

LEE COUNTY BOARD OF COUNTY COMMISSIONERS

ZONING
and
COMPREHENSIVE PLAN AMENDMENT HEARING
AGENDA

Wednesday, April 8, 2026
9:30AM

CPA2025-00012	Amenity Improvement Amendment
CPA2024-00017	SR 31 Civic 10
DCI2025-00005 Z-26-002	SR 31 CIVIC 10
DCI2025-00007 Z-26-004	Park 41 / Caloosa Commons CPD/RPD
DCI2024-00006 Z-25-024	SR 31 Caloosahatchee Ridge RPD
DCI2023-00054 Z-26-001	Port Phoenix Water Way Marina

NOTICE OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold a public hearing at 9:30 am on Wednesday, April 8, 2026 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.

DCI2025-00005 / SR 31 CIVIC 10

Request to rezone +/- 9.58 acres from Agricultural (AG-2) to Commercial Planned Development (CPD).

Located at 18031/041 State Road 31 North Fort Myers, FL; Bayshore Planning District. Property Owner: Marios Painting of South Florida. Property Owner's Representative: Ben Smith, (239) 337-3993.

DCI2025-00007 / Park 41 / Caloosa Commons CPD/RPD

Request to rezone 134.4± acres from Commercial (C-1A and C-2) to Commercial Planned Development and Residential Planned Development (CPD/RPD).

Located at 8321 Littleton Rd., North Fort Myers, FL; North Fort Myers Planning District. Property Owner: Littleton Road, LLC, Littleton Road II, LLC. Property Owner's Representative: Jennifer Sapen, (239) 281-4503.

DCI2024-00006 / SR 31 Caloosahatchee Ridge RPD

Request to rezone 102.15± acres from Agricultural (AG-2) to Residential Planned Development (RPD).

Located at Govt lot, 16431 & 16621 SR 31, and Wildwood Ln., Fort Myers, FL; Fort Myers Shores Planning District. Property Owner: Paul Timothy W Tr. Property Owner's Representative: D. Wayne Arnold, AICP, (239) 947-1144.

DCI2023-00054 / Port Phoenix Water Way Marina

Request to rezone 7.27± acres from Commercial Planned Development (CPD) and Light Industrial (IL) to Commercial Planned Development (CPD).

Located at 1687 Inlet Dr., North Fort Myers, FL; North Fort Myers Planning District. Property Owner: Lee County. Property Owner's Representative: Matthew Speath: (305) 834-4213.

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

(Bcherry2@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 Ranice Monroe, (239) 533-0255, 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

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, the 8th day of April, 2026. 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.

(TRANSMITTAL HEARING)

At the hearing, the Board will consider the proposed amendments for transmittal to the Florida Department of Commerce:

> CPA2025-00012 Amenity Improvement – Text Amendment: amend Goal 13 and associated Objectives and Policies to allow for golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22 CA-002743 approved under Sec. 70.001 F.S.

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.

(ADOPTION HEARING)

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

> CPA2024-00017 SR31 Civic 10: amend Lee Plan Map 1-A, the Future Land Use Map, to change the future land use category of the subject property from Rural to Outlying Suburban, and amend Map 4-A, Lee County Utilities Future Water Service Areas, to include the subject property. The property is located on the west side of SR 31, directly north of the Mike Greenwell Regional Park, formerly known as the Lee County Civic Center.

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 the Comprehensive Plan Amendments 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 the ADA Coordinator, Ranice Monroe, (239) 533-0255, ADArequests@leegov.com, 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.

Comprehensive Plan Amendment
and
Zoning Hearing Agenda
Wednesday, April 8, 2026

List of Hearing Attendees by Case

Case Number	Name	Party
CPA2025-00012 Amenity Improvement Amendment	Stacy Hewitt RVi Planning & Landscape Architecture	Applicant
	Neale Montgomery, Pavese Law Firm	Applicant
	Brandon Frey, J.R. Evans Engineering, P.A.	Applicant
	David Brown RESPEC	Applicant
	Shane Johnson Passarella & Associates, Inc.	Applicant
CPA2024-00017 SR 31 Civic 10	Richard Akin, Esq. Henderson, Franklin, Starnes & Holt	Applicant
	Ben Smith Morris-Depew Associates	Applicant
	Yury Bykau, P.E. TR Transportation Consultants	Applicant
	Paul Owen Owen Environmental Consulting	Applicant
	Marsha Ellis	Public Participant (BOCC Transmittal)
DCI2025-00005 SR 31 Civic 10	Richard Akin, Esq. Henderson, Franklin, Starnes & Holt	Applicant
	Yury Bykau, P.E. TR Transportation Consultants	Applicant
	Ryan Shute, P.E. Morris-Depew Associates	Applicant
	Ben Smith Morris-Depew Associates	Applicant
	Paul Owen Owen Environmental Consulting	Applicant
DCI2025-00007 Park 41 / Caloosa Commons CPD/RPD	Reed Fellows	Applicant
	Drew Fritzgerald RESPEC Company, LLC	Applicant
	Neale Montgomery, Esq. Pavese Law Firm	Applicant
	Jennifer Sapen Sapen Site Planning	Applicant
	Matthew Shorey Lennar Homes, LLC	Applicant

Comprehensive Plan Amendment
and
Zoning Hearing Agenda
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List of Hearing Attendees by Case

Case Number	Name	Party
	Barrett Stejskal BearPaws Environmental Consulting	Applicant
	Thomas Morgado	Public Participant
DCI2024-00006 SR 31 Caloosahatchee Ridge RPD	D. Wayne Arnold, AICP Pape Dawson	Applicant
	James Banks, P.E. JMB Transportation Engineering, Inc.	Applicant
	Michael Delate, P.E. RDA Consulting Engineers	Applicant
	Marco Espinar Collier Environmental Consultants, Inc.	Applicant
	Neale Montgomery, Esq. Pavese Law Firm	Applicant
	Scott Mersinger Trinity Commercial Group	Applicant
	Herbert Noack	Public Participant
DCI2023-00054 Port Phoenix Water Way Marina	Robert Fowler Fowler Construction	Applicant
	Jaret Rogers Safe Harbor	Applicant
	Matthew Speath Speath Engineering	Applicant
	Constance Adamski	Public Participant
	Guy Adamski	Public Participant
	Joanne McCormick	Public Participant
	Robert L McCormick	Public Participant

CPA2025-00012

Amenity Improvement Text Amendment

SUMMARY SHEET
CPA2025-00012 – Amenity Improvement Amendment
Transmittal Hearing

REQUEST:
Amend the text of Goal 13 of the Lee Plan to allow golf courses and ancillary uses in Mixed Use Planned Developments (MPD), subject to Settlement Agreement Case No. 22-CA-002743.

The proposed text amendment will follow the Expedited State Review process under F.S. 163.3184(3), which will require one public hearing before the Local Planning Agency for recommendation to the BOCC and two public hearings with the BOCC. Applications that follow the Expedited State Review process also require review by the State Reviewing Agencies.

LPA PUBLIC HEARING:
The applicant's representatives provided a presentation addressing the requested amendments, history of the subject property, and consistency with the Lee Plan.

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

Members of the LPA inquired whether the proposed amendment would affect the ability of another property to pursue a Private Recreational Facilities Planned Development (PRFPD) and whether it would affect any property other than the property subject to the settlement agreement. Staff clarified that this amendment does not apply to any other properties or preclude another property owner's ability to pursue a PRFPD.

LPA PUBLIC INPUT:
No members of the public provided public comment at the meeting.

LPA MOTION:
A motion was made to recommend that the Board of County Commissioners (BOCC) ***transmit*** CPA2025-00012. The motion passed 4 to 0.

DUSTIN GARDNER	ABSENT
DAWN RUSSELL	AYE
JENNIFER SAPEN	RECUSED
DON SCHROTENBOER	AYE
STAN STOUDER	AYE
HENRY ZUBA	AYE

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

STAFF REPORT FOR CPA2025-00012:
Amenity Improvement Amendment

Privately Initiated Lee Plan Text Amendment

Recommendation:
Transmit

Applicant:
CAM7 SUB, LLC

Representatives:
Stacy Hewitt, AICP
RVi Planning + Landscape Architecture

Property Location:
NA

Size:
NA

Planning District:
District #18 (Southeast Lee County)

Commissioner District:
Districts #2 & #3

Hearing Dates:
LPA: February 23, 2026
BoCC #1: April 8, 2026
BoCC #2: TBD

Attachment(s):
1: Text Amendment
2: Applicant Materials

REQUEST

Amend the text of Goal 13 of the Lee Plan to allow golf courses and ancillary uses in Mixed Use Planned Developments (MPD), subject to Settlement Agreement Case No. 22-CA-002743.[1]

SUMMARY

The applicant requests to amend Lee Plan Goal 13, Private Recreational Facilities in the DR/GR, to allow for the development of a golf course amenity and other ancillary uses to a residential development as part of a Mixed Use Planned Developments (MPD) in the DR/GR Future Land Use Category within Southeast Lee Community Plan Area. Specifically, this amendment addresses amenity uses permitted in the Kingston Development. The proposed amendment will follow the Expedited State Review process in the Florida Statutes.

PROPERTY LOCATION

The property associated with these amendments is located one (1) mile west of the Hendry County boundary between State Road 82 and the Collier County boundary to the south.

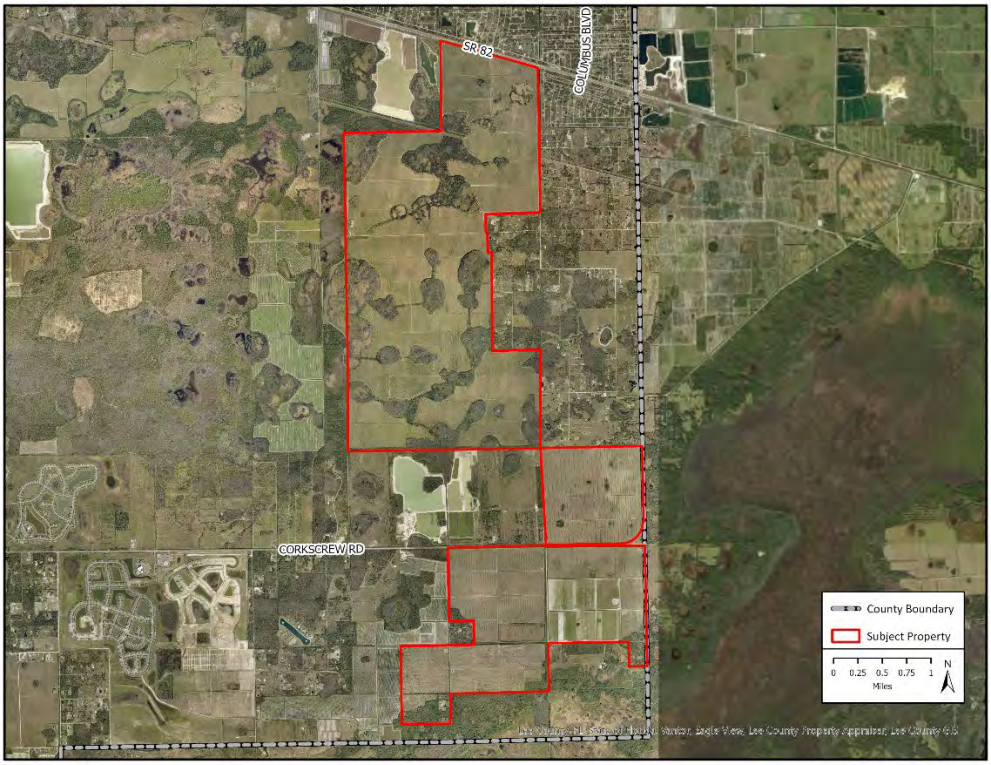


Figure 1: Location map of the existing Kingston MPD.

RECOMMENDATION

Staff recommends that the Board of County Commissioners (BoCC) ***transmit*** the proposed amendment as shown in Attachment 1.

[1] See Stipulated Settlement Agreement for Case No. 22-CA-002743

PART 1
STAFF DISCUSSION AND ANALYSIS

BACKGROUND & REQUEST

The proposed text amendments address golf courses and ancillary uses within the Density Reduction/Groundwater Resource (DR/GR) Future Land Use Category in the Southeast Lee County Community Plan Area (SE Lee) and a potential inconsistency between Goal 13 and Chapter 13: Administration, of the Lee Plan. Currently, the Lee Plan permits golf courses in DR/GR only through a Private Recreation Facilities Planned Development (PRFPD). The proposed amendment would broaden the language in the Lee Plan to allow golf courses and ancillary uses within the MPD subject to Settlement Agreement Case No. 22-CA-002743, known as the Kingston MPD.

In 2019, the Board of County Commissioners denied DCI2011-00007, which sought to rezone the subject property to Industrial Planned Development (IPD) to support a new mine. After the denial, the applicant entered into a court-ordered settlement agreement with the County that ultimately led to the creation of the Kingston Development.

Part II of the settlement agreement sets forth the parties' covenants, warranties, and other representations, to which Lee County was a party. Item 4.f. of this section provides that the parties will enter into a Development Agreement that will be considered part of the court-ordered Stipulated Settlement Agreement. The Development Agreement in 4.B. provides that "the property will be designated and treated as a Mixed-Use Planned Development," which is how the property subsequently received an MPD zoning designation.

Per the settlement agreement, the proposed development permitted a variety of uses, including residential, residential amenities, and recreational areas. The applicant wants to include a golf course, a reasonable residential amenity, within parcels 8A, 8B, and 9. However, Lee Plan Goal 13 only allows golf courses in DR/GR within a Private Recreation Facilities Planned Development (PRFPD).

Per Lee Plan Chapter 13, Administration, "Development authorized by court order resulting from litigation in which Lee County was a party," is "considered consistent with the Lee Plan." Therefore, the Kingston Development, as approved under the Settlement Agreement, is consistent with the Lee Plan; however, it is an MPD, not a PRFPD, as required by Goal 13 for a golf course.

The Lee Plan requirements for private recreational facilities in DR/GR and the PRFPDs were created in response to a privately initiated text amendment application, **PAT-98-08**, which sought to allow a golf course in DR/GR on the premise that DR/GR included the only areas of land in the county large enough to support golf courses. The transmitted amendments were sent to the Department of Community Affairs (DCA, the equivalent of the current Department of Commerce), which raised numerous concerns about how the proposed amendment would affect the DR/GR. Ultimately, the amendment turned into its own goal, **Lee Plan Goal 16**, with specific zoning regulations in **LDC Chapter 34**. Goal 16 moved to **Goal 13** with a county-initiated reorganization amendment in 2018. Minimal changes have been made via Ordinance 21-09, which mostly removed outdated references.

The applicant is reconciling the disparity between the requirements of Lee Plan Goal 13, Lee Plan Chapter 13, and the zoning designation set forth in the Settlement Agreement by creating an exception within Goal 13 to permit the golf course in the MPD, subject to the Stipulated Settlement Agreement. **The**

requested amendment applies only to the subject property and does not affect any other properties within the Southeast Lee Community Plan Area or DR/GR.

Future Land Use Categories

The proposed amendment applies to properties within the DR/GR and Wetlands future land use categories, but specifies the settlement agreement. The DR/GR and wetlands future land uses are considered non-urban categories. Lee Plan **Policy 1.4.5** states that the DR/GR land use category applies to areas that provide substantial recharge to aquifers and that are most suitable for physical withdrawal of water. The policy is reproduced below.

> ***POLICY 1.4.5:*** *The Density Reduction/Groundwater Resource (DR/GR) future land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed.*
>
> 1. *New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels must be submitted as part of the rezoning application and updated, if necessary, as part of the mining development order application.*
> 2. *Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum Future Land Use II-8 April 2024 standard density of one dwelling unit per ten acres (1 du/10 acres). See Objectives 33.2 and 33.3 for potential density adjustments resulting from concentration or transfer of development rights.*
> 3. *Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 13. No Private Recreational Facilities may occur within the DR/GR land use category without a rezoning to an appropriate Planned Development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 13.*

The Wetlands future land use category is described in Lee Plan Objective 1.5 and Policy 1.5.1. Objective 1.5 states that all lands that the state recognizes as wetlands are within the Wetland future land use category. Policy 1.5.1 provides that the allowed uses within the Wetlands future land use category include very low-density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. Objective 1.5, Wetlands, is reproduced below.

> ***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.*
>
> ***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.

POLICY 1.5.2: *When the exact location of Wetlands boundaries is in question, Chapter XIII provides an administrative process to precisely define the boundary.*

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 applicant is not proposing any changes to these policies, nor to the Future Land Use Map designation on the property to which the proposed text amendment would apply.

Community Plan Area

The proposed text amendment directly impacts properties that are completely within the Southeast Lee Community Plan Area. The Southeast Lee County Community Planning Area primarily encompasses lands south of SR 82, east of Fort Myers, RSW, the City of Estero, and the City of Bonita Beach, and north of Bonita Beach Road. Lee Plan Goal 33 contains the Community Plan Area's objectives and development policies. The general description for Goal 33 is reproduced below.

GOAL 33: SOUTHEAST LEE COUNTY. *Protect Southeast Lee County's natural resources through public and private acquisition and restoration efforts. Development incentives will be utilized as a mechanism to preserve, enhance, and protect natural resources, such as regional flow-ways and natural habitat corridors in the development of privately owned land. Allowable land uses will include conservation, agriculture, public facilities, low density or clustered residential, natural resource extraction operations, and private recreation facilities; allowable land uses must be compatible with protecting Southeast Lee County's environment.*

This goal is supported by three (3) objectives: Objective 33.1, Water, Habitat, and Other Natural Resources; Objective 33.2, Residential and Mixed-Use Development; and Objective 33.3, Southeast Lee County Transfer of Development Rights Program. Generally, these objectives protect natural resources, limit development to areas indicated in Map 2-D, and incentivize moving development to other parts of the County.

Planning District

The Subject property is located in the Southeast Lee Planning District (District 18), which allocates 4,742 acres to the DR/GR FLUC and no acreage to Wetlands FLUC for residential development. District 18 allocates 333 acres to Commercial and Industrial uses. However, this number is also limited by Policy 33.2.5, which sets the maximum commercial floor area within the Southeast Lee Community Plan Area to 300,000 square feet. No changes are proposed or necessary to Table 1(b) as part of the text amendment.

Surrounding Area

The Kingston development spans approximately 7 miles north to south, from SR 82 to the Collier County boundary, and comprises many parcels of land. Given its expansive nature, a typical analysis of surrounding properties is not feasible. Instead, the table below identifies the development types surrounding the Kingston development; however, the proposed golf courses, which this amendment would facilitate, are internal to Kingston and would not affect the surrounding development.

DIRECTION	DESCRIPTION	COMMUNITY PLAN AREA	DEVELOPMENT TYPE
NORTH	Lehigh Acres	Lehigh Acres	Pre-platted single-family lots
EAST	Wildcat Farms	Southeast Lee	Large lot agricultural subdivision
SOUTH	Collier County	NA	Corkscrew Regional Ecosystem Watershed (CREW) Marsh Preserve
WEST	Imperial Marsh Preserve	Southeast Lee	Preserve with some surrounding mining operations.

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 specific elements. The Lee Plan is divided into elements (chapters), each of which is 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 application requests privately initiated text amendments 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 applicant has met the procedural requirements in AC 13-6.**

Because the applicant is proposing a change to the Lee Plan that affects a Community Plan Area, one public information meeting is required before the application is found sufficient under Lee Plan Policy 17.3.2. The applicant has provided a summary, public notice, and maps for the community meeting held at the Craft Lounge at Verdana Village on Thursday, November 19, 2025, at 5:30 p.m. The summary stated that there were no members of the public at the meeting. **The applicant has met the public input requirements of Lee Plan Objective 17.1.**

The proposed text amendment **will follow the Expedited State Review process under F.S. 163.3184(3),** which will require one public hearing before the Local Planning Agency for recommendation to the BOCC and two public hearings with the BOCC. Applications that follow the Expedited State Review process also require review by the State Reviewing Agencies.

LEE PLAN ANALYSIS

The comprehensive plan applies to all land use decisions within unincorporated Lee County. Where goals, objectives, standards, 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 in this staff report outlines the proposed amendments and their consistency with the most applicable Lee Plan goals, objectives, and policies to assess appropriateness.

The Lee Plan consists of fourteen chapters. The first twelve chapters contain the state-required and optional elements for all comprehensive plans. **Chapter 13**, entitled "Administration," provides the details on how the County interprets the Lee Plan. Chapter 13, section A, establishes the effect and legal status of the plan. Section A, part 1, states that all of the approvals listed in this section are considered consistent with the Lee Plan, subsection d of Part 1 includes, "Development authorized by court order resulting from litigation in which Lee County was a party." **This means that development resulting from a court order, specifically the Kingston MPD resulting from the Stipulated Settlement Agreement, is considered consistent with the Lee Plan.** As noted previously, the Kingston Development was approved by a court order (a stipulated settlement agreement) to which the county was a party. The settlement agreement allows a variety of uses, including residential uses, their amenities, and ancillary uses. Golf courses are a reasonable amenity for residential uses. **The applicant's proposed golf course will be an amenity to a residential pod within the development, consistent with all the requirements of the settlement agreement. Under Chapter 13, this is consistent with the Lee Plan.** However, the zoning resulting from the settlement agreement conflicts with the standard requirements for golf courses in DR/GR under Goal 13.

The proposed amendments are fully within Lee Plan **Goal 13**, entitled Private Recreational Facilities in DR/GR, which provides specific requirements, including specific zoning district designations, for all types of private recreational facilities, including golf courses, in DR/GR. Many of the requirements contained within Goal 13 are standard requirements in the County's Southeast Lee Community Plan Area, DR/GR, and planned development applications.

According to **Policy 13.2.1,** "All private recreational facilities proposed within the DR/GR future land use category must be reviewed as a PRFPD." The PRFPD zoning designation is unique to private recreational facilities within the DR/GR future land use category and was a direct result of DCA comments relating to PAT-98-08, mentioned in the background section of this report. This zoning district may not be used in any other future land use category and has its own use table and development standards separate from those of other Planned Developments in Chapter 34 of the Land Development Code. Generally, planned developments, as a zoning designation, are used to condition and strictly scrutinize development on a particular parcel based on compatibility, environmental, or other concerns. The PRFPD designation was created to condition and scrutinize development in the DR/GR to ensure all wildlife, sprawl, and water resource concerns were adequately addressed in any potential development in this land use category.

The applicant has requested an amendment to Policy 13.2.1 to exempt golf courses and ancillary uses in the Kingston MPD from the PRFPD zoning designation requirement. The PRFPD zoning district was created to address compatibility concerns with development in the DR/GR future land use category, which the settlement agreement referenced in the exemption has already examined in detail. The zoning district name is arbitrary if the district's intent is met through another means, and the MPD associated with the Settlement Agreement has examined the Kingston Development's impact on water resources, wildlife, surrounding properties, infrastructure, and more. **The proposed exemption from the PRFPD zoning district requirement for the MPD, specific to the Settlement Agreement, is not inconsistent with the intent of Policy 13.2.1, as the concerns surrounding the creation of the PRFPD have already been addressed in the Settlement Agreement and resultant MPD.**

Objective 13.3 contains the general development regulations for private recreational facilities in the DR/GR. Objective 13.3 currently contains nine (9) supporting policies. Objective 13.3 is reproduced below.

OBJECTIVE 13.3: GENERAL DEVELOPMENT REGULATIONS. The protection of water quality, quantity, natural resources, and compatibility will be addressed by additional development controls that regulate the permitted uses, parcel size, density, intensity and design of Private Recreational Facilities.

The applicant has requested that Policy 13.3.10 be added, which states that golf courses and ancillary uses within the Kingston MPD, subject to the Settlement Agreement, are exempt from the requirement of this objective but will comply with the development standards provided in the agreement. The following lists each policy and its general requirements.

- **Policy 13.3.1** requires all Private Recreation Facilities to submit a binding Master Concept Plan.
- **Policy 13.3.2** requires environmental assessments for the proposed development.
- **Policy 13.3.3** requires a demonstration of compatibility with the surrounding properties.
- **Policy 13.3.4** requires a Pest Management program.
- **Policy 13.3.5** sets buffer requirements when buildings are located near an exterior property line.
- **Policy 13.3.6** provides general illumination/lighting standards.
- **Policy 13.3.7** encourages native and xeriscape vegetation.
- **Policy 13.3.8** provides the development standards, including setbacks, open space, and security.
- **Policy 13.3.9** sets density and intensity limitations.

The requirements within Objective 13.3 or similar requirements meeting the intent of the requirements in this objective are included in the Settlement Agreement. The MPD includes a binding Master Concept Plan, initial environmental reports (with additional reports required at each level of development review), buffer requirements and development standards, and specific density and intensity limitations. In an instance where the MPD does not address a development standard, the County's standard requirements apply. **The proposed amendment to exempt Kingston MPD from Policies 13.3.1 through 13.3.9 of Objective 13.3 is consistent with the intent of Objective 13.3, as the applicable requirements have already been addressed in the Settlement Agreement and resultant MPD.**

Objective 13.4 addresses Water Quality, Quantity, and Surface Water Resources for private recreational facilities within the DR/GR future land use category. Objective 13.4 is supported by eight (8) policies and reproduced below.

OBJECTIVE 13.4: WATER QUALITY, QUANTITY, AND SURFACE WATER RESOURCES. Private Recreational Facilities must be located, designed and operated in such a way that they will not degrade the ambient surface or groundwater quality. These facilities must be located, designed and operated in such a way that they will not adversely impact the County's existing and future water supply. The location, design and operation of Private Recreational Facilities must maintain or improve the storage and distribution of surface water resources.

The applicant has requested to add Policy 13.4.9, which generally states that "water quality, quantity, and surface water resources" within the MPD are subject to the requirements of the Settlement Agreement and therefore exempt from Policies 13.4.1 through 13.4.8. Each of these policies is generally described below.

- **Policy 13.4.1** requires all PRFPDs, including the associated water modeling, to be reviewed by the County's Natural Resources department.
- **Policy 13.4.2** applies to properties near existing or proposed wellfields.
- **Policy 13.4.3** requires surface and groundwater monitoring
- **Policy 13.4.4** requires a pre-application meeting with Natural Resources before a PRFPD application.
- **Policy 13.4.5** requires PRFPDs within a wellfield protection zone to meet the strictest standards of Zone 1, as defined in the Wellfield Protection Ordinance.
- **Policy 13.4.6** provides requirements for flow-way corridors and flow-way restoration.
- **Policy 13.4.7** requires compliance with Lee County and South Florida Water Management District (SFWMD) surface water standards.
- **Policy 13.4.8** provides requirements for development near potential drawdown zones for public well development to utilize an alternative water supply.

The proposed text amendments, the Settlement Agreement, and all subsequent development applications have been, or will be, reviewed by the County's Natural Resources Department for compliance with the standards set forth in the Settlement Agreement, associated MPD, and general County regulations. Additionally, development is also subject to SFWMD permit requirements. The Settlement Agreement established a Surface Water Quality Monitoring program, an enhanced lake management program, and a hydrological restoration plan, as referenced in the proposed Policy 13.4.9 exemption language. **The proposed amendment to exempt the Kingston MPD from Policies 13.4.1 through 13.4.8 is consistent with the intent of Objective 13.4, as the applicable requirements have already been addressed in the Settlement Agreement and resultant MPD.**

Objective 13.5 includes the requirements related to wildlife. This objective is supported by three (3) policies. The objective is reproduced below.

> *OBJECTIVE 13.5: WILDLIFE. The location, design and operation of Private Recreational Facilities will incorporate preservation and/or management activities that restrict the unnecessary loss of wildlife habitat or impact on protected species, species of special concern, threatened or endangered species.*

The applicant has requested to add a fourth policy under objective 13.5 that states the Settlement Agreement was found to be in the public's interest, that the golf course amenity will be constructed according to the settlement agreement requirements, and is therefore exempt from Policies 13.5.1 through 13.5.3. Each of these policies is generally described below.

- **Policy 13.5.1** states that potential development may not have an adverse impact on wildlife habitat.
- **Policy 13.5.2** relates to fencing and its impact on animal movement.
- **Policy 13.5.3** states that development must be designed and operated to conserve protected species habitat.

The Kingston MPD has a Protected Species Management Plan and Human-Wildlife Coexistence Plan. All zoning actions and development order applications will require analyses of the impact on wildlife in accordance with the Settlement Agreement and County requirements. Conditions #3 and #4 in the Settlement agreement address wildlife crossings and protected species. **The proposed amendment to**

exempt the Kingston MPD from Policies 13.5.1 through 13.5.3 is consistent with the intent of Objective 13.5, as the applicable requirements have already been addressed in the Settlement Agreement and resultant MPD.

Objective 13.6 is similar to the wildlife objective but addresses Natural Resources rather than wildlife. This objective is supported by four (4) policies, and the applicant is requesting to add a fifth. The existing policies are generally described below.

- **Policy 13.6.1** relates to ongoing maintenance of natural areas within the development.
- **Policy 13.6.2** requires that development minimize adverse effects of wetlands and riparian areas.
- **Policy 13.6.3** sets a minimum of 50% indigenous native upland habitat.
- **Policy 13.6.4** directs the development to incorporate energy and resource conservation devices.

The Kingston MPD already includes an Indigenous Preservation, Restoration, and Management plan and a Hydrological Restoration plan. The most recently approved Master Concept Plan for the MPD (ADD2024-00047) provides approximately 4,000 acres of open space, including a little over 3,000 acres of restored uplands. The open space accounts for approximately 61% of the development area, and the restoration area accounts for 50%. All zoning actions and development order applications will require analyses of the impact of development on Natural Resources in accordance with County standards and the Settlement Agreement. **The proposed amendment to exempt the Kingston MPD from Policies 13.6.1 through 13.6.4 is consistent with the intent of Objective 13.6, as the applicable requirements have already been addressed in the Settlement Agreement and resultant MPD.**

Objective 13.7 provides requirements for water quality monitoring and enforcement. There are three (3) policies that support the objective, and the applicant is requesting to add a fourth policy, similarly worded to the others they've requested. The existing policies are generally described below.

- **Policy 13.7.1** requires annual surface and groundwater monitoring in perpetuity and provides monitoring standards.
- **Policy 13.7.2** provides a process to follow if groundwater monitoring shows degradation.
- **Policy 13.7.3** provides the requirements of the monitoring report.

The Settlement Agreement includes requirements for surface and groundwater reporting with details provided in the approved Surface Water Quality Monitoring Program and Enhanced Lake Management Plan. All zoning actions and development order applications will require analyses of the impact of development on monitoring in accordance with County standards and the Settlement Agreement. Additionally, any changes to those plans would need to be approved by the County. **The proposed amendment to exempt the Kingston MPD from Policies 13.7.1 through 13.7.3 is consistent with the intent of Objective 13.7, as the applicable requirements have already been addressed in the Settlement Agreement and resultant MPD.**

Objective 13.8 provides Golf Course Performance Standards for golf courses within the DR/GR future land use category. This objective is supported by twelve (12) policies and the applicant is requesting to add a thirteenth (13th) policy, similarly worded to the others they've requested. Objective 13.8 is reproduced below.

OBJECTIVE 13.8: GOLF COURSE PERFORMANCE STANDARDS. The location, design and operation of golf courses located within the Private Recreational Facilities Overlay will minimize their impacts on natural resources, and incorporate Best Management Practices. A maximum of five 18-hole golf courses, for a total of 90 golf holes, will be permitted.

The Settlement Agreement does not include specific language regarding golf courses, but all development within the Kingston MPD must comply with the settlement agreement's requirements, which already minimize the development's impact on natural resources, including, but not limited to, water quality, native vegetation, irrigation, and pesticide use. There are two (2) approved PRFPD in Lee County (DCI2000-00048 – Old Corkscrew Plantation Golf Course and DCI2001-00060 – the Ginn Section 9 Golf Course[2]) with a total of 45 golf holes. **The proposed amendment would not permit any golf courses that exceed the golf course threshold set forth in Objective 13.8, even though the amendment technically exempts the Kingston MPD from this threshold.**

Policies 13.8.1 through 13.8.5 address requirements for waterways, trees around waterways, impervious surfaces for waterway crossings, and golf course lake location relative to waterways. All development within the Kingston MPD must comply with the Settlement Agreement, including its requirements for open space, landscaping, conservation, and water quality, which has already been found consistent with County requirements and the public interest**.**

Policy 13.8.6 requires a specific engineering standard for water pretreatment and flood elevation, which the Settlement Agreement has existing conditions for development.

Policy 13.8.7 references the Florida Department of Environmental Protection's Best Management Practices for Golf Courses. All development will need to be consistent with local and state standards upon approval.

Policies 13.8.8 and 13.8.9 outline requirements for pesticides and irrigation. The Settlement Agreement already establishes pesticide and irrigation limits and management standards that all of Kingston's development must follow.

Policies 13.8.10 and 13.8.11 require golf courses to be designed, managed, and certified through the Audubon International Signature Program of Golf, which is now called the Audubon Cooperative Sanctuary Program (ACSP)[3]. The ACSP is a membership program to assist golf courses with environmental planning, wildlife and habitat management, water conservation, water quality management, and outreach. The Settlement Agreement already requires all of these elements, except the golf outreach.

Policy 13.8.12 addresses Golf Site Requirements with a minimum number of holes, a minimum amount of indigenous vegetation, and off-site preserve requirements. The potential development under the proposed exemption would be a golf course as an amenity for a residential pod, not a stand-alone golf course. The Kingston development is required to far exceed the indigenous vegetation requirements of this policy and is limiting the potential golf course area to three residential pods: 8A, 8B, and 9. The size requirements of this section may not be reasonable for the type of development the proposed exemption would yield.

[2] The Ginn Section 9 Golf Course was never developed and is now part of the Wild Blue MPD.
[3] https://www.audubonintenational.org/acsp-for-golf

The applicant's exemption from Objective 13.8, specifically Policies 13.8.1 through 13.8.12, is not inconsistent with the intent of these regulations, as the most applicable and necessary requirements have already been addressed in the Settlement Agreement and resultant MPD.

Based on the analysis above, the proposed text amendments are not inconsistent with Goal 13, as many of the requirements are already addressed in the Settlement Agreement, and no special treatment will be provided for the golf course amenity.

As previously noted, the subject amendment would only impact the Kingston development, which is within the DR/GR and Wetlands FLUCs. Under the settlement agreement, the Kingston development, including its amenities, has been found to be consistent with both of the existing future land use categories. The proposed amendments do not change any allowed uses within the development. **The proposed text amendments are not inconsistent with the existing FLUCs.**

Lee Plan **Goal 33** describes the Southeast Lee Community Plan Area. The applicant is not proposing any changes to policies or objectives within Goal 33. The settlement agreement, and by extension the MPD affected by the proposed amendments, has been found to be consistent with the Objectives and Policies within Goal 33. The proposed amendments do not change the allowances or requirements in the MPD associated with the settlement agreement, including all water quality and wildlife habitat requirements. The proposed development's impacts will be assessed during the zoning and development order phases to ensure compliance with Goal 33 requirements. **The proposed text amendments are not inconsistent with Goal 33.**

The proposed text amendments are limited to reconciling an inconsistency between Goal 13 and Chapter 13, regarding golf courses in DR/GR, consistent with the settlement agreement. The proposed amendments do not change uses or allowances within the MPD and, therefore, will have **no effect on concurrency for schools, roads, utilities, or other infrastructure.** Concurrency will continue to be evaluated through all subsequent zoning and development order applications.

CONCLUSIONS

Staff has reviewed the proposed amendment and provides the following conclusions:

- No changes have been proposed to the allowed uses within the MPD associated with the Settlement Agreement Case No. 22-CA-002743.
- The proposed text amendments do not create any concurrency issues.
- The applicant has provided all of the required documentation for the proposed amendments according to AC 13-6.
- The proposed amendments do not change the requirements for Goal 13 outside of the area covered by the Settlement Agreement, which contains its own conditions of approval consistent with the Lee Plan and LDC.
- The proposed development's impacts will be assessed during the zoning and development order phases to ensure compliance with Goal 33 requirements.

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: February 23, 2026

A. LOCAL PLANNING AGENCY REVIEW

The applicant's representatives provided a presentation addressing the requested amendments, the subject property, surrounding uses, and consistency with the Lee Plan.

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

Members of the LPA inquired whether the proposed amendment would affect the ability of another property owner to pursue a Private Recreational Facilities Planned Development and whether it would affect any property other than the property subject to the settlement agreement. Staff clarified that this amendment does not apply to any other properties or preclude another property owner's ability to pursue a PRFPD.

B. LOCAL PLANNING AGENCY RECOMMENDATION

A motion was made to recommend that the Board of County Commissioners (BoCC) ***adopt*** CPA2025-12. The motion passed 4 to 0.

DUSTIN GARDNER	**ABSENT**
DAWN RUSSELL	**AYE**
JENNIFER SAPEN	**RECUSED**
DON SCHROTENBOER	**AYE**
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 13.1.2: Private Recreational Facilities within the DR/GR land use category will only be allowed, subject to the other requirements of this Goal, in the areas depicted on the Private Recreational Facilities Overlay, Map 1-F, except for golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. (Ord. No. 99-16, 18-18)

POLICY 13.1.3: Private Recreational Facilities are also allowed within the DR/GR land use category in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. limited to golf courses and ancillary uses.

POLICY 13.2.1: PRIVATE RECREATION FACILITY PLANNED DEVELOPMENT (PRFPD). All Private Recreational Facilities proposed within the DR/GR future land use category must be reviewed as a PRFPD, except for golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. (Ord. No. 99-16, 18-18, 21-09)

POLICY 13.3.10: General development standards for golf courses and ancillary uses within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. will follow the development standards established for this MPD zoning district and are exempt from Policies 13.3.1 through 13.3.9.

POLICY 13.4.9: The protection of water quality, quantity, and surface water resources within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Surface Water Quality Monitoring Program within the Enhanced Lake Management Plan and the Hydrological Restoration Plan, and are exempt from Policies 13.4.1 through 13.4.8.

POLICY 13.5.4: The protection of wildlife within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Protected Species Management and Human-Wildlife Coexistence Plan, and are exempt from Policies 13.5.1 through 13.5.3.

POLICY 13.6.5: The protection of natural resources within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including The Indigenous Preservation, Restoration, and Management Plan and Hydrological Restoration Plan, and are exempt from Policies 13.6.1 through 13.6.4.

POLICY 13.7.4: The monitoring program within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Surface Water Quality Monitoring Program within the Enhanced Lake Management Plan, and are exempt from Policies 13.7.1 through 13.7.3.

POLICY 13.8.13: Performance standards within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. were found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district and are exempt from Objective 13.8 and Policies 13.8.1 through 13.8.12.

AMENITY IMPROVEMENT AMENDMENT

Comprehensive Plan Text Amendment

CPA2025-00012

RECEIVED
FEB 11 2026
COMMUNITY DEVELOPMENT

Local Planning Agency
February 23, 2026

PREPARED FOR:
CAM7 SUB, LLC

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

RVi

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EXHIBIT T6 – LEE PLAN ANALYSIS

EXHIBIT T7 - ENVIRONMENTAL IMPACTS ANALYSIS

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PLANNING COMMUNITIES/COMMUNITY PLAN AREA REQUIREMENTS

MIXED USE PLANNED DEVELOPMENT (MPD) STIPULATION OF SETTLEMENT AGREEMENT UNDER SECTION 70.001, FLORIDA STATUTES RECORDED IN INSTRUMENT NUMBER 2022000208255

EXHIBIT T1 – CPA APPLICATION

Lee County Community Development

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - TEXT

Project Name: Amenity Improvement Amendment

Project Description: Amend Goal 13 and associated Objectives and Policies to allow for golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S.

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:** CAM7 SUB, LLC
   Address: 21101 Design Parc Lane, Suite 103
   City, State, Zip: Estero, FL 33928
   Phone Number: 239-425-8662 E-mail: rblacksmith@camerattacompanies.com

2. **Name of Contact:** RVi Planning + Landscape Architecture, ATTN: Stacy Ellis Hewitt, AICP
   Address: 10511 Six Mile Cypress Parkway, Suite 101
   City, State, Zip: Fort Myers, FL 33966
   Phone Number: 239-770-2527 E-mail: shewitt@rviplanning.com

3. **Property Information:** Provide an analysis of any property within Unincorporated Lee County that may be impacted by the proposed text amendment. Please see Exhibit T5

4a. **Does the proposed change affect any of the following areas?** Please see Exhibit T6

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)

DISCLOSURE OF INTEREST
AFFIDAVIT

BEFORE ME this day appeared Raymond Blacksmith, as Manager of CAM7-SUB, 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 list of STRAPs 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.

Property Owner

Raymond Blacksmith, as Manager of CAM7-SUB, LLC
Print Name

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

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of [X] physical presence or [ ] online notarization, on November 6, 2025 (date) by Raymond Blacksmith (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL

Signature of Notary Public





KINGSTON
ADMINISTRATIVE AMENDMENT
STRAP EXHIBIT

35-45-27-00-00001.1090
35-45-27-00-00001.0P30
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34-46-27-00-00002.0030
35-46-27-00-00001.0030

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, Raymond Blacksmith (name), as Manager (owner/title) of CAM7-SUB, 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.

_____ 6 NOVEMBER 25

Signature **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 6 day of November, 20 25, by Raymond Blacksmith (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL

CHERYLANN SMITH
MY COMMISSION # HH 689605
EXPIRES: October 17, 2029

Cheryl A. Smith

Signature of Notary Public

EXHIBIT T3 – PRE-APPLICATION MEETING

Amenity Improvement Amendment
Pre-Application Meeting
Exhibit T3

The following pre-application meetings were held with Lee County Staff to discuss the proposed Text Amendments.

1. **October 15, 2025, 9:00 a.m. – 10:00 a.m.**

   Hybrid meeting with mix of in-person (at Lee County Public Works Conference Room 2A) and virtual via Teams

   Applicant Attendees:
   Tony Cameratta
   Nick Cameratta
   Ray Blacksmith
   Neale Montgomery
   Alexis Crespo
   Brandon Frey
   David Brown
   Shane Johnson

   Lee County Staff Attendees:
   Rebecca Sweigert
   Anthony Rodriguez
   Brandon Dunn
   Katherine Burgess
   Michael Jacob

2. **October 31, 2025, 1:30 p.m. – 2:30 p.m.**

   In-person meeting at Lee County Public Works Conference Room 2A

   Applicant Attendees:
   Alexis Crespo
   Stacy Ellis Hewitt

   Lee County Staff Attendees:
   Brandon Dunn
   Katherine Burgess

EXHIBIT T4 – PROPOSED TEXT AMENDMENTS

Proposed Lee Plan Text Amendments for Private Recreational Facilities in DR/GR

The proposed text amendments are to address golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. Proposed revisions shown in red strikethrough/underline.

POLICY 1.4.5: The Density Reduction/Groundwater Resource (DR/GR) future land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers.

1. New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels must be submitted as part of the rezoning application and updated, if necessary, as part of the mining development order application.

2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum standard density of one dwelling unit per ten acres (1 du/10 acres). See Objectives 33.2 and 33.3 for potential density adjustments resulting from concentration or transfer of development rights.

3. Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 13. No Private Recreational Facilities may occur within the DR/GR land use category without a rezoning to an appropriate Planned Development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 13.

(Ord. No. 91-19, 94-30, 99-16, 02-02,10-20, 12-24, 15-13, 18-18, 19-13, 20-06)

GOAL 13: PRIVATE RECREATIONAL FACILITIES IN THE DR/GR. To ensure that the development of Private Recreational Facilities in the DR/GR is compatible with the intent of this future land use category, including recharge to aquifers, development of future wellfields and the reduction of density. (Ord. No. 99-16, 18-18)

OBJECTIVE 13.1: To ensure that Private Recreation Facilities are located in the most appropriate areas within the DR/GR future land use category. (Ord. No. 99-16, 18-18)

POLICY 13.1.1: The Private Recreation Facilities Overlay, Map 1-F, shows those locations that are appropriate for the development of Private Recreation Facilities in the DR/GR future land use category. The areas depicted on Map 1-F are consistent with the application of the following

locational criteria:

1. Located outside of those areas designated for public acquisition through Florida Forever, the Corkscrew Regional Ecosystem Water Trust (CREW), the SFWMD's Save Our Rivers Program, and the County's 20/20 Conservation Program;

2. Located in areas characterized as predominantly impacted with agricultural, mining or other permitted uses;

3. Located outside of areas depicted as 100 Year Flood Plains, as illustrated on Map 5-B as amended through June of 1990;

4. Located to minimize impact on "Hot Spots of Biological Resources and Rare Species Occurrence Records," from the Florida Game and Freshwater Fish Commission's, "Closing the Gaps in Florida Wildlife Habitat Conservation System" published in 1994;

5. Located in areas characterized by large lot single or limited ownership patterns; and,

6. Located in areas with direct access to existing roadways.

(Ord. No. 99-16, 18-18, 21-09)

POLICY 13.1.2: Private Recreational Facilities within the DR/GR land use category will only be allowed, subject to the other requirements of this Goal, in the areas depicted on the Private Recreational Facilities Overlay, Map 1-F, except for golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. (Ord. No. 99-16, 18-18)

POLICY 13.1.3: Private Recreational Facilities are also allowed within the DR/GR land use category in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. limited to golf courses and ancillary uses.

OBJECTIVE 13.2: GROWTH MANAGEMENT. Development of Private Recreation Facilities in the DR/GR must be consistent with the growth management principles and practices as provided in the following policies. (Ord. No. 99-16, 18-18)

POLICY 13.2.1: PRIVATE RECREATION FACILITY PLANNED DEVELOPMENT (PRFPD). All Private Recreational Facilities proposed within the DR/GR future land use category must be reviewed as a PRFPD, except for golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. (Ord. No. 99-16, 18-18, 21-09)

POLICY 13.2.2: Approved PRFPDs will automatically expire, reverting to the original zoning category, if a Lee County development order is not obtained within five years of zoning approval. (Ord. No. 99-16, 18-18)

POLICY 13.2.3: RESIDENTIAL USES PRECLUDED. Residential uses, other than a single bonafide caretaker's residence or a resident manager's unit, or those uses as listed in Policy 13.2.6 are not permitted in conjunction with a PRFPD. Residential density associated with land zoned as PRFPD will be extinguished and cannot be transferred, clustered or otherwise assigned to any property. (Ord. No. 99-16, 10-21, 18-18)

POLICY 13.2.4: Further, the approval of Private Recreational Facilities on any property within the DR/GR will not be considered as justification for approving an amendment to the Future Land Use Map series which would increase residential density in the DR/GR areas. (Ord. No. 99-16, 18-18)

POLICY 13.2.5: The boundaries of the PRFPD may not be designed to allow out parcels or enclaves of residential units to be integrated into the golf course perimeter, except as allowed in Policy 13.2.6. (Ord. No. 99-16, 10-21, 18-18)

POLICY 13.2.6: Time share, fractional ownership units, and Bed and Breakfast establishments may be permitted if the property is designated as a Rural Golf Course Community (see Map 2-D). These uses must be ancillary to or in conjunction with uses within the Private Recreational Facility, including a Golf Training Center or similar facility, and must be located adjacent to, or within 1,000 feet of, the principal use that is being supported. Through the PRFPD process, the applicant must demonstrate that external vehicular trips will be reduced from typical single-family residential units due to the ancillary nature of the use. (Ord. No. 10-43, 18-18, 21-09)

POLICY 13.2.7: Time share, fractional ownership units, or bed and breakfast establishments may only be constructed through transferring density in accordance with the Southeast Lee County TDR Program. Each TDR credit that is eligible to be transferred to a Mixed-Use Community (see Map 2-D) can be redeemed for one timeshare unit, one fractional ownership unit, or two bed and breakfast bedrooms. (Ord. No. 10-43, 17-13, 18-18, 21-09)

POLICY 13.2.8: Private Recreational Facilities must have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided further that they have no adverse effects such as dust, noise, lighting, or odor on surrounding land uses and natural resources. (Ord. No. 99-16, 10-43, 18-18)

POLICY 13.2.9: COMMERCIAL USES. Commercial uses may be permitted within PRFPDs as provided in Policy 13.3.9 when ancillary or in conjunction with Private Recreation Facilities. (Ord. No. 99-16, 10-43, 18-18, 19-25)

POLICY 13.2.10: Applications for Private Recreational Facility development will be reviewed and evaluated as to their impacts on, and will not negatively affect, any adjacent, existing agricultural, mining or conservation activities. (Ord. No. 99-16, 10-43, 18-18)

POLICY 13.2.11: Applications for Private Recreational Facility development will be reviewed and evaluated as to their impacts on, and must be compatible with any adjacent publicly owned lands. (Ord. No. 99-16, 10-43, 18-18)

OBJECTIVE 13.3: GENERAL DEVELOPMENT REGULATIONS. The protection of water quality, quantity, natural resources, and compatibility will be addressed by additional development controls that regulate the permitted uses, parcel size, density, intensity and design of Private Recreational Facilities. (Ord. No. 99-16, 18-18)

POLICY 13.3.1: Private Recreational Facilities will submit a Master Concept Plan at the time of planned development submittal that identifies the general location of proposed uses and structures, play fields and golf course routings. Minor adjustments to this Master Concept Plan may be made administratively at the discretion of the Director. (Ord. No. 99-16, 18-18)

POLICY 13.3.2: Applications for Private Recreational Facilities must include an environmental assessment during the zoning approval process. The assessment must include, at a minimum, an

analysis of the environment, historical and natural resources and a protected species survey as required by LDC, Chapter 10. (Ord. No. 99-16, 18-18)

POLICY 13.3.3: In addition to an environmental assessment, the applicant must demonstrate compatibility with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal. (Ord. No. 99-16, 18-18)

POLICY 13.3.4: The development will incorporate an Integrated Pest Management program for any managed recreational areas. (Ord. No. 99-16, 18-18)

POLICY 13.3.5: Where buildings or impervious development is located within twenty-five feet of the property boundary, a buffer 15 feet wide, with 5 trees per 100 linear feet, and a solid double row hedge must be provided, unless a more restrictive buffer is required during the planned development review. (Ord. No. 99-16, 18-18)

POLICY 13.3.6: No illumination may be used which creates glare on adjacent properties. All exterior lighting will be designed with downward deflectors to eliminate skyward glare. Parking areas, walkways and paths and maintenance areas may be illuminated for security purposes, provided that light poles do not exceed twelve feet in height. (Ord. No. 99-16, 18-18)

POLICY 13.3.7: Native and xeriscape vegetation will be encouraged, such that:

1. 100% of all required trees and 75% of all additional trees must be native.

2. 80% of all required shrubs and 50% of all additional shrubs must be native.

3. A minimum of 70% of all trees and shrubs must be xeriscape varieties.

4. The native and xeriscape requirements do not apply to turf areas.

5. No plant species included in the Florida Exotic Pest Plant Council, 1999 List of Florida's Most Invasive Species, will be planted.

(Ord. No. 99-16, 18-18)

POLICY 13.3.8: The following site requirements, regulating lot size, setbacks and open space must be equaled or exceeded:

1. Principal uses, other than golf courses, and the ancillary uses listed in Policy 13.2.6, permitted under this subdivision must have a minimum lot size of ten acres.

2. Building Setbacks.
   a. 50 feet from an existing right-of-way line or easement.
   b. 75 feet from any private property line under separate ownership and used for residential dwellings.
   c. 50 feet from any adjacent agricultural or mining operation.
   d. Greater setbacks may be required during the public hearing process to address unique site conditions.

3. Setbacks for accessory buildings or structures. All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the planned development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 500 feet from any existing or future residential use, as

measured from the edge of the above-listed area to the property line of the residential use. For purposes of this policy, any property that is 10 acres or less in size and is zoned to permit dwelling units will be considered a future residential property. Properties larger than 10 acres may be considered future residential based on the property's size, the ownership pattern of properties in the surrounding area, and the use, zoning and size of surrounding properties. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.

a. In addition to the other standards outlined in this policy, any maintenance area or outdoor storage area, irrigation pump or delivery area must meet one of the following standards:
   a. be located 500 feet or more from any property line abutting an existing or planned public right-of-way; or
b. provide visual screening around such facilities, that provides complete opacity, so that the facilities are not visible from any public right-of-way; or
c. be located within a structure that meets or exceeds the current Lee County architectural standards for commercial structures.

4. Open Space. A minimum of 85% open space must be provided. However, natural and man-made bodies of water may contribute 100% to achieving the minimum requirements. To the extent possible, pervious paving and parking areas, and buildings elevated above ground level will exceed the 85% open space requirement.

5. Security. All entrances to Private Recreational Facilities must be restricted from public access during non-use hours.

(Ord. No. 99-16, 02-04, 10-21, 18-18)

POLICY 13.3.9: DENSITY/INTENSITY LIMITATIONS. Uses in a PRFPD are subject to the following limitations:

Clubhouse/ Administrative Area	20,000 SF/18 hole golf course
Golf Course Restrooms	Not to exceed two structures per 18 hole golf course, limited to 150 SF per structure
Maintenance Area	Not to exceed 25,000 SF of enclosed or semi-enclosed building area, on a maximum of 5 acres of land per 18 hole golf course
Fractional Ownership/ Time-share Units	• The maximum allowable units will be calculated based on 1 du/10 acres for the entire area of the PRFPD • All timeshare/fractional ownership units must be transferred in accordance with Goal 33
Bed and Breakfast Establishment	• The maximum number of Bed and Breakfast establishments will be limited to 1 per every 18 holes of golf • Bedrooms within a Bed and Breakfast establishment will be limited to a maximum of 7 per unit, with a maximum of two adult occupants per bedroom
Horse Stable	40,000 SF of stable building/10 acres
Camping Restrooms	• 1 toilet per four camp units, clustered in structures not to exceed 500 SF per structure • 1 shower per 4 toilets
Camping Area Office	1,000 SF per campground
Commercial Uses	• Limited to neighborhood commercial development with uses that are in compliance with the Wellfield Protection Ordinance without any exemptions[6] • Total commercial gross floor area for the entire area of the PRFPD may not exceed 100,000 SF, not including clubhouse square footage

(Ord. No. 99-16, 02-02, 10-21, 18-18, 19-25)

[6] No uses that would require the storage of any toxic, hazardous substances as identified in the Wellfield Protection Ordinance or sanitary hazards may be permitted.

POLICY 13.3.10: General development standards for golf courses and ancillary uses within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. will follow the development standards established for this MPD zoning district and are exempt from Policies 13.3.1 through 13.3.9.

OBJECTIVE 13.4: WATER QUALITY, QUANTITY, AND SURFACE WATER RESOURCES. Private Recreational Facilities must be located, designed and operated in such a way that they will not degrade the ambient surface or groundwater quality. These facilities must be located, designed and operated in such a way that they will not adversely impact the County's existing and future water supply. The location, design and operation of Private Recreational Facilities must maintain or improve the storage and distribution of surface water resources. (Ord. No. 99-16, 18-18)

POLICY 13.4.1: All applications and documentation for the PRFPD rezoning process must be submitted to the Lee County Department of Natural Resources for their formal review and comment. The Department of Natural Resources Director must make a formal finding that the proposed uses will not have negative impacts on present and future water quality and quantity, and will review and approve modeling submitted to support the PRFPD. Applicant modeling efforts must be evaluated and approved by the Lee County Department of Natural Resources and the Lee County Utilities Department. Issues of well locations, easements and wastewater reuse must be evaluated and approved by the Lee County Department of Natural Resources and the Lee County Utilities Department during the PRFPD process. Formal agreements addressing these issues will be entered into prior to the issuance of a development order. Co-location of recreational and public facilities is encouraged. (Ord. No. 99-16, 03-04, 18-18)

POLICY 13.4.2: Applications for Private Recreational Facilities in or near existing and proposed wellfields must be designed to minimize the possibility of contamination of the groundwater during construction and operation. (Ord. No. 99-16, 18-18)

POLICY 13.4.3: Private Recreational Facilities must provide a monitoring program to measure impacts to surface and groundwater quality and quantity (see Objective 13.7). (Ord. No. 99-16, 18-18)

POLICY 13.4.4: As part of a rezoning request for a Private Recreational Facility in the DR/GR area, a pre-development groundwater and surface water analysis must be conducted and submitted to the County. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals which are anticipated to be associated with the project. Prior to the applicant commencing this baseline study, the methodology of the study must be submitted for review, comment, and approval by the County. (Ord. No. 99-16, 18-18)

POLICY 13.4.5: Any Private Recreational Facility located in any wellfield protection zone must meet the requirements/criteria for protection zone 1, unless updated modeling is provided by the applicant and is approved by Lee County Department of Natural Resources and the Lee County Utilities Department. (Ord. No. 99-16, 03-04, 18-18)

POLICY 13.4.6: The surface water management system design must incorporate natural flow-way corridors, cypress heads, natural lakes, and restore impacted natural flow-way corridors.

1. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and water retention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems. Included within these systems must be an average 50 foot wide vegetative setback measured from the edge of managed turf to the wetland jurisdictional wetland line or top of bank of natural water bodies.

2. The development must maintain the function and integrity of local and regional flow-ways. Flow-ways are precluded from being primary surface water treatment areas. Applications for Private Recreational Facilities must demonstrate adequate hydraulic capacity without increasing flood levels. Private Recreational Facilities must participate in the implementation of the Lee County Surface Water Management Plan as well as the SFWMD's South Lee County Watershed Plan.

3. The Historic Flow-way Aerial Map depicts the general flow-way paths that exist in the DR/GR area. The lines shown on this map are not regulatory but show the general boundaries of the main conveyances. During the rezoning process, conceptual surface water management plans must be submitted and approved. Prior to the issuance of a development order, proposed Private Recreation Facilities will provide detailed hydrologic and hydraulic analysis demonstrating the limits of flow for various storm events and the developed sites ability to convey these flows. Where an existing flow-way is not well defined or discontinuous, flexibility will be given to allow different alignments within a site.

(Ord. No. 99-16, 18-18)

POLICY 13.4.7: Any Private Recreational Facility proposed within the DR/GR future land use category must cooperate with Lee County and the SFWMD in implementing an overall surface water management plan as outlined in Objective 60.2 and 126.1. Compliance with these policies must be demonstrated during development order approval. (Ord. No. 99-16, 18-18, 21-09)

POLICY 13.4.8: If a proposed Private Recreation Facilities falls within an area identified as an anticipated drawdown zone for existing or future public well development, the project must utilize an alternative water supply such as reuse or withdrawal from a different non-competing aquifer or show that adequate supply is available in excess of that being used for planned public water supply development. (Ord. No. 99-16, 18-18)

POLICY 13.4.9: The protection of water quality, quantity, and surface water resources within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Surface Water Quality Monitoring Program within the Enhanced Lake Management Plan and the Hydrological Restoration Plan, and are exempt from Policies 13.4.1 through 13.4.8.

OBJECTIVE 13.5: WILDLIFE. The location, design and operation of Private Recreational Facilities will incorporate preservation and/or management activities that restrict the unnecessary loss of wildlife habitat or impact on protected species, species of special concern, threatened or endangered species. (Ord. No. 99-16, 18-18)

POLICY 13.5.1: The development will not have an adverse impact on any existing, viable on-site occupied wildlife habitat for protected species, species of special concern, threatened or endangered species. (Ord. No. 99-16, 18-18)

POLICY 13.5.2: All proposed fencing must be designed to permit wide-ranging animals to

traverse the site. (Ord. No. 99-16, 18-18)

POLICY 13.5.3: Through the development review process, Private Recreation Facilities will be designed and operated to conserve critical habitat of protected species. This will be accomplished through regulation, incentives and public acquisition. (Ord. No. 99-16, 18-18)

POLICY 13.5.4: The protection of wildlife within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Protected Species Management and Human-Wildlife Coexistence Plan, and are exempt from Policies 13.5.1 through 13.5.3.

OBJECTIVE 13.6: NATURAL RESOURCES. Private Recreational Facilities must be located, designed and operated to minimize environmental impacts, and where appropriate, protect, enhance and manage natural resources such as flow-ways, waterways, wetlands, natural water bodies, and indigenous uplands. (Ord. No. 99-16, 18-18)

POLICY 13.6.1: All retained onsite natural areas, must be perpetually managed by the owner(s), or their assignees, with accepted Best Management Practices. The type of management techniques will be determined by the specific plant community. A natural area land management plan must be submitted to the Lee County Department of Community Development prior to the approval of a final local development order. Management techniques addressed in the plan must include, but not be limited to the following: exotic pest plant control; removal of any trash and debris; restoration of appropriate hydrology; prescribed fire; native plant restoration, where appropriate; discussion of flora and fauna; enhancement of wildlife habitat; and, retention of dead trees and snags. (Ord. No. 99-16, 18-18)

POLICY 13.6.2: The development will minimize adverse effects on wetlands and riparian areas, and will result in no net reduction in functional wetland acreage as identified by the SFWMD Wetland Rapid Assessment Procedure (WRAP). (Ord. No. 99-16, 18-18)

POLICY 13.6.3: Private Recreational Facilities must be designed to preserve a minimum of 50% of on-site, indigenous native upland habitat. (Ord. No. 99-16, 18-18)

POLICY 13.6.4: The development will incorporate energy and resource conservation devices, such as low flow water fixtures, and natural skylights. (Ord. No. 99-16, 18-18)

POLICY 13.6.5: The protection of natural resources within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including The Indigenous Preservation, Restoration, and Management Plan and Hydrological Restoration Plan, and are exempt from Policies 13.6.1 through 13.6.4.

OBJECTIVE 13.7: MONITORING AND ENFORCEMENT. In order to ensure that Private Recreational Facilities do not degrade the ambient condition of water quality, water quantity, vegetation and wildlife, an ongoing monitoring program must be established by the developer. (Ord. No. 99-16, 18-18)

POLICY 13.7.1: Annual surface water and groundwater monitoring must continue in perpetuity. The monitoring requirements will be established utilizing those nutrients and chemicals that are anticipated to be associated with the proposed project that were identified by the pre-development

groundwater and surface water analysis required by Policy 13.4.4. This surface and groundwater monitoring is to be conducted, at a minimum, on a quarterly basis by a qualified third party. This monitoring data must be submitted to the County as soon as it is available. A summary report of this monitoring effort must be provided annually to Lee County Department of Natural Resources for their review. (Ord. No. 99-16, 18-18)

POLICY 13.7.2: If surface and/or groundwater monitoring shows degradation of water quality the County will notify the property owner that a plan, to correct the identified problem(s), must be submitted. The property owner must submit a plan of action within 30 days after receipt of written notice from the County. The plan must identify actions that will correct the problem(s) within the shortest possible time frame. This plan will be reviewed and must be found to be acceptable by the County. If the plan is not submitted as required, or is found to be unacceptable by the County, the County will require that all activities on the property cease until a plan is submitted and approved. The approved plan must be implemented by the property owner. If the County determines that the approved plan is not being implemented properly, the County can require that all activities on the property cease until the property owner comes back into compliance. (Ord. No. 99-16, 18-18)

POLICY 13.7.3: The approved Private Recreational Facility must submit an annual monitoring report for a period of five years, addressing the interaction between the use and environment. This report must provide a discussion and documentation on the following activities:

1. Construction Monitoring - the applicant will submit annual reports detailing construction activities, permitting, compliance with Audubon International Signature Standards and percent complete.
2. Land Management Activities - including those used on the golf course, as well as natural and preserve areas
3. Wildlife Monitoring - the applicant will provide a discussion of wildlife, wildlife activity, and wildlife management activities.
4. Irrigation Monitoring - the applicant will provide a summary of the monthly irrigation withdrawal and irrigation sources.
5. Mitigation/Vegetation Monitoring - the applicant will provide status reports on the viability of any mitigation and/or landscaping conducted on site.
6. Integrated Pest Management Monitoring - the applicant will provide a discussion on the pest management techniques, and any pest problems that have occurred on the project.

Should adverse impacts in any of the above areas be identified, enforcement and mitigation be provided through the appropriate regulatory agency and enforcement procedures. These procedures will be spelled out during the development order process. If, after five years, no significant adverse impacts are determined, the reporting on these subjects may be terminated. (Ord. No. 99-16, 18- 18)

POLICY 13.7.4: The monitoring program within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Surface Water Quality Monitoring Program within the Enhanced Lake Management Plan, and are exempt from Policies 13.7.1 through 13.7.3.

OBJECTIVE 13.8: GOLF COURSE PERFORMANCE STANDARDS. The location, design and operation of golf courses located within the Private Recreational Facilities Overlay will minimize their impacts on natural resources, and incorporate Best Management Practices. A maximum of five 18-hole golf courses, for a total of 90 golf holes, will be permitted. (Ord. No. 99-16, 10-21, 18-18, 21-09)

POLICY 13.8.1: Natural waterways located on the site of a proposed golf course must be left in a natural, unaltered condition. Channelization will not be performed. (Ord. No. 99-16, 18-18)

POLICY 13.8.2: An applicant must demonstrate, prior to the issuance of a local development order, that a golf course is designed to minimize adverse effects to waters and riparian areas through the use of such practices as integrated pest management, adequate stormwater management facilities, vegetated buffers, reduced fertilizer use, etc. The facility must have an adequate water quality management plan, such as a stormwater management facility constructed in uplands to ensure that the recreational facility results in no substantial adverse effect to water quality. (Ord. No. 99-16, 18-18)

POLICY 13.8.3: If a waterway crossing is necessary, then it must be designed to minimize the removal of trees and other shading vegetation. Any crossings of existing natural flow-ways and water bodies must be bridged. Created or restored flow-ways and water bodies may be crossed by bridges or culverts or a combination as approved by Lee County and SFWMD. (Ord. No. 99-16, 18-18)

POLICY 13.8.4: Waterway crossings by cart paths will be constructed of permeable material, no wider than 8-feet, and placed on pilings from edge of floodplain to edge of floodplain. (Ord. No. 99-16, 18-18)

POLICY 13.8.5: A new lake or pond should not be located within an existing natural waterway. Upland ponds must not expose stream channels to an increase in either the rate or duration of floodwater, unless required by SFWMD for regional water management objectives. (Ord. No. 99-16, 18-18)

POLICY 13.8.6: For golf course developments, all fairways, greens, and tees must be elevated above the 25 year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the project's water management system. (Ord. No. 99-16, 18-18)

POLICY 13.8.7: Where a golf course is proposed, it must comply with the Best Management Practices for Golf Course Maintenance Departments, prepared by the Florida Department of Environmental Protection, May 1995. (Ord. No. 99-16, 18-18)

POLICY 13.8.8: The owners will employ management strategies in and around any golf course to address the potential for pesticide/chemical pollution of the groundwater and surface water receiving areas. The owners will comply with the goals of the Audubon International Signature Program for Golf Courses. The management practices include:

1. The use of slow release fertilizers and/or carefully managed fertilizer applications.

2. The practice of integrated pest management when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad-spectrum pesticides is not acceptable. The management program will minimize, to the extent possible, the use of pesticides, and will include the use

of the USDA-SCS Soil Pesticide Interaction Guide to select pesticides for uses that have a minimum potential for leaching or loss due to runoff depending on site specific soil conditions. Application of pesticides within 100 feet of any CREW, or other adjacent public preserve lands, is prohibited.

3. The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.

4. The utilization of a golf course manager who is licensed by the State to use restricted pesticides and who will perform the required management functions.

(Ord. No. 99-16, 18-18)

POLICY 13.8.9: Irrigation systems must utilize computerized irrigation based on weather station information, moisture sensing systems to determine existing soil moisture, evapotranspiration rates, and zone control, to ensure water conservation. For Private Recreation Facilities located outside of the depicted Wellfield Protection zones, reuse water, where available, will be utilized for irrigation. Reuse water within Wellfield Protection zones must be in compliance with the Wellfield Protection Ordinance. (Ord. No. 99-16, 18-18)

POLICY 13.8.10: Golf courses must be designed, constructed, managed and certified in accordance with the Audubon International Signature Program. (Ord. No. 99-16, 18-18)

POLICY 13.8.11: It is the landowner(s) responsibility to notify the County within 10 working days if the status of certification from Audubon changes from being in full compliance. Failure to do so could result in penalties up to and including revocation of golf course use if it is deemed that the violation(s) are a possible threat to the environment. If the golf course loses its certification from Audubon, then the property owner must submit a plan of action acceptable to the County that will achieve re-certification in the shortest possible time. The plan must be submitted within 30 days after receipt of written notice from the County. If the plan is not submitted as required, then all activity on the property must cease until a plan is submitted and approved. An approved plan must be implemented in good faith by the property owner. If the County determines that the plan is not being implemented properly, then all activity on the property must cease until the property owner comes back into full compliance. (Ord. No. 99-16, 18-18)

POLICY 13.8.12: GOLF SITE REQUIREMENTS.

1. The minimum number of golf holes is 18. The minimum size for an 18 hole golf course is 150 acres. In no instance may the golf course impacts exceed 150 acres per 18 holes. Allowable uses within the impact area are greens, tees, fairways, clubhouses, maintenance facilities, cart and pedestrian pathways, parking areas, i.e. all associated support uses.

2. 200 acres of indigenous vegetation preserve is required for every 18 holes. The indigenous vegetation preserve requirement may be provided on-site or off-site. On-site preserves must be a minimum of 1-acre in size; minimum 75-foot wide with an average 100-foot width. Indigenous vegetation preserved on site may utilize a two to one (2:1) credit on a sliding scale based on minimum acreage and width criteria to be included in the LDC. However, the indigenous vegetation preserve requirement must be met with a minimum of 100 actual indigenous acres onsite. Indigenous vegetation preservation requirements must be met outside of the 150 acre golf course impact area.

3. All off-site indigenous vegetation preserves must be located within the DR/GR areas. Unless located within or adjacent to existing or designated public acquisition areas, the minimum

parcel size is 50 indigenous acres.

4. The off-site indigenous vegetation preserves must include a management plan that is approved as part of the planned development rezoning. This management plan must include invasive exotic vegetation removal with perpetual management. This does not preclude the transfer of the property to a public entity as long as perpetual maintenance is guaranteed.

5. Additional golf development must be in increments of 9 golf holes. For every additional 9 golf holes, the site area must be increased by 75 acres. Additional golf course impacts are limited to 75 acres per nine holes. The on-site or off-site indigenous preserve area must be increased by 100 acres for each nine holes and is subject to the restrictions above.

(Ord. No. 99-16, 02-02, 18-18)

POLICY 13.8.13: Performance standards within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. were found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district and are exempt from Objective 13.8 and Policies 13.8.1 through 13.8.12.

EXHIBIT T5 – ANALYSIS OF IMPACTS FROM PROPOSED CHANGES

Amenity Improvement Amendment
Analysis of Impacts from Proposed Changes
Exhibit T5

Traffic Circulation Analysis
The requested text amendments will not result in any increased intensity or density; therefore, it will not result in any impacts to the analyzed traffic for the existing approved MPD. The request will have no effect on the Financially Feasible Transportation Plan/Map 3-A (20-year horizon) or the Capital Improvements Element (5-year horizon). The request will allow the option to include golf courses and ancillary uses as part of the amenities internal to the MPD for use by its residents.

Sanitary Sewer
The proposed amendment will not result in any increased intensity or density; therefore, it will not result in any changes to the existing and future sanitary sewer impacts previously reviewed. The MPD approval condition 16 requires connection to central water and sewer. The approved Agreement Pursuant to Stipulation of Settlement Agreement Condition 6.C and Exhibit K ensure that sanitary sewer is provided to the MPD.

The Level-of-Service (LOS) standards for Sanitary Sewer, pursuant to Lee Plan Policy 95.1.3.2, is 200 gallons per day per ERC [Equivalent Residential Connection], except that facilities serving only multi-family residential structures must have a capacity of 160 gallons per day. The Public Facilities Level of Service and Concurrency Report 2024 Inventory and Projections states that all systems are operating within capacity and meet the LOS standard for unincorporated Lee County.

Potable Water
The proposed amendment will not result in any increased intensity or density; therefore, it will not result in any changes to the existing and future potable water impacts previously reviewed. The MPD approval condition 16 requires connection to central water and sewer. The approved Agreement Pursuant to Stipulation of Settlement Agreement Condition 6.B and Exhibit P ensure that potable water is provided to the MPD.

The LOS standards for Potable Water, pursuant to Lee Plan Policy 95.1.3.1, is 250 gallons per day per ERC [Equivalent Residential Connection], except that facilities serving only multi-family residential structures must have a capacity of 200 gallons per day. The Public Facilities Level of Service and Concurrency Report 2024 Inventory and Projections states that all systems are operating within capacity and meet the LOS standard for unincorporated Lee County.

Surface Water/Drainage Basins
The proposed amendment will not result in any changes to the existing and future surface water or drainage basin impacts.

The LOS standards for Stormwater Management Facilities, pursuant to Lee Plan Policy 95.1.3.4, are: (a) prevent the flooding of designated evacuation routes on The Lee Plan Map 15 from the 25-

year, 3-day storm event (rainfall) for more than 24 hours, (b) maintain adequate public infrastructure so that all new private and public structures which are constructed a minimum of one foot above the 100-year, 3-day storm event flood plain level will be safe from flooding from a 100-year, 3-day storm event (rainfall), (c) Surface water management systems in new private and public developments (excluding widening of existing roads) will be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]). Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in state rules including but not limited to requirements listed in the Numeric Nutrient Criteria, Total Maximum Daily Load Program and Basin Management Action Plan. New developments will be designed to avoid increased flooding of surrounding areas. These standards are designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to minimize change to the historic hydroperiod of receiving waters, to maintain the quality of receiving waters, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest, (d) design trunk conveyance crossings of arterial roads to be free of flooding from 25-year, 3-day storm event, (e) Design major collectors and arterial roadways to have no more than 6 inches of water for a 25-year, 3-day storm event.

The Public Facilities Level of Service and Concurrency Report 2024 Inventory and Projections states that all projects that receive approval from the SFWMD and comply with standards in Florida Administrative Code Chapters 62-330 and 40E-40, and Florida Statues Chapter 373 are deemed concurrent with the surface water management LOS standards set forth in The Lee Plan. The MPD has received South Florida Water Management District (SFWMD) Environment Resource Permit (ERP) approvals and is therefore meets the surface water management LOS standards.

Parks, Recreation and Open Space

The proposed amendment will not result in any increased density; therefore, it will not result in any changes to the existing and future parks and recreation impacts previously reviewed. The proposed amendment will result in potential additional recreation and open space areas in the form of internal golf courses and ancillary uses internal to the MPD for use by its residents.

The non-regulatory LOS standards for Parks and Recreation Facilities, pursuant to Lee Plan Policy 95.1.3.6, are 6 acres of developed regional park land open for public use per 1000 total seasonal County population for all of Lee County and 0.8 acres of developed community park land open for public use per 1,000 unincorporated Lee County permanent population.

The Public Facilities Level of Service and Concurrency Report 2024 Inventory and Projections states that available capacity is 8 acres of developed regional park land open for public use per 1,000 total seasonal county population for all of Lee County and 1.9 acres of developed community park land open for public use per 1,000 unincorporated Lee County permanent population. The available capacity exceeds the adopted non-regulatory LOS standard.

Public Schools

The proposed amendment will not result in any increased density; therefore, it will not result in any changes to the existing and future public school impacts.

The LOS standards for Public Schools, pursuant to Lee Plan Policy 95.1.3.5, is 100% of Permanent Florida Inventory School Houses (FISH) Capacity for Elementary, Middle and High schools and Special Purpose Facilities. The Public Facilities Level of Service and Concurrency Report 2024 Inventory and Projections states that available capacity meets the adopted LOS standard in all zones and that there is a surplus of 2,740 Elementary school seats, 1,200 Middle school seats, 20 High school seats and 748 Special Purpose school seats.

EXHIBIT T6 – LEE PLAN ANALYSIS

Amenity Improvement Amendment

Lee Plan Analysis

Exhibit T6

CPA2025-00012 – Revised December 2025

INTRODUCTION

The proposed text amendments are to address golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S.

The requested text amendments only impact the established development pod areas within the MPD by allowing the option to include golf courses and ancillary uses as part of the internal amenities within the previously established development areas. The MPD is located south of SR 82, approximately 1 mile west of the Hendry County line and extends to 2 miles south of Corkscrew Road. The MPD provides for significant environmental enhancements and includes a condition to provide a minimum of 3,287 acres of created, restored, and/or enhanced areas to be dedicated in conservation and flow-way easements which was found to protect the public interest. The established development pods consist of 3,275± acres. The remaining 114± acres consist of road rights-of-way to be dedicated to Lee County.

BACKGROUND

Impacted Property

The property subject to the requested text amendment was part of an application for rezoning to Industrial Planned Development under case number DCI2011-00007. The rezoning request was denied by the Board of County Commissioners on November 6, 2019. The applicant and Lee County entered into a Settlement Agreement in order to facilitate a resolution of litigation pursuant to Section 70.001 (4), Florida Statutes. The Settlement Agreement set forth the general parameters for development of the property and the procedures that would be followed for its consideration and adoption through issuance of a Development Agreement.

Kingston Mixed Use Planned Development (MPD) was approved by Stipulation of Settlement Under Section 70.001, Florida Statutes dated June 22, 2022, as recorded under Instrument #2022000208255. The MPD conditions of approval were found to protect the public interest and appropriate development for the DR/GR. The MPD included Amenities internal to the project for use by its residents with no limitation on square footage. The schedule of uses also included recreational facilities, personal and private on site for amenities within residential pods, including the subject parcels 8A, 8B and 9.

Goal 13

On November 22, 1999, Lee County adopted Ordinance 99-16 which amended the Lee Plan and created Goals, Objectives and Policies (GOP) to establish criteria for development of Private Recreation Facilities within the Density Reduction/Groundwater Resources (DR/GR) future land use category (FLUC). Recreation Facilities: Private was added to the glossary and the Private Recreation Facilities Overlay Map was adopted which identified locations appropriate for development of Private

Recreation Facilities. The current definition from the Lee Plan Glossary is provided below and includes ancillary uses and golf courses.

> *RECREATION FACILITIES: PRIVATE – Includes nature trails, tent camping areas, boardwalks, play areas (as defined in "Park Planning Guidelines, 3rd Edition"), horse stables and riding areas, service areas, administrative areas, ancillary uses, and golf courses (private or public use). The location of public wellheads and Aquifer Storage and Recovery facilities may be located in Private Recreational Facilities.*

On August 5, 2015, Lee County adopted Ordinance 15-13 which amended the Lee Plan and added Policy 33.3.4 establishing the Environmental Enhancement and Preservation Communities Overlay (EEPCO). This overlay established strict review criteria and provided an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species so that additional densities and accessory commercial uses will be granted if the project is found consistent with and demonstrates through a Planned Development the significant environmental and hydrological requirements.

While these Objectives and Policies provided for appropriate protections for the Southeast Lee County DR/GR, they did not contemplate nor provide a pathway for the impacted property to pursue golf course and ancillary uses since the property already provides adequate protection measures within the MPD conditions of approval.

Subject Request

Although the MPD included amenities internal to the project for use by its residents with no limitation on square footage and the schedule of uses included recreational facilities, personal and private on site for amenities within residential pods, including the subject parcels 8A, 8B and 9, it was discovered that the language within Goal 13 prevented the applicant from moving forward with a golf course within the development. Because of the size of the Kingston project with multiple residential neighborhoods it is essential for the development to offer a variety of non-competing residential home products to be successful such as single family, multi-family, townhome, empty nest, age targeted and golf course. The MPD associated with the proposed text amendment was found to be consistent with the intent of the EEPCO by Lee County staff, Lee County Hearing Examiner, Lee County Board of County Commissioners, and the Court. The EEPCO established a guide within the Lee Plan for development within Southeast Lee County Community Planning Area. It was found that the MPD will provide significant environmental enhancements including restoration of upland and wetland areas, conversion of farm fields to native conservation area, and restoration and enhancement of historic flow ways. The development areas within the MPD have been established and deemed appropriate for development and any golf courses or ancillary uses will be located within these areas resulting in no further impacts.

The text amendment allows for additional amenity options to include golf course and ancillary uses within the MPD which utilizes the planning principle of clustered development. Clustered development is a development arrangement that stresses people living in harmony with nature and locates buildings in concentrated portions of a site, leaving the remainder of the site undeveloped. Typically, this form of development is utilized to protect such things as open space, environmentally sensitive areas and natural resources. The MPD utilizes the planning principle of conservation design or designing with nature. The process of selecting the appropriate preservation and development scenario for the property utilized an analysis of the property's attributes such as property location and location of adjacent uses, soils, topography, previous uses and associated impacts and natural resources. The MPD provides a minimum 61 percent open space and minimum 50 percent restoration.

POPULATION PROJECTIONS

The proposed text amendments will not result in any increased density so it will not affect established Lee County population projections. No changes are necessary to Lee Plan Table 1(b) or the total population capacity of the Lee Plan Future Land Use Map as a result of the proposal.

LEE PLAN CONSISTENCY

The proposed text amendments allow the option for golf course and ancillary uses within the MPD which lies within the Density Reduction Groundwater Resources (DR/GR) and Wetlands future land use categories (FLUC) and the Southeast Lee County Community Planning Area.

> ***POLICY 1.4.5:*** *The Density Reduction/Groundwater Resource (DR/GR) future land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers.*
>
> 1. *New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels must be submitted as part of the rezoning application and updated, if necessary, as part of the mining development order application.*
>
> 2. *Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum standard density of one dwelling unit per ten acres (1 du/10 acres). See Objectives 33.2 and 33.3 for potential density adjustments resulting from concentration or transfer of development rights.*

3. *Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 13. No Private Recreational Facilities may occur within the DR/GR land use category without a rezoning to an appropriate Planned Development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 13.*

The proposed text amendments are consistent with Policy 1.4.5. The MPD condition 18.b. provides that the Hydrological Restoration Plan be submitted with the first Development Order and that it must be based on an integrated surface and groundwater model. Private recreation facilities are a permitted land use. The proposed text amendments provide the specific requirements for golf courses and ancillary uses within the MPD which already established development parameters and conditions of approval that were found consistent with the intent of the DR/GR and the Lee Plan's overall objective to restore and maintain natural resources essential to protecting groundwater supplies, water quality, and flooding. The MPD has been found consistent with the intent of the Environmental Enhancement and Preservation Communities overlay (EEPCO) standards by Lee County staff, Lee County Hearing Examiner, Lee County Board of County Commissioners, and the Court. Any golf courses and ancillary uses will be developed within the established development pods.

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 text amendments are consistent with Policy 1.5.1. Proposed Policy 13.6.5 provides that the MPD was found to protect the public interest and that golf courses and ancillary uses within the MPD will be subject to the conditions of approval including the Indigenous Preservation, Restoration, and Management Plan and Hydrological Restoration Plan. There are no changes to the existing approved density which was found consistent with the Lee Plan and the EEPCO.

POLICY 1.6.7: *The Agricultural Overlay (Map 1-G) shows existing active and passive agricultural operations in excess of 100 acres located outside of the future urban areas. Since these areas play a vital role in Lee County's economy, they should be protected from the impacts of new developments, and the County should not attempt to alter or curtail agricultural operations on them merely to satisfy the lifestyle expectations of non-urban residents.*

A majority of the property is included on Map 1-G – Agricultural Overlay. This map is non-regulatory in nature. The proposed text amendments will not affect this map and no revision is necessary.

Given the settlement agreement, the property is not going to be long term agricultural so the incentives to retain agricultural would not be applicable.

> ***POLICY 1.6.10:*** *The Southeast Lee County Residential Overlay (Map 2-D) is described in Objective 33.2. This Overlay affects only Southeast Lee County and identifies five types of land: ...*
>
> 3. *"Mixed-Use Communities:" Locations where this concentration of development rights from large contiguous tracts within the DR/GR area that can be supplemented by transfer of development rights from non-contiguous tracts in the Southeast DR/GR area. See Objective 33.3 and following policies. ...*

The northern portion of the MPD abutting SR 82 is identified as a Mixed-Use Community on Map 2-D. The proposed text amendments will not affect this map and no revision is necessary.

The proposed text amendments are shown in underline text in the following Objectives and Policies.

> ***GOAL 13: PRIVATE RECREATIONAL FACILITIES IN THE DR/GR.*** *To ensure that the development of Private Recreational Facilities in the DR/GR is compatible with the intent of this future land use category, including recharge to aquifers, development of future wellfields and the reduction of density.*
>
> > ***OBJECTIVE 13.1:*** *To ensure that Private Recreation Facilities are located in the most appropriate areas within the DR/GR future land use category.*
> >
> > > ***POLICY 13.1.2:*** *Private Recreational Facilities within the DR/GR land use category will only be allowed, subject to the other requirements of this Goal, in the areas depicted on the Private Recreational Facilities Overlay, Map 1-F, except for golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S.*
> > >
> > > ***POLICY 13.1.3:*** *Private Recreational Facilities are also allowed within the DR/GR land use category in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. limited to golf courses and ancillary uses.*

The proposed text amendments provide the framework to establish that the MPD has already been reviewed and approved with protective conditions consistent with those intended by Goal 13. The MPD has been found consistent with the intent of the DR/GR and the Lee Plan's overall objective to restore and maintain natural resources essential to protecting groundwater supplies, water quality, and flooding. The MPD has been found consistent with the intent of the Environmental Enhancement and Preservation Communities overlay (EEPCO) standards which provide significant environmental and hydrological improvements by Lee County staff, Lee County Hearing Examiner, Lee County Board of County Commissioners, and the Court. The development pods have been established

within the MPD, and any potential golf courses or ancillary uses will be located within these internal areas ensuring that they are in the most appropriate locations. The proposed text amendments are consistent with Goal 13 and Objective 13.1.

> ***OBJECTIVE 13.2: GROWTH MANAGEMENT.*** *Development of Private Recreation Facilities in the DR/GR must be consistent with the growth management principles and practices as provided in the following policies.*
>
> > ***POLICY 13.2.1: PRIVATE RECREATION FACILITY PLANNED DEVELOPMENT (PRFPD).*** *All Private Recreational Facilities proposed within the DR/GR future land use category must be reviewed as a PRFPD, except for golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S.*

The proposed text amendments provide clarification that the MPD is subject to the Settlement Agreement and will not be required to rezone to PRFPD to facilitate golf courses and ancillary uses. The proposed text amendments are consistent with Objective 13.2.

> ***POLICY 13.2.8:*** *Private Recreational Facilities must have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided further that they have no adverse effects such as dust, noise, lighting, or odor on surrounding land uses and natural resources.*

The proposed text amendments are consistent with Policy 13.2.8. The MPD already permits unlimited square footage of amenities internal to the project for use by its residents. The MPD conditions provide commitments to address project impacts. Since the golf courses and ancillary uses are internal amenities located within established development areas for use by the residents of the planned development, these amenities do not result in additional project impacts and are adequately addressed by existing conditions and commitments.

Condition 23 of the MPD requires letters of availability for fire protection. Condition 11 provides that the cost of signalization including design and construction of the Spine Road intersections with Corkscrew Road, SR 82, and/or a development pod shall be borne by the developer or assigns. MPD Condition 12 provides that the development must mitigate the traffic impacts and pay a proportionate share of $2,000 per residential dwelling unit to mitigate the traffic impacts of the project which adequately addresses potential golf course and ancillary uses. The MPD approval condition 16 requires connection to central water and sewer. The approved Agreement Pursuant to Stipulation of Settlement Agreement Condition 6.C and Exhibit K ensure that sanitary sewer is provided to the MPD. The approved Agreement Pursuant to Stipulation of Settlement Agreement Condition 6.B and Exhibit P ensure that potable water is provided to the MPD. The MPD was found to protect the public interest, and the Settlement Agreement was found compatible with the surrounding uses. The development pods are clustered internal to the project with large setbacks which further demonstrate no adverse effects on surrounding land uses and natural resources.

> ***POLICY 13.2.10:*** *Applications for Private Recreational Facility development will be reviewed and evaluated as to their impacts on, and will not negatively affect, any*

adjacent, existing agricultural, mining or conservation activities.

POLICY 13.2.11: *Applications for Private Recreational Facility development will be reviewed and evaluated as to their impacts on and must be compatible with any adjacent publicly owned lands.*

The proposed text amendments are consistent with Policies 13.2.10 and 13.2.11. The MPD was reviewed and evaluated and found to protect the public interest, and the Development Agreement was found compatible with the surrounding uses including existing agricultural, mining, conservation activities, and publicly owned lands. The development pods are clustered internal to the project with large setbacks which further demonstrate no adverse effects on surrounding land uses.

OBJECTIVE 13.3: GENERAL DEVELOPMENT REGULATIONS. *The protection of water quality, quantity, natural resources, and compatibility will be addressed by additional development controls that regulate the permitted uses, parcel size, density, intensity and design of Private Recreational Facilities.*

POLICY 13.3.10: *General development standards for golf courses and ancillary uses within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. will follow the development standards established for this MPD zoning district and are exempt from Policies 13.3.1 through 13.3.9.*

The proposed text amendments are consistent with Objective 13.3 and Policy 13.3.10. The MPD has been reviewed and evaluated and conditioned to ensure it meets the intent of the DR/GR and provides protection of water quality, quantity, natural resources and compatibility. The MPD has established development controls that regulate the permitted uses, property development regulations, intensity and density, and the clustered design.

OBJECTIVE 13.4: WATER QUALITY, QUANTITY, AND SURFACE WATER RESOURCES. *Private Recreational Facilities must be located, designed and operated in such a way that they will not degrade the ambient surface or groundwater quality. These facilities must be located, designed and operated in such a way that they will not adversely impact the County's existing and future water supply. The location, design and operation of Private Recreational Facilities must maintain or improve the storage and distribution of surface water resources.*

POLICY 13.4.9: *The protection of water quality, quantity, and surface water resources within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Surface Water Quality Monitoring Program within the Enhanced Lake Management Plan and the and Hydrological Restoration Plan, and are exempt from Policies 13.4.1 through 13.4.8.*

Proposed Policy 13.4.9 provides clarification that the MPD has been reviewed and conditioned to protect surface and ground water quality as well as maintaining or improving the storage and distribution of surface water resources. The MPD conditions ensure restoration and protection of natural resources and included a projected reduction in existing permitted water withdrawal from the aquifer and a reduction in total nitrogen and total phosphorous. MPD Condition 14 and Exhibit N provide for Surface Water Monitoring and the Enhanced Lake Management Plan. MPD Condition 18 and Exhibit O provide for re-established historic surface water flows through the Property and a Hydrological Restoration Plan. MPD Condition 25 provides for an off-site hydraulic connection to help alleviate flooding of the Wildcat Run properties to the east. The proposed text amendments provide for consistency with Objective 13.4.

> ***OBJECTIVE 13.5: WILDLIFE.*** *The location, design and operation of Private Recreational Facilities will incorporate preservation and/or management activities that restrict the unnecessary loss of wildlife habitat or impact on protected species, species of special concern, threatened or endangered species.*
>
> > ***POLICY 13.5.4:*** *The protection of wildlife within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Protected Species Management and Human-Wildlife Coexistence Plan, and are exempt from Policies 13.5.1 through 13.5.3.*

Proposed Policy 13.5.4 provides clarification that the MPD has been reviewed and conditioned to incorporate preservation and management activities that restrict unnecessary loss of wildlife or impact on protected species, species of special concern or threatened or endangered species and that it was found to protect the public interest. MPD Condition 4 and Exhibit J provide a Protected Species Management and Human-Wildlife Coexistence Plan including signage, wildlife fencing. Golf courses and ancillary uses would continue to comply with these conditions. The proposed text amendments provide for consistency with Objective 13.5.

> ***OBJECTIVE 13.6: NATURAL RESOURCES.*** *Private Recreational Facilities must be located, designed and operated to minimize environmental impacts, and where appropriate, protect, enhance and manage natural resources such as flow-ways, waterways, wetlands, natural water bodies, and indigenous uplands.*
>
> > ***POLICY 13.6.5:*** *The protection of natural resources within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including The Indigenous Preservation, Restoration, and Management Plan and Hydrological Restoration Plan, and are exempt from Policies 13.6.1 through 13.6.4.*

Proposed Policy 13.6.5 provides clarification that the MPD has been reviewed and conditioned to minimize environmental impacts and protect, enhance and manage natural resources such as flow-ways, wetlands and indigenous uplands and was found to protect the public interest. MPD Condition 8 and Exhibit L provide for the Indigenous Preservation, Restoration, and Management Plan. MPD Condition 18 and Exhibit O provide for re-established historic surface water flows through the Property and a Hydrological Restoration Plan. MPD Condition 25 provides for an off-site hydraulic connection to help alleviate flooding of the Wildcat Run properties to the east. The proposed text amendments provide for consistency with Objective 13.6.

OBJECTIVE 13.7: MONITORING AND ENFORCEMENT. *In order to ensure that Private Recreational Facilities do not degrade the ambient condition of water quality, water quantity, vegetation and wildlife, an ongoing monitoring program must be established by the developer.*

POLICY 13.7.4: *The monitoring program within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Surface Water Quality Monitoring Program within the Enhanced Lake Management Plan, and are exempt from Policies 13.7.1 through 13.7.3.*

Proposed Policy 13.7.4 provides clarification that the MPD has been reviewed and conditioned to protect water quality, water quantity, vegetation and wildlife and was found to protect the public interest. MPD Condition 14 and Exhibit N provide for Surface Water Monitoring and the Enhanced Lake Management Plan. The proposed text amendments provide for consistency with Objective 13.7.

POLICY 13.8.13: *Performance standards within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. were found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district and are exempt from Objective 13.8 and Policies 13.8.1 through 13.8.12.*

Proposed Policy 13.8.13 provides clarification that the MPD is subject to its conditions of approval which were found to protect the public interest and is exempts the MPD from the performance standards of Objective 13.8 and its implementing policies which are not applicable to the MPD since conditions of approval and development standards have been established.

OBJECTIVE 17.2: COMMUNITY PLAN AREAS. *To depict the boundaries of community plan areas on the Future Land Use Map (Map 2-A).*

The proposed text amendments will not affect Map 2-A. The MPD is within the Southeast Lee County Community Planning Area. No amendments to this map are required. The required public information meeting summary document has been submitted.

> ***POLICY 33.1.2**: The DR/GR Priority Restoration Strategy consists of seven tiers of land where protection and/or restoration would be most critical to restore historic surface and groundwater levels and to connect existing corridors or conservation areas (see Map 1-D). Within these tiers, density incentives will be utilized as a mechanism to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species; with Tier 1 and Tier 2 being the most incentivized tiers. Lee County may consider amendments to this Overlay based on changes in public ownership, land use, new scientific data, and/or demands on natural resources. This Overlay does not restrict the use of the land.*
>
> ***POLICY 33.1.3**: Pursue acquisition (partial or full interest) of land within the Tier 1 areas in the Priority Restoration Strategy Overlay through direct purchase; partnerships with other government agencies; long-term purchase agreements; right of first refusal contracts; land swaps; or other appropriate means to provide critical connections to conservation lands that serve as the backbone Future Land Use II-103 April 2024 for water resource management and wildlife movement within Southeast Lee County. Tier 2 lands are of equal ecological and water resource importance as Tier 1 but have better potential to remain in productive agricultural use. Tier 3 lands and the southern two miles of Tiers 5, 6, and 7 can provide an important wildlife connection to conservation lands in Collier County and an anticipated regional habitat link to the Okaloacoochee Slough State Forest. Tiers 1, 2, 3, and the southern two miles of Tiers 5, 6, and 7 may qualify for unique development incentives outlined in Objectives 33.2 and 33.3 due to the property's potential for natural resource benefits and/or wildlife connections. Additionally, the County may consider incentives, within all tiers, for private landowners to improve water resources and natural ecosystems.*

The proposed text amendments will not affect Map 1-D as it does not restrict the use of the land. No revision to Map 1-D is necessary. Most of the MPD property is located within the DR/GR Priority Restoration Strategy with portions in Tier 3, and the southern two miles of Tiers 5 and 6. As outlined in Policy 33.1.3, these areas are specifically identified as areas that may qualify for unique development incentives in Objective 33.2, which includes EEPCO, due to the potential for natural resource benefits and/or wildlife connections. The proposed text amendments provide the specific requirements for golf courses and ancillary uses within the MPD which already established development parameters and conditions of approval that were found consistent with the intent of the DR/GR and the Lee Plan's overall objective to restore and maintain natural resources essential to protecting groundwater supplies, water quality, and flooding. The MPD has been found consistent with the intent of the Environmental Enhancement and Preservation Communities overlay (EEPCO) standards by Lee County staff, Lee County Hearing Examiner, Lee County Board of County Commissioners, and the Court. Any golf courses and ancillary uses will be developed within the established development pods and will continue to provide these benefits.

POLICY 33.1.7: *Impacts of proposed land disturbances on surface and groundwater resources will be analyzed using integrated surface and groundwater models that utilize site-specific data to assess potential adverse impacts on water resources and natural systems within Southeast Lee County. Lee County Division of Natural Resources will determine if the appropriate model or models are being utilized, and assess the design and outputs of the modeling to ensure protection of Lee County's natural resources.*

The proposed text amendments are consistent with Policy 33.1.7. The MPD condition 18.b. provides that the Hydrological Restoration Plan be submitted with the first Development Order and that it must be based on an integrated surface and groundwater model. The proposed text amendments provide the specific requirements for golf courses and ancillary uses within the MPD which already established development parameters and conditions of approval that were found consistent with the intent of the DR/GR and the Lee Plan's overall objective to restore and maintain natural resources essential to protecting groundwater supplies, water quality, and flooding. The MPD has been found consistent with the intent of the Environmental Enhancement and Preservation Communities overlay (EEPCO) standards by Lee County staff, Lee County Hearing Examiner, Lee County Board of County Commissioners, and the Court. Any golf courses and ancillary uses will be developed within the established development pods.

ADJACENT LOCAL GOVERNMENTS

The proposed text amendments will have no effect on existing adjacent local governments and their comprehensive plans. The closest adjacent local government to the subject property is Collier County to the east.

CONCLUSIONS

The proposed text amendments are consistent with and in furtherance of the intent of the Lee Plan as discussed in this analysis. For these reasons, the applicant respectfully submits that the requested text amendments should be approved.

January 7, 2026

Ms. Kate Burgess, AICP
Principal Planner
Lee County Department of Community Development
Planning
1500 Monroe Street
Fort Myers, FL 33901

RE: Amenity Improvement Amendment
CPA2025-00012 – Resubmittal 01

Dear Ms. Burgess,

It is my pleasure to submit to you the following attached revised documents related to the Comprehensive Plan Text Amendment request for the above referenced project. Please see the following responses in **bold** to your comments received on December 11, 2025.

1) Stipulation of Settlement Agreement Under Section 70.001, Florida Statutes recorded in Instrument Number 2022000208255
2) Revised Lee Plan Analysis
3) Revised Proposed Text Amendments
4) Public Information Meeting Summary

PLANNING COMMENTS

1. Since this application references the settlement agreement and MPD rezone, provide the zoning resolution and/or settlement agreement that includes the exhibits and stipulations referenced in this application.

   RESPONSE: Please see attached Agreement to Stipulation of Settlement Agreement Under Section 70.001, Florida Statutes recorded in Instrument Number 2022000208255 of the Public Records of Lee County, Florida which contains the exhibits and stipulations referenced in the application.

2. The introduction and background in the Lee Plan Analysis provide some information on the history of Private Recreation Facilities in SE Lee, but do not adequately address how this particular request came into being. Provide a narrative or legal history on the background of the property impacted by this amendment and why this amendment is necessary.

   RESPONSE: Please see revised Lee Plan Analysis which provides additional narrative regarding the legal history on the background of the property impacted by this amendment and why this amendment is necessary.

3. The proposed text amendment language includes language proposed by another CPA. For clarity of the request, only include language proposed in this CPA.

RESPONSE: Please see revised Proposed Text Amendments.

4. The application cannot be found sufficient until the Public Input meeting, as required by Objective 17.3, has been completed. Provide a summary of the public information meeting per the requirements of Policy 17.3.4.

   RESPONSE: Please see attached Public Information Meeting Summary.

Thank you in advance for your consideration of the above information. If you have any further questions, please do not hesitate to contact me directly at (239) 770-2527 or shewitt@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture



Stacy Ellis Hewitt, AICP
Planning Director

EXHIBIT T7 - ENVIRONMENTAL IMPACTS ANALYSIS

Amenity Improvement Amendment
Environmental Impacts Analysis
Exhibit T7

The proposed text amendments are to address golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S.

The proposed text amendments do not require any updates to the existing environmental reports.

The MPD provides for significant environmental enhancements and includes a condition to provide a minimum of 3,287 acres of created, restored, and/or enhanced areas to be dedicated in conservation and flow-way easements which was found to protect the public interest. Below is a list of the MPD's environmental conditions of approval and Exhibits/reports that will remain applicable.

Condition 1.c.: The Land Use Summary table on the MCP reflects a minimum of 3,287 acres of created, restored, and/or enhanced areas that will be dedicated in a combination of Conservation Easements and Flowway easements and provides a minimum of 50% of the Project's gross land area less tracts to be dedicated to the County. These areas are located and identified on the MCP.

Construction phasing of the development will be subject to the following conditions:

i. Restoration and dedication of conservation and flowway areas shall occur as development orders are issued as depicted on Exhibit "G".

ii. Development Pods are not required to be developed sequentially according to the numbers depicted on the Development Summary table on the MCP.

iii. Phasing of the restoration as depicted on the MCP may be adjusted at time of Development Order submittals provided minimum restoration acreages are maintained to support the project:
   a. For residential, a minimum restoration acreage based on the GREATER of the following options:
      i. The cumulative development pod area (including previous phases) OR
      ii. The number of residential dwelling units in the development pod using the following analysis whereas the Project required restoration equals 3,287 acres divided by the total Project density of 10,000 residential units times the number of units, both previously approved and proposed.
   b. For commercial or amenity pods, the required acres of restoration shall be equal to the acreage of the pod being developed.

iv. A cumulative development update statement and summary table must be provided with each development order application and shown on the engineered plans containing the following information:
   • Cumulative residential dwelling units and intensity of non-residential uses;
   • Cumulative development pods (in acres);
   • Cumulative open space (in acres); and
   • Cumulative conservation and flowway areas (in acres).

v. Restoration areas must be completed within ten (10) years of commencement of restoration of each phase, regardless of the progress of development tied to each phase. If any phased restoration construction is not complete within ten (10) years from that phase restoration start date, work may not commence in future phases until such time as that incomplete restoration phase construction is completed.

3. Wildlife Crossings
   Any wildlife crossings required for the project will be determined by the USFWS and FDEP prior to issuance of the first development order creating residential lots. Any animal crossings required by the USFWS or FDEP will be reviewed and permitted in accordance with the approved locations at time of local development order on a phase-by-phase basis and shall be consistent with the Human/Wildlife Coexistence Plan Exhibit "J".

4. Protected Species Management and Human-Wildlife Coexistence Plan
   The Protected Species Surveys Exhibit "I" must be updated every five (5) years and Human-Wildlife Coexistence Plan Exhibit "J" must be updated by the Developer, if needed for the presence of new listed species, for approval by the County prior to or concurrent with the first development order application creating residential lots. The Plan and development order plans must address the following:
   - Trails: The location of proposed passive trails within the restoration areas must include designated trailheads with signs with information on possible wildlife encounters and appropriate actions when encountering wildlife.
   - Signs: Development order plans that include surface water management lakes or conservation areas must depict the location and typical signs for prohibiting the feeding of alligators around the lake and preservation signs that state no dumping. Distance between signs should be approximately 300ft.

- Wildlife Fencing: Must meet recommendations and requirements of the Florida Fish and Wildlife Conservation Commission (FWC) and US Fish and Wildlife Service (FWS); and
- The Development Order plans must be updated to reflect FWC and FWS requirements if permits are issued after approval of the first development order creating residential lots.
- Vegetation Removal permit applications must include a map depicting the work limit area and a species survey for the work limit area. The developer must submit a management plan for protected species within the work limit area identifying protection measures, monitoring, and/or relocation consistent with State and Federal requirements.
- Development Order plans for vertical development that includes commercial and amenity uses and areas must demonstrate use of bear resistant dumpsters and below ground grease traps.

5. Conservation and Flowway Easements
   The conservation and flowway easements will be dedicated to a maintenance entity that provides third party enforcement rights to the County or other public agency acceptable to the County. The easements will be dedicated in general accordance with the phasing plan attached as Exhibit "G" to the Agreement and will be reflected on the phased recorded plats approved by the County for the subject property. Restoration areas located within a Conservation Easement consisting of existing or mitigated wetlands can include exotic vegetation removal and native planting. Restoration areas located within a Flowway Easement can include vegetation removal, grading, lakes, drainage ways, wet and dry detention, surface water treatment, and water storage, water bodies and on/off site wildlife mitigation. The Easements will permit passive trails, kiosks, and pavilions. The combined acreages within the Conservation Easements and Flowway easements shall satisfy the minimum required restoration acreage for the Project.

6. Indigenous Management Plans
   The Indigenous Preservation, Restoration, and Management Plan Exhibit "L" must be updated by the Developer for approval by the County prior to or concurrent with the first development order application. The Indigenous Preservation, Restoration, and Management Plan must include the following language:

- At the time of purchase, third-party deed holders must be placed on notice through covenants and deed restrictions that project conservation and flowway areas may be managed with prescribed burns.

- Prior to commencing prescribed burn activity, the HOA, CDD, or ISD must notify residents of the prescribed burn activities and provide general prescribed burn management educational materials.

28. Wetlands
    No wetlands may be impacted within the commercial pods of the Project.

Exhibits:

G. Restoration Phasing Plan
I. Protective Species Survey
J. Human/Wildlife Coexistence Plan and Protective Species Management Plan
L. Indigenous Preservation, Restoration, and Management Plan

EXHIBIT T8 – HISTORICAL RESOURCES IMPACTS ANALYSIS

Amenity Improvement Amendment
Historical Resources Impacts Analysis
T8

The proposed text amendments are to address golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S.

The proposed text amendments are for an MPD that has been reviewed and approved and had established preservation and development areas that were found to protects the public interest.

The attached clearance letter from The Florida Department of State that found the project will have no effect on historic properties listed, or eligible for listing, in the NRHP, or otherwise of historical, archaeological, or architectural value.

The proposed text amendments do not necessitate any further historical resources impact analysis.

FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

Robert S. Carr, M.S.
Archaeological and Historical Conservancy, Inc.
4800 SW 64th Avenue, Suite 107
Davie, Florida 33314

September 8, 2022

DHR Project File No.: 2022-4578-C Received by DHR: August 9, 2022
Phase II Cultural Resource Assessment of the 8LL2474 Site, Kings Ranch, Lee County, Florida

Dear Mr. Carr:

Our office reviewed the referenced project in accordance with Chapters 267.061 and 373.414, Florida Statutes, implementing state regulations, and the State 404 Program Operating Agreement for possible effects on historic properties listed, or eligible for listing, in the National Register of Historic Places. The project is subject to compliance with requirements for the Department of Environmental Protection permit application 423130-001 SFI, the South Florida Water Management District (SFWMD) permit application 220623-34938 and in fulfillment of Division of Historical Resources (DHR) request no. 2022-4578, sent on July 22, 2022.

In April of 2022, the Archaeological & Historical Conservancy, Inc. (AHC) conducted the above referenced Phase II cultural resource assessment (CRAS) of 8LL2474 on behalf of Camaretta Companies, LLC. A Phase I assessment of the overall project parcel was conducted by AHC in 2007 in the course of which site 8LL2474, a mid-twentieth century logging camp, was identified and determined potentially eligible.

This Phase II assessment entailed additional archival research, a pedestrian survey, a metal detection survey, and the excavation of one test unit in order to determine LL2474's eligibility. The parcels north and south of the former road were intensively logged from the 1940s to 1950s leading to the hypothesis that LL2474 had been a logging camp. However, diagnostic artifacts were scarce in both the Phase I and Phase II assessment. AHC documented 35 field specimens in Phase II. The artifact assemblage consists of primarily household furnishings such as porcelain pottery fragments and standard building materials such as brick and concrete. All materials were found in a disturbed context. None of the findings were diagnostic of the lumber or naval stores industry. Therefore, it is AHC's opinion that site 8LL2847 is not eligible for listing in the National Register due to its inchoate character, lack of determinable historical association, and extent of disturbances to the site.

Based on the information provided, our office concurs with the presented survey results and recommendations and finds that the proposed project will have no effect on historic properties listed, or eligible for listing, in the NRHP, or otherwise of historical, archaeological, or architectural value within the surveyed APE. Further, we find the submitted report complete and sufficient in accordance with Chapter 1A-46, Florida Administrative Code.

If you have any questions, please contact Michael DuBose, Historic Preservationist, by email at Michael.DuBose@dos.myflorida.com or telephone at 850.245.6342.

Sincerely,

Kelly L Chase
for

Alissa Slade Lotane
Director, Division of Historical Resources
& State Historic Preservation Officer

EXHIBITS T9 & T10 – STATE POLICY PLAN & STRATEGIC REGIONAL POLICY PLAN ANALYSIS

Amenity Improvement Amendment

State Policy Plan & Strategic Regional Policy Plan Analysis

T9 & T10

STATE COMPREHENSIVE PLAN CONSISTENCY

The Community Planning Act of 2011 (HB7207) removed the requirement to address consistency with the local comprehensive plan and state comprehensive plan, however, the proposed amendment is consistent with the State Comprehensive Land Use Plan's intent to ensure the protection of natural resources. Specifically, the amendment is consistent with the following guiding policies:

187.201(7) WATER RESOURCES

> *(a) Goal.—Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.*
>
> *(b) Policies.- 2. Identify and protect the functions of water recharge areas and provide incentives for their conservation. & 10. Protect surface and groundwater quality and quantity in the state.*

The proposed text amendments provide clarification that the MPD has been reviewed and conditioned to protect surface and ground water quality as well as maintaining or improving the storage and distribution of surface water resources. The MPD conditions ensure restoration and protection of natural resources and included a projected reduction in existing permitted water withdrawal from the aquifer and a reduction in total nitrogen and total phosphorous. MPD Condition 14 and Exhibit N provide for Surface Water Monitoring and the Enhanced Lake Management Plan. MPD Condition 18 and Exhibit O provide for re-established historic surface water flows through the Property and a Hydrological Restoration Plan. MPD Condition 25 provides for an off-site hydraulic connection to help alleviate flooding of the Wildcat Run properties to the east.

REGIONAL POLICY PLAN CONSISTENCY

The proposed amendment is consistent with the Southwest Florida Regional Policy Plan (SWFRPP) as follows:

> **Water Resources**
>
> ***Goal 3: Water Management Districts and local governments must have programs based on scientific modeling to protect surface water, potable water wells, wellfields and contributing areas from contamination.***

The MPD condition 18.b. provides that the Hydrological Restoration Plan be submitted with the first Development Order and that it must be based on an integrated surface and groundwater model. The proposed text amendments provide the specific requirements for golf courses and ancillary uses within the MPD which already established development parameters and conditions of approval that were found consistent with the intent of the DR/GR and the Lee Plan's overall objective to restore and maintain natural resources essential to protecting groundwater supplies, water quality, and flooding. The MPD has been found consistent with the intent of the Environmental Enhancement and

Preservation Communities overlay (EEPCO) standards by Lee County staff, Lee County Hearing Examiner, Lee County Board of County Commissioners, and the Court. Any golf courses and ancillary uses will be developed within the established development pods.

CONCLUSIONS

The proposed text amendments are consistent with and generally further the State Comprehensive Plan and Regional Policy Plan. For these reasons, the applicant respectfully submits that the requested text amendments should be approved.

PLANNING COMMUNITIES/COMMUNITY PLAN AREA REQUIREMENTS

Amenity Improvement Amendment

Planning Communities/Community Plan Area Requirements

CPA2025-00012 – Revised December 2025

The subject property is located within the Southeast Lee County Community Planning Area. Consistent with Policy 17.3.2 through 17.3.4, RVI Planning + Landscape Architecture, Inc. and CAM7-SUB, LLC ("Applicant") conducted a publicly advertised public information meeting for the above referenced Comprehensive Plan Amendment on Thursday, November 19, 2025, at 5:30 p.m. at The Craft Lounge at Verdana Village, 20052 Verdana Village Blvd., Estero, FL 33928.

No attendees came to the meeting, other than the Applicant and Consultant Team. A copy of the affidavit of publication for the legal advertisement is attached as Exhibit "A". The meeting concluded at approximately 5:50 pm.

EXHIBIT "A"

LocaliQ
Florida
GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

RVi
28100 Bonita Grande DR
Suite 305
Bonita Springs FL 34135-6219

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

FNP Fort Myers News-Press 11/03/2025
FNP news-press.com 11/03/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.
Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 11/03/2025

Legal Clerk

Notary, State of WI, County of Brown

8-21-26
My commission expires

Publication Cost:	$137.20	
Tax Amount:	$0.00	
Payment Cost:	$137.20	
Order No:	11806157	# of Copies:
Customer No:	1501951	0
PO #:	LSAR0400311	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

NOTICE OF PUBLIC INFORMATION MEETING

DATE/TIME: Wednesday, November 19, 2025 at 5:30 PM

ADDRESS: The Craft Lounge at Verdana Village, 20052 Verdana Village Blvd. Estero, FL 33928

In accordance with the requirements of the Southeast Lee County Planning Community requirements of the Lee Plan, a meeting will be held presenting information to the public on the following comprehensive plan amendment request:

Amend Goal 13 and associated Objectives and Policies of the Lee County Lee Plan relating to Private Recreation Facilities in the Density Reduction/Groundwater Resource (DR/GR) to allow for golf course and ancillary uses in Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S.

The meeting will be held at 5:30 p.m. on Wednesday, November 19th, 2025, at The Craft Lounge at Verdana Village, 20052 Verdana Village Blvd Estero, FL 33928.

For questions please contact:
RVi Planning + Landscape Architecture, Inc. c/o Stacy Hewitt
(239) 770-2527 OR shewitt@RViPlanning.com
November 3 2025
LSAR0400311

MIXED USE PLANNED DEVELOPMENT (MPD) STIPULATION OF SETTLEMENT AGREEMENT UNDER SECTION 70.001, FLORIDA STATUTES RECORDED IN INSTRUMENT NUMBER 2022000208255

Kevin C. Karnes, Lee County Clerk of Circuit Court
INSTR. # 2022000208255, Doc Type AGR, Pages 263, Recorded 6/22/2022 at 4:58 PM, Deputy Clerk ACRUZ
Rec Fees: $2,237.00

AGREEMENT PURSUANT TO STIPULATION OF SETTLEMENT UNDER SECTION 70.001, FLORIDA STATUTES

THIS AGREEMENT PURSUANT TO STIPULATION OF SETTLEMENT UNDER SECTION 70.001, FLORIDA STATUTES (hereinafter, "Agreement") is entered into this 22nd day of June 2022, by and between:

LEE COUNTY, a political subdivision and charter county of the State of Florida (hereinafter "County"), having its principal office at 2115 Second Street, Fort Myers, FL 33901; and

CORKSCREW GROVE LIMITED PARTNERSHIP, a Delaware limited partnership (hereinafter, "CGLP" or "Developer"), whose address for purposes of this Agreement is 3602 Colonial Court, Fort Myers, FL 33913.

WHEREAS, CGLP and CGLP's represented parties owns approximately 6,674.56 +/- acres of land located in Lee County, said property being legally described in **Exhibit "A"** attached hereto (hereinafter, "the Property"); and

WHEREAS, after CGLP acquired the Property they continued to process a pending application with the County for a rezoning to the Industrial Planned Development (IPD) district in order to mine a portion of the Property for limerock extraction purposes; and

WHEREAS, the County denied the IPD rezoning request on November 6, 2019; and

WHEREAS, CGLP filed a claim with the County and a Complaint in Circuit Court against the County (Case No. 19-CA-008183, 20th Judicial Circuit) under the Bert J. Harris Private Property Rights Protection Act ("the Act"), Section 70.001, Fla. Stat., alleging that the denial of the IPD rezoning and other regulatory restrictions adopted by the County have placed an inordinate burden on the use of the Property, entitling CGLP to compensation under the Act; and

WHEREAS, the Act allows the parties to a dispute under the Act to enter into agreements in order to settle claims filed thereunder, and expressly provides that such agreements may modify or contravene applicable ordinances, rules, regulations, and statutes, subject to the requirements of Section 70.001(4)(d), Florida Statutes; and

WHEREAS, Lee County has adopted Land Development Code (LDC) Section 2-450 to implement Section 70.001(4)(d), Florida Statutes, and expressly allows the Board of County Commissioners to waive any or all procedural requirements contained in otherwise applicable codes and ordinances, and to directly exercise all authority otherwise delegated to the Lee County Hearing Examiner, the County Manager, or any other division or agency of the County; and

WHEREAS, the County and CGLP have identified and agreed upon such alternate uses for the Property, and the parties desire to enter into this Agreement in order to implement their understanding; and

WHEREAS, the County owns Property that is adjacent to the proposed Project as shown on the attached **Exhibit "B"** (hereinafter "County Property"); and

WHEREAS, as an aid to resolution of the dispute between the Litigation Parties, CAM7-SUB, LLC ("CAM") and the County agree, after closing of the purchase of the Property between CGLP and CAM, to swap similar property located within the Project boundaries for the County Property; and

WHEREAS, CGLP, in consideration of the covenants and conditions contained herein, has also agreed to convey to the County CGLP's rights and interests in excavation and mining on the Property to preclude any future mining permit requests on the Property; and

WHEREAS, the County and CGLP have entered into that certain Stipulation of Settlement dated April 19, 2022, agreeing to resolve all claims associated with CGLP's litigation and Bert Harris claim ; and

WHEREAS, this Agreement was reviewed in a public hearing before the Lee County Hearing Examiner on May 17, 2022, and in two public hearings before the Board of County Commissioners of Lee County on June 7, 2022, and June 22, 2022, at which time public comment was taken and duly considered; and

WHEREAS, the Stipulation of Settlement will be reviewed by the Circuit Court pursuant to Section 70.001(4)(d)2., Florida Statutes, at which time a hearing will be held before the Circuit Court for the presentation of public comment on the Stipulation of Settlement and this Agreement;

NOW, THEREFORE, in consideration of the covenants and conditions contained herein and of the benefits to accrue to each Party, the County and CGLP agree as follows:

1. Recitals. The foregoing recitations are true and correct and are incorporated herein by reference. All exhibits to this Agreement are deemed a part hereof.

2. Property Subject to this Agreement. The Property described on the attached **Exhibit "A"** is subject to this Agreement. The terms "Property", "Project" Development, and Proposed Development are used interchangeably in this Agreement. The Proposed Development boundaries may be modified in accordance with subsection 11(B) below.

3. Ownership. CGLP represents that it is the fee owner or designated agent of the Property or otherwise authorized to lawfully enter into this Agreement.

4. Proposed Development of the Property. The County agrees that CGLP or its successors and assigns, will have the right to develop the Property as set forth in this Agreement. The Proposed Development of the Property will comply with the following:

A. Development will be generally consistent with the Master Concept Plan ("MCP") attached as **Exhibit "C**", and will comply with the Schedule of Uses attached as **Exhibit "D",** the Conditions shown on attached **Exhibit "E"**, the Property Development Regulations shown on attached **Exhibit "F",** the Restoration Phasing Plan shown on **Exhibit "G",**

B. Upon the Effective Date of this Agreement, the Property will be designated and treated as a Mixed-use Planned Development ("MPD") as shown on the MCP. Upon compliance with the terms of this Agreement and the requirements of the LDC, local development orders and other development permits for development of the Property will be issued by the County as provided under the LDC and other applicable regulations except where superseded by the terms of this agreement and the documents attached hereto and made a part hereof.

5. Consistency with Lee County Comprehensive Plan. The parties acknowledge that certain aspects of the development approved pursuant to this Agreement would require a plan amendment to the County's Comprehensive Plan ("Plan") adopted pursuant to Chapter 163, Florida Statutes. Accordingly, approval of the development without a plan amendment will contravene the application of Sections 163.3184 and 163.3194(1)(a), Florida Statutes (the "Contravened Statutes"). Pursuant to Section 70.001(4)(d)2., Florida Statutes, the parties will file an action in circuit court to ensure that the

relief granted by this Agreement protects the public interest served by the Contravened Statutes and is the appropriate relief necessary to prevent the County's regulations from inordinately burdening the Property.

6. Public Facilities. Potable water, sanitary sewer, solid waste service, surface water management and fire/EMS services necessary to serve the Proposed Development are either adequate and existing or will be adequate or mitigated for at the time of development order for the Proposed Development or any portion thereof, subject to the following:

A. Transportation and fire/EMS services will be mitigated by Developer as provided in paragraphs 8.A and 8.C. below.

B. Potable water service is presently adequate at the existing plants or will be available for the Proposed Development. Based on the proposed Project and agreed upon analysis, the required offsite potable water system infrastructure, upgrades, or improvements will be funded by the Developer. The anticipated infrastructure improvements needed to serve the Project consists of the utility extensions identified and depicted in **Exhibit "P"** which shall include a water tank and booster pump(s). Ensuring the adequacy of the existing and proposed improvements to serve the Project will be the responsibility of the Developer.

The Developer will pay 50% of the standard hook-up and connection fees charged by the County at the time of phased construction plan submittal and the balance at the time the potable water infrastructure has been turned over to the County as a Developer Contributed asset and put into service per each phase of individual development orders. The Developer or assign will pay standard meter fees charged by the County at the time the water meters are requested.

Any extension or upsizing of the potable water main, water tank and/or pump desired by the County to meet future County offsite demands will be designed, permitted, and constructed by Developer in accordance with the following:

(i) The Developer will notify the County in writing or by email at least sixty (60) days in advance of commencing engineering design work for the potable water mains, water tank and/or pump improvements for the Project.

(ii) Within thirty (30) days of receipt of Developer's written or electronic email notice, the County may request, by writing or email, the Developer to upsize the potable water mains, water tank and/or pump improvements to a capacity or size identified by the County.

(iii) The County agrees to reimburse Developer for all incremental costs of design, permitting, financing, bond issuance, overhead, and construction of the potable water mains, water tank and/or pump improvements and infrastructure attributable to the requested upsizing. Such reimbursement to be due within sixty (60) days from County inspection and final acceptance of the transmission line and infrastructure.

C. To facilitate the construction of necessary infrastructure the Parties agree as follows:

1. Sanitary sewer service is not currently available for the Proposed Development.

2. The Developer will be responsible for needed sanitary sewer offsite utility infrastructure improvements to serve the Development, per attached Exhibit K.

3. The County is designing and planning to construct a minimum 10 MGD wastewater facility on Alico Road ("SEWRF"), which once completed will provide sufficient capacity for the Proposed Development.

4. By June 1, 2029, the County is obligated to design, permit, and complete construction of Phase 1 of SEWRF to accept offsite wastewater from the Proposed Development.

5. Phase 1 must be designed and built to provide adequate capacity to serve a minimum of 5,000 residential units and 200,000 square feet of commercial development for the Proposed Development.

6. The County shall provide CGLP or its assigns with written notice no later than August 31, 2025, if the SEWRF construction design plans have not been submitted to the Florida Department of Environmental Protection (FDEP) for review, and written notice shall be provided to CGLP or its assigns on June 15, 2026, if a permit for construction of the SEWRF hasn't been obtained from the FDEP.

7. The sanitary sewer improvements and corresponding minimum capacities set forth herein to accommodate the Proposed Development are in addition to any needed capacity for existing or other proposed developments that the County intends to serve with SEWRF.

8. The Developer shall pay 50% of the Proposed Development's sewer LCU connection fees equal to $13,300,000.00, based on 10,000 units at a cost of $2,660.00 per each unit and 50% of the approximate required connection fees for commercial development at the later of (i) the first development order for vertical construction, (ii) August 31, 2025, or (iii) the submittal date of the design plans (together hereinafter referred to as "Connection Fees.") The remaining 50% balance of the Project sewer LCU fee shall be paid at the time the infrastructure is put into service per each phase of development, consistent with current County policies.

9. If less than 10,000 residential units and 700,000 square feet of commercial space are designed within the Proposed Development then any over payment of the initial 50% pre-payment of Connection Fees shall be credited toward the required remaining balance of 50% of the required Connection Fees.

10. Once the initial 50% of the Connection Fees have been paid, the County hereby guarantees the necessary sanitary sewer capacity to serve the 10,000 residential units and accompanying commercial developments within the Project utilizing the capacities of SEWRF and Three Oaks WWTP as needed.

11. The Parties hereby agree and acknowledge that construction of Phase 1 of SEWRF will only be required to accommodate 5,000 units and 200,000 square feet of commercial development for the Proposed Development (in addition to other existing and proposed developments). Once the Connection Fees have been paid, the capacity for the remaining 5,000 units and remaining commercial square footage will be provided for through the construction of future phase(s) of the SEWRF. The future phases of the SEWRF necessary to provide capacity for the remaining portions of the Proposed Development, not accommodated within Phase 1, must be constructed and operational no later than December 31, 2033.

12. Once the SEWRF is completed, the Proposed Development will connect to it through infrastructure installed by the Developer at the Developer's expense and through infrastructure installed third parties or the County.

13. In the event construction of the Proposed Development is delayed or the real estate market reduces overall demand, CGLP and the County may agree in writing to extend the deadlines for construction of the SEWRF identified above.

14. In the event the County is unable to construct the initial or subsequent phases of the SEWRF in accordance with the terms provided herein, the Developer may construct temporary sanitary sewer facilities needed to serve the Proposed Development. Once the temporary facilities are constructed, the County agrees to operate and maintain those temporary facilities at the County's cost until such time as the relative phase(s) of the SEWRF is completed.

15. In the event the County is prevented, hindered or delayed directly or indirectly by fire, flood, earthquake, elements of nature or acts of God, acts of war, terrorism, riots, civil disorders, rebellions or revolutions, or any other similar cause beyond the reasonable control of the County (each a "Force Majeure Event"), and such non-performance, hindrance or delay could not have been prevented by reasonable precautions, then the County shall be excused for such non-performance, hindrance or delay, as applicable, of completion of the SEWRF affected by the Force Majeure Event for as long as the Force Majeure Event continues and, except as otherwise provided in this Section, the County continues to use its reasonable efforts to recommence performance whenever and to whatever extent possible without delay to include securing the necessary permitting from State and Federal agencies.

16. Until such time as Phase 1 of SEWRF is completed, the County shall allow a sewer consumptive use rate of 200GPD to determine the sewer capacity available in the existing Pinewoods Master Pump Station and pipes that feed it with the additional calculated capacity to be used by the Proposed Development.

17. The County shall allow a sewer consumptive use rate of 200GPD compared to a design rate of 250GPD to determine the sewer capacity available in the SEWRF and pipes that feed it with the additional calculated capacity to be used by the Proposed Development until the Proposed Development's 10,000 residential units and commercial square footage are accommodated.

18. Based on the Proposed Development and agreed upon analysis, the required offsite wastewater system infrastructure, upgrades, or improvements funded by the Developer are anticipated to consist of the utility extensions identified and depicted in **Exhibit "K".** Ensuring the adequacy of the existing and proposed improvements to serve the Proposed Development other than those set forth herein, will be the responsibility of the Developer. Any improvements not contemplated within Exhibit "K" that are needed to serve the development will be the responsibility of the Developer except that the County and Developer recognize that Exhibit "K" contemplates the sewer installation in front of the FFD property has been constructed and the sewer installed on Alico Road from Corkscrew Road to the SEWRF has been installed by the County as part of the SEWRF construction.

19. In the event a force main is not installed from the FFD development along Corkscrew Road to Alico Road or the force main on Alico Road from Corkscrew Road to the SEWRF, as assumed within Exhibit "K", then the Developer will be responsible for constructing the necessary improvements. If the Developer constructs the sewer force main on Corkscrew Road from the FFD development to Alico Road, Alico Road from Corkscrew Road to the

SEWRF, or other offsite infrastructure not contemplated in Exhibit "K" and needed to serve the Proposed Development, then the County will reimburse the Developer for the full cost of the sewer installed from Corkscrew Road to the SEWRF along with a proportionate share of the design, permitting, construction including infrastructure, maintenance of traffic, landscape restoration and a proportionate share of the financing cost for those improvements. The County and the Developer will enter into a Rebateable Agreement to reimburse the Developer for the other additional infrastructure improvements.

20. To expedite the Proposed Development, and at the Developer's discretion, a temporary connection to the existing Verdana Village Pod 2 master pump station and/or construction of a package WWTP built on the Project may be constructed until such time as the County SEWRF is in operation. The construction of the discretionary improvements for the Project may be completed in phases.

21. Any sewer extension or upsizing of the sanitary sewer infrastructure or facilities requested by the County to meet future county offsite demands, and agreed to be performed by the Developer, will be designed, permitted, and constructed by Developer in accordance with the following:

(i) The Developer will notify the County in writing or electronically by email at least sixty (60) days in advance of commencing engineering design work for the sanitary sewer infrastructure and facility improvements.

(ii) Within thirty (30) days of receipt of Developer's notice, the County may request in writing the Developer to upsize the Proposed Development's sanitary sewer infrastructure and facilities in writing or electronically by email to a size and capacity identified by the County.

(iii) The County agrees to reimburse Developer for all incremental costs of design, permitting, financing, bond issuance, overhead, and construction of the sanitary sewer infrastructure and facility improvements attributable to the requested upsizing. Such reimbursement to be due to the Developer within sixty (60) days after inspection and acceptance of the requested upsizing improvements by the County which will not be unreasonably withheld or delayed.

D. Solid waste service will be provided by a franchised hauler.

E. Subject to the requirements of paragraph 8.B. below, surface water management will be provided in accordance with permits to be issued by the South Florida Water Management District.

7. Development Permits Needed for Proposed Development. CGLP, or its successor in ownership, must obtain all State and Federal permits necessary to allow development in accordance with this Agreement, subject to paragraph 19 below. CGLP must submit and obtain all development orders and development permits from Lee County necessary, and Lee County must review and approve those submittals to allow development subject to, consistent with, and in accordance with this Agreement.

8. Development Limitations, Commitments and Obligations. For and in consideration of the benefits received pursuant to this Agreement, CGLP agrees to the following limitations, commitments and obligations in order to mitigate the impacts of the Proposed Development:

A. Developer will construct an internal public spine road from Corkscrew Road to State Route 82 and provide for a Project Proportionate Share payment of $2,000.00 per residential unit which payment shall be due at issuance of each residential building permit. In addition:

(i) The cost of construction of the spine road, including but not limited to, road landscaping, signage, and lighting, will be borne by the Developer;

(ii) The spine road will be constructed in phases to County specifications for a collector road;

(iii) Impact fee credits will be issued for Corkscrew Road right of way dedicated to the County adjacent to the Project;

(iv) The Project will pay impact fees at the rate in effect at the time of issuance of building permits;

(v) Once built to County standards the spine road will be dedicated to the County and the County will take over the future maintenance of the Spine Road which transfer, and maintenance responsibility will be assumed by the County upon acceptance of the dedication to the county for ownership and maintenance on the record plat. Any landscaping, lighting, and signage that is above County "core-level" shall be maintained by the Project homeowner association, community development district, or independent special district.

B. Environmental Enhancements. Environmental enhancements to the Property will occur in accordance with the Conditions of Development attached as **Exhibit "E"** and the Restoration Phasing plan attached hereto as **Exhibit "G".**

C. The building permit applicant will pay Fire and EMS Impact Fees in accordance with the Fire/EMS Impact Fee Ordinances.

9. Applicable Land Use Regulations. The Proposed Development within the Property shall be subject to the County's land development regulations governing development as of the Effective Date of this Agreement for the duration of this Agreement except as superseded by this agreement and the attached Exhibits. Unless otherwise requested and agreed to by CGLP or assigns, the County may not apply subsequently adopted Land Use regulations and policies to the Proposed Development. Any County initiated Lee Plan Amendments that apply to the Property must be consistent with this Agreement and the attached Exhibits for the duration of this Agreement.

10. Duration of Agreement. This Agreement shall remain in full force and effect until buildout of the Proposed Development, unless terminated earlier as provided in Paragraph 11 of this Agreement. For purposes of this Agreement, buildout shall occur upon the earlier of (a) issuance of certificates of occupancy for all development authorized herein, or (b) recording in the Public Records of Lee County of a declaration by CGLP or its assigns, that it has completed development under this Agreement and transmittal of same to the County. Notwithstanding anything in the LDC to the contrary, the MCP, Schedule of Uses, Conditions of Development, Property Development Regulations, Restoration Phasing Plan, and Development Authorization Form attached hereto as Exhibits "C," "D," "E," "F," "G" and "H" respectively, will remain valid for the duration of this Agreement.

11. Amendment and Termination. This Agreement will terminate only upon mutual consent of the parties, in writing, executed with the same formalities as this Agreement or upon recording of a Notice of Termination by either Party pursuant to paragraph 21 below.

A. Amendments to the density or intensity of the Proposed Development can only be approved through mutual agreement of the parties. All other changes may be reviewed and approved administratively through the same processes and criteria identified for planned developments in LDC Chapters 10 and 34. If the proposed amendment does not meet the criteria for administrative approval, the amendment must be approved through the public hearing process under the same processes and criteria identified for planned developments in LDC Chapters 10 and 34 in accordance with the procedures in place at the time of application.

B. Amendments to the Proposed Development boundaries and associated Master Concept Plan may be approved through issuance of an Administrative Amendment subject to the following:

i. The property is adjacent to the Proposed Development boundaries and under common ownership of the Developer;
ii. The reduction of the Property boundaries will not reduce the overall required open space or conservation areas. Reductions of the Property boundaries that include a corresponding addition of property to replace the open space or conservation areas being removed by the reduction may be approved;
iii. Property that is removed from the Proposed Development boundaries is subject to the development parameters, including density and intensity permitted under the Lee Plan and Land Development Code as it existed without the Development Agreement and Stipulation of Settlement.
iv. The addition of property to the Proposed Development boundaries will be subject to the same development limitations as though the property was included in this Development Agreement.

12. Relinquishment of Claims by CGLP. Upon entry of an Order of Dismissal by the Circuit Court in that certain case styled *CGLP Land Co., Inc. v. Lee County, 20th Judicial Circuit Case No. 19-CA-008183.*

A. CGLP agrees to relinquish to the County all of CGLP's rights and interests in mining on the Property through a restrictive covenant on the Property that will ensure that future owners and successors have no rights or interests in mining the Property for limerock or other sedimentary minerals. Provided, however, that nothing contained herein shall preclude excavation in connection with the Proposed Development of the Property including, but not necessarily limited to, excavation for water retention, fill, utilities, infrastructure, structures, and other related purposes. The foregoing restrictive covenant will not prohibit exploration or production of oil or natural gas on or under the Property, will not create oil, gas or mineral rights in the County, and shall not be deemed to prohibit the sale and removal of excess fill material created by the approved development of the Property in accordance with LDC Chapter 10. The restrictive covenant shall be recorded in the Public Records of Lee County.

B. CGLP agrees to waive, relinquish, and release forever its claim for damages for an "as applied" taking and pursuant to that certain claim letter filed with the County by CGLP dated September 11, 2020, pursuant to the Act, for actions arising out of the County's denial of its IPD zoning request on November 6, 2019; provided, however, that nothing contained herein shall constitute a waiver or relinquishment of any claim for damages or any other relief whatsoever arising against the County from or out of this Agreement, or for any subsequent property rights violation arising after the date of this Agreement that is not directly related to the County's denial of said IPD zoning request.

13. Credit Against Proportionate Share Payment. For and in consideration of CGLP's conveyance to the County of all of CGLP's rights and interests in the mining of limerock and other sedimentary minerals on the Property as provided in Paragraph 12 above, CGLP will receive proportionate share credits from the County in the amount of $2,400,000.00 that may be used by CGLP, or its assigns, towards the proportionate share payments charged by the County under paragraph 8 of

this Agreement. CGLP may transfer or assign all or part of this credit to a third party only for use in conjunction with development of the Property. No building permits for development utilizing this credit will be issued by the County unless the permit applicant provides to the County a notarized form executed by CGLP or its assigns identifying the number of dwelling units or square footage of non-residential development authorized by CGLP or its assigns to be built. The Development Authorization form will be in substantially the same format as the form attached hereto as **Exhibit "J."** The County will not issue building permits for any development that exceeds the amount of development authorized by CGLP or its assigns.

14. Notices. All notices required or permitted under this Agreement shall be in writing and shall be mailed by certified mail, return receipt requested to the following addresses, or to such other person or address as any Party may designate from time to time and after Property sale in writing:

If to CGLP: Corkscrew Grove Limited Partnership
3602 Colonial Court
Fort Myers, FL 33913
Attn: Mitch Hutchcraft

With a copy to: Moore Bowman & Reese, P.A.
551 N. Cattlemen Road,
Suite 100
Sarasota, Florida 34232
Attn: S. William Moore, Esquire

If to the County: Lee County
2115 Second Street
Fort Myers, FL 33901
Attn: County Manager

With a copy to: Lee County
2115 Second Street
Fort Myers, FL 33901
Attn: Lee County Attorney

15. Remedies. Any material breach of this Agreement may be enforced by either Party as against the other by appropriate action in law or equity filed in a court of competent jurisdiction, including but not limited to an action for specific performance; provided, however, no such action may be brought until the defaulting Party has been given notice and ninety (90) days in which to cure the default to the satisfaction of the non-defaulting party. Notwithstanding the foregoing, violations of the Master Concept Plan, Schedule of Uses, Conditions of Development and Deviations, Property Development Regulations, and Restoration Phasing, attached hereto as Exhibits B, C, D, E, and F, respectively, may also be enforced by the County through appropriate code enforcement actions.

16. Governing Law; Venue. This Agreement shall be construed and interpreted according to the laws of the State of Florida, and venue with respect to any litigation between the Parties related to this Agreement shall be exclusively in Lee County, Florida.

17. Severability. If any part, term, or provision of this Agreement is held to be illegal, void, or unenforceable, the remaining portions or provisions of this Agreement shall not be affected or impaired, each remaining provision shall remain in full force and effect, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid.

18. Entire Agreement. This Agreement embodies the whole agreement of the Parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, regarding the Proposed Development of the Property between the Parties.

19. Conflict of Laws. If state or federal laws are enacted subsequent to the execution of this Agreement which are applicable to and preclude either Party's compliance with the terms of this Agreement, this Agreement shall be modified as necessary to comply with the relevant state or federal laws, in a manner that most closely reflects the intent of this Agreement.

20. Covenants Running with the Land; Assignment of Obligations by CGLP. The obligations imposed and entitlements created pursuant to this Agreement shall run with and bind the Property as covenants running with the land, and this Agreement shall be binding upon and enforceable by and against the Parties hereto, their personal representatives, heirs, successors, grantees, and assigns after notice to the County. All or any of the obligations of CGLP may be assigned to one or more successor developers, property owners associations or to one or more community development districts established under Chapter 190, Fla. Stat., and CGLP shall thereafter be relieved of all obligations so assigned.

21. Effective Date. This Agreement will become effective (the "Effective Date") upon full execution by both Parties and recording of the Agreement in the Public Records of Lee County pursuant to paragraph 22 below; provided, however, that none of the rights or obligations contained herein will become effective as to either Party until issuance of the Order of Dismissal by the Circuit Court pursuant to paragraph 12 above. In the event an Order of Dismissal is not entered within eighteen (18) months of the Effective Date of this Agreement, then either Party may terminate this Agreement by recording a Notice of Termination in the Public Records of Lee County, whereupon this Agreement will be considered null and void.

22. Recording of Agreement. This Agreement will be recorded by the County at the County's expense in the Public Records of Lee County within fourteen (14) days of approval by the Lee County Board of County Commissioners. In the event this Agreement is terminated as provided herein, the Parties will execute and CGLP will record a Notice of Termination in the Public Records of Lee County within twenty (20) days of such termination.

23. Findings Under Section 70.001(4)(d)1., Florida Statutes. Pursuant to Section 70.001(4)(d)1., Florida Statutes, the County finds that, to the extent that this Agreement has the effect of a modification, variance, or a special exception to the application of a rule, regulation, or ordinance as it would otherwise apply to the Property, the relief granted herein and the obligations and mitigation to be provided by CGLP pursuant to this Agreement, adequately protect the public interest served by the rules, regulations or ordinances at issue and is the appropriate relief necessary to prevent the County's regulatory efforts from inordinately burdening the Property.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year written below.

WITNESSES:

CORKSCREW GROVE LIMITED PARTNERSHIP, a Delaware limited partnership

Print Name: Michael D. Jacus

Print Name Daniel DeLisi

By: _____

Name: MITCHEL A. HUTCHCRAFT

Title: VICE PRESIDENT

STATE OF FLORIDA
COUNTY OF LEE

Sworn to and subscribed before me by means of [ ] physical presence or [ ] online notarization this 22 day of JUNE, 2022, by MITCHEL HUTCHCRAFT, as Vice President of Corkscrew Grove Limited Partnership, a Delaware limited partnership, who is [X] personally known to me or [ ] who produced _____ as identification.

_____
Notary Public Signature

My Commission Expires:

Raymond J. Blacksmith
Type/Print Notary Public Name

Commission No.: GG232954

Notary Public State of Florida
Raymond J Blacksmith
My Commission GG 232954
Expires 10/09/2022

ATTEST:
KEVIN KARNES, CLERK

By: Melissa Butler
Deputy Clerk

Melissa Butler
Print Name

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By:
Cecil L. Pendergrass, Chair

Date: 6-22-22

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

County Attorney's Office

Exhibits:

A. Legal Description of the Property
B. County Land Swap Property Exhibit
C. Master Concept Plan
D. Schedule of Uses
E. Conditions of Development and Deviations
F. Property Development Regulations
G. Restoration Phasing Plan
H. Development Authorization Form
I. Protective Species Survey
J. Human/Wildlife Coexistence Plan and Protective Species Management Plan
K. Offsite Sewer Analysis
L. Indigenous Preservation, Restoration, and Management Plan
M. Existing Agricultural Areas
N. Enhanced Lake Management Plan
O. Hydrological Restoration Plan
P. Offsite Potable Water Analysis

EXHIBIT A

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Planners

DESCRIPTION
Parcel in
Section 35, Township 45 South, Range 27 East
and Sections 2, 3, 10, 11, 14, 15, 24, 25, 26, 34, 35 and 36,
Township 46 South, Range 27 East,
Lee County, Florida

A tract or parcel of land lying in Section 35, Township 45 South, Range 27 East and Sections 2, 3, 10, 11, 14, 15, 24, 25, 26, 34, 35 and 36, Township 46 South, Range 27 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

PARCEL 1:

Beginning at the Southwest corner of said Section 35 run N00°42'20"W along the West line of said Section 35 for 4,913.47 feet to an intersection with the Southwesterly right of way line of State Road 82 (F.D.O.T. right of way Section No. 1207-101) (200 feet wide right of way); thence run S74°24'28"E along said Southwesterly right of way line for 5,474.38 feet to an intersection with the East line of said Section 35; thence run S01°27'49"E for 3,347.79 feet to the Northeast corner of said Section 2; thence run S00°37'24"E along the East line of said Section 2 for 4,496.97 feet; thence run S88°14'39"W for 2,954.70 feet; thence run S00°38'17"E for 1,000.18 feet; thence run N89°34'20"E for 89.85 feet; thence run S00°42'50"E for 1,075.98 feet to an intersection with the North line of the West Half (W 1/2) of said Section 11; thence run N88°06'17"E along said North line for 218.81 feet to the Northeast corner of said Fraction; thence run S00°11'24"E along the East line of said Fraction for 5,325.44 feet to Southeast corner of said Fraction; thence run N88°33'37"E along the North line of said Section 14 for 2,623.23 feet to the Northeast corner of said Section 14; thence run S00°02'19"W along the East line of said Section 14 for 5,330.76 feet to the Southeast corner of said Section 14 ; thence run S88°57'32"W along the South line of said Section 14 for 5,217.75 feet to the Southeast corner of said Section 15; thence run S88°56'48"W along the South line of said Section 15 for 5,216.63 feet to the Southwest corner of said Section 15; thence run N00°12'22"W along the West line of said Section 15 for 5,552.99 feet to the Southwest corner of said Section 10; thence run N01°06'50"W along the West line of said Section 10 for 5,068.95 feet to the Southwest corner of said Section 3; thence run N00°58'11"W along the West line of said Section 3 for 6,632.47 feet to the Northwest corner of said Section 3; thence run N89°02'20"E along the North line of said Section 3 for 5,301.06 feet to the POINT OF BEGINNING.
Containing 4,202.62 acres, more or less.

PARCEL 2:

Beginning at the Northwest corner of said Section 24 run N88°48'32"E along the North line of said Section 24 for 5,496.75 feet to an intersection with the West line right of way line of Corkscrew Road, also being the West line of the East 25 feet of said

DESCRIPTION (CONTINUED)

Section 24; thence run S01°20'16"E along said West line for 4,100.52 feet to an intersection with the Northerly right of way line of Corkscrew Road, as described in a deed recorded in Instrument No. 2005000136900, Lee County Records; thence run along said Northerly right of way line the following three (3) courses: S88°39'44"W for 50.00 feet to a point on a non-tangent curve; Southwesterly along an arc of a curve to the right of radius 1,175.00 feet (delta 90°09'17") (chord bearing S44°50'13"W) (chord 1,663.94 feet) for 1,848.86 feet and S00°05'08"E along a radial line for 25.00 feet to an intersection with the North right of way line of said Corkscrew Road, also being North line of the South 50 feet of said Section 24; thence run along said North right of way line the following two (2) courses: S89°54'52"W for 1,393.63 feet and S88°51'37"W for 2,675.85 feet to an intersection with the West line of said Section 24; thence run N03°15'49"W along said West line for 5,255.07 feet to the POINT OF BEGINNING.

Containing 644.59 acres, more or less.

PARCEL 3:

Beginning at the Northwest corner of said Section 26 run N88°51'40"E along the North line of the Northwest Quarter (NW 1/4) of said Section 26 for 2,663.66 feet to the North Quarter corner of said Section 26; thence run N88°54'17"E along the North line of the Northeast Quarter (NE 1/4) of said Section 26 for 2,666.51 feet to the Northwest corner of said Section 25; thence run S01°09'29"E along the West line of the Northwest Quarter (NW 1/4) of said Section 25 for 50.00 feet to an intersection with the South right of way line of Corkscrew Road, also being South line of the North 50 feet of said Section 25; thence run along said South right of way line the following two (2) courses: N88°51'37"E for 2,673.06 feet and N89°54'52"E for 2,671.08 feet to an intersection with the East line of Northeast Quarter (NE 1/4) of said Section 25; thence run S01°11'48"E along said East line for 2,550.74 feet to the East Quarter corner of said Section 25; thence run S01°12'17"E along the East line of Southeast Quarter (SE 1/4) of said Section 25 for 2,650.95 feet to the Northeast corner of said Section 36; thence run S01°11'26"E along the East line of Northeast Quarter (NE 1/4) of said Section 36 for 1,320.34 feet; thence run S89°10'39"W parallel with the North line of said Fraction for 990.98 feet; thence run N01°11'26"W parallel with the East line of said Fraction for 1,320.34 feet to an intersection with the North line of said Fraction; thence run S89°10'39"W along the North line of said Fraction for 1,683.83 feet to the North Quarter corner of said Section 36; thence run S89°09'00"W along the North line of the Northwest Quarter (NW 1/4) of said Section 36 for 2,672.43 feet to the Northeast corner of said Section 35; thence run S88°41'30"W along the North line Northeast Quarter (NE 1/4) of said Section 35 for 150.00 feet to an intersection with the West line of the East 150 feet the Northeast Quarter (NE 1/4) of said Section 35; thence run S01°02'25"E along said West line for 2,605.57 feet to an intersection with the South line of the North Half (N 1/2) of said Section 35; thence run S88°35'54"W along said South line for 5,197.13 feet to the East Quarter corner of said Section 34; thence run S89°18'56"W along the North line of the Southeast Quarter (SE 1/4) of said Section 34 for 662.29 feet to the Northeast corner of the West Half (W 1/2) of the East

DESCRIPTION (CONTINUED)

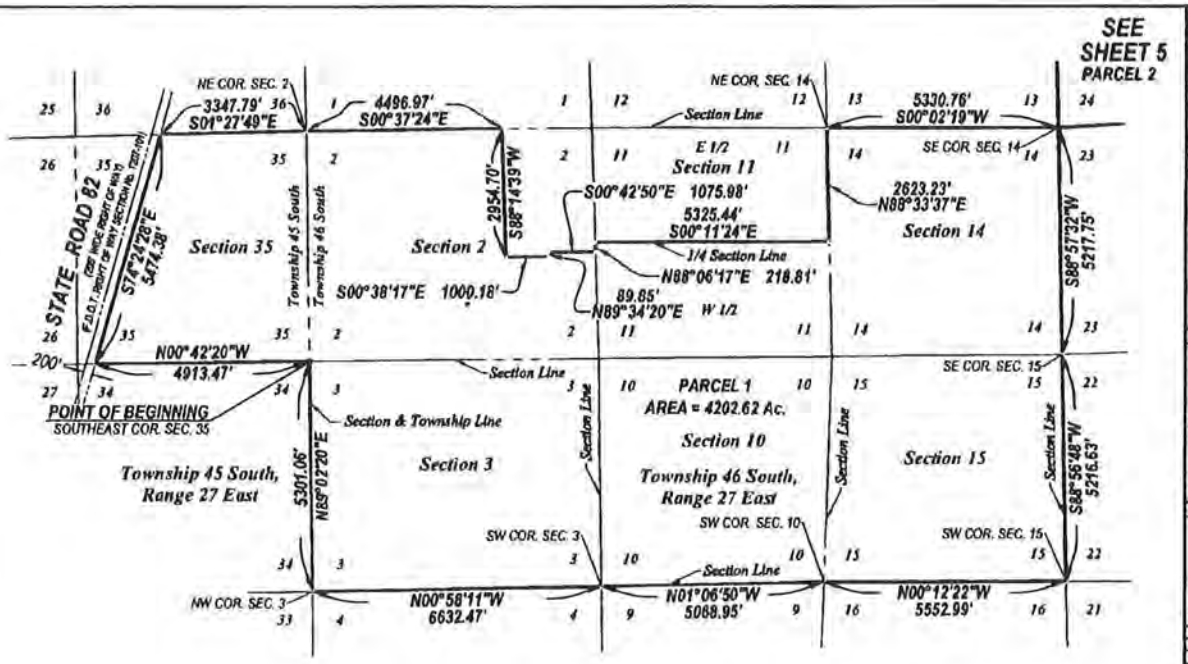
Half (E 1/2) of the Southeast Quarter (SE 1/4) of said Section 34; thence run S00°56'36"E along the East line of said Fraction for 978.73 feet to the Northwest corner of the South Half (S 1/2) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) said Section 34; thence run N89°21'38"E along the North line of said Fraction for 662.30 feet to the Northeast corner of said Fraction; thence run S00°56'36"E along the East line of said Fraction, also being the East line of the Southeast Quarter (SE ¼) of said Section 34 for 326.43 feet to the Southeast corner of said Fraction; thence run S89°21'38"W along the South line of said Fraction for 662.30 feet to the Southwest corner of said Fraction; thence run S00°56'36"E along the East line of said West Half (W 1/2) of the East Half (E 1/2) of the Southeast Quarter (SE 1/4) of Section 34 for 325.25 feet; thence run S89°21'38"W for 1,985.63 feet to an intersection with the West line of said Southeast Quarter (SE 1/4) of Section 34; thence run N00°56'43"W along said West line for 1,628.85 feet to the Center of said Section 34; thence run N00°55'48"W along the West line of the Northeast Quarter (NE 1/4) of said Section 34 for 2,623.36 feet to the North Quarter corner of said Section 34; thence run N89°31'02"E along the North line of the Northeast Quarter (NE 1/4) of said Section 34 for 2,646.41 feet to the Southwest corner of said Section 26; thence run N88°41'30"E along the South line of the Southwest Quarter (SW 1/4) of said Section 26 for 1,335.92 feet to the Southeast corner of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of said Section 26; thence run N01°03'24"W along the East line of said Fraction for 1,321.72 feet to the Northeast corner of said Fraction; thence run S88°43'35"W along the North line of said Fraction for 1,335.09 feet to the Northwest corner of said Fraction and intersection with the West line of said Southwest Quarter (SW 1/4) of Section 26; thence run N01°01'16"W along said West line for 1,322.52 feet to the West Quarter corner of said Section 26; thence run N01°00'42"W W along the West line of the Northwest Quarter (NW 1/4) of said Section 26 for 2,645.28 feet to the POINT OF BEGINNING.

Containing 1,827.35 acres, more or less.

Bearings hereinabove mentioned are based on the North line of said Section 3 to bear N89°02'20"E.

Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

L:\24069 - Cam7-Sub, LLC\surveying\descriptions\Sketch\24069SK03.doc



THIS IS NOT A SURVEY

NOTES:

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. D.B. - DENOTES DEED BOOK.
3. INST. No.- DENOTES INSTRUMENT NUMBER, LEE COUNTY PUBLIC RECORDS.
4. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
5. (P) - DENOTES PLAT.
6. P.B. - DENOTES PLAT BOOK.
7. PG. - DENOTES PAGE.
8. BEARINGS AS SHOWN ARE BASED ON THE NORTH LINE OF THE OF SECTION 3 TO BEAR N89°02'20"E.
10. DESCRIPTION IS ATTACHED.

N

0 1500 3000

SCALE IN FEET

SCOTT A. WHEELER (FOR THE FIRM - LB-6940) DATE SIGNED:
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED OR DIGITAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

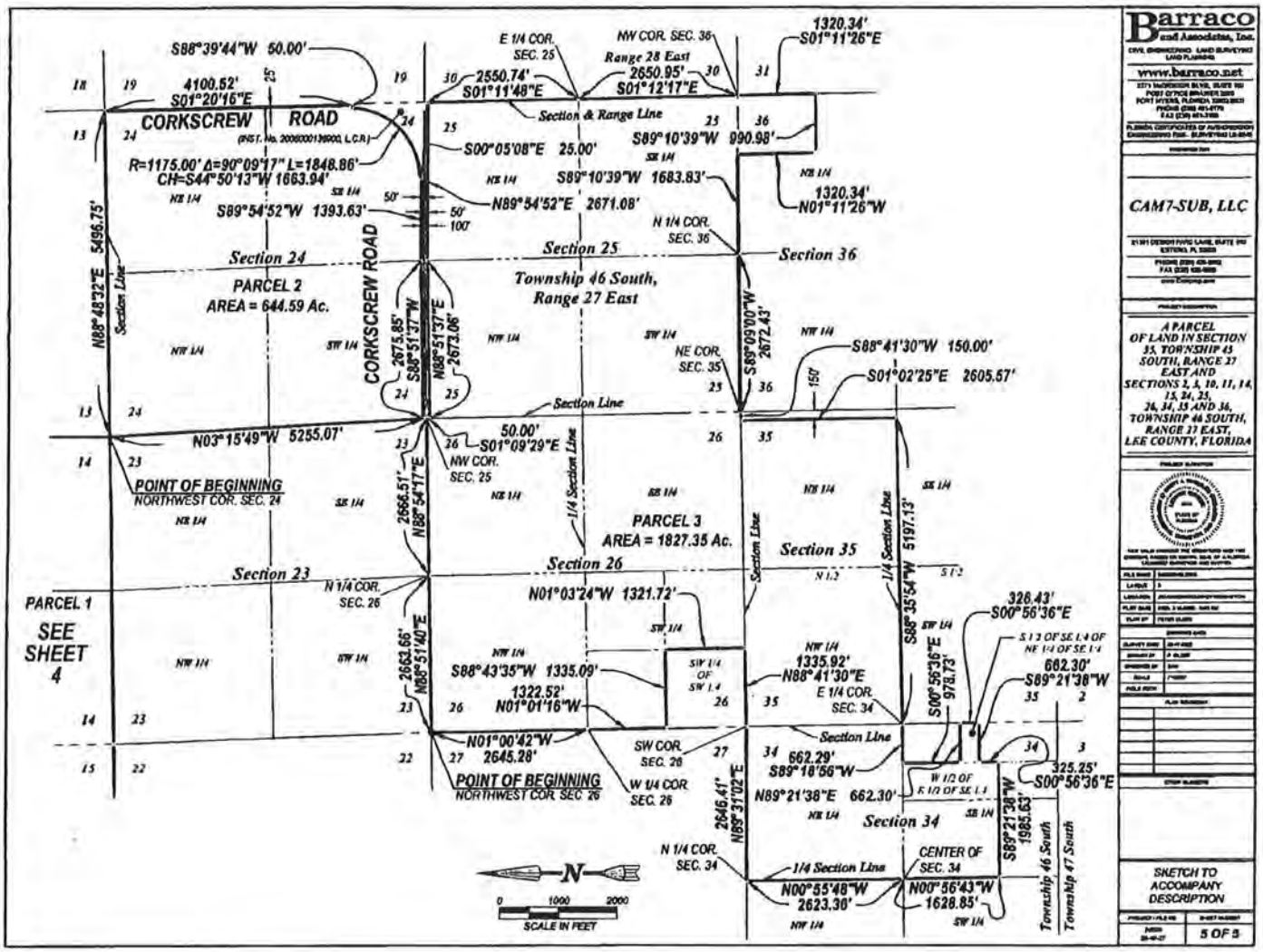
Barraco and Associates, Inc.
CIVIL ENGINEERING, LAND SURVEYING
LAND PLANNING
www.barraco.net

CAM7-SUB, LLC

A PARCEL OF LAND IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 27 EAST AND SECTIONS 2, 3, 10, 11, 14, 15, 24, 25, 26, 34, 35 AND 36, TOWNSHIP 46 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA

SKETCH TO ACCOMPANY DESCRIPTION

4 OF 5



Barraco and Associates, Inc.
www.barraco.net

CAM7-SUB, LLC

A PARCEL OF LAND IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 27 EAST AND SECTIONS 2, 3, 10, 11, 14, 15, 24, 25, 26, 34, 35 AND 36, TOWNSHIP 46 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA

SKETCH TO ACCOMPANY DESCRIPTION

5 OF 5

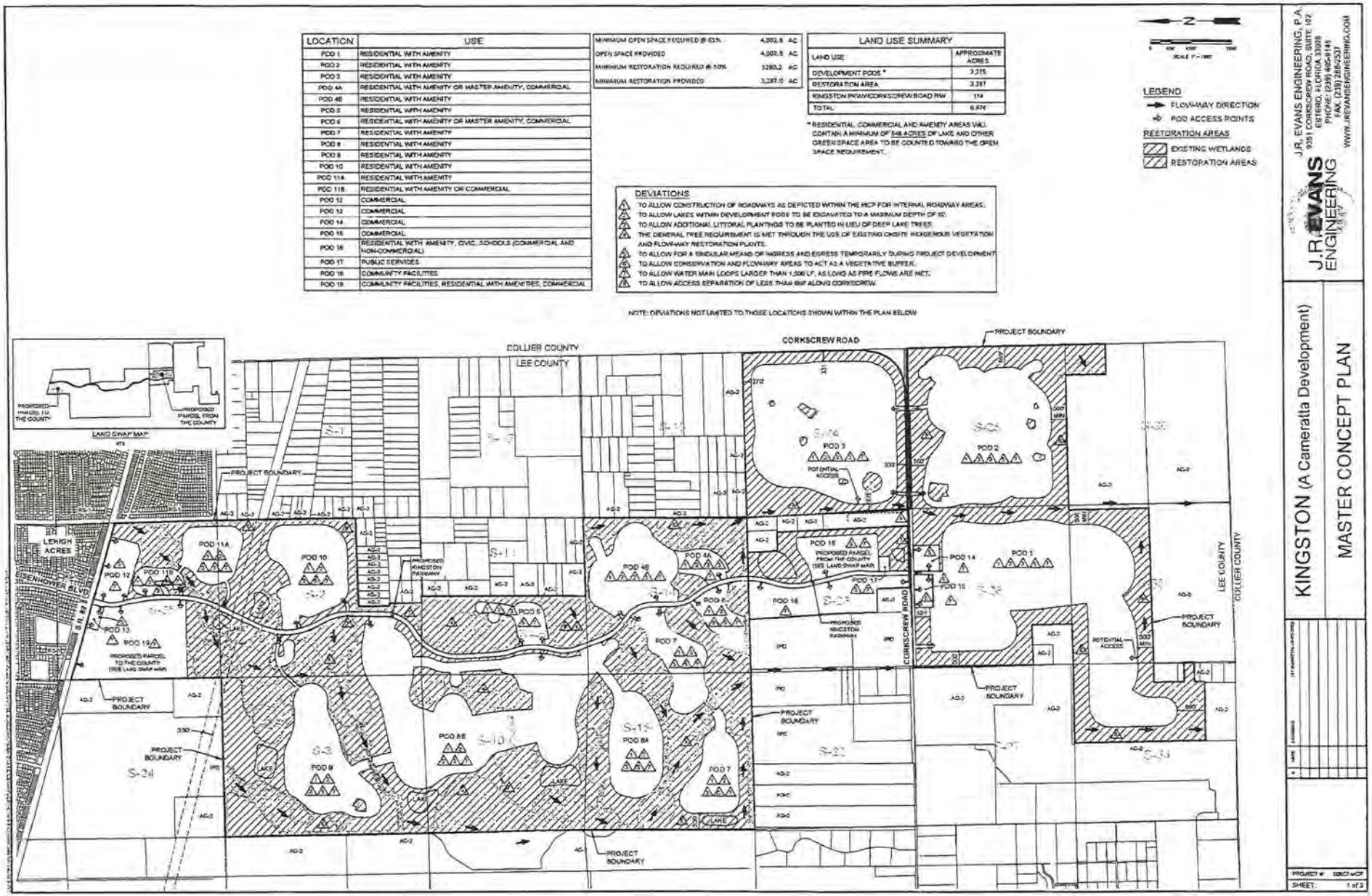
EXHIBIT "B"
LEGAL DESCRIPTION OF COUNTY EXISTING PROPERTY

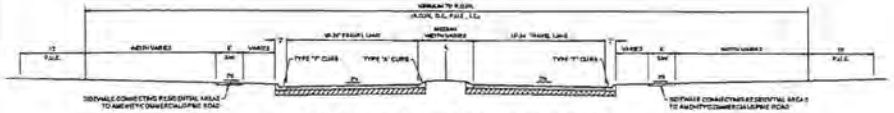
Parcel 1:
A parcel of land located in Section 23, Township 46 South, Range 27 East, Lee County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Section 23, Township 46 South, Range 27 East, Lee County, Florida; thence run S.89°28'06" W., along the South line of the Southeast quarter of said Section 23, for a distance of 525.38 feet a point 525.00 feet Westerly of, as measured at right angles to, the East line of the Southeast quarter of said Section 23 and the point of beginning of the parcel of land herein described; thence continue S.89°28'06"W., along the South line of the Southeast quarter of said Section 23, for a distance of 2141.32 feet to the South quarter corner of said Section 23; thence run S.89°26'02"W., along the South line of the Southwest quarter of said Section 23, for a distance of 12.65 feet; thence run N.00°34'53"W. for a distance of 1115.00 feet; thence run S.89°26'02"W., parallel with the South line of the Southwest quarter of said Section 23, for a distance of 810.00 feet; thence run N.00°34'53"W. for a distance of 888.90 feet; thence run N.89°11'45"E. for a distance of 1030.45 feet; thence run N.03°17'37"W. for a distance of 3299.20 feet to a point on the North line of said Section 23, said point being located 2798.63 feet Easterly of, as measured along the North line of said section 23, the Northwest corner of said Section 23; thence run N.89°31'47"E., along the North line of said Section 23, for a distance of 1258.65 feet to a point 1160.00 feet Westerly of, as measured along the North line of said Section 23, the Northeast corner of said Section 23; thence run S.02°42'10"E., parallel with the East line of the Northeast quarter of said Section 23, for a distance of 990.00 feet; thence run N.89°31'47"E., parallel with the North line of the Northeast quarter of said Section 23, for a distance of 634.60 feet; thence run S.02°42'10"E., parallel with the East line of said Section 23, for a distance of 4315.46 feet to the point ofbeginning.

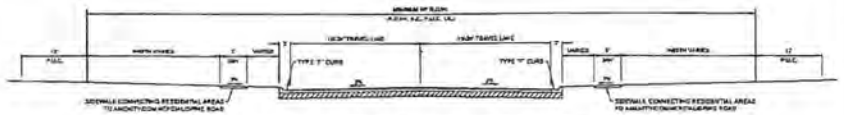
Parcel 2:
A parcel of land located in Section 23, Township 46 South, Range 27 East, Lee County, Florida, being more particularly described as follows:

Commence at the Northwest corner of Section 23, Township 46 South, Range 27 East, Lee County Florida; thence run N.89°31'47"E., along the North line of said Section 23, for a distance of 1795.03 feet to the point of beginning of the parcel of land herein described; thence continue N.89°31'47"E., along the North line of said Section 23, for a distance of 1003.60 feet; thence run S.03°17'37"E. for a distance of 3299.20 feet; thence run S.89°11'45"W. for a distance of 1030.45 feet; thence run N.02°49'26"W. for a distance of 3303.99 feet to the point of beginning.

