



LEE COUNTY BOARD OF COUNTY COMMISSIONERS

ZONING and COMPREHENSIVE PLAN AMENDMENT HEARING AGENDA

Wednesday, June 17, 2026

9:30AM

DCI2025-00013
Z-26-010

D. Sam Plaza CPD Amendment (aka Shoppes of Lehigh)

CPA2025-00012

Amenity Improvement Amendment

CPA2024-00016

Caloosa 80 CPA

NOTICE OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold a public hearing at 9:30 am on Wednesday, June 17, 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 below.

DCI2025-00013 / D. Sam Plaza CPD Amendment (aka Shoppes of Lehigh)

Request to rezone 3.9+/- acres from Commercial Planned Development (CPD) and Residential Single-Family (RS-1) to Commercial Planned Development (CPD).

Located at 4316 Lee Boulevard; Lehigh Acres Planning District; Lee County, FL. Property Owner: D Sam Enterprises, LLC. Property Owner's Representative: Jennifer Sheppard, (239) 939-5490.

Copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Section, 1500 Monroe St., Ft. Myers, FL. Call Elizabeth Workman at (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 the ADA Coordinator, 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 the adoption of proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, June 17, 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:

CPA2024-00016 – Caloosa 80 – Map Amendment - Amend Map 1-A, Future Land Use Map, to redesignate 92.71 acres of the subject property from Rural to Sub-Outlying Suburban, add the full 192.3-acre site into Maps 4-A and 4-B, Lee County Utilities Future Water and Sewer Service Areas, and update Table 1(b). The property in general located to the east of Bateman Rd and to the south of Palm Beach Blvd (SR 80).

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:

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.

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

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

Lee County will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income or family status. To request language interpretation, document translation or an ADA-qualified reasonable modification at no charge to the requestor, contact 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, June 17, 2026

List of Hearing Attendees by Case

Case Number	Name	Party
DCI2025-00013 D. Sam Plaza CPD Amendment (aka Shoppes of Lehigh)	Brett Addison Atwell Engineering	Applicant
	Stacy Ellis Hewitt RVI Planning + Landscape Architecture	Applicant
	Neale Montgomery Pavese Law	Applicant
	David Samadnejad	Applicant
	Rachel Tracey Atwell Engineering	Applicant
	Ted Treesh TR Transportation	Applicant
	Sherry Dula	Public Participant
	Allan Spratt	Public Participant
	Stephen Teague	Public Participant
CPA2025-00012 Amenity Improvement Amendment	David Brown RESPEC	Applicant
	Brandon Frey J.R. Evans Engineering, P.A.	Applicant
	Stacey Hewitt RVI Planning & Landscape Architecture	Applicant
	Shane Johnson Passarella & Associates, Inc.	Applicant
	Neale Montgomery, Esq. Pavese Law Firm	Applicant
CPA2024-00016 Caloosa 80 CPA	David Brown, P.G. RESPEC	Applicant
	Alexis Crespo RVI Planning & Landscape Architecture	Applicant
	Chris Kennedy Kimley-Horn	Applicant
	Jackie Larocque, P.E. ATWELL	Applicant
	Neale Montgomery, Esq. Pavese Law Firm	Applicant
	Ted Treesh TR Transportation	Applicant
	Denise Eberle	Public Participant
	Debbie McEwen	Public Participant

Comprehensive Plan Amendment
and
Zoning Hearing Agenda
Wednesday, June 17, 2026

List of Hearing Attendees by Case

Case Number	Name	Party
	Ashley Randolph	Public Participant
	Holly Schwartz	Public Participant

DCI2025-00013

D. Sam Plaza

CPD

Amendment

(aka Shoppes of
Lehigh)



CASE NUMBER & NAME: DCI2025-00013 / D. Sam Plaza CPD Amendment (aka Shoppes of Lehigh)

REQUEST: Request to rezone 3.9 +/- acres from Commercial Planned Development (CPD) and Residential Single-Family (RS-1) to Commercial Planned Development (CPD).

RESOLUTION NUMBER: Z-26-010

LOCATION: 4316 Lee Boulevard; Lehigh Acres Planning District; Lee County, FL.

OWNER: D Sam Enterprises, LLC.

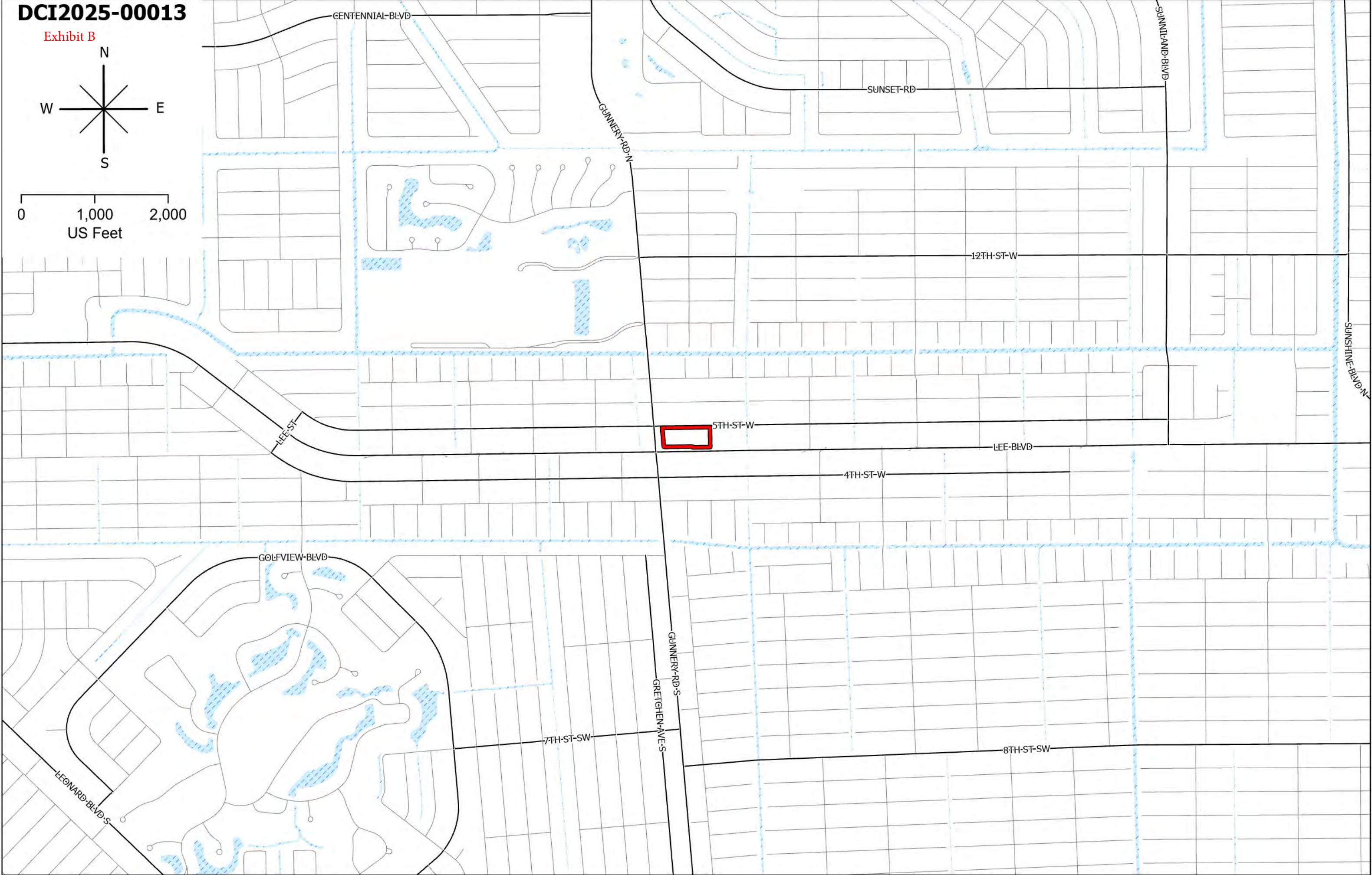
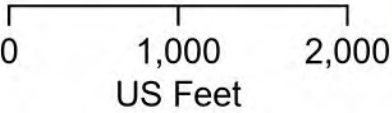
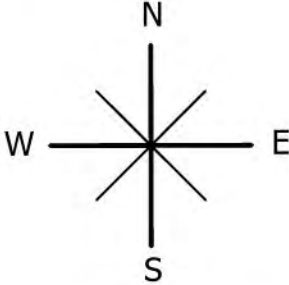
APPLICANT: D Sam Enterprises, LLC.

AGENT: Stacy Ellis Hewitt, AICP – Director of Planning
RVI Planning + Landscape Architecture
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966

HEARING EXAMINER RECOMMENDATION: Approval, subject to conditions and deviations.

PARTICIPANTS:

1. Sherry Dula
2. Allam Spratt
3. Stephen Teague



Summary of Hearing Examiner Recommendation

D. SAM PLAZA CPD AMENDMENT (aka SHOPPES OF LEHIGH)

Applicant seeks to expand an existing commercial plaza at the intersection of two arterial roads in Lehigh Acres. The proposal improves traffic circulation by adding an access point to 5th Street West and enhancing existing access to Lee Boulevard.

The requested expansion is suitable at this location in furtherance of Lee Plan directives for Central Urban properties in the Lehigh Acres Mixed Use Overlay.

The Hearing Examiner agrees with staff's recommendation of approval, as conditioned.

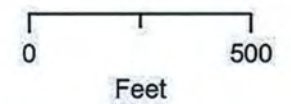
Detailed recommendation follows

DCI2025-00013

Future Land Use



-  Subject Property
-  Central Urban
-  Urban Community
-  Public Facilities



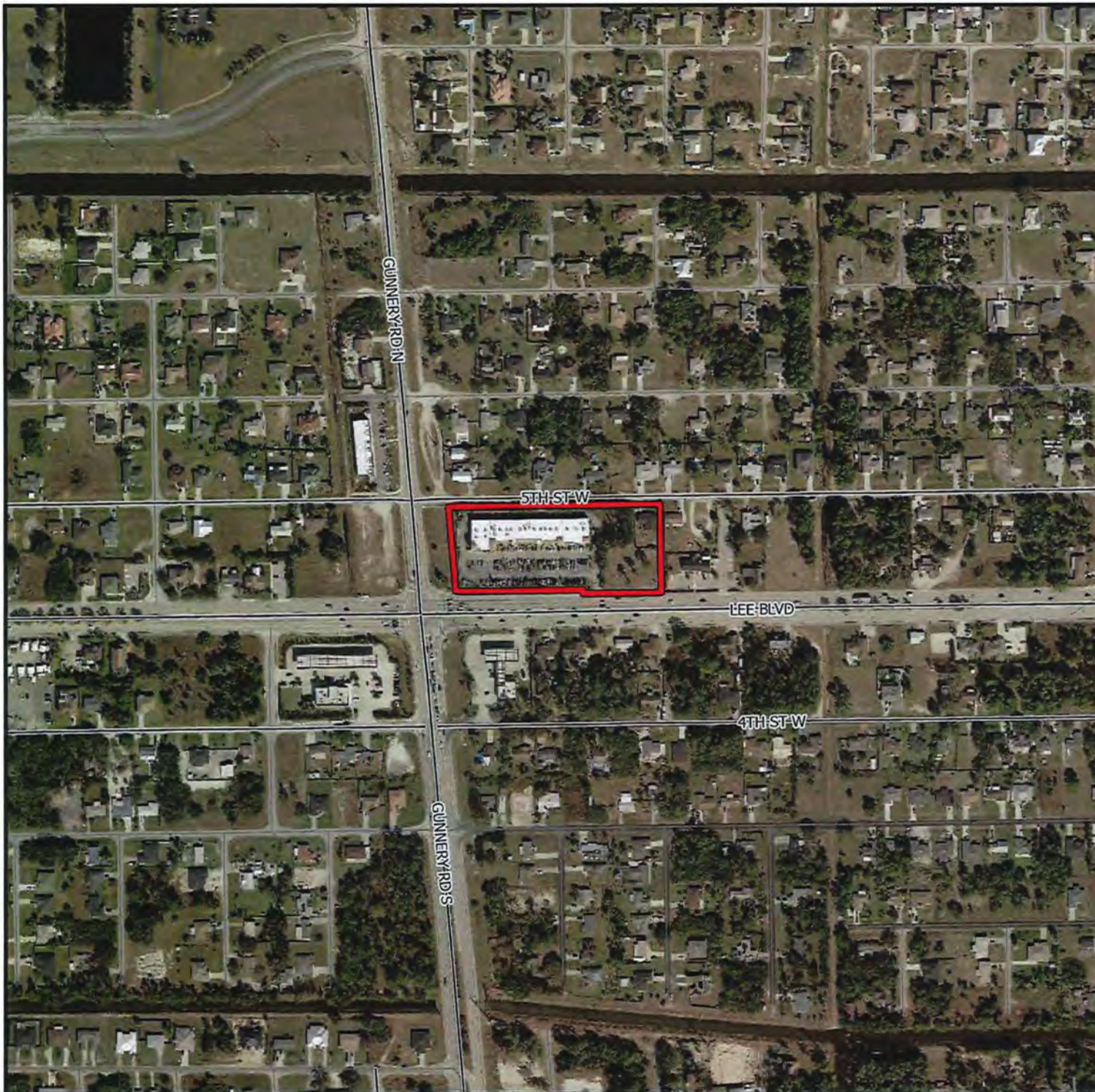
DCI2025-00013

Aerial

 Subject Property



0 500
Feet





DCI2025-00013

Mixed Use Overlay

 Subject Property

 Mixed Use Overlay



0 500
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2025-00013

Regarding: **D. SAM PLAZA CPD AMENDMENT (aka SHOPPES OF LEHIGH)**

Location: 4316 Lee Boulevard
Lehigh Acres Planning Community
(District 5)

Hearing Date: **April 29, 2026**

I. Request

Rezone 3.9± acres from Commercial Planned Development (CPD) and Residential Single Family (RS-1) to CPD, to add 0.75 acres to the existing D. Sam Plaza CPD (Resolution Z-05-008) and increase total non-residential floor area to 40,000 square feet. Maximum building height remains at 35 feet.

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

II. Hearing Examiner Recommendation

Approval, subject to the conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the planned development zoning district.¹ In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to amend an existing CPD.

In preparing a recommendation to the Board, the Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), Land Development Code (LDC), and other County regulations to the facts presented.² The Hearing Examiner may take judicial notice of previous Board decisions in the context of reviewing zoning requests and preparing recommendations to the Board. The Hearing Examiner's recommendation must be based on competent substantial evidence.³

¹ LDC §34-145(d)(4)a.

² LDC §34-145(d)(3).

³ Lee Co. Admin. Code 2-6, §3.3(A)(2). See also LDC §34-83(a)(4)a.1(a).

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

Zoning History/Synopsis of Request

A portion of the property was first rezoned from RS-1 to CPD in 1995 to permit consumer-oriented commercial facilities.⁴

In 2005, the Board expanded the CPD to 3.15± acres to allow 25,127 square feet of commercial uses.⁵ Development of the D. Sam Plaza CPD/Shoppes at Lehigh Plaza followed.⁶

The request adds 0.75± acres to the CPD, resulting in a total of 40,000 square feet of commercial uses on 3.9± acres.⁷

Site design relocates stormwater detention areas to facilitate building expansion and integrate parking consistent with existing development. The request adds a second access point onto 5th Street West and improves an existing access to Lee Boulevard.⁸ Permitted height remains at 35 feet.

Staff recommended approval, finding the proposed CPD amendment satisfied LDC review criteria.

Zoning Review Criteria

Before recommending approval for rezoning to the Board, the Hearing Examiner must find the request:

- A. Complies with the Lee Plan;
- B. Meets the LDC and other applicable County regulations or qualifies for deviations;
- C. Is compatible with existing and planned uses in the surrounding area;
- D. Provides access sufficient to support the proposed development intensity;
- E. Addresses expected impacts on transportation facilities through existing County regulations or conditions of approval;

⁴ See Staff Report (Attachment E: Z-95-039). Permitted uses aligned with the CN-2 zoning district, with limited exceptions. *See Id.* See also LDC §34-841(e) & §34-844; Applicant Ex. 2 (slide 10).

⁵ Zoning Resolution Z-05-008; See Staff Report (pg. 2, Attachment D & F).

⁶ See Staff Report (pg. 2, *referencing* DOS2005-00067).

⁷ Requested acreage is comprised of three RS-1 zoned parcels abutting to the east.

⁸ The MCP reflects three access points – two on 5th Street West and one on Lee Boulevard.

- F. Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- G. Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.⁹

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

- H. The proposed use or mix of uses is appropriate at the proposed location;
- I. The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impact on the public's interest expected from the proposed development; and
- J. Each requested deviation (1) enhances the achievement of the objectives of the planned development, and (2) protects the public health, safety, and welfare.¹⁰

Character of the Area

The property occupies the northeast quadrant of the Lee Boulevard/Gunnery Road intersection. Both roads are County-maintained arterials.¹¹ A third County-maintained road, 5th Street West, borders the northern boundary.¹²

The property sits along a heavily developed corridor within Lehigh Acres' Mixed-Use Overlay.¹³ Southern quadrants of the intersection host RaceTrac and 7-Eleven convenience stores with fuel pumps. Vacant land in the northwest quadrant is approved for commercial development.¹⁴ Residential uses lie north of 5th Street. An array of residential and commercial uses dominate the surrounding area.

⁹ LDC §34-145(d)(4)a.1.

¹⁰ LDC §34-145(d)(4)a.2.

¹¹ See Lee Co. Admin. Code 11-1; See *also* Staff Report (pg. 2).

¹² 5th Street West is classified as a collector road. See *Id.*

¹³ Lee Plan Objective 25.6, Map 2-B.

¹⁴ See Staff Report (Attachment D).



Lee Plan

Planned developments must be consistent with the Lee Plan.¹⁵ Rezoning requests must be compatible with existing/planned uses in the surrounding area.¹⁶ Planned developments must be located to minimize negative effects of proposed uses on neighboring properties.¹⁷

The property is located within the Central Urban future land use category in the Lehigh Acres Planning Community.¹⁸ Lee Plan Maps further designate the site within Lehigh's Mixed Use Activity Center and the Mixed Use Overlay (MUO).¹⁹

Central Urban areas are identified as the county's "urban core," characterized by heavily settled areas with a broad range of public services.²⁰ Residential, commercial, public/quasi-public, and light industrial uses predominate this category.²¹

The Lehigh Acres Community Plan emphasizes redevelopment and vibrant commercial/employment centers.²² The Lee Plan encourages development in Lehigh to be directed to areas reasonably expected to receive public services.²³

¹⁵ LDC §34-411(a).

¹⁶ LDC §34-145(d)(4)(a).

¹⁷ LDC §34-411(c) and (i).

¹⁸ Lee Plan Maps 1-A, 1-B, 2-A, Lee Plan Policy 25.

¹⁹ Lee Plan Map 1-C & 2-B; Lee Plan Objective 25.5. The Lehigh Acres Community Plan and MUO were not adopted when the site initially underwent rezoning.

²⁰ Lee Plan Policy 1.1.3.

²¹ See *Id.*

²² Lee Plan Goal 25.

²³ Lee Plan Policy 25.9.2.

The request achieves Lee Plan objectives set forth by the property's future land use and planning community designations. Expanding an existing shopping plaza along an established corridor infills development, offering commercial and employment opportunities within a heavily urbanized area.²⁴ The site receives a full array of public services along two arterial roads.

The Economic Element directs the county to strive for a diversified economy to ensure maximum employment opportunities.²⁵ The request permits commercial square footage for a myriad of business services.²⁶ Proposed uses will serve and support area residents and the greater Lehigh community.

The request is also consistent with MUO directives.²⁷ The Lee Plan preferences development within the MUO that connects to adjacent uses.²⁸ The proposal provides vehicular and pedestrian connectivity with adjoining lands.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 planned development zoning 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.³³

Surrounding properties are zoned for residential and commercial use.³⁴ Development patterns in the area feature platted single-family lots with commercially zoned property along Gunnery Road and Lee Boulevard.

Proposed development parameters align with existing development. Site design expands an operating commercial plaza and maintains enhanced buffering near residential uses. Original zoning approval required an enhanced buffer with eight-foot wall along northern and eastern property lines pursuant to regulations in effect at that time.³⁵ Subsequent amendments to the Lee Plan and LDC removed the wall requirement.³⁶ The request retains the wall along 5th Street but does not

²⁴ Lee Plan Goal 2, Objectives 2.1, 2.2, Policies 2.1.1, 2.1.2, 2.2.1, & 6.1.7.

²⁵ Lee Plan Goal 158, Objective 158.2, Policy 158.2.1.

²⁶ Lee Plan Objective 25.6, Map 2-B.

²⁷ See Staff Report (pg. 4, Attachment B); Lee Plan Map 1-C, Objective 11.2.

²⁸ Lee Plan Policy 11.2.2.

²⁹ Lee Plan Goal 11, Objectives 2.1 and 2.2, Policy 2.2.1, 6.1.7.

³⁰ LDC §34-145(d)(4).

³¹ Florida Statutes §163.3164(9) (2025); Lee Plan Policy 135.9.6, LDC §34-411(i).

³² *Id.*

³³ LDC §34-612(2).

³⁴ Surrounding properties are zoned RS-1 and CPD. The project constitutes infill development consistent with development patterns in the area. Lee Plan Objective 2.1, Policy 2.2.1, 5.1.5, 6.1.1, 6.1.4, and 6.1.7.

³⁵ See Z-05-008, Condition 11.

³⁶ Lee Plan Goals 11 & 25, LDC §§33-1400 *et. seq.*

extend it along the new property frontage.³⁷ Record evidence demonstrates experts found the request compatible without extending the wall.³⁸ Conditions of approval impose enhanced landscape plantings to buffer nearby residents and prevent headlight intrusion.

Site design addresses potential incompatibilities with surrounding land uses.³⁹ Proposed height remains the same as permitted by the RS-1 district.⁴⁰ Notably, Applicant adopted Development Regulations more stringent than the MUO allows.⁴¹

Development within the Lehigh Acres Planning Community must abide by supplementary LDC regulations. This planning community imposes specialized landscape standards, buffers, lighting, architectural style, and signs.⁴² These requirements contribute to site compatibility with surrounding development patterns.

The Board found the project consistent with the Lee Plan and compatible with surrounding uses when the site was first rezoned.⁴³ The requested changes do not alter these findings.⁴⁴

LDC

Development must comply with the LDC or request deviations.⁴⁵ A “deviation” is a departure from a land development regulation.⁴⁶ The CPD has two approved deviations by virtue of prior zoning action.⁴⁷

The request carries forward one approved deviation and withdraws the other.⁴⁸ Four new deviations address road design standards.⁴⁹ Staff supports the requested deviations.

The Hearing Examiner’s standard of review for deviations requires a finding that the deviation:

³⁷ Eastern portions of the wall must be removed to achieve the proposed development program. Conditions of approval provide for the northern wall to remain but will not be extended.

³⁸ See Staff Report; Applicant Ex. 2; Hewitt and Workman Testimony.

³⁹ Lee Plan Policies 5.1.5, 6.1.4, LDC §34-411(i). Hewitt and Workman Testimony.

⁴⁰ Condition 2 imposes a 35-foot height requirement, although Central Urban properties in the MUO could be up to 135 feet.

⁴¹ See Condition 2.

⁴² LDC §33-1400 *et. seq.* (specifically, §33-1405 (landscape/buffers), §33-1413 (decorative light poles), §33-1415/1416 (architecture), and §33-1420 (signs and lighting)).

⁴³ See Z-05-008; Staff Report (pg. 2); Lee Plan Policy 1.1.3.

⁴⁴ See Staff Report (pg. 2-11, Attachment D).

⁴⁵ LDC §34-411(b).

⁴⁶ LDC §34-2.

⁴⁷ See Staff Report (pg. 4, Attachment F).

⁴⁸ Deviation 1 is no longer necessary under current LDC requirements. See Staff Report (pg. 4).

⁴⁹ Deviations 3-6 seek relief from LDC §§10-291(2), 10-296(e)(1)i, & 10-288/AC 11-4.

- Enhances the achievement of the objectives of the planned development; and
- Protects public health, safety, and welfare.⁵⁰

Requested deviations acknowledge existing site conditions.⁵¹ Applying LDC standards of review to testimony and evidence in the record, the Hearing Examiner finds the requested deviations meet approval criteria.

Development in the Lehigh Acres Planning District is subject to the Lehigh Acres Community Plan.⁵² Community specific LDC regulations require zoning applications to conduct a community meeting and satisfy supplemental design standards.⁵³ Future development orders will also be subject to community review.⁵⁴

Environmental/Natural Resources

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

The site has been developed for over two decades and is devoid of environmentally sensitive areas.⁵⁵ The Master Concept Plan complies with open space and buffer requirements.⁵⁶ Applicant must demonstrate the stormwater management system complies with State and Local surface water quantity and quality standards during permitting review.⁵⁷

The Hearing Examiner finds the requested CPD will not harm environmentally critical/sensitive areas or natural resources.⁵⁸

⁵⁰ LDC §34-145(d)(4)a.2(c).

⁵¹ See Staff Report.

⁵² Lee Plan Goal 25 and supplemental development regulations in LDC §§33-1400 *et seq.* Future development permits, including development orders, must comply with community standards.

⁵³ LDC §§33-1401 *et seq.*

⁵⁴ The LDC requires development order and building permit applications to comply with the Lehigh Acres Planning Community regulations. LDC §§33-1400(c) and 33-1401(a).

⁵⁵ See Staff Report (Attachment R-S); Hewitt Testimony (Transcript pg. 31).

⁵⁶ The site is subject to MUO development regulations for open space and buffers. Conditions 2, 5, and 6 address open space and buffering.

⁵⁷ Applicant's expert civil engineer is Rachel Tracey, P.E. Transcript pg. 25-27. Ms. Tracey indicated the project will undergo review by the South Florida Water Management District, Lee County, and the Lehigh Acres Municipal Services Improvement District. *Id.*

⁵⁸ Lee Plan Goal 61, 63, Policy 6.1.1, 6.1.6, 60.4.1, Standard 4.1.4.

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.⁵⁹

The property abuts Lee Boulevard to the south, Gunnery Road to the west, and 5th Street West to the north.⁶⁰ The project currently offers one access to Lee Boulevard and another to 5th Street West. The proposed MCP retains existing access and adds another entry/exit on 5th Street West.⁶¹ Conditions of approval require a right-in/right-out access on Lee Boulevard and impose signage requirements to restrict truck traffic from accessing the site from 5th Street.⁶²

The proposed expansion of an existing commercial center furthers MUO policies to encourage internal trip capture and reduce travel distances.⁶³ Applicant must provide interconnection to the property abutting the east.⁶⁴

The Traffic Impact Statement (TIS) evaluated traffic generation assuming project build-out by 2028.⁶⁵ Staff agreed with the TIS analyses concluding the project will not negatively impact area roadways.⁶⁶

There is sufficient access to support the proposed development.⁶⁷ Proposed changes will not have a detrimental impact on the surrounding roadway system.⁶⁸ Site specific transportation improvements will be addressed at the time of development order review.

⁵⁹ LDC §34-145(d)(4)a.1; Lee Plan Objective 25.8, Policies 6.1.1, and 6.1.5.

⁶⁰ Lee Boulevard and Gunnery Road are County maintained arterial roadways; 5th Street West is a County maintained collector road. Lee County Administrative Code AC 11-1. There is an intervening LCEC easement between the site and Gunnery Road.

⁶¹ LDC §34-411(d). The Lee Plan directs traffic on 5th Street West to relieve congestion on Lee Boulevard. Policy 25.8.1.

⁶² Conditions 9 and 10.

⁶³ Lee Plan Goal 11, Policy 11.2.1.

⁶⁴ Condition 8.

⁶⁵ See Staff Report (Attachment T: Traffic Impact Statement prepared by TR Transportation Consultants, Inc.) and (Attachment U: LCDOT Staff Memo prepared by John Podczerwinsky, AICP CTP, Principal Planner, revised April 24, 2026 by Staff Ex. 4). The TIS evaluated impacts produced by 40,000 square feet of Retail Shopping Center use. Applicant's traffic expert is Ted Treesh. Transcript pg. 27-30.

⁶⁶ See Staff Report (Attachments T-U); Staff Ex. 4.

⁶⁷ LDC §34-145(d)(4)a.1(d); See Staff Report (pg. 8-10).

⁶⁸ See Staff Report (pg. 8-10); Staff Ex. 4 (Updated Transportation Memo dated April 24, 2026).

Public Services and Infrastructure

Public services are the facilities, capital improvements, and infrastructure necessary to support development.⁶⁹ The Lee Plan requires an evaluation of public services during the zoning process.⁷⁰

The site has access to a full complement of urban services and infrastructure.⁷¹ The property is surrounded by paved roads on three sides. Florida Governmental Utility Authority (FGUA) has potable water and sanitary sewer infrastructure in place to serve the site.⁷² The Lehigh Acres Fire District is available to provide fire protection and emergency medical services.⁷³ Lee County Sheriff provides law enforcement services from a station located on Homestead Road.⁷⁴

Lee Plan Maps designate a sidewalk/shared use pathway on Lee Boulevard and 5th Street West.⁷⁵ Applicant will extend the sidewalk along the property and must comply with bicycle/pedestrian facilities at the time of local development order review.⁷⁶

Development will be subject to impact fees.⁷⁷

Conditions

The county must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County resources.⁷⁸ Conditions must plausibly relate to anticipated impacts and be pertinent to mitigating impacts to the public.⁷⁹

⁶⁹ Public services and infrastructure available to serve the project will include public water and sewer, paved streets, libraries, police, fire and emergency services, and urban surface water management. Lee Plan Goal 25, Objective 4.1, Standards 4.1.1, and 4.1.2.

⁷⁰ Lee Plan Policy 2.2.1.

⁷¹ Lee Plan Goal 2, Policies 1.1.3, 2.2.1, 25.9.2, Standards 4.1.1, 4.1.2; See Staff Report (pg. 3).

⁷² Staff Report (pg. 3, Attachment M). Lee Plan Objective 4.1, Policies 53.1.5, 56.1.4, Standards 4.1.1, 4.1.2.

⁷³ Lehigh Acres Fire Control & Rescue District Station 103 and EMS Medic #11 are located less than one mile away. See Staff Report (pg. 3).

⁷⁴ Lee County Sheriff East District is 4.4 miles from the property at 1301 Homestead Road North. Staff Report (pg. 3).

⁷⁵ Lee Plan Map 3-D; Staff Report (pg. 3).

⁷⁶ See LDC ch. 10. Tracy Rebuttal Testimony (Transcript pg. 72).

⁷⁷ LDC Chapter 2, Article VI.

⁷⁸ 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).

⁷⁹ LDC §34-932(b).

The CPD is subject to conditions addressing impacts anticipated from the development.⁸⁰ The Hearing Examiner revised conditions/deviation for clarity and compliance with state law.^{81 82}

The conditions reasonably relate to impacts anticipated from the project.⁸³

Public

Applicant held a community meeting as mandated by the LDC.⁸⁴ Meeting minutes reflect support for the request without opposition.⁸⁵

Three members of the public spoke at hearing to express concerns about buffers, noise, safety, site maintenance, traffic, and property devaluation.⁸⁶

Conclusion

The Hearing Examiner concurs with staff's analysis and recommendation that the requested CPD amendment meets LDC approval criteria.

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

IV. Findings and Conclusions

Based on the testimony and evidence presented in the record, the Hearing Examiner finds the requested CPD:

- A. Complies with the Lee Plan. Lee Plan Goals 2, 4, 6, 11, 25, 158, 159, Objectives 2.1, 2.2, 4.1, 6.1, 11.2, 25.4, 25.8, 25.9, 60.4, 77.3, 158.2, 160.1, and Policies 1.1.3, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 6.1.9, 11.2.1, 11.2.2, 11.2.4, 11.2.5, 25.1.1, 25.1.2, 25.1.3, 25.1.4, 25.1.5, 25.4.1, 25.4.2, 25.4.3, 25.8.1, 25.8.4, 25.9.1, 25.9.2, 60.4.1, 60.4.2, 126.1.4, 135.9.5, 135.9.6, Standards 4.1.1, 4.1.2, 4.1.4; Lee Plan Maps 1-A, 1-B, 1-C, 2-A, 2-B, Table 1(b).

⁸⁰ LDC §§34-83(b)(4) a.3, 34-377(a)(2)c; Lee Plan Objective 77.3, Policies 5.1.5, 6.1.4.

⁸¹ F.S. §125.022 (2025).

⁸² LDC §34-932(b) provides conditions may be applied to address unique aspects of the parcel to protect a bona fide public interest. LDC §34-936(a) requires conditions of approval in the zoning resolution be incorporated into covenants, restrictions, and rules of operation binding on the developer, his successors and heirs, tenants-in-fee, or leasehold.

⁸³ LDC §§34-83(b)(4)(a)(3) & 34-932.

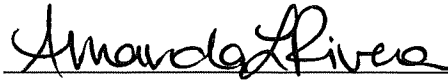
⁸⁴ LDC §33-1401; See Staff Report (Attachment G). The meeting was held on June 26, 2025, with the Lehigh Acres Planning and Zoning Review Board.

⁸⁵ *Id.*

⁸⁶ Public Testimony (Transcript pg. 55-70). Testimony relating to site maintenance is more appropriately directed to Code Enforcement and does not fall under the LDC review criteria for rezoning. See LDC §34-145(d); Lee Co. Admin. Code 2-6 §2.3.C-D.

- B. Meets the LDC or qualifies for deviations. LDC Chapters 2, 10, 33, and 34.
- C. Is compatible with existing or planned uses in the surrounding area. Lee Plan Objectives 2.1, 2.2, and Policies 1.1.3, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 6.1.4, 135.9.5, 135.9.6; LDC §§34-411 and 34-413.
- D. Provides sufficient access to support proposed development intensity. Lee Plan Objective 25.8, Policy 6.1.5, 11.2.2, 25.1.5.
- E. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 25.8, 39.1, Policies 6.1.1, 6.1.7, 39.2.1; LDC §§2-261 *et seq.*, 33-1414, & 34-411.
- F. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 60, 77, Objectives 77.2, 77.3, Policies 6.1.6, 60.4.1, and Standard 4.1.4.
- G. Public services will be available to serve the development. Goals 2, 4, 6, 25, Objectives 2.1, 2.2, 4.1, 55.1, 56.1, Policies 1.1.3, 2.2.1, 6.1.4, 6.1.7, Standards 4.1.1, and 4.1.2.
- H. Proposed uses are appropriate at the location. Lee Plan Goals 2, 4, 6, 11, 25; Objectives 2.1, 2.2, Policies 1.1.3, 2.1.1, 2.1.2, 5.1.5, 6.1.4, 6.1.7, 135.9.5, and 135.9.6.
- I. Recommended conditions provide sufficient safeguards to protect the public interest and relate to impacts expected from the proposed development. Lee Plan Objectives 77.3, Policies 5.1.5, 6.1.4, 25.1.7, 135.9.5, 135.9.6; LDC §§34-377(a)(3), 34-411 and 34-932(c).
- J. Deviations recommended for approval enhance the CPD and protect public health, safety, and welfare. LDC §§34-145(d)(4), 34-373(a)(9), and 34-377(a)(4).

Date of Recommendation: May 20, 2026.

A handwritten signature in black ink, reading "Amanda L. Rivera", written over a horizontal line.

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



DESCRIPTION
OF
A TRACT OR PARCEL OF LAND
LYING IN SECTION 28, TOWNSHIP 44 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 28, TOWNSHIP 44 SOUTH, RANGE 26 EAST, BEING ALL OF LOTS 1 THROUGH 7, 20 THROUGH 22, AND PORTIONS OF 23 THROUGH 26, ALL OF BLOCK 70, UNIT 7, LEHIGH ACRES, RECORDED IN PLAT BOOK 15, PAGE 78, OF THE PUBLIC RECORDS OF SAID LEE COUNTY, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE N 89°13'01" E ALONG THE NORTH LINE OF SAID BLOCK 70 AND THE SOUTH RIGHT-OF-WAY LINE OF FIFTH STREET WEST (50 FEET WIDE) FOR 650.73 FEET TO THE NORTHEAST CORNER OF SAID LOT 7; THENCE S 00°46'59" E ALONG THE EAST LINE OF SAID LOTS 7 AND 20, PASSING THROUGH THE SOUTHEAST CORNER OF SAID LOT 7 AT 136.13 FEET, FOR 272.26 FEET TO THE SOUTHEAST CORNER OF SAID LOT 20; THENCE S 89°13'01" W ALONG THE SOUTH LINE OF SAID BLOCK 70 AND THE NORTH RIGHT-OF-WAY LINE OF LEE BOULEVARD (WIDTH VARIES) FOR 240.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 22; THENCE N 00°46'59" W ALONG THE WEST LINE OF SAID LOT 22 AND SAID NORTH RIGHT-OF-WAY FOR 12.00 FEET; THENCE S 89°13'01" W ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 367.46 FEET; THENCE N 86°58'01" W ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 24.46 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID BLOCK 70 AND THE EAST LINE OF A 60 FEET WIDE LEE COUNTY ELECTRIC CO-OPERATIVE INC. EASEMENT, AS SHOWN ON SAID SUBDIVISION PLAT; THENCE N 04°57'18" W ALONG SAID WEST LINE AND SAID EAST LINE FOR 259.32 FEET TO THE **POINT OF BEGINNING**.

SUBJECT PARCEL CONTAINS: 3.90 ACRES, MORE OR LESS.

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

BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83/2011 (CORS), WHEREIN THE SOUTH RIGHT-OF-WAY LINE OF FIFTH STREET WEST BEARS N 89°13'01" E. THE SCALE FACTOR IS 0.999944648.

DESCRIPTION PREPARED 08-14-2025

Digitally signed by Allen M Vose III
Date: 2025.08.15 07:34:12 -04'00'



ALLEN M. VOSE III, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION NO. 7191
DATE SIGNED 08-15-2025

S:\Atwell\Jobs\24xc\24008021 - Gunnery & Lee\Surveying\Descriptions\25000635 D Sam Plaza LGL.doc
S:\Atwell\Jobs\24xc\24008021 - Gunnery & Lee\Surveying\Descriptions\25000635 D Sam Plaza SKT.dwg

REVIEWED

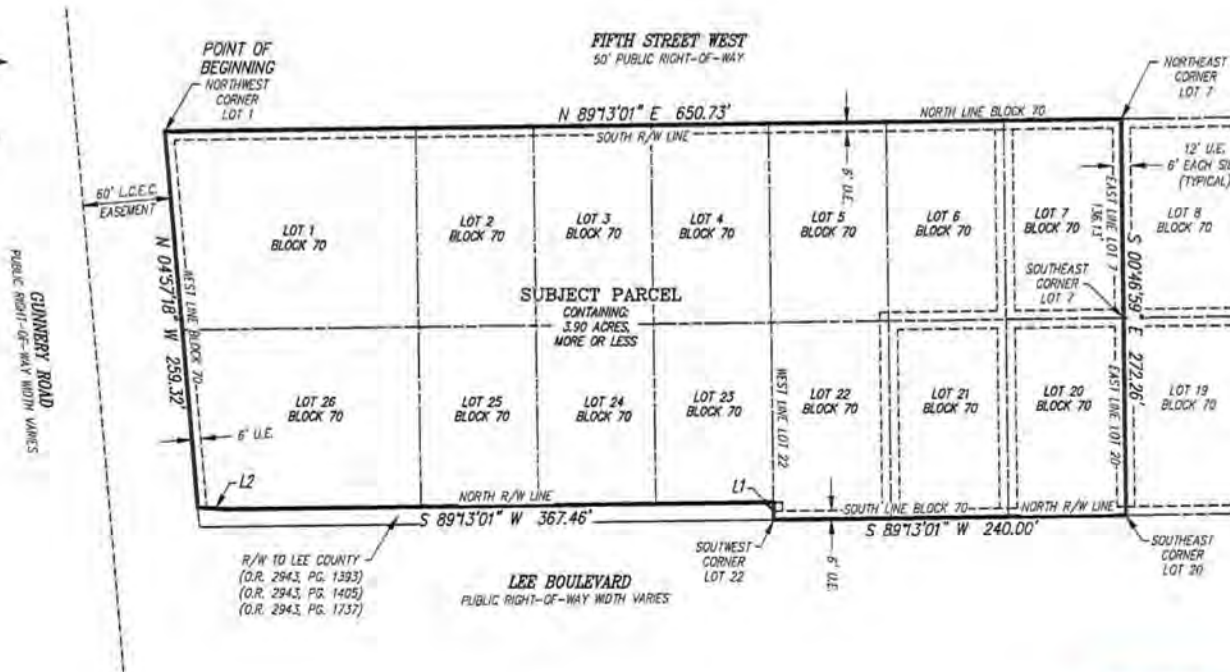
Project: DCI2025-00013

By: Richard Burris

Dept: Legal Review

Date: 09/29/2025

SHEET 1 OF 2



PG. INDICATES PAGE/PAGES
R/W INDICATES RIGHT-OF-WAY
U.E. INDICATES UTILITY EASEMENT
O.R. INDICATES OFFICIAL RECORDS BOOK
L1 INDICATES LINE DATA: SEE LINE TABLE
P.S.U. INDICATES PROFESSIONAL SURVEYOR AND MAPPER
L.C.E.C. INDICATES LEE COUNTY ELECTRIC CO-OPERATIVE INC.

S:\ATWELL\JOBS\24XX\24008021 - GUNNERY & LEE\SURVEYING\DESCRIPTIONS\25000635 D SAM PLAZA LEGAL.DOC
S:\ATWELL\JOBS\24XX\24008021 - GUNNERY & LEE\SURVEYING\DESCRIPTIONS\25000635 D SAM PLAZA SKETCH.DWG

NOTE: ALL LOTS AND EASEMENTS SHOWN HEREON, ARE
A PART OF LEHIGH ACRES UNIT 7, RECORDED IN
PLAT BOOK 15, PAGE 78, PUBLIC RECORDS OF LEE
COUNTY, FLORIDA, UNLESS NOTED OTHERWISE.

PREPARED 08-14-2025
SHEET 2 OF 2

OF
A TRACT OR PARCEL OF LAND
LYING IN SECTION 28, TOWNSHIP 44 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

LINE	BEARING	DISTANCE
L1	N 00°46'59" W	12.00'
L2	N 86°58'01" W	24.46'

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83/2011 (CORS), WHEREIN THE SOUTH RIGHT-OF-WAY LINE OF FIFTH STREET WEST BEARS N 69°15'01" E. THE SCALE FACTOR IS 0.999944648.
- 3.) ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.

THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

Digitally signed by
Allen M Vose III
Date: 2025.08.15
07:34:27 -04'00'



ALLEN M. VOSE III, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION NO. 7191
- DATE SIGNED: 08-15-2025
- THIS SKETCH OF DESCRIPTION IS NOT VALID
WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF
A FLORIDA LICENSED SURVEYOR AND MAPPER.

DCI2025-00013

Zoning

 Subject Property



0 500
Feet

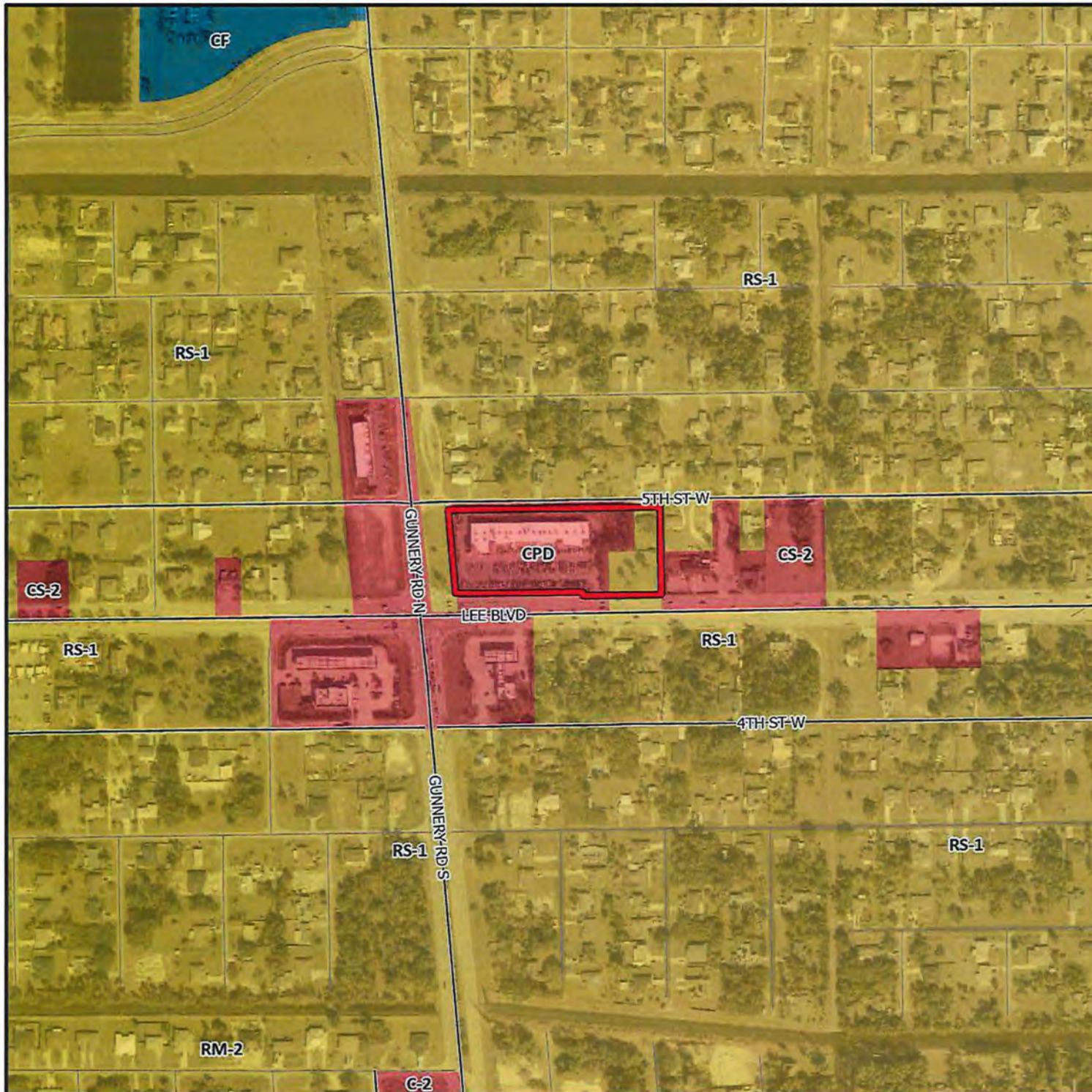


Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

1. Master Concept Plan (MCP) and Development Parameters

- a. MCP. Development must be consistent with the one-page MCP entitled "Master Concept Plan, D Sam Plaza (aka Shoppes of Lehigh)", prepared by Atwell, revised April 22, 2026 (Exhibit B1).
- b. Lee Plan and LDC. Development must comply with the Lee Plan and LDC at the time of local development order, except as may be granted by deviations as part of this planned development. If changes to the MCP or conditions or deviations are subsequently pursued, appropriate approvals will be necessary.
- c. Development Parameters. This project is limited to a maximum of 40,000 square feet of nonresidential uses with a maximum building height of 35 feet.

2. Uses and Development Regulations

- a. Schedule of Uses
 - Accessory Uses & Structures
 - Administrative Office
 - Animal Clinic, Kennel,
 - No overnight boarding
 - No outdoor cages, pens, runs, or exercise facilities
 - ATM
 - Auto Parts Store (no installation)
 - Bait and Tackle Shop
 - Banks and Financial Establishments - Groups I & II
 - Boat Parts Store
 - Business Services - Groups I & II
 - Excluding Armored Car Services, Automobile Repossessing Services
 - Cleaning and Maintenance Services
 - Clothing Stores, General
 - Consumption on Premises
 - Indoor Consumption on Premises permitted in conjunction with a Group III Restaurant use
 - Outdoor Consumption on Premises will require a public hearing (Special Exception)
 - Contractors & Builders - Group I

Day Care Center, Adult
Department Store
Drugstore, Pharmacy
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention
Fences, Walls
Flea Market, Indoor
Food and Beverage Services, Limited
Food Stores - Groups I & II
Funeral Home and Mortuary (without a crematory)
Gift and Souvenir Shop
Hardware Store
Healthcare Facilities, Group III
Hobby, Toy, Game Shops
Household and Office Furnishings - Groups I & II
Insurance Companies
Laundry or Dry Cleaning - Group I
Lawn and Garden Supply Store
Medical Office
Non-store Retailer, All Groups
Package Store
Paint, Glass and Wallpaper
Parking Lot, Accessory, Temporary
Personal Services - Groups I, II, III & IV
 No massage parlors, escort services, palm readers, or steam or
 Turkish baths
Pet Shop - Indoor only, no outdoor runs.
Pet Services – Indoor only, no outdoor runs
Pharmacy
Post Office
Printing and Publishing (subject to LDC 34-938)
Recreation facilities, Commercial, Groups I & IV, excluding indoor gun
 range
Rental or Leasing Establishments - Groups I & II, excluding passenger car
 pick-up and drop-off
Repair Shops - Group I
Research and Development Laboratories, Groups II & IV
Restaurants - Groups I, II & III
Retail and Wholesale Sales, when clearly incidental and subordinate to
 permitted principal use on the same premises
Schools, Commercial
Signs
Social Services, Groups I & II
Specialty Retail Shop - Groups I, II & III
 Excluding Ammunition, Firearms, and Hunters Equipment

Storage, indoor only
Studios
Temporary Uses
Used Merchandise Stores, Groups I & II
Variety Store

b. Site Development Regulations

<u>General Parameters</u>	
Minimum Lot Area	3.5 acres
Minimum Lot Width	N/A
Minimum Lot Depth	N/A
Maximum Lot Coverage	60 percent
Maximum Building Height	35 feet
Minimum Open Space	10 percent
Minimum Building Separation	20 feet

<u>Setbacks</u>	
Gunnery Road/LCEC Easement	40 feet
Lee Boulevard	25 feet
5 th Street West	40 feet
East Property Line	55 feet
Accessory Structures	6 feet

3. Approved Zoning Resolutions

This Resolution supersedes Zoning Resolutions Z-05-008, Z-95-039, and PD98-011.

4. Single-Family Platted Lots

Developer must submit documentation confirming platted lots and easements have been properly vacated prior to issuance of the development order.

5. 5th Street West Buffer

- a. If access is utilized on 5th Street West as shown on the MCP, development order plans must depict a five-foot-wide buffer along 5th Street West per LDC §10-425(f)(1) enhanced with a single-hedge row. Plantings must comply with LDC §10-420 and be located outside of utility/drainage easements.
- b. The existing wall along 5th Street West may remain, subject to LDC §34-1742(c). If a portion of the wall parallel to 5th Street West is removed, the remainder must be removed to provide a consistent roadway buffer consistent with Condition 5.a.

6. **Buffers**

Required buffers must utilize 100 percent native vegetation and cold tolerant species.

7. **Dry Detention**

Development order plans must depict the dry detention area planted with one-gallon native grasses installed three feet on center. The general tree requirement may be reduced by one tree for every 400 square feet of dry detention planted with one-gallon native grasses.

8. **Cross Access Easements**

A cross-access easement with legal description for the abutting property to the east along 5th Street West must be submitted prior to the issuance of a local development order and recorded prior to certification of completion (CC) of the development order. Buffer plantings may be placed within the easement while the eastern property is used for residential purposes.

9. **Lee Boulevard Access**

Development order plans must depict a right-in/right-out access to Lee Boulevard.

10. **5th Street West Signage**

Development order plans must depict signage at the access points on 5th Street West stating that "Commercial Trucks are Prohibited from Entering or Exiting."

11. **Development Permits**

County development permits do not create rights to obtain permits from state/federal agencies. Further, County development permits do not create liability on the part of the County if Applicant fails to obtain requisite approvals or fulfill obligations imposed by federal/state agencies or undertakes actions in violation of state/federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

DEVIATIONS

1. WITHDRAWN.

2. **Connection Separation.** Deviation (2) seeks relief from LDC §10-285(a), which requires Applicant to provide driveway separation distance of 440 feet on an arterial roadway (Lee Boulevard) within future urban areas; to permit a 361 linear foot separation east from a private driveway.

HEX Recommendation: APPROVE, subject to Condition 9.

3. **Street Access.** Deviation (3) seeks relief from LDC §10-291(2), which states development must abut and have access to a public/private street designed, constructed, or improved to meet standards in §10-296; to allow 5th Street West to remain in its existing condition.

HEX Recommendation: APPROVE, subject to Condition 10.

4. **Road Design: 5th Street West.** Deviation (4) seeks relief from LDC §10-296(e)(1)i.4, which requires urban minor collectors to provide 10-foot shared travel lanes, 8-foot planting strips, and 8-foot pedestrian facilities with closed drainage; to allow 5th Street West to remain in its existing condition and to allow the proposed minimal sidewalk extension to match the existing condition.

HEX Recommendation: APPROVE, subject to Condition 10.

5. **Turn Lanes.** Deviation (5) seeks relief LDC §10-288 and Administrative Code 11-4, which states that turn lanes must be designed in accordance with standards set out in AC 11-4; to allow the right turn lane on Lee Boulevard to be less than the required distance due to distance to property line without a keyhole lane to be reviewed and approved by the Director of the Department of Transportation at time of development order.

HEX Recommendation: APPROVE, subject to Condition 9.

6. **Road Design: Lee Boulevard.** Deviation (6) seeks relief from LDC §10-296(e)(1)i.1.ii & iii, Table 4 and cross section design criteria for urban principal arterials (Lee Boulevard) which requires a 5-foot bike lane, 8-foot planting strip, and 10-foot pedestrian facility for commercial uses in Central Urban; to allow existing shared travel lanes, no bicycle/keyhole lanes, no planting strip, and 7-foot sidewalk along property frontage to match existing 7-foot sidewalk to remain.

HEX Recommendation: APPROVE, subject to Condition 9.

Exhibits to Conditions:
B1 Master Concept Plan

SITE LEGEND

- DEVIATION
- EXISTING EASEMENTS TO BE VACATED
- EXISTING PAVEMENT
- PROPOSED PAVEMENT/CONCRETE
- PROPOSED SIDEWALK
- EXISTING SIDEWALK
- APPROXIMATE LOCATION PROPOSED CROSS ACCESS EASEMENT

LAND USE: CENTRAL URBAN
ZONING: RS-1
USE: SINGLE FAMILY & VACANT LOTS

5TH STREET W
(50' R.O.W., COUNTY-MAINTAINED MINOR COLLECTOR)

LEE BLVD.
(R.O.W. VARIES, COUNTY-MAINTAINED ARTERIAL)

GUNTERY ROAD N.
(COUNTY-MAINTAINED ARTERIAL)

EXISTING COMMERCIAL BUILDING
MAXIMUM HEIGHT 35 FEET
25,127 S.F.

PROPOSED COMMERCIAL BUILDING ADDITION
MAXIMUM HEIGHT 35 FEET
14,875 S.F.

NOTES:

- SITE IS LOCATED WITHIN THE MIXED USE OVERLAY AND LEHIGH ACRES COMMUNITY PLANNING AREA NEIGHBORHOOD MIXED USE ACTIVITY CENTER. SPECIALIZED MIXED USE NODE.
- EXISTING WALL ALONG 5TH ST WEST MAY REMAIN, BUT IS NOT REQUIRED. THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MODIFICATION DUE TO REGULATORY AGENCY PERMITTING REQUIREMENTS.

OPEN SPACE TABLE:

ITEM	AMOUNT
TOTAL PROJECT AREA:	3.9± ACRES
OPEN SPACE REQUIRED:	10% OR 0.39 ACRE
OPEN SPACE PROVIDED:	MINIMUM 0.39 ACRE

INSET OF EXISTING EASEMENTS TO BE VACATED

SCALE: 1" = 60'



MASTER CONCEPT PLAN

D SAM PLAZA (AKA SHOPPES OF LEHIGH)
LEE COUNTY
LEHIGH ACRES, FLORIDA

NO.	DATE	REVISION DESCRIPTION	
1	8/29/2025	SUFFICIENCY RESPONSE	
2	11/17/2025	SUFFICIENCY RESPONSE	
3	03/03/2026	POST SUFFICIENCY SUBMITTAL	K
4	04/22/2026	48-HOUR NOTICE	H



Know what's below.
Call before you dig.

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

RACHO, TRACEY, P.E.		
LIC. #10532		
DRAFTED BY: N/A	DESIGNED BY: RT	REVIEWED BY: RT
PROJECT NUMBER: 240905021	COMPLETION DATE: 08/28/2025	SURVEY DATE:
BOOK AND PAGE:		
SHEET		

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. DCD Staff Report with attachments: Prepared by Elizabeth Workman, Senior Planner, date received April 14, 2026 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. Affidavit of Publication: For Zoning Case DCI2025-00013, D. Sam Plaza CPD Amendment (1 page – 8.5"x11")
3. PowerPoint Presentation: Prepared by Lee County Staff for DCI2025-00013, D. Sam Plaza CPD Amendment, dated April 29, 2026 (multiple pages – 8.5"x11")[color]
4. Revised Attachment U from Staff Report: Memorandum from John Podczerwinsky, Principal Planner with DOT, to Elizabeth Workman Principal Planner, dated March 20, 2026, revised date April 24, 2026 (multiple pages – 8.5"x11")

APPLICANT EXHIBITS

1. 48-Hour Notice: Email from Stacy Hewitt to Hearing Examiner, with copies to Elizabeth Workman, Maria Perez, Lauren Schaefer, Sandra Kokotilo, Joseph Adams, Amanda Swindle, Esq., Michael Jacob, Esq., and Neale Montgomery, Esq., dated Friday, April 24, 2026, 3:00 PM (multiple pages – 8.5"x11")
2. PowerPoint Presentation: Prepared for Zoning Case DCI2025-00013, D. Sam Plaza CPD Amendment (aka Shoppes of Lehigh), dated April 29, 2026 (multiple pages – 8.5"x11")[color]
3. Revised Master Concept Plan: Prepared by Atwell for D. Sam Plaza CPD (aka Shoppes of Lehigh), revised April 22, 2026 (1page – 11"x17" and 1 page – 24"x36")

OTHER EXHIBITS

Allan Spratt

1. Photographs: Presented at hearing but not submitted into the record as an exhibit.

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Elizabeth Workman

Applicant Representatives:

1. Stacy Ellis Hewitt
2. Rachel Tracey
3. Ted Treesh

Public Participants:

1. Sherry Dula
2. Allan Spratt
3. Stephen Teague

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.

CPA2025-00012

Amenity
Improvement
Text Amendment

SUMMARY SHEET
CPA2025-00012 – AMENITY IMPROVEMENT AMENDMENT
ADOPTION HEARING

PROPOSED AMENDMENTS:

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.

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.

TRANSMITTAL HEARING:

Staff provided a brief presentation on the proposed amendment, including LPA and staff recommendations, an overview of the proposed amendment, the Lee Plan, and other county regulatory consistency. There were no public comments concerning the proposed amendments.

A motion was made to transmit CPA2025-00012 as recommended by staff and the LPA. The motion passed 5 to 0.

STATE REVIEW:

Lee County received responses from Florida Commerce, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Transportation, and the Florida Department of Environmental Protection regarding the proposed amendment. There were no objections concerning the amendment.

Florida Fish and Wildlife provided a comment letter that included technical assistance to support Florida Commerce, the County, and any applicants during the amendment review and future project planning, covering additional information on locally and federally protected species, land-clearing best practices, ecological corridors, and eco-friendly golf course maintenance. The settlement agreement already includes requirements to address listed species, and any items not covered in the Lee Plan, Land Development Code, Settlement Agreement, or other regulation will be incorporated into the development conditions, where appropriate.

STAFF RECOMMENDATION:

Staff recommends the BoCC **adopt** the amendments as transmitted and as provided in Attachment 1 to the Staff Report.

LEE COUNTY ORDINANCE NO. ____
(Amenity Improvement)
(CPA2025-00012)

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 AMENITY IMPROVEMENT (CPA2025-00012) 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 February 23, 2026; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on April 8, 2026. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Amenity Improvement (CPA2025-00012) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the April 8, 2026 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, on June 17, 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 "Amenity Improvement Ordinance (CPA2025-00012)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee Plan, initially adopted by Ordinance Number 89-02, is hereby amended within the text of 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. 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.

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 17th day of June 2026.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY FLORIDA

BY: _____
Deputy Clerk

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 June 17, 2026):
Adopted revisions to Goal 13 Lee Plan Text

CAO Draft 5/1/2026 2:21:14 PM

EXHIBIT A

**Note: Text depicted with underscore represents additions to the Lee Plan.
Strike-through text represents deletions from the Lee Plan.**

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.

EXHIBIT A

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.

Lee County
Southwest Florida

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 Course²) 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.auduboninternational.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) *transmit* CPA2025-00012. The motion passed 4 to 0.

DUSTIN GARDNER	ABSENT
DAWN RUSSELL	AYE
JENNIFER SAPEN	RECUSED
DON SCHROTENBOER	AYE
STAN STOUDE	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 COMMISSIONERS
TRANSMITTAL HEARING

DATE OF PUBLIC HEARING: April 8, 2026

A. BOARD REVIEW:

Staff provided a brief presentation on the proposed amendment, including LPA and staff recommendations, as well as an overview of the amendment and its consistency with the Lee Plan.

No members of the public spoke for or against the proposed amendment. One Board member asked about the number of golf courses proposed within the Kingston development.

B. BOARD ACTION:

A motion was made to **TRANSMIT** CPA2025-00012 as recommended by staff and the LPA. The motion passed 5 to 0.

MOTION DETAILS

BRIAN HAMMAN	<u>AYE</u>
CECIL PENDERGRASS	<u>AYE</u>
DAVID MULICKA	<u>AYE</u>
KEVIN RUANE	<u>AYE</u>
TRISH PETROSKY	<u>AYE</u>

PART 4
STATE REVIEWING AGENCIES
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS

Staff transmitted the proposed amendments to the Florida Department of Commerce on **April 13, 2026**. Comments from the State Reviewing Agencies were due to Lee County by May 13, 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 Environmental Protection
- Florida Fish and Wildlife Conservation Commission
- Florida Department of Transportation

No objections were raised by any of the State Reviewing Agencies concerning the amendment.

Florida Fish and Wildlife provided a comment letter that included technical assistance to support Florida Commerce, the County, and any applicants during the amendment review and future project planning processes, covering additional information on locally and federally protected species, land-clearing best practices, ecological corridors, and eco-friendly golf course maintenance. County staff appreciates the technical assistance and notes the settlement agreement does include requirements to address listed species. Any comment not covered in the Lee Plan, Land Development Code, Settlement Agreement, or other regulation will be incorporated into zoning conditions, where appropriate.

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.

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

Table of Contents

Contents

EXHIBIT T1 – CPA APPLICATION

EXHIBIT T3–PRE-APPLICATION MEETING

EXHIBIT T4 – PROPOSED TEXT AMENDMENTS

EXHIBIT T5 – ANALYSIS OF IMPACTS FROM PROPOSED CHANGES

EXHIBIT T6 – LEE PLAN ANALYSIS

EXHIBIT T7 - ENVIRONMENTAL IMPACTS ANALYSIS

EXHIBIT T8 – HISTORICAL RESOURCES IMPACTS ANALYSIS

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

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



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):**

- Sanitary Sewer
- Potable Water
- Surface Water/Drainage Basins
- Parks, Recreation, and Open Space
- 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

- 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.
- 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.
- Describe how the proposal affects adjacent local governments and their comprehensive plans.
- 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.

R.B.S.

Property Owner

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

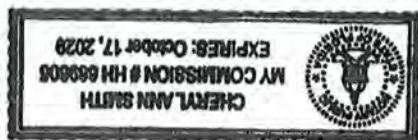
*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ 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

Cheryl A. Smith
Signature of Notary Public



KINGSTON
ADMINISTRATIVE AMENDMENT
STRAP EXHIBIT

35-45-27-00-00001.1090	03-46-27-00-00001.1070
35-45-27-00-00001.0P30	03-46-27-00-00001.141B
15-46-27-00-00001.1820	02-46-27-00-00001.1170
10-46-27-00-00001.1620	02-46-27-00-00001.1310
10-46-27-00-00001.1660	03-46-27-00-00001.0000
10-46-27-00-00001.1650	02-46-27-00-00001.1300
15-46-27-00-00001.1680	03-46-27-00-00001.1430
10-46-27-00-00001.1630	02-46-27-00-00001.0R20
15-46-27-00-00001.0P20	02-46-27-00-00001.1230
15-46-27-00-00001.1720	15-46-27-00-00001.1780
15-46-27-00-00001.1740	03-46-27-00-00001.1370
14-46-27-00-00001.1670	11-46-27-00-00001.1520
35-45-27-00-00001.0000	10-46-27-00-00001.1490
35-45-27-00-00001.1010	10-46-27-00-00001.162A
03-46-27-00-00001.1040	14-46-27-00-00001.0000
35-45-27-00-00001.1030	14-46-27-00-00001.1660
36-46-27-00-00001.0010	14-46-27-00-00001.0010
35-45-27-00-00001.0P10	15-46-27-00-00001.1700
02-46-27-00-00001.0R10	11-46-27-00-00001.1580
02-46-27-00-00001.1160	11-46-27-00-00001.1570
02-46-27-00-00001.1100	02-46-27-00-00001.1130
15-46-27-00-00001.1790	02-46-27-00-00001.1180
25-46-27-00-00001.0010	15-46-27-00-00001.1760
25-46-27-00-00001.0000	03-46-27-00-00001.1390
25-46-27-00-00001.0020	03-46-27-00-00001.1400
15-46-27-00-00001.1690	11-46-27-00-00001.1510
26-46-27-00-00001.0000	02-46-27-00-00001.1450
35-45-27-00-00001.1020	02-46-27-00-00001.1110
35-45-27-00-00001.1050	03-46-27-00-00001.138A
02-46-27-00-00001.1200	03-46-27-00-00001.1060
15-46-27-00-00001.1660	02-46-27-00-00001.1360
11-46-27-00-00001.1610	02-46-27-00-00001.1280
10-46-27-00-00001.1640	03-46-27-00-00001.141A
15-46-27-00-00001.1750	10-46-27-00-00001.0000
02-46-27-00-00001.1150	02-46-27-00-00001.1480
15-46-27-00-00001.1730	10-46-27-00-00001.1530
02-46-27-00-00001.1140	10-46-27-00-00001.1540
02-46-27-00-00001.1190	11-46-27-00-00001.0010
03-46-27-00-00001.0P20	15-46-27-00-00001.0000
02-46-27-00-00001.1120	11-46-27-00-00001.1590
15-46-27-00-00001.1800	11-46-27-00-00001.1600
03-46-27-00-00001.0P30	15-46-27-00-00001.1770
02-46-27-00-00001.0000	15-46-27-00-00001.1710
10-46-27-00-00001.1500	34-46-27-00-00003.0000
03-46-27-00-00001.1480	03-46-27-00-00001.0P10
11-46-27-00-00001.1670	35-45-27-00-00001.0P20
24-46-27-00-00001.0000	15-46-27-00-00001.0010
02-46-27-00-00001.1350	11-46-27-00-00001.1660
11-46-27-00-00001.0000	03-46-27-00-00001.1388
10-46-27-00-00001.155A	02-46-27-00-00001.1290
11-46-27-00-00001.1560	02-46-27-00-00001.1320
15-46-27-00-00001.0P10	10-46-27-00-00001.1550
10-46-27-00-00001.1610	34-46-27-00-00002.0020
03-46-27-00-00001.1440	15-46-27-00-00001.1810
02-46-27-00-00001.1440	35-46-27-00-00001.0000
02-46-27-00-00001.1270	02-46-27-00-00001.1250
03-46-27-00-00001.1420	02-46-27-00-00001.1220
02-46-27-00-00001.1340	02-46-27-00-00001.1240
03-46-27-00-00001.138E	02-46-27-00-00001.1330
02-46-27-00-00001.1260	34-46-27-00-00002.001A
03-46-27-00-00001.1390	34-46-27-00-00002.0030
02-46-27-00-00001.1210	35-46-27-00-00001.0030
03-46-27-00-00001.1080	

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.

Raymond Blacksmith
Signature

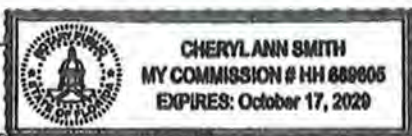
6 November 25
Date

*****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



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



Amenity Improvement Amendment

Proposed Text Changes

Exhibit T4

CPA2025-00012 – Revised December 2025

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 exemptions⁶ - 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 I, 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 Statutes 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 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 EEPKO, 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 (EEPKO) 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 protect 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.

Division of Historical Resources
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6300 • 850.245.6436 (Fax) • FLHeritage.com



Mr. Carr
DHR Project File No.: 2022-4578-C
September 8, 2022
Page 2

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,

A handwritten signature in blue ink, appearing to read "Kelly L. Chase".

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"



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

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 require-
ments 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 comprehen-
sive 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 Architec-
ture, 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**

**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**

Michael D. Jacob
Print Name: Michael D. Jacob

Daniel Delisi
Print Name: Daniel Delisi

By: *Mitchell A. Hutchcraft*
Name: MITCHELL A. HUTCHCRAFT
Title: VICE PRESIDENT

STATE OF FLORIDA
COUNTY OF LEE

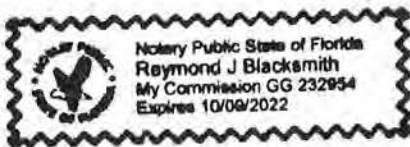
Sworn to and subscribed before me by means of ☐ physical presence or ☐ online
notarization this 22 day of JUNE, 2022, by MITCHELL HUTCHCRAFT, as
Vice President of Corkscrew Grove Limited Partnership, a Delaware limited partnership, who is
☒ personally known to me or ☐ who produced _____ as identification.

