

Table 1. (Continued)

FLUCFCS Code	Description	Acreage	Percent of Total
<b>Off-Site Roadway</b>			
740	Disturbed Land	0.38	100.0
<b>Total</b>		<b>0.38</b>	<b>100.0</b>
<b>Off-Site Water Main</b>			
740	Disturbed Land	0.17	100.0
<b>Total</b>		<b>0.17</b>	<b>100.0</b>
<b>15 Acre Addition</b>			
241	Tree Nursery	0.75	5.1
4119 E1	Pine Flatwoods, Disturbed (0-24% Exotics)	5.69	38.5
4159 E3	Pine, Disturbed (50-75% Exotics)	0.29	2.0
4241	Melaleuca, Hydric	0.96	6.5
510	Streams and Waterways	0.55	3.7
6249 E3	Cypress/Pine/Cabbage Palm, Disturbed (50-75% Exotics)	4.88	33.0
740	Disturbed Land	0.04	0.3
743	Spoil Areas	0.04	0.3
747	Berm	1.59	10.8
<b>Total</b>		<b>14.79</b>	<b>100.0</b>
<b>Project Total</b>		<b>30.17</b>	<b>-</b>

**BBR East Water Storage Tank**

Pine, Disturbed (50-75% Exotics) (FLUCFCS Code 4159 E3)

This upland community is found on the southern portion of the property and occupies 1.88± acres or 12.7 percent of the tank parcel. The canopy and sub-canopy are composed of slash pine (*Pinus elliottii*), melaleuca, and scattered earleaf acacia (*Acacia auriculiformis*). The ground cover contains bahiagrass (*Paspalum notatum*), saw palmetto (*Serenoa repens*), muscadine grape (*Vitis rotundifolia*), spermacoce (*Spermacoce verticillata*), pineland heliotrope (*Heliotropium polyphyllum*), and scattered little blue maidencane (*Amphicarpum muhlenbergianum*).

Brazilian Pepper, Hydric (FLUCFCS Code 4221)

This community type is found at the southeastern corner of the property and occupies less than 0.01± acre or less than 0.01 percent of the tank parcel. The canopy is open and the sub-canopy is composed of Brazilian pepper and scattered melaleuca. The ground stratum is primarily open with scattered little blue maidencane and muscadine grape.

Melaleuca (FLUCFCS Code 424)

This community type is found on the southeastern portion of the Project and occupies 0.57± acre or 3.8 percent of the tank parcel. The canopy and sub-canopy are dominated by melaleuca along with scattered earleaf acacia, slash pine, and Brazilian pepper. The groundcover is comprised of bahiagrass, muscadine grape, spermacoce, pineland heliotrope, little blue maidencane, partridge pea (*Chamechrista* sp.), and dog fennel (*Eupatorium capillifolium*).

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Melaleuca, Hydric (FLUCFCS Code 4241)

This community type is found along the eastern boundary and it occupies 0.53± acre or 3.6 percent of the tank parcel. The canopy and sub-canopy are dominated by melaleuca along with scattered earleaf acacia and Brazilian pepper. The ground cover is comprised of little blue maidencane, spermacoce, umbrellasedge (*Fuirena breviseta*), pineland heliotrope, gulfdune paspalum (*Paspalum monostachyum*), partridge pea, dog fennel, and scattered paragrass (*Urochloa mutica*).

Streams and Waterways (FLUCFCS Code 510)

This land use is comprised of the Kehl Canal waterway which forms the tank parcel's north boundary. The canal occupies 0.97± acre or 6.5 percent of the tank parcel.

Hydric Pine, Disturbed (50-75% Exotics) (FLUCFCS Code 6259 E3)

This community type is found in the southeastern portion of the property and it occupies 0.47± acre or 3.2 percent of the tank parcel. The canopy is composed of melaleuca, slash pine, earleaf acacia, and scattered cabbage palm. The sub-canopy is dominated by melaleuca with earleaf acacia, Brazilian pepper, slash pine, cabbage palm (*Sabal palmetto*), and widely scatted cypress (*Taxodium distichum*) present. The ground cover is dominated by little blue maidencane, along with spermacoce, umbrellasedge, pineland heliotrope, gulfdune paspalum, partridge pea, and widely scattered maidencane (*Panicum hemitomom*).

Disturbed Land (FLUCFCS Code 740)

This upland community comprises most of the northern portion of the site and it occupies 9.80± acres or 66.1 percent of the tank parcel. The canopy and sub-canopy are open, except for widely scattered Brazilian pepper, slash pine, melaleuca, live oak (*Quercus virginiana*), earleaf acacia, and carrotwood (*Cupaniopsis anacardioides*). The ground cover is dominated by bahiagrass, along with smutgrass (*Sporobolus indicus*), spermacoce, pineland heliotrope, cogongrass (*Imperata cylindrica*), rattlebox (*Crotalaria* sp.), and partridge pea.

Spoil Area (FLUCFCS Code 743)

This cover type is found in the northwestern portion of the property and it occupies 0.61± acre or 4.1 percent of the tank parcel. The canopy is mostly open with widely scattered slash pine and melaleuca. The sub-canopy is dominated by Brazilian pepper, along with scattered cabbage palm. The ground cover is composed of bahiagrass, smutgrass, ragweed (*Ambrosia* sp.), and muscadine grape.

**Off-Site Water Main**

Disturbed Land (FLUCFCS Code 740)

This upland community comprises the entire Off-Site Water Main area and it occupies 0.38± acre. The vegetative communities are similar to those found within the Disturbed Land community located on the tank parcel.

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## **Off-Site Roadway**

### Disturbed Land (FLUCFCS Code 740)

This upland community comprises the entire Off-Site Roadway area and it occupies 0.17± acre. The vegetative communities are similar to those found within the Disturbed Land community located on the tank parcel.

## **15 Acre Addition**

### Tree Nursery (FLUCFCS Code 241)

This land use is found on the southern portions of the property and it occupies 0.75± acre or 5.1 percent of the additional parcels. The vegetation found within this land use is comprised of various potted and planted landscape plants common to Southwest Florida.

### Pine Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4119 E1)

This upland community is found on the eastern portion of the property and it occupies 5.69± acres or 38.5 percent of the additional parcel. The canopy and sub-canopy are composed of slash pine with widely scattered melaleuca and earleaf acacia. The ground cover is dominated by saw palmetto with lyonia (*Lyonia fruticosa*), muscadine grape, spermacoce, and pineland heliotrope.

### Pine, Disturbed (50-75% Exotics) (FLUCFCS Code 4159 E3)

This upland community is found on the southern portion of the property and it occupies 0.29± acres or 2.0 percent of the additional parcel. The vegetative communities are similar to those found within the same community located on the tank parcel.

### Melaleuca, Hydric (FLUCFCS Code 4241)

This community type is found in the west-central portion of the property and it occupies 0.96± acre or 6.5 percent of the additional parcels. The vegetative communities are similar to those found within the same community located on the tank parcel.

### Streams and Waterways (FLUCFCS Code 510)

This land use is comprised of the Kehl Canal waterway which forms the additional parcels' north boundary. The canal occupies 0.55± acre or 3.7 percent of the additional parcels.

### Cypress/Pine/Cabbage Palm, Disturbed (50-75% Exotics) (FLUCFCS Code 6249 E3)

This community type is found in the western portions of the property and it occupies 4.88± acres or 33.0 percent of the additional parcels. The canopy is composed of melaleuca and slash pine. The sub-canopy is dominated by melaleuca with slash pine, cypress, and earleaf acacia. The ground cover is composed of swamp fern (*Blechnum serrulatum*), sawgrass (*Cladium jamaicense*), cabbage palm, maidencane, and spermacoce.

### Disturbed Land (FLUCFCS Code 740)

This upland community is found at the northeastern portion of the property and it occupies 0.04± acre or 0.3 percent of the additional parcels. The vegetative communities are similar to those found within the same community located on the tank parcel.

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Spoil Area (FLUCFCS Code 743)

This cover type is found in the northwestern portion of the property and it occupies 0.04± acre or 0.3 percent of the additional parcels. The vegetative communities are similar to those found within the same community located on the tank parcel.

Berm (FLUCFCS Code 747)

This cover type is found in the northern portions of the property and it occupies 1.59± acres or 10.8 percent of the additional parcels. The canopy is mostly open with earlaef acacia, melaleuca, and widely scattered slash pine. The sub-canopy is dominated by Brazilian pepper with scattered cabbage palm, slash pine, melaleuca, and live oak. The ground cover is composed of bahiagrass, smutgrass, ragweed, muscadine grape, and rabbit tobacco (*Pseudognaphalium obtusifolium*).

**METHODOLOGY AND DISCUSSION**

Surveys for Lee County protected species are based on the presence of specific vegetation associations and habitat types noted on-site as outlined in the LDC. The frequency of transects performed in these habitats, unless otherwise discussed, were designed to meet 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 Environmental Sciences staff, 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 and personal experience, as well as those habitats reviewed as a precautionary measure.

**Table 2. Potential Lee County Protected Species by Habitat Type, All FLUCFCS Codes Combined**

FLUCFCS Code and Description		Potential Protected Species
<b>BBR East Water Storage Tank</b>		
4159 E3	Pine, Disturbed (50-75% Exotics)*	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )
		Gopher Frog ( <i>Rana areolata</i> )
		Southeastern American Kestrel ( <i>Falco sparverius paulus</i> )
		Red-Cockaded Woodpecker ( <i>Picoides borealis</i> )
		Florida Panther ( <i>Puma concolor coryi</i> )
		Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )
		Florida Black Bear ( <i>Ursus americanus floridanus</i> )
		Fakahatchee Burmannia ( <i>Burmannia flava</i> )
		Satinleaf ( <i>Chrysophyllum olivaeforme</i> )
		Beautiful Paw-Paw ( <i>Deeringothamnus pulchellus</i> )
Florida Coontie ( <i>Zamia floridana</i> )		
4221	Brazilian Pepper, Hydric*	N/A
424	Melaleuca*	Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )

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Table 2. (Continued)

FLUCFCS Code and Description		Potential Protected Species
<b>BBR East Water Storage Tank (Continued)</b>		
4241	Melaleuca, Hydric*	Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )
510	Streams and Waterways	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> )
6259 E3	Hydric Pine, Disturbed (50-75% Exotics)	Little Blue Heron ( <i>Egretta caerulea</i> )
		Snowy Egret ( <i>Egretta thula</i> )
		Tri-Colored Heron ( <i>Egretta tricolor</i> )
		Gopher Frog ( <i>Rana areolata</i> )
		Everglades Mink ( <i>Mustela vison evergladensis</i> )
		Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )
740	Disturbed Land*	Arctic Peregrine Falcon ( <i>Falco peregrinus tundrius</i> )
		Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )
743	Spoil Areas*	Gopher Frog ( <i>Rana areolata</i> )
		Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )
<b>Off-Site Roadway</b>		
740	Disturbed Land*	Gopher Frog ( <i>Rana areolata</i> )
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )
		Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )
<b>Off-Site Water Main</b>		
740	Disturbed Land*	Gopher Frog ( <i>Rana areolata</i> )
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )
		Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )
<b>15 Acre Addition</b>		
241	Tree Nursery*	Gopher Frog ( <i>Rana areolata</i> )
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )
		Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )
4119 E1	Pine Flatwoods, Disturbed (0-24% Exotics)	Florida Panther ( <i>Puma concolor coryi</i> )
		Red-Cockaded Woodpecker ( <i>Picoides borealis</i> )
		Southeastern American Kestrel ( <i>Falco sparverius paulus</i> )
		Gopher Frog ( <i>Rana areolata</i> )
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )
		Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )

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Table 2. (Continued)

FLUCFCS Code and Description		Potential Protected Species
<b>15 Acre Addition (Continued)</b>		
4119 E1	Pine Flatwoods, Disturbed (0-24% Exotics) (Continued)	Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )
		Florida Black Bear ( <i>Ursus americanus floridanus</i> )
		Fakahatchee Burmannia ( <i>Burmannia flava</i> )
		Satinleaf ( <i>Chrysophyllum olivaeforme</i> )
		Beautiful Paw-Paw ( <i>Deeringothamnus pulchellus</i> )
		Florida Coontie ( <i>Zamia floridana</i> )
4159 E3	Pine, Disturbed (50-75% Exotics)*	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )
		Gopher Frog ( <i>Rana areolata</i> )
		Southeastern American Kestrel ( <i>Falco sparverius paulus</i> )
		Red-Cockaded Woodpecker ( <i>Picoides borealis</i> )
		Florida Panther ( <i>Puma concolor coryi</i> )
		Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )
		Florida Black Bear ( <i>Ursus americanus floridanus</i> )
		Fakahatchee Burmannia ( <i>Burmannia flava</i> )
		Satinleaf ( <i>Chrysophyllum olivaeforme</i> )
		Beautiful Paw-Paw ( <i>Deeringothamnus pulchellus</i> )
Florida Coontie ( <i>Zamia floridana</i> )		
4241	Melaleuca, Hydric*	Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )
510	Streams and Waterways	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> )
6249 E3	Cypress/Pine/Cabbage Palm, Disturbed (50-75% Exotics)	Little Blue Heron ( <i>Egretta caerulea</i> )
		Snowy Egret ( <i>Egretta thula</i> )
		Tri-Colored Heron ( <i>Egretta tricolor</i> )
		Gopher Frog ( <i>Rana areolata</i> )
		Florida Panther ( <i>Puma concolor coryi</i> )
		Florida Black Bear ( <i>Ursus americanus floridanus</i> )
		Everglades Mink ( <i>Mustela vison evergladensis</i> )
		Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )
		Arctic Peregrine Falcon ( <i>Falco peregrinus tundrius</i> )
740	Disturbed Land*	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )
		Gopher Frog ( <i>Rana areolata</i> )

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**Table 2. (Continued)**

FLUCFCS Code and Description		Potential Protected Species
<b>15 Acre Addition (Continued)</b>		
743	Spoil Areas*	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )
		Gopher Frog ( <i>Rana areolata</i> )
747	Berm*	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )
		Gopher Frog ( <i>Rana areolata</i> )

\*Habitat surveyed for the species noted as a precautionary measure, although not required per the LDC.

The protected species survey was conducted by qualified ecologists on July 10, 2008. The type of survey utilized included meandering pedestrian transects, per WilsonMiller, Inc. methodology previously approved by Lee County. The weather for July 10, 2008 was partly cloudy with temperatures in the high 80's to the low 90's and a light wind from the west during the survey. The weather for March 25, 2009 was partly cloudy with temperatures in the mid-to-high 70's and a light wind from the west during the survey. 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 for the site is provided in Table 3.

**Table 3. Summary of Habitat Coverage**

FLUCFCS Code	Description	Total Area (Acres)	Transects Total Length (Feet)	Average Visibility (Feet) <sup>1</sup>	Percent Coverage
<b>BBR East Water Storage Tank</b>					
4159 E3	Pine, Disturbed (50-75% Exotics) <sup>2</sup>	1.88	1,300	30	95
4221	Brazilian Pepper, Hydric <sup>2</sup>	<0.01	15	15	100
424	Melaleuca <sup>2</sup>	0.56	385	30	95
4241	Melaleuca, Hydric <sup>2</sup>	0.53	350	30	91
510	Streams and Waterways	0.97	650	35	100
6259 E3	Hydric Pine, Disturbed (50-75% Exotics)	0.47	325	30	95
740	Disturbed Land <sup>2</sup>	9.81	6200	50	100
743	Spoil Areas <sup>2</sup>	0.61	430	30	97
<b>Off-Site Roadway</b>					
740	Disturbed Land <sup>2</sup>	0.17	67	50	90
<b>Off-Site Water Main</b>					
740	Disturbed Land <sup>2</sup>	0.38	149	50	90

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**Table 3. (Continued)**

FLUCFCS Code	Description	Total Area (Acres)	Transects Total Length (Feet)	Average Visibility (Feet) <sup>1</sup>	Percent Coverage
<b>15 Acre Addition</b>					
241	Tree Nursery <sup>2</sup>	0.75	694	20	85
4119 E1	Pine Flatwoods, Disturbed (0-24% Exotics)	5.69	5,577	20	90
4159 E3	Pine, Disturbed (50-75% Exotics) <sup>2</sup>	0.29	190	30	90
4241	Melaleuca, Hydric <sup>2</sup>	0.96	627	30	90
510	Streams and Waterways	0.55	342	35	100
6249 E3	Cypress/Pine/Cabbage Palm, Disturbed (50-75% Exotics)	4.88	3189	30	90
740	Disturbed Land <sup>2</sup>	0.04	17	50	100
743	Spoil Areas <sup>2</sup>	0.04	29	30	100
747	Berm <sup>2</sup>	1.59	1,039	30	90

<sup>1</sup>Average visibility of transect to one side

<sup>2</sup>Habitat surveyed as a precautionary measure

## SURVEY RESULTS

The results of the July 10, 2008 (tank parcel) and March 25, 2009 (additional parcels) Lee County Protected Species Survey found signs for one protected species on-site. Two gopher tortoise (*Gopherus polyphemus*) burrows (GT-1 and GT-2, Appendix A) were found on-site: GT-1 was observed in the Berm (FLUCFCS Code 747) land use on the additional parcels; GT-2 was found in the Spoil Areas (FLUCFCS Code 743) habitat. Please note the burrow labeled as GT-2 in this report was previously listed as GT-1 in the original (January 2009) submittal of this report and has now moved from the western side to the eastern portion of the Spoil Areas. Additionally, one squirrel nest was found on the tank parcel and nine squirrel nests were found on the additional parcels; three squirrel nests were also found just off-site of the tank site. No Big Cypress fox squirrels (*Sciurus niger avicennia*) were observed on-site or in the surrounding vicinity. It is anticipated that the observed squirrel nests are inhabited by gray squirrels (*Sciurus carolinensis*).

A copy of the 2007 aerial photograph with the survey transects is provided as Appendix A. Table 4 summarizes the protected species survey findings, while Table 5 depicts the Lee County protected species density calculations.