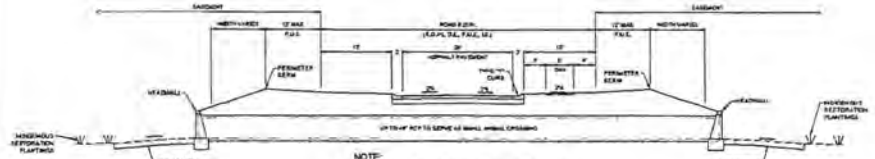

LOCATION | USE
POD 1 | RESIDENTIAL WITH AMENITY
POD 2 | RESIDENTIAL WITH AMENITY
POD 3 | RESIDENTIAL WITH AMENITY
POD 4A | RESIDENTIAL WITH AMENITY OR MASTER AMENITY, COMMERCIAL
POD 4B | RESIDENTIAL WITH AMENITY
POD 5 | RESIDENTIAL WITH AMENITY
POD 6 | RESIDENTIAL WITH AMENITY OR MASTER AMENITY, COMMERCIAL
POD 7 | RESIDENTIAL WITH AMENITY
POD 8 | RESIDENTIAL WITH AMENITY
POD 9 | RESIDENTIAL WITH AMENITY
POD 10 | RESIDENTIAL WITH AMENITY
POD 11A | RESIDENTIAL WITH AMENITY
POD 11B | RESIDENTIAL WITH AMENITY OR COMMERCIAL
POD 12 | COMMERCIAL
POD 13 | COMMERCIAL
POD 14 | COMMERCIAL
POD 15 | COMMERCIAL
POD 16 | RESIDENTIAL WITH AMENITY, CIVIC, SCHOOLS (COMMERCIAL AND NON-COMMERCIAL)
POD 17 | PUBLIC SERVICES
POD 18 | COMMUNITY FACILITIES
POD 19 | COMMUNITY FACILITIES, RESIDENTIAL (WITH AMENITIES), COMMERCIAL
MINIMUM OPEN SPACE REQUIRED @ 63% 4,002.8 AC
OPEN SPACE PROVIDED 4,002.8 AC
MINIMUM RESTORATION REQUIRED @ 50% 3280.2 AC
MINIMUM RESTORATION PROVIDED 3,287.0 AC
LAND USE SUMMARY
LAND USE | APPROXIMATE ACRES
DEVELOPMENT PODS * 3,275
RESTORATION AREA 3,287
KINGSTON PKWY/CORKSCREW ROAD R/W 114
TOTAL 6,676
* RESIDENTIAL, COMMERCIAL AND AMENITY AREAS WILL CONTAIN A MINIMUM OF 548 ACRES OF LAKE AND OTHER GREEN SPACE AREA TO BE COUNTED TOWARD THE OPEN SPACE REQUIREMENT.
DEVIATIONS
1 TO ALLOW CONSTRUCTION OF ROADWAYS AS DEPICTED WITHIN THE MCP FOR INTERNAL ROADWAY AREAS.
2 TO ALLOW LAKES WITHIN DEVELOPMENT PODS TO BE EXCAVATED TO A MAXIMUM DEPTH OF 15'.
3 TO ALLOW ADDITIONAL LITTORAL PLANTINGS TO BE PLANTED IN LIEU OF DEEP LAKE TREES.
4 THE GENERAL TREE REQUIREMENT IS MET THROUGH THE USE OF EXISTING ONSITE INDIGENOUS VEGETATION AND FLOWAWAY RESTORATION PLANTS.
5 TO ALLOW FOR A SINGULAR MEANS OF INGRESS AND EGRESS TEMPORARILY DURING PROJECT DEVELOPMENT.
6 TO ALLOW CONSERVATION AND FLOWAWAY AREAS TO ACT AS A VEGETATIVE BUFFER.
7 TO ALLOW WATER MAIN LOOPS LARGER THAN 1,500 LF, AS LONG AS FIRE FLOWS ARE MET.
8 TO ALLOW ACCESS SEPARATION OF LESS THAN 660' ALONG CORKSCREW.
NOTE: DEVIATIONS NOT LIMITED TO THOSE LOCATIONS SHOWN WITHIN THE PLAN BELOW
N
LEGEND
FLOWAWAY DIRECTION
POD ACCESS POINTS
RESTORATION AREAS
EXISTING WETLANDS
RESTORATION AREAS
LAND SWAP MAP
PROPOSED PARCEL TO THE COUNTY
PROPOSED PARCEL FROM THE COUNTY
COLLIER COUNTY
LEE COUNTY
CORKSCREW ROAD
PROJECT BOUNDARY
LEHIGH ACRES
GREENHOVER BLVD
SR 82
POD 1
POD 2
POD 3
POD 4A
POD 4B
POD 5
POD 6
POD 7
POD 8
POD 8A
POD 8B
POD 9
POD 10
POD 11A
POD 11B
POD 12
POD 13
POD 14
POD 15
POD 16
POD 17
POD 18
POD 19
PROPOSED KINGSTON PARKWAY
POTENTIAL ACCESS
LAKE
J.R. EVANS ENGINEERING, P.A.
9351 CORKSCREW ROAD, SUITE 107
ESTERO, FLORIDA 33928
PHONE: (239) 405-8181
FAX: (239) 288-2537
WWW.JREVANSENGINEERING.COM
KINGSTON (A Cameratta Development)
MASTER CONCEPT PLAN
PROJECT #
SHEET: 1 of 2



TYPICAL POD ENTRY ROAD SECTION WITH MEDIAN



TYPICAL POD ENTRY ROAD SECTION WITHOUT MEDIAN



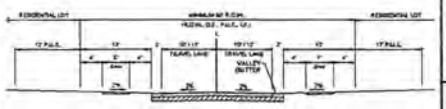
NOTE:
SIDEWALK LAYOUT AND ROAD WIDTH MAY VARY. TYPICAL SECTION DESCRIBING LARGE MAMMAL CROSSING WILL BE DESCRIBED WITHIN THE DEVELOPMENT ORDER(S).

TYPICAL SMALL ANIMAL CROSSING

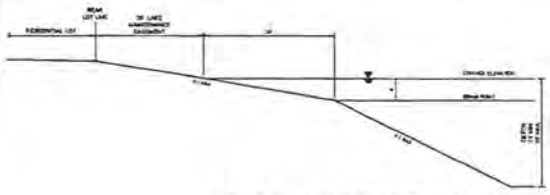


NOTE:
PARKING BY ALL LOCATION AND ORIENTATION TO BE DETERMINED AT TIME OF DEVELOPMENT ORDER.

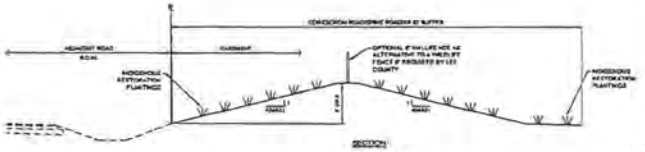
TYPICAL COMMERCIAL ROAD CROSS SECTION

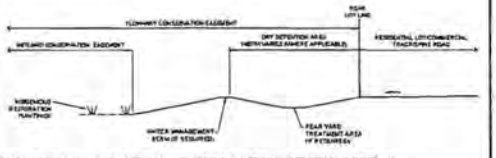


TYPICAL ROAD CROSS SECTION
(INTERNAL TO RESIDENTIAL COMMUNITIES)

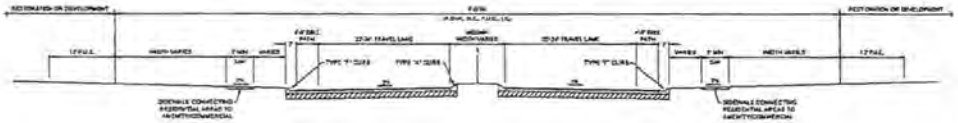


TYPICAL LAKE EXCAVATION DETAILS





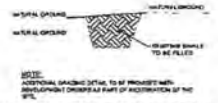
TYPICAL INTERNAL INDIGENOUS RESTORATION SECTION DETAIL



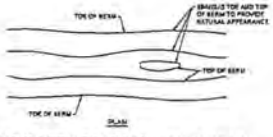
KINGSTON PARKWAY SECTION DETAIL



LAKE EDGE DETAIL

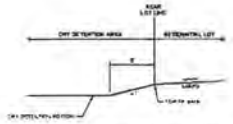


EXISTING DITCH BACKFILL DETAIL



NOTE:
BERM HEIGHT AND SLOPE TO VARY TO PROVIDE NATURAL APPEARANCE MAX HEIGHT 6' ABOVE ADJACENT ROAD GRADE.

CORKSCREW ROAD/SPINE ROAD/SR 82
BERM DETAIL (AT DEVELOPER DISCRETION)



TYPICAL LOT TO DETENTION SECTION DETAILS

NOTE:
DEPENDENT ON PLAN LOCATION. EASEMENTS DESCRIBED ON THE MCP ARE WETLAND CONSERVATION EASEMENT OR FLOWAWAY CONSERVATION EASEMENTS.

J.R. EVANS ENGINEERING, P.A.
9351 CORKSCREW ROAD, SUITE 102
ESTERO, FLORIDA 33928
PHONE: (239) 405-9148
FAX: (239) 288-2537
WWW.JREVANSENGINEERING.COM

J.R. EVANS ENGINEERING

KINGSTON (A Cameratta Development)

TYPICAL CROSS SECTIONS

PROJECT #: 03027.MCP

SHEET: 2 of 2

Exhibit D

Schedule of Uses

Residential Pods (1,2,3,4A,4B,5,6,7,8,9,10,11A,11B,16,19)
Accessory Uses and Structures
Accessory Buildings
Administrative Offices
Agricultural Uses, in compliance with Condition 10
Club, private
Community Gardens
Dwelling Units:
- Single-Family
- Two-Family Attached
- Duplex
- Zero Lot Line
- Townhouses
- Multi-family

Entrance Gate and Gatehouse
Essential Services, including EV Charging Stations
Essential Service Facilities, Groups I and II
Excavation, Water Retention
Fences, Walls
Home Occupation
Model Homes, Model Display Center, Model Display Group, Model Units
Parking Lot, Accessory
Real Estate Sales Office
Recreational Facilities, Personal & Private
Residential Accessory Uses
Signs, in accordance with LDC Chapter 30
Temporary Uses, in compliance with LDC section 34-3044

Amenities within Residential Pods (1,2,3,4A,4B,5,6,7,8,9,10,11A,11B,16,19)
Accessory Uses and Structures
Administrative Offices
Boat Ramps
Boat Rental, non-motorized
Clubs, private
Community Gardens
Consumption on Premises (in conjunction with Private Clubs)
Convenience Food and Beverage Store, excluding fuel pumps
Daycare, child
Entrance gate and gatehouse
Essential Services, including EV Charging Station
Essential Services Facilities, Group I and Group II
Excavation, Water Retention
Fences, walls
Fishing pier
Food and Beverage Service, limited
Food Stores, Group I

General Office
Health Clubs or Spas, as part of the private club
Parking Lot, Accessory, including EV Charging Stations, all levels
Personal Services, Group I and II,
Real Estate Sales Office
Recreational Facilities, Personal, Private on-site
Rental and Leasing Establishments, Group I
Restaurant, Groups I, II, and III (including outdoor seating and service areas)
Signs, in accordance with LDC Chapter 30
Specialty Retail Shops, Groups I and II
Temporary Uses
Any other use deemed similar in nature by the Director

Optional Master Amenity Pods (4A,6)
Accessory Uses and Structures
Administrative Offices
Agricultural Uses, in compliance with Condition 10
Boat Ramps
Boat Rental, non-motorized
Clubs, country, commercial, fraternal, membership organization, and private
Community Gardens
Consumption on Premises (in conjunction with Private Clubs)
Convenience Food and Beverage Store, excluding fuel pumps
Daycare, child
EMS, Fire, or Sheriff's station
Entrance gate and gatehouse
Essential Services, including EV Charging Stations
Essential Services Facilities, Group I and Group II
Excavation, Water Retention
Fences, walls
Food and Beverage Service, limited
Food Stores, Group I
General Office
Health Clubs or Spas, as part of the private club
Hotel (Guest lodging, up to 50 units)
Parking Lot, Accessory, including EV Charging Stations, all levels
Personal Services, Group I and II (limited to Health Clubs or Spas),
Real Estate Sales Office
Recreational Facilities, Personal, Private on-site and Private, Off Site (including but not limited to miniature golf)
Rental and Leasing Establishments, Group I
Restaurant, Groups I, II, and III (including outdoor seating and service areas)
Signs, in accordance with LDC Chapter 30
Specialty Retail, Groups I and II
Temporary Uses
Any other use deemed similar in nature by the Director

Commercial Pods (4A,6,11B,12,13,14,15,16,19)
Accessory Uses and Structures
Administrative Offices
Agricultural Uses, in compliance with Condition 10

Animal Clinic or Kennel (no outdoor runs)
Assisted Living Facility (calculated as density)
ATM (automatic teller machine)
Bait and Tackle Shop
Banks and Financial Institutions, Group I and II
Bar or cocktail lounge
Beer and Wine Sales for off-premise consumption
Building material sales
Business Services, Group I
Car wash (Pods 11B, 12, 13, and 19 only)
Cleaning and Maintenance Services (Pods 11B, 12, 13, and 19 only)
Clothing Stores, General
Clubs, commercial, fraternal and membership
Communication facility, wireless
Computer and Data Processing Services
Contractors and Builders, Group I
Consumption on Premises
Continuing Care Facilities (calculated as density)
Convenience Food and Beverage Store (24 pumps, 24 hours) (Pods 11B, 12, 13, and 19 only)
Cultural Facilities
Daycare, Child and Adult
Department store
Drive-through facility for any permitted use
Drugstore, pharmacy
EMS, Fire or Sheriff's Station
Entrance gates and gatehouses
Essential Services, EV Charging Station
Essential Services Facilities, Group I and Group II
Excavation, Water Retention
Fences, Walls
Food and beverage service, limited
Food and Kindred Products, Group II including accessory tasting room (limited to malt beverages and distilled, rectified and blended liquors)
Food Stores, Group I
Gift and Souvenir Shop
Hardware store
Healthcare Facilities, Group I, II, III, and IV
Health Club and Spa
Hobby, Toy and Game Shops
Hotel/motel
Household and Office Furnishings, Group I, and II
Hybrid Warehouse
Insurance companies
Laundry and Dry Cleaning, Group I (Pods 11B, 12, 13, and 19 only)
Laundry and Dry Cleaning, Group I (Offsite services only in Pods 4A, 6, 14, 15, 16, and 17 only)
Library
Medical Office
Mini-warehouse
Non-Store Retailers, Group I
Package Store
Paint, glass and wallpaper (Pods 11B, 12, 13, and 19 only)
Parcel and Express Services
Parking Lot: Accessory
Personal Services, Groups I, and IV
Pet Services
Pet Shop

Place of Worship
Plant nursery
Real Estate Sales Office
Recreational Facilities, Commercial, Groups I, III, and IV, (excluding Convention or Exhibit Halls)
Religious facilities
Rental or Leasing Establishments, Groups I, II, and III
Repair Shops, Groups I-III (Pods 11B, 12, 13, and 19 only)
Restaurant, fast food
Restaurant, Groups I-IV
Schools, Commercial and Noncommercial
Signs
Specialty Retail Shops, Groups I-IV
Storage, Indoor only
Studios
Temporary Uses
Theater, Indoor
Used Merchandise, Group I (excluding pawn shops)
Variety Store
Warehouse, public, private

Community Facilities Pods (18,19)
Accessory uses and structures
Administrative offices
Cultural facilities (34-622(c)(10))
Entrance gates and gatehouse
Emergency operations center
EMS, fire or sheriff's station
Essential services
Essential service facilities (34-622(c)(13)): Groups I, and II
Excavation: Water retention
Excess spoil removal
Fences, walls
Health care facilities (34-622(c)(20)): Groups I, II, III and IV
Hospice
Housing units for employees only
Library
Maintenance facility (Government)
Parks (34-622(c)(32)): Groups I and II
Parking lot:
- Accessory
- Park-and-ride
- Temporary

Post office
Signs in accordance with chapter 30
Storage: Indoor only
Temporary uses
Transportation services (34-622(c)(53)): Group III

Per Lee County LCC, 34-620, the Director is authorized to determine that uses that are not specifically listed in the uses set forth herein are permitted by right or an administrative amendment based on the placement of similar or complementary uses in the area.

Exhibit E

Conditions of Development and Deviations

CONDITIONS:

1. Master Concept Plan / Development Parameters

Development must be consistent with the Master Concept Plan (MCP) for the Kingston Property, dated May 3, 2022, attached as **Exhibit "C"** to the Agreement, and the conditions below.

a. Development must comply with the Lee County Land Development Code (LDC) in existence as of June 22, 2022 [the effective date of this Agreement]. In light of the conceptual nature of the MCP and the expected duration of the development, deviations from the LDC or other changes to the Conditions of Development, Schedule of Uses or Property Development Regulations that do not increase the height, density or intensity of the development and otherwise meet the criteria of LDC Section 34-380 may be approved administratively by the Zoning Director without a public hearing. The conditions and auxiliary documentation control should there be a conflict between the Conditions, the LDC, and/or the approved MCP.

b. The project is approved for:

1. Residential dwelling units including Assisted Living Facilities and Continuing Care Facilities not to exceed 10,000 units as outlined in the schedule of uses;
2. Amenities, internal to the Project, for use by its residents (no limitation in square footage)
3. 700,000 square feet of commercial floor area, depicted on the MCP, limited to:
    i. 150,000 square feet located on Pods 14 and 15. Any unused square footage can be reallocated to other commercial Pods described in 3(ii) and or 3(iii);
    ii. 50,000 square feet can be located on Pods 4A, 6, 16, and 17. Any unused square footage can be reallocated to other commercial Pods described in 3(iii);;
    iii. 500,000 square feet can be located on Pods 11B, 12, 13, and 19. Any unused square footage can be reallocated to other commercial Pods described in 3(ii);
4. Public facilities; and
5. 240 hotel or other transient lodging units.

c. The Land Use Summary table on the MCP reflects a minimum of 3,287 acres of created, restored, and/or enhanced areas that will be dedicated in a combination of Conservation Easements and Flowway easements and provides a minimum of 50% of the Project's gross land area less tracts to be dedicated to the County. These areas are located and identified on the MCP.

Construction phasing of the development will be subject to the following conditions:

i. Restoration and dedication of conservation and flowway areas shall occur as development orders are issued as depicted on **Exhibit "G".**

ii. Development Pods are not required to be developed sequentially according to the numbers depicted on the Development Summary table on the MCP.

iii. Phasing of the restoration as depicted on the MCP may be adjusted at time of Development Order submittals provided minimum restoration acreages are maintained to support the project:

a. For residential, a minimum restoration acreage based on the GREATER of the following options:

i. The cumulative development pod area (including previous phases) OR

ii. The number of residential dwelling units in the development pod using the following analysis whereas the Project required restoration equals 3,287 acres divided by the total Project density of 10,000 residential units times the number of units, both previously approved and proposed.

b. For commercial or amenity pods, the required acres of restoration shall be equal to the acreage of the pod being developed.

iv. A cumulative development update statement and summary table must be provided with each development order application and shown on the engineered plans containing the following information:

- Cumulative residential dwelling units and intensity of non-residential uses;
- Cumulative development pods (in acres);
- Cumulative open space (in acres); and
- Cumulative conservation and flowway areas (in acres).

v. Restoration areas must be completed within ten (10) years of commencement of restoration of each phase, regardless of the progress of development tied to each phase. If any phased restoration construction is not complete within ten (10) years from that phase restoration start date, work may not commence in future phases until such time as that incomplete restoration phase construction is completed.

2. Uses and Site Development Regulations

a. The Schedule of Uses is set forth in **Exhibit "D"** to the Agreement.

b. The Property Development Regulations are set forth in **Exhibit "F"** to the Agreement

3. Wildlife Crossings

Any wildlife crossings required for the project will be determined by the USFWS and FDEP prior to issuance of the first development order creating residential lots. Any animal crossings required by the USFWS or FDEP will be reviewed and permitted in accordance with the approved locations at time of local development order on a phase-by-phase basis and shall be consistent with the Human/Wildlife Coexistence Plan **Exhibit "J"**.

4. Protected Species Management and Human-Wildlife Coexistence Plan

The Protected Species Surveys **Exhibit "I"** must be updated every five (5) years and Human-/Wildlife Coexistence Plan **Exhibit "J"** must be updated by the Developer, if needed for the presence of new listed species, for approval by the County prior to or concurrent with the first development order application creating residential lots. The Plan and development order plans must address the following:

- Trails: The location of proposed passive trails within the restoration areas must include designated trailheads with signs with information on possible wildlife encounters and appropriate actions when encountering wildlife.

- Signs: Development order plans that include surface water management lakes or conservation areas must depict the location and typical signs for prohibiting the feeding of alligators around the lake and preservation signs that state no dumping. Distance between signs should be approximately 300ft.

- Wildlife Fencing: Must meet recommendations and requirements of the Florida Fish and Wildlife Conservation Commission (FWC) and US Fish and Wildlife Service (FWS); and

- The Development Order plans must be updated to reflect FWC and FWS requirements if permits are issued after approval of the first development order creating residential lots.

- Vegetation Removal permit applications must include a map depicting the work limit area and a species survey for the work limit area. The developer must submit a management plan for protected species within the work limit area identifying protection measures, monitoring, and/or relocation consistent with State and Federal requirements.

- Development Order plans for vertical development that includes commercial and amenity uses and areas must demonstrate use of bear resistant dumpsters and below ground grease traps.

5. Open Space

The total open space acreage shall not be less than 61% of the project's total land area less tracts to be dedicated to the County. The minimum required open space must be achieved at buildout in substantial compliance with the approved MCP. Compliance with the Project's open space addresses the open space requirements of Section 34-414 and 10-415.

6. Platting Restoration Areas

At time of platting, on a phase-by-phase basis, the Developer will plat restoration areas consisting of wetland conservation and flowways into separate tracts and dedicate those tracts to a maintenance entity, which must be either a home owners association ("HOA"), a community development district ("CDD"), an Independent Special District ("ISD"), or a governmental entity acceptable to the County that will accept responsibility for the perpetual maintenance of the restoration conservation and flowway areas in compliance with these conditions. The HOA, CDD, or ISD must be created prior to Certificate of Compliance for the first development order.

7. Conservation and Flowway Easements

The conservation and flowway easements will be dedicated to a maintenance entity that provides third party enforcement rights to the County or other public agency acceptable to the County. The easements will be dedicated in general accordance with the phasing plan attached as **Exhibit "G"** to the Agreement and will be reflected on the phased recorded plats approved by the County for the subject property. Restoration areas located within a Conservation Easement consisting of existing or mitigated wetlands can include exotic vegetation removal and native planting. Restoration areas located within a Flowway Easement can include vegetation removal, grading, lakes, drainage ways, wet and dry detention, surface water treatment, and water storage, water bodies and on/off site wildlife mitigation. The Easements will permit passive trails, kiosks, and pavilions. The combined acreages within the

Conservation Easements and Flowway easements shall satisfy the minimum required restoration acreage for the Project.

8. Indigenous Management Plans
The Indigenous Preservation, Restoration, and Management Plan **Exhibit "L"** must be updated by the Developer for approval by the County prior to or concurrent with the first development order application. The Indigenous Preservation, Restoration, and Management Plan must include the following language:

- At the time of purchase, third-party deed holders must be placed on notice through covenants and deed restrictions that project conservation and flowway areas may be managed with prescribed burns.

- Prior to commencing prescribed burn activity, the HOA, CDD, or ISD must notify residents of the prescribed burn activities and provide general prescribed burn management educational materials.

9. Agricultural Uses:
Existing agricultural areas, as shown on **Exhibit "M"** are allowed to continue on the property and convert to alternative agricultural uses subject to the following:

a. Areas of agricultural uses and field areas in existence and/or authorized by the SFWMD at the time of this Agreement, including all associated irrigation and fertilization, must be discontinued prior to issuance of a vegetation removal permit for the land area subject to the vegetation removal permit. Development orders required for offsite infrastructure construction or a Development Order for onsite infrastructure construction that does not create residential or commercial vertical construction will not require discontinuance of the agricultural use.

b. Prior to issuance of a local development order for vertical development, the developer must submit written proof, subject to approval by the County Attorney's Office, of the following:

1) Termination of bona fide agricultural uses on the land area subject to the development order application/approval for vertical construction. Proof must include a sworn affidavit from the person or entity holding title to the land area that provides:

a) the date agricultural uses are proposed to cease or will cease after harvesting;

b) the legal description of the land area subject to development order approval;

c) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are prohibited on the land area and that the owner covenants with the County that they will not allow agricultural uses on the land area until it is rezoned to permit agricultural uses; and

d) that the affidavit constitutes a covenant between the owner and the County binding on the owner, their assignees and successors in interest.

The affidavit must be recorded in the public records of the County at the owner's expense.

2) Proof of termination of the agricultural tax exemption on the land area subject to the development order. Proof of termination must include a copy of the owner's request to terminate the tax exemption provided to the Property Appraiser.

10. Native Vegetation
Development order landscape plans must reflect 100% native vegetation for required landscaping within common elements. These planting requirements and a native plant list must be incorporated into the project's covenants and deed restrictions.

11. Transportation

a. Notwithstanding the LDC, internal project roadways must be substantially similar to the cross sections as depicted on the MCP.
b. Roadway turn lane necessity and length at project/pod entrances will be determined at time of local development order review.
c. Signalization:

The cost of signalization including design and construction of the Spine Road intersections with Corkscrew Road, SR 82, and/or a Development Pod shall be borne by the Developer or assigns. Installation of any signalization shall be the earlier of (x) at the Developers discretion; or (y) when found necessary as such intersection meets the Manual on Uniform Traffic Control Devices (MUTCD) traffic signal warrants.

12. Vehicular/Pedestrian Impacts

a. Local Development Order. This approval does not address site-related mitigation of vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

b. Impact Fees and Proportionate Share Payments. The development must mitigate the traffic impacts of the project and pay a proportionate share of the needed roadway improvements which payment shall be $2,000.00 per residential dwelling unit.

c. Shared Use Path. The developer must provide off-road shared use bike paths/sidewalks in front of each residential lot and along at least one side of every internal project roadway in substantial compliance with the cross sections depicted on the MCP (Exhibit "C").

13. Entrance Gates and Gatehouses
Entrance gates and gatehouses are permitted at development entrances within each development Pod and temporarily on the spine road from Corkscrew Road to State Road 82.

14. Surface Water Monitoring
The Enhanced Lake Management Plan **Exhibit "N"** must be updated by the Developer if needed at the time of Development Order application creating residential lots that include monitoring components of surface water quality as follows:

a. Quality of storm water (surface water) leaving the site at permitted outfalls must be monitored twice during the wet season and once during the dry season if there is water being discharged in the dry season. No discharge means no sample. Constituents sampled will consist of those outlined in **Exhibit "N"**. Reporting must consist of an Electronic Data Deliverable (EDD) in a format approved by the Lee County Department of Natural Resources and submitted biannually.

b. The Developer or HOA/CDD/ISD must annually report the findings of the Surface Water Quality Monitoring Program within the Enhanced Lake Management Plan to:

   i. assess water quality data and trend analysis;
   ii. identify potential issues, and if necessary;
   iii. recommend corrective actions to be consistent with existing State water quality standards. .

c. The Developer or HOA/CDD/ISD may amend water quality monitoring and reporting after written request, review, and approval by the Department of Natural Resources.

d. If any development order proposes to discharge into the County's MS4, the Developer will coordinate with Lee County Department of Natural Resources through the development order process to ensure available capacity.

15. Irrigation Wells

Single-Family Irrigation and Domestic Wells are prohibited. Development Order plans must demonstrate irrigation will be provided via a central irrigation system using onsite lakes, reclaimed water (if available), and/or as necessary, existing permitted wells (or replacement wells). The Property Owner Association documents, including Declarations of Covenants, must prohibit the installation of single-family use wells for potable or irrigation water. Landscape irrigation must comply with the Water Conservation Ordinance #17-04, as amended. This does not apply to wells being used for agricultural purposes prior to termination. All agricultural wells will be formally plugged and abandoned by the Developer as agricultural operations cease in conjunction with an approved Development Order.

16. Water and Sewer

All new development must connect to central water and sewer; no new septic systems or potable water wells will be permitted. Existing well and septic systems used for Property caretaker, construction and/or agricultural project manager will be properly abandoned upon the later of termination of agricultural operations or central water and sewer direct availability as determined by the Developer. The development may connect to reclaimed water if available and if the Project has been designed for its use.

17. Maintenance

The Developer and/or the HOA/CDD/ISD must submit a biennial drainage report signed by a licensed Professional Engineer in the State of Florida certifying that the drainage capacities of the flowways or buffer lakes at the completion of the project are consistent with the original design. If the report finds that flowways or buffer lakes require maintenance, then the Developer or HOA/CDD/ISD must submit a remedial plan for review and approval to address measures to conduct maintenance (i.e. re-grading the flowways or berms). Providing the County with a copy of the HOA/CDD/ISD Engineer's Report will satisfy this requirement with the additional requirements above.

18. Hydrological Restoration Plan

a. Flowway Re-establishment. The Developer will re-establish historic surface water flows through the Property consistent with Exhibit "O", within the designated conservation and flowway areas on the MCP. The Developer is responsible for providing stormwater flow through the project site until the property and permits are transferred to a third-party maintenance entity, as required by the South Florida Water Management District Applicant's Handbook for transfer of the permit(s).

b. Hydrological Restoration Plan. The Hydrological Restoration Plan, as conceptually described and depicted in the Hydrological Restoration Narrative **Exhibit "O"** and phased as depicted in **Exhibit "G"** must incorporate the requirements of Policy 33.2.4.2c of the Lee Plan and be submitted by the Developer with the first Development Order application. The Hydrological Restoration Plan must be based on an integrated surface and groundwater model to demonstrate protection of Lee County's natural resources and must include backfill and restoration of manmade ditches on the property if necessary. The Developer must phase backfill work to coincide with project development and not impede flow from agricultural operations. A key feature of the Hydrological Restoration Plan is the re-establishment of the flowways encompassed within the conservation and flowway areas on the MCP, to restore historic flowways and improve regional drainage patterns consistent with Condition 1(c).

The Hydrological Restoration Plan submitted at time of the first Development Order application must include detailed calculations and analyses for proposed flowways and other drainage improvements to estimate hydrologic benefits while ensuring no adverse impacts to adjacent properties.

The calculations/analyses must analyze post-development phases including peak stages, flows, and inundation (durations and frequency) for design storms (25 yr. - 3 day and 100 yr. -3 day) and compare hydrologic conditions for wet and dry seasons.

c. Timing. The Developer must implement the Hydrological Restoration Plan approved by the County coincident with construction of the storm water management system for each phase of development.

19. Landscape Berm

A decorative landscape berm or buffer may be installed along the frontage of Corkscrew Road, State Road 82, and the spine road at the discretion of the Developer. The berm shall be permitted a maximum height of 6 feet as measured from the crown of the higher adjacent pavement. At the Developers discretion a decorative wall or fence may also be installed on top of any landscape berm or buffer along Corkscrew Road, State Road 82, or the spine road provided the wall or fence does not impede drainage or movements of small and large mammals.

20. Development Permits.

Issuance of a county development permit does not establish a right to obtain permits from state or federal agencies. Further, it does not establish liability on the part of the county if the Developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies or (b) undertakes actions that result in a violation of state or federal law.

21. Security and Public Safety Fences

The Developer may install fences or walls to maintain security, public safety, and preservation of conservation and flowway areas, so long as it does not impede pathways identified within the

Hydrological Restoration Plan Narrative (Exhibit "O") and the Human Wildlife Coexistence Management Plan (Exhibit "J") or as deemed necessary by onsite conditions.

22. County Land Swap
Prior to the approval of the first Development Order creating residential lots the Developer will deed to the County Pod 19 and the County will deed to the Developer the County property described in **Exhibit "B"** less Pod 18. This Agreement shall create uses on Pods 18 and 19 as depicted on the MCP and described herein.

23. Letters of Availability
Letters of availability will be provided for the law enforcement, Fire, EMS, and Schools concurrent with each development order application.

24. Excess Spoil Removal
Excavated material may be moved around the Project site without requiring an off-site excess spoil removal plan per LDC 10-329(b) and (c). The movement of excess spoil material within the Exhibit "A" and "B" property is permitted regardless of ownership and will not be deemed the removal of excess spoil material off-site and there will not be a limitation on the amount of excess spoil material plan per LDC 10-329 that can be moved within the Exhibit "A" and "B" property.

25. Offsite Flows
The Development Order must demonstrate an off-site hydraulic connection to help alleviate flooding of the Wildcat Run properties to the east. The hydraulic connection relative to the individual Pods of 4A, 4B, 5, 7, 8A, and 8B must be included, constructed, installed and certified with each individual construction of Pods 4A, 4B, 5, 7, 8A, and 8B. The hydraulic connection(s) must be sized to accommodate up to an allowable 25 yr.-3 day storm event discharge rate of 25 CSM for those properties determined to flow to the connection by field reconnaissance and existing topographical maps.

26. Lake Depth (See Deviation 2)
35' maximum lake excavation depth is only within the residential development pods and subject to compliance with an enhanced deep lake management plan for water quality and groundwater monitoring and all requirements of LDC 10-329(d)(3) (except LDC Section 10-329(d)(3)a.2. requirements regarding native shade trees).

27. Deep Lake Plantings (See Deviation 3)
All lakes with a depth of more than 12 feet measured at control elevation must provide an additional 20% littoral plantings in addition to required littoral plantings in lieu of deep lake trees.

28. Wetlands
No wetlands may be impacted within the commercial pods of the Project.

DEVIATIONS

Street Design and Construction Standards

Deviation 1 grants relief from LDC Section 10-296(e)(3), which requires roadway segments in Lee Plan future non-urban areas to be designed to non-urban design standards, to allow the internal roadways to be designed to the suburban roadway standards of LDC Section 10-296(e)(2).

Maximum Lake Depth

Deviation 2 grants relief from LDC Section 10-329(d) (3)a, which requires lakes to be limited to a 20ft depth to allow for a maximum lake excavation depth not to exceed 35ft or one foot above the confining layer whichever is less. This deviation is subject to **Condition 26**.

Deep Lake Shade Trees

Deviation 3 grants relief from LDC Section 10-329(d)(3)a.2, which requires native shade trees calculated at one tree per 100 feet of lake shoreline measured at control elevation to be installed for all lakes over 12ft in depth, to allow for an additional 20% of littoral plantings from what is required in lieu of native shade trees. This deviation is subject to **Condition 27**.

General Tree Plantings

Deviation 4 grants relief from LDC Section 10-416(a) which requires general tree plantings. The general tree requirement for the Project are met through the use of existing onsite indigenous vegetation and flowway restoration plants. The flowway plants will not be subject to required minimum plant heights per LDC 10-420(c) and (d). Landscaping for parking areas and vehicle use areas must still be provided as required in the LDC.

Ingress/Egress

Deviation 5 grants relief from LDC Section 10-291(3), which requires that residential development of more than five acres and commercial development of more than ten acres provide more than one means of ingress and egress, to allow one ingress/egress per initial construction of a residential or commercial Pod with the remaining access point(s) installed prior to completion of the residential or commercial Pod. The development of any Pod that connects to the spine road shall require the spine road to connect to either Corkscrew Road or State Route 82.

Buffering Adjacent Property

Deviation 6 grants relief from LDC Section 10-416(d)(1), which requires a landscape buffer along the entire perimeter of the proposed development whenever the proposed development abuts a different use, to allow the proposed preservation and restoration areas consistent with **Exhibit "L"** to act as the buffer. This deviation does not apply to development Pods abutting SR 82 which must comply with landscape buffer requirements provided in LDC Section 10-416(d)(1) or Section 10-424, as applicable.

Water Main Installation

Deviation 7 seeks relief from LDC Section 10-384(c)(1), which requires water mains for one- and two-story residential buildings be constructed in an external loop no greater than 1,500 feet, to allow 3,700 feet provided required fire flows are met.

Access Separation

Deviation 8 seeks relief from LDC 10-285, which requires an access separation of 660 feet along principal arterials in Future Non-Urban areas to allow a connection separation distance of 460', as depicted on the MCP.

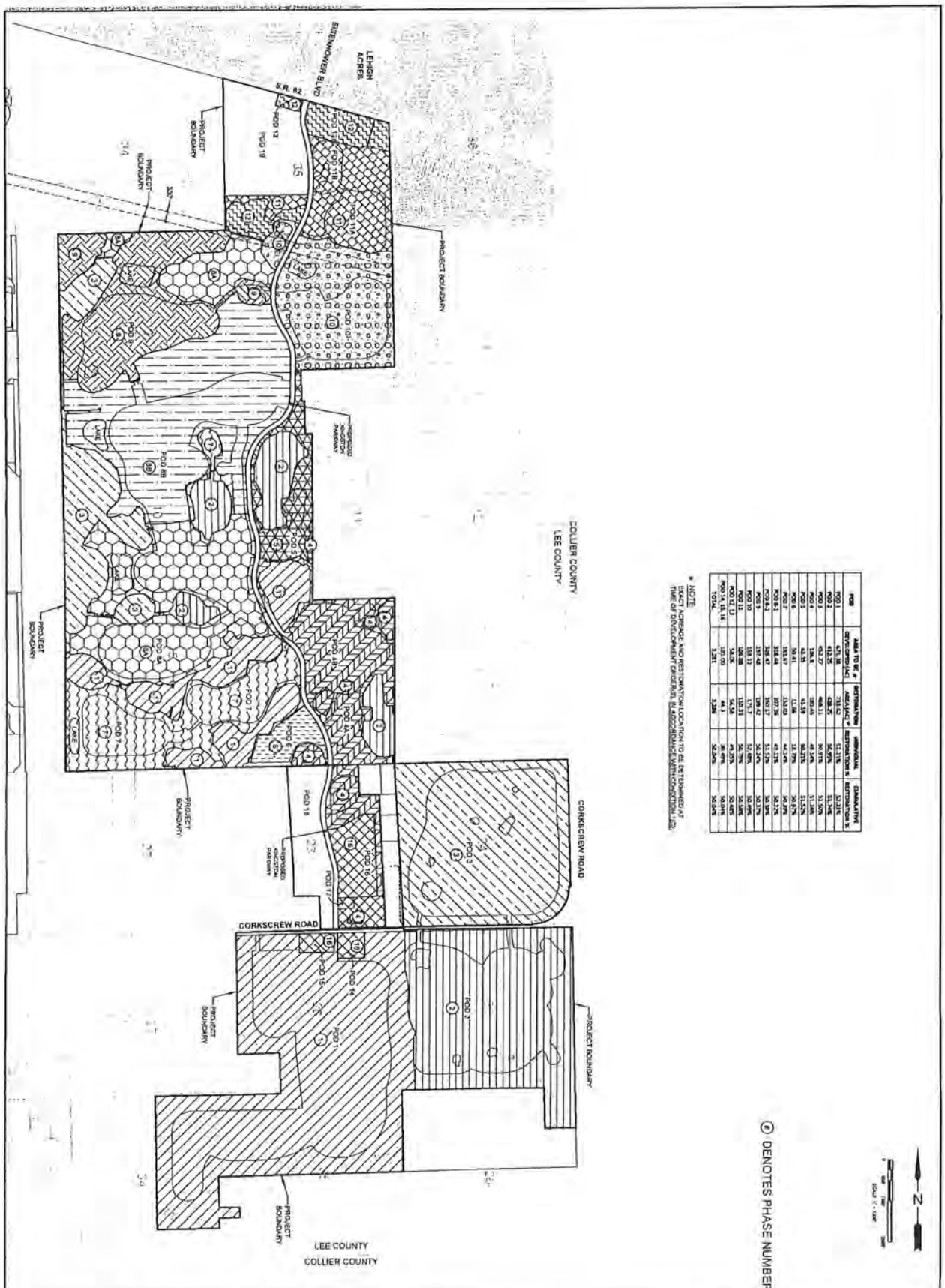
Exhibit F

Property Development Regulations (in feet)

LOTS WITHIN DEVELOPMENT PODS	Single Family	Zero Lot Line	Two Family Attached	Townhouse	Multi-Family	Res. Pod Amenity Center	Master Amenity Center Pod	Commercial
Minimum Lot Width	35	**35	27	18	100	100	100	100
Minimum Lot Depth	120	120	100	100	100	150	150	150
Minimum Lot Area	4,200	4,200	2,700	1,800	10,000	15,000	15,000	15,000
Maximum Building Height	35	35	35	35	55	55	55	55
Maximum Lot Coverage	65%	65%	70%	70%	65%	60%	60%	60%

MINIMUM SETBACKS	Single Family	Zero Lot Line	Two Family Attached	Townhouse	Multi-Family	Res. Pod Amenity Center	Master Amenity Center	Commercial
Public Street								
Corkscrew Road	100	100	100	100	100	100	N/A	100
Spine Road	100	100	100	100	100	25	25	25
State Route 82	100	100	100	100	100	N/A	N/A	25
Private Street								
Front Yard Setback	25	25	20	20	20	25	25	25
Side and Rear Yard Setbacks								
Side Yard Setback on a Corner Lot	12	12	12	12	12	25	25	25
Side Yard Setback	5	5/0 & 0/5	5/0 & 0/5	5/0 & 0/5	10	10	10	10
Rear Yard Setback Principal Structure	10	10	10	10	10	0	10	10
Rear Yard Setback Accessory Structure	5	5	5	5	5	0	5	10
Rear Yard Setback to a Lake Maintenance Easement								
Principal Structure	10	10	10	10	10	0	0	25
Accessory Structure	0	0	0	0	10	0	0	25

****Setbacks from existing indigenous and flowway areas from principal structures must be provided in compliance with the LDC Section 10-415(b)1.c.**



POD	AREA TO BE DEVELOPED (AC)	RESTORATION AREA (AC)*	REMOVAL RESTORATION %	CUMULATIVE RESTORATION %
POD 1	671.36	733.42	51.21%	51.21%
POD 2	413.27	468.67	36.40%	51.34%
POD 3	184.1	180.45	48.14%	51.36%
POD 4	43.15	45.19	50.37%	51.37%
POD 5	50.61	51.98	48.77%	51.37%
POD 6	193.47	153.63	44.14%	51.37%
POD 8A	334.44	307.36	47.91%	51.37%
POD 8B	337.48	336.42	50.12%	51.37%
POD 9	338.13	175.7	34.18%	51.37%
POD 11A	306.88	132.33	30.13%	51.37%
POD 11B	34.26	54.54	41.01%	51.37%
POD 11C	10.02	44.1	30.94%	51.37%
TOTAL	3,281	3,286	50.04%	51.37%

* NOTE
EXACT ACREAGE AND RESTORATION LOCATION TO BE DETERMINED AT TIME OF DEVELOPMENT ORDER(S). SLIGHT ADJUSTMENTS WITHIN POD BOUNDARIES MAY OCCUR.

(#) DENOTES PHASE NUMBER

KINGSTON (A Cameratta Development)

EXHIBIT G PHASING PLAN

J.R. EVANS ENGINEERING, P.A
9351 CORKSCREW ROAD, SUITE 102
ESTERO, FLORIDA 33928
PHONE: (239) 405-9148
FAX: (239) 288-2537
WWW.JREVANSENGINEERING.COM

EXHIBIT H

Development Authorization Form

AUTHORIZATION TO OBTAIN BUILDING PERMIT WITHIN CGLP/KINGSTON PLANNED DEVELOPMENT

The XYZ Corporation is hereby authorized by Corkscrew Grove Limited Partnership ("CGLP") (or successor developer), to obtain a building permit in [describe lot, tract, or property] of the CGLP/Kingston planned development.

In accordance with the Agreement entered into between CGLP and the County dated _____, 20___, this document is a limited authorization for the following amount of development to be permitted:

_____ dwelling units
_____ sq.ft. of non-residential; type of use:_____

Further, CGLP hereby assigns $_____ in Proportionate Share credits created pursuant to the Agreement. If no amount is provided, no credits have been assigned.

Building permits in excess of the number of dwelling units and/or non-residential square footage identified above or for uses other than identified above are expressly prohibited.

_____
Developer's Authorized Representative

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this _ day of _____ _____, 20___, by _____ as _____ of Corkscrew Grove Limited Partnership, a Delaware Limited Partnership, who is personally known to me or has produced _____ _____ as identification.

_____
Notary Public

(SEAL)

_____
Print Name

_____
Commission Expiration Date

EXHIBIT I

OLD CORKSCREW PLANTATION IPD
LEE COUNTY PROTECTED SPECIES SURVEY

Revised March 2015

Prepared For:

David Douglas Associates, Inc.
1821 Victoria Avenue
Fort Myers, Florida 33901
(239) 337-3330

Prepared By:

Passarella & Associates, Inc.
13620 Metropolis Avenue, Suite 200
Fort Myers, Florida 33912
(239) 274-0067

Project No. 06DAL1616

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Appendix A. Aerial with FLUCFCS and Wetlands Map A-1

Appendix B. Aerial with FLUCFCS and Wetlands, Survey Transects, and Protected Species Locations Map B-1

INTRODUCTION

This report documents the results of the updated protected species survey (PSS) conducted by Passarella & Associates, Inc. (PAI) on the 4,202.30± acre Old Corkscrew Plantation IPD property (Project). The project was surveyed for protected species in accordance with Lee County Land Development Code (LDC) Chapter 10, Article III, Division 8 (Protection of Habitat) as required by Lee County Zoning Application No. DCI2011-00007.

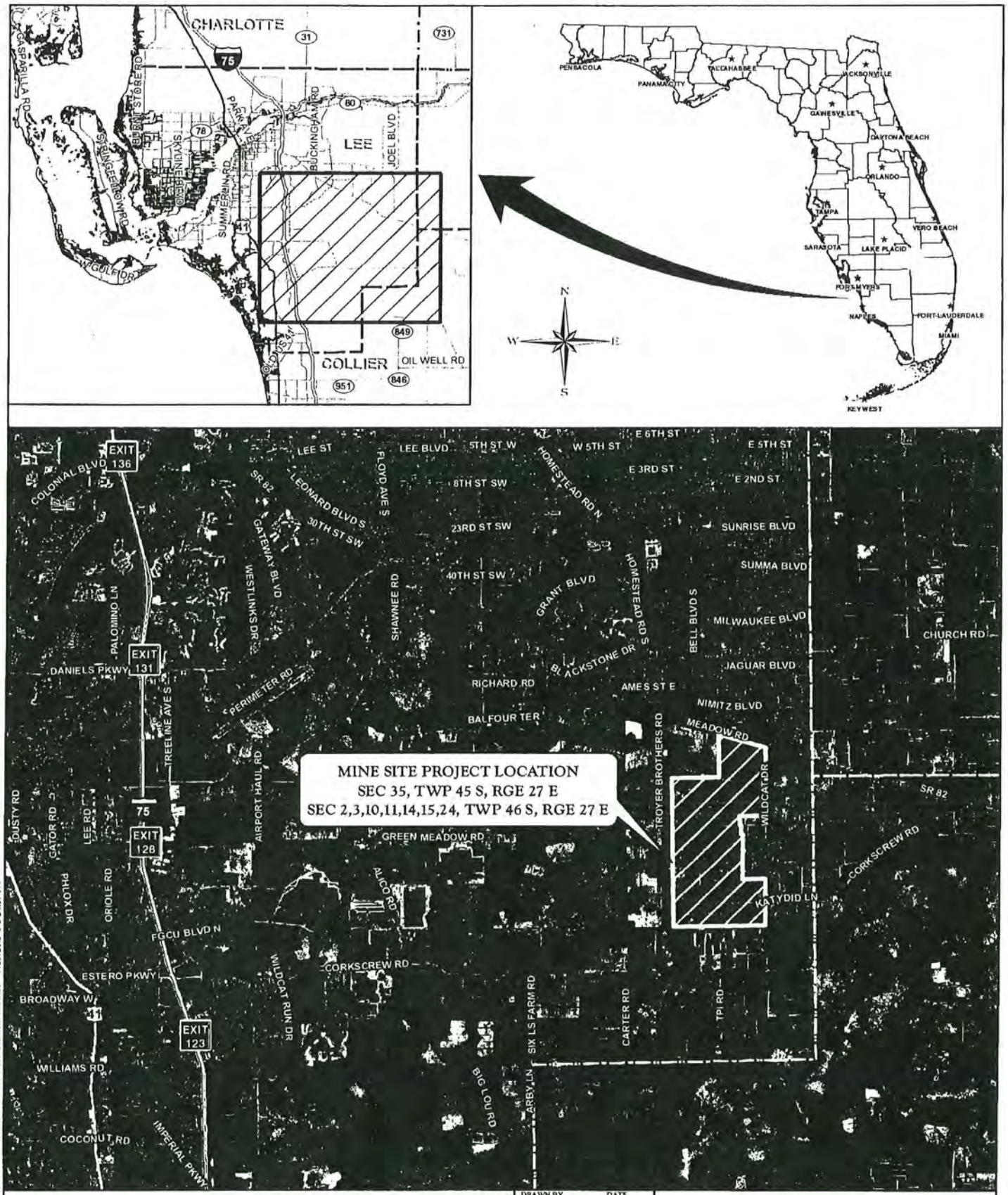
The Project is located in Section 35, Township 45 South, Range 27 East; and Sections 2, 3, 10, 11, 14, 15, and 24; Township 46 South; Range 27 East, Lee County (Figure 1). The majority of the site currently supports an active citrus grove, while the remainder of the site contains native vegetation with varying amounts of disturbance and exotic vegetation (Appendix A). The surrounding land uses include State Road (SR) 82 to the north; undeveloped, county-owned preserve lands and agricultural lands to the west; scattered single-family residences to the east; and agricultural lands and a mining operation to the south of the property. Corkscrew Road is located further south of the property.

A PSS was previously conducted for the Project in 2009. During the previous surveys, 12 Lee County protected species were documented on the Project site. The protected species identified included American alligators (*Alligator mississippiensis*) and one American alligator nest, little blue herons (*Egretta caerulea*), tri-colored herons (*Egretta tricolor*), snowy egrets (*Egretta thula*), wood storks (*Mycteria americana*), Florida sandhill cranes (*Grus canadensis pratenis*), roseate spoonbill (*Ajaia ajaja*), limpkin (*Aramus guarauna*), crested caracara (*Caracara cheriway*), and Big Cypress fox squirrels (*Sciurus niger avicennia*). Two sets of Florida panther (*Puma concolor coryi*) tracks were also observed. In addition, potential Everglade snail kite (*Rostrhamus sociabilis plumbeus*) perch trees were observed in the wetland habitats.

The updated PSS for the Project site was conducted on July 27, 2012; July 15, 16, 18, and 19, 2013; and August 2, 6, 7, 8, 9, 13, and 14, 2013. This report documents the results of the updated PSS.

LAND USES AND VEGETATION ASSOCIATIONS

Vegetation mapping for the property was accomplished using 2005 Lee County rectified aerials (Scale: 1" = 300'). Groundtruthing was conducted for the Project site on February 19, 22, 27, and 28, 2007; March 6, 7, and 8, 2007; and December 11, 2007. The vegetation associations and land uses were mapped utilizing the Florida Land Use, Cover and Forms Classification System (FLUCFCS) Levels III and IV (Florida Department of Transportation 1999). Level IV FLUCFCS was utilized to denote hydrological conditions and disturbances. To show levels of exotic invasion (i.e., melaleuca (*Melaleuca quinquenervia*) and Brazilian pepper (*Schinus terebinthifolius*)), "E" codes were used. AutoCAD Map 3D 2009 software was used to determine the acreage of each mapping area, produce summaries, and generate the final FLUCFCS map. This mapping was updated in March 2009 to reflect the Florida Department of Environmental Protection (FDEP) approved and survey located wetland lines; then again in



DRAWN BY	DATE
H.H.	8/22/13
REVIEWED BY	DATE
M.B.	8/22/13
REVISED	DATE

FIGURE 1. PROJECT LOCATION MAP
OLD CORKSCREW PLANTATION IPD

PASSARELLA & ASSOCIATES INC

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March 2011 to reflect the U.S. Army Corps of Engineers (COE) approved and survey located wetland lines. The final FDEP and COE FLUCFCS map overlaid on a 2013 Lee County rectified aerial is provided as Appendix A. Table 1 provides a breakdown of the FLUCFCS codes by acreage, while a brief description of each of the FLUCFCS classifications follows. The FLUCFCS map with acreages is provided as Appendix A.

Table 1. FLUCFCS Codes and Acreages

FLUCFCS Code	Description	Acreage	Percent of Total
221	Citrus Grove	2,742.57	65.3
3219 E1	Palmetto Prairie, Disturbed (0-24% Exotics)	1.52	<0.1
3219 E2	Palmetto Prairie, Disturbed (25-49% Exotics)	0.95	<0.1
3219 E3	Palmetto Prairie, Disturbed (50-75% Exotics)	0.83	<0.1
3219 E4	Palmetto Prairie, Disturbed (76-100% Exotics)	0.03	<0.1
4119 E1	Pine Flatwoods, Disturbed (0-24% Exotics)	12.61	0.3
4119 E1**	Pine Flatwoods, Disturbed (0-24% Exotics)	0.09	<0.1
4119 E2	Pine Flatwoods, Disturbed (25-49% Exotics)	0.74	<0.1
4119 E3	Pine Flatwoods, Disturbed (50-75% Exotics)	4.35	0.1
4159 E1	Pine, Disturbed (0-24% Exotics)	13.01	0.3
4221	Brazilian Pepper, Hydric	0.17	<0.1
4241	Melaleuca, Hydric	99.40	2.4
4279 E1	Live Oak, Disturbed (0-24% Exotics)	0.80	<0.1
4279 E1**	Live Oak, Disturbed (0-24% Exotics)	0.05	<0.1
4279 E2	Live Oak, Disturbed (25-49% Exotics)	0.19	<0.1
4281 E1	Cabbage Palm, Hydric (0-24% Exotics)	0.08	<0.1
4289 E1	Cabbage Palm, Disturbed (0-24% Exotics)	0.68	<0.1
4289 E2	Cabbage Palm, Disturbed (25-49% Exotics)	1.10	<0.1
4291 E1	Wax Myrtle/Willow, Hydric (0-24% Exotics)	0.23	<0.1
4291 E2	Wax Myrtle/Willow, Hydric (25-49% Exotics)	0.41	<0.1
4291 E3	Wax Myrtle/Willow, Hydric (50-75% Exotics)	0.29	<0.1
4349 E1	Hardwood/Conifer Mixed, Disturbed (0-24% Exotics)	7.79	0.2
4349 E1**	Hardwood/Conifer Mixed, Disturbed (0-24% Exotics)	1.86	<0.1
4349 E2	Hardwood/Conifer Mixed, Disturbed (25-49% Exotics)	2.13	0.1
4349 E2**	Hardwood/Conifer Mixed, Disturbed (25-49% Exotics)	0.23	<0.1
4349 E3	Hardwood/Conifer Mixed, Disturbed (50-75% Exotics)	0.05	<0.1
514	Ditch	134.60	3.2

Table 1. (Continued)

FLUCFCS Code	Description	Acreage	Percent of Total
514*	Ditch	18.16	0.4
514***	Ditch	0.97	<0.1
525*	Shallow Pond	0.07	<0.1
6179 E1	Mixed Wetland Hardwoods, Disturbed (0-24% Exotics)	1.85	<0.1
6179 E2	Mixed Wetland Hardwoods, Disturbed (25-49% Exotics)	0.07	<0.1
6179 E3	Mixed Wetland Hardwoods, Disturbed (50-75% Exotics)	0.30	<0.1
6189 E1	Willow, Disturbed (0-24% Exotics)	1.80	<0.1
6189 E3	Willow, Disturbed (50-75% Exotics)	3.48	0.1
6189 E4	Willow, Disturbed (76-100% Exotics)	0.35	<0.1
6215 E2	Cypress, Disturbed and Drained (25-49% Exotics)	0.08	<0.1
6219 E1	Cypress, Disturbed (0-24% Exotics)	455.64	10.8
6219 E2	Cypress, Disturbed (25-49% Exotics)	53.56	1.3
6219 E3	Cypress, Disturbed (50-75% Exotics)	76.78	1.8
6219 E4	Cypress, Disturbed (76-100% Exotics)	17.48	0.4
6245 E1	Cypress/Pine, Disturbed and Drained (0-24% Exotics)	0.14	<0.1
6249 E1	Cypress/Pine/Cabbage Palm, Disturbed (0-24% Exotics)	66.42	1.6
6249 E2	Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics)	19.64	0.5
6249 E3	Cypress/Pine/Cabbage Palm, Disturbed (50-75% Exotics)	23.43	0.6
6249 E4	Cypress/Pine/Cabbage Palm, Disturbed (76-100% Exotics)	0.14	<0.1
6259 E1	Pine, Hydric, Disturbed (0-24% Exotics)	7.47	0.2
6259 E2	Pine, Hydric, Disturbed (25-49% Exotics)	1.59	<0.1
6259 E3	Pine, Hydric, Disturbed (50-75% Exotics)	5.84	0.1
6259 E4	Pine, Hydric, Disturbed (76-100% Exotics)	0.08	0.0
6309 E1	Mixed Wetland Forest, Disturbed (0-24% Exotics)	9.63	0.2
6309 E2	Mixed Wetland Forest, Disturbed (25-49% Exotics)	6.00	0.1
6309 E3	Mixed Wetland Forest, Disturbed (50-75% Exotics)	0.85	<0.1
6411 E1	Freshwater Marsh, Sawgrass (0-24% Exotics)	1.11	<0.1
6412 E1	Freshwater Marsh, Cattail (0-24% Exotics)	13.07	0.3
6419 E1	Freshwater Marsh, Disturbed (0-24% Exotics)	100.20	2.4

Table 1. (Continued)

FLUCFCS Code	Description	Acreage	Percent of Total
6419 E2	Freshwater Marsh, Disturbed (25-49% Exotics)	2.77	0.1
6419 E3	Freshwater Marsh, Disturbed (50-75% Exotics)	12.53	0.3
6419 E4	Freshwater Marsh, Disturbed (76-100% Exotics)	56.11	1.3
6439 E1	Wet Prairies, Disturbed (0-24% Exotics)	8.10	0.2
6439 E2	Wet Prairies, Disturbed (25-49% Exotics)	0.43	<0.1
6439 E3	Wet Prairies, Disturbed (50-75% Exotics)	0.12	<0.1
6439 E4	Wet Prairies, Disturbed (76-100% Exotics)	24.22	0.6
740	Disturbed Land	31.60	0.8
7401	Disturbed Land, Hydric	15.79	0.4
742	Borrow Area	<0.01	<0.1
742*	Borrow Area	0.23	<0.1
743	Spoil Area	8.38	0.2
747	Berm	118.28	2.8
8146	Dirt Road	5.73	0.1
8321	Electrical Power Transmission Line, Hydric	5.05	0.1
	Total	**4,202.30**	**100.0**

*Denotes FDEP and COE Wetland
**Denotes FDEP other surface water
***Denotes COE Isolated Wetland

Citrus Grove (FLUCFCS Code 221)
This upland habitat type contains active citrus trees in the canopy and sub-canopy. The ground cover contains sod grass (*Poaceae* sp.), Florida tasselflower (*Emilia fosbergii*), beggar-tick (*Bidens alba*), water pennywort (*Hydrocotyle umbellata*), thistle (*Cirsium* sp.), wild balsam apple (*Momordica charantia*), ragweed (*Ambrosia* sp.), lantana (*Lantana camara*), caesarweed (*Urena lobata*), torpedograss (*Panicum repens*), and widely scattered primrose willow (*Ludwigia peruviana*).

Palmetto Prairie, Disturbed (0-24% Exotics) (FLUCFCS Code 3219 E1)
This upland habitat type contains widely scattered melaleuca and scattered slash pine (*Pinus elliottii*) in the canopy. The sub-canopy is dominated by saw palmetto (*Serenoa repens*) and also contains scattered wax myrtle (*Myrica cerifera*). The ground cover is dominated by saw palmetto and also contains widely scattered swamp fern (*Blechnum serrulatum*).

Palmetto Prairie, Disturbed (25-49% Exotics) (FLUCFCS Code 3219 E2)
This disturbed upland habitat type is similar to that of FLUCFCS Code 3219 E1, except with higher concentrations of Brazilian pepper in the sub-canopy.

Palmetto Prairie, Disturbed (50-75% Exotics) (FLUCFCS Code 3219 E3)
This disturbed upland habitat type is similar to that of FLUCFCS Code 3219 E2, except with higher concentrations of Brazilian pepper in the sub-canopy.

Palmetto Prairie, Disturbed (76-100% Exotics) (FLUCFCS Code 3219 E4)
This upland habitat type is similar to that of FLUCFCS Code 3219 E3, except with higher concentrations of Brazilian pepper in the sub-canopy.

Pine Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4119 E1)
This upland habitat type is dominated by slash pine in the canopy and also contains cabbage palm (*Sabal palmetto*) and scattered melaleuca. The sub-canopy contains slash pine, cabbage palm, myrsine (*Rapanea punctata*), scattered wax myrtle, scattered melaleuca, and scattered Brazilian pepper. The ground cover is dominated by saw palmetto and also contains wax myrtle, caesarweed, wiregrass (*Aristida stricta*), blackberry (*Rubus* sp.), ragweed, melaleuca, and Brazilian pepper.

Pine Flatwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 4119 E2)
This upland habitat type is similar to that of FLUCFCS Code 4119 E1, except with higher concentrations of Brazilian pepper and melaleuca in the canopy and sub-canopy.

Pine Flatwoods, Disturbed (50-75% Exotics) (FLUCFCS Code 4119 E3)
This disturbed upland habitat type is similar to that of FLUCFCS Code 4119 E2, except with higher concentrations of Brazilian pepper in the sub-canopy.

Pine, Disturbed (0-24% Exotics) (FLUCFCS Code 4159 E1)
This upland habitat type is dominated by slash pine in the canopy. The sub-canopy contains slash pine and scattered Brazilian pepper. The ground cover contains pineland heliotrope (*Heliotropium polyphyllum*), wax myrtle, caesarweed, wiregrass, blackberry, ragweed, melaleuca, and Brazilian pepper.

Brazilian Pepper, Hydric (FLUCFCS Code 4221)
This disturbed wetland habitat type is dominated by Brazilian pepper in the canopy and sub-canopy. The ground cover is mostly open.

Melaleuca, Hydric (FLUCFCS Code 4241)
This disturbed wetland habitat type is dominated by melaleuca in the canopy and also contains widely scattered slash pine and bald cypress (*Taxodium distichum*). The sub-canopy is dominated by melaleuca and also contains widely scattered bald cypress and wax myrtle. The ground cover contains wax myrtle, rosy camphorweed (*Pluchea rosea*), and scattered beaksedge (*Rhynchospora microcarpa*).

Live Oak, Disturbed (0-24% Exotics) (FLUCFCS Code 4279 E1)
This upland habitat type is dominated by live oak (*Quercus virginiana*) and laurel oak (*Quercus laurifolia*), and also contains cabbage palm in the canopy. The sub-canopy contains cabbage palm, laurel oak, and wax myrtle. The ground cover contains saw palmetto, cabbage palm, and scattered swamp fern.

Live Oak, Disturbed (25-49% Exotics) (FLUCFCS Code 4279 E2)
This upland habitat type is similar to that of FLUCFCS Code 4279 E1, except with higher concentrations of Brazilian pepper and melaleuca in the canopy and sub-canopy.

Cabbage Palm, Disturbed, Hydric (0-24% Exotics) (FLUCFCS Code 4281 E1)
This wetland habitat type is dominated by cabbage palm in the canopy. The sub-canopy contains cabbage palm and scattered wax myrtle. The ground cover contains beaksedge (*Ryhnchospora* sp.) and swamp fern.

Cabbage Palm, Disturbed (0-24% Exotics) (FLUCFCS Code 4289 E1)
This upland habitat type is dominated by cabbage palm and also contains scattered laurel oak in the canopy. The sub-canopy contains saw palmetto, wax myrtle, cabbage palm, melaleuca, and Brazilian pepper. The ground cover is dominated by saw palmetto and also contains scattered swamp fern.

Cabbage Palm, Disturbed (25-49% Exotics) (FLUCFCS Code 4289 E2)
This upland habitat type is similar to that of FLUCFCS Code 4289 E1, except with higher concentrations of Brazilian pepper in the sub-canopy.

Wax Myrtle/Willow, Hydric (0-24% Exotics) (FLUCFCS Code 4291 E1)
This wetland habitat type contains an open canopy. The sub-canopy is dominated by wax myrtle and willow (*Salix caroliniana*) and also contains saltbush (*Baccharis halimifolia*), slash pine, and Brazilian pepper. The ground cover contains bushy bluestem (*Andropogon glomeratus*), broomsedge (*Andropogon virginicus*), gulfdune paspalum (*Paspalum monostachyum*), Asiatic pennywort (*Centella asiatica*), and water pennywort.

Wax Myrtle/Willow, Hydric (25-49% Exotics) (FLUCFCS Code 4291 E2)
This wetland habitat type is similar to that of FLUCFCS Code 4291 E1, except with higher concentrations of Brazilian pepper in the sub-canopy.

Wax Myrtle/Willow, Hydric (50-75% Exotics) (FLUCFCS Code 4291 E3)
This disturbed wetland habitat type is similar to that of FLUCFCS Code 4291 E2, except with higher concentrations of Brazilian pepper in the sub-canopy.

Hardwood/Conifer Mixed, Disturbed (0-24% Exotics) (FLUCFCS Code 4349 E1)
This upland habitat type contains slash pine, cabbage palm, laurel oak, live oak, and scattered melaleuca in the canopy. The sub-canopy contains slash pine, cabbage palm, laurel oak, live oak, and Brazilian pepper. The ground cover is dominated by saw palmetto and also contains cabbage palm, laurel oak, water pennywort, spermacoce (*Spermacoce verticillata*), bahiagrass (*Paspalum notatum*), and scattered swamp fern.

Hardwood/Conifer Mixed, Disturbed (25-49% Exotics) (FLUCFCS Code 4349 E2)
This upland habitat type is similar to that of FLUCFCS Code 4349 E1, except with higher concentrations of Brazilian pepper in the sub-canopy.

Hardwood/Conifer Mixed, Disturbed (50-75% Exotics) (FLUCFCS Code 4349 E3)
This disturbed upland habitat type is similar to that of FLUCFCS Code 4349 E2, except with higher concentrations of Brazilian pepper in the sub-canopy.

Ditch (FLUCFCS Code 514)
This other surface water (OSW) has an open canopy. The sub-canopy along the banks and within the ditches contains willow, primrose willow, Brazilian pepper, and wax myrtle. The ground cover contains water spangles (*Salvinia minima*), pickerelweed (*Pontedaria cordata*), maidencane (*Panicum hemitomon*), primrose willow, cattail (*Typha* sp.), and the exotic species torpedograss. The ditches are associated with the citrus groves.

Shallow Pond (FLUCFCS Code 525)
This area contains minimal vegetation.

Mixed Wetland Hardwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 6179 E1)
This wetland habitat type contains laurel oak, swamp bay (*Persea palustris*), cabbage palm, bald cypress, and melaleuca in the canopy. The sub-canopy contains cabbage palm, dahoon holly (*Ilex cassine*), myrsine, and Brazilian pepper. The ground cover contains swamp fern and scattered saw palmetto.

Mixed Wetland Hardwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 6179 E2)
This wetland habitat type is similar to that of FLUCFCS Code 6179 E1, but contains a higher concentration of melaleuca in the canopy and Brazilian pepper in the sub-canopy.

Mixed Wetland Hardwoods, Disturbed (50-75% Exotics) (FLUCFCS Code 6179 E3)
This disturbed wetland habitat type is similar to that of FLUCFCS Code 6179 E2, but contains a higher concentration of melaleuca in the canopy and Brazilian pepper in the sub-canopy.

Willow, Disturbed (0-24% Exotics) (FLUCFCS Code 6189 E1)
This wetland habitat type contains an open canopy with scattered willow and red maple (*Acer rubrum*). The sub-canopy is dominated by willow and also contains scattered primrose willow and Brazilian pepper. The ground cover contains maidencane, water pennywort, Asiatic pennywort, and spike rush (*Eleocharis* sp.).

Willow, Disturbed (50-75% Exotics) (FLUCFCS Code 6189 E3)
This disturbed wetland habitat type is dominated by willow in the canopy and also contains scattered melaleuca, bald cypress, cabbage palm, and red maple. The sub-canopy is dominated by willow, wax myrtle, and Brazilian pepper and also contains scattered bald cypress, scattered melaleuca, and scattered red maple. The ground cover contains sawgrass (*Cladium jamaicense*), leather fern (*Acrostichum* sp.), swamp fern, wax myrtle, Brazilian pepper, saltbush, bushy bluestem, water pennywort, shield fern (*Thelypteris* sp.), and scattered fireflag (*Thalia*

geniculata). The invasive exotic vine Old World climbing fern (*Lygodium microphyllum*) has taken over some of the wetlands.

Willow, Disturbed (76-100% Exotics) (FLUCFCS Code 6189 E4)
This disturbed wetland habitat is similar to that of FLUCFCS Code 6189 E3, except with higher concentrations of primrose willow and Brazilian pepper in the sub-canopy.

Cypress, Disturbed and Drained (0-24% Exotics) (FLUCFCS Code 6215 E2)
This disturbed and drained upland habitat contains bald cypress, scattered live oak, and cabbage palm in the canopy. The sub-canopy contains Brazilian pepper and wax myrtle. The ground cover contains caesarweed, Boston fern (*Nephrolepis exaltata*), smutgrass (*Sporobolus indicus*), ragweed, hairy beggar-tick (*Bidens pilosa*), flatsedge (*Cyperus ligularis*), and dog fennel (*Eupatorium capillifolium*). The vine layer contains muscadine grape (*Vitis rotundifolia*).

Cypress, Disturbed (0-24% Exotics) (FLUCFCS Code 6219 E1)
This wetland habitat type is dominated by bald cypress and also contains scattered melaleuca, scattered laurel oak, scattered red maple, and scattered slash pine in the canopy. The sub-canopy contains bald cypress, cabbage palm, wax myrtle, dahoon holly, pond apple (*Annona glabra*), myrsine, scattered red maple, scattered Brazilian pepper, and scattered melaleuca. The ground cover contains swamp fern, Asiatic pennywort, saltbush, bog-hemp (*Boehmeria cylindrica*), wax myrtle, cabbage palm, rosy camphorweed, coco plum (*Chrysobalanus icaco*), spike rush, maidencane, torpedograss, saw palmetto, panicum (*Panicum* sp.), sawgrass, and widely scattered cattail. The vine layer contains morning glory (*Ipomoea* sp.), climbing hempvine (*Mikania scandens*), greenbrier (*Smilax* sp.), and muscadine grape.

Cypress, Disturbed (25-49% Exotics) (FLUCFCS Code 6219 E2)
This wetland habitat is similar to that of FLUCFCS Code 6219 E1, except with higher concentrations of melaleuca and Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed (50-75% Exotics) (FLUCFCS Code 6219 E3)
This disturbed wetland habitat is similar to that of FLUCFCS Code 6219 E2, except with higher concentrations of melaleuca and Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed (76-100% Exotics) (FLUCFCS Code 6219 E4)
This disturbed wetland habitat type is dominated by bald cypress and melaleuca in the canopy and also contains scattered dahoon holly. The sub-canopy contains bald cypress, melaleuca, Brazilian pepper, and wax myrtle. The ground cover contains swamp fern, water pennywort, wax myrtle, little blue maidencane (*Amphicarpum muhlenbergianum*), Asiatic pennywort, royal fern (*Osmunda regalis*), shield fern, bushy bluestem, Brazilian pepper, rosy camphorweed, maidencane, scattered pickerelweed, and scattered spike rush. The vine layer contains climbing hempvine. The invasive exotic vine Old World climbing fern has taken over the northernmost isolated wetland.

Cypress/Pine, Disturbed and Drained (0-24% Exotics) (FLUCFCS Code 6245 E1)
This disturbed upland habitat type contains slash pine, bald cypress, cabbage palm, and scattered melaleuca in the canopy. The sub-canopy contains slash pine, bald cypress, cabbage palm,

myrsine, scattered melaleuca, and scattered Brazilian pepper. The ground cover contains saw palmetto and swamp fern.

Cypress/Pine/Cabbage Palm, Disturbed (0-24% Exotics) (FLUCFCS Code 6249 E1)
This wetland habitat type contains slash pine, bald cypress, cabbage palm, and scattered melaleuca in the canopy. The sub-canopy contains slash pine, bald cypress, cabbage palm, myrsine, scattered melaleuca, and scattered Brazilian pepper. The ground cover contains swamp fern, Asiatic pennywort, cabbage palm, wiregrass, melaleuca, torpedograss, maidencane, gulfdune paspalum, wax myrtle, beaksedge, corkwood (*Stillingia aquatica*), and widely scattered saw palmetto.

Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics) (FLUCFCS Code 6249 E2)
This wetland habitat type is similar to that of FLUCFCS Code 6249 E1, except with higher concentrations of Brazilian pepper and melaleuca in the canopy and sub-canopy, and also contains scattered downy rose myrtle (*Rhodomyrtus tomentosus*) in the sub-canopy.

Cypress/Pine/Cabbage Palm, Disturbed (50-75% Exotics) (FLUCFCS Code 6249 E3)
This disturbed wetland habitat type is similar to that of FLUCFCS Code 6249 E2 except with higher concentrations of Brazilian pepper, melaleuca, and downy rose myrtle in the sub-canopy.

Cypress/Pine/Cabbage Palm, Disturbed (76-100% Exotics) (FLUCFCS Code 6249 E4)
This disturbed wetland habitat type is similar to that of FLUCFCS Code 6249 E3 except with higher concentrations of Brazilian pepper, melaleuca, and downy rose myrtle in the sub-canopy.

Pine, Hydric, Disturbed (0-24% Exotics) (FLUCFCS Code 6259 E1)
This wetland habitat type is dominated by slash pine and also contains scattered cabbage palm and widely scattered melaleuca. The sub-canopy contains slash pine, wax myrtle, cabbage palm, scattered Brazilian pepper, and widely scattered melaleuca. The ground cover is dominated by wiregrass and also includes torpedograss, ragweed, swamp fern, little blue maidencane, caesarweed, frog fruit (*Phyla nodiflora*), rosy camphorweed, Asiatic pennywort, Brazilian pepper, tickseed (*Coreopsis* sp.), pineland heliotrope, and scattered saw palmetto. The vine layer contains climbing hempvine and muscadine grape.

Pine, Hydric, Disturbed (25-49% Exotics) (FLUCFCS Code 6259 E2)
This wetland habitat type is similar to that of FLUCFCS Code 6259 E1, but with higher concentrations of melaleuca and Brazilian pepper in the canopy and sub-canopy.

Pine, Hydric, Disturbed (50-75% Exotics) (FLUCFCS Code 6259 E3)
This disturbed wetland habitat type is similar to that of FLUCFCS Code 6259 E2, but with higher concentrations of melaleuca in the canopy and sub-canopy.

Pine, Hydric, Disturbed (76-100% Exotics) (FLUCFCS Code 6259 E4)
This disturbed wetland habitat type is similar to that of FLUCFCS Code 6259 E3, but with higher concentrations of melaleuca in the canopy and sub-canopy.

Mixed Wetland Forest, Disturbed (0-24% Exotics) (FLUCFCS Code 6309 E1)
This wetland habitat type contains red maple, bald cypress, and laurel oak in the canopy. The sub-canopy contains red maple, bald cypress, laurel oak, myrsine, wax myrtle, Brazilian pepper, swamp bay, and cabbage palm. The ground cover includes swamp fern, tickseed, coco plum, red maple, maidencane, fennel (*Foeniculum vulgare*), cinnamon fern (*Osmunda cinnamomea*), rosy camphorweed, and cabbage palm. The vine layer contains muscadine grape and climbing hempvine.

Mixed Wetland Forest, Disturbed (25-49% Exotics) (FLUCFCS Code 6309 E2)
This wetland habitat type is similar to that of FLUCFCS Code 6309 E1, but with higher concentrations of melaleuca and Brazilian pepper in the canopy and sub-canopy.

Mixed Wetland Forest, Disturbed (50-75% Exotics) (FLUCFCS Code 6309 E3)
This disturbed wetland habitat type is similar to that of FLUCFCS Code 6309 E2, but with higher concentrations of Brazilian pepper in the sub-canopy.

Freshwater Marsh, Sawgrass (0-24% Exotics) (FLUCFCS Code 6411 E1)
This wetland habitat type contains a predominately open canopy and sub-canopy. The ground cover is dominated by sawgrass.

Freshwater Marsh, Cattail (0-24% Exotics) (FLUCFCS Code 6412 E1)
This disturbed wetland habitat type contains a predominately open canopy and sub-canopy. The ground cover is dominated by cattail.

Freshwater Marsh, Disturbed (0-24% Exotics) (FLUCFCS Code 6419 E1)
This wetland habitat type contains scattered cypress and widely scattered melaleuca in the canopy. The sub-canopy contains scattered cypress, widely scattered willow, cabbage palm, primrose willow, and pond apple. The ground cover contains sawgrass, maidencane, corkwood, swamp fern, shield fern, smartweed (*Polygonum* sp.), spike rush, arrowhead (*Sagittaria lancifolia*), pickerelweed, fireflag, cattail, and the exotic species torpedograss.

Freshwater Marsh, Disturbed (25-49% Exotics) (FLUCFCS Code 6419 E2)
This disturbed wetland habitat type is similar to that of FLUCFCS Code 6419 E1, but with widely scattered melaleuca in the canopy, sub-canopy, and higher densities of torpedograss in the ground cover.

Freshwater Marsh, Disturbed (50-75% Exotics) (FLUCFCS Code 6419 E3)
This disturbed wetland habitat type is similar to that of FLUCFCS Code 6419 E2, but with higher densities of torpedograss in the ground cover.

Freshwater Marsh, Disturbed (75-100% Exotics) (FLUCFCS Code 6419 E4)
This disturbed wetland habitat type is similar to that of FLUCFCS Code 6419 E3, but with higher densities of torpedograss in the ground cover.

Wet Prairies, Disturbed (0-24% Exotics) (FLUCFCS Code 6439 E1)
This wetland habitat type contains widely scattered slash pine and cypress in the canopy. The sub-canopy contains wax myrtle and widely scattered bald cypress. The ground cover contains panicum, wax myrtle, frog fruit, sand cordgrass (*Spartina bakeri*), gulfdune paspalum, corkwood, maidencane, wiregrass, bushy bluestem, rosy camphorweed, and scattered sawgrass.

Wet Prairies, Disturbed (25-49% Exotics) (FLUCFCS Code 6439 E2)
This wetland habitat type contains widely scattered cypress in the canopy. The sub-canopy contains scattered Brazilian pepper, buckthorn (*Sideroxylon reclinatum*), and slash pine. The ground cover contains panicum, rosy camphorweed, rush fuirena (*Fuirena scirpoidea*), frog fruit, and torpedograss.

Wet Prairies, Disturbed (50-75% Exotics) (FLUCFCS Code 6439 E3)
This disturbed wetland habitat type is similar to that of FLUCFCS Code 6439 E2, but with widely scattered melaleuca in the canopy and sub-canopy, and higher densities of torpedograss in the ground cover.

Wet Prairies, Disturbed (76-100% Exotics) (FLUCFCS Code 6439 E4)
This disturbed wetland habitat type contains an open canopy. The sub-canopy contains scattered melaleuca, scattered willow, and scattered wax myrtle. The ground cover is dominated by the exotic species torpedograss and also contains cattail and sawgrass.

Disturbed Land (FLUCFCS Code 740)
This disturbed upland area contains widely scattered slash pine in the canopy. The sub-canopy contains scattered slash pine, Brazilian pepper, and wax myrtle. The ground cover contains sod grass, dog fennel, beggar-tick, crowfoot grass (*Dactyloctenium aegyptium*), balsam apple, bahiagrass, lantana, caesarweed, natalgrass (*Rhynchelytrum repens*), and scattered saw palmetto.

Disturbed Land, Hydric (FLUCFCS Code 7401)
This disturbed wetland area contains scattered slash pine in the canopy. The sub-canopy contains scattered wax myrtle, melaleuca, primrose willow, Brazilian pepper, and bald cypress. The ground cover contains cattail, torpedograss, maidencane, little blue maidencane, Asiatic pennywort, slash pine, and primrose willow. The vine layer contains climbing hempvine.

Borrow Area (FLUCFCS Code 742)
This potential OSW contains minimal vegetation. The borrow area appears to have been created to acquire fill for a berm connecting two adjacent citrus groves.

Spoil Area (FLUCFCS Code 743)
There are several spoil areas throughout the property. Most of the piles appear to have been created when the agricultural ditches were dug out. The canopy and sub-canopy of the spoil contains scattered slash pine and Brazilian pepper. The ground cover contains caesarweed, maidencane, natalgrass, dog fennel, ragweed, and torpedograss.

Berm (FLUCFCS Code 747)
There are maintained berms surrounding the exterior of a majority of the wetland systems. The berms contain an open canopy. The sub-canopy contains scattered Brazilian pepper. The ground cover contains ragweed, Florida tasselflower, natalgrass, lantana, beggar-tick, bahiagrass, caesarweed, and dog fennel.

Dirt Road (FLUCFCS Code 8146)
A dirt road runs in a north-south direction along the northeast portion of the property.

Electrical Power Transmission Line, Hydric (FLUCFCS Code 8321)
There are two sets of power lines that run in a northwest-southeast direction on the northern portion of the property. The land is maintained and contains torpedograss in the ground cover.

SURVEY METHODOLOGY AND DISCUSSION

As outlined in the LDC, surveys for Lee County protected species were based on the presence of specific vegetation associations and habitat types identified on-site. The frequency of transects performed in these habitats, unless otherwise discussed, were designed to meet or exceed the 80 percent minimum coverage requirement. A cursory review was also conducted in those habitats not technically required to be surveyed per the LDC. Based on experience and past conversations with Lee County's Division of Environmental Sciences (DES), these areas were reviewed for certain protected species as a precautionary measure. Table 2 outlines the protected species that may inhabit or utilize a particular vegetation association, according to the LDC, as well as those habitats reviewed as a precautionary measure.

Table 2. Potential Lee County Protected Species by Habitat Type

FLUCFCS Code and Description	Potential Protected Species
221* Citrus Grove	Crested Caracara (*Caracara cheriway*)
3219 E1 3219 E2 Palmetto Prairie, Disturbed 3219 E3 (0-100% Exotics) 3219 E4	Eastern Indigo Snake (*Drymarchon couperi*)
	Gopher Tortoise (*Gopherus polyphemus*)
	Gopher Frog (*Rana capito*)
	Florida Sandhill Crane (*Grus canadensis pratensis*)
	Southeastern American Kestrel (*Falco sparverius paulus*)
	Crested Caracara (*Caracara cheriway*)
	Florida Black Bear (*Ursus americanus floridanus*)
	Beautiful Pawpaw (*Deeringothamnus pulchellus*)
	Curtis Milkweed (*Asclepias curtissii*)
	Fakahatchee Burmania (*Burmania flava*)
	Florida Coontie (*Zamia floridana*)

Table 2. (Continued)

FLUCFCS Code and Description		Potential Protected Species
4119 E1 4119 E2 4119 E3	Pine Flatwoods, Disturbed (0-75% Exotics)	Eastern Indigo Snake (*Drymarchon couperi*)
		Gopher Tortoise (*Gopherus polyphemus*)
		Gopher Frog (*Rana capito*)
		Southeastern American Kestrel (*Falco sparverius paulus*)
		Red-Cockaded Woodpecker (*Picoides borealis*)
		Bald Eagle (*Haliaeetus leucocephalus*)
		Big Cypress Fox Squirrel (*Sciurus niger avicennia*)
		Florida Panther (*Puma concolor coryi*)
		Florida Black Bear (*Ursus americanus floridanus*)
		Beautiful Pawpaw (*Deeringothamnus pulchellus*)
		Fakahatchee Burmania (*Burmania flava*)
		Satinleaf (*Chrysophyllum oliviforme*)
		Florida Coontie (*Zamia floridana*)
4159 E1*	Pine, Disturbed (0-24% Exotics)	Eastern Indigo Snake (*Drymarchon couperi*)
		Gopher Tortoise (*Gopherus polyphemus*)
		Gopher Frog (*Rana capito*)
		Southeastern American Kestrel (*Falco sparverius paulus*)
		Red-Cockaded Woodpecker (*Picoides borealis*)
		Bald Eagle (*Haliaeetus leucocephalus*)
		Big Cypress Fox Squirrel (*Sciurus niger avicennia*)
		Florida Panther (*Puma concolor coryi*)
		Florida Black Bear (*Ursus americanus floridanus*)
		Beautiful Pawpaw (*Deeringothamnus pulchellus*)
		Fakahatchee Burmania (*Burmania flava*)
		Satinleaf (*Chrysophyllum oliviforme*)
		Florida Coontie (*Zamia floridana*)
4221*	Brazilian Pepper, Hydric	Eastern Indigo Snake (*Drymarchon couperi*)
		Gopher Frog (*Rana capito*)
4241*	Melaleuca, Hydric	Eastern Indigo Snake (*Drymarchon couperi*)
		Gopher Frog (*Rana capito*)
		Big Cypress Fox Squirrel (*Sciurus niger avicennia*)
4279 E1 4279 E2	Live Oak, Disturbed (0-49% Exotics)	Eastern Indigo Snake (*Drymarchon couperi*)
		Gopher Tortoise (*Gopherus polyphemus*)
		Florida Panther (*Puma concolor coryi*)
		Florida Black Bear (*Ursus americanus floridanus*)

Table 2. (Continued)

FLUCFCS Code and Description		Potential Protected Species
4279 E1 4279 E2	Live Oak, Disturbed (0-49% Exotics) (Continued)	Simpson's Stopper (*Myrcianthes fragrans* var. *simpsonii*)
		Hand Adder's Tongue Fern (*Ophioglossum palmatum*)
		Twisted Air Plant (*Tillandsia flexuous*)
		Eastern Indigo Snake (*Drymarchon couperi*)
		Little Blue Heron (*Egretta caerulea*)
		Snowy Egret (*Egretta thula*)
		Tri-Colored Heron (*Egretta tricolor*)
		Crested Caracara (*Caracara cheriway*)
		Florida Panther (*Puma concolor coryi*)
		Florida Black Bear (*Ursus americanus floridanus*)
		Simpson's Stopper (*Myrcianthes fragrans* var. *simpsonii*)
4289 E1 4289 E2	Cabbage Palm, Disturbed (0-49% Exotics)	Eastern Indigo Snake (*Drymarchon couperi*)
		Crested Caracara (*Caracara cheriway*)
		Florida Panther (*Puma concolor coryi*)
		Florida Black Bear (*Ursus americanus floridanus*)
		Simpson's Stopper (*Myrcianthes fragrans* var. *simpsonii*)
4291 E1* 4291 E2* 4291 E3*	Wax Myrtle/Willow, Hydric (0-75% Exotics)	Limpkin (*Aramus guarauna*)
		Little Blue Heron (*Egretta caerulea*)
		Snowy Egret (*Egretta thula*)
		Tri-Colored Heron (*Egretta tricolor*)
4349 E1 4349 E2 4349 E3	Hardwood/Conifer Mixed, Disturbed (0-75% Exotics)	Florida Panther (*Puma concolor coryi*)
514	Ditch	American Alligator (*Alligator mississippiensis*)
		Roseate Spoonbill (*Ajaia ajaja*)
		Limpkin (*Aramus guarauna*)
		Little Blue Heron (*Egretta caerulea*)
		Reddish Egret (*Egretta rufescens*)
		Snowy Egret (*Egretta thula*)
		Tri-Colored Heron (*Egretta tricolor*)
		Everglades Mink (*Mustela vison evergladensis*)

Table 2. (Continued)

FLUCFCS Code and Description		Potential Protected Species
525	Shallow Pond	American Alligator (*Alligator mississippiensis*)
		Roseate Spoonbill (*Ajaia ajaja*)
		Limpkin (*Aramus guarauna*)
		Little Blue Heron (*Egretta caerulea*)
		Reddish Egret (*Egretta rufescens*)
		Snowy Egret (*Egretta thula*)
		Tri-Colored Heron (*Egretta tricolor*)
		Everglade Snail Kite (*Rostrhamus sociabilis plumbeus*)
		Everglades Mink (*Mustela vison evergladensis*)
6179 E1 6179 E2 6179 E3	Mixed Wetland Hardwoods, Disturbed (0-75% Exotics)	Limpkin (*Aramus guarauna*)
		Little Blue Heron (*Egretta caerulea*)
		Snowy Egret (*Egretta thula*)
		Tri-Colored Heron (*Egretta tricolor*)
		Florida Panther (*Puma concolor coryi*)
		Florida Black Bear (*Ursus americanus floridanus*)
6189 E1* 6189 E3* 6189 E4*	Willow, Disturbed (0-75% Exotics; 50-100% Exotics)	American Alligator (*Alligator mississippiensis*)
		Roseate Spoonbill (*Ajaia ajaja*)
		Little Blue Heron (*Egretta caerulea*)
		Reddish Egret (*Egretta rufescens*)
		Snowy Egret (*Egretta thula*)
		Tri-Colored Heron (*Egretta tricolor*)
		Wood Stork (*Mycteria americana*)
		Brown Pelican (*Pelecanus occidentalis*)
		Big Cypress Fox Squirrel (*Sciurus niger avicennia*)
		Florida Black Bear (*Ursus americanus floridanus*)
		Twisted Air Plant (*Tillandsia flexuosa*)
		Prickly Apple (*Cereus gracilis*)
6215 E2	Cypress, Disturbed and Drained (25-49% Exotics)	Gopher Frog (*Rana capito*)
		Arctic Peregrine Falcon (*Falco peregrinus tundrius*)
		Everglades Mink (*Mustela vison evergladensis*)
		Big Cypress Fox Squirrel (*Sciurus niger avicennia*)
		Florida Panther (*Puma concolor coryi*)
		Florida Black Bear (*Ursus americanus floridanus*)
6219 E1 6219 E2 6219 E3 6219 E4	Cypress, Disturbed (0-100% Exotics)	American Alligator (*Alligator mississippiensis*)
		Gopher Frog (*Rana capito*)
		Limpkin (*Aramus guarauna*)
		Little Blue Heron (*Egretta caerulea*)
		Snowy Egret (*Egretta thula*)
		Tri-Colored Heron (*Egretta tricolor*)

Table 2. (Continued)

FLUCFCS Code and Description		Potential Protected Species
6219 E1 6219 E2 6219 E3 6219 E4	Cypress, Disturbed (0-100% Exotics) (Continued)	Wood Stork (*Mycteria americana*)
		Arctic Peregrine Falcon (*Falco peregrinus tundrius*)
		Big Cypress Fox Squirrel (*Sciurus niger avicennia*)
		Everglades Mink (*Mustela vison evergladensis*)
		Florida Panther (*Puma concolor coryi*)
		Florida Black Bear (*Ursus americanus floridanus*)
6245 E1	Cypress/Pine, Disturbed and Drained (0-24% Exotics)	Gopher Frog (*Rana capito*)
		Big Cypress Fox Squirrel (*Sciurus niger avicennia*)
		Florida Panther (*Puma concolor coryi*)
		Florida Black Bear (*Ursus americanus floridanus*)
6249 E1 6249 E2 6249 E3 6249 E4	Cypress/Pine/Cabbage Palm, Disturbed (0-100% Exotics)	Gopher Frog (*Rana capito*)
		Little Blue Heron (*Egretta caerulea*)
		Snowy Egret (*Egretta thula*)
		Tri-Colored Heron (*Egretta tricolor*)
		Arctic Peregrine Falcon (*Falco peregrinus tundrius*)
		Everglades Mink (*Mustela vison evergladensis*)
		Big Cypress Fox Squirrel (*Sciurus niger avicennia*)
		Florida Panther (*Puma concolor coryi*)
		Florida Black Bear (*Ursus americanus floridanus*)
6259 E1 6259 E2 6259 E3 6259 E4	Pine, Hydric, Disturbed (0-100% Exotics)	Gopher Frog (*Rana capito*)
		Little Blue Heron (*Egretta caerulea*)
		Snowy Egret (*Egretta thula*)
		Tri-Colored Heron (*Egretta tricolor*)
		Arctic Peregrine Falcon (*Falco peregrinus tundrius*)
		Bald Eagle (*Haliaeetus leucocephalus*)
		Everglades Mink (*Mustela vison evergladensis*)
		Big Cypress Fox Squirrel (*Sciurus niger avicennia*)
6309 E1 6309 E2 6309 E3	Mixed Wetland Forest, Disturbed (0-75% Exotics)	American Alligator (*Alligator mississippiensis*)
		Gopher Frog (*Rana capito*)
		Limpkin (*Aramus guarauna*)
		Little Blue Heron (*Egretta caerulea*)
		Snowy Egret (*Egretta thula*)
		Tri-Colored Heron (*Egretta tricolor*)
		Wood Stork (*Mycteria americana*)
		Everglades Mink (*Mustela vison evergladensis*)
		Florida Panther (*Puma concolor coryi*)
		Florida Black Bear (*Ursus americanus floridanus*)
6411 E1	Freshwater Marsh, Sawgrass (0-24% Exotics)	American Alligator (*Alligator mississippiensis*)
		Limpkin (*Aramus guarauna*)
		Little Blue Heron (*Egretta caerulea*)
		Reddish Egret (*Egretta rufescens*)

Table 2. (Continued)

FLUCFCS Code and Description		Potential Protected Species
6411 E1	Freshwater Marsh, Sawgrass (0-24% Exotics) (Continued)	Snowy Egret (*Egretta thula*)
		Tri-Colored Heron (*Egretta tricolor*)
		Florida Sandhill Crane (*Grus canadensis pratensis*)
		Wood Stork (*Mycteria americana*)
		Everglade Snail Kite (*Rostrhamus sociabilis plumbeus*)
		Everglades Mink (*Mustela vison evergladensis*)
6412 E1	Freshwater Marsh, Cattail (0-24% Exotics)	American Alligator (*Alligator mississippiensis*)
		Limpkin (*Aramus guarauna*)
		Little Blue Heron (*Egretta caerulea*)
		Reddish Egret (*Egretta rufescens*)
		Snowy Egret (*Egretta thula*)
		Tri-Colored Heron (*Egretta tricolor*)
		Florida Sandhill Crane (*Grus canadensis pratensis*)
		Wood Stork (*Mycteria americana*)
		Everglade Snail Kite (*Rostrhamus sociabilis plumbeus*)
		Everglades Mink (*Mustela vison evergladensis*)
6419 E1 6419 E2 6419 E3 6419 E4	Freshwater Marsh, Disturbed (0-100% Exotics)	American Alligator (*Alligator mississippiensis*)
		Limpkin (*Aramus guarauna*)
		Little Blue Heron (*Egretta caerulea*)
		Reddish Egret (*Egretta rufescens*)
		Snowy Egret (*Egretta thula*)
		Tri-Colored Heron (*Egretta tricolor*)
		Florida Sandhill Crane (*Grus canadensis pratensis*)
		Wood Stork (*Mycteria americana*)
		Everglade Snail Kite (*Rostrhamus sociabilis plumbeus*)
		Everglades Mink (*Mustela vison evergladensis*)
6439 E1 6439 E2 6439 E3 6439 E4	Wet Prairies, Disturbed (0-100% Exotics)	Limpkin (*Aramus guarauna*)
		Little Blue Heron (*Egretta caerulea*)
		Snowy Egret (*Egretta thula*)
		Tri-Colored Heron (*Egretta tricolor*)
		Reddish Egret (*Egretta rufescens*)
		Wood Stork (*Mycteria americana*)
		Everglade Snail Kite (*Rostrhamus sociabilis plumbeus*)
		Everglades Mink (*Mustela vison evergladensis*)
740*	Disturbed Land	Gopher Tortoise (*Gopherus polyphemus*)

Table 2. (Continued)

FLUCFCS Code and Description		Potential Protected Species
7401*	Disturbed Land, Hydric	Little Blue Heron (*Egretta caerulea*)
		Snowy Egret (*Egretta thula*)
		Tri-Colored Heron (*Egretta tricolor*)
742*	Borrow Area	American Alligator (*Alligator mississippiensis*)
743	Spoil Area	Gopher Tortoise (*Gopherus polyphemus*)
747*	Berm	Gopher Tortoise (*Gopherus polyphemus*)
8146*	Dirt Road	N/A
8321*	Electrical Power Transmission Line, Hydric	N/A

N/A = Not Applicable per the LDC
*This habitat was surveyed for the species indicated as a precautionary measure.

The updated PSS for the Project was conducted by PAI on July 27, 2012; July 15, 16, 18, and 19, 2013; and August 2, 6, 7, 8, 9, 13, and 14, 2013. Surveys were conducted during the daylight hours. Weather conditions during the survey period are summarized in Table 3. The type of survey utilized for the protected species survey included meandering pedestrian transects, per WilsonMiller, Inc. methodology that was previously approved by the county. However, vehicular transects were also used when surveying portions of the grove habitat.

Table 3. Survey Dates and Weather Conditions

Survey Date	Weather Conditions
July 27, 2012	Temperatures in the mid-80s to low 90s, winds WSW 4 mph
July 15, 2013	Temperatures in the low 70s to high 80s, winds E 5 mph
July 16, 2013	Temperatures in the mid-70s to high 80s, winds ENE 9 mph
July 18, 2013	Temperatures in the low 70s to low 80s, winds SE 4 mph
July 19, 2013	Temperatures in the low 70s to high 80s, winds E 5 mph
August 2, 2013	Temperatures in the low 80s to high 90s, winds SW 4 mph
August 6, 2013	Temperatures in the mid-70s to low 90s, winds N 3 mph
August 7, 2013	Temperatures in the low 80s to mid-80s, winds ESE 3 mph
August 8, 2013	Temperatures in the low 70s to low 90s, winds ENE 5 mph
August 9, 2013	Temperatures in the low 70s to low 90s, winds E 6 mph
August 13, 2013	Temperatures in the mid-70s to low 90s, winds NW 5 mph
August 14, 2013	Temperatures in the low 70s to high 80s, winds variable, 2 mph

Visibility in the surveyed habitats varied due to the density of vegetation. A summary of the limits of visibility, number, length of transects walked, and percent of coverage by habitat type is provided in Table 4.

Table 4. Summary of Habitat Coverage

FLUCFCS Code	Description	Total Area (Acres)	Transects Total Length (Feet)	Average Visibility (Feet)[1]	Percent of Coverage
221	Citrus Grove[2]	2,742.57	447,999	200	30
3219 E1 3219 E2 3219 E3 3219 E4	Palmetto Prairie, Disturbed	3.33	1,451	40	80
4119 E1 4119 E2 4119 E3	Pine Flatwoods, Disturbed	17.79	7,749	40	80
4159 E1	Pine, Disturbed[2]	13.01	5,667	40	80
4221	Brazilian Pepper, Hydric[2]	0.17	74	40	80
4241	Melaleuca, Hydric[2]	99.4	43,299	40	80
4279 E1 4279 E2	Live Oak, Disturbed	1.04	453	40	80
4281 E1	Cabbage Palm, Hydric	0.08	35	40	80
4289 E1 4289 E2	Cabbage Palm, Disturbed	1.78	775	40	80
4291 E1 4291 E2 4291 E3	Wax Myrtle/Willow, Hydric[2]	0.93	405	40	80
4349 E1 4349 E2 4349 E3	Hardwood/Conifer Mixed, Disturbed	12.06	5,253	40	80
514	Ditch	153.73	66,965	40	80
525	Shallow Pond	0.07	30	40	80
6179 E1 6179 E2 6179 E3	Mixed Wetland Hardwoods, Disturbed	2.22	967	40	80
6189 E1 6189 E3 6189 E4	Willow, Disturbed[2]	5.63	2,452	40	80
6215 E2	Cypress, Disturbed and Drained	0.08	35	40	80
6219 E1 6219 E2 6219 E3 6219 E4	Cypress, Disturbed	603.46	262,867	40	80
6245 E1	Cypress/Pine, Disturbed and Drained	0.14	61	40	80

Table 4. (Continued)

FLUCFCS Code	Description	Total Area (Acres)	Transects Total Length (Feet)	Average Visibility (Feet)[1]	Percent of Coverage
6249 E1 6249 E2 6249 E3 6249 E4	Cypress/Pine/Cabbage Palm, Disturbed	109.63	47,755	40	80
6259 E1 6259 E2 6259 E3 6259 E4	Pine, Hydric, Disturbed	14.98	6,525	40	80
6309 E1 6309 E2 6309 E3	Mixed Wetland Forest, Disturbed	16.48	7,179	40	80
6411 E1	Freshwater Marsh, Sawgrass	1.11	484	40	80
6412 E1	Freshwater Marsh, Cattail	13.07	5,693	40	80
6419 E1 6419 E2 6419 E3 6419 E4	Freshwater Marsh, Disturbed	171.61	74,753	40	80
6439 E1 6439 E2 6439 E3 6429 E4	Wet Prairies, Disturbed	32.87	14,318	40	80
740	Disturbed Land[2]	31.60	13,765	40	80
7401	Disturbed Land, Hydric[2]	15.79	6,878	40	80
742	Borrow Area[2]	0.23	100	40	80
743	Spoil Area	8.38	3,650	40	80
747	Berm[2]	118.28	51,523	40	80
8146	Dirt Road[2]	5.73	2,496	40	80
8321	Electrical Power Transmission Line, Hydric[2]	5.05	2,200	40	80

[1]Average visibility to one side of transect
[2]Habitat surveyed as a precautionary measure

SURVEY RESULTS

During the updated PSS, a total of six Lee County protected species or their signs (e.g., scratched tree) were documented on the Project site. A copy of the 2013 aerial photograph with survey transects and protected species observations is provided as Appendix B.

The Lee County protected wildlife species documented on the property during the updated PSS included American alligators and one alligator nest, little blue herons, tri-colored herons, snowy egrets, crested caracaras, and Florida black bear (*Ursus americanus floridanus*).

In addition, one white ibis (*Eudocimus albus*) was observed on the property during the Lee County protected species survey. The white ibis is not listed as a Lee County protected species, but is listed as a species of special concern by the Florida Fish and Wildlife Conservation Commission (2013). Squirrel nests were also documented on the site, but no Big Cypress fox squirrels were observed.

ABUNDANCE OF PROTECTED SPECIES OBSERVED

Density calculations for Lee County protected species observed during the protected species survey were done in accordance with Step 8, Attachment 2 of the Lee County Survey Methodology adopted on August 30, 1989. The Lee County protected species abundance calculations are provided in Table 5, while Table 6 summarizes the protected species survey findings.

Table 5. Lee County Protected Species Abundance Calculations

Protected Species Density:

$$= \{n/ [L (w_1+w_2)]\} (43{,}560 \text{ ft.}^2/\text{ac})$$

Where n = number of individuals observed
L_1 = Length of transect (feet)
W_1 = Distance of visibility to the right of transect (feet)
W_2 = Distance of visibility to the left of transect (feet)

American Alligator

FLUCFCS Code 514

= {2AA/ [66,965 ft. (40 ft. + 40 ft.)]} (43,560 ft.^{2}/ac)
= {2AA/5,357,520 ft.^{2}} (43,560 ft.^{2}/ac)
= {3.73 x 10^{-7}/ft.^{2}} (43,560 ft.^{2}/ac)
= 0.02 AA/Acre

FLUCFCS Code 6219 E4

= {1AA/ [7,614 ft. (40 ft. + 40 ft.)]} (43,560 ft.^{2}/ac)
= {1AA/616,080 ft.^{2}} (43,560 ft.^{2}/ac)
= {1.62 x 10^{-6}/ft.^{2}} (43,560 ft.^{2}/ac)
= 0.07 AA/Acre

Table 5. (Continued)

American Alligator (continued)

FLUCFCS Code 6249 E1

= {2AA/ [28,933 ft. (40 ft. + 40 ft.)]} (43,560 $ft.^2$/ac)
= {2AA/2,321,920 $ft.^2$} (43,560 $ft.^2$/ac)
= {8.61 x 10^{-7}/$ft.^2$} (43,560 $ft.^2$/ac)
= 0.04 AA/Acre

Little Blue Heron

FLUCFCS Code 514

= {1LBHE/ [66,965 ft. (40 ft. + 40 ft.)]} (43,560 $ft.^2$/ac)
= {1LBHE /5,357,520 $ft.^2$} (43,560 $ft.^2$/ac)
= {1.87 x 10^{-7}/$ft.^2$} (43,560 $ft.^2$/ac)
= 0.01 LBHE/Acre

FLUCFCS Code 6419 E1, E4
= {3LBHE/ [68,089 ft. (40 ft. + 40 ft.)]} (43,560 $ft.^2$/ac)
= {3LBHE /5,447,120 $ft.^2$} (43,560 $ft.^2$/ac)
= {5.51 x 10^{-7}/$ft.^2$} (43,560 $ft.^2$/ac)
= 0.02 LBHE/Acre

FLUCFCS Code 6439 E4

= {1LBHE/ [10,550 ft. (40 ft. + 40 ft.)]} (43,560 $ft.^2$/ac)
= {1LBHE /844,000 $ft.^2$} (43,560 $ft.^2$/ac)
= {1.18 x 10^{-6}/$ft.^2$} (43,560 $ft.^2$/ac)
= 0.05 LBHE/Acre

Snowy Egret

FLUCFCS Code 514

= {4SNEG/ [66,965 ft. (40 ft. + 40 ft.)]} (43,560 $ft.^2$/ac)
= {4SNEG/5,357,520 $ft.^2$} (43,560 $ft.^2$/ac)
= {7.47 x 10^{-7}/$ft.^2$} (43,560 $ft.^2$/ac)
= 0.03 SNEG/Acre

Table 5. (Continued)

Tri-Colored Heron

FLUCFCS Code 514

= {2TCHE/ [66,965 ft. (40 ft. + 40 ft.)]} (43,560 $ft.^2$/ac)
= {2TCHE/5,357,520 $ft.^2$} (43,560 $ft.^2$/ac)
= {3.73 x 10^{-7}/$ft.^2$} (43,560 $ft.^2$/ac)
= 0.02 TCHE/Acre

FLUCFCS Code 6249 E3

= {1TCHE/ [10,206 ft. (40 ft. + 40 ft.)]} (43,560 $ft.^2$/ac)
= {1TCHE/817,200 $ft.^2$} (43,560 $ft.^2$/ac)
= {1.22 x 10^{-6}/$ft.^2$} (43,560 $ft.^2$/ac)
= 0.05 TCHE/Acre

FLUCFCS Code 6439 E4

= {1TCHE/ [10,550 ft. (40 ft. + 40 ft.)]} (43,560 $ft.^2$/ac)
= {1TCHE/844,000 $ft.^2$} (43,560 $ft.^2$/ac)
= {1.18 x 10^{-6}/$ft.^2$} (43,560 $ft.^2$/ac)
= 0.05 TCHE/Acre

Crested Caracara

FLUCFCS Code 221

= {3CRCA/ [447,999 ft. (200 ft. + 200 ft.)]} (43,560 $ft.^2$/ac)
= {3CRCA/26,880,840 $ft.^2$} (43,560 $ft.^2$/ac)
= {1.67 x 10^{-8}/$ft.^2$} (43,560 $ft.^2$/ac)
= <0.01 CRCA/Acre

Florida Black Bear Scratch Tree

FLUCFCS Code 6219 E1, E3

= {2BBST/ [231,922 ft. (40 ft. + 40 ft.)]} (43,560 $ft.^2$/ac)
= {2BBST/18,551,680 $ft.^2$} (43,560 $ft.^2$/ac)
= {1.07 x 10^{-7}/$ft.^2$} (43,560 $ft.^2$/ac)
= <0.01 BBST/Acre

Table 6. Lee County Protected Species Survey Summary

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
Reptiles and Amphibians					
American Alligator	514	80	X		0.02
	525	80		X	N/A
	6189 E1* 6189 E3* 6189 E4*	80		X	N/A
	6219 E1 6219 E2 6219 E3 6219 E4	80	X		0.07
	6249 E1*	80	X		0.04
	6309 E1 6309 E2 6309 E3	80		X	N/A
	6411 E1	80		X	N/A
	6412 E1	80		X	N/A
	6419 E1 6419 E2 6419 E3	80		X	N/A
	742*	80		X	N/A
Eastern Indigo Snake	3219 E1 3219 E2 3219 E3	80		X	N/A
	4119 E1 4119 E2 4119 E3	80		X	N/A
	4159 E1*	80		X	N/A
	4221*	80		X	N/A
	4241*	80		X	N/A
	4279 E1 4279 E2	80		X	N/A
	4281 E1	80		X	N/A
	4289 E1 4289 E2	80		X	N/A
Gopher Tortoise	3219 E1 3219 E2 3219 E3	80		X	N/A
	4119 E1 4119 E2 4119 E3	80		X	N/A
	4159 E1*	80		X	N/A

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
Reptiles and Amphibians (Continued)					
Gopher Tortoise (Continued)	4279 E1 4279 E2	80		X	N/A
	740*	80		X	N/A
	743	80		X	N/A
	747*	80		X	N/A
Gopher Frog	3219 E1 3219 E2 3219 E3	80		X	N/A
	4119 E1 4119 E2 4119 E3	80		X	N/A
	4159 E1*	80		X	N/A
	4221*	80		X	N/A
	4241*	80		X	N/A
	6215 E1 6215 E2	80		X	N/A
	6219 E1 6219 E2 6219 E3	80		X	N/A
	6245 E1	80		X	N/A
	6249 E1 6249 E2 6249 E3	80		X	N/A
	6259 E1 6259 E2 6259 E3	80		X	N/A
	6309 E1 6309 E2 6309 E3	80		X	N/A
Birds					
Roseate Spoonbill	514	80		X	N/A
	525	80		X	N/A
	6189 E1* 6189 E3* 6189 E4*	80		X	N/A
Limpkin	4291 E1* 4291 E2* 4291 E3*	80		X	N/A
	514	80		X	N/A
	525	80		X	N/A

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
Birds (Continued)					
Limpkin (Continued)	6179 E1 6179 E2 6179 E3	80		X	N/A
	6219 E1 6219 E2 6219 E3 6219 E4	80		X	N/A
	6309 E1 6309 E2 6309 E3	80		X	N/A
	6411 E1	80		X	N/A
	6412 E1	80		X	N/A
	6419 E1 6419 E2 6419 E3	80		X	N/A
	6439 E1 6439 E2 6439 E3	80		X	N/A
Little Blue Heron	4281 E1	80		X	N/A
	4291 E1* 4291 E2* 4291 E3*	80		X	N/A
	514	80	X		0.01
	525	80		X	N/A
	6179 E1 6179 E2 6179 E3	80		X	N/A
	6189 E1* 6189 E3* 6189 E4*	80		X	N/A
	6219 E1 6219 E2 6219 E3 6219 E4	80		X	N/A
	6249 E1 6249 E2 6249 E3 6249 E4	80		X	N/A

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
Birds (Continued)					
Little Blue Heron (Continued)	6259 E1 6259 E2 6259 E3 6259 E4	80		X	N/A
	6309 E1 6309 E2 6309 E3	80		X	N/A
	6411 E1	80		X	N/A
	6412 E1	80		X	N/A
	6419 E1 6419 E2 6419 E3 6419 E4	80	X		0.02
	6439 E1 6439 E2 6439 E3 6439 E4	80	X		0.05
	7401*	80		X	N/A
Reddish Egret	514	80		X	N/A
	525	80		X	N/A
	6189 E1* 6189 E3* 6189 E4*	80		X	N/A
	6411 E1	80		X	N/A
	6412 E1	80		X	N/A
	6419 E1 6419 E2 6419 E3 6419 E4	80		X	N/A
	6439 E1 6439 E2 6439 E3 6439 E4	80		X	N/A
Snowy Egret	4281 E1	80		X	N/A
	4291 E1* 4291 E2* 4291 E3*	80		X	N/A
	514	80	X		0.03
	525	80		X	N/A

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
Birds (Continued)					
Snowy Egret (Continued)	6179 E1 6179 E2 6179 E3	80		X	N/A
	6189 E1* 6189 E3* 6189 E4*	80		X	N/A
	6219 E1 6219 E2 6219 E3 6219 E4	80		X	N/A
	6249 E1 6249 E2 6249 E3 6249 E4	80		X	N/A
	6259 E1 6259 E2 6259 E3 6259 E4	80		X	N/A
	6309 E1 6309 E2 6309 E3	80		X	N/A
	6411 E1	80		X	N/A
	6412 E1	80		X	N/A
	6419 E1 6419 E2 6419 E3 6419 E4	80		X	N/A
	6439 E1 6439 E2 6439 E3 6439 E4	80		X	N/A
	7401*	80		X	N/A
Tri-Colored Heron	4281 E1	80		X	N/A
	4291 E1* 4291 E2* 4291 E3*	80		X	N/A
	514	80	X		0.02
	525	80		X	N/A

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
Birds (Continued)					
Tri-Colored Heron (Continued)	6179 E1 6179 E2 6179 E3	80		X	N/A
	6189 E1* 6189 E3* 6189 E4*	80		X	N/A
	6219 E1 6219 E2 6219 E3 6219 E4	80		X	N/A
	6249 E1 6249 E2 6249 E3 6249 E4	80	X		0.05
	6259 E1 6259 E2 6259 E3 6259 E4	80		X	N/A
	6309 E1 6309 E2 6309 E3	80		X	N/A
	6411 E1	80		X	N/A
	6412 E1	80		X	N/A
	6419 E1 6419 E2 6419 E3 6419 E4	80		X	N/A
	6439 E1 6439 E2 6439 E3 6439 E4	80	X		0.05
	7401*	80		X	N/A
Florida Sandhill Crane	3219 E1 3219 E2 3219 E3 3219 E4	80		X	N/A
	6411 E1	80		X	N/A
	6412 E1	80		X	N/A

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
Birds (Continued)					
Florida Sandhill Crane (Continued)	6419 E1 6419 E2 6419 E3 6419 E4	80		X	N/A
Wood Stork	221	80		X	N/A
	514	80		X	N/A
	6189 E1* 6189 E3* 6189 E4*	80		X	N/A
	6219 E1 6219 E2 6219 E3 6219 E4	80		X	N/A
	6309 E1 6309 E2 6309 E3	80		X	N/A
	6411 E1	80		X	N/A
	6412 E1	80		X	N/A
	6419 E1 6419 E2 6419 E3 6419 E4	80		X	N/A
	6439 E1 6439 E2 6439 E3 6439 E4	80		X	N/A
	740*	80		X	N/A
	7401*			X	N/A
Brown Pelican	6189 E1* 6189 E3* 6189 E4*	80		X	N/A
Southeastern American Kestrel	3219 E1 3219 E2 3219 E3 3219 E4	80		X	N/A
	4119 E1 4119 E2 4119 E3	80		X	N/A
	4159 E1*	80		X	N/A

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
Birds (Continued)					
Red-Cockaded Woodpecker	4119 E1 4119 E2 4119 E3	80		X	N/A
	4159 E1*	80		X	N/A
Arctic Peregrine Falcon	6215 E1 6215 E2	80		X	N/A
	6219 E1 6219 E2 6219 E3 6219 E4	80		X	N/A
	6249 E1 6249 E2 6249 E3 6249 E4	80		X	N/A
	6259 E1 6259 E2 6259 E3 6259 E4	80		X	N/A
Bald Eagle	4119 E1 4119 E2 4119 E3	80		X	N/A
	4159 E1*	80		X	N/A
	6259 E1 6259 E2 6259 E3 6259 E4	80		X	N/A
Crested Caracara	221*	60	X		<0.01
	3219 E1 3219 E2 3219 E3 3219 E4	80		X	N/A
	4281 E1	80		X	N/A
	4289 E1 4289 E2	80		X	N/A
Everglade Snail Kite	525	80		X	N/A
	6411 E1	80		X	N/A
	6412 E1	80		X	N/A

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
Birds (Continued)					
Everglade Snail Kite (Continued)	6419 E1 6419 E2 6419 E3 6419 E4	80		X	N/A
	6439 E1 6439 E2 6439 E3	80		X	N/A
Mammals					
Everglades Mink	514	80		X	N/A
	525	80		X	N/A
	6215 E1 6215 E2	80		X	N/A
	6219 E1 6219 E2 6219 E3 6219 E4	80		X	N/A
	6259 E1 6259 E2 6259 E3 6259 E4	80		X	N/A
	6309 E1 6309 E2 6309 E3	80		X	N/A
	6411 E1	80		X	N/A
	6412 E1	80		X	N/A
	6419 E1 6419 E2 6419 E3	80		X	N/A
	6439 E1 6439 E2 6439 E3	80		X	N/A
	740*	80		X	N/A
Big Cypress Fox Squirrel	4119 E1 4119 E2 4119 E3	80		X	N/A
	4159 E1*	80		X	N/A
	4241*	80		X	N/A
	6189 E1* 6189 E3* 6189 E4*	80		X	N/A

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
Mammals (Continued)					
Big Cypress Fox Squirrel (Continued)	6215 E1 6215 E2	80		X	N/A
	6219 E1 6219 E2 6219 E3 6219 E4	80		X	N/A
	6245 E1	80		X	N/A
	6249 E1 6249 E2 6249 E3 6249 E4	80		X	N/A
	6259 E1 6259 E2 6259 E3 6259 E4	80		X	N/A
Florida Panther	4119 E1 4119 E2 4119 E3	80		X	N/A
	4159 E1*	80		X	N/A
	4279 E1 4279 E2	80		X	N/A
	4281 E1	80		X	N/A
	4289 E1 4289 E2	80		X	N/A
	4349 E1 4349 E2 4349 E3	80		X	N/A
	6179 E1 6179 E2 6179 E3	80		X	N/A
	6215 E1 6215 E2	80		X	N/A
	6219 E1 6219 E2 6219 E3	80		X	N/A
	6245 E1	80		X	N/A
	6249 E1 6249 E2 6249 E3	80		X	N/A

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
Mammals (Continued)					
Florida Panther (Continued)	6309 E1 6309 E2 6309 E3	80		X	N/A
Florida Black Bear	3219 E1 3219 E2 3219 E3 3219 E4	80		X	N/A
	4119 E1 4119 E2 4119 E3	80		X	N/A
	4159 E1*	80		X	N/A
	4279 E1 4279 E2	80		X	N/A
	4281 E1	80		X	N/A
	4289 E1 4289 E2	80		X	N/A
	6179 E1 6179 E2 6179 E3	80		X	N/A
	6189 E1* 6189 E3* 6189 E4*	80		X	N/A
	6215 E1 6215 E2	80		X	N/A
	6219 E1 6219 E2 6219 E3	80	X		<0.01
	6245 E1	80		X	N/A
	6249 E1 6249 E2 6249 E3 6249 E4	80		X	N/A
	6309 E1 6309 E2 6309 E3	80		X	N/A
Plants					
Curtis Milkweed	3219 E1 3219 E2 3219 E3 3219 E4	80		X	N/A

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
Plants (Continued)					
Beautiful Pawpaw	3219 E1 3219 E2 3219 E3 3219 E4	80		X	N/A
	4119 E1 4119 E2 4119 E3	80		X	N/A
	4159 E1*	80		X	N/A
Fakahatchee Burmania	3219 E1 3219 E2 3219 E3	80		X	N/A
	4119 E1 4119 E2 4119 E3	80		X	N/A
	4159 E1*	80		X	N/A
Satinleaf	4119 E1 4119 E2 4119 E3	80		X	N/A
	4159 E1*	80		X	N/A
Florida Coontie	3219 E1 3219 E2 3219 E3 3219 E4	80		X	N/A
	4119 E1 4119 E2 4119 E3	80		X	N/A
	4159 E1*	80		X	N/A
Simpson's Stopper	4279 E1 4279 E2	80		X	N/A
	4281 E1	80		X	N/A
	4289 E1 4289 E2	80		X	N/A
Hand Adder's Tongue Fern	4279 E1 4279 E2	80		X	N/A
Twisted Air Plant	4279 E1 4279 E2	80		X	N/A
	6189 E1* 6189 E3* 6189 E4*	80		X	N/A

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
Plants (Continued)					
Prickly Apple	6189 E1* 6189 E3* 6189 E4*	80		X	N/A

*This habitat was surveyed for the species indicated as a precautionary measure.

MANAGEMENT PLANS

A Preliminary Indigenous Preserve and Protected Species Management Plan was previously prepared and submitted to the Lee County Department of Environmental Services (DES) for the protected species documented on the Project site. Per Section 10-474 of the Lee County LDC, a final Indigenous Preserve and Protected Species Management Plan will be provided to the Lee County DES prior to the issuance of a Mining Development Order and Mining Operation Permit.

REFERENCES

Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System. Procedure No. 550-010-001-a. Third Edition.

Florida Fish and Wildlife Conservation Commission. 2013. Florida's Endangered Species, Threatened Species, and Species of Special Concern. Official Lists. Florida Fish and Wildlife Conservation Commission. Tallahassee, Florida.

APPENDIX A

AERIAL WITH FLUCFCS AND WETLANDS MAP


LEGEND
NOTES
PASSARELLA & ASSOCIATES
OLD CORKSCREW PLANTATION IPD
AERIAL WITH FLUCCS AND WETLANDS MAP

APPENDIX B

AERIAL WITH FLUCFCS AND WETLANDS, SURVEY TRANSECTS, AND PROTECTED SPECIES LOCATIONS MAP



FLUCFCS CODE	DESCRIPTION	ACREAGE	% OF TOTAL
211	CITRUS GROVE	2746.97 Ac.±	65.3%
5119 E1	PALMETTO PRAIRIE, DISTURBED (0-24% EXOTICS)	1.96 Ac.±	0.0%
5119 E2	PALMETTO PRAIRIE, DISTURBED (25-49% EXOTICS)	9.86 Ac.±	0.0%
5119 E3	PALMETTO PRAIRIE, DISTURBED (50-74% EXOTICS)	4.63 Ac.±	0.0%
5119 E4	PALMETTO PRAIRIE, DISTURBED (75-100% EXOTICS)	9.08 Ac.±	0.0%
6110 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	12.81 Ac.±	0.0%
6110 E1**	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	5.08 Ac.±	0.0%
6110 E2	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	9.74 Ac.±	0.0%
6110 E3	PINE FLATWOODS, DISTURBED (50-74% EXOTICS)	4.86 Ac.±	0.1%
6189 E1	PINE, DISTURBED (0-24% EXOTICS	13.91 Ac.±	0.3%
6191	BRAZILIAN PEPPER, HYDRIC	0.17 Ac.±	0.0%
6541	MELALEUCA, HYDRIC	59.40 Ac.±	0.4%
6219 E1	LIVE OAK, DISTURBED (0-24% EXOTICS)	0.80 Ac.±	0.0%
6219 E1**	LIVE OAK, DISTURBED (0-24% EXOTICS)	1.99 Ac.±	0.0%
6219 E2	LIVE OAK, DISTURBED (25-49% EXOTICS)	0.13 Ac.±	0.0%
6261 E1	CABBAGE PALM, HYDRIC (0-24% EXOTICS)	8.99 Ac.±	0.0%
6261 E1	CABBAGE PALM, DISTURBED (0-24% EXOTICS)	2.99 Ac.±	0.0%
6261 E2	CABBAGE PALM, DISTURBED (25-49% EXOTICS)	1.10 Ac.±	0.0%
628 E1	BAY MYRTLE/WILLOW, HYDRIC (0-24% EXOTICS)	0.23 Ac.±	0.0%
628 E2	BAY MYRTLE/WILLOW, HYDRIC (25-49% EXOTICS)	0.41 Ac.±	0.0%
628 E3	BAY MYRTLE/WILLOW, HYDRIC (50-74% EXOTICS)	0.76 Ac.±	0.0%
6340 E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	7.26 Ac.±	0.0%
6340 E1**	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	1.96 Ac.±	0.0%
6340 E2	HARDWOOD/CONIFER MIXED, DISTURBED (25-49% EXOTICS)	2.18 Ac.±	0.1%
6340 E2**	HARDWOOD/CONIFER MIXED, DISTURBED (25-49% EXOTICS)	0.75 Ac.±	0.0%
6340 E3	HARDWOOD/CONIFER MIXED, DISTURBED (50-74% EXOTICS)	0.31 Ac.±	0.0%
510	DITCH	124.80 Ac.±	3.2%
510*	DITCH	93.16 Ac.±	0.4%
510**	DITCH	0.87 Ac.±	0.0%
520*	SHALLOW POND	0.67 Ac.±	0.0%
6170 E1	MIXED WETLAND HARDWOODS DISTURBED (0-24% EXOTICS)	0.78 Ac.±	0.0%
6170 E2	MIXED WETLAND HARDWOODS DISTURBED (25-49% EXOTICS)	0.07 Ac.±	0.0%
6170 E3	MIXED WETLAND HARDWOODS DISTURBED (50-74% EXOTICS)	0.30 Ac.±	0.0%
6169 E1	WILLOW, DISTURBED (0-24% EXOTICS)	1.90 Ac.±	0.0%
6169 E3	WILLOW, DISTURBED (50-74% EXOTICS)	2.46 Ac.±	0.1%
6169 E4	WILLOW, DISTURBED (75-100% EXOTICS)	0.38 Ac.±	0.0%
621 E2	CYPRESS, DISTURBED AND DRAINED (25-49% EXOTICS)	0.04 Ac.±	0.0%
621 E1	CYPRESS, DISTURBED (0-24% EXOTICS)	496.84 Ac.±	12.8%
621 E2	CYPRESS, DISTURBED (25-49% EXOTICS)	29.84 Ac.±	0.7%
621 E3	CYPRESS, DISTURBED (50-74% EXOTICS)	79.73 Ac.±	1.9%
621 E4	CYPRESS, DISTURBED (75-100% EXOTICS)	7.49 Ac.±	0.2%
6411 E1	CYPRESS-PINE, DISTURBED AND DRAINED (0-24% EXOTICS)	6.14 Ac.±	0.2%
6411 E1	CYPRESS-PINE/CABBAGE PALM DISTURBED (0-24% EXOTICS)	69.42 Ac.±	1.7%
6411 E2	CYPRESS-PINE/CABBAGE PALM DISTURBED (25-49% EXOTICS)	22.67 Ac.±	0.5%
6411 E3	CYPRESS-PINE/CABBAGE PALM, DISTURBED (50-74% EXOTICS)	69.40 Ac.±	0.9%
6411 E4	CYPRESS-PINE/CABBAGE PALM, DISTURBED (75-100% EXOTICS)	0.38 Ac.±	0.0%
6250 E1	PINE, HYDRIC, DISTURBED (0-24% EXOTICS)	7.47 Ac.±	0.2%
6250 E2	PINE, HYDRIC, DISTURBED (25-49% EXOTICS)	1.96 Ac.±	0.0%
6250 E3	PINE, HYDRIC, DISTURBED (50-74% EXOTICS)	3.84 Ac.±	0.1%
6250 E4	PINE, HYDRIC, DISTURBED (75-100% EXOTICS)	0.38 Ac.±	0.0%
6251 E1	MIXED WETLAND FOREST, DISTURBED (0-24% EXOTICS)	9.89 Ac.±	0.2%
6251 E2	MIXED WETLAND FOREST, DISTURBED (25-49% EXOTICS)	9.85 Ac.±	0.2%
6251 E3	MIXED WETLAND FOREST, DISTURBED (50-74% EXOTICS)	4.86 Ac.±	0.1%
6411 E1	FRESHWATER MARSH, SAWGRASS (0-24% EXOTICS)	1.11 Ac.±	0.0%
6412 E1	FRESHWATER MARSH, CATTAIL (0-24% EXOTICS)	10.07 Ac.±	0.3%
6413 E1	FRESHWATER MARSH, DISTURBED (0-24% EXOTICS)	1028.20 Ac.±	24.4%
6413 E2	FRESHWATER MARSH, DISTURBED (25-49% EXOTICS)	2.77 Ac.±	0.1%
6413 E3	FRESHWATER MARSH, DISTURBED (50-74% EXOTICS)	10.98 Ac.±	0.3%
6413 E4	FRESHWATER MARSH, DISTURBED (75-100% EXOTICS)	39.11 Ac.±	0.9%
6250 E1	WET PRAIRIES, DISTURBED (0-24% EXOTICS)	9.16 Ac.±	0.2%
6250 E2	WET PRAIRIES, DISTURBED (25-49% EXOTICS)	0.62 Ac.±	0.0%
6250 E3	WET PRAIRIES, DISTURBED (50-74% EXOTICS)	6.12 Ac.±	0.2%
6250 E4	WET PRAIRIES, DISTURBED (75-100% EXOTICS)	34.22 Ac.±	0.8%
740	DISTURBED LAND	31.40 Ac.±	0.7%
7401	DISTURBED LAND, HYDRIC	15.79 Ac.±	0.4%
742	BORROW AREA	<0.01 Ac.±	0.0%
742*	BORROW AREA	0.23 Ac.±	0.0%
743	SPOIL AREA	8.98 Ac.±	0.2%
742	WATER	116.39 Ac.±	2.8%
7441	DIRT ROAD	6.76 Ac.±	0.1%
814	ELECTRICAL POWER TRANSMISSION LINE, HYDRIC	8.98 Ac.±	0.1%
TOTAL		4203.16 Ac.±	100.0%

* DENOTES FDEP AND COE WETLAND
** DENOTES FDEP ONLY
*** DENOTES COE ISOLATED WETLAND

LEGEND

- FDEP AND COE WETLANDS (1,097.95 Ac.±)
- FDEP WETLANDS AND COE ISOLATED WETLANDS (13.95 Ac.±)
- FDEP "OTHER SURFACE WATERS" AND COE "WATERS OF THE U.S." (7.76 Ac.±)
- FDEP "OTHER SURFACE WATERS" (129.07 AC.±)
- SURVEYED WETLAND LINE

AA	AMERICAN ALLIGATOR
BBST	FLORIDA BLACK BEAR SCRATCH TREE
CACA	CARACARA
LBHE	LITTLE BLUE HERON
SNEG	SNOWY EGRET
TCHE	TRI-COLORED HERON
----	SURVEY TRANSECTS

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF FEBRUARY 2013.

PROPERTY BOUNDARY PER DELISI FITZGERALD DRAWING NO. 2013 IPD.DWG DATED AUGUST 2, 2012.

WETLAND AND SURVEY DITCH LINES PER BANKS ENGINEERING,INC DRAWING NO.3370-JD-SR.DWG DATED FEBRUARY 12, 2009.

SURVEY DITCH LINES PER METRON SURVEYING & MAPPING, LLC DRAWING NO. DITCHES TO BE SURVEY LOCATED 12-03-08.DWG DATED DECEMBER 3, 2008.

FDEP WETLAND AND OSW LINES SHOWN PER FDEP FORMAL WETLAND JURISDICTIONAL DETERMENATION NO.FD-36-0284086-001 ISSUED AUGUST 26, 2009.

COE WETLAND LINES PER JURISDICTIONAL VERIFICATION NO. SAJ-2008-01734 (JD-LBD) ISSUED MARCH 22, 2011.

FLUCFCS LINES ESTIMATED FROM 1"=300' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

REVISIONS	DATE

DRAWN BY	J.I./F.L.
DATE	12/5/08
DESIGNED BY	J.E.
DATE	12/5/08
REVIEWED BY	
DATE	

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PASSARELLA & ASSOCIATES, P.A.

OLD CORKSCREW PLANTATION IPD
AERIAL WITH FLUCFCS AND WETLANDS, SURVEY TRANSECTS, AND PROTECTED SPECIES LOCATIONS MAP

DRAWING No.: 06DAL1616
SHEET No.: APPENDIX B

EXHIBIT I

KINGSTON
LEE COUNTY PROTECTED SPECIES SURVEY

DRAFT

April 2022

Prepared For:

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Project No. 21CCL3707

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1.0 INTRODUCTION

This report documents the Lee County Protected Species Survey conducted by Passarella & Associates, Inc. (PAI) at Kingston (Project). Protected species were also documented during other fieldwork on the Project site. The protected species survey was conducted to meet the requirements of the Lee County Land Development Code (LDC) Chapter 10, Article III, Division 8 (Protection of Habitat) Standards.

The Project totals 6,676.72± acres and is located in Sections 2, 3, 10, 11, 14, 15, 23-26, 34-36; Township 46 South; Range 27 East; and Sections 34 and 35; Township 45 South; Range 27 East; Lee County. This report is for the southern portion of the Project site which totals 2,664.75± acres and is located in Sections 23-26, and 34-36; Township 46 South; Range 27 East; Lee County (Figure 1). The Lee County Protected Species Survey Report for the northern portion of the Project site, formerly known as Old Corkscrew Plantation IPD, is provided under a separate cover.

The majority of the site currently supports active citrus grove and other agricultural operations, while the remainder of the site contains native vegetation with varying amounts of disturbance and exotic vegetation (Appendix A). The surrounding land uses include single-family home sites to the north; Corkscrew Regional Ecosystem Watershed (CREW) lands to the south; CREW lands, single-family home sites, and a segment of Corkscrew Road to the east; and mining and agricultural uses to the west. Additionally, an east-west segment of Corkscrew Road bisects the property before it turns and heads north.

2.0 LAND USES AND VEGETATION ASSOCIATIONS

Vegetation and land cover mapping for the Project was conducted using a Lee County 2020 rectified aerial (Appendix A). Groundtruthing of the vegetative communities was conducted by PAI in February 2022 utilizing the Florida Land Use, Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation 1999). Level IV FLUCFCS was utilized to denote disturbance and hydrologic conditions. "E" codes were used to identify levels of exotic and invasive vegetation (e.g., Brazilian pepper (*Schinus terebinthifolia*), melaleuca (*Melaleuca quinquenervia*), West Indian marsh grass (*Hymenachne amplexicaulis*), Wright's nutrush (*Scleria lacustris*), and torpedograss (*Panicum repens*)). AutoCAD 3D 2021 software was used to determine the acreage of each mapping area, produce summaries, and generate the FLUCFCS map for the Project (Appendix A). A total of 52 vegetative and land cover types (i.e., FLUCFCS codes) were identified within the Project area. Table 1 provides the breakdown of the FLUCFCS codes by acreage for the Project, and a description of each of the classifications follows.

Table 1. Vegetative and Land Cover Types by FLUCFCS Code

FLUCFCS Code	Description	Acreage	Percent Total
221	Citrus Grove	2,099.36	78.8
224	Abandoned Groves	145.52	5.5
262	Low Pasture, Hydric	13.35	0.5

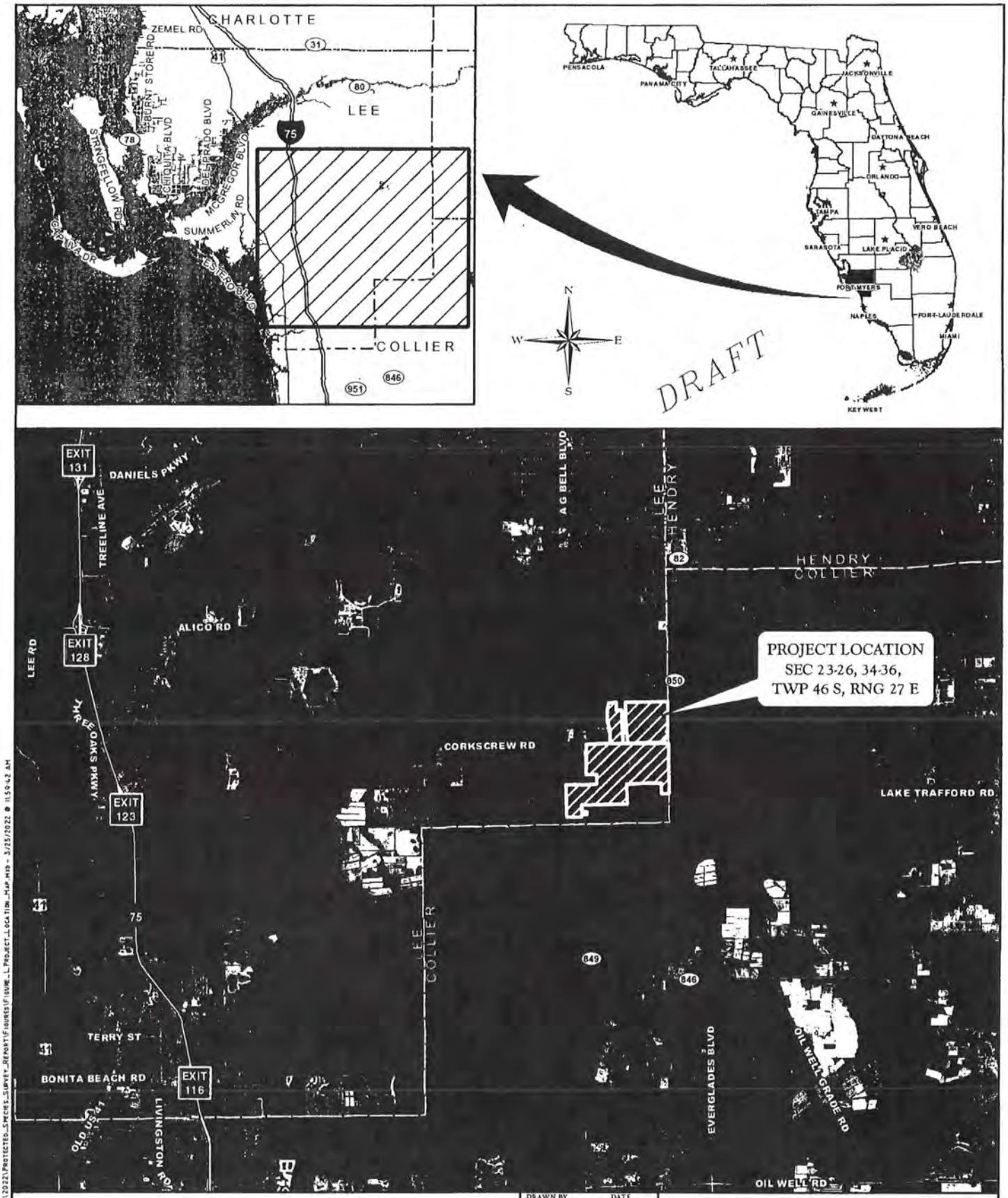


FIGURE 1. PROJECT LOCATION MAP
KINGSTON

DRAWN BY	DATE
T.S.	03/14/22
REVIEWED BY	DATE
S.J.	03/14/22
REVISED	DATE

PASSARELLA & ASSOCIATES

Table 1. (Continued)

FLUCFCS Code	Description	Acreage	Percent Total
3219 E1	Palmetto Prairie, Disturbed (0-24% Exotics)	4.98	0.2
3219 E2	Palmetto Prairie, Disturbed (25-49% Exotics)	0.61	<0.1
3219 E3	Palmetto Prairie, Disturbed (50-75% Exotics)	3.07	0.1
4119 E2	Pine Flatwoods, Disturbed (25-49% Exotics)	3.30	0.1
4119 E3	Pine Flatwoods, Disturbed (50-75% Exotics)	18.94	0.7
4119 E4	Pine Flatwoods, Disturbed (76-100% Exotics)	0.81	<0.1
4159 E2	Pine, Disturbed (25-49% Exotics)	0.40	<0.1
4159 E3	Pine, Disturbed (50-75% Exotics)	0.33	<0.1
4159 E4	Pine, Disturbed (76-100% Exotics)	0.24	<0.1
422	Brazilian Pepper	3.69	0.1
4221	Brazilian Pepper, Hydric	1.32	<0.1
4289 E4	Cabbage Palm, Disturbed (76-100% Exotics)	1.74	0.1
4299 E2	Wax Myrtle, Disturbed (25-49% Exotics)	2.05	0.1
4299 E3	Wax Myrtle, Disturbed (50-75% Exotics)	7.81	0.3
4299 E4	Wax Myrtle, Disturbed (76-100% Exotics)	9.33	0.3
4349 E3	Hardwood/Conifer Mixed, Disturbed (50-75% Exotics)	2.13	0.1
4349 E4	Hardwood/Conifer Mixed, Disturbed (76-100% Exotics)	5.17	0.2
514	Drainage Canal/Ditch	126.12	4.7
514 H	Drainage Canal/Ditch, Hydric	0.25	<0.1
533	Reservoirs (<10 Acres but >100 Acres)	47.96	1.8
6179 E2	Mixed Wetland Hardwoods, Disturbed (25-49% Exotics)	0.74	<0.1
6189 E1	Willow/Pop Ash, Disturbed (0-24% Exotics)	0.28	<0.1
6189 E2	Willow/Pop Ash, Disturbed (25-49% Exotics)	0.25	<0.1
6189 E3	Willow/Pop Ash, Disturbed (50-75% Exotics)	5.29	0.2
6189 E4	Willow/Pop Ash, Disturbed (76-100% Exotics)	11.16	0.4
6215 E1	Cypress, Disturbed and Drained (0-24% Exotics)	0.08	<0.1
6215 E3	Cypress, Disturbed and Drained (50-75% Exotics)	0.07	<0.1
6215 E4	Cypress, Disturbed and Drained (76-100% Exotics)	4.75	0.2
6219 E2	Cypress, Disturbed (25-49% Exotics)	2.11	0.1
6219 E3	Cypress, Disturbed (50-75% Exotics)	17.80	0.7
6219 E4	Cypress, Disturbed (76-100% Exotics)	1.43	0.1
6249 E2	Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics)	1.12	<0.1
6259 E2	Pine, Hydric, Disturbed (25-49% Exotics)	0.81	<0.1
6259 E3	Pine, Hydric, Disturbed (50-75% Exotics)	0.52	<0.1
6259 E4	Pine, Hydric, Disturbed (76-100% Exotics)	1.07	<0.1
6309 E2	Mixed Wetland Forest, Disturbed (25-49% Exotics)	1.72	0.1
6309 E3	Mixed Wetland Forest, Disturbed (50-75% Exotics)	1.94	0.1
6309 E4	Mixed Wetland Forest, Disturbed (76-100% Exotics)	3.33	0.1
6419 E2	Freshwater Marsh, Disturbed (25-49% Exotics)	0.05	<0.1
6419 E3	Freshwater Marsh, Disturbed (50-75% Exotics)	7.31	0.3
6419 E4	Freshwater Marsh, Disturbed (76-100% Exotics)	1.12	<0.1

Table 1. (Continued)

FLUCFCS Code	Description	Acreage	Percent Total
6439 E1	Wet Prairies, Disturbed (0-24% Exotics)	0.05	<0.1
6439 E3	Wet Prairies, Disturbed (50-75% Exotics)	0.33	<0.1
740	Disturbed Land	51.18	1.9
7401	Disturbed Land, Hydric	10.33	0.4
742	Borrow Area	0.05	<0.1
743	Spoil Area	0.59	<0.1
747	Dikes and Levees (Berm)	40.55	1.5
814	Road	0.24	<0.1
Total		**2,664.75**	**100.0**

Citrus Grove (FLUCFCS Code 221)
This upland agricultural use contains active citrus trees in the canopy and sub-canopy. The ground cover contains sod grass (*Poaceae* sp.), Florida tasselflower (*Emilia fosbergii*), beggar-tick (*Bidens alba*), water pennywort (*Hydrocotyle umbellata*), thistle (*Cirsium* sp.), wild balsam apple (*Momordica charantia*), ragweed (*Ambrosia* sp.), lantana (*Lantana camara*), caesarweed (*Urena lobata*), torpedograss, and widely scattered Peruvian primrose willow (*Ludwigia peruviana*).

Abandoned Groves (FLUCFCS Code 224)
The canopy of this upland agricultural use is comprised of cabbage palm (*Sabal palmetto*). The sub-canopy contains cabbage palm, and Brazilian pepper. The ground cover includes bahiagrass (*Paspalum notatum*), spermacoce (*Spermacoce verticillata*), carpetgrass (*Axonopus* sp.), smutgrass (*Sporobolus indicus*), dog fennel (*Eupatorium capillifolium*), Mexican clover (*Richardia brasiliensis*), common ragweed (*Ambrosia artemisiifolia*), digit grass (*Digitaria* sp.), Bermuda grass (*Cynodon dactylon*), and broomsedge (*Andropogon virginicus*).

Low Pasture, Hydric (FLUCFCS Code 262)
The canopy of this disturbed wetland habitat type contains widely scattered cabbage palm. The sub-canopy is comprised of widely scattered cabbage palm, Brazilian pepper, and wax myrtle (*Morella cerifera*). The ground cover includes torpedograss, spermacoce, water pennywort, fogfruit (*Phyla nodiflora*), dog fennel, and dotted smartweed (*Persicaria punctata*).

Palmetto Prairie, Disturbed (0-24% Exotics) (FLUCFCS Code 3219 E1)
This canopy of this habitat type contains widely scattered melaleuca and scattered slash pine (*Pinus elliottii*). The sub-canopy is dominated by saw palmetto (*Serenoa repens*), staggerbush (*Lyonia fruticose*), gallberry (*Ilex glabra*), and scattered wax myrtle and Brazilian pepper. The ground cover is dominated by saw palmetto, pennyroyal (*Piloblephis rigida*), shiny blueberry (*Vaccinium myrsinites*), and wiregrass (*Aristida stricta*).

Palmetto Prairie, Disturbed (25-49% Exotics) (FLUCFCS Code 3219 E2)
This habitat type is similar to that of FLUCFCS Code 3219 E1, except with higher concentrations of Brazilian pepper in the sub-canopy.

Palmetto Prairie, Disturbed (50-75% Exotics) (FLUCFCS Code 3219 E3)
This habitat type is similar to that of FLUCFCS Code 3219 E2, except with higher concentrations of Brazilian pepper in the sub-canopy.

Pine Flatwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 4119 E2)
This canopy of this habitat type contains slash pine, cabbage palm, Brazilian pepper, and scattered melaleuca. The sub-canopy contains slash pine, cabbage palm, myrsine (*Myrsine cubana*), scattered wax myrtle, melaleuca, and Brazilian pepper. The ground cover includes saw palmetto, wax myrtle, caesarweed, wiregrass, Old World climbing fern (*Lygodium microphyllum*), blackberry (*Rubus* sp.), ragweed, melaleuca, and Brazilian pepper.

Pine Flatwoods, Disturbed (50-75% Exotics) (FLUCFCS Code 4119 E3)
This habitat type is similar to that of FLUCFCS Code 4119 E2, except with higher concentrations of Brazilian pepper and Old World climbing fern in the sub-canopy.

Pine Flatwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 4119 E4)
This habitat type is similar to that of FLUCFCS Code 4119 E3, except with higher concentrations of Brazilian pepper and Old World climbing fern in the canopy and sub-canopy.

Pine, Disturbed (25-49% Exotics) (FLUCFCS Code 4159 E2)
The canopy of this habitat type is dominated by slash pine. The sub-canopy contains slash pine and scattered Brazilian pepper. The ground cover contains pineland heliotrope (*Heliotropium polyphyllum*), wax myrtle, caesarweed, wiregrass, blackberry, ragweed, melaleuca, and Brazilian pepper.

Pine, Disturbed (50-75% Exotics) (FLUCFCS Code 4159 E3)
This habitat type is similar to that of FLUCFCS Code 4159 E2, except with higher concentrations of Brazilian pepper in the sub-canopy.

Pine, Disturbed (76-100% Exotics) (FLUCFCS Code 4159 E4)
This habitat type is similar to that of FLUCFCS Code 4159 E3, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Brazilian Pepper (FLUCFCS Code 422)
This habitat type is dominated by Brazilian pepper in the canopy and sub-canopy. The ground cover is mostly open.

Brazilian Pepper, Hydric (FLUCFCS Code 4221)
This disturbed wetland habitat type is dominated by Brazilian pepper in the canopy and sub-canopy. The ground cover is mostly open.

Cabbage Palm, Disturbed (76-100% Exotics) (FLUCFCS Code 4289 E4)
The canopy of this habitat type is dominated by cabbage palm, Brazilian pepper, and scattered laurel oak (*Quercus laurifolia*). The sub-canopy contains saw palmetto, wax myrtle, cabbage palm, melaleuca, and Brazilian pepper. The ground cover includes saw palmetto and scattered swamp fern (*Telmatoblechnum serrulatum).*

Wax Myrtle, Disturbed (25-49% Exotics) (FLUCFCS Code 4299 E2)
The canopy of this habitat type contains cabbage palm, Brazilian pepper, and scattered laurel oaks. The sub-canopy contains cabbage palm, Brazilian pepper, wax myrtle, laurel oak, saltbush (*Baccharis halimifolia*), slash pine, and myrsine. The ground cover includes blackberry, caesarweed, fogfruit, cogon grass (*Imperata cylindrica*), broomsedge, and bushy bluestem (*Andropogon glomeratus*).

Wax Myrtle, Disturbed (50-75% Exotics) (FLUCFCS Code 4299 E3)
This habitat type is similar to that of FLUCFCS Code 4299 E2, except with higher concentrations of Brazilian pepper in the sub-canopy.

Wax Myrtle, Disturbed (76-100% Exotics) (FLUCFCS Code 4299 E4)
This habitat type is similar to that of FLUCFCS Code 4299 E3, except with higher concentrations of Brazilian pepper in the sub-canopy.

Hardwood/Conifer Mixed, Disturbed (50-75% Exotics) (FLUCFCS Code 4349 E3)
The canopy of this habitat type contains slash pine, cabbage palm, laurel oak, live oak (*Quercus virginiana*), and scattered melaleuca. The sub-canopy contains slash pine, cabbage palm, laurel oak, live oak, and Brazilian pepper. The ground cover includes saw palmetto, cabbage palm, laurel oak, water pennywort, spermacoce, bahiagrass, bracken fern (*Pteridium aquilinum*), and scattered swamp fern.

Hardwood/Conifer Mixed, Disturbed (76-100% Exotics) (FLUCFCS Code 4349 E4)
This disturbed upland habitat type is similar to that of FLUCFCS Code 4349 E3, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Drainage Canal/Ditch (FLUCFCS Code 514)
The canopy is open. The sub-canopy along the banks and within the ditches contains Carolina willow (*Salix caroliniana*), Peruvian primrose willow, Brazilian pepper, and wax myrtle. The ground cover contains water spangles (*Salvinia minima*), pickerelweed (*Pontederia cordata*), maidencane (*Panicum hemitomon*), cattail (*Typha* sp.), torpedograss, dotted smartweed, red ludwigia (*Ludwigia repens*), and fogfruit.

Drainage Canal/Ditch, Hydric (FLUCFCS Code 514H)
This land use contains vegetation similar to FLUCFCS Code 514, but is contained within a wetland.

Reservoirs (<10 Acres but >100 Acres) (FLUCFCS Code 533)
This land use type is utilized for water retention.

Mixed Wetland Hardwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 6179 E2)
The canopy of this wetland habitat type contains laurel oak, swamp bay (*Persea palustris*), cabbage palm, bald cypress (*Taxodium distichum*), and melaleuca. The sub-canopy is comprised of cabbage palm, dahoon holly (*Ilex cassine*), myrsine, and Brazilian pepper. The ground cover contains swamp fern and widely scattered saw palmetto.

Willow/Pop Ash, Disturbed (0-24% Exotics) (FLUCFCS Code 6189 E1)
The canopy of this wetland habitat type contains scattered Carolina willow, bald cypress, and red maple (*Acer rubrum*). The sub-canopy is comprised of Carolina willow, bald cypress, and scattered Peruvian primrose willow, melaleuca, pond apple (*Annona glabra*), and Brazilian pepper. The ground cover contains maidencane, sawgrass (*Cladium jamaicense*), leather fern (*Acrostichum* sp.), water pennywort, Asiatic pennywort (*Centella asiatica*), and spikerush (*Eleocharis* sp.), Old World climbing fern, and scattered fireflag (*Thalia geniculata*).

Willow/Pop Ash, Disturbed (25-49% Exotics) (FLUCFCS Code 6189 E2)
This wetland habitat type is similar to that of FLUCFCS Code 6189 E1, except with higher concentrations of Peruvian primrose willow, and Brazilian pepper in the sub-canopy.

Willow/Pop Ash, Disturbed (50-75% Exotics) (FLUCFCS Code 6189 E3)
This wetland habitat type is similar to that of FLUCFCS Code 6189 E2, except with higher concentrations of Peruvian primrose willow, and Brazilian pepper in the sub-canopy.

Willow/Pop Ash, Disturbed (76-100% Exotics) (FLUCFCS Code 6189 E4)
This wetland habitat type is similar to that of FLUCFCS Code 6189 E3, except with higher concentrations of Peruvian primrose willow and Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed and Drained (0-24% Exotics) (FLUCFCS Code 6215 E1)
The canopy of this habitat type contains bald cypress, scattered live oak, and cabbage palm. The sub-canopy contains Brazilian pepper, cabbage palm, and wax myrtle. The ground cover contains caesarweed, Boston fern (*Nephrolepis exaltata*), smutgrass, ragweed, beggar-tick, flatsedge (*Cyperus ligularis*), dog fennel, and muscadine grapevine (*Vitis rotundifolia*).

Cypress, Disturbed and Drained (50-75% Exotics) (FLUCFCS Code 6215 E3)
This habitat type is similar to FLUCFCS Code 6215 E1, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed and Drained (76-100% Exotics) (FLUCFCS Code 6215 E4)
This habitat type is similar to FLUCFCS Code 6215 E3, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed (0-24% Exotics) (FLUCFCS Code 6219 E1)
The canopy of this wetland habitat type is comprised of bald cypress, melaleuca, cabbage palm, strangler fig (*Ficus aurea*), laurel oak, scattered red maple, Brazilian pepper, and scattered slash pine. The sub-canopy contains bald cypress, cabbage palm, wax myrtle, dahoon holly, pond apple, myrsine, scattered red maple, Brazilian pepper, and scattered melaleuca. The ground cover contains swamp fern, Asiatic pennywort, saltbush, bog-hemp (*Boehmeria cylindrica*), wax myrtle, cabbage palm, rosy camphorweed (*Pluchea baccharis*), cocoplum (*Chrysobalanus icaco*), spikerush, pickerelweed, maidencane, torpedograss, saw palmetto, panicum (*Panicum* sp.), sawgrass, widely scattered cattail, morning glory (*Ipomoea* sp.), climbing hempvine (*Mikania scandens*), greenbrier (*Smilax* sp.), and muscadine grapevine.

Cypress, Disturbed (25-49% Exotics) (FLUCFCS Code 6219 E2)
This wetland habitat type is similar to that of FLUCFCS Code 6219 E1, except with higher concentrations of melaleuca and Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed (50-75% Exotics) (FLUCFCS Code 6219 E3)
This wetland habitat type is similar to that of FLUCFCS Code 6219 E2, except with higher concentrations of melaleuca and Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed (76-100% Exotics) (FLUCFCS Code 6219 E4)
This wetland habitat type is similar to that of FLUCFCS Code 6219 E3, except with higher concentrations of melaleuca, Old World climbing fern, and Brazilian pepper in the canopy and sub-canopy.

Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics) (FLUCFCS Code 6249 E2)
The canopy of this wetland habitat type contains slash pine, bald cypress, cabbage palm, and scattered melaleuca. The sub-canopy contains slash pine, bald cypress, cabbage palm, myrsine, scattered melaleuca, and scattered Brazilian pepper. The ground cover contains swamp fern, Asiatic pennywort, cabbage palm, wiregrass, melaleuca, torpedograss, maidencane, gulfdune paspalum (*Paspalum monostachyum*), wax myrtle, beaksedge (*Rhynchospora* sp.), corkwood (*Stillingia aquatica*), and widely scattered saw palmetto.

Pine, Hydric, Disturbed (25-49% Exotics) (FLUCFCS Code 6259 E2)
The canopy of this wetland habitat type is comprised of slash pine, cabbage palm and widely scattered melaleuca. The sub-canopy contains slash pine, wax myrtle, cabbage palm, scattered Brazilian pepper, and widely scattered melaleuca. The ground cover includes wiregrass, torpedograss, ragweed, swamp fern, little blue maidencane (*Amphicarpum muehlenbergianum*), caesarweed, fogfruit, rosy camphorweed, Asiatic pennywort, Brazilian pepper, tickseed (*Coreopsis* sp.), pineland heliotrope, climbing hempvine, muscadine grapevine, and scattered saw palmetto.

Pine, Hydric, Disturbed (50-75% Exotics) (FLUCFCS Code 6259 E3)
This wetland habitat type is similar to that of FLUCFCS Code 6259 E2, but with higher concentrations of melaleuca in the canopy and sub-canopy.

Pine, Hydric, Disturbed (76-100% Exotics) (FLUCFCS Code 6259 E4)
This wetland habitat type is similar to that of FLUCFCS Code 6259 E3, but with higher concentrations of melaleuca in the canopy and sub-canopy.

Mixed Wetland Forest, Disturbed (25-49% Exotics) (FLUCFCS Code 6309 E2)
The canopy of this wetland habitat type contains red maple, bald cypress, and laurel oak. The sub-canopy consists of red maple, bald cypress, laurel oak, myrsine, wax myrtle, Brazilian pepper, swamp bay, and cabbage palm. The ground cover includes swamp fern, tickseed, cocoplum, red maple, maidencane, cinnamon fern (*Osmunda cinnamomea*), rosy camphorweed, climbing hempvine, muscadine grapevine, and cabbage palm.

Mixed Wetland Forest, Disturbed (50-75% Exotics) (FLUCFCS Code 6309 E3)
This wetland habitat type is similar to that of FLUCFCS Code 6309 E2, but with higher concentrations of Brazilian pepper in the sub-canopy.

Mixed Wetland Forest, Disturbed (76-100% Exotics) (FLUCFCS Code 6309 E4)
This wetland habitat type is similar to that of FLUCFCS Code 6309 E3, but with higher concentrations of Brazilian pepper in the sub-canopy.

Freshwater Marsh, Disturbed (25-49% Exotics) (FLUCFCS Code 6419 E2)
This wetland habitat type contains scattered cypress and widely scattered melaleuca in the canopy. The sub-canopy contains scattered cypress, widely scattered Carolina willow, cabbage palm, Peruvian primrose willow, and pond apple. The ground cover contains sawgrass, maidencane, corkwood, swamp fern, shield fern (*Thelypteris dentata*), dotted smartweed, spikerush, arrowhead (*Sagittaria lancifolia*), pickerelweed, fireflag, cattail, and torpedograss.

Freshwater Marsh, Disturbed (50-75% Exotics) (FLUCFCS Code 6419 E3)
This wetland habitat type is similar to that of FLUCFCS Code 6419 E2, but with higher densities of torpedograss in the ground cover.

Freshwater Marsh, Disturbed (76-100% Exotics) (FLUCFCS Code 6419 E4)
This wetland habitat type is similar to that of FLUCFCS Code 6419 E3, but with higher densities of torpedograss in the ground cover.

Wet Prairies, Disturbed (0-24% Exotics) (FLUCFCS Code 6439 E1)
The canopy of this wetland habitat type contains widely scattered slash pine and cypress. The sub-canopy is comprised of wax myrtle and widely scattered bald cypress. The ground cover contains panicum, wax myrtle, fogfruit, sand cordgrass (*Spartina bakeri*), gulfdune paspalum, corkwood, maidencane, wiregrass, bushy bluestem, rosy camphorweed, and scattered sawgrass.

Wet Prairies, Disturbed (50-75% Exotics) (FLUCFCS Code 6439 E3)
This wetland habitat type is similar to that of FLUCFCS Code 6439 E1, but with melaleuca in the canopy and sub-canopy, and higher densities of torpedograss in the ground cover.

Disturbed Land (FLUCFCS Code 740)
The canopy of this upland habitat type is comprised of scattered slash pine and cabbage palm. The sub-canopy contains scattered slash pine, Brazilian pepper, and wax myrtle. The ground cover contains sod grass, dog fennel, beggar-tick, crowfoot grass (*Dactyloctenium aegyptium*), wild balsam apple, bahiagrass, lantana, caesarweed, rose natalgrass (*Rhynchelytrum repens*), and scattered saw palmetto.

Disturbed Land, Hydric (FLUCFCS Code 7401)
The canopy of this disturbed wetland habitat type includes scattered slash pine, cabbage palm, and Brazilian pepper. The sub-canopy contains scattered wax myrtle, melaleuca, Peruvian primrose willow, Brazilian pepper, and bald cypress. The ground cover contains cattail, torpedograss, maidencane, little blue maidencane, Asiatic pennywort, slash pine, climbing hempvine, spermacoce, water pennywort, dog fennel, and Peruvian primrose willow.

Borrow Area (FLUCFCS Code 742)
This "other surface water" contains minimal vegetation. The borrow area appears to have been created to acquire fill for a berm connecting two adjacent citrus groves.

Spoil Area (FLUCFCS Code 743)
The canopy and sub-canopy of this land use are open. The ground cover contains caesarweed, dog fennel, ragweed, and bahiagrass.

Dikes and Levees (Berm) (FLUCFCS Code 747)
The canopy and sub-canopy of this land use are predominantly open with widely scattered Brazilian pepper. The ground cover contains ragweed, Florida tasselflower, rose natalgrass, lantana, beggar-tick, bahiagrass, caesarweed, and dog fennel.

Road (FLUCFCS Code 814)
This land use type includes unvegetated paved roadways.

3.0 METHODOLOGY AND DISCUSSION

Surveys for Lee County protected species are based on the presence of specific vegetation associations and habitat types, as outlined in the LDC. The frequency of transects performed in these habitats was designed to meet the 80 percent minimum coverage requirement, per the LDC. Table 2 outlines those protected species that may inhabit or utilize particular vegetation associations according to the LDC.

