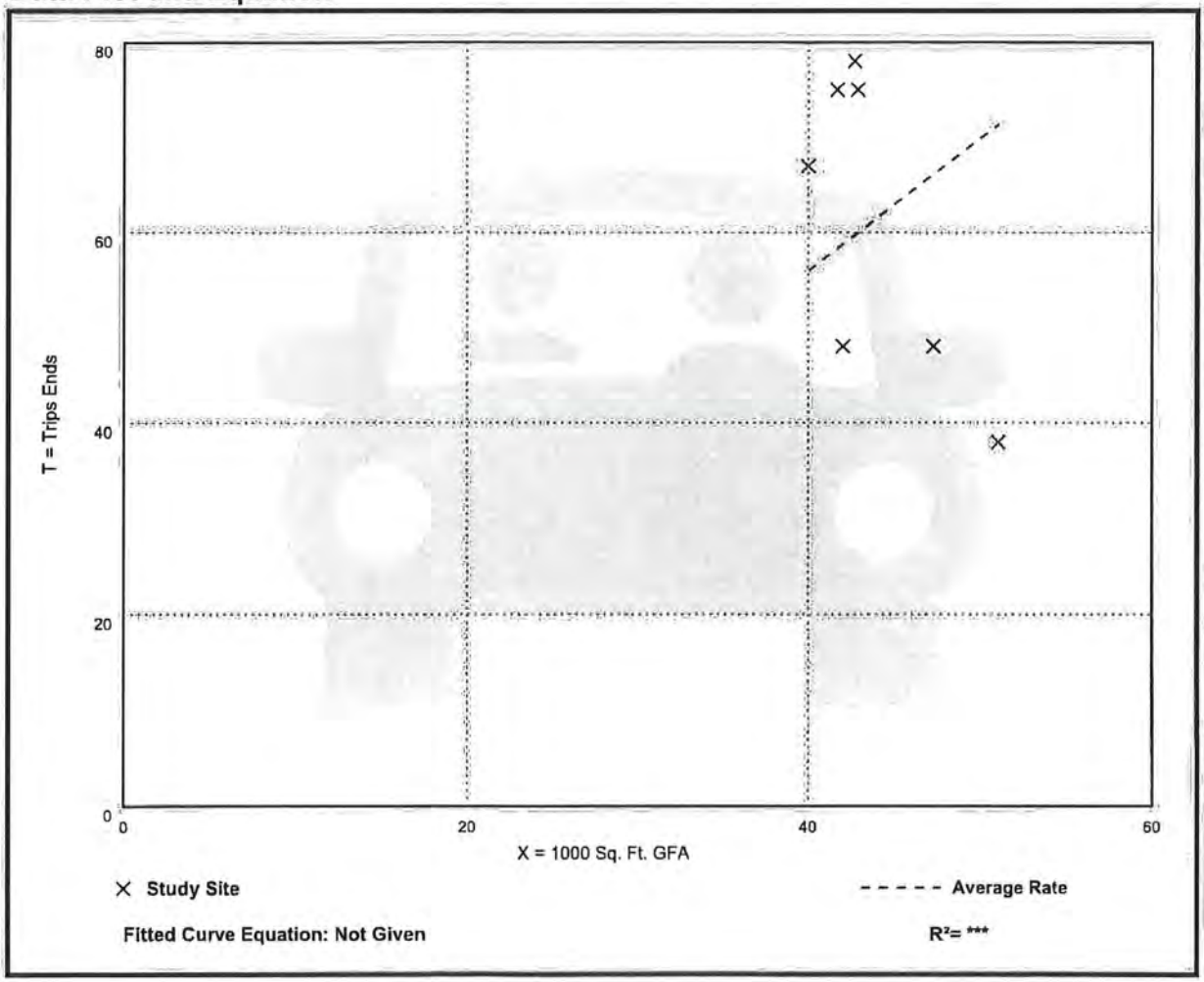
Tractor Supply Store
(810)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 7
Avg. 1000 Sq. Ft. GFA: 44
Directional Distribution: 47% entering, 53% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.40	0.75 - 1.83	0.45

Data Plot and Equation



Variety Store
(814)

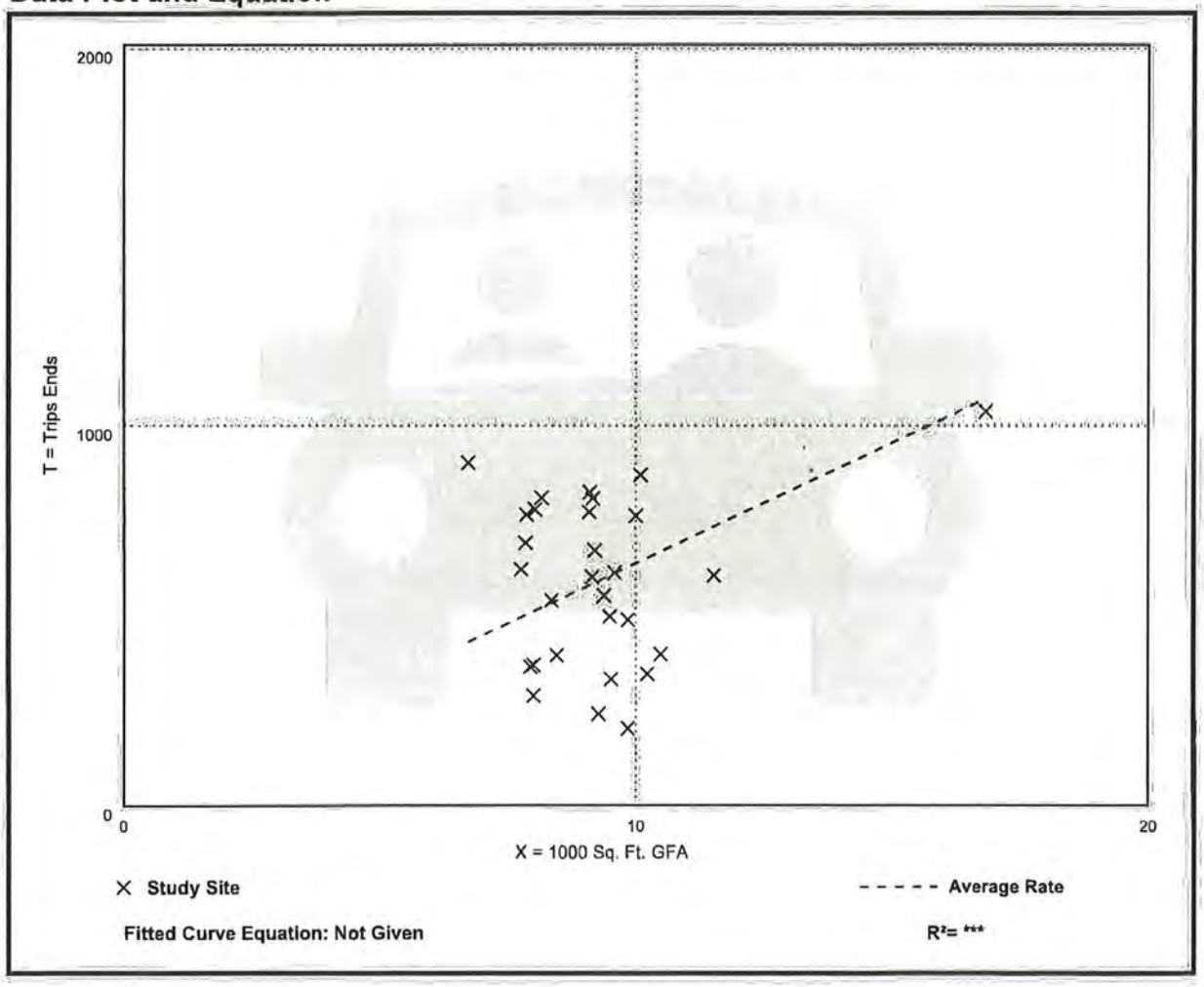
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 29
Avg. 1000 Sq. Ft. GFA: 9
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
63.66	20.51 - 133.68	25.23

Data Plot and Equation



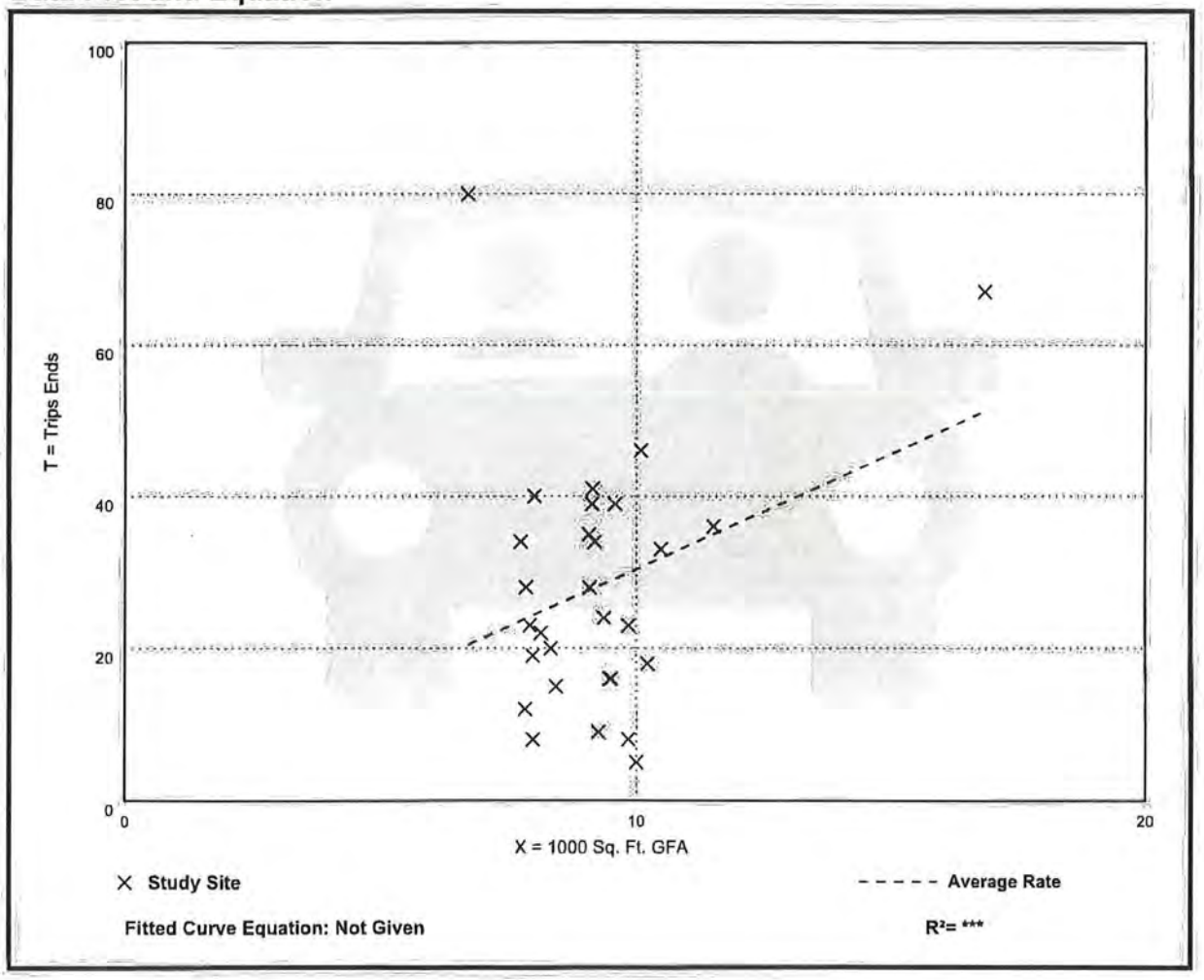
Variety Store
(814)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 29
Avg. 1000 Sq. Ft. GFA: 9
Directional Distribution: 55% entering, 45% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
3.04	0.50 - 11.87	1.91

Data Plot and Equation



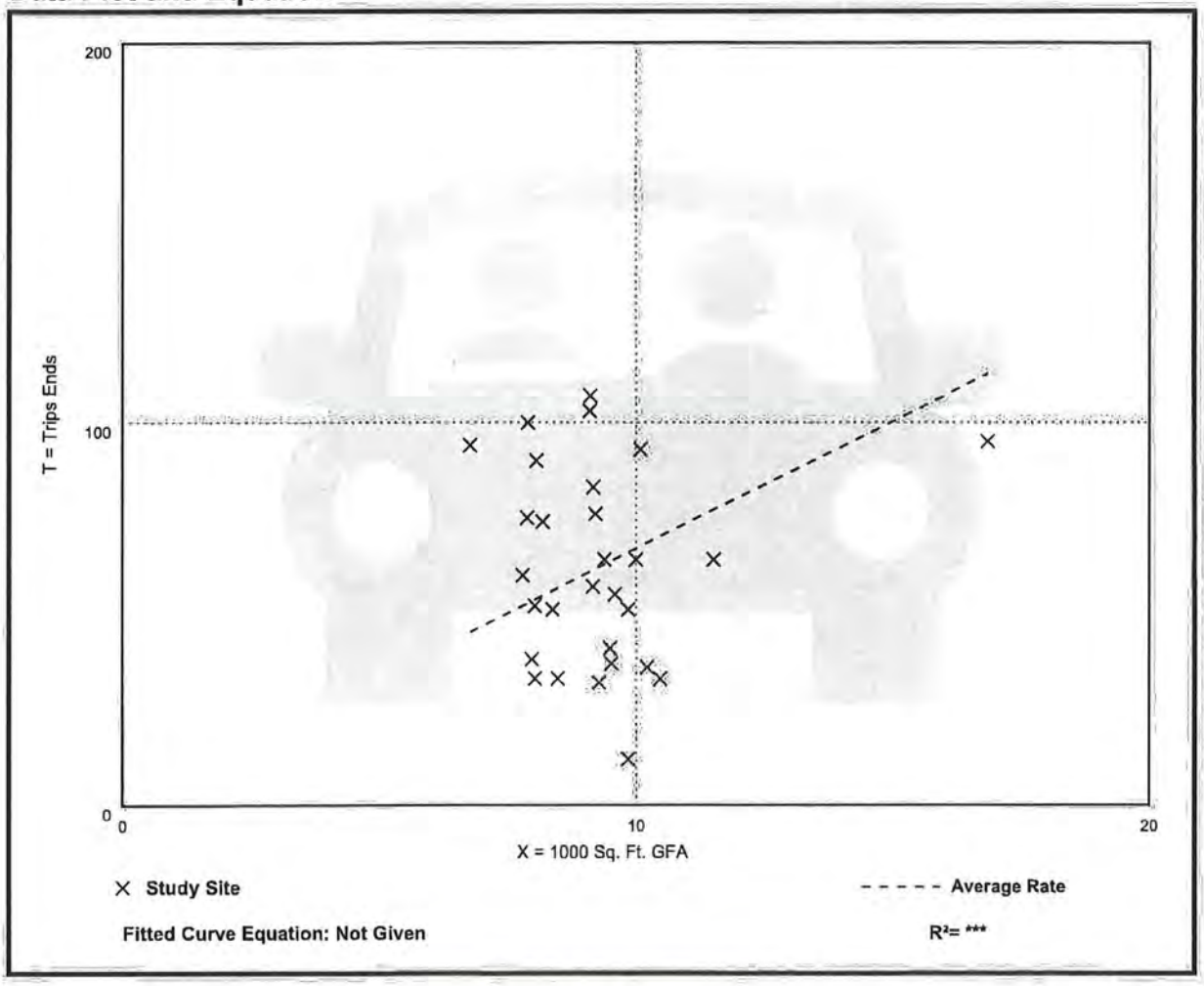
Variety Store
(814)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 29
Avg. 1000 Sq. Ft. GFA: 9
Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
6.70	1.22 - 13.95	3.08

Data Plot and Equation



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

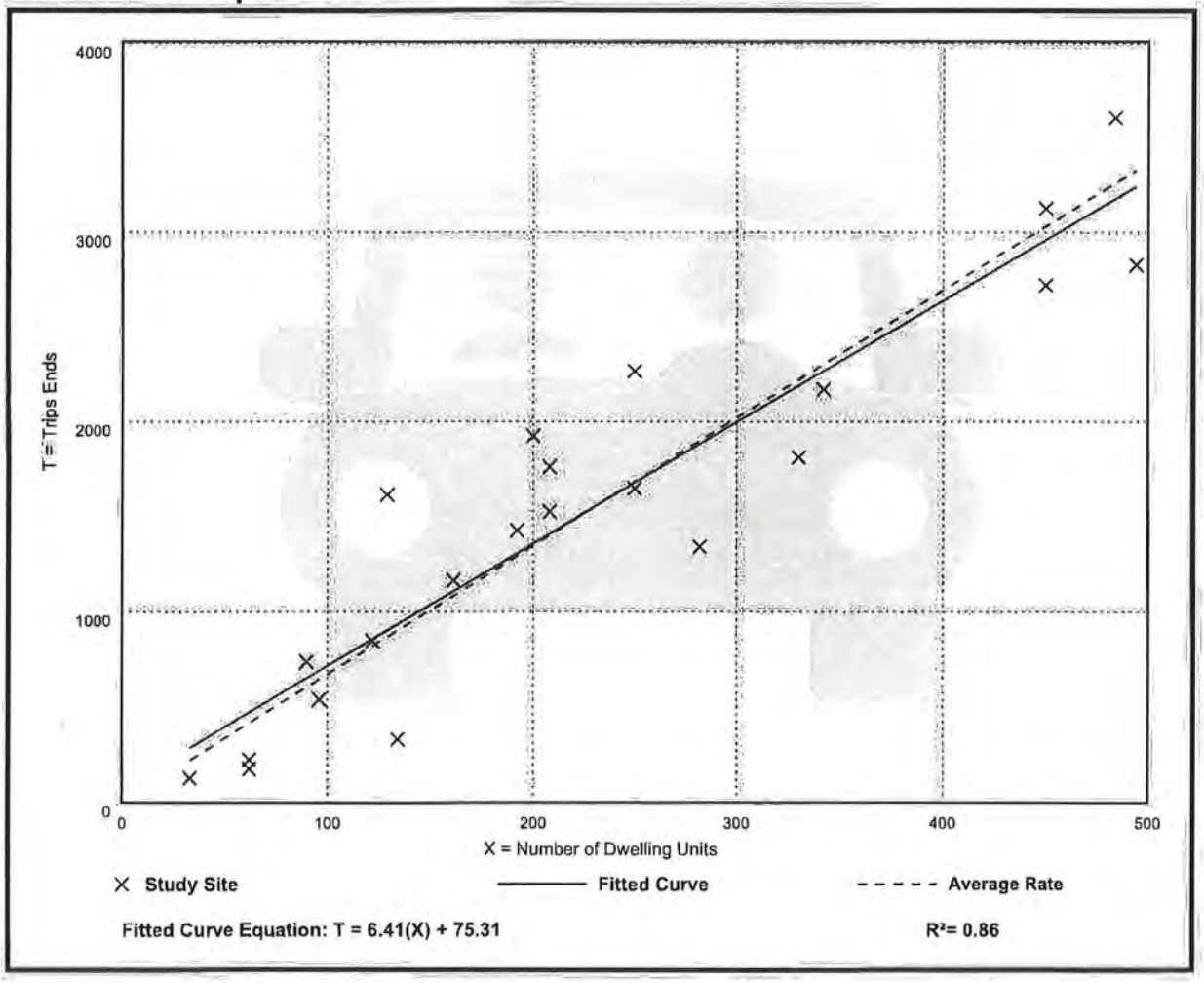
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 22
Avg. Num. of Dwelling Units: 229
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

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

Data Plot and Equation



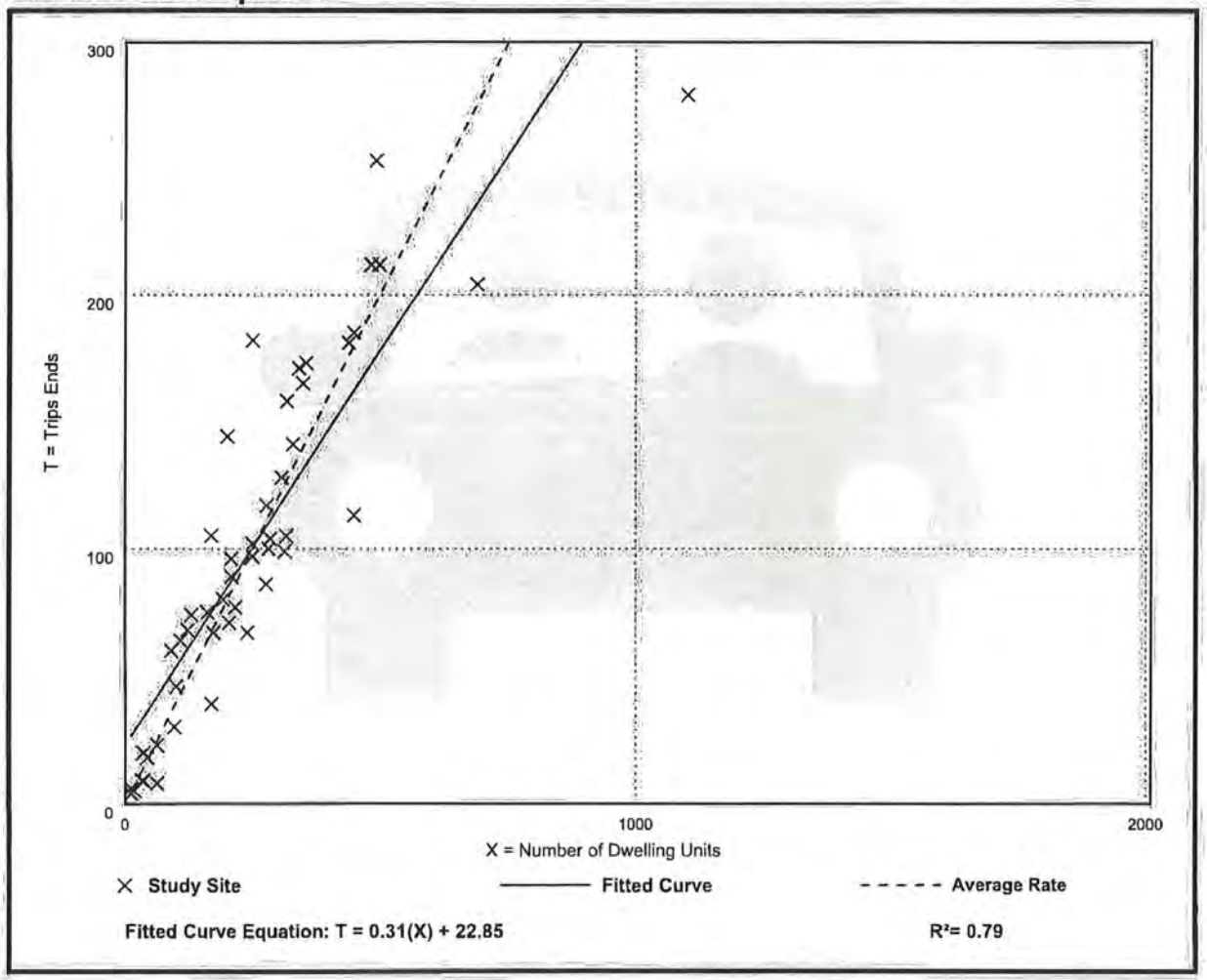
Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 49
Avg. Num. of Dwelling Units: 249
Directional Distribution: 24% entering, 76% exiting

Vehicle Trip Generation per Dwelling Unit

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

Data Plot and Equation



Fitted Curve Equation: T = 0.31(X) + 22.85

R^2= 0.79

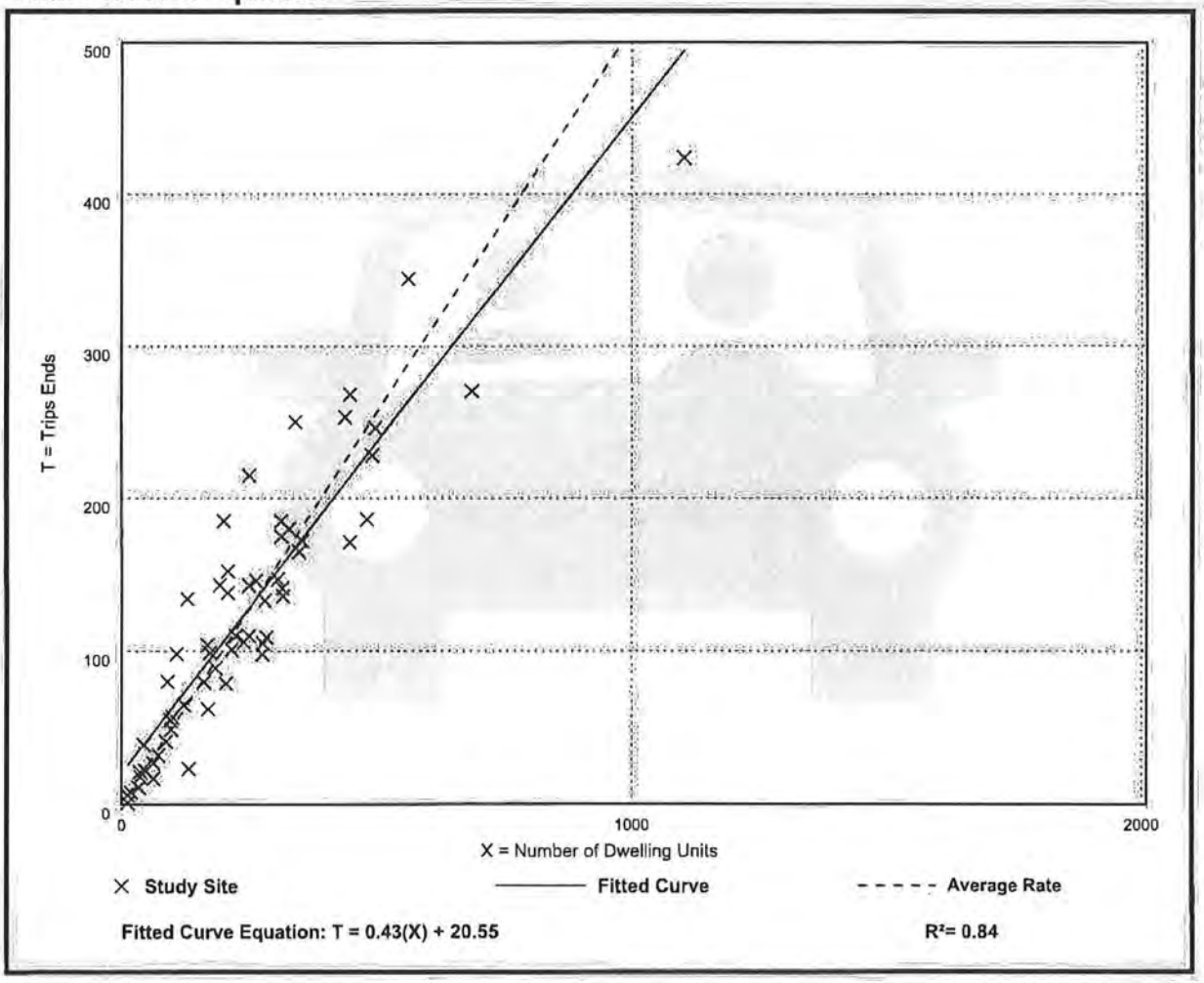
Multifamily Housing (Low-Rise)
Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 59
Avg. Num. of Dwelling Units: 241
Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

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

Data Plot and Equation



Shopping Center (>150k)
(820)

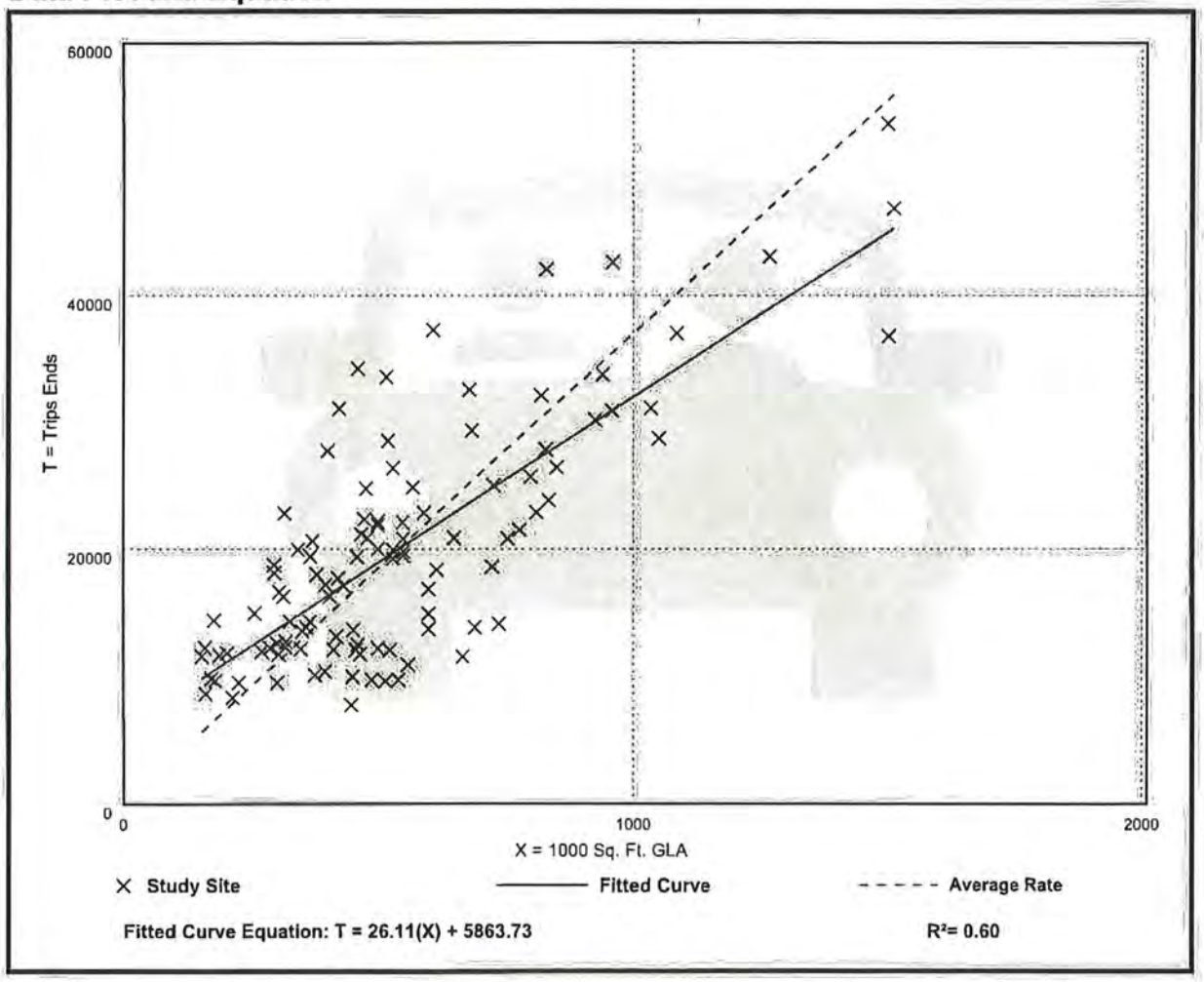
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 108
Avg. 1000 Sq. Ft. GLA: 538
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
37.01	17.27 - 81.53	12.79

Data Plot and Equation



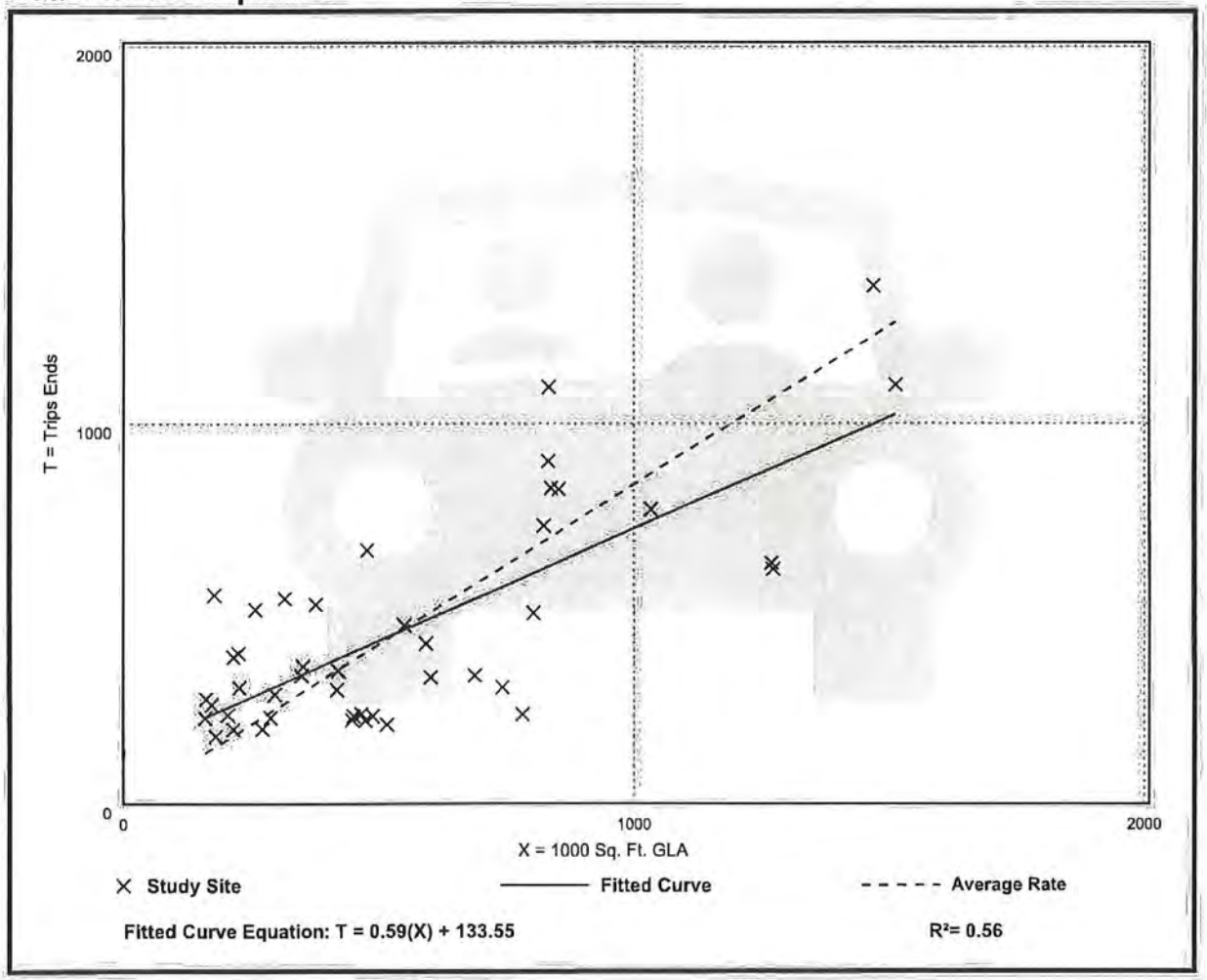
Shopping Center (>150k)
(820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 44
Avg. 1000 Sq. Ft. GLA: 546
Directional Distribution: 62% entering, 38% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
0.84	0.30 - 3.11	0.42

Data Plot and Equation



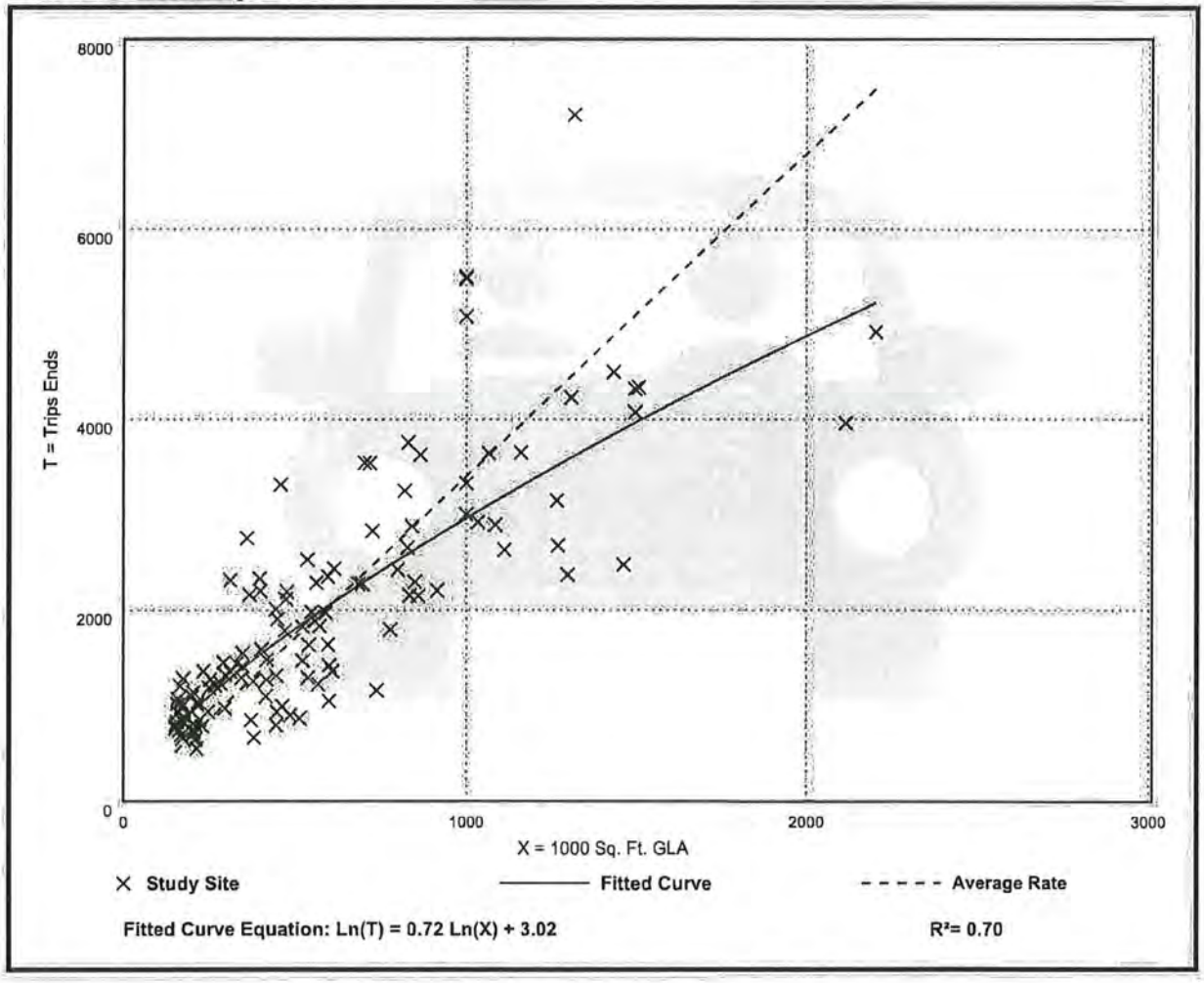
Shopping Center (>150k)
(820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 126
Avg. 1000 Sq. Ft. GLA: 581
Directional Distribution: 48% entering, 52% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.40	1.57 - 7.58	1.26

Data Plot and Equation



BSR 40

Application for Comprehensive Plan Amendment-Map

Exhibit 17

Existing and Future Conditions Analysis (Sanitary Sewer, Potable Water, Surface Water/Drainage Basins, Parks and Rec, Open Space, Public Schools)

BSR 40

Application for a Comprehensive Plan Amendment-Map

Existing and Future Conditions Analysis

Urban Services and Accessibility

The future of this area especially for the parcels along Burnt Store Road will look much different than what we see today with development consisting of a mixture of commercial centers, apartment complexes and even some recreational activities.

We anticipate that this mixed-use development will seek development approval through a Mixed-Use Planned Development with a master planned community containing well-defined internal roads, connection to utilities, stormwater facilities that will provide for a variety of commercial uses and a multi-family community.

The subject parcel is in an area of the County where the County recognizes that urban services are available to support the future development of these parcels with both commercial and residential uses from Charlotte County, the City of Cape Coral, and Lee County.

Public Safety

The Cape Coral Fire Department operates a fire station at 3942 Burnt Store Road, approximately two miles from the project location, and provides service to the surrounding area. This fire station is operated on a full-time basis. (Refer to Exhibit M18 Letter of Determination for the Adequacy/Provision of Existing/Proposed Support Facilities)

The Lee County Sheriff's law enforcement services will be provided from their Gulf District offices in St. James City.(Refer to Exhibit M18 Letter of Determination for the Adequacy/Provision of Existing/Proposed Support Facilities)

Lee County Emergency Medical Services

Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at this location. There is one ambulance located 5.8 miles south. (Refer to Exhibit M18 Letter of Determination for the Adequacy/Provision of Existing/Proposed Support Facilities)

Utilities

In January of 2016, Charlotte County and Lee County executed an Interlocal Agreement for Water, Sewer and Reclaimed Water to serve the subject parcel and other Lee County parcels along the eastern side of Burnt Store Road. (Refer to Exhibit M15 Public Facilities Impacts Analysis)

Schools

The subject property is within the Lee County School District, West Choice Zone, W2. (Refer to Exhibit M18 Letter of Determination for the Adequacy/Provision of Existing/Proposed Support Facilities)

Solid Waste

The property is within the Lee County Solid Waste Franchise Area and is served through Lee County's franchised hauling contractor for area 5, which is Waste Pro. 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. (Refer to Exhibit M18 Letter of Determination for the Adequacy/Provision of Existing/Proposed Support Facilities)

Lee County Transit

According to the 2020 Transit Development Plan (TDP) the subject parcel is not within one-quarter mile of a fixed-route corridor. The closest bus stop is not within one-quarter mile of a bus stop and the 2020 TDP does not identify the need for enhanced or additional transit services in the area. (Refer to Exhibit M18 Letter of Determination for the Adequacy/Provision of Existing/Proposed Support Facilities)

Planning Community Regulations

Currently there are no specific development regulations for the Burnt Store Planning Community. If regulations for this Planning Community are adopted during the PD review and approval, the project will be developed under the current Land Development Regulations. (Refer to Exhibit M21 Planning Communities Community Plan Area Requirements)

BSR 40

Application for Comprehensive Plan Amendment-Map

Exhibit M18

Letters of Determination for the Adequacy/Provision of Existing/Proposed Support Facilities

(Fire Protection, Emergency Medical Services, Law Enforcement, Solid Waste, Mass Transit, Schools)

Send to: Administrative.Assistants@CharlotteCountyFL.gov

AVAILABILITY REQUEST FORM

BSR 40

Charlotte County Government Utilities Department
25550 Harbor View Road, Suite 1
Port Charlotte, FL 33980
Email: Administrative.Assistants@CharlotteCountyFL.gov
Phone: 941.764.4300 Option 3

Date: 2/9/2024

First Name	Last Name
Linda	Miller

Organization
Avalon Engineering, Inc.

Email Address	Phone Number
linda@avaloneng.com	239-573-2077

Site Address

House Number	Street Name	Street Suffix
N/A	Unassigned Burnt Store Road N., Cape Coral, FL 33993	

Short Legal Description

Subdivision	Section	Block	Lot
Legal Description Attached	08	N/A	N/A

Availability - Completed by CCU Staff

Potable Water		Sewer		Reclaimed Water	
Connected		Connected		Connected	
Mandatory	X	Mandatory	X	Mandatory	
Available		Available		Available	X
Unavailable		Unavailable		Unavailable	

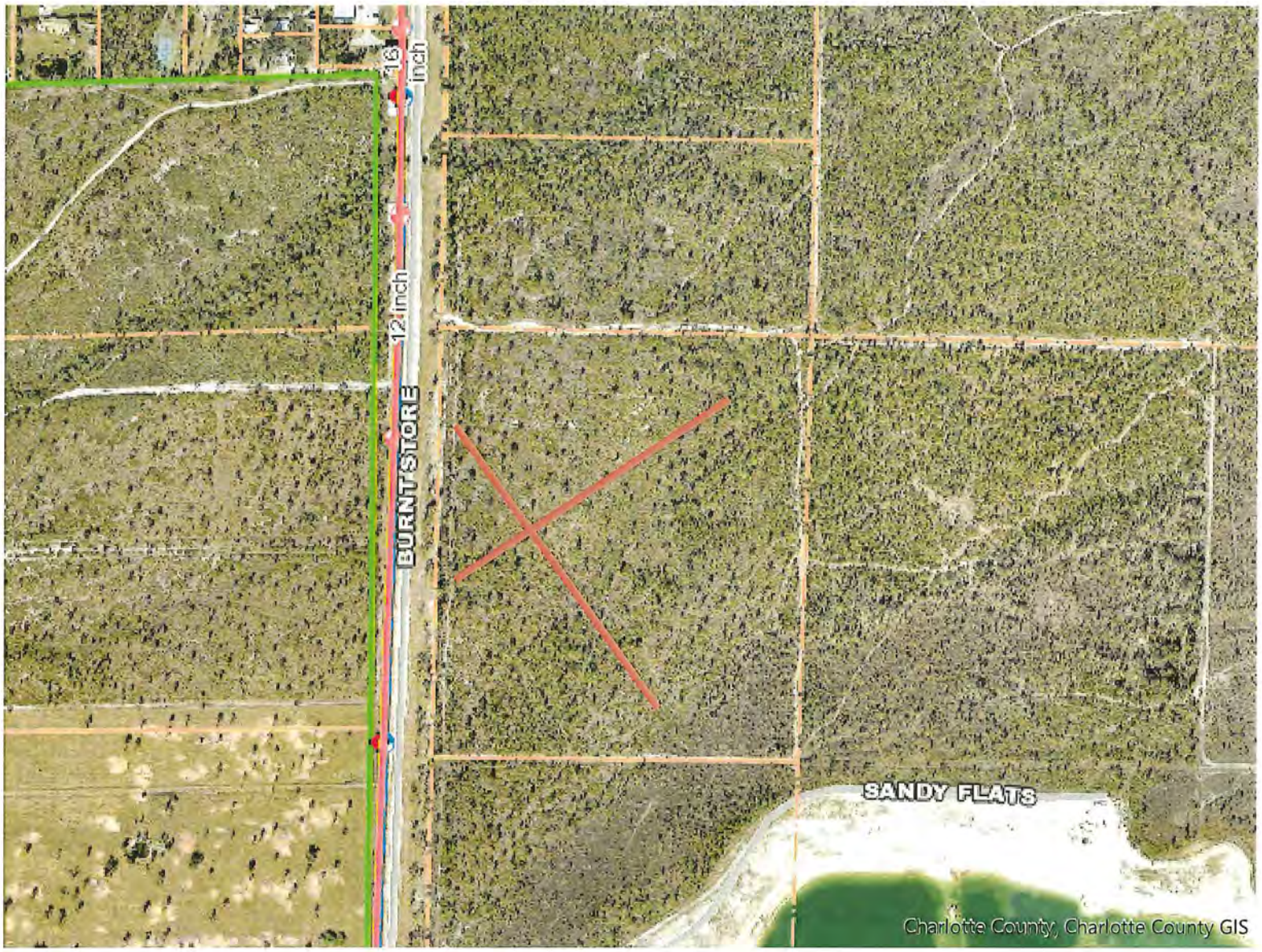
Comments

SERVICES ARE MANDATORY WITH A DEVELOPER'S AGREEMENT TO CONNECT

Completed By: KD Date: 2/16/2024

FOR ANY UTILITIES DEEMED UNAVAILABLE AT THIS TIME, THE PROPERTY OWNER AND/OR THEIR AGENT SHOULD RECONFIRM AVAILABILITY PRIOR TO DEVELOPMENT OF PROPERTY.

All commercial developments are to access the following link for guidelines and familiarize themselves with the requirements for plans review and the utility service agreement.
https://www.charlottecountyfl.gov/departments/utilities/about-utilities/forms.stml


16 inch
12 inch
BURNT STORE
SANDY FLATS
Charlotte County, Charlotte County GIS

CAPE CORAL FIRE DEPARTMENT

P.O. Box 150027 • Cape Coral, Florida 33915 • (239) 574-0501

June 28, 2023

Linda Miller, AICP, Planning Director
Avalon Engineering, Inc.
2503 Del Prado Boulevard South, Suite 200
Cape Coral, FL 33904

RE: Letter of Availability Request

Dear Director Miller:

This letter shall serve as notice that the Cape Coral Fire Department (CCFD) can provide service to the proposed Mixed-Use Development located southeast of Charlee Road (strap number 08-43-23-00-00001.0000).

The CCFD operates a fire station at 3942 Burnt Store Road, approximately two miles from the project location, and provides service to the surrounding area. This fire station is operated on a full-time basis.

Should you have any further questions, please feel free to contact me.

Sincerely,

Michael T. Russell
Fire Deputy Chief

MTR:crl

Lee County
Southwest Florida

Board of County Commissioners

July 5, 2023

Avalon Engineering
Attn: Linda Miller, AICP
2503 Del Prado Blvd. S. Suite 200
Cape Coral, FL 33904
RE: Letter of Service Availability – Burnt Store Road N Mixed Use Development 08-43-23-00-00001.0000

Dear Mrs. Miller:

The Lee County Solid Waste Department is capable of providing solid waste collection service for future changes to the planned Mixed-Use Development consisting of a twenty-two-acre residential multi-family complex consisting of 300 units and approximately 130,000 square feet of commercial uses through the franchised hauling contractors. Disposal of the solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

Please review Lee County Land Development Code, Chapter 10, Section 261, with requirements for on-site space for placement and servicing of solid waste containers. Please note that the property owner will be responsible for all future applicable solid waste assessments and fees.

If you have any questions, please call me at (239) 533-8007.

Sincerely,

Justin Lighthall

Justin Lighthall
Manager, Public Utilities
Lee County Solid Waste Department

Lee County
Southwest Florida
BOARD OF COUNTY COMMISSIONERS

LeeTran Headquarters
Lee County Transit
3401 Metro Parkway
Fort Myers, FL 33901
Phone: (239) 533-0340

June 29th, 2023

Avalon Engineering, Inc.
Linda Miller AICP
Fort Myers, FL 33901

RE: **Burnt Store Road North, Lee County**
Request for Letter of Service Availability

Ms. Miller,

LeeTran has reviewed your request for service availability in regard to a proposed Comprehensive Plan Amendment. After reviewing the site and comparing the location with our existing and planned route locations according to the 2020 Transit Development Plan (TDP), the following has been determined:

- Subject area is not within one-quarter mile of a fixed-route corridor
- Closest bus stop is not within one-quarter mile of a bus stop
- The 2020 TDP does not identify the need for enhanced or additional transit services in the area

The proposed future development does not meet the applicability outlined in Lee County Transit Land Development Code Sec. 10-442 and Sec. 10-296 (4)(a). The developer is not required to connect to and improve transit facilities because planning action does not trigger the relevant Lee County Land Development Code.

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

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

July 5, 2023

RE: Multifamily Concurrency Review in Burnt Store Rd N

Dear Linda Miller:

This letter is in response to your request for concurrency review dated June 23, 2023 for the subject property in Burnt Store Road North, in regard to educational impact west zone.

This development is a request for 300 Multi-family housing units. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For multi-family homes, the generation rate is .116 and further broken down by grade level into the following, .058 for elementary, .028 for middle and .03 for high. A total of 39 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	Burnt Store Road North
OWNER/AGENT	Avalon
ITEM DESCRIPTION	Mixed Use Planned Development
LOCATION	Burnt Store Road North , Lee county
ACRES	39.44
CURRENT FLU	
CURRENT ZONING	

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
	300	

	Student Generation Rates			
STUDENT GENERATION	**SF**	**MF**	**MH**	**Projected Students**
Elementary School	0.072	0.066		19.80
Middle School	0.043	0.033		9.90
High School	0.038	0.031		9.30
	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	20	188	99%	
South CSA, Middle	7,293	6,912	381	10	371	95%	
South CSA, High	9,536	8,492	1,044	9	1035	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

July 20, 2023

Linda Miller, AICP
Avalon Engineering, Inc.
2503 Del Prado Blvd. S. Suite 200
Cape Coral, FL 33904

Re: Letter of Service Availability – Burnt Store Development

Mrs. Miller,

I am in receipt of your letter requesting a Letter of Service Availability for a Comprehensive Plan Amendment. This amendment would change the category to Central Urban. The property bears STRAP 08-43-23-00-00001.0000.

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 5.8 miles south.

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

Carmine Marceno
Sheriff

"Proud to Serve"

State of Florida
County of Lee

July 7, 2023

Linda Miller
Avalon Engineering, Inc.
2503 Del Prado Boulevard S., Suite 200
Cape Coral, FL 33904

Ms. Miller,

The Lee County Sheriff's Office has reviewed your Comprehensive Plan Amendment request for a Mixed Use Development project with Multi-family and commercial uses on a 39.44 +- acre parcel on Burnt Store Road N. located south of the intersection of Burnt Road Store N. and Charlee Road, STRAP No. 08-43-23-00-00001-0000.

The proposed amendment would to change the Future Land Use from Open Lands to Central Urban and allow for a 22-acre residential multi-family complex consisting of 300 units and approximately 130,000 square feet of commercial uses. This Agency evaluated your request solely on its ability to provide law enforcement service to the project. Based on that criterion, these proposed changes would not affect our ability to provide law enforcement services to the project and surrounding area.

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

Please contact Crime Prevention Practitioner Heather Turco at (239) 478-7838 with any questions regarding the CPTED study.

Respectfully,

Chris Reeves
Major, Patrol Bureau

From: Frederick, Cassandra A.
To: Lynda Brooks
Subject: (23-110) Burnt Store Road N Mixed Use Development
Date: Wednesday, June 28, 2023 10:00:17 AM
Attachments: image001.png
image003.png
Map.pdf

Good morning Lynda,

There are no previously recorded resources in the area you indicated. I have attached a map for your reference. Please let me know if you have any questions or need anything else. Have a great day!

Kind regards,

CASSIE FREDERICK
Historic Data Analyst | Florida Master Site File | Bureau of Historic Preservation | Division of Historical Resources | Florida Department of State | 500 South Bronough Street | Tallahassee, Florida 32399 | 850.245.6424 | 1.800.847.7278 | Fax: 850.245. 6439 | flheritage.com

Dear Mr. Fowler:

As part of a Lee County Comprehensive Plan Amendment application a letter of determination for the adequacy/provision of existing proposed support services facilities available to the proposed development is required.

Please address your letter to the attention of Mrs. Linda Miller, AICP, Planning Director at the address provided below.

Your time and attention to this matter is greatly appreciated.

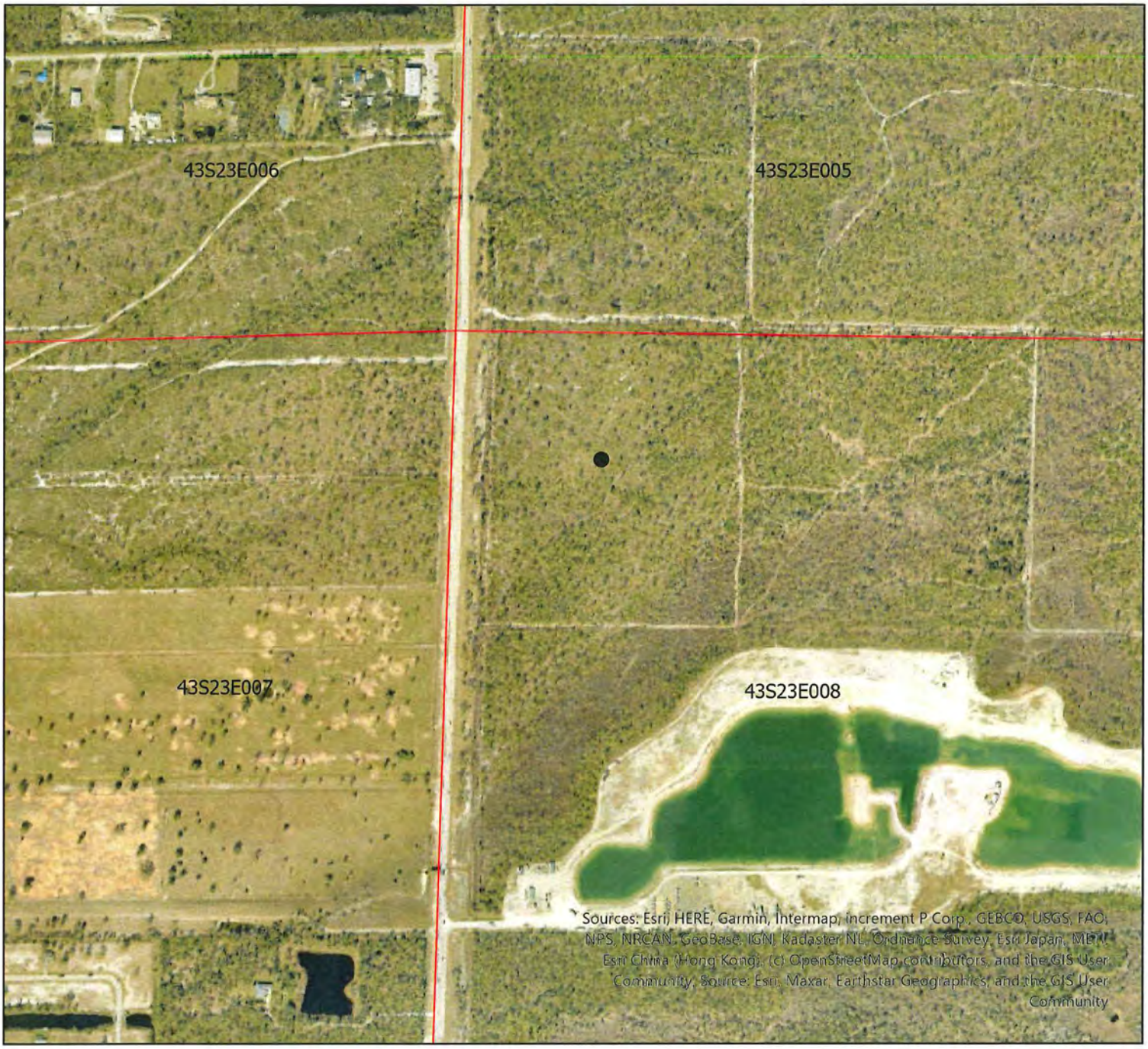
Thank you,

Lynda

Life may not be the party we hoped for, but while we are here we might as well dance
Anonymous

Lynda Brooks
Project Coordinator
Avalon Engineering, Inc.
2503 Del Prado Blvd. S. Suite 200
Cape Coral, FL 33904
Serving our community since 1980
Office (239) 573 – 2077
lynda@AvalonEng.com

Project Map



- BufferLines
- FloridaStructures
- FloridaSites
- HistoricalBridges
- ResourceGroups
- NationalRegister
- HistoricalCemeteries
- TRS
- BufferPolygon
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 2.4m Resolution Metadata
- BufferPoints

0 0.07 0.15 0.3 Miles

N

Created on 6/28/2023 by Florida Master Site File

BSR 40

Application for Comprehensive Plan Amendment-Map

Exhibit M19

State Policy Plan and Regional Policy Plan

BSR 40

Application for a Comprehensive Plan Amendment-Map

State Policy Plan and Regional Policy Plan

The following goals and strategies from the Southwest Florida Strategic Regional Policy Plan are relevant to the amendment:

Affordable Housing Element:

Strategy: Develop livable, integrated communities that offer residents a high quality of life.

Actions:

1. Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

The project site will be able to connect to utilities, and currently has access to public services.

2. Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

The Central Urban District promotes the development of a mixed-use project.

4. Encourage new housing to be built in higher areas to reduce the need for costly flood insurance.

The project site is not within a Flood Zone.

Economic Development Element:

Strategy: Maintain the physical infrastructure to meet growth demands.

Actions: 1. Review plan amendments, development proposals, and clearinghouse items for public facility deficits and encourage mitigation of those deficits.

The project site has public services available.

Strategy: Increase the retention and expansion of local business and industry and encourage local entrepreneurial development.

The Central Urban District promotes new commercial development.

Natural Resources Element

Strategy: Promote through the Council's review roles community design and development principles that protect the Region's natural resources and provide for an improved quality of life.

The project will preserve and enhance the wetland area within the site.

BSR 40

Application for Comprehensive Plan Amendment-Map

Exhibit M20

Justification of Proposed Amendment

BSR 40

Application for a Comprehensive Map Amendment

Justification of Proposed Amendment

The intention of the Central Urban Future Land Use Category, as outlined by Policy 1.1.3 of the Lee Plan, is best characterized as an area that will have the greatest range and highest levels of urban service – water, sewer, roads, schools, etc. The subject property meets the intent of this category; it is in an area that will be intensely developed in the future within both the City of Cape Coral and Charlotte County.

POLICY 1.1.3:. The Central Urban Future Land Use Category can best be characterized as the "urban core" of the county. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses will continue to predominate in the Central Urban area with future development in this category encouraged to be developed as a mixed-use, as described in Objective 11.1, where appropriate.

The Density and Intensity permitted in the Central Urban Future Land Use Category would increase the density permitted within the proposed mixed-use development to up to 15 dwelling units per acre or approximately 270 multi-family units in lieu of 8 dwelling units permitted in the Open Lands Future Land Use Category (1 dwelling unit per every 5 acres). The Central Urban Future Land Use would also permit a service park with up to 160,000 square feet of building area for flex space units, some retail, office, and storage uses.

The subject property is located within an area of the county that will see substantial growth in the future. Burnt Store Road is planned to be widened to a 6-lane divided highway, an interlocal agreement with Charlotte County is in place to provide water, sewer, and irrigation (reuse) water to parcels east of Burnt Store Road. A 500 site RV Resort is under construction 1 mile south of the project site and a major commercial shopping center consisting of 56 acres north of the Durden Parkway is less than a ½ mile south of the subject parcel. A Dollar General Store is located directly across Burnt Store Road to the north end of the subject parcel.

The subject property contains approximately 3.68 acres that maybe considered wetland justification from the South Florida Water Management District.

The proposed Central Urban FLU category will permit a mixed-use development which will support the existing Burnt Store Marina residential community, provide commercial square footage to support new commercial businesses for this area, and provide optional housing opportunities (apartment complex) currently not available in this area.

BSR 40

Application for Comprehensive Plan Amendment-Map

Exhibit M21

Planning Communities

Community Plan Area Requirements

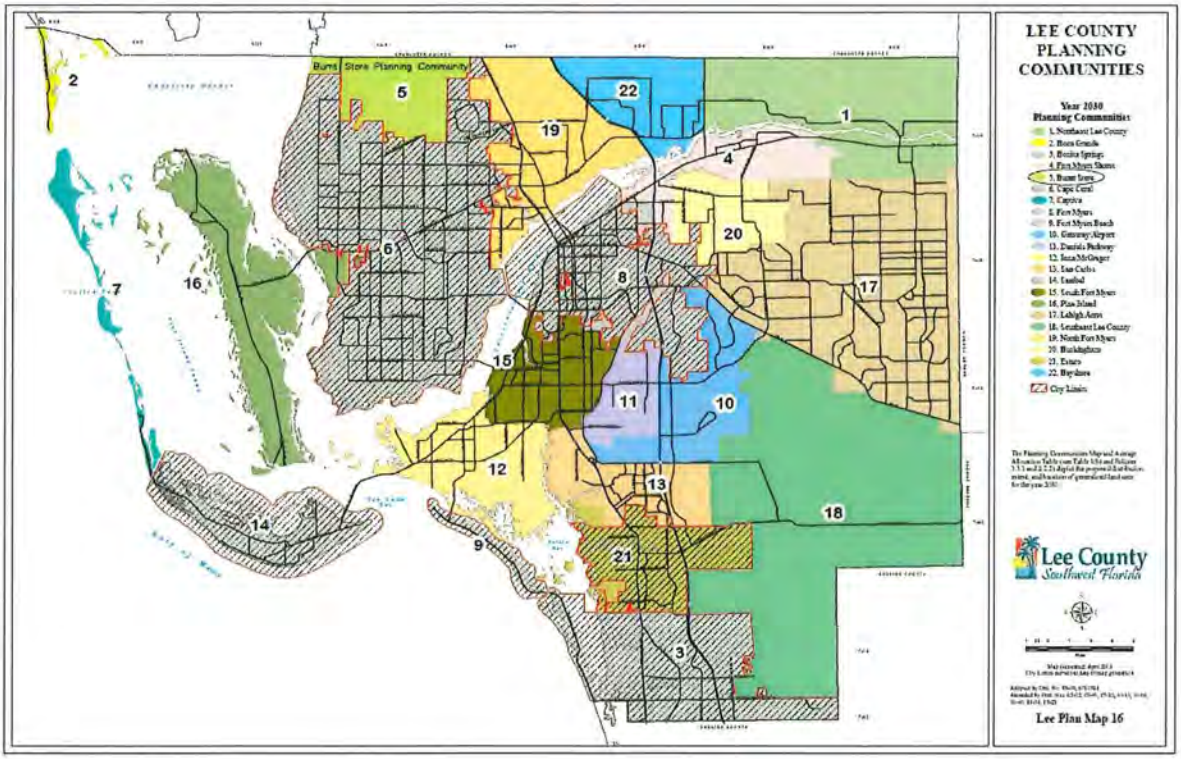
BSR 40

Application for a Comprehensive Plan Amendment-Map

Planning Communities Community Plan Area Requirements

Burnt Store Planning Community - This Community is in the northwest corner of the mainland of unincorporated Lee County. This area is expected to substantially grow through the year 2030. Today, most of the community's commercial needs are served outside of the community in Cape Coral, North Fort Myers, and Fort Myers, or in Charlotte County. This development pattern is expected to remain through 2020."

There are no community plan development requirements at this time.



CPA2023-00012

Babcock Lee
Text Amendment

SUMMARY SHEET FOR
CPA2023-00012– BABCOCK LEE
TRANSMITTAL HEARING

REQUEST:

- Amend Lee Plan Policy 1.1.15, New Community, to change the density allowance from one (1) unit per 2.5 (1 du/2.5 acres) acres to one (1) unit per 1.9 acres (1 du/1.9 acres).
- Amend Lee Plan Policy 29.9.1 regarding residential density for Babcock Ranch from 1 unit per 2.5 acres for a maximum of 1,630 units to 1 unit per 1.9 acres for a maximum of 2,078 units.
- Amend Lee Plan Policy 29.9.2 regarding nonresidential intensities for Babcock Ranch to decrease the total number of permitted hotel rooms from 600 to 250.
- Amend Note 19 of Table 1(a) to reflect the changed density of the New Community Future Land Use Category in Babcock Ranch.

SUMMARY:

This is a privately initiated text amendment on the portion of Babcock Ranch located within Lee County in the New Community Future Land Use Category to increase the allowed density from 1 unit per 2.5 acres to 1 unit per 1.9 acres with a maximum number of units to 2,078 and reduce the total number of hotel rooms from 600 to 250. The companion Planned Development Amendment also increases the onsite preservation area from 2,079 acres to 2,613 acres.

LPA PUBLIC HEARING:

The LPA discussed the proposed amendments and various merits of the case, housing types, traffic, access, and uses.

LPA PUBLIC INPUT:

One member of the public addressed the LPA in support of the proposed amendments.

LPA MOTIONS:

A motion was made to recommend that the Board of County Commissioners ***transmit*** CPA2023-00012. The motion passed 6 to 0.

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

STAFF RECOMMENDATION: Staff recommends that the BoCC ***transmit*** the proposed amendments as provided in Attachment 1 of the staff report.

STAFF REPORT FOR

CPA2023-00012:
BABCOCK LEE TEXT AMENDMENT

Privately Initiated Text Amendments to the Lee Plan

Recommendation:
Transmit

Applicant:
Babcock Property Holdings, LLC

Representative:
RVi Planning + Landscape Architecture

Hearing Dates:
LPA: 09/23/2024
BoCC #1: TBD
BoCC #2: TBD

Attachments:
1: Proposed Amendment

REQUEST

- Amend Lee Plan Policy 1.1.15, New Community, to change the density allowance from one (1) unit per 2.5 (1 du/2.5 acres) acres to one (1) unit per 1.9 acres (1 du/1.9 acres).
- Amend Lee Plan Policy 29.9.1 regarding residential density for Babcock Ranch from 1 unit per 2.5 acres for a maximum of 1,630 units to 1 unit per 1.9 acres for a maximum of 2,078 units.
- Amend Lee Plan Policy 29.9.2 regarding nonresidential intensities for Babcock Ranch to decrease the total number of permitted hotel rooms from 600 to 250.
- Amend Note 19 of Table 1(a) to reflect the changed density of the New Community Future Land Use Category in Babcock Ranch.

SUMMARY

This is a privately initiated text amendment on the portion of Babcock Ranch located within Lee County in the New Community Future Land Use Category to increase the allowed density from 1 unit per 2.5 acres to 1 unit per 1.9 acres with a maximum number of units to 2,078 and reduce the total number of hotel rooms from 600 to 250. The companion Planned Development Amendment also increases the onsite preservation area from 2,079 acres to 2,613 acres.

LOCATION

The proposed amendments are text amendments impacting the New Community Future Land Use designation on the portion of Babcock Ranch located within Lee County.

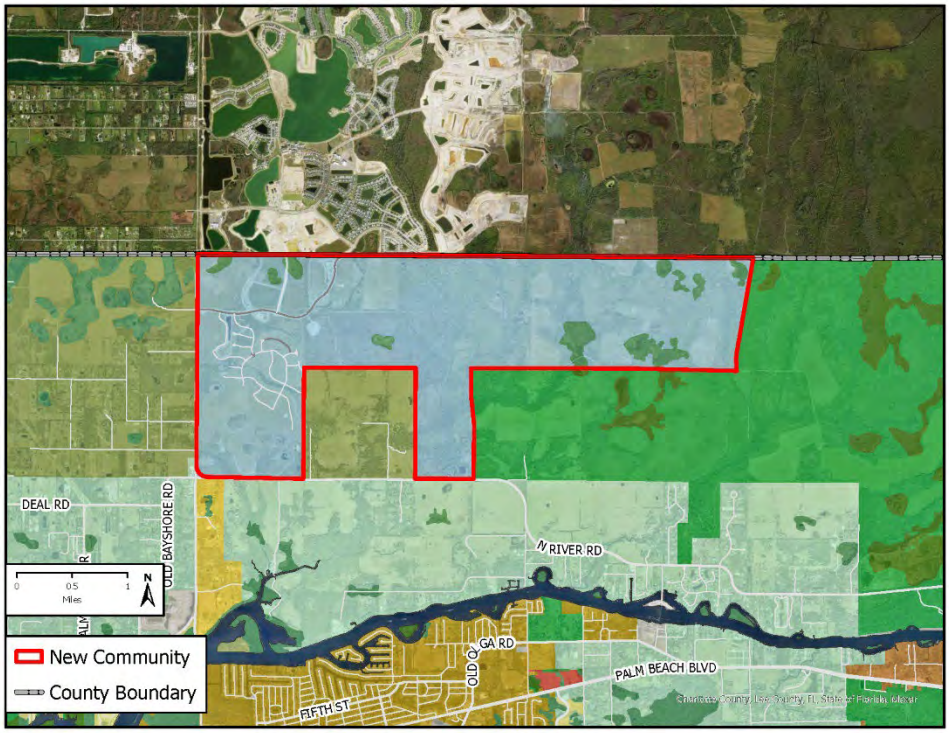


Figure 1: Aerial location and Future Land Use Map, showing area impacted by proposed amendment.

RECOMMENDATION

Staff recommends that the Board of County Commissioners ***transmit*** the amendments based on the analysis and findings provided in this staff report.

PART 1
STAFF ANALYSIS

BACKGROUND

Babcock Ranch is a multi-use development with portions within Lee and Charlotte Counties. The Charlotte County side of Babcock Ranch was developed as a Development of Regional Impact. The DRI allows for the development of 17,870 dwelling units, 6 million square feet of non-residential uses, 600 hotel rooms, 177 hospital beds, 418 assisted living facility units, educational facilities, recreational uses, and civic space.

Approximately 4,157 acres of the 18,000-acre Babcock Ranch property are within Lee County. In 2018, the portion of Babcock Ranch within Lee County (Babcock Lee) was given the New Community Future Land Use Category (FLUC), which allowed a density of one dwelling unit per two-and-a-half acres (1DU/2.5 Acres) of uplands for a maximum of 1,630 dwelling units along with other non-residential uses. A companion rezone to Mixed Use Planned Development (MPD) was also approved via Resolution Z-17-026.

Development has started on the Lee County side of Babcock Ranch with the TerraWalk community, some commercial areas, and infrastructure; however, most of the existing development is on the Charlotte County side of the community.

In late 2023, the applicant submitted the subject petition for a text amendment to the Lee Plan and a companion amendment to the MPD (DCI2023-00053). Under Florida Statute 163.3184(12), an applicant may request concurrent review of a zoning application with a Comprehensive Plan Amendment. Under this statute, "zoning changes approved by the local government are contingent upon the comprehensive plan or plan amendment transmitted becoming effective."[1]

Future Land Use Category

The portion of Babcock Ranch within Lee County (Babcock Lee) has New Community FLUC, which is designed to facilitate a self-sustaining community with a mixture of residential and nonresidential uses per Policy 1.1.15. Policy 1.1.15, as it currently exists in the Lee Plan, is reproduced below.

> *POLICY 1.1.15: The New Community future land use category are areas of land that can be planned and developed as a cohesive unit in order to better achieve conservation of important environmental resources and to initiate area wide surface water management. New Community land must be located such that the area is capable of being developed with a balance of residential and non-residential uses and that major impacts of the development are internalized and/or alleviated by infrastructure that is existing or will be funded privately. New Community areas will be developed as freestanding economic units and will not impose negative fiscal impacts on the County (other than those associated with the delay in placing property improvements on the tax rolls). The residential density is one unit per 2.5 gross acres (1 du/2.5 acres) except within the Gateway/Airport Planning District, where a residential density of up to six dwelling units per gross acre (6 du/acre) may be permitted.*
>
> *Development within the New Community future land use category must have at least the following characteristics:*
>
> 1. *The land will be developed under a well-conceived overall Planned Development;*

[1] F.S. 163.3184, Process for adoption of comprehensive plan or plan amendment

2. *The land can be served with all necessary facilities and services at no expense to the County. Uniform Community Development Districts and special taxing districts may be utilized toward achieving this objective;*
3. *Population, recreation, open space, educational, office, and research facilities are distributed in an orderly and attractive manner;*
4. *The land must be developed in such a manner as to protect environmentally sensitive areas;*
5. *The land must be developed as a free-standing community offering a complete range of land uses (e.g. a full mix of housing types for a range of household incomes, industrial and office employment centers, and community facilities such as fire departments, schools, law enforcement offices, public recreational areas, health care facilities, and community commercial areas). The mix of land uses will be evaluated through buildout of the New Community to ensure developments include both residential and non-residential uses;*
6. *Off-site impacts must be mitigated;*
7. *On-site levels of service must meet the County-wide standards contained in this plan;*
8. *The land area must exceed a minimum of 2,000 acres to ensure an appropriate balance of land uses; and*
9. *The land must be developed consistent with Goal 29 if located within the North Olga Community Plan area identified on Lee Plan Map 2-A.*

Babcock Lee also contains sections of Wetlands FLUC, described in Objective 1.5. The proposed amendments would not impact how the County reviews the portions of the property in a Wetlands FLUC.

Community Plan Area

In addition to the New Community FLUC, the North Olga and Northeast Lee County Community Plan Areas apply to the affected area.

The Northeast Lee Community Plan Area encompasses all of the land east of SR 31 north of the river to the Charlotte and Hendry County boundaries, as well as the rural areas south of the river along Palm Beach Blvd. Northeast Lee includes two additional Community Plan Areas: North Olga and Alva. Babcock Lee is within the North Olga Community Plan Area (Lee Plan Goal 29).

Lee Plan Objective 29.9 provides guidance on New Community FLUC within the North Olga Community plan area by outlining residential density, nonresidential intensity, environmental enhancements, water quality and hydrological concerns, infrastructure requirements, and development standards.

Planning District

Babcock Lee is located in the Northeast Lee Planning District (District 1), which allocates 1,115 acres to the New Community FLUC for residential development and 300 acres for commercial development. The proposed amendment will not increase the development footprint or change the future land use category of any property and, therefore, will not require a change to the acreage allocations in the Northeast Lee Planning District to accommodate anticipated development.

REQUEST

The proposed text amendment changes four policies relating to the residential density and number of hotel rooms allowed in the New Community Future Land Use Category for the portion of Babcock Ranch

within Lee County. This is the only area of the county this text amendment impacts. The requested changes are reflected in strikethrough/underline format below.

> **POLICY 1.1.15:** The New Community future land use category are areas of land that can be planned and developed as a cohesive unit ~~in order~~ to better achieve the conservation of important environmental resources and ~~to~~ initiate ~~area wide~~ area-wide surface water management. New Community land must be located such that the area is capable of being developed with a balance of residential and non-residential uses and that major impacts of the development are internalized and/or alleviated by existing infrastructure ~~the is existing~~ or will be funded privately. New Community areas will be developed as freestanding economic units and will not impose negative fiscal impacts on the County (other than those associated with the delay in placing property improvements on the tax rolls). The residential density is one unit per ~~2.5~~1.9 gross acres (1 du/~~2.5~~1.9 acres) except within the Gateway/Airport Planning District, where a residential density of up to six dwelling units per gross acre (6 du/acre) may be permitted.
>
> Development within the New Community future land use category must have at least the following characteristics:
>
> 1. The land will be developed under a well-conceived overall Planned Development;
> 2. The land can be served with all necessary facilities and services at no expense to the County. Uniform Community Development Districts and special taxing districts may be utilized toward achieving this objective;
> 3. Population, recreation, open space, educational, office, and research facilities are distributed in an orderly and attractive manner;
> 4. The land must be developed in such a manner as to protect environmentally sensitive areas;
> 5. The land must be developed as a free-standing community offering a complete range of land uses (e.g. a full mix of housing types for a range of household incomes, industrial and office employment centers, and community facilities such as fire departments, schools, law enforcement offices, public recreational areas, health care facilities, and community commercial areas). The mix of land uses will be evaluated through buildout of the New Community to ensure developments include both residential and non-residential uses;[1]
> 6. Off-site impacts must be mitigated;
> 7. On-site levels of service must meet the County-wide standards contained in this plan;
> 8. The land area must exceed a minimum of 2,000 acres to ensure an appropriate balance of land uses; and
> 9. The land must be developed consistent with Goal 29 if located within the North Olga Community Plan area identified on Lee Plan Map 2-A.

Policy 29.9.1: Residential densities for land within the New Community future land use category may be permitted up to a maximum of 1 du/~~2.5~~ 1.9 acres. In no case shall the unit count in the New Community future land use category in North Olga exceed ~~1,630~~2,078 dwelling units.

Policy 29.9.2: Non-residential intensities for lands within the New Community future land use category will be limited to a maximum permitted Floor Area Ratio (FAR) of 0.15. The FAR will be based upon the gross acreage dedicated to non-residential uses within the overall planned development boundary, including all uplands, wetlands, open space, rights-of-way, recreation areas, and/or lake. In no case shall the total commercial square footage in the New Community future land use category in North Olga exceed 1,170,000 square feet, in addition to ~~600~~ 250 hotel rooms.

Table 1(a) Note 19: [19] The maximum density in the New Community future land use category is limited to 1 du/~~2.5~~1.9 acres in the North Olga Community Plan area (see Policy 1.1.15).

PROCEDURAL REQUIREMENTS

The Lee Plan is Lee County's comprehensive plan, which provides the long-term vision for development in the county. Florida Statutes require comprehensive plans to include certain topics as elements. The Lee Plan divides these elements into chapters, which are further supported by goals, objectives, standards, and policies. Lee Plan Chapter XIII, entitled Administration, section "d" addresses Amendments to the Plan. The applicable paragraph is reproduced below.

> *This plan, including the Future Land Use Map, may be amended in accordance with Florida Statutes and administrative procedures adopted by the Board of County Commissioners in Lee County Administrative Code 13-6. In accordance with § 163.3177(1)(f), Fla. Stat., all amendments must be based upon relevant and appropriate data and analysis.*

Lee County Administrative Code 13-6 establishes procedures for amendments to the Lee Plan, including notice requirements and provisions for public participation during the amendment process. The subject petition is a privately initiated amendment to the Lee Plan, meaning it has been requested by an entity other than the County and follows the amendment process described in Florida Statutes section 163.3184.

The proposed amendments have complied with the procedural requirements of the Lee Plan, Lee County Administrative Code 13-6, and State Statute.

LEE PLAN CONSISTENCY

The comprehensive plan applies to all land use decisions within the county. Where goals, objectives, or policies of particular elements conflict, those conflicts will be resolved based on an analysis of the Lee

Plan as a whole. The Lee Plan analysis included in this staff report outlines the proposed amendments in relation to the most applicable Lee Plan goals, objectives, and policies to determine their appropriateness.

According to **Policy 1.1.15**, areas of the land with New Community should be self-sufficient, multi-use developments that prioritize conservation through clustered development design and provide area-wide surface water management and other infrastructure. Babcock Ranch is a mixed-use, master-planned community with utilities, surface water management, conservation areas, and other associated infrastructure. The applicant is proposing an amendment to this policy to allow a slightly higher density to facilitate additional residential units in Babcock Lee for multi-family and Assisted Living Facility uses. No changes are proposed to the FLUM that would increase the acreage of the New Community FLUC in the Northeast Lee Planning District. **The proposed density increase is not inconsistent with the intent of Policy 1.1.15.**

Lee Plan **Objective 1.5** states that the County will designate lands that are identified as wetlands according to state statute with a Wetland FLUC that, per **Policy 1.5.1**, restricts permitted uses to very low-density residential uses and recreational uses that will not adversely affect the ecological functions of the wetlands. The proposed text amendments do not change what is allowable within the Wetlands future land use category or decrease the amount of Wetlands on the property. The applicant will add seven (7) acres of wetlands to the FLUM with the Administrative Interpretation process described in the Administration Chapter of the Lee Plan and as required by **Policy 1.5.2**. The applicant's total number of residential units accounts for a calculation of one (1) dwelling unit per twenty (20) acres of impacted wetlands, resulting in a total of three (3) dwelling units derived from wetland areas. The remaining units are derived from approximately 4,101 acres of uplands and preserved wetlands. **The proposed amendments do not impact the preservation of wetlands or increase the total acreage of impacted wetlands and are therefore not inconsistent with the policies in Objective 1.5.**

Goal 2 of the Lee Plan addresses Growth Management within the county. The application materials state that the proposed density increase will only occur in areas already approved for development, and the densest areas will be located close to other areas within the community with higher density and intensity. **The proposed amendments support Goal 2 broadly by increasing density in an area of the county with sufficient infrastructure to serve the proposed changes without impacting undeveloped areas inside or outside of Babcock Ranch.**

Goal 5, Residential Land Uses, states that the county will provide housing for the anticipated population in 2045 in suitable areas through attractive neighborhoods with a variety of housing options at affordable prices. The proposed amendment increases the density and total number of dwelling units allowed in an area of the county with attractive neighborhoods. Per the application materials, the increased density is to support the inclusion of affordable housing units and assisted living facilities. **The additional housing options supported by the proposed amendment are broadly consistent with Goal 5, as well as the following supporting policies.**

Policy 5.1.2 prohibits residential development where physical constraints or hazards exist. Hazards and constraints are defined as "flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community." As previously noted, the proposed amendment will allow for increased density in areas within Babcock Ranch that have previously been determined to be consistent with Policy 5.1.2. **The proposed amendment is consistent with Policy 5.1.2.**

Part B of the Lee Plan's Future Land Use Element addresses Community Planning. The Goals 17, 27, and 29 apply to the proposed text amendment. **Goal 17** includes the requirements for all development within a Community Plan area. Goals 27 and 29 apply to the specific Community Plan Areas the text amendment would apply to: Northeast Lee County and North Olga, respectively.