Raymond J. Blacksmith
Notary Public Signature

My Commission Expires:

Raymond J. Blacksmith
Type/Print Notary Public Name

Commission No.: 66232954



ATTEST:

KEVIN KARNEB, CLERK

By:

Melissa Butler
Deputy Clerk

Melissa Butler
Print Name



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By:

Cecil L. Pendergrass
Cecil L. Pendergrass, Chair

Date:

6-22-22

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

[Signature]
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 $N00^{\circ}42'20''W$ 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 $S74^{\circ}24'28''E$ 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 $S01^{\circ}27'49''E$ for 3,347.79 feet to the Northeast corner of said Section 2; thence run $S00^{\circ}37'24''E$ along the East line of said Section 2 for 4,496.97 feet; thence run $S88^{\circ}14'39''W$ for 2,954.70 feet; thence run $S00^{\circ}38'17''E$ for 1,000.18 feet; thence run $N89^{\circ}34'20''E$ for 89.85 feet; thence run $S00^{\circ}42'50''E$ 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 $N88^{\circ}06'17''E$ along said North line for 218.81 feet to the Northeast corner of said Fraction; thence run $S00^{\circ}11'24''E$ along the East line of said Fraction for 5,325.44 feet to Southeast corner of said Fraction; thence run $N88^{\circ}33'37''E$ along the North line of said Section 14 for 2,623.23 feet to the Northeast corner of said Section 14; thence run $S00^{\circ}02'19''W$ along the East line of said Section 14 for 5,330.76 feet to the Southeast corner of said Section 14; thence run $S88^{\circ}57'32''W$ along the South line of said Section 14 for 5,217.75 feet to the Southeast corner of said Section 15; thence run $S88^{\circ}56'48''W$ along the South line of said Section 15 for 5,216.63 feet to the Southwest corner of said Section 15; thence run $N00^{\circ}12'22''W$ along the West line of said Section 15 for 5,552.99 feet to the Southwest corner of said Section 10; thence run $N01^{\circ}06'50''W$ along the West line of said Section 10 for 5,068.95 feet to the Southwest corner of said Section 3; thence run $N00^{\circ}58'11''W$ along the West line of said Section 3 for 6,632.47 feet to the Northwest corner of said Section 3; thence run $N89^{\circ}02'20''E$ 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 $N88^{\circ}48'32''E$ 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



www.barraco.net

Civil Engineers, Land Surveyors and Planners

DESCRIPTION (CONTINUED)

Section 24; thence run $S01^{\circ}20'16''E$ 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: $S88^{\circ}39'44''W$ 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 $90^{\circ}09'17''$) (chord bearing $S44^{\circ}50'13''W$) (chord 1,663.94 feet) for 1,848.86 feet and $S00^{\circ}05'08''E$ 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: $S89^{\circ}54'52''W$ for 1,393.63 feet and $S88^{\circ}51'37''W$ for 2,675.85 feet to an intersection with the West line of said Section 24; thence run $N03^{\circ}15'49''W$ 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 $N88^{\circ}51'40''E$ 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 $N88^{\circ}54'17''E$ 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 $S01^{\circ}09'29''E$ 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: $N88^{\circ}51'37''E$ for 2,673.06 feet and $N89^{\circ}54'52''E$ for 2,671.08 feet to an intersection with the East line of Northeast Quarter (NE 1/4) of said Section 25; thence run $S01^{\circ}11'48''E$ along said East line for 2,550.74 feet to the East Quarter corner of said Section 25; thence run $S01^{\circ}12'17''E$ 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 $S01^{\circ}11'26''E$ along the East line of Northeast Quarter (NE 1/4) of said Section 36 for 1,320.34 feet; thence run $S89^{\circ}10'39''W$ parallel with the North line of said Fraction for 990.98 feet; thence run $N01^{\circ}11'26''W$ 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 $S89^{\circ}10'39''W$ along the North line of said Fraction for 1,683.83 feet to the North Quarter corner of said Section 36; thence run $S89^{\circ}09'00''W$ 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 $S88^{\circ}41'30''W$ 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 $S01^{\circ}02'25''E$ 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 $S88^{\circ}35'54''W$ along said South line for 5,197.13 feet to the East Quarter corner of said Section 34; thence run $S89^{\circ}18'56''W$ 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



www.barraco.net

Civil Engineers, Land Surveyors and Planners

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 1/4) 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

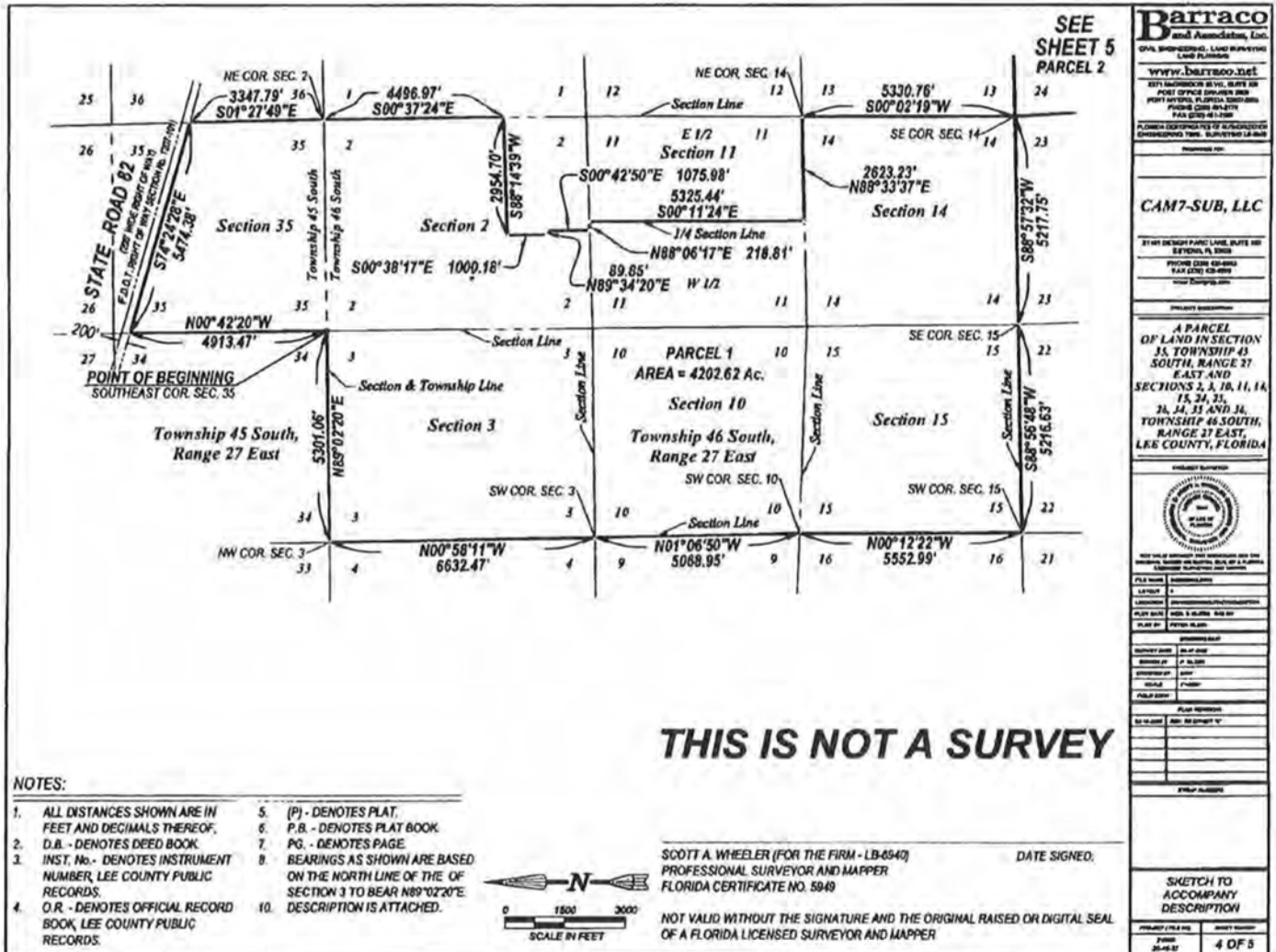


EXHIBIT "B"
LEGAL DESCRIPTION OF COUNTY EXISTING PROPERTY

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 of beginning.

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.

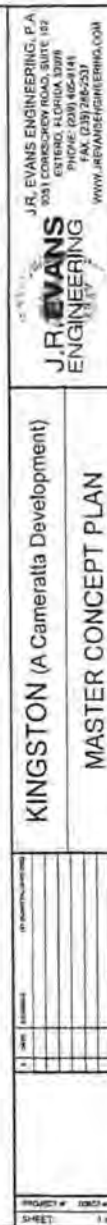
MINIMUM OPEN SPACE REQUIRED @ 60%:	4,052.8 AC	LAND USE SUMMARY	
OPEN SPACE PROVIDED:	4,361.8 AC	LAND USE	ACRES
MINIMUM RESTORATION REQUIRED @ 10%:	128.63 AC	DEVELOPMENT PDS*	3,715
MINIMUM RESTORATION PROVIDED:	3,287.0 AC	RESTORATION AREA	3,287
		KINGSTON ROAD/KINGSTON ROAD RW	134
		TOTAL	6,676

* RESIDENTIAL, COMMERCIAL AND HIGHWAY AREAS WILL CONTAIN A MINIMUM OF 25 PERCENT OF LAND AND OTHER OPEN SPACE AREA TO BE COUNTED TOWARD THE OPEN SPACE REQUIREMENT.

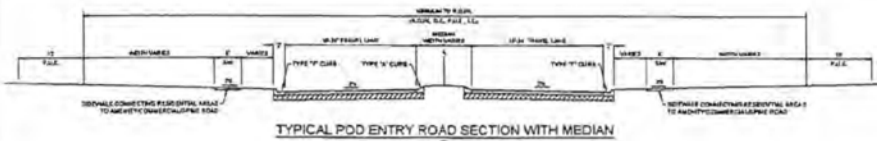
DEVIATIONS	
	TO ALLOW CONSTRUCTION OF HIGHWAYS BE DEPICTED WITHIN THE ROP FOR INTERNAL HIGHWAY AREAS.
	TO ALLOW LAKE WITHIN DEVELOPMENT BOUND TO BE EXCAVATED TO A MAXIMUM DEPTH OF 10'.
	TO ALLOW ADDITIONAL LITTORAL PLANTINGS TO BE PLANTED IN LIEU OF DEEP LAKE TREES.
	THE GENERAL TREE REQUIREMENT IS MET THROUGH THE USE OF EXISTING OR NEW INDIGENOUS VEGETATION AND FLOOD-WAY RESTORATION PLANTS.
	TO ALLOW FOR A TRANSFER MOUND OF HERBERT AND FOREST TEMPORARILY DURING PROJECT DEVELOPMENT.
	TO ALLOW COMPENSATORY AND FLOODWAY AREAS TO ACT AS A VEGETATIVE BUFFER.
	TO ALLOW WATER MAIN LOOPS LARGER THAN 1,500 LF, AS LONG AS PIPE FLOW ARE MET.
	TO ALLOW ACCESS SEPARATION OF LAKE FROM OPEN ADJACENT CORRIDORS.

* RESIDENTIAL, COMMERCIAL AND AMENITY AREAS WILL CONTAIN A MINIMUM OF SAS ACRES OF LAKE AND OTHER GREEN SPACE AREA TO BE COUNTED TOWARD THE OPEN SPACE REQUIREMENT.

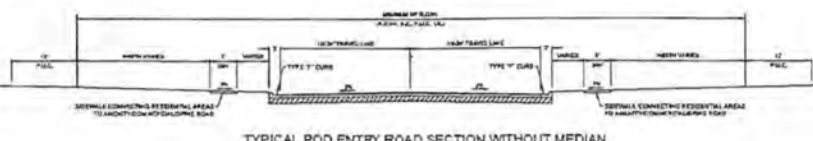
NOTE: DEVIATIONS NOT LIMITED TO THOSE LOCATIONS SHOWN WITHIN THE PLAN BELOW

KINGSTON (A Cameratta Development)
MASTER CONCEPT PLAN

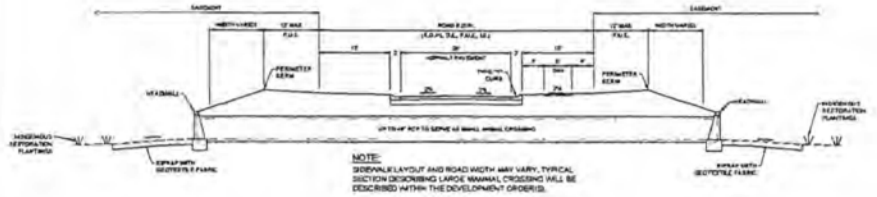
PROJECT #	10823
SHEET	1



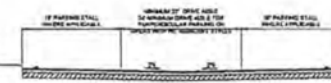
TYPICAL POD ENTRY ROAD SECTION WITH MEDIAN



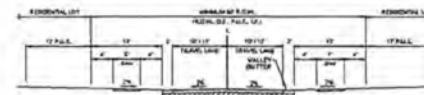
TYPICAL POD ENTRY ROAD SECTION WITHOUT MEDIAN



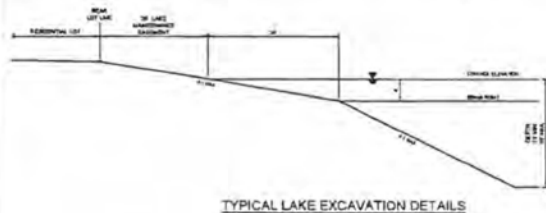
TYPICAL SMALL ANIMAL CROSSING



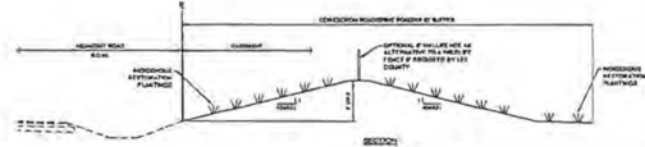
TYPICAL COMMERCIAL ROAD CROSS SECTION



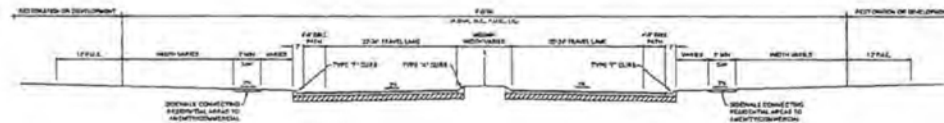
TYPICAL ROAD CROSS SECTION (INTERNAL TO RESIDENTIAL COMMUNITIES)



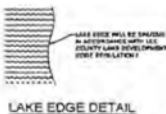
TYPICAL LAKE EXCAVATION DETAILS



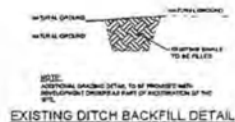
TYPICAL INTERNAL INDIGENOUS RESTORATION SECTION DETAIL



KINGSTON PARKWAY SECTION DETAIL

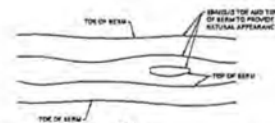


LAKE EDGE DETAIL

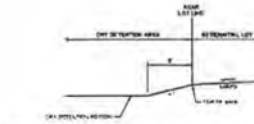


EXISTING DITCH BACKFILL DETAIL

NOTE:
BERM HEIGHT AND SLOPE TO VARY
TO PROVIDE NATURAL APPEARANCE
MAX HEIGHT IF 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
FLOODWAY CONSERVATION EASEMENTS.

J.R. EVANS ENGINEERING, P.A.
3331 CORKSCREW ROAD, SUITE 102
ESTERO, FLORIDA 33428
PHONE: (239) 465-9148
FAX: (239) 286-2337
WWW.JREVAENGINEERING.COM

J.R. EVANS
ENGINEERING

KINGSTON (A Cameratta Development)

TYPICAL CROSS SECTIONS

PROJECT #	2022-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

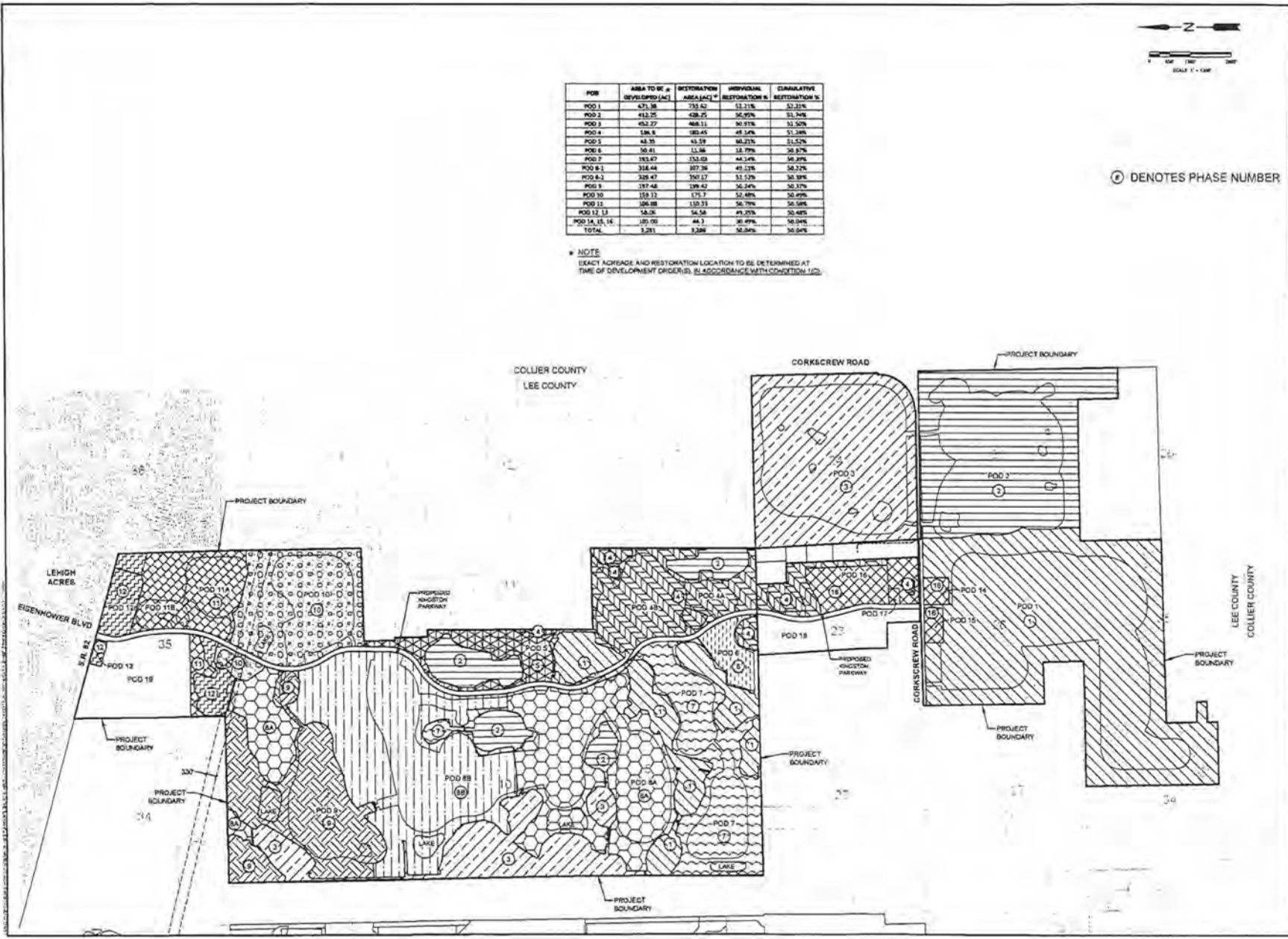
Deviation 8 seeks relief from LDC 10-285, which requires an access separation of 660 feet along principal arterials in Future Non-Urban areas to allow a connection separation distance of 460', as depicted on the MCP.

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
<u>Public Street</u>								
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
<u>Private Street</u>								
Front Yard Setback	25	25	20	20	20	25	25	25
<u>Side and Rear Yard Setbacks</u>								
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
<u>Rear Yard Setback to a Lake Maintenance Easement</u>								
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) *	INDIVIDUAL RESTORATION %	CUMULATIVE RESTORATION %
POD 1	471.86	213.62	45.31%	50.31%
POD 2	412.25	428.25	103.90%	51.24%
POD 3	452.27	468.11	103.51%	51.50%
POD 4	136.8	380.45	278.04%	51.24%
POD 5	43.35	41.34	95.36%	51.52%
POD 6	50.81	11.94	23.49%	50.87%
POD 7	183.87	153.03	83.24%	50.89%
POD 8-1	318.44	207.38	65.12%	50.22%
POD 8-2	329.47	250.17	75.93%	50.39%
POD 9	197.48	139.42	70.61%	50.37%
POD 10	110.12	171.7	155.82%	50.49%
POD 11	266.88	110.31	41.34%	50.58%
POD 12, 13	18.26	14.54	79.70%	50.48%
POD 14, 15, 16	101.00	44.3	43.86%	50.04%
TOTAL	3,281	3,286	100.00%	50.04%

* NOTE
EXACT ACREAGE AND RESTORATION LOCATION TO BE DETERMINED AT
TIME OF DEVELOPMENT ORDER(S) IN ACCORDANCE WITH CONDITION 1(C).

① DENOTES PHASE NUMBER

J.R. EVANS ENGINEERING, P.A.
8551 CORKSCREW ROAD, SUITE 102
FORT MYERS, FLORIDA 33928
PHONE: (239) 495-9148
FAX: (239) 288-2537
WWW.JREVAENGINEERING.COM

J.R. EVANS
ENGINEERING

KINGSTON (A Cameratta Development)

EXHIBIT G PHASING PLAN

PROJECT # 2022000208255

SHEET: 1 of 1

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*

TABLE OF CONTENTS

	<u>Page</u>
Introduction.....	1
Land Uses and Vegetation Associations.....	1
Survey Methodology and Discussion	12
Survey Results	20
Abundance of Protected Species Observed	21
Management Plans	36
References	37

LIST OF FIGURES

	<u>Page</u>
Figure 1. Project Location Map.....	2

LIST OF TABLES

		<u>Page</u>
Table 1.	FLUCFCS Codes and Acreages.....	3
Table 2.	Potential Lee County Protected Species by Habitat Type	12
Table 3.	Survey Dates and Weather Conditions	18
Table 4.	Summary of Habitat Coverage.....	19
Table 5.	Lee County Protected Species Abundance Calculations	21
Table 6.	Lee County Protected Species Survey Summary.....	24

LIST OF APPENDICES

	<u>Page</u>
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 pratensis*), 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

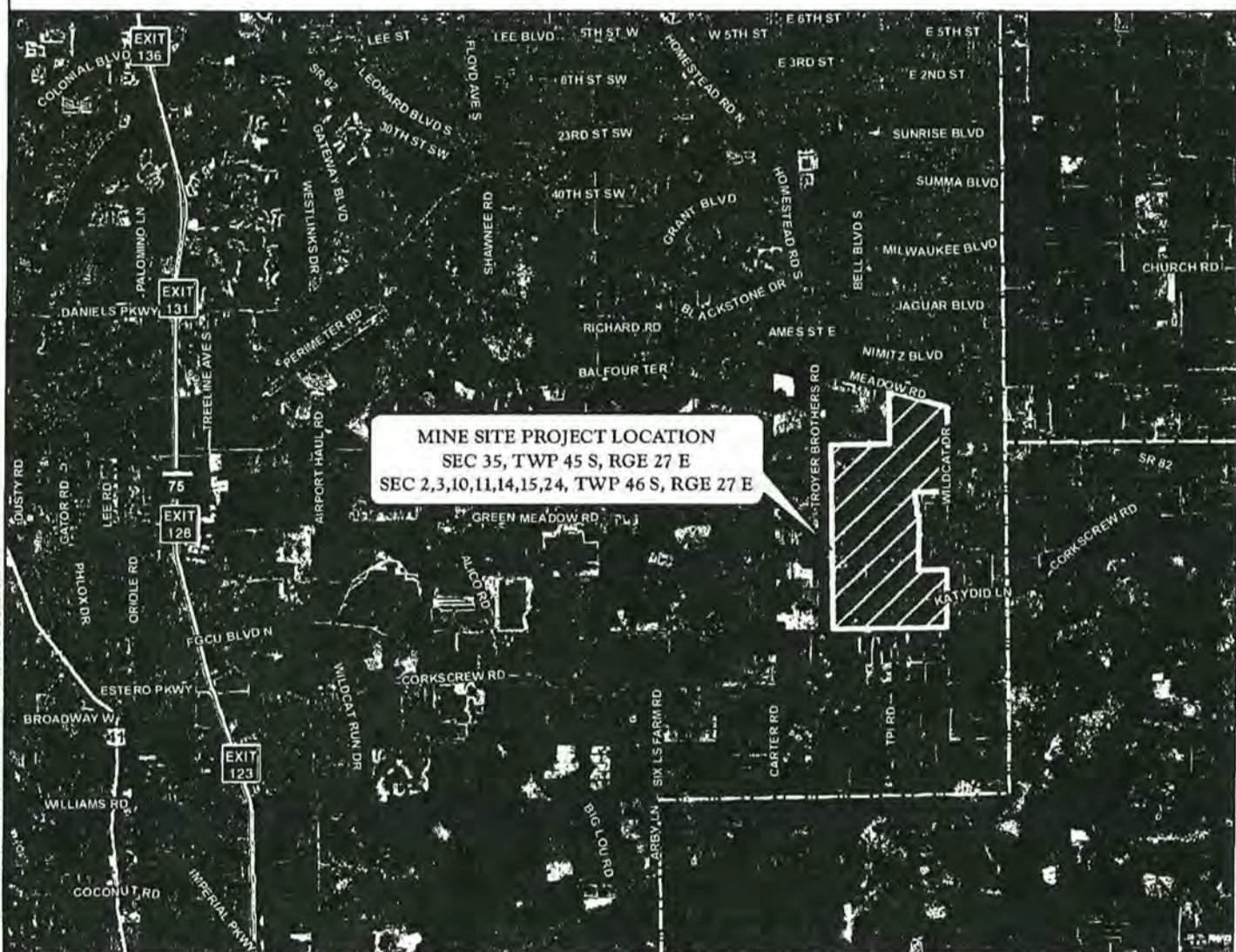
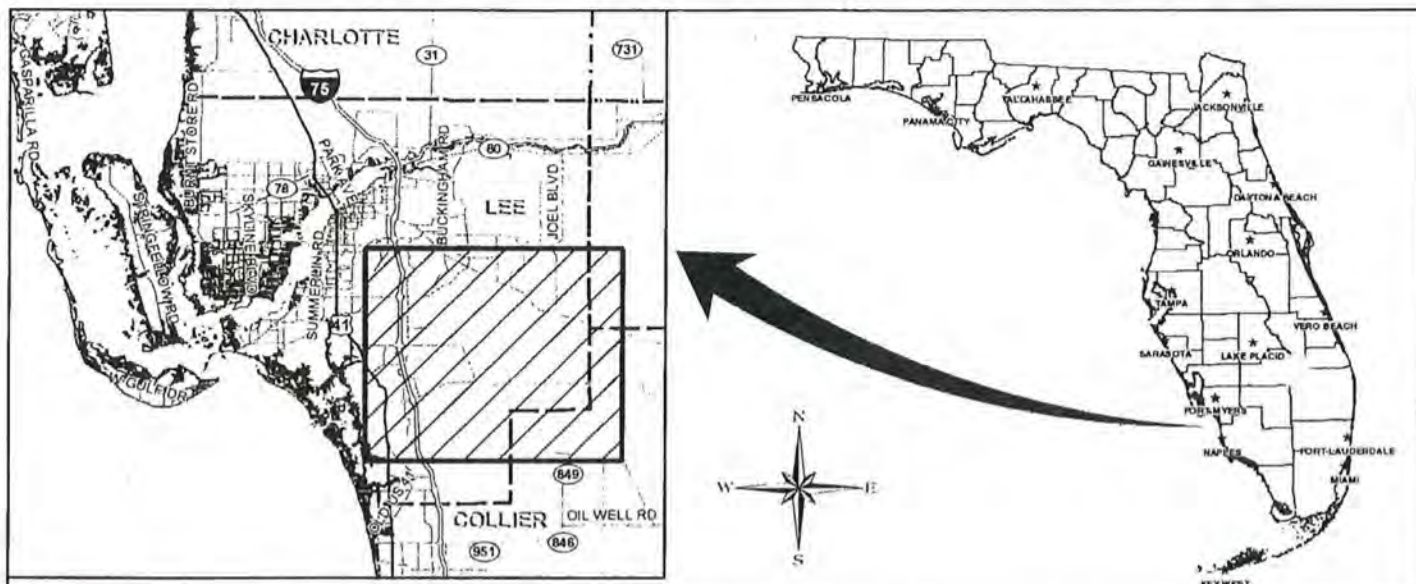


FIGURE 1. PROJECT LOCATION MAP
OLD CORKSCREW PLANTATION IPD

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

PASSARELLA
& ASSOCIATES_{LLC}

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 elliotii*) 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 (*Rhynchospora* 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 (<i>Caracara cheriway</i>)
		Eastern Indigo Snake (<i>Drymarchon couperi</i>)
		Gopher Tortoise (<i>Gopherus polyphemus</i>)
		Gopher Frog (<i>Rana capito</i>)
		Florida Sandhill Crane (<i>Grus canadensis pratensis</i>)
3219 E1	Palmetto Prairie, Disturbed (0-100% Exotics)	Southeastern American Kestrel (<i>Falco sparverius paulus</i>)
3219 E2		Crested Caracara (<i>Caracara cheriway</i>)
3219 E3		Florida Black Bear (<i>Ursus americanus floridanus</i>)
3219 E4		Beautiful Pawpaw (<i>Deeringothamnus pulchellus</i>)
		Curtis Milkweed (<i>Asclepias curtissii</i>)
		Fakahatchee Burmania (<i>Burmania flava</i>)
		Florida Coontie (<i>Zamia floridana</i>)

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

Table 2. (Continued)

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

Table 2. (Continued)

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

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

Table 2. (Continued)

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

Table 2. (Continued)

FLUCFCS Code and Description		Potential Protected Species
7401*	Disturbed Land, Hydric	Little Blue Heron (<i>Egretta caerulea</i>)
		Snowy Egret (<i>Egretta thula</i>)
		Tri-Colored Heron (<i>Egretta tricolor</i>)
742*	Borrow Area	American Alligator (<i>Alligator mississippiensis</i>)
743	Spoil Area	Gopher Tortoise (<i>Gopherus polyphemus</i>)
747*	Berm	Gopher Tortoise (<i>Gopherus polyphemus</i>)
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 transect² 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

$$\begin{aligned} &= \{2AA / [66,965 \text{ ft. } (40 \text{ ft.} + 40 \text{ ft.})]\} (43,560 \text{ ft.}^2/\text{ac}) \\ &= \{2AA / 5,357,520 \text{ ft.}^2\} (43,560 \text{ ft.}^2/\text{ac}) \\ &= \{3.73 \times 10^{-7} / \text{ft.}^2\} (43,560 \text{ ft.}^2/\text{ac}) \\ &= 0.02 \text{ AA/Acre} \end{aligned}$$

FLUCFCS Code 6219 E4

$$\begin{aligned} &= \{1AA / [7,614 \text{ ft. } (40 \text{ ft.} + 40 \text{ ft.})]\} (43,560 \text{ ft.}^2/\text{ac}) \\ &= \{1AA / 616,080 \text{ ft.}^2\} (43,560 \text{ ft.}^2/\text{ac}) \\ &= \{1.62 \times 10^{-6} / \text{ft.}^2\} (43,560 \text{ ft.}^2/\text{ac}) \\ &= 0.07 \text{ AA/Acre} \end{aligned}$$

Table 5. (Continued)

American Alligator (continued)*FLUCFCS Code 6249 E1*

$$\begin{aligned}
 &= \{2AA / [28,933 \text{ ft. } (40 \text{ ft.} + 40 \text{ ft.})]\} (43,560 \text{ ft.}^2/\text{ac}) \\
 &= \{2AA / 2,321,920 \text{ ft.}^2\} (43,560 \text{ ft.}^2/\text{ac}) \\
 &= \{8.61 \times 10^{-7}/\text{ft.}^2\} (43,560 \text{ ft.}^2/\text{ac}) \\
 &= 0.04 \text{ AA/Acre}
 \end{aligned}$$

Little Blue Heron*FLUCFCS Code 514*

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

FLUCFCS Code 6419 E1, E4

$$\begin{aligned}
 &= \{3LBHE / [68,089 \text{ ft. } (40 \text{ ft.} + 40 \text{ ft.})]\} (43,560 \text{ ft.}^2/\text{ac}) \\
 &= \{3LBHE / 5,447,120 \text{ ft.}^2\} (43,560 \text{ ft.}^2/\text{ac}) \\
 &= \{5.51 \times 10^{-7}/\text{ft.}^2\} (43,560 \text{ ft.}^2/\text{ac}) \\
 &= 0.02 \text{ LBHE/Acre}
 \end{aligned}$$

FLUCFCS Code 6439 E4

$$\begin{aligned}
 &= \{1LBHE / [10,550 \text{ ft. } (40 \text{ ft.} + 40 \text{ ft.})]\} (43,560 \text{ ft.}^2/\text{ac}) \\
 &= \{1LBHE / 844,000 \text{ ft.}^2\} (43,560 \text{ ft.}^2/\text{ac}) \\
 &= \{1.18 \times 10^{-6}/\text{ft.}^2\} (43,560 \text{ ft.}^2/\text{ac}) \\
 &= 0.05 \text{ LBHE/Acre}
 \end{aligned}$$

Snowy Egret*FLUCFCS Code 514*

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

Table 5. (Continued)**Tri-Colored Heron***FLUCFCS Code 514*

$$\begin{aligned}
 &= \{2\text{TCHE} / [66,965 \text{ ft. } (40 \text{ ft.} + 40 \text{ ft.})]\} (43,560 \text{ ft.}^2/\text{ac}) \\
 &= \{2\text{TCHE} / 5,357,520 \text{ ft.}^2\} (43,560 \text{ ft.}^2/\text{ac}) \\
 &= \{3.73 \times 10^{-7} / \text{ft.}^2\} (43,560 \text{ ft.}^2/\text{ac}) \\
 &= 0.02 \text{ TCHE/Acre}
 \end{aligned}$$

FLUCFCS Code 6249 E3

$$\begin{aligned}
 &= \{1\text{TCHE} / [10,206 \text{ ft. } (40 \text{ ft.} + 40 \text{ ft.})]\} (43,560 \text{ ft.}^2/\text{ac}) \\
 &= \{1\text{TCHE} / 817,200 \text{ ft.}^2\} (43,560 \text{ ft.}^2/\text{ac}) \\
 &= \{1.22 \times 10^{-6} / \text{ft.}^2\} (43,560 \text{ ft.}^2/\text{ac}) \\
 &= 0.05 \text{ TCHE/Acre}
 \end{aligned}$$

FLUCFCS Code 6439 E4

$$\begin{aligned}
 &= \{1\text{TCHE} / [10,550 \text{ ft. } (40 \text{ ft.} + 40 \text{ ft.})]\} (43,560 \text{ ft.}^2/\text{ac}) \\
 &= \{1\text{TCHE} / 844,000 \text{ ft.}^2\} (43,560 \text{ ft.}^2/\text{ac}) \\
 &= \{1.18 \times 10^{-6} / \text{ft.}^2\} (43,560 \text{ ft.}^2/\text{ac}) \\
 &= 0.05 \text{ TCHE/Acre}
 \end{aligned}$$

Crested Caracara*FLUCFCS Code 221*

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

Florida Black Bear Scratch Tree*FLUCFCS Code 6219 E1, E3*

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

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	80		X	N/A
	4279 E2				
	740*	80		X	N/A
	743	80		X	N/A
	747*	80		X	N/A
Gopher Frog	3219 E1	80		X	N/A
	3219 E2				
	3219 E3				
	4119 E1	80		X	N/A
	4119 E2				
	4119 E3				
	4159 E1*	80		X	N/A
	4221*	80		X	N/A
	4241*	80		X	N/A
	6215 E1	80		X	N/A
	6215 E2				
	6219 E1	80		X	N/A
	6219 E2				
	6219 E3				
	6245 E1	80		X	N/A
	6249 E1	80		X	N/A
	6249 E2				
	6249 E3				
	6259 E1	80		X	N/A
	6259 E2				
	6259 E3				
	6309 E1	80		X	N/A
	6309 E2				
	6309 E3				
Birds					
Roseate Spoonbill	514	80		X	N/A
	525	80		X	N/A
	6189 E1*	80		X	N/A
	6189 E3*				
	6189 E4*				
Limpkin	4291 E1*	80		X	N/A
	4291 E2*				
	4291 E3*				
	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
	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
Little Blue Heron	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	80		X	N/A
	6419 E2				
	6419 E3				
	6419 E4				
Wood Stork	221	80		X	N/A
	514	80		X	N/A
	6189 E1*	80		X	N/A
	6189 E3*				
	6189 E4*				
	6219 E1	80		X	N/A
	6219 E2				
	6219 E3				
	6219 E4				
	6309 E1	80		X	N/A
	6309 E2				
	6309 E3				
	6411 E1	80		X	N/A
	6412 E1	80		X	N/A
	6419 E1	80		X	N/A
	6419 E2				
	6419 E3				
	6419 E4				
	6439 E1	80		X	N/A
	6439 E2				
	6439 E3				
	6439 E4				
	740*	80		X	N/A
	7401*			X	N/A
Brown Pelican	6189 E1*	80		X	N/A
	6189 E3*				
	6189 E4*				
Southeastern American Kestrel	3219 E1	80		X	N/A
	3219 E2				
	3219 E3				
	3219 E4				
	4119 E1	80		X	N/A
	4119 E2				
	4119 E3				
	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	80		X	N/A
	4119 E2				
	4119 E3				
	4159 E1*	80		X	N/A
Arctic Peregrine Falcon	6215 E1	80		X	N/A
	6215 E2				
	6219 E1	80		X	N/A
	6219 E2				
	6219 E3				
	6219 E4				
	6249 E1	80		X	N/A
	6249 E2				
	6249 E3				
	6249 E4				
	6259 E1	80		X	N/A
	6259 E2				
	6259 E3				
	6259 E4				
Bald Eagle	4119 E1	80		X	N/A
	4119 E2				
	4119 E3				
	4159 E1*	80		X	N/A
	6259 E1	80		X	N/A
Crested Caracara	6259 E2				
	6259 E3				
	6259 E4				
	221*	60	X		<0.01
	3219 E1	80		X	N/A
	3219 E2				
	3219 E3				
	3219 E4				
Everglade Snail Kite	4281 E1	80		X	N/A
	4289 E1	80		X	N/A
	4289 E2				
	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	80		X	N/A				
	6419 E2								
	6419 E3								
	6419 E4								
	6439 E1	80		X	N/A				
	6439 E2								
6439 E3									
Mammals									
Everglades Mink	514	80		X	N/A				
	525	80		X	N/A				
	6215 E1	80		X	N/A				
	6215 E2								
	6219 E1					80		X	N/A
	6219 E2								
	6219 E3								
	6219 E4								
	6259 E1	80		X	N/A				
	6259 E2								
	6259 E3								
	6259 E4								
	6309 E1	80		X	N/A				
	6309 E2								
	6309 E3								
	6411 E1	80		X	N/A				
6412 E1	80		X	N/A					
6419 E1	80		X	N/A					
6419 E2									
6419 E3									
6439 E1	80		X	N/A					
6439 E2									
6439 E3									
740*	80		X	N/A					
Big Cypress Fox Squirrel	4119 E1	80		X	N/A				
	4119 E2								
	4119 E3								
	4159 E1*	80		X	N/A				
	4241*	80		X	N/A				
	6189 E1*	80		X	N/A				
6189 E3*									
6189 E4*									

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
	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
Florida Panther	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
	3219 E1 3219 E2 3219 E3 3219 E4	80		X	N/A
	4119 E1 4119 E2 4119 E3	80		X	N/A
Florida Black Bear	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	80		X	N/A
	3219 E2				
	3219 E3				
	3219 E4				
	4119 E1	80		X	N/A
	4119 E2				
	4119 E3				
	4159 E1*	80		X	N/A
Fakahatchee Burmania	3219 E1	80		X	N/A
	3219 E2				
	3219 E3				
	4119 E1	80		X	N/A
	4119 E2				
	4119 E3				
	4159 E1*	80		X	N/A
Satinleaf	4119 E1	80		X	N/A
	4119 E2				
	4119 E3				
	4159 E1*	80		X	N/A
Florida Coontie	3219 E1	80		X	N/A
	3219 E2				
	3219 E3				
	3219 E4				
	4119 E1	80		X	N/A
	4119 E2				
	4119 E3				
	4159 E1*	80		X	N/A
Simpson's Stopper	4279 E1	80		X	N/A
	4279 E2				
	4281 E1	80		X	N/A
	4289 E1	80		X	N/A
	4289 E2				
Hand Adder's Tongue Fern	4279 E1	80		X	N/A
	4279 E2				
Twisted Air Plant	4279 E1	80		X	N/A
	4279 E2				
	6189 E1*	80		X	N/A
	6189 E3*				
	6189 E4*				

Table 6. (Continued)

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

*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



OLD CORKSCREW PLANTATION IPD
AERIAL WITH FLICFCS AND WETLANDS MAP

APPENDIX B

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

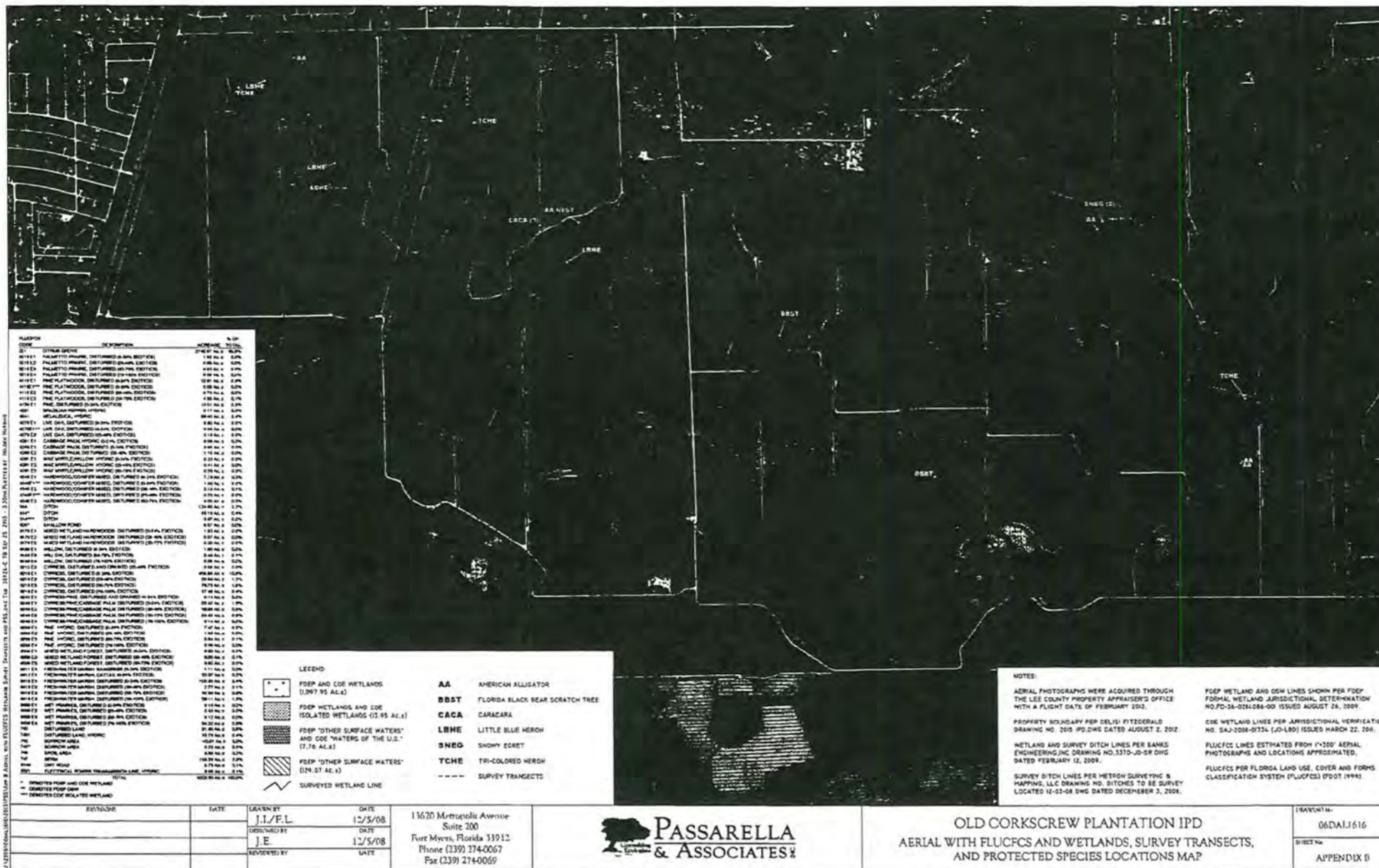


EXHIBIT I

**KINGSTON
LEE COUNTY PROTECTED SPECIES SURVEY**

DRAFT

April 2022

Prepared For:

CAM7-Sub, LLC
21101 Design Parc Lane Suite 103
Estero, Florida 33928
(239) 425-8662

Prepared By:

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

Project No. 21CCL3707

TABLE OF CONTENTS

	<u>Page</u>
1.0 Introduction.....	1
2.0 Land Uses and Vegetation Associations.....	1
3.0 Methodology and Discussion.....	10
4.0 Survey Results	19
5.0 Abundance of Protected Species Observed	19
6.0 Management Activities	34
7.0 References.....	34

LIST OF FIGURES

	<u>Page</u>
Figure 1. Project Location Map.....	2

LIST OF TABLES

	<u>Page</u>
Table 1. Vegetative and Land Cover Type by FLUCFCS Code	1
Table 2. Potential Lee County Protected Species by Habitat Type	10
Table 3. Summary of Weather Conditions for the Protected Species Survey	16
Table 4. Summary of Habitat Coverage.....	16
Table 5. Lee County Protected Species Abundance Calculations	20
Table 6. Lee County Protected Species Survey Summary.....	22

LIST OF APPENDICES

	<u>Page</u>
Appendix A. Aerial with FLUCFCS and Wetlands Map.....	A-1
Appendix B. Aerial with FLUCFCS, Survey Transects, and Protected Species Locations	B-1

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



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 fruticosa*), 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 (<i>Gopherus polyphemus</i>)
		Burrowing owl (<i>Athene cunicularia floridana</i>)
		Crested caracara (<i>Caracara cheriway</i>)
		Florida sandhill crane (<i>Grus canadensis pratensis</i>)
		Little blue heron (<i>Egretta caerulea</i>)
		Snowy egret (<i>Egretta thula</i>)
		Wood stork (<i>Mycteria americana</i>)
		Florida panther (<i>Puma concolor coryi</i>)
224*	Abandoned Groves	Gopher tortoise (<i>Gopherus polyphemus</i>)
		Burrowing owl (<i>Athene cunicularia floridana</i>)
		Crested caracara (<i>Caracara cheriway</i>)
		Florida sandhill crane (<i>Grus canadensis pratensis</i>)
		Florida panther (<i>Puma concolor coryi</i>)
262*	Low Pasture, Hydric	American alligator (<i>Alligator mississippiensis</i>)
		Florida sandhill crane (<i>Grus canadensis pratensis</i>)
		Limpkin (<i>Aramus guarauna</i>)
		Little blue heron (<i>Egretta caerulea</i>)

Table 2. (Continued)

FLUCFCS Code	Description	Potential Protected Species
262*	Low Pasture, Hydric (Continued)	Reddish egret (<i>Egretta rufescens</i>)
		Roseate spoonbill (<i>Platalea ajaja</i>)
		Snail kite (<i>Rostrhamus sociabilis</i>)
		Snowy egret (<i>Egretta thula</i>)
		Tri-colored heron (<i>Egretta tricolor</i>)
		Wood stork (<i>Mycteria americana</i>)
		Everglades mink (<i>Mustela vison evergladensis</i>)
3219 E1 3219 E2 3219 E3	Palmetto Prairie, Disturbed (0-75% Exotics)	Eastern indigo snake (<i>Drymarchon corais couperi</i>)
		Gopher frog (<i>Rana capito</i>)
		Gopher tortoise (<i>Gopherus polyphemus</i>)
		Crested caracara (<i>Caracara cheriway</i>)
		Florida sandhill crane (<i>Grus canadensis pratensis</i>)
		Southeastern American kestrel (<i>Falco sparverius paulus</i>)
		Florida black bear (<i>Ursus americanus floridanus</i>)
		Florida panther (<i>Puma concolor coryi</i>)
		Beautiful pawpaw (<i>Deeringothamnus pulchellus</i>)
		Curtis milkweed (<i>Asclepias curtissii</i>)
		Fakahatchee burmania (<i>Burmania flava</i>)
4119 E2 4119 E3 4119 E4*	Pine Flatwoods, Disturbed (25-100% Exotics)	Florida coontie (<i>Zamia floridana</i>)
		Eastern indigo snake (<i>Drymarchon corais couperi</i>)
		Gopher frog (<i>Rana capito</i>)
		Gopher tortoise (<i>Gopherus polyphemus</i>)
		Red-cockaded woodpecker (<i>Picoides borealis</i>)
		Southeastern American kestrel (<i>Falco sparverius paulus</i>)
		Big Cypress fox squirrel (<i>Sciurus niger avicennia</i>)
		Florida black bear (<i>Ursus americanus floridanus</i>)
		Florida panther (<i>Puma concolor coryi</i>)
		Beautiful pawpaw (<i>Deeringothamnus pulchellus</i>)
		Fakahatchee burmania (<i>Burmania flava</i>)
4159 E2 4159 E3 4159 E4*	Pine, Disturbed (25-100% Exotics)	Florida coontie (<i>Zamia floridana</i>)
		Satinleaf (<i>Chrysophyllum oliviforme</i>)
		Eastern indigo snake (<i>Drymarchon corais couperi</i>)
		Gopher frog (<i>Rana capito</i>)
		Gopher tortoise (<i>Gopherus polyphemus</i>)
4159 E2 4159 E3 4159 E4*	Pine, Disturbed (25-100% Exotics)	Red-cockaded woodpecker (<i>Picoides borealis</i>)
		Southeastern American kestrel (<i>Falco sparverius paulus</i>)

Table 2. (Continued)

FLUCFCS Code	Description	Potential Protected Species
4159 E2	Pine, Disturbed (25-100% Exotics) (Continued)	Big Cypress fox squirrel (<i>Sciurus niger avicennia</i>)
4159 E3		Florida black bear (<i>Ursus americanus floridanus</i>)
4159 E4*		Florida panther (<i>Puma concolor coryi</i>)
422*	Brazilian Pepper	Florida black bear (<i>Ursus americanus floridanus</i>)
4221*	Brazilian Pepper, Hydric	Florida black bear (<i>Ursus americanus floridanus</i>)
4289 E4	Cabbage Palm, Disturbed (76-100% Exotics)	Eastern indigo snake (<i>Drymarchon corais couperi</i>)
		Crested caracara (<i>Caracara cheriway</i>)
		Florida black bear (<i>Ursus americanus floridanus</i>)
		Florida panther (<i>Puma concolor coryi</i>)
		Simpson's Stopper (<i>Myrcianthes fragrans</i> var. <i>simpsonii</i>)
4299 E2 4299 E3 4299 E4*	Wax Myrtle, Disturbed (25-100% Exotics)	Eastern indigo snake (<i>Drymarchon corais couperi</i>)
		Gopher frog (<i>Rana capito</i>)
		Gopher tortoise (<i>Gopherus polyphemus</i>)
		Southeastern American kestrel (<i>Falco sparverius paulus</i>)
		Big Cypress fox squirrel (<i>Sciurus niger avicennia</i>)
		Florida black bear (<i>Ursus americanus floridanus</i>)
		Florida panther (<i>Puma concolor coryi</i>)
4349 E3 4349 E4*	Hardwood/Conifer Mixed, Disturbed (50-100% Exotics)	Gopher frog (<i>Rana capito</i>)
		Gopher tortoise (<i>Gopherus polyphemus</i>)
		Big Cypress fox squirrel (<i>Sciurus niger avicennia</i>)
		Florida black bear (<i>Ursus americanus floridanus</i>)
		Florida panther (<i>Puma concolor coryi</i>)
514*	Drainage Canal/Ditch	American alligator (<i>Alligator mississippiensis</i>)
		Least tern (<i>Sterna antillarum</i>)
		Limpkin (<i>Aramus guarauna</i>)
		Little blue heron (<i>Egretta caerulea</i>)
		Reddish egret (<i>Egretta rufescens</i>)
		Roseate spoonbill (<i>Platalea ajaja</i>)
		Snail kite (<i>Rostrhamus sociabilis</i>)
		Snowy egret (<i>Egretta thula</i>)
		Tri-colored heron (<i>Egretta tricolor</i>)
		Wood stork (<i>Mycteria americana</i>)
		Big Cypress fox squirrel (<i>Sciurus niger avicennia</i>)
		Everglades mink (<i>Mustela vison evergladensis</i>)
514H*	Drainage Canal/Ditch, Hydric	American alligator (<i>Alligator mississippiensis</i>)
		Least tern (<i>Sterna antillarum</i>)
		Limpkin (<i>Aramus guarauna</i>)
		Little blue heron (<i>Egretta caerulea</i>)
		Reddish egret (<i>Egretta rufescens</i>)

Table 2. (Continued)

FLUCFCS Code	Description	Potential Protected Species
514H*	Drainage Canal/Ditch, Hydric (Continued)	Roseate spoonbill (<i>Platalea ajaja</i>)
		Snail kite (<i>Rostrhamus sociabilis</i>)
		Snowy egret (<i>Egretta thula</i>)
		Tri-colored heron (<i>Egretta tricolor</i>)
		Wood stork (<i>Mycteria americana</i>)
		Everglades mink (<i>Mustela vison evergladensis</i>)
533*	Reservoirs (<10 Acres but >100 Acres)	Gopher tortoise (<i>Gopherus polyphemus</i>)
		Burrowing owl (<i>Athene cunicularia floridana</i>)
		Crested caracara (<i>Caracara cheriway</i>)
6179 E2	Mixed Wetland Hardwoods, Disturbed (25-49% Exotics)	Limpkin (<i>Aramus guarauna</i>)
		Little blue heron (<i>Egretta caerulea</i>)
		Snowy egret (<i>Egretta thula</i>)
		Tri-colored heron (<i>Egretta tricolor</i>)
		Big Cypress fox squirrel (<i>Sciurus niger avicennia</i>)
		Everglades mink (<i>Mustela vison evergladensis</i>)
		Florida black bear (<i>Ursus americanus floridanus</i>)
		Florida panther (<i>Puma concolor coryi</i>)
6189 E1 6189 E2 6189 E3 6189 E4*	Willow/Pop Ash, Disturbed (0-100% Exotics)	Twisted air plant (<i>Tillandsia flexuosa</i>)
		Limpkin (<i>Aramus guarauna</i>)
		Little blue heron (<i>Egretta caerulea</i>)
		Snowy egret (<i>Egretta thula</i>)
		Tri-colored heron (<i>Egretta tricolor</i>)
		Wood stork (<i>Mycteria americana</i>)
		Big Cypress fox squirrel (<i>Sciurus niger avicennia</i>)
		Everglades mink (<i>Mustela vison evergladensis</i>)
6215 E1 6215 E3 6215 E4*	Cypress, Disturbed and Drained (0-100% Exotics)	Florida black bear (<i>Ursus americanus floridanus</i>)
		Florida panther (<i>Puma concolor coryi</i>)
		Crested caracara (<i>Caracara cheriway</i>)
		Limpkin (<i>Aramus guarauna</i>)
		Little blue heron (<i>Egretta caerulea</i>)
		Snowy egret (<i>Egretta thula</i>)
		Tri-colored heron (<i>Egretta tricolor</i>)
		Wood stork (<i>Mycteria americana</i>)
6219 E2 6219 E3 6219 E4*	Cypress, Disturbed (25-100% Exotics)	Big Cypress fox squirrel (<i>Sciurus niger avicennia</i>)
		Everglades mink (<i>Mustela vison evergladensis</i>)
		Florida black bear (<i>Ursus americanus floridanus</i>)
		Florida panther (<i>Puma concolor coryi</i>)
		Twisted air plant (<i>Tillandsia flexuosa</i>)
6219 E2 6219 E3 6219 E4*	Cypress, Disturbed (25-100% Exotics)	American alligator (<i>Alligator mississippiensis</i>)
		Gopher frog (<i>Rana capito</i>)
		Limpkin (<i>Aramus guarauna</i>)

Table 2. (Continued)

FLUCFCS Code	Description	Potential Protected Species
6219 E2 6219 E3 6219 E4*	Cypress, Disturbed (25-100% Exotics) (Continued)	Little blue heron (<i>Egretta caerulea</i>)
		Snowy egret (<i>Egretta thula</i>)
		Tri-colored heron (<i>Egretta tricolor</i>)
		Wood stork (<i>Mycteria americana</i>)
		Big Cypress fox squirrel (<i>Sciurus niger avicennia</i>)
		Everglades mink (<i>Mustela vison evergladensis</i>)
		Florida black bear (<i>Ursus americanus floridanus</i>)
		Florida panther (<i>Puma concolor coryi</i>)
		Twisted air plant (<i>Tillandsia flexuosa</i>)
6249 E2	Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics)	American alligator (<i>Alligator mississippiensis</i>)
		Gopher frog (<i>Rana capito</i>)
		Limpkin (<i>Aramus guarauna</i>)
		Little blue heron (<i>Egretta caerulea</i>)
		Snowy egret (<i>Egretta thula</i>)
		Tri-colored heron (<i>Egretta tricolor</i>)
		Wood stork (<i>Mycteria americana</i>)
		Big Cypress fox squirrel (<i>Sciurus niger avicennia</i>)
		Everglades mink (<i>Mustela vison evergladensis</i>)
		Florida black bear (<i>Ursus americanus floridanus</i>)
6259 E2 6259 E3 6259 E4*	Pine, Hydric, Disturbed (25-100% Exotics)	Florida panther (<i>Puma concolor coryi</i>)
		Twisted air plant (<i>Tillandsia flexuosa</i>)
		Little blue heron (<i>Egretta caerulea</i>)
		Red-cockaded woodpecker (<i>Picoides borealis</i>)
		Snowy egret (<i>Egretta thula</i>)
		Southeastern American kestrel (<i>Falco sparverius paulus</i>)
		Tri-colored heron (<i>Egretta tricolor</i>)
		Big Cypress fox squirrel (<i>Sciurus niger avicennia</i>)
		Florida black bear (<i>Ursus americanus floridanus</i>)
6309 E2 6309 E3 6309 E4*	Mixed Wetland Forest, Disturbed (25-100% Exotics)	Florida panther (<i>Puma concolor coryi</i>)
		American alligator (<i>Alligator mississippiensis</i>)
		Gopher frog (<i>Rana capito</i>)
		Limpkin (<i>Aramus guarauna</i>)
		Little blue heron (<i>Egretta caerulea</i>)
		Snowy egret (<i>Egretta thula</i>)
		Tri-colored heron (<i>Egretta tricolor</i>)
		Wood stork (<i>Mycteria americana</i>)
		Big Cypress fox squirrel (<i>Sciurus niger avicennia</i>)

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 (<i>Mustela vison evergladensis</i>)
		Florida black bear (<i>Ursus americanus floridanus</i>)
		Florida panther (<i>Puma concolor coryi</i>)
		Twisted air plant (<i>Tillandsia flexuosa</i>)
6419 E2 6419 E3 6419 E4*	Freshwater Marsh, Disturbed (25-100% Exotics)	American alligator (<i>Alligator mississippiensis</i>)
		Florida sandhill crane (<i>Grus canadensis pratensis</i>)
		Limpkin (<i>Aramus guarauna</i>)
		Little blue heron (<i>Egretta caerulea</i>)
		Reddish egret (<i>Egretta rufescens</i>)
		Roseate spoonbill (<i>Platalea ajaja</i>)
		Snail kite (<i>Rostrhamus sociabilis</i>)
		Snowy egret (<i>Egretta thula</i>)
		Tri-colored heron (<i>Egretta tricolor</i>)
		Wood stork (<i>Mycteria americana</i>)
6439 E1 6439 E3*	Wet Prairie, Disturbed (0-75% Exotics)	Everglades mink (<i>Mustela vison evergladensis</i>)
		Limpkin (<i>Aramus guarauna</i>)
		Little blue heron (<i>Egretta caerulea</i>)
		Reddish egret (<i>Egretta rufescens</i>)
		Roseate spoonbill (<i>Platalea ajaja</i>)
		Snail kite (<i>Rostrhamus sociabilis</i>)
		Snowy egret (<i>Egretta thula</i>)
		Tri-colored heron (<i>Egretta tricolor</i>)
		Wood stork (<i>Mycteria americana</i>)
		Everglades mink (<i>Mustela vison evergladensis</i>)
740*	Disturbed Land	American alligator (<i>Alligator mississippiensis</i>)
		Gopher tortoise (<i>Gopherus polyphemus</i>)
		Burrowing owl (<i>Athene cunicularia floridana</i>)
7401*	Disturbed Land, Hydric	American alligator (<i>Alligator mississippiensis</i>)
		Little blue heron (<i>Egretta caerulea</i>)
		Reddish egret (<i>Egretta rufescens</i>)
		Snowy egret (<i>Egretta thula</i>)
		Tri-colored heron (<i>Egretta tricolor</i>)
742*	Borrow Area	Wood stork (<i>Mycteria americana</i>)
		American alligator (<i>Alligator mississippiensis</i>)
		Least tern (<i>Sterna antillarum</i>)
		Limpkin (<i>Aramus guarauna</i>)
		Little blue heron (<i>Egretta caerulea</i>)
		Reddish egret (<i>Egretta rufescens</i>)
		Roseate spoonbill (<i>Platalea ajaja</i>)
		Snail kite (<i>Rostrhamus sociabilis</i>)
		Snowy egret (<i>Egretta thula</i>)

Table 2. (Continued)

FLUCFCS Code	Description	Potential Protected Species
742*	Borrow Area (Continued)	Tri-colored heron (<i>Egretta tricolor</i>)
		Wood stork (<i>Mycteria americana</i>)
		Everglades mink (<i>Mustela vison evergladensis</i>)
743*	Spoil Area	Gopher tortoise (<i>Gopherus polyphemus</i>)
747*	Dikes and Levees (Berm)	Gopher tortoise (<i>Gopherus polyphemus</i>)
		Crested caracara (<i>Caracara cheriway</i>)
		Wood stork (<i>Mycteria americana</i>)
		Big Cypress fox squirrel (<i>Sciurus niger avicennia</i>)
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

$$\text{Protected Species Density} = \{n (C) / [L (W_1 + W_2)]\} (43,560 \text{ ft}^2/\text{ac})$$

Where n = number of individuals observed or active plus inactive
gopher tortoise burrows

L = length of transect

W₁ = distance of visibility to the right of transect

W₂ = distance of visibility to the left of transect

C = gopher tortoise conversion factor (0.5)*

*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

$$= \{2 \text{ AA} / [(731,585 \text{ ft}) (50 \text{ ft} + 50 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac})$$

$$= \{2 / 73,158,500 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac})$$

$$= (2.7 \times 10^{-8} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac})$$

$$= 0.001 \text{ American alligators / acre}$$

FLUCFCS Code 514

$$= \{3 \text{ AA} / [(46,697 \text{ ft}) (50 \text{ ft} + 50 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac})$$

$$= \{3 / 4,669,700 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac})$$

$$= (6.0 \times 10^{-7} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac})$$

$$= 0.03 \text{ American alligators / acre}$$

FLUCFCS Code 6189 E4

$$= \{1 \text{ AA} / [(6,482 \text{ ft}) (30 \text{ ft} + 30 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac})$$

$$= \{1 / 388,920 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac})$$

$$= (2.6 \times 10^{-6} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac})$$

$$= 0.11 \text{ American alligators / acre}$$

FLUCFCS Code 740

$$= \{2 \text{ AA} / [(23,687 \text{ ft}) (40 \text{ ft} + 40 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac})$$

$$= \{2 / 1,894,960 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac})$$

$$= (1.1 \times 10^{-6} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac})$$

$$= 0.05 \text{ American alligators / acre}$$

Gopher Tortoise (GT) burrow

FLUCFCS Code 3219 E1

$$= \{1 \text{ GT} (0.5) / [(2,061 \text{ ft}) (50 \text{ ft} + 50 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac})$$

$$= \{0.5 / 206,100 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac})$$

$$= (2.4 \times 10^{-6} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac})$$

$$= 0.1 \text{ Gopher tortoise burrows / acre}$$

Table 5. (Continued)

Crested Caracara (CRCA)*FLUCFCS Code 6215 E1*

$$\begin{aligned}
 &= \{1 \text{ CRCA} / [(37 \text{ ft}) (40 \text{ ft} + 40 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac}) \\
 &= \{1/2,960 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac}) \\
 &= (3.4 \times 10^{-4} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac}) \\
 &= 14.7 \text{ Crested caracara / acre}^*
 \end{aligned}$$

FLUCFCS Code 6215 E3

$$\begin{aligned}
 &= \{1 \text{ CRCA} / [(35 \text{ ft}) (35 \text{ ft} + 35 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac}) \\
 &= \{1/2,450 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac}) \\
 &= (4.1 \times 10^{-4} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac}) \\
 &= 17.8 \text{ Crested caracara / acre}^*
 \end{aligned}$$

Florida Sandhill Crane (SACR)*FLUCFCS Code 221*

$$\begin{aligned}
 &= \{4 \text{ SACR} / [(731,585 \text{ ft}) (50 \text{ ft} + 50 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac}) \\
 &= \{4/73,158,500 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac}) \\
 &= (5.5 \times 10^{-8} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac}) \\
 &= 0.002 \text{ Sandhill cranes / acre}
 \end{aligned}$$

Little Blue Heron (LBH)*FLUCFCS Code 221*

$$\begin{aligned}
 &= \{3 \text{ LBH} / [(731,585 \text{ ft}) (50 \text{ ft} + 50 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac}) \\
 &= \{3/73,158,500 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac}) \\
 &= (4.1 \times 10^{-8} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac}) \\
 &= 0.002 \text{ Little blue herons / acre}
 \end{aligned}$$

FLUCFCS Code 514

$$\begin{aligned}
 &= \{1 \text{ LBH} / [(46,697 \text{ ft}) (50 \text{ ft} + 50 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac}) \\
 &= \{1/4,669,700 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac}) \\
 &= (2.1 \times 10^{-7} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac}) \\
 &= 0.009 \text{ Little blue herons / acre}
 \end{aligned}$$

Snowy Egret (SNEG)*FLUCFCS Code 221*

$$\begin{aligned}
 &= \{1 \text{ SNEG} / [(731,585 \text{ ft}) (50 \text{ ft} + 50 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac}) \\
 &= \{1/73,158,500 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac}) \\
 &= (1.4 \times 10^{-8} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac}) \\
 &= 0.0005 \text{ Snowy egret / acre}
 \end{aligned}$$

Table 5. (Continued)**Wood Stork (WOST)***FLUCFCS Code 221*

$$= \{2 \text{ WOST} / [(731,585 \text{ ft}) (50 \text{ ft} + 50 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac})$$

$$= \{2/73,158,500 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac})$$

$$= (2.7 \times 10^{-8} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac})$$

$$= 0.001 \text{ Wood storks / acre}$$

FLUCFCS Code 747

$$= \{1 \text{ WOST} / [(26,495 \text{ ft}) (30 \text{ ft} + 30 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac})$$

$$= \{1/1,589,700 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac})$$

$$= (6.3 \times 10^{-7} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac})$$

$$= 0.03 \text{ Wood storks / acre}$$

Big Cypress Fox Squirrel (BCFS)*FLUCFCS Code 514*

$$= \{1 \text{ BCFS} / [(46,697 \text{ ft}) (50 \text{ ft} + 50 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac})$$

$$= \{1/4,669,700 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac})$$

$$= (2.1 \times 10^{-7} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac})$$

$$= 0.009 \text{ Big Cypress fox squirrels / acre}$$

Florida Panther Sign (FPS)*FLUCFCS Code 221*

$$= \{2 \text{ FPS} / [(731,585 \text{ ft}) (50 \text{ ft} + 50 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac})$$

$$= \{2/73,158,500 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac})$$

$$= (2.7 \times 10^{-8} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac})$$

$$= 0.001 \text{ Florida panther sign / acre}$$

*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 (<i>Lithobates capito</i>)	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 (<i>Lithobates capito</i>) (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 (<i>Alligator mississippiensis</i>)	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 (<i>Drymarchon corais couperi</i>)	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) (<i>Gopherus polyphemus</i>)	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 (<i>Athene cunicularia floridana</i>)	221	80		X	
	224	80		X	
	533	90		X	
	740	85		X	
Crested caracara (<i>Caracara cheriway</i>)	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 (<i>Grus canadensis pratensis</i>)	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 (<i>Sterna antillarum</i>)	514	85		X	
	514H	80		X	
	742	85		X	
Limpkin (<i>Aramus guarauna</i>)	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 (<i>Aramus guarauna</i>) (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 (<i>Egretta caerulea</i>)	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 (<i>Egretta caerulea</i>) (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 (<i>Picoides borealis</i>)	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 (<i>Egretta rufescens</i>)	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 (<i>Platalea ajaja</i>)	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	
Snail kite (<i>Rostrhamus sociabilis</i>)	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 (<i>Rostrhamus sociabilis</i>) (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 (<i>Egretta thula</i>)	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 (<i>Egretta thula</i>) (Continued)	6439 E3	80		X	
	7401	85		X	
	742	85		X	
Southeastern American kestrel (<i>Falco sparverius paulus</i>)	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 (<i>Falco sparverius paulus</i>) (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 (<i>Mycteria americana</i>)	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 (<i>Sciurus niger avicennia</i>)	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 (<i>Mustela vison evergladensis</i>)	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 (<i>Mustela vison evergladensis</i>) (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 (<i>Ursus americanus floridanus</i>)	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 (<i>Ursus americanus floridanus</i>) (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) (<i>Puma concolor coryi</i>)	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) (<i>Puma concolor coryi</i>) (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

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 KIRSTON HASTER CONCEPT PLAN
K.O.s DATED MARCH 7, 2022

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

SURVEY DITCH LINES PER METRON SURVEYING &
NAPPING, 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.

FLUXUS LINES ESTIMATED FROM 1" X 300' AERIAL
PHOTOGRAPHS AND LOCATIONS APPROXIMATED

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

DRAFT

LEGEND

 WETLANDS
(82.67 Ac. ±)

 OTHER SURFACE WATERS
(374.10 Ac. ±)

 SURVEYED WETLAND LINE

CRATING No	21CCL3707
SHEET No	APPENDIX A

APPENDIX B

**AERIAL WITH FLUCFCS, SURVEY TRANSECTS,
AND PROTECTED SPECIES LOCATIONS**

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH FLIGHT DATES OF JANUARY - MARCH 2021.

PROPERTY BOUNDARY PER J.B. EVANS, INC. DRAWINGS NO. 337-Kesteven Park Section, Plot Plan & 20-DATED JANUARY 2, 2022.

WETLAND AND SURVEY DITCH LINES PER BANKS ENGINEERING, INC. DRAWING NO. 32726-J-08-SWG DATED FEBRUARY 17, 2024.

SURVEY DITCH LINES PER HETZEL SURVEYING & MAPPING, LLC. DRAWING NO. DITCHES TO BE SURVEYED LINES DATED 03-08-08 DATED DECEMBER 1, 2020.

WETLAND AND DSW LINES SHOWN PER FISH AND WILDLIFE AGRICULTURAL, UTERINERATION NO. FD-36-02A90A-001 ISSUED AUGUST 26, 2009.

FLUCES LINES ESTIMATED FROM 7:30AM AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCES PER FLORIDA LAND USE. COVER AND FORECS CLASSIFICATION SYSTEM (FLUCES) (FOOT

DRAFT

LEGEND

WETLANDS
(10.41 AC ±)

'OTHER SURFACE WATERS'
(16.15 AC ±)

SURVEYED WETLAND LINE

APPROXIMATE LOCATION OF
WALKED TRANSECTS

AA AMERICAN ALLIGATOR

BCFB BIG CYPRESS FOX SQUIRREL

CRCA CRESTED CARACANA

GT GOPHER TORTOISE

LBH LITTLE BLUE HERON

SACH SANGHILL CRANE

SNEG SNOWY EGRET

FP-SCAT FLORIDA PANTHER SCAT

WOST WOOD STORK

FP-TRACK FLORIDA PANTHER TRACK

DRAWN BY	DATE
T.S.	03/29/22
DESIGNED BY	DATE
S.J.	03/29/22
REVISED	DATE
H.H./T.S.	04/11/22

13620 Metropolis Avenue
Suite 200
Ft. Myers, FL 33912
Phone (239) 274-0067
Fax (239) 274-0069



PASSARELLA
& ASSOCIATES

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

Prepared For:

CAM7-Sub, LLC
21101 Design Parc Lane Suite 103
Estero, Florida 33928
(239) 425-8662

Prepared By:

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

TABLE OF CONTENTS

	<u>Page</u>
1.0 Introduction.....	1
2.0 Lee County Protected Species Surveys.....	1
3.0 Conservation Areas.....	2
4.0 Wildlife Crossings	3
5.0 Perimeter Buffer Lakes and Fencing	3
6.0 Commercial Uses.....	4
7.0 Eastern Indigo Snake Management Plan	4
7.1 Biology.....	4
7.2 Management Plan.....	5
8.0 Gopher Tortoise Management Plan	5
8.1 Biology.....	5
8.2 Management Plan.....	6
9.0 American Alligator Management Plan	6
9.1 Biology.....	7
9.2 Management Plan.....	7
10.0 Crested Caracara Management Plan	8
10.1 Biology.....	8
10.2 Management Plan.....	8
11.0 Wading Bird and Florida Sandhill Crane Management Plan.....	9
11.1 Management Plan.....	9
12.0 Big Cypress Fox Squirrel Management Plan.....	9
12.1 Biology.....	10
12.2 Pre-Construction Surveys	10
12.3 Management Plan.....	11

Table of Contents (Continued)

	<u>Page</u>
13.0 Florida Black Bear Management Plan	11
13.1 Biology.....	11
13.2 Management Plan.....	11
14.0 Florida Panther Management Plan.....	12
14.1 Biology.....	12
14.2 Management Plan.....	13
15.0 Prescribed Fire	13
16.0 Human-Wildlife Coexistence Plan	14
16.1 Eastern Indigo Snake	14
16.2 American Alligator	14
16.3 Wading Bird.....	14
16.4 Florida Black Bear	14
16.5 Florida Panther.....	15
17.0 Preserve Signage and Community Education Plan.....	15
18.0 References.....	15

LIST OF TABLES

	<u>Page</u>
Table 1: Protected Species Documented on the Project Site	2

LIST OF APPENDICES

	<u>Page</u>
Appendix A. Project Location Map	A-1
Appendix B. Aerial with Conservation Areas and Proposed Location of Wildlife Crossing and Fencing Plan	B-1
Appendix C. Bear-Resistant Container List	C-1
Appendix D. Eastern Indigo Snake Informational Pamphlet	D-1
Appendix E. American Alligator Informational Pamphlet	E-1
Appendix F. Wading Bird Informational Pamphlet	F-1
Appendix G. Florida Black Bear Informational Pamphlet	G-1
Appendix H. Florida Panther Informational Pamphlet	H-1
Appendix I. Prescribed Burning Information	I-1
Appendix J. American Alligator Management and Preserve Signage	J-1

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	<i>Alligator mississippiensis</i>	FT(S/A)	FT(S/A)
Gopher tortoise	<i>Gopherus polyphemus</i>	ST	*
Birds			
Crested caracara	<i>Caracara cheriway</i>	T	T
Florida sandhill crane	<i>Grus canadensis pratensis</i>	ST	-
Little blue heron	<i>Egretta caerulea</i>	ST	-
Snowy egret	<i>Egretta thula</i>	**	-
Tri-colored heron	<i>Egretta tricolor</i>	ST	-
Wood stork	<i>Mycteria americana</i>	FT	T
Mammals			
Big Cypress fox squirrel	<i>Sciurus niger avicennia</i>	ST	-
Florida black bear	<i>Ursus americanus floridanus</i>	**	-
Florida panther (tracks and scat)	<i>Puma concolor coryi</i>	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 be 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 1988a). 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 1988b).

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-serve/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.

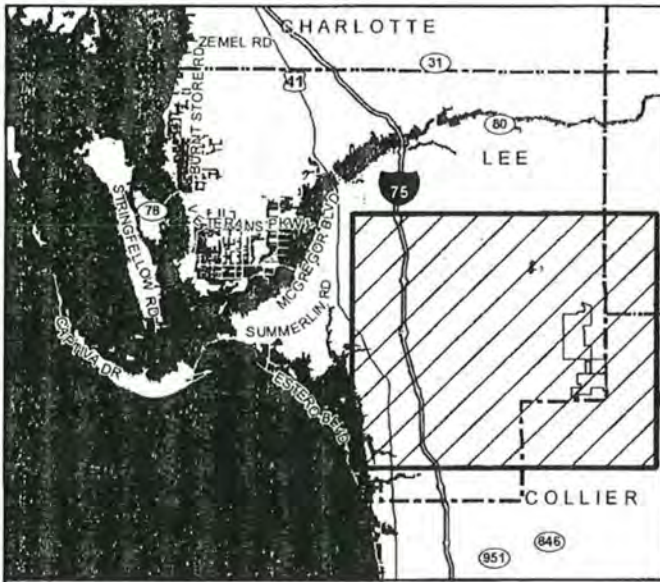
Periodic seminars may be held to further educate the community about the conservation areas, wetland benefits, coexistence with and protection of wildlife, and the benefits of prescribed fire. Community informational and educational brochures, such as those describing the benefits of prescribed fire (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.