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**Table 4. Lee County Protected Species Survey Summary**

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (per acre)
<b>BBR East Water Storage Tank</b>					
<b>Reptiles</b>					
Eastern Indigo Snake	4159 E3	95		X	
	740	100		X	
	743	97		X	
Gopher Tortoise	4159 E3	95		X	
	740	100		X	
	743	97	X		1.74
Gopher Frog	4159 E3	95		X	
	6259 E3	95		X	
	740	100		X	
	743	97		X	
American Alligator	510	100		X	
<b>Birds</b>					
Arctic Peregrine Falcon	6259 E3	95		X	
Southeastern American Kestrel	4159 E3	95		X	
Red-Cockaded Woodpecker	4159 E3	95		X	
Little Blue Heron	510	100		X	
	6259 E3	95		X	
Snowy Egret	510	100		X	
	6259 E3	95		X	
Tri-Colored Heron	510	100		X	
	6259 E3	95		X	
Limpkin	510	100		X	
Reddish Egret	510	100		X	
Roseate Spoonbill	510	100		X	
<b>Mammals</b>					
Big Cypress Fox Squirrel	4159 E3	95		X	
	424	93		X	
	4241	91		X	
	6259 E3	96		X	
Florida Black Bear	4159 E3	95		X	
Florida Panther	4159 E3	95		X	
Everglades Mink	510	100		X	
	6259 E3	95		X	
<b>Plants</b>					
Fakahatchee Burmannia	4159 E3	95		X	
Beautiful Paw-Paw	4159 E3	95		X	
Florida Coontie	4159 E3	95		X	
Satinleaf	4159 E3	95		X	

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Table 4. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (per acre)
<b>Off-Site Roadway</b>					
<b>Reptiles</b>					
Eastern Indigo Snake	740	90		X	
Gopher Tortoise	740	90		X	
Gopher Frog	740	90		X	
<b>Off-Site Water Main</b>					
<b>Reptiles</b>					
Eastern Indigo Snake	740	90		X	
Gopher Tortoise	740	90		X	
Gopher Frog	740	90		X	
<b>15 Acre Addition</b>					
<b>Reptiles</b>					
Eastern Indigo Snake	4159 E3	90		X	
	4119 E1	90		X	
	241	85		X	
	740	100		X	
	747	90		X	
	743	100		X	
Gopher Tortoise	4159 E3	90		X	
	4119 E1	90		X	
	241	85		X	
	740	100		X	
	747	90	X		0.77
	743	100		X	
Gopher Frog	4159 E3	90		X	
	4119 E1	90		X	
	241	85		X	
	6249 E3	90		X	
	747	90		X	
	740	100		X	
	743	100		X	
American Alligator	510	100		X	
<b>Birds</b>					
Arctic Peregrine Falcon	6249 E3	90		X	
Southeastern American Kestrel	4159 E3	90		X	
	4119 E1	90		X	
Red-Cockaded Woodpecker	4159 E3	90		X	
	4119 E1	90		X	
Little Blue Heron	510	100		X	
	6249 E3	90		X	

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Table 4. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (per acre)
<b>15 Acre Addition (Continued)</b>					
<b>Birds (Continued)</b>					
Snowy Egret	510	100		X	
	6249 E3	90		X	
Tri-Colored Heron	510	100		X	
	6249 E3	90		X	
Limpkin	510	100		X	
Reddish Egret	510	100		X	
Roseate Spoonbill	510	100		X	
<b>Mammals</b>					
Big Cypress Fox Squirrel	4159 E3	90		X	
	4119 E1	90		X	
	4241	90		X	
	6249 E3	90		X	
Florida Black Bear	4159 E3	90		X	
	4119 E1	90		X	
	6249 E3	90		X	
Florida Panther	4159 E3	90		X	
	4119 E1	90		X	
	6249 E3	90		X	
Everglades Mink	510	100		X	
	6249 E3	90		X	
<b>Plants</b>					
Fakahatchee Burmannia	4159 E3	90		X	
	4119 E1	90		X	
Beautiful Paw-Paw	4159 E3	90		X	
	4119 E1	90		X	
Florida Coontie	4159 E3	90		X	
	4119 E1	90		X	
Satinleaf	4159 E3	90		X	
	4119 E1	90		X	

Table 5. Lee County Protected Species Abundance Calculations

Protected Species Density:

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

Where n = number of individuals observed

L = length of transect

w<sub>1</sub> = distance of visibility to the right of transect

w<sub>2</sub> = distance of visibility to the left of transect

C = 1 / percent coverage (numerical) of FLUCFCS code

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**Table 5. (Continued)**

**Gopher Tortoise (*Gopherus polyphemus*)**

*FLUCFCS Code 743 (BBR East Water Storage Tank)*

- = {1GT/[430(30+30)]}(43,560 ft.<sup>2</sup>/ac.)(1/0.97)
- = (3.88 x 10<sup>-5</sup> GT/ft.<sup>2</sup>)(43,560 ft.<sup>2</sup>/ac.)(1.03)
- = 1.74 GT/ac.

*FLUCFCS Code 747 (15 Acre Addition)*

- = {1GT/[1,039(30+30)]}(43,560 ft.<sup>2</sup>/ac.)(1/0.90)
- = (1.60 x 10<sup>-5</sup> GT/ft.<sup>2</sup>)(43,560 ft.<sup>2</sup>/ac.)(1.11)
- = 0.77 GT/ac.

---

**MANAGEMENT PLANS**

**Gopher Tortoise**

Two active gopher tortoise burrows were found on the site; however, both burrows are located over 25± feet from the proposed development activities which are to occur on the eastern (BBR East Water Storage Tank) portion of the property. As a result, no relocation activities are proposed. Temporary silt screen will be placed around the construction site to prevent the gopher tortoise from accessing construction areas. No management plan or further protections measures for this species are anticipated. If proposed development plans are revised to include construction activities within 25± feet of both or either of the burrows, the appropriate permit will be obtained from the Florida Fish and Wildlife Conservation Commission (FWCC) and the tortoise(s) will be relocated to either an on- or off-site preserve, dependent upon the Project's Master Concept Plan design at the time of relocation.

**Big Cypress Fox Squirrel**

Prior to site clearing activities, a Big Cypress fox squirrel survey of the Project area will be conducted. If a Big Cypress fox squirrel is found with young in the nest, a 125± foot buffer will be established around the nest tree. The buffer will be maintained until the young have left the nest. Once gone, the appropriate permit will be obtained from the FWCC to remove the nest tree.

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MAY 08 2009

## REFERENCES

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

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MAY 08 2009

APPENDIX A

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

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LEGEND:

- GT-1 GOPHER TORTOISE BURROW AND NUMBER (TYP.)
- (A) ACTIVE
- (I) INACTIVE
- SN-1 SQUIRREL NEST AND NUMBER (TYP.)
- SURVEY TRANSECTS

15 ACRE ADDITION

LEGEND:

- POTENTIAL SFWMD AND COE WETLANDS (5.84 Ac.±)
- POTENTIAL SFWMD "OTHER SURFACE WATERS" AND COE "WATERS OF THE U.S." (0.55 Ac.±)
- SURVEYED WETLAND LINE

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
241	TREE NURSERY	0.75 Ac.±	5.1%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	5.69 Ac.±	38.5%
4159 E3	PINE, DISTURBED (50-75% EXOTICS)	0.29 Ac.±	2.0%
4241	MELALEUCA, HYDRIC	0.96 Ac.±	6.5%
510	STREAMS AND WATERWAYS	0.55 Ac.±	3.7%
6249 E3	CYPRESS/PINE/CABBAGE PALM, DISTURBED (50-75% EXOTICS)	4.88 Ac.±	33.0%
740	DISTURBED LAND	0.04 Ac.±	0.3%
743	SPOIL AREAS	0.04 Ac.±	0.3%
747	BERM	1.59 Ac.±	10.8%
<b>TOTAL</b>		<b>14.79 Ac.±</b>	<b>100.0%</b>



BBR EAST WATER STORAGE TANK

LEGEND:

- SFWMD AND COE WETLANDS (1.00 Ac.±)
- SFWMD "OTHER SURFACE WATERS" AND COE "WATERS OF THE U.S." (0.97 Ac.±)
- SURVEYED WETLAND LINE

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
4159 E3	PINE, DISTURBED (50-75% EXOTICS)	1.88 Ac.±	12.7%
4221	BRAZILIAN PEPPER, HYDRIC	<0.01 Ac.±	<0.01%
424	MELALEUCA	0.57 Ac.±	3.8%
4241	MELALEUCA, HYDRIC	0.53 Ac.±	3.6%
510	STREAMS AND WATERWAYS	0.97 Ac.±	6.5%
6259 E3	HYDRIC PINE, DISTURBED (50-75% EXOTICS)	0.47 Ac.±	3.2%
740	DISTURBED LAND	9.80 Ac.±	66.1%
743	SPOIL AREAS	0.61 Ac.±	4.1%
<b>TOTAL</b>		<b>14.83 Ac.±</b>	<b>100.0%</b>

OFF-SITE WATER MAIN

FLUCFCS CODES	DESCRIPTIONS	ACREAGE
740	DISTURBED LAND	0.38 Ac.±

OFF-SITE ROADWAY

FLUCFCS CODES	DESCRIPTIONS	ACREAGE
740	DISTURBED LAND	0.17 Ac.±

NOTES:

AERIAL PHOTOGRAPHS PROVIDED BY THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH FLIGHT DATES OF AUGUST - NOVEMBER 2007.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

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

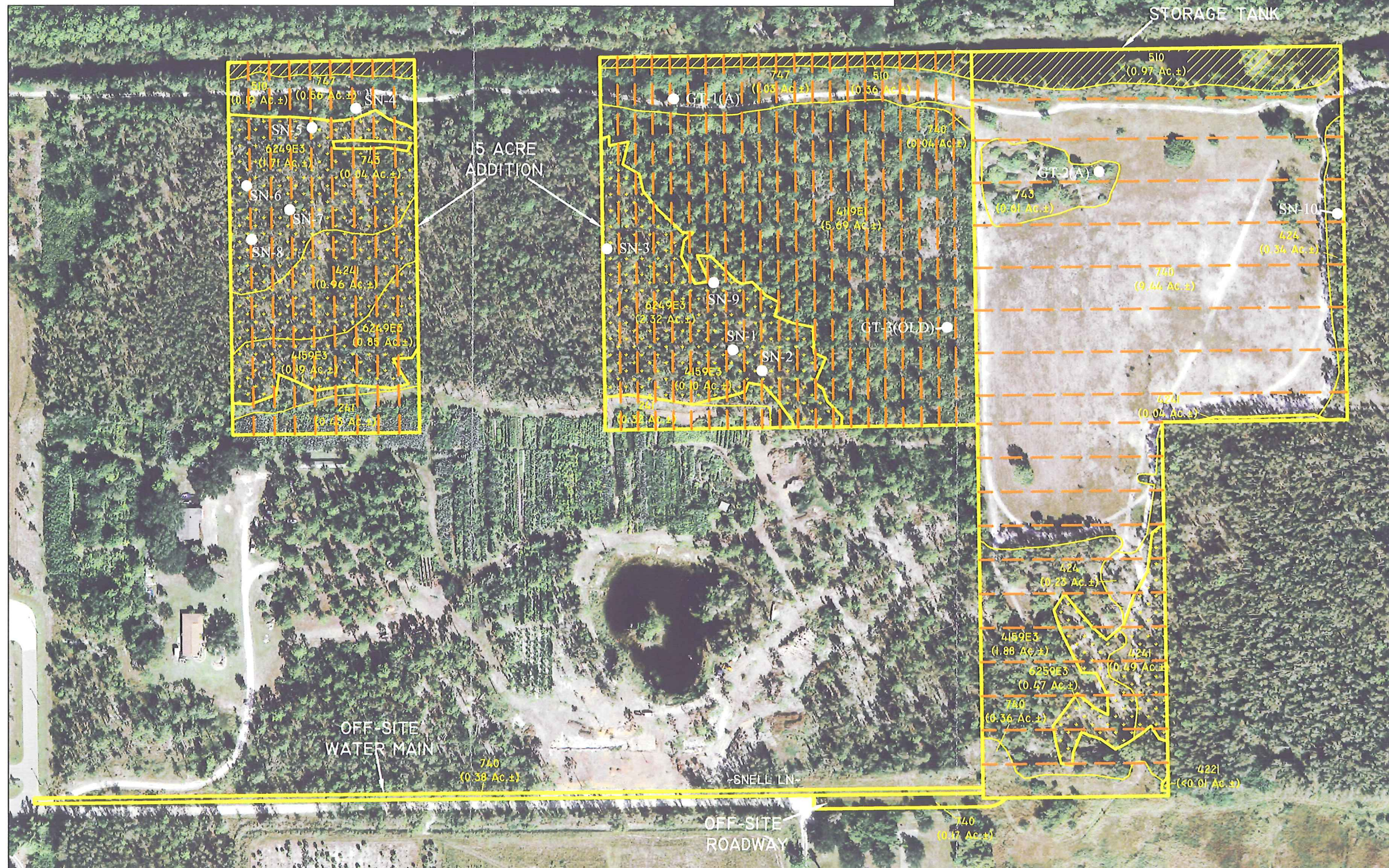
BBR EAST WATER STORAGE TANK, OFF-SITE WATER MAIN, AND OFF-SITE ROADWAY BOUNDARIES PER RWA, INC. DRAWING No. OFF-SITE AREAS.DWG DATED DECEMBER 9, 2008.

PROPERTY BOUNDARIES AND SURVEYED WETLAND LINES FOR THE 15 ACRE ADDITION PER RWA, INC. DRAWING NO. 0800970000PMI.DWG DATED APRIL 20, 2009.

SURVEYED WETLAND LINES FOR BBR EAST WATER STORAGE TANK, OFF-SITE WATER MAIN, AND OFF-SITE ROADWAY PER RWA, INC. DRAWING No. 08097.00.00 SUR.DWG DATED AUGUST 5, 2008.

UPLAND/WETLAND LIMITS FOR BBR EAST WATER STORAGE TANK, OFF-SITE WATER MAIN, AND OFF-SITE ROADWAY HAVE BEEN REVIEWED AND APPROVED BY THE COE ON-SITE FEBRUARY 13, 2009 BY LAURA DIAZ AND BY THE SFWMD MARCH 20, 2009 BY JULIE ARRISON.

UPLAND/WETLAND LIMITS FOR THE 15 ACRE ADDITION HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.



REVISIONS	DATE	DRAWN BY	DATE
		D.B.	5/1/09
		DESIGNED BY	DATE
		C.R.	5/1/09
		REVIEWED BY	DATE
		M.A.M.	5/1/09

13620 Metropolis Avenue  
Suite 200  
Fort Myers, Florida 33912  
Phone (239) 274-0067  
Fax (239) 274-0069



BBR EAST WATER STORAGE TANK  
AND 15 ACRE ADDITION  
AERIAL WITH PRELIMINARY FLUCFCS, WETLANDS,  
SURVEY TRANSECTS, AND PROTECTED SPECIES LOCATIONS

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MAY 08 2009  
DRAWING No. 07BSU1715  
SHEET No. APPENDIX A

DCI 2008-00045

J:\2007\0785\15 ACRE ADDITION\APPENDIX A AERIAL FLUCFCS WETLANDS TRANSECTS PSS LOCATIONS.DWG TAB: 17X1-C TB MAY 06, 2009 - 10:51AM PLOTTED BY: FELIPEL

file



•Planning •Visualization  
•Civil Engineering •Surveying & Mapping

LEE COUNTY  
HEARING EXAMINER  
2010 FEB 22 AM 10:34

Lee County Hearing Examiner  
P.O. Box 398  
Fort Myers, FL 33902-0398

February 22, 2010

RE: **BBR East Water Storage Tank - 24-Hour Letter**  
**DCI2008-00045 – PDA Application (PD Amendment)**

Lee County Hearing Examiner:

The consultant team for the above referenced planned development amendment has reviewed the Staff Report dated February 8, 2010. Staff review and comments are appreciated and well articulated. Noting that the staff recommendation is for "APPROVAL" subject to certain recommendations as noted in Section II.A of the Staff Report, we recommend the following revisions related to those recommendations:

**Condition 2.a. Schedule of Uses:**

*Accessory Uses and Structures*

*Essential Service Facilities: Group II Limited to water storage and water treatment facilities, including underground storage (Subject to condition # 10)*

*Excavation, water retention*

*Fences, walls*

*Maintenance facility (Accessory and subordinate to water treatment facilities)*

*Parking lot, Accessory, Temporary*

*Signs, in accordance with Chapter 30*

*Storage, indoor only (Accessory and subordinate to water storage and treatment facilities)*

*Temporary Uses (limited to construction trailers and storage sheds during the development of the site, and temporary uses directly related to the existing permitted uses on the site)*

**RESPONSE:**

This condition correctly reflects the proposed uses as illustrated on the MCP. However, we would request that fences, walls be amended to include gates and gatehouses. There may be heightened security issues associated with public water supply facilities due to the assertion by the CIA and National Security Advisor that the USA will be attacked in the next six months. This may necessitate the need for a guardhouse or gatehouse along the driveway for increased security. Although these uses are not anticipated at this time, we would like to have the flexibility to incorporate them in the future if increased security is needed or mandated by the Department of Homeland Security. Lee County LDC Section 34-1748(1)(c) requires that entrance gates or gatehouses be identified on the Schedule of Uses if located within a Planned Development.

Additionally, we request that the "(subject to condition #10)" be deleted (see response to condition #10) and that essential services (Sect. 34-2) and essential service facilities group 1 (34-622(c)(13)) be included as permitted uses. These uses are permitted in all zoning districts, and should be included in this CFPD.

Therefore, we request that the Schedule of Uses be amended as follows (**bold underline** is utilized to reflect proposed additions; ~~**bold strikethrough**~~ is utilized to reflect proposed deletions):

*Accessory Uses and Structures*

**Essential Services**

*Essential Service Facilities: **Group I**, ~~Group II Limited to water storage and water treatment facilities, including underground storage ~~(Subject to condition # 10)~~~~*

*Excavation, water retention*

*Fences, walls, **entrance gates, gatehouses***

*Maintenance facility (Accessory and subordinate to water treatment facilities)*

*Parking lot, ~~Accessory, Temporary~~*

*Signs, in accordance with Chapter 30*

*Storage, indoor only (Accessory and subordinate to water storage and treatment facilities)*

*Temporary Uses (limited to construction trailers and storage sheds during the development of the site, and temporary uses directly related to the existing permitted uses on the site)*

**Condition 2.b. Site Development Regulations:**

<i>Minimum Setbacks</i>	<i>Water Tank</i>	<i>Accessory Structures</i>
<i>Street (Snell Lane):</i>	<i>100 Feet</i>	<i>100 Feet</i>
<i>Side:</i>	<i>100 Feet</i>	<i>30 Feet</i>
<i>Rear:</i>	<i>100 Feet</i>	<i>30 Feet</i>
<i>Preserve:</i>	<i>30 Feet</i>	<i>30 Feet</i>
 <i>Maximum Building Height:</i>	 <i>Water Tank:</i>	 <i>50 Feet</i>
	<i>Accessory Structures:</i>	<i>35 Feet</i>

**RESPONSE:**

This condition correctly reflects the proposed setbacks and building heights as illustrated on the MCP. However, we would request that Street Setback from Snell Lane be amended for accessory structures in order to allow a setback less than 100 feet for certain accessory structures. There may be heightened security issues associated with public water supply facilities due to the assertion by the CIA and National Security Advisor that the USA will be attacked in the next six months. This may necessitate the need for a guardhouse or gatehouse along the driveway for increased security. Although these uses are not anticipated at this time, we would like to have the flexibility to incorporate them in the future if increased security is needed or mandated by the Department of Homeland Security. LDC Section 34-1748 allows for entrance gates and gatehouses installed solely for security purposes for non-residential uses to be located within the setback.