Objective 17.3 requires public input as part of the comprehensive plan and land development code amendment processes. **Policy 17.3.2** specifically states,

> *One public information meeting is required for privately-initiated applications that propose a text change within a community plan or revises a map designation within a community plan area boundary. The meeting must be conducted before the application can be found complete.*

The proposed text amendments have been private-initiated and impact an area of the county within the North Olga and Northeast Lee County Community Plan Areas. The applicant held the following public meetings:

MEETING TYPE	DATE
Babcock Public Meeting	12/08/2023
North Olga Planning Panel	1/18/2024
Alva Inc Meeting	2/14/2024
Alva Inc Meeting	3/12/2024
North Olga Community Meeting	3/16/2024
North Olga Planning Panel	4/18/2024
North Olga Planning Panel	7/18/2024

The official North Olga Community Meeting was held on March 16th at the intersection of Saw Palmetto Parkway and Curry Preserve Drive at 10:00 a.m. This intersection is within Babcock Ranch in Lee County. The application materials include a meeting summary and sign-in sheet with three attendees meeting the requirements of **Policy 17.3.4**. The application was found complete and sufficient on August 20, 2024. **Policy 17.3.3** requires community input meetings to be held within the boundaries of the community plan area that they impact. This is expanded upon further in a footnote in the policy, requiring projects within Northeast Lee County to hold a public information meeting within both North Olga and Alva. The applicant met with Alva, Inc. on February 13, 2024, and March 12, 2024. **The applicant has complied with the Lee Plan requirements for Public Input in Objective 17.3.**

The Northeast Lee County Community Plan Area seeks to maintain and enhance the rural character of the communities in Northeast Lee County, generally known as Alva and North Olga; both have individual community plans in addition to the Northeast Lee Community Plan. The proposed text amendment applies to property within the Northeast Lee (Goal 27) and North Olga (Goal 29) Community Plan Areas.

Objective 27.1, Agricultural and Rural Character, states,

> *Maintain and enhance the viability of the existing and evolving commercial agricultural operations, preserve open space, and retain the rural character of Northeast Lee County. For the purposes of this objective, rural character is defined as those characteristics that convey a sense of rural lifestyle such as large lots or clustered development, ample views of wooded areas, open spaces, and river fronts, working farms and productive agricultural uses, and the protection of environmentally sensitive lands.*

Policy 27.1.1 supports Objective 27.1 by encouraging continued commercial agricultural operations and clustered new development to conserve open lands. The proposed text amendment increases density for properties with New Community FLUC in the Northeast Lee Community Plan Area from 1 unit per 2.5 acres to 1 unit per 1.9 acres; however, the proposed density increase will occur in areas already designated for clustered development and does not add any new development acreage to the Planning District in which it is located. Additionally, the amendment decreased the number of hotel rooms in the portion of Babcock Ranch within Lee County. Therefore, **the proposed amendment does not inhibit or change the rural nature of the properties it impacts more than what is already permitted in the FLUC and is consistent with Objective 27.1 and Policy 27.1.1.**

Policy 27.4.1 addresses the rural character of North River Road,

> *Work to preserve the rural character and scenic qualities of North River Road, and support multiple modes of travel for residents, businesses, visitors, and commercial agriculture within Northeast Lee County. Implementation of this policy will not impact the function or operation of agricultural lands within the Planning Community for the purposes of scenic preservation.*

The proposed text amendment does not increase development along North River Road, and the concurrent zoning amendment to the Planned Development Master Concept Plan does not change any access points to the development along North River Road. According to the application materials, all development will be adjacent to the Charlotte County boundary, where the high-intensity uses within Babcock Ranch are already located. **The proposed text amendment does not conflict with Policy 27.4.1.**

Goal 29 establishes the North Olga Community Plan to ensure North Olga's rural character and heritage persist over time. **Objective 29.1** directs the County to establish comprehensive plan policies, land development code regulations, and other planning mechanisms to ensure new development does not detract from the rural nature of the community and established commercial agricultural businesses. **Policy 29.1.1** addresses the rural aesthetics of the community and promotes compact, clustered development to maintain large, contiguous open spaces. The proposed text amendments do increase the density allowed in the portion of Babcock Ranch within Lee County, but they do not expand the areas that will be developed. The master concept plan submitted with the concurrent planned development amendments increases the open space in the portion of the Babcock Ranch property closest to Noth River Road. Additionally, the text amendments do not change any design, landscaping, or signage requirements. **The proposed text amendments are consistent with Objective 29.1.**

Objective 29.2 describes residential uses that support the rural character of the area. As stated previously, the proposed amendments do increase the allowed density slightly but do not increase the development area. The application materials state,

> *This text amendment will continue to allow for the clustering of development in a mixed-use setting by allowing for an additional 360 multifamily dwelling units. The remaining density will be utilized for assisted living facility beds…These changes will provide additional housing diversity and allow aging in place opportunities for existing and future residents and their families*[2].

Staff concurs with the applicant. **The increased density is consistent with Policy 29.2.1**, which encourages planned developments to provide a mixture of housing types. The Master Concept Plan also continues to

[2] Request narrative page 3.

depict larger-lot residential development in the areas closest to residential development outside of Babcock Ranch and maintains community gathering areas, **consistent with Policy 29.2.2 and Policy 29.2.3**.

The proposed text amendments also reduce the number of hotel rooms permitted in the Lee County portion of Babcock Ranch. **The reduced number of hotel rooms does not conflict with Objective 29.3 regarding commercial land uses outside of Babcock.**

Objective 29.9 provides the guidelines for properties with New Community FLUC in the North Olga Community Plan Area. Babcock Ranch is the only property with this future land use designation in this Community Plan Area. This objective states,

> *Land designated as New Community on the Future Land Use Map within the North Olga Community Plan area will be developed as a unified planned development in order to achieve conservation and enhancement of important environmental resources; initiate area wide surface water management; prevent sprawling land use patterns; create critical hydrological and wildlife corridors and connections; and protect rural character of the surrounding community.*

The applicant is not proposing any changes to the text of Objective 29.9. The proposed changes do not change whether Babcock Lee will be developed as a unified planned development, reduce conservation areas, change the surface water management mechanisms, or decrease the hydrological or wildlife corridor requirements. The applicant has proposed adding more conservation areas and increasing density in areas where development is already slated to exist. Increasing density without increasing the development area reduces sprawl.

Three policies support objective 29.9. The first, Policy 29.9.1, sets the residential density and unit cap for properties with New Community FLUC in North Olga. The second, Policy 29.9.2, sets the nonresidential intensities for New Community in North Olga. The last policy, Policy 29.9.3, details all the conditions and requirements the planned development must include. The applicant is requesting text amendments to Policies 29.9.1 and 29.9.2. No changes are requested to Policy 29.9.3. The applicant is trading some commercial intensity for additional residential density, and, in addition to reducing the number of hotel units, the applicant will, through the administrative Future Land Use Map determination and the companion planned development amendment, increase the natural preserve areas from 2,079 acres to 2,613 acres, which equates to over 60% of the site.[3]

The proposed text amendment to **Policy 29.9.1** to increase the residential density changes the density from one (1) unit per 2.5 acres to one (1) unit per 1.9 acres. This density is lower than the county's allowed density for the Rural, Rural Community Preserve, and Outer Islands Future Land Use Categories and only slightly higher than the density allowed in the Coastal Rural FLUC. All of these FLUCs are considered Future Non-Urban Areas. The proposed density increase does not increase density above that allowed in non-urban areas, which helps maintain the community's rural character. **The proposed amendments are consistent with Objective 29.9, its supporting policies, and the County's Vision Statement to accurately depict areas of growth with the Future Land Use Map.**

[3] Request narrative page 11.

The proposed text amendment to **Policy 29.9.2** reduces the commercial intensity, specifically the number of potential hotel rooms from 600 to 250. No other changes are proposed to this policy. **Reducing the number of hotel rooms is consistent with the intent of Policy 29.9.2 to limit commercial development.**

The proposed amendments are consistent with the Future Land Use Element's Goals, Objectives, and Policies.

Chapter III, Transportation Element, of the Lee Plan includes the goals, objectives, and policies relating to transportation in the county. **Objective 36.3**, Babcock Ranch Community (BRC), includes transportation requirements for Babcock Ranch. No amendments are proposed to this section, and **the proposed text amendments do not impact the policies in this objective or the county's ability to enforce these policies.**

In addition to Policy 72.2.2, the county requires the applicant to address hurricane evacuation at the time of the Development Order in Policy **101.3.5.** This policy states,

> *An applicant of a development order for any permanent or temporary places of residence including, but not limited to, caretakers residence, dormitories, hotels or motels, and dwelling units within the Hurricane Vulnerability Zone or on islands, must provide appropriate mitigation as determined by Lee County Department of Public Safety, which may include, but is not limited to, the payment of a fee, or construction of hurricane shelters and transportation facilities.*

Lee Plan **Goal 123**, Resource Protection, states that the County will "manage coastal, wetland and upland ecosystems and natural resources in order to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics." The proposed text amendments do not allow an increase in the impacts on wetlands on site. **The proposed text amendments are not inconsistent with Goal 123 or its supporting policies.**

Lee Plan Chapter VIII contains the Housing Element. The proposed text amendments increase density within the portion of Babcock Ranch in Lee County. The application materials state that the additional units will be used to create multi-family units, including some affordable housing and an assisted living facility, **broadly supporting Lee Plan Goal 135, Objective 135.1, and Objective 135.4.**

SERVICE AVAILABILITY

The applicant provided Letters of Availability demonstrating adequate potable water, sanitary sewer, solid waste, police, EMS, schools, and public transit services to accommodate the development allowed by the proposed text amendments.

Transportation: CPA applications are required to provide information on a short-range (5 years) and long-range (20+ years) level of service (LOS) analysis. The 5-year analysis indicates SR 80 from SR 31 to Buckingham Rd and SR 31 from SR 80 to Shirley Ln will operate at LOS "F" with and without the proposed change. The Long Range 2045 Horizon LOS analysis indicates SR 80 from SR 31 to Buckingham Rd, SR 31 from SR 78 to County Line will operate at LOS "F" with and without the proposed change, SR 31 from SR 80 to SR 78 will operate at LOS "D" without the proposed change and LOS "F" with the proposed change. SR 31, SR 80, and SR 78 are arterials maintained by the State of Florida. 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." Transportation impacts will be reviewed again with the rezone application and development orders.

Mass Transit: The affected area is not within one-quarter mile of a fixed-route corridor, the closest bus stop is not within one-quarter mile, and the 2016 TDP does not identify the need for enhanced or additional transit services in the area.

Utilities: The affected area is within the Babcock Ranch Community Independent Special District for potable water, sanitary sewer service, and reclaim. In a letter dated November 30, 2023, the Babcock Ranch Community Independent Special District stated the infrastructure requirements but did not commit to reservation of services. Ultimately, the District will be responsible for ensuring capacity for potable water, sanitary sewer, and reclaim services on-site. Capacity for water and sewer facilities will be reviewed at the time of the Development Order consistent with Objective 4.1.

Solid Waste: Waste Pro of Florida indicated in a letter dated February 21, 2024, that they do not object to the proposed amendments and future development.

Fire and EMS: The Bayshore Fire District indicated in a letter dated February 9, 2023, that they could provide fire and rescue services based on the understanding that the District and Lee County EMS will be building a Fire/EMS facility and providing services on land donated by Babcock within the development.

Police: The Lee County Sheriff will provide law enforcement services from the North District offices in North Fort Myers. The Sheriff indicated in a letter dated November 28, 2023, that the proposed amendment will not affect the ability of the Lee County Sheriff's Office to provide law enforcement services to the area. The Sheriff's Office requests a Crime Prevention Through Environmental Design (CPTED) report at the time of the Development Order.

Schools: The School District of Lee County provided a letter on December 12, 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. Additionally, the portion of Babcock Ranch within Charlotte County contains a K-8 and a 9-12 school, the Babcock Neighborhood School and Babcock High School, respectively. According to the school website, out-of-county students within 4 miles of the school property may enter a lottery for the opportunity to attend the local schools.

CONCLUSION

Based on the analysis above, the text amendments to Policy 1.1.15, Policy 29.9.1, Policy 29.9.2, and Note 19 of Table 1(a) are consistent with the Lee Plan.

- The application has met the procedural requirements of the Lee Plan, Lee County Administrative Code 13-6, and State Statute.
- The proposed Non-Urban density is consistent and compatible with the **Community Plan Areas in Goals 27 and 29**.
- The increased density supports **Goals 5 and 135** with diverse housing choices and aging-in-place.
- The areas where density will be increased are internal to the site, close to the Charlotte County boundary, where development already exists, and there are no physical constraints or hazards, consistent with **Policy 5.1.2.**
- Infrastructure and services are available per **Lee Plan Goal 2**.

For the reasons discussed in this staff report, staff recommends that the Board of County Commissioners ***transmit*** the proposed amendment as shown in Attachment 1.

PART 2
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: September 23, 2024

A. LOCAL PLANNING AGENCY REVIEW

The applicant's representatives provided a presentation addressing the requested amendments, the subject property, surrounding uses, consistency with the Lee Plan, traffic study, environmental impacts, and an overview of the companion rezoning application.

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

Members of the LPA asked about the timeline for roadway projects surrounding the property, proposed housing types, environmental impacts, and reduction of commercial uses.

One member of the public addressed the LPA in favor of the proposed amendments, citing the planning efforts in Northeast Lee County to ensure development was clustered and open space was maintained.

B. LOCAL PLANNING AGENCY RECOMMENDATION

A motion was made to recommend that the Board of County Commissioners (BoCC) ***transmit*** CPA2023-00012. The motion passed 6 to 0.

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

C. STAFF RECOMMENDATION

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

PROPOSED TEXT AMENDMENTS

FUTURE LAND USE ELEMENT

POLICY 1.1.15: The New Community future land use category are areas of land that can be planned and developed as a cohesive unit ~~in order~~ to better achieve the conservation of important environmental resources and ~~to~~ initiate ~~area wide~~ area-wide surface water management. New Community land must be located such that the area is capable of being developed with a balance of residential and non-residential uses and that major impacts of the development are internalized and/or alleviated by existing infrastructure ~~the is existing~~ or will be funded privately. New Community areas will be developed as freestanding economic units and will not impose negative fiscal impacts on the County (other than those associated with the delay in placing property improvements on the tax rolls). The residential density is one unit per ~~2.5~~1.9 gross acres (1 du/~~2.5~~1.9 acres) except within the Gateway/Airport Planning District, where a residential density of up to six dwelling units per gross acre (6 du/acre) may be permitted.

Development within the New Community future land use category must have at least the following characteristics:

1. The land will be developed under a well-conceived overall Planned Development;
2. The land can be served with all necessary facilities and services at no expense to the County. Uniform Community Development Districts and special taxing districts may be utilized toward achieving this objective;
3. Population, recreation, open space, educational, office, and research facilities are distributed in an orderly and attractive manner;
4. The land must be developed in such a manner as to protect environmentally sensitive areas;
5. The land must be developed as a free-standing community offering a complete range of land uses (e.g. a full mix of housing types for a range of household incomes, industrial and office employment centers, and community facilities such as fire departments, schools, law enforcement offices, public recreational areas, health care facilities, and community commercial areas). The mix of land uses will be evaluated through buildout of the New Community to ensure developments include both residential and non-residential uses;[1]
6. Off-site impacts must be mitigated;
7. On-site levels of service must meet the County-wide standards contained in this plan;
8. The land area must exceed a minimum of 2,000 acres to ensure an appropriate balance of land uses; and

9. The land must be developed consistent with Goal 29 if located within the North Olga Community Plan area identified on Lee Plan Map 2-A.

Policy 29.9.1: Residential densities for land within the New Community future land use category may be permitted up to a maximum of 1 du/~~2.5~~ 1.9 acres. In no case shall the unit count in the New Community future land use category in North Olga exceed ~~1,630~~2,078 dwelling units.

Policy 29.9.2: Non-residential intensities for lands within the New Community future land use category will be limited to a maximum permitted Floor Area Ratio (FAR) of 0.15. The FAR will be based upon the gross acreage dedicated to non-residential uses within the overall planned development boundary, including all uplands, wetlands, open space, rights-of-way, recreation areas, and/or lake. In no case shall the total commercial square footage in the New Community future land use category in North Olga exceed 1,170,000 square feet, in addition to ~~600~~ 250 hotel rooms.

APPENDIX B | TABLES

Table 1(a) Note 19: [19] The maximum density in the New Community future land use category is limited to 1 du/~~2.5~~1.9 acres in the North Olga Community Plan area (see Policy 1.1.15).

BABCOCK
COMPREHENSIVE PLAN AMENDMENT

September 23, 2024

PREPARED FOR:

Babcock Property Holdings, LLC

SUBMITTED TO:

Lee County
Department of Community Development - Planning Division
1500 Monroe Street
Fort Myers, FL 33901

TABLE OF CONTENTS

Completed Application Form

Lee County Community Development

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - TEXT

Project Name: Babcock Ranch Lee Amendment

Project Description: Amend Lee Plan Policy 1.1.15 relating to the New Community Future Land Use Category and Objective 29.9 relating to New Community North Olga, to allow an increase in the number of dwelling units (DUs) from 1,630 DUs to 2,078 DUs and a reduction in hotel rooms from 600 to 250 rooms. The amendment will increase onsite preservation and wetlands

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

***Must be directly related to the implementation of small-scale map amendment as required by Florida Statutes.**

APPLICANT – PLEASE NOTE:
A PRE-APPLICATION MEETING IS REQUIRED PRIOR TO THE SUBMITTAL OF THIS APPLICATION.

Submit 3 copies of the complete application and amendment support documentation, including maps, to the Lee County Department of Community Development.

Once staff has determined that 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, 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.

1. **Name of Applicant:** Babcock Property Holdings, LLC
   Address: 42850 Crescent Loop, Suite 200
   City, State, Zip: Babcock Ranch, FL 33982
   Phone Number: 941.235.6912 E-mail: ewoods@kitsonpartners.com

2. **Name of Contact:** Tom Sacharski, AICP
   Address: 8725 Pendery Place, Suite 101
   City, State, Zip: Bradenton, FL 34201
   Phone Number: 941.706.6132 E-mail: tsacharski@rviplanning.com

3. **Property Information:** Provide an analysis of any property within Unincorporated Lee County that may be impacted by the proposed text amendment. +/- 4,157 acres located in the New Community FLU classification within the North Olga Planning Area. The Subject site is located east of State Road 31 and north of North River Road.

4a. **Does the proposed change affect any of the following areas?**

If located in one of the following areas, provide an analysis of the change to the affected area.

- ☐ Public Acquisition [Map 1-D]
- ☐ Agricultural Overlay [Map 1-G]
- ☐ Airport Mitigation Lands [Map 1-D]
- ☐ Airport Noise Zones [Map 1-E]
- ☐ Southeast Lee County Residential Overlay [Map 2-D]
- ☐ Mixed Use Overlay [Map 1-C]
- ☐ Community Planning Areas [Map 2-A]
- ☐ Urban Reserve [Map 1-D]
- ☐ Water-Dependent Overlay [Map 1-H]
- ☐ Private Recreational Facilities Overlay [Map 1-F]

4b. Planning Communities/Community Plan Area Requirements

If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session [Lee Plan Goal 17].

☐ N/A	☐ Bayshore [Goal 18]	☐ Boca Grande [Goal 19]	☐ Buckingham [Goal 20]
☐ Caloosahatchee Shores [Goal 21]	☐ Olga [Goal 22]	☐ Captiva [Goal 23]	☐ Greater Pine Island [Goal 24]
☐ Lehigh Acres [Goal 25]	☐ North Captiva [Goal 26]	☐ NE Lee County [Goal 27]	☐ Alva [Goal 28]
■ North Olga [Goal 29]	☐ North Fort Myers [Goal 30]	☐ Page Park [Goal 31]	☐ San Carlos Island [Goal 32]
☐ Southeast Lee County [Goal 33]	☐ Tice [Goal 34]		

Public Facilities Impacts

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

1. **Traffic Circulation Analysis**: Provide an analysis of the effect of the change on the Financially Feasible Transportation Plan/Map 3-A (20-year horizon) and on the Capital Improvements Element (5-year horizon).

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

Environmental Impacts

Provide an overall analysis of potential environmental impacts (positive and negative).

Historic Resources Impacts

Provide an overall analysis of potential historic impacts (positive and negative).

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. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan goals and policies, and Strategic Regional Policy Plan goals, strategies, 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.

SUBMITTAL REQUIREMENTS

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

MINIMUM SUBMITTAL ITEMS

■	Completed application (Exhibit – T1)
■	Filing Fee (Exhibit – T2)
■	Pre-Application Meeting (Exhibit – T3)
■	Proposed text changes (in strike through and underline format) (Exhibit – T4)
■	Analysis of impacts from proposed changes (Exhibit – T5)
■	Lee Plan Analysis (Exhibit – T6)
■	Environmental Impacts Analysis (Exhibit – T7)
■	Historic Resources Impacts Analysis (Exhibit – T8)
■	State Policy Plan Analysis (Exhibit – T9)
■	Strategic Regional Policy Plan Analysis (Exhibit – T10)

Property Owners List/Parcel IDs

STRAP	OWNER OF RECORD
024326L301CE21000	BABCOCK PROPERTY HOLDINGS LLC
054326L101E250000	BABCOCK PROPERTY HOLDINGS LLC
064326L301D880000	BABCOCK PROPERTY HOLDINGS LLC
034326L401CE15000	BABCOCK PROPERTY HOLDINGS LLC
034326L201E280000	BABCOCK PROPERTY HOLDINGS LLC
064326L101CE10000	BABCOCK PROPERTY HOLDINGS LLC
074326L202E32B000	BABCOCK PROPERTY HOLDINGS LLC
074326L101CE50000	BABCOCK PROPERTY HOLDINGS LLC
064326L201E220000	BABCOCK PROPERTY HOLDINGS LLC
044326L401CE14000	BABCOCK PROPERTY HOLDINGS LLC
064326L301CE10000	BABCOCK PROPERTY HOLDINGS LLC
074326L102E310000	BABCOCK PROPERTY HOLDINGS LLC
074326L401CE60000	BABCOCK PROPERTY HOLDINGS LLC
024326L201E300000	BABCOCK PROPERTY HOLDINGS LLC
064326L101D870000	BABCOCK PROPERTY HOLDINGS LLC
074326L301I680000	BABCOCK PROPERTY HOLDINGS LLC
034326L201CE19000	BABCOCK PROPERTY HOLDINGS LLC
074326L302E32C000	BABCOCK PROPERTY HOLDINGS LLC
064326L101CE30000	BABCOCK PROPERTY HOLDINGS LLC
034326L301CE18000	BABCOCK PROPERTY HOLDINGS LLC
054326L401D890000	BABCOCK PROPERTY HOLDINGS LLC
054326L101CE12000	BABCOCK PROPERTY HOLDINGS LLC
064326L101E210000	BABCOCK PROPERTY HOLDINGS LLC
064326L101CE20000	BABCOCK PROPERTY HOLDINGS LLC
054326L201CE11000	BABCOCK PROPERTY HOLDINGS LLC
064326L201A520000	BABCOCK PROPERTY HOLDINGS LLC
054326L101D910000	BABCOCK PROPERTY HOLDINGS LLC
024326L301E290000	BABCOCK PROPERTY HOLDINGS LLC
074326L401CE70000	BABCOCK PROPERTY HOLDINGS LLC
074326L301CE80000	BABCOCK PROPERTY HOLDINGS LLC
044326L401CE13000	BABCOCK PROPERTY HOLDINGS LLC
034326L401I670000	BABCOCK PROPERTY HOLDINGS LLC
034326L101E270000	BABCOCK PROPERTY HOLDINGS LLC

034326L301CE20000	BABCOCK PROPERTY HOLDINGS LLC
034326L401CE16000	BABCOCK PROPERTY HOLDINGS LLC
044326L101E260000	BABCOCK PROPERTY HOLDINGS LLC
054326L101D900000	BABCOCK PROPERTY HOLDINGS LLC
064326L401D860000	BABCOCK PROPERTY HOLDINGS LLC
034326L401CE17000	BABCOCK PROPERTY HOLDINGS LLC
074326L201CE90000	BABCOCK PROPERTY HOLDINGS LLC
024326L301CE22000	BABCOCK PROPERTY HOLDINGS LLC
074326L101CE40000	BABCOCK PROPERTY HOLDINGS LLC
074326L1U24585934	FLORIDA POWER AND LIGHT COMPAN
01432600000010000	LEE COUNTY
09432600000020000	LEE COUNTY
114326L1U31565859	LEE COUNTY
064326L4020003667	PULTE HOME COMPANY LLC
064326L3020003823	PULTE HOME COMPANY LLC
064326L3020003825	PULTE HOME COMPANY LLC
064326L4020003689	PULTE HOME COMPANY LLC
074326L202D130000	PULTE HOME COMPANY LLC
064326L3020003811	PULTE HOME COMPANY LLC
064326L4020003672	PULTE HOME COMPANY LLC
074326L202D131000	PULTE HOME COMPANY LLC
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064326L3020003759	PULTE HOME COMPANY LLC
064326L3020003769	PULTE HOME COMPANY LLC
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064326L4020003696	PULTE HOME COMPANY LLC
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064326L402D154000	PULTE HOME COMPANY LLC
064326L4020003719	PULTE HOME COMPANY LLC

Additional Agents Form

ADDITIONAL AGENTS

Company Name:	Henderson Franklin Starnes & Holt, P.A.		
Contact Person:	Richard Akin, Esq.		
Address:	1715 Monroe Street		
City, State, Zip:	Babcock Ranch, FL 33982		
Phone Number:	941.235.6912	Email:	ewoods@kitsonpartners.com

Company Name:	David Plummer and Associates		
Contact Person:	Stephen Leung		
Address:	2149 McGregor Blvd #1		
City, State, Zip:	Bradenton, FL 34201		
Phone Number:	239.332.2614	Email:	stephen.leung@dplummer.com

Company Name:	Johnson Engineering		
Contact Person:	Laura Herrero		
Address:	2122 Johnson St		
City, State, Zip:	Fort Myers, FL 33901		
Phone Number:	239.334.0046	Email:	Lherrero@johnsoneng.com

Company Name:	Kimley-Horn		
Contact Person:	David Mercer, P.E.		
Address:	1514 Broadway, Suite 301		
City, State, Zip:	Fort Myers, FL 33901		
Phone Number:	239.673-2707	Email:	david.mercer@kimley-horn.com

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

Disclosure of Interest

DISCLOSURE OF INTEREST
AFFIDAVIT

BEFORE ME this day appeared Alfred P. Dougherty, Chief Operating Officer of Babcock Properties Holdings, LLC, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at See attached and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

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

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
N/A	

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

Property Owner

Alfred P. Daugherty
Print Name
Chief Operating Officer of Babcock Property Holdings LLC

************NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS************
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF ~~LEE~~ Charlotte

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☑ physical presence or ☐ online notarization, on December 11, 2023 (date) by Alfred P. Daugherty (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL

KAREN B. DOOMS
MY COMMISSION # HH 413183
EXPIRES: June 21, 2027

Signature of Notary Public
Karen B. Dooms

STRAP	Acres	OWNER OF RECORD
024326L301CE21000	382.79	BABCOCK PROPERTY HOLDINGS LLC
054326L101E250000	309.35	BABCOCK PROPERTY HOLDINGS LLC
064326L301D880000	5.64	BABCOCK PROPERTY HOLDINGS LLC
034326L401CE15000	43.38	BABCOCK PROPERTY HOLDINGS LLC
034326L201E280000	109.17	BABCOCK PROPERTY HOLDINGS LLC
064326L101CE10000	5.24	BABCOCK PROPERTY HOLDINGS LLC
074326L202E32B000	184.31	BABCOCK PROPERTY HOLDINGS LLC
074326L101CE50000	8.67	BABCOCK PROPERTY HOLDINGS LLC
064326L201E220000	121.09	BABCOCK PROPERTY HOLDINGS LLC
044326L401CE14000	1128.97	BABCOCK PROPERTY HOLDINGS LLC
064326L301CE10000	63.79	BABCOCK PROPERTY HOLDINGS LLC
074326L102E310000	185.23	BABCOCK PROPERTY HOLDINGS LLC
074326L401CE60000	16.34	BABCOCK PROPERTY HOLDINGS LLC
024326L201E300000	6.4	BABCOCK PROPERTY HOLDINGS LLC
064326L101D870000	9.36	BABCOCK PROPERTY HOLDINGS LLC
074326L301I680000	0.37	BABCOCK PROPERTY HOLDINGS LLC
034326L201CE19000	50.52	BABCOCK PROPERTY HOLDINGS LLC
074326L302E32C000	9.21	BABCOCK PROPERTY HOLDINGS LLC
064326L101CE30000	45.89	BABCOCK PROPERTY HOLDINGS LLC
034326L301CE18000	287.1	BABCOCK PROPERTY HOLDINGS LLC
054326L401D890000	5.35	BABCOCK PROPERTY HOLDINGS LLC
054326L101CE12000	15.17	BABCOCK PROPERTY HOLDINGS LLC
064326L101E210000	179.07	BABCOCK PROPERTY HOLDINGS LLC
064326L101CE20000	10.16	BABCOCK PROPERTY HOLDINGS LLC
054326L201CE11000	11.53	BABCOCK PROPERTY HOLDINGS LLC
064326L201A520000	29.83	BABCOCK PROPERTY HOLDINGS LLC
054326L101D910000	7.91	BABCOCK PROPERTY HOLDINGS LLC
024326L301E290000	156.49	BABCOCK PROPERTY HOLDINGS LLC
074326L401CE70000	27.1	BABCOCK PROPERTY HOLDINGS LLC
074326L301CE80000	131.38	BABCOCK PROPERTY HOLDINGS LLC
044326L401CE13000	25.03	BABCOCK PROPERTY HOLDINGS LLC
034326L401I670000	35.61	BABCOCK PROPERTY HOLDINGS LLC
034326L101E270000	140.39	BABCOCK PROPERTY HOLDINGS LLC
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064326L401D860000	12.69	BABCOCK PROPERTY HOLDINGS LLC
034326L401CE17000	13.12	BABCOCK PROPERTY HOLDINGS LLC
074326L201CE90000	19.7	BABCOCK PROPERTY HOLDINGS LLC
024326L301CE22000	16.78	BABCOCK PROPERTY HOLDINGS LLC
074326L101CE40000	7.19	BABCOCK PROPERTY HOLDINGS LLC

DISCLOSURE OF INTEREST
AFFIDAVIT

BEFORE ME this day appeared Mike Hueniken, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at Babcock Lee MPD – Terra Walk and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

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

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner

Name and Address	Percentage of Ownership
N/A	0%

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

Pulte Home Company, LLC
Property Owner

Print Name: Mike Hueniken

************NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS************
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on November 1, 2023 (date) by Mike Hueniken (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL

JESSICA K LINN
Notary Public-State of Florida
Commission # HH 211052
My Commission Expires
April 16, 2026

Signature of Notary Public

DISCLOSURE OF INTEREST
AFFIDAVIT

BEFORE ME this day appeared Cameron Crenshaw, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at SR-31, North Fort Myers FL 33917 and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

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

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

Cameron Crenshaw, as Corporate Real Estate Manager of Florida Power & Light Company

************NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS************
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on 03·08·24 (date) by Cameron Crenshaw (name of person providing oath or affirmation), who is personally known to me or who has produced FL-DL (type of identification) as identification.

STAMP/SEAL

CELLINE WILLIAMS
MY COMMISSION # HH 361858
EXPIRES: February 13, 2027

Signature of Notary Public

EXHIBIT "A"

LEGAL DESCRIPTION

The land referred to herein is situated in the County of Lee, State of Florida, and is described as follows:

A tract or parcel of land lying in Section 7, Township 43 South, Range 26 East, Lee County Florida, being more particularly described as follows:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE S.00°19'49"W., ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 525.08 FEET; THENCE N.90°00'00"E., DEPARTING SAID LINE, A DISTANCE OF 345.96 FEET TO THE **POINT OF BEGINNING;** THENCE S.89°40'11"E., A DISTANCE OF 190.00 FEET; THENCE N.00°19'49"E., A DISTANCE OF 197.50 FEET; THENCE S.89°40'11"E., A DISTANCE OF 570.00 FEET; THENCE S.00°19'49"W., A DISTANCE OF 520.00 FEET; THENCE N.89°40'11"W., A DISTANCE OF 570.00 FEET; THENCE N.00°19'49"E., A DISTANCE OF 197.50 FEET; THENCE N.89°40'11"W., A DISTANCE OF 190.00 FEET; THENCE N.00°19'49"E., A DISTANCE OF 125.00 FEET TO THE **POINT OF BEGINNING.**

BEARINGS HEREIN ABOVE MENTIONED ARE BASED ON STATE PLANE COORDINATES FOR THE FLORIDA WEST ZONE (1999 ADJUSTMENT) WHEREIN THE WEST LINE OF SECTION 7, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA BEARS SOUTH 00°19'49" WEST.

Warranty Deeds

DOC. .70
REC 44.00
CLERKS 4.50
COPIES 15.00
64.20

V 23 Farr 3cc

AFTER RECORDING RETURN TO:

Ron Baskin, Esq.
Akerman Senterfitt
One SE Third Avenue, 28th Floor
Miami, Florida 33131

Folio Number: 0074893-000000-5 (multi-parcel)

SPECIAL WARRANTY DEED

This **Special Warranty Deed** made effective as of the 27th day of July, 2006 between **Babcock Florida Company**, a Florida corporation whose address is 2220 Palmer Street, Pittsburgh, PA 15218, ("Grantor"), and **Babcock Property Holdings, L.L.C.**, a Delaware limited liability company whose address is 9055 Ibis Boulevard, West Palm Beach, Florida, 33412, ("Grantee").

WITNESSETH THAT:

Grantor, for and in consideration of the sum of Ten and No/100 U.S. Dollars ($10.00), lawful money of the United States of America, to it in hand paid by the Grantee, at or before the ensealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold, alienated, remised, released, conveyed and confirmed and by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee and its/his/her heirs or successors and assignees forever, the following parcel of land (the "Land"), situate, lying and being in the Counties of Charlotte and Lee, State of Florida, and more particularly described as follows:

SEE **EXHIBIT "A"** ATTACHED HERETO

SUBJECT, HOWEVER, TO THE FOLLOWING:

1. Real property taxes and assessments for the year 2006 and for subsequent years.
2. Zoning and other regulatory laws and ordinances affecting the Land.
3. Easements, reservations, restrictions, rights of way, and other matters of record without intending by this reference to reimpose same.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining.

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

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of the Land hereby conveyed in fee simple; that it has good right and lawful authority to sell and convey said Land; that it hereby specially warrants the title to said Land and will defend the same against the lawful claims of any persons claiming by, through or under the said Grantor, excepting from the foregoing warranties, the matters which may have been otherwise disclosed or agreed to in writing between Grantor and Grantee prior to the date hereof.

IN WITNESS WHEREOF, Grantor has caused these presents to be signed in its name by its proper officers, and its corporate seal to be affixed, the day and year first above written.

Signed, Sealed and Delivered
In the Presence of:

Print Name of Witness Below:
CARL P. STILLITANO

GRANTOR:

BABCOCK FLORIDA COMPANY, a Florida corporation

By: _____
Richard Cuda, President of
Babcock Florida Company

Print Name of Witness Below:
Ari M. Tenzer

STATE OF FLORIDA)
)ss:
COUNTY OF Miami-Dade)

The foregoing instrument was acknowledged before me this 27th day of July, 2006 by Richard Cuda, as President of Babcock Florida Company, a Florida corporation, who is personally known to me ~~or produced~~ _____ ~~as identification.~~

Notary Public State of
My Commission Expires

EDWARD E. SAWYER
Notary Public - State of Florida
My Commission Expires Jun 17, 2009
Commission # DD 419451
Bonded By National Notary Assn.

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 1 (Area 6):

CHARLOTTE COUNTY PARCEL:
A parcel of land lying within Sections 28, 29, 31 through 33, Township 41 South, Range 26 East, AND, Sections 4 through 10, Sections 15 through 17 and Sections 19 through 36, Township 42 South, Range 26 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 31, Township 42 South, Range 26 East and run S89°41'45"E, along the South line of said Section 31, a distance of 350.01 feet to the Point of Beginning of the parcel of land herein described;
Thence along a line 300.00 feet East of, and parallel with, the East right-of-way line for State Road No. 31, the following courses and distances: N00°36'46"E a distance of 5336.09 feet, N00°26'10"E a distance of 5282.78 feet and N00°31'45"E a distance of 4197.65 feet; Thence S77°54'41"E a distance of 707.35 feet; Thence N81°38'00"E a distance of 5168.06 feet; Thence N82°12'01"E a distance of 711.51 feet; Thence N62°45'03"E a distance of 4638.50 feet; Thence N28°10'55"W a distance of 1272.65 feet; Thence N69°50'23"E a distance of 1104.32 feet; Thence S45°00'57"E a distance of 266.61 feet; Thence N71°59'01"E a distance of 448.55 feet; Thence N12°51'59"W a distance of 1862.42 feet; Thence N13°56'09"E a distance of 1953.99 feet; Thence N50°03'22"W a distance of 2565.68 feet; Thence S63°01'21"W a distance of 1215.04 feet; Thence N70°04'12"W a distance of 1843.56 feet; Thence N57°46'34"W a distance of 530.23 feet; Thence N24°01'11"W a distance of 975.16 feet; Thence N86°25'58"W a distance of 385.81 feet; Thence N38°10'48"W a distance of 551.49 feet; Thence S59°20'29"W a distance of 577.78 feet; Thence N73°15'18"W a distance of 661.18 feet; Thence N09°11'59"E a distance of 1325.91 feet; Thence N16°46'15"W a distance of 1740.31 feet; Thence N00°01'22"W a distance of 2084.14 feet; Thence N89°25'59"W a distance of 3804.51 feet to a point lying 300.00 feet East of the East right-of-way line for State Road No. 31; Thence along a line 300.00 feet East of, and parallel with, the East right-of-way line for State Road No. 31, the following courses and distances: N00°34'01"E a distance of 789.90 feet and N00°48'43"W a distance of 2979.88 feet; Thence N89°11'17"E a distance of 5661.25 feet; Thence N00°00'03"W a distance of 2799.47 feet; Thence N89°59'57"E a distance of 3566.96 feet; Thence S41°13'25"E a distance of 2825.30 feet; Thence S00°00'00"W a distance of 1967.31 feet; Thence S89°59'52"E a distance of 688.23 feet; Thence S00°00'29"E a distance of 324.64 feet; Thence S39°50'11"E a distance of 190.87 feet; Thence S00°00'03"E a distance of 1218.43 feet; Thence S89°51'42"E a distance of 67.91 feet; Thence S01°26'06"E a distance of 897.46 feet; Thence S74°19'19"E a distance of 1689.13 feet; Thence N79°06'55"E a distance of 475.22 feet; Thence S26°13'22"E a distance of 802.17 feet; Thence S19°47'08"E a distance of 527.22 feet; Thence S05°04'15"E a distance of 1832.85 feet; Thence S32°40'01"E a distance of 186.12 feet; Thence S13°05'30"W a distance of 201.97 feet; Thence S07°19'37"E a distance of 171.40 feet; Thence S42°54'55"E a distance of 643.22 feet; Thence S25°12'33"E a distance of 261.14 feet; Thence S00°28'20"W a distance of 674.54 feet; Thence S03°43'40"W a distance of 687.25 feet; Thence S08°01'21"E a distance of 493.34 feet; Thence S19°48'25"E a distance of 366.26 feet; Thence N78°50'16"E a distance of 687.98 feet; Thence S13°36'57"E a distance of 2507.44 feet; Thence S52°37'55"W a distance of 867.79 feet; Thence S21°59'06"E a distance of 1739.24 feet; Thence S55°42'26"W a distance of 195.73 feet; Thence S22°47'49"W a distance of 5491.07 feet; Thence S05°03'05"W a distance of 533.38 feet; Thence S20°54'51"E a distance of 336.88 feet; Thence S80°06'18"E a distance of 334.86 feet; Thence N89°59'33"E a distance of 307.21 feet; Thence N62°56'46"E a distance of 516.44 feet; Thence N52°01'16"E a distance of 818.38 feet; Thence S42°01'35"E a distance of 1162.99 feet; Thence S39°20'59"E a distance of 1779.24 feet; Thence S04°14'12"W a distance of 1329.65 feet; Thence

S51°39'36"E a distance of 782.57 feet; Thence N89°45'02"E a distance of 4154.67 feet; Thence N00°18'50"W a distance of 1309.98 feet; Thence S74°38'25"W a distance of 1635.76 feet; Thence N20°29'11"W a distance of 1376.98 feet; Thence N21°08'17"E a distance of 865.48 feet; Thence N69°00'57"E a distance of 1518.26 feet; Thence S49°18'31"E a distance of 2362.36 feet; Thence N72°42'44"E a distance of 1430.88 feet; Thence S70°02'41"E a distance of 1332.47 feet; Thence S30°17'33"E a distance of 1686.70 feet; Thence N83°12'47"E a distance of 1373.39 feet; Thence S66°40'38"E a distance of 200.63 feet; Thence S05°46'23"W a distance of 1058.61 feet; Thence S00°00'40"E a distance of 10185.99 feet to a point on the South line of Section 36, Township 42 South, Range 26 East; Thence N89°35'44"W a distance of 3430.81 feet to the Southwest corner of said Section 36; Thence N89°35'44"W a distance of 5294.84 feet to the Southeast corner of Section 34, Township 42 South, Range 26 East; Thence N89°35'44"W a distance of 5294.83 feet to the Southwest corner of said Section 34; Thence N89°37'16"W a distance of 5289.35 feet to the Southeast corner of Section 32, Township 42 South, Range 26 East; Thence N89°41'45"W a distance of 5306.31 feet to the Southwest corner of said Section 32; Thence N89°41'45"W, along the South line of Section 31, Township 42 South, Range 26 East, a distance of 4889.98 feet to the Point of Beginning.

Bearings hereinabove mentioned are based on the South line of Section 31, Township 42 South, Range 26 East to bear S89°41'45"E.

LEE COUNTY PARCEL:
A parcel of land lying within Sections 1 through 7 and Section 9, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 31, Township 42 South, Range 26 East and run S89°41'45"E, along the South line of said Section 31, a distance of 350.01 feet to
the Point of Beginning of the parcel of land herein described; Thence continue S89°41'45"E a distance of 4889.98 feet to the Northeast corner of Section 6, Township 43 South, Range 26 East; Thence S89°41'45"E a distance of 5306.31 feet to the Northeast corner of Section 5, Township 43 South, Range 26 East; Thence S89°37'16"E a distance of 5289.35 feet to the Northeast corner of Section 4, Township 43 South, Range 26 East; Thence S89°35'44"E a distance of 5294.83 feet to the Northeast corner of Section 3, Township 43 South, Range 26 East; Thence S89°35'44"E a distance of 5294.84 feet to the Northeast corner of Section 2, Township 43 South, Range 26 East; Thence S89°35'44"E, along the North line of Section 1, Township 43 South, Range 26 East, a distance of 155.77 feet; Thence S09°58'52"W a distance of 4668.17 feet; Thence S04°10'14"W a distance of 283.53 feet; Thence S03°53'19"E a distance of 515.34 feet to a point on the South line of Section 2, Township 43 South, Range 26 East (said point being 558.43 feet West of the Southeast corner of said Section 2); Thence N88°38'22"W a distance of 2084.17 feet to the South one-quarter corner of said Section 2; Thence N88°38'42"W a distance of 2642.18 feet to the Southwest corner of said Section 2; Thence N89°51'49"W a distance of 5300.33 feet to the Southwest corner of Section 3, Township 43 South, Range 26 East; Thence N89°51'54"W a distance of 2650.21 feet to the South one-quarter corner of Section 4, Township 43 South, Range 26 East; Thence S00°23'25"W a distance of 1330.71 feet to the Southwest corner of the North one-half of the Northeast one-quarter of Section 9, Township 43 South, Range 26 East; Thence S06°02'41"E a distance of 1338.42 feet to a point on the North line of the Southeast one-quarter of said Section 9 (said point being 150.00 feet East of the Northwest corner of the Southeast one-quarter of said Section 9); Thence S00°22'58"W, parallel with and 150.00 feet East of the West line of the Southeast one-quarter of said Section 9, a distance of 2611.68 feet to a point on the North right-of-way line of County Road No. 78; Thence along said right-of-way line the following courses and distances, N89°54'54"W a distance of 150.27 feet and N89°54'44"W a distance of 2649.07 feet to a point on the West line of said Section 9; Thence N00°22'31"E a distance of 2612.14 feet to the West one-quarter corner of said Section 9; Thence N00°21'56"E a distance of 2663.25 feet to the Southeast corner of Section 5, Township 43 South, Range

26 East; Thence N89°52'00"W a distance of 2666.82 feet to the South one-quarter corner of said Section 5; Thence N89°50'47"W a distance of 2667.54 feet to the Southwest corner of said Section 5; Thence S00°23'16"W, along the East line of Section 7, Township 43 South, Range 26 East, a distance of 5294.24 feet to a point on the North right-of-way line of County Road No. 78; Thence Westerly along the curved right-of-way line, (said curve being curved concave to the North, having a delta angle of 00°53'52" and a radius of 11339.17 feet, with a chord bearing of N89°19'12"W and a chord length of 177.69 feet) a distance of 177.69 feet to the end of the curve; Thence N88°52'16"W, along said North right-of-way line, a distance of 4406.54 feet to the beginning of a curve to the right; Thence along the arc of the curved right-of-way line, (said curve being curved concave to the Northeast, having a delta angle of 24°26'20" and a radius of 522.96 feet, with a chord bearing of N76°39'06"W and a chord length of 221.39 feet) a distance of 223.07 feet to a point that is 300.00 feet East of the East right-of-way line of State Road No. 31; Thence
along a line 300.00 feet East of, and parallel with, the East right-of-way line for State Road No. 31, the following courses and distances, N00°19'49"E a distance of 5249.36 feet, N00°18'54"E a distance of 5312.90 feet and N00°36'46"E a distance of 0.97 feet to the Point of Beginning.

Bearings hereinabove mentioned are based on the North line of Section 6, Township 43 South, Range 26 East to bear S89°41'45"E.

PARCEL 2 (300' Strip):

The East 300.00 feet of the West 350.00 feet of Sections 6, 7, 18, 19, 30 and 31, Township 41 South, Range 26 East, Charlotte County, Florida.
AND,
The East 300.00 feet of the West 350.00 feet of Sections 6, 7, 18, 19, 30 and 31, Township 42 South, Range 26 East, Charlotte County, Florida.
AND,
The East 300.00 feet of the West 350.00 feet of Sections 6 and 7, Township 43 South, Range 26 East, Lee County, Florida.

Prepared by and return to:
Edward P. Canterbury, Esq.
HENDERSON, FRANKLIN, STARNES & HOLT, P.A.
1715 Monroe Street
Fort Myers, FL 33901
239-344-1100
File Number: **23040-111.1 EPC**

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Special Warranty Deed

This Special Warranty Deed made this 8th day of **December, 2022** between **Babcock Property Holdings, L.L.C., a Delaware limited liability company** whose post office address is **42850 Crescent Loop - Suite 200, Babcock Ranch, FL 33982**, grantor, and **Pulte Home Company, LLC, a Michigan limited liability company** whose post office address is **24311 Walden Center Drive, Suite 300, Bonita Springs, FL 34134**, grantee:

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

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

See Attached Exhibit "A"

Parcel Identification Numbers: 07-43-26-L1-01E31.0000 and 07-43-26-L2-01E32.0000

This conveyance is subject to real estate taxes and assessments for 2023 and subsequent years; Babcock Ranch Community Independent Special District Assessments; zoning and use restrictions imposed by governmental authority; and restrictions, covenants, easements, reservations and limitations of record, if any.

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantor.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: Sheila Nicoloff

Witness Name: Kathleen E. Valentine

Babcock Property Holdings, L.L.C., a Delaware limited liability company

By: _____

Print Name: Alfred P. Dougherty

Its: COO

State of Florida
County of Charlotte

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization, this 8th day of December, 2022, by Alfred P. Dougherty in his / her capacity as COO of Babcock Property Holdings, L.L.C., who [✓] is personally known or [ ] has produced a driver's license as identification.

[Notary Seal]

Notary Public

Printed Name: Kathleen Ellen Valentine

My Commission Expires: 9/28/2024

KATHLEEN ELLEN VALENTINE
MY COMMISSION # HH 024852
EXPIRES: September 28, 2024
Bonded Thru Notary Public Underwriters

Exhibit A

PARCEL 1:

TAKEDOWN (NORTH):

Being a portion of Tract E-32, Babcock Ranch Community Lee County Phase 1, according to the plat thereof recorded as Instrument Number 2022000234859 of the public records of Lee County, Florida, being more particularly described as follows:

BEGINNING at the northeast corner of Tract E-32, Babcock Ranch Community Lee County Phase 1, according to the plat thereof recorded as Instrument Number 2022000234859 of the public records of Lee County, Florida; thence run the following Sixteen (16) courses along the boundary of said Tract E-31; Course No. 1: South 01°28'40" West, 41.30 feet; Course No. 2: South 38°59'48" East, 303.49 feet; Course No. 3: South 64°57'16" East, 363.21 feet; Course No. 4: South 61°10'07" East, 146.56 feet; Course No. 5: South 52°22'03" East, 330.58 feet; Course No. 6: South 54°51'30" East, 288.56 feet; Course No. 7: South 72°39'18" East, 185.17 feet; Course No. 8: North 87°25'06" East, 490.25 feet; Course No. 9: South 73°53'09" East, 245.31 feet; Course No. 10: South 51°21'59" East, 370.75 feet; Course No. 11: South 59°47'07" East, 340.61 feet; Course No. 12: South 64°55'14" East, 322.42 feet; Course No. 13: South 38°18'20" East, 112.17 feet; Course No. 14: South 05°55'40" East, 246.86 feet; Course No. 15: South 12°17'52" East, 679.09 feet; Course No. 16: South 00°23'16" West, 1,356.88 feet; thence South 83°25'18" West, a distance of 331.19 feet; thence North 82°22'54" West, a distance of 226.98 feet; thence South 88°31'29" West, a distance of 32.39 feet to a point on a non-tangential curve; thence westerly, 100.80 feet along the arc of a circular curve, concave northerly, having a radius of 50.00 feet, through a central angle of 115°30'37" and being subtended by a chord that bears South 84°36'15" West, 84.58 feet to a point of reverse curvature; thence northwesterly, 243.57 feet along the arc of a circular curve, concave southwesterly, having a radius of 565.00 feet, through a central angle of 24°41'59" and being subtended by a chord that bears North 49°59'26" West, 241.69 feet; thence North 62°20'26" West, a distance of 165.92 feet; thence North 67°49'54" West, a distance of 28.42 feet; thence South 25°59'18" West, a distance of 112.94 feet to a point on a non-tangential curve; thence southerly, 4.40 feet along the arc of a circular curve, concave easterly, having a radius of 25.00 feet, through a central angle of 10°04'45" and being subtended by a chord that bears South 21°13'21" West, 4.39 feet; thence South 21°13'21" West, a distance of 34.18 feet; thence South 22°49'48" West, a distance of 22.14 feet; thence South 36°49'01" West, a distance of 32.13 feet to a point on a non-tangential curve; thence southwesterly, 6.77 feet along the arc of a circular curve, concave southeasterly, having a radius of 25.00 feet, through a central angle of 15°31'10" and being subtended by a chord that bears South 36°49'01" West, 6.75 feet; thence South 29°17'35" West, a distance of 16.68 feet to a point on a non-tangential curve; thence southwesterly, 90.30 feet along the arc of a circular curve, concave northwesterly, having a radius of 2,025.00 feet, through a central angle of 02°33'18" and being subtended by a chord that bears South 30°48'24" West, 90.29 feet to a point of reverse curvature; thence southwesterly, 72.57 feet along the arc of a circular curve, concave southeasterly, having a radius of 1,175.00 feet, through a central angle of 03°32'20" and being subtended by a chord that bears South 30°18'53" West, 72.56 feet; thence North 38°58'25" West, a distance of 75.40 feet; thence North 63°24'23" West, a distance of 140.21 feet to a point on a non-tangential curve; thence southwesterly, 170.11 feet along the arc of a circular curve, concave southeasterly, having a radius of 1,385.00 feet, through a central angle of 07°02'13" and being subtended by a chord that bears South 26°01'19" West, 170.00 feet; thence South 22°30'12" West, a distance of 187.69 feet to a point of curvature; thence westerly, 89.24 feet along the arc of a circular curve, concave northerly, having a radius of 50.00 feet, through a central angle of 102°15'24" and being subtended by a chord that bears South 73°37'54" West, 77.86 feet to a point of reverse curvature; thence northwesterly, 275.24 feet along the arc of a circular curve, concave southwesterly, having a radius of 1,165.00 feet, through a central angle of 13°32'12" and being subtended by a chord that bears North 62°00'30" West, 274.61 feet to a point of reverse curvature; thence northwesterly, 351.31 feet along the arc of a circular curve, concave northeasterly, having a radius of 735.00 feet, through a central angle of 27°23'10" and being subtended by a chord that bears North 55°05'01" West, 347.98 feet to a point of compound curvature; thence northerly, 84.07 feet along the arc of a circular curve, concave easterly, having a radius of 50.00 feet, through a central angle of 96°20'27" and being subtended by a chord that bears North 06°46'47" East, 74.51 feet to a point of reverse curvature; thence northeasterly, 307.63 feet along the arc of a circular curve, concave northwesterly, having a radius of 1,015.00 feet, through a central angle of 17°21'55" and being subtended by a chord that bears North 46°16'03" East, 306.45 feet; thence North 52°24'54" West, a distance of 140.00 feet; thence North 85°47'16" West, a distance of 60.68 feet; thence North 50°05'46" West, a distance of 140.00 feet to a point on a non-tangential curve; thence southwesterly, 597.69 feet along the arc of a circular curve, concave northwesterly, having a radius of 685.00 feet, through a central angle of 49°59'34" and being subtended by a chord that bears South 64°54'00" West, 578.91 feet to a point of compound curvature; thence northwesterly, 84.46 feet along the arc of a circular curve, concave northeasterly, having a radius of 50.00 feet, through a central angle of

Exhibit A
(Continued)

96°47'22" and being subtended by a chord that bears North 41°42'32" West, 74.77 feet to a point of compound curvature; thence northerly, 203.89 feet along the arc of a circular curve, concave easterly, having a radius of 2,010.00 feet, through a central angle of 05°48'43" and being subtended by a chord that bears North 09°35'31" East, 203.80 feet to a point of reverse curvature; thence northerly, 224.84 feet along the arc of a circular curve, concave westerly, having a radius of 690.00 feet, through a central angle of 18°40'13" and being subtended by a chord that bears North 03°09'46" East, 223.85 feet to a point of reverse curvature; thence northerly, 23.80 feet along the arc of a circular curve, concave easterly, having a radius of 50.00 feet, through a central angle of 27°16'03" and being subtended by a chord that bears North 07°27'41" East, 23.57 feet; thence North 68°54'18" West, a distance of 12.55 feet; thence South 81°25'48" West, a distance of 140.00 feet; thence North 87°57'17" West, a distance of 98.45 feet to a point on a non-tangential curve; thence westerly, 317.13 feet along the arc of a circular curve, concave northerly, having a radius of 1,170.00 feet, through a central angle of 15°31'48" and being subtended by a chord that bears North 86°06'30" West, 316.16 feet to a point of reverse curvature; thence westerly, 281.94 feet along the arc of a circular curve, concave southerly, having a radius of 830.00 feet, through a central angle of 19°27'46" and being subtended by a chord that bears North 88°04'30" West, 280.59 feet to a point of reverse curvature; thence westerly, 96.33 feet along the arc of a circular curve, concave northerly, having a radius of 420.00 feet, through a central angle of 13°08'27" and being subtended by a chord that bears South 88°45'51" West, 96.12 feet to a point of reverse curvature; thence westerly, 79.65 feet along the arc of a circular curve, concave southerly, having a radius of 200.00 feet, through a central angle of 22°49'03" and being subtended by a chord that bears South 83°55'33" West, 79.12 feet to a point of reverse curvature; thence westerly, 47.57 feet along the arc of a circular curve, concave northerly, having a radius of 205.00 feet, through a central angle of 13°17'40" and being subtended by a chord that bears South 79°09'51" West, 47.46 feet; thence South 04°04'10" East, a distance of 154.31 feet; thence South 87°49'53" West, a distance of 118.17 feet to a point on the boundary of aforesaid Tract E-32; thence run the following Fifteen (15) courses along the boundary of said Tract E-32; Course No. 1: North 46°25'02" West, 108.01 feet; Course No. 2: North 69°51'36" West, 43.86 feet; Course No. 3: South 00°19'49" West, 35.69 feet; Course No. 4: North 89°40'15" West, 41.00 feet; Course No. 5: North 00°19'49" East, 520.00 feet; Course No. 6: South 89°40'15" East, 41.00 feet; Course No. 7: South 00°19'49" West, 147.22 feet; Course No. 8: North 76°47'55" East, 374.18 feet; Course No. 9: North 05°28'43" West, 227.42 feet; Course No. 10: North 04°09'20" East, 92.19 feet; Course No. 11: North 00°54'52" West, 150.54 feet; Course No. 12: North 09°55'46" East, 236.74 feet; Course No. 13: North 50°46'57" East, 205.06 feet; Course No. 14: North 01°28'36" East, 1,976.07 feet to a point on a non-tangential curve; Course No. 15: easterly, 249.54 feet along the arc of a circular curve, concave northerly, having a radius of 3,047.15 feet, through a central angle of 04°41'32" and being subtended by a chord that bears South 89°18'56" East, 249.47 feet to the POINT OF BEGINNING.

PARCEL 2:

ROAD SEGMENT "A":

Being a portion of Tract E-31, Babcock Ranch Community Lee County Phase 1, according to the plat thereof recorded as Instrument Number 2022000234859 of the public records of Lee County, Florida, being more particularly described as follows:
COMMENCE at the northeast corner of Tract E-31, Babcock Ranch Community Lee County Phase 1, according to the plat thereof recorded as Instrument Number 2022000234859 of the public records of Lee County, Florida; thence run the following Three (3) courses along the boundary of said Tract E-31; Course No. 1: South 01°28'36" West, 1,966.67 feet to the POINT OF BEGINNING of the parcel of land herein described; Course No. 2: continue South 01°28'36" West, 9.41 feet; Course No. 3: South 50°46'57" West, 67.04 feet to a point on a non-tangential curve; thence westerly, 233.74 feet along the arc of a circular curve, concave southerly, having a radius of 525.00 feet, through a central angle of 25°30'35" and being subtended by a chord that bears South 72°30'43" West, 231.82 feet to a point of reverse curvature; thence westerly, 460.11 feet along the arc of a circular curve, concave northerly, having a radius of 375.00 feet, through a central angle of 70°18'01" and being subtended by a chord that bears North 85°05'34" West, 431.79 feet to a point of reverse curvature; thence northwesterly, 63.47 feet along the arc of a circular curve, concave southwesterly, having a radius of 236.00 feet, through a central angle of 15°24'37" and being subtended by a chord that bears North 57°38'52" West, 63.28 feet to a point of reverse curvature; thence northwesterly, 96.85 feet along the arc of a circular curve, concave northeasterly, having a radius of 169.00 feet, through a central angle of 32°50'04" and being subtended by a chord that bears North 48°56'09" West, 95.53 feet; thence North 32°31'07" West, a distance of 3.34 feet to a point of curvature; thence northerly, 109.08 feet along the arc of a circular curve, concave easterly, having a radius of 219.00 feet, through a central angle of 28°32'21" and being subtended by a chord

Exhibit A
(Continued)

that bears North 18°14'56" West, 107.96 feet to a point of reverse curvature; thence northerly, 39.75 feet along the arc of a circular curve, concave westerly, having a radius of 86.00 feet, through a central angle of 26°28'48" and being subtended by a chord that bears North 17°13'10" West, 39.39 feet to a point of reverse curvature; thence northwesterly, 45.90 feet along the arc of a circular curve, concave northeasterly, having a radius of 525.00 feet, through a central angle of 05°00'32" and being subtended by a chord that bears North 27°57'18" West, 45.88 feet; thence North 68°36'10" East, a distance of 54.27 feet to a point on a non-tangential curve; thence southerly, 14.50 feet along the arc of a circular curve, concave easterly, having a radius of 25.00 feet, through a central angle of 33°13'43" and being subtended by a chord that bears South 10°00'51" East, 14.30 feet to a point on a non-tangential curve; thence southeasterly, 27.83 feet along the arc of a circular curve, concave northeasterly, having a radius of 465.29 feet, through a central angle of 03°25'36" and being subtended by a chord that bears South 29°14'48" East, 27.82 feet to a point on a non-tangential curve; thence southeasterly, 25.33 feet along the arc of a circular curve, concave northeasterly, having a radius of 85.31 feet, through a central angle of 17°00'43" and being subtended by a chord that bears South 39°22'22" East, 25.24 feet to a point on a non-tangential curve; thence southeasterly, 43.77 feet along the arc of a circular curve, concave southwesterly, having a radius of 164.00 feet, through a central angle of 15°17'29" and being subtended by a chord that bears South 40°09'52" East, 43.64 feet; thence South 32°31'07" East, a distance of 109.51 feet to a point of curvature; thence southeasterly, 16.85 feet along the arc of a circular curve, concave northeasterly, having a radius of 236.00 feet, through a central angle of 04°05'28" and being subtended by a chord that bears South 34°33'51" East, 16.85 feet; thence South 36°36'35" East, a distance of 62.83 feet to a point of curvature; thence southeasterly, 42.46 feet along the arc of a circular curve, concave northeasterly, having a radius of 136.00 feet, through a central angle of 17°53'20" and being subtended by a chord that bears South 45°33'15" East, 42.29 feet to a point of compound curvature; thence easterly, 372.92 feet along the arc of a circular curve, concave northerly, having a radius of 325.00 feet, through a central angle of 65°44'40" and being subtended by a chord that bears South 87°22'14" East, 352.80 feet to a point of reverse curvature; thence easterly, 303.51 feet along the arc of a circular curve, concave southerly, having a radius of 575.00 feet, through a central angle of 30°14'34" and being subtended by a chord that bears North 74°52'43" East, 300.00 feet; thence North 90°00'00" East, a distance of 8.86 feet to the POINT OF BEGINNING.

INSTR. # 2021000402599, Doc Type D, Pages 7, Recorded 12/8/2021 at 12:55 PM, Deputy Clerk ATAFOYA ERECORD
Rec Fees: $61.00 Deed Doc: $0.70

THIS INSTRUMENT PREPARED BY:
Edward P. Canterbury, ESQ.
P.O. Box 280
Fort Myers, FL 33902-0280

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, is made this 1st day of December, 2021, by **BABCOCK PROPERTY HOLDINGS, L.L.C.**, a Delaware limited liability company, having its mailing address at 42850 Crescent Loop, Suite 200, Babcock Ranch, Florida 33982, ("**Grantor**"), and **FLORIDA POWER & LIGHT COMPANY**, a Florida corporation, having its mailing address at 700 Universe Boulevard, Juno Beach, Florida 33408 ("**Grantee**").

WITNESSETH

That Grantor, in consideration of the sum of TEN DOLLARS ($10.00) to it paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, sell and convey to Grantee, its successors and assigns forever, all of that certain land situated in Lee County, Florida, and more particularly described as follows:

> See **Exhibit "A"** attached hereto and by this reference expressly made a part hereof (the "**Land**").

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

SUBJECT TO taxes for the year 2022 and subsequent years, to zoning restrictions and other requirements imposed by governmental authority, and to easements, conditions, reservations, restrictions and limitations of record.

FURTHER SUBJECT TO the Restrictive Covenants set forth in **Exhibit "B"** attached hereto and incorporated herein by reference.

RESERVING TO Grantor, its successors and assigns, a perpetual, non-exclusive, drainage easement on, over, across and through the Land, all as more particularly described in **Exhibit "B"** attached hereto and incorporated herein by this reference.

AND Grantor hereby covenants with said Grantee that it is lawfully seized of the Land hereby conveyed in fee simple; that it has good right and lawful authority to sell and convey said Land; that it hereby warrants the title to said Land and will defend the same against the lawful claims of any persons claiming by, through or under the said Grantor but against no other.

IN WITNESS WHEREOF, Grantor has caused its corporate seal to be affixed hereto, and this instrument to be signed by its duly authorized officer on the date first above written.

GRANTOR:

BABCOCK PROPERTY HOLDINGS, L.L.C., a Delaware limited liability company

By: _____
Print Name: John Broderick
Its: Vice-President

Signed, sealed and delivered in the presence of:

_____
Signature of Witness
BILL R MOORE
Printed Name of Witness

Kathleen E Valentine
Signature of Witness
Kathleen E. Valentine
Printed Name of Witness

STATE OF FLORIDA)
) ss:
COUNTY OF Charlotte)

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 1st day of December, 2021 by John Broderick of, **BABCOCK PROPERTY HOLDINGS, L.L.C.**, a Delaware limited liability company, who [X] is personally known to me or who [ ] provided _____ as identification, and acknowledged that she/he executed the same on behalf of said limited liability company and that she/he was duly authorized so to do.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires:

Kathleen Ellen Valentine
Notary Public

Doc# - 2472460

KATHLEEN ELLEN VALENTINE
MY COMMISSION # HH 024852
EXPIRES: September 28, 2024
Bonded Thru Notary Public Underwriters

EXHIBIT "A"

LEGAL DESCRIPTION

The land referred to herein is situated in the County of Lee, State of Florida, and is described as follows:

A tract or parcel of land lying in Section 7, Township 43 South, Range 26 East, Lee County Florida, being more particularly described as follows:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE S.00°19'49"W., ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 525.08 FEET; THENCE N.90°00'00"E., DEPARTING SAID LINE, A DISTANCE OF 345.96 **FEET TO THE POINT OF BEGINNING;** THENCE S.89°40'11"E., A DISTANCE OF 190.00 FEET; THENCE N.00°19'49"E., A DISTANCE OF 197.50 FEET; THENCE S.89°40'11"E., A DISTANCE OF 570.00 FEET; THENCE S.00°19'49"W., A DISTANCE OF 520.00 FEET; THENCE N.89°40'11"W., A DISTANCE OF 570.00 FEET; THENCE N.00°19'49"E., A DISTANCE OF 197.50 FEET; THENCE N.89°40'11"W., A DISTANCE OF 190.00 FEET; THENCE N.00°19'49"E., A DISTANCE OF 125.00 FEET TO THE **POINT OF BEGINNING.**

BEARINGS HEREIN ABOVE MENTIONED ARE BASED ON STATE PLANE COORDINATES FOR THE FLORIDA WEST ZONE (1999 ADJUSTMENT) WHEREIN THE WEST LINE OF SECTION 7, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA BEARS SOUTH 00°19'49" WEST.

Exhibit B to Deed
(Restrictive Covenants and Reserved Easements)

In consideration of the conveyance made in the Deed to which these restrictive covenants (the "**Restrictive Covenants**") are attached, Grantor hereby establishes, declares and prescribes that the Land shall be owned, held, transferred and conveyed subject to these Restrictive Covenants, which shall apply to and be covenants running with the Land; Grantee, its successors and assignees, and every owner, present or future of the Land or any part thereof, including any purchaser at a judicial sale (by acceptance of a deed therefor, whether or not it shall be so expressed in such deed of conveyance) hereby covenants and agrees to covenant, to comply with, abide and be bound by the following Restrictive Covenants:

1. The Land may be used only for an electrical substation and related appurtenances on the Land (the "**Substation Facility**"); provided, however, that the foregoing use restriction shall not be deemed to be a representation or warranty from Grantor that the Land may be used or developed for such uses.

2. These restrictions shall be enforceable by all available legal and equitable means by Grantor, its successors and such of its assignees to which Grantor specifically assigns its rights hereunder in a written instrument.

3. Violation or breach of any restriction, covenant, condition, obligation, reservation, right, power or charge herein set forth shall give the affected party, in addition to all other remedies, the right to proceed at law or in equity to compel compliance with the terms of such violated or breached covenant, condition, obligation, reservation, right, power or charge, and to prevent the violation or breach thereof; and the expenses of such litigation (inclusive of any such expenses incurred at all appellate levels), including, without limitation, reasonable attorneys' and paralegals' fees, shall be borne by the party losing such litigation.

4. Grantee agrees that in the event Grantor applies for or requests a special use, variance or other zoning changes with respect to any portion of the project that Grantor is developing adjacent to the Land, Grantee will raise no objection to such application provided that such application does not materially affect Buyer's use of the Property as a substation and for access to Buyer's transmission facilities.

5. Grantor and Grantee agree that they shall use reasonable efforts to coordinate any controlled burning and habitat management on property immediately adjacent to the Land that is owned by Grantor or its successors and/or assigns, from time to time, in order to minimize interference with Grantee's construction and/or operation of the Substation Facility.

6. Grantee agrees that any construction or alteration of the substation exterior wall, landscaping, buffering, and lighting (subject to the requirements of the National Electrical Safety Code), shall be subject to Grantor's prior written approval, subject to the "material" and "adverse" impact criteria of Subsection 7 below.

7. Grantor and Grantee each agree, with advance notice to and coordination with the other party, that each shall not unreasonably withhold its consent to matters reasonably requested by the other party in order to facilitate, or otherwise in connection with, the development of the requesting party's adjacent or nearby property, including the Substation Facility and the development known as the "Babcock Ranch Community". For the purposes of this immediately preceding sentence, if the request does not have a material and adverse impact on the use or operations, or on the cost of the use or operations, of such party, then failure to give consent shall be presumed to be unreasonable. In addition to the foregoing, Grantee agrees, following advance written notice from and coordination with Grantor, to consent to the imposition of covenants, conditions and restrictions on the Land and Drainage Easement as part of the master governance program within the Babcock Ranch Community, including those in connection with the Babcock Ranch Community Independent Special District, provided that such covenants, conditions and restrictions shall only impose (i) assessments against the Land and Grantee (as the owner thereof) for the construction, maintenance and operation of (x) the master drainage system within the Babcock Ranch Community, and (y) the road system within the Babcock Ranch Community, but only to the extent Buyer uses said road system to access the Property, or any replacement thereof, and only to the extent of Grantee's proportionate use of and/or impact upon the matters described in clauses (x) and (y) above as reasonably determined by Grantor and Grantee - it being agreed that Grantee shall be solely responsible for any conditions that may be imposed in approvals and permits for the Property that may apply to the Land and Drainage Easement and/or for any mitigation or conditions which require the constructions/installation of any improvements outside the boundaries of the Land and Drainage Easement relating to the development of the substation; and (ii) restrictions limiting the use of the Land to a Substation Facility . The Parties shall promptly execute the documents and/or consents with respect to matters consented to under this Paragraph 6, the forms of which shall be reasonably acceptable to the Parties.

8. Grantor reserves, and Grantee grants to Grantor, a limited right to repurchase the Land ("Repurchase Right") (including receiving a release of the Drainage Easement) if, but only if, Grantee has failed, within a period of sixty (60) months after the Closing to complete construction and commence operation on the Land of the Substation Facility. The Repurchase Right will automatically terminate and be of no further force and effect in the event of completion of construction and commencement of operation of a Substation Facility on the Land within sixty (60) months after the Closing. In the event the Repurchase Right is terminated then, at Grantee's request, Grantor will provide to Grantee, within thirty (30) days following Grantee's written request, a release of the Repurchase Rights in recordable form that is satisfactory to Grantor and Grantee. In the event Grantee fails to construct and commence operation of the Substation Facility and appurtenant facilities on the Property within sixty (60) months after the Closing and Grantor does not either extend the deadline for completion or waive its Repurchase Right by written notice to Grantee prior to the end of the sixtieth (60th) month after the Closing, then Grantee shall convey the Land to Grantor by a special warranty deed in exchange for Ten Dollars ($10.00) on the last day of such sixtieth (60th) month. The Land shall be conveyed to Grantor free of all liens, encumbrances, covenants, conditions, restrictions, easements, or rights-of-

way that Grantee may have created as the owner of the Property and will not include electrical equipment and structures located on the Substation Facility and/or any other improvements related to the operation of the Substation Facility in or on the Land, no matter how affixed, which Substation Facility improvements shall remain the personal property of Grantee and shall be removed by Grantee within twelve (12) months after Grantor exercises or is deemed to have exercised the Repurchase Right. The foregoing notwithstanding, Grantee shall not remove any roadways, drainage structures or fencing located on the Land.

9. Grantee acknowledges that the subject Land is within the service area for the Babcock Ranch Community Independent Special District ("BRCISD"). Grantee shall utilize BRCISD for all sewer, potable water, and irrigation quality water service for the Land at such time as utility connections become available at the boundary of the Land. Grantee agrees to pay all standard fees and charges in order to connect to the utility services.

10. The term of these Restrictive Covenants shall be fifty (50) years. Grantor shall have the unilateral right to rerecord these covenants to prevent extinguishment of the Covenants by the Marketable Record Title Act (Chapter 712, Florida Statutes [2014]).

11. Grantor hereby reserves and Grantee hereby acknowledges that Grantor shall have a perpetual, non-exclusive drainage easement on, over, under and through the Land as reasonably necessary for Grantor to connect drainage facilities to Grantor's drainage system, and to construct, maintain and repair same.

GRANTEE HEREBY JOINS INTO AND AGREES TO BE BOUND BY THE TERMS AND CONDITIONS OF THESE RESTRICTIVE COVENANTS:

Signed, sealed and delivered in the presence of:

Signature of Witness

Clerna Marc

Printed Name of Witness

Signature of Witness

Sara S. Sibson

Printed Name of Witness

FLORIDA POWER & LIGHT COMPANY, a Florida corporation

By: _____

Print Name: Dean J. Girard

Its: Director Corp. Real Estate Services

STATE OF FLORIDA)
) ss:
COUNTY OF Palm Beach)

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 16th day of December, 2021 by Dean J. Girard of, **FLORIDA POWER & LIGHT COMPANY,** a Florida corporation, who [X] is personally known to me or who [ ] provided _____ as identification, and acknowledged that she/he executed the same on behalf of said corporation and that she/he was duly authorized so to do.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires:

Notary Public

SARA S SIBSON
Notary Public - State of Florida
Commission # GG 272126
My Comm. Expires Jan 31, 2023
Bonded through National Notary Assn.

Affidavit of Authorization

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, Alfred P. Dougherty (name), as Chief Operating Officer (owner/title) of Babcock Property Holdings, LLC (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.

Alfred P. Dougherty
Signature

12/11/23
Date

Chief Operating Officer of Babcock Property Holdings, LLC

**************NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS**************
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF ~~LEE~~ Charlotte

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☑ physical presence or ☐ online notarization, this 11th day of December, 2023, by Alfred P. Dougherty (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL

KAREN B. DOOMS
MY COMMISSION # HH 413183
EXPIRES: June 21, 2027

Karen B. Dooms
Signature of Notary Public
Karen B. Dooms

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, Mike Hueniken (name), as Authorized Agent (owner/title) of Pulte Home Company, LLC (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.

Michael Hueniken

Signature

11/01/2023

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 1st day of November, 2023, by Mike Hueniken (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL

JESSICA K LINN
Notary Public-State of Florida
Commission # HH 211052
My Commission Expires
April 16, 2026

Signature of Notary Public

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, Cameron Crenshaw (name), as Corporate Real Estate Manager (owner/title) of Florida Power & Light Company (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Notes:

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then they must include their title of "trustee."*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.*

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Signature 8 March 2024 **Date**

**************NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS**************
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 8th day of March, 20 24, by Cameron Crenshaw (name of person providing oath or affirmation), who is personally known to me or who has produced FL-DL (type of identification) as identification.

STAMP/SEAL

CELLINE WILLIAMS
MY COMMISSION # HH 361858
EXPIRES: February 13, 2027

Signature of Notary Public

AFFIDAVIT

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

Signature of Applicant

3-8-24
Date

Cameron Crenshaw
Printed Name of Applicant

STATE OF
FLORIDA
COUNTY OF
~~LEE~~ Charlotte

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☑ physical presence or ☐ online notarization on 03·08·24 (date) by Cameron Crenshaw (name of person providing oath or affirmation), who is personally known to me or who has produced FL-DL (type of identification) as identification.