18.0 REFERENCES

- Belden, R.C. 1988. The Florida Panther. Pages 514-532 in W.J. Chandler (ed) Audubon Wildlife Report. 1988/1989. The National Audubon Society, New York. 817 pages.
- Florida Fish and Wildlife Conservation Commission. 2012. Gopher Tortoise Management Plan (September 2012). Tallahassee, Florida.
- Florida Natural Areas Inventory. 2010. Guide to the natural communities of Florida: 2010 edition. Florida Natural Areas Inventory, Tallahassee, Florida.
- Humphrey, Stephen R. 1992. Rare and Endangered Biota of Florida; Volume I. Mammals. University Press of Florida, Gainesville, FL. 392 pages.
- Land, E.D., M. Lotz, D. Shindle, and S.K. Taylor. 2000. Florida panther genetic restoration and management. Annual report, Study Number 7508. Florida Fish and Wildlife Conservation Commission, Tallahassee, Florida.

- Land E.D., D.B. Shindle, R. J. Kawula, J.F. Benson, M.A. Lotz, D.P. Onorato. 2008. Florida panther habitat selection analysis of concurrent GPS and VHF telemetry data. *Journal of Wildlife Management*: Volume 72, No. 3 pp. 633–639.
- Maehr, D.S. 1988*a*. Florida Panther Movements, Social Organization and Habitat Utilization. Annual Performance Report, 7/1/87-6/30/88, Study No. E-1-12 II-E-2 7502, Florida Game and Fresh Water Fish Commission. 19 pages.
- Maehr, D.S. 1988*b*. Florida Panther Food Habits and Energetics. Annual Performance Report, 7/1/87-6/30/88, Study No. E-1-12 II-E-3 7503, Florida Game and Fresh Water Fish Commission. 4 pages.
- Maehr, D.S., E.D. Land, and J.C. Roof. 1991. Social Ecology of Florida Panthers. *National Geographic Research & Exploration*, 7(4): 414-431.
- Morrison, J. L. 2001. Recommended management practices and survey protocols for Audubon's crested caracara (*Caracara cheriway audubonii*) in Florida. Technical Report No. 18. Florida Fish and Wildlife Conservation Commission, Tallahassee, Florida, USA.
- Rodgers, J.A., Jr., H.W. Kale II, H.T. Smith (*eds.*). 1996. Rare and Endangered Biota of Florida, Vol. V. Birds. University of Florida Press, Gainesville, Florida.
- U.S. Fish and Wildlife Service. 1987. Florida Panther Recovery Plan. Prepared by the Florida Panther Interagency Committee for the U.S. Fish and Wildlife Service, Atlanta, Georgia. 75 pages.
- U.S. Fish and Wildlife Service. 1999. Multi-species Recovery Plan for South Florida. U.S. Fish and Wildlife Service, Vero Beach, Florida.
- U.S. Fish and Wildlife Service. 2013. Standard Protection Measures for the Eastern Indigo Snake. South Florida Ecological Services Office. Vero Beach, Florida.
- Wood, Don A. 2001. Florida's Fragile Wildlife Conservation and Management. University Press of Florida. Gainesville, FL.

APPENDIX A
PROJECT LOCATION MAP



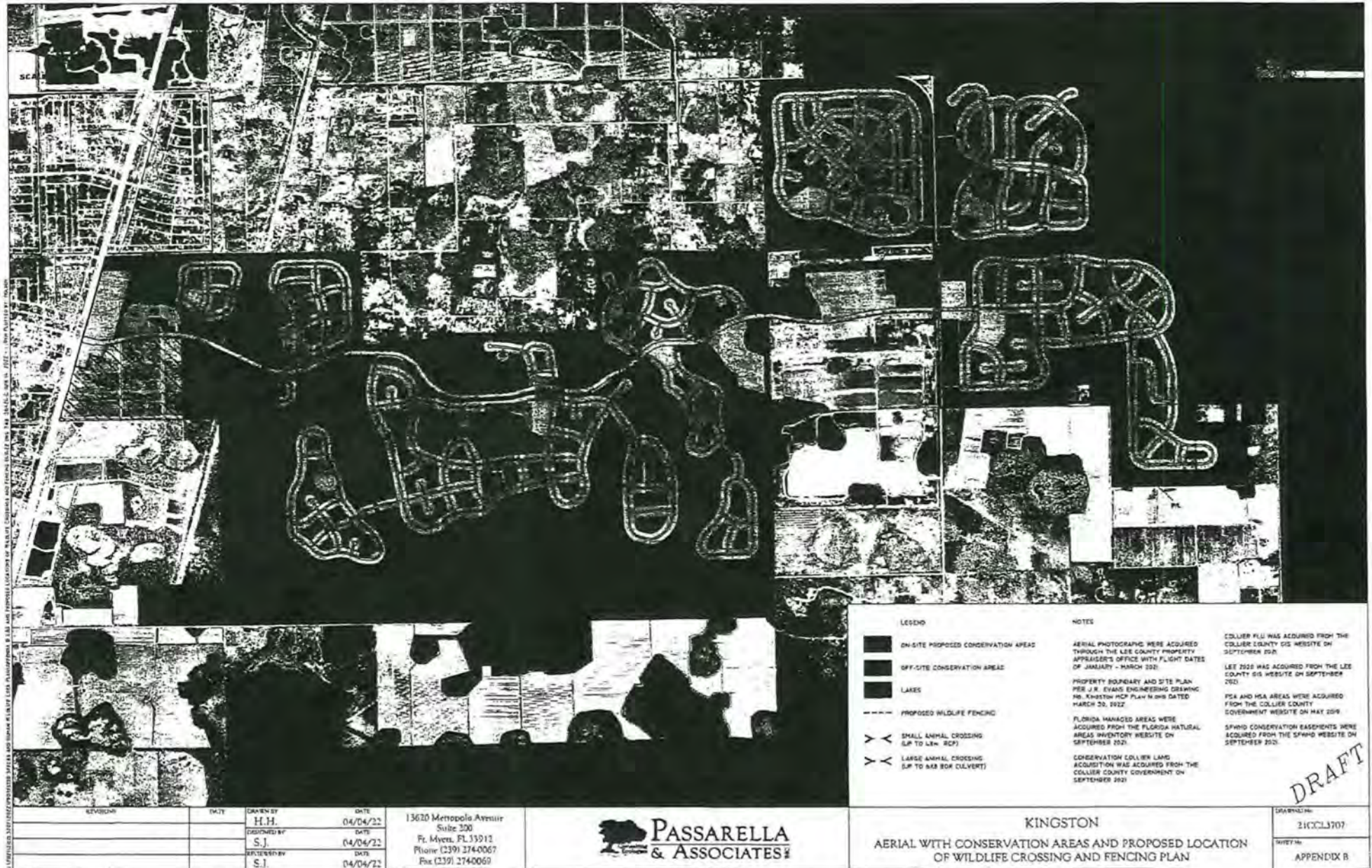
APPENDIX A. PROJECT LOCATION MAP
KINGSTON

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



APPENDIX B

**AERIAL WITH CONSERVATION AREAS AND PROPOSED LOCATION
OF WILDLIFE CROSSINGS AND FENCING PLAN**



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.com
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.



Janice Plain

To report nuisance alligators call
866-FWC-GATOR (866-392-4286).



MyFWC.com/Alligator



Tim Donohue, FWC

Call 866-FWC-GATOR (392-4286) to report nuisance alligators.

A Guide to Living with **Alligators**



Jamie Feddersen





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.



A young alligator wanders onto a porch in a residential neighborhood.

Tim Donovan, FWC

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 LLC

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



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.



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:

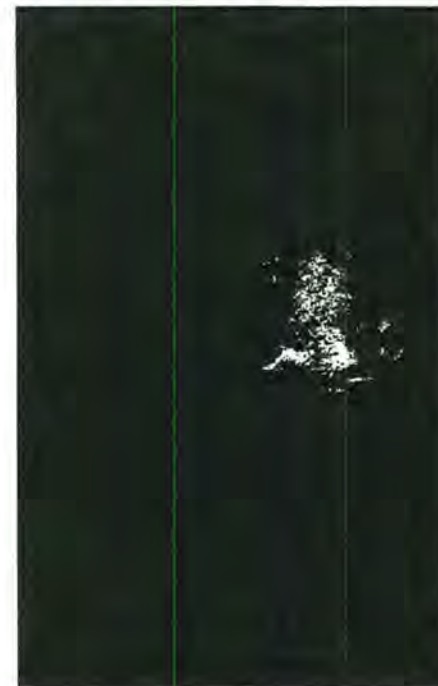


Florida Fish and Wildlife
Conservation Commission
MyFWC.com/Bear

printed on recycled paper

8/2018

A guide to living in bear country



Ashley Hockenberry



Florida Fish and Wildlife
Conservation Commission
MyFWC.com/Bear



Credit: FWC

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 50 square miles.

A bear's diet



It is illegal to put out food or garbage that attracts bears and causes conflicts.

Anything that attracts dogs, cats or raccoons also attracts bears!

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 barbecue 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.



Karen Laatz

♻️ printed on recycled paper



Florida Fish and Wildlife
Conservation Commission
620 S. Meridian Street
Tallahassee, FL 32399-4600
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.



Florida Panther Range

- Known Breeding Range
- Confirmed Presence of Males
- Caloosahatchee River and Lake Okeechobee



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 vegetation.
- 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 comply 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 traffic 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 Criteria 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 communities.

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 community 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:

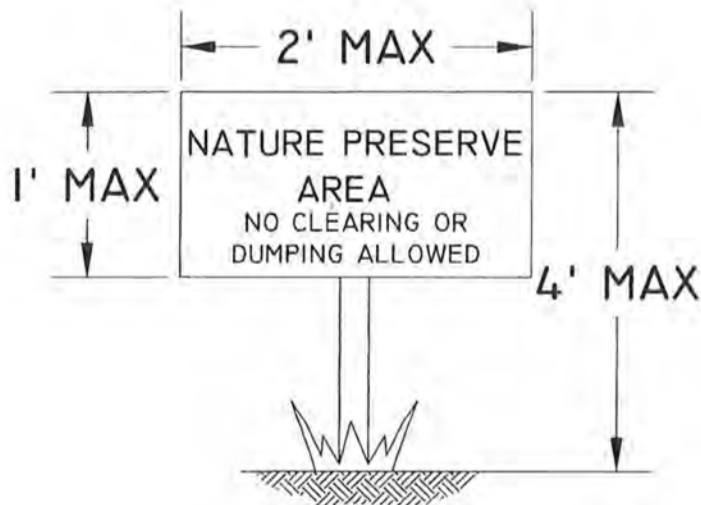
- a. Were the pre-burn preparations properly completed?
- b. Were the initial objectives met?
- c. Was the burn prescription followed?
- d. Were deviations from the burn prescription documented?
- e. Was the burning technique(s) adequate to meet the planned objectives?
- f. Were weather conditions, fire 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**

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.



EXHIBIT L

**KINGSTON
INDIGENOUS PRESERVATION, RESTORATION, AND
MANAGEMENT PLAN**

DRAFT

April 2022

Prepared For:

CAM7-Sub, LLC
21101 Design Parc Lane Suite 103
Estero, Florida 33928
(239) 425-8662

Prepared By:

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

TABLE OF CONTENTS

	<u>Page</u>
1.0 Introduction.....	1
2.0 Existing Indigenous Vegetation Habitats.....	1
3.0 Existing Non-Indigenous Vegetation.....	2
4.0 Indigenous Vegetation Preservation and Enhancement.....	2
4.1 Methods to Remove and Control Exotic and Nuisance Plants	2
4.2 Debris Removal	3
4.3 Method and Frequency of Pruning and Trimming	3
5.0 Indigenous Vegetation Restoration.....	4
5.1 Removal of Exotics and Supplemental Plantings	4
5.2 Wetland and Upland Restoration from Farm Fields	6
5.2.1 Wetland Grading and Planting.....	6
5.2.2 Upland Grading and Planting.....	8
6.0 Preserve Activity Schedule	10
7.0 Success Criteria.....	10
7.1 Indigenous Wetland and Upland Preservation and Enhancement	10
7.2 Indigenous Wetland and Upland Restoration	10
7.3 Wetland and Upland Restoration from Farm Fields	10
8.0 Maintenance	11
8.1 Prescribed Fire	11
9.0 Monitoring Reports.....	12
10.0 Long-Term Management and Monitoring	12
11.0 Preserve Signage and Community Education Plan.....	13
12.0 References.....	13

LIST OF TABLES

	<u>Page</u>
Table 1. Prohibited Invasive Exotics	2
Table 2. Supplemental Wetland Plantings	5
Table 3. Supplemental Upland Plantings.....	6
Table 4. Wetland Restoration Plantings.....	7
Table 5. Upland Restoration Plantings	9

LIST OF APPENDICES

	<u>Page</u>
Appendix A. Indigenous Vegetation Map	A-1
Appendix B. FLUCFCS Descriptions	B-1
Appendix C. Aerial with FLUCFCS and Wetlands Map	C-1
Appendix D. Indigenous Vegetation, Preservation, and Restoration Plan	D-1
Appendix E. Typical Preserve Signage	E-1

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	<i>Dioscorea alata</i>
Australian pines	All <i>Casuarina</i> species
Bishopwood	<i>Bischofia javanica</i>
Brazilian pepper	<i>Schinus terebinthifolia</i>
Carrotwood	<i>Cupaniopsis anacardioides</i>
Chinese tallow	<i>Sapium sebiferum</i>

Table 1. (Continued)

Common Name	Scientific Name
Cork tree	<i>Thespesia populnea</i>
Cuban laurel fig	<i>Ficus microcarpa</i>
Downy rose-myrtle	<i>Rhodomyrtus tomentosus</i>
Earleaf acacia	<i>Acacia auriculiformis</i>
Japanese climbing fern	<i>Lygodium japonicum</i>
Java plum	<i>Syzygium cumini</i>
Melaleuca	<i>Melaleuca quinquenervia</i>
Murray red gum	<i>Eucalyptus camaldulensis</i>
Old World climbing fern	<i>Lygodium microphyllum</i>
Rose apple	<i>Syzygium jambos</i>
Rosewood	<i>Dalbergia sissoo</i>
Tropical soda apple	<i>Solanum viarum</i>
Wedelia	<i>Wedelia trilobata</i>
Weeping fig	<i>Ficus benjamina</i>
Woman's tongue	<i>Albizia lebbek</i>

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 Plantings¹

Common Name	Scientific Name	Minimum Height	Container Size	Planting Instruction (On Center)
Trees				
Bald cypress	<i>Taxodium distichum</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Red maple	<i>Acer rubrum</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Slash pine	<i>Pinus elliottii</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Laurel oak	<i>Quercus laurifolia</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Dahoon holly	<i>Ilex cassine</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Pop ash	<i>Fraxinus caroliniana</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Pond apple	<i>Anona glabra</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Ground Cover				
Sand cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	5 to 8 ft.
Wiregrass	<i>Aristida stricta</i>	12 in.	2 in.	5 to 8 ft.
Gulfdune paspalum	<i>Paspalum monostachyum</i>	12 in.	2 in.	5 to 8 ft.
Muhly grass	<i>Muhlenbergia capillaris</i>	12 in.	2 in.	5 to 8 ft.
Sawgrass	<i>Cladium jamaicense</i>	12 in.	2 in.	5 to 8 ft.
Blue maidencane	<i>Amphicarpum muhlenbergianum</i>	12 in.	2 in.	5 to 8 ft.
Swamp lily	<i>Crinum americanum</i>	12 in.	2 in.	5 to 8 ft.
Golden canna	<i>Canna flaccida</i>	12 in.	2 in.	5 to 8 ft.
Maidencane	<i>Panicum hemitomon</i>	12 in.	2 in.	5 to 8 ft.
Spikerush	<i>Eleocharis interstincta</i>	12 in.	2 in.	5 to 8 ft.
Arrowhead	<i>Sagittaria lancifolia</i>	12 in.	2 in.	5 to 8 ft.
Pickereelweed	<i>Pontederia cordata</i>	12 in.	2 in.	5 to 8 ft.
Alligator flag	<i>Thalia geniculata</i>	12 in.	2 in.	5 to 8 ft.
Soft-stem bulrush	<i>Scirpus validus</i>	12 in.	2 in.	5 to 8 ft.
Sawgrass	<i>Cladium jamaicensis</i>	12 in.	2 in.	5 to 8 ft.

¹Additional 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 Plantings¹

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Instruction (On Center)
Trees				
Slash pine	<i>Pinus elliottii</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Cabbage palm	<i>Sabal palmetto</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Live oak	<i>Quercus virginiana</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Laurel oak	<i>Quercus laurifolia</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Dahoon holly	<i>Ilex cassine</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Ground Cover				
Saw palmetto	<i>Serenoa repens</i>	12 in.	1 gal.	15 to 20 ft..
Gulfdune paspalum	<i>Paspalum monostachyum</i>	12 in.	2 in.	5 to 8 ft.
Blue maidencane	<i>Amphicarpum muhlenbergianum</i>	12 in.	2 in.	5 to 8 ft.
Wiregrass	<i>Aristida stricta</i>	12 in.	2 in.	5 to 8 ft.
Muhly grass	<i>Muhlenbergia capillaris</i>	12 in.	2 in.	5 to 8 ft.
Sand cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	5 to 8 ft.
Broomsedge	<i>Andropogon virginicus</i>	12 in.	2 in.	5 to 8 ft.
Fakahatchee grass	<i>Tripsacum dactyloides</i>	12 in.	2 in.	5 to 8 ft.
Purple lovegrass	<i>Eragrostis spectabilis</i>	12 in.	2 in.	5 to 8 ft.

¹Additional 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 Plantings¹

Common Name	Scientific Name	Minimum Height	Container Size	Planting Instruction (On Center)
Trees²				
Bald cypress	<i>Taxodium distichum</i>	2 to 5 ft.	BR to 3 gal.	30 to 50 ft.
Slash pine	<i>Pinus elliottii</i>	2 to 5 ft.	BR to 3 gal.	30 to 50 ft.
Ground Cover Plantings				
Zone 1				
Gulfdune paspalum	<i>Paspalum monostachyum</i>	12 in.	2 in.	5 to 8 ft.
Muhly grass	<i>Muhlenbergia capillaris</i>	12 in.	2 in.	5 to 8 ft.
Sand cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	5 to 8 ft.
Blue maidencane	<i>Amphicarpum muhlenbergianum</i>	12 in.	2 in.	3 to 5 ft.
Sawgrass	<i>Cladium jamaicense</i>	12 in.	2 in.	3 to 5 ft.
Maidencane	<i>Panicum hemitomon</i>	12 in.	2 in.	3 to 5 ft.
Zone 2				
Sawgrass	<i>Cladium jamaicense</i>	12 in.	2 in.	3 to 5 ft.
Maidencane	<i>Panicum hemitomon</i>	12 in.	2 in.	3 to 5 ft.
Spikerush	<i>Eleocharis interstincta</i>	12 in.	2 in.	3 to 5 ft.
Golden canna	<i>Canna flaccida</i>	12 in.	2 in.	3 to 5 ft.
Arrowhead	<i>Sagittaria lancifolia</i>	12 in.	2 in.	3 to 5 ft.
Pickerelweed	<i>Pontederia cordata</i>	12 in.	2 in.	3 to 5 ft.
Alligator flag	<i>Thalia geniculata</i>	12 in.	2 in.	3 to 5 ft.
Soft-stem bulrush	<i>Scirpus validus</i>	12 in.	2 in.	3 to 5 ft.
Zone 3				
Spikerush	<i>Eleocharis interstincta</i>	12 in.	2 in.	3 to 5 ft.
Golden canna	<i>Canna flaccida</i>	12 in.	2 in.	3 to 5 ft.
Arrowhead	<i>Sagittaria lancifolia</i>	12 in.	2 in.	3 to 5 ft.
Pickerelweed	<i>Pontederia cordata</i>	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	<i>Scirpus validus</i>	12 in.	2 in.	3 to 5 ft
Alligator flag	<i>Thalia geniculata</i>	12 in.	2 in.	3 to 5 ft
Spatterdock	<i>Nuphar luteum</i>	24 in.	1 gal.	15 ft.
Water lily	<i>Nymphaea odorata</i>	24 in.	1 gal.	15 ft.

¹Additional tree and ground cover species may be included in the planting table prior to Development Order approval.

²Wetland 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 Plantings¹

Common Name	Scientific Name	Minimum Height	Container Size	Planting Instruction (On Center)
Trees				
Slash pine	<i>Pinus elliotii</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Live oak	<i>Quercus virginiana</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Laurel oak	<i>Quercus laurifolia</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Dahoon holly	<i>Ilex cassine</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Cabbage palm	<i>Sabal palmetto</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Ground Cover				
Saw palmetto	<i>Serenoa repens</i>	12 in.	1 gal.	15 to 20 ft.
Gulfdune paspalum	<i>Paspalum monostachyum</i>	12 in.	2 in.	5 to 8 ft.
Wiregrass	<i>Aristida stricta</i>	12 in.	2 in.	5 to 8 ft.
Muhlygrass	<i>Muhlenbergia capillaris</i>	12 in.	2 in.	5 to 8 ft.
Sand cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	5 to 8 ft.
Fakahatchee grass	<i>Tripsacum dactyloides</i>	12 in.	2 in.	5 to 8 ft.
Purple lovegrass	<i>Eragrostis spectabilis</i>	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.

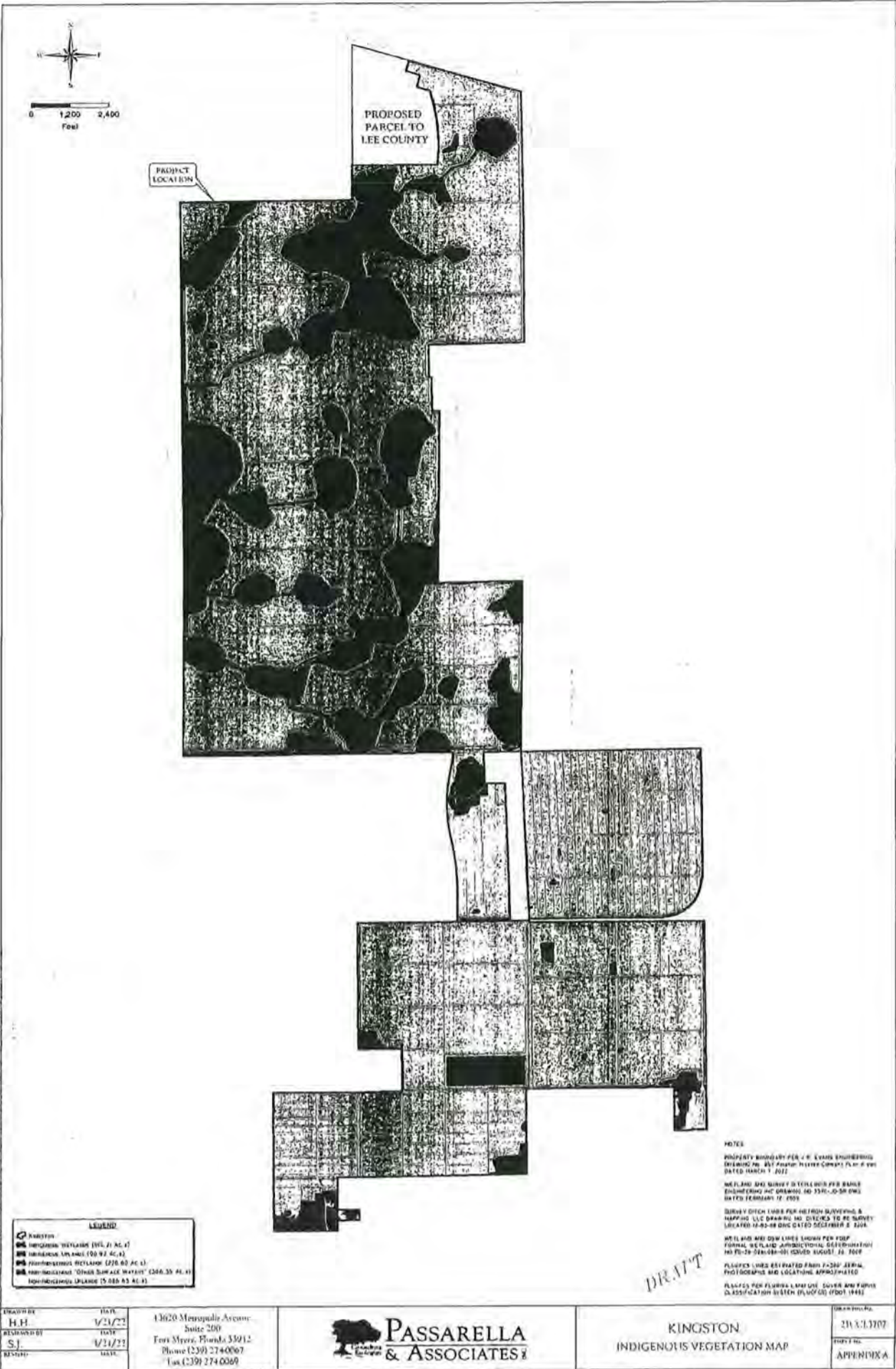
Periodic seminars may be held to further educate the community about the conservation areas, wetland benefits, coexistence with and protection of wildlife, and the benefits of prescribed fire. Community informational and educational brochures, such as those describing the benefits of preserve areas, 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



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 ludoviciana*), 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 has 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)

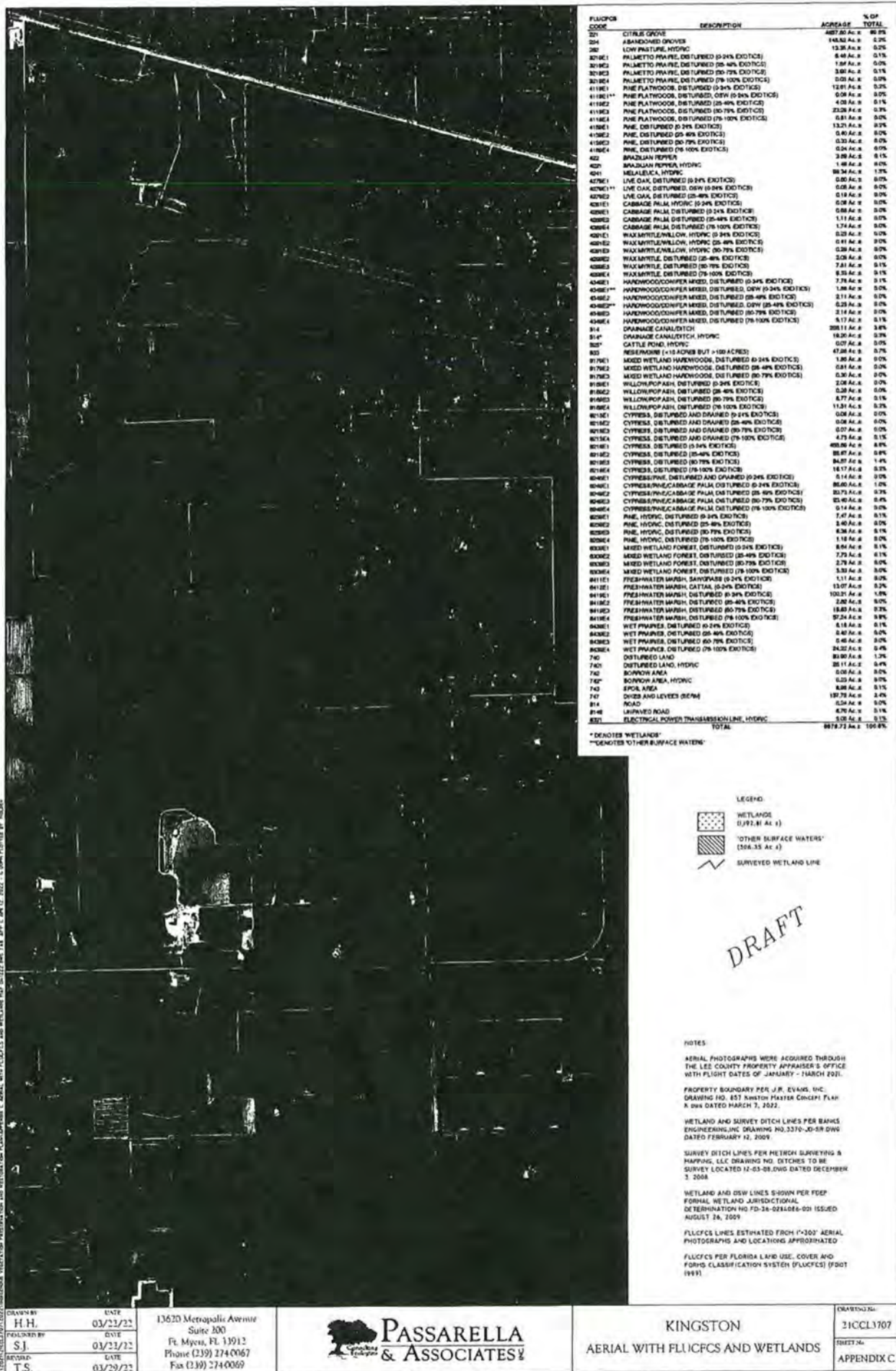
This OSW contains minimal vegetation. The borrow area appears to have been created to acquire fill for a berm connecting two adjacent citrus groves.

*Denotes Wetlands

**Denotes OSW

APPENDIX C

AERIAL WITH FLUCFCS AND WETLANDS MAP



APPENDIX D

**INDIGENOUS VEGETATION, PRESERVATION, AND
RESTORATION PLAN**

PROPOSED PARCEL TO LEE COUNTY

PROJECT
MANAGEMENT

LEGEND

- 04 REVISION
- 04 PRELICATION OF INDIVIDUAL WETLANDS (10.22 AC 1)
- 04 PRELICATION OF INDIVIDUAL UPLANDS (16.85 AC 1)
- 04 PRELICATION OF TRANSFERRED WETLAND (25.71 AC 1)
- 04 PRELICATION OF NON-INDIVIDUAL "OTHER SURFACE WATERS" (12.22 AC 1)
- 04 PRELICATION OF NON-INDIVIDUAL UPLANDS (11.19 AC 1)
- 04 REVISION OF WETLANDS AND UPLANDS FROM FORM 0002 (10 AC 1)

6216

PROPERTY BOUNDARY AND SITE PLAN PER FEB. 28, 2006
ENGINEERING DRAWING NO. C-100079 HCP PLAT MAPS
DATED MARCH 20, 2012

WFL AIR AND SURVEY INT'L CORP. FIDELITY
ENGINEERING INC DRAWING NO: 3370-X-50 (W)
DATED FEBRUARY 12, 2009

SHARPLY DITCH LINE 1 PER METRON SHARPLY AND B
HAPPING LLC DRAWING NO. DITCHES TO BE SURVEY
LOCATED 12-01-2010 AND TWO DATES DECEMBER 1, 2010

WELAND AND OSWALD SHOWS PER FOOT
FOUR WELAND AND OSWALD DETENTION
NO PD-16-076-986-00120-80 AUGUST 26, 2009

FLUORINE- AND SULFONATED POLY(ETHYLENE TEREPHTHALATE) MEMBRANES FOR PROTON EXCHANGE FUEL CELLS

DRAFT

FLUCIES PER FLORON LAND-USE COVER AND FORMS
CLASSIFICATION SYSTEM (FLUCIES) (POOT 1988)

THRU BY	DATE	1430 Memphis Avenue Suite 200 Fort Myers, Florida 33912 Phone (239) 274-0067 Fax (239) 274-0068
HH	04/05/22	
REVIEWER	DATE	
SJ	04/05/22	
FILED	DATE	



PASSARELLA
& ASSOCIATES

KINGSTON
INDIGENOUS VEGETATION, PRESERVATION,
AND RESTORATION PLAN

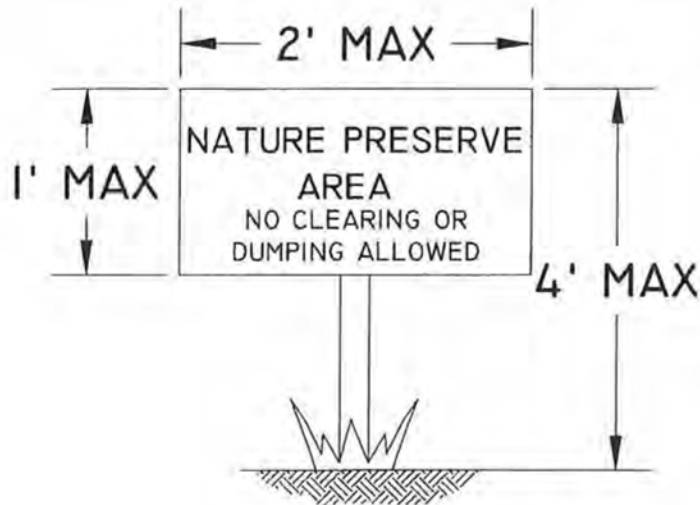
24X'LY07

APR 20 1988

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	H.H.	DATE	03/14/22
REVIEWED BY	H.S.	DATE	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

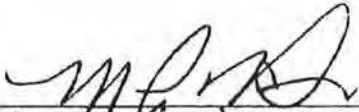
WHEREAS, the affidavit, pursuant to the Land Development Code, must identify the property in question with specificity, and the affidavit must identify whether or not a bona fide agricultural use is in existence on the property at the time the application was filed.

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:

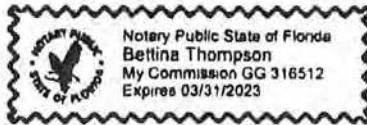
1. The property that is subject of the zoning application is described more completely on the attached Exhibit "A".
2. That I am the authorized representative of the Corkscrew Grove Limited Partnership that owns or represents the property described in Exhibit "A".
3. The property in question is zoned 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.

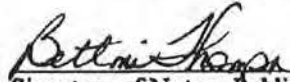
FURTHER AFFIANT SAYETH NAUGHT.

By: 
Name: Mitch Hutchings

SWORN TO and subscribed before me on the date and year first above written.

(Notary Seal)




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 $N00^{\circ}42'20''W$ 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 $S74^{\circ}24'28''E$ 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 $S01^{\circ}27'49''E$ for 3,347.79 feet to the Northeast corner of said Section 2; thence run $S00^{\circ}37'24''E$ along the East line of said Section 2 for 4,496.97 feet; thence run $S88^{\circ}14'39''W$ for 2,954.70 feet; thence run $S00^{\circ}38'17''E$ for 1,000.18 feet; thence run $N89^{\circ}34'20''E$ for 89.85 feet; thence run $S00^{\circ}42'50''E$ 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 $N88^{\circ}06'17''E$ along said North line for 218.81 feet to the Northeast corner of said Fraction; thence run $S00^{\circ}11'24''E$ along the East line of said Fraction for 5,325.44 feet to Southeast corner of said Fraction; thence run $N88^{\circ}33'37''E$ along the North line of said Section 14 for 2,623.23 feet to the Northeast corner of said Section 14; thence run $S00^{\circ}02'19''W$ along the East line of said Section 14 for 5,330.76 feet to the Southeast corner of said Section 14; thence run $S88^{\circ}57'32''W$ along the South line of said Section 14 for 5,217.75 feet to the Southeast corner of said Section 15; thence run $S88^{\circ}56'48''W$ along the South line of said Section 15 for 5,216.63 feet to the Southwest corner of said Section 15; thence run $N00^{\circ}12'22''W$ along the West line of said Section 15 for 5,552.99 feet to the Southwest corner of said Section 10; thence run $N01^{\circ}06'50''W$ along the West line of said Section 10 for 5,068.95 feet to the Southwest corner of said Section 3; thence run $N00^{\circ}58'11''W$ along the West line of said Section 3 for 6,632.47 feet to the Northwest corner of said Section 3; thence run $N89^{\circ}02'20''E$ 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 $N88^{\circ}48'32''E$ 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 33901
Phone (839) 461-3170 • Fax (839) 461-3169

EXHIBIT "A"

Barraco
and Associates, Inc.

www.barraco.net
Civil Engineers, Land Surveyors and Planners

DESCRIPTION (CONTINUED)

Section 24; thence run $801^{\circ}20'16''$ E along said West line for 4,100.62 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: $888^{\circ}39'44''$ 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 $90^{\circ}09'17''$) (chord bearing $844^{\circ}50'13''$ W) (chord 1,663.94 feet) for 1,848.86 feet and $800^{\circ}05'08''$ 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: $889^{\circ}54'52''$ W for 1,393.63 feet and $888^{\circ}51'37''$ W for 2,675.85 feet to an intersection with the West line of said Section 24; thence run $803^{\circ}15'49''$ 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 $N88^{\circ}51'40''$ 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 $N88^{\circ}54'17''$ 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 $S01^{\circ}09'29''$ 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: $N88^{\circ}51'37''$ E for 2,673.06 feet and $N89^{\circ}54'52''$ 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 $S01^{\circ}11'48''$ E along said East line for 2,550.74 feet to the East Quarter corner of said Section 25; thence run $S01^{\circ}12'17''$ 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 $S01^{\circ}11'26''$ E along the East line of Northeast Quarter (NE 1/4) of said Section 36 for 1,320.34 feet; thence run $S89^{\circ}10'39''$ W parallel with the North line of said Fraction for 990.98 feet; thence run $N01^{\circ}11'26''$ 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 $S89^{\circ}10'39''$ W along the North line of said Fraction for 1,683.83 feet to the North Quarter corner of said Section 36; thence run $S89^{\circ}09'00''$ 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 $S88^{\circ}41'30''$ 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 $S01^{\circ}02'25''$ 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 $S88^{\circ}35'54''$ W along said South line for 5,197.13 feet to the East Quarter corner of said Section 34; thence run $S89^{\circ}18'56''$ 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

Barraco
and Associates, Inc.

www.barraco.net
Civil Engineers, Land Surveyors and Planners

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 1/4) 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 2,645.41 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:\24089 - Dwyer-Sub, LLC\surveying\America\Florida\240890809.dwg

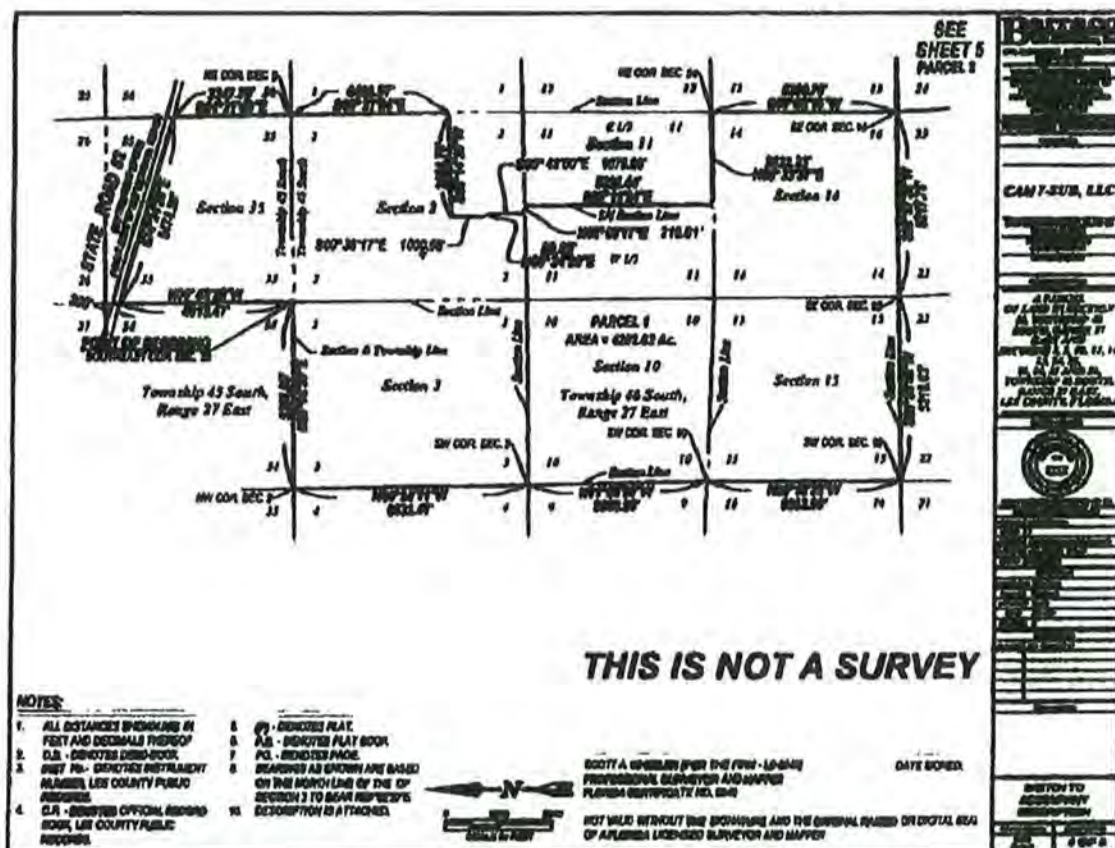
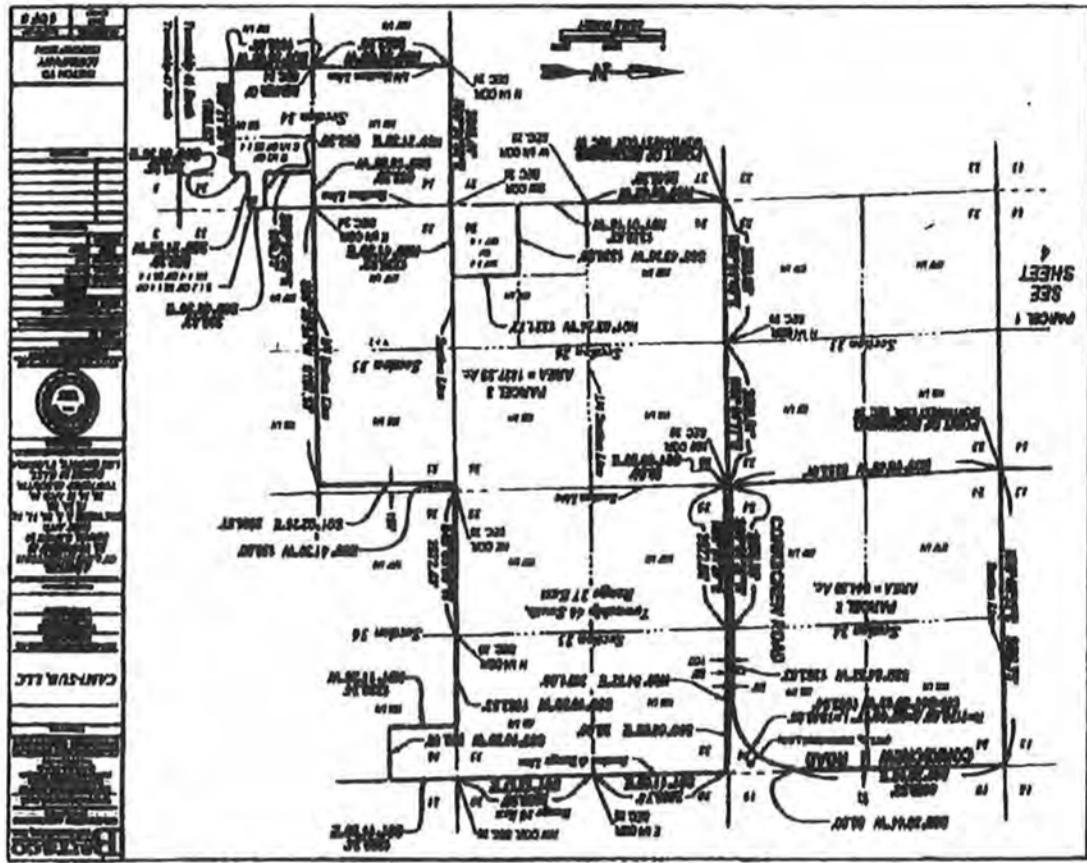


EXHIBIT "B"





KINGSTON (A Camera Development)
MAP

April 1, 2022

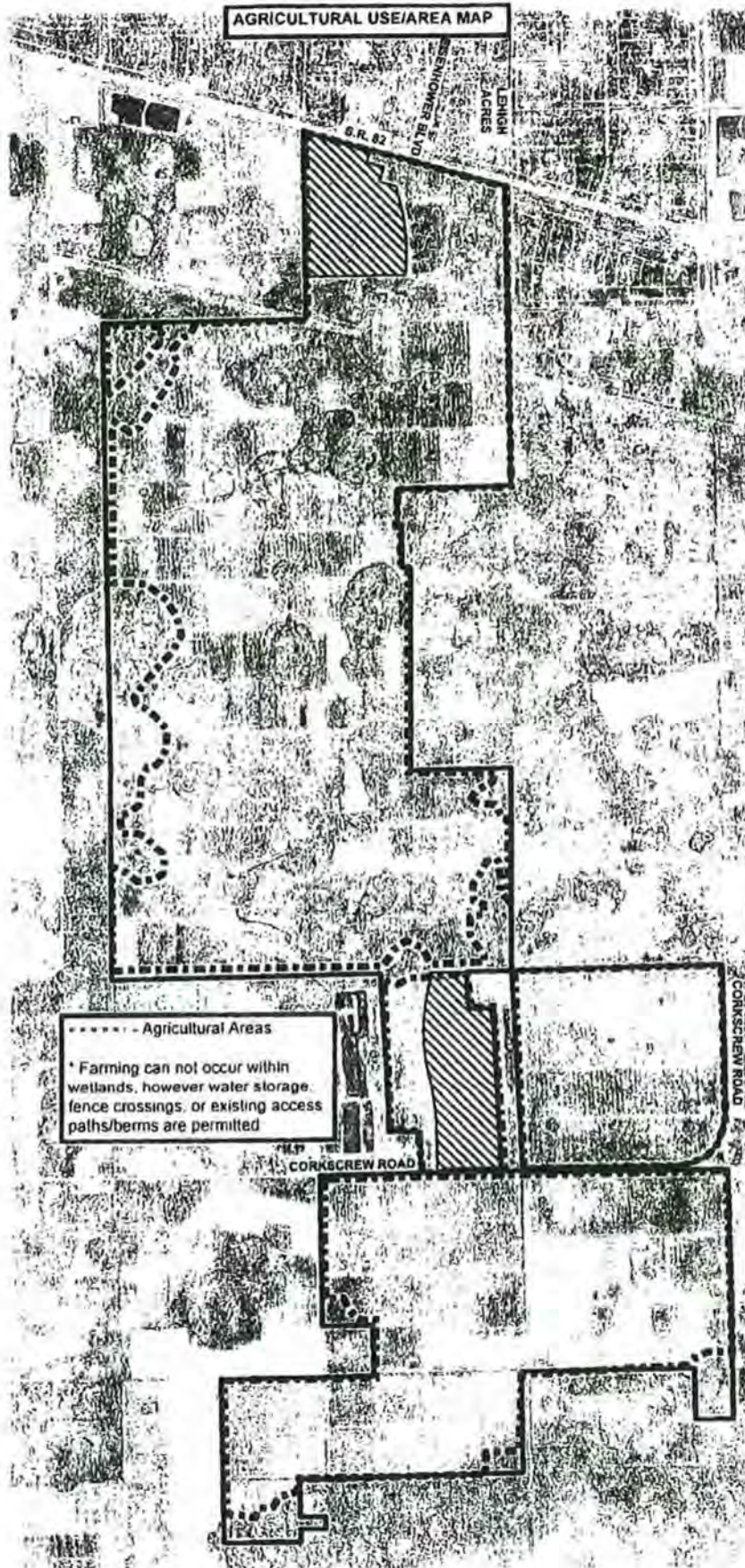


EXHIBIT N



Kingston – Enhanced Lake Management Plan

Table of Contents

	<u>Page</u>
Introduction	1
Section 1. Historic Surface Water Hydrology	3
Section 2. Water Resources Best Management Practices	4
A. Construction Phase BMPs	4
B. Post-Construction Phase BMPs	5
Section 3. Lake Maintenance	6
A. General Provisions	6
B. Deep Lake Management	6
C. Nuisance and Exotic Vegetation Control	7
D. Littoral Vegetation Preservation	7
E. Fertilizer Application	7
F. Erosion Protection and Lake Bank Maintenance	8
G. Lake Education Program	8
H. Pesticide, Herbicide or Fungicide Applications	9
I. Underground Fuel Storage Tank Systems	9
Section 4. Corkscrew Wellfield Protection	10
A. Corkscrew Wellfield Protection	10
Section 5. Surface Water Quality Monitoring Program	11
A. General Data Quality Objectives	11
B. Surface Water Monitoring Goals	11
C. Surface Water Quality Monitoring	11
Section 6. Water Quality Data Reporting and Analysis	12
Section 7. Remedial Actions	13
Section 8. In Conclusion	14

TABLES

Table 1	Water Quality Sampling Schedule	15
Table 2	Surface Water Quality Analytes List	16

FIGURES

Figure 1	Proposed Development and the DR/GR	Attached
Figure 2	Conceptual Layout and Proposed Withdrawals	Attached
Figure 3	Proximity to Lee County's Wellfield Protection Zones	Attached
Figure 4	Proposed Surface Water Sampling Locations	Attached

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. 3259B₁ 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. 3259B₁.

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. 3259B₁ 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

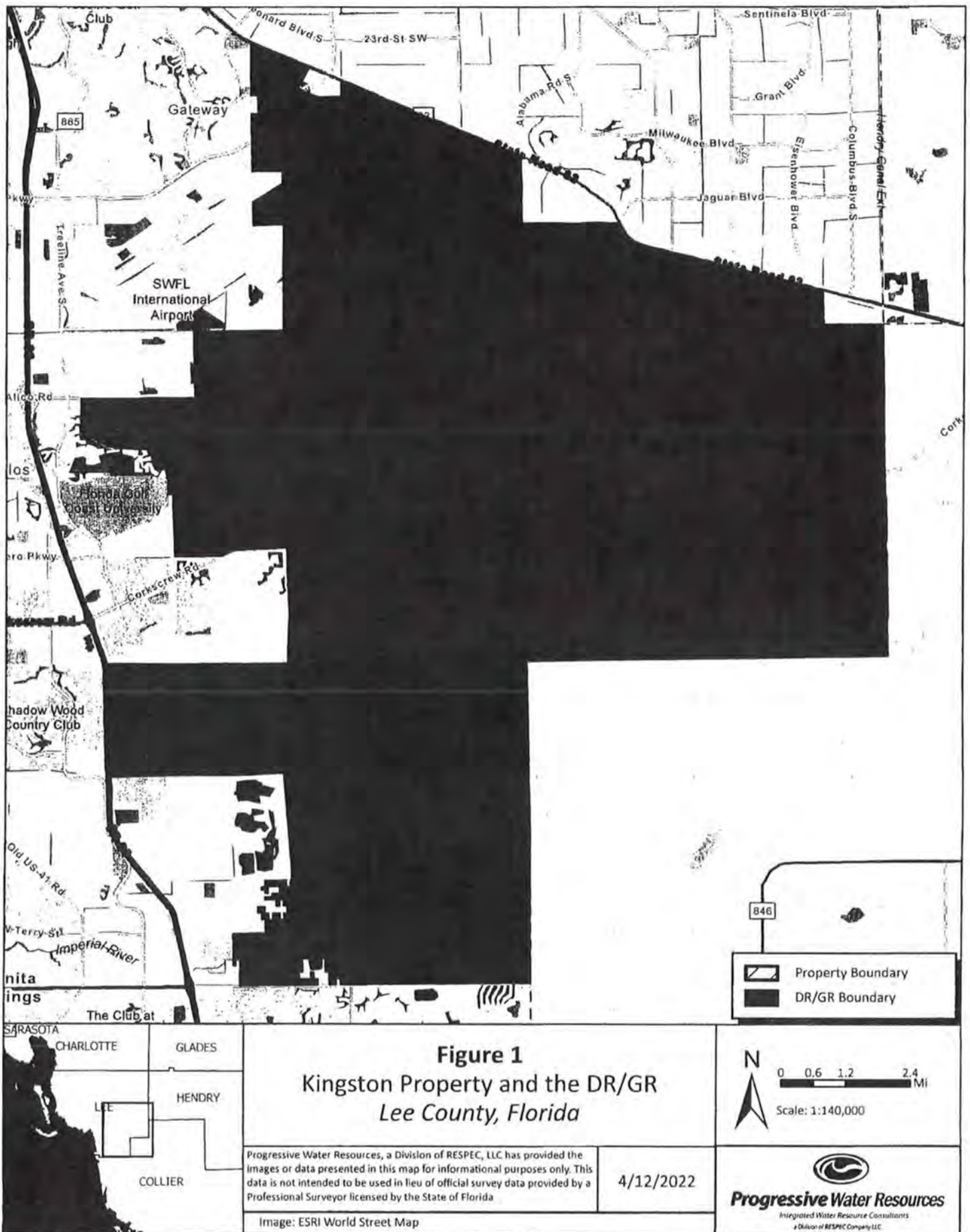
Date	Sample Type	Sample Location
January-31	N/A	N/A
February-28	N/A	N/A
March-31	N/A	N/A
April-30	N/A	N/A
May-31	Surface Water	9 locations
June-30	N/A	N/A
July-31	Surface Water	9 locations
August-31	N/A	N/A
September-30	Surface Water	9 locations
October-31	N/A	N/A
November-30	N/A	N/A
December-31	N/A	N/A

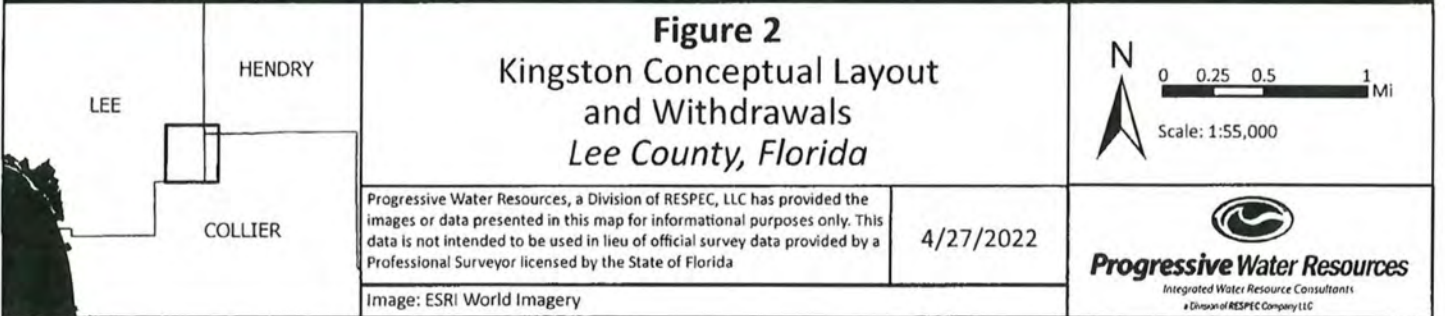
*See Figure 4 for surface water quality sampling locations

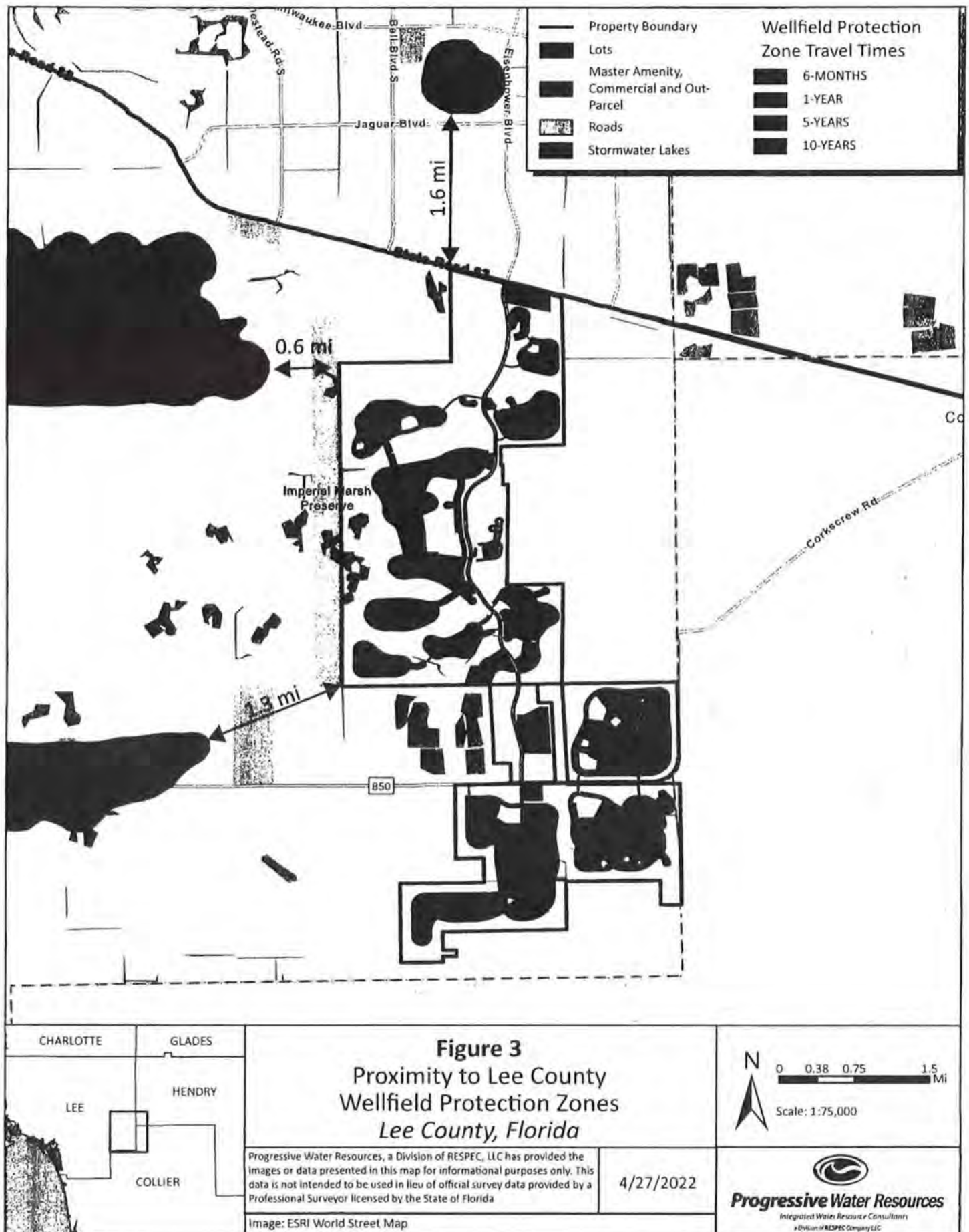
Table 2
Surface Water Quality Analytes

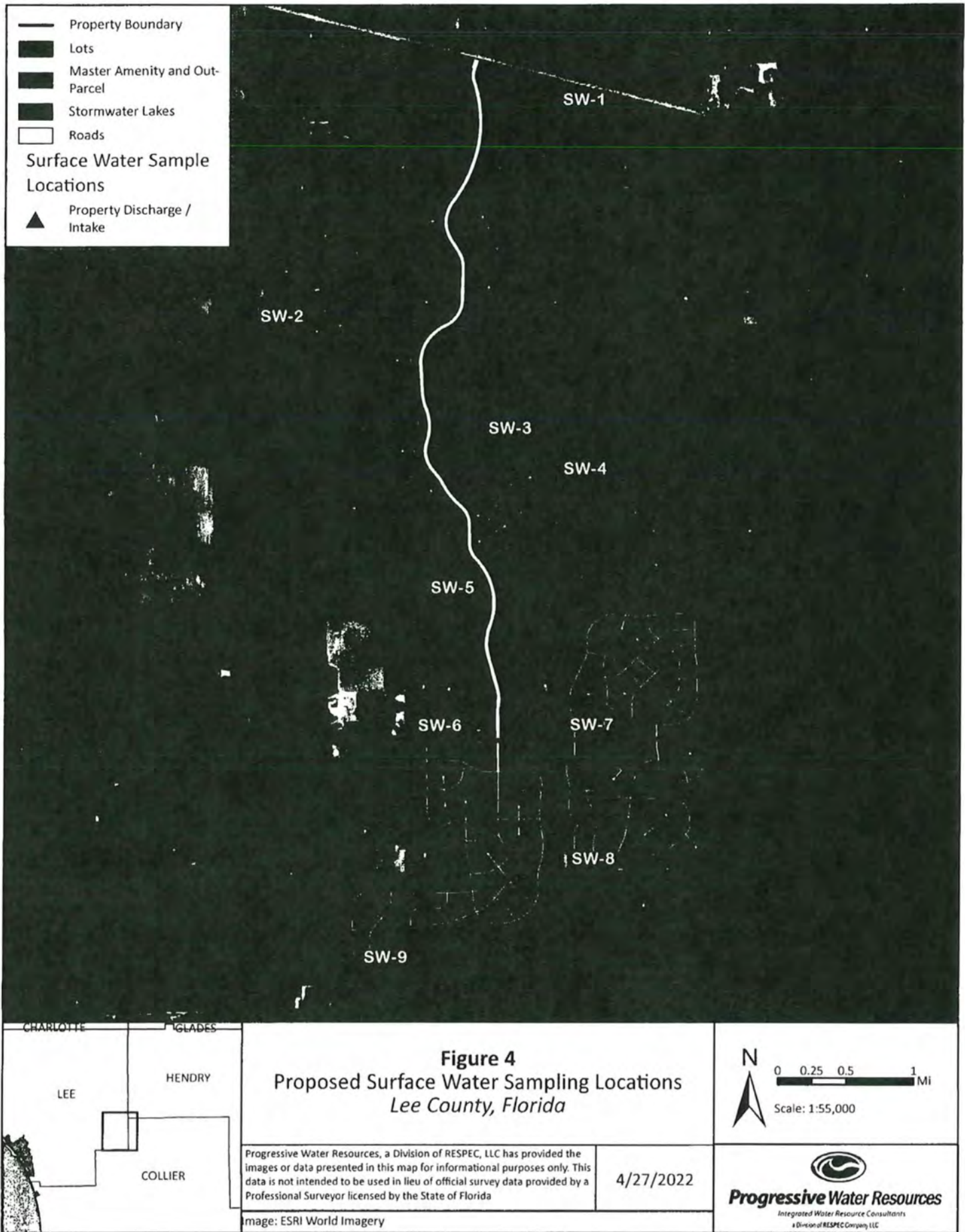
Field Parameters					
Parameter	Units	Precision (%RPD)	Accuracy (%Recovery)	MDL	Sampling Frequency
Depth of Water	Feet	0.01	NA	NA	3 times per year
Dissolved Oxygen	mg/L	FT 1000-1	FT 1000-1	NA	3 times per year
pH	SU	FT 1000-1	FT 1000-1	NA	3 times per year
Temperature	Deg C	FT 1000-1	FT 1000-1	NA	3 times 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:









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.

Cabinet shown is representative, actual system may be different.



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

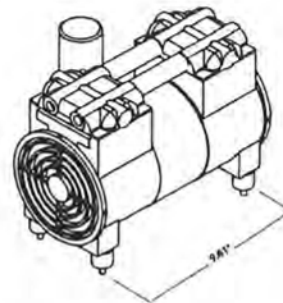
BENEFITS TO THE LAKE

- 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: AIR3XL2™ LAKE AERATION SYSTEM

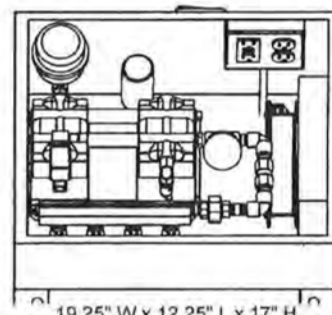
BROOKWOOD™ COMPRESSOR

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

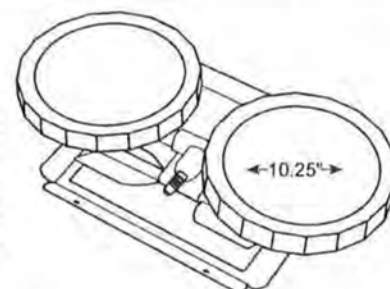
Enclosure comes equipped with cam lock for security, fully gasketed and constructed of aluminum with gray electrostatically-bonded powder coating to provide Limited Lifetime warranty against cabinet rust and corrosion. Enclosure furnished with stamped ventilation grills to insure forced air circulation 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 quieter operation.



19.25" W x 12.25" L x 17" H

AIRSTATION XL2™ ASSEMBLY

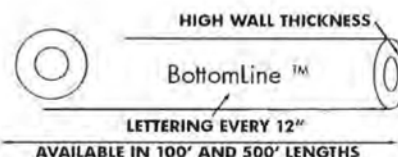
Diffuser station consists of two self-cleaning, 9" diameter, flexible membrane diffusers of EPDM compound with 100% rebound memory, each producing millions of fine 500 to 3000 micron bubbles – the majority 500 to 1000 microns. Each diffuser station base unit is made of powder-coated stainless steel and 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.



14.375" W x 18.625" L x 8.375" H

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.



AVAILABLE IN 100' AND 500' LENGTHS



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.

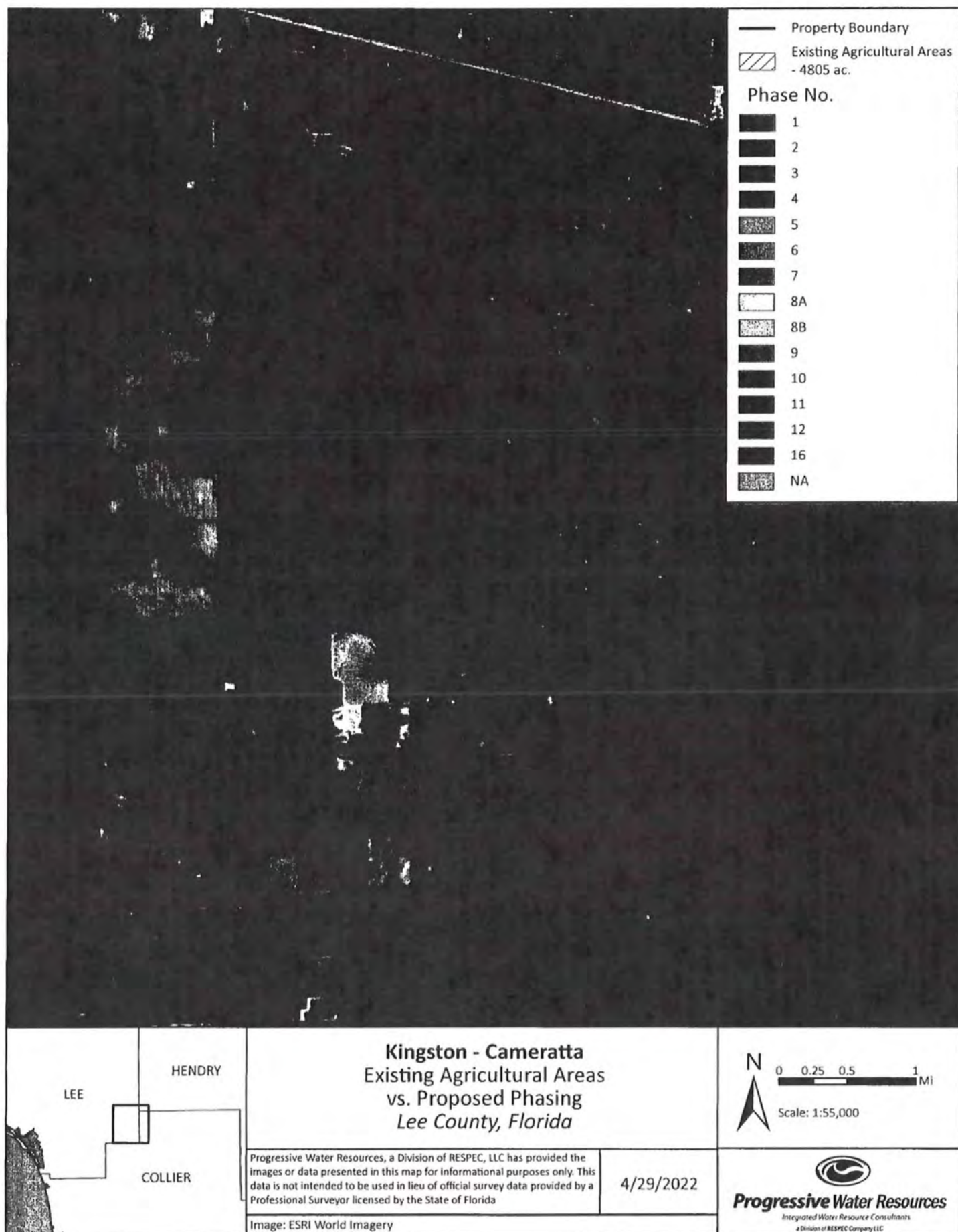
EXEMPTIONS (ordinance does not apply to):

- 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 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%

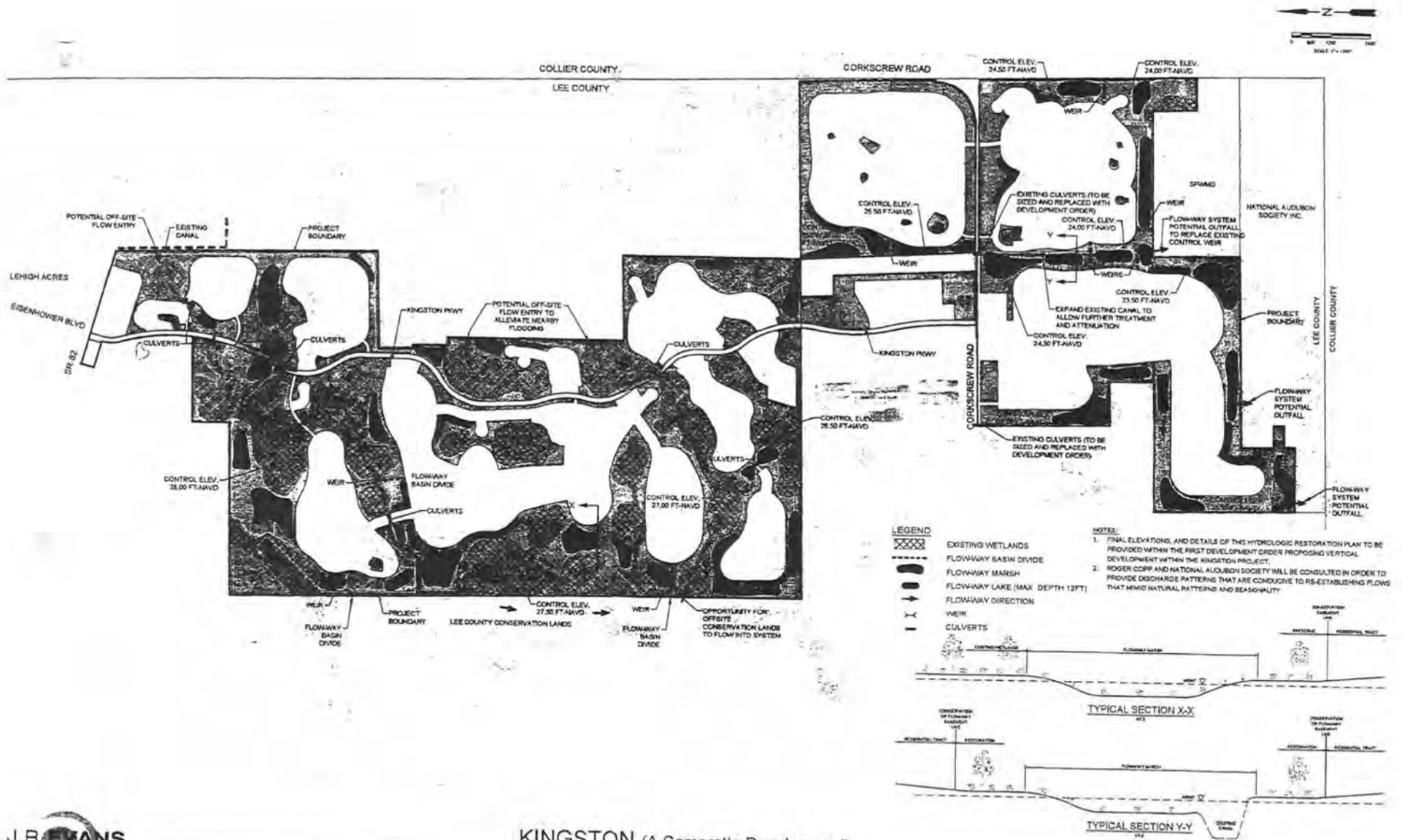


EXHIBIT P

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

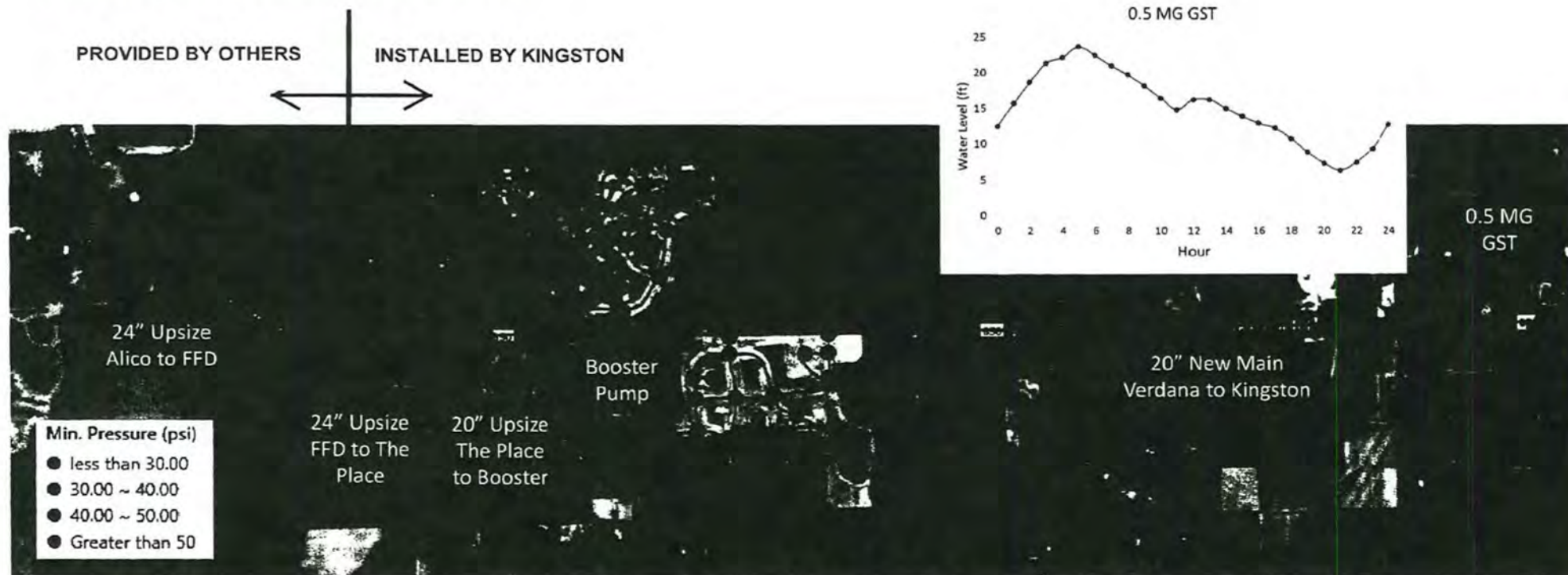
14 April 2022

Kingston Offsite Utility Infrastructure Requirements

BUILDING A WORLD OF DIFFERENCE®
////////////////////



MDD Minimum Pressures

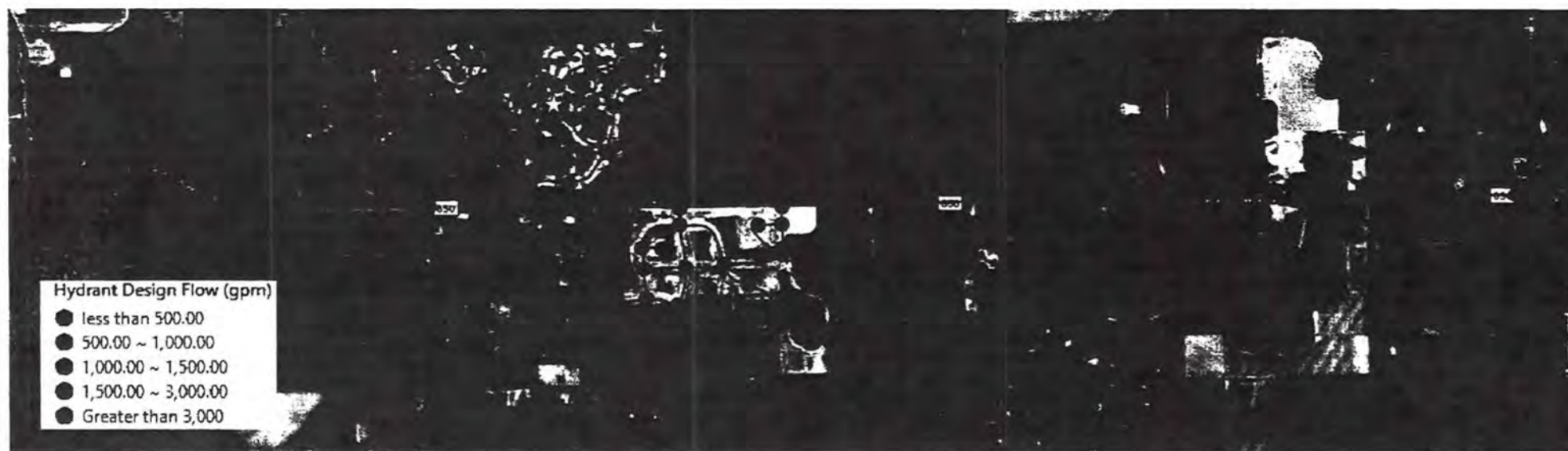


Total Demand = 7.9 mgd

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	-		
						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		
						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		
						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		
						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		
						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



CPA2024-00016

Caloosa 80
Map Amendment

**SUMMARY SHEET
CPA2024-00016 – CALOOSA 80 CPA
TRANSMITTAL HEARING**

REQUEST:

The applicant requests to amend the future land use category of a +/- 92.71-acre portion of the subject property from Rural to Sub-Outlying Suburban and incorporate the entirety of the subject property into the Lee County Utilities water and sewer service area maps to allow for the development of a residential community with a commercial component along Palm Beach Blvd. The applicant has submitted a companion rezone application, DCI2024-00045.