Additionally, to be consistent with the updated Schedule of Uses, we are requesting that the setbacks for essential services and group I essential service facilities be exempt from the setback provisions, consistent with LDC Section 34-1613. Therefore, we request that the Site Development Regulations be amended as follows:

<i>Minimum Setbacks</i>	<i>Water Tank</i>	<i>Accessory Structures*</i>
<i>Street (Snell Lane):</i>	<i>100 Feet</i>	<i>100 Feet</i>
<i>Side:</i>	<i>100 Feet</i>	<i>30 Feet</i>
<i>Rear:</i>	<i>100 Feet</i>	<i>30 Feet</i>
<i>Preserve:</i>	<i>30 Feet</i>	<i>30 Feet</i>
<i>Maximum Building Height:</i>	<i>Water Tank:</i>	<i>50 Feet</i>
	<i>Accessory Structures:</i>	<i>35 Feet</i>

*\* The following accessory structures are exempt from the setback requirements: Essential Services and Essential Service Facilities, Group I (consistent with Sect. 34-1613); Entrance Gates and Gatehouses (consistent with Sect. 34-1748)*

**Condition 3.a:**

*Prior to local development order approval, the applicant must submit copies of the approved South Florida Water Management District (SFWMD) and United States Army Corps of Engineers (US Corps) permit. Any related permit requirements regarding listed species included in the state or federal permits or resulting from direct consultation with the appropriate wildlife agency will be incorporated as a condition of the local development order.*

**RESPONSE:**

The applicant requests that this condition be amended, as it does not provide any additional safeguards to the public interest that are not already addressed by other agencies. With or without this condition, the proposed development is required to comply with all federal and state permitting requirements. The agencies who issue the permits are responsible for enforcing the conditions. The applicant should not be subject to a county interpretation of the permit conditions that may differ from the responsible agency. We recommend removing the last sentence of this condition, as follows:

*~~Prior to local development order approval, the applicant must submit copies of the approved South Florida Water Management District (SFWMD) and United States Army Corps of Engineers (US Corps) permit. Any related permit requirements regarding listed species included in the state or federal permits or resulting from direct consultation with the appropriate wildlife agency will be incorporated as a condition of the local development order.~~*

**Condition 3.b:**

*Prior to vegetation clearing approval, the property must be surveyed for active/inactive gopher tortoise burrows. If active/inactive burrows are found then buffers, as required by the Land Development Code (LDC) Section 10-474(b), must be maintained. Or, if impacts to active gopher tortoise burrows are unavoidable, the applicant must first seek approval for on-site relocation before pursuing off-site relocation options. Communication with Florida Fish and Wildlife Conservation Commission (FWC) verifying on-site relocation attempts were made must be provided to the Division of Environmental Sciences (ES) staff. A copy of the appropriate gopher tortoise relocation permit issued by the FWC must be submitted to the ES staff prior to excavation and moving of any gopher tortoises. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and the appropriate gopher tortoise management plan meeting the requirements of Land Development Code (LDC) Section 10-474 must be submitted for ES staff review and approval.*

**RESPONSE:**

The applicant requests that additional flexibility be provided in regards to future relocation options for gopher tortoise. Since the future development plans for the balance of Bonita Springs Utilities' property are not known at this time, it may be in the best interest of the gopher tortoise(s) to be moved off-site to a regional conservation bank. As a result, we request that verification for on-site relocation first be attempted, but not be required. This condition should be amended as follows:

*Prior to vegetation clearing approval, the property must be surveyed for active/inactive gopher tortoise burrows. If active/inactive burrows are found then buffers, as required by the ~~Land Development Code (LDC) Section 10-474(b)~~ Florida Fish and Wildlife Conservation Commission (FWC), must be maintained. Or, if impacts to active gopher tortoise burrows are unavoidable, the applicant must first seek the appropriate approvals for on- or off-site relocation from the FWC, before pursuing off-site relocation options. ~~Communication with Florida Fish and Wildlife Conservation Commission (FWC) verifying on-site relocation attempts were made must be provided to the Division of Environmental Sciences (ES) staff.~~ A copy of the appropriate gopher tortoise relocation permit issued by the FWC must be submitted to the ES staff prior to excavation and moving of any gopher tortoises. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and the appropriate gopher tortoise management plan meeting the requirements of Land Development Code (LDC) Section 10-474 must be submitted for ES staff review and approval.*

**Condition 3.c:**

*Prior to vegetation clearing approval, the property must be surveyed for the presence of Big Cypress fox squirrel. If any nest structures are located, the nests must be monitored for 5 days to determine if the nests are being utilized by Big Cypress fox squirrel and if nesting activities are taking place. If the nests are deemed to be active, a 125 foot natural vegetated buffer must remain undisturbed around the nest tree until nesting activities have been deemed complete by the FWC. Once the nests have been deemed inactive, any request for removal of the nest tree must be coordinated with FWC and ES staff and the appropriate FWC permit provided. In addition, if Big Cypress fox squirrels or evidence there of are documented on the site, a management plan meeting the requirements of LDC Section 10-474 must be submitted for ES staff review and approval.*

**RESPONSE:**

The applicant requests that this condition be clarified with the following amendments:

*Prior to vegetation clearing approval, the property must be surveyed for the presence of Big Cypress fox squirrel. If any nest structures are located, the nests must be monitored for up to 5 days to determine if the nests are being utilized by Big Cypress fox squirrel and if nesting activities are taking place. If the nests are deemed to be active, a 125 foot natural vegetated buffer must remain undisturbed around the nest tree until nesting activities have been deemed complete by the FWC or ES staff. Once the nests have been deemed inactive, any request for removal of the nest tree must be coordinated with FWC and ES staff and the appropriate FWC permit provided. In addition, if Big Cypress fox squirrels or evidence there of are documented on the site, ~~a~~ the management plan meeting the requirements of LDC Section 10-474 must be submitted for ES staff review and approval.*

**Condition 7: Road Improvement:**

*Bonita Springs Utilities must execute a maintenance covenant with Lee County for the unpaved portion of Snell Lane extending from the end of the paved surface to the subject property's entrance prior to the Development Order approval.*

**RESPONSE:**

The applicant requests that this condition be amended to specify that BSU will be responsible to maintain Snell Lane resulting from their impacts, and from impacts of other users. The proposed extension will only be accessed by BSU on a weekly basis. If the area is developed in the future that introduces additional users on this section of Snell Lane, or if the road is damaged or destroyed by all terrain vehicles or other recreational users not associated with BSU, then BSU should not be held responsible for maintaining the road from those impacts. Therefore, we request this condition to be amended as follows:

*Bonita Springs Utilities must execute a maintenance covenant with Lee County for the unpaved portion of Snell Lane extending from the end of the paved surface to the subject property's entrance prior to the Development Order approval. The maintenance covenant will require BSU to address their wear and tear on this portion of Snell Lane. If an MSBU or MSTU is established to address the maintenance of Snell Lane, or if Snell Lane is accepted as a publicly maintained road, then this covenant shall be of no further force and effect.*

**Condition 10: Underground Storage:**

*Any proposed underground water storage facility must be reviewed and approved by Lee County Natural Resources Division in addition to any State and Federal agencies with permitting jurisdiction over such facilities*

**RESPONSE:**

The applicant has significant concerns with this condition, specifically that any proposed underground water storage facility "must be reviewed and approved by Lee County Natural Resources Division," and have expressed those concerns with County Staff on February 11, 2009. These uses are regulated by State and Federal agencies and if such uses are proposed by the applicant in the future, they will need to adhere to all state and federal requirements and be permitted by these agencies. The Lee County LDC does not currently include any review criteria for underground water storage facilities. A government must put a person on notice of the regulatory requirements. Regulations are subject to the reasonable man test. Condition 10 as written does not provide any criteria as to what must be submitted, and what standards must be met. The condition as written would constitute an unlawful delegation of legislative authority and does not put BSU or the staff on notice of the review criteria. An applicant cannot be put into a perpetual administrative revolving door, and as written this could occur.

Subsequent to the issuance of the Staff Report, County Staff suggested revised language for Condition 10 that addresses the concern. The applicant can accept the proposal for amending Condition 10 to read as follows:

*The applicant shall submit copies of all State and Federal Agency permit applications for underground water storage facilities, as well as all approved permits issued by said agencies, to the Lee County Natural Resources Division as soon as such documents became available to the applicant.*

**Condition 11: Buffer:**

*In the event that the ownership of the property to the north changes and is no longer owned by the owners of the subject property, a type "D" landscape buffer shall be provided on the western property line of the subject property.*

**RESPONSE:**

The condition contains a typo and should be amended as follows:

*In the event that the ownership of the property to the ~~north~~ west changes and is no longer owned by the owners of the subject property, a type "D" landscape buffer shall be provided on the western property line of the subject property.*

**Proposed Additional Condition:**

The MCP includes 14.38-acres of the original +/- 30-acre CFPD approved by Resolution Number Z-92-043. The remaining +/- 15-acres will remain CFPD with a vacated MCP. BSU intends to utilize this property in the future; however, at this time there are no definitive plans or identified uses for the property. At such time as the remaining +/- 15-acres is proposed for development, a new application and MCP will be submitted for County approval. The inclusion of the additional +/- 15-acres will result in additional open space and indigenous vegetation requirements per LDC Section 10-415(b)(1)a. As noted in the Staff Report, the proposed MCP exceeds the required amount of open space and indigenous vegetation for the 14.38 acre site. Therefore, we request that any additional open space or indigenous vegetation on the proposed MCP be credited toward future requirements if the development expands. The applicant respectfully requests that an additional condition be included, that reads as follows:

**#:** *Open Space and Indigenous Vegetation:*  
*Open Space and areas of Preserved and Enhanced Indigenous plant communities included as part of this MCP will contribute to future open space and indigenous vegetation requirements in the event the community facilities planned development is expanded in the future to include additional area.*

Thank you for your consideration on these matters. On behalf of Bonita Springs Utilities, Inc. and the Consulting Team for this CFPD Application, please accept our gratitude for the time and effort you put into this review, and for the constructive input you have provided us with as a result.

Sincerely,



Patrick Vanasse, AICP

Cc: Chahram Badamtchian, Senior Planner  
Mike Liggins, Bonita Springs Utilities, Inc.  
Neale Montgomery, Pavese Law Firm  
Mike Myers, Passarella & Associates  
Project File

Reply to:  
David L. Cook  
Board Certified Real Estate Lawyer  
Direct Fax Number: 239.344.1517  
Direct Dial Number: 239.344.1372  
E-Mail: david.cook@henlaw.com

September 23, 2009

**VIA ELECTRONIC MAIL:rvn@consult-rwa.com**  
**AND VIA US MAIL**

Richard Nestler  
RWA Consulting, Inc.  
1542 Carson Street  
Fort Myers, FL 33901

**RECEIVED**

**FEB 17 2010**

**COMMUNITY DEVELOPMENT**

Re: Bonita Beach Road East Water Storage Tank Site;  
Project Number 080097.00.00; File No. 0002; Draft Survey Dated  
December 3, 2008, Last Updated September 9, 2009

Dear Mr. Nestler:

I represent Bonita Springs Utilities, Inc. and have been asked to give you an opinion regarding certain easements shown on that draft boundary survey prepared by your company identified in the above reference line of this letter. Specifically, on earlier site plans prepared by your office you had labeled the cross-hatched areas depicted on that draft survey as "less and except" parcels. On the draft survey referenced above, you have labeled those cross-hatched areas as road easements.

It is my understanding that you have relabeled those cross-hatched areas as easements in reliance on the opinion I will express in this letter.

Your survey depicts three parcels of land which I have labeled Parcels 1, 2 and 3 on the draft survey attached to this letter. Parcel 1 depicts a cross-hatched 25' strip along the South and East boundary; Parcel 2 depicts a 25' strip along the South boundary; and Parcel 3 depicts a 25' strip along the North, South and East boundary. In three distinct prior deeds conveying these parcels, there was identical language in each deed that read "excepting the \_\_\_\_\_ 25' thereof, reserved for county roadway right-of-way...". Of course, the only difference in these deeds was the directional call where I have left a blank line above. It is my opinion, based upon the case of Dean v. Mod Properties, Ltd., 528 So. 2nd 432 (FLA. 5<sup>th</sup> DCA, 1988) that the language in the deeds created an easement for roadway purposes rather than excluding those 25' strips

Henderson, Franklin, Starnes & Holt, P.A.

DCI 2008-00045

Richard Nestler  
RWA Consulting, Inc.  
September 23, 2009  
Page 2

from the title being conveyed and therefore, Bonita Springs Utilities, Inc. is the current owner of those strips of land subject to an easement for roadway purposes.

By owning these strips of land, Bonita Springs Utilities, Inc., under the common law of easements and numerous case law authorities, has the right to use that land for any purpose so long as it does not interfere with the use of the property for roadway purposes. Therefore, in my opinion you have correctly noted on the draft survey that these strips of land are easements and they should be included as part of the parcels being surveyed, rather than being excluded from those parcels.

If you have any questions regarding this opinion, please feel free to contact me.

Sincerely,



David L. Cook

DLC/mmg  
CC:

G. Donald Thomson  
Mike Liggins

**RECEIVED**

FEB 17 2010

COMMUNITY DEVELOPMENT

DCI 2008-00045





Reply to  
David L. Cook  
Board Certified Real Estate Lawyer  
Direct Dial Number 239.344.1373  
Facsimile: 239-344-1517  
E-Mail: david.cook@henlaw.com

February 12, 2010

Lee County Community Development  
Development Services Division  
Attn: Peter J. Eckenrode, Director  
1500 Monroe Street, 2nd Floor  
Fort Myers, FL 33901

**Re: MCP Application by Bonita Springs Utilities, Inc.; 15 Acre Development Site,  
inclusive of 5 acre Storage Tank Site**

Dear Sirs:

This opinion letter is given pursuant to Lee County Land Development Code Section 34-202(a)(3) on behalf of Bonita Springs Utilities, Inc.

Please be advised that I have conducted a title search for the property described on Exhibit "A" attached hereto (the "Property"), effective as of February 3, 2010 (the "Effective Date"). The title search reveals that the Property is owned, as of the Effective Date, by Bonita Springs Utilities, Inc. ("Owner").

The Property was acquired by Owner by that certain Deed dated December 20, 1982, and recorded in Official Records Book 1651, at Page 1241, of the Public Records of Lee County, Florida.

For the purposes of rendering this opinion, I have divided the property into 4 parcels labeled 1.1, 1.2, 1.3, and 1.4, as depicted on sheet 2 of 2 on attached Exhibit "A". Each parcel is subject to the following easements of record:

1. As to Parcels 1.1, 1.2, and 1.3, Perpetual Maintenance Easement in favor of Lee County recorded in Official Records Book 2628, Page 466, of the Public Records of Lee County, Florida.

2. As to Parcel 1.1, Easement for road right of way over the South 25 feet, reserved in Deed recorded in Official Record Book 123, Page 556, of the Public Records of Lee County, Florida.

3. As to Parcel 1.2, Easement for road right of way over the East, and South 25 feet, reserved in Deed recorded in Official Record Book 177, Page 213, of the Public Records of Lee County, Florida.

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FEB 17 2010

COMMUNITY DEVELOPMENT

Henderson, Franklin, Starnes & Holt, P.A.

DCI 2008-00045

4. As to Parcel 1.3, Easement for road right of way over the South 25 feet, reserved in Deed recorded in Official Record Book 177, Page 213, of the Public Records of Lee County, Florida.

5. As to Parcel 1.4, Easement for road right of way over the North, East, and South 25 feet, reserved in Deed recorded in Official Record Book 191, Page 362, of the Public Records of Lee County, Florida.

The property is encumbered by the following mortgages:

None

This opinion is given as of the Effective Date and discloses matters recorded in the Public Records up through the Effective Date. No opinion is given nor may this letter be relied upon for any easements or other encumbrances recorded after the Effective Date.

Sincerely,



David L. Cook

#1734805v3

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COMMUNITY DEVELOPMENT

DCI 2008-00045

Ex. A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32

THENCE N 01°00'38"W ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 FOR 1,316.62 (LL), TO THE SOUTHEAST CORNER OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32, ALSO BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE ALONG THE SOUTH LINE OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 S 89°11'39"W, FOR 327.67 FEET TO THE WEST LINE OF THE EAST HALF (1/2) OF THE NORTHWEST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4);

THENCE ALONG THE WEST LINE OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 N 00°57'50"W FOR 1256.02 FEET, TO A POINT ON THE SOUTHERLY BOUNDARY OF A CANAL EASEMENT;

THENCE ALONG SAID CANAL EASEMENT N 89°05'23"E, FOR 653.30 FEET, TO A POINT ON THE EAST LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION 32;

THENCE ALONG THE EAST LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION 32 S 01°03'21"E, FOR 626.63 FEET, TO THE SOUTHEAST CORNER OF THE WEST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION 32;

CONTAINING 624,273 SQUARE FEET OR 14.4 ACRES, MORE OR LESS.