Table 2. Potential Lee County Protected Species by Habitat Type

FLUCFCS Code	Description	Potential Protected Species
221*	Citrus Groves	Gopher tortoise (*Gopherus polyphemus*)
		Burrowing owl (*Athene cunicularia floridana*)
		Crested caracara (*Caracara* cheriway)
		Florida sandhill crane (*Grus canadensis pratensis*)
		Little blue heron (*Egretta caerulea*)
		Snowy egret (*Egretta thula*)
		Wood stork (*Mycteria americana*)
		Florida panther (*Puma concolor coryi*)
224*	Abandoned Groves	Gopher tortoise (*Gopherus polyphemus*)
		Burrowing owl (*Athene cunicularia floridana*)
		Crested caracara (Caracara cheriway)
		Florida sandhill crane (*Grus canadensis pratensis*)
		Florida panther (*Puma concolor coryi*)
262*	Low Pasture, Hydric	American alligator (*Alligator mississippiensis*)
		Florida sandhill crane (*Grus canadensis pratensis*)
		Limpkin (*Aramus guarauna*)
		Little blue heron (*Egretta caerulea*)

Table 2. (Continued)

FLUCFCS Code	Description	Potential Protected Species
262*	Low Pasture, Hydric (Continued)	Reddish egret (*Egretta rufescens*)
		Roseate spoonbill (*Platalea ajaja*)
		Snail kite (*Rostrhamus sociabilis*)
		Snowy egret (*Egretta thula*)
		Tri-colored heron (*Egretta tricolor*)
		Wood stork (*Mycteria americana*)
		Everglades mink (*Mustela vison evergladensis*)
3219 E1 3219 E2 3219 E3	Palmetto Prairie, Disturbed (0-75% Exotics)	Eastern indigo snake (*Drymarchon corais couperi*)
		Gopher frog (*Rana capito*)
		Gopher tortoise (*Gopherus polyphemus*)
		Crested caracara (*Caracara cheriway*)
		Florida sandhill crane (*Grus canadensis pratensis*)
		Southeastern American kestrel (*Falco sparverius paulus*)
		Florida black bear (*Ursus americanus floridanus*)
		Florida panther (*Puma concolor coryi*)
		Beautiful pawpaw (*Deeringothamnus pulchellus*)
		Curtis milkweed (*Asclepias curtissii*)
		Fakahatchee burmania (*Burmania flava*)
		Florida coontie (*Zamia floridana*)
4119 E2 4119 E3 4119 E4*	Pine Flatwoods, Disturbed (25-100% Exotics)	Eastern indigo snake (*Drymarchon corais couperi*)
		Gopher frog (*Rana capito*)
		Gopher tortoise (*Gopherus polyphemus*)
		Red-cockaded woodpecker (*Picoides borealis*)
		Southeastern American kestrel (*Falco sparverius paulus*)
		Big Cypress fox squirrel (*Sciurus niger avicennia*)
		Florida black bear (*Ursus americanus floridanus*)
		Florida panther (*Puma concolor coryi*)
		Beautiful pawpaw (*Deeringothamnus pulchellus*)
		Fakahatchee burmania (*Burmania flava*)
		Florida coontie (*Zamia floridana*)
		Satinleaf (*Chrysophyllum oliviforme*)
4159 E2 4159 E3 4159 E4*	Pine, Disturbed (25-100% Exotics)	Eastern indigo snake (*Drymarchon corais couperi*)
		Gopher frog (*Rana capito*)
		Gopher tortoise (*Gopherus polyphemus*)
		Red-cockaded woodpecker (*Picoides borealis*)
		Southeastern American kestrel (*Falco sparverius paulus*)

Table 2. (Continued)

FLUCFCS Code	Description	Potential Protected Species
4159 E2 4159 E3 4159 E4*	Pine, Disturbed (25-100% Exotics) (Continued)	Big Cypress fox squirrel (*Sciurus niger avicennia*)
		Florida black bear (*Ursus americanus floridanus*)
		Florida panther (*Puma concolor coryi*)
422*	Brazilian Pepper	Florida black bear (*Ursus americanus floridanus*)
4221*	Brazilian Pepper, Hydric	Florida black bear (*Ursus americanus floridanus*)
4289 E4	Cabbage Palm, Disturbed (76-100% Exotics)	Eastern indigo snake (*Drymarchon corais couperi*)
		Crested caracara (*Caracara cheriway*)
		Florida black bear (*Ursus americanus floridanus*)
		Florida panther (*Puma concolor coryi*)
		Simpson's Stopper (*Myrcianthes fragrans* var. *simpsonii*)
4299 E2 4299 E3 4299 E4*	Wax Myrtle, Disturbed (25-100% Exotics)	Eastern indigo snake (*Drymarchon corais couperi*)
		Gopher frog (*Rana capito*)
		Gopher tortoise (*Gopherus polyphemus*)
		Southeastern American kestrel (*Falco sparverius paulus*)
		Big Cypress fox squirrel (*Sciurus niger avicennia*)
		Florida black bear (*Ursus americanus floridanus*)
		Florida panther (*Puma concolor coryi*)
4349 E3 4349 E4*	Hardwood/Conifer Mixed, Disturbed (50-100% Exotics)	Gopher frog (*Rana capito*)
		Gopher tortoise (*Gopherus polyphemus*)
		Big Cypress fox squirrel (*Sciurus niger avicennia*)
		Florida black bear (*Ursus americanus floridanus*)
		Florida panther (*Puma concolor coryi*)
514*	Drainage Canal/Ditch	American alligator (*Alligator mississippiensis*)
		Least tern (*Sterna antillarum*)
		Limpkin (*Aramus guarauna*)
		Little blue heron (*Egretta caerulea*)
		Reddish egret (*Egretta rufescens*)
		Roseate spoonbill (*Platalea ajaja*)
		Snail kite (*Rostrhamus sociabilis*)
		Snowy egret (*Egretta thula*)
		Tri-colored heron (*Egretta tricolor*)
		Wood stork (*Mycteria americana*)
		Big Cypress fox squirrel (*Sciurus niger avicennia*)
		Everglades mink (*Mustela vison evergladensis*)
514H*	Drainage Canal/Ditch, Hydric	American alligator (*Alligator mississippiensis*)
		Least tern (*Sterna antillarum*)
		Limpkin (*Aramus guarauna*)
		Little blue heron (*Egretta caerulea*)
		Reddish egret (*Egretta rufescens*)

Table 2. (Continued)

FLUCFCS Code	Description	Potential Protected Species
514H*	Drainage Canal/Ditch, Hydric (Continued)	Roseate spoonbill (*Platalea ajaja*)
		Snail kite (*Rostrhamus sociabilis*)
		Snowy egret (*Egretta thula*)
		Tri-colored heron (*Egretta tricolor*)
		Wood stork (*Mycteria americana*)
		Everglades mink (*Mustela vison evergladensis*)
533*	Reservoirs (<10 Acres but >100 Acres)	Gopher tortoise (*Gopherus polyphemus*)
		Burrowing owl (*Athene cunicularia floridana*)
		Crested caracara (*Caracara cheriway*)
6179 E2	Mixed Wetland Hardwoods, Disturbed (25-49% Exotics)	Limpkin (*Aramus guarauna*)
		Little blue heron (*Egretta caerulea*)
		Snowy egret (*Egretta thula*)
		Tri-colored heron (*Egretta tricolor*)
		Big Cypress fox squirrel (*Sciurus niger avicennia*)
		Everglades mink (*Mustela vison evergladensis*)
		Florida black bear (*Ursus americanus floridanus*)
		Florida panther (*Puma concolor coryi*)
		Twisted air plant (*Tillandsia flexuosa*)
6189 E1 6189 E2 6189 E3 6189 E4*	Willow/Pop Ash, Disturbed (0-100% Exotics)	Limpkin (*Aramus guarauna*)
		Little blue heron (*Egretta caerulea*)
		Snowy egret (*Egretta thula*)
		Tri-colored heron (*Egretta tricolor*)
		Wood stork (*Mycteria americana*)
		Big Cypress fox squirrel (*Sciurus niger avicennia*)
		Everglades mink (*Mustela vison evergladensis*)
		Florida black bear (*Ursus americanus floridanus*)
		Florida panther (*Puma concolor coryi*)
6215 E1 6215 E3 6215 E4*	Cypress, Disturbed and Drained (0-100% Exotics)	Crested caracara (*Caracara cheriway*)
		Limpkin (*Aramus guarauna*)
		Little blue heron (*Egretta caerulea*)
		Snowy egret (*Egretta thula*)
		Tri-colored heron (*Egretta tricolor*)
		Wood stork (*Mycteria americana*)
		Big Cypress fox squirrel (*Sciurus niger avicennia*)
		Everglades mink (*Mustela vison evergladensis*)
		Florida black bear (*Ursus americanus floridanus*)
		Florida panther (*Puma concolor coryi*)
		Twisted air plant (*Tillandsia flexuosa*)
6219 E2 6219 E3 6219 E4*	Cypress, Disturbed (25-100% Exotics)	American alligator (*Alligator mississippiensis*)
		Gopher frog (*Rana capito*)
		Limpkin (*Aramus guarauna*)

Table 2. (Continued)

FLUCFCS Code	Description	Potential Protected Species
6219 E2 6219 E3 6219 E4*	Cypress, Disturbed (25-100% Exotics) (Continued)	Little blue heron (*Egretta caerulea*)
		Snowy egret (*Egretta thula*)
		Tri-colored heron (*Egretta tricolor*)
		Wood stork (*Mycteria americana*)
		Big Cypress fox squirrel (*Sciurus niger avicennia*)
		Everglades mink (*Mustela vison evergladensis*)
		Florida black bear (*Ursus americanus floridanus*)
		Florida panther (*Puma concolor coryi*)
		Twisted air plant (*Tillandsia flexuosa*)
6249 E2	Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics)	American alligator (*Alligator mississippiensis*)
		Gopher frog (*Rana capito*)
		Limpkin (*Aramus guarauna*)
		Little blue heron (*Egretta caerulea*)
		Snowy egret (*Egretta thula*)
		Tri-colored heron (*Egretta tricolor*)
		Wood stork (*Mycteria americana*)
		Big Cypress fox squirrel (*Sciurus niger avicennia*)
		Everglades mink (*Mustela vison evergladensis*)
		Florida black bear (*Ursus americanus floridanus*)
		Florida panther (*Puma concolor coryi*)
		Twisted air plant (*Tillandsia flexuosa*)
6259 E2 6259 E3 6259 E4*	Pine, Hydric, Disturbed (25-100% Exotics)	Little blue heron (*Egretta caerulea*)
		Red-cockaded woodpecker (*Picoides borealis*)
		Snowy egret (*Egretta thula*)
		Southeastern American kestrel (*Falco sparverius paulus*)
		Tri-colored heron (*Egretta tricolor*)
		Big Cypress fox squirrel (*Sciurus niger avicennia*)
		Florida black bear (*Ursus americanus floridanus*)
		Florida panther (*Puma concolor coryi*)
6309 E2 6309 E3 6309 E4*	Mixed Wetland Forest, Disturbed (25-100% Exotics)	American alligator (*Alligator mississippiensis*)
		Gopher frog (*Rana capito*)
		Limpkin (*Aramus guarauna*)
		Little blue heron (*Egretta caerulea*)
		Snowy egret (*Egretta thula*)
		Tri-colored heron (*Egretta tricolor*)
		Wood stork (*Mycteria americana*)
		Big Cypress fox squirrel (*Sciurus niger avicennia*)

Table 2. (Continued)

FLUCFCS Code	Description	Potential Protected Species
6309 E2 6309 E3 6309 E4*	Mixed Wetland Forest, Disturbed (25-100% Exotics) (Continued)	Everglades mink (*Mustela vison evergladensis*)
		Florida black bear (*Ursus americanus floridanus*)
		Florida panther (*Puma concolor coryi*)
		Twisted air plant (*Tillandsia flexuosa*)
6419 E2 6419 E3 6419 E4*	Freshwater Marsh, Disturbed (25-100% Exotics)	American alligator (*Alligator mississippiensis*)
		Florida sandhill crane (*Grus canadensis pratensis*)
		Limpkin (*Aramus guarauna*)
		Little blue heron (*Egretta caerulea*)
		Reddish egret (*Egretta rufescens*)
		Roseate spoonbill (*Platalea ajaja*)
		Snail kite (*Rostrhamus sociabilis*)
		Snowy egret (*Egretta thula*)
		Tri-colored heron (*Egretta tricolor*)
		Wood stork (*Mycteria americana*)
		Everglades mink (*Mustela vison evergladensis*)
6439 E1 6439 E3*	Wet Prairie, Disturbed (0-75% Exotics)	Limpkin (*Aramus guarauna*)
		Little blue heron (*Egretta caerulea*)
		Reddish egret (*Egretta rufescens*)
		Roseate spoonbill (*Platalea ajaja*)
		Snail kite (*Rostrhamus sociabilis*)
		Snowy egret (*Egretta thula*)
		Tri-colored heron (*Egretta tricolor*)
		Wood stork (*Mycteria americana*)
		Everglades mink (*Mustela vison evergladensis*)
740*	Disturbed Land	American alligator (*Alligator mississippiensis*)
		Gopher tortoise (*Gopherus polyphemus*)
		Burrowing owl (*Athene cunicularia floridana*)
7401*	Disturbed Land, Hydric	American alligator (*Alligator mississippiensis*)
		Little blue heron (*Egretta caerulea*)
		Reddish egret (*Egretta rufescens*)
		Snowy egret (*Egretta thula*)
		Tri-colored heron (*Egretta tricolor*)
		Wood stork (*Mycteria americana*)
742*	Borrow Area	American alligator (*Alligator mississippiensis*)
		Least tern (*Sterna antillarum*)
		Limpkin (*Aramus guarauna*)
		Little blue heron (*Egretta caerulea*)
		Reddish egret (*Egretta rufescens*)
		Roseate spoonbill (*Platalea ajaja*)
		Snail kite (*Rostrhamus sociabilis*)
		Snowy egret (*Egretta thula*)

Table 2. (Continued)

FLUCFCS Code	Description	Potential Protected Species
742*	Borrow Area (Continued)	Tri-colored heron (*Egretta tricolor*)
		Wood stork (*Mycteria americana*)
		Everglades mink (*Mustela vison evergladensis*)
743*	Spoil Area	Gopher tortoise (*Gopherus polyphemus*)
747*	Dikes and Levees (Berm)	Gopher tortoise (*Gopherus polyphemus*)
		Crested caracara (*Caracara cheriway*)
		Wood stork (*Mycteria americana*)
		Big Cypress fox squirrel (*Sciurus niger avicennia*)
814*	Road	N/A

*Habitat surveyed for the species noted, although not required per the LDC.

PAI conducted the protected species survey for six days between February 23 and April 8, 2022. A summary of weather conditions during the protected species survey is provided in Table 3.

Table 3. Summary of Weather Conditions for the Protected Species Survey

Day	Temperature (°Fahrenheit)	Wind (mph)	Cloud Cover (Percent)
February 23, 2022	Low 70s to Mid-80s	6-9 ENE	50-80
February 24, 2022	High 70s to Low 80s	7-9 E	15-35
February 25, 2022	Low 70s to High 80s	6 NE	20-25
March 1, 2022	High 60s to Low 70s	0-8 NNE	75-80
April 6, 2022	Mid-70s to High 70s	10-18 E	30-40
April 8, 2022	High 60s to Mid-70s	8-15 ENE	25-45

The survey utilized meandering pedestrian transects per the WilsonMiller, Inc. methodology. Visibility on the surveyed habitats varied due to the density of vegetation. A summary of the limits of visibility, total length of transects walked, and percent coverage by habitat type is provided in Table 4. An aerial with approximate locations of walked transects and species locations is provided as Appendix B.

Table 4. Summary of Habitat Coverage

FLUCFCS Code	Description	Total Acres	Transect Length (Feet)	Average Visibility (Feet)**	Percent Coverage
221*	Citrus Grove	2,099.36	731,585	50	80
224*	Abandoned Groves	145.52	50,711	50	80
262*	Low Pasture, Hydric	13.35	5,234	50	90
3219 E1	Palmetto Prairie, Disturbed (0-24% Exotics)	4.98	2,061	50	95

Table 4. (Continued)

FLUCFCS Code	Description	Total Acres	Transect Length (Feet)	Average Visibility (Feet)**	Percent Coverage
3219 E2	Palmetto Prairie, Disturbed (25-49% Exotics)	0.61	299	40	90
3219 E3	Palmetto Prairie, Disturbed (50-75% Exotics)	3.07	1,337	40	80
4119 E2	Pine Flatwoods, Disturbed (25-49% Exotics)	3.30	1,294	50	90
4119 E3	Pine Flatwoods, Disturbed (50-75% Exotics)	18.94	8,250	40	80
4119 E4*	Pine Flatwoods, Disturbed (76-100% Exotics)	0.81	706	20	80
4159 E2	Pine, Disturbed (25-49% Exotics)	0.40	185	40	85
4159 E3	Pine, Disturbed (50-75% Exotics)	0.33	230	25	80
4159 E4*	Pine, Disturbed (76-100% Exotics)	0.24	209	20	80
422*	Brazilian Pepper	3.69	2,143	15	40
4221*	Brazilian Pepper, Hydric	1.32	767	15	40
4289 E4*	Cabbage Palm, Disturbed (76-100% Exotics)	1.74	1,213	25	80
4299 E2	Wax Myrtle, Disturbed (25-49% Exotics)	2.05	949	40	85
4299 E3	Wax Myrtle, Disturbed (50-75% Exotics)	7.81	4,536	30	80
4299 E4*	Wax Myrtle, Disturbed (76-100% Exotics)	9.33	5,419	30	80
4349 E3	Hardwood/Conifer Mixed, Disturbed (50-75% Exotics)	2.13	1,060	35	80
4349 E4*	Hardwood/Conifer Mixed, Disturbed (76-100% Exotics)	5.17	3,003	30	80
514*	Drainage Canal/Ditch	126.12	46,697	50	85
514 H*	Drainage Canal/Ditch, Hydric	0.25	109	40	80
533*	Reservoirs (<10 Acres but >100 Acres)	47.96	23,503	40	90
6179 E2	Mixed Wetland Hardwoods, Disturbed (25-49% Exotics)	0.74	342	40	85
6189 E1	Willow/Pop Ash, Disturbed (0-24% Exotics)	0.28	130	40	85
6189 E2	Willow/Pop Ash, Disturbed (25-49% Exotics)	0.25	116	40	85
6189 E3	Willow/Pop Ash, Disturbed (50-75% Exotics)	5.29	2,634	35	80

Table 4. (Continued)

FLUCFCS Code	Description	Total Acres	Transect Length (Feet)	Average Visibility (Feet)**	Percent Coverage
6189 E4*	Willow/Pop Ash, Disturbed (76-100% Exotics)	11.16	6,482	30	80
6215 E1	Cypress, Disturbed and Drained (0-24% Exotics)	0.08	37	40	85
6215 E3	Cypress, Disturbed and Drained (50-75% Exotics)	0.07	35	35	80
6215 E4*	Cypress, Disturbed and Drained (76-100% Exotics)	4.75	4,138	20	80
6219 E2	Cypress, Disturbed (25-49% Exotics)	2.11	919	45	90
6219 E3	Cypress, Disturbed (50-75% Exotics)	17.80	8,238	40	85
6219 E4*	Cypress, Disturbed (76-100% Exotics)	1.43	712	35	80
6249 E2	Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics)	1.12	829	25	85
6259 E2	Pine, Hydric, Disturbed (25-49% Exotics)	0.81	353	45	90
6259 E3	Pine, Hydric, Disturbed (50-75% Exotics)	0.52	241	40	85
6259 E4*	Pine, Hydric, Disturbed (76-100% Exotics)	1.07	533	35	80
6309 E2	Mixed Wetland Forest, Disturbed (25-49% Exotics)	1.72	843	40	90
6309 E3	Mixed Wetland Forest, Disturbed (50-75% Exotics)	1.94	1,197	30	85
6309 E4*	Mixed Wetland Forest, Disturbed (76-100% Exotics)	3.33	1,934	30	80
6419 E2	Freshwater Marsh, Disturbed (25-49% Exotics)	0.05	22	45	90
6419 E3	Freshwater Marsh, Disturbed (50-75% Exotics)	7.31	3,383	40	85
6419 E4*	Freshwater Marsh, Disturbed (76-100% Exotics)	1.12	650	30	80
6439 E1	Wet Prairies, Disturbed (0-24% Exotics)	0.05	21	50	95
6439 E3	Wet Prairies, Disturbed (50-75% Exotics)	0.33	204	30	85
740*	Disturbed Land	51.18	23,687	40	85
7401*	Disturbed Land, Hydric	10.33	4,781	40	85
742*	Borrow Area	0.59	273	40	85

Table 4. (Continued)

FLUCFCS Code	Description	Total Acres	Transect Length (Feet)	Average Visibility (Feet)**	Percent Coverage
743*	Spoil Area	1.17	722	30	85
747*	Dikes and Levees (Berm)	40.55	26,495	30	90
814*	Road	0.24	166	30	95

*Habitat surveyed, although not required per the LDC.
**Average visibility to each side of the transect.

4.0 SURVEY RESULTS

A total of eight American alligators (*Alligator mississippiensis*), one gopher tortoise (*Gopherus polyphemus*), four Florida sandhill crane (*Grus canadensis pratensis*), two crested caracara (*Caracara cheriway*), four little blue herons (*Egretta caerulea*), one snowy egret (*Egretta thula*), three wood storks (*Mycteria americana*), one Big Cypress fox squirrel (*Sciurus niger avicennia*), and Florida panther (*Puma concolor coryi*) tracks and scat were observed on the Project site during the protected species survey. The gopher tortoise, Florida sandhill crane, little blue heron, and Big Cypress fox squirrel are listed as threatened by the Florida Fish and Wildlife Conservation Commission (FWCC) (2021). Additionally, the American alligator is listed as threatened by FWCC due to similarity of appearance to the American crocodile (*Crocodylus acutus*). The wood stork and crested caracara are listed as federally threatened by the FWCC and the U.S. Fish and Wildlife Service (USFWS). The Florida panther is listed as federally endangered by the FWCC and the USFWS. The snowy egret is not a state or federal listed species, but it is a Lee County Protected Species. No listed species nests or nesting activity were observed on the Project during the protected species survey. The locations of the American alligators, gopher tortoise, Florida sandhill crane, little blue herons, snowy egrets, wood stork, Big Cypress fox squirrel, and Florida panther tracks and scat are depicted on Appendix B.

5.0 ABUNDANCE OF PROTECTED SPECIES OBSERVED

Density calculations are provided for each Lee County protected species documented within each habitat type during the protected species survey and additional fieldwork conducted on the Project site. Separate calculations are provided if more than one of the same protected species is observed within different habitat types. Please note that density estimates are only provided for Lee County protected species.

The Lee County protected species abundance calculations are provided in Table 5, while Table 6 summarizes the protected species survey findings.

Table 5. Lee County Protected Species Abundance Calculations

Protected Species Density = $\{n\ (C)/[L\ (W_1+W_2)]\}\ (43{,}560\ ft^2/ac)$

Where n = number of individuals observed or active plus inactive gopher tortoise burrows
L = length of transect
W_1 = distance of visibility to the right of transect
W_2 = distance of visibility to the left of transect
C = gopher tortoise conversion factor (0.5)*

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*Used for gopher tortoise calculation only. Conversion only applied when gopher tortoise burrow, not gopher tortoise itself, is documented.

American Alligator (AA)

FLUCFCS Code 221

$= \{2\ AA/[(731{,}585\ ft)\ (50\ ft+50\ ft)]\}\ (43{,}560\ ft^2/ac)$
$= \{2/73{,}158{,}500\ ft^2\}\ (43{,}560\ ft^2/ac)$
$= (2.7 \times 10^{-8}\ ft^2)\ (43{,}560\ ft^2/ac)$
= 0.001 American alligators / acre

FLUCFCS Code 514

$= \{3\ AA/[(46{,}697\ ft)\ (50\ ft+50\ ft)]\}\ (43{,}560\ ft^2/ac)$
$= \{3/4{,}669{,}700\ ft^2\}\ (43{,}560\ ft^2/ac)$
$= (6.0 \times 10^{-7}\ ft^2)\ (43{,}560\ ft^2/ac)$
= 0.03 American alligators / acre

FLUCFCS Code 6189 E4

$= \{1\ AA/[(6{,}482\ ft)\ (30\ ft+30\ ft)]\}\ (43{,}560\ ft^2/ac)$
$= \{1/388{,}920\ ft^2\}\ (43{,}560\ ft^2/ac)$
$= (2.6 \times 10^{-6}\ ft^2)\ (43{,}560\ ft^2/ac)$
= 0.11 American alligators / acre

FLUCFCS Code 740

$= \{2\ AA/[(23{,}687\ ft)\ (40\ ft+40\ ft)]\}\ (43{,}560\ ft^2/ac)$
$= \{2/1{,}894{,}960\ ft^2\}\ (43{,}560\ ft^2/ac)$
$= (1.1 \times 10^{-6}\ ft^2)\ (43{,}560\ ft^2/ac)$
= 0.05 American alligators / acre

Gopher Tortoise (GT) burrow

FLUCFCS Code 3219 E1

$= \{1\ GT(0.5)/[(2{,}061\ ft)\ (50\ ft+50\ ft)]\}\ (43{,}560\ ft^2/ac)$
$= \{0.5/206{,}100\ ft^2\}\ (43{,}560\ ft^2/ac)$
$= (2.4 \times 10^{-6}\ ft^2)\ (43{,}560\ ft^2/ac)$
= 0.1 Gopher tortoise burrows / acre

Table 5. (Continued)

Crested Caracara (CRCA)
FLUCFCS Code 6215 E1
= {1 CRCA/[(37 ft) (40 ft+40 ft)]} (43,560 ft^2/ac)
= {1/2,960 ft^2} (43,560 ft^2/ac)
= (3.4 x 10^{-4} ft^2) (43,560 ft^2/ac)
= 14.7 Crested caracara / acre*

FLUCFCS Code 6215 E3
= {1 CRCA/[(35 ft) (35 ft+35 ft)]} (43,560 ft^2/ac)
= {1/2,450 ft^2} (43,560 ft^2/ac)
= (4.1 x 10^{-4} ft^2) (43,560 ft^2/ac)
= 17.8 Crested caracara / acre*

Florida Sandhill Crane (SACR)
FLUCFCS Code 221
= {4 SACR/[(731,585 ft) (50 ft+50 ft)]} (43,560 ft^2/ac)
= {4/73,158,500 ft^2} (43,560 ft^2/ac)
= (5.5 x 10^{-8} ft^2) (43,560 ft^2/ac)
= 0.002 Sandhill cranes / acre

Little Blue Heron (LBH)
FLUCFCS Code 221
= {3 LBH/[(731,585 ft) (50 ft+50 ft)]} (43,560 ft^2/ac)
= {3/73,158,500 ft^2} (43,560 ft^2/ac)
= (4.1 x 10^{-8} ft^2) (43,560 ft^2/ac)
= 0.002 Little blue herons / acre

FLUCFCS Code 514
= {1 LBH/[(46,697 ft) (50 ft+50 ft)]} (43,560 ft^2/ac)
= {1/4,669,700 ft^2} (43,560 ft^2/ac)
= (2.1 x 10^{-7} ft^2) (43,560 ft^2/ac)
= 0.009 Little blue herons / acre

Snowy Egret (SNEG)
FLUCFCS Code 221
= {1 SNEG/[(731,585 ft) (50 ft+50 ft)]} (43,560 ft^2/ac)
= {1/73,158,500 ft^2} (43,560 ft^2/ac)
= (1.4 x 10^{-8} ft^2) (43,560 ft^2/ac)
= 0.0005 Snowy egret / acre

Table 5. (Continued)

Wood Stork (WOST)
FLUCFCS Code 221
= {2 WOST/[(731,585 ft) (50 ft+50 ft)]} (43,560 ft^2/ac)
= {2/73,158,500 ft^2} (43,560 ft^2/ac)
= (2.7 x 10^{-8} ft^2) (43,560 ft^2/ac)
= 0.001 Wood storks / acre

FLUCFCS Code 747
= {1 WOST/[(26,495 ft) (30 ft+30 ft)]} (43,560 ft^2/ac)
= {1/1,589,700 ft^2} (43,560 ft^2/ac)
= (6.3 x 10^{-7} ft^2) (43,560 ft^2/ac)
= 0.03 Wood storks / acre

Big Cypress Fox Squirrel (BCFS)
FLUCFCS Code 514
= {1 BCFS/[(46,697 ft) (50 ft+50 ft)]} (43,560 ft^2/ac)
= {1/4,669,700 ft^2} (43,560 ft^2/ac)
= (2.1 x 10^{-7} ft^2) (43,560 ft^2/ac)
= 0.009 Big Cypress fox squirrels / acre

Florida Panther Sign (FPS)
FLUCFCS Code 221
= {2 FPS/[(731,585 ft) (50 ft+50 ft)]} (43,560 ft^2/ac)
= {2/73,158,500 ft^2} (43,560 ft^2/ac)
= (2.7 x 10^{-8} ft^2) (43,560 ft^2/ac)
= 0.001 Florida panther sign / acre

*High crested caracara density calculated is due to small size of habitat being utilized.

Table 6. Lee County Protected Species Survey Summary

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Amphibians					
Gopher frog (*Lithobates capito*)	3219 E1	95		X	
	3219 E2	90		X	
	3219 E3	80		X	
	4119 E2	90		X	
	4119 E3	80		X	
	4119 E4	80		X	
	4159 E2	85		X	
	4159 E3	80		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Amphibians (Continued)					
Gopher frog (*Lithobates capito*) (Continued)	4159 E4	80		X	
	4299 E2	85		X	
	4299 E3	80		X	
	4299 E4	80		X	
	4349 E3	80		X	
	4349 E4	80		X	
	6219 E2	90		X	
	6219 E3	85		X	
	6219 E4	80		X	
	6249 E2	85		X	
	6309 E2	90		X	
	6309 E3	85		X	
	6309 E4	80		X	
Reptiles					
American alligator (*Alligator mississippiensis*)	221	80	X		0.001
	262	90		X	
	514	85	X		0.03
	514H	80		X	
	6189 E1	85		X	
	6189 E2	85		X	
	6189 E3	80		X	
	6189 E4	80	X		0.11
	6219 E2	90		X	
	6219 E3	85		X	
	6219 E4	80		X	
	6249 E2	85		X	
	6309 E2	90		X	
	6309 E3	85		X	
	6309 E4	80		X	
	6419 E2	90		X	
	6419 E3	85		X	
	6419 E4	80		X	
	740	85	X		0.05
	7401	85		X	
	742	85		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Reptiles (Continued)					
Eastern indigo snake (*Drymarchon corais couperi*)	3219 E1	95		X	
	3219 E2	90		X	
	3219 E3	80		X	
	4119 E2	90		X	
	4119 E3	80		X	
	4119 E4	80		X	
	4159 E2	85		X	
	4159 E3	80		X	
	4159 E4	80		X	
	4289 E4	80		X	
	4299 E2	85		X	
	4299 E3	80		X	
	4299 E4	80		X	
Gopher tortoise (burrow) (*Gopherus polyphemus*)	221	80		X	
	224	80		X	
	3219 E1	95	X		0.10
	3219 E2	90		X	
	3219 E3	80		X	
	4119 E2	90		X	
	4119 E3	80		X	
	4119 E4	80		X	
	4159 E2	85		X	
	4159 E3	80		X	
	4159 E4	80		X	
	4299 E2	85		X	
	4299 E3	80		X	
	4299 E4	80		X	
	4349 E3	80		X	
	4349 E4	80		X	
	533	90		X	
	740	85		X	
	743	85		X	
	747	90		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Birds					
Burrowing owl (*Athene cunicularia floridana*)	221	80		X	
	224	80		X	
	533	90		X	
	740	85		X	
Crested caracara (*Caracara cheriway*)	221	80		X	
	224	80		X	
	3219 E1	95		X	
	3219 E2	90		X	
	3219 E3	85		X	
	4289 E4	80		X	
	533	90		X	
	6215 E1	85	X		14.7
	6215 E3	80	X		17.8
	6215 E4	80		X	
	747	90		X	
Florida sandhill crane (*Grus canadensis pratensis*)	221	80	X		0.002
	224	80		X	
	262	90		X	
	3219 E1	95		X	
	3219 E2	90		X	
	3219 E3	80		X	
	6419 E2	90		X	
	6419 E3	80		X	
	6419 E4	80		X	
Least tern (*Sterna antillarum*)	514	85		X	
	514H	80		X	
	742	85		X	
Limpkin (*Aramus guarauna*)	262	90		X	
	514	85		X	
	514H	80		X	
	6179 E2	85		X	
	6189 E1	85		X	
	6189 E2	85		X	
	6189 E3	80		X	
	6189 E4	80		X	
	6215 E1	85		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Birds (Continued)					
Limpkin (*Aramus guarauna*) (Continued)	6215 E3	80		X	
	6215 E4	80		X	
	6219 E2	90		X	
	6219 E3	85		X	
	6219 E4	80		X	
	6249 E2	85		X	
	6309 E2	90		X	
	6309 E3	85		X	
	6309 E4	80		X	
	6419 E2	90		X	
	6419 E3	85		X	
	6419 E4	80		X	
	6439 E1	95		X	
	6439 E3	85		X	
	742	85		X	
Little blue heron (*Egretta caerulea*)	221	80	X		0.002
	262	90		X	
	514	85	X		0.009
	514H	80		X	
	6179 E2	85		X	
	6189 E1	85		X	
	6189 E2	85		X	
	6189 E3	80		X	
	6189 E4	80		X	
	6215 E1	85		X	
	6215 E3	80		X	
	6215 E4	80		X	
	6219 E2	90		X	
	6219 E3	85		X	
	6219 E4	80		X	
	6249 E2	85		X	
	6259 E2	90		X	
	6259 E3	85		X	
	6259 E4	80		X	
	6309 E2	90		X	
	6309 E3	85		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Birds (Continued)					
Little blue heron (*Egretta caerulea*) (Continued)	6309 E4	80		X	
	6419 E2	90		X	
	6419 E3	85		X	
	6419 E4	80		X	
	6439 E1	95		X	
	6439 E3	80		X	
	7401	85		X	
	742	85		X	
Red-cockaded woodpecker (*Picoides borealis*)	4119 E2	90		X	
	4119 E3	80		X	
	4119 E4	80		X	
	4159 E2	85		X	
	4159 E3	80		X	
	4159 E4	80		X	
	6259 E2	90		X	
	6259 E3	85		X	
	6259 E4	80		X	
Reddish egret (*Egretta rufescens*)	262	90		X	
	514	85		X	
	514H	80		X	
	6419 E2	90		X	
	6419 E3	85		X	
	6419 E4	80		X	
	6439 E1	95		X	
	6439 E3	85		X	
	7401	85		X	
Roseate spoonbill (*Platalea ajaja*)	262	90		X	
	514	85		X	
	514H	80		X	
	6419 E2	90		X	
	6419 E3	85		X	
	6419 E4	80		X	
	6439 E1	95		X	
Snail kite (*Rostrhamus sociabilis*)	6439 E3	85		X	
	7401	85		X	
	742	85		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Birds (Continued)					
Snail kite (*Rostrhamus sociabilis*) (Continued)	262	90		X	
	514	85		X	
	514H	80		X	
	6419 E2	90		X	
	6419 E3	85		X	
	6419 E4	80		X	
	6439 E1	95		X	
	6439 E3	85		X	
	7401	85		X	
	742	85		X	
Snowy egret (*Egretta thula*)	221	80	X		0.0005
	262	90		X	
	514	85		X	
	514H	80		X	
	6179 E2	85		X	
	6189 E1	85		X	
	6189 E2	85		X	
	6189 E3	80		X	
	6189 E4	80		X	
	6215 E1	85		X	
	6215 E3	80		X	
	6215 E4	80		X	
	6219 E2	90		X	
	6219 E3	85		X	
	6219 E4	80		X	
	6249 E2	85		X	
	6259 E2	90		X	
	6259 E3	85		X	
	6259 E4	80		X	
	6309 E2	90		X	
	6309 E3	85		X	
	6309 E4	80		X	
	6419 E2	90		X	
	6419 E3	85		X	
	6419 E4	80		X	
	6439 E1	95		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Birds (Continued)					
Snowy egret (*Egretta thula*) (Continued)	6439 E3	80		X	
	7401	85		X	
	742	85		X	
Southeastern American kestrel (*Falco sparverius paulus*)	3219 E1	95		X	
	3219 E2	90		X	
	3219 E3	80		X	
	4119 E2	90		X	
	4119 E3	80		X	
	4119 E4	80		X	
	4159 E2	85		X	
	4159 E3	80		X	
	4159 E4	80		X	
	4299 E2	85		X	
	4299 E3	80		X	
	4299 E4	80		X	
	6259 E2	90		X	
	6259 E3	85		X	
	6259 E4	80		X	
	262	90		X	
	514	85		X	
	514H	80		X	
	6179 E2	85		X	
	6189 E1	85		X	
	6189 E2	85		X	
	6189 E3	80		X	
	6189 E4	80		X	
	6215 E1	85		X	
	6215 E3	80		X	
	6215 E4	80		X	
	6219 E2	90		X	
	6219 E3	85		X	
	6219 E4	80		X	
	6249 E2	85		X	
	6259 E2	90		X	
	6259 E3	85		X	
	6259 E4	80		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Birds (Continued)					
Southeastern American kestrel (*Falco sparverius paulus*) (Continued)	6309 E2	90		X	
	6309 E3	85		X	
	6309 E4	80		X	
	6419 E2	90		X	
	6419 E3	85		X	
	6419 E4	80		X	
	6439 E1	95		X	
	6439 E3	85		X	
	7401	85		X	
	742	85		X	
Wood stork (*Mycteria americana*)	221	80	X		0.001
	262	90		X	
	514	85		X	
	514H	80		X	
	6189 E1	85		X	
	6189 E2	85		X	
	6189 E3	80		X	
	6189 E4	80		X	
	6215 E1	85		X	
	6215 E3	80		X	
	6215 E4	80		X	
	6219 E2	90		X	
	6219 E3	85		X	
	6219 E4	80		X	
	6249 E2	85		X	
	6309 E2	90		X	
	6309 E3	85		X	
	6309 E4	80		X	
	6419 E2	90		X	
	6419 E3	85		X	
	6419 E4	80		X	
	7401	85		X	
	742	85		X	
	747	90	X		0.03

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Mammals					
Big Cypress fox squirrel (*Sciurus niger avicennia*)	4119 E2	90		X	
	4119 E3	80		X	
	4119 E4	80		X	
	4159 E2	85		X	
	4159 E3	80		X	
	4159 E4	80		X	
	4299 E2	85		X	
	4299 E3	80		X	
	4299 E4	80		X	
	514	85	X		0.009
	6179 E2	85		X	
	6189 E1	85		X	
	6189 E2	85		X	
	6189 E3	80		X	
	6189 E4	80		X	
	6215 E1	85		X	
	6215 E3	80		X	
	6215 E4	80		X	
	6219 E2	90		X	
	6219 E3	85		X	
	6219 E4	80		X	
	6249 E2	85		X	
	6259 E2	90		X	
	6259 E3	85		X	
	6259 E4	80		X	
	6309 E2	90		X	
	6309 E3	85		X	
	6309 E4	80		X	
	747	90		X	
Everglades mink (*Mustela vison evergladensis*)	262	90		X	
	514	85		X	
	514H	80		X	
	6179 E2	85		X	
	6189 E1	85		X	
	6189 E2	85		X	
	6189 E3	80		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Mammals (Continued)					
Everglades mink (*Mustela vison evergladensis*) (Continued)	6189 E4	80		X	
	6215 E1	85		X	
	6215 E3	80		X	
	6215 E4	80		X	
	6219 E2	90		X	
	6219 E3	85		X	
	6219 E4	80		X	
	6249 E2	85		X	
	6309 E2	90		X	
	6309 E3	85		X	
	6309 E4	80		X	
	6419 E2	90		X	
	6419 E3	85		X	
	6419 E4	80		X	
	6439 E1	95		X	
	6439 E3	80		X	
	742	85		X	
Florida black bear (*Ursus americanus floridanus*)	3219 E1	95		X	
	3219 E2	90		X	
	3219 E3	80		X	
	4119 E2	90		X	
	4119 E3	80		X	
	4119 E4	80		X	
	4159 E2	85		X	
	4159 E3	80		X	
	4159 E4	80		X	
	422	40		X	
	4221	40		X	
	4289 E4	80		X	
	4299 E2	85		X	
	4299 E3	80		X	
	4299 E4	80		X	
	4349 E3	80		X	
	4349 E4	80		X	
	6179 E2	85		X	
	6189 E1	85		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Mammals (Continued)					
Florida black bear (*Ursus americanus floridanus*) (Continued)	6189 E2	85		X	
	6189 E3	80		X	
	6189 E4	80		X	
	6215 E1	85		X	
	6215 E3	80		X	
	6215 E4	80		X	
	6219 E2	90		X	
	6219 E3	85		X	
	6219 E4	80		X	
	6249 E2	85		X	
	6259 E2	90		X	
	6259 E3	85		X	
	6259 E4	80		X	
	6309 E2	90		X	
	6309 E3	85		X	
	6309 E4	80		X	
Florida panther (sign) (*Puma concolor coryi*)	221	80	X		0.001
	224	80		X	
	3219 E1	95		X	
	3219 E2	90		X	
	3219 E3	80		X	
	4119 E2	90		X	
	4119 E3	80		X	
	4119 E4	80		X	
	4159 E2	85		X	
	4159 E3	80		X	
	4159 E4	80		X	
	4289 E4	80		X	
	4299 E2	85		X	
	4299 E3	80		X	
	4299 E4	80		X	
	4349 E3	80		X	
	4349 E4	80		X	
	6179 E2	85		X	
	6189 E1	85		X	
	6189 E2	85		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Mammals (Continued)					
Florida panther (tracks) (*Puma concolor coryi*) (Continued)	6189 E3	80		X	
	6189 E4	80		X	
	6215 E1	85		X	
	6215 E3	80		X	
	6215 E4	80		X	
	6219 E2	90		X	
	6219 E3	85		X	
	6219 E4	80		X	
	6249 E2	85		X	
	6259 E2	90		X	
	6259 E4	80		X	
	6309 E2	90		X	
	6309 E3	85		X	
	6309 E4	80		X	

6.0 MANAGEMENT ACTIVITIES

Prior to the issuance of a development order, a protected species management plan per LDC 10-474 will be prepared and submitted to the Department of Community Development as part of the Lee County review process for the Project. The protected species management plan will outline protection measures for the protected species documented on the Project site.

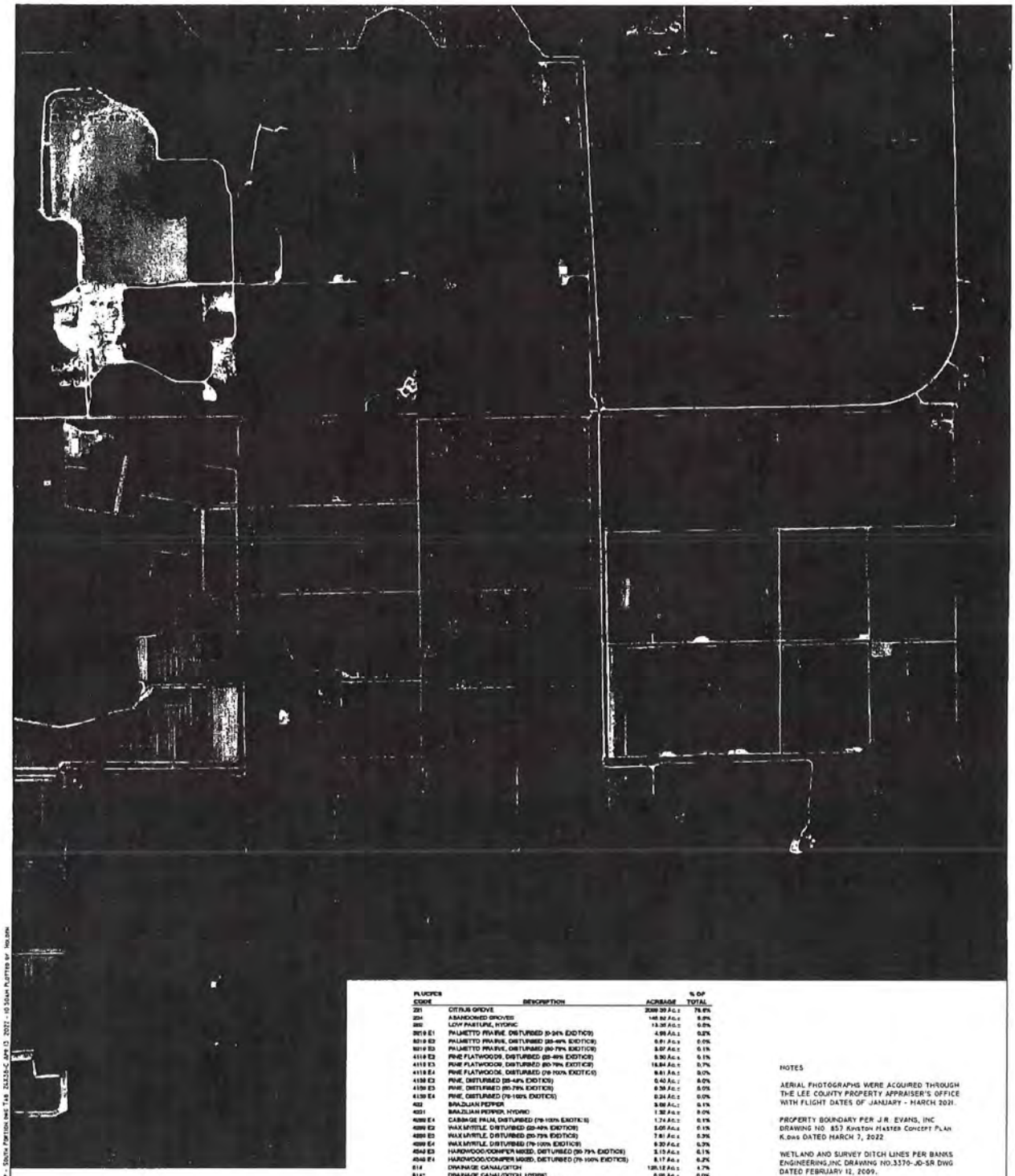
7.0 REFERENCES

Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System (FLUCFCS). Procedure No. 550-010-001-a. Third Edition.

Florida Fish and Wildlife Conservation Commission. 2021. Florida's Endangered Species, Threatened Species and Species of Special Concern. Official Lists. Florida Fish and Wildlife Conservation Commission. Tallahassee, Florida.

APPENDIX A

AERIAL WITH FLUCFCS AND WETLANDS MAP



LEGEND

WETLANDS (83.67 Ac.±)

"OTHER SURFACE WATERS" (174.13 Ac.±)

SURVEYED WETLAND LINE

FLUCFCS CODE	DESCRIPTION	ACREAGE	% OF TOTAL
221	CITRUS GROVE	2099.39 Ac.±	76.6%
224	ABANDONED GROVES	146.84 Ac.±	5.3%
260	LOW PASTURE, HYDRIC	13.26 Ac.±	0.5%
3219 E1	PALMETTO PRAIRIE, DISTURBED (0-24% EXOTICS)	4.99 Ac.±	0.2%
3219 E2	PALMETTO PRAIRIE, DISTURBED (25-49% EXOTICS)	0.81 Ac.±	0.0%
3219 E3	PALMETTO PRAIRIE, DISTURBED (50-79% EXOTICS)	3.07 Ac.±	0.1%
4119 E3	PINE FLATWOODS, DISTURBED (50-79% EXOTICS)	0.36 Ac.±	0.1%
4119 E3	PINE FLATWOODS, DISTURBED (50-79% EXOTICS)	15.84 Ac.±	0.7%
4119 E4	PINE FLATWOODS, DISTURBED (79-100% EXOTICS)	9.61 Ac.±	0.2%
4139 E2	PINE, DISTURBED (25-49% EXOTICS)	0.40 Ac.±	0.0%
4139 E3	PINE, DISTURBED (50-79% EXOTICS)	0.38 Ac.±	0.0%
4139 E4	PINE, DISTURBED (79-100% EXOTICS)	0.24 Ac.±	0.0%
422	BRAZILIAN PEPPER	3.58 Ac.±	0.1%
4221	BRAZILIAN PEPPER, HYDRIC	1.32 Ac.±	0.0%
4289 E4	CABBAGE PALM, DISTURBED (79-100% EXOTICS)	1.74 Ac.±	0.1%
4299 E2	WAX MYRTLE, DISTURBED (25-49% EXOTICS)	3.69 Ac.±	0.1%
4299 E3	WAX MYRTLE, DISTURBED (50-79% EXOTICS)	7.81 Ac.±	0.3%
4299 E4	WAX MYRTLE, DISTURBED (79-100% EXOTICS)	9.20 Ac.±	0.3%
4342 E3	HARDWOOD/CONIFER MIXED, DISTURBED (50-79% EXOTICS)	2.13 Ac.±	0.1%
4342 E4	HARDWOOD/CONIFER MIXED, DISTURBED (79-100% EXOTICS)	6.17 Ac.±	0.2%
514	DRAINAGE CANAL/DITCH	125.12 Ac.±	4.7%
514*	DRAINAGE CANAL/DITCH, HYDRIC	0.05 Ac.±	0.0%
534	RESERVOIRS (<10 ACRES BUT >100 ACRES)	47.99 Ac.±	1.8%
6170 E2	MIXED WETLAND HARDWOODS, DISTURBED (25-49% EXOTICS)	0.74 Ac.±	0.0%
6180 E1	WILLOW/POP ASH, DISTURBED (0-24% EXOTICS)	0.38 Ac.±	0.0%
6180 E2	WILLOW/POP ASH, DISTURBED (25-49% EXOTICS)	0.28 Ac.±	0.0%
6180 E3	WILLOW/POP ASH, DISTURBED (50-79% EXOTICS)	5.20 Ac.±	0.2%
6180 E4	WILLOW/POP ASH, DISTURBED (79-100% EXOTICS)	11.18 Ac.±	0.4%
6213 E1	CYPRESS, DISTURBED AND DRAINED (0-24% EXOTICS)	0.02 Ac.±	0.0%
6213 E2	CYPRESS, DISTURBED AND DRAINED (25-79% EXOTICS)	0.07 Ac.±	0.0%
6213 E4	CYPRESS, DISTURBED AND DRAINED (79-100% EXOTICS)	4.78 Ac.±	0.2%
6219 E2	CYPRESS, DISTURBED (25-49% EXOTICS)	2.11 Ac.±	0.1%
6219 E3	CYPRESS, DISTURBED (50-79% EXOTICS)	17.80 Ac.±	0.7%
6219 E4	CYPRESS, DISTURBED (79-100% EXOTICS)	1.48 Ac.±	0.1%
6240 E3	CYPRESS/PINE/CABBAGE PALM, DISTURBED (50-79% EXOTICS)	1.13 Ac.±	0.0%
6259 E2	PINE, HYDRIC, DISTURBED (25-49% EXOTICS)	0.81 Ac.±	0.0%
6259 E3	PINE, HYDRIC, DISTURBED (50-79% EXOTICS)	0.82 Ac.±	0.0%
6259 E4	PINE, HYDRIC, DISTURBED (79-100% EXOTICS)	1.07 Ac.±	0.0%
6309 E2	MIXED WETLAND FOREST, DISTURBED (25-49% EXOTICS)	1.73 Ac.±	0.1%
6309 E3	MIXED WETLAND FOREST, DISTURBED (50-79% EXOTICS)	1.84 Ac.±	0.1%
6309 E4	MIXED WETLAND FOREST, DISTURBED (79-100% EXOTICS)	3.38 Ac.±	0.1%
6410 E2	FRESHWATER MARSH, DISTURBED (25-49% EXOTICS)	0.02 Ac.±	0.0%
6410 E3	FRESHWATER MARSH, DISTURBED (50-79% EXOTICS)	7.31 Ac.±	0.3%
6410 E4	FRESHWATER MARSH, DISTURBED (79-100% EXOTICS)	1.12 Ac.±	0.0%
6460 E1	WET PRAIRIES, DISTURBED (0-24% EXOTICS)	0.03 Ac.±	0.0%
6460 E3	WET PRAIRIES, DISTURBED (50-79% EXOTICS)	0.30 Ac.±	0.0%
740	DISTURBED LAND	51.18 Ac.±	1.9%
7401	DISTURBED LAND, HYDRIC	10.30 Ac.±	0.4%
742	BORROW AREA	0.08 Ac.±	0.0%
748	POND AREA	9.99 Ac.±	0.0%
747	DIKES AND LEVEES (BERM)	40.30 Ac.±	1.5%
814	ROAD	0.24 Ac.±	0.0%
	TOTAL	2694.75 Ac.±	100.0%

* DENOTES WETLANDS

NOTES

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH FLIGHT DATES OF JANUARY - MARCH 2021.

PROPERTY BOUNDARY PER J.R. EVANS, INC DRAWING NO. 857 KINGSTON MASTER CONCEPT PLAN K.DWG DATED MARCH 7, 2022

WETLAND AND SURVEY DITCH LINES PER BANKS ENGINEERING,INC DRAWING NO.3370-JD-SR DWG DATED FEBRUARY 12, 2009.

SURVEY DITCH LINES PER METRON SURVEYING & MAPPING, LLC DRAWING NO. DITCHES TO BE SURVEY LOCATED 12-03-08.DWG DATED DECEMBER 3, 2008.

WETLAND AND OSW LINES SHOWN PER FDEP FORMAL WETLAND JURISDICTIONAL DETERMINATION NO.FD-36-0284086-001 ISSUED AUGUST 26, 2009.

FLUCFCS LINES ESTIMATED FROM 1"=300' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

DRAFT

J:\2021\21CCL\3707\Projected Sheets\Survey Report\Exhibits & Aerial with FLUCFCS and WETLANDS.mxd - South Portion.dwg Tab: 24x36-C APR 13, 2022 - 10:56am Plotted by: hhahn

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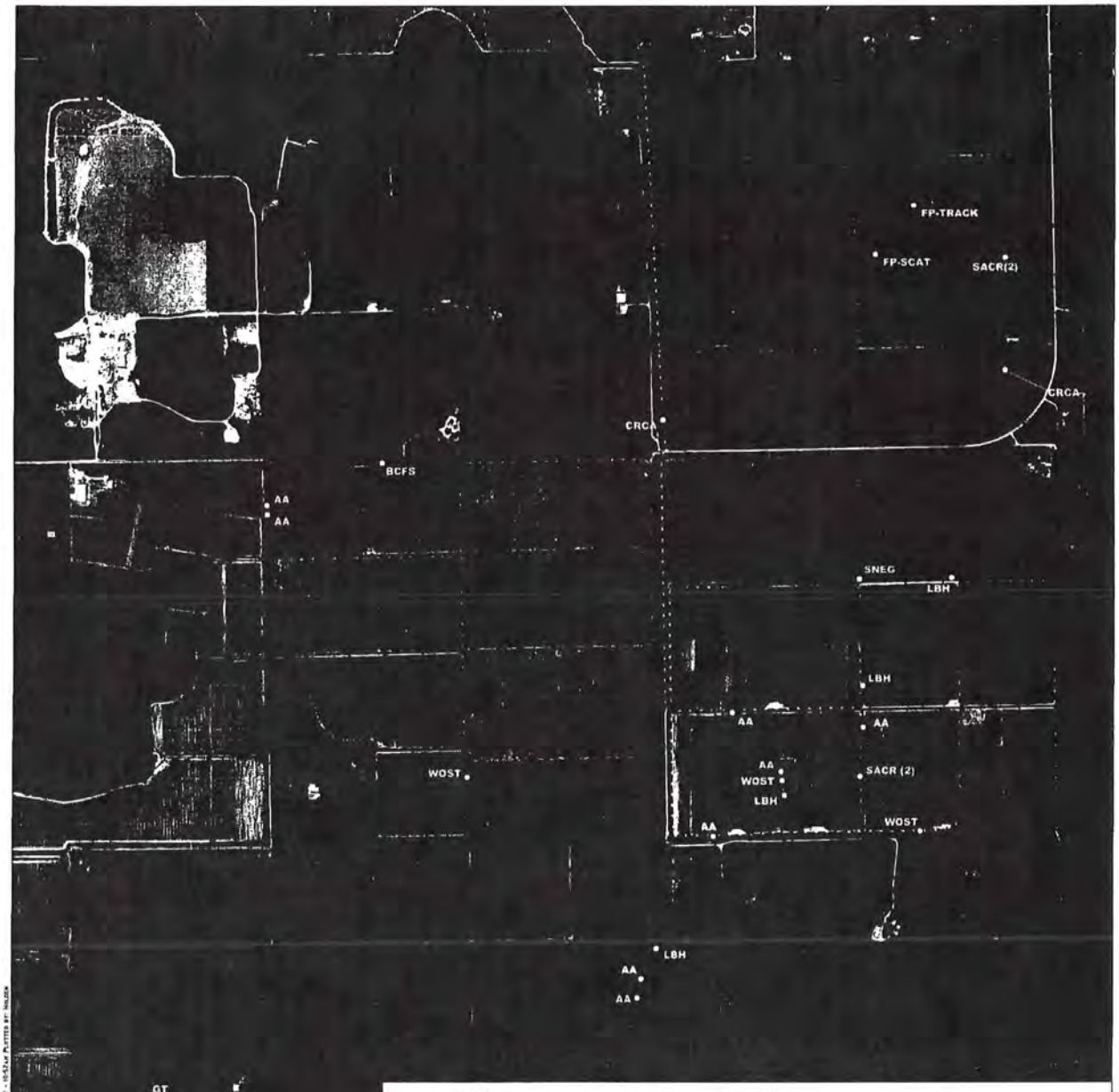
PASSARELLA & ASSOCIATES

KINGSTON
AERIAL WITH FLUCFCS AND WETLANDS

DRAWING No. 21CCL3707
SHEET No. APPENDIX A

APPENDIX B

AERIAL WITH FLUCFCS, SURVEY TRANSECTS, AND PROTECTED SPECIES LOCATIONS



LEGEND

- WETLANDS (83.67 Ac ±)
- "OTHER SURFACE WATERS" (174.15 Ac ±)
- SURVEYED WETLAND LINE
- APPROXIMATE LOCATION OF WALKED TRANSECTS
- O AA AMERICAN ALLIGATOR
- O BCFS BIG CYPRESS FOX SQUIRREL
- O CRCA CRESTED CARACARA
- O GT GOPHER TORTOISE
- O LBH LITTLE BLUE HERON
- O SACR SANDHILL CRANE
- O SNEG SNOWY EGRET
- O FP-SCAT FLORIDA PANTHER SCAT
- O WOST WOOD STORK
- O FP-TRACK FLORIDA PANTHER TRACK

FLUCFCS CODE	DESCRIPTION	ACREAGE	% OF TOTAL
221	CITRUS GROVE	2060.39 Ac ±	78.9%
224	ABANDONED GROVES	143.82 Ac ±	5.5%
262	LOW PASTURE, HYDRIC	13.58 Ac ±	0.5%
3219 E1	PALMETTO PRAIRIE, DISTURBED (0-24% EXOTICS)	4.58 Ac ±	0.2%
3219 E2	PALMETTO PRAIRIE, DISTURBED (25-49% EXOTICS)	0.61 Ac ±	0.0%
3219 E3	PALMETTO PRAIRIE, DISTURBED (50-75% EXOTICS)	3.07 Ac ±	0.1%
4119 E2	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	3.30 Ac ±	0.1%
4119 E3	PINE FLATWOODS, DISTURBED (50-75% EXOTICS)	18.94 Ac ±	0.7%
4119 E4	PINE FLATWOODS, DISTURBED (76-100% EXOTICS)	0.61 Ac ±	0.0%
4130 E2	PINE, DISTURBED (25-49% EXOTICS)	0.60 Ac ±	0.0%
4130 E3	PINE, DISTURBED (50-75% EXOTICS)	0.39 Ac ±	0.0%
4130 E4	PINE, DISTURBED (76-100% EXOTICS)	0.24 Ac ±	0.0%
422	BRAZILIAN PEPPER	3.69 Ac ±	0.1%
4221	BRAZILIAN PEPPER, HYDRIC	1.32 Ac ±	0.0%
4250 E4	CABBAGE PALM, DISTURBED (76-100% EXOTICS)	1.74 Ac ±	0.1%
4289 E2	WAX MYRTLE, DISTURBED (25-49% EXOTICS)	2.08 Ac ±	0.1%
4289 E3	WAX MYRTLE, DISTURBED (50-75% EXOTICS)	7.81 Ac ±	0.3%
4289 E4	WAX MYRTLE, DISTURBED (76-100% EXOTICS)	8.30 Ac ±	0.3%
4340 E3	HARDWOOD/CONIFER MIXED, DISTURBED (50-75% EXOTICS)	2.13 Ac ±	0.1%
4340 E4	HARDWOOD/CONIFER MIXED, DISTURBED (76-100% EXOTICS)	5.17 Ac ±	0.2%
514	DRAINAGE CANAL/DITCH	126.12 Ac ±	4.7%
514*	DRAINAGE CANAL/DITCH, HYDRIC	0.23 Ac ±	0.0%
530	RESERVOIRS (< 10 ACRES BUT >100 ACRES)	47.86 Ac ±	1.8%
6170 E2	MIXED WETLAND HARDWOODS, DISTURBED (25-49% EXOTICS)	0.74 Ac ±	0.0%
6180 E1	WILLOW/POP ASH, DISTURBED (0-24% EXOTICS)	0.88 Ac ±	0.0%
6180 E2	WILLOW/POP ASH, DISTURBED (25-49% EXOTICS)	0.23 Ac ±	0.0%
6180 E3	WILLOW/POP ASH, DISTURBED (50-75% EXOTICS)	5.28 Ac ±	0.2%
6180 E4	WILLOW/POP ASH, DISTURBED (76-100% EXOTICS)	11.18 Ac ±	0.4%
6210 E1	CYPRESS, DISTURBED AND DRAINED (0-24% EXOTICS)	0.08 Ac ±	0.0%
6210 E3	CYPRESS, DISTURBED AND DRAINED (50-75% EXOTICS)	0.07 Ac ±	0.0%
6210 E4	CYPRESS, DISTURBED AND DRAINED (76-100% EXOTICS)	4.79 Ac ±	0.2%
6219 E2	CYPRESS, DISTURBED (25-49% EXOTICS)	2.11 Ac ±	0.1%
6219 E3	CYPRESS, DISTURBED (50-75% EXOTICS)	17.80 Ac ±	0.7%
6219 E4	CYPRESS, DISTURBED (76-100% EXOTICS)	1.63 Ac ±	0.1%
6249 E2	CYPRESS/PINE/CABBAGE PALM, DISTURBED (25-49% EXOTICS)	1.12 Ac ±	0.0%
6259 E2	PINE, HYDRIC, DISTURBED (25-49% EXOTICS)	0.61 Ac ±	0.0%
6259 E3	PINE, HYDRIC, DISTURBED (50-75% EXOTICS)	0.82 Ac ±	0.0%
6259 E4	PINE, HYDRIC, DISTURBED (76-100% EXOTICS)	1.07 Ac ±	0.0%
6309 E2	MIXED WETLAND FOREST, DISTURBED (25-49% EXOTICS)	1.72 Ac ±	0.1%
6309 E3	MIXED WETLAND FOREST, DISTURBED (50-75% EXOTICS)	1.84 Ac ±	0.1%
6309 E4	MIXED WETLAND FOREST, DISTURBED (76-100% EXOTICS)	3.93 Ac ±	0.1%
6419 E2	FRESHWATER MARSH, DISTURBED (25-49% EXOTICS)	0.08 Ac ±	0.0%
6419 E3	FRESHWATER MARSH, DISTURBED (50-75% EXOTICS)	7.31 Ac ±	0.3%
6419 E4	FRESHWATER MARSH, DISTURBED (76-100% EXOTICS)	1.12 Ac ±	0.0%
6439 E1	WET PRAIRIES, DISTURBED (0-24% EXOTICS)	0.06 Ac ±	0.0%
6439 E3	WET PRAIRIES, DISTURBED (50-75% EXOTICS)	0.33 Ac ±	0.0%
740	DISTURBED LAND	51.18 Ac ±	1.9%
7401	DISTURBED LAND, HYDRIC	16.30 Ac ±	0.6%
742	BORROW AREA	8.05 Ac ±	0.0%
743	SPOIL AREA	9.58 Ac ±	0.0%
747	DIKES AND LEVEES (SIERA)	40.56 Ac ±	1.5%
814	ROAD	0.21 Ac ±	0.0%
	TOTAL	2614.75 Ac ±	100.0%

* DENOTES "WETLANDS"

NOTES:

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PROPERTY BOUNDARY PER J.R. EVANS, INC. DRAWING NO. 857 KINGSTON PLATTER CONCEPT PLAN K.DWG DATED MARCH 7, 2022.

WETLAND AND SURVEY DITCH LINES PER BANKS ENGINEERING,INC DRAWING NO.3370-JO-SR.DWG DATED FEBRUARY 12, 2009.

SURVEY DITCH LINES PER HETRON SURVEYING & MAPPING, LLC DRAWING NO. DITCHES TO BE SURVEY LOCATED 12-03-08.DWG DATED DECEMBER 3, 2008

WETLAND AND OSW LINES SHOWN PER FDEP FORMAL WETLAND JURISDICTIONAL DETERMINATION NO.FD-36-0284086-001 ISSUED AUGUST 26, 2009.

FLUCFCS LINES ESTIMATED FROM 1"=300' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

DRAFT

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REVISED: H.H./T.S.	DATE: 04/11/22

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KINGSTON
AERIAL WITH FLUCFCS, WETLANDS, SURVEY TRANSECTS, AND PROTECTED SPECIES LOCATIONS MAP

DRAWING No.: 21CCL3707
SHEET No.: APPENDIX B

EXHIBIT J

KINGSTON
PROTECTED SPECIES MANAGEMENT AND HUMAN-WILDLIFE COEXISTENCE PLAN

DRAFT

April 2022

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Project No. 21CCL3707

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1.0 INTRODUCTION

This report documents the Protected Species Management and Human-Wildlife Coexistence Plan for Kingston (Project). The management plan contained in this report pertains to the Eastern indigo snake (*Drymarchon corais couperi*), gopher tortoise (*Gopherus polyphemus*), American alligator (*Alligator mississippiensis*), crested caracara (*Caracara cheriway*), Florida sandhill crane (*Grus canadensis pratensis*) and listed wading birds, Big Cypress fox squirrel (*Sciurus niger avicennia*), Florida black bear (*Ursus americanus floridanus*), and Florida panther (*Puma concolor coryi*).

The Project totals 6,676.72± acres and is located in Sections 2, 3, 10, 11, 14, 15, 23-26, and 34-36; Townships 46 South; Range 27 East; and Sections 34 and 35; Township 45 South; Range 27 East; Lee County (Appendix A). The surrounding land uses include single-family home sites to the north; Corkscrew Regional Ecosystem Watershed (CREW) lands to the south; CREW lands, single-family home sites, and a segment of Corkscrew Road to the east; and mining and agricultural uses to the west. Additionally, an east-west segment of Corkscrew Road bisects the property before it turns and heads north.

The majority of the site currently supports active citrus grove and other agricultural operations, while the remainder of the site contains native vegetation with varying amounts of disturbance and exotic vegetation. The native wetland habitats include, but are not limited to, cypress, hydric pine, cypress/pine/cabbage palm, mixed wetland forest, freshwater marsh, and wet prairie habitats. Native upland habitats on the Project site include, but are not limited to, palmetto prairie, pine, and pine flatwoods habitat types. As part of the historic agricultural surface water management, an extensive network of ditches, berms, and reservoirs have been constructed on the property which has led to the isolation of native wetland systems within the site.

2.0 LEE COUNTY PROTECTED SPECIES SURVEYS

Passarella & Associates, Inc. (PAI) conducted a Lee County protected species survey (PSS) in July and August 2013 on the northern portion of the Project site, formerly known as Old Corkscrew Plantation IPD. The survey was conducted to meet Lee County Land Development Code (LDC) Chapter 10, Article III, Division 8 (Protection of Habitat) standards. Six Lee County protected species and their signs (e.g., scat, tracks, nests, scratched trees, etc.) were documented during the PSS by PAI. The protected wildlife species observed included American alligator and one alligator nest, little blue heron (*Egretta caerulea*), tri-colored heron (*Egretta tricolor*), snowy egret (*Egretta thula*), crested caracara, and Florida black bear.

Additionally, PAI conducted a Lee County PSS in February, March, and April 2022 on the southern portion of the Project site in accordance with Lee County standards. Eight Lee County protected species and their signs (e.g., scat, tracks, nests, etc.) were documented during the PSS. The protected wildlife species observed included American alligator, gopher tortoise, Florida sandhill crane, little blue heron, snowy egret, wood stork (*Mycteria americana*), Big Cypress fox squirrel, and Florida panther tracks and scat.

Table 1 summarizes the protected species that were documented during the 2013 and 2022 surveys conducted on the Project site.

Table 1. Protected Species Documented on the Project Site

Common Name	Scientific Name	Listing Status	
		FWCC	USFWS
Reptiles			
American alligator	*Alligator mississippiensis*	FT(S/A)	FT(S/A)
Gopher tortoise	*Gopherus polyphemus*	ST	*
Birds			
Crested caracara	*Caracara cheriway*	T	T
Florida sandhill crane	*Grus canadensis pratensis*	ST	-
Little blue heron	*Egretta caerulea*	ST	-
Snowy egret	*Egretta thula*	**	-
Tri-colored heron	*Egretta tricolor*	ST	-
Wood stork	*Mycteria americana*	FT	T
Mammals			
Big Cypress fox squirrel	*Sciurus niger avicennia*	ST	-
Florida black bear	*Ursus americanus floridanus*	**	-
Florida panther (tracks and scat)	*Puma concolor coryi*	FE	E

FWCC – Florida Fish and Wildlife Conservation Commission
USFWS – U.S. Fish and Wildlife Service
E – Endangered
FE – Federally Endangered
FT – Federally Threatened
FT(S/A) – Federally Threatened Due to Similarity of Appearance
ST – State Threatened
T – Threatened
*Currently listed as a candidate species by the USFWS
**Delisted at the state level but protected by an FWCC Management Plan

3.0 CONSERVATION AREAS

The proposed conservation areas total 3,287.23± acres. The conservation areas will be maintained in accordance with the Indigenous Preservation, Restoration, and Management Plan provided under separate cover. The conservation areas will be managed to provide habitat for listed species.

The Project has been designed to minimize impacts to the listed species that have been identified on the property and other listed wildlife species that could potentially utilize the site. The site plan minimizes impacts to existing native vegetation habitats and concentrates development primarily within the existing agricultural lands.

The proposed conservation areas will contain the following elements:

- Preservation and enhancement of 999.07± acres of indigenous wetlands and uplands (existing forested and herbaceous habitats with less than 75 percent exotics);
- Restoration of 373.16± acres of indigenous wetlands, other surface waters (OSW), and uplands vegetation through removal of exotic vegetation (existing forested and herbaceous habitats with greater than 75 percent exotics) and supplemental planting; and
- Restoration of 1,915± acres of wetlands and uplands from farm fields and replanting with native vegetation.
- Open water areas may be incorporated into the restoration from farm fields.

The preservation and enhancement of existing indigenous vegetation and the restoration of extensive areas of farm fields back to indigenous habitats will serve to provide significant regional flow-ways and wildlife corridors within the Project site.

The conservation areas will be managed for listed species based on habitat type and currently listed species utilization. Targeted listed species include the Eastern indigo snake, gopher tortoise, American alligator, crested caracara, Florida sandhill crane and listed wading birds, Big Cypress fox squirrel, Florida black bear, and Florida panther.

The conservation areas will be placed in an easement with inspection, enforcement, and approval rights granted to Lee County, the South Florida Water Management District (SFWMD), and the Florida Department of Environmental Protection. The total preserve area to be placed under a conservation easement is 3,287.23± acres.

4.0 WILDLIFE CROSSINGS

To maintain internal connectivity for wildlife and promote the restoration of historic flow-ways through the property, wildlife crossings will be installed where the proposed internal roads cross the conservation areas. An aerial depicting the proposed location of the wildlife crossings is provided as Appendix B. Two forms of wildlife crossings will be designed to accommodate the passage of both large and small mammals, as well as reptiles and amphibians. Wildlife crossings for large mammals will consist of a box culvert sized up to 6 x 8 feet. Wildlife crossings for small mammals, reptiles, and amphibians will consist of reinforced concrete pipes (RCPs) sized up to 48 inches. The invert of the box culverts and RCPs will be placed at natural grade. A section of low-level chain link fencing will be installed on either side of the crossings to direct wildlife through the crossings.

5.0 PERIMETER BUFFER LAKES AND FENCING

The Project site design includes perimeter fencing between the development and conservation areas. The goal of the fencing is to help deter Florida panther, Florida black bear, and their prey species from entering residential and commercial areas. The fencing will also serve to

accommodate the movement of wildlife among the conservation areas as described in Section 4.0 above.

The wildlife fencing will consist of a six-foot chain link fence which has previously been approved by the Florida Fish and Wildlife Conservation Commission (FWCC) for projects in Southwest Florida. The locations of the proposed fencing are depicted on Appendix B. Further details regarding the location of the fencing will be provided at time of development order.

6.0 COMMERCIAL USES

The Project includes dedicated commercial uses adjacent to Corkscrew Road and State Road 82. To minimize potential human-wildlife interaction, educational brochures provided in this plan will be provided to commercial tenants. Commercial development will be required to minimize wildlife attractants by securing all exterior food and water sources.

Commercial uses, including restaurants, must secure exterior trash containers with locking lids and periodically clean cans to reduce residual odors. Bear-resistant dumpsters will be used in areas where communal garbage is collected. A list of companies obtained from the FWCC that provide bear-resistant garbage containers for commercial use is provided as Appendix C. In consultation with the local waste disposal company, bear-resistant dumpsters will be purchased from one of the listed companies or another company that is able to provide bear-resistant dumpsters which are compatible with local equipment. The bear-resistant dumpsters will be incorporated at the time Lee County's waste collection sub-contractor makes them available for use.

In order to minimize disturbance to wildlife, lighting within the commercial parcel will not directly illuminate the adjacent preserve areas.

7.0 EASTERN INDIGO SNAKE MANAGEMENT PLAN

The Eastern indigo snake has not been documented on-site; however, the following plan outlines the protection guidelines that will be implemented for the Eastern indigo snake during clearing operations for the Project. The plan provides educational material and guidelines for construction personnel to follow in the event they encounter an Eastern indigo snake. The plan has been prepared following the guidelines established by the U.S. Fish and Wildlife Service (USFWS). The Eastern indigo snake is a federally threatened species and is listed by the Endangered Species Act (ESA). It is unlawful for anyone to injure, harm, harass, or kill this species. Persons who knowingly violate provisions of the ESA that afford this species protection may be subject to a fine and/or imprisonment.

7.1 Biology

The Eastern indigo snake is a large, non-poisonous, glossy black snake with smooth iridescent scales. The chin and throat may be rusty or white-blotched. The juvenile snakes are similar to the adults, but may be lighter and exhibit a blotched dorsal pattern. Adults

can grow to lengths over eight feet. The Eastern indigo snake might be confused with the black racer (*Coluber constrictor*), but the black racer exhibits a white or brown throat and is smaller and lighter in build.

The Eastern indigo snake inhabits a range of habitat types including pine flatwoods and wet prairies. Individuals are wide ranging and may utilize an area of 250 acres or more. Eastern indigo snakes are known to shelter in gopher tortoise burrows. The Eastern indigo snake is diurnal (active only during the daytime) and will actively search for prey. Prey may include frogs, snakes, birds, and small mammals. Very little is known of the reproduction of this species in the wild. Breeding is believed to occur during the winter and early spring months with up to 11 large white eggs being deposited in late spring and early summer.

7.2 Management Plan

The USFWS's Standard Protection Measures for the Eastern Indigo Snake (2013) will be followed prior to and during construction activities. The Standard Protection Measures include the placement of posters at strategic locations on the construction site and along proposed access roads clearly visible to construction staff. The posters include a description and photograph of the Eastern indigo snake, its protection status, and instructions in the event that one is observed. In addition, informational brochures will be provided to all construction staff.

The Project will preserve, enhance, and restore 3,287.23± acres of existing vegetation on-site through the removal of exotic vegetation and supplemental plantings. The preserve areas will be maintained per the Project's Indigenous Preservation, Restoration, and Management Plan and will provide habitat for the Eastern indigo snake.

Problematic encounters between future residents and Eastern indigo snakes are not anticipated. Construction personnel, maintenance staff, and homeowners will be informed that the Eastern indigo snake is a protected species and informational brochures will provided (Appendix D).

8.0 GOPHER TORTOISE MANAGEMENT PLAN

One gopher tortoise was observed during the 2022 PSS. The following plan outlines the management activities that will be implemented for the gopher tortoise prior to the implementation of site clearing. The gopher tortoise is listed as threatened by the FWCC.

8.1 Biology

The gopher tortoise is a large, terrestrial turtle averaging 23 to 28 centimeters (9 to 11 inches) in shell length. Maximum length is around 38 centimeters (15 inches). The gopher tortoise is characterized by stumpy, elephantine hind feet and flattened, shovel-like forelimbs adapted for digging. The tan, brown, or gray carapace (top portion of the shell)

is domed and oblong. The plastron (bottom portion of the shell) is somewhat concave in males. Growth annuli may be conspicuous, particularly in juveniles. Hatchlings are approximately 4.4 centimeters (1.7 inches) in length and are yellowish orange in color.

The gopher tortoise occurs in the Southeastern Coastal Plain of the United States from Eastern Louisiana to Southeastern South Carolina and throughout Florida. In Florida, gopher tortoises occur in portions of all 67 counties. Gopher tortoises inhabit a wide variety of upland vegetative communities. Three environmental conditions are especially important for gopher tortoises: well-drained, sandy soil in which to burrow; adequate low-growing herbaceous ground cover for food; and relatively open, sunlit areas for nesting. The gopher tortoise is primarily associated with longleaf pine-scrub oak woodlands (sandhills), but it is also found in sand pine scrub, coastal strands, live oak hammocks, dry prairies, pine flatwoods, and mixed hardwood-pine communities. Disturbed habitats, such as roadsides, fencerows, clearings, and old fields, often support relatively high tortoise densities.

Gopher tortoises excavate burrows averaging 4.5 meters (14.8 feet) in length and 2 meters (6.6 feet) in depth and wide enough to allow them to turn around at any point. These burrows provide protection from temperature extremes, desiccation, and predators and serve as refuges for a variety of other animals. The placement and depth of burrows vary with the soil type, geographic location, and ground water levels. An individual tortoise may use more than one burrow and may excavate new burrows at any time during its life.

Gopher tortoise densities and movements are affected by the amount of herbaceous ground cover present. Generally, feeding activity is confined to within 50 meters (164 feet) of the burrow. Principal foods include grasses, legumes, and grass-like plants of the sedge and aster families. Legumes appear to be particularly important in the diet of juveniles. Fruits such as blackberries (*Rubus* sp.), pawpaws (*Asimina triloba*), gopher apples (*Licania michauxii*), and saw palmetto (*Serenoa repens*) berries are also consumed.

8.2 Management Plan

Prior to commencement of clearing activities within the development footprint a survey will be conducted to identify gopher tortoises or gopher tortoise burrows. If gopher tortoise burrows are located within the development footprint, the applicant will obtain a permit from the FWCC to relocate gopher tortoise(s) to a protected recipient site prior to initiating construction activities. The recipient site will be approved by the FWCC and managed in perpetuity, consistent with FWCC's Gopher Tortoise Management Plan (2012).

9.0 AMERICAN ALLIGATOR MANAGEMENT PLAN

Eight American alligators and one American alligator nest was observed on-site during the 2022 PSS. The following plan outlines the protection guidelines that will be implemented for the American alligator during clearing operations for the Project. The American alligator is listed as threatened (due to similarity of appearance) by the USFWS and the FWCC.

9.1 Biology

The American alligator is a reptile with an elongated, armored, lizard-like body with a muscular flat tail. Adult alligators are dark with a pale underside while juveniles have bright yellow stripes and blotches. The average size for adults is 8.2 feet for females and 11.2 feet for males. The body weight can reach up to a half ton. American alligators inhabit all counties in the State of Florida and are most common in the major river drainage basins and large lakes in the central and southern portions of the state. They also can be found in marshes, swamps, ponds, drainage canals, phosphate-mine settling ponds, and ditches. Alligators are tolerant of poor water-quality and occasionally inhabit brackish marshes along the coast. A few even venture into saltwater. Individuals are wide ranging, and some males may utilize an area of two square miles or more. Individuals of both sexes are most likely to become more active and extend their ranges during the April to May courtship and breeding season. Prey may include frogs, snakes, birds, and small mammals, although alligators are opportunistic feeders and may prey on what is readily available. Larger individuals often prefer carrion to fresh meat.

9.2 Management Plan

The proposed Project will not impact the alligator. Alligators commonly move from water body to water body in response to factors such as season, disturbances, food supply, etc. The American alligator is listed as a federally threatened species due to similarity of appearance to the American crocodile (*Crocodylus acutus*). Only representatives of the FWCC are authorized to handle nuisance alligators. If an alligator is present within the limits of construction at the time of clearing, work within the immediate vicinity of the alligator will be halted and the animal will be allowed to move out and into safer territory. Once the alligator has moved, work can be restarted. If an active alligator nest is found, it will be temporarily protected with an adequate buffer zone until the hatchlings leave the nest.

Extensive, high quality American alligator habitat will be provided throughout the property through wetland preservation, enhancement, and restoration. This includes the includes exotic vegetation removal within 1,162.96± acres of existing wetlands on the property. These wetlands are predominantly cypress forest, mixed wetland hardwoods, hydric pine forest, and freshwater marshes habitat types. Invasive exotic removal will result in wetland preserves that are more suitable to alligators and their prey species. In addition to the enhancing and restoration of existing wetlands, the Project will restore wetlands from existing farm fields that will benefit the American alligator. The preserve areas will be maintained per the Project's Indigenous Preservation, Restoration, and Management Plan.

To avoid problematic encounters between future residents and American alligators, the FWCC's educational brochure entitled "A Guide to Living with Alligators" (Appendix E) will be provided to homeowners and maintenance staff (see Section 16.2).

10.0 CRESTED CARACARA MANAGEMENT PLAN

Two crested caracara were observed during the 2022 PSS. As such, the following management plan outlines the protection guidelines that will be implemented for the crested caracara prior to clearing activities on the Project and addresses habitat enhancement and restoration on the site. The crested caracara is listed as threatened by the USFWS and the FWCC.

10.1 Biology

The crested caracara is a large, non-migratory raptor that feeds both on prey and carrion and is often found with flocks of turkey vultures (*Cathartes aura*) and black vultures (*Coragyps atratus*). The population of crested caracara found in peninsular Florida is genetically isolated from other populations of crested caracara subspecies found in the Southwestern United States and portions of Central and South America (USFWS 1999). While other subspecies of crested caracara are not listed as threatened or endangered, the crested caracara subspecies found in Florida was listed in July 1987 as threatened under the ESA.

Crested caracaras primarily use open habitats including native prairies; grasslands and cattle pastures with their associated freshwater marshes; and small clumps of cabbage palms (*Sabal palmetto*), live oak (*Quercus* spp.) hammocks, and cypress (*Taxodium* spp.). Cabbage palms in open habitats are of high importance for nesting (Rodgers *et al.* 1996, Morrison 2001). The primary nesting season for the crested caracara is November through April. Egg laying typically occurs December through February. Clutch size is one to three eggs and incubation ranges from 28 to 32 days. Caracara young fledge at age seven to eight weeks, mostly in March and April (Wood 2001).

10.2 Management Plan

Prior to clearing activities, a qualified ecologist will survey the construction impact area and adjacent habitats for the presence of crested caracara nests. The removal of any caracara nests located within the Project site will be coordinated with USFWS and Lee County Department of Community Development staff prior to initiation of construction activities.

The completed Project will preserve, enhance, and restore 3,287.23± acres of native habitat. The conservation areas will include open freshwater marsh, pine, and other habitat types that will provide potential foraging opportunities for caracaras.

Problematic encounters between future residents and crested caracaras are not anticipated. Should a caracara choose to nest adjacent to the community or close to approved access areas within the preserves, the nest will be left undisturbed. If unanticipated nest disturbance is noted, then an appropriate no-entry buffer zone will be established around the nest with signage until the young fledge.

11.0 WADING BIRD AND FLORIDA SANDHILL CRANE MANAGEMENT PLAN

Florida sandhill cranes and several listed wading bird species, including the little blue heron, tri-colored heron, American wood stork, and snowy egret were observed utilizing the Project site during the 2013 and 2022 PSS. It is anticipated that these birds and others, including limpkin (*Aramus guarauna*), and roseate spoonbill (*Platalea ajaja*) may utilize the wetlands and other native habitats on the property. The following management plan has been prepared for the purpose of addressing the management of potential wading bird and Florida sandhill crane habitat on the site.

11.1 Management Plan

Prior to clearing activities, a qualified ecologist will survey the construction impact area and adjacent habitats for the presence of Florida sandhill crane and listed wading bird nests. If there is evidence of Florida sandhill crane or listed wading bird nesting, the appropriate FWCC-recommended buffer will be provided around the nest site(s) to avoid disturbance by human activities. If Florida sandhill crane or listed wading bird nesting is discovered after construction has begun or if maintaining the buffers is not possible, the applicant will coordinate with the FWCC staff regarding permitting requirements.

The Project proposes preservation and enhancement of wading bird habitat. Foraging areas will be provided through the preservation, enhancement, and restoration of 1,162.96± acres of existing wetlands. Enhancement and restoration of the preserved wetlands through removal of invasive exotic plants and installation of native plantings will result in habitats that are more suitable for wading bird foraging and roosting. In addition to enhancing and restoring existing wetlands, the Project will restore wetland from existing farm field which will benefit Florida sandhill cranes and wading bird species.

Problematic encounters between future residents and Florida sandhill cranes and wading birds are not anticipated. Construction personnel, maintenance staff, and homeowners will be informed that the wading birds are protected species. Additionally, informational pamphlets will be provided to homeowners and maintenance staff (Appendix F) (see Section 16.2).

12.0 BIG CYPRESS FOX SQUIRREL MANAGEMENT PLAN

The Big Cypress fox squirrel was observed utilizing forested and disturbed areas on the Project during the 2022 PSS. The following management plan has been prepared for the purpose of addressing the conservation of Big Cypress fox squirrel habitat on the Project site and outlines the protection guidelines that will be implemented for the Big Cypress fox squirrel prior to, during, and after construction of the Project. The Big Cypress fox squirrel is listed as threatened by the FWCC. There is no federal listing for the Big Cypress fox squirrel in Florida.

12.1 Biology

The Big Cypress fox squirrel lives and breeds in varied habitats in Southwest Florida including cypress swamps, pine flatwoods, tropical hardwood forests, live oak woods, mangrove forests, and suburban habitats, including golf courses, city parks, and residential areas in native vegetation (Humphrey 1992). Dense cypress/hardwood swamps are avoided. This may be due to the competition for food and habitat with the Eastern gray squirrel (*Sciurus carolinensis*). Little data is available on the preferred forage habitat of the Big Cypress fox squirrel. Big Cypress fox squirrels prefer to feed on the male and female cones of slash pine. Cabbage palm fruits, bromeliad (*Bromeliaceae* sp.) buds, and acorns are also important food items. A smaller percentage of the diet may consist of seasonal fruits, berries, and seeds (Humphrey 1992).

Big Cypress fox squirrels often form platform nests in pines and hardwoods, and moss and stick nests in cypress, tops of cabbage palms, and large clumps of bromeliads. Cabbage palms and bromeliads are especially important because they can provide immediate shelter, which allows the squirrel to travel over large areas without requiring a daily return to a permanent nesting facility (Humphrey 1992).

Big Cypress fox squirrels are solitary animals. Interaction between animals occurs primarily during mating season. Mating chases occur frequently throughout the months of May through August. During the non-mating season, interactions are infrequent and often occur around food sources. Young remain in the nest for approximately 90 days. Home ranges are 40 hectares (approximately 100 acres) for males and 20 hectares (approximately 50 acres) for females (Humphrey 1992).

12.2 Pre-Construction Surveys

A qualified ecologist will be on-site to supervise Big Cypress fox squirrel management and monitoring activities as detailed in this plan. Prior to clearing activities, the preserve areas will be staked in the field and clearly identified with silt fencing or an equivalent barrier. The fencing will be inspected by the preserve manager prior to clearing activities. The operation and storage of construction equipment and the stock-piling of fill and construction material will be prohibited within the fenced preserve areas. The fencing identifying the limits of the preserves will be maintained for the duration of construction activities.

Also, prior to commencement of clearing activities in the development area and removal of exotic trees within the preserve areas, a survey will be conducted by a qualified ecologist to identify potential Big Cypress fox squirrel nests. If potential nests are identified within the clearing limits or within the preserve areas, observations will be conducted to determine if the nests are being utilized by Big Cypress fox squirrels. The FWCC will be notified of nests determined to be utilized by Big Cypress fox squirrels. Active nests will be temporarily protected from clearing by a 125-foot radius undisturbed buffer until juvenile fox squirrels have vacated the nest(s), as confirmed by a qualified ecologist. After completion of nesting and observations documenting that juvenile fox squirrels have

vacated the nest(s), a written request to remove the nest tree(s) will be made to the FWCC. After receipt of the written authorization from the FWCC, the nest tree and buffer can then be cleared.

12.3 Management Plan

Enhancement and restoration of the preserve areas will be conducted as detailed in the Indigenous Preservation, Restoration, and Management Plan. Prescribed fires may be used within the preserved habitats to help maintain an open understory. The preserve areas will provide foraging and nesting habitats for Big Cypress fox squirrels.

Problematic encounters between future residents and Big Cypress fox squirrels are not anticipated. The typical nest location, high within the tree canopy, will ensure against disturbance to fox squirrel nests. Construction personnel, maintenance staff, and homeowners will be informed that the Big Cypress fox squirrel is a protected species.

13.0 FLORIDA BLACK BEAR MANAGEMENT PLAN

Florida black bear sign (i.e., scratch tree) was documented on the Project site during the 2013 PSS. The following habitat management plan has been prepared for the purpose of addressing the conservation of Florida black bear habitat on the Project site. The Florida black bear is not listed by the FWCC or the USFWS. However, the FWCC and the Lee County LDC have specific management activities for this species.

13.1 Biology

The Florida black bear is a subspecies of the American black bear (*Ursus americanus*). The Florida black bear is a solitary animal that inhabits heavily wooded terrain and is most often found in large tracts of swamp forest and undisturbed upland forest. Some of the most important habitat types for the Florida black bear include pine flatwoods, hardwood swamps, cypress swamps, cabbage palm forests, sand pine scrub, and mixed hardwood hammocks. Denning often occurs in remote swamps or thickets with dense vegetation. Adult females breed in alternating years during the months of June and July. In Florida, hibernation may be restricted to females producing cubs. Hibernation most often occurs during the winter months. The diet of Florida black bears is highly variable and includes both plants and animals including saw palmetto berries, honeybees (*Apis* sp.), ants (*Formicidae* sp.), armadillo (*Dasypus novemcinctus*), feral hog (*Sus scrofa*), and white-tailed deer (*Odocoileus virginianus*) (Humphrey 1992).

13.2 Management Plan

In order to deter the potential for interactions between humans and large mammals such as the Florida black bear, perimeter fencing will be utilized between development and the conservation areas to deter large mammals from accessing the development areas.

The preserved, enhanced, and restored habitat within the conservation areas will provide habitat for the Florida black bear and associated prey species. Enhancement activities will provide higher quality habitat for the Florida black bear than what currently exists within the site.

To avoid problematic encounters between future residents and Florida black bears, the FWCC's educational brochure entitled "A Guide to Living in Bear Country" (Appendix G) will be provided to homeowners and maintenance staff (see Section 16.4).

14.0 FLORIDA PANTHER MANAGEMENT PLAN

No Florida panthers were observed on the Project; however, panther tracks and scat were observed during the 2022 PSS. The property is located within both the USFWS's Primary and Secondary Zones for the Florida panther. In addition, FWCC Florida panther telemetry has been recorded on the Project site and adjacent properties. The following habitat management plan has been prepared for the purpose of addressing the conservation of Florida panther habitat on the Project site. The Florida panther is listed as endangered by the FWCC and the USFWS.

14.1 Biology

The Florida panther is a large, long-tailed cat with a great deal of color variation: pale brown or rusty upper parts; dull white or buff-colored under parts; and dark brown or blackish tail tip, back of ears, and sides of the nose. Mature males have an average weight range between 100 to 150 pounds and measure nearly seven feet from nose to tip of the tail. Females are considerably smaller with a weight range of 50 to 100 pounds and measuring about six feet (USFWS 1987). Panthers subsist on a variety of mammalian prey dominated by white-tailed deer, feral hog, and in some areas raccoon (*Procyon lotor*) (Maehr 1988*a*). Existing data on Florida panther reproduction indicates that breeding occurs throughout the year with a peak in the winter/spring period, a gestation period of around 90 to 95 days, litter sizes of one to four kittens, and a breeding cycle of two years for females successfully raising young to dispersal (which occurs around 18 to 24 months) (Belden 1988, Maehr 1988*b*).

In terms of population size and occupied range, the Florida panther population is at least stable, and at best expanding, as evidenced by natality rates exceeding mortality rates and by recent dispersals north of the Caloosahatchee River (Land *et al.* 2000). According to Maehr *et al.* (1991), home ranges average 200 square miles for resident adult males, 75 square miles for adult females, 241 square miles for transient males, and 69 square miles for sub-adult females. Florida panthers inhabit large remote tracts of land with adequate prey and cover and occupy a variety of habitat types including hardwood hammocks, pine flatwoods, mixed hardwood swamps, and cypress swamps. Appropriate cover is an important component of habitats used, especially during hunting, denning, and day-bedding. Recent information based on global positioning system (GPS) telemetry data collected during nocturnal and diurnal periods indicate that forests are the habitats selected by panthers (Land *et al.* 2008).

14.2 Management Plan

In order to deter the potential for interactions between humans and large mammals such as the Florida panther, perimeter fencing will be utilized between the development and conservation areas to deter large mammals from accessing the development areas.

The preserved, enhanced, and restored habitat within the conservation areas will provide habitat and a wildlife corridor for the Florida panther and associated prey species. Enhancement activities will provide higher quality habitat for the Florida panther than what currently exists within the site.

To avoid problematic encounters between future residents and Florida panthers, the educational brochure entitled "A Guide to Living with Florida Panthers" (Appendix H), prepared by the FWCC and the USFWS, will be provided to homeowners and maintenance staff (see Section 16.5).

15.0 PRESCRIBED FIRE

Prescribed burning may be used as a management tool to maintain the native vegetation communities within the conservation areas. Prescribed burns help maintain vegetative communities in their natural state, reduce fuel loads and the danger of wildfire, aid with the eradication and control of exotic and nuisance vegetation species, and improve wildlife habitat. The objectives of prescribed burning in the conservation areas will be to aid in the control of exotic vegetation and woody shrubs (i.e., wax myrtle (*Morella cerifera*) and saltbush (*Baccharis halimifolia*)), and to stimulate the growth and diversity of herbaceous vegetation.

If utilized, the burning frequency for the conservation areas will be two to four years, which is consistent with the natural fire regime for mesic flatwoods, wet flatwoods, and wet prairies described by Florida Natural Areas Inventory (FNAI) in the *Guide to the Natural Communities of Florida* (2010). The edges of the Project's freshwater marshes will be burned when the fire moves through the adjacent pine and prairie habitats. The fire will be allowed to extinguish naturally within the wetter marsh habitats.

Prescribed burning is typically conducted during the winter or early spring when temperatures are reduced, and wind direction is more constant. The initial burn is anticipated to occur during the late winter. Winter burns are preferred to reduce high fuel loads. Growing season burns also may be conducted as conditions allow. Changes in annual weather cycles determine when burn permits will be available, and burns may be conducted only on the day(s) of Florida Forest Service (FFS) permission. Fires will be excluded from planted areas for at least ten years to allow plantings to mature enough to survive fires.

Controlled burns will be conducted only when authorized with a permit by the FFS. In addition, notice will be given to the Estero Fire District. Coordination with CREW and the South Florida Water Management District will occur before burning. Burning will not be conducted if smoke is anticipated to encroach upon Corkscrew Road, State Road 82, or adjacent residences.

Information on prescribed fire will be incorporated into the property owner association or developer's agreement documents (Appendix I).

16.0 HUMAN-WILDLIFE COEXISTENCE PLAN

The following Human-Wildlife Coexistence Plans will be incorporated into the declaration of covenants of the Project's Homeowners Association or Community Development District documents.

16.1 Eastern Indigo Snake

As previously noted, the USFWS's Standard Protection Measures for the Eastern Indigo Snake (2013) will be followed prior to and during construction activities. The USFWS's Standard Protection Measures, including the poster and brochure, can be found at http://www.fws.gov/verobeach/listedspeciesreptiles.html. A copy of the brochure is provided as Appendix C.

16.2 American Alligator

Signs will be posted on the subject property to instruct on-site workers and homeowners not to feed or harass the American alligator. The signs will indicate that the offense is punishable by law. The typical signage is provided as Appendix I. Signs will be spaced a maximum of 300 feet apart. The FWCC's educational brochure entitled "A Guide to Living with Alligators" (Appendix D) will be provided to homeowners and maintenance staff. The brochure can be found at http://myfwc.com/media/152524/Alligator_Brochure.pdf. Construction personnel and homeowners will be instructed that in the event there is a problem with a persistent nuisance alligator, they should contact the FWCC's Nuisance Alligator Hotline at 866-FWC-GATOR (866-392-4286). The FWCC is the only agency empowered to handle nuisance alligators.

16.3 Wading Bird

A wading bird informational brochure entitled "Wading Bird Informational Pamphlet" (Appendix E) will be provided to homeowners and maintenance staff. The brochure provides wading bird information and methods to prevent human-wading bird interactions. In addition, the brochure informs residents of the need to avoid disturbance around a nest(s), should a wading bird nest(s) be identified on the property in the future.

16.4 Florida Black Bear

Residents will be educated about the presence of black bears in their community. FWCC's educational brochure entitled "A Guide to Living in Bear Country" (Appendix F) will be provided to homeowners and maintenance staff. This brochure can be found at http://myfwc.com/wildlifehabitats/managed/bear/brochures/.

16.5 Florida Panther

Residents will be educated about the presence of Florida panthers in their community. The educational brochure entitled "A Guide to Living with Florida Panthers" (Appendix G), prepared by the FWCC and the USFWS, will be provided to homeowners and maintenance staff. This brochure provides safety tips and instructions for panther encounters. The brochure can be found on the FWCC website located at http://myfwc.com/conservation/you-conserve/wildlife/panthers/.

17.0 PRESERVE SIGNAGE AND COMMUNITY EDUCATION PLAN

Signs identifying the conservation areas as a "nature preserve area" will be installed along the boundary of the preserve. The signage will include language stating, "No dumping allowed" (Appendix J). The signs will be spaced a maximum of 300 feet apart, will be no closer than ten feet from residential property lines, and will be limited to a maximum height of four feet and a maximum size of two square feet.

Periodic seminars may be held to further educate the community about the conservation areas, wetland benefits, coexistence with and protection of wildlife, and the benefits of prescribed fire. Community informational and educational brochures, such as those describing the benefits of prescribed fire (Appendix J), may be created and provided as needed to keep residents in compliance with conservation easements, wildlife regulations, etc. Continued education will ensure that the community is well informed regarding the preserves and wildlife coexistence.

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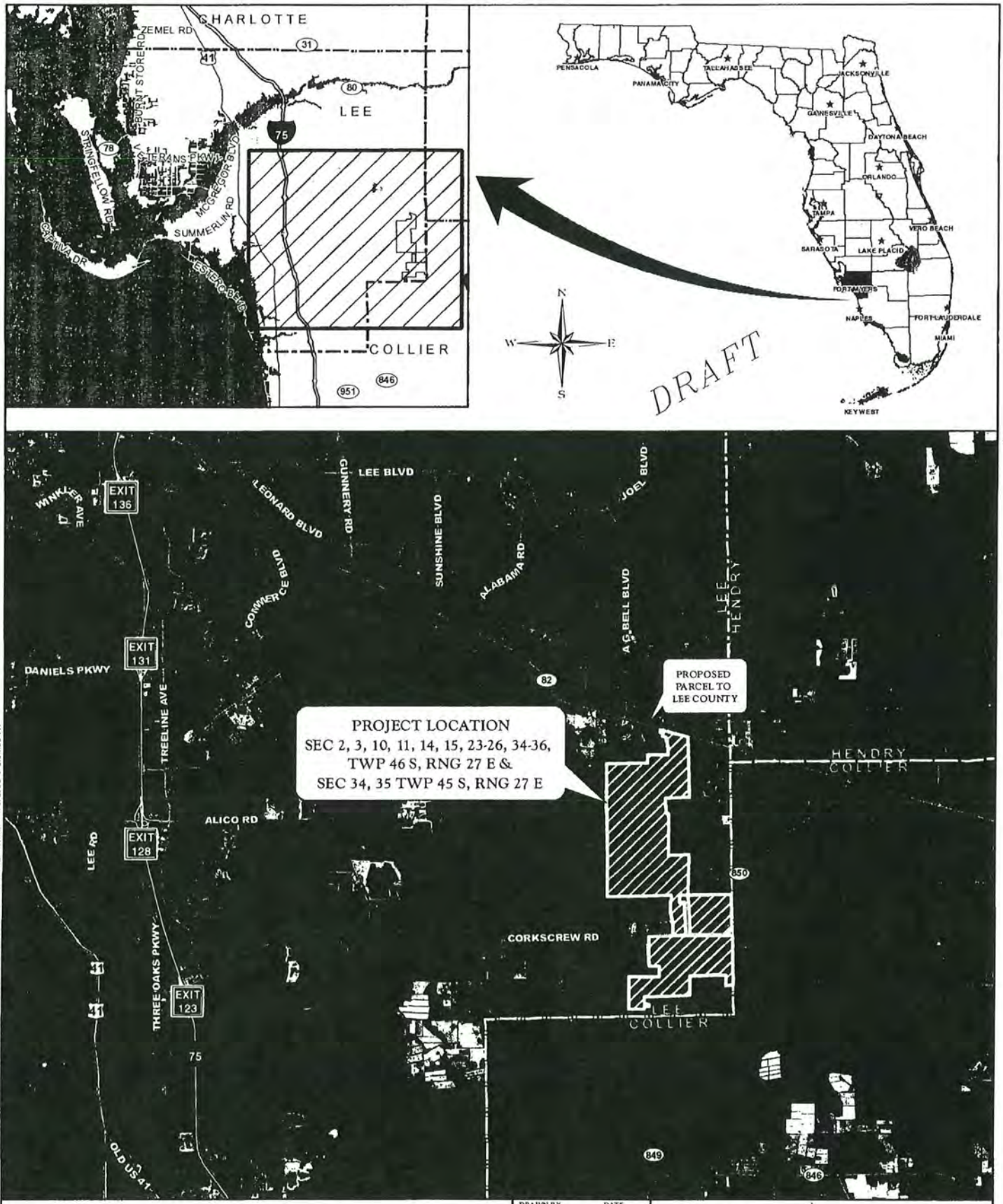
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APPENDIX A

PROJECT LOCATION MAP



APPENDIX A. PROJECT LOCATION MAP
KINGSTON

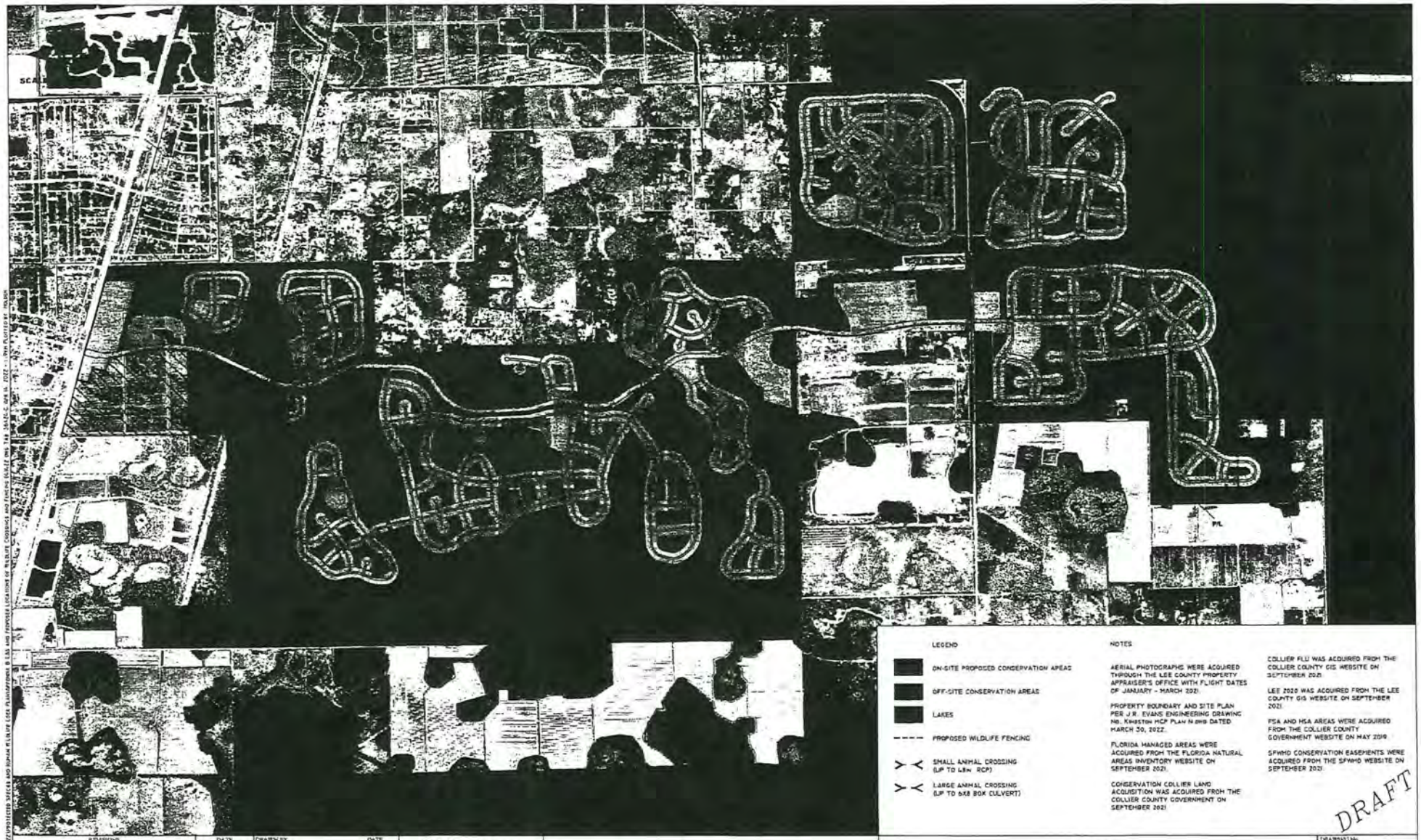
DRAWN BY	DATE
H.H.	03/14/22
REVIEWED BY	DATE
S.J.	03/14/22
REVISED	DATE

PASSARELLA & ASSOCIATES INC
Engineering Ecologists

J:\2021\21ecl.3707\GIS\2022\PROTECTED_SPECIES_AND_HUMAN_WILDLIFE_ECOL_PLAN\APPX_A_PROJECT_LOCATION_MAP.MXD - 4/6/2022 @ 2:34:30 PM

APPENDIX B

AERIAL WITH CONSERVATION AREAS AND PROPOSED LOCATION OF WILDLIFE CROSSINGS AND FENCING PLAN



LEGEND

- ON-SITE PROPOSED CONSERVATION AREAS
- OFF-SITE CONSERVATION AREAS
- LAKES
- PROPOSED WILDLIFE FENCING
- SMALL ANIMAL CROSSING (UP TO 48in RCP)
- LARGE ANIMAL CROSSING (UP TO 6X8 BOX CULVERT)

NOTES

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH FLIGHT DATES OF JANUARY - MARCH 2021.

PROPERTY BOUNDARY AND SITE PLAN PER J.R. EVANS ENGINEERING DRAWING NO. KINGSTON HCP PLAN N.DWG DATED MARCH 30, 2022.

FLORIDA MANAGED AREAS WERE ACQUIRED FROM THE FLORIDA NATURAL AREAS INVENTORY WEBSITE ON SEPTEMBER 2021.

CONSERVATION COLLIER LAND ACQUISITION WAS ACQUIRED FROM THE COLLIER COUNTY GOVERNMENT ON SEPTEMBER 2021

COLLIER FLU WAS ACQUIRED FROM THE COLLIER COUNTY GIS WEBSITE ON SEPTEMBER 2021.

LEE 2020 WAS ACQUIRED FROM THE LEE COUNTY GIS WEBSITE ON SEPTEMBER 2021.

FSA AND HSA AREAS WERE ACQUIRED FROM THE COLLIER COUNTY GOVERNMENT WEBSITE ON MAY 2019.

SFWMD CONSERVATION EASEMENTS WERE ACQUIRED FROM THE SFWMD WEBSITE ON SEPTEMBER 2021.

DRAFT

REVISIONS	DATE

DRAWN BY: H.H.	DATE: 04/04/22
DESIGNED BY: S.J.	DATE: 04/04/22
REVIEWED BY: S.J.	DATE: 04/04/22

13620 Metropolis Avenue
Suite 200
Ft. Myers, FL 33912
Phone (239) 274-0067
Fax (239) 274-0069

PASSARELLA & ASSOCIATES, LLC

KINGSTON

AERIAL WITH CONSERVATION AREAS AND PROPOSED LOCATION OF WILDLIFE CROSSING AND FENCING PLAN

DRAWING No.: 21CCL3707

SHEET No.: APPENDIX B

APPENDIX C

BEAR-RESISTANT CONTAINER LIST

BEAR RESISTANT TRASH & RECREATIONAL STORAGE CONTAINERS

Residential Poly Carts and Cans



BearProofInc
234 S. Golden Dr.
Silt, CO 81652
Ph: (970) 309-2460
Fax: (970) 876-0420
E-mail: Info@BearProofInc.com
Website: http://www.bearproofinc.com/

Metal Roll Away Container
95 gallon

* Metal food and trash lockers also available



Bear Proofing-R-US
(no address available)
Ph: (865) 430-8902
E-mail: akruk@charter.net
Website: http://www.bearproofing-r-us.com/

Residential Street-side Trash Can
96 gallon
*dumpster lids, loaders, and bird feeders also available



Bear Proof Systems, LLC
7855 E. Lark Dr.
Parker, CO 80138
Phone: (303) 840-3390/1-800-944-7973
Fax: (303) 840-3460
E-mail: solidws@comcast.net
Website: http://www.bearproofsystems.com/

Curbside Carts
64 gallon
94 gallon
*Also make various metal containers



BearSaver – USA Sales

Steve Thompson

Ph: 1-800-851-3887
Fax: 909-605-7780
E-mail: sales@bearsaver.com
Website: http://www.bearsaver.com/

Bear Resistant Residential Poly Carts
Model PC-95
95 gallon (min order 24)
Model PC-65
65 gallon (min order 20)
Model PC-32
32 gallon (min order 20)
*Commercial Yard Dumpsters also available

BEAR RESISTANT TRASH & RECREATIONAL STORAGE CONTAINERS



Cascade Industries
The Learning Community
3400 Innovation Court SE
Grand Rapids, MI 49512-2085
Ph. (616)-975-4800

Fax: (616) 254-4174
E-mail: info@cascadeng.com
http://www.cascadeng.com/markets/waste/index.htm

"Cascade Cart"
35 gallons
64 gallons
96 gallons
Bear Resistant Cascade Cart
96 gallons



DAWG, Inc.
25 Lassy Court
Terryville, CT 06786
Phone: 1-800-YEL-DAWG (935-3294)
Fax: 1-800-LIL-PAWS (545-7297)
website: www.dawginc.com

Bearicuda Bin
"Critter Can" Model
Mobile Screw Top Model
Mobile Bearicuda Bin
BEARier Bins

Residential Trash Storage Containers



BearGuard Co. Ltd.
P.O. Box 89
Tahoe City, CA. 96145-0089
Phone/Fax (530) 581-2211
E-mail: **sales@BearGuardInfo.com**
Website: http://www.bearguardinfo.com/index.html

Green and Brown Containers
Various sizes



Carson Valley Welding
1046 Mallory Way
Carson City NV. 89701
PH: (775) 884-9353
Cell: (530) 318-1136
Fax: (775) 884-9354
Email:Don@nobearcan.com
Website: http://www.nobearcan.com/index.html

"No Bear Can"
Model B-5030 $999.00
Model B-5036 $1149.00

See also the following companies:
Bear Proof Inc.
Bear Proofing-R-US
Bear Proof Systems

Info. above

BEAR RESISTANT TRASH & RECREATIONAL STORAGE CONTAINERS

Animal Resistant Dumpsters



Capital Industries, Inc.
5801 Third Avenue South
Seattle WA 98108
Phone: (206) 762-8585/1-800-967-8585
FAX: (206) 762-5455
E-mail: sales@capitalind.com
Website: http://www.capitalind.com/main/

Bear Resistant Metal Containers & Lids
Various designs



Haul-All Equipment Systems
(no address available)
Phone: 1-888-428-5255
Fax: (403) 328-9956
E-mail: solutions@haulall.com
Website: http://www.haulall.com/index.htm

Hyd-A-Way Model
Several options available for garbage disposal and storage

See also the following companies:
Bear Proof Inc.
Bear Proofing-R-US
Bear Proof Systems
BearSaver-USA Sales

Info. above

Recreational Storage Containers
Panniers (for cooler storage)



Bear-Aware
(no address available)
Phone: 800-568-8990 / 818-504-3518
Contact Jeff Berns
E-mail: jmberns@bear-aware.comor
Website: http://www.bear-aware.com/

Dry & Ice Panniers
24" Medium Dry
28" Large Dry
28" Slim Dry
24" Medium Ice
28" Large Ice



Outfitters Supply
7373 US Highway 2E
Columbia Falls, MT 59912
Phone: 888-467-2256/ 406-892-3650
Fax: 406-892-4234
E-mail: gopackn@outfitterssupply.com
Website: http://www.outfitterssupply.com/

Pack Panniers



Pack Saddle Shop
3071 West Twin Rd
Moscow Idaho 83843
Phone: 208-882-1791
E-mail: support@packsaddleshop.com
Website:
http://www.packsaddleshop.com/Bearpan.html

Aluminum Panniers
Medium
Large
Sold with and without hardware

BEAR RESISTANT TRASH & RECREATIONAL STORAGE CONTAINERS

Food Storage Lockers



See the following companies:
BearProofInc
BearSaver – USA Sales
Haul-All Equipment Systems (product shown)

Info. above

Ask your local waste service provider if they offer wildlife resistant canisters. For example, Waste Pro Inc. and Waste Management Inc. have offered wildlife resistant containers for both residential and commercial locations. In some areas the Waste Service Provider has retrofitted the existing dumpster to a wildlife resistant design.

All images/photos are copyright of their respective company/website.

APPENDIX D

EASTERN INDIGO SNAKE INFORMATIONAL PAMPHLET

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.

APPENDIX E

AMERICAN ALLIGATOR INFORMATIONAL PAMPHLET

- Never feed alligators – it's dangerous and illegal. When fed, alligators can overcome their natural wariness and learn to associate people with food. When this happens, some of these alligators have to be removed and killed.

- Dispose of fish scraps in garbage cans at boat ramps and fish camps. Do not throw them into the water. Although you are not intentionally feeding alligators when you do this, the result can be the same.

- Seek immediate medical attention if you are bitten by an alligator. Alligator bites can result in serious infections.

- Observe and photograph alligators only from a distance. Remember, they're an important part of Florida's natural history as well as an integral component of aquatic ecosystems.



Tim Donovan, FWC

Call 866-FWC-GATOR (392-4286) to report nuisance alligators.



Janice Plain

To report nuisance alligators call
866-FWC-GATOR (866-392-4286).

YouTube

MyFWC.com/Alligator



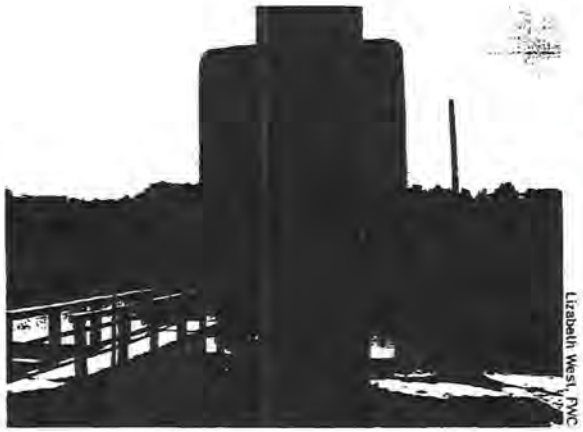
Printed on recycled content. 02/2012

A Guide to Living with **Alligators**



Jamie Feddersen

Florida Fish and Wildlife Conservation Commission
MyFWC.com


Lizabeth West, FWC

Do not swim outside of posted swimming areas or in waters that may be inhabited by alligators.

Living with Alligators

In Florida, the growing number of people living and recreating near water has led to a steady rise in the number of alligator-related complaints. The majority of these complaints relate to alligators being where they simply aren't wanted. Because of these complaints, the Florida Fish and Wildlife Conservation Commission's Statewide Nuisance Alligator Program permits the killing of approximately 7,000 nuisance alligators each year. Using this approach, and through increased public awareness, the rate of alligator bites on people has remained constant despite the increased potential for alligator-human interactions as Florida's human population has grown.

Alligators are an important part of Florida's landscape and play a valuable role in the ecology of our state's wetlands. Alligators are predators and help keep other aquatic animal populations in balance. A better understanding of the facts and information presented in this brochure will help ensure that people and alligators can continue to coexist.

Visit MyFWC.com/Gators for more information about alligators and the latest nuisance alligator program 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 Hotline at 866-FWC-GATOR (866-392-4286). Please be aware, nuisance 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 areas 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 natural prey of alligators. Don't allow pets to swim, exercise or drink in or near waters that may contain alligators. Dogs often attract an alligator's interest, so do not swim with your dog.

- Leave alligators alone. State law prohibits killing, harassing or possessing alligators. Handling even small alligators can result in injury.


Tim Donovan, FWC

A young alligator wanders onto a porch in a residential neighborhood.

APPENDIX F

WADING BIRD INFORMATIONAL PAMPHLET

Action to be taken if you observe someone harassing a wading bird:

Promptly notify the FWCC 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 to avoid coming into contact with wading birds.
- Properly dispose of fishing line to avoid bird entanglement.

Prepared By:

PASSARELLA & ASSOCIATES INC
Consulting Ecologists

13620 Metropolis Avenue, Suite 200
Fort Myers, Florida 33912
(239) 274-0067

WADING BIRD INFORMATIONAL PAMPHLET



KINGSTON

Description:

Wading birds are a diverse group of birds which utilize shallow marsh areas as foraging and breeding habitats. They are typically characterized as having long necks, legs and bills, which allows them to feed in shallow water. Wading birds can be found in Florida year round. Examples of wading birds include: great egrets, great blue herons, white ibises, little blue herons and snowy egrets.

Habitat:

Wading birds inhabit all counties in the state of Florida and are most common in the shallow marsh or wetland areas throughout the state. They can also be found in both coastal and inland areas, salt marshes, swamps, ponds, drainage canals, and ditches. Wading birds breed and nest in colonies which consist of various species of other wading birds. Breeding generally occurs just prior to or during the wet season. Stick nests are built in trees or bushes near wetland areas and above the water line.

Wading birds feed in shallow water areas where prey is most concentrated. They feed by spearing prey with their bills or by straining small species out of the water and sediment. Prey may include small fish, invertebrates or other aquatic organisms. Wading birds have also been known to consume snakes, frogs and small rodents.

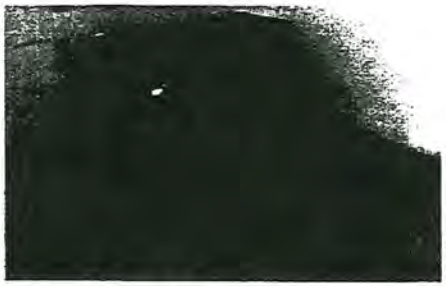
Protection:

Most wading birds are listed as species of special concern by the State of Florida. Some species such as wood storks are listed as endangered by both the State of Florida and the U.S. Fish and Wildlife Service. It is unlawful for anyone to disturb or take nests or eggs, feed, injure, harm, harass, or kill any wading birds 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).

APPENDIX G

FLORIDA BLACK BEAR INFORMATIONAL PAMPHLET



Eglin AFB

Secure your garbage

- Store garbage in a secure area, such as a sturdy shed or garage, until the morning of pickup, or
- Build a small shed to store trash cans. Be sure there are no gaps along the shed's edges and use screws. If the shed is curbside, call your waste service provider to ensure it will still service your trash cans, or
- Modify your regular trash can to make it bear-resistant by adding hardware. To be successful, the lid must not be flexible and the can must not collapse when you stand on its side. Call your waste service provider to ensure it will service a modified trash can, or
- Request a commercially manufactured bear-resistant trash can from your waste service provider. If they do not provide these cans, you can special order one from a hardware store, but ensure your waste service provider will service it.



Funds from Florida's "Conserve Wildlife" license plate help conserve bears and reduce human-bear conflicts. Buy one today through your local tax collector's office or online at BuyAPlate.com.



Alan 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.

Where bears live in Florida



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

printed on recycled paper

8/2018

A guide to living in **bear country**



Ashley Hockenberry

Florida Fish and Wildlife Conservation Commission
MyFWC.com/Bear

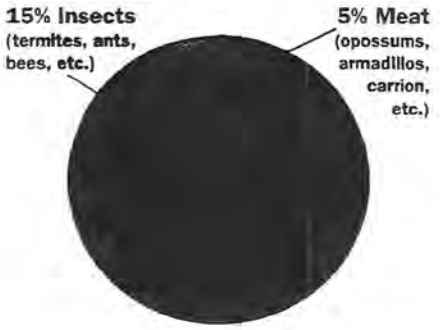


Abhijit Hazarabagi

The bear facts

- Black bears are the only species of bear in Florida.
- Biologists estimate approximately 4,000 black bears roam Florida today, compared to as few as 300 bears in the 1970s.
- Bears can pick up scents from over a mile away; that's seven times better than a bloodhound and the best of any land mammal.
- Adult bears typically weigh between 150 to 400 pounds, with males often twice the size of females.
- Females have their first litter around 3 years of age, with one to three cubs born every other year.
- Breeding occurs from June to August, with cubs born around February 1.
- On average, females range over 15 square miles and males range over 60 square miles.

A bear's diet





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.

Carry bear spray and learn how to use it properly, paying attention to wind direction, distance to bear (20-30 ft.) and your escape route. Make sure to buy spray designed for use on bears.



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.



Avoid attracting bears

Bears do not hang around people if they do not find food. Properly storing or securing garbage and other attractants is a proven method of preventing bear conflicts. However, it takes a community-wide effort to keep bears wild and away from neighborhoods.

- Use electric fencing to protect gardens, garbage, compost piles, beehives, fruit trees and livestock.



John Bailey

- Keep garage doors closed when not in use.
- Feed pets indoors or bring food dishes (even empty ones) inside at night.
- Store pet and livestock feed in bear-resistant containers or inside a secure area.
- Remove or modify bird and wildlife feeders and ensure the ground is free of all feed debris.
- Properly harvest ripe nuts, fruits, and vegetables and remove rotten fruits and vegetables.
- Create an "unwelcome" mat by driving finishing nails, heads up, into a sheet of anchored plywood to keep bears away from a specific area, such as under a window, door or fence.
- Keep outdoor refrigerators and freezers in a secure location or lock up with super-adhesive anchors, like Marine Locks™.
- Clean meat smokers and barbeque grills with a degreasing detergent and store in a secure area. Dispose of food remnants/grease after each use.

A screened-in porch will not keep bears out!

APPENDIX H

FLORIDA PANTHER INFORMATIONAL PAMPHLET

You live in Florida panther country

Florida panthers are reclusive and rarely seen by people. They normally live in remote, undeveloped areas. However, as the number of people in southern Florida grows, there is an increased chance of an encounter with a Florida panther.

This brochure contains some guidelines to help you live safely in Florida panther country.



Keep children within sight and close to you, especially outdoors between dusk and dawn.

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's Wildlife Alert Hotline at 1-888-404-FWCC (3922).

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 Lotz

printed on recycled paper

Florida Fish and Wildlife
Conservation Commission
620 S. Meridian Street
Tallahassee, FL 32399-1600
MyFWC.com/Panther

A guide to living with

Florida Panthers



© Lynn Stone

MyFWC.com/Panther

7 ways to live safely in Florida panther country

While these guidelines are meant to help you live safely in Florida panther habitat, they also apply to living with more commonly encountered wildlife, including raccoons, snakes, bears and alligators.

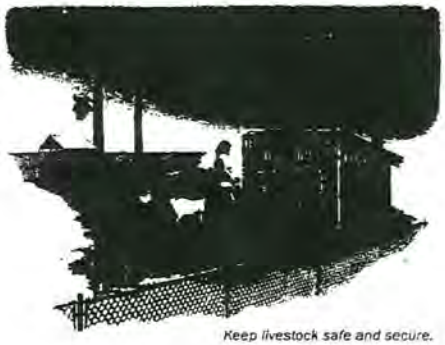
1. **Be alert from dusk 'til dawn (and whenever deer are active)**
   Florida panthers primarily are active at night. Exercise more caution at dawn, dusk or dark.

2. **Keep panther prey away**
   Deer, raccoons, rabbits, armadillos and wild hogs are prey for the Florida panther. By feeding deer or other wildlife, people inadvertently may attract panthers. Do not leave potential wildlife food outside, such as unsecured garbage or pet food. Consider fencing vegetable gardens.

3. **Keep pets secure**
   Free-roaming pets, or pets that are tethered and unfenced, are easy prey for predators, including panthers. Bring pets inside or keep them in a secure and covered kennel at night. Feeding pets outside also may attract raccoons and other panther prey; do not leave uneaten pet food available to wildlife.



Keep your pets safe and secure. Bring pets inside or keep them in a secure and covered kennel at night.



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.



FWC panther team

- There is no record of a Florida panther attacking a person. Florida panthers are rarely seen.
- The biggest threat to the future of the Florida panther is habitat loss. A number of panthers also die each year due to vehicle strikes on roadways.
- The Florida panther was chosen as the State Animal of Florida in 1982 by a vote of elementary school students throughout the state.



YouTube flickr

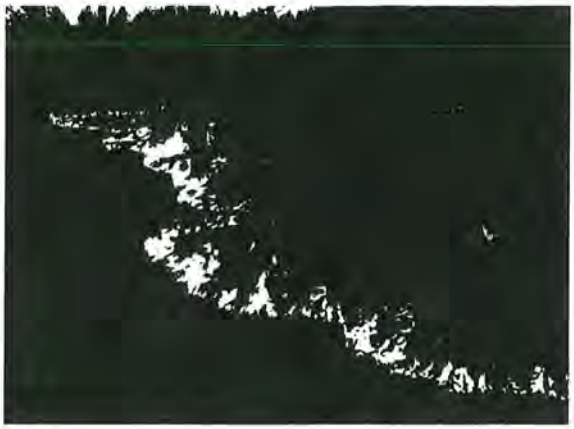
This brochure was produced through a partnership of the Audubon Society of Florida, Conservancy of Southwest Florida, Defenders of Wildlife, Florida Fish and Wildlife Conservation Commission, Florida Wildlife Federation, Friends of the Florida Panther Refuge, Mountain Lion Foundation, National Park Service, National Wildlife Federation, Seminole Tribe of Florida, University of Florida and the U.S. Fish and Wildlife Service.

Funding provided by the Florida Fish and Wildlife Conservation Commission, Friends of the Florida Panther Refuge and the National Fish and Wildlife Foundation.

APPENDIX I

PRESCRIBED BURNING INFORMATION

Florida Landowner Assistance Program
Practice Standard - Prescribed Burning



Definition

The controlled application of fire in accordance with a written prescription for vegetative fuels under specified environmental conditions while following appropriate precautionary measures that insure that the fire is contained to a predetermined area to improve habitat for resident and migratory wildlife species.

Purposes

This practice may be applied as part of a conservation management system to support one or more of the following purposes:

- To improve habitat for various wildlife species, including imperiled species.
- To control invasive and/or exotic vegetation.
- To control plant diseases affecting native vegatation.
- To reduce wildfire hazards.
- To enhance native ground cover plants and seed production.
- To restore and maintain fire dependent ecological sites.

Conditions Where Practice Applies

This practice may be applied on any private land, where deemed needed, to improve overall wildlife habitat conditions.

Criteria

I. General Criteria Applicable to All Purposes

The method(s) of prescribed burning to improve wildlife habitat structure and composition shall be determined by the assigned biologist conducting the Needs Assessment. Application of the prescribed treatment will be based on the GIS analysis, site examination, and local wildlife species present. The landowner shall obtain all necessary burn authorizations and/or permits before implementation of the practice. Planning and application shall compy with all Federal, State, and local laws, rules, and regulations. The procedure, equipment, and number of trained personnel shall be adequate to accomplish the intended purposes as stated in the burn plan. The expected weather conditions, human and vehicular trafifc that may be impeded by heat or smoke, liability, and safety and health precautions shall be integrated into the timing, location and expected intensity of the burn. Timing of burning will be commensurate with soil and site conditions to maintain site productivity and minimize effects on soil erosion and soil properties. Firebreak construction and maintenance are not included as a cost-shared treatment.

II. Specific Criteria to Improve Wildlife Habitat

The appropriate season of burning, burning technique, burning frequency, and size of burn shall be selected based on the wildlife habitat needs and site limitations. Where practical, prescribed burning shall be planned and applied in a manner that creates a "patchy" mosaic of burned and unburned vegetation.

III. Specific Critera to Control Undesirable Vegetation

Prescribed burns to control brush or other undesirable vegetation shall consider the anticipated seed production and re-sprouting response of the targeted species. The frequency and intensity of the planned burn shall be based on the re-growth of the target species, weighed against wildlife habitat considerations. Prescribed burns planned for areas with known infestations of invasive and/or exotic species shall address anticipated response of those species during and following the prescribed burn. Re-establishment of native vegetation shall be planned for burned areas, where needed, to prevent encroachment of undesirable plants, control soil erosion, and restore historic plant commmunities.

IV. Specific Criteria to Improve Native Plant Production Quantity and/or Quality

Prescribed burns shall be planned to provide optimum benefit to the native plant species of concern. When possible, prescribed burns shall be conducted during periods of adequate soil moisture to encourage desirable plant recovery following the burn. Appropriate protection from livestock, human, and wildlife activities shall be implemented to allow desirable vegetation to recover from the stress of the burn. Burned areas shall be protected until the vegetation has recovered sufficiently to allow use to be restored without damaging the vegetation.

Considerations

Prescribed burns should be cost-effective and efforts to protect any threatened and endangered species, cultural resources, wildlife habitat, water resources, and identified unique natural areas should be considered. Personal safety should also be considered during all prescribed burning activities. Where practical, the season, frequency, duration, and intensity of prescribed burns should mimic the natural occurrence of fire typical of the ecological communty being managed. Consider the use of existing barriers, such as lakes, streams, wetlands, roads, and existing firebreaks in the design and layout of the burn. To minimize smoke related issues, burn frequently under acceptable weather conditions and complete all burns as quickly as practical.

Operation and Maintenance

The following actions shall be carried out to insure that this practice functions as intended throughout its expected life: 1) Evaluations to determine if the stated objectives were met and to improve coordination of future burns, 2) Initial evaluations should be conducted within 2 weeks following the burn, 3) Long term evaluations should be conducted during or after the first growing season following the burn.

Items to consider in these evaluations include:

a. Were the pre-burn preparations properly completed?
b. Were the intial objectives met?
c. Was the burn prescription followed?
d. Were deviations from the burn prescription documented?
e. Was the burning technique(s) adequate to meet the planned objectives?
f. Were weather conditions, fire behavior, and smoke dispersion within the planned limits of the prescription?
g. What were the effects on the soil, vegetation, water, and wildlife resources?
h. Did the fire escape the planned area?
i. How could future burns be improved?
j. Were the post-burn activities applied correctly to meet the stated purpose or objective of the burn?

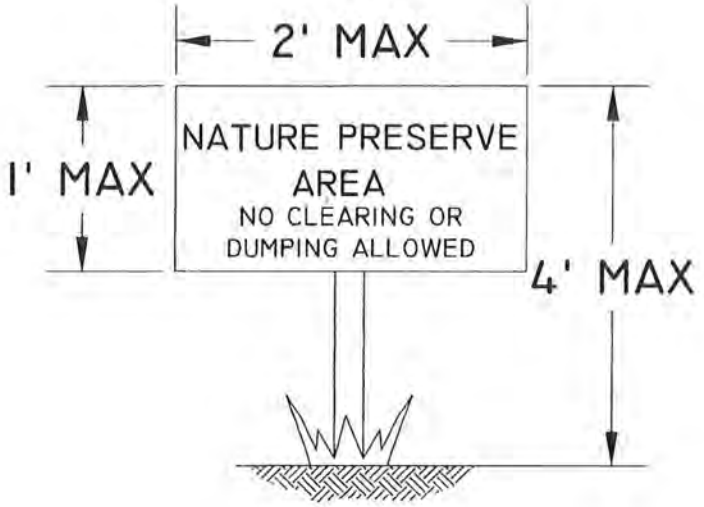
APPENDIX J

AMERICAN ALLIGATOR MANAGEMENT AND PRESERVE SIGNAGE



TYPICAL AMERICAN ALLIGATOR SIGNAGE

N.T.S.



TYPICAL PRESERVE SIGNAGE

N.T.S.

DRAFT

APPENDIX J. AMERICAN ALLIGATOR MANAGEMENT AND PRESERVE SIGNAGE
KINGSTON

DRAWN BY	DATE
H.H.	03/14/22
REVIEWED BY	DATE
H.S.	03/14/22
REVISED	DATE

PASSARELLA & ASSOCIATES INC
Consulting Ecologists

EXHIBIT K
Kingston Offsite Sewer

Scope:

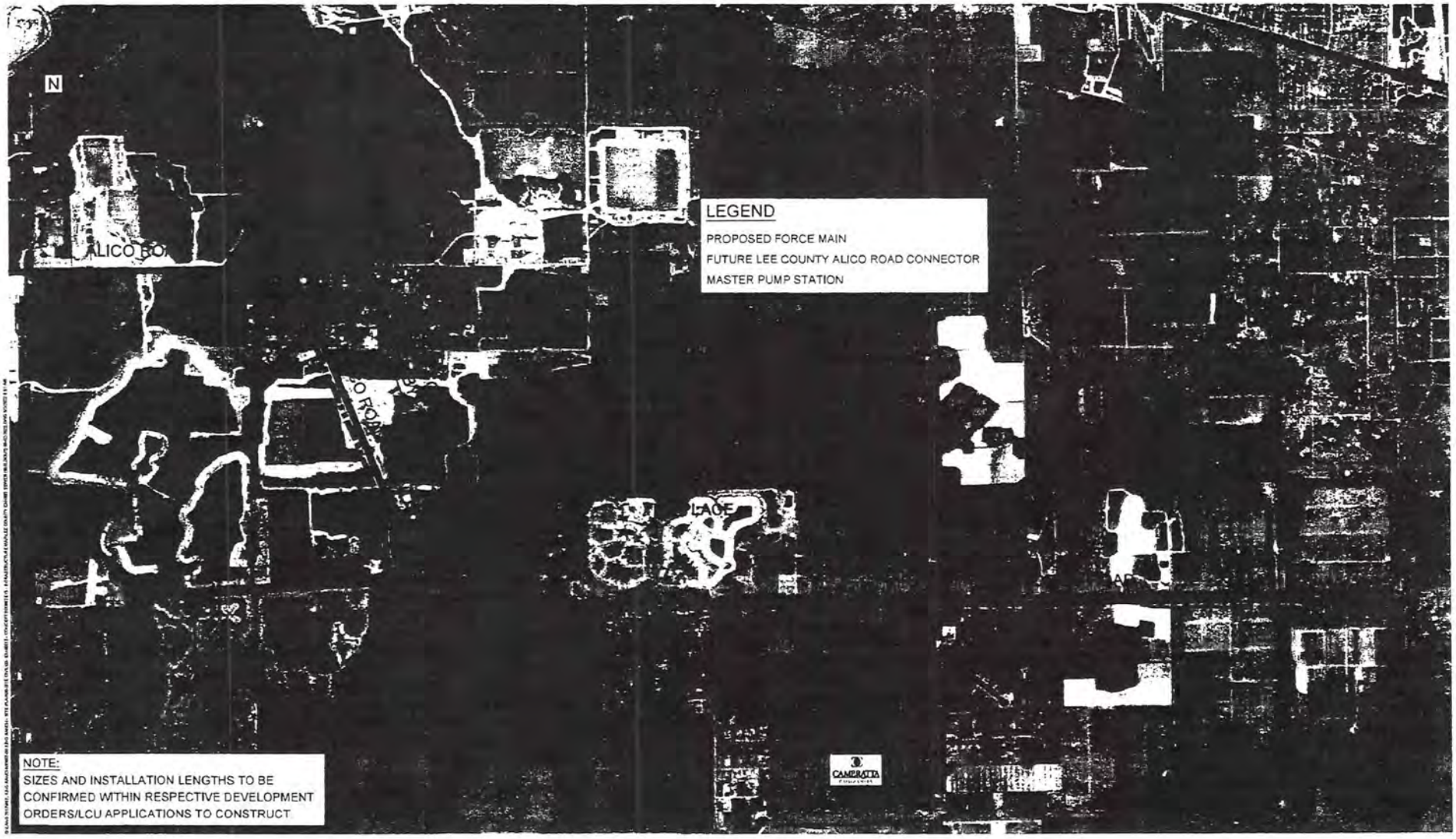
- The Kingston development will require a 16" force main westerly along Corkscrew Road from the development and connect to a 20" force main at the entrance of the FFD development.
- It is anticipated that the FFD development will require a 20" force main from their development westerly along Corkscrew Road to Alico Road where it will connect to a County installed force main
- The County installed force main will then go northerly along Alico Road and connect to the Alico Road Wastewater Treatment Plant SEWRF.

Construction Phasing:
Prior to the completion of the SEWRF the amount of initial Kingston density allowed to utilize the existing County wastewater system shall be 3,930 residential units determined as follows:

- The Kingston Developer will coordinate with the Verdana Village Developer to delay constructing residential homes in the Verdana Village Phase 3 (Pod 2) which is currently approved for 1,219 residential homes.
- The sewer capacity at the Pinewoods Master Pump Station has been analyzed using a consumptive use rate of 200GPD compared to a design calculation of 250GPD which generates additional Pinewoods capacity for 2,711 residential units. This calculation is solely being used to determine the maximum Kingston density allowed to connect to the County existing wastewater facilities until the SEWRF is completed. All Project sewer design and connection fees shall be performed using the consumptive use rate of 250GPD.

Phase 1 Construction Phase:
A force main will be installed from the Kingston development westerly along Corkscrew Road and connect to the Verdana Village Phase 3 (Pod 2) master lift station.

Phase 2 Construction Phase:
A force main will be installed from the Verdana Village development along Corkscrew Road and connect to an existing force main at the FFD development that connects along Corkscrew Road to a force main on Alico Road installed by the County that connects to the SEWRF.



J.R. EVANS ENGINEERING

KINGSTON (A Cameratta Development)

SEWER INFRASTRUCTURE MAP (BUILDOUT)

LEE COUNTY EXHIBIT SEWER (BUILDOUT) 05-02-2022.DWG
May 2, 2022

EXHIBIT L

KINGSTON
INDIGENOUS PRESERVATION, RESTORATION, AND MANAGEMENT PLAN

DRAFT

April 2022

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Project No. 21CCL3707

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1.0 INTRODUCTION

The following outlines the Lee County Indigenous Preservation, Restoration, and Management Plan for Kingston (Project) located in Sections 2, 3, 10, 11, 14, 15, 23-26, and 34-36; Township 46 South; Range 27 East; and Section 35; Township 45 South; Range 27 East; Lee County. The Project site totals 6,676.72± acres. As part Lee County's open space requirements, the Project proposes to establish on-site conservation areas totaling 3,287.23± acres. The proposed conservation areas will contain the following elements:

- Preservation and enhancement of 999.07± acres of indigenous wetlands and uplands (existing forested and herbaceous habitats with less than 75 percent exotics);
- Restoration of 373.16± acres of indigenous wetlands, other surface waters (OSW), and uplands vegetation through removal of exotic vegetation (existing forested and herbaceous habitats with greater than 75 percent exotics) and supplemental planting; and
- Restoration of 1,915± acres of wetlands and uplands from farm fields and replanting with native vegetation.
- Open water areas may be incorporated into the wetland restoration from farm fields.

The preservation and enhancement of existing indigenous vegetation and the restoration of extensive areas of farm fields back to indigenous habitats will serve to provide significant regional flow-ways and wildlife corridors within the Project site. The proposed on-site preservation and restoration of indigenous upland and wetland vegetation communities will create significant areas of wildlife habitat that will complement the adjacent Lee County Imperial Marsh Preserve to the west and the Corkscrew Regional Ecosystem Watershed (CREW) to the south. The proposed flow-ways will also serve to re-establish the north to south flow of water through the Project that existed historically.

2.0 EXISTING INDIGENOUS VEGETATION HABITATS

Pursuant to Land Development Code (LDC) Section 10-1, indigenous native vegetation means those plant species that are characteristic of the major plant communities of the County. Native habitats where invasive exotic vegetation has exceeded 75 percent coverage are not considered to be indigenous vegetation.

The Project site includes 1,005.13± acres (combined pre-development wetland and upland acres) of existing indigenous native vegetation. The indigenous areas occur on-site as clustered areas of wetland and upland forest and herbaceous habitats with less than 75 percent coverage by exotics, primarily located within the central and northern portion of the Project site. Smaller, remnant areas of indigenous habitat are located scattered in the southern portion of the Project. The existing indigenous wetland and upland vegetation communities are identified in Appendix A.

The indigenous wetland habitats total 914.21± acres and consist mostly of cypress, hydric pine, cypress/pine/cabbage palm, mixed wetland forest, freshwater marsh, and wet prairie habitats. The indigenous uplands total 90.92± acres and consist mostly of pine flatwoods and disturbed pine

habitat types. The Florida Land Use, Cover and Forms Classification System (FLUCFCS) (Florida Department of Transportation 1999) descriptions of the indigenous wetland and upland habitats proposed for preservation are provided in Appendix B. An aerial with FLUCFCS is attached as Appendix C.

3.0 EXISTING NON-INDIGENOUS VEGETATION

Approximately 5,671.58± acres (combined pre-development wetland and upland acres) of the Project site consist of vegetation communities that do not meet the LDC's definition of indigenous vegetation. The non-indigenous areas are predominantly row crop and citrus grove with associated agricultural operations and ditching and drainage systems. Existing non-indigenous wetlands on the site total 278.60± acres and consist of Brazilian pepper areas, melaleuca areas, disturbed lands, and wetland habitats with greater than 75 percent coverage by exotics, primarily Brazilian pepper (*Schinus terebinthifolia*) and melaleuca (*Melaleuca quinquenervia*). Non-indigenous uplands on the Project site total 5,086.63± acres and consist primarily of row crop and citrus grove along with their associated agricultural operation areas. Non-indigenous areas also include 306.35± acres of agricultural ditching and man-made surface waters (water detention and conveyance). The non-indigenous wetland and upland vegetation communities and surface waters are identified in Appendix A. The FLUCFCS descriptions of the non-indigenous areas on the Project site are provided in Appendix B.

4.0 INDIGENOUS VEGETATION PRESERVATION AND ENHANCEMENT

A total of 999.07± acres (910.22± acres of wetlands and 88.85± acres of uplands) with less than 75 percent existing exotic vegetation will be preserved and enhanced by the removal/treatment of exotic and nuisance vegetation. The locations of the indigenous preservation areas are shown on Appendix D.

4.1 Methods to Remove and Control Exotic and Nuisance Plants

Exotics to be eradicated include, but are not limited to, the 21 species of prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

Table 1. Prohibited Invasive Exotics

Common Name	Scientific Name
Air potato	*Dioscorea alata*
Australian pines	All *Casuarina* species
Bishopwood	*Bischofia javanica*
Brazilian pepper	*Schinus terebinthifolia*
Carrotwood	*Cupaniopsis anacardioides*
Chinese tallow	*Sapium sebiferum*

Table 1. (Continued)

Common Name	Scientific Name
Cork tree	*Thespesia populnea*
Cuban laurel fig	*Ficus microcarpa*
Downy rose-myrtle	*Rhodomyrtus tomentosus*
Earleaf acacia	*Acacia auriculiformis*
Japanese climbing fern	*Lygodium japonicum*
Java plum	*Syzygium cumini*
Melaleuca	*Melaleuca quinquenervia*
Murray red gum	*Eucalyptus camaldulensis*
Old World climbing fern	*Lygodium microphyllum*
Rose apple	*Syzygium jambos*
Rosewood	*Dalbergia sissoo*
Tropical soda apple	*Solanum viarum*
Wedelia	*Wedelia trilobata*
Weeping fig	*Ficus benjamina*
Woman's tongue	*Albizia lebbeck*

Exotic and nuisance vegetation removal will be conducted primarily by hand methods. Hand treatment will be either felling of exotic trees, hand removal, and herbicide treatment of the stumps; or by hand pulling and removal. The treatment of exotic and nuisance vegetation will include one or more of the following methods: (1) cut exotics within 12 inches of ground elevation, hand remove cut vegetation, and treat remaining stump with approved herbicide; (2) girdle standing Brazilian pepper, melaleuca, and Australian pine (*Casuarina equisetifolia*) with diameter at breast height greater than 4 inches and apply approved herbicide to cambium; (3) foliar application of approved herbicide to Brazilian pepper, melaleuca saplings, Australian pine, and downy rose-myrtle (*Rhodomyrtus tomentosus*); (4) foliar application of approved herbicide or hand pulling of exotic seedlings; and (5) foliar application of approved herbicide to nuisance grasses.

4.2 Debris Removal

Exotic vegetative debris that is cut will be removed from the indigenous preserve areas. Exotic debris may be stacked in the adjacent farm fields or open land and burned. The preserve areas will be inspected annually for trash/garbage. Any trash/garbage located within the preserve areas will be removed and disposed of by hand.

4.3 Method and Frequency of Pruning and Trimming

Exotic removal within the existing indigenous habitats is scheduled to begin after the applicable permits and approvals have been attained for each phase. After the completion

of the initial exotic removal, semi-annual inspections of the preserves will occur for the first two years. During these inspections, the conservation areas will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an appropriate herbicide. Any additional potential problems will also be noted, and corrective actions taken. Once exotic/nuisance species levels have been reduced to acceptable limits, inspections of the conservation areas will be conducted a minimum of once every two years to coincide with the Community Development District (CDD) engineer inspection.

Maintenance will be conducted in perpetuity to ensure that the conservation areas are free of exotic vegetation, including the prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

5.0 INDIGENOUS VEGETATION RESTORATION

Restoration and re-establishment of indigenous vegetation communities will be conducted in areas with greater than 75 percent coverage by exotic vegetation and in the existing farm fields within the conservation areas. Restoration activities will include 373.16± acres of exotic removal and supplemental plantings in existing habitats and OSWs with greater than 75 percent exotics and 1,915± acres of wetland and upland restoration from existing agricultural lands. The locations of the various types of restoration areas are shown on Appendix D.

5.1 Removal of Exotics and Supplemental Plantings

Approximately 373.16 acres (258.74± acres of wetlands, 2.23± acres of OSWs, and 112.19± acres of uplands) with greater than 75 percent exotics will be enhanced by the removal of exotic species and supplemental plantings of native vegetation. Mechanical equipment may be utilized to assist in the removal of exotic species in these areas. Cut vegetative debris will be removed from these areas in order to allow for successful supplemental plantings. All efforts will be made to preserve native trees when conducting the exotic removal with mechanized equipment. To minimize adverse impacts to the ground surface, machinery that exerts a relatively low impact on the ground surface (i.e., tracked skid steer, feller-buncher) will be utilized within the mechanical removal areas.

Following the removal of exotics, supplemental wetland plantings will be installed in the 258.74± acres of wetland and 2.23± acres of OSW habitats. Wetland plantings will be selected based on the type of native vegetation that occurs in the adjacent or nearby wetland habitats. Tree and ground cover species will be planted according to the specifications in Table 2. A minimum of three tree species and five ground cover species will be planted. The species selected for planting will depend on market availability at the time the plantings are to occur.

Table 2. Supplemental Wetland Plantings[1]

Common Name	Scientific Name	Minimum Height	Container Size	Planting Instruction (On Center)
Trees				
Bald cypress	*Taxodium distichum*	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Red maple	*Acer rubrum*	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Slash pine	*Pinus elliottii*	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Laurel oak	*Quercus laurifolia*	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Dahoon holly	*Ilex cassine*	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Pop ash	*Fraxinus caroliniana*	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Pond apple	*Anona glabra*	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Ground Cover				
Sand cordgrass	*Spartina bakeri*	12 in.	2 in.	5 to 8 ft.
Wiregrass	*Aristida stricta*	12 in.	2 in.	5 to 8 ft.
Gulfdune paspalum	*Paspalum monostachyum*	12 in.	2 in.	5 to 8 ft.
Muhly grass	*Muhlenbergia capillaris*	12 in.	2 in.	5 to 8 ft.
Sawgrass	*Cladium jamaicense*	12 in.	2 in.	5 to 8 ft.
Blue maidencane	*Amphicarpum muhlenbergianum*	12 in.	2 in.	5 to 8 ft.
Swamp lily	*Crinum americanum*	12 in.	2 in.	5 to 8 ft.
Golden canna	*Canna flaccida*	12 in.	2 in.	5 to 8 ft.
Maidencane	*Panicum hemitomon*	12 in.	2 in.	5 to 8 ft.
Spikerush	*Eleocharis interstincta*	12 in.	2 in.	5 to 8 ft.
Arrowhead	*Sagittaria lancifolia*	12 in.	2 in.	5 to 8 ft.
Pickerelweed	*Pontederia cordata*	12 in.	2 in.	5 to 8 ft.
Alligator flag	*Thalia geniculata*	12 in.	2 in.	5 to 8 ft.
Soft-stem bulrush	*Scirpus validus*	12 in.	2 in.	5 to 8 ft.
Sawgrass	*Cladium jamaicensis*	12 in.	2 in.	5 to 8 ft.

[1]Additional tree and ground cover species may be included in the planting table prior to Development Order approval.
BR - Bare Root

Following the removal of exotic vegetation, supplemental upland plantings will be installed in 112.19± acres of upland habitats. Upland plantings will be selected to replace the type of native vegetation that occurs in the adjacent or nearby upland habitats. Tree plantings will include primarily slash pine (*Pinus elliottii*), although other tree species listed in Table 3 may be utilized. Upland tree and ground cover plantings will be installed according to the specifications listed in Table 3. A minimum of three tree species and five ground cover species will be planted. The species selected for planting will depend on market availability at the time the plantings are to occur.

Table 3. Supplemental Upland Plantings[1]

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Instruction (On Center)
Trees				
Slash pine	*Pinus elliottii*	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Cabbage palm	*Sabal palmetto*	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Live oak	*Quercus virginiana*	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Laurel oak	*Quercus laurifolia*	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Dahoon holly	*Ilex cassine*	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Ground Cover				
Saw palmetto	*Serenoa repens*	12 in.	1 gal.	15 to 20 ft..
Gulfdune paspalum	*Paspalum monostachyum*	12 in.	2 in.	5 to 8 ft.
Blue maidencane	*Amphicarpum muhlenbergianum*	12 in.	2 in.	5 to 8 ft.
Wiregrass	*Aristida stricta*	12 in.	2 in.	5 to 8 ft.
Muhly grass	*Muhlenbergia capillaris*	12 in.	2 in.	5 to 8 ft.
Sand cordgrass	*Spartina bakeri*	12 in.	2 in.	5 to 8 ft.
Broomsedge	*Andropogon virginicus*	12 in.	2 in.	5 to 8 ft.
Fakahatchee grass	*Tripsacum dactyloides*	12 in.	2 in.	5 to 8 ft.
Purple lovegrass	*Eragrostis spectabilis*	12 in.	2 in.	5 to 8 ft.

[1]Additional tree and ground cover species may be included in the planting table prior to Development Order approval.
BR - Bare Root

5.2 Wetland and Upland Restoration from Farm Fields

Approximately 1,915± acres of existing farm fields, including agricultural ditches, water detention areas, and berms will be restored to native wetland and upland habitats. Wetland and upland restoration activities will include leveling of row crop fields, removal of citrus trees, backfilling of agricultural ditches and detention systems, regrading to contours necessary for restoration of historic habitat communities, replanting of vegetation to achieve target habitat types, and ongoing maintenance and management.

5.2.1 Wetland Grading and Planting

Stormwater from development areas of the Project will be treated for water quality in stormwater lakes within the stormwater management system for each development area. Following water quality treatment, stormwater will be discharged from treatment lakes into the restoration area at various locations.

Drainage ditches and other components of the agricultural drainage/water management system will be backfilled using material from the existing berms and disturbed areas. Proposed wetland areas will be graded and planted with wetland plantings in Table 4. The species selected for planting will depend on market availability at the time the plantings are to occur. Specifications for plantings size and density (on-center spacing) are also provided in Table 4.

Table 4. Wetland Restoration Plantings[1]

Common Name	Scientific Name	Minimum Height	Container Size	Planting Instruction (On Center)
Trees[2]				
Bald cypress	*Taxodium distichum*	2 to 5 ft.	BR to 3 gal.	30 to 50 ft.
Slash pine	*Pinus elliottii*	2 to 5 ft.	BR to 3 gal.	30 to 50 ft.
Ground Cover Plantings				
Zone 1				
Gulfdune paspalum	*Paspalum monostachyum*	12 in.	2 in.	5 to 8 ft.
Muhly grass	*Muhlenbergia capillaris*	12 in.	2 in.	5 to 8 ft.
Sand cordgrass	*Spartina bakeri*	12 in.	2 in.	5 to 8 ft.
Blue maidencane	*Amphicarpum muhlenbergianum*	12 in.	2 in.	3 to 5 ft.
Sawgrass	*Cladium jamaicense*	12 in.	2 in.	3 to 5 ft
Maidencane	*Panicum hemitomon*	12 in.	2 in.	3 to 5 ft
Zone 2				
Sawgrass	*Cladium jamaicense*	12 in.	2 in.	3 to 5 ft
Maidencane	*Panicum hemitomon*	12 in.	2 in.	3 to 5 ft
Spikerush	*Eleocharis interstincta*	12 in.	2 in.	3 to 5 ft
Golden canna	*Canna flaccida*	12 in.	2 in.	3 to 5 ft
Arrowhead	*Sagittaria lancifolia*	12 in.	2 in.	3 to 5 ft
Pickerelweed	*Pontederia cordata*	12 in.	2 in.	3 to 5 ft
Alligator flag	*Thalia geniculata*	12 in.	2 in.	3 to 5 ft
Soft-stem bulrush	*Scirpus validus*	12 in.	2 in.	3 to 5 ft
Zone 3				
Spikerush	*Eleocharis interstincta*	12 in.	2 in.	3 to 5 ft
Golden canna	*Canna flaccida*	12 in.	2 in.	3 to 5 ft
Arrowhead	*Sagittaria lancifolia*	12 in.	2 in.	3 to 5 ft
Pickerelweed	*Pontederia cordata*	12 in.	2 in.	3 to 5 ft

Table 4. (Continued)

Common Name	Scientific Name	Minimum Height	Container Size	Planting Instruction (On Center)
Zone 3 (Continued)				
Soft-stem bulrush	*Scirpus validus*	12 in.	2 in.	3 to 5 ft
Alligator flag	*Thalia geniculata*	12 in.	2 in.	3 to 5 ft
Spatterdock	*Nuphar luteum*	24 in.	1 gal.	15 ft.
Water lily	*Nymphaea odorata*	24 in.	1 gal.	15 ft.

[1]Additional tree and ground cover species may be included in the planting table prior to Development Order approval.
[2]Wetland tree plantings will be clustered along the edge of the flow-way restoration area as to not preclude open foraging habitat for listed wading bird species.
BR - Bare Root

Slash pine, cypress (*Taxodium* sp.), and ground cover species from Zone 1 in Table 4 will be installed on the higher slope of the restored wetlands where the target habitat is pine-cypress. Zone 2 plantings will be installed on the mid- to lower elevations where the target habitat is freshwater marsh. Zone 3 plantings will be installed in the lowest portions of the graded area. The Zone 3 target habitat type is freshwater marsh, but may contain intermittent areas of open water. A minimum of three ground cover species will be planted per zone.

5.2.2 Upland Grading and Planting

Upland restoration will consist of levelling of row crop fields, removal of citrus trees and removal of berms, and the backfilling of ditches and detention areas. Re-grading will occur to provide appropriate ground elevations for targeted upland plant communities.

Following final grading, tree species and ground cover from Table 5 will be installed. The species selected for planting will depend on the market availability at the time plantings are to occur. Trees may be planted in clusters to provide distinct areas that can be defended from prescribed fire by the installation of disked fire breaks around the perimeter of the clusters. The locations of the tree clusters will be identified based on an analysis of historic aerials and proposed site topography. Trees will be planted in accordance with the specifications listed in Table 5. The goal is to create clusters of primarily open canopy native forest areas, with adequate sunlight for an abundance of ground cover species. Clusters of trees may be pine, hardwoods, or a mix of pine and hardwoods. A variety of tree sizes may be utilized to create a more heterogeneous plant community.

In areas where tree plantings are not clustered, widely scattered trees will be planted randomly in the upland restoration areas. The widely scattered trees will be slash pine and bare root plantings.

Native ground cover plantings will be installed in the upland restoration areas and will include a minimum of four of the species listed in Table 5. No one species will constitute more than 50 percent of the total ground cover plantings. Direct seeding to establish upland ground cover may be used in conjunction with ground cover plantings within the upland restoration areas. The seed source will be obtained from and applied by a professional experienced with direct seeding as a method of upland restoration. The seed source will be harvested from a local area and will include a mixture of regionally-appropriate native graminoid species. The seed source mixture will include a variety of species to optimize ground cover diversity to the maximum extent possible.

Table 5. Upland Restoration Plantings[1]

Common Name	Scientific Name	Minimum Height	Container Size	Planting Instruction (On Center)
Trees				
Slash pine	*Pinus elliottii*	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Live oak	*Quercus virginiana*	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Laurel oak	*Quercus laurifolia*	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Dahoon holly	*Ilex cassine*	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Cabbage palm	*Sabal palmetto*	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Ground Cover				
Saw palmetto	*Serenoa repens*	12 in.	1 gal.	15 to 20 ft.
Gulfdune paspalum	*Paspalum monostachyum*	12 in.	2 in.	5 to 8 ft.
Wiregrass	*Aristida stricta*	12 in.	2 in.	5 to 8 ft.
Muhlygrass	*Muhlenbergia capillaris*	12 in.	2 in.	5 to 8 ft.
Sand cordgrass	*Spartina bakeri*	12 in.	2 in.	5 to 8 ft.
Fakahatchee grass	*Tripsacum dactyloides*	12 in.	2 in.	5 to 8 ft.
Purple lovegrass	*Eragrostis spectabilis*	12 in.	2 in.	5 to 8 ft.

[1]Additional tree and ground cover species may be included in the planting table prior to Development Order approval.
BR - Bare Root

6.0 PRESERVE ACTIVITY SCHEDULE

Site development will occur in phases. The timing, phasing, and phase boundaries for the implementation of restoration and preserve activities will be provided prior to the issuance of the first development order for the Project.

7.0 SUCCESS CRITERIA

7.1 Indigenous Wetland and Upland Preservation and Enhancement

The following are the success criteria for the indigenous preserve areas:

1) Initial eradication of exotic and nuisance vegetation will be completed; and
2) The preserve areas will be maintained free from exotic vegetation. Exotic vegetation species include, but are not limited to, the 21 species of prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

7.2 Indigenous Wetland and Upland Restoration

The following are the success criteria for the indigenous wetland and upland restoration areas:

1) Initial eradication of exotic and nuisance vegetation will be completed;
2) Supplemental plantings will be completed in the indigenous restoration areas;
3) A minimum 80 percent survival of tree and ground cover plantings after five years; and
4) The preserve areas will be maintained free from exotic vegetation. Exotic vegetation species include, but are not limited to, the 21 species of prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

7.3 Wetland and Upland Restoration from Farm Fields

The following are the success criteria for the wetland and upland restoration from farm field areas:

1) Initial eradication of exotic and nuisance vegetation will be completed;
2) Levelling of row crop fields, removal of citrus trees, removal of berms and spoil areas, backfilling of ditches and borrow areas, and regrading of wetland and upland restoration areas will be completed;
3) Plantings within wetland and upland restoration areas will be completed;
4) A minimum of 80 percent survival of tree and ground cover species after five years;
5) The preserve areas will be maintained free from exotic vegetation. Exotic vegetation species include, but are not limited to, the 21 species of prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

8.0 MAINTENANCE

After the completion of the initial exotic removal, semi-annual inspections of the conservation areas will occur for the first two years. During these inspections, the conservation areas will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an appropriate herbicide. Any additional potential problems will also be noted, and corrective actions taken. Once exotic/nuisance species levels have been reduced to acceptable limits, inspections of the conservation areas will be conducted annually.

Maintenance will be conducted in perpetuity to ensure that the conservation areas are free of exotic vegetation, including the prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

8.1 Prescribed Fire

Prescribed burning will be used as a management tool in the conservation areas to maintain the native vegetation communities. Prescribed burns help maintain vegetative communities in their natural state, reduce fuel loads and the danger of wildfire, aid with the eradication and control of exotic and nuisance vegetation species, and improve wildlife habitat. The objectives of prescribed burning maintenance events will be to aid in the control of exotic vegetation and woody shrubs (i.e., wax myrtle and saltbush), and to stimulate the growth and diversity of herbaceous vegetation.

The burning frequency for the conservation areas will be two to four years, which is consistent with the natural fire regime for mesic flatwoods, wet flatwoods, and wet prairies described by the Florida Natural Areas Inventory (FNAI) *Guide to the Natural Communities of Florida* (2010). The edges of the Project's freshwater marshes will be burned when the fire moves through the adjacent pine and prairie habitats. The fire will be allowed to extinguish naturally within the wetter marsh habitats.

Prescribed burning is typically conducted during the winter or early spring when temperatures are reduced and wind direction is more constant. The initial burn is anticipated to occur during the late winter. Winter burns are preferred to reduce high fuel loads. Growing season burns also may be conducted as conditions allow. Changes in annual weather cycles determine when burn permits will be available and burns may be conducted only on the day(s) of Florida Forest Service permission.

Fire breaks will be installed in strategic locations in order to safely ignite and control prescribed fires. Fire breaks will be co-located with maintenance trails, access roads, easements, fence lines, property boundaries, and natural habitat boundaries. A 12-foot wide fire break will be established directly adjacent to and inside (i.e., the restoration side) of the 6-foot tall wildlife control fence, or other structural wildlife deterrent. Fires will be excluded from the planted tree clusters until such time that the plantings are mature enough to survive fires. Fires will be allowed to extinguish naturally within the wetter preserve areas, such as the marsh habitats.

Controlled burns will be conducted only when authorized with a permit by the Florida Forest Service. In addition, notice will be given to the Estero Fire District. Coordination with CREW and the South Florida Water Management District will occur before burning. Burning will not be conducted if smoke is anticipated to encroach upon Corkscrew Road, State Road 82, or adjacent residences.

9.0 MONITORING REPORTS

Monitoring will be conducted annually for the conservation areas. Annual reports documenting the achievement of the success criteria outlined in Section 7.0 will be submitted to Lee County's Department of Community Development (DCD). Monitoring will typically be conducted during the height of the growing season (August to October) with annual reports submitted by December 31. Adjustment to the monitoring schedule may be made based on environmental conditions.

Five annual monitoring reports for each conservation area phase will be submitted to DCD describing the conditions of the conservation areas. The monitoring reports will include documented exotic and nuisance species, mortality of vegetation, estimated causes of mortality, growth of the vegetation, wildlife observed and other factors that demonstrate the functional health of the conservation areas, and photographs. A brief description of anticipated maintenance work to be conducted over the next year will also be included. Periodic inspections will be conducted by DCD staff to ensure the accuracy of the monitoring reports.

10.0 LONG-TERM MANAGEMENT AND MONITORING

The conservation areas will be placed in a conservation easement granted to Lee County. The conservation easement will prevent the encroachment of future development as well as activities that are incompatible with the goal of sustaining the preserved and restored conservation areas in good ecological health. These areas will be physically managed in accordance with the approved long-term management plan prepared by the Project ecologist and implemented by a CDD or Homeowners' Association (HOA) with the assistance of an appropriately skilled environmental professional.

Responsibility for management of the conservation areas will shift to the CDD or HOA following the completion of enhancement and restoration activities on-site. Prior to completion of the five-year annual monitoring program, a long-term management and monitoring plan will be drafted for DCD review and approval. The plan will then be implemented after completion of the five-year annual monitoring program and achievement of success criteria has been verified by DCD. Long-term management activities within the conservation areas will include periodic surveys of vegetation and wildlife, control of exotic and nuisance plant species, regulating water levels, maintenance of the water control structures and access, and prescribed fires.

Long-term monitoring reports will be provided to DCD biannually (every other year). The long-term monitoring reports will provide ecological data such as water levels, vegetative cover, degree

and location of exotic vegetation cover, and wildlife utilization. This information will guide the active management of the site.

11.0 PRESERVE SIGNAGE AND COMMUNITY EDUCATION PLAN

Signs identifying the preserve as a "nature preserve area" will be installed along the boundary of the conservation areas. The signage will include language stating, "No dumping allowed." The signs will be spaced a maximum of 300 feet apart. The signs will be no closer than ten feet from residential property lines and be limited to a maximum height of four feet and a maximum size of two square feet. A typical preserve sign is attached as Appendix E.

The community will be advised of the benefits of the conservation areas to the surrounding landscape and their residential community. One or more kiosks containing information, maps, wildlife sightings, and community notices may be installed at appropriate locations within the development including the activity center and recreation areas.

Periodic seminars may be held to further educate the community about the conservation areas, wetland benefits, coexistence with and protection of wildlife, and the benefits of prescribed fire. Community informational and educational brochures, such as those describing the benefits of preserve areas, may be created and provided as needed to keep residents in compliance with conservation easements, wildlife regulations, etc. Continued education will ensure that the community is well-informed regarding the preserves and wildlife coexistence.

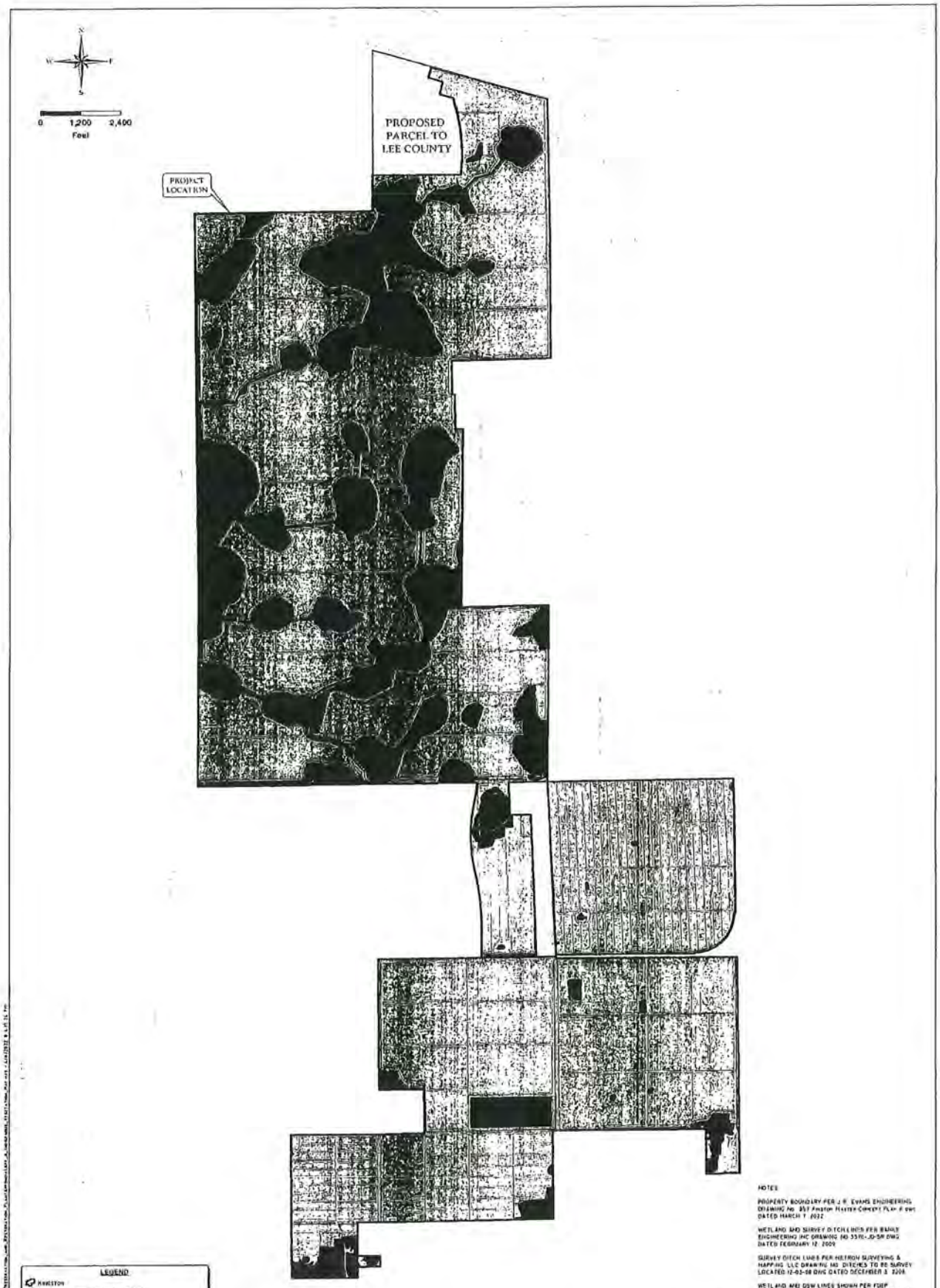
12.0 REFERENCES

Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System (FLUCFCS). Procedure No. 550-010-001-a. Third Edition.

Florida Natural Areas Inventory. 2010. Guide to the Natural Communities of Florida: 2010 Edition. Florida Natural Areas Inventory, Tallahassee, Florida.

APPENDIX A

INDIGENOUS VEGETATION MAP



DRAWN BY: H.H.	DATE: 3/21/22
REVIEWED BY: S.J.	DATE: 3/21/22
REVISED:	DATE:

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KINGSTON
INDIGENOUS VEGETATION MAP

DRAWING No.: 20.0013.707

SHEET No.: APPENDIX A

APPENDIX B

FLUCFCS DESCRIPTIONS

KINGSTON
FLUCFCS DESCRIPTIONS

I. INDIGENOUS WETLAND HABITATS

Cabbage Palm, Hydric (0-24% Exotics) (FLUCFCS Code 4281 E1)
This canopy of this wetland habitat type is dominated by cabbage palm (*Sabal palmetto*). The sub-canopy contains cabbage palm and scattered wax myrtle (*Morella cerifera*). The ground cover contains beaksedge (*Rhynchospora* sp.) and swamp fern (*Telmatoblechnum serrulatum*).

Wax Myrtle/Willow, Hydric (0-24% Exotics) (FLUCFCS Code 4291 E1)
This wetland habitat type contains an open canopy. The sub-canopy contains wax myrtle, Carolina willow (*Salix caroliniana*), saltbush (*Baccharis halimifolia*), slash pine (*Pinus elliottii*), and Brazilian pepper (*Schinus terebinthifolia*). The ground cover contains bushy bluestem (*Andropogon glomeratus*), broomsedge (*Andropogon virginicus*), gulfdune paspalum (*Paspalum monostachyum*), Asiatic pennywort (*Centella asiatica*), and water pennywort (*Hydrocotyle umbellata*).

Wax Myrtle/Willow, Hydric (25-49% Exotics) (FLUCFCS Code 4291 E2)
This wetland habitat type is similar to that of FLUCFCS Code 4291 E1, except with higher concentrations of Brazilian pepper in the sub-canopy.

Wax Myrtle/Willow, Hydric (50-75% Exotics) (FLUCFCS Code 4291 E3)
This disturbed wetland habitat type is similar to that of FLUCFCS Code 4291 E2, except with higher concentrations of Brazilian pepper in the sub-canopy.