LPA PUBLIC HEARING:

The applicant's representatives provided a presentation addressing the requested amendments, 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 the staff recommendation.

Members of the LPA inquired about impact fees for the roads, terminology used in the staff report, the impact of the water and sewer map amendments on adjacent properties, the water and sewer map skipping properties between River Hall and the subject property, clarification of the potential units versus the applicant's proposed unit count, and the history of the Outlying Suburban category. One member of the LPA noted that they did not find the request consistent with Lee Plan Goals 27 and 28, the Northeast Lee and Alva Community Plan Areas.

LPA PUBLIC INPUT:

Four members of the public provided comments opposing this request, expressing concerns about panther habitat and protected species in general, as well as the appropriateness of the request within the Alva Community Plan Area.

LPA MOTION:

A motion was made to recommend that the Board of County Commissioners (BOCC) **adopt** CPA2024-00016. The motion passed 3 to 2.

DUSTIN GARDNER	NAY
DAWN RUSSELL	AYE
JENNIFER SAPEN	AYE
DON SCHROTENBOER	AYE
STAN STOUDE	NAY
HENRY ZUBA	ABSENT
VACANT POSITION	-

STAFF RECOMMENDATION:

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

STAFF REPORT FOR CPA2024-00016: CALOOSA 80



Privately Initiated Lee Plan Map Amendment

Recommendation:

Transmit

Applicant:

Neal Communities of
Southwest Florida, LLC.

Representatives:

Alexis Crespo, AICP
RVi Planning + Landscape
Architecture

Property Location:

18910 Palm Beach Blvd,
STRAPs: 30-43-27-00-00001.0190,
29-43-27-00-00005.0000,
and 29-43-27-00-00012.0060

Size:

± 192.3 acres

Planning District:

District #1 (Northeast Lee)

Commissioner District:

District #5
Trish Petrosky

Hearing Dates:

LPA: April 27, 2026
BOCC #1: June 17, 2026
BOCC #2: TBD

Attachment(s):

1: Proposed Amendments
2: Applicant Materials

REQUESTS

- Amend Map 1-A, Future Land Use Map, to redesignate 92.71 acres of the subject property from Rural to Sub-Outlying Suburban
- Amend Maps 4-A and 4-B, Lee County Utilities Future Water and Sewer Service Area, to include the entire 192.3-acre subject property
- Amend Table 1(b) to increase the residential allocation for Sub-Outlying Suburban in District 1.

SUMMARY

The applicant requests to amend the Future Land Use Category of a +/- 92.71-acre portion of the subject property from Rural to Sub-Outlying Suburban and incorporate the entirety of the subject property into the Lee County Utilities water and sewer service area maps to allow for the development of a residential community with a commercial component along Palm Beach Blvd. The applicant has submitted a companion rezone application, DCI2024-00045.

PROPERTY LOCATION

The property is generally located east of Bateman Rd and south of Palm Beach Blvd (SR 80).



Figure 1: Location map 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 192.3-acre subject property is comprised of three (3) currently undeveloped parcels with frontage along Palm Beach Blvd (SR 80), east of Bateman Rd, adjacent to Lee County's Hickey Creek Mitigation Park.

The subject property surrounds seven (7) properties that are not included in this request but have frontage on Palm Beach Blvd (SR 80), a four-lane divided state highway with an approximately 200 ft right-of-way (ROW). Two (2) of the seven (7) properties are held by the Florida Department of Transportation (FDOT), and the remaining five (5) are privately held. Three (3) of the privately held properties are developed with single-family residences.

This property has a history of planning and zoning actions. In 2009, the subject property was rezoned from Multifamily Residential (RM-2) and Agricultural (AG-2) to Recreational Vehicle Planned Development (RVPD) to allow 121 transient and 296 non-transient recreational vehicle (RV) sites, for a total of 417 RV sites with associated accessory and subordinate uses, including limited commercial uses. In 2022, another rezone application was filed, and ultimately withdrawn, requesting to rezone from RVPD to MPD to allow 783 RV units and 30,000 sf of neighborhood commercial. The 2022 rezone application included companion Comprehensive Plan Amendment applications (CPA2022-00018 and CPA2022-00017) with a nearly identical request to the current map amendment requests. The case was withdrawn after the Board hearing on May 22, 2024, where it was continued indefinitely. The subject property is currently zoned RVPD, allowing the 417 RV sites and associated accessory uses.

Future Land Use Categories

The subject property is currently within two future land use categories: Urban Community and Rural. Approximately 101.79 acres of the subject property are currently designated as Urban Community, which is the least-intense urban category in the County. Lee Plan **Policy 1.1.4** states that this land use category generally allows all types of land uses, but limits density to 6 units an acre with the ability to add additional density through the County's Bonus Density programs. The policy is reproduced below.

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

92.71 acres of the subject property are within the Rural future land use category. **Policy 1.4.1** outlines the Rural future land use category, which allows very low-density residential, agricultural, and recreational uses. **Policy 1.4.1 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. Maximum density in the Rural future land use category is one dwelling unit per acre (1 du/acre). See Policy 123.2.17 for a potential density incentive resulting from preservation and/or restoration of Rare and Unique Upland Habitat.*

The property does not currently contain any land designated as the Wetlands future land use category; however, under Objective 1.5, the Wetlands future land use category will be applied to all areas the state identifies as wetlands. Requirements and standards pertaining to development within or adjacent to state-designated wetlands within the subject property are not changed by the proposed amendment if wetlands are found on the property.

Community Plan Area

In addition to the future land use categories mentioned above, the subject property is located within two Community Plan Areas: Northeast Lee and Alva. Lee Plan Goal 27, reproduced below, describes the Northeast Lee Community Plan Area.

GOAL 27: NORTHEAST LEE COUNTY COMMUNITY PLAN. *Maintain, enhance, and support the heritage and rural character, natural resources, and agricultural lands. Alva and North Olga will work cooperatively toward this goal through the objectives and policies that follow, and through their individual community plans.*

Northeast Lee encompasses the land North of the Caloosahatchee River and East of SR 31 to the County boundary and South to SR 80 (Palm Beach Blvd), with some areas extending south of SR 80. Goal 27 is divided into four(4) objectives, each with supporting policies, that address agricultural and rural character, rural planning toolbox, natural resources, and connectivity.

Due to the size and varying needs of the Northeast Lee Community Plan Area, it contains two additional Community Plan Areas within its boundaries. The subject property is also located in the overlapping region where the Alva Community Plan Area intersects with Northeast Lee. Lee Plan Goal 28, shown below, describes the Alva Community Plan Area.

GOAL 28: ALVA COMMUNITY PLAN. *Support and enhance the unique rural, historic, agricultural character and natural environment and resources of the Alva Community Plan area, including the rural village and surrounding area.*

The Alva Community Plan Area is irregularly shaped, but generally encompasses the land East of Bob Janes Preserve to the Charlotte and Hendry County Boundaries south to approximately 1.5 miles South of SR 80 (Palm Beach Blvd). Goal 28 is divided into six objectives, each with supporting policies, addressing Public Resources Access, Natural Resources and Environmental Systems, Connectivity, Rural Village Framework, Rural Lands Framework, and Rural Character.

Planning District

The subject property is located in the Northeast Lee Planning District (District 1), which allocates 813 acres to the Urban Community and no acreage to the Sub-outlying Suburban future land use category for

residential development. District 1 allocates 300 acres for commercial use and 30 acres for industrial use. The applicant is requesting an amendment to Table 1(b) to allocate the appropriate acreage to residential development in the Sub-Outlying Suburban category to accommodate the additional residential acreage required for the proposed development.

Surrounding Properties

The subject property comprises three parcels. One parcel, which is currently designated as the Urban Community future land use category, and two parcels, which are currently designated as the Rural future land use category. The existing Urban Community portion of the site is adjacent to the Hickey Creek Mitigation Park. No land use change is proposed for this parcel; only its incorporation into the Lee County Utilities Future Water and Sewer Services Map.

TABLE 1: SURROUNDING PROPERTY INFORMATION

	Future Land Use	Community Plan Area	Zoning	Existing Use
North	Rural	Alva	AG-2	Residential/SR 80
East	Rural	Alva	AG-2	Single-Family Residential
South	Urban Community/Rural	Alva	AG-2	Residential/Private Outdoor Recreation
West	Conservation	Northeast Lee	EC	Conservation Land

As described in the second paragraph of this report on page two, the majority of the surrounding properties are developed with large-lot single-family residences and conservation land. Across SR 80 from the eastern-most property line is a large commercial agriculture operation. Development along this corridor is a mixture of large-lot residential uses on agriculturally zoned properties and small-scale commercial uses, with some commercial agriculture as well.

PROCEDURAL REQUIREMENTS

The Lee Plan is Lee County’s comprehensive plan, which provides the long-term vision for development in the county. Florida Statutes require comprehensive plans to include certain topics as elements. The Lee Plan divides these elements into chapters, which are further supported by goals, objectives, standards, and policies. Lee Plan Chapter XIII, entitled Administration, section “d” addresses Amendments to the Plan. The applicable paragraph is reproduced below.

This plan, including the Future Land Use Map, may be amended in accordance with Florida Statutes and administrative procedures adopted by the Board of County Commissioners in Lee County Administrative Code 13-6. In accordance with § 163.3177(1)(f), Fla. Stat., all amendments must be based upon relevant and appropriate data and analysis.

Lee County Administrative Code 13-6 establishes procedures for amendments to the Lee Plan, including notice requirements and public participation provisions. 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 new map designation on a property that is within two (2) Community Plan Areas, one public information meeting is required in each area prior to the application being found sufficient under Lee Plan Policy 17.3.2. The applicant held a total of five (5) community meetings, as shown in the Community Meetings Table, including at least one meeting in the Alva Community Plan Area and one in the North Olga Community Plan Area, per Note 7 to Policy 17.3.3. The applicant has also submitted documentation on the required affidavits of publication, presentation materials, and sign-in sheets. **The applicant has met the public input requirements of Lee Plan Objective 17.1.**

COMMUNITY MEETINGS TABLE

DATE	LOCATION	COMMUNITY PLAN AREA
10/16/2024	Bayshore Fire Station	Bayshore
1/14/2025	Alva Community Center	Alva/Northeast Lee
2/11/2025	Alva Community Center	Alva/Northeast Lee
2/19/2025	Owl Creek Drive/N River Road ROW	North Olga/Northeast Lee
4/16/2025	Bayshore Fire Station	Bayshore

Under Florida Statutes, the proposed amendments do not qualify as a small-scale map amendment because they total land area exceeds 50 acres and the amendments include changes to a map that is not part of the Future Land Use Map Series (Maps 1A through 1H); therefore, **the amendments 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 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 applicant has requested an amendment to the Future Land Use designation from Rural to Sub-Outlying Suburban for approximately 92.71 acres of the subject property, located between the existing Urban Community portion and the adjacent Rural areas. The Lee Plan **Policy 1.1.11** describes the Sub-Outlying Suburban category as follows:

POLICY 1.1.11: *The Sub-Outlying Suburban future land use category is characterized by low density residential areas. Generally, the infrastructure needed for higher density development is not planned or in place. This future land use category will be placed in areas where higher densities would be incompatible or where there is a desire to retain a low-density community character. Industrial land uses are not permitted. The standard density range1 is from one dwelling unit per acre (1 du/acre) to two dwelling units per acre (2 du/acre). Bonus densities are not allowed.*

The part of the subject property that the applicant seeks to amend the Future Land Use for is surrounded by existing very-low-density development within the Rural land use category, which allows a maximum density of one (1) unit per acre, and undeveloped land within the Urban Community category, which

allows a maximum standard density of six (6) units per acre with the potential for Bonus Density up to ten (10) units an acre. The proposed Sub-Outlying Suburban land use category allows a maximum of two (2) units per acre with no allowance for Bonus Density. **The proposed Future Land Use Map amendment would increase the potential density from one (1) unit per acre to two (2) units per acre on approximately 92.71 acres of the subject property;** however, as discussed later in this report, it would not increase the total potential population in the Alva Community Plan Area.

A Sub-Outlying Suburban land use designation would change the broad land use category from a “Future Non-Urban Area” to a “Future Suburban Area,” which could increase the amount of commercial development permitted on the site. **Policy 6.1.2** limits commercial development in Future Non-Urban Areas to “Minor Commercial,” which the Lee Plan defines 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.” Minor Commercial has additional limitations on the types of commercial uses allowed. The Alva Community Plan includes some provisions on commercial development, but none expressly prohibit it. **The proposed map amendment to Sub-Outlying Suburban could allow more commercial development than is currently permitted under the Rural designation.**

Industrial uses are prohibited in Sub-Outlying Suburban areas and generally not allowed in Rural areas, unless related to mining or agriculture. Lee Plan **Policy 28.1.4** also limits industrial uses within the Alva Community Plan Area. **The proposed map amendment would prohibit new industrial uses altogether.**

The description of Sub-Outlying Suburban also states that these areas generally lack the infrastructure needed for higher-density development. The applicant is requesting that the entire subject property be added to Lee County Utilities' Future Water and Wastewater Service Areas; however, **the utility infrastructure is not yet in place**, and the developer will need to extend the lines to make higher-density/intensity development possible. The subject property also has over 1400 feet of frontage on Palm Beach Blvd (SR 80), a state-maintained divided highway.

The overall characteristics of the portion of the property the applicant wants to amend the Future Land Use are not inconsistent with the Sub-Outlying Suburban. Based on the land use category descriptions alone, the property is actually most similar to the Suburban category; however, the subject property is within the Alva and Northeast Lee Community Plan Areas, which also influences the appropriateness of a future land use designation.

Lee Plan **Goal 27** is the Northeast Lee County Community Plan, which prioritizes maintaining its agricultural and rural character. **Objective 27.1** defines what is considered rural character. This Objective is reproduced below.

OBJECTIVE 27.1: AGRICULTURAL AND RURAL CHARACTER. *Maintain and enhance the viability of the existing and evolving commercial agricultural operations, preserve open space, and retain the rural character of Northeast Lee County. For the purposes of this objective, rural character is defined as those characteristics that convey a sense of rural lifestyle such as large lots or clustered development, ample views of wooded areas, open spaces, and river fronts, working farms and productive agricultural uses, and the protection of environmentally sensitive lands.*

Regardless of whether the future land use of the property remains in its current configuration of Rural and Urban Community or changes to Sub-outlying Suburban and Urban Community, the developer must

demonstrate compliance with this requirement in the final design of the Planned Development. **The proposed future land use amendment does not affect whether the final development must be consistent with the established rural character standards;** however, it would increase the allowed density from one unit per acre to two units per acre on 92.71 acres of the 192.3-acre site, which could make it more difficult to meet those standards.

Objective 27.1 is supported by eight policies. **Policies 27.1.2, 27.1.3, 27.1.4, 27.1.6, and 27.1.7** direct the county to work with the Alva and North Olga residents to create Land Development Code standards for development, coordinate planning activities, and support land acquisition for public recreation space. **Policy 27.1.8** requires public input meetings for zoning actions, similar to the requirements of Policy 17.3.2, which the applicant has met. These do not apply to a Future Land Use Map amendment.

Policy 27.1.1 states that the county should support the agricultural and rural character in Northeast Lee by allowing commercial agriculture to continue and encouraging new development to be clustered to conserve open space. Sub-Outlying suburban would not preclude commercial agricultural development or a developer's ability to cluster development to conserve open space. **The proposed amendment to Sub-Outlying Suburban is not inconsistent with Policy 27.1.1.**

Objective 27.2, the Rural Planning Toolbox, directs the County to develop incentives, programs, and regulations to support the rural character in the Northeast Lee Community Plan Area. This objective is supported by two policies that relate to creating LDC regulations and establishing Northeast Lee as a sending zone for Transferable Development Rights (TDRs). The proposed amendments are not impacted by these policies, the LDC requirements will apply regardless of the future land use at time of zoning.

Objective 27.3, Natural Resources, relates to the preservation of natural resources in the Northeast Lee Community Plan Area. The objective is reproduced below.

***OBJECTIVE 27.3: NATURAL RESOURCES.** To enhance, preserve and protect the physical integrity, ecological standards, and rural character of Northeast Lee County by focusing on: water basins; native vegetation; wildlife habitat and resources; and areas designated for long-term conservation.*

The subject property abuts the County's Hickey Creek Mitigation Park, which is designated as Conservation Land on the Future Land Use Map; however, the requested Future Land Use Map amendment to Sub-Outlying Suburban is separated from this area by the Urban Community portion of the property. The Sub-Outlying Suburban land use category, as shown on page 5 of this report, is intended to be placed in areas where "higher densities would be incompatible or where there is a desire to retain a low-density community character." **The proposed Future Land Use Map amendment to Sub-Outlying Suburban is consistent with Objective 27.3.**

In addition to the Future Land Use Map amendment, the applicant is requesting inclusion in Lee County Utilities' Future Water and Sewer Service Area maps, which facilitate developer-funded infrastructure expansion to connect development on the subject property to central utilities. Connection to central utilities will help protect the water quality of the Caloosahatchee River and Estuary Basin Management Action Plan (BMAP). **The proposed amendments to include the subject property in Maps 4-A and 4-B are consistent with Objective 27.3.**

Objective 27.4 provides guidance related to Connectivity in Northeast Lee stating that this area of the county should have enhanced and high-level connectivity for wildlife, transportation, and recreation. The proposed Future Land Use Map Amendment to redesignate a portion of the subject property from Rural to Sub-Outlying Suburban, which will require transportation infrastructure related to the development of the property to be consistent with **Policy 39.2.2**, which requires sidewalks and bicycle facilities. Non-Urban areas, like the Rural category, do not require the same level of transportation infrastructure as future suburban areas, per **Policy 39.2.3**. **The request to amend the future land use to Sub-Outlying Suburban, which would require a higher level of transportation connectivity, is consistent with Objective 27.4.**

The proposed Future Land Use Map Amendment and amendments to Maps 4-A and 4-B, Lee County Utilities Future Water and Sewer Service Areas, are consistent with Goal 27.

Lee Plan **Goal 28** is the Alva Community Plan, which, similar to the Northeast Lee Community Plan Area, prioritizes maintaining Alva's rural, agricultural, and historic character. **Objective 28.1** defines what constitutes Rural character within the Alva Community Plan Area. This objective is reproduced below.

OBJECTIVE 28.1: RURAL CHARACTER. *Maintain and enhance the rural character and environment of Alva through planning practices that:*

- 1. Manage growth and protect Alva's rural nature.*
- 2. Maintain agricultural lands and rural land use patterns.*
- 3. Provide needed community facilities, transportation systems, and infrastructure capacity.*
- 4. Protect and enhance native species, ecosystems, habitats, natural resources, and water systems.*
- 5. Preserve Alva's historic places and archaeological sites.*

The description of Sub-Outlying Suburban, as previously outlined in this report, indicates that this "land use category will be placed in areas where higher densities would be incompatible or where there is a desire to retain a low-density community character." It represents a step up in density from the current Rural Future Land Use, allowing an increase from one (1) to two (2) units per acre. Moreover, developing this site would support the expansion of utility and transportation infrastructure in this area of the County. Regardless of the land use category, the development must protect native species and habitats, and no historical or archaeological sites have been identified on the property.

Objective 28.1 is supported by nine (9) policies that further describe what the Rural Character means for the Alva Community Plan Area. **Policy 28.1.4** states that new industrial uses, not directly associated with Alva's Commercial Agriculture, are prohibited. The proposed land use change to Sub-Outlying Suburban would not allow any industrial uses, consistent with this policy. **Policy 28.1.5** prohibits new resource extraction (mining) operations. The proposed land use change would not allow any new mining activities, consistent with this policy. **Policy 28.1.6** prohibits outdoor display areas exceeding one acre; this policy would apply to any proposed commercial use, regardless of land use category and is typically addressed during the zoning or development order processes. **The proposed amendments to the Future Land Use Map and water and sewer maps are consistent with the general intent of Objective 28.1 and its supporting policies.** The other policies in this objective, not specifically covered in this report, are directives for Alva and the County that do not apply to the proposed amendments.

Objective 28.2, Rural Land Framework, establishes the planning framework to maintain Alva's rural character. **Policy 28.2.2** addresses land use amendments that increase density. As stated previously, the proposed Future Land Use Map amendment to the 92.71 acres of the subject property currently designated as Rural would increase the allowed density on that part of the property, from one (1) to two (2) units per acre. Policy 28.2.2 and Policy 28.2.3 are reproduced below.

***POLICY 28.2.2:** Future land use amendments that would increase **the allowable total density of Alva** are discouraged and must demonstrate consistency with the objectives and policies of this goal through concurrent planned development rezoning. Future Land Use Map amendments that would decrease the allowable total density of Alva and that are otherwise consistent with the objectives and policies of this goal are encouraged.[Emphasis added]*

***POLICY 28.2.3:** Promote sustainable residential development patterns and rural character by utilizing rural planning practices such as:*

- 1. Cluster development in compact, interconnected neighborhoods situated in appropriate locations.*
- 2. Designate appropriate allowed uses.*
- 3. Establish compatible parcel sizes, density, and intensity standards.*
- 4. Conserve natural resources.*
- 5. Provide standards for adequate open space.*
- 6. Maintain commercial agricultural uses.*
- 7. Incorporate green building standards.*
- 8. Identify locations suitable for public services.*

In addition to the map amendments, the applicant has also requested an amendment to **Table 1(b)**, which provides development allocations for the County's Planning Districts. The subject property is within **Planning District 1**, which extends beyond Alva but closely aligns with the boundaries of the Northeast Lee Community Plan Area. Sub-Outlying Suburban currently has no population allocation in District 1 in Table 1(b) because there are no properties with this land use within the Planning District.

To accommodate the requested amendment to Sub-Outlying Suburban, allocations for other areas of District 1 were reassessed based on current conditions, including reallocating the use acreages for the subject property based on the change from an RV (commercial) use to a mostly residential use. The table accommodated the Sub-Outlying Suburban residential use category without increasing the District's allowable total number of units from 4,206. Prior to the requested amendment, District 1 had an allowable total density of 0.94 units per acre. With the proposed amendment, District 1 will have an allowable total density of 0.93 units per acre. The reallocation removed the majority of the acreage required for this amendment from the Urban Community allocations within Alva Community Plan Area, a higher-density land use, effectively lowering the density within this Planning District. **Based on Table 1(b), the total allowable density within District 1 does not increase with the proposed amendments, even though the density on the portion of the subject property will increase.**

Although the proposed Future Land Use Map amendment does not effectively increase Alva's total potential population, **the applicant has submitted a concurrent planned development application, DCI2024-00045, per Policy 28.2.2, which is under review.**

The master concept plan includes a small commercial area along Palm Beach Blvd with clustered single-family attached and single-family detached residential types. The densest areas, mostly single-family

attached housing types, are located within the existing Urban Community portion of the site. Generally, **the Master Concept Plan (MCP) for the companion rezone includes clustered development, open space exceeding Land Development Code minimums, and appropriate uses, all of which are indicated in Policy 28.2.3 as rural planning practices.** Because the application is still under review, some details of the MCP may change by the time it reaches a public hearing; however, **the rezoning application will have to prove consistency with Goal 28 regardless of the decision of the requested comprehensive plan amendments.**

The requested Future Land Use Map amendment, which would increase density on a portion of the subject property, but not increase the potential population of Planning District 1, is not inconsistent with Objective 28.2, Rural Lands Framework.

The subject property is not within the Rural Village, as indicated on Map 1-C and described in **Objective 28.3. Objectives 28.5 and 28.6** direct the County to create development standards, evaluate land conservation funding, protect wellfields, and pursue access to public resources. **These objectives and their supporting policies are not applicable to this request.**

As stated in the Connectivity section relating to Objective 27.4, development of the subject property will need to be consistent with the Urban and Suburban road standards in Goal 39, rather than the Urban and Rural standards, **consistent with Objective 28.4.** The applicant will need to demonstrate consistency with **Policy 28.4.2** in the design of the proposed development, but the requested comprehensive plan amendments do not change or conflict with the requirements of this Objective and are therefore **consistent with Objective 28.4, and its supporting policies.** Additionally, the applicant has provided a Traffic Impact Statement. The impacts of the proposed land use change are discussed in the Public Facilities and Infrastructure section (Page 11) of the staff report.

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 Sub-Outlying Suburban and Urban community Future Land Use Categories, the property owner or applicant would need access to central water and sewer services. As mentioned in the analysis for Objective 27.3 on page 7, the subject property is subject to a Basin Management Action Plan (BMAP). Under state statute FS 163.3177, as amended by HB 1379 in 2023, local governments must consider how to extend utilities to residential development exceeding one (1) unit per acre in a BMAP. The proposed Future Land Use Map amendment would allow for a maximum of 796 potential units on the subject property, based on standard densities, at a density of approximately four (4) units per acre. **The proposed incorporation of the subject property into the LCU Future Water Service Area (Map 4-A) and LCU Future Sewer Service Area (Map 4-B) is consistent with state statutes regarding utility expansion within a BMAP and Lee Plan Objective 4.1.**

Goals 53, Potable Water Infrastructure, and 56, Sanitary Sewer Infrastructure, state:

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.*

GOAL 56: SANITARY SEWER INFRASTRUCTURE. *In partnership with franchised/certificated utilities providers, provide sanitary sewer service and wastewater treatment and disposal throughout Lee County.*

The applicant is electing to connect to Lee County Utilities' potable water and sanitary sewer 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, and **Policy 56.1.1** states that sewer service areas are indicated on Map 4-B. The applicant has received a letter from **Lee County Utilities dated January 17, 2025, stating that it can serve the subject property** if the property is included in the Potable Water and Sanitary Sewer Future Service Areas.

The Urban Community portion of the subject property is currently within the Florida Governmental Utilities Authority (FGUA) wastewater franchise area. Lee Plan Policy 56.1.5 states that when a property is within a designated franchise area (FGUA), another franchise—in this case, LCU—may not serve the property without written approval from the designated franchise. This policy is reproduced below.

***POLICY 56.1.5:** No permit will be issued allowing any utility to use a public right-of-way or to cut a pavement in a public right-of-way to extend service outside of its certificated/franchised area or to extend service into an area allocated to another utility, unless the other utility concurs in writing. This will be enforced along municipal and state rights-of-way by interlocal agreement and memorandum of agreement as required.*

The applicant received a letter from FGUA dated September 29, 2017 agreeing to release the service area to Lee County Utilities. **Based on this letter, the request does not conflict with Policy 56.1.5.**

The request to add the subject property to Map 4-A is consistent with Goals 53 and 56 and their supporting policies.

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.**

Lee Plan **Policy 1.6.5** establishes the Planning Districts Map and Acreage Allocation Table, which divides the county into districts and allocates acreage for residential and non-residential development. The policy is reproduced below.

***POLICY 1.6.5:** The Planning Districts Map and Acreage Allocation Table (Map 1-B and Table 1(b)) depict the proposed distribution, extent, and location of generalized land uses through the Plan's horizon. Acreage totals are provided for land in each Planning District in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded. This policy will be implemented as follows:*

- 1. For each Planning District the County will maintain a parcel based database of existing land use.*
- 2. Project reviews for development orders must include a review of the capacity, in acres, that will be consumed by buildout of the development order. No development order, or extension of a development order, will be issued or approved if the acreage for a land use, when added to the acreage contained in the updated existing land use database,*

- exceeds the limitation established by Table 1(b) regardless of other project approvals in that Planning District.*
3. *When updating the Lee Plan’s planning horizon, a comprehensive evaluation of the Planning Districts Map and Acreage Allocation Table will be conducted.*

Because the applicant is requesting a future land use category that does not currently exist within District 1, the applicant is requesting new residential acreage for the Sub-Outlying Suburban category. The amendments are shown in Attachment 1. As stated previously in this report, the residential acreage was removed from the Urban Community areas within District 1 and reallocated to Sub-Outlying Suburban in District 1 without increasing the total population. Staff has reviewed the Table 1(b) amendment and found it **consistent with the current parcel-based database and projected development for Planning District 1.**

Based on the analysis in this report, the Sub-Outlying Suburban land use category would appropriately balance the property's general characteristics with the limitations of the Community Plan Areas and provide additional protection from industrial uses adjacent to existing single-family residential development. The proposed amendments to Maps 1-A, 4-A, and 4-B, and Table 1(b) are generally consistent with the Lee Plan.

PUBLIC FACILITIES AND INFRASTRUCTURE

Site-specific impacts on public services and service availability will be examined during the review of any future development applications for construction on the impacted site. Preliminary analyses of the request are based on the “worst-case scenario” for the proposed future land use change.

TRANSPORTATION

The amendment to the Lee Plan requires short-range (5-year) and long-range (2045) LOS analysis. The tables in this section summarize the proposed project’s traffic generation for the weekday AM and PM peak hours. This traffic analysis summary outlines the Level of Service (LOS) for various roadway segments and intersections, comparing conditions without a proposed change to conditions with the proposed change.

5-Year Analysis (2029)

The 5-year analysis² indicates the following roadway segments will operate at the following LOS with and without the proposed change, respectively.

ROADWAY SEGMENT	LOS WITHOUT CHANGE ¹	LOS WITH CHANGE ¹
SR 80 (Palm Beach Blvd)		
From Werner Dr. to Joel Blvd. (Site Access)	C	C
From Joel Blvd to Hendry Co. Line	C	C
Broadway Ave		

¹ Table 4A of the TIS was resubmitted under separate cover during staff review and includes a corrected background traffic growth rate estimate with corrected LOS estimates.

• From North River Rd to SR 80	D	D
Joel Blvd		
• From 18th St to SR 80	C	C
N. River Rd		
• From Franklin Lock Rd to Broadway.	B	B
• From Broadway to Hendry Co. Line	C	C

Long Range Horizon Analysis (2045)

The Long Range 2045 Horizon LOS analysis indicates the following roadway segments will operate at the corresponding Level of Service (LOS), respectively.

ROADWAY SEGMENT ²	LOS WITHOUT CHANGE	LOS WITH CHANGE
SR 80 (Palm Beach Blvd) ³		
• From Werner Dr. to Joel Blvd. (Site Access)	C	C
• From Joel Blvd to Hendry Co. Line	B	B
Broadway Ave		
• From North River Rd to SR 80	F	F
Joel Blvd		
• From 18th St to SR 80	D	D
N. River Rd		
• From Franklin Lock Rd to Broadway.	C	C
• From Broadway to Hendry Co. Line	C	C

² North River Road and Joel Boulevard are Arterial Roads, and Broadway Ave is a Major Collector maintained by the County.

³ SR 80 is a 55mph Arterial Road maintained by the State of Florida.

The proposed amendment is consistent with GOAL 95 of the Lee Plan, Objective 95.1, and Policy 95.1.1. The County ensures the provision of services at the adopted "Minimum Acceptable Levels of Service." While the analysis indicates that Broadway Avenue will operate at LOS "F," mitigation is not required for the zoning petition, as the mandatory payment of impact fees is considered to mitigate any existing deficiencies to the level at which they occurred without the development.

Transportation concurrency is non-regulatory, according to Florida Statutes Section 163.3180 and Lee Plan Policy 95.1.3, which states, "Compliance with non-regulatory LOS standards will not be a requirement for continued development permitting, but will be used for facility planning purposes."

UTILITIES

The subject property is not currently within Lee County Utilities' (LCU) potable water or sewer service area map; however, **LCU provided a letter of availability, dated January 17, 2025, indicating capacity to serve.**

OTHER INFRASTRUCTURE

- Emergency Medical Services and Fire: The primary ambulance for this location is Medic 11, located 8.4 miles west. This location cannot meet the existing service standards for the proposed development, as required by County Ordinance 08-16. The department plans to construct a station at River Hall to help address this response issue. Additional analysis will be required once the new station is under construction.
- Police: According to a letter from the Lee County Sheriff's Office, dated October 21, 2024, the amendment will not affect the Agency's ability to provide law enforcement services.
- Solid Waste: According to a letter dated February 21, 2025, Lee County Solid Waste Department is capable of providing solid waste collection service through their franchised hauling contractors.
- Public Transit: According to a letter from LeeTran, dated February 24, 2025, the proposed development is not within one-quarter mile of a fixed-route corridor. The 2021 TDP does not identify the need for enhanced or additional services in the area; the developer is not required to connect to or improve transit facilities based on the current Lee County Transit LDC section 10-441.
- Schools: This project is located in the Elementary School Proximity Zone "D", the Middle Schools Proximity Zone "DD", and the High School Enrollment Zone East, Sub-Zone 3. According to a letter from the School District of Lee County, dated 2025, the proposed project will not negatively impact school capacity.

CONCLUSIONS

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

- The Sub-Outlying Suburban land use category would appropriately balance the property's general characteristics with the limitations of the applicable Community Plan Areas
- Adding the subject property to Map 4-A is consistent with Goals 53 and 56 and supporting policies.
- The proposed incorporation of the subject property into the LCU Future Water Service Area (Map 4-A) and LCU Future Sewer Service Area (Map 4-B) is consistent with state statutes regarding utility expansion within a BMAP and Lee Plan Objective 4.1.
- The applicant has provided all of the required documentation for the proposed amendments according to AC 13-6 and Goal 17.

For the reasons discussed in this staff report, staff recommends that the Board of County Commissioners **adopt** the proposed amendment as shown in Attachments 1 and 2.

PART 2

LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: April 27, 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 the staff recommendation.

Four members of the public provided comments opposing this request, expressing concerns about panther habitat and protected species in general, as well as the appropriateness of the request within the Alva Community Plan Area.

Members of the LPA inquired about impact fees for the roads, terminology used in the staff report, the impact of the water and sewer map amendments on adjacent properties, the water and sewer map skipping properties between River Hall and the subject property, clarification of the potential units versus the applicant's proposed unit count, and the history of the Outlying Suburban category.

One member of the LPA noted that they did not find the request consistent with Lee Plan Goals 27 and 28, the Northeast Lee and Alva Community Plan Areas.

B. LOCAL PLANNING AGENCY RECOMMENDATION

A motion was made to recommend that the Board of County Commissioners (BoCC) **transmit** CPA2024-00016. The motion passed 3 to 2.

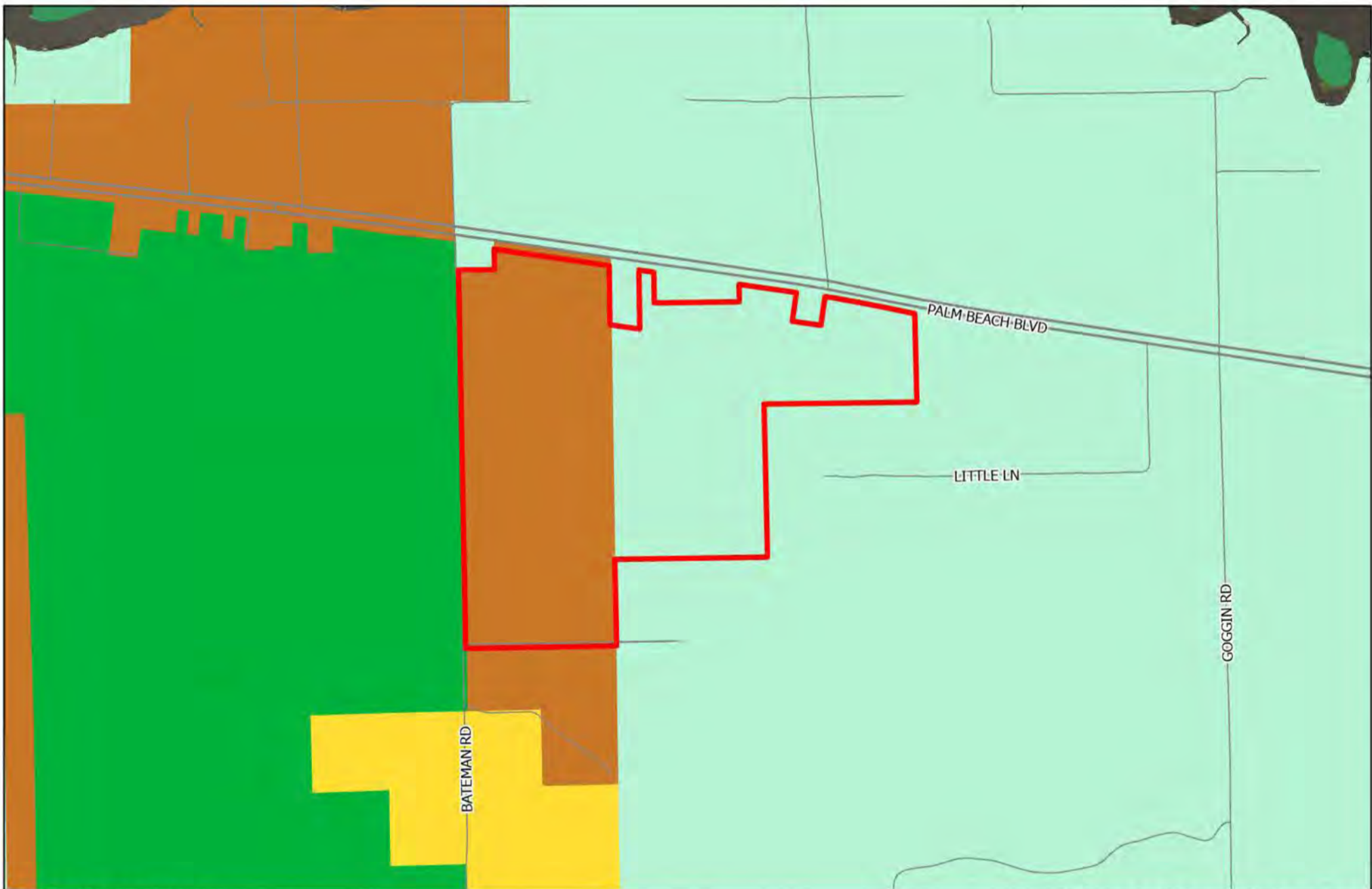
DUSTIN GARDNER	NAY
DAWN RUSSELL	AYE
JENNIFER SAPEN	AYE
DON SCHROTENBOER	AYE
STAN STOUDE	NAY
HENRY ZUBA	ABSENT
VACANT POSITION	-

C. STAFF RECOMMENDATION

Staff recommends that the BoCC **transmit** the proposed amendment 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**
- **Map 4B Future Sewer Service Areas**
- **Table 1(b) Proposed – Staff Recommendation**



CPA2024-00016



Map Generated: March 2026

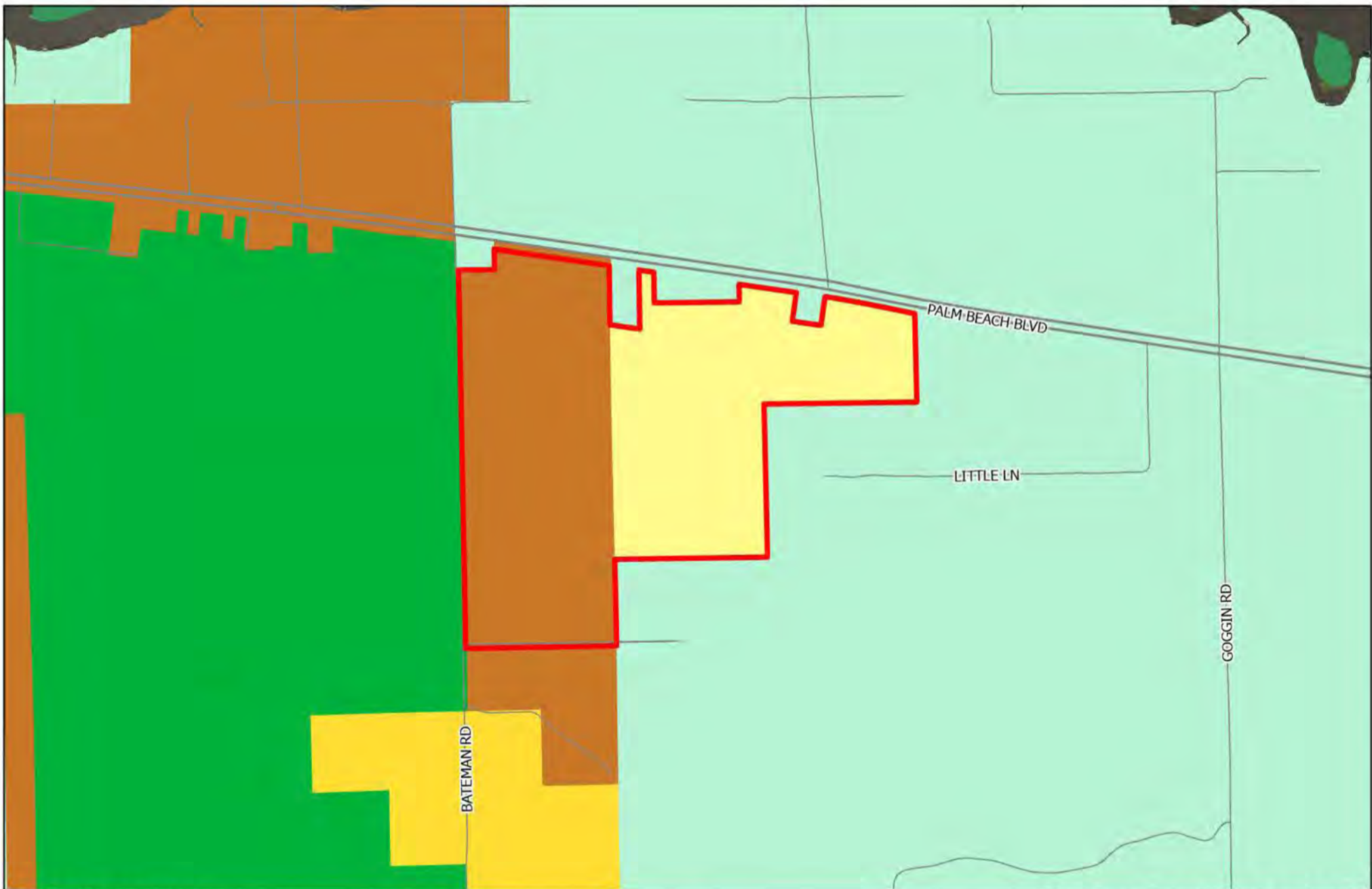
- Urban Community
- Outlying Suburban
- Rural

- Conservation Lands - Upland
- Wetlands
- Subject Property

Existing Future Land Use



0 1,000
Feet



CPA2024-00016



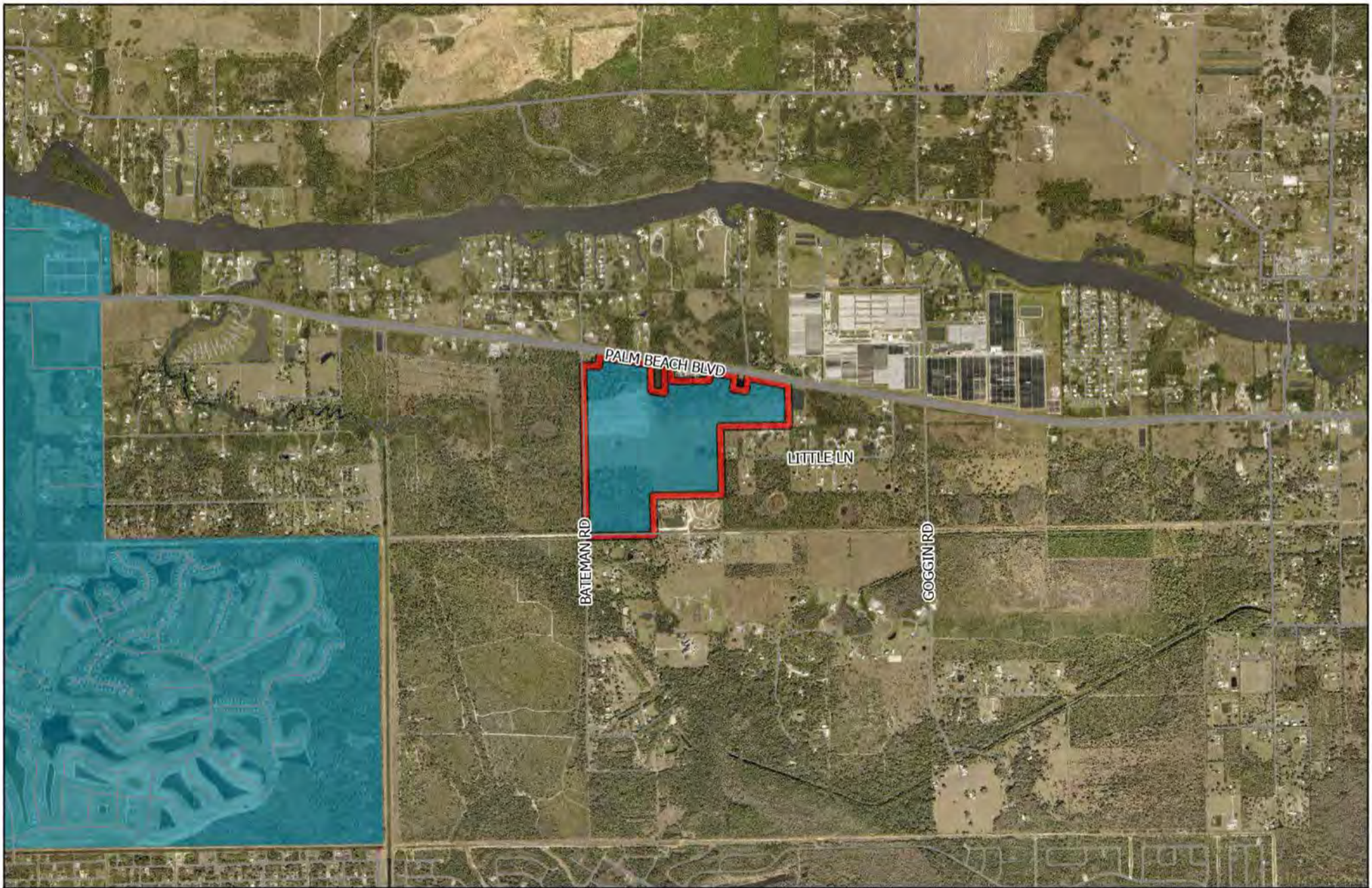
Map Generated: March 2026

- | | |
|-----------------------------|-----------------------|
| Urban Community | Wetlands |
| Outlying Suburban | Sub-Outlying Suburban |
| Rural | Subject Property |
| Conservation Lands - Upland | |

Proposed Future Land Use



0 1,000
Feet



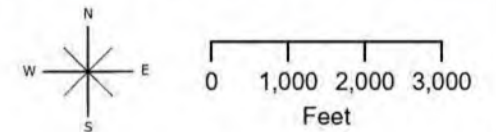
CPA2024-00016

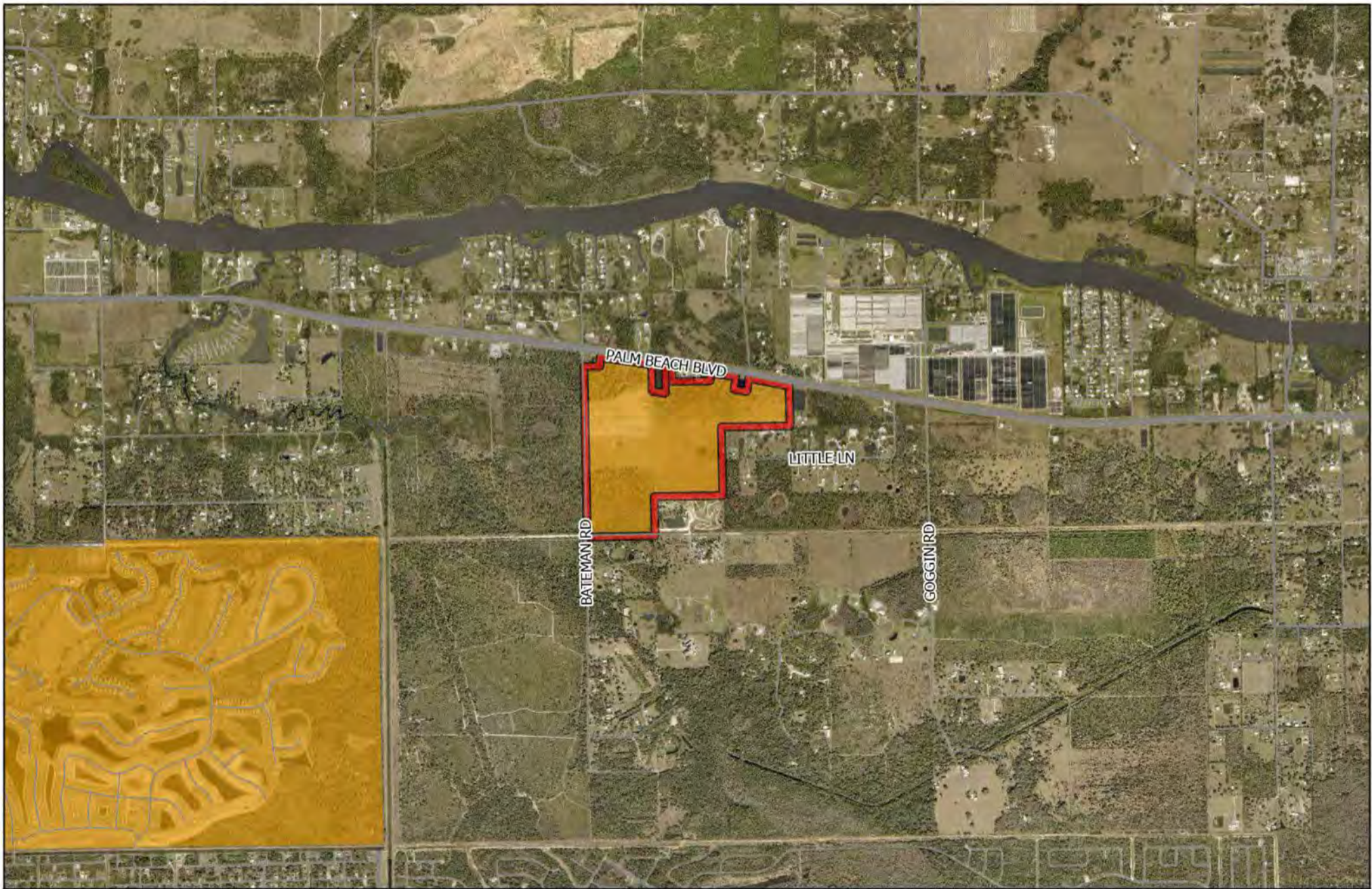


Map Generated: March 2026

-  Existing Future Water Service Areas
-  Proposed Future Water Service Areas

Future Water Service Areas





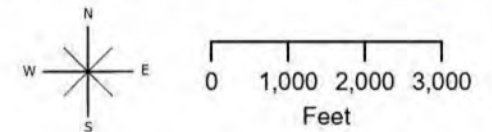
CPA2024-00016



Map Generated: March 2026

-  Existing Future Sewer Service Areas
-  Proposed Future Sewer Service Areas

Future Sewer Service Areas



Future Land Use Category		Unincorporated County		Planning District										
				District 1		District 2	District 3	District 4	District 5	District 6	District 7	District 8	District 9	District 10
		Existing	Proposed	Northeast Lee County		Boca Grande	Bonita	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway / Airport
Residential By Future Land Use Category	Intensive Development	1,516	1,516	-	-	-	-	17	-	21	-	238	-	-
	Central Urban	13,658	13,658	-	-	-	-	207	24	-	-	230	-	25
	Urban Community	22,453	22,431	813	791	453	-	475	-	-	-	-	-	150
	Suburban	14,871	14,871	-	-	-	-	1,950	-	-	-	80	-	-
	Outlying Suburban	3,652	3,652	38	38	-	-	490	13	3	429	-	-	-
	Sub-Outlying Suburban	1,787	1,831	-	44	-	-	330	-	-	-	-	-	227
	Commercial	-	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial	15	15	-	-	-	-	-	-	-	-	-	-	6
	Public Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-
	University Community	503	503	-	-	-	-	-	-	-	-	-	-	-
	Destination Resort Mixed Use Water Dependent	8	8	-	-	-	-	-	-	-	-	-	-	-
	Burnt Store Marina Village	2	2	-	-	-	-	-	2	-	-	-	-	-
	Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	General Interchange	110	110	-	-	-	-	-	-	-	-	-	-	35
	General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	University Village Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	New Community	2,075	2,075	1,115	1,115	-	-	-	-	-	-	-	-	960
	Airport	-	-	-	-	-	-	-	-	-	-	-	-	-
	Tradeport	3	3	-	-	-	-	-	-	-	-	-	-	3
	Rural	7,564	7,559	2,230	2,225	-	-	800	730	-	-	-	-	-
	Rural Community Preserve	3,517	3,517	-	-	-	-	-	-	-	-	-	-	-
	Coastal Rural	1,338	1,338	-	-	-	-	-	-	-	-	-	-	-
	Outer Island	233	233	2	2	4	-	1	-	-	169	-	-	-
	Open Lands	2,186	2,186	153	153	-	-	-	257	-	-	-	-	-
	Density Reduction/ Groundwater Resource	6,974	6,974	131	131	-	-	-	-	-	-	-	-	-
	Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-	-	-
	Wetlands	-	-	-	-	-	-	-	-	-	-	-	-	-
	Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-	-	-
Unincorporated County Total Residential		82,464	82,481	4,482	4,499	457	-	4,270	1,026	24	598	548	-	1,406
Commercial		8,916	8,916	300	300	53	-	450	27	9	125	150	-	1,216
Industrial		4,788	4,788	30	30	3	-	300	10	15	70	315	-	2,134
Non Regulatory Allocations														
Public		120,279	120,279	14,219	14,219	622	-	4,864	7,323	6	2,340	583	-	9,689
Active AG		21,889	21,889	5,500	5,500	-	-	240	90	-	-	-	-	2
Passive AG		13,658	13,658	5,500	5,500	-	-	615	100	-	-	-	-	465
Conservation		87,756	87,756	2,468	2,468	297	-	1,163	3,186	67	1,595	926	-	2,206
Vacant		26,773	26,756	1,294	1,277	28	-	733	742	8	103	17	-	88
Total		366,523	366,523	33,793	33,793	1,460	-	12,635	12,504	129	4,831	2,539	-	17,206
Population Distribution (unincorporated Lee County)		584,331	584,331	8,235	8,235	1,470	-	35,253	2,949	152	725	5,273	-	22,566

Future Land Use Category		Planning District											
		District 11 Daniels Parkway	District 12 Iona / McGregor	District 13 San Carlos	District 14 Sanibel	District 15 South Fort Myers	District 16 Pine Island	District 17 Lehigh Acres	District 18 Southeast Lee County	District 19 North Fort Myers	District 20 Buckingham	District 21 Estero	District 22 Bashore
Residential By Future Land Use Category	Intensive Development	33	-	-	-	801	1	30	-	376	-	-	-
	Central Urban	7	656	32	-	3,113	-	7,233	-	2,131	-	-	-
	Urban Community	-	978	1,207	-	863	540	16,851	-	7	115	-	-
	Suburban	-	2,566	2,069	-	1,202	659	-	-	6,345	-	-	-
	Outlying Suburban	1,253	438	-	-	-	502	-	-	396	-	90	-
	Sub-Outlying Suburban	-	-	13	-	-	-	-	55	145	66	-	950
	Commercial	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial	-	3	3	-	3	-	-	-	-	-	-	-
	Public Facilities	-	-	-	-	-	-	-	-	-	-	-	-
	University Community	-	-	503	-	-	-	-	-	-	-	-	-
	Destination Resort Mixed Use Water Dependent	-	8	-	-	-	-	-	-	-	-	-	-
	Burnt Store Marina Village	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	General Interchange	33	-	-	-	-	-	-	8	14	-	-	20
	General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	University Village Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	New Community	-	-	-	-	-	-	-	-	-	-	-	-
	Airport	-	-	-	-	-	-	-	-	-	-	-	-
	Tradeport	-	-	-	-	-	-	-	-	-	-	-	-
	Rural	1,573	-	99	-	-	227	14	-	454	50	-	1,387
	Rural Community Preserve	-	-	-	-	-	-	-	-	-	3,517	-	-
	Coastal Rural	-	-	-	-	-	1,338	-	-	-	-	-	-
	Outer Island	-	2	-	-	-	55	-	-	-	-	-	-
	Open Lands	80	-	-	-	-	-	-	-	30	-	-	1,667
	Density Reduction/ Groundwater Resource	-	-	-	-	-	-	-	4,742	-	-	-	2,101
	Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-	-
	Wetlands	-	-	-	-	-	-	-	-	-	-	-	-
	Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-	-
Unincorporated County Total Residential		2,979	4,651	3,926	-	5,982	3,322	24,129	4,805	9,897	3,748	90	6,125
Commercial		326	774	938	-	2,012	288	900	118	1,121	19	18	72
Industrial		5	198	387	-	566	67	218	215	244	4	2	4
Non Regulatory Allocations													
Public		3,214	4,898	6,375	-	5,883	4,831	20,267	17,992	10,117	3,052	653	3,351
Active AG		5	13	5	-	-	2,780	35	11,945	90	630	4	550
Passive AG		3	-	5	-	-	70	50	2,500	250	2,000	-	2,100
Conservation		1,677	9,786	2,232	-	211	15,489	1,077	41,028	1,607	382	1,465	895
Vacant		12	55	244	-	4	2,200	15,115	2,400	1,323	850	130	1,425
Total		8,221	20,375	14,113	-	14,658	29,047	61,791	81,003	24,649	10,685	2,362	14,522
Population Distribution (unincorporated Lee County)		15,325	44,132	53,974	-	76,582	13,431	160,429	18,538	109,952	5,951	741	8,653



CALOOSA 80
COMPREHENSIVE PLAN AMENDMENT

CPA2024-00016

RECEIVED
APR 16 2026
COMMUNITY DEVELOPMENT

SUBMITTED TO:

Lee County
Planning Division
1500 Monroe St.
Fort Myers, FL 33901



Application Form



APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

Project Name: Caloosa 80 CPA

Project Description: Proposal to change the FLU category of a 92.71 +/- ac site from Rural to Sub-Outlying Suburban and to add the Property (192.3 +/- ac) to the LCU Future Water and Sanitary Sewer Service Areas. This requires 3 map amendments to Lee Plan Map 1A, Map 4A, & Map 4B. There is a companion text amendment to Table 1(b) to increase residential acreage in the Northeast Lee County District. There is a companion MPD rezone request for 690 DU's and 30,000 SF of commercial uses.

Map(s) to Be Amended: 1A, 4A, 4B

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

1. **Name of Applicant:** Neal Communities of Southwest Florida, LLC

Address: 28100 Bonita Grande Dr., Suite 106

City, State, Zip: Bonita Springs, FL 34135

Phone Number: (239) 405-7366

E-mail: toak@nealcommunities.com

2. **Name of Contact:** RVI Planning + Landscape Architecture c/o Alexis Crespo, AICP

Address: 28100 Bonita Grande Dr., #305

City, State, Zip: Bonita Springs, FL 34135

Phone Number: (239) 850-8525

E-mail: acrespo@rviplanning.com

3. **Owner(s) of Record:** Caloosa 80 LLP c/o Stan Whitcomb

Address: 631 Turtle Beach Road

City, State, Zip: North Palm Beach, FL 33408

Phone Number: (239) 405-0836

E-mail: stanw@whitgroup.com

4. **Property Location:**

1. Site Address: Multiple, see STRAPs below

2. STRAP(s): 29-43-27-00-00005.0000; 29-43-27-00-00012.0060; 30-43-27-00-00001.0190

5. **Property Information:**

Total Acreage of Property: 192.3

Total Acreage Included in Request: 92.71 (Map 1A, 192.3 (Map 4A& 4B))

Total Uplands: 183.56

Total Wetlands: 8.74

Current Zoning: RVPD

Current Future Land Use Category(ies): Urban Community and Rural

Area in Each Future Land Use Category: Urban Community (99.64 acres) and Rural (92.71 acres)

Existing Land Use: Pastures

6. **Calculation of maximum allowable development under current Lee Plan:**

Residential Units/Density: 746

Commercial Intensity: _____

Industrial Intensity: _____

7. **Calculation of maximum allowable development with proposed amendments:**

Residential Units/Density: 690

Commercial Intensity: _____

Industrial Intensity: _____

RECEIVED
APR 16 2026

COMMUNITY DEVELOPMENT

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 Lee County.

Internal Consistency with the Lee Plan

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

State Policy Plan and Regional Policy Plan

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

Justify the proposed amendment based upon sound planning principles

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

Planning Communities/Community Plan Area Requirements

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

Sketch and Legal Description

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

SUBMITTAL REQUIREMENTS

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

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

MINIMUM SUBMITTAL ITEMS (3 Copies)

☒	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)
☒	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)
☒	Map and Description of Existing Zoning of the Subject Property and Surrounding Properties (Exhibit – M6)
☒	Signed/Sealed Legal Description and Sketch of the Description for Each FLUC Proposed (Exhibit – M7)
☒	Copy of the Deed(s) of the Subject Property (Exhibit – M8)
☒	Aerial Map Showing the Subject Property and Surrounding Properties (Exhibit – M9)
☒	Authorization Letter From the Property Owner(s) Authorizing the Applicant to Represent the Owner (Exhibit – M10)
☒	Proposed Amendments (Exhibit – M11)
☐	Lee Plan Analysis (Exhibit – M12)
☒	Environmental Impacts Analysis (Exhibit – M13)
☒	Historic Resources Impact Analysis (Exhibit – M14)
☒	Public Facilities Impacts Analysis (Exhibit – M15)
☒	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)
☒	State Policy Plan and Regional Policy Plan (Exhibit – M19)
☒	Justification of Proposed Amendment (Exhibit – M20)
☒	Planning Communities/Community Plan Area Requirements (Exhibit – M21)

APPLICANT – PLEASE NOTE:

Changes to Table I(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.



Disclosure of Interest

**DISCLOSURE OF INTEREST
AFFIDAVIT**

BEFORE ME this day appeared Alfred Hoffman Jr., 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 29-43-27-00-00005.0000; 29-43-27-00-00012.0060; 30-43-27-00-00001.0190 and is the subject of an Application for zoning action (hereinafter the "Property").

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

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

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

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

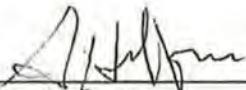
5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in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

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

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

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are

true to the best of my knowledge and belief.