SUBJECT TO AN EASEMENT FOR ROADWAY OVER THE FOLLOWING DESCRIBED PROPERTY:

A PARCEL OF LAND LYING IN SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32

THENCE N 01°00'38"W, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 FOR 1,316.62 FEET TO THE SOUTHEAST CORNER OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32, ALSO BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE ALONG THE SOUTH LINE OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 S 89°11'39"W, FOR 327.67 FEET,

THENCE ALONG THE WEST LINE OF THE EAST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 N 00°57'50"W FOR 25.00 FEET,

THENCE N 89°11'39"E, FOR 302.65 FEET,

THENCE N 01°00'38"W, FOR 608.28 FEET,

THENCE S 89°08'31"W, FOR 302.15 FEET, TO A POINT ON THE WEST LINE OF THE EAST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32;

THENCE ALONG THE WEST LINE OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 N 00°57'50"W, FOR 50.00 FEET;

THENCE LEAVING THE WEST LINE OF THE EAST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 N 89°08'31"E, FOR 302.11 FEET,

THENCE N 01°00'38"W, FOR 603.29 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF A 30.00 FOOT WIDE CANAL EASEMENT, AS DESCRIBED IN OFFICIAL RECORDS BOOK 1122, PAGE 1538 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA,

THENCE N 89°05'23"E ALONG THE SOUTHERLY BOUNDARY OF SAID CANAL EASEMENT FOR 25.00 FEET, TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER (1/4) OF SECTION 32;

THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (1/4) OF SECTION 32, S 01°00'38"E FOR 603.31 FEET,

THENCE N 89°08'43"E, FOR 327.16 FEET, TO A POINT ON THE EAST LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 32;

THENCE ALONG THE EAST LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 32 S 01°03'21"E, FOR 25.00 FEET TO THE SOUTHEAST CORNER OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 32;

THENCE ALONG THE SOUTH LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 32 S 89°08'43"W, FOR 327.18 FEET TO THE SOUTHWEST CORNER OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 32;

THENCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (1/4) OF SECTION 32 S 01°00'38"E, FOR 653.31 FEET, TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN.

CONTAINING 63,017 SQUARE FEET OR 1.4 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 AS BEING N 01°00'38"W

BY: [Signature]

RICHARD V. NESTLER, PROFESSIONAL SURVEYOR AND MAPPER LS# 4786  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A  
FLORIDA LICENSED SURVEYOR AND MAPPER.

1/27/10  
SIGNING DATE

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FEB 17 2010

COMMUNITY DEVELOPMENT

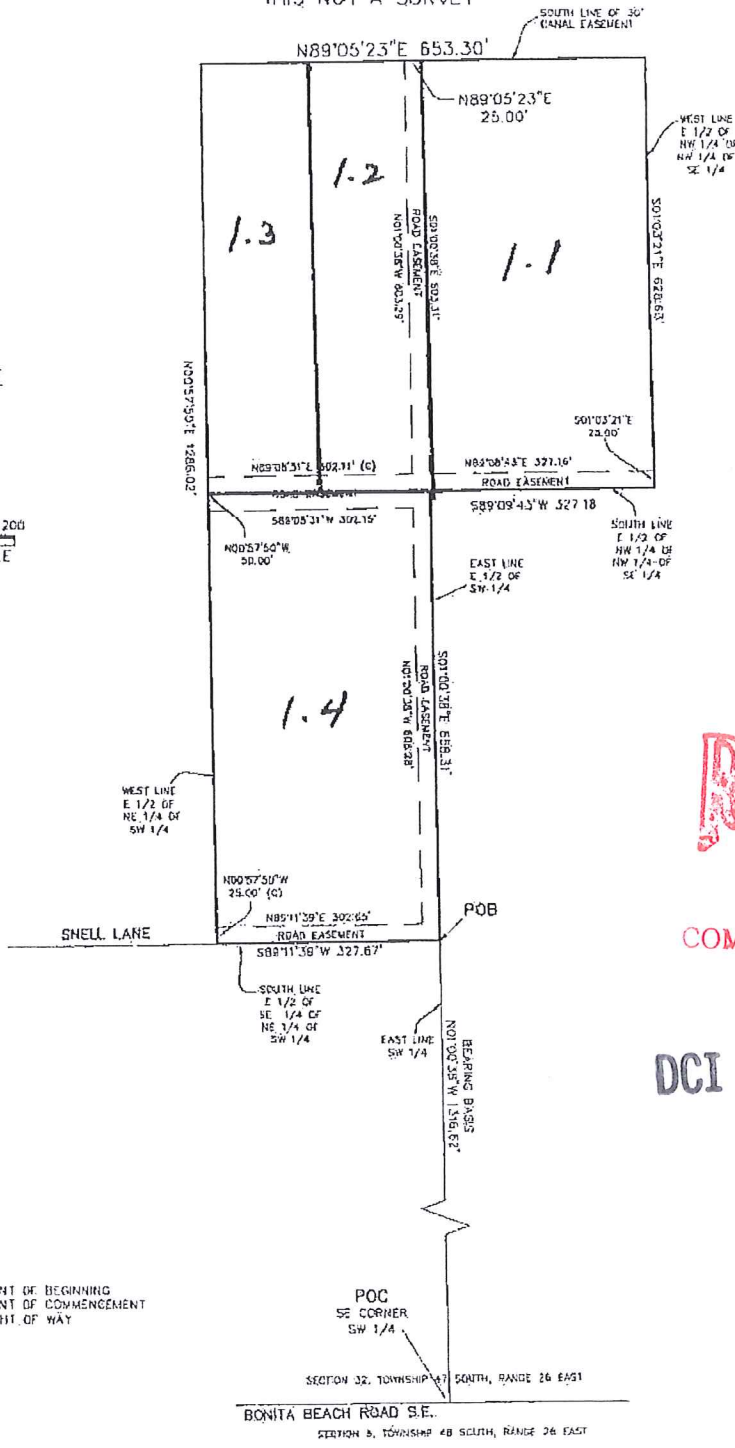
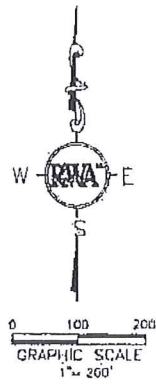
DCI 2008-00045

REVISED 1-27-10 RVN

SEE SHEET 2 OF 2 FOR SKETCH

<p>INC. Planning Visualization Civil Engineering Surveying &amp; Mapping</p> <p>6610 Willow Park Drive, Suite 203 Naples, Florida 34109 Phone: (239) 597-0575 FAX: (239) 597-0578 Florida Certificate of Authorization # 1b-0952</p>	10/21/09	CLIENT:	BONITA SPRINGS UTILITES	
	N/A	TITLE:	LEGAL DESCRIPTION	
	RVN	080097.00.00	1	2
	RVN			0002 SK15
32 47S 26E				

SKETCH OF LEGAL DESCRIPTION  
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**LEGEND**  
POB = POINT OF BEGINNING  
POC = POINT OF COMMENCEMENT  
R/W = RIGHT OF WAY

POC  
SE CORNER  
SW 1/4  
SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST  
BONITA BEACH ROAD S.E.  
SECTION 8, TOWNSHIP 48 SOUTH, RANGE 26 EAST

SEE SHEET 1 OF 2 FOR DESCRIPTION

October 21, 2008 1:15 PM S:\7608\0829070000 Bonita Beach Air Fuel Water Storage Tank\0202 Boundary Survey\Boundary Survey\1100c Bdry Survey\Boundary Survey Rev 0\108033700PSK13.dwg		CLIENT: <b>BONITA SPRINGS UTILITES</b>	
<b>RWA</b> INC. CONSULTING Planning, Visualization, Civil Engineering, Surveying & Mapping 2510 Willow Park Drive, Suite 202 Nocatee, Florida 32110 Phone: (321) 697-0575 FAX: (321) 687-0878 Florida Certificate of Authorization # 15-6662		DATE: 10/21/08 SCALE: 1"=200' DRAWN BY: R/W CHECKED BY: R/W	
		TITLE: <b>SKETCH OF LEGAL DESCRIPTION</b>	
REC: 32 TWP: 47S RGE: 26E	PROJECT NUMBER: <b>080097.00.00</b>	SHEET NUMBER: <b>2</b> of <b>2</b>	FILE NUMBER: <b>0002 SK15</b>



•Planning •Visualization  
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FEB 01 2010

COMMUNITY DEVELOPMENT

Chahram Badamtchian, Senior Planner  
Lee County, Department of Community Development  
Zoning Division  
P.O. Box 398  
Fort Myers, FL 33902-0398

DCI 2008-00045

February 1, 2010

**RE: BBR East Water Storage Tank  
DCI2008-00045 – PDA Application (PD Amendment)**

Dear Mr. Badamtchian:

As directed by County Staff at our meeting on January 20, 2010, the Zoning Amendment application is being revised to request the reinstatement of the vacated MCP in the Community Facilities Planned Development (CFPD) zoning designation. The MCP will cover a 14.38 acre tract, identified as STRAP 32-47-26-00-00001.0020. The changes to the application are needed in order for the MCP to accommodate the compensating storage required by the SFWMD and shown on the Environmental Resource Permit. The enclosed Project Reference Map, Attachment A, shows the location of the proposed amendment to the Master Concept Plan in relation to the other property under BSU ownership. The revisions to the MCP also address the conditions and recommendations included in the initial Staff Report, dated January 4, 2010.

The first phase includes the construction of an above-ground water storage tank with an accessory maintenance structure located on approximately 5-acres adjacent to Snell Lane. This water storage facility represents an immediate need for BSU and is an essential upgrade to the system that will ensure an appropriate level of service for current and planned utility members throughout Bonita Springs. The first phase also includes the aforementioned compensating storage, which involves the removal of up to three feet of spoil area adjacent to the Kehl Canal in order to match the existing grade of rest of the property. This area will be replanted with indigenous landscaping. The remaining area included as part of this MCP is identified as Phase II and will be used for essential service facilities which may include water treatment facility uses, water storage, and other utility uses as needed.

The remaining property owned by BSU will maintain its CFPD zoning with a vacated MCP. It is understood that BSU will need to apply for a new MCP for the remaining property once future improvements are determined based upon future population growth and utility demand in Bonita Springs.

I am confident that revisions to the application have addressed staff concerns.

Sincerely,



Patrick Vanasse, AICP  
Planning Manager

cc: Andy Koebel, Bonita Springs Utilities  
Neale Montgomery, Pavese Law Firm  
File Copy

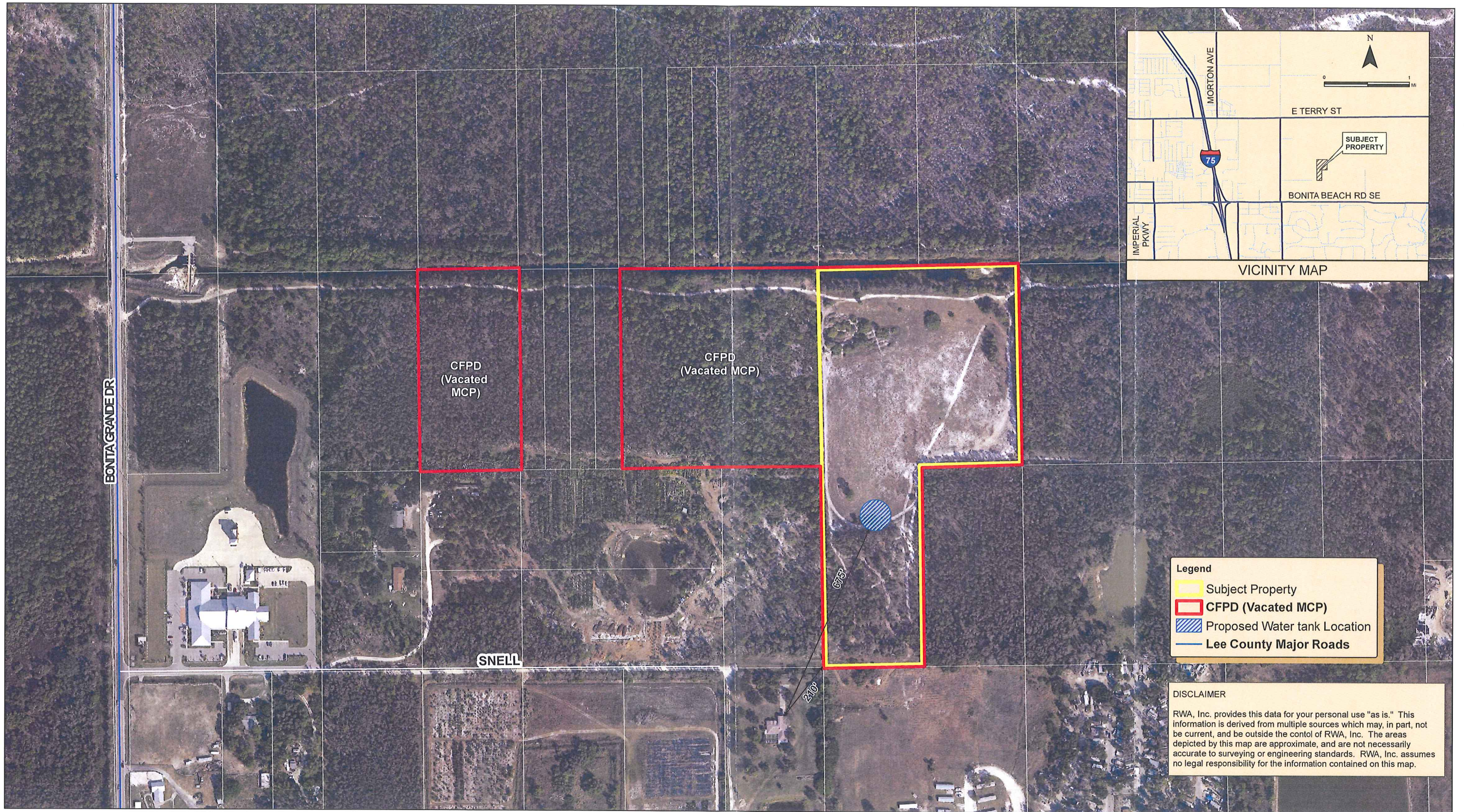
Enclosures:

Attachment A, Project Reference Map  
Attachment B, Preliminary Planting Plan  
Exhibit PH-3.C.1, Legal Description  
Exhibit PH-3.C.2, Certified Sketch of the Description  
Exhibit PH-3.D.1, Boundary Survey  
Exhibit PH-3.D.2, Opinion of Title  
Exhibit D-7-F, FLUCCS Map  
Exhibit D-7-M.1, Master Concept Plan (24 X 36)  
Exhibit D-7-M.2, Master Concept Plan (11 X 17)  
Exhibit D-7-Q, Schedule of Deviations and Written Justifications  
Exhibit D-7-T, Protected Species Survey

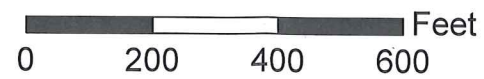
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COMMUNITY DEVELOPMENT

DCI 2008-00045



**Bonita Beach Road East  
Water Storage Tank**  
Attachment A: Project Reference Map



**Legend**

- Subject Property
- CFPD (Vacated MCP)
- Proposed Water tank Location
- Lee County Major Roads

**DISCLAIMER**  
RWA, Inc. provides this data for your personal use "as is." This information is derived from multiple sources which may, in part, not be current, and be outside the control of RWA, Inc. The areas depicted by this map are approximate, and are not necessarily accurate to surveying or engineering standards. RWA, Inc. assumes no legal responsibility for the information contained on this map.

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FEB 01 2010

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Planning • Visualization  
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Prepared By: rjones  
Printing Date: Jan. 20, 2010  
File: T:\Projects\2008\080097.00.00  
Bonita Beach\_Rd\Aerial\_Watertank.mxd

**COMMUNITY DEVELOPMENT**  
DCI 2008-0004

**BONITA BEACH ROAD EAST WATER STORAGE TANK  
COMPENSATING STORAGE AREA AND  
ON-SITE PRESERVE PLANTING PLANS**

February 1, 2010

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**Compensating Storage Area (1.39± Acres)**

As a buffer to the adjoining property to the north of the Kehl Canal, plantings will be installed within the 1.39± acre compensating storage area located at the north end of the Project. The areas encumbered by the existing road easement and canal maintenance easement are excluded from the 1.39± acre area to be replanted, in order to ensure that access is maintained. To minimize the obstruction of flow into the canal, only canopy and sub-canopy plantings will be included. Ground cover will include sod or grass seed. The planting quantities and specifications are outlined in Table 1.