Signature of
Notary Public

Celline Williams
(Name typed,
printed or
stamped)

CELLINE WILLIAMS
MY COMMISSION # HH 361858
EXPIRES: February 13, 2027

Variance Report

Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: 10/23/2023 11:40:34 AM

Buffer Distance: 500 ft

Parcels Affected: 73

Subject Parcels: 01-43-26-00-00001.0000, 02-43-26-L2-01E30.0000, 02-43-26-L3-01CE2.1000, 02-43-26-L3-01CE2.2000, 02-43-26-L3-01E29.0000, 03-43-26-L1-01E27.0000, 03-43-26-L2-01CE1.9000, 03-43-26-L2-01E28.0000, 03-43-26-L3-01CE1.8000, 03-43-26-L3-01CE2.0000, 03-43-26-L4-01CE1.5000, 03-43-26-L4-01CE1.6000, 03-43-26-L4-01CE1.7000, 03-43-26-L4-01I67.0000, 04-43-26-L1-01E26.0000, 04-43-26-L4-01CE1.3000, 04-43-26-L4-01CE1.4000, 05-43-26-L1-01CE1.2000, 05-43-26-L1-01D90.0000, 05-43-26-L1-01D91.0000, 05-43-26-L1-01E25.0000, 05-43-26-L2-01CE1.1000, 05-43-26-L4-01D89.0000, 06-43-26-L1-01CE1.0000, 06-43-26-L1-01CE2.0000, 06-43-26-L1-01CE3.0000, 06-43-26-L1-01D87.0000, 06-43-26-L1-01E21.0000, 06-43-26-L2-01A52.0000, 06-43-26-L2-01E22.0000, 06-43-26-L3-01CE1.0000, 06-43-26-L3-01D88.0000, 06-43-26-L3-02000.3647, 06-43-26-L3-02000.3648, 06-43-26-L3-02000.3681, 06-43-26-L3-02000.3682, 06-43-26-L3-02000.3683, 06-43-26-L3-02000.3740, 06-43-26-L3-02000.3741, 06-43-26-L3-02000.3742, 06-43-26-L3-02000.3743, 06-43-26-L3-02000.3744, 06-43-26-L3-02000.3745, 06-43-26-L3-02000.3746, 06-43-26-L3-02000.3747, 06-43-26-L3-02000.3748, 06-43-26-L3-02000.3749, 06-43-26-L3-02000.3750, 06-43-26-L3-02000.3751, 06-43-26-L3-02000.3752, 06-43-26-L3-02000.3753, 06-43-26-L3-02000.3754, 06-43-26-L3-02000.3755, 06-43-26-L3-02000.3756, 06-43-26-L3-02000.3757, 06-43-26-L3-02000.3758, 06-43-26-L3-02000.3759, 06-43-26-L3-02000.3760, 06-43-26-L3-02000.3761, 06-43-26-L3-02000.3762, 06-43-26-L3-02000.3763, 06-43-26-L3-02000.3764, 06-43-26-L3-02000.3765, 06-43-26-L3-02000.3766, 06-43-26-L3-02000.3767, 06-43-26-L3-02000.3768, 06-43-26-L3-02000.3769, 06-43-26-L3-02000.3770, 06-43-26-L3-02000.3771, 06-43-26-L3-02000.3772, 06-43-26-L3-02000.3773, 06-43-26-L3-02000.3774, 06-43-26-L3-02000.3775, 06-43-26-L3-02000.3776, 06-43-26-L3-02000.3777, 06-43-26-L3-02000.3778, 06-43-26-L3-02000.3779, 06-43-26-L3-02000.3780, 06-43-26-L3-02000.3781, 06-43-26-L3-02000.3782, 06-43-26-L3-02000.3783, 06-43-26-L3-02000.3784, 06-43-26-L3-02000.3785, 06-43-26-L3-02000.3786, 06-43-26-L3-02000.3787, 06-43-26-L3-02000.3788, 06-43-26-L3-02000.3789, 06-43-26-L3-02000.3790, 06-43-26-L3-02000.3791, 06-43-26-L3-02000.3792, 06-43-26-L3-02000.3793, 06-43-26-L3-02000.3794, 06-43-26-L3-02000.3795, 06-43-26-L3-02000.3796, 06-43-26-L3-02000.3797, 06-43-26-L3-02000.3798, 06-43-26-L3-02000.3799, 06-43-26-L3-02000.3800, 06-43-26-L3-02000.3801, 06-43-26-L3-02000.3802, 06-43-26-L3-02000.3803, 06-43-26-L3-02000.3804, 06-43-26-L3-02000.3805, 06-43-26-L3-02000.3806, 06-43-26-L3-02000.3807, 06-43-26-L3-02000.3808, 06-43-26-L3-02000.3809, 06-43-26-L3-02000.3810, 06-43-26-L3-02000.3811, 06-43-26-L3-02000.3812, 06-43-26-L3-02000.3813, 06-43-26-L3-02000.3814, 06-43-26-L3-02000.3815, 06-43-26-L3-02000.3816, 06-43-26-L3-02000.3817, 06-43-26-L3-02000.3818, 06-43-26-L3-02000.3819, 06-43-26-L3-02000.3820, 06-43-26-L3-02000.3821, 06-43-26-L3-02000.3822, 06-43-26-L3-02000.3823, 06-43-26-L3-02000.3824, 06-43-26-L3-

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION
TRINITY ENTERPRISE HOLDINGS IN 1000 PINEBROOK RD VENICE, FL 34285	01-43-25-L2-00001.0010 ACCESS UNDETERMINED NORTH FORT MYERS FL 33917	PARCEL IN SE 1/4 OF SECT 1 AS DESC IN INST #2018-161731
D DION W & HEATHER R 11 FOX HILL RD NORTH FORT MYERS, FL 33917	01-43-25-00-00003.0080 11940 FOX HILL RD NORTH FORT MYERS FL 33917	THE N 1/2 OF SE 1/4 OF SE 1/4 OF SE 1/4 LESS ELY 53 FT
LEE COUNTY CONSERVATION 2020 PO BOX 398 FORT MYERS, FL 33902	07-43-27-00-00001.0000 ACCESS UNDETERMINED ALVA FL	ALL OF SEC 07 TWN 43 RGE 27
GULFCOAST GIRL SCOUT COUNCIL I 4780 CATTLEMAN RD SARASOTA, FL 34233	12-43-25-00-00002.0000 19931 STATE ROAD 31 NORTH FORT MYERS FL 33917	N 1/2 OF NE 1/4 OF SEC 12 TWN 43 RGE 25
ARMEDA FAMILY LLC 19440 ARMEDA RD ALVA, FL 33920	08-43-26-00-00001.0000 19551 ARMEDA RD ALVA FL 33920	PARL IN SEC 8 AS DESC IN OR 1134 PG 0362
ARMEDA FAMILY LLC 19440 ARMEDA RD ALVA, FL 33920	08-43-26-00-00006.0000 19550 ARMEDA RD ALVA FL 33920	E 1/2 OF NW 1/4 + NE 1/4 OF NE 1/4 OF SE 1/4
LEE COUNTY CONSERVATION 2020 PO BOX 398 FORT MYERS, FL 33902	10-43-26-L4-00001.0000 ARGO DR ALVA FL 33920	SEC 10 TWP 43 RGE 26 + S 60FT OF E 60FT SEC 9
LEE COUNTY CONSERVATION 2020 PO BOX 398 FORT MYERS, FL 33902	12-43-26-00-00001.0000 ACCESS UNDETERMINED ALVA FL	ALL SEC 12 TWN 43 RGE 26 AS DESC IN 2006000301710
JOHNSON SHIRLEY RACHEL TR 11901 SHIRLEY LN NORTH FORT MYERS, FL 33917	12-43-25-00-00003.0030 11901 SHIRLEY LN NORTH FORT MYERS FL 33917	S 1/2 OF S 1/2 OF SE 1/4 OF NE 1/4
VANROEKEL DENNIS & DEBRA 18321 NORTH OLGA DR A FL 33920	12-43-25-00-00005.0000 11880 RUDEN RD NORTH FORT MYERS FL 33917	SE 1/4 OF SE 1/4 LES PARC 5.0100 THRU 5.0330
TE RAPH CREEK EST PROPERTY 18561 TELEGRAPH CREEK LN ALVA, FL 33920	14-43-26-03-00001.00CE RIGHT OF WAY ALVA FL 33920	TELEGRAPH CREEK ESTATES PB 55 PGS 54 + 55 RD R/W TRACT AKA BRIDGE WOOD CT
TELEGRAPH CREEK EST PROPERTY 18561 TELEGRAPH CREEK LN ALVA, FL 33920	14-43-26-03-00000.00CE RIGHT OF WAY ALVA FL 33920	TELEGRAPH CREEK ESTATES PB 55 PGS 54 + 55 RD R/W TRACT AKA CREEK BRIDGE CT
JABR BELAL 639 SE 13TH AVE #114 CAPE CORAL, FL 33909	14-43-26-03-00000.0080 18901 BRIDGE WOOD CT ALVA FL 33920	TELEGRAPH CREEK ESTATES PB 55 PGS 54 + 55 LOT 8
PRI-CAR LLP PO BOX 3648 NORTH FORT MYERS, FL 33918	14-43-26-01-00000.0370 18951 RIVER ESTATES LN ALVA FL 33920	NORTH RIVER ESTATES PB 51 PG 78 LOT 37
KETRON RALPH D JR + 18910 RIVER ESTATES LN ALVA, FL 33920	14-43-26-01-00000.0410 18910 RIVER ESTATES LN ALVA FL 33920	NORTH RIVER ESTATES PB 51 PG 78 LOT 41
LEE COUNTY CONSERVATION 2020 PO BOX 398 FORT MYERS, FL 33902	06-43-27-00-00001.0000 ACCESS UNDETERMINED ALVA FL	ALL OF SEC 06 TWN 43 RGE 27
BURKETT PATRICIA ANN TR 19731 STATE ROAD 31 NORTH FORT MYERS, FL 33917	12-43-25-00-00003.0150 19731 STATE ROAD 31 NORTH FORT MYERS FL 33917	N 1/2 OF N 1/2 OF SE 1/4 OF NE 1/4
NOLAN PATRICK J 11920 SHIRLEY LN NORTH FORT MYERS, FL 33917	12-43-25-00-00003.0220 11920 SHIRLEY LN NORTH FORT MYERS FL 33917	PARL IN SE 1/4 AS DESC IN OR 1353 PG 1688
DHOOT RENU 3 NTICA ST F MYERS, FL 33905	12-43-25-00-00003.0200 11950 SHIRLEY LN NORTH FORT MYERS FL 33917	FM SE COR SEC 12 N 2433FT W 206 TO POB TH W 191 N238 TO C/L SH LN E191 S238-POB
N D SOLUTIONS INC 19451 SR 31 NORTH FORT MYERS, FL 33917	12-43-25-00-00003.0210 19451 STATE ROAD 31 NORTH FORT MYERS FL 33917	PARL IN NE 1/4 OF SE 1/4 AS DESC IN OR 1377 PG 2136

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION
HETHERINGTON MICHAEL J & 19420 TURKEY RUN LN ALVA, FL 33920	08-43-26-00-00011.0020 19420 TURKEY RUN LN ALVA FL 33920	N 1/2 OF NW 1/4 OF NW 1/4 OF SW 1/4
R' :ONNIE R 15 SR 31 NORTH FORT MYERS, FL 33917	12-43-25-00-00003.0180 19411 STATE ROAD 31 NORTH FORT MYERS FL 33917	A PARL OF LAND IN N 1/2 OF N 1/2 OF NE 1/4 OF SE 1/4 AS DESC IN OR 0620 PG 0318
KALOURIS IOANNIS 19171 TURKEY RUN LN ALVA, FL 33920	08-43-26-00-00010.0000 19171 TURKEY RUN LN ALVA FL 33920	W 1/2 OF NW 1/4 OF SW 1/4 OF SW 1/4 DESC OR 1542/1090 LESS EAST 30 FT
KALOURIS IOANNIS + 19171 TURKEY RUN LN ALVA, FL 33920	08-43-26-00-00010.0040 ACCESS UNDETERMINED ALVA FL	E30 FT OF W1/2 OF NW1/4 OF SW1/4 OF SW1/4 R/W FOR TURKEY RUN LANE
SANDS JEFFREY A & 19170 TURKEY RUN LN ALVA, FL 33920	08-43-26-00-00010.0030 19170 TURKEY RUN LN ALVA FL 33920	E 1/2 OF NW 1/4 OF SW 1/4 OF S W 1/4 DESC IN OR 1542 PG 1079
SCHELL MATTHEW G & 18901 CREEK BRIDGE CT ALVA, FL 33920	14-43-26-03-00000.0170 18901 CREEK BRIDGE CT ALVA FL 33920	TELEGRAPH CREEK ESTATES PB 55 PGS 54 + 55 LOT 17
JONES WILLIAM A & SHAWN M 18950 CREEK BRIDGE CT ALVA, FL 33920	14-43-26-03-00000.0100 18950 CREEK BRIDGE CT ALVA FL 33920	TELEGRAPH CREEK ESTATES PB 55 PGS 54 + 55 LOT 10
GERALD BARBARA JEAN GRIFFITH 18951 BRIDGE WOOD CT ALVA, FL 33920	14-43-26-03-00000.0090 18951 BRIDGE WOOD CT ALVA FL 33920	TELEGRAPH CREEK ESTATES PB 55 PGS 54 + 55 LOT 9
HAMMOND JOSHUA T & 18950 BRIDGE WOOD CT ALVA, FL 33920	14-43-26-03-00000.0010 18950 BRIDGE WOOD CT ALVA FL 33920	TELEGRAPH CREEK ESTATES PB 55 PGS 54 + 55 LOT 1
MINA JOHN W 18800 TELEGRAPH CREEK LN ALVA, FL 33920	14-43-26-00-00003.1000 18850 TELEGRAPH CREEK LN ALVA FL 33920	PARL IN NW 1/4 DESC IN OR 1752 PG 3005 LESS 3.1010
LEE COUNTY C :RVATION 2020 P(X 398 FORT MYERS, FL 33902	14-43-26-00-00002.1000 16451 N RIVER RD ALVA FL 33920	W 1/2 OF NE 1/4 + E 1/2 OF NW 1/4 LESS PAR 3 + E 1/2 OF NE 1/4 OF SW 1/4
RICHARD H PRITCHETT III TRUST NORTH RIVER ESTATES ASSN 6311 SILVER + LEWIS LN FORT MYERS, FL 33912	14-43-26-01-0000A.00CE NORTH RIVER ESTATES C/E ALVA FL 33920	NORTH RIVER ESTATES PB 51 PGS 77-81 TRACT A
PRI-CAR LLP PO BOX 3648 NORTH FORT MYERS, FL 33918	14-43-26-01-00000.0380 18991 RIVER ESTATES LN ALVA FL 33920	NORTH RIVER ESTATES PB 51 PG 78 LOT 38
PRI-CAR LLP PO BOX 3648 NORTH FORT MYERS, FL 33918	14-43-26-01-00000.0390 18990 RIVER ESTATES LN ALVA FL 33920	NORTH RIVER ESTATES PB 51 PG 78 LOT 39
PRI-CAR LLP PO BOX 3648 NORTH FORT MYERS, FL 33918	14-43-26-01-00000.0400 18950 RIVER ESTATES LN ALVA FL 33920	NORTH RIVER ESTATES PB 51 PG 78 LOT 40
HASLEY BENJAMIN J & JILL M 21970 EDWARDS DR ALVA, FL 33920	13-43-26-00-00001.0050 ACCESS UNDETERMINED ALVA FL	W1/2 OF N1/2 OF NW1/4 OF NW1/4
LIEBL BRIAN O & LINDA I 18900 BRIDGEWOOD CT ALVA, FL 33920	14-43-26-03-00000.0020 18900 BRIDGE WOOD CT ALVA FL 33920	TELEGRAPH CREEK ESTATES PB 55 PGS 54 + 55 LOT 2
JABER ABDALLAH 2603 NE 4TH AVE CAPE CORAL, FL 33909	14-43-26-03-00000.0110 18900 CREEK BRIDGE CT ALVA FL 33920	TELEGRAPH CREEK ESTATES PB 55 PGS 54 + 55 LOT 11
PRI-CAR III LLC PO BOX 3648 N FORT MYERS, FL 33918	01-43-25-00-00001.1000 20941 STATE ROAD 31 NORTH FORT MYERS FL 33917	N 1/2 OF NE 1/4 OF NE 1/4 LESS SR 81 + NW 1/4 OF NE 1/4 + GOVT LOT 3
D :RR DOUGLAS G 1 2ND PL CA :E CORAL, FL 33990	12-43-25-00-00003.0020 19621 STATE ROAD 31 NORTH FORT MYERS FL 33917	N 1/2 OF S 1/2 OF SE 1/4 OF NE 1/4

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION
ARMEDA FAMILY LLC 19440 ARMEDA RD ALVA, FL 33920	08-43-26-00-00002.0000 ACCESS UNDETERMINED ALVA FL 33920	N 1/2 OF S 1/2 OF SW 1/4 OF NW 1/4
SI DEBRA D TR 19 SR 31 FORT MYERS, FL 33917	12-43-25-00-00004.0000 19321 STATE ROAD 31 NORTH FORT MYERS FL 33917	THE N 1/2 OF S 1/2 OF NE 1/4 OF SE 1/4 LESS RD.R/W LESS 4.002
FRANCIS RICHARD LOWELL JR & 19300 TURKEY RUN LN ALVA, FL 33920	08-43-26-00-00011.0010 19300 TURKEY RUN LN ALVA FL 33920	E1/2 OF SW1/4 OF NW1/4 OF SW1/4 OF SEC 8 DESC IN OR 1542 PG 1084
HIPP MICHAEL LEE & 14500 HIPP CT ALVA, FL 33920	08-43-26-00-00006.0030 14500 HIPP CT ALVA FL 33920	SE 1/4 OF NE 1/4 OF SE 1/4
8 AVENUE LLC PO BOX 366748 BONITA SPRINGS, FL 34136	12-43-25-00-00004.0010 11881 RUDEN RD NORTH FORT MYERS FL 33917	THE S 1/2 OF S 1/2 OF NE 1/4 OF SE 1/4
SCH NORTH FORT MYERS LLC 7-ELEVEN INC AD VALOREM TAX STORE 38285 PO BOX 711 DALLAS, TX 75221	13-43-25-02-00000.0010 18971 STATE ROAD 31 NORTH FORT MYERS FL 33917	NE 1/4 OF NE 1/4 OF NE 1/4 OF NE 1/4 LESS RD R/W
KREINBRINK DANIEL W & 12100 N RIVER RD ALVA, FL 33920	18-43-26-00-00001.0040 12100 N RIVER RD ALVA FL 33920	NW 1/4 OF NW 1/4 OF SEC 18 DESC IN OR 3129 PG 2190
LAWSON DONALD SHUMAKER LOOP + KENDRICK LLP 240 S PINEAPPLE AVE SARASOTA, FL 34236	19-43-26-00-00002.1010 12350 OLD RODEO DR ALVA FL 33920	PAR IN NW1/4 OF NW1/4 OF NE1/4 OF SEC 19 + PORT IN SE 1/4 OF SW 1/4 OF SW 1/4 AS DESC IN INST#2006-467705 PAR IN E 1/2 OF W 1/2 N OF RIVER AS DESC IN INST#2006-467701
TAKODA LAND GROUP LLC 5800 LAKEWOOD RANCH BLVD SA SOTA, FL 34240	18-43-26-00-00002.0020 12850 N RIVER RD ALVA FL 33920	E1/2 OF SEC 18 N OF TROUT CREEK LESS OR1100/642 + PORT IN GOVT LOT 2 OF SEC 19 LESS INST#2006-467705
LL OUNTY PO BOX 398 FORT MYERS, FL 33902	16-43-26-L2-U2905.5773 ACCESS UNDETERMINED ALVA FL 33920	N 1/2 SEC 16 TWN 43 RG 26 INSTRUMENT 2021000316566 PARCELS 1 + 2 + FORMER FDOT ROW
TELEGRAPH CREEK CATTLE CO LLC 10660 DEAL RD NORTH FORT MYERS, FL 33917	15-43-26-00-00001.0060 ACCESS UNDETERMINED ALVA FL	N 1/2 OF SEC + N 1/2 OF N 1/2 OF S 1/2 SEC 15 + W 1/2 OF W1/2 SEC14 LYING N OF C/L OF CREEK LESS RD R/W + LESS OR1233/994 + LESS INST#2007000060354 + 2008000119140 + TRIANGULAR PARL DESC IN OR 4503/4670
CARY + DUKE PROPERTIES LLC PO BOX 718 FORT MYERS, FL 33902	17-43-26-00-00001.0000 13230 N RIVER RD ALVA FL 33920	NW 1/4 + SE 1/4 LESS SW 1/4 OF SW 1/4 OF SE 1/4 LESS R/W OR 2026/2985
STAGE 94 REAL ESTATE LLC 3820 BRUSHY BREEK RD #97 CEDAR PARK, TX 78613	17-43-26-02-00000.0140 18990 SERENOA CT ALVA FL 33920	NORTH RIVER OAKS PB 34 PG 102 LOT 14
POVIA FAMILY LLC 5991 BUCKINGHAM RD FORT MYERS, FL 33905	16-43-26-00-00001.0000 ACCESS UNDETERMINED ALVA FL 33920	N 1/2 SEC 16 TWN 43 RG 26 PT SWAMP LESS INSTRUMENT 2021000316566
STADTLER ANDREW A & LINDA K 18870 RIVER ESTATES LN ALVA, FL 33920	14-43-26-01-00000.0420 18870 RIVER ESTATES LN ALVA FL 33920	NORTH RIVER ESTATES PB 51 PG 78 LOT 42
FIFER BRIAN + 18891 RIVER ESTATES LN ALVA, FL 33920	14-43-26-01-00000.0350 18891 RIVER ESTATES LN ALVA FL 33920	NORTH RIVER ESTATES PB 51 PG 78 LOT 35
PRI-CAR III LLC 6601 BAYSHORE RD NORTH FORT MYERS, FL 33917	01-43-25-00-00001.0020 ACCESS UNDETERMINED NORTH FORT MYERS FL 33917	PARCEL IN NE 1/4 OF SECT 1 ALONG SR 31 NORTH OF PARCEL IN #2018- 161731
PUCKETT BARBARA 2 STATE RD 31 N H FORT MYERS, FL 33917	01-43-25-00-00003.0030 20211 STATE ROAD 31 NORTH FORT MYERS FL 33917	THE N1/2 OF NE1/4 OF SE1/4 OF SE1/4 LES PAR 3.003A + ELY53FT+SUBJECT TO ESMENTS
PUCKETT BARBARA ANN 20231 STATE ROAD 31 FORT MYERS, FL 33917	01-43-25-00-00003.003A 20231 STATE ROAD 31 NORTH FORT MYERS FL 33917	PARL IN N 1/2 OF NE 1/4 OF SE 1/4 OF SE 1/4 DESC IN OR 1808 PG 3378

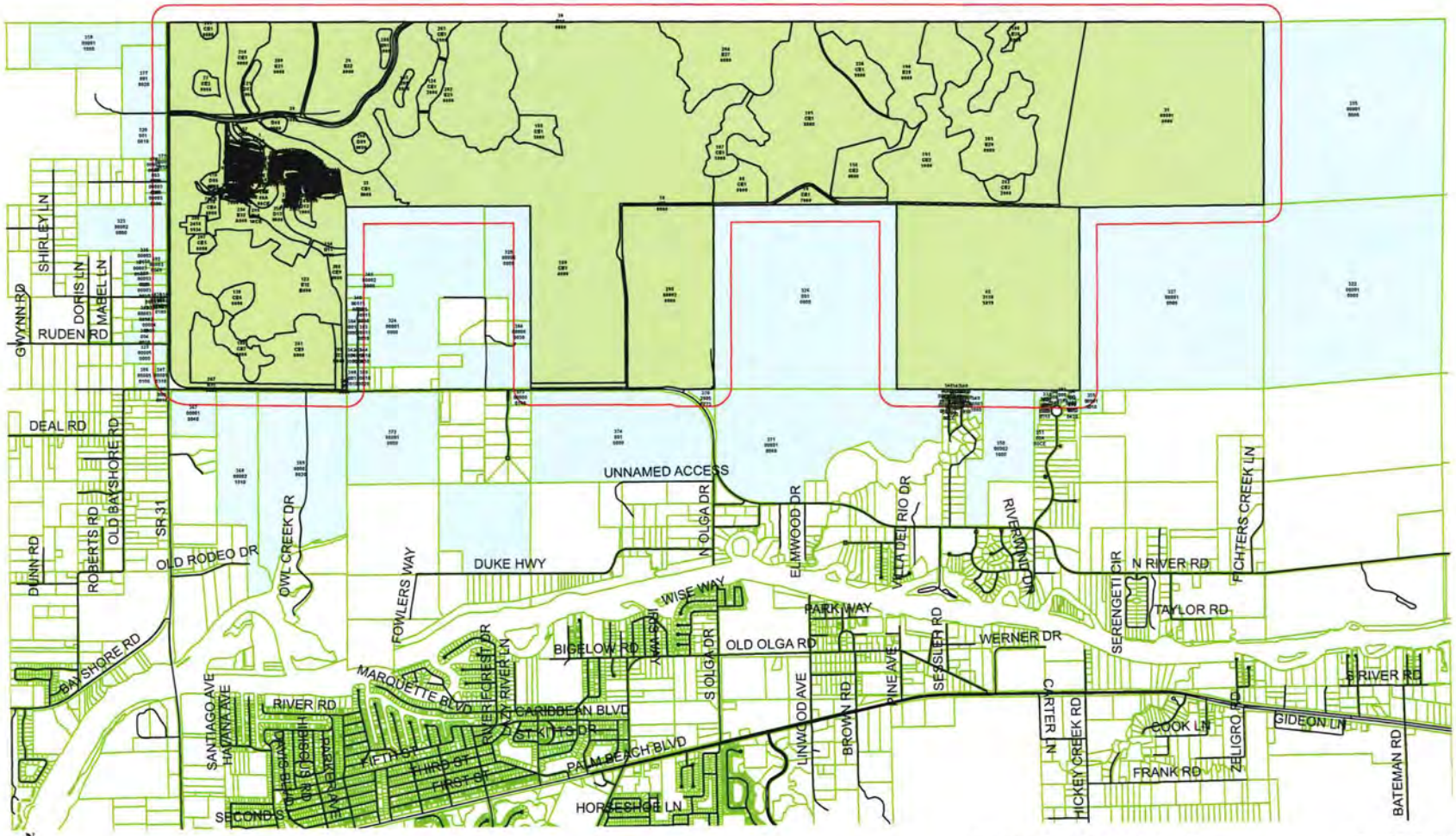
OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION
SWADNER MURIELENE J TR PO BOX 101525 CAPE CORAL, FL 33910	01-43-25-00-00003.0090 20031 STATE ROAD 31 NORTH FORT MYERS FL 33917	THE S 1/2 OF SE 1/4 OF SE 1/4 OF SE 1/4 LESS ELY 53 FT
BI TT PATRICIA ANNE TR 19. SR 31 NORTH FORT MYERS, FL 33917	12-43-25-00-00003.004A 19651 STATE ROAD 31 NORTH FORT MYERS FL 33917	S 1/2 OF N 1/2 OF SE 1/4 OF NE 1/4 LESS N 165 FT OF E 653 FT
BURKETT PATRICIA ANNE TR 19731 SR 31 NORTH FORT MYERS, FL 33917	12-43-25-00-00003.0040 19671 STATE ROAD 31 NORTH FORT MYERS FL 33917	N 165 FT OF E 653 FT OF S 1/2 OF N 1/2 OF SE 1/4 OF NE 1/4
SMITH JEFFREY L TR 43000 BOARDWALK LOOP BABCOCK RANCH, FL 33982	12-43-25-00-00003.0050 19381 STATE ROAD 31 NORTH FORT MYERS FL 33917	THE S 1/2 OF N 1/2 OF NE 1/4 OF SE 1/4
FURY BONNIE K TR 19321 TURKEY RUN LN ALVA, FL 33920	08-43-26-00-00011.0000 19321 TURKEY RUN LN ALVA FL 33920	W 1/2 OF NW 1/4 OF SW 1/4 LESS PARL 11.001 THRU 11.003
SCHREYER JASON TOD 19360 TURKEY RUN LN ALVA, FL 33920	08-43-26-00-00011.0030 19360 TURKEY RUN LN ALVA FL 33920	SE 1/4 OF NW 1/4 OF NW 1/4 OF SW 1/4
VAN ROEKEL & VAN ROEKEL DVM PA 18321 N OLGA DR ALVA, FL 33920	12-43-25-00-00005.0100 18871 OLD BAYSHORE RD NORTH FORT MYERS FL 33917	E 308.94 FT OF W 936.83 FT OF S 705 FT OF SE 1/4 OF SE 1/4
MERIT PETROLEUM COMPANY + 10 SARASOTA CENTER BLVD SARASOTA, FL 34240	12-43-25-00-00005.0310 18981 OLD BAYSHORE RD NORTH FORT MYERS FL 33917	PARL LOC IN SE 1/4 OF THE SE 1/4 DESC IN INST #2016000048655
ONEILL MICHAEL 13033 N RIVER RD ALVA, FL 33920	08-43-26-00-00010.0010 13033 N RIVER RD ALVA FL 33920	W 1/2 OF S W 1/4 OF S W 1/4 OF S W 1/4 DESC IN OR 1432 PG 635
PIPKINS DAVID S & 19100 TURKEY RUN LN ALVA, FL 33920	08-43-26-00-00010.0020 19100 TURKEY RUN LN ALVA FL 33920	E1/2 OF SW1/4 OF SW1/4 OF SW1/4 DESC IN OR 1505 PG 1868
SMITH RYAN & KATELYN 1 RIVER ESTATES LN AL FL 33920	14-43-26-01-00000.0360 18911 RIVER ESTATES LN ALVA FL 33920	NORTH RIVER ESTATES PB 51 PG 78 LOT 36
SHELTON THOMAS E JR & 18851 CREEK BRIDGE CT ALVA, FL 33920	14-43-26-03-00000.0160 18851 CREEK BRIDGE CT ALVA FL 33920	TELEGRAPH CREEK ESTATES PB 55 PGS 54 + 55 LOT 16
DIAZ PEDRO & MARY 18850 BRIDGE WOOD CT ALVA, FL 33920	14-43-26-03-00000.0030 18850 BRIDGE WOOD CT ALVA FL 33920	TELEGRAPH CREEK ESTATES PB 55 PGS 54 + 55 LOT 3
YOUNG MICHAEL P JR PO BOX 990580 NAPLES, FL 34116	14-43-26-03-00000.0120 18850 CREEK BRIDGE CT ALVA FL 33920	TELEGRAPH CREEK ESTATES PB 55 PGS 54 + 55 LOT 12

73 RECORDS PRINTED

VARIANCE REPORT

10/23/202

Subject Parcels: 319 Affected Parcels: 74 Buffer Distance: 500 ft



01-43-26-00-00001.0000 et al.

5,560 4,170 2,780 1,390 0 5,560 Feet

01-43-25-L2-00001.0010
TRINITY ENTERPRISE HOLDINGS IN
1000 PINEBROOK RD
VENICE, FL 34285

01-43-25-00-00003.0080
DAVIS DION W & HEATHER R
11940 FOX HILL RD
NORTH FORT MYERS, FL 33917

07-43-27-00-00001.0000
LEE COUNTY
CONSERVATION 2020
PO BOX 398
FORT MYERS, FL 33902

12-43-25-00-00002.0000
GULFCOAST GIRL SCOUT COUNCIL I
4780 CATTLEMAN RD
SARASOTA, FL 34233

08-43-26-00-00001.0000
ARMEDA FAMILY LLC
19440 ARMEDA RD
ALVA, FL 33920

3-43-26-00-00006.0000
ARMEDA FAMILY LLC
19440 ARMEDA RD
ALVA, FL 33920

10-43-26-L4-00001.0000
LEE COUNTY
CONSERVATION 2020
PO BOX 398
FORT MYERS, FL 33902

12-43-26-00-00001.0000
LEE COUNTY
CONSERVATION 2020
PO BOX 398
FORT MYERS, FL 33902

12-43-25-00-00003.0030
JOHNSON SHIRLEY RACHEL TR
11901 SHIRLEY LN
NORTH FORT MYERS, FL 33917

12-43-25-00-00005.0000
ANROEKEL DENNIS & DEBRA
8321 NORTH OLGA DR
ALVA, FL 33920

14-43-26-03-00001.00CE
TELEGRAPH CREEK EST PROPERTY
18561 TELEGRAPH CREEK LN
ALVA, FL 33920

14-43-26-03-00000.00CE
TELEGRAPH CREEK EST PROPERTY
18561 TELEGRAPH CREEK LN
ALVA, FL 33920

14-43-26-03-00000.0080
JABR BELAL
639 SE 13TH AVE #114
CAPE CORAL, FL 33909

14-43-26-01-00000.0370
PRI-CAR LLP
PO BOX 3648
NORTH FORT MYERS, FL 33918

14-43-26-01-00000.0410
KETRON RALPH D JR +
18910 RIVER ESTATES LN
ALVA, FL 33920

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LEE COUNTY
CONSERVATION 2020
PO BOX 398
FORT MYERS, FL 33902

12-43-25-00-00003.0150
BURKETT PATRICIA ANN TR
19731 STATE ROAD 31
NORTH FORT MYERS, FL 33917

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NOLAN PATRICK J
11920 SHIRLEY LN
NORTH FORT MYERS, FL 33917

12-43-25-00-00003.0200
DHOOT RENU
3306 ANTICA ST
FORT MYERS, FL 33905

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N D SOLUTIONS INC
19451 SR 31
NORTH FORT MYERS, FL 33917

08-43-26-00-00011.0020
HETHERINGTON MICHAEL J &
19420 TURKEY RUN LN
ALVA, FL 33920

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RICCI CONNIE R
19411 SR 31
NORTH FORT MYERS, FL 33917

08-43-26-00-00010.0000
KALOURIS IOANNIS
19171 TURKEY RUN LN
ALVA, FL 33920

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ALVA, FL 33920

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SANDS JEFFREY A &
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SCHELL MATTHEW G &
18901 CREEK BRIDGE CT
ALVA, FL 33920

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JONES WILLIAM A & SHAWN M
18950 CREEK BRIDGE CT
ALVA, FL 33920

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GERALD BARBARA JEAN GRIFFITH
18951 BRIDGE WOOD CT
ALVA, FL 33920

14-43-26-03-00000.0010
HAMMOND JOSHUA T &
18950 BRIDGE WOOD CT
ALVA, FL 33920

14-43-26-00-00003.1000
INA JOHN W
6800 TELEGRAPH CREEK LN
ALVA, FL 33920

14-43-26-00-00002.1000
LEE COUNTY
CONSERVATION 2020
PO BOX 398
FORT MYERS, FL 33902

14-43-26-01-0000A.00CE
RICHARD H PRITCHETT III TRUST
NORTH RIVER ESTATES ASSN
6311 SILVER + LEWIS LN
FORT MYERS, FL 33912

14-43-26-01-00000.0380
PRI-CAR LLP
PO BOX 3648
NORTH FORT MYERS, FL 33918

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PRI-CAR LLP
PO BOX 3648
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PRI-CAR LLP
PO BOX 3648
NORTH FORT MYERS, FL 33918

13-43-26-00-00001.0050
HASLEY BENJAMIN J & JILL M
21970 EDWARDS DR
ALVA, FL 33920

14-43-26-03-00000.0020
LIEBL BRIAN O & LINDA I
18900 BRIDGEWOOD CT
ALVA, FL 33920

14-43-26-03-00000.0110
JABER ABDALLAH
2603 NE 4TH AVE
CAPE CORAL, FL 33909

01-43-25-00-00001.1000
PRI-CAR III LLC
PO BOX 3648
N FORT MYERS, FL 33918

12-43-25-00-00003.0020
DOHERR DOUGLAS G
126 SE 2ND PL
CAPE CORAL, FL 33990

08-43-26-00-00002.0000
ARMEDA FAMILY LLC
19440 ARMEDA RD
ALVA, FL 33920

12-43-25-00-00004.0000
SMITH DEBRA D TR
19321 SR 31
FORT MYERS, FL 33917

08-43-26-00-00011.0010
FRANCIS RICHARD LOWELL JR &
19300 TURKEY RUN LN
ALVA, FL 33920

08-43-26-00-00006.0030
HIPP MICHAEL LEE &
14500 HIPP CT
ALVA, FL 33920

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BONITA SPRINGS, FL 34136

-43-25-02-00000.0010
SCH NORTH FORT MYERS LLC
7-ELEVEN INC
AD VALOREM TAX STORE 38285
PO BOX 711
DALLAS, TX 75221

18-43-26-00-00001.0040
KREINBRINK DANIEL W &
12100 N RIVER RD
ALVA, FL 33920

19-43-26-00-00002.1010
LAWSON DONALD
SHUMAKER LOOP + KENDRICK LLP
240 S PINEAPPLE AVE
SARASOTA, FL 34236

18-43-26-00-00002.0020
TAKODA LAND GROUP LLC
5800 LAKEWOOD RANCH BLVD
SARASOTA, FL 34240

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FORT MYERS, FL 33902

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TELEGRAPH CREEK CATTLE CO LLC
10660 DEAL RD
NORTH FORT MYERS, FL 33917

17-43-26-00-00001.0000
CARY + DUKE PROPERTIES LLC
PO BOX 718
FORT MYERS, FL 33902

17-43-26-02-00000.0140
STAGE 94 REAL ESTATE LLC
3820 BRUSHY BREEK RD #97
CEDAR PARK, TX 78613

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POVIA FAMILY LLC
5991 BUCKINGHAM RD
FORT MYERS, FL 33905

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STADTLER ANDREW A & LINDA K
18870 RIVER ESTATES LN
ALVA, FL 33920

14-43-26-01-00000.0350
FIFER BRIAN +
18891 RIVER ESTATES LN
ALVA, FL 33920

01-43-25-00-00001.0020
PRI-CAR III LLC
6601 BAYSHORE RD
NORTH FORT MYERS, FL 33917

01-43-25-00-00003.0030
PUCKETT BARBARA
20231 STATE RD 31
NORTH FORT MYERS, FL 33917

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PUCKETT BARBARA ANN
20231 STATE ROAD 31
FORT MYERS, FL 33917

01-43-25-00-00003.0090
SWADNER MURIELENE J TR
PO BOX 101525
CAPE CORAL, FL 33910

12-43-25-00-00003.004A
BURKETT PATRICIA ANNE TR
19731 SR 31
NORTH FORT MYERS, FL 33917

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BURKETT PATRICIA ANNE TR
19731 SR 31
NORTH FORT MYERS, FL 33917

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SMITH JEFFREY L TR
43000 BOARDWALK LOOP
BABCOCK RANCH, FL 33982

08-43-26-00-00011.0000
FURY BONNIE K TR
19321 TURKEY RUN LN
ALVA, FL 33920

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SCHREYER JASON TOD
19360 TURKEY RUN LN
ALVA, FL 33920

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VAN ROEKEL & VAN ROEKEL DVM PA
18321 N OLGA DR
ALVA, FL 33920

12-43-25-00-00005.0310
MERIT PETROLEUM COMPANY +
10 SARASOTA CENTER BLVD
SARASOTA, FL 34240

08-43-26-00-00010.0010
ONEILL MICHAEL
13033 N RIVER RD
ALVA, FL 33920

08-43-26-00-00010.0020
PIPKINS DAVID S &
19100 TURKEY RUN LN
ALVA, FL 33920

14-43-26-01-00000.0360
ITH RYAN & KATELYN
3911 RIVER ESTATES LN
ALVA, FL 33920

14-43-26-03-00000.0160
SHELTON THOMAS E JR &
18851 CREEK BRIDGE CT
ALVA, FL 33920

14-43-26-03-00000.0030
DIAZ PEDRO & MARY
18850 BRIDGE WOOD CT
ALVA, FL 33920

14-43-26-03-00000.0120
YOUNG MICHAEL P JR
PO BOX 990580
NAPLES, FL 34116

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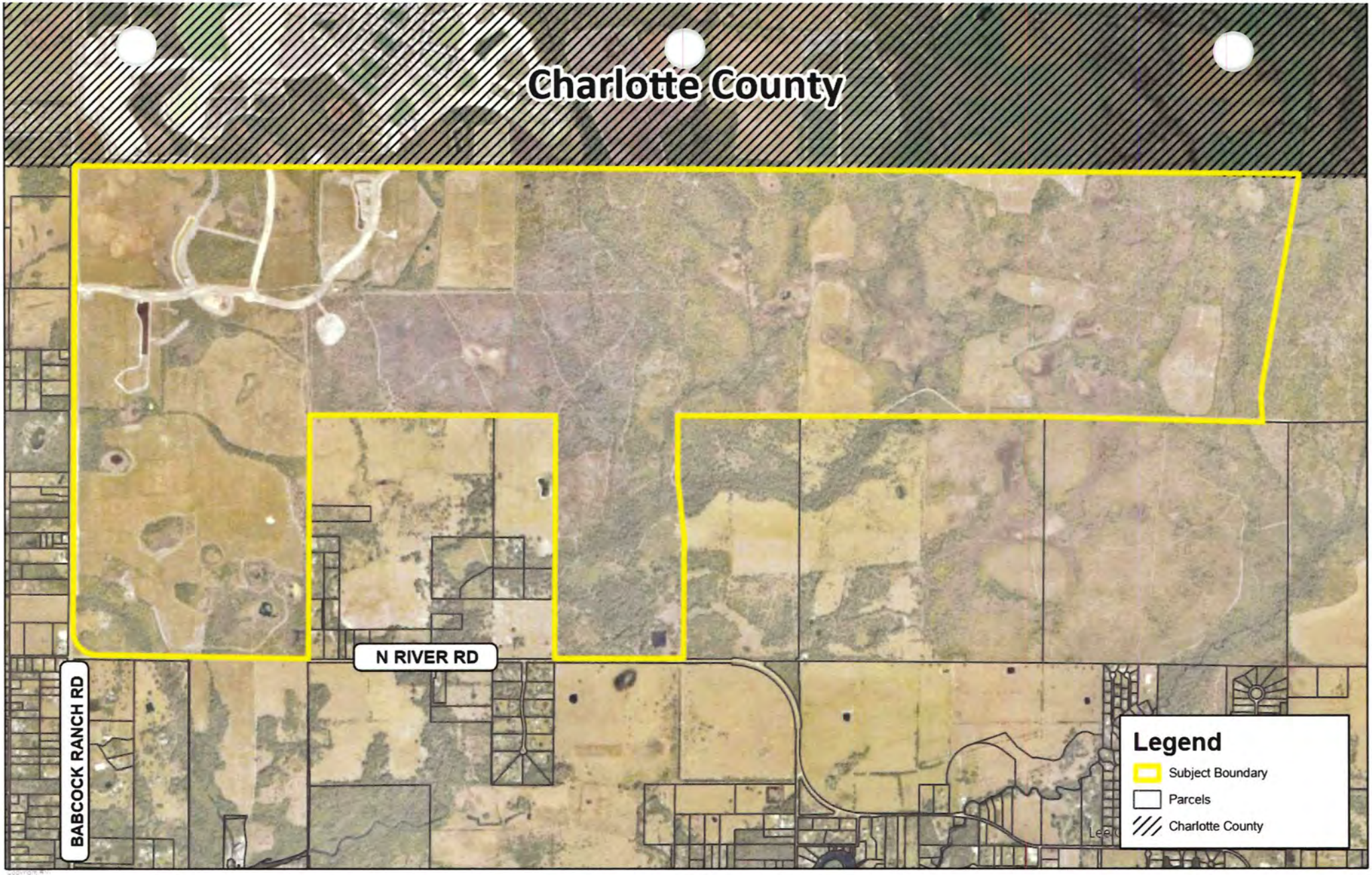
GIS Map Series



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Suite 450
Tampa, FL 33610
Tel: 813.443.8282
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BABCOCK RANCH • **AERIAL MAP**

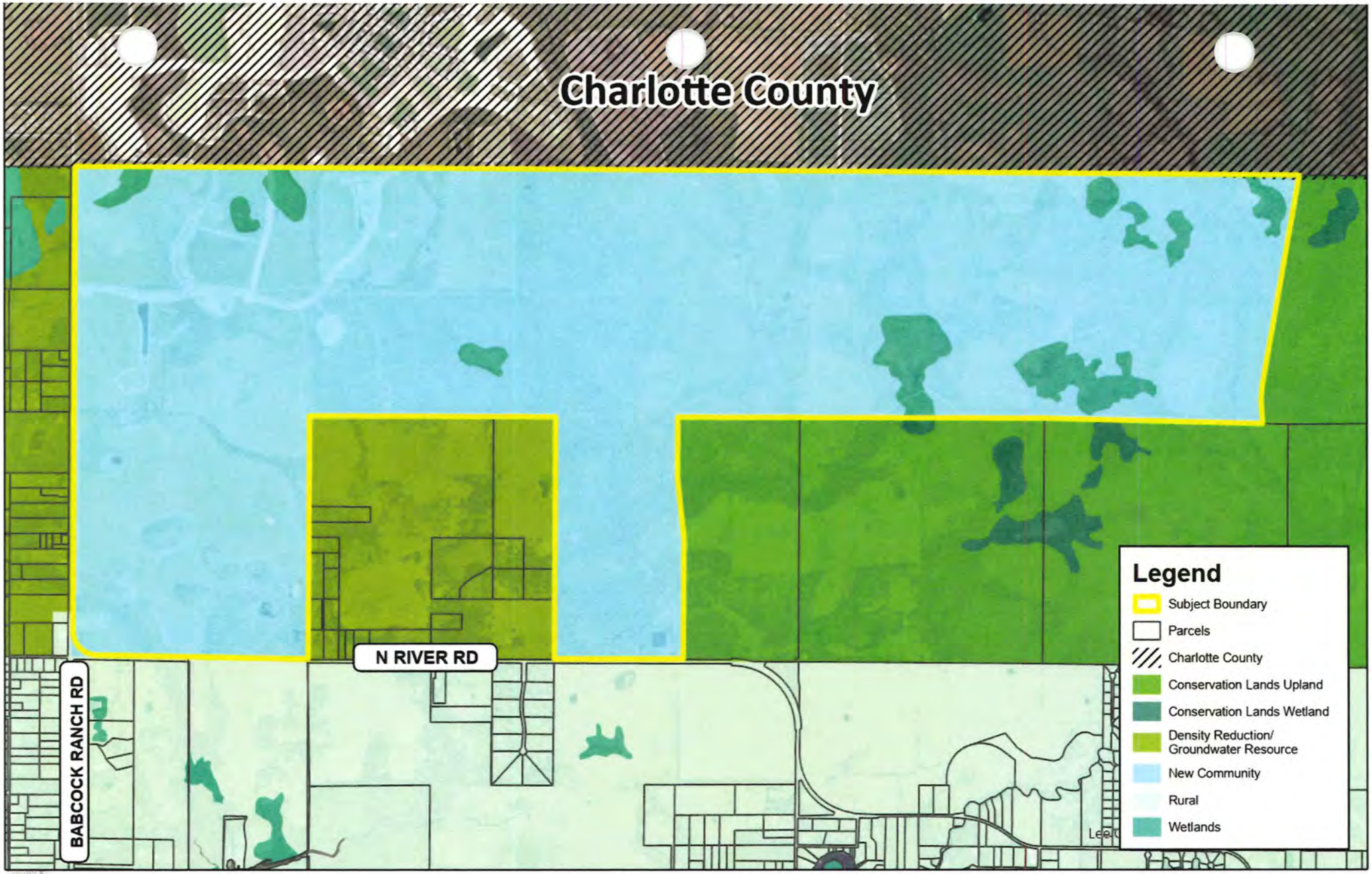
Lee County, FL

10/25/2023

23004379

Babcock Property Holdings, LLC

0 1,500 3,000
Feet



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Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

BABCOCK RANCH • EXISTING FUTURE LAND USE MAP

Lee County, FL

10/25/2023

23004379

Babcock Property Holdings, LLC

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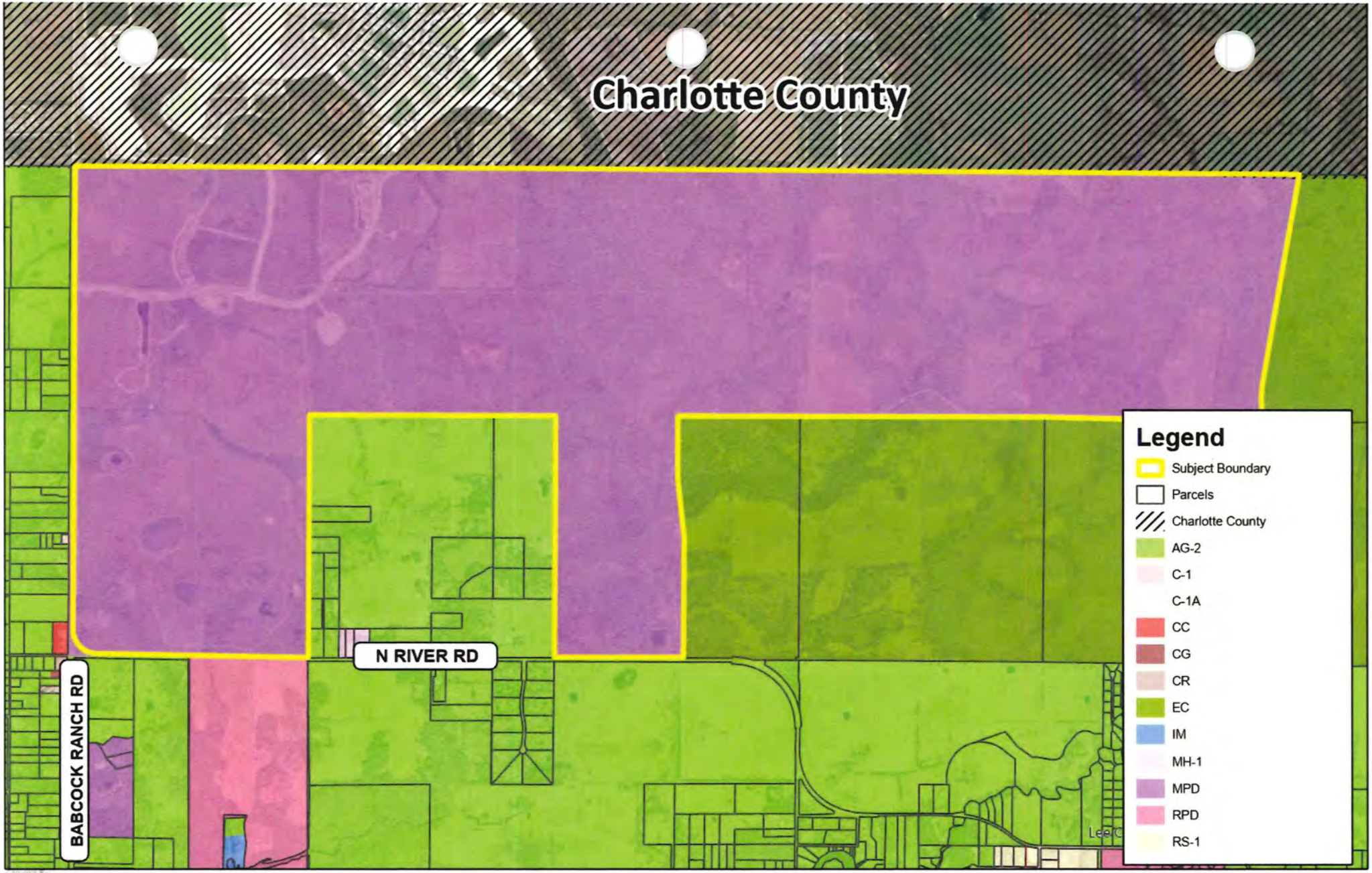
Feet



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Suite 450
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

BABCOCK RANCH • **CURRENT ZONING MAP**

Lee County, FL

10/25/2023

23004379

Babcock Property Holdings, LLC

0 1,500 3,000
Feet

Proposed Text Amendment

Babcock Mixed Use Planned Development
Lee Plan Text Amendment

REVISED JULY 2024

POLICY 1.1.15: The New Community future land use category are areas of land that can be planned and developed as a cohesive unit ~~in order~~ to better achieve the conservation of important environmental resources and ~~to~~ initiate area-wide surface water management. New Community land must be located such that the area is capable of being developed with a balance of residential and non-residential uses and that major impacts of the development are internalized and/or alleviated by existing infrastructure ~~that is existing~~ or will be funded privately. New Community areas will be developed as freestanding economic units and will not impose negative fiscal impacts on the County (other than those associated with the delay in placing property improvements on the tax rolls). The residential density is one unit per ~~2.5~~ 1.9 gross acres (1 du/~~2.5~~ 1.9 acres) except within the Gateway/Airport Planning District, where a residential density of up to six dwelling units per gross acre (6 du/acre) may be permitted.

Development within the New Community future land use category must have at least the following characteristics:

1. The land will be developed under a well-conceived overall Planned Development;
2. The land can be served with all necessary facilities and services at no expense to the County. Uniform Community Development Districts and special taxing districts may be utilized toward achieving this objective;
3. Population, recreation, open space, educational, office, and research facilities are distributed in an orderly and attractive manner;
4. The land must be developed in such a manner as to protect environmentally sensitive areas;
5. The land must be developed as a free-standing community offering a complete range of land uses (e.g. a full mix of housing types for a range of household incomes, industrial and office employment centers, and community facilities such as fire departments, schools, law enforcement offices, public recreational

areas, health care facilities, and community commercial areas). The mix of land uses will be evaluated through buildout of the New Community to ensure developments include both residential and non-residential uses;[1]

6. Off-site impacts must be mitigated;
7. On-site levels of service must meet the County-wide standards contained in this plan;
8. The land area must exceed a minimum of 2,000 acres to ensure an appropriate balance of land uses; and
9. The land must be developed consistent with Goal 29 if located within the North Olga Community Plan area identified on Lee Plan Map 2-A.

****

OBJECTIVE 29.9: NEW COMMUNITY. Land designated as New Community on the Future Land Use Map within the North Olga Community Plan area will be developed as a unified planned development in order to achieve conservation and enhancement of important environmental resources; initiate area wide surface water management; prevent sprawling land use patterns; create critical hydrological and wildlife corridors and connections; and protect rural character of the surrounding community. (Ord. No. 18-06, 18-18)

POLICY 29.9.1: Residential densities for land within the New Community future land use category may be permitted up to a maximum of 1 du/~~2.5~~ 1.9 acres. In no case shall the unit count in the New Community future land use category in North Olga exceed ~~1,630~~ 2,078 dwelling units. (Ord. No. 18-06, 18-18)

POLICY 29.9.2: Non-residential intensities for lands within the New Community future land use category will be limited to a maximum permitted Floor Area Ratio (FAR) of 0.15. The FAR will be based upon the gross acreage dedicated to non-residential uses within the overall planned development boundary, including all uplands, wetlands, open space, rights-of-way, recreation areas, and/or lake. In no case shall the total commercial square footage in the New Community future land use category in North Olga exceed 1,170,000 square feet, in addition to ~~600~~ 250 hotel rooms. (Ord. No. 18-06, 18-18)

---

[1] Planned Developments in the New Community future land use category in the North Olga Community Plan area must have a minimum of 50,000 square feet of non-residential floor area under construction prior to construction of the 1,000th residential dwelling unit.

POLICY 29.9.3: Prior to development, a planned development rezoning must be approved, and include conditions and requirements that demonstrate the following:

a. Environmental Enhancements.
   1. A minimum of 60% open space, inclusive of onsite preserve, to accommodate the following:
      i. Water quality enhancement areas, including but not limited to natural systems-based stormwater management facilities, filter marshes, and wetland buffers to reduce the rate of run-off and associated nutrient loads;
      ii. Existing regional flow-ways;
      iii. Preservation of 90% of the onsite wetlands;
      iv. Critical wildlife connection(s) to adjacent conservation areas through on-site preserve areas;
      v. Roadway setbacks and perimeter buffers; and
      vi. Passive recreational and civic areas that comply with the definition of open space, as set forth in the LDC.

   2. Open space areas must be platted in separate tracts, outside of privately owned lots, and dedicated to an appropriate maintenance entity. A Community Development District (CDD), Independent Special District (ISD), or a master property owners association must be created to accept responsibility for perpetually maintaining the open space areas identified in the planned development.
   3. Record a conservation easement for a minimum of 50% of the planned development benefiting a public agency acceptable to Lee County, or Lee County itself, and dedicated to an appropriate maintenance entity. Land subject to conservation easement(s) can be used for on-site mitigation and will be recorded as development orders are issued. The timing of conservation easement(s) and restoration may be phased so long as the area dedicated to conservation easement is equal to or greater than the area of land approved for development on a cumulative basis.
   4. Provide a protected species management plan to address human wildlife coexistence, including educational programs and development standards.
   5. Provide wildlife crossings on-site and to adjacent wildlife habitat areas.
   6. Provide recreational connections to adjacent public and private conservation and preserve land, subject to approval by the appropriate agencies, through the provision of publicly accessible trailheads and similar facilities within the development.
   7. Incorporate Florida Friendly Landscaping with the low irrigation requirements in common areas.

8. A binding commitment as part of the planned development to implement an environmental education program for homeowners, businesses and visitors to describe the local ecology, including but not limited to wildlife, plant communities, and native habitats, in addition to the design standards, restoration projects, and management programs/plans, incorporated into the development to address environmental protection.
9. Incorporate energy efficiency and other Low Impact Development (LID) performance standards within the development.
10. Minimize impacts to natural areas and native habitat by concentrating development primarily in areas previously impacted by agricultural uses and other development activities.

b. Water Quality & Hydrological Enhancements.

1. The stormwater management system must demonstrate through design or other means that water leaving the development meets current state and federal water quality standards. Outfall monitoring will be required on a quarterly basis for a minimum of 5 years from the date of acceptance of construction of the water management system by the SFWMD. Monitoring may be eliminated after 5 years if the water quality standards are met.
2. Demonstrate an additional 50% water quality treatment beyond the treatment required by the SFWMD for the on-site stormwater management basins.
3. Protect existing groundwater levels and improve existing wetland hydroperiods in onsite preserve areas, as applicable by SFWMD permits.
4. Provide a lake management plan that requires best management practices for the following:
   i. fertilizers and pesticides;
   ii. erosion control and bank stabilization; and
   iii. lake maintenance requirements and deep lake management for lakes exceeding 12 feet below lake surface (BLS).
5. Provide a site-specific ecological and hydrological plan, which includes at a minimum the following: preliminary excavation and grading plans, exotic removal and maintenance plan, supplemental planting plan, and success criteria for meeting established goals.
6. Provide a site-specific mitigation and enhancements to reduce discharge rates.
7. Utilize reuse and surface water generated by the development to meet the irrigation demands of the recreation and development areas, to the extent such reuse is available.

8. Demonstrate that the proposed planned development will not result in significant detrimental impacts on present or future water resources.

c. Infrastructure Enhancements.
   1. All development within the planned development must connect to centralized water and sewer services, with the exception of interim facilities used on a temporary basis during construction, and for unmanned essential services on a temporary basis until water and sewer service is extended to the development.
   2. Written verification as to adequate public services for the planned development from the sheriff, EMS, fire district, and Lee County School District, or via interlocal agreements with adjacent jurisdictions and/or special districts.
   3. Civic space, recreational areas, and a variety of amenities distributed throughout the development for use by the general public, to be maintained by the property owners' association or similar entity.
   4. Sufficient right-of-way to accommodate an 8-foot wide multi-purpose pathway along the roadway frontages, where the planned development abuts SR 31 and CR 78.

d. Community Character.
   1. Transition to lower densities and intensities where adjacent to off-site conservation lands.
   2. Enhanced buffers and setbacks along external roadways to preserve rural vistas and viewsheds that are at least 50% wider than the LDC requirements.
   3. Locate access points onto adjacent arterial roadways to minimize impact to the surrounding rural community.

****

TABLE 1(a)

SUMMARY OF RESIDENTIAL DENSITIES[1]

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM[2] (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY[3] (Dwelling Units per Gross Acre)
Intensive Development[14]	8	14	22
General Interchange[2]	8	14	22
Central Urban[15]	4	10	15
Urban Community[4,5,16]	1	6	10
Suburban[17]	1	6	No Bonus
Outlying Suburban	1	3	No Bonus
Sub-Outlying Suburban	1	2	No Bonus
Rural[10]	No Minimum	1	No Bonus
Outer Islands	No Minimum	1	No Bonus
Rural Community Preserve[6]	No Minimum	1	No Bonus
Open Lands[7]	No Minimum	1 du/10 acres	No Bonus
Density Reduction/Groundwater Resource[13]	No Minimum	1 du/10 acres	No Bonus
Wetlands[8]	No Minimum	1 du/20 acres	No Bonus
New Community[19]	No Minimum	6	No Bonus
University Community[9]	1	2.5	No Bonus
Destination Resort Mixed Use Water Dependent[11]	6	9.36	No Bonus

Burnt Store Marina Village[12]	No Minimum	160 Dwelling Units; 145 Hotel Units	No Bonus
Coastal Rural[18]	No Minimum	1 du/2.7 acres	No Bonus

CLARIFICATIONS AND EXCEPTIONS

[1]S e glossary in Chapter XII for the full definition of "density".

[2]Except in the General Interchange future land use category adherence to minimum densities is not mandatory but is recommended to promote compact development.

[3]These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Bonus Density Program identified in the LDC, Chapter 2.

[4]Within the Future Urban Areas of Pine Island Center, rezonings that will allow in excess of 3 du/acre must "acquire" the density above 3 du/acre utilizing Greater Pine Island TDUs (see Objective 24.6), or transfer dwelling units in accordance with Policy 24.3.4.

[5]In all cases on Gasparilla Island, the maximum density must not exceed 3 du/acre.

[6]Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet (see Policy 20.1.3).

[7]A maximum density of 1 du/5 acres can only be approved through the planned development process (see Policy 1.4.4), except in the approximately 135 acres of land lying east of US41 and north of Alico Road in the northwest corner of Section 5, Township 46, Range 25.

[8]Higher densities may be allowed under the following circumstances where wetlands are preserved on the subject site:

(a) If the dwelling units are relocated off-site through the TDR program provided in LDC, Chapter 2; or

(b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, Outlying Suburban, Sub-Outlying Suburban, Rural, and New Community from preserved freshwater wetlands at the same underlying density as permitted for those uplands (see Policy 124.1.1). Impacted wetlands will be calculated at the standard Wetlands density of 1 du/20 acres. Planned developments or development orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-18.

[9]T overall average density for the University Village sub-district must not exceed 2.5 du/acre.

[10]. e Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1 du/2.25 acres.

[11]The overall number of residential dwelling units is limited to 271 units in the DRMUWD future land use category.

[12]The residential dwelling units and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Map 5-A.

[13]See Objectives 33.2 and 33.3 for potential density adjustments.

[14]The maximum total density may be increased to 30 du/acre utilizing Greater Pine Island TDUs. [15]The maximum total density may be increased to 20 du/acre utilizing Greater Pine Island TDUs. [16]The maximum total density may be increased to 15 du/acre utilizing Greater Pine Island TDUs. [17]The maximum total density may be increased to 8 du/acre utilizing Greater Pine Island TDUs.

[18]The standard maximum density is 1 du/2.7 acres unless the "Adjusted Maximum Density" of 1 du/acre is achieved (see Policy 1.4.7 and LDC, Chapter 33).

[19]The maximum density in the New Community future land use category is limited to 1 du/~~2.5~~ 1.9 acres in the North Olga Community Plan area (see Policy 1.1.15).

Justification Narrative &
Lee Plan Analysis

Babcock Comprehensive Plan Amendment
Request Narrative

REVISED JULY 2024

I. Request

Babcock Property Holdings, LLC ("Applicant") is requesting approval of a Text Amendment Petition relating to the 4,157.2 +/-acre site known as "Babcock Ranch." The proposed text amendment will amend Policy 1.1.15 relating to the New Community Future Land Use Category and Objective 29.9 relating to New Community North Olga future land use category, to allow an increase in the number of dwelling units (DUs) from 1,630 DUs to 2,078 DUs and a reduction in hotel rooms from 600 to 250 rooms. An amendment to the Mixed-Use Planned Development (MPD) approval per Resolution Z-17-026 is being filed concurrently with this petition. The amendment does not propose any changes to the non-residential intensity of 1,170,000 SF and the maximum proposed building height is 65 feet. The project is connected to central water and sanitary sewer services via Babcock Ranch Community (BRC) Independent Special District (ISD).

This amendment will allow for increased diversity of housing types, including additional multi-family units. The amendment will also provide opportunities for Assisted Living Facilities through the Land Use Equivalency Matrix ("LUEM"). The proposed additional density will be sensitively located in the far northern limits of the MPD adjacent to the Charlotte County line, and more intensive town center uses in the Town of Babcock Ranch. The requested density increase is offset via additional environmental and public/civic benefits, above and beyond those enhancements already committed through the existing MPD.

The proposed petition will support and enhance the development of a clustered, mixed-use community on impacted areas of the subject property, which are adjacent to the Town of Babcock Ranch. The petition also serves to substantially increase the specific and measurable enhancements relating to protection, conservation, enhancement and restoration of natural resources. Due to the location of the proposed additional density, the development will continue to maintain compatibility with the surrounding low-density, rural communities in North Olga.

II. Property Information & Existing Conditions

The Property is comprised of 4,157.2 acres and is generally located north of North River Road/CR 78, south of the Lee/Charlotte County line, east of SR 31, and west of 20/20 Conservation lands in Northeast Lee County.

The subject property consists of a large assemblage of agricultural lands formerly owned and operated by the Babcock Family, until acquired by the Applicant in 2006. The underlying future land use designation is New Community and Wetlands per Ordinance 18-06, and all parcels are zoned Mixed Use Planned Development (MPD) per Resolution Z-17-026. Portions of the property are currently under development for permitted uses under the MPD zoning approval, while other portions continue to be used for agricultural purposes.

Pursuant to the CPA and MPD zoning approvals in 2018, the development of 1,000 dwelling units has commenced in the MU-2 and MU-1/R Tracts in a community known as TerraWalk at Babcock Ranch.

Lands in MPD have been conveyed to Pulte and Florida Power & Light (FPL) within the MPD boundary, as evidenced by the attached affidavits and disclosures of interest.

III. Town of Babcock Ranch/Project History

Occupying land in both Charlotte and Lee Counties, the historical footprint of Babcock Ranch covers over 90,000 acres and was primarily used for logging and agricultural purposes. The property is named after Edward Vose Babcock, who purchased the land in 1914.

In 2006, Babcock Ranch Holdings, LLC (Kitson & Partners) acquired the property with the intent of conveying the majority of the Ranch's environmentally sensitive areas to the State for permanent preservation, thereby providing an alternative mechanism for ensuring the long-term conservation of this environmental corridor. The remaining 18,000 acres, and the areas most significantly impacted by the historical agricultural and timber operations, would be utilized for development of a new town.

Since acquisition, Babcock Ranch Holdings has conveyed 74,000 acres to the State and secured all required development approvals for development of the Town of Babcock Ranch within Charlotte County, including but not limited to: Development of Regional Impact (DRI); Comprehensive Plan Amendment; Planned Unit Development rezoning; South Florida Water Management District (SFWMD) permits; Department of Environmental Protection 404 Permit, and an Army Corps of Engineers (ACOE) permit. The subject property is subject to both a conceptual SFWMD Environmental Resource Permit and ACOE permit.

Babcock Ranch was sensitively planned to maintain large tracts of open space and preserve areas within the development boundary to allow for the long-term protection of native habitats, facilitation of water quality improvements, and creation of functional wildlife corridors that connect internal preserves to a regional network of off-site conservation lands.

The DRI allows for the development of 17,870 dwelling units, 6 million square feet of non-residential uses, 600 hotel rooms, 177 hospital beds, 418 Assisted Living Facility (ALF) units, educational facilities, recreational uses, and civic space. The estimated population at build-out is 50,000 residents.

Substantial development has occurred in the Town including the construction of approximately 1,861 dwelling units, and the construction of 69,000+/- SF of retail and 13,000 SF of office uses per the 2022 DRI Monitoring Report.

Of the 18,000 acres within Babcock Ranch, 4,157 acres are located in Lee County. In 2018, the County approved future development of these lands via adoption of the New Community – North Olga future land use category, which allowed for development on upland portions of the property at a density of 1 du/2.5 acre, along with commitments for environmental, infrastructure and civic enhancements. Additionally, the New Community category required 60% of the site to be retained as open space, with 50% of the acreage maintained as native preserve encumbered by a perpetual conservation easement.

The New Community FLU and companion MPD zoning provided Lee County with a mechanism to allow clustered development in areas immediately adjacent to the established Town footprint in Charlotte County, and shift approved commercial intensities into Lee County to realize some of the economic benefit and tax base associated with these uses. The Overlay balanced the County's goals for the preservation, enhancement and restoration of on-site natural resources; protection of North Olga's rural character; and economic development.

IV. Surrounding Land Use Pattern

The subject property is located in a transitional area between the suburban development pattern south of the Caloosahatchee River in Fort Myers Shores; the semi-rural and agricultural lands within the North Olga community; and the urban mixed-use Town of Babcock Ranch, located immediately to the north of the Lee/Charlotte County line. Table 1.1 below further defines the surrounding Future Land Use designations, zoning districts and adjacent land uses.

Table 1.1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USE
NORTH	Babcock Ranch Overlay District	Babcock Overlay Zoning District	Mixed-Use & Residential (Town of Babcock Ranch)
SOUTH	Rural; DR/GR	Agriculture (AG-2)	Public Right-of-Way (CR 78)
EAST	DR/GR	Agriculture (AG-2)	Conservation Lands (20/20); Agriculture; Single-Family Residential
WEST	Rural; DR/GR	Agriculture (AG-2)	Public Right-of-Way (SR 31)

The property has more than 2 miles of frontage on SR 31 and approximately 1.5 miles of frontage on North River Road/CR 78. Both SR 31 and North River Road are 2-lane arterial roadways.

It is important to emphasize that the subject property is largely surrounded by lands owned by the Applicant, government-owned conservation areas, or arterial roadways. The only adjacent properties under residential usage are those parcels in the "cut out" north of North River Road in Section 8. The vast majority of these lands are controlled by the Armeda Family, LLC, and utilized for agricultural purposes, with the exception of four (4) single-family properties on lots ranging from 5 to 7.5 acres along Turkey Run Lane. The lack of established residential communities adjacent to, or near the subject properties mitigates issues concerning neighborhood compatibility.

As outlined in the below analysis of Lee Plan Compliance section and the companion MPD Amendment application, the amendments to allow additional dwelling units within the New Community FLU will be limited to the far northern limits of the property and adjacent to Charlotte County, thereby protecting the surrounding rural lands in Lee County from impacts of additional density. Further, the amendment is offset by substantial reduction to the number of permitted hotel rooms and substantial increase to the on-site preserve areas. The MPD maintains all adopted performance standards to ensure the future development is complimentary to the surrounding land use pattern, including: a clustered development footprint with minimal external impacts; enhanced roadway and PD perimeter setbacks; transitional density from west to east; and increased buffers.

V. Proposed New Community Amendment

The proposed New Community Amendment will continue the development of Babcock Ranch under a Mixed-Use Planned Development program with clustered development pods within the ±4,157-acre site. The proposed Comprehensive Plan Map Amendment will expand the total wetland acreage within the preserve from 608.2 acre to 615.28 acres. Within the development pods, density is proposed to slightly increase and be capped at a maximum of 2,078 dwelling units. This text amendment will continue to allow for the clustering of development in a mixed-use setting by allowing for an additional 360 multifamily dwelling units. The remaining density will be utilized for Assisted Living Facility beds utilizing the Land Use Equivalency Matrix adopted by the MPD. These changes will provide additional housing diversity and allow for aging in place opportunities for existing and future residents and their families.

The text amendment will work to balance the proposed change by reducing the total number of hotel rooms from 600 rooms to 250 rooms. The reduction of hotel rooms lessens the intensity of allowable development within the Lee County portion of Babcock Ranch. The multifamily units will achieve more diverse housing stock for the Babcock Ranch community. Additionally, the companion MPD and supportive Master Concept Plan will delineate substantial increases to preserve areas that will remain under perpetual conservation easements.

The proposed amendments to Lee Plan Policy 1.1.15 and Objective 29.9 are in keeping with the policies and goals of the New Community Future Land Use category as outlined below in Section VII, particularly the protection and enhancement of natural resources and North Olga's rural character.

VI. Public Infrastructure

The subject property is currently serviced, or will be serviced, by public and private infrastructure that can accommodate the proposed mix of uses at the requested densities and intensities. The subject property is located within the Babcock Ranch Community Independent Special District (ISD), established in 2007 by House Bill 1515 (codified in Chapter 2007-306, Laws of Florida) passed by the Florida Legislature, and approved by the Governor of Florida on June 27, 2007, as amended. The ISD will provide for the governing, financing, construction, operation and maintenance of essential public services and facilities within the Town of Babcock Ranch.

Potable water, sanitary sewer, and irrigation services will be provided by BRCISD. In addition, there are adequate community facilities and services in the immediate vicinity of the project, including fire protection, EMS, schools, and public parks.

As detailed in the accompanying Traffic Circulation Analysis prepared by David Plummer & Associates, the surrounding roadway network requires improvements with or without the project. Some of these improvements are currently being planned and funded by the developer of the Town of Babcock Ranch. It is understood the developer will continue to identify funding sources and work with the appropriate state, regional and local transportation agencies for the planning and financing of required improvements.

Please refer to the enclosed agency availability letters for a complete description of available infrastructure and services to support development within the subject property. It should also be noted that as the Town of Babcock Ranch grows, additional services will be readily available to the proposed MPD, and other Charlotte County services by way of interlocal agreements.

VII. Lee Plan Compliance

In accordance with the Lee Plan, the enclosed application demonstrates compliance to the following policies and objectives:

> ***POLICY 1.1.15:*** *The New Community future land use category are areas of land that can be planned and developed as a cohesive unit ~~in order~~ to better achieve the conservation of important environmental resources and ~~to~~ initiate area-wide surface water management. New Community land must be located such that the area is capable of being developed with a balance of residential and non-residential uses and that major impacts of the development are internalized and/or alleviated by existing infrastructure ~~that is existing~~ or will be funded privately. New Community areas will be developed as freestanding economic units and will not impose negative fiscal impacts on the County (other than those associated with the delay in placing property improvements on the tax rolls). The residential density is one unit per ~~2.5~~ 1.9 gross acres (1 du/~~2.5~~ 1.9 acres) except within the Gateway/Airport Planning District, where a residential density*

of up to six dwelling units per gross acre (6 du/acre) may be permitted. [As proposed via this amendment]

Babcock Ranch is a mixed-use master planned community with the full range of land uses balanced with expansive preservation area in direct compliance with this policy. The community is self-contained in that it provides for a variety of housing types, which is further enhanced by the proposed amendment, as well as goods, services and employment. Adequate resources are available to serve the proposed increase of dwelling units as outlined in the enclosed letter of availability from Babcock Ranch Community Independent Special District (BRCISD).

Development within the New Community future land use category must have at least the following characteristics:

1. *The land will be developed under a well-conceived overall Planned Development;*

   Babcock Ranch is a well-conceived MPD zoning district subject to a binding Master Concept Plan (MCP) with commercial, office, residential, and recreational uses located on impacted uplands of the property. The MCP provides for significant wetland and upland preservation areas, as well as common open space areas demonstrating a sensitively planned project that not only preserves but enhances natural resources.

2. *The land can be served with all necessary facilities and services at no expense to the County. Uniform Community Development Districts and special taxing districts may be utilized toward achieving this objective;*

   Adequate services are available or planned for the proposed community, including those required for the additional density requested through this application. The amendment makes efficient use of the existing investment in developer-funded infrastructure.

3. *Population, recreation, open space, educational, office, and research facilities are distributed in an orderly and attractive manner;*

   Residential, recreational, and commercial uses are clustered within the Babcock Ranch MPD with extensive preserve area provided around the various development pods. The development pods are connected through a variety of streets, sidewalks, and multi-use trails with parks throughout the development. Mixed-use areas ensure goods and services are proximate to residential neighborhoods.

4. *The land must be developed in such a manner as to protect environmentally sensitive areas;*

   The proposed amendment and corresponding MPD increases the preservation area, as delineated on the MCP Land Use Summary, from 2,079 acres to 2,613, while decreasing acreage of development. This includes increases to both uplands and wetland preserves areas, both providing significant environmental benefit relating to connectivity of habitat for listed species, enhancement of surface water management systems, and protection of groundwater resources. The proposed amendment directly supports the protection of environmentally sensitive areas.

5. *The land must be developed as a free-standing community offering a complete range of land uses (e.g. full mix of housing types for a range of household incomes, industrial and office employment centers, and community facilities such as fire departments, schools, law*

enforcement offices, public recreational areas, health care facilities, and community commercial areas). The mix of land uses will be evaluated through buildout of the New Community to ensure developments include both residential and non-residential uses;

The Babcock MPD is being developed as a free-standing community with residential within close proximity to a variety of commercial and recreational uses. The Lee County MPD lands are highly integrated with the greater Town of Babcock Ranch within Charlotte County and fully fulfill the intent of this future land use category to create a self-contained community.

6. *Off-site impacts must be mitigated;*

   Off-site impacts are mitigated via the MPD zoning conditions relating to protection of natural resources and delivery of infrastructure and services. Letters of availability are provided with this this application to support the increased unit count.

7. *On-site levels of service must meet County-wide standards contained in this plan;*

   On-site levels of service meet County-wide standards as noted in the provided Utility/Service Demand Analysis, Traffic Impact Study, and the provided Letters of Availability.

8. *The land area must exceed a minimum of 2,000 acres to ensure an appropriate balance of land uses; and*

   The proposed amendments do not impact the ±4,157-acre site boundary approved with Ordinance 18-06.

9. *The land must be developed consistent with Goal 29 if located within the North Olga Community Plan area identified on Lee Plan Map 2-A.*

   The proposed amendment is consistent with Goal 29, as noted below.

POLICY 1.5.1: *Permitted land uses in Wetlands consist of very low density residential uses and recreational sues that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124. The maximum density is one dwelling units per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII.*

The proposed amendment provides for additional 7 acres of jurisdictional wetland preservation. No additional impacts to wetlands are proposed. Thus, the amendment will enhance the project's consistency with this policy.

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 proposed density increase will occur in areas of the site approved for development, resulting in no new impacts to preserve or open space areas. The project remains contiguous and interconnected with the Town of Babcock Ranch in Charlotte County with shared infrastructure to serve the proposed modifications to uses. The project

demonstrates clustered development areas that maximize the permanent preservation of thousands of acres of native habitat, wildlife corridors and flowways.

POLICY 2.2.1: *Rezoning and DRI 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 surrounding infrastructure has capacity to handle the increase in residential density outlined in the proposed Comprehensive Plan Amendment. Please find attached letters of availability from schools, fire, and police. The availability letter from EMS will be provided in a subsequent submittal.

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 Chapter 17-22, F.A.C.)*
2. *If the proposed development lies within the boundaries of a water utility's certified or franchised service area, or Lee County Utilities' future potable water service area, then the development must be connected to that utility.*
3. *The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.*
4. *All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Fla. Admin. Code R. 62-555.*
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.*
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.*
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.*

Potable water services will be provided by Babcock Ranch Community Independent Special District (BRCISD). Please refer to the enclosed letter from this entity confirming availability of services for the additional proposed density within this petition. All water flows will be in compliance with code requirements.

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.*
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.

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.*
4. *If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.*
5. *If a development lies outside any service area as described above, the developer may: • request that the service area of Lee County Utilities or an adjacent sewer utility be expanded to incorporate the property; • establish a self-provided sanitary sewer system for the development; • develop at an intensity that does not require sanitary sewer service; or • if no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Fla. Admin. Code R. 64E-6 may be utilized, contingent on approval by all relevant authorities.*
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.*

Sanitary sewer services will be provided by Babcock Ranch Community Independent Special District (BRCISD). Please refer to the enclosed letter from this entity confirming availability of services for the additional proposed density within this petition.

POLICY 4.1.4: ENVIRONMENTAL FACTORS

1. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District (SFWMD), or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.
2. Ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site.
3. Ensure development minimizes the need for expansion and construction of street and utility improvements.

The approved development footprint is reduced by the companion MPD Amendment. The areas proposed for development were carefully located in the prior zoning approval to maximize preservation of existing wetlands, upland habitat and flowways. Development is located in the areas historically impacted by agricultural, leaving over 60% undeveloped. Compliance with this policy is enhanced by the proposed amendment.

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 Chapter 10 of the Land Development Code 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 Land Development Code will continue to require appropriate buffers for new developments.

The CPA will maintain compatibility with the surrounding rural and residential land uses via expansive buffers and setbacks, limited access to surrounding roadways, and clustering of development adjacent to the Charlotte County line proximate to the urban core of the Town of Babcock Ranch.

Specifically, the CPA and companion MPD amendment will not impact the 1,300' setback from North River Road; prohibition of access onto North River Road; and buffers in excess of the LDC along all roadways. A 50' setback from edge of pavement along SR 31 will be provided.

The proposed additional density will be located in the MU-1 or MU-2 areas of the site shown on the MCP, in the far northern limits of the project to enhance internal accessibility of the Town's goods, services and employment located in the mixed use areas of both Charlotte and Lee Counties.

***GOAL 9: AGRICULTURAL LAND USES**. To protect existing and potential agricultural lands from the encroachment of incompatible land uses and to discourage the introduction or expansion of agricultural uses in the Future Urban Areas.*

The New Community policies will continue to require expansive buffers and setbacks from adjacent agriculturally zoned property as well as any agricultural uses that may occur on the abutting Conservation 20/20 lands.

***OBJECTIVE 17.3: PUBLIC INPUT:** To provide opportunities for public input as part of the comprehensive plan and land development code amendment process.*

***POLICY 17.3.1:** Educate the public regarding comprehensive planning and sound planning principles by requiring public information meetings.*

To coincide with the application and inform the community on the proposed changes, the applicant has met with Alva Inc., North Olga, and held a townhall in Babcock Ranch. These were preliminary meetings, and the official publicly advertised meeting summaries and proof of noticing are provided.

***POLICY 17.3.2:** One public information meeting is required for privately-initiated applications that propose a text change within a community plan or revises a map designation within a community plan area boundary. The meeting must be conducted before the application can be found complete.*

The applicant has held a Babcock Community Meeting on December 7, 2023, a meeting with the North Olga Planning Panel on January 18, 2024, an Alva Inc. meeting on February 13, 2024, a North Olga meeting on the Property no March 12, 2024, a meeting with the North Olga Planning Panel on April 18, 2024, and another meeting with the North Olga Planning Panel on July 18, 2024. The purpose of these meetings is to inform the community of the proposed amendments. These were preliminary meetings, and the official publicly advertised meeting summaries and proof of noticing has been provided.

GOAL 27: *NORTHEAST LEE COUNTY COMMUNITY PLAN. Maintain, enhance, and support the heritage and rural character, natural resources, and agricultural lands. Alva and North Olga will work cooperatively toward this goal through the objectives and policies that follow, and through their individual community plans.*

The proposed Map and Text amendments will serve as enhancement to the rural character by clustering development adjacent to Charlotte County and away from low density and agricultural lands in Lee County. The amendment further enhances the natural resource protection elements committed by the original CPA, by increasing the wetland preserve areas shown on the Future Land Use Map. Policy requirements for expansive buffers and setbacks from all adjacent lands and public roadways will be maintained.

POLICY 27.1.2: *Work with residents and property owners of Alva and North Olga to develop standards and guidelines for clustering future development and conserving large areas of open lands to promote compatibility with adjacent residential and agricultural areas. These standards and guidelines are intended to give clear and meaningful direction for future amendments to the Land Development Code.*

The proposed CPA will continue to cluster development areas in a manner that conserves large areas of undeveloped lands in perpetuity, and also addresses compatibility with active agricultural operations in the area.

POLICY 27.3.2: *Identify, maintain, and enhance appropriate public access to Northeast Lee County's public lands and surface waters, balanced with new and ongoing efforts to protect and enhance the community's water quality and natural resources.*

An internal trail system will be provided and open to the public. The trails will be accessible by trailheads throughout the development and within the adjacent Town of Babcock Ranch in Charlotte County. Main access points to the project from SR 31 and from the Town of Babcock Ranch will not be gated, and will facilitate public ingress/egress to these trailheads.

POLICY 27.4.1: *Work to preserve the rural character and scenic qualities of North River Road, and support multiple modes of travel for residents, business, visitors, and commercial agriculture within Northeast Lee County. Implementation of this policy will not impact the function or operation of agricultural lands within the Planning Community for the purposes of scenic preservation.*

The concurrent MPD and MCP will continue to limit access to North River Road for the purposes of preserving the rural character of this corridor. The MPD conditions further limit access to this roadway for emergency purposes only. In addition, development areas are proposed to be setback 1,300 feet from North River Road in order to preserve the expansive rural vistas. The proposed sub-policies also require enhanced setbacks where proposed development abuts adjacent agricultural uses to mitigate impacts to the function and operations of these lands. Therefore, the CPA/MPD is in direction compliance with the above policy.

GOAL 29: NORTH OLGA COMMUNITY PLAN*. Promote and support the unique rural character, heritage, economy, quality of life, and natural resources in the North Olga Community Plan.*

POLICY 29.1.1. *Protect the community's rural aesthetic qualities, preserve the natural and historic resources, and support a diverse rural economy by promoting compact or clustered development areas that maintain large, contiguous tracts of open space, while supporting commercial agricultural businesses.*

The proposed amendment increases onsite preservation area from 2,079 acres to 2,613 acres. This promotes the rural character of the North Olga area by preserving sensitive lands and clustering onsite development within pods dispersed throughout the site.

POLICY 29.1.3. *Maintain enhanced design, landscaping, signage, and architectural standards to promote the rural character of the North Olga Community Plan area.*

The proposed amendment will not alter the approved design or landscaping which takes into consideration traditional Florida architectural Florida-friendly/Florida-native landscaping.

OBJECTIVE 29.2: *RESIDENTIAL LAND USES. Protect and enhance the rural character of the North Olga Community by evaluating residential development proposals for consistency with the community rural character and sense of community. Rural character is defined as those characteristics that convey the rural lifestyle such as: large lots or clustered development, ample view of wooded areas, open spaces, and river fronts, working farms, productive agricultural uses, and the protections of environmentally sensitive lands.*

POLICY 29.2.1: *Proposed planned developments will be encouraged to provide a mix of unit types and flexible lot sizes to allow for clustering, affordability, preservation of open space, natural assets, and diversity of choice within the community.*

The proposed amendment will provide additional types of residential product types increasing affordability within the community. The proposed multifamily units will cluster units and create more of a walkable, mixed-use development.

OBJECTIVE 29.9: *NEW COMMUNITY. Land designated as New Community on the Future Land Use Map within the North Olga Community Plan area will be developed as a unified planned development in order to achieve conservation and enhancement of important environmental resources; initial area wide surface water management; prevent sprawling land use patterns; create critical hydrological and wildlife corridors and connections; and protect rural character of the surrounding community.*

POLICY 29.9.1: *Residential densities for land within the New Community future land use category may be permitted up to a maximum of 1 du/~~2.5~~ 1.9 acres. In no case shall the unit count in the New Community future land use category in North Olga exceed ~~1,630~~ 2,078 dwelling units. [As proposed via this amendment].*

The proposed petition would amend this policy to allow for up to 2,078 dwelling units. As an off-set, the total number of hotel rooms would be decreased from 600 rooms to 250 rooms. The applicant is also proposing to increase the onsite preservation areas from 2,079 acres to 2,613 acres, reducing the overall developable area within Babcock Ranch.

POLICY 29.9.2. *Non-residential intensities for lands within the New Community future land use category will be limited to a maximum permitted Floor Area Ratio (FAR) of 0.15. The FAR will be based upon the gross acreages dedicated to non-residential uses within the overall planned development boundary, including all uplands, wetlands, open space, rights-of-way, recreation areas, and/or lake. In no case shall the total commercial square footage in the New Community future land use category in North Olga exceed 1,170,000 square feet in addition to ~~600~~ **250** hotel rooms.*

The proposed amendment will not exceed the outlined FAR. The amendment will decrease total hotel rooms from 600 rooms to 250 rooms.

GOAL 54: CONSERVATION. *To ensure that future populations have access to potable water supplies and services at a reasonable price by using and encouraging conservation and resource management measures to reduce consumption of potable water.*

Babcock Ranch is designed to be environmentally conscious through site design, Florida-friendly landscaping, preservation, and clustered development. The community is designed to preserve existing natural resources and continues to educate the community on the importance or conservation and resiliency.

POLICY 60.1.1: *Require design of surface water management systems to protect or enhance the groundwater.*

The CPA will enhance the project's surface water management system that incorporates "green infrastructure" through addition of open space, preserve and wetlands in the easter portion of the site. The surface water management system for the Property has been conceptually permitted through the South Florida Water Management District (SFWMD) to include a net reduction in discharge rates throughout the development. This allows for more contact time between surface water and groundwater tables directly enhancing the potential for recharge in the area. The MPD conditions require an additional 50% water quality treatment in addition to state requirements. This will enhance both groundwater and surface water quality in the vicinity. These commitments are not changed by the proposed amendment.

POLICY 60.1.2: *Incorporate, utilize, and where practicable restore natural surface water flowways and associated habitats.*

Much of the site will remain under a preserve easement with natural surface flowways being maintained.