Property Owner

ALFRED HOFFMAN
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 11-13-24 (date) by Alfred Hoffman (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

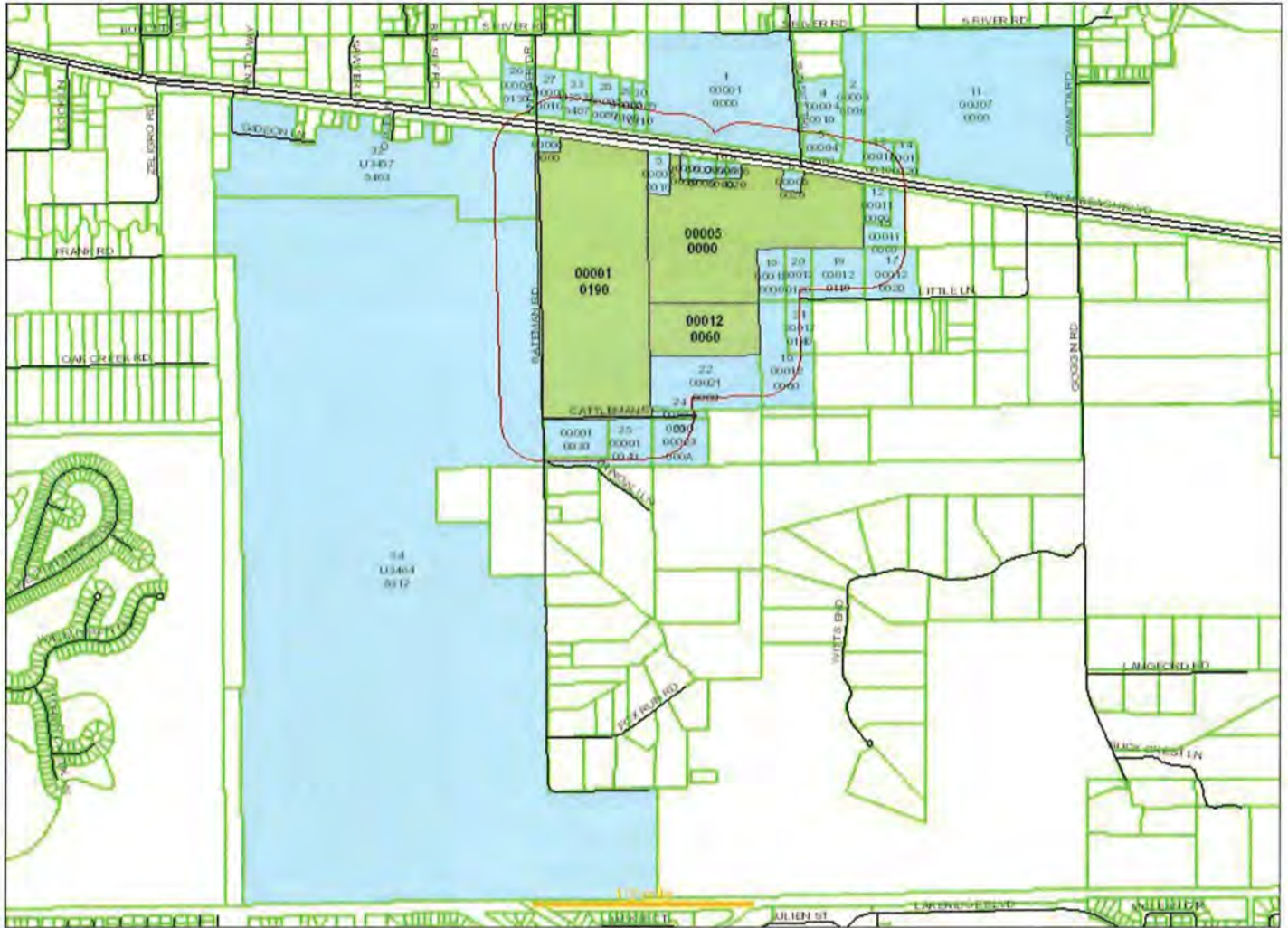
STAMP/SEAL


Signature of Notary Public





Surrounding Property Owners List, Mailing Labels, and Map for All Parcels Within 500 Feet of the Subject Property



Date of Report: October 21, 2024

Buffer Distance: 500 feet

Parcels Affected: 35

Subject Parcels: 29-43-27-00-00005.0000, 29-43-27-00-00012.0060, 30-43-27-00-00001.0190

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

To change, add or remove subject parcels please change the parcel selection in [GeoView](#)

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
RIVERGLEN PROPERTIES LLC 1380 GASPARILLA DR FORT MYERS FL 33901	29-43-27-00-00001.0000 19171 PALM BEACH BLVD ALVA FL 33920	N1/20FN120FSW1/40FNW1/4N STRD80+NW1/40FNW1/4+APARL INNWI/4DESC OR797PG765 LES R R/W	1
CS HOLDINGS OF SWFL LLC 15975 ANDERSON LN FORT MYERS FL 33912	29-43-27-00-00003.0000 19431 PALM BEACH BLVD ALVA FL 33920	PARL IN NW 1/4 SEC 29 TWP 43 R 27 DESC IN OR 1017 PG 221 LES R R/W OR 2896/25	2
HOELDERLIN ARTHUR JOSEPH III 2251 SUNSET TRL ALVA FL 33920	29-43-27-00-00004.0000 2251 SUNSET TRL ALVA FL 33920	PARL IN NW 1/4 SEC 29 TWP 43 R 27 DESC IN OR 919 PG 455 + LESS OR 3272/2265 LESS R/W OR 2828/1203 + LESS R/W OR 2894/2555	3
MALLETT ROBERT LANE TR 2101 SUNSET TRL ALVA FL 33920	29-43-27-00-00004.0010 2101 SUNSET TRL ALVA FL 33920	PARL IN NW 1/4 SEC 29 TWP 43 R 27 DESC IN OR 3272 PG 2265 LESS R/W OR 2828/1203 + LESS R/W OR 2894/2555	4

STATE OF FL DOT PO BOX 1249 BARTOW FL 33831	29-43-27-00-00005.0010 19030 PALM BEACH BLVD ALVA FL 33920	PARL LOC IN THE S 1/2 OF NW 1/4 AS DESC IN OR 2879/3553 LESS RD R/W + LESS 5.0020	5
STATE OF FL DOT PO BOX 1249 BARTOW FL 33831	29-43-27-00-00005.0020 19200 PALM BEACH BLVD ALVA FL 33920	PARL LOC IN THE S 1/2 OF NW 1/4 AS DESC IN OR 2879/3553 LESS RD R/W + LESS 5.0010	6
GONZALEZ ARAQUE MAIRON YUSET 19140 PALM BEACH BLVD ALVA FL 33920	29-43-27-00-00006.0000 19140 PALM BEACH BLVD ALVA FL 33920	N 1/2 OF N 1/2 OF SW 1/4 OF NW 1/4 S OF RD LESS RD R/W LESS W 200 FT + LESS	7
BOWDLER DAVID F 14011 CEMETERY RD FORT MYERS FL 33905	29-43-27-00-00006.0020 19170 PALM BEACH BLVD ALVA FL 33920	PARL IN SW 1/4 OF NW 1/4 SEC 29 TWP 43 R 27 DESC IN OR 785 PG 90	8
CHILDRESS SHANE & VICTORIA 16050 MULRION BLVD PUNTA GORDA FL 33982	29-43-27-00-00006.0030 19080 PALM BEACH BLVD ALVA FL 33920	E 100 FT OF W 485 FT OF N 260.17 FT OF S 1150.17 FT OF NW 1/4 S OF SR 80 R/W	9
LYNCH THOMAS 19160 PALM BEACH BLVD ALVA FL 33920	29-43-27-00-00006.0040 19160 PALM BEACH BLVD ALVA FL 33920	FRM SW CRN OF N 1/2 OF N 1/2 OF SW 1/4 OF NW 1/4 E 820 TO POB THN S 100 E 110 N 100 W 110 FT	10
ARIS HORTICULTURE INC ERIN MAZZUCCO 115 THIRD ST SE BARBERTON OH 44203	29-43-27-00-00007.0000 2200 OWANITA RD ALVA FL 33920	NE 1/4 N OF SR 80 LESS 11.001 THRU 11.003 + LESS BLDG ONLY PARL AS DESC IN INST#2008000328784	11
STATE OF FL DOT PO BOX 1249 BARTOW FL 33831	29-43-27-00-00011.0000 19600 PALM BEACH BLVD ALVA FL 33920	PARL LOC IN THE SW 1/4 OF THE NE 1/4 AS DESC IN OR 2854 PG 4034	12
WILKINSON KATHERINE A TR 19521 PALM BEACH BLVD ALVA FL 33920	29-43-27-00-00011.0010 19521 PALM BEACH BLVD ALVA FL 33920	LANDS AS DESC IN OR 1113 PG 294 LES R R/W OR 2870/970	13
ROSAS RUIZ MARCO A 8956 BANYAN COVE FORT MYERS FL 33919	29-43-27-00-00011.0020 19581 PALM BEACH BLVD ALVA FL 33920	E 280 FT OF E 1/2 OF NW 1/4 OF SW 1/4 OF NE 1/4 N OF ST RD 80	14
BARLEY SANDRA D PO BOX 217 ALVA FL 33920	29-43-27-00-00011.0060 19590 PALM BEACH BLVD ALVA FL 33920	PAR IN SW 1/4 OF NE 1/4 DESC IN OR 896 PG 728 LESS OR 1916 PG 4675 + OR 2854 PG 4034	15
JOHNSON JACKIE L 19401 LITTLE LN ALVA FL 33920	29-43-27-00-00012.0000 19401 LITTLE LN ALVA FL 33920	W 1/2 OF NW 1/4 OF NE 1/4 OF SW 1/4	16
HEATH STANLEY TR 19591 LITTLE LN ALVA FL 33920	29-43-27-00-00012.0020 19591 LITTLE LN ALVA FL 33920	NW 1/4 OF NW 1/4 OF SE 1/4 LESS RD R/W	17
CHOW KAI FU 15861 COUNTRY CT FORT MYERS FL 33912	29-43-27-00-00012.0080 19400 LITTLE LN ALVA FL 33920	NW 1/4 OF SE 1/4 OF SW 1/4 + W 1/2 OF SW 1/4 OF NE 1/4 OF SW 1/4 OF SEC 29	18
SMITH BRITTANY G 19471 LITTLE LN ALVA FL 33920	29-43-27-00-00012.0110 19471 LITTLE LN ALVA FL 33920	NE 1/4 OF NE 1/4 OF SW 1/4 OF SECTION 29	19
QUATTROCCHI STEPHANIE 19431 LITTLE LN ALVA FL 33920	29-43-27-00-00012.0120 19431 LITTLE LN ALVA FL 33920	E 1/2 OF NW 1/4 OF NE 1/4 OF SW 1/4	20
REINBOTT MICHAEL & LISA PO BOX 1423 LABELLE FL 33975	29-43-27-00-00012.0140 19430 LITTLE LN ALVA FL 33920	E 1/2 OF SW 1/4 OF NE 1/4 OF SW 1/4 DESC IN OR 4032 PG 3737	21
MARRA ESTATES LLC 3001 BATEMAN RD	29-43-27-00-00021.0000 19101 CATTLEMANS CV	N 1/2 OF SW 1/4 OF SW 1/4	22

ALVA FL 33920	ALVA FL 33920		
MARRA ESTATES LLC 3001 BATEMAN RD ALVA FL 33920	29-43-27-00-00023.000A ACCESS UNDETERMINED ALVA FL 33920	SW 1/4 OF THE SW 1/4 OF THE SW 1/4 OF SEC 29 TWP 43 R 27 LEE COUNTY FLORIDA LESS THE NORTH 100 FEET 8.487 ACRES +/-	23
MARRA JASON A 7800 UNIVERSITY POINT DR FORT MYERS FL 33907	29-43-27-00-00024.0000 ACCESS UNDETERMINED ALVA FL	PARL IN SW 1/4 OF SW 1/4 SEC 29 TWP 43 R 27 DESC IN OR 75 PG 562	24
BERNARD BRIAN W & SIMONE 2995 BATEMAN RD ALVA FL 33920	30-43-27-00-00001.0040 2995 BATEMAN RD ALVA FL 33920	PARL LOC IN SE 1/4 OF THE SE 1/4 AS DESC IN OR 2811 PG 3151	25
HAMILTON MILTON J III & 1901 BALSEY RD ALVA FL 33920	30-43-27-00-00004.0130 2076 SNYDER DR ALVA FL 33920	PORT EAST 430 FT OF THE NW 1/4 OF NE 1/4 N OF SR 80 DESC OR 2619/3015 LESS PAR A AS DESC IN INST #2013000259081 + LESS ROW DESC IN OR 2843 PG 1273	26
GROFF NICHOLAS P II TR 2051 SNYDER DR ALVA FL 33920	30-43-27-00-00005.0010 2051 SNYDER DR ALVA FL 33920	PARL IN NE 1/4 OF THE NE 1/4 N OF ST RD 80. AS DESC IN OR 2747/0143 LESS R/W OR 2900/2921	27
HERNANDEZ LILIANA & 4537 LUCKETT RD FORT MYERS FL 33905	30-43-27-00-00005.0080 18881 PALM BEACH BLVD ALVA FL 33920	PARL IN NE 1/4 OF THE N 1/4 N OF ST RD 80 AS DESC IN 2006000138419.	28
ALVAREZ FREDDYS VALDES 18931 PALM BEACH BLVD ALVA FL 33920	30-43-27-00-00005.0100 18931 PALM BEACH BLVD ALVA FL 33920	PARL IN NE 1/4 OF THE NE 1/4 N OF ST RD 80 AS DESC IN OR 2747/0143 LESS R/W OR 2900/2921	29
ALVAREZ FREDDYS VALDES 18951 PALM BEACH BLVD ALVA FL 33920	30-43-27-00-00005.0110 18951 PALM BEACH BLVD ALVA FL 33920	PARL IN NE 1/4 OF THE NE 1/4 N OF ST RD 80 AS DESC IN OR 2747/0143 LESS R/W OR 2900/2921	30
MARRA ESTATES LLC 7800 UNIVERSITY POINTE DR #300 FORT MYERS FL 33907	30-43-27-00-00006.0000 18770 PALM BEACH BLVD ALVA FL 33920	PARL IN SE 1/4 OF NE 1/4 SEC 30 TWP 43 R 27 DESC IN OR 1120 PG 438	31
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	30-43-27-L1-U3457.5463 ACCESS UNDETERMINED ALVA FL 33920	PINE CREEK ACRES UNIT 1 PB 10 PG 13 LTS 5 THRU 17 + 29 + 30 + 33 THRU 36 + 39 + 40 PINE CREEK ACRES UNIT 2 PB 10 PG 74 LTS 2 THRU 23 + 29 THRU 39 + LEGAL CONT IN NOTES	32
STULB JOSEPH JR 18851 PALM BEACH BLVD ALVA FL 33920	30-43-27-L2-U3532.5487 18851 PALM BEACH BLVD ALVA FL 33920	PARCEL OF NE 1/4 OF THE NE 1/4 OF SEC 30 TWP 43 RNG 27 DESC IN INSTRUMENT 2020000169009	33
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	31-43-27-L1-U3464.5312 ACCESS UNDETERMINED ALVA FL 33920	THE SOUTH 3279 FT OF SEC W OF LESS BATEMAN RD RD + ALL OF SEC 31 WEST + SOUTH OF BATEMAN RD LES PARLS 2.000 + 4.001 + GREENBRIAR UN 34 PB 27 PG 54 PARCELS 47 + 70 THRU 72 + 75	34

RIVERGLEN PROPERTIES LLC
1380 GASPARILLA DR
FORT MYERS FL 33901

CS HOLDINGS OF SWFL LLC
15975 ANDERSON LN
FORT MYERS FL 33912

HOELDERLIN ARTHUR JOSEPH III
2251 SUNSET TRL
ALVA FL 33920

MALLET ROBERT LANE TR
2101 SUNSET TRL
ALVA FL 33920

STATE OF FL DOT
PO BOX 1249
BARTOW FL 33831

STATE OF FL DOT
PO BOX 1249
BARTOW FL 33831

GONZALEZ ARAQUE MAIRON YUSET
19140 PALM BEACH BLVD
ALVA FL 33920

BOWDLER DAVID F
14011 CEMETERY RD
FORT MYERS FL 33905

CHILDRESS SHANE & VICTORIA
16050 MULRION BLVD
PUNTA GORDA FL 33982

LYNCH THOMAS
19160 PALM BEACH BLVD
ALVA FL 33920

ARIS HORTICULTURE INC
ERIN MAZZUCCO
115 THIRD ST SE
BARBERTON OH 44203

STATE OF FL DOT
PO BOX 1249
BARTOW FL 33831

WILKINSON KATHERINE A TR
19521 PALM BEACH BLVD
ALVA FL 33920

ROSAS RUIZ MARCO A
8956 BANYAN COVE
FORT MYERS FL 33919

BARLEY SANDRA D
PO BOX 217
ALVA FL 33920

JOHNSON JACKIE L
19401 LITTLE LN
ALVA FL 33920

HEATH STANLEY TR
19591 LITTLE LN
ALVA FL 33920

CHOW KAI FU
15861 COUNTRY CT
FORT MYERS FL 33912

SMITH BRITTANY G
19471 LITTLE LN
ALVA FL 33920

QUATTROCCHI STEPHANIE
19431 LITTLE LN
ALVA FL 33920

REINBOTT MICHAEL & LISA
PO BOX 1423
LABELLE FL 33975

MARRA ESTATES LLC
3001 BATEMAN RD
ALVA FL 33920

MARRA ESTATES LLC
3001 BATEMAN RD
ALVA FL 33920

MARRA JASON A
7800 UNIVERSITY POINT DR
FORT MYERS FL 33907

BERNARD BRIAN W & SIMONE
2995 BATEMAN RD
ALVA FL 33920

HAMILTON MILTON J III &
1901 BALSEY RD
ALVA FL 33920

GROFF NICHOLAS P II TR
2051 SNYDER DR
ALVA FL 33920

HERNANDEZ LILIANA &
4537 LUCKETT RD
FORT MYERS FL 33905

ALVAREZ FREDDYS VALDES
18931 PALM BEACH BLVD
ALVA FL 33920

ALVAREZ FREDDYS VALDES
18951 PALM BEACH BLVD
ALVA FL 33920

MARRA ESTATES LLC
7800 UNIVERSITY POINTE DR #300
FORT MYERS FL 33907

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

STULB JOSEPH JR
18851 PALM BEACH BLVD
ALVA FL 33920

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902



Aerial Map



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



10401 Highland Manor Dr.
Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

CALOOSA 80 • AERIAL MAP

📍 Lee County, FL

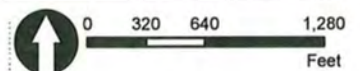
📅 Date: 4/1/2022

22001218

🏢 Caloosa 80 LLP



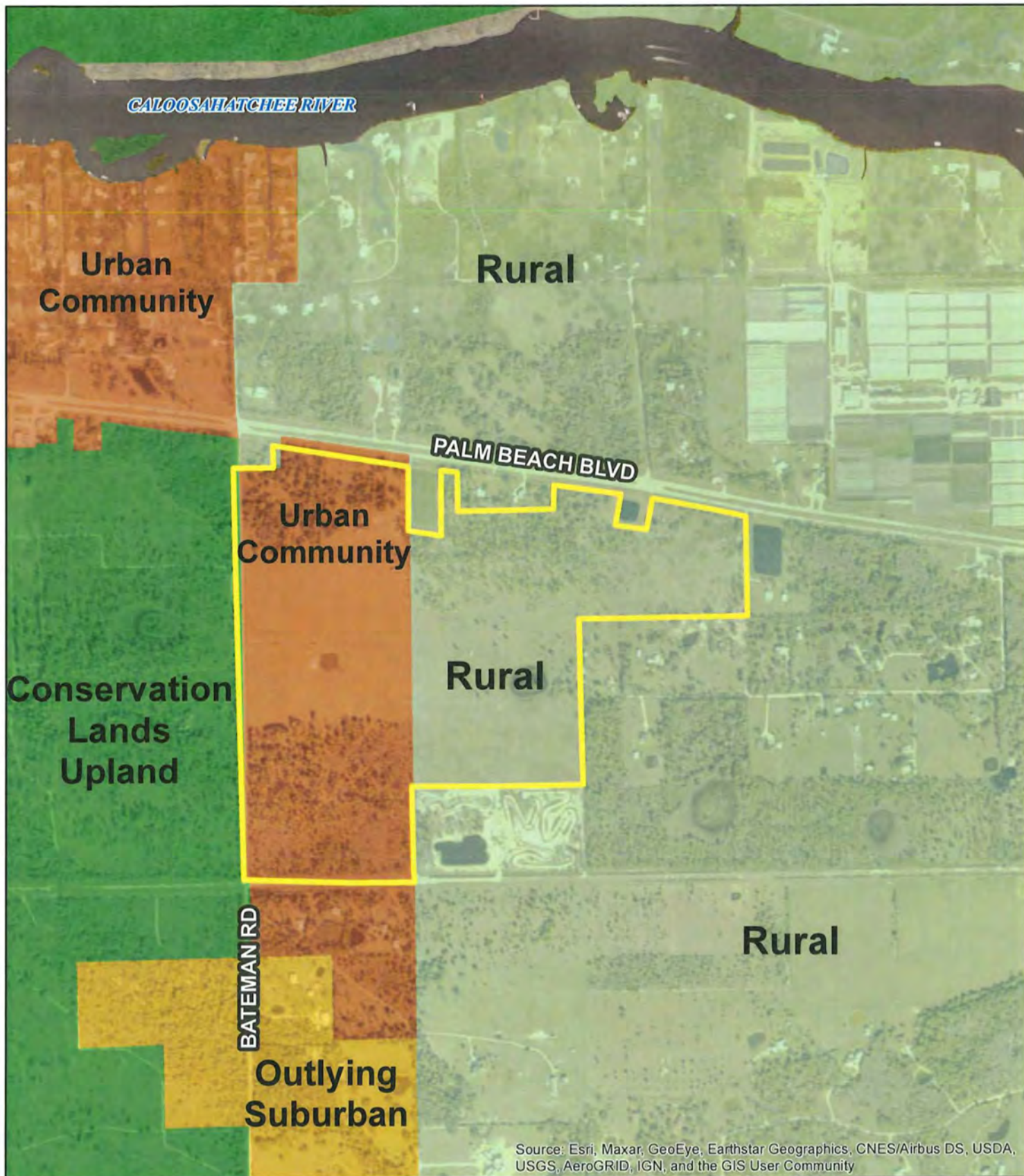
Subject Boundary



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



Lee Plan Map Amendments (Existing & Proposed – Map 1A, 4A and 4B)



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



10401 Highland Manor Dr.
Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

CALOOSA 80 • EXISTING FUTURE LAND USE MAP

📍 Lee County, FL

📅 Date: 5/18/2022

📄 # 22001218

🏢 Caloosa 80 LLP

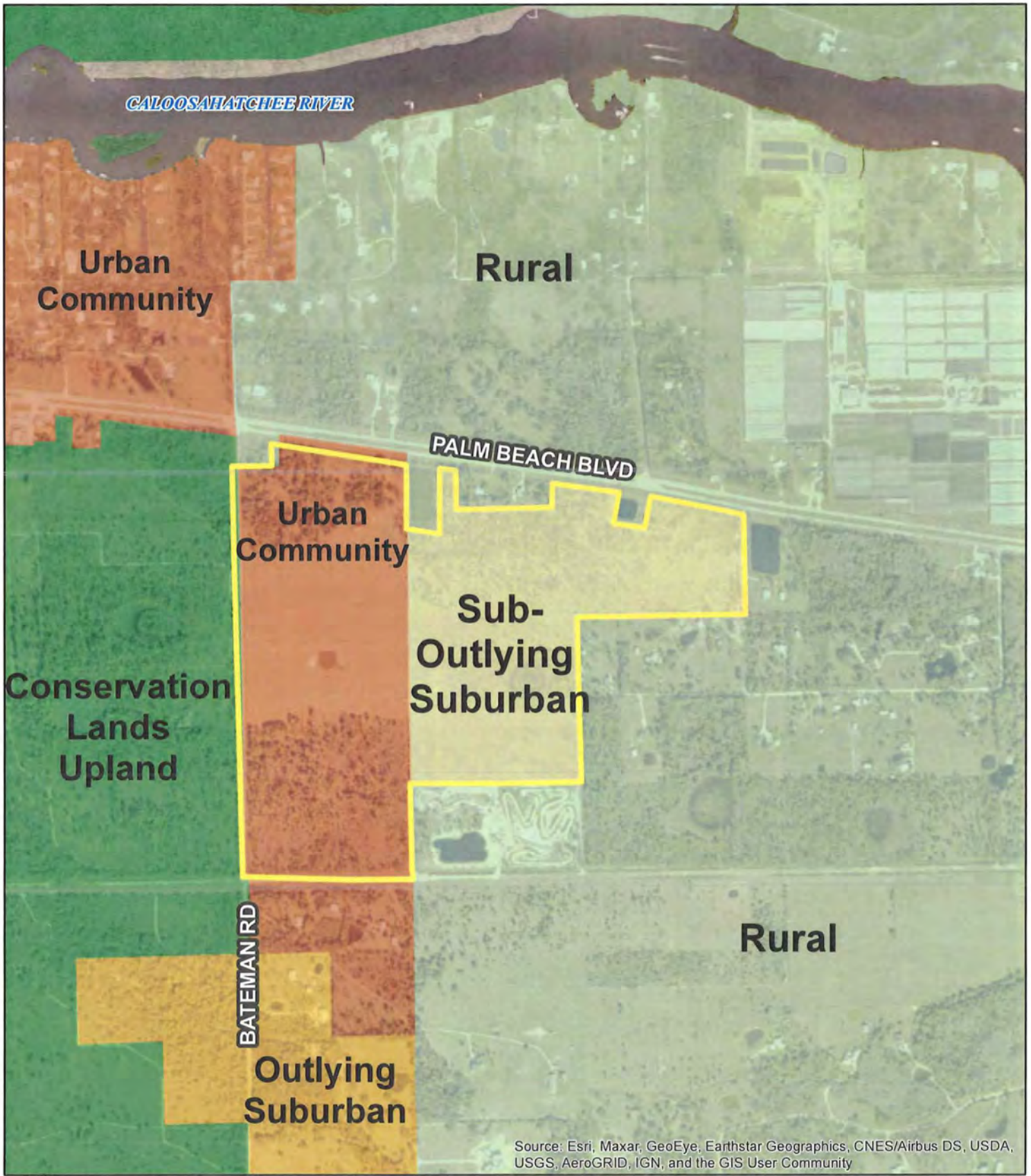


Subject Boundary



0 320 640 1,280
Feet

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



10401 Highland Manor Dr.
Suite 220
Tampa, FL 33610
Tel: 813 443 8282
www.rviplanning.com

CALOOSA 80 • PROPOSED FUTURE LAND USE MAP

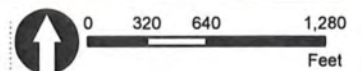
📍 Lee County, FL

📅 Date: 5/18/2022

22001218

🏢 Caloosa 80 LLP

 Subject Boundary



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

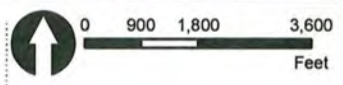


10401 Highland Manor Dr.
Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

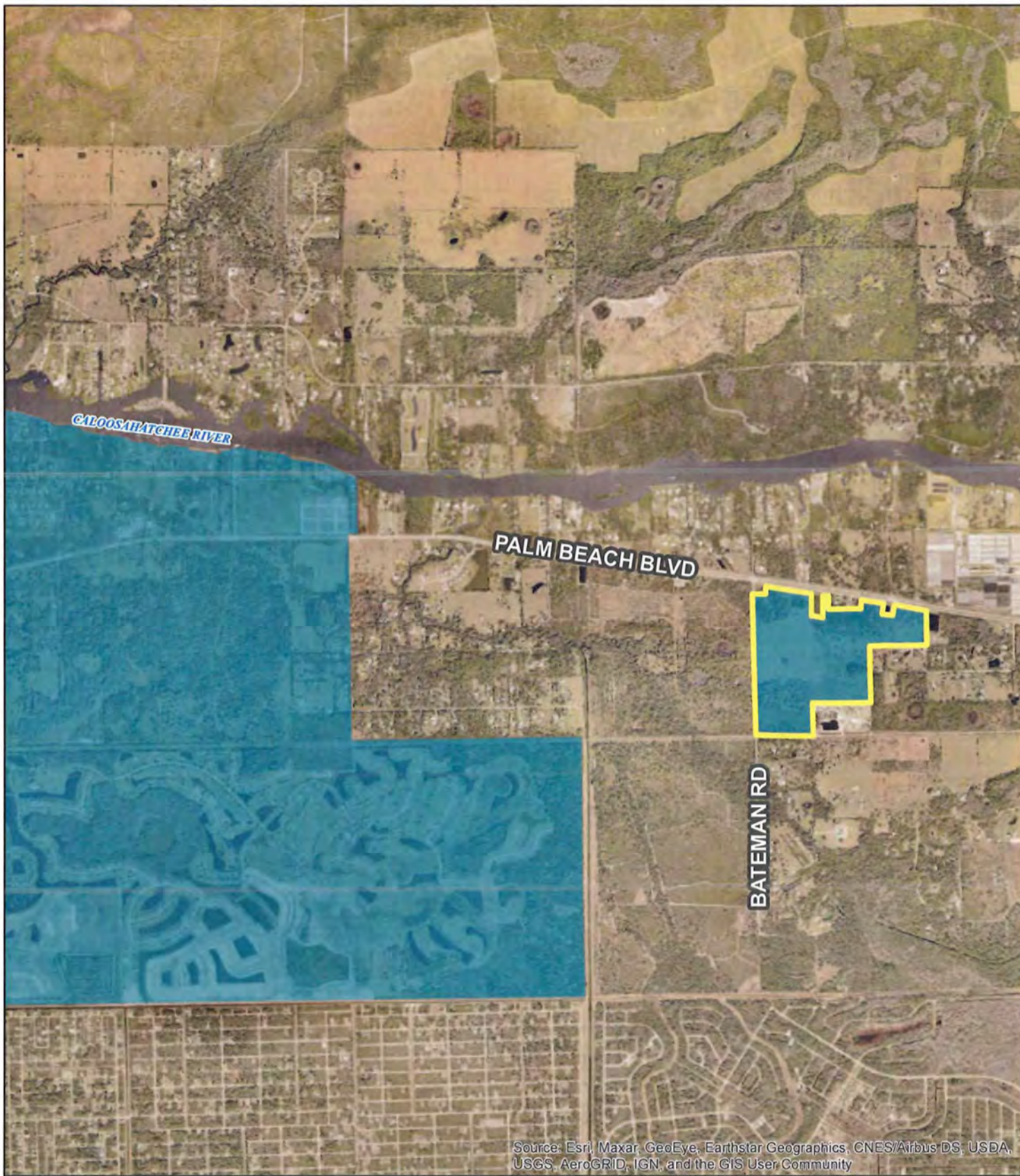
CALOOSA 80 • EXISTING FUTURE WATER SERVICE AREA MAP

📍 Lee County, FL
📅 Date: 5/19/2022
22001218
🏢 Caloosa 80 LLP

-  Subject Boundary
-  Future Water Service Area



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



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



10401 Highland Manor Dr
Suite 220
Tampa, FL 33610
Tel 813 443 8282
www.rviplanning.com

CALOOSA 80 • PROPOSED FUTURE WATER SERVICE AREA MAP

📍 Lee County, FL

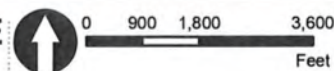
📅 Date: 4/1/2022

22001218

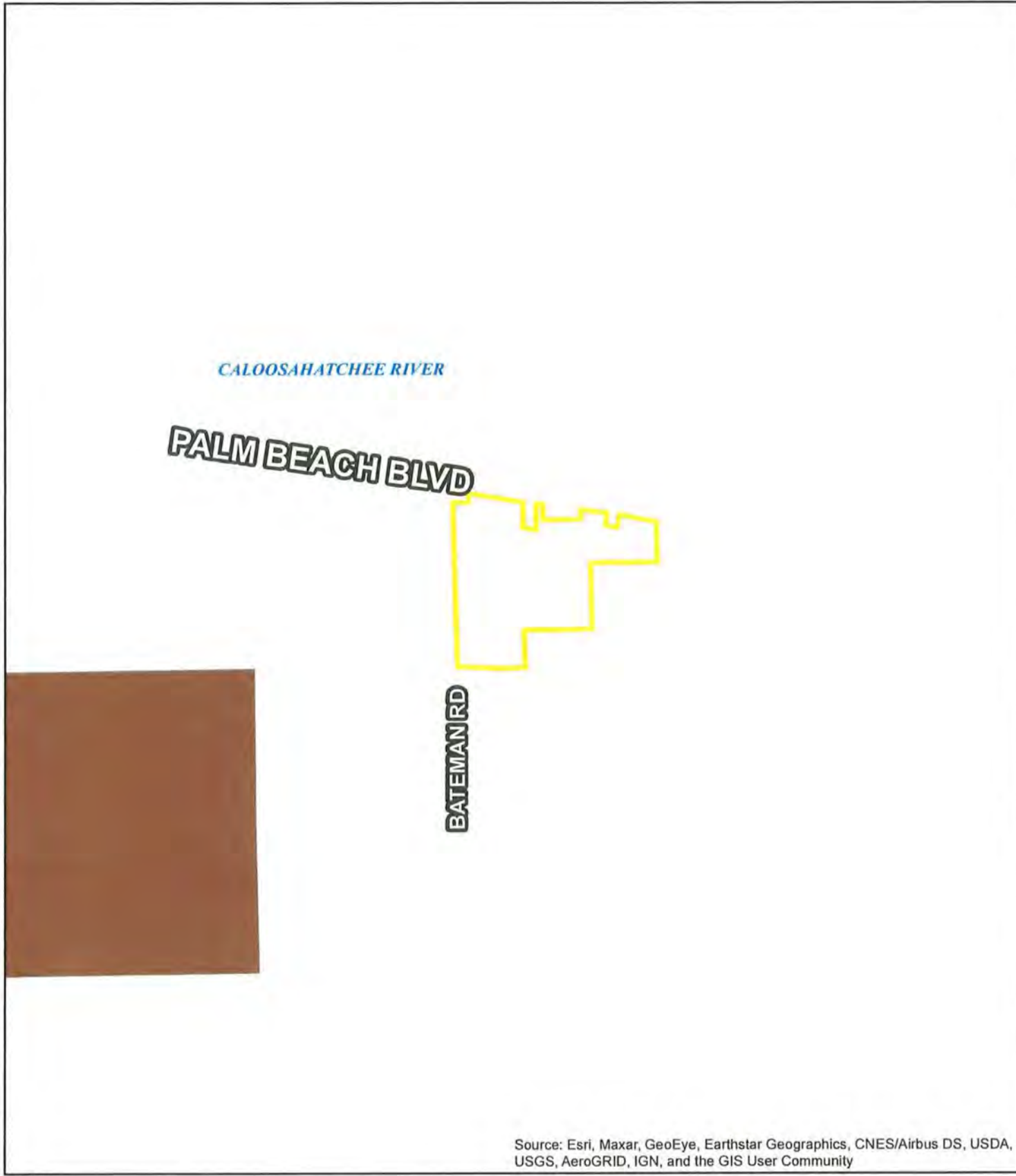
👤 Caloosa 80 LLP

 Subject Boundary

 Proposed Future Water Service Area



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



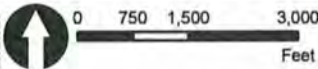
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Copyright BVI

CALOOSA 80• EXISTING FUTURE SANITARY SEWER SERVICE MAP

- Lee County, FL  Subject Boundary
- Date: 8/31/2022
- 22001218  Future Sanitary Sewer Service Area
- Caloosa 80 LLP

10401 Highland Manor Dr
Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rvplanning.com



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



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

CALOOSA 80• PROPOSED FUTURE SANITARY SEWER SERVICE MAP

Lee County, FL

Date: 8/31/2022

22001218

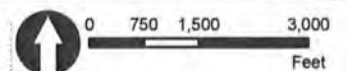
Caloosa 80 LLP



Subject Boundary



Future Sanitary Sewer Service Area



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



Legal Description and Sketch of the Description of Proposed FLUC

DESCRIPTION:

RURAL FUTURE LAND USE (F.L.U.)

A PARCEL OF LAND LOCATED IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST IN LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 29; THENCE N 01°19'47" W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION FOR A DISTANCE OF 1321.81 FEET TO THE NORTHWEST CORNER OF A CERTAIN PARCEL BY INSTRUMENT NUMBER 2007000251171 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WEST SECTION LINE, RUN N 01°19'47" W, 1321.45 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST OF SAID SECTION 29; THENCE RUN N 00°49'00" W, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29, A DISTANCE OF 701.74 FEET TO THE SOUTHWEST CORNER OF A CERTAIN PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2879, PAGE 3553, OF THE PUBLIC RECORDS OF LEE COUNTY; THENCE DEPARTING SAID WEST SECTION LINE, RUN S 81°55'10" E, 259.80 FEET ALONG THE SOUTHERLY BOUNDARY LINE OF AFOREMENTIONED PARCEL TO THE SOUTHEAST CORNER THEREOF; THENCE N 00°50'15" W, 509.82 FEET ALONG THE EASTERLY BOUNDARY LINE OF SAID PARCEL TO THE NORTHEAST CORNER THEREOF AND THE SOUTHERLY RIGHT-OF-WAY LINE OF PALM BEACH BOULEVARD (STATE ROAD 80); THENCE RUN S 82°03'50" E ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 129.52 FEET TO THE NORTHWEST CORNER OF A CERTAIN PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2655, PAGE 3059; THENCE RUN S 00°54'50" E, ALONG THE WESTERLY BOUNDARY LINE OF SAID PARCEL, A DISTANCE OF 266.04 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE RUN N 89°15'34" E, ALONG THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL AND THE SOUTHERLY BOUNDARY LINES OF THREE PARCELS DESCRIBED IN OFFICIAL RECORDS BOOK 1140, PAGE 1744, OFFICIAL RECORDS BOOK 2983, PAGE 1220 AND OFFICIAL RECORDS BOOK 2246, PAGE 2979 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, A DISTANCE OF 734.80 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2246, PAGE 2979; THENCE RUN N 00°51'50" W, ALONG THE EASTERLY BOUNDARY LINE OF SAID PARCEL, A DISTANCE OF 150.82 FEET TO THE NORTHEAST CORNER THEREOF AND THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE; THENCE RUN S 81°52'00" E, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 500.41 FEET, TO THE NORTHWEST CORNER OF A CERTAIN PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2879, PAGE 3553; THENCE RUN ALONG THE WESTERLY BOUNDARY LINE OF SAID PARCEL, S 08°06'20" W, 250.12 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE RUN S 81°52'20" E, 249.92 FEET ALONG THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL TO THE SOUTHEAST CORNER THEREOF; THENCE RUN N 08°09'20" E, 250.10 FEET ALONG THE EASTERLY BOUNDARY LINE OF SAID PARCEL TO THE NORTHEAST CORNER THEREOF AND THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE; THENCE RUN S 81°56'50" E, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 73.56 FEET, TO A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17087.13 FEET, A CENTRAL ANGLE OF 01°40'52", A CHORD BEARING OF S 79°16'26" E FOR 501.31 FEET; THENCE ALONG THE ARC OF SAID CURVE AND THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE, RUN 501.33 FEET; THENCE CONTINUE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, RUN S 78°26'40" E FOR 183.55 FEET TO A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 17159.98 FEET, A CENTRAL ANGLE OF 00°06'34", A CHORD BEARING S 78°15'52" E FOR 32.74 FEET; THENCE ALONG THE ARC OF SAID CURVE AND THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE, RUN 32.74 FEET; THENCE DEPARTING SAID AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE, RUN S 01°13'02" E, 764.34 FEET TO THE NORTHEAST CORNER OF A CERTAIN PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 3616, PAGE 2890; THENCE RUN S 89°15'48" W, ALONG THE NORTHERLY BOUNDARY LINE OF SAID PARCEL AND THE NORTHERLY BOUNDARY LINE OF THE TWO FOLLOWING PARCELS DESCRIBED IN OFFICIAL RECORDS BOOK 3906, PAGE 52 AND BY INSTRUMENT NUMBER 2007000138101 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, A DISTANCE OF 1320.51 FEET TO THE NORTHWEST CORNER OF SAID PARCEL DESCRIBED BY INSTRUMENT NUMBER 2007000138101; THENCE RUN S 01°17'38" E, ALONG THE WESTERLY BOUNDARY LINE OF SAID PARCEL AND CERTAIN PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 3039, PAGE 3678, A DISTANCE OF 1319.21 FEET, TO THE NORTHEAST CORNER OF A CERTAIN PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 3296, PAGE 4612; THENCE RUN S 89°09'58" W, ALONG THE NORTHERLY BOUNDARY LINE OF SAID PARCEL AND A CERTAIN PARCEL DESCRIBED BY INSTRUMENT NUMBER 2007000251171, A DISTANCE OF 1320.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 92.75 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

THE DESCRIPTION SHOWN HEREON IS NEW.

BEARINGS BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 29-43-27, AS BEARING N 01°19'47" W, PER FLORIDA GRID, WEST.

UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, AND ALL SHEETS ARE INCLUDED, THIS MAP IS NOT VALID.

COORDINATES SHOWN HEREON ARE BASED ON FLORIDA GRID, WEST ZONE, NAD 83/2011.

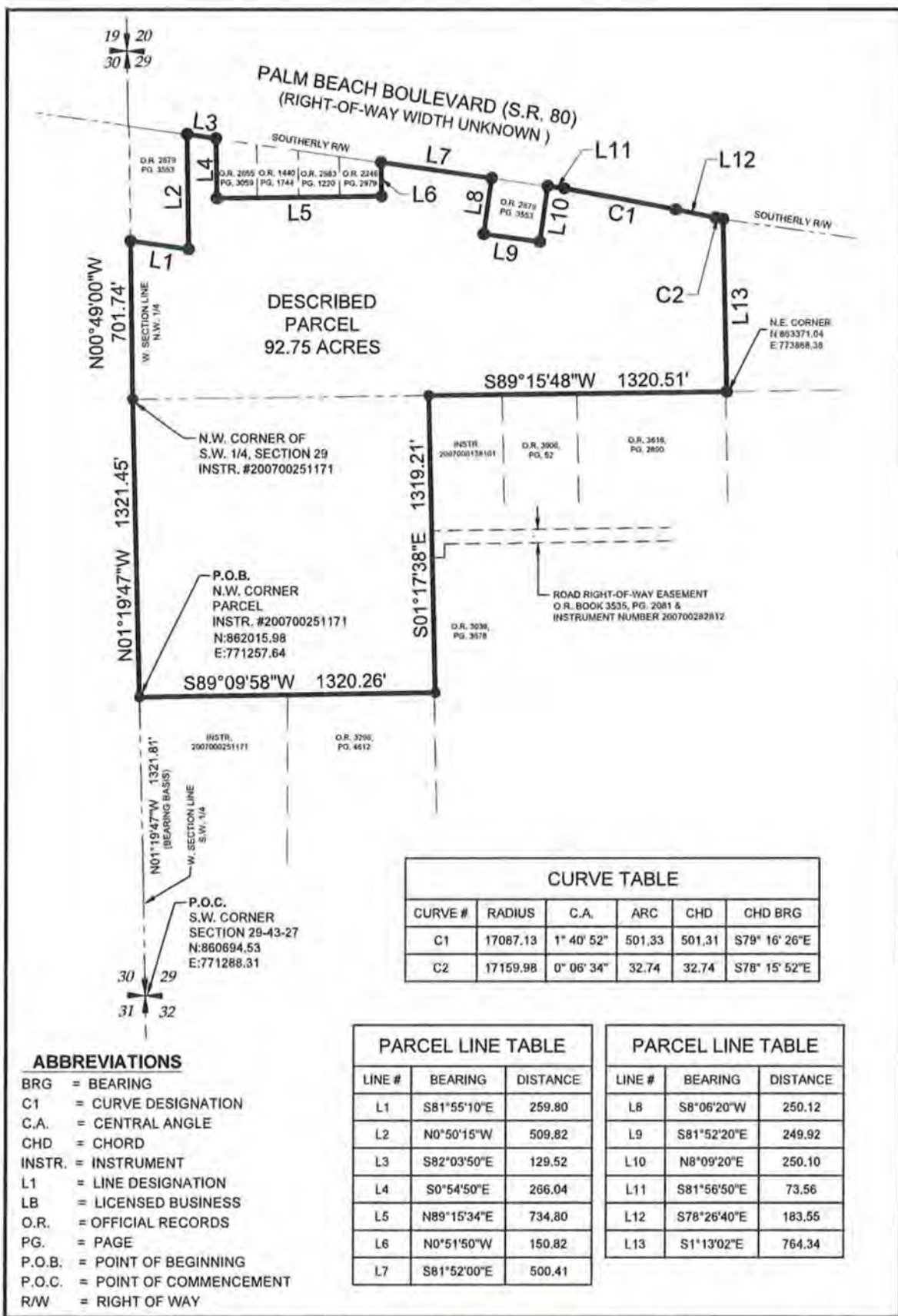
CERTIFICATE OF AUTHORIZATION LICENSE BUSINESS NO. 68891.

THIS IS NOT A SURVEY!

PREPARED BY:

THOMAS M. ROOKS JR., P.S.M. DATE
FLORIDA CERTIFICATE NO. 6347

PROJECT: CALOOSA 80 RURAL F.L.U. LEGAL	CONSULTANT:  MORRIS DEPEW SURVEYING & MAPPING, A DIVISION OF L.L. MORRIS & SONS, INC. Tom Morris Owner/President Joe Morris Survey Manager Don Morris Survey Technician Toll-free: 1-800-451-7444 Tallahassee: 904-224-1111 Ft. Pierce: 888-888-8888 Ft. Myers: 888-888-8888 Tampa: 888-888-8888 Orlando: 888-888-8888	CLIENT: CALOOSA 80 WHITCOMB	PROJECT MANAGER: TMR DRAWING BY: TAB JURISDICTION: LEE COUNTY DATE: 11-08-2022 SHEET TITLE: SKETCH AND DESCRIPTION SHEET NUMBER: 1 OF 2 JOB FILE NUMBER: 221110
LOCATION: SECTION 29 T-43-S, R-27-E LEE COUNTY, FLORIDA	 SCALE 1"=10'		



PROJECT: CALOOSA 80 RURAL F.L.U. LEGAL

LOCATION: SECTION 29 T-43-S, R-27-E LEE COUNTY, FLORIDA

CONSULTANT: MORRIS DEPEW ENGINEERS & PLANNERS, INC. 10211 N. GULF BLVD., SUITE 200, TAMPA, FL 33635

CLIENT: CALOOSA 80 WHITCOMB

PROJECT MANAGER: TMR

DRAWING BY: TAB

JURISDICTION: LEE COUNTY

DATE: 11-08-2022

SHEET TITLE: SKETCH AND DESCRIPTION

SHEET NUMBER: 2 OF 2

JOBFILE NUMBER: 22110

SCALE 1"=500'



Warranty Deeds

Return to: (enclose self-addressed stamped envelope)

Name: Stacy H. Krumin, Esquire

Address: 201 N. Franklin St, Suite 2100

Address: Tampa, FL 33602

This Instrument Prepared by: Don R. Livingstone, Esq.

Address: Don R. Livingstone, P.A.

7711 S. W. 62 Avenue, #101

South Miami, FL 33143

Property Appraisers Parcel Identification (Folio) Number(s):

29-43-27-00-00005.0000

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

WARRANTY DEED (STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture, made this 11th day of August, 2005, Between BONITA GLADE, L.C., A FLORIDA LIMITED LIABILITY COMPANY, of the County of Miami-Dade, State of FL., grantor*, and CALOOSA 80, LLP, A FLORIDA LIMITED LIABILITY PARTNERSHIP whose post office address is 8891 Brighton Lane Suite126, Bonita Springs, Florida 34135, Grantee*,

Witnesseth that said grantor, for and in consideration of the sum of Ten Dollars, and other good and valuable consideration to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

A tract of Land in Section 29, Township 43 South, Range 27 East, Lee County, Florida, being more particularly described as follows: SEE ATTACHED EXHIBIT "A"

SUBJECT TO: Zoning, restrictions, prohibitions and other requirements imposed by governmental authority; restrictions and matters appearing on the Plat or otherwise common to the subdivision; public utility easements of record, restrictions, reservations, conditions, easements, dedications and limitations of record and taxes for the year 2005 and subsequent years.

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

*"Grantor" and "grantee" are used for singular or plural, as context requires.

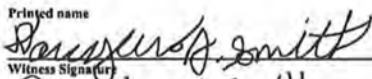
In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed sealed and delivered in our presence:


Witness Signature

MELINDA OSBORNE

Printed name


Witness Signature

Douglas J. Smith
Printed Name

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

BONITA GLADE, L.C., A FLA. LTD.
LIABILITY COMPANY

By: 
Grantor Signature

ROY F. CUSTER, JR., MANAGER

Printed name

6924 Willow Lane, Miami Lakes, FL 33014
Post Office Address

The foregoing instrument was acknowledged before me this 11th day of August, 2005, by ROY F. CUSTER, JR., as Manager of BONITA GLADE, L.C., A FLORIDA LIMITED LIABILITY COMPANY, who is personally known to me or who has produced a n/a as identification and did take an oath.

NOTARY PUBLIC:


Print Name: MELINDA OSBORNE

My Commission Expires:

State of Florida at Large (Seal)

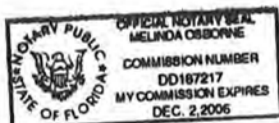


EXHIBIT "A"

THE NORTH ONE-HALF (N-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA,

AND

THE SOUTH ONE-HALF (S-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA, LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF PALM BEACH BOULEVARD (STATE ROAD 80),

LESS THE FOLLOWING SEVEN (7) PARCELS:

THREE (3) PARCELS DESCRIBED IN STIPULATED ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 2879, AT PAGES 3553 THROUGH 3558, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

PARCEL 1:

THAT PORTION OF THE NORTHWEST (1/4) OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA;

BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID NORTHWEST 1/4 OF SECTION 29; THENCE ALONG THE WEST BOUNDARY OF SAID SECTION 29, NORTH 00°53'13" WEST, 1,211.99 FEET TO THE SOUTHERLY EXISTING RIGHT OF WAY LINE OF STATE ROAD 80 (PALM BEACH BOULEVARD [PER SECTION 1202-108]) FOR A POINT OF BEGINNING; THENCE ALONG SAID SOUTHERLY EXISTING RIGHT OF WAY LINE SOUTH 81°52'20" EAST, 260.00 FEET; THENCE SOUTH 00°53'13" EAST, 510.00 FEET; THENCE NORTH 81°52'20" WEST, 260 FEET TO SAID WEST BOUNDARY OF SECTION 29; THENCE ALONG SAID WEST BOUNDARY NORTH 00°53'13" WEST, 510.00 FEET TO THE POINT OF BEGINNING,

PARCEL 2;

THAT PORTION OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA;

BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHWEST 1/4 OF SECTION 29; THENCE ALONG THE EAST LINE OF SAID NORTHWEST 1/4, NORTH 01°11'04" WEST, 876.48 FEET TO THE SURVEY BASE LINE OF STATE ROAD 80 (PALM BEACH BOULEVARD); THENCE ALONG SAID SURVEY BASE LINE NORTH 81°52'20" WEST, 1,022.32 FEET; THENCE SOUTH 08°07'40" WEST, 75 FEET TO THE SOUTHERLY EXISTING RIGHT OF WAY LINE OF SAID STATE ROAD 80 (PER SECTION 1202-108) FOR A POINT OF BEGINNING; THENCE ALONG SAID SOUTHERLY EXISTING RIGHT OF WAY LINE SOUTH 81°52'20" EAST, 250.00 FEET; THENCE SOUTH 08°07'40" WEST, 250.00 FEET; THENCE NORTH 81°52'20" WEST, 250.00 FEET; THENCE NORTH 08°07'40" EAST, 250.00 FEET TO THE POINT OF BEGINNING,

OR BOOK 03718 PAGE 2391

EXHIBIT "A" CONTINUED

PARCEL 3:

THAT PORTION OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA,

BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHWEST 1/4 OF SECTION 29; THENCE ALONG THE EAST LINE OF SAID NORTHWEST 1/4, NORTH $01^{\circ}11'04''$ WEST, 800.48 FEET TO THE SOUTHERLY EXISTING RIGHT OF WAY LINE OF STATE ROAD 80 (PALM BEACH BOULEVARD [PER SECTION 1202-108]) FOR A POINT OF BEGINNING; THENCE ALONG SAID EAST LINE SOUTH $01^{\circ}11'04''$ EAST, 36.10 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 17,159.98 FEET, A CENTRAL ANGLE OF $00^{\circ}06'33.9''$, AN ARC LENGTH OF 32.77 FEET, THE CHORD FOR WHICH BEARS NORTH $78^{\circ}29'32''$ WEST TO THE END OF SAID CURVE; THENCE NORTH $78^{\circ}26'15''$ WEST, 183.47 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 17,087.13 FEET, A CENTRAL ANGLE OF $01^{\circ}40'53.3''$, AN ARC LENGTH OF 501.46 FEET, THE CHORD FOR WHICH BEARS NORTH $79^{\circ}16'41''$ WEST TO SAID SOUTHERLY EXISTING RIGHT OF WAY LINE AND THE END OF SAID CURVE; THENCE ALONG SAID SOUTHERLY EXISTING RIGHT OF WAY LINE SOUTH $81^{\circ}52'20''$ EAST, 710.95 FEET TO THE POINT OF BEGINNING,

PARCEL DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 2655, AT PAGES 3059 THROUGH 3060, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

PARCEL 4:

BEGINNING AT A POINT 385 FEET EAST AND 1150.17 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHWEST 1/4, SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, SAID POINT OF BEGINNING BEING ON THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80; THENCE SOUTH 260.17 FEET; THENCE EAST 100 FEET; THENCE NORTH 243.73 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80; THENCE WESTERLY 101.34 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80 TO THE POINT OF BEGINNING.

OR BOOK 03718 PAGE 2392

EXHIBIT "A" CONTINUED

PARCEL DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 1440, AT PAGES 1744 THROUGH 1745, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

PARCEL 5:

A TRACT OF PARCEL OF LAND LYING IN THE S.W. 1/2 OF THE N.W. 1/4 OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA, SAID TRACT OR PARCEL IS FURTHER DESCRIBED AS:

COMMENCE AT THE N.W. CORNER OF THE S. 1/2 OF THE N. 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4 OF SAID SEC. 29; THENCE RUN S. 89°59'08" E., ALONG THE NORTH LINE OF SAID FRACTION, FOR 496.50 FEET TO THE P.O.B. OF THE PARCEL HEREIN DESCRIBED: FROM SAID P.O.B. RUN S. 00°08'42" E., PARALLEL TO THE WEST LINE OF SAID SEC. 29, FOR 100.00 FEET; THENCE RUN S 89°59'08" E., PARALLEL TO THE NORTH LINE OF SAID FRACTION, FOR 310.00 FEET; THENCE RUN N. 00°08'42" W., FOR 100.00 FEET TO A POINT ON SAID NORTH LINE OF FRACTION; THENCE CONTINUE N. 00°08'42" W., FOR 100.22 FEET, MORE OR LESS, TO A POINT ON THE S'LY R/W LINE OF S.R. #80, "PALM BEACH BLVD."; THENCE RUN N. 81°08'00" W., ALONG SAID R/W LINE, FOR 313.88 FEET, MORE OR LESS TO A POINT WHICH LIES N. 00°08'42" W., FROM P.O.B.; THENCE RUN S. 00°08'42" E., FOR 148.52 FEET TO THE P.O.B.

PARCEL DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 2983, AT PAGE 1220 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

PARCEL 6:

THE EAST 500 FEET OF THE NORTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LYING SOUTH OF STATE ROAD NO. 80, EXCEPTING THERE FROM THE EASTERLY 390 FEET THEREOF.

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, THENCE RUN EAST 820 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 100 FEET; THENCE EAST 100 FEET; THENCE NORTH 100 FEET; THENCE WEST 110 FEET TO THE POINT OF BEGINNING.

PARCEL DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 2246, AT PAGE 2979 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

PARCEL 7:

FROM NW CORNER S 1/2 OF THE N 1/2 OF THE SW 1/4 OF THE NW 1/4, THENCE EAST 930 FEET TO POB THENCE S 100 FEET, THENCE EAST 190 FEET; NORTH TO S R/W LINE STATE ROAD 80 NORTHWESTELY ALONG S.R. R/W TO A POINT NORTH OF POB, THENCE SOUTH TO POB, BEING IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST.

2

This Document Prepared By and Return to:

Jayne M. Skindzier, Esq.
Cummings & Lockwood LLC
3001 Tamiami Trail North
Naples, FL 34103

Parcel ID Number: 29-43-27-00-00012.0060

Warranty Deed

This Indenture, Made this 16TH day of August, 2007 A.D., Between
Morgan Halle

of the County of Lee, State of Florida, grantor, and
Caloosa 80 LLP, a Florida limited liability partnership

whose address is: 3461 Bonita Bay Boulevard #101, Bonita Springs, FL 34134

of the County of Lee, State of Florida, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of

-----TEN DOLLARS (\$10)----- DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of Lee, State of Florida, to wit:

The following described parcel lying in Section 29, Township 43
South, Range 27 East, Lee County, Florida, described as follows: The
South 1/2 of the Northwest 1/4 of the Southwest 1/4, together with a
non-exclusive easement for road right of way purposes over and across
the following described property: the West 60 feet of the East 1/2 of
the Southeast 1/4 of the Northeast 1/4, lying South of SR-80; and the
West 60 feet of the Northeast 1/4 of the Northeast 1/4 of the
Southeast 1/4 and the South 60 feet of the Northwest 1/4 of the
Northeast 1/4 of the Southeast 1/4 and the South 60 feet of the North
1/2 of the Northwest 1/4 of the Southeast 1/4 and the South 60 feet
of the North 1/2 of the Northeast 1/4 of the Southwest 1/4 and North
60 feet of the West 60 feet of the Southwest 1/4 of the Northeast 1/4
of the Southwest 1/4, Lee County, Florida.

Subject to (i) comprehensive land use plans, zoning, restrictions,
prohibitions and other requirements imposed by governmental
authority; (ii) restrictions and matters appearing on the plat or
otherwise common to the subdivision; (iii) outstanding oil, gas and
mineral interest of record, without right of entry; (iv) unplatted
public utility easements of record; and (v) real property taxes for
the year of closing and subsequent years.

The subject property is vacant land and not the homestead of the
Grantor who resides as listed herein.

Warranty Deed - Page 2

Parcel ID Number: 29-43-27-00-00012.0060

In Witness Whereof, the grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Darla J. Angelo
Printed Name: Darla J. Angelo
Witness

Jean A Cea
Printed Name: Jean A Cea
Witness

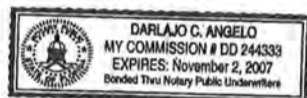
Morgan Halle (Seal)
Morgan Halle
P.O. Address: 208 NW 5th Terrace, Cape Coral, FL 33993

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 16th day of August, 2007 by Morgan Halle

he is personally known to me or he has produced his FLDL
as identification.

Darla J. Angelo
Printed Name: _____
Notary Public
My Commission Expires: _____



Return to: (enclose self-addressed stamped envelope)
Name: Stacy H. Krumin, Esquire
201 North Franklin St., Suite 2100
Address: Tampa, Florida 33602
This instrument Prepared by: Don R. Livingstone, Esq.
Address: Don R. Livingstone, P.A.
7711 S. W. 62 Avenue, #101
South Miami, Fl. 33143
Property Appraisers Parcel Identification (Folio) Number(s):

30-43-27-00-00001.0190

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

WARRANTY DEED (STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture, made this 11th day of August, 2005, Between ROY F. CUSTER and PEGGY M. CUSTER, HUSBAND AND WIFE of the County of Miami-Dade, State of FL., grantor*, and CALOOSA 80, LLP, A FLORIDA LIMITED LIABILITY PARTNERSHIP whose post office address is 8891 Brighton Lane Suite 126, Bonita Springs, Florida 34135 Grantee*,

Witnesseth that said grantor, for and in consideration of the sum of Ten Dollars, and other good and valuable consideration to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

A tract of Land in the East half of Section 30, Township 43 South, Range 27 East, Lee County, Florida, being more particularly described as follows:

Commencing at the Southeast corner of Section 30, Township 43 South, Range 27 East, Lee County, Florida; thence North 00 degrees 17 minutes and 18 seconds West along the East section line of said Section 30, a distance of 574.13 feet to the centerline of the Florida Power and Light Easement and the point of beginning of a tract of land herein described; thence run North 00 degrees 17 minutes 18 seconds West along the East section line of said Section 30 a distance of 2,069.55 feet to the North line of the Southeast Quarter of said Section 30; thence North 00 degrees 53 minutes 41 seconds West along the East Section line of said Section 30, a distance of 1,211.84 feet, to the Southerly right of way line of State Road 80; thence North 81 degrees 53 minutes 8 seconds West, along Southerly right of way line of State Road 80, a distance of 1,003.30 feet; thence South 1 degree 9 minutes 48 seconds East, a distance of 175.44 feet; thence South 89 degrees 32 minutes 57 seconds West, a distance of 312.00 feet, to the Easterly R/W of Bateman Road, (50 foot wide) as described in County Commissioner's Minute Book 5, at Page 592, of the Public Records of Lee County, Florida; thence South 1 degree 7 minutes 53 seconds East (South 1 degree 8 minutes 50 seconds East on Johnson Engineering Survey, dated June 9, 1994), along the centerline of Bateman Road, a distance of 3267.33 feet, to the centerline of a 150 foot Florida Power and Light Electrical Easement; thence North 89 degrees 1 minute 22 seconds East, along the centerline of aforesaid electrical easement, a distance of 1,302.81 feet, to the East section line of said Section 30, and the point of beginning. Less and Except any road right-of-way.

SUBJECT TO: Zoning, restrictions, prohibitions and other requirements imposed by governmental authority; restrictions and matters appearing on the Plat or otherwise common to the subdivision; public utility easements of record, restrictions, reservations, conditions, easements, dedications and limitations of record and taxes for the year 2005 and subsequent years.

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

*"Grantor" and "grantee" are used for singular or plural, as context requires.

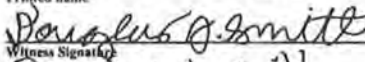
In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed sealed and delivered in our presence:


Witness Signature

MELINDA OSBORNE

Printed name


Witness Signature

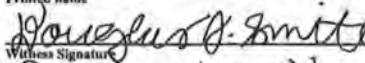
Douglas J. Smith

Printed name


Witness Signature

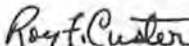
MELINDA OSBORNE

Printed name


Witness Signature

Douglas J. Smith

Printed Name

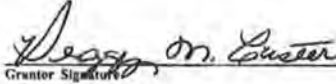

Grantor Signature

ROY F. CUSTER

Printed name

6924 Willow Lane, Miami Lakes, Fl. 33014

Post Office Address


Grantor Signature

PEGGY M. CUSTER

Printed name

6924 Willow Lane, Miami Lakes, Fl. 33014

Post Office Address

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 11th day of August, 2005, by ROY F. CUSTER and PEGGY M. CUSTER, HUSBAND AND WIFE who are personally known to me or who have produced a n/a as identification and did take an oath.

NOTARY PUBLIC:


Print Name: MELINDA OSBORNE

My Commission Expires:

State of Florida at Large (Seal)





Letter of Authorization

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Alfred Hoffman Jr. (name), as Registered Agent (owner/title) of Caloosa 80 LLP (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

***Notes:**

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Alfred Hoffman Jr.
Signature

11-15-24
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 15th day of November, 2024, by Alfred Hoffman Jr. (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL



Denise Comas
Signature of Notary Public



Project Narrative



Caloosa 80 Comprehensive Plan Amendment (Map & Text)

Lee Plan, State Policy Plan, Regional Policy Plan, Community Plan Area Consistency & Justification of the Proposed Amendment

Exhibits M12, M19, M20, M21a

REVISED OCTOBER 2025

I. Request

Neal Communities of Southwest Florida ("Applicant") is requesting approval of a Large-Scale Comprehensive Plan Amendment to change the future land use (FLU) category of 92.71 +/- acres of the 192.3+/- acre site ("Property") from Rural to Sub-Outlying Suburban, and to add the Property to the Lee County Utilities, Future Water and Sanitary Sewer Service Areas. This request requires three map amendments to Lee Plan Maps 1A, Map 4A, and Map 4B. It also includes a text amendment to Table 1(b) to increase the residential acreage of land in the Sub-Outlying Suburban FLU category of District 1, Northeast Lee County.

The total Property owned by the Applicant is 192.3 acres. Currently, the majority of the site (99.6 acres) is within the Urban Community FLU category, which allows for 6 du/acre and commercial uses. The remaining 92.7 acres of the Property are designated as Rural and are limited to 1 du/acre.

The amendment will allow for the development of a maximum of 2 du/ac in the parcels proposed as Sub-Outlying Suburban. This would entail a maximum total of 746 dwelling units per the density limitations set forth in Lee Plan Table 1(a).

The proposed text amendment will ensure sufficient residential acreage is allocated to the Sub-Outlying Suburban FLU category of District 1 per Lee Plan Table 1(b) to support this request. There is existing available residential acreage within the Urban Community FLU category of District 1 as well as commercial acreage in District 1.

The Applicant has filed a companion Mixed Use Planned Development (MPD) rezoning application to further limit development of the Property to 690 dwelling units and up to 50,000 SF of neighborhood commercial retail along with accessory uses, and supportive infrastructure.

II. Existing Conditions & Property History

The Property is located south of Palm Beach Boulevard (SR 80) and east of Bateman Road and west of Goggin Road. The Property is currently zoned Recreational Vehicle Planned Development (RVPD) per Resolution No. Z-09-042 and is located within the Northeast Lee County Planning Community and Alva Community Planning Areas. The Property is currently utilized as agricultural pastureland. The RVPD zoning district permits the development of 417 RV sites, including 121 transient and 296 non-transient RV sites, with associated accessory and subordinate uses, including limited commercial uses.

III. Surrounding Land Use Pattern

The Property is within an area characterized by rural and transitional suburban development patterns. The surrounding land use pattern consists of public rights-of-way to the north, south and west; Hickeys Creek Mitigation Park to the west; FDOT ponds and single-family residential to the north; vacant agricultural lands and single-family residential to the east; and a single-family residence to the south. Additionally, several developments are approved and/or permitted along SR 80 in proximity to the Property, including River Hall, Hickey's Creekside and River Oaks. Table 1 below further defines the surrounding Future Land Use designations, zoning districts and existing land uses.

Lands in the immediate area are designated Rural, Conservation, as well as Urban Community to the south and northwest of the Property, and further to the east along SR 80. The FLUM amendment request will allow for a more gradual "step down" or transition of density from Urban Community (6 du/acre) to the Sub Outlying Suburban FLU (2 du/acre), in a manner that compliments the adjacent lower density and agricultural lands. Table 1 below further defines the surrounding Future Land Use designations, zoning districts and existing land uses.

Table 1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USE
NORTH	Rural	AG-2 (Agricultural)	Right of Way (SR 80.); single-family residential; agriculture
SOUTH	Urban Community; Rural	AG-2 (Agricultural)	Florida Power & Light easement; single-family residential; vacant
EAST	Rural	AG-2 (Agricultural)	Single-family residential; agriculture
WEST	Conservation Lands - Upland	EC (Environmentally Critical)	Right-of-Way (Bateman Road); conservation (Hickeys Creek Mitigation Park)

IV. Public Infrastructure

As outlined in the application materials, the subject property is serviced or planned to be serviced by existing public infrastructure that can accommodate the proposed mix of residential and commercial uses.

Potable water and sanitary sewer service will be provided by Lee County Utilities (please see the Letter of Service Availability from Lee County Utilities) via developer funded extensions of these facilities to the project. This proposal provides a substantial private investment in public infrastructure and will provide the opportunity to connect numerous properties currently on well and septic to centralized utilities. This is particularly impactful considering the area's proximity to the Caloosahatchee River.

The surrounding roadway network has adequate capacity as set forth in the accompanying Traffic Circulation Analysis prepared by TR Transportation Consultants, Inc. There are adequate community facilities and services in the immediate vicinity of the project, including fire, law enforcement, schools, and parks.

The Applicant anticipates coordination of zoning conditions with County Staff to ensure that adequate service is available at the time of construction. Please refer to the enclosed infrastructure analysis and agency availability letters (Exhibit M15, M16 & M17) for a complete description of available infrastructure and services to support the amendment request.

V. Proposed Amendment

The amendment request will allow for development of the Property as a mixed-use community with a maximum of 690 units and up to 50,000 SF of commercial uses, along with associated infrastructure and amenities. The Applicant has submitted a companion MPD rezoning petition to implement the intended development program, while ensuring adequate protection to the environment and rural character of the area.

The current amendment requests for a change in FLU from Rural to Sub-Outlying Suburban, which allows for the increase in density to allow for a compact form of development where infrastructure exists to support new growth, while ensuring that the rural character of the community is preserved. The proposed FLU category restricts residential density to 2 units per acre, achieving a gradual reduction in densities from Urban Community that lies to the immediate west to the Rural lands to the east.

At the same time, the residential development introduces housing options in the community as well as commercial uses that could provide required services to the residents of the community and the adjoining rural areas, thereby reducing vehicle miles travelled and allowing for accessibility by bicycle and pedestrians in the project and immediate area.

The proposed development, being developed at a density greater than 2.5 du/ac is required to connect to a public water service, per the Lee Plan Standard 4.1.1. The amendment includes a request for the Property to be added to the Lee County Utilities, Future Water Service Areas. The gross density of the companion MPD is 4 du/acre, thereby exceeding this minimum threshold. The extension of utilities is solely at the developer's expense and will eliminate well and septic tanks on the property. This is a significant environmental benefit due to proximity to the Caloosahatchee River.

Further, the proposed text amendment requests that additional acreage be added to the Sub-Outlying Suburban FLU category in District 1, ensuring that the project is consistent with Table 1(b) of the Lee Plan.

VI. Compatibility/Protection of Rural Character

The MPD proposes several development standards and limitations to ensure the rural character of the Alva community is protected post-development. The proposed standards/conditions are as follows:

- Maximum of 690 dwelling units (below the allowable density under current Urban Community & proposed Sub-Outlying Suburban future land use categories);
- The tracts are predominantly single-family with a limited area of townhome dwelling types in the western portions of the site in the Future Urban-designated areas;
- Commercial uses will be limited per the proposed Schedule of Uses to serve the proposed development and nearby residential communities along Palm Beach

Boulevard and in Alva. A 15-foot-wide Type D buffer is proposed where the neighborhood commercial outparcel abuts SR 80.

- An 80-foot-wide buffer is proposed along Bateman Road to screen the proposed community from the conservation areas to the west of the roadway and protect views for the travelling public. Access to this roadway is also limited to "emergency-only" for first responders to limit trips and maintain low traffic volumes.
- Preserves are proposed along the SR 80 frontage to screen views of the community from the right-of-way and maintain rural vistas.
- 40 to 45-foot-wide enhanced landscape buffers or native preservation areas about the eastern property line ensuring screening from the vacant agricultural lands or single-family lots further east. Where native vegetation does not exist, substantial plantings are proposed totaling 15 trees and 66 shrubs per 100 LF.
- A 289+/- setback is proposed from the southwestern portion of the property, which also provides a substantial wildlife corridor/native preserve area that interconnects with Hickey's Creek Mitigation Park.
- 109± acres of open space are proposed, which far exceeds the LDC requirements, and also exceeds the previous RVPD open space commitment by over 8± acres.
- 42± acres of indigenous preserve (including credits) are proposed, which exceeds the LDC requirements. This preserve represents the highest quality vegetation existing on-site, including Pine Flatwoods in the southern portion of the project, providing connectivity to Hickey's Creek Mitigation Bank conservation areas.

VII. 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 1.1.4: The Urban Community future land use category are areas characterized by a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities than other future urban categories described in this plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 Future Land Use II-2 November 2021 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units.

Roughly 99 acres of the Property lies within the Urban Community future land use category. The proposed maximum density of 690 units is well below the density limits per the calculations provided in this application, based upon the proposed FLUM change. Further, the proposed residential and commercial uses are

consistent with the intent of this policy and will be limited to the proposed Schedule of Uses. The denser townhome product is sensitively located on in the Urban Community portion of the site. No intensive commercial uses or industrial uses are proposed in compliance with this policy.

POLICY 1.1.11: The Sub-Outlying Suburban future land use category is characterized by low density residential areas. Generally, the infrastructure needed for higher density development is not planned or in place. This future land use category will be placed in areas where higher densities would be incompatible or where there is a desire to retain a low-density community character. Industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to two dwelling units per acre (2 du/acre). Bonus densities are not allowed.

The Property is currently designated within the Urban Community and Rural FLU designations. Urban Community is a Future Urban Area designation that allows development of 6 du/acre, while the Rural FLU is a Non-Urban Area designation, permitting development of only 1 du/ac. Thus, the Property itself exhibits a sharp variation in permitted densities. The proposed Sub-Outlying Suburban FLU is a Future Suburban Area designation, permitting density of 2 du/ac and will allow for a more gradual decrease in densities from west to east. While this allows for the increase in density necessary to achieve the Client's compact development program and make appropriate use of available infrastructure, it still ensures a low-density community character, with a net increase of only 1 du/ac across 89.65 acres or 90 units. The Property is also situated along SR 80, a corridor that is experiencing rapid growth, and currently has Future Urban/Suburban Area designations along it in the vicinity of the project. The proposed change is further supported by the planned expansion of public utilities along this corridor.

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.

As noted above, the majority of the property is in the Future Urban Area. The site no longer represents viable agricultural land due to the infrastructure in the area, both existing and planned.

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

The Property is partially located in a Future Urban Area pursuant to the underlying Urban Community future land use category on the western side of the Property. The Property abuts and has direct access to a 4-lane state-maintained arterial roadway. The application proposes to extend water and sewer to the site providing for centralized utility service via water and wastewater treatment plants with capacity to serve the project. The development will be served by the Alva Fire District and the Lee County Sheriff's Office. The proposal to convert the Rural portion of the Property to Sub-Outlying Suburban will accommodate slightly higher densities and make efficient use of infrastructure and services, as well as a more appropriate transition to Rural

lands further east. The request also provides private investment in the County's infrastructure system that will help to reduce reliance on wells and septic tanks in the general area, which is highly sensitive due to proximity to the Caloosahatchee River.

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

The proposed development would result in a contiguous and compact growth pattern. As noted above, the majority of the Property is within Urban Community. The request will allow for additional density and provides infrastructure in an area that Lee County Utilities is able to serve. An existing RVPD zoning approval already authorizes development of the site as an RV Park with ancillary commercial uses. The applications will allow connection to water and sewer, increased residential density, and commercial uses that will serve not only the residents but the surrounding rural community that is in need of additional retail and services. The applications also protect natural resources by preserving wetlands, reconfiguring the lake system, and providing for expansive perimeter buffers and preserve connectivity to publicly owned conservation lands to the west, while providing for expansive perimeter buffers and on-site open space.

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.

As noted above, the majority of the Property is within the Future Urban Area. The request will allow for the transition of the already approved RV and ancillary commercial uses to a compact mixed-use community. The mix of uses will allow for the proposed neighborhood commercial to reduce vehicle miles travelled in the Alva area. LCU has indicated ability to serve the project for both water and sewer, thereby allowing for the expansion of infrastructure along a major arterial corridor, and reducing reliance on wells, septic and/or private wastewater treatment facilities. Other infrastructure and services are available to serve the project per the letters of availability provided.

STANDARD 4.1.1: WATER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Fla. Admin. Code R. 62-550)
- ...
6. If a development lies outside any service area as described above, the developer may:
 - request that the service area of Lee County Utilities or an adjacent water utility be extended to incorporate the property;
 - establish a community water system for the development; or
 - develop at an intensity that does not require a community water system.

The Property is proposed to be developed with 690 dwelling units on 192.3 acres, for a total gross density of 3.59 du/acre, and is so, required to connect to a public water system. This amendment proposes to add the Property to the Lee County Utilities Future Water Service Area, as contemplated by subsection 6 of this policy. Lee County Utilities has indicated adequate capacity to serve the project per the letter of availability, included in this application.

The public benefit of the utilities expansion to the Property includes reduction of reliance on individual wells in an area proximate to the Caloosahatchee River and significant natural resources (Hickey Creek Mitigation Park). It is understood that the City of LaBelle and Hendry County are extending utilities from the City of LaBelle to the Lee/Hendry County line along SR 80. The proposed expansion will help fill a gap in utility service along this important growth corridor. Therefore, the amendment is consistent with this policy.

STANDARD 4.1.2. SEWER

1. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*

...

5. *If a development lies outside any service area as described above, the developer may:*

- *request that the service area of Lee County Utilities or an adjacent sewer utility be expanded to incorporate the property;*
- *establish a self-provided sanitary sewer system for the development;*
- *develop at an intensity that does not require sanitary sewer service; or*
- *if no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Fla. Admin. Code R. 64E-6 may be utilized, contingent on approval by all relevant authorities.*

The Property is proposed to be developed with 690 dwelling units on 192.3 acres, for a total gross density of 3.59 du/acre, and is so, required to connect to a public sewer system. This amendment proposes to add the Property to the Lee County Utilities Future Water Service Area, as contemplated by subsection 5 of this policy. Lee County Utilities has indicated adequate capacity to serve the project per the letter of availability, included in this application.

The public benefit of the utilities expansion to the Property includes reduction of reliance on individual septic tanks in an area proximate to the Caloosahatchee River and significant natural resources (Hickey Creek Mitigation Park). It is understood that the City of LaBelle and Hendry County are extending utilities from the City of LaBelle to the Lee/Hendry County line along SR 80. The proposed expansion will help fill a gap in utility service along this important growth corridor. Therefore, the amendment is consistent with this policy.

STANDARD 4.1.3: REUSE.

1. *Any development that requires a development order, on a property that is adjacent to public reuse infrastructure with sufficient capacity, must connect to the reuse system for irrigation needs.*

The project will connect to public reuse infrastructure, if available at time of development.

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.

The proposed amendment is requesting a change in the FLU designation from Rural to Sub-Outlying Suburban, allowing for a nominal increase in density from 1 du/acre to 2 du/acre. This proposal will enable a more gradual transition from the Urban Community node on the western portion of the property to the more rural land use pattern to the east.

The proposed FLU designation does not permit industrial development, that could be destructive to the low-density, rural character of the area. Further, through the companion MPD rezone, non-residential uses are further restricted to specific neighborhood commercial uses that would serve the residential community. Roughly 4.5 acres of the project are to be dedicated towards 50,000 SF of neighborhood commercial uses and are appropriately oriented to the intensive SR 80 frontage.

Further, the proposed MPD Master Concept Plan demonstrates expansive buffering that exceeds the code requirements and will screen the proposed community from adjoining residential uses. The proposed community is predominantly single-family detached with townhome product sensitively located in the western portion of the site designated for urban densities per the Lee Plan. Wetland preservation areas will also separate and screen proposed development from the perimeters of the property and public view.

The single-family dwellings that abut the property to the north and directly abut SR 80 will be buffered from the proposed development by Preserve Area #2. Single-family uses along the southern and eastern property lines 40 to 45-foot-wide buffers consisting of either native preserve or 15 trees and 66 shrubs per 100 linear feet. This exceeds the buffering treatment where proposed industrial uses abut residential uses, as a demonstration of the appropriateness of the proposal to ensure compatibility between existing and proposed residential uses.

Objective 17.3: PUBLIC INPUT. To provide opportunities for public input as part of the comprehensive plan and land development code amendment process.

The Applicant has scheduled numerous public meetings, exceeding the minimum requirements of this policy.

GOAL 27: NORTHEAST LEE COUNTY COMMUNITY PLAN. Maintain, enhance, and support the heritage and rural character, natural resources, and agricultural lands. Alva and North Olga will

work cooperatively toward this goal through the objectives and policies that follow, and through their individual community plans.

The proposed amendment will maintain the rural character and protect natural resources via the following provisions, and as further detailed in this narrative:

- **56% total on-site open space far exceeding the requirements of the LDC**
- **Substantial perimeter buffers consisting of 80' wide setback/vegetative buffer adjacent to Bateman Road/Hickey Creek Mitigation Park and 40-45-foot-wide preserve or enhanced buffers along southern and eastern property lines**
- **Preserve areas lining southwestern and northern property lines**
- **Clustering of development around high-quality wetlands and upland preserves**
- **The proposed commercial uses are limited to ensure neighborhood-serving retail uses that are permitted today per the underlying Urban Community future land use on the western portion of the site.**

POLICY 27.1.1: Support the agricultural and rural character within Northeast Lee County by encouraging continued commercial agricultural operations and encourage new development to be clustered to conserve large areas of open lands.