**Table 1. Compensating Storage Area Supplemental Planting Specifications**

Common Name	Scientific Name	Maximum Spacing	Minimum Height	Minimum Container	Strata	Quantity
Slash pine	<i>Pinus elliottii</i>	15 Feet	4-8 Feet	3 Gallon	Canopy	100
Cabbage palm	<i>Sabal palmetto</i>	15 Feet	4-8 Feet	3 Gallon	Canopy	100
Dahoon holly	<i>Ilex glabra</i>	15 Feet	4-8 Feet	3 Gallon	Canopy/ Sub-Canopy	100
Wax myrtle	<i>Myrica cerifera</i>	10 Feet	3 Feet	1 Gallon	Sub-Canopy	300
<b>Total</b>						<b>600</b>

**On-Site Preserve (1.60± Acres)**

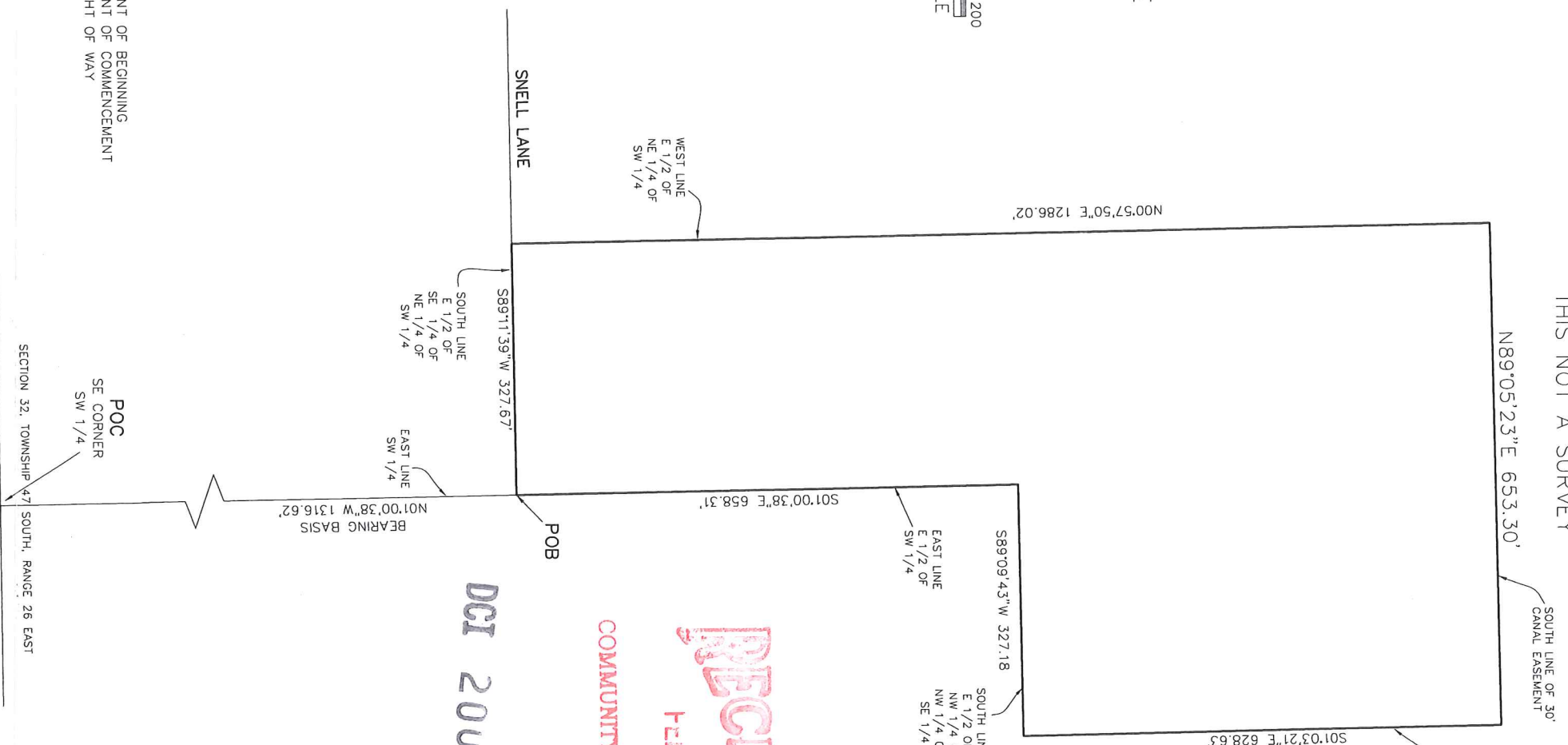
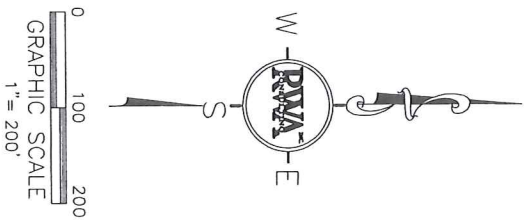
To enhance the Project's 1.60± acre on-site preserve, located towards the south end of the Project, supplemental plantings will be installed within the 1.13± acres of non-native habitats within the preserve. Based on the revised FLUCFCS map dated January 27, 2010, the non-native habitats include 0.77± acre of Melaleuca (FLUCFCS Code 424); 0.28± acre of Melaleuca, Hydric (FLUCFCS Code 4241); and 0.08± acre of Disturbed Land (FLUCFCS Code 740). The planting quantities and specifications are outlined in Table 2. Existing native vegetation that is retained in this area will count toward the planting quantities.

**Table 2. Non-Native Habitats Supplemental Planting Specifications**

Common Name	Scientific Name	Maximum Spacing	Minimum Height	Minimum Container	Strata	Quantity
Slash pine	<i>Pinus elliottii</i>	20 Feet	4-8 Feet	3 Gallon	Canopy/ Upland & Wetland	60

# SKETCH OF LEGAL DESCRIPTION

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DCI 2008-00045

**LEGEND**  
 POB = POINT OF BEGINNING  
 POC = POINT OF COMMENCEMENT  
 R/W = RIGHT OF WAY

**BONITA BEACH ROAD S.E.**  
 SECTION 5, TOWNSHIP 48 SOUTH, RANGE 26 EAST

REVISED 1-29-10 RVN

SEE SHEET 1 OF 2 FOR DESCRIPTION

January 29, 2010 9:09 AM O:\2005\050217.00.01 Golden Gate Roadway - Additional Services\0002 Rev ROW Map-Lane Re-Design\050217 00 00 0008 Rvw.dwg

DWA

INC.  
 Planning  
 Visualization  
 Civil Engineering  
 Surveying & Mapping

6610 Willow Park Drive, Suite 200  
 Naples, Florida 34109  
 Phone: (239) 597-0575  
 FAX: (239) 597-0578  
 Florida Certificate of Authorization # 1b-6952

DATE:	10/21/09			CLIENT:	BONITA SPRINGS UTILITES		
SCALE:	1" = 200'			TITLE:	SKETCH OF LEGAL DESCRIPTION		
DRAWN BY:	RVN			SEC:	TP:	RGE:	PROJECT NUMBER:
CHECKED BY:	RVN			32	47S	26E	080097.00.00
				SHEET NUMBER:	2	OF	2
				FILE NUMBER:	0002 SK15		

**Table 2. (Continued)**

<b>Common Name</b>	<b>Scientific Name</b>	<b>Maximum Spacing</b>	<b>Minimum Height</b>	<b>Minimum Container</b>	<b>Strata</b>	<b>Quantity</b>
Cabbage palm	<i>Sabal palmetto</i>	20 Feet	4-8 Feet	3 Gallon	Canopy/ Upland & Wetland	60
Dahoon holly	<i>Ilex cassine</i>	15 Feet	4-8 Feet	3 Gallon	Sub- Canopy/ Upland & Wetland	109
Wax myrtle	<i>Myrica cerifera</i>	15 Feet	3 Feet	1 Gallon	Sub- Canopy/ Upland & Wetland	109
Sand cordgrass	<i>Spartina bakeri</i>	5 Feet	3 Feet	1 Gallon	Herbaceous /Wetland	100
Saw palmetto	<i>Serenoa repens</i>	5 Feet	3 Feet	1 Gallon	Herbaceous /Upland	500
<b>Total</b>						<b>938</b>

# BBR EAST WATER STORAGE TANK

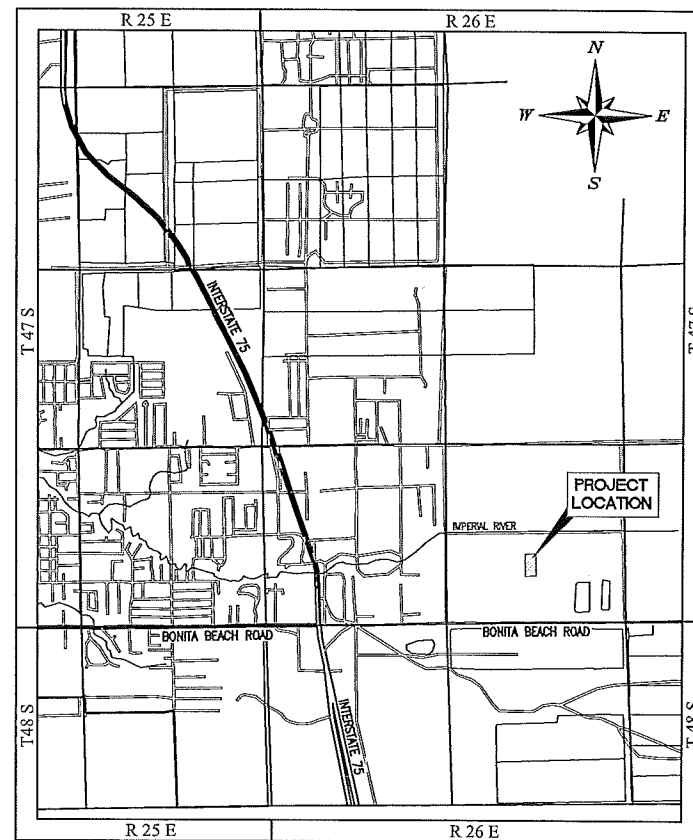
SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA

DCI 2008-00045

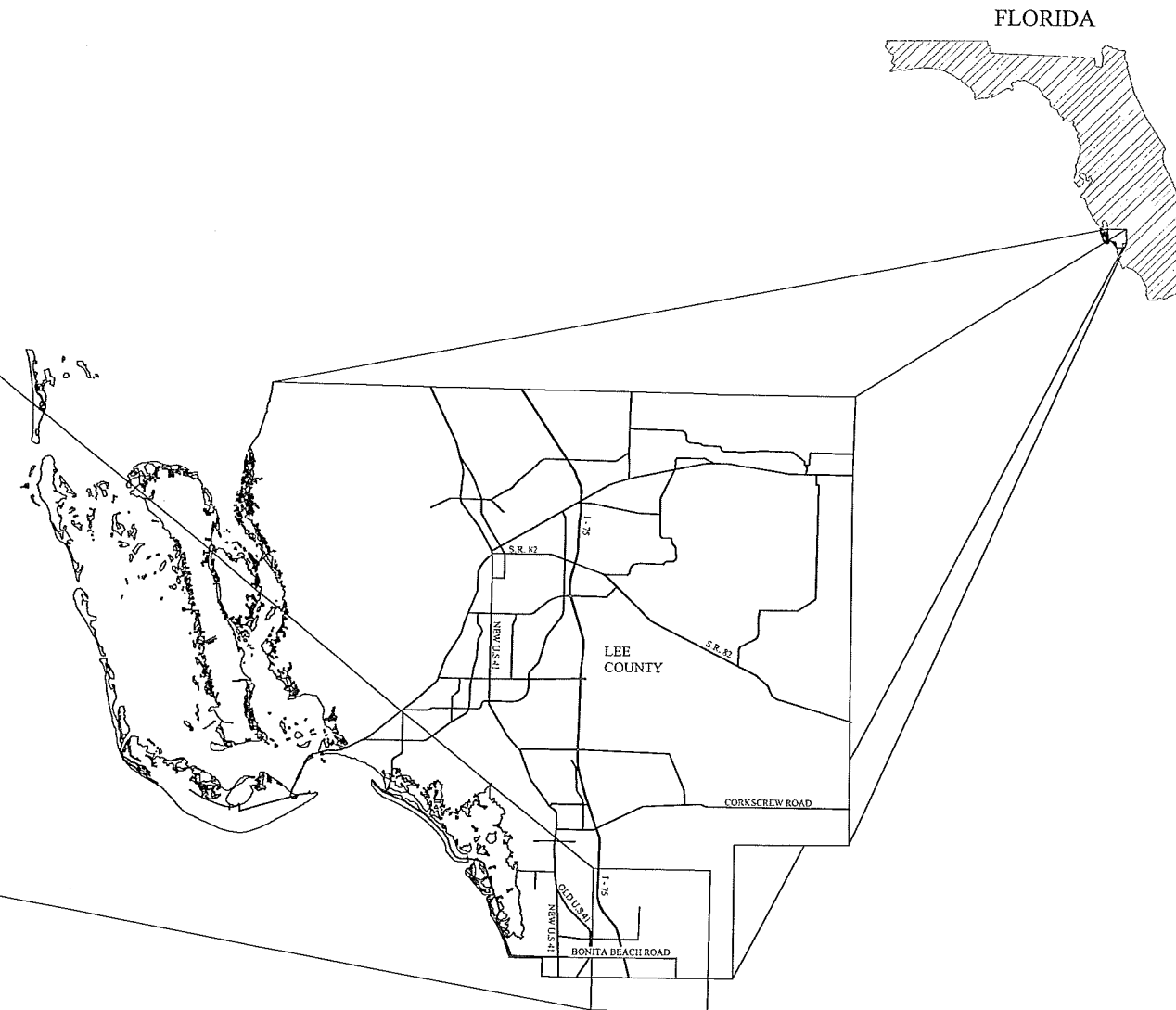
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COMMUNITY DEVELOPMENT



VICINITY MAP  
N.T.S.



PREPARED FOR:

BONITA SPRINGS UTILITIES

11860 EAST TERRY STREET  
BONITA SPRINGS, FLORIDA 34135

CONTENTS

- SHEET 1 COVER SHEET
- SHEET 2 GENERAL NOTES & TABLES
- SHEET 3 MASTER CONCEPT PLAN

January 23, 2010 4:35 PM S:\2009\020077-02-02 3rd Lane Ground Storage Tank\0202 CFPD Amendment Application Preparation\UCP\Rev 04\020077020077.dwg

REV	REVISION	DRAWN	CHECKED	DATE

**RWA** INC.  
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6610 Willow Park Drive, Suite 200, Naples, Florida 34109 (239) 597-0575 FAX: (239) 597-0578  
1542 Carson Street, Fort Myers, Florida 33901 (239) 278-5224 FAX: (239) 278-5410

# BBR EAST WATER STORAGE TANK

## GENERAL NOTES & TABLES

### LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32.

THENCE N.01°00'38"W. ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 FOR 1,316.62 FEET, TO THE SOUTHEAST CORNER OF THE EAST HALF (1/2) OF THE SOUTHWEST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32, ALSO BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE ALONG THE SOUTH LINE OF THE EAST HALF (1/2) OF THE SOUTHWEST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 S.89°11'39"W. FOR 327.67 FEET TO THE WEST LINE OF THE EAST HALF (E1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4);

THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 N.00°57'50"W. FOR 1286.02 FEET, TO A POINT ON THE SOUTHERLY BOUNDARY OF A CANAL EASEMENT; THENCE ALONG SAID CANAL EASEMENT N.89°05'23"E. FOR 653.30 FEET, TO A POINT ON THE EAST LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32;

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THENCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32, S.01°00'38"E. FOR 658.31 FEET, TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN.

CONTAINING 626,273 SQUARE FEET OR 14.4 ACRES, MORE OR LESS.

### GENERAL NOTES:

1. THE MASTER CONCEPT PLAN DEPICTS THE PROJECT'S GENERAL CONFIGURATION FOR CONCEPTUAL ZONING REVIEW AND APPROVAL. THE FINAL PRESERVE AND PUBLIC FACILITY TRACTS ALONG WITH THE PROJECT'S OPEN SPACE, SURFACE WATER MANAGEMENT SYSTEMS, STRUCTURES, AND OTHER FUNCTIONAL ELEMENTS WILL BE DETERMINED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.
2. PARKING WILL BE PROVIDED IN ACCORDANCE WITH LDC CHAPTER 34, DIVISION 26. THE DEVELOPMENT WILL BE AN UNMANNED ESSENTIAL SERVICE FACILITY AND WILL NOT REQUIRE OFF-STREET PARKING SPACES PURSUANT TO SECTION 34-2020(4)G.
3. THE SUBJECT PROPERTY DOES NOT CONTAIN ANY HISTORICAL OR ARCHAEOLOGICAL SITES.
4. IF THE CFPD IS EXPANDED TO INCLUDE ADDITIONAL ACREAGE IN THE FUTURE, THEN AN AMENDED MCP MUST BE APPROVED AND THE OPEN SPACE AND INDIGENOUS PRESERVATION AREAS INCLUDED AS PART OF THIS MCP WILL CONTRIBUTE TO FUTURE OPEN SPACE AND INDIGENOUS PRESERVATION REQUIREMENTS.
5. REQUIRED BUFFERS FOR EACH PHASE WILL BE PROVIDED AT TIME OF DEVELOPMENT ORDER FOR THE PHASE IN WHICH IT IS LOCATED.

### SCHEDULE OF USES:

ACCESSORY USES AND STRUCTURES  
 ESSENTIAL SERVICE FACILITIES: GROUP II (LIMITED TO ABOVE GROUND WATER STORAGE AND WATER TREATMENT FACILITIES, INCLUDING UNDERGROUND STORAGE)  
 EXCAVATION, WATER RETENTION  
 FENCES, WALLS  
 MAINTENANCE FACILITY (ACCESSORY AND SUBORDINATE TO WATER STORAGE AND TREATMENT FACILITIES)  
 PARKING LOT, ACCESSORY  
 SIGNS, IN ACCORDANCE WITH CHAPTER 30  
 STORAGE, INDOOR ONLY (ACCESSORY AND SUBORDINATE TO WATER STORAGE AND TREATMENT FACILITIES)  
 TEMPORARY USES (LIMITED TO CONSTRUCTION TRAILERS AND STORAGE SHEDS DURING THE DEVELOPMENT OF THE SITE, AND TEMPORARY USES DIRECTLY RELATED TO THE EXISTING PERMITTED USES ON THE SITE)

### SITE DATA:

GROSS ACREAGE: 14.38 ACRES +/-  
 STRAP #: 32-47-26-00-00001.0020

FUTURE LAND USE: DR/GR, WETLANDS  
 EXISTING ZONING: CFPD  
 EXISTING USE: VACANT  
 PROPOSED ZONING: CFPD  
 FLOODZONE: X  
 FIRM (DATE): 12071C 0678F (8/28/08)

### SITE DEVELOPMENT REGULATIONS:

#### WATER TANK MINIMUM SETBACKS:

STREET (SNELL LN): 100 FEET  
 SIDES: 100 FEET  
 REAR: 100 FEET  
 PRESERVE: 30 FEET

#### ACCESSORY STRUCTURES MINIMUM SETBACKS:

STREET (SNELL LN): 100 FEET  
 SIDES: 30 FEET  
 REAR: 30 FEET  
 PRESERVE: 30 FEET

#### BUILDING SEPARATION AND HEIGHT:

ACCESSORY STRUCTURES TO WATER TANK: 0 FEET  
 MAXIMUM HEIGHT (WATER TANK): 50 FEET  
 MAXIMUM HEIGHT (OTHER STRUCTURES): 35 FEET

NOTE: STREET, SIDE, AND REAR SETBACKS ARE MEASURED FROM THE CFPD BOUNDARY.