POLICY 60.4.1: *The County encourages new developments to design their surface water management systems to incorporate best management practices including, but not limited to, filtration marshes, grassed swales planted with native vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.*

The Babcock Ranch site will continue to follow best practices for surface water management through filtration marshes, grassed swales, native vegetation, and increase preserve area, as outlined in the Johnson Engineering Environmental Benefit/Impact Analysis.

POLICY 60.4.2: *The County encourages new developments to design their surface water management system to incorporate existing wetland systems.*

The site has been significantly altered by agricultural operations, and many of the existing flowways have been redefined. The CPA will continue to maintain and enhance the existing flow ways. In addition to preserving much of the land directly encompassing the flowways, the project also includes weirs within the ditched system that will hold back lower flows, thereby restoring natural communities.

As detailed within the Environmental Impact Analysis prepared by Johnson Engineering, the development also includes substantial wetland creation areas throughout the development.

***POLICY 60.4.3**: The County encourages the preservation of existing natural flow-ways and the restoration of historic natural flow-ways.*

Existing natural flowways will continue to be preserved. The proposed CPA increases the total preservation area within Lee County portions of Babcock Ranch.

***OBJECTIVE 71.1: ENERGY CONSERVATION.** Support programs on energy efficiency and conservation, resource conservation and recycling, appropriate community technology, and environmental protection.*

The Babcock Ranch community includes 150 MW of solar generation on more than 440 acres. This energy is fed into the FPL energy grid and is sufficiency to power the existing and planned development in Babcock Ranch, thereby contributing to a self-sustained community. Additionally, the project includes substantial environmental protection measures directly relating to conservation of protected species, native habitat, surface water and groundwater. The community is also planned for multimodal transportation and an integrated mix of land uses to reduce Vehicle Miles Travelled (VMT),

***POLICY 72.2.2:** Assess the impact of all new residential development upon the projected hurricane evacuation network and upon projected hurricane evacuation times, and require mitigation either through structural (on-site or off-site shelter) provisions or through nonstructural methods or techniques. Pursuant to Policy 24.7.5, all new residential development and redevelopment within the Hurricane Vulnerability Zone in Greater Pine Island must mitigate hurricane sheltering and evacuation impacts in accordance with the LDC, Chapter 2, Article XI.*

Babcock Ranch is located within Hurricane Evacuation Zone D, which is less likely to evacuate during a hurricane. Babcock Ranch demonstrated strong resiliency during Hurricane Ian in September of 2022 and experienced limited flooding impacts due to design consistent with current state and federal regulations. Additionally, the planned widening of the surrounding roadway network will better accommodate an emergency evacuation.

***POLICY 123.2.4:** Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.*

The CPA via the companion MPD is increasing the acreage of natural preserve areas to 2,613 acres, which is over 60% of the site. This commitment far exceeds the standards of the Lee Plan and LDC and will provide substantial environmental benefit to the region due to connectivity to vast private and public conservation areas.

***POLICY 125.1.2**: New development and additions to existing development must not degrade surface and ground water quality.*

The CPA will continue to include conditions to ensure no degradation to surface and groundwater, including but not limited to Surface Water and Groundwater Monitoring Plans, Water Quality Monitoring Plans, and enhanced standards related to pre-treatment of stormwater and discharge rates. No changes to these commitments are proposed to the MPD. Moreover, the amendment will provide more open space/preserve within the project to enhance the project's stormwater management capabilities via additional pervious areas.

***POLICY 126.1.1:** Natural water system features which are essential for retention, detention, purification, runoff, recharge, and maintenance of stream flows and groundwater levels shall be identified, protected, and managed.*

The Flow-ways Map included as Attachment 6 of the Environmental Impacts/Benefits Analysis illustrates the major flowways that were mapped across the Lee County BRC during original permitting. Comparing this map to the Development/Preserves Map and Preserve Phasing Map included as Attachments 7 and 8, respectively, of the same report, illustrates the natural flow-ways have been incorporated into the preserve areas.

POLICY 126.1.4: *Development designs must provide for maintaining or improving surface water flows, groundwater levels, and lake levels at or above existing conditions.*

The development/preserve layout was designed to accommodate major flow-ways remaining in place. As part of the review process for the South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) that has been obtained for the project, surface water flows and groundwater levels were evaluated in great detail to ensure a permitted stormwater management design that does not negatively impact preserved wetlands and surface waters.

VIII. State Comprehensive Plan Analysis

The Community Planning Act of 2011 (HB7207) removed the requirement to address consistency with the local comprehensive plan and state comprehensive plan, however, the proposed amendment is consistent with the State Comprehensive Land Use Plan's intent to ensure the protection of natural resources. Specifically, the amendment is consistent with the following guiding policies:

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

1. ***Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.***
2. ***Develop a system of incentives and disincentives which encourages a separation of urban and rural land uses while protecting water supplies, resource development, and fish and wildlife habitats.***

As identified in the attached letters of availability there is service capacity in place to serve the project in terms of potable water and sanitary sewer service. There is also adequate capacity of law enforcement, school services, solid waste, and emergency services.

187.201 (17) PUBLIC FACILITIES.—
(a) Goal.—Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner.
(b) Policies.—

1. **Provide incentives for developing land in a way that maximizes the uses of existing public facilities.**
3. **Allocate the costs of new public facilities on the basis of the benefits received by existing and future residents.**

The proposed amendment will utilize existing and already planned facilities. The added density clusters housing within the already planned development pod to minimize impacts. Potable water and sanitary sewer will be privately provided through Babcock Ranch Community Independent Special District.

IX. Conclusion

In sum, the Comprehensive Plan Amendment proposes an increase to residential density and a decrease in total hotel units while maintaining all performance standards and goals, objectives and policies that ensure protection of natural resources and rural character. The additional density will be clustered on impacted areas of the subject property, immediately adjacent to the Town of Babcock Ranch in the far northern portion of the site pursuant to the companion MPD. The development will continue in a manner that creates specific and measurable enhancements relating to protection, conservation, enhancement and restoration of natural resources, as well as furthering the County's defined economic goals and objectives, all of which result in significant regional benefits. These enhancements will fulfill the intent of the New Community-North Olga future land use category. The Applicant has committed to additional Wetland future land use acreage as further evidence of their commitment to environmental protection. The proposed amendment will meet or exceed the standards set forth in the LDC is consistent and supportive of the Lee Plan as a whole, and the specific intent for North Olga. For these reasons, the Applicant respectfully requests approval of this Comprehensive Plan Amendment as proposed.

Community Meeting Summary

NOTICE OF PUBLIC INFORMATION MEETING

DATE: Tuesday, March 12, 2024

TIME: 7:00 PM

ADDRESS: 21471 N. River Road, Alva, Florida 33920

In accordance with the Northeast Lee County Community Plan Requirements of the Lee County Lee Plan and Land Development Code, the Applicant, Babcock Property Holdings, LLC will be presenting information to the public on the following request:

> The request is to amend the approved Mixed-Use Planned Development (DCI2023-00053) for the +/-4,157-acre property to allow an increase in the number of dwelling units (DUs) from 1,630 DU to 2,078 DUs and a reduction in hotel rooms from 600 rooms to 250 rooms. The amendment will increase onsite preservation acreage. A companion Comprehensive Plan Amendment (CPA2023-00012) includes amending Lee Plan Policy 1.1.15 and Objective 29.9 relating to New Community, North Olga, to modify the entitlements.

For questions, please contact:

Tom Sacharski, AICP
RVi Planning + Landscape Architecture
8725 Pendery Place, Suite 101, Bradenton, FL 34201
(941) 706-6132 or tsacharski@rviplanning.com

NOTICE OF PUBLIC INFORMATION MEETING

DATE: Tuesday, March 12, 2024
TIME: 7:00 PM
ADDRESS: 21471 N. River Road, Alva, Florida 33920

In accordance with the Northeast Lee County Community Plan Requirements of the Lee County Lee Plan and Land Development Code, the Applicant, Babcock Property Holdings, LLC will be presenting information to the public on the following request:

The request is to amend the approved Mixed-Use Planned Development (DCI2023-00053) for the +/- 4,157-acre property to allow an increase in the number of dwelling units (DUs) from 1,630 DU to 2,078 DUs and a reduction in hotel rooms from 600 rooms to 250 rooms. The amendment will increase onsite preservation acreage. A companion Comprehensive Plan Amendment (CPA2023-00012) includes amending Lee Plan Policy 1.1.15 and Objective 29.9 relating to New Community, North Olga, to modify the entitlements.

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tsacharski@rviplanning.com

3/1/24 9900699

Babcock Lee Comprehensive Plan Amendment & MPD Amendment
CPA2023-00012 & DCI2023-00053
North Olga Community Meeting Summary

In accordance with the Northeast Lee County Community Plan Requirements of the Lee County Lee Plan and Land Development Code, the Applicant, Babcock Property Holdings, LLC held a community meeting on the proposed Comprehensive Plan Amendment (CPA2023-00012) and Mixed-Use Planned Development Amendment (DCI2023-00053) for the +/-4,157-acre property known as "Babcock Lee".

The meeting was held on the subject property, generally at the intersection of Saw Palmetto Parkway and Curry Preserve Drive at 10:00 a.m., on Saturday, March 16, 2024. The meeting was advertised in the News Press as shown on Exhibit A. Three (3) attendees participated in the meeting per the Sign-In Sheet attached as Exhibit B.

The Consultant presented the proposed MPD Master Concept Plan (MCP) in contrast to the approved MCP, noting the request will increase the unit count from 1,630 units to 2,078 units. It was noted the number of hotel rooms would be decreased from 600 to 250 rooms. Consultants explained the expanded/increased preserve areas and open space, as well as the FDOT improvements to SR 31, noting no change to proposed access. The Consultants concluded the meeting at approximately 11:00 a.m.

NOTICE OF PUBLIC INFORMATION MEETING

DATE: Saturday, March 16, 2024

TIME: 10:00 AM

ADDRESS: Intersection of Saw Palmetto Pkwy and Curry Preserve Dr, Alva, FL 33920

In accordance with the Northeast Lee County Community Plan Requirements of the Lee County Lee Plan and Land Development Code, the Applicant, Babcock Property Holdings, LLC will be presenting information to the public on the following request:

The request is to amend the approved Mixed-Use Planned Development (DCI2023-00053) for the +/-4,157-acre property to allow an increase in the number of dwelling units (DUs) from 1,630 DU to 2,078 DUs and a reduction in hotel rooms from 600 rooms to 250 rooms. The amendment will increase onsite preservation acreage. A companion Comprehensive Plan Amendment (CPA2023-00012) includes amending Lee Plan Policy 1.1.15 and Objective 29.9 relating to New Community, North Olga, to modify the entitlements.

For questions, please contact:

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8725 Pendery Place, Suite 101, Bradenton, FL 34201

(941) 706-6132 or tsacharski@rviplanning.com

Directions:

From the Lee Civic Center Complex (11831 Bayshore Rd, North Fort Myers) driving north, go approximately 2.75 miles. Take a right onto Saw Palmetto Pkwy (traveling straight through the stop sign) for approximately 0.75 miles. The meeting location will be onsite, south of the intersection of Saw Palmetto Pkwy and Curry Preserve Dr. Please see attached location map.

NP-38901590

BABCOCK LEE COMPREHENSIVE PLAN AMENDMENT & MPD AMENDMENT
NORTH OLGA COMMUNITY MEETING
MARCH 16, 2024

NAME	EMAIL	ADDRESS
Tom Mullins	Mullinsz@icloud.com	1811 Snows Ave
Pete Galatro	PMGALATRO@GMAIL.COM ~~17133 Bullhorn Cir.~~	17133 Bullhorn Cir.
Ron & Norma Moricone		43843 Stream Crossing Ln

Preliminary Density Calculation

BABCOCK MPD AMENDMENT
PRELIMINARY DENSITY CALCULATION

REVISED JULY 2024

The Babcock Mixed Use Planned Development Amendment application is companion to the Babcock Comprehensive Plan Amendment. The CPA proposes to increase the maximum allowable density from 1 du/2.5 acres to 1 du/1.9 acres, and reduce the number of hotel rooms from 600 to 250 rooms. No change to the project intensity is proposed. The amendments will continue to allow for clustered mixed-use development, in a manner that supports specific and measurable enhancements relating to protection, conservation, enhancement and restoration of natural resources, as well as furthering the County's defined economic development goals, all of which result in significant regional benefits. The amendment also specifically supports housing diversity and the inclusion of multi-family and ALF units in the northern portion of the MPD, adjacent to more intensive "town center" uses in the Town of Babcock Ranch.

The following is a breakdown of the project density based upon the companion Comprehensive Plan Amendment.

Future Land Use	Maximum Density	Acreage	Unit Count
New Community (Uplands & Preserved Wetlands)	1 du/1.9 AC	4,100.6 AC	2,158 DU
Wetlands (Impacted)	1 du/20 AC	56.52 AC	3 DU
		TOTAL PERMITTED UNIT COUNT*	**2,161 DU**
		TOTAL REQUESTED UNIT COUNT*	**2,078 DU**

*Companion MPD zoning limits unit count to 2,078 DU

Environmental Impacts Analysis

Babcock Ranch Community
Environmental Impacts/Benefits Analysis

Lee County Comprehensive Plan Amendment / MPD Zoning Amendment

~~*November 2016*~~
Updated November 2023

Prepared for:

Babcock Property Holdings, LLC

Prepared by:

JOHNSON ENGINEERING

TABLE OF CONTENTS

LIST OF TABLES

ATTACHMENTS

I. PROJECT DESCRIPTION/INTRODUCTION

The Babcock Mixed Use Planned Development (MPD) is comprised of the ± 4,157-acre portion of the Babcock Ranch Community (BRC) that is located in Lee County (east of SR 31 and north of CR 78). Babcock Property Holdings, LLC ("BPH" or "Applicant") received Lee County approvals in 2016/2017 to develop an environmentally sensitive mixed use community with up to 1,630 dwelling units (DUs), 600 hotel rooms, and 1,170,000 square feet of non-residential development in a compact development pattern, while preserving approximately half of the property as native preserve (indigenous open space). The Applicant now seeks approval to amend the Babcock MPD to increase the number of DUs from 1,630 DUs to 2,078 DUs; reduce the number of hotel rooms from 600 to 250 rooms; and increase the on-site preservation areas (further described below). The amendment does not propose any changes to the non-residential intensity of 1,170,000 square feet and the maximum proposed building height of 65 feet.

From a preservation standpoint, the approved MPD Master Concept Plan (MCP) reflects 2,079 acres of required preserve. However, the original Preserves Map, which was the basis of environmental conditions and the Preserve Phasing Plan included with the original zoning illustrated approximately 2,379 acres of preserve. The MCP proposed with this application includes approximately 2,613 acres of preserve, which is a net increase of approximately 234 acres of preserve compared to the original Preserve Map and a net increase of 534 acres of preserve compared to the "required preserve" acreage shown on the existing MCP. This net increase of preserve is accomplished by returning approximately 254 acres of lands originally approved for development on the eastern side of the property back to the preservation landscape to provide enhanced wildlife corridors and removing approximately 20 acres of preserve from the southwest portion of the development along State Road 31 to accommodate the future roadway widening.

An overview of existing property attributes is provided below while the maps in **Attachments 1-7** are intended to illustrate the natural conditions found on the properties, as required by Section IV.C of the Application for a Comprehensive Plan Amendment: Environmental Impacts and Part 8: Environmental Requirements of the Planned Development zoning application. The maps remain consistent with those reviewed/approved as part of the original CPA and MPD processes for the BRC, except for updates to illustrate areas of development and preserves that have been implemented to date, as well as illustrate the additional preserve areas on the eastern side of the property. This analysis further provides an overview of the ecological benefits resulting from the expansive preserve corridors.

II. EXISTING CONDITIONS

A. Land Uses / Vegetation

Lee County BRC (± 4,157 acres): The existing Babcock MPD Master Concept Plan (MCP) authorized 1,797 acres of development across six different land use classifications (MU-1/R, MU-1, MU-2, R-1, R-2, and R-3), 2,079 acres of preserve, and 281 acres of buffers/stormwater/other. Since authorization of the Babcock MPD, BPH has commenced development (construction underway or Development Order applications are in process) on approximately 1,200 acres in Lee County. Conservation easements [granted to the South Florida Water Management District (SFWMD) with third party enforcement rights provided to the Florida Department of Environmental Protection (FDEP) and Lee County] have been placed over approximately 1,600

acres of preserve in Lee County. Land management activities (exotic removal/maintenance, prescribed fire, and supplemental plantings, where needed) have commenced within these preserve areas, with approximately 1,300 acres having recently passed CC inspection with Lee County Development Services environmental staff. Agricultural uses were discontinued across the referenced development and preserve areas in accordance with existing zoning requirements. All other undeveloped lands (designated development tracts and future preserve areas) are being maintained with prescribed fire on a 3-5 year rotation.

Vegetation mapping on the property was conducted in accordance with the Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT, 1999) during the original ERP process for the overall BRC (Charlotte and Lee Counties). The limits of jurisdictional wetlands were included in a specific purpose survey during that permitting effort and considered binding by the SFWMD (ERP # 08-0004-S-05, Application # 070330-5) and the U.S. Army Corps of Engineers (USACE) (Permit SAJ-2006-6656 IP-MJD). The habitat mapping and limits of jurisdictional wetlands were re-verified during a modification of the SFWMD permit (new conceptual ERP # 08-105624-P obtained in September 2021) for what is referred to as the 2020 Babcock Plan, which authorized the preserve configuration being sought with this Lee County application. An FDEP State 404 Permit (Permit # 396574-001 obtained in November 2021) was also obtained for the 2020 Babcock Plan following the State's assumption of Section 404 permitting from the USACE in late December 2020.

Prior to the start of development, the site was comprised of approximately 3,428 acres of uplands consisting primarily of improved pastures, pine flatwoods, palmetto prairies, mixed rangeland, pine with oak and cabbage palm, live oak, and upland scrub. Wetlands onsite represented approximately 672 acres and included both forested and herbaceous communities with varying degrees of disturbance. The property also contained approximately 57 acres of surface waters, comprised of both streams and waterways, as well as other manmade areas of open water associated with agricultural uses. Habitat quality of wetlands and uplands varies throughout the site, particularly depending on proximity of canals, roads, and farming activities. The **FLUCFCS Map in Attachment 1** is illustrative of the habitat types found within the Babcock MPD and also provides a detailed acreage breakdown for each habitat type in table format. Development that has occurred to date (±1,200 acres) is shaded in dark gray on this map for illustrative purposes, but the original FLUCFCS codes underlying the development areas remain on the map and in the acreage table. A narrative description of the various habitat types, as originally provided, follows.

FLUCFCS Code 211: Improved pasture

Vegetation in the upper and mid-canopy is mostly absent. The herbaceous stratum is characterized by a variety of pasture grasses and pioneering species, including dog fennel (Eupatorium capillifolium) and Caesar weed (Urena lobata). Other herbaceous ground cover includes a number of pasture grasses and forbs, including Bahia grass (Paspalum notatum), Bermuda grass (Cynodon dactylon), broomsedge (Andropogon virginicus), ragweed (Ambrosia artemisiifolia), smutgrass (Sporobolus indicus) and chocolate weed (Melochia corchorifolia). Scattered Brazilian pepper, cabbage palm (Sabal palmetto) and wax myrtle (Myrica cerifera) can be found in the mid-canopy around the edges of some pastures.

FLUCFCS Code 2551: Pole barn

Existing pole barn structures can be found near some agricultural lands, and are typically used for storage and maintenance of vehicles, equipment and materials.

FLUCFCS Code 320: Shrub and brushland

Canopy vegetation in this upland habitat is mostly absent. The vegetation is representative of a habitat in succession following a disturbance, such as fire and/or clearing activities. Exotic species, such as cogon grass, Caesar weed, melaleuca and Brazilian pepper often occur in varying amounts throughout this habitat. Other common mid-canopy species present include wax myrtle, winged sumac (*Rhus copallinum*), gallberry (*Ilex glabra*), saltbush (*Baccharis halimifolia*), rusty lyonia (*Lyonia ferruginea*) and tarflower (*Bejaria racemosa*). Ground cover in this habitat includes scattered saw palmetto (*Serenoa repens*), wire grass (*Aristida stricta*), dog fennel, greenbrier (*Smilax spp.*), broomsedge (*Andropogon spp.*), chocolate weed and various other upland and transitional opportunistic herbaceous species.

FLUCFCS Code 321: Palmetto prairie

The upper canopy of the palmetto prairie areas is largely open with the exception of a few slash pines (*Pinus elliottii*) and occasional live and laurel oaks (*Quercus virginiana; Quercus laurifolia*). Mid-canopy vegetation is dominated by saw palmetto with scattered beautyberry (*Callicarpa americana*), tar flower, wax myrtle, rusty lyonia and gallberry. Representative herbaceous vegetation includes dwarf live oak (*Quercus minima*), gopher apple (*Licania michauxii*), pennyroyal (*Piloblephis rigida*), shiny blueberry (*Vaccinium myrsinites*), Elliott's milkpea (*Galactia elliottii*), Caesarweed, blackroot (*Pterocaulon pycnostachyum*), winged sumac, panic grass (*Dichanthelium spp.*) and greenbrier.

FLUCFCS Code 330: Mixed rangeland

This habitat type is similar to shrub and brushland (FLUCFCS Code 320) and is also frequently characterized as a habitat in succession following a disturbance, such as fire, logging and/or clearing activities. Mid-canopy vegetation is generally less dense than FLUCFCS Code 320 and dominant ground cover frequently includes broomsedge, cogon grass, mikania (*Mikania scandens*), swamp fern (*Blechnum serrulatum*) and saltbush.

FLUCFCS Code 411: Pine flatwoods

FLUCFCS Code 4119E1: Pine flatwoods, 1-24% exotics

FLUCFCS Code 4119E3: Pine flatwoods, 50-74% exotics

The upper canopy of this habitat is dominated by slash pine with scattered cabbage palm, oaks and strangler fig (Ficus aurea). Saw palmetto, wax myrtle, cabbage palm, myrsine (Myrsine cubana), gallberry and dahoon holly (Ilex cassine) are present in the mid-canopy. Varying coverage of exotic vegetation, including Brazilian pepper, melaleuca and Caesar weed, may be found in portions of these habitats, typically along areas of previous disturbance, such as fire breaks, trails, edges of farm fields and fence lines. The herbaceous stratum is diverse, comprised of dwarf live oak, shore rush (Juncus marginatus), netted pawpaw (Asimina reticulata), dog fennel, Caesar weed, thistle (Cirsium nuttallii), chocolate weed, beggarweed (Desmodium sp.), chalky bluestem (Andropogon virginicus var. glaucus), bog buttons (Lachnocaulon sp.), blueberry, blackroot, greenbrier, muscadine grapevine (Vitis rotundifolia), wire grass (Aristida stricta), marsh fleabane (Pluchea rosea) and panic grass.

FLUCFCS Code 416: Pine Flatwoods, Graminoid Understory

The upper canopy of this habitat consists of slash pine and scattered cabbage palm. Mid-canopy species include wax myrtle, cabbage palm, myrsine and dahoon holly. Ground cover includes beautyberry, chalky bluestem, Caesar weed, poison ivy (*Toxicodendron radicans*), wire grass, bog buttons and marsh fleabane.

FLUCFCS Code 423: Oak-Pine

The upper canopy of this habitat consists of a nearly equal mix of slash pine and various oak species. Mid-canopy species include cabbage palm and Brazilian pepper. Ground cover includes beautyberry, saw palmetto, Caesar weed, poison ivy, and Virginia creeper (*Parthenocissus quinquefolia*).

FLUCFCS Code 427: Live oak

The upper canopy is dominated by live oak. The mid-canopy is mostly open, and ground cover consists of saw palmetto, greenbrier, beautyberry, wild coffee (*Psychotria sulzneri*), muscadine grapevine and poison ivy.

FLUCFCS Code 436: Upland scrub

Xeric upland scrub is located in the southwest corner of the site near the intersection of SR 31 and CR 78. The upper canopy is mostly open, with the exception of a few scattered slash pines. The mid-canopy consists of saw palmetto, myrtle oak (*Quercus myrtifolia*), sand live oak (*Quercus geminata*), Chapman's oak (*Quercus chapmanii*) and wax myrtle. Representative ground cover species include saw palmetto, greenbrier, beautyberry, muscadine grapevine, slender flattop goldenrod (*Euthamia caroliniana*), wiregrass (*Aristida stricta*) and poison ivy.

FLUCFCS Code 510: Streams and waterways

The majority of the streams and waterways are altered natural drainages or were created to assist with draining and irrigation of fields and pastures. Vegetation along these areas is representative of adjacent habitat types. During the height of the dry season, standing water is limited or absent. These areas provide significant conveyance during the wet season. Typical ground cover includes torpedo grass, West Indian marsh grass, smartweed (*Polygonum punctatum*), para grass (*Urochloa mutica*), red ludwigia (*Ludwigia repens*), muskgrass (*Chara sp.*) and white vine.

FLUCFCS Code 525: Cow pond

These small ponds, located throughout the site, were dug to provide a drinking source for cattle and are typically void of vegetation.

FLUCFCS Code 616: Inland slough

The upper canopy of this wetland habitat is dominated by pond cypress (*Taxodium ascendens*). The mid-canopy contains scattered pond apple (*Annona glabra*), cypress, Brazilian pepper, and cabbage palm. Ground cover species include West Indian marsh grass, mermaid weed (*Proserpinaca spp.*), red ludwigia (*Ludwigia repens*) and maidencane (*Panicum hemitomon*).

FLUCFCS Code 618: Willow

This shrubby wetland habitat is dominated by Carolina willow (*Salix caroliniana*). Additional species within the wetland include groundsel tree, wax myrtle, and scattered primrose willow (*Ludwigia peruviana*). There is little groundcover within this wetland type due to the dense canopy/mid-canopy.

FLUCFCS Code 621: Cypress

The upper canopy of this wetland habitat is dominated by pond cypress. The mid-canopy contains corkwoods, wax myrtle, dahoon holly, swamp bay (*Persea palustris*), cypress, Brazilian pepper, and cabbage palm. Ground cover species include scattered West Indian marsh grass, mermaid weed, red ludwigia, and maidencane.

FLUCFCS Code 625: Hydric Pine

The upper canopy of this wetland habitat is dominated by slash pine and scattered cabbage palm. Mid-canopy species include wax myrtle, cabbage palm, myrsine and dahoon holly. Ground cover includes chalky bluestem, wire grass, bog buttons, marsh fleabane, St. John's–wort (*Hypericum spp.*), umbrella grass (*Fuirena* sp.), coinwort (*Centella asiatica*), and blue maidencane (*Amphicarpum muhlenbergianum*).

FLUCFCS Code 631: Wetland shrubs

Scattered cabbage palms may be present in the canopy of this habitat type, but more typically the canopy is absent. Mid-canopy vegetation is dominated by wax myrtle, groundsel tree and Carolina willow. Groundcover includes torpedo grass, beakrushes *(Rhynchospora spp.)*, buttonweed (*Diodia virginiana*), mermaid-weed (*Proserpinaca spp.*), maidencane (*Panicum hemitomon*), hedge hyssop (*Gratiola ramosa*), marsh fleabane, St. John's–wort, umbrella grass, coinwort, blue maidencane, and mock Bishop's weed (*Ptilimnium capillaceum*).

FLUCFCS Code 640: Vegetated, non-forested wetland

Canopy and mid-canopy vegetation is mostly absent from this habitat, which is often found in heavily grazed areas and is frequently characterized by herbaceous, transitional species such as beakrush, sedges (*Cyperus spp.*), West Indian marsh grass, Southern watergrass (*Luziola fluitans*), torpedo grass and common frog fruit (*Phyla nodiflora*).

FLUCFCS Code 641: Freshwater marsh

This wetland habitat type is scattered throughout the site. The canopy and mid-canopy are typically absent but may include red maple, Carolina willow, wax myrtle and groundsel tree. Typical species present in the herbaceous stratum include alligator flag (*Thalia geniculata*), bull arrowhead (*Sagittaria lancifolia*), shore rush, mock Bishop's weed, blue hyssop (*Bacopa monnieri*), buttonweed, marsh pennywort (*Hydrocotyle umbellata*), smartweed, coinwort, flatsedge (*Cyperus haspans*), pickerelweed (*Pontederia cordata*), and West Indian marsh grass. Areas mapped as disturbed typically have a significant coverage of torpedo grass.

FLUCFCS Code 740: Disturbed land

Party of the BRC (Lee County) in the southwest corner has been altered in the past by way of native vegetation removal to facilitate bee-keeping and storage of related equipment and materials. The upper

and mid-canopies of this habitat are mostly open. Ground cover, when present, includes bahia grass, Bermuda grass, smut grass and carpet grass.

FLUCFCS Code 742: Borrow area

These small excavation areas can be found in various locations throughout the site and were dug to obtain fill material for various purposes, typically for agricultural uses. This habitat is typically void of vegetation, although exotic vegetation such as Brazilian pepper is common around the edges.

FLUCFCS Code 8146: Primitive trail

Primitive woods trails exist in portions of the BRC and typically contain a variety of ruderal herbaceous species, including Spanish needles, bahia grass, ticktrefoil (*Desmodium incanum*), torpedo grass and slender flattop goldenrod.

B. Wetlands

The **Wetlands Map in Attachment 2** further illustrates through hatching the jurisdictional wetlands identified on the BRC parcel. As detailed on the FLUCFCS Map (**Attachment 1**), wetlands within the Lee County BRC comprise approximately 671.8 acres, or roughly 16% of the area. Wetland communities within the BRC have been affected over the years by ditching and intensive cattle grazing in addition to farming and mining activities to the north. Efforts to improve wetland hydroperiods have been built into the mitigation plan associated with the Babcock MPD to be discussed later in the proposed conditions portion of this report.

C. Uplands

The BRC contains a significant amount of land that has been converted for agricultural activities. Converted uplands comprise approximately 32% (1,346.4 acres) of the site, of which the majority is proposed for development. Although the properties do not contain any Rare and Unique upland habitats as defined by Lee County LDC 34-1571 since the Babcock MPD is located outside of the designated Coastal Zone, an **Uplands Map (Attachment 3)** has been prepared to highlight the native upland communities found throughout the Lee County BRC. Despite select logging that has occurred, pine flatwoods with large, mature trees are found within large tracts, much of which has been proposed as preserve in the Babcock MPD.

D. Listed Species

The FLUCFCS mapping previously described allows for a uniform but flexible means of classifying land uses important for determining potential suitable habitat for protected species. Based on the Lee County Protected Species Ordinance and previous consultation with the Florida Fish and Wildlife Conservation Commission (FWC) and U.S. Fish and Wildlife Service (USFWS) (occurred with State and federal permitting for the BRC during both the original permitting process and the more recent ERP modification/State 404 permitting process), the following table of potential listed species per habitat type was prepared. Note the table remains consistent with that previously reviewed during the original Lee County entitlements process in 2016. Listed Species Management Plans & Human-Wildlife Coexistence Plan required by the original zoning were provided with the first Lee County development order and have been approved by Lee County. They are included for reference under separate cover.

Table 1. Potential Lee County Protected Species on the Babcock MPD.

Common Name	*Scientific Name*	Potential Habitat Type(s)	Listing Status
Reptiles and Amphibians			
American Alligator	*Alligator mississippiensis*	510, 514, 525, 534, 616, 621, 631, 640, 641, 742	FT(S/A)
Eastern Indigo Snake	*Drymarchon corais couperi*	320, 321, 330, 411, 4119E1, 4119E3, 416, 423, 427, 436	FT
Gopher Tortoise	*Gopherus polyphemus*	211, 320, 321, 330, 411, 4119E1, 4119E3, 423, 427, 436, 740	ST
Gopher Frog	*Rana capito*	211, 320, 321, 411, 4119E1, 4119E3, 416, 423, 436, 631,	SSC
Birds			
Florida Scrub-Jay	*Aphelocoma coerulescens*	436	FT
Limpkin	*Aramus guarauna*	510, 514, 525, 621, 625, 630, 631, 641	SSC
Audubon's Crested Caracara	*Caracara cheriway*	211, 321, 330	FT
Little Blue Heron	*Egretta caerulea*	510, 514, 525, 616, 618, 621, 625, 630, 631, 640, 641	SSC
Reddish Egret	*Egretta rufescens*	510, 514, 525, 616, 640, 641	SSC
Snowy Egret	*Egretta thula*	510, 514, 525, 616, 618, 621, 625, 630, 631, 640, 641	SSC
Common Name	***Scientific Name***	**Potential Habitat Type(s)**	**Listing Status**
Tricolored Heron	*Egretta tricolor*	510, 514, 525, 616, 618, 621, 625, 630, 631, 640, 641	SSC
White Ibis	*Eudocimus albus*	510, 514, 525, 621, 625, 630, 631, 640, 641	SSC
Southeastern American Ketstrel	*Falco sparverius paulus*	321, 411, 4119E1, 4119E3, 416	ST
Florida Sandhill Crane	*Grus canadensis pratensis*	211, 321, 330, 641	ST
Wood Stork	*Mycteria americana*	514, 616, 621, 630, 631, 640, 641	FT
Red-Cockaded Woodpecker	*Picoides borealis*	411, 4119E1, 4119E3, 416, 625	FE
Roseate Spoonbill	*Platalea ajaja*	510, 514, 525	SSC

Everglade Snail Kite	*Rostrhamus sociabilis plumbeus*	525, 641	FE
Mammals			
Florida Panther	*Felis concolor coryi*	211, 411, 4119E1, 4119E3, 416, 423, 427, 616, 621, 630, 631	FE
Everglades Mink	*Neovison vison evergladensis*	510, 514, 525, 616, 621, 630, 631, 641	ST
Sherman's Fox Squirrel	*Sciurus niger shermani*	411, 4119E1, 4119E3, 416, 423, 616, 621, 625, 630	SSC
Florida Black Bear	*Ursus americanus floridanus*	321, 411, 4119E1, 4119E3, 416, 423, 427, 616, 621, 625, 630, 631	Lee
Plants			
Curtis Milkweed	*Asclepias curtissii*	320, 321	SE
Fakahatchee Burmannia	*Burmannia flava*	320, 321, 411, 4119E1, 4119E3, 416	SE
Satinleaf	*Chrysophyllum olivaeforme*	411, 4119E1, 4119E3, 416	ST
Beautiful Pawpaw	*Deeringothamnus pulchellus*	321, 411, 4119E1, 4119E3	FE
Simpson's Stopper	*Myrcianthes fragrans var. simpsonii*	427	ST
Hand Adder's Tongue Fern	*Ophioglossum palmatum*	427	SE
Common Name	***Scientific Name***	**Potential Habitat Type(s)**	**Listing Status**
Twisted Air Plant	*Tillandsia flexuosa*	427, 616	ST
Fuzzy-Wuzzy Wild Pine	*Tillandsia pruinosa*	411, 4119E1, 4119E3, 416, 423, 427, 612, 616, 621, 625, 630	SE
Giant Wild-Pine	*Tillandsia utriculata*	411, 4119E1, 4119E3, 416, 423, 427, 612, 616, 621, 625, 630	SE
Florida Coontie	*Zamia floridana*	320, 321, 411, 4119E1, 4119E3, 436	CE

List of Abbreviations:
FE = Federally Endangered
FT = Federally Threatened
FT(S/A) = Federally Threatened (Similarity of Appearance)
SE = State Endangered
ST = State Threatened
SSC = State Species of Special Concern
CE = State Commercially Exploited
Lee = Lee County Protected Species Ordinance

E. Soils

The underlying soil types of the Babcock MPD parcels are illustrated on the **Soils Map in Attachment 4**. The soils information was provided by the Florida Geographic Data Library and is based on United States Department of Agriculture (USDA)/Natural Resources Conservation Service (NRCS) soil survey maps for Lee County.

Approximately 66% (2,758 acres) of the Lee County BRC is underlain with soils designated as non-hydric, with the remaining 34% (1,393 acres) comprising hydric soil designations and less than 1% was classified as open waters.

A hydric soil is defined as, "A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that favor the growth and regeneration of hydrophytic vegetation" (USDA NRCS, 1991). A soil is inundated when the water table is at or above the soil surface. A soil is flooded if the water is moving across the soil surface as in a slough or on a floodplain. A soil is ponded if the water is sitting on top of the soil with no movement to an outlet, as in the case with some depressional systems.

Table 2 and the following narrative details the soil types classified on the property:

Table 2. Soil Types Found within the Babcock MPD Parcels

Soil No.	Soil Name	Local Status
6	Hallandale Fine Sand	Non-Hydric
9	EauGallie Sand	Non-Hydric
10	Pompano Fine Sand	Hydric
12	Felda Fine Sand	Hydric
13	Boca Fine Sand	Non-Hydric
14	Valkaria Fine Sand	Hydric
26	Pineda Fine Sand	Hydric
27	Pompano Fine Sand, Depressional	Hydric
28	Immokalee Sand	Non-Hydric
33	Oldsmar Sand	Non-Hydric
34	Malabar Fine Sand	Hydric
35	Wabasso Sand	Non-Hydric
39	Isles Fine Sand, Depressional	Hydric
41	Valkaria Fine Sand, Depressional	Hydric
42	Wabasso Sand, Limestone Substratum	Non-Hydric
44	Malabar Fine Sand, Depressional	Hydric
45	Copeland Sandy Loam, Depressional	Hydric

49	Felda Fine Sand, Depressional	Hydric
51	Floridana Sand, Depressional	Hydric
55	Cocoa Fine Sand	Non-Hydric
63	Malabar Fine Sand, High	Non-Hydric
66	Caloosa Fine Sand	Non-Hydric
73	Pineda Fine Sand, Depressional	Hydric
99	Water	

06 - Hallandale Fine Sand - This is a nearly level, poorly drained soil on low, broad flatwoods areas. Slopes are smooth and range from 0 to 2 percent.

The surface layer is gray fine sand about 2 inches thick. The subsurface layer is light gray fine sand about 5 inches thick. The substratum is very pale brown fine sand about 5 inches thick. At a depth of 12 inches is fractured limestone bedrock that has solution holes extending to a depth of 25 inches. These solution holes contain mildly alkaline, loamy material.

Under natural conditions, the water table is less than 10 inches below the surface for 1 to 3 months. It recedes below the limestone for about 7 months.

The available water capacity is low. Natural fertility is low. Permeability is moderate to moderately rapid.

09 - EauGallie Sand - This is a nearly level, poorly drained soil on flatwoods. Slopes are smooth to convex and less than 1 percent.

The surface layer is dark gray sand about 4 inches thick. The subsurface layer is sand that is gray in the upper 5 inches and light gray in the lower 13 inches. The subsoil and underlying material are sand, loamy sand, and sandy loam to a depth of 80 inches or more. The upper 5 inches is dark brown sand that is well coated with organic matter. The next 14 inches is dark brown loam sand. The next 4 inches is pale brown loamy sand. The next 13 inches is light gray sand. The lower 22 inches is light gray sandy loam.

Under normal conditions, the water table is within 10 inches of the surface for 2 to 4 months. It is 10 to 40 inches below the surface for more than 6 months.

The available water capacity is very low in the surface and subsurface layers and medium in the subsoil. Permeability is rapid in the surface and subsurface layers and moderately slow or moderate in the subsoil.

10 - Pompano Fine Sand - This is a nearly level, poorly drained soil on sloughs. Slopes are smooth to concave and range from 0 to 1 percent.

The surface layer is dark gray fine sand about 4 inches thick. The underlying layers are light gray, very pale brown, or white fine sand and extend to a depth of 80 inches or more.

Under normal conditions, the water table is at a depth of less than 10 inches for 2 to 4 months, and at a depth of 10 to 40 inches for about 6 months. It recedes to a depth of more than 40 inches for

about 3 months. During periods of high rainfall, the soil is covered by slowly moving water for periods of about 7 to 30 days or more.

The available water capacity is very low. Natural fertility is low. Permeability is rapid.

12 - Felda Fine Sand - This is a nearly level, poorly drained soil on broad, nearly level sloughs. Slopes are smooth to concave and range from 0 to 2 percent.

The surface layer is dark gray fine sand about 8 inches thick. The subsurface layer is light gray and light brownish gray fine sand about 14 inches thick. The subsoil is light gray loamy fine sand about 16 inches thick and is underlain by gray and light gray fine sand that extends to a depth of 80 inches or more.

Under normal conditions, this soil has a water table within 10 inches of the surface for 2 to 4 months. The water table is 10 to 40 inches below the surface for about 6 months. It is more than 40 inches below the surface for about 2 months. During periods of high rainfall, the soil is covered by a shallow layer of slowly moving water for periods of about 7 to 30 days or more.

The available water capacity is low in the surface and subsurface layers and medium in the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers, moderate or moderately rapid in the subsoil, and rapid in the substratum.

13 - Boca Fine Sand - This is nearly level, poorly drained soil on flatwoods. Slopes are smooth and range from 0 to 2 percent.

The surface layer is gray fine sand about 3 inches thick. The subsurface layer is fine sand about 22 inches thick. The upper 11 inches is light gray and the lower 11 inches is very pale brown. The subsoil, about 5 inches thick, is gray fine sandy loam with brownish yellow mottles and calcareous nodules. At a depth of 30 inches is a layer of fractured limestone.

Under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months. It recedes below the limestone for about 6 months.

14 - Valkaria Fine Sand - This is a nearly level, poorly drained soil on sloughs. Slopes are smooth to concave and range from 0 to 1 percent.

The surface layer is about 2 inches of dark grayish brown fine sand. The subsurface layer is 5 inches of very pale brown fine sand. The subsoil is loose fine sand to a depth of 80 inches or more. The upper 9 inches is yellow, the next 6 inches is yellowish brown, and the lowermost 54 inches is pale yellow, yellow, brown, and very pale brown.

The available water capacity is low. Natural fertility is low. Permeability is rapid.

26 - Pineda Fine Sand - This is a nearly level, poorly drained soil on sloughs. Slopes are smooth to slightly concave and range from 0 to 1 percent.

The surface layer is black fine sand about 1 inch thick. The subsurface layer is very pale brown fine sand about 4 inches thick. The upper part of the subsoil is brownish yellow fine sand about 8 inches thick. The next 10 inches is strong brown fine sand. The next 6 inches is yellowish brown fine sand. The next 7 inches is light gray fine sand with brownish yellow mottles. The lower part of the subsoil is light brownish gray fine sandy loam with light gray sandy intrusions about 18 inches thick. The Substratum is light gray fine sand to a depth of 80 inches or more.

Under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months. It is 10 to 40 inches below the surface for more than 6 months, and it recedes to more than 40 inches below the surface during extended dry periods. During periods of high rainfall, the soil is covered by a shallow layer of slowly moving water for periods of about 7 to 30 days or more.

The available water capacity if very low in the surface and subsurface layers and in the upper, sandy part of the subsoil and medium in the lower, loamy part of the subsoil.

Natural fertility is low. Permeability is rapid in the surface and subsurface layers and the upper, sandy part of the subsoil and slow or very slow in the lower, loamy part of the subsoil.

27 • Pompano Fine Sand, Depressional - This is a nearly level, poorly drained soil in depressions. Slopes are concave and less than 1 percent.

The surface layer is gray fine sand about 3 inches thick. The substratum is fine sand to a depth of 80 inches or more. The upper 32 inches is light brownish gray with few, fine, and faint yellowish brown mottles. The lower 45 inches is light gray.

Under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months and stands above the surface for about 3 months. It is 10 to 40 inches below the surface for more than 5 months.

The available water capacity is low. Natural fertility is low. Permeability is rapid.

28 • Immokalee Sand - This is a nearly level, poorly drained soil in flatwoods areas. Slopes are smooth to convex and range from 0 to 2 percent.

The surface layer is black sand about 4 inches thick. The subsurface layer is dark gray sand in the upper 5 inches and light gray sand in the lower 27 inches. The subsoil is sand to a depth of 69 inches. The upper 14 inches is black and firm, the next 5 inches is dark reddish brown, and the lower 14 inches is dark yellowish brown. The substratum is very pale brown sand to a depth of 80 inches or more.

Under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months and 10 to 40 inches below the surface for 2 to 6 months. It recedes to a depth of more than 40 inches during extended dry periods.

The available water capacity is medium in the subsoil and very low in the surface and subsurface layers. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and moderate or moderately rapid in the subsoil.

33 • Oldsmar Sand - This is a nearly level, poorly drained soil on low, broad flatwoods areas. Slopes are smooth to slightly convex and range from 0 to 2 percent.

The surface layer is black sand about 3 inches thick. The subsurface layer is gray and light gray sand about 39 inches thick. The upper part of the subsoil is very dark gray sand about 5 inches thick. The lower part of the subsoil is yellowish brown and mixed light brownish gray and brown fine sandy loam about 11 inches thick. Pale brown sand extends to a depth of 80 inches or more.

Under natural conditions, the water table is at a depth of less than 10 inches for 1 to 3 months. It is at a depth of 10 to 40 inches for more than 6 months, and it recedes to a depth of more than 40 inches during extended dry periods.

The available water capacity is low in the surface layer and medium in the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers, moderate in the upper part of the subsoil, and slow or very slow in the lower part of the subsoil.

34 - Malabar Fine Sand - This is a nearly level, poorly drained soil on sloughs. Slopes are smooth to concave and range from 0 to 1 percent.

The surface layer is dark gray fine sand about 5 inches thick. The next 12 inches is light gray and very pale brown fine sand. Below this are a 16-inch layer of light yellowish brown fine sand with yellow mottles and a 9-inch layer of brownish yellow fine sand. The subsoil layer is gray loamy fine sand about 9 inches thick with large yellowish brown mottles. The next 8 inches is gray fine sandy loam with large brownish yellowish mottles. Below is light gray loamy fine sand with yellowish brown mottles to a depth of 80 inches or more.

Under natural conditions, the water table is at a depth of less than 10 inches for 2 to 4 months. It is at a depth of 10 to 40 inches for more than 6 months, and it recedes to a depth of more than 40 inches during extended dry periods. During periods of high rainfall, the soil is covered by a shallow layer of slowly moving water for periods of about 7 to 30 days or more.

The available water capacity is low in the surface and subsurface layers and the upper part of the subsoil and medium in the lower part of the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and the upper part of the subsoil and slow or very slow in the lower part of the subsoil.

35 - Wabasso Sand - This is a nearly level, poorly drained soil on flatwoods. Slopes are smooth to slightly convex and range from 0 to 2 percent.

The surface layer is dark gray sand about 6 inches thick. The subsurface layer is sand to a depth of 24 inches. The upper 11 inches is light brownish gray with dark grayish brown stains along root channels, and the lower 7 inches is light gray with dark grayish brown stains. The subsoil is about 38 inches thick. The upper 4 inches is dark brown sand with few iron concretions. The next 8 inches is brownish yellow sandy clay loam with light brownish gray, light gray, and reddish brown mottles. The lower 26 inches is light gray sandy clay loam with pale olive and olive mottles and stains along root channels. Below is light gray fine sandy loam with olive mottles extending to a depth of 80 inches or more.

Under natural conditions, the water table is less than 10 inches below the surface for 2 to 4 months. It is 10 to 40 inches below the surface for more than 6 months. It recedes to a depth of more than 40 inches during extended dry periods.

39 - Isles Fine Sand, Depressional - This is a nearly level, very poorly drained soil in depressions. Slopes are smooth to concave and less than 1 percent.

Typically, the surface layer is very dark gray fine sand about 5 inches thick. The subsurface layer is about 5 inches of light gray fine sand. Next is 11 inches of very pale brown fine sand with yellowish brown mottles. The subsoil is 26 inches of gray fine sandy loam with brownish yellow mottles and pockets of light brownish gray loamy sand. Limestone bedrock is at a depth of 47 inches.

Under natural conditions, the water table is above the surface for 3 to 6 months. It is within a depth of 10 to 40 inches for 2 to 4 months. The water table recedes to a depth of more than 40 inches during extended dry periods.

The available water capacity is low. Permeability is rapid in the surface and subsurface layers and moderate in the subsoil. Natural fertility is low.

41 - Valkaria Fine Sand, Depressional - This is a nearly level, poorly drained soil in depressions. Slopes are concave and less than 1 percent.

The surface layer is dark gray fine sand about 1 inch thick. The subsurface layer is about 4 inches of light gray fine sand. The subsoil is fine sand about 33 inches thick. The upper 4 inches is brownish yellow, the next 16 inches is yellow, and the lower 13 inches is light yellowish brown. The substratum is pale brown fine sand with few fine faint brown mottles to a depth of 80 inches or more.

Under natural conditions, the water table is within 10 inches of the surface for about 6 months, and the soil is ponded for about 3 months. The water table is 10 to 40 inches below the surface most of the rest of the year, except in extended dry periods.

The available water capacity is very low. Natural fertility is very low. Permeability is rapid.

42 - Wabasso Sand, Limestone Substratum - This is a nearly level, poorly drained soil on broad flatwoods. Slopes range from 0 to 2 percent.

The surface layer is black sand about 3 inches thick. The subsurface layer is sand about 16 inches thick. The upper 10 inches is gray, and the lower 6 inches is light gray. The subsoil is about 32 inches thick. The upper 2 inches is dark brown sand that is well coated with organic matter. The next 2 inches is dark reddish brown friable sand. The next 14 inches is brown loose sand with dark brown streaks along root channels. The lower 14 inches is light brownish gray, firm fine sandy loam with light olive brown mottles. A hard, fractured limestone ledge and boulders are at a depth of 51 inches.

In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months. It is 10 to 40 inches below the surface for 2 to 4 months. It is below the limestone during extended dry periods.

The available water capacity is low in the surface and subsurface layers and the upper part of the subsoil and medium in the lower part of the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and the upper part of the subsoil. It is slow in the lower part of the subsoil.

44 - Malabar Fine Sand, Depressional - This is a nearly level, poorly drained soil in depressions. Slopes are concave and are less than 1 percent.

The surface layer is 4 inches thick. The upper 1 inch is black fine sand that is high in organic matter content. The lower 3 inches is dark gray fine sand. The subsurface layer is sand to a depth of 44 inches. The upper 3 inches is very pale brown. The next 11 inches is yellow, iron-coated sand grains. The next 10 inches is very pale brown with common coatings of iron on the sand grains. The lower 16 inches is light gray. The subsoil is 23 inches of live gray sandy loam with dark bluish gray mottles. Sandy loam with marl and shell fragments underlies the subsoil.

Under natural conditions, the soil is ponded for about 4 to 6 months or more. The water table is 10 to 40 inches below the surface for 4 to 6 months.

The available water capacity is low in the surface and subsurface layers and medium in the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and slow or very slow in the subsoil.

45 - Copeland Sandy Loam, Depressional - This is a low, nearly level, very poorly drained soil in depressions. Slopes are concave and less than 1 percent.

The surface layer is about 8 inches of very dark gray sandy loam. The subsoil is very dark gray sandy loam about 12 inches thick. It is underlain by 9 inches of light brownish gray sandy clay loam with soft calcium carbonate throughout. Fractured limestone bedrock is at a depth of 28 inches.

Under natural conditions, the water table is above the surface for 3 to 6 months. It is 10 to 40 inches below the surface for about 3 to 6 months. The available water capacity is medium. Natural fertility is medium. Permeability is rapid in the surface layer and moderate in the subsoil.

49 - Felda Fine Sand, Depressional - This is a nearly level, poorly drained soil in depressions. Slopes are concave and less than 1 percent.

The surface layer is gray fine sand about 4 inches thick. The subsurface layers extend to a depth of 35 inches. The upper 13 inches is grayish brown fine sand and the lower 18 inches light gray fine sand with yellowish brown mottles. The subsoil is about 17 inches thick. The upper 6 inches is gray sandy loam and the lower 11 inches is sandy clay loam with many yellowish brown and strong brown mottles. Below this is light gray fine sand to a depth of 80 inches or more.

Under natural conditions, the soil is ponded for about 3 to 6 months or more. The water table is within a depth of 10 to 40 inches for 4 to 6 months. The available water capacity is low in the surface and subsurface layers and medium in the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and moderate or moderately rapid in the subsoil.

51 - Floridana Sand, Depressional - This is a nearly level, very poorly drained soil in depressions. Slopes are concave and less than 1 percent.

The surface layer is black sand about 22 inches thick. The subsurface layer is light brownish gray sand about 17 inches thick. The subsoil is olive gray fine sandy loam to a depth of 54 inches. Below the subsoil there is light brownish gray sand with pickets of olive gray loamy sand.

Under natural conditions, the water table is above the surface for 3 to 6 months. It is 10 to 40 inches below the surface during extended dry periods. The available capacity is medium in the surface layer and subsoil and low in the subsurface layer. Natural fertility is medium. Permeability is rapid in the surface and subsurface layers and slow or very slow in the subsoil.

55 - Cocoa Fine Sand - This is a nearly level to gently sloping, moderately well drained soil on ridges. Slopes are smooth to slightly convex and range from 0 to 2 percent.

The surface layer is brown fine sand about 3 inches thick. The subsurface layer is reddish yellow fine sand about 10 inches thick. The next layer is yellowish red fine sand about 4 inches thick. The next 10 inches is reddish yellow fine sand, and below this is 4 inches of strong brown fine sand. Fractured limestone bedrock is at a depth of 31 inches.

Under natural conditions, the water table is within 24 inches below the surface for 1 to 2 months and 24 to 40 inches below the surface for 1 to 2 months. It recedes to more than 40 inches below the surface during extended dry periods.

The available water capacity is low. Natural fertility is low. Permeability is rapid.

63 - Malabar Fine Sand, High - This is a nearly level, poorly drained soil in the flatwoods. Slopes are smooth to slightly convex and range from 0 to 2 percent.

The surface layer is very dark gray fine sand about 4 inches thick. The subsurface layer is light gray fine sand about 13 inches thick. The subsoil is fine sand and sandy clay loam about 51 inches thick. The upper 7 inches is very pale brown fine sand with brownish yellow mottles. The next 6 inches is brownish yellow fine sand with yellowish brown mottles. Next is yellow fine sand with yellowish brown mottles, light gray fine sand with yellowish brown mottles, and gray sandy clay loam with yellowish brown stains along root channels. The lower 8 inches is greenish gray sandy clay loam. Below that and extending to a depth of 80 inches or more is gray fine sand with about 60 percent shell fragments.

Under natural conditions, the water table is 10 to 40 inches below the surface for 4 to 6 months. It recedes to more than 40 inches below the surface during extended dry periods.

The available water capacity is low in the surface and subsurface layers and medium in the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and the sandy part of the subsoil and moderately slow in the lower, loamy part of the subsoil.

66 – Caloosa Fine Sand - This is a nearly level, somewhat poorly drained soil formed by dredging and filling and by earthmoving operations. Slopes are smooth to slightly convex and range from 0 to 2 percent.

Typically, the surface layer is about 10 inches of light brownish gray, mixed mineral material of fine sand and lenses of silt loam with about 10 percent shell fragments. The next 17 inches is pale brown and gray, mixed mineral material of fine sand and lenses of silty clay loam. The next 11 inches is light gray silty clay with brownish yellow mottles. Below this to a depth of 80 inches or more is gray silty clay with dark gray streaks and brownish yellow mottles.

The depth to the water table varies with the amount of fill material and the extent of artificial drainage within any mapped area. However, in most years, the water table is 30 to 42 inches below the surface of the fill material for 2 to 4 months.

The available water capacity is variable, but it is estimated to be low to medium in the upper part of the fill material and medium to high in the lower part. Permeability is variable within short distances, but it is estimated to range from rapid to very slow depending on the soil material. Natural fertility is estimated to be medium.

73 - Pineda Fine Sand, Depressional - This is a nearly level, very poorly drained soil in depressions. Slopes are concave and are less than 1 percent.

Typically, the surface layer is dark gray fine sand about 3 inches thick. The subsurface layer is fine sand to a depth of 31 inches. The upper 9 inches is light gray, the next 7 inches if very pale brown with yellowish brown mottles, and the lower12 inches is brownish yellow with many iron-coated sand grains. The subsoil is fine sandy loam to a depth of 55 inches. The upper 8 inches is gray with very pale brown sandy intrusions and yellowish brown mottles. The lower 16 inches is gray. Below that and extending to a depth of 80 inches is light gray loam sand.

Under natural conditions, the soil is ponded for about 3 to 6 months or more. The water table is within a depth of 10 to 40 inches for 4 to 6 months.

The available water capacity is low in the surface and subsurface layers and medium in the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and slow or very slow in the loamy subsoil.

99 - Water - This category describes soils that lie permanently underwater.

F. Topography

The topography of the Lee County BRC generally slopes north to south or north to southeast. The land within this large tract is relatively steep for Southwest Florida, with slopes of approximately 5ft per mile. Please refer to the **Topographic Map in Attachment 5** for illustration.

G. Flow-ways

The majority of the Lee County BRC is located between Owl Creek and Telegraph Creek. Trout Creek and its tributaries, bisect the property. The Trout Creek watershed receives the majority of the overland flow and runoff from the property. Owl Creek, located on the west side of the property receives runoff from only a small area in the southwestern corner of the property. Telegraph Creek, located east of the property, receives flow from the eastern portion of the property. Please refer to the **Flow-ways Map in Attachment 6** for illustration of the referenced flow-ways.

III. PROPOSED CONDITIONS

Ecological Benefits

The proposed Babcock MCP delineates approximately 1,508 acres for development (36 % of the property) across six different land use classifications (MU-1/R, MU-1, MU-2, R-1, R-2, and R-3), 2,613 acres of preserve (63% of the property), and 36 acres of other open space/buffers. The decrease in development is directly attributable to removing much of the currently approved development on the eastern side of the property (±254 acres) and placing it into preserve, to create a more significant wildlife corridor with adjacent, offsite preserve lands. Approximately 20 acres of preserve near the southwest portion of the property has been removed from the MCP for the future expansion of State Road 31. Combined, these changes provide a net increase of approximately 234 acres in preserve compared to the "Preserve Map" included with the original zoning and an increase of 534 acre of preserve compared to the minimum required on the currently approved MCP. The applicant has already memorialized these commitments through obtaining a modification to their SFWMD ERP (Permit No. 08-105624-P obtained in September 2021) and obtaining an FDEP State 404 Permit (Permit # 396574-001 obtained in November 2021) that already depict the reduced development/increased preserve scenario in Lee County.

Consistent with the existing approvals, the majority of the development impacts are to upland pastures/active farm fields, with impacts to native upland (300 and 400 series FLUCFCS Codes) and wetland (600 series FLUCFCS Codes) habitats limited to approximately 454 acres and 56 acres, respectively. The **Development/Preserves Map in Attachment 7** clearly illustrates the ecological benefits that can be gained from this type of planning effort.

While the gray on the map represents future development pods, the blue and green represent approximately 63% (±2,613 acres) of the property in preserve through the form of habitat preservation/enhancement, trails, and creation. A Lee County Preserve Management and

Mitigation Monitoring Plan was previously reviewed and approved by Lee County at the time of the first development order to address components such as the removal/maintenance of exotic vegetation, ecological burning, and supplemental plantings. The Preserve Management and Mitigation Monitoring Plan has been updated to include the increased preserve acreage (provided under separate cover for reference). The preserve management plan is phased to remain concurrent with or ahead of indigenous preserve requirements for each development order, as illustrated in the Preserve Phasing Map (**Attachment 8**). The Preserve Phasing Map illustrates the preserve areas that have been implemented to date (±1,600 acres), identifies the ±1,300 acres that have already passed Lee County inspection, and then provides a timeline to implement the remaining ±1,013 acres.

Upland Preservation/Enhancement: Approximately 40% (±1,656 acres) of the uplands on the Lee County BRC will be incorporated into preserve. Pine flatwoods (FLUCFCS 411, 411E1, 411E3, and 416) make up the largest portion of upland preserve with ±1,006 acres, followed by palmetto prairie (FLUCFCS 321, ±275 acres) and oak-pine (FLUCFCS 423, ±1298 acres). Although these habitats are not considered rare and unique uplands by the Lee County LDC due to their location outside of the Coastal Study Area, many areas contain mature stands of trees. These upland preserves provide valuable habitat for listed species such as the Florida panther, gopher tortoise, and Sherman's fox squirrel to name a few. Recognizing the importance of large tracts of uplands in the preservation landscape, Lee County LDC 10-415 provides an incentive to developers for providing sizeable upland preserves. At first glance, the Lee County BRC would receive up 1.5 times the credit for their upland preserves, far in excess of the code minimum 15% indigenous open space requirement associated with a large commercial development. Where areas of improved pasture are being incorporated into upland preserve, a supplemental planting plan is provided as part of the Preserve Management and Mitigation Monitoring Plan, as needed, to meet the targeted habitat type/intended function of the given area. Primitive trails that exist in the upland preserves will remain and be incorporated into the proposed pedestrian trail system, as feasible.

Wetland Preservation/Enhancement: Approximately 91% (±615 acres) of the wetlands on the Lee County BRC will be incorporated into onsite preserves. The majority of this preservation comes in the form of wetland shrub communities (FLUCFCS 631, ±306 acres), freshwater marsh (FLUCFCS 641, ±134 acres), and hydric pine (FLUCFCS 625, ±77 acres). A wetland supplemental planting plan will be provided for areas with greater than 50% nuisance/exotic coverage that do not successfully naturally recruit (80% coverage of desirable species in all strata, densities appropriate for habitat type) within two years.

Wetland Creation Areas: Approximately 261 acres (inclusive of perimeter berms) of wetland creation (WC) areas are planned within the Lee County BRC, delineated as WC 2-6 and WC-9 and 10 on the Preserves Map. Each wetland creation area will be created predominantly from upland pasture located downstream of a proposed development pod. The wetland creation areas will receive treated runoff from the development pod's stormwater system and will provide additional water quality treatment prior to final discharge to the downstream receiving bodies. All mitigation areas are either part of the surface water management system or serve as an outfall point for it. Required water quality treatment is provided prior to surface water entering these areas.

Detailed grading and planting plans will be provided for each wetland creation area at time of local development order. However conceptual plans for their design have been reviewed by SFWMD staff to ensure proposed design elevations are consistent with the targeted levels of inundation and wetland hydroperiod for the proposed habitats. These plans have been included in the Preserve

Management and Mitigation Monitoring Plan provided under separate cover. All of the wetland creation areas include a mosaic of habitat types from transitional uplands to open water areas. These areas will be over-excavated and backfilled with appropriate native soils to final grade to ensure mitigation success. BPH currently has development order applications in process for WC-2, WC-6, WC-9, and WC-10.

General Preserve Maintenance: Approximately 1,600 acres of the Lee County preserve have already been placed under conservation easement and the remaining 1,013 acres of proposed County preserves are expected to be under conservation easement within the next five years. Mechanical harvesting of nuisance and exotic vegetation may occur in areas with greater than 75% infestation but will otherwise be conducted by hand-removal methods. Maintenance shall be conducted in perpetuity to ensure that the conservation areas are maintained free from Category 1 exotic vegetation (as defined by the Florida Exotic Pest Plant Council at the time of permit issuance) immediately following a maintenance activity. Maintenance in perpetuity shall also insure that conservation areas, including buffers, maintain the species and coverage of native, desirable vegetation specified in the mitigation plan. Coverage of exotic and nuisance plant species shall not exceed 5% of total cover between maintenance activities. In addition, the permittee shall manage the conservation areas such that exotic/nuisance plant species do not dominate anyone section of those areas. Torpedo grass has an allowable maximum coverage of 10% in any mitigation area.

Recreational trails are proposed throughout the preserve areas, with the goal to provide access to the greenway system year round. Trails, where feasible, are proposed to be located on existing berms and farm roads. Above grade trails are an allowable use in the conservation areas and will be designed to include culverts, as needed, to ensure adequate sheet flow and hydrological connection between preserve areas. It is important to note that the trails are not eligible for mitigation credit and where they cross wetlands are considered wetland impacts. Allowable uses on the trails will include biking, hiking, non-motorized vehicles and equestrian uses.

Listed Species: Listed Species Management Plans & Human-Wildlife Coexistence Plan have previously been prepared and approved by Lee County in accordance with Babcock MPD zoning requirements. The onsite preserve areas provide a critical link between major wildlife habitat areas to the west and east of the Babcock MPD. To the east, the lands within the State of Florida and Lee County conservation purchase, now known as the Babcock Ranch Preserve (BRP), are considered some of the most regionally significant and environmentally sensitive lands in the area. These areas are included in one of the largest groupings of Strategic Habitat Conservation Areas (SHCA) in the state. SHCA lands are designated based on the density of flora and fauna of regulatory interest that inhabit the area and are assigned high values in the selection process for acquisition. SHCA areas are considered essential to provide rare species and natural communities in the land base that are necessary to sustain populations into the future. Public ownership of these lands, with the proposed connections through the onsite preserve areas to the west through the Babcock/Webb Wildlife Management Area (WMA) and Charlotte Harbor State Buffer Preserve provide a critical link for a wildlife corridor that stretches from Lake Okeechobee to the Gulf of Mexico. Please see the **Regional Connectivity Map in Attachment 9** for illustration of the large preserve corridors in and around the Babcock MPD.

Wildlife crossings have been incorporated into the project design to connect on site preserve areas and maintain their connection with offsite natural areas. These wildlife crossings will be depicted

on the plans at time of local development order, via cross-sections and on the engineering drawings for each tract. The Lee County Preserve Management and Mitigation Monitoring Plan previously reviewed and approved by Lee County at the time of the first Lee County development order provides the proposed locations of wildlife crossings within the Babcock MPD.

The United States Fish and Wildlife Service (FWS) issued a biological opinion on the entire BRC (Charlotte and Lee Counties) on August 21, 2009, relating to effects on the endangered Florida Panther and the endangered wood stork. The FWS concluded that the project is not anticipated to result in "take" of wood storks due to the proposed mitigation/preserve plan. For the Florida Panther, the FWS concluded that no direct "take" or mortality would occur, but that incidental take is expected to occur. However, based on the evaluations provided for the project's direct, indirect, and cumulative effects, the status of the species and the compensation proposed by the applicant, the FWS believes that the proposed construction and operation of BRC will not jeopardize the survival and recovery of the species.

During the State 404 permitting process, the FWC and FWS again reviewed the projects potential effects on listed species, which resulted in the formation of the referenced Listed Species Management Plans, which have also been previously reviewed and approved by Lee County during review of the first Lee County development order within the BRC. A copy of this approved plan is provided under separate cover for reference.

IV. REFERENCES

Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System. Procedure No. 550-010-001-a. Third Edition. Tallahassee, Florida.

Florida Fish and Wildlife Conservation Commission. 2016. Bald Eagle Nest Locator. https://public.myfwc.com/FWRI/EagleNests/nestlocator.aspx (Site accessed September 12, 2016)

Florida Fish and Wildlife Conservation Commission. 2016. Florida's Endangered and Threatened Species. http://myfwc.com/media/1515251/threatened_endangered_species.pdf (Site accessed September 12, 2016)

Florida Fish and Wildlife Conservation Commission. 2015. Gopher Tortoise Permitting Guidelines. Tallahassee, Florida.

Lee County Land Development Code, Chapter 10, Article 3, Division 8 (Protection of Habitat). http://www.municode.com/Resources/gateway.asp?pid=12625&sid=9. (Site accessed September 12, 2016)

Natural Resources Conservation Service. Soil Survey of Lee County, Florida. U.S. Department of Agriculture, Washington, D.C.

South Florida Water Management District. 2010. Environmental Resource Permit 08-0004-S-05, Application # 070330-5 for the Babcock Ranch Community.

U.S. Army Corps of Engineers. 2010. Individual Permit SAJ-2006-6656 IP-MJD for the Babcock Ranch Community.

U.S. Fish and Wildlife Service, South Florida Ecological Field Office. 2009. Biological Opinion 4 1420-2007-F-0900 for the Babcock Ranch Community.

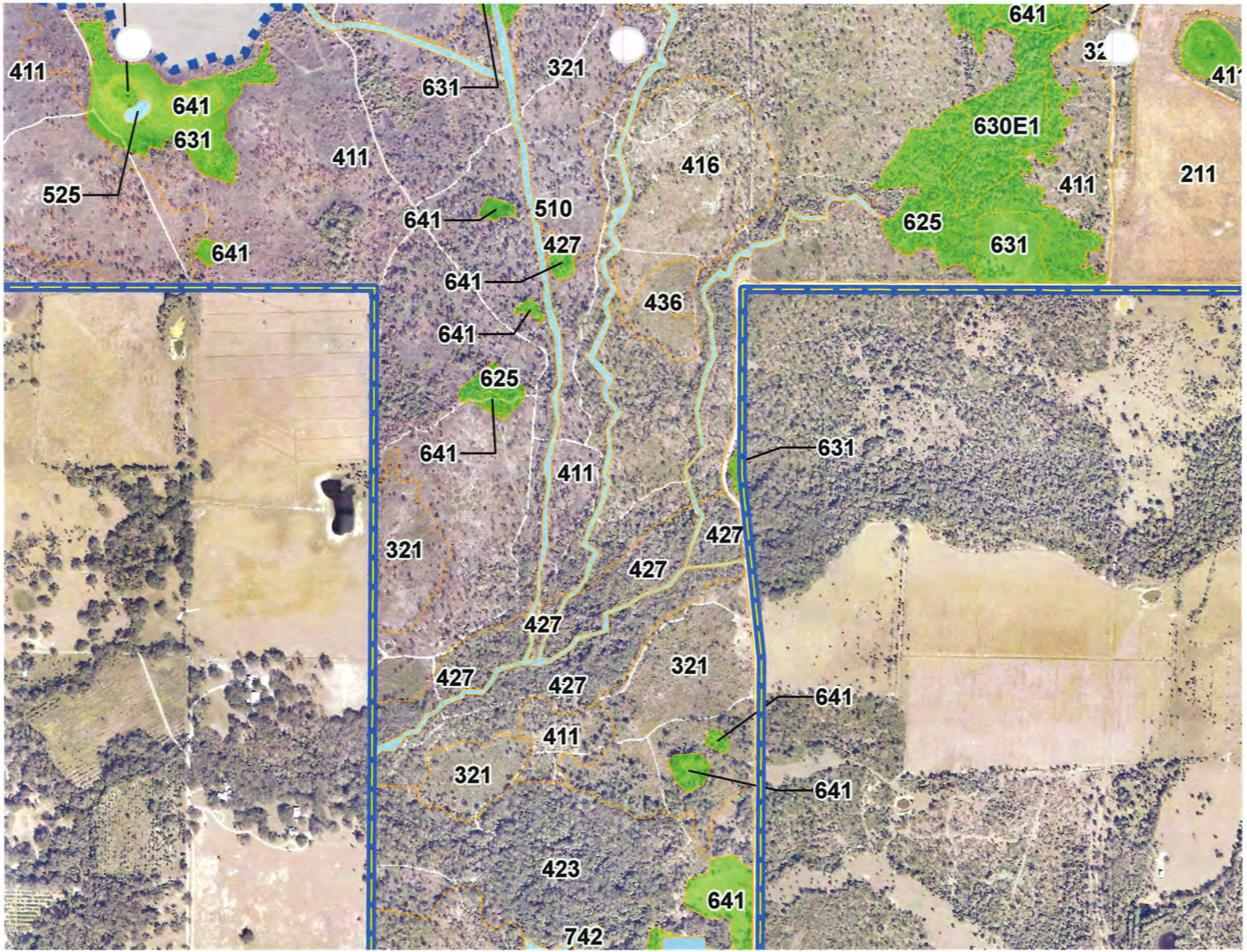
U.S. Fish and Wildlife Service Information for Planning and Conservation, Environmental Conservation Online System. 2016. http://ecos.fws.gov/ipac/gettingStarted/index (Site accessed September 12, 2016)

Babcock Ranch Community
Environmental Impacts/Benefits Analysis

ATTACHMENT 1

FLUCFCS MAP

(Updated November 2023 to Illustrate Development to Date)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Babcock Ranch Community
Environmental Impacts/Benefits Analysis

ATTACHMENT 2

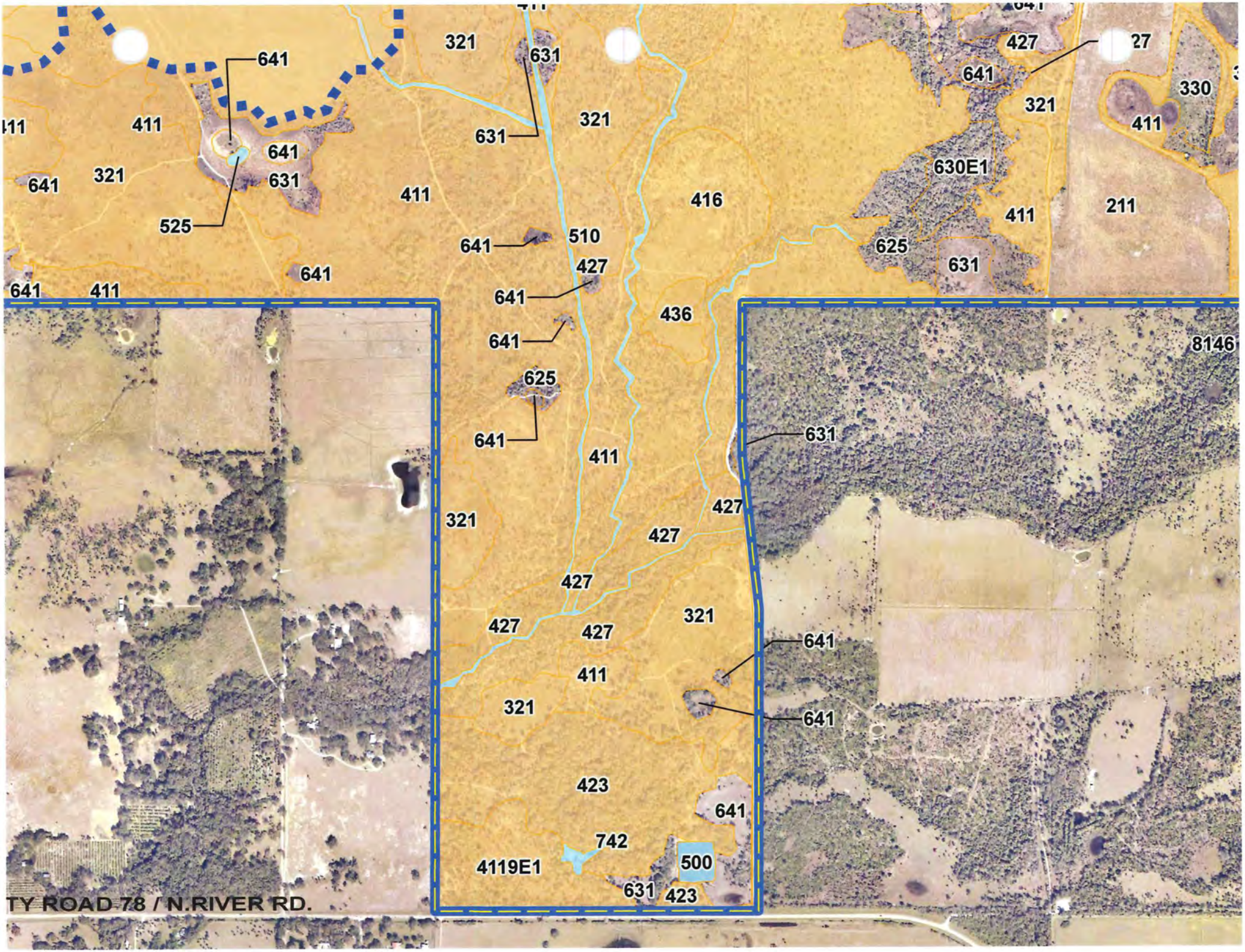
WETLANDS MAP


TY ROAD 78 / N.RIVER RD.