The request for new development incorporates the desire to cluster development areas in order to conserve large areas of open lands on site. The aspirational portion of the policy to encourage continued commercial agricultural operations is aspirational and non-regulatory.

As noted above, the MPD aligns with the definition of clustered development via smaller lot sizes that allows for increased open space. Specifically, the proposed design provides 56% open space, whereas the LDC requires only 40% open space for residential projects and 30% for commercial use areas.

POLICY 27.1.5: In all discretionary actions, consider the effect on Northeast Lee County's commercial agricultural operations and rural character.

In recognition of these policies, the proposed MPD enhances the rural character of Northeast Lee County through the enhanced buffers, setbacks, environmental preservation. The buffers have been detailed throughout the narrative and include 80-foot buffers on Bateman Road, 40 to 45-foot buffers along eastern and southeastern property lines, 184-foot-wide preserve area supplemented by a 75-foot-wide FPL easement along the southwest portion of the property.

Enhanced perimeter setbacks are provided along all property boundaries as follows:

- **50 feet from SR 80.**

- 80 feet from Bateman Road.
- 40-289 feet from southern property boundaries.
- 40 feet along the eastern property boundaries.

These open space areas far exceed the LDC requirements and will preserve the rural character of the SR 80 corridor within Northeast Lee County.

The proposed density is consistent with the existing and proposed future land use categories and provides preservation areas which protect and enhance on site and adjacent environmentally sensitive areas, while acknowledging the long-standing Urban designation on 99 acres of this site. Proposed uses are consistent with the agricultural and residential development surrounding the Property.

POLICY 27.1.8: The owner or agent of a rezoning or special exception request within the Northeast Lee County Community Plan area must conduct two public information meetings, in accordance with Policies 17.3.3 and 17.3.4, prior to the application being found sufficient. One meeting must be held within the Alva Community Plan area boundary and the other in the North Olga Community Plan area boundary.

The Applicant has conducted public information meetings within the Alva Community Plan area boundary on January 14, 2025, and February 11, 2025 at the Alva Community Center, 21471 N. River Rd., Alva, at 7:00 pm (within the Alva community plan area boundary) and on February 19, 2025 at the intersection of Owl Creek Dr. and N. River Rd., Alva, FL 33920 at 4:00 pm (within the North Olga Community Plan area boundary). The Community Meeting Summary exhibit provided to staff includes information regarding these meetings.

OBJECTIVE 27.3: NATURAL RESOURCES. To enhance, preserve and protect the physical integrity, ecological standards, and rural character of Northeast Lee County by focusing on: water basins; native vegetation; wildlife habitat and resources; and areas designated for long-term conservation.

A detailed environmental assessment for the project site was conducted by Kimley-Horn and is included in the application materials. The companion rezoning will provide for protection of natural resources by preserving on-site uplands and wetlands, providing native preserve in accordance with the LDC, and implementing expansive perimeter buffers, including an 80-foot-wide buffer adjacent to Bateman Road/Hickeys Creek Mitigation Park. The eastern property lines have incorporated additional native preserve areas and enhanced buffers to exceed the requirements of the LDC. Preserve area also interconnects Hickey's Creek Mitigation Bank in the southwest portion of the site.

When combined, the proposed design will fully comply with the above policy. Moreover, the extension of utilities will reduce the number of private wells and septic tanks in the area, and provide centralized public utilities to this site, which is preferred when compared to a private, on-site wastewater treatment facility.

POLICY 27.4.3: Proactively plan for wildlife connections within Northeast Lee County that support habitat needs of native animals on public lands and waters.

The project far exceeds the open space and native preserve requirements. Exceeding the LDC requirements for native preservation by 4 acres is in direct compliance with this policy.

Preserve and enhanced buffers line the east, south and west property lines and range in width from 40 to 289 feet, providing opportunities for wildlife connections. Moreover, Preserves #1 and #3 will provide connectivity from the Hickey's Creek Mitigation Bank to the west of Bateman Road, providing a substantial contribution to regional wildlife corridors.

OBJECTIVE 28.1: RURAL CHARACTER. Maintain and enhance the rural character and environment of Alva through planning practices that: 1. Manage growth and protect Alva's rural nature. 2. Maintain agricultural lands and rural land use patterns. 3. Provide needed community facilities, transportation systems, and infrastructure capacity. 4. Protect and enhance native species, ecosystems, habitats, natural resources, and water systems. 5. Preserve Alva's historic places and archaeological sites.

The majority of the Property is located in the Urban Community future land use, which is a future urban area per the Lee Plan. The proposed amendment and companion MPD rezone will increase the allowable density to 690 residential dwelling units. The commercial component of the project is permitted today per the underlying Urban Community future land use. The extension of utilities will provide community facilities to the immediate area and allow more areas to be served by centralized public utilities. The applications will allow for an appropriate transition of growth from west to east and a nominal increase in allowable density. The plan also protects natural resources, including on-site wetlands and uplands, as detailed in this application, as well as the companion MPD rezone. There are no current historic and/or archeological sites located on the development.

The rural character of Alva/Northeast Lee County is also addressed through the design of the project as shown on the companion Planned Development Rezone Master Concept Plan. Expansive buffers and preserve areas along all publicly visible perimeters. Wetland and upland preserve areas will ensure views from SR 80 and Bateman Road are of native vegetation as opposed to development. The proposed development will provide improved compatibility with surrounding single-family residences and provides open space adjacent to surrounding properties and publicly owned preserve areas.

POLICY 28.1.1: Evaluate and identify appropriate commercial areas with a focus on the rural village area.

The commercial uses proposed on the Property will be along SR 80, as demonstrated on the proposed MPD Master Concept Plan, and within Future Urban Area/Urban Community FLU that allows commercial uses. SR 80 is a 4-lane arterial roadway, that will provide a strategic location for neighborhood commercial uses. Further, sidewalks and a shared-use path are planned for the portion of SR 80 within the Alva Community allowing for pedestrian access from surrounding neighborhoods.

POLICY 28.1.4: New industrial activities or changes of land use that allow future industrial activities, not directly associated with Alva's commercial agriculture, are prohibited in Alva.

The proposal requests a change of FLU from Rural to Sub-Outlying Suburban. Industrial uses are not permitted in this FLU category per Policy 1.1.11. Further, only neighborhood commercial uses, that benefit the residents and surrounding neighborhoods, are being proposed through the companion MPD rezone.

POLICY 28.2.2: Future land use amendments that would increase the allowable total density of Alva are discouraged and must demonstrate consistency with the objectives and policies of this goal through concurrent planned development rezoning. Future Land Use Map amendments that would decrease the allowable total density of Alva and that are otherwise consistent with the objectives and policies of this goal are encouraged.

As the requested amendment proposes an increase in density within the Alva Community Plan, it is accompanied by a concurrent MPD rezone application that will safeguard the rural character of the Alva community and ensure consistency with all relevant Goals, Objectives and Policies of Northeast Lee County and Alva community plans.

The companion rezone establishes development standards to address compatibility with the rural character, along with the substantial protection of natural resources. Impacts to existing wetlands on the Property are minimized through establishment of preserve areas. Further, enhanced buffering is proposed along Bateman Road, adjacent to the Hickey Creek Mitigation Park and along eastern and southern property lines. The proposed development will be clustered to ensure open space far exceeding the LDC requirements.

Further, the FLU amendment is to change the designation of part of the Property from Rural to Sub-Outlying Suburban. The remainder of the Property is already designated as Urban Community, allowing for development of up to 6 du/ac. While there is a proposed increase in density, the change to the Sub-Outlying Suburban designation creates an increase of 93 units across the 192.3 +/- project. As seen from the below Table, the restriction to 690 units via the proposed MPD rezone, will result in only a net increase of 34 units over what is currently allowed.

	Max. Density	Net Increase
Current FLU conditions	656 units	-
With proposed amendment	746 units	90 units
Per MPD rezone	690 units	34 units

The Sub-Outlying Suburban FLU designation is specifically designed for places "where there is a desire to retain a low-density community character" per Policy 1.1.11 of the Lee Plan. This designation would allow for densities to gradually decrease from Urban Community to the adjoining Rural.

Lastly, the amendment will support the extension of centralized water and sewer service to the site and surrounding area. This will reduce reliance on well and septic, thereby providing a net positive environmental benefit in relation to numerous Lee Plan provisions relating natural resource protection, water quality, groundwater/aquifer protection. Thus, the proposed amendment enhances consistency with the Lee Plan as a whole.

OBJECTIVE 28.5: NATURAL RESOURCES AND ENVIRONMENTAL SYSTEMS. To enhance, preserve, protect, and restore the physical integrity, ecological standards, and natural beauty of the Alva Community Plan area.

A detailed environmental assessment for the project site was conducted by Kimley-Horn. The amendment and companion MPD protect natural resources, including on-site wetlands and uplands, as detailed in this application, as well as the companion MPD rezone. There are no current historic and/or archeological sites located on the development.

The plan also protects natural resources, including on-site wetlands and uplands, as detailed in this application, as well as the companion MPD rezone. There are no current historic and/or archeological sites located on the development. been protected to ensure natural beauty on the property while also maintain the rural character of Alva Community.

POLICY 28.5.2: Identify and evaluate land conservation funding opportunities and acquisition priorities to protect vital natural resources, ecosystems, and habitats from the impacts of clear cutting for residential or agricultural purposes.

According to the detailed environmental assessment for the project site conducted by Kimley-Horn, the site does not contain significant high quality native vegetation. However, native upland and the highest quality wetlands areas are conserved on the property in full compliance with the LDC. As such, the development will not have a negative impact on the ecosystem.

POLICY 28.5.3: All new development and redevelopment must maintain compliance with State of Florida mandated Total Maximum Daily Load (TMDL) requirement for designated water bodies.

The Applicant will remain compliant with State of Florida mandated Total Maximum Daily Load requirement. Total Maximum Daily Loads (TMDLs) adopted under Chapter 62-304, F.A.C., that interpret the narrative water quality criterion for nutrients in paragraph 62-302.530(47)(b), F.A.C., for one or more nutrients or nutrient response variables. This will be thoroughly evaluated during the South Florida Water Management (SFWMD) permitting process, and an environmental resource permit (ERP) will not be issued unless the project design demonstrates compliance with these requirements.

POLICY 28.5.4: New development and redevelopment in or near existing and potential wellfields must: 1. Be designed to minimize the possibility of contaminating groundwater during construction and operation. 2. Comply with the Lee County Wellfield Protection Ordinance.

There are no public wellfields on the Property. Please see attached stormwater management narrative describing the lake design and its consistency with Lee County's groundwater protection regulations. Moreover, the lakes have been redesigned since the original zoning approval to break the large central lake previously approved into smaller lakes to better protect the groundwater within and abutting the property.

POLICY 28.5.5: Provide educational programs or materials on energy conservation, energy efficiency, greenhouse gas emission reductions, solid waste management, hazardous waste,

surface water runoff, septic maintenance, water conservation, Florida Friendly Landscaping, green building, cultural resources, history, etc.

This policy is not applicable to individual developments.

GOAL 60: COORDINATED SURFACE WATER MANAGEMENT AND LAND USE PLANNING ON A WATERSHED BASIS. To protect or improve the quality of receiving waters and surrounding natural areas and the functions of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development.

The development has conserved the on-site wetlands, which aid in flood protection. The proposed lake system will be designed in accordance with the SFWMD requirement to ensure water is retained on-site until water quality meets minimum standards, at which time water will slowly attenuate off-site at flow rates approved by the district.

GOAL 61: PROTECTION OF WATER RESOURCES. To protect the County's water resources through the application of innovative and sound methods of surface water management and by ensuring that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters.

The site will contain 19± acres of lakes that will be maintained properly in accordance with the Lee County Land Development Code. The surface waters and groundwater resources of the County shall be protected to ensure that their biological, ecological, and hydrological functions are maintained, conserved, or improved.

OBJECTIVE 77.3: New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way. This objective and subsequent policies are to be implemented through the zoning process.

The MPD incorporates innovative open space design via incorporating native preserve into the perimeter buffers along Bateman Road and the southern and eastern property lines. These buffers and preserve areas range in width from 40 feet to 289 feet to screen adjacent lands visually and provide substantial wildlife habitat. Preserve areas represent the highest quality habitat and are strategically located along Bateman Road and SR 80 to maintain well-vegetated, rural viewsheds along these roadways.

The site exceeds the open space requirement by 32 acres and the indigenous preserve requirement by 4 acres as further demonstration of the project's MPD's compliance with this Objective.

POLICY 77.3.3: The County encourages new developments to incorporate existing native plant communities and/or native trees along proposed and/or existing rights-of-way.

Preserve areas have been located adjacent to SR 80, Bateman Road and Cattleman CV rights-of-way. All adjacent rights-of-way are substantially buffered by preserves and buffers exceeding the requirements of the LDC by 100% or more in terms of width. Where native vegetation does not exist in the 40-45-foot-wide buffers along

the eastern edge of the site, enhanced plantings totaling 15 trees and 66 shrubs/100 LF are proposed. This design exceeds the LDC's most substantial Type F buffering requirements and will fully meet the intent of the above policy.

POLICY 77.3.7: New development and redevelopment in areas containing a component of the greenways trail system, as identified by the Lee County Greenways Master Plan, must incorporate the greenway trail into their development design. In addition to counting towards the project's general open space requirements, developments constructing the onsite portions of the greenway trail will be eligible for community and regional park impact fee credit.

The site is located on Palm Beach Blvd which is located on the Lee County Greenways map of the Lee Plan Map 22. According to Map 22, Palm Beach Blvd. is located on the Pine Island Hendry Trail on shared use path. However, the greenway trail is located outside of the property and will not be incorporated inside the development design.

POLICY 123.2.4: Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.

As identified in the Environmental Report, the companion MPD represents avoidance of wetland impacts, and preservation of highest quality on-site habitat with focus on contiguity to off-site preserve areas. Wetland impacts are limited to low quality and disturbed habitat.

POLICY 123.2.10: Require that development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas be designed to protect the natural character and public investment in these areas.

The preserves are primarily located along the northern, southern and western property boundary and ensure protection of the natural resources, public investment, and habitat connectivity with the Hickeys Creek Mitigation Park. The companion MPD is consistent with this policy. 40-45-foot-wide native preservation tracts have been incorporated along the eastern boundary, wherever possible.

POLICY 123.2.15: Protect Rare and Unique upland habitats from development impacts, to the maximum extent possible, through conservation and/or site design

Although not required, Pine Flatwoods is Rare and Unique habitat included in Preserve #3 on the companion MPD's MCP in compliance with this policy.

Policy 124.1.1: Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII. Owners of wetlands adjacent to Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban, Sub-Outlying Suburban, and Rural future land use categories may transfer dwelling units from preserved freshwater wetlands to developable contiguous uplands under common ownership at the same underlying density as permitted for those uplands.

The site contains approximately 8.74 acres of wetlands. These wetlands are planned to be protected and designated within the preserve areas on the companion MPD

rezone's MCP, except where impacts are proposed to low-quality disturbed wetland areas. Development will be clustered to ensure open space as well as adequate buffering, particularly along Bateman Road, adjacent to the Hickey's Creek Mitigation Park.

POLICY 124.1.2: The County's wetlands protection regulations will be consistent with the following: 4. Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will only be permitted in accordance with applicable state standards.

The proposed development protects on-site wetlands, by designation of preserve areas through the companion MPD Rezone.

POLICY 125.1.2: New development and additions to existing development must not degrade surface and ground water quality.

Prior to future development activities on the Property, the Applicant will obtain the requisite Environmental Resource Permit (ERP) from the South Florida Water Management District, and all other applicable state agencies. The site design will ensure pretreatment of stormwater prior to discharge off-site.

POLICY 125.1.3: The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems.

The companion MPD will include stormwater lakes adjacent to the residential tracts to address water quality. The surface water system will also be required to obtain an ERP from the South Florida Water Management District at the time of DO.

POLICY 125.1.4: Developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data.

The extension of potable water and sanitary sewer service to the site, at the sole cost of the developer, will substantially improve water quality via the elimination of septic tanks and ability to convert other properties to centralized utilities instead of well and septic.

The companion MPD will include stormwater lakes adjacent to the residential tracts to address water quality. The surface water system will also be required to obtain an ERP from the South Florida Water Management District at the time of DO.

Policy 126.1.1: Natural water system features which are essential for retention, detention, purification, runoff, recharge, and maintenance of stream flows and groundwater levels shall be identified, protected, and managed.

The development has conserved the wetlands and uplands on property. The proposed lakes will provide protection from flooding and provide water quality treatment for the proposed development. The natural water system features such as the surface waters and groundwater levels will be identified, protected and managed.

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 proposed lakes will provide flooding runoff and further protection for the proposed development. the surface waters and groundwater resources of the County shall be protected to ensure that their biological, ecological, and hydrological functions are maintained, conserved, or improved.

VIII. Adjacent Local Governments

The subject property is located entirely within Lee County.

VII. State Comprehensive Plan Consistency

The proposed amendment is consistent with the State Comprehensive Land Use Plan's intent to ensure protection of natural resources while providing housing opportunities. Specifically, the amendment is consistent with the following guiding policies:

Housing. The public and private sectors shall increase the affordability and availability of housing for low-income and moderate-income persons, including citizens in rural areas, while at the same time encouraging self-sufficiency of the individual and assuring environmental and structural quality and cost-effective operations.

The proposal will allow for housing opportunities while also ensuring clustering through the Planned Development zoning to minimize impacts on wetlands and the adjacent Hickey's Creek Mitigation Park through designation of preserve areas and buffers, as demonstrated on the MCP included in the companion MPD rezone petition. The amendment will allow for slightly higher densities to accommodate the demand for housing options in Lee County, in an area that fronts a major state corridor and where surrounding densities/intensities support the change.

Land Use. 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.

There is service capacity in place to serve the project in terms of potable water, sanitary sewer service, solid waste, law enforcement, fire, parks, and school services. The Applicant will work with County regarding EMS services. Further, through the companion MPD rezone petition, the project will ensure preservation of environmental resources through preservation of wetlands and other sensitive lands, and stormwater management. Development will be clustered to ensure open space as well as adequate buffering, especially along Bateman Road, adjacent to the Hickey's Creek Mitigation Park.

Transportation. Florida shall direct future transportation improvements to aid in the management of growth and shall have a state transportation system that integrates highway, air, mass transit and transportation.

The project is serviced by an arterial roadway, SR 80. Pedestrian access options through a shared use path and sidewalks are planned for the area (Map 3-D).

Natural Systems & Recreational Lands. 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.

The site is an active agricultural pasture with just 8.74 acres of wetlands. Approximately 4.94 acres of these higher quality wetlands are planned to be protected and designated within the preserve areas on the companion MPD rezone. Upland preserves and open space exceeding LDC requirements is also provided.

VIII. Regional Policy Plan Consistency

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

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.

The proposed amendment will expand housing opportunities through a clustered residential development. Further, 50,000 SF of commercial uses on the property will help provide services to the residents of the park as well as the neighboring rural communities.

Natural Resources Element

Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.

The proposed amendment and companion rezoning application will provide for stormwater management infrastructure to ensure protection of the wetlands located within the Property.

Regional Transportation

Goal 2: Livable communities designed to affect behavior, improve quality of life and responsive to community needs.

The property is serviced by The property is serviced by Palm Beach Boulevard (SR 80), a county-maintained 4-lane arterial roadway. As demonstrated in the Traffic Circulation Analysis by TR Transportation Consultants, Inc., there is adequate capacity available to serve the project. Further, the strategic location of neighborhood commercial uses in the project will serve the future residents of the development as well as surrounding rural residential areas.

IX. Conclusion

The proposed Comprehensive Plan Text and Map Amendments are to allow for a transition of density from the Urban Community area on-site, to the Rural designated lands to the east. The amendment will also add the Property to the Lee County Utilities service areas for water and sanitary sewer, thereby providing substantial environmental benefit to Northeast Lee County by supportive conversion from well and septic tanks to centralized utilities. The

Applicant has carefully planned the project to address substantial open space provisions, upland and wetland habitat protection, and enhanced buffering to protect the rural character of Alva.

These amendments will allow for a change to the existing RVPD zoning on the Property, through the companion MPD rezone application. The application is consistent with the Lee Plan, the State Comprehensive Plan, and Regional Policy Plan. The Applicant respectfully requests approval of this petition and reserves the right to make any changes to the request during the review process.



Environmental Impacts Analysis



CALOOSA 80

**LEE COUNTY
INDIGENOUS SPECIES MANAGEMENT PLAN**

November 2024

Prepared for:
NEAL COMMUNITIES
5800 LAKEWOOD RANCH BLVD
SARASOTA, FL 34240

Prepared by:
KIMLEY-HORN
1800 2ND STREET, SUITE 900
SARASOTA, FL 34236

INTRODUCTION

Kimley-Horn has prepared the indigenous habitat management plan on behalf of Neal Communities ("Applicant") for the approximately 192.36-acre project area known as "Caloosa 80" located east of Bateman Road and south of SR 80 in Sections 29 and 30, Township 43, Range 27 East, Lee County. Improved habitats within the project area consist of improved pasture, woodland pasture, an electrical power transmission line easement, and cattle ponds. Indigenous native habitats onsite include herbaceous rangeland, palmetto prairie, pine flatwoods, pine – mesic oak, and freshwater marshes.

The Lee Plan defines rare and unique wetland habitats as "High-quality native upland habitats categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation". Due to the disturbed nature of the site and historical agricultural use of the property, there are upland habitats that meet these criteria located within the project area.

The goal of this plan is to preserve, enhance, and restore 26.42± acres of wetland and upland habitat to meet the requirements of the Lee County Land Development Code (LDC) Chapter 10-415. Exotics (as defined by the Florida Exotic Pest Plant Council's List of Invasive Species, Categories 1 and 2), which are present within the proposed preserves, will be removed to re-establish functional wetland and upland ecosystems.

PRESERVATION AND RESTORATION PLANS

Wetland Preservation

Approximately 4.93 acres of wetlands (FLUCCS 641) will be preserved as shown on the attached Preservation and Impact Map. Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below.

Upland Preservation

Approximately 17.42 acres of indigenous native uplands (FLUCCS 310, 411 and 414) will be preserved as shown on the Preservation and Impact Map. Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below.

Upland Restoration

Approximately 4.07 acres of improved pasture (FLUCCS 211) uplands will be restored as shown on the attached Preservation and Impact Map. Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below. The upland restoration area will then be planted with native ground cover, shrubs, and trees, as listed in the Upland Restoration Planting Plan (Table 1). The community structure is based on the mix of slash pine and oak species within the adjacent habitat. The final species list will be based upon site specific conditions and on plant material availability at the time of planting.

Table 1: Upland Restoration Planting Plan

Community Structure	Scientific Name	Common Name	Sizing	On-Center Spacing
Pine – Mesic Oak (FLUCCS 414)	<i>Pinus elliotti</i>	Slash pine	7-gal/15-gal	20'
	<i>Quercus virginiana</i>	Live oak	7-gal/15-gal	20'
	<i>Callicarpa americana</i>	Beautyberry	3-gal	10'
	<i>Myrica cerifera</i>	Wax myrtle	3-gal	10'
	<i>Serenoa repens</i>	Saw palmetto	3-gal	10'
	<i>Muhlenbergia capillaris</i>	Muhly grass	1-gal	3'
	<i>Spartina bakeri</i>	Sand cordgrass	1-gal	3'
	<i>Tripsacum floridana</i>	Dwarf fakahatchee	1-gal	3'

Initial Exotic Vegetation Treatment

All exotic and nuisance species (defined per LDC Sec. 10-420(f) and Category I and II species on the Florida Exotic Pest Plant Council's List of Invasive Species) within the upland and wetland preservation areas will be treated. A vegetation removal permit associated with the development order is required for the initial exotic vegetation treatment.

An initial eradication of nuisance and exotic vegetation within wetlands will be performed with the intent to remove as much biomass as possible without further impacting the wetlands. Nuisance and exotic vegetation will be controlled and removed if the cover of the species exceeds the levels outlined in the Ecological Performance Standards Section below. Invasive vegetation, such as primrose willow (*Ludwigia peruviana*), and cattails (*Typha* spp.), will be treated in place with aquatic approved herbicides, and larger woody species, such as Brazilian pepper (*Schinus terebinthifolia*), will be removed by hand-clearing methods. This will include stump cutting, herbicide treatment of the stump, and removal of the above ground biomass from the area. No machinery will be used within the wetland areas. All herbicide applications will be done under the supervision of a state-certified herbicide applicator with appropriate natural areas or aquatic certifications.

Invasive vegetation within uplands will be removed by both mechanical and hand clearing methods. If extraction methodologies will result in significant alteration of natural soils, vegetation or elevations within the Open Space areas, the invasive vegetation will be stump cut. The cut stumps will be treated with herbicide and the above ground biomass will be removed from the area for disposal. Chemical control will be used annually to treat nuisance and exotic species if the cover of the species exceeds 5 percent. All herbicide applications will be done under the supervision of a state-licensed herbicide applicator with appropriate natural areas or aquatic certifications. Management as described in this section will occur in preservation and conservation areas as appropriate.

Ecological Performance Standards

To meet the objective of this plan, the following performance standards will apply to the onsite wetland and upland preservation and restoration areas:

1. At least 80 percent cover by appropriate wetland species (i.e. facultative wet or obligate) within the wetlands and 80 percent coverage by appropriate upland species in the upland preservation and restoration areas.
2. The preservation areas are free of exotics immediately following maintenance treatment events. All exotic and nuisance species (defined as Category I and II species on the Florida Exotic Pest Plant Council's List of Invasive Species) within these wetlands will be treated. The nuisance species dog fennel (*Eupatorium capillifolium*), Caesar weed (*Urena lobata*), primrose willow (*Ludwigia peruviana*), grape vine (*Vitis* sp.), and cattail (*Typha* spp.) as well as exotic species shall total less than five percent combined between maintenance events.
3. Monitoring of the preserve areas shall be conducted for a minimum of 5 years with annual reports submitted to the County. After the initial restoration plantings described above, if the appropriate native species do not achieve 80% coverage within the initial two years of the monitoring program, supplemental native species shall be planted in accordance with the maintenance program.
4. The preserve areas shall be maintained in perpetuity to ensure coverage by native desirable vegetation and the target habitat types and success criteria are maintained as specified in the permit.

These performance standards will be achieved by the end of the five-year monitoring period.

Long Term Management

Maintenance activities will initially be the responsibility of the developer/owner, until an active Homeowners Association (HOA) has been established. Upon establishment, maintenance responsibilities will then be delegated to the HOA.

Adaptive Management

If during monitoring of the onsite preservation area, areas do not appear to be trending toward meeting the above ecological performance standards, the methods for treating exotic vegetation will be re-evaluated.

Maintenance

A routine maintenance program will be initiated upon the completion of the initial exotic treatment and native plant installation. For the first two years following the initial treatment, the preservation areas will be inspected twice a year (late spring and fall) and all exotic and/or nuisance species will be treated. During these inspections the preservation areas will be qualitatively evaluated, potential problems (if any) identified, and corrective actions recommended. After the second year, inspections and treatments will be conducted annually during the dry season. The property owner will be responsible for long term management of the preserves.

Pruning and trimming activities will not be performed in the preserve however invasive exotic vegetation may have to be treated within planting areas. The frequency of maintenance will be based on how successful the new plantings are and the extent to which nuisance pest species enter into the newly planted area. Semi-annual monitoring will be conducted in each newly planted area for one year to carefully evaluate these parameters. Herbicide maintenance will be conducted semi-annually during the first year following implementation of the pest control program and at least annually thereafter, in accordance with LDC 10-420(h).

If monitoring events reveal severe deer grazing or other disturbance from wild hogs, the affected planting area will be temporarily isolated with a fence to keep out larger animals until the plantings are well established. Once success criteria are achieved, all temporary fencing will be removed from the preserve.

Newly planted areas will be included in the invasive pest control program. The herbicide maintenance areas shall expand to control exotic and nuisance species as necessary where native vegetation is being established. Periodic management of the planting areas is required to ensure that the plants will survive and thrive. This will guarantee success and allow desirable indigenous species an opportunity to recruit into the planting areas. As part of ongoing management of the site, the owner or his designee shall treat and/or remove exotic species (per LDC Sec. 10-420(h) and nuisance species as necessary at least semiannually for one year and annually thereafter. Nuisance species shall mean those species of flora whose noxious characteristics or presence in sufficient number, biomass, or areal extent may reasonably be expected to prevent, or unreasonably interfere with, the designated use of the waters under consideration, as defined in rules 62-312.310(8) and 62-302.200(14), F.A.C. Invasive exotic species include at a minimum the species listed in LDC Sec. 10-420(h).

PROTECTED SPECIES MANAGEMENT PLANS

GOALS AND OBJECTIVES

During the protected species survey conducted on the site, listed species or potential listed species habitat was identified on the subject site. This preliminary management plan serves to address the presence or potential presence of listed species which may occupy the site at the time of rezoning. Additional details or modifications of the specific plans required by regulatory agencies may be

provided at the time of development order approval.

SPECIES PRESENCE

The following is a brief description of these protected species and proposed management activities.

Florida Sandhill Crane

Grus (canadensis) pratensis

DESCRIPTION: The non-migratory Florida Sandhill Crane occurs throughout peninsular Florida and listed as a threatened species by the Florida Game and Freshwater Fish Commission. The crane is a large gray bird with a red crown and a bustled tail. They are omnivorous, feeding on a wide variety of plant materials, invertebrates, and small vertebrates, both on land and in shallow wetlands. The call of the Sandhill crane is very distinctive, melodious, rattling bugle, often delivered while the birds arc in flight.

HABITAT: The Florida Sandhill crane requires open upland habitat with low growth characteristics near permanent emergent wetland habitats. The Florida Sandhill crane inhabits wet prairies, ponds, sparsely vegetated marshes, shallow flooded open areas, dry prairies, and low-lying improved cattle pastures that offer a good supply of food. Nest are found in marsh vegetation in shallow water of lakes, ponds, and open marshes that contain pickerelweed, maiden cane, and arrowhead and on dry ground close to water. The nest is composed of a mound of plant material gathered from around the site.

PROPOSED PROTECTION MEASURES: The property will be resurveyed prior to development in order to confirm the absence of nesting Sandhill cranes. In the event that no nests are found before development the goal of the management plan is to provide suitable foraging habitat for Sandhill cranes that may utilize the property. The development plans include ponds, lathes, and littoral plantings that should provide suitable foraging habitat for any Sandhill cranes that may utilize the property.

American Alligator

Alligator mississippiensis

DESCRIPTION: The American Alligator is the largest reptile in North America and is listed by the State of Florida as a Species of Special Concern. It has a large, slightly rounded body, with thick limbs, a broad head, and a very powerful tail. They generally have an olive, brown, gray or nearly black color with a creamy white underside. Adult male alligators can grow as large as 13 to 14.7 feet long while adult females average 9.8 feet. The tail, which accounts for half of the alligator's total length, is primarily used for aquatic propulsion.

Alligators eat fish, birds, turtles, snakes, mammals and amphibians. Hatchlings, however, are restricted to smaller prey items like invertebrates such as insects and larvae, snails, spiders and worms. They will also eat small fish at any opportunity. As they grow, they gradually move onto larger fish, mollusks, frogs and small mammals like rats and mice. Sub adult alligator's take a larger variety of prey, ranging from a snake or turtle to a bird and moderate sized mammals like a raccoon. Once an alligator reaches adulthood, any animal living in the water or coming to water to drink is potential prey. Adult alligators will eat hogs, deer, and domestic animals including cattle.

HABITAT: Alligators are found in wetlands, rivers, swamps, lakes ponds, ditches, creeks, canals, and other bodies of water. The alligator's "gator hole" is created and expanded on over a period of years. It uses its mouth and claws to uproot vegetation to clear out a space; then, shoving with its body and slashing with its powerful tail, it wallows out a depression that stays full of water in the wet season and

holds water after the rains stop. During the dry season, and particularly during extended droughts, gator holes provide vital water for fish, insects, crustaceans, snakes, turtles, birds, and other animals in addition to the alligator itself.

Females build their nests in marshy areas and along shorelines and are made of vegetation, sticks, leaves, and mud dug up by female built in a sheltered spot in or near water with mound tall enough that eggs are above the high water mark.

PROPOSED PROTECTION MEASURES: In order to manage potential human and alligator interaction the following construction phase and post-development measures will be undertaken.

DURING CONSTRUCTION:

To protect the alligator during project construction, modification of the existing ditches and canals will be conducted mindful of the alligator's presence. Egress points, for alligators to receive out of the area being filled, will be made available. Construction field personnel will be notified for the potential for alligators to be present during construction and that construction activities should be conducted to minimize the potential for alligators to become entombed. Should an alligator occupying a ditch or canal being filled or excavated on site not leave of its own accord through the egress point provided by the contractor, the contractor is required to vacate the area temporarily and not resume work until after the departure of the alligator or the contractor should contact the FWC nuisance alligator hotline for further direction.

POST CONSTRUCTION:

Following the completion of construction activities, a program will be established to familiarize and educate the residents and maintenance personnel about the presence of the American Alligator. The program, at a minimum, will consist of the following:

Educational Materials- The pamphlets will include pictures, a description of the alligator, and information regarding the negative consequence of human interaction. Specifically, information regarding the feeding and/or harassing alligators is prohibited.

Protective Signage- Upon completion of construction and prior to the operation of any phase of development, permanent signs will be installed that will provide notice to the public that feeding and/or harassing alligators is prohibited. The signs will be installed adjacent to stormwater management lathes in common areas where there is the greatest potential for public interactions with alligators.

Big Cypress Fox Squirrel

Sciurus niger avicennia

DESCRIPTION: The Big Cypress Fox Squirrel (*Sciurus niger avicennia*) is listed as a threatened species by the Florida Fish and Wildlife Conservation Commission (FWC). The Big Cypress Fox Squirrel is larger than the gray squirrel. The average length of the Big Cypress Fox Squirrel is ten to fifteen inches, not including the tail, which can be up to fourteen inches in length. The fur coat is highly variable, including shades of reddish orange, black, and occasionally tan, with white nose, front toes and ear tips.

HABITAT: The primary habitats used by the Big Cypress Fox Squirrel include open pine flatwoods, cypress strands, broad-leaf evergreen hammocks, mangroves, oak forests, and suburban habitats including golf courses, and residential areas in native vegetation. These squirrels feed on cypress balls, pine seed and occasionally cabbage palm and saw palmetto berries. The seasonal availability of pine seed and cypress ball production tends to dictate which habitat is most heavily used for foraging. Open understory is a critical factor in determining the use of the habitat. The Big Cypress

Fox Squirrels spend a considerable amount of time foraging on the ground with optimal habitat consisting of open park-like atmosphere. The Big Cypress Fox Squirrels are usually active during the day. Nests are constructed for resting, sleeping and breeding. Platform leaf nests in pines, cypress, cabbage palms, and melaleuca nests in tree hollows; and nests in bromeliad are used by the Big Cypress Fox Squirrels.

PROPOSED PROTECTION MEASURES: Efforts will be made during various phases of construction to help ensure the safety of the fox squirrel. Actions taken will include, but may not be limited to, the following:

DURING CONSTRUCTION:

Educational Pamphlets - Educational pamphlets will be provided to contractors to distribute this information to construction workers associated with land clearing and mitigation activities. These pamphlets will provide information regarding the special status of fox squirrels, the appearance of fox squirrels and their nests/daybeds, and measures to be taken during construction to help protect these squirrels. Workers involved in clearing of trees are required to call the project ecologist if a fox squirrel is seen within 125 feet of an area being cleared. Work may not resume until the project ecologist, or a specified crew member has encouraged the fox squirrel out of the area being cleared and the area has been inspected for fox squirrel nests. Clearing activities may be resumed if no nests are found.

Inspection of Areas to be Cleared - Prior to clearing within approximately 125 feet of forested areas that constitute potential fox squirrel habitat, a qualified ecologist is required inspect the area to be cleared for the presence of squirrel nests. If a nest is located, the ecologist will observe it for 0.75 to 1.5 hours to determine whether any adults or young are present within the nest. If no fox squirrels are present, the nest must be removed to discourage squirrels from returning to the area of impact. Any relocation activities must first be coordinated with and approved by the Florida Fish and Wildlife Conservation Commission (FWC). If young fox squirrels are observed in the nest, a buffer with a radius of approximately 125 feet will be created around the tree using enviro-fence or equivalent barrier. No heavy construction will be performed within this buffer area until after the young fox squirrels leave the nest or the squirrels and nest are relocated.

POST CONSTRUCTION:

Following the completion of construction activities, a program will be established to familiarize and educate the residents and maintenance personnel about the presence of the Big Cypress fox squirrel. The program, at a minimum, will consist of the following:

Educational Pamphlets to be Provided by the Permittee to the Residents The pamphlets will include pictures, a description of the protected status of the fox squirrel, suitable fox squirrel habitat types, notification of the negative consequence of human interaction with the fox squirrel, requirements for leashing of dogs, and notification that free-roaming house cats are predators and house cats should not be allowed to roam free. A map will be included showing the onsite preserves that are potential fox squirrel habitat areas.

Educational Pamphlets to be Provided by Permittee to Maintenance Personnel Pamphlets containing the information listed above will be made available to maintenance staff by posting the pamphlets in common areas inside the maintenance facility building.

Conservation Area Signage - Contractors will post signage adjacent to the on-site conservation areas containing suitable fox squirrel habitat to inform residents and visitors of the appearance of the fox squirrel, the protected status of the fox squirrel, and precautions to avoid harming of the fox squirrel by human interaction with the squirrel. Sign spacing shall be at a maximum of 300 feet; reference the sign details on this sheet for signage size and language.

Other Listed Wading Birds

PROPOSED PROTECTION MEASURES: The development plans include wetland preservation, lakes, and littoral plantings that should provide suitable foraging habitat for any wading birds that may utilize the property. Additional details may be provided at time of development order.

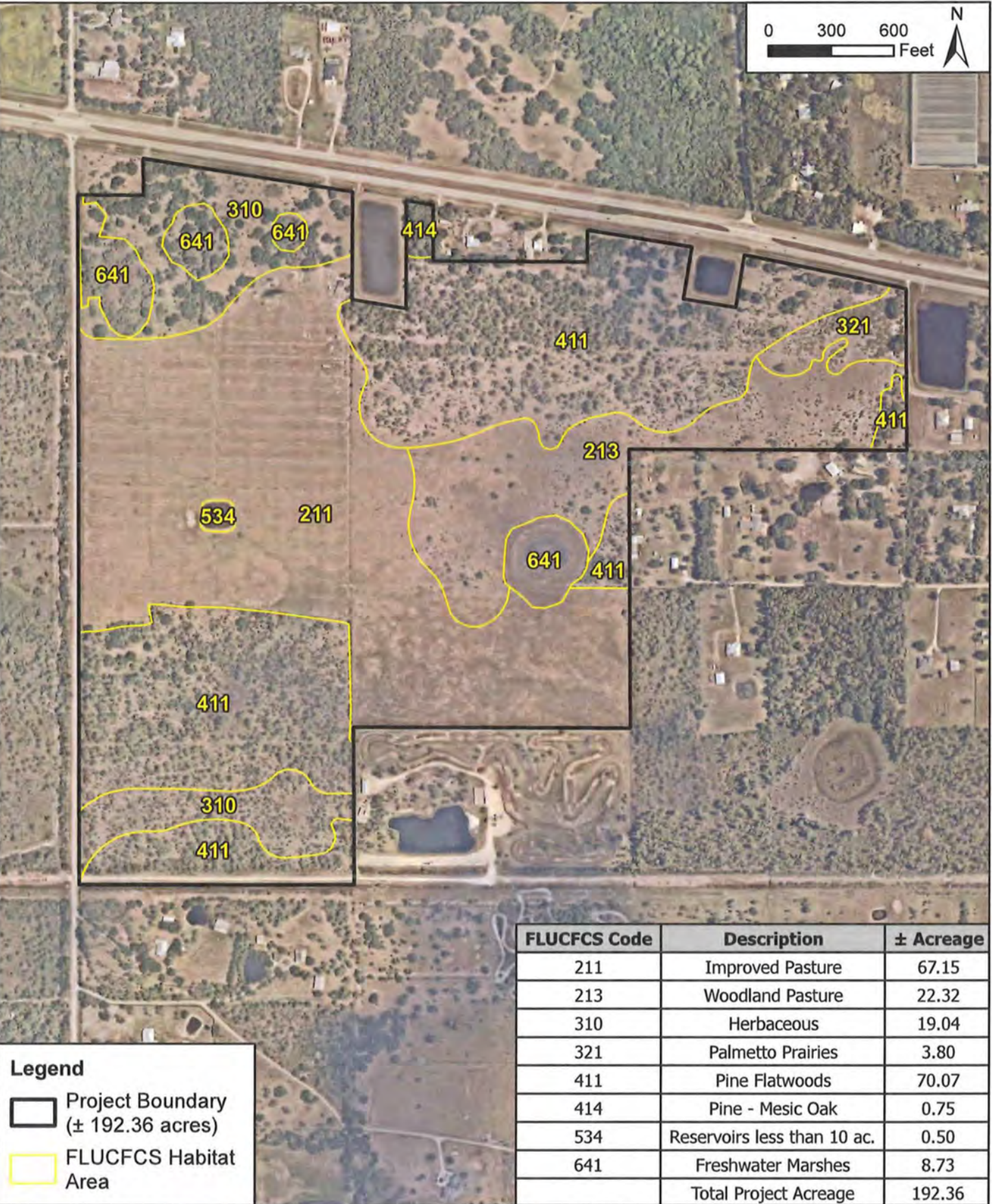
If you have any questions, or if we can provide any additional information, please do not hesitate to contact me at 941-404-1639.

Sincerely,



Chris Kennedy
Environmental Scientist

Folder: C:\Users\garret.denis\OneDrive - K&H Documents\GIS_Working\Caloosa 80\GIS\Maps\Caloosa80_ArcPro1



Kimley»Horn

© 2024 Kimley-Horn and Associates, Inc.
1800 2nd Street, Suite 900, Sarasota, FL 34236
Phone (941) 379 - 7600
www.kimley-horn.com

Florida Land Use Covers & Forms Classification System Map

**Caloosa 80
Lee County, Florida**

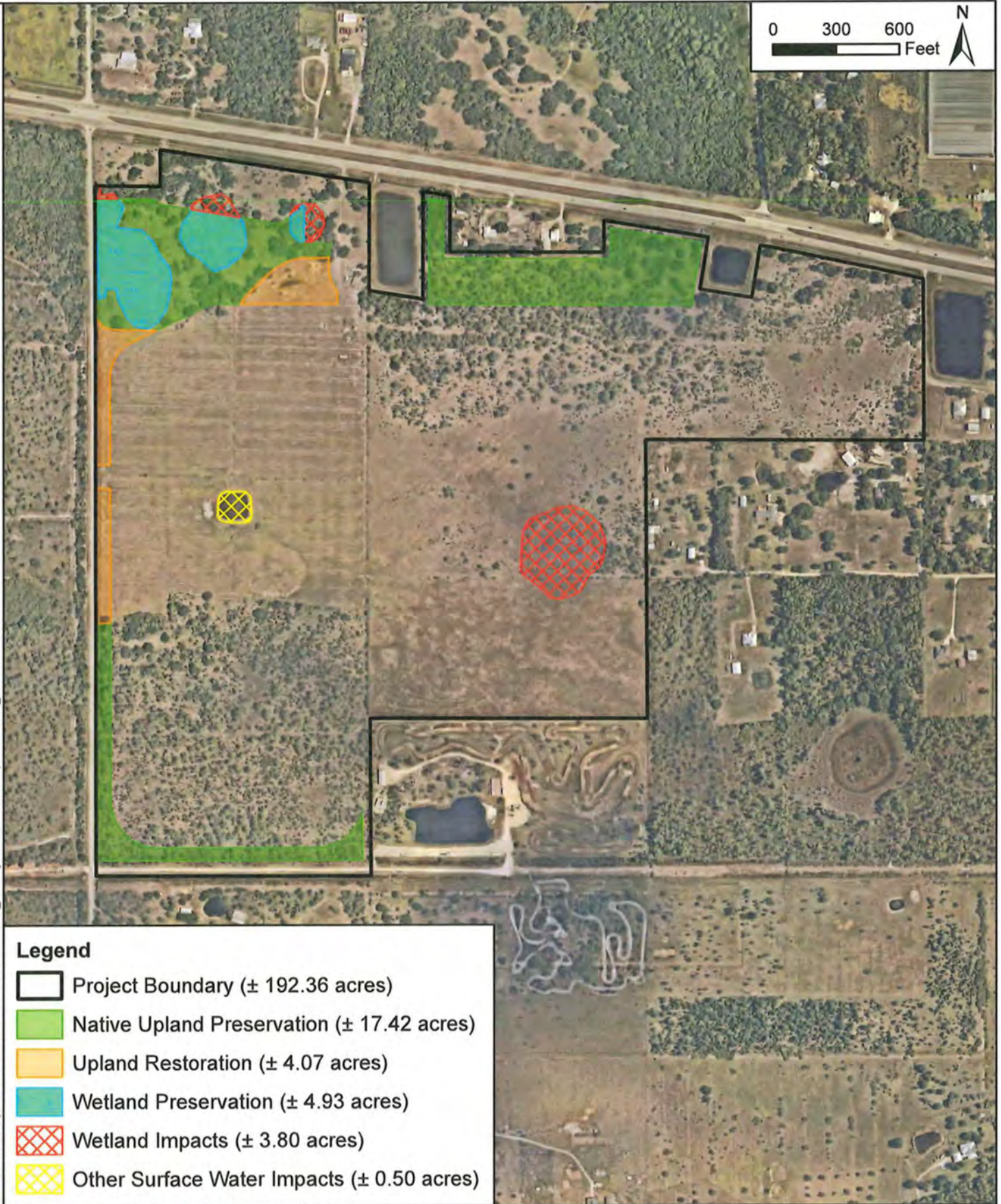
1 IN = 600 FT

PROJECT NUMBER: 048119281

NOVEMBER 2024

FIGURE 4

Folder: C:\Users\garret.denisel\OneDrive - KHI\Documents\GIS - Working\Caloosa 80\GIS\Maps\Caloosa80_ArcPro1



Kimley»Horn

© 2024 Kimley-Horn and Associates, Inc.
1800 2nd Street, Suite 900, Sarasota, FL 34236
Phone (941) 379 - 7600
www.kimley-horn.com

Preservation and Impact Map

**Caloosa 80
Lee County, Florida**

1 IN = 600 FT

PROJECT NUMBER: 048119281

NOVEMBER 2024

FIGURE 5



CALOOSA 80

**LEE COUNTY
PROTECTED SPECIES ASSESSMENT**

November 2024

Prepared for:
NEAL COMMUNITIES
5800 LAKEWOOD RANCH BLVD
SARASOTA, FL 34240

Prepared by:
KIMLEY-HORN
1800 2ND STREET, SUITE 900
SARASOTA, FL 34236

INTRODUCTION

Kimley-Horn has prepared this protected species assessment on behalf of Neal Communities ("Applicant") for the approximately 192.36-acre project area located east of Bateman Road and south of SR 80 in Sections 29 and 30, Township 43, Range 27 East, Lee County. Upland habitats within the subject parcel consist of improved pasture, woodland pasture, herbaceous rangeland, palmetto prairie, pine flatwoods, and an electrical power transmission line easement. Wetland and other surface water habitats onsite include cattle ponds and disturbed freshwater marshes.

EXISTING CONDITIONS

The existing conditions of the project, including upland and wetland plant communities, were mapped in accordance with Florida Land Use Cover Forms and Classification System (FLUCCS, Florida Department of Transportation 1999) and are shown on the "FLUCCS Habitat Map" (attached).

Improved Upland Descriptions

FLUCCS Code 211, Improved Pasture

The canopy and sub-canopy of these areas is mostly open with widely scattered slash pine (*Pinus elliotii*), and live oak (*Quercus virginiana*), Brazilian pepper (*Schinus terebinthifolius*), and cabbage palm (*Sabal palmetto*). The groundcover is dominated by bahia grass (*Paspalum notatum*), with musky mint (*Hyptis alata*), Caesar weed (*Urena lobata*), tickseed (*Coreopsis floridana*), rosy camphorweed (*Pluchea rosea*), smutgrass (*Sporobolus* sp.), cogon grass (*Imperata cylindrica*), and various other weedy ruderal species.

FLUCCS Code 213, Woodland Pasture

The canopy is mostly open with widely scattered live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), and slash pine (*Pinus elliotii*). The sub-canopy includes cabbage palm (*Sabal palmetto*), wax myrtle (*Myrica cerifera*), and Brazilian pepper (*Schinus terebinthifolius*). The ground cover is dominated by bahia grass (*Paspalum notatum*) with scattered saw palmetto (*Serenoa repens*), dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia trifida*), caesar weed (*Urena lobata*), beautyberry (*Callicarpa americana*), hairy beggar-ticks (*Bidens alba*), smutgrass (*Sporobolus* sp.), false buttonweed (*Spermacoce verticillata*), three-awn grass (*Aristida purpurea*), and flattop goldenrod (*Euthamia caroliniana*), with various other weedy ruderal species. Commonly observed vines include greenbriar (*Smilax* sp.), grapevine (*Vitis rotundifolia*), Virginia creeper (*Parthenocissus quinquefolia*), peppervine (*Ampelopsis arborea*), and poison ivy (*Toxicodendron radicans*).

FLUCCS Code 832, Electrical Power Transmission Lines

There is a Florida Power & Light transmission line easement located in the southern portion of the project area that includes an access road and regularly mowed open land vegetated with bahia grass (*Paspalum notatum*) and weedy ruderal species.

Native Upland Descriptions

FLUCCS Code 310, Herbaceous Rangeland

The canopy is mostly open with scattered slash pine (*Pinus elliotii*) and live oak (*Quercus virginiana*). The sub-canopy consists of wax myrtle (*Myrica cerifera*), hog plum (*Prunus umbellata*), cabbage palm (*Sabal palmetto*), staggerbush (*Lyonia lucida*), and tarflower (*Befaria racemosa*). The groundcover is dominated by bahia grass (*Paspalum notatum*), with saw palmetto (*Serenoa repens*), wiregrass (*Aristida stricta*), dwarf live oak (*Quercus virginiana*), shiny blueberry (*Vaccinium myrsinites*), dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia trifida*), caesar weed (*Urena lobata*), hairy beggar-ticks (*Bidens alba*), smutgrass (*Sporobolus* sp.), and flattop goldenrod (*Euthamia caroliniana*).

FLUCCS Code 321, Palmetto Prairie

The canopy contains scattered slash pine (*Pinus elliotii*), live oak (*Quercus virginiana*), and cabbage palm (*Sabal palmetto*). The sub-canopy is dominated saw palmetto (*Serenoa repens*) with of Brazilian pepper (*Schinus terebinthifolius*), beautyberry (*Callicarpa americana*), and winged sumac (*Rhus copallinum*). The ground cover is dominated by saw palmetto (*Serenoa repens*), with various other ruderal, weedy species. Commonly observed vines include grapevine (*Vitis rotundifolia*) and greenbriar (*Smilax sp.*).

FLUCCS Code 411, Pine Flatwoods

The canopy vegetation is dominated by slash pine (*Pinus ellotti*), with scattered live oak (*Quercus virginiana*), melaleuca (*Melaleuca quinquenervia*), and cabbage palm (*Sabal palmetto*). The sub-canopy is dominated by rusty lyonia (*Lyonia ferruginea*), tar flower (*Bejaria racemosa*), wax myrtle (*Myrica cerifera*), and buckthorn (*Rhamnus caroliniana*). Ground cover is dominated by saw palmetto (*Serenoa repens*), blue maidencane (*Amphicarpum muhlenbergianum*), beakrush (*Rhyncospora spp.*), goldentop (*Euthamia graminifolia*), pennyroyal (*Piloblephis rigida*), chalky bluestem (*Andropogon capillipes*), white paw paw (*Asimina triloba*), paspalum (*Paspalum spp.*), panicum (*Panicum spp.*), gopher apple (*Ucania michauxii*), bracken fern (*Pteridium aquilinum*), wiregrass (*Aristida stricta*), and broomsedge (*Andropogon glomeratus*).

FLUCCS Code 414, Pine – Mesic Oak

The canopy is dominated by live oak (*Quercus virginiana*), slash pine (*Pinus elliotii*), java plum (*Syzygium cumim*), and melaleuca (*Melaleuca quinquenervia*). The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), wax myrtle (*Myrica cerifera*), myrsine (*Rapanea guinensis*), wild coffee (*Psychotria nervosa*), cocoplum (*Chrysobalanus icaco*), and beauty-berry (*Callicarpa americana*). The groundcover contains Spanish needle (*Bidens alba*), false buttonweed (*Spermacoce floridan*), cogon grass (*Imperata cylindrica*), caesar weed (*Urena lobata*), dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia artemisiifolia*), sandspur (*Cenchrus echinatus*), broomsedge (*Andropogon virginicus*), and bahia grass (*Paspalum notatum*). Commonly observed vines include air potato (*Dioscorea bulbifera*), greenbriar (*Smilax sp.*), grapevine (*Vitis rotundifolia*), Virginia creeper (*Parthenocissus quinquefolia*), peppervine (*Ampelopsis arborea*), and poison ivy (*Toxicodendron radicans*).

Wetland and Other Surface Water Descriptions

FLUCCS Code 534, Reservoirs Less than 10 Acres

This other surface water (OSW) habitat includes upland-excavated cattle ponds that are mostly open water with nutsedge (*Cyperus spp.*) and torpedo grass (*panicum repens*) along the banks.

FLUCCS Code 641, Freshwater Marshes

The outer/transitional zone of this habitat type is dominated by laurel oak (*Quercus laurifolia*), water oak (*Quercus nigri*), Brazilian pepper (*Schinus terebinthifolius*), wax myrtle (*Morella cerifera*), cabbage palm (*Sabal palmetto*), marsh pennywort (*Hydrocotyle umbellata*), coinwort (*Centella asiatica*), smartweed (*Polygonum spp.*), various sedges (*Carex spp.*), and beaksedges (*Rynchospora spp.*). The deeper/obligate zone is dominated by Carolina willow (*Salix caroliniana*), melaleuca (*Melaleuca quinquenervia*), buttonbush (*Cephalanthus occidentalis*), torpedo grass (*panicum repens*), blue waterhyssop (*Bacopa carliniana*), west Indian marsh grass (*Hymenachne amplexicaulis*), pickerelweed (*Pontederia cordata*), arrowhead (*Sagittaria latifolia*), fire flag (*Thalia geniculata*), and spatterdock (*Nuphar advena*).

METHODOLOGY

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 and US Fish and Wildlife Service (FWS) guidance on Florida bonneted bat roost surveys. In order to provide at least 80 percent visual coverage of habitat types listed in Ordinance No. 89-34, the transects were spaced approximately 100 feet apart. The approximate location of all direct sighting or signs (such as tracks, nests, and droppings) of a listed species, were denoted on the aerial photography. The attached 1" = 500' scale aerial Protected Species Assessment Map depicts the approximate location of the survey transects. Please see the results of the survey listed in Table 1 below. The listed species survey was conducted on October 15th, 21st, 23rd, 28th, and 30th.

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 parcels according to the Lee County Protected Species Ordinance are shown in Table 1. This list from the Lee County Protected Species Ordinance is general in nature, does not necessarily reflect existing conditions within or adjacent to the property, and is provided for general informational purposes only. In addition to the species listed below, a limited roost survey was also conducted for the Florida Bonneted Bat (*Eumops floridanus*). During this survey potential roost trees, snags, and artificial structures were visually inspected for evidence of its potential use as a roost/shelter.

Table 1: Potential Listed Species by Habitat Type

FLUCCS Code	FLUCCS Description	Common Name	Scientific Name	Present	Absent
211	Improved Pasture	Florida Sandhill crane	<i>Grus canadensis pratensis</i>	--	√
213	Woodland Pasture	Florida sandhill crane	<i>Grus canadensis pratensis</i>	--	√
310	Herbaceous	Gopher tortoise	<i>Gopherus polyphemus</i>	√	--
		Burrowing owl	<i>Athene cunicularia floridana</i>	--	√
		Florida sandhill crane	<i>Grus canadensis pratensis</i>	--	√
321	Palmetto Prairie	Audubon's crested caracara	<i>Polyborus plancus audubonii</i>	--	√
		Beautiful paw-paw	<i>Deeringothamnus pulchellus</i>	--	√
		Curtis milkweed	<i>Asclepias curtissii</i>	--	√
		Fakahatchee burmannia	<i>Burmannia flava</i>	--	√
		Florida black bear	<i>Ursus americanus floridanus</i>	--	√
		Eastern indigo snake	<i>Drymarchon corais couperi</i>	--	√
		Gopher frog	<i>Rana areolata</i>	--	√
		Gopher tortoise	<i>Gopherus polyphemus</i>	√	--
		Florida black bear	<i>Ursus americanus floridanus</i>	--	√
		Florida coontie	<i>Zamia floridana</i>	--	√
		Florida sandhill crane	<i>Grus canadensis pratensis</i>	--	√
		Southeastern American kestrel	<i>Falco sparverius paulus</i>	--	√
		Beautiful paw-paw	<i>Deeringothamnus pulchellus</i>	--	√
		Big cypress fox squirrel	<i>Sciurus niger avicennia</i>	--	√
		Eastern indigo snake	<i>Drymarchon corais couperi</i>	--	√
		Fakahatchee burmannia	<i>Burmannia flava</i>	--	√
		Florida black bear	<i>Ursus americanus floridanus</i>	--	√
		Florida coontie	<i>Zamia floridana</i>	--	√

411	Pine Flatwoods	Gopher frog	<i>Rana areolata</i>	--	--
		Gopher tortoise	<i>Gopherus polyphemus</i>	√	--
		Red-cockaded woodpecker	<i>Picoides borealis</i>	--	√
		Satinleaf	<i>Chrysophyllum olivaeforme</i>	--	√
		Southeastern American Kestrel	<i>Falco sparverius paulus</i>	--	√
414	Pine – Mesic Oak	Florida panther	<i>Felis concolor coryi</i>	--	√
		Eastern indigo snake	<i>Drymarchon corais couperi</i>	--	√
		Florida black bear	<i>Ursus americanus floridanus</i>	--	√
500	Other Surface Water	American alligator	<i>Alligator mississippiensis</i>	--	√
		Everglades mink	<i>Mustela vison evergladensis</i>	--	√
		Limpkin	<i>Aramus guarauna</i>	--	√
		Little blue heron	<i>Egretta caerulea</i>	--	√
		Reddish egret	<i>Egretta rufescens</i>	--	√
		Roseate spoonbill	<i>Ajaia ajaja</i>	--	√
		Snowy egret	<i>Egretta thula</i>	--	√
		Tricolored heron	<i>Egretta tricolor</i>	--	√
641	Freshwater Marsh	American alligator	<i>Alligator mississippiensis</i>	--	√
		Everglades mink	<i>Mustela vison evergladensis</i>	--	√
		Florida sandhill crane	<i>Grus canadensis pratensis</i>	--	√
		Limpkin	<i>Aramus guarauna</i>	--	√
		Little blue heron	<i>Egretta caerulea</i>	--	√
		Snail kite	<i>Rostrhamus sociabilis</i>	--	√
		Snowy egret	<i>Egretta thula</i>	--	√
832	Electrical Transmission	Tricolored heron	<i>Egretta tricolor</i>	--	√
		None			

RESULTS

During the survey several potentially occupied gopher tortoise burrows were observed within the woodland pasture, herbaceous rangeland, palmetto prairie, pine flatwoods, and pine – mesic oak habitats. A 100 percent survey of suitable habitat will be conducted ninety (90) days prior to construction and land clearing within the project area. Following completion of the 100 percent survey, a relocation permit from FWC will be obtained to remove all gopher tortoises in or within 25' of the limits of clearing. No other protected species were observed nesting, denning, or roosting within any of the onsite habitats.

If you have any questions, or if we can provide any additional information, please do not hesitate to contact me at 941-404-1639.

Sincerely,



Chris Kennedy
Environmental Scientist

Folder: C:\Users\lgarnet.denisel\OneDrive - K\H\Documents\GIS_Working\Cabosa 80\GIS\Maps\Cabosa80_ArcPro



Lee County

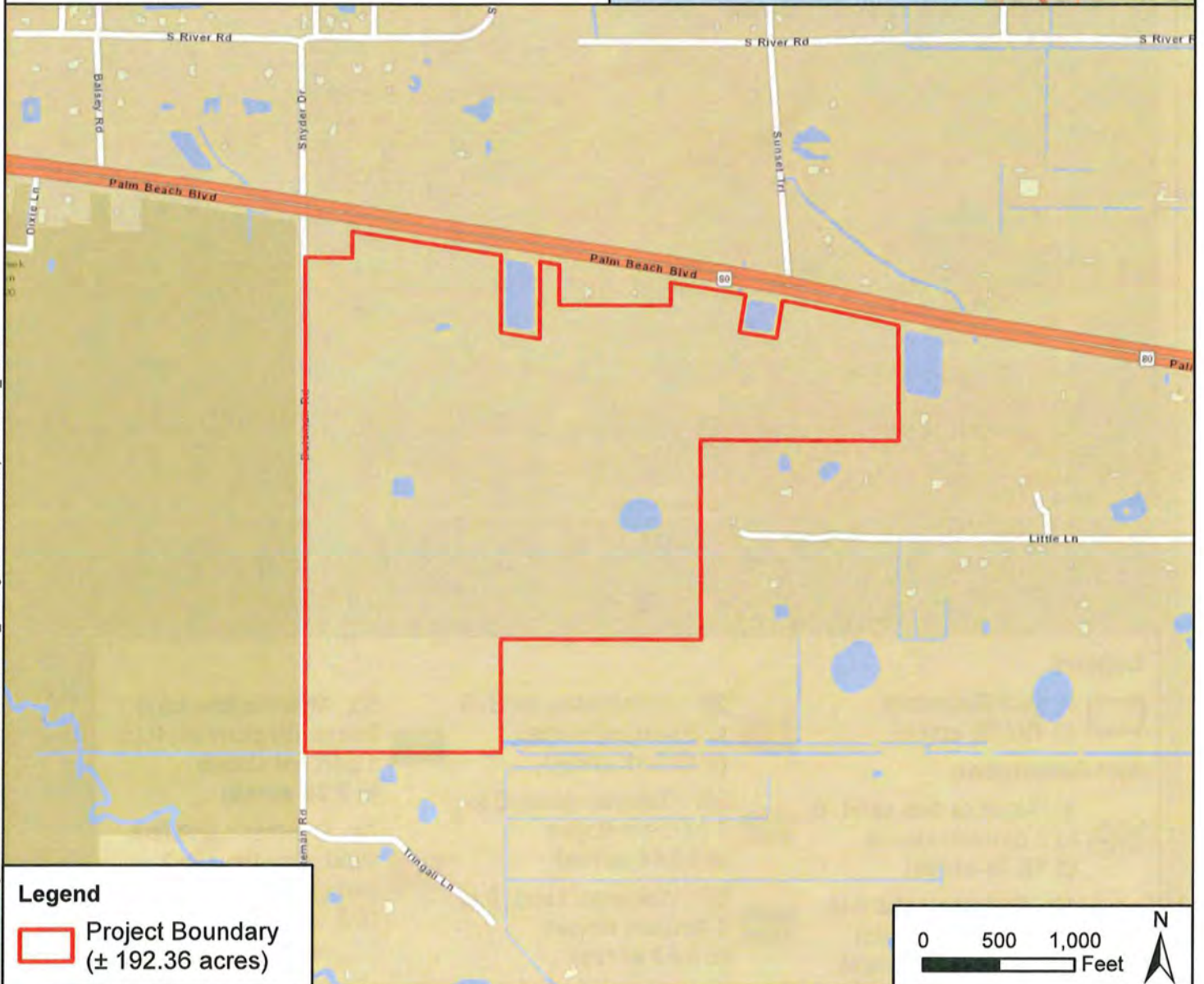


Fort Myers
Project Site

Cape Coral

Lehigh A

Bonita
Springs



Legend

 Project Boundary
(± 192.36 acres)

0 500 1,000
Feet



Kimley»Horn

© 2024 Kimley-Horn and Associates, Inc.
1800 2nd Street, Suite 900, Sarasota, FL 34236
Phone (941) 379 - 7600
www.kimley-horn.com

Project Location Map

**Caloosa 80
Lee County, Florida**

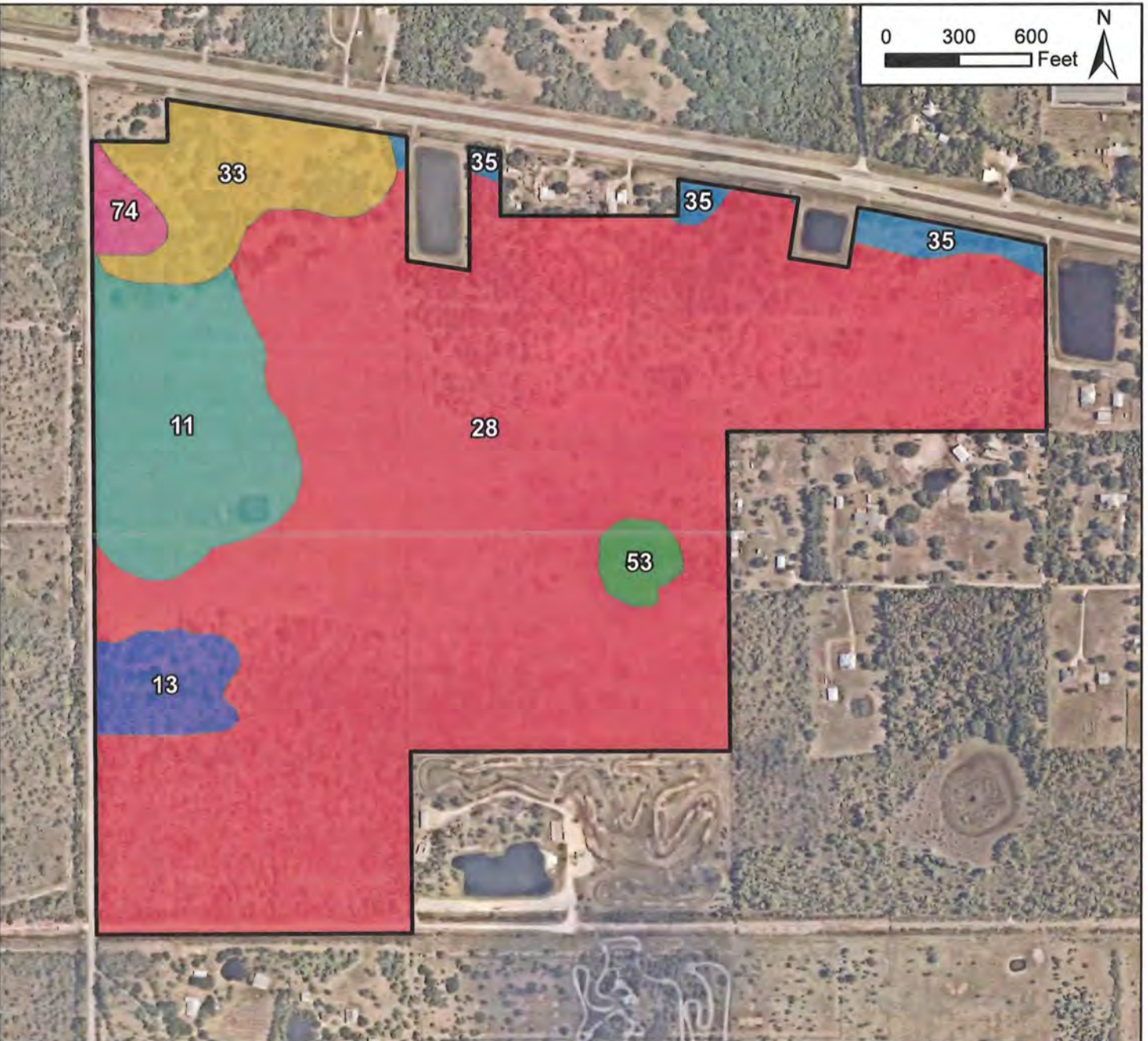
1 IN = 1,000 FT

PROJECT NUMBER: 048119281

NOVEMBER 2024

FIGURE 1

Folder: C:\Users\garret.demise\OneDrive - KHI\Documents\GIS_Working\Caloosa 80\GIS\Maps\Caloosa80_ArcPro



Legend

 Project Boundary
(± 192.36 acres)

Soil Description

 11: Myakka fine sand, 0 to 2 percent slopes
(± 19.79 acres)

 13: Cypress Lake fine sand, 0 to 2 percent slopes
(± 5.39 acres)

 28: Immokalee sand, 0 to 2 percent slopes
(± 147.11 acres)

 33: Oldsmar sand, 0 to 2 percent slopes
(± 12.14 acres)

 35: Wabasso sand, 0 to 2 percent slopes
(± 3.53 acres)

 53: Myakka fine sand, frequently ponded, 0 to 1 percent slopes
(± 2.26 acres)

 74: Cypress Lake fine sand, slough, 0 to 1 percent slopes
(± 2.15 acres)

Kimley»Horn

© 2024 Kimley-Horn and Associates, Inc.
1800 2nd Street, Suite 900, Sarasota, FL 34236
Phone (941) 379 - 7600
www.kimley-horn.com

NRCS Soils Classification Map

Caloosa 80
Lee County, Florida

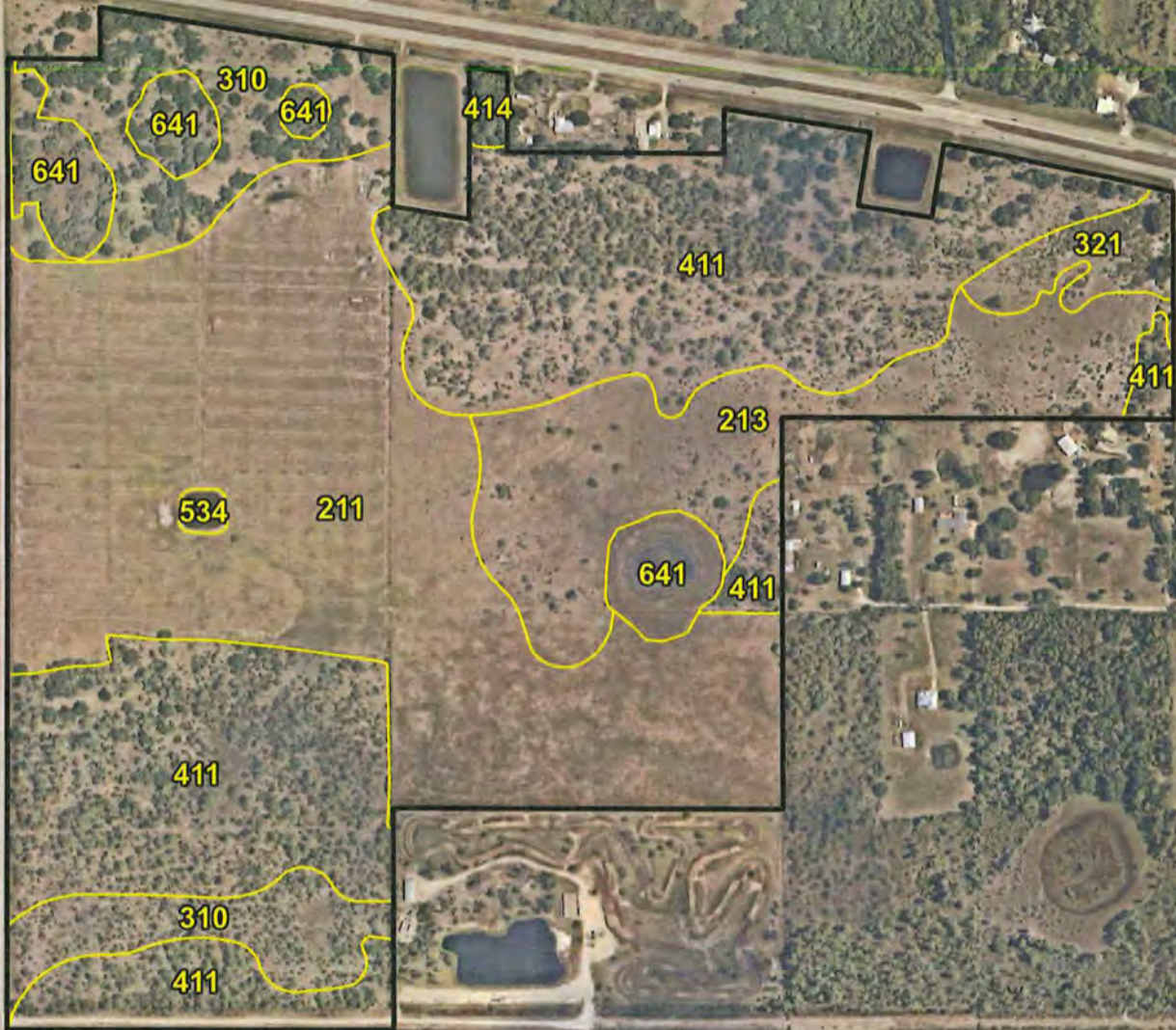
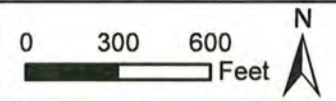
1 IN = 600 FT

PROJECT NUMBER: 048119281

NOVEMBER 2024

FIGURE 3

Folder: C:\Users\garret.denisel\OneDrive - Kimley-Horn and Associates, Inc. - Kimley-Horn\GIS\Working\Caloosa 80\GIS\Maps\Caloosa80_ArcPro1



Legend

-  Project Boundary
(± 192.36 acres)
-  FLUCFCS Habitat
Area

FLUCFCS Code	Description	± Acreage
211	Improved Pasture	67.15
213	Woodland Pasture	22.32
310	Herbaceous	19.04
321	Palmetto Prairies	3.80
411	Pine Flatwoods	70.07
414	Pine - Mesic Oak	0.75
534	Reservoirs less than 10 ac.	0.50
641	Freshwater Marshes	8.73
Total Project Acreage		192.36

Kimley»Horn

© 2024 Kimley-Horn and Associates, Inc.
1800 2nd Street, Suite 900, Sarasota, FL 34236
Phone (941) 379 - 7600
www.kimley-horn.com

Florida Land Use Covers & Forms Classification System Map

**Caloosa 80
Lee County, Florida**

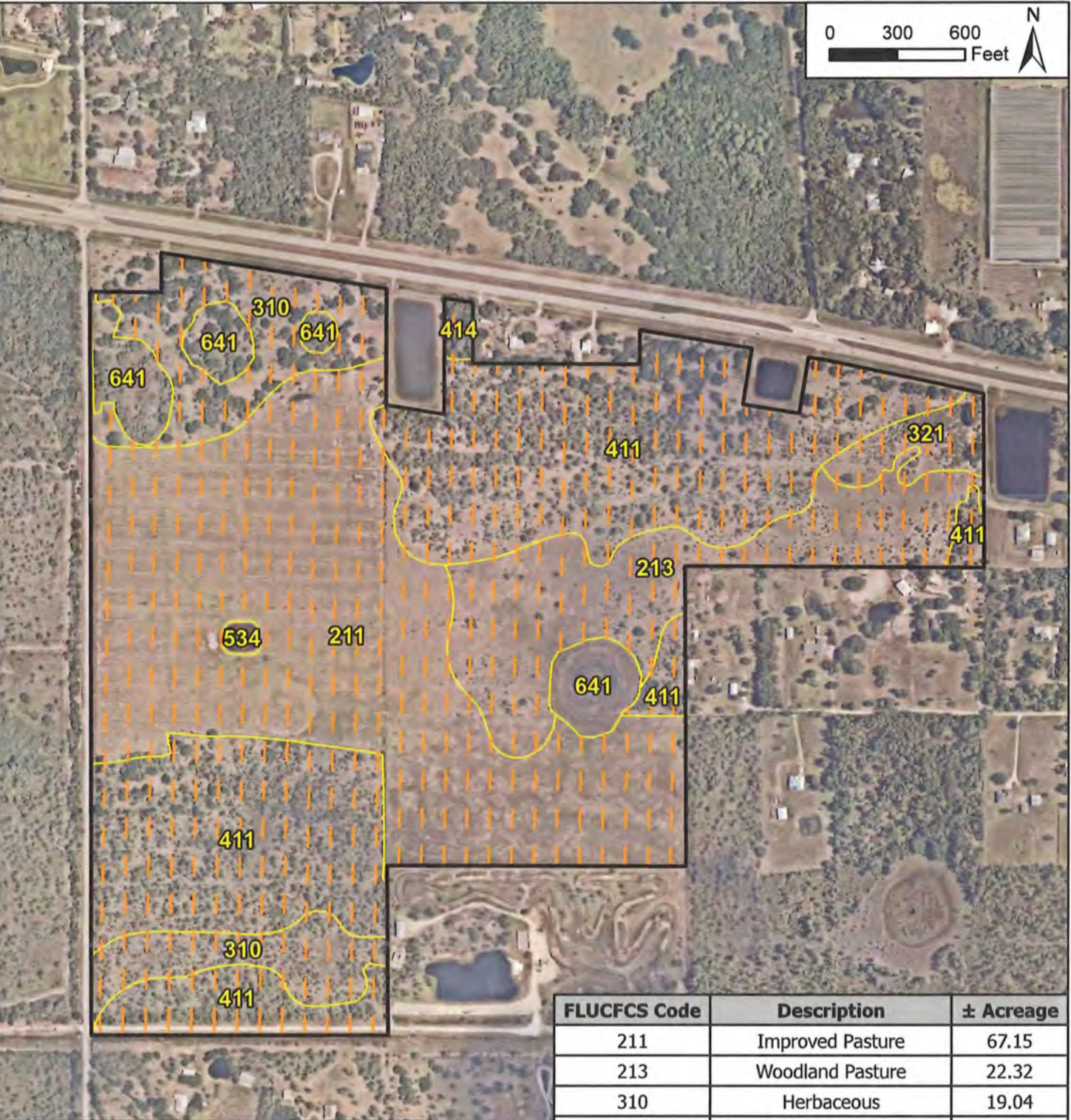
1 IN = 600 FT

PROJECT NUMBER: 048119281

NOVEMBER 2024

FIGURE 4

Folder: C:\Users\garret.denisel\OneDrive - K&H\Documents\GIS_Working\Caloosa 80\GIS\Maps\Caloosa80_ArcPro1



Legend

- Project Boundary (± 192.36 acres)
- FLUCFCS Habitat Area
- 100ft. Survey Transects

FLUCFCS Code	Description	± Acreage
211	Improved Pasture	67.15
213	Woodland Pasture	22.32
310	Herbaceous	19.04
321	Palmetto Prairies	3.80
411	Pine Flatwoods	70.07
414	Pine - Mesic Oak	0.75
534	Reservoirs less than 10 ac.	0.50
641	Freshwater Marshes	8.73
Total Project Acreage		192.36

Kimley»Horn

© 2024 Kimley-Horn and Associates, Inc.
1800 2nd Street, Suite 900, Sarasota, FL 34236
Phone (941) 379 - 7600
www.kimley-horn.com

Protected Species Survey Map

**Caloosa 80
Lee County, Florida**

1 IN = 600 FT

PROJECT NUMBER: 048119281

NOVEMBER 2024

FIGURE 6



Historic Resources Impact Analysis



Caloosa 80 Comprehensive Plan Amendment

Exhibit M-13 – Historic Resources Impact Analysis

There are no recorded cultural resources listed on the subject parcels, per the Master Site File Letter. Please see the attached letter from the Florida Department of Historical Resources.