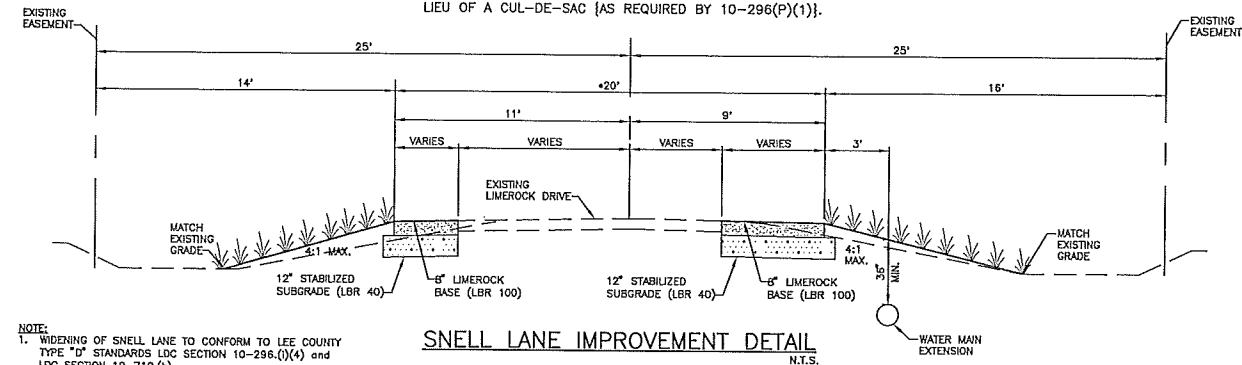
### OPEN SPACE CALCULATIONS:

TOTAL ACREAGE: 14.38 ACRES  
 LESS PUBLIC EASEMENTS: 1.45 ACRES  
 PROJECT ACREAGE: 12.93 ACRES  
 OPEN SPACE REQUIRED (30%): 3.88 ACRES  
 OPEN SPACE PROVIDED: 4.30 ACRES  
 EXISTING INDIGENOUS VEGETATION: 0.47 ACRES  
 PRESERVED INDIGENOUS VEGETATION: 0.47 ACRES

OPEN SPACE CALCULATION TABLE	
DESCRIPTION	ACRES
Buffers	1.00
Compensating Storage	1.70
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Melaleuca, 424	0.77
Melaleuca, Hydric, 4241	0.28
Disturbed Land, 740	0.08
Hydric Pine, Disturbed (50-75%), 6259E3	0.47
<b>TOTAL:</b>	<b>4.30</b>

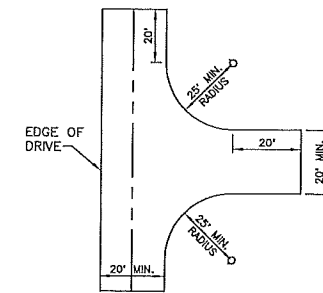
### DEVIATIONS:

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- NOTE:  
 1. WIDENING OF SNELL LANE TO CONFORM TO LEE COUNTY TYPE "D" STANDARDS LDC SECTION 10-296.(1)(4) and LDC SECTION 10-710.(6)  
 2. ALL AREAS DISTURBED DUE TO CONSTRUCTION ACTIVITIES TO BE STABILIZED AND SOODED IMMEDIATELY UPON COMPLETION OF CONSTRUCTION.

SNELL LANE IMPROVEMENT DETAIL  
 N.T.S.



TYPICAL T-TURN AROUND

- ② DEVIATION FROM LDC SECTION 10-261 WHICH REQUIRES THAT ALL NEW MULTIFAMILY RESIDENTIAL DEVELOPMENTS, COMMERCIAL BUSINESSES, AND INDUSTRIAL USES PROVIDE SUFFICIENT ON-SITE SPACE FOR THE PLACEMENT OF GARBAGE CONTAINERS OR RECEPTACLES, AND SUFFICIENT SPACE FOR RECYCLABLE MATERIALS COLLECTION CONTAINERS TO ALLOW THE UNMANNED COMMUNITY FACILITY TO BE CONSTRUCTED WITHOUT ON-SITE REFUSE COLLECTION.
- ③ DEVIATION FROM LDC SECTION 10-416(D)(1) WHICH REQUIRES BUFFERS ALONG THE ENTIRE PERIMETER OF THE PROPOSED DEVELOPMENT TO ALLOW PRESERVE AREAS WITH ENHANCED PLANTINGS TO SATISFY THE BUFFER REQUIREMENT.
- ④ DEVIATION FROM LDC SECTION 10-416(D)(1) WHICH REQUIRES BUFFERS ALONG THE ENTIRE PERIMETER OF THE PROPOSED DEVELOPMENT TO ELIMINATE THE REQUIRED BUFFER ADJACENT TO PROPERTY UNDER COMMON OWNERSHIP ALONG THOSE PORTIONS OF THE WESTERN PROPERTY BOUNDARY.
- ⑤ DEVIATION FROM LDC SECTION 10-416(D)(1), (3) AND (4) WHICH REQUIRES A TYPE C OR TYPE F BUFFER ALONG THE NORTHERN PROPERTY LINE OF THE PROPOSED DEVELOPMENT TO ALLOW FOR AN ALTERNATIVE LANDSCAPE PLAN ALONG THE NORTHERN PROPERTY LINE ADJACENT TO THE KEHL CANAL EASEMENT.

REV #	REVISION	DATE

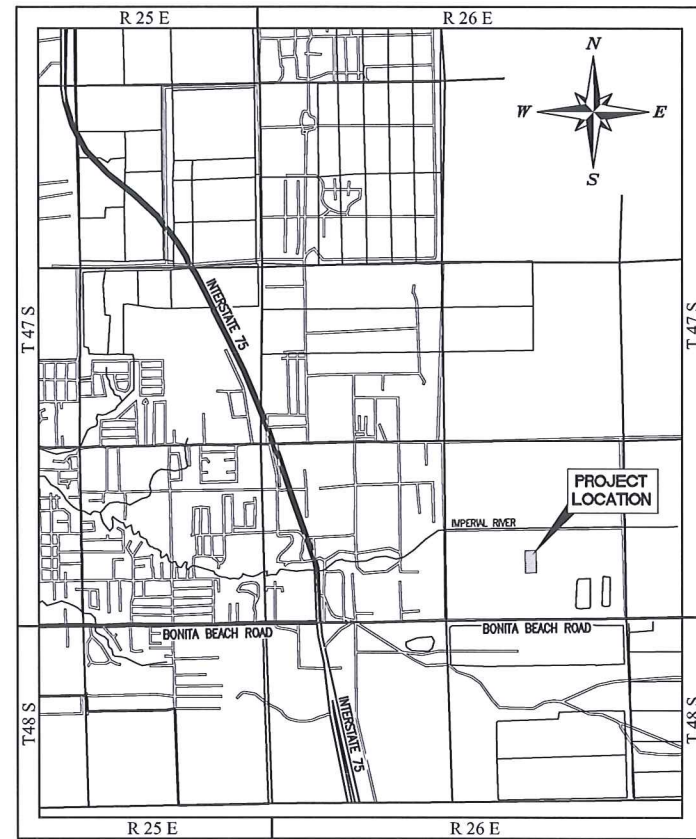
# BBR EAST WATER STORAGE TANK

SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA

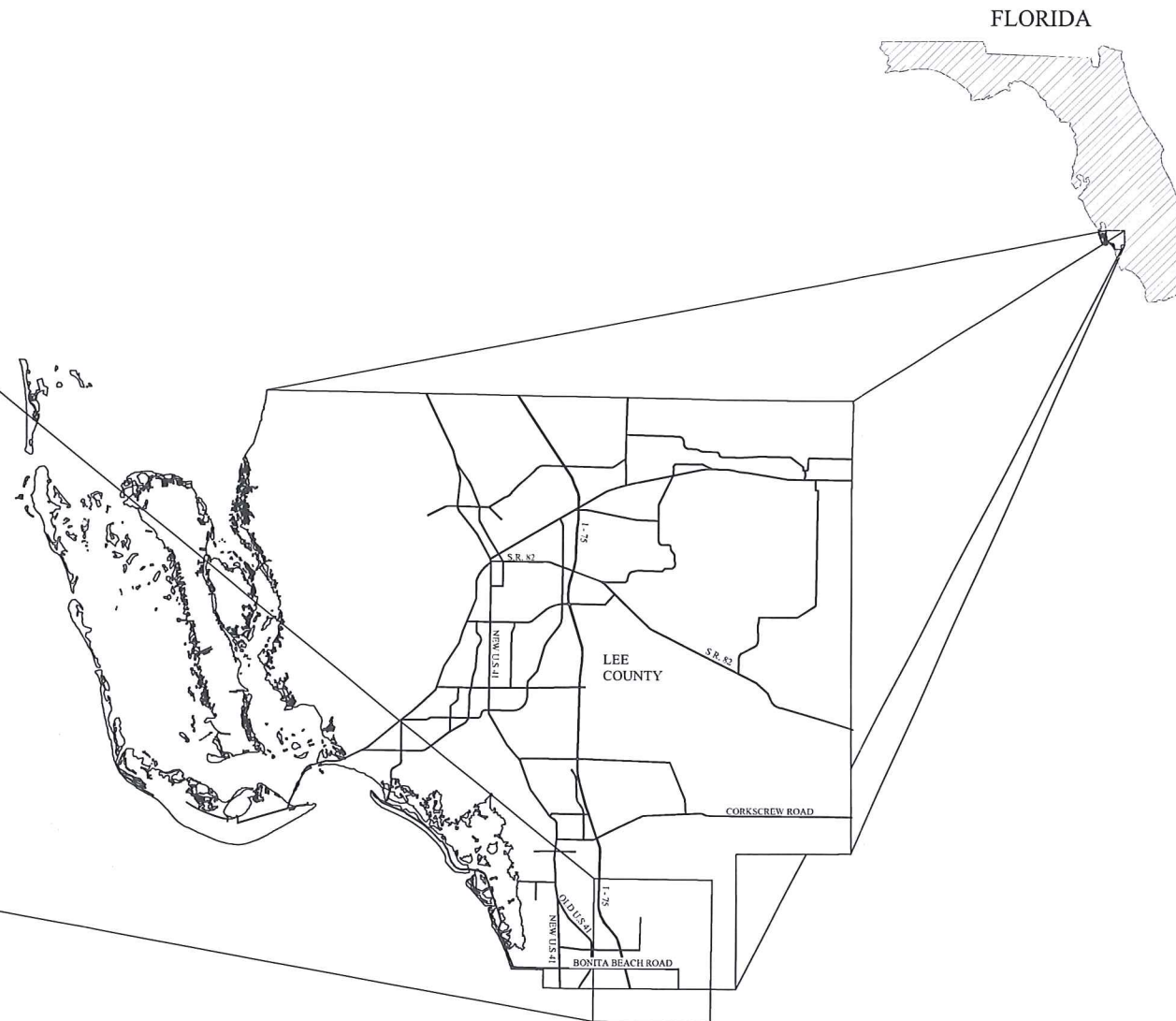
DCI 2008-00045

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COMMUNITY DEVELOPMENT



VICINITY MAP  
N.T.S.



PREPARED FOR:

BONITA SPRINGS UTILITIES

11860 EAST TERRY STREET  
BONITA SPRINGS, FLORIDA 34135

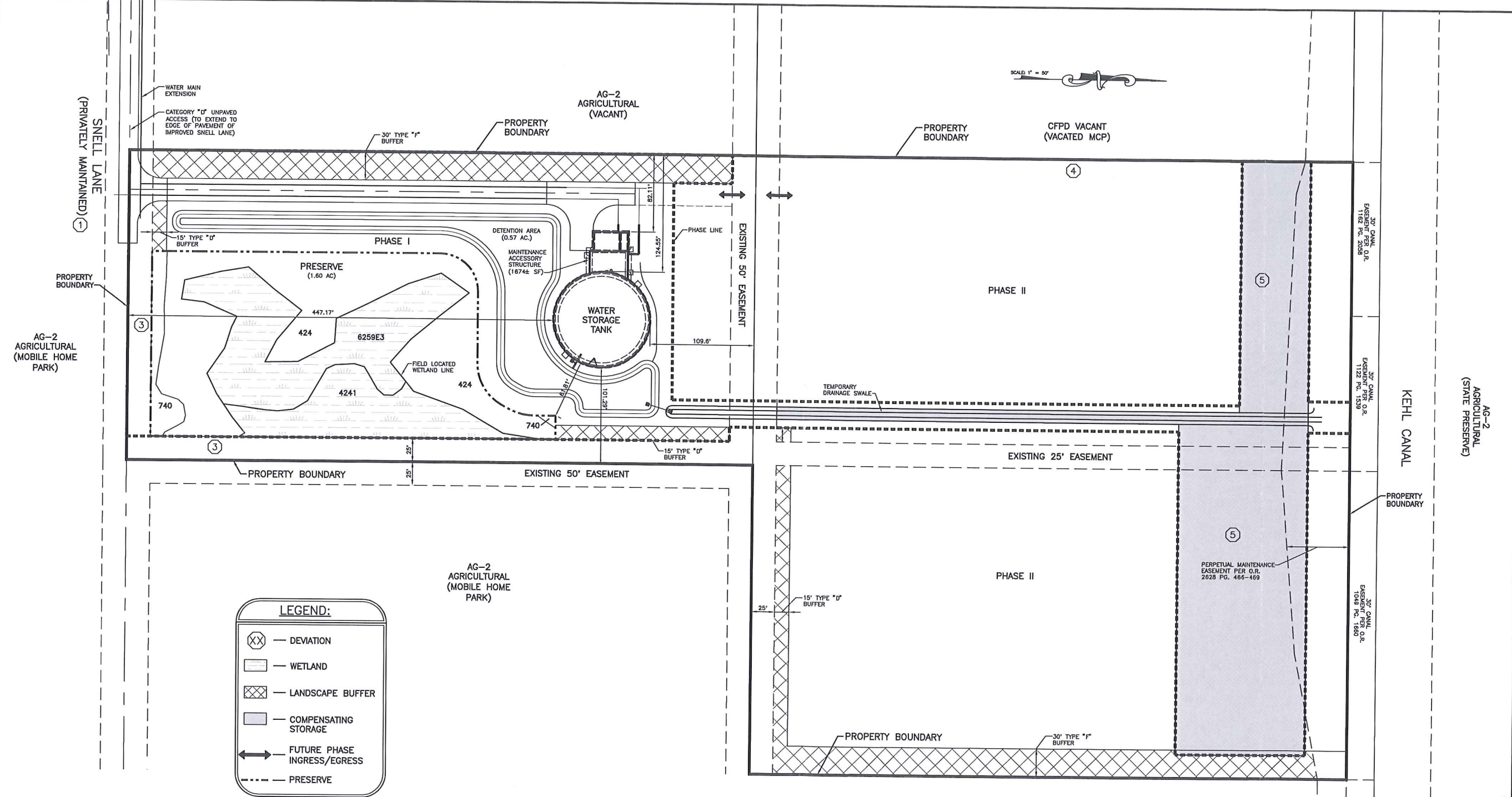
CONTENTS

- SHEET 1 COVER SHEET
- SHEET 2 GENERAL NOTES & TABLES
- SHEET 3 MASTER CONCEPT PLAN

January 29, 2010 4:35 PM S:\2008\080097\0000 Snell Lane Ground Storage Tank\0007 CFPD Amendment Application Preparation\WCP\Rev 04\0800970000P01.dwg

REV #	REVISION	DRAWN	CHECKED	DATE

# BBR EAST WATER STORAGE TANK MASTER CONCEPT PLAN



**LEGEND:**

- DEVIATION
- WETLAND
- LANDSCAPE BUFFER
- COMPENSATING STORAGE
- FUTURE PHASE INGRESS/EGRESS
- PRESERVE

February 1, 2010 8:12 AM S:\2008\080297.00.00 Snell Lane Ground Storage Tank\0007 EFD Amendment Application Preparation\WCP\Ftr 04\0802970000P03.dwg

REV #	REVISION	DRAWN	CHECKED	DATE

**RWA INC.**  
**CONSULTING**  
 Planning  
 Visualization  
 Civil Engineering  
 Surveying & Mapping  
 6810 Willow Park Drive, Suite 200, Naples, Florida 34109  
 1542 Carson Street, Fort Myers, Florida 33901  
 (239) 391-6575 FAX: (239) 397-0676  
 (239) 278-8242 FAX: (239) 278-5419

**BBR**  
 EAST WATER STORAGE TANK

BONITA SPRINGS UTILITIES  
 MASTER CONCEPT PLAN

DCI 2008-00045

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COMMUNITY DEVELOPMENT

CLIENT: BBR  
 PROJECT: EAST WATER STORAGE TANK  
 TITLE: MASTER CONCEPT PLAN  
 SCALE: 1" = 50'  
 DRAWN: R.M.J.  
 CHECKED: P.V.  
 DATE: AUGUST, 2008  
 PROJECT NO.: 0800970000  
 FILE NO.: 0800970000P03  
 SHEET NUMBER: 3 OF 3

# BBR EAST WATER STORAGE TANK

## GENERAL NOTES & TABLES

### LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32.

THENCE N.01°00'38"W. ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 FOR 1,316.62 FEET, TO THE SOUTHEAST CORNER OF THE EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32, ALSO BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE ALONG THE SOUTH LINE OF THE EAST HALF (1/2) OF THE SOUTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 S.89°11'39"W. FOR 327.67 FEET TO THE WEST LINE OF THE EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32;

THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 N.00°57'50"W. FOR 1286.02 FEET, TO A POINT ON THE SOUTHERLY BOUNDARY OF A CANAL EASEMENT; THENCE ALONG SAID CANAL EASEMENT N.89°05'23"E. FOR 653.30 FEET, TO A POINT ON THE EAST LINE OF THE WEST HALF (1/2) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32;

THENCE ALONG THE EAST LINE OF THE WEST HALF (1/2) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 S.01°03'21"E. FOR 628.63 FEET, TO THE SOUTHWEST CORNER OF THE WEST HALF (1/2) OF THE SOUTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32;

THENCE ALONG THE SOUTH LINE OF THE WEST HALF (1/2) OF THE SOUTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 S.89°08'43"W. FOR 327.18 FEET, TO THE SOUTHWEST CORNER OF THE WEST HALF (1/2) OF THE SOUTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32;

THENCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32, S.01°00'38"E. FOR 658.31 FEET, TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN.

CONTAINING 626,273 SQUARE FEET OR 14.4 ACRES, MORE OR LESS.

### GENERAL NOTES:

1. THE MASTER CONCEPT PLAN DEPICTS THE PROJECT'S GENERAL CONFIGURATION FOR CONCEPTUAL ZONING REVIEW AND APPROVAL. THE FINAL PRESERVE AND PUBLIC FACILITY TRACTS ALONG WITH THE PROJECT'S OPEN SPACE, SURFACE WATER MANAGEMENT SYSTEMS, STRUCTURES, AND OTHER FUNCTIONAL ELEMENTS WILL BE DETERMINED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.
2. PARKING WILL BE PROVIDED IN ACCORDANCE WITH LDC CHAPTER 34, DIVISION 26. THE DEVELOPMENT WILL BE AN UNMANNED ESSENTIAL SERVICE FACILITY AND WILL NOT REQUIRE OFF-STREET PARKING SPACES PURSUANT TO SECTION 34-2020(4)G.
3. THE SUBJECT PROPERTY DOES NOT CONTAIN ANY HISTORICAL OR ARCHAEOLOGICAL SITES.
4. IF THE CFPD IS EXPANDED TO INCLUDE ADDITIONAL ACREAGE IN THE FUTURE, THEN AN AMENDED MCP MUST BE APPROVED AND THE OPEN SPACE AND INDIGENOUS PRESERVATION AREAS INCLUDED AS PART OF THIS MCP WILL CONTRIBUTE TO FUTURE OPEN SPACE AND INDIGENOUS PRESERVATION REQUIREMENTS.
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 FENCES, WALLS  
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### SITE DATA:

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 STRAP #: 32-47-26-00-00001.0020

FUTURE LAND USE: DR/GR, WETLANDS  
 EXISTING ZONING: CFPD  
 EXISTING USE: VACANT  
 PROPOSED ZONING: CFPD  
 FLOODZONE: X  
 FIRM (DATE): 12071C 0678F (8/28/08)

### SITE DEVELOPMENT REGULATIONS:

#### WATER TANK MINIMUM SETBACKS:

STREET (SNELL LN): 100 FEET  
 SIDES: 100 FEET  
 REAR: 100 FEET  
 PRESERVE: 30 FEET

#### ACCESSORY STRUCTURES MINIMUM SETBACKS:

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NOTE: STREET, SIDE, AND REAR SETBACKS ARE MEASURED FROM THE CFPD BOUNDARY.