Babcock Ranch Community
Environmental Impacts/Benefits Analysis

ATTACHMENT 3

UPLANDS MAP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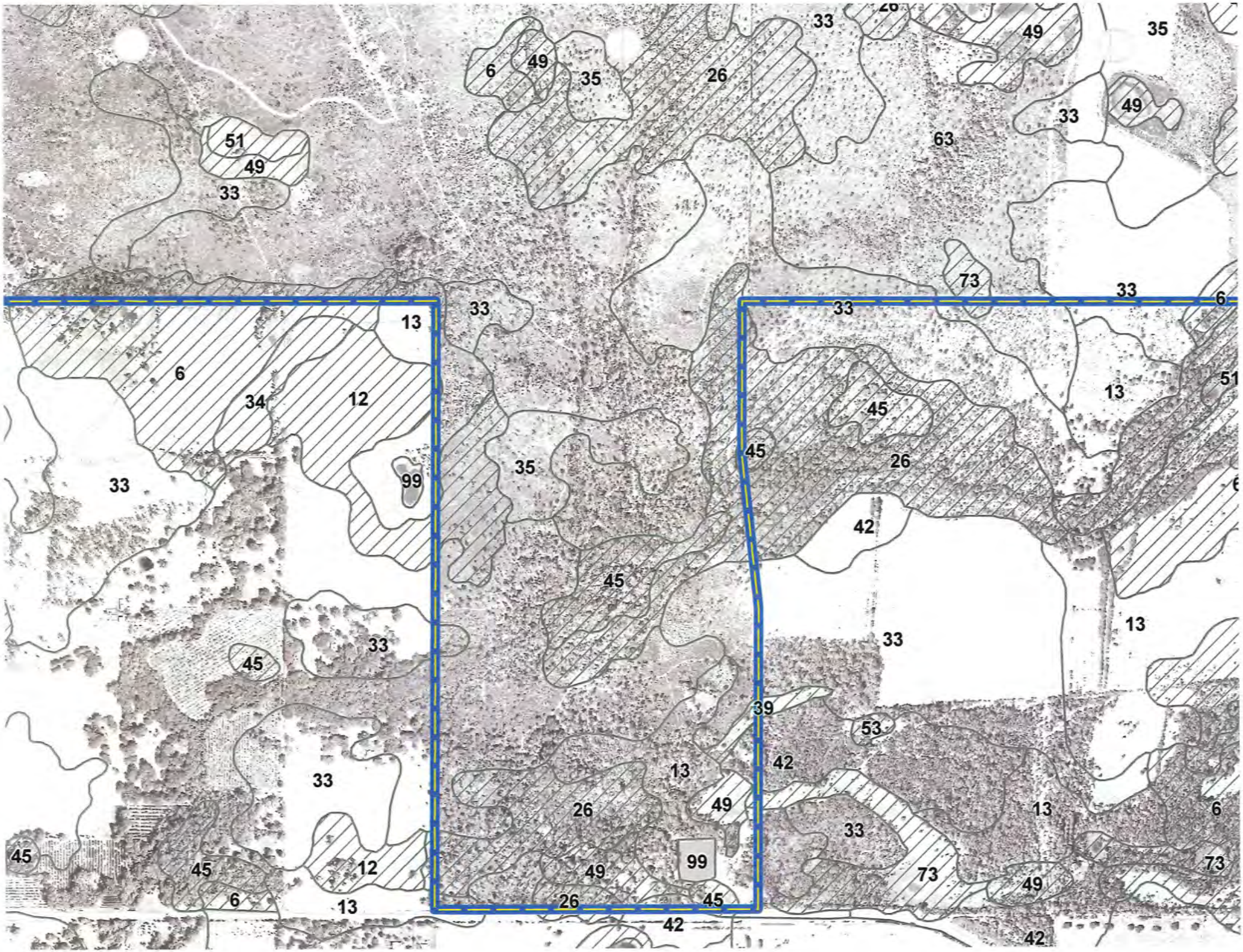
Babcock Ranch Community
Environmental Impacts/Benefits Analysis

ATTACHMENT 4

SOILS MAP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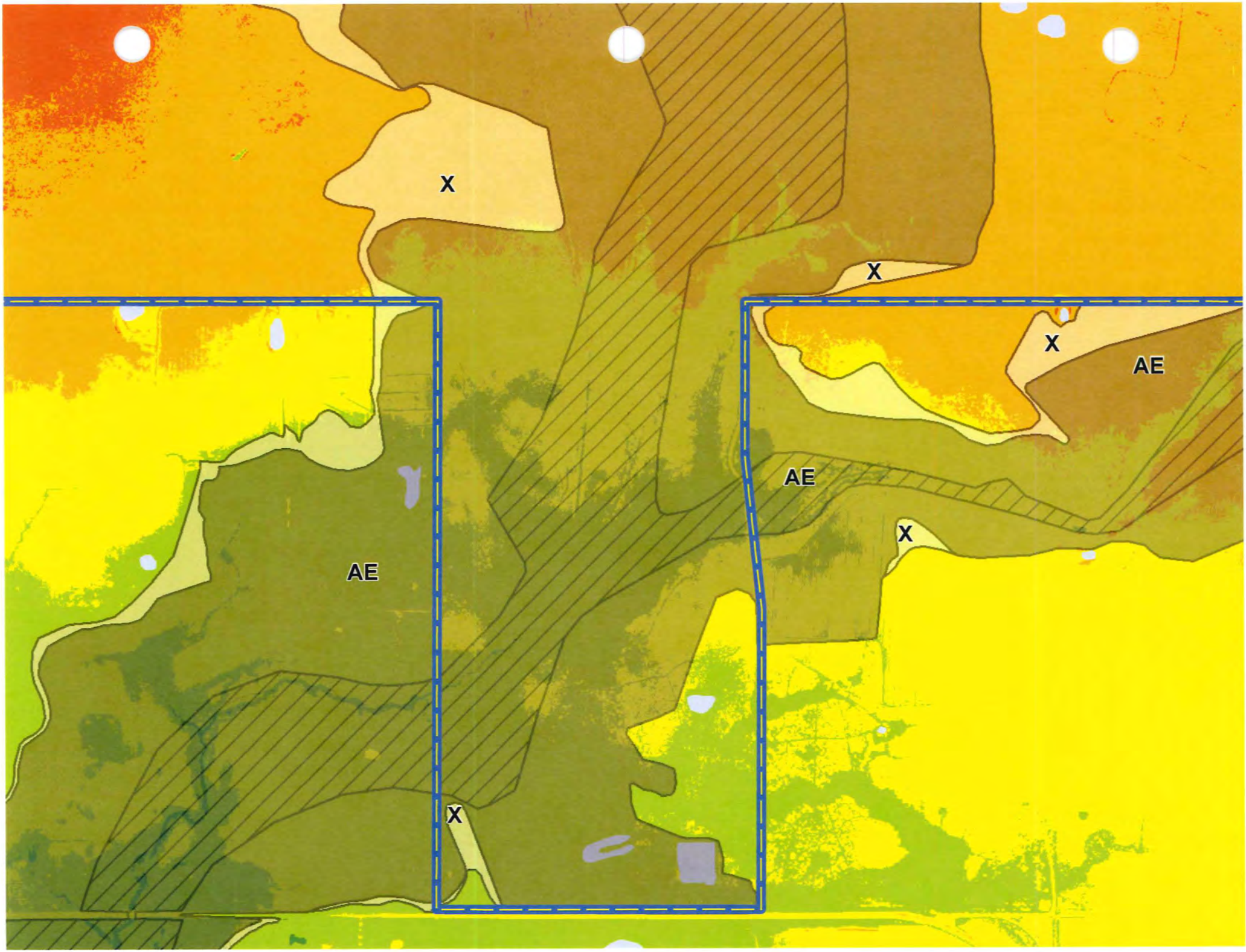
Babcock Ranch Community
Environmental Impacts/Benefits Analysis

ATTACHMENT 5

TOPOGRAPHY MAP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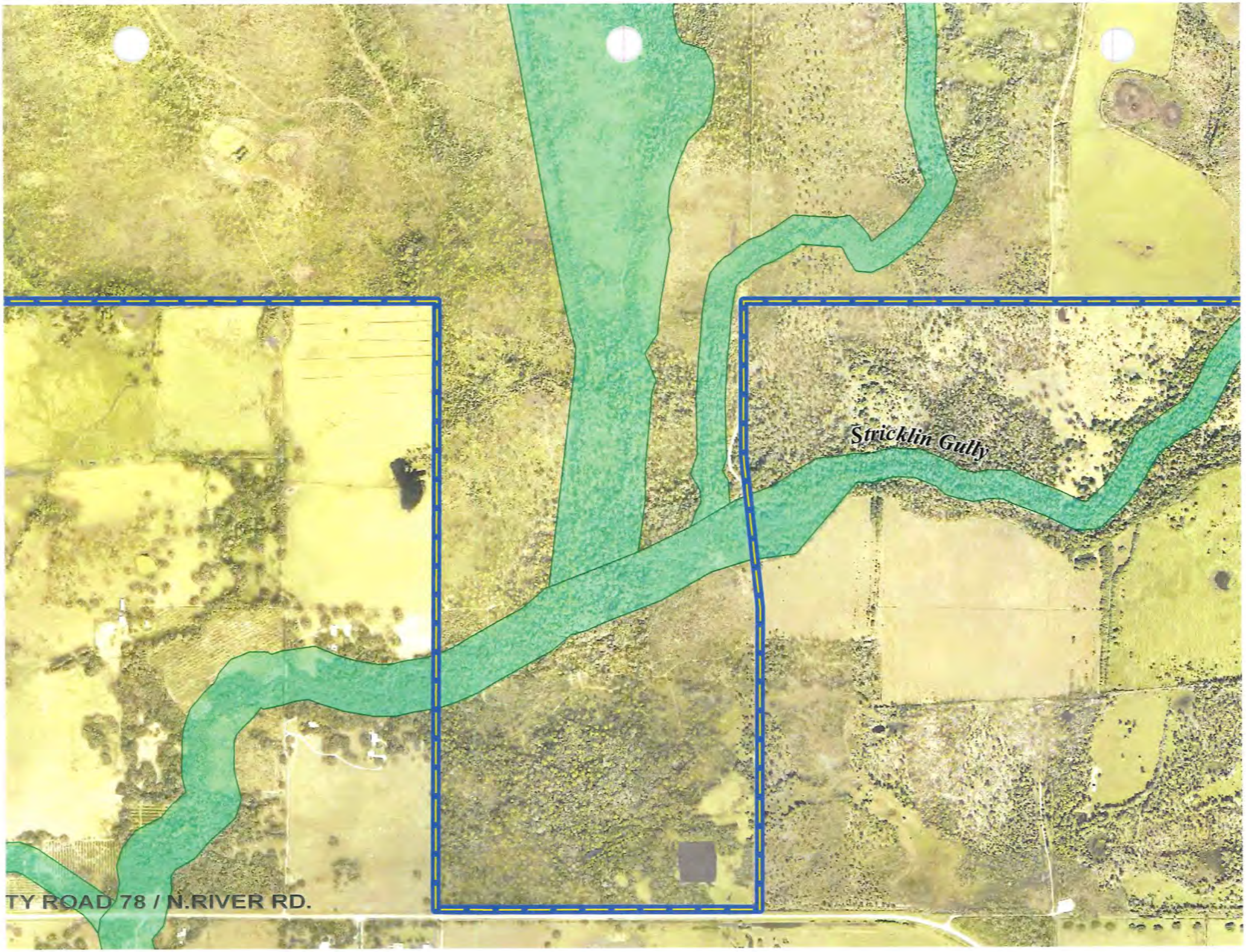
Babcock Ranch Community
Environmental Impacts/Benefits Analysis

ATTACHMENT 6

FLOW-WAY MAP


Stricklin Gully
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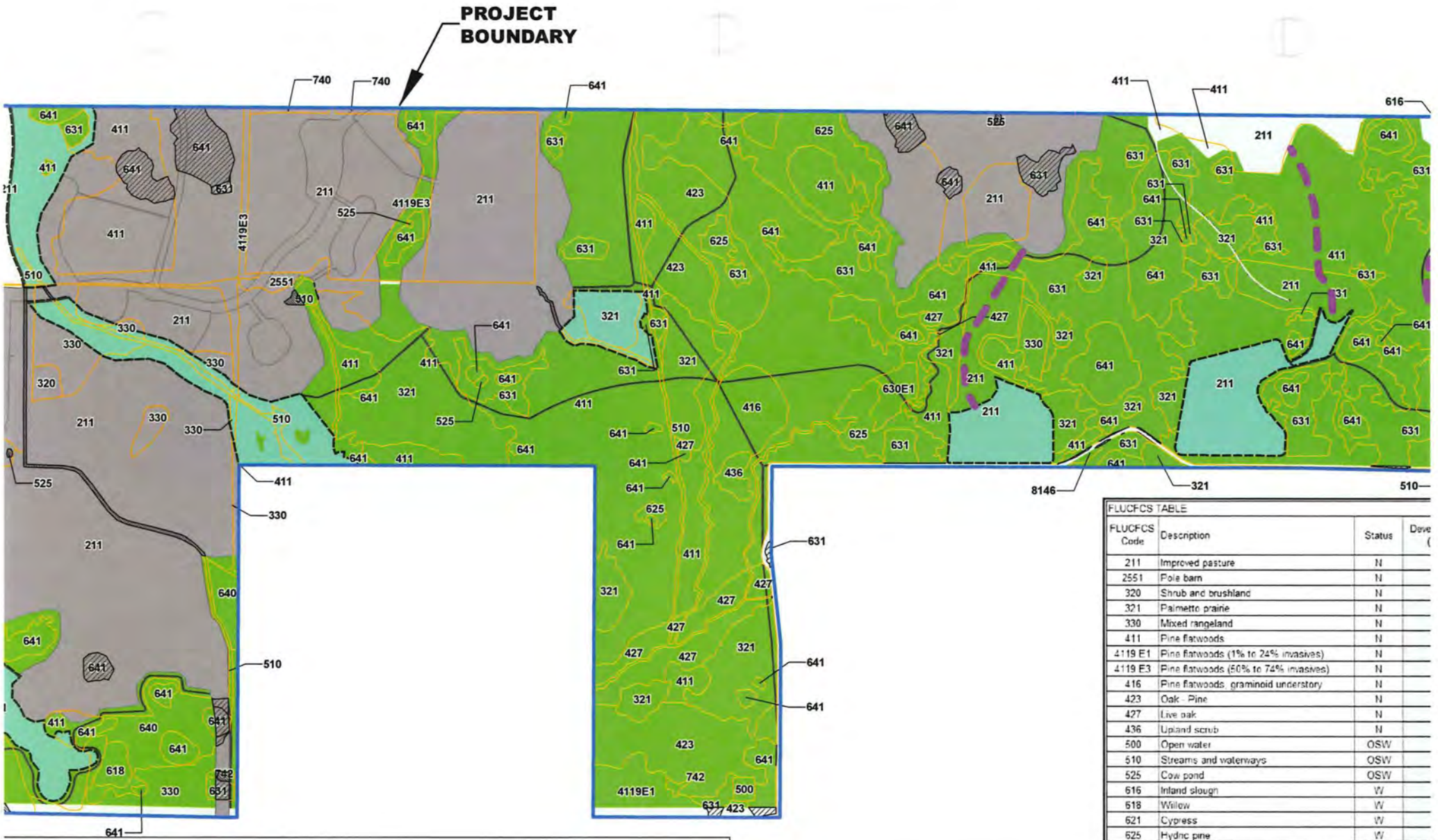
Babcock Ranch Community
Environmental Impacts/Benefits Analysis

ATTACHMENT 7

DEVELOPMENT / PRESERVES MAP

(Updated November 2023 to Illustrate Development to Date and Increased Preserves)



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pment Areas in Process
ined: 1204.5 Ac)

Future Development

Wetland creation areas

Preserves

Trails

FLUCFCS polygons

SFWMD wetlands, impacted

SFWMD OSWs, impacted

Proposed flowways

NOTES

1. Nomenclature and delineations as per the Florida Land Use Cover and Forms Classification System (FLUCFCS) (FDOT, 1999).
2. FLUCFCS Codes were obtained from SFWMD Permit # 08-0004-S-05 (Application # 070330-5) for the Babcock Ranch Community (BRC).
3. The project boundary shown is from a Johnson Engineering survey dated August of 2016.

FLUCFCS TABLE

FLUCFCS Code	Description	Status	Deve (
211	Improved pasture	N	
2551	Pole barn	N	
320	Shrub and brushland	N	
321	Palmetto prairie	N	
330	Mixed rangeland	N	
411	Pine flatwoods	N	
4119 E1	Pine flatwoods (1% to 24% invasives)	N	
4119 E3	Pine flatwoods (50% to 74% invasives)	N	
416	Pine flatwoods, graminoid understory	N	
423	Oak - Pine	N	
427	Live oak	N	
436	Upland scrub	N	
500	Open water	OSW	
510	Streams and waterways	OSW	
525	Cow pond	OSW	
616	Inland slough	W	
618	Willow	W	
621	Cypress	W	
625	Hydric pine	W	
6309 E1	Wetland forested mix (1% to 24% invasives)	W	
631	Wetland shrubs	W	
640	Vegetated, non-forested wetland	W	
641	Freshwater marsh	W	
740	Disturbed land	N	
742	Borrow area	OSW	
8146	Primitive trail	N	
		Total	

LEGEND
N = Non-wetland
W = Wetland
OSW = Other Surface Water

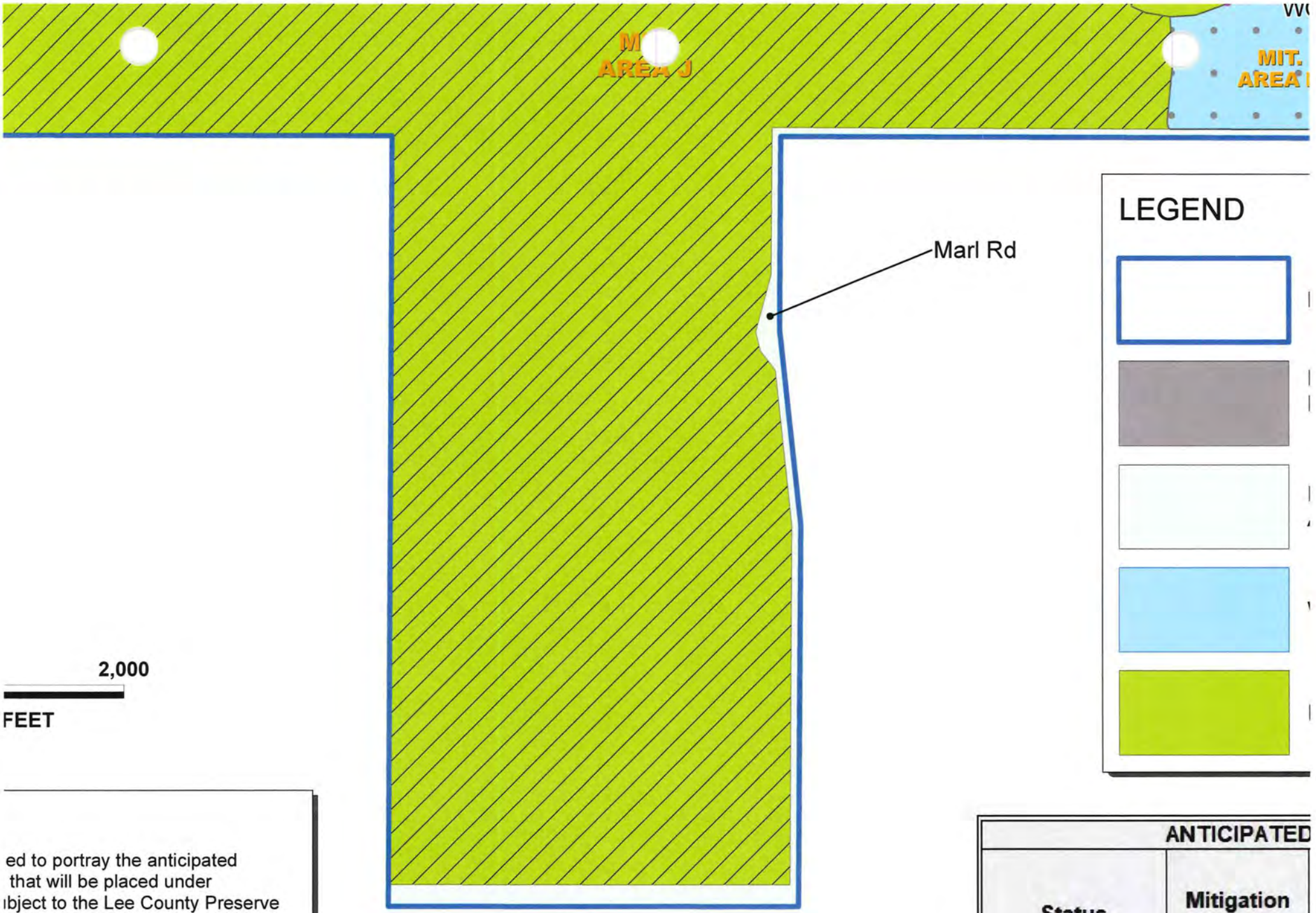
Notes: Wetland creation areas include berms, they are not included in the considered within the "wetlands to remain" acreage as no fill will be install received for trails or berms

Babcock Ranch Community
Environmental Impacts/Benefits Analysis

ATTACHMENT 8

PRESERVE PHASING MAP

(Updated November 2023 to Illustrate Implementation to Date and Increased Preserves)



ed to portray the anticipated
that will be placed under
ıbject to the Lee County Preserve
Plan. The preserve areas will be
ɔnditions until such time the

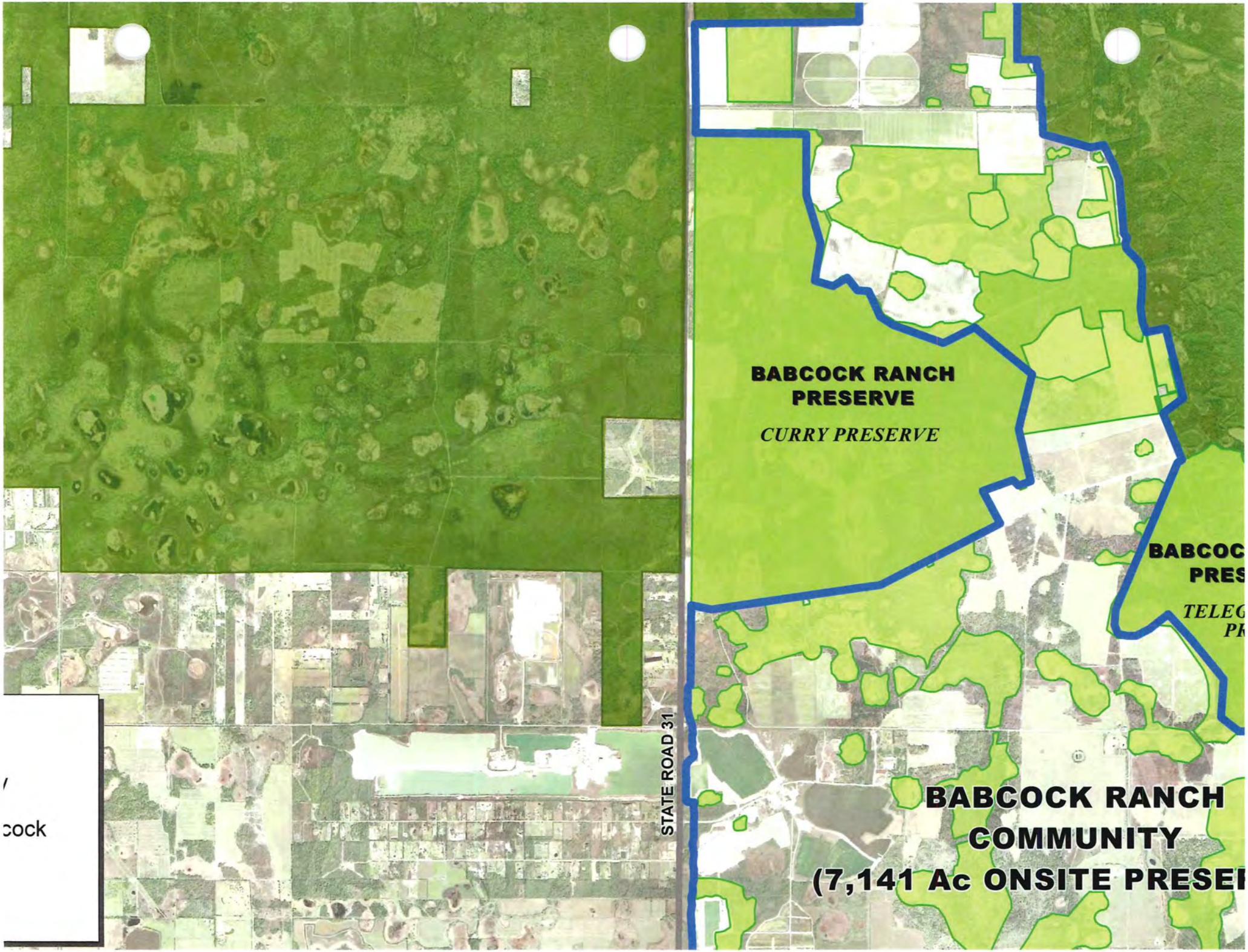
ANTICIPATED	
Status	**Mitigation Area**
Preserve	H2B

Babcock Ranch Community
Environmental Impacts/Benefits Analysis

ATTACHMENT 9

PRESERVE CONNECTIVITY MAP

(Updated November 2023 to Illustrate Increased Preserves)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Listed Species Management Plan
&
Wildlife Coexistence Plan

BABCOCK RANCH COMMUNITY

Listed Species Management Plans
&
Human-Wildlife Coexistence Plan

Originally Prepared June 2021

Last Updated June 2022 to Include New Permit Numbers and reference to Specific Conditions of FDEP State 404 Permit No. 396574-001

Prepared for:

Babcock Property Holdings, LLC
42850 Crescent Loop
Woodlea Hall, Suite 200
Babcock Ranch, FL 33982

Prepared by:

JOHNSON
ENGINEERING
2122 Johnson Street
Fort Myers, Florida 33901

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B-6 Burrowing Owl FWC Brochure

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B-8 A Guide to Living in Bear Country FWC Brochure; You Live in Bear Country FWC Information; Protect Your Pets FWC Brochure

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B-10 Beautiful Pawpaw Information

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Appendix C. Representative Educational Signage within the BRC

1.0 INTRODUCTION

The Babcock Ranch Community (BRC) was previously part of the 91,362-acre Babcock Ranch, one of the largest contiguous parcels remaining in the State of Florida. During 2005 and 2006 the State of Florida, Charlotte County and Lee County formed a public-private partnership with Babcock Florida Company to purchase 73,575 acres of the Babcock Ranch for perpetual conservation and sustainable agricultural purposes known as the Babcock Ranch Preserve (BRP). Extensive negotiations with state and federal agencies, non-governmental organizations, and concerned citizens were involved in determining the BRC boundary in a collaborative effort to produce a sustainable mixed-use community on the remaining 17,787 acres of private acquisition (±19% of the parent tract). It was this public-private partnership that allowed for the resulting development with concentrated preserve/mitigation areas to provide for long-term habitat connectivity, maintenance of existing flow-ways and significant supporting upland habitat to wetland preserve areas, resulting in a regionally significant mitigation plan. The BRC is located in the southwest portion of the Babcock Ranch, with 13,630 acres located within Charlotte County and 4,157 acres located within Lee County. The Project Location Map is shown in **Appendix A-1**.

In 2010, the South Florida Water Management District (SFWMD) (Permit # 08-00004-S-05, Application # 070330-5) and U.S. Army Corps of Engineers (USACE) (Permit# SAJ-2006-6656) approved the development of the BRC and its associated mitigation plan. The approvals entitled the construction of 19,500 residential units and 6,000,000 square feet (SF) of non-residential uses. When the design for the BRC was originally developed, the future demands of the housing and non-residential markets were conceptual projections only and were fully expected to be refined as the BRC was developed over the course of decades. As such, Babcock Property Holdings, LLC (BPH) recently obtained approval for a modified BRC site plan ("2020 Babcock Plan") to provide flexibility within the interior portion of the development to meet the project's purpose of building 19,500 residential units and 6,000,000 SF of non-residential uses, while providing additional preserves within the BRC boundary ("on-site") that will connect to adjacent "off-site" conservation lands/preserves [State-owned portion of the BRP, ±67,619 acres and Lee County Conservation 2020 lands (Bob Janes Preserve, 5,620 acres and Telegraph Creek Preserve, 1,730 acres)]. The 2020 Babcock Plan is conceptually authorized by SFWMD Permit No. 08-105624-P obtained on September 23, 2021, and Florida Department of Environmental Protection (FDEP) State 404 Permit No. 396574-001 issued on November 19, 2021.

As construction of the BRC and implementation of the associated mitigation plan are anticipated to occur in an incremental fashion, listed species management plans are an important component to ensuring the development continues in accordance with permit requirements, while minimizing adverse secondary impacts to listed species over the life of the project. Listed species management plans were prepared and approved as part of the original 2010 permits. Some of the plans have been updated where necessary, as part of the 2020 Babcock Plan, to account for changes in listed species regulations or listed species utilization within the BRC since issuance of the 2010 permits. A Human-Wildlife Coexistence Plan for the BRC is also included herein that provides supplemental educational information for residents about the wildlife that may be encountered in the area, as well as steps that can be taken to minimize potential human-wildlife conflict. The Listed Species Management Plans and Human-Wildlife Coexistence Plan will be placed on the Babcock Ranch Community Independent Special District (BRCISD) website (babcockranchcommunityisd.com) in accordance with approvals by the Florida Fish and Wildlife Conservation Commission (FWC), U.S. Fish and Wildlife Service (USFWS), and Lee County.

2.0 PROTECTED SPECIES SURVEYS

The initial protected species surveys (PSS) were conducted for the BRC in 2006 and 2007. These surveys were conducted in accordance with FWC and USFWS guidelines, which require a minimum of 15% coverage of each habitat suitable for listed species utilization. The surveys were also conducted using the Standardized State-Listed Animal Survey Procedures for Use in the Review of the Babcock Ranch Development of Regional Impact provided by staff of the Southwest Florida Regional Planning Council in July 2006. Updated pre-construction protected species surveys have been conducted between 2007 and 2020 as new phases of development have occurred. Specific for the 2020 Babcock Plan, updated generalized listed species surveys were conducted across the 8,711± acres east of Curry Canal that is subject to the reconfiguration of internal preserves/development pods. Species-specific surveys have also been conducted across the larger expanse of the BRC boundary, as needed.

As identified through prior PSS reports conducted for the project, listed species occurrences have been documented within the BRC. The BRC Mitigation Plan, as outlined below, contains land management activities that will benefit listed species, including implementation of a prescribed burn plan, exotic and nuisance species eradication and maintenance, and plantings for created wetlands and portions of farm fields. The listed species management plans that follow provide additional protective measures for each of the identified listed species, as well as specific land management criteria intended to benefit the long-term habitat conditions for the listed species.

3.0 MITIGATION AREAS

The mitigation and preserve management plan for the overall BRC (Charlotte and Lee Counties) is a combination of off-site and on-site mitigation across 12,982± acres that includes wetland creation, wetland enhancement and preservation, and upland enhancement, restoration, and preservation intended to provide wetland and listed species mitigation requirements associated with State and Federal permits for the BRC. All lands proposed for mitigation have been divided into Mitigation Areas A through K, as illustrated on **Appendix A-2**. The off-site mitigation occurs on the portion of the BRP purchased by the State (Mitigation Areas B, C, and D). These 5,840± acres of off-site mitigation areas are referred to as Telegraph Swamp Preserve, Curry Preserve, and Telegraph Trail Preserve, respectively. All mitigation activities proposed on the BRP have been approved by the State's Acquisitions and Restoration Council (ARC). The remaining Mitigation Areas A and E-K comprise the on-site mitigation areas for the overall BRC (Charlotte and Lee Counties) and total approximately 7,142 acres, which represents a net increase of 277± acres of preserve over the 2010 permit approvals.

4.0 LISTED SPECIES MANAGEMENT PLANS

4.1 AMERICAN ALLIGATOR MANAGEMENT PLAN

Biology

American alligators (*Alligator mississippiensis*) were placed on the endangered species list in 1973 and delisted in 1987. Currently, alligators are listed as federally threatened (FT) by the USFWS due to their similarity of appearance to the American crocodile (*Crocodylus acutus*), a federally endangered species, and protected by FWC under Florida's Endangered and Threatened Species Rule (Florida Statute 68A-27.003). It is estimated that over one million of these large reptiles live in Florida. They are mostly found in major river drainages but can also be found in marshes, swamps, ponds, canals, and ditches. Alligators live approximately 30 to 35 years and breeding typically occurs from April to June with offspring hatching in late summer. The average size for adults is ~8 feet for females and ~11 feet for males. Alligators are opportunistic feeders and will feed on fish, turtles, birds, and mammals. Numerous species will prey on young alligators including raccoons, wading birds, bobcats, otters, and other alligators.

Occurrence On-site

Alligators may be found utilizing a variety of freshwater wetlands and surface waters, such as marshes, lakes, ditches, and other similar habitats throughout the BRC.

Protection During Construction

The proposed project includes impacts to wetlands and other surface waters. Prior to start of construction activities, the proposed impact areas will be resurveyed for alligators and alligator nests by an ecologist/biologist. If an active alligator nest is located within the impact areas, construction will be discontinued within 150 feet of the nest until the project ecologist determines the nest is no longer active.

Habitat Management & Maintenance Activities

The preservation, enhancement, and creation of wetlands and surface waters on the BRC will continue to provide sufficient habitat for alligators on-site. Conservation and management measures will concentrate on educating homeowners on how to live in close proximity to alligators. Signs posted at appropriate water bodies should include, but may not be limited to, the following information:

- Alligators that are fed may lose their natural fear of people and will associate people with food and may become aggressive. It is against the law in Florida to feed an alligator.
- It is against the law to harm or harass or remove an alligator from its natural habitat.
- The State of Florida has a Nuisance Alligator Management Plan and when called, will respond and remove nuisance alligators.

FWC brochures about *Living with Alligators* will be posted on the Babcock Ranch Community Independent Special District (BRC ISD) website (babcockranchcommunityisd.com). A copy of the brochure is included in **Appendix B-1** and a photograph of signage in use on the BRC is included in **Appendix C**.

4.2 GOPHER TORTOISE MANAGEMENT PLAN

Biology

The gopher tortoise (*Gopherus polyphemus*) is listed as state-designated threatened (ST) by the FWC and a federal candidate species for listing under the Endangered Species Act (ESA). Gopher tortoises are a moderate-sized, terrestrial turtle most often found on well-drained sandy soils in upland habitats with low-growing herbs but may also be found in disturbed habitats including urban areas. In the wild, gopher tortoises typically live between 40 and 60 years. Breeding season occurs from March to October with egg-laying between May and July. Hatchlings typically emerge between August and November. Burrows not only provide protection for the tortoise, but also serve as refugia for up to 350 other commensal species. Prescribed fire is important for maintaining optimal gopher tortoise habitat and promoting the growth of low-growing herbaceous plants on which they feed (Ernst et al 1994).

Occurrence On-site

Within the BRC, gopher tortoise burrows have been identified in multiple habitat types including improved pasture, palmetto prairie, mixed rangeland, pine flatwoods, and pine-oak-cabbage palm. Although the State has expressed concern in the past that the water table is too high for a recipient site, multiple pre-construction surveys have identified active gopher tortoise burrows, including those of juveniles, indicating there is a reproducing population. Updated gopher tortoise surveys for the modification area east of Curry Canal identified 160 adult gopher tortoise burrows and three juvenile burrows.

Protection During Construction

In accordance with Specific Condition 24 of the FDEP Permit No. 396574-001, pre-construction surveys will be conducted in accordance with the Gopher Tortoise Permitting Guidelines (FWC 2017) in areas containing suitable gopher tortoise habitat. A relocation permit will be sought from FWC for all gopher tortoise burrows located within 25 feet of the construction limits. An Authorized Gopher Tortoise Agent will be present for all surveys and relocations. To preclude gopher tortoises from entering the construction limits, silt fence will be installed around the perimeter upon completion of relocation activities, if applicable. To date, Conservation Permits have been obtained from the FWC to relocate gopher tortoises from an active construction phase to an FWC approved, off-site recipient location. Gopher tortoises located within the approved mitigation areas will remain on-site, with the habitat managed through exotic removal and prescribed fire.

Habitat Management and Maintenance Activities

Management for gopher tortoises will be accomplished through habitat preservation and enhancement activities.

- Nine small animal wildlife crossings (**Appendices A-3** and **A-4**) are proposed within the BRC. These structures will provide safe passage for a variety of small to medium-sized animals, such as gopher tortoises, bobcats, snakes, and more under residential roads.
- The prescribed burn plan for on-site and off-site preserves will benefit gopher tortoises by decreasing woody vegetation encroachment into preferred habitats and promote growth of fresh shoots.

FWC *Living with Gopher Tortoises* brochures will be posted on the BRC ISD website (babcockranchcommunityisd.com). A copy is included in **Appendix B-2**. Signs will be erected on roadways where appropriate to notify residents and reduce potential vehicular mortality. A photograph of similar signage in use on the BRC can be found in **Appendix C**.

4.3 EASTERN INDIGO SNAKE MANAGEMENT PLAN

Biology

The Eastern indigo snake (*Drymarchon corais couperi*) is listed as federally threatened by the USFWS. The Eastern indigo snake (EIS) is a non-venomous, glossy black snake, larger and more robust in build than the more common black racer (*Coluber constrictor*). EIS utilize a variety of habitat types including pine flatwoods, scrub areas, hydric pine flatwoods, wet and dry prairies, agricultural fields, coastal hardwood hammocks, mangrove areas and even human altered areas can be considered habitat for the species (USFWS 1999). In south Florida, the species is not as dependent on gopher tortoise burrows for over-wintering but will use tortoise burrows as an underground refuge. In addition, the species will use armadillo burrows, natural ground holes, hollows at the base of trees, ground litter, and debris piles. EIS are diurnal and breeding is thought to occur in winter and early spring.

Occurrence On-site

The BRC contains eastern indigo snake habitat. Two EIS have been observed on-site during the various wildlife surveys, habitat mapping, and agency site visits associated with the development to date.

Protection During Construction

The BRC will follow the USFWS Standard Protection Measures (2013) for the EIS:

The permittee and/or contractors will use the current EIS educational materials (posters and pamphlets) offered by the USFWS, which are included by reference in the USACE permit for the BRC. Informational signs will be posted throughout the construction site and contain the following information:

1. A description of the EIS, its habits, and protection under federal law;
2. Instructions not to injure, harm, harass or kill this species;
3. Directions to cease clearing activities and allow the EIS sufficient time to move away from the site on its own before resuming clearing; and,
4. Telephone numbers of pertinent agencies to be contacted if a dead EIS is encountered. The dead specimen should be thoroughly soaked in water, then frozen.
5. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a section l0(a)(l)(A) permit issued by the USFWS, or by the State of Florida through the FWC for such activities, are permitted to come in contact with or relocate an EIS.
6. If necessary, EIS shall be held in captivity only long enough to transport them to a release site; at no time shall two snakes be kept in the same container during transportation.

Community signage will include educational information about EIS and encourage the reporting of sightings to FWC at their *Rare Snake Sightings* page. The USFWS Eastern Indigo Snake brochure will be posted on the BRC ISD website (babcockranchcommunityisd.com). A copy of the brochure is included in **Appendix B-3**. EIS will also benefit from the proposed wildlife crossings within the BRC (**Appendices A-3** and **A-4**).

4.4 SANDHILL CRANE MANAGEMENT PLAN

Biology

The Florida sandhill crane (*Antigone canadensis pratensis*) is listed as state-designated threatened by the FWC. They are long-legged, long-necked with a grey body and a patch of bald red skin at the top of the head. The Florida sub-species of sandhill crane is a year-round resident and typically nests in late winter to early spring (December – March). Nests are made of emergent freshwater marsh vegetation and located in herbaceous wetlands. Florida sandhill cranes may successfully breed and forage near development. They are regularly seen foraging in open grassy areas with vegetation typically less than 18-inches in height (Wood and Nesbitt 2001).

Occurrence On-site

One Florida sandhill crane nest was located in a freshwater wetland on the western side of the BRC during the original PSS. Florida sandhill cranes are commonly observed utilizing freshwater wetlands, wet prairies, and farm fields within the BRC.

Protection During Construction

In accordance with Specific Condition 25 of FDEP Permit No. 396574-001, within 30 days prior to construction activities during the breeding season (January-August), the project ecologist will conduct either two ground surveys or one aerial drone survey of any herbaceous wetlands within the development footprint and within 400' of the development to ensure that no active nests are taken or disturbed during construction. If an active nest is discovered within 400' of the development, the nest site will be buffered by 400' to avoid disturbance by active construction and human activities until the nest is inactive in accordance with the FWC Species Conservation Measures and Permitting Guidelines (2016) for the Florida sandhill crane.

The BRC mitigation plan provides suitable roosting, nesting, and foraging habitat for the sandhill crane. If an active nest were to be found within an approved development tract during pre-construction surveys, no additional mitigation is required, as the potential impacts associated with the permitted habitat loss have already been addressed through the approved comprehensive mitigation plan.

Habitat Management & Maintenance Activities

Conservation efforts that will benefit the Florida sandhill crane include the following:

- Portions of the preserve areas previously containing greater than 50% exotic vegetation coverage will be replanted with desirable native vegetation to improve foraging opportunities.
- Wetland creation areas proposed for the BRC (Charlotte and Lee Counties) total approximately 368 acres (inclusive of berms and transitional upland areas). The majority of the wetland creation areas will be freshwater marsh, with deeper pools and areas of forested wetlands. Ephemeral wetlands will be included along the created wetland edges. The created herbaceous wetlands will provide additional nesting habitat for the sandhill crane.
- The prescribed fire management plan for the preserves will minimize woody encroachment into herbaceous wetlands.
- BRC road signage for sandhill cranes may be used, as needed, in areas where cranes frequent to alert motorists and reduce possible vehicular-caused mortality.

Additional information on *Living with Sandhill Cranes* will be posted on the BRC ISD website (babcockranchcommunityisd.com). A copy of the brochure is included in **Appendix B-4**.

4.5 COLONIAL NESTING WADING BIRDS MANAGEMENT PLAN

Biology

The wood stork (*Mycteria americana*) is listed as federally threatened (FT). It prefers freshwater and estuarine habitats for nesting, roosting, and foraging. Stick nests are usually constructed in medium to tall trees surrounded by open water and can be located in freshwater or brackish habitats (Rodgers et al. 1996). During the breeding season, a nearby foraging area plays an important role in chick survival as adult birds are better able to provide food without flying over extended distances. Wood storks are likely to forage in a wide variety of habitat types during the non-breeding season including freshwater marshes, stock ponds, roadside ditches, tidal pools and creeks and open water portions of cypress heads (USFWS 1999). Wood storks prefer to forage in shallow open water areas where prey is concentrated as they are tactile feeders (Kahl 1964). Dry season (winter) conditions in south Florida provide for heavy concentrations of prey in shallow depressions. Practically any shallow wetland depression that acts to concentrate large numbers of fish may be used as feeding habitat. All wetlands and other surface waters in the BRC mitigation plan may be utilized by wood storks and total approximately 4763 acres, exclusive of the surface water management lakes and/or rain gardens that are constructed within the approved development tracts outside of the BRC mitigation plan.

The little blue heron (*Egretta caerulea*), reddish egret (*Egretta rufescens*), tricolored heron (*Egretta tricolor*), and roseate spoonbill (*Platalea ajaja*) are all listed as state-designated threatened by the FWC. The reddish egret is a year-round resident of Florida mainly nesting and foraging in coastal areas but can occasionally be found inland utilizing spoil islands. The little blue heron is a small wading bird greyish-blue in color as an adult. The tricolored heron is slightly larger with a bluish colored head and upper body, purple chest, and white underparts. The roseate spoonbill has pink wings and underparts, a white neck and back, and distinct spoon-shaped bill. Typically, these wading bird species nest in rookeries, often with other wading birds. Nests are made of sticks and vegetation placed in small trees often over water and occurs between March and August. Habitats include fresh, salt, and brackish waters including marshes, swamps, and reclaimed mine lands.

Occurrence On-site

Wood storks have been observed on the BRC during the various wildlife surveys and other field work conducted to date, but no nesting by wood storks has been documented to date. Impacts to vegetation communities that may potentially be used by wood storks total approximately 547 acres for the entire BRC. Wood stork compensation will be accomplished by enhancing preserved wetlands within the BRC Mitigation Plan (±4950 acres), constructing approximately 215 acres of wetlands, and implementing hydrologic improvements in the Trout Creek and Telegraph Creek watersheds through the installation of control structures in the Curry Canal and Big Island Canal, respectively.

Two potential wading bird rookeries were identified during the original protected species survey, including one in the north section and one in the southwest corner of the BRC, south of the mine. An additional rookery was identified in 2019, located southwest of the Town Center near the old mine. Listed wading bird species common in Florida are transitory in nature and can be found foraging and roosting in a wide variety of wetland habitats. These species are regularly observed throughout the site utilizing freshwater wetlands, ditches, borrow areas, and cattle ponds.

Impacts Analysis

The USFWS methodology to assess project impacts to wood storks (applicable to all wading birds) and the mitigation lift associated with the BRC Mitigation Plan utilizes wetland hydroperiod classification, exotic coverage, and estimated wood stork consumption to calculate the change of

wood stork forage in kilograms of fish following wetland impacts, wetland restoration or enhancement. The entire Babcock Ranch totals approximately 91,000 acres. Of this total, approximately 26,000 acres of wetlands and other surface waters will remain after development of the BRC. Specifically, Telegraph Cypress Swamp and Creek, Jack's Branch, Clay Gully, Cypress Creek, Fichter's Branch, and Hall's Branch as they occur on Babcock Ranch will be preserved as a result of the project. Wood stork habitat lost by the development (577± acres; 678.39 kg of fish biomass) will be offset by the preservation and enhancement of approximately 4,763 acres of wetlands/surfaces within the BRC Mitigation Plan, inclusive of 2,215 acres of wetlands/surface waters on-site within the BRC boundary and 2,549 acres of offsite wetlands within the BRP that are part of the BRC Mitigation Plan (Mitigation Areas B, C, and D). These habitats provide for enhanced foraging, nesting, and roosting opportunities for all wading bird species.

In addition, wetland hydrology will be improved toward historic levels. Hydrologic restoration will result from the installation of four structures in Curry Canal and two structures in Big Island Canal. The structures will allow for a longer hydroperiod in the upstream wetlands and greater water quality treatment will occur as a result of the additional residence and filtration time. Additionally, remaining existing ditches within the wetland preserves will have a section backfilled to reduce the over draining of the wetlands. Both the on-site and off-site mitigation areas have approved land management plans and will be managed in perpetuity by the BRCISD.

Protection During Construction

In accordance with Specific Condition 26 of FDEP Permit No. 396574-001, pre-construction surveys within the development footprint to ensure that no active nests are affected during construction. If an active nest is discovered within the development footprint, appropriate buffers will be implemented as outlined in the FWC Species Conservation Measures and Permitting Guidelines (2017) for the State listed wading birds until the nest is no longer active. If this were to occur, no additional mitigation would be required because of the nesting, roosting and foraging opportunities for the wood stork and all State listed and non-listed wading birds associated with the BRC Mitigation Plan.

Habitat Management & Maintenance Activities

The BRC Mitigation Plan includes nine (9) different wetland creation areas proposed for a total of ±215 acres (869,991 m^2) of wetlands/surface waters to be constructed from upland farm fields. These created wetlands provide ±692 kg of new foraging prey base for wood storks/wading birds, in addition to the lift associated with wetland enhancement associated with the BRC Mitigation Plan, which more than offsets the expected impacts. The majority of the wetland creation areas will be freshwater marsh, with deeper pools and areas of forested wetlands. The deep pockets trap fish and macroinvertebrates during periods of water draw down, further increasing foraging opportunities for wood storks and wading birds. Ephemeral wetlands will be included along the created wetland edges.

In addition to the enhancement and creation of wetlands in the BRC, the hydroperiods of large wetland systems adjacent to the BRC will be restored by the installation of water control structures in Curry Canal and Big Island Canal. Wetlands and surface waters within the BRC mitigation plan will also be enhanced through exotic removal, improving upon foraging, nesting and wading opportunities than currently exists. Stormwater management lakes within the BRC will also be designed with lake littoral shelves and native plantings, which will create additional wading bird foraging habitat outside of the BRC mitigation plan.

An information pamphlet about wood stork and wading birds commonly found on the BRC will be posted on the BRC ISD website (babcockranchcommunityisd.com). A copy of the pamphlet can be found in **Appendix B-5**.

4.6 BURROWING OWL MANAGEMENT PLAN

Biology

The Florida burrowing owl (*Athene cunicularia floridana*) is listed as state-designated threatened by the FWC. Some human activities have actually had a beneficial effect on the burrowing owl population in Florida. The conversion of native habitat to mowed grassy fields, cattle grazing, and wetland drainage have all contributed to increasing the species' range. Residential and industrial areas currently support the largest Florida concentrations of burrowing owls (Haug et al. 1993). The burrowing owl inhabits open native prairies and cleared areas that offer an expanse of short, herbaceous groundcover. The pastures, sod fields, and fallow agricultural fields within the BRC provide suitable habitat for this species. They are often attracted to areas that are slightly higher in elevation than surrounding areas, such as berms and canal banks. Burrowing owls prey heavily on insects and vertebrates associated with disturbed areas, including mole crickets, June beetles, dung beetles, brown anoles, and Cuban tree frogs. The entrance of burrows is often lined with materials such as grass clippings, feathers, grasshoppers, anoles, or manure. FWC lists burrowing owl nesting season as February 15 through July 10, which is when burrows are most likely to be active (e.g. eggs or flightless young are present). This species was observed within the BRC during listed species surveys for the Earth Source Mine expansion.

Protection During Construction

In accordance with Specific Condition 27 of FDEP Permit No. 396574-001, prior to construction activities, an FWC Registered Agent for Burrowing Owls will survey open native prairies and cleared areas with short, herbaceous ground cover within the development footprint to ensure that no active nests are taken during construction. FWC requires a 10' radius minimum buffer from inactive burrowing owl burrows and a 33' radius buffer from active burrows containing eggs or flightless young. If a potentially occupied burrowing owl burrow is identified within the development footprint and it is not possible to maintain the applicable buffer, coordination will occur with FWC.

Habitat Management & Maintenance Activities

Conservation and management efforts that will benefit the Florida burrowing owl include the following:

- If required as an FWC permit condition, wooden T-perches, starter burrows and/or artificial burrows may be constructed in suitable upland on-site preservation areas to enhance burrowing owl habitat.
- Vegetation management through prescribed fire and grazing will be implemented. Mowing could also be used, instead of or in addition to, grazing to maintain vegetation in fields and other grassy areas at the appropriate height to provide for prey species but allow for predator detection. Desirable vegetation height for burrowing owls is approximately 6" or less.

As development takes place, educating BRC residents will be crucial for the continued protection of the burrowing owl, especially since this species is adaptable to urban settings and is likely to interact with the human population. The goal of an education program will be to protect active burrows within and outside of the urban environment and develop a tolerance for owls attempting to nest on private property. If burrowing owls are observed nesting within the development, signage will be implemented to notify residents and protect burrows. Additional information on burrowing owls will be posted on the BRC ISD website (babcockranchcommunityisd.com). A copy of the FWC brochure for burrowing owls is included in **Appendix B-6**.

4.7 CRESTED CARACARA MANAGEMENT PLAN

Biology

The crested caracara (*Caracara cheriway*) is listed as a federally threatened (FT) species by the USFWS. In Florida, crested caracaras were historically found in open grassland habitats and former native prairie. They now tend to utilize improved pastureland, i.e. grasslands managed for cattle production, and wet or dry prairies with scattered cabbage palms for nesting and foraging (Morrison 1999). The presence of open habitats as well as low ground cover and low density of tall and shrubby cover was shown to be preferred by caracaras in south-central Florida (Humphrey and Morrison 1997). The diet of the caracara includes both carrion and live prey. Many kinds of insects and other invertebrates, as well as fish, amphibians, reptiles, birds, and mammals are also consumed. Foraging habitats are varied and include pastures, newly plowed fields, drainage ditches, ponds, drying marshes or stock ponds, and several other habitat types (Morrison 2001). Caracaras nest almost exclusively in cabbage palm trees, but will also occasionally use live oaks, laurel oaks, and slash pine (Johnson Engineering, 2003 and 2007). In evaluating project impacts to the caracara in south Florida, the USFWS defines a primary management zone as 300-meters (985 ft), and a secondary management zone as 1,500-meters (4,920 ft) outward from the nest tree.

Occurrence On-site

Potential nesting habitat on the BRC is primarily limited to pastures east of the Curry Canal. As of the 2020 -2022 survey seasons, two active caracara nests are located within the BRC, and two active caracara nests are located off-site but within the 1,500-meter secondary zone buffer (USFWS 2016). Technical assistance occurred with the FWC and USFWS to address crested caracara involvement through the review process for FDEP State 404 Permit No. 396574-001. Specific Condition 23 of the permit details prudent and reasonable measures for the crested caracara.

Protection During Construction

As detailed in Specific Condition 23 of the State 404 Permit, incidental take for the crested caracara is anticipated, and it allows the removal of nest trees (including all alternate nest trees, as may be applicable) associated with up to five (5) pairs of caracaras through project build-out. Active nest trees within the BRC will only be removed prior to an active construction phase within that area and outside of the active nesting season. Prior to ongoing phases of construction, the project ecologist will survey suitable caracara habitat to verify if nests are located within the development footprint. If a new caracara nest is discovered, the applicant will comply with the conditions of the State 404 permit. Construction within the 300-meter primary buffer of an active caracara nest will be minimized to the extent feasible during the nesting season until nestlings have been confirmed to have fledged. Ongoing work within the secondary zone, outside of the primary zone, will be allowed to continue

Habitat Management & Maintenance Activities

Conservation and management efforts that will benefit the crested caracara include the following:

- Maintaining approximately 800 acres of agricultural lands suitable for caracara foraging post-development [±250 acres of improved pasture managed as dry prairie with cattle grazing in Mitigation Area E (Charlotte County), ±220 acres of agricultural land remaining as outparcels not approved for development (Charlotte County), and ±275 acres remaining as dedicated farmland in the North Babcock area (Charlotte County)].
- Continued maintenance of improved pastures not under conservation easement will occur through the use of cattle grazing, mowing and/or prescribed fire.

- Cabbage palms will be planted in clumps of two to six trees along approximately 25 percent of the edge of remaining onsite farmfields where none currently exist to increase nesting habitat for caracaras.
- Buffers will be observed around active caracara nest trees during nesting season, if applicable.

As mitigation for unavoidable impacts, BPH has agreed to trap and GPS tag 2 adult caracaras (one from each pair) from within the BRC during the nesting season prior to nest tree removal. Tracking will occur for a period of no less than two years post tagging, with an annual report provided to the FWS. Working with Dr. Joan Morrison and through advanced coordination with the USFWS, BPH has already implemented this mitigation, with one adult caracara from Site 4 and Site 8 having been trapped and fitted with a GPS transmitter in February 2021 and February 2022. It is anticipated these areas may move to development in 2022 after all necessary development permits have been obtained. Ongoing monitoring and reporting associated with the mitigation will be provided to the USFWS on an annual basis, as condition of the State 404 permit.

4.8 FLORIDA SCRUB JAY MANAGEMENT PLAN

Biology

The Florida scrub jay (*Aphelocoma coerulescens*) is listed by the USFWS as federally threatened. The scrub jay prefers scrub habitat characteristic of peninsular Florida's historic dune system, which is dominated by scrubby oaks occurring on well drained sandy soils. In optimal habitat, oaks are 1 to 3 m high, with sandy unvegetated openings occupying 10 to 50 percent of the site. Trees and dense herbaceous vegetation are uncommon. Scrub jays are very territorial and occur in family groups of typically three birds but may include up to eight birds. All the birds will aggressively defend their territory year-round. Scrub jay predators are predominantly raptors, however, bobcats, house cats, and some snakes may also feed on scrub jays.

Occurrence On-site

During wildlife surveys of the BRC in 2006 for the original permit, two scrub jays were observed in the southwest corner of the ranch. No scrub jays have been observed on the BRC since that time.

Habitat Management & Maintenance Activities

Conservation efforts that will benefit the Florida scrub jay include the following:

- Prescribed fire and/or mechanical methods will be used to reduce and/or remove canopy trees, oaks, and vines to restore the open sandy unvegetated areas preferred by the scrub jay, where scrub habitat exists.

4.9 RED-COCKADED WOODPECKER MANAGEMENT PLAN

Biology

The red-cockaded woodpecker (*Picoides borealis*) (RCW) is listed as federally endangered by the USFWS. RCWs prefer to live in old-growth pines with sparse understory and will utilize trees with heartwood disease for nesting (Conner et al. 1994). Mature pines are also used for foraging, but RCWs will to a lesser extent forage in hardwood trees and cypress domes (USFWS 2003). In southwest Florida, some research has shown RCWs prefer hydric pine flatwoods, which are maintained by fire and hydroperiod and often do not have dense midstory (Beever and Dryden 1992). Beever and Dryden (1992) found that cavity trees had a diameter at breast height (dbh) ranging from 20.5 to 30.8 cm, with the smallest pine being 15.4 cm and the largest measuring 35.9 cm.

Occurrence On-site

The BRC has some suitable nesting and foraging habitat for RCWs. Potential nesting habitat on the BRC includes pine and hydric pine flatwoods totaling approximately 5,763.45 acres (32.4% of the BRC). Foraging habitat includes pine, oak and cabbage palm, cypress, and cypress, pine, cabbage palm wetlands. Much of the potential habitat is not conducive to RCWs as pasture fields have fragmented pine flatwoods and silviculture has removed the old growth pine. In the remaining habitat the understory is often too tall and dense, mid-story may be present, pine stocking, age and size may be inappropriate and/or insufficient foraging habitat is available. No RCW cavity trees were observed during original or updated wildlife surveys conducted for the BRC.

Protection During Construction

As this is a phased project that will be constructed over several years and land management activities will be conducted that are conducive to RCW utilization, prior to construction activities the project ecologist will survey appropriate RCW nesting habitat. During the survey, if an active cavity is discovered within the footprint of development, the applicant will coordinate with the USFWS and adhere to the terms and conditions of its Biological Opinion, as applicable.

Habitat Management & Maintenance Activities

Conservation and management efforts that will benefit the RCW include the following:

- Within the on-site preserves and off-site mitigation areas tree stand stocking may be reduced through selective removal of young pines (10 to 30 years) to create better foraging habitat (USFWS 2003).
- Understory growth and mid-story establishment will be prevented by conducting controlled burns every 3 to 5 years (Komarek 1974).
- Existing snags will be protected as they provide nesting habitat for RCW competitors, i.e. red-bellied woodpecker (*Melanerpes carolinus*), pileated woodpecker (*Dryocopus pileatus*), and red-headed woodpecker (*M. erythrocephalus*), all of which have been observed on the BRC.

RCW cavity trees have been identified within the northeast portion of the Babcock Ranch Preserve. Subsequent, ongoing surveys to date have identified 47 cavities (active, inactive, starter) in the northeast corner of the ranch. Additionally, approximately 27 clusters of RCWs are present on the Babcock – Webb Wildlife Management Area (WMA) located to the west of the Babcock Ranch (USFWS 2003). RCW habitat preserved within the BRC may benefit RCWs by increasing the nesting and foraging habitat currently available for these two populations of RCWs. This may also help RCWs in dispersing from the Babcock Ranch population to the Babcock – Webb WMA, therefore helping to maintain the genetic viability of both populations.

4.10 FLORIDA BONNETED BAT MANAGEMENT PLAN

Biology

The Florida bonneted bat (*Eumops floridanus*) (FBB) is the largest bat species found in Florida and is known for its large, rounded ears. FBBs are known to roost in natural and man-made structures. Natural roosts include cavities and crevices of tall mature trees including pine, cypress, and royal palms, along with rock outcroppings. Man-made roosts may include bat houses and barrel tile roofs. Roosts typically require an open mid-canopy, so the bats can fly downward to gain enough speed for flight. Florida bonneted bats feed on insects and use echolocation to detect and capture their prey. Unlike many bats, they are active year-round. They forage in flight and at night, often returning to the roost periodically during the night.

Occurrence On-site

Effective November 2, 2013, the USFWS listed the FBB as federally endangered and established an FBB consultation area. The entire BRC falls within the consultation area, although the consultation area was established after the USFWS Biological Opinion (BO) (FWS Consultation Code: 41420-2007-F-0900) was issued for the project. The USFWS also provided FBB Consultation Guidelines (FBB Guidelines, 2019) to help developers and regulatory agency staff evaluate the effects of projects on the FBB. Additionally, in June 2020 the USFWS proposed to designate approximately 1,478,333 acres in Florida as critical habitat for FBB (Federal Register 2020). If approved, a portion of the BRC occurs within an area proposed to be designated as critical habitat (Unit 2) for the FBB. No FBB roosts have been documented within the BRC, but foraging has been recorded within the BRC and off-site preserves during acoustic surveys. Suitable FBB roosting habitat exists on the BRC.

Protection During Construction

In accordance with Specific Condition 22 of the State 404 Permit, pre-construction roost surveys for the FBB will occur prior to initiation of land clearing and vegetation removal activities that would impact potential roosting habitat to ensure there is no taking of an FBB roost. If the permitted activities require the removal of potential roost trees, snags, or structures, the permittee shall conduct a survey for Florida bonneted bats within 30 days prior to removal. If appropriate, an acoustic emergence survey may also be conducted in accordance with the USFWS Consultation Guidelines for the FBB (October 2019).

Best Management Practices (BMPs) in the October 2019 USFWS Consultation Guidelines for the FBB recommend a 250-foot (76 m) buffer around known or suspected FBB roost structures. Prior to construction activities, the project ecologist will survey appropriate FBB habitat. All identified potential FBB roost structures (e.g. snags with appropriately sized cavities or loose bark) within the proposed project area will be GPS located and observed using a treetop camera or an emergence survey conducted, if appropriate. If an active FBB roost is discovered within the footprint of development during the survey, a 250-foot radius buffer will be established to limit disturbance to roosting bats. Coordination will occur with the USFWS and FWC to implement proper exclusion measures prior to removal of the roost tree/structure outside of maternity season.

Habitat Management and Maintenance Activities

Conservation and management efforts that will benefit the FBB are based upon the BMPs contained within the FBB Guidelines, which were designed by the USFWS to minimize the impact of a project on the FBB and include the following:

- As compensation for FBB foraging impacts associated with full BRC development, the

BRC Mitigation Plan will provide approximately 12,913 acres of habitat preservation and enhancement, all of which is considered FBB foraging habitat and ±8,024 acres of forested preservation and enhancement that may be utilized for future FBB roosting, which exceeds FBB Guidelines.

- To conserve open freshwater and wetland habitats to promote foraging opportunities and avoid impacting water quality, the ±12,913-acre BRC Mitigation Plan will include approximately 4,534 acres of wetland/surface water preservation, ±418 acres of wetland enhancement, and ±215 acres of wetland creation areas.
- To conserve and/or enhance riparian habitat, streams/flowways and associated upland buffers will be incorporated into preserve, as detailed in the 2020 BRC Mitigation Plan and required by the SFWMD/State 404 permits.
- Development areas within the BRC will contain an average 17% stormwater ponds, which will contain a 6:1 littoral shelf planted with 100% native wetland plantings, as required by the BRC ISD Design and Specification Manual.
- The widespread application of insecticides (e.g., mosquito control, agricultural pest control) by the Permittee will be minimized to the extent feasible in onsite preserve areas where FBB are known or expected to forage or roost.
- Mature trees and snags within the preserve areas will be retained to the maximum extent practicable. Any trees or snags to be removed from preserve areas due to natural disasters or to ensure the health, safety, and welfare of the residents will be surveyed to determine if bat roosting is present prior to their removal.
- Prescribed fire will be utilized in the ±12,913 acres of mitigation lands in a manner that mimics the natural fire cycle for the various habitat types identified within the mitigation areas to provide enhanced foraging and roosting habitat for the FBB.
- If determined warranted by the USFWS, BPH will work with the Service to place up to 16 bat boxes in onsite preserve areas (2 per onsite Mitigation Areas A and E-K).

A copy of the FWC brochure *Living with Bats* and *Wildlife in Structures* will be posted on the BRC ISD website (babcockranchcommunityisd.com). A copy of both of brochures is included in **Appendix B-7**.

4.11 FLORIDA BLACK BEAR MANAGEMENT PLAN

Biology

The BRC and adjacent State of Florida conservation lands contain forested habitats documented to be utilized by the Florida black bear (*Ursus americanus floridanus*). The Florida black bear is one of three subspecies of American black bear recognized in the southeastern United States and is regulated under the Florida Black Bear Conservation Rule 68A-4.009, Florida Administrative Code. This species can be found in a variety of habitats, including mixed hardwood pine, cabbage palm hammock, upland oak scrub, and forested wetlands, such as cypress and riverine swamps. Acorns, nuts, berries, and other native vegetation comprise the primary diet of this species.

The black bear management plan consists of design features intended to enhance and preserve black bear habitat and foraging opportunities within the BRC on-site preserves as well as within the Mitigation Areas. According to the FWC, 90% of the known bear mortalities in Florida were due to vehicular collisions. Therefore, an additional component of the black bear management plan includes conservation efforts to reduce vehicle-bear collisions in the project area.

Occurrence On-site

Black bears have been documented in the preserve area within the BRC located in Lee County. Black bears are also regularly documented by remote cameras on state lands adjacent to the BRC.

Habitat Management & Maintenance Activities

Extensive pine flatwoods are being preserved both on-site and within the Mitigation Areas, which include abundant saw palmetto coverage. Saw palmetto is the most universal component of the black bear's diet and it serves as important winter cover for both males and females (Maehr 1997). The prescribed fires will vary between growing season burns and winter burns to benefit a variety of wildlife species and the food sources they depend on. For the Florida black bear, summer or growing season burns not only reduce the potential for causing cub mortality but encourage fruit production in many plant species that evolved under a regime of periodic rainy season burns (Maehr et. al 2001).

Additional conservation efforts that will benefit the black bear include the following:

- Roadway fencing and the construction of two wildlife crossings are proposed along State Road 31 (**Appendix A-4**) to facilitate connectivity and safe passage between BRC on-site preserves, the Mitigation Areas, and Babcock – Webb WMA;
- Homeowners and residents will be instructed to bring pet food inside and store securely, protect gardens, compost, and livestock with fencing or other appropriate measures; and remove wildlife feeders when a bear is in the area.
- Any human-bear interaction or conflicts should be reported immediately to the FWC at 1-888-404-3922.

FWC *A Guide to Living in Bear Country*, *You Live in Bear Country*, and *Protect your Pets* pamphlets will be posted on the BRC ISD website (babcockranchcommunityisd.com). A copy of the referenced black bear handouts can be found in **Appendix B-8**.

4.12 FLORIDA PANTHER MANAGEMENT PLAN

Biology

Florida panther (*Puma concolor coryi*) are listed as endangered by the USFWS, and the BRC is located within the boundaries of the USFWS Panther Focus Area and the Primary Dispersal/Expansion Area. Florida panthers are habitat generalists (Florida Panther Subteam 2002, Beir et al. 2003, Comiskey et al. 2002) and will use a wide range of habitat types, but typically prefer upland forested habitats. Panther primarily consume feral hog (*Sus scrofa*), and white-tailed deer (*Odocoileus virginianus*), but will prey on any small or medium-sized animal, including occasional domestic animals (Maehr 1990a, Dalrymple and Bass 1996). The majority of the breeding range of the Florida panther is south of the Caloosahatchee River (USFWS 1999) though male panthers are regularly documented in south central Florida and occasionally north of I-4.

In November 2016, the first female panther documented north of the River since 1972 was photographed on Babcock Ranch Preserve. The female panther was subsequently photographed with a litter of two kittens in March 2017 and a litter of two kittens in November 2017. In November 2019, a female panther was photographed with at least one kitten on Lee County preserve lands adjacent to the BRC. The re-colonization of the panther's previous range north of the Caloosahatchee River is an objective identified in the Florida panther recovery plan (USFWS 2006).

Thick understory cover, such as tall palmetto, is important habitat for denning and resting panthers (Maher 1990; Thatcher 2006). The Babcock Ranch, particularly sites in the BRC, is intensely managed for cattle and sod farms, which may negatively impact potential denning habitat. Prescribed fire management plans will include mosaic burns that retain some areas of thick palmetto.

Occurrence On-site

During the PSS on May 12, 2006 Johnson Engineering ecologists flushed an uncollared panther out of a shrubby wetland area in the northeast corner of the BRC between the Earth Source Mine and Curry Preserve. The panther had apparently been feeding on a small alligator. Between that survey and 2020 at least five other individual adult panthers and four kittens have been documented on Babcock Ranch Preserve, of which, at least four of the adults have also been documented within the BRC.

Habitat Management & Maintenance Activities

A total of 10,354.66 acres of habitat on the BRC is within the Panther Consultation Area and are viewed as "impacts" to panther habitat. These habitat impacts result from a combination of direct impacts associated with the proposed development and from internal preserve areas that are considered fragmented for the purposes of a far-ranging species like the Florida panther. The 10,354.66 acres has a functional unit value equal to 62,290.73 panther habitat units (PHUs) in the pre-development conditions based on the USFWS panther habitat assessment methodology. Development impacts to date have utilized a 1:1 ratio of functional loss to PHUs required, consistent with the 2009 BO. However, future development impacts will utilize a 1.26 multiplier based upon a 2018 USFWS updated panther assessment methodology for impacts north of the Caloosahatchee River. Considering impacts that had already occurred under the 2009 BO approved methodology and remaining future impacts that will utilize a 1.26 multiplier, the BRC necessitates a total of 80,033.96 PHUs. The applicant provides compensation for project effects to panther habitat through on-site preserves and the off-site mitigation areas. The on-site preserves, which qualify as panther compensation total 5,016.94 acres and provide 37,388.51 functional units of

panther habitat. The off-site mitigation is provided through the Babcock Ranch Mitigation Park, which totals 16,800 acres. Of that total, 5,915.69 acres will be utilized for panther mitigation, which provides 48,160.59 functional units of panther habitat. Therefore, 10,932.63 acres of panther habitat, totaling 85,549.10 functional units have been protected through mitigation. The additional 5,515.14 functional units of panther habitat will be available to offset future offsite BRC related impacts, as necessary.

Additional conservation efforts that will benefit the Florida panther include the following:

- Conducting prescribed fire less frequently (every 5 to 10 years) in areas identified as potential denning habitat for Florida panthers, and leaving a mosaic of unburned patches;
- If determined necessary by the BRC Development of Regional Impact (DRI), roadway fencing and the construction of two wildlife crossings are proposed along SR 31 (**Appendix A-3**) to facilitate connectivity and safe passage between the BRC on-site preserves, off-site preserves and the Babcock - Webb WMA. BPH will fund the installation of the wildlife crossing and adjacent fencing of SR 31 in that area as a part of the BRC DRI development approvals.

A copy of the *FWC Guide to Living with Panthers* brochure and an information sheet on *Florida Panther Safety Tips* will be posted on the BRC ISD website (babcockranchcommunityisd.com). A copy of both of brochures is included in **Appendix B-9**.

4.13 BEAUTIFUL PAWPAW MANAGEMENT PLAN

Biology

Beautiful pawpaw (*Asimina pulchella*) is a State and federally listed endangered plant. It is associated with mature pine flatwoods habitat along with evergreen blueberries (*Vaccinum myrsinites*), saw palmetto (*Serenoa repens*), wax myrtle (*Morella cerifera*), netted pawpaw (*Asimina reticulata*), and dwarf live oak (*Quercus minima*) (USFWS 1999). This species of pawpaw is strongly associated with fire, as this disturbance minimizes the plants competition with other species that may outcompete it. Beautiful pawpaw takes advantage of openings created by fire and will often flower in the first growing season following a fire (USFWS 1999).

Occurrence On-site

Beautiful pawpaw on the BRC has been identified in the northeast corner and just outside of the BRC boundary on the state protected land in the same general location. The plants were observed in pine flatwoods that had been recently logged and little canopy cover was present. Suitable habitat for pawpaw on the BRC includes pine flatwoods with zero to low exotic coverage and palmetto prairie. Much of the BRC development habitat likely has too thick of an understory for beautiful pawpaw to be successful, as it is not frequently burned. However, proposed mitigation areas are part of a prescribed fire rotation, with pine flatwoods/palmetto prairie habitat potentially burning as frequently as every 2 to 3 years to benefit beautiful pawpaw (USFWS 1999).

Habitat Management & Maintenance Activities

Conservation and management efforts that will benefit beautiful pawpaw include the following:

- Preserves with beautiful pawpaw present will be burned and/or mowed on a frequent basis to provide and maintain a habitat that is suitable for this species.

Brochures including pictures of beautiful pawpaw will be posted on the BRC ISD website (babcockranchcommunityisd.com) to aid in the identification and protection of the plant. A copy of the brochure is included in **Appendix B-10.**

4.14 SOUTHEASTERN AMERICAN KESTREL MANAGEMENT PLAN

Biology

The Southeastern American kestrel (*Falco sparverius paulus*) is listed as state threatened by the FWC. This kestrel is a non-migratory falcon that prefers to live in open woodlands that have been historically maintained by frequent fire. They will also utilize open cattle pasture and low-intensity agricultural areas, or open fields near residential areas. Kestrels primarily nest in large cavities in dead trees and will readily use nest boxes. Their diet consists mainly of grasshoppers and lizards, supplemented by other invertebrates, and occasionally frogs or small mammals. Kestrels will hunt from perches and can commonly be observed perched on electrical wires but can also hunt from the air. Southeastern American kestrels breed from mid-March to early-June. Females lay 3-5 eggs per nest. Eggs are white to reddish-brown with a dark speckling. Eggs hatch after approximately one month of incubation and will fledge approximately 30 days after hatching.

Occurrence On-site

The BRC has suitable nesting and foraging habitat for Southeastern American kestrels, and they have been observed foraging on-site. Potential nesting habitat on the BRC includes pine and hydric pine flatwoods, and foraging habitat includes pastures, dry prairie, light agricultural fields, and open wetlands. No active kestrel nests have been observed during original or updated wildlife surveys conducted for the BRC.

Protection During Construction

In accordance with Specific Condition 28 of FDEP Permit No. 396574-001, prior to construction activities, surveys for the Southeastern American kestrel shall be conducted during the survey season (April – August). A minimum of three (3) surveys shall be conducted 4-7 days apart between sunrise and 3-4 hours afterwards on clear calm days through all potential habitat, either on foot or by vehicle depending on site conditions. All kestrel observations will be noted and GPS-located, and if an active nest cavity is discovered, a buffer of 150-meters shall be established around the nest tree. No activities shall occur within the buffer during the breeding season (March 1 – July 30) and no nest cavity trees will be removed on BRC property. If any of these conditions cannot be adhered to, further coordination with the FWC will take place.

Habitat Management & Maintenance Activities

Conservation and management efforts that will benefit the Southeastern American kestrel include the following:

- Controlled burns/mechanical management every 3 to 5 years within the BRC Mitigation Areas to provide an open woodland habitat for nesting and foraging.
- Maintaining approximately 800 acres of agricultural lands suitable for kestrel foraging post-development.
- Continued maintenance of improved pastures not under conservation easement will occur through the use of cattle grazing, mowing and/or prescribed fire.
- Existing snags within mitigation areas will be protected as they provide nesting habitat. Snags with cavities within development areas are peeped prior to construction to check for bat roosts, and would also detect any nesting birds, such as the kestrel. Buffers will be provided around any active nests, as detailed in Special Condition 28.

4.15 FLORIDA PINE SNAKE MANAGEMENT PLAN

Biology

The Florida pine snake (*Pituophis melanoleucus mugitus*) is listed as state threatened by the FWC. The Florida pine snake is a large, non-venomous snake, with dark brown to reddish blotches on a gray to sandy-colored background. The head and snout are cone-shaped for adapted for burrowing. Adult pine snakes average 48-66 inches but can be as long as 90 inches. Florida pine snakes are known for their impressive defensive displays, with loud hissing, inflating their bodies, and tail vibrations. Pine snakes utilize a variety of mostly dry habitat types including sandhills, pine flatwoods, scrub areas, mesic pine flatwoods, dry prairies, and agricultural fields (FWC 2013). The species may spend 70-80% of their time in underground refugia, such as gopher tortoise burrows. In addition, the species will use armadillo burrows, natural ground holes, hollows at the base of trees, ground litter, and debris piles. Nesting occurs within burrows from June to August, with the eggs hatching by October.

Occurrence On-site

The BRC contains Florida pine snake habitat. No Florida pine snakes have been observed onsite during the original or updated wildlife surveys conducted for the BRC.

Protection During Construction

In accordance with Specific Condition 29 of FDEP Permit No. 396574-001, the BRC will adhere to the following protection measures for the Florida pine snake:

- Prior to site work, the permittee and/or contractors will meet to discuss Florida pine snake identification, its protected status, and what to do if one is observed. Educational materials with color photographs will be shared and distributed to personnel.
- If a Florida pine snake is observed on-site, all project activities are to cease and the snake shall be allowed to leave the area on its own accord without being harmed or captured. Observations shall be reported to the FWC.
- If a nest is discovered during a gopher tortoise burrow excavation, all work is to cease and the nest is to be reported to the FWC, who will provide further guidance.
- Injuries or mortalities to a Florida pine snake is to be immediately reported to the FWC Wildlife Alert Hotline.

Community signage will include educational information about Florida pine snake and encourage the reporting of sightings to FWC at their *Rare Snake Sightings* page. Florida pine snakes will also benefit from the proposed wildlife crossings within the BRC (**Appendices A-3** and **A-4**).

Habitat Management & Maintenance Activities

Florida pine snakes will benefit from the land management activities proposed within the BRC Mitigation plan, accomplished through habitat preservation and enhancement activities.

4.16 BALD EAGLE MANAGEMENT PLAN

Biology

The bald eagle (*Haliaeetus leucocephalus*) can be found throughout Florida year-round. Bald eagles can weigh up to 14 pounds and have a wingspan of up to eight feet. Males are smaller than females. Bald eagles are mostly dark brown, and don't get their distinctive white head and tail feathers until they are four to five years old. Bald eagles eat fish, waterfowl, turtles, rabbits, snakes, and other

small animals, and carrion. Their habitat includes estuaries, large lakes, reservoirs, rivers, and some seacoasts. They are also found in growing numbers in suburban and even some urban areas. They tend to congregate near open water in tall trees for shelter or spotting prey. Bald eagles typically nest in the tops of large trees. They often use and enlarge the same nest year after year. Although the bald eagle is no longer listed under the Endangered Species Act, it is still afforded protection under the Bald and Golden Eagle Protection Act (BGEPA).

Occurrence On-site

One bald eagle nest was discovered on-site within a mitigation area in years past but has not remained active and is now inhabited by a great-horned owl. Bald eagles have been observed regularly foraging with the BRC and flying overhead, but no further nests have been found on-site. The closest known eagle nest per FWC GIS information is LE033, located approximately 3 miles south of the southern project boundary

Protection During Construction

In accordance with Specific Condition 30 of FDEP Permit No. 396574-001, state rules, and the federal BGEPA, the BRC will adhere to the following protection measures for the bald eagle:

- No activities shall occur within a 660-foot buffer from any bald eagle nest discovered onsite or on neighboring properties. If activities with the 660-foot buffer cannot be avoided, the permittee shall follow the USFWS Eagle Management Guidelines or apply for a federal eagle permit if those guidelines are not possible.

5.0 PRESCRIBED FIRE

Many of the native plant communities in Florida were maintained naturally by fire prior to human intervention. The primary ecological functions of fire are to eliminate accumulated plant material, return nutrients to the soil, and germinate serotinous species. Prescribed burning is an essential tool in both land and wildlife management and helps reduce potential damage and hazards from wildfires in the wildland/urban interface areas. Proper prescribed burns promote the growth of green shoots, roots, and rhizomes of grasses and sedges that are then available for foraging. In wetlands, burning creates deep pools and edges for nesting and feeding of waterfowl, and controls undesirable vegetation. Prescribed fire has been practiced at Babcock Ranch for nearly 100 years.

Objectives

The prescribed fire plan for the BRC and off-site mitigation areas will be a program that mimics the natural fire cycle for the various plant communities identified within the mitigation areas. Timing, based on weather conditions, and ignition practices can be modified to accomplish goals ranging from exotic vegetation control to wildlife habitat enhancement and fuel reduction within burn units. Currently the objectives for burning relate to ongoing ranch activities such as silviculture and cattle grazing. When this burn plan is implemented, the burning will be conducted strictly for ecological purposes. For example, portions of burn units in the Curry Lake preserve may be burned every 5 or more years to allow thick patches of understory cover to develop for large mammal movement between the Babcock Ranch Preserve and Babcock - Webb WMA. However, flatwoods that are being managed for red-cockaded woodpeckers and/or gopher tortoises will be burned on a more frequent basis. The goals and objectives established for the BRC and off-site mitigation areas will be clearly laid out and incorporated into each prescription. Generally, prescribed burns conducted at the BRC and off-site mitigation areas will involve a variety of firing techniques over a range of weather conditions to create mosaic burn patterns that will benefit an array of wildlife species.

Burn Units

The mitigation areas have been subdivided into a total of 75 burn units, which in addition to facilitating the application of prescribed fire will also help create a mixture of burned and unburned areas across the mitigation areas (see **Appendix A-5** for Burn Unit Maps). The size and boundaries of each burn unit were established based on the limits of the mitigation areas and the location of existing barriers such as fence lines, ditches, and primitive roads. The division of burn units may change over time as the prescribed fire plan is implemented and on-the-ground logistics become more obvious. Fire breaks will consist of primitive roads, existing trails disked to bare mineral soil, wet lines or foam lines, and/or natural vegetation breaks. Additional manmade barriers may be constructed at the wildland/urban interface as a result of the development, such as berms separating human habitations from preserves, which can be utilized as fire breaks.

If new fire breaks are needed, efforts will be made to minimize disturbance to existing native vegetation during their creation and maintenance, and no wetlands will be adversely impacted as a result of fire break construction. In the event of a wildfire the Florida Division of Forestry (DOF) may create fire breaks within existing wetlands. If plow lines are put in as a result of a wildfire, whether they are in a wetland or upland, efforts will be made to grade those areas to prior grade.

Burn Frequency and Burn Season

The fire frequency for natural communities found within the Babcock Ranch Community and off-site mitigation areas will generally follow these guidelines (Florida Natural Areas Inventory 1990; http://www.fnai.org/descriptions.cfm accessed July 2, 2008):

- mesic pine flatwoods – frequent (2-4 year cycle);
- hydric pine flatwoods – frequent (3-7 year cycle);
- depression marshes – more frequent around the periphery (3-7 year cycle) and becoming more occasional toward the center (8-25 year cycle);
- wet prairies – annual (1-2 year cycle) or frequent (3-7 year cycle);
- cypress/pine/cabbage palm – transitional community from moist upland to hydric sites – occasional (8-25 year cycle);
- cypress strand/dome swamp – occasional around the periphery (8-25 year cycle) and rare in the deepest peat towards the center of the strand/dome (26-100 year cycle).

Areas identified as RCW recovery units will be burned every 1-3 years. Burn units incorporating multiple habitat communities under different fire cycles will be burned based on the community requiring the shortest cycle. The other communities within that burn unit that are on a longer fire cycle will likely not burn as frequently since fuels will not have built up. The seasonality, weather factors, or ignition techniques of the prescribed burn will also be selected to selectively burn the community within the unit with the shortest fire cycle.

Fire maintenance of hydric hammocks will be accomplished primarily by burning the adjacent flatwoods and marshes, reducing the fuel needed to ignite the hammock. Maintenance of natural species composition and protection from excess fuel build-up will be accomplished by allowing fire to enter the edges but not completely burn through the hammocks. Fire will be introduced into the edges of hammocks under moist conditions that will not result in a destructive fire through the hammock. Fire frequency in this situation will be dictated by the frequency of fires in adjacent communities.

Fire will be applied to freshwater marshes in conjunction with the burning of surrounding pine flatwoods to maintain open herbaceous ponds and control woody plants found primarily on the edge of these depressions. The centers of depression marshes are much wetter than the surrounding flatwoods and may not burn at the same time the flatwoods are ignited. In this case, a separate fire under guarded conditions may be needed to carry the fire across the marsh. In cypress domes or

strands, fire is beneficial for the control of hardwoods and reduction of ground fuels near their outside edge. Conditions dry enough to burn soils in the center of domes or strands, or muck fires, would most likely be damaging to trees within them. The burning of cypress domes and strands will take place only when moist conditions allow for light surface fires in the outer portion of the dome and avoid muck fires. Fire will be excluded from domes and strands under dryer conditions.

The burn schedule will then be modified as needed based on these qualitative observations. Areas where fire cannot be implemented will instead be mowed, roller chopped, or pruned to mimic effects of fire. The Burn Manager will conduct post-burn inspections to ensure the burn objectives are being met for each natural community. When possible, vegetation monitoring activities will be conducted around burn events to help assess the effectiveness of the prescribed burn regime.

Burn Manager Duties

Florida Statute 590.125 and Chapter 5I-2 of the Florida Administrative Code (FAC) grant the DOF the authority to regulate prescribed burning in Florida. Prescribed burning will be planned and carried out by a Florida Certified Prescribed Burn Manager (as licensed by the DOF) and experienced fire crews utilizing the DOF Prescribed Burn Plan form. The planning and application of prescribed burning will comply with all applicable federal, state, and local regulations.

All necessary permits and authorizations will be obtained by the Florida Certified Prescribed Burn Manager before implementation of the burn. As part of each prescription, the burn manager will develop an emergency action plan that will include escape routes for all personnel and actions to be taken in the event of unexpected weather changes or fire behavior.

Smoke Management

Smoke management is an essential component of the burn prescription. The burn manager will evaluate the potential impacts of each prescribed burn to smoke-sensitive areas located within a 20-mile radius from the location of the burn by employing a screening system, such as recommended in Wade and Lundsford (1989). Based on definitions contained within the state regulations, smoke sensitive areas are areas within which smoke could have an adverse impact for reasons of visibility, health, or human welfare (Natural Resources Conservation Service 2003). Monitoring of the prescribed burn will continue until smoke no longer presents a potential hazard and there is no potential for the fire to reignite and cause an uncontrolled fire.

6.0 WILDLIFE CROSSINGS AND FENCING

Conceptual wildlife crossings for the BRC include nine small animal crossings located within the development footprint (**Appendix A-3**). Conceptual cross-section drawings can be found in **Appendix A-4**. Two wildlife crossings are proposed on SR 31, which would provide connectivity for large animals like Florida black bear and Florida panther between Babcock Ranch and the Babcock – Webb WMA. The installation of these crossings will occur simultaneously with road-widening, if required in the BRC DRI development approvals.

7.0 LIGHTING

The developer and all future property owners must ensure that the indigenous preserve and restoration areas are not directly illuminated by lighting originating from the developed areas of the project. Shielding of the fixtures and eliminating uplighting will be used, where needed, to ensure lighting does not impact adjacent preserve areas. Development orders that include building in proximity to the designated preserves will include lighting details to

demonstrate this requirement is being met. The BRC ISD has lighting standards in place to ensure lighting is designed to avoid impacts to the preserves across the entirety of the BRC.

8.0 HUMAN-WILDLIFE COEXISTENCE PLAN

"Human-wildlife conflict occurs when the needs and behavior of wildlife impact negatively on the goals of humans or when the goals of humans negatively impact the needs of wildlife. These conflicts may result when wildlife damage crops, injure or kill domestic animals, threaten or kill people," (IUCN 2003).

Understanding the biology or ecology of the wildlife that is found in Florida is not necessarily enough to understand or provide solutions for the conflict. Understanding the human dimension is crucial in promoting human-wildlife coexistence and this often has more to do with the public's perception of risk from wildlife. Educating homeowners about the wildlife that lives alongside them, their importance in the ecosystem, and steps that can be taken to reduce interaction with wildlife, can not only reduce the potential for interaction but also reduce any fear. One of the tools the FWC implemented recently for Florida black bears includes a slogan, "A fed bear is a dead bear." This concept may be extended beyond bears. It implies that the responsibility for reducing the potential for negative human-wildlife interactions lies with the humans. FWC's brochure, *How Wildlife Sees Your Backyard*, is a useful resource for homeowners to identify how their property may be an attractant to wildlife. It is attached in **Appendix B-11**. Wildlife consistently exposed to human-provided food may lose their natural fear of people, which can lead to conflicts. Securing wildlife attractants makes the community safer for people, pets and wildlife. Homeowners in the BRC are fortunate to live adjacent to the 73,000-acre Babcock Ranch Preserve where the first female Florida panther north of the Caloosahatchee River since 1972 was photographed with two kittens in 2017. The BRC was designed with the environment and wildlife in mind.

Informational brochures for many listed species that may be found on or near the BRC will be posted on the BRC ISD website (babcockranchcommunityisd.com). Besides these listed species, other native and invasive species may also be encountered, which have the potential to result in human-wildlife conflict. The information provided here is not inclusive of every species, but a sample of some of the most common or misunderstood. This information will allow the homeowners in the BRC to fully enjoy all the amenities in this groundbreaking community, while also keeping themselves, pets, property, and the wildlife safe. Residents may contact FWC's Wildlife Impact Management Section staff at 863-648-3200 with requests for brochures, further questions, or to report conflicts with wildlife.

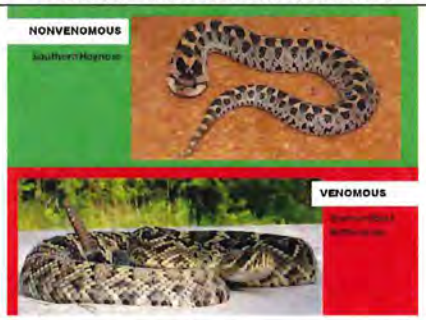
Venomous snakes

There are 44 species of snakes in Florida, of which only six are venomous, and four of those may potentially be found in the BRC: eastern coral snake (*Micrurus fulvius*), the cottonmouth (sometimes called water moccasin) (*Agkistrodon piscivorus*), eastern diamondback rattlesnake (*Crotalus adamanteus*), and the dusky pigmy rattlesnake (*Sistrurus miliarius barbouri*). All snakes are an important part of any ecosystem where they help control rodent populations, and some non-venomous snakes even prey on venomous ones. Most snakes are not particularly dangerous unless stepped on or handled aggressively. One should never handle a wild snake. More people are bitten by venomous snakes by getting close to the snake in an effort to kill the snake. Many harmless non-venomous snakes are killed when mistaken for a venomous species Some species, like the non-venomous Eastern indigo snake, are protected and harming them is against the law.