Mixed Wetland Hardwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 6179 E1)
The canopy of this wetland habitat type contains laurel oak (*Quercus laurifolia*), swamp bay (*Persea palustris*), cabbage palm, bald cypress (*Taxodium distichum*), and melaleuca (*Melaleuca quinquenervia*). The sub-canopy contains cabbage palm, dahoon holly (*Ilex cassine*), myrsine (*Myrsine cubana*), and Brazilian pepper. The ground cover contains swamp fern and widely scattered saw palmetto (*Serenoa repens*).

Mixed Wetland Hardwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 6179 E2)
This wetland habitat type is similar to that of FLUCFCS Code 6179 E1, but contains a higher concentration of melaleuca in the canopy and Brazilian pepper in the sub-canopy.

Mixed Wetland Hardwoods, Disturbed (50-75% Exotics) (FLUCFCS Code 6179 E3)
This wetland habitat type is similar to that of FLUCFCS Code 6179 E2, but contains a higher concentration of melaleuca in the canopy and Brazilian pepper in the sub-canopy.

Willow/Pop Ash, Disturbed (0-24% Exotics) (FLUCFCS Code 6189 E1)
The canopy of this wetland habitat type contains scattered Carolina willow, bald cypress, and red maple (*Acer rubrum*). The sub-canopy is comprised of Carolina willow, bald cypress, scattered Peruvian primrose willow (*Ludwigia peruviana*), melaleuca, pond apple (*Annona glabra*) and

Brazilian pepper. The ground cover contains maidencane (*Panicum hemitomon*), sawgrass (*Cladium jamaicense*), leather fern (*Acrostichum* sp.), water pennywort, Asiatic pennywort, and spikerush (*Eleocharis* sp.), Old World climbing fern (*Lygodium microphyllum*), and scattered fireflag (*Thalia geniculata*).

Willow/Pop Ash, Disturbed (25-49% Exotics) (FLUCFCS Code 6189 E2)
This wetland habitat type is similar to that of FLUCFCS Code 6189 E1, except with higher concentrations of Peruvian primrose willow and Brazilian pepper in the sub-canopy.

Willow/Pop Ash, Disturbed (50-75% Exotics) (FLUCFCS Code 6189 E3)
This wetland habitat type is similar to that of FLUCFCS Code 6189 E2, except with higher concentrations of Peruvian primrose willow and Brazilian pepper in the sub-canopy.

Cypress, Disturbed (0-24% Exotics) (FLUCFCS Code 6219 E1)
The canopy of this wetland habitat type is comprised of bald cypress, melaleuca, cabbage palm, strangler fig (*Ficus aurea*), laurel oak, Brazilian pepper, and scattered slash pine and red maple. The sub-canopy contains bald cypress, cabbage palm, wax myrtle, dahoon holly, pond apple, myrsine, Brazilian pepper, and scattered red maple and melaleuca. The ground cover contains swamp fern, Asiatic pennywort, saltbush, bog-hemp (*Boehmeria cylindrica*), wax myrtle, cabbage palm, rosy camphorweed (*Pluchea baccharis*), cocoplum (*Chrysobalanus icaco*), spikerush, pickerelweed (*Pontederia cordata*), maidencane, torpedograss (*Panicum repens*), saw palmetto, panicum (*Panicum* sp.), sawgrass, widely scattered cattail (*Typha* sp.), morning glory (*Ipomoea* sp.), climbing hempvine (*Mikania scandens*), greenbrier (*Smilax* sp.), and muscadine grapevine (*Vitis rotundifolia*).

Cypress, Disturbed (25-49% Exotics) (FLUCFCS Code 6219 E2)
This wetland habitat type is similar to that of FLUCFCS Code 6219 E1, except with higher concentrations of melaleuca and Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed (50-75% Exotics) (FLUCFCS Code 6219 E3)
This wetland habitat type is similar to that of FLUCFCS Code 6219 E2, except with higher concentrations of melaleuca and Brazilian pepper in the canopy and sub-canopy.

Cypress/Pine/Cabbage Palm, Disturbed (0-24% Exotics) (FLUCFCS Code 6249 E1
The canopy of this wetland habitat type contains slash pine, bald cypress, cabbage palm, and scattered melaleuca. The sub-canopy contains slash pine, bald cypress, cabbage palm, myrsine, scattered melaleuca, and scattered Brazilian pepper. The ground cover contains swamp fern, Asiatic pennywort, cabbage palm, wiregrass (*Aristida stricta*), melaleuca, torpedograss, maidencane, gulfdune paspalum, wax myrtle, beaksedge, corkwood (*Stillingia aquatica*), and widely scattered saw palmetto.

Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics) (FLUCFCS Code 6249 E2)
This wetland habitat type is similar to that of FLUCFCS Code 6249 E1, except with higher concentrations of melaleuca and Brazilian pepper in the canopy and sub-canopy.

Cypress/Pine/Cabbage Palm, Disturbed (50-75% Exotics) (FLUCFCS Code 6249 E3)
This wetland habitat type is similar to that of FLUCFCS Code 6249 E2, except with higher concentrations of melaleuca and Brazilian pepper in the canopy and sub-canopy.

Pine, Hydric, Disturbed (0-24% Exotics) (FLUCFCS Code 6259 E1)
The canopy of this wetland habitat type is comprised of slash pine, cabbage palm and widely scattered melaleuca. The sub-canopy contains slash pine, wax myrtle, cabbage palm, scattered Brazilian pepper, and widely scattered melaleuca. The ground cover includes wiregrass, torpedograss, ragweed (*Ambrosia artemisiifolia*), swamp fern, little blue maidencane (*Amphicarpum muehlenbergianum*), caesarweed (*Urena lobata*), fogfruit (*Phyla nodiflora*), rosy camphorweed, Asiatic pennywort, Brazilian pepper, tickseed (*Coreopsis* sp.), pineland heliotrope (*Heliotropium polyphyllum*), climbing hempvine, muscadine grapevine, and scattered saw palmetto.

Pine, Hydric, Disturbed (25-49% Exotics) (FLUCFCS Code 6259 E2)
This wetland habitat type is similar to that of FLUCFCS Code 6259 E1, but with higher concentrations of melaleuca in the canopy and sub-canopy.

Pine, Hydric, Disturbed (50-75% Exotics) (FLUCFCS Code 6259 E3)
This wetland habitat type is similar to that of FLUCFCS Code 6259 E2, but with higher concentrations of melaleuca in the canopy and sub-canopy.

Mixed Wetland Forest, Disturbed (0-24% Exotics) (FLUCFCS Code 6309 E1)
The canopy of this wetland habitat type contains red maple, bald cypress, and laurel oak. The sub-canopy consists of red maple, bald cypress, laurel oak, myrsine, wax myrtle, Brazilian pepper, swamp bay, and cabbage palm. The ground cover includes swamp fern, tickseed, cocoplum, red maple, maidencane, cinnamon fern (*Osmunda cinnamomea*), rosy camphorweed, climbing hempvine, muscadine grapevine, and cabbage palm.

Mixed Wetland Forest, Disturbed (25-49% Exotics) (FLUCFCS Code 6309 E2)
This wetland habitat type is similar to that of FLUCFCS Code 6309 E1, but with higher concentrations of Brazilian pepper in the sub-canopy.

Mixed Wetland Forest, Disturbed (50-75% Exotics) (FLUCFCS Code 6309 E3)
This wetland habitat type is similar to that of FLUCFCS Code 6309 E2, but with higher concentrations of Brazilian pepper in the sub-canopy.

Freshwater Marsh, Sawgrass (0-24% Exotics) (FLUCFCS Code 6411 E1)
This wetland habitat type contains a predominately open canopy and sub-canopy. The ground cover is dominated by sawgrass.

Freshwater Marsh, Cattail (0-24% Exotics) (FLUCFCS Code 6412 E1)
This disturbed wetland habitat type contains a predominately open canopy and sub-canopy. The ground cover is dominated by cattail.

Freshwater Marsh, Disturbed (0-24% Exotics) (FLUCFCS Code 6419 E1)
The canopy of this wetland habitat type contains scattered bald cypress and widely scattered melaleuca. The sub-canopy contains cabbage palm, Peruvian primrose willow, pond apple, scattered bald cypress, and widely scattered Carolina willow. The ground cover contains sawgrass, maidencane, corkwood, swamp fern, shield fern (*Dryopteris ludovicianus*), dotted smartweed (*Persicaria punctata*), spikerush, arrowhead (*Sagittaria lancifolia*), pickerelweed, fireflag, cattail, and torpedograss.

Freshwater Marsh, Disturbed (25-49% Exotics) (FLUCFCS Code 6419 E2)
This wetland habitat type is similar to that of FLUCFCS Code 6419 E1, but with higher densities of torpedograss in the ground cover.

Freshwater Marsh, Disturbed (50-75% Exotics) (FLUCFCS Code 6419 E3)
This wetland habitat type is similar to that of FLUCFCS Code 6419 E2, but with higher densities of torpedograss in the ground cover.

Wet Prairies, Disturbed (0-24% Exotics) (FLUCFCS Code 6439 E1)
The canopy of this wetland habitat type contains widely scattered slash pine and bald cypress. The sub-canopy is comprised of wax myrtle and widely scattered bald cypress. The ground cover contains panicum, wax myrtle, fogfruit, sand cordgrass (*Spartina bakeri*), gulfdune paspalum, corkwood, maidencane, wiregrass, bushy bluestem, rosy camphorweed, and scattered sawgrass.

Wet Prairies, Disturbed (25-49% Exotics) (FLUCFCS Code 6439 E2)
This wetland habitat type is similar to that of FLUCFCS Code 6439 E1, but with melaleuca in the canopy and sub-canopy, and higher densities of torpedograss in the ground cover.

Wet Prairies, Disturbed (50-75% Exotics) (FLUCFCS Code 6439 E3)
This wetland habitat type is similar to that of FLUCFCS Code 6439 E2, but with higher densities of melaleuca in the canopy and sub-canopy, and torpedograss in the ground cover.

II. INDIGENOUS UPLAND HABITATS

Palmetto Prairie, Disturbed (0-24% Exotics) (FLUCFCS Code 3219 E1)
The canopy of this upland habitat type contains scattered slash pine and widely scattered melaleuca. The sub-canopy contains saw palmetto, staggerbush (*Lyonia fruticosa*), gallberry (*Ilex glabra*), and scattered wax myrtle and Brazilian pepper. The ground cover includes saw palmetto, pennyroyal (*Piloblephis rigida*), shiny blueberry (*Vaccinium myrsinites*), and wiregrass.

Palmetto Prairie, Disturbed (25-49% Exotics) (FLUCFCS Code 3219 E2)
This upland habitat type is similar to that of FLUCFCS Code 3219 E1, except with higher concentrations of Brazilian pepper in the sub-canopy.

Palmetto Prairie, Disturbed (50-75% Exotics) (FLUCFCS Code 3219 E3)
This upland habitat type is similar to that of FLUCFCS Code 3219 E2, except with higher concentrations of Brazilian pepper in the sub-canopy.

Pine Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4119 E1)
The canopy of this upland habitat type contains slash pine, cabbage palm, Brazilian pepper, and scattered melaleuca. The sub-canopy contains slash pine, cabbage palm, myrsine, and scattered wax myrtle, melaleuca, and Brazilian pepper. The ground cover includes saw palmetto, wax myrtle, caesarweed, wiregrass, blackberry (*Rubus* sp.), ragweed, Old World climbing fern, melaleuca, and Brazilian pepper.

Pine Flatwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 4119 E2)
This upland habitat type is similar to that of FLUCFCS Code 4119 E1, except with higher concentrations of Brazilian pepper, melaleuca, and Old World climbing fern in the canopy and sub-canopy.

Pine Flatwoods, Disturbed (50-75% Exotics) (FLUCFCS Code 4119 E3)
This upland habitat type is similar to that of FLUCFCS Code 4119 E2, except with higher concentrations of Brazilian pepper, melaleuca, and Old World climbing fern in the canopy and sub-canopy.

Pine, Disturbed (0-24% Exotics) (FLUCFCS Code 4159 E1)
The canopy of this upland habitat type is dominated by slash pine. The sub-canopy contains slash pine and scattered Brazilian pepper. The ground cover contains pineland heliotrope, wax myrtle, caesarweed, wiregrass, blackberry, ragweed, melaleuca, and Brazilian pepper.

Pine, Disturbed (25-49% Exotics) (FLUCFCS Code 4159 E2)
This upland habitat type is similar to that of FLUCFCS Code 4159 E1, except with higher concentrations of Brazilian pepper in the sub-canopy.

Pine, Disturbed (50-75% Exotics) (FLUCFCS Code 4159 E3)
This upland habitat type is similar to that of FLUCFCS Code 4159 E2, except with higher concentrations of Brazilian pepper in the sub-canopy.

Live Oak, Disturbed (0-24% Exotics) (FLUCFCS Code 4279 E1)
The canopy of this upland habitat type contains live oak (*Quercus virginiana*), laurel oak, and cabbage palm. The sub-canopy contains cabbage palm, laurel oak, and wax myrtle. The ground cover contains saw palmetto, cabbage palm, and scattered swamp fern.

Live Oak, Disturbed (25-49% Exotics) (FLUCFCS Code 4279 E2)
This upland habitat type is similar to that of FLUCFCS Code 4279 E1, except with higher concentrations of Brazilian pepper and melaleuca in the canopy and sub-canopy.

Cabbage Palm, Disturbed (0-24% Exotics) (FLUCFCS Code 4289 E1)
The canopy of this upland habitat type contains cabbage palm and scattered laurel oak. The sub-canopy contains saw palmetto, wax myrtle, cabbage palm, melaleuca, and Brazilian pepper. The ground cover is dominated by saw palmetto with scattered swamp fern.

Cabbage Palm, Disturbed (25-49% Exotics) (FLUCFCS Code 4289 E2)
This upland habitat type is similar to that of FLUCFCS Code 4289 E1, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Wax Myrtle, Disturbed (25-49% Exotics) (FLUCFCS Code 4299 E2)
The canopy of this upland habitat type contains cabbage palm, Brazilian pepper, and scattered laurel oak. The sub-canopy contains cabbage palm, Brazilian pepper, wax myrtle, laurel oak, saltbush, slash pine, and myrsine. The ground cover includes blackberry, caesarweed, fogfruit, cogon grass (*Imperata cylindrica*), broomsedge, and bushy bluestem.

Wax Myrtle, Disturbed (50-75% Exotics) (FLUCFCS Code 4299 E3)
This upland habitat type is similar to that of FLUCFCS Code 4299 E2, except with higher concentrations of Brazilian pepper in the sub-canopy.

Hardwood/Conifer Mixed, Disturbed (0-24% Exotics) (FLUCFCS Code 4349 E1)
The canopy of this upland habitat type contains slash pine, cabbage palm, laurel oak, live oak, and scattered melaleuca. The sub-canopy contains slash pine, cabbage palm, laurel oak, live oak, and Brazilian pepper. The ground cover includes saw palmetto, cabbage palm, laurel oak, water pennywort, spermacoce (*Spermacoce verticillata*), bahiagrass (*Paspalum notatum*), bracken fern (*Pteridium aquilinum*), and scattered swamp fern.

Hardwood/Conifer Mixed, Disturbed (25-49% Exotics) (FLUCFCS Code 4349 E2)
This upland habitat type is similar to that of FLUCFCS Code 4349 E1, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Hardwood/Conifer Mixed, Disturbed (50-75% Exotics) (FLUCFCS Code 4349 E3)
This upland habitat type is similar to that of FLUCFCS Code 4349 E2, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed and Drained (0-24% Exotics) (FLUCFCS Code 6215 E1)
This disturbed upland habitat type contains bald cypress, cabbage palm, and scattered live oak. The sub-canopy contains Brazilian pepper, cabbage palm, and wax myrtle. The ground cover contains caesarweed, Boston fern (*Nephrolepis exaltata*), smutgrass (*Sporobolus indicus*), ragweed, beggar-tick (*Bidens alba*), flatsedge (*Cyperus ligularis*), dog fennel (*Eupatorium capillifolium*), and muscadine grapevine.

Cypress, Disturbed and Drained (25-49% Exotics) (FLUCFCS Code 6215 E2)
This upland habitat type is similar to that of FLUCFCS Code 6215 E1, except with higher concentrations of Brazilian pepper in the sub-canopy.

Cypress, Disturbed and Drained (50-75% Exotics) (FLUCFCS Code 6215 E3)
This upland habitat type is similar to FLUCFCS Code 6215 E2, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Cypress/Pine, Disturbed and Drained (0-24% Exotics) (FLUCFCS Code 6245 E1)
This disturbed upland habitat type contains slash pine, bald cypress, cabbage palm, and scattered melaleuca in the canopy. The sub-canopy contains slash pine, bald cypress, cabbage palm, myrsine, scattered melaleuca, and scattered Brazilian pepper. The ground cover contains saw palmetto and swamp fern.

III. NON-INDIGENOUS WETLAND HABITATS

Low Pasture, Hydric (FLUCFCS Code 262)
The canopy of this disturbed wetland habitat type contains widely scattered cabbage palm. The sub-canopy is comprised of widely scattered cabbage palm, Brazilian pepper, and wax myrtle. The ground cover includes torpedograss, spermacoce, water pennywort, fogfruit, dog fennel, and dotted smartweed.

Brazilian Pepper, Hydric (FLUCFCS Code 4221)
The canopy and sub-canopy of this disturbed wetland habitat type are dominated by Brazilian pepper. The ground cover is mostly open.

Melaleuca, Hydric (FLUCFCS Code 4241)
The canopy of this disturbed wetland habitat type contains melaleuca with widely scattered bald cypress and slash pine. The sub-canopy contains melaleuca and widely scattered bald cypress and wax myrtle. The ground cover contains wax myrtle, rosy camphorweed, and scattered beaksedge (*Rhynchospora microcarpa*).

Drainage Canal/Ditch, Hydric (FLUCFCS Code 514*)
These ditches are interior to a wetland. The sub-canopy along the banks and within the ditches contains Carolina willow, Peruvian primrose willow, Brazilian pepper, and wax myrtle. The ground cover contains water spangles (*Salvinia minima*), maidencane, primrose willow, cattail, and torpedograss. The ditches are associated with the citrus (*Citrus* sp.) groves.

Cattle Pond, Hydric (FLUCFCS Code 525*)
This surface water area is interior to wetlands and contains minimal vegetation.

Willow/Pop Ash, Disturbed (76-100% Exotics) (FLUCFCS Code 6189 E4)
This wetland habitat type is similar to that of FLUCFCS Code 6189 E3, except with higher concentrations of Peruvian primrose willow and Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed (76-100% Exotics) (FLUCFCS Code 6219 E4)
This wetland habitat type is similar to that of FLUCFCS Code 6219 E3, except with higher concentrations of melaleuca, Old World climbing fern, and Brazilian pepper in the canopy and sub-canopy.

Cypress/Pine/Cabbage Palm, Disturbed (76-100% Exotics) (FLUCFCS Code 6249 E4)
This disturbed wetland habitat type is similar to that of FLUCFCS Code 6249 E3 except with higher concentrations of Brazilian pepper, melaleuca, and downy rose-myrtle (*Rhodomyrtus tomentosa*) in the sub-canopy.

Pine, Hydric, Disturbed (76-100% Exotics) (FLUCFCS Code 6259 E4)
This wetland habitat type is similar to that of FLUCFCS Code 6259 E3, but with higher concentrations of melaleuca in the canopy and sub-canopy.

Mixed Wetland Forest, Disturbed (76-100% Exotics) (FLUCFCS Code 6309 E4)
This wetland habitat type is similar to that of FLUCFCS Code 6309 E3, but with higher concentrations of Brazilian pepper in the sub-canopy.

Freshwater Marsh, Disturbed (76-100% Exotics) (FLUCFCS Code 6419 E4)
This wetland habitat type is similar to that of FLUCFCS Code 6419 E3, but with higher densities of torpedograss in the ground cover.

Wet Prairies, Disturbed (76-100% Exotics) (FLUCFCS Code 6439 E4)
This disturbed wetland habitat type contains an open canopy. The sub-canopy contains scattered melaleuca, scattered willow (*Salix* sp.), and scattered wax myrtle. The ground cover is dominated by the exotic species torpedograss but also contains cattail and sawgrass.

Disturbed Land, Hydric (FLUCFCS Code 7401)
The canopy of this disturbed wetland habitat type includes scattered slash pine, cabbage palm, and Brazilian pepper. The sub-canopy contains melaleuca, Peruvian primrose willow, Brazilian pepper, bald cypress, and scattered wax myrtle. The ground cover contains cattail, torpedograss, maidencane, little blue maidencane, Asiatic pennywort, slash pine, climbing hempvine, spermacoce, water pennywort, dog fennel, and Peruvian primrose willow.

Borrow Area, Hydric (FLUCFCS Code 742*)
The canopy and sub-canopy of this wetland habitat type are open. The ground cover consists of torpedograss, scattered dotted smartweed, and water pennywort.

Electrical Power Transmission Line, Hydric (FLUCFCS Code 8321)
There are two sets of power lines that run in a northwest-southeast direction on the northern portion of the property. The land is maintained and contains torpedograss in the ground cover.

IV. NON-INDIGENOUS UPLAND HABITATS

Citrus Grove (FLUCFCS Code 221)
This upland agricultural use contains active citrus trees in the canopy and sub-canopy. The ground cover contains sod grass (*Poaceae* sp.), Florida tasselflower (*Emilia fosbergii*), beggar-tick, water pennywort, thistle (*Cirsium* sp.), wild balsam apple (*Momordica charantia*), ragweed, lantana (*Lantana camara*), caesarweed, torpedograss, and widely scattered Peruvian primrose willow.

Abandoned Groves (FLUCFCS Code 224)
The canopy of this upland agricultural use is comprised of cabbage palm. The sub-canopy contains cabbage palm and Brazilian pepper. The ground cover includes bahiagrass, spermacoce, carpetgrass (*Axonopus* sp.), smutgrass, dog fennel, Mexican clover (*Richardia brasiliensis*), common ragweed, digit grass (*Digitaria* sp.), bermudagrass (*Cynodon dactylon*), and broomsedge.

Palmetto Prairie, Disturbed (76-100% Exotics) (FLUCFCS Code 3219 E4)
This upland habitat type is similar to that of FLUCFCS Code 3219 E3, except with higher concentrations of Brazilian pepper in the sub-canopy.

Pine Flatwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 4119 E4)
This upland habitat type is similar to that of FLUCFCS Code 4119 E3, except with higher concentrations of Brazilian pepper and Old World climbing fern in the canopy and sub-canopy.

Pine, Disturbed (76-100% Exotics) (FLUCFCS Code 4159 E4)
This upland habitat type is similar to that of FLUCFCS Code 4159 E3, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Brazilian Pepper (FLUCFCS Code 422)
This upland habitat type is dominated by Brazilian pepper in the canopy and sub-canopy. The ground cover is mostly open.

Cabbage Palm, Disturbed (76-100% Exotics) (FLUCFCS Code 4289 E4)
This upland habitat type is similar to that of FLUCFCS Code 4289 E2, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Wax Myrtle, Disturbed (76-100% Exotics) (FLUCFCS Code 4299 E4)
This upland habitat type is similar to that of FLUCFCS Code 4299 E3, except with higher concentrations of Brazilian pepper in the sub-canopy.

Hardwood/Conifer Mixed, Disturbed (76-100% Exotics) (FLUCFCS Code 4349 E4)
This upland habitat type is similar to that of FLUCFCS Code 4349 E3, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed and Drained (76-100% Exotics) (FLUCFCS Code 6215 E4)
This upland habitat type is similar to FLUCFCS Code 6215 E3, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Disturbed Land (FLUCFCS Code 740)
The canopy of this disturbed upland habitat type is comprised of scattered slash pine and cabbage palm. The sub-canopy contains scattered slash pine, Brazilian pepper, and wax myrtle. The ground cover contains sod grass, dog fennel, beggar-tick, crowfoot grass (*Dactyloctenium aegyptium*), balsam apple, bahiagrass, lantana, caesarweed, natalgrass (*Rhynchelytrum repens*), and scattered saw palmetto.

Spoil Area (FLUCFCS Code 743)
The canopy and sub-canopy of this land use are open. The ground cover contains caesarweed, dog fennel, ragweed, and bahiagrass.

Dikes and Levees (Berm) (FLUCFCS Code 747)
The canopy and sub-canopy of this land use are predominantly open with widely scattered Brazilian pepper. The ground cover contains ragweed, Florida tasselflower, natalgrass, lantana, beggar-tick, bahiagrass, caesarweed, and dog fennel.

Road (FLUCFCS Code 814)
This land use type includes unvegetated paved roadways.

Unpaved Road (FLUCFCS Code 8146)
This land use consists of an unvegetated dirt road that runs in a north-south direction along the northeast portion of the property.

V. NON-INDIGENOUS OTHER SURFACE WATERS

Pine Flatwoods, Disturbed, OSW (0-24% Exotics) (FLUCFCS Code 4119 E1**)
This land cover type contains vegetation similar to FLUCFCS Code 4119 E1 but is an "other surface water" (OSW).

Live Oak, Disturbed, OSW (0-24% Exotics) (FLUCFCS Code 4279 E1**)
This land cover type contains vegetation similar to FLUCFCS Code 4279 E1 but is an OSW.

Hardwood/Conifer Mixed, Disturbed, OSW (0-24% Exotics) (FLUCFCS Code 4349 E1**)
This land use type contains vegetation similar to FLUCFCS Code 4349 E1 but is an OSW.

Hardwood/Conifer Mixed, Disturbed, OSW (25-49% Exotics) (FLUCFCS Code 4349 E2**)
This land use type is similar to FLUCFCS Code 4349 E1** but high higher concentrations of Brazilian pepper in the sub-canopy.

Drainage Canal/Ditch (FLUCFCS Code 514)
This OSW has an open canopy. The sub-canopy along the banks and within the ditches contains Carolina willow, Peruvian primrose willow, Brazilian pepper, and wax myrtle. The ground cover contains water spangles, pickerelweed, maidencane, Peruvian primrose willow, cattail, torpedograss, dotted smartweed, red ludwigia (*Ludwigia repens*), and fogfruit. The ditches are associated with the citrus groves.

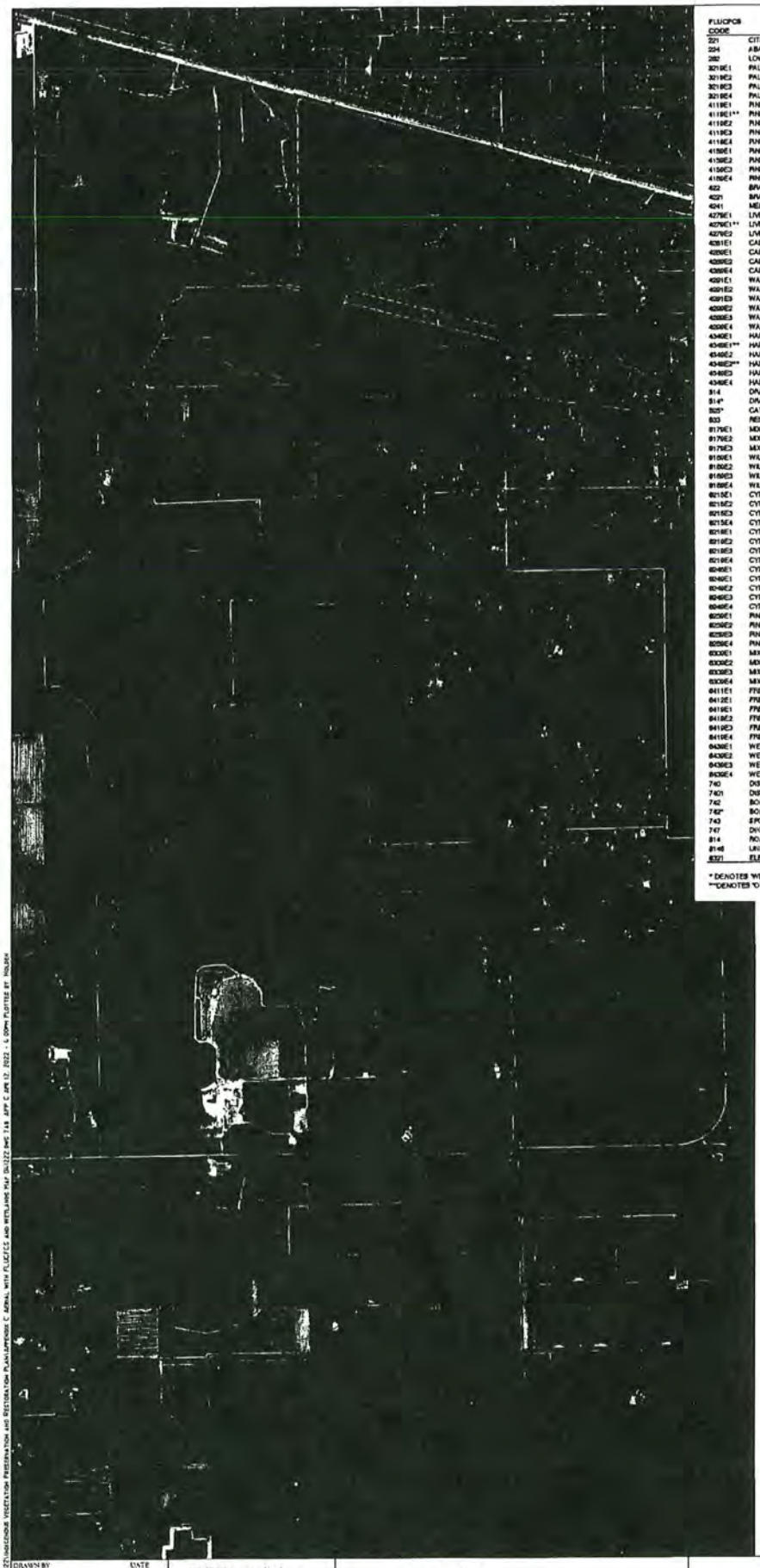
Reservoirs (<10 acres but >100 acres) (FLUCFCS Code 533)
This land use type is utilized for water retention.

Borrow Area (FLUCFCS Code 742)
This OSW contains minimal vegetation. The borrow area appears to have been created to acquire fill for a berm connecting two adjacent citrus groves.

*Denotes Wetlands
**Denotes OSW

APPENDIX C

AERIAL WITH FLUCFCS AND WETLANDS MAP



FLUCFCS CODE	DESCRIPTION	ACREAGE	% OF TOTAL
221	CITRUS GROVE	4887.80 Ac.±	60.8%
224	ABANDONED GROVES	146.82 Ac.±	2.2%
282	LOW PASTURE, HYDRIC	13.35 Ac.±	0.2%
3219E1	PALMETTO PRAIRIE, DISTURBED (0-24% EXOTICS)	8.46 Ac.±	0.1%
3219E2	PALMETTO PRAIRIE, DISTURBED (25-49% EXOTICS)	1.86 Ac.±	0.0%
3219E3	PALMETTO PRAIRIE, DISTURBED (50-75% EXOTICS)	3.60 Ac.±	0.1%
3219E4	PALMETTO PRAIRIE, DISTURBED (76-100% EXOTICS)	0.03 Ac.±	0.0%
4119E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	12.61 Ac.±	0.2%
4119E1**	PINE FLATWOODS, DISTURBED, OSW (0-24% EXOTICS)	0.09 Ac.±	0.0%
4119E2	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	4.09 Ac.±	0.1%
4119E3	PINE FLATWOODS, DISTURBED (50-75% EXOTICS)	23.29 Ac.±	0.3%
4119E4	PINE FLATWOODS, DISTURBED (76-100% EXOTICS)	0.81 Ac.±	0.0%
4156E1	PINE, DISTURBED (0-24% EXOTICS)	13.21 Ac.±	0.2%
4156E2	PINE, DISTURBED (25-49% EXOTICS)	0.40 Ac.±	0.0%
4156E3	PINE, DISTURBED (50-75% EXOTICS)	0.33 Ac.±	0.0%
4156E4	PINE, DISTURBED (76-100% EXOTICS)	0.24 Ac.±	0.0%
422	BRAZILIAN PEPPER	3.69 Ac.±	0.1%
4221	BRAZILIAN PEPPER, HYDRIC	1.49 Ac.±	0.0%
4241	MELALEUCA, HYDRIC	88.34 Ac.±	1.1%
4276E1	LIVE OAK, DISTURBED (0-24% EXOTICS)	0.60 Ac.±	0.0%
4276E1**	LIVE OAK, DISTURBED, OSW (0-24% EXOTICS)	0.05 Ac.±	0.0%
4276E2	LIVE OAK, DISTURBED (25-49% EXOTICS)	0.19 Ac.±	0.0%
4281E1	CABBAGE PALM, HYDRIC (0-24% EXOTICS)	0.08 Ac.±	0.0%
4289E1	CABBAGE PALM, DISTURBED (0-24% EXOTICS)	0.68 Ac.±	0.0%
4289E2	CABBAGE PALM, DISTURBED (25-49% EXOTICS)	1.11 Ac.±	0.0%
4289E4	CABBAGE PALM, DISTURBED (76-100% EXOTICS)	1.74 Ac.±	0.0%
4301E1	WAX MYRTLE/WILLOW, HYDRIC (0-24% EXOTICS)	0.23 Ac.±	0.0%
4301E2	WAX MYRTLE/WILLOW, HYDRIC (25-49% EXOTICS)	0.41 Ac.±	0.0%
4301E3	WAX MYRTLE/WILLOW, HYDRIC (50-75% EXOTICS)	0.29 Ac.±	0.0%
4309E2	WAX MYRTLE, DISTURBED (25-49% EXOTICS)	2.05 Ac.±	0.0%
4309E3	WAX MYRTLE, DISTURBED (50-75% EXOTICS)	7.81 Ac.±	0.1%
4309E4	WAX MYRTLE, DISTURBED (76-100% EXOTICS)	9.33 Ac.±	0.1%
4340E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	7.78 Ac.±	0.1%
4340E1**	HARDWOOD/CONIFER MIXED, DISTURBED, OSW (0-24% EXOTICS)	1.86 Ac.±	0.0%
4340E2	HARDWOOD/CONIFER MIXED, DISTURBED (25-49% EXOTICS)	2.11 Ac.±	0.0%
4340E2**	HARDWOOD/CONIFER MIXED, DISTURBED, OSW (25-49% EXOTICS)	0.23 Ac.±	0.0%
4340E3	HARDWOOD/CONIFER MIXED, DISTURBED (50-75% EXOTICS)	2.14 Ac.±	0.0%
4340E4	HARDWOOD/CONIFER MIXED, DISTURBED (76-100% EXOTICS)	5.17 Ac.±	0.1%
514	DRAINAGE CANAL/DITCH	258.11 Ac.±	3.8%
514*	DRAINAGE CANAL/DITCH, HYDRIC	19.20 Ac.±	0.3%
525*	CATTLE POND, HYDRIC	0.07 Ac.±	0.0%
533	RESERVOIRS (<10 ACRES BUT >100 ACRES)	47.06 Ac.±	0.7%
6175E1	MIXED WETLAND HARDWOODS, DISTURBED (0-24% EXOTICS)	1.85 Ac.±	0.0%
6175E2	MIXED WETLAND HARDWOODS, DISTURBED (25-49% EXOTICS)	0.81 Ac.±	0.0%
6175E3	MIXED WETLAND HARDWOODS, DISTURBED (50-75% EXOTICS)	0.30 Ac.±	0.0%
6180E1	WILLOW/POP ASH, DISTURBED (0-24% EXOTICS)	2.08 Ac.±	0.0%
6180E2	WILLOW/POP ASH, DISTURBED (25-49% EXOTICS)	0.28 Ac.±	0.0%
6180E3	WILLOW/POP ASH, DISTURBED (50-75% EXOTICS)	8.77 Ac.±	0.1%
6180E4	WILLOW/POP ASH, DISTURBED (76-100% EXOTICS)	11.51 Ac.±	0.2%
6215E1	CYPRESS, DISTURBED AND DRAINED (0-24% EXOTICS)	0.08 Ac.±	0.0%
6215E2	CYPRESS, DISTURBED AND DRAINED (25-49% EXOTICS)	0.06 Ac.±	0.0%
6215E3	CYPRESS, DISTURBED AND DRAINED (50-75% EXOTICS)	0.07 Ac.±	0.0%
6215E4	CYPRESS, DISTURBED AND DRAINED (76-100% EXOTICS)	4.73 Ac.±	0.1%
6216E1	CYPRESS, DISTURBED (0-24% EXOTICS)	466.89 Ac.±	6.9%
6216E2	CYPRESS, DISTURBED (25-49% EXOTICS)	85.67 Ac.±	0.8%
6216E3	CYPRESS, DISTURBED (50-75% EXOTICS)	94.87 Ac.±	1.4%
6216E4	CYPRESS, DISTURBED (76-100% EXOTICS)	16.17 Ac.±	0.2%
6248E1	CYPRESS/PINE, DISTURBED AND DRAINED (0-24% EXOTICS)	0.14 Ac.±	0.0%
6248E1	CYPRESS/PINE/CABBAGE PALM, DISTURBED (0-24% EXOTICS)	86.60 Ac.±	1.0%
6248E2	CYPRESS/PINE/CABBAGE PALM, DISTURBED (25-49% EXOTICS)	20.73 Ac.±	0.3%
6248E3	CYPRESS/PINE/CABBAGE PALM, DISTURBED (50-75% EXOTICS)	33.40 Ac.±	0.4%
6248E4	CYPRESS/PINE/CABBAGE PALM, DISTURBED (76-100% EXOTICS)	0.14 Ac.±	0.0%
6250E1	PINE, HYDRIC, DISTURBED (0-24% EXOTICS)	7.47 Ac.±	0.1%
6250E2	PINE, HYDRIC, DISTURBED (25-49% EXOTICS)	2.40 Ac.±	0.0%
6250E3	PINE, HYDRIC, DISTURBED (50-75% EXOTICS)	8.36 Ac.±	0.1%
6250E4	PINE, HYDRIC, DISTURBED (76-100% EXOTICS)	1.18 Ac.±	0.0%
6300E1	MIXED WETLAND FOREST, DISTURBED (0-24% EXOTICS)	8.64 Ac.±	0.1%
6300E2	MIXED WETLAND FOREST, DISTURBED (25-49% EXOTICS)	7.73 Ac.±	0.1%
6300E3	MIXED WETLAND FOREST, DISTURBED (50-75% EXOTICS)	2.78 Ac.±	0.0%
6300E4	MIXED WETLAND FOREST, DISTURBED (76-100% EXOTICS)	3.33 Ac.±	0.0%
6411E1	FRESHWATER MARSH, SAWGRASS (0-24% EXOTICS)	1.11 Ac.±	0.0%
6412E1	FRESHWATER MARSH, CATTAIL (0-24% EXOTICS)	13.07 Ac.±	0.2%
6419E1	FRESHWATER MARSH, DISTURBED (0-24% EXOTICS)	100.21 Ac.±	1.5%
6419E2	FRESHWATER MARSH, DISTURBED (25-49% EXOTICS)	2.62 Ac.±	0.0%
6419E3	FRESHWATER MARSH, DISTURBED (50-75% EXOTICS)	19.83 Ac.±	0.3%
6419E4	FRESHWATER MARSH, DISTURBED (76-100% EXOTICS)	57.24 Ac.±	0.9%
6430E1	WET PRAIRIES, DISTURBED (0-24% EXOTICS)	8.18 Ac.±	0.1%
6430E2	WET PRAIRIES, DISTURBED (25-49% EXOTICS)	0.42 Ac.±	0.0%
6430E3	WET PRAIRIES, DISTURBED (50-75% EXOTICS)	0.48 Ac.±	0.0%
6430E4	WET PRAIRIES, DISTURBED (76-100% EXOTICS)	24.22 Ac.±	0.4%
740	DISTURBED LAND	83.90 Ac.±	1.3%
7401	DISTURBED LAND, HYDRIC	28.11 Ac.±	0.4%
742	BORROW AREA	0.08 Ac.±	0.0%
742*	BORROW AREA, HYDRIC	0.03 Ac.±	0.0%
743	SPOIL AREA	8.06 Ac.±	0.1%
747	DIKES AND LEVEES (SEWM)	157.78 Ac.±	2.4%
814	ROAD	0.54 Ac.±	0.0%
8140	UNPAVED ROAD	6.70 Ac.±	0.1%
8321	ELECTRICAL POWER TRANSMISSION LINE, HYDRIC	5.08 Ac.±	0.1%
	TOTAL	8078.72 Ac.±	100.0%

* DENOTES 'WETLANDS'
**DENOTES 'OTHER SURFACE WATERS'

LEGEND

WETLANDS (1,192.81 Ac.±)

'OTHER SURFACE WATERS' (306.35 Ac.±)

SURVEYED WETLAND LINE

DRAFT

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH FLIGHT DATES OF JANUARY - MARCH 2021.

PROPERTY BOUNDARY PER J.R. EVANS, INC. DRAWING NO. 857 KINGSTON MASTER CONCEPT PLAN R.DWG DATED MARCH 7, 2022.

WETLAND AND SURVEY DITCH LINES PER BANKS ENGINEERING,INC DRAWING NO.3370-JD-SR.DWG DATED FEBRUARY 12, 2009.

SURVEY DITCH LINES PER METRON SURVEYING & MAPPING, LLC DRAWING NO. DITCHES TO BE SURVEY LOCATED 12-03-08.DWG DATED DECEMBER 3, 2008

WETLAND AND OSW LINES SHOWN PER FDEP FORMAL WETLAND JURISDICTIONAL DETERMINATION NO.FD-36-0284086-001 ISSUED AUGUST 26, 2009

FLUCFCS LINES ESTIMATED FROM 1"=300' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999)

J:\3370\2022\3370-3322-UNDERBRUSH VEGETATION PRESERVATION AND RESTORATION PLAN\APPENDIX C AERIAL WITH FLUCFCS AND WETLANDS.dwg 03/22/2022 2:48 JEFF C APR 12, 2022 - 4:00PM PLOTTED BY HOLLY

DRAWN BY	DATE
H.H.	03/22/22
DESIGNED BY	DATE
S.J.	03/22/22
REVISED	DATE
T.S.	03/29/22

13620 Metropolis Avenue
Suite 200
Ft. Myers, FL 33912
Phone (239) 274-0067
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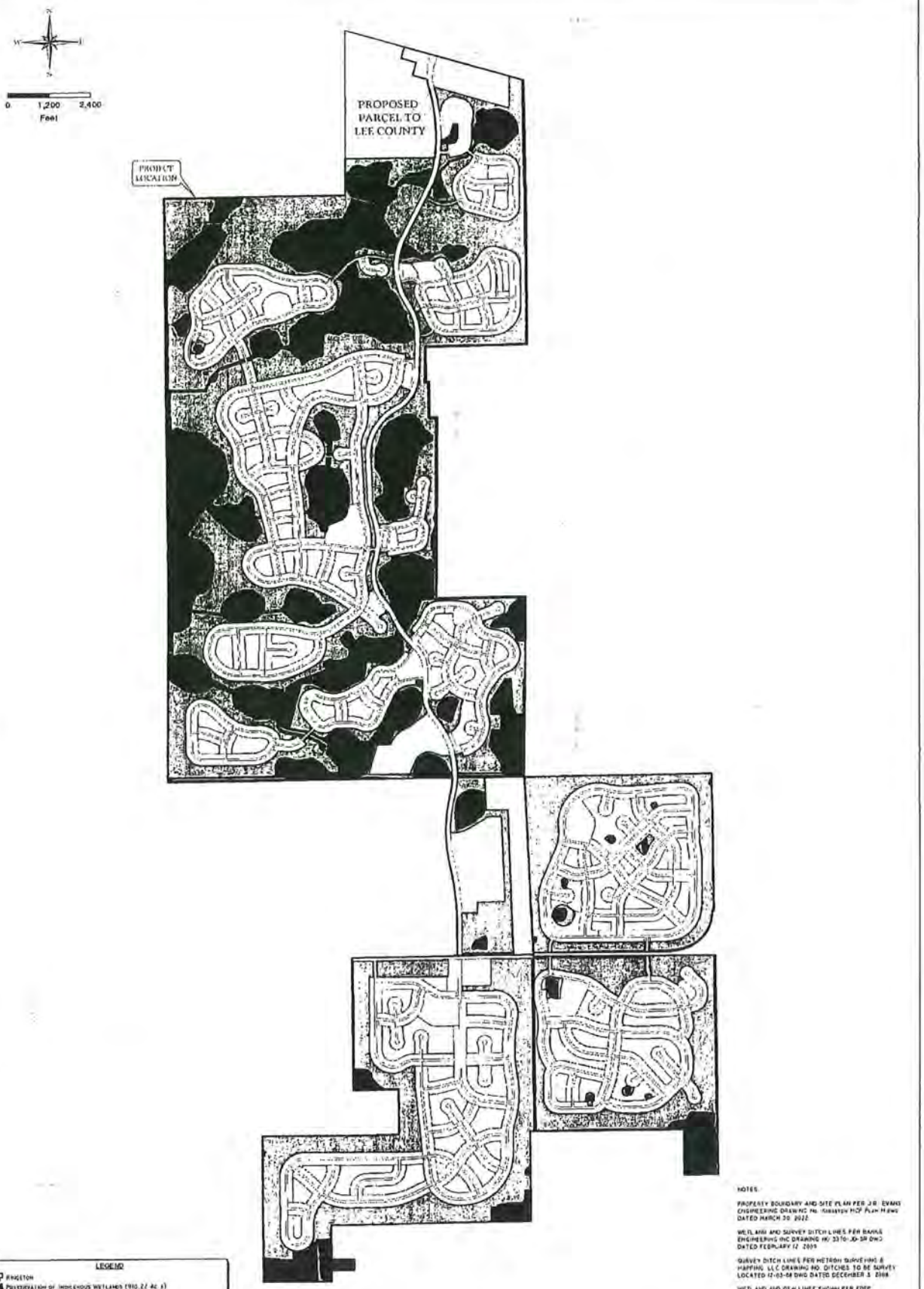
PASSARELLA & ASSOCIATES, LLC
Consulting Ecologists

KINGSTON
AERIAL WITH FLUCFCS AND WETLANDS

DRAWING No.	
21CCL3707	
SHEET No.	
APPENDIX C	

APPENDIX D

INDIGENOUS VEGETATION, PRESERVATION, AND RESTORATION PLAN



DRAWN BY: H.H. DATE: 04/05/22	13620 Metropolis Avenue, Suite 200, Fort Myers, Florida 33912, Phone (239) 274-0067, Fax (239) 274-0069	PASSARELLA & ASSOCIATES, LLC	KINGSTON INDIGENOUS VEGETATION, PRESERVATION, AND RESTORATION PLAN	DRAWING No.: 2107.L1702 SHEET No.: APPENDIX IV
REVIEWED BY: S.J. DATE: 04/05/22				
PROJECT: DATE:				

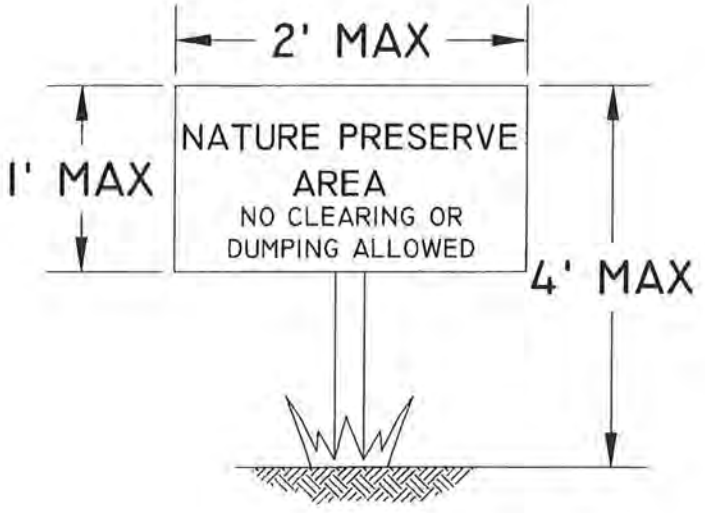
APPENDIX E

TYPICAL PRESERVE SIGNAGE



TYPICAL AMERICAN ALLIGATOR SIGNAGE

N.T.S.



TYPICAL PRESERVE SIGNAGE

N.T.S.

APPENDIX E. TYPICAL PRESERVE SIGNAGE
KINGSTON

DRAWN BY	DATE
H.H.	03/14/22
REVIEWED BY	DATE
H.S.	03/14/22
REVISED	DATE

PASSARELLA & ASSOCIATES INC

EXHIBIT M

BONA FIDE AGRICULTURAL USE AT THE TIME OF ZONING APPLICATION AFFIDAVIT

WHEREAS, Section 34-202(b)(7), Lee County Land Development Code, requires property located in an agricultural zoning district at the time a zoning application is filed to include an existing agricultural use affidavit; and

WHEREAS, the affidavit, pursuant to the Land Development Code, must identify the property in question with specificity, and the affidavit must identify whether or not a bona fide agricultural use is in existence on the property at the time the application was filed.

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned notary public on this 28 day of April, 2022, personally appeared Mitch Hutchcraft, who is personally known to me or who produced a Drivers License as identification and who, after first being duly sworn, deposes and says that:

1. The property that is subject of the zoning application is described more completely on the attached Exhibit "A".

2. That I am the authorized representative of the Corkscrew Grove Limited Partnership that owns or represents the property described in Exhibit "A".

3. The property in question is zoned_AG-2 (Agriculture). Section 34-202(b)(7) does not require an agricultural affidavit for property that is not located in an agricultural district at the time of zoning.

4. The property is in agricultural use. Future agricultural use is permitted under Exhibits "D" and "E" of the Agreement Pursuant to Stipulation of Settlement.

5. The agricultural use of the subject property is a mixture of citrus, sod fields, and row crops.

6. The agricultural activity is occurring within the area identified on the attached Exhibit "B".

7. The affiant intends to continue the existing agricultural activity subsequent to the rezoning.

FURTHER AFFIANT SAYETH NAUGHT.

By: _____
Name: Mitch Hutchcraft

SWORN TO and subscribed before me on the date and year first above written.

(Notary Seal)

Notary Public State of Florida
Bettina Thompson
My Commission GG 316512
Expires 03/31/2023

_____
Signature of Notary Public

Bettina Thompson
(Print, type of stamp commissioned name of Notary Public)

Commission No. GG 316512

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Planners

DESCRIPTION
Parcel in
Section 35, Township 45 South, Range 27 East
and Sections 2, 3, 10, 11, 14, 15, 24, 25, 26, 34, 35 and 36,
Township 46 South, Range 27 East,
Lee County, Florida

A tract or parcel of land lying in Section 35, Township 45 South, Range 27 East and Sections 2, 3, 10, 11, 14, 15, 24, 25, 26, 34, 35 and 36, Township 46 South, Range 27 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

PARCEL 1:

Beginning at the Southwest corner of said Section 35 run N00°42'20"W along the West line of said Section 35 for 4,913.47 feet to an intersection with the Southwesterly right of way line of State Road 82 (F.D.O.T. right of way Section No. 1207-101) (200 feet wide right of way); thence run S74°24'28"E along said Southwesterly right of way line for 5,474.38 feet to an intersection with the East line of said Section 35; thence run S01°27'49"E for 3,347.79 feet to the Northeast corner of said Section 2; thence run S00°37'24"E along the East line of said Section 2 for 4,496.97 feet; thence run S88°14'39"W for 2,954.70 feet; thence run S00°38'17"E for 1,000.18 feet; thence run N89°34'20"E for 89.85 feet; thence run S00°42'50"E for 1,075.98 feet to an intersection with the North line of the West Half (W 1/2) of said Section 11; thence run N88°06'17"E along said North line for 218.81 feet to the Northeast corner of said Fraction; thence run S00°11'24"E along the East line of said Fraction for 5,325.44 feet to Southeast corner of said Fraction; thence run N88°33'37"E along the North line of said Section 14 for 2,623.23 feet to the Northeast corner of said Section 14; thence run S00°02'19"W along the East line of said Section 14 for 5,330.76 feet to the Southeast corner of said Section 14 ; thence run S88°57'32"W along the South line of said Section 14 for 5,217.75 feet to the Southeast corner of said Section 15; thence run S88°56'48"W along the South line of said Section 15 for 5,216.63 feet to the Southwest corner of said Section 15; thence run N00°12'22"W along the West line of said Section 15 for 5,552.99 feet to the Southwest corner of said Section 10; thence run N01°06'50"W along the West line of said Section 10 for 5,068.95 feet to the Southwest corner of said Section 3; thence run N00°58'11"W along the West line of said Section 3 for 6,632.47 feet to the Northwest corner of said Section 3; thence run N89°02'20"E along the North line of said Section 3 for 5,301.06 feet to the POINT OF BEGINNING.
Containing 4,202.62 acres, more or less.

PARCEL 2:

Beginning at the Northwest corner of said Section 24 run N88°48'32"E along the North line of said Section 24 for 5,496.75 feet to an intersection with the West line right of way line of Corkscrew Road, also being the West line of the East 25 feet of said

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169

EXHIBIT "A"

DESCRIPTION (CONTINUED)

Section 24; thence run S01°20'16"E along said West line for 4,100.52 feet to an intersection with the Northerly right of way line of Corkscrew Road, as described in a deed recorded in Instrument No. 2009000136900, Lee County Records; thence run along said Northerly right of way line the following three (3) courses: S88°39'44"W for 50.00 feet to a point on a non-tangent curve; Southwesterly along an arc of a curve to the right of radius 1,175.00 feet (delta 90°09'17") (chord bearing S44°50'13"W) (chord 1,663.94 feet) for 1,848.86 feet and S00°05'08"E along a radial line for 25.00 feet to an intersection with the North right of way line of said Corkscrew Road, also being North line of the South 50 feet of said Section 24; thence run along said North right of way line the following two (2) courses: S89°54'52"W for 1,393.63 feet and S88°51'37"W for 2,675.85 feet to an intersection with the West line of said Section 24; thence run N03°15'49"W along said West line for 5,255.07 feet to the POINT OF BEGINNING.

Containing 644.59 acres, more or less.

PARCEL 3:

Beginning at the Northwest corner of said Section 26 run N88°51'40"E along the North line of the Northwest Quarter (NW 1/4) of said Section 26 for 2,663.66 feet to the North Quarter corner of said Section 26; thence run N88°54'17"E along the North line of the Northeast Quarter (NE 1/4) of said Section 26 for 2,666.51 feet to the Northwest corner of said Section 25; thence run S01°09'29"E along the West line of the Northwest Quarter (NW 1/4) of said Section 25 for 50.00 feet to an intersection with the South right of way line of Corkscrew Road, also being South line of the North 50 feet of said Section 25; thence run along said South right of way line the following two (2) courses: N88°51'37"E for 2,673.06 feet and N89°54'52"E for 2,671.08 feet to an intersection with the East line of Northeast Quarter (NE 1/4) of said Section 25; thence run S01°11'48"E along said East line for 2,550.74 feet to the East Quarter corner of said Section 25; thence run S01°12'17"E along the East line of Southeast Quarter (SE 1/4) of said Section 25 for 2,650.95 feet to the Northeast corner of said Section 36; thence run S01°11'26"E along the East line of Northeast Quarter (NE 1/4) of said Section 36 for 1,320.34 feet; thence run S89°10'39"W parallel with the North line of said Fraction for 990.98 feet; thence run N01°11'26"W parallel with the East line of said Fraction for 1,320.34 feet to an intersection with the North line of said Fraction; thence run S89°10'39"W along the North line of said Fraction for 1,683.83 feet to the North Quarter corner of said Section 36; thence run S89°09'00"W along the North line of the Northwest Quarter (NW 1/4) of said Section 36 for 2,672.43 feet to the Northeast corner of said Section 35; thence run S88°41'30"W along the North line Northeast Quarter (NE 1/4) of said Section 35 for 150.00 feet to an intersection with the West line of the East 150 feet the Northeast Quarter (NE 1/4) of said Section 35; thence run S01°02'25"E along said West line for 2,605.57 feet to an intersection with the South line of the North Half (N 1/2) of said Section 35; thence run S88°35'54"W along said South line for 5,197.13 feet to the East Quarter corner of said Section 34; thence run S89°18'56"W along the North line of the Southeast Quarter (SE 1/4) of said Section 34 for 662.29 feet to the Northeast corner of the West Half (W 1/2) of the East

DESCRIPTION (CONTINUED)

Half (E 1/2) of the Southeast Quarter (SE 1/4) of said Section 34; thence run S00°56'36"E along the East line of said Fraction for 978.73 feet to the Northwest corner of the South Half (S 1/2) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) said Section 34; thence run N89°21'38"E along the North line of said Fraction for 662.30 feet to the Northeast corner of said Fraction; thence run S00°56'36"E along the East line of said Fraction, also being the East line of the Southeast Quarter (SE ¼) of said Section 34 for 326.43 feet to the Southeast corner of said Fraction; thence run S89°21'38"W along the South line of said Fraction for 662.30 feet to the Southwest corner of said Fraction; thence run S00°56'36"E along the East line of said West Half (W 1/2) of the East Half (E 1/2) of the Southeast Quarter (SE 1/4) of Section 34 for 325.25 feet; thence run S89°21'38"W for 1,985.63 feet to an intersection with the West line of said Southeast Quarter (SE 1/4) of Section 34; thence run N00°56'43"W along said West line for 1,628.85 feet to the Center of said Section 34; thence run N00°55'48"W along the West line of the Northeast Quarter (NE 1/4) of said Section 34 for 2,623.36 feet to the North Quarter corner of said Section 34; thence run N89°31'02"E along the North line of the Northeast Quarter (NE 1/4) of said Section 34 for 2,646.41 feet to the Southwest corner of said Section 26; thence run N88°41'30"E along the South line of the Southwest Quarter (SW 1/4) of said Section 26 for 1,335.92 feet to the Southeast corner of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of said Section 26; thence run N01°03'24"W along the East line of said Fraction for 1,321.72 feet to the Northeast corner of said Fraction; thence run S88°43'35"W along the North line of said Fraction for 1,335.09 feet to the Northwest corner of said Fraction and intersection with the West line of said Southwest Quarter (SW 1/4) of Section 26; thence run N01°01'16"W along said West line for 1,322.52 feet to the West Quarter corner of said Section 26; thence run N01°00'42"W W along the West line of the Northwest Quarter (NW 1/4) of said Section 26 for 2,645.28 feet to the POINT OF BEGINNING.

Containing 1,827.35 acres, more or less.

Bearings hereinabove mentioned are based on the North line of said Section 3 to bear N89°02'20"E.

Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

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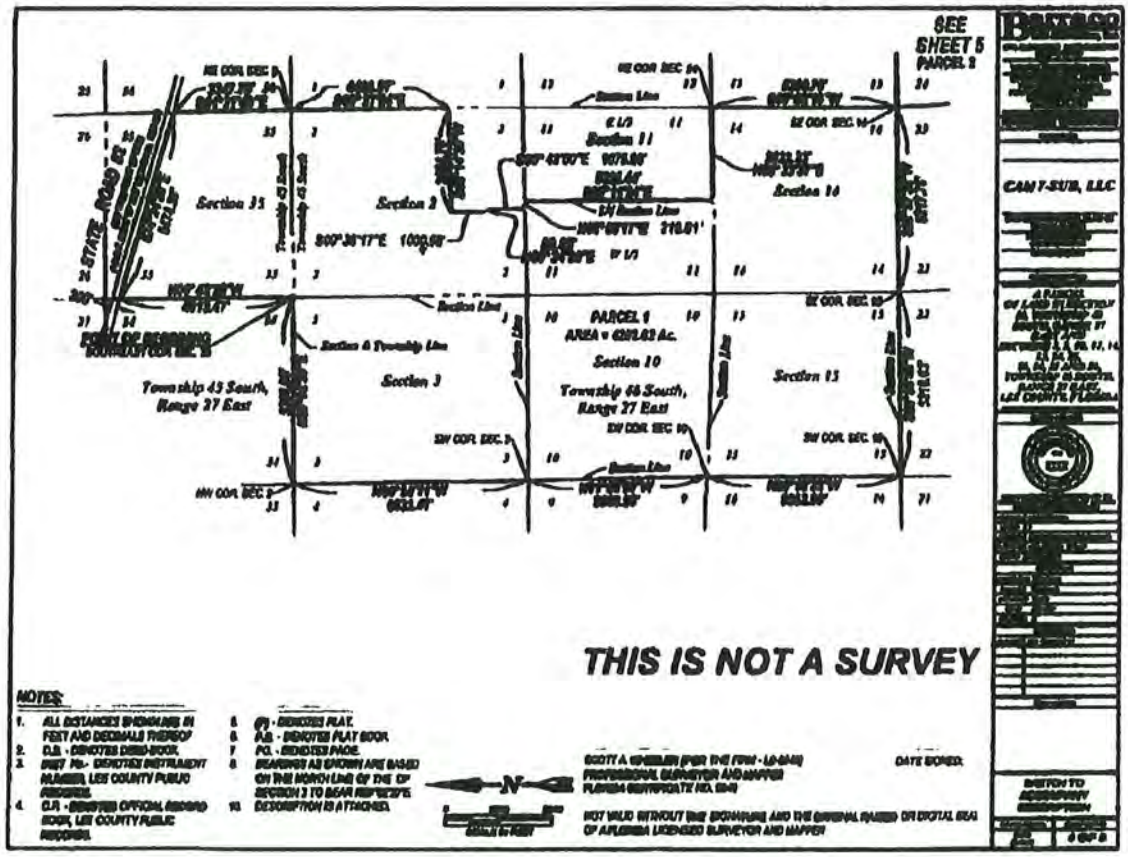
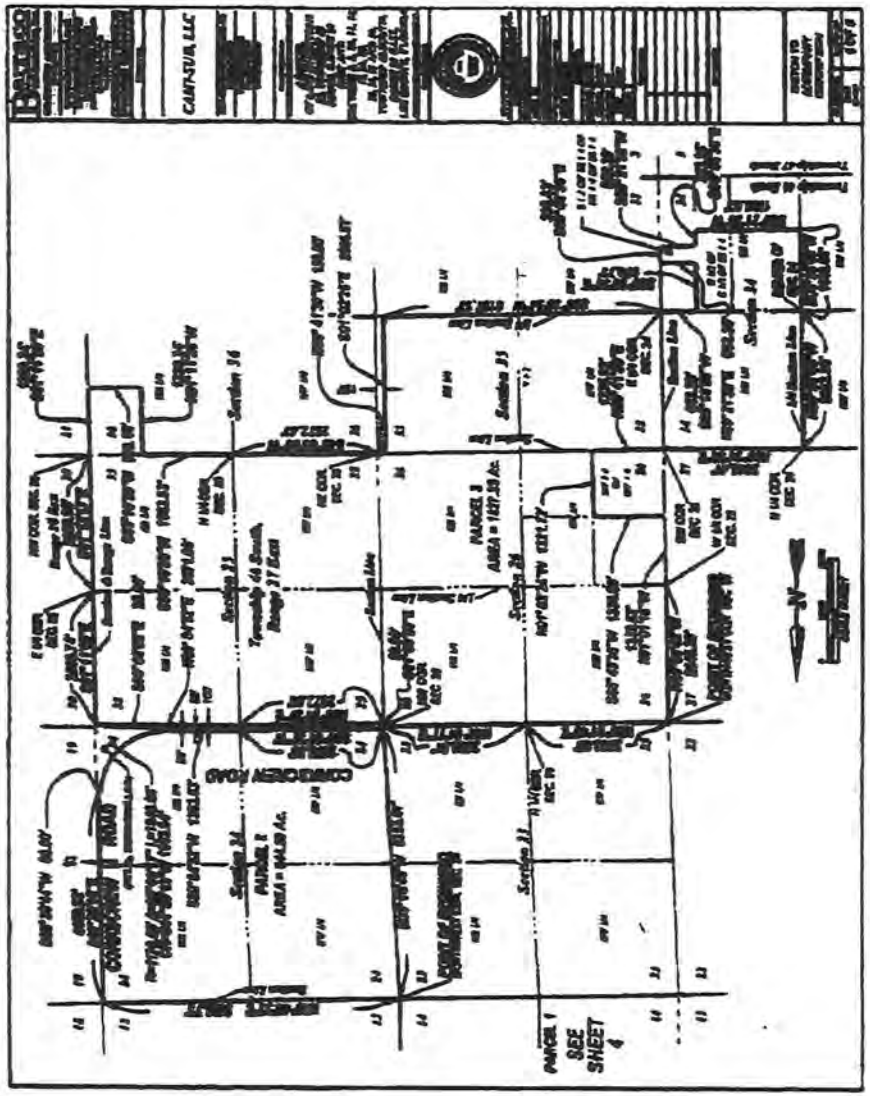
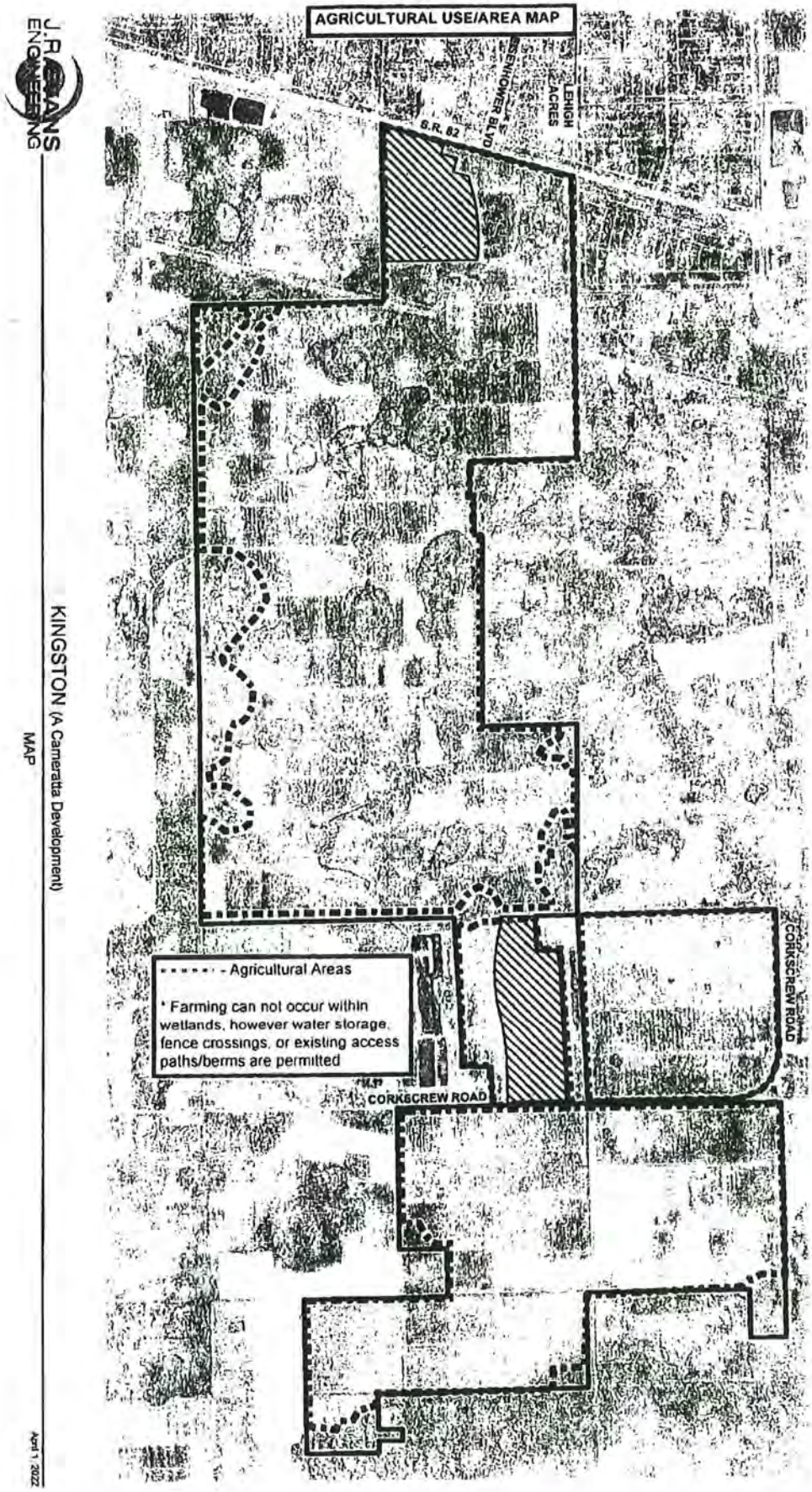
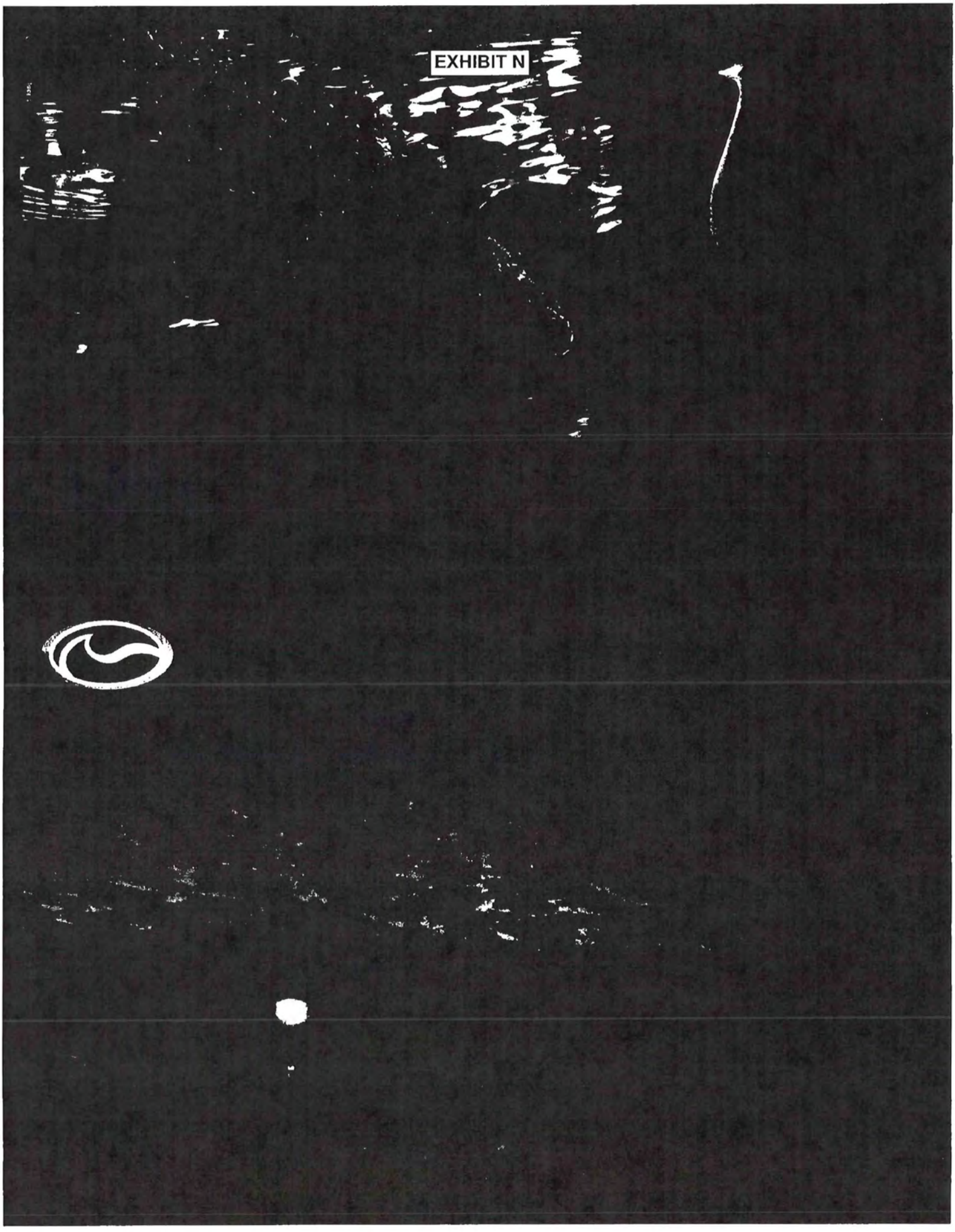

SEE SHEET 5 PARCEL 2
PARCEL 1
AREA = 4311.63 Ac.
Section 10
Township 46 South, Range 27 East
Section 3
Township 45 South, Range 27 East
Section 11
Section 14
Section 15
Section 2
Section 35
CAM 7-SUB, LLC
THIS IS NOT A SURVEY
NOTES:
1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF
2. D.B. - DENOTES DEED BOOK.
3. INST No. - DENOTES INSTRUMENT NUMBER, LEE COUNTY PUBLIC RECORDS.
4. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
5. (P) - DENOTES PLAT.
6. P.B. - DENOTES PLAT BOOK.
7. PG. - DENOTES PAGE.
8. BEARINGS AS SHOWN ARE BASED ON THE NORTH LINE OF THE SE 1/4 OF SECTION 3 TO BEAR N89°E/W. DESCRIPTION IS ATTACHED.
10. SCOTT A. GREELER (FOR THE FIRM - LB 6448) PROFESSIONAL SURVEYOR AND MAPPER FLORIDA CERTIFICATE NO. 6548
DATE SIGNED:
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED OR DIGITAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
SHEET TO ACCOMPANY DESCRIPTION
SHEET 6 OF 8

EXHIBIT "B"


CAMPSTAR, LLC
CONCESSION ROAD
PARCEL 1
SEE
SHEET
4


AGRICULTURAL USE/AREA MAP
J.R. EVANS ENGINEERING
S.R. 82
LEHIGH ACRES
BENHOMER BLVD
CORKSCREW ROAD
CORKSCREW ROAD
- - - - - - - Agricultural Areas
* Farming can not occur within wetlands, however water storage, fence crossings, or existing access paths/berms are permitted
N
KINGSTON (A Cameratta Development)
MAP
April 1, 2022


EXHIBIT N

Kingston – Enhanced Lake Management Plan
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Figure 2	Conceptual Layout and Proposed Withdrawals	Attached
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APPENDICES

Appendix A	Example of Deep Lake Aeration Device	Attached
Appendix B	Lee County Fertilizer Ordinance No. 08-08	Attached

Introduction

The proposed Kingston residential development is uniquely distinct from other projects due to its immense decrease in permitted groundwater quantities within Lee County's Density Reduction/Groundwater Resource (DR/GR) area. Currently the site is occupied by intensive agricultural operations that occupy approximately 4,805 acres and are authorized to withdrawal a total of 12.8 million gallons per day (mgd), or 4,680,790,000 gallons on an annual basis. The irrigation demands for the proposed 832 acres of residential lawn and landscape associated with the Kingston development are estimated at 2.9 mgd. The proposed decrease in irrigation demands also includes the elimination of all permitted Sandstone Aquifer withdrawals, totaling approximately 6.1 mgd on an annual average basis or 2,230,080,000 gallons on an annual basis.

In addition, despite the project's proposed use of Water Table Aquifer irrigation supply wells, there is a proposed decrease of approximately 3.8 mgd from the Water Table Aquifer on an annual average basis. Combined, the overall reductions in permitted groundwater quantities total approximately 9.9 mgd. The retirement of permitted quantities of this magnitude represents a highly significant benefit to the water resources of the DR/GR.

The Kingston project encompasses approximately 6,674.56 +/- acres and has a long farming history with sections of the property currently being used for the cultivation of citrus, sod and row crops. In accordance with Lee County's Comprehensive Plan (The Lee Plan), proposed developments within the DR/GR must demonstrate the protection, preservation and enhancement of groundwater resources and environmental (wetland) systems. The Kingston project not only proposes an immense reduction in permitted groundwater quantities that is anticipated to result in significant recovery in groundwater levels, but also includes additional resource protections, culminating in the following Water Resource Benefits to the DR/GR.

Water Resource Benefits

- The total proposed lawn and landscape area within the Kingston development represents a decrease of approximately 3,973 acres (approximately 83 percent reduction) as compared to the existing agricultural areas. The reduced footprint not only decreases irrigation demands, but also significantly reduces applications of fertilizer, pesticides and herbicides, thereby further enhancing water quality within the DR/GR.

- There are currently 67 known irrigation wells onsite that are finished into the Water Table and Sandstone Aquifers. The proposed Kingston development is anticipated to utilize approximately 29 irrigation wells that are exclusively finished into the Water Table Aquifer. The reduction in the number of withdrawal points (reduction of 57 percent) further reduces groundwater impacts and the areal extent of groundwater drawdowns. This reduction further contributes to the recovery of groundwater levels within the DR/GR.

- The Kingston development will utilize both groundwater and captured stormwater for irrigation, whereby groundwater quantities from the Water Table Aquifer are used to supplement surface water irrigation supplies within the project's stormwater management system lakes. If adequate supplies of surface water are stored in the development's wet detention areas, no groundwater augmentation will occur. During droughts or adverse hydrologic conditions, augmentation of lake volumes may be necessary. Once the lakes reach their respective control elevations, wells used for augmentation will be shut down. Irrigation quantities will then be withdrawn from the lakes via surface water pump stations to irrigate lawn and landscaped areas. The conjunctive use of both ground and surface water supplies is anticipated to conserve additional groundwater supplies from the Water Table Aquifer when adequate surface water supplies are available, thereby furthering the project's resource benefits within the DR/GR.

- The project includes a master-controlled irrigation system that will regulate the initiation (i.e., start-up) and overall duration of irrigation events in order to increase irrigation water use efficiency and enhance water conservation (i.e., no individual homeowner will have access to irrigation timers). Evapotranspiration sensors are also proposed for each irrigation pump station and future plans may include an integrated communication system between the controller clocks and the irrigation pump station(s).

- Currently there is little, if any, stormwater attenuation or treatment onsite. Improved surface water quality is anticipated through the creation of numerous interconnected stormwater management system lakes.

- Only professional landscape businesses registered with Lee County will be allowed to perform their services at the Kingston development. Proof of completion of a Lee County-approved Best Management Practices (BMP) training program will be required.

- To further protect the water resources, the Kingston project includes surface water quality monitoring of hydrologically important locations such as outfalls, canals, and other features necessary to document improvements to surface water quality due to the proposed change in land use.

Collectively, these Water Resource Benefits represent a unique benchmark of water resource and environmental protection and, in many cases, exceed the future land use requirements contemplated by Lee County's Comprehensive Plan. For ease of use and understanding, the contents of the Kingston ELMP contain Sections that address key water resource protection elements, with each of the main ELMP Sections in turn having Subsections that provide specificity regarding the management actions necessary to safeguard the water resources. Where applicable, BMPs are provided to highlight specific water resource protection measures.

Section 1. Historic Surface Water Hydrology

To better understand the proposed water resource management actions contained within this ELMP, it is important to provide a basic context of the historic, pre-development surface water flows on the property. The project site gradually slopes to the south, with the highest land surface elevations of approximately 40 feet NAVD located in the northern sections of the property. The lowest land surface elevations are located in the south-central portion of the property at approximately 17 feet NAVD.

Prior to agricultural development, the project site was characterized as open rangeland and pine flatwoods interspersed with wet prairies, marshes and cypress forest. Historic aerial photography indicates a series of shallow depressions forming wetland slough systems, or flow-ways, that transected the property and conveyed surface water downslope. With the advent of agricultural development, the natural flow-ways were backfilled, ditched and drained, resulting in surface water flows being redirected south.

Agricultural development of the site began in the late 1950's and before engineering designs for stormwater management facilities were required. Therefore, the early farming approach to seasonal high-water levels was to drain, and in some cases pump, stormwater away from the farm fields through ditches and canals. The early drainage system used by the farmers also included "rim-ditching" around internal wetlands and sloughs. These ditches were used to control the elevation of surface water within the wetlands and to keep water levels from intruding into the farm fields.

The Kingston project aims to eliminate all wetland rim-ditching and lift pumps in order to help restore wetland system hydroperiods. In addition, the proposed hydrologic restoration of the site includes the reestablishment of historic flow-ways and flow-paths, including the acceptance of off-site stormwater flows. These actions will help restore the property's interaction with surrounding properties and further enhance the hydrology of the region.

Please note that the Kingston property occurs within Water Body Identification (WBID) No. $3259B_1$ and is reported by the Florida Department of Environmental Protection (FDEP) as impaired for iron. Observations of significant iron staining on infrastructure onsite indicates that the groundwater is naturally high in iron. The high historic use of groundwater for irrigation most likely contributes to the iron impairment. Therefore, the reduction in groundwater use as a consequence of the proposed land use change is anticipated to greatly improve groundwater quality and may potentially address the existing impairment to WBID No. $3259B_1$.

Section 2. Water Resources Best Management Practices

As the Kingston project evolves from predominately a "construction phase" to "partial construction" and ultimately to a "post-construction" residential phase, the BMPs must also evolve to maintain water resource protection. Construction of the proposed development may take in excess of 20 years, depending on market conditions. However, the initiation of construction is anticipated to commence prior to the end of 2024. Please note that the property will transition from agriculture to residential development, so while the site is under construction, active farming is proposed to continue in future development areas. At build-out, all farming activities and associated irrigation will be fully terminated.

A. Construction Phase BMPs

During construction of the proposed development, the greatest potential for impacts is associated with increased turbidity and/or potential spills of fuels/oils (hydrocarbons), otherwise known as Volatile Organic Compounds (VOCs) used to power earthmoving equipment, etc. Specific BMPs associated with the construction phase are provided below. The Developer will be responsible for maintaining compliance with all ELMP BMP requirements until such time that control of the development is transitioned to the Homeowner's Association (HOA) and/or Community Development District (CDD).

1. The site's general contractor shall be responsible for assuring that each contractor or subcontractor evaluates the work area before construction is initiated to determine if site conditions may pose particular problems for the safe and secure handling of any regulated substances.
2. If any regulated substances are stored on the construction site during the construction process, they shall be stored in a location and manner which will minimize any possible risk of release to the environment. There will be no intention to use, handle, produce or store regulated substances in violation of the Lee County Land Development Code Section 14-477, Stormwater Pollution Prevention Plan (SWP3) criteria.
3. Each contractor/subcontractor shall familiarize themselves with the manufacturer's safety data sheet supplied with each material containing a regulated substance and shall be familiar with procedures required to contain and clean up any releases of a regulated substance. Any tools or equipment necessary to accomplish the same shall be available in case of an accidental release.
4. In the event of a spill of a regulated substance, the contractor/subcontractor will immediately notify the Developer, who will in turn notify the Lee County Division of Natural Resources Director at (239) 533-8109 and the FDEP South District Office at (239) 344-5600. Additional measures, such as those described in this ELMP's Section 4 (Part A), may also apply.
5. Upon completion of construction, all unused quantities of regulated substances and their containment systems shall be completely removed from the construction site.

6. Proper turbidity abatement measures, as required by the SFWMD, the Florida Stormwater Sedimentation Control Inspector's Manual standards, and the FDEP National Pollutant Discharge Elimination System (NPDES) permit criteria, will be maintained while construction is ongoing or until adequate vegetation or other stabilization measures have been established.

B. Post-Construction Phase BMPs

After the Lee County Certificate of Compliance or the SFWMD stormwater management system certification is completed for a particular phase of the development, the primary focus of the ELMP will be maintaining the stormwater management system lakes since all internal runoff will be routed to these features for treatment. It is also anticipated that the Developer will establish and create an HOA and/or a CDD that will be responsible for the operation and maintenance of all aspects of the stormwater management system including the lakes, associated stormwater conveyance and control components, and the flow-way system in perpetuity. At a minimum, the operation and maintenance of the stormwater management and flow-way systems will require compliance with the terms and conditions contained within this ELMP. Additional details on BMPs, including monitoring of surface water, are provided in Section 3 below.

Section 3. Lake Maintenance

A. General Provisions

Proper lake maintenance is an integral aspect of this ELMP since internal stormwater runoff may be discharged to restoration areas after treatment and attenuation. As an added protection to underlying groundwater resources, the excavation of the lakes will not penetrate any continuous impervious layer of clay or rock. In addition, the groundwater withdrawn from the proposed (new) onsite wells will be used to replenish a subset of stormwater lakes as needed for use in the master irrigation system.

As shown on **Figure 2**, surface water irrigation pumps will "repump" groundwater supplies and retained stormwater (surface water) for the irrigation of the residential development. The recycling of surface water quantities is expected to further improve water quality on the property and maintain high water quality in the lakes. The stormwater lakes must be maintained in perpetuity and the following management actions are proposed. Specific post-construction BMPs are also provided.

B. Deep Lake Management

The Kingston stormwater management lakes are proposed to be deeper than 12 feet in depth. In accordance with Lee County Land Development Code Section 10-329(d) (3), these lakes are therefore designated as "deep lakes" and are subject to specific criteria. Based on Lee County Code, the proposed deep lakes will satisfy the following criteria:

1. The stormwater management deep lakes will not exceed a maximum water depth of 35 feet below land surface and will not penetrate any continuous impervious layer of clay or rock. As required by Lee County Land Development Code Section 10-329, all excavations deeper than 20 feet below land surface will require approval as a planned development rezoning deviation or as a condition of a zoning special exception.
2. A destratification (i.e., aeration) system will be installed in any lake that exceeds a 12-foot water depth. Documentation that the proposed destratification system is adequately sized and designed for each lake deeper than 12 feet will be submitted to Lee County for approval. An example of a deep lake aeration device is provided as **Appendix A**.
3. Native shade trees meeting the specifications of Lee County Land Development Code Section 10-420 will be planted around each deep lake perimeter at approximately one tree per 100 feet of lake shoreline measured at the detention lake's water level control elevation. Trees and other plants may be grouped or clustered together around the lake perimeter. Proposed modifications to these criteria will require approval as a planned development rezoning deviation or as a condition of a zoning special exception.

4. The deep lake management techniques, including operation of the destratification system, will be maintained for the life of the stormwater management system and will be recorded in the development's covenants, in accordance with the County Attorney's Office.

5. A post-construction bathymetric survey verifying each deep lake's finished water depth, sealed by a professional surveyor and mapper, will be submitted to Lee County for approval

C. Nuisance and Exotic Vegetation Control

The HOA and/or CDD will be responsible for the removal (in perpetuity) of all nuisance and exotic vegetation from the stormwater management system as defined by the Lee County Land Development Code.

1. Lakes must be inspected annually and any prohibited vegetation must be removed by the use of hand-clearing or appropriate chemical treatment. Only aquatic- approved compounds may be utilized in the stormwater management system lakes.

2. Herbicides and/or algaecides may only be applied by a licensed professional applicator who meets the requirements of Lee County, and in accordance with manufacturer specifications. All applicable local, state and/or federal guidelines and requirements will also be followed.

D. Littoral Vegetation Preservation

Littoral zone vegetation is required to be installed by the Developer and maintained by the HOA and/or CDD (in perpetuity). Littoral zones provide habitats for wading birds, fish and aquatic invertebrates and also help to stabilize shorelines and reduce lake bank erosion.

1. Littoral plants that die will be replaced in accordance with Lee County Land Development Code requirements. The presence of littoral plants throughout the lakes is desirable and may also help to improve the water quality within the lakes.

2. The spread of littoral plants will be encouraged throughout the designated littoral areas.

3. Mechanical trimming or the use of land-based herbicides on desirable littoral plants is prohibited. Any trimming or removal of vegetation required to promote the survival and viability of littoral vegetation will be performed by hand or by approved aquatic herbicides and methods.

E. Fertilizer Application

Strict adherence will be maintained with Lee County's Fertilizer Ordinance. Individual lot owners are prohibited from applying fertilizer to their lots. Any person(s) applying fertilizers must have received a

limited certification in compliance with Florida Statute 482.1562 prior to application of any and all fertilizers. Additionally, fertilizer content and application rate must be in compliance with Lee County's Fertilizer Ordinance. The Lee County Fertilizer Ordinance No. 08-08 is provided as **Appendix B**.

1. All professional landscape businesses must register with Lee County prior to performing landscape fertilization services within unincorporated Lee County.

2. At least one (1) employee of a firm employed to perform landscape fertilization services must be a Certified Professional Landscaper.

3. Proof of completion of a Lee County-approved BMP training program is proposed to be provided to the Division of Lee County Natural Resources.

4. At least one (1) BMP-trained employee must be onsite while fertilizers are applied. A registration decal provided by the division must be displayed on all company vehicles.

F. Erosion Protection and Lake Bank Maintenance

Lake banks are susceptible to erosion due to overland flow of stormwater runoff, wave action, and the natural seasonal fluctuation of water levels. Accordingly, lake banks within the project are designed to minimize this potential for erosion.

1. Lake banks will be inspected annually to identify areas of erosion. Once identified, the erosion will be repaired and the source of erosion shall be eliminated, if possible.

2. Where excessive erosion occurs, repair of the lake banks and/or enhancement of stabilization measures may be necessary.

3. No motorized boats will be allowed within any of the onsite stormwater management lakes.

G. Lake Education Program

A narrative explaining the benefits of littoral vegetation, lake maintenance and surface and groundwater quality will be made available to residents.

1. Lake experts will be encouraged to attend the HOA and/or CDD meetings annually to discuss the lake system operation and maintenance requirements.

2. Homeowners will be informed that they are prohibited from removing or trimming littoral vegetation.

3. Additionally, the homeowners will be made aware of the extreme importance regarding any introduction of hazardous materials or substances into the lakes.

H. Pesticide, Herbicide or Fungicide Applications

All applications of pesticides, herbicides, algaecides and/or fungicides shall be applied by a licensed professional applicator, meet the requirements of Lee County, be applied in accordance with the manufacturer's specifications, and shall meet all applicable local, state and/or federal guidelines and requirements. Only approved aquatic herbicides may be used to treat the stormwater management system.

1. Homeowners shall be prohibited from applying pesticides, herbicides and/or fungicides to their lots. These activities will only be performed by certified contractors approved by the HOA and/or CDD.

2. The use of any chemical product in a manner that will allow airborne or waterborne entry of such products into the stormwater management system is prohibited. This requirement shall not apply to the use of chemical agents by certified lake management specialists for the control of algae and nuisance vegetation within the stormwater management system lakes. However, application of such agents shall be in compliance with the requirements of Lee County, applied in accordance with the manufacturer's specifications, and meet all applicable local, state and/or federal guidelines and requirements.

3. Pesticides, fungicides and herbicides will be used only in response to a specific problem and in the manner and amount recommended by the manufacturer. Broad application of pesticides, fungicides and herbicides as a preventative measure is prohibited.

I. Underground Fuel Storage Tank Systems

1. In the event that a fuel dispensing and storage system, i.e., gas station, is proposed, the facility must be registered and strictly adhere to the requirements of Chapter 62-761 Florida statutes and meet all FDEP construction and monitoring requirements therein. Proper financial responsibility shall be maintained and be demonstrated to the County and the Department for all storage tank systems. The responsible party must also be able to prove the ability to pay for cleanup of a discharge and cover all liabilities resulting from a discharge of petroleum or petroleum products at the site

Section 4. Corkscrew Wellfield Protection

A. Corkscrew Wellfield Protection

The Kingston development is not located within a Lee County Wellfield Protection Zone and is approximately 0.6 miles east of the outside extent of the 10-year travel time Wellfield Protection Zone, as shown in **Figure 3**. Therefore, measures regarding Wellfield Protection are not applicable to this ELMP. The level of water quality assurance offered by this ELMP offers abundant assurance that, in the unlikely event that degradation of water quality or contamination occurs, ample time exists to initiate remedial measures and safeguard Lee County's nearest production well. Further assurance in regards to protecting water quality within the DR/GR is demonstrated by the proposed surface water quality monitoring described in **Section 5** and shown in **Figure 4**.

Section 5. Surface Water Quality Monitoring Program

A. General Data Quality Objectives

All surface water quality samples will be collected in accordance with Chapter 62-160, Florida Administrative Code (F.A.C.), and the FDEP's Standard Operating Procedures (SOPs) DEP-SOP-001/01 FQ 1000 Field Quality Control Requirements and FDEP-SOP-001/01 FS 2100 Surface Water Sampling. A summary of the proposed surface water sampling schedule is provided in the attached **Table 1**.

B. Surface Water Monitoring Goals

The purpose of the surface water monitoring program is to assure that surface water coming onto, originating within, and leaving the project meet all applicable requirements of the SFWMD Environmental Resource Permit (ERP) program authorized pursuant to Part IV of Chapter 373, F.S. and all applicable requirements of Chapter 62-302, F.A.C., Surface Water Quality Standards. Please note that if there is no flow observed at any of the designated flow-way system monitoring points at the time of sample collection, the "no flow" condition will be noted and no surface water sample will be taken. Additional surface water quality parameters may be required if the FDEP determines that the sub-watershed or FDEP WBID No. $3259B_1$ becomes impaired.

C. Surface Water Quality Monitoring

Surface water quality grab samples will be collected per FDEP protocol and analyzed by a NELAC/TNI-certified laboratory. The surface water quality parameters to be tested are listed below and summarized in the attached **Table 2.** In addition, the attached **Table 2** also includes the laboratory's Accuracy, Precision and minimum Method Detection Limit (MDL). Please note that the Practical Quantitation Limit (PQL) for each parameter varies between laboratories, however the PQL typically equates to four times the MDL.

- **Field Parameters – Depth of Water, Dissolved Oxygen, pH, Temperature, Total Dissolved Solids and Specific Conductivity**
- **Lab Parameters – Total Nitrogen, Nitrate and Nitrite, Ammonium, Ammonia, Total Kjeldahl Nitrogen, Total Phosphorus, Chlorophyll-a, and Ortho-phosphate.**

Surface water quality monitoring shall be continued for a minimum of five (5) years after operational completion of all the stormwater management system components. After five (5) consecutive years of testing, a request for discontinuation or reduction in the monitoring requirements will be proposed to the Lee County Natural Resources Department if it can be demonstrated that the surface water quality is being maintained within applicable State standards.

Section 6. Water Quality Data Reporting and Analysis

Surface water quality data will be submitted to the Lee County Natural Resources Department staff in an approved electronic format within 30 days of receiving results from the contract laboratory if an issue has been detected. Otherwise, data will be submitted annually. The submittal will include all field notes, field and laboratory water quality data results and all previously collected (i.e., period of record) water quality data. The submittals will also include a brief narrative on the most recent sample collection, sample chain of custody, descriptions of any re-testing of erroneous values, and any water quality exceedances.

By **March 1 of each year**, a Water Quality Summary Report for the preceding calendar year shall be supplied to Lee County Natural Resources staff which summarizes the surface water testing results for the development. The results will include a summary table that lists all the field and laboratory parameters for the monitoring locations. Laboratory parameter concentrations that fall below the PQL for that parameter will be reported with no value; however, a value qualifier of "I" (i.e., between the MDL and PQL) or "U" (below the MDL) will be included in the summary table.

All water quality data for the analytes listed in the attached **Table 2** that are detected in concentrations above the laboratory PQL will be reviewed, graphed and statistically analyzed for trends and exceedances above two (2) standard deviations of the mean of all values. Any reported concentrations above the MCL will be clearly identified, as well as remedial actions which were used to timely reduce that particular analyte's concentration.

Section 7. Remedial Actions

In the unforeseen event that any significant surface water impacts are identified as a result of a hydrocarbon spill or pesticide/herbicide application at the subject property, the Developer or designee of the HOA and/or CDD will notify the Director of the Lee County Natural Resources Division within no more than 12 hours (or next business day). If a spill or release "presents an immediate threat to human health and/or the environment" then the FDEP Office of Emergency Response (OER) will be contacted within 24 hours. Guidance outlining the definition of a release as well as reporting procedures is presented in the OER webpage located at:

http://www.dep.state.fl.us/per/reportable incident.htm.

The Developer or their successor(s) will coordinate contamination assessment and remediation efforts with Lee County and will comply with applicable local, state and federal permitting requirements. The initial phase of the remediation plan will consider the actions outlined in **Section 5** and may consist of temporary monitoring wells installed for the short-term temporal monitoring of potential subsurface impacts and to evaluate the horizontal and the vertical distribution of the impacted area. Based on the findings of the initial phase, if necessary, a more comprehensive assessment may be required.

Section 8. In Conclusion

The information and technical requirements in this ELMP are provided to the Developer or designee of the HOA and/or CDD to assist with understanding the importance of a well-maintained and fully-functioning stormwater management system. The stormwater management system lakes within the development are not only required by state law but can also be a source of beauty and enjoyment for the residents while maintaining the value and integrity of the water resources. The Kingston flow-way systems are integral hydrologic features that enhance the project site and promotes increased recharge to the shallow Water Table Aquifer. The overall reductions in permitted groundwater quantities requested as part of the Kingston development total approximately 9.9 mgd. The retirement of permitted quantities of this magnitude represents the single largest benefit to the water resources of the DR/GR.

Therefore, the groundwater resource benefits and the management actions required herein demonstrate an exceptional level of protection, preservation and enhancement of groundwater and surface water resources within the DR/GR.

Table 1

Water Quality Sampling Schedule

Date	Sample Type	Sample Location
January-31	N/A	N/A
February-28	N/A	N/A
March-31	N/A	N/A
April-30	N/A	N/A
May-31	Surface Water	9 locations
June-30	N/A	N/A
July-31	Surface Water	9 locations
August-31	N/A	N/A
September-30	Surface Water	9 locations
October-31	N/A	N/A
November-30	N/A	N/A
December-31	N/A	N/A

*See Figure 4 for surface water quality sampling locations

Table 2

Surface Water Quality Analytes

Field Parameters					
Parameter	**Units**	**Precision (%RPD)**	**Accuracy (%Recovery)**	**MDL**	**Sampling Frequency**
Depth of Water	Feet	0.01	NA	NA	3 times per year
Dissolved Oxygen	mg/L	FT 1000-1	FT 1000-1	NA	3 times per year
pH	SU	FT 1000-1	FT 1000-1	NA	3 times per year
Temperature	Deg C	FT 1000-1	FT 1000-1	NA	3 times per year
Specific Conductivity	µS/cm	FT 1000-1	FT 1000-1	NA	3 times per year
Laboratory Parameters (Nutrients)					
Total Nitrogen	mg/L	CALC	CALC	CALC	3 times per year
Nitrite + Nitrate	mg/L	5	90-110	0.004	3 times per year
Ammonium	mg/L	CALC	CALC	CALC	3 times per year
Ammonia	mg/L	17	90-110	0.008	3 times per year
Total Kjeldahl Nitrogen	mg/L	11	90-110	0.05	3 times per year
Total Phosphorus	mg/L	10	90-110	0.008	3 times per year
Chlorophyll-a	mg/L	20	93-108	0.25	3 times per year
Ortho-phosphate	mg/L	10	88-118	0.002	3 times per year

Notes:

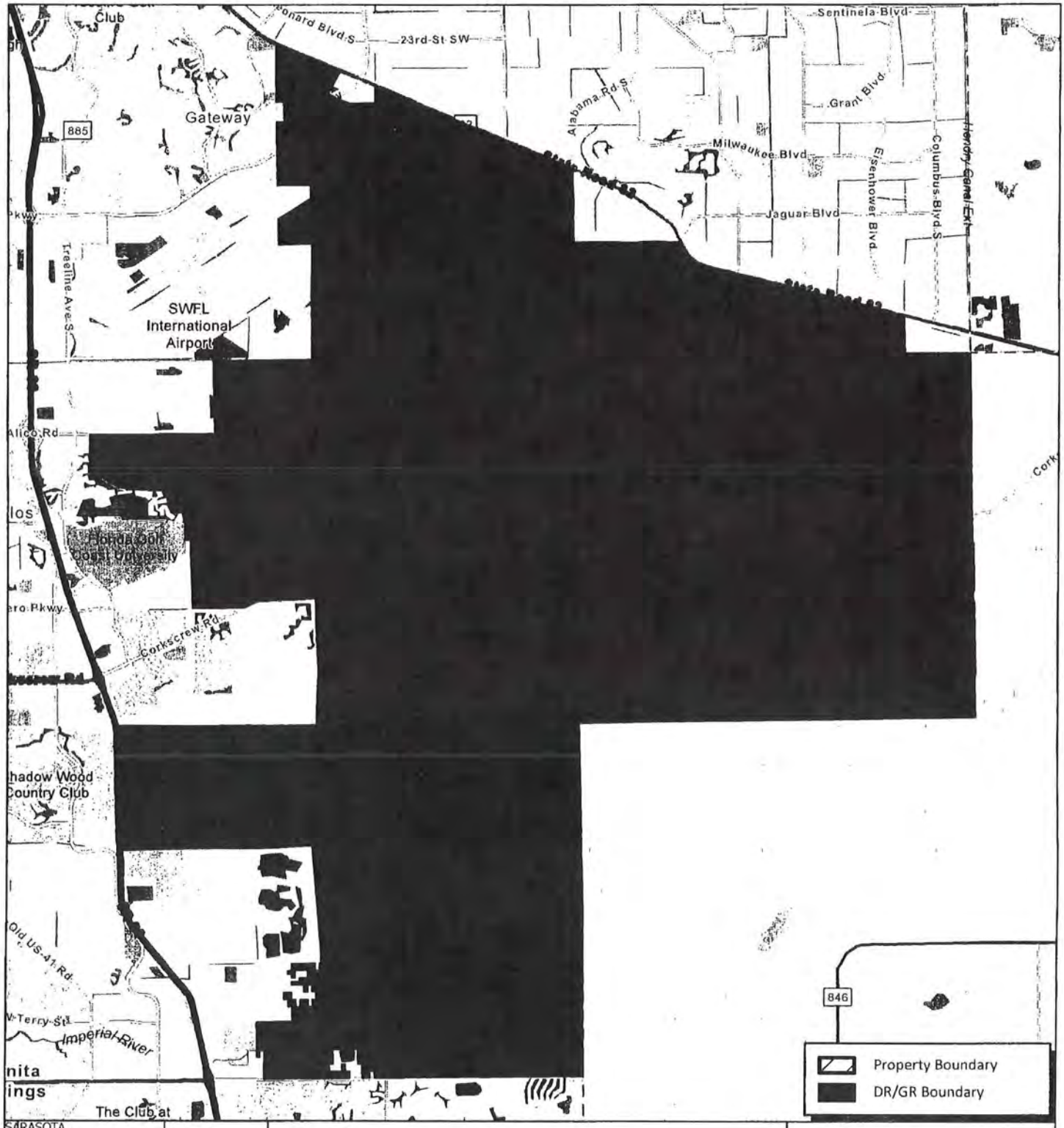


Figure 1
Kingston Property and the DR/GR
Lee County, Florida

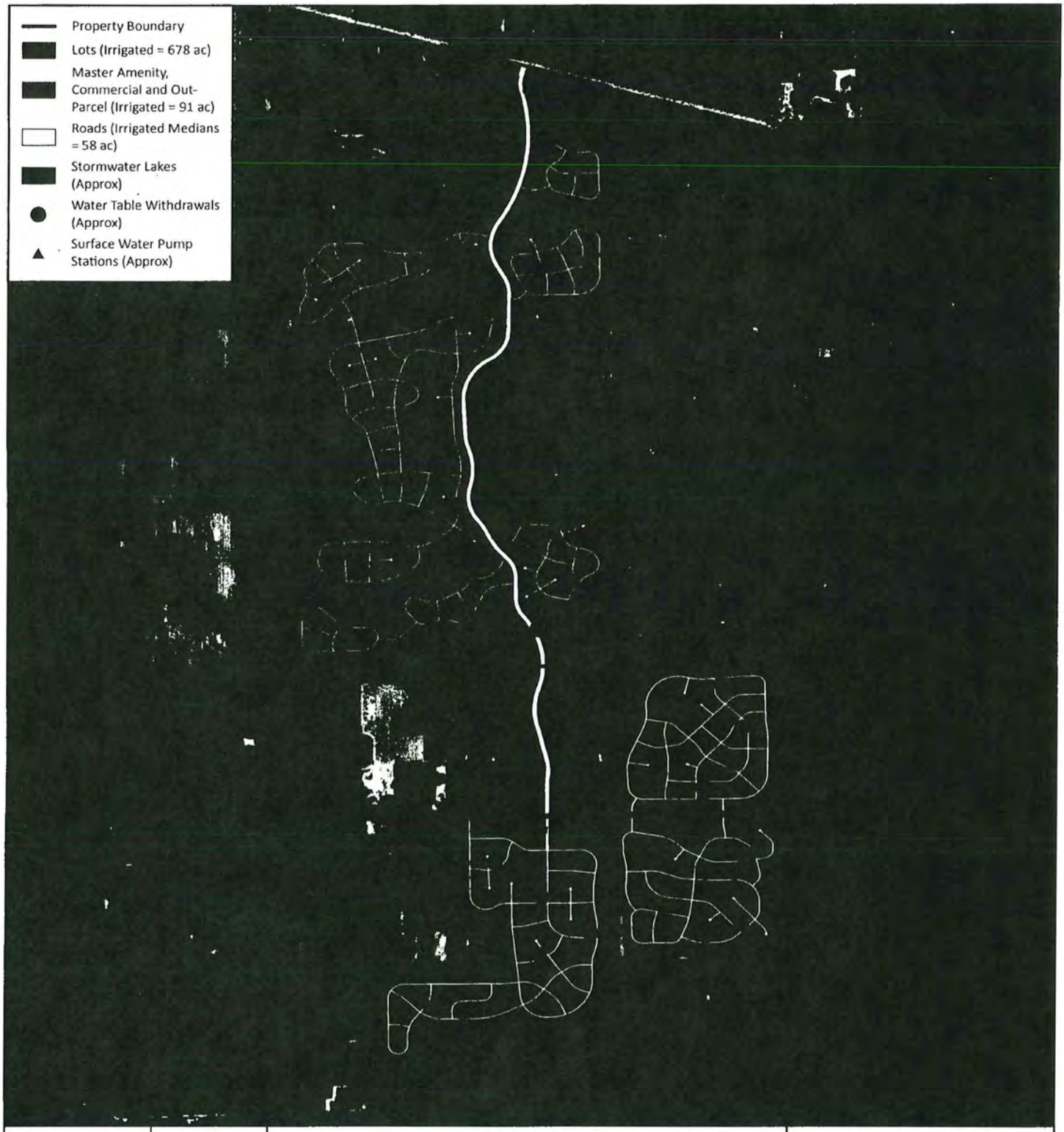
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4/12/2022

Image: ESRI World Street Map

Progressive Water Resources
Integrated Water Resource Consultants
a Division of RESPEC Company LLC



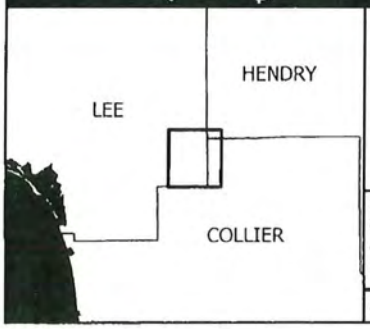


Figure 2
Kingston Conceptual Layout and Withdrawals
Lee County, Florida

N

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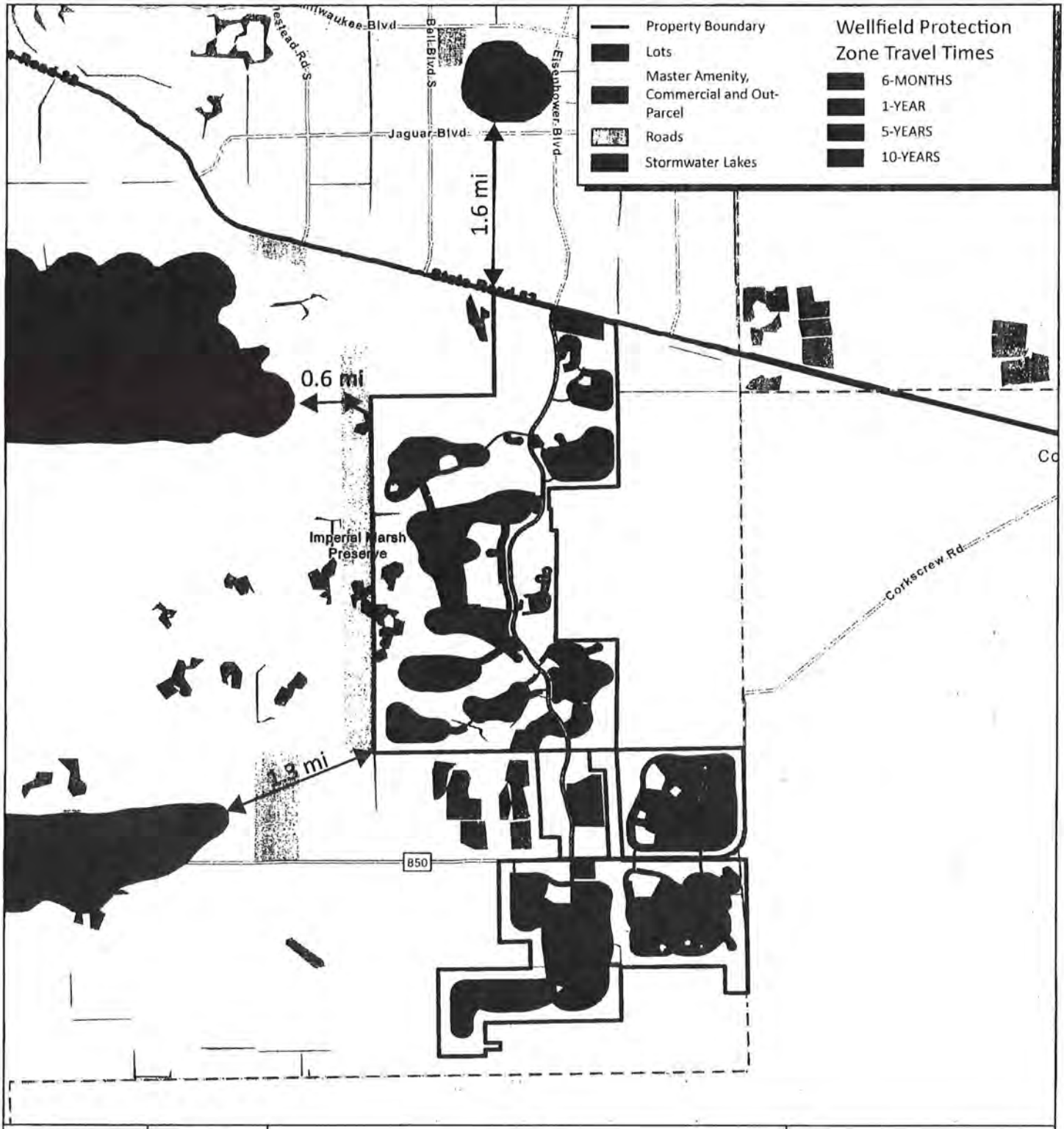
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4/27/2022

Image: ESRI World Imagery

Progressive Water Resources
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a Division of RESPEC Company LLC



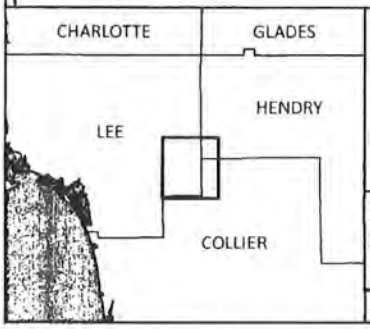


Figure 3
Proximity to Lee County
Wellfield Protection Zones
Lee County, Florida

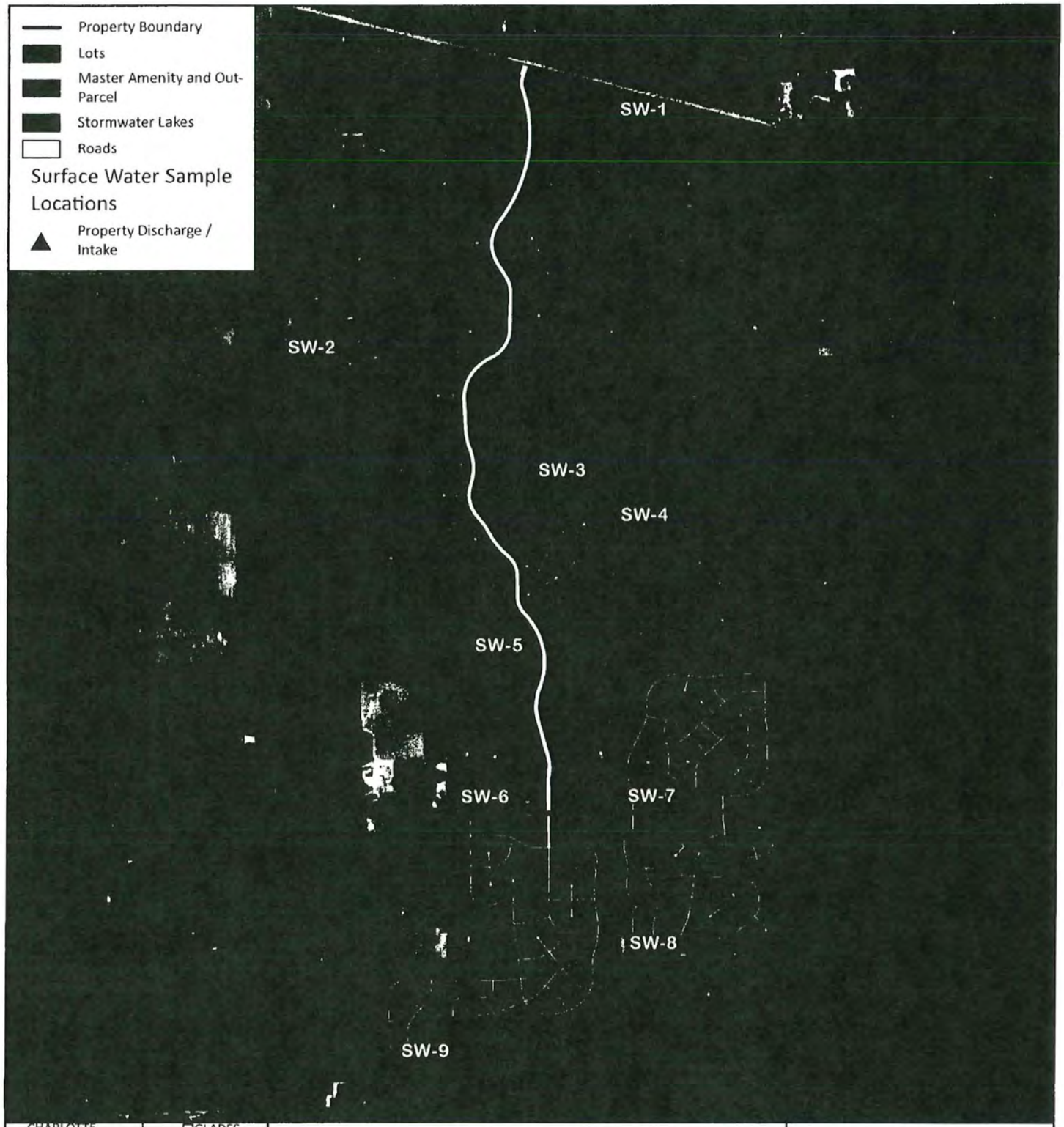
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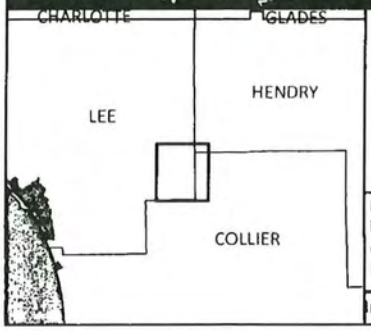


Figure 4
Proposed Surface Water Sampling Locations
Lee County, Florida

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Scale: 1:55,000

Progressive Water Resources, a Division of RESPEC, LLC has provided the images or data presented in this map for informational purposes only. This data is not intended to be used in lieu of official survey data provided by a Professional Surveyor licensed by the State of Florida

4/27/2022

Image: ESRI World Imagery

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APPENDIX A

Example of Deep Lake Aeration Device

Vertex Water Features
Pond and Lake Aeration
BOTTOM AERATION

With Vertex MicronBubble™ Technology



AIR3 XL2™

The Vertex Air3 XL2™ pond aerator is a super-efficient, affordable and safe system. In a typical pond, an Air3 XL2™ can aerate approximately 3-4 acres depending on shape, slope, oxygen demand and other factors. A 1/2hp (0.37kW) Brookwood™ SafeStart™ compressor, housed in our rustproof aluminum outdoor cabinet, feeds three bottom mounted CoActive AirStations™ utilizing Vertex's MicronBubble™ technology. The rising force of millions of bubbles circulates the entire water column, entraining bottom water up to the surface allowing vital oxygen to be absorbed and poisonous gasses expelled. With no electricity in the water, Vertex's aeration systems are safe for any type of water recreation.

Our systems have a full 3-year Vertex warranty, excluding wearable parts (air filters and compressor maintenance kits) plus a Limited Lifetime warranty against rust and corrosion on the cabinet, 5-year warranty on the AirStations™ and a 15-year warranty on BottomLine™ supply tubing.

FEATURES

AIRSTATIONXL2™

- Total pumping capacity of up to 11,400 GPM
- Six 9" flexible membrane discs with MicronBubble™ technology
- Shallow water Airstation optional for depths lower than 8'
- Self-cleaning, low maintenance
- Powder-coated stainless steel self-sinking base unit designed to prevent sinking into soft bottom sediments
- 5-year "No Questions" warranty

BROOKWOOD™ COMPRESSOR

- 3-year Vertex warranty, excluding wearable parts (air filters and compressor maintenance kits)
- Vertex SafeStart™ Technology
- UL, 115v or 230v, 35 Max PSI
- Thermal overload protection
- 1/2hp (0.37kW): low electrical costs
- 2-3 year extended duty cycle between scheduled maintenance

QUIETAIR™ CABINET

- Class "A" GFCI protection on all 115v circuits
- Powder coated aluminum for a durable attractive finish
- High capacity 290 CFM fan
- Easy access design with cam lock
- Easy plug-in connection to waterside electrical service
- Disconnect switch
- Heavy duty, light weight mounting pad included
- Sound dampening kit optional
- Limited lifetime warranty against rust

BOTTOMLINE™ TUBING

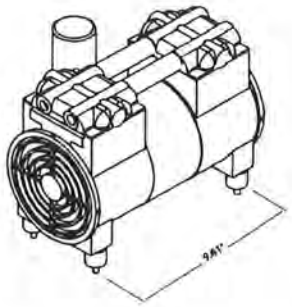
- Over-sized I.D. for high flow
- Self-weighted for easy installation
- Available in 100' and 500' increments
- 15-year Vertex warranty

BENEFITS TO THE LAKE

- High pumping rate easily penetrates stratification layers
- Circulates entire water column
- Increases oxygen levels throughout water column
- Promotes beneficial bacteria growth
- Prevents low oxygen fish kills
- Reduces nutrient levels and associated algae growth
- Oxidizes/reduces bottom muck
- Expands oxygenated habitat for improved fisheries
- Reduces aquatic midge and mosquito insect hatches
- Eliminates foul odors from undesirable dissolved gases
- Safe entry – no electricity in the water
- Extremely energy efficient

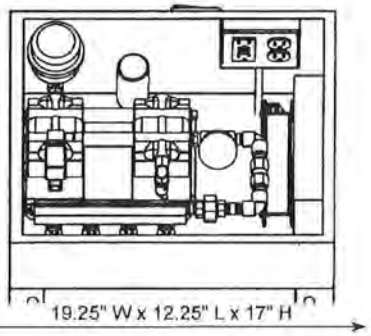
SPECIFICATIONS: AIR3 XL2™ LAKE AERATION SYSTEM

BROOKWOOD™ COMPRESSOR



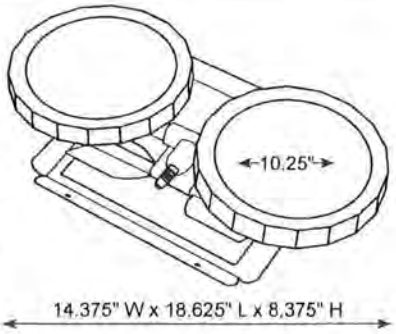
1/2hp (0.37kW), 115v or 230v, Single Phase piston type compressor. Built for continuous 24/7 operation and equipped with Vertex SafeStart™ technology allowing auto restart under maximum rated pressure without motor damage. Super-duty Brookwood™ compressors incorporate upgraded rotors, stators, valve plates, bearings and capacitors and are thermally protected, oil-free, and require no lubrication; just periodic cleaning of included washable air filter. Extended duty cycle is approximately 2 to 3 years for compressor maintenance, about 2 to 3 times the duty cycle of ordinary piston and rotary vane compressors. All Brookwood™ SafeStart™ compressors carry a 3-year Vertex warranty, excluding wearable parts (air filters and compressor maintenance kits).

QUIETAIR™ CABINET



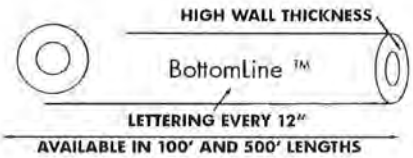
Enclosure comes equipped with cam lock for security, fully gasketed and constructed of aluminum with gray electrostatically-bonded powder coating to provide Limited Lifetime warranty against cabinet rust and corrosion. Enclosure furnished with stamped ventilation grills to insure forced air circulation and an integral cooling fan with thermal protection, producing 290 CFM to guard against excessive compressor operating temperatures. Cabinet provided with HDPE mounting pad. Enclosure comes with class a GFCI protection on both the compressor and fan circuits. Quick disconnect switch included. Side mounted muffler box and additional insulation optional for quiter operation.

AIRSTATION XL2™ ASSEMBLY



Diffuser station consists of two self-cleaning, 9" diameter, flexible membrane diffusers of EPDM compound with 100% rebound memory, each producing millions of fine 500 to 3000 micron bubbles – the majority 500 to 1000 microns. Each diffuser station base unit is made of powder-coated stainless steel and designed to prevent settling into soft bottom sediments. AIRSTATION™ is designed with adjustable diffuser riser to accommodate any site requirements. AirStations are independently tested and verified to provide stated pumping rates. 5-year warranty.

BOTTOMLINE™ SUPPLY TUBING



Self-weighted, direct burial submersible tubing for connection from compressor to diffuser stations. Tubing is flexible PVC composite construction for use with standard PVC solvent weld cement and insert fittings. Tubing has 0.58" I.D. and high wall thickness for long term durability and protection against punctures. Remains flexible in cold temperatures.

Vertex Water Features
Pond and Lake Aeration

(844) 432-4303 • info@vertexwaterfeatures.com
www.vertexwaterfeatures.com

Install all electrical equipment in accordance with Article 682 of the National Electrical Code and all local codes. Vertex Water Features reserves the right to improve and change our designs and/or specifications of our aerators without notice or obligation.

©Vertex Water Features rev.051116

APPENDIX B

Lee County Fertilizer Ordinance No. 08-08

APPLICATION: This ordinance applies to anyone performing lawn care and maintenance on turf and/or landscape plants within unincorporated Lee County as a "professional landscape business" or an "institutional landscaper". This ordinance does not apply to individual homeowners who perform their own landscape maintenance.

EFFECTIVE DATE: This ordinance goes in to effect on May 13, 2009.

REGISTRATION:



- All professional landscape businesses must register with Lee County prior to performing landscaping within unincorporated Lee County. At least one (1) employee must be a Certified Professional Landscaper. Proof of completion of a Lee County approved BMP training program must be provided to the Division of Lee County Natural Resources. At least one (1) BMP trained employee must be on site while fertilizers are applied. A registration decal provided by the division must be displayed on all company vehicles. NOTE: An example of a professional landscape business is any company you hire to perform landscaping at your home.
- All institutional landscapers must follow the same registration guidelines as professional landscape businesses with the exception of displaying a registration decal on company vehicles. NOTE: An example of an institutional landscaper is the in-house landscape maintenance staff at Shadow Wood.

TRAINING & CERTIFICATION:

- Florida Green BMP training & certification can be completed through the Lee County Extension Service. This must be done prior to registration.
- Non-professional landscapers are not required to complete the Florida Green BMP training & certification, but are strongly encouraged to participate in the University of Florida IFAS Florida Yards & Neighborhoods Outreach & Public Education Program. This applies to individual owners of single-family residential units who perform lawn care and maintenance on turf and/or landscape plants.

TIMING OF FERTILIZER APPLICATION: Fertilizers containing Nitrogen (N) and/or Phosphorus (P) may not be applied on turf and/or landscape plants from June 1 through September 30.

FERTILIZER CONTENT/APPLICATION RATE:

- Phosphorus (P) in any fertilizer may not exceed a rate of 0.25 lb. per 1,000 sq. ft. per application.
- Phosphorus (P) in any fertilizer may not exceed a rate of 0.50 lbs. per 1,000 sq. ft. per year.
- All fertilizers applied must contain at least 50% slow release nitrogen (N).
- Nitrogen (N) in any fertilizer may not exceed a rate of 4 lbs. per 1,000 sq. ft. per year.

IMPERVIOUS SURFACES: No fertilizers should be deposited, intentionally or accidentally, on an impervious surface such as a driveway, sidewalk or street.

BUFFER ZONES: No fertilizers shall be applied on turf and/or landscape plants within ten (10) feet of a water body, seawall or wetland. (See Florida DEP chapter 62-340)

MODE OF FERTILIZER APPLICATION: When using a rotary spreader, use of a deflector shield is required to deflect fertilizers away from water bodies, seawalls and wetlands.

LOW MAINTENANCE ZONES (NO MOW): A voluntary six (6) foot low maintenance zone is strongly recommended from any water body, seawall or wetland.

GRASS CLIPPINGS/VEGETATIVE MATERIAL: No grass clippings or vegetative materials shall be deposited into storm drains, ditches, water bodies, roadways or other impervious surfaces.

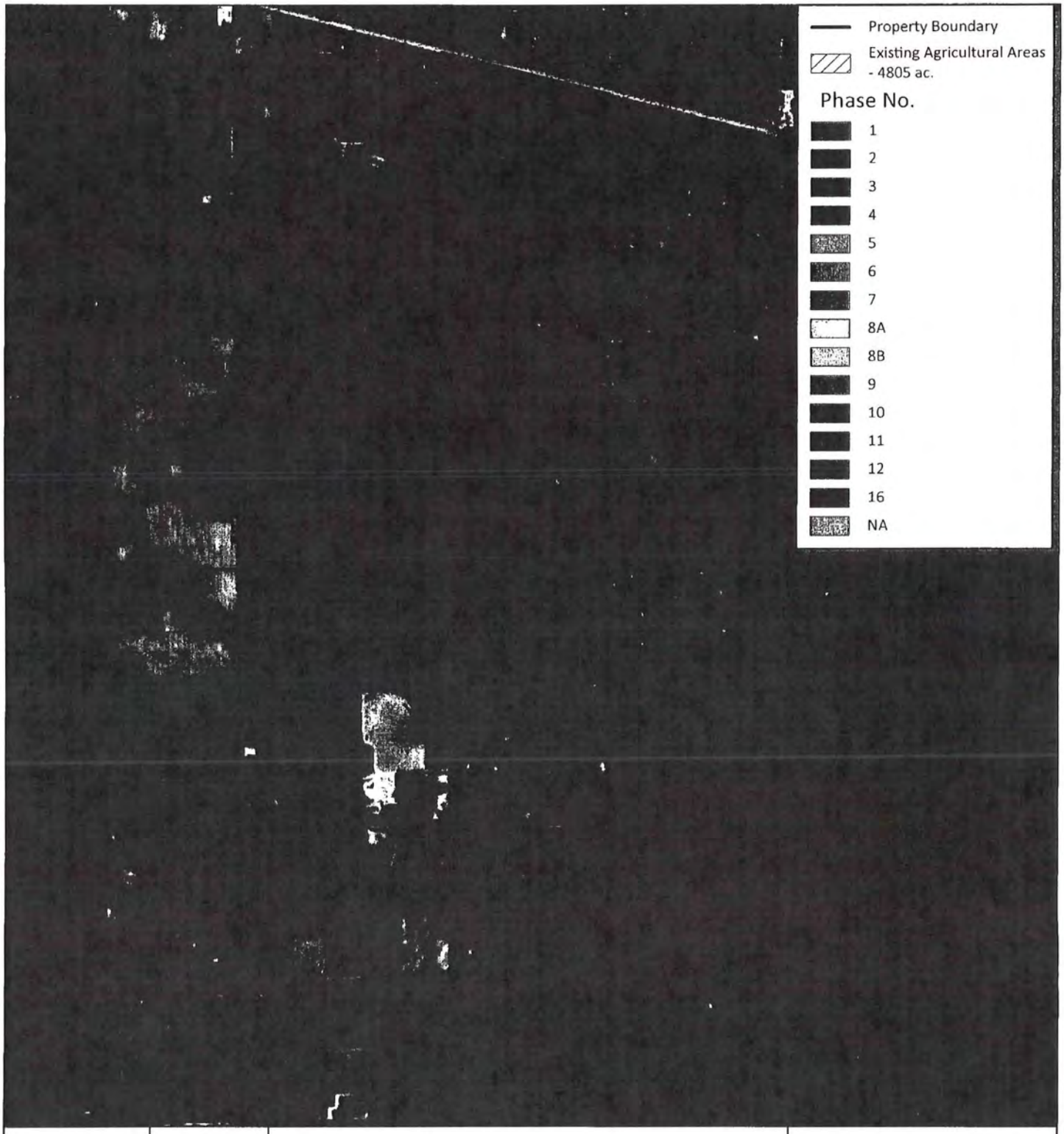
EXEMPTIONS (ordinance does not apply to):

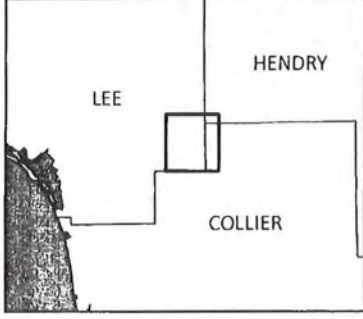
- New landscaping in place for less than sixty (60) days.
- Vegetable gardens as long as they are not within fifteen (15) feet of a water body, seawall or wetland.
- Yard waste, compost or mulches applied to improve the soil.
- Reclaimed water used for irrigation which usually contains high amounts of nitrogen and phosphorus.
- Farm operations.
- Pastures used for grazing livestock.
- Golf courses.
- Specialized turf areas (parks, cemeteries, athletic fields, golf practice areas).

ENFORCEMENT & PENALTIES:

- This ordinance shall be enforced by designated Lee County officials and/or inspectors.
- First violation...$100.00
- Second violation...$250.00
- Third and subsequent violations...$500.00







Kingston - Cameratta
Existing Agricultural Areas
vs. Proposed Phasing
Lee County, Florida

N
0 0.25 0.5 1 Mi
Scale: 1:55,000

Progressive Water Resources, a Division of RESPEC, LLC has provided the images or data presented in this map for informational purposes only. This data is not intended to be used in lieu of official survey data provided by a Professional Surveyor licensed by the State of Florida

4/29/2022

Image: ESRI World Imagery

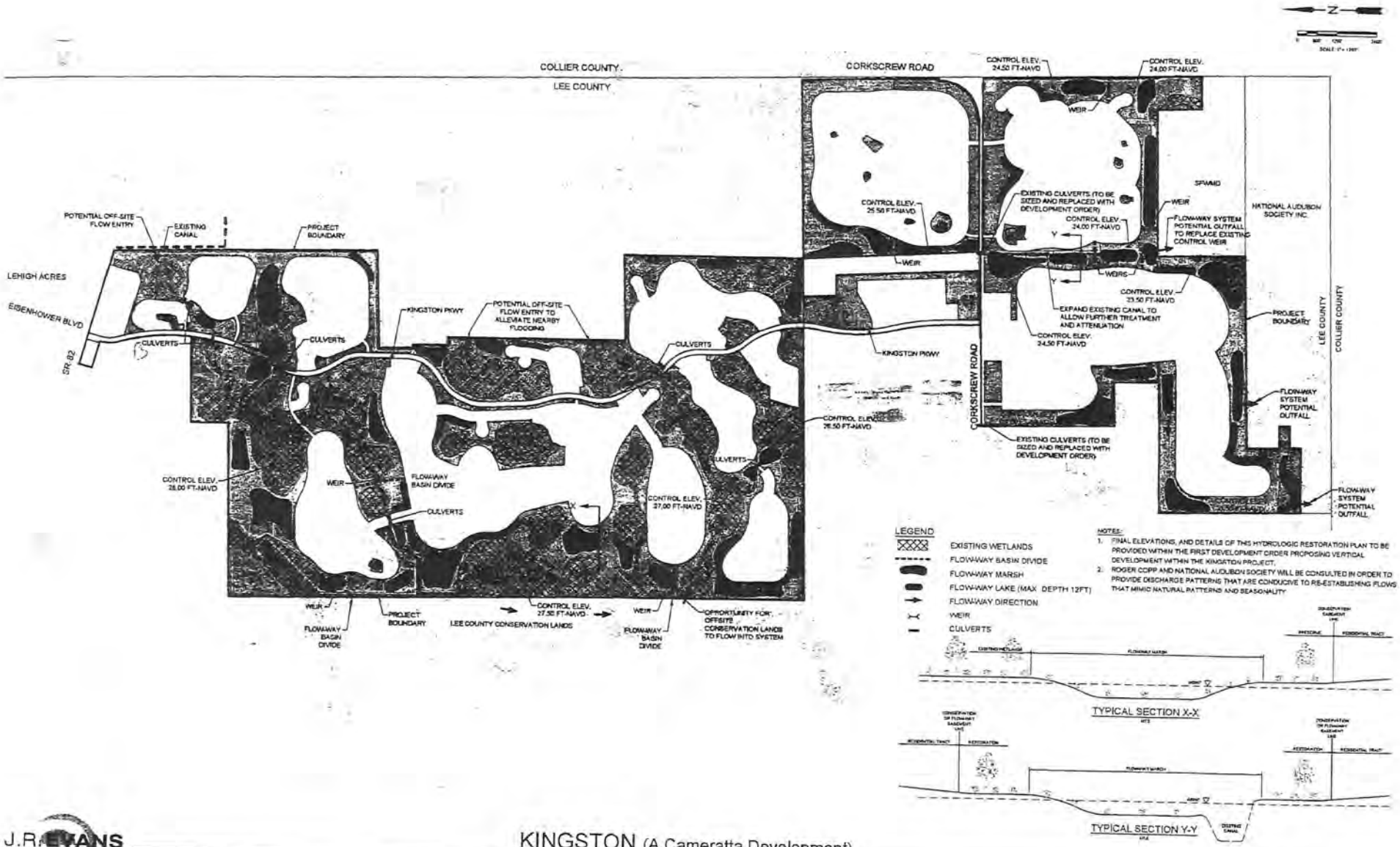
Progressive Water Resources
Integrated Water Resource Consultants
a Division of RESPEC Company LLC

Kingston Development - Cameratta

Existing vs. Proposed Acreage and Irrigation Allocations

APPROXIMATE

Phase No.	Existing Agricultural Acres Removed	Proposed Development Acres	Existing Agricultural Annual Water Use (GPD)	Proposed Development Annual Water Use (Est. GPD)	Est. Net Reduction (GPD)	Est. Net Change (Percent)
1	913.9	142.28	2,308,232	500,658	**1,807,574**	**-78%**
2	536.5	85.8	1,355,035	301,918	**1,053,117**	**-78%**
3	610.4	97.72	1,541,684	343,863	**1,197,821**	**-78%**
4	235.41	66.48	653,766	233,945	**419,821**	**-64%**
5	80.31	11.6	223,030	40,822	**182,208**	**-82%**
6	52.81	27	146,659	95,014	**51,645**	**-35%**
7	279.51	47.08	776,238	165,671	**610,567**	**-79%**
8A	442.51	72.12	1,228,913	253,781	**975,132**	**-79%**
8B	499.71	79.04	1,387,766	278,137	**1,109,629**	**-80%**
9	343.31	44.04	953,420	154,959	**798,461**	**-84%**
10	298.01	35.32	827,615	124,274	**703,341**	**-85%**
11	149.11	28.52	414,098	100,356	**313,742**	**-76%**
12	68.21	12	189,427	42,219	**147,208**	**-78%**
16	30.9	25	78,044	87,973	**-9,929**	**13%**
Spine Road	75.61	58	209,978	204,082	**5,895**	**-3%**
NA	188.8	NA	526,097	0	**526,097**	**-100%**
Total	**4,805**	**832**	**12,820,000**	**2,927,671**	**9,892,329**	**-77%**



J.R. EVANS ENGINEERING

KINGSTON (A Cameratta Development)

HYDROLOGIC RESTORATION PLAN

KINGSTON HYDROLOGIC RESTORATION PLAN.DWG
May 3, 2022

EXHIBIT P
Kingston Offsite Water

Kingston Phase 1 (Kingston density from 0 – 1,200 units):

- The Kingston development will install a 20" watermain westerly along Corkscrew Road from the Kingston development and connect to the existing 16" watermain at the east entrance of Verdana Village.
- The Kingston development will also install the first 250,000-gallon water tank with associated pumps.

Kingston Phase 2 (Kingston density from 1,201 units – 2,700 units):

- The Kingston development will install a booster pump near the east entrance to the Place connecting to the existing 16" watermain.

Installation By Others (Kingston density from 2,701 units – 5,700 units):

- Install a 24" watermain westerly from the FFD development to Alico Road connecting to the existing 24" watermain on Alico Road.

Kingston Phase 3 (Kingston density from 5,701 units – 8,400 units):

- The Kingston development will install a 24" watermain westerly along Corkscrew Road from The Place west entrance and connect to the existing 24" watermain at the FFD Development on Corkscrew Rd.

Kingston Phase 4 (Kingston density from 8,401 units – 10,000 units):

- The Kingston development will install a 20" watermain easterly along Corkscrew Road from The Place west entrance and connect to the booster pump installed in Phase 2.
- The Kingston development will also install an approximate second 250,000-gallon water tank. (Final size TBD)

Note – The specific phases shown above can be interchanged with Kingston unit densities verified by the engineer.

BUILDING A OF DIFFERENCE

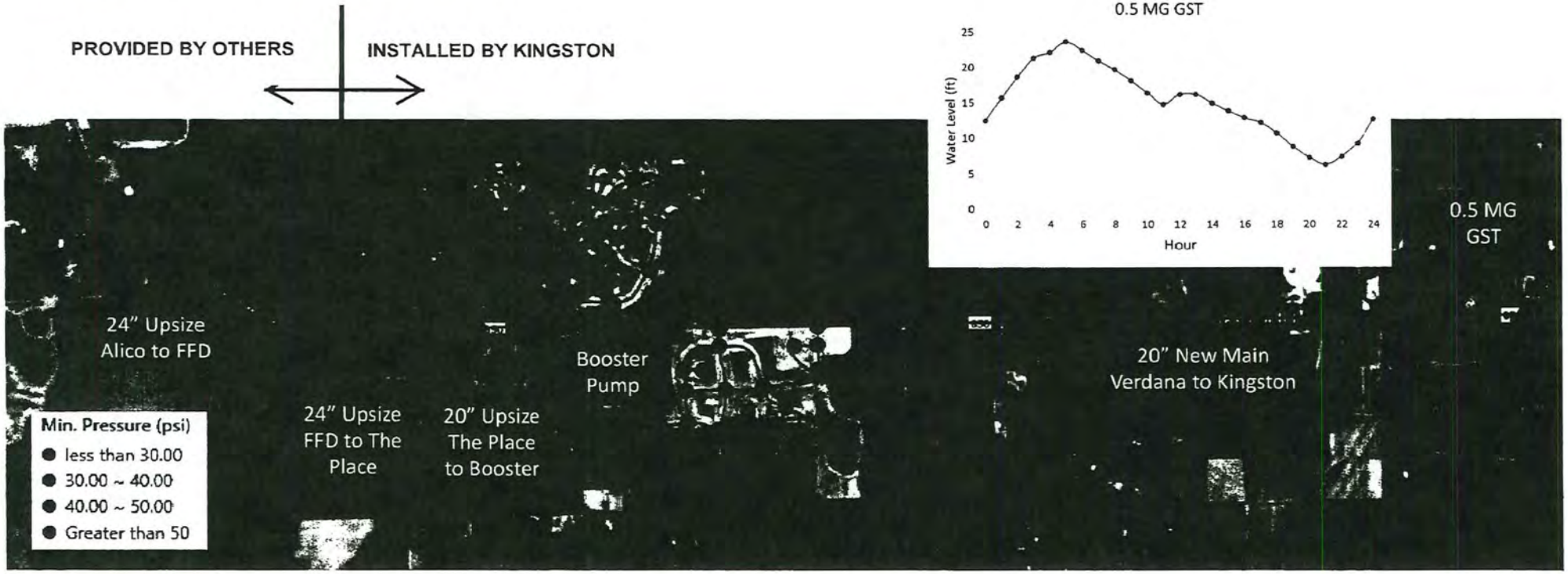
14 April 2022

Kingston Offsite Utility Infrastructure Requirements

BUILDING A WORLD OF DIFFERENCE®

BLACK & VEATCH

MDD Minimum Pressures

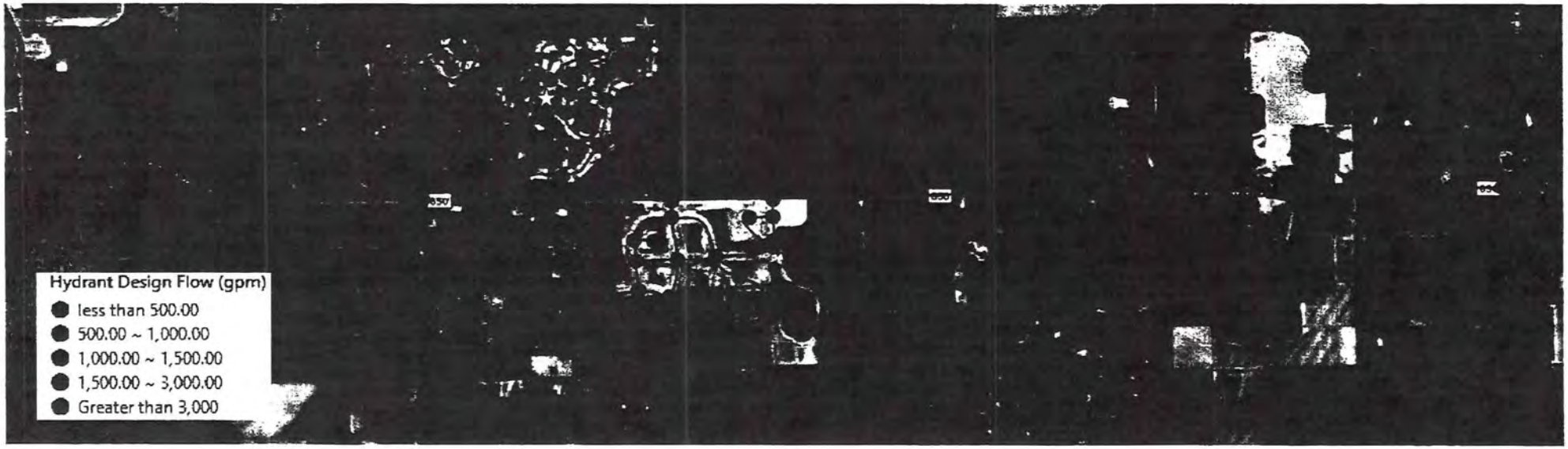


Total Demand = 7.9 mgd

Available Fire Flow at Peak Hour

1,450 gpm

1,375 gpm, Junction is at a dead end



Length of Pipe Required

	From Alico Rd to FFD		From FFD to The Place Western Entrance		From The Place Western Entrance to Booster Pump	From Eastern Verdana Entrance to Kingston Tank	Booster Station
	20" Upsize (ft)	24" Upsize (ft)	20" Upsize (ft)	24" Upsize (ft)	20" Upsize (ft)	20" New (ft)	Required Pumping @ BO
Estimated Pipe Lengths	-	7,514	-	2,591	2,081	18,384	80 ft Head @ 3600 gpm

Year	FFD Units	The Place Units	Verdana Pod 1 Units	Verdana Pod 2 Units	Kingston Units	Booster Pump Flow Required (gpm)	Improvement Alternative 1	Improvement Alternative 2
2023	300	1,325	1,181	-	-	-		
2024	600	1,325	1,181	-	-	-		
2025	900	1,325	1,181	-	300	-		
2026	1,200	1,325	1,181	300	600	-		
2027	1,500	1,325	1,181	600	900	-		
2028	1,800	1,325	1,181	900	1,200	-		
[redacted]						1,123	Booster Pump Required	24" Main Upsize from Alico Rd. to FFD Required
2030	2,400	1,325	1,181	1,219	1,800	1,216		
[redacted]						1,303	24" Main Upsize from Alico Rd. to FFD Required	
2032	3,000	1,325	1,181	1,219	2,400	1,390		
2033	3,300	1,325	1,181	1,219	2,700	1,477		
[redacted]						1,564		Booster Pump Required
2035	3,900	1,325	1,181	1,219	3,300	1,651		
2036	4,200	1,325	1,181	1,219	3,600	1,739		
2037	4,500	1,325	1,181	1,219	3,900	1,826		
2038	4,800	1,325	1,181	1,219	4,200	1,913		
2039	5,100	1,325	1,181	1,219	4,500	2,000		
2040	5,208	1,325	1,181	1,219	4,800	2,087		
2041	5,208	1,325	1,181	1,219	5,100	2,174		
2042	5,208	1,325	1,181	1,219	5,400	2,261		
2043	5,208	1,325	1,181	1,219	5,700	2,348		
[redacted]						2,435	24" Main Upsize from FFD to The Place Required	
2045	5,208	1,325	1,181	1,219	6,300	2,522		
2046	5,208	1,325	1,181	1,219	6,600	2,610		
2047	5,208	1,325	1,181	1,219	6,900	2,697		
2048	5,208	1,325	1,181	1,219	7,200	2,784		
2049	5,208	1,325	1,181	1,219	7,500	2,871		
2050	5,208	1,325	1,181	1,219	7,800	2,958		
2051	5,208	1,325	1,181	1,219	8,100	3,045		
2052	5,208	1,325	1,181	1,219	8,400	3,132		
[redacted]						3,219	20" Main from The Place to Booster Required	
2054	5,208	1,325	1,181	1,219	9,000	3,306		
2055	5,208	1,325	1,181	1,219	9,300	3,393		
2056	5,208	1,325	1,181	1,219	9,600	3,481		
2057	5,208	1,325	1,181	1,219	9,900	3,568		
2058	5,208	1,325	1,181	1,219	10,000	3,597		

Growth Assumptions

- 300 units per year in FFD starting 2023
- 300 units per year in Verdana Pod 2 starting 2026
- 300 units per year in Kingston starting 2025



J.R. EVANS ENGINEERING

KINGSTON (A Cameratta Development)

WATER MAIN INFRASTRUCTURE MAP (BUILDOUT)

LEE COUNTY EXHIBIT WATER MAIN (BUILDOUT) 05-02-2022.DWG
May 2, 2022

CPA2024-00017

SR31 Civic 10

SUMMARY SHEET
CPA2024-00017 – SR 31 Civic 10
ADOPTION HEARING

REQUEST:
The applicant requests to change the future land use category of the approximately 9.58-acre subject property from Rural to Outlying Suburban and to add the property to the Lee County Utilities Future Water Service Area map, in order to facilitate non-retail commercial development on the site.

The requested amendments will follow the Expedited State Review process under F.S. 163.3184(3), which requires one public hearing before the Local Planning Agency for recommendation to the BOCC and two public hearings with the BOCC. Applications that follow the Expedited State Review process also require review by the State Reviewing Agencies.

PUBLIC INPUT:
One member of the BoCC asked for clarification about what staff reviews during the comprehensive plan amendment process and what future processes would be required before development could occur on the property.

TRANSMITTAL HEARING:
A motion was made to ***transmit*** CPA2023-00012 as recommended by staff and the LPA at the December 3, 2025, Transmittal Hearing. The motion passed 4 to 0.

VOTE:

BRIAN HAMMAN	**AYE**
CECIL PENDERGRASS	**AYE**
DAVID MULICKA	**AYE**
KEVIN RUANE	**ABSENT**
VACANT	

STATE REVIEW:
The State Reviewing Agencies had **no comments or objections** to the amendments.

STAFF RECOMENDATION:
Staff recommends that the Board of County Commissioners ***adopt*** the amendments to the Lee Plan as transmitted and as provided in Attachment 1.

LEE COUNTY ORDINANCE NO. ____
(SR 31 Civic 10)
(CPA2024-00017)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE SR 31 CIVIC 10 (CPA2024-00017) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6, provides an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on October 27, 2025; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on December 3, 2025. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to SR 31 Civic 10 (CPA2024-00017) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the December 3, 2025 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on April 8, 2026, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the " SR31 Civic 10 Ordinance (CPA2024-00017)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee Plan, initially adopted by Ordinance Number 89-02, is hereby amended to amend the Lee Plan Map 1-A, the Future Land Use Map, to change the future land use category of the subject property from Rural to Outlying Suburban, and amend Map 4-A, Lee County Utilities Future Water Service Areas, to include the subject property. The property is located on the west side of SR 31, directly north of the Mike Greenwell Regional Park, formerly known as Lee County Civic Center.

The corresponding Staff Reports and Analysis, along with all attachments and application submittals for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: MODIFICATION

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

SECTION FIVE: GEOGRAPHIC APPLICABILITY

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

SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional

by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

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

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

SECTION EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____. The vote was as follows:

Kevin Ruane	_____
Cecil L. Pendergrass	_____
David Mulicka	_____
Brian Hamman	_____
Trish Petrosky	_____

DONE AND ADOPTED this 8th day of April 2026.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BY:_____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY FLORIDA

BY: _____
Cecil L. Pendergrass, Chair

DATE:_____

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

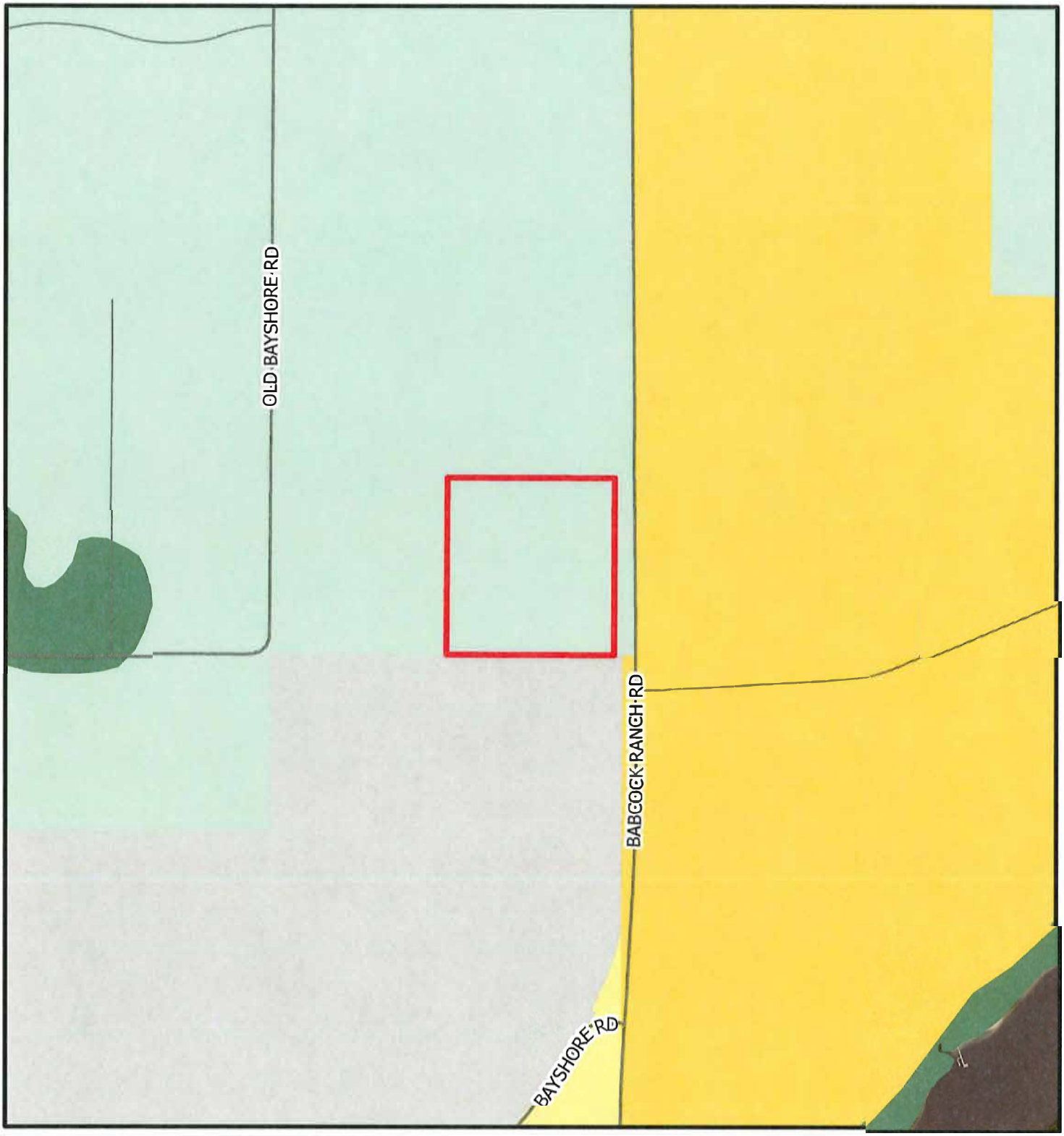
_____
County Attorney's Office

Exhibit A (Adopted by BOCC April 8, 2026):
Adopted existing Future Land Use Map 1A
Adopted revisions to Future Land Use Map 1A
Adopted revisions to Future Water Service Areas 4A

CAO Draft 3/13/2026 2:10:43 PM

EXHIBIT A

Note: Text depicted with underscore represents additions to the Lee Plan. Strike-through text represents deletions from the Lee Plan.



CPA2024-00017

Existing Future Land Use

(Map 1-A)

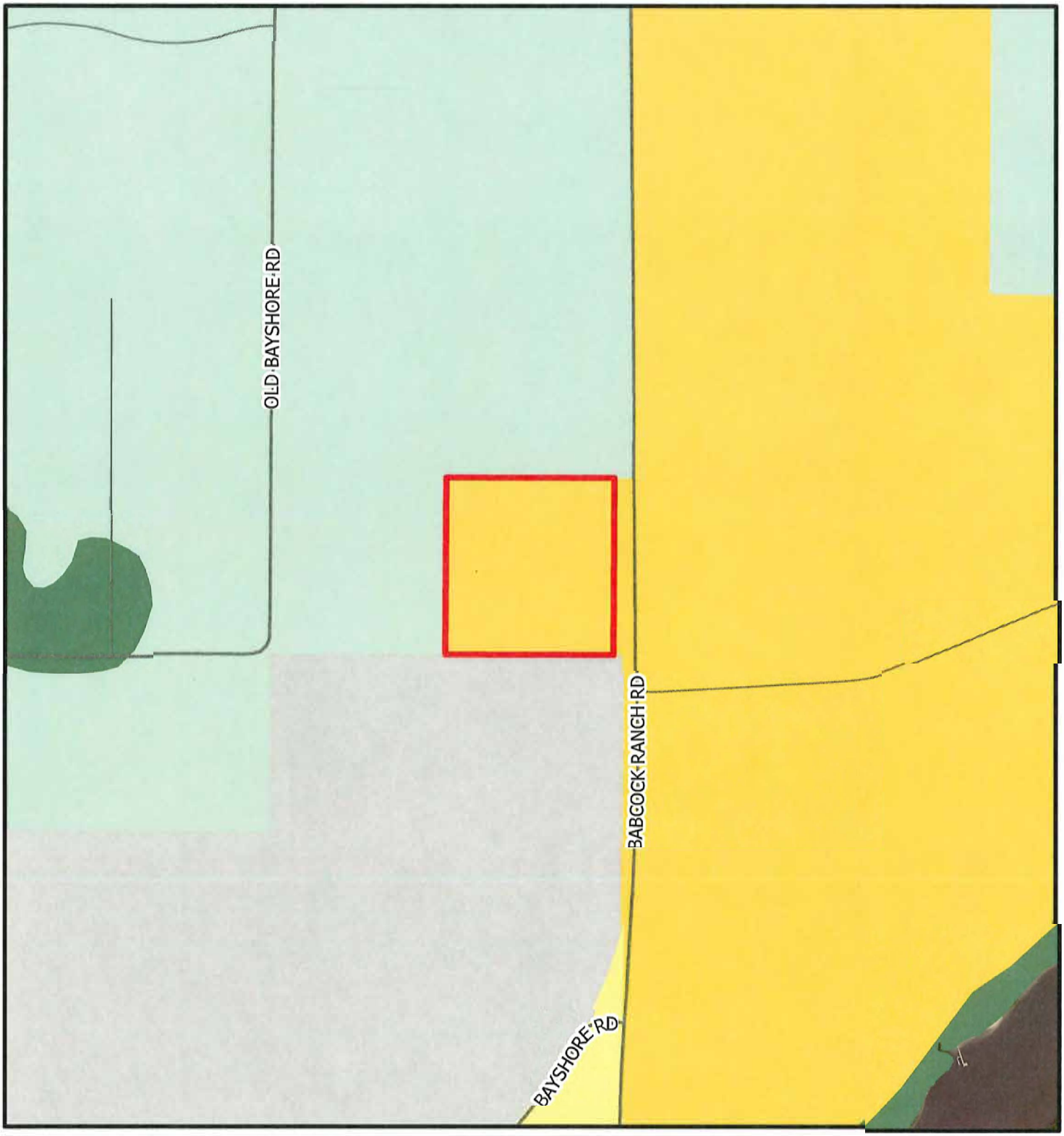
- Subject Property
- Outlying Suburban
- Sub-Outlying Suburban
- Public Facilities
- Rural
- Wetlands

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0 1,000
Feet

Lee County
Southwest Florida

Map Generated: October 2025



CPA2024-00017

Proposed Future Land Use

(Map 1-A)

Subject Property
Outlying Suburban
Sub-Outlying Suburban
Public Facilities
Rural
Wetlands

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Feet

Lee County
Southwest Florida

Map Generated: October 2025



CPA2024-00017

Future Water Service Areas

(Map 4-A)

Subject Property

Existing Future Water Service Areas

Proposed Future Water Service Areas

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W
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Feet

Lee County
Southwest Florida

Map Generated: October 2025

Exhibit A

STAFF REPORT FOR CPA2024-00017:
SR 31 CIVIC 10

Privately Initiated Lee Plan Map Amendment

Recommendation:
Transmit

Applicant:
Mario Pena
Mario's Painting of South Florida, Inc.

Representatives:
Ben Smith
Morris-Depew Associates

Property Location:
18031 and 18041
State Road 31

Size:
± 9.58 acres

Planning District:
District #22 (Bayshore)

Commissioner District:
District #5

Hearing Dates:
LPA: October 27, 2025
BoCC #1: December 3, 2025
BoCC #2: April 8, 2026

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

REQUEST

- Amend Lee Plan Map 1-A, the Future Land Use Map, to change the future land use category of the subject property from Rural to Outlying Suburban.
- Amend Map 4-A, Lee County Utilities Future Water Service Areas, to include the subject property.

SUMMARY

The applicant requests to change the future land use category of the approximately 9.58-acre subject property from Rural to Outlying Suburban and to add the property to the Lee County Utilities Future Water Service Area map, in order to facilitate non-retail commercial development on the site. The applicant has submitted a companion rezone application.

PROPERTY LOCATION

The property is located on the west side of State Road (SR) 31, also known as Babcock Ranch Road, directly north of the Lee County Civic Center.



Figure 1: Location map of the portion of the subject property.

RECOMMENDATION

Staff recommends that the Board of County Commissioners (BoCC) ***transmit*** the proposed amendment as shown in Attachment 1.

PART 1
STAFF DISCUSSION AND ANALYSIS

BACKGROUND AND REQUEST

The approximately 9.58-acre subject property is currently designated as Rural on the Future Land Use Map with AG-2 zoning, is located within the Bayshore Community Plan Area, and shares a property line with the Lee County Civic Center property.

In 1974, the subject property received approval for two Special Permits: one for truck storage (Resolution Z-74-264) and another for a mobile home (Resolution Z-74-42). There are currently two open Code Enforcement Violations for work without a Development Order and clearing without a permit. The applicant has submitted a companion rezone, DCI2025-00005, to Commercial Planned Development (CPD) to allow non-retail commercial uses. The rezoning application is still under review as of the time of writing this report. The details on the request are subject to change.

Request

The applicant has requested to change the future land use category of the subject property from Rural to Outlying Suburban to facilitate commercial development on the subject site that exceeds what would be allowed Future Non-Urban Areas, as defined in the Lee Plan. The applicant also seeks to be included in the Lee County Utilities Future Water Service Area Map (Map 4-A) to allow the property to connect to LCU's potable water system. FGUA would provide sewer service to this property. A complete analysis of the request is provided in the Lee Plan Analysis section on page 5.

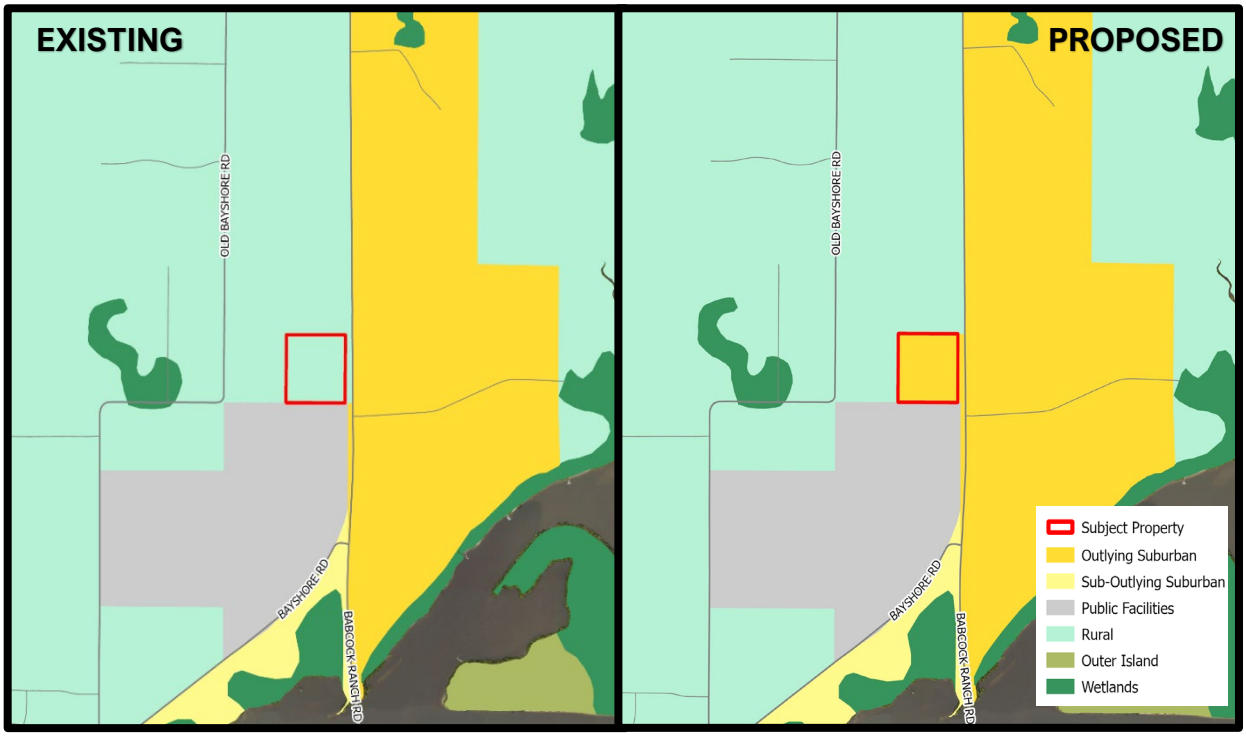


Figure 2: Existing and Proposed Future Land Use Maps of the subject and surrounding properties.

Future Land Use Category

The property is within the Rural future land use category. Lee Plan **Policy 1.4.1** states that the Rural future land use category designates areas intended to remain predominantly low-density residential and agricultural, with minimal non-residential land uses. The policy is reproduced below.

> ***POLICY 1.4.1:*** *The Rural future land use category are areas that are to remain predominantly rural – that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural future land use category is one dwelling unit per acre (1 du/acre). See Policy 123.2.17 for a potential density incentive resulting from preservation and/or restoration of Rare and Unique Upland Habitat.*

Most of the properties on the west side of SR 31 and north of Bayshore Rd are within the Rural future land use category. The properties along the west side of SR 31, north of the intersection of SR 31 and N River Road, are within the Density Reduction/Groundwater Resource (DR/GR) future land use category. The east side of SR 31 south of North River Road is designated with Outlying Suburban future land use. Further north along the east side of SR 31 is the Babcock Community, in the New Community future land use category.

Community Plan Area

The subject property is located within the Bayshore Community Plan Area, which is generally located north of the Caloosahatchee River, east of Interstate 75 (I-75), and west of State Road 31 (SR 31). Lee Plan Goal 18, reproduced below, describes the Bayshore Community Plan Area.

> ***GOAL 18: BAYSHORE COMMUNITY PLAN.*** *Protect the existing rural residential, agricultural and equestrian-oriented character of the community by maintaining low residential densities and minimal commercial activities, and exclude incompatible uses that are destructive to the character of this rural residential environment.*

To achieve this goal, Goal 18 is divided into four objectives, each with supporting policies, that address land use, transportation, sewer and water, and parks and recreation. Details on the request's consistency with the Bayshore Community Plan Area are provided in the Lee Plan Analysis section on page 5.

Planning District

The subject property is located in the Bayshore Planning District (District 22), which allocates 72 acres for commercial use and 4 acres for industrial use, with no acres designated for the Outlying Suburban future land use category for residential development. The applicant is not proposing any residential development. Based on Policy 1.6.5, the proposed development's impact on planning district allocations will be determined at the time of Development Order; however, the planning district currently has adequate allocations for the development of the subject property.

Surrounding Properties

The subject property consists of one parcel and is situated on the west side of SR 31, just north of the intersection of SR 31 and Old Rodeo Drive. The property currently has direct access to SR 31; however, with the expansion and relocation of SR 31 approximately 300 feet to the east, the existing SR 31 will

remain as an access street, likely to be designated Old SR 31, for the properties along the west side of the potentially six-lane right-of-way (ROW) expansion[1].