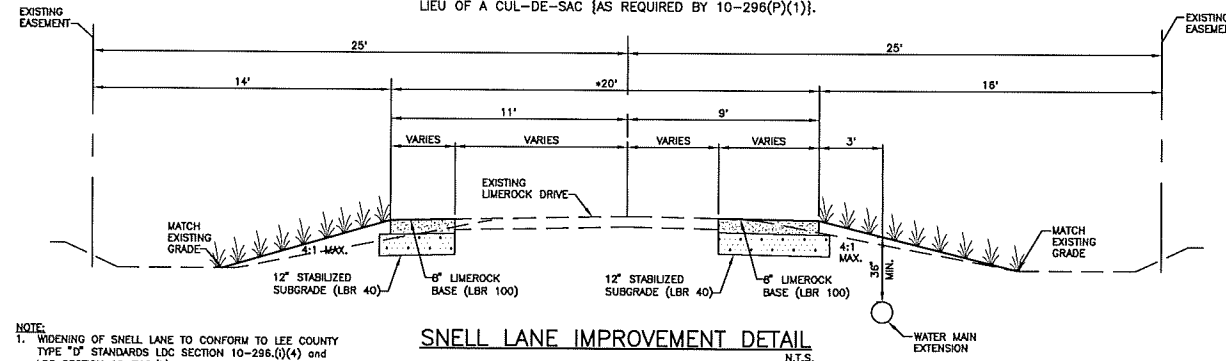
### OPEN SPACE CALCULATIONS:

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 OPEN SPACE PROVIDED: 4.30 ACRES  
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 PRESERVED INDIGENOUS VEGETATION: 0.47 ACRES

OPEN SPACE CALCULATION TABLE	
DESCRIPTION	ACRES
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Compensating Storage	1.70
Preserve	1.60
Melaleuca, 424	0.77
Melaleuca, Hydric, 4241	0.28
Disturbed Land, 740	0.08
Hydric Pine, Disturbed (50-75%), 6259E3	0.47
<b>TOTAL:</b>	<b>4.30</b>

### DEVIATIONS:

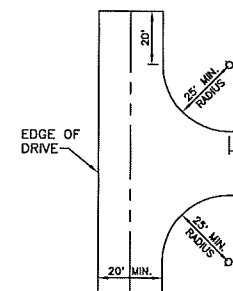
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- NOTE:
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  2. ALL AREAS DISTURBED DUE TO CONSTRUCTION ACTIVITIES TO BE STABILIZED AND SODED IMMEDIATELY UPON COMPLETION OF CONSTRUCTION.

### SNELL LANE IMPROVEMENT DETAIL

N.T.S.



### TYPICAL T-TURN AROUND

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February 1, 2010 8:15 AM S:\2009\08097.00.00 Snell Lane Ground Storage Tank\007 CFPD Amendment Application Preparation\MCP\Utr GA\08097000P02.dwg

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**RIMA** INC.  
 CONSULTING  
 Planning  
 Visualization  
 Civil Engineering & Mapping  
 Surveying & Mapping  
 (239) 597-0575 FAX: (239) 597-0578  
 6610 Willow Park Drive, Suite 200, Naples, Florida 34108  
 1542 Carson Street, Fort Myers, Florida 33901  
 (239) 278-5224 FAX: (239) 278-5419

PROJECT:  
**BBR**  
 EAST WATER STORAGE TANK

CLIENT:  
**BONITA SPRINGS UTILITIES**  
 TITLE:  
**GENERAL NOTES & TABLES**

SEC: TWP: R/AE: 32 47S 26E  
 SCALE: 1" = 50'  
 DRAWN: R.M.J.  
 CHECKED: P.V.

DATE: AUGUST, 2008  
 PROJECT NO: 08097.00.00  
 FILE NO: 08097000P02  
 SHEET NUMBER: 2 of 3

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Bonita Beach Road East Water Storage Tank  
Lee County, FL

COMMUNITY DEVELOPMENT

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**Exhibit D-7-Q:  
Schedule of Deviations and Written Justifications**

- 1. Deviation from LDC Section 10-291(2) which requires that all developments have access to a public or private street designed, constructed and improved to meet the standards of Section 10-296, to allow for access to the site from the end of the paved portion of Snell Lane as an unpaved Category D Road with alternative cross section as illustrated on the MCP and with a T-Turn around in lieu of a cul-de-sac {as required by 10-296(p)(1)}.**

**Justification:** Access to the site is provided by Snell Lane. Snell Lane is a stabilized dirt road currently operating as a local stabilized gravel road. However, Snell Lane does not meet County standards for a local road. The proposed CFPD will be unmanned and generate a negligible number of vehicular trips, approximately one (1) vehicle trip per week. Site visits will be conducted on a weekly basis to do a physical inspection of the buildings and equipment and to conduct maintenance as may be required. The facility will be controlled and monitored remotely via computer and a camera/security system. This development will not impact the local transportation system. A TIS waiver has been requested and approved by the County. The proposed development will generate fewer trips than a single family residence, and should therefore be allowed to utilize existing non-conforming access routes with an approved deviation (Section 12-296(m)).

Since the water system facility will generate fewer trips than a single-family dwelling, the development should not be required to improve Snell Lane as a Category A roadway standards. However, the proposed extension of the existing road surface will be improved to unpaved Category D roadway standards to control stormwater runoff and allow for safe vehicular travel. The MCP has provided an alternative cross section to allow for the road surface to not be centered within the easement and to specify that no sidewalk and utility easements are proposed (as otherwise depicted in the Table Inset of LDC Section 10-710(b)). This will be an improvement to the condition found on the existing dirt road currently in operation.

A T-Turnaround will be provided at the terminus of the proposed extension to allow for vehicle movement. The site does not include solid waste pickup (see deviation 2), which will eliminate the need for garbage truck access. As mentioned in Deviation #2, the facility is unmanned and will therefore not generate any solid waste which would require "pick up" services. The only time a large truck would need to access this portion of Snell Lane would be in the rare instance that a fire truck would need to reach the site. Other than diesel fuel for the electrical generator, the proposed facility will not include the storage of any hazardous materials or chemicals that pose a danger to life or safety, and therefore significantly minimize the likelihood of needing emergency

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Bonita Springs Utilities, Inc.  
Bonita Beach Road East Water Storage Tank  
Lee County, FL

COMMUNITY DEVELOPMENT

service access. Please see attached approval from the Bonita Springs Fire District regarding the proposed deviation.

Bonita Springs Utilities will execute a Maintenance Covenant with Lee County as part of the Development Order process. The Maintenance Covenant will require BSU to address its impacts to the unpaved portions of Snell Lane extending from the end of the existing paved surface to the subject property line. The maintenance covenant will require BSU to remediate the impacts (wear and tear) resulting from the proposed development. If an MSBU or MSTU is established to address the maintenance of Snell Lane, or if Snell Lane becomes a public road, then the covenant will be of no further force and effect.

- 2. Deviation from LDC Section 10-261 which requires that all new multifamily residential developments, commercial businesses, and industrial uses provide sufficient on-site space for the placement of garbage containers or receptacles, and sufficient space for recyclable materials collection containers to allow the unmanned community facility to be constructed without on-site refuse collection.***

**Justification:** The proposed development will be an unmanned essential service facility and will not generate solid waste or recycling material; therefore, garbage collection will not be necessary. The weekly visit by BSU staff is limited to a physical inspection of the facility and to perform maintenance as may be required. Should any waste be generated during weekly visits, it will be removed from the premises by employees and disposed of at BSU's Operations Service Center. Any waste generated during construction will be handled by a licensed contractor, hauled off site and disposed of appropriately. Therefore, the requirement to provide a permanent dumpster onsite is not warranted for this facility.

- 3. Deviation from LDC Section 10-416(d)(1) which requires buffers along the entire perimeter of the proposed development to allow preserve areas with enhanced plantings to satisfy the buffer requirement.***

**Justification:** The proposed site contains areas of significant natural vegetation that will be preserved along portions of the property boundaries as shown on the MCP. In these instances, the proposed preservation areas will exceed the minimum buffer width and planting requirements for the development, and will adequately screen adjacent properties from the proposed use. Once exotics are removed from the preserve area, supplemental tree and mid-story plantings will be installed along the eastern and southern boundary of the preserve to meet the intent of the Type D buffer per the Lee County LDC. These plantings will be spaced to mimic a natural environment and will consist of commercially-available native shrub species typically found in upland and hydric pine communities, such as coco plum (*Chrysobalanus icaco*), wax myrtle (*Myrica cerifera*), or other suitable vegetation. Native trees will be preserved or restored in the melaleuca area of the preserve to supplement the mid and upper-story canopy. A preliminary planting plan is enclosed.

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Bonita Springs Utilities, Inc.  
Bonita Beach Road East Water Storage Tank  
Lee County, FL

COMMUNITY DEVELOPMENT

The existing preserve in the southeast provides a depth of up to 195 feet. The northern portion of the preserve is approximately 25-feet wide, which is still larger than the required buffer width. Requiring a full Type D Buffer is not warranted since the preserve width and enhanced plantings will provide separation and screening that far exceeds that of a 15 foot Type D Buffer.

- 4. Deviation from LDC Section 10-416(d)(1) which requires buffers along the entire perimeter of the proposed development to eliminate the required buffer adjacent to property under common ownership along those portions of the western property boundary.**

**Justification:** The proposed 14.38-acre project site is adjacent to additional property owned by Bonita Springs Utilities to the west. This adjacent property shares the CFPD zoning designation although it currently has a vacated MCP. These adjacent properties, which were originally part of this application, will be added to the proposed site in the future and will seek zoning and MCP approval once it is determined what future improvements are needed based on future population growth and utility demand in Bonita Springs. Requiring a buffer between adjacent properties under a single ownership that are both zoned CFPD is not warranted. In the event that the ownership of the property to the west changes and is no longer owned by the owners of the subject property, a landscape buffer in accordance with Section 10-416 shall be provided on those portions of the western property line of the subject property.

- 5. Deviation from LDC Section 10-416(d)(1), (3) and (4) which requires a Type C or Type F buffer along the northern property line of the proposed development to allow for an alternative landscape plan along the northern property line adjacent to the Kehl Canal Easement.**

**Justification:** The northern property line of the subject property is shared with the southern boundary of a 60 foot canal easement for Kehl Canal. The majority of the adjacent property to the north of Kehl Canal is owned by Florida DEP and SFWMD and will not be developed. The other properties are vacant and zoned Agriculture. These properties are identified as Wetlands by the Future Land Use Map. The LDC requires a 30 foot Type F Buffer comprised of native vegetation adjacent to preserve areas. The northern boundary of the subject property includes a variable width (minimum 20-foot) canal maintenance easement. As illustrated on the proposed MCP, an area for compensating storage is proposed along the northern property line. The compensation storage area extends between 73 and 136 feet from the northern property line. This area will be replanted with indigenous vegetation as illustrated in Attachment B, Preliminary Planting Plan, and will not be developed in the future.

Because the existing canal impedes the ability to provide a continuous vegetation area with the State-owned preserve land as intended by the LDC, due to canal itself and the existing and required canal maintenance easement, and since the compensating

DCI 2008-00045

storage provides a vegetated separation between the proposed use and the SFWMD and DEP preserve areas (min. 117-feet), an additional 30 foot Type F Buffer is not warranted and will not enhance the planned development. In lieu of this requirement, the development proposes to replant the compensating storage area with indigenous vegetation, which will include a variety of native species, such as slash pine, cabbage palm, dahoon holly and wax myrtle. The planted area in combination with the existing separation from the adjacent properties, and the change in elevation from the canal, will provide adequate screening to the Preserve area and anyone who may be using the Kehl Canal for recreational purposes.

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**COMMUNITY DEVELOPMENT**

DOT 2008-00045

**LEGAL DESCRIPTION**

A PARCEL OF LAND LYING IN SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32.

THENCE N.01°00'38"W. ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 FOR 1,316.62 FEET, TO THE SOUTHEAST CORNER OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32, ALSO BEING THE **POINT OF BEGINNING** OF THE PARCEL HEREIN DESCRIBED:

THENCE ALONG THE SOUTH LINE OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 S.89°11'39"W. FOR 327.67 FEET TO THE WEST LINE OF THE EAST HALF (E1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4):

THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 N.00°57'50"W. FOR 1286.02 FEET, TO A POINT ON THE SOUTHERLY BOUNDARY OF A CANAL EASEMENT:

THENCE ALONG SAID CANAL EASEMENT N.89°05'23"E. FOR 653.30 FEET, TO A POINT ON THE EAST LINE OF THE WEST HALF (1/2) OF THE NORTWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32:

THENCE ALONG THE EAST LINE OF THE WEST HALF (1/2) OF THE NORTWEST QUARTER (1/4) OF THE NORTWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION 32 S.01°03'21"E. FOR 628.63 FEET, TO THE SOUTHEAST CORNER OF THE WEST HALF (1/2) OF THE NORTWEST QUARTER (1/4) OF THE NORTWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32:

THENCE ALONG THE SOUTH LINE OF THE WEST HALF (1/2) OF THE NORTWEST QUARTER (1/4) OF THE NORTWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 S.89°08'43"W. FOR 327.18 FEET, TO THE SOUTHWEST CORNER OF THE WEST HALF (1/2) OF THE NORTWEST QUARTER OF THE NORTWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32:

THENCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32, S.01°00'38"E. FOR 658.31 FEET, TO THE **POINT OF BEGINNING** OF THE PARCEL DESCRIBED HEREIN.

CONTAINING 626.273 SQUARE FEET OR 14.4 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 AS BEING N.01°00'38"W.

BY:  1/29/10  
RICHARD V. NESTLER, PROFESSIONAL SURVEYOR AND MAPPER LS# 4786  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A  
FLORIDA LICENSED SURVEYOR AND MAPPER.

1/29/10  
SIGNING DATE

REVISED 1-29-10 RVN  
REVISED 1-27-10 RVN

SEE SHEET 2 OF 2 FOR SKETCH

January 29, 2010 9:09 AM C:\2005\050217.00.01 Golden Gate Roadway - Additional Services\0002 Rev ROW Map-Lane Re-Design\050217 00 00 0008 Row.dwg

<b>DVMA</b> INC. Planning Visualization Civil Engineering Surveying & Mapping		DATE: 10/21/09	CLIENT: BONITA SPRINGS UTILITES
6610 Willow Park Drive, Suite 200 Naples, Florida 34109 Phone: (239) 597-0575 FAX: (239) 597-0578 Florida Certificate of Authorization # 1b-6952		SCALE: N/A	TITLE: LEGAL DESCRIPTION
DRAWN BY: RVN		CHECKED BY: RVN	PROJECT NUMBER: 080097.00.00
SEC. TWP. RGE: 32 47S 26E		PROJECT NUMBER: 080097.00.00	SHEET NUMBER: 1 OF 2
		FILE NUMBER: 0002 SK15	



Reply to  
David L. Cook  
Board Certified Real Estate Lawyer  
Direct Dial Number 239.344.1372  
Facsimile: 239.344.1317  
E-Mail: david.cook@henlaw.com

December 18, 2009

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Lee County Community Development  
Development Services Division  
Attn: Peter J. Eckenrode, Director  
1500 Monroe Street, 2nd Floor  
Fort Myers, FL 33901

COMMUNITY DEVELOPMENT

Re: MCP Application by Bonita Springs Utilities, Inc.; 15 Acre Development Site,  
inclusive of 5 acre Storage Tank Site

DCI 2008-00045

Dear Sirs:

This opinion letter is given pursuant to Lee County Land Development Code Section 34-202(a)(3) on behalf of Bonita Springs Utilities, Inc.

Please be advised that I have conducted a title search for the property described on Exhibit "A" attached hereto (the "Property"), effective as of December 8, 2009 (the "Effective Date"). The title search reveals that the Property is owned, as of the Effective Date, by Bonita Springs Utilities, Inc. ("Owner").

The Property was acquired by Owner by that certain Deed dated December 20, 1982, and recorded in Official Records Book 1651, at Page 1241, of the Public Records of Lee County, Florida.

For the purposes of rendering this opinion, I have divided the property into 4 parcels labeled 1.1, 1.2, 1.3, and 1.4, as depicted on sheet 2 of 2 on attached Exhibit "A". Each parcel is subject to the following easements of record:

1. As to Parcel 1.1, Easement for road right of way over the South 25 feet, reserved in Deed recorded in Official Record Book 123, Page 556, of the Public Records of Lee County, Florida.

2. As to Parcel 1.2, Easement for road right of way over the East, and South 25 feet, reserved in Deed recorded in Official Record Book 177, Page 213, of the Public Records of Lee County, Florida.

3. As to Parcel 1.3, Easement for road right of way over the South 25 feet, reserved in Deed recorded in Official Record Book 177, Page 213, of the Public Records of Lee County, Florida.

Henderson, Franklin, Starnes & Holt, P.A.

4. As to Parcel 1.4, Easement for road right of way over the North, East, and South 25 feet, reserved in Deed recorded in Official Record Book 191, Page 362, of the Public Records of Lee County, Florida.

The property is encumbered by the following mortgages:

None.

This opinion is given as of the Effective Date and discloses matters recorded in the Public Records up through the Effective Date. No opinion is given nor may this letter be relied upon for any easements or other encumbrances recorded after the Effective Date.

Sincerely,

A handwritten signature in black ink, appearing to read "D. L. Cook", written in a cursive style.

David L. Cook

EX. A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32.