The Lee County Archaeological Sensitivity Map indicates a portion of the Property along the northern boundary is in the Level 2 Sensitivity 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.



This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at CompliancePermits@dos.MyFlorida.com for project review information.

April 14, 2022

Lindsey E. W. Craig

Planner

RVi Planning + Landscape Architecture

10401 Highland Manor Dr, Suite 220 • Tampa FL 33610

In response to your request on April 14, 2022, the Florida Master Site File lists no cultural resources recorded at the designated parcels No's 29-43-27-00-00005.0000; 29-43-27-00-00012.0060; 30-43-27-00-00001.0190, within Sections 29 & 30, Township 43S Range 27E.

When interpreting the results of our search, please consider the following information:

- This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.
- Because vandalism and looting are common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.
- While many of our records document historically significant resources, the documentation of a resource at the Florida Master Site File does not necessarily mean the resource is historically significant.
- Federal, state and local laws require formal environmental review for most projects. This search **DOES NOT** constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at CompliancePermits@dos.MyFlorida.com.

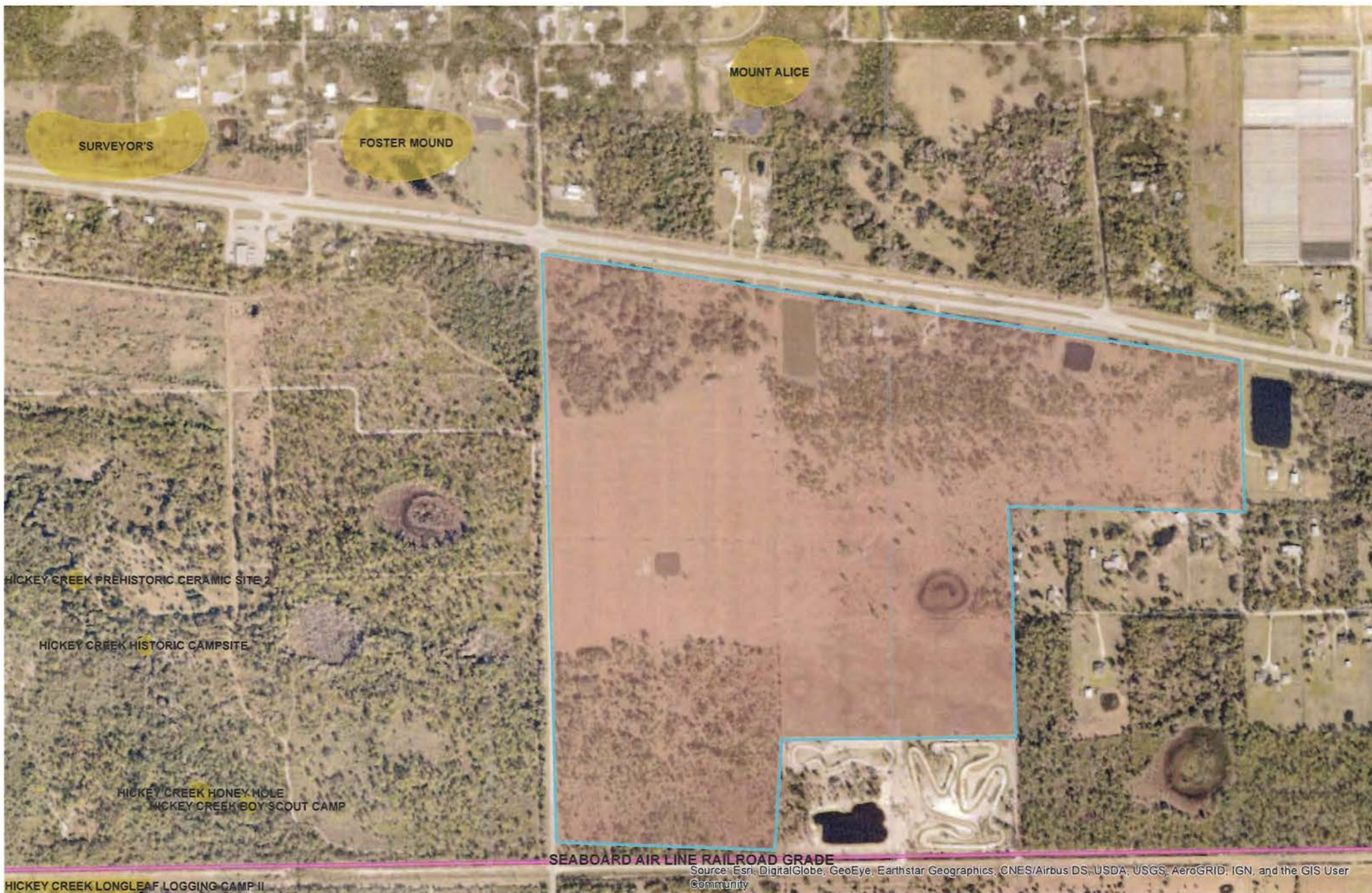
Please do not hesitate to contact us if you have any questions regarding the results of this search.

Sincerely,

Eman M. Vovsi, Ph.D.

Florida Master Site File

Eman.Vovsi@DOS.MyFlorida.com



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Existing & Future Conditions Analysis, Public Facilities Impacts Analysis



Caloosa 80 Comprehensive Plan Amendment

Exhibit M16, Exhibit M14 – Existing and Future Conditions Analysis/Public Facilities Impacts Analysis

**The below analysis is based upon the maximum attainable density under the proposed FLUM for 746 dwelling units. However, the companion MPD limits the unit count to 690 dwellings.*

I. Sanitary Sewer

LOS Standard = 200 GPD (residential dwellings); 0.1 GDP (per square foot of shopping center commercial use)

Existing Land Use – Urban Community & Rural

99.64 ac of Urban Community @ 6 du/ac = 598 du x 200 GPD = 119,600 GPD

92.71 ac of Rural @ 1 du/ac = 93 du x 200 GPD = 18,600 GPD

30,000 SF of Commercial = 30,000 x 0.1 = 3,000 GPD

Total GPD = 141,200 GPD

Proposed Land Use – Urban Community & Sub-Outlying Suburban

94.4 ac of Urban Community and Preserved Wetlands @ 6 du/ac = 567 du x 200 GPD = 113,400 GPD

89.65 ac of Sub-Outlying Suburban @ 2 du/ac = 179 du x 200 GPD = 35,800 GPD

30,000 SF of Commercial = 30,000 x 0.1 = 3,000 GPD

Total GPD = 152,200 GPD

The proposed FLUM amendment results in an increased sanitary sewer demand of 11,000 GPD.

The amendment includes a request to add the subject Property to the Lee County Utilities Future Sanitary Sewer Service Areas. Lee County Utilities has indicated adequate capacity to serve the project through the CFM Central Water Reclamation Facility. Please see the enclosed letter of service availability provided by Lee County Utilities.

II. Potable Water

LOS Standard = 250 GPD (residential dwellings); 0.1 GDP (per square foot of shopping center commercial use)

Existing Land Use – Urban Community & Rural

99.64 ac of Urban Community @ 6 du/ac = 598 du x 250 GPD = 149,500 GPD

92.71 ac of Rural @ 1 du/ac = 93 du x 250 GPD = 23,250 GPD

30,000 SF of Commercial = 30,000 x 0.1 = 3,000 GPD

Total GPD = 175,750 GPD

Proposed Land Use – Urban Community & Sub-Outlying Suburban

94.4 ac of Urban Community and Preserved Wetlands @ 6 du/ac = 567 du x 250 GPD = 141,750 GPD
89.65 ac of Sub-Outlying Suburban @ 2 du/ac = 179 du x 250 GPD = 44,750 GPD

30,000 SF of Commercial = 30,000 x 0.1 = 3,000 GPD

Total GPD = 189,500 GPD

The proposed FLUM amendment results in an increased potable water demand of 13,750 GPD.

The amendment includes a request to add the subject Property to the Lee County Utilities Future Water Service Area. Presently, the Lee County Utilities Water Treatment Plant Systems is designed for 52.9 Million Gallons per Day (MGD) of production. According to the 2023 Lee County Public Facilities and Concurrency Report, the projected 2027 demand is 40.0 MGD. Therefore, adequate capacity is available to serve the proposed density in accordance with Lee Plan Policy 95.1.3. Please also refer to the enclosed letter of availability provided by Lee County Utilities.

III. Surface Water Management

The Property is located within the Hickey Creek Watershed and 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.

IV. Parks and Recreation

LOS Standard: 6 acres of regional park/ 1000 seasonal population and 0.8 acres of community park/1000 permanent population.

(Persons per household 2016-2020: 2.58, per Lee County 2021 Census Data)

Existing Land Use – Urban Community & Rural

99.64 ac of Urban Community @ 6 du/ac = 598 du x 2.58 = 1,543 persons

92.71 ac of Rural @ 1 du/ac = 93 du x 2.58 = 240 persons

Total = 1,783 persons

Proposed Land Use – Urban Community & Sub-Outlying Suburban

94.4 ac of Urban Community and Preserved Wetlands @ 6 du/ac = 567 du x 2.58 = 1,463 persons

89.65 ac of Sub-Outlying Suburban @ 2 du/ac = 179 du x 2.58 = 462 persons

Total = 1,925 persons

The proposed amendment creates a population increase of 142 people. If seasonal or permanent, this would require 0.85 acres of regional parks and 0.11 acres of community parks. According to the 2023 Lee County Public Facilities and Concurrency Report, the existing regional and community parks far exceed the above requirement. There is an excess of 1,384 acres of existing regional parks and 448 acres of existing community parks available. Please also refer to the enclosed letter of availability provided by Lee County Parks and Recreation Department.

V. 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 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 0.297 students per single family dwelling unit, which results in the following demand for each school type as follows:

Total Demand by School Type (Single Family Dwellings)

Elementary (746 dus x 0.149) = 111 seats

Middle School (746 dus x 0.071) = 53 seats

High School (746 dus x 0.077) = 57 seats

Total = 221 seats

The 2023 Concurrency Report indicates that several construction projects in the next five years will result in an increase of 1,043 seats. Additionally, the 2023 Concurrency Report notes that contiguous districts may provide capacity when capacity in the project's District is not available.

Programmed Improvements/Expansions

Two facilities are programmed to be opened in the East Zone. The 2023 Concurrency Report estimates that the completion of Middle School "QQ," will expand the Lehigh Acres Middle School and provide additional seats in 2023-24.

Letter of Availability

The capacity analysis above demonstrates that adequate capacity exists to accommodate the proposed development. Additionally, the School District has provided the enclosed letter confirming the availability of seats (Exhibit M17).



Traffic Circulation Analysis

TRAFFIC IMPACT STATEMENT

FOR

CALOOSA 80 COMPREHENSIVE PLAN AMENDMENT & REZONING

(PROJECT NO. F2409.17)

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:
October 14, 2025

CONTENTS

- I. INTRODUCTION
- II. EXISTING CONDITIONS
- III. COMPREHENSIVE PLAN AMENDMNET
- IV. TRIP GENERATION
- V. COMPREHENSIVE PLAN AMENDMENT ANALYSIS
- VI. ZONING ANALYSIS
- VII. CONCLUSION

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 amendment to the Comprehensive Land Use Plan and re-zoning approval. The subject site is located along the south side of S.R. 80 approximately 4½ miles east of Buckingham Road 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 designation on approximately 92.71 acres of the parcel (not the entire parcel) from Rural to a Sub-Outlying Suburban land use category to permit the development of the subject site with a residential community on the overall 192-acre site. The property immediately to the west of the 92 acres subject to the change in land use is already within the Urban Community Future Land Use Category (99.64 acres). With the two land use categories, and the companion rezoning application that is being filed, the overall 192-acre site will be rezoned to permit up to 690 residential dwelling units and up to 50,000 square feet of commercial uses.

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 S.R. 80 at two locations as shown on the Master Concept Plan.

F2409.17



This report examines the impact of the development on the surrounding roadways. 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.

II. EXISTING CONDITIONS

The subject site is currently vacant. The site is generally bordered by S.R. 80 to the north, vacant land to the south, Bateman Road to the west, and residential uses to the east.

S.R. 80 is a four-lane divided arterial that borders the subject site to the north. S.R. 80 has a posted speed limit of 55 mph and is under the jurisdiction of the Florida Department of Transportation. S.R. 80 in this area has an Access Management Classification of Class 3 with required access spacing at 660 feet, directional median opening spacing at 1,320 feet and full median opening spacing at ½ mile.

Bateman Road is a two-lane undivided and unimproved local roadway that borders the site to west. Bateman Road is located within an easement and the subject site does not have legal access to this easement. There is no posted speed limit on Bateman Road and is shown to be maintained by Lee County.

III. COMPREHENSIVE PLAN AMENDMENT

The Comprehensive Plan Amendment would change the future land use designation on approximately 92.71 acres from Rural to Sub-Outlying Suburban land use category. Under the existing Rural land use category, the site could be developed with up to approximately 93 residential dwelling units (1 dwelling unit/acre). **Table 1** summarizes the land uses that could be constructed under the existing land use designations and the intensity of uses under the proposed land use designation.

Table 1
Land Uses
Caloosa 80

Existing/ Proposed	Land Use Category	Intensity
Existing	Rural	93 Dwelling Units (Rural $\approx$ 92.71 acres @ 1 DU/Acre
Proposed	Sub-Outlying Suburban	186 Dwelling Units (Sub-Outlying Suburban @ 2 DU/Acre

IV. TRIP GENERATION

The trip generation for the permitted and proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation***, 11th Edition. Land Use Code 210 (Single-Family Detached Housing) was utilized for the trip generation purposes of the permitted and proposed residential uses on the subject site. The trip generation equations utilized for this land use are attached to the Appendix of this report for reference. **Table 2** and **Table 3** outline the anticipated weekday AM and PM peak hour trip generation based on the existing and proposed future land use category, respectively.

Table 2
Trip Generation
Based on Existing Land Use Category
Caloosa 80

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Single-Family Detached Housing (93 Dwelling Units)	18	52	70	58	35	93	944

Table 3
Trip Generation
Based on Proposed Land Use Category
Caloosa 80

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Single-Family Detached Housing (186 Dwelling Units)	34	97	131	112	66	178	1,786

Table 4 indicates the trip generation difference between the proposed and existing land use categories. The long range transportation impact (20-year horizon) and the short range transportation impact (5-year horizon) will be evaluated based on the resultant trip change illustrated in Table 4.

Table 4
Trip Generation – Resultant Trip Change
Caloosa 80

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed Land Use Designation (186 Dwelling Units)	34	97	131	112	66	178	1,789
Existing Land Use Designation (93 Dwelling Units)	-18	-52	-70	-58	-35	-93	-944
Resultant Trip Change	+16	+45	+61	+54	+31	+85	+845

The resultant trip change in Table 4 indicates that the trip generation will be increased in the AM and PM peak hour conditions as a result of this land use change.

V. COMPREHENSIVE PLAN AMENDMENT ANALYSIS

The Comprehensive Plan Amendment would change the future land use designation on the approximately 92.71 acres from Rural to Sub-Outlying Suburban land use category. 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, there were no roadway improvement projects within a 3-mile radius of the site shown on the 2045 Cost Feasible Plan.

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 and then the PM peak hour trips to be generated by additional trips shown in Table 4 were then added to the projected 2045 volumes. The Level of Service for the surrounding roadways was then evaluated. The Level of Service threshold volumes were derived based on the Lee County's *Generalized Peak Hour Directional Service Volumes* table as well as FDOT's *Generalized Peak Hour Directional Volumes*, Table 7.

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 to fall below the recommended minimum acceptable Level of Service standards. The only roadway segment in the area that is shown to operate below the recommended minimum Level of Service standard in 2045 is Broadway Avenue between SR 80 and N. River Road, which is shown to operate below the Level of Service standard based on the existing 2045 network and not as result of the requested Land Use Change. All other roadways are shown to operate at or above the minimum recommended Level of Service in 2045 both with and without the project traffic added to the surrounding roadway segments.

A Level of Service analysis for the 2045 Existing plus Committed (E + C) roadway network is attached to this report for reference. **Table 1A** and **Table 2A** reflect the Level of Service analysis based on the 2045 conditions. No changes to the adopted long range transportation plan are required as result of the proposed land use change.

Short Range Impacts (5-year horizon)

The 2023/2024 – 2029/2028 Lee County Five Year Capital Improvement Programs (CIP) as well as the Florida Department of Transportation Adopted Work Programs were reviewed to determine the short term impacts the proposed land use change would have on the surrounding roadways. Based on the review, there were no road improvement planned to the roadways within a 3-mile radius of the subject site on the 5-Year Capital Improvement Program for either FDOT or Lee County.

As can be depicted from Table 4 of this report, the proposed map amendment will increase the overall trip generation potential of the subject site by approximately 61 vehicles during the A.M. peak hour and 85 vehicles during the P.M. peak hour. **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 additional trips shown in Table 4. The existing peak hour, peak season, peak direction traffic volumes on the various roadway links maintained by Lee County were obtained from the most recent Lee County *Public Facilities Level of Service and Concurrency Report*. The existing peak hour, peak season, peak direction traffic volumes for state maintained roadways were derived by factoring the latest AADT volumes by appropriate K & D factors. 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 as well as the traffic data from the latest *Lee County Traffic Count Report*. 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 Lee County and FDOT resources 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 link to fall below the minimum acceptable Level of Service standards. All analyzed roadways were shown operate within their recommended minimum Level of Service standards.

The proposed Comprehensive Plan Amendment is to change the future land use designation on approximately 92.71 acres from Rural to Sub-Outlying Suburban. Based on the analysis, no modifications will be necessary to the Lee County or FDOT short term capital improvement programs.

VI. ZONING ANALYSIS

An analysis was also completed to support the rezoning of the entire 192-acre subject site from RVPD to MPD. The site is currently zoned RVPD under Zoning Resolution Z-09-042, which permits the development of the 192-acre site as a Recreational RV park with up to 417 RV sites and related accessory uses.

Table 5 summarizes the land uses that are being proposed for the proposed rezoning application.

**Table 5
Land Uses
Caloosa 80 MPD**

Approved Zoning	Proposed Zoning
471 RV Units	690 Residential Dwelling Units & 50,000 Sq. Ft. Retail

Access to the subject site is proposed to Palm Beach Boulevard (SR 80) via two access connections. A stabilized emergency access only is being proposed to Bateman Road that will only allow access to Emergency Vehicles.

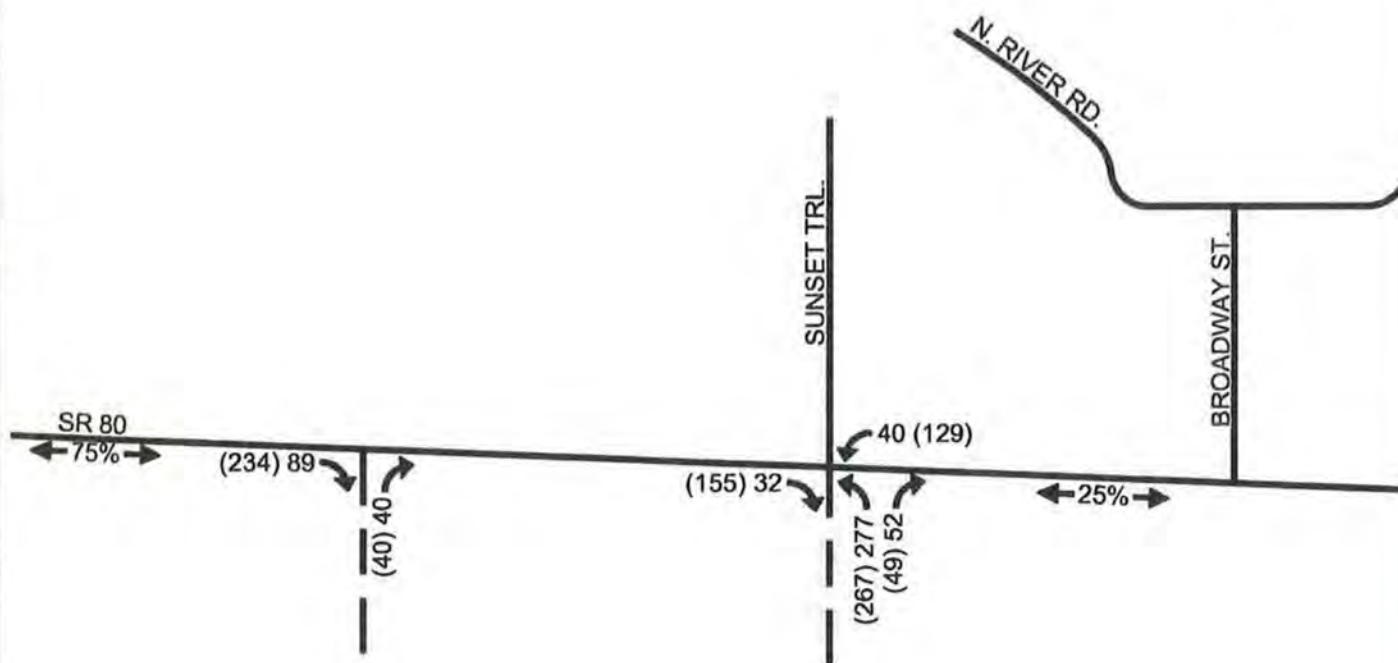
The trip generation for the project was based on data from the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation Manual*, 11th Edition. Since there multiple dwelling types identified in the proposed Schedule of Uses, Land Use Code 210 (Single Family Detached Housing) was utilized to formulate the trip generation for all 690 dwelling units since this would represent the "worst case" in terms of trip generation for the residential units. Land Use Code 821 (Shopping Plaza 40 - 150k - No Grocery) was utilized for the retail uses proposed on the site. The equations used from these land uses are contained in the Appendix of this report for reference. **Table 6** outlines the anticipated weekday A.M. and P.M. peak hour as well as the daily trip generation of the development as proposed.

Table 6
Trip Generation
Caloosa 80 MPD

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Residential Units (690 Units)	112	338	450	401	235	636	6,212
Commercial (50,000 Sq. Ft.)	49	31	80	117	121	238	3,269
Total Trips	161	369	530	518	356	874	9,481

The trips the proposed development is anticipated to generate were then assigned to the surrounding roadway network. The net new trips anticipated to be added to the surrounding roadway network were assigned based upon the routes drivers are anticipated to utilize to approach the subject site. **Figure 2** illustrates the anticipated trip distribution and assignment of trips to the site access drives along S.R. 80.

F2409.17

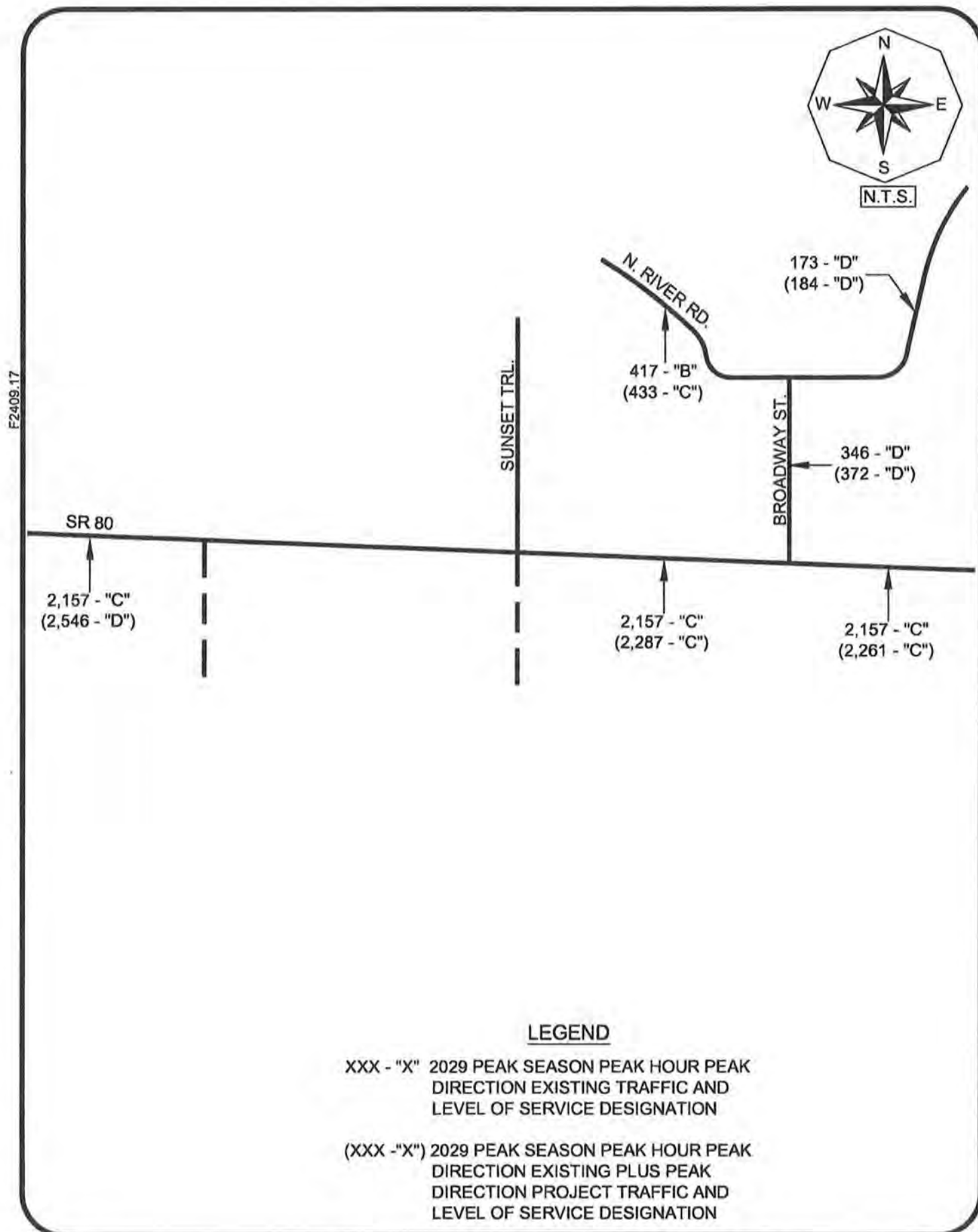


LEGEND

- ← 000 WEEKDAY AM PEAK HOUR SITE TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR SITE TRAFFIC
- ← 20% → PERCENT TRIP DISTRIBUTION

A horizon year analysis of 2029 was selected as the analysis year to evaluate the future impacts this project will have on the surrounding roadway network. 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 on Palm Beach Boulevard (SR 80) were obtained through comparisons of historical annual traffic data obtained from FDOT's *Florida Traffic Online* webpage. The growth rate on Broadway Street was obtained through comparison of historical annual traffic data obtained from Lee County's *Traffic Count Database System (TCDS)* webpage. Based on the project distribution illustrated on Figure 2, the link data was analyzed for the year 2029 without the development and year 2029 with the development.

Table 5A in the Appendix of the report indicates the percent impacts the project is anticipated to have on the adjacent roadway network based on the Generalized Service Volumes and the Level of Service "C" Service Volume impacts. The Service Volume Thresholds for SR 80 were taken from the most recent FDOT Multimodal Quality/Level of Service Handbook (2023) for Uninterrupted Flow Highways, which SR 80 meets the definition of as defined in the FDOT Manual. FDOT defines Uninterrupted Flow Highways in the Q/LOS Manual as "*A nonfreeway roadway that generally has uninterrupted flow, with average signalized intersection spacing of greater than 2.0 miles; a two-lane highway or a multilane highway.*" **Table 6A** in the Appendix indicates the methodology utilized to obtain the year 2029 build-out traffic volumes as well as the growth rate utilized for each roadway segment. **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 3 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 P.M. peak hour with the development traffic added to the roadways. This figure was derived from **Table 2A** contained in the Appendix.



Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In comparing the links' functional classification and calculated 2029 traffic volumes to the Service Volume Tables, it was determined that all analyzed roadways are projected to operate above the minimum adopted Level of Service 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 development.

Intersection analysis was conducted at the two site access drive intersections serving the site along S.R. 80. A summary of the analysis is contained in the Appendix of this report. There are no other intersections within ¼ mile of the subject site that are impacted by the development of the subject site.

Turn lane improvements at the site access drive intersections will be evaluated at the time the project seeks a connection permit from the Florida Department of Transportation.

IX. CONCLUSION

The proposed development is located along the south side of S.R. 80 and approximately 4½ mile to the east of Buckingham Road in Lee County, Florida. Based upon the roadway link Level of Service analysis conducted as a part of this report for both a Comprehensive Plan amendment and rezoning request, the development of the subject site meets the requirements set forth by the Lee County Comprehensive Plan and Land Development Code in that there is sufficient capacity available to accommodate the new trips that will be generated by the proposed development. Therefore, no roadway capacity improvements will be warranted as a result of the additional traffic to be generated by the proposed Comprehensive Plan amendment and rezoning requests.

The 2045 Financially Feasible Roadway network and the short term 5-year Capital Improvement Program currently in place in the 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. Therefore, no roadway capacity improvements are necessary to accommodate the proposed development.

APPENDIX

TABLES 1A & 2A
2045 LOS ANALYSIS

TABLE 1A
LEVEL OF SERVICE THRESHOLDS
2045 LONG RANGE TRANSPORTATION ANALYSIS - CALOOSA 80 CPA

Revised 10-14-2025

		2045 E + C NETWORK LANES		GENERALIZED SERVICE VOLUMES				
<u>ROADWAY</u>	<u>ROADWAY SEGMENT</u>	<u># Lanes</u>	<u>Roadway Designation</u>	<u>LOS A</u>	<u>LOS B</u>	<u>LOS C</u>	<u>LOS D</u>	<u>LOS E</u>
				<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>
N. River Rd	E. of Broadway	2LU	Arterial	0	0	330	710	780
	W. of Broadway	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
Joel Blvd.	S. of SR 80	2LN	Uninterrupted Flow Highway	130	420	850	1,210	1,640
SR 80 (Palm Beach Blvd)	E. of Hickey Creek Rd.	4LD	Uninterrupted Flow Highway	0	1,753	2,510	3,055	3,507
	E. of Site	4LD	Uninterrupted Flow Highway	0	1,753	2,510	3,055	3,507
	E. of Broadway	4LD	Uninterrupted Flow Highway	0	1,753	2,510	3,055	3,507
	E. of Joel Blvd.	4LD	Uninterrupted Flow Highway	0	1,753	2,510	3,055	3,507
Broadway Ave.	N. of SR 80	2LU	Collector	0	0	310	660	740

- Denotes the LOS Standard for each roadway segment

* Level of Service Thresholds for Lee County roadways were taken from the Generalized Peak Hour Directional Service Volume tables for Urbanized Areas (dated April 2016)

* Level of Service Thresholds for State maintained roadways were taken from FDOT's Multimodal Quality Level of Service Handbook

TABLE 2A
2045 ROADWAY LINK LEVEL OF SERVICE CALCULATIONS
CALOOSA 80 CPA

Revised 10-14-2025

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 85 VPH IN= 54 OUT= 31

ROADWAY	ROADWAY SEGMENT	2045	COUNTY PCS / FDOT SITE #	AADT	K-100 FACTOR	100TH HIGHEST	D	PM PK HR	2045		PROJECT	PK DIR	2045 BACKGROUND PLUS PROJ	
		FSUTMS AADT		BACKGROUND TRAFFIC		HOUR PK DIR 2-WAY VOLUME		PEAK DIRECTION	TRAFFIC VOLUMES & LOS	LOS		PM PROJ TRAFFIC	TRAFFIC VOLUMES & LOS	LOS
N. River Rd	E. of Broadway	3,864	124654	3,864	0.095	367	0.55	EAST	202	C	2%	1	203	C
	W. of Broadway	10,592	124650	10,592	0.095	1,006	0.55	EAST	553	C	3%	2	555	C
Joel Blvd.	S. of SR 80	22,813	305	22,813	0.100	2,281	0.521	NORTH	1,188	D	5%	3	1,191	D
SR 80 (Palm Beach Blvd)	E. of Hickey Creek Rd.	26,125	120006	26,125	0.095	2,482	0.55	EAST	1,365	B	75%	41	1,406	B
	E. of Site	25,303	120006	25,303	0.095	2,404	0.55	EAST	1,322	B	25%	14	1,336	B
	E. of Broadway	33,948	120006	33,948	0.095	3,225	0.55	EAST	1,774	C	20%	11	1,785	C
	E. of Joel Blvd.	33,075	120086	33,075	0.095	3,142	0.55	EAST	1,728	B	15%	8	1,736	B
Broadway Ave.	N. of SR 80	15,387	124654	15,387	0.095	1,462	0.55	NORTH	804	F	5%	3	807	F

* The K-100 and D factors were obtained from Florida Traffic Online resource and for Joel Blvd., Lee County Traffic County Database System
K-100 and D-Factor or Broadway Ave. data not available by FDOT or Lee DOT so assumed similar to nearby N. River Road.

TABLES 3A & 4A
5-YEAR LOS ANALYSIS

**TABLE 3A
LEVEL OF SERVICE THRESHOLDS
CALOOSA 80 CPA**

Revised 10-14-2025

<u>ROADWAY</u>	<u>ROADWAY SEGMENT</u>	<u># LANES</u>	<u>ROADWAY DESIGNATION</u>	GENERALIZED SERVICE VOLUMES				
				LOS A	LOS B	LOS C	LOS D	LOS E
				<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>
N. River Rd.	E. of Broadway	2LU	Arterial	0	0	330	710	780
	E. of Cemetery Rd.	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
Joel Blvd.	S. of SR 80	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
SR 80 (Palm Beach Blvd)	E. of Hickey Creek Rd.	4LD	Uninterrupted Flow Highway	0	1,753	2,510	3,055	3,507
	E. of Site	4LD	Uninterrupted Flow Highway	0	1,753	2,510	3,055	3,507
	E. of Broadway	4LD	Uninterrupted Flow Highway	0	1,753	2,510	3,055	3,507
	E. of Joel Blvd.	4LD	Uninterrupted Flow Highway	0	1,753	2,510	3,055	3,507
Broadway Ave.	N. of SR 80	2LU	Collector	0	0	310	660	740

- 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 maintained roadways were taken from FDOT's Multimodal Quality Level of Service Handbook (2023)

**TABLE 4A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
CALOOSA 80 CPA**

TOTAL PROJECT TRAFFIC AM =	61	VPH	IN =	16	OUT=	45	<u>FDOT Sta. #</u>	<u>K</u>	<u>D</u>
TOTAL PROJECT TRAFFIC PM =	85	VPH	IN=	54	OUT=	31	120006	0.095	0.528
							120086	0.095	0.528
							124654	0.095	0.535
							124650	0.095	0.535
							305	0.095	0.540
							231	0.095	0.540

Revised 10-14-2025

							2023	2029			2029						2029		
							PK HR	PK HR PK SEASON		PERCENT			BCKGRND			BCKGRND			
	LCDOT PCS OR	BASE YR	2021	YRS OF	ANNUAL	PK SEASON	PEAK DIRECTION	V/C	PROJECT	AM PROJ	PM PROJ	+ AM PROJ	V/C	+ PM PROJ	V/C				
<u>ROADWAY</u>	<u>ROADWAY SEGMENT</u>	<u>FDOT SITE #</u>	<u>ADT</u>	<u>ADT</u>	<u>GROWTH. ¹</u>	<u>RATE</u>	<u>PEAK DIR. ²</u>	<u>VOLUME</u>	<u>LOS</u>	<u>Ratio</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>VOLUME</u>	<u>LOS</u>	<u>Ratio</u>	<u>VOLUME</u>	<u>LOS</u>	<u>Ratio</u>
N. River Rd	E. of Broadway	124654	2,500	4,000	7	6.94%	100	196	C	0.28	2%	1	1	197	C	0.28	197	C	0.28
	E. of Cemetery Rd.	124650	2,800	4,700	7	7.68%	224	469	C	0.39	3%	1	2	471	C	0.39	471	C	0.39
Joel Blvd.	S. of SR 80	305	8,800	13,400	7	6.19%	547	939	D	0.57	5%	2	3	942	D	0.57	942	D	0.57
SR 80 (Palm Beach Blvd)	E. of Hickey Creek Rd.	120006	17,700	27,000	7	6.22%	1,457	2,508	C	0.72	75%	34	41	2,541	D	0.72	2,548	D	0.73
	E. of Site	120006	17,700	27,000	7	6.22%	1,457	2,508	C	0.72	25%	11	14	2,519	D	0.72	2,521	D	0.72
	E. of Broadway	120006	17,700	27,000	7	6.22%	1,457	2,508	C	0.72	20%	9	11	2,517	D	0.72	2,518	D	0.72
	E. of Joel Blvd.	120086	14,600	24,000	7	7.36%	1,295	2,454	C	0.70	15%	7	8	2,460	C	0.70	2,462	C	0.70
Broadway Ave.,	N. of SR 80	231	6,100	6,400	4	2.00%	284	346	D	0.47	5%	2	3	348	D	0.47	349	D	0.47

1 AGR for roadways was calculated based the historical traffic data obtained from Florida Traffic Online webpage and Lee County Traffic Count Report.

2 Current peak hour peak season peak direction traffic volumes for all roadways were obtained from the 2024 Lee County Public Facilities Level of Service and Concurrency Report

TABLES 5A & 6A
REZONING LOS ANALYSIS

**TABLE 5A
LEVEL OF SERVICE THRESHOLDS
CALOOSA 80 MPD**

Revised 10-14-2025

TOTAL AM PEAK HOUR PROJECT TRAFFIC =	530 VPH	IN=	161	OUT=	369
TOTAL PM PEAK HOUR PROJECT TRAFFIC =	874 VPH	IN=	518	OUT=	356

ROADWAY	ROADWAY SEGMENT	# LANES	ROADWAY DESIGNATION	GENERALIZED SERVICE VOLUMES					PERCENT			
				LOS A	LOS B	LOS C	LOS D	LOS E	PROJECT	AM PROJ	PM PROJ	PROJ TRIPS
				VOLUME	VOLUME	VOLUME	VOLUME	VOLUME	TRAFFIC	TRAFFIC	TRAFFIC	% of LOS "C"
N. River Rd.	E. of Broadway	2LU	Arterial	0	0	130	710	780	2%	7	10	8.0%
	W. of Broadway	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,840	3%	11	16	1.8%
Joel Blvd.	S. of SR 80	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640	5%	18	26	3.0%
SR 80 (Palm Beach Blvd)	W. of Buckingham Rd.	4LD	Arterial	0	0	1,874	2,040	2,040	60%	221	311	16.6%
	W. of River Hall Pkwy	4LD	Arterial	0	0	1,874	2,040	2,040	70%	258	363	19.3%
	E. of Hickey Creek Rd.	4LD	Uninterrupted Flow Highway	0	1,753	2,510	3,055	3,507	75%	277	389	15.5%
	E. of Site	4LD	Uninterrupted Flow Highway	0	1,753	2,510	3,055	3,507	25%	92	130	5.2%
	E. of Broadway	4LD	Uninterrupted Flow Highway	0	1,753	2,510	3,055	3,507	20%	74	104	4.1%
	E. of Joel Blvd.	4LD	Uninterrupted Flow Highway	0	1,753	2,510	3,055	3,507	15%	55	78	3.1%
Broadway Ave.	N. of SR 80	2LU	Collector	0	0	310	860	740	5%	18	26	8.4%
Buckingham Rd.	S. of SR 80	2LU	Arterial	0	140	800	860	860	10%	37	52	6.5%

- 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 maintained roadways were taken from FDOT's Multimodal Quality/Level of Service Handbook Peak Hour Directional Volumes

TABLE 6A
CALOOSA 80 MPD

Revised 10-14-2025

TOTAL PROJECT TRAFFIC AM = 530 VPH IN = 151 OUT= 369
TOTAL PROJECT TRAFFIC PM = 874 VPH IN= 518 OUT= 356

ROADWAY	ROADWAY SEGMENT	LCDOT PCS OR FDOT SITE #	ADT	2024 ADT	YRS OF GROWTH. ¹	ANNUAL RATE	2023	2029		V/C	PERCENT			2029			2029					
							PK HR	PK HR	PK SEASON		PROJECT	AM PROJ	PM PROJ	BCKGRND		BCKGRND						
							PK SEASON	PEAK DIRECTION	Ratio					TRAFFIC	TRAFFIC	TRAFFIC	VOLUME	LOS	Ratio	VOLUME	LOS	Ratio
							PEAK DIR. ²	VOLUME														
N. River Rd	E. of Broadway	124654	2,500	4,100	9	5.65%	100	173	D	0.24	2%	7	10	181	D	0.25	184	D	0.26			
	W. of Broadway	124650	2,800	4,900	9	6.42%	224	417	B	0.34	3%	11	16	428	C	0.35	433	C	0.36			
Joel Blvd.	S. of SR 80	305	8,800	13,400	7	6.19%	547	939	D	0.57	5%	18	26	958	D	0.58	965	D	0.59			
SR 80 (Palm Beach Blvd)	E. of Hickey Creek Rd	120006	15,600	30,000	15	4.46%	1,457	2,157	C	0.62	75%	277	389	2,434	C	0.69	2,546	D	0.73			
	E. of Site	120006	15,600	30,000	15	4.46%	1,457	2,157	C	0.62	25%	92	130	2,249	C	0.64	2,287	C	0.65			
	E. of Broadway	120006	15,600	30,000	15	4.46%	1,457	2,157	C	0.62	20%	74	104	2,231	C	0.64	2,261	C	0.64			
	E. of Joel Blvd.	120086	12,700	26,000	15	4.89%	1,295	1,991	C	0.57	15%	55	78	2,046	C	0.58	2,068	C	0.59			
Broadway Ave.,	N. of SR 80	231	6,100	6,400	4	2.00%	284	346	D	0.47	5%	18	26	365	D	0.49	372	D	0.50			

1 AGR for roadways was calculated based the historical traffic data obtained from Florida Traffic Online webpage and Lee County Traffic Count Report.

2 Current peak hour peak season peak direction traffic volumes for all roadways were obtained from the 2024 Lee County Public Facilities Level of Service and Concurrency Report.

**LEE COUNTY GENERALIZED PEAK
HOUR DIRECTIONAL SERVICE
VOLUMES TABLE**

**FDOT MULTIMODAL QUALITY
LEVEL OF SERVICE HANDBOOK
DIRECTIONAL VOLUMES**

C1 & C2

Motor Vehicle Highway Generalized Service Volume Tables



C1-Natural &
C2-Rural)

Peak Hour Directional

	B	C	D	E
1 Lane	240	430	730	1,490
2 Lane	1,670	2,390	2,910	3,340
3 Lane	2,510	3,570	4,370	5,010

Peak Hour Two-Way

	B	C	D	E
2 Lane	440	780	1,330	2,710
4 Lane	3,040	4,350	5,290	6,070
6 Lane	4,560	6,490	7,950	9,110

AADT

	B	C	D	E
2 Lane	4,600	8,200	14,000	28,500
4 Lane	32,000	45,800	55,700	63,900
6 Lane	48,000	68,300	83,700	95,900

Adjustment Factors

2 Lane Divided Roadway with Exclusive Left Turn Adjustment: Multiply by 1.05
 Multilane Undivided Highway with Exclusive Left Turn Adjustment: Multiply by 0.95
 Multilane Undivided Highway without Exclusive Left Turn Adjustment: Multiply by 0.75

C3C & C3R

Motor Vehicle Arterial Generalized Service Volume Tables

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	**



C3C-Suburban Commercial)



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 adjusted 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.

TRAFFIC DATA
FDOT FLORIDA TRAFFIC ONLINE

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2024 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
----	-----		-----		-----	-----	-----	-----
2024	4900 F	E	2400	W	2500	9.50	55.40	19.00
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
2024 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0086 - SR-80/PALM BEACH BLVD, W OF HENDRY COUNTY LC358

YEAR	AADT		DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2024	26000 F	E	13000	W 13000	9.50	55.00	18.20
2023	24000 C	E	12000	W 12000	9.50	56.80	18.20
2022	23000 F	E	11500	W 11500	9.50	52.10	15.80
2021	21000 C	E	10500	W 10500	9.50	52.80	15.80
2020	20000 C	E	10000	W 10000	9.50	53.70	14.70
2019	18600 C	E	9300	W 9300	9.50	54.00	15.60
2018	17300 C	E	8600	W 8700	9.50	55.20	15.90
2017	16900 C	E	8400	W 8500	9.50	54.40	13.70
2016	15700 C	E	7800	W 7900	9.00	57.70	12.60
2015	14600 C	E	7300	W 7300	9.00	52.00	13.00
2014	13100 S	E	6600	W 6500	9.00	52.30	13.60
2013	12700 F	E	6400	W 6300	9.00	56.30	13.60
2012	12500 C	E	6300	W 6200	9.00	59.60	13.60
2011	13700 C	E	7000	W 6700	9.00	56.40	12.40
2010	12700 C	E	6200	W 6500	11.06	64.00	13.90

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
2024 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 4654 - C.R. 78, EAST OF BROADWAY STREET

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2024	4100 C	E 2000	W 2100	9.50	55.40	13.30
2023	4000 T	E 2000	W 2000	9.50	55.40	15.30
2022	3600 S	E 1800	W 1800	9.50	53.90	13.50
2021	3400 F	E 1700	W 1700	9.50	53.50	13.50
2020	3200 C	E 1600	W 1600	9.50	53.80	13.50
2019	2900 F	E 1400	W 1500	9.50	54.90	15.00
2018	2700 C	E 1300	W 1400	9.50	55.20	15.00
2017	2900 T	E 1400	W 1500	9.50	54.90	12.20
2016	2700 S	E 1300	W 1400	9.50	54.80	10.80
2015	2500 F	E 1200	W 1300	9.50	55.50	10.80
2014	2300 C	E 1100	W 1200	9.50	55.20	10.80
2013	2100 S	0	0	9.50	55.00	12.20
2012	2100 F	0	0	9.50	55.30	11.50
2011	2100 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
2024 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0006 - SR 80 W OF HERZOG ROAD

YEAR	AADT		DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
----	-----		-----	-----	-----	-----	-----
2024	30000 F	E	15000	W 15000	9.50	55.00	15.40
2023	27000 C	E	13500	W 13500	9.50	56.80	15.40
2022	27000 C	E	13500	W 13500	9.50	52.10	16.30
2021	23500 C	E	12000	W 11500	9.50	52.80	15.00
2020	24000 C	E	12000	W 12000	9.50	53.70	13.00
2019	23000 C	E	11500	W 11500	9.50	54.00	13.10
2018	22000 C	E	11000	W 11000	9.50	55.20	12.40
2017	20000 C	E	10000	W 10000	9.50	54.40	14.00
2016	20000 C	E	10000	W 10000	9.00	57.70	12.40
2015	17700 C	E	8900	W 8800	9.00	57.50	13.30
2014	15600 S	E	7800	W 7800	9.00	56.80	10.90
2013	15200 F	E	7600	W 7600	9.00	56.50	10.90
2012	15200 C	E	7600	W 7600	9.00	54.20	10.90
2011	15200 F	E	7500	W 7700	9.00	56.20	14.10
2010	15200 C	E	7500	W 7700	9.91	56.34	14.10
2009	15600 C	E	7600	W 8000	9.98	55.90	15.90

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

2023 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL
 CATEGORY: 1203 SR80, 31 & 78 E OF I-75

WEEK	DATES	SF	MOCF: 0.95 PSCF
1	01/01/2023 - 01/07/2023	0.97	1.02
2	01/08/2023 - 01/14/2023	1.01	1.06
3	01/15/2023 - 01/21/2023	1.06	1.12
4	01/22/2023 - 01/28/2023	1.02	1.07
* 5	01/29/2023 - 02/04/2023	0.99	1.04
* 6	02/05/2023 - 02/11/2023	0.96	1.01
* 7	02/12/2023 - 02/18/2023	0.93	0.98
* 8	02/19/2023 - 02/25/2023	0.93	0.98
* 9	02/26/2023 - 03/04/2023	0.93	0.98
*10	03/05/2023 - 03/11/2023	0.93	0.98
*11	03/12/2023 - 03/18/2023	0.93	0.98
*12	03/19/2023 - 03/25/2023	0.94	0.99
*13	03/26/2023 - 04/01/2023	0.95	1.00
*14	04/02/2023 - 04/08/2023	0.95	1.00
*15	04/09/2023 - 04/15/2023	0.96	1.01
*16	04/16/2023 - 04/22/2023	0.98	1.03
*17	04/23/2023 - 04/29/2023	1.00	1.05
18	04/30/2023 - 05/06/2023	1.02	1.07
19	05/07/2023 - 05/13/2023	1.04	1.09
20	05/14/2023 - 05/20/2023	1.07	1.13
21	05/21/2023 - 05/27/2023	1.07	1.13
22	05/28/2023 - 06/03/2023	1.07	1.13
23	06/04/2023 - 06/10/2023	1.07	1.13
24	06/11/2023 - 06/17/2023	1.08	1.14
25	06/18/2023 - 06/24/2023	1.07	1.13
26	06/25/2023 - 07/01/2023	1.06	1.12
27	07/02/2023 - 07/08/2023	1.05	1.11
28	07/09/2023 - 07/15/2023	1.05	1.11
29	07/16/2023 - 07/22/2023	1.04	1.09
30	07/23/2023 - 07/29/2023	1.04	1.09
31	07/30/2023 - 08/05/2023	1.03	1.08
32	08/06/2023 - 08/12/2023	1.03	1.08
33	08/13/2023 - 08/19/2023	1.02	1.07
34	08/20/2023 - 08/26/2023	1.02	1.07
35	08/27/2023 - 09/02/2023	1.02	1.07
36	09/03/2023 - 09/09/2023	1.02	1.07
37	09/10/2023 - 09/16/2023	1.02	1.07
38	09/17/2023 - 09/23/2023	1.01	1.06
39	09/24/2023 - 09/30/2023	1.00	1.05
40	10/01/2023 - 10/07/2023	0.99	1.04
41	10/08/2023 - 10/14/2023	0.98	1.03
42	10/15/2023 - 10/21/2023	0.97	1.02
43	10/22/2023 - 10/28/2023	0.97	1.02
44	10/29/2023 - 11/04/2023	0.96	1.01
45	11/05/2023 - 11/11/2023	0.96	1.01
46	11/12/2023 - 11/18/2023	0.96	1.01
47	11/19/2023 - 11/25/2023	0.96	1.01
48	11/26/2023 - 12/02/2023	0.96	1.01
49	12/03/2023 - 12/09/2023	0.97	1.02
50	12/10/2023 - 12/16/2023	0.97	1.02
51	12/17/2023 - 12/23/2023	1.00	1.05
52	12/24/2023 - 12/30/2023	1.03	1.08
53	12/31/2023 - 12/31/2023	1.06	1.12

* PEAK SEASON

09-MAR-2024 18:41:38

830UPD

1_1203_PKSEASON.TXT

COUNTY: 12
 STATION: 0006
 DESCRIPTION: SR 80 W OF HERZOG ROAD
 START DATE: 09/05/2023
 START TIME: 1200

TIME	DIRECTION: E					DIRECTION: W					COMBINED TOTAL	
	1ST	2ND	3RD	4TH	TOTAL	1ST	2ND	3RD	4TH	TOTAL		
0000	15	17	13	7	52	9	15	7	6	37	89	
0100	13	22	12	7	54	10	10	10	8	38	92	
0200	9	9	6	2	26	6	13	18	15	52	78	
0300	9	18	9	14	50	16	10	28	21	75	125	
0400	7	25	20	27	79	24	49	71	100	244	323	
0500	41	53	61	66	221	117	175	252	373	917	1138	
0600	73	103	154	179	509	437	435	390	344	1606	2115	
0700	164	202	180	186	732	339	333	382	384	1438	2170	
0800	157	150	180	157	644	281	307	300	166	1054	1698	
0900	147	136	125	129	537	219	212	166	186	783	1320	
1000	121	142	170	138	571	172	173	162	190	697	1268	
1100	164	132	136	133	565	158	142	172	178	650	1215	
1200	161	175	160	177	673	179	170	164	154	667	1340	
1300	206	181	202	195	784	156	183	176	153	668	1452	
1400	223	235	215	193	866	180	229	223	210	842	1708	
1500	241	236	273	291	1041	181	177	170	169	697	1738	
1600	311	343	354	338	1346	186	196	159	157	698	2044	
1700	373	358	376	373	1480	162	187	168	170	687	2167	
1800	369	366	275	199	1209	154	144	121	115	534	1743	
1900	171	154	165	144	634	88	82	79	64	313	947	
2000	120	116	118	99	453	85	78	59	52	274	727	
2100	83	58	83	58	282	50	50	42	34	176	458	
2200	55	54	35	27	171	19	24	25	14	82	253	
2300	25	24	23	13	85	18	16	18	8	60	145	
24-HOUR TOTALS:					13064						13289	26353

DIRECTION: E			DIRECTION: W			COMBINED DIRECTIONS		
PEAK VOLUME INFORMATION	HOUR	VOLUME	HOUR	VOLUME		HOUR	VOLUME	
A.M.	700	732	700	1438		700	2170	
P.M.	1730	1484	1415	843		1700	2167	
DAILY	1730	1484	545	1635		700	2170	
TRUCK PERCENTAGE	15.49		15.21			15.35		

CLASSIFICATION SUMMARY DATABASE																	
DIR	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	TOTTRK	TOTVOL
E	30	6834	4177	49	791	212	27	497	418	18	2	6	3	0	0	2023	13064
W	31	6966	4271	45	791	121	115	510	377	50	0	8	4	0	0	2021	13289

GENERATED BY SPS 5.0.0.61

PSF = 1.02

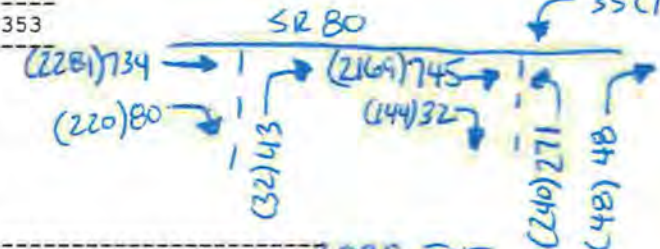
PEAK SEASON VOL

2023
 EB 579 WB 1638
 2029
 EB 745 WB 2353

1570 701 2169 1007

← 2353(1007)

← 35(122)



2029 INT. VOLUMES

AGR = 6.22%

**TRAFFIC DATA FROM LEE COUNTY
TRANSPORTATION DATA
MANAGEMENT SYSTEM**

Updated 5/29/2024

Daily Traffic Volume (AADT)

STREET	LOCATION	Station #	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
HOMESTEAD RD	S OF ARTHUR RD	451	10400	11600	11800	11700					11600	
HOMESTEAD RD	N OF IMMOKALEE RD	456						1900				2700
IMMOKALEE RD (SR 82)	W OF COLONIAL BLVD	90		25900	28800			30700	29900			
IMMOKALEE RD (SR 82)	E OF GUNNERY RD	21	25100	26700	28000	26100		28000	27600	36500	40400	45500
IMPERIAL PKWY	N OF STRIKE LN	63	11000	13200	13000	14200	14800	15000	11700	13500	15200	16700
IMPERIAL PKWY	S OF BONITA BEACH RD	492				22200		20200				23700
IONA RD	W OF MCGREGOR BLVD	303		7100		7200		7000				7100
JOEL BLVD (CR 884)	E OF BELL BLVD	306	13400	14100	14500	14100	13600	14800	13900			
JOEL BLVD (CR 884)	N OF E 10TH ST	69			8900	9000	9400	9500	9100	10300	10600	11900
JOEL BLVD (CR 884)	S OF PALM BEACH BLVD	305	7600	8200	8800	9200	9200	11000	10900			13400
JOHN MORRIS RD	N OF SUMMERLIN RD	498		4500		4700		4800				3400
KELLY RD	W OF SAN CARLOS BLVD	308		5300		4500		4900				3800
DR. M. L. KING BLVD (SR 82)	E OF CRANFORD AVE	84		28500	26800	27600	28300	29100	27000	29800		
DR. M. L. KING BLVD (SR 82)	W OF I - 75	20	35100	38600	41100	42200	43600	44400	40700	47100	51400	53300
DR. M. L. KING BLVD (SR 82)	E OF I-75	68	32200	35100	37800	39400	40300	41200	38600	42600	45000	52100
LAUREL DR	E OF BUSINESS 41	309		5900		6500						6000
LEE BLVD(CR 884)	E OF IMMOKALEE RD	310	42800		49500		44800				51600	
LEE BLVD(CR 884)	W OF GUNNERY RD	22	33500	35300	37400	37900	41300	41000	36500	39300	39700	43100
LEE BLVD(CR 884)	E OF SUNSHINE BLVD	312		33100		32600		43300		45000		41100
LEE BLVD(CR 884)	N OF LEELAND HEIGHTS	311	10900	12100	12600	12600	12800		19300			

Updated 5/29/2024			Daily Traffic Volume (AADT)									
STREET	LOCATION	Station #	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
BONITA BEACH RD	E OF RACE TRACK RD	130							29300	39700	39700	40000
BONITA BEACH RD	W OF I-75	42	35100	35300		36400	38900	40500	37900	43500	44200	43500
BONITA BEACH RD	E OF I - 75	235									22400	24300
BROADWAY (ESTERO)	W OF US 41	463		5700		6200		6300		5700		
BROADWAY RD	S OF ALVA BRIDGE	231						6100				6400
BUCKINGHAM RD	S OF PALM BEACH BLVD	11	9000	9300	9800	9800	10400	11400	11100	13100	13800	15100
BUCKINGHAM RD	S OF CEMETERY RD	227	10600		9800		9600		8600		7800	
BUCKINGHAM RD	E OF ALVIN AVE	232	7000		8600		9200		10700		10600	
BURNT STORE RD	N OF PINE ISLAND RD	233	12600	13600	14800	15300	15100	19100	16800			
BURNT STORE RD	S OF CHARLOTTE CO. LINE	12	6300	7000	7700	8000	8300	8800	8600	10000	11500	13400
BUSINESS 41 (SR 739)	N OF EDISON BRIDGE	41	27200	28000				35600	33500	38200	41500	44300
BUSINESS 41 (SR 739)	S OF PINE ISLAND RD	77		22000	25500							
BUSINESS 41 (SR 739)	N OF LITTLETON RD	76		11500	12800	13200						
CAPE CORAL PKWY	E OF 11TH CT	114							20300	25300	25900	25200
CAPE CORAL PKWY	E OF SKYLINE BLVD	13	27700	28800	29700	28200	29600	30400	27700	31100	31600	30500
CAPE CORAL PKWY	E OF 6TH ST	2112									44600	46100
CAPE CORAL PKWY	W OF PALM TREE	56	44100									
CAPE CORAL BRIDGE	W OF BRIDGE	234	51600									
CAPE CORAL BRIDGE	AT TOLL PLAZA	122		44000	42600	42000	43100	47800	43400	49700	49400	48800
CEMETERY RD	E OF BUCKINGHAM RD	486	5700		5800		5500		6700		7100	
CHAMBERLIN PKWY	S OF DANIELS PKWY	33	1200	1200	1200							

**LEE COUNTY PUBLIC FACILITIES
LEVEL OF SERVICE AND
CONCURRENCY REPORT**

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)

Link No.	ROAD NAME	LOCATION		ROAD TYPE	PERFORMANCE STANDARD		2023 100TH HIGHEST HOUR		2028 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	384	0.45	C	404	0.47	
00200	ALABAMA RD	SR 82	MILWAUKEE BLVD	2LN	E	990	C	428	0.43	D	479	0.48	pre-development order res development
00300	ALABAMA RD	MILWAUKEE BLVD	HOMESTEAD RD	2LN	E	990	D	481	0.49	D	506	0.51	
00400	ALEXANDER BELL BLVD	SR 82	MILWAUKEE BLVD	2LN	E	990	D	547	0.55	D	575	0.58	
00500	ALEXANDER BELL BLVD	MILWAUKEE BLVD	LEELAND HEIGHTS	2LN	E	990	D	547	0.55	D	637	0.64	pre-development order res development
00590	ALICO RD	US 41	DUSTY RD	4LD	E	1,980	B	1,170	0.59	B	1,230	0.62	
00600	ALICO RD	DUSTY RD	LEE RD	6LD	E	2,960	B	1,170	0.40	B	1,298	0.44	
00700	ALICO RD	LEE RD	THREE OAKS PKWY	6LD	E	2,960	B	1,170	0.40	B	1,422	0.48	Three Oaks Distribution Center
00800	ALICO RD	THREE OAKS PKWY	I-75	6LD	E	2,960	E	2,761	0.93	E	2,902	0.98	
00900	ALICO RD	I-75	BEN HILL GRIFFIN BLVD	6LD	E	2,960	B	1,448	0.49	B	1,521	0.51	(4)
01000	ALICO RD	BEN HILL GRIFFIN BLVD	GREEN MEADOW DR	2LN/4LN	E	1100/1960	E	853	0.78	C	1,171	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	(6)
01400	BARRETT RD	PONDELLA RD	PINE ISLAND RD (US 78)	2LN	E	860	C	150	0.17	C	158	0.18	
01500	BASS RD	SUMMERLIN RD	GLADIOLUS DR	4LN	E	1,790	C	655	0.37	C	709	0.40	
01600	BAYSHORE RD (SR 78)	BUS 41	NEW POST RD/HART RD	4LD	D	1,942	E	2,046	1.05	E	2,302	1.19	
01700	BAYSHORE RD (SR 78)	HART RD	SLATER RD	4LD	D	1,942	E	2,070	1.07	E	2,515	1.30	
01800	BAYSHORE RD (SR 78)	SLATER RD	I-75	4LD	D	2,910	B	1,275	0.44	B	1,426	0.49	
01900	BAYSHORE RD (SR 78)	I-75	NALLE RD	2LN	D	1,166	C	846	0.73	C	1,007	0.86	
02000	BAYSHORE RD (SR 78)	NALLE RD	SR 31	2LN	D	1,166	C	846	0.73	C	1,007	0.86	Bayshore Ranch/Stonehill Manor
02100	BEN HILL GRIFFIN PKWY	CORKSCREW RD	FGCU ENTRANCE	4LD	E	2,000	B	1,548	0.77	B	1,700	0.85	Grandeza
02200	BEN HILL GRIFFIN PKWY	FGCU BOULEVARD S	COLLEGE CLUB DR	4LD	E	2,000	B	1,548	0.77	B	1,627	0.81	
02250	BEN HILL GRIFFIN PKWY	COLLEGE CLUB DR	ALICO RD	6LD	E	3,000	B	1,525	0.51	B	1,603	0.53	
26950	BEN HILL GRIFFIN PKWY	ALICO RD	TERMINAL ACCESS RD	4LD	E	1,980	B	1,041	0.53	B	1,094	0.55	unincorporated Lee County
02300	BETH STACEY BLVD	23RD ST	HOMESTEAD RD	2LN	E	860	C	314	0.37	C	451	0.52	Ibis Landing (a.k.a. Copperhead Glf Community)
02400	BONITA BEACH RD	HICKORY BLVD	VANDERBILT DR	4LD	E	1,900	C	572	0.30	C	601	0.32	(4); constrained in city plan
02500	BONITA BEACH RD	VANDERBILT DR	US 41	4LD	E	1,900	C	1,124	0.59	C	1,181	0.62	constrained in city plan
02600	BONITA BEACH RD	US 41	OLD 41	4LD	E	1,860	C	1,713	0.92	C	1,800	0.97	constrained; old count projection (2010)
02700	BONITA BEACH RD	OLD 41	IMPERIAL ST	6LD	E	2,800	C	2,184	0.78	C	2,295	0.82	constrained in city plan
02800	BONITA BEACH RD	IMPERIAL ST	W OF I-75	6LD	E	2,800	C	2,144	0.77	C	2,253	0.80	constrained in city plan
02900	BONITA BEACH RD	E OF I-75	BONITA GRAND DR	4LD	E	2,020	B	868	0.43	B	912	0.45	constrained in city plan
02950	BONITA BEACH RD	BONITA GRANDE DR	Logan Boulevard	4LD	E	2,020	B	868	0.43	B	912	0.45	constrained in city plan
03100	BONITA GRANDE DR	BONITA BEACH RD	E TERRY ST	2LN	E	860	C	497	0.58	C	522	0.61	
03200	BOYSCOUT RD	SUMMERLIN RD	US 41	6LN	E	2,520	E	1,757	0.70	E	1,847	0.73	
03300	BRANTLEY RD	SUMMERLIN RD	US 41	2LN	E	860	C	270	0.31	C	284	0.33	
03400	BRIARCLIFF RD	US 41	TRIPLE CROWN CT	2LN	E	860	C	160	0.19	C	168	0.20	
03500	BROADWAY RD (ALVA)	SR 80	North RIVER RD	2LN	E	860	C	284	0.33	C	298	0.35	
03700	BUCKINGHAM RD	SR 82	GUNNERY RD	2LN	E	990	D	470	0.47	D	504	0.51	
03730	BUCKINGHAM RD	GUNNERY RD	ORANGE RIVER BLVD	2LN	E	990	C	346	0.35	C	383	0.39	
03800	BUCKINGHAM RD	ORANGE RIVER BLVD	SR 80	2LN	E	990	E	718	0.73	E	976	0.99	Lee County Homes (a.k.a. Buckingham 345)
03900	BURNT STORE RD	SR 78	VAN BUREN PKWY	4LD	E	2,950	A	847	0.29	B	890	0.30	City of Cape Coral
04000	BURNT STORE RD	VAN BUREN PKWY	COUNTY LINE	2LN	E	1,140	D	724	0.64	D	761	0.67	partially located in City of Cape Coral
04200	BUS 41 (N TAMIAAMI TR, SR 739)	CITY LIMITS (N END EDISON BRG)	PONDELLA RD	6LD	D	2,950	C	1,936	0.66	C	2,274	0.77	
04300	BUS 41 (N TAMIAAMI TR, SR 739)	PONDELLA RD	SR 78	6LD	D	2,950	C	1,936	0.66	C	2,274	0.77	
04400	BUS 41 (N TAMIAAMI TR, SR 739)	SR 78	LITTLETON RD	4LD	D	1,900	C	1,177	0.62	C	1,406	0.74	
04500	BUS 41 (N TAMIAAMI TR, SR 739)	LITTLETON RD	US 41	4LD	D	1,900	C	582	0.36	C	846	0.45	
04600	CAPE CORAL BRIDGE	DEL PRADO BLVD	McGREGOR BLVD	4LB	E	4,000	D	3,073	0.77	D	3,230	0.81	
04700	CAPTIVA DR	BLIND PASS	SOUTH SEAS PLANTATION RD	2LN	E	860	C	267	0.31	C	281	0.33	constrained, old count (2010)