TABLE 1: SURROUNDING PROPERTY INFORMATION

	Future Land Use	Community Plan Area	Zoning	Existing Use
North	Rural	Bayshore	AG-2	Vacant/Undeveloped and Residential
East	Outlying Suburban	Northeast Lee/North Olga	AG-2	Vacant/Undeveloped
South	Public Facilitates	Bayshore	CF	Civic Center
West	Rural	Bayshore	AG-2	Residential

The Florida Department of Transportation has been acquiring property along the SR 31 ROW to accommodate the expansion, which impacts the surrounding uses. The subject property shares a property line with two properties to the north. One of these properties fronts on SR 31 and is undeveloped. The second fronts Old Bayshore Rd and contains a single-family dwelling. The property directly east of the subject property, across SR 31, is undeveloped. The Lee County Civic Center property abuts the subject property to the south, and two additional single-family residences abut the western property line.

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 is divided into elements (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 application requests privately initiated map amendments 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 applicant has met the procedural requirements in AC 13-6.**

Because the applicant is proposing a change to a map designation within a Community Plan Area, one public information meeting is required prior to the application being found sufficient under Lee Plan Policy 17.3.2. The applicant has provided a summary, public notice, and maps for the community meeting held at the Bayshore Fire Station on Wednesday, June 18, 2025, at 5:00 pm. The summary stated that there

[1] https://www.swflroads.com/project/442027-2

were zero (0) members of the public at the meeting. **The applicant has met the public input requirements of Lee Plan Objective 17.1.**

Despite the parcel size, under Florida Statutes, **the proposed amendments do not qualify as a small-scale map amendment** because they include changes to a map that is not part of the Future Land Use Map Series (Maps 1A through 1H); therefore, **they will follow the Expedited State Review process under F.S. 163.3184(3),** which will require one public hearing before the Local Planning Agency for recommendation to the BOCC and two public hearings with the BOCC. Applications that follow the Expedited State Review process also require review by the State Reviewing Agencies.

LEE PLAN ANALYSIS

The applicant seeks to amend the Future Land Use Map to reclassify the subject property's future land use category from Rural to Outlying Suburban and to include the property in the Lee County Utilities Future Water Service Area Map, to facilitate commercial development on the site exceeding 30,000 square feet. The Outlying Suburban designation would remove the subject property from a Future Non-Urban Area, as defined in the Lee Plan, and reclassify it as a Future Suburban Area. This designation change, along with access to central utilities, would permit a slightly higher density, a broader range of uses, and larger commercial development. The appropriateness of the proposed amendment and its consistency with the Lee Plan are discussed in detail below.

The comprehensive plan applies to all land use decisions within unincorporated Lee County. Where goals, objectives, standards, 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.

The subject property is currently designated with the Rural Future Land Use Category, which is described in **Lee Plan Policy 1.4.1**. As noted in the background section above, the subject property has supported both non-residential and residential uses since the 1970s. FDOT's expansion of SR 31, Bayshore Road, and the Wilson Pigott Bridge (SR 31 draw bridge), along with the private development of utility and public safety infrastructure along the SR 31 corridor, and the property's proximity to the Civic Center, provide the property with capital improvements and services that are not typical in the Rural future land use category.

The applicant requests to amend the future land use category for the subject property to Outlying Suburban, as described in Policy 1.1.6 and reproduced below.

> ***POLICY 1.1.6:*** *The Outlying Suburban future land use category is characterized by its peripheral location in relation to established urban areas. In general, this category is rural in nature or contains existing low-density development. Some of the requisite infrastructure needed for higher density development is planned or in place. Industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed.*

Outlying Suburban is described as rural in nature, with access to some centralized infrastructure that is planned or already in place. Similar to the Rural future land use category, industrial uses are prohibited. Outlying Suburban does allow a maximum of 3 dwelling units an acre, as opposed to the standard Rural allowance of 1 dwelling unit an acre. Outlying Suburban allows a variety of commercial uses, including

some that would not be considered non-retail commercial; however, the Community Plan Area requirements would continue to limit the types of commercial uses allowed to non-retail. The applicant has stated in their application materials for the comprehensive plan amendment that only non-retail commercial uses are proposed. **The characteristics of the subject property are consistent with the Outlying Suburban future land use category, as described in Policy 1.1.6.**

The subject property is also within the county's Coastal High Hazard Area. **Policy 101.1.4** addresses the requirements of comprehensive plan amendments that increase density within the CHHA. This policy is reproduced below.

> ***POLICY 101.1.4****: Require that comprehensive plan amendments which increase density within the Coastal High Hazard Area or on islands meet one of the following criteria in accordance with § 163.3178(8), Fla. Stat.:*
> 1. *Will not result in an out of County hurricane evacuation time that exceeds 16 hours for a Category 5 storm event (Level E storm surge threat); or*
> 2. *Will maintain a 12 hour evacuation time to shelter for a Category 5 storm event (Level E storm surge threat) and ensure shelter space is available to accommodate the additional population; or*
> 3. *Will provide appropriate mitigation as determined by Lee County Department of Public Safety, to satisfy both criteria above, which may include the payment of money or construction of hurricane shelters and transportation facilities.*

According to the companion rezone application, the applicant is not proposing any residential development on the subject property. If residential development were proposed in the future, the project would have to demonstrate consistency with the requirements in Policy 101.3.5. **Therefore, the proposed amendment is not inconsistent with Lee Plan Policy 101.1.4. Any future density proposals would require flood and storm mitigation in accordance with the Lee Plan, LDC, Florida Building Code, and other applicable regulations.**

In addition to the future land use category, the subject property is also within the Bayshore community Plan. **Goal 18** outlines the Lee Plan Objectives and Policies related to the Bayshore Community Plan, and provides the following: *Protect the existing rural residential, agricultural and equestrian-oriented character of the community by maintaining low residential densities and minimal commercial activities, and exclude incompatible uses that are destructive to the character of this rural residential environment.*

Goal 18 is further clarified through four objectives. The most applicable Objective to this request is **Objective 18.1: Land Use.** Objective 18.1 states that the County will continue to enforce development regulations that provide appropriate buffers, open space, separation, and other development requirements to protect the natural resources in the Community Plan Area. This objective also requires comprehensive plan amendments that increase density or intensity to submit a companion rezone. **The applicant has met this requirement by submitting a companion rezone to a Commercial Planned Development (CPD), DCI2025-00005, which is still under review.**

Objective 18.1 is supported by four policies that relate to land use. These policies are discussed below. **Policy 18.1.1** identifies several intersections that are allowed to have retail commercial uses. The subject property is located to the north of the parcel at the intersection of SR 31 and Bayshore Road, which is one of the intersections that allows for retail commercial uses. The Policy goes on to provide that "Non-retail commercial uses are permitted elsewhere consistent with the Lee Plan and the LDC." As previously stated,

both residential and non-residential uses have been allowed on the subject property since the Special Permit approvals in 1974. **Policy 18.1.2** has been interpreted as a clarification to Policy 18.1.1. **The proposed amendment to Outlying Suburban is not inconsistent with Policy 18.1.1, as the types of commercial uses allowed will continue to be controlled by the Bayshore Community Plan Area.**

The Outlying Suburban Future Land Use Category prohibits industrial uses, including mining, which is **consistent with Policies 18.1.3 and 18.1.4**. Additionally, according to the applicant's companion rezoning request, no industrial or mining uses are proposed on the site.

One of the major differences between the existing Rural future land use and the proposed Outlying Suburban future land use is that Outlying Suburban would change the parcel from a Future Non-Urban Area to a Future Suburban Area. In addition to the specific future land use categories, the Lee Plan divides groups of land use categories into three designations: Future Non-Urban Areas, Future Suburban Areas, and Future Urban Areas. There are policies throughout the Lee Plan that limit or allow uses based on which of these groupings a land use category falls into. Under the existing Rural designation, Lee Plan **Policy 6.1.2** limits the allowed commercial uses to minor commercial. The Lee Plan defines Minor Commercial as "commercial development that provides for the sale of convenience goods and services and contains less than 30,000 square feet of gross floor area." Outlying Suburban is considered a Future Suburban Area, which removes the size limitation; however, the Community Plan Area limitations on types of commercial uses still apply. **The proposed Future Land Use Map amendment to Outlying Suburban is consistent with Lee Plan Objective 18.1, regarding uses.**

In addition to the Future Land Use Map Amendment, the applicant requests to be added to the Lee County Utilities Future Water Service Area depicted on Map 4-A of the Lee Plan, which will enable connection to central utilities once the utility lines become available. Objective 18.3 provides some guidance on water and sewer connections within the Bayshore Community Plan Area.

> ***OBJECTIVE 18.3: SEWER AND WATER.*** *Given the desire to maintain a low residential density, new central sewage service is not economically feasible and is discouraged north of Bayshore Road within the future non-urban land use categories except to the areas identified by Lee Plan Table 6, "10-Year Sanitary Sewer Service Feasibility Plan". Central water service for enhanced fire protection will be encouraged where economically feasible.*
>
> > ***POLICY 18.3.1:*** *No landowner will be required to connect to central sewer or water utilities or be assessed for same unless a threat to public health can be documented, or if a new development proposes an intensity that exceeds the thresholds in Standards 4.1.1 and 4.1.2.*

The owner of the subject property is electing to add themselves to Map 4-A for the ability to connect to central utilities. Lee County Utilities would provide water service to the property, and FGUA would provide sewer service. **Adding the subject property to Map 4-A is not inconsistent with Objective 18.3 and Policy 18.3.1.**

It should also be noted that Lee Plan **Objective 4.1** requires all residential development exceeding 2.5 units per acre to connect to water and sewer. To fully realize the density potential of the Outlying Suburban Future Land Use Category, the property owner or applicant would need access to central water and sewer services. Additionally, the subject property is in an area of the county that is subject to a Basin Management Action Plan (BMAP). Under state statute, **FS 163.3177**, amended with **HB 1379** in 2023, local

governments must consider how to extend utilities to residential development that exceeds 1 unit per acre in a BMAP. The proposed future land use map amendment would increase the potential density from one unit per acre to three units per acre. **The proposed incorporation of the subject property into the LCU Future Water Service Area (Map 4-A) is consistent with state statutes regarding utility expansion within a BMAP and Lee Plan Objective 4.1.**

Goal 53, Potable Water Infrastructure, states:

> ***GOAL 53: POTABLE WATER INFRASTRUCTURE****. Provide high-quality central potable water service throughout Lee County. Ensure that the costs of providing facilities is borne by those who benefit from them.*

The applicant is electing to connect to Lee County Utilities' potable water infrastructure. The applicant would be financially responsible for extending the line if the proposed development exceeds the allowances in Standards 4.1.1 and 4.1.2 or connecting to the line when it becomes available. **Policy 53.1.1** states that the LCU service area is illustrated in Map 4-A. The applicant has received a letter from Lee County Utilities dated October 13, 2025, stating that it is able to serve the subject property if included in the Potable Water Future Service Area. **The request to add the subject property to Map 4-A is consistent with Goal 53 and Policy 53.1.1.**

Policy 126.1.4 of the Lee Plan requires that development maintain groundwater levels at or above existing levels. Connecting to the LCU's potable water system will reduce stress on the shallow aquifer typically used for residential wells and help to maintain or improve groundwater levels near the subject property. Therefore, **amending the Lee Plan to allow for connection to LCU's potable water is consistent with Policy 126.1.4.**

PUBLIC FACILITIES AND INFRASTRUCTURE

The subject property is located adjacent to a state-maintained arterial roadway. Utilities do not currently exist at the property; however, private utility expansion for adjacent development is likely. FGUA and LCU have provided letters of availability with the capacity to serve the subject property. LeeTran does not offer public transportation near the subject property. Since no residential density is proposed, Lee County Schools stated they had no objection to the project in a letter dated October 28, 2024.

Applicants for proposed amendments to the Lee Plan are required to provide the information for 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 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 and SR 80 are state-maintained arterials.

Site-specific impacts on public services and the availability of services will be examined in any future development applications for construction on the impacted site.

- Sewer: FGUA provided a letter dated March 14, 2025, stating their ability to provide wastewater disposal for the subject property. There is a 16-inch sewer force main at Bayshore and Bay Pointe Blvd.

- Water: Lee County Utilities provided a letter dated October 13, 2025, stating that it is able to serve the subject property.
- Fire: Bayshore Fire District, located at 17350 Nalle Rd, provides fire and rescue services to this site. According to a letter dated June 25, 2025, the Bayshore Fire District is capable of providing services to the proposed development.
- Emergency Medical Services: Public Safety, via a letter dated November 25, 2024, stated there is one ambulance located 5.3 miles from the property and an additional four within ten miles. EMS service availability for the proposed development of this property is adequate at this time.
- Police: According to a letter from the Lee County Sheriff's Office, dated October 22, 2024, the amendment will not affect the Agency's ability to provide law enforcement services.
- Solid Waste: According to a letter from Lee County's Solid Waste Department, dated November 22, 2024, solid waste is not opposed to the proposed amendment.

CONCLUSIONS

Staff has reviewed the proposed amendment and provides the following conclusions:

- The Future Land Use Map amendment to Outlying Suburban is consistent with the Bayshore Community Plan Area.
- The request to add the property to Map 4-A is not inconsistent with the Community Plan Area or the public facilities element.
- The Future Land Use Map Amendment is not out of character with the surrounding properties and development.
- The applicant has provided all of the required documentation for the proposed amendments according to AC 13-6.

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: October 27, 2025

A. LOCAL PLANNING AGENCY REVIEW

The applicant's representatives provided a presentation addressing the requested amendments, the subject property, surrounding uses, and consistency with the Lee Plan.

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

Members of the LPA inquired about the SR 31 expansion, access to the property, how many individuals showed up at the community meeting, the pending Code Enforcement actions on the property, clarification on the property's proximity to the DR/GR future land use category, the proposed utility expansion, and the applicant's intended use of the property.

No members of the public were present.

B. LOCAL PLANNING AGENCY RECOMMENDATION

A motion was made to recommend that the Board of County Commissioners (BoCC) ***transmit*** CPA2024-00017. The motion passed 7 to 0.

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

C. STAFF RECOMMENDATION

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

PART 3
BOARD OF COUNTY COMMISIONERS
TRANSMITTAL HEARING

DATE OF PUBLIC HEARING: December 3, 2025

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendment, which included LPA and staff recommendations, as well as an overview of the proposed amendment, the Lee Plan, and other county regulatory consistency.

One member of the public addressed the BoCC concerning the proposed amendments. Concerns addressed included compatibility with adjacent civic uses and the coastal high hazard area.

One member of the BoCC asked for clarification about what staff reviews during the comprehensive plan amendment process and what future processes would be required before development could occur on the property.

B. BOARD ACTION:

A motion was made to ***transmit*** CPA2024-00017 as recommended by staff and the LPA. The motion passed 4 to 0.

MOTION DETAILS

BRIAN HAMMAN	**AYE**
CECIL PENDERGRASS	**AYE**
DAVID MULICKA	**AYE**
KEVIN RUANE	**AYE**
VACANT	

PART 4
STATE REVIEWING AGENCIES
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS

Comments from the State Reviewing Agencies were due to Lee County by February 5, 2026.

A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS

Lee County received responses from the following review agencies addressing the transmitted amendment:

- Florida Department of Commerce
- Florida Department of Transportation

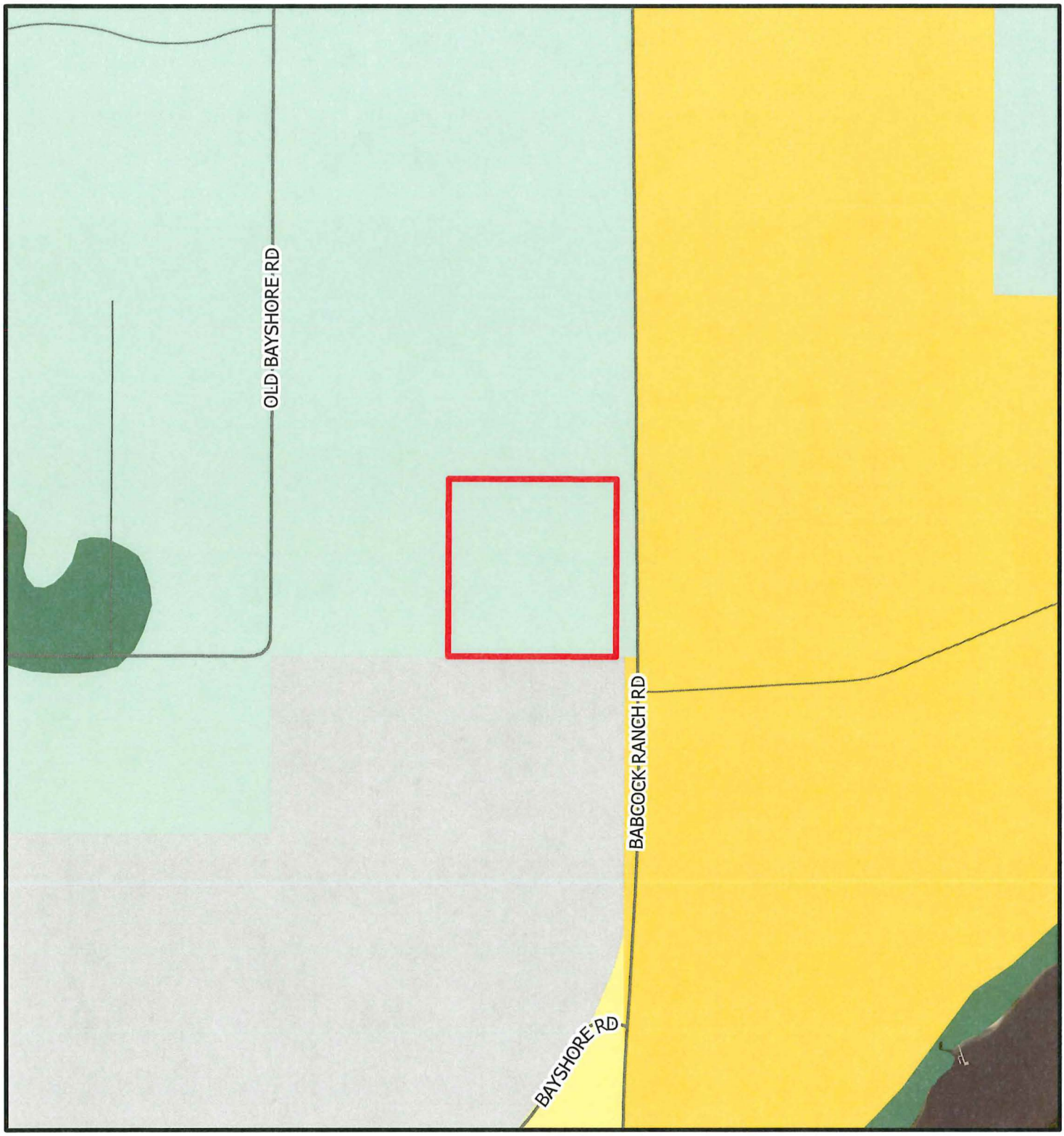
There were **no comments or objections** concerning the proposed amendments.

B. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners ***adopt*** the amendments to the Lee Plan as transmitted and as provided in Attachment 1.

ATTACHMENT 1

- **Map 1A Existing Future Land Use Map**
- **Map 1A Proposed Future Land Use Map**
- **Map 4A Future Water Service Areas**



CPA2024-00017

Existing Future Land Use

(Map 1-A)

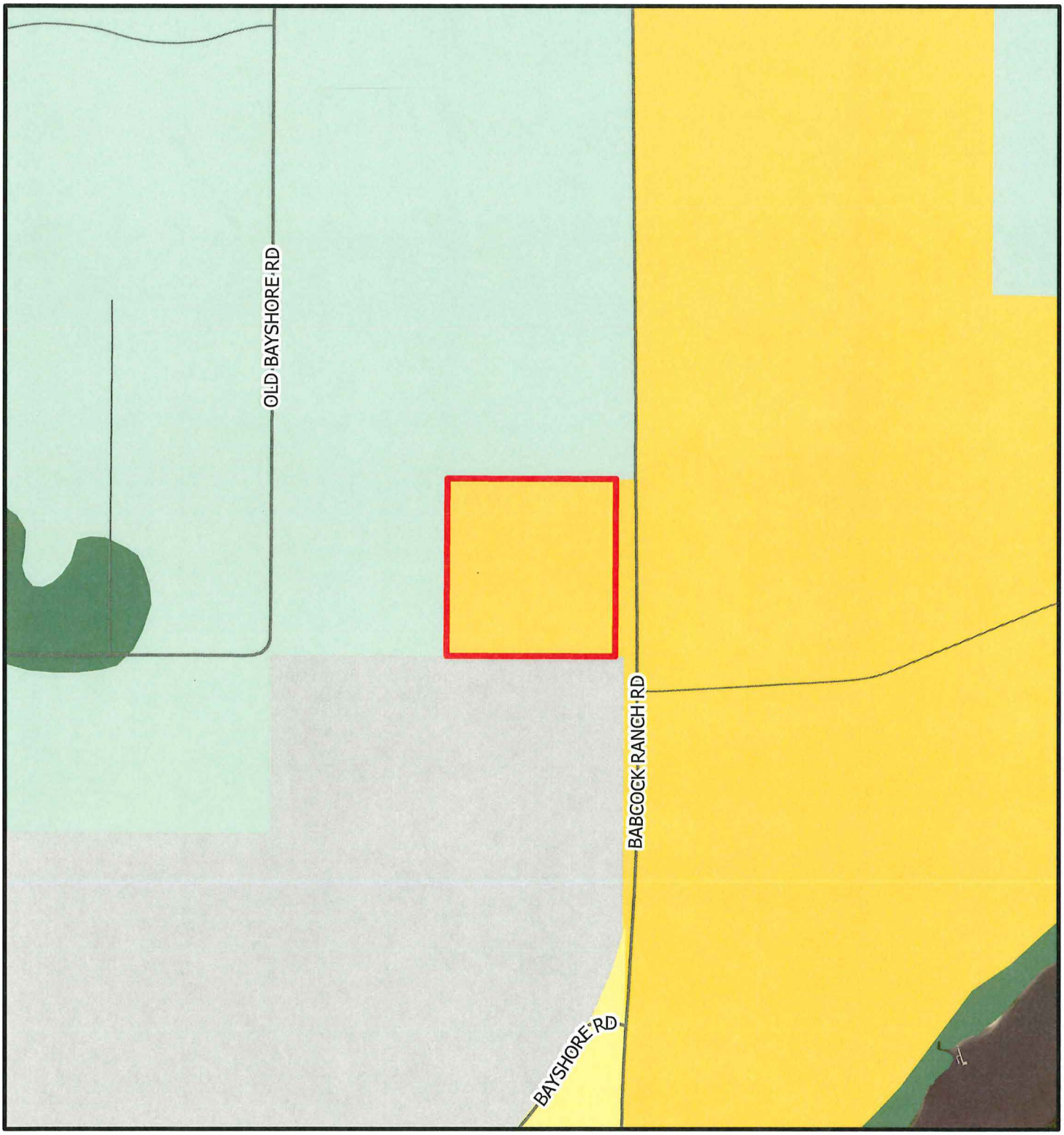
Subject Property
Outlying Suburban
Sub-Outlying Suburban
Public Facilities
Rural
Wetlands

N
W E
S

0 1,000
Feet

Lee County
Southwest Florida

Map Generated: October 2025



CPA2024-00017

Proposed Future Land Use

(Map 1-A)

Subject Property
Outlying Suburban
Sub-Outlying Suburban
Public Facilities
Rural
Wetlands

N
W
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0 1,000
Feet

Lee County
Southwest Florida

Map Generated: October 2025



CPA2024-00017

Future Water Service Areas

(Map 4-A)

Subject Property

Existing Future Water Service Areas

Proposed Future Water Service Areas

N
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S

0 1,000

Feet

Lee County
Southwest Florida

Map Generated: October 2025

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SR 31 CIVIC 10 Map Amendments

CPA2024-00017

Completed Application (EXHIBIT M1)

RECEIVED
OCT 08 2025
COMMUNITY DEVELOPMENT

Lee County Community Development

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

Project Name: SR 31 Civic 10

Project Description: Proposal to amend Lee Plan Maps as follows: Map 1-A - to change the Future Land Use Category from Rural to Outlying Suburban for the subject Property, and Map 4-A to designate the Property in the Lee County Utilities (LCU) services area to connect to centralized potable water

Plan Table 1(b) to maintain consistency.

Map(s) to Be Amended: Lee Plan Map 1-A & Map 4-A

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

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1. **Name of Applicant:** Mario's Painting of South Florida, Inc. c/o Mario Pena
   Address: 6803 Lake Worth Road, Suite 210
   City, State, Zip: Greenacres, FL 33467
   Phone Number: 239-633-0483 E-mail: mario@gomarios.com

2. **Name of Contact:** Ben Smith, AICP & Richard Akin, Esq.
   Address: Morris-Depew Associates, 2914 Cleveland Ave. & Henderson, Franklin, Starnes & Holt, P.A., 1715 Monroe St.
   City, State, Zip: Fort Myers, FL, 33901
   Phone Number: 239-337-3993 & 239-344-1182 E-mail: Bsmith@m-da.com & Richard.Akin@henlaw.com

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

4. **Property Location:**
   1. Site Address: 18031/041 State Road 31
   2. STRAP(s): 13-43-25-00-00009.0000

5. **Property Information:**
   Total Acreage of Property: 9.58 Total Acreage Included in Request: 9.58
   Total Uplands: 4.86 Total Wetlands: 4.72 Current Zoning: AG-2
   Current Future Land Use Category(ies): Rural
   Area in Each Future Land Use Category: 9.58
   Existing Land Use: Residential

6. **Calculation of maximum allowable development under current Lee Plan:**
   Residential Units/Density: 10 Commercial Intensity: N/A Industrial Intensity: N/A

7. **Calculation of maximum allowable development with proposed amendments:**
   Residential Units/Density: 29 Commercial Intensity: 100,000 sq ft Industrial Intensity: N/A

Public Facilities Impacts

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

1. **Traffic Circulation Analysis**: The analysis is intended to determine the 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 range improvements
g Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water

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

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

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

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

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

Environmental Impacts

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

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

Impacts on Historic Resources

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

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

Internal Consistency with the Lee Plan

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

State Policy Plan and Regional Policy Plan

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

Justify the proposed amendment based upon sound planning principles

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

Planning Communities/Community Plan Area Requirements

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

Sketch and Legal Description

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

SUBMITTAL REQUIREMENTS

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

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

MINIMUM SUBMITTAL ITEMS (3 Copies)

x	Completed Application (Exhibit – M1)
■	Disclosure of Interest (Exhibit – M2)
■	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)
■	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)
■	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)
■	Aerial Map Showing the Subject Property and Surrounding Properties (Exhibit – M9)
x	Authorization Letter From the Property Owner(s) Authorizing the Applicant to Represent the Owner (Exhibit – M10)
■	Proposed Amendments (Exhibit – M11)
x	Lee Plan Analysis (Exhibit – M12)
■	Environmental Impacts Analysis (Exhibit – M13)
■	Historic Resources Impact Analysis (Exhibit – M14)
x	Public Facilities Impacts Analysis (Exhibit – M15)
x	Traffic Circulation Analysis (Exhibit – M16)
■	Existing and Future Conditions Analysis - Sanitary Sewer, Potable Water, Surface Water/Drainage Basins, Parks and Rec, Open Space, Public Schools (Exhibit – M17)
■	Letter of Determination For the Adequacy/Provision of Existing/Proposed Support Facilities - Fire Protection, Emergency Medical Service, Law Enforcement, Solid Waste, Mass Transit, Schools (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.

ADDITIONAL AGENTS

Company Name:	TR Transportation Consultants, Inc.		
Contact Person:	Ted Treesh		
Address:	2726 Oak Ridge Court, Suite 503		
City, State, Zip:	Fort Myers, FL 33901		
Phone Number:	239-278-3090	Email:	tbt@trtrans.net

Company Name:	TR Transportation Consultants, Inc.		
Contact Person:	Yury Bykau		
Address:	2726 Oak Ridge Court, Suite 503		
City, State, Zip:	Fort Myers, FL 33901		
Phone Number:	239-278-3090	Email:	yury@trtrans.net

Company Name:	Owen Environmental Consulting, LLC		
Contact Person:	Paul K. Owen, M.S., P.W.S.		
Address:	15957 Tropical Breeze Drive		
City, State, Zip:	Fort Myers, FL 33908		
Phone Number:	239-994-9007	Email:	powen@owenenv.com

Company Name:	Morris-Depew Associates, Inc.		
Contact Person:	Ryan Shute, P.E.		
Address:	2914 Cleveland Ave.		
City, State, Zip:	Fort Myers, FL 33901		
Phone Number:	239-337-3993	Email:	RShute@m-da.com

Company Name:	Morris-Depew Associates Inc.		
Contact Person:	Lindsay F. Rodriguez, MPA, AICP		
Address:	2914 Cleveland Ave.		
City, State, Zip:	Fort Myers, FL 33901		
Phone Number:	239-337-3993	Email:	LRodriguez@m-da.com

Company Name:	Henderson, Franklin, Starnes & Holt, P.A.		
Contact Person:	Richard Akin		
Address:	1715 Monroe Street		
City, State, Zip:	Fort Myers, FL 33901		
Phone Number:	239-344-1182	Email:	Richard.Akin@henlaw.com

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SR 31 CIVIC 10 Map Amendments

CPA2024-00017

Disclosure of Interest (EXHIBIT M2)

DISCLOSURE OF INTEREST
AFFIDAVIT

BEFORE ME this day appeared MARIO PENA, 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 18031/041 STATE ROAD 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
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.

Property Owner

MARIO PENA, PROPERTY OWNER
Print Name

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

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on 7/18/2024 (date) by MARIO PENA (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Signature of Notary Public

STAMP/SEAL

ALEXANDRIA DAVILA
Notary Public - State of Florida
Commission # HH 44 718
My Comm. Expires Sep 7, 2027
Bonded through National Notary Assn.

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SR 31 CIVIC 10 Map Amendments

CPA2024-00017

Surrounding Property Owners List, Mailing Labels, and Map For All Parcels Within 500 Feet of the Subject Property (EXHIBIT M3)

FOUR R EQUIPMENT LLC
3701 SW 128TH AVE
MIRAMAR FL 33027

8 AVENUE LLC
PO BOX 366748
BONITA SPRINGS FL 34136

WESTCOTT TERRENCE P TR
18090 OLD BAYSHORE RD
NORTH FORT MYERS FL 33917

KENDRICK JEAN D
18160 OLD BAYSHORE RD
NORTH FORT MYERS FL 33917

GRIJALVA MANUEL
18120 OLD BAYSHORE RD
NORTH FORT MYERS FL 33917

QUINTERO GLADYS
18050 OLD BAYSHORE RD
NORTH FORT MYERS FL 33917

LILJEGREN JUSTIN N +
17903 OAKMONT RIDGE CIR
FORT MYERS FL 33967

HAGMANN DANIELLE
18221 SLATER RD
NORTH FORT MYERS FL 33917

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

GUMINIAK JEFFREY A TR
12241 OLD RODEO DR
ALVA FL 33920

WINTER KEVIN J & LISA A +
12251 OLD RODEO DR
ALVA FL 33920

SINGLETARY STEVE R + HEIDI L L
18200 STATE ROAD 31
ALVA FL 33920

VALNICK ENTERPRISE LLC
CALLE PETUNIA K4
SAN JUAN PR 00927

3-1B LLC
4500 PGA BLVD STE 400
PALM BEACH GARDENS FL 33418

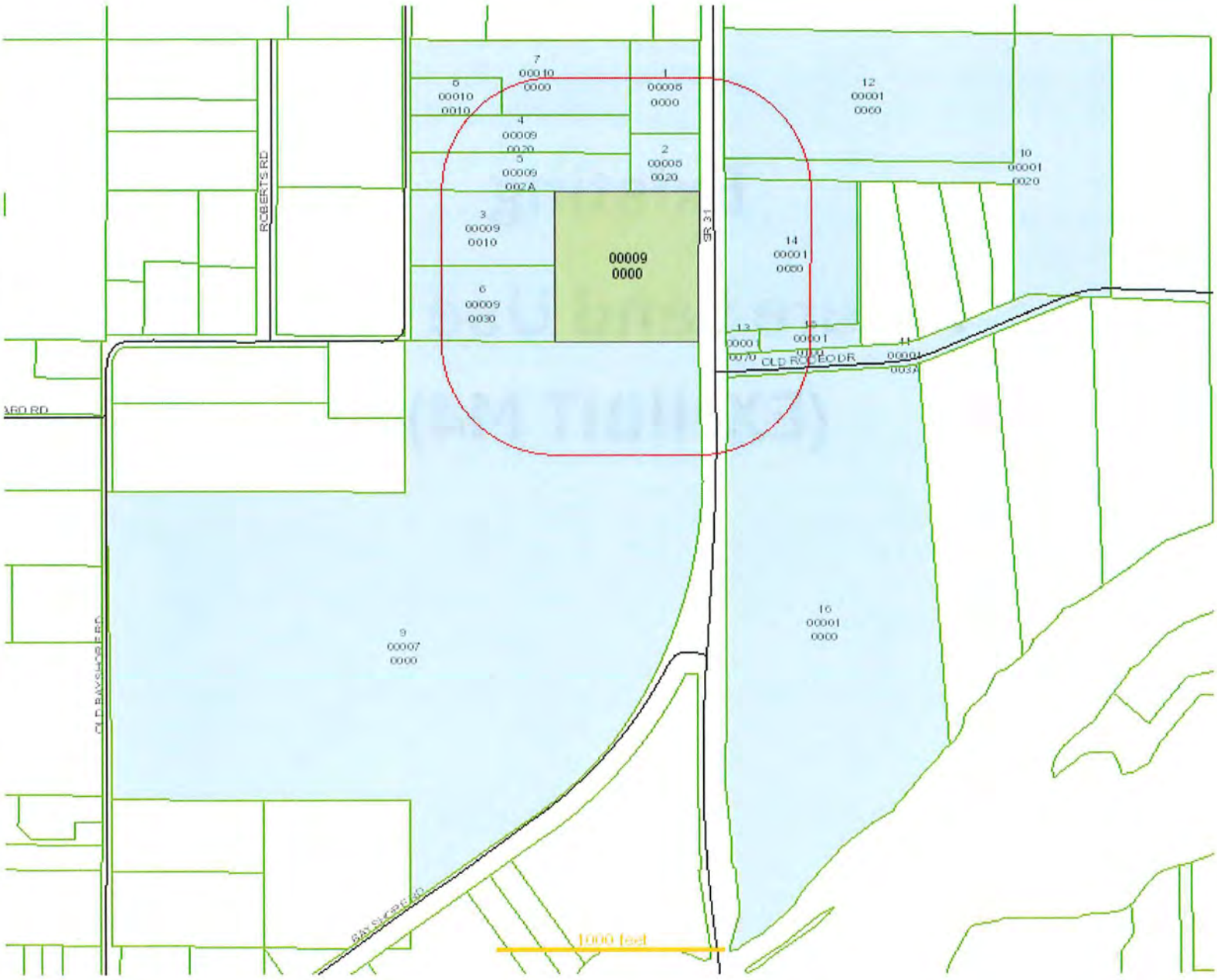
HAMPTON TONYA +
12181 OLD RODEO DR
ALVA FL 33920

S W FL1B LLC
4500 PGA BLVD STE 400
PALM BEACH GARDENS FL 33418

Subjects: 1 Affected: 1 Buffer: 500 Date: 7/2/. List Size: 17

Index	Subject	FolioId	STRAP	OwnerNam	OwnerNam	MailAddres	MailAddres	MailCity	MailState	MailZip	MailCountr	SiteNumbe	SiteStreet
0	TRUE	10237586	13-43-25-0	MARIOS PAINTING OF S		15855 BARNSTORMER		WELLINGT(	FL	33414		18031/041	STATE ROAI
1	FALSE	10237578	13-43-25-0	FOUR R EQUIPMENT LL		3701 SW 128TH AVE		MIRAMAR	FL	33027		18191	STATE ROAI
2	FALSE	10237585	13-43-25-0	8 AVENUE LLC		PO BOX 366748		BONITA SPI	FL	34136		18141	STATE ROAI
3	FALSE	10237587	13-43-25-0	WESTCOTT TERRENCE		18090 OLD BAYSHORE		NORTH FOI	FL	33917		18090	OLD BAYSH
4	FALSE	10237588	13-43-25-0	KENDRICK JEAN D		18160 OLD BAYSHORE		NORTH FOI	FL	33917		18160	OLD BAYSH
5	FALSE	10237589	13-43-25-0	GRIJALVA MANUEL		18120 OLD BAYSHORE		NORTH FOI	FL	33917		18120	OLD BAYSH
6	FALSE	10440255	13-43-25-0	QUINTERO GLADYS		18050 OLD BAYSHORE		NORTH FOI	FL	33917		18050	OLD BAYSH
7	FALSE	10237590	13-43-25-0	LILJEGREN JUSTIN N +		17903 OAKMONT RIDG		FORT MYEF	FL	33967		18220	OLD BAYSH
8	FALSE	10237591	13-43-25-0	HAGMANN DANIELLE		18221 SLATER RD		NORTH FOI	FL	33917		18190	OLD BAYSH
9	FALSE	10239070	24-43-25-0	LEE COUNTY		PO BOX 398		FORT MYEF	FL	33902		11831	BAYSHORE
10	FALSE	10297506	18-43-26-0	GUMINIAK JEFFREY A T		12241 OLD RODEO DR		ALVA	FL	33920		12241	OLD RODE(
11	FALSE	10591062	18-43-26-0	WINTER KEVIN J & LISA		12251 OLD RODEO DR		ALVA	FL	33920			RIGHT OF V
12	FALSE	10444069	18-43-26-0	SINGLETARY STEVE R +		18200 STATE ROAD 31		ALVA	FL	33920		18200	STATE ROAI
13	FALSE	10462784	18-43-26-0	VALNICK ENTERPRISE I		CALLE PETUNIA K4		SAN JUAN	PR	927		18030	STATE ROAI
14	FALSE	10500854	18-43-26-0	3-1B LLC		4500 PGA BLVD STE 40		PALM BEAC	FL	33418		18100	STATE ROAI
15	FALSE	10520789	18-43-26-0	HAMPTON TONYA +		12181 OLD RODEO DR		ALVA	FL	33920			ACCESS UN
16	FALSE	10297513	19-43-26-0	S W FL1B LLC		4500 PGA BLVD STE 40		PALM BEAC	FL	33418		17800	STATE ROAI

SiteUnit	SiteCity	SiteZip	Legal
) 31	NORTH FOI	33917	SE 1/4 OF SE 1/4 OF SE 1/4
) 31	NORTH FOI	33917	E 1/2 OF NE 1/4 OF SE 1/4<CR>OF SE 1/4 LESS THE S 250<CR>FT
) 31	NORTH FOI	33917	THE S 250 FT OF THE E 1/2<CR>OF NE 1/4 OF SE 1/4 OF<CR>SE 1/4 LESS R/W SR 31
IORE RD	NORTH FOI	33917	N 1/2 OF THE <CR>SW 1/4 OF SE 1/4 OF SE 1/4<CR>LESS RD R/W
IORE RD	NORTH FOI	33917	A PARL OF LAND IN N 1/2 OF<CR>S 1/2 OF SE 1/4 OF SE 1/4<CR>AS DESC IN OR 0650 PG 0406
IORE RD	NORTH FOI	33917	A PARL OF LAND IN S 1/2 OF<CR>S 1/2 OF SE 1/4 OF SE 1/4<CR>AS DESC IN OR 0617 PG 0163
IORE RD	NORTH FOI	33917	S 1/2 OF SW 1/4 OF <CR>SE 1/4 OF SE 1/4 <CR>LESS RD R/W
IORE RD	NORTH FOI	33917	PARL IN S E 1/4 OF S E 1/4 SEC 13 T 43 R 25 AS DESC IN OR 1234 PG 0517 + PORT DESC IN OR 1354 PG 719
IORE RD	NORTH FOI	33917	W 425 FT OF S 1/2 OF N 1/2 OF<CR>NW 1/4 OF SE 1/4 OF SE 1/4<CR>OR 2146/1931 LESS R/W
RD	NORTH FOI	33917	PARL IN E 1/2 SEC 24 E<CR>OF OLD BAYSHORE RD N<CR>OF SR-78
) DR	ALVA	33920	PARC IN S 1/2 OF SW 1/4<CR>DESC OR 2625/1528 + INST#2006-51208<CR>LESS 3408/3769 + INST#2006-51228
VAY	ALVA		PARC IN S1/2 OF SE1/4 DESC<CR>OR 2626/0083 LESS 2019-84518
) 31	ALVA	33920	PARL LOC IN THE W 1/2 <CR>OF THE W 1/2 OF THE <CR>SW 1/4 AS DESC IN <CR>OR 2974 PG 2172
) 31	ALVA	33920	PARC IN S 1/2 OF SW 1/4 OF <CR>SEC AS DESC IN OR 3408 PG 3769
) 31	ALVA	33920	W 1/2 OF S 1/2 OF SW 1/4 AS DESC IN OR 4619/4509 <CR>LESS INST 2006-51208
JDETERMIN	ALVA		PARL IN S 1/2 OF SW 1/4 OF<CR>AS DESC INST 2006000051228<CR>LESS INST#2008000194390 + 2008000194392
) 31	ALVA	33920	ALL FRAC W1/2 N OF RVR LES<CR>RD R/W +1.001 THRU 1.004


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SR 31
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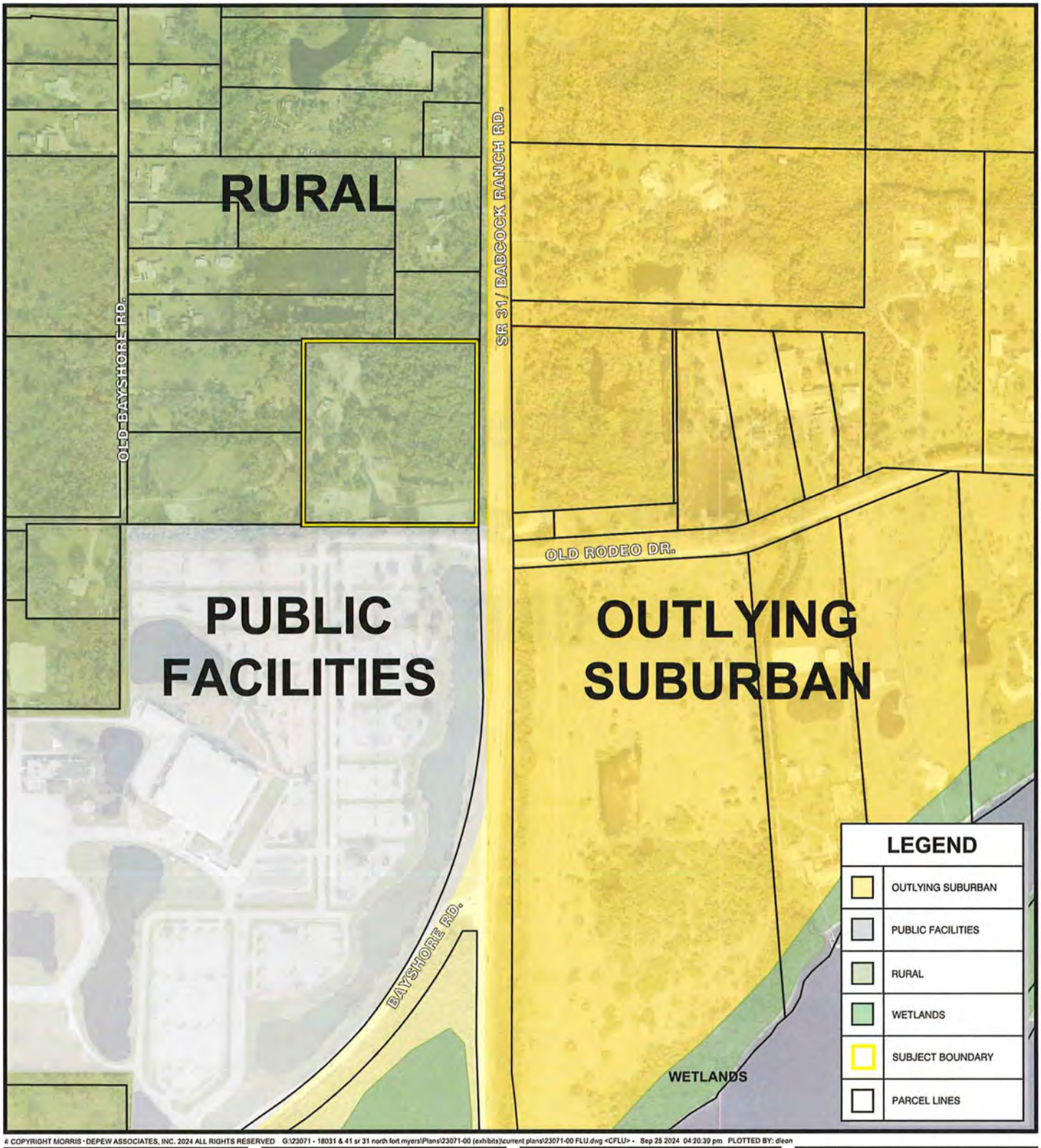
SR 31 CIVIC 10 Map Amendments

CPA2024-00017

Existing

Future Land Use Map

(EXHIBIT M4)



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PROJECT:

SR 31 CIVIC 10

LOCATION:

18031/41 SR 31
NORTH FORT MYERS

CONSULTANT:

MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL CA NO 6532 / FL CERT NO LB6891 / LC26000330

Fort Myers
2914 Cleveland Avenue
Fort Myers, Florida 33901
(239) 337-3993
Fax: (239) 337-3994
Toll free: 866-337-7341

Tallahassee
113 South Monroe Street
1st Floor
Tallahassee, Florida 32301
Toll free: 866-337-7341

Destin
5597 Highway 98
Unit 201
Santa Rosa Beach, Florida 32459
Toll free: 866-337-7341

CLIENT:

Restoration GROUP INC.
LIC# CGC1515991

500 0 250 500
SCALE 1"=500'

PROJECT MANAGER:	BS
DRAWING BY:	DGL
JURISDICTION:	LEE COUNTY
DATE:	9/25/2024
SHEET TITLE:	CURRENT FUTURE LAND USE
SHEET NUMBER:	EX-M4
JOB/FILE NUMBER:	23071

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Map and Description of Existing Land Uses (EXHIBIT M5)



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PROJECT:

SR 31 CIVIC 10

LOCATION:

18031/41 SR 31
NORTH FORT MYERS

CONSULTANT:

MORRIS DEPEW

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LANDSCAPE ARCHITECTS
FL CA NO. 6532 / FL CERT NO. L86891 / LC26000330

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Fort Myers, Florida 33901
(239) 337-3993
Fax: (239) 337-3994
Toll free: 866-337-7341

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Tallahassee, Florida 32301
Toll free: 866-337-7341

Destin
5597 Highway 98
Unit 201
Santa Rosa Beach, Florida 32459
Toll free: 866-337-7341

CLIENT:

Restoration GROUP INC.
UCK CGC1515991

N

0 250 500

SCALE 1"=500'

PROJECT MANAGER:	BS
DRAWING BY:	DGL
JURISDICTION:	LEE COUNTY
DATE:	9/25/2024
SHEET TITLE:	SURROUNDING LAND USE MAP
SHEET NUMBER:	EX-M5
JOB/FILE NUMBER:	23071

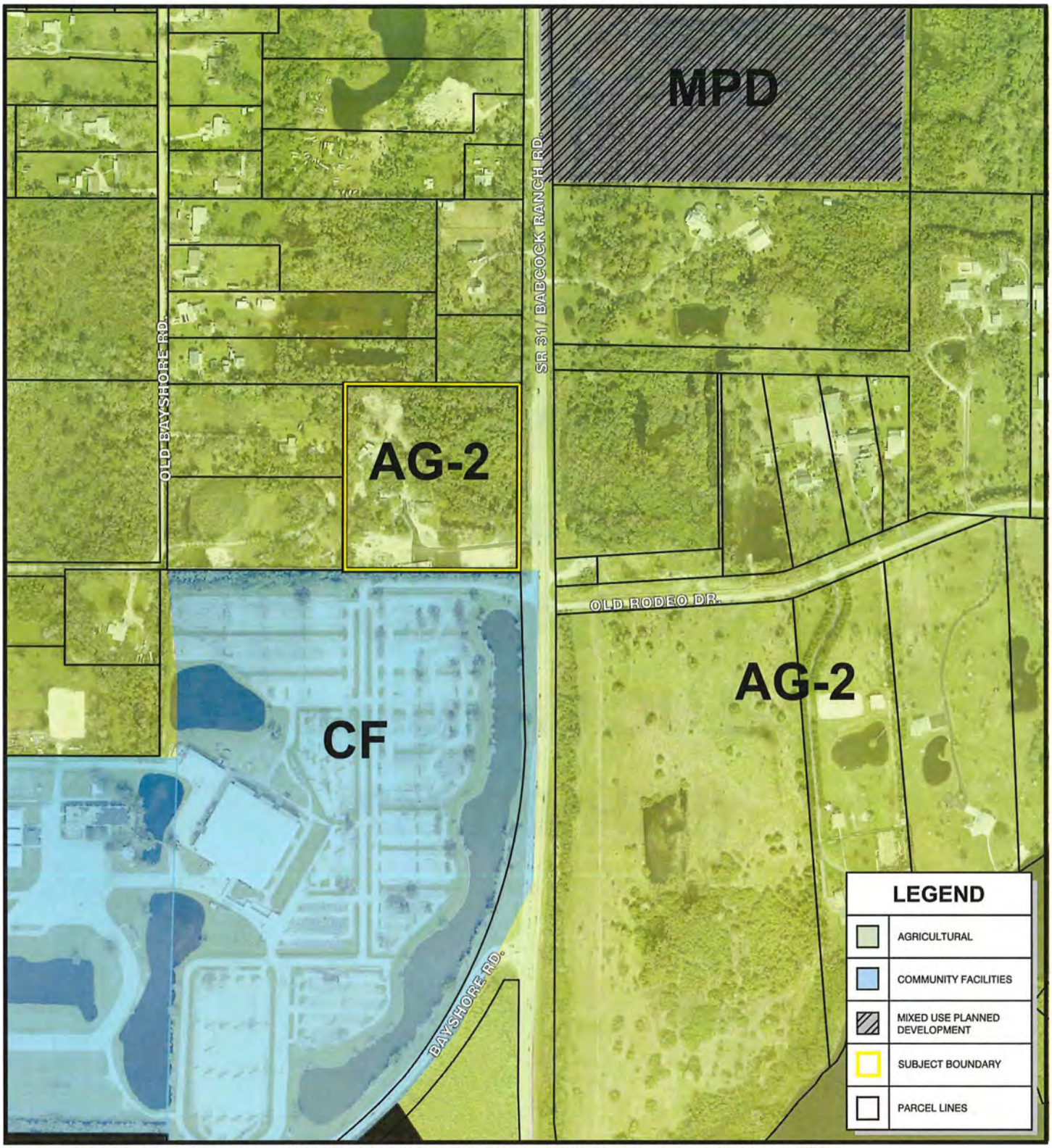
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SR 31 CIVIC 10 Map Amendments

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Map and Description of Existing Zoning of the Subject Property and Surrounding Properties (EXHIBIT M6)



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PROJECT:

SR 31 CIVIC 10

LOCATION:

18031/41 SR 31
NORTH FORT MYERS

CONSULTANT:

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Tallahassee, Florida 32301
Toll free: 866-337-7341

Destin
5597 Highway 98
Unit 201
Santa Rosa Beach, Florida 32459
Toll free: 866-337-7341

CLIENT:

Restoration GROUP INC.
LIC# CGC1515304

500 0 250 500
SCALE 1"=500'

PROJECT MANAGER:	BS
DRAWING BY:	DGL
JURISDICTION:	LEE COUNTY
DATE:	9/25/2024
SHEET TITLE:	CURRENT ZONING MAP
SHEET NUMBER:	EX-M6
JOB/FILE NUMBER:	23071

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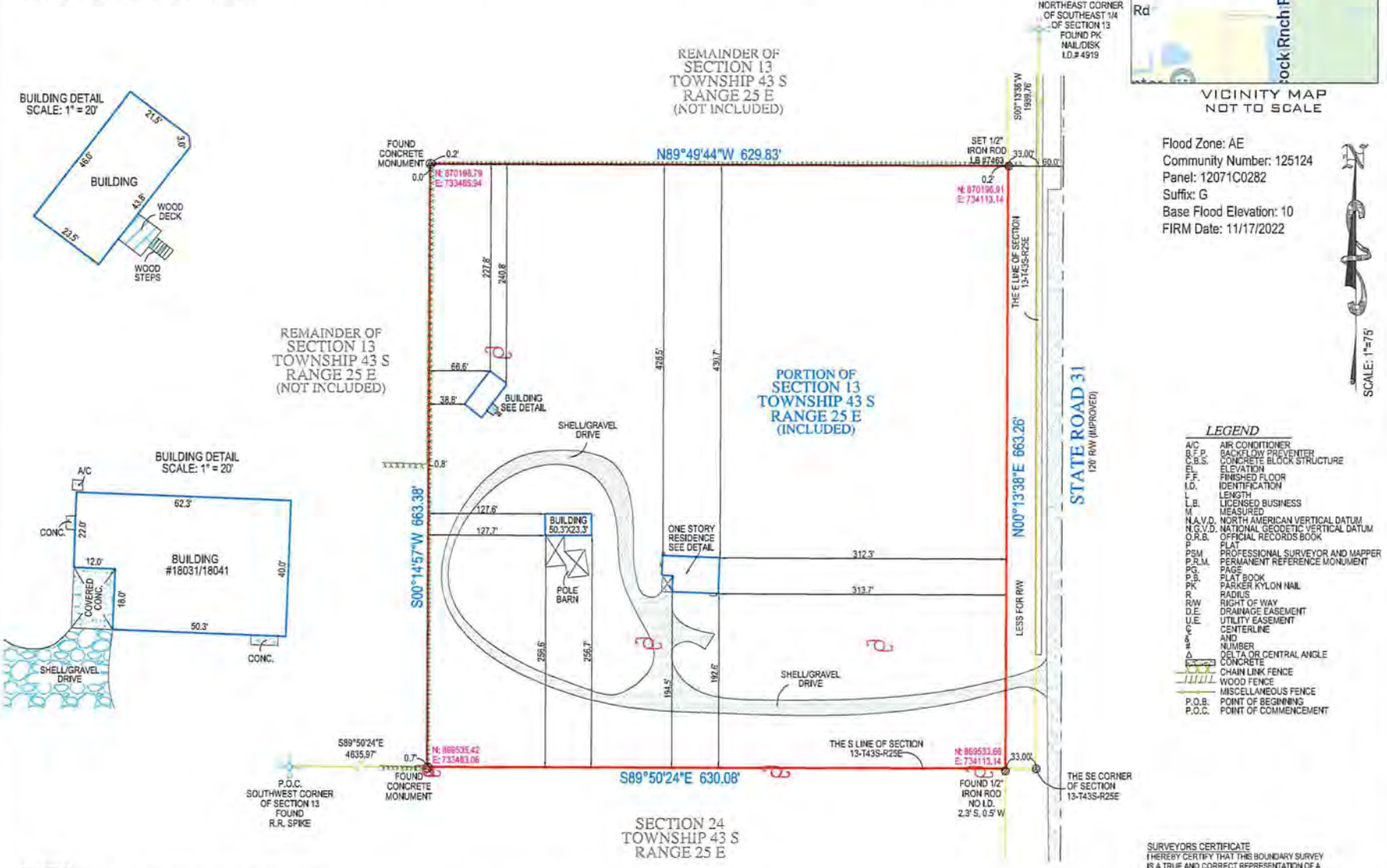
SR 31 CIVIC 10 Map Amendments

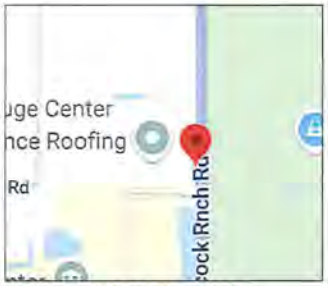
CPA2024-00017

Signed/Sealed Legal Description and Sketch of the Description for Each FLUC Proposed (EXHIBIT M7)

LEGAL DESCRIPTION

AN UNDIVIDED 1/4 INTEREST IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LESS ROAD RIGHT OF WAY, PUBLIC RECORDS OF LEE COUNTY, FL. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13; THENCE RUN SOUTH 89°50'24" EAST, ALONG THE SOUTH LINE OF SECTION 13, FOR A DISTANCE OF 4635.97 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°50'24" EAST, FOR A DISTANCE OF 630.08 FEET; THENCE RUN NORTH 00°13'38" EAST, FOR A DISTANCE OF 663.26 FEET; THENCE RUN NORTH 89°49'44" WEST, FOR A DISTANCE OF 629.83 FEET; THENCE RUN SOUTH 00°14'57" WEST, FOR A DISTANCE OF 663.38 FEET TO THE POINT OF BEGINNING.





Flood Zone: AE
Community Number: 125124
Panel: 12071C0282
Suffix: G
Base Flood Elevation: 10
FIRM Date: 11/17/2022

LEGEND

A/C	AIR CONDITIONER
B.F.P.	BACKFLOW PREVENTER
C.B.S.	CONCRETE BLOCK STRUCTURE
EL.	ELEVATION
F.F.	FINISHED FLOOR
I.D.	IDENTIFICATION
L	LENGTH
L.B.	LICENSED BUSINESS
M	MEASURED
N.A.V.D.	NORTH AMERICAN VERTICAL DATUM
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM
O.R.B.	OFFICIAL RECORDS BOOK
P	PLAT
PSM	PROFESSIONAL SURVEYOR AND MAPPER
P.R.M.	PERMANENT REFERENCE MONUMENT
PG.	PAGE
P.B.	PLAT BOOK
PK	PARKER KYLON NAIL
R	RADIUS
R/W	RIGHT OF WAY
D.E.	DRAINAGE EASEMENT
U.E.	UTILITY EASEMENT
℄	CENTERLINE
&	AND
#	NUMBER
Δ	DELTA OR CENTRAL ANGLE
	CONCRETE
	CHAIN LINK FENCE
	WOOD FENCE
	MISCELLANEOUS FENCE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT

NOTES:

1. LEGAL DESCRIPTION CREATED BY COMPASS SURVEYING
2. NO SEARCH OF THE PUBLIC RECORD FOR THE PURPOSE OF ABSTRACTING TITLE WAS PERFORMED BY THIS OFFICE
3. NO SUBSURFACE IMPROVEMENTS WERE LOCATED AS PART OF THIS SURVEY
4. ALL ANGLES OR BEARINGS AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED
5. SOME FEATURES MAY NOT BE AT SCALE IN ORDER TO SHOW DETAIL.
6. THE BEARINGS SHOWN HEREON ARE BASED UPON THE EASTERLY PROPERTY LINE, HAVING A BEARING OF S00°13'38"W.

DATE OF FIELD WORK: 03/18/2025
DATE OF MAP: 03/20/2025

SURVEYORS CERTIFICATE
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

(SIGNED)
DAVID G CUTLER
PROFESSIONAL SURVEYOR AND MAPPER #6593

BOUNDARY SURVEY OF
18031 AND 18041 STATE ROAD 31
NORTH FORT MYERS, FL 33917
PREPARED FOR:
MARIO PENA

Project	Sheet
C-679356	1 OF 1
Date: 03/18/2025	
Scale: 1"=75'	

COMPASS SURVEYING
6250 N. MILITARY TRAIL SUITE 102
WEST PALM BEACH, FL 33407
PHONE: 561.640.4800
FAX: 561.640.0576
WWW.COMPASSSURVEYING.NET
LB #7463

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SR 31 CIVIC 10 Map Amendments

CPA2024-00017

Copy of the Deed(s) of the Subject Property (EXHIBIT M8)

INSTR. # 2023000295927, Doc Type D, Pages 5, Recorded 9/7/2023 at 10:36 AM, Deputy Clerk LAMBROSIO ERECORD
Rec Fees: $44.00 Deed Doc: $6,300.00

Prepared by and return to:
Heather Collins
Title Group of Fort Myers, Ltd.
7910 Summerlin Lakes Drive
Fort Myers, FL 33907
(239) 454-6644
File No 23-9602
Parcel Identification No 13-43-25-00-00009.0000

[Space Above This Line For Recording Data]

WARRANTY DEED

(STATUTORY FORM – SECTION 689.02, F.S.)

This indenture made the 5 **day of September, 2023** between **Michael A. Coburn and Kathleen C. Coburn, husband and wife, Stephen L. Gilbert, and Larry McVey,** whose post office addresses are: **12649 Fourth Street, Fort Myers, FL 33905, PO Box 491 210 Prairie Street, Mansfield, IL 61854 and 8207 County Road 5090, West Plains, MO 65775,** respectively, Grantors, to **Mario's Painting of South Florida, Inc., a Florida Corporation,** whose post office address is **15855 Barnstormer Court, Wellington, FL 33414,** of the County of Palm Beach, State of Florida, Grantee:

Witnesseth, that said Grantors, for and in consideration of the sum of TEN DOLLARS (U.S.$10.00) and other good and valuable considerations to said Grantors 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, Florida, to-wit:

The Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 13, Township 43 South, Range 25 East, Less road right-of-way, Lee County, Florida.

Grantors warrant that at the time of this conveyance, the subject property is not the Grantors' homestead within the meaning set forth in the constitution of the State of Florida, nor is it contiguous to or a part of a homestead property. Grantors' residence and homestead address is: 12649 Fourth Street, Fort Myers, FL 33905, PO Box 491 210 Prairie Street, Mansfield, IL 61854 and 8207 County Road 5090, West Plains, MO 65775, respectively.

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

Subject to taxes for 2023 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any.

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

And Grantors hereby covenant with the Grantee that the Grantors are lawfully seized of said land in fee simple, that Grantors have good right and lawful authority to sell and convey said land and that the Grantors hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

NotaryCam Doc ID: 90044823-a9c6-437d-a22c-3fb19e60630b

In Witness Whereof, Grantors have hereunto set Grantors' hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

WITNESS
PRINT NAME: Debra C. Pikula

Michael A. Coburn

WITNESS
PRINT NAME: Heather Collins

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me by means of (✓) physical presence or ( ) online notarization this 6th day of September, 2023, by Michael A. Coburn.

Signature of Notary Public
Print, Type/Stamp Name of Notary

DEBRA C. PIKULA
MY COMMISSION EXPIRES
04-21-2027
NOTARY PUBLIC
COMM. # HH 364928
STATE OF FLORIDA

Personally Known: _____ OR Produced Identification: ✓
Type of Identification Produced: FL Drivers License(s)

In Witness Whereof, Grantors have hereunto set Grantors' hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

WITNESS
PRINT NAME: Erika Kenderdine

WITNESS
PRINT NAME: Joshua A. Wickersham

Kathleen C. Coburn
Kathleen C. Coburn

STATE OF Pennsylvania
COUNTY OF Luzerne

The foregoing instrument was acknowledged before me by means of (✓) physical presence or ( ) online notarization this 2nd day of September, 2023, by Kathleen C. Coburn.

Jessica Seferyn
Signature of Notary Public
Print, Type/Stamp Name of Notary

Commonwealth of Pennsylvania - Notary Seal
JESSICA SEFERYN - Notary Public
Luzerne County
My Commission Expires April 24, 2027
Commission Number 1351290

Personally Known: _____ OR Produced Identification: ✓
Type of Identification
Produced: Florida driver's license

In Witness Whereof, Grantors have hereunto set Grantors' hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Shirley A Dammerman
WITNESS
PRINT NAME: SHIRLEY DAMMERMAN

Deandre Reed
WITNESS
PRINT NAME: Deandre Reed

Stephen L. Gilbert

STATE OF ILLINOIS
COUNTY OF CHAMPAIGN

The foregoing instrument was acknowledged before me by means of ( ) physical presence or ( ) online notarization this 1st day of September, 2023, by Stephen L. Gilbert.

Shirley A Dammerman
Signature of Notary Public
Print, Type/Stamp Name of Notary

SHIRLEY A DAMMERMAN
Official Seal
Notary Public - State of Illinois
My Commission Expires Nov 16, 2024

Personally Known: X OR Produced Identification: _____
Type of Identification
Produced: _____

In Witness Whereof, Grantors have hereunto set Grantors' hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Jennifer Lee Williamson
WITNESS
PRINT NAME: Jennifer Lee Williamson
201 Royal Dornoch, Smithfield, VA 23430

DeAndre Rollins
WITNESS
PRINT NAME: DeAndre Rollins
15270 NW 128th St Platte City, MO 64079

Larry McVey
Larry McVey

STATE OF Virginia
COUNTY OF Isle of Wight

The foregoing instrument was acknowledged before me by means of ( ) physical presence or (X) online notarization this 5 day of September, 2023, by Larry McVey.

Jennifer Lee Williamson
Signature of Notary Public
Print, Type/Stamp Name of Notary
Jennifer Lee Williamson
Personally Known:_____ OR Produced Identification: X
Type of Identification
Produced: Driver's License

JENNIFER LEE WILLIAMSON
Electronic Notary Public
Commonwealth of Virginia
Registration No. 7880274
My Commission Expires Sep 30, 2024

Completed via Remote Online Notarization using 2 way Audio/Video technology.

NotaryCam Doc ID: 90044823-a9c6-437d-a22c-3fb19e60630b

MORRIS DEPEW
ENGINEERS · PLANNERS · SURVEYORS
LANDSCAPE ARCHITECTS

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Phone (239) 337-3993 | Toll Free (866) 337-7341
www.morris-depew.com

SR 31 CIVIC 10 Map Amendments

CPA2024-00017

Aerial Map Showing the Subject Property and Surrounding Properties (EXHIBIT M9)



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PROJECT:

SR 31 CIVIC 10

LOCATION:

18031/41 SR 31
NORTH FORT MYERS

CONSULTANT:

MORRIS DEPEW

ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL CA NO 6532 / FL CERT NO LB6891 / LC26000330

Fort Myers
2914 Cleveland Avenue
Fort Myers, Florida 33901
(239) 337-3993
Fax: (239) 337-3994
Toll free: 866-337-7341

Tallahassee
113 South Monroe Street
1st Floor
Tallahassee, Florida 32301
Toll free: 866-337-7341

Destin
5597 Highway 98
Unit 201
Santa Rosa Beach, Florida 32459
Toll free: 866-337-7341

CLIENT:

Restoration GROUP INC.

N

0 250 500

SCALE 1"=500'

PROJECT MANAGER:	BS
DRAWING BY:	DGL
JURISDICTION:	LEE COUNTY
DATE:	9/26/2024
SHEET TITLE:	AERIAL LOCATION MAP
SHEET NUMBER:	EX-M9
JOB/FILE NUMBER:	23071

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SR 31 CIVIC 10 Map Amendments

CPA2024-00017

Authorization Letter From the Property Owner (EXHIBIT M10)

AFFIDAVIT

I, MARIO PENA, 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

7.18 2024
Date

MARIO PENA
Printed Name of Applicant

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization on 7/18/24 (date) by MARIO PENA (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Signature of Notary Public

ALEXANDRIA DAVILA
Notary Public - State of Florica
Commission # HH 441718
My Comm. Expires Sep 7. 2027
Bonded through National Notary Assn.

ALEXANDRIA DAVILA
(Name typed, printed or stamped)

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LANDSCAPE ARCHITECTS

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Phone (239) 337-3993 | Toll Free (866) 337-7341
www.morris-depew.com

LETTER OF AUTHORIZATION

EXHIBIT M-10

TO WHOM IT MAY CONCERN:

PLEASE BE ADVISED THAT I, MARIO PENA, AUTHORIZED REPRESENTATIVE OF MARIOS PAINTING OF SOUTH FLORIDA INC., AM THE FEE SIMPLE PROPERTY OWNER OF THE PROPERTY DESCRIBED BELOW AND THAT MORRIS-DEPEW ASSOCIATES, INC. HAS BEEN AUTHORIZED TO REPRESENT US FOR THE BELOW REFERENCED PARCEL IN ALL MATTERS PERTAINING TO THE COMPREHENSIVE PLAN MAP AMENDMENT AND PLANNED DEVELOPMENT REZONING PETITIONS. THIS AUTHORITY TO REPRESENT OUR INTEREST INCLUDES ANY AND ALL DOCUMENTS REQUIRED BY THE PETITIONS, PLANNING OR PERMITTING REQUESTS SUBMITTED ON OUR BEHALF BY MORRIS-DEPEW ASSOCIATES, INC.

STRAP NUMBER OR LEGAL DESCRIPTION:

STRAP# **13-43-25-00-00009.0000**

MARIOS PAINTING OF SOUTH FLORIDA INC.
COMPANY NAME

_____
SIGNATURE

MARIO PENA, PROPERTY OWNER
PRINTED NAME & TITLE

STATE OF _FLORIDA__
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of X physical presence or _____online notarization, this 18 day of JULY, 2024, by who is personally known to me or has produced _____as identification.

My Commission Expires:
9/7/2027

_____
Notary Public
ALEXANDRIA DAVILA
Notary Printed Name

(seal)

ALEXANDRIA DAVILA
Notary Public - State of Florida
Commission # HH 447718
My Comm. Expires Sep 7, 2027
Bonded through National Notary Assn.

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SR 31 CIVIC 10 Map Amendments

CPA2024-00017

Proposed Amendments (EXHIBIT M11)

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SR 31 Civic 10 CPA

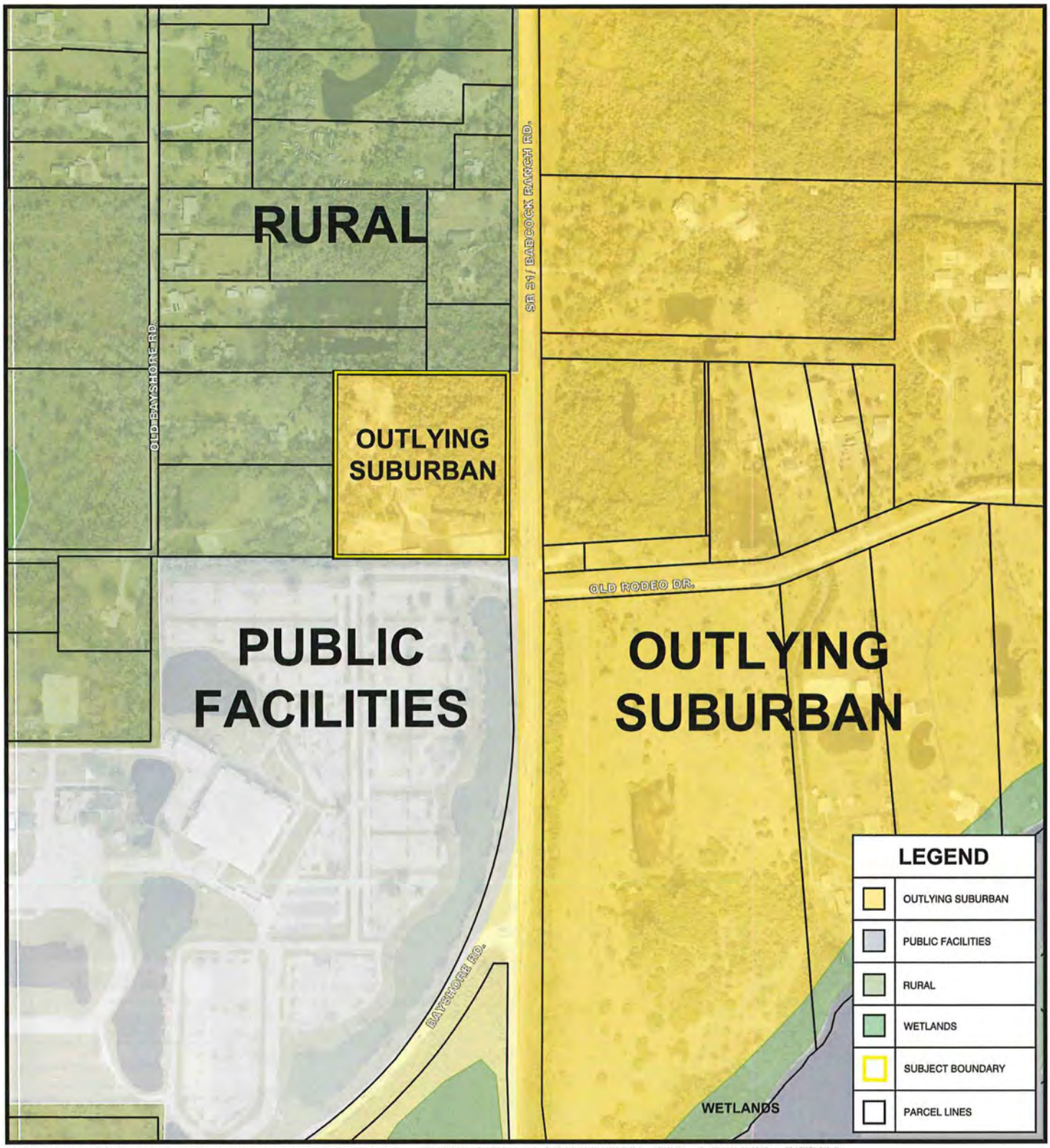
Proposed Amendments

Exhibit – M11

REVISED JULY 2025

1. Amend Map 1-A – Future Land Use – to designate the entire property as Outlying Suburban where the property is currently designated entirely as Rural.

2. Amend Map 4-A – Future Water Service Areas, Lee County Utilities, to include the entire property within the Future Water Service Areas.



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PROJECT:

SR 31 CIVIC 10

LOCATION:

18031/41 SR 31
NORTH FORT MYERS

CONSULTANT:

MORRIS DEPEW

ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL CA NO. 6532 / FL CERT NO. LB6891 / LC26000330

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Fax: (239) 337-3994
Toll free: 866-337-7341

Tallahassee
113 South Monroe Street
1st Floor
Tallahassee, Florida 32301
Toll free: 866-337-7341

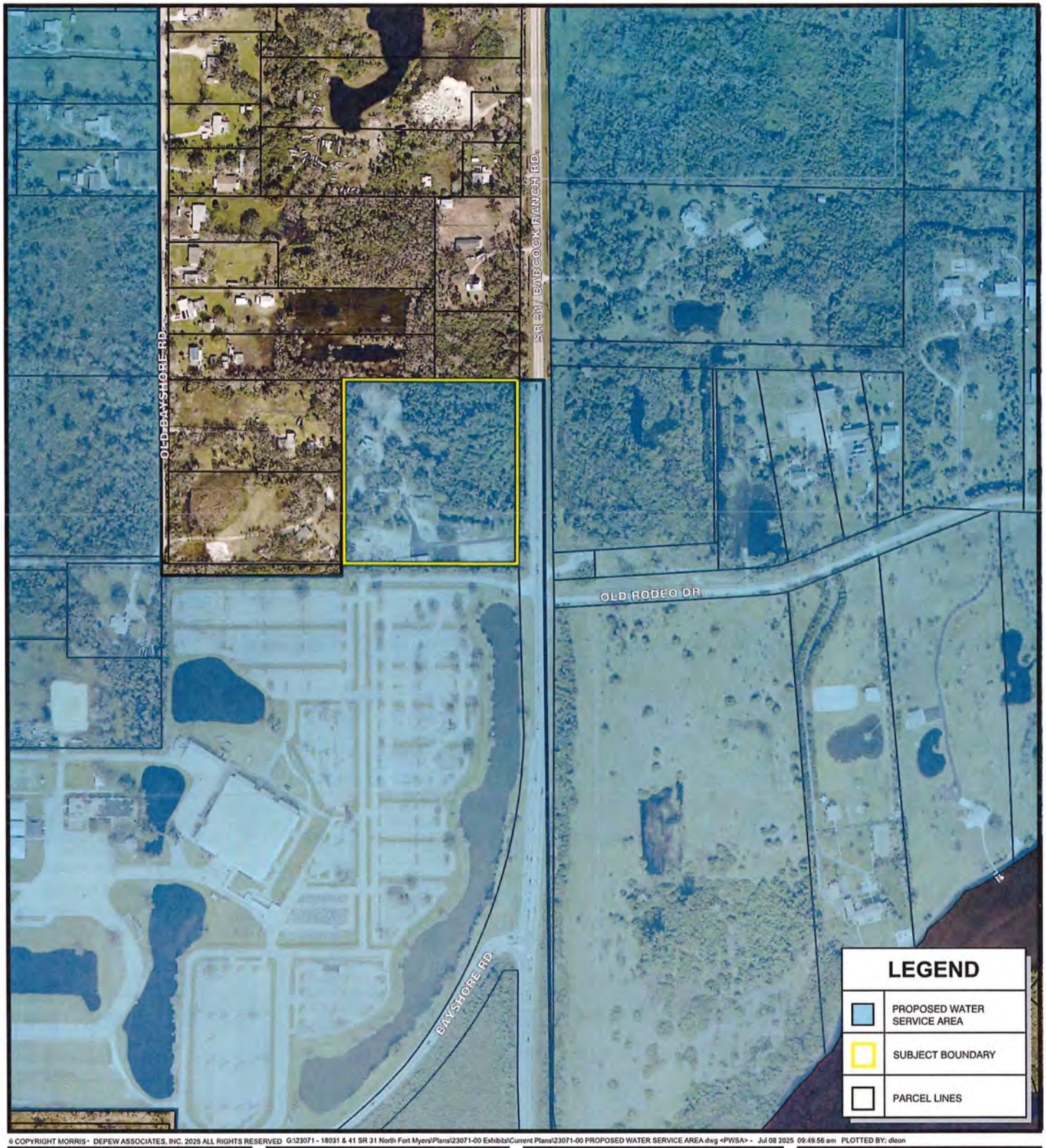
Destin
5597 Highway 98
Unit 201
Santa Rosa Beach, Florida 32459
Toll free: 866-337-7341

CLIENT:

Restoration GROUP INC.
LIC# CGC1515994

500 0 250 500
SCALE 1"=500'

PROJECT MANAGER:	BS
DRAWING BY:	DGL
JURISDICTION:	LEE COUNTY
DATE:	11/26/2024
SHEET TITLE:	PROPOSED FUTURE LAND USE MAP
SHEET NUMBER:	EX M-11
JOB/FILE NUMBER:	23071



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PROJECT:

SR 31 CIVIC 10

LOCATION:

18031/41 SR 31
NORTH FORT MYERS

CONSULTANT:

MORRIS DEPEW

ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL CA NO. 6532 / FL CERT NO. LB6591 / LC26000330

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Tallahassee, Florida 32301
Toll free: 866-337-7341

Destin
5597 Highway 98
Unit 201
Santa Rosa Beach, Florida 32459
Toll free: 866-337-7341

CLIENT:

Restoration GROUP INC.

500 0 250 500

SCALE 1"=500'

PROJECT MANAGER:	BS
DRAWING BY:	DGL
JURISDICTION:	LEE COUNTY
DATE:	7/8/2025
SHEET TITLE:	PROPOSED FUTURE WATER SERVICE AREA
SHEET NUMBER:	
JOB/FILE NUMBER:	23071

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SR 31 CIVIC 10 Map Amendments

CPA2024-00017

Lee Plan Analysis & Justification of Proposed Amendment

(EXHIBITS M12, M19, M20, M21)

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SR31 Civic 10 CPA

Lee Plan, State & Regional Policy Plan, Community Plan Area Consistency & Justification of the Proposed Amendment

Exhibits M12, M19, M20, M21

REVISED JULY 2025

I. REQUEST & PROPERTY LOCATION

Mario's Painting of South Florida (Applicant) is requesting approval of a Large-Scale Comprehensive Plan Amendment to change the Future Land Use (FLU) category of ±9.58 acres from Rural to Outlying Suburban, and to add the ±9.58 acre property to the Lee County Utilities Future Water Service Area. This request requires two (2) map amendments to Lee Plan Maps 1A and Map 4A.

The ±9.58 acre property (Property) is located directly north of the Lee County Civic Center and directly west of SR 31 in the Bayshore Community Planning Area.

The Applicant submitted a companion rezone application to rezone the property from AG-2 to a Commercial Planned Development (CPD) (DCI2025-00005). No residential dwelling units or retail commercial uses are proposed. A special permit for truck storage was approved for the Property in 1974 and the Applicant is also requesting that existing approval be memorialized as part of the CPD.



Figure 1: Boundary of Proposed Map Amendment

II. SURROUNDING LAND USE

Large-lot single-family residential and undeveloped parcels still remain within the interior of the Bayshore Planning Community, which was previously known for its semi-rural character. However, the Property is located in an area of the county that is transitioning quickly as evidenced by the following:

- Planned expansion of the SR 31 roadway. For the segment that the property fronts upon, the existing roadway will become a frontage road for a new 4-lane highway. The segment south of the Civic Center is being widened to six lanes, and the segment from the bridge over the Caloosahatchee will be widened to 4 lanes.
- FDOT is currently conducting PD&E studies on SR 31 from SR 80 to SR 78 as well as on SR 78 from I-75 to SR 31 to evaluate future widening of these roadways to four-lane facilities
- Lee County Civic Center directly adjacent to the south which is going to be updated and/or redeveloped in the near future. The Lee Board of County Commissioners is working with county staff to visualize a new, reimagined future for the Lee County Civic Center complex.
- Babcock Ranch MPD to the northeast on SR 31 with over two thousand dwelling units already developed, over 4,000 dwelling units sold, and a total of 19,500 total dwelling units and 6,000,000 square feet of non residential uses planned and approved.
- Greenwell property Comprehensive Plan Amendments and MPD rezoning to the east of SR 31 that is approved for commercial and residential uses.
- Cary + Duke + Povia Comprehensive Plan Amendments to add the Property to the Lee County Utilities Future Water Service Areas Map and the Future Sewer Service Area and companion rezone to allow for a residential development of up to 1,099 dwelling units
- Owl Creek RPD rezone and Comprehensive Plan Amendments to add the Property to the Lee County Utilities Future Water Service Areas Map and the Future Sewer Service Area to allow for a residential development of up to 380 dwelling units
- Additional Bayshore Community Plan uses are outlined in Goal 18.



Figure 2: Surrounding Land Uses

Lands in the immediate area are predominantly designated Rural on the west side of SR 31, Outlying Suburban on the east side of SR 31, and Public Facilities directly adjacent to the south of the Property. The property's northern boundary is adjacent to an existing pond on the adjacent lot, which provides a significant separation between the subject property and the nearest building which is approximately 400-feet away. Due to the proximity of the existing lands designated as Outlying Suburban and the scheduled roadway improvements on SR 31 as well as the other suburban features of this area, the request to include the Property in Outlying Suburban is appropriate at this location. Table 1 below provides an inventory of the adjacent land uses.

Table 1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING	EXISTING LAND USE
NORTH	Rural	AG-2	Vacant Agricultural Lands; Vacant Portion of Large-Lot Single Residential
SOUTH	Public Facilities	CF	Lee County Civic Center
EAST	Outlying Suburban	AG-2	SR 31; Vacant Agricultural Lands
WEST	Rural	AG-2	Large-Lot Single Family Residential

III. PUBLIC INFRASTRUCTURE

As evidenced by the Letters of Availability (Exhibit M18) the Property is serviced or is planned to be serviced by existing and planned public infrastructure and services that can accommodate the proposed commercial development.

The Applicant is requesting to add the Property to the Lee County Utilities Future Water Service Area. As demonstrated in Exhibit M18, Lee County Utilities has provided a letter of availability indicating there is adequate capacity to serve this site for potable water. Sanitary sewer services (wastewater disposal) will be provided by FGUA. A letter of availability from FGUA provided on May 21, 2025 has been included.

The Property is located directly north of the Old Rodeo Dr. and SR 31 intersection and currently has direct access, and approximately 685-feet of frontage, on SR 31. SR 31, also known as Babcock Ranch Road, is a north/south two-lane undivided arterial roadway with a posted speed limit of 60 MPH under the jurisdiction of Florida Department of Transportation (FDOT). As outlined in the enclosed Traffic Circulation Analysis prepared by TR Transportation Consultants, Inc., SR 31 is funded to be reconstructed as a new four-lane facility from SR 78 to Cook Brown Road by the Babcock Ranch community. This four-lane expansion will be expandable to a future six-lane facility. The existing intersection of Old Rodeo Dr. with SR 31 will be directionalized as part of the widening project. The construction of the four-lane expansion is scheduled to be completed by 2025. As a result of this SR 31 expansion project, access to the site will be directly provided to Old SR 31 that will run parallel to the new 4-lane section of SR 31.

Future commercial development at this location will be served by a "frontage" road after SR 31 is widened, and therefore access for higher commercial traffic will be much safer by having no direct access from the property to the highway, utilizing accesses north and south at future signalized intersections, as will also be the case for the Civic Center. This further demonstrates how the property is an ideal location for commercial uses.

Furthermore, there are adequate public facilities and services in the immediate vicinity of the Property, including Fire (Bayshore Fire Department), Law Enforcement, EMS, Solid Waste, and Utilities. Letters of Availability are enclosed as Exhibit 18. Please also refer to the enclosed Public Facilities Analysis (Exhibit M15, M17).

IV. PROPOSED AMENDMENT

The proposed amendments will allow for commercial development of the Property. The Applicant submitted a companion CPD rezoning application that will implement the intended development program.

The amendment includes a request for the Property to be added to the Lee County Utilities Future Water Service Area. Based on the location of the Property directly adjacent to the

boundary of the Future Water Area, the request represents a logical extension of the boundary to include the Property.

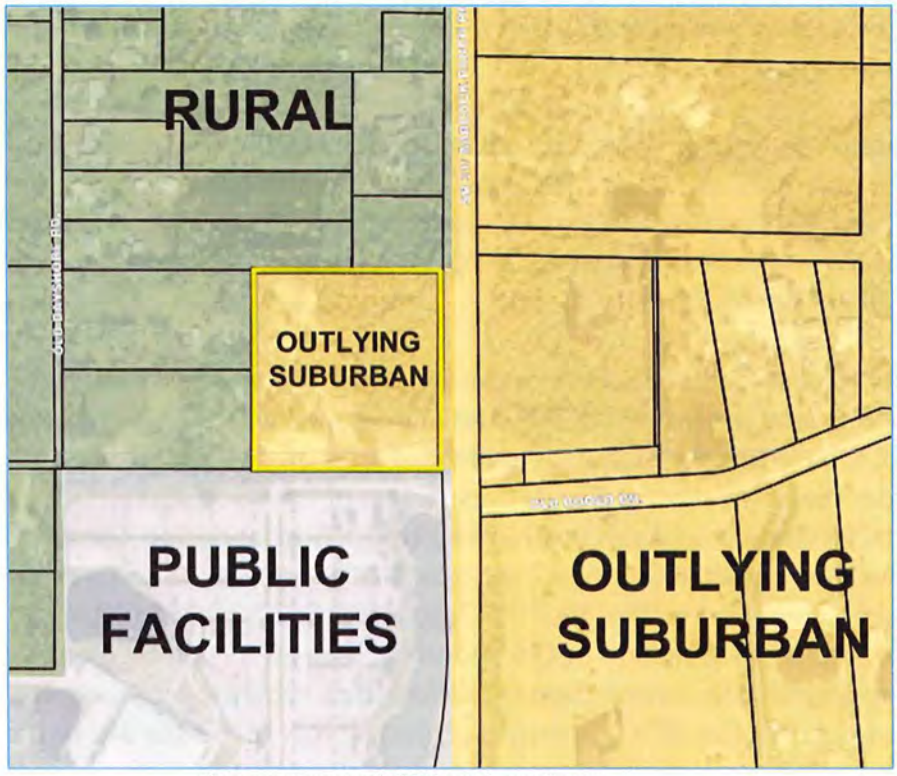


Figure 3: Proposed FLU Map Amendment



Figure 4: Proposed LCU Water Service Area

V. COMPATIBILITY & CHARACTER OF THE AREA

The Property is located within the Bayshore Community Planning Area, and is directly adjacent to the Northeast Lee County Community Planning Area located on the east side of SR 31. The amendments will result in a development that is compatible and appropriate at this location as evidenced by the surrounding existing and planned uses.

Changing the FLU of the Property from Rural to Outlying Suburban is appropriate at this location of the county. The property on the eastern side of SR 31 from the Caloosahatchee River to N. River Road is designated Outlying Suburban, which demonstrates that the transition of intensity from Rural to Outlying Suburban is complementary to the surrounding land use pattern and represents a logical extension of that FLUC across SR 31. Also located on the eastern side of SR 31 is ±265 acres in the Outlying Suburban FLUC, approved as the Greenwell SR 31 FLUM amendment, from Rural and Wetlands FLU to Outlying Suburban and Wetlands in 2023. The same area was also added to the Lee County Future Water Service Area. In addition to the comprehensive plan amendments, ±77 acres of that area was rezoned from AG-2 to Mixed Use Planned Development to allow up to 400,000 sq. ft. of commercial development and up to 122 dwelling units. The recent land use changes along this corridor are an indicator of expected growth to this area of the county.

Further demonstrating the appropriateness of this request is the proximity of the Property to the Lee County Civic Center located directly south of the Property. The Lee Board of County Commissioners (BoCC) is currently working with county staff to visualize a new, reimagined future for the Lee County Civic Center complex. Since 2022, the Lee County BoCC has met several times to discuss the future plans for the Civic Center. The Civic Center is a 99 acre regional event center which hosts events of all kinds all year round that attract thousands of participants. Private events are held as well, including weddings with outdoor music. The demand for commercial in this area of the county is already high and is increasing. Providing a CPD directly adjacent to the Civic Center will create a useable mix of land uses that will support the growing community. Alternatively, the ability of the subject property to redevelop with appropriate and complementary development is not currently possible within the constraints of the rural future land use category. Low density single family residential development will not continue to be appropriate in this location directly adjacent to the Civic Center and SR 31.

Another key indicator of the appropriateness of the request is the planned improvements to the SR 31 roadway which will increase capacity. As outlined in the enclosed Traffic Circulation Analysis prepared by TR Transportation Consultants, Inc., SR 31 is funded to be reconstructed as a new four-lane facility from SR 78 to Cook Brown Road by Babcock Ranch community. This four-lane expansion will be further expandable to a future six-lane facility. The existing intersection of Old Rodeo Dr. with SR 31 is planned to be directionalized as part of the widening project. The construction of the 4-lane expansion is scheduled to be completed in 2025. As a result of the SR

31 roadway expansion project, access to the site will be directly provided via Old SR 31 that will run parallel as a frontage road to the new 4-lane section of SR 31.

Brightwater RPD and country club is located within the Bayshore Community Planning Area. Approved in 2022, the RPD allows for up to 1,475 dwelling units and includes Brightwater Lagoon, a 7-acre lagoon and water park. The resort is open to members and their guests for a membership fee, and also includes a daily non-resident reservation-based system for the general public.

Bayshore Village CPD at the intersection of Bayshore Road and Wells Road was recently approved for 92,750 square feet of commercial uses and 125 hotel units.

Stonehill Manor is an RPD and recent subdivision with associated infrastructure to support 71 single-family homes located within the Bayshore Community Planning Area fronting on the south side of Bayshore Road.

Bayshore Ranch is an RPD approved in 2023 for 130 single-family homes on 109.63-acres within the Bayshore Planning Community fronting on the north side of Bayshore Road.

Leetana RPD was approved for 201 dwelling units in the Bayshore Planning Community in 2019 with frontage on Rich Rd near I-75.

Babcock MPD begins on the north side of North River Road, less than a mile from the Property, continuing to develop and at buildout will allow for 19,500 total dwelling units and 6,000,000 square feet of non-residential uses.

VI. LEE PLAN CONSISTENCY & COMMUNITY PLAN AREA CONSISTENCY

The following is an analysis of how the proposed amendment is consistent with the goals, policies and objectives of the Lee Plan.

POLICY 1.1.6: The Outlying Suburban future land use category is characterized by its peripheral location in relation to established urban areas. In general, this category is rural in nature or contains existing low-density development. Some of the requisite infrastructure needed for higher density development is planned or in place. Industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed.

> **Consistent with this policy, the Property is located in an area of the county where semi-rural meets suburban areas. An urban-like town center is developing in Babcock Ranch, the boundary of which is less than a mile from the Property. Located directly adjacent to the Civic Center and fronting on SR 31 with its upcoming expansion, the Property is situated in an area where public infrastructure exists to support the proposed development. While this category allows for limited residential density, the Applicant**

has submitted a companion rezoning application to limit the property to commercial development only. Commercial development is appropriate in this location as it will provide commercial uses to support the residential development along this transitioning corridor while also reducing the number of vehicle miles traveled.

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.

As previously stated, the Property is located directly adjacent to and has access to SR 31, which is planned for significant improvements including a four-lane expansion. The proposed amendments include extending the Lee County Utilities of water to the site providing for centralized utility services with capacity to serve the proposed project. Further, the Property will be served by existing public services such as Fire (Bayshore Fire), EMS, Solid Waste, and Sheriff. The proposed amendments will make efficient use of the county's investment in infrastructure and public services that are available to serve the development.

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

As noted earlier, the proposed amendments will result in a contiguous pattern of Outlying Suburban that will create a compact growth pattern in this area of the County. The request will allow for commercial development directly adjacent to the Lee County Civic Center, which will result in a harmonious and compatible development pattern that will reduce urban sprawl and provide the community with commercial resources. By extending the Lee County Utilities boundaries for water, the amendments will provide minimized energy costs and prevent services from leap-frogging into areas of the county that are more distant from these services. The proposed commercial development provides surrounding existing and proposed residential uses with access to commercial services, while also reducing vehicle miles traveled between the uses. As evidenced by the surrounding existing development pattern and land uses, the amendments are appropriate at this location.

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in §163.3164, Fla. Stat.) will be granted only when consistent with the provisions of §163.3202(2)(g) and § 163.3180, Fla. Stat. and the concurrency requirements in the LDC.

Consistent with this policy, the resulting development will provide commercial uses to residents within and adjacent to the Bayshore community which will reduce vehicle miles traveled. The request to extend the water services area will allow for development that does not rely on well and septic and will be able to utilize public potable water services. Per the provided Letters of Availability, other services exist to support development of the property. The Property is adjacent to an arterial roadway with imminent plans for expansion, adjacent to the Lee County Civic Center, which is also going to be updated or redeveloped in the near future, and adjacent to large areas of existing Outlying Suburban lands, all indicative that the amendments in this location will result in development that is compact and contiguous and where adequate public facilities exist or are planned to support development.

STANDARD 4.1.1: WATER & STANDARD 4.1.2: SEWER.

The amendment proposes to add the Property to the Lee County Utilities Future Water Service Area Map. LCU has provided a letter of availability indicating adequate capacity is available to serve the proposed commercial development. Extending the LCU service areas will allow for development that will not rely upon individual wells and septic tanks. The proposed expansion represents a logical extension of the boundaries and does not leap frog across properties that are not within these areas. The expanded utilities are essential for this growing corridor. Sanitary sewer services (wastewater disposal) will be provided by FGUA. A letter of availability from FGUA provided on May 21, 2025 has been included.

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.

As evidenced by the surrounding existing and planned land uses, the proposed amendment will result in commercial development that is compatible with adjacent land uses. The Property is located in a growing corridor of the county with planned roadway improvements, planned developments, an existing mixed use community (Babcock Ranch) and adjacent to a public facility with plans to evolve. The resulting commercial development will provide the area with a supportive and compatible development.

POLICY 6.1.6: Maintain land development regulations that require commercial development provide adequate and appropriate landscaping, open space, buffering, and architectural standards.

Consistent with this policy, the Applicant filed a companion planned development application to rezone the property to a CPD. The companion rezone will be in compliance with the LDC where commercial development guidelines are provided that

require architectural design regulations. The MCP that will be adopted as part of the CPD will provide the required landscape buffers and open space.

POLICY 6.1.7: Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.

The expansion of SR-31 to a 4 lane highway adjacent to the property as well as the abutting civic center are factors that make this Property a perfect example of a location that is desirable for infill commercial development where residential uses are not reasonably expected to continue. The proposed amendments will not result in a commercial development that is scattered, premature, or strip development. The Property is directly adjacent to the Lee County Civic Center and will provide the area with commercial uses that are complementary to the existing and planned development pattern. Being located directly on a main corridor with planned improvements, the Property is not ideal for low-density residential development.

GOAL 18: BAYSHORE COMMUNITY PLAN. Protect the existing rural residential, agricultural and equestrian-oriented character of the community by maintaining low residential densities and minimal commercial activities, and exclude incompatible uses that are destructive to the character of this rural residential environment. (Ord. No. 03-02, 18-18)

The proposed amendment is requested in order to allow limited commercial uses on the subject property. Although residential density limits will increase with the proposed amendment, a companion planned development rezoning application has been submitted, which limits the property to commercial uses and no residential units.

The proposed rezone will not be destructive to the character of the rural residential environment. The Property is not currently vacant, and contains limited outdoor storage and a mobile home. A special permit for truck storage a for a mobile home was approved for the Property in 1974 and the Applicant is requesting the truck storage approval be memorialized as part of the CPD. The MCP provides for enhanced separation and buffering of approximately 200' between the general development area and the residential properties to the west. There is also enhanced separation and buffering from the properties to the north ranging from 130'-215'. The properties to the north are also separated by the CPD's preservation area. While there is substantial buffering and separation to the north it is important to note that the CPD does not abut residential uses to the north. The parcel directly north and on SR 31 is vacant, and the parcel directly north to the west is the stormwater pond associated with the existing residence.

In terms of the general area, the CPD will support the community and will not be destructive to the character of the community. While it is understood that the Property is located within the Bayshore Community Plan area, it is also important to note several other developments, some that could be classified as more intense that the proposed CPD, are already located within the Bayshore Community Planning area. The following is not a comprehensive list, but demonstrates that several developments in Bayshore that are approved and not considered destructive to the character of the rural residential environment:

- **Lee County Civic Center Complex – a county cultural center that hosts a wide variety of programs and events year-round. The Civic Center is located directly south of the Property and is adjacent to several residential properties. Types of events held at the Civic Center include RV shows, music concerts, antique/vintage markets, banquets, craft shows, gun shows, 4-H events, 4-H meetings, agriculture/livestock events and the Southwest Florida Ag Expo. The Southwest Florida Ag Expo itself is a major event that attracts thousands of visitors year after year and includes events and entertainment in addition to livestock shows. The Ag Expo also includes traditional fair rides with traditional midway vendors. All events held at the Civic Center draw in hundreds and thousands of visitors to the area from all over the state. In addition to the wide range of monthly events, the public may also rent out buildings at the Civic Center to be used for private events such as weddings.**

- **ECHO Global Farm – located on Bayshore Road, the ECHO Global Farm is a 501(c)3 nonprofit organization that helps educate and empower farming families across the globe. The 57-acre location includes several contiguous properties that form a unique center that offers guided tours and includes a nursery and bookstore open to the public. The location also hosts events including the annual Global Food & Farm Festival which includes tours, experiences, workshops, and food trucks, advertising the event as a festival atmosphere.**

- **Brightwater Lagoon – located in the heart of the Bayshore Community Planning Area, the Brightwater Lagoon aka Brightwater RPD, approved via Z-22-015, as amended, is a community that allows for up to 1,475 dwelling units and a Brightwater Country Club, which is a 7-acre lagoon and water park. The lagoon is open to members and their guests for a membership fee, and also includes a daily non-resident reservation-based system for the general public. The public lagoon offers a variety of amenities including a swim-up bar, mini golf, a water slide, a water obstacle course, kayaks, paddle boards, beach lounge rentals (tikis, daybeds, beach loungers with umbrellas), food trucks and a grill for lunch. The Brightwater Lagoon also features an array of events and activities including live music, happy hour, trivia night, food trucks, a live DJ, movie nights, exercise**

classes, etc. with some events going late into the evening hours.. Brightwater Lagoon provides a desirable amenity for the Bayshore Community Planning area.

- **Blossom and Brie Farmside Dining & Events – formerly known as Rosy Tomorrow's, this farm-to-table style venue provides a unique dining experience. The farm venue hosts a variety of events including weddings, corporate events, and private parties. The farm also offers several other events including brunches and barbecues for different holidays (Memorial Day, Mother's Day, etc.). The venue is comprised of a full restaurant and bar and fully functioning farm offering visitors the opportunity to eat a meal and enjoy farm scenery. Events include live music and access to a full bar. The events are mostly held in the evenings. The Property received special approval to allow for an upgraded Consumption on Premises (COP) to allow for a liquor license in addition to the existing beer and wine COP (SEZ2024-00009). This new approval rescinded and replaced the 2015 COP approval and also included limitations to ensure maintained compatibility with the surrounding lands in the Bayshore Community Planning area including limited hours of operation for amplified music.**

- **Bay Pointe Yacht & Raquet Club – located directly on the Caloosahatchee River on the far south portion of the Bayshore Community Planning Area, this yacht and racquet club is a condominium community. The community includes boat slips and resort-style amenities including a community pool, community boat slips with a dock and access to the Gulf, a fishing pier and kayak launch, numerous sports courts including pickleball, tennis, and bocce, a horseshoe pit; a fitness center, library, BBQ/picnic area, and bike paths.**

- **Upriver RV Resort – a fully amenitized adult RV camping community located along the Caloosahatchee River. This dense RV development features over 400 RV sites and is located directly adjacent to existing single-family residential. The RV park offers amenities including bocce, horseshoes, pool tables, exercise rooms and classes, golf cart parades, swimming pools, and river access. There are also several events held including live music, food trucks, weekly vegetable market, talent shows, church services, water aerobics, and more.**

  Seminole RV Campground - an RV park currently with 129 sites that is fully amenitized including swimming pools and a dog park. RV parks are transient in nature and generally cater to seasonal residents. A rezoning to expand this RV park with 237 additional RV sites is currently pending. .

- **Stonehill Manor, Bayshore Ranch and Leetana RPDs are relatively recently approved subdivisions which will allow for a combined 402 new single family homes within the Bayshore Planning Community.**

- **Bayshore Village CPD at the intersection of Bayshore Road and Wells Road was recently approved for 92,750 square feet of commercial uses and 125 hotel units.**

All of the examples listed above are existing or planned developments within the Bayshore community that demonstrate the area is no longer rural. Approval of this request and the companion CPD is consistent with the transition that the area has been undergoing for many years. It will be necessary to provide additional commercial services to serve the additional residents and the traveling public visiting the various attractions within the community.

OBJECTIVE 18.1: LAND USE. The County will continue to enforce land development regulations that ensure separation of urban and rural land uses through the implementation of open space, buffers, and setback requirements that protect high quality environmental areas, such as creeks, oak hammocks, floodplains and wetlands from potential impacts of development. Planned developments, through appropriate conditions of approval, will be required to locate low residential densities along the perimeters of the development. Amendments to the Future Land Use Map that increase density or intensity must demonstrate compatibility through a concurrent planned development rezoning.

A companion CPD rezoning application has been submitted to request limited commercial uses at the subject property. No residential units will be proposed. The planned development includes appropriate land development regulations for open space, buffers, and setback requirements to protect the wetlands located on the property.

POLICY 18.1.1: Retail commercial uses will be limited to the Interstate Interchange designation at Bayshore and I-75, plus minor commercial uses at the intersections of Nalle Road and Bayshore, SR 31 and Bayshore, and SR 31 and Old Bayshore. Non-retail commercial uses are permitted elsewhere consistent with the Lee Plan and the LDC.

Consistent with this policy, the proposed amendment and companion planned development rezoning will only include non-retail commercial uses.

POLICY 18.1.3: No new industrial uses or industrial rezonings are permitted after February 3, 2003.

The proposed future land use category of Outlying Suburban does not allow for industrial uses and the companion planned development rezoning will not request industrial uses.

POLICY 18.1.4: No new mining uses or commercial excavations are permitted after February 3, 2003.

The proposed amendment and companion planned development rezoning will not request mining uses or commercial excavations on the subject property.

OBJECTIVE 18.3: SEWER AND WATER. Given the desire to maintain a low residential density, new central sewage service is not economically feasible and is discouraged north of Bayshore Road within the future non-urban land use categories. Central water service for enhanced fire protection will be encouraged where economically feasible.

POLICY 18.3.1: No landowner will be required to connect to central sewer or water utilities or be assessed for same unless a threat to public health can be documented, or if a new development proposes an intensity that exceeds the thresholds in Standards 4.1.1 and 4.1.2.

Although not required, the Applicant is requesting to add the Property to the Lee County Utilities, Future Service Areas for Water. As demonstrated in Exhibit M18, Lee County Utilities has provided a letter of availability indicating there is adequate capacity to serve this site for potable water. Sanitary sewer services (wastewater disposal) will be provided by FGUA. A letter of availability from FGUA provided on May 21, 2025 has been included.

POLICY 61.1.6: When and where available, reuse water should be the first option for meeting irrigation needs of a development. Where reuse water is not available, surface water or low quality groundwater should be utilized for irrigation. All other potential water sources must be eliminated prior to selecting potable water as the sole source for meeting the irrigation needs of a development. New developments will coordinate with County staff regarding the source of irrigation water.

As outlined in the Letter of Availability provided by Lee Couty Utilities, there is no reuse water available to serve the property and therefore cannot be used to meet irrigation needs of the development. The irrigation water source will be determined at the time of local development order approval. The Applicant will strive to utilize all other potential water sources other than potable water as the sole source of meeting the irrigation needs of the development. As the resulting development will be new, consistent with this policy, the Applicant will coordinate with County staff regarding the source of irrigation water at the time of local development order approval.

OBJECTIVE 101.1: COASTAL AREA PLANNING. Improve the function of natural systems as a

defense against coastal flooding.

The applicant will submit an Environmental Resource Permit (ERP) application to South Florida Water Management District (SFWMD) for review and approval. The SFWMD ERP permitting process will include an analysis of storm water management (water retention and quality). The wetland habitat for wildlife onsite has very poor quality due to site disturbances and exotic vegetation infestation as well as the surrounding roads and development. SR31 is adjacent to the east and the Lee County Civic Center is to the south.

The proposed plan includes preserving wetlands and buffers totaling 3.9 acres which will include the removal of exotic vegetation. This will greatly improve the primary productivity of this wetland community and will improve the potential defense against coastal flooding. As the applicant will obtain a SFWMD ERP, the onsite and offsite site conditions and the proposed preservation plan for the proposed project are in compliance with Objective 101.1.

OBJECTIVE 101.2: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL AREAS.
Limit the expenditure of public funds in areas particularly subject to repeated destruction by coastal flooding to only necessary repairs, public safety needs, restoration of natural systems, services to existing residents, and recreation and open space uses. Coastal flooding includes, but is not limited to, high tide events, storm surge, flash floods, stormwater runoff, and impacts of sea level rise.

The proposed plan includes preserving wetlands and buffers totaling 3.9 acres which will include the removal of exotic vegetation. This will improve the overall health of this wetland area which will help it to withstand negative effects from potential coastal flooding. Preserving this wetland will also provide storage of storm water which has the potential to help with coastal flooding in the vicinity.

OBJECTIVE 101.3: DEVELOPMENT IN COASTAL AREAS. Protect human life and property from natural and man-made disasters.

The proposed project is approximately 2,700' north of the shoreline of the Caloosahatchee River and will not affect the beach or cause beach erosion. Preserving 3.9 acres of wetlands and buffers will provide storage of storm water which has the potential to help with coastal flooding in the vicinity.

GOAL 124: WETLANDS. To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems.

The wetlands onsite are very poor quality due to historical site disturbances and exotic vegetation infestation as well as the surrounding roads and development. SR31 is adjacent to the east and the Lee County Civic Center is to the south. The proposed plan includes preserving wetlands and buffers totaling 3.9 acres which will include the removal of exotic vegetation.

The applicant will submit an Environmental Resource Permit (ERP) application to South Florida Water Management District (SFWMD) for review and approval. The SFWMD ERP permitting process will include an analysis of wetland impact avoidance and minimization as well as wetland mitigation. Wetland mitigation will be accomplished by onsite wetland improvements and the purchase of wetland mitigation bank credits at Little Pine Island Mitigation Bank if required. Construction will not commence until issuance of the required state permits. As the applicant will obtain a SFWMD ERP which incorporates the review of wetland impact avoidance and minimization as well as wetland mitigation, the proposed project is in compliance with Goal 124.

POLICY 125.1.2: New development and additions to existing development must not degrade surface and ground water quality.

The project will provide an on-site surface water management system that provides water quality treatment in accordance with the State of Florida and South Florida Water Management District criteria.

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 project will provide an on-site surface water management system designed at an elevation to maintain existing groundwater levels. The surface water management system will be designed to discharge surface water flow rates at or below the pre-development conditions.

VII. ADJACENT LOCAL GOVERNMENTS

The Property is located entirely within Lee County.

VIII. STATE COMPREHENSIVE PLAN POLICY

In accordance with the Map Amendment application requirements to provide State Policy and Regional Policy Plan analysis, the following is included. However, the Community Planning Act of 2011 eliminated the requirement for consistency of the local comprehensive plan with the state comprehensive plan.

187.201(6) *PUBLIC SAFETY.* –

a) Goal.—Florida shall protect the public by preventing, discouraging, and punishing criminal behavior, lowering the highway death rate, and protecting lives and property from natural and manmade disasters.
(b) Policies:
9. Increase crime prevention efforts to enhance the protection of individual personal safety and property.

Consistency: The Lee County Sheriff's Office provided a Letter of Availability for the proposed amendments.

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

Consistency: The property is located within the Coastal High Hazard Area (CHHA); however, the proposed amendment to change the future land use from Rural to Outlying Suburban will not result in the development of residential uses on the site. The project is commercial and does not contain any residential units, or plans for future residential development. The resulting development outcome of the property will be a commercial development that will be built to Florida Building Code standards, which should protect the property from damage typically caused by natural disasters. There will be no need for evacuation as the site contains no residential uses, and any employees of the commercial development will be notified and out of the building well ahead of any storm arrival.

187.201(7) *WATER RESOURCES. –*
(a) Goal.—Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.
(b) Policies.—
5. Ensure that new development is compatible with existing local and regional water supplies.

Consistency: Lee County Utilities provided a Letter of Availability for the proposed amendments. The proposed amendments will place the property within the Lee County Future Water service area. Sanitary sewer services (wastewater disposal) will be provided by FGUA. A letter of availability from FGUA provided on May 21, 2025 has been included.

187.201(9) *NATURAL SYSTEMS AND RECREATIONAL LANDS. –*

(a) Goal.—Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.
(b) Policies.—
1. Conserve forests, wetlands, fish, marine life, and wildlife to maintain their environmental, economic, aesthetic, and recreational values.
3. Prohibit the destruction of endangered species and protect their habitats.
4. Establish an integrated regulatory program to assure the survival of endangered and threatened species within the state.

Consistency: In direct compliance with these policies, the Lee County Map Amendment application requires a full environmental assessment report, which has been provided. The report demonstrates there are no endangered species or habitats to protect on the property. The County requirements, which would require mitigation if endangered species were identified, are consistent with State requirements. As previously stated, the project will require an Environmental Resource Permit.

187.201(12) HAZARDOUS AND NONHAZARDOUS MATERIALS AND WASTE. –
(a) Goal.—All solid waste, including hazardous waste, wastewater, and all hazardous materials, shall be properly managed, and the use of landfills shall be eventually eliminated.
(b) Policies.—
2. By 1994, provide in all counties a countywide solid waste collection system to discourage littering and the illegal dumping of solid waste.

Consistency: Lee County Solid Waste provided a Letter of Availability to provide solid waste removal services for the property.

187.201(14) PROPERTY RIGHTS. –
(a) Goal.—Florida shall protect private property rights and recognize the existence of legitimate and often competing public and private interests in land use regulations and other government action.

(b) Policies.—
1. Provide compensation, or other appropriate relief as provided by law, to a landowner for any governmental action that is determined to be an unreasonable exercise of the state's police power so as to constitute a taking.
2. Determine compensation or other relief by judicial proceeding rather than by administrative proceeding.
3. Encourage acquisition of lands by state or local government in cases where regulation will severely limit practical use of real property.

Consistency: The Property is privately owned and therefore not affected by State or local policies or land use regulations that would require compensation, judicial proceeding, or

acquisition.

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

Consistency: In direct compliance with these policies, the proposed amendment to include the property in Outlying Suburban enhances livability and character of the area it is located within. The site is serviced by all urban services and has received Letters of Availability from the appropriate agencies. The site has access to a complete roadway network that connects to major roadways with adequate carrying capacity (SR 80 is shown to be widened to a six-lane facility on the Lee County's 2045 Needs Plan, which would alleviate the project of projected deficiencies for the segment of SR 31 between SR 78 and SR 80). The site is also located along a corridor that is directly linked to the Babcock Ranch community along with several other approved planned developments demonstrating the appropriateness of this request at this location.

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.
2. Promote rehabilitation and reuse of existing facilities, structures, and buildings as an alternative to new construction.

Consistency: The Property is located in an area of the county where adequate public infrastructure and facilities exist to support development as demonstrated by the SR 31 reconstruction project, the proximity to Babcock Ranch and the Lee County Civic Center, and the surrounding FLUCs and zoning entitlements. The proposed amendment to locate the property within the Outlying Suburban FLU represents a logical placement of intensity that

can be readily serviced by existing and available infrastructure.

IX. REGIONAL POLICY PLAN CONSISTENCY

In accordance with the Map Amendment application requirements to provide State Policy and Regional Policy Plan analysis, the following is included. The regional policy analysis is based on Volume Two of the Strategic Regional Policy Plan of Southwest Florida Regional Planning Council.

Housing Element

Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.

Consistency: While the proposed amendment will not result in providing housing opportunities, it will provide the county with employment opportunities based on the wide range of commercial uses proposed in the companion CPD rezone. The commercial uses will provide necessary services to the surrounding community, enhancing the livability of this semi-rural area of the county.

Natural Resources Element

Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.

Consistency: As proposed, the amendment and companion CPD rezone will ensure the protection of natural resources located on the property.

Regional Transportation Element

Goal 2: Livable communities designed to affect behavior, improve quality of life and responsive to community needs.

Consistency: As outlined in the Transportation analysis prepared by TR Transportation Consultants, Inc., the property is serviced directly by SR 31, which will be undergoing planned renovations and currently has adequate capacity to support the proposed development. The location of the project directly adjacent to SR 31 and the Lee County Civic Center make it an ideal location for commercial uses to support the surrounding community as well as the larger area.

X. CONCLUSION

The purpose of the proposed Comprehensive Plan Map Amendments is to allow for commercial development and to add the Property to the Lee County Utilities Service Areas for public water service. The proposed amendments will result in a commercial development that is appropriate

at the Property's location as evidenced by the surrounding existing and proposed land uses, is serviced by existing and planned public infrastructure and public services, provides for a contiguous and compact development pattern, and ensures that planned investments in public infrastructure will not be underutilized. The Rural future land use category is not appropriate in this location abutting the Lee County Civic Center and SR31 corridor. The request to extend the Outlying Suburban future land use category to the property is a logical community planning and corridor planning action to support the transitioning community which has been adding residents and contains long standing and relatively new regional attractions. The Applicant respectfully requests approval of this petition.

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SR 31 CIVIC 10 Map Amendments

CPA2024-00017

Environmental Impacts Analysis (EXHIBIT M13)

18031 State Road 31

Section 13, Township 43, Range 25 East
North Fort Myers, Florida

Protected Species Survey &
Florida Bonneted Bat Roost Survey

January 2024

Prepared by:

OWEN
ENVIRONMENTAL CONSULTING, LLC
15957 Tropical Breeze Drive, Fort Myers, FL 33908
(239) 994-9007

INTRODUCTION

The 9.58± acre parcel is located within a portion of Section 13, Township 43, Range 25 East, in North Fort Myers, Lee County, Florida (Figure 1). The parcel is bordered by low density single family homes to the north and west. The Lee County Civic Center borders the property to the south and State Road 31 borders the parcel to the east.

VEGETATIVE CLASSIFICATIONS

The predominant vegetation associations were mapped in the field on 2023 digital 1" = 100' scale aerial photography. The property boundary was obtained from Target Surveying, LLC and inserted into the digital aerial. The boundary was not staked in the field at the time of our site inspection. Nine vegetation associations were identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS). Figure 2 depicts the approximate location and configuration of these vegetation associations and Table 1 summarizes the acreages by FLUCCS Code. A brief description of each FLUCCS Code is also provided below.

Table 1. Acreage Summary by FLUCCS Code

FLUCCS CODE	DESCRIPTION	ACREAGE
427D	Live Oak, Disturbed	0.89
427E2	Live Oak Invaded by Exotics (26-50%)	0.21
450	Mixed Exotic Upland Forest	0.17
617DE3*	Mixed Wetland Hardwoods, Disturbed, Invaded by Exotics (51–75%)	1.50
618DE4*	Willow Disturbed, Invaded by Exotics (76-90%)	2.26
740	Disturbed Land	3.07
740H*	Disturbed Land, Hydric	0.96
742**	Borrow Areas	0.22
743	Spoil Areas	0.30
	Total	**9.58**

*Potential Jurisdictional Wetlands
**Potential Jurisdictional Other Surface Waters

FLUCCS Code 427D, Live Oak, Disturbed
In this disturbed area the canopy consists of live oak (*Quercus virginiana*), slash pine (*Pinus elliottii*), java plum (*Syzygium cumini*), and cabbage palm (*Sabal palmetto*). The mid story is open and the understory contains Caesar weed (*Urena lobata*), St. Augustine grass (*Stenotaphrum secundatum*), Spanish needles (*Bidens alba*), and wedelia (*Wedelia trilobata*).

FLUCCS Code 427E2, Live Oak Invaded by Exotics (26 – 50%)
This area contains live oak, wild balsam apple (*Momordica charantia*), wild coffee (*Psychotria nervosa*), Queensland umbrella (*Schefflera actinophylla*), Brazilian pepper (*Schinus terebinthifolia*), cabbage palm, bishopwood (*Bischofia javanica*), myrsine (*Rapanea punctata*), and briar (*Smilax sp.*).33

FLUCCS Code 450, Mixed Exotic Upland Forest
This small area in the southwest of the site includes melaleuca (*Melaleuca quinquenervia*), Brazilian pepper, and cabbage palm.

FLUCCS Code 617DE3, Mixed Wetland Hardwoods, Disturbed, Invaded by Exotics (51 – 75%)
This disturbed wetland includes cabbage palm, live oak, Brazilian pepper, wild coffee, briar, strangler fig (*Ficus aurea*), bishopwood, briar, poison ivy (*Toxicodendron radicans*), pepper vine (*Ampelopsis arborea),* cattail (*Typha* sp.), primrose willow (*Ludwigia peruviana*), swamp fern (*Blechnum serrulatum*), and flatsedges (*Cyperus sp.*).

FLUCCS Code 618DE4, Willow, Disturbed, Invaded by Exotics (76-90%)
This wetland consists of willow (*Salix caroliniana*), Brazilian pepper, primrose willow, cabbage palm, saltbush (*Baccharis halimifolia),* scattered laurel oak (*Quercus laurifolia*), and pepper vine.

FLUCCS Code 740, Disturbed Land
The disturbed land includes false buttonweed (*Spermacoce remota),* Bahia grass (*Paspalum notatum*), St. Augustine grass, southern sida (*Sida acuta*), wedelia, Florida pusley *(Richardia scabra),* guineagrass (*Panicum maximum*), Spanish needles, and scattered live oak, laurel oak, and cabbage palm.

FLUCCS Code 740H, Hydric Disturbed Land
These areas were recently disturbed and include Virginia creeper (*Parthenocissus quinquefolia*), wild balsam apple (*Momordica charantia*), briar, and Caesar weed (*Urena lobata),* with no canopy or mid-story.

FLUCCS Code 742, Borrow Areas
This open water area has Brazilian pepper lining the banks but is devoid of other vegetation.

FLUCCS Code 743, Spoil Areas
The spoil areas on site consist of Brazilian pepper (*Schinus terebinthifolia*) with scattered willow (*Salix caroliniana*).

SURVEY METHOD

Lee County Protected Species Ordinance No. 89-34 lists several protected species of animals that could potentially occur on-site based on the general vegetative associations found on the subject parcel. Each habitat type was surveyed for the occurrence of these and any other listed species likely to occur in the specific habitat types. The survey was conducted using meandering linear pedestrian belt transects. This survey methodology is based on the Lee County administratively approved Meandering Transect Methodology. As part of this survey all live trees and snags were inspected for evidence of cavities that could potentially be used as roosts by the Florida bonneted bat (*Eumops floridanus*). In order to provide at least 80 percent visual coverage of habitat types listed in Ordinance No. 89-34, the transects were spaced approximately 50 feet apart. The approximate locations of all direct sighting or signs (such as tracks, nests, and droppings) of a listed species were denoted on the aerial photography. The 1" = 100' scale aerial Protected Species Survey map (Figure 3) depicts the approximate location of the survey transects and the results of the survey. The listed species survey was conducted during the late morning hours of December 20, 2023. During the survey the weather was sunny and warm.

Species listed as endangered, threatened, or species of special concern by the Florida Fish and Wildlife Conservation Commission (FWC) or the United States Fish and Wildlife Service (FWS) that could potentially occur on the subject parcel according to the Lee County Protected Species Ordinance are shown in Table 2. This list from the Lee County Protected Species Ordinance is general in nature, contains species that were subsequently delisted by the state, does not necessarily reflect existing conditions within or adjacent to the 9.58± acre property, and is provided for general informational purposes only. The bald eagle (*Haliaeetus leucocephalus*) (which has been delisted by the FWC and FWS but is still protected by other regulations), the Florida black bear (*Ursus americanus floridanus*) (delisted in 2012 and still protected by the Florida Black Bear Management Plan), and the Florida bonneted bat (*Eumops floridanus*) (which was listed by the FWS after Ordinance No. 89-34 was adopted by Lee County) were also included in the survey. Prior to conducting the protected species survey, a search of the FWC listed species database (updated in June 2023) was conducted to determine the known occurrence of listed species in the project area.

Florida Bonneted Bat (*Eumops floridanus*) Roost Survey Method

Per U.S. Fish and Wildlife Service (FWS) Draft Protocol for Florida Bonneted Bat Roost Surveys dated February 3, 2015, a series of meandering transects were completed across the portion of the site containing areas with potential natural roosting structures. Transects through roosting habitat were spaced approximately 50 feet apart and all trees and snags were visually inspected for evidence of cavities. Evidence of protected species was gathered through both direct observation and through observation of signs such as potential roost cavities, tracks, nests, and scat. If a sign was found or sighting occurred, their locations in the field were recorded using a Global Positioning System (GPS) unit.

Figure 3 depicts the locations and results of the potential cavities survey. The site inspection was conducted on December 20, 2023.

Table 2. Listed Species That Could Potentially Occur On-site

FLUCCS CODE	Percent Survey Coverage	Species Name	Present	Absent
427	80	Eastern Indigo Snake (*Drymarchon corais couperi*)		√
		Gopher Tortoise (*Gopherus polyphemus*)		√
		Florida Black Bear (*Ursus americanus floridanus*)*		√
		Florida Panther (*Felis concolor coryi*)		√
		Hand Adder's Tongue Fern (*Ophioglossum palmatum*)		√
		Simpson's Stopper (*Myrcianthes frangrans* var. *simpsonii*)		√
		Twisted Air Plant (*Tillandsia flexuosa*)		√
450	80	None		√
617	80	Limpkin (*Aramus guarauna*)*		√
		Little Blue Heron (*Egretta caerulea*)		√
		Snowy Egret (*Egretta thula*)*		√
		Tricolored Heron (*Egretta tricolor*)		√
		Florida Black Bear (*Ursus americanus floridanus*)*		√
		Florida Panther (*Felis concolor coryi*)		√
618	80	American Alligator (*Alligator mississippiensis*)		√
		Little Blue Heron (*Egretta caerulea*)		√
		Reddish Egret (*Egretta rufescens*)		√
		Snowy Egret (*Egretta thula*)*		√
		Tricolored Heron (*Egretta tricolor*)		√
		Wood Stork (*Mycteria americana*)		√
		Big Cypress Fox Squirrel (*Sciurus niger avicennia*)		√
		Everglades Mink (*Mustela vison evergladensis*)		√
740	80	None		
742	80	None		
743	80	None		

* Species delisted subsequent to adoption of Lee County Protected Species Ordinance No. 89-34.

** Lee County Protected Species Ordinance No. 89-34 does not list this species for this FLUCCS Code but it was observed on-site.

SURVEY RESULTS

No species listed by either the FWS or the FWC were observed on the site during the protected species survey or during other site visits. In addition to the site inspection, a search of the FWC species database (updated in June 2023) revealed no additional known protected species within or immediately adjacent to the project limits.

SR 31

23-100

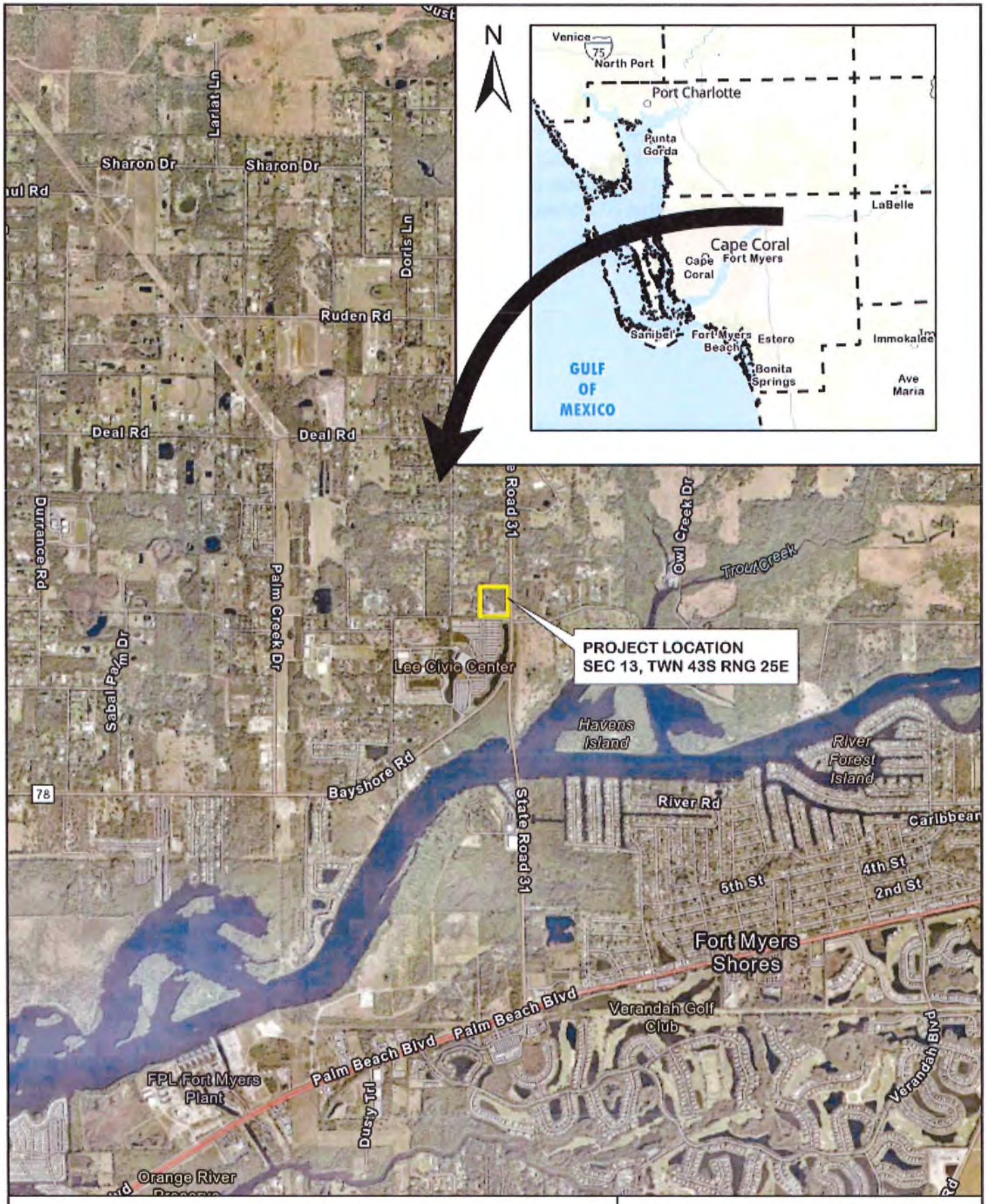
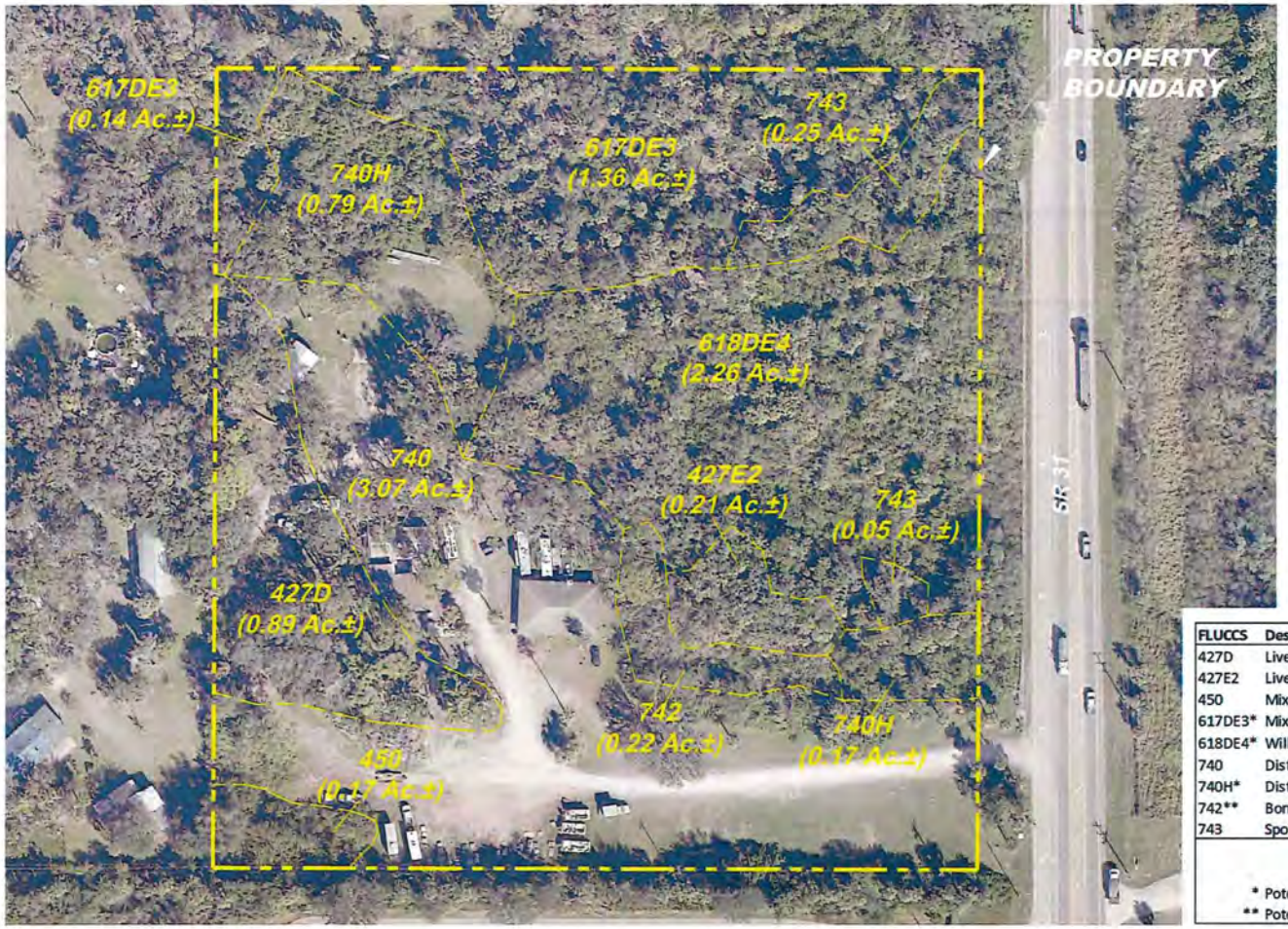


Figure 1. Project Location Map

OWEN ENVIRONMENTAL CONSULTING, LLC.
FORT MYERS 239-994-9007

SR 31



SECTION: 13
TOWNSHIP: 43S
RANGE: 25E

0 50 100
SCALE FEET

FLUCCS	Description	Acreage
427D	Live Oak, Disturbed	0.89 Ac.±
427E2	Live Oaks Invaded by Exotics (26-50%)	0.21 Ac.±
450	Mixed Exotic Upland Forest	0.17 Ac.±
617DE3*	Mixed Wetland Hardwoods Disturbed, Invaded by Exotics (51-75%)	1.50 Ac.±
618DE4*	Willow Disturbed, Invaded by Exotics (76-90%)	2.26 Ac.±
740	Disturbed Land	3.07 Ac.±
740H*	Disturbed Land, Hydric	0.96 Ac.±
742**	Borrow Areas	0.22 Ac.±
743	Spoil Areas	0.30 Ac.±
	Total	**9.58 Ac.±**

* Potential SFWMD Jurisdictional Wetlands
** Potential SFWMD Jurisdictional Other Surface Waters

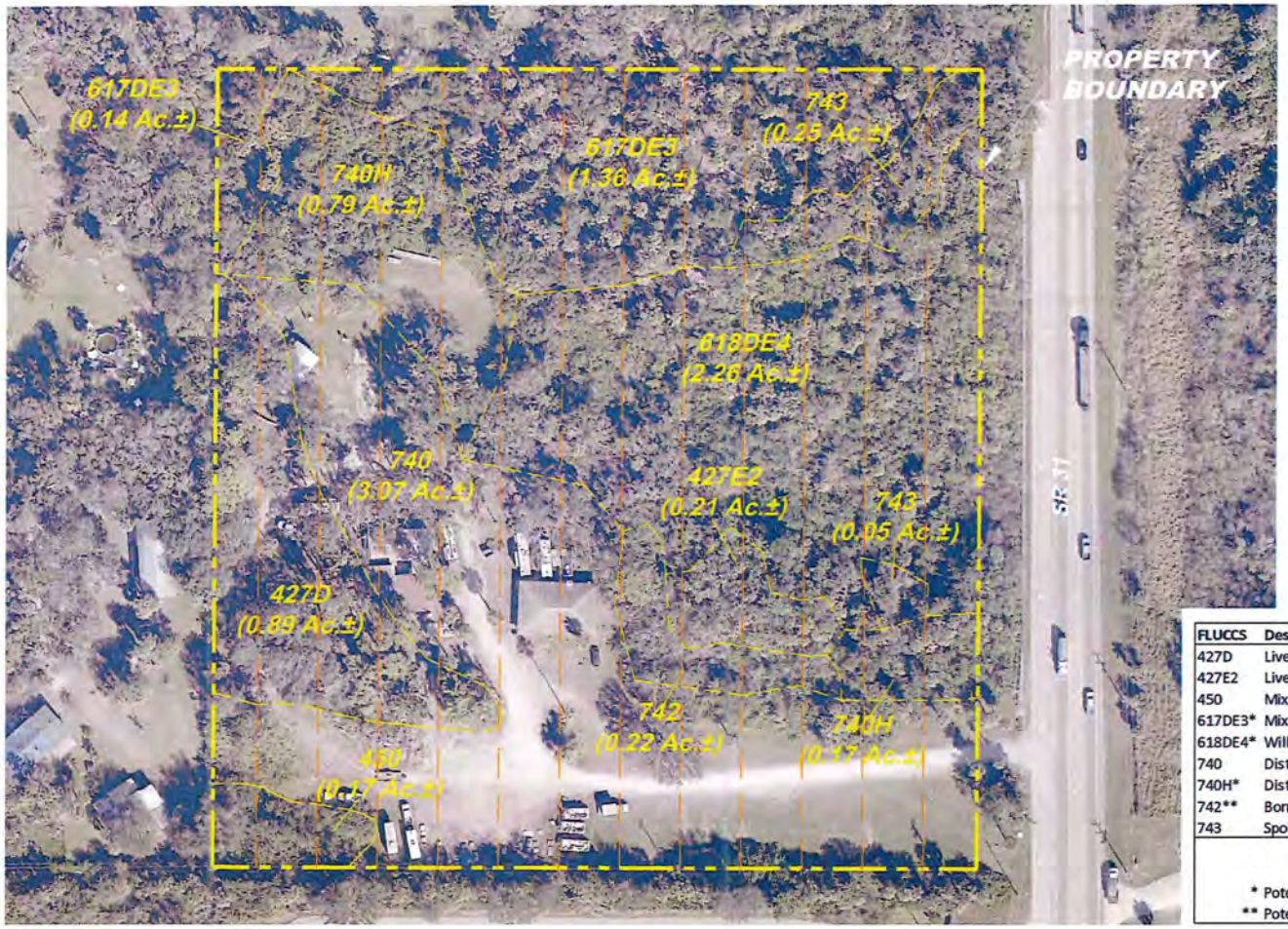
Notes:
1. *Property boundary obtained by Target Surveying, LLC.*
2. *Mapping based on photointerpretation of 2022 aerial photography and ground truthing in December 2023.*
3. *Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.*

23-100

Figure 2. Vegetation Map

OWEN ENVIRONMENTAL CONSULTING, LLC.
FORT MYERS 239-994-9007

SR 31



SECTION: 13
TOWNSHIP: 43S
RANGE: 25E

0 50 100
SCALE FEET

Legend:

Approximate Pedestrian Survey Transects

FLUCCS	Description	Acreage
427D	Live Oak, Disturbed	0.89 Ac.±
427E2	Live Oaks Invaded by Exotics (26-50%)	0.21 Ac.±
450	Mixed Exotic Upland Forest	0.17 Ac.±
617DE3*	Mixed Wetland Hardwoods Disturbed, Invaded by Exotics (51-75%)	1.50 Ac.±
618DE4*	Willow Disturbed, Invaded by Exotics (76-90%)	2.26 Ac.±
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	Total	**9.58 Ac.±**

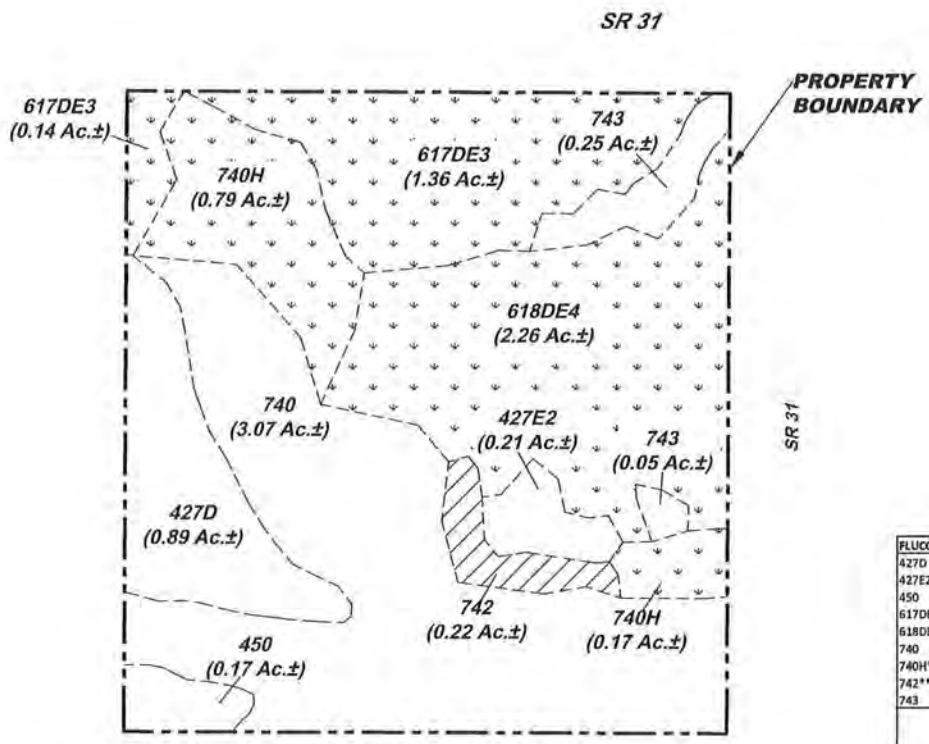
* Potential SFWMD Jurisdictional Wetlands
** Potential SFWMD Jurisdictional Other Surface Waters

Notes:
1. *Property boundary obtained by Target Surveying, LLC.*
2. *Mapping based on photointerpretation of 2022 aerial photography and ground truthing in December 2023.*
3. *Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.*

23-100

Figure 3. Protected Species Survey Map

OWEN ENVIRONMENTAL CONSULTING, LLC.
FORT MYERS 239-994-9007



SECTION: 13
TOWNSHIP: 43S
RANGE: 25E

0 50 100
SCALE FEET

Legend:

Potential Jurisdictional Wetlands (4.72 Ac.±)

Potential Jurisdictional Other Surface Waters (0.22 Ac.±)

FLUCCS	Description	Acreage
427D	Live Oak, Disturbed	0.89 Ac.±
427E2	Live Oaks Invaded by Exotics (26-50%)	0.21 Ac.±
450	Mixed Exotic Upland Forest	0.17 Ac.±
617DE3*	Mixed Wetland Hardwoods Disturbed, Invaded by Exotics (51-75%)	1.50 Ac.±
618DE4*	Willow Disturbed, Invaded by Exotics (76-90%)	2.26 Ac.±
740	Disturbed Land	3.07 Ac.±
740H*	Disturbed Land, Hydric	0.96 Ac.±
742**	Borrow Areas	0.22 Ac.±
743	Spoil Areas	0.30 Ac.±
	Total	**9.58 Ac.±**

* Potential SFWMD Jurisdictional Wetlands
** Potential SFWMD Jurisdictional Other Surface Waters

Notes:
1. *Property boundary obtained by Target Surveying, LLC.*
2. *Mapping based on photointerpretation of 2022 aerial photography and ground truthing in December 2023.*
3. *Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.*

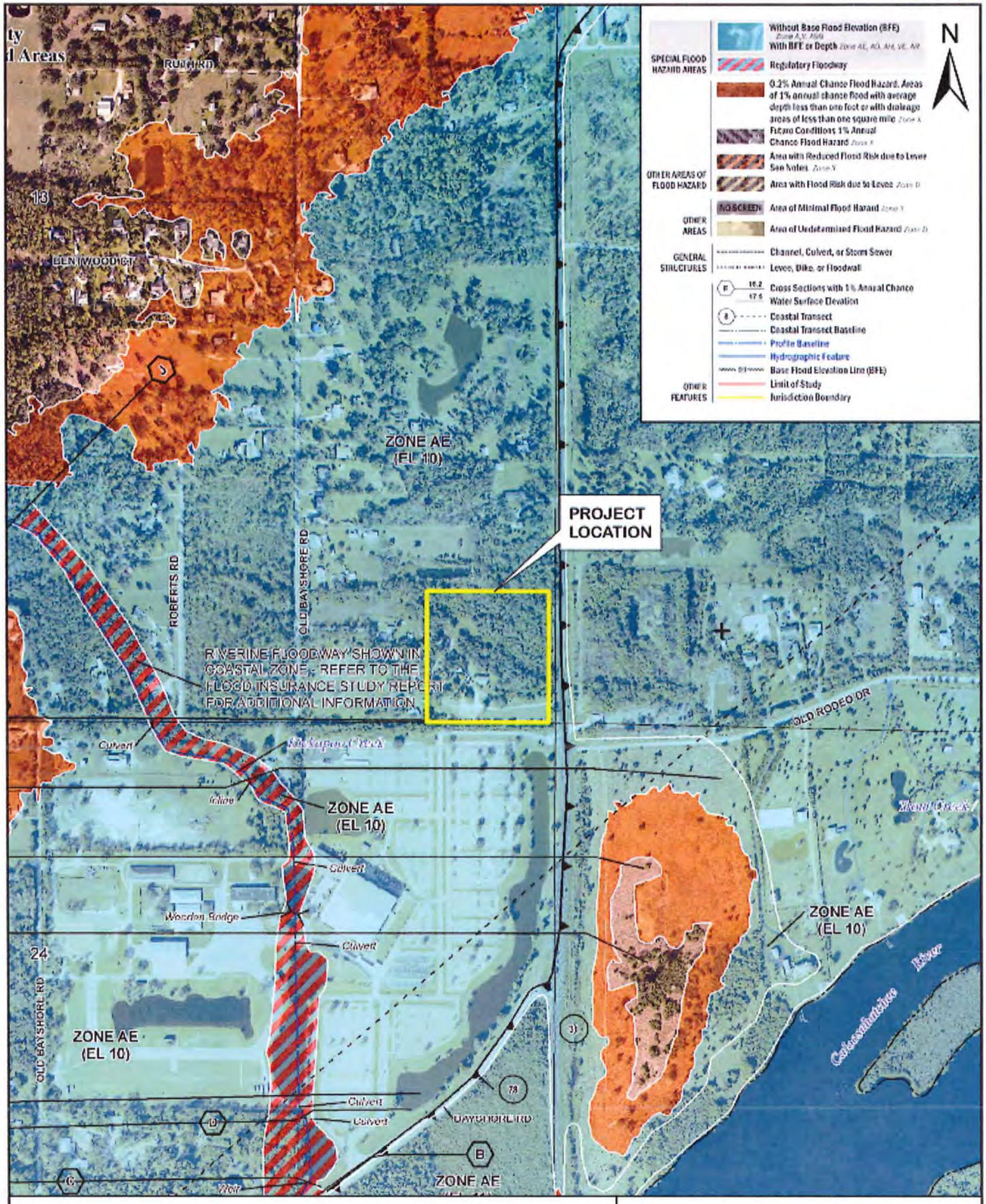
23-100

Wetland Map

OWEN ENVIRONMENTAL CONSULTING, LLC.
FORT MYERS 239-994-9007

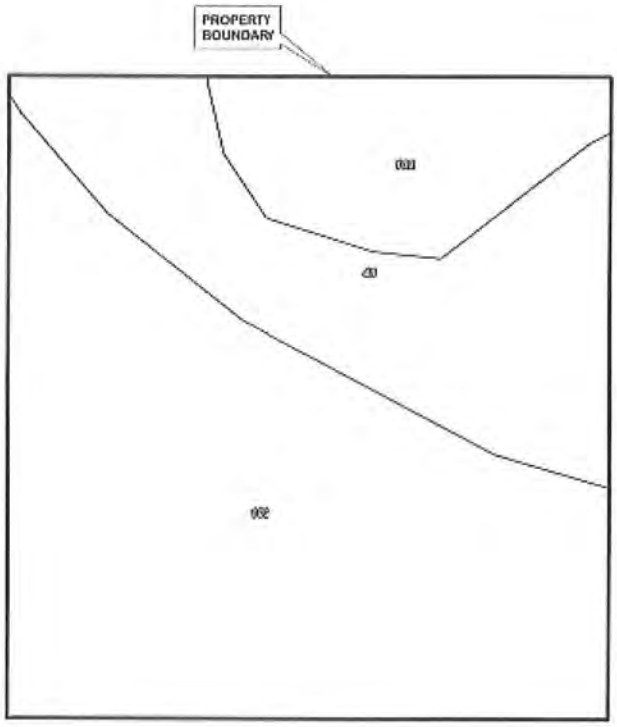
SR 31

23-100

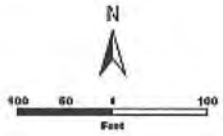


Flood Insurance Rate Map

OWEN ENVIRONMENTAL CONSULTING, LLC.
FORT MYERS 239-994-9007



Soil Legend	
45	Copeland fine sandy loam, frequently ponded, 0 to 1 percent slopes
102	Cypress Lake fine sand-Urban land complex, 0 to 2 percent slopes



Soils Map	***SR 31***	*OWEN ENVIRONMENTAL CONSULTING, LLC.* FORT MYERS 239-994-9007

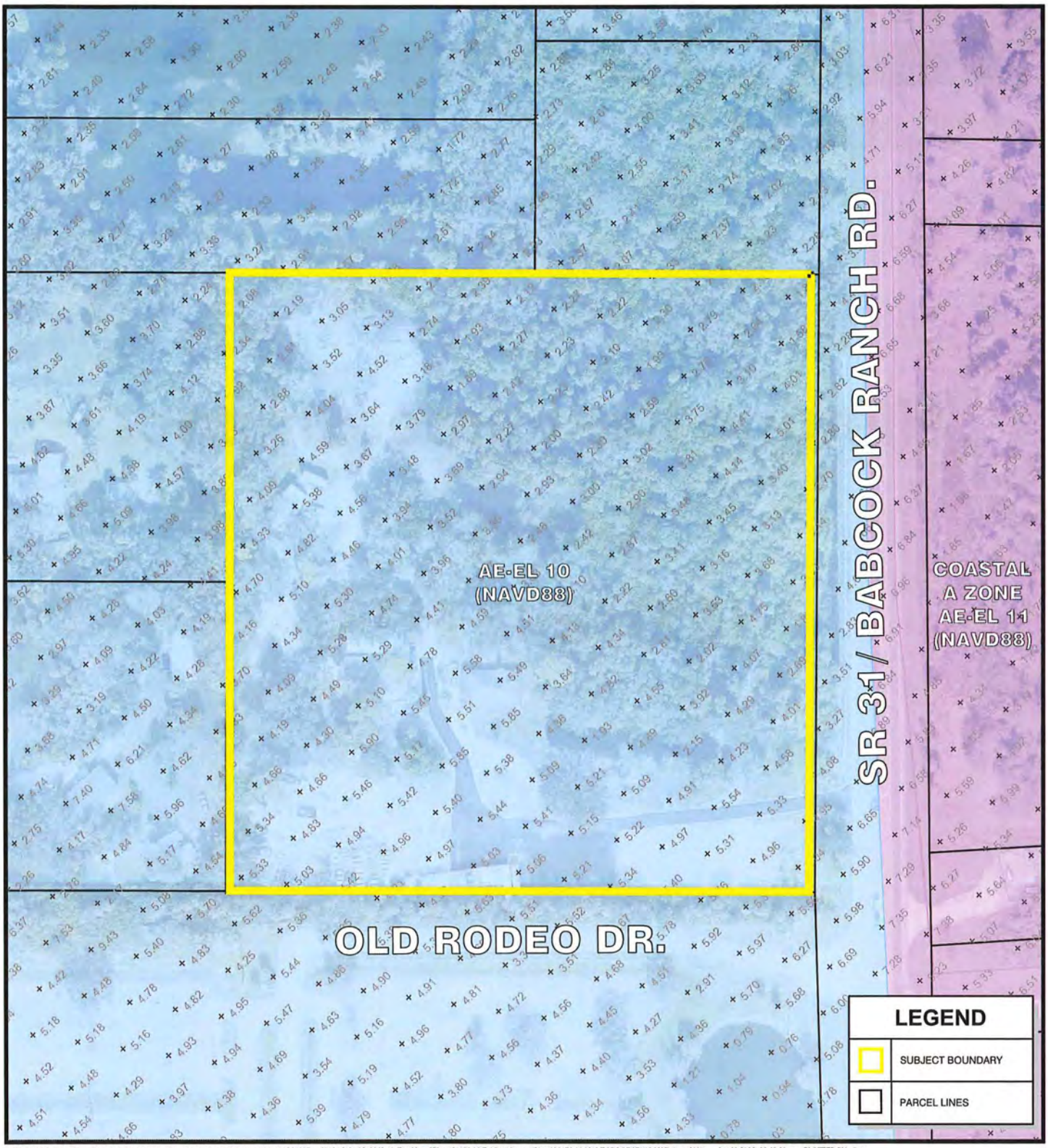
Lee County NRCS Soils Map Unit Descriptions

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. Typically, the surface layer is about 8 inches of very dark gray sandy loam. The subsoil is very dark gray sandy loam about 12 inches thick. It is underlain by 8 inches of light brownish gray sandy clay loam with soft calcium carbonate throughout. Fractured limestone bedrock is at a depth of 28 inches. Included with this soil in mapping are small areas of Chobee, Anclote, Boca, Felda, Floridana, and Pompano soils. In addition, soils similar to Copeland soils but with a mixture of fine sand and shell fragments to a depth of 60 inches or more are included. Areas with limestone at a depth of more than 40 inches are also included. Included soils generally make up less than 15 percent of any mapped area. Under natural conditions, the water table is above the surface for 3 to 6 months. It is 1 0 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.

102-Cypress Lake fine sand-Urban land complex, 0 to 2 percent slopes

The Cypress Lake component makes up 42 percent of the map unit. Slopes are 0 to 2 percent. This component is on flatwoods on marine terraces on coastal plains. The parent material consists of sandy and loamy marine deposits over limestone. Depth to a root restrictive layer, bedrock, lithic, is 8 to 40 inches. The natural drainage class is poorly drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is very low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 6 inches during July, August, September, October. Organic matter content in the surface horizon is about 2 percent. This component is in the F155XY130FL Sandy over Loamy Flatwoods and Hammocks ecological site. Non-irrigated land capability classification is 3w. This soil meets hydric criteria. There are no saline horizons within 30 inches of the soil surface. The soil has a maximum sodium adsorption ratio of 1 within 30 inches of the soil surface.



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PROJECT:

SR 31 CIVIC 10

LOCATION:

18031/41 SR 31
NORTH FORT MYERS

CONSULTANT:

MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL CA NO. 6532 / FL CERT NO. LB6891 / LC26000330

Fort Myers
2914 Cleveland Avenue
Fort Myers, Florida 33901
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Fax: (239) 337-3994
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Tallahassee
113 South Monroe Street
1st Floor
Tallahassee, Florida 32301
Toll free: 866-337-7341

Destin
5597 Highway 98
Unit 201
Santa Rosa Beach, Florida 32459
Toll free: 866-337-7341

CLIENT:

Restoration GROUP INC.

0 75 150
SCALE 1"=150'

PROJECT MANAGER:	BS
DRAWING BY:	CJV
JURISDICTION:	LEE COUNTY
DATE:	4/8/2025
SHEET TITLE:	TOPOGRAPHIC MAP
SHEET NUMBER:	EX M13
JOB/FILE NUMBER:	23071

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2914 Cleveland Avenue | Fort Myers, Florida 33901
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SR 31 CIVIC 10 Map Amendments

CPA2024-00017

Historic Resources Impact Analysis (EXHIBIT M14)

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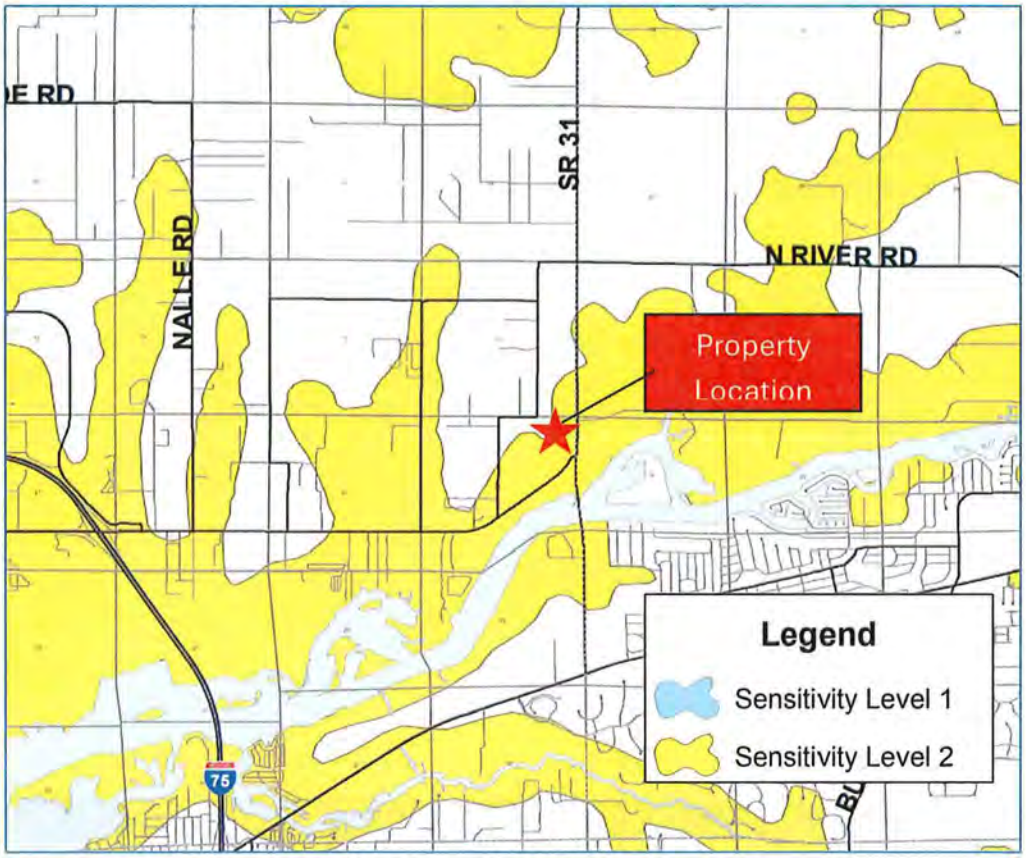
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Phone (239) 337-3993 | Toll Free (866) 337-7341
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SR 31 Civic 10 CPA

Historic Resources Impact Analysis
Exhibit M14

There are no recorded cultural resources listed on the subject parcels, per the Master Site File Letter. Please see the attached correspondence from the Florida Department of State, Division of Historical Resources.

The Lee County Archaeological Sensitivity Map indicates that the property is located within the Sensitivity Level 2 Zone. It is understood that a Certificate to Dig is required prior to issuance of development permits within this sensitivity zone. Any future development on the site will comply with the requirements of Sec. 22-106 of the LDC.



Lee County Archaeological Sensitivity Map

From: Greenwood, Ezekiel <Ezekiel.Greenwood@dos.fl.gov>
Sent: Wednesday, July 24, 2024 2:32 PM
To: Lindsay F. Rodriguez
Subject: RE: Florida Master Site File Request - SR 31
Attachments: Survey Roster.pdf; Map.pdf

Hello,

FLORIDA DEPARTMENT OF STATE
DIVISION OF
Historical Resources

There are no previously recorded resources within the search area. I have attached a roster of the surveys that intersect with the area and a PDF map. Please let me know if there is anything else you need.

This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333 for project review information.

EZEKIEL GREENWOOD
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 | 850.245.6315 | 1.800.847.7278 | Fax: 850.245.6439 | flheritage.com

From: Lindsay F. Rodriguez <lrodriguez@m-da.com>
Sent: Wednesday, July 24, 2024 2:22 PM
To: FMSFILE <FMSFILE@dos.myflorida.com>
Cc: Ben Smith <BSmith@m-da.com>
Subject: Florida Master Site File Request - SR 31

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Good afternoon,

I have another one! Please see Florida Master Site File request attached. Let us know if you need anything else. Thanks!

MORRIS DEPEW

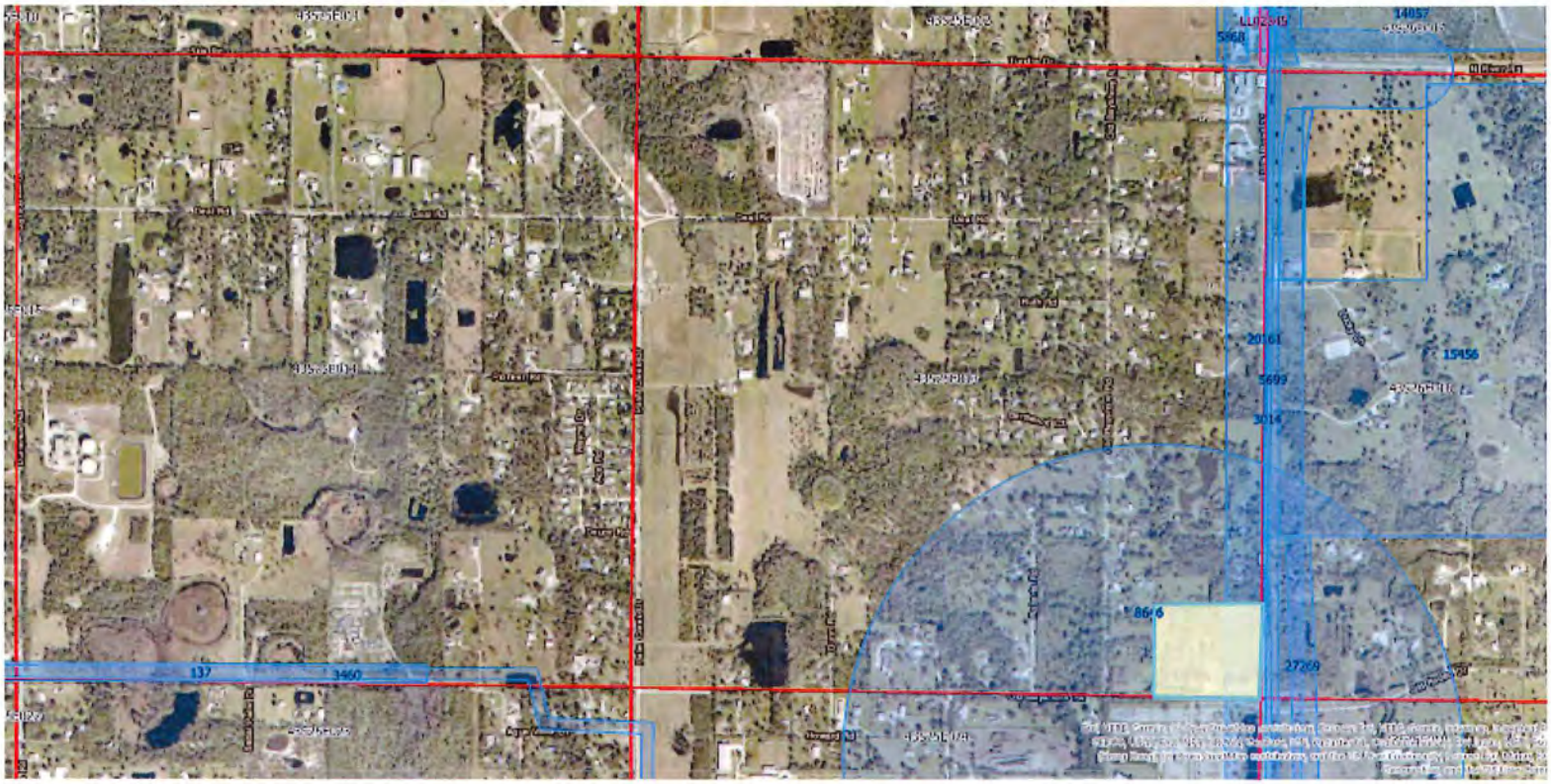
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14057
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27269
137
3460

Florida Master Site File

Manuscript Roster

Total=2

MS#	Title	Publication Information	Year
20161	Cultural Resource Assessment Survey of State Road 31 from State Road 80 (Palm Beach Boulevard) to North of County Road 78 (North River Road) Lee County, Florida	On file at FL DHR and SEARCH, Newberry, FL	2012
8646	An Archaeological and Historical Survey of the Proposed Lee County Civic Center Tower Location in Lee County, Florida	Panamerican Consultants, Inc., Tampa. Submitted to Envirodesign Associates, Inc.	2003

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SR 31 CIVIC 10 Map Amendments

CPA2024-00017

Traffic Circulation Analysis (EXHIBIT M16)

SR 31 CIVIC 10 Map Amendments

CPA2024-00017

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

TRAFFIC IMPACT STATEMENT

FOR

SR 31 CIVIC 10 CPA/CPD COMPREHENSIVE PLAN AMENDMENT & REZONING

(PROJECT NO. F2410.19)

PREPARED BY:
TR Transportation Consultants, Inc.
Certificate of Authorization Number: 27003
2726 Oak Ridge Court, Suite 503
Fort Myers, Florida 33901-9356
(239) 278-3090

Revised:
June 17, 2025

TRANSPORTATION CONSULTANTS, INC

CONTENTS

I. INTRODUCTION

II. EXISTING CONDITIONS

III. COMPREHENSIVE PLAN AMENDMENT ANALYSIS

IV. ZONING ANALYSIS

V. CONCLUSION

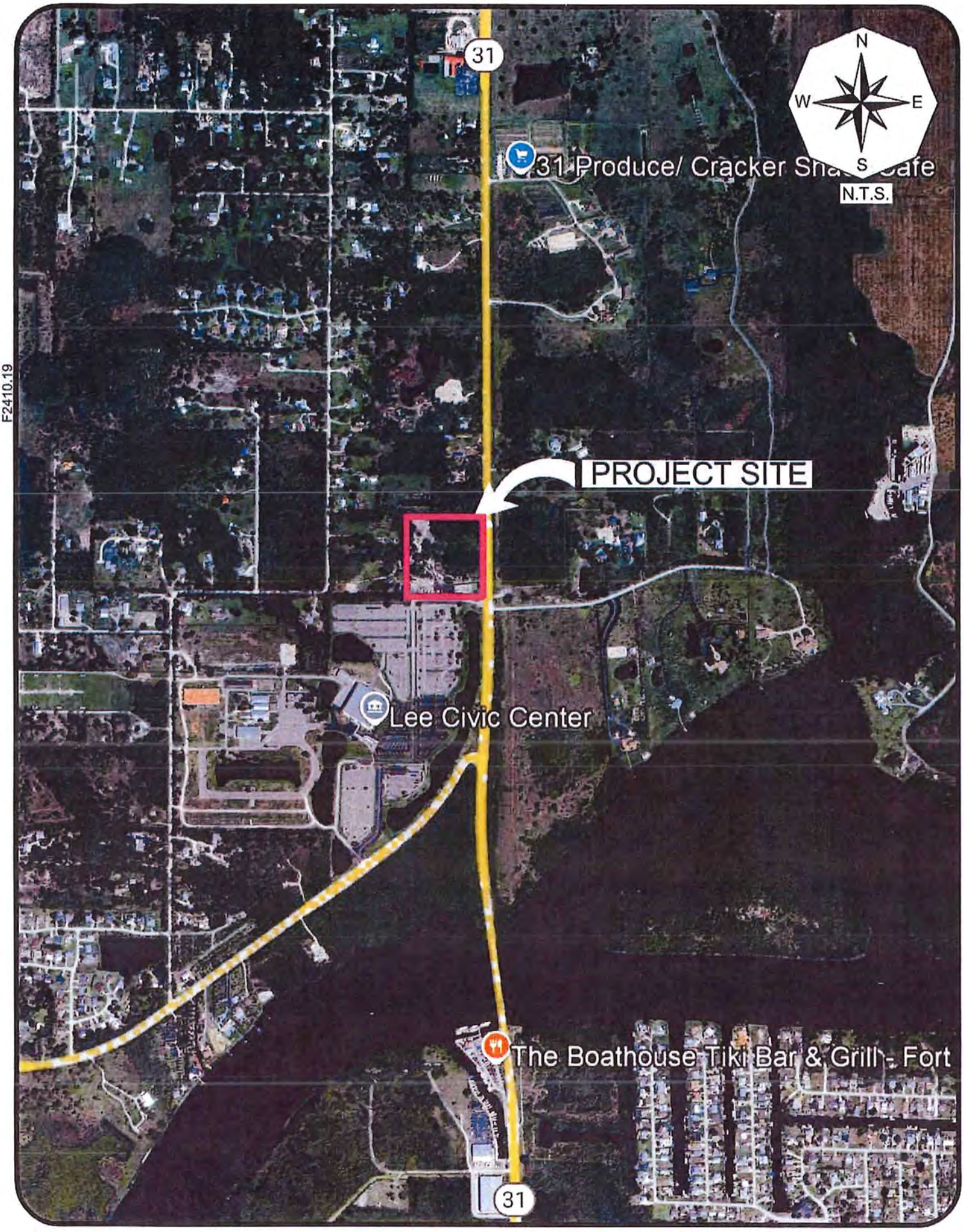
TR TRANSPORTATION CONSULTANTS, INC

I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking an amendment to the Comprehensive Land Use Plan and re-zoning approval. The subject site is located at 18031 SR 31 in Lee County, Florida. **Figure 1** illustrates the approximate location of the subject site.