Most snakes cover relatively large areas, so even if it is observed in a resident's yard, it may be far away in a matter of hours. If snake sightings are frequent around homes/buildings, it can be a sign

of the presence of rodents. Removing brush or debris and keeping trash secured can discourage both rodents and snakes. Residents can encourage a snake in their yard to move along its way by spraying it with a water hose from a safe distance. If a snake must be relocated, homeowners should call a professional who is trained and will release the snake in a new location. If a homeowner is bitten by a venomous snake, they should call 911 immediately and not attempt to kill the snake or take the snake to the hospital. Venomous reptiles may only be possessed under license, and specific laws are in effect for handling, caging, and transporting them.

More information about dealing with snakes in residential areas can be found in the UF-IFAS series *Dealing with Snakes in Florida's Residential Areas* and FWC's web page *Living with Snakes*.

Cottonmouth/Water Moccasin	Eastern Coral Snake
	
Diamondback Rattlesnake	**Dusky Pygmy Rattlesnake**
	

Coyotes

Coyotes (*Canis latrans*) are considered a naturalized species in Florida, arriving as part of natural

range expansion. It is a member of the dog family and generally between 20 and 30 pounds. Their coat can range between grayish-brown, tan, reddish, and in rare occasions, even black. Coyotes have large home ranges and usually most active at night or dawn and dusk, though it is not unusual to see them during the day. Coyotes play an important role in the ecosystem by controlling populations of rodents and other small and medium-sized animals. They are adapted well to living in urban environments but rarely pose a threat to people. While curious, they are generally timid and can be scared away from homes by hazing the animal with loud noises. Pets can be kept safe from coyotes by being walked on a leash, brought into the house at night, or being kept in a secure enclosure when outdoors. Never intentionally feed coyotes (it is against the law) and keep attractants and garbage secure. Never approach a coyote, and if unusual coyote behavior is witnessed, report it to FWC at 1-888-404-3922. Further information can be found in FWC's *A Guide to Living with Urban Coyotes* and **Appendix B-12**.

Bobcats

Bobcats (*Lynx rufus*) are a native wild cat in Florida. They are larger than a house cat but smaller than a Florida panther, typically weighing less than 30 pounds and standing about 3 feet high at the shoulder. The coat is spotted their entire life but is variable, ranging from distinct rosettes to small splotches that appear only tan from a distance. The ears are pointed with a white tuft at the tip and white spots on the back. The tail is always shorter than the body but can be up to 8 inches in length. Bobcats are highly adaptable and will use a wide range of habitats including urban areas. They prey on small and medium-sized mammals and are typically active at night and dawn and dusks but may be seen during the day. The bobcat population in Florida is stable, and while they may occasionally den in neighborhoods, they are typically elusive and not seen.

Bobcats are native and have a legal hunting season. Trapping or take of nuisance bobcats is regulated by FWC. It is illegal to feed bobcats, and pets and attractants should be kept secure. Bobcats pose little to no threat to humans, but if you see a sick or injured bobcat, contact FWC at 1-888-404-3922. FWC information on *Living with Bobcats*, particularly how to keep pets safe, can be found in **Appendix B-13**.

Other common mammals and mesocarnivores

Many other species of small and medium-sized mammals may occur within the BRC. It is important to remember that they all serve as an important part of the ecosystem. Many aid in controlling rodent populations that could carry disease. Virginia opossums (*Didelphis virginiana*) even help by eating ticks. As with all wildlife, you should not intentionally feed them, keep your pets safe by using a leash and bringing them inside at night, and keeping attractants and trash secure. Any sick or injured wildlife should not be approached but reported to FWC.

Virginia opossum (*Didelphis virginiana*)	Raccoon (*Procyon lotor*)	Nine-banded armadillo (*Dasypus novemcinctus*)
		

Coexistence with wildlife really falls with humans and their actions. Simple measures such as protecting pets and securing garbage and attractants, can protect both humans and wild animals. FWC has a multitude of educational information on their web page *Living with Wildlife and Preventing Wildlife Conflict* as well as biologists able to engage and provide outreach and assistance when needed. The BRC is nestled among some of the most diverse habitats in southwest Florida and homeowners can safely enjoy all that it has to offer.

Invasive and nonnative wildlife

Conflict with invasive and nonnative wildlife is a growing concern in Florida. Invasive wildlife can negatively impact an area's ecology, cause economic harm, and threaten human health and safety. One of the most commonly sighted nonnative species is the feral hog (*Sus scrofa*). Feral hogs are present in the BRC and adjacent preserves and can cause damage to landscapes through rooting behavior and may also carry parasites and diseases. More information about hogs can be found at the FWC web page, *Living with Wild Hogs*.

Florida has more nonnative species of reptiles and amphibians living and breeding in the wild than anywhere else in the world. Sightings of high-priority species such as the Burmese python, Argentine black and white tegu, green iguana, or other nonnative wildlife species (living or dead) should be reported to FWC staff with photos and GPS coordinates to https://www.eddmaps.org/, or by calling the Exotic Species Hotline at 1-888 IVE GOT1 (888-483-4681). Additional information about nonnative reptiles can be found on the FWC website, and in the FWC brochures *Burmese Pythons in Florida*, *Keeping Your Pets Safe Around Cane Toads*, *Tegus in Florida*, and *Fighting for Florida: Battling Invasive Species in the Sunshine State*. These brochures can be found in **Appendix B-14**.

9.0 COMMUNITY SIGNAGE AND EDUCATION PLAN

Signs identifying the preserves as "Preserve area" are installed along the boundary of the preserves/development interface. The signage includes language stating, "No dumping allowed". An example of this existing signage, as well as representative photos of educational signage located at trail heads, are included in **Appendix C**.

Periodic seminars will be held for residents to further educate the community about the preservation areas, wetland benefits, human-wildlife coexistence, and the benefits of prescribed fire. Community informational and educational brochures will be posted on the Babcock Ranch

Residential Association's website (babcockranchliving.com) and the Babcock Ranch Community Independent Special District website (babcockranchcommunityisd.com). Continued education and development of additional signage as future phases are developed will ensure that the community is well-informed regarding the preserves and human-wildlife coexistence.

10.0 REFERENCES

Beever, J. W. III, and K. A. Dryden. 1992. Red-cockaded woodpeckers and hydric slash pine flatwoods. Transactions of the 57th North American Wildlife and Natural Resources Conference 57:693-700.

Conner, R. N., D. C. Rudolph, D. Saenz, and R. R. Schaefer. 1994. Heartwood, sapwood, and fungal decay associated with red-cockaded woodpecker trees. Journal of Wildlife Management 58:728-734.

Ernst, C. H., J. E. Lovich, and R.W. Barbour. 1994. Turtles of the United States and Canada. Smithsonian Institute Press, Washington, D.C.

Federal Register. 2020. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Florida Bonneted Bat. Vol. 85, No. 112.

FWC. 2013. A species action plan for the Florida pine snake. Tallahassee, Florida.

FWC. 2018. Florida Burrowing Owl Species Conservation Measures and Permitting Guidelines. Florida Fish and Wildlife Conservation Commission. Tallahassee, Florida. 30 p.

FWC. 2017. Gopher Tortoise Permitting Guidelines. Florida Fish and Wildlife Conservation Commission. Tallahassee, Florida. 138 p.

Florida Natural Areas Inventory (FNAI), Florida Department of Natural Resources (FDNR). 1990 Feb. Guide to the natural communities of Florida. Tallahassee (FL). 120 p.

Haug, E. A., B. A. Millsap, and M. S. Martell. 1993. Burrowing owl (*Speotyto cunicularia*) Account 61in A. Poole and F. Gill, editors. The birds of North America. The Academy of Natural Sciences, Washington, D.C., and The American Ornithologists' Union Philadelphia, Pennsylvania.

Hovis, J. A., and R. F. Labisky. 1985. Vegetative associations of red-cockaded woodpecker colonies in Florida. Wildlife Society Bulletin 13:307-314.

IUCN (2003). World parks congress press release. Retrieved September 17, 2003, from the IUCN website: www.iucn.org

Kahl, M. P., Jr. 1964. Comparative ethology of the Ciconiidae. The wood storks (Genera *Mycteria* and *Ibis*). Ibis 114:15-29.

Komareck, E. V. 1974. Effects of fire on temperate forests and related ecosystems: southeastern United States. Pp 251-277 *in* T. T. Kozlowski and C. Ahlgren, eds. Fire and Ecosystems. Academic Press, New York, New York.

Morrison, J.L. 1999. Breeding biology of the crested caracara in Florida. Condor 101:505-517.

Morrison, J. L. 2001. Recommended management practices and survey protocols for Audubon's crested caracara (*Caracara cheriway audubonii*) in Florida. Technical Report No. 18. Florida Fish and Wildlife Conservation Commission, Tallahassee, Florida.

Morrison, J.L., and Humphrey. 2001. Conservation value of private lands for crested caracaras in Florida. Conservation Biology 15:675-684.

Natural Resource Conservation Service (NRCS). 2003 Feb. Conservation Practice Standard Prescribed Burning. Field Office Technical Guide Section IV. (FL): Code 338. 7 p.

Rodgers, J. A., Jr., H. W. Kale II, H. T. Smith (*eds*). 1996. Rare and Endangered Biota of Florida, Vol. V. Birds. University of Florida Press, Gainesville, Florida.

Shapiro, A. E. 1983. Characteristics of red-cockaded woodpecker cavity trees and colony areas in southern Florida. Florida Scientist 46:89-95.

USFWS. 1999. Contribution to the Revised recovery plan or the US breeding population of the wood stork (1997). US Fish and Wildlife Service. Atlanta, Georgia.

USFWS. 1999. Draft Eastern Indigo Snake Recovery Implementation Strategy. Southeast Region. Atlanta, Georgia. 37 p.

USFWS. 1999. South Florida multi-species recovery plan. US Fish and Wildlife Service. Atlanta, Georgia. 36 p.

USFWS. 2013. Standard Protection Measures for the Eastern Indigo Snake. South Florida Ecological Services Office. Vero Beach, Florida.

USFWS. 2016. Crested Caracara Draft Survey Protocol – Additional Guidance (2016-2017 Breeding Season). 9 p.

USFWS. 2019. Florida Bonneted Bat Consultation Guidelines. 34 p.

Wade D. D., and J. D. Lundsford. 1989. A guide for prescribed fire in southern forests. National Wildfire Coordinating Group. Technical Publication R8-TP 11. 56 p. Available from: National Interagency Fire Center, ATTN: Supply, 3833 S. Development Ave., Boise, ID 83705. Order NFES #2108.

Wood, D. A. and S. A. Nesbitt. 2001. Sandhill crane. Pages 108-123 in D. A. Wood, editor. Florida's fragile wildlife; conservation and management. University Press of Florida, Gainesville.

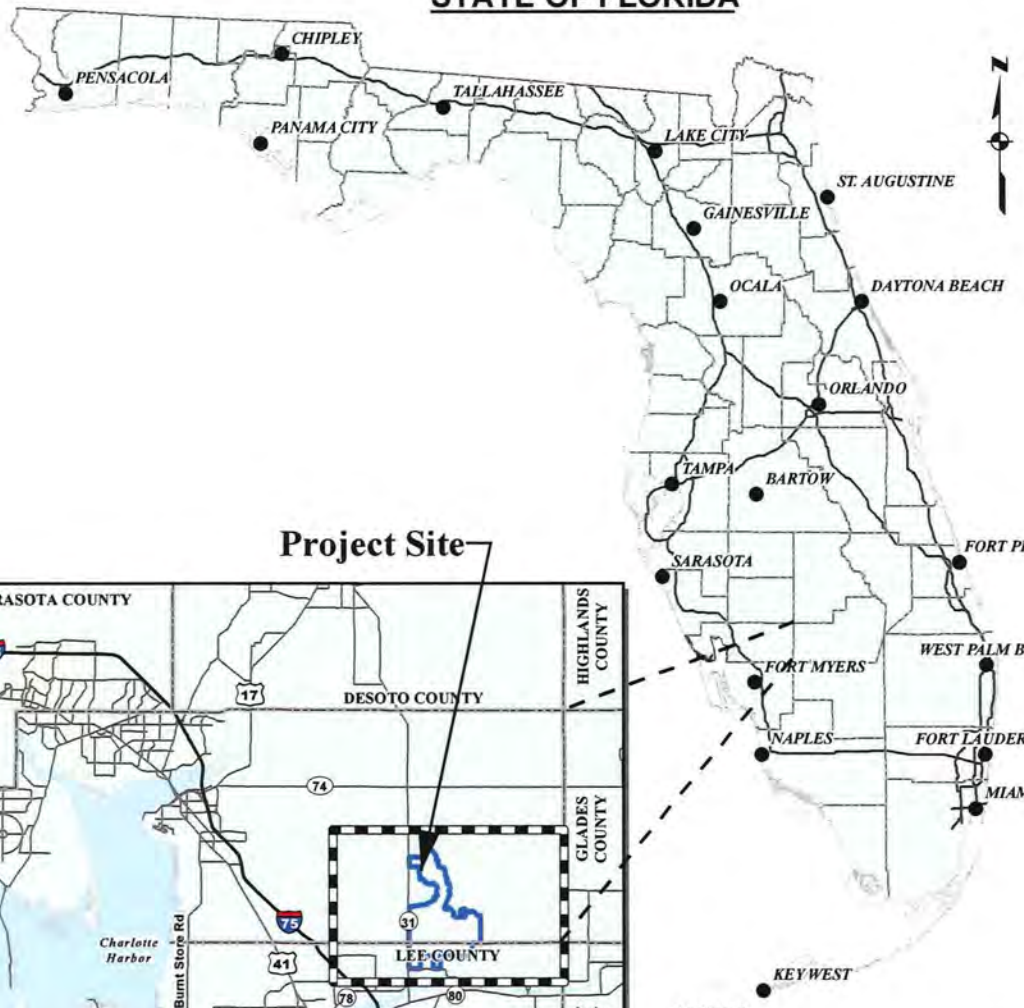
Wooding, J.B. 1997. Distribution and population ecology of the fox squirrel in Florida. Ph.D. dissertation. University of Florida

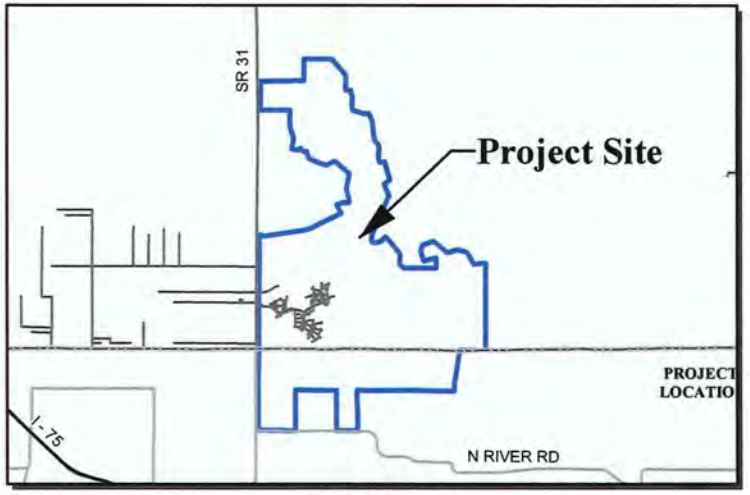
BABCOCK RANCH COMMUNITY

Listed Species Management Plans
&
Human-Wildlife Coexistence Plan

Appendix A. Maps

STATE OF FLORIDA





STREET MAP
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Project Site

CHARLOTTE COUNTY
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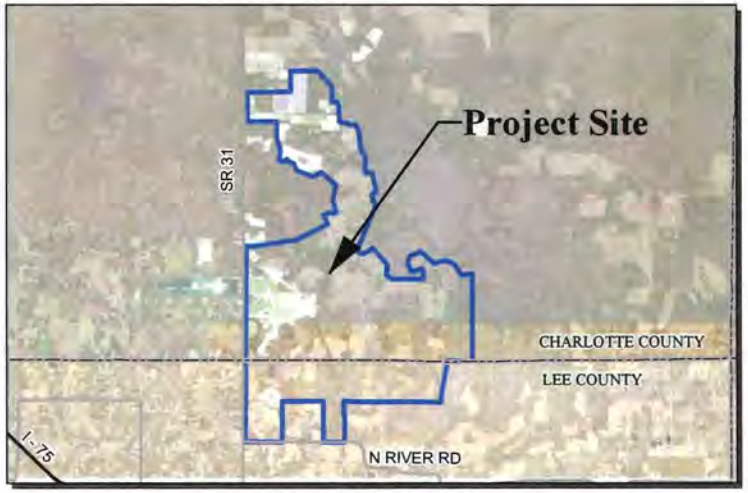
NOTES:
These drawings are for permitting purposes only and are NOT intended for construction use.
The aerial photograph shown was taken in...



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Babcock Ranch Community
Charlotte and Lee Counties, Florida

JOHNSON ENGINEERING

JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

Location Map

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
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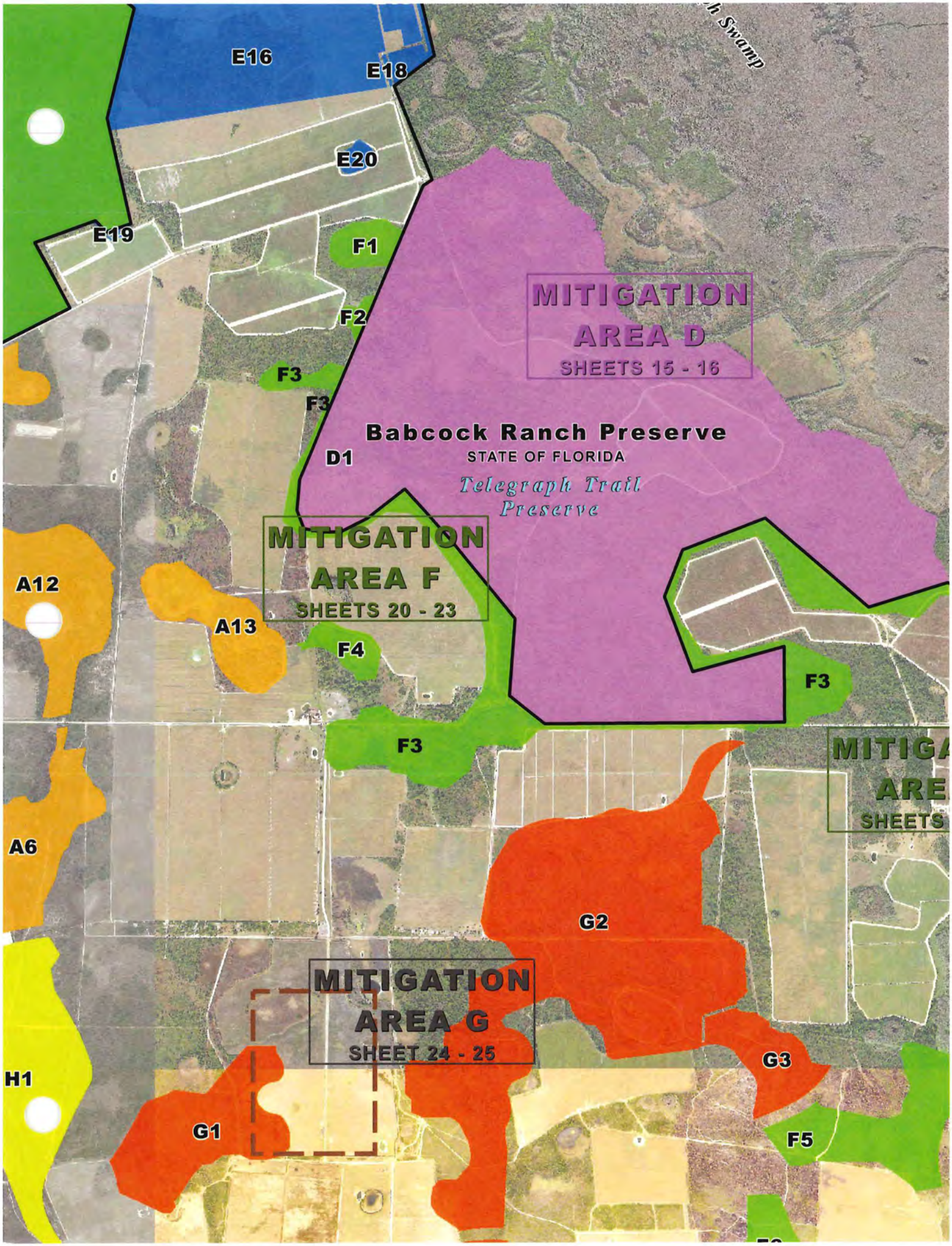
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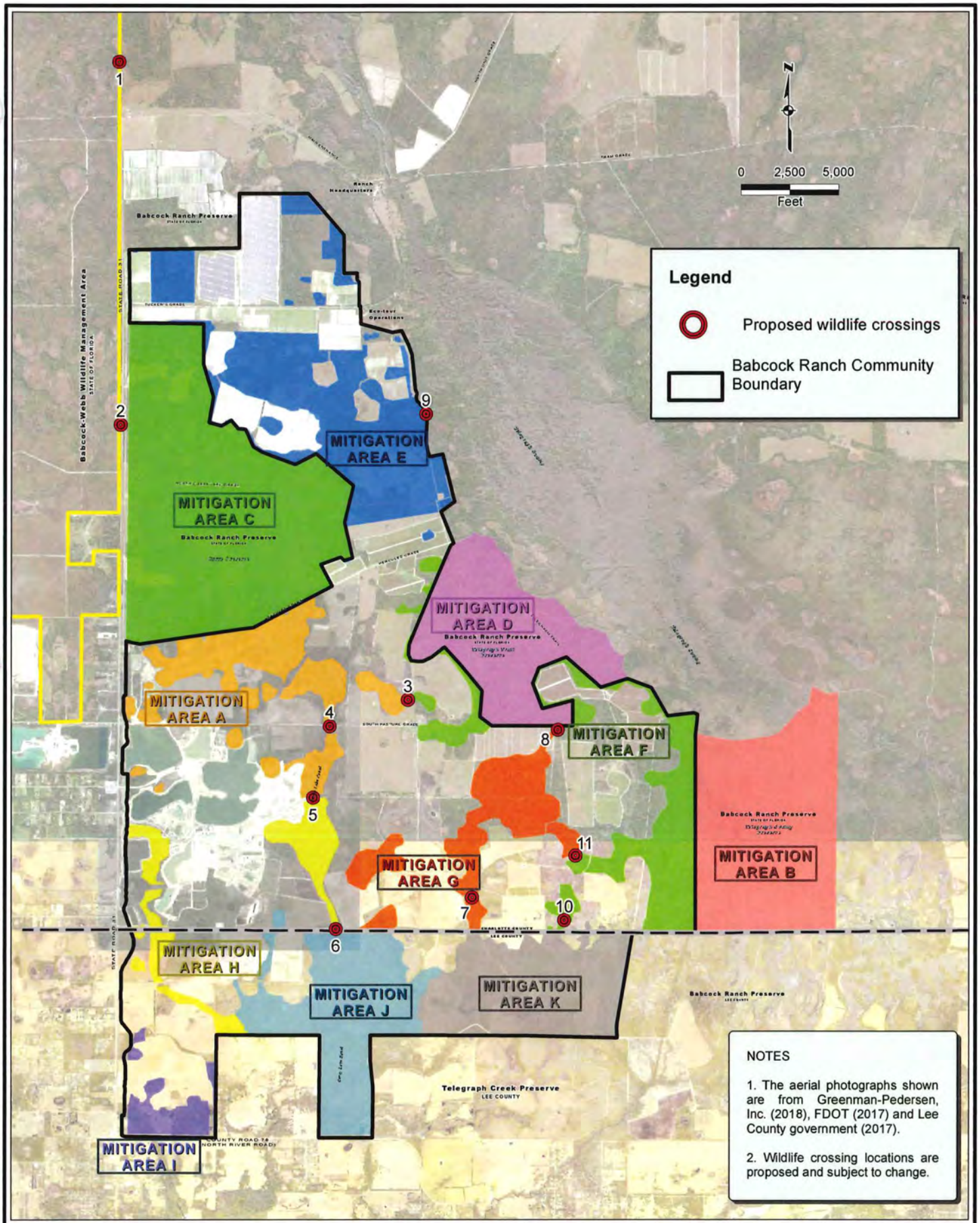

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P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

Proposed Wildlife Crossings
Babcock Ranch Community

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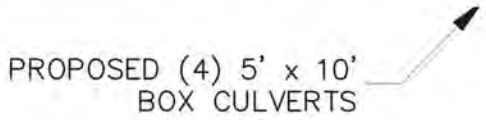

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B-B

ROADWAY OVER CANAL / WILDLIFE CROSSING (TYP.)

1" = 10'

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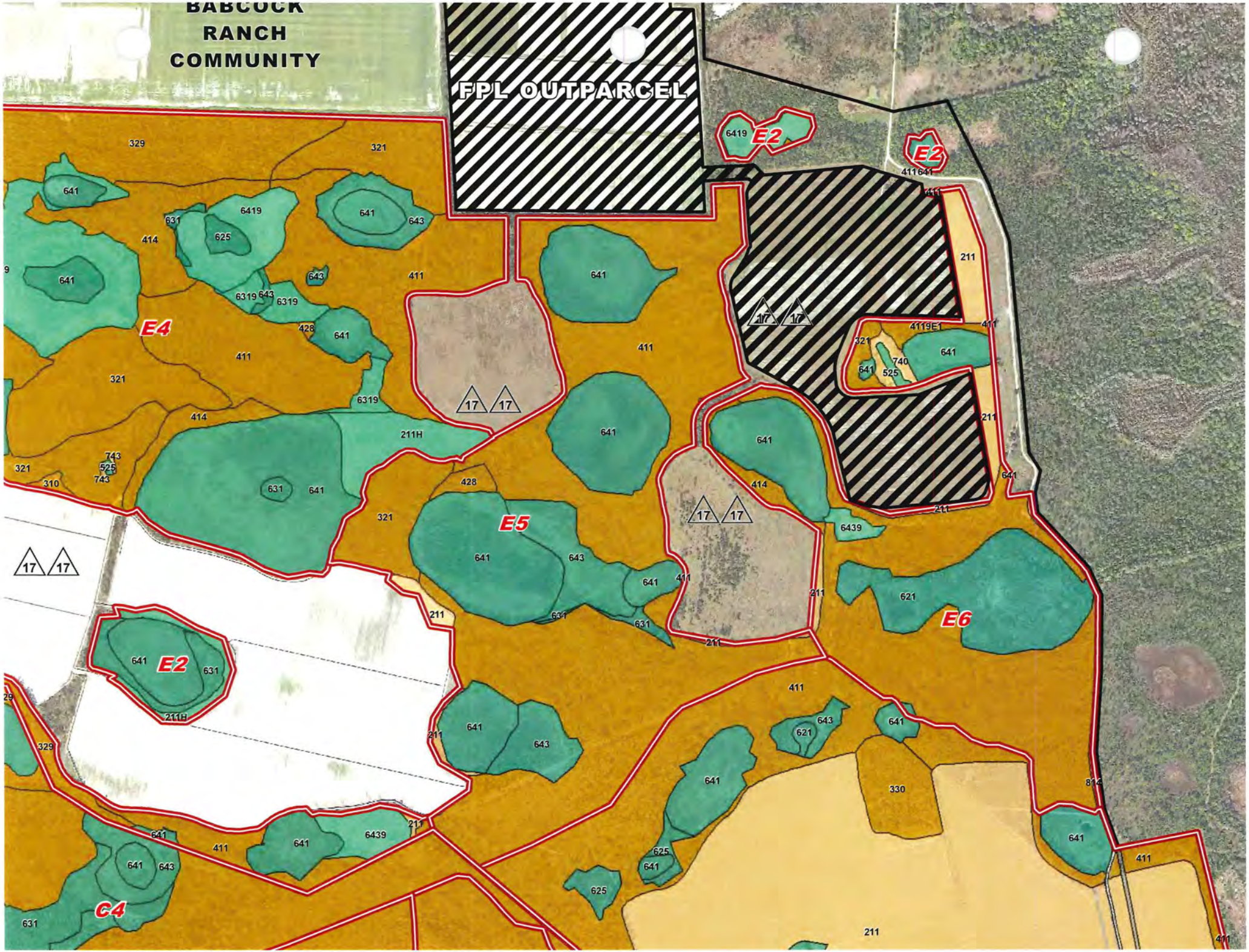
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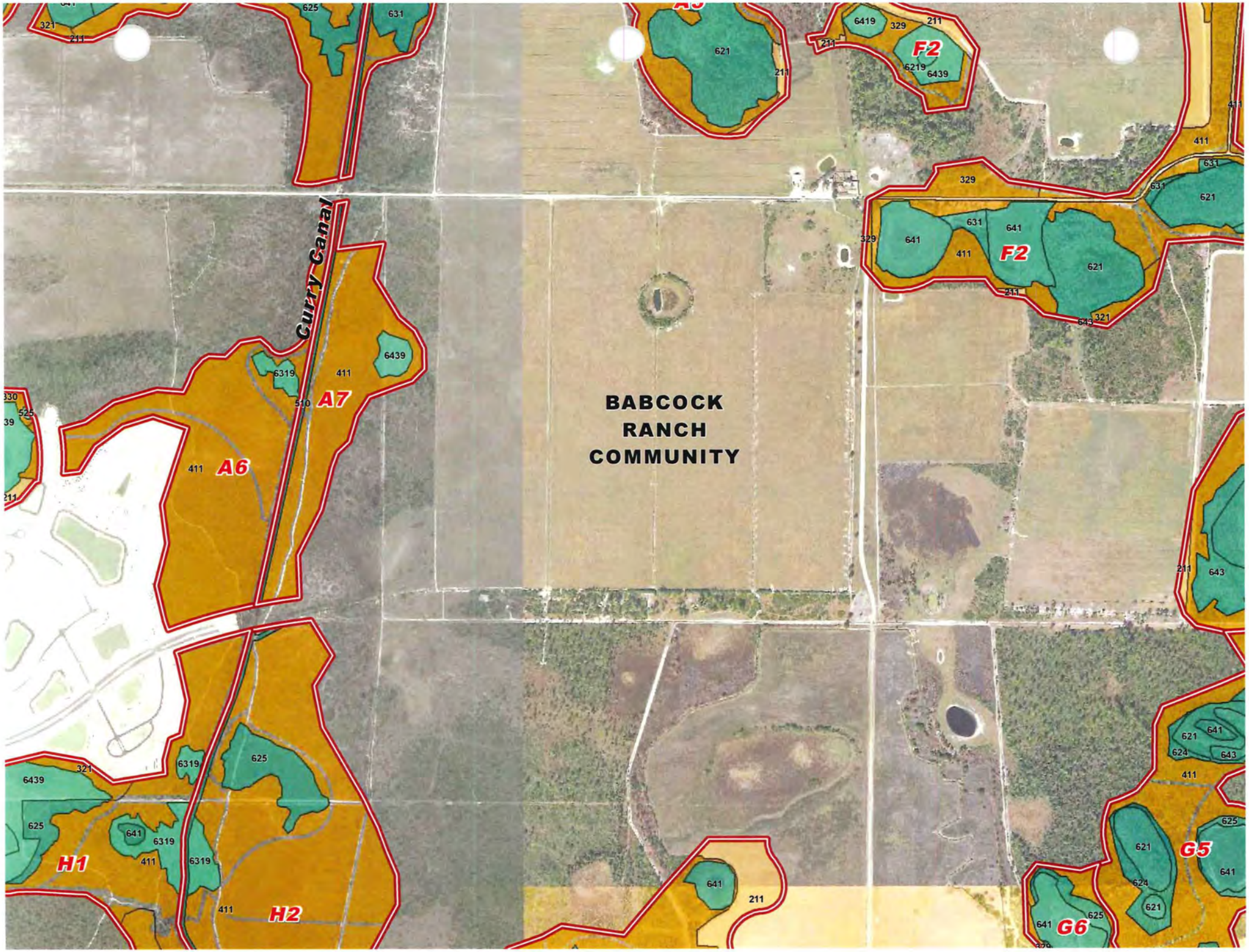
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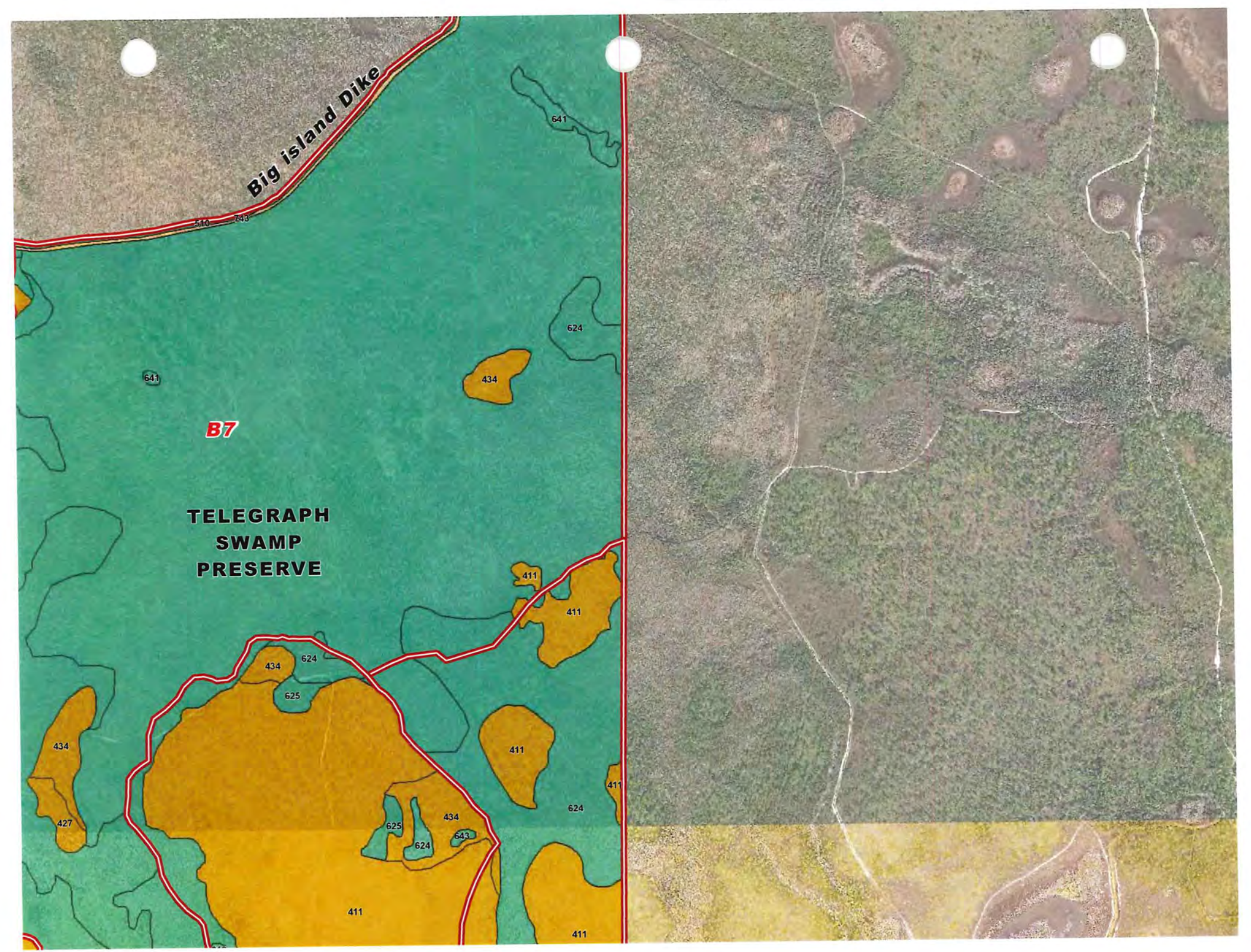
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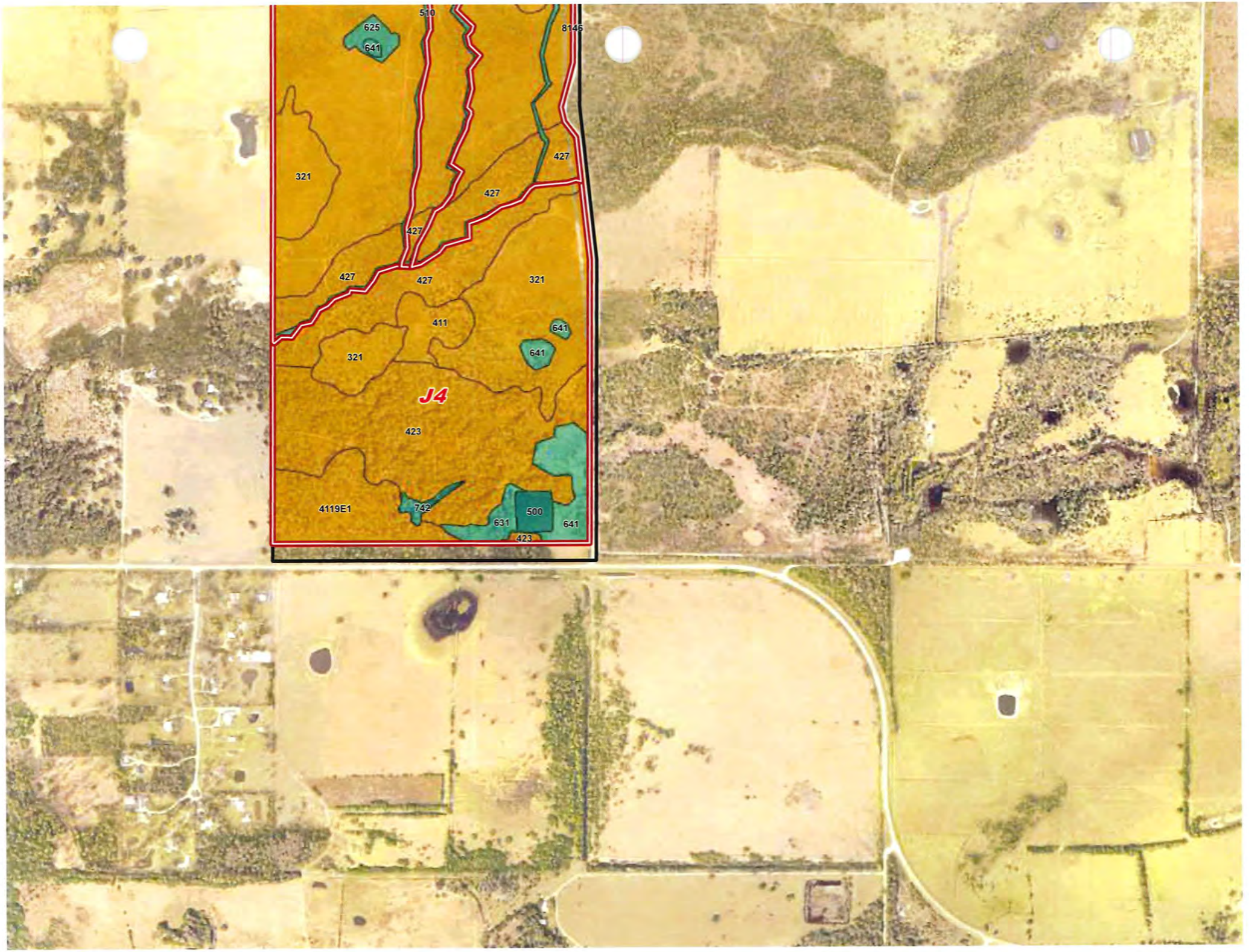
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BABCOCK RANCH COMMUNITY

Listed Species Management Plans
&
Human-Wildlife Coexistence Plan

Appendix B. Species Specific Literature

B-1 American Alligator FWC Brochure

B-2 Gopher Tortoise FWC Brochure

B-3 Eastern Indigo Snake USFWS Brochure

B-4 Florida Sandhill Crane FWC Brochure

B-5 Wood Stork and Wading Bird Informational Pamphlet

B-6 Burrowing Owl FWC Brochure

B-7 Living with Bats FWC Brochure; Wildlife in Structures FWC Brochure

B-8 A Guide to Living in Bear Country FWC Brochure; You Live in Bear Country FWC Information; Protect Your Pets FWC Brochure

B-9 Living with Panthers FWC Brochure; Florida Panther Safety Tips FWC Information

B-10 Beautiful Pawpaw Information

B-11 How Wildlife Sees Your Backyard FWC Brochure

B-12 A Guide to Living with Urban Coyotes FWC Brochure

B-13 Living with Bobcats FWC Brochure

B-14 Burmese Pythons in Florida FWC Brochure; Keeping Your Pets Safe Around Cane Toads FWC Brochure; Tegus in Florida FWC Brochure; Fighting for Florida: Battling Invasive Species in the Sunshine State USFWS Infographic

Never feed alli ɾs – it's dangerous and
gal. When fed, alligators can overcome their
ural wariness and learn to associate people with
l. When this happens, some of these alligators
e to be removed and killed.

Dispose of fish scraps in garbage cans at boat
ıps and fish camps. Do not throw them into the
ɛr. Although you are not intentionally feeding
gators when you do this, the result can be the
ıe.

Seek immediate medical attention if you are
en by an alligator. Alligator bites can result in
ous infections.

Observe and photograph alligators only from
istance. Remember, they're an important part
'lorida's natural history as well as an integral
ıponent of aquatic ecosystems.

Tim Donovan, FWC

. 866-FWC-GATOR (392-4286) to report nuisance
gators.

Janice Plain

To report nuisance alligators call
866-FWC-GATOR (866-392-4286).

MyFWC.com/Alligator

REWARD
Report Fish & Wildlife Violations
1-888-404-3922

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02/2012

A Guide to Living with Alligators

Jamie Fedde

Florida Fish and Wildlife Conservation Commission
MyFWC.com

Lizabeth West, FWC

ıot swim outside of posted swimming areas or in
ers that may be inhabited by alligators.

ving with Alligators

Florida, the growing number of people living
l recreating near water has led to a steady rise
he number of alligator-related complaints.
: majority of these complaints relate to
gators being where they simply aren't wanted.
:ause of these complaints, the Florida Fish and
dlife Conservation Commission's Statewide
ısance Alligator Program permits the killing of
roximately 7,000 nuisance alligators each year.
ng this approach, and through increased public
ıreness, the rate of alligator bites on people has
ıained constant despite the increased potential
alligator-human interactions as Florida's human
ulation has grown.

gators are an important part of Florida's
dscape and play a valuable role in the ecology
ur state's wetlands. Alligators are predators
l help keep other aquatic animal populations in
ance. A better understanding of the facts and
ormation presented in this brochure will help
ure that people and alligators can continue to
xist.

it MyFWC.com/Gators for more information
ut alligators and the latest nuisance alligator
gram statistics.

Tim Donovan, FWC

Alligators and People

Alligators are a fundamental part of Florida's wetlands, swamps, rivers and lakes, and they are found in all 67 counties. Florida continues to experience human population growth. Many new residents seek waterfront homes, resulting in increased interactions between people and alligators.

Although most Floridians understand that we have alligators living in our state, the potential for conflict exists. Because of their predatory nature, alligators may target pets and livestock as prey. Unfortunately, people also are occasionally bitten. Since 1948, Florida has averaged about five unprovoked bites per year. During that period, a little more than 300 unprovoked bites to people have been documented in Florida, with 22 resulting in deaths.

In the past 10 years, the Florida Fish and Wildlife Conservation Commission has received an average of nearly 16,000 alligator-related complaints per year. Most of these complaints deal with alligators occurring in places such as backyard ponds, canals, ditches and streams, but other conflicts occur when alligators wander into garages, swimming pools and golf course ponds. Sometimes, alligators come out of the water to bask in the sun or move between wetlands. In many cases, if left alone, these alligators will eventually move on to areas away from people.

Safety Tips

- Generally, alligators less than four feet in length are not large enough to be dangerous unless handled. However, if you encounter any alligator that you believe poses a threat to people, pets or property, call the Nuisance Alligator Ho at 866-FWC-GATOR (866-392-4286). Please be aware, nuisan alligators are killed, not relocated.

- Be aware of the possibility of alligators when you are in or near fresh or brackish water. Bites may occur when people do not pay close enough attention to their surroundings when working or recreating near water.

- Do not swim outside of posted swimming are or in waters that might be inhabited by large alligators.

- Alligators are most active between dusk and dawn. Therefore, avoid swimming at night.

- Dogs and cats are similar in size to the natu prey of alligators. Don't allow pets to swim, exer or drink in or near waters that may contain alligators. Dogs often attract an alligator's intere so do not swim with your dog.

- Leave alligators alone. State law prohibits killing, harassing or possessing alligators. Handl even small alligators can result in injury.

A young alligator wanders onto a porch in a residentia neighborhood.

Cliff Leonard

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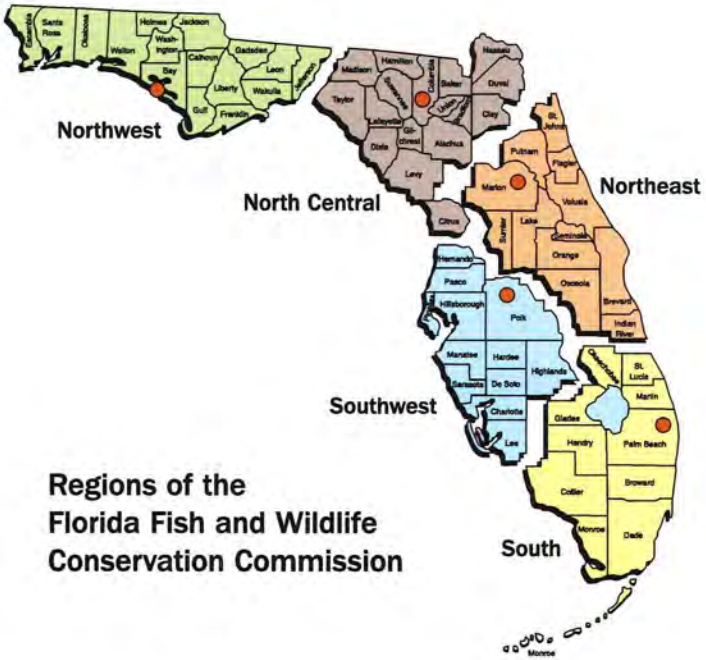
Gopher tortoise fast facts

- Gopher tortoise burrows average seven feet deep and 15 feet long but may be more than 40 feet long.
- A tortoise may have multiple burrows within the area it spends most of its time.
- Burrow openings are half-moon shaped with the curve at the top, and its size is a fair representation of the size of the tortoise. Burrows with round openings have generally been taken over by an armadillo.
- Adult tortoises are generally 9-11 inches long and weigh 7-9 pounds.
- Females begin to reproduce when they are 9-21 years old (age depends on local conditions); males begin slightly younger.
- They breed March-October but generally dig nests in May and June. One clutch is laid per year with an average of six eggs. Many eggs never hatch because they are eaten by mammals, birds and snakes.
- The biggest threat to the gopher tortoises' long-term survival is loss of habitat.

Wildlife Alert Reward Program

It is against the law to kill, harass or destroy gopher tortoises, their burrows or eggs. If you suspect illegal activity, you can report it anonymously to FWC's Wildlife Alert Hotline at 888-404-3922, 24 hours a day or online at MyFWC.com/law/Alert. You could be eligible for a reward if your information leads to an arrest.

Robert La Follette



Regions of the Florida Fish and Wildlife Conservation Commission

Northwest Region
3911 Highway 2321
Panama City, FL 32409-1658
850-265-3676

North Central Region
3377 East U.S. Highway 90
Lake City, FL 32055-8795
386-758-0525

Northeast Region
1239 S.W. 10th Street
Ocala, FL 34471-0323
352-732-1225

Southwest Region
3900 Drane Field Road
Lakeland, FL 33811-1299
863-648-3200

South Region
8535 Northlake Boulevard
West Palm Beach, FL 33412
561-625-5122

For more on any information in this brochure, or for Gopher Tortoise Management Plan or permitting information, please call the gopher tortoise conservation biologist in your region listed above, or call 850-488-3831, or visit MyFWC.com/GopherTortoise.

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Cliff Leonard

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A keystone species

Wildlife experts call the gopher tortoise a "keystone species" because it is the backbone of the plant and wildlife community in which it lives. Without the tortoise, the populations of more than 350 wildlife species that seek refuge or live in the burrows would be greatly reduced, if not eliminated. The species that depend upon tortoise burrows are called commensals and include the indigo snake, pine snake, gopher frog, opossum, burrowing owl, Florida mouse, gopher cricket and scarab beetle.

Protecting and managing

Gopher tortoises have lived for millions of years, but biologists who study these ancient reptiles are concerned we may lose them entirely unless we do more to protect and conserve them and their rapidly disappearing habitat.

In 2007, the Florida Fish and Wildlife Conservation Commission (FWC) listed the gopher tortoise as a threatened species and created a plan to manage and protect these unique reptiles. The plan is a blueprint of conservation objectives and actions which includes guidelines for landowners whose property contains gopher tortoises, habitat acquisition plans and permitting guidelines all designed to ensure the tortoises' habitat needs are met now and in the future.

Legal protection

It is against the law to damage, destroy, harass or kill gopher tortoises, their burrows or their eggs. Gopher tortoises must be moved out of harm's way before any land clearing or development takes place. Permits are required from the FWC before handling or moving tortoises.

Robert La Follette

Living in your yard

If a gopher tortoise is living in your yard, embrace the opportunity to learn about a threatened species and help the conservation efforts. Here are a few tips:

- Leave the tortoise alone and keep dogs and small children away from it and its burrow.
- Use tortoise-friendly plants to landscape your yard. In addition to providing excellent food for the tortoise, the plants will require very little watering once established. For a list of suitable plants visit MyFWC.com/GopherTortoise.
- Allow the tortoise to come and go freely from your yard. Fencing it in or restricting its movements in any way is against the law.
- It is acceptable to trim tall grass around the burrow if necessary but leave the burrow and mound alone.
- If possible, avoid mowing, digging, driving over or otherwise disturbing the area right around the burrow, which includes the entrance apron and 25 feet beyond the burrow opening.
- Never block the entrance to the burrow, it could harm the tortoise or prevent its exit.
- A burrow should not compromise the integrity of a foundation or mound septic system, but the gopher tortoise conservation biologist in your region can offer you options.

Crossing the road

- Do not take the tortoise with you.
- If it is in the roadway you can move it across the road in the direction in which it was headed. **Do not put your life in danger to move the tortoise.**
- Do not put the tortoise in the water. Gopher tortoises are terrestrial turtles which means they live on land.

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Killing, harming, or harassing indigo snakes is strictly prohibited and punishable under State and Federal Law.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

LEGAL STATUS: The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of $25,000 for civil violations and up to $50,000 and/or imprisonment for criminal offenses, if convicted.

August 12, 2013

ATTENTION:

THREATENED EASTERN INDIGO SNAKES MAY BE PRESENT ON THIS SITE!!!

Please read the following information provided by the U.S. Fish and Wildlife Service to become familiar with standard protection measures for the eastern indigo snake.

IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site without interference.
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, **and** the appropriate U.S. Fish and Wildlife Service (USFWS) office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:

North Florida ES Office – (904) 731-3336
Panama City ES Office – (850) 769-0552
South Florida ES Office – (772) 562-3909

DESCRIPTION: The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

SIMILAR SNAKES: The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

LIFE HISTORY: The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

Sandhill cranes are iconic members of the ecosystem. They stand almost 4 feet tall a bugling or rattling calls are frequently hear areas or overhead. Sandhill cranes occur ir open prairies and freshwater wetlands in p Florida from the Everglades to the Okefen Swamp.

Florida sandhill cranes are present in many areas including golf courses, airports and s subdivisions. This is due in part to the rapid development of their native habitat by hum Cranes are attracted by open settings (mov and the availability of foods such as acorns earthworms, mole crickets and turf grubs.

ding cranes prohibited?

inadvertently put sandhill cranes at risk when they attract them with feed. This includ eeding," such as when bird seed is spilled from bird feeders onto the ground below. In and Wildlife Conservation Commission made it illegal to intentionally feed sandhill cra dministrative Code 68A-4.001(6)).

n cranes are fed and learn to associate people with food, they can lose their fear of hu iabituated" cranes may approach people closely and even grab food out of a person's ances, cranes have been reported pecking people.

y pesticide use in urban lawns also is of concern. Young sandhill cranes have died fror
g.

ood idea to feed wildlife. Florida sandhill
an abundance of natural foods (insects
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s. There are many reasons why cranes
e intentionally fed by humans. For the
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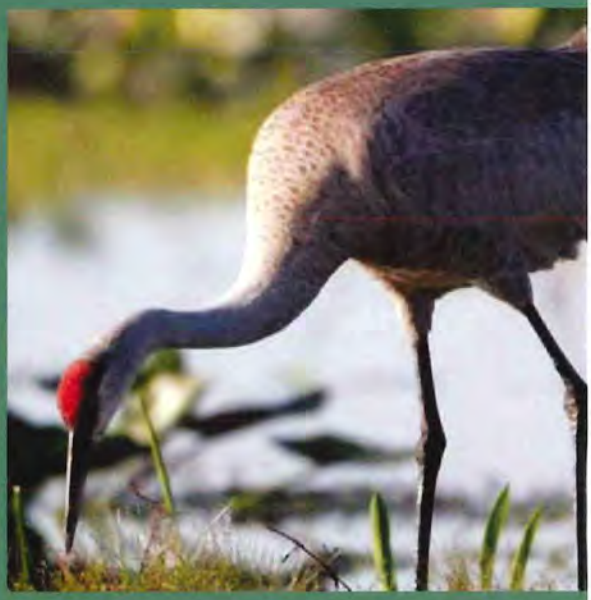

Sandhill cranes feed on seeds, grains, ins
animals.

s you can do to better coexist in "Crane Country"

feed cranes and encourage your neighbors not to feed cranes. Cranes are less likely
eas if easy meals are not provided.

or move automobiles so that cranes cannot see their reflections in the shiny surfaces
doors that the cranes attack can be temporarily covered with material so that the birc
reflections.

ora[illegible] cover windows or screens. A string mounted on stakes about 2.5 feet off the gr
an exclusion "fence" around the parts of homes (window or pool screens) that are beir
d by cranes.

t some digging for food. Cranes sometimes damage lawns and gardens as they dig fc

Roseate spoonbill (*Platalea ajaja*)[ST]

White ibis (*Eudocimus albus*)

Limpkin (*Aramus guarauna*)

ACTION TO BE TAKEN IF SOMEONE IS HARRASSING A WADING BIRD

Promptly notify FWC
1-888-404-FWCC

Tips for living with wading birds:

- Do not feed wading birds
- Keep out of vegetated areas surrounding lakes and marshes
- Keep pets leashed
- Properly dispose of fishing line to avoid bird entanglement

Prepared by:

JOHNSON ENGINEERING
2122 Johnson Street
Fort Myers, Florida 33901

WADING BIRD INFORMATIONAL PAMPHLET

Wood stork (*Mycteria americana*)[FT]

Babcock Ranch Community

Yellow-crowned night heron (*Nyctanassa violacea*)

Wading birds can be found in all counties in Florida, typically in shallow marshes or wetlands. They can also be found in swamps, ponds, drainage ditches, and canals.

Many species of wading birds may be seen on the Babcock Ranch Community. Some species are protected by the State of Florida and some, like the wood stork are also listed as endangered by the U. S. Fish and Wildlife Service.

It is unlawful to disturb or take nests or eggs, feed, injure, harm, harass, or kill any wading bird species. Persons who knowingly violate the law may be subject to fines and/or jail time.

If wading birds form a nesting colony on the property in the future, avoid activities within 330 feet of the colony during the nesting season (March 1 to August 1).

The following are just a few of the species that may be observed in the Babcock Ranch Community.

FT—Federally Threatened
ST—State Threatened

Little blue heron (*Egretta caerulea*)ST

Tricolored heron (*Egretta tricolor*)ST

Great blue heron (*Ardea herodias*)

Snowy egret (*Egretta thula*)

Reddish egret (*Egretta rufescens*)ST

Great egret (*Ardea alba*)

WHAT YOU CAN DO TO HELP

• Install perches near owl burrows

Perches provide burrowing owls with an elevated view of the nest area, and also make the burrows more visible to mowing equipment operators. Many burrows collapse each year when mower tires pass near or over the burrow entrance. Most operators will avoid burrows if they know they are present.

• Maintain burrows

Burrow maintenance is a must. It is important to keep tall grasses and weeds trimmed near the burrow so that the owls are able to see around the burrow. Their ability to see their surroundings will help them avoid approaching dangers such as predators.

• Restrict the use of pesticides

Because burrowing owls feed on insects that are considered pests around homes, they are exposed to the pesticides you use. Pesticides can contaminate or possibly limit the amount of food available to owls. Explore options other than using pesticides, but if you continue to use them, please do so with caution.

Kate Hailey

Perches provide burrowing owls with an elevated view of the nest area.

The Florida burrowing owl is protected as a "Species of Special Concern"

• Attract owls to your lawn

If there are burrowing owls nearby, they can be encouraged to dig burrows in sodded lawns if vacant lots are scarce. To attract a pair, remove a one to two foot wide triangular plug of sod from the lawn. This exposes the sandy soil needed by the owls for burrowing. You might also start digging a burrow near the top of the triangle, placing the pile of loose sand outside the burrow entrance. Placing a perch near the burrow will help draw it to the owl's attention. Try to select an open, treeless area in your lawn that will remain dry during heavy rains and will be away from heavy vehicle and foot traffic.

Rebecca Snelgert

Burrowing owls are unique and an important part of the natural environment.

• Encourage your community to protect burrowing owls

Burrowing owls are unique and an important part of the natural environment. Protection of both their habitat and populations is important. Burrowing owl habitat is disappearing at a rapid rate due to development. To conserve the burrowing owl, we must become aware of the needs of the owls, and strive to do our best to protect their habitat, nest sites and populations for future generations to enjoy.

• Report destruction or harassment of burrowing owls or their nests

Violations can be reported to Florida Fish and Wildlife Conservation Commission toll free at 1-888-404-FWCC.

Wildlife Foundation of Florida

The Wildlife Foundation of Florida
Florida Fish and Wildlife Conservation Commission
Farris Bryant Building
Tallahassee, Florida 32399-1600
1-888-404-FWCC

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5/06

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

FLORIDA Burrowing OWLS


Nancy Douglass

The presence of burrowing owls is primarily dependent on habitat.

DESCRIPTION

The burrowing owl is a pint-sized bird that lives in open, treeless areas. It spends most of its time on the ground, where its sandy brown plumage provides camouflage from potential predators. One of Florida's smallest owls, it averages 9 inches in height with a wingspan of 21 inches. The burrowing owl lacks the ear tufts of the more familiar woodland owls. Burrowing owls have a distinctive white chin patch. While most have bright yellow eyes, some have intermediate to dark brown eyes. The distinctively long legs provide additional height for a better view from its typical ground-level perch.

RANGE AND HABITAT

The Florida burrowing owl lives primarily in peninsular Florida although its distribution is localized and patchy, especially in the northern part of its range. Historically, the burrowing owl occupied the open native prairies of central Florida. Recently, these populations have decreased because of disappearing habitat. Populations in south Florida coastal areas have increased due to modification of habitat by people including clearing forests and draining wetlands. Burrowing owls inhabit cleared areas that offer short groundcover such as pastures, agricultural fields, golf courses, airports and vacant lots in residential areas.

BURROWS

Burrowing owls use burrows year-round as a refuge or for roosting and during the nesting season to raise young. Florida's owls typically dig their own burrows but will use gopher tortoise or armadillo burrows. Burrows are six inches in diameter and extend four to eight feet underground. Nests are at the end of the burrows. Burrowing owls decorate their burrows by lining the entrance with materials such as grass clippings, feathers, paper and manure. One theory is that owls decorate to help camouflage the burrow from predators but a competing theory is that owls use the decoration to attract prey.

HABITS

Burrowing owls live as single breeding pairs or in loose colonies consisting of two or more families. Unlike most owls, burrowing owls may be active both day and night. During the day the owls may be seen standing at the burrow entrance, on a convenient nearby perch (like a fence post or a mailbox), or in the shelter of a nearby tree or shrub. They prefer shaded areas during hot, sunny days and will stand in storm drains or near houses to avoid the heat. When approached at close range, especially at a burrow, an owl will bob its head and bow in agitation and utter clucking calls and snap its bill. These defensive behaviors account for the nickname of "howdy bird." In flight burrowing owls typically rise and fall gracefully as if they were flying an invisible obstacle course. They can hover in mid air, a technique effective for capturing flying insects.

Florida's breeding bird atlas: A collaborative study of Florida's birdlife. www.myfwc.com/bba/ (Date accessed 4/26/2006).

FOOD


Rebecca Swelgart

Burrowing owls eat mainly insects, especially grasshoppers and beetles. They can be beneficial in urban settings since they also eat roaches and mole crickets. Other important foods include small lizards, frogs, snakes and rodents.

NESTING

While burrowing owls may nest in any month of the year, nesting typically occurs February - August, with most nests beginning in March. Owls will mainly nest with the same mate year after year. Female owls lay anywhere from two to eight white, almost round eggs. The female incubates the eggs for 28 days. Once the eggs hatch the young remain in the nest for about two weeks when they are large enough to appear at the entrance. By the time they are three weeks of age they can be seen stretching their wings and legs. At four weeks the young are taking short flights. At six weeks young owls are flying well but they do not leave the nest burrow until months later, typically in July or August. When young owls disperse from the natal nest, most move a distance of one to three miles.

MORTALITY

Burrowing owls live an average of three years although the oldest known lifespan in the wild is nine years. Burrowing owls succumb to a wide variety of predators including snakes, monitor lizards, hawks, opossums, raccoons, skunks, gray foxes, dogs and house cats. In urban or suburban areas, preferred nesting habitats and burrows may be destroyed by construction activities, malicious behavior or harassment by people, and flooding of nests in burrows by heavy rains. Collisions with automobiles take a heavy toll on adults and young owls.

PROTECTION

The Florida burrowing owl is classified as a "Species of Special Concern" by the Florida Fish and Wildlife Conservation Commission (FWC). This means burrowing owls, their eggs and nest burrows are protected from molestation under state law. Burrowing owls also are protected by the Federal Migratory Bird Treaty Act.

A guide to living with **Bats**

Florida bonneted bat

Florida Fish and Wildlife Conservation Commission
MyFWC.com

UF UNIVERSITY of FLORIDA
IFAS Extension

A hoary bat, one of Florida's bat species that roosts in trees.

Living with bats

Bats are the only mammals that can truly fly. By grooming themselves regularly they keep their fur very clean. In Florida, there are 13 resident bat species. All of these bats feed on night-flying insects. They rely on echolocation, using high-frequency sound waves to navigate and find prey even in total darkness.

Many Florida bat species roost in colonies ranging from a few bats to many thousands, but some roost individually. Some important natural roost sites for Florida's bats are trees with cavities or peeling bark, palm trees, Spanish moss, and caves.

Bats provide major ecological and economic benefits. One bat can consume hundreds of insects a night. Bats save U.S. farmers billions of dollars annually by controlling insects that damage crops and spread disease among livestock.

Bats in buildings

Bats may roost in buildings or other man-made structures that mimic their natural habitats. This may occur after their habitat is disturbed and can create conflicts between bats and humans.

A big brown bat colony in a picnic pavilion.

Bats roosting in buildings do not physically damage structures, but can cause stains or odors.

If you suspect bats are living in a building, check for staining and bat feces, known as guano. Bat stains are light brown discolorations consisting of oils and dirt left around openings the bats use to enter the roost. Guano is black, dry, and found under the roost site and by the openings. Also, look for bats at dawn or dusk as they enter or leave the roost. **Bat exclusion devices should be used to humanely remove bats that are roosting in a building. These should only be used from August 16 through April 14, outside of the maternity season.**

How to remove bats from buildings

Exclusion devices allow bats to exit but not reenter a roost. It is vital that exclusions are done properly to prevent illegal killing of bats. Detailed information on how to exclude bats from buildings in Florida is available at: MyFWC.com/bats.

A Rafinesque's big-eared bat.

One bat in a building

There is an exception to the bat exclusion rule: A single bat found inside the living space of a building can be removed at any time of year. If you find a bat indoors, stay calm. The bat may fly around as it attempts to escape but is not trying to attack. Turn on lights so you can see the bat. Confine the bat to a single room and open windows and doors to let it escape. If the bat cannot find its way out, wait for it to land and then carefully capture the bat by either placing a container over the animal and sliding a piece of thick paper underneath or using a thick towel and leather gloves to contain the bat before releasing it outdoors.

A Seminole bat.

Bat maternity season

In Florida, the maternity season lasts from April 15 through August 15. This is when bats breed and young are born. During this time, people in Florida are not allowed to disturb bats or attempt to remove them from buildings.

Newborn bats are known as pups, which are flightless and completely dependent on their mother's milk. Female bats require roosts free from disturbance, with constant high temperatures to help keep the pups warm. For this reason, a maternity colony in a building usually is not found within rooms where people live or work.

A big brown bat.

Big brown bat chasing insects at night.

Helping bats survive

Bats are fascinating animals that fly using wings supported by many of the same types of bones that we have in our arms and hands. They can be good neighbors and our best friends on a summer night. Did you know that a single bat can eat hundreds of mosquitoes each night? By helping bats, you can be helping yourself.

But, Florida's bats are facing a lot of challenges. They're misunderstood. They're losing their natural roost sites as forests are removed and caves are blocked. Now a new disease called white-nose syndrome (WNS) has killed millions of cave-roosting bats and is spreading rapidly. As of early 2015, WNS has not reached Florida, but it remains a serious threat.

These are ways you can help bats thrive in Florida:

- Spread the word that bats help people by eating large amounts of mosquitoes and agricultural pests.
- Preserve natural roost sites such as trees with cavities and peeling bark, and dead fronds on palms.
- Put up a bat house.
- Report unusual bat behavior to: **MyFWC.com/BatMortality**.
- Do not enter Florida caves with shoes, clothing or equipment that has been used in caves outside of Florida.

Common bat myths

There is a rabies epidemic in bats. **Myth!**
The incidence of rabies in bats is rare. Bites can be avoided by not touching bats.

Bats regularly attack people. **Myth!**
Bats are shy and will try to avoid people but they are excellent fliers and you may see them trying to catch insects.

All bats are blind. **Myth!**
Bats use echolocation to locate prey, but all bats have eyes and they can see very well. Bats sometimes see better than people when there is little light.

Bats are attracted to human hair. **Myth!**
Bats don't aim for a person's hair. Bats are agile fliers whose echolocation skills help them maneuver in complete darkness.

All bats suck blood. **Myth!**
Florida's resident bats only eat insects. Only vampire bats consume blood, and they are found ONLY in Central and South America, feeding mainly on livestock and wildlife.

Bat houses installed on poles.

Remember:

- Bats are important parts of healthy ecosystems.
- Wait for the end of the maternity season before taking any actions to exclude bats from buildings.
- The intentional harming of bats is prohibited.
- Bats cannot legally be trapped and relocated.
- Protect bats by preserving roosting habitat and preventing the spread of WNS.
- Do NOT handle bats, especially sick, injured or dead bats.

Find out more about Florida's bats, including how to exclude bats from buildings and how to build and install bat houses at: **MyFWC.com/bats** and **EDIS.IFAS.UFL.edu/topic_bats**.

If you have additional questions about bats or are experiencing bat conflicts, please contact your nearest FWC regional office:

FWC Regional Offices:

North Central	Lake City	386-758-0525
Northeast	Ocala	352-732-1225
Northwest	Panama City	850-265-3676
South	West Palm Beach	561-625-5122
Southwest	Lakeland	863-648-3200

Florida Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600
www.MyFWC.com/Manatee

Follow us on:

3/2015

your st cture being sed by wildlife?

dlife such as bats, owls, songbirds, squirrels, ossums and raccoons may find their way into ldings occupied by humans.

tern screech owl in soffit – Credit: Blayne Throm

What to do i ildlife is using your structure

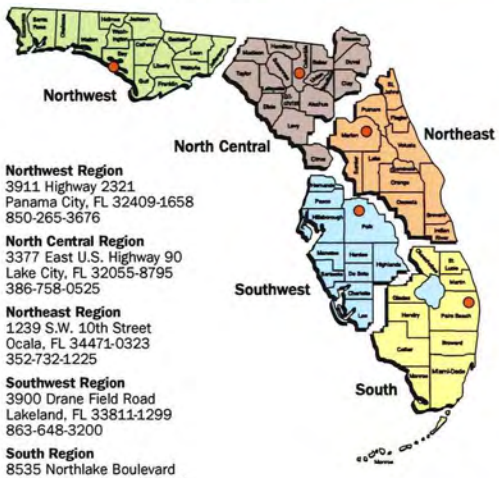
If there is wildlife currently in the structure, call your FWC Regional Office and ask to speak to the Wildlife Assistance Biologist. They will be able to provide additional information on legal options and methods to prevent wildlife from entering your home.

If you are certain no wildlife or young are currently in your structure:

- Identify the location(s) where wildlife is entering the structure and make the necessary repairs to exclude them.
- Once repairs are made, continue to monitor to ensure all wildlife has been successfully excluded.

Florida Fish and Wildlife Conservation Commission

Regional Offices



Northwest Region
3911 Highway 2321
Panama City, FL 32409-1658
850-265-3676

North Central Region
3377 East U.S. Highway 90
Lake City, FL 32055-8795
386-758-0525

Northeast Region
1239 S.W. 10th Street
Ocala, FL 34471-0323
352-732-1225

Southwest Region
3900 Drane Field Road
Lakeland, FL 33811-1299
863-648-3200

South Region
8535 Northlake Boulevard
West Palm Beach, FL 33412
561-625-5122

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6/2020

Wildlife in Structures

Know the signs

Florida Fish and Wildlife Conservation Commission

MyFWC.com

here and when to look

ommon places for wildlife to reside are attics, arns, garages, soffits, underneath shutters or oof shingles or tiles, in wall voids or behind iding or chimneys.

awn and dusk is when you are most likely to pot wildlife entering or leaving your structure, s this is when they are leaving to forage or oming in to rest.

ome wildlife, such as squirrels and woodpeckers ill be more active during daytime hours, while thers, such as raccoons, bats and flying quirrels are more active at night.

here Bats Roost

ere are ways to tell if ldlife might be using ur structure

ent or missing soffits or roof tiles.

amaged, patted down, or missing insulation. unnels may also be present in insulation.

hew marks on wood or electrical wiring.

racks on AC ductwork or other dusty surfaces.

ounds of scurrying, scampering, or squeaking in our walls or attic.

cat found near the entry and exit points, or n insulation.

- Rub marks/stains of lig own discoloration near the entry and exit points due to body oils and dirt.
- Nesting material (like grass, feathers, leaves, Spanish moss, etc.) or food found in one location inside or along the exterior of the structure.
- Feathers, pellets, or bones found inside the structure (this is evidence of birds, including owls).
- Holes in siding (may be sign of a woodpecker).
- More comprehensive ways include trying a motion-activated trail camera or bat detector to determine if wildlife is present.

Shed snake skin in attic

Look before you treat

Eliminating termites and other household pests is important for the maintenance of your home and the health of your family. Before fumigating, it is important to ensure no wildlife is present. This prevents unintentional wildlife casualties and the need for further wildlife removal efforts.

Structure being fumigated for pest treatment

Bats roosting in attic – Credit: Dan Bozone

Be proactive: know what actions to take

- Inspect your home regularly for openings, tears rotting wood or weak spots that could allow ent Bats can enter an opening that is as small as your thumb.
- Look around the foundation of your home wher pipes, cables and vents, exit the houses.
- If an opening is found, mark the hole by doing something such as sticking a plastic bag in it o taping a piece of plastic over it. Watch it for 3-5 days, and if it does not get disturbed then the opening is not being used. You can also place diatomaceous earth at the potential entry point and check later for track marks in the dust.
- Trim overhanging tree branches close to your ro as some wildlife can use them for help with ent into your home.
- If you have a chimney, you can have a professi install an animal-proof chimney cap once ensur no animals are present.

Eglin AFB

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Milt Fox

How FWC responds to conflicts

The FWC addresses human-bear conflicts in a variety of ways, including providing technical assistance over the phone, conducting an in-person visit with the resident, using deterrents (such as an electric fence), attempting to scare the bear away, or, in rare cases, attempting to trap the bear.

While most conflicts can be avoided by securing attractants, biologists assess each situation on a case-by-case basis and use FWC policies and guidelines to help decide on the most appropriate response.

The earlier the FWC is notified, the more response options are available.

The longer a conflict situation continues, the more likely the bear will develop behaviors that present a risk to public safety, such as entering a dwelling, harming a leashed dog or injuring a person.

Once this happens, it is too late to try to change the bear's behavior and it must be humanely killed.

Warning! It is illegal to take, possess, injure, shoot, collect or sell black bears under Florida state law unless authorized by an FWC-issued permit. If you are found guilty, you could face fines and/or jail time.

If you are experiencing bear conflicts, please contact the nearest FWC regional office. The sooner the FWC knows about bear activity, the more options are available to prevent a bear from becoming a public safety risk.

North Central	**Lake City**	**(386) 758-0525**
Northeast	**Ocala**	**(352) 732-1225**
Northwest	**Panama City**	**(850) 265-3676**
South	**West Palm Beach**	**(561) 625-5122**
Southwest	**Lakeland**	**(863) 648-3200**

In an emergency or if you suspect illegal activity, call the Wildlife Alert Hotline at 888-404-FWCC (3922).

Follow us on:

YouTube flickr

Florida Fish and Wildlife Conservation Commission
MyFWC.com/Bear

A guide
bear

Flori
Cons
MyF

Ashley Hockenberry

bear in Florida.

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Bear behavior and you

Black bears are shy and generally not aggressive. When seen near homes or workplaces, bears are often just passing through. When frightened, bears typically run away or climb a tree. If a bear is in a tree, it is either feeding or trying to escape danger. Keep people and pets away, and the bear will leave on its own, usually after dark.

When a bear stands on its hind legs, it is trying to get a better view or scent. Black bears may huff, snap their jaws, swat the ground or "bluff charge" when cornered, threatened or defending food or young. If this happens, stop, hold your ground and then slowly back away.

Remember bears are large, powerful, wild animals that can act unpredictably and become dangerous. Bears who receive food from people may lose their natural fear of them and are more likely to damage property or become a public safety risk. NEVER feed or attract bears. If a bear is eating something on your property, take note of what it is and secure it after the bear has left the area.

Learn all about Florida's bears and being BearWise at *MyFWC.com/BearWise*.

BearWise tips:

- Never approach a bear. Keep as much distance between you and the bear as possible.
- If a bear changes its behavior because you're there, you are too close.
- If you encounter a bear at close range, stand with arms raised, back up slowly and speak to the bear in a calm, assertive voice.
- Do not turn your back, play dead or run from a black bear.
- Make sure you are in a secure area, such as a car or building, and the bear has a clear escape route, then scare the bear away with loud noises, like yelling, blowing a whistle, or using an air or car horn.
- Install a motion-activated device, such as flood lights, a water sprinkler or audio alarm, to scare a bear away from a location when you are not present.
- Report any bear threatening the safety of people, pets or livestock, or causing property damage, to the FWC (see back cover).
- Walk dogs on a non-retractable leash and be aware of your surroundings. Dogs can trigger defensive behaviors from bears.

Encourage your school system to use the *Florida Black Bear Curriculum Guide*. The guide is designed for grades 3 to 8 and is correlated to state education standards.

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YOU LIVE IN BEAR COUNTRY

ıck bears are an important part of Florida's natural heritage. Keeping bears wild and away from human use areas is a responsibility we all must share. FWC is dedicated to reducing conflicts between people and bears in your community.

Black bears are naturally shy, timid animals that try to avoid people. However, as human development expands, it becomes increasingly difficult for bears to avoid people.

Why are bears in your neighborhood?

Bears are lured into neighborhoods when they find an easily accessible food source. Bears that become used to getting human foods may damage property or become a threat to public safety. Common items that attract bears into neighborhoods include:

- Garbage
- Food smells from barbecue grills, coolers, and outdoor freezers/refrigerators
- Animal feed (e.g., pet food, corn, grain, seed, bird seed, livestock feed)
- Gardens, compost piles, small or medium livestock (e.g., chickens, goats, pigs, rabbits)

Feeding bears, either by direct handouts or by leaving attractants such as garbage and pet food unsecured, uses bear conflicts and is against the law.

Florida Administrative Code 68A-4.001(4): "(a) Intentionally feeding bears is prohibited except as provided for in this Title. (b) Placing food or garbage, allowing the placement of food or garbage, or offering food or garbage that attracts bears and is likely to create or creates a nuisance is prohibited after receiving prior written notification from the Commission."

If you see a bear in your community...

Remain calm and stay away from the bear. The mere presence of a black bear does not represent a problem. The bear is most likely just passing through and will not linger or return if it does not find a reward such as food. A bear may climb a tree to look for food or if it gets scared. Clear the area of people and pets and allow the bear to come down when it feels safe (usually after dark). The bear found its way into the area and it can find its way out.

If you encounter a bear at close range...

- DO NOT play dead or run from the bear
- Back away slowly with arms raised
- Avoid direct eye contact
- Speak in a calm and assertive voice

If you experience bear problems, please contact the Florida Fish and Wildlife Conservation Commission regional office nearest you. For more information, go to MyFWC.com/Bear.

What can you do about a bear near your home?

ecure Your Attractants

The best way to avoid conflicts with bears is to secure anything that might attract a curious bear. The following suggestions may prevent bears from being attracted to and lingering in your neighborhood.

- Store your trashcan in a secure area, such as a sturdy shed or garage, and put it out on the MORNING of garbage pickup, NOT the night before.

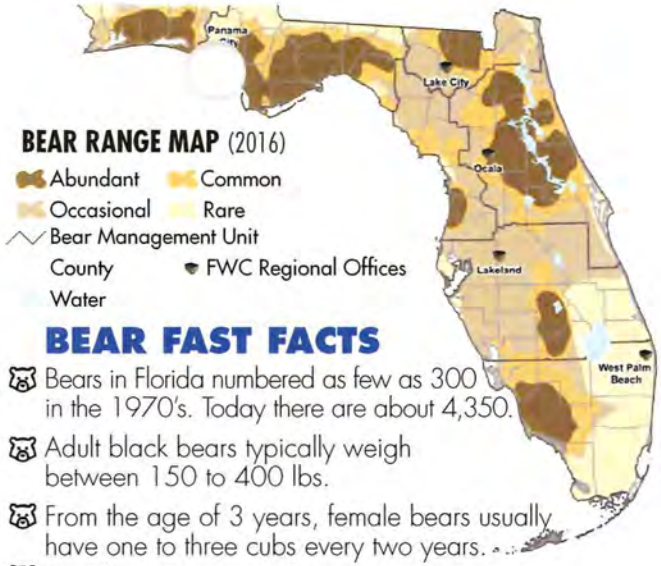
- Get a commercially-manufactured bear-resistant trashcan that has been reinforced with metal and a push-to-open latching system.
    - If you do not have trash service, you can buy bear-resistant trashcans from several online retailers, including Ace Hardware, Lowe's, and Home Depot.
    - If you have trash service, ask for a bear-resistant trashcan. If they will not provide them, call your local government official. Enough citizens have taken action in some counties that they now have bear-resistant trashcans.

- Build a small shed to store your trashcans. Important elements are to leave no gaps along edges and use screws instead of nails.* Call your waste service provider to ensure they will service trashcans from a shed.

- Attach hardware to your regular trashcan to make it more bear-resistant.* For a 'retrofit' to be successful, the lid must not be flexible, and the can should not collapse when you stand on its side. Call your waste service provider for permission to 'retrofit' your trashcan.

- Clean grills and store them in a secure location, such as a sturdy shed or garage.
- Feed pets indoors or promptly remove leftover pet food and bowls for pets fed outside.
- Store animal food in a secure area; remove or modify* wildlife feeders when bears are in the area.
- Protect gardens, compost piles, and livestock with electric fencing.*
- Secure outdoor refrigerators and freezers with marine locks.

*Instructions and more information available at MyFWC.com/Bear



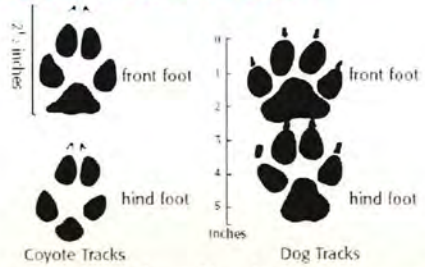
BEAR RANGE MAP (2016)

- Abundant
- Common
- Occasional
- Rare
- Bear Management Unit
- County
- FWC Regional Offices
- Water

BEAR FAST FACTS

- Bears in Florida numbered as few as 300 in the 1970's. Today there are about 4,350.
- Adult black bears typically weigh between 150 to 400 lbs.
- From the age of 3 years, female bears usually have one to three cubs every two years.
- Breeding season runs from June to August, and cubs are born in late January or early February.
- Bears have a superior sense of smell.
- 80% of the black bear diet includes fruits, nuts and berries; 15% insects; and 5% meat such as opossums, armadillos and carrion.

COYOTE FAST FACTS



- Coyotes live throughout Florida and in every state but Hawaii.
- They weigh 15-30 pounds. The males are slightly larger than the females.
- Coyotes eat whatever is available, including fruits, nuts, seeds, dead animals, rodents, garbage, pet food, domestic cats and small dogs.
- They breed every year with 2 to 12 pups per litter. Pups are raised in a den.
- Removing coyotes from one area can result in other coyotes moving in from surrounding areas and producing more pups per litter.

A Service Of

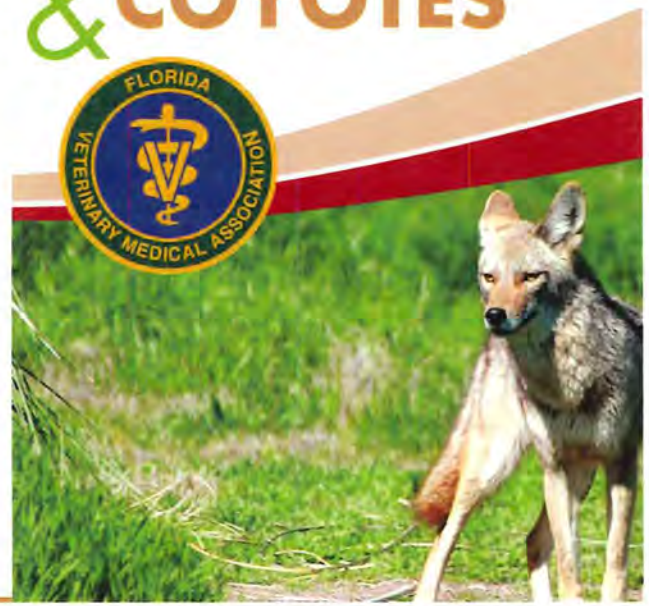
Florida Fish and Wildlife Conservation Commission

Florida Veterinary Medical Association
7207 Monetary Drive, Orlando, Florida 32809

If you are experiencing bear or coyote problems, please contact FWC's Wildlife Alert at 888-404-3922 or your nearest FWC regional office:

Lakeland: 863-648-3200
Panama City: 850-265-3676
Lake City: 386-758-0525
Ocala: 352-732-1225
West Palm: 561-625-5122

PROTECT YOUR PETS FROM BLACK BEARS & COYOTES



In the event of a pet treeing a bear, call your pet inside to a safe and secure area, allowing the bear time to retreat.