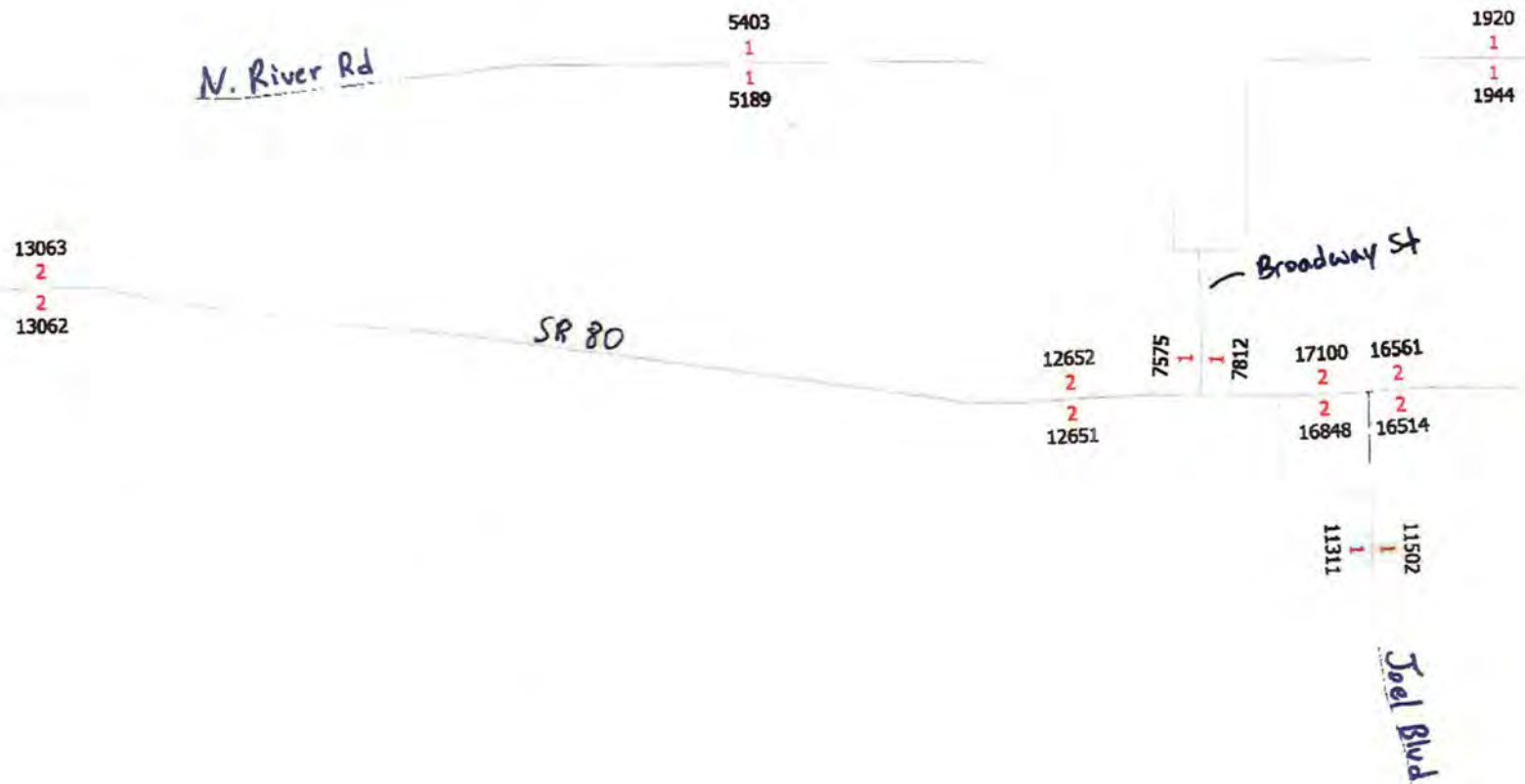
LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)

Link No.	ROAD NAME	LOCATION		ROAD TYPE	PERFORMANCE STANDARD		2023 100TH HIGHEST HOUR			2028 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	D	547	0.54	D	575	0.57	
14000	JOHN MORRIS RD	BUNCHE BEACH	SUMMERLIN RD	2LN	E	860	C	65	0.08	C	68	0.08	(4)
14100	JOHN MORRIS RD	SUMMERLIN RD	IONA RD	2LN	E	860	C	210	0.24	C	221	0.26	
14200	KELLY RD	MCGREGOR BLVD	SAN CARLOS BLVD	2LN	E	860	C	230	0.27	C	242	0.28	
14300	KELLY RD	SAN CARLOS BLVD	PINE RIDGE RD	2LN	E	860	C	230	0.27	C	242	0.28	
14500	LAUREL DR	BUS 41	BREEZE DR	2LN	E	860	C	338	0.39	C	355	0.41	
14600	LEE BLVD	SR 82	ALVIN AVE	6LD	E	2,840	E	2,440	0.86	E	2,564	0.90	
14700	LEE BLVD	ALVIN AVE	GUNNERY RD	6LD	E	2,840	E	2,182	0.77	E	2,293	0.81	
14800	LEE BLVD	GUNNERY RD	HOMESTEAD RD	6LD	E	2,840	E	1,944	0.68	E	2,091	0.74	pre-development order res development
14900	LEE BLVD	HOMESTEAD RD	WILLIAMS AVE	4LD	E	1,980	B	913	0.46	B	960	0.48	
14930	LEE BLVD	WILLIAMS AVE	LEELAND HEIGHTS	2LN	E	1,020	B	913	0.90	E	960	0.94	
15000	LEE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	407	0.47	C	428	0.50	
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	714	0.83		895	1.04	Fairway Villages/pre-dev order res dev
15300	LITTLETON RD	CORBETT RD	US 41	2LN	E	860	D	587	0.68	D	617	0.72	
15400	LITTLETON RD	US 41	BUS 41	2LN	E	860	D	570	0.66	D	599	0.70	
15500	LUCKETT RD	ORTIZ AVE	I-75	2LN	E	880	C	364	0.41	C	416	0.47	Luckett Landing Hotel/Luckett Road C-Store
15600	LUCKETT RD	I-75	COUNTRY LAKES DR	2LN	E	860	C	320	0.37	C	336	0.39	
15700	MAPLE DR*	SUMMERLIN RD	2ND AVE	2LN	E	860	C	79	0.09	C	83	0.10	(4)
15800	MCGREGOR BLVD	SANIBEL T PLAZA	HARBOR DR	4LD	E	1,960	A	980	0.50	B	1,030	0.53	
15900	MCGREGOR BLVD	HARBOR DR	SUMMERLIN RD	4LD	E	1,960	B	1,396	0.71	B	1,467	0.75	
16000	MCGREGOR BLVD	SUMMERLIN RD	KELLY RD	4LD	E	1,960	A	815	0.42	A	857	0.44	
16100	MCGREGOR BLVD	KELLY RD	GLADIOLUS DR	4LD	E	1,960	A	815	0.42	A	857	0.44	
16200	MCGREGOR BLVD (SR 867)	OLD MCGREGOR /GLADIOLUS DR	IONA LOOP RD	4LD	D	1,942	C	1,542	0.79	C	1,658	0.85	
16300	MCGREGOR BLVD (SR 867)	IONA LOOP RD	PINE RIDGE RD	4LD	D	1,942	C	1,542	0.79	C	1,658	0.85	
16400	MCGREGOR BLVD (SR 867)	PINE RIDGE RD	CYPRESS LAKE DR	4LD	D	1,900	D	1,810	0.95		1,961	1.03	
16500	MCGREGOR BLVD (SR 867)	CYPRESS LAKE DR	COLLEGE PKWY	4LD	D	1,900	D	1,810	0.95		1,961	1.03	
16600	MCGREGOR BLVD (SR 867)	COLLEGE PKWY	WINKLER RD	2LN	D	1,124	C	775	0.69	D	842	0.75	constrained
16700	MCGREGOR BLVD (SR 867)	WINKLER RD	TANGLEWOOD BLVD	2LN	D	1,224	D	1,114	0.91	D	1,208	0.99	constrained
16800	MCGREGOR BLVD (SR 867)	TANGLEWOOD BLVD	COLONIAL BLVD	2LN	D	1,224	D	1,114	0.91	D	1,208	0.99	constrained
16900	METRO PKWY (SR 739)	SIX MILE PKWY	DANIELS PKWY	6LD	D	2,866	C	1,373	0.48	C	1,618	0.56	
17000	METRO PKWY (SR 739)	DANIELS PKWY	CRYSTAL DR	4LD	D	1,900	C	1,275	0.67	C	1,440	0.76	
17100	METRO PKWY (SR 739)	CRYSTAL DR	DANLEY DR	4LD	D	1,900	D	1,786	0.94		2,118	1.11	
17200	METRO PKWY (SR 739)	DANLEY DR	COLONIAL BLVD	4LD	D	1,900	D	1,786	0.94		2,118	1.11	
	MICHAEL RIPPE PKWY	US 41	SIX MILES PKWY	6LD	D	2,866	C	1,766	0.62	C	2,252	0.79	
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	213	0.25	(4)
17800	MOODY RD	HANCOCK B. PKWY	PONDELLA RD	2LN	E	860	C	184	0.21	C	193	0.22	(4)
17900	NALLE GRADE RD	SIATER RD	NALLE RD	2LN	E	860	C	82	0.10	C	86	0.10	
18000	NALLE RD	SR 78	NALLE GRADE RD	2LN	E	860	C	136	0.16	C	143	0.17	
18100	NEAL RD	ORANGE RIVER BLVD	BUCKINGHAM RD	2LN	E	860	C	155	0.18	C	163	0.19	
18200	NORTH RIVER RD	SR 31	FRANKLIN LOCK RD	2LN	E	1,140	B	224	0.20	B	344	0.30	The Broadlands
18300	NORTH RIVER RD	FRANKLIN LOCK RD	BROADWAY RD	2LN	E	1,140	B	224	0.20	B	358	0.31	River Run Estates
18400	NORTH RIVER RD	BROADWAY RD	COUNTY LINE	2LN	E	1,140	A	100	0.09	A	135	0.12	
18900	OLGA RD*	SR 80 W	SR 80 E	2LN	E	860	C	84	0.10	C	88	0.10	(4)
19100	ORANGE GROVE BLVD	CLUB ENTR.	HANCOCK B. PKWY	2LN	E	860	C	539	0.63	D	566	0.66	
19200	ORANGE GROVE BLVD	HANCOCK B. PKWY	PONDELLA RD	4LN	E	1,790	C	539	0.30	D	566	0.32	
19300	ORANGE RIVER BLVD	SR 80	STALEY RD	2LN	E	1,000	C	368	0.37	C	387	0.39	

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)

Link No.	ROAD NAME	LOCATION		ROAD TYPE	PERFORMANCE STANDARD		2023 100TH HIGHEST HOUR			2028 FUTURE FORECAST*			Notes
		FROM	TO		LOS ⁽¹⁾	CAPACITY ⁽²⁾	LOS ⁽¹⁾	VOLUME ⁽²⁾	V/C ⁽¹⁾	LOS ⁽¹⁾	VOLUME ⁽²⁾	V/C ⁽¹⁾	
19400	ORANGE RIVER BLVD	STALEY RD	BUCKINGHAM RD	2LN	E	1,000	C	368	0.37	C	387	0.39	
19500	ORIOLE RD	SAN CARLOS BLVD	AUCO RD	2LN	E	860	C	131	0.15	C	138	0.16	
19600	ORTIZ AVE	COLONIAL BLVD	SR 82	2LN	E	900	F	1,115	1.24	F	1,172	1.30	City of Fort Myers
19700	ORTIZ AVE	SR 82	LUCKETT RD	2LN	E	900	F	947	1.05	F	995	1.11	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	(4)
19900	PALM BEACH BLVD (SR 80)	PROSPECT AVE	ORTIZ AVE	4LD	D	1,900	C	1,306	0.69	C	1,471	0.77	
20000	PALM BEACH BLVD (SR 80)	ORTIZ AVE	I-75	6LD	D	2,814	C	1,453	0.52	C	1,624	0.58	
20100	PALM BEACH BLVD (SR 80)	I-75	SR 31	6LD	D	2,814	C	1,840	0.65	C	2,030	0.72	
20200	PALM BEACH BLVD (SR 80)	SR 31	BUCKINGHAM RD	4LD	D	1,900	F	2,275	1.20	F	2,604	1.37	
20300	PALM BEACH BLVD (SR 80)	BUCKINGHAM RD	WERNER DR	4LD	D	1,942	E	1,943	1.00	F	2,277	1.17	River Hall (f.k.a. Hawks Haven)
20330	PALM BEACH BLVD (SR 80)	WERNER DR	JOEL BLVD	4LD	C	1,785	C	1,457	0.82	C	1,735	0.97	
20400	PALM BEACH BLVD (SR 80)	JOEL BLVD	HENDRY CO. LINE	4LD	C	1,785	C	1,295	0.73	C	1,541	0.86	
20500	PALOMINO LN	DANIELS PKWY	PENZANCE BLVD	2LN	E	860	C	343	0.40	C	405	0.47	The Springs at Daniels Road
20600	PARK MEADOWS DR	SUMMERLIN RD	US 41	2LN	E	860	C	202	0.23	C	219	0.26	
20800	PENZANCE BLVD	RANCHETTE RD	SIX MILE PKWY	2LN	E	860	C	150	0.17	C	180	0.21	
20900	PINE ISLAND RD	STRINGFELLOW RD	BURNT STORE RD	2LN	E	950	E	594	0.63	E	640	0.67	constrained
21400	PINE ISLAND RD (SR 78)	CITY LIMITS E OF BARRETT RD	US 41	4LD	D	1,900	F	1,902	1.00	F	2,312	1.22	
21500	PINE ISLAND RD (SR 78)	US 41	BUS 41	4LD	D	1,900	D	1,637	0.86	D	1,861	0.98	
21600	PINE RIDGE RD	SAN CARLOS BLVD	SUMMERLIN RD	2LN	E	860	C	459	0.53	C	549	0.64	Heritage Isles
21700	PINE RIDGE RD	SUMMERLIN RD	GLADIOLUS DR	2LN	E	860	C	280	0.33	C	486	0.56	Heritage Isles
21800	PINE RIDGE RD	GLADIOLUS DR	MCGREGOR BLVD	2LN	E	860	C	280	0.33	C	294	0.34	
21900	PLANTATION RD	SIX MILE PKWY	DANIELS PKWY	2LN	E	860	C	317	0.37	C	333	0.39	
22000	PLANTATION RD	DANIELS PKWY	IDLEWILD ST	2LN	E	860	D	651	0.76	D	684	0.80	
22050	PLANTATION RD	IDLEWILD ST	COLONIAL BLVD	4LN	E	1,790	C	673	0.38	C	707	0.40	
22100	PONDELLA RD	SR 78	ORANGE GROVE BLVD	4LD	E	1,890	B	994	0.53	B	1,045	0.55	
22200	PONDELLA RD	ORANGE GROVE BLVD	US 41	4LD	E	1,890	B	1,319	0.70	B	1,386	0.73	
22300	PONDELLA RD	US 41	BUS 41	4LD	E	1,890	B	1,396	0.74	B	1,467	0.78	
22400	PRITCHETT PKWY	SR 78	RICH RD	2LN	E	860	C	78	0.09	D	658	0.76	(4), Brightwater RPD (f.k.a. Stoneybrook North)
22500	RANCHETTE RD	PENZANCE BLVD	IDLEWILD ST	2LN	E	860	C	105	0.12	C	110	0.13	(4)
22600	RICH RD	SLATER RD	PRITCHETT PKWY	2LN	E	860	C	62	0.07	C	65	0.08	(4)
22700	RICHMOND AVE	LEELAND HEIGHTS	E 12TH ST	2LN	E	860	C	129	0.15	C	149	0.17	pre-development order res development
22800	RICHMOND AVE	E 12TH ST	GREENBRIAR BLVD	2LN	E	860	C	129	0.15	C	198	0.23	pre-development order res development
23230	SAN CARLOS BLVD	US 41	THREE OAKS PKWY	2LN	E	860	C	324	0.38	C	341	0.40	
23000	SAN CARLOS BLVD (SR 865)	MANTANZAS PASS BRIDGE	MAIN ST	2LD	D	1,900	C	1,114	0.59	C	1,208	0.64	constrained
23100	SAN CARLOS BLVD (SR 865)	MAIN ST	SUMMERLIN RD	4LD	D	1,900	C	1,114	0.59	C	1,208	0.64	
23180	SAN CARLOS BLVD (SR 865)	SUMMERLIN RD	KELLY RD	2LD	D	1,180	C	702	0.59	C	762	0.65	
23200	SAN CARLOS BLVD (SR 865)	KELLY RD	GLADIOLUS DR	4LD	D	1,180	C	702	0.59	C	762	0.65	
23260	SANIBEL BLVD	US 41	LEE RD	2LN	E	860	C	501	0.58	C	527	0.61	
23300	SANIBEL CAUSEWAY	SANIBEL SHORELINE	TOLL PLAZA	2LN	E	1,140	F	1,172	1.03	F	1,232	1.08	
23400	SHELL POINT BLVD	MCGREGOR BLVD	PALM ACRES	2LN	E	860	C	269	0.31	C	283	0.33	
23500	SIX MILE PKWY (SR 739)	US 41	METRO PKWY	4LD	D	1,900	F	2,109	1.11	F	2,341	1.23	
23600	SIX MILE CYPRESS	METRO PKWY	DANIELS PKWY	4LD	E	2,000	B	1,630	0.82	B	1,713	0.86	unincorporated Lee County
23700	SIX MILE CYPRESS	DANIELS PKWY	WINKLER EXT.	4LD	E	1,900	B	1,272	0.67	B	1,434	0.75	unincorporated Lee Co; Cr Mnr RPD/Ok Vill RPD
23800	SIX MILE CYPRESS	WINKLER EXT.	CHALLENGER BLVD	4LD	E	1,900	B	1,200	0.63	B	1,261	0.66	incorporated Lee County
23900	SIX MILE CYPRESS	CHALLENGER BLVD	COLONIAL BLVD	6LD	E	2,860	A	1,200	0.42	A	1,261	0.44	incorporated Lee County
24000	SLATER RD	SR 78	NALLE GRADE RD	2LN	E	1,010	C	444	0.44	C	467	0.46	
24100	SOUTH POINTE BLVD	CYPRESS LAKE DR	COLLEGE PKWY	2LD	E	910	C	514	0.56	C	540	0.59	
24200	SR 31 (ARCADIA RD)	SR 80	SR 78	2LN	D	766/1180	E	966	1.26	E	1,168	0.99	

**2045 E+C NETWORK LANES
&
VOLUMES**



2045 LRTP COST FEASIBLE ROADWAY NETWORK LANES AND VOLUMES

**LEE COUNTY MPO 2045 COST
FEASIBLE HIGHWAY PLAN**



**LEE COUNTY MPO
2045 NEEDS PLAN**

HCS RESULTS
E. ACCESS @ S.R. 80

HCS Two-Way Stop-Control Report

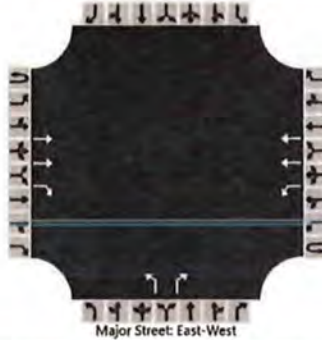
General Information

Analyst	tbt
Agency/Co.	TR Transportation
Date Performed	10-14-2025
Analysis Year	2029
Time Analyzed	AM Peak W/Project
Intersection Orientation	East-West
Project Description	Caloosa 80 MPD

Site Information

Intersection	SR 80/E. Site Access
Jurisdiction	FDOT
East/West Street	SR 80
North/South Street	East Site Access
Peak Hour Factor	0.92
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	2	1	0	1	2	0		1	0	1		0	0	0
Configuration			T	R		L	T			L		R				
Volume (veh/h)			745	32	0	40	2353			277		52				
Percent Heavy Vehicles (%)					1	2				2		2				
Proportion Time Blocked																
Percent Grade (%)									0							
Right Turn Channelized	No								No							
Median Type Storage	Left Only								2							

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1				7.5		6.9				
Critical Headway (sec)						4.14				6.84		6.94				
Base Follow-Up Headway (sec)						2.2				3.5		3.3				
Follow-Up Headway (sec)						2.22				3.52		3.32				

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						43				301		57				
Capacity, c (veh/h)						788				165		595				
v/c Ratio						0.06				1.83		0.09				
95% Queue Length, Q ₉₅ (veh)						0.2				22.1		0.3				
95% Queue Length, Q ₉₅ (ft)						5.1				561.3		7.6				
Control Delay (s/veh)						9.8				442.1		11.7				
Level of Service (LOS)						A				F		B				
Approach Delay (s/veh)					0.2				374.0							
Approach LOS					A				F							

HCS Two-Way Stop-Control Report

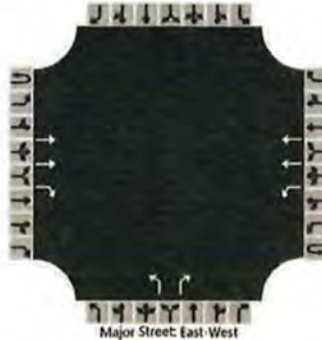
General Information

Analyst	tbt
Agency/Co.	TR Transportation
Date Performed	10-14-2025
Analysis Year	2029
Time Analyzed	PM Peak W/Project
Intersection Orientation	East-West
Project Description	Caloosa 80 MPD

Site Information

Intersection	SR 80/E. Site Access
Jurisdiction	FDOT
East/West Street	SR 80
North/South Street	East Site Access
Peak Hour Factor	0.92
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	2	1	0	1	2	0		1	0	1		0	0	0
Configuration			T	R		L	T			L		R				
Volume (veh/h)			2169	155	0	129	1007			267		49				
Percent Heavy Vehicles (%)					1	2				2		2				
Proportion Time Blocked																
Percent Grade (%)									0							
Right Turn Channelized	No								No							
Median Type Storage					Left Only								2			

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1				7.5		6.9				
Critical Headway (sec)						4.14				6.84		6.94				
Base Follow-Up Headway (sec)						2.2				3.5		3.3				
Follow-Up Headway (sec)						2.22				3.52		3.32				

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						140				290		53				
Capacity, c (veh/h)						175				42		183				
v/c Ratio						0.80				6.94		0.29				
95% Queue Length, Q ₉₅ (veh)						5.4				34.2		1.1				
95% Queue Length, Q ₉₅ (ft)						137.2				868.7		27.9				
Control Delay (s/veh)						77.7				2859.6		32.5				
Level of Service (LOS)						F				F		D				
Approach Delay (s/veh)					8.8				2421.2							
Approach LOS					A				F							

HCS RESULTS
W. ACCESS @ S.R. 80

HCS Two-Way Stop-Control Report

General Information

Analyst	tbt
Agency/Co.	TR Transportation
Date Performed	10-14-2025
Analysis Year	2029
Time Analyzed	AM Peak W/Project
Intersection Orientation	East-West
Project Description	Caloosa 80 MPD

Site Information

Intersection	SR 80/W. Site Access
Jurisdiction	FDOT
East/West Street	SR 80
North/South Street	W. Site Access
Peak Hour Factor	0.92
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	2	1	0	0	2	0		0	0	1		0	0	0
Configuration			T	R			T					R				
Volume (veh/h)			734	89			2353					40				
Percent Heavy Vehicles (%)												2				
Proportion Time Blocked																
Percent Grade (%)									0							
Right Turn Channelized	No								No							
Median Type Storage	Left Only								1							

Critical and Follow-up Headways

Base Critical Headway (sec)												6.9				
Critical Headway (sec)												6.94				
Base Follow-Up Headway (sec)												3.3				
Follow-Up Headway (sec)												3.32				

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)												43				
Capacity, c (veh/h)												601				
v/c Ratio												0.07				
95% Queue Length, Q ₉₅ (veh)												0.2				
95% Queue Length, Q ₉₅ (ft)												5.1				
Control Delay (s/veh)												11.5				
Level of Service (LOS)												B				
Approach Delay (s/veh)									11.5							
Approach LOS									B							

HCS Two-Way Stop-Control Report

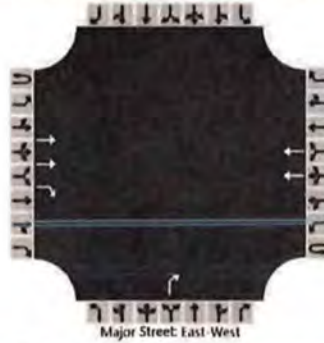
General Information

Analyst	tbt
Agency/Co.	TR Transportation
Date Performed	10-14-2025
Analysis Year	2029
Time Analyzed	PM Peak W/Project
Intersection Orientation	East-West
Project Description	Caloosa 80 MPD

Site Information

Intersection	SR 80/W. Site Access
Jurisdiction	FDOT
East/West Street	SR 80
North/South Street	W. Site Access
Peak Hour Factor	0.92
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	2	1	0	0	2	0		0	0	1		0	0	0
Configuration			T	R			T					R				
Volume (veh/h)			2281	234			1007					40				
Percent Heavy Vehicles (%)												2				
Proportion Time Blocked																
Percent Grade (%)									0							
Right Turn Channelized	No								No							
Median Type Storage					Left Only								1			

Critical and Follow-up Headways

Base Critical Headway (sec)												6.9				
Critical Headway (sec)												6.94				
Base Follow-Up Headway (sec)												3.3				
Follow-Up Headway (sec)												3.32				

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)												43				
Capacity, c (veh/h)												167				
v/c Ratio												0.26				
95% Queue Length, Q ₉₅ (veh)												1.0				
95% Queue Length, Q ₉₅ (ft)												25.4				
Control Delay (s/veh)												34.0				
Level of Service (LOS)												D				
Approach Delay (s/veh)									34.0							
Approach LOS									D							

TRIP GENERATION EQUATIONS

Single-Family Detached Housing (210)

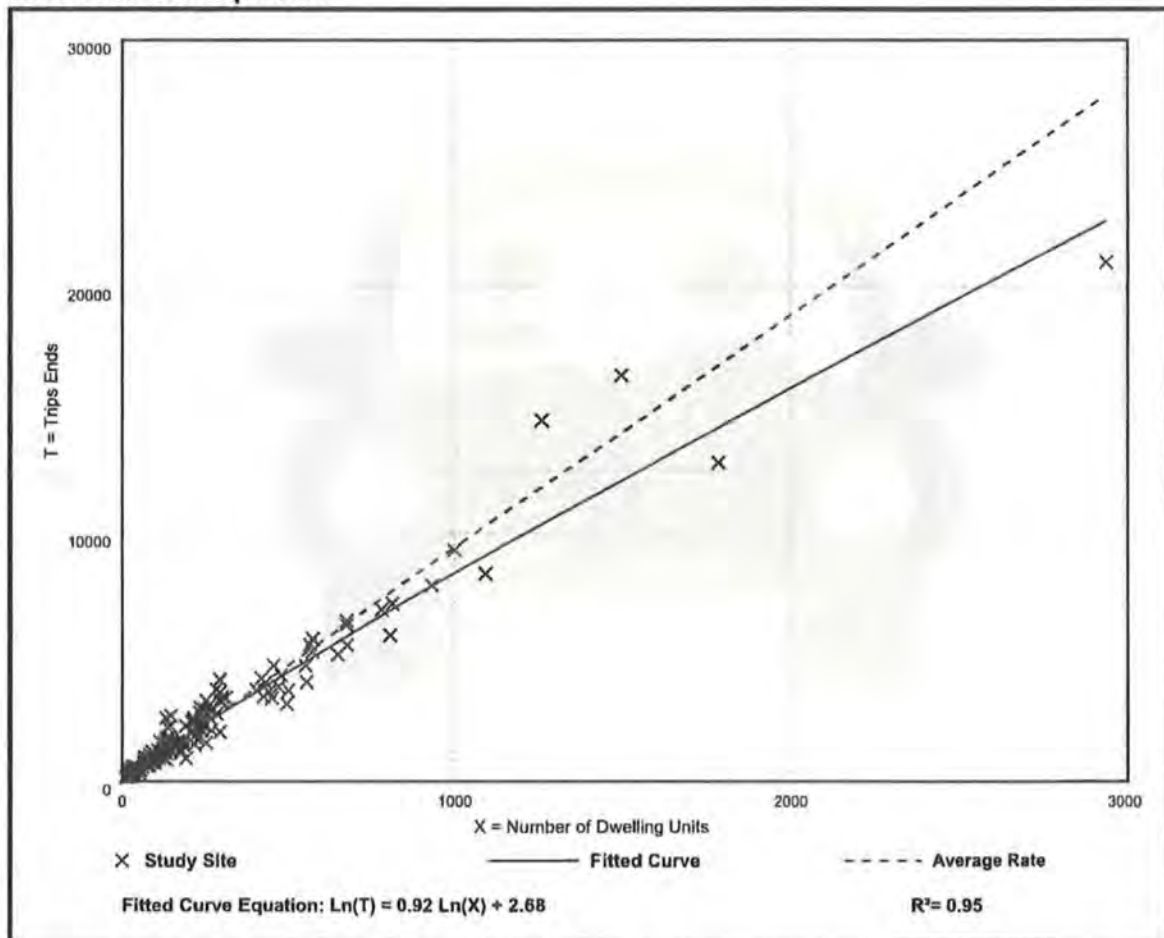
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 174
Avg. Num. of Dwelling Units: 246
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.43	4.45 - 22.61	2.13

Data Plot and Equation



Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 192

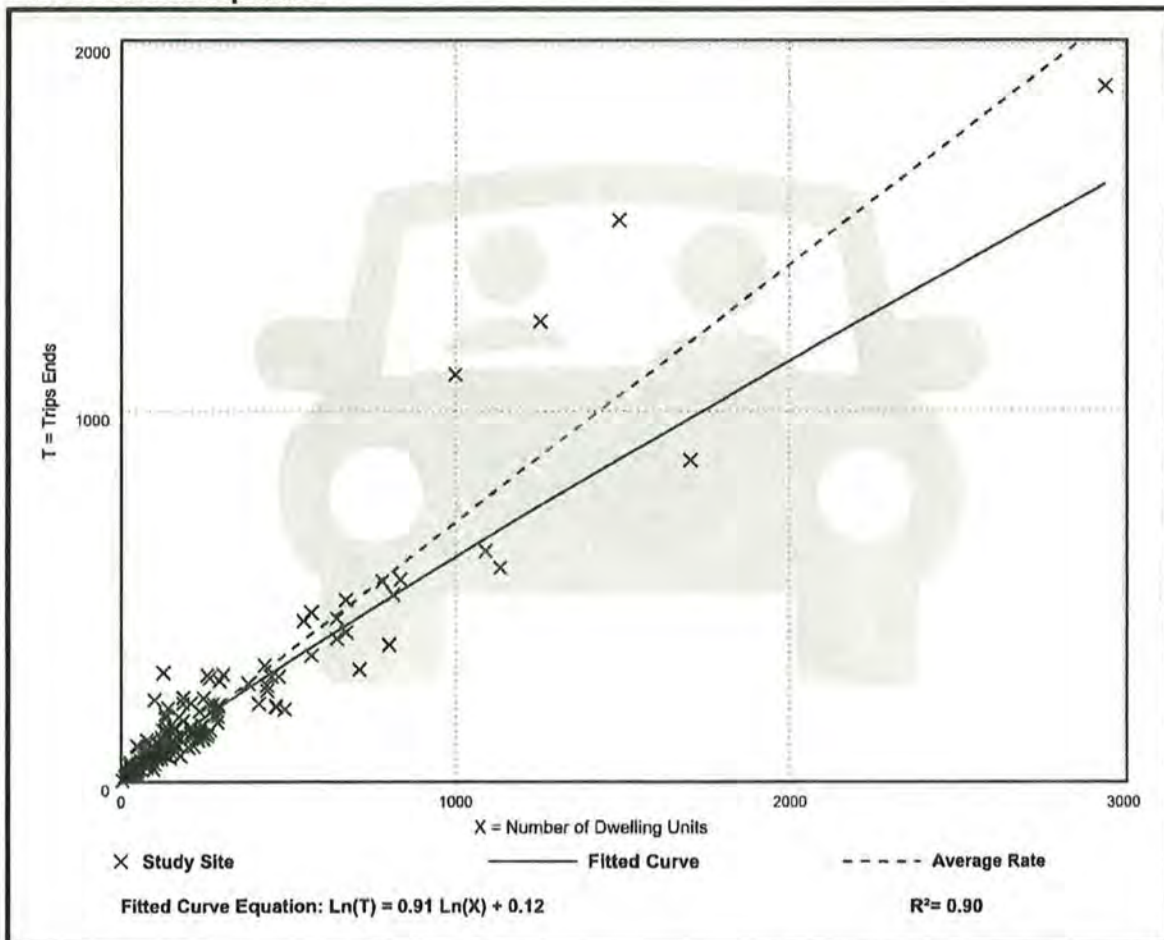
Avg. Num. of Dwelling Units: 226

Directional Distribution: 26% entering, 74% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.70	0.27 - 2.27	0.24

Data Plot and Equation



Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 208

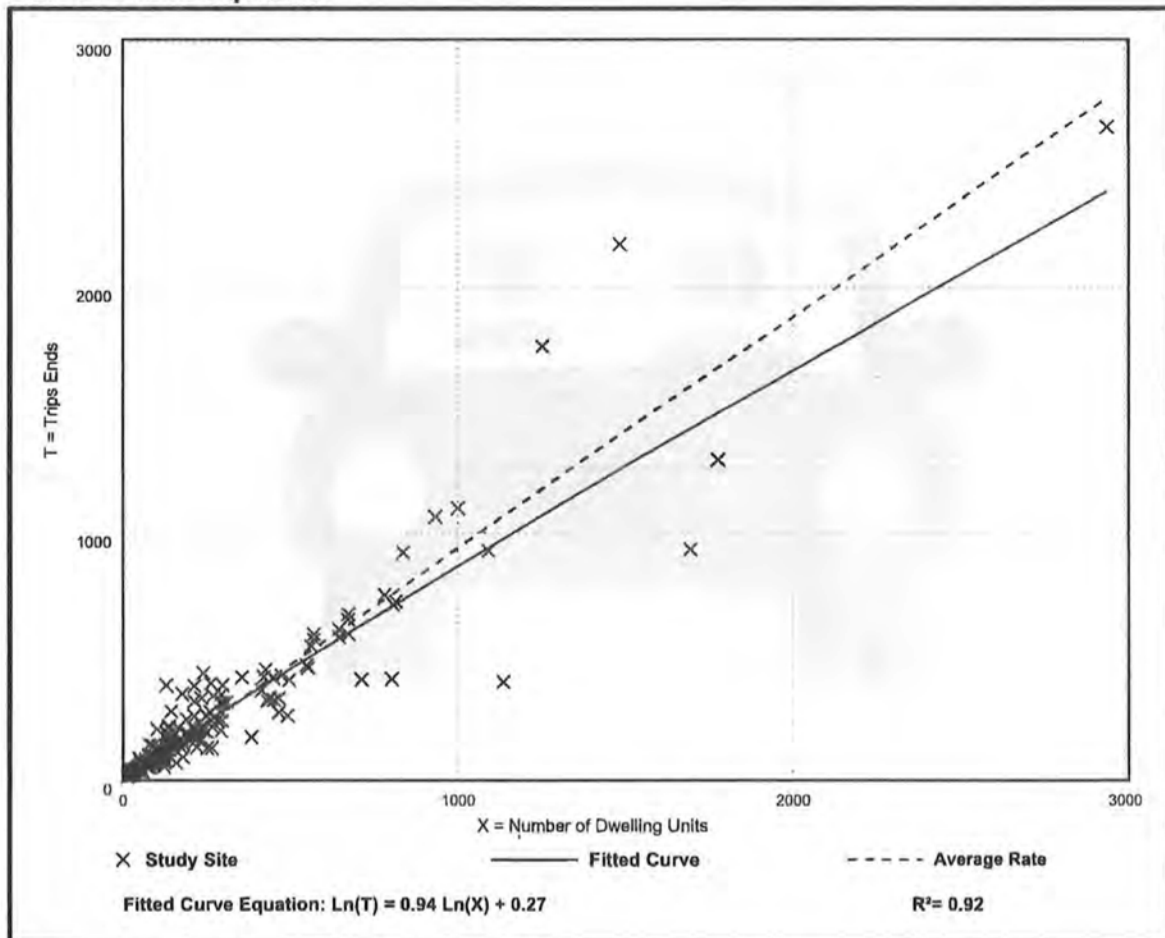
Avg. Num. of Dwelling Units: 248

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.94	0.35 - 2.98	0.31

Data Plot and Equation



Shopping Plaza (40-150k) - Supermarket - No (821)

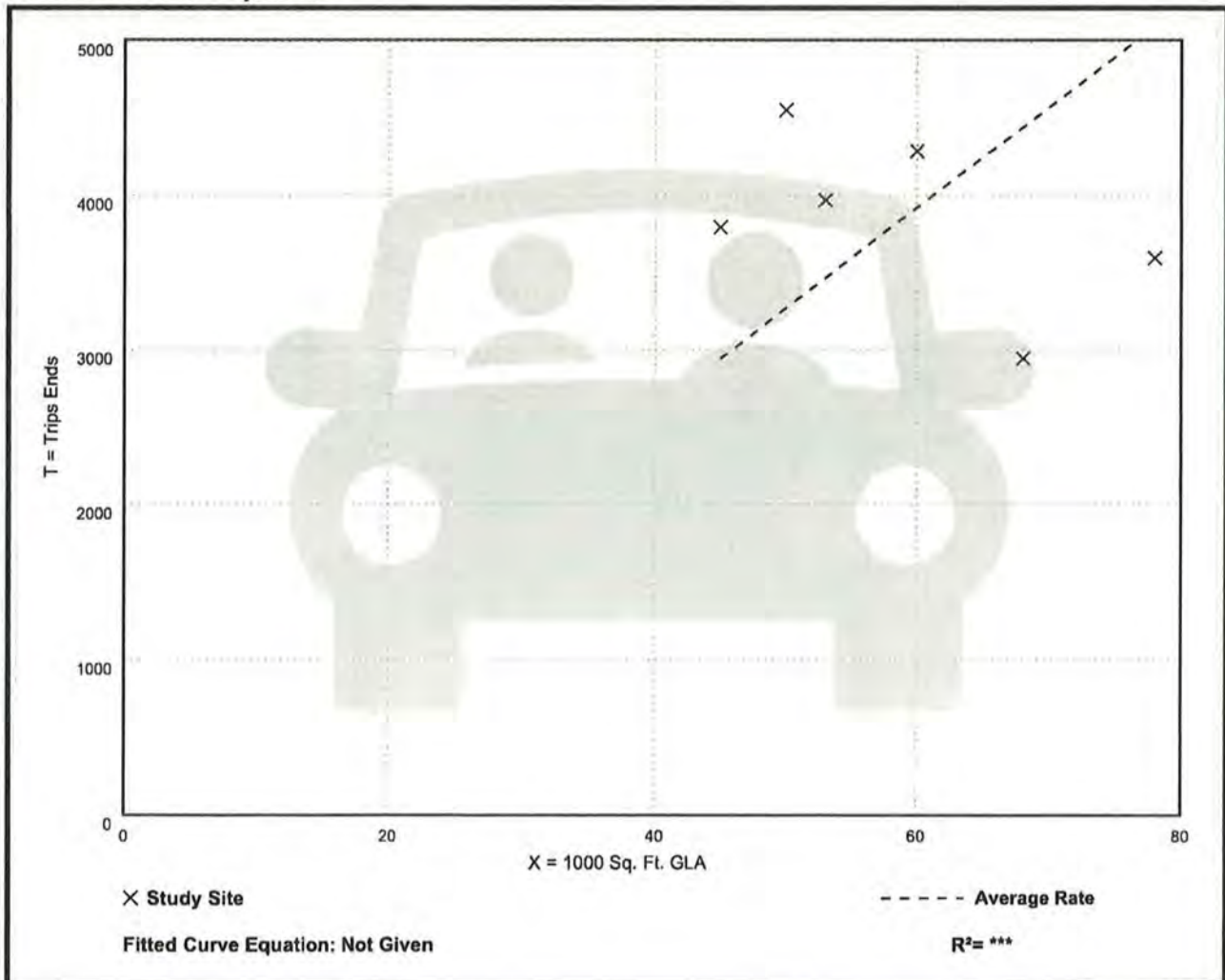
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 6
Avg. 1000 Sq. Ft. GLA: 59
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
65.38	43.29 - 91.06	20.03

Data Plot and Equation



Shopping Plaza (40-150k) - Supermarket - No (821)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 9

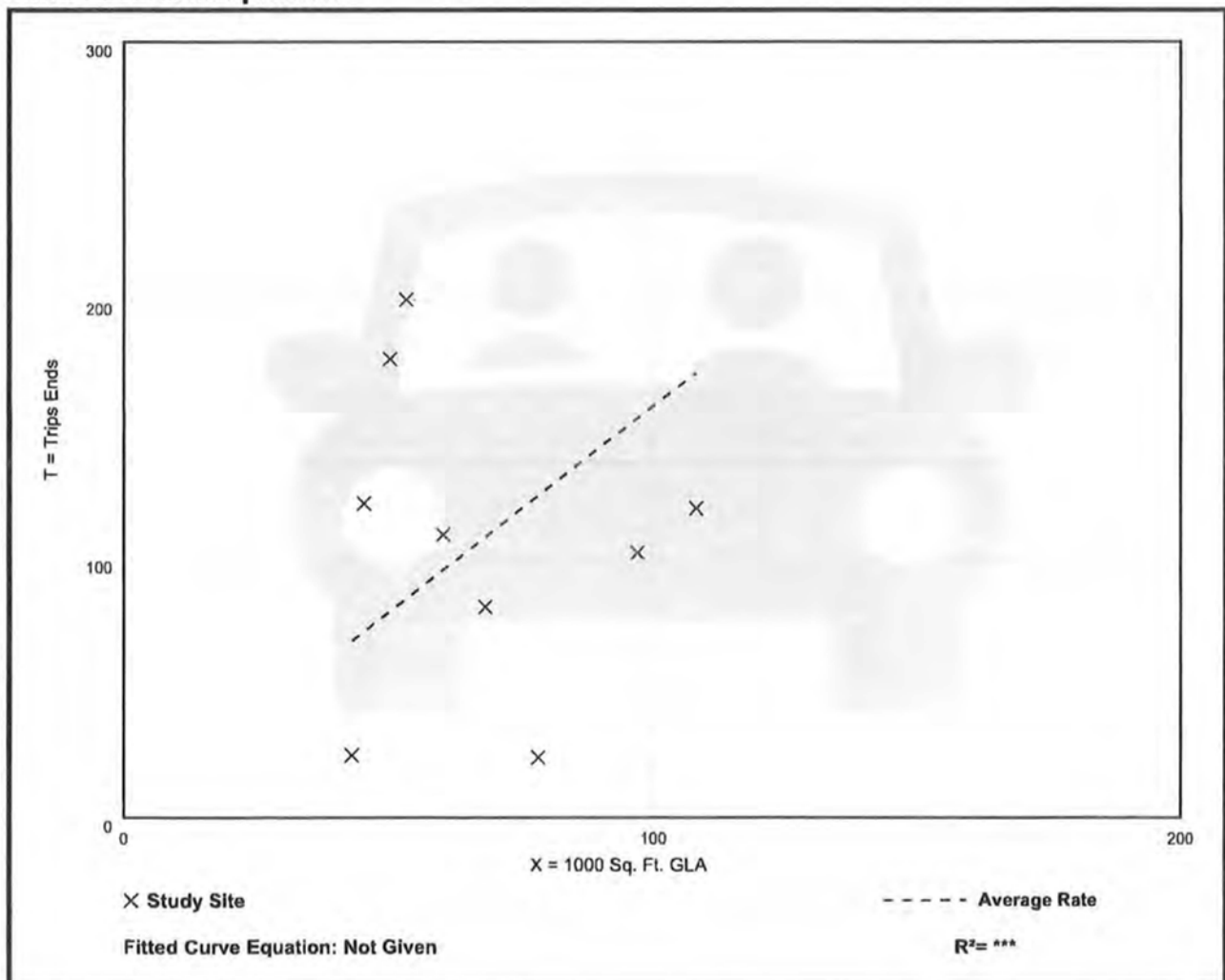
Avg. 1000 Sq. Ft. GLA: 67

Directional Distribution: 62% entering, 38% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
1.59	0.29 - 3.77	1.18

Data Plot and Equation



Shopping Plaza (40-150k) - Supermarket - No (821)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 24

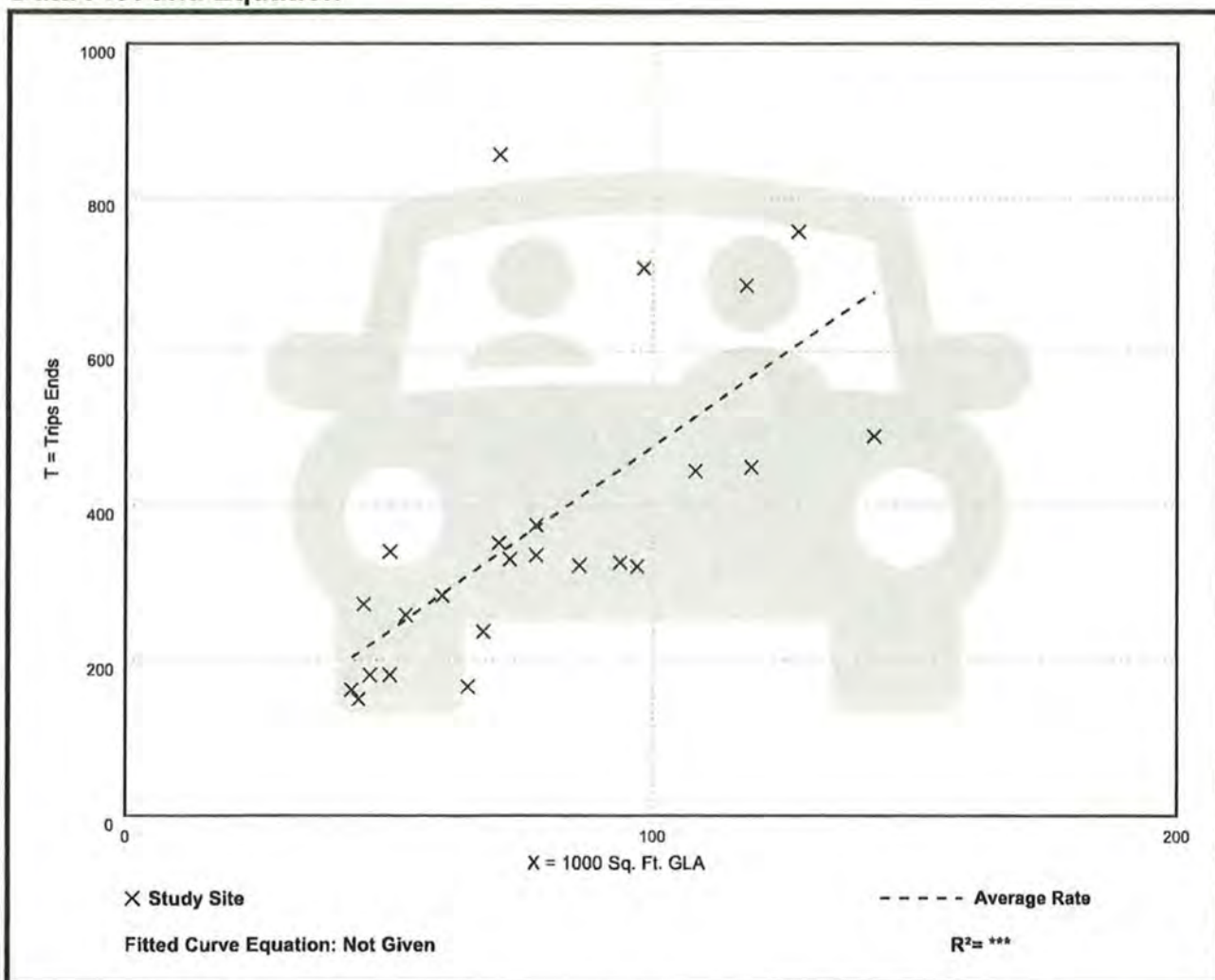
Avg. 1000 Sq. Ft. GLA: 79

Directional Distribution: 49% entering, 51% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
4.76	2.55 - 12.04	1.89

Data Plot and Equation





FGUA Service Area Release

UTILITY SERVICE AREA RELEASE

THIS RELEASE is hereby given by the FLORIDA GOVERNMENTAL UTILITY AUTHORITY, a legal entity and public body created by Interlocal agreement pursuant to section 163.01(7), Florida Statutes, whose address is 280 Wekiva Springs Road, Suite 2070, Longwood, FL 32779-6026, hereinafter the UTILITY, to LEE COUNTY, a political subdivision of the State of Florida, by and through its Board of County Commissioners, and the UTILITY states the following:

At the request of the Caloosa 80 LLP, as developer of the Caloosa 80 development, to allow for unified utility service to the development by the COUNTY, the UTILITY does hereby and by these presents for itself, its successors, and assigns, relinquish any and all rights it has or may have to provide water and wastewater service to the property described in Exhibit A, attached hereto and incorporated herein by reference. The UTILITY further consents to LEE COUNTY providing water and wastewater services to the proposed development project to be constructed on that property described in Exhibit A by extending a water line along Palm Beach Boulevard (SR80) through the FGUA's service area to the Caloosa 80 LLP property. Lee County may not utilize the line extension referenced herein to serve any other connections within the FGUA's service area without the expressed written permission of the FGUA.

The UTILITY hereby and by these presents for itself, its successors, and assigns, releases LEE COUNTY, its officials, agents, and employees from any claims, demands, or causes of actions whatsoever, which the UTILITY may have relating to LEE COUNTY providing water and wastewater service to that property described in Exhibit A.

The UTILITY further agrees to amend its territory to delete the property described in Exhibit A from its service area. The UTILITY'S consent to service by LEE COUNTY and this release apply only to that property specifically described in Exhibit A.

LEE COUNTY joins in this release for the purpose of accepting the UTILITY'S release and to acknowledge that it will provide water and wastewater service, subject to the Developer addressing applicable regulations and pursuing comprehensive plan amendments to update Maps 6&7 of the Lee Plan, to the property specifically described in Exhibit A.

Caloosa 80 LLP joins in this release for the purpose of acknowledging that it requested the UTILITY to grant this release and that it will accept water and wastewater service from LEE COUNTY.

IN WITNESS WHEREOF, the parties hereto have executed the foregoing agreement on this 29th day of September 2017.

Witnesses:

Print Name: Nathan Beals

Print Name: David R. Cyganik

LEE COUNTY UTILITIES

By: [Signature]
Pamela Keyes, Director

Approved as to Form for the
Reliance of Lee County Only

By: [Signature]
Office of the County Attorney

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Date: October 19, 2017

[Signature]
Lea Ann Thomas, Chair



STATE OF FLORIDA

COUNTY Sumter

The foregoing instrument was acknowledged before me this 19th day of October, 2017
(date), by Lea Ann Thomas as Chair of the Florida Governmental Utility Authority (name of person
acknowledging), who is personally known to me or who has produced — N/A —
(type of identification) as identification.

Seal:



[Signature]
NOTARY

(SEAL)

CALOOSA 80 LLP

ATTEST:

[Signature]

Date: 9-29-2017

BY: [Signature]
Stanley Whitcomb JR. PRES.
CRYSTAL PARTNERS II INC.
Its PARTNER
Title

STATE OF ~~FLORIDA~~ North Carolina
COUNTY Transylvania

The foregoing instrument was acknowledged before me this September 29, 2017
(date), by Stanley Whitcomb
(name of person acknowledging), who is personally known to me or who has produced Driver's License

(SEAL)

BOARD OF COUNTY COMMISSIONERS OF
LEE COUNTY, FLORIDA

ATTEST:

CLERK

CHAIRMAN

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Date:

October 19, 2017

Lea Ann Thomas

Lea Ann Thomas, Chair



STATE OF FLORIDA

COUNTY Seminole

The foregoing instrument was acknowledged before me this 19th day of October, 2017
(date), by Lea Ann Thomas as Chair of the Florida Governmental Utility Authority (name of person
acknowledging), who is personally known to me or who has produced N/A
(type of identification) as identification.

Seal:



Janelle D. Kusiolek
NOTARY

(SEAL)

CALOOSA 80 LLP

ATTEST:

Christina Flynn

Date:

9-29-2017

BY:

Stanley Whitcomb

STANLEY WHITCOMB JR PRES.
CRISTAL PARTNER II INC.

Its

PARTNER

Title

STATE OF FLORIDA North Carolina
COUNTY Transylvania

The foregoing instrument was acknowledged before me this September 29, 2017
(date), by Stanley Whitcomb
(name of person acknowledging), who is personally known to me or who has produced Driver's License

(type of identification) as identification.

Seal:

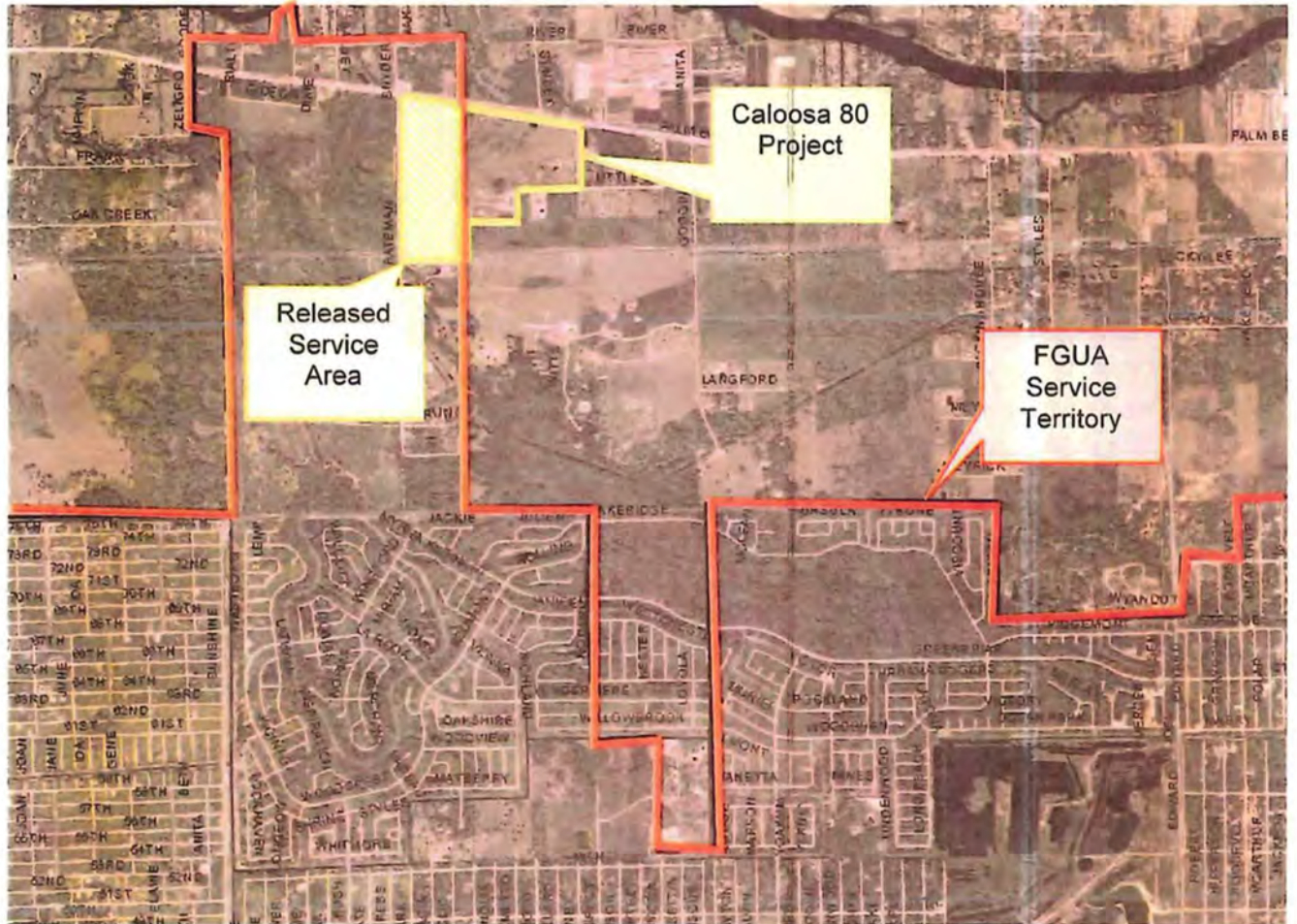


Lynn Collins - Lynn Collins
NOTARY

my Commission Expires 5-9-2022

EXHIBIT A

Parcel ID : 30-43-27-00-00001.0190
18910 Palm Beach Blvd, Alva, Florida





Letters of Service Availability



Lee County
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

Kevin Ruane
District One

January 17, 2025

Via E-Mail

Cecil L. Pendergrass
District Two

David Mulicka
District Three

Brian Hamman
District Four

Mike Greenwell
District Five

Dave Harner, II
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

Jem Frantz
RVI Planning & Landscape Architecture
28100 Bonita Grande Drive, Suite 305
Bonita Springs, FL 34135

RE: **Potable Water and Wastewater Availability**
Caloosa 80 MPD - Intersection of State Road 80 and Bateman Road
STRAP # 29-43-27-00-00005.0000; 29-43-27-00-00012.0060;
and 30-43-27-00-00001.0190

To whom this may concern:

The subject properties are not located within Lee County Utilities Future Service Area as depicted on Maps 4A and 4B of the Lee County Comprehensive Land Use Plan. Potable water infrastructure is located approximately 2.75 miles west of the proposed property mentioned above. Sanitary Sewer infrastructure is located approximately 3.75 miles west of the proposed property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 721 single family residential units with an estimated flow demand of approximately 183,250 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

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

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

Further, this letter of availability of potable water and sanitary sewer service is to be utilized for Comprehensive Plan Amendment, Zoning, and Planned Development

Application only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

Ashanti Shahriyar

LEE COUNTY UTILITIES
Ashanti Shahriyar
Plan Reviewer
239-533-8531
UTILITIES ENGINEERING



The School District of Lee County

Jacqueline Heredia, District Planning Specialist

2855 Colonial Boulevard, Fort Myers, FL 33966

The School District of Lee County has the following comments on this project:

This project is located in Elementary School Proximity Zone "D"

- The District's Student Generation Rate (SGR) for this area for Single family development is 0.160 at the elementary level.
- The proposed 721 residential units could be expected to produce up to 231.44 elementary school students.
- Elementary School Proximity Zone "D" is currently operating at approximately 99 % of capacity with about 121 open seats.
- This proposed project will not negatively impact school capacity in the enrollment zone for FY25.

This project is located in Middle School Proximity Zone "DD"

- The District's Student Generation Rate (SGR) for this area for single family development is 0.159 at the middle school level.
- The proposed 721 residential units could be expected to produce up to 114.64 middle school students.
- Middle School Proximity Zone "DD" is currently operating at approximately 109% of capacity with 1 open seats.
- This proposed project will not negatively impact school capacity in the enrollment zone FY25.

This project is located in High School Enrollment Zone East, Sub-Zone 3

- The District's Student Generation Rate (SGR) for this area for single family development is 0.207 at the high school level.
- The proposed 721 residential units could be expected to produce up to 149.25 high school students.
- East Zone 3 is currently operating at approximately 107% of capacity with about 69 open seats.
- This proposed project will not negatively impact school capacity in the enrollment zone FY25.

Board Members: Samuel Fisher, District 1, Chair | Jada Langford Fleming, District 6, Vice Chair
Melisa W. Giovannelli, District 2 | William F. Ribble, Jr., District 3 | Debbie Jordan, District 4 | Armor Persons, District 5
Vanessa M. Chaviano, District 7 | Denise M. Carlin, Ed.D., Superintendent | Kathy Dupuy-Bruno, Esq. B.C.S., Board Attorney

Kevin Ruane
District One

February 24th, 2025

Cecil L. Pendergrass
District Two

David Mulicka
District Three

Jem Frantz, AICP
Project Director

Brian Hamman
District Four

Mike Greenwell
District Five

**Caloosa 80 MPD – Comprehensive Plan Amendment & Rezoning
Letter of Service Availability Request**

Dave Harner, II
County Manager

Richard Wesch
County Attorney

To Whom It May Concern:

Donna Marie Collins
*County Hearing
Examiner*

LeeTran has reviewed your request for service availability regarding a proposed Comprehensive Plan Amendment. After reviewing the site and comparing the location with our existing and planned route locations according to the 2020 Transit Development Plan (TDP), the following has been determined:

The proposed development (at the intersection of Palm Beach Blvd. and Bateman Road) is not within one-quarter mile of a fixed-route corridor. The 2021 TDP does not identify the need for enhanced or additional services in the area, the developer is not required to connect to or improve transit facilities based on the current Lee County Transit LDC section 10-441.

If you have any questions or require further information, please do not hesitate to contact me at (239) 533-0340 or cmarinodiaz@leegov.com.

Sincerely,

Clarissa Marino Diaz

Clarissa Marino Diaz,
Senior Project Planner
Lee County Transit



Board of County Commissioners

Kevin Ruane
District One

Cecil L. Pendergrass
District Two

David Mulicka
District Three

Brian Hamman
District Four

Mike Greenwell
District Five

Dave Harner
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

February 21, 2025

RVi Planning + Landscape Architecture

Attn: Jem Frantz, Project Director

28100 Bonita Grande Drive, Suite 305

Bonita Springs, FL 34135

RE: Solid Waste Service Availability Letter Request – Caloosa 80

Dear Ms. Frantz:

The Lee County Solid Waste Department is capable of providing solid waste collection service for the planned 794 dwelling units for Caloosa 80 LLP located along Palm Beach Boulevard (SR 80), at its intersection with Bateman Road 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



Community Meetings Summary



**Caloosa 80
Community Meeting Table**

CPA2024-00016 - DCI2024-00045	
10/16/2024	Bayshore Fire Station
1/14/2025	Alva Community Center
2/11/2025	Alva Community Center
2/19/2025	Owl Creek Drive/North River Road ROW
4/16/2025	Bayshore Fire Station



Caloosa 80 CPA & MPD Rezone Community Meeting Summary

Neal Communities (Applicant) and their consultant team hosted a public information meeting at the Alva Community Center, 21471 N River Rd., Alva, FL 33920, at 7:00 p.m., on Tuesday, January 14, 2025 as part of the Alva, Inc. monthly meeting. The meeting was held for the proposed Comprehensive Plan Amendment and Mixed Use Planned Development rezone applications, CPA2024-00016 and DCI2024-00045, respectively.

Alexis Crespo (Agent) welcomed attendees, introduced the project, and, together with the Applicant and consultant team, presented the proposed Future Land Use Map and proposed Master Concept Plan (MCP).

The Applicant explained the proposed development will include 721 dwelling units and 30,000 SF of neighborhood commercial uses with a maximum height of 35 feet. The Master Concept Plan was also displayed and proposed uses, access, preserve areas. It was noted the preserve areas were strategically placed along the perimeter of the project to maintain the views of native vegetation from SR 80 and adjacent lands. It was also noted that access to Bateman Road would remain emergency access only. After the presentation the Applicant opened the floor for attendees to ask questions and make comments.

Comments raised from attendees included the following topics:

- Questions regarding whether the project was affordable housing. It was noted the homes are not "affordable" per Lee County's definition and would be sold at market rate.
- Questions regarding building height. It was noted the homes would be 1-2 stories.
- Questions regarding the number of model homes. It was noted 7 models are planned.
- There was discussion on panthers on the property and within the vicinity. The Applicant's environmental consultant explained the process for determining if listed or endangered species are on the site, as well as the wide range of habitat for the Florida Panther.
- Concern regarding the increase of density via the future land use map change.
- Request to consider expanding the preserve in the southern portion of the site to serve as a wildlife corridor, and reduce preserve along SR 80. It was noted the Consultant Team will evaluate this request, but the preserve areas are driven by locations of wetlands which are generally near the SR 80 frontage.
- There was discussion on stormwater design and sheet flow, with description of the proposed water management design and safeguards to ensure water does not leave the site faster than it does today in the post-development scenario.
- There was discussion on the applications' review status.
- There were questions on the provision of utilities. It was explained LCU will serve the site with the developer extending utilities that are to the west, generally near River Hall.

Attendees were provided contact information and it was noted that multiple opportunities for public input remained through the public hearing process. The presentation concluded at 8:15 p.m.

An additional meeting was held in the same location on Tuesday, February 11, 2025. The meeting notice was published in the News-Press on January 31, 2025. The Affidavit of Publication is attached as Exhibit A.

Jem Frantz (Agent) introduced the project and presented the proposed Future Land Use Map and proposed Master Concept Plan (MCP). The exhibits presented are attached as Exhibit B.

The Applicant explained the proposed development will include 721 dwelling units and 30,000 SF of neighborhood commercial uses with a maximum height of 35 feet. The Master Concept Plan was also displayed and proposed uses, access, preserve areas. Access locations, proposed open space and preserve locations were presented. It was also noted that access to Bateman Road would remain emergency access only. After the presentation the Applicant opened the floor for attendees to ask questions and make comments.

Comments raised from attendees included the following topics:

- Questions regarding building height. It was noted the maximum height is 35 feet.
- Concern regarding the increase of density via the future land use map change and how density would be located throughout the property.
- Questions regarding the utility service areas. It was explained LCU will serve the site with the developer extending utilities from the west.
- Whether the emergency access to Bateman Road could be required only in the case that the two proposed access locations on SR 80 are not approved.
- Questions regarding affordability of the proposed development.
- Whether there would be separate access to the commercial area.
- Questions regarding off site transportation improvements.
- Whether the area needs 30,000 square feet of commercial uses.
- Questions regarding proposed lot sizes.

The presentation concluded at 7:30 p.m.

Exhibit A: Affidavits of Publication



PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

ATTN: Alexis Crespo
RVI Planning, Inc
28100 Bonita Grande DR
STE 305
Bonita Springs FL 34135-6219

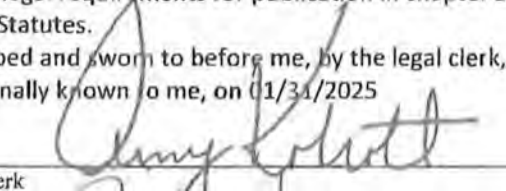
STATE OF WISCONSIN, COUNTY OF BROWN

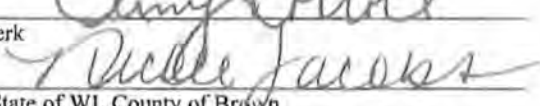
Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices,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

01/31/2025

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 01/31/2025


Legal Clerk


Notary, State of WI, County of Brown

8-21-26

My commission expires

Publication Cost:	\$194.66	
Tax Amount:	\$0.00	
Payment Cost	\$194.66	
Order No:	10987096	# of Copies:
Customer No:	1125689	0
PO #:	LSAR0231205	

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: Tuesday, February 11, 2025

TIME: 7:00 PM

ADDRESS: Alva Community Center, 21471 N. River Rd., Alva, FL 33920

In accordance with the Alva Planning Community Requirements of the Lee County Land Development Code, the Applicant, Neal Communities of Southwest Florida, Inc, will be presenting information to the public regarding a Comprehensive Plan Amendment Application and a Rezoning Application to make the following changes:

To rezone the 192.3+/-acre subject property from RVPD to MPD to allow for development of 721 Single-family and townhome dwelling units and 30,000 SF of neighborhood commercial uses. The maximum building height is 35 feet. The site will connect to centralized water and sewer services.

And

To amend the Comprehensive Plan to include the subject property in the Lee County Future Water and Sewer Services Maps and to redesignate a portion of the subject property to Sub-Outlying Suburban.

The purpose of the meeting is to educate community members and nearby landowners about the proposed development and to address any questions.

For questions, please contact:

Jem Frantz, AICP
RVi Planning + Landscape Architecture
28100 Bonita Grande Drive, Suite 305, Bonita Springs, FL 34135
(239) 357-9580 or jfrantz@rviplanning.com
January 31 2025
LSAR0231205

AFFIDAVIT OF PUBLICATION

ATTN: Alexis Crespo
RVI Planning, Inc
28100 Bonita Grande DR
STE 305
Bonita Springs FL 34135-6219

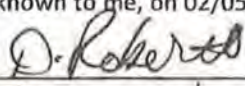
STATE OF WISCONSIN, COUNTY OF BROWN

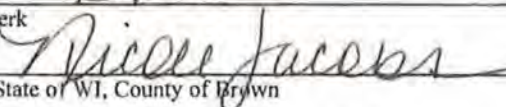
Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices,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

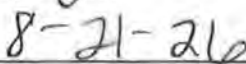
02/05/2025

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 02/05/2025


Legal Clerk


Notary, State of WI, County of Brown


My commission expires

Publication Cost:	\$198.04	
Tax Amount:	\$0.00	
Payment Cost:	\$198.04	
Order No:	10987071	# of Copies:
Customer No:	1125689	0
PO #:	LSAR0231190	

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: Wednesday, February 19, 2025

TIME: 4:00 PM

ADDRESS: Intersection of Owl Creek Dr. and N. River Rd., Alva, FL 33920

In accordance with the Alva Planning Community Requirements of the Lee County Land Development Code, the Applicant, Neal Communities of Southwest Florida, Inc, will be presenting information to the public regarding a Comprehensive Plan Amendment Application and a Rezoning Application to make the following changes:

To rezone the 192.3+-acre subject property from RVPD to MPD to allow for development of 721 Single-family and townhome dwelling units and 30,000 SF of neighborhood commercial uses. The maximum building height is 35 feet. The site will connect to centralized water and sewer services.

And

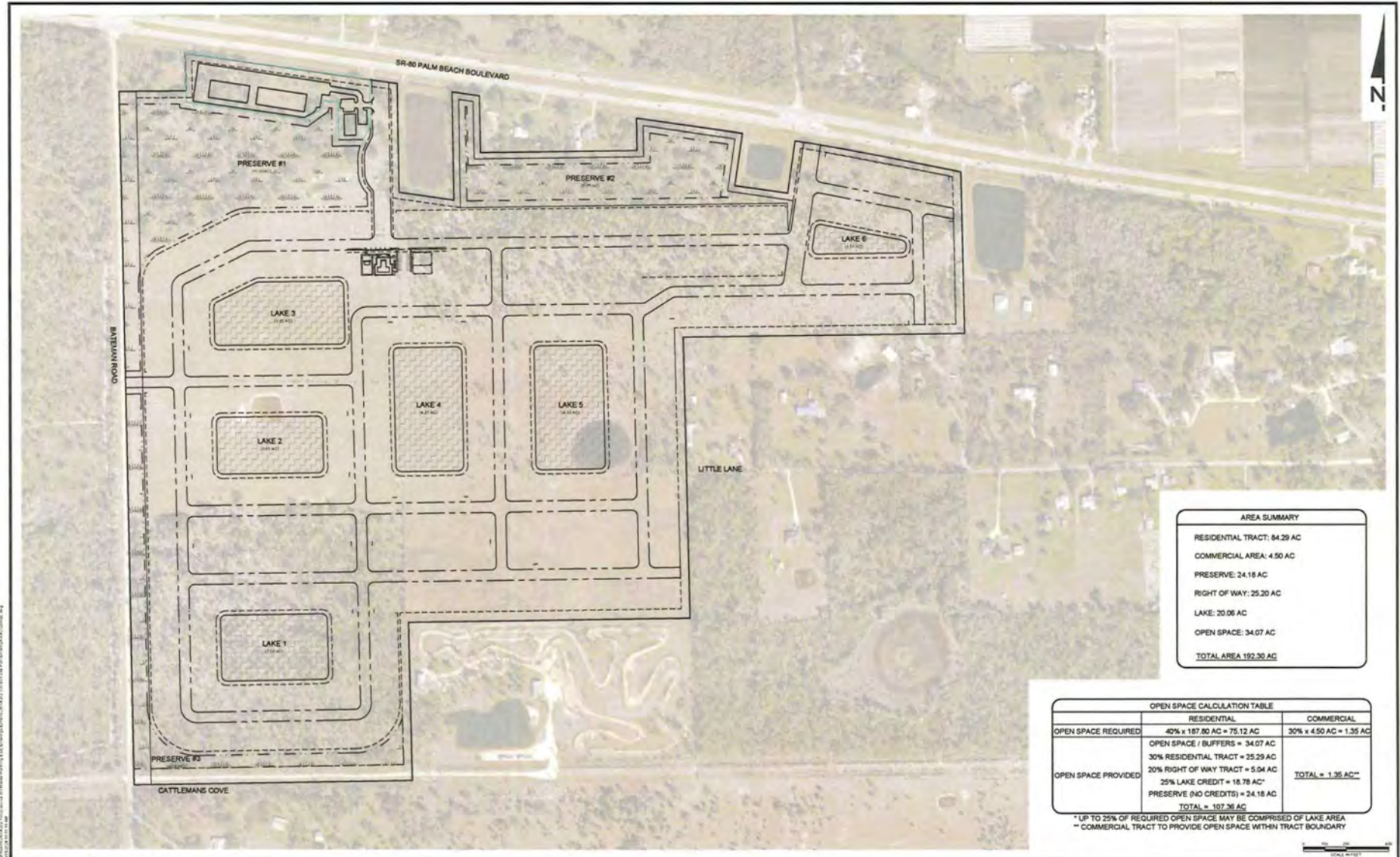
To amend the Comprehensive Plan to include the subject property in the Lee County Future Water and Sewer Services Maps and to redesignate a portion of the subject property to Sub-Outlying Suburban.

The purpose of the meeting is to educate community members and nearby landowners about the proposed development and to address any questions.

For questions, please contact:

Jem Frantz, AICP
RVI Planning + Landscape Architecture
28100 Bonita Grande Drive, Suite 305, Bonita Springs, FL 34135
(239) 357-9580 or jfrantz@rviplanning.com
February 5 2025
LSAR0231190

Exhibit B: Presentation Materials



AREA SUMMARY	
RESIDENTIAL TRACT:	84.29 AC
COMMERCIAL AREA:	4.50 AC
PRESERVE:	24.18 AC
RIGHT OF WAY:	25.20 AC
LAKE:	20.06 AC
OPEN SPACE:	34.07 AC
TOTAL AREA	192.30 AC

OPEN SPACE CALCULATION TABLE		
	RESIDENTIAL	COMMERCIAL
OPEN SPACE REQUIRED	40% x 187.80 AC = 75.12 AC	30% x 4.50 AC = 1.35 AC
OPEN SPACE PROVIDED	OPEN SPACE / BUFFERS = 34.07 AC	
	30% RESIDENTIAL TRACT = 25.29 AC	
	20% RIGHT OF WAY TRACT = 5.04 AC	
	25% LAKE CREDIT = 18.78 AC*	
	PRESERVE (NO CREDITS) = 24.18 AC	
	TOTAL = 107.36 AC	TOTAL = 1.35 AC**

* UP TO 25% OF REQUIRED OPEN SPACE MAY BE COMPRISED OF LAKE AREA
 ** COMMERCIAL TRACT TO PROVIDE OPEN SPACE WITHIN TRACT BOUNDARY