The analysis in this report will determine the impacts of change in land use on the approximately 9.59-acre subject site from Rural to Outlying Suburban as well as a zoning amendment to permit the development of up to 100,000 square feet of floor area, which includes a maximum of 20,000 square feet of medical office floor area as shown on the proposed Schedule of Uses. It is important to note that this project is located in Bayshore Planning Community which does not allow retail uses such as supermarkets, grocery stores, etc. at this location. The transportation related impacts of the proposed Comprehensive Plan amendment will be assessed based on 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. The transportation related impacts of the proposed rezoning will be evaluated based on the estimated build-out year of the project and the impacts the proposed rezoning will have on the surrounding roadway infrastructure. Access to the subject site is proposed to Old SR 31 via a single connection.

This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the various roadways within the study area will be completed and analysis conducted to determine the impacts of the development on the surrounding roadways and intersections.



F2410.19

TR TRANSPORTATION CONSULTANTS, INC

PROJECT LOCATION MAP
SR 31 CIVIC 10 CPD

Figure 1

II. EXISTING CONDITIONS

The subject site is currently partially occupied by two buildings and some open storage area. The subject site is generally bordered by Lee Civic Center to the south, SR 31 to the east, vacant land to the north, and by residential uses to the west.

SR 31 is currently a north/south two-lane undivided arterial within the vicinity of the subject site. SR 31 has a posted speed limit of 60 mph and is under the jurisdiction of the Florida Department of Transportation (FDOT).

SR 31 is funded to be reconstructed as a new four-lane facility from SR 78 to Cook Brown Road by the Babcock Ranch Community Independent Special District (ISD). This four-lane improvement will be expandable to a future six-lane facility. The existing intersection of Old Rodeo Drive with SR 31 will be directionalized as part of this widening project as shown on the attached SR 31 Signing and Pavement Marking Plans. The construction of the four-lane improvement is scheduled to be completed by 2027. As a result of this SR 31 project, access to the site will be directly provided to Old SR 31 that will continue to run parallel to the new four-lane section of SR 31.

FDOT is proposing to rebuild SR 31 from 2 lanes to 6 lanes with flyovers at the SR 80 intersection, as part of FDOT's Project No. 441942-1. This improvement, which includes a new six-lane bridge over Caloosahatchee River, is funded for construction in FY 2029. The latest concept plans are attached to the Appendix of this report. FDOT is also currently conducting Project Development & Environmental (PD&E) study on SR 78 from I-75 to SR 31 to evaluate the future widening of this roadway to a four-lane facility. This PD&E study is anticipated to be completed by early FY 2025.

III. COMPREHENSIVE PLAN AMENDMENT ANALYSIS

The proposed Map Amendment would change the future land use designation on the approximate 9.59-acre subject site from Rural to Outlying Suburban to allow for up to 100,000 square feet of floor area, which includes a maximum of 20,000 square feet of medical office floor area as shown on the proposed Schedule of Uses. To be conservative for the purposes of the analysis, the remaining 80,000 square feet of floor area was assumed as general office floor area based on the proposed Schedule of Uses. It is important to note that this project is located within the Bayshore Planning Community which does not allow retail uses such as supermarkets, grocery stores, etc. at this location. **Table 1** summarizes the development intensity that was assumed as a result of the proposed Map Amendment.

Table 1
Land Use
SR 31 Civic 10 - CPA

Land Use	Intensity
Medical Office	Max. 20,000 Sq. Ft.
General Office	80,000 Sq. Ft. *
Total (9.59 acres)	**100,000 Sq. Ft.**

*To be conservative the remaining 80,000 square feet of floor area was assumed as general office floor area.

Trip Generation

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation Manual***, 11th Edition. Land Use Code 720 (Medical-Dental Office Building) and Land Use Code 710 (General Office Building) were utilized for the trip generation purposes of the proposed development. The equations used from this land use are included in the Appendix of this report for reference. **Table 2** outlines the anticipated weekday AM and PM peak hour trip generation based on the proposed development. The daily trip generation is also indicated in this table.

Table 2
Trip Generation – Total Trips
SR 31 Civic 10 - CPA

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Medical Office (20,000 Sq. Ft.)	45	12	57	23	55	78	751
General Office (80,000 Sq. Ft.)	122	16	138	23	115	138	956
Total Trips	**167**	**28**	**195**	**46**	**170**	**216**	**1,707**

The transportation related impacts of the proposed Comprehensive Plan Amendment 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.

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 improvements include the widening of SR 31 to a six-lane facility from SR 80 to Charlotte County, widening of SR 78 to a four-lane facility from SR 31 to I-75 and widening of Buckingham Road to a four-lane facility from SR 80 to Orange River Road. Note, the Lee County 2045 Needs Plans also indicates widening of SR 80 to a six-lane facility from SR 31 to Buckingham Road. Improvements that are shown on the Needs Plan are not included in this analysis. The Lee County 2045 Highway Cost Feasible Plan and 2045 Needs Plan maps are attached to this Memorandum for reference.

The Lee County Metropolitan Planning Organization's (MPO) long range transportation plan along with the FDOT District One travel model were 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. The new PM peak hour trips to be generated from the project as shown in Table 2 were

then added to the projected 2045 background volumes. The Level of Service for those roadways were then evaluated. The Level of Service threshold volumes for County maintained roadways were obtained from ***Lee County's Generalized Peak Hour Directional Service Volumes*** table. The Level of Service threshold volumes for State maintained roadways were derived based on the FDOT's ***Generalized Service Volume Tables***. Both documents are attached to the Appendix of this report for reference.

The results of the analysis indicate that the addition of the trips as a result of the proposed amendment to the projected 2045 volumes will not cause any roadway links, except for SR 31 between SR 78 and SR 80, to fall below the recommended minimum acceptable Level of Service thresholds as recommended in Policy 37.1.1 of the Lee County Comprehensive Plan. However, Transportation Concurrency is non-regulatory per Florida Statutes Section 163.3180 and Lee Plan Policy 95.1.3, which provides "*Compliance with non-regulatory LOS standards will not be a requirement for continued development permitting, but will be used for facility planning purposes.*" Note, SR 80 east of SR 31 was shown to operate at a poor Level of Service in the 2045 background (without project traffic) conditions. As previously mentioned, SR 80 is shown to be widened to a six-lane facility on the Lee County's 2045 Needs Plan, which would alleviate this projected background deficiency. Therefore, no changes to the adopted long range transportation plan are required as result of the proposed Map Amendments. Attached **Table 1A** and **Table 2A** reflect the Level of Service analysis based on the 2045 conditions.

Short Range Impacts (5-year horizon)

The 2023/2024-2027/2028 Lee County Transportation Capital Improvement Plan as well as the 2024-2029 Florida Department of Transportation Adopted Work Program were reviewed to determine the short term impacts the proposed land use change would have on the surrounding roadways. Based on the review, SR 31 is funded to be widened to a four-lane facility from SR 78 to Cook Brown Road by Babcock Ranch. As previously mentioned, SR 31 is also funded to be widened from 2 lanes to 6 lanes with flyovers at the SR 80 intersection, as part of FDOT's Project No. 441942-1. This improvement,

which includes a new six-lane bridge over Caloosahatchee River, is funded for construction in FY 2029. There are no other programmed improvements in the vicinity of the subject site. Note, FDOT is currently conducting PD&E study on SR 78 from I-75 to SR 31 to evaluate future widening of this roadway to a four-lane facility.

Table 3A and **Table 4A** attached to this report indicate the projected 5-year planning Level of Service on the area roadways based on the uses that would be permitted under the proposed land use change. The existing peak hour, peak season, peak direction traffic volumes on the 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 FDOT's ***Florida Traffic Online*** resource. Based on the projected traffic distribution, 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 aforementioned FDOT's resource is attached to the Appendix of this report for reference.

The results of the analysis indicate that the addition of the trips as a result of the proposed amendment to the projected 2029 volumes will not cause any roadway links to fall below the minimum acceptable Level of Service standards. There were several roadway segments that were shown to operate below the adopted LOS standards in 2029 in the background traffic conditions and not as a result of adding new trips from the project. Therefore, no modifications will be necessary to the Lee County or FDOT short term capital improvement programs.

IV. ZONING ANALYSIS

An analysis was also completed to support the rezoning on the approximate 9.59-acre subject site from Agricultural (AG-2) to Commercial Planned Development (CPD) to allow a development of up to 100,000 square feet of commercial uses, which includes a maximum of 20,000 square feet of medical office floor area as shown on the proposed Schedule of Uses. It is important to note that this project is located within the Bayshore Planning Community which does not allow retail uses such as supermarkets, grocery stores, etc. at this location. The rezoning analysis was completed consistently with the trip generation as shown in Table 2 of this report.

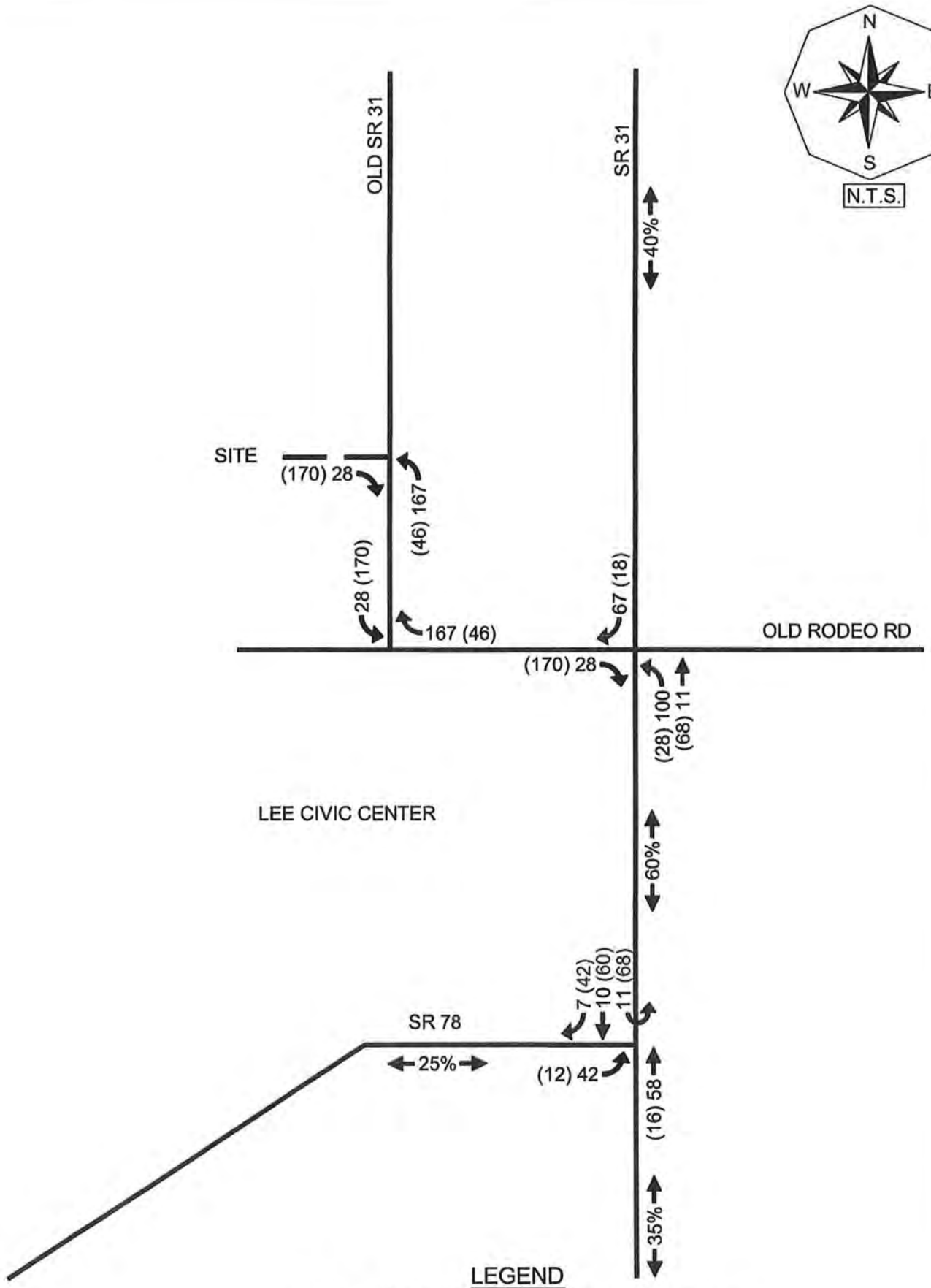
Trip Distribution

The trips the proposed development is anticipated to generate, as shown in the Table 2, were assigned to the surrounding roadway network. The project traffic distribution and the assignment of trips anticipated to be generated by the proposed development to the site access drive and surrounding intersections is illustrated on **Figure 2.**

Level of Service Analysis

In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 5A**, contained in the Appendix, was created. This table indicates which roadway links will experience a significant impact as a result of the added development traffic. Significant impact is defined as any roadway projected to experience greater than 10% of the Peak Hour – Peak Direction Level of Service "C" volumes. The Level of Service threshold volumes for SR 31 were derived based on the FDOT's ***Generalized Service Volume Tables*** and included the funded 4-lane widening project. Based on the information contained within Table 5A, no roadway segments are anticipated to be significantly impacted as a result of the proposed development.

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TR TRANSPORTATION CONSULTANTS, INC

ASSIGNMENT & DISTRIBUTION OF PROJECT TRIPS
SR 31 CIVIC 10 CPD

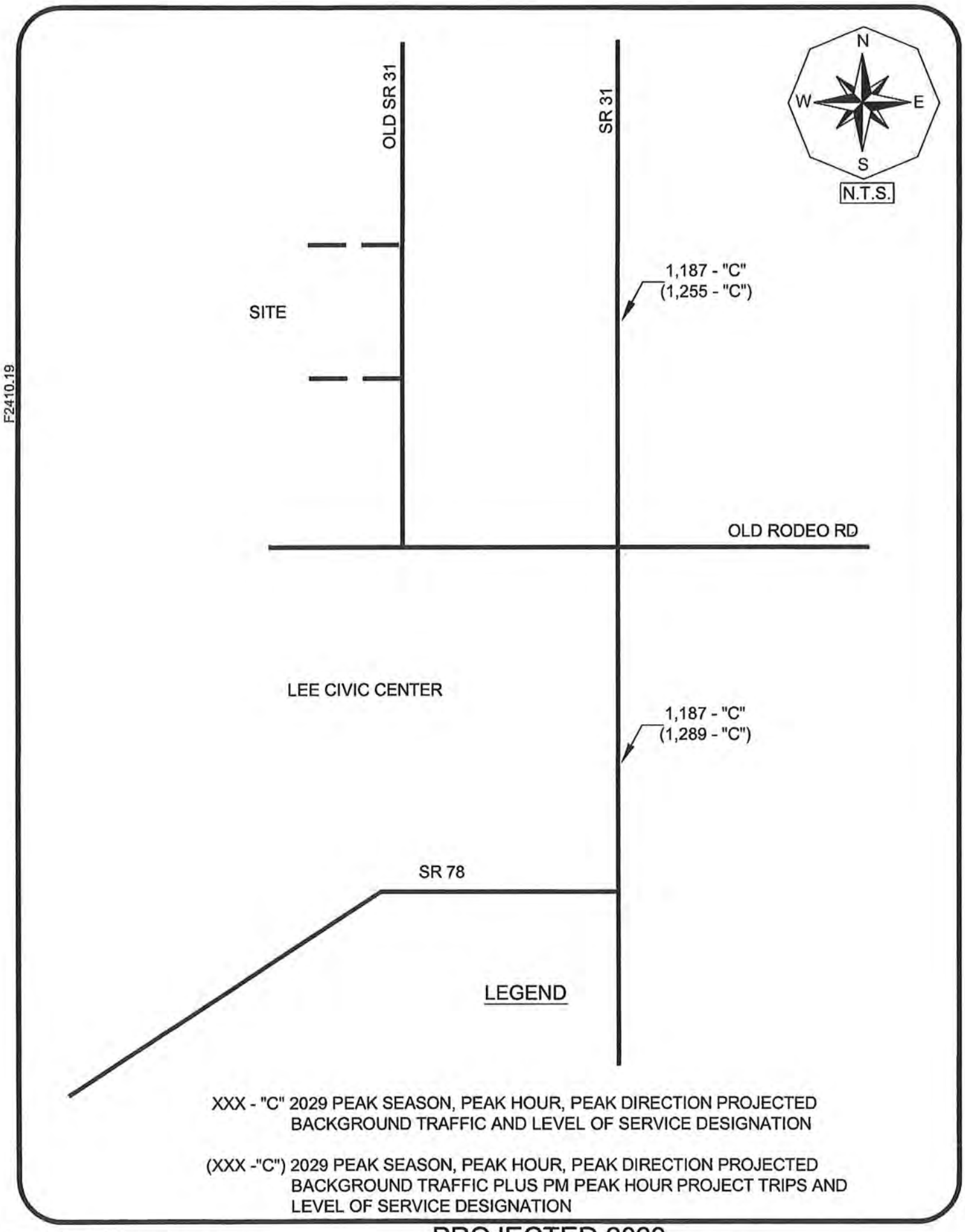
Figure 2

The future Level of Service analysis was based on projected build-out year of the project, or year 2029. Based on this horizon year, a growth rate was applied to the existing traffic conditions for all roadway links in the study area. The growth rates for each roadway segment were calculated based on historical traffic data obtained from the FDOT's ***Florida Traffic Online*** resource. Based on the project distribution illustrated on Table 5A, the link data was analyzed for the year 2029 without the development and year 2029 with the development.

Table 6A in the Appendix of the report indicates the methodology utilized to obtain the year 2029 background and build-out traffic volumes. The existing peak hour, peak season, peak direction traffic volumes on the roadway links maintained by the 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.

Figure 3 indicates the year 2029 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 4 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday A.M. and P.M. peak hours with the development traffic added to the roadways. This figure is derived from Table 6A contained in the Appendix.

As can be seen from Figure 3, the roadway links analyzed as part of this report will not be adversely impacted as a result of the proposed rezoning request. SR 31 adjacent to the site as a four-lane roadway was shown to operate at acceptable Level of Service "C" in 2029 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed rezoning request.



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TR TRANSPORTATION CONSULTANTS, INC

PROJECTED 2029 LEVEL OF SERVICE ANALYSIS SR 31 CIVIC 10 CPD

Figure 3

Intersection Analysis

Intersection analysis was conducted utilizing the ***HCS©*** software to determine the operational characteristics of the proposed site access drive on Old SR 31 that will continue to run parallel to the new four-lane section of SR 31. Intersection analysis was also conducted at the off-site intersection of Old SR 31 intersection with Old Rodeo Drive. The intersection analysis was based on the projected 2029 weekday AM and PM peak hour traffic conditions with the project traffic added to the intersections. Since the traffic volumes along the future section of Old SR 31 are unknown at this time, the through traffic volumes on this roadway were estimated based on approximately 10% of the traffic volumes from the traffic count conducted at the existing SR 31 and Old Rodeo Drive intersection.

The peak hour turning movements were then adjusted for peak season conditions based on peak season factor data as provided by FDOT in their ***Traffic Information Online*** resource. The FDOT peak season correction factor is included in the Appendix of this report for reference. The peak hour peak season traffic volumes were then increased by a growth rate factor to determine the projected 2029 background turning movement volumes. The turning volumes projected to be added to the intersection as illustrated on Figure 2 were then added to the 2029 background volumes to estimate the future 2029 traffic volumes with the project. These volumes are based on the data from the spreadsheet contained in the Appendix of this report titled *Development of Future Year Background Turning Volumes*.

The results of the intersection analysis as shown on attached ***HCS©*** reports indicate all intersections to operate at an acceptable LOS with the proposed development traffic in the 2029 weekday A.M. and P.M. peak hour traffic conditions.

Turn lane improvements at the site access drives intersections will be evaluated at the time the project seeks a Local Development Order approval.

V. CONCLUSION

The proposed project is located at 18031 SR 31 in Lee County, Florida. The results of the long-range link Level of Service Analysis conducted as part of the Comprehensive Plan Amendment request indicate that the addition of the trips from the proposed amendment to the projected 2045 volumes will not cause any roadway links, except for SR 31 between SR 78 and SR 80, to fall below the recommended minimum acceptable Level of Service thresholds as recommended in Policy 37.1.1 of the Lee County Comprehensive Plan. However, Transportation Concurrency is non-regulatory per Florida Statutes Section 163.3180 and Lee Plan Policy 95.1.3, which provides "*Compliance with non-regulatory LOS standards will not be a requirement for continued development permitting, but will be used for facility planning purposes.*" Note, SR 80 east of SR 31 was shown to operate at a poor Level of Service in the 2045 background (without project traffic) conditions. As previously mentioned, SR 80 is shown to be widened to a six-lane facility on the Lee County's 2045 Needs Plan, which would alleviate this projected background deficiency.

The results of the short-range link Level of Service Analysis conducted as part of the Comprehensive Plan Amendment request indicate that the addition of the trips from the proposed amendment to the projected 2029 volumes will not cause any roadway links to fall below the minimum acceptable Level of Service standards. There were several roadway segments that were shown to operate below the adopted LOS standards in 2029 in the background traffic conditions and not as a result of adding new trips from this project.

The 2045 Financially Feasible Roadway network and the short-term 5-year Capital Improvement Program currently in place in Lee County will not require any modification in order to accommodate the proposed Land Use Change.

The rezoning analysis also indicates that the subject site will not have an adverse impact on the surrounding roadway network. SR 31 adjacent to the site as a four-lane roadway

was shown to operate at acceptable Level of Service "C" in 2029 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed rezoning request.

The results of the intersection analysis indicate all analyzed intersections to operate at an acceptable LOS with the proposed development traffic in the 2029 weekday A.M. and P.M. peak hour traffic conditions.

A more detailed traffic analysis will be conducted at the time the project seeks a Local Development Order approval, which is when more specific end-users and intensities will be known.

APPENDIX

TABLES 1A & 2A

2045 LOS ANALYSIS

TABLE 1A
LEVEL OF SERVICE THRESHOLDS
2045 LONG RANGE TRANSPORTATION ANALYSIS - SR 31 CIVIC 10 CPA

		2045 E + C NETWORK LANES		GENERALIZED SERVICE VOLUMES				
				LOS A	LOS B	LOS C	LOS D	LOS E
ROADWAY	ROADWAY SEGMENT	# Lanes	Roadway Designation	VOLUME	VOLUME	VOLUME	VOLUME	VOLUME
N. River Rd	E. of SR 31	2LU	Uninterrupted Flow Highway	130	420	850	1,210	**1,640**
Old Bayshore Rd	W. of SR 31	2LU	Collector	0	0	310	660	**740**
SR 31	N. of North River Rd.	6LD	Arterial - C3R	0	0	**2,751**	2,866	2,866
	N. of Site	6LD	Arterial - C3R	0	0	2,751	**2,866**	2,866
	S. of Site	6LD	Arterial - C3R	0	0	2,751	2,866	2,866
	S. of SR 78	6LD	Arterial - C3C	0	0	2,478	**2,814**	2,814
SR 78 (Bayshore Rd)	W. of SR 31	4LD	Arterial - C3R	0	0	1,785	**1,942**	1,942
	W. of Nelle Rd	4LD	Arterial - C3R	0	0	1,785	**1,942**	1,942
SR 80 (Palm Beach Blvd)	W. of SR 31	6LD	Arterial - C3C	0	0	2,478	**2,814**	2,814
	E. of SR 31	4LD	Arterial - C3C	0	0	1,596	**1,900**	1,900
	E. of Buckingham Rd	4LD	Arterial - C3C	0	0	1,596	**1,900**	1,900
Nalle Rd	N. of SR 78	2LU	Collector	0	0	310	660	**740**
Buckingham Rd	S. of SR 80	4LD	Arterial	0	250	1,840	1,960	**1,960**

[ ] - Denotes the LOS Standard for each roadway segment

* Level of Service Thresholds for Lee County arterials/collectors taken from the Generalized Peak Hour Directional Service Volume tables for Urbanized Areas (dated April 2016)
* Level of Service Thresholds for State mantained roadways were taken from FDOT's Generalized Service Volume Tables.

TABLE 2A
2045 ROADWAY LINK LEVEL OF SERVICE CALCULATIONS
SR 31 CIVIC 10 - CPA

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 216 VPH IN= 46 OUT= 170

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	2045 PEAK DIRECTION TRAFFIC VOLUMES & LOS VOLUME	LOS	PROJECT TRAFFIC DIST.	PK DIR PM PROJ TRAFFIC	2045 BACKGROUND PLUS PROJ PEAK DIRECTION TRAFFIC VOLUMES & LOS VOLUME	LOS
N. River Rd	E. of SR 31	12,426	124650	12,426	0.095	1,180	0.554	654	C	10%	17	671	C
Old Bayshore Rd	W. of SR 31	2,861	124650 *	2,861	0.095	272	0.554	151	C	5%	9	160	C
SR 31	N. of North River Rd.	69,826	120273	69,826	0.095	6,633	0.521	3,456	F	25%	43	3,499	F
	S. of North River Rd.	59,332	121001	59,332	0.095	5,637	0.568	3,202	F	40%	68	3,270	F
	S. of Site	59,446	121001	59,446	0.095	5,647	0.568	3,207	F	60%	102	3,309	F
	S. of SR 78	54,311	120030	54,311	0.090	4,888	0.568	2,776	D	35%	60	2,836	F
SR 78 (Bayshore Rd)	W. of SR 31	30,972	121002	30,972	0.090	2,787	0.568	1,583	C	25%	43	1,626	C
	W. of Nelle Rd	37,113	120022	37,113	0.090	3,340	0.568	1,897	D	20%	34	1,931	D
SR 80 (Palm Beach Blvd)	W. of SR 31	53,399	126005	53,399	0.090	4,806	0.568	2,730	D	15%	26	2,756	D
	E. of SR 31	49,557	120085	49,557	0.090	4,460	0.568	2,533	F	20%	34	2,567	F
	E. of Buckingham Rd	25,951	120012	25,951	0.090	2,336	0.568	1,327	C	5%	9	1,336	C
Nalle Rd	N. of SR 78	4,253	124110	4,253	0.095	404	0.554	224	C	5%	9	233	C
Buckingham Rd	S. of SR 80	28,052	126011	28,052	0.090	2,525	0.554	1,399	C	5%	9	1,408	C

* The K-100 and D factors were obtained from Florida Traffic Online resource

TABLES 3A & 4A

5-YEAR LOS ANALYSIS

TABLE 3A
LEVEL OF SERVICE THRESHOLDS
SR 31 CIVIC 10 - CPA

				GENERALIZED SERVICE VOLUMES				
				LOS A	LOS B	LOS C	LOS D	LOS E
ROADWAY	ROADWAY SEGMENT	# LANES	ROADWAY DESIGNATION	VOLUME	VOLUME	VOLUME	VOLUME	VOLUME
N. River Rd	E. of SR 31	2LU	Uninterrupted Flow Highway	130	420	850	1,210	**1,640**
Old Bayshore Rd	W. of SR 31	2LU	Collector	0	0	310	660	**740**
SR 31	N. of North River Rd.	4LD	Arterial - C3R	0	0	**1,785**	1,942	1,942
	N. of Site	4LD	Arterial - C3R	0	0	1,785	**1,942**	1,942
	S. of Site	4LD	Arterial - C3R	0	0	1,785	**1,942**	1,942
	S. of SR 78	6LD	Arterial - C3C	0	0	2,478	**2,814**	2,814
SR 78 (Bayshore Rd)	W. of SR 31	2LU	Arterial - C3R	0	0	1,019	**1,166**	1,166
	W. of Nelle Rd	2LU	Arterial - C3R	0	0	1,019	**1,166**	1,166
SR 80 (Palm Beach Blvd)	W. of SR 31	6LD	Arterial - C3C	0	0	2,478	**2,814**	2,814
	E. of SR 31	4LD	Arterial - C3C	0	0	1,596	**1,900**	1,900
	E. of Buckingham Rd	4LD	Arterial - C3C	0	0	1,596	**1,900**	1,900
Nalle Rd	N. of SR 78	2LU	Collector	0	0	310	660	**740**
Buckingham Rd	S. of SR 80	2LU	Arterial	0	140	800	860	**860**

[ ] - Denotes the LOS Standard for each roadway segment

* Level of Service Thresholds for Lee County arterials/collectors taken from the Generalized Peak Hour Directional Service Volume tables for Urbanized Areas (dated April 2016)
* Level of Service Thresholds for State mantained roadways were taken from FDOT's Generalized Service Volume Tables.

TABLE 4A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
SR 31 CIVIC 10 - CPA

TOTAL PROJECT TRAFFIC AM = 195 VPH IN = 167 OUT= 28
TOTAL PROJECT TRAFFIC PM = 216 VPH IN= 46 OUT= 170

ROADWAY	ROADWAY SEGMENT	FDOT SITE #	BASE YR ADT	2023 ADT	YRS OF GROWTH.[1]	ANNUAL RATE	2022 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
N. River Rd	E. of SR 31	124650	1,000	4,700	12	13.76%	145	407	B	0.25	10%	17	17	424	C	0.26	424	C	0.26
SR 31	N. of North River Rd	120273	4,232	14,878	15	8.74%	717	1,402	C	0.79	25%	42	43	1,444	C	0.81	1,444	C	0.81
	N. of Site	121001	7,700	19,800	15	6.50%	717	1,187	C	0.61	40%	67	68	1,253	C	0.65	1,255	C	0.65
	S. of North River Rd.	121001	7,700	19,800	15	6.50%	717	1,187	C	0.61	60%	100	102	1,287	C	0.66	1,289	C	0.66
	S. of SR 78	120030	8,500	18,900	15	5.47%	766	1,173	C	0.42	35%	58	60	1,232	C	0.44	1,233	C	0.44
SR 78 (Bayshore Rd)	W. of SR 31	121002	7,500	13,200	15	3.84%	776	1,049	D	0.90	25%	42	43	1,091	D	0.94	1,092	D	0.94
	W. of Nelle Rd	120022	10,400	17,400	15	3.49%	776	1,057	D	0.91	20%	33	34	1,090	D	0.93	1,091	D	0.94
SR 80 (Palm Beach Blvd)	W. of SR 31	126005	26,004	36,000	15	2.19%	1,618	1,925	C	0.68	15%	25	26	1,950	C	0.69	1,950	C	0.69
	E. of SR 31	120085	30,000	44,500	15	2.66%	2,204	2,720	F	1.43	20%	33	34	2,753	F	1.45	2,754	F	1.45
	E. of Buckingham Rd	120012	21,000	38,000	15	4.03%	1,547	2,123	F	1.12	5%	8	9	2,131	F	1.12	2,131	F	1.12
Nalle Rd	N. of SR 78	124110	2,100	1,550	12	2.00%	124	151	C	0.20	5%	8	9	160	C	0.22	160	C	0.22
Buckingham Rd	S. of SR 80	126011	8,212	11,000	15	2.00%	678	826	D	0.96	5%	8	9	835	D	0.97	835	D	0.97

1 AGR for roadways was calculated based the historical traffic data obtained from Florida Traffic Online webpage

2 Current peak hour peak season peak direction traffic volumes for all County roadways were obtained from the 2023 Lee County Public Facilities Level of Service and Concurrency Report

TABLES 5A & 6A
REZONING LOS ANALYSIS

TABLE 5A
LEVEL OF SERVICE THRESHOLDS
SR 31 CIVIC 10 - CPD

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 195 VPH IN= 167 OUT= 28

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 216 VPH IN= 46 OUT= 170

				GENERALIZED SERVICE VOLUMES					PERCENT		
ROADWAY	ROADWAY SEGMENT	# LANES	ROADWAY DESIGNATION	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
SR 31	N. of Site	4LD	Arterial - C3R	0	0	1,785	1,942	1,942	40%	68	3.8%
	S. of Site	4LD	Arterial - C3R	0	0	1,785	1,942	1,942	60%	102	5.7%

[ ] - Denotes the LOS Standard for each roadway segment

* Level of Service Thresholds for State mantained roadways were taken from FDOT's Generalized Service Volume Tables.

TABLE 6A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
SR 31 CIVIC 10 - CPD

TOTAL PROJECT TRAFFIC AM = 195 VPH IN = 167 OUT= 28

TOTAL PROJECT TRAFFIC PM = 216 VPH IN= 46 OUT= 170

ROADWAY	ROADWAY SEGMENT	FDOT SITE #	BASE YR ADT	2023 ADT	YRS OF GROWTH.[1]	ANNUAL RATE	2022 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
SR 31	N of Site	121001	7,700	19,800	15	6 50%	717	1,187	C	0 61	40%	67	68	1,253	C	0 65	1,255	C	0 65
	S. of Site	121001	7,700	19,800	15	6 50%	717	1,187	C	0 61	60%	100	102	1,267	C	0 66	1,289	C	0.66

1 AGR for roadways was calculated based the historical traffic data obtained from Florida Traffic Online webpage

2 Current peak hour peak season peak direction traffic volumes for all County roadways were obtained from the 2023 Lee County Public Facilities Level of Service and Concurrency Report

FDOT GENERALIZED SERVICE VOLUMES TABLE

C3C & C3R

Motor Vehicle Arterial Generalized Service Volume Tables



(C3C-Suburban Commercial)

Peak Hour Directional

	B	C	D	E
1 Lane	*	760	1,070	**
2 Lane	*	1,520	1,810	**
3 Lane	*	2,360	2,680	**
4 Lane	*	3,170	3,180	**

Peak Hour Two-Way

	B	C	D	E
2 Lane	*	1,380	1,950	**
4 Lane	*	2,760	3,290	**
6 Lane	*	4,290	4,870	**
8 Lane	*	5,760	5,780	**

AADT

	B	C	D	E
2 Lane	*	15,300	21,700	**
4 Lane	*	30,700	36,600	**
6 Lane	*	47,700	54,100	**
8 Lane	*	64,000	64,200	**



(C3R-Suburban Residential)

	B	C	D	E
1 Lane	*	970	1,110	**
2 Lane	*	1,700	1,850	**
3 Lane	*	2,620	2,730	**

	B	C	D	E
2 Lane	*	1,760	2,020	**
4 Lane	*	3,090	3,360	**
6 Lane	*	4,760	4,960	**

	B	C	D	E
2 Lane	*	19,600	22,400	**
4 Lane	*	34,300	37,300	**
6 Lane	*	52,900	55,100	**

Adjustment Factors

The peak hour directional service volumes should be adjust by multiplying by 1.2 for one-way facilities
The AADT service volumes should be adjusted by multiplying 0.6 for one way facilities 2 Lane Divided Roadway with an Exclusive Left Turn Lane(s): Multiply by 1.05
2 lane Undivided Roadway with No Exclusive Left Turn Lane(s): Multiply by 0.80
Exclusive right turn lane(s): Multiply by 1.05
Multilane Undivided Roadway with an Exclusive Left Turn Lane(s): Multiply by 0.95
Multilane Roadway with No Exclusive Left Turn Lane(s): Multiply by 0.75
Non-State Signalized Roadway: Multiply by 0.90

This table does not constitute a standard and should be used only for general planning applications. The table should not be used for corridor or intersection design, where more refined techniques exist.
* Cannot be achieved using table input value defaults.
** Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached.

LEE COUNTY GENERALIZED PEAK HOUR DIRECTIONAL SERVICE VOLUMES 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

FDOT FLORIDA TRAFFIC ONLINE

2024 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL
CATEGORY: 1203 SR80, 31 & 78 E OF I-75

MOCF: 0.95

WEEK	DATES	SF	PSCF
1	01/01/2024 - 01/06/2024	0.99	1.04
2	01/07/2024 - 01/13/2024	1.00	1.05
3	01/14/2024 - 01/20/2024	1.02	1.07
4	01/21/2024 - 01/27/2024	1.00	1.05
* 5	01/28/2024 - 02/03/2024	0.98	1.03
* 6	02/04/2024 - 02/10/2024	0.96	1.01
* 7	02/11/2024 - 02/17/2024	0.94	0.99
* 8	02/18/2024 - 02/24/2024	0.94	0.99
* 9	02/25/2024 - 03/02/2024	0.94	0.99
*10	03/03/2024 - 03/09/2024	0.94	0.99
*11	03/10/2024 - 03/16/2024	0.94	0.99
*12	03/17/2024 - 03/23/2024	0.94	0.99
*13	03/24/2024 - 03/30/2024	0.95	1.00
*14	03/31/2024 - 04/06/2024	0.95	1.00
*15	04/07/2024 - 04/13/2024	0.96	1.01
*16	04/14/2024 - 04/20/2024	0.96	1.01
*17	04/21/2024 - 04/27/2024	0.97	1.02
18	04/28/2024 - 05/04/2024	0.99	1.04
19	05/05/2024 - 05/11/2024	1.00	1.05
20	05/12/2024 - 05/18/2024	1.01	1.06
21	05/19/2024 - 05/25/2024	1.03	1.08
22	05/26/2024 - 06/01/2024	1.04	1.09
23	06/02/2024 - 06/08/2024	1.06	1.12
24	06/09/2024 - 06/15/2024	1.07	1.13
25	06/16/2024 - 06/22/2024	1.07	1.13
26	06/23/2024 - 06/29/2024	1.07	1.13
27	06/30/2024 - 07/06/2024	1.07	1.13
28	07/07/2024 - 07/13/2024	1.07	1.13
29	07/14/2024 - 07/20/2024	1.07	1.13
30	07/21/2024 - 07/27/2024	1.06	1.12
31	07/28/2024 - 08/03/2024	1.06	1.12
32	08/04/2024 - 08/10/2024	1.05	1.11
33	08/11/2024 - 08/17/2024	1.04	1.09
34	08/18/2024 - 08/24/2024	1.05	1.11
35	08/25/2024 - 08/31/2024	1.05	1.11
36	09/01/2024 - 09/07/2024	1.06	1.12
37	09/08/2024 - 09/14/2024	1.07	1.13
38	09/15/2024 - 09/21/2024	1.08	1.14
39	09/22/2024 - 09/28/2024	1.06	1.12
40	09/29/2024 - 10/05/2024	1.04	1.09
41	10/06/2024 - 10/12/2024	1.03	1.08
42	10/13/2024 - 10/19/2024	1.01	1.06
43	10/20/2024 - 10/26/2024	1.00	1.05
44	10/27/2024 - 11/02/2024	0.99	1.04
45	11/03/2024 - 11/09/2024	0.98	1.03
46	11/10/2024 - 11/16/2024	0.97	1.02
47	11/17/2024 - 11/23/2024	0.97	1.02
48	11/24/2024 - 11/30/2024	0.98	1.03
49	12/01/2024 - 12/07/2024	0.98	1.03
50	12/08/2024 - 12/14/2024	0.99	1.04
51	12/15/2024 - 12/21/2024	0.99	1.04
52	12/22/2024 - 12/28/2024	1.00	1.05
53	12/29/2024 - 12/31/2024	1.02	1.07

* PEAK SEASON

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2023 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 4650 - NORTH RIVER ROAD, EAST OF S.R. 31

YEAR	AADT	DIRECTION 1		DIRECTION 2		*K FACTOR	D FACTOR	T FACTOR
2023	4700 C	E	2300	W	2400	9.50	55.40	19.00
2022	3800 R	E	1900	W	1900	9.50	53.90	15.00
2021	3600 T	E	1800	W	1800	9.50	53.50	13.60
2020	3400 S	E	1700	W	1700	9.50	53.80	12.50
2019	3400 F	E	1700	W	1700	9.50	54.90	12.50
2018	3200 C	E	1600	W	1600	9.50	55.20	12.50
2017	3200 T	E	1600	W	1600	9.50	54.90	12.20
2016	3000 S	E	1500	W	1500	9.50	54.80	15.00
2015	2800 F	E	1400	W	1400	9.50	55.50	15.00
2014	2600 C	E	1300	W	1300	9.50	55.20	15.00
2013	1000 S		0		0	9.50	55.00	12.20
2012	1000 F		0		0	9.50	55.30	11.50
2011	1000 C	E	0	W	0	9.50	55.20	11.70

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2023 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0273 - SR-31,202' NORTH OF FOXHILL ROAD,LEE CO.

YEAR	AADT	DIRECTION 1		DIRECTION 2		*K FACTOR	D FACTOR	T FACTOR
2023	14878 C	N	7392	S	7486	9.50	52.10	19.10
2022	12799 C	N	6265	S	6534	9.50	52.10	19.90
2021	11660 C	N	5695	S	5965	9.50	52.30	21.20
2020	9182 C	N	4508	S	4674	9.50	52.70	23.40
2019	9292 C	N	4645	S	4647	9.50	52.10	25.30
2018	7959 C	N	4032	S	3927	9.50	54.10	26.90
2017	7337 C	N	3712	S	3625	9.50	53.40	28.20
2016	6620 C	N	3338	S	3282	9.50	53.90	26.60
2015	5216 C	N	2618	S	2598	9.50	55.60	28.00
2014	4653 C	N	2325	S	2328	9.50	55.60	27.00
2013	4195 C	N	2099	S	2096	9.50	55.90	29.00
2012	4217 C	N	2149	S	2068	9.50	56.40	26.90
2011	4126 C	N	2094	S	2032	9.50	55.10	25.60
2010	4034 C	N	2041	S	1993	9.79	54.46	26.00
2009	3964 C	N	1994	S	1970	9.81	52.26	25.10
2008	4232 C	N	2124	S	2108	9.88	55.53	23.50

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
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V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2023 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 1001 - SR 31, SOUTH OF CR 78/NORTH RIVER ROAD (LC393)

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2023	19800 C	N 9800	S 10000	9.50	56.80	23.00
2022	17800 C	N 8800	S 9000	9.50	52.10	25.40
2021	16000 C	N 8000	S 8000	9.50	52.80	23.30
2020	11000 C	N 5500	S 5500	9.50	53.70	23.40
2019	11000 C	N 5500	S 5500	9.50	54.00	25.30
2018	9400 C	N 4700	S 4700	9.50	55.20	26.90
2017	8800 C	N 4500	S 4300	9.50	54.40	20.20
2016	8600 F	N 4200	S 4400	9.50	57.70	20.20
2015	7800 C	N 3800	S 4000	9.50	57.50	20.20
2014	7200 F	N 3600	S 3600	9.50	56.80	20.50
2013	7000 C	N 3500	S 3500	9.50	56.50	20.50
2012	7500 C	N 3800	S 3700	9.50	54.20	22.60
2011	7300 F	N 3700	S 3600	9.50	56.20	17.60
2010	7300 C	N 3700	S 3600	9.91	56.34	17.60
2009	7100 C	N 3600	S 3500	9.98	55.90	19.70
2008	7700 C	N 3900	S 3800	10.16	57.01	23.50

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
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V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2023 HISTORICAL AADT REPORT

OUNTY: 12 - LEE

ITE: 0030 - SR 31, NORTH OF SR 80/PALM BEACH BOULEVARD LC391

EAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
023	18900 F	N 9000	S 9900	9.00	56.80	21.90
022	16600 C	N 7900	S 8700	9.00	52.10	21.90
021	15900 C	N 7900	S 8000	9.00	52.80	14.20
020	13800 C	N 6600	S 7200	9.00	53.70	17.80
019	13500 C	N 6600	S 6900	9.00	54.00	20.80
018	11500 C	N 5600	S 5900	9.00	55.20	18.60
017	11200 C	N 5500	S 5700	9.00	54.40	19.00
016	11100 F	N 5500	S 5600	9.00	57.70	12.50
015	10100 C	N 5000	S 5100	9.00	57.50	12.50
014	8700 F	N 4300	S 4400	9.00	56.80	14.90
013	8500 C	N 4200	S 4300	9.00	56.50	14.90
012	8700 C	N 4400	S 4300	9.00	54.20	13.80
011	8500 F	N 4200	S 4300	9.00	56.20	13.70
010	8500 C	N 4200	S 4300	9.91	56.34	13.70
009	7800 C	N 3800	S 4000	9.98	55.90	13.40
008	8500 C	N 4200	S 4300	10.16	57.01	12.80

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2023 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 1002 - SR 78/BAYSHORE ROAD, SOUTHWEST OF SR 31

YEAR	AADT	DIRECTION 1		DIRECTION 2		*K FACTOR	D FACTOR	T FACTOR
2023	13200 C	E	6900	W	6300	9.00	56.80	25.40
2022	13600 F	E	7000	W	6600	9.00	52.10	21.80
2021	12400 C	E	6400	W	6000	9.00	52.80	21.80
2020	11000 C	E	5700	W	5300	9.00	53.70	18.90
2019	10600 C	E	5500	W	5100	9.00	54.00	22.00
2018	9600 C	E	5000	W	4600	9.00	55.20	21.60
2017	9200 C	E	4600	W	4600	9.00	54.40	13.00
2016	8600 F	E	4300	W	4300	9.00	57.70	13.00
2015	7800 C	E	3900	W	3900	9.00	57.50	13.00
2014	7300 F	E	3700	W	3600	9.00	56.80	14.00
2013	7100 C	E	3600	W	3500	9.00	56.50	14.00
2012	7500 C	E	3800	W	3700	9.00	54.20	16.40
2011	6800 F	E	3500	W	3300	9.00	56.20	14.90
2010	6800 C	E	3500	W	3300	9.91	56.34	14.90
2009	6900 C	E	3500	W	3400	9.98	55.90	17.00
2008	7500 C	E	3800	W	3700	10.16	57.01	19.30

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2023 HISTORICAL AADT REPORT

OUNTY: 12 - LEE

ITE: 0022 - SR 78, EAST OF NALLE ROAD LC217

EAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
023	17400 C	E 9000	W 8400	9.00	56.80	20.70
022	17300 C	E 8900	W 8400	9.00	52.10	19.10
021	16400 C	E 8300	W 8100	9.00	52.80	21.70
020	14300 C	E 7400	W 6900	9.00	53.70	15.40
019	14600 C	E 7600	W 7000	9.00	54.00	18.70
018	12900 C	E 6700	W 6200	9.00	55.20	16.30
017	12000 C	E 6200	W 5800	9.00	54.40	17.50
016	12300 C	E 6300	W 6000	9.00	57.70	15.00
015	11500 C	E 5800	W 5700	9.00	57.50	13.60
014	10000 F	E 5000	W 5000	9.00	56.80	12.00
013	9800 C	E 4900	W 4900	9.00	56.50	12.00
012	10200 C	E 5100	W 5100	9.00	54.20	12.90
011	9800 F	E 4800	W 5000	9.00	56.20	12.20
010	9800 C	E 4800	W 5000	9.91	56.34	12.20
009	9900 C	E 5000	W 4900	9.98	55.90	13.90
008	10400 C	E 5300	W 5100	10.16	57.01	13.80

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2023 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6005 - SR 80/PALM BEACH BLVD, 0.25 MI W OF SR 31. PTMS 104, LCPR 05

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2023	36000 X	0	0	9.00	56.80	12.80
2022	34500 X	0	0	9.00	52.10	7.40
2021	34000 T	0	0	9.00	52.80	11.70
2020	33500 S	0	0	9.00	53.70	11.50
2019	35000 F	0	0	9.00	54.00	12.30
2018	35091 C	0	0	9.00	64.90	12.60
2017	34000 F	0	0	9.00	64.90	11.10
2016	32970 C	E 16326	W 16644	9.00	64.90	10.40
2015	30167 C	E 14945	W 15222	9.00	63.20	11.00
2014	27785 C	E 13885	W 13900	9.00	62.60	5.90
2013	26228 C	E 12981	W 13247	9.00	61.80	9.50
2012	25563 C	E 12791	W 12772	9.00	61.60	10.80
2011	26888 C	E 13397	W 13491	9.00	61.60	12.40
2010	26743 C	E 13334	W 13409	9.89	61.01	8.90
2009	25939 C	E 12914	W 13025	9.90	62.73	9.60
2008	26004 C	E 12909	W 13095	10.24	63.18	9.20

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2023 HISTORICAL AADT REPORT

OUNTY: 12 - LEE

ITE: 0085 - SR 80/PALM BEACH BLVD, EAST OF SR 31 LC360

EAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
023	44500 C	E 23000	W 21500	9.00	56.80	7.50
022	47000 C	E 23500	W 23500	9.00	52.10	7.40
021	43000 C	E 21500	W 21500	9.00	52.80	7.50
020	36500 C	E 18000	W 18500	9.00	53.70	8.30
019	36500 C	E 18000	W 18500	9.00	54.00	9.00
018	33500 C	E 16500	W 17000	9.00	55.20	9.30
017	33500 C	E 16500	W 17000	9.00	54.40	8.50
016	35000 C	E 17500	W 17500	9.00	57.70	8.20
015	32000 C	E 16000	W 16000	9.00	57.50	9.00
014	29500 S	E 15000	W 14500	9.00	56.80	9.20
013	28500 F	E 14500	W 14000	9.00	56.50	9.20
012	28500 C	E 14500	W 14000	9.00	54.20	9.20
011	29500 F	E 14500	W 15000	9.00	56.20	9.40
010	29500 C	E 14500	W 15000	9.91	56.34	9.40
009	29500 C	E 14500	W 15000	9.98	55.90	9.50
008	30000 C	E 15000	W 15000	10.16	57.01	8.10

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2023 HISTORICAL AADT REPORT

OUNTY: 12 - LEE

ITE: 0012 - SR 80, EAST OF OLD OLGA ROAD/BUCKINGHAM ROAD LC362

EAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
023	38000 S	E 19000	W 19000	9.00	56.80	13.50
022	33000 F	E 16500	W 16500	9.00	52.10	13.50
021	30000 C	E 15000	W 15000	9.00	52.80	13.50
020	29000 C	E 14500	W 14500	9.00	53.70	12.40
019	28000 C	E 14000	W 14000	9.00	54.00	12.40
018	26000 C	E 13000	W 13000	9.00	55.20	12.40
017	24000 C	E 12000	W 12000	9.00	54.40	11.80
016	23500 C	E 11500	W 12000	9.00	57.70	10.30
015	21000 C	E 10500	W 10500	9.00	57.50	10.20
014	18200 S	E 9100	W 9100	9.00	56.80	12.00
013	17800 F	E 8900	W 8900	9.00	56.50	12.00
012	17800 C	E 8900	W 8900	9.00	54.20	12.00
011	21000 F	E 10500	W 10500	9.00	56.20	12.50
010	21000 C	E 10500	W 10500	9.91	56.34	12.50
009	21000 C	E 10500	W 10500	9.98	55.90	13.70
008	21000 C	E 10500	W 10500	10.16	57.01	11.20

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2023 HISTORICAL AADT REPORT

OUNTY: 12 - LEE

ITE: 4110 - NALLE GRADE ROAD, EAST OF SLATER ROAD

EAR	AADT	DIRECTION 1		DIRECTION 2		*K FACTOR	D FACTOR	T FACTOR
023	1550 T	E	800	W	750	9.50	55.40	21.70
022	1450 S	E	750	W	700	9.50	53.90	18.00
021	1350 F	E	700	W	650	9.50	53.50	18.00
020	1250 C	E	650	W	600	9.50	53.80	18.00
019	1300 F	E	650	W	650	9.50	54.90	18.30
018	1200 C	E	600	W	600	9.50	55.20	18.30
017	1400 T	E	700	W	700	9.50	54.90	22.80
016	1300 S	E	650	W	650	9.50	54.80	16.90
015	1200 F	E	600	W	600	9.50	55.50	16.90
014	1100 C	E	550	W	550	9.50	55.20	16.90
013	2100 S		0		0	9.50	55.00	18.40
012	2100 F		0		0	9.50	55.30	18.70
011	2100 C	E	0	W	0	9.50	55.20	25.60

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FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2023 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6011 - BUCKINGHAM RD, 0.5 MI S OF SR 80/PALM BEACH BLVD, PTMS 2011, LCPR 11

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2023	11000 X	0	0	9.00	55.40	15.30
2022	10500 X	0	0	9.00	53.90	15.00
2021	10500 T	0	0	9.00	53.50	13.60
2020	10000 S	0	0	9.00	53.40	13.00
2019	10500 F	0	0	9.00	53.80	12.70
2018	10538 C	0	0	9.00	53.30	12.30
2017	9800 F	0	0	9.00	55.40	12.20
2016	9856 C	N 4913	S 4943	9.00	63.90	11.20
2015	9348 C	N 4665	S 4683	9.00	51.70	11.50
2014	9120 C	N 4581	S 4539	9.00	51.70	11.80
2013	8793 C	N 4369	S 4424	9.00	51.70	12.20
2012	8700 C	N 4290	S 4410	9.00	52.30	11.50
2011	8444 C	N 4178	S 4266	9.00	52.80	11.70
2010	8378 C	N 4156	S 4222	10.47	55.10	13.30
2009	8500 C	N 0	S 0	9.27	57.21	14.80
2008	8212 C	N 4103	S 4109	9.21	58.32	9.00

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

TRAFFIC DATA FROM THE LEE COUNTY CONCURRENCY REPORT

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)

Link No.	ROAD NAME	LOCATION		ROAD TYPE	PERFORMANCE STANDARD		2022 100TH HIGHEST HOUR			2027 FUTURE FORECAST			Notes
		FROM	TO		LOS[1]	CAPACITY[2]	LOS[1]	VOLUME[2]	V/C[3]	LOS[1]	VOLUME[2]	V/C[3]	
00100	A & W BULB RD	GLADIOLUS DR	McGREGOR BLVD	2LN	E	860	C	365	0.42	C	384	0.45	
00200	ALABAMA RD	SR 82	MILWAUKEE BLVD	2LN	E	990	C	262	0.26	C	275	0.28	
00300	ALABAMA RD	MILWAUKEE BLVD	HOMESTEAD RD	2LN	E	990	D	515	0.52	D	542	0.55	
00400	ALEXANDER BELL BLVD	SR 82	MILWAUKEE BLVD	2LN	E	990	D	555	0.56	D	583	0.59	
00500	ALEXANDER BELL BLVD	MILWAUKEE BLVD	LEELAND HEIGHTS	2LN	E	990	D	555	0.56	D	649	0.66	pre-development order res development
00590	ALICO RD	US 41	DUSTY RD	4LD	E	1,980	B	1,166	0.59	B	1,225	0.62	
00600	ALICO RD	DUSTY RD	LEE RD	6LD	E	2,960	B	1,166	0.39	B	1,261	0.43	
00700	ALICO RD	LEE RD	THREE OAKS PKWY	6LD	E	2,960	B	1,166	0.39	B	1,533	0.52	Three Oaks Distribution Center
00800	ALICO RD	THREE OAKS PKWY	I-75	6LD	E	2,960	B	2,618	0.88	B	2,752	0.93	[4]
00900	ALICO RD	I-75	BEN HILL GRIFFIN BLVD	6LD	E	2,960	B	1,448	0.49	B	1,533	0.52	[4]
01000	ALICO RD	BEN HILL GRIFFIN BLVD	GREEN MEADOW DR	2LN/4LN	E	1,100	C	406	0.37	D	660	0.60	[4][5]; unincorporated Lee Co; Ctr Pl/Prm Aprt Pk
01050	ALICO RD	GREEN MEADOW DR	CORKSCREW RD	2LN	E	1,100	B	256	0.23	B	269	0.24	[4]
01200	BABCOCK RD	US 41	ROCKEFELLER CIR	2LN	E	860	C	60	0.07	C	65	0.08	
01400	BARRETT RD	PONDELLA RD	PINE ISLAND RD (US 78)	2LN	E	860	C	152	0.18	C	160	0.19	
01500	BASS RD	SUMMERLIN RD	GLADIOLUS DR	4LN	E	1,790	C	712	0.40	C	766	0.43	
01600	BAYSHORE RD (SR 78)	BUS 41	NEW POST RD/HART RD	4LD	D	1,942	D	1,920	0.99	F	2,018	1.04	
01700	BAYSHORE RD (SR 78)	HART RD	SLATER RD	4LD	D	1,942	F	1,944	1.00	F	2,043	1.05	
01800	BAYSHORE RD (SR 78)	SLATER RD	I-75	4LD	D	2,910	B	1,215	0.42	B	1,294	0.44	
01900	BAYSHORE RD (SR 78)	I-75	NALLE RD	2LN	D	1,166	C	776	0.67	C	816	0.70	
02000	BAYSHORE RD (SR 78)	NALLE RD	SR 31	2LN	D	1,166	C	776	0.67	C	816	0.70	
02100	BEN HILL GRIFFIN PKWY	CORKSCREW RD	FGCU ENTRANCE	4LD	E	2,000	E	1,524	0.76	E	1,615	0.81	
02200	BEN HILL GRIFFIN PKWY	FGCU BOULEVARD S	COLLEGE CLUB DR	4LD	E	2,000	E	1,524	0.76	E	1,602	0.80	
02250	BEN HILL GRIFFIN PKWY	COLLEGE CLUB DR	ALICO RD	6LD	E	3,000	A	1,136	0.38	A	1,221	0.41	
26950	BEN HILL GRIFFIN PKWY	ALICO RD	TERMINAL ACCESS RD	4LD	E	1,980	A	1,136	0.57	A	1,195	0.60	unincorporated Lee County
02300	BETH STACEY BLVD	23RD ST	HOMESTEAD RD	2LN	E	860	C	336	0.39	C	529	0.62	Classic Hills (Copperhead) Golf Community
02400	BONITA BEACH RD	HICKORY BLVD	VANDERBILT DR	4LD	E	1,900	E	803	0.42	E	844	0.44	[4]; constrained in city plan
02500	BONITA BEACH RD	VANDERBILT DR	US 41	4LD	E	1,900	E	1,417	0.75	E	1,489	0.78	constrained in city plan
02600	BONITA BEACH RD	US 41	OLD 41	4LD	E	1,860	E	1,456	0.78	E	1,530	0.82	constrained; old count projection (2010)
02700	BONITA BEACH RD	OLD 41	IMPERIAL ST	6LD	E	2,800	E	1,921	0.69	E	2,019	0.72	constrained in city plan
02800	BONITA BEACH RD	IMPERIAL ST	W OF I-75	6LD	E	2,800	E	2,139	0.76	E	2,248	0.80	constrained in city plan
02900	BONITA BEACH RD	E OF I-75	BONITA GRAND DR	4LD	E	2,020	A	655	0.32	A	688	0.34	constrained in city plan
02950	BONITA BEACH RD	BONITA GRANDE DR	Logan Boulevard	4LD	E	2,020	A	655	0.32	A	688	0.34	constrained in city plan
03100	BONITA GRANDE DR	BONITA BEACH RD	E TERRY ST	2LN	E	860	D	695	0.81	D	730	0.85	
03200	BOYSCOUT RD	SUMMERLIN RD	US 41	6LN	E	2,520	E	1,798	0.71	E	1,890	0.75	
03300	BRANTLEY RD	SUMMERLIN RD	US 41	2LN	E	860	C	271	0.32	C	285	0.33	
03400	BRIARCLIFF RD	US 41	TRIPLE CROWN CT	2LN	E	860	C	158	0.18	C	166	0.19	
03500	BROADWAY RD (ALVA)	SR 80	North RIVER RD	2LN	E	860	C	262	0.30	C	275	0.32	
03700	BUCKINGHAM RD	SR 82	GUNNERY RD	2LN	E	990	D	487	0.49	D	511	0.52	
03730	BUCKINGHAM RD	GUNNERY RD	ORANGE RIVER BLVD	2LN	E	990	C	358	0.36	C	392	0.40	
03800	BUCKINGHAM RD	ORANGE RIVER BLVD	SR 80	2LN	E	990	E	678	0.68	E	877	0.89	Portico RPD
03900	BURNT STORE RD	SR 78	VAN BUREN PKWY	4LD	E	2,950	A	851	0.29	B	894	0.30	City of Cape Coral
04000	BURNT STORE RD	VAN BUREN PKWY	COUNTY LINE	2LN	E	1,140	C	571	0.50	C	600	0.53	partially located in City of Cape Coral
04200	BUS 41 (N TAMIAMI TR, SR 739)	CITY LIMITS (N END EDISON BRG)	PONDELLA RD	6LD	D	2,810	C	2,158	0.77	D	2,268	0.81	
04300	BUS 41 (N TAMIAMI TR, SR 739)	PONDELLA RD	SR 78	6LD	D	2,694	C	1,494	0.55	C	1,570	0.58	
04400	BUS 41 (N TAMIAMI TR, SR 739)	SR 78	LITTLETON RD	4LD	D	1,900	C	1,186	0.62	C	1,246	0.66	
04500	BUS 41 (N TAMIAMI TR, SR 739)	LITTLETON RD	US 41	4LD	D	1,900	C	617	0.32	C	648	0.34	
04600	CAPE CORAL BRIDGE	DEL PRADO BLVD	McGREGOR BLVD	4LB	E	4,000	D	3,097	0.77	D	3,255	0.81	
04700	CAPTIVA DR	BLIND PASS	SOUTH SEAS PLANTATION RD	2LN	E	860	F	1,069	1.24	F	1,124	1.31	constrained

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)

Link No.	ROAD NAME	LOCATION		ROAD TYPE	PERFORMANCE STANDARD		2022 100TH HIGHEST HOUR			2027 FUTURE FORECAST			Notes
		FROM	TO		LOS[1]	CAPACITY[2]	LOS[1]	VOLUME[2]	V/C[3]	LOS[1]	VOLUME[2]	V/C[3]	
13900	JOEL BLVD	18TH ST	SR 80	2LN	E	1,010	C	476	0.47	D	500	0.50	
14000	JOHN MORRIS RD	BUNCHE BEACH	SUMMERLIN RD	2LN	E	860	C	65	0.08	C	68	0.08	
14100	JOHN MORRIS RD	SUMMERLIN RD	IONA RD	2LN	E	860	C	322	0.37	C	338	0.39	
14200	KELLY RD	McGREGOR BLVD	SAN CARLOS BLVD	2LN	E	860	C	308	0.36	C	324	0.38	
14300	KELLY RD	SAN CARLOS BLVD	PINE RIDGE RD	2LN	E	860	C	123	0.14	C	129	0.15	
14500	LAUREL DR	BUS 41	BREEZE DR	2LN	E	860	C	393	0.46	C	413	0.48	
14600	LEE BLVD	SR 82	ALVIN AVE	6LD	E	2,840	E	2,429	0.86	E	2,553	0.90	
14700	LEE BLVD	ALVIN AVE	GUNNERY RD	6LD	E	2,840	E	2,001	0.70	E	2,103	0.74	
14800	LEE BLVD	GUNNERY RD	HOMESTEAD RD	6LD	E	2,840	E	2,118	0.75	E	2,255	0.79	
14900	LEE BLVD	HOMESTEAD RD	WILLIAMS AVE	4LD	E	1,980	B	909	0.46	B	955	0.48	
14930	LEE BLVD	WILLIAMS AVE	LEELAND HEIGHTS	2LN	E	1,020	B	909	0.89	E	955	0.94	
15000	LEE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	549	0.64	D	577	0.67	
15100	LEELAND HEIGHTS	HOMESTEAD RD	JOEL BLVD	4LN	E	1,800	B	764	0.42	B	803	0.45	
15200	LEONARD BLVD	GUNNERY RD	WESTGATE BLVD	2LN	E	860	D	711	0.83	D	851	0.99	Fairway Villages/pre-dev order res dev
15300	LITTLETON RD	CORBETT RD	US 41	2LN	E	860	C	498	0.58	C	523	0.61	
15400	LITTLETON RD	US 41	BUS 41	2LN	E	860	C	426	0.50	C	448	0.52	
15500	LUCKETT RD	ORTIZ AVE	I-75	2LN	E	880	C	376	0.43	C	427	0.49	Luckett Landing Hotel/Luckett Road C-Store
15600	LUCKETT RD	I-75	COUNTRY LAKES DR	2LN	E	860	C	330	0.38	C	347	0.40	
15700	MAPLE DR*	SUMMERLIN RD	2ND AVE	2LN	E	860	C	79	0.09	C	83	0.10	
15800	McGREGOR BLVD	SANIBEL T PLAZA	HARBOR DR	4LD	E	1,960	E	1,179	0.60	E	1,239	0.63	
15900	McGREGOR BLVD	HARBOR DR	SUMMERLIN RD	4LD	E	1,960	E	1,129	0.58	E	1,187	0.61	
16000	McGREGOR BLVD	SUMMERLIN RD	KELLY RD	4LD	E	1,960	A	966	0.49	A	1,015	0.52	
16100	McGREGOR BLVD	KELLY RD	GLADIOLUS DR	4LD	E	1,960	A	966	0.49	A	1,015	0.52	
16200	McGREGOR BLVD (SR 867)	OLD McGREGOR /GLADIOLUS DR	IONA LOOP RD	4LD	D	1,900	C	1,334	0.70	C	1,402	0.74	
16300	McGREGOR BLVD (SR 867)	IONA LOOP RD	PINE RIDGE RD	4LD	D	1,900	C	1,334	0.70	C	1,402	0.74	
16400	McGREGOR BLVD (SR 867)	PINE RIDGE RD	CYPRESS LAKE DR	4LD	D	1,942	D	1,837	0.95	D	1,931	0.99	
16500	McGREGOR BLVD (SR 867)	CYPRESS LAKE DR	COLLEGE PKWY	4LD	D	1,810	D	1,716	0.95	D	1,804	1.00	
16600	McGREGOR BLVD (SR 867)	COLLEGE PKWY	WINKLER RD	2LN	D	1,124	C	735	0.65	C	772	0.69	constrained
16700	McGREGOR BLVD (SR 867)	WINKLER RD	TANGLEWOOD BLVD	2LN	D	1,166		1,208	1.04		1,270	1.09	constrained
16800	McGREGOR BLVD (SR 867)	TANGLEWOOD BLVD	COLONIAL BLVD	2LN	D	1,224	D	1,087	0.89	D	1,142	0.93	constrained
16900	METRO PKWY (SR 739)	SIX MILE PKWY	DANIELS PKWY	6LD	D	2,814	C	1,186	0.42	C	1,273	0.45	
17000	METRO PKWY (SR 739)	DANIELS PKWY	CRYSTAL DR	4LD	D	1,900	C	1,186	0.62	C	1,246	0.66	
17100	METRO PKWY (SR 739)	CRYSTAL DR	DANLEY DR	4LD	D	1,900	D	1,684	0.89	D	1,770	0.93	
17200	METRO PKWY (SR 739)	DANLEY DR	COLONIAL BLVD	4LD	D	1,900	D	1,755	0.92	D	1,845	0.97	
	MICHAEL RIPPE PKWY	US41	SIX MILES PKWY	6LD	D	2,866	C	1,589	0.55	C	1,670	0.58	
17600	MILWAUKEE BLVD	ALABAMA BLVD	BELL BLVD	2LN	E	860	C	171	0.20	C	180	0.21	[4]
17700	MILWAUKEE BLVD	BELL BLVD	COLUMBUS BLVD	2LN	E	860	C	171	0.20	C	202	0.23	[4]
17800	MOODY RD	HANCOCK B. PKWY	PONCELLA RD	2LN	E	860	C	184	0.21	C	193	0.22	
17900	NALLE GRADE RD	SLATER RD	NALLE RD	2LN	E	860	C	72	0.08	C	76	0.09	
18000	NALLE RD	SR 78	NALLE GRADE RD	2LN	E	860	C	124	0.14	C	130	0.15	[4]
18100	NEAL RD	ORANGE RIVER BLVD	BUCKINGHAM RD	2LN	E	860	C	141	0.16	C	148	0.17	[4]
18200	NORTH RIVER RD	SR 31	FRANKLIN LOCK RD	2LN	E	1,140	A	145	0.13	B	265	0.23	The Broadlands
18300	NORTH RIVER RD	FRANKLIN LOCK RD	BROADWAY RD	2LN	E	1,140	A	145	0.13	B	255	0.22	River Run Estates
18400	NORTH RIVER RD	BROADWAY RD	COUNTY LINE	2LN	E	1,140	A	100	0.09	A	131	0.12	
18900	OLGA RD*	SR 80 W	SR 80 E	2LN	E	860	C	84	0.10	C	88	0.10	
19100	ORANGE GROVE BLVD	CLUB ENTR.	HANCOCK B. PKWY	2LN	E	860	C	407	0.47	C	428	0.50	
19200	ORANGE GROVE BLVD	HANCOCK B. PKWY	PONCELLA RD	4LN	E	1,790	C	510	0.28	C	536	0.30	
19300	ORANGE RIVER BLVD	SR 80	STALEY RD	2LN	E	1,000	C	381	0.38	C	400	0.40	

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)

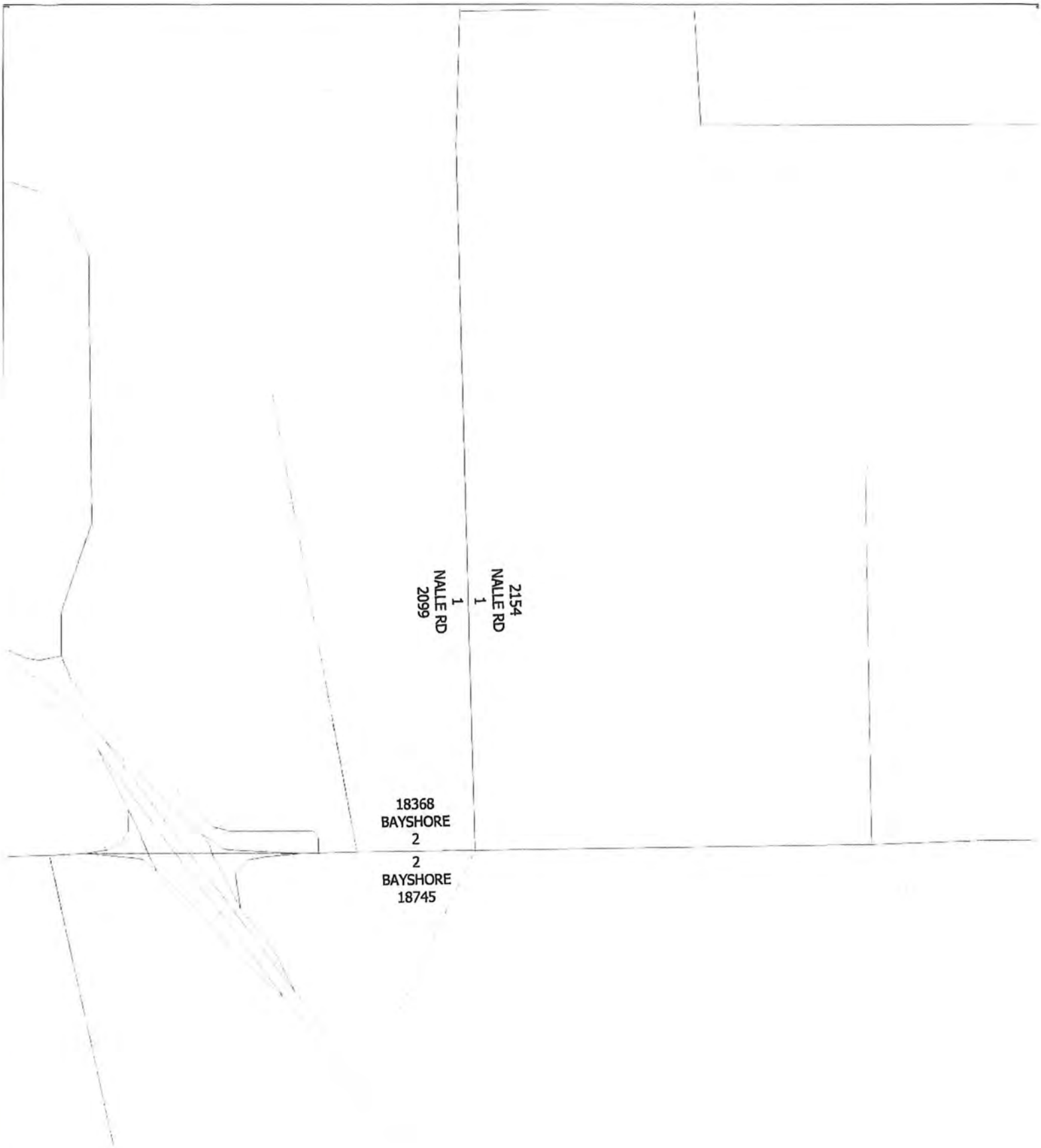
Link No.	ROAD NAME	LOCATION		ROAD TYPE	PERFORMANCE STANDARD		2022 100TH HIGHEST HOUR			2027 FUTURE FORECAST			Notes
		FROM	TO		LOS[1]	CAPACITY[2]	LOS[1]	VOLUME[2]	V/C[3]	LOS[1]	VOLUME[2]	V/C[3]	
19400	ORANGE RIVER BLVD	STALEY RD	BUCKINGHAM RD	2LN	E	1,000	C	381	0.38	C	400	0.40	
19500	ORIOLE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	130	0.15	C	137	0.16	
19600	ORTIZ AVE	COLONIAL BLVD	SR 82	2LN	E	900		1,056	1.17		1,110	1.23	City of Fort Myers
19700	ORTIZ AVE	SR 82	LUCKETT RD	2LN	E	900	E	897	1.00		943	1.05	partially located in City of Fort Myers
19800	ORTIZ AVE	LUCKETT RD	SR 80	2LN	E	900	B	374	0.42	B	393	0.44	
19900	PALM BEACH BLVD (SR 80)	PROSPECT AVE	ORTIZ AVE	4LD	D	1,900	C	1,278	0.67	C	1,343	0.71	
20000	PALM BEACH BLVD (SR 80)	ORTIZ AVE	I-75	6LD	D	2,814	C	1,426	0.51	C	1,499	0.53	
20100	PALM BEACH BLVD (SR 80)	I-75	SR 31	6LD	D	2,814	C	1,618	0.57	C	1,701	0.60	
20200	PALM BEACH BLVD (SR 80)	SR 31	BUCKINGHAM RD	4LD	D	1,900		2,204	1.16		2,316	1.22	
20300	PALM BEACH BLVD (SR 80)	BUCKINGHAM RD	WERNER DR	4LD	D	1,942	C	1,547	0.80	C	1,724	0.89	River Hall Country Club Phase II
20330	PALM BEACH BLVD (SR 80)	WERNER DR	JOEL BLVD	4LD	C	1,785	C	1,336	0.75	C	1,404	0.79	
20400	PALM BEACH BLVD (SR 80)	JOEL BLVD	HENDRY CO. LINE	4LD	C	1,785	C	1,138	0.64	C	1,196	0.67	
20500	PALOMINO LN	DANIELS PKWY	PENZANCE BLVD	2LN	E	860	C	352	0.41	C	414	0.48	The Springs at Daniels Road
20600	PARK MEADOWS DR	SUMMERLIN RD	US 41	2LN	E	860	C	194	0.23	C	204	0.24	
20800	PENZANCE BLVD	RANCHETTE RD	SIX MILE PKWY	2LN	E	860	C	151	0.18	C	174	0.20	
20900	PINE ISLAND RD	STRINGFELLOW RD	BURNT STORE RD	2LN	E	950	E	661	0.70	E	707	0.74	constrained
21400	PINE ISLAND RD (SR 78)	CITY LIMITS E OF BARRETT RD	US 41	4LD	D	1,900	D	1,823	0.96		1,916	1.01	
21500	PINE ISLAND RD (SR 78)	US 41	BUS 41	4LD	D	1,900	C	1,555	0.82	D	1,634	0.86	
21600	PINE RIDGE RD	SAN CARLOS BLVD	SUMMERLIN RD	2LN	E	860	C	535	0.62	D	566	0.66	[4]
21700	PINE RIDGE RD	SUMMERLIN RD	GLADIOLUS DR	2LN	E	860	C	256	0.30	C	396	0.46	[4]; Heritage Isles
21800	PINE RIDGE RD	GLADIOLUS DR	McGREGOR BLVD	2LN	E	860	C	256	0.30	C	269	0.31	
21900	PLANTATION RD	SIX MILE PKWY	DANIELS PKWY	2LN	E	860	C	342	0.40	C	359	0.42	
22000	PLANTATION RD	DANIELS PKWY	IDLEWILD ST	2LN	E	860	D	702	0.82	D	737	0.86	
22050	PLANTATION RD	IDLEWILD ST	COLONIAL BLVD	4LN	E	1,790	C	726	0.41	C	763	0.43	
22100	PONDELLA RD	SR 78	ORANGE GROVE BLVD	4LD	E	1,890	E	954	0.50	E	1,003	0.53	[4]
22200	PONDELLA RD	ORANGE GROVE BLVD	US 41	4LD	E	1,890	E	1,397	0.74	E	1,469	0.78	
22300	PONDELLA RD	US 41	BUS 41	4LD	E	1,890	E	1,021	0.54	E	1,073	0.57	
22400	PRITCHETT PKWY	SR 78	RICH RD	2LN	E	860	C	78	0.09	D	664	0.77	Stoneybrook North
22500	RANCHETTE RD	PENZANCE BLVD	IDLEWILD ST	2LN	E	860	C	105	0.12	C	110	0.13	
22600	RICH RD	SLATER RD	PRITCHETT PKWY	2LN	E	860	C	62	0.07	C	65	0.08	
22700	RICHMOND AVE	LEELAND HEIGHTS	E 12TH ST	2LN	E	860	C	107	0.12	C	127	0.15	pre-development order res development
22800	RICHMOND AVE	E 12TH ST	GREENBRIAR BLVD	2LN	E	860	C	107	0.12	C	112	0.13	
23230	SAN CARLOS BLVD	US 41	THREE OAKS PKWY	2LN	E	860	C	406	0.47	C	427	0.50	[4]
23000	SAN CARLOS BLVD (SR 865)	MANTANZAS PASS BRIDGE	MAIN ST	2LD	D	1,900	C	1,063	0.56	C	1,117	0.59	constrained
23100	SAN CARLOS BLVD (SR 865)	MAIN ST	SUMMERLIN RD	4LD	D	1,900	C	1,063	0.56	C	1,117	0.59	
23180	SAN CARLOS BLVD (SR 865)	SUMMERLIN RD	KELLY RD	2LD	D	1,180	C	730	0.62	C	767	0.65	
23200	SAN CARLOS BLVD (SR 865)	KELLY RD	GLADIOLUS DR	4LD	D	1,180	C	730	0.62	C	767	0.65	
23260	SANIBEL BLVD	US 41	LEE RD	2LN	E	860	C	496	0.58	C	521	0.61	
23300	SANIBEL CAUSEWAY	SANIBEL SHORELINE	TOLL PLAZA	2LN	E	1,140	E	1,035	0.91	E	1,088	0.95	
23400	SHELL POINT BLVD	McGREGOR BLVD	PALM ACRES	2LN	E	860	C	243	0.28	C	255	0.30	[4]
23500	SIX MILE PKWY (SR 739)	US 41	METRO PKWY	4LD	D	1,900	D	1,897	1.00		1,994	1.05	
23600	SIX MILE CYPRESS	METRO PKWY	DANIELS PKWY	4LD	E	2,000	B	1,549	0.77	B	1,628	0.81	unincorporated Lee County
23700	SIX MILE CYPRESS	DANIELS PKWY	WINKLER EXT.	4LD	E	1,900	E	1,205	0.63	E	1,362	0.72	unincorporated Lee Co; Cr Mnr RPD/Ok Vill RPD
23800	SIX MILE CYPRESS	WINKLER EXT.	CHALLENGER BLVD	4LD	E	1,900	E	1,136	0.60	E	1,194	0.63	incorporated Lee County
23900	SIX MILE CYPRESS	CHALLENGER BLVD	COLONIAL BLVD	6LD	E	2,860	B	1,136	0.40	B	1,194	0.42	incorporated Lee County
24000	SLATER RD	SR 78	NALLE GRADE RD	2LN	E	1,010	C	365	0.36	C	384	0.38	[4]
24100	SOUTH POINTE BLVD	CYPRESS LAKE DR	COLLEGE PKWY	2LD	E	910	D	631	0.69	D	663	0.73	[4]
24200	SR 31 (ARCADIA RD)	SR 80	SR 78	2LN	D	766		778	1.02		818	1.07	

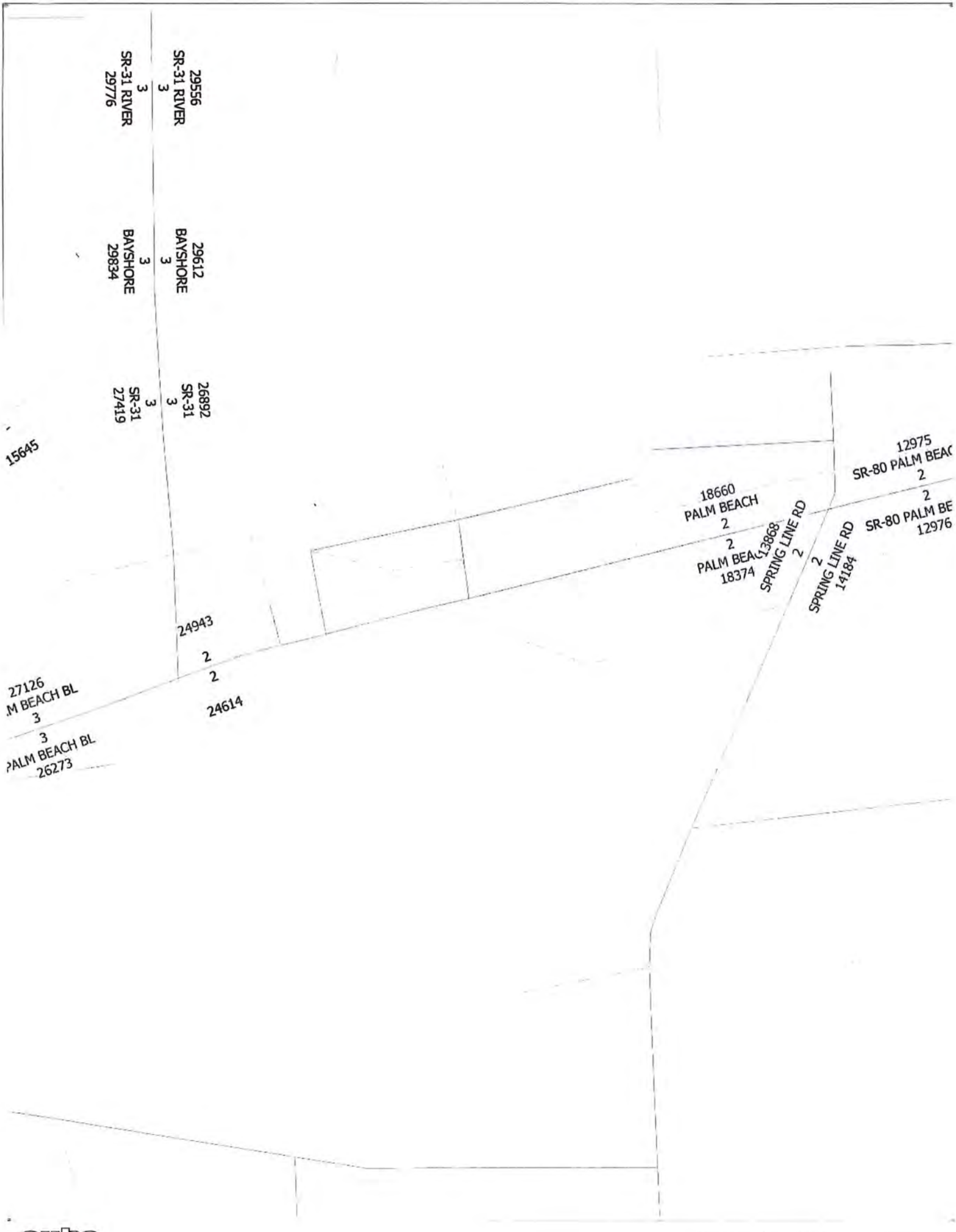
LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)

Link No.	ROAD NAME	LOCATION		ROAD TYPE	PERFORMANCE STANDARD		2022 100TH HIGHEST HOUR			2027 FUTURE FORECAST			Notes
		FROM	TO		LOS[1]	CAPACITY[2]	LOS[1]	VOLUME[2]	V/C[3]	LOS[1]	VOLUME[2]	V/C[3]	
24300	SR 31 (ARCADIA RD)	SR 78	COUNTY LINE	2LN	C	430		717	1.67		777	1.81	Babcock MPD
24400	STALEY RD	TICE	ORANGE RIVER BLVD	2LN	E	860	C	199	0.23	C	209	0.24	(4)
24500	STRINGFELLOW RD	1ST AVE	BERKSHIRE RD	2LN	E	1,060	B	311	0.29	C	409	0.39	constrained; Tr Cove at Ch Est/Turtle Cy Subd
24600	STRINGFELLOW RD	BERKSHIRE RD	PINE ISLAND RD	2LN	E	1,060	B	311	0.29	C	487	0.46	constrained; Villages of Pine Island
24700	STRINGFELLOW RD	PINE ISLAND RD	PINELAND RD	2LN	E	1,060	D	633	0.60	C	666	0.63	constrained
24800	STRINGFELLOW RD	PINELAND RD	MAIN ST	2LN	E	1,060	D	633	0.60	C	718	0.68	constrained; Bokeelia Harbor Resort
24900	SUMMERLIN RD	McGREGOR BLVD	KELLY COVE RD	4LD	E	1,980	A	1,359	0.69	A	1,429	0.72	unincorporated Lee County
25000	SUMMERLIN RD	KELLY COVE RD	SAN CARLOS BLVD	4LD	E	1,980	A	1,359	0.69	A	1,429	0.72	unincorporated Lee County
25100	SUMMERLIN RD	SAN CARLOS BLVD	PINE RIDGE RD	6LD	E	3,000	A	2,043	0.68	A	2,169	0.72	unincorporated Lee County
25200	SUMMERLIN RD	PINE RIDGE RD	BASS RD	6LD	E	3,000	A	2,043	0.68	A	2,148	0.72	unincorporated Lee County
25300	SUMMERLIN RD	BASS RD	GLADIOLUS DR	6LD	E	3,000	A	2,043	0.68	A	2,148	0.72	unincorporated Lee County
25400	SUMMERLIN RD	GLADIOLUS DR	CYPRESS LAKE DR	4LD	E	1,900	E	1,627	0.86	E	1,710	0.90	unincorporated Lee County
25500	SUMMERLIN RD	CYPRESS LAKE DR	COLLEGE PKWY	6LD	E	2,880	B	1,879	0.65	B	1,975	0.69	unincorporated Lee County
25600	SUMMERLIN RD	COLLEGE PKWY	PARK MEADOW DR	6LD	E	2,880	B	1,970	0.68	B	2,071	0.72	unincorporated Lee County
25700	SUMMERLIN RD	PARK MEADOW DR	BOY SCOUT	6LD	E	2,880	B	1,970	0.68	B	2,071	0.72	unincorporated Lee County
25800	SUMMERLIN RD	BOY SCOUT	MATHEWS DR	4LD	E	1,820	D	1,185	0.65	D	1,245	0.68	
25900	SUMMERLIN RD	MATHEWS DR	COLONIAL BLVD	4LD	E	1,820	D	1,185	0.65	D	1,245	0.68	
26000	SUNRISE BLVD	BELL BLVD	COLUMBUS BLVD	2LN	E	860	C	45	0.05	C	53	0.06	old court
26100	SUNSHINE BLVD	SR 82	23RD ST SW	2LN	E	1,010	C	452	0.45	C	475	0.47	[4]
26150	SUNSHINE BLVD	23RD ST SW	LEE BLVD	2LN	E	1,010	C	452	0.45	C	475	0.47	[4]
26200	SUNSHINE BLVD	LEE BLVD	W 12TH ST	2LN	E	1,010	D	654	0.65	D	688	0.68	[4]
26300	SUNSHINE BLVD	W 12TH ST	W 75TH ST	2LN	E	860	E	631	0.73	E	663	0.77	
26500	THREE OAKS PKWY	COCONUT RD	ESTERO PKWY	4LD	E	1,940	E	1,425	0.73	E	1,498	0.77	
26600	THREE OAKS PKWY	ESTERO PKWY	SAN CARLOS BLVD	4LD	E	1,940	E	797	0.41	E	903	0.47	Villages of San Carlos DRI (Portofino Vineyards)
26700	THREE OAKS PKWY	SAN CARLOS BLVD	ALICO RD	4LD	E	1,940	E	797	0.41	E	851	0.44	
26800	TICE ST	SR 80	ORTIZ AVE	2LN	E	860	C	218	0.25	C	229	0.27	
26900	TICE ST	ORTIZ AVE	STALEY RD	2LN	E	860	C	218	0.25	C	229	0.27	
27000	TREELINE AVE	TERMIMAL ACCESS RD	DANIELS PKWY	4LD	E	1,980	A	1,033	0.52	A	1,175	0.59	unincorporated Lee County; Treeline 28 IPD
27030	TREELINE AVE	DANIELS PKWY	AMBERWOOD RD	4LD	E	1,980	A	862	0.44	A	912	0.46	
27070	TREELINE AVE	AMBERWOOD RD	COLONIAL BLVD	4LD	E	1,980	A	862	0.44	A	906	0.46	
29800	US 41 (S TAMIAMI TR)	OLD 41	CORKSCREW RD	6LD	D	2,814		2,851	1.01		2,996	1.06	
29900	US 41 (S TAMIAMI TR)	CORKSCREW RD	SANIBEL BLVD	6LD	D	2,814	C	2,368	0.84	D	2,489	0.88	
30000	US 41 (S TAMIAMI TR)	SANIBEL BLVD	ALICO RD	6LD	D	2,814		3,021	1.07		3,175	1.13	
30100	US 41 (S TAMIAMI TR)	ALICO RD	ISLAND PARK RD	6LD	D	2,814		2,900	1.03		3,057	1.09	Island Park Commercial Center
30200	US 41 (S TAMIAMI TR)	ISLAND PARK RD	BRIARCLIFF RD	6LD	D	2,814	D	2,731	0.97		2,870	1.02	
30300	US 41 (S TAMIAMI TR)	BRIARCLIFF RD	SIX MILE PKWY	6LD	D	2,814		3,431	1.22		3,606	1.28	
30400	US 41 (S TAMIAMI TR)	SIX MILE PKWY	DANIELS PKWY	6LD	D	2,814	D	2,537	0.90	D	2,666	0.95	
30500	US 41 (CLEVELAND AVE)	DANIELS PKWY	COLLEGE PKWY	6LD	D	2,814		3,456	1.23		3,632	1.29	SR 739 6-ln design/right-of-way programmed
30600	US 41 (CLEVELAND AVE)	COLLEGE PKWY	SOUTH AIRPORT RD	6LD	D	2,814	C	2,441	0.87	D	2,566	0.91	SR 739 6-ln design/right-of-way programmed
30700	US 41 (CLEVELAND AVE)	SOUTH AIRPORT RD	BOY SCOUT RD	6LD	D	2,814		3,045	1.08		3,200	1.14	SR 739 6-ln design/right-of-way programmed
30800	US 41 (CLEVELAND AVE)	BOY SCOUT RD	NORTH AIRPORT RD	6LD	D	2,814	C	2,392	0.85	D	2,514	0.89	SR 739 6-ln design/right-of-way programmed
30810	US 41 (CLEVELAND AVE)	NORTH AIRPORT RD	COLONIAL BLVD	6LD	D	2,814	D	2,610	0.93	D	2,743	0.97	
30900	US 41 (CLEVELAND AVE)	CITY LIMITS	N. KEY DR	4LD	D	1,900		2,102	1.11		2,209	1.16	
31000	US 41 (CLEVELAND AVE)	N. KEY DR	HANCOCK B. PKWY	4LD	D	1,900		2,102	1.11		2,209	1.16	
31100	US 41 (CLEVELAND AVE)	HANCOCK B. PKWY	PONDELLA RD	4LD	D	1,900		1,861	0.98		1,956	1.03	
31200	US 41 (CLEVELAND AVE)	PONDELLA RD	SR 78	4LD	D	1,900	C	1,595	0.84	D	1,676	0.88	
31300	US 41 (CLEVELAND AVE)	SR 78	LITTLETON RD	4LD	D	1,942	C	1,257	0.65	C	1,417	0.73	Diplomat Property RPD/CPD
31400	US 41 (N TAMIAMI TR)	LITTLETON RD	BUS 41	4LD	D	1,942	C	1,160	0.60	C	1,279	0.66	Coral Bay (aka Estates at Entrada RPD/CPD)

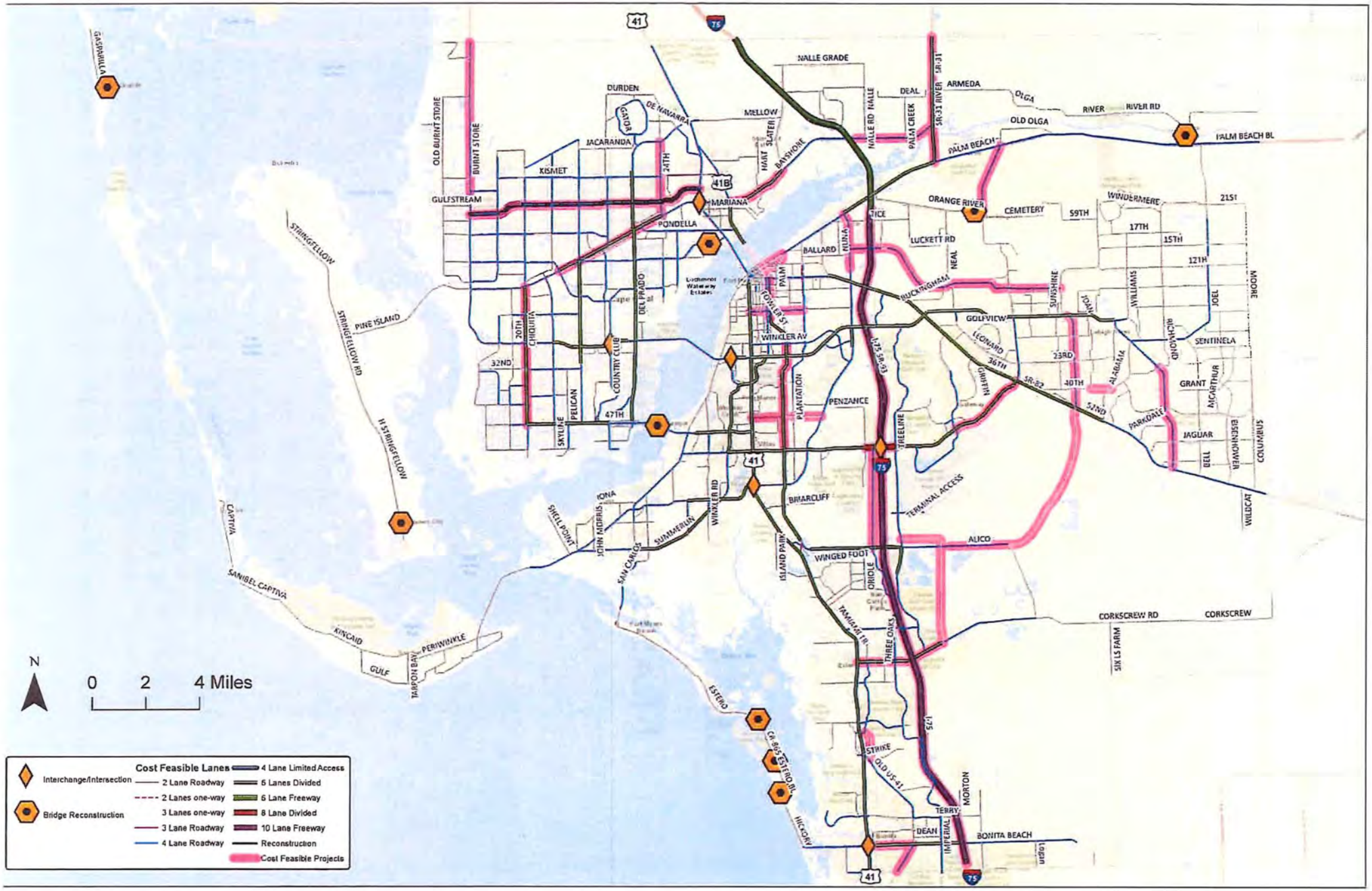
2045 E+C NETWORK VOLUMES

3
SR-31
34909
34917
SR-31
3
1423
RIVER
1
6320
CR-78 W RIVER RD
1
1
RIVER
1438
1
CR-78 W RIVER RD
6106
3
SR-31 RIVER
29776
29556
SR-31 RIVER
3
3
BAYSHORE
29834
29612
BAYSHORE
3
15327
2
2
15645
3
SR-31
27419
26892
SR-31
3
cube

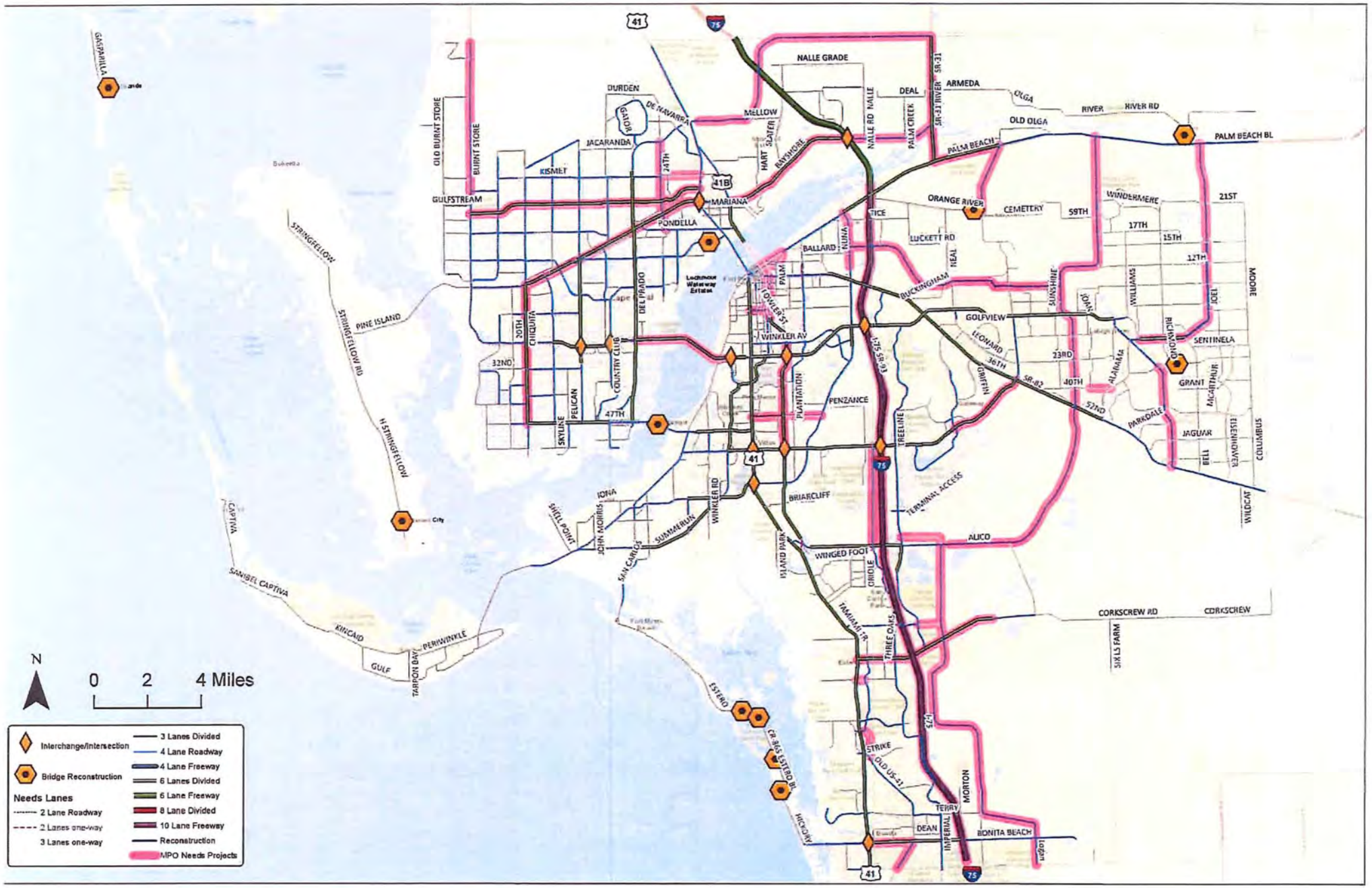

2154
NALLE RD
1
1
NALLE RD
2099
18368
BAYSHORE
2
2
BAYSHORE
18745


29556
SR-31 RIVER
3
3
29776
SR-31 RIVER
3
29612
BAYSHORE
3
3
29834
BAYSHORE
3
26892
SR-31
3
3
27419
SR-31
3
15645
12975
SR-80 PALM BEAC
2
2
18660
PALM BEACH
2
2
PALM BEA
18374
13868
SPRING LINE RD
2
2
SPRING LINE RD
14184
SR-80 PALM BE
12976
24943
2
2
24614
27126
M BEACH BL
3
3
ALM BEACH BL
26273

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
DE NAVARRA
MELLOW
JACARANDA
KISMET
GULFSTREAM
MARIANA
PONDELLA
BALLARD
PALM
FOWLER ST
WINKLER AV
PENZANCE
PLANTATION
COUNTRY CLUB
DEL PRADO
CHIQUITA
SKYLINE
PELICAN
32ND
47TH
20TH
PINE ISLAND
STRINGFELLOW
STRINGFELLOW RD
CAPTIVA
SANIBEL CAPTIVA
KINCAID
GULF
TARPON BAY
PERIWINKLE
SHELL POINT
IONA
JOHN MORRIS
SUMMERLIN
WINKLER RD
SAN CARLOS
BRIARCLIFF
ISLAND PARK
WINGED FOOT
ORIOLE
TAMIAMI TR
THREE OAKS
ESTERO
CR 865 ESTERO BL
HICKORY
STRIKE
OLD US 41
TERRY
DEAN
IMPERIAL
MORTON
BONITA BEACH
LOGAN
TERMINAL ACCESS
ALICO
CORKSCREW RD
CORKSCREW
SIX LS FARM
WILDCAT
OLD BURNT STORE
BURNT STORE
HART SLATER
BAYSHORE
HALLE RD NALLE
DEAL
PALM CREEK
SR-31 RIVER
ARMEDA
OLGA
RIVER
RIVER RD
OLD OLGA
PALM BEACH
PALM BEACH BL
ORANGE RIVER
CEMETERY
59TH
WINDERMERE
21ST
17TH
15TH
12TH
LUCKETT RD
NEAL
BUCKINGHAM
SUNSHINE
JOHN
WILLIAMS
JOEL
MOORE
GOLFVIEW
LEONARD
36TH
23RD
SR-82
40TH
ALABAMA
HANSON
RICHMOND
SENTINELA
GRANT
MCARTHUR
EISENHOWER
COLUMBUS
PARKDALE
52ND
JAGUAR
BELL
I-75 SR-93
TREELINE
41
75

LEE COUNTY MPO 2045 NEEDS PLAN


N
0 2 4 Miles
Interchange/Intersection
Bridge Reconstruction
Needs Lanes
2 Lane Roadway
2 Lanes one-way
3 Lanes one-way
3 Lanes Divided
4 Lane Roadway
4 Lane Freeway
6 Lanes Divided
6 Lane Freeway
8 Lane Divided
10 Lane Freeway
Reconstruction
MPO Needs Projects
NALLE GRADE
DURDEN
DEAL
ARMEDA
OLGA
RIVER
RIVER RD
OLD OLGA
PALM BEACH BL
PALM BEACH
MELLOW
JACARANDA
KISMET
HART SLATER
BAYSHORE
GULFSTREAM
MARIANA
PONDELLA
ORANGE RIVER
CEMETERY
TICE
LUCKETT RD
BALLARD
NUNA
NEAL
BUCKINGHAM
WINDERMERE
21ST
17TH
15TH
12TH
59TH
MOORE
SUNSHINE
WILLIAMS
JOEL
JOAN
RICHMOND
SENTINELA
GRANT
MACARTHUR
ESKENAZI
COLUMBUS
WILDCAT
GOLFVIEW
LEONARD
23RD
36TH
40TH
SR-82
ALABAMA
GRIFFIN
57TH
PARKDALE
JAGUAR
BELL
WINKLER AV
PENZANCE
PLANTATION
TREELINE
TERMINAL ACCESS
BRIARCLIFF
ALICO
WINGED FOOT
ISLAND PARK
GRIDLE
TAMIAMI TR
THREE OAKS
CORKSCREW RD
CORKSCHEW
SIX LS FARM
STRIKE
OLD US-41
TERRY
DEAN
IMPERIAL
MORTON
BONITA BEACH
HICKORY
CR 865 ESTERO BL
ESTERO
SAN CARLOS
JOHN MORRIS
IONA
SHELL POINT
SUMMERLIN
WINKLER RD
SANIBEL CAPTIVA
KINCAID
PERIWINKLE
GULF
TARPON BAY
STRINGFELLOW
STRINGFELLOW RD
PINE ISLAND
OLD BURNT STORE
BURNT STORE
DE NAVARRA
GENOA
24TH
DEL PRADO
CHIQUITA
30TH
32ND
COUNTRY CLUB
PELICAN
SKYLINE
47TH
PALM
TOWER ST
Lochmoor Waterway Estates
NALLE RD
PALM CREEK
SR-31
GASPARILLA
41
41B
75
I-75
SR-93

FDOT 5-YEAR WORK PROGRAM

FDOT Emergency Travel Alert: For information on the current situation, please visit the following page - Alerts.

Florida Department of

TRANSPORTATION

Web Application

Office of Work Program and Budget Julie Adamson - Director

Updated: 12/8/2024 8:1

Five Year Work Program

Selection Criteria	
District 01 **Lee County** **Item Number:**441942-3	**2025-2029 AD** **Category:**Highways

Display current records in a Report Style
Display current records in an Excel Document

Project Summary

Transportation System: INTRASTATE STATE HIGHWAY — District 01 - Lee County
Description: SR 31 FROM SR 80 (PALM BEACH BLVD) TO SR 78 (BAYSHORE RD)
Type of Work: ADD LANES & RECONSTRUCT — View Scheduled Activities
Item Number: 441942-3 — SIS
Length: 0.148 — View Map of Item

Project Detail

Fiscal Year:	2025	2026	2027	2028	2029
Highways/Right of Way					*(On-Going)*
Amount:	$30,049,106				

This site is maintained by the Office of Work Program and Budget, located at 605 Suwannee Street, MS 21, Tallahassee, Florida 323

View Contact Information for Office of Work Program and Budget

Application Home: Work Program
Office Home: Office of Work Program and Budget

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Florida Department of

TRANSPORTATION

Web Application

Office of Work Program and Budget Julie Adamson - Director

Updated: 12/8/2024 8:1

Five Year Work Program

Selection Criteria	
District 01 **Lee County** **Item Number:**441942-2	**2025-2029 AD** **Category:**Highways

Display current records in a Report Style
Display current records in an Excel Document

Project Summary

Transportation System: INTRASTATE STATE HIGHWAY — District 01 - Lee County
Description: SR 31 FROM SR 80 (PALM BEACH BLVD) TO SR 78 (BAYSHORE RD)BRIDGE#120064
Type of Work: BRIDGE REPLACEMENT — View Scheduled Activities
Item Number: 441942-2 — SIS
Length: 1.407 — View Map of Item

Project Detail

Fiscal Year:	2025	2026	2027	2028	2029
Highways/Preliminary Engineering					*(On-Going)*
Amount:	$2,467,236				
Highways/Railroad & Utilities					
Amount:	$900,000				$7,900,000
Highways/Environmental					
Amount:			$640,000		$200,000
Highways/Design Build					
Amount:					$205,418,748
Item Total:	$3,367,236		$640,000		$213,518,748

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Florida Department of

TRANSPORTATION

Web Application

Office of Work Program and Budget Julie Adamson - Director

Updated: 12/8/2024 8:1

Five Year Work Program

Selection Criteria	
District 01 **Lee County** **Item Number:**444937-1	**2025-2029 AD** **Category:**Highways

Display current records in a Report Style
Display current records in an Excel Document

Project Summary

Transportation System: INTRASTATE STATE HIGHWAYDistrict 01 - Lee County
Description: SR 78 FROM I-75 TO SR 31 CAPACITY STUDY
Type of Work: PD&E/EMO STUDY — View Scheduled Activities
Item Number: 444937-1
Length: 3.572 — View Map of Item

Project Detail

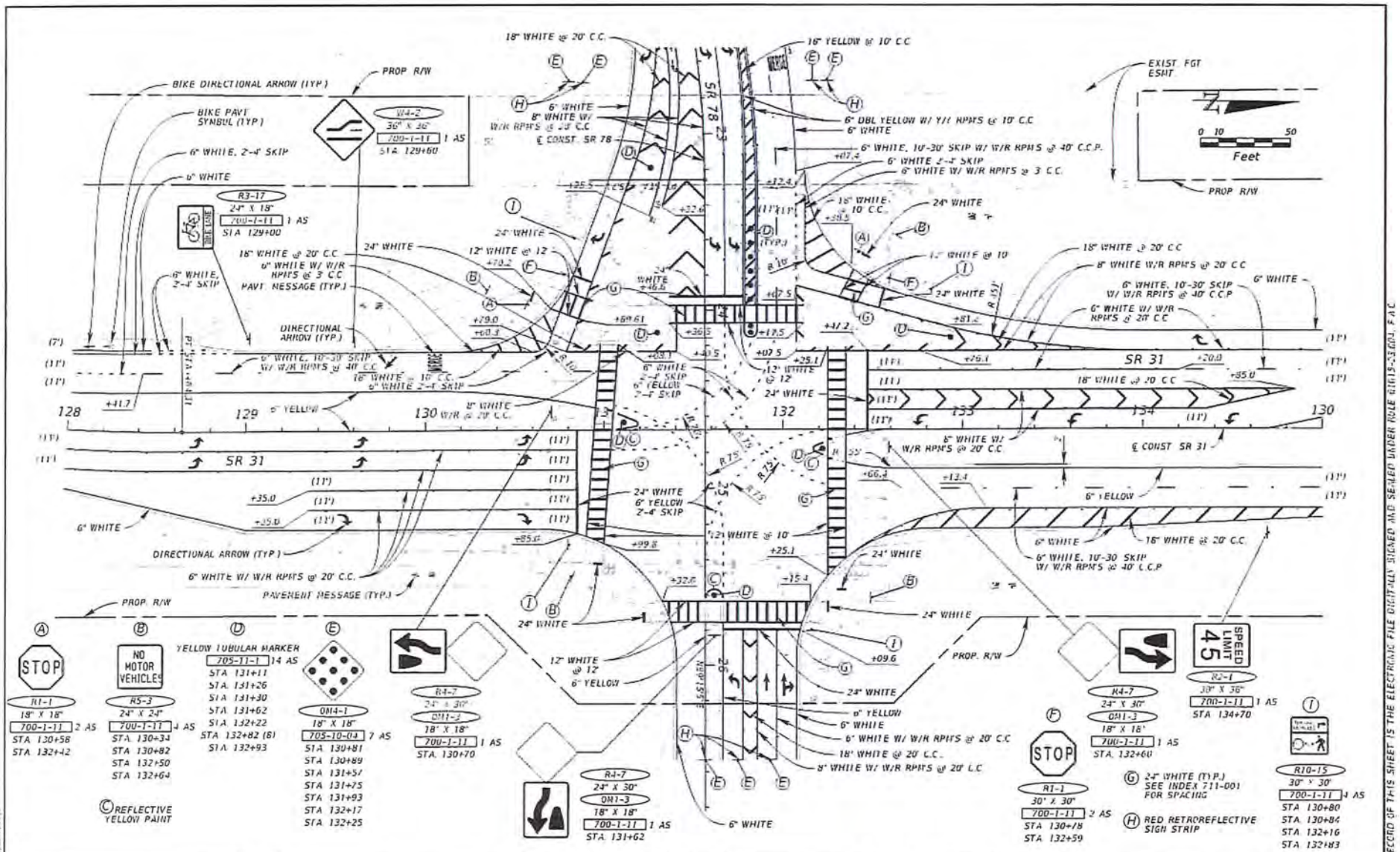
Fiscal Year:	2025	2026	2027	2028	2029
Highways/PD & E					*(On-Going)*
Amount:	$161,143				

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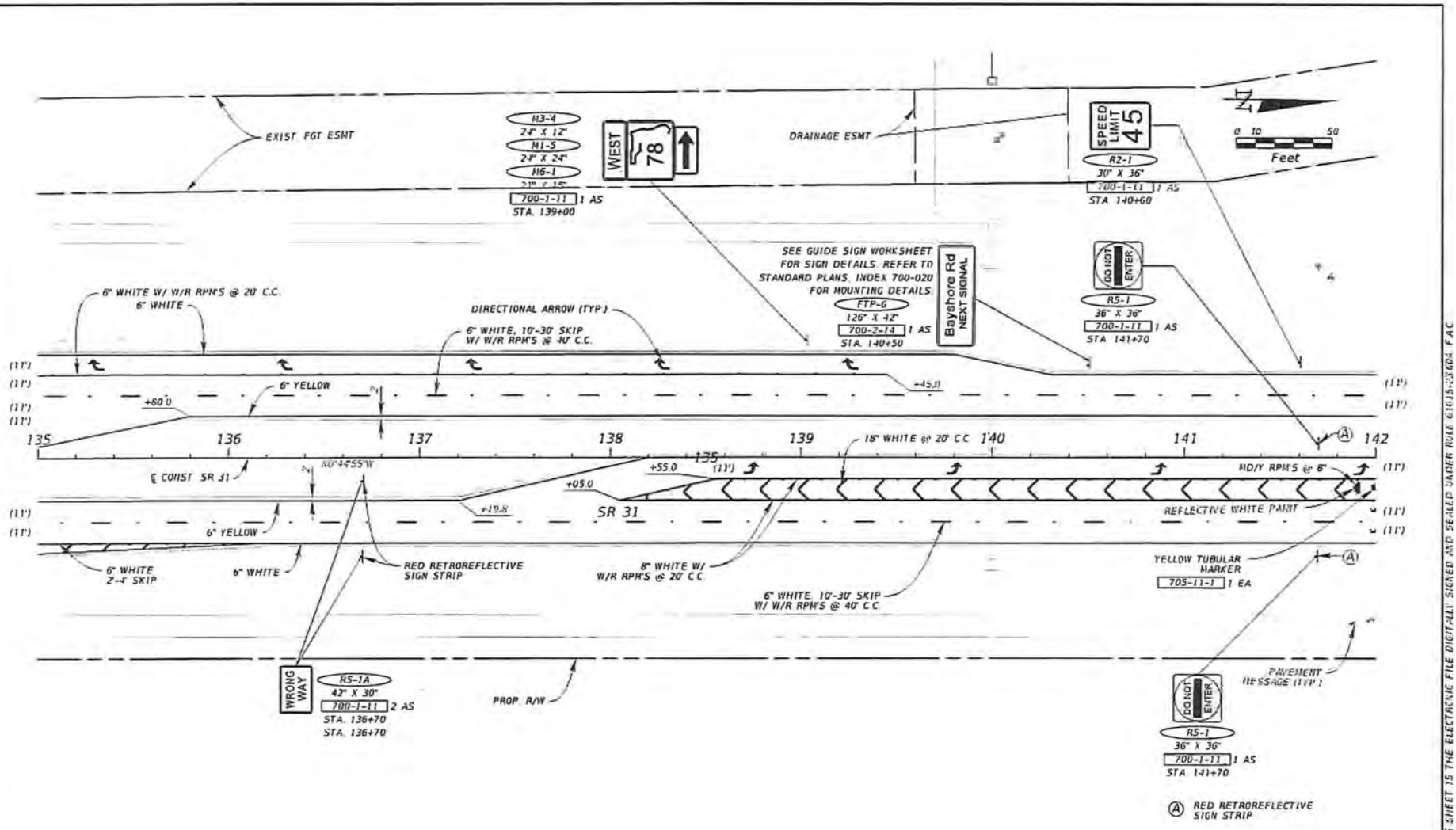
Application Home: Work Program
Office Home: Office of Work Program and Budget

SR 31 SIGNING & PAVEMENT MARKING PLAN (NORTH OF SR 78)



REVISIONS				ENGINEER OF RECORD	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			SIGNING AND PAVEMENT MARKING PLAN (3)	SHEET NO
DATE	DESCRIPTION	DATE	DESCRIPTION	JORDAN E. LEEP, P.E. LICENSE NUMBER: 76102 KIMLEY-HORN AND ASSOCIATES, INC. 1800 2ND STREET, SUITE 900 SARASOTA, FL 34236	ROAD NO.	COUNTY	FINANCIAL PROJECT ID		
					SR 31	LEE	442027-2-54-01		S-6

THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G15-23.004, F.A.C.



REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

ENGINEER OF RECORD
JORDAN E. LEEP, P.E.
LICENSE NUMBER: 76102
KIMLEY-HORN AND ASSOCIATES, INC.
1800 2ND STREET, SUITE 900
SARASOTA, FL 34236

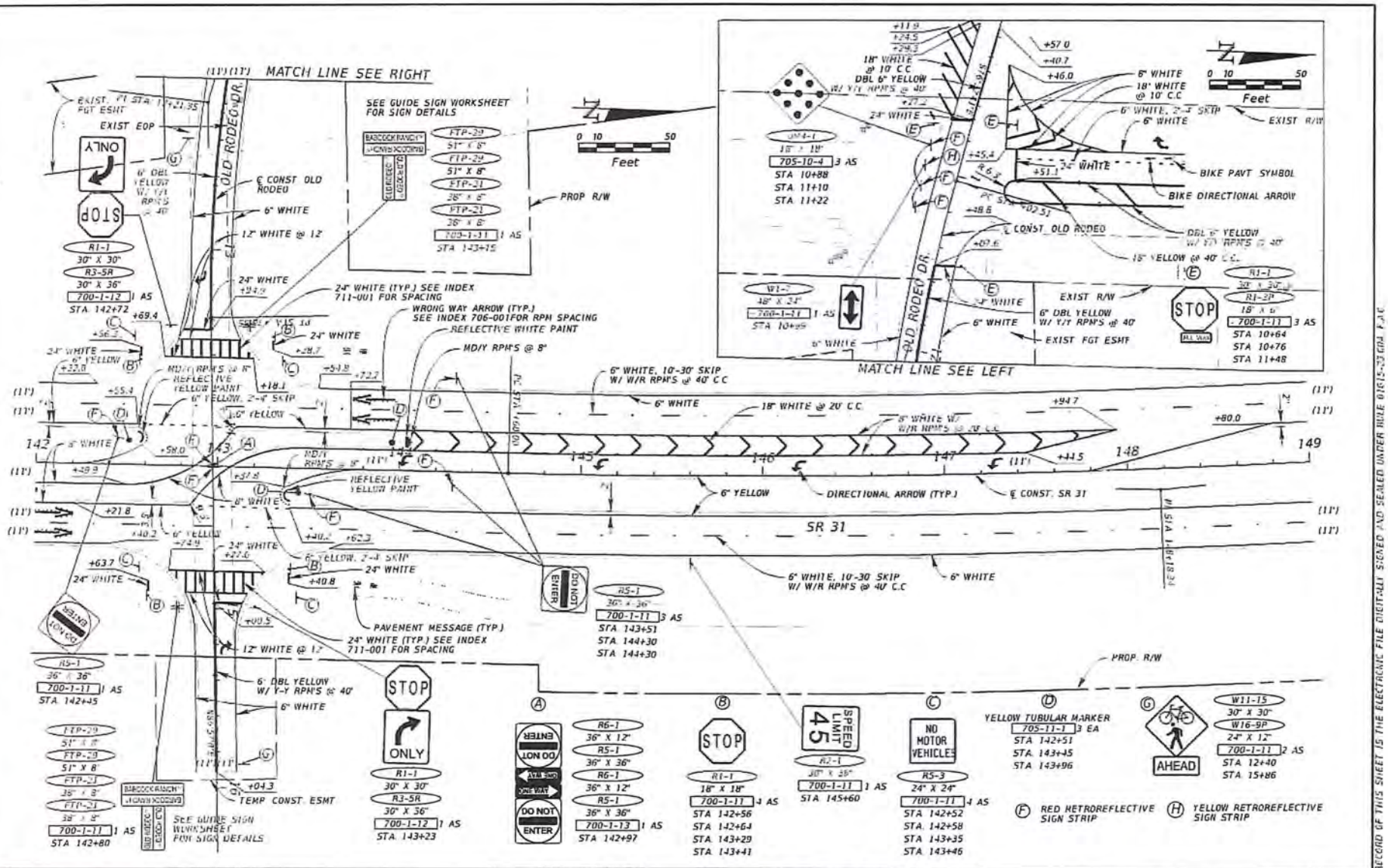
STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 31	LEE	442027-2-54-01

SIGNING AND PAVEMENT MARKING PLAN (4)

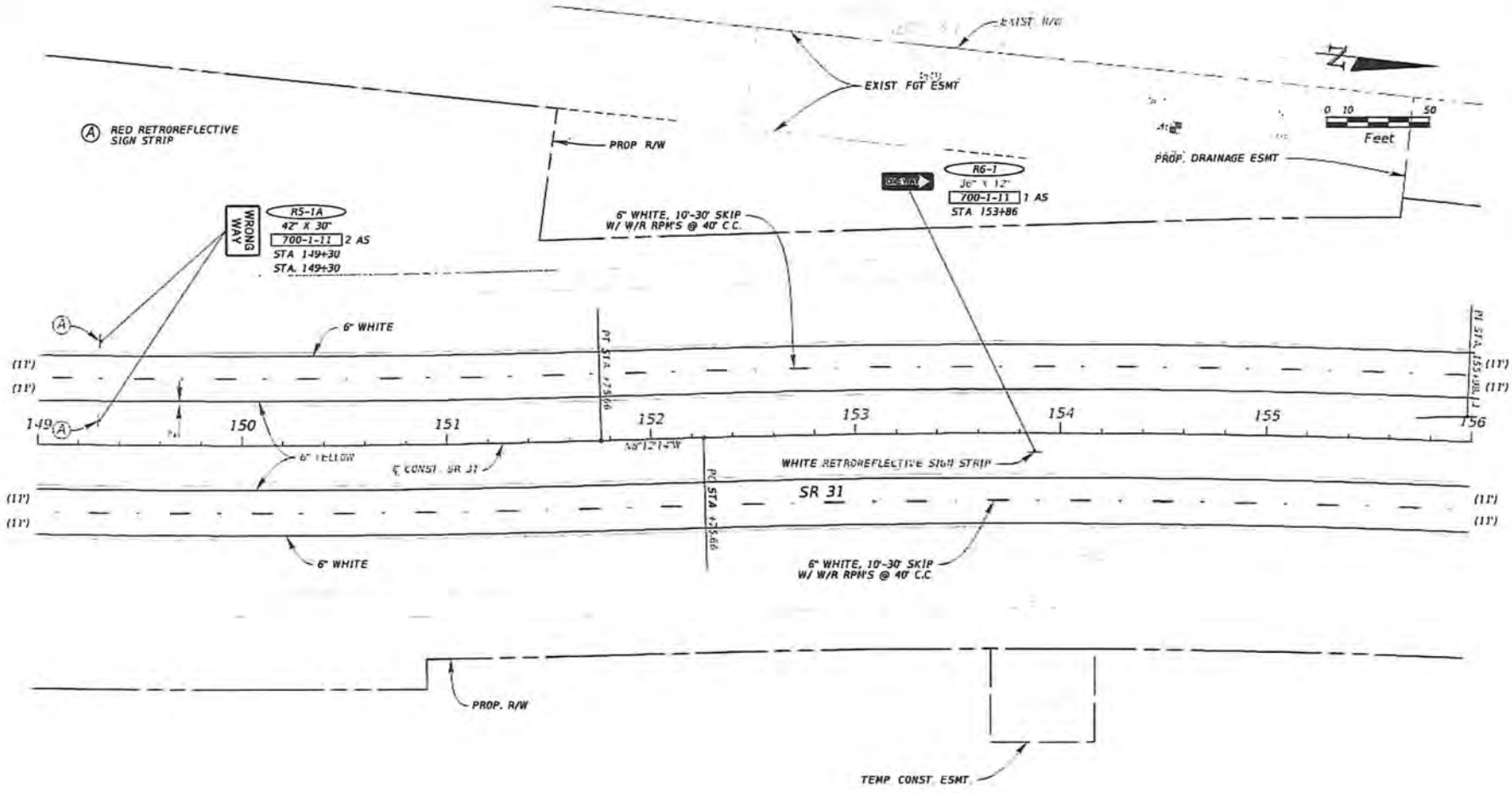
SHEET NO.
5-7

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REVISIONS				ENGINEER OF RECORD	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			SIGNING AND PAVEMENT MARKING PLAN (5)	SHEET NO
DATE	DESCRIPTION	DATE	DESCRIPTION	JORDAN E. LEEP, P.E LICENSE NUMBER: 76102 KIMLEY-HORN AND ASSOCIATES, INC. 1800 2ND STREET, SUITE 900 SARASOTA, FL 34236	ROAD NO.	COUNTY	FINANCIAL PROJECT ID		S-8
					SR 31	LEE	442027-2-54-01		

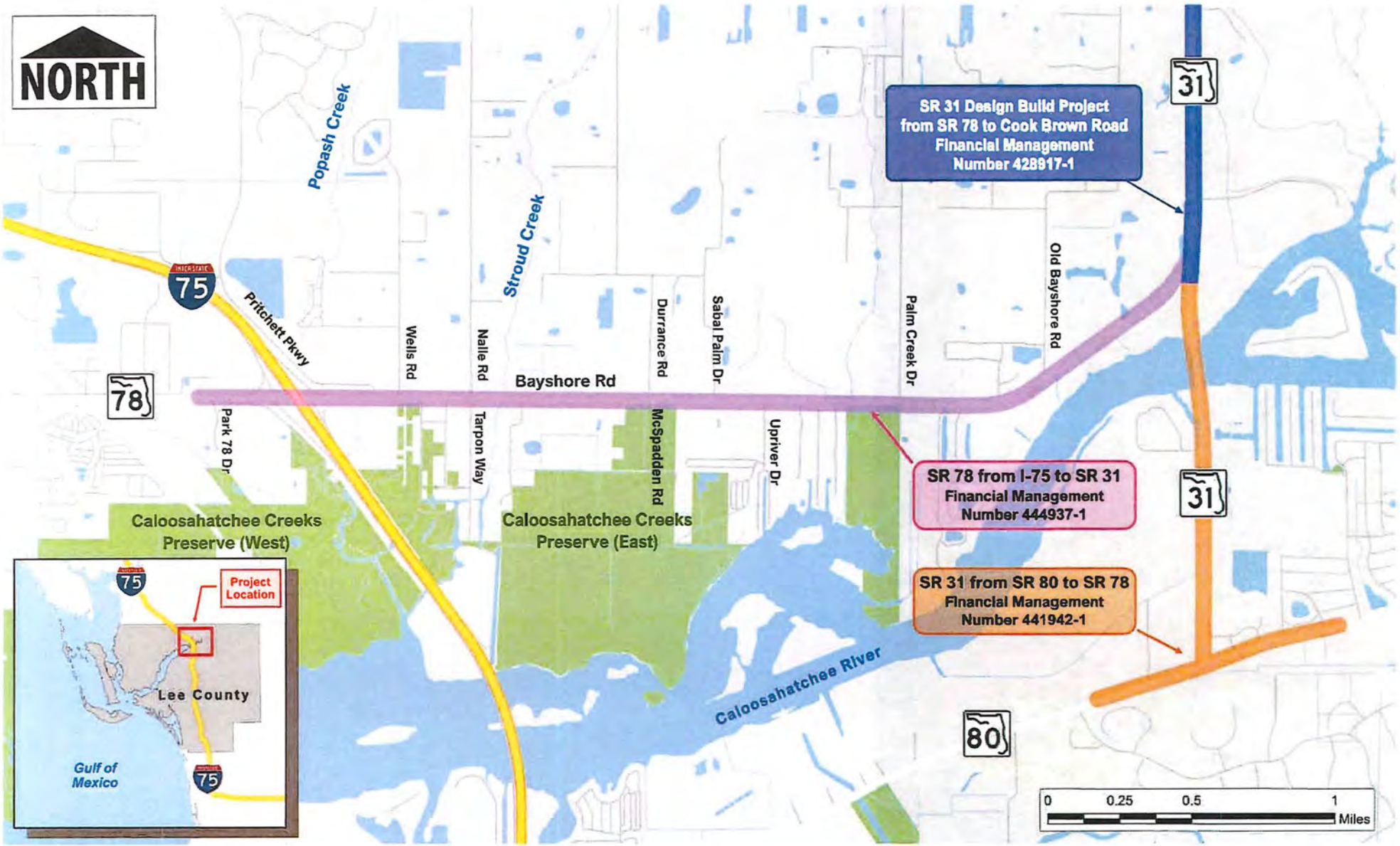
THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G15-23.004 F.A.C.



REVISIONS				ENGINEER OF RECORD	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			SIGNING AND PAVEMENT MARKING PLAN (6)	SHEET NO
DATE	DESCRIPTION	DATE	DESCRIPTION	JORDAN E. LEEP, P.E. LICENSE NUMBER: 76102 KIMLEY-HORN AND ASSOCIATES, INC. 1800 2ND STREET, SUITE 900 SARASOTA, FL 34236	ROAD NO.	COUNTY	FINANCIAL PROJECT ID		S-9
					SR 31	LEE	442027-2-54-01		

THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G15-23.004 F.A.C.

FDOT'S PROJECT SUMMARY



R 31 from SR 80 (Palm Beach Boulevard) to SR 78 (Bayshore Road)
roject Development and Environment (PD&E) Study
ee County, FL
inancial Project Number: 441942-1-22-01

PROJECTS LOCATION MAP

FDOT


NORTH
1" = 100'
SOUTHWEST FLORIDA & LEE COUNTY FAIRGROUNDS
LEE CIVIC CENTER
SR 78 PD&E Study from I-75 to SR 31
SR 31 Design Build Project from SR 78 to Cook Brown Road
THE BOATHOUSE TIKI BAR & GRILL
SWEETWATER LANDING MARINA
FIRST BANK
WELLS FARGO BANK
REGIONS BANK
PUBLIX
7 - ELEVEN
WALGREENS
DENTAL CARE AT VERANDA
LJ's LOUNGE
RACETRAC
SHORES BAR & GRILL
FORT MYERS SHORES
HAVENS ISLAND
HIGH-LEVEL FIXED BRIDGE PROFILE
LEGEND
SR 31 PREFERRED ALTERNATIVE
FDOT

SR 31 @ OLD RODEO DR
CONCEPT PLAN

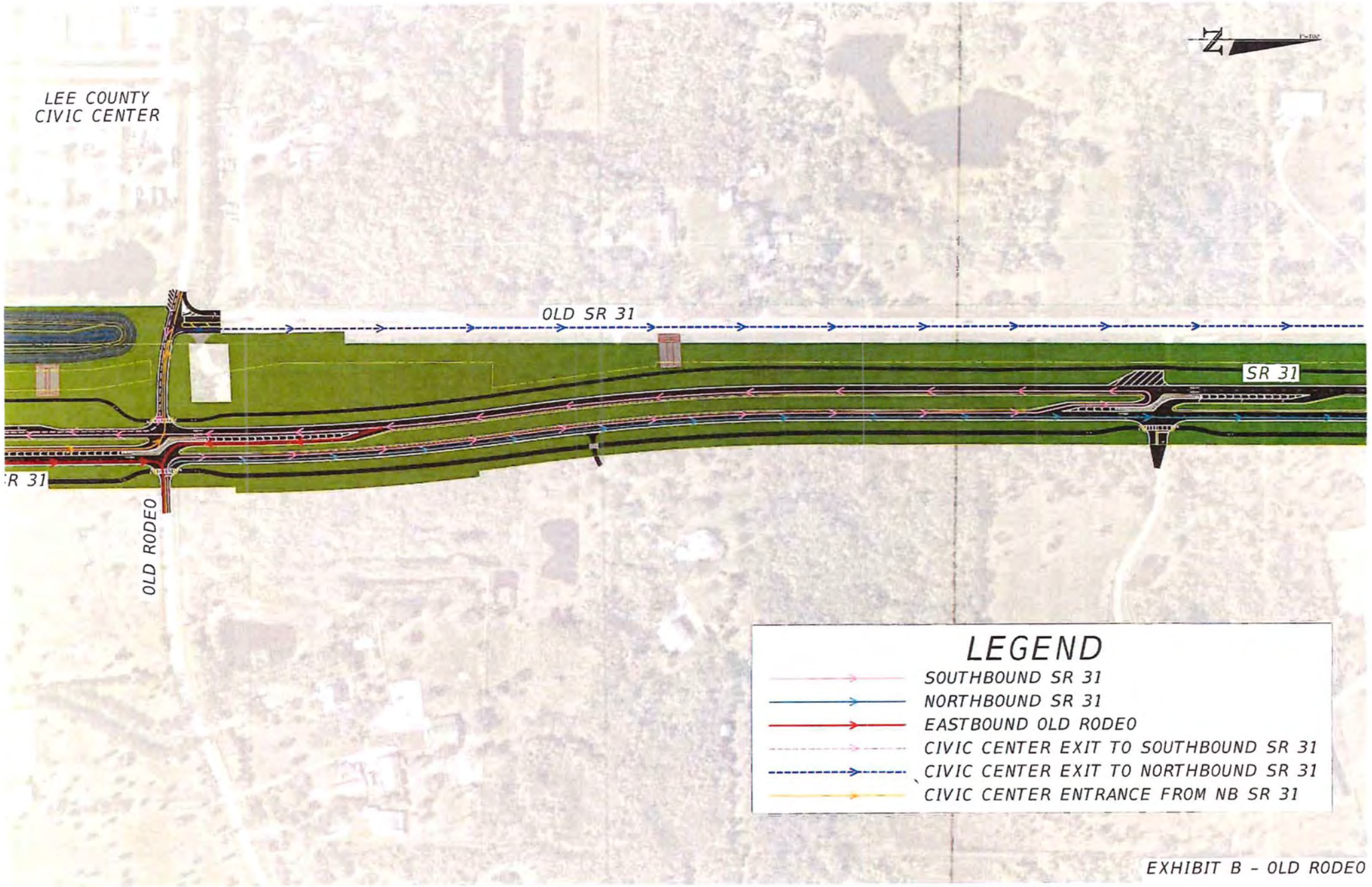


EXHIBIT B - OLD RODEO

TRAFFIC COUNTS
SR 31 @ OLD RODEO DR

SR 31 @ Old Rodeo Dr
North Fort Myers Florida
Tuesday, June 3, 2025

Time	Southbound SR 31						Westbound Old Rodeo Dr						Northbound SR 31						Eastbound Lee Civic Center Entrance						VEHICLE TOTAL
	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	
7:00 AM	0	0	218	0	0	*218*	0	1	0	1	0	*2*	0	3	130	0	0	*133*	0	0	0	0	0	*0*	**354**
7:15 AM	0	0	218	0	0	*218*	0	1	0	0	0	*1*	0	2	152	1	0	*153*	0	0	0	0	0	*0*	**370**
7:30 AM	0	0	205	0	0	*205*	0	0	0	0	0	*0*	0	2	170	0	0	*170*	0	0	0	0	0	*0*	**375**
7:45 AM	0	0	200	0	0	*200*	0	0	0	0	0	*0*	0	0	158	0	0	*158*	0	0	0	0	0	*0*	**358**
Hourly Total	0	0	840	0	0	*840*	0	1	0	1	0	*1*	0	7	613	1	0	*614*	0	0	0	0	0	*0*	**1457**
8:00 AM	0	0	205	0	0	*205*	0	0	0	0	0	*0*	0	0	143	0	0	*143*	0	0	0	0	0	*0*	**349**
8:15 AM	0	1	189	0	0	*200*	0	0	0	0	0	*0*	0	0	171	0	0	*171*	0	0	0	0	0	*0*	**371**
8:30 AM	0	0	187	0	0	*197*	0	0	0	0	0	*0*	0	0	154	1	0	*155*	0	0	0	0	0	*0*	**352**
8:45 AM	0	1	171	0	0	*172*	0	0	0	0	0	*0*	0	0	182	2	0	*184*	0	0	0	0	0	*0*	**356**
Hourly Total	0	2	772	0	0	*774*	0	0	0	0	0	*0*	0	0	660	3	0	*663*	0	0	0	0	0	*0*	**1437**
TOTAL	0	2	1612	0	0	*1614*	0	1	0	1	0	*1*	0	7	1273	4	0	*1277*	0	0	0	0	0	*0*	**2894**
Cars	0	2	1402	0	0	*1404*	0	1	0	1	0	*1*	0	7	1015	4	0	*1019*	0	0	0	0	0	*0*	**2424**
Heavy Vehicles	0	0	210	0	0	*210*	0	0	0	0	0	*0*	0	0	258	0	0	*258*	0	0	0	0	0	*0*	**468**
Heavy Vehicle %	0.00%	0.00%	13.03%	0.00%	0.00%	*13.01%*	0.00%	0.00%	0.00%	0.00%	0.00%	*0.00%*	0.00%	0.00%	20.27%	0.00%	0.00%	*20.20%*	0.00%	0.00%	0.00%	0.00%	0.00%	*0.00%*	**16.17%**

SR 31 @ Old Rodeo Dr
North Fort Myers Florida
Tuesday, June 3, 2025
AM Peak Hour

Time	Southbound						Westbound						Northbound						Eastbound						VEHICLE TOTAL
	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	
7:00 AM	0	0	218	0	0	*218*	0	1	0	1	0	*2*	0	0	133	0	0	*133*	0	0	0	0	0	*0*	**354**
7:15 AM	0	0	218	0	0	*218*	0	1	0	0	0	*1*	0	0	152	1	0	*153*	0	0	0	0	0	*0*	**370**
7:30 AM	0	0	205	0	0	*205*	0	0	0	0	0	*0*	0	0	170	0	0	*170*	0	0	0	0	0	*0*	**375**
7:45 AM	0	0	200	0	0	*200*	0	0	0	0	0	*0*	0	0	158	0	0	*158*	0	0	0	0	0	*0*	**358**
Peak Hour Total	0	0	840	0	0	*840*	0	2	0	1	0	*3*	0	0	613	1	0	*614*	0	0	0	0	0	*0*	**1457**
Peak Hour Heavy Vehicles	0	0	91	0	0	*91*	0	0	0	0	0	*0*	0	0	102	0	0	*102*	0	0	0	0	0	*0*	**193**
Peak Hour Heavy Vehicles %	0.00%	0.00%	10.83%	0.00%	0.00%	*10.83%*	0.00%	0.00%	0.00%	0.00%	0.00%	*0.00%*	0.00%	0.00%	16.64%	0.00%	0.00%	*16.61%*	0.00%	0.00%	0.00%	0.00%	0.00%	*0.00%*	**13.25%**
PHF	0.000	0.000	0.859	0.000	0.000	*0.959*	0.000	0.500	0.000	0.250	0.000	*0.375*	0.000	0.000	0.901	0.250	0.000	*0.903*	0.000	0.000	0.000	0.000	0.000	*0.000*	**0.871**

SR 31 @ Old Rodeo Dr
North Fort Myers Florida
Tuesday, June 3, 2025

Time	Southbound SR 31						Westbound Old Rodeo Dr						Northbound SR 31						Eastbound Lee Civic Center Entrance						VEHICLE TOTAL
	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	
4:00 PM	0	0	173	0	0	173	0	0	0	0	0	0	0	0	156	1	0	157	0	0	0	0	0	0	330
4:15 PM	0	0	169	0	0	171	0	0	0	1	0	1	0	0	211	0	0	211	0	0	0	0	0	0	383
4:30 PM	0	0	163	0	0	163	0	1	0	0	0	1	0	0	226	0	0	226	0	0	0	0	0	0	410
4:45 PM	0	1	167	1	0	169	0	1	0	2	0	2	0	0	219	0	0	219	0	0	0	0	0	0	391
Hourly Total	0	2	682	1	0	686	0	2	0	3	0	5	0	0	812	1	0	813	0	0	0	0	0	0	1514
5:00 PM	0	0	169	0	0	169	0	0	0	1	0	1	0	0	232	0	0	232	0	0	0	0	0	0	402
5:15 PM	0	2	178	0	0	180	0	0	0	0	0	0	0	0	208	0	0	208	0	0	0	0	0	0	388
5:30 PM	0	1	177	0	0	178	0	1	0	0	0	1	0	0	219	1	0	220	0	0	0	0	0	0	399
5:45 PM	0	0	148	0	0	149	0	0	0	0	0	0	0	0	231	0	0	231	0	0	0	0	0	0	378
Hourly Total	0	3	672	0	0	676	0	1	0	1	0	2	0	0	890	1	0	891	0	0	0	0	0	0	1569
TOTAL	0	5	1354	1	0	1362	0	3	0	4	0	7	0	0	1702	2	0	1704	0	0	0	0	0	0	3073
Cars	0	5	1252	1	0	1258	0	3	0	4	0	7	0	0	1662	2	0	1664	0	0	0	0	0	0	2928
Heavy Vehicles	0	0	113	0	0	113	0	0	0	0	0	0	0	0	40	0	0	40	0	0	0	0	0	0	153
Heavy Vehicle %	0.00%	0.00%	8.28%	0.00%	0.00%	8.24%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	2.36%	0.00%	0.00%	2.36%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	4.98%

SR 31 @ Old Rodeo Dr
North Fort Myers Florida
Tuesday, June 3, 2025
PM Peak Hour

Time	Southbound						Westbound						Northbound						Eastbound						VEHICLE TOTAL
	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	
4:30 PM	0	0	163	0	0	163	0	1	0	0	0	1	0	0	226	0	0	226	0	0	0	0	0	0	410
4:45 PM	0	1	167	1	0	169	0	1	0	2	0	3	0	0	219	0	0	219	0	0	0	0	0	0	391
5:00 PM	0	0	169	0	0	169	0	0	0	1	0	1	0	0	232	0	0	232	0	0	0	0	0	0	402
5:15 PM	0	2	178	0	0	180	0	0	0	0	0	0	0	0	208	0	0	208	0	0	0	0	0	0	388
Peak Hour Total	0	3	697	1	0	701	0	2	0	3	0	5	0	0	885	0	0	885	0	0	0	0	0	0	1591
Peak Hour Heavy Vehicles	0	0	61	0	0	61	0	0	0	0	0	0	0	0	20	0	0	20	0	0	0	0	0	0	81
Peak Hour Heavy Vehicles %	0.00%	0.00%	8.75%	0.00%	0.00%	8.70%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	2.26%	0.00%	0.00%	2.26%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	5.09%
PHF	0.000	0.375	0.952	0.250	0.000	0.958	0.000	0.500	0.000	0.375	0.000	0.417	0.000	0.000	0.954	0.000	0.000	0.954	0.000	0.000	0.000	0.000	0.000	0.000	0.970

DEVELOPMENT OF FUTURE YEAR BACKGROUND TRAFFIC VOLUMES SPREADSHEETS

Development of Future Year Background Turning Volumes

Intersection	**Old SR 31 @ Site Access**
Count Date	June 3, 2025
Build-Out Year	2029

AM Peak Hour

	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	61	0	0	84	0	0	0	0	0	0	0
Peak Season Correction Factor	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06
Current Peak Season Volumes	0	65	0	0	89	0	0	0	0	0	0	0
Growth Rate	2.00%	6.50%	2.00%	2.00%	6.50%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Years to Build-out	4	4	4	4	4	4	4	4	4	4	4	4
2029 Background Turning Volumes	**0**	**84**	**0**	**0**	**114**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Project Turning Volumes	167								28			
2029 Background + Project	**167**	**84**	**0**	**0**	**114**	**0**	**0**	**0**	**28**	**0**	**0**	**0**

PM Peak Hour

	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	89	0	0	70	0	0	0	0	0	0	0
Peak Season Correction Factor	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06
Current Peak Season Volumes	0	94	0	0	74	0	0	0	0	0	0	0
Growth Rate	0.00%	6.50%	0.00%	0.00%	6.50%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Years to Build-out	4	4	4	4	4	4	4	4	4	4	4	4
2029 Background Turning Volumes	**0**	**121**	**0**	**0**	**95**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Project Turning Volumes	46								170			
2029 Background + Project	**46**	**121**	**0**	**0**	**95**	**0**	**0**	**0**	**170**	**0**	**0**	**0**

Development of Future Year Background Turning Volumes

Intersection	**Old SR 31 @ Old Rodeo Dr**
Count Date	June 3, 2025
Build-Out Year	2029

AM Peak Hour

	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	0	0	84	0	0	0	0	0	0	0	61
Peak Season Correction Factor	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06
Current Peak Season Volumes	0	0	0	89	0	0	0	0	0	0	0	65
Growth Rate	0.00%	0.00%	0.00%	6.50%	0.00%	6.50%	6.50%	6.50%	0.00%	0.00%	6.50%	6.50%
Years to Build-out	4	4	4	4	4	4	4	4	4	4	4	4
2029 Background Turning Volumes	**0**	**0**	**0**	**114**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**84**
Project Turning Volumes				28								167
2029 Background + Project	**0**	**0**	**0**	**142**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**251**

PM Peak Hour

	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	0	0	70	0	0	0	0	0	0	0	89
Peak Season Correction Factor	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06
Current Peak Season Volumes	0	0	0	74	0	0	0	0	0	0	0	94
Growth Rate	0.00%	0.00%	0.00%	6.50%	0.00%	6.50%	6.50%	6.50%	0.00%	0.00%	6.50%	6.50%
Years to Build-out	4	4	4	4	4	4	4	4	4	7	7	7
2029 Background Turning Volumes	**0**	**0**	**0**	**95**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**146**
Project Turning Volumes				170								46
2029 Background + Project	**0**	**0**	**0**	**265**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**192**

HCS SUMMARY SHEETS

OLD SR 31 @ SITE ACCESS

HCS Two-Way Stop-Control Report

General Information

Analyst	YB
Agency/Co.	TR
Date Performed	6/17/2025
Analysis Year	2029
Time Analyzed	PM Pk Hr With Project
Intersection Orientation	North-South
Project Description	F2410.19

Site Information

Intersection	Old SR 31/SIte Access
Jurisdiction	
East/West Street	Site Access
North/South Street	
Peak Hour Factor	0.97
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	0	0	0	0	1	0	0	0	1	0
Configuration			LR							LT						TR
Volume (veh/h)		0		170						46	121				95	0
Percent Heavy Vehicles (%)		3		3						3						
Proportion Time Blocked																
Percent Grade (%)		0														
Right Turn Channelized																
Median Type | Storage		Undivided														

Critical and Follow-up Headways

Base Critical Headway (sec)		7.1		6.2						4.1						
Critical Headway (sec)		6.43		6.23						4.13						
Base Follow-Up Headway (sec)		3.5		3.3						2.2						
Follow-Up Headway (sec)		3.53		3.33						2.23						

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)			175							47						
Capacity, c (veh/h)			955							1489						
v/c Ratio			0.18							0.03						
95% Queue Length, Q_{95} (veh)			0.7							0.1						
95% Queue Length, Q_{95} (ft)			17.9							2.6						
Control Delay (s/veh)			9.6							7.5	0.3					
Level of Service (LOS)			A							A	A					
Approach Delay (s/veh)		9.6								2.3						
Approach LOS		A								A						

HCS Two-Way Stop-Control Report

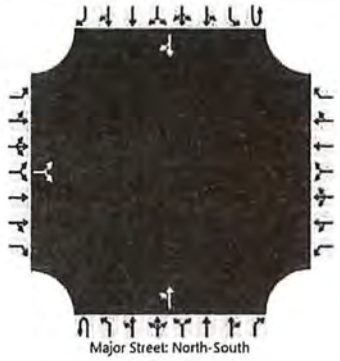
General Information

Analyst	YB
Agency/Co.	TR
Date Performed	6/17/2025
Analysis Year	2029
Time Analyzed	AM Pk Hr With Project
Intersection Orientation	North-South
Project Description	F2410.19

Site Information

Intersection	Old SR 31/Site Access
Jurisdiction	
East/West Street	Site Access
North/South Street	
Peak Hour Factor	0.97
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	0	0	0	0	1	0	0	0	1	0
Configuration			LR							LT						TR
Volume (veh/h)		0		28						167	84				114	0
Percent Heavy Vehicles (%)		3		3						3						
Proportion Time Blocked																
Percent Grade (%)		0														
Right Turn Channelized																
Median Type | Storage		Undivided														

Critical and Follow-up Headways

Base Critical Headway (sec)		7.1		6.2						4.1						
Critical Headway (sec)		6.43		6.23						4.13						
Base Follow-Up Headway (sec)		3.5		3.3						2.2						
Follow-Up Headway (sec)		3.53		3.33						2.23						

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)			29							172						
Capacity, c (veh/h)			932							1465						
v/c Ratio			0.03							0.12						
95% Queue Length, Q_{95} (veh)			0.1							0.4						
95% Queue Length, Q_{95} (ft)			2.6							10.2						
Control Delay (s/veh)			9.0							7.8	1.0					
Level of Service (LOS)			A							A	A					
Approach Delay (s/veh)		9.0								5.5						
Approach LOS		A								A						

HCS SUMMARY SHEETS

OLD SR 31 @ OLD RODEO DR

HCS Two-Way Stop-Control Report

General Information

Analyst	YB
Agency/Co.	TR
Date Performed	6/17/2025
Analysis Year	2029
Time Analyzed	AM Pk Hr With Project
Intersection Orientation	East-West
Project Description	F2410.19

Site Information

Intersection	Old SR 31/Old Rodeo Dr
Jurisdiction	
East/West Street	Old Rodeo Dr
North/South Street	
Peak Hour Factor	0.97
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	0	0		0	1	0
Configuration		LT						TR							LR	
Volume (veh/h)		0	0				0	251						142		0
Percent Heavy Vehicles (%)		3												3		3
Proportion Time Blocked																
Percent Grade (%)														0		
Right Turn Channelized																
Median Type | Storage				Undivided												

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1												7.1		6.2
Critical Headway (sec)		4.13												6.43		6.23
Base Follow-Up Headway (sec)		2.2												3.5		3.3
Follow-Up Headway (sec)		2.23												3.53		3.33

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		0													146	
Capacity, c (veh/h)		1300													863	
v/c Ratio		0.00													0.17	
95% Queue Length, Q_{95} (veh)		0.0													0.6	
95% Queue Length, Q_{95} (ft)		0.0													15.4	
Control Delay (s/veh)		7.8	0.0												10.0	
Level of Service (LOS)		A	A												B	
Approach Delay (s/veh)														10.0		
Approach LOS														B		

HCS Two-Way Stop-Control Report

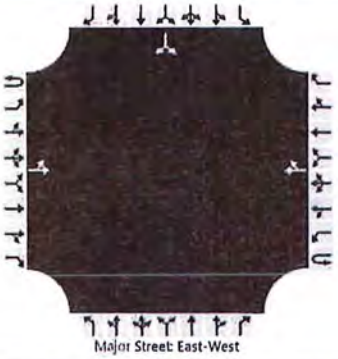
General Information

Analyst	YB
Agency/Co.	TR
Date Performed	6/17/2025
Analysis Year	2029
Time Analyzed	PM Pk Hr With Project
Intersection Orientation	East-West
Project Description	F2410.19

Site Information

Intersection	Old SR 31/Old Rodeo Dr
Jurisdiction	
East/West Street	Old Rodeo Dr
North/South Street	
Peak Hour Factor	0.97
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	0	0		0	1	0
Configuration		LT						TR							LR	
Volume (veh/h)		0	0				0	192						265		0
Percent Heavy Vehicles (%)		3												3		3
Proportion Time Blocked																
Percent Grade (%)														0		
Right Turn Channelized																
Median Type | Storage			Undivided													

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1												7.1		6.2
Critical Headway (sec)		4.13												6.43		6.23
Base Follow-Up Headway (sec)		2.2												3.5		3.3
Follow-Up Headway (sec)		2.23												3.53		3.33

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		0													273	
Capacity, c (veh/h)		1369													897	
v/c Ratio		0.00													0.30	
95% Queue Length, Q_{95} (veh)		0.0													1.3	
95% Queue Length, Q_{95} (ft)		0.0													33.3	
Control Delay (s/veh)		7.6	0.0												10.8	
Level of Service (LOS)		A	A												B	
Approach Delay (s/veh)														10.8		
Approach LOS														B		

TRIP GENERATION EQUATIONS

General Office Building
(710)

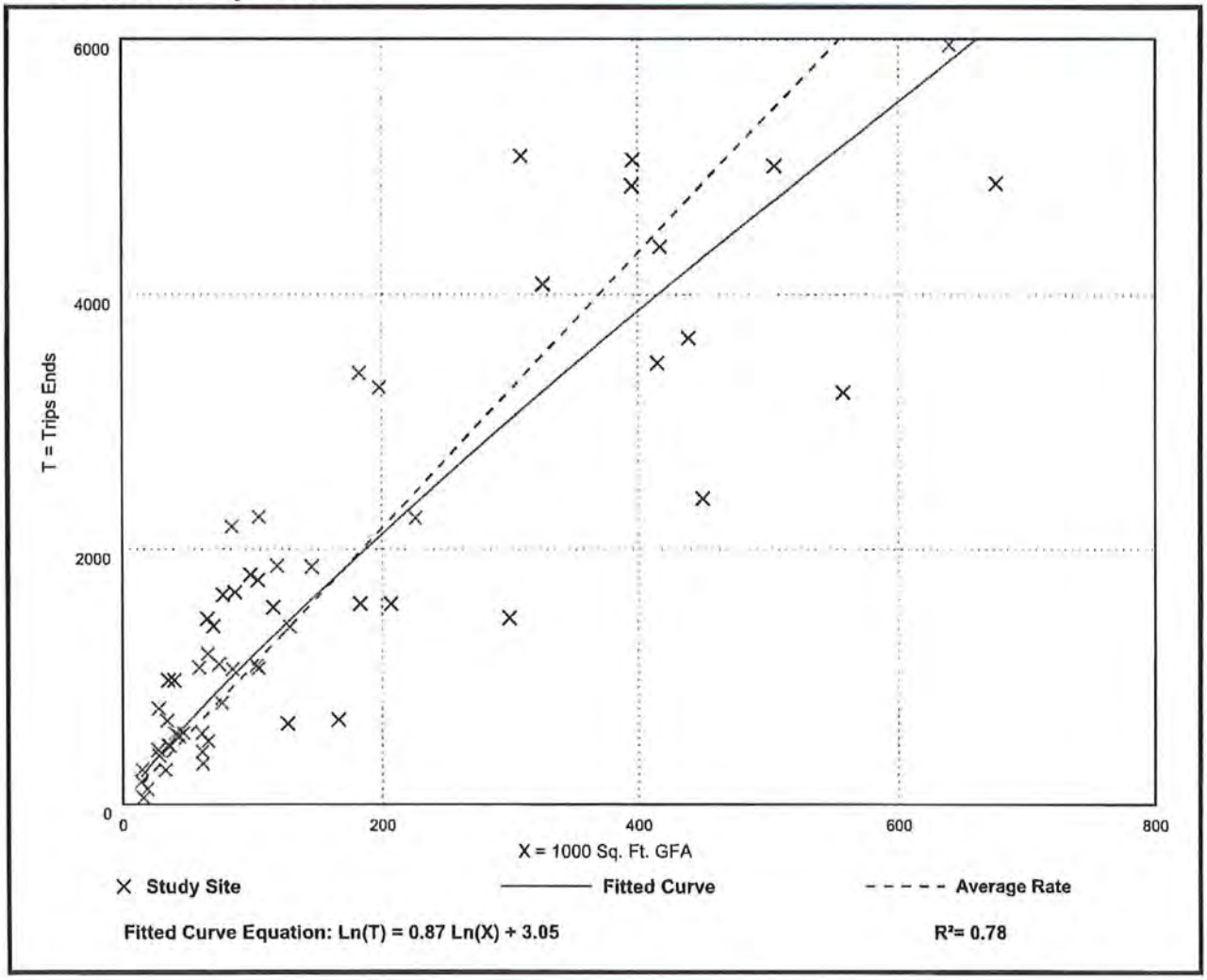
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 59
Avg. 1000 Sq. Ft. GFA: 163
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
10.84	3.27 - 27.56	4.76

Data Plot and Equation



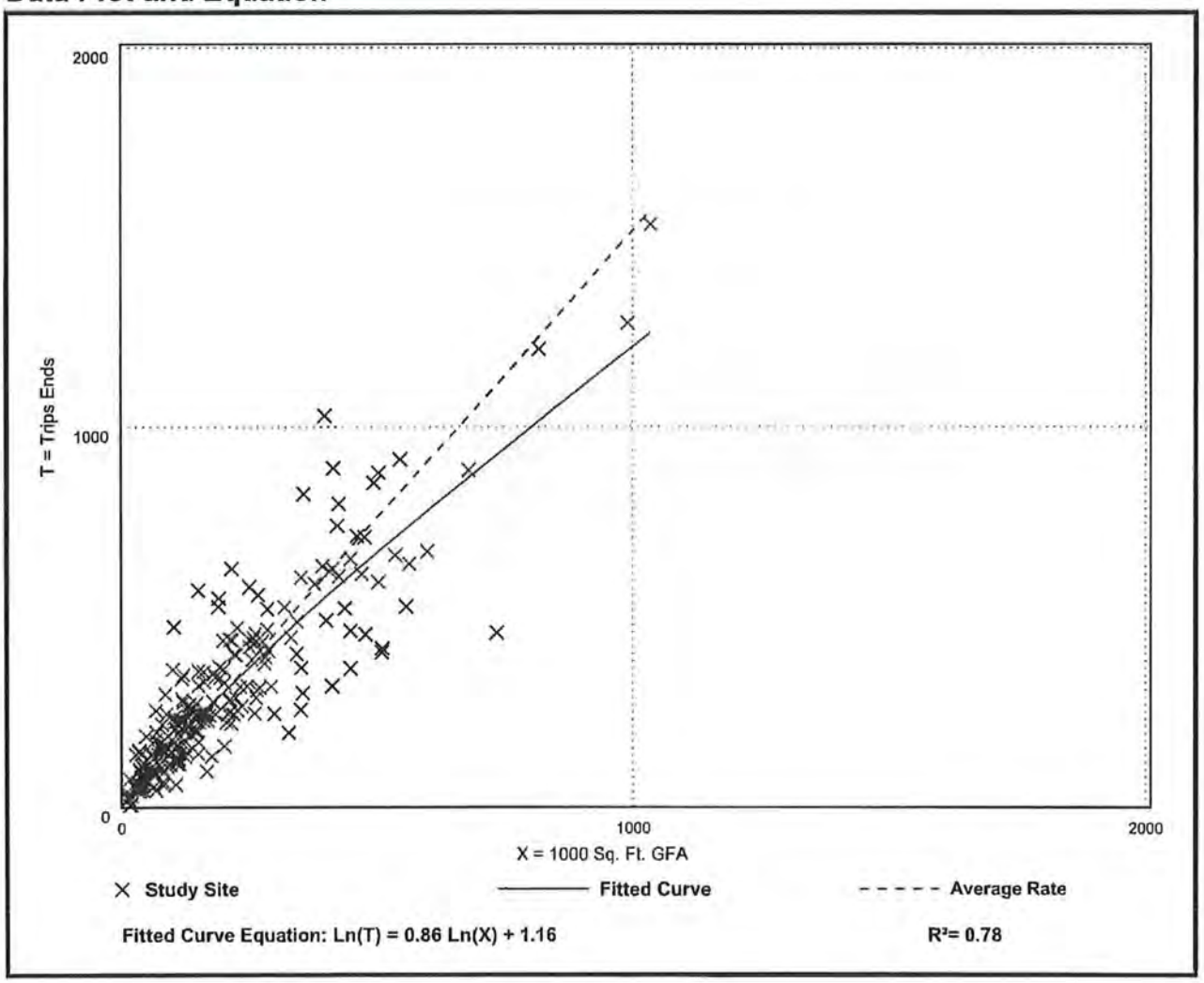
General Office Building
(710)

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: 221
Avg. 1000 Sq. Ft. GFA: 201
Directional Distribution: 88% entering, 12% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.52	0.32 - 4.93	0.58

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.86 Ln(X) + 1.16

R^2= 0.78

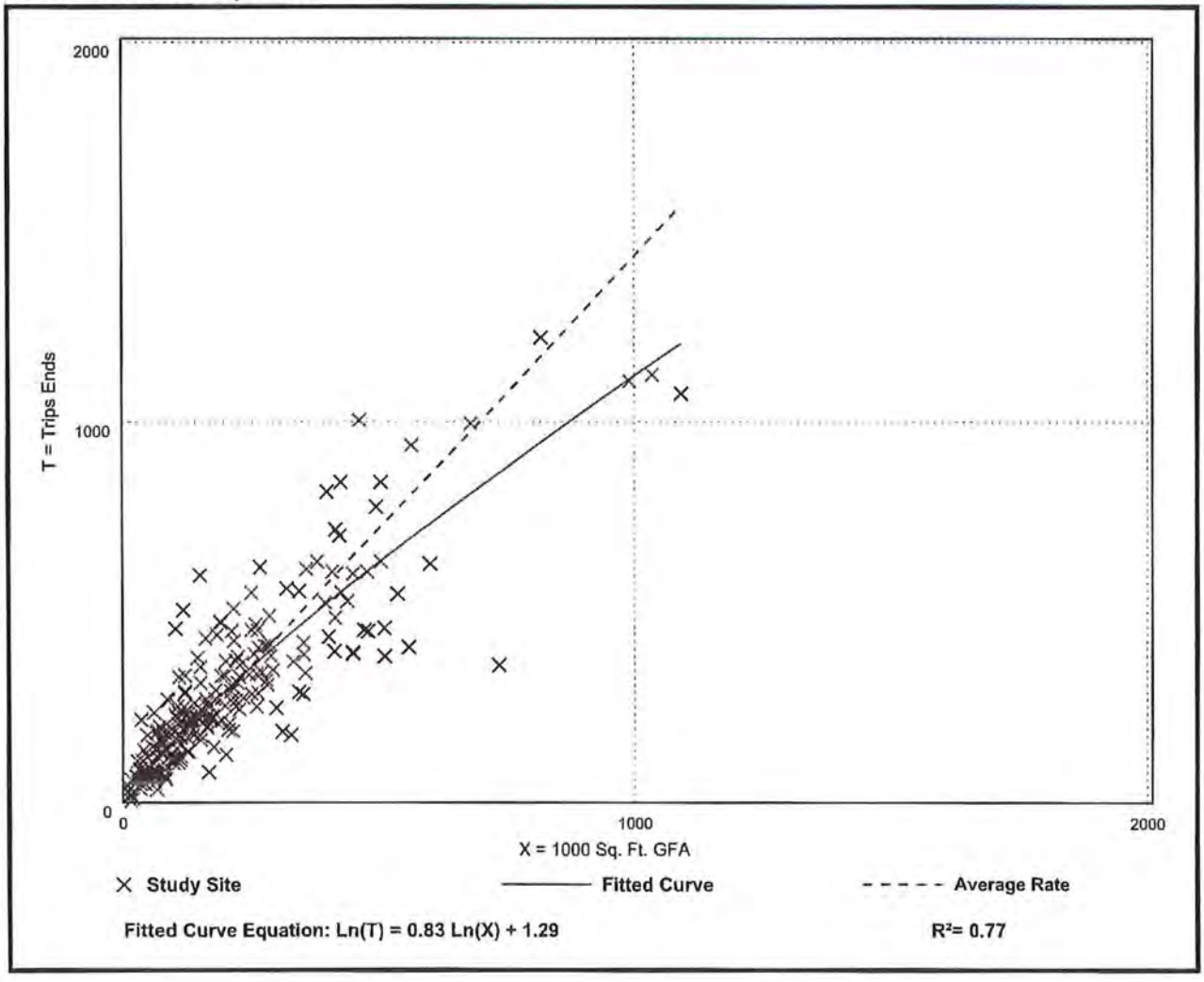
General Office Building
(710)

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: 232
Avg. 1000 Sq. Ft. GFA: 199
Directional Distribution: 17% entering, 83% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.44	0.26 - 6.20	0.60

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.83 Ln(X) + 1.29

R^2= 0.77

Medical-Dental Office Building - Stand-Alone (720)

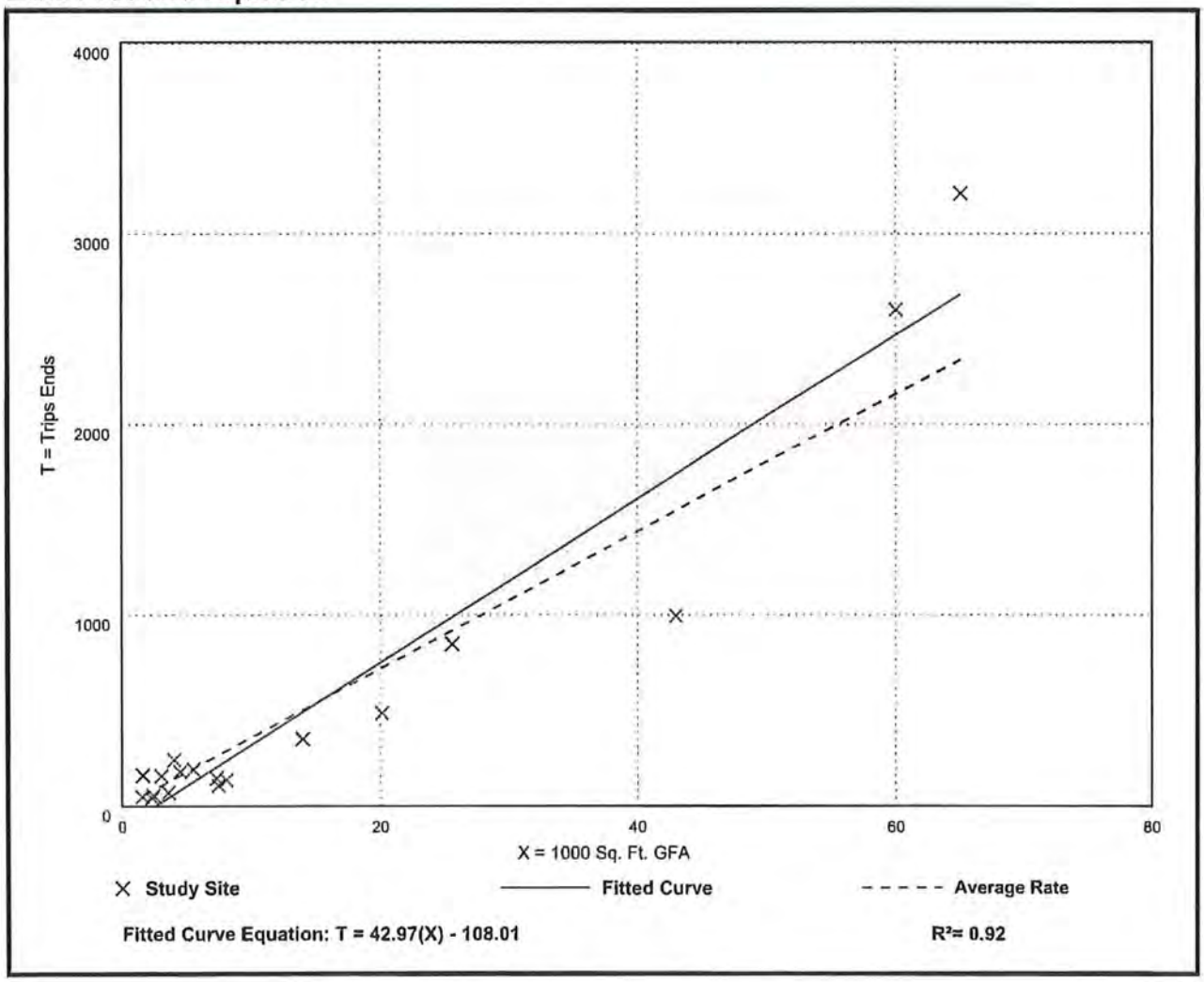
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 18
Avg. 1000 Sq. Ft. GFA: 15
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
36.00	14.52 - 100.75	13.38

Data Plot and Equation



Fitted Curve Equation: T = 42.97(X) - 108.01

R^2= 0.92

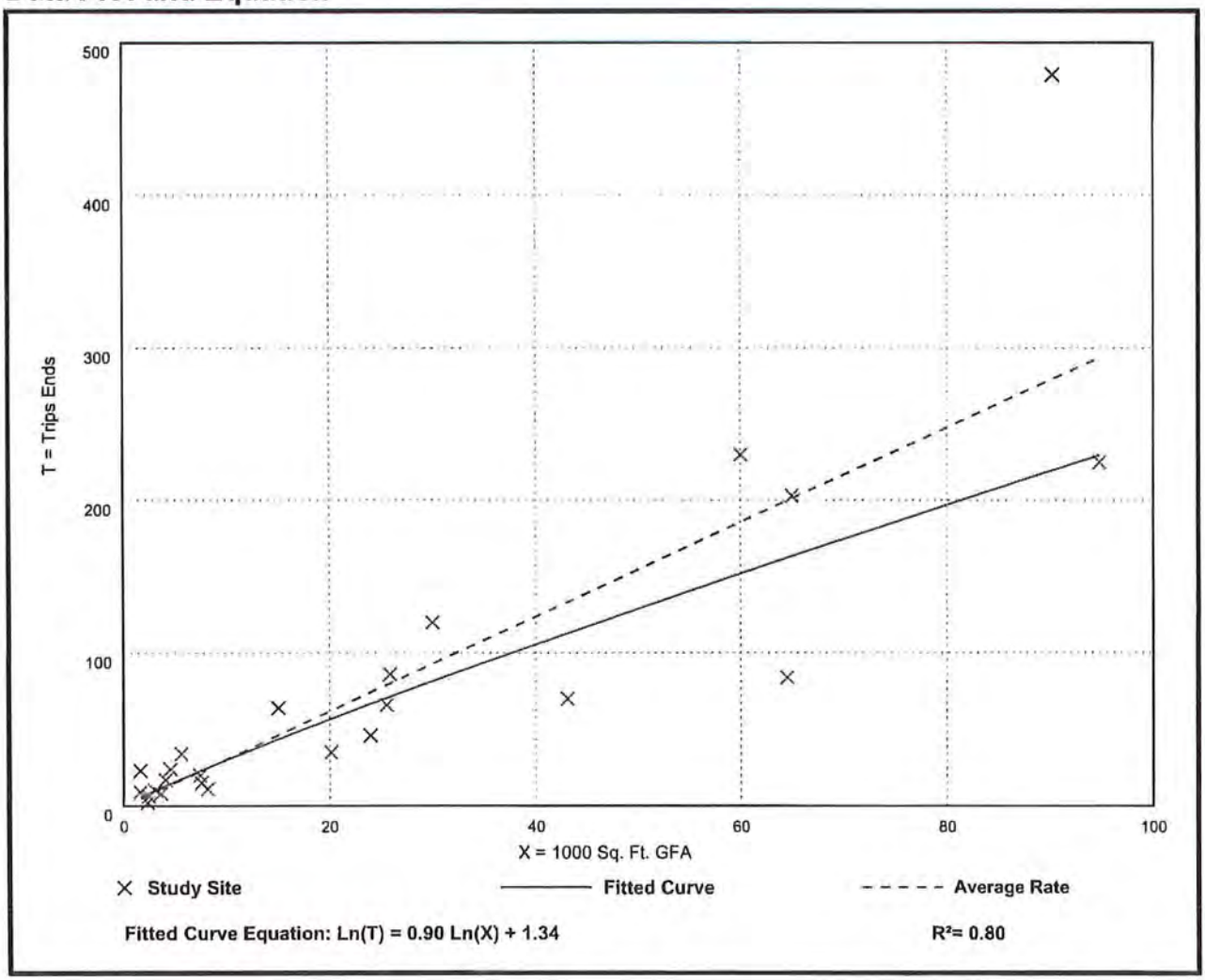
Medical-Dental Office Building - Stand-Alone (720)

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: 24
Avg. 1000 Sq. Ft. GFA: 25
Directional Distribution: 79% entering, 21% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
3.10	0.87 - 14.30	1.49

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.90 Ln(X) + 1.34

R^2= 0.80

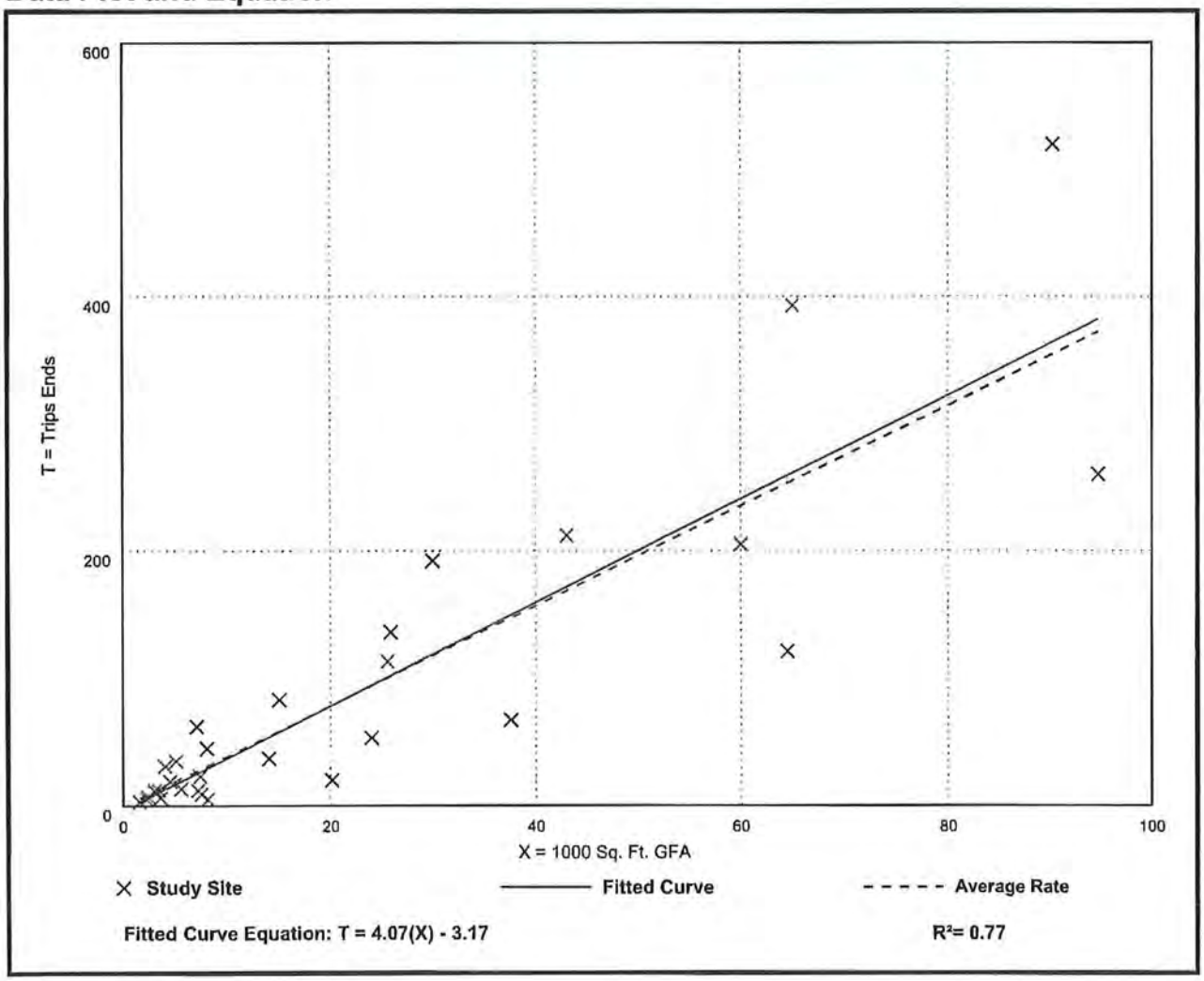
Medical-Dental Office Building - Stand-Alone (720)

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: 30
Avg. 1000 Sq. Ft. GFA: 23
Directional Distribution: 30% entering, 70% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
3.93	0.62 - 8.86	1.86

Data Plot and Equation



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Public Facilities Impacts Analysis & Existing and Future Conditions Analysis (EXHIBIT M15 & M17)

SR 31 CIVIC 10 Map Amendments

CPA2024-00017

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SR 31 Civic 10
Comprehensive Plan Amendment
Public Facilities Impacts Analysis
Exhibit – M15

**The below analysis is based upon the maximum attainable commercial intensity assuming 10,000 square feet per developable acre. The Applicant will be filing a companion CPD rezone that will limit development of the property to 50,000 square feet and no residential dwelling units.*

1. **Traffic Circulation Analysis**
   The attached Traffic Circulation Analysis prepared by TR Transportation Consultants, demonstrates that the proposed amendments will not cause any roadway links, except for SR 31 between SR 78 and SR 80, to fall below the recommended minimal acceptable Level of Service threshholds as recommended by Lee Plan Policy 37.1.1 of the Comprehensive Plan. However, Transportation Concurrency is non-regulatory per Florida Statutes and Lee Plan Policy 95.1.3. As outlined in the enclosed Transportation Circulation Analysis, SR 80 east of SR 31 was shown to operate at a poor Level of Service in the 2045 background (without project traffic) conditions; however, SR 80 is shown to be widened to a six-lane facility on the Lee County's 2045 Need Plan, which would alleviate this projected background deficiency.