- Store pet feed inside a secure structure such as a shed or barn.
- Avoid leaving pet food or dishes outside overnight
- Tethered pets should be able to move a safe distance away from their food bowl.
- Outdoor pens should be high enough or have a roof to keep wildlife out and have a skirt that extends outward, underground to prevent digging under the fence. Pens should be as far as possible from tree/shrub lines or other cover for wildlife.
- Keep areas around outside pens and enclosures well mowed to reduce cover.
- Before letting pets outside at night, make noise and flash lights to startle other wildlife that could be in the yard.
- Install motion detector lights around your property.

THINGS YOU CAN DO TO KEEP YOUR PETS SAFE

- Black bears and coyotes are most commonly attracted to neighborhoods by unsecure garbage, pet food, and bird seed; most interactions can be reduced if residents remove and secure trash with either a caddy or bear-resistant trash can; minimize the time pet food and bird seed are outside, and keep those foods secure.
- Coyotes in urban areas are attracted by free roaming pets. Interactions can be resolved by keeping cats and other small animals indoors.
- Bear spray can be used to deter a bear if you encounter one at close range (within 30 ft). This highly-effective product can be found online or through most outdoor product suppliers.
- Consider walking your pet on a non-retractable leash which allows better control of your pet in the event of an encounter.
- Bears and coyotes are most active at night and during dusk and dawn.

Protect your pets with an electric fencing enclosure. Check often to ensure that the fence is functioning properly.

For More Resources on Electric Fencing:
http://MyFWC.com/Media/1333878/ElectricFence.pdf

Sturdy wooden hutches are the most reliable form of protection for outdoor small animal enclosures such as rabbits and guinea pigs. Securely attach a side of the cage to a permanent structure to prevent the hutch from falling over. Secure doors with locks, keep top covered and secured. In bear country, add an electric fence for further protection.

- While walking your pet, bring noise makers or bear spray. Making noise will alert wildlife to your presence and allow time for it to move away from you and your pet.
- If contact occurs between your pet and wildlife, do not try to physically separate your pet and the animal. Retreat to a safe place; if possible, spray the animal with bear spray or a water hose and make loud noises to try to break up the contact.
- Hazing is an effective way to encourage wildlife to stay away from people. Making noise with your voice, an air or car horn, pots and pans, or a can full of pennies are recommended techniques. In addition, you can deter a coyote by throwing sticks or rocks from a secure location, but try to avoid injuring the animal.

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If you see a Florida panther

The Florida panther moves primarily at night. The chances of seeing a panther are slim. But if you live in Florida panther country, you need to know what to do if you see one.

- **Keep children within sight and close to you.** Pick up any small children so they don't panic and run. Try to do this without bending over or turning away from the Florida panther.
- **Give them space.** Florida panthers typically will avoid a confrontation. Give them a way to escape.
- **Do not run.** Running may stimulate a panther's instinct to chase. Stand and face the animal. Make eye contact to let the panther know you are aware of its presence.
- **Avoid crouching or bending over.** Squatting or bending makes you look smaller, resembling a prey-sized animal.
- **Appear larger.** Make gestures that indicate you are not prey and that you may be a danger to the panther. Raise your arms. Open your jacket. Throw stones, branches or whatever you can reach without crouching or turning your back. Wave your arms slowly and speak firmly in a loud voice.
- **Fight back if attacked.** There has never been a reported panther attack in Florida. In western states, where attacks by cougars have occurred very rarely, potential victims have fought back successfully with rocks, sticks, caps, jackets, garden tools and their bare hands. Since large cats usually try to bite the head or neck, try to remain standing and face the animal.

Mark L

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Florida Fish and Wildlife Conservation Commission
620 S. Meridian Street
Tallahassee, FL 32399-1600
MyFWC.com/Panther

...A guide

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Keep livestock safe and secure.

4. Keep domestic livestock secure
Where practical, place chickens, goats, hogs or other livestock in enclosed structures at night. Electric fencing can be an effective predator deterrent.

5. Landscape for safety
Remove dense or low-lying vegetation that would provide hiding places for panthers and other predatory animals near your house.

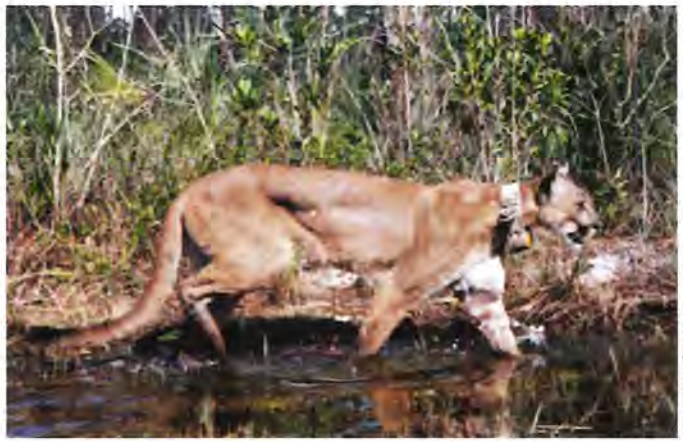
- Remove plants that deer like to eat.
- Choose plants that do not attract deer or other panther prey species. For information on plants that deer do not like to eat, visit edis.ifas.ufl.edu/UW137.
- Appropriate fencing will make your yard or play area uninviting to prey animals such as deer.

6. Consider other deterrents
Outdoor lighting, motion sensors and electric fencing also may deter prey animals and panthers from entering your yard. Outdoor lighting also will make approaching prey and panthers more visible to you.

7. Hike or bike with a friend
When recreating outdoors, it's a good practice to let friends or family know your whereabouts and when you expect to return. Better yet, take a friend with you!

Florida panther facts

- The Florida panther is a subspecies of puma, also known as a mountain lion or cougar. It is the last subspecies still surviving in the eastern United States.
- Biologists estimate roughly 100-160 adult and subadult Florida panthers remain in the wild. Most panthers live in southwest Florida, south of the Caloosahatchee River, although some panthers have been documented traveling as far north as central Georgia.
- The Florida panther's decline occurred prior to 1950, when it still was legal to hunt panthers. It was listed as endangered in 1967 and is protected under federal and state laws.
- Florida panther numbers declined to roughly 30 cats by the early 1980s. Severe inbreeding resulted in many health and physical problems. A genetic restoration project in 1995 was successful in improving the genetic health and vigor of the panther population.
- Florida panthers are found primarily in the Big Cypress/Everglades ecosystem in Collier, Lee, Hendry, Monroe and Miami-Dade counties.
- Florida panthers' home range sizes vary by sex and by individual. Female home ranges are typically 60-75 square miles whereas males' are typically 160-200 square miles.



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Funding provided by the Flori

Florida Panther Safety Tips

Encounters with Florida panthers are rare. But if you live, work or recreate in panther habitat, there are things you can do to enhance your safety and that of friends and family.

Be Alert From Dusk 'Til Dawn

When it comes to personal safety, always be aware of your surroundings. Florida panthers are most active at night. Exercise more caution at dawn, dusk and during the night.

Landscape For Safety

Remove vegetation that provides cover for panthers. Remove plants that attract wildlife (especially deer). By attracting them, you naturally attract their predator—the panther.

Keep Panther Prey Away

Deer, raccoons and wild hogs are prey for the Florida panther. By feeding deer or other wildlife, you may inadvertently attract panthers. Wildlife food such as unsecured garbage, pet foods and vegetable gardens also may attract prey.

Keep Pets Safe And Secure

Roaming pets are easy prey for predators including panthers. Supervise pets and then bring them inside or keep them in a comfortable, secure and covered kennel. Feeding pets outside also may attract raccoons and other panther prey.

Keep Livestock Secure

Where practical, keep chickens, goats, hogs or other livestock in enclosed sheds or barns at night.

Supervise Children

Keep children close to you, especially outdoors between dusk and dawn. Educate them about panthers and other wildlife they might encounter.

Never Approach A Panther

Most panthers want to avoid humans. Give a panther the time and space to steer clear of you.

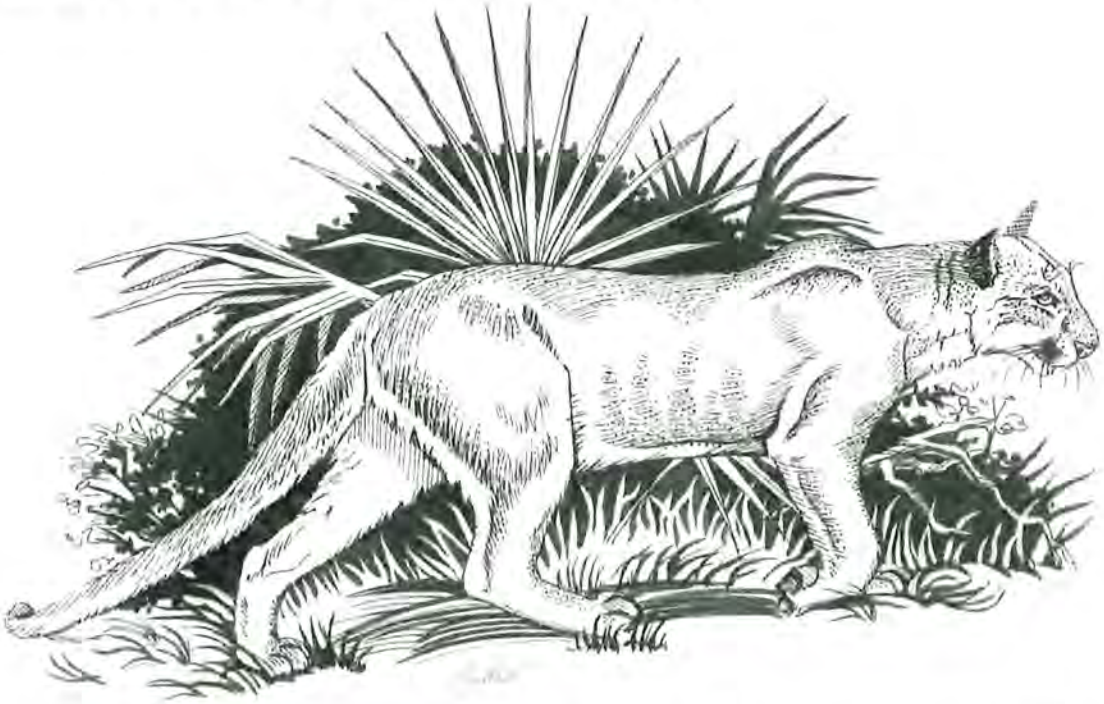
Hike With A Friend

Always hike, backpack and camp when in wild areas with a companion.

Florida Fish and Wildlife Conservation Commission
United States Fish and Wildlife Service
National Park Service

1-888-404-3922 MyFWC.com/panther

If You Encounter A Panther:



Make yourself appear larger, open your jacket, raise your arms, throw stones, branches, etc., without turning away. Wave raised arms slowly, and speak slowly, firmly, loudly to communicate that you are not prey and may actually be a danger to it.

Avoid crouching or bending over. Squatting or bending over makes you look smaller, resembling a prey-sized animal.

Do not run. Running may stimulate a panther's instinct to chase. Stand and face the animal. Make eye contact.

Give the panther space. Most Florida panthers will avoid a confrontation. Give them a way to escape.

If attacked, fight back with whatever is at hand (without turning your back). While there has never been a reported panther attack in Florida, in western states, potential victims have fought back successfully with rocks, sticks, caps, jackets, garden tools and even their bare hands. Since large cats usually try to bite the head or neck, try to remain standing and face the animal.

If you feel threatened by a panther or have lost pets or livestock to a panther, please call the Florida Fish and Wildlife Conservation Commission at 1-888-404-3922.

MyFWC.com/panther

BEAUTIFUL PAWPAW

Deeringothamnus pulchellus Small
Synonyms: *Asimina pulchella* (Small) Rehder & Dayton
Family: Annonaceae (custard apple)
FNAI ranks: G1/S1
Legal Status: US–Endangered FL–Endangered
Wetland Status: US–FAC FL–UPL

Ann F. Johnson

Gil Nelson

Field Description: Low, deciduous **shrub** 8 - 12 inches tall, with 1 to several erect or arching **stems** from a taproot. **Leaves** alternate, leathery, oblong, 1 - 2.5 inches long, with veins visible on both upper and lower surfaces; **leaf tip** rounded or notched. **Flowers** fragrant, solitary on stalks arising in the angle between leaf and stem on new shoots of the season, blooming only after fire or disturbance; **petals** 6 - 10 per flower, 0.5 - 1 inch long, white, strap-shaped, curved backwards when fully opened; **sepals** 3, broadly triangular. **Fruit** 3 inches long, fleshy, green, resembling a lumpy bean pod, with dark brown seeds, about 0.5 inch long.

Similar Species: Pawpaws (*Asimina* spp.) have flowers with broad floppy petals in whorls of 3 or 4. Dwarf pawpaw (*Asimina pygmaea*) has closely spaced, overlapping leaves with pointed tips, 2.5 - 3 inches long. Netted pawpaw (*Asimina reticulata*) has blue-green leaves with inrolled leaf margins and bears flowers on last year's shoots before new leaves appear.

Related Rare Species: See Rugel's pawpaw (*Deeringothamnus rugelii*) and four-petal pawpaw (*Asimina tetramera*) in this guide.

Beautiful pawpaw *Deeringothamnus pulchellus*

Habitat: Open slash pine or longleaf pine flatwoods with wiregrass and dwarf live oak in the understory.

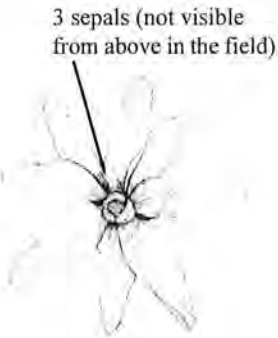
Best Survey Season: Flowers late March–April; will re-sprout and flower all year following fire. Most stems are annual, dying back in winter, but some occasionally survive for 2 years.

Range-wide Distribution: Endemic to Charlotte and Lee counties, FL, with disjunct populations SE of Orlando in Orange County.

Conservation Status: Beautiful pawpaw is known from 28 sites with about 5000 plants; about half are protected on 2 preserves in Charlotte and Lee counties.

Protection & Management: Burn every 3 to 5 years in growing season; avoid disking or other soil disturbance.

References: Coile 2000, Johnson 1999, Kral 1960, Kral 1983, Small 1926a, USFWS 1998, Wunderlin 1998, Wunderlin and Hansen 2000a.



Florida Natural Areas Inventory, 2000

Beautiful Pawpaw

A Legally Protected Species MAY Occur within this Project Area

Appendix B-101(3 of 4)

The beautiful pawpaw *(Deeringothamnus pulchellus)* plant is a low shrub which occurs within pine flatwoods. The beautiful pawpaw is listed as an endangered species and is both state and federally protected. Under state law it is illegal to "harvest, collect, pick, remove, injure or destroy" this plant (Administrative Code Rule Chapter 5B-40; Specific Authority 570.07(23), 581.185(4) FS. Law Implemented 570.07(13), 581.185). Similarly, federal law protects this plant species through the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531(a). The U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FFWCC) need your cooperation to help protect this endangered species.

Description

The beautiful pawpaw is a low-growing shrub, rarely exceeding 1.5-feet tall. Leaves are alternate (see reverse center figure), leathery, oblong, 1 to 2.5- inches long with veins visible on both upper and lower leaf surfaces. Young leaves have sparse, short, red hairs on both sides. Maturing leaves become dark green to glossy green above and paler green below. Flowers are solitary, arising in the angle between the leaf and stem on new shoots. Flowers have between six and 10 creamy-white petals that are about 0.5 to 1-inches long. This plant will typically flower between March and May but only after a fire or disturbance. Fruit is typically 3-inches long, fleshy, green, resembling a lumpy bean pod, with dark brown seeds that are about 0.5-inches long.

Occurrence

The beautiful pawpaw occurrence is endemic (unique) to Charlotte and Lee counties, FL with two additional populations known to occur southeast of Orlando in Orange County. If construction areas are within pine flatwood habitat, this species may occur.

VIOLATORS WILL BE PROSECUTED

Violations of state and federal laws are punishable by stiff fines and/or imprisonment.

If you should see the beautiful pawpaw...

If you believe you have observed this plant within the construction area, do not disturb it. Any disturbance of this plant is illegal. Please cease construction and immediately contact a Johnson Engineering biologist (see phone number below). Establish a 25-foot buffer around the plant and wait for the biologist to verify sighting. Only a qualified biologist or botanist may verify the observation, and relocate the plant under the appropriate permit. Once the species of the plant has been verified and/or relocated, the biologist will issue the notice for construction to resume.

Chafin, Linda G., Jean C. Putnam-Hancock, and Gil Nelson 2000. "Beautiful Pawpaw." in *Field Guide to Rare Plants and Animals of Florida - online*. Tallahassee, FL: Florida Natural Area Inventory.

U.S. Fish and Wildlife Service 1997. "Beautiful Pawpaw." Pp. 4-951 - 4-963 in *Multi-Species Recovery Plan for South Florida*. Vero Beach, FL: South Florida Ecological Services Field Office.

US Fish and Wildlife
1339 20th Street
Vero Beach, Florida 32960
(772) 562-3909
LE office (239) 561-8144

Florida Fish and Wildlife Conservation Commission
29200 Tuckers Grade Rd.
Punta Gorda, Fl 33955
(863) 648-3203
1 (800) 282-8002
FWC Wildlife Alert (24 hours)
1(888) 404-3922

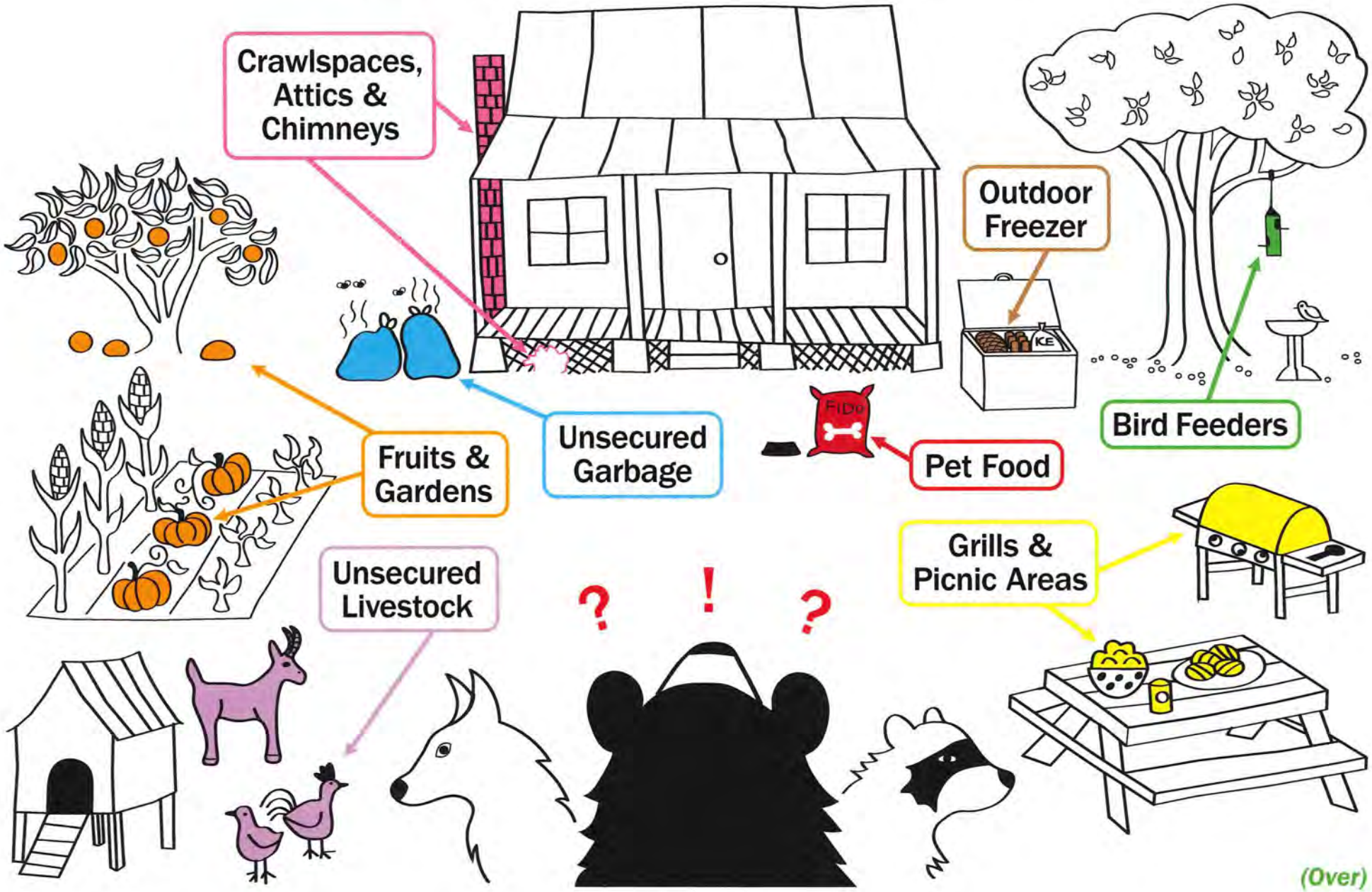
JOHNSON ENGINEERING

Johnson Engineering, Inc. Environmental Team
2122 Johnson Street
Fort Myers, Florida 33901
(239) 334-0046

Babcock Property Holdings, LLC
(941) 235-6900

How Wildlife Sees Your Backyard

Be Aware, Secure These Attractants!



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Keep People, Pets and Wildlife Safe. Secure Your Attractants!

If wildlife can easily find human-provided food on your property, they may lose their natural fear of people, which can lead to conflicts. Identifying and securing wildlife attractants makes your property safer for people, pets and wildlife.

1. Garbage

Wildlife is attracted to food smells in garbage. Use wildlife-resistant garbage cans or modify existing cans. Consider using garbage caddies. Or, keep garbage cans in a sturdy shed or garage until the morning of pickup.

2. Pet food

Feed pets indoors. If feeding pets outside or on a porch, remove the bowls after feeding.

3. Outdoor freezers & food storage

Food stored outdoors can be enticing for wildlife. Secure outdoor freezers or fridges in a closed garage or install locks.

4. Pets & livestock

Free-ranging pets and livestock can be an easy target for some wildlife. Keep livestock safe in a sturdy outbuilding, behind a secure fence, or with electric fencing. Supervise your pets while outdoors and use short leashes.

5. Crawlspaces, attics & chimneys

Wildlife may seek shelter in these spaces. Be sure to patch exterior holes, as small as ½ inch, or use mesh to prevent entry. But first, make sure all animals have left your building.

6. Bird feeders

Many animals feed at bird feeders. Even those that don't eat seeds are drawn by the concentration of prey. Bring in feeders at night, provide only enough seed that can be eaten in a day and keep the ground beneath feeders clean.

7. Grills, smokers & picnic tables

Food smells on outdoor grills and picnic areas can attract wildlife. Clean up these areas or bring your grill into a sturdy shed or closed garage when not in use.

8. Fruit-bearing trees & gardens

Fruit trees and vegetable gardens can also attract wildlife. Harvest ripe fruit and remove fallen fruit. Try motion-activated alarms or electric fencing to keep wildlife from eating your fruits and vegetables.

Visit MyFWC.com

A guide to living with **Urban Coyotes**

Florida Fish and Wildlife Conservation Commission
MyFWC.com

UF UNIVERSITY of FLORIDA
IFAS

Living with coyotes

Coyotes are found throughout Florida. This adaptable animal belongs to the dog family and resembles a small German shepherd. In Florida, coyotes typically weigh between 15-30 pounds. They have pointed ears, a narrow muzzle and a bushy tail. Males tend to be larger than females. Coyote fur is usually grayish-brown but occasionally is black. When running, the coyote usually holds its tail at "half mast" or straight out behind it, unlike most domestic dogs.

The scientific name of the coyote, *Canis latrans*, literally means "barking dog." Coyotes use a variety of vocalizations such as barking like dogs, but most often they are heard making shrill yips and howls. Howling is often a group effort that begins as a simple howl, but quickly increases into a series of group howls and high-pitched barks.

Coyotes typically are shy and elusive, but they occasionally can be spotted either alone, in pairs or in small groups where food is readily available. Coyotes remain active year round. Coyotes do play an important role in the ecosystem by helping to keep rodent populations under control.

Keep your pets safe

Coyotes can and do prey on domestic cats and small dogs. To protect your pets, don't allow them to roam freely. Most coyote attacks on pets occur either at night or at dusk or dawn. During these times especially, be careful if you're walking your pet in wooded areas or in heavily foliaged areas where coyotes could hide. Keep your dog close, on a short leash. Keep cats indoors. When cats wander freely, there's an increased risk of them being attacked by coyotes. Coyotes are also attracted by garbage. Problems can be significantly reduced if residents remove attractants and secure trash.

Preventing problems

NEVER feed coyotes! Don't place food outdoors that will attract wild animals. Clean up pet food, fallen fruit, and seed around bird feeders. Secure garbage cans and compost in animal-proof containers. Don't try to pet a coyote and teach children not to approach any unfamiliar animal.

Don't let coyotes intimidate you. Frighten away coyotes by making loud noises and acting aggressively, such as waving your arms in the air, throwing sticks at it or spraying it with a hose. Don't attempt to hurt it because injured animals are more likely to attack.

Be aware of unusual coyote behavior. Examples of unusual coyote behavior include coyotes approaching people, stalking pets, chasing joggers or bikers or attacking leashed pets.

Close off crawl spaces under porches and sheds. Coyotes and other animals use such areas for resting and raising young.

Teach children to recognize and not to run from coyotes. If children are approached, have them move slowly into a house or climb up on a swing, tree or deck and yell.

Educate your neighbors. Ask them to follow these same steps.

Co-existing with coyotes

Coyotes can be curious but are also timid and generally run away if challenged. Just remember that any wild animal will protect itself or its young. Never initiate a close encounter with a coyote.

If a coyote approaches too closely, immediately act aggressively toward the coyote. Wave your arms, throw things like stones and shout at the coyote. If necessary, make yourself appear larger by standing up or stepping onto a rock, stump or stair. Convince the coyote you are a potential danger to be avoided.

Where coyote encounters occur regularly, walk pets at other times besides nighttime hours, dusk and dawn. Carry something that will make noise or scare the animal, such as a small air horn, big water pistol, solid walking stick, golf club or paintball gun. These things may deter the coyote at close range. Make a "coyote shaker" by putting a few washers, pebbles or pennies into an empty soft drink can. Wrap the can in foil and tape closed. Continue "hazing" the coyote until the animal leaves; otherwise the coyote will learn to wait to leave until the activity stops.

Coyote pup

Coyote fast facts

Coyotes live throughout Florida and in every state but Hawaii.

They weigh 15-30 pounds. The males are slightly larger than the females.

Coyotes eat whatever is available, including fruits, nuts, seeds, dead animals, rodents, garbage, pet food, domestic cats and small dogs.

They breed every year with 2 to 12 pups per litter. Pups are raised in a den.

Removing coyotes from one area can result in other coyotes moving in from surrounding areas and producing more pups per litter.

Coyote tracks (left) are narrower and more elongated than dog tracks (right). F: Front track / H: Hind track

Myths about coyotes

Coyotes are extremely dangerous: FALSE! There have been very few reported cases of Eastern coyotes biting people. The coyote's innate fear of humans tends to keep them from getting too close.

Coyotes are a new problem: FALSE! Coyotes have been in Florida for many years and will continue to make their homes around the state. This medium-sized predator is extremely adaptable, thriving in urban, suburban and rural areas.

Coyotes need our help to survive: FALSE! People like to feed animals. However, by providing a "free lunch" for coyotes, you eliminate their natural fear of humans and increase their populations. Remember ... a fed coyote causes problems. Keep 'em wild!

Coyotes can be totally eliminated: FALSE! Removing coyotes is an inefficient and ineffective method to control populations. They compensate by increasing litter size and new coyotes move into areas where others have been removed. Populations can quickly return to original size.

If you are experiencing coyote problems, please contact FWC's Wildlife Alert at 888-404-3922 or your nearest FWC regional office:

Lakeland: 863-648-3200
Panama City: 850-265-3676
Lake City: 386-758-0525
Ocala: 352-732-1225
West Palm: 561-625-5122

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10/2012

Living with **Bobcats**

General information

Widely distributed throughout most of North America, the charismatic bobcat has adapted well to neighborhoods throughout Florida. In rural areas, bobcats are found in deep forest, swamps and hammock land. They den and rest in thick patches of saw palmetto and dense shrub. Bobcats weigh 12-28 pounds, have a short "bobbed" tail, and prey on small animals such as rabbits, rodents, birds and occasionally deer. Bobcats can be a positive addition to an area because they help control populations of other species that may be considered household or yard pests including rodents and rabbits. **Unless an animal is sick or injured, bobcats are generally elusive and not aggressive toward people.**

What can be done to prevent problems with bobcats?

- Secure all possible food sources, including pet food and garbage.
- Do not directly feed bobcats or other wildlife. Even if a bobcat is not eating the food you put out for birds or other wildlife, feeding stations can concentrate prey species and draw predators to your property.
- Haze any bobcat that is seen in a community or near homes or livestock. Yell, use air horns or throw rocks towards but not at the bobcat to discourage the animal from being in an unwelcome place.
- Properly pen small livestock such as chickens and quail in enclosures that cannot be accessed by bobcats or other predators. Completely enclosed pens are best, to prevent animals from jumping or digging their way into an enclosure.
- Do not leave small domestic pets outdoors or on screened enclosures unattended and always walk dogs on leashes so they cannot run off or out of sight.

Legal status

Bobcats are a native species with a legal hunting season in Florida (bobcat hunting regulations and season dates can be found on the FWC website at: MyFWC.com/hunting). A bobcat can be taken as a nuisance if it causes or is about to cause property damage, presents a threat to public safety, or causes an annoyance in, under, or upon a building. Euthanasia of any live captured bobcat is prohibited, they must be released per Florida Rule 68A-9.010, Taking Nuisance Wildlife.

FWC

FWC

See reverse side for additional information.

MyFWC.com

Legal options to take nuisance bobcats

Bobcats are beneficial because they control populations of rodents, rabbits and other small animals. It is best to prevent or solve problems with bobcats by removing attractants and deterring the animals from becoming comfortable around residences and domestic animals. Removing one or more bobcats does not prevent others from moving into or using the same areas in the future. However, if a bobcat is a nuisance the animal can be captured or killed using legal and humane methods.

- Nuisance bobcats can be shot on private property during daylight hours with landowner permission. Please check with the local sheriff or police department before discharging a weapon.
- Cage traps can be used for live-capture of bobcats.
- Snares can be used to capture bobcats that have a travel path or are digging under a fence. Remember: snares are not species-specific traps and the trapper is responsible for any animal caught in a snare.
- Padded jaw steel traps can only be used with an FWC issued Steel Trap Permit. These permits are normally issued for situations where there is significant livestock loss or property damage and other alternative options have been tried or are not feasible. Applicants need to apply at the appropriate FWC regional office for this permit.

Please note: All traps must be checked at least once every 24 hours. Captured non-target species should be released on site and all live-captured bobcats must be released alive, either at the capture site or on a property in the same county of capture that is 40 acres or larger. Written permission from the landowner must be obtained prior to release.

If you have further questions or need more help, call your regional Florida Fish and Wildlife Conservation Commission office:

☆ MAIN HEADQUARTERS

Florida Fish and Wildlife
Conservation Commission
Farris Bryant Building
620 S. Meridian St.
Tallahassee, FL 32399-1600
850-488-4676

● REGIONAL OFFICES

Northwest Region
3911 Highway 2321
Panama City, FL 32409-1659
850-265-3676

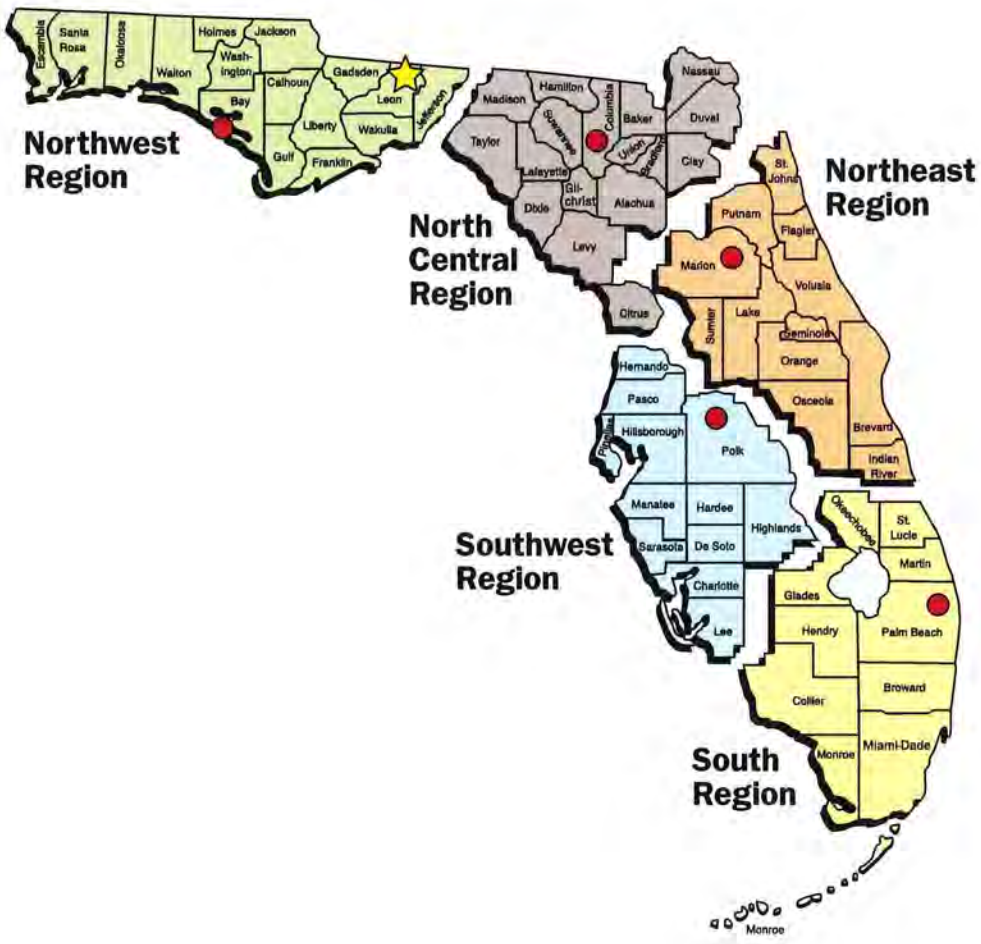
North Central Region
3377 East U.S. Highway 90
Lake City, FL 32055-8795
386-758-0525

Northeast Region
1239 S.W. 10th Street
Ocala, FL 3441-0323
352-732-1225

Southwest Region
3900 Drane Field Road
Lakeland, FL 33811-1299
863-648-3200

South Region
8535 Northlake Boulevard
West Palm Beach, FL 33412
561-625-5122

Florida Fish and Wildlife Conservation Commission Regional Offices



rmese python fast facts

an grow up to eet in length.

verage size removed in Florida: 8-10 feet.

ative to South Asia.

cool months, active during the day.

warm months, seen at night on roads.

emales lay about 50-100 eggs per year.

an live more than 20 years in captivity.

kin pattern provides effective camouflage landscape, making snakes difficult to see the wild.

mbush predators that prey on birds, ammals and reptiles.

Florida they can no longer be acquired as ersonal pets.

ederal law prohibits import into the country ithout a federal permit.

David Bingham, FWC

cer Dave Weis with Burmese python caught off Alligator Alley.

If you see a python:

1. **Take a picture**
2. **Note the location**
3. **Report the sighting**

In addition to Burmese pythons, the FWC would like reports of other nonnative species in Florida.

How to report a sighting:

1. **Call the Exotic Species Hotline**
   888-Ive-Got1 (888-483-4681)
2. **Report online IveGot1.org**
3. **Download the IveGot1 app**
   Free for smart phones and tablet

   If you live near affected areas, you can make your yard less attractive to Burmese pythons by removing excess debris and maintaining landscaping.

Kevin Enge, FWC

Burmese pythons can hide in overgrown vegetation.

In Florida, it is illegal to release nonnative animals into the wild!

Follow us on:

YouTube flickr

Burmese Python

in Florida

Pat Lynch,

Help Stop the Sprea of an Invasive Snake

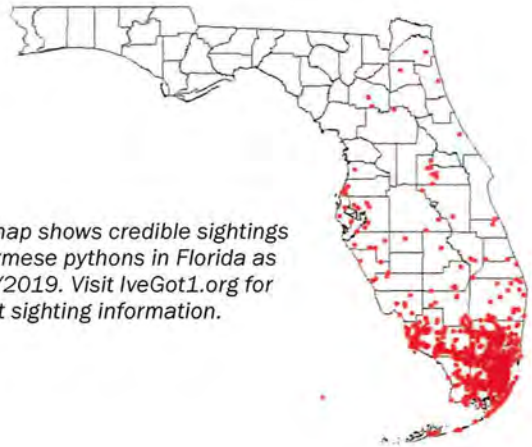
Florida Fish and W
Conservation Com

Donovan, FWC

ıat is a Burmese python?

Burmese python is a large, nonvenomous
strictor snake that has been introduced to
da. These snakes represent a threat to the
system, including native wildlife. Burmese
ons can reproduce in great numbers and
a wide variety of food items ranging from
s to small deer. It is believed that Burmese
on populations were founded by escaped
eleased snakes, as early as the 1980s. The
nese python is native to India, lower China,
Malay Peninsula and some islands of the
Indies.

Florida Fish and Wildlife Conservation
ımission (FWC) has documented breeding
ulations of Burmese pythons in Miami-Dade,
roe and Collier counties, mainly within and
nd the Florida Everglades. However, there
been reports of these snakes in other
da counties.



s map shows credible sightings
Burmese pythons in Florida as
0/2019. Visit IveGot1.org for
ent sighting information.

python

Burmese pythons are tar color with dark "giraffe" blotches on the back and sides that are irregularly shaped and fit together like puzzle pieces. Burmese pythons have a dark arrowhead shape on top of their head and a dark wedge behind the eye. Native snakes are important to the ecosystem and should be left unmolested if seen in the wild.

Some common native snakes that are confused with Burmese pythons:

Corn snake

© Edward Mercer

Brown water snake

What you can do

The FWC works with other agencies and organizations to remove Burmese pythons and contain the spread of the species. The FWC al asks people to report sightings to the Exotic Species Hotline at 888-IveGot1 (888-483-48 or online at IveGot1.org. The FWC will work to coordinate the removal of verified pythons. Ple report sightings immediately, response time is vital for responders to locate the snake. Repo will also help experts better manage and track the distribution of the species. Citizens can al help be a part of the Burmese python solution through Python Patrol, the Python Action Team or by hunting pythons. To learn how you can ge involved, visit MyFWC.com/Python.

Be aware

While the overall threat to people from Burmes pythons is small, the general public should exercise caution handling and/or hunting this snake because of its strength and size.

Attacks on domestic pets are also rare. Howe like any wild animal, a python is likely to defen itself if aggravated or threatened. People living close to natural areas need to be aware of wil and exercise caution and common sense.

Invasive cane toads (*Rhinella marina*) are a no
species that can be deadly to curious pe

oisonous Problem

r pet bites or swallows a cane
hey can become sick and die in
e as 15 minutes without proper
ent. These toads release a milky
that sticks in your pet's mouth.
oms may include frantic or
ented behavior, brick red gums,
es, and foaming at the mouth.

Treatmen

1. Wash toxins forward ou
mouth using a hose for
minutes being careful n
direct water down the
2. Wipe gums/tongue wit
dish towel to remove to
3. Get your pet to the vet!

vention: Better than Treatment

counters happen in backyards. These practices can help keep your pet safer.

Trim: Keep grass short so you can spot cane toads. Bring underside of s
round to eliminate hiding places for these toxic toads.

gu fast fa'ts

Tegus are native to South America.

The tegu's diet includes fruits, vegetables, eggs, insects, cat or dog food, and small animals such as lizards and rodents.

Like many reptiles, tegus are most active during the daytime.

The tegu is a large species of lizard and can grow up to 4 feet in length.

In a burrow, a tegu can survive temperatures as low as 35°F (1.6°C).

Tegus spend the colder months of the year in a burrow or under artificial cover.

On average, a mature female tegu will lay around 35 eggs a year.

In Florida, tegu eggs hatch early in the summer.

Anything that attracts dogs, cats, or raccoons can attract a tegu!

ling tegus have a green coloration on their head which usually within the first few months of their life. Photo by Dustin Smith, i-Dade Parks, Recreation and Open Spaces.

w us on:

printed on recycled paper

08/2012

Local populations of ·ding tegus are now known to exist in three Florida counties: Miami-Dade, Hillsborough, and Polk. Monitoring these populations and stopping the spread of this species is vital to maintaining Florida's native wildlife. Scientists are concerned that tegus will compete with and prey upon Florida's native wildlife, including some threatened species.

This map shows credible sightings of Argentine black and white tegus in Florida.

Be part of the solution!

- Don't leave pet food outside.
- Cover outdoor openings and clear your yard of debris to minimize hiding and burrowing areas.
- **Report all tegu sightings** to the exotic species hotline at 1-888-IveGot1 or online at *Ivegot1.org*.
- **Don't release exotic animals** into the Florida ecosystem. It's illegal and can be harmful to native wildlife.
- **Be a responsible pet owner.** Take the time to learn about an animal before you take one as a pet.

Tegus in Florida

Dennis Giardina

How You Can Help Stop The Spread Of An Invasive Lizar

Florida Fish and Wildlife Conservation Commission
MyFWC.com

ıat is a teg?

e Argentine ack and
ite tegu, *Tupinambis*
rianae, is an exotic
ırd that has been
roduced to
rida.

us are an invasive species which reproduces
kly and eats a wide variety of food
ıs, including small animals and eggs
ıany wildlife species. Tegus are now
wn to have breeding populations in
mi-Dade, Polk, and Hillsborough
ıties. It is believed the populations were
ıded by escaped or released pets. The
k and white tegu is native to South
erica, specifically to Brazil, Paraguay,
guay, and Argentina.

us are black and white in color with
ding along the tail. They can reach up
ur feet in length. The lizards spend
t of their time on land, though they can
n and may submerge themselves for long
ods of time. Tegus can often be seen on
lsides or other disturbed areas. Like
ıy reptiles, they are primarily active
ing the day and will burrow or hide
night.

The Florida Fish and Wildlife Conservation Commission (FWC) is currently working with other agencies and organizations to assess the threat of this species and develop management strategies. One strategy being used by FWC, the University of Florida, Miami-Dade County, and USGS is targeted trapping and removal. The goal of these partnerships is to minimize the impact of tegus on native wildlife and natural areas.

Dustin Smith, Miami-Dade Parks, Recreation and Open Spaces

What to do if yo ee a teg

1. **Take a picture**
2. **Note the location**
3. **Report the sighting**

Reporting your sighting will help wildlife managers better understand where the animals are found. Sightings can be reported over the phone to our exotic speci reporting hotline at **1-888-Ive-Got1 (1-888-483-4681)** or online at **Ivegot1.o** A phone app for reporting exotics is also available; search for the free IveGot1 app

Tony Pernas, National Park S

The FWC does not recommend that y attempt to capture the animal! While tegu is not likely to be innately aggressiv it will defend itself if aggravated or threaten Tegus have sharp teeth, strong jaws, and sharp claws which they will use to defen themselves. The best method for removi tegus is by trapping.

If you see a tegu on your property you ca contact a local wildlife trapper to remove the animal. A list of trappers in your cou can be found at myFWC.com. Tegus are protected by any of Florida's wildlife law but local ordinances will apply dependin on the location.

Burmese Pythons

Burmese pythons were likely established in Everglades National Park by the mid-1980s, and their population has since expanded into many of South Florida's natural areas.

Pythons are incredibly hard to find, creating a significant challenge for control.

Burmese pythons eat a variety of prey including birds, mammals and even reptiles including alligators.

Sailfin Catfish

These invasive catfish disrupt aquatic food chains and are known to degrade bodies of water through burrowing and tunneling.

sive species is the most cost-effective approach to eliminating
ntion efforts cannot stop all invasive species. Early detection
e against the establishment of invasive animals. Once invasive

Tegus are known egg-eaters and have consur
alligator eggs, gopher tortoise hatchlings and
pose significant risk to ground nesting birds,
turtles or endangered American crocodiles. Te
can grow over four feet, lay an average of 2
eggs per year and can burrow underground
avoid freezing temperatures.

Nile Monitor Lizards

Nile monitors may impact state- and federally-listed species including sea turtles wading birds and the American crocodile. Ni monitors have also attacked small pets and livestock.

Invasives

There are at least **139** established nonnative fish and wildlife species in the Sunshine State. In fact, Florida has more nonnative species of reptiles and amphibians living and breeding in the wild than anywhere else in the world. Invasive wildlife can negatively impact an area's ecology, cause economic harm and/or threaten human health and safety.

How to help:

Report observations of invasive wildlife to the Exotic Species Hotline (888-IVEGOT1), www.Ivegot1.org or using the IveGot1 smart

Don't Let It Loose!

It is illegal to release nonnative species in Florida.

BABCOCK RANCH COMMUNITY

Listed Species Management Plans
&
Human-Wildlife Coexistence Plan

Appendix C

Representative Educational Signage within the BRC

Appendix C – Representative Wildlife / Educational Community Signage

Representative Photo of Alligator Signage

Representative Photo of Turtle Crossing Signage

Appendix C – Representative Wildlife / Educational Community Signage

Representative Preserve Sign at the Preserve/Development Interface

Representative Educational Signage at a Trail Head

Representative Wildlife Educational Signage along Trails

Representative Educational Signage about the Habitat along the Trails

Department of Historic Preservation Letter

FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406

August 12, 2020

RE: DHR Project File No.: 2020-3050-B; Additional Information Received by DHR: July 9, 2020
Application No.: 200526-3536
Project: *Babcock Ranch - East of Curry; Tracts C, D, E, F, G, H*
County: Charlotte; Lee

To Whom It May Concern:

Our office reviewed the referenced project in accordance with Chapters 267.061 and 373.414, *Florida Statutes*, and implementing state regulations, for possible effects on historic properties listed, or eligible for listing, in the National Register of Historic Places, or otherwise of historical, architectural or archaeological value.

Thank you for providing our office with additional information regarding Mitigation Areas A-K. It is our understanding that some areas within Mitigation Areas A-K will be removed from preserved areas and will be subject to development activities. Based on our review of the previous cultural resource assessment survey, these mitigation areas were sufficiently addressed as part of the overall survey. Therefore, at this time our office does not recommend further archaeological survey and it is our opinion that the proposed changes to the development plan will have no effect to historic properties listed, or eligible for listing, in the National Register of Historic Places.

If you have any questions, please contact me by email at *Jason.Aldridge@dos.myflorida.com* or by telephone at 850-245-6344.

Sincerely,

Jason Aldridge
Deputy State Historic Preservation Officer
for Compliance and Review

Public Facilities Impact Analysis & Map

Babcock Comprehensive Plan Amendment

Infrastructure Analysis

I. Sanitary Sewer

Existing Future Land Use – New Community North Olga

- 1,630 single family @ 200 GPD = 326,000 GPD
- 870,000 sq. ft retail @ 0.1 GPD/1 sq. ft. = 87,000 GPD
- 300,000 sq. ft. office @ 15 GPD/100 sq. ft. = 45,000 GPD
- 600 hotel rooms @ 100 GPD = 6,000 GPD

Total Existing Demand: 464,000 GPD

Proposed Land Use – North Olga Environmental Enhancement Overlay

- 1,630 single family @ 175 GPD = 285,250 GPD
- 870,000 sq. ft retail @ 0.2 GPD/1 sq. ft. = 174,000 GPD
- 300,000 sq. ft. office @ 0.2 GPD/1 sq. ft = 60,000 GPD
- 600 hotel rooms @ 0.4 GPD/1 sq. ft. (@ 600 sq. ft/room) = 144,000 GPD
- 360 multifamily @ 175 GPD = 63,000 GPD
- 350 ALF Units @ 200 GPD = 72,000 GPD

Total Proposed Demand: 798,250 GPD X 90% = 718,425 GPD

The proposed comprehensive plan amendment results in an increased sanitary sewer demand of 254,425 GPD.

The Property is located in the Babcock Ranch Community Independent Special District, and will be provided sanitary sewer services by MSKP Town & Country Utility, LLC. Please refer to the enclosed availability letter confirming availability and capacity from this entity.

II. Potable Water

Existing Future Land Use – New Community North Olga

- 1,630 single family @ 250 GPD = 407,500 GPD
- 870,000 sq. ft retail @ 0.1 GPD/1 sq. ft. = 87,000 GPD
- 300,000 sq. ft. office @ 15 GPD/100 sq. ft. = 45,000 GPD
- 600 hotel rooms @ 100 GPD = 6,000 GPD

Total Existing Demand: 545,500 GPD

Proposed Land Use – North Olga Environmental Enhancement Overlay

- 1,630 single family @ 175 GPD = 285,250 GPD
- 870,000 sq. ft retail @ 0.2 GPD/1 sq. ft. = 174,000 GPD
- 300,000 sq. ft. office @ 0.2 GPD/1 sq. ft = 60,000 GPD
- 600 hotel rooms @ 0.4 GPD/1 sq. ft. (@ 600 sq. ft/room) = 144,000 GPD
- 360 multifamily @ 175 GPD = 63,000 GPD
- 350 ALF Units @ 200 GPD = 72,000 GPD

Total Proposed Demand: 798,250 GPD

The proposed comprehensive plan amendment results in an increased potable water demand of 252,750 GPD.

The Property is located in the Babcock Ranch Community Independent Special District, and will be provided potable water services by MSKP Town & Country Utilities. Please refer to the enclosed availability letter confirming availability and capacity from this agency.

III. Surface Water Management

The Property is located within the Caloosahatchee Watershed and Drainage Basin.

LOS Standard = 25 year, 3-day storm event of 24 hours' duration.

The Applicant has obtained an Environmental Resource Permit (ERP) from the South Florida Water Management District (SFWMD) and is deemed concurrent based upon this approval.

IV. Public Schools – East Zone

The Property is located in the East Zone. According to the 2022 Concurrency Report, projected capacity for elementary, middle and high schools in the East zone for the 2022-23 school year as follows:

School Type	Capacity
Elementary Schools	-371
Middle Schools	-694
High Schools	552
Total	**-513**

Lee Plan Policies 68.1.1 and 95.1.3 establish an LOS standard for schools of "100% of Permanent FISH Capacity" for Elementary Schools, Middle Schools, High Schools, and Special Purpose Facilities.

The proposed demand for seats is calculated 0.297 students per single family dwelling unit, which results in the following demand for each school type as follows:

School Type	Students per Single-Family Dwelling	Students per Multifamily Dwelling	Total Demand (Seats)
Elementary	0.149	0.058	262
Middle School	0.071	0.028	125
High School	0.077	0.03	135
Total			**522**

Several construction projects in the next five years will ensure available seat capacity is met. Additionally, the 2022 Concurrency Report notes that contiguous districts may provide capacity when capacity in the project's District is not available.

Programmed Improvements/Expansions

Two facilities are programmed to be opened in the East Zone. The 2022 Concurrency Report estimates that the completion of Elementary School "J," and the expansion of Lehigh Acres Middle School will provide additional seats for the 2023-24 school year.

Letter of Availability

The provided Letter of Availability from The School District of Lee County outlines a capacity issue within the Concurrency Service Area (CSA) at the elementary school level, but states that capacity is available in the adjacent CSA. Adequate capacity is available at the middle school and high school levels. Please see the enclosed letter confirming availability.

V. Parks, Recreation, and Open Space

Objectives 83.1 and 84.1 and Policy 95.1.3 establish a non-regulatory LOS standard for Community Parks and Regional Parks as follows:

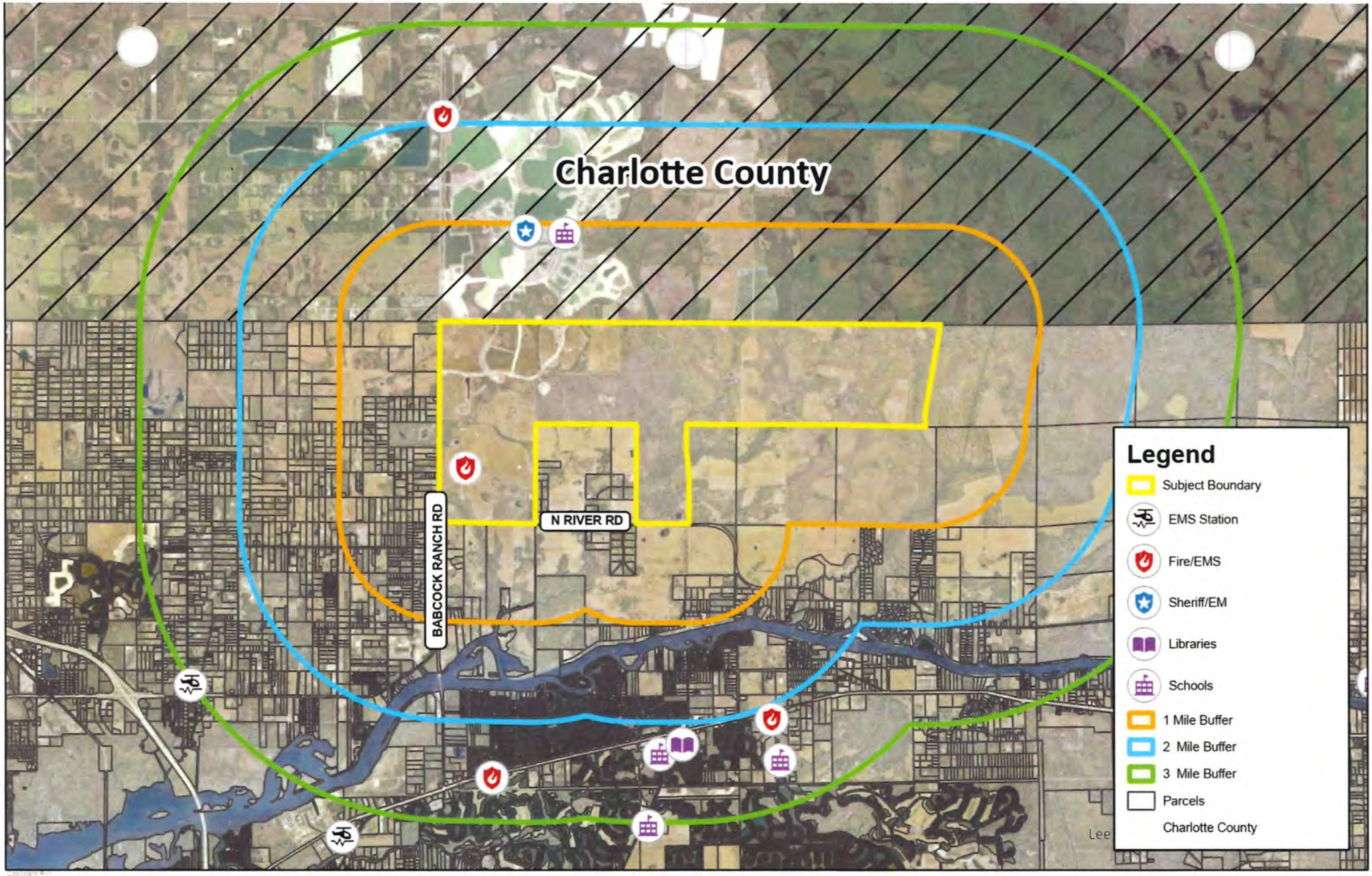
> *"(a) Regional Parks - 6 acres of developed regional park land open for public use per 1000 total seasonal County population for all of Lee County.*
>
> *(b) Community Parks - 0.8 acres of developed community park land open for public use per 1,000 unincorporated Lee County permanent population."*

The 2022 Concurrency Report indicates the following required and available capacities needed to meet these LOS standards:

Type	Required Capacity	Available Capacity

Regional Parks	5,538 acres	7,066 acres
Community Parks	295 acres	832 acres

As a result, there is adequate acreage to accommodate the additional proposed development of 306 multifamily units and 88 ALF units.



RVi
10150 Highland Manor Dr
Suite 450
Tampa, FL 33610
Tel. 813.443.8282
www.rviplanning.com

BABCOCK RANCH AMENDMENT • **INFRASTRUCTURE MAP**

Lee County, FL

10/25/2023

23004379

Babcock Property Holdings, LLC

0 4,000 8,00

Fee

Letters of Availability

Carmine Marceno
Sheriff

State of Florida
County of Lee

"Proud to Serve"

November 28, 2023

Tom Sacharski
RVi Planning + Landscape Architecture
8725 Pendery Place, Suite 101
Bradenton, FL 34201

Mr. Sacharski,

The Lee County Sheriff's Office reviewed your Comprehensive Plan Amendment and Master Planned Development Amendment application request for a 4,157 +/- acre property located at the corner of State Road 31 and River Road in incorporated Lee County.

The proposed Comprehensive Plan Text Amendment and Small-Scale Map Amendment for this property would increase the density from 1,630 to 2,078 units and decrease the number of permitted hotel units from 600 to 250 hotel rooms. The proposed Map Amendment would also expand the Wetland Future Land Use category within the property boundary. The project's anticipated buildout is 2026.

This Agency evaluated your service availability 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 North District offices in North Fort Myers. As this development builds out, we will factor its impact into our annual manpower review and make adjustments accordingly.

At the time of application for 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,

94094

Chris Reeves
Major, Patrol Bureau

BABCOCK RANCH
COMMUNITY INDEPENDENT
SPECIAL DISTRICT

No .ıber 30, 2023

RVi Planning & Landscape Architecture

Email: tsacharski@rviplanning.com

RE: Babcock Ranch Community Independent Special District ("District") Sewage Disposal Availability/Water Availability/Reclaimed Water Availability - Status Letter

Project Name: Babcock Ranch - Lee County Amendment

Availability No: LOAW23-00015

Dear :

Thank you for your inquiry regarding the availability of potable water, sanitary sewer and reclaimed water (WS&R) service. The eight-digit availability number referenced in this letter will be the number the District uses to track your Project. Please reference this number when making inquiries and submitting related documents. This availability letter will expire one (1) year from the date above.

ite Improvements:

For all utilities located in the District Right of Way or utility easement, the new WS&R utilities shall be dedicated to MSKP Town and County Utility, LLC and Babcock Ranch Irrigation, LLC upon completion and final inspection, unless otherwise noted. It shall be the applicant's responsibility to engage the services of a professional engineer, licensed in the State of Florida. All WS&R construction and dedication shall conform to the District's Babcock Ranch Water Utilities Policies Manual, as may be amended ("Policies"), and the current District's Design and Specifications Manual, Volumes 1, 2 and 3 as may be amended ("Design Manual"), in effect at the commencement of construction.

Reservation of Capacity:

This availability response does not represent District's commitment for or reservation of WS&R capacity. In accordance with District's Policies, commitment to serve is made only upon District's approval of your application for service and receipt of your payment of all applicable fees.

A detailed overview of the process can be found in the Policies.

Sincerely,

William Vander May, Chairman

Cc: Craig Wrathell, District Manager
Jon Meyer, BRWU Utility Director
John Broderick, District Construction Manager

PERSONAL | PASSIONATE |

THE SCHOOL DISTRICT OF LEE COUNTY

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

December 12 ,2023

Tom Sacharski, AICP
RVI Planning + Landscape Architecture
8725 Pendery Place, Suite 101
Bradenton, FL 34201

RE: Babcock Ranch

Dear Mr. Tom,

This letter is in response to your request for concurrency review originally dated November 28, 2023, for the subject property captioned above and within, in regard to student capacity impact.

This development is a request for up to 360 multi-family housing units. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For multi-family homes, the generation rate is .116 and further broken down by grade level into the following, 0.058 for elementary, 0.028 for middle and 0.03 for high. An approximate 41.76 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

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

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

Sincerely,
Jacqueline Heredia
Jacqueline Heredia
District Planning Specialist

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY	Lee County School District
NAME/CASE NUMBER	S.R 31 And River Road
OWNER/AGENT	RVI Planning + Landscape Architecture
ITEM DESCRIPTION	Babcock Rd & US 41
LOCATION	Babcock Ranch
ACRES	60.00
CURRENT FLU	Urban
CURRENT ZONING	

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
0	360	0

	Student Generation Rates			
STUDENT GENERATION	**SF**	**MF**	**MH**	**Projected Students**
Elementary School	0.149	0.058		20.88
Middle School	0.071	0.028		10.08
High School	0.077	0.03		10.80

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	21	187	99%	
South CSA, Middle	7,293	6,912	381	10	371	95%	
South CSA, High	9,536	8,492	1,044	11	1033	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, District Planning Specialist

From: Abes, Benjamin
To: Tom Sacharski; Alexis Crespo
Subject: Re: Letter of Availability
Date: Sunday, February 4, 2024 6:46:36 PM
Attachments: image001.jpg
Outlook-dzbqsw0y

Tom,

I'm sorry for the delay in getting back to you. I know your application is with DCD now.

We met with representatives from Babcock in January and I was able to get my questions answered about the changes they are proposing.

We did not issue a Letter of Service Availability because the previous agreement stipulated certain terms and conditions. I will let DCD know that we do not have any new objections and will hold steady with the stipulations in the existing agreement for EMS coverage.

Thank you again for your patience.

Ben

Benjamin Abes | Director
Public Safety
office: (239) 533-3911
email: benjamin.abes@leegov.com

From: Tom Sacharski <tsacharski@rviplanning.com>
Sent: Thursday, December 7, 2023 1:50 PM
To: Abes, Benjamin <Benjamin.Abes@leegov.com>
Subject: RE: Letter of Availability

Please see attached – let me know if you have any questions.

This is the updated MCP, similar to what was approved in the past.

Tom Sacharski, AICP
Planning Project Manager

BAYSHORE FIRE PROTECTION AND RESCUE SERVICE DISTRICT

17350 Nalle Road, North Fort Myers, Florida 33917

Business: 239-543-3443 Fax: 239-543-7075

"Serving With Pride"

February 9th , 2023

Tom Sacharski, AICP
Planning Project Manager
RVi Planning + Landscape Architecture
8725 Pendery Place, Suite 101 • Bradenton, FL 34201

RE: Babcock Ranch – Lee Plan Amendment
Letter of Service Availability

Mr. Sacharski,

Bayshore Fire Protection and Rescue Service District (The District) is in receipt of your request for a letter of availability concerning the above referenced project. The District is aware, that the amendment is proposing to increase the density from 1,630 to 2,078 units, and decrease the number of permitted hotel units from 600 to 250 hotel rooms, with no proposed change to the approved 1.2 million square feet of commercial. The District provides fire and rescue services to the subject property, and can provide services to the proposed development. This is based on the understand that the District, and Lee County EMS will be building a Fire/EMS facility, and providing services on land donated by Babcock within the development.

Let me know if you have questions.

Sincerely,

William Underwood
Fire Chief
Bayshore Fire Rescue

WASTE PRO
Caring For Our Communities

February 21, 2024

Tom Sacharski, AICP
RVi Planning + Landscape Architecture
8725 Pendery Place, Suite 101
Bradenton, FL 34201

Mr. Sacharski,

Waste Pro of Florida has reviewed your Comprehensive Plan Amendment and Mixed-Use Planned Development Amendment application requests for the +/-4,157-acre property located at the corner of State Road 31 and River Road in unincorporated Lee County.

The proposed amendments for this property would increase the total number of dwelling units from 1,630 to 2, 078 dwelling units and decrease the number of permitted hotel units from 600 to 250 rooms while expanding preservation lands. The project's anticipated buildout is 2026.

This agency evaluated your service availability request solely on its ability to provide solid waste service to the development. Based on that criterion, we do not object to the proposed amendments and future development.

Sincerely,

Billy R Jones

Bill Jones
Division Vice President
Waste Pro of Florida

Traffic Circulation Analysis

BABCOCK MPD

COMPREHENSIVE PLAN AMENDMENT TRAFFIC STUDY

February 21, 2024

dpa
Since 1978

Prepared By:
David Plummer & Associates

Prepared For:
Kitson & Partners

Date Prepared:
December 21, 2023
Revised – February 21, 2024

DPA Job #:
23521

BABCOCK MPD
COMPREHENSIVE PLAN AMENDMENT
TRAFFIC STUDY

Introduction

The Babcock Ranch holdings encompass +/- 4,157 acres in northeast Lee County, Florida and within the North Olga Community Planning Area (Exhibit 1). The subject property is primarily bounded by the Charlotte County Line to the north, North River Road (CR 78) to the south and SR 31 to the west.

A comprehensive plan amendment (CPA) is proposed to amend Policy 1.1.15 relating to the New Community Future Land Use Category and Objective 29.9 relating to New Community North Olga. This CPA amendment proposes an addition of 360 multi-family residential dwelling units and 350 assisted living facility beds, for a total of 2,078 units using the County's density conversion in LDC section 34-1494. Additionally, the total number of hotel rooms will be reduced by 350 for a total of 250 hotel rooms. The amendment does not propose to increase the non-residential intensity of 1,170,000 SF. However, the traffic study reflects the entirety of this square footage as commercial retail to reflect "worst case scenario". 24,000 square feet of library use will be included in this proposed amendment and reflected as amenities in this traffic study.

The proposed map amendment will increase the wetlands reflected on the Future Land Use (FLU) Map from ±608-acres to ±615-acres, thereby decreasing overall development acreage. An amendment to the Mixed-Use Planned Development (MPD) approval per Resolution Z-17-026 is being filed concurrently with this petition.

Revised Traffic Study

This CPA traffic study has been revised to address sufficiency comments left by Lee County Staff. Responses to the sufficiency comments can be seen in Appendix F.

Summary of Results

The results of the Long Range 20-Year Horizon analysis are as follows.

1. The proposed Babcock MPD CPA does not cause additional transportation needs beyond those already identified by the following:
    - The 2045 improvement needs without the proposed CPA as established by this traffic study.
    - The 2045 improvement needs identified in the current 2045 Lee County MPO Long-Range Transportation Plan.

- The 2050 improvement needs identified in the current 2050 Charlotte County – Punta Gorda MPO Long-Range Transportation Plan.

2. The SR 31 corridor has been extensively studied since 2005 inclusive of the following:
   - FDOT SR 31 PD&E Study (from SR 78 to Cook Brown Road) was completed in 2021 and established the ultimate improvements needed by 2045. First phase of construction begins in mid 2024.
   - FDOT SR 31 PD&E Study (from SR 78 to SR 80) is underway to establish the ultimate improvements needed by 2045.
   - FDOT SR 78 PD&E Study (from SR 31 to I-75) is underway to establish the ultimate improvements needed by 2045

CPA Traffic Study

Consistent with Lee County's Application for a Comprehensive Plan Amendment (Appendix A), this CPA traffic study provides a Long Range (20-year) Horizon analysis. Consistent with the Lee County's non-regulatory transportation concurrency policies, the CPA 5-year analysis is provided to determine the actual transportation impacts of the Babcock MPD can be tracked for the first 5 years of development.

The Long-Range 20-year Horizon analysis provides a comparison of future road segment traffic conditions in Year 2045 on the Lee County MPO's 2045 Highway Cost Feasible Plan network both "without" and "with" the proposed CPA. It has been established that the subject property would allow 1,630 residential units, 1,170,000 sq. ft. of commercial (retail + office), and 600 hotels rooms under the current land use designation. This represents the Future "approved" CPA scenario.

The outcome of the traffic study identifies the future needs of the Lee County Metropolitan Planning Organization (MPO) Transportation Plan. The MPO Plan is a long-term outlook for the purposes of identifying potential needs and funding sources to achieve that plan. When those needs are closer to reality, the MPO would then prioritize the needs along with the timing of the improvements to be included as part of the Cost Feasible Plan and Capital Improvement Plan.

The currently adopted 2045 MPO Needs Plan Projects for Lee County and Charlotte County are included as part of Appendix A.

Transportation Methodology

The resultant traffic study has been prepared consistent with the original discussions and understanding of the proposed methodology between Staff and Applicant. The key CPA methodology assumptions are as follows.

- Year 2045 represents the Long Range – 20-year Horizon analysis
- The FDOT D1RPM travel model will be utilized
- Study area will be expanded beyond the 3-mile radius
- Generalized Service Volumes will apply
- Detail arterial analysis will not be accepted by Lee County
- Short Range – 5-year CIP Horizon analysis

Study Area

In accordance with Lee County's Application for a Comprehensive Plan Amendment, the study should include a review of projected roadway conditions within a 3-mile radius of the site. As a result of the original methodology agreement, the study area has been extended to areas greater than the required 3-mile radius. At the request of FDOT, the analysis includes I-75 and SR 31 in Charlotte County. Additionally, segments studied for the Incremental DRI analysis have been included in this CPA study.

CPA Development Parameters

The proposed project is anticipated to be build-out in Year 2030. The CPA horizon year for this study, however, is Year 2045 to coincide with the adopted Lee County MPO 2045 Transportation Plan.

The development program for purposes of the CPA is summarized as follows. For comparison, the entitled and proposed parameters are provided.

MPD CPA
Development Program

Land Use Type	Unit	Size		
		Entitled (1)	Proposed (2)	Difference
Single-Family	d.u.	980	1,630	+ 650
Multifamily	d.u.	650	360	-290
Hotel	rooms	600 (3)	250 (3)	-350
Retail/Entertainment	sq. ft.	870,000	1,170,000	+ 300,000
Office	sq. ft.	300,000	0	-300,000
Assisted Live Facility (AFL)	beds	0	350	+350
Chruch	sq. ft.	0	24,000	+24,000
Community Park	acres	48	48	+0

Footnotes:
(1) Current DR/GR and Rural Lands designations.
(2) Proposed CPA Overlay.
(3) Equivalent to 600 sq. ft. per hotel room.
(4) Equivalent to 500 sq. ft. per ALF bed.

Babcock Non-Residential Development Program				
Land Use Type	Unit	Size		
		CPA [1]	DRI [2]	Babcock Total [3]
Hotel	sq. ft.	150,000	360,000	510,000
Industrial	sq. ft.	0	650,000	650,000
Retail/Entertainment	sq. ft.	1,170,000	1,400,000	2,570,000
Office [3]	sq. ft.	0	3,025,500	3,025,500
Hospital	sq. ft.	0	265,500	265,500
ALF	sq. ft.	175,000	209,000	384,000
Total	sq. ft.	1,495,000	5,910,000 [4]	7,405,000

Footnotes:
(1) Proposed Lee County CPA Overlay.
(2) Charlotte County BRC DRI.
(3) Excludes education, recreation, community and ancillary uses.
(4) BRC MDO - Development of the subject property shall not exceed 6,000,000 square feet of non-residential uses.

MPO Travel Model

The FDOT – District 1 Regional Planning Model (D1RPM_v2.1_InterimUpdate) was utilized to project future traffic volumes. The version, v2.1_InterimUpdate, is the latest adopted D1RPM, which was adopted June 19, 2023.

Background Development Adjustments

Within close proximity to the MPD, the approved Babcock Ranch Community DRI located in Charlotte County to the north, the travel model parameters reflective of this DRI were reviewed for reasonableness. Based on the daily external trips produced by the DRI TAZ (TAZ 4598), the TAZ parameters are considered reasonable for this CPA analysis.

Additionally, the recently approved Greenwell property was added to the 2045 CF network. The Greenwell property's allowable residential and commercial densities have been increased, which will impact the surrounding roadway network adjacent to the MPD, so a TAZ (TAZ 4492) was added to the D1RPM travel model.

Socio-Economic Data

The approved CPA scenario reflected the following socio-economic parameters in the travel model. Worksheets were used to develop the input data for the analysis scenarios are provided in Appendix B.

D1RPM Travel Model Approved CPA Development Parameters Summary	
Year 2045 Socio-Economic Data	**TAZ 4305 (1)**
Single Family Units	980
Multifamily Units	650
Industrial Employees	0
Commercial Employees	2,175
Service Employees	1,886
Total Employees	4,061
Hotels	600
School/University Students	0

Footnote:
(1) Existing entitlements

The proposed CPA scenario reflected the following socio-economic parameters in the travel model. Worksheets were used to develop the input data for the analysis scenarios are provided in Appendix B.

D1RPM Travel Model Proposed CPA Development Parameters Summary	
Year 2045 Socio-Economic Data	**TAZ 4305 (1)**
Single Family Units	1,630
Multifamily Units	360
Industrial Employees	0
Commercial Employees	2,925
Service Employees	489
Total Employees	3,414
Hotels	250
School/University Students	0

Footnote:
(1) Proposed entitlements

Trip Generation

For purposes of the CPA, the D1RPM_v2.1_InterimUpdate travel model was relied on to estimate the trip generation of the proposed overlay, consistent with the MPO Transportation Plan and Lee County CPA process. The resultant trip generation is explained in the following.

Long Range 20-Year Horizon (2045) Analysis

The travel model was used to project future 2045 traffic conditions both without and with the proposed CPA. As explained above, the future road network used for these travel model assignments was the Lee County MPO 2045 Highway Cost Feasible Plan network.

The D1RPM input and output files for the travel model assignments can be downloaded from the following link:
https://www.dropbox.com/scl/fo/zb0mtqxxms8p5sytcrjz7/h?rlkey=xyekhzlqifa1bdekpkxu5x58y&dl=0.

These files are available for download from the DPA drop box for approximately one month.

Future Conditions Without CPA

Exhibits 2-1 (Lee County) and 2-2 (Charlotte County) show future traffic conditions in Year 2045 with the approved CPA, reflective of the current land use designation.

As shown in Exhibit 2-1 (Lee County), several road segments may have level of service issues in 2045 without the proposed CPA. In accordance with Chapter 163.3180, F.S., these road segments are deemed to be "transportation deficient". The improvement necessary to correct the "transportation deficiency" is the funding responsibility of the entity that has maintenance responsibility for that facility. Therefore, the proposed CPA is not responsible to help improve and eliminate that deficiency.

For convenience, a summary of the analysis for the approved CPA is summarized in the table below. The traffic volume plots from the travel model are provided in Appendix C.

It is important to recognize that the background traffic levels in this analysis are based on the buildout of 6 million square feet that are conceptually approved in the Master Development Order for the Babcock Ranch Community DRI in Charlotte County. Additional approvals must be granted through the Incremental Development Orders with regional transportation analysis and subsequent transportation mitigation approvals that would in the future include this comprehensive plan amendment as background traffic.

The CPA analysis represents a planning level analysis for the long term. The SR 31 corridor has been extensively studied since 2005. The ultimate improvement needs at 2045 has been and will be established by the Florida DOT such as the SR 31 and SR 78 PD&E Studies. For Lee County facilities, it is anticipated that the funding sources for future long-term improvement needs within the study area will be primarily funded through the collection of road impact fees from new developments.

Future Transportation Needs Without CPA						
			Lee County MPO 2045 LRTP		CPA Analysis Needed # of Lanes	Changes To Adopted MPO Needs Plan [1]
Roadway	From	To	Cost Feasible Network # of Lanes	Needs Plan Network # of Lanes		
Broadway St.	SR 80	North River Rd.	2	2	4	+2 [2,3]
Buckingham Rd.	SR 82	Gunnery Rd.	2	4	2	0
	Gunnery Rd.	Cemetery Rd.	2	2	4	+2 [2,3]
	Cemetery Rd.	Orange River Blvd.	2	2	4	+2 [2,3]
	Orange River Blvd.	SR 80	4	2	4	+2 [2,3]
Colonial Blvd.	Dynasty Dr.	SR 82	6	6	8	+2 [2,3]
Del Prado Blvd.	US 41	Slater Rd.	2	4	2	0
Gunnery Rd.	SR 82	Lee Blvd	4	4	4	0
	Lee Blvd.	Buckingham Rd.	2	2	4	+2 [2,3]
Joel Blvd.	Bell Blvd.	18th St.	4	4	4	0
	18th St.	SR 80	2	4	4	0
Lee Blvd.	SR 82	Alvin Ave.	6	6	8	+2 [2,3]
	Alvin Ave.	Gunnery Rd.	6	6	8	+2 [2,3]
	Gunnery Rd.	Homestead Rd.	6	6	6	0
Leeland Heights	Homestead Rd.	Joel Blvd.	4	6	4	0
Littleton Rd.	Corbett Rd.	US 41	4	6	4	0
	US 41	BUS 41	2	4	2	0
Luckett Rd.	Ortiz Ave.	Enterprise Pkwy.	4	4	4	0
	Enterprise Pkwy.	I-75	4	4	4	0
	I-75	Northland Rd.	2	4	4	0
	Northland Rd.	Country Lakes Dr.	2	4	4	0
N River Rd.	SR 31	Franklin Lock Rd.	2	2	2	0
	Franklin Lock Rd.	Broadway Rd.	2	2	2	0
N River Rd.	Broadway Rd.	County Line	2	2	2	0
Nalle Grade Rd.	Slater Rd.	Nalle Rd.	2	2	2	0
Nalle Rd.	SR 78	Nalle Grade Rd.	2	2	2	0
Orange River Blvd.	SR 80	Staley Rd.	2	2	4	+2 [2,3]
	Staley Rd.	Buckingham Rd.	2	2	4	+2 [2,3]
Ortiz Ave.	Colonial Blvd.	SR 82	4	4	6	+2 [2,3]
	SR 82	Luckett Rd.	4	4	4	0
	Luckett Rd.	SR 80	4	4	2	0
Plantation Rd.	Daniels Pkwy.	Idlewild St.	2	2	2	0
	Idlewild St.	Colonial Blvd.	4	4	4	0
Six Mile Cypress	Daniels Pkwy.	Winkler Rd.	4	4	4	0
	Winkler Rd.	Challenger Blvd.	6	6	4	0
	Challenger Blvd.	Colonial Blvd.	6	6	6	0
Slater Rd.	SR 78	Nalle Grade Rd.	2	2	2	0
Sunshine Blvd.	SR 82	23rd St. SW	4	4	4	0
	23rd St. SW	Lee Blvd.	4	4	2	0
Treeline Ave.	Daniels Pkwy.	Amberwood Rd.	4	4	6	+2 [2,3]
	Amberwood Rd.	Colonial Blvd.	4	4	4	0
USB 41 (Fowler St./USB 41 SB)	SR 80 (First St.)	N. End of Edison Bridge	3	3	3	0
USB 41	N. End of Edison Bridge	SR 78	6	6	6	0

Future Transportation Needs Without CPA (Continued)						
			Lee County MPO 2045 LRTP		CPA Analysis Needed # of Lanes	Changes To Adopted MPO Needs Plan [1]
Roadway	From	To	Cost Feasible Network # of Lanes	Needs Plan Network # of Lanes		
USB 41	SR 78	Littleton Rd.	4	6	4	0
	Littleton Rd.	US 41 SB	4	4	4	0
	US 41 SB	SR 45/US 41	1	1	2	+1 [2,3]
USB 41 (Evans Ave./Park Ave.)	SR 82/MLK Blvd.	N. End of Edison Bridge	3	3	3	0
SR 884 (Colonial Blvd.)	SR 45/US 41	0.195 miles W. Solomon Blvd.	6	6	4	0
	0.195 miles W. Solomon Blvd.	Metro Pkwy.	6	6	6	0
	Metro Pkwy.	CR 865/Ortiz Ave.	6	6	8	+2 [2,3]
	CR 865/Ortiz Ave.	I-75	6	6	10	+4 [2,3]
	I-75	400 Ft E. of Dynasty Dr.	6	6	8	+2 [2,3]
US 41	Hanson St.	Johnson St.	6	6	6	0
	Johnson St.	Pondella Rd.	4	4	6	+2 [2,3]
	Pondella Rd.	Littleton Rd.	4	4	4	0
	Littleton Rd.	Del Prado Blvd.	4	4	4	0
	Del Prado Blvd.	Sun Seekers RV Park Entrance	4	4	8	+4 [2,3]
	Sun Seekers RV Park Entrance	Charlotte County Line	4	4	6	+2 [2,3]
SR 80 (First St.)	Fowler St.	SR 80/Seaboard St.	2	2	4	+2 [2,3]
SR 80 (Palm Beach Blvd.)	SR 80/Seaboard St.	Veronica Shoemaker Blvd.	4	4	4	0
	Veronica Shoemaker Blvd.	CR 80B (Ortiz Ave.)	4	4	4	0
	CR 80B (Ortiz Ave.)	I-75	6	6	4	0
	I-75	SR 31	6	6	6	0
	SR 31	Buckingham Rd.	4	4	6	+2 [2,3]
	Buckingham Rd.	W. of Werner Dr.	4	4	4	0
	W. of Werner Dr.	Hickey Creek Rd.	4	4	4	0
	Hickey Creek Rd.	Broadway St./CR 78	4	4	4	0
	Broadway St./CR 78	CR 884 (Joel Blvd.)	4	4	6	+2 [2,3]
	CR 884 (Joel Blvd.)	Hendry County Line	4	4	4	0
SR 80 (Second St.)	SR 739 (Fowler St.)	SR 739 (Park Ave.)	2	2	2	0
	SR 739 (Park Ave.)	SR 80	2	2	2	0
SR 78	Santa Barbara Blvd.	Del Prado Blvd.	6	6	6	0
	Del Prado Blvd.	W. of CR 78A	6	6	6	0
	W. of CR 78A	SR 45/US 41	4	6	4	0
SR 78	SR 45/US 41	SR 739/US 41 BUS	4	4	4	0
	SR 739/US 41 BUS	New Post Rd.	6	6	6	0
	New Post Rd.	Coon Rd./Slater Rd.	6	6	6	0
	Coon Rd./Slater Rd.	W. of Pritchett Pkwy.	4	4	6	+2 [2,3]

Future Transportation Needs Without CPA (Continued)						
			Lee County MPO 2045 LRTP		CPA Analysis Needed # of Lanes	Changes To Adopted MPO Needs Plan [1]
Roadway	From	To	Cost Feasible Network # of Lanes	Needs Plan Network # of Lanes		
	Coon Rd./Slater Rd.	W. of Pritchett Pkwy.	4	4	6	+2 [2,3]
	W. of Pritchett Pkwy.	Pritchett Pkwy.	4	4	6	+2 [2,3]
	Pritchett Pkwy.	Old Bayshore Rd.	4	2	4	+2 [2,3]
	Old Bayshore Rd.	SR 31	4	4	4	0
SR 82	SR 739	Michigan Link Ave.	4	4	6	+2 [2,3]
	Michigan Link Ave.	CR 865/Ortiz Ave.	6	6	6	0
	CR 865/Ortiz Ave.	W. of Teter Rd.	6	6	8	+2 [2,3]
SR 82	W. of Teter Rd.	Buckingham Rd.	6	6	8	+2 [2,3]
	Buckingham Rd.	Colonial Blvd.	6	6	6	0
	Colonial Blvd.	Gateway Blvd.	6	6	6	0
	Gateway Blvd.	Griffin Dr.	6	6	6	0
	Griffin Dr.	Daniels Pkwy.	6	6	4	0
SR 93/I-75	Terminal Access Rd.	Daniels Pkwy.	10	10	8	0
	Daniels Pkwy.	Colonial Blvd.	10	10	8	0
	Colonial Blvd.	SR 82	10	10	8	0
	SR 82	Luckett Rd.	10	10	8	0
	Luckett Rd.	SR 80	10	10	6	0
	SR 80	SR 78	6	6	6	0
	SR 78	County Line	6	6	8	+2 [2,3]
SR 31	SR 80	SR 78	6	6	8	+2 [2,3]
	SR 78	Old Rodeo Dr.	6	6	8	+2 [2,3]
	Old Rodeo Dr.	N River Rd.	6	6	8	+2 [2,3]
	N River Rd.	Shirley Ln.	6	6	10	+4 [2,3]
	Shirley Ln.	Fox Hill Rd.	6	6	8	+2 [2,3]
	Fox Hill Rd.	Busbee Ln.	6	6	8	+2 [2,3]
	Busbee Ln.	County Line	6	6	8	+2 [2,3]

Footnotes:

(1) Changes to be considered by the Lee County MPO in future plan updates.
(2) Transportation Deficient per Chapter 163.3180, F.S. – Payment of Road Impact Fees may apply.
(3) Future transportation needs are offset through required mitigation contribution from new developments.
(4) CPA planning level analysis indicates greater than six lanes needs or parallel facility. Actual improvement needs subject to DRI or zoning traffic.