2. **Sanitary Sewer**
   Lee Plan Policies 56.1.2 and 95.1.3 establishes an LOS standard for Sanitary Sewer of 200 GPD per residential dwelling and 0.1 GPD per square foot of shopping center commercial use.

   Existing Land Use - Rural
   9.59 ac of Rural @ 1 du/ac = 10 du X 200 GPD = 2,000 GPD

   Total: 2,000 GPD

   Proposed Land Use – Outlying Suburban
   50,000 sq. ft. X 0.1 GPD/SF = 5,000 GPD

   Total: 5,000 GPD

   The proposed FLUM amendment results in an increased sanitary sewer demand of 3,000 GPD.

   The amendment includes a request to add the Property to the Lee County Utilities Future Sanitary Sewer Service Areas. Lee County Utilities has indicated adequate capacity to serve the project, if the proposed service area is updated to include this parcel.

   Please see the enclosed letter from LCU confirming the availability of centralized sewer service (Exhibit M18).

3. **Potable Water Service**

Lee Plan Policies 56.1.2 and 95.1.3 establishes an LOS standard for Potable Water of 250 GPD per residential dwelling and 0.1 GDP per square footage of shopping center commercial use.

Existing Land Use - Rural
9.59 ac of Rural @ 1 du/ac = 10 du X 250 GPD = 2,500 GPD

Total: 2,500 GPD

Proposed Land Use – Outlying Suburban
50,000 sq. ft. X 0.1 GPD/SF = 5,000 GPD

Total: 5,000 GPD

The proposed FLUM amendment results in an increased potable water demand of 2,500 GPD.

The amendment includes a request to add the Property to the Lee County Utilities Future Water Service Area. Currently the Lee County Utilities Water Treatment Plant Systems is designed for 52.9 Million Gallons per Day (MGD) of production. Per the 2023 Lee County Concurrency Report, the projected 2027 demand is 40.0 MGD. Therefore, adequate capacity is available to serve the proposed FLUM amendment in accordance with Lee Plan Policy 95.1.3.

Please see the enclosed letter from LCU confirming the availability of potable water. (Exhibit M18).

4. **Surface Water Management**

The Property is located within the Tidal North Watershed and Tidal Caloosahatchee Drainage Basin.

LOS Standard = 25 year, 3-day storm event of 24 hours duration.

The Applicant will obtain an Environmental Resource Permit (ERP) from the South Florida Water Management District (SFWMD) prior to Development Order approval to be deemed concurrent.

5. **Parks, Recreation, Open Space**

Objectives 83.1 and 84.1 and Policy 95.1.3 establish non-regulatory LOS standards for Community Parks and Regional Parks as follows:

> *Parks and Recreation Facilities LOS:*
> *(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 2023 Concurrency Report indicates the following required and available capacities needed to meet these LOS standards:

Type of Park	Required Capacity (acres)	Available Capacity (acres)
Regional	5,682	7,066
Community	314	762

The existing inventory meets the community park and regional park level-of-service standard in the County for the year 2022 and will continue to do so at least through the next five years of the CIP.

Therefore, there is adequate acreage to accommodate the proposed amendment.

6. Public Schools

The Property is located in the East Zone. According to the 2023 Concurrency Report, projected capacity for elementary, middle and high schools in the East Zone for the 2022-23 school year is as follows:

Capacity by School Type
Elementary Schools = -670
Middle Schools = 158
High Schools = -29
Total = -541

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 at 0.297 students per single-family dwelling unit, which would result in the following demand for each school type as follows:

Total Demand by School Type (Single-Family Dwellings)
Elementary (29 dus X 0.149) = 4 seats
Middle School (29 dus X 0.071) = 2 seats
High School (29 dus X 0.077) = 2 seats
Total: 8 seats

Per the 2023 Concurrency Report, in the East Zone in 2023-2024, total available capacities for elementary schools will increase by 984 seats with the opening of Amanecer Elementary School, and capacity for middle schools will increase by 1,043 seats with the opening of the soon-to-be-named "QQ" Middle School occupying the old Lehigh Acres Middle School campus. High school capacity is expected to be unchanged from 2022. Additionally, the 2023 Concurrency Report notes that contiguous districts may provide capacity when capacity in the project's District is not available.

Letter of Availability
The capacity analysis demonstrates that adequate capacity exists to accommodate the proposed FLUM amendment. The School District of Lee County has also provided a Letter of Availability (Exhibit M18) confirming the adequate capacity. It is important to note again that the Applicant is not proposing a development that will consist of any residential units.

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Letters of Availability (EXHIBIT M18)

SR 31 CIVIC 10 Map Amendments

CPA2024-00017

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October 22, 2024

Mr. Doug Underwood
Fire Chief
Bayshore Fire Protection and Rescue Service District
17350 Nalle Road
North Fort Myers, FL 33917
dunderwood@bayshorefire.org

RE: Letter of Availability Request

Mr. Underwood,

We are requesting a Letter of Availability for a project consisting of a Comprehensive Plan Amendment and Commercial Planned Development Rezone to allow for a maximum of 100,000 square feet of commercial space to be located at the property associated with the following STRAP:

- 13-43-25-00-00009.0000

The property is located at 18031/041 State Road 31 and the subject area for future development consists of ±9.7 acres. A location map is attached for your reference. The subject property is currently within the Rural Future Land Use Category and is zoned AG-2. The proposed Future Land Use Category will be Outlying Suburban, and the proposed zoning will be Commercial Planned Development.

The proposed development is strictly for commercial uses and there is no request for residential density or residential development.

Should you have any questions regarding this request please do not hesitate to reach out to me.

Thank you,

MORRIS-DEPEW ASSOCIATES, INC

Marissa Fewell

Marissa Fewell
Senior Planner

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October 22, 2024

Mr. Paul DiCicco
Chief
Emergency Medical Services
2000 Main Street, Suite 100
Fort Myers, FL 33901
PDiCicco@leegov.com

RE: Letter of Availability Request

Mr. DiCicco,

We are requesting a Letter of Availability for a project consisting of a Comprehensive Plan Amendment and Commercial Planned Development Rezone to allow for a maximum of 100,000 square feet of commercial space to be located at the property associated with the following STRAP:

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Thank you,

MORRIS-DEPEW ASSOCIATES, INC

Marissa Fewell

Marissa Fewell
Senior Planner

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October 22, 2024

Mr. Stanley Nelson
Director of Planning and Research
Lee County Sheriff's Office
14750 6 Mile Cypress Parkway
Fort Myers, FL 33912
SNelson@sheriffleefl.org

RE: Letter of Availability Request

Mr. Nelson,

We are requesting a Letter of Availability for a project consisting of a Comprehensive Plan Amendment and Commercial Planned Development Rezone to allow for a maximum of 100,000 square feet of commercial space to be located at the property associated with the following STRAP:

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Thank you,

MORRIS-DEPEW ASSOCIATES, INC

Marissa Fewell

Marissa Fewell
Senior Planner

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October 22, 2024

Ms. Jacqueline Heredia
Planning Specialist, Planning, Growth and Capacity
The School District of Lee County
2855 Colonial Blvd
Fort Myers, FL 33966
JacquelineHe@leeschools.net

RE: Letter of Availability Request

Ms. Heredia,

We are requesting a Letter of Availability for a project consisting of a Comprehensive Plan Amendment and Commercial Planned Development Rezone to allow for a maximum of 100,000 square feet of commercial space to be located at the property associated with the following STRAP:

- 13-43-25-00-00009.0000

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Thank you,

MORRIS-DEPEW ASSOCIATES, INC

Marissa Fewell

Marissa Fewell
Senior Planner

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October 22, 2024

Ms. Clarissa Marino Diaz
Planner
LeeTran
3401 Metro Pkwy
Fort Myers, FL 33905
cmarinodiaz@leegov.com

RE: Letter of Availability Request

Ms. Marino Diaz,

We are requesting a Letter of Availability for a project consisting of a Comprehensive Plan Amendment and Commercial Planned Development Rezone to allow for a maximum of 100,000 square feet of commercial space to be located at the property associated with the following STRAP:

- 13-43-25-00-00009.0000

The property is located at 18031/041 State Road 31 and the subject area for future development consists of ±9.7 acres. A location map is attached for your reference. The subject property is currently within the Rural Future Land Use Category and is zoned AG-2. The proposed Future Land Use Category will be Outlying Suburban, and the proposed zoning will be Commercial Planned Development.

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Thank you,

MORRIS-DEPEW ASSOCIATES, INC

Marissa Fewell

Marissa Fewell
Senior Planner

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Phone (239) 337-3993 | Toll Free (866) 337-7341
www.morris-depew.com

October 22, 2024

Mr. Justin Lighthall
Manager, Public Utilities
Lee County Solid Waste
1500 Monroe Street
Fort Myers, FL 33901
JLighthall@leegov.com

RE: Letter of Availability Request

Mr. Lighthall,

We are requesting a Letter of Availability for a project consisting of a Comprehensive Plan Amendment and Commercial Planned Development Rezone to allow for a maximum of 100,000 square feet of commercial space to be located at the property associated with the following STRAP:

- 13-43-25-00-00009.0000

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Should you have any questions regarding this request please do not hesitate to reach out to me.

Thank you,

MORRIS-DEPEW ASSOCIATES, INC

Marissa Fewell

Marissa Fewell
Senior Planner

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October 22, 2024

Mr. Ashanti Shahriyar
Lee County Utilities
1500 Monroe Street
Fort Myers, FL 33901
LCUDCAP@leegov.com

RE: Letter of Availability Request

Mr. Shahriyar,

We are requesting a Letter of Availability for a project consisting of a Comprehensive Plan Amendment and Commercial Planned Development Rezone to allow for a maximum of 100,000 square feet of commercial space to be located at the property associated with the following STRAP:

- 13-43-25-00-00009.0000

The property is located at 18031/041 State Road 31 and the subject area for future development consists of ±9.7 acres. A location map is attached for your reference. The subject property is currently within the Rural Future Land Use Category and is zoned AG-2. The proposed Future Land Use Category will be Outlying Suburban, and the proposed zoning will be Commercial Planned Development.

The proposed development is strictly for commercial uses and there is no request for residential density or residential development.

Estimated Demand: 100,000 sq. ft. X 0.10 GPD/sf = 10,000 GPD (per Ch. 64e-6)

Should you have any questions regarding this request please do not hesitate to reach out to me.

Thank you,

MORRIS-DEPEW ASSOCIATES, INC

Marissa Fewell

Marissa Fewell
Senior Planner



© COPYRIGHT MORRIS • DEPEW ASSOCIATES, INC. 2024 ALL RIGHTS RESERVED G:\23071 - 18031 & 41 SR 31 North Fort Myers\Plans\23071-00 (Exhibits)\Current Plans\23071-00 AERIAL LOCATION MAP.dwg <M9> - Sep 26 2024 10:52:05 am PLOTTED BY: dleon

PROJECT:

SR 31 CIVIC 10

LOCATION:

18031/41 SR 31
NORTH FORT MYERS

CONSULTANT:

MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL CA NO. 6532 / FL CERT NO. LB6891 / LC26000330

Fort Myers
2914 Cleveland Avenue
Fort Myers, Florida 33901
(239) 337-3993
Fax: (239) 337-3994
Toll free: 866-337-7341

Tallahassee
113 South Monroe Street
1st Floor
Tallahassee, Florida 32301
Toll free: 866-337-7341

Destin
5597 Highway 98
Unit 201
Santa Rosa Beach, Florida 32459
Toll free: 866-337-7341

CLIENT:

Restoration GROUP INC.

0 250 500
SCALE 1"=500'

PROJECT MANAGER:	BS
DRAWING BY:	DGL
JURISDICTION:	LEE COUNTY
DATE:	9/26/2024
SHEET TITLE:	AERIAL LOCATION MAP
SHEET NUMBER:	EX-M9
JOB/FILE NUMBER:	23071

Lee County
Southwest Florida

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District Five

Dave Harner, II
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

November 25, 2024

Marissa Fewell, Senior Planner
Morris-Depew Associates, INC
2914 Cleveland Avenue
Fort Myers, FL 33901

VIA ELECTRONIC MAIL

Re: Letter of Service Availability – SR 31 CIVIC 10

Ms. Fewell,

I am in receipt of your email requesting a Letter of Service Availability for a project to be located at the property associated with the following STRAP:

- 13-43-25-00-00009.0000

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 5.3 miles away and four additional ambulances located within ten miles of your project location.

It is our opinion that the EMS service availability for the location provided is adequate at this time.

Sincerely,

Paul DiCicco
Deputy Director - EMS Chief

Carmine Marceno
Sheriff

State of Florida
County of Lee

"Proud to Serve"

October 22, 2024

Marissa Fewell
Morris-Depew Associates
2914 Cleveland Ave.
Fort Myers, FL 33901

Ms. Fewell,

The Lee County Sheriff's Office has reviewed your letter of availability request for a 9.7 +- acre project that would allow for a maximum of 100,000 square feet of commercial space at 18031/18041 State Road 31 in North Fort Myers and that is associated with the following STRAP: 13-43-25-00-00009.0000

The project proposal includes a Comprehensive Plan Amendment and Commercial Planned Development Rezone that would change the Future Land Use Category from Rural to Outlying Suburban and zoning from AG-2 to Commercial Planned Development.

Based on the information provided in your request, the Lee County Sheriff's Office has no objections to this request. This Agency will provide law enforcement services from our 1st Precinct offices in North Fort Myers.

Respectfully,

10/23

Rob Casale
Major, Patrol Bureau

From: Heredia, Jacqueline <JacquelineHe@LeeSchools.net>
Sent: Monday, October 28, 2024 7:49 AM
To: Marissa C. Fewell
Cc: Lindsay F. Rodriguez
Subject: Re: Letter of Availability Request Lee Schools - SR31 Civic 10

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,

The School District has no comment for SR31 Civic 10. The applicant is not proposing additional dwelling units nor are they proposing COP within 500' of school.

Please do not hesitate to reach out should you have any questions.

Thank you.

Jacqueline Heredia
District Planning Specialist
2855 Colonial Blvd, Fort Myers, FL 33966
o: 239-335-1494
JacquelineHE@leeschools.net
www.leeschools.net

THE SCHOOL DISTRICT OF LEE COUNTY
PERSONAL | PASSIONATE | PROGRESSIVE

From: Marissa C. Fewell <mfewell@m-da.com>
Sent: Tuesday, October 22, 2024 10:18 AM
To: Heredia, Jacqueline <JacquelineHe@LeeSchools.net>
Cc: Lindsay F. Rodriguez <lrodriguez@m-da.com>
Subject: Letter of Availability Request Lee Schools - SR31 Civic 10

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Attached please find a letter of availability request for a Lee County Comprehensive Plan Amendment and Commercial Planned Development Rezone associated with the property located at 18031/041 State Road 31. The project is known as SR31 Civic 10. The details of

our request are outlined in the attached letter, along with an aerial location map of the property.

Please let me know if you have any questions or need any additional information to issue a letter of availability.

Thank you,

MORRIS DEPEW

ENGINEERS PLANNERS SURVEYORS
LANDSCAPE ARCHITECTS

FORT MYERS | TALLAHASSEE | DESTIN

Professional Services Since 1989

Marissa Fewell, AICP
Senior Planner

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Fort Myers, FL 33901
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Dave Harner
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

November 22, 2024

MORRIS-DEPEW ASSOCIATES, INC
Attn: Marissa Fewell, Senior Planner
2914 Cleveland Ave,
Fort Myers, FL 33901
RE: 18031/041 SR-31 Letter of Service Availability

Dear Mr. McHarris:

The Lee County Solid Waste Department is capable of providing solid waste collection service for the proposed 100,000 square feet of commercial space located directly north of the Lee Civic Center and directly west of SR-31 through our franchised hauling contractors. Disposal of the solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

Please review Lee County Land Development Code, Chapter 10, Section 261, with requirements for on-site space for placement and servicing of solid waste containers. Please note that the property owner will be responsible for all future applicable solid waste assessments and fees.

If you have any questions, please call me at (239) 533-8007.

Sincerely,

Justin Lighthall

Justin Lighthall
Manager, Public Utilities
Lee County Solid Waste Department

Lee County
Southwest Florida

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County Attorney

Donna Marie Collins
County Hearing Examiner

October 13, 2025 Via E-Mail

Marrisa Fewell
Morris – Depew Associates
2914 Cleveland Avenue
Fort Myers, FL 33901

RE: **Potable Water Availability**
SR 31 Civic 10 – 18031/041 State Road 31, Fort Myers, FL 33917
STRAP # 13-43-25-00-00009.0000

To whom this may concern:

The subject property is not located within Lee County Utilities Future Service Area as depicted on Maps 4A and 4B of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are not adjacent to the property mentioned above. To provide water service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of one commercial unit with an estimated flow demand of approximately 15,000 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above, if the proposed service area is updated to include this parcel.

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

Prior to beginning design work on this project, please meet with LCU Staff to determine the best point of connection and discuss requirements for construction. This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of potable water service is to be utilized for Planning Map Amendment only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

Ohdet Kleinmann

LEE COUNTY UTILITIES
Public Utilities 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"

June 25, 2025

Marissa Fewell, Senior Planner
Morris Depew
2914 Cleveland Avenue
Fort Myers, Florida 33901
(239) 337-3993

RE: 18031/041 SR-31 Letter of Service Availability

Marissa,

With regards to your request for a letter of availability concerning the above referenced project, Bayshore Fire Protection & Rescue District is aware that the project is proposing 100,000 sq ft of commercial space. The District does provide fire and rescue services to the subject property, and can provide those services to the proposed development. However, the District will require the development be serviced by an adequate pressurized fire hydrant system.

Please feel free to contact me if I can be of any further assistance.

Sincerely,

William Underwood
Fire Chief
Bayshore Fire Rescue

Florida Governmental Utility Authority

FGUA c/o Accenture
9400 Southpark Center Loop, Suite 400
Orlando, FL 32819

(877) 552-3482 Toll Free
(407) 629-6900 Tel

March 14, 2025

Bill Morris
Morris-Depew Associates
2914 Cleveland Avenue
Fort Myers, FL 33901
permitting@m-da.com

RE: Wastewater and Reclaim Water Availability – LOA ID#: 25-044 NFMD

Parcel ID No.: 13-43-25-00-00009.0000

18031/041 State Rd 31, North Fort Myers, FL 33917

SR 31 Civic 10

Dear Mr. Morris:

The FGUA has received your Application for Service Availability, and upon review, it has been determined that wastewater disposal service is generally available to the address provided. The attached site map indicates the approximate size and location of the existing mains in the area. Please be advised that main extensions, connection to the reclaimed water system, and other system enhancements funded by the project sponsor may be required.

The application indicated that the proposed project consists of 100,000 SF Commercial Building with an estimated wastewater disposal demand of 16,025 GPD. Currently, FGUA facilities are able to accommodate this demand. During the design process, if existing conditions warrant, a hydraulic analysis may need to be performed by the project engineer to evaluate the impacts the proposed project may have on the existing wastewater system.

This letter should not be construed as a commitment to serve, but only as a statement of the availability of service and is effective for twelve (12) months from the date of issue. The FGUA commitment to serve will be made once a Utility Infrastructure Conveyance and Service Agreement (CSA) is fully executed. To move this project forward, contact Development Services via email at devservices@fgua.com to receive a plan submittal package and schedule the pre-application meeting if required.

FGUA Board of Directors
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Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Digitally signed by Paul Arnett
Date: 2025.05.21 09:43:44 -04'00'

Paul Arnett
Development Services Manager

CC: Mike Currier, South Region Area Manager

Encl.

1. Pre-Development Meeting Information
2. Utility Locates
3. Fee Statement/Receipt

FGUA Board of Directors
PAM KEYES, P.E., Vice Chair, Lee County / KEN CHEEK, P.E., Citrus County / SHANE PARKER, P.E., Vice Chair, Hendry County / TAMARA RICHARDSON, P.E., Chair, Polk County / ADOLFO GONZALEZ, P.E., Pasco County /JOSHUA KRAMER, P.E., Marion County/ HEIDI PETITO, Flagler County

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Development Services Division

Pre-Application Meeting Information

Purpose:

The pre-application meeting is designed to be an informative discussion, specifically geared toward assisting the applicant (owner/developer/engineer) understand the FGUA's policies and development process. The pre-application meeting may be required prior to the formal submission and review of any utility construction plans by the Development Division.

It is our goal to assist you through the FGUA development process as smoothly as possible, and for your development to be a success. This pre-application meeting, if required, will provide you with the details you need to make this a successful and stress-free process.

What to Expect:

If the meeting is required, you will be provided with a variety of both general and specific information regarding the FGUA's development process. This will include, but not be limited to staff contact information, plan review guidelines, current fees, conveyance, and closeout procedures.

Who Should Attend:

It is encouraged that a representative from the property owner, developer, and engineer, at a minimum, attend this meeting. Representatives of the FGUA's Development Division, including the Development Technician, Development Services Manager, and utility system Area Manager will also be in attendance as required.

In an effort to accommodate the potential long-distance commute between the FGUA's Operations Office in Orlando, Florida and the FGUA system areas, these meetings will take place via Microsoft Teams.

Meeting Requests:

Please e-mail Development Services to request a meeting at devservices@fgua.com.

Please have your FGUA Letter of Availability (LOA) Number (included on the first page of your previously issued Letter of Availability) ready when you email to schedule this meeting.

You will also be required to provide a preliminary site utility plan for staff review before the meeting is scheduled.

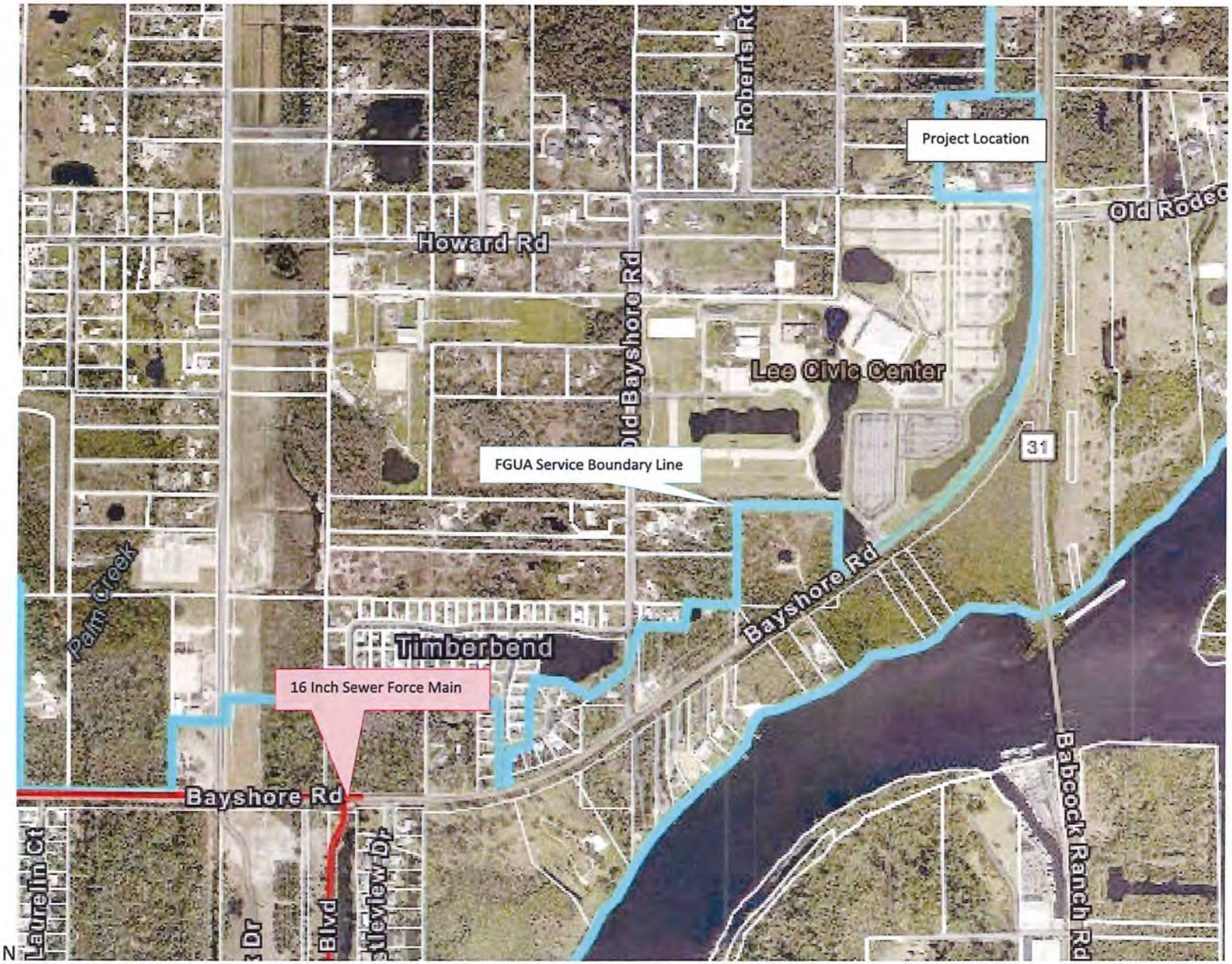
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3/5/2024

Project Name: SR 31 Civic 10

STRAP/PID #: 13-43-25-00-00009.0000

Property Address: 18031/041 State Road 31, North Fort Myers, FL 33917



ALL UTILITY LOCATIONS SHOWN HERE ARE APPROXIMATE. THE DEVELOPER IS SOLELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS VIA POTHOLING OR OTHER ACCEPTABLE MEANS.

LOA ID: 25-044 NFMD

FGUA Fee Statement
Letter of Availability and/or Locate Request

Property Address or PID: 18031/041 State Rd 31, North Fort Myers, FL 33917

System: North Fort Myers 416

Development/Project Name: SR 31 Civic 10

Date: March 14, 2025

County: Lee

LOA ID: 25-044 NFMD

All fee amounts are based on the rates in effect as of the date of this statement and are subject to change.

Fees based on:

0	Letter of Utility Location Availability and Locate Map	$	100.00
1	Utility Availability Map (Map Only)	$	75.00
2	Letter of Utility Location Availability (Letter Only)	$	25.00

FGUA	G/L Code	Fees	Total fees	Amount Paid	Balance Due
LOA Request	**202098**	$ 100.00	$ 100.00	$ 100.00	$ -

Fees Due: $ -

	Payment History	**Date**	**Check Date**	**Check #**	**Payer Name**	**Amount**
0	Letter and Locate Map	**3/14/2025**	**3/13/2025**	**8094**	**Morris-Depew Associates, Inc**	**$ 100.00**
1	Map Only					
2	Letter Only					

MORRIS DEPEW
ENGINEERS · PLANNERS · SURVEYORS
LANDSCAPE ARCHITECTS

2914 Cleveland Avenue | Fort Myers, Florida 33901
Phone (239) 337-3993 | Toll Free (866) 337-7341
www.morris-depew.com

Community Meeting Summary

MORRIS DEPEW
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Phone (239) 337-3993 | Toll Free (866) 337-7341
www.morris-depew.com

June 20, 2025

Kate Burgess, AICP
Principal Planner
Department of Community Development
Fort Myers, FL 33902

RE: SR 31 Civic 10 – CPA2024-00017
Community Meeting Summary

Dear Ms. Burgess:

The Applicant's consultant team held a publicly advertised community meeting in compliance with Lee Plan Policy 17.3.2, which requires one public information meeting for privately-initiated applications that propose a text change within a community plan or that revises a map designation within a community plan area boundary. The meeting was advertised in the local newspaper and the Affidavit of Publication is enclosed. The meeting was held at 5:00PM at the Bayshore Fire Station located at 17350 Nalle Rd, Fort Myers, FL 33917. The Bayshore Fire Station is located within the Bayshore Planning Community.

There were 0 attendees from the public.

Sincerely,

MORRIS-DEPEW ASSOCIATES, INC.

Ben Smith, AICP
Director of Planning

LocaliQ
Florida
GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Morris Depew and Associates
2914 Cleveland Rd
Fort Myers FL 33901

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

06/06/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.
Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 06/06/2025

Legal Clerk

Notary, State of WI, County of Brown

8.25.26

My commission expires

Publication Cost:	$174.38	
Tax Amount:	$0.00	
Payment Cost:	$174.38	
Order No:	11375671	# of Copies:
Customer No:	1345153	0
PO #:	LSAR0309064	

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MARIAH VERHAGEN
Notary Public
State of Wisconsin

Public Notice Ad

Applicant: Mario's Painting of South Florida, Inc. c/o Mario Pena

Strap Number: 13-43-25-00-00009.0000

Project Description: The 9.58+/- subject property ("Property") address is 18031/041 State Road 31, North Fort Myers, FL 33917. The Property is located directly west of Babcock Ranch Rd. (SR 31), directly north of the Lee County Civic Center, and approximately 3/4 mile south of the N. River Road & Babcock Ranch Rd. (SR 31) intersection. The Property is currently zoned AG-2, is designated as Rural on the Lee County Future Land Use Map (FLUM) and is located within the Bayshore Community Planning Area.

Action Requested: The Applicant is requesting approval of Comprehensive Plan Map Amendments to change the FLUM of the entire property from Rural to Outlying Suburban and to include the subject property in the Lee County Future Water and Sewer Services Maps (CPA2024-00017).

Meeting Location: Bayshore Fire Station 131, 17350 Nalle Road, North Fort Myers, FL 33917

Meeting Date: Wednesday, June 18, 2025

Meeting Time: 5:00 PM

The purpose of the meeting is to educate community members and nearby landowners about the proposed map amendments and to address any questions. The Bayshore Fire Protection and Rescue Service District does not endorse this project. Please direct any questions or concerns to Ben Smith, AICP, Director of Planning, Morris-Depew Associates Inc., 239-337-3993, or BSmith@m-da.com

June 6 2025

LSAR0309064

DCI2025-00005
SR 31 CIVIC 10

Lee County Community Development

CASE NUMBER & NAME:	DCI2025 00005 / SR 31 CIVIC 10
REQUEST:	Request to rezone +/ 9.58 acres from Agricultural (AG-2) to Commercial Planned Development (CPD).
RESOLUTION NUMBER:	Z-26-002
LOCATION:	18031/041 State Road 31 North Fort Myers, FL; Bayshore Planning Community.
OWNER:	Mario Pena c/o Mario's Painting of South Florida
APPLICANT:	Mario Pena c/o Mario's Painting of South Florida
AGENT:	Ben Smith, AICP Morris-Depew Associates Inc. 2914 Cleveland Ave. Fort Myers, FL 33901
HEARING EXAMINER RECOMMENDATION:	Approval, subject to conditions and deviations.
PARTICIPANTS:	None

DCI2025-00005

ATTACHMENT D

N

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US Feet

TUNDRA DR

N-RIVER-RD

TURKEY RUN LN

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ARMEDA RD

DEAL-RD

PALM-CREEK-DR

LUCKY LN

RUTH RD

PIONEER RD

WAYNE DR

ACE RD

DEUCE RD

BENTWOOD CT

ROBERTS RD

DUNN RD

HOWARD RD

OLD-BAYSHORE-RD

OLD RODEO DR

AQUA VISTA LN

SABAL PALM DR

BAHIA VISTA RD

ECHO FARM DR

SADDLEBACK LOOP

CLEMENTINE PL

DURRANCE-RD

RABUN GAP DR

CHATTAHOOCHEE DR

TALLULAH FALLS RD

HABERSHAM CT

BABCOCK-RANCH-RD

OWL CREEK DR

FOWLERS WAY

DUKE HWY

RIVER FOREST DR

LAZY LN

SLEEPY HOLLOW LN

OX BOW RD

JOURNEYS END

MINI WAY

ISLAND RD

MARQUETTE BLVD

BAYSHORE-RD

BAYSHORE RANCH DR

WAYZATA CT

UPRIVER DR

CAROLYN LN

LAUREL CT

BAY POINTE BLVD

CASTLEREA DR

WATERS EDGE CIR

WEST MARINA DR

SANTIAGO AVE

HAVANA AVE

ISLE OF PINES AVE

DE MOYA DR

RIVER RD

LOTUS RD

DAVIS BLVD

DAVIS CT

PARKVIEW DR

HIBISCUS RD

LILY RD

PARKER AVE

CALADIUM RD

RIVER RIDGE BLVD

TENTH ST

NINTH ST

EIGHTH ST

SEVENTH ST

BAHAMA AVE

ARUBA AVE

BARBADOS AVE

ST CROIX AVE

E TOBAGO CIR

W TOBAGO CIR

CARIBBEAN BLVD

DOMINICA AVE

TROPIC AVE

FIFTH ST

FOURTH ST

THIRD ST

UPCHURCH AVE

POINCIANA BLVD

NORTH DR

SOUTH DR

MCSPADDEN RD

CLARENCE RD

ROSS RD

POOLE LOOP

WEST DR

1ST DR

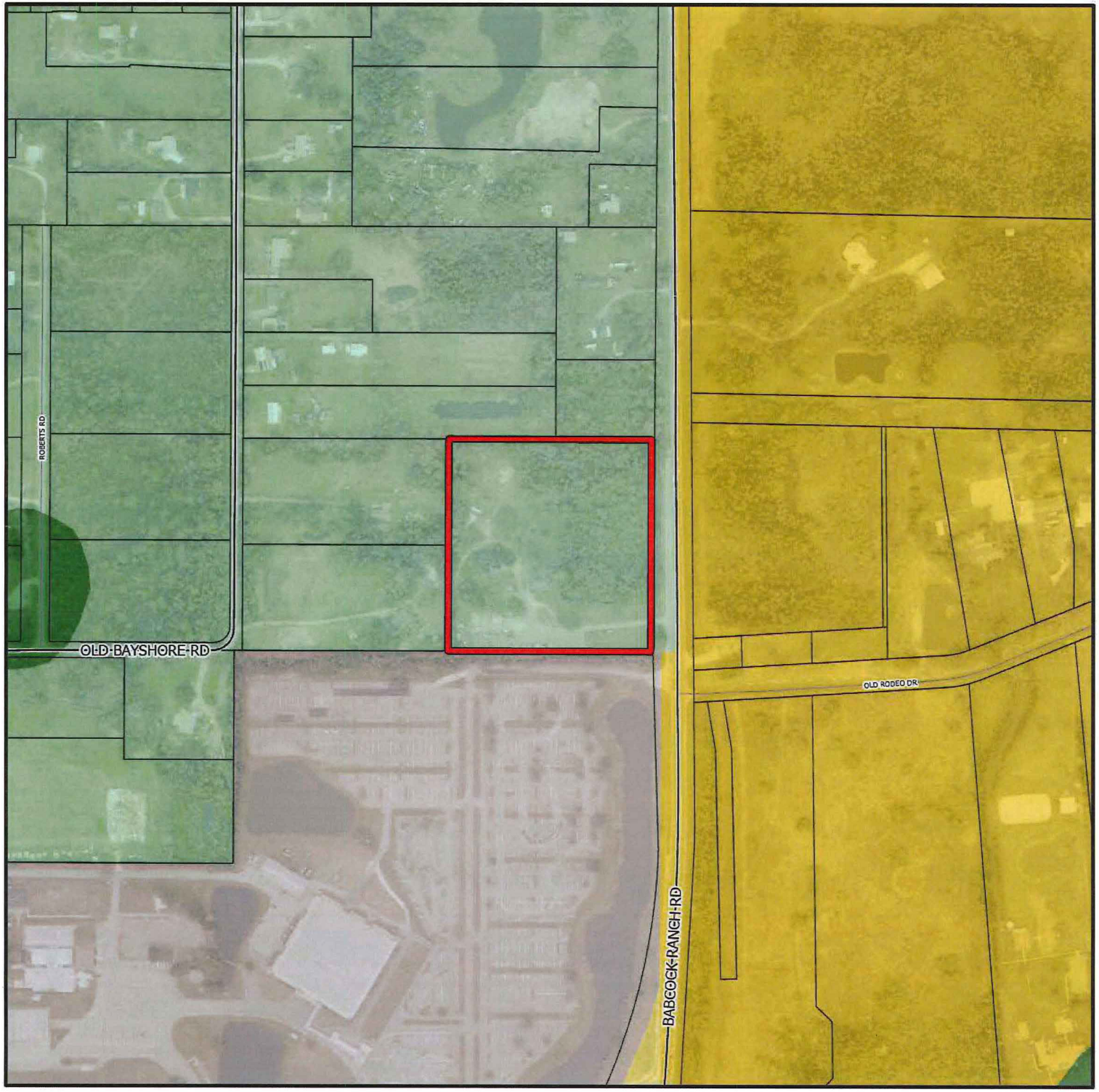
Summary of Hearing Examiner Recommendation

SR 31 CIVIC 10

The request rezones agriculturally zoned property north of the Mike Greenwell Regional Park/Civic Center to Commercial Planned development to accommodate 100,000 square feet of non-retail commercial uses. The property fronts SR 31 in the Bayshore Planning Community.

There is a companion Lee Plan Amendment scheduled for an adoption hearing on the same date the Board considers this zoning request. The Hearing Examiner's recommendation assumes adoption of both amendments. If the Board denies the plan amendment, the Board must also deny the zoning request.

Detailed recommendation follows



DCI2025-00005

Future Land Use

- Subject Property
- Outlying Suburban
- Sub-Outlying Suburban
- Public Facilities
- Rural
- Wetlands

N
W E
S

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Feet

Lee County
Southwest Florida



DCI2025-00005

Aerial

Subject Property

N
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Feet

Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2025-00005

Regarding: **SR 31 CIVIC 10**

Location: 18031/041 State Road 31
Bayshore Planning Community
(District 5)

Hearing Date: January 22, 2026

I. Request

Rezone 9.58± from Agricultural (AG-2) to Commercial Planned Development (CPD) to allow a maximum of 100,000 square feet of commercial uses.

Legal description 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 to the Commercial Planned Development (CPD) in the Bayshore Planning Community. 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 presented at hearing. The record must contain substantial competent evidence to support the recommendation.

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

---

[1] LDC §34-145(d)(4) a.

Request

The request rezones property from Agricultural to Commercial Planned Development. The parcel is 9.58 acres and located at 18031/18041 SR 31 in North Fort Myers.

Development parameters include 100,000 square feet of non-retail commercial uses. Building height will be limited to 45 feet.

The Master Concept Plan (MCP) depicts a detention pond on the west side of the property, a 1.44 acre preserve along the north property line. The development area is roughly confined to the southeast portion of the property.

Applicant seeks no deviations from LDC standards.

Staff recommended approval of the request, finding the proposed SR 31 Civic 10 CPD satisfies LDC review criteria.

The zoning request is accompanied by two amendments to Lee Plan Maps.[2] Pending Lee Plan amendments are as follows:

(1) Lee Plan Map 1-A (Future Land Use Map). Amends the future land use classification of the property from Rural to Outlying Suburban.
(2) Lee Plan Map 4-A (Future Water Service Area). Amends map to include the property.

The Board voted to transmit both amendments to the State Land Planning Agency on December 3, 2025. An adoption hearing on the plan amendments will coincide with the final Board hearing on the zoning request.

The Hearing Examiner's recommendation of approval is predicated on adoption of the pending plan amendments. If the Board does not adopt the amendments, the zoning request will be inconsistent with the Lee Plan.[3]

Planning and Zoning History

The property has maintained an agricultural zoning designation since the adoption of zoning regulations. There is a single family, mobile home on the site permitted by special exception in 1974.[4] Later that year, the Board authorized truck storage on the site.[5]

---

[2] CPA 2024-00017 amends Lee Plan Maps 1-A and 4-A. The amendments change the future land use classification from Rural to Outlying Suburban and includes the property in the Lee County Utilities Future Waster Service Area.
[3] Florida Statutes s. 163.3194(1)(a); LDC §2-3 (*All development permits must be consistent with the Lee Plan in effect at the time of permit approval.*)
[4] Resolution Z-74-42 approved January 28, 1974.
[5] Resolution Z-74-264 approved July 22, 1974.

There are three outstanding code violations on the property.[6]

Character of Area

The property fronts SR 31 in North Fort Myers. Existing land uses along the SR 31 corridor include pockets of small-scale commercial, ranchette homesites, plant nurseries, and the Mike Greenwell Regional Park. Properties on the east side of the SR 31 corridor are zoned for mixed use and commercial planned development.[7]

The Board recently approved two planned developments across SR 31 from the property. Approved uses include both commercial and residential land uses. A short distance to the north, the Babcock Ranch MPD is under construction with several homesites and commercial centers.

Increased development pressure along the SR 31 road corridor is evident from noticeable volumes of truck and passenger vehicle traffic. Dump trucks and large semi-tractor trailers are prevalent along the roadway.

Lee Plan

Planned developments must be consistent with the Lee Plan.[8]

The Lee Plan regulates land development in Lee County.[9] The Plan's Future Land Use Map divides the County into future urban, non-urban, and environmentally sensitive areas. Development must be consistent with the Lee Plan.[10]

The property has a future land use designation of Outlying Suburban. Outlying Suburban areas are typically located on the periphery of established urban areas. The Lee Plan prohibits industrial land uses in this category. There is no prohibition on commercial land uses.[11]

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[6] VIO 2025-09076, 2025-06992, and 2025-02709. The violations require rezoning the property to a commercial zoning district, a development order to ensure site improvements comply with the LDC, and a restoration for unauthorized clearing and removal of protected trees without permits. Rezoning the property addresses one of the three outstanding violations.

[7] Babcock Ranch MPD(1,170,000 square feet commercial use, in addition to hotel units and dwellings), Greenwell MPD (400,000 square feet commercial and 122 dwellings), Singletary CPD (110,000 square feet commercial uses).

[8] LDC §§34-411(a), 34-491.

[9] LDC §34-491.

[10] Lee Plan Policy 2.1.2; LDC §§34-411(a), 34-491: Rezonings must be consistent with Lee Plan goals, objectives, and polices. Potential conflicts between the Lee Plan and the LDC must be resolved in favor of the Lee Plan.

[11] Lee Plan Policy 1.1.6.

Bayshore Community Plan

The Board adopted the Bayshore Community Plan in 2003.[12]

The property's future land use designation must be read together with the Bayshore Plan to achieve the Board's legislative intent for the community.[13] Community plans consist of "long term objectives and policies that are not regulatory in nature.[14]

The Bayshore Plan aspires to protect the community's rural character by maintaining minimal commercial activity. Four objectives guide development requests in the community.[15]

- Objective 18.1: Land Use. First and foremost, the County is directed to ensure separation of urban and rural land uses.[16] The Future Land Use Map reveals the site abuts Rural and Public Facilities classified lands on three sides.[17] Properties across SR 31 to the east are classified Outlying Suburban. The MCP achieves the directive of separating urban and rural land uses with strategic placement of water management features and open space.[18] Proposed site design minimizes impacts to residential landowners to the west and north.

- The Bayshore Plan directs retail commercial uses to Interstate Interchange Areas. Request does not include retail commercial land uses.

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

[13] The Board adopted the Bayshore Community Plan in 2003. Lee Plan Policy 17.1.1. requires community plans to be coordinated with county-wide and regional plans regarding population accommodation, transportation, employment, economic development, and infrastructure needs.

[14] Lee Plan Policy 17.1.3. Community plans must be coordinated with county-wide and regional plans regarding population accommodation, transportation, employment, economic development, and infrastructure needs. The Bayshore Community Plan does not have companion LDC regulations implementing the plan's policies and objectives. Community Plan policies and objectives are not regulatory unless the Board adopts land development regulations to implement. LDC Chapter 33 is devoted to implementation of community plans. The purpose of the LDC community planning regulations is to adopt guidelines and provisions necessary to achieve Lee Plan goals, objectives, and policies for recognized planning communities. LDC §33-1. Nearly half the community plans established in the Lee Plan have adopted LDC regulations to implement the plan: Caloosahatchee Shores, North Olga, Captiva, Greater Pine Island, Lehigh Acres, Upper Captiva, North Fort Myers, and Page Park. The Bayshore community is not among the communities with implementing regulations.

[15] The community plan objectives address Land Use, Transportation, Sewer and Water, and Parks and Recreation.

[16] Lee Plan Objective 18.1: Land Use.

[17] Property north and west of the site are designated Rural lands. Abutting property to the south is designated Public Facilities. Outlying Suburban lands are across SR 31 east and northeast of the site.

[18] The MCP depicts open space and perimeter buffers planted with native vegetation. Lee Plan Goal 77, Objective 77.2, Policy 6.1.6.

- The Bayshore plan permits non-retail commercial uses "consistent with the Lee Plan and LDC."[19] Commercial uses are permitted in the Outlying Suburban category. Buffers, preserves, and building setbacks protect nearby residential land uses. There are no deviations from LDC standards.

- Objective 18.2: Transportation. State Road 31 is undergoing an improvement to create a four-lane divided roadway east of the highway's current alignment. Planned improvements include curbs, gutters, and off-road facilities for cyclists and pedestrians. The property has frontage on the existing SR 31 right of way, which will function as a frontage road upon completion of the new road alignment.

- Objectives 18.3 and 18.4 are not applicable to the request.[20]

The Lee Plan Economic Element encourages commercial uses to expand the County's economic base. The proposed commercial land uses contribute to a positive business climate by creating additional employment opportunities.[21]

Coastal High Hazard

Development in coastal areas is subject to additional requirements under the Conservation and Coastal Management Element of the Lee Plan.[22] The property is within Hurricane Category 1 Storm Surge/Tide area and Evacuation Zone A.[23]

The MCP preserves and enhances on-site natural systems to provide stormwater retention, purification, and flood attenuation.[24] While commercial land uses are preferable to residential land uses in Coastal High Hazard areas, the project remains subject to land development regulations designed to reduce vulnerability from flooding.[25]

Compatibility

One of the purposes of "planned development" zoning is to integrate new development with surrounding land uses, providing consistency and visual

[19] Lee Plan Policy 18.1.1.
[20] Lee Plan Objective 18.3 discourages potable water and sanitary sewer infrastructure in non-urban land use categories. The pending Lee Plan amendment changes the site's future land use classification from Rural to Outlying Suburban, which is a future urban designation. Lee Plan Objective 18.4 directs the County to explore constructing an equestrian park within the community.
[21] Lee Plan Goals 6, 158, Objective 158.2, Policy 158.2.1. (Allocate adequate land on the Future Land Use Map and in Table 1(b) to meet future commercial, industrial, agricultural, residential, and recreational needs of residents and tourists.)
[22] Lee Plan Objectives 2.6, 72.2. *See* Lee Plan Goal 101.
[23] Florida Statutes s. 163.3178(2)(h), Lee Plan Map 5-A.
[24] Lee Plan Policy 101.1.1.
[25] Ryan Shute, P.E., testified the site has a base flood elevation of 10. The Florida Building Code requires the finished floor of buildings to be one foot above base flood, or 11 feet in this instance. Lee Plan Goal 72, Objective 72.2, Policy 72.2.4; LDC §2-481 *et seq.*

harmony.[26] The Lee Plan encourages compact and contiguous development patterns in areas with services and infrastructure to support new development.[27] Land along SR 31 features residences, small scale commercial land uses, and public facilities. The Board has recently approved larger scale commercial, multi- and single-family uses along the corridor. Accordingly, the proposed commercial uses constitute infill development consistent with emerging development patterns along State Route 31.[28]

When proposed development is adjacent to a less intense land use, the design emphasis must separate and protect less intense uses.[29] The MCP achieves this objective. An indigenous preserve separates development areas from the residence to the north.[30] A large lake separates development areas from single family land uses to the west. Notably, the Board found commercial uses compatible with surrounding development in recently approved zoning actions.[31]

Based on the foregoing analysis, the Hearing Examiner concludes the proposed CPD is consistent with the Lee Plan. The MCP and recommended conditions achieve necessary balance between private property rights and the Bayshore Community Plan.

LDC

Requests to amend existing zoning approvals must comply with the LDC and other County regulations. [32]

Development of the site must meet the LDC and other County regulations or qualify for deviations.[33] "Deviations" are departures from land development regulations.[34] Applicants must demonstrate each deviation enhances the planned development and will not cause a detriment to the public.[35] Applicant seeks no deviations from the LDC.

Applicant initially sought approval of a helipad on the site. This use is not permitted in the existing AG-2 zoning district. Applicant removed the use from the requested list of permitted uses. Consequently, the site may not now, or in the future, be used for helicopter launch/landings.

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[26] Another purpose is to provide flexibility in development design. LDC §34-612(2).
[27] Lee Plan Objectives 2.1, 2.2, Policy 2.2.1.
[28] Lee Plan Policy 6.1.7.
[29] LDC §34-411(k).
[30] Property to the north is zoned for agriculture and developed with a single-family residence.
[31] Greenwell SR 31 MPD and Singletary CPD. Lee Plan Policy 6.1.4.
[32] LDC §34-2: Development of County Impact means developments that may have a substantial effect upon the health, safety, and welfare of the citizens of the County or natural resources. *See also* LDC §§34-341(a), 34-411(a), 34-612(2). Lee Plan Policies 2.1.2, 2.1.1, 6.1.3. The planned development district affords flexibility in site design.
[33] Development will be subject to further permitting under the LDC.
[34] LDC §34-2.
[35] LDC §34-373(a)(9).

Applicant conducted a public information meeting on the proposed comprehensive plan amendment and zoning application at the Bayshore Fire Station.[36] No members of the public attended the meeting.[37]

The project will be subject to road, fire, and emergency services impact fees.[38]

Environmental/Natural Resources

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

The property is partially wooded with wetlands as well as rare and unique upland vegetation. The MCP prioritizes wetland avoidance over preservation of rare and unique vegetation.[39] Isolated wetland areas will be impacted by the proposed plan of development. The MCP preserves larger wetland areas.

Applicant proposes to mitigate impacts to isolated wetlands by enhancing larger wetland areas proposed for preservation.[40] A 1.44-acre wetland preserve along the north property boundary connects to wetlands on adjacent property.[41] Developer must remove exotic plant vegetation throughout the site, including within the wetland preserve. Developer will install supplemental plantings within the preserve.[42]

The project must devote a minimum of 30% of the acreage to open space.[43] The wetland preserve serves as a natural buffer between proposed commercial and residential land uses to the north. Developer must plant a 30-foot-wide buffer along the north and west property boundaries in areas outside the preserve to ensure compatibility with adjacent residential land uses.[44]

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[36] Testimony of Brian Smith.

[37] Attorney Richard Akins confirmed no members of the public attended the LPA hearing on the proposed comprehensive plan amendment either.

[38] LDC Chapter 2.

[39] Lee Plan Objective 18.1.

[40] Testimony of Paul Owen. Applicant must apply for an Environmental Resource Permit (ERP) with the South Florida Water Management District, reflecting proposed impacts to onsite wetlands. District ERP permitting requires avoidance, minimization, and mitigation of wetland impacts. Mr. Owen also testified the developer will likely purchase mitigation credits as well. In any event, construction will not commence until the Water Management District issues the ERP permit. Lee Plan Policies 77.3.1, 77.3.4, 124.1.2.

[41] Lee Plan Objective 123.1, Policies 77.3.4,101.1.1, 101.1.2.

[42] Supplemental plantings will partially mitigate for minor wetland impacts.

[43] LDC §10-415. The MCP provides 2.87 acres of open space through buffers, preserves, and stormwater management areas. Lee Plan Goal 77, Objectives 77.2, 77.3, LDC §34-935(g)(4) b.

[44] The MCP depicts a "Type F" buffer along the west property boundary and on portions of the north property line not within the preserve. Type F buffers are 30 feet wide and planted with 10 trees and a double hedge row per 100 lineal feet. Hedges must be double staggered rows 48 inches high at installation and maintained at 60 inches high. LDC §10-416(d)(4). Brian Smith testified buffers, preserve areas, and the stormwater management system serve to separate the proposed commercial development from agriculturally-zoned and single-family uses to the west and the north. The resulting separation between development areas is 195 feet from the west and between 134 and 215 feet of separation from the north.

The water management system employs wet and dry detention ponds to improve water quality and control/attenuate runoff from the site.[45] The design of the system incorporates the wetlands to further improve water quality and provide storage before ultimate outfall to the Caloosahatchee River (via swales along SR 31).[46]

Protected Species

The Protective Species Survey disclosed no evidence of listed/protected species.[47] The Developer must provide updated protected species surveys with the development order application.

Transportation

Requests to rezone property must provide access to support the development and address impacts to transportation facilities through County regulations and conditions of approval.[48]

The MCP proposes a single driveway onto "existing" State Route 31. Existing SR 31 will serve as a frontage road following completion of Florida Department of Transportation (FDOT) improvements to the corridor.[49] Once FDOT completes the improvements, existing SR 31 will be controlled/maintained by Lee County.[50]

The Transportation Impact Statement (TIS) analyzed impacts assuming project buildout in 2029.[51] The TIS confirms impacted roadways will operate at acceptable levels of service at project buildout. The project will be subject to road impact fees.[52] These fees will serve to mitigate project impacts to the road network.

The developer will address turn lanes and other site related improvements during the development order process.[53]

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[45] Lee Plan Goal 60.
[46] Testimony of Ryan Shute, PE. The wet detention pond is designed to outfall into on-site wetlands. Lee Plan Objective 60.4, Policy 60.4.1, 60.4.2.
[47] Paul Owen testified past disturbances to the site led to extensive infestation of exotic vegetation, limiting habitat quality.
[48] LDC §34-145(d)(4)a.1.
[49] The improved SR 31 will be a four-lane divided roadway constructed to the east of the roadway's current alignment. The new alignment will result in a reclassification of the existing alignment to a frontage road under Lee County's jurisdiction.
[50] Testimony of Brian Smith and Yuri Bykau, PE.
[51] Staff Report Attachment J: Traffic Impact Statement for SR 31 Civic 10 CPA/CPD Comprehensive Plan Amendment & Rezoning by TR Transportation Consultants, Inc., revised June 17, 2025.
[52] LDC §2-261 *et seq.*
[53] Lee Plan Objective 39.1 and Policy 39.1.1.

Public Services and Infrastructure

Public services include services, facilities, capital improvements, and infrastructure necessary to support development at urban densities and intensity.[54] The Lee Plan requires an evaluation of available public services during the rezoning process.[55]

The property has access to paved roads, public water, sanitary sewer, surface water management, solid waste collection, police, fire protection, and emergency medical services.[56]

State Route 31 is denoted as a connector trail and shared use path on the County's Greenways Master Plan.[57] FDOT's planned improvements to the corridor include bike/pedestrian facilities.

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect natural resources.[58] Conditions must plausibly relate to anticipated impacts and pertinent to mitigating impacts to public health, safety, and welfare.[59]

The CPD is subject to conditions of approval. The conditions reasonably relate to impacts anticipated from the development.[60]

Public

There were no members of the public at the hearing.

Conclusion

Based on the testimony and exhibits in the record, the Hearing Examiner recommends approval of the proposed SR31 Civic 10 CPD subject to conditions set forth in Exhibit B.

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[54] Public services include public water and sewer, paved streets, parks and recreation facilities, urban levels of police, fire, and emergency services, urban surface water management, schools, employment, industrial and commercial centers, institutional, public, or administrative facilities, and community facilities.
[55] Lee Plan Policy 2.2.1.
[56] Staff Report. Lee Plan Goals 70, 95, Objectives 53.1, 56.1, 66.1; Lee County will supply potable water to the site. Florida Governmental Utilities Authority will provide sanitary sewer. Bayshore Fire Protection & Rescue District Station #131, Emergency Medical Services Station Medic #11 on Palm Beach Boulevard, and law enforcement from Lee County Sheriff.
[57] Lee Plan Map 4-E. State Road 31 is also reflected on the Lee County Walkways & Bikeways Map 3-D
[58] LDC §§34-145(d)(4) a.2.(b), LDC 34-377(a)(3), and 34-932(b and c). *See also* Lee Plan Policy 135.9.6.
[59] LDC §34-932(c).
[60] LDC §34-83(b)(4) a.3.

IV. Findings and Conclusions

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

A. The requested amendment to the CPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 6, 18, 72, 77, 95, 101, 123, 158, 159, Objectives 2.1, 2.2, 2.6, 4.1, 6.1, 18.1, 18.3, 39.1, 53.1, 56.1, 66.1, 72.2, 126.2, 158.2, 158.3, and Policies 1.1.6, 2.1.1, 2.1.2, 2.2.1, 2.2.2, 5.1.5, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 17.1.1, 17.1.3, 18.1.1, 72.2.4, 135.9.5, 135.9.6, 158.2.1, Lee Plan Maps 1-A, 1-B, 2-A, 3-D, 4-E, Table 1(b).

B. As conditioned, the CPD amendment:

1. Is consistent with the LDC. LDC Chapters 2, 10, and 34.

2. Is compatible with existing or planned uses in the surrounding area. Lee Plan Objectives 2.1, 2.2, and Policies 1.1.6, 2.1.1, 5.1.5, 6.1.4, 135.9.5, 135.9.6, 161.1.3; LDC §§34-411, 34-413.

3. Provides sufficient road access to support proposed development intensity. Lee Plan Objective 39.1, Policies 6.1.5, 39.1.3, 39.2.1, 39.6.4, 43.1.1, 158.3.1.

4. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objectives 39.1, Policies 6.1.5, 38.1.1, 39.1.1, 39.2.1, 43.1.1, 43.1.3, 158.3.1; LDC §§2-261 *et seq.*, 34-411.

5. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 18, 60, 61, 77, 123, Objectives 18.1, 61.2, 77.2, 77.3, 123.1, 124.1.2, 125.1.2, 126.1.1, 126.2, Policies 6.1.6, 61.3.11, 61.3.13, 77.2.1, 77.3.1, 77.3.4, 126.1.4, 126.2.1, Standard 4.1.4; and

6. Public services and infrastructure will be available to serve the development. Goals 2, 4, 6, 70, 95, Objectives 2.1, 2.2, 4.1, 18.3, 53.1, 56.1, 66.1, Policies 2.2.1, 6.1.4, 6.1.5, Standards 4.1.1, 4.1.2.

C. The proposed uses are appropriate at the location. Lee Plan Goals 2, 4, 6; Objectives 2.1, 2.2, 11.1, Policies 1.1.6, 2.1.1, 2.1.2, 6.1.4, 6.1.7, 6.1.8, 135.9.5, 135.9.6, 158.2.1.

D. The County regulations and recommended conditions provide sufficient safeguards to protect the public interest and relate to impacts expected from the proposed development. Lee Plan Policies 5.1.5, 6.1.4, 53.1.5, 56.1.4, 135.9.5, 135.9.6: LDC §§34-377(a)(3), 34-411 and 34-932(c).

Recommendation Date: February 11, 2026.

Donna Marie Collins
Chief Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

EXHIBIT A

LEGAL DESCRIPTION

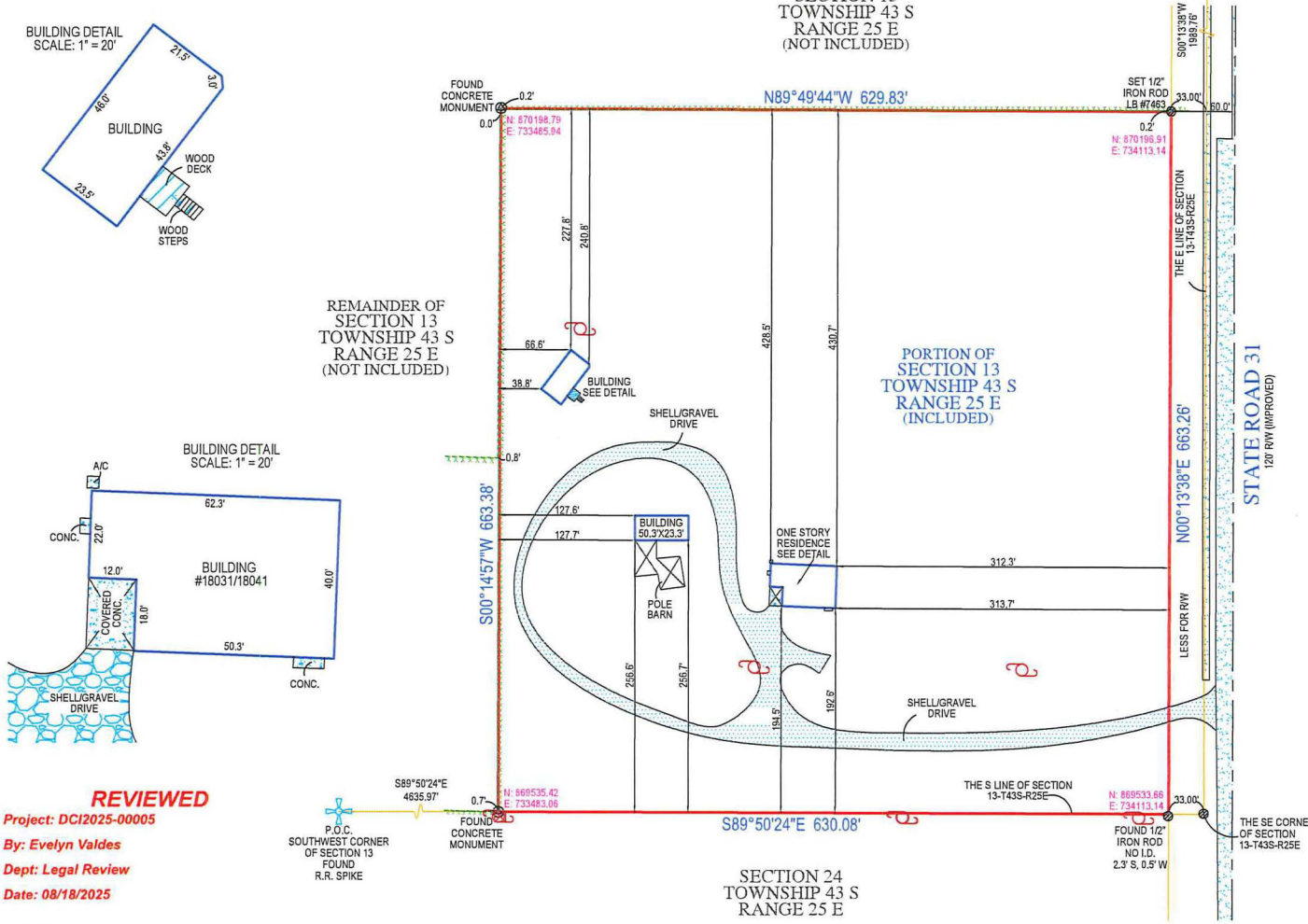
AN UNDIVIDED 1/4 INTEREST IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LESS ROAD RIGHT OF WAY, PUBLIC RECORDS OF LEE COUNTY, FL. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13; THENCE RUN SOUTH 89°50'24" EAST, ALONG THE SOUTH LINE OF SECTION 13, FOR A DISTANCE OF 4635.97 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°50'24" EAST, FOR A DISTANCE OF 630.08 FEET; THENCE RUN NORTH 00°13'38" EAST, FOR A DISTANCE OF 663.26 FEET; THENCE RUN NORTH 89°49'44" WEST, FOR A DISTANCE OF 629.83 FEET; THENCE RUN SOUTH 00°14'57" WEST, FOR A DISTANCE OF 663.38 FEET TO THE POINT OF BEGINNING.



VICINITY MAP
NOT TO SCALE

Flood Zone: AE
Community Number: 125124
Panel: 12071C0282
Suffix: G
Base Flood Elevation: 10
FIRM Date: 11/17/2022





LEGEND

A/C	AIR CONDITIONER
B.F.P.	BACKFLOW PREVENTER
C.B.S.	CONCRETE BLOCK STRUCTURE
EL	ELEVATION
F.F.	FINISHED FLOOR
I.D.	IDENTIFICATION
L	LENGTH
L.B.	LICENSED BUSINESS
M	MEASURED
N.A.V.D.	NORTH AMERICAN VERTICAL DATUM
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM
O.R.B.	OFFICIAL RECORDS BOOK
P	PLAT
PSM	PROFESSIONAL SURVEYOR AND MAPPER
P.R.M.	PERMANENT REFERENCE MONUMENT
PG.	PAGE
P.B.	PLAT BOOK
PK	PARKER KYLON NAIL
R	RADIUS
R/W	RIGHT OF WAY
D.E.	DRAINAGE EASEMENT
U.E.	UTILITY EASEMENT
℄	CENTERLINE
&	AND
#	NUMBER
Δ	DELTA OR CENTRAL ANGLE
	CONCRETE
	CHAIN LINK FENCE
	WOOD FENCE
	MISCELLANEOUS FENCE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT

REVIEWED
Project: DCI2025-00005
By: Evelyn Valdes
Dept: Legal Review
Date: 08/18/2025

NOTES:
1. LEGAL DESCRIPTION CREATED BY COMPASS SURVEYING
2. NO SEARCH OF THE PUBLIC RECORD FOR THE PURPOSE OF ABSTRACTING TITLE WAS PERFORMED BY THIS OFFICE
3. NO SUBSURFACE IMPROVEMENTS WERE LOCATED AS PART OF THIS SURVEY
4. ALL ANGLES OR BEARINGS AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED
5. SOME FEATURES MAY NOT BE AT SCALE IN ORDER TO SHOW DETAIL.
6. THE BEARINGS SHOWN HEREON ARE BASED UPON THE EASTERLY PROPERTY LINE, HAVING A BEARING OF S00°13'38"W.

DATE OF FIELD WORK: 03/18/2025
DATE OF MAP: 03/20/2025

David Cutler
Digitally signed by David Cutler
Date: 2025.06.23 13:53:37 -04'00'

SURVEYORS CERTIFICATE
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

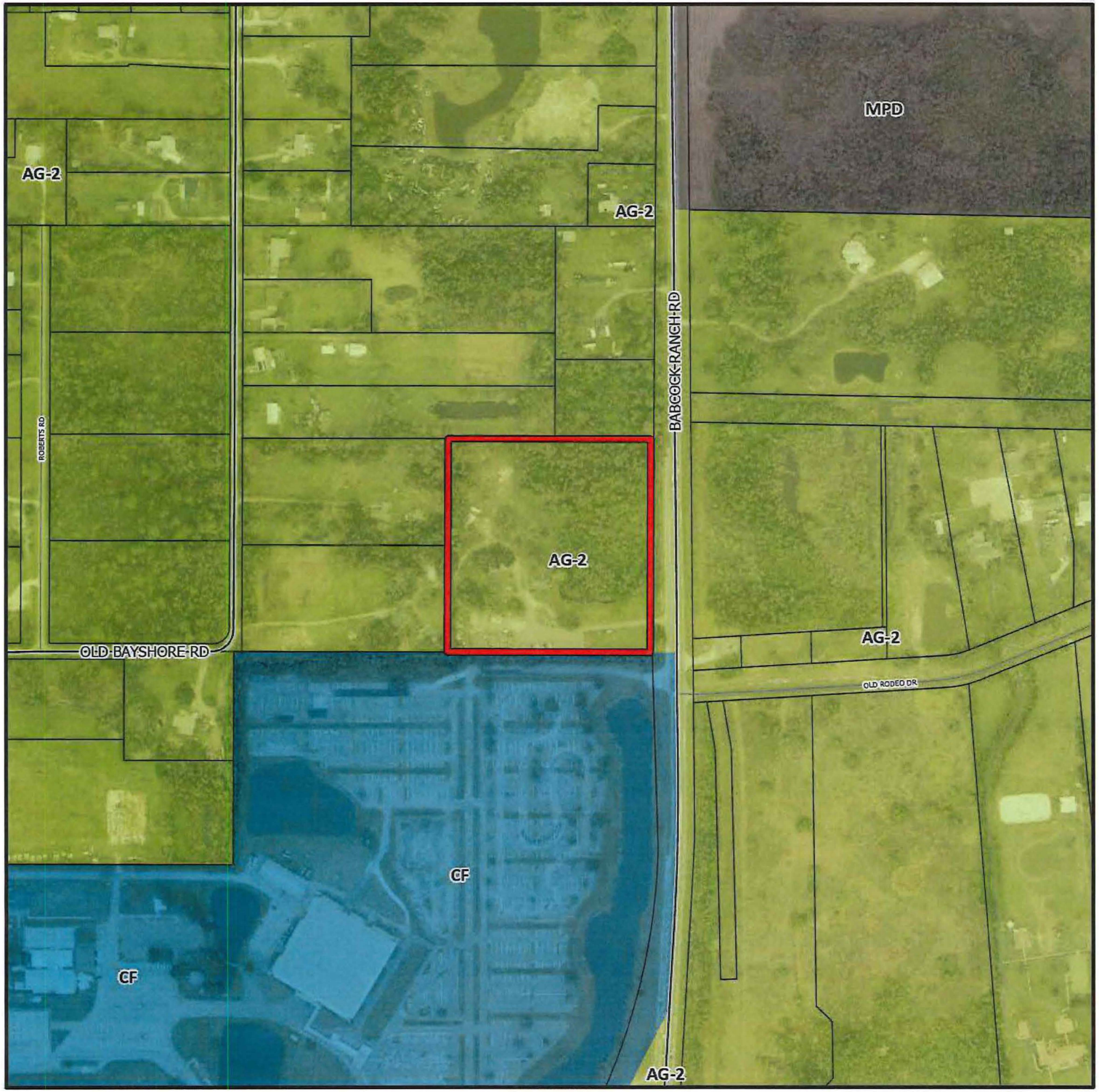
(SIGNED)
DAVID G CUTLER
PROFESSIONAL SURVEYOR AND MAPPER #5593

DAVID G CUTLER LICENSE NO. 5593 STATE OF FLORIDA PROFESSIONAL SURVEYOR & MAPPER

SKETCH AND DESCRIPTION OF
18031 AND 18041 STATE ROAD 31
NORTH FORT MYERS, FL 33917
PREPARED FOR:
MARIO PENA

Project	Sheet
C-679356	1 OF 1
Date	
03/18/2025	
Scale	
1"=75'	

COMPASS SURVEYING
6250 N. MILITARY TRAIL SUITE 102
WEST PALM BEACH, FL 33407
PHONE: 561.640.4800
FAX: 561.640.0576
LB #7463
WWW.COMPASSSURVEYING.NET



DCI2025-00005

Zoning

Subject Property

N
W
E
S

0 500

Feet

Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

As revised by the Hearing Examiner

CONDITIONS

1. Master Concept Plan and Approved Development Parameters

Master Concept Plan (MCP). Development must be consistent with the MCP entitled "SR 31 Civic 10 CPD" revised September 2, 2025, and Open Space Plan revised May 23, 2025, except where modified by conditions below. (Composite Exhibit B1)

Lee Plan and Land Development Code (LDC). Development must comply with the Lee County Comprehensive Plan and LDC. Amendments to the approved conditions and MCP require further review and approval.

Approved Development Parameters. 100,000 square feet of commercial intensity. Maximum building height is 45 feet.

2. Permitted Uses and Site Development Regulations

a. Schedule of Permitted Uses

Accessory Uses and Structures
Administrative Offices
Animals: Clinic or Kennel
ATM (Automatic Teller Machine)
Automobile Repair and Service, All Groups

Business Services, Groups I & II (Except for Auctions, on-site or internet (excluding Automotive)

Caretaker's Residence
Cleaning and Maintenance Services
Contractors and Builders, Groups I and II

Dwelling Unit (Mobile Home, existing only, per Z-74-264)

Entrance Gates and Gatehouse
Emergency Operations Center
EMS, Fire, or Sheriff's Station
Essential Services
Excavation: Water Retention

Farm Equipment, Storage, Rental, or Service
Fences, Walls
Health Care Facilities: Groups I, II, and III
Insurance Companies

Medical Office (Limited to 20,000 square feet)

Parking Lot:
- Accessory
- Commercial
- Temporary

Personal Services: Groups I, II
Pet Services
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing

Real Estate Office
Recreation Facilities: Commercial, Groups I, III & IV
Religious Facilities
Rental or Leasing Establishment: All Groups
Repair Shops: All Groups
Research and Development Laboratories: Groups II, IV

Signs
Social Services: Groups I, II
Storage:
- Indoor
- Open

Temporary Uses
Transportation Services: Groups I, III, & IV

Warehouse:
- Hybrid
- Mini-Warehouse
- Private
- Public

Wholesale Establishment: Groups I, III, & IV

b. Site Development Regulations

Minimum Lot Size:	7,500 square feet
Minimum Lot Depth:	100 feet

Minimum Lot Width:	75 feet
Maximum Building Height:	45 feet
Maximum Lot Coverage:	50 percent
Minimum Open Space:	30 percent (50 percent of total open space must be indigenous open space)
Minimum Setbacks:	
Street:	25 feet (Private, Internal) 40 feet (arterial, collectors)
Side:	15 feet
Rear:	20 feet
Preserve (rear):	20 feet/10 feet for accessory structures
Structural:	30 feet for indigenous plant communities subject to fire
Minimum Building Separation:	20 feet, or one-half the sum of building heights, whichever is greater
Accessory Uses:	LDC guidelines

3. Environmental Conditions

a. Developers may not commence construction on development impacting wetlands until issuance of required permits. Development activity must comply with state wetland permits and applicable local development permits.

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

b. Development order submittals must include a planting plan for open space areas with species from the Rare and Unique Upland Plant Community type.

c. Development order submittals must include a revised Protected Species Survey meeting LDC standards.

4. State and Federal Permits

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

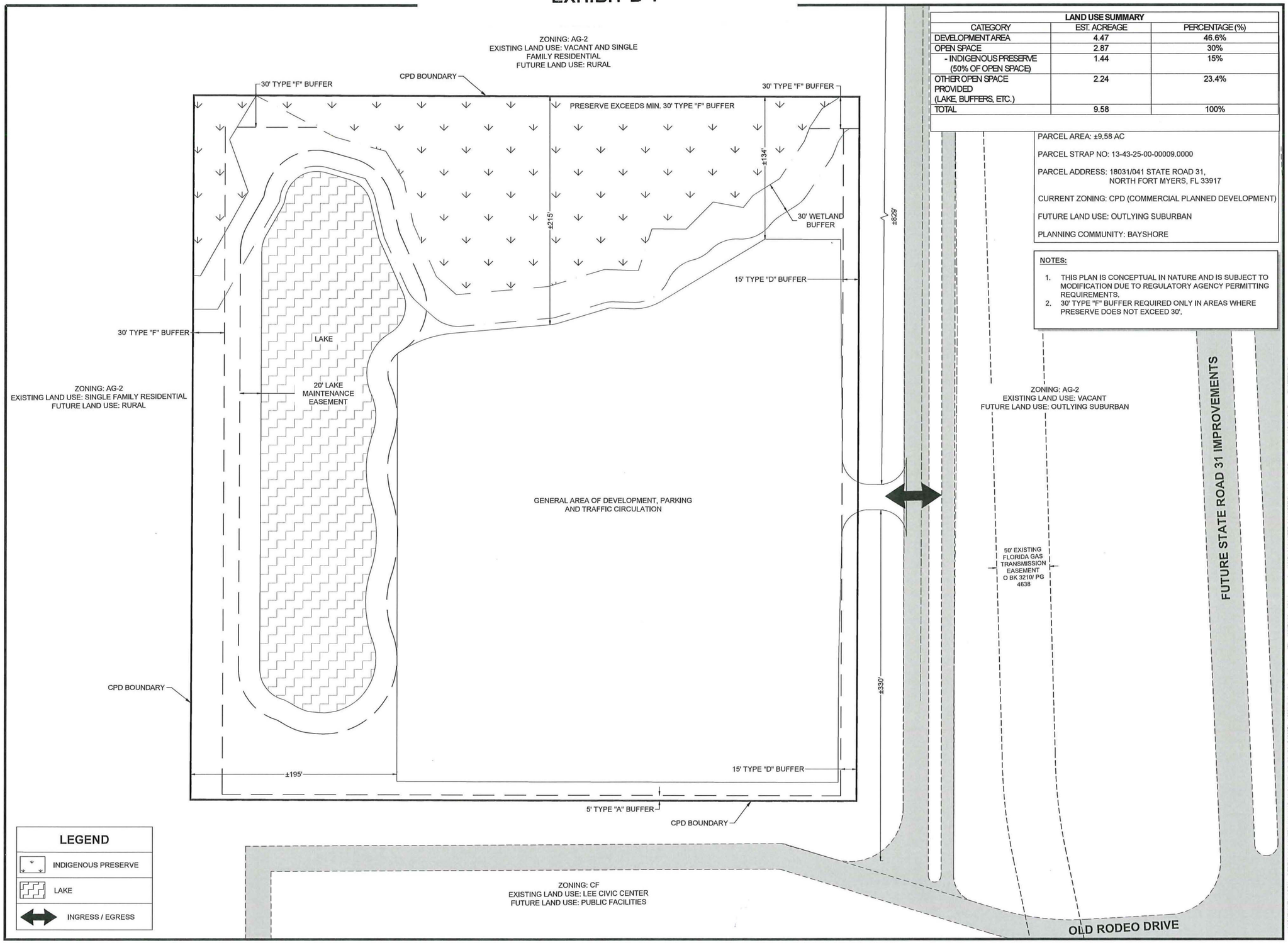
b. State Wetland Permits. Developer may not commence construction on development impacting wetlands until issuance of required state permits. Development activity must comply with state wetland permits and applicable local development permits.

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

Exhibits to Conditions

B1 (Composite): Master Concept Plan entitled "SR 31 Civic 10 CPD" revised September 2, 2025, and Open Space Plan revised May 23, 2025.

EXHIBIT B-1



LAND USE SUMMARY		
CATEGORY	EST. ACREAGE	PERCENTAGE (%)
DEVELOPMENT AREA	4.47	46.6%
OPEN SPACE	2.87	30%
- INDIGENOUS PRESERVE (50% OF OPEN SPACE)	1.44	15%
OTHER OPEN SPACE PROVIDED (LAKE, BUFFERS, ETC.)	2.24	23.4%
TOTAL	9.58	100%

PARCEL AREA: ±9.58 AC

PARCEL STRAP NO: 13-43-25-00-00009.0000

PARCEL ADDRESS: 18031/041 STATE ROAD 31, NORTH FORT MYERS, FL 33917

CURRENT ZONING: CPD (COMMERCIAL PLANNED DEVELOPMENT)

FUTURE LAND USE: OUTLYING SUBURBAN

PLANNING COMMUNITY: BAYSHORE

NOTES:

1. THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MODIFICATION DUE TO REGULATORY AGENCY PERMITTING REQUIREMENTS.
2. 30' TYPE "F" BUFFER REQUIRED ONLY IN AREAS WHERE PRESERVE DOES NOT EXCEED 30'.

LEGEND

- INDIGENOUS PRESERVE
- LAKE
- INGRESS / EGRESS

PROJECT:

SR 31 CIVIC 10
CPD

LOCATION:

18031/41 SR 31
NORTH FORT MYERS

CLIENT:

Restoration GROUP INC.

CONSULTANT:

MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL CA No. 6532 / FL CERT NO. LB8991 / LC26000339

Fort Myers
2914 Cleveland Avenue
Fort Myers, Florida 33901
(239) 337-3993
Fax: (239) 337-3994
Toll free: 866-337-7341

Tallahassee
113 South Monroe Street
1st Floor
Tallahassee, Florida 32301
Toll free: 866-337-7341

Destin
655 Grand Boulevard
Unit #D-105
Miramar Beach, Florida 32550
Toll free: 866-337-7341

PREPARED BY:

REVISIONS	DATE
REVISED PER COUNTY COMMENTS	09/02/2025

PROJECT MANAGER:	BS
DRAWING BY:	DGL
JURISDICTION:	LEE COUNTY
DATE:	9/2/2025

SHEET TITLE:

MASTER CONCEPT PLAN

SHEET NUMBER: EXHIBIT 'C'

40 0 20 40
SCALE 1"=40'

JOB/FILE NUMBER: 23071

© COPYRIGHT MORRIS - DEPEW ASSOCIATES, INC. 2025 ALL RIGHTS RESERVED. G:\23071 - 18031 & 41 s 31 north fort myers\Plans\23071-00 exhibits\current plans\23071-00 MASTER CONCEPT PLAN.dwg <MCP> - Sep 02 2025 02:53:17 pm PLOTTED BY: ddeo

ZONING: AG-2
EXISTING LAND USE: VACANT AND SINGLE FAMILY RESIDENTIAL
FUTURE LAND USE: RURAL

CPD BOUNDARY

30' TYPE "F" BUFFER

PRESERVE EXCEEDS MIN. 30' TYPE "F" BUFFER

30' WETLAND BUFFER

15' TYPE "D" BUFFER

30' TYPE "F" BUFFER

LAKE

20' LAKE MAINTENANCE EASEMENT

ZONING: AG-2
EXISTING LAND USE: SINGLE FAMILY RESIDENTIAL
FUTURE LAND USE: RURAL

±829'

15' TYPE "D" BUFFER

GENERAL AREA OF DEVELOPMENT, PARKING AND TRAFFIC CIRCULATION

ZONING: AG-2
EXISTING LAND USE: VACANT
FUTURE LAND USE: OUTLYING SUBURBAN

50' EXISTING FLORIDA GAS TRANSMISSION EASEMENT

FUTURE STATE ROAD 31 IMPROVEMENTS

CPD BOUNDARY

STORMWATER MANAGEMENT

±330'

15' TYPE "D" BUFFER

5' TYPE "A" BUFFER

CPD BOUNDARY

ZONING: CF
EXISTING LAND USE: LEE CIVIC CENTER
FUTURE LAND USE: PUBLIC FACILITIES

OLD RODEO DRIVE

OPEN SPACE TABLE			
PROJECT AREA	9.58 AC		
	CALCULATIONS	REQUIRED	PROVIDED
OPEN SPACE	9.58 AC X 30%	2.87 AC	2.87 AC
INDIGENOUS PRESERVE	2.87 AC X 50%	1.44 AC	1.44 AC

NOTES:

1. 30' TYPE "F" BUFFER REQUIRED ONLY IN AREAS WHERE PRESERVE DOES NOT EXCEED 30'.

LEGEND

- INDIGENOUS PRESERVE
- INDIGENOUS HABITAT RESTORATION AREA
- LAKE
- OPEN SPACE
- INGRESS / EGRESS

PROJECT:

SR 31 CIVIC 10
CPD

LOCATION:

18031/41 SR 31
NORTH FORT MYERS

CLIENT:

Restoration GROUP INC.

CONSULTANT:

MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
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Tallahassee, Florida 32301
Toll free: 866-337-7341

Destin
5597 Highway 98
Unit 201
Santa Rosa Beach, Florida 32459
Toll free: 866-337-7341

PREPARED BY:

REVISIONS	DATE
REVISED PER COUNTY COMMENTS	05/23/2025

PROJECT MANAGER: BS
DRAWING BY: DGL
JURISDICTION: LEE COUNTY
DATE: 5/30/2025

SHEET TITLE:

OPEN SPACE PLAN

SHEET NUMBER:

40 0 20 40
SCALE 1"=40'

JOB/FILE NUMBER: 23071

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Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. DCD Staff Report with attachments for DCI: Prepared by MarySue Groth, Senior Planner, date received January 6, 2026 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. 48-Hour Notice: Email from MarySue Groth to Maria Perez and Ben Smith, with copies to Richard Akin, Esq., Lindsay Rodriguez, Ryan Shute, P.E., Yury Bykau, P. E., Paul Owen, Mario Pena, Jeff Forsythe, and Brienne Cherry, dated Tuesday, January 20, 2026, 2:42 PM (multiple pages – 8.5"x11")

3. PowerPoint Presentation: Prepared by Lee County Staff for DCI2025-00005, SR 31 Civic 10 CPD, dated January 22, 2026 (multiple pages – 8.5"x11")[color]

APPLICANT EXHIBITS

1. 48-Hour Notice: Email from Ben Smith to MarySue Groth and Maria Perez, with copies to Richard Akin, Esq., Lindsay Rodriguez, Ryan Shute, P.E., Yury Bykau, P.E., Paul Owen, Mario Pena, and Jeff Forsythe, dated Monday, January 19, 2026, 5:22 PM (multiple pages – 8.5"x11")

2. PowerPoint Presentation: Prepared by Morris Depew for DCI2025-00005, SR 31 Civic 10 CPD, dated January 22, 2026 (multiple pages – 8.5"x11")[color]

3. Master Concept Plan: Prepared by Morris Depew, dated 9/2/2025 (1 page – 11"x17" and 1 page – 24"x36")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. MarySue Groth, Senior Planner, Department of Community Development

Applicant Representatives:

6. Richard Akin, Esq.
7. Yury Bykau, P.E.
8. Ryan Shute, P.E.
9. Ben Smith
10. Paul Owen

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. Presentations 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 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.

DCI2025-00007 Park 41 / Caloosa Commons CPD/ RPD

Lee County Community Development

CASE NUMBER & NAME:	DCI2025 00007 / Park 41 / Caloosa Commons CPD/RPD
REQUEST:	Request to rezone 134.4± acres from Commercial (C1A and C 2) to Commercial Planned Development and Residential Planned Development (CPD/RPD).
RESOLUTION NUMBER:	Z-26-004
LOCATION:	8321 Littleton Rd., North Fort Myers, FL; North Fort Myers Planning District.
OWNER:	Littleton Road LLC, Littleton Road II LLC.
APPLICANT:	Unilad Development Company
AGENT:	Jennifer Sapen Sapen Site Planning, LLC 4310 SW 9th Pl Cape Coral, FL 33914
HEARING EXAMINER RECOMMENDATION:	Approval, subject to conditions and deviations.
PARTICIPANTS:	1. Thomas Morgado

DCI2025-00007

Attachment B

N
W E
S

0 1,000 2,000
US Feet

DE-NAVARRA-PKWY
N-TAMIAMI-TRL
PLAYA-DEL-SOL-BLVD
LAUREL-DR
LAUREL-LN
LITTLETON-RD
DIPLOMAT-PKWY-E
GORBETT-RD
NE-PINE-ISLAND-RD
PINE-ISLAND-RD
BAYSHORE-RD
N-CLEVELAND-AVE
PINEY-RD
HART-RD
NEW-POST-RD
BARRETT-RD
NE-24TH-AVE

MEMORANDUM
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER

DATE: **March 25, 2026**

TO: **Board of County Commissioners** **FROM:** **Donna Marie Collins**
Chief Hearing Examiner

RE: DCI2025-00007 – Park 41 Caloosa Commons CPD/RPD
Hearing Examiner Substitute Condition 5 – Pedestrian and Bicycle Access to School Buses.

Staff and Applicant filed a joint request to modify Condition 5 in light of the school district's authority over location of school bus stops.

The Hearing Examiner acknowledges the concern and offers the following substitute condition:

> Pedestrian and Bicycle Access to School Buses
> Development order submittals must include correspondence from the school district confirming whether the district will provide a bus stop to serve the community. If the district provides a bus stop, development order plans must depict the location of the stop and a safe area outside the road right-of-way for students to wait, load, and unload.

Copies Provided to: Michael Jacob, Deputy County Attorney
Joseph Adams, Assistant County Attorney
Anthony Rodriguez, Zoning Manager
Brianna Schroeder, Planner
Brienne Cherry, Community Development
Applicant/Applicant's Representative(s)
Hearing Participants

MEMORANDUM

FROM

THE DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Ms. Donna Marie Collins
Chief Hearing Examiner

DATE: March 25, 2026

FROM: Brianna Schroeder
Planner

RE: Hearing Examiner's Condition #5 Clarification
Park 41 / Caloosa Commons CPD - RPD (DCI2025-00007)

The Hearing Examiner Recommendation for Park 41 / Caloosa Commons CPD - RPD is an approval, subject to conditions and deviations in Exhibit B (Attachment A). This exhibit includes Condition #5, which states the following:

> 5. **Pedestrian and Bicycle Access to School Buses**
> Development Order plans must include safe pedestrian and bicycle access to school bus stops within the RPD. The RPD site plan must depict locations for school buses to stop, load, and unload students in each residential development pod. Development Order plans must also include a dedicated area for students to wait for the school bus(es). Waiting areas must be outside road rights-of-way and coordinated with the Lee County School District.

The Hearing Examiner states in the analysis that Lee Plan Policy 67.3.7 prioritizes pedestrian-safe environments and internal sidewalks connecting to future school bus stops will achieve Lee Plan directives for bicycle and pedestrian interface with transit. However, the Lee County School District determines where school bus stops will be located once the residential development is completed. At time of development, the applicant does not know where the school bus stop will be located to meet Condition #5.

With the above facts in mind, staff and applicant are proposing the following revised condition:

> 5. **Pedestrian and Bicycle Access to School Buses**
> Development Order submittals must include correspondence from the school district confirming whether the district will provide a bus stop to serve the community. If the district provides a bus stop, development order plans must depict the location of the stop and a safe area outside the road right-of-way for students to wait, load, and unload.

A modification to a similar condition was recently issued by your office in DCI2024-00006 (S.R. 31 Caloosahatchee Ridge RPD). Staff is requesting clarification of Condition #5 for the condition to

be met at time of development order to meet Lee Plan directives while maintaining flexibility during the development order process.

Respectfully Submitted,
Brianna Schroeder
Planner, Zoning Section

Attachment A – Hearing Examiner Recommended Conditions and Deviations

MEMORANDUM

FROM

THE DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Ms. Donna Marie Collins
Chief Hearing Examiner

DATE: March 25, 2026

FROM: Brianna Schroeder
Planner

RE: Hearing Examiner's Condition #5 Clarification
Park 41 / Caloosa Commons CPD - RPD (DCI2025-00007)

The Hearing Examiner Recommendation for Park 41 / Caloosa Commons CPD - RPD is an approval, subject to conditions and deviations in Exhibit B (Attachment A). This exhibit includes Condition #5, which states the following:

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> Development Order plans must include safe pedestrian and bicycle access to school bus stops within the RPD. The RPD site plan must depict locations for school buses to stop, load, and unload students in each residential development pod. Development Order plans must also include a dedicated area for students to wait for the school bus(es). Waiting areas must be outside road rights-of-way and coordinated with the Lee County School District.

The Hearing Examiner states in the analysis that Lee Plan Policy 67.3.7 prioritizes pedestrian-safe environments and internal sidewalks connecting to future school bus stops will achieve Lee Plan directives for bicycle and pedestrian interface with transit. However, the Lee County School District determines where school bus stops will be located once the residential development is completed. At time of development, the applicant does not know where the school bus stop will be located to meet Condition #5.

With the above facts in mind, staff and applicant are proposing the following revised condition:

> 5. **Pedestrian and Bicycle Access to School Buses**
> Development Order submittals must include correspondence from the school district confirming whether the district will provide a bus stop to serve the community. If the district provides a bus stop, development order plans must depict the location of the stop and a safe area outside the road right-of-way for students to wait, load, and unload.

A modification to a similar condition was recently issued by your office in DCI2024-00006 (S.R. 31 Caloosahatchee Ridge RPD). Staff is requesting clarification of Condition #5 for the condition to

be met at time of development order to meet Lee Plan directives while maintaining flexibility during the development order process.

Respectfully Submitted,
Brianna Schroeder
Planner, Zoning Section

Attachment A – Hearing Examiner Recommended Conditions and Deviations

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

As revised by the Hearing Examiner

CONDITIONS

1. Master Concept Plan MCP). Development must be consistent with the MCP entitled "Park 41 / Caloosa Commons CPD/RPD" prepared by Sapen Site Planning, dated February 6, 2026 (Exhibit B1), except as modified by conditions below.

   Compliance with Lee Plan and Land Development Code (LDC). Development must comply with the Lee County Comprehensive Plan (Lee Plan) and LDC, except where deviations have been approved herein. Changes to the MCP, conditions, or deviations require further development approvals.

   Approved Development Parameters.

   - 600 dwelling units, of which, up to 400 may be single-family detached
   - 250,000 square feet of light industrial use or 150,000 square feet of light industrial use and 20,900 square feet commercial use

2. Permitted Uses and Site Development Regulations

   a. Schedule of Permitted Uses

   Residential Planned Development (RPD)

   Accessory Uses and Structures
   Dwelling Units
   - Single-Family Detached
   - Two-Family Attached
   - Townhouse
   - Multifamily

   Entrance Gates and Gate Houses
   Essential Services
   Excavation, Water Retention
   Fences, Gates, and Walls
   Models:
   - Model Display Group
   - Model Home
   - Model Unit

Real Estate Office (1)
Recreation Facilities, Private On-Site
Private Club
Parking Lot, Accessory (amenity, models, and school bus drop-off area)
Signs
Temporary Uses – Limited to construction trailers, real estate sales offices

Commercial Planned Development (CPD)

Administrative Offices
Animals
    Clinic
    Control Center
Assisted Living Facility (15)
ATM
Auto Parts Store
Automobile Repair and Service, Groups I, II (11)
Automobile Service Station (2)
Bait and Tackle Shop
Banks and Financial Establishments, Groups I, II
Bar and Cocktail Lounge
Bed and Breakfast
Boardinghouse
Boats:
    Boats Parts Store
    Boat Repair and Service
    Boat Sales
    Boat Storage, Dry, Not Exceeding 18 feet Above Grade (3)
Broadcast Studio, Commercial Radio and Television
Building Material Sales
Business Services, Groups I, II (4)
Bus Station/Depot
Caretakers Residence
Car wash
Cleaning and Maintenance Services
Clothing Stores, General
Clubs:
    Commercial
    Fraternal
    Membership Organization
Cold Storage Warehouse and Processing Plant (including precooling) (5)(6)(13)

Consumption on Premises
Contractors and Builders, Groups I, II (7)(8)(9)(10)(14)
Convenience Food and Beverage Store
Cultural Facilities
Day Care Center, Adult, Child
Department Store
Drive Through Facility for Any Permitted Use
Drugstore, Pharmacy
Entrance Gates and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Groups I, II
Excavation:
    Water Retention
Farm Equipment, Sales, Storage, Rental, or Service
Feed or Fertilizer, Mixing and Sales
Fences, Gates, and Walls
Flea Market:
    Open
    Indoor
Food and Beverage Service, Limited
Food Stores, Groups I and II
Funeral Home or Mortuary:
    No Cremation
    With Cremation
Hardware Store
Healthcare Facilities, Groups I, II, III, IV
Hobbies, Toy, and Game Shops
Home Care Facility
Hotel/Motel
Household and Office Furnishings, Groups I, II, III
Insurance Companies
Laundry or Dry Cleaning, Groups I, II
Lawn and Garden Supply Store
Library
Maintenance Facility (Government)

- Manufacturing of:
  - Apparel Products (6)(13)
  - Dairy Products (5)(6)(13)
  - Electrical Machinery and Equipment (6)(13)
  - Fabricated Metal Products, Group III (6)(13)
  - Food and Kindred Products, Group III (6)(13)
  - Leather Products, Group II (6)(13)
  - Lumber and Wood Products, Group II (6)(13)
  - Measuring, Analyzing and Controlling Instruments (6)(13)
  - Novelties, Jewelry, Toys, and Signs (6)(13)
  - Rubber and Plastic Products, Group II (6)(13)
- Medical Office
- Mobile Home Dealers (13)
- Non-store Retailers
- Package Store
- Paint, Glass and Wallpaper
- Parking Lot:
  - Accessory
  - Commercial
  - Garage, Public Parking
  - Park and Ride
  - Temporary (14)
- Personal Services, Groups I, II, and III
- Pet Services
- Pet Shop
- Pharmacy
- Place of Worship
- Plant Nursery
- Post Office
- Printing and Publishing (6)(13)
- Processing and Warehousing
- Recreation, Facilities:
  - Commercial, Groups I, III, and IV
  - Personal
  - Private - On-Site
  - Private - Off-Site
- Religious Facilities (13)
- Rental or Leasing Establishments, Groups I, II, III, and IV (7)(9)(14)
- Repair Shops, Groups I, II, III, IV, and V (6)(11)(13)
- Research and Development Laboratories, Groups II and IV

Restaurant, Fast Food
Restaurants, Groups I, II, III, IV
Schools:
    Commercial
    Noncommercial
Signs
Social Services, Group I
Specialty Retail Shop, Groups I, II, III, IV
Storage:
    Indoor only
    Storage, Open (8)(9)(14)
Studios
Supermarket
Temporary Uses
Timeshare Units (15)
Transportation Services, Groups III and IV (13)
Used Merchandise Stores, Groups II, III, IV (8)(9)(13)
Variety Store
Vehicle and Equipment Dealers, Groups I, II, III, and IV (11) (12)(13)
Warehouse:
    Hybrid (13)
    Mini- Warehouse (13)
    Private (13)
    Public (13)
Wholesale Establishment, Groups I and III (13)
Wholesale Establishment, Group IV (8)(9)(13)

(1) Real estate sales offices in residential areas are limited to sale of lots, homes or units within the development, except where permitted in LDC §34-1951 *et seq*. Real estate sales office(s) will be valid for a period up to five years from issuance of the Certificate of Occupancy date for the sales office. The Director of Community Development may grant one, two-year extension for the same location.

(2) Limited to eight pumps.

(3) Boat Storage use only, grade is the average elevation of abutting street(s) measured along the centerline of the street(s), at the points of intersection of the street(s) with the side lot lines (as extended) and the midpoint of the lot frontage.

(4) Automobile auctions, on-site or internet, are permitted only when all vehicles are stored inside a building. Projects with outdoor storage are considered Vehicle and Equipment Dealers, Group I, and must comply with LDC §34-1352.

(5) The combined intensity of uses with this note may not exceed 50,000 square feet.

(6) Within fully enclosed building.

(7) Heavy equipment, including cement trucks, cranes, bull dozers, well-drilling trucks and other similar equipment, or wrecking or demolition debris are prohibited.

(8) Outdoor storage within an opaque fence or wall.

(9) 25-foot maximum height for outdoor storage.

(10) Outdoor fabrication limited to weekdays, 7:00 a.m. to 6:00 p.m.

(11) Service bays facing residentially zoned property are prohibited.

(12) Outdoor loudspeakers within 150' of residential land uses are prohibited.

(13) 100-foot setback from residentially zoned property.

(14) 150-foot setback from residentially zoned property.

(15) May be approved by LDC Administrative Approval process.

b. Site Development Regulations

Lot Dimensions, Height, and Lot Coverage

	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Maximum Height	Max. Lot Coverage
Single Family 1	6,500 sf	50'	130'	35'	45%
Single Family 2	4,680 sf	40'	117'	35'	60%
Two-Family Attached 1	4,290 sf	33'	130'	35'	45%
Two-Family Attached 2	3,960 sf	33'	120'	35'	60%
Townhouse	1,800 sf	18'	100'	35'	60%
Multi-family	7,500 sf	75'	100'	35'	60%
Amenity	10,000 sf	100'	100'	35'	60%
CPD	20,000 sf	200'	100'	35' / 3 stories	40%

Setbacks

Minimum:	Road Setback (Public / Private Roads)	Side Setback	Rear Setback	Water Setback	Accessory Setback	Building Separation
Single Family 1 & 2	25'/20'	5'	15'	20'	Per LDC	10'
Two-Family Attached 1 & 2	25'/20'	0'/5'(1)	15'	20'		10'
Townhouse	25'/20'	N/A	10'	20'		10'
Multi-family	25'/20'	N/A	10'	20'		10'
Amenity	25'/20'	10'	10'	20'		10'
CPD (2)	50'/20'	10'	15'	20'		15'

Notes:

A) Zero-foot setback applies to internal lot lines.

B) See schedule of uses for additional setback requirements for certain uses

3. Open Space and Indigenous Open Space

a. CPD. Development order submittals for commercial land uses must depict 5.1 acres of open space (20% of commercial acreage).

b. RPD. Development order submittals for residential land uses must depict the following open space:

Required Open Space			
Acreage	**Designation**	**Percentage Required**	**Required Open Space**
37.4	Neighborhood #3	20%	7.48
1.3	Mixed Use Overlay	20%	0.26
28.3	Residential (Single Family 6,500 sq.ft. lots/Two Family attached 3,750 sq.ft. lots)	Not required	0
41.9	Residential	40%	16.76
25.4	Commercial Planned Development	20%	5.1
Total Required Open Space			29.6
Required Indigenous Open Space			
	Indigenous Open Space Total	29.6 x 50%	14.8
	Preserve Areas Acreage		12
	Credits from Preserve Areas		3.1
Total Indigenous Open Space			15.1

c. Landscape Buffers.

1. Development order landscape plans must depict the following:

a. CPD

North: 15-foot-wide buffer with five trees per 100 linear feet and a double hedge row. (Type-D buffer.)

South: Type C/F Buffer

East: Type C/F buffer along the western side of the ±2.7-acre commercial lake

West: 5-foot-wide buffer with four trees per 100 linear feet (Type-A buffer)

b. RPD

North: 15-foot-wide buffer with five trees per 100 linear feet and a double hedge row. (Type-D buffer.) along Littleton Road.

Northeast: 10-foot-wide buffer with four trees per linear feet (Enhanced Type-A buffer)

South (San Jose Street): 5-foot-wide buffer with five trees per 100 linear feet and a double hedge row (Type-B buffer).

South (Commercial C-1A): 5-foot-wide buffer with five trees per 100 linear feet and a double hedge row (Type B buffer).

South (Preserve/Conservation Easement within development): 5 trees per 100 linear feet (Modified Type – B buffer)(see Deviation 8).

East (North Tamiami Trail): 15-foot-wide buffer with 5 trees per 100 linear feet and a double hedge row (Type-D buffer).

West: 5-foot-wide buffer with five trees per 100 linear feet and a double hedge row (Type-B buffer).

West (North Cleveland Avenue Access Point): 20-foot-wide buffer with five trees per 100 linear feet and a double hedge row (Type-D buffer).

4. Bald Eagle Management Plan

Construction activity must comply with the Bald Eagle Management Plan dated October 2025 for proposed impacts within 660 feet of the bald eagle nest on Littleton Road until the nest is determined Lost or Abandoned under the LDC. Development order plans must depict the 660-foot buffer zone and include the activities and restrictions outlined in the Bald Eagle Management Plan.

5. Pedestrian and Bicycle Access to School Buses

Development Order plans must include safe pedestrian and bicycle access to school bus stops within the RPD. The RPD site plan must depict locations for school buses to stop, load and unload students in each residential development pod. Development Order plans must include a dedicated area for students to wait for school bus(es). Waiting areas must be outside road rights-of-way and coordinated with the Lee County School District.

6. **State and Federal Permits**

County development permits do not create the right to obtain permits from state or federal agencies and do not create liability on the part of the County if the developer fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if developer undertakes actions in violation of state or federal law. Developer must obtain applicable state/federal permits prior to commencing development.

DEVIATIONS

1. Excavation Setbacks. Deviation 1 seeks relief from LDC §10-329(d)(1)a.3, which requires new excavations for water retention/detention to be at least 50 feet from private property lines under separate ownership, to allow a 30-foot excavation setback for the lake located near the northeast project perimeter within the RPD. The 30-foot separation of the proposed lake from the property boundary will include an enhanced Type A buffer expanded to 10 feet in width, and a 20-foot-wide lake maintenance easement.

   Deviation APPROVED, subject to Condition 3.c.1.b (Northeast).

2. Excavation Setbacks. Deviation 2 seeks relief from LDC §10-329(d)(1)a.2, which requires excavations for water retention/detention to be at least 50 feet from existing/proposed right-of-way lines or easements for collector or arterial streets, to allow a 30-foot excavation setback from North Tamiami Trail for a lake located in the northeast portion of the MCP, and a 30 foot excavation setback from Littleton Road for the lake proposed within the CPD.

   Deviation APPROVED, subject to Conditions 3.c.1.a (North of CPD) and 3.c.1.b (East of RPD)

3. Dead-end Streets. Deviation 3 seeks relief from LDC §10-296(k)(1), which requires dead-end streets to be closed at one end with a circular vehicular turnaround, to allow the alternative turnaround depicted on the MCP.

   Deviation APPROVED.

4. Side Lot Lines. Deviation 4 seeks relief from LDC §10-254(c), which requires side lot lines to be, as nearly as practical, at right angles to straight street lines and radial to curved street lines, to allow the lot design depicted in six locations on the MCP.

   Deviation APPROVED.

5. Lot Depth Measurement. Deviation 5 seeks relief from LDC §10-703, which designates the method of measuring lot depth, to allow measurement of lot depth to be perpendicular to internal streets in six locations depicted on the MCP.

   Deviation APPROVED.

6. Buffers. Deviation 6 seeks relief from LDC §10-416(d)(1), which requires a buffer along the development perimeter when the development abuts a different use, to permit the CPD landscape buffer along the eastern boundary to be located west of the lake depicted on the MCP.

   Deviation APPROVED, subject to Landscape Buffer 3.c.1.a. (East).

7. Connection Separation. Deviation 7 seeks relief from LDC §10-285(a), which requires a connection separation of 330 feet on Major Collector roads with a speed limit of 45 MPH or more within future urban areas, to allow project driveways to have a connection separation of 74 feet and 151 feet from existing driveways on the north side of Littleton Road so that project driveways align with the driveways serving the Church and CubeSmart Storage on the north side of Littleton Road. The deviation applies to two locations depicted on the MCP.

   Deviation APPROVED.

8. Buffers. Deviation 8 seeks relief from LDC §10-416(d)(3), which requires a Type B buffer (5 trees per 100 linear feet and a double hedge row) for a new residential development abutting a public active recreational park (frisbee golf), to allow a modified Type B buffer that eliminates hedges and includes 5 trees per 100 linear feet where the preserve is less than 100 feet in width on the MCP.

   Deviation APPROVED, subject Condition 3.c.1.b.

Exhibits to Conditions:
B1 Master Concept Plan

Summary of Hearing Examiner Recommendation

PARK 41 CALOOSA COMMONS CPD/RPD

The request rezones 134 acres in North Fort Myers south of Littleton Road. The plan of development includes 600 dwelling units and 250,000 square feet of light industrial use. An alternate plan of development permits a combination of light industrial and commercial uses. Another alternative includes an Assisted Living Facility on a portion of the CPD.

The request constitutes infill development on property between two primary corridors in North Fort Myers. (Cleveland Ave (US41) and N Tamiami Trail (Bus. 41)) Proposed uses are compatible with surrounding development.

Lee Plan directives require residential developments to provide pedestrian and bicycle access for school children.[1] The School Board anticipates the RPD will generate 149 school aged children. Given this information, designing the project to accommodate safe school bus access by children is prudent.[2] The Hearing Examiner recommends a condition to ensure project design accommodates safe pedestrian and bicycle access to school buses. Conditioning project design at the outset reduces the likelihood of conflicts.[3]

The LDC allows the Board to authorize development of light industrial uses within a CPD district on a case-by-case basis.[4] Accordingly, the Board must make a special finding two industrial uses are permissible within the CPD, because the uses are not included in the use tables for the district:

Cold Storage Warehouse and Processing Plant (including precooling)

Manufacturing of Dairy Products

The Hearing Examiner recommends approval of the RPD/CPD zoning request subject to conditions.

Detailed recommendation follows

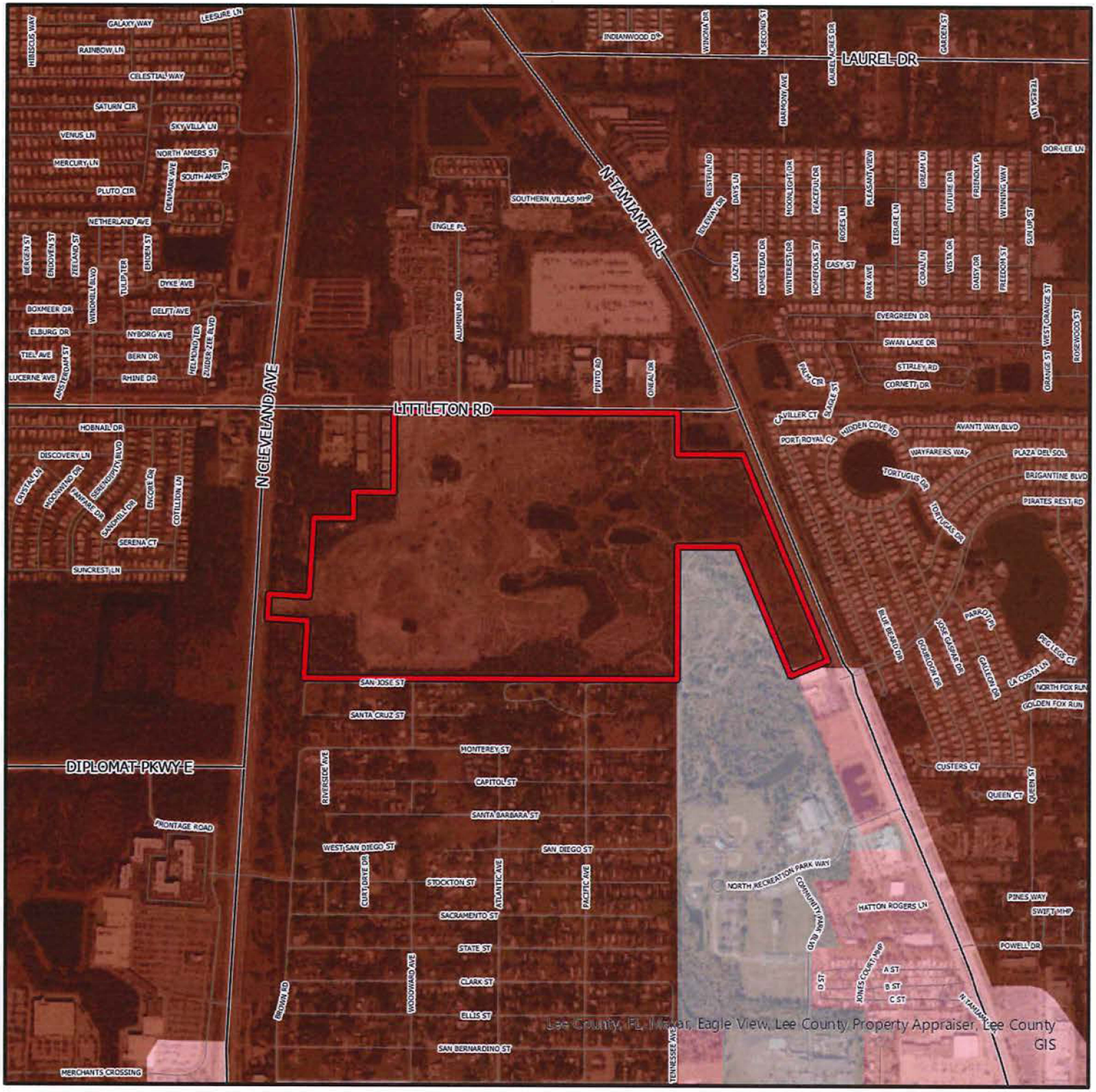
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[1] Lee Plan Policy 67.3.7.

[2] Developing the site to provide safe access to school buses is consistent with the transportation and Community Facilities and Services elements of the Lee Plan. Lee Plan Policies 39.3.2, 67.3.7, 68.3.7.

[3] In addition to Lee Plan directives in Policy 67.3.7, internal sidewalks connecting to future school bus stops achieve Lee Plan directives for bicycle and pedestrian interface with transit. *See* Lee Plan Policies 43.1.1. (*Provide access for bicycle and pedestrian interface with transit by linking bicycle/pedestrian facilities with bus stops.*), 43.1.2.(*maintain efforts to provide construction of bus stop amenities*), and 43.3.3.

[4] Under LDC §34-938, there is a 50,000 square foot cap on industrial uses not allowed by LDC §34-934.



DCI2025-00007

Future Land Use

- Subject Property
- Intensive Development
- Central Urban
- Public Facilities

N
W E
S

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Feet

Lee County
Southwest Florida



DCI2025-00007

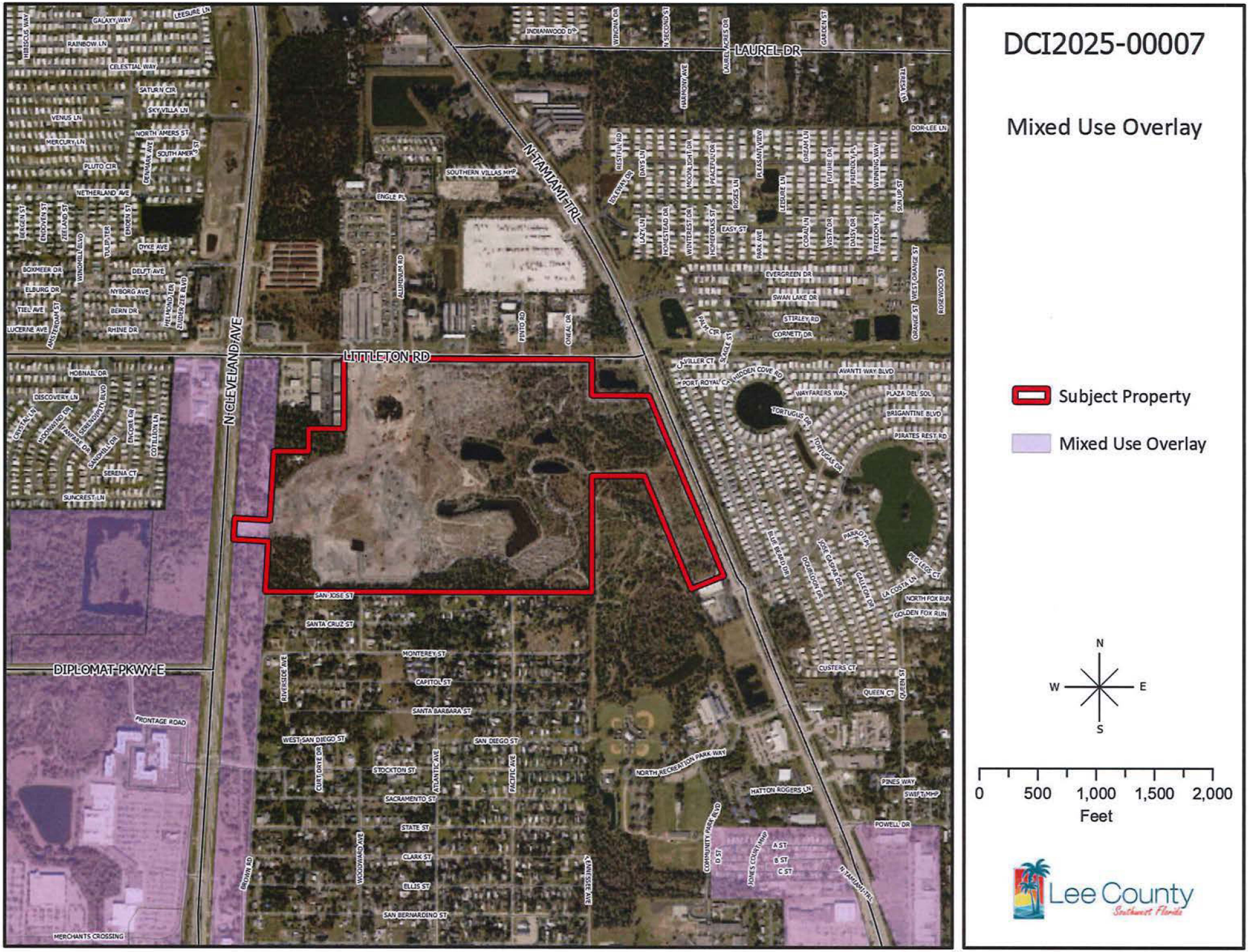
Aerial

Subject Property

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Feet

Lee County
Southwest Florida


DCI2025-00007
Mixed Use Overlay
Subject Property
Mixed Use Overlay
LITTLETON RD
N CLEVELAND AVE
N TAMIAMI TRL
LAUREL DR
DIPLOMAT PKWY E
SAN JOSE ST
SANTA CRUZ ST
MONTEREY ST
CAPITOL ST
SANTA BARBARA ST
SAN DIEGO ST
WEST SAN DIEGO ST
STOCKTON ST
SACRAMENTO ST
STATE ST
CLARK ST
ELLIS ST
SAN BERNARDINO ST
NORTH RECREATION PARK WAY
HATTON ROGERS LN
POWELL DR
FRONTAGE ROAD
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Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2025-00007

Regarding: **PARK 41 CALOOSA COMMONS CPD / RPD**

Location: 15780 North Cleveland Avenue,
8191 and 8321 Littleton Road,
2351 North Tamiami Trail

North Fort Myers Planning Community
(District 4)

Hearing Date: February 12, 2026

I. Request

Rezone 134± acres from Commercial (C-1A and C-2) to Commercial Planned Development and Residential Planned Development (RPD/CPD). The RPD is comprised of 109 acres hosting 600 residential dwelling units, 400 of which may be single family detached dwelling units. The CPD is comprised of 25 acres and would permit up to 250,000 square feet of light industrial uses OR 150,000 square feet of light industrial uses and 20,900 square feet of commercial uses.

The legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approve, subject to conditions and deviations in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the planned development zoning district.[5] In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone 134 acres in North Fort Myers. Staff recommended approval with conditions.

In preparing a recommendation to the Board, the Hearing Examiner must apply the County's Comprehensive Plan (Lee Plan), Land Development Code (LDC),

[5] LDC §34-145(d)(4) a.

and other County regulations to facts presented at hearing. The record must contain substantial competent evidence to support the recommendation.

Discussion supporting the Hearing Examiner's recommendation of approval, with conditions below.

History

The 134-acre site is comprised of five parcels with conventional commercial zoning designations of C-1A and C-2.

There is a companion development order application on the proposed RPD portion of the site.

Lee Plan

The Lee Plan regulates land development activity.[6] The Future Land Use Map divides the County into future urban, nonurban, and environmentally sensitive areas. All development must be consistent with the Lee Plan, including the Future Land Use Map.[7]

The property's future land use designation is Central Urban. Central Urban areas are characterized as the County's urban core with access to wide ranging services and infrastructure.[8] Permitted land uses include residential, commercial, public, and limited light industrial. The Lee Plan encourages mixed-use development in the Central Urban category.[9] Standard density in the Central Urban ranges from four to ten units per acre.[10] Mixed use developments may calculate residential densities from the entire project area.[11] The request proposes commercial and light industrial land uses within the CPD and a project density of 5 units per acre within the RPD.[12] These development parameters are consistent with uses permitted within Central Urban areas of the County.[13]

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[6] LDC §34-491.
[7] Lee Plan Policy 2.1.2; LDC §§34-411(a), 34-491: Rezonings must be consistent with Lee Plan goals, objectives, and polices. Potential conflicts between the Lee Plan and the LDC must be resolved in favor of the Lee Plan.
[8] Lee Plan Policy 1.1.3.
[9] Lee Plan Goal 11, Objective 11.1, Policy 11.1.1 The project proposes a mix of commercial, light industrial and residential uses.
[10] Maximum total density is typically 15 units per acre but may be as high as 20 units per acre using Greater Pine Island Transfer of Development Units. Lee Plan Policy 1.1.3.
[11] Lee Plan Policy 11.1.2.
[12] Five units per acre assumes a 360 bed Assisted Living Facility in the CPD.
[13] Lee Plan 1.1.3 Central Urban areas are uniquely suitable for high density and mixed-use development.

The plan of development will impact 27.9 acres of wetlands. Requested residential density is within the range permitted given the upland and wetland acreage on the property.[14]

North Fort Myers Community Plan

Development in North Fort Myers is subject to a Community Plan and specific use and site design criteria in the LDC.[15] The goal of the Community Plan is to improve livability and economic vitality by promoting compact mixed uses development.[16] The Community Plan emphasizes protecting character, natural resources, and quality of life of the community.

The Lee Plan prohibits residential development where physical constraints/hazards exist.[17] The site is outside the Coastal High Hazard area and not subject to aircraft noise or environmental limitations that would endanger the residential community.[18]

The Lee Plan Housing Element directs the County to ensure a mix of residential housing types and designs.[19] The request includes a range of permissible housing types, to include single family, two family attached, townhouse, and multiple family buildings.[20] The North Fort Myers Community Plan identifies the property within a Neighborhood Center appropriate for moderate intensity pedestrian oriented mixed-use development.[21] The requested uses are consistent with the Neighborhood Center designation. Development within Neighborhood Centers may utilize development standards allowed within the Mixed-Use Overlay to promote urban design.[22]

The Lee Plan Economic Element directs the County to strive for a diversified economy to ensure maximum employment opportunities.[23] The CPD portion of the request includes a wide array of commercial and light industrial land uses, providing varied employment opportunities. The Economic Element also directs the county to ensure development of a variety of housing options to support a

[14] 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. Unless preserved, maximum density that can be derived from impacted wetlands is one dwelling unit per twenty acres (1 du/20 acre). Lee Plan Policy 1.5.1. Exceptions provided in Lee Plan Table 1(a) and Chapter XIII.
[15] 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. *See also* Lee Plan Map 2-A. Development must comply with adopted standards for the North Fort Myers Planning Community.
[16] Lee Plan Goal 30.
[17] Lee Plan 5.1.2.
[18] *Id.*
[19] Lee Plan Policy 135.1.9.
[20] The North Fort Myers Community Plan encourages diverse housing types. Lee Plan Policy 30.1.3.
[21] Lee Plan Policy 30.2.4. LDC Appendix I, Map 9.
[22] Lee Plan Policy 30.2.6.
[23] Lee Plan Goal 158. Objective 158.2, Policy 158.2.1.

diverse workforce.[24] The RPD/CPD includes commercial and residential land uses in furtherance of these Lee Plan directives.

The School Board anticipates the request will generate 149 school aged children.[25] The Lee Plan requires residential developments to provide safe pedestrian and bicycle access for school children.[26] Designing the project to accommodate school bus access by children and bicycles is prudent since the project will generate a significant number of students.[27] The Hearing Examiner recommends a condition to ensure project design accommodates safe pedestrian and bicycle access to school buses.[28] Conditioning project design at the outset reduces the likelihood of future design conflicts.[29]

Compatibility

The County evaluates compatibility during zoning.[30] Compatibility exists when land uses exist in proximity, and no one use unduly negatively impacts another.[31]

The site's current conventional zoning designation is C-1A and C-2. The purpose of these districts is to regulate commercial and select residential land uses. Uses permitted in conventional zoning districts are established by the LDC, which also controls height, minimum area and lot dimensions, lot coverage, and setbacks. Site development in conventional zoning districts must comply with LDC standards or seek variances.

The property's existing zoning designation demonstrates the Board found commercial and residential uses to be appropriate in the past. The planned development district allows flexibility in site design to address potential incompatibilities with neighboring development.[32] Planned development zoning is useful when integrating new development with surrounding land uses.

Appropriate intensity is determined on a case-by-case basis in accordance with the Lee Plan and surrounding land uses.[33] Proposed development parameters include 600 dwelling units, 250,000 square feet of light industrial use. One possible alternative includes commercial uses and an assisted living facility. These

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[24] Lee Plan Objective 160.1, Policy 160.1.3.
[25] Staff Report Attachment N: Lee School Board Letter of Availability.
[26] Lee Plan Policy 67.3.7.
[27] Developing the site to provide safe access to school buses is consistent with the transportation and Community Facilities and Services elements of the Lee Plan. Lee Plan Policies 39.3.2, 67.3.7, 68.3.7.
[28] *See* Condition 5.
[29] In addition to Lee Plan directives in Policy 67.3.7, internal sidewalks connecting to future school bus stops will achieve Lee Plan directives for bicycle and pedestrian interface with transit. *See* Lee Plan Policies 43.1.1. (*Provide access for bicycle and pedestrian interface with transit by linking bicycle/pedestrian facilities with bus stops.*), 43.1.2.(*maintain efforts to provide construction of bus stop amenities*), 43.3.3.
[30] LDC §34-145(d)(4).
[31] Florida Statutes s. 163.3164(9); Lee Plan Policy 135.9.6, LDC §34-411(i).
[32] LDC §34-612(2).
[33] LDC §34-413.

parameters are consistent with development in the Central Urban category. Development patterns in the area feature storage facilities, commercial centers, pharmacy, a church, community park/recreation facility, and residential.[34] The RPD/CPD promotes infill development in an area with public facilities capable of supporting intense development patterns.[35]

The MCP uses creative site design to separate commercial/industrial land uses from the RPD. Open space, stormwater management areas, and landscape buffers within the CPD will protect abutting residential land uses.[36] The County's development regulations do not require buffer between residential developments, However, the MCP includes a buffer between the RPD and the Palmona Park subdivision to the south.[37]

A preserve in the southeast corner of the RPD abuts a conservation easement within the North Fort Myers Community Park.[38] The RPD offers pedestrian/bicycle connections to the park and library via improved pathways on Littleton Road and N Tamiami Trail.[39]

LDC

Development must comply with the LDC or request deviations.[40]

The requested uses comply with the use regulation table for planned developments.[41] However two light industrial uses are not included among the uses permitted in the CPD district:

> Cold Storage Warehouse and Processing Plant (including precooling)
> and
> Manufacturing of Dairy Products

Industrial uses not listed as permitted within the CPD zoning district may be approved by the Board provided the floor area of the unlisted uses does not exceed 50,000 square feet.[42] The Board must make a finding at the final hearing the above uses may be included in the list of permitted uses for the CPD.

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[34] Surrounding properties are zoned commercial, residential, and community park uses. Lee Plan Policy 39.2.1.
[35] Lee Plan Goal 2, Objectives 2.1, 2.2, Policies 2.2.1, 6.1.7, 135.9.7.
[36] Lee Plan Policies 5.1.5, 6.1.4, 135.9.6.
[37] Lee Plan Policies 135.9.5, 135.9.6.
[38] There is a conservation easement in the southeast portion of the RPD abutting the conservation easement on park lands. Lee Plan Policies 5.1.7, 30.2.4, 30.5.7, 123.1.5. The conservation area consists of Pine Flatwoods, wet prairie with grass and shrubs, and scattered pines. Testimony of Brianna Schroeder, Planner.
[39] Lee Plan Policy 30.5.2.
[40] LDC §34-411(b).
[41] LDC §34-934.
[42] More specifically, floor area of unlisted use may not exceed the lesser of 50,000 square feet or the aggregate floor area of the other commercial uses. LDC §34-938(b).

A "deviation" is a departure from a land development regulation.[43] The request includes 8 deviations. Applicants must demonstrate deviations enhance the project and will not be detrimental to the public.[44] Requested deviations pertain to setbacks, buffers, dead-end streets, lot lines, and connection separation along Littleton Road. Staff recommended approval of all deviations.

Development in North Fort Myers Planning District is subject to the North Fort Myers Community Plan.[45] Community specific LDC regulations require zoning applications to conduct a public hearing in the community prior to the Hearing Examiner hearing.[46] The North Fort Myers Community Planning & Design Review Panel reviewed the request prior to hearing and expressed no objection to the zoning request.[47] Another community meeting will be held prior to development order approval.

Environmental/Natural Resources

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

The MCP depict nearly 30 acres of open space, 15 of which consists of indigenous vegetation.[48] Preserve areas qualify for incentive credits because of their size and dimensions. The MCP integrates onsite wetlands into preserve areas.[49]

The LDC requires protected species management plans for protected species with planned development zoning applications.[50] Applicant's protected species survey disclosed no evidence of protected species on the property.[51] In the past, the site was home to gopher tortoises. The gopher tortoise and its burrow are protected by Florida law.[52] The LDC requires an updated species survey during development

[43] LDC §34-2.
[44] LDC §34-373(a)(9).
[45] Lee Plan Goal 30 and supplemental development regulations in LDC §33-1531 *et seq*. Future development permits, including development orders, must comply with community standards.
[46] LDC §33-1532.
[47] Advertised meeting held on September 2, 2025, at the North Fort Myers Recreation Center. LDC §33-1532(a). *See* Staff Report Attachment I.
[48] Wetland and upland preserve cover approximately 12 acres of the property.
[49] Lee Plan Policies 77.3.2, 123.1.1.
[50] LDC §10-473.
[51] Testimony of Barrett Stejskal, BearPaws Environmental Consulting.
[52] Chapter 68A-27 FAC.

order permitting.[53] If the survey discloses evidence of gopher tortoise activity, the tortoises must be relocated prior to development activity.[54]

A portion of the site lies within the 660-foot radius of bald eagle nest LE-124. The nest was located within a cell tower on the north side of Littleton Road. The nest came down following the 2022-2023 nesting season. Because the nest does not meet the LDC criteria for Lost or Abandoned nest, improvements within the 660-foot radius must comply with the adopted Bald Eagle Management Plan.[55]

The plan of development was initially found to directly impact approximately 33 acres of wetlands and indirectly impact an additional 3.3 acres.[56] Wetland and upland preserve enhancements comprise a portion of the mitigation. Remaining wetland impacts were addressed offsite through purchase of freshwater herbaceous credits.

An updated site inspection disclosed additional wetland impacts. The developer must mitigate these minor impacts through the purchase of freshwater forested credits from an approved mitigation bank.[57] Applicant anticipates receiving an Environmental Resource Permit from the water management district shortly. If the District determines there are more wetland impacts, Applicant must update the MCP or mitigate impacts through state and federal permitting procedures.

Development order submittals ensure buffers and landscaped areas follow Xeriscape principles.[58]

The Hearing Examiner finds the requested RPD/CPD will not harm environmentally critical/sensitive areas or natural resources.[59]

Transportation

Requests to rezone property must provide access to support the development and address impacts to transportation facilities through County regulations and conditions of approval.[60]

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[53] LDC §10-154(14). The Environmental Staff Report recommended a condition requiring applicant to submit an updated protected species survey with development order submittals. The condition was prompted by staff discovery of a deceased gopher tortoise found during their site inspection. Staff Report Attachment U: Environmental Staff Report.

[54] Lee Plan Policy 123.8.1. Barret Stejskal testified there was no evidence of gopher tortoises within the planned development footprint.

[55] Eagle Management Plan dated October 2025. The eagle nest was formerly on a telecommunications tower and has not been active since 2022. Testimony of Barrett Stejskal.

[56] Staff Report Attachment T: Caloosa Commons Environmental Supplement prepared by BearPaws Environmental Consulting dated October 2025.

[57] *Id.*

[58] Lee Plan Objective 126.2, Policies 54.1.2, 54.1.3, 54.1.6, 54.1.11, 61.1.6, 126.1.2, 126.2.1. Required landscape buffers must consist of native landscape to conserve water.

[59] Lee Plan 125.1.2.

[60] LDC §34-145(d)(4)a.1.

The property is located between N Cleveland Ave (US41) and N Tamiami Trail (Bus. 41). The MCP reflects three access drives on Littleton Road serving the CPD. The RPD has access to N Cleveland Avenue and N Tamiami Trail.

The Traffic Impact Statement (TIS) is based on the highest trip generation rates associated with the development.[61] Staff and Applicant's traffic analyses conclude the project will not negatively impact area roadways at buildout.[62]

Road impact fees will address project impacts to the County transportation network.[63] Further analysis of transportation impacts, including site-related turn-lane improvements, will occur during development order permitting.[64]

The proposed RPD/CPD is consistent with Lee Plan directives to develop high intensity land uses on parcels abutting transit corridors.[65] Lee Tran Route 590 runs along N Cleveland Avenue (US41) and N Tamiami Trail (Bus. 41).[66] Project design must comply with LDC requirements to facilitate transit access.[67]

Public Services and Infrastructure

Public services include facilities, capital improvements, and infrastructure necessary to support development.[68] The Lee Plan requires an evaluation of public services during the zoning process.[69]

A wide range of public services and infrastructure are available to serve the site.[70] The property is surrounded by paved roads.[71] Lee County Utilities will provide potable water service.[72] Florida Governmental Utility Authority (FGUA) has

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[61] Staff Report Attachment R: Traffic Impact Statement for Park 41 Caloosa Commons CPD/RPD (sic) prepared by TR Transportation Consultants, Inc.
[62] Staff Report Attachment R: TIS and Staff Report Attachment Q: LCDOT Staff Memo prepared by Lili Wu, Principal Planner, dated December 31, 2025. Both reports assumed project build out in 2030.
[63] LDC §2-265
[64] LDC §10-286
[65] Lee Plan Policies 39.1.3, 39.2.1, 43.1.3; *See also* Lee Plan Policy 158.3.1.
[66] Lee Plan Map 3-C: 2045 Financially Feasible Transit Network. *See* Lee Plan Policy 43.1.1.
[67] LDC §10-442(b) requires residential development exceeding 500 living units and commercial/industrial developments with 30,000 square feet or greater 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. If there is not bus stop within a quarter mile and property abuts the bus route, the development must provide for a bus stop, including a shelter, signs, walkways, bicycle rack, landing pad, lighting and a bus pull off area. *See also* Lee Plan Policy 43.1.1.
[68] Public services and infrastructure available to serve the project will include public water and sewer, paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools. Lee Plan Goal 95, Objective 4.1, Policy 68.2.3 Standards 4.1.1, 4.1.2, 4.1.4.
[69] Lee Plan Policy 2.2.1.
[70] Lee Plan Goals 2, 4, 53, 56, 70, 95, Objectives 2.2, 4.1, 11.1, 158.3, Policies 2.2.1, 53.1.5, 56.1.4, 158.3.1, Standards 4.1.1, 4.1.2, 4.1.3.
[71] N Cleaveland Ave (US 41), Littleton Road and N Tamiami Trail (Bus. 41).
[72] Staff Report Attachment M and Applicant PowerPoint presentation. Lee Plan Standard 4.1.1.

sanitary sewer and reuse infrastructure in the area.[73] Testimony at hearing noted reuse water infrastructure runs along Littleton Road.[74]

The North Fort Myers Fire District is available to provide fire protection and emergency medical services from three Stations within five miles of the site.[75] Lee County Sheriff provides law enforcement services from a station located on Pondella Road.[76]

There are elementary, middle, and high schools within the zone designated to serve North Fort Myers. Capacity constraints will be addressed during permitting.[77]

Commercial and employment centers are within reasonable driving distance on Pine Island Road.[78] Downtown Fort Myers serves as an additional employment center approximately five miles south of the project.

The project will be integrated with surrounding development by automobile, pedestrian, and bicycle connections.[79] N Cleveland Ave (US 41) and N Tamiami Trail are improved with sidewalks and on-road bikeways.[80] There are also sidewalks on south side of Littleton Road.

Development will be subject to road, park, school, fire, and emergency medical service impact fees.[81]

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County's resources.[82] Conditions must be plausibly related to the project's anticipated impacts and pertinent to mitigating impacts to the public.[83] The RPD/CPD will be subject to conditions of approval designed to address impacts reasonably anticipated from development.[84] Notable conditions require compliance with the Bald Eagle Management Plan and safe access to school bus stops.

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[73] Staff Report Attachment L. Lee Plan Standard 4.1.2.
[74] Lee Plan Goal 54, Standard 4.1.3.
[75] Testimony of Jennifer Sapen, AICP. Applicant's PowerPoint Exhibit. Hearing Exhibit 2. North Fort Myers Fire Control & Rescue District has three stations within four miles of the property.
[76] Staff Report. Applicant's PowerPoint Exhibit. Hearing Exhibit 2. Lee County Sheriff station is within two miles of the property.
[77] Lee Plan Policy 68.2.3.
[78] Merchant's Crossing and North Fort Myers Walmart Plaza.
[79] Lee Plan Policies 39.1.3, 39.2.1.
[80] The N. Cleveland Ave (US41) road corridor is part of the Charlotte-Lee-Collier Trail. Lee Plan Map 4-E.
[81] LDC Chapter 2, Article VI.
[82] 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).
[83] LDC §34-932(b).
[84] LDC §§34-83(b)(4) a.3, 34-377(a)(2)c; Lee Plan Objectives 77.3, Policies 5.1.5, 6.1.4, 77.3.1.

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

Public

One member of the public attended the hearing before the Hearing Examiner. He expressed support for the request and highlighted concerns regarding protecting community park resources, safety of future residents, and transportation.

Conclusion

The RPD/CPD meets LDC criteria and, as conditioned, is compatible with surrounding development.[85]

The Hearing Examiner recommends approval of the Park 41/Caloosa Commons RPD/CPD, subject to conditions in Exhibit B.

IV. Findings and Conclusions

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

A. The requested RPD/CPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 5, 6, 11, 30, 53, 56, 60, 61, 77, 95, 123, 124, 125, 126, 135, 151, 158, 159; Objectives 2.1, 2.2, 4.1, 5.1, 6.1, 11.1, 60.4, 77.1, 77.2, 77.3, 123.1, 123.6, 123.8, 126.2, 135.1, and Policies 1.1.3, 1.5.1, 1.6.5, 2.1.1, 2.1.2, 2.2.1, 5.1.1, 5.1.2, 5.1.3, 5.1.5, 5.1.6, 5.1.7, 6.1.4, 6.1.6, 6.1.7, 30.1.3, 30.2.4, 30.2.6, 30.2.4, 30.5.2, 30.5.7, 39.2.1, 135.1.9, 135.9.6, 160.1.1, 160.1.2, 160.1.3, 161.1.2, Lee Plan Maps 1-A, 1-B, 4-A,Tables 1(a), 1(b).

B. As conditioned, the proposed RPD/CPD:

1. Is consistent with the Land Development Code or qualifies for deviations. LDC Chapters 2, 10, 33, and 34.

2. Is compatible with existing or planned uses in the surrounding area. Lee Plan Goals 2, 5, 6, 11, Objectives 2.1, 2.2, and Policies 1.1.3, 2.1.1, 5.1.5, 6.1.4, 30.1.3, 135.9.5, 135.9.6.

3. Provides sufficient road access to support proposed development intensity.

4. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective

[85] Lee Plan Policy 6.1.4.

39.1, Policies 6.1.5, 38.1.1, 38.1.5, 39.1.1, 39.1.3, 39.2.1, 39.3.2, 43.1.1.

5. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 60, 61, 77, 123, 124, 125, Objectives 60.4, 77.1, 77.2, 77.3, 123.6, 126.2, Policies 1.5.1, 6.1.6, 30.5.7, 60.4.1, 61.1.6, 61.3.6, 61.3.11, 77.3.1, 77.3.2, 77.3.3, 123.1.1, 123.1.5, 125.1.2, 125.1.3, 126.2.1, and Standards 4.1.3, 4.1.4.

6. Public services and infrastructure will be available to serve the development. Goals 2, 4, 5, 53, 56, 70, 95, Objectives 2.1, 2.2, 4.1, Policies 1.1.3, 2.1.1, 2.2.1, 6.1.7, 30.3.3, 54.1.11, 56.1.4, 61.1.6, 160.1.1, 160.1.2, 160.1.3, 161.1.2, Standards 4.1.1, 4.1.2, 4.1.3, 4.1.4.

C. The proposed uses are appropriate at the location. Lee Plan Goals 2, 5, 6, 11, 135, 158, 159; Objectives 2.1, 2.2, 56.2, 135.1, Policies 1.1.1, 2.1.1, 2.1.2, 5.1.3, 5.1.5, 5.1.4, 6.1.7, 30.1.3, 39.1.3, 39.2.1, 135.1.9, 135.9.6, Lee Plan Tables 1(a), 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 124, 125, Objectives 77.3, 123.6, 126.2, Policies 5.1.5, 6.1.4, 39.3.2, 43.1.1, 43.1.2, 43.3.3, 53.1.5, 54.1.10, 54.1.11, 56.1.4, 61.3.8, 67.3.7, 68.3.7, 77.3.1, 126.2.1, 135.9.5, 135.9.6:

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. Cold Storage Warehouse and Processing Plant (including precooling) and the Manufacturing of Dairy Products are permitted within the CPD.

Recommendation Date: February 19, 2026.

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

SKETCH AND DESCRIPTION
OF A PARCEL LYING IN SECTIONS 34&35, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

REVIEWED
Project: DCI2025-00007
By: Richard Burris
Dept: Legal Review
Date: 07/22/2025

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PORTION OF SECTIONS 34 AND 35, TOWNSHIP 43 SOUTH, RANGE 24 EAST, ALSO BEING A COMBINATION OF THE PARCELS DESCRIBED AS EXHIBIT "A" OF A WARRANTY DEED RECORDED AS INSTRUMENT #2023000350123, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(PER APPROVED DEVELOPMENT ORDER RECORDED AS INSTRUMENT #2009000115210, PUBLIC RECORDS OF LEE COUNTY, FLORIDA)

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 34; THENCE S00°01'12'W ALONG THE EAST LINE OF THE NORTHEAST ONE QUARTER (N.E. ¼) OF SAID SECTION 34 FOR 25.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF LITTLETON ROAD (50 FEET WIDE), SAID INTERSECTION ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE S00°01'12"W ALONG THE EAST LINE OF THE NORTHEAST ONE QUARTER (N.E. ¼) OF SAID SECTION 34 FOR 310.00 FEET; THENCE S89°54'59"E FOR 487.62 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF OLD U.S. 41 (TAMIAMI TRAIL – 200 FEET WIDE); THENCE S22°29'04"E ALONG SAID WESTERLY LINE FOR 1672.59 FEET; THENCE S67°31'01"W FOR 300.00 FEET; THENCE N22°28'59'W FOR 1050.03 FEET; THENCE N89°54'39'W FOR 448.78 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE NORTHEAST ONE QUARTER (N.E. ¼) OF SAID SECTION 34; THENCE S00°01'12'W ALONG SAID EAST LINE FOR 1001.35 FEET TO THE NORTH LINE OF SAN JOSE STREET AS SHOWN ON THE PLAT OF PALMONA PARK, UNITS 1 AND 2 AS RECORDED IN PLAT BOOK 7 AT PAGE 54 AND 57 OF THE PUBLIC RECORDS OF LEE COUNTY; THENCE N89°55'59W ALONG SAID NORTH LINE OF SAN JOSE STREET FOR 2789.20 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST ONE QUARTER (N.E. ¼) OF SAID SECTION 34; THENCE N03°26'15"E ALONG SAID WEST LINE FOR 431.36 FEET; THENCE N86°33'45'W FOR 300.00 FEET TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY OF NEW U.S. 41 (TAMIAMI TRAIL) STATE ROAD NO. 45 (200 FEET WIDE); THENCE N03°26'15"E ALONG SAID EAST RIGHT-OF-WAY LINE FOR 182.00 FEET; THENCE S86°33'45"E FOR 300.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST ONE QUARTER (N.E. ¼) OF SAID SECTION 34; THENCE N03°26'15"E ALONG SAID WEST LINE FOR 594.03 FEET; THENCE S89°54'39"E FOR 296.13 FEET; THENCE N00°09'21"E FOR 197.07 FEET; THENCE S89°54'39"E FOR 299.97 FEET; THENCE N00°05'21"E FOR 600.00 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE); THENCE S89°54'39"E ALONG SAID SOUTH RIGHT-OF-WAY LINE (25 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST ONE QUARTER (N.E. ¼) OF SAID SECTION 34) FOR 2119.95 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 134.35 ACRES, MORE OR LESS.

THIS SKETCH AND DESCRIPTION HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY DENIS J. O'CONNELL, Jr. USING A DIGITAL SIGNATURE AND DATE. PRINT COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

DENIS J. O'CONNELL JR. LICENSE NUMBER LS 5430 STATE OF FLORIDA PROFESSIONAL SURVEYOR & MAPPER

Denis J. O'Connell Jr.
Digitally signed by Denis J. O'Connell Jr.
Date: 2025.06.25 11:04:42 -04'00'

BY: _____
DENIS J. O'CONNELL Jr.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5430

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

NOTES:

1. BEARINGS ARE BASED ON STATE PLANE COORDINATE/ FLORIDA WEST ZONE NAD 1983 (2011 ADJUSTMENT) WITH THE WEST LINE OF THE NORTHEAST ONE QUARTER OF SECTION 34 BEARING N03°26'15"E.

2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.

3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

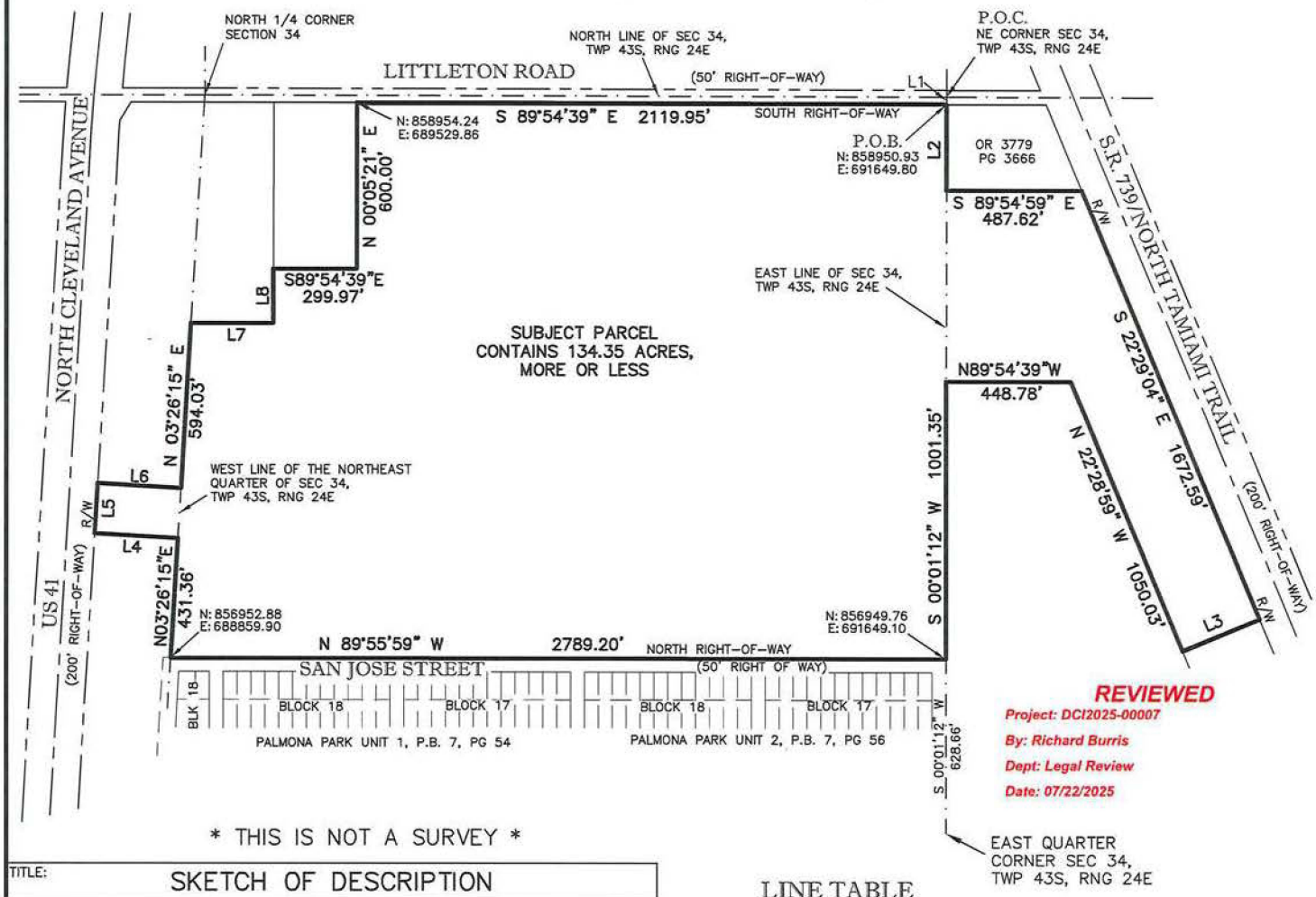
4. THE STATE PLANE COORDINATES SHOWN HEREON ARE IN FEET, FLORIDA WEST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT) BASED UPON CONTINUOUSLY OPERATING FLORIDA PERMANENT REFERENCE NETWORK (FPRN) STATIONS MAINTAINED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION.

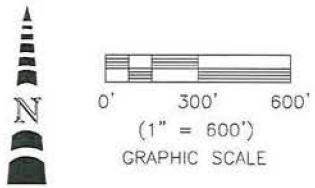
5. RECORDING INFORMATION SHOWN HEREON RELATES TO THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

* THIS IS NOT A SURVEY *

TITLE:	LEGAL DESCRIPTION			
KEYSTONE A CLS COMPANY www.keystoneconsultants.net	10970 S. CLEVELAND AVE. SUITE #605 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 LB #8331			
FILE NAME: 15610SK.DWG	FIELD BOOK/PAGE: SEE FILE	PROJECT NO.: 15610	SHEET: 1 OF 2	
EXHIBIT DATE: 1/10/25	DRAWN BY: BUD	SCALE: N/A	CHECKED BY: DJO	FILE NO. (S-T-R) 34-43-24

SKETCH AND DESCRIPTION
OF A PARCEL LYING IN SECTIONS 34&35, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA





REVIEWED
Project: DCI2025-00007
By: Richard Burris
Dept: Legal Review
Date: 07/22/2025

* THIS IS NOT A SURVEY *

NOTES:

1. 1. BEARINGS ARE BASED ON STATE PLANE COORDINATE/ FLORIDA WEST ZONE NAD 1983 (2011 ADJUSTMENT) WITH THE WEST LINE OF THE NORTHEAST ONE QUARTER OF SECTION 34 BEARING N03°26'15"E.

2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.

3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

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5. RECORDING INFORMATION SHOWN HEREON RELATES TO THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°01'12" W	25.00'
L2	S 00°01'12" W	310.00'
L3	S 67°31'01" W	300.00'
L4	N 86°33'45" W	300.00'
L5	N 03°26'15" E	182.00'
L6	S 86°33'45" E	300.00'
L7	S 89°54'39" E	296.13'
L8	N 00°09'21" E	197.07'

LEGEND:

P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
SEC = SECTION
TWP = TOWNSHIP
RNG = RANGE
P.B. = PLAT BOOK
PG = PAGE
N: = NORTHING
E: = EASTING
R/W = RIGHT OF WAY
OR = OFFICIAL RECORDS BOOK

TITLE: SKETCH OF DESCRIPTION

KEYSTONE
A CLS COMPANY
www.keystoneconsultants.net
10970 S. CLEVELAND AVE. SUITE #605
FORT MYERS, FLORIDA 33907
PHONE: (239) 275-8575
FAX: (239) 275-8457
LB #8331

FILE NAME:	FIELD BOOK/PAGE:	PROJECT NO.:	SHEET:
15610SK.DWG	SEE FILE	15610	2 OF 2

EXHIBIT DATE:	DRAWN BY:	SCALE:	CHECKED BY:	FILE NO. (S-T-R)
1/10/25	BUD	1"= 300'	DJO	34-43-24

Exhibit A

SKETCH AND DESCRIPTION
OF A PARCEL LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PORTION OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, ALSO BEING A PORTION OF THE COMBINATION OF THE PARCELS DESCRIBED AS EXHIBIT "A" OF A WARRANTY DEED RECORDED AS INSTRUMENT #2023000350123, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 34; THENCE S00°01'12'W ALONG THE EAST LINE OF THE NORTHEAST ONE QUARTER (N.E. ¼) OF SAID SECTION 34 FOR 25.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF LITTLETON ROAD (50 FEET WIDE); THENCE N89°54'39"W ALONG SAID SOUTH RIGHT-OF-WAY LINE (25 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST ONE QUARTER (N.E. ¼) OF SAID SECTION 34) FOR 804.51 FEET TO THE POINT OF BEGINNING; THENCE S.00°05'21"W. FOR A DISTANCE OF 771.26 FEET; THENCE S.70°55'37"W. FOR A DISTANCE OF 78.63 FEET; THENCE N.89°54'39"W. FOR A DISTANCE OF 1541.35 FEET; THENCE N.00°09'21"E. FOR A DISTANCE OF 197.07 FEET; THENCE S.89°54'39"E. FOR A DISTANCE OF 299.97 FEET; THENCE N.00°05'21"E. FOR A DISTANCE OF 600.00 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY OF SAID LITTLETON ROAD; THENCE S.89°54'39"E., ALONG SAID SOUTH RIGHT-OF-WAY LINE (25 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST ONE QUARTER (N.E. ¼) OF SAID SECTION 34), FOR A DISTANCE OF 1315.44 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 25.406 ACRES, MORE OR LESS

REVIEWED
Project: DCI2025-00007
By: Richard Burris
Dept: Legal Review
Date: 07/22/2025

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DENIS J. O'CONNELL JR. LICENSE NUMBER LS 5430 STATE OF FLORIDA PROFESSIONAL SURVEYOR & MAPPER

Denis J. O'Connell Jr.
Digitally signed by Denis J. O'Connell Jr.
Date: 2025.04.09 13:10:56 -04'00'

BY: _____
DENIS J. O'CONNELL Jr.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5430

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

NOTES:

1. BEARINGS ARE BASED ON STATE PLANE COORDINATE/ FLORIDA WEST ZONE NAD 1983 (2011 ADJUSTMENT) WITH THE WEST LINE OF THE NORTHEAST ONE QUARTER OF SECTION 34 BEARING N03°26'15"E.

2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.

3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

4. THE STATE PLANE COORDINATES SHOWN HEREON ARE IN FEET, FLORIDA WEST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT) BASED UPON CONTINUOUSLY OPERATING FLORIDA PERMANENT REFERENCE NETWORK (FPRN) STATIONS MAINTAINED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION.