Recommendation Without CPA

The on-going development of the SR 31 will provide its fair share of mitigation funding for roadway improvements in the study area. The roadway improvement effort will continue to be coordinated between Babcock Ranch, the Charlotte County-Punta Gorda MPO, the Lee County MPO and the Florida DOT. The MPO Transportation Plans will be updated periodically to reflect the priority and timing needs of those future roadway improvements, identified in this traffic study.

Future Conditions With CPA

Exhibits 3-1 (Lee County) and 3-2 (Charlotte County) shows future traffic conditions in 2045 with the proposed CPA, reflective of the buildout of the proposed overlay. For convenience, a summary of the CPA analysis is summarized in the table below. The traffic volume plots from the travel model are provided in Appendix C.

Future Transportation Needs With CPA						
			Lee County MPO 2045 LRTP		CPA Analysis Needed # of Lanes	Changes To Adopted MPO Needs Plan [1]
Roadway	From	To	Cost Feasible Network # of Lanes	Needs Plan Network # of Lanes		
Broadway St.	SR 80	North River Rd.	2	2	4	+2 [2,3]
Buckingham Rd.	SR 82	Gunnery Rd.	2	4	2	0
	Gunnery Rd.	Cemetery Rd.	2	2	4	+2 [2,3]
	Cemetery Rd.	Orange River Blvd.	2	2	4	+2 [2,3]
	Orange River Blvd.	SR 80	4	2	4	+2 [2,3]
Colonial Blvd.	Dynasty Dr.	SR 82	6	6	8	+2 [2,3]
Del Prado Blvd.	US 41	Slater Rd.	2	4	2	0
Gunnery Rd.	SR 82	Lee Blvd	4	4	4	0
	Lee Blvd.	Buckingham Rd.	2	2	4	+2 [2,3]
Joel Blvd.	Bell Blvd.	18th St.	4	4	4	0
	18th St.	SR 80	2	4	4	0
Lee Blvd.	SR 82	Alvin Ave.	6	6	8	+2 [2,3]
	Alvin Ave.	Gunnery Rd.	6	6	8	+2 [2,3]
	Gunnery Rd.	Homestead Rd.	6	6	6	0
Leeland Heights	Homestead Rd.	Joel Blvd.	4	6	4	0
Littleton Rd.	Corbett Rd.	US 41	4	6	4	0
	US 41	BUS 41	2	4	2	0
Luckett Rd.	Ortiz Ave.	Enterprise Pkwy.	4	4	4	0
	Enterprise Pkwy.	I-75	4	4	4	0
	I-75	Northland Rd.	2	4	4	0
	Northland Rd.	Country Lakes Dr.	2	4	4	0
N River Rd.	SR 31	Franklin Lock Rd.	2	2	2	0
	Franklin Lock Rd.	Broadway Rd.	2	2	2	0
	Broadway Rd.	County Line	2	2	2	0
Nalle Grade Rd.	Slater Rd.	Nalle Rd.	2	2	2	0
Nalle Rd.	SR 78	Nalle Grade Rd.	2	2	2	0
Orange River Blvd.	SR 80	Staley Rd.	2	2	4	+2 [2,3]
	Staley Rd.	Buckingham Rd.	2	2	4	+2 [2,3]
Ortiz Ave.	Colonial Blvd.	SR 82	4	4	6	+2 [2,3]
	SR 82	Luckett Rd.	4	4	4	0
	Luckett Rd.	SR 80	4	4	2	0
Plantation Rd.	Daniels Pkwy.	Idlewild St.	2	2	2	0
	Idlewild St.	Colonial Blvd.	4	4	4	0
Six Mile Cypress	Daniels Pkwy.	Winkler Rd.	4	4	4	0
	Winkler Rd.	Challenger Blvd.	6	6	4	0
Six Mile Cypress	Challenger Blvd.	Colonial Blvd.	6	6	6	0

Future Transportation Needs With CPA (Continued)						
			Lee County MPO 2045 LRTP		CPA Analysis Needed # of Lanes	Changes To Adopted MPO Needs Plan [1]
Roadway	From	To	Cost Feasible Network # of Lanes	Needs Plan Network # of Lanes		
Slater Rd.	SR 78	Nalle Grade Rd.	2	2	2	0
Sunshine Blvd.	SR 82	23rd St. SW	4	4	4	0
	23rd St. SW	Lee Blvd.	4	4	2	0
Treeline Ave.	Daniels Pkwy.	Amberwood Rd.	4	4	6	+2 [2,3]
	Amberwood Rd.	Colonial Blvd.	4	4	4	0
USB 41 (Fowler St./USB 41 SB)	SR 80 (First St.)	N. End of Edison Bridge	3	3	3	0
USB 41	N. End of Edison Bridge	SR 78	6	6	6	0
	SR 78	Littleton Rd.	4	6	4	0
	Littleton Rd.	US 41 SB	4	4	4	0
	US 41 SB	SR 45/US 41	1	1	2	+1 [2,3]
USB 41 (Evans Ave./Park Ave.)	SR 82/MLK Blvd.	N. End of Edison Bridge	3	3	3	0
SR 884 (Colonial Blvd.)	SR 45/US 41	0.195 miles W. Solomon Blvd.	6	6	4	0
	0.195 miles W. Solomon Blvd.	Metro Pkwy.	6	6	6	0
	Metro Pkwy.	CR 865/Ortiz Ave.	6	6	8	+2 [2,3]
	CR 865/Ortiz Ave.	I-75	6	6	10	+4 [2,3]
	I-75	400 Ft E. of Dynasty Dr.	6	6	8	+2 [2,3]
US 41	Hanson St.	Johnson St.	6	6	6	0
	Johnson St.	Pondella Rd.	4	4	6	+2 [2,3]
	Pondella Rd.	Littleton Rd.	4	4	4	0
	Littleton Rd.	Del Prado Blvd.	4	4	4	0
	Del Prado Blvd.	Sun Seekers RV Park Entrance	4	4	8	+4 [2,3]
	Sun Seekers RV Park Entrance	Charlotte County Line	4	4	6	+2 [2,3]
SR 80 (First St.)	Fowler St.	SR 80/Seaboard St.	2	2	4	+2 [2,3]
SR 80 (Palm Beach Blvd.)	SR 80/Seaboard St.	Veronica Shoemaker Blvd.	4	4	4	0
	Veronica Shoemaker Blvd.	CR 80B (Ortiz Ave.)	4	4	4	0
	CR 80B (Ortiz Ave.)	I-75	6	6	4	0
	I-75	SR 31	6	6	6	0
	SR 31	Buckingham Rd/Old Olga Rd.	4	4	6	+2 [2,3]
	Buckingham Rd./Old Olga Rd.	W. of Werner Dr.	4	4	4	0
	W. of Werner Dr.	Hickey Creek Rd.	4	4	4	0
	Hickey Creek Rd.	Broadway St./CR 78	4	4	4	0
	Broadway St./CR 78	CR 884 (Joel Blvd.)	4	4	6	+2 [2,3]
	CR 884 (Joel Blvd.)	Hendry County Line	4	4	4	0

Future Transportation Needs With CPA (Continued)						
			Lee County MPO 2045 LRTP		CPA Analysis Needed # of Lanes	Changes To Adopted MPO Needs Plan [1]
Roadway	To	From	Cost Feasible Network # of Lanes	Needs Plan Network # of Lanes		
SR 80 Second St.)	SR 739 (Fowler St.)	SR 739 (Park Ave.)	2	2	2	0
	SR 739 (Park Ave.)	SR 80	2	2	2	0
SR 78	Santa Barbara Blvd.	Del Prado Blvd.	6	6	6	0
	Del Prado Blvd.	W. of CR 78A	6	6	6	0
	W. of CR 78A	SR 45/US 41	4	6	4	0
SR 78	SR 45/US 41	SR 739/US 41 BUS	4	4	4	0
	SR 739/US 41 BUS	New Post Rd.	6	6	6	0
	New Post Rd.	Coon Rd./Slater Rd.	6	6	6	0
	Coon Rd./Slater Rd.	W. of Pritchett Pkwy.	4	4	6	+2 [2,3]
	W. of Pritchett Pkwy.	Pritchett Pkwy.	4	4	6	+2 [2,3]
	Pritchett Pkwy.	Old Bayshore Rd.	4	2	4	+2 [2,3]
	Old Bayshore Rd.	SR 31	4	4	4	0
SR 82	SR 739	Michigan Link Ave.	4	4	6	+2 [2,3]
	Michigan Link Ave.	CR 865/Ortiz Ave.	6	6	6	0
	CR 865/Ortiz Ave.	W. of Teter Rd.	6	6	8	+2 [2,3]
SR 82	W. of Teter Rd.	Buckingham Rd.	6	6	8	+2 [2,3]
	Buckingham Rd.	Colonial Blvd.	6	6	6	0
	Colonial Blvd.	Gateway Blvd.	6	6	6	0
	Gateway Blvd.	Griffin Dr.	6	6	6	0
	Griffin Dr.	Daniels Pkwy.	6	6	4	0
SR 93/I-75	Terminal Access Rd.	Daniels Pkwy.	10	10	8	0
	Daniels Pkwy.	Colonial Blvd.	10	10	8	0
	Colonial Blvd.	SR 82	10	10	8	0
	SR 82	Luckett Rd.	10	10	8	0
	Luckett Rd.	SR 80	10	10	6	0
	SR 80	SR 78	6	6	6	0
	SR 78	County Line	6	6	8	+2 [2,3]
SR 31	SR 80	SR 78	6	6	8	+2 [2,3]
	SR 78	Old Rodeo Dr.	6	6	8	+2 [2,3]
	Old Rodeo Dr.	N River Rd.	6	6	8	+2 [2,3]
	N River Rd.	Shirley Ln.	6	6	10	+4 [2,3]
	Shirley Ln.	Fox Hill Rd.	6	6	8	+2 [2,3]
	Fox Hill Rd.	Busbee Ln.	6	6	8	+2 [2,3]
	Busbee Ln.	County Line	6	6	8	+2 [2,3]

Footnotes:

(1) Changes to be considered by the Lee County MPO in future plan updates.

(2) Transportation Deficient per Chapter 163.3180, F.S. – Payment of Road Impact Fees may apply.

(3) Future transportation needs are offset through required mitigation contribution from new developments.

(4) CPA planning level analysis indicates greater than six lanes needs or parallel facility. Actual improvement needs subject to DRI or zoning traffic.

Future 2045 LRTP Needs Comparison

In the comparison between the approved and proposed CPA analysis, there are no improvements identified beyond those already needed with the approved CPA, as summarized below.

Future Transportation Needs Comparison						
			Lee County MPO 2045 LRTP		Changes To Adopted MPO Needs Plan [1]	
Roadway	From	To	Without CPA Needed # of Lanes	With CPA Needed # of Lanes	Without CPA	With CPA
Broadway St.	SR 80	North River Rd.	4	4	+2 [2,3]	+2 [2,3]
Buckingham Rd.	SR 82	Gunnery Rd.	2	2	0	0
	Gunnery Rd.	Cemetery Rd.	4	4	+2 [2,3]	+2 [2,3]
	Cemetery Rd.	Orange River Blvd.	4	4	+2 [2,3]	+2 [2,3]
	Orange River Blvd.	SR 80	4	4	+2 [2,3]	+2 [2,3]
Colonial Blvd.	Dynasty Dr.	SR 82	8	8	+2 [2,3]	+2 [2,3]
Del Prado Blvd.	US 41	Slater Rd.	2	2	0	0
Gunnery Rd.	SR 82	Lee Blvd	4	4	0	0
	Lee Blvd.	Buckingham Rd.	4	4	+2 [2,3]	+2 [2,3]
Joel Blvd.	Bell Blvd.	18th St.	4	4	0	0
	18th St.	SR 80	4	4	0	0
Lee Blvd.	SR 82	Alvin Ave.	8	8	+2 [2,3]	+2 [2,3]
	Alvin Ave.	Gunnery Rd.	8	8	+2 [2,3]	+2 [2,3]
	Gunnery Rd.	Homestead Rd.	6	6	0	0
Leeland Heights	Homestead Rd.	Joel Blvd.	4	4	0	0
Littleton Rd.	Corbett Rd.	US 41	4	4	0	0
	US 41	BUS 41	2	2	0	0
Luckett Rd.	Ortiz Ave.	Enterprise Pkwy.	4	4	0	0
	Enterprise Pkwy.	I-75	4	4	0	0
	I-75	Northland Rd.	4	4	0	0
	Northland Rd.	Country Lakes Dr.	4	4	0	0
N River Rd.	SR 31	Franklin Lock Rd.	2	2	0	0
	Franklin Lock Rd.	Broadway Rd.	2	2	0	0
	Broadway Rd.	County Line	2	2	0	0
Nalle Grade Rd.	Slater Rd.	Nalle Rd.	2	2	0	0
Nalle Rd.	SR 78	Nalle Grade Rd.	2	2	0	0
Orange River Blvd.	SR 80	Staley Rd.	4	4	+2 [2,3]	+2 [2,3]
	Staley Rd.	Buckingham Rd.	4	4	+2 [2,3]	+2 [2,3]
Ortiz Ave.	Colonial Blvd.	SR 82	6	6	+2 [2,3]	+2 [2,3]
	SR 82	Luckett Rd.	4	4	0	0
	Luckett Rd.	SR 80	2	2	0	0
Plantation Rd.	Daniels Pkwy.	Idlewild St.	2	2	0	0
	Idlewild St.	Colonial Blvd.	4	4	0	0
Six Mile Cypress	Daniels Pkwy.	Winkler Rd.	4	4	0	0
	Winkler Rd.	Challenger Blvd.	4	4	0	0
	Challenger Blvd.	Colonial Blvd.	6	6	0	0
Slater Rd.	SR 78	Nalle Grade Rd.	2	2	0	0

Future Transportation Needs Comparison (Continued)						
			Lee County MPO 2045 LRTP		Changes To Adopted MPO Needs Plan [1]	
Roadway	From	To	Without CPA Needed # of Lanes	With CPA Needed # of Lanes	Without CPA	With CPA
Sunshine Blvd.	SR 82	23rd St. SW	4	4	0	0
	23rd St. SW	Lee Blvd.	2	2	0	0
Treeline Ave.	Daniels Pkwy.	Amberwood Rd.	6	6	+2 [2,3]	+2 [2,3]
	Amberwood Rd.	Colonial Blvd.	4	4	0	0
USB 41 (Fowler St./USB 41 SB)	SR 80 (First St.)	N. End of Edison Bridge	3	3	0	0
USB 41 (N. Tamiami Trail/)	N. End of Edison Bridge	SR 78	6	6	0	0
	SR 78	Littleton Rd.	4	4	0	0
	Littleton Rd.	US 41 SB	4	4	0	0
	US 41 SB	SR 45/US 41	2	2	+2 [2,3]	+2 [2,3]
USB 41 (Evans Ave./Park Ave.)	SR 82/MLK Blvd.	N. End of Edison Bridge	3	3	0	0
SR 884 (Colonial Blvd.)	SR 45/US 41	0.195 miles W. Solomon Blvd.	4	4	0	0
	0.195 miles W. Solomon Blvd.	Metro Pkwy.	6	6	0	0
	Metro Pkwy.	CR 865/Ortiz Ave.	8	8	+2 [2,3]	+2 [2,3]
	CR 865/Ortiz Ave.	I-75	10	10	+4 [2,3]	+4 [2,3]
	I-75	400 Ft E. of Dynasty Dr.	8	8	+2 [2,3]	+2 [2,3]
US 41	Hanson St.	Johnson St.	6	6	0	0
	Johnson St.	Pondella Rd.	6	6	+2 [2,3]	+2 [2,3]
	Pondella Rd.	Littleton Rd.	4	4	0	0
	Littleton Rd.	Del Prado Blvd.	4	4	0	0
	Del Prado Blvd.	Sun Seekers RV Park Entrance	8	8	+4 [2,3]	+4 [2,3]
	Sun Seekers RV Park Entrance	Charlotte County Line	6	6	+2 [2,3]	+2 [2,3]
SR 80 (First St.)	Fowler St.	SR 80/Seaboard St.	4	4	+2 [2,3]	+2 [2,3]
SR 80 (Palm Beach Blvd.)	SR 80/Seaboard St.	Veronica Shoemaker Blvd.	4	4	0	0
	Veronica Shoemaker Blvd.	CR 80B (Ortiz Ave.)	4	4	0	0
	CR 80B (Ortiz Ave.)	I-75	4	4	0	0
	I-75	SR 31	6	6	0	0
	SR 31	Buckingham Rd	6	6	+2 [2,3]	+2 [2,3]
	Buckingham Rd.	W. of Werner Dr.	4	4	0	0
	W. of Werner Dr.	Hickey Creek Rd.	4	4	0	0
	Hickey Creek Rd.	Broadway St./CR 78	4	4	0	0
	Broadway St./CR 78	CR 884 (Joel Blvd.)	6	6	+2 [2,3]	+2 [2,3]
	CR 884 (Joel Blvd.)	Hendry County Line	4	4	0	0
SR 80 (Second St.)	SR 739 (Fowler St.)	SR 739 (Park Ave.)	2	2	0	0
	SR 739 (Park Ave.)	SR 80	2	2	0	0

Future Transportation Needs Comparison (Continued)						
			CPA Analysis		Changes To Adopted MPO Needs Plan [1]	
Roadway	To	From	Without CPA Needed # of Lanes	With CPA Needed # of Lanes	Without CPA	With CPA
SR 78	Santa Barbara Blvd.	Del Prado Blvd.	6	6	0	0
	Del Prado Blvd.	W. of CR 78A	6	6	0	0
	W. of CR 78A	SR 45/US 41	4	4	0	0
SR 78	SR 45/US 41	SR 739/US 41 BUS	4	4	0	0
	SR 739/US 41 BUS	New Post Rd.	6	6	0	0
	New Post Rd.	Coon Rd./Slater Rd.	6	6	0	0
	Coon Rd./Slater Rd.	W. of Pritchett Pkwy.	6	6	+2 [2,3]	+2 [2,3]
	W. of Pritchett Pkwy.	Pritchett Pkwy.	6	6	+2 [2,3]	+2 [2,3]
	Pritchett Pkwy.	Old Bayshore Rd.	4	4	+2 [2,3]	+2 [2,3]
	Old Bayshore Rd.	SR 31	4	4	0	0
SR 82	SR 739	Michigan Link Ave.	6	6	+2 [2,3]	+2 [2,3]
	Michigan Link Ave.	CR 865/Ortiz Ave.	6	6	0	0
	CR 865/Ortiz Ave.	W. of Teter Rd.	8	8	+2 [2,3]	+2 [2,3]
SR 82	W. of Teter Rd.	Buckingham Rd.	8	8	+2 [2,3]	+2 [2,3]
	Buckingham Rd.	Colonial Blvd.	6	6	0	0
	Colonial Blvd.	Gateway Blvd.	6	6	0	0
	Gateway Blvd.	Griffin Dr.	6	4	0	0
	Griffin Dr.	Daniels Pkwy.	4	4	0	0
SR 93/I-75	Terminal Access Rd.	Daniels Pkwy.	8	8	0	0
	Daniels Pkwy.	Colonial Blvd.	8	8	0	0
	Colonial Blvd.	SR 82	8	8	0	0
	SR 82	Luckett Rd.	8	8	0	0
	Luckett Rd.	SR 80	6	6	0	0
	SR 80	SR 78	6	6	0	0
	SR 78	County Line	8	8	+2 [2,3]	+2 [2,3]
SR 31	SR 80	SR 78	8	8	+2 [2,3]	+2 [2,3]
	SR 78	Old Rodeo Dr.	8	8	+2 [2,3]	+2 [2,3]
	Old Rodeo Dr.	N River Rd.	8	8	+2 [2,3]	+2 [2,3]
	N River Rd.	Shirley Ln.	10	10	+4 [2,3]	+4 [2,3]
	Shirley Ln.	Fox Hill Rd.	8	8	+2 [2,3]	+2 [2,3]
	Fox Hill Rd.	Busbee Ln.	8	8	+2 [2,3]	+2 [2,3]
	Busbee Ln.	County Line	8	8	+2 [2,3]	+2 [2,3]

Footnotes:

(1) Changes to be considered by the Lee County MPO in future plan updates.
(2) Transportation Deficient per Chapter 163.3180, F.S. – Payment of Road Impact Fees may apply.
(3) Future transportation needs are offset through required mitigation contribution from new developments.
(4) CPA planning level analysis indicates greater than six lanes needs or parallel facility. Actual improvement needs subject to DRI or zoning traffic.

The CPA analysis represents a planning level analysis for the long term. The SR 31 corridor has been extensively studied since 2005. The ultimate improvement needs at 2045 has been and will be established by the Florida DOT such as the SR 31 and SR 78 PD&E Studies. For Lee County

facilities, it is anticipated that the funding sources for future long-term improvement needs within the study area will be primarily funded through the collection of road impact fees from new developments.

Recommendation With CPA

The on-going development of the BRC DRI and the Babcock Lee MPD will provide its fair share of mitigation funding for roadway improvements in the study area. The roadway improvement effort will continue to be coordinated between Babcock, the Charlotte County-Punta Gorda MPO, the Lee County MPO and the Florida DOT. The MPO Transportation Plans will be updated periodically to reflect the priority and timing needs of those future roadway improvements.

Short Term (Year 2030) CIP Analysis

DPA has reach out to Lee County Staff on February 8, 2024 with the request of using the year 2030 road segment analysis submitted for the recently amended MPD zoning (Appendix D). Staff has agreed to the request for using the zoning road segment analysis for the short-term CPA analysis. All supporting documentation for the 2030 road segment analysis can be seen in Appendix E.

MPD Buildout Trip Generation Comparison

The year 2030 road segment analysis reflects the full buildout of the MPD. 2030 projected traffic distribution will be determined by the D1RPM travel model. ITE Trip Generation will be applied to the model derived distributions for each scenario to determine project traffic on each segment. PM peak hour trip generation for the approved and proposed development programs is summarized below, with the detailed trip generation sheets in Appendix E-2 and E-3.

Babcock MPD Year 2030 Development Trip Distribution PM Peak Hour – Two-way Trips		
To / From	**Approved MPD [1] Development**	**Proposed MPD [1] Development**
Total Trip Generation	4,784 [2] (100.0%)	5,314 [2] (100.0%)
MPD Internal Capture	1,354 [3] (30.0%)	1,498 [3] (28.2%)
MPD/DRI Community Capture	1,346 (28.1%) [4]	1,464 (27.6%) [4]
Retail Pass-by	0 [5] (0.0%)	0 [5] (0.0%)
All Other External TAZs Beyond Babcock Ranch	2,084 (43.6%)	2,352 (44.3%)

Footnote:
(1) D1RPM TAZ #4305.
(2) ITE, Trip Generation, 11th Edition.
(3) ITE, Trip Generation Handbook, 3rd Edition.
(4) Percent capture between MPD and DRI traffic determined by D1RPM model where % capture = Total Trips To/From DRI ÷ Total MPD Traffic.
(5) Retail pass-by trips is assumed to be 0 until a development order for retail adjacent to SR 31 has been submitted.

Appendix E-6, E-7 (Lee County) and E-8 (Charlotte County) show future traffic conditions in Year 2030 with the approved MPD CPA, reflective of the current land use designation.

As shown in Appendix E-6, E-7 (Lee County), several road segments may have level of service issues in 2030 with the approved CPA. In accordance with Chapter 163.3180, F.S., these road segments are deemed to be "transportation deficient". The improvement necessary to correct the "transportation deficiency" is the funding responsibility of the entity that has maintenance responsibility for that facility. Therefore, the proposed MPD CPA is not responsible to help improve and eliminate that deficiency.

Future 2030 Traffic Conditions With Approved CPA

A summary of the analysis for the approved CPA is presented in the table below, with the detailed analysis in Appendix E-6, E-7, and E-8. The traffic volume plots from the travel model are provided in Appendix E-4.

Future 2030 Transportation Needs With Approved CPA

Roadway	From	To	E+C Network # of Lanes	Approved CPA # of Lanes Needed	Future LOS	Additional Lanes Needed With Approved CPA
Broadway St.	SR 80	North River Rd.	2	4	F	+2 (1,2)
Buckingham Rd.	SR 82	Gunnery Rd.	2	2	C	0
	Gunnery Rd.	Cemetery Rd.	2	2	C	0
	Cemetery Rd.	Orange River Blvd.	2	4	F	+2 (1,2)
	Orange River Blvd.	SR 80	4	4	F	+2 (1,2)
Colonial Blvd.	Dynasty Dr.	SR 82	6	8	F	+2 (1,2)
Del Prado Blvd.	US 41	Slater Rd.	2	2	C	0
Gunnery Rd.	SR 82	Lee Blvd	4	4	C	0
	Lee Blvd.	Buckingham Rd.	2	2	C	0
Joel Blvd.	Bell Blvd.	18th St.	4	4	C	0
	18th St.	SR 80	2	4	F	+2 (1,2)
Lee Blvd.	SR 82	Alvin Ave.	6	8	F	+2 (1,2)
	Alvin Ave.	Gunnery Rd.	6	8	F	+2 (1,2)
	Gunnery Rd.	Homestead Rd.	6	8	F	+2 (1,2)
Leeland Heights	Homestead Rd.	Joel Blvd.	4	4	C	0
Littleton Rd.	Corbett Rd.	US 41	4	4	F	+2 (1,2)
	US 41	BUS 41	2	2	C	0
Luckett Rd.	Ortiz Ave.	Enterprise Pkwy.	4	2	D	0
	Enterprise Pkwy.	I-75	4	4	D	0
	I-75	Northland Rd.	2	4	C	0
	Northland Rd.	Country Lakes Dr.	2	2	D	0
N River Rd.	SR 31	Franklin Lock Rd.	2	2	C	0
	Franklin Lock Rd.	Broadway Rd.	2	2	C	0
N River Rd.	Broadway Rd.	County Line	2	2	C	0
Nalle Grade Rd.	Slater Rd.	Nalle Rd.	2	2	C	0
Nalle Rd.	SR 78	Nalle Grade Rd.	2	2	C	0
Orange River Blvd.	SR 80	Staley Rd.	2	4	F	+2 (1,2)
	Staley Rd.	Buckingham Rd.	2	2	D	0

Future Transportation Needs With Approved CPA (Continued)						
Roadway	**From**	**To**	**E+C Network # of Lanes**	**Approved CPA # of Lanes Needed**	**Future LOS**	**Additional Lanes Needed With Approved CPA**
Ortiz Ave.	Colonial Blvd.	SR 82	4	4	C	0
	SR 82	Luckett Rd.	4	2	E	0
	Luckett Rd.	SR 80	4	2	D	0
Plantation Rd.	Daniels Pkwy.	Idlewild St.	2	2	E	0
	Idlewild St.	Colonial Blvd.	4	4	D	0
Six Mile Cypress	Daniels Pkwy.	Winkler Rd.	4	4	C	0
	Winkler Rd.	Challenger Blvd.	6	6	C	0
	Challenger Blvd.	Colonial Blvd.	6	6	D	0
Slater Rd.	SR 78	Nalle Grade Rd.	2	2	C	0
Sunshine Blvd.	SR 82	23rd St. SW	4	2	C	0
	23rd St. SW	Lee Blvd.	4	2	C	0
Treeline Ave.	Daniels Pkwy.	Amberwood Rd.	4	4	C	0
	Amberwood Rd.	Colonial Blvd.	4	4	C	0
USB 41 (Fowler St./USB 41 SB)	SR 80 (First St.)	N. End of Edison Bridge	3	3	C	0
USB 41	N. End of Edison Bridge	SR 78	6	6	C	0
USB 41	SR 78	Littleton Rd.	6	6	C	0
	Littleton Rd.	US 41 SB	4	4	C	0
	US 41 SB	SR 45/US 41	1	2	F	+1 (1,2)
USB 41 (Evans Ave./Park Ave.)	SR 82/MLK Blvd.	N. End of Edison Bridge	3	3	C	0
SR 884 (Colonial Blvd.)	SR 45/US 41	0.195 miles W. Solomon Blvd.	6	6	C	0
	0.195 miles W. Solomon Blvd.	Metro Pkwy.	6	8	F	+2 (1,2)
	Metro Pkwy.	CR 865/Ortiz Ave.	6	8	F	+2 (1,2)
	CR 865/Ortiz Ave.	I-75	6	10	F	+4 (1,2)
	I-75	400 Ft E. of Dynasty Dr.	6	8	F	+2 (1,2)
US 41	Hanson St.	Johnson St.	6	6	C	0
	Johnson St.	Pondella Rd.	4	6	F	+2 (1,2)
	Pondella Rd.	Littleton Rd.	4	4	C	0
	Littleton Rd.	Del Prado Blvd.	4	4	C	0
	Del Prado Blvd.	Sun Seekers RV Park Entrance	4	6	F	+2 (1,2)
	Sun Seekers RV Park Entrance	Charlotte County Line	4	4	C	0
SR 80 (First St.)	Fowler St.	SR 80/Seaboard St.	2	4	F	+2 (1,2)
SR 80 (Palm Beach Blvd.)	SR 80/Seaboard St.	Veronica Shoemaker Blvd.	4	4	C	0
	Veronica Shoemaker Blvd.	CR 80B (Ortiz Ave.)	4	4	C	0
	CR 80B (Ortiz Ave.)	I-75	6	6	C	0
	I-75	SR 31	6	6	C	0
	SR 31	Buckingham Rd.	4	6	F	+2 (1,2)
	Buckingham Rd.	W. of Werner Dr.	4	4	B	0

Future Transportation Needs With Approved CPA (Continued)						
Roadway	**From**	**To**	**E+C Network # of Lanes**	**Approved CPA # of Lanes Needed**	**Future LOS**	**Additional Lanes Needed With Approved CPA**
	W. of Werner Dr.	Hickey Creek Rd.	4	4	B	0
	Hickey Creek Rd.	Broadway St./CR 78	4	4	B	0
	Broadway St./CR 78	CR 884 (Joel Blvd.)	4	4	C	0
	CR 884 (Joel Blvd.)	Hendry County Line	4	4	B	0
SR 80 (Second St.)	SR 739 (Fowler St.)	SR 739 (Park Ave.)	2	2	D	0
	SR 739 (Park Ave.)	SR 80	2	2	D	0
SR 78	Santa Barbara Blvd.	Del Prado Blvd.	4	6	F	+2 (1,2)
	Del Prado Blvd.	W. of CR 78A	4	6	F	+2 (1,2)
	W. of CR 78A	SR 45/US 41	4	4	C	0
	SR 45/US 41	SR 739/US 41 BUS	4	4	C	0
	SR 739/US 41 BUS	New Post Rd.	4	4	C	0
	New Post Rd.	Coon Rd./Slater Rd.	4	4	C	0
	Coon Rd./Slater Rd.	W. of Pritchett Pkwy.	4	4	C	0
	W. of Pritchett Pkwy.	Pritchett Pkwy.	4	4	C	0
	Pritchett Pkwy.	Old Bayshore Rd.	2	2	C	0
	Old Bayshore Rd.	SR 31	2	2	D	0
SR 82	SR 739	Michigan Link Ave.	4	6	F	+2 (1,2)
	Michigan Link Ave.	CR 865/Ortiz Ave.	6	6	C	0
	CR 865/Ortiz Ave.	W. of Teter Rd.	6	6	D	0
	W. of Teter Rd.	Buckingham Rd.	6	6	C	0
	Buckingham Rd.	Colonial Blvd.	6	6	C	0
	Colonial Blvd.	Gateway Blvd.	6	6	C	0
	Gateway Blvd.	Griffin Dr.	6	6	C	0
	Griffin Dr.	Daniels Pkwy.	6	6	C	0
SR 93/I-75	Terminal Access Rd.	Daniels Pkwy.	6	8	F	+2 (1,2)
	Daniels Pkwy.	Colonial Blvd.	6	8	E	+2 (1,2)
	Colonial Blvd.	SR 82	6	6	D	0
	SR 82	Luckett Rd.	6	6	D	0
	Luckett Rd.	SR 80	6	6	D	0
	SR 80	SR 78	6	6	D	0
	SR 78	County Line	6	6	C	0
SR 31	SR 80	SR 78	2	4	F	+2 (1,2)
	SR 78	Old Rodeo Dr.	4	6	F	+2 (1,2)
	Old Rodeo Dr.	N River Rd.	4	6	F	+2 (1,2)
	N River Rd.	Shirley Ln.	4	6	F	+2 (1,2)
	Shirley Ln.	Fox Hill Rd.	4	4	C	0
	Fox Hill Rd.	Busbee Ln.	4	4	C	0
	Busbee Ln.	County Line	4	4	C	0

Footnotes:

(1) Transportation Deficient per Chapter 163.3180, F.S. – Payment of Road Impact Fees may apply.

(2) Future transportation needs are offset through required mitigation contribution from new developments.

Future 2030 Traffic Conditions With Proposed CPA

A summary of the analysis for the approved CPA is presented in the table below, with the detailed analysis in Appendix E-9, E-10, and E-11. The traffic volume plots from the travel model are provided in Appendix E-5.

Future Transportation Needs With Proposed CPA						
Roadway	**From**	**To**	**E+C Network # of Lanes**	**Proposed CPA # of Lanes Needed**	**Future LOS**	**Additional Lanes Needed With Proposed CPA**
Broadway St.	SR 80	North River Rd.	2	2	E	0
Buckingham Rd.	SR 82	Gunnery Rd.	2	2	C	0
	Gunnery Rd.	Cemetery Rd.	2	2	C	0
	Cemetery Rd.	Orange River Blvd.	2	4	F	+2 (1,2)
	Orange River Blvd.	SR 80	4	4	F	+2 (1,2)
Colonial Blvd.	Dynasty Dr.	SR 82	6	8	F	+2 (1,2)
Del Prado Blvd.	US 41	Slater Rd.	2	2	C	0
Gunnery Rd.	SR 82	Lee Blvd	4	4	C	0
	Lee Blvd.	Buckingham Rd.	2	2	C	0
Joel Blvd.	Bell Blvd.	18th St.	4	4	C	0
	18th St.	SR 80	2	4	F	+2 (1,2)
Lee Blvd.	SR 82	Alvin Ave.	6	8	F	+2 (1,2)
	Alvin Ave.	Gunnery Rd.	6	8	F	+2 (1,2)
	Gunnery Rd.	Homestead Rd.	6	8	F	+2 (1,2)
Leeland Heights	Homestead Rd.	Joel Blvd.	4	4	C	0
Littleton Rd.	Corbett Rd.	US 41	4	4	F	+2 (1,2)
	US 41	BUS 41	2	2	C	0
Luckett Rd.	Ortiz Ave.	Enterprise Pkwy.	4	2	D	0
	Enterprise Pkwy.	I-75	4	4	D	0
	I-75	Northland Rd.	2	4	C	0
	Northland Rd.	Country Lakes Dr.	2	2	D	0
N River Rd.	SR 31	Franklin Lock Rd.	2	2	C	0
	Franklin Lock Rd.	Broadway Rd.	2	2	C	0
N River Rd.	Broadway Rd.	County Line	2	2	C	0
Nalle Grade Rd.	Slater Rd.	Nalle Rd.	2	2	C	0
Nalle Rd.	SR 78	Nalle Grade Rd.	2	2	C	0
Orange River Blvd.	SR 80	Staley Rd.	2	4	F	+2 (1,2)
	Staley Rd.	Buckingham Rd.	2	2	D	0
Ortiz Ave.	Colonial Blvd.	SR 82	4	4	C	0
	SR 82	Luckett Rd.	4	2	E	0
	Luckett Rd.	SR 80	4	2	D	0
Plantation Rd.	Daniels Pkwy.	Idlewild St.	2	2	E	0
	Idlewild St.	Colonial Blvd.	4	4	D	0
Six Mile Cypress	Daniels Pkwy.	Winkler Rd.	4	4	C	0
	Winkler Rd.	Challenger Blvd.	6	6	C	0
	Challenger Blvd.	Colonial Blvd.	6	6	D	0
Slater Rd.	SR 78	Nalle Grade Rd.	2	2	C	0
Sunshine Blvd.	SR 82	23rd St. SW	4	2	C	0
	23rd St. SW	Lee Blvd.	4	2	C	0

Future Transportation Needs With Proposed CPA (Continued)						
Roadway	**From**	**To**	**E+C Network # of Lanes**	**Proposed CPA # of Lanes Needed**	**Future LOS**	**Additional Lanes Needed With Proposed CPA**
Treeline Ave.	Daniels Pkwy.	Amberwood Rd.	4	4	C	0
	Amberwood Rd.	Colonial Blvd.	4	4	C	0
USB 41 (Fowler St./USB 41 SB)	SR 80 (First St.)	N. End of Edison Bridge	3	3	C	0
USB 41	N. End of Edison Bridge	SR 78	6	6	C	0
	SR 78	Littleton Rd.	6	6	C	0
	Littleton Rd.	US 41 SB	4	4	C	0
USB 41	US 41 SB	SR 45/US 41	1	2	F	+1 (1,2)
USB 41 (Evans Ave./Park Ave.)	SR 82/MLK Blvd.	N. End of Edison Bridge	3	3	C	0
SR 884 (Colonial Blvd.)	SR 45/US 41	0.195 miles W. Solomon Blvd.	6	6	C	0
	0.195 miles W. Solomon Blvd.	Metro Pkwy.	6	8	F	+2 (1,2)
	Metro Pkwy.	CR 865/Ortiz Ave.	6	8	F	+2 (1,2)
	CR 865/Ortiz Ave.	I-75	6	10	F	+4 (1,2)
	I-75	E. of Dynasty Dr.	6	8	F	+2 (1,2)
US 41	Hanson St.	Johnson St.	6	6	C	0
	Johnson St.	Pondella Rd.	4	6	F	+2 (1,2)
	Pondella Rd.	Littleton Rd.	4	4	C	0
	Littleton Rd.	Del Prado Blvd.	4	4	C	0
	Del Prado Blvd.	Sun Seekers RV Park Entrance	4	6	F	+2 (1,2)
	Sun Seekers RV Park Entrance	Charlotte County Line	4	4	C	0
SR 80 (First St.)	Fowler St.	SR 80/Seaboard St.	2	4	F	+2 (1,2)
	SR 80/Seaboard St.	Veronica Shoemaker Blvd.	4	4	C	0
SR 80 (Palm Beach Blvd.)	Veronica Shoemaker Blvd.	CR 80B (Ortiz Ave.)	4	4	C	0
	CR 80B (Ortiz Ave.)	I-75	6	6	C	0
	I-75	SR 31	6	6	C	0
	SR 31	Buckingham Rd.	4	6	F	+2 (1,2)
	Buckingham Rd.	W. of Werner Dr.	4	4	B	0
	W. of Werner Dr.	Hickey Creek Rd.	4	4	B	0
	Hickey Creek Rd.	Broadway St./CR 78	4	4	B	0
	Broadway St./CR 78	CR 884 (Joel Blvd.)	4	4	C	0
	CR 884 (Joel Blvd.)	Hendry County Line	4	4	B	0
SR 80 (Second St.)	SR 739 (Fowler St.)	SR 739 (Park Ave.)	2	2	D	0
	SR 739 (Park Ave.)	SR 80	2	2	D	0
SR 78	Santa Barbara Blvd.	Del Prado Blvd.	4	6	F	+2 (1,2)
	Del Prado Blvd.	W. of CR 78A	4	6	F	+2 (1,2)
	W. of CR 78A	SR 45/US 41	4	4	C	0
SR 78	SR 45/US 41	SR 739/US 41 BUS	4	4	C	0
	SR 739/US 41 BUS	New Post Rd.	4	4	C	0
	New Post Rd.	Coon Rd./Slater Rd.	4	4	C	0

Future Transportation Needs With Proposed CPA (Continued)						
Roadway	**From**	**To**	**E+C Network # of Lanes**	**Proposed CPA # of Lanes Needed**	**Future LOS**	**Additional Lanes Needed With Proposed CPA**
SR 78	Coon Rd./Slater Rd.	W. of Pritchett Pkwy.	4	4	C	0
	W. of Pritchett Pkwy.	Pritchett Pkwy.	4	4	C	0
	Pritchett Pkwy.	Old Bayshore Rd.	2	2	C	0
	Old Bayshore Rd.	SR 31	2	2	D	0
SR 82	SR 739	Michigan Link Ave.	4	6	F	+2 (1,2)
	Michigan Link Ave.	CR 865/Ortiz Ave.	6	6	C	0
	CR 865/Ortiz Ave.	W. of Teter Rd.	6	8	F	+2
SR 82	W. of Teter Rd.	Buckingham Rd.	6	6	C	0
	Buckingham Rd.	Colonial Blvd.	6	6	C	0
	Colonial Blvd.	Gateway Blvd.	6	6	C	0
	Gateway Blvd.	Griffin Dr.	6	6	C	0
	Griffin Dr.	Daniels Pkwy.	6	6	C	0
SR 93/I-75	Terminal Access Rd.	Daniels Pkwy.	6	8	F	+2 (1,2)
	Daniels Pkwy.	Colonial Blvd.	6	8	E	+2 (1,2)
	Colonial Blvd.	SR 82	6	6	D	0
	SR 82	Luckett Rd.	6	6	D	0
	Luckett Rd.	SR 80	6	6	D	0
	SR 80	SR 78	6	6	D	0
	SR 78	County Line	6	6	C	0
SR 31	SR 80	SR 78	2	4	F	+2 (1,2)
	SR 78	Old Rodeo Dr.	4	6	F	+2 (1,2)
	Old Rodeo Dr.	N River Rd.	4	6	F	+2 (1,2)
	N River Rd.	Shirley Ln.	4	6	F	+2 (1,2)
	Shirley Ln.	Fox Hill Rd.	4	4	C	0
	Fox Hill Rd.	Busbee Ln.	4	4	C	0
	Busbee Ln.	County Line	4	4	C	0

Footnotes:

(1) Transportation Deficient per Chapter 163.3180, F.S. – Payment of Road Impact Fees may apply.

(2) Future transportation needs are offset through required mitigation contribution from new developments.

Future 2030 Transportation Needs Comparison

In the comparison between the approved and proposed zoning analysis, there are no improvements identified beyond those already needed with the approved zoning, as summarized below.

Future 2030 Transportation Needs Comparison					
Roadway	**From**	**To**	**Approved CPA # of Lanes Needed**	**Proposed CPA # of Lanes Needed**	**Additional Lanes Needed With Proposed CPA**
Broadway St.	SR 80	North River Rd.	4	2	0
Buckingham Rd.	SR 82	Gunnery Rd.	2	2	0
	Gunnery Rd.	Cemetery Rd.	2	2	0
	Cemetery Rd.	Orange River Blvd.	4	4	0
	Orange River Blvd.	SR 80	4	4	0
Colonial Blvd.	Dynasty Dr.	SR 82	8	8	0
Del Prado Blvd.	US 41	Slater Rd.	2	2	0
Gunnery Rd.	SR 82	Lee Blvd	4	4	0
	Lee Blvd.	Buckingham Rd.	2	2	0
Joel Blvd.	Bell Blvd.	18th St.	4	4	0
	18th St.	SR 80	4	4	0
Lee Blvd.	SR 82	Alvin Ave.	8	8	0
	Alvin Ave.	Gunnery Rd.	8	8	0
	Gunnery Rd.	Homestead Rd.	8	8	0
Leeland Heights	Homestead Rd.	Joel Blvd.	4	4	0
Littleton Rd.	Corbett Rd.	US 41	4	4	0
	US 41	BUS 41	2	2	0
Luckett Rd.	Ortiz Ave.	Enterprise Pkwy.	2	2	0
	Enterprise Pkwy.	I-75	4	4	0
	I-75	Northland Rd.	4	4	0
	Northland Rd.	Country Lakes Dr.	2	2	0
N River Rd.	SR 31	Franklin Lock Rd.	2	2	0
	Franklin Lock Rd.	Broadway Rd.	2	2	0
N River Rd.	Broadway Rd.	County Line	2	2	0
Nalle Grade Rd.	Slater Rd.	Nalle Rd.	2	2	0
Nalle Rd.	SR 78	Nalle Grade Rd.	2	2	0
Orange River Blvd.	SR 80	Staley Rd.	4	4	0
	Staley Rd.	Buckingham Rd.	2	2	0
Ortiz Ave.	Colonial Blvd.	SR 82	4	4	0
	SR 82	Luckett Rd.	2	2	0
	Luckett Rd.	SR 80	2	2	0
Plantation Rd.	Daniels Pkwy.	Idlewild St.	2	2	0
	Idlewild St.	Colonial Blvd.	4	4	0
Six Mile Cypress	Daniels Pkwy.	Winkler Rd.	4	4	0
	Winkler Rd.	Challenger Blvd.	6	6	0
	Challenger Blvd.	Colonial Blvd.	6	6	0
Slater Rd.	SR 78	Nalle Grade Rd.	2	2	0
Sunshine Blvd.	SR 82	23rd St. SW	2	2	0
	23rd St. SW	Lee Blvd.	2	2	0
Treeline Ave.	Daniels Pkwy.	Amberwood Rd.	4	4	0
	Amberwood Rd.	Colonial Blvd.	4	4	0

Future 2030 Transportation Needs Comparison (Continued)					
Roadway	**From**	**To**	**Approved CPA # of Lanes Needed**	**Proposed CPA # of Lanes Needed**	**Additional Lanes Needed With Proposed CPA**
USB 41 (Fowler St./USB 41 SB)	SR 80 (First St.)	N. End of Edison Bridge	3	3	0
USB 41	N. End of Edison Bridge	SR 78	6	6	0
	SR 78	Littleton Rd.	6	6	0
	Littleton Rd.	US 41 SB	4	4	0
	US 41 SB	SR 45/US 41	2	2	0
USB 41 (Evans Ave./Park Ave.)	SR 82/MLK Blvd.	N. End of Edison Bridge	3	3	0
SR 884 (Colonial Blvd.)	SR 45/US 41	0.195 miles W. Solomon Blvd.	6	6	0
	0.195 miles W. Solomon Blvd.	Metro Pkwy.	8	8	0
	Metro Pkwy.	CR 865/Ortiz Ave.	8	8	0
	CR 865/Ortiz Ave.	I-75	10	10	0
	I-75	400 Ft E. of Dynasty Dr.	8	8	0
US 41	Hanson St.	Johnson St.	6	6	0
	Johnson St.	Pondella Rd.	6	6	0
	Pondella Rd.	Littleton Rd.	4	4	0
	Littleton Rd.	Del Prado Blvd.	4	4	0
	Del Prado Blvd.	Sun Seekers RV Park Entrance	6	6	0
	Sun Seekers RV Park Entrance	Charlotte County Line	4	4	0
SR 80 (First St.)	Fowler St.	SR 80/Seaboard St.	4	4	0
SR 80 (Palm Beach Blvd.)	SR 80/Seaboard St.	Veronica Shoemaker Blvd.	4	4	0
	Veronica Shoemaker Blvd.	CR 80B (Ortiz Ave.)	4	4	0
	CR 80B (Ortiz Ave.)	I-75	6	6	0
	I-75	SR 31	6	6	0
	SR 31	Buckingham Rd.	6	6	0
	Buckingham Rd.	W. of Werner Dr.	4	4	0
	W. of Werner Dr.	Hickey Creek Rd.	4	4	0
	Hickey Creek Rd.	Broadway St./CR 78	4	4	0
	Broadway St./CR 78	CR 884 (Joel Blvd.)	4	4	0
	CR 884 (Joel Blvd.)	Hendry County Line	4	4	0
SR 80 (Second St.)	SR 739 (Fowler St.)	SR 739 (Park Ave.)	2	2	0
	SR 739 (Park Ave.)	SR 80	2	2	0
SR 78	Santa Barbara Blvd.	Del Prado Blvd.	6	6	0
	Del Prado Blvd.	W. of CR 78A	6	6	0
	W. of CR 78A	SR 45/US 41	4	4	0
	SR 45/US 41	SR 739/US 41 BUS	4	4	0
	SR 739/US 41 BUS	New Post Rd.	4	4	0
SR 78	New Post Rd.	Coon Rd./Slater Rd.	4	4	0

Future 2030 Transportation Needs Comparison (Continued)					
Roadway	From	To	Approved CPA # of Lanes Needed	Proposed CPA # of Lanes Needed	Additional Lanes Needed With Proposed CPA
SR 78	Coon Rd./Slater Rd.	W. of Pritchett Pkwy.	4	4	0
	W. of Pritchett Pkwy.	Pritchett Pkwy.	4	4	0
	Pritchett Pkwy.	Old Bayshore Rd.	2	2	0
	Old Bayshore Rd.	SR 31	2	2	0
SR 82	SR 739	Michigan Link Ave.	6	6	0
	Michigan Link Ave.	CR 865/Ortiz Ave.	6	6	0
	CR 865/Ortiz Ave.	W. of Teter Rd.	6	8	+2 (1)
SR 82	W. of Teter Rd.	Buckingham Rd.	6	6	0
	Buckingham Rd.	Colonial Blvd.	6	6	0
	Colonial Blvd.	Gateway Blvd.	6	6	0
	Gateway Blvd.	Griffin Dr.	6	6	0
	Griffin Dr.	Daniels Pkwy.	6	6	0
SR 93/I-75	Terminal Access Rd.	Daniels Pkwy.	8	8	0
	Daniels Pkwy.	Colonial Blvd.	8	8	0
	Colonial Blvd.	SR 82	6	6	0
	SR 82	Luckett Rd.	6	6	0
	Luckett Rd.	SR 80	6	6	0
	SR 80	SR 78	6	6	0
	SR 78	County Line	6	6	0
SR 31	SR 80	SR 78	4	4	0
	SR 78	Old Rodeo Dr.	6	6	0
	Old Rodeo Dr.	N River Rd.	6	6	0
	N River Rd.	Shirley Ln.	6	6	0
	Shirley Ln.	Fox Hill Rd.	4	4	0
	Fox Hill Rd.	Busbee Ln.	4	4	0
	Busbee Ln.	County Line	4	4	0

Footnotes:
(1) Proposed MPD Zoning does not significantly impact this roadway segment.

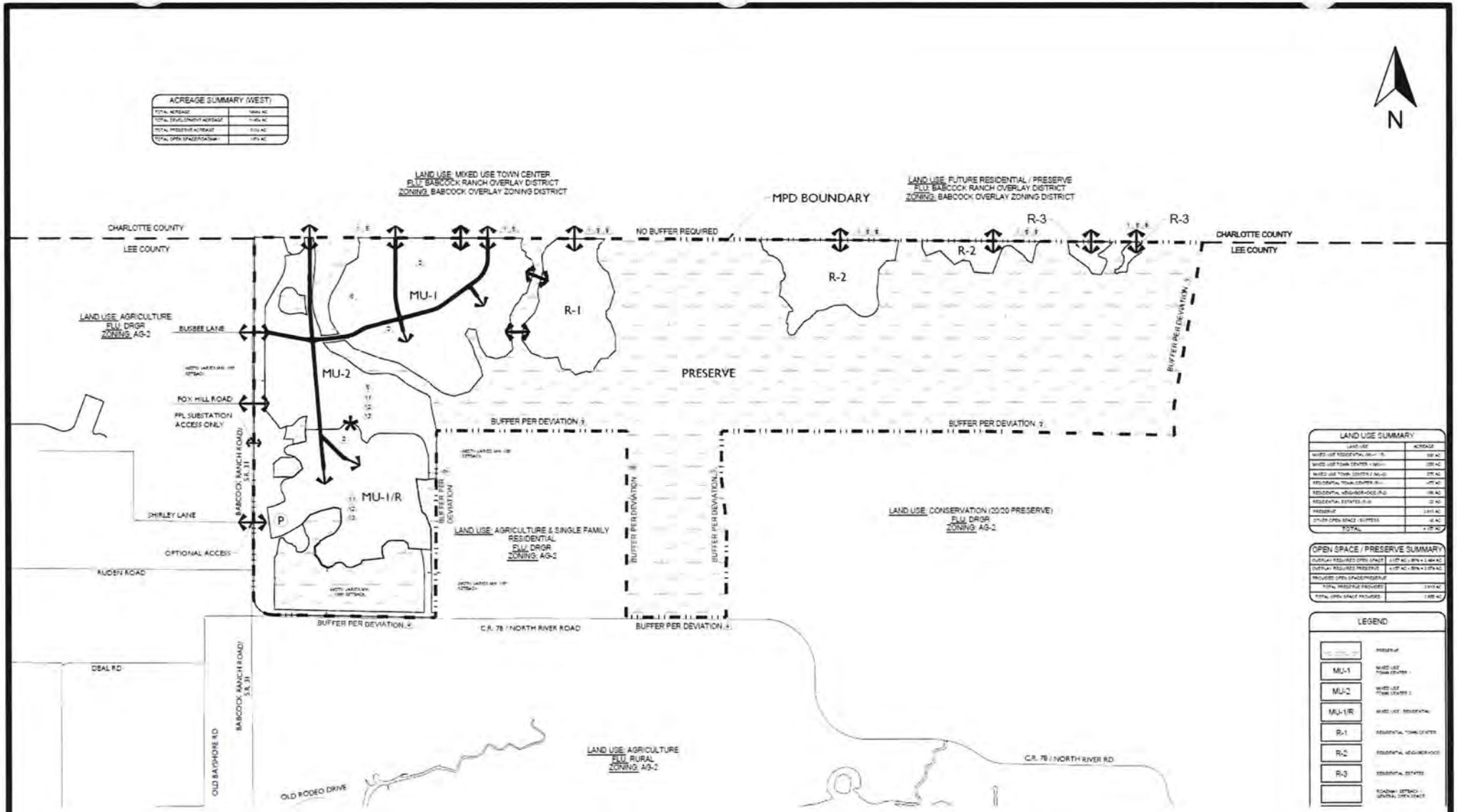
Findings and Conclusions

The results of this CPA transportation assessment are as follows.

1. The proposed Babcock MPD CPA does not cause additional transportation needs beyond those already identified by the following:
    - The 2045 improvement needs without the proposed CPA as established by this traffic study.
    - The 2045 improvement needs identified in the current 2045 Lee County MPO Long-Range Transportation Plan.
    - The 2050 improvement needs identified in the current 2050 Charlotte County – Punta Gorda MPO Long-Range Transportation Plan.

2. The SR 31 corridor has been extensively studied since 2005 inclusive of the following:
    - FDOT SR 31 PD&E Study (from SR 78 to Cook Brown Road) was completed in 2021 and established the ultimate improvements needed by 2045. First phase of construction begins in early 2024.
    - FDOT SR 31 PD&E Study (from SR 78 to SR 80) is underway to establish the ultimate improvements needed by 2045.
    - FDOT SR 78 PD&E Study (from SR 31 to I-75) is underway to establish the ultimate improvements needed by 2045.

3. The proposed CPA is anticipated to mitigate its traffic impacts through the payment of road impact fees at the time of permitting, as required by Lee County. The road impact fees generated by the proposed CPA will help fund future roadway improvements.



dpa

BABCOCK MPD CPA AMENDMENT

MASTER CONCEPT PLAN

23521/1223

EXHIBIT 1

H APPROVED CPA - ROADWAY SEGMENT ANALYSIS

TO	(1) DIRPM A1 Node	B1 Node	A2 Node	B2 Node	A3 Node	B3 Node	A4 Node	B4 Node	(1)	(2) # of Lanes	State/ County Roadway	(3) Count Station	(3) CC VV SNO	(4) CF LOS Facility Type	(5) LOS Std.	FUTURE 2045 TRAFFIC (6) Raw DIRPM AADT	(7) K Factor	(7) Two-way Peak Hr Volume	(7) D Factor: Dir 1	(7) D Factor: Dir2	Dir. Volume: Dir1 NB/EB	Dir. Volume: Dir2 SB/WB	(8) Directional Service Volumes by LOS: LOS A	LOS B	LOS C	LOS D	LOS E	Service Volume @ LOS Std.	2045 LOS: V/SV Dir1 NB/EB	V/SV Dir2 SB/WB	LOS Dir1 NB/EB	LOS Dir2 SB/W
North River Rd.	27801	27091								2	LC	PCS 5		LC_Collector_2LU	E	16596	0.089	1480	0.597	0.403	883	597	0	0	310	660	740	740	1.19	0.81	F	D
Gunnery Rd.	26730	26697								2	LC	PCS 11		LC_ClassIArterial_2L	E	3616	0.091	910	0.541	0.459	492	418	0	140	800	860	860	860	0.57	0.49	C	C
Cemetery Rd.	26417	26419								2	LC	PCS 11		LC_ClassIArterial_2L	E	18152	0.091	1650	0.541	0.459	893	757	0	140	800	860	860	860	1.04	0.88	F	C
Orange River Blvd.	26412	26417								2	LC	PCS 11		LC_ClassIArterial_2L	E	30923	0.091	2810	0.541	0.459	1520	1290	0	140	800	860	860	860	1.77	1.50	F	F
SR 80	26607	26567								4	LC	PCS 11		LC_ClassIArterial_4L	E	30339	0.091	2760	0.541	0.459	1493	1267	0	250	1840	1960	1960	1960	0.76	0.65	C	C
SR 82	25004	25295								6	LC	PCS 22		LC_ClassIArterial_6L	E	74064	0.084	6220	0.603	0.397	3752	2468	0	400	2840	2940	2940	2940	1.28	0.84	F	C
Slater Rd.	22966	22908								2	LC	PCS 104		LC_ClassIArterial_2L	E	4091	0.105	960	0.509	0.491	489	471	0	140	800	860	860	860	0.57	0.55	C	C
Lee Blvd	26798	28631								4	LC	PCS 22		LC_ClassIArterial_4L	E	24849	0.084	2370	0.603	0.397	1429	941	0	250	1840	1960	1960	1960	0.73	0.48	C	C
Buckingham Rd.	26730	26741								2	LC	PCS 22		LC_ClassIArterial_2L	E	17838	0.084	1500	0.603	0.397	905	595	0	140	800	860	860	860	1.05	0.69	F	C
18th St.	28244	27888								4	LC	PCS 11		LC_ClassIArterial_4L	E	19867	0.091	1810	0.541	0.459	979	831	0	250	1840	1960	1960	1960	0.50	0.42	C	C
SR 80	27861	27863								2	LC	PCS 11		LC_ClassIArterial_2L	E	21818	0.091	1990	0.541	0.459	1077	913	0	140	800	860	860	860	1.25	1.06	F	F
Alvin Ave.	25677	25715								6	LC	PCS 22		LC_ClassIArterial_6L	E	70068	0.084	5890	0.603	0.397	3553	2337	0	400	2840	2940	2940	2940	1.21	0.79	F	C
Gunnery Rd.	26798	26296								6	LC	PCS 22		LC_ClassIArterial_6L	E	59371	0.084	4990	0.603	0.397	3010	1980	0	400	2840	2940	2940	2940	1.02	0.67	F	C
Homestead Rd.	26798	26903								6	LC	PCS 22		LC_ClassIArterial_6L	E	57327	0.084	4820	0.603	0.397	2907	1913	0	400	2840	2940	2940	2940	0.99	0.65	D	C
Joel Blvd.	27790	27781								4	LC	PCS 11		LC_ClassIArterial_4L	E	35450	0.091	3230	0.541	0.459	1747	1483	0	250	1840	1960	1960	1960	0.89	0.76	C	C
US 41	21607	21579								4	LC	PCS 108		LC_ClassIArterial_4L	E	25209	0.094	2370	0.650	0.350	1540	830	0	250	1840	1960	1960	1960	0.79	0.42	C	C
BUS 41	21780	21688								2	LC	PCS 108		LC_ClassIArterial_2L	E	13821	0.094	1300	0.650	0.350	845	455	0	140	800	860	860	860	0.98	0.53	D	C
Enterprise Pkwy.	24006	24247								4	LC	PCS 20		LC_ClassIIArterial_4L	E	18267	0.093	1700	0.548	0.452	931	769	0	0	710	1590	1660	1660	0.56	0.46	D	D
I-75	24247	24411								4	LC	PCS 20		LC_ClassIIArterial_4L	E	28054	0.093	2610	0.548	0.452	1429	1181	0	0	710	1590	1660	1660	0.86	0.71	D	D
Northland Rd.	24727	24808								2	LC	PCS 20		LC_Collector_2LD	E	20257	0.093	1880	0.548	0.452	1029	851	0	0	330	700	780	780	1.32	1.09	F	F
Country Lakes Dr.	24808	25032								2	LC	PCS 20		LC_Collector_2LD	E	18458	0.093	1720	0.548	0.452	942	778	0	0	330	700	780	780	1.21	1.00	F	E
Franklin Lock Rd.	25796	26100								2	LC	PCS 5		LC_ClassIArterial_2L	E	14224	0.089	1270	0.597	0.403	758	512	0	140	800	860	860	860	0.88	0.60	C	C
Broadway Rd.	27426	27563								2	LC	PCS 5		LC_ClassIArterial_2L	E	12407	0.089	1100	0.597	0.403	656	444	0	140	800	860	860	860	0.76	0.52	C	C
County Line	27800	27094								2	LC	PCS 5		LC_ClassIIArterial_2L	E	3592	0.089	320	0.597	0.403	191	129	0	0	330	710	780	780	0.24	0.17	C	C
Nalle Rd.	24371	23808								2	LC	PCS 104		LC_Collector_2LU	E	1304	0.105	140	0.509	0.491	71	69	0	0	310	660	740	740	0.10	0.09	C	C
Nalle Grade Rd.	24386	24366								2	LC	PCS 104		LC_Collector_2LU	E	4167	0.105	440	0.509	0.491	224	216	0	0	310	660	740	740	0.30	0.29	C	C
Staley Rd.	24798	24803								2	LC	PCS 11		LC_ClassIIArterial_2L	E	18745	0.091	1710	0.541	0.459	925	785	0	0	330	710	780	780	1.19	1.01	F	F
Buckingham Rd.	25467	28646								2	LC	PCS 11		LC_ClassIArterial_2L	E	18418	0.091	1680	0.541	0.459	909	771	0	140	800	860	860	860	1.06	0.90	F	C
SR 82	23839	23837								4	LC	PCS 18		LC_ClassIArterial_4L	E	38618	0.090	3480	0.612	0.388	2130	1350	0	250	1840	1960	1960	1960	1.09	0.69	F	C
Luckett Rd.	23807	23814								4	LC	PCS 18		LC_ClassIIArterial_4L	E	18458	0.090	1660	0.612	0.388	1016	644	0	0	710	1590	1660	1660	0.61	0.39	D	C
SR 80	23684	23702								4	LC	PCS 18		LC_ClassIIArterial_4L	E	12070	0.090	1090	0.612	0.388	667	423	0	0	710	1590	1660	1660	0.40	0.25	C	C
Idlewild St.	23043	23044								2	LC	PCS 45		LC_Collector_2LU	E	9525	0.107	1160	0.597	0.403	692	468	0	0	310	660	740	740	0.94	0.63	E	D
Colonial Blvd.	23152	23159								4	LC	PCS 45		LC_Collector_4LD	E	13192	0.107	1410	0.597	0.403	841	569	0	0	770	1510	1600	1600	0.53	0.36	D	C
Winkler Rd.	23778	23661								4	LC	PCS 18		LC_ClassIArterial_4L	E	26228	0.090	2360	0.612	0.388	1445	915	0	250	1840	1960	1960	1960	0.74	0.47	C	C
Challenger Blvd.	23867	23870								6	LC	PCS 18		LC_ClassIArterial_6L	E	29933	0.090	3100	0.612	0.388	1898	1202	0	400	2840	2940	2940	2940	0.65	0.41	C	C
Colonial Blvd.	23858	23862								6	LC	PCS 18		LC_ClassIArterial_6L	E	40194	0.090	4670	0.612	0.388	2859	1811	0	400	2840	2940	2940	2940	0.97	0.62	D	C
Nalle Grade Rd.	22981	22954								2	LC	PCS 104		LC_ClassIArterial_2L	E	7814	0.105	820	0.509	0.491	417	403	0	140	800	860	860	860	0.48	0.47	C	C
23rd St. SW	27326	27325								4	LC	PCS 11		LC_ClassIArterial_4L	E	21804	0.091	1980	0.541	0.459	1071	909	0	250	1840	1960	1960	1960	0.55	0.46	C	C
Lee Blvd.	27306	27312								4	LC	PCS 11		LC_ClassIArterial_4L	E	15322	0.091	1390	0.541	0.459	752	638	0	250	1840	1960	1960	1960	0.38	0.33	C	C
Amberwood Rd.	20138	25281								4	LC	PCS 62		LC_ClassIArterial_4L	E	34586	0.108	3740	0.574	0.426	2148	1592	0	250	1840	1960	1960	1960	1.10	0.81	F	C
Colonial Blvd.	25375	26527								4	LC	PCS 62		LC_ClassIArterial_4L	E	27411	0.108	2960	0.574	0.426	1700	1260	0	250	1840	1960	1960	1960	0.87	0.64	C	C
N. End of Edison Bridge	22112	22408								3	FDOT	125035		UA_S2WAC1_1W_3L_U_0L_WR	D	37277	0.090	3350	0.999	0.001	3350	0	0	0	3704	3805	3805	3805	0.88	0.00	C	C
SR 78/Pine Island Rd./Bayshore Rd	21945	21954								6	FDOT	126041		UA_S2WAC1_2W_6L_D_WL_WR	D	52572	0.090	4730	0.527	0.473	2493	2237	0	0	3087	3171	3171	3171	0.79	0.71	C	C
re Rd Littleton Rd.	21945	21930								6	FDOT	125027		UA_S2WAC1_2W_6L_D_WL_WR	D	38777	0.090	3490	0.527	0.473	1839	1651	0	0	3087	3171	3171	3171	0.58	0.52	C	C
US 41 SB	21754	21780								4	FDOT	120078		UA_S2WAC1_2W_4L_D_WL_WR	D	29275	0.090	2630	0.527	0.473	1386	1244	0	0	2006	2100	2100	2100	0.66	0.59	C	C
SR 45/US 41	21600	21587								1	FDOT	121005		UA_S2WAC1_1W_1L_U_0L_0R	D	12850	0.090	1160	0.999	0.001	1160	0	0	0	837	887	887	887	1.31	0.00	F	C
N. End of Edison Bridge	22112	22538								3	FDOT	125071		UA_S2WAC1_1W_3L_U_0L_0R	D	37810	0.090	3400	0.999	0.001	3400	0	0	0	3528	3624	3624	3624	0.94	0.00	C	C
0.195 miles W. Solomon Blvd.	22260	22398								6	FDOT	120049		UA_S2WAC1_2W_6L_D_WL_0R	D	27507	0.090	4320	0.537	0.463	2320	2000	0	0	2940	3020	3020	3020	0.77	0.66	C	C
SR 739 (Metro Pkwy.)	23007	22912								6	FDOT	120050		UA_S2WAC1_2W_6L_D_WL_WR	D	52458	0.090	6300	0.537	0.463	3383	2917	0	0	3087	3171	3171	3171	1.07	0.92	F	C
CR 865/Ortiz Ave./6M Cypress Pkv	23685	23858								6	FDOT	120080		UA_S2WAC1_2W_6L_D_WL_WR	D	74502	0.090	6800	0.537	0.463	3652	3148	0	0	3087	3171	3171	3171	1.15	0.99	F	D
s Pkv I-75	21882	24003								6	FDOT	120063		UA_S2WAC1_2W_6L_D_WL_WR	D	104563	0.090	9410	0.537	0.463	5053	4357	0	0	3087	3171	3171	3171	1.59	1.37	F	F
400 Ft E. of Dynasty Dr.	24677	24766								6	FDOT	120063		UA_S2WAC1_2W_6L_D_WL_WR	D	85758	0.090	7720	0.537	0.463	4146	3574	0	0	3087	3171	3171	3171	1.31	1.13	F	F
Johnson St.	22171	22172								6	FDOT	125012		UA_S2WAC1_2W_6L_D_WL_0R	D	59566	0.090	5360	0.537	0.463	2878	2482	0	0	2940	3020	3020	3020	0.95	0.82	C	C
CR 78A/Pondella Rd.	21782	21815								4	FDOT	120094		UA_S2WAC1_2W_4L_D_WL_WR	D	52427	0.090	4720	0.537	0.463	2535	2185	0	0	2006	2100	2100	2100	1.21	1.04	F	F
Littleton Rd.	21595	21596								4	FDOT	125029		UA_S2WAC1_2W_4L_D_WL_WR	D	36344	0.090	3270	0.537	0.463	1756	1514	0	0	2006	2100	2100	2100	0.84	0.72	C	C
Del Prado Blvd.	21607	21611								4	FDOT	120036		UA_S2WAC1_2W_4L_D_WL_WR	D	36690	0.090	3300	0.537	0.463	1772	1528	0	0	2006	2100	2100	2100	0.84	0.73	C	C
Sun Seekers RV Park Entrance	21539	21542								4	FDOT	120109		UA_S2WAC1_2W_4L_D_WL_WR	D	70916	0.090	6380	0.537	0.463	3426	2954	0	0	2006	2100	2100	2100	1.63	1.41	F	F
: Charlotte County Line	21328	21311								4	FDOT	120103		UA_S2WAC1_2W_4L_D_WL_WR	D	46598	0.090	4190	0.537	0.463	2250	1940	0	0	2006	2100	2100	2100	1.07	0.92	F	C
) SR 80/Seaboard St.	22961	22903								2	FDOT	125007		UA_S2WAC2_2W_2L_D_WL_0R	D	20642	0.090	1860	0.537	0.463	999	861	0	1	389	788	840	788	1.27	1.09	F	F
Veronica Shoemaker Blvd.	23098	23175								4	FDOT	125007		UA_S2WAC1_2W_4L_D_WL_0R	D	29339	0.090	2640	0.537	0.463	1418	1222	0	0	1910	2000	2000	2000	0.71	0.61	C	C
CR 80B (Ortiz Ave.)	23654	23684								4	FDOT	125073		UA_S2WAC1_2W_4L_D_WL_WR	D	32915	0.090	2960	0.537	0.463	1590	1370	0	0	2006	2100	2100	2100	0.76	0.65	C	C
I-75	24345	24438								6	FDOT	125020		UA_S2WAC1_2W_6L_D_WL_WR	D	42310	0.090	3810	0.537	0.463	2046	1764	0	0	3087	3171	3171	3171	0.65	0.56	C	C
SR 31 (Babcock Ranch Rd.)	25762	25808								6	FDOT	126005		UA_S2WAC1_2W_6L_D_WL_WR	D	56793	0.090	5110	0.521	0.479	2662	2448	0	0	3087	3171	3171	3171	0.84	0.77	C	C
CR 80A/Buckingham Rd/Old Olga	25808	25875								4	FDOT	120085		UA_S2WAC1_2W_4L_D_WL_WR	D	54882	0.090	4940	0.521	0.479	2574	2366	0	0	2006	2100	2100	2100	1.23	1.13	F	F
Olga W. of Werner Dr.	26607	26783								4	FDOT	120012		UA_UFH_2W_4L_D_WL_WR	D	27107	0.090	2970	0.521	0.479	1547	1423	0	1800	2600	3280	3730	3280	0.47	0.43	B	B
Hickey Creek Rd.	27174	26290								4	FDOT	120006		RDA_UFH_2W_4L_D_WL_0R	C	27333	0.095	2600	0.521	0.479	1355	1245	0	1530	2210	2820	3220	2210	0.61	0.56	B	B
Broadway St./CR 78	27373	27415								4	FDOT	120006		RDA_UFH_2W_4L_D_WL_0R	C	26491	0.095	2570	0.521	0.479	1339	1231	0	1530	2210	2820	3220	2210	0.61	0.56	B	B
CR 884 (Joel Blvd.)	27798	28222								4	FDOT	120006		RDA_IFH_2W_4L_D_WL_WR	C	36247	0.095	3440	0.521	0.479	1792	1648	0	0	1607	1659	0	1607	1.12	1.03	F	D
Hendry County Line	27861	28224								4	FDOT	120086		RDA_UFH_2W_4L_D_WL_WR	C	33378	0.095	3170	0.521	0.479	1652	1518	0	1530	2210	2820	3220	2210	0.75	0.69	C	B
SR 739 (Park Ave.)	22640	22695								2	FDOT	125007		UA_S2WAC2_2W_2L_D_WL_0R	D	12609	0.090	1130	0.537	0.463	607	523	0	1	389	788	840	788	0.77	0.66	D	D
SR 80 (Palm Beach Blvd.)	22963	22961								2	FDOT	125007		UA_S2WAC2_2W_2L_D_WL_0R	D	11613	0.090	1080	0.537	0.463	580	500	0	1	389	788	840	788	0.74	0.63	D	D
Del Prado Blvd.	20787	21068								6	FDOT	120038		UA_S2WAC1_2W_6L_D_WL_WR	D	52320	0.090	5040	0.540	0.460	2722	2318	0	0	3087	3171	3171	3171	0.86	0.73	C	C
W. of CR 78A/Pondella Rd.	21143	21164								6	FDOT	126049		UA_S2WAC1_2W_6L_D_WL_WR	D	49413	0.090	4450	0.540	0.460	2403	2047	0	0	3087	3171	3171	3171	0.76	0.65	C	C
SR 45/US 41 (Cleveland Ave.)	21586	21596								4	FDOT	125042		UA_S2WAC1_2W_4L_D_WL_WR	D	41074	0.090	3700	0.540	0.460	1998	1702	0	0	2006	2100	2100	2100	0.95	0.81	C	C
SR 739/US 41 BUS	20445	21945								4	FDOT	120003		UA_S2WAC1_2W_4L_D_WL_WR	D	26591	0.090	2880	0.540	0.460	1555	1325	0	0	2006	2100	2100	2100	0.74	0.63	C	C
New Post Rd./Hart Rd.	22462	22524								6	FDOT	125028		UA_S2WAC1_2W_6L_D_WL_WR	D	55933	0.090	5030	0.540	0.460	2716	2314	0	0	3087	3171	3171	3171	0.86	0.73	C	C
Coon Rd./Slater Rd.	22975	22981								6	FDOT	120017		UA_S2WAC1_2W_6L_D_WL_WR	D	49875	0.090	4490	0.540	0.460	2425	2065	0	0	3087	3171	3171	3171	0.76	0.65	C	C
W. of Pritchett Pkwy.	23655	23740								4	FDOT	126064		UA_S2WAC1_2W_4L_D_WL_WR	D	53266	0.090	4790	0.540	0.460	2587	2203	0	0	2006	2100	2100	2100	1.23	1.05	F	F
Pritchett Pkwy.	23883	24055								4	FDOT	120022		UA_S2WAC1_2W_4L_D_WL_WR	D	51492	0.090	4630	0.521	0.479	2412	2218	0	0	2006	2100	2100	2100	1.15	1.06	F	F
Old Bayshore Rd.	25638	25646								4	FDOT	120022		UA_UFH_2W_4L_D_WL_WR	D	36295	0.090	3270	0.521	0.479	1704	1566	0	1800	2600	3280	3730	3280	0.52	0.48	B	B
SR 31	25646	25794								4	FDOT	121002		UA_S2WAC1_2W_4L_D_WL_WR	D	38190	0.090	3440	0.521	0.479	1792	1648	0	0	2006	2100	2100	2100	0.85	0.78	C	C

H APPROVED CPA - ROADWAY SEGMENT ANALYSIS

	TO	(1) DRPM A_1 Node	B_1 Node	A_2 Node	B_2 Node	A_3 Node	B_3 Node	A_4 Node	B_4 Node	(1) # of Lanes	(2) State/ County Roadway	(3) Count Station	(3) CC VV SNO	(4) CF LOS Facility Type	(5) LOS Std	FUTURE 2045 TRAFFIC (6) Raw DRPM AADT	(7) Two-way K Factor	Peak Hr Volume	(7) D Factor Dir 1	Dir2	Dir. Volume Dir1 NB/EB	Dir2 SB/WB	(8) Directional Service Volumes by LOS LOS A	LOS B	LOS C	LOS D	LOS E	Service Volume @ LOS Std.	2045 LOS V/SV Dir1 NB/EB	Dir2 SB/WB	LOS Dir1 NB/EB	Dir2 SB/W
amp	Buckingham Rd.	24497	24525							6	FDOT	126068		UA_S2WAC1_2W_6L_D_WL_WR	D	69051	0.090	6210	0.540	0.460	3353	2857	0	0	3087	3171	3171	3171	1.06	0.90	F	C
	CR 884/Colonial Blvd./Lee Blvd.	25465	25520							6	FDOT	120021		UA_S2WAC1_2W_6L_D_WL_WR	D	51720	0.090	4650	0.537	0.463	2497	2153	0	0	3087	3171	3171	3171	0.79	0.68	C	C
vd.	Gateway Blvd.	25677	26191							6	FDOT	120077		UA_S2WAC1_2W_6L_D_WL_WR	D	57712	0.090	5190	0.537	0.463	2787	2403	0	0	3087	3171	3171	3171	0.88	0.76	C	C
	Griffin Dr./Ray Ave. S.	26293	26871							6	FDOT	120107		UA_S2WAC1_2W_6L_D_WL_WR	D	43547	0.090	3920	0.537	0.463	2105	1815	0	0	3087	3171	3171	3171	0.66	0.57	C	C
	Daniels Pkwy./Gunnery Rd. S.	26211	26284							6	FDOT	120108		UA_S2WAC1_2W_6L_D_WL_WR	D	36469	0.090	3280	0.537	0.463	1761	1519	0	0	3087	3171	3171	3171	0.56	0.48	C	C
	Daniels Pkwy.	24830	24836	24889	24882	50119	50120	50058	50059	10	FDOT	120184		UA_FW_10L_WA	D	159499	0.090	14350	0.578	0.422	8294	6056	0	7240	9800	12240	13260	12240	0.68	0.49	C	B
	SR 884/CR 884/Colonial Blvd.	24351	24720	24744	24413	50106	50107	50068	50069	10	FDOT	120057		UA_FW_10L_WA	D	147685	0.090	13290	0.572	0.428	7602	5688	0	7240	9800	12240	13260	12240	0.62	0.46	C	B
	SR 82/Immokalee Rd.	24225	24129	24174	24278	50099	50100	50075	50076	6	FDOT	120273		UA_FW_10L_WA	D	137695	0.095	13080	0.521	0.479	6815	6265	0	7240	9800	12240	13260	12240	0.56	0.51	B	B
	Luckett Rd.	24560	24572	24610	24597	50093	50094	50081	50082	6	FDOT	120273		UA_FW_10L_WA	D	130094	0.095	12360	0.521	0.479	6440	5920	0	7240	9800	12240	13260	12240	0.53	0.48	B	B
	SR 80	24616	24549	24578	24639	50088	50089	50086	50087	6	FDOT	120273		UA_FW_10L_WA	D	122576	0.095	11640	0.521	0.479	6064	5576	0	7240	9800	12240	13260	12240	0.50	0.46	B	B
	SR 78 (Bayshore Rd)	23947	24004	24007	23965					6	FDOT	120061		UA_FW_6L_WA	D	97250	0.090	8750	0.572	0.428	5005	3745	0	4410	5650	6620	7340	6620	0.76	0.57	C	B
	Charlotte County Line	14230	14224	14225	14231					6	FDOT	120062		TA_FW_6L_0A	C	84680	0.105	8890	0.572	0.428	5085	3805	0	3520	4670	5610	5870	4670	1.09	0.81	D	C
	SR 78	25794	25798							6	FDOT	120030		UA_S2WAC1_2W_6L_U_WL_WR	D	64275	0.090	5780	0.521	0.479	3011	2769	0	0	2933	3012	3012	3012	1.00	0.92	D	C
	Old Rodeo Dr.	25794	20133							6	FDOT	121001		UA_S2WAC1_2W_6L_D_WL_WR	D	76443	0.095	7260	0.521	0.479	3782	3478	0	0	3087	3171	3171	3171	1.19	1.10	F	F
	CR 78/N River Rd./Old Bayshore R	89872	25796							6	FDOT	121001		UA_S2WAC1_2W_6L_D_WL_WR	D	74693	0.095	7100	0.521	0.479	3699	3401	0	0	3087	3171	3171	3171	1.17	1.07	F	F
ore R	Shirley Ln.	25799	25796							6	FDOT	120273		UA_S2WAC1_2W_6L_D_WL_WR	D	86471	0.095	8210	0.521	0.479	4277	3933	0	0	3087	3171	3171	3171	1.35	1.24	F	F
	Fox Hill Rd.	25799	25801							6	FDOT	120273		UA_S2WAC1_2W_6L_D_WL_WR	D	66948	0.095	6360	0.521	0.479	3314	3046	0	0	3087	3171	3171	3171	1.05	0.96	F	C
	Busbee Ln.	25799	25801							6	FDOT	120273		UA_S2WAC1_2W_6L_D_WL_WR	D	66948	0.095	6360	0.521	0.479	3314	3046	0	0	3087	3171	3171	3171	1.05	0.96	F	C
	Charlotte County Line	25799	25801							6	FDOT	120273		UA_S2WAC1_2W_6L_D_WL_WR	D	66948	0.095	6360	0.521	0.479	3314	3046	0	0	3087	3171	3171	3171	1.05	0.96	F	C

‹ Node numbers.

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ference. 2022 Lee County Traffic Count Report - Permanent Count Station. Charlotte County: 2023 Roadway Level of Service Data - VV SNO #.

. Adjustments in accordance with FDOT District 1 2020 LOS report

ɔr Urbanized, C for Transitioning, and C for Rural. LOS Standard for Lee County Roads = LOS E per Lee Plan.

2045 CF Network AADT distribution and assignment.

ın consistent with FDOT District 1 2020 LOS report and D factors from FDOT Florida Traffic Information Online (2022)

'2 Traffic Count Report - Permanent Count Stations. Charlotte County K factors based on Charlotte County: 2022 Roadway Level of Service Data; D factors based on FDOT Florida Traffic Information Online (2021)

is based on FDOT site synopsis reports or Lee County 2022 Traffic Count Report.

:ed on FDOT 2020 Quality / Level of Service Handbook - Generalized Peak Hour Directional Volumes (Table 7 - Urbanized Areas, Table 8 - Transitioning Areas , and Table 9 - Rural Areas). Service volumes based on the FDOT District 1 2020 LOS report .

nty Generalized Peak Hour Directional Service Volumes (April 2016).