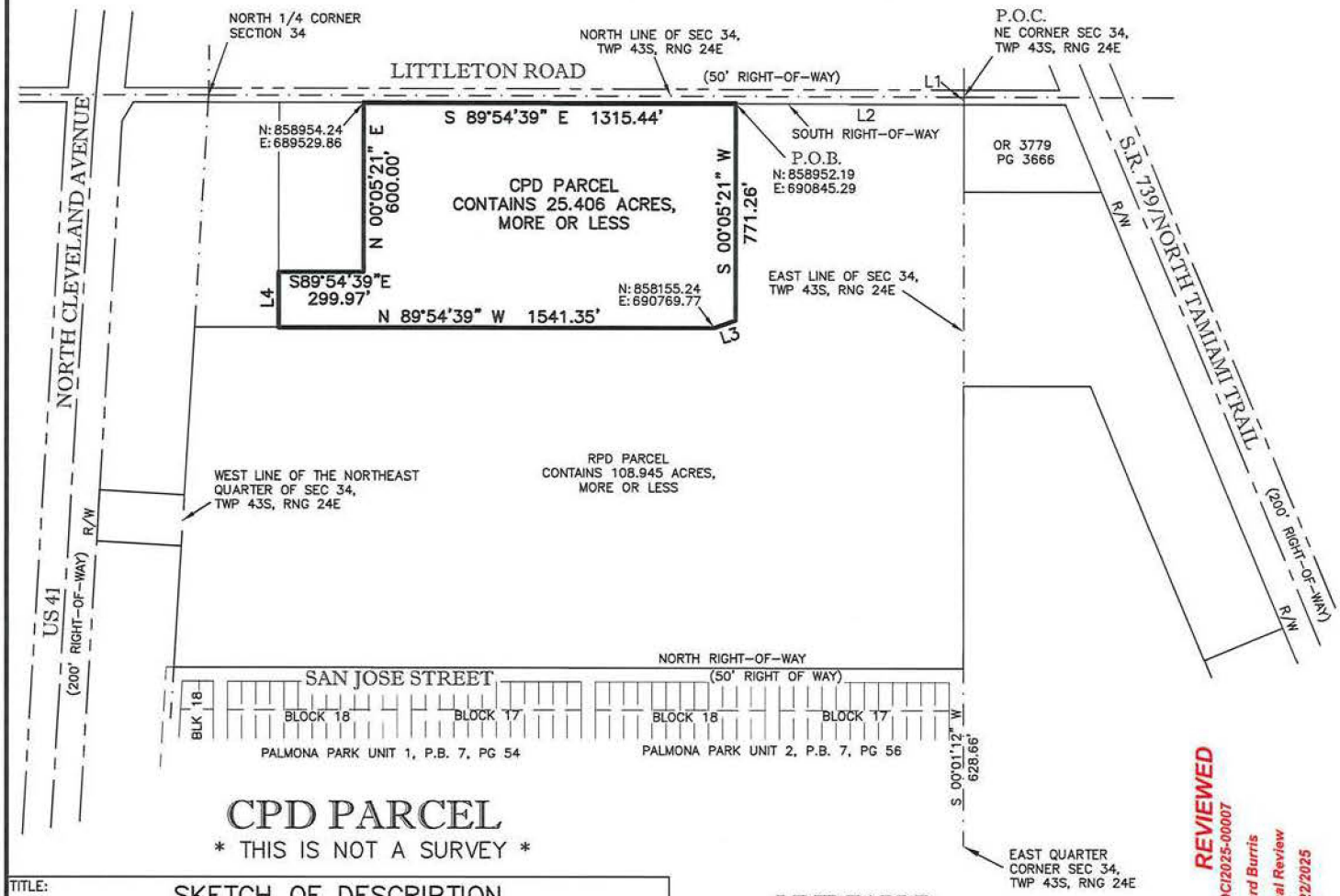
5. RECORDING INFORMATION SHOWN HEREON RELATES TO THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

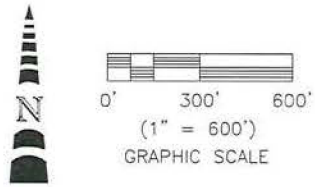
CPD PARCEL

* THIS IS NOT A SURVEY *

TITLE:	LEGAL DESCRIPTION			
KEYSTONE A CLS COMPANY www.keystoneconsultants.net				10970 S. CLEVELAND AVE. SUITE #605 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 LB #8331
FILE NAME: 15610SK CPD.DWG	FIELD BOOK/PAGE: SEE FILE	PROJECT NO.: 15610		SHEET: 1 OF 2
EXHIBIT DATE: 3/27/25	DRAWN BY: BUD	SCALE: N/A	CHECKED BY: DJO	FILE NO. (S-T-R) 34-43-24

SKETCH AND DESCRIPTION
OF A PARCEL LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA





CPD PARCEL
* THIS IS NOT A SURVEY *

NOTES:
1. 1. BEARINGS ARE BASED ON STATE PLANE COORDINATE/ FLORIDA WEST ZONE NAD 1983 (2011 ADJUSTMENT) WITH THE WEST LINE OF THE NORTHEAST ONE QUARTER OF SECTION 34 BEARING N03°26'15"E.

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3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

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5. RECORDING INFORMATION SHOWN HEREON RELATES TO THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

REVIEWED
Project: DCI2025-00007
By: Richard Burris
Dept: Legal Review
Date: 07/22/2025

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°01'12" W	25.00'
L2	N 89°54'39" W	804.51'
L3	S 70°55'37" W	78.63'
L4	N 00°09'21" E	197.07'

LEGEND:
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
SEC = SECTION
TWP = TOWNSHIP
RNG = RANGE
P.B. = PLAT BOOK
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N: = NORTHING
E: = EASTING
R/W = RIGHT OF WAY
OR = OFFICIAL RECORDS BOOK

TITLE: SKETCH OF DESCRIPTION

KEYSTONE
A CLS COMPANY
www.keystoneconsultants.net
10970 S. CLEVELAND AVE.
SUITE #605
FORT MYERS, FLORIDA 33907
PHONE: (239) 275-8575
FAX: (239) 275-8457
LB #8331

FILE NAME:	FIELD BOOK/PAGE:	PROJECT NO.:	SHEET:
15610SKCPD.DWG	SEE FILE	15610	2 OF 2

EXHIBIT DATE:	DRAWN BY:	SCALE:	CHECKED BY:	FILE NO. (S-T-R)
3/27/25	BUD	1"= 600'	DJO	34-43-24

Exhibit A

SKETCH AND DESCRIPTION
OF A PARCEL LYING IN SECTIONS 34&35, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PORTION OF SECTIONS 34 AND 35, TOWNSHIP 43 SOUTH, RANGE 24 EAST, ALSO BEING A PORTION OF THE COMBINATION OF THE PARCELS DESCRIBED AS EXHIBIT "A" OF A WARRANTY DEED RECORDED AS INSTRUMENT #2023000350123, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 34; THENCE S00°01'12'W ALONG THE EAST LINE OF THE NORTHEAST ONE QUARTER (N.E. ¼) OF SAID SECTION 34 FOR 25.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF LITTLETON ROAD (50 FEET WIDE), SAID INTERSECTION ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE S00°01'12"W ALONG THE EAST LINE OF THE NORTHEAST ONE QUARTER (N.E. ¼) OF SAID SECTION 34 FOR 310.00 FEET; THENCE S89°54'59"E FOR 487.62 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF OLD U.S. 41 (TAMIAMI TRAIL – 200 FEET WIDE); THENCE S22°29'04"E ALONG SAID WESTERLY LINE FOR 1672.59 FEET; THENCE S67°31'01"W FOR 300.00 FEET; THENCE N22°28'59'W FOR 1050.03 FEET; THENCE N89°54'39'W FOR 448.78 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE NORTHEAST ONE QUARTER (N.E. ¼) OF SAID SECTION 34; THENCE S00°01'12'W ALONG SAID EAST LINE FOR 1001.35 FEET TO THE NORTH LINE OF SAN JOSE STREET AS SHOWN ON THE PLAT OF PALMONA PARK, UNITS 1 AND 2 AS RECORDED IN PLAT BOOK 7 AT PAGE 54 AND 57 OF THE PUBLIC RECORDS OF LEE COUNTY; THENCE N89°55'59W ALONG SAID NORTH LINE OF SAN JOSE STREET FOR 2789.20 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST ONE QUARTER (N.E. ¼) OF SAID SECTION 34; THENCE N03°26'15"E ALONG SAID WEST LINE FOR 431.36 FEET; THENCE N86°33'45'W FOR 300.00 FEET TO AN INTERSECTION WITH THE EAST RIGHT–OF–WAY OF NEW U.S. 41 (TAMIAMI TRAIL) STATE ROAD NO. 45 (200 FEET WIDE); THENCE N03°26'15"E ALONG SAID EAST RIGHT–OF–WAY LINE FOR 182.00 FEET; THENCE S86°33'45"E FOR 300.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST ONE QUARTER (N.E. ¼) OF SAID SECTION 34; THENCE N03°26'15"E ALONG SAID WEST LINE FOR 594.03 FEET; THENCE S89°54'39"E FOR 1837.48 FEET; THENCE N70°55'37"E FOR 78.63 FEET; THENCE N00°05'21"E FOR 771.26 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT–OF–WAY OF LITTLETON ROAD (50 FEET WIDE); THENCE S89°54'39"E ALONG SAID SOUTH RIGHT–OF–WAY LINE (25 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST ONE QUARTER (N.E. ¼) OF SAID SECTION 34) FOR 804.51 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 108.945 ACRES, MORE OR LESS

REVIEWED
Project: DCI2025-00007
By: Richard Burris
Dept: Legal Review
Date: 07/22/2025

DENIS J. O'CONNELL JR. LICENSE NUMBER LS 5430 STATE OF FLORIDA PROFESSIONAL SURVEYOR & MAPPER

Denis J. O'Connell Jr.

Digitally signed by Denis J. O'Connell Jr.
Date: 2025.04.09 13:11:47 -04'00'

THIS SKETCH AND DESCRIPTION HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY DENIS J. O'CONNELL, Jr. USING A DIGITAL SIGNATURE AND DATE. PRINT COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

BY: _____
DENIS J. O'CONNELL Jr.
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FLORIDA CERTIFICATE NO. LS# 5430

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

NOTES:

1. BEARINGS ARE BASED ON STATE PLANE COORDINATE/ FLORIDA WEST ZONE NAD 1983 (2011 ADJUSTMENT) WITH THE WEST LINE OF THE NORTHEAST ONE QUARTER OF SECTION 34 BEARING N03°26'15"E.

2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.

3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT–OF–WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

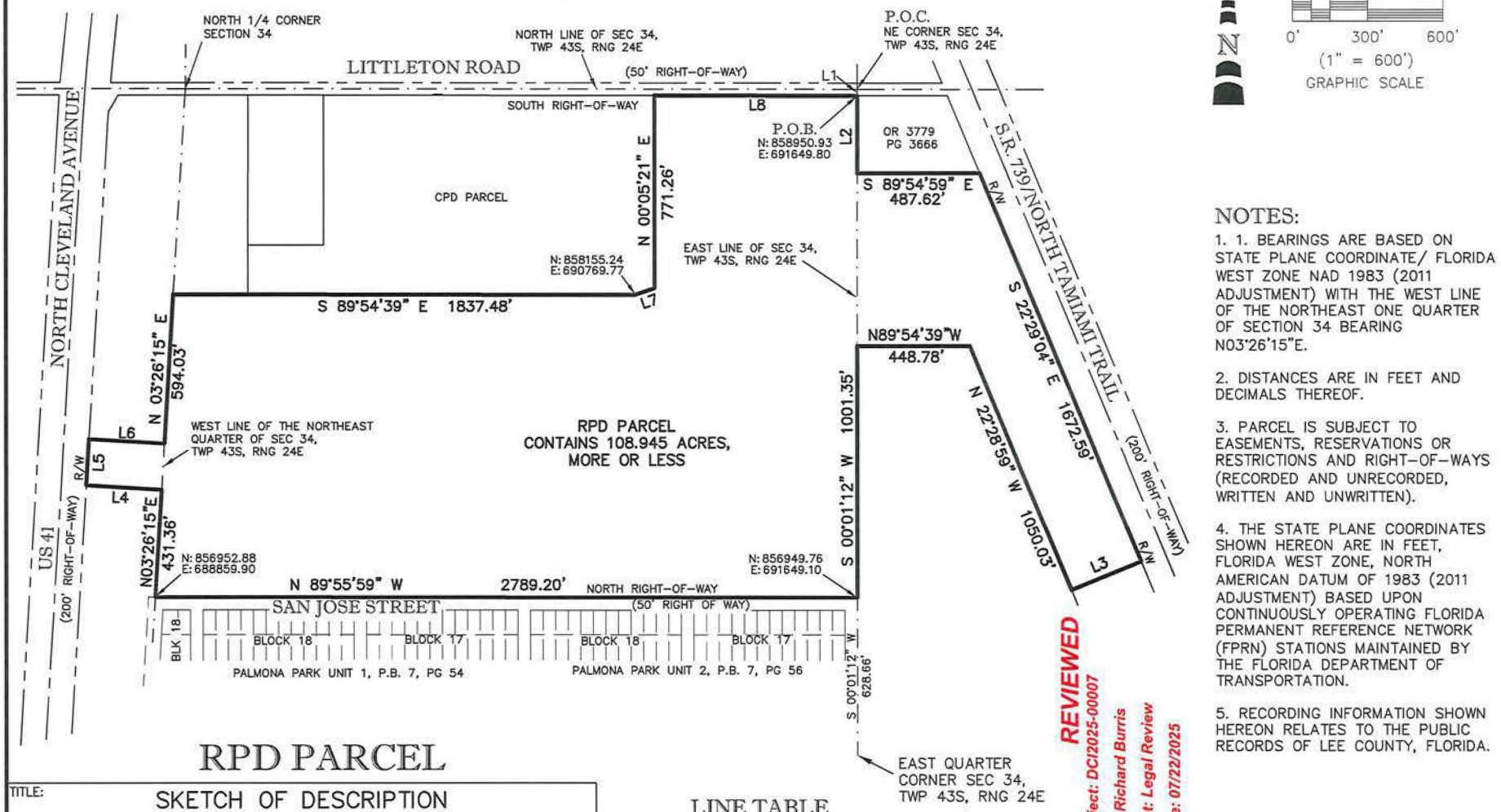
4. THE STATE PLANE COORDINATES SHOWN HEREON ARE IN FEET, FLORIDA WEST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT) BASED UPON CONTINUOUSLY OPERATING FLORIDA PERMANENT REFERENCE NETWORK (FPRN) STATIONS MAINTAINED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION.

5. RECORDING INFORMATION SHOWN HEREON RELATES TO THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

RPD PARCEL
* THIS IS NOT A SURVEY *

TITLE:	LEGAL DESCRIPTION			
KEYSTONE A CLS COMPANY www.keystoneconsultants.net				10970 S. CLEVELAND AVE. SUITE #605 FORT MYERS, FLORIDA 33907 PHONE: (239) 275–8575 FAX: (239) 275–8457 LB #8331
FILE NAME: 15610SK RPD.DWG	FIELD BOOK/PAGE: SEE FILE	PROJECT NO.: 15610		SHEET: 1 OF 2
EXHIBIT DATE: 3/26/25	DRAWN BY: BUD	SCALE: N/A	CHECKED BY: DJO	FILE NO. (S–T–R) 34–43–24

SKETCH AND DESCRIPTION
OF A PARCEL LYING IN SECTIONS 34&35, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA



RPD PARCEL

NOTES:

1. 1. BEARINGS ARE BASED ON STATE PLANE COORDINATE/ FLORIDA WEST ZONE NAD 1983 (2011 ADJUSTMENT) WITH THE WEST LINE OF THE NORTHEAST ONE QUARTER OF SECTION 34 BEARING N03°26'15"E.
2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).
4. THE STATE PLANE COORDINATES SHOWN HEREON ARE IN FEET, FLORIDA WEST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT) BASED UPON CONTINUOUSLY OPERATING FLORIDA PERMANENT REFERENCE NETWORK (FPRN) STATIONS MAINTAINED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION.
5. RECORDING INFORMATION SHOWN HEREON RELATES TO THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

REVIEWED
Project: DCI2025-00007
By: Richard Burris
Dept: Legal Review
Date: 07/22/2025

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°01'12" W	25.00'
L2	S 00°01'12" W	310.00'
L3	S 67°31'01" W	300.00'
L4	N 86°33'45" W	300.00'
L5	N 03°26'15" E	182.00'
L6	S 86°33'45" E	300.00'
L7	N 70°55'37" E	78.63'
L8	S 89°54'39" E	804.51'

LEGEND:

P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
SEC = SECTION
TWP = TOWNSHIP
RNG = RANGE
P.B. = PLAT BOOK
PG = PAGE
N: = NORTHING
E: = EASTING
R/W = RIGHT OF WAY
OR = OFFICIAL RECORDS BOOK

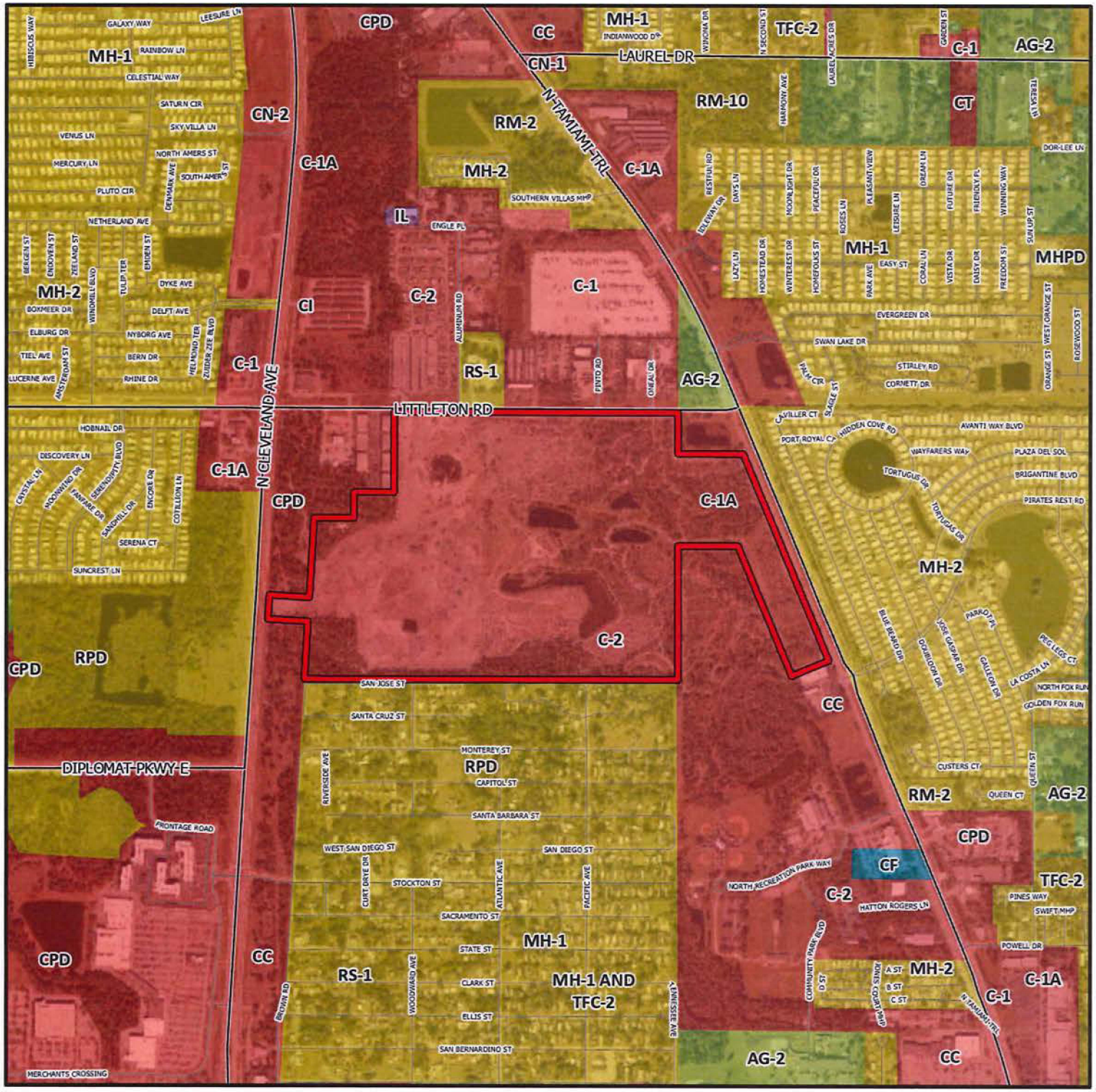
* THIS IS NOT A SURVEY *

TITLE: SKETCH OF DESCRIPTION

KEYSTONE
A CLS COMPANY
www.keystoneconsultants.net
10970 S. CLEVELAND AVE.
SUITE #605
FORT MYERS, FLORIDA 33907
PHONE: (239) 275-8575
FAX: (239) 275-8457
LB #8331

FILE NAME:	FIELD BOOK/PAGE:	PROJECT NO.:	SHEET:
15610SK RPD.DWG	SEE FILE	15610	2 OF 2

EXHIBIT DATE:	DRAWN BY:	SCALE:	CHECKED BY:	FILE NO. (S-T-R)
3/26/25	BUD	1"= 600'	DJO	34-43-24



DCI2025-00007

Zoning

Subject Property

N
W
E
S

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

Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

As revised by the Hearing Examiner

CONDITIONS

1. Master Concept Plan MCP). Development must be consistent with the MCP entitled "Park 41 / Caloosa Commons CPD/RPD" prepared by Sapen Site Planning, dated February 6, 2026 (Exhibit B1), except as modified by conditions below.

   Compliance with Lee Plan and Land Development Code (LDC). Development must comply with the Lee County Comprehensive Plan (Lee Plan) and LDC, except where deviations have been approved herein. Changes to the MCP, conditions, or deviations require further development approvals.

   Approved Development Parameters.

   - 600 dwelling units, of which, up to 400 may be single-family detached
   - 250,000 square feet of light industrial use or 150,000 square feet of light industrial use and 20,900 square feet commercial use

2. Permitted Uses and Site Development Regulations

   a. Schedule of Permitted Uses

   Residential Planned Development (RPD)

   Accessory Uses and Structures
   Dwelling Units
   - Single-Family Detached
   - Two-Family Attached
   - Townhouse
   - Multifamily

   Entrance Gates and Gate Houses
   Essential Services
   Excavation, Water Retention
   Fences, Gates, and Walls
   Models:
   - Model Display Group
   - Model Home
   - Model Unit

Real Estate Office (1)
Recreation Facilities, Private On-Site
Private Club
Parking Lot, Accessory (amenity, models, and school bus drop-off area)
Signs
Temporary Uses – Limited to construction trailers, real estate sales offices

Commercial Planned Development (CPD)

Administrative Offices
Animals
    Clinic
    Control Center
Assisted Living Facility (15)
ATM
Auto Parts Store
Automobile Repair and Service, Groups I, II (11)
Automobile Service Station (2)
Bait and Tackle Shop
Banks and Financial Establishments, Groups I, II
Bar and Cocktail Lounge
Bed and Breakfast
Boardinghouse
Boats:
    Boats Parts Store
    Boat Repair and Service
    Boat Sales
    Boat Storage, Dry, Not Exceeding 18 feet Above Grade (3)
Broadcast Studio, Commercial Radio and Television
Building Material Sales
Business Services, Groups I, II (4)
Bus Station/Depot
Caretakers Residence
Car wash
Cleaning and Maintenance Services
Clothing Stores, General
Clubs:
    Commercial
    Fraternal
    Membership Organization
Cold Storage Warehouse and Processing Plant (including precooling) (5) (6)(13)

Consumption on Premises
Contractors and Builders, Groups I, II (7)(8)(9)(10)(14)
Convenience Food and Beverage Store
Cultural Facilities
Day Care Center, Adult, Child
Department Store
Drive Through Facility for Any Permitted Use
Drugstore, Pharmacy
Entrance Gates and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Groups I, II
Excavation:
    Water Retention
Farm Equipment, Sales, Storage, Rental, or Service
Feed or Fertilizer, Mixing and Sales
Fences, Gates, and Walls
Flea Market:
    Open
    Indoor
Food and Beverage Service, Limited
Food Stores, Groups I and II
Funeral Home or Mortuary:
    No Cremation
    With Cremation
Hardware Store
Healthcare Facilities, Groups I, II, III, IV
Hobbies, Toy, and Game Shops
Home Care Facility
Hotel/Motel
Household and Office Furnishings, Groups I, II, III
Insurance Companies
Laundry or Dry Cleaning, Groups I, II
Lawn and Garden Supply Store
Library
Maintenance Facility (Government)

- Manufacturing of:
  - Apparel Products (6)(13)
  - Dairy Products (5)(6)(13)
  - Electrical Machinery and Equipment (6)(13)
  - Fabricated Metal Products, Group III (6)(13)
  - Food and Kindred Products, Group III (6)(13)
  - Leather Products, Group II (6)(13)
  - Lumber and Wood Products, Group II (6)(13)
  - Measuring, Analyzing and Controlling Instruments (6)(13)
  - Novelties, Jewelry, Toys, and Signs (6)(13)
  - Rubber and Plastic Products, Group II (6)(13)
- Medical Office
- Mobile Home Dealers (13)
- Non-store Retailers
- Package Store
- Paint, Glass and Wallpaper
- Parking Lot:
  - Accessory
  - Commercial
  - Garage, Public Parking
  - Park and Ride
  - Temporary (14)
- Personal Services, Groups I, II, and III
- Pet Services
- Pet Shop
- Pharmacy
- Place of Worship
- Plant Nursery
- Post Office
- Printing and Publishing (6)(13)
- Processing and Warehousing
- Recreation, Facilities:
  - Commercial, Groups I, III, and IV
  - Personal
  - Private - On-Site
  - Private - Off-Site
- Religious Facilities (13)
- Rental or Leasing Establishments, Groups I, II, III, and IV (7)(9)(14)
- Repair Shops, Groups I, II, III, IV, and V (6)(11)(13)
- Research and Development Laboratories, Groups II and IV

Restaurant, Fast Food
Restaurants, Groups I, II, III, IV
Schools:
    Commercial
    Noncommercial
Signs
Social Services, Group I
Specialty Retail Shop, Groups I, II, III, IV
Storage:
    Indoor only
    Storage, Open (8)(9)(14)
Studios
Supermarket
Temporary Uses
Timeshare Units (15)
Transportation Services, Groups III and IV (13)
Used Merchandise Stores, Groups II, III, IV (8)(9)(13)
Variety Store
Vehicle and Equipment Dealers, Groups I, II, III, and IV (11) (12)(13)
Warehouse:
    Hybrid (13)
    Mini- Warehouse (13)
    Private (13)
    Public (13)
Wholesale Establishment, Groups I and III (13)
Wholesale Establishment, Group IV (8)(9)(13)

(1) Real estate sales offices in residential areas are limited to sale of lots, homes or units within the development, except where permitted in LDC §34-1951 *et seq*. Real estate sales office(s) will be valid for a period up to five years from issuance of the Certificate of Occupancy date for the sales office. The Director of Community Development may grant one, two-year extension for the same location.

(2) Limited to eight pumps.

(3) Boat Storage use only, grade is the average elevation of abutting street(s) measured along the centerline of the street(s), at the points of intersection of the street(s) with the side lot lines (as extended) and the midpoint of the lot frontage.

(4) Automobile auctions, on-site or internet, are permitted only when all vehicles are stored inside a building. Projects with outdoor storage are considered Vehicle and Equipment Dealers, Group I, and must comply with LDC §34-1352.

(5) The combined intensity of uses with this note may not exceed 50,000 square feet.

(6) Within fully enclosed building.

(7) Heavy equipment, including cement trucks, cranes, bull dozers, well-drilling trucks and other similar equipment, or wrecking or demolition debris are prohibited.

(8) Outdoor storage within an opaque fence or wall.

(9) 25-foot maximum height for outdoor storage.

(10) Outdoor fabrication limited to weekdays, 7:00 a.m. to 6:00 p.m.

(11) Service bays facing residentially zoned property are prohibited.

(12) Outdoor loudspeakers within 150' of residential land uses are prohibited.

(13) 100-foot setback from residentially zoned property.

(14) 150-foot setback from residentially zoned property.

(15) May be approved by LDC Administrative Approval process.

b. Site Development Regulations

Lot Dimensions, Height, and Lot Coverage

	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Maximum Height	Max. Lot Coverage
Single Family 1	6,500 sf	50'	130'	35'	45%
Single Family 2	4,680 sf	40'	117'	35'	60%
Two-Family Attached 1	4,290 sf	33'	130'	35'	45%
Two-Family Attached 2	3,960 sf	33'	120'	35'	60%
Townhouse	1,800 sf	18'	100'	35'	60%
Multi-family	7,500 sf	75'	100'	35'	60%
Amenity	10,000 sf	100'	100'	35'	60%
CPD	20,000 sf	200'	100'	35' / 3 stories	40%

Setbacks

Minimum:	Road Setback (Public / Private Roads)	Side Setback	Rear Setback	Water Setback	Accessory Setback	Building Separation
Single Family 1 & 2	25'/20'	5'	15'	20'	Per LDC	10'
Two-Family Attached 1 & 2	25'/20'	0'/5'(1)	15'	20'		10'
Townhouse	25'/20'	N/A	10'	20'		10'
Multi-family	25'/20'	N/A	10'	20'		10'
Amenity	25'/20'	10'	10'	20'		10'
CPD (2)	50'/20'	10'	15'	20'		15'

Notes:

A) Zero-foot setback applies to internal lot lines.

B) See schedule of uses for additional setback requirements for certain uses

3. Open Space and Indigenous Open Space

a. CPD. Development order submittals for commercial land uses must depict 5.1 acres of open space (20% of commercial acreage).

b. RPD. Development order submittals for residential land uses must depict the following open space:

Required Open Space			
Acreage	**Designation**	**Percentage Required**	**Required Open Space**
37.4	Neighborhood #3	20%	7.48
1.3	Mixed Use Overlay	20%	0.26
28.3	Residential (Single Family 6,500 sq.ft. lots/Two Family attached 3,750 sq.ft. lots)	Not required	0
41.9	Residential	40%	16.76
25.4	Commercial Planned Development	20%	5.1
Total Required Open Space			29.6
Required Indigenous Open Space			
	Indigenous Open Space Total	29.6 x 50%	14.8
	Preserve Areas Acreage		12
	Credits from Preserve Areas		3.1
Total Indigenous Open Space			15.1

c. Landscape Buffers.

1. Development order landscape plans must depict the following:

a. CPD

North: 15-foot-wide buffer with five trees per 100 linear feet and a double hedge row. (Type-D buffer.)

South: Type C/F Buffer

East: Type C/F buffer along the western side of the ±2.7-acre commercial lake

West: 5-foot-wide buffer with four trees per 100 linear feet (Type-A buffer)

b. RPD

North: 15-foot-wide buffer with five trees per 100 linear feet and a double hedge row. (Type-D buffer.) along Littleton Road.

Northeast: 10-foot-wide buffer with four trees per linear feet (Enhanced Type-A buffer)

South (San Jose Street): 5-foot-wide buffer with five trees per 100 linear feet and a double hedge row (Type-B buffer).

South (Commercial C-1A): 5-foot-wide buffer with five trees per 100 linear feet and a double hedge row (Type B buffer).

South (Preserve/Conservation Easement within development): 5 trees per 100 linear feet (Modified Type – B buffer)(see Deviation 8).

East (North Tamiami Trail): 15-foot-wide buffer with 5 trees per 100 linear feet and a double hedge row (Type-D buffer).

West: 5-foot-wide buffer with five trees per 100 linear feet and a double hedge row (Type-B buffer).

West (North Cleveland Avenue Access Point): 20-foot-wide buffer with five trees per 100 linear feet and a double hedge row (Type-D buffer).

4. Bald Eagle Management Plan

Construction activity must comply with the Bald Eagle Management Plan dated October 2025 for proposed impacts within 660 feet of the bald eagle nest on Littleton Road until the nest is determined Lost or Abandoned under the LDC. Development order plans must depict the 660-foot buffer zone and include the activities and restrictions outlined in the Bald Eagle Management Plan.

5. Pedestrian and Bicycle Access to School Buses

Development Order plans must include safe pedestrian and bicycle access to school bus stops within the RPD. The RPD site plan must depict locations for school buses to stop, load and unload students in each residential development pod. Development Order plans must include a dedicated area for students to wait for school bus(es). Waiting areas must be outside road rights-of-way and coordinated with the Lee County School District.

6. **State and Federal Permits**

County development permits do not create the right to obtain permits from state or federal agencies and do not create liability on the part of the County if the developer fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if developer undertakes actions in violation of state or federal law. Developer must obtain applicable state/federal permits prior to commencing development.

DEVIATIONS

1. Excavation Setbacks. Deviation 1 seeks relief from LDC §10-329(d)(1)a.3, which requires new excavations for water retention/detention to be at least 50 feet from private property lines under separate ownership, to allow a 30-foot excavation setback for the lake located near the northeast project perimeter within the RPD. The 30-foot separation of the proposed lake from the property boundary will include an enhanced Type A buffer expanded to 10 feet in width, and a 20-foot-wide lake maintenance easement.

   Deviation APPROVED, subject to Condition 3.c.1.b (Northeast).

2. Excavation Setbacks. Deviation 2 seeks relief from LDC §10-329(d)(1)a.2, which requires excavations for water retention/detention to be at least 50 feet from existing/proposed right-of-way lines or easements for collector or arterial streets, to allow a 30-foot excavation setback from North Tamiami Trail for a lake located in the northeast portion of the MCP, and a 30 foot excavation setback from Littleton Road for the lake proposed within the CPD.

   Deviation APPROVED, subject to Conditions 3.c.1.a (North of CPD) and 3.c.1.b (East of RPD)

3. Dead-end Streets. Deviation 3 seeks relief from LDC §10-296(k)(1), which requires dead-end streets to be closed at one end with a circular vehicular turnaround, to allow the alternative turnaround depicted on the MCP.

   Deviation APPROVED.

4. Side Lot Lines. Deviation 4 seeks relief from LDC §10-254(c), which requires side lot lines to be, as nearly as practical, at right angles to straight street lines and radial to curved street lines, to allow the lot design depicted in six locations on the MCP.

   Deviation APPROVED.

5. Lot Depth Measurement. Deviation 5 seeks relief from LDC §10-703, which designates the method of measuring lot depth, to allow measurement of lot depth to be perpendicular to internal streets in six locations depicted on the MCP.

   Deviation APPROVED.

6. Buffers. Deviation 6 seeks relief from LDC §10-416(d)(1), which requires a buffer along the development perimeter when the development abuts a different use, to permit the CPD landscape buffer along the eastern boundary to be located west of the lake depicted on the MCP.

   Deviation APPROVED, subject to Landscape Buffer 3.c.1.a. (East).

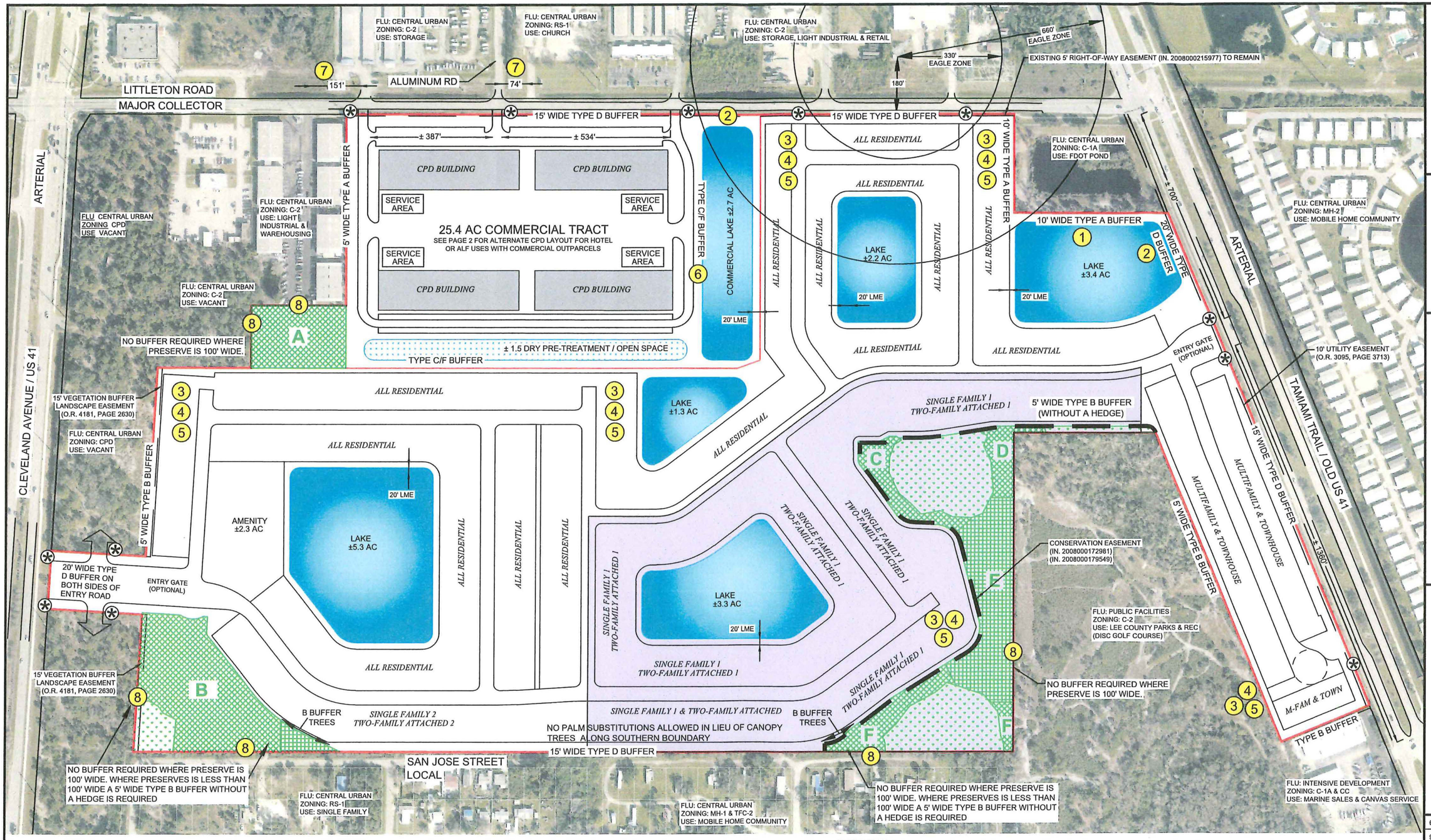
7. Connection Separation. Deviation 7 seeks relief from LDC §10-285(a), which requires a connection separation of 330 feet on Major Collector roads with a speed limit of 45 MPH or more within future urban areas, to allow project driveways to have a connection separation of 74 feet and 151 feet from existing driveways on the north side of Littleton Road so that project driveways align with the driveways serving the Church and CubeSmart Storage on the north side of Littleton Road. The deviation applies to two locations depicted on the MCP.

   Deviation APPROVED.

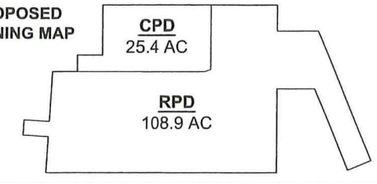
8. Buffers. Deviation 8 seeks relief from LDC §10-416(d)(3), which requires a Type B buffer (5 trees per 100 linear feet and a double hedge row) for a new residential development abutting a public active recreational park (frisbee golf), to allow a modified Type B buffer that eliminates hedges and includes 5 trees per 100 linear feet where the preserve is less than 100 feet in width on the MCP.

   Deviation APPROVED, subject Condition 3.c.1.b.

Exhibits to Conditions:
B1 Master Concept Plan



PROPOSED ZONING MAP

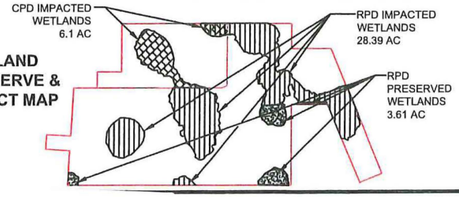


DENSITY CALCULATION

CPD	ALLOWABLE	PROPOSED
WETLAND IMPACTS 6.1 AC X 1 UNIT/20 AC	0 UNITS	60 UNITS (360 BEDS)
CENTRAL URBAN UPLANDS & PRESERVED WETLANDS 19.3 AC X 10 DU/AC	193 UNITS	

RPD	ALLOWABLE	PROPOSED
WETLAND IMPACTS 27.9 AC X 1 UNIT/20 AC	2 UNIT	600 UNITS
CENTRAL URBAN UPLANDS & PRESERVED WETLANDS (77.8 AC + 3.2 AC) = 81.0 AC X 10 DU/AC	805 UNITS	

WETLAND PRESERVE & IMPACT MAP



LEGEND

- UPLAND PRESERVE
- WETLAND PRESERVE
- (#) DEVIATION
- PEDESTRIAN ACCESS

EXHIBIT B-1

APPLICANT'S EXHIBIT # 4

SAPEN Site Planning

1" = 300' @ 11" X 17"

UNILAND DEVELOPMENT COMPANY & LENNAR HOMES

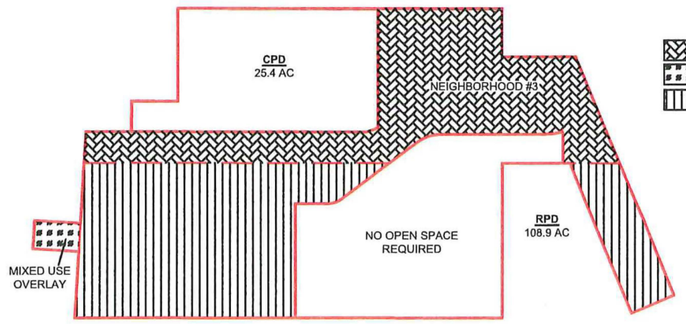
PARK 41 / CALOOSA COMMONS CPD / RPD

6-19-25	SUFFICIENCY #1
9-10-25	SUFFICIENCY #2
10-23-25	SUFFICIENCY #3
2-6-26	RESPONSE TO STAFF REPORT

MASTER CONCEPT PLAN

444 | 1 OF 2

OPEN SPACE MAP WITH MIXED USE OVERLAY AND NEIGHBORHOOD #3



CPD REQUIRED OPEN SPACE

25.4 AC X 20% = 5.1 AC

RPD REQUIRED OPEN SPACE

AC	DESIGNATION	% REQ'D	OPEN SPACE REQUIRED
37.4	NEIGHBORHOOD #3	20%	7.48 AC
1.3	MIXED USE OVERLAY	20%	0.26 AC
41.9	RESIDENTIAL	40%	16.76 AC
28.3	RESIDENTIAL (SINGLE FAMILY 6500 SF MIN LOT TWO-FAMILY ATTACHED 3750 SF MIN)	0	0
	RPD REQUIRED OPEN SPACE:		24.50 AC

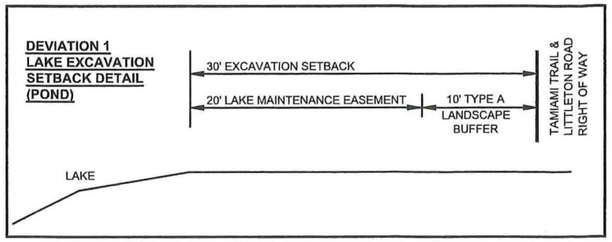
TOTAL REQUIRED OPEN SPACE

CPD	5.1 AC
RPD	24.5 AC
TOTAL =	29.6 AC

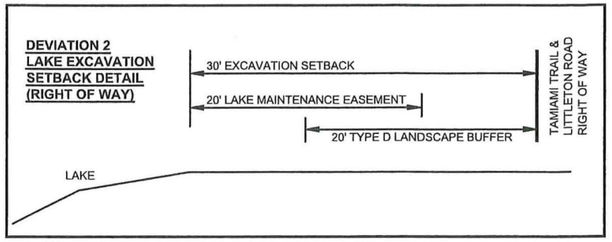
REQUIRED INDIGENOUS CALCULATION

29.6 AC X 50% = 14.8 AC

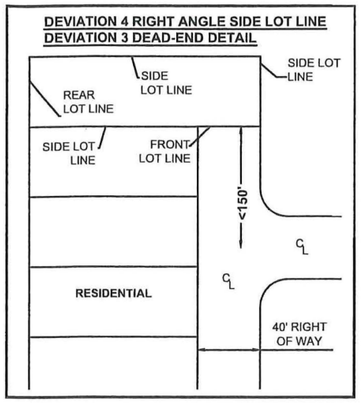
DEVIATION 1 LAKE EXCAVATION SETBACK DETAIL (POND)



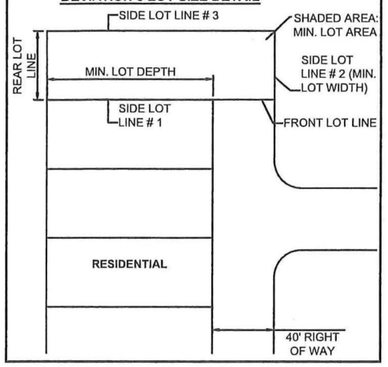
DEVIATION 2 LAKE EXCAVATION SETBACK DETAIL (RIGHT OF WAY)



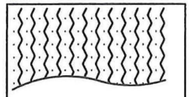
DEVIATION 4 RIGHT ANGLE SIDE LOT LINE
DEVIATION 3 DEAD-END DETAIL



DEVIATION 5 LOT SIZE DETAIL

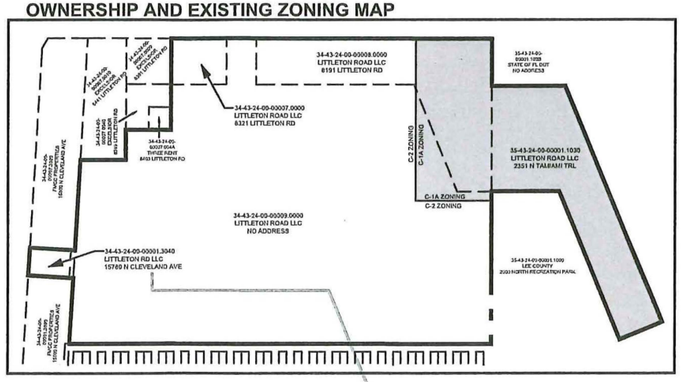


SINUOUS LAKE SHORELINE DETAIL

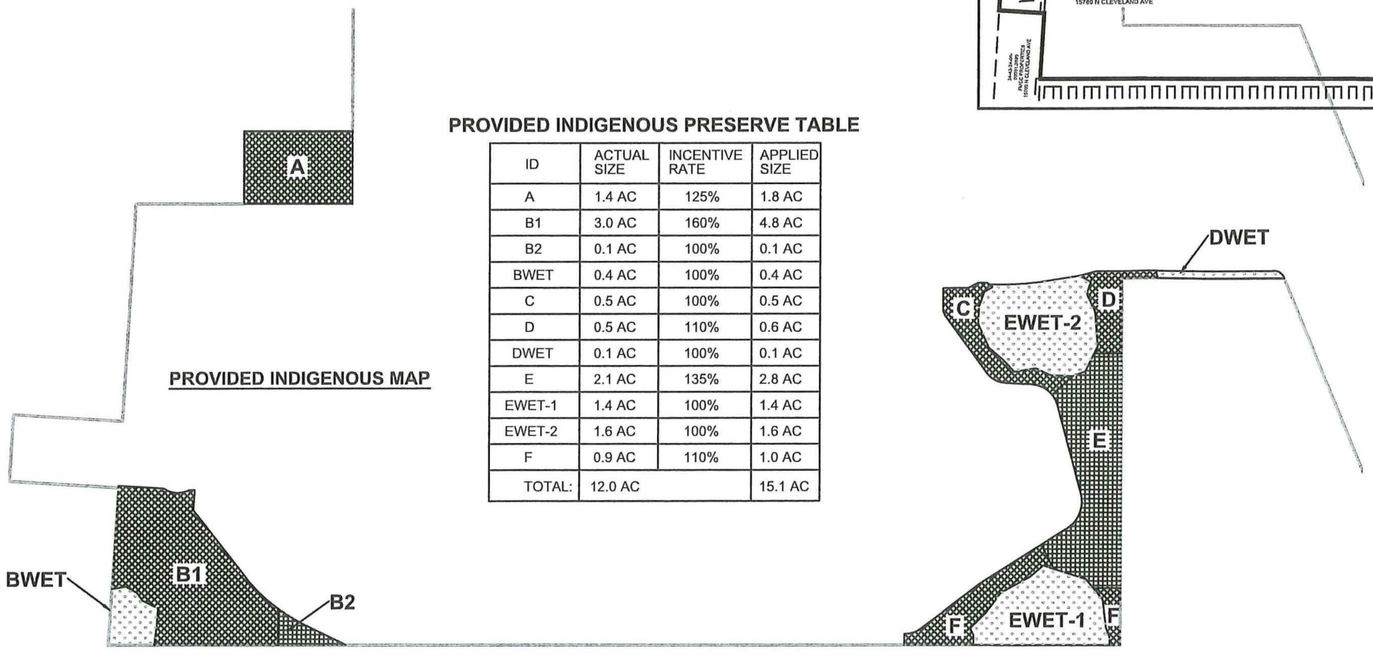


LAKE EDGES WILL BE SINUOUS IN ACCORDANCE WITH LEE COUNTY LAND DEVELOPMENT CODE REGULATIONS

OWNERSHIP AND EXISTING ZONING MAP



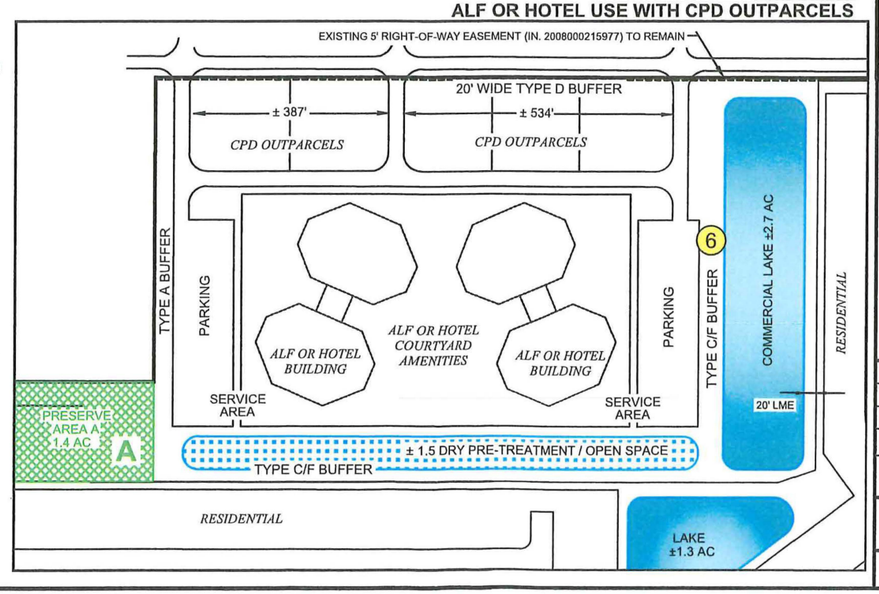
PROVIDED INDIGENOUS MAP



PROVIDED INDIGENOUS PRESERVE TABLE

ID	ACTUAL SIZE	INCENTIVE RATE	APPLIED SIZE
A	1.4 AC	125%	1.8 AC
B1	3.0 AC	160%	4.8 AC
B2	0.1 AC	100%	0.1 AC
BWET	0.4 AC	100%	0.4 AC
C	0.5 AC	100%	0.5 AC
D	0.5 AC	110%	0.6 AC
DWET	0.1 AC	100%	0.1 AC
E	2.1 AC	135%	2.8 AC
EWET-1	1.4 AC	100%	1.4 AC
EWET-2	1.6 AC	100%	1.6 AC
F	0.9 AC	110%	1.0 AC
TOTAL:	12.0 AC		15.1 AC

CPD ALTERNATE SITE PLAN
ALF OR HOTEL USE WITH CPD OUTPARCELS



SAPEN Site Planning

UNILAND DEVELOPMENT COMPANY & LENNAR HOMES

PARK 41 / CALOOSA COMMONS CPD / RPD

6-19-25	SUFFICIENCY #1
9-10-25	SUFFICIENCY #2
10-23-25	SUFFICIENCY #3
2-6-26	RESPONSE TO STAFF REPORT

MASTER CONCEPT PLAN DETAILS

444 | 2 OF 2

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. DCD Staff Report with attachments for DCI: Prepared by Brianna Schroeder, Planner, date received January 28, 2026 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. 48-Hour Notice: Email from Brianna Schroeder to Maria Perez, Jennifer Sapen, J. Montante, Drake Dalton, Matthew Shorey, Sean Flury, John Wodjack, and Andrew Fitzgerald, with copies to Rebecca Sweigert, Tracy Toussaint, Elizabeth Workman, Audra Ennis, Nicholas DeFilippo, Abby Henderson, Lee Werst, Jennifer Rodriguez, Brienne Cherry, Phil Gillogly, Warren Baucom, Mikki Rozdolski, Anthony Rodriguez, and Robert Bodach, dated Tuesday, February 10, 2026, 8:35 AM (multiple pages – 8.5"x11")

3. PowerPoint Presentation: Prepared by Lee County Staff for DCI2025-00007, Park 41 Caloosa Commons CPD, dated February 12, 2026 (multiple pages – 8.5"x11")[color]

APPLICANT EXHIBITS

1. 48-Hour Notice: Email from Jennifer Sapen to Maria Perez, J. Montante, Drake Dalton, Matthew Shorey, Sean Flury, John Wodjack, Brianna Schroeder, and Andrew Fitzgerald, with copies to Rebecca Sweigert, Tracy Toussaint, Elizabeth Workman, Audra Ennis, Nicholas DeFilippo, Abby Henderson, Lee Werst, Jennifer Rodriguez, Brienne Cherry, Phil Gillogly, Warren Baucom, Mikki Rozdolski, Anthony Rodriguez, and Robert Bodach, dated Monday, February 9, 2026, 2:08 PM (multiple pages – 8.5"x11")

2. PowerPoint Presentation: Prepared for DCI2025-00007, Park 41 Caloosa Commons CPD/RPD, DCI2025-0007, dated February 12, 2026 (multiple pages – 8.5"x11")[color]

3. Résumé: For Jennifer Sapen, AICP, LEED, AP BD+C (1 page – 8.5"x11")

4. Master Concept Plan: Prepared by Sapen Site Planning, last revised February 6, 2026 (1 page – 11"x17" & 24"x36")

5. Additional Slide: (multiple pages – 8.5"x11")[color]

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Brianna Schroeder

Applicant Representatives:

1. Reed Fellows
2. Drew Fritzgerald
3. Neale Montgomery, Esq.
4. Jennifer Sapen
5. Barrett Stejskal

Public Participants:

1. Thomas Morgado

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. Presentations 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 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.

DCI2024-00006
SR 31
Caloosahatchee Ridge RPD

Lee County Community Development

CASE NUMBER & NAME:	DCI2024-00006 / SR 31 Caloosahatchee Ridge RPD
REQUEST:	Request to rezone 102.15± acres from Agricultural (AG 2) to Residential Planned Development (RPD).
RESOLUTION NUMBER:	Z-25-024
LOCATION:	Govt lot, 16431 & 16621 SR 31, and Wildwood Ln., Fort Myers, FL; Fort Myers Shores Planning Community, Lee County.
OWNER:	Paul Timothy W Tr.
APPLICANT:	Paul Timothy W Tr.
AGENT:	D. Wayne Arnold, AICP Q. Grady Minor & Associates, P.A. 3800 Via Del Rey Bonita Springs, FL 34134
HEARING EXAMINER RECOMMENDATION:	Approval, subject to conditions and deviations.
PARTICIPANTS:	1. Herbert Noack

DCI2024-00006

Attachment B

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US Feet

PALM CREEK DR
BAYSHORE RD
OLD BAYSHORE RD
SR 31
DAVIS BLVD
PALM BEACH BLVD
FIFTH ST
DUKE HWY
MARQUETTE BLVD
ISLAND RD
RIVER RD
DAVIS BLVD
CARIBBEAN BLVD
HERITAGE PINES DR
HERITAGE PRESERVE DR
HIDEAWAY PRESERVE CT
WILLOW RIDGE CT
EDGEWATER TRACE DR
TORREY WAY
WHISPERING OAKS DR
BRANTLEY OAKS DR
CEDAR HAMMOCK VIEW CT
FAIRWAY COVE CT
VERANDAH BLVD
PALMETTO GROVE DR
SABAL POINT DR
CITRUS CREEK CT
OAK BEND DR
SANCTUARY POINTE
ORANGETREE BEND
MEANDERING WAY
CYPRESS MARSH DR
SHADY BEND WAY
BRAMBLE COVE CT
BRAMBLE COVE DR
WINDING RIVER DR
HAMMOCK CREEK WAY
RIVER VILLAGE WAY
MOSSY OAK DR
MOSSY OAK CT
RIVER POINT DR
PEBBLEBROOK RIDGE CT
LAKE VIEW ISLE CT
OTTER BEND DR
SHOPPES AT VERANDAH
COTTONWOOD BEND
FRONTAGE RD
VERANDAH PALM CT
WEST MARINA DR
WATERS EDGE CIR
CASTLEVIEW DR
BAY POINTE BLVD
WILDWOOD LN
DUSTY TRL
JOPLIN LN
RIVER GROVE CIR
RIVER RUN LN
HARMONY DR
OAK RUN LN
COYLE RD
ILLUMINARES LN
MERCHANDISE WAY
STORAGE BAY DR
FLASH LN
WEST RD
LAKEVIEW DR
PARKVIEW DR
W CYPRESS AVE
E CYPRESS AVE
PARKER AVE
RIVER RIDGE BLVD
HIBISCUS RD
SIXTH ST
SEVENTH ST
EIGHTH ST
NINTH ST
TENTH ST
LOTUS RD
THUNDERBOLT WAY
DE MOYA DR
ISLE OF PINES AVE
HAVANA AVE
SANTIAGO AVE
DAVIS CT
ARUBA AVE
BARBADOS AVE
ST CROIX AVE
W TOBAGO CIR
E TOBAGO CIR
DOMINICA AVE
TROPIC AVE
MARIANAS DR
FOURTH ST
THIRD ST
SECOND ST
FIRST ST
POINCIANA BLVD
LIPCOMB LN AVE
OLD RODEO DR
OWL CREEK DR
FOWLERS WAY
RIVER FOREST DR
LAZY LN
SLEEPY HOLLOW LN
OX BOW RD
JOURNEYS END
MINI WAY
AQUA VISTA LN
SABAL PALM DR
SADDLEBACK LOOP
CLEMENTINE PL
HOWARD RD
DUNN RD
ROBERTS RD
RABUN GAP DR
CHATTAHOOCHEE DR
TALLULAH FALLS RD
HABERSHAM CT
BAYSHORE RANCH DR
WAYZATA CT
CAROLYN LN
LAURELIN CT
UPRIVER DR
WEST DR
EAST DR
NORTH DR
SOUTH DR
CLARENCE RD
ROSSELLE LOOP
MCSPADDEN RD
STONEHILL MANOR DR
CRYSTAL LINE CT
ROSE QUARTZ LN
MINERAL CT
VALENCIA DR
HAMLIN DR
TANGERINE DR
TEMPLE DR
EASY ST
ORANGE HARBOR DR
SUN CIR
SHORELAND DR
CHANNEL LN
META ST

Summary of Hearing Examiner Recommendation

S.R. 31 CALOOSAHATCHEE RIDGE RPD

The 102-acre property is south of the Caloosahatchee River, west of SR 31. There will be two access drives to SR 31, a soon to be six-lane arterial highway.

The request seeks to rezone the property from Agriculture to Residential Planned Development to develop up to 521 dwelling units. Unit types may include single-family detached, two-family attached, duplex, multi-family, and townhouses.

Despite the plan to build 521 dwellings, the MCP does not provide an area for school bus access. Lee Plan directives require residential developments to provide safe pedestrian and bicycle access for schoolchildren.[1] Designing the project to accommodate safe school bus access by children and bicycles is prudent. [2]

For this reason, the Hearing Examiner recommends a condition to ensure project design accommodates safe pedestrian and bicycle access to school buses.[3] Conditioning project design at the outset reduces the likelihood of future design conflicts.[4]

Detailed recommendation follows

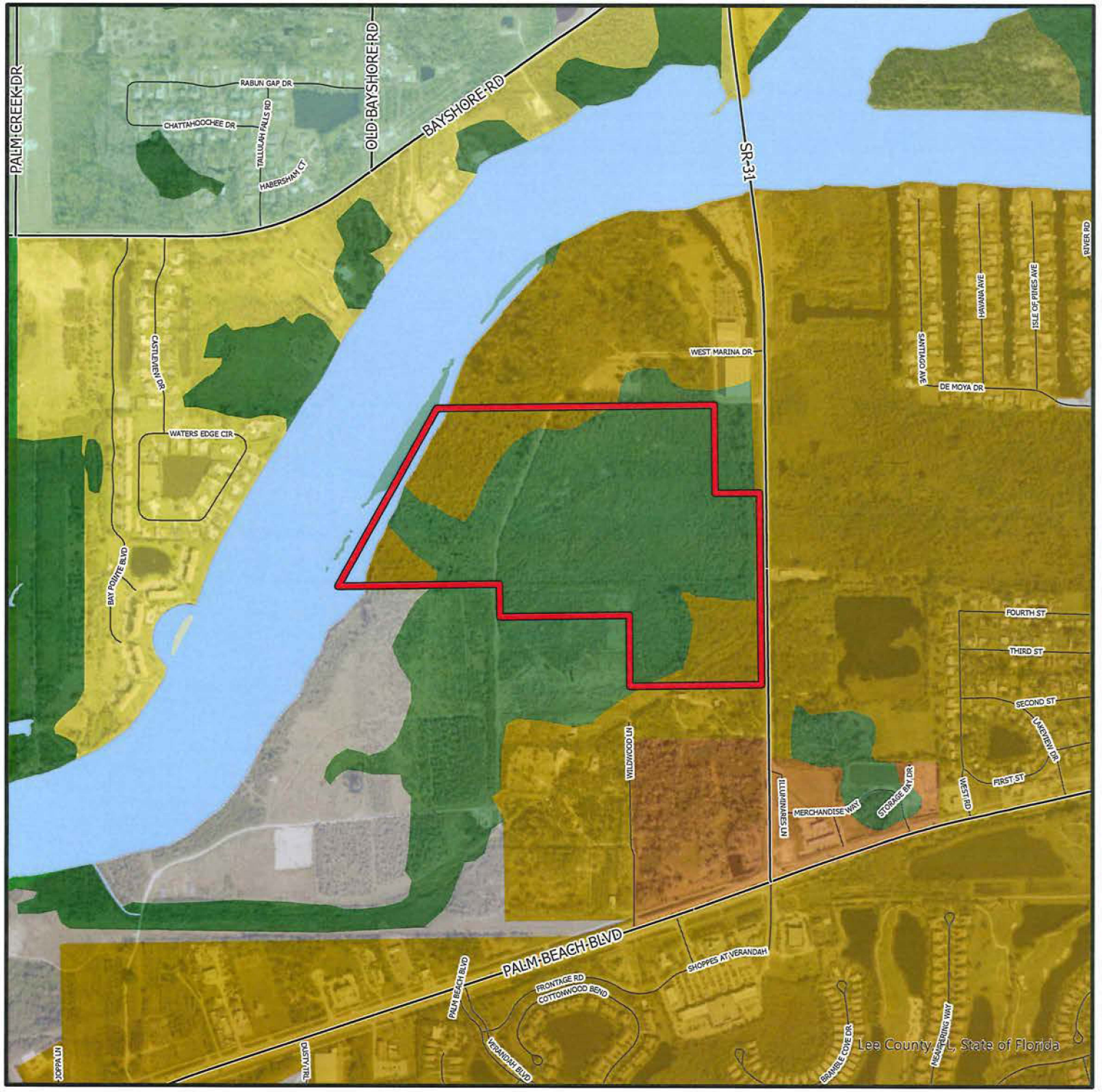
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[1] Lee Plan Policy 67.3.7.

[2] Developing the site to provide safe access to school buses is consistent with the transportation and Community Facilities and Services elements of the Lee Plan. Lee Plan Policies 39.3.2, 67.3.7, 68.3.7.

[3] See Condition 7.

[4] In addition to Lee Plan directives in Policy 67.3.7, internal sidewalks connecting to future school bus stops will achieve Lee Plan directives for bicycle and pedestrian interface with transit. *See* Lee Plan Policies 43.1.1. (Provide access for bicycle and pedestrian interface with transit by linking bicycle/pedestrian facilities with bus stops.), 43.1.2.(maintain efforts to provide construction of bus stop amenities), 43.3.3.



DCI2024-00006

Future Land Use

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

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Feet

Lee County
Southwest Florida



DCI2024-00006

Aerial

Subject Property

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Feet

Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2024-00006

Regarding: **S.R. 31 CALOOSAHATCHEE RIDGE RPD**

Location: West of State Road 31, North of the Intersection of Palm Beach Blvd and S.R.31
Fort Myers Shores Planning Community
(District 5)

Hearing Date: January 29, 2026

I. Request

Rezone 102 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to allow up to 521 residential dwelling units consisting of single-family detached, two-family attached, duplex, multi-family, and townhouse, including private onsite and personal recreational facilities. Building heights range from 35 feet to 75 feet.

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approve, subject to conditions and deviation 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.[5] In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone 102 acres in east Fort Myers. Staff recommended approval with conditions.

In preparing a recommendation to the Board, the Hearing Examiner must apply the County's Comprehensive Plan (Lee Plan), Land Development Code (LDC), and other County regulations to facts presented at hearing. The record must contain substantial competent evidence to support the recommendation.

[5] LDC §34-145(d)(4) a.

Discussion supporting the Hearing Examiner's recommendation of approval, with conditions below.

History

The property is adjacent to the Caloosahatchee River, and there is evidence the site was the recipient of spoil from dredging operations in the past.[6]

The site's current zoning designation is AG-2. The purpose of agricultural districts is to host agricultural operations with ancillary residential use.[7] The Lee Plan discourages new agricultural uses in future urban areas with public services and infrastructure available to serve development.[8] The requested residential planned development zoning district authorizes development of land uses better suited to suburban property.[9]

The Florida Department of Transportation (FDOT) conducted a Project Development and Environmental Study for road improvements to SR 31 that reflects impacts to the property. FDOT submitted an Environmental Resource Permit (ERP) application for the road improvements to SR 31 from Palm Beach Boulevard to North River Road. The ERP application shows drainage easements on the property necessary to accommodate stormwater management for planned SR 31 road improvements. To date, Applicant has not entered into an agreement with FDOT regarding drainage easements.

Lee Plan

The Lee Plan regulates land development activity.[10] The Future Land Use Map divides the County into future urban, nonurban, and environmentally sensitive areas. All development must be consistent with the Lee Plan, including the Future Land Use Map.[11]

The property's future land use designation is Suburban. Suburban areas consistent predominately of residential development on the fringe of more urbanized areas of the County.[12] Permitted land uses include residential and

[6] Staff Report Attachment U: County Environmental Staff Report.
[7] LDC 34-651.
[8] Lee Plan Goal 9, Objective 9.2.
[9] Lee Plan Goal 5, Objective 9.2, Policies 5.1.1, 5.1.5, 5.1.7, 9.2.1.
[10] LDC §34-491.
[11] Lee Plan Policy 2.1.2; LDC §§34-411(a), 34-491: Rezonings must be consistent with Lee Plan goals, objectives, and polices. Potential conflicts between the Lee Plan and the LDC must be resolved in favor of the Lee Plan.
[12] Lee Plan Policy 1.1.5.

commercial.[13] Standard density in the Suburban category ranges from one to six units per acre.[14]

The Lee Plan Housing Element directs the County to ensure a mix of residential housing types and designs.[15] The Economic Element also directs the County to ensure development of a variety of housing options to support a diverse workforce.[16] The RPD includes a variety of dwelling types in furtherance of Lee Plan directives, specifically single family detached, two-family attached, duplex, townhouse, and multiple family buildings.

Despite the plan to build 521 dwellings, the MCP does not provide an area for school bus access. Lee Plan directives require residential developments to provide safe pedestrian and bicycle access for schoolchildren.[17] Designing the project to accommodate safe school bus access by children and bicycles is prudent.[18] For this reason, the Hearing Examiner recommends a condition to ensure project design accommodates safe pedestrian and bicycle access to school buses.[19] Conditioning project design at the outset reduces the likelihood of future design conflicts.[20]

The Lee Plan prohibits residential development where physical constraints/hazards exist or require density to be adjusted accordingly.[21] The property is within the Hurricane Category 1 Storm Surge/Tide area and Evacuation Zone A.[22] A portion of the site is within the Coastal High Hazard area.[23] Development in Coastal High Hazard Areas must be compatible with natural systems and defense against coastal flooding.[24] The site plan restricts development to uplands in accordance with Lee Plan directives in Coastal High Hazard Areas.[25]

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[13] Industrial uses are not permitted.
[14] Maximum total density is typically eight units per acre using Greater Pine Island Transfer of Development Units. Lee Plan Policy 1.1.5.
[15] Lee Plan Policy 135.1.9.
[16] Lee Plan Objective 160.1, Policy 160.1.3.
[17] Lee Plan Policy 67.3.7. The Caloosahatchee Shores Community Plan also prioritizes pedestrian-safe environments. Lee Plan Goal 21
[18] Developing the site to provide safe access to school buses is consistent with the transportation and Community Facilities and Services elements of the Lee Plan. Lee Plan Policies 39.3.2, 67.3.7, 68.3.7.
[19] See Condition 7.
[20] In addition to Lee Plan directives in Policy 67.3.7, internal sidewalks connecting to future school bus stops will achieve Lee Plan directives for bicycle and pedestrian interface with transit. *See* Lee Plan Policies 43.1.1. (Provide access for bicycle and pedestrian interface with transit by linking bicycle/pedestrian facilities with bus stops.), 43.1.2.(maintain efforts to provide construction of bus stop amenities), 43.3.3.
[21] Lee Plan 5.1.2. Constraints and hazards include flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.
[22] Florida Statutes 163.3178(2)(h), Lee Plan Map 5-A; Staff Report Attachment J: Correspondence from Daniel Trescott, MSP, President, Trescott Planning Solutions, LLC, dated July 6, 2022.
[23] Lee Plan Map 5.
[24] Lee Plan Policy 101.1.1.
[25] Lee Plan Policy 101.3.2.

Development in coastal areas is subject to requirements under the Conservation and Coastal Management Element of the Lee Plan.[26] Accordingly, the project will be subject to County land development regulations designed to reduce vulnerability from hurricanes and flooding.[27]

Caloosahatchee Shores Community Plan

Development is subject to the Caloosahatchee Shores Community Plan. Community plans address specific conditions unique to an area of the County.[28] Goals of the Caloosahatchee Shores Community Plan are to protect community character, natural resources, and quality of life. The Community Plan promotes new development, aesthetics, and pedestrian-safe environments.[29]

Community Plans are not regulatory in nature; Land development regulations must be adopted to implement the plan.[30] The Board adopted community specific development criteria in the LDC, which applies to all development in the Caloosahatchee Shores community.[31]

Compatibility

The County evaluates compatibility during zoning.[32] Compatibility exists when land uses exist in proximity, and no one use unduly negatively impacts another.[33]

There are a few single-family residences in the northwest quadrant of the SR 31 intersection with SR 80. A marina with wet and dry boat slips lies to the north. Other uses include a bar/restaurant with outdoor seating. Development along SR 80 includes storage facilities, commercial centers, pharmacy, a church, and several residential communities. The proposed RPD is compatible with those uses and constitutes infill development.[34]

Appropriate intensity is determined on a case-by-case basis in accordance with the Lee Plan and nature of surrounding land uses.[35] Proposed development parameters consist of 520 dwelling units and amenities. The RPD is consistent with development in the Suburban future land use category, which envisions residential development on the fringe of more urbanized areas.

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[26] Lee Plan Objective 2.6. *See* Goals 72, 73, 101.
[27] Lee Plan Goal 72, Objective 72.2; LDC §2-481 *et seq.*
[28] Lee Plan Objective 17.1.
[29] Lee Plan Goal 21.
[30] Lee Plan Policy 17.1.3.
[31] LDC §§33-1480 *et seq.*
[32] LDC §34-145(d)(4).
[33] Florida Statutes s. 163.3164(9); Lee Plan Policy 135.9.6, LDC §34-411(i).
[34] Lee Plan Policy 5.1.3.
[35] LDC §34-413.

LDC

Development must comply with the LDC or request deviations.[36]

The requested uses comply with the use regulation table for residential planned developments.[37] Development must comply with the Caloosahatchee Shores Community specific development regulations governing site design, lighting, utilities, landscaping, architecture, and signs. [38]

Community specific LDC regulations require zoning applications to conduct a public hearing in the community prior to the Hearing Examiner hearing.[39] Applicant presented the request at a meeting in the Caloosahatchee Shores Community prior to the Hearing Examiner hearing.[40] Another community meeting will be held prior to development order approval.[41]

Deviations are departures from land development regulations.[42] Applicants must demonstrate deviations enhance the project and will not be detrimental to the public.[43] The RPD includes a single deviation for building height.

Two sections of the LDC establish maximum building heights on Suburban lands: one is in the Caloosahatchee Shores Community Plan Area, and the other is in the zoning chapter.[44] Both sections set maximum building heights at 45 feet in the Suburban land use category.[45]

Applicant offered testimony and evidence in support of the requested height deviation.[46] Staff recommended approval of the deviation.

The LDC requires the Hearing Examiner to recommend approval, approval with modifications, or denial of deviations based upon a finding the deviation: (1) Enhances the planned development; and (2) Preserves and promotes public

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[36] LDC §34-411(b).
[37] LDC §34-934.
[38] Lee Plan Goal 21 and supplemental development regulations in LDC §33-1480 *et seq.* Future development permits, including development orders, must comply with community standards. LDC §33-1491 *et seq.* Lighting regulations are broader than those in chapter 10 of the code. Utility lines must be underground except when located within a public road right of way. Dry detention areas must be planted with specific species, and trees must be of a certain size. Architectural standards address height, building façade, design and style, building materials, roofs, windows, and signs.
[39] LDC §33-1482(a)(2).
[40] Advertised meeting held on March 14, 2024. LDC §33-1482(b). *See* Staff Report Attachment G.
[41] LDC §33-1482 (a)(1).
[42] LDC §34-2.
[43] LDC §34-373(a)(9).
[44] LDC Chapters 33 and 34.
[45] LDC §§33-1497, 34-2175(b)(2).
[46] LDC §34-377(a)(4).

health, safety, and welfare.[47] The Hearing Examiner finds the requested deviation complies with the LDC standard of review.

Development will be subject to impact fees for road, park, fire, school, and emergency medical services.[48]

Environmental/Natural Resources

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

The site is infested with exotic vegetation.[49] Applicant's protected species survey disclosed no evidence of protected species.[50]

The MCP depicts 49.28 acres of open space, most of which lies within wetlands.[51] Wetland areas will be cleared of exotic vegetation and restored for water quality and storage compensation for floodplain needs. The ERP issued by the water management district requires the property owner to place wetland areas under a conservation easement. Restoration of conservation easement areas builds habitat for wildlife and allows native seed sources to repropagate, providing natural buffers and landscapes.[52]

The proposed stormwater management system includes wet and dry detention areas that will discharge into onsite wetlands.[53] The stormwater management plan accommodates offsite flows consistent with Lee Plan directives.[54]

The County Environmental Staff Report recommends a condition that future development applications include a revised planting plan demonstrating that the maintenance plan plant materials are consistent with existing soil conditions.[55]

The Hearing Examiner finds the requested RPD will not harm environmentally critical/sensitive areas or natural resources.[56]

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[47] LDC §34-377(a)(4).
[48] LDC Chapter 2, Article VI.
[49] Testimony of D. Wayne Arnold, AICP, Marco Espinar. Beth Workman, Principal Planner, testified there is mostly exotic vegetation with some Cypress and Oaks trees.
[50] Staff Report Attachment K: Caloosahatchee Ridge Listed Species Survey dated May 2023, prepared by Collier Environmental Consultants, Inc.
[51] Wetland and upland preserve cover approximately 28.03 acres, exceeding code requirements. (48% of the property). Lee Plan Policies 77.3.2, 123.1.1. *See* MCP.
[52] Testimony of Beth Workman, Principal Planner.
[53] Stormwater will improve wetland hydroperiods and assist efforts to restore onsite wetland areas. Staff Report Attachment O: Natural Resources Staff Report.
[54] Lee Plan Policy 126.1.4.
[55] Staff Report Attachment U: County Environmental Staff Report. *See* Condition 5.
[56] Development order submittals ensure buffers and landscaped areas follow Xeriscape principles. Lee Plan Objective 126.2, Policies 54.1.2, 54.1.3, 54.1.6, 54.1.11, 61.1.6, 125.1.2, 126.1.2, 126.2.1. Required landscape buffers must consist of native landscape to conserve water.

Transportation

Requests to rezone property must provide access to support the development and address impacts to transportation facilities through County regulations and conditions of approval.[57]

The MCP reflects two driveways onto SR 31: One will likely be a full access allowing all turning movements, and the other is a right-in, right-out. There is the possibility of an interconnection to Wildwood Lane to the south, shown on the MCP.

The Traffic Impact Statement (TIS) analysis concludes the project will not negatively impact area roadways at buildout. Road impact fees will address project impacts to the County transportation network. Further analysis of transportation impacts, including site related turn lane improvements, will occur during development order permitting.

The RPD fronts on SR 31, which is improved with a shared use path connecting to similar facilities on SR 80. The facilities comprise part of the Pine Island-Hendry Trail on the County's Greenways Master Plan.[58]

Public Services and Infrastructure

Public services include facilities, capital improvements, and infrastructure necessary to support development.[59] The Lee Plan requires an evaluation of public services during the zoning process.[60]

A wide range of public services and infrastructure are available to serve the site.[61] The property is surrounded by paved roads.[62] Lee County Utilities has infrastructure in place to provide potable water and sanitary sewer service.[63] Fire, EMS, and law enforcement facilities are available to serve future residents in the RPD.[64]

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[57] LDC §34-145(d)(4)a.1.
[58] Lee Plan Policy 39.6.1, Map 4-E.
[59] Public services and infrastructure available to serve the project will include public water and sewer, paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools. Lee Plan Goal 95, Objective 4.1, Policy 68.2.3 Standards 4.1.1, 4.1.2, 4.1.4.
[60] Lee Plan Policy 2.2.1.
[61] Lee Plan Goals 2, 4, 53, 56, 70, 95, Objectives 2.2, 4.1, Policies 2.2.1, 53.1.5, 56.1.4, Standards 4.1.1, 4.1.2.
[62] SR 31 and SR 80.
[63] Staff Report Attachment J and Applicant PowerPoint presentation. Lee Plan Standards 4.1.1, 4.1.2.
[64] Applicant's PowerPoint presentation.

There are elementary, middle, and high schools within the zone designated to serve the area. Capacity constraints will be addressed during permitting.[65]

Commercial and employment centers are within reasonable driving distance on SR 80.[66] Downtown Fort Myers serves as an additional employment center. Several commercial centers on SR 31 north of the river will be available to meet shopping and employment demand in the future.

The SR 31 and 80 corridors are improved with sidewalks and on-road bikeways.[67]

IV. Findings and Conclusions

The Hearing Examiner makes the following findings and conclusions based on the testimony and evidence in the record:

A. The proposed Residential Planned Development complies with the Lee Plan. Lee Plan Goals 2, 4, 5, 21, 53, 56, 70, 72, 73, 95, 101, Objectives 2.6, 5.1, 17.1, 21.1, 72.2, 135.1, 160.1, Policies 1.1.5, 2.1.2, 2.2.1, 5.1.1, 5.1.2, 5.1.3, 5.1.5, 5.1.7, 17.1.3, 21.3, 53.1.5, 56.1.4, 67.3.7, 68.2.3, 68.3.7, 72.2.1, 101.1.1, 101.3.2, 135.1.9, 135.9.5, 135.9.6, 160.1.3, Standards 4.1.1, 4.1.2, 4.1.4, Maps 1-A, 2-A, 3-D, 4-A, 4-B, 4-E, 5-A.

B. *As conditioned*, the Residential Planned Development:

1. Meets the LDC and other county regulations or qualifies for deviations;

2. Is compatible with existing and planned uses in the surrounding area. Lee Plan Policies 2.1.2, 2.2.1, 5.1.2, 5.1.5, 135.9.5, 135.9.6;

3. Provides access sufficient to support the proposed development intensity. Expected impacts on transportation facilities will be addressed by county regulations and conditions of approval. Lee Plan Objective 39.1, Policies 2.2.1, 38.1.1, 39.1.1, 39.3.2, 43.1.1, 43.1.2, 43.3.3; LDC §34-411(d) and (e);

4. Will not adversely affect environmentally critical areas and natural resources. Lee Plan Goals 21, 61, 77, Objectives 21.3, 77.1, 77.3, 126.2, Policies 54.1.2, 54.1.3, 54.1.6, 54.1.11, 61.1.6, 61.3.1, 61.3.6, 61.3.8, 61.3.11, 77.3.2, 123.1.1, 125.1.2, 126.1.2, 126.2.1, Standard 4.1.4; and

[65] Lee Plan Policy 68.2.3.
[66] Shops at Verandah.
[67] Lee Plan Map 3-D. The SR 31 road corridor is part of the Pine Island Hendry Trail. Lee Plan Map 4-E.

5. Will be served by public services including paved roads, potable water, sanitary sewer, urban surface water management, police, fire, and emergency services. Lee Plan Glossary, Lee Plan Goals 2, 4, 21, 70, 95, Objectives 2.1, 4.1, 5.1, 53.1, 56.1, 66.1, Policies 2.2.1, 39.6.1, 68.2.3, 126.1.4, 135.9.7, 135.9.7, Standards 4.1.1 and 4.1.2, Maps 3-D, 4-A, 4-B, 4-E;

C. The proposed uses are appropriate at the proposed location. Lee Plan Goal 5, Objective 2.1, Policies 2.1.1, 2.1.2, 135.1.9, 135.9.5, 135.9.7, 158.2.1.

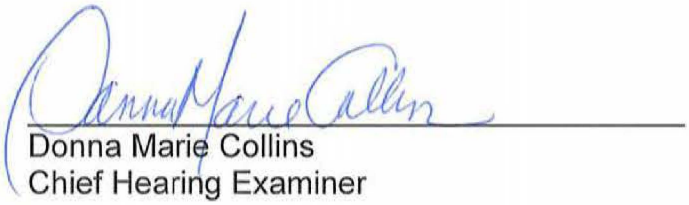
D. Recommended conditions and applicable regulations provide sufficient safeguards to protect the public interest. In addition, recommended conditions reasonably relate to impacts expected from the proposed development. Lee Plan Objectives 2.6, 72.2, Policies 5.1.5, 72.2.1, 135.9.6; LDC §§ 34-377(a)(3), 34-411, 34-932(b) and (c).

E. As conditioned, the requested deviation:

1. Enhances the planned development; and

2. Preserves and promotes the intent of the LDC to protect the public health, safety, and welfare.

Date of Recommendation: March 3, 2026.



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"

SKETCH AND LEGAL DESCRIPTION OF A PARCEL:
GOVT LOT, FORT MYERS, FL 33905
(PARCEL ID: 25-43-25-00-00002.0010, 25-43-25-00-00002.0080
25-43-25-00-00002.0090, 25-43-25-00-00002.004B, 25-43-25-00-00002.0110 IN
LEE COUNTY, FLORIDA)

A tract of land lying the in Southeast quarter (SE 1/4) and Northeast quarter (NE 1/4) of Section 25, Township 43 South, Range 25 East, which tract is described as follows:
From the northeast corner of Southeast quarter (SE 1/4) of said Section 25, Township 43 South, Range 25 East; run S89°11'23"W along the north line thereof for 50 feet to a point on the westerly R/W line of State Road No. 31 and the Point of Beginning.
From said point of beginning run S0°42'30"E along said westerly R/W line, parallel with the east line of said fraction of section for 778.41 feet; thence run S89°11'23"W, parallel with the north line of said quarter of section for 980.0 feet to the center line of a roadway easement 60 feet wide (30 feet each side) described in Official Records Book 460, Page 31, Public Records of Lee County, Florida; thence run N0°42'30"W, parallel with said east line of said quarter of section along the center line of said roadway easement 60 feet wide for 400.0 feet to the center point of a roadway turnaround of radius 60 feet; thence continuing N0°42'30"W passing through a point on the circumference of said turnaround at 60 feet, for 133.80 feet to a point 244.61 feet south of the said north line of said quarter of section; thence run S89°11'23"W parallel with said north line for 964.13 feet to a point 244.61 feet South of the said North line of said quarter of section; thence N00°58'14"W for 244.61 feet to a point at the said north line of said quarter of section; thence S89°11'23"W along of the north line of said quarter of section for 1203.38 feet to the edge of water of Caloosahatchee River more or less; thence N28°49'57"E along of the edge of water of Caloosahatchee River more or less, for 1523.43 feet to the north line of the South Half (S 1/2) of the Northeast Quarter (NE 1/4) of Section 25, Township 43 South, Range 25 East, Lee County, Florida; thence N89°14'12"E along of the North line the South Half (S 1/2) of the Northeast Quarter (NE 1/4) of Section 25 for 2067.51 feet to a point 380 feet West from the East line of the same fraction of the section; thence S0°42'30"E parallel with the east line of said section for 662.36 feet to a point 660 feet North from the South line the South Half (S 1/2) of the Northeast Quarter (NE 1/4) of Section 25; thence N89°11'23"E, parallel with the said South line of the South Half (S 1/2) of the Northeast Quarter (NE 1/4) of Section 25 for 330 feet to the westerly R/W line of State Road No. 31; thence S0°42'30"E along said westerly R/W line, parallel with the east line of said section for 660 feet to the Point of Beginning.

HAVING A TOTAL AREA OF 4,449,614.00 Sq. Ft (102.149 Acres) MORE OR LESS. LYING AND BEING IN LEE COUNTY, FLORIDA

BEARINGS AND DISTANCES SHOWN HEREON ARE FROM BASIS OF BEARING N00°42'30"W OF EAST LINE OF SEC 1/4 OF Section 25, Township 43 South, Range 25 East, IN LEE COUNTY, FLORIDA.

PREPARED BY: GUSTAVO INTERIAN
DATE: 06/24/2024

Tayberry Group, Inc. (LB 8467)
411 NE 2ND PLACE (UNIT 9)
CAPE CORAL, FL 33909
Tel: 800-570-7133
Email: surveying@tayberry.group

GUSTAVO INTERIAN License Number L.S.6461 STATE OF FLORIDA Professional Surveyor and Mapper

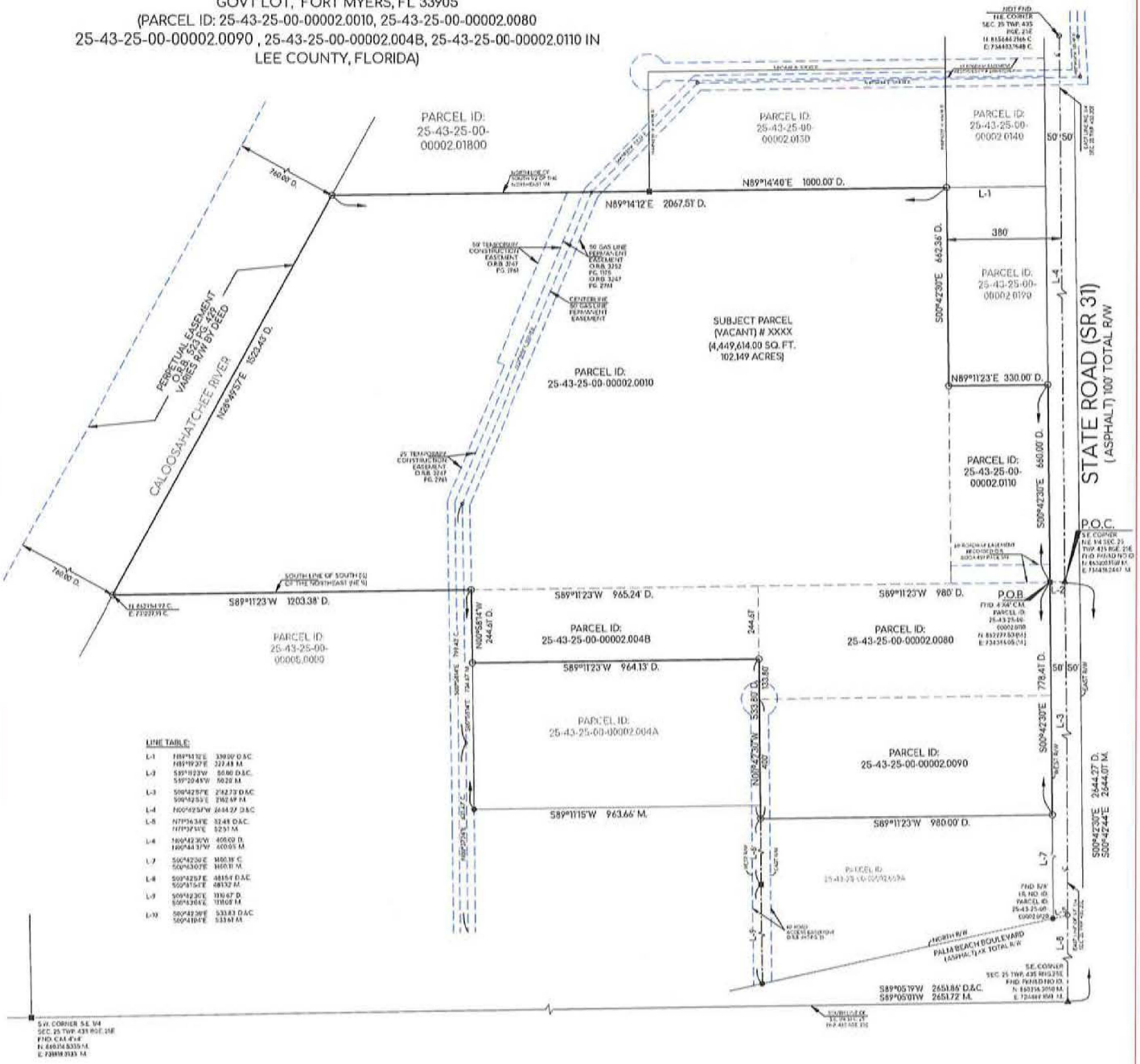
Gustavo Interian
Digitally signed by Gustavo Interian
Date: 2024.06.25 09:03:14 -04'00'

BY: Gustavo Interain
Professional Surveyor and Mapper
Certificate No. 6461 STATE OF FLORIDA

REVIEWED
Project: DCI2024-00006
By: Richard Burris
Dept: Legal Review
Date: 08/18/2025

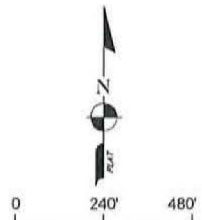
EXHIBIT "A"

SKETCH AND LEGAL DESCRIPTION OF A PARCEL:
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25-43-25-00-00002.0090 , 25-43-25-00-00002.004B, 25-43-25-00-00002.0110 IN
LEE COUNTY, FLORIDA)



LINE TABLE:

L-1	N89°14'12"E N89°19'37"E	330.00' D.&C. 327.48 M.
L-2	S89°11'23"W S89°20'45"W	50.00 D.&C. 50.28 M.
L-3	S00°42'57"E S00°42'53"E	2162.73 D.&C. 2162.69 M.
L-4	N00°42'57"W	1644.27 D.&C.
L-5	N77°36'34"E N77°39'14"E	52.48 D.&C. 52.51 M.
L-6	N89°42'30"W N89°44'37"W	405.00' D. 405.05 M.
L-7	S00°42'30"E S00°43'07"E	1100.31' C. 1100.11 M.
L-8	S09°42'57"E S09°51'41"E	481.57 D.&C. 481.32 M.
L-9	S09°42'30"E S09°43'06"E	1310.67' D. 1310.65 M.
L-10	S80°42'30"E S80°41'04"E	533.83 D.&C. 533.61 M.



1" inch = 480' ft.
GRAPHIC SCALE

LEGEND:

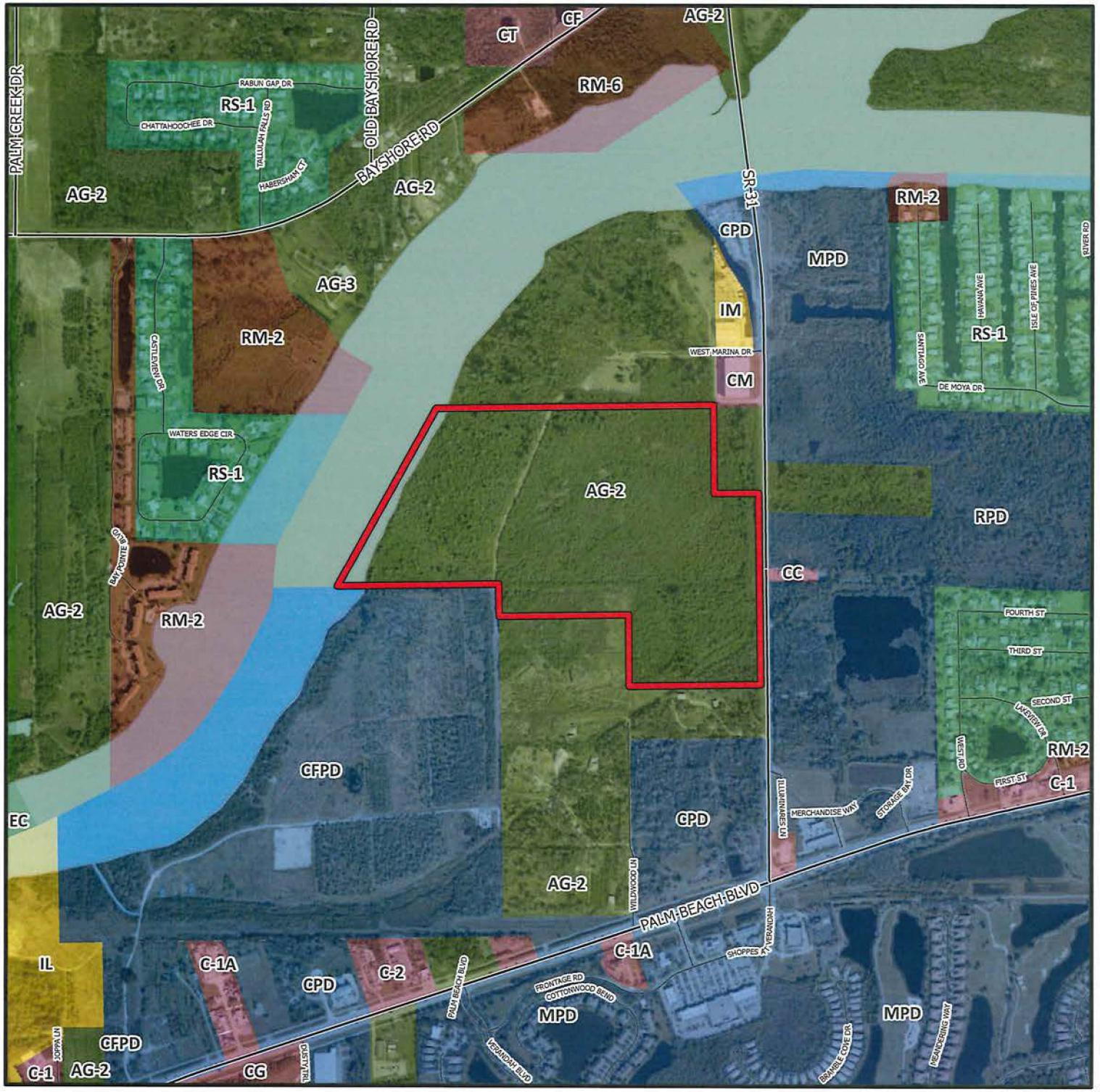
℄	CENTER LINE
C.	CALCULATED
D.	DEED
F.	FIELD
M.	MEASURED
P.	PLAT
P.C.	POINT OF CURVATURE
P.I.	POINT OF INTERSECTION
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCE
O	CORNER
	PRIMARY PROPERTY LINE
	SECONDARY PROPERTY LINE
	CENTERLINE
	EASEMENT LINE
	SETBACK LINE

SKETCH NOTES:

1. THE STATE PLANE COORDINATES PROVIDED HEREON ARE REFERENCED BY THE NORTH AMERICAN DATUM 1983 (2011 ADJUSTMENT), FLORIDA WEST ZONE, SAID COORDINATES ARE IN US SURVEY FEET.
2. UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
3. NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
5. NO EFFORT WAS MADE TO PROVE PLAT BOUNDARIES.
7. PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHT-OF-WAYS OF RECORD.
8. EASEMENTS SHOWN ON THIS DRAWING ARE FROM THE RECORDED PLAT.
9. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
10. PARCEL WAS SURVEYED FROM INFORMATION SUPPLIED BY THE CLIENT.

REVIEWED
Project: DCI2024-00006
By: Richard Burris
Dept: Legal Review
Date: 08/18/2025

This Sketch is not a Survey.



DCI2024-00006

Zoning

Subject Property

N
W E
S

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

Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

1. Master Concept Plan (MCP). Development must be consistent with the MCP entitled "S.R. 31 Caloosahatchee Ridge RPD" prepared by Q. Grady Minor & Associates, last revised December 19, 2025 (Exhibit B1), except where modified by the conditions below.

   Lee Plan and Land Development Code (LDC). 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 approval will be necessary.

   Approved Development Parameters. The RPD is approved to develop up to 521 dwelling units with amenities.

2. **Schedule of Permitted Uses and Property Development Regulations**

   a. **Permitted Uses**

   Residential R1 & R2
   Accessory uses, buildings, and structures
   Administrative Offices
   Dwelling unit:
   - Single-Family Detached (R-1 Tracts Only)
   - Two-Family Attached
   - Townhomes
   - Multi-Family

   Entrance gates and gatehouse
   Essential services
   Excavation: Water retention
   Fences, Walls
   Recreation facilities:
   - Personal
   - Private on-site

   Signs

Amenity Area (AA)
Accessory uses, buildings, and structures
Administrative Offices
Recreational facilities, private on-site

b. Site Development Regulations

Principal Structures	Single-Family Detached	Two-Family Attached	Townhouse	Multi-Family	Amenity
Minimum Floor Area (per unit)	1,200 SF	1,200 SF	700 SF	400 SF	N/A
Minimum Lot Area (per unit)	4,000 SF	3,500 SF	1,500 SF	N/A	N/A
Minimum Lot Width	40 feet	35 feet	15 feet	N/A	N/A
Minimum Lot Depth	100 feet	100 feet	100 feet	N/A	N/A
Minimum Setbacks:					
Front Yard	20 feet	20 feet	20 feet	25 feet	20 feet
Side Yard	5 feet	5 feet	10 feet*	15 feet	5 feet
Rear Yard	10 feet	10 feet	25 feet	25 feet	10 feet
Internal Drive Aisle	N/A	N/A	N/A	20 feet	20 feet
PD Boundary	15 feet	15 feet	15 feet	15 feet	15 feet
Waterbody Setback:					
Man Made	20 feet	20 feet	20 feet	20 feet	20 feet
Caloosahatchee River	70 feet	70 feet	70 feet	70 feet	70 feet
Minimum Distance Between Buildings	10 feet	10 feet	10 feet*	20 feet	10 feet
Maximum Building Height**	35 feet	35 feet	50 feet	R1 75 feet R2 50 feet	20 feet

* For Townhomes, there is a 0 ft separation between adjoining attached units and 10 feet between buildings.
**See Deviation 1

3. Open Space
Development order plans must depict 49.28 acres or 48.2 percent of open space consistent with the MCP.

4. State Road 31 Buffer
Development order plans must depict a 15-foot-wide Type-D buffer abutting State Road 31. (five trees per 100 linear feet and a double hedge row) Buffer vegetation must meet planting installation specified in the LDC.

5. Preserve Restoration Management Plan
Development order submittals must include an Indigenous Restoration Management Plan with a planting plan comprised of native plant species compatible with soil types in the preserve areas and onsite mitigation required by

the South Florida Water Management District Environmental Resource Permit (ERP).

6. **Stormwater Management**
Development order submittals must include a Stormwater Report with models and calculations demonstrating offsite flow conveyance capacity will be maintained during and following construction, as approved in the Environmental Resource Permit (ERP).

7. **Pedestrian and Bicycle Access to School Buses**
Development Order plans must include safe pedestrian and bicycle access to school bus stops. The site plan must depict locations for school buses to stop, load, and unload students in each residential development pod. Plans must also include a dedicated area for students to wait for the school bus. These waiting areas must be outside road rights-of-way and coordinated with the Lee County School District.

8. **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 in violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

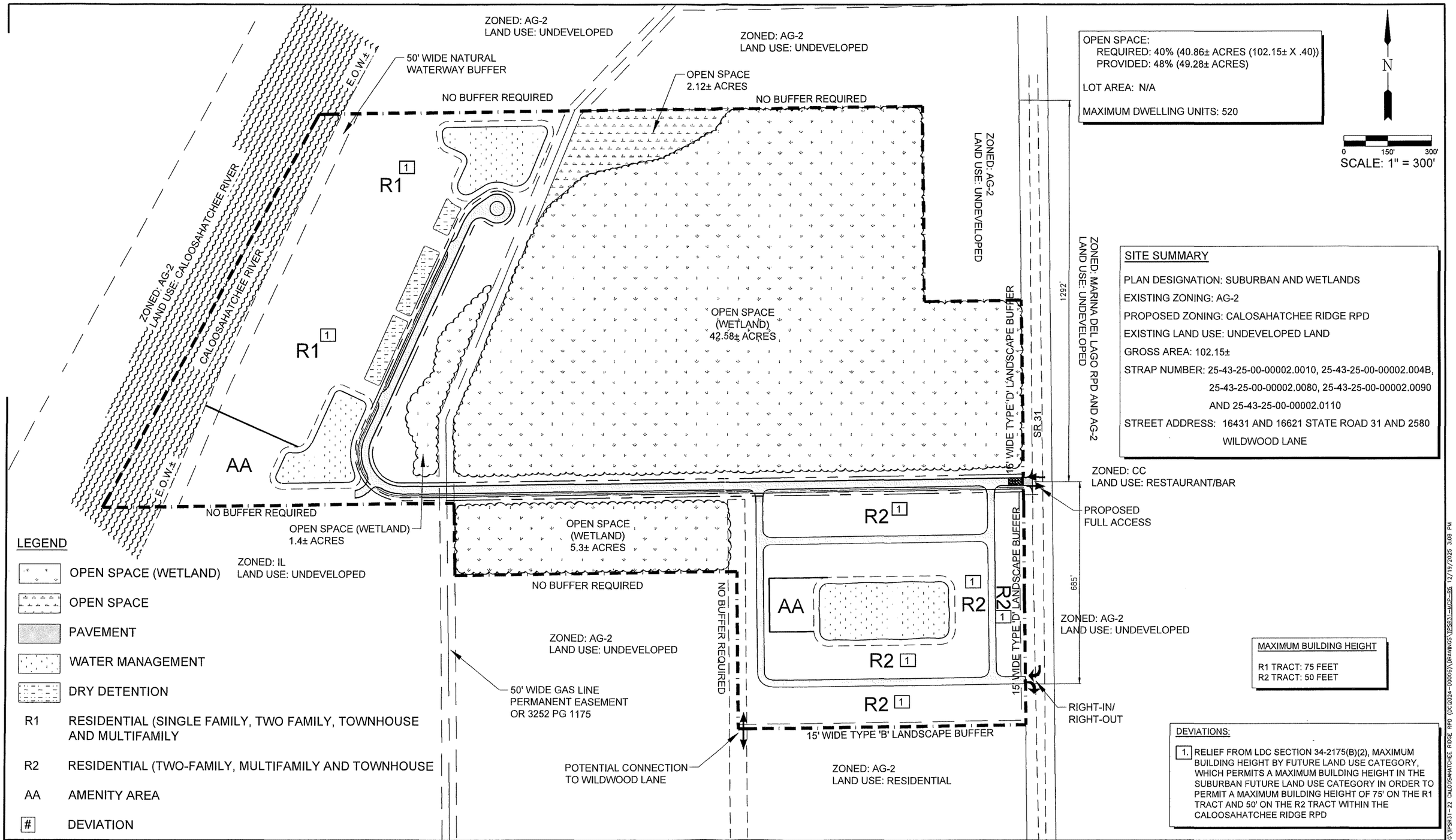
DEVIATIONS

1. Building Height. Deviation 1 seeks relief from LDC §§33-1497 and 34-2175(b)(2). These sections establish maximum building height of 45 feet in the Suburban Land Use Category. Applicant seeks a deviation to permit minimum heights of 50 feet on tracts designated R2 and 75 feet on tracts designated R1.

   Deviation 1 is APPROVED, subject to Conditions 2b and 5.

Exhibits to Conditions:
B1 Master Concept Plan, Last Revised December 19, 2026

EXHIBIT B-1



OPEN SPACE:
REQUIRED: 40% (40.86± ACRES (102.15± X .40))
PROVIDED: 48% (49.28± ACRES)

LOT AREA: N/A

MAXIMUM DWELLING UNITS: 520

N

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

SITE SUMMARY

PLAN DESIGNATION: SUBURBAN AND WETLANDS
EXISTING ZONING: AG-2
PROPOSED ZONING: CALOSAHATCHEE RIDGE RPD
EXISTING LAND USE: UNDEVELOPED LAND
GROSS AREA: 102.15±
STRAP NUMBER: 25-43-25-00-00002.0010, 25-43-25-00-00002.004B, 25-43-25-00-00002.0080, 25-43-25-00-00002.0090 AND 25-43-25-00-00002.0110
STREET ADDRESS: 16431 AND 16621 STATE ROAD 31 AND 2580 WILDWOOD LANE

MAXIMUM BUILDING HEIGHT

R1 TRACT: 75 FEET
R2 TRACT: 50 FEET

DEVIATIONS:

1. RELIEF FROM LDC SECTION 34-2175(B)(2), MAXIMUM BUILDING HEIGHT BY FUTURE LAND USE CATEGORY, WHICH PERMITS A MAXIMUM BUILDING HEIGHT IN THE SUBURBAN FUTURE LAND USE CATEGORY IN ORDER TO PERMIT A MAXIMUM BUILDING HEIGHT OF 75' ON THE R1 TRACT AND 50' ON THE R2 TRACT WITHIN THE CALOOSAHATCHEE RIDGE RPD

LEGEND

- OPEN SPACE (WETLAND)
- OPEN SPACE
- PAVEMENT
- WATER MANAGEMENT
- DRY DETENTION
- R1 — RESIDENTIAL (SINGLE FAMILY, TWO FAMILY, TOWNHOUSE AND MULTIFAMILY
- R2 — RESIDENTIAL (TWO-FAMILY, MULTIFAMILY AND TOWNHOUSE
- AA — AMENITY AREA
- # — DEVIATION

LEGEND

Revision	Date	Description	By

DESIGNED BY: OGMA
DRAWN BY: S.U.
APPROVED: D.W.A.
JOB CODE: TPSR31
SCALE:

GradyMinor
a PAPE-DAWSON company
Q. Grady Minor and Associates, LLC
3800 Via Del Rey
Bonita Springs, Florida 34134
Civil Engineers • Land Surveyors • Planners • Landscape Architects
Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LC 26000266
Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380

SR 31 CALOOSAHATCHEE RIDGE RPD

MASTER CONCEPT PLAN
REVISED DECEMBER 19, 2025

MUNICIPALITY: LEE COUNTY
SEC/TWN/RGE: 25/43S/25E
DATE: OCTOBER 2022
SUBMITTAL TYPE: REZONE
SHEET 1 OF 1

G:\PLANNING\PROJ - PLANNING\TPSR31-22 CALOOSAHATCHEE RIDGE RPD (OCT2024-00006)\DRAWINGS\TPSR31-MCP-R6 12/19/2025 3:08 PM

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. DCD Staff Report with attachments for DCI: Prepared by Elizabeth Workman, Principal Planner, date received January 13, 2026 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. Affidavit of Publication: For DCI2024-00006, Caloosahatchee Ridge RPD (1 page – 8.5"x11")

3. Comprehensive Plan Map: For Case MBD2023-00005, Strap #25432500000020010, Applicant Sharon Umpenhour, Owner Paul Timothy W TR, Application Date July 17, 2023

4. PowerPoint Presentation: Prepared by Lee County Staff for DCI2024-00006, S.R. 31 Caloosahatchee Ridge RPD, dated January 29, 2026 (multiple pages – 8.5"x11") [color]

APPLICANT EXHIBITS

1. 48-Hour Notice: Email from Sharon Umpenhour to Hearing Examiner, with copies to Maria Perez, Neale Montgomery, Esq., and Wayne Arnold, dated Monday, January 26, 2026, 2:34 PM (multiple pages – 8.5"x11")

2. PowerPoint Presentation: Prepared for DCI2024-00006, S.R. 31 Caloosahatchee Ridge RPD, dated January 29, 2025 (multiple pages – 8.5"x11") [color]

3. Master Concept Plan: Prepared by GradyMinor for S.R. 31 Caloosahatchee Ridge RPD, revised December 19, 2025 (1 page – 11"x17")

4. Florida Department of Transportation: Five-year work program (multiple pages – 8.5"x11")

5. Florida Department of Transportation: State Road 31 Project Development and Environmental (PD&E) Study from SR 80 (Palm Beach Blvd) to SR 78 (Bayshore Drive), Lee County, Florida (multiple pages – 8.5"x11")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Elizabeth Workman, Principal Planner

Applicant Representatives:

2. D. Wayne Arnold, AICP
3. James Banks, P.E.
4. Michael Delate, P.E.
5. Marco Espinar, Environmental Planning/Biologist
6. Neale Montgomery, Esq.

Public Participants:

1. Herbert Noack

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. Presentations 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 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 part of the case file maintained by the Department of Community Development. The case file and recordings are public records 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.

DCI2023-00054
Port Phoenix Water Way Marina

Lee County Community Development

CASE NUMBER & NAME:	DCI2023-00054 / Port Phoenix Water Way Marina
REQUEST:	Request to rezone 7.27± acres from Commercial Planned Development (CPD) and Light Industrial (IL) to Commercial Planned Development (CPD).
RESOLUTION NUMBER:	Z-26-001
LOCATION:	1687 Inlet Dr., North Fort Myers, FL; North Fort Myers Planning Community, Lee County, FL.
OWNER:	Lee County
APPLICANT:	Safe Harbor Marinas
AGENT:	Matthew S. Speath, P.E. Speath Engineering 10491 Six Mile Cypress Parkway, Suite 1850 Fort Myers, FL 33966
HEARING EXAMINER RECOMMENDATION:	Approval, subject to conditions and deviations.
PARTICIPANTS:	1. Constance Adamski 2. Guy Adamski 3. Joanne McCormick 4. Robert L McCormick

DCI2023-00054

N

W E

S

0 1,000 2,000

US Feet

HANCOCK-BRIDGE-PKWY

SKYLINE-DR

MOODY-RD

SE 24TH AVE

BIRKDALE-AVE

VISCAYA-PKWY

ORANGE GROVE BLVD

McGREGOR-BLVD

BOLADO PKWY

CORAL POINT DR

River

Summary of Hearing Examiner Recommendation

PORT PHOENIX WATER WAY MARINA

The request revitalizes dormant property with development of a commercial marina. The site historically housed marina uses and a wastewater treatment facility. The proposal replaces approved industrial uses in favor of marine-oriented uses more aligned with the property's designation within the Water-Dependent Overlay.

Site design and conditions of approval minimize off-site impacts to surrounding residents. Hearing participants offered no objection to the request.

As conditioned, the Hearing Examiner agrees with the Staff recommendation of approval.

Detailed recommendation follows



DCI2023-00054

Future Land Use

- Subject Property
- Suburban
- Public Facilities
- City Limits

N
W E
S

0 500
Feet

Lee County
Southwest Florida



DCI2023-00054

Aerial

Subject Property

City Limits

N
W
E
S

0 500

Feet

Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2023-00054

Regarding: **PORT PHOENIX WATER WAY MARINA**

Location: 1687 Inlet Dr.
North Fort Myers Planning Community
(District 4)

Hearing Date: **January 8, 2026**

I. Request

Rezone 7.27± acres from Commercial Planned Development (CPD) and Light Industrial (IL) to CPD to allow construction of a new commercial marina, including 44 wet slips, 239 dry slips, 20,610 square feet of marine accessory uses, and a 10,000 square foot restaurant.

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

II. Hearing Examiner Recommendation

Approval, subject to the conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the planned development zoning district.[1] In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone 7.27± acres to the Port Phoenix Water Way Marina Commercial Planned Development (CPD).

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

Staff recommended approval with conditions.

---

[1] LDC §34-145(d)(4)a.

Discussion supporting the Hearing Examiner's recommendation of approval with conditions is set forth below.

Character of the Area

The property sits south of Hancock Bridge Parkway and the Waterway Estates community, east of Orange Grove Boulevard. The peninsular site is surrounded by water with single family residences beyond to the north, west, and south. Conservation lands lie to the east.



Zoning History

The Lee County Utilities Waterway Estates Wastewater Treatment Plant historically occupied the IL portion of the property until demolition in 2013.[2]

The CPD portion has supported a marina since the 1960s.[3] Prior zoning actions permitted various marina and ancillary uses.[4] The site most recently operated as a boat triage area post-Hurricane Ian.[5]

The parcel remains vacant.

Request Synopsis

The request seeks CPD approval of the following development parameters:

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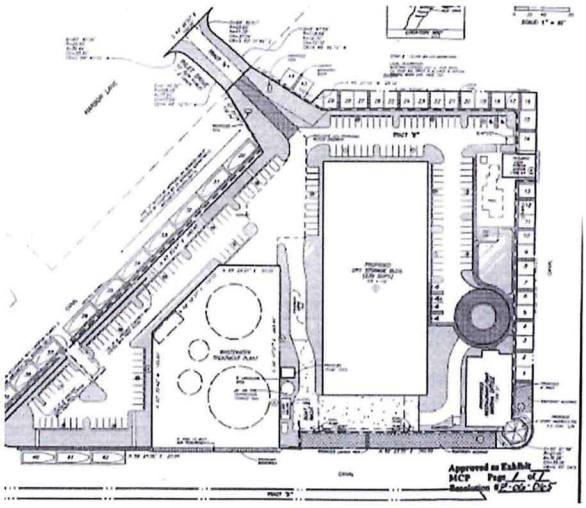
[2] *See* Staff Ex. 3 (slide 3, *citing* DEM2013-00115); Staff Report (pg. 2).
[3] *See* Staff Report (pg. 2-3, composite Attachment S).
[4] *See Id.* citing Z-76-123, Z-88-293, & Z-06-065; *See also* Staff Report (Attachment S).
[5] Speath & Fowler Testimony (Transcript pg. 8-9).

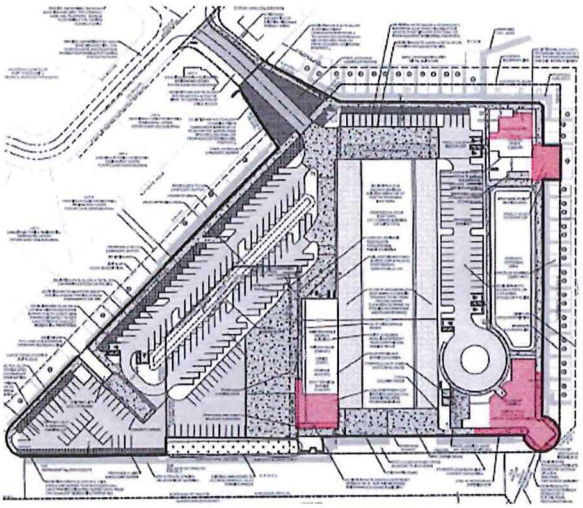
- Boat slips: 283 (44 wet, 239 dry)
- Marine Accessory Uses: 20,610 square feet
- Restaurant: 10,000 square feet

Staff provided the following comparison of existing approvals to the request:[6]

Existing CPD Entitlements (Z-06-065[1]) vs Current Request

Category	Existing Approval	Requested Approval	Change
Boat Slips	283	283	N/A
Height	55' (limited to dry storage building) 45' maximum for remainder of buildings	57' (limited to dry storage building) 45' maximum for remainder of buildings	+2'
Subordinate Intensity	7,500 square feet	20,610 square feet	+13,110 square feet
Restaurant	9,500 square feet (including a 2,500 square foot two story gazebo)	10,000 square feet (including 2,500 square feet of outdoor seating)	+500 square feet
Consumption on Premises (COP)	11,200 square feet [2]	17,150 square feet	+5,950 square feet





Folding in land zoned IL adds acreage to the project, thereby reducing impacts generated by the development. Removal of IL zoning also eliminates many intense uses. Taking these benefits into account balances against other increases proposed by the request.

The request retains the single access point to Inlet Drive. Site design locates parking along the northern and western boundaries to direct site activity farther

[6] *See* Staff Report (pg. 1).

from nearby residences. Wet slips line the perimeter with the restaurant, member building, and boat store situated south and east along the waterway.

Zoning Review Criteria

Before recommending approval, the Hearing Examiner must find the request:

- Complies with the Lee Plan;
- Meets the LDC and other applicable County regulations or qualifies for deviations;
- Is compatible with existing and planned uses in the surrounding area;
- Provides sufficient access to support the proposed development intensity;
- Addresses impacts on transportation facilities by County regulations or conditions of approval;
- Will not adversely affect environmentally critical/sensitive areas or natural resources; and
- Will be served by urban services if located in a Future Urban area.[7]

When the requested zoning action is a planned development, the Hearing Examiner must also find:

- The proposed use/mix of uses is appropriate at the proposed location;
- Recommended conditions (1) provide sufficient safeguards to the public interest, and (2) reasonably relate to impacts on the public interest expected from the proposed development; and
- Requested deviations (1) enhance achievement of the objectives of the planned development, and (2) protect public health, safety, and welfare.[8]

Lee Plan

Planned developments must be consistent with the Lee Plan.[9]

Lee Plan Maps designate the property as Suburban and Public Facilities within the North Fort Myers Planning Community.[10]

[7] LDC §34-145(d)(4)a.1.
[8] LDC §34-145(d)(4)a.2.
[9] F.S. §163.3194(1)(a); LDC §§34-411(a), §34-491.
[10] Lee Plan Map 1-A, 1-B, & 2-A.

Suburban lands are typically residential on the fringe of more urban areas.[11] Industrial uses are prohibited.[12] The Public Facilities category is comprised of publicly owned lands.[13] The request continues a use operating on the site for over six decades and eliminates industrial uses. The requested marina remains consistent with the property's future land use designations.

The Lee Plan adopts Community Plans to address specific areas of the county. The vision for each community plan area is incorporated as a Goal within the Future Land Use Element.[14] The request is subject to the North Fort Myers Community Plan.[15] The Community Plan emphasizes livability, economic vitality, and revitalization.[16] The Plan encourages expanding opportunities for recreation, water access, and water recreation areas.[17] The proposed CPD achieves these goals by expanding water access and creating opportunities for public enjoyment of the Caloosahatchee River waterfront.

Public Access to Water

The Lee Plan directs the County increase the recreation potential of natural waterways.[18] The site is within the Water Dependent Overlay zone where water-dependent land uses are a priority.[19]

The Lee Plan emphasizes the importance of maintaining water-dependent uses.[20] Dry boat storage and marinas are integral to the Water Dependent Overlay. Development of wet slips, dry boat storage, and commercial land uses will enhance opportunities for public access to boating.[21]

Development in Coastal Areas

Land uses in coastal areas are subject to policies in the Lee Plan Conservation & Coastal Management Element.[22] The Element directs the County to protect human life and development from coastal flooding impacts.[23]

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[11] Lee Plan Policy 1.1.5.
[12] *Id.*
[13] Lee Plan Policy 1.1.8.
[14] Lee Plan Goals 17-34.
[15] The Board adopted the North Fort Myers Community Plan in 2009. Lee County Ordinance 09-11.
[16] Goal 30.
[17] Lee Plan Policy 30.5.3. *See also* Lee Plan Goal 79.
[18] Lee Plan Goals 8 & 128; Goal 8 directs the County to improve access to bodies of water.
[19] Lee Plan Map 1-H, Goal 8, Objective 8.1.
[20] Lee Plan Goals 8 & 128, Objectives 8.1, 128.1, 128.4, Policies 128.1.1, 128.1.2, 128.1.3, 128.4.2, 128.5.16 (encourages maximum dry storage). *See also* Goal 82, Policy 82.1.2.
[21] Lee Plan Policies 128.1.3, 128.4.2, 128.4.4, 128.4.8, & 161.1.3
[22] Lee Plan Objective 2.6. *See* Goals 59, 72, 101, Objective 101.3, and Policy 101.1.1.
[23] Lee Plan Goal 101.

The property lies within a Coastal High Hazard Area.[24] The Plan restricts development in Coastal High Hazard Areas to uplands.[25] Development will be subject to regulations designed to reduce vulnerability from natural disasters such as hurricanes and flooding.[26]

Economic Element

The Lee Plan Economic Element directs the County to strive for a diversified economy to ensure maximum employment opportunities.[27] Land development creates jobs, increases property values, generates tax revenue, and contributes to economic growth. The Lee Plan also encourages promotion of tourism.[28]

The proposed CPD consists of commercial and marina land uses that will contribute to a positive business climate and create additional employment opportunities.[29] The proposed COP will support leisure tourism, further strengthening the County's economy.[30]

Compatibility

The County evaluates compatibility during the zoning process.[31] 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.[32]

Compatibility exists when land uses exist in proximity without unduly negative impacts on one another.[33] Planned development zoning is useful when integrating new development with surrounding land uses.[34] The planned development zoning district allows flexibility in site design to address potential incompatibilities with neighboring development.[35]

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[24] Coastal High Hazard Areas are areas below the elevation of the category 1 storm surge line established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model and delineated by Lee Plan Map 5-A. Lee Plan Glossary. *See* §§163.3177(6)(a)10,c(VI), and 163.3178(2)(h), F.S.
[25] Lee Plan Policy 101.3.2. There is a limited exception for public facilities.
[26] Lee Plan Goals 59, 72, Objective 72.2; LDC §2-481 *et. seq.* Lee Plan Goal 101 describes Coastal Flooding as including high tide events, storm surge, and impacts of sea level rise.
[27] Lee Plan Goal 158. Objective 158.2.
[28] Lee Plan Goal 161, Objective 161.1, Policy 161.1.3.
[29] Lee Plan Goals 158 & 161.
[30] Lee Plan Goal 161, Objective 161.1, Policies 161.1.1, 161.1.3, & 161.1.5.
[31] LDC §34-145(d)(4).
[32] LDC §34-2.
[33] Florida Statutes §163.3164(9); Lee Plan Policy 135.9.6.
[34] LDC §34-612(2).
[35] *Id.*

Appropriate intensity is determined on a case-by-case basis in accordance with Lee Plan policies and nature of surrounding land uses.[36] The property is proximate to single family homes and conservation lands.

Creative site design separates impactful uses from neighboring residential development. Buffering and setbacks are employed to distance alcohol beverage service from residential uses. Proposed restrictions on hours of operation ensure activities present minimal disruption.[37]

The MCP employs creative site design to address potential incompatibilities with nearby land uses in the following ways:[38]

- Orientating boat storage building interior to the site.
- Limiting site activity by restricting access to members for most uses.[39]
- Improving Inlet Drive in a manner suitable to the community.
- Prohibiting live-aboards.
- Locating the fuel dock on the northeast corner, away from residents.[40]
- Imposing hours of operation for outdoor seating and amplified sound.
- Prohibiting live entertainment.[41]
- Landscaping Inlet Drive using the same planting material within a truncated area, resulting in increased opacity to shield site activity and limit headlight intrusion.[42]
- Instituting valet service during high-demand events to ensure parking remains on-site[43]
- Enhancing buffers to minimize off-site impacts to nearby residents.[44]
- Limiting height to remain compatible with the surrounding area.[45]

The proposal is consistent with the Lee Plan and compatible with surrounding development.[46] Given limited opportunities for public access to water, the County favors maintaining and increasing water dependent uses.[47] The CPD presents an opportunity to increase water access to the public by providing boat storage and

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[36] LDC §34-413.
[37] Conditions 4 and 7.
[38] Lee Plan Policies 5.1.5, 6.1.4; LDC §34-411(i).
[39] The marine store and restaurant will be open to the public. Other elements will be restricted to members.
[40] Speath Testimony (Transcript pg. 26).
[41] *Id.*
[42] DeFilippo Testimony (Transcript pg. 48-49). Enhanced buffers and conditions impose higher trees to provide more mature vegetation at time of planting.
[43] *See* Condition 7.
[44] Speath Testimony (Transcript pg. 16).
[45] Existing approvals permit a height of 55 feet; Applicant is seeking 57 feet and placed testimony on the record indicating the two-foot distinction is created by changed FEMA regulations for height measurement. Fowler Testimony (Transcript pg. 30).
[46] Lee Plan Goal 128, Policy 6.1.4.
[47] Lee Plan Goal 128, Objective 128.3.

waterfront dining in proximity to navigable water.[48] The Lee Plan encourages enhancement and protection of water dependent uses.[49]

The Lee Plan encourages compact and contiguous development patterns in areas with services and infrastructure to support development.[50] The proposed CPD revitalizes dormant marina/public facility property first developed over 60 years ago and served by a full complement of public services.[51]

LDC

Development must comply with the LDC or seek deviations. A "deviation" is a departure from a land development regulation.[52] Applicants seeking deviations from the LDC must demonstrate how each deviation enhances objectives of the planned development and protects public health, safety, and welfare.[53]

Applicant requests several deviations from the LDC.[54] The deviations seek relief from standards pertaining to landscaping, parking angles/spaces, buffers, building height, waterbody setbacks, and separation from dwelling units for service of alcoholic beverages.[55]

Applicant offered testimony and evidence in support of the requested deviations.[56] Staff recommended approval of all deviations, imposing conditions on some. [57]

The project must comply with the North Fort Myers Community Plan and corresponding LDC regulations.[58] Developers must comply with adopted community specific development criteria.[59] The proposed MCP and conditions of approval reflect intent to comply with development criteria set out in the North Fort Myers Community Plan.

The boat launch is for the exclusive use of members storing boats in the dry storage barn. The boat launch is not open to the public.[60] The restaurant and boat

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[48] Lee Plan Policy 128.1.3.
[49] Lee Plan Goal 128 and Objective 128.1, 128.3, Policy 128.1.3.
[50] Lee Plan Objectives 2.1, 2.2, Policy 2.2.1.
[51] Lee Plan Policy 6.1.7. The vacant property is ripe for development due to its location in a developed area with access to navigable water.
[52] LDC §34-2.
[53] LDC §§34-145(d)(4)a.2(c) & 34-373(a)(9).
[54] Applicant Ex. 2 (slides 13-16); Speath Testimony (Transcript pg. 27).
[55] *See* Staff Ex. 3 (slides 11-27).
[56] LDC §34-377(a)(4).
[57] 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).
[58] LDC §§33-1531 *et. seq.*
[59] LDC §33-1534.
[60] Speath & Fowler Testimony (Transcript pg. 20-21).

store will be open to the public, but boating operations will be restricted to members-only.[61]

Environmental/Natural Resources

Rezoning requests must not adversely affect environmentally critical/sensitive areas or natural resources.[62]

The site is previously disturbed, historically used for marina-related uses. Due to previous development, the Florida Land Use Cover and Classification System did not warrant a protected species study.[63] A conservation easement runs along the southern boundary across the canal.[64]

Prior to site development, Applicant must submit a Hazardous Materials Emergency Plan, Hurricane Preparedness Plan, and Marina Management Plan to demonstrate minimization of environmental impacts.[65]

The Master Concept Plan (MCP) denotes compliance with LDC open space requirements.[66]

Manatee Protection

The Lee Plan implements a broad-based approach to manatee protection through the Manatee Protection Plan (MPP).[67] Since its adoption in 2004, the construction of marine facilities must comply with the MPP.[68] Projects with an existing State permit are exempt from the MPP. Because the property is subject to a State permit issued prior to adoption of the MPP, the project complies with the MPP.[69] Conditions of approval address ongoing compliance with MPP should the number of permissible slips change.[70]

The Hearing Examiner finds the amended CPD will not harm environmentally critical/sensitive areas or natural resources.

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[61] Transcript pg. 21. Limited boat maintenance may also be open to the public. *See Id.* at 22-24.
[62] LDC §34-145(d)(4)a.1(f).
[63] *See* Staff Report (Attachment M).
[64] The MCP denotes the area as Tract D.
[65] Objective 128.5, Policies 128.5.1, 128.5.3, 128.5.6; Condition 5.
[66] The LDC imposes a 30% open space requirement for large developments. The MCP meets this standard at 2.1 acres. *See* LDC §10-1.
[67] The Board of County Commissioners approved the Manatee Protection Plan (MPP) by resolution on June 29, 2004. Lee Plan Objective 123.7, Policy 123.7.5; LDC §34-1863.
[68] Marina facilities are subject to six review criteria under the MPP. The review criteria determine the number of slips permissible on property (wet and dry) and method to acquire rights to construct slips. LDC §26-80(a). Lee Plan Objective 123.7, Policies 123.7.4, 123.7.5, 128.4.6; LDC §34-1863.
[69] DeFilippo Testimony (Transcript pg. 44-45); Lee Plan Policy 128.4.6.
[70] Condition 6.

Transportation

Zoning actions must demonstrate sufficient access to support development intensity. Expected impacts to the road network must be addressed by existing county regulations and conditions of approval.[71]

The property is located at the terminus of Inlet Drive. The surrounding road network connects Inlet Drive to Orange Grove Boulevard, which runs from SE 24th Avenue to Pondella Road. Hanock Bridge Parkway intersects Orange Grove Boulevard farther north of the site.

The MCP depicts a single access to Inlet Drive. Conditions of approval require Applicant to resurface and ensure a 20-foot wide travel width along the roadway.[72]

Applicant conducted a Parking Demand Study in support of a deviation to reduce required parking spaces.[73] The Study concluded the project generates a parking requirement of 208 spaces and provides 214 spaces.[74] In addition, conditions of approval impose a valet parking system during times of peak demand.[75] Wet slips provide opportunity for boaters to access the restaurant/store, reducing vehicular traffic to the site.[76]

Applicant's expert engineer prepared a Traffic Impact Statement (TIS) based on the highest trip generation rates associated with the proposed development.[77] The TIS projects Orange Grove Boulevard will operate at the same level of service (LOS) at buildout in 2027, with or without the proposed development. As such, traffic experts concluded the project will not have a detrimental impact on the surrounding roadway system.[78]

The TIS projects the intersection of Orange Grove Boulevard and Inlet Drive will operate below the adopted LOS with the highest trip generation rates proposed by the development. An intersection analysis will be re-evaluated during development order review when more specific parameters are certain.[79]

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[71] LDC §34-145(d)(4)a.1.
[72] Condition 10. Hearing testimony reflects residents did not want Applicant to fully implement commercial design standards for Inlet Drive in favor of preserving the character of the community. Speath Testimony (Transcript pg. 18-19).
[73] *See* Staff Report (Attachment K).
[74] *Id.* at 5.
[75] *See* condition to Deviation 7.
[76] Hearing testimony confirmed some slips will be reserved for transient use. Fowler Testimony (Transcript pg. 32).
[77] *See* Staff Report (Attachment J: Traffic Impact Statement prepared by Matthew S. Speath, P.E. issued 9/18/25, and Attachment L: LCDOT Staff Memo prepared by Brittany Banker, DOT Plan Reviewer, dated 12/4/25).
[78] *See Staff Report (Attachments J & L).*
[79] *See* Staff Report (Attachment L).

The TIS concludes the project will not negatively impact area roadways at buildout.[80] The County's transportation reviewer concurred with this assessment, subject to recommended conditions relating to valet parking and Inlet Drive improvements.[81]

Road impact fees will adequately address project impacts to the County network. Further analysis of transportation impacts, including site related turn lane improvements, will occur during development order permitting.

Public Services and Infrastructure

Availability of public services and infrastructure must be analyzed during rezoning.[82] Public services include facilities, capital improvements, and infrastructure necessary to support development.[83]

A range of infrastructure and services are available to the property, including potable water, sanitary sewer, law enforcement, fire, and emergency medical services.[84] The project will have access to the County road network via Inlet Drive to Orange Grove Boulevard. Applicant confirmed installation of sidewalks to provide pedestrian connectivity.[85]

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County resources.[86]

Conditions must be plausibly related to the project's anticipated impacts and be pertinent to mitigating impacts to the public.[87] The CPD is subject to conditions addressing impacts reasonably anticipated from development.[88] Notable conditions limit permitted uses, restrict outdoor entertainment, and impose hours of operation.

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[80] Staff Report Attachment J.
[81] Staff Report Attachment L.
[82] Lee Plan Policy 2.2.1.
[83] Public services and infrastructure available to serve the project will include public water and sewer, paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools. Lee Plan Objective 4.1, Standards 4.1.1, 4.1.2, & 4.1.4.
[84] *See* Staff Report (pg. 4). Lee County Utilities serves the site with infrastructure adjacent to the property with sufficient capacity. *See* Staff Report (Attachment Q). Lee Plan Objectives 2.1, 2.2, and 4.1. North Fort Myers Fire Control District Station #2 is within three miles of the property. Lee County Sheriff and EMS are within four miles. *See* Staff Report (pg. 4).
[85] Lee Plan Policies 39.1.3, 39.6.4, 43.1.1. Developer must construct a 6-foot sidewalk to connect to the existing sidewalk on Inlet Drive. *See* Staff Report (pg. 4).
[86] 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).
[87] LDC §34-932(b).
[88] LDC §§34-83(b)(4) a.3, 34-377(a)(2)c; Lee Plan Objective 77.3, Policies 5.1.5, 6.1.4.

The Hearing Examiner revised wording of conditions/deviations to improve clarity.[89]

Public

The LDC requires one community meeting for rezoning applications in the North Fort Myers Planning Community.[90] Applicant conducted three community meetings throughout the application process, resulting in project refinements.[91] Future development orders will also be subject to community review.[92]

Four members of the public spoke at hearing.[93] Speakers sought clarification on buffers, hours of operation, and pedestrian connectivity.[94]

Conclusion

The Hearing Examiner finds the CPD meets LDC criteria and, as conditioned, is compatible with surrounding development.

IV. Findings and Conclusions

Based on the testimony and evidence presented in the record, the Hearing Examiner finds the requested Port Phoenix Water Way Marina CPD:

A. Complies with the Lee Plan. Lee Plan Goals 2, 4, 5, 6, 8, 30, 77, 101, 128, 158, 161, Objectives 2.1, 2.2, 4.1, 5.1, 6.1, 101.1, 101.3, 126.2, 158.2, 160.1, 161.1, and Policies 1.15, 1.1.8, 2.1.1, 2.1.2, 2.1.3, 2.2.1, 2.2.2, 5.1.5, 6.1.1, 6.1.2, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 101.1.1, 101.2.2, 101.3.2, 128.4.3, 128.4.4, 128.4.5, 128.4.6, 128.4.7, 128.4.8, 128.4.10, 128.4.11, 128.5.1, 128.5.3, 128.5.4, 128.5.7, 128.5.8, 128.5.15, 135.9.6, Lee Plan Maps 1-A, 1-B, 2-A, 1-H.

B. Meets the LDC or qualifies for deviations. LDC Chapters 2, 10, 33, and 34.

C. Compatible with existing or planned uses in the surrounding area. Lee Plan Objectives 2.1, 2.2, and Policies 1.1.5, 1.1.8, 5.1.5, 6.1.4, 135.9.5, 135.9.6; LDC §§34-411, 34-413.

D. Provides sufficient road access to support proposed development intensity. Lee Plan Objective 39.2, Policies 6.1.5, 39.6.4, 43.1.1, 158.3.1.

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[89] LDC $34-145(d)(1)c. and LDC $34-377(a)(2)-(3).
[90] LDC §33-1532; *See also* Staff Report (Attachment R).
[91] Speath Testimony (Transcript pg. 25); Applicant Ex. 2 (slide 12).
[92] The LDC requires development order applications to comply with North Fort Myers Planning Community regulations. LDC §33-1532(a)(1).
[93] Public Testimony (Transcript pg. 56-62).
[94] No speakers offered objection to the request. *See Id.*

E. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 39.1, Policies 38.1.1, 43.1.1, 128.4.13, 128.4.15, 158.3.1; LDC §§2-261 *et seq.*, §34-411.

F. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 6, 8, 30, 60, 61, 77, 128, Objectives 8.1, 77.2, 77.3, 126.2, 128.1, Policies 6.1.1, 6.1.6, 60.4.1, 60.4.2, 128.1.1, 128.1.2, 128.4.3, 128.4.4, 128.4.5, 128.4.6, 128.4.7, 128.4.8, 128.4.10, 128.4.11, 128.5.8, Standard 4.1.4.

G. Will be served by public services. Goals 2, 4, 6, Objectives 2.1, 2.2, 4.1, Policies 2.2.1, 6.1.4, Standards 4.1.1, 4.1.2.

H. Proposed uses are appropriate at the location. Lee Plan Goals 2, 4, 5, 6; Objectives 2.1, 2.2, Policies 1.1.5, 1.1.8, 2.1.1, 2.1.2, 5.1.5, 6.1.7, 6.1.8, 135.9.5, 135.9.6, 158.2.1, 160.1.3.

I. Conditions provide sufficient safeguards to the public interest and reasonably relate to impacts on the public's interest expected from the proposed development. Lee Plan Objective 126.2, Policies 5.1.5, 6.1.4, 53.1.5, 56.1.4, 135.9.5, 135.9.6: LDC §§34-377(a)(3), 34-411 and 34-932(c).

J. Deviations enhance achievement of the CPD and protect public health, safety, and welfare.

Date of Recommendation: February 26, 2026.

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

ATTACHMENT B

Exhibit A

HARRIS-JORGENSEN, LLC.	DRAWN:	CHECK:	SCALE	PROJ. #
3048 DEL PRADO BLVD. S., SUITE 100	RBH	PMM	1"=120'	1687 INLET DR
CAPE CORAL, FLORIDA 33904	SKETCH DATE		FILE NO.	SHT.- 1
PHONE: (239) 257-2624	10/16/25		45-25-19	OF - 2
FAX: (239) 257-2921				

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921

SKETCH TO ACCOMPANY DESCRIPTION:

A PARCEL OF LAND LYING IN TRACT "A" & "B", & A PORTION OF TRACT "D", WATERWAY ESTATES OF FORT MYERS UNIT 2,

(PLAT BOOK 12, PAGES 53-67)
SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

& A PARCEL OF LAND LYING IN SECTION 16,

TOWNSHIP 44 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

SKETCH / DESCRIPTION NOTES:

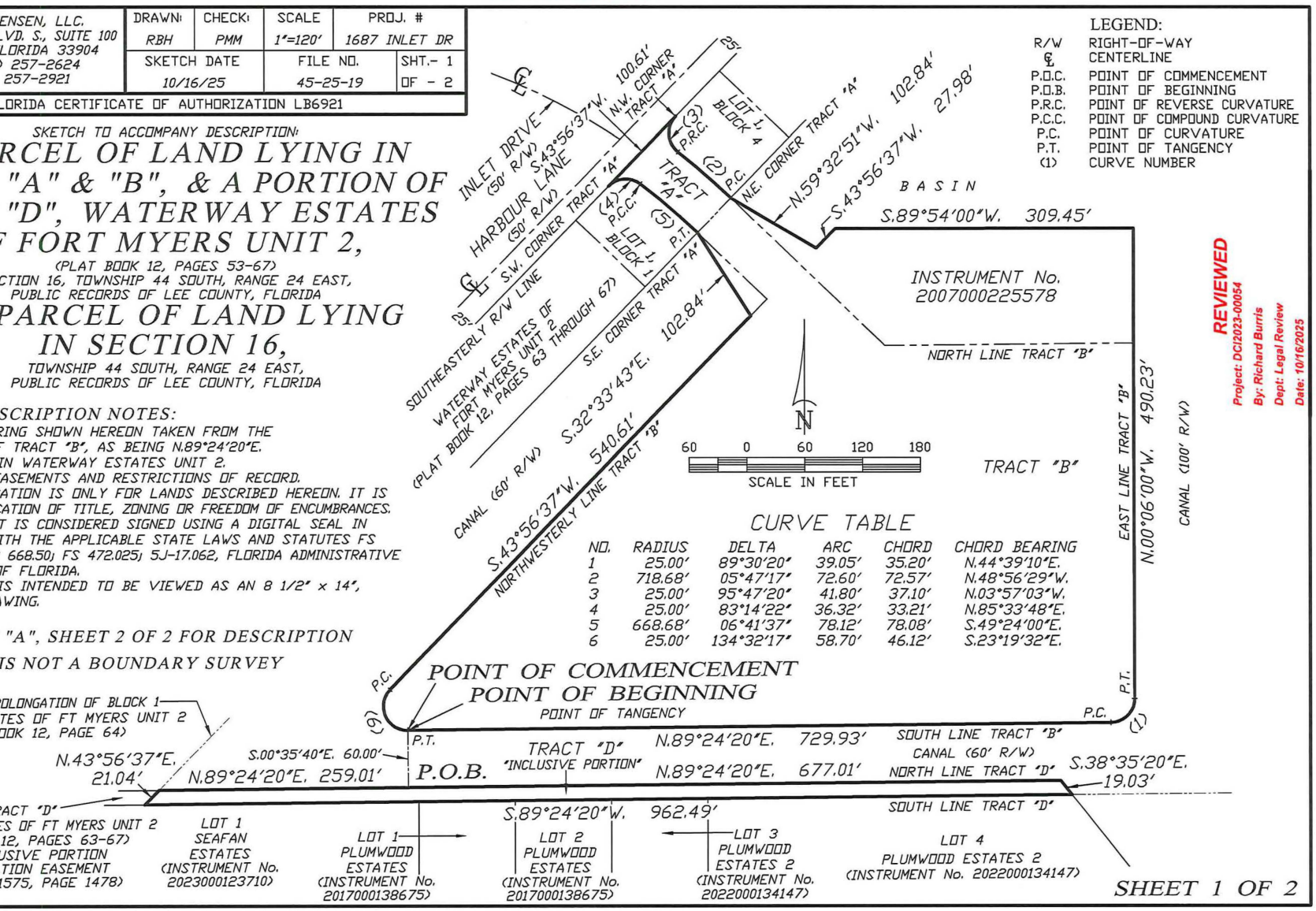
1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTH LINE OF TRACT "B", AS BEING N.89°24'20"E.
2. FIELD NOTES IN WATERWAY ESTATES UNIT 2.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS 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.
6. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 120 SCALE DRAWING.

SEE EXHIBIT "A", SHEET 2 OF 2 FOR DESCRIPTION

THIS IS NOT A BOUNDARY SURVEY

LEGEND:

R/W	RIGHT-OF-WAY
℄	CENTERLINE
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
P.R.C.	POINT OF REVERSE CURVATURE
P.C.C.	POINT OF COMPOUND CURVATURE
P.C.	POINT OF CURVATURE
P.T.	POINT OF TANGENCY
(1)	CURVE NUMBER



REVIEWED
Project: DCI2023-00054
By: Richard Burris
Dept: Legal Review
Date: 10/16/2025

CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	25.00'	89°30'20"	39.05'	35.20'	N.44°39'10"E.
2	718.68'	05°47'17"	72.60'	72.57'	N.48°56'29"W.
3	25.00'	95°47'20"	41.80'	37.10'	N.03°57'03"W.
4	25.00'	83°14'22"	36.32'	33.21'	N.85°33'48"E.
5	668.68'	06°41'37"	78.12'	78.08'	S.49°24'00"E.
6	25.00'	134°32'17"	58.70'	46.12'	S.23°19'32"E.

DESCRIPTION TO ACCOMPANY SKETCH

EXHIBIT "A"

A PARCEL OF LAND LYING IN TRACT "A" & "B", & A PORTION OF TRACT "D", WATERWAY ESTATES OF FORT MYERS UNIT 2,

(PLAT BOOK 12, PAGES 53-67)
SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

& A PARCEL OF LAND LYING IN SECTION 16,

TOWNSHIP 44 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN TRACT "A" AND "B", WATERWAY ESTATES OF FORT MYERS UNIT 2, AS RECORDED IN PLAT BOOK 12, PAGES 53 THROUGH 67, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND A PLOT OR PARCEL OF LAND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF TANGENCY ON THE SOUTH LINE OF THE AFORESAID TRACT "B", FOR THE POINT OF BEGINNING; THENCE RUN N.89°24'20"E. ALONG SAID SOUTH LINE TO A POINT OF CURVATURE FOR 729.93 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHWESTERLY FOR 39.05 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 89°30'20", A CHORD THAT BEARS N.44°39'10"E. AND A CHORD DISTANCE OF 35.20 FEET TO A POINT OF TANGENCY; THENCE RUN N.00°06'00"W. ALONG THE EAST LINE OF THE AFORESAID TRACT "B" FOR 490.23 FEET; THENCE RUN S.89°54'00"W. FOR 309.45 FEET; THENCE RUN S.43°56'37"W. FOR 27.98 FEET; THENCE RUN N.59°32'51"W. FOR 102.84 FEET TO THE NORTHEASTERLY CORNER OF THE AFORESAID TRACT "A", SAID POINT LYING ON A NON TANGENT CURVE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY FOR 72.60 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 718.68 FEET, A CENTRAL DELTA ANGLE OF 05°47'17", A CHORD THAT BEARS N.48°56'29"W. AND A CHORD DISTANCE OF 72.57 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY FOR 41.80 FEET TO A POINT OF CUSP, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 95°47'20", A CHORD THAT BEARS N.03°57'03"W. AND A CHORD DISTANCE OF 37.10 FEET TO THE NORTHWESTERLY CORNER OF THE AFORESAID TRACT "A" AND SAID POINT LYING ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF HARBOUR LANE (50 FEET WIDE); THENCE RUN S.43°56'37"W. ALONG SAID RIGHT OF WAY LINE TO THE SOUTHWESTERLY CORNER OF SAID TRACT "A" BEING A POINT OF CUSP AND POINT OF CURVATURE FOR 100.61 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY FOR 36.32 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 83°14'22", A CHORD THAT BEARS N.85°33'48"E. AND A CHORD DISTANCE OF 33.21 FEET TO A POINT OF COMPOUND CURVATURE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY FOR 78.12 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 668.68 FEET, A CENTRAL DELTA ANGLE OF 06°41'37", A CHORD THAT BEARS S.49°24'00"E. AND A CHORD DISTANCE OF 78.08 FEET TO THE SOUTHEASTERLY CORNER OF SAID TRACT "A" AND A POINT OF TANGENCY, NOT RADIAL TO THE PREVIOUSLY DESCRIBED LINE; THENCE RUN S.32°33'43"E. FOR 102.84 FEET TO A POINT ON THE NORTHWESTERLY LINE OF THE AFORESAID TRACT "B"; THENCE RUN S.43°56'37"W. ALONG SAID LINE TO A POINT OF CURVATURE FOR 540.61 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY FOR 58.70 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 134°32'17", A CHORD THAT BEARS S.23°19'32"E. AND A CHORD DISTANCE OF 46.12 FEET TO THE POINT OF BEGINNING.

CONTAINS 302,277 SQUARE FEET OR 6.94 ACRES MORE OR LESS.

AND A PORTION OF TRACT "D", OF THE AFORESAID WATERWAY ESTATES OF FORT MYERS UNIT 2, AS RECORDED IN PLAT BOOK 12, PAGES 53 THROUGH 67, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF TANGENCY ON THE SOUTH LINE OF THE AFORESAID TRACT "B", THENCE RUN S.00°35'40"E., TO A POINT ALONG THE NORTH LINE OF THE AFORESAID TRACT "D", FOR 60.00 FEET, TO THE POINT OF BEGINNING; THENCE RUN N.89°24'20"E. SAID NORTH LINE, FOR 677.01 FEET; THENCE RUN S.38°35'20"E., FOR 19.03; THENCE RUN S.89°24'20"W. ALONG THE SOUTH LINE OF THE AFORESAID TRACT "D" TO POINT ALONG THE SOUTHERLY PROLONGATION OF BLOCK 1, OF THE AFORE SAID WATERWAY WAY ESTATES UNIT 2, FOR 962.49 FEET; THENCE RUN N.43°56'37"E. ALONG SAID PROLONGATION OF BLOCK 1 TO THE AFORESAID NORTH LINE OF TRACT "D", FOR 21.04 FEET; THENCE RUN N.89°24'20"E. ALONG SAID NORTH LINE, FOR 259.01 FEET, TO THE POINT OF BEGINNING.

CONTAINS 14,239 SQUARE FEET OR 0.33 ACRES MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE AFORESAID TRACT "B", AS BEING N.89°24'20"E.

Phillip M Mould, LS6515, State of Florida

Digitally signed by Phillip M Mould, LS6515, State of Florida
Date: 2025.10.16 13:05:49 -04'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER, LS6515
OCTOBER 16, 2025

REVIEWED
Project: DCI2023-00054
By: Richard Burris
Dept: Legal Review
Date: 10/16/2025

1687 INLET DR



DCI2023-00054

Zoning

Subject Property

City Limits

N
W
E
S

0 500

Feet

Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

References to uses are as defined in the Lee County Land Development Code (LDC). This zoning resolution supersedes Resolution Z-06-065.

1. **Master Concept Plan (MCP) and Development Parameters**
   a. MCP. Development must be substantially consistent with the one-page MCP entitled "Port Phoenix Safe Harbor Marinas," last revised 12/18/2025 (Exhibit B1).
   b. Compliance with Lee Plan and LDC. Development must comply with the Lee Plan and LDC at the time of local development order approval, except as granted by deviation herein. Subsequent changes may require further zoning approval.
   c. Development Parameters. Development intensity is limited to a marina consisting of 44 wet slips and 239 dry slips and 30,610 square feet of subordinate commercial use floor area. The maximum building height is 57 feet.

2. **Schedule of Uses and Property Development Regulations**
   a. Schedule of Uses

Marina (see Condition 4)
ATM (Automatic Teller Machine)
EMS, fire, or sheriff's station
Essential Services
Essential Service Facilities, Group I
Excavation: Water retention
Parking Lot: Accessory and Temporary
Signs
Marina Accessory Uses*:
- Administrative Offices
- Bar or Cocktail Lounge
- Bait and Tackle Shop
- Boats:
  - Boat Parts Store
  - Boat Rental
  - Boat repair and service (see Condition 4)
  - Boat Storage, Dry Exceeding 18 feet Above Grade (see Condition 8)
- Clubs, private
- Consumption on Premises (see Condition 7 and Deviation 3)
- Gift and Souvenir Shop
- Marina Accessory Uses

Recreation facilities: Private – On site
Rental establishments, group I
Storage, Indoor
Storage, Open (see Condition 9)
Temporary Uses
Transportation services, Group I
Vehicle and Equipment Dealers, Group III

*Marina Accessory Uses may not commence prior to establishing the marina use.

b. Site Development Regulations

Minimum Lot Size:	20,000 square feet
Minimum Lot Width:	100 feet
Minimum Lot Depth:	100 feet

Minimum Setbacks, Maximum Building Height and Lot Coverage

Street:	25 feet
Side:	20 feet (See Deviation 9)
Waterbody:	25 feet (see Deviation 4)
Maximum building height:	
Dry boat storage building	57 feet (see Condition 8)
All other uses	45 feet
Lot coverage:	40 percent

3. Environmental Conditions

a. Direct canal discharge of bilge water from watercraft being lifted/stored in the dry storage building is prohibited. Prior to development order approval, a surface water collection system must be designed to capture bilge water for appropriate treatment prior to any release into the canal.

b. Required buffer trees must be no less than four (4) inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting. One-half (50 percent) of the required buffer trees along the northwest portion of the property must be Sabal Palms planted in clusters with staggered heights ranging from 12 feet in overall height to a maximum of 20 feet in overall height. Required landscape planting material must be of native species.

4. Marina Operation

a. Boat repair and service are limited to the hours of 8:00 am through 5:00 pm, Monday through Saturday.

b. No outdoor storage of boats or equipment is permitted. All boat service, repair, and maintenance must be done completely indoors. Boat service, repair and maintenance does not include boat preparation for storage or launch. Boat preparation may take place in the area south of the dry storage building.

c. The storage and removal of boats or equipment from the boat storage building must be accomplished using the door on the south side of the dry storage building. The existing lift well located on the western portion of the property is limited to use for emergency purposes.

5. Marina Management Plan

Prior to local development order approval, Developer must submit a Marina Management Plan. The Marina Management Plan must assure no degradation of water quality resulting from marina operations and address the following:

a. Spill and Contamination Contingency Plan: The Spill and Contamination Contingency Plan must address how runoff from fueling and maintenance activities will be collected and treated prior to discharge, describe measures to be employed to reduce contamination of water bodies from boat refueling and maintenance, and address emergency clean up procedures.

b. Emergency Preparedness Plan: The Emergency Preparedness Plan must be prepared in accordance with Administrative Code 7-7.

c. Educational Material and Signs: The developer must submit examples of educational materials and signs to be installed notifying residents/guests on manatee protection. The Developer must install educational signs prior to issuance of Certificate of Compliance on any part of the docking facility.

6. Boat Slips

This CPD approves a maximum of 44 wet and 239 dry slips. These numbers may be modified based on review and approval for compliance with the Lee County Manatee Protection Plan.

7. Consumption on Premises and Outdoor Entertainment:

a. Limits of COP. The sale/service of alcoholic beverages is restricted to the 17,150-square-foot red hatched COP areas depicted on the MCP and detailed on the "Consumption on Premise Exhibit" dated 6/10/2025 (Exhibit B2). Attempts to reduce the approved 82.5-foot separation requires a public hearing.

b. Time Limitation.
   i. Indoor seating – limited to 10:00 a.m. until 12:00 a.m. Daily.
   ii. Outdoor seating – limited to Sunday through Thursday, 10:00 a.m. until 9:00 p.m., and Friday and Saturday, 10:00 a.m. until 11:00 p.m.

c. Live Entertainment/Amplified Sound. Outdoor entertainment is limited as follows:
   i. Piped or recorded music (amplified/non-amplified) sound may not exceed a "conversational" level of volume in the outdoor seating area.
   ii. Live entertainment is prohibited.
   iii. Hours of operation for outdoor entertainment are limited to the hours identified in 7.b.ii above.
   iv. Speakers and sound amplification devices must be oriented towards the building to minimize music conveyed off-site.

8. **Building Height**
The maximum height for the dry storage building on the MCP is 57 feet above base flood elevation. Other buildings/structures may not exceed 45 feet above base flood elevation.

9. **Open Storage**
Open storage is only permitted when associated with boat triage during emergency declarations.

10. **Inlet Drive**
Developer must mill and resurface Inlet Drive from Orange Grove Blvd to the project entrance, providing a new surface and consistent 20-foot width along the entire Inlet Drive corridor.

11. **Development 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. Developer must obtain applicable state/federal permits prior to commencing development.

DEVIATIONS

1. **Internal Landscaping**. Deviation #1 seeks relief from LDC §10-416(c)(2), which requires internal landscaping and end landscape islands within parking lot areas, to allow for an unobstructed parking lot area in the property's southwest corner.

   HEX Recommendation: Approve

2. **Buffers.** Deviation #2 seeks relief from LDC §10-416(d)(6), which requires a 25-foot-wide buffer with an eight-foot wall setback 25 feet from the property line or a 30-foot-wide buffer with five trees and 18 shrubs per 100 linear feet when roads, drives, parking areas associated with nonresidential use are within 125 feet from an existing single-family residential subdivision or single-family residential lots.

Deviation 2a through 2f are requested to provide alternative buffers to demonstrate compatibility and screening to meet Lee Plan Policies 5.1.5, 6.1.1, and 6.1.6. The following provides the itemized buffers and related deviation requests:

a. Deviation 2a:
To allow no buffer along the first 100-foot length of the entrance drive to the property.

HEX Recommendation: Approve

b. Deviation 2b:
To allow the buffer along the southwest portion of the entrance drive to vary in width from 12 to 30 feet.

c. Deviation 2c.
To allow the buffer along the southeast portion of the entrance drive to vary in width from 4 to 33 feet.

d. Deviation 2d.
To allow the buffer along the west property line to vary in width from 9 to 15 feet.

e. Deviation 2e.
To allow an eight-foot-wide landscape buffer along the southwest property line.

f. Deviation 2f.
To allow a ten-foot-wide buffer along the north property line.

HEX Recommendation: Approve Deviations 2b. through 2f., subject to the following condition:

Development order plans must depict Type-F buffer plantings (ten trees per 100 linear feet and a double hedge row) with shrubs specified at 48 inches at installation and maintained at 60 inches. The width of each buffer must be consistent with deviations 2b. through 2f.

3. **Height**. Deviation #3 seeks relief from LDC §34-2175(b), which establishes a maximum building height of 45 feet above Base Flood Elevation within the Suburban Future Land Use category, to allow a maximum building height of 57 feet above Base Flood Elevation.

HEX Recommendation: Approve

4. **Waterbody Setbacks**. Deviation #4 seeks relief from LDC §34-2194(b), which requires buildings and structures to be setback a minimum of 25 foot from a canal,

bay, or other water body, to allow for reduced setbacks for the placement of three structures.

a. Deviation 4a.
To allow a 4-foot waterbody setback for the Restaurant Building.

b. Deviation 4b.
To allow a 15-foot waterbody setback for the Marina Building.

c. Deviation 4c.
To allow a 12-foot waterbody setback for the Maintenance and Member Building.

HEX Recommendation: Approve

5. **Landscaping**. Deviation #5 seeks relief from LDC §33-1543(a), which requires a 30-foot-wide buffer for high density or high intensity development abutting a subdivided lot in an existing large lot residential subdivision, to allow no buffer for the first 100 feet of drive into the property and to allow tapered buffers on both sides per Deviations 2a. and 2c.

HEX Recommendation: Approve

6. **Angled Parking.** Deviation #6 seeks relief from LDC §34-2016(4), which requires parking to be developed throughout the site utilizing the same degree of angle, to allow the use of varying angled parking.

HEX Recommendation: Approve

7. **Parking Spaces**. Deviation #7 seeks relief from LDC §34-2020(b), which requires a total of 287 parking spaces for the proposed development, to allow for a total of 214 parking spaces.

HEX Recommendation: Approve, subject to the following condition:

When parking demand exceeds the provided parking spaces, Developer/Operator must provide an onsite valet parking service allowing vehicles to be stacked. Parking must remain onsite. Parking outside the property is prohibited.

8. **Street Access**. Deviation #8 seeks relief from LDC §10-291(2), which requires Inlet Drive, a local suburban local street, to meet the minimum standards outlined in the subject section, to allow for a 20-foot-wide roadway with sidewalk on one side.

HEX Recommendation: Approve, subject to Condition 10.

9. **Restaurant Setback**. Deviation #9 seeks relief from LDC §34-935(b)(1)(b), which requires a minimum setback of 15 feet for structures/buildings from the development perimeter boundaries for CPD properties, to allow a 4-foot boundary setback for the proposed Restaurant Building.

   HEX Recommendation: Approve

10. **Suburban Street Design**. Deviation #10 seeks relief from LDC §10-296(e)(2)h.5, which requires Inlet Drive, a local suburban local street, to meet the minimum standards outlined in the subject section, to allow for a 20-foot-wide roadway with sidewalk on one side.

    HEX Recommendation: Approve, subject to Condition 10.

11. **Consumption on Premises**. Deviation #11 seeks relief from LDC §34-1264(b)(1)(a), which states establishments offering alcoholic beverages for consumption on the premises may not be located within 500 feet of a dwelling unit under separate ownership, to allow a minimum separation distance of 82.5 feet.

    HEX Recommendation: Approve, subject to Condition 7.

Exhibits to Conditions:
B1 Master Concept Plan dated 12/18/2025
B2 Consumption on Premise Exhibit dated 6/10/2025

EXHIBIT B-1

OPEN SPACE			
OS & LA	REQUIRED	PROVIDED	COMPLIANT
TOTAL LOT AREA	———	(6.93 AC)	———
TOTAL OPEN SPACE (TOS)	2.079 AC (30% MIN TLA)	2.1 AC (30.3%)	(COMPLIANT)
OPEN SPACE WATERBODY (OSW)	0.519 AC (25% MAX TOS)	0.525 AC (25%)	(COMPLIANT)
OPEN SPACE UPLAND (OSU)	(OSW+OSU) = 30% MIN TLA	(0.525+1.575) = 30% MIN TLA	(COMPLIANT)
OPEN SPACE IMPERVIOUS	0.4158 AC (20% MAX TOS)	0.4123 AC (19.83%)	(COMPLIANT)

NOTE: TRACT-D NOT INCLUDED IN OVERALL OPEN SPACE CALCULATIONS

REVISIONS	DATE	BY
0. INITIAL SUB	12/12/23	TG
2. CNTY CMNTS	08/14/24	TG
3. CNTY CMNTS	12/09/24	TG
4. CNTY CMNTS	06/10/25	TG
5. CNTY CMNTS	08/21/25	TG
6. CNTY CMNTS	12/18/25	TG

SPEATH ENGINEERING
SPEATH ENGINEERING FL, LLC - 111 BRICKELL AVE, 10TH FL.
MIAMI, FL 3313 - PHONE: 305-934-0213

MASTER CONCEPT PLAN FOR PORT PHOENIX SAFE HARBOR MARINAS

LEE COUNTY, FLORIDA

MATTHEW S. SPEATH LICENSE No. 67675 STATE OF FLORIDA PROFESSIONAL ENGINEER

12/18/2025

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY MATTHEW S. SPEATH, P.E. ON THE DATE ADJACENT TO THE SEAL. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES

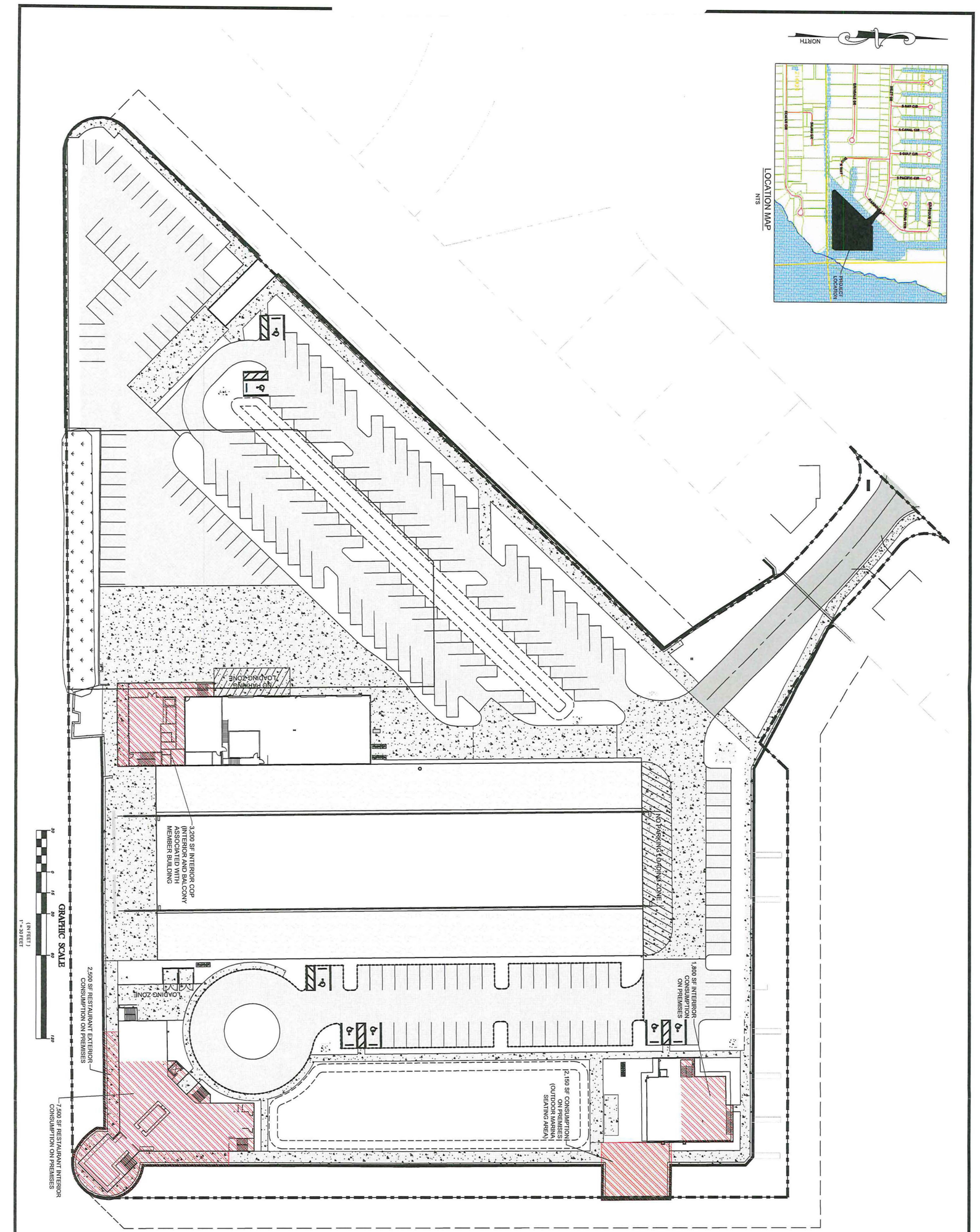
MATTHEW S. SPEATH P.E.
LIC. #67675
FBPE # 31292

DRAWN	TCC
CHECK	MSS
DATE	12/18/25
SCALE	1" =40'
PROJ. NO.	F22-56

SHEET: MCP 1 OF 1

GRAPHIC SCALE
40 0 80 40 80 160
(IN FEET)
1" = 40 FEET

EXHIBIT B2



CONSUMPTION ON PREMISE EXHIBIT
FOR
WATERWAY MARINA
SAFE HARBOR MARINAS
LEE COUNTY, FLORIDA

SPEATH ENGINEERING
SPEATH ENGINEERING FL, LLC - 111 BRICKELL AVE, 10TH FL
MIAMI, FL 3313 - PHONE: 305-434-4213

REVISIONS	DATE	BY
0. INITIAL SUB	12/12/25	TCC
1. CITY CMNTS	01/19/26	TCC
2. CITY CMNTS	02/14/26	TCC
3. CITY CMNTS	02/09/26	TCC
4. CITY CMNTS	06/10/26	TCC

DRAWN	TCC
CHECK	MGS
DATE	06/10/25
SCALE	1" = 30'
PROJ. NO.	F22-56

SHEET: CC 1 OF 1

MATTHEW S. SPEATH P.E.
LIC. #67675
FBPE # 31232

06/10/2026

STATE OF FLORIDA
MATTHEW S. SPEATH
No. 67675
PROFESSIONAL ENGINEER

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY MATTHEW S. SPEATH ON THE DATE ADJACENT TO THE SEAL. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES

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Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. DCD Staff Report with attachments for DCI: Prepared by Nicholas DeFilippo, Planner, date received December 22, 2025 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. Affidavit of Publication: For DCI2023-00054, Port Phoenix Waterway Marina CPD, dated January 8, 2026 (1 page – 8.5"x11")

3. PowerPoint Presentation: Prepared by Lee County Staff for DCI2023-00054, Port Phoenix Waterway Marina CPD, dated January 8, 2026 (multiple pages – 8.5"x11")[color]

APPLICANT EXHIBITS

1. 48-Hour Notice: Email from Matthew S. Speath with Speath Engineering to Maria Perez, P. Clark, David Harner, and Nicholas DeFlippo, dated Tuesday, January 6, 2026, 8:14 AM (3 pages – 8.5"x11")

2. PowerPoint Presentation: Prepared by Matthew S. Speath for DCI2023-00054, Port Phoenix Waterway Marina CPD, dated January 8, 2026 (multiple pages – 8.5"x11")[color]

3. Consumption on Premises Exhibit: Prepared by Speath Engineering, dated 06/10/25 (2 pages – 11"x17")[color]

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Nicholas DeFilippo

Applicant Representatives:

1. Robert Fowler
2. Jaret Rogers
3. Matthew Speath

Public Participants:

1. Constance Adamski
2. Guy Adamski
3. Joanne McCormick
4. Robert L McCormick

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. Presentations 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.