THENCE N.01°00'38"W, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 FOR 1,316.62 FEET, TO THE SOUTHEAST CORNER OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32, ALSO BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE ALONG THE SOUTH LINE OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 S.89°11'39"W, FOR 327.67 FEET TO THE WEST LINE OF THE EAST HALF (E1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4);

THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 N.00°57'50"W FOR 1286.02 FEET, TO A POINT ON THE SOUTHERLY BOUNDARY OF A CANAL EASEMENT;

THENCE ALONG SAID CANAL EASEMENT N.89°05'23"E, FOR 653.30 FEET, TO A POINT ON THE EAST LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION 32;

THENCE ALONG THE EAST LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 S.01°03'21"E, FOR 628.63 FEET, TO THE SOUTHEAST CORNER OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION 32;

THENCE ALONG THE SOUTH LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 S.89°08'43"W FOR 327.18 FEET, TO THE SOUTHWEST CORNER OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32;

THENCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32, S.01°00'38"E, FOR 658.31 FEET, TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN.

CONTAINING 626.273 SQUARE FEET OR 14.4 ACRES, MORE OR LESS.

SUBJECT TO AN EASEMENT FOR ROADWAY OVER THE FOLLOWING DESCRIBED PROPERTY:

A PARCEL OF LAND LYING IN SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32

THENCE N.01°00'38"W, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 FOR 1,316.62 FEET, TO THE SOUTHEAST CORNER OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32, ALSO BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE ALONG THE SOUTH LINE OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 S.89°11'39"W, FOR 327.67 FEET;

THENCE ALONG THE WEST LINE OF THE EAST HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 N.00°57'50"W, FOR 25.00 FEET;

THENCE N.89°11'39"E, FOR 302.65 FEET;

THENCE N.01°00'38"W, FOR 608.28 FEET;

THENCE S.89°08'31"W, FOR 302.15 FEET, TO A POINT ON THE WEST LINE OF THE EAST HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32;

THENCE ALONG THE WEST LINE OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 N.00°57'50"W, FOR 50.00 FEET;

THENCE LEAVING THE WEST LINE OF THE EAST HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 N.89°08'31"E, FOR 302.11 FEET;

THENCE N.01°00'38"W, FOR 603.29 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF A 30.00 FOOT WIDE CANAL EASEMENT, AS DESCRIBED IN OFFICIAL RECORDS BOOK 1122, PAGE 1539 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;

THENCE N.89°05'23"E, ALONG THE SOUTHERLY BOUNDARY OF SAID CANAL EASEMENT FOR 25.00 FEET, TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER (1/4) OF SECTION 32;

THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (1/4) OF SECTION 32, S.01°00'38"E, FOR 603.31 FEET;

THENCE N.89°08'43"E, FOR 327.16 FEET, TO A POINT ON THE EAST LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 32;

THENCE ALONG THE EAST LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 32 S.01°03'21"E, FOR 25.00 FEET TO THE SOUTHEAST CORNER OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 32;

THENCE ALONG THE SOUTH LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 32 S.89°08'43"W, FOR 327.18 FEET TO THE SOUTHWEST CORNER OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 32;

THENCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (1/4) OF SECTION 32 S.01°00'38"E, FOR 658.31 FEET, TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN.

CONTAINING 63,017 SQUARE FEET OR 1.4 ACRES, MORE OR LESS

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 AS BEING N.01°00'38"W.

BY: RICHARD V. NESTLER, PROFESSIONAL SURVEYOR AND MAPPER LS# 4786  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SIGNING DATE

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SEE SHEET 2 OF 2 FOR SKETCH

October 21, 2008 11:13 AM S:\2008\080007.00.00 Bonita Bch Rd East Water Storage Tank\0002 Boundary Survey\Boundary Survey\1500 Andy Survey\Boundary Survey Rev 02\0800070005SK15.dwg

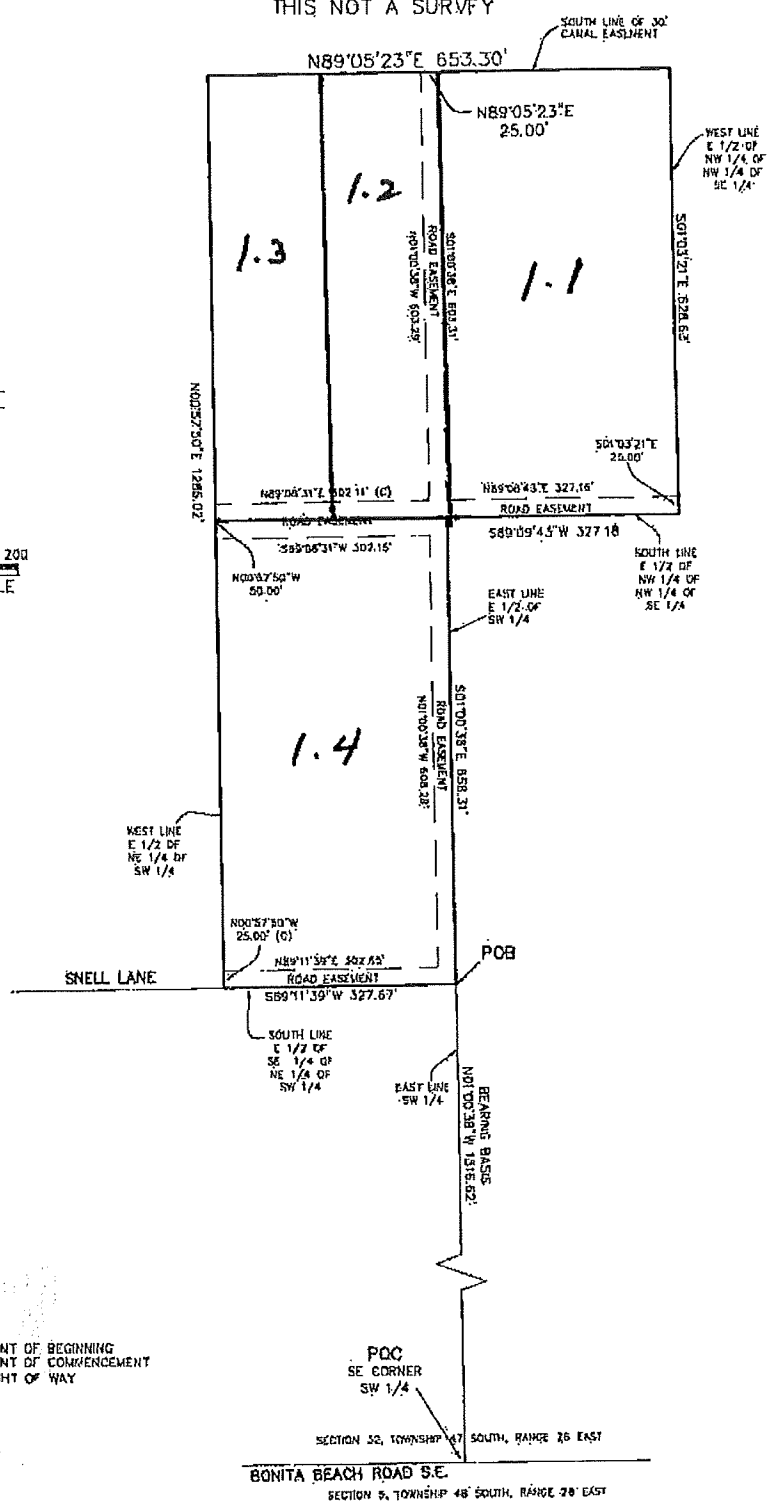
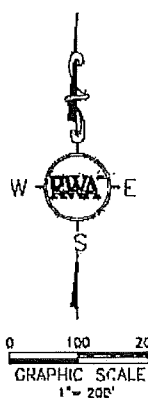
**RVA** INC.  
CONSULTING  
Planning  
Visualization  
Civil Engineering  
Surveying & Mapping  
8610 Willow Park Drive, Suite 200  
Naples, Florida 34108  
Phone: (239) 887-0815  
FAX: (239) 887-0818  
Florida Certificate of Authorization # 15-6962

DATE: 10/21/09  
SCALE: N/A  
DRAWN BY: RVN  
CHECKED BY: RVN  
SEC. 47S. 26E

CLIENT: BONITA SPRINGS UTILITES  
TITLE: LEGAL DESCRIPTION  
PROJECT NUMBER: 080097.00.00  
SHEET NUMBER: 1 OF 2  
FILE NUMBER: 0002 SK15

DCI 2008-00045

SKETCH OF LEGAL DESCRIPTION  
THIS NOT A SURVEY



LEGEND  
POB = POINT OF BEGINNING  
POC = POINT OF COMMENCEMENT  
R/W = RIGHT OF WAY

SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST  
BONITA BEACH ROAD S.E.  
SECTION 5, TOWNSHIP 46 SOUTH, RANGE 26 EAST

SEE SHEET 1 OF 2 FOR DESCRIPTION

October 21, 2009 1:10 PM S:\2008\080097.00.00 Bonita Bch. Rd East Water Storage Tank\POB Boundary Survey\Boundary Survey\Line Book Survey\Boundary Survey Rev 02\08009700000411.dwg

<p><b>RWA</b> INC. Planning Visualization Civil Engineering Surveying &amp; Mapping</p> <p>8810 Wilow Park Drive, Suite 200 Naples, Florida 34103 Phone: (239) 597-5575 Fax: (239) 597-0674 Florida Certificate of Authorization # B-6822</p>	DATE: 10/21/09	CLIENT: BONITA SPRINGS UTILITES
	SCALE: 1" = 200'	TITLE: SKETCH OF LEGAL DESCRIPTION
DRAWN BY: RVN	CHECKED BY: RVN	PROJECT NUMBER: 080097.00.00
SEC: 32	TWP: 47S	RANGE: 26E
SHEET NUMBER: 2 OF 2		FILE NUMBER: 0002 SK15

RECEIVED  
FEB 01 2010

COMMUNITY DEVELOPMENT

DCI 2008-00045

**BONITA BEACH ROAD EAST WATER STORAGE TANK  
LEE COUNTY PROTECTED SPECIES SURVEY**

**January 2009  
Revised May 2009  
Revised February 2010**

Prepared For:

***RWA, Inc.***  
*6610 Willow Park Drive, Suite 200  
Naples, Florida 34109  
(239) 597-0575*

Prepared By:

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

Exhibit D-7-T  
Project No. 07BSU1715

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COMMUNITY DEVELOPMENT

DCI 2008-00045

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COMMUNITY DEVELOPMENT

DCI 2008-00045

## INTRODUCTION

On July 10, 2008 and March 25, 2009, Passarella & Associates, Inc. conducted a protected species survey for the Bonita Beach Road (BBR) East Water Storage Tank (Tank Site), including the Off-Site Roadway and Off-Site Water Main areas. All three areas, when referenced together, are considered the “Project”; otherwise, they are referenced as specific areas (e.g., Tank Site). The purpose of the survey was to review the Project area for Lee County protected species as outlined in Lee County’s Land Development Code (LDC) Chapter 10, Article III, Division 8 (Protection of Habitat). The following report reflects the site conditions as they were during the survey.

The Project totals 14.93± acres (i.e., Tank Site = 14.38± acres; Off-Site Roadway = 0.17± acre; and Off-Site Water Main = 0.38± acre) and is located within the City of Bonita Springs in Section 32, Township 47 South, Range 26 East, Lee County (Figure 1). More specifically, it is found approximately 0.5 mile east of Bonita Grande Drive, near the east end of Snell Lane, and along the south bank of the Kehl Canal. The Project is a combination of historically cleared land and forested habitats (Figure 2).

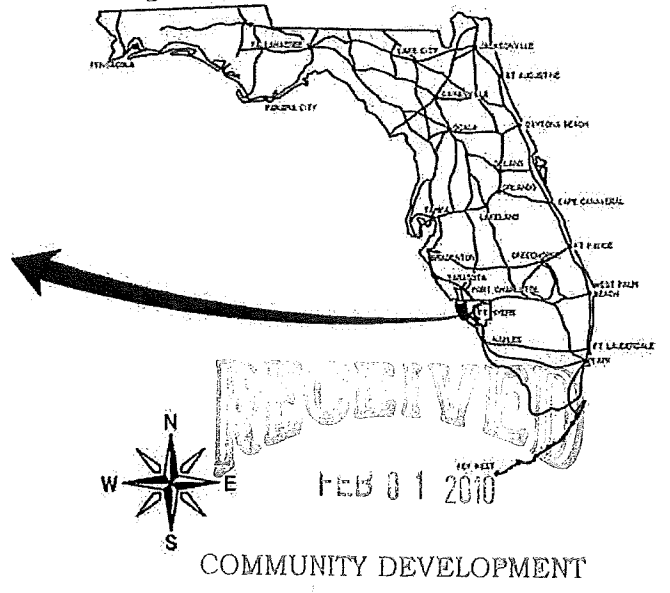
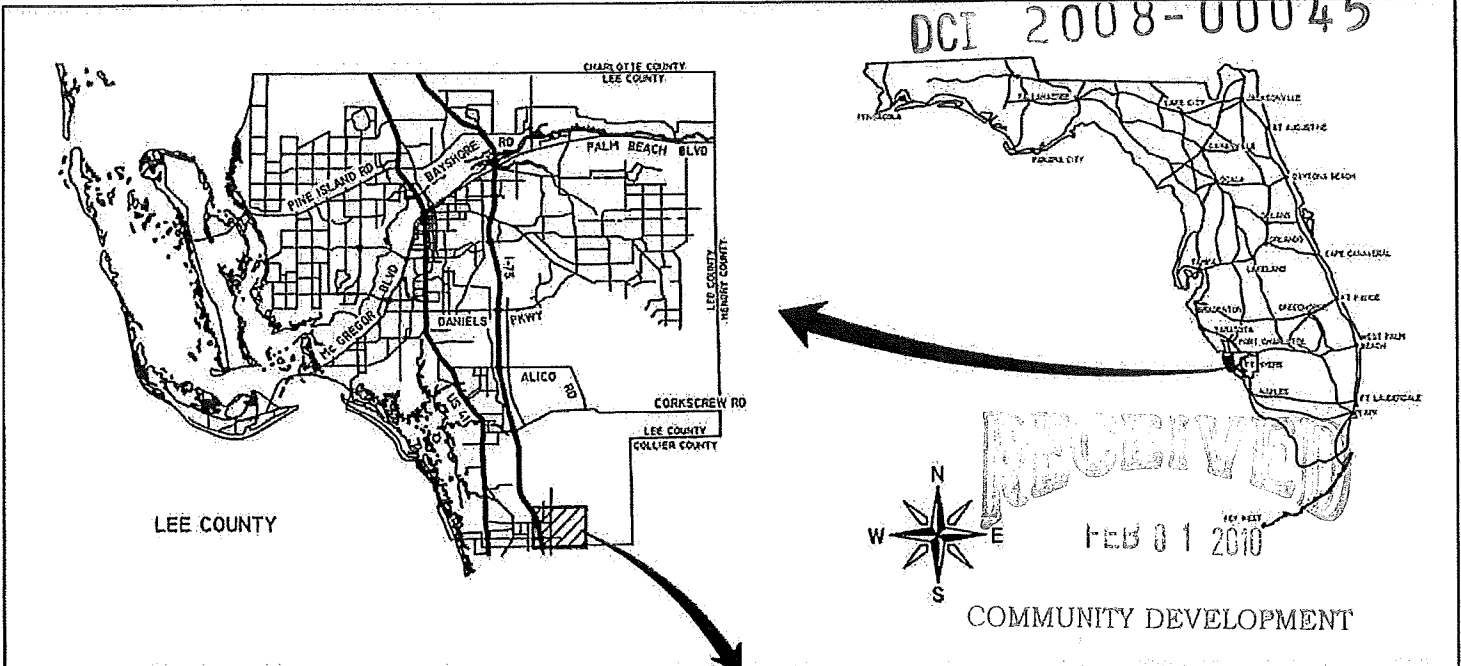
## LAND USES AND COVER TYPES

The vegetation mapping for the subject property was conducted using Lee County 2007 rectified color aerials. Groundtruthing to map the vegetative communities was conducted on July 6 and 10, 2008 for the tank parcel and March 25 and 27, 2009 for the additional parcels utilizing the Florida Land Use, Cover and Forms Classification System (FLUCFCS) Levels III and IV. Level IV FLUCFCS was utilized to denote hydrological conditions and disturbance. “E” codes were used to show levels of exotic species invasion (i.e., melaleuca (*Melaleuca quinquenervia*) and Brazilian pepper (*Schinus terebinthifolius*)). AutoCAD Map 3D 2009 software was used to determine the acreage of each mapping area, produce summaries, and generate the FLUCFCS map for the subject property. The FLUCFCS delineations depicted on a 2007 color aerial photograph are provided as Figure 2. Table 1 provides the breakdown of the FLUCFCS codes by acreage, while a description of each of the classifications follows.

**Table 1. Vegetation Associations and Land Use Acreages**

FLUCFCS Code	Description	Acreage	Percent of Total
<b>BBR East Water Storage Tank</b>			
4221	Brazilian Pepper, Hydric	<0.01	<0.01
424	Melaleuca	2.45	17.00
4241	Melaleuca, Hydric	0.53	3.70
510	Streams and Waterways	0.52	3.60
6259 E3	Hydric Pine, Disturbed (50-75% Exotics)	0.47	3.30
740	Disturbed Land	9.80	68.20
743	Spoil Areas	0.61	4.20
<b>Total</b>		<b>14.38</b>	<b>100.00</b>

DCI 2008-00045



**PROJECT LOCATION**  
SEC 32, TWP 47 S, RGE 26 E

FIGURE 1. PROJECT LOCATION MAP  
BBR EAST WATER STORAGE TANK




DRAWN BY	DATE
D.B.	12/10/08
REVIEWED BY	DATE
C.R.	12/10/08
REVISED	DATE
D.B.	1/28/10

**PASSARELLA & ASSOCIATES**  
Consulting Ecologists



**BBR EAST WATER STORAGE TANK**

LEGEND:

-  SFWMD AND COE WETLANDS (1.00 Ac. ±)
-  SFWMD "OTHER SURFACE WATERS" AND COE "WATERS OF THE U.S." (0.52 Ac. ±)
-  SURVEYED WETLAND LINE

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
4221	BRAZILIAN PEPPER, HYDRIC	<0.01 Ac. ±	<0.01%
424	MELALEUCA	2.45 Ac. ±	17.0%
4241	MELALEUCA, HYDRIC	0.53 Ac. ±	3.7%
510	STREAMS AND WATERWAYS	0.52 Ac. ±	3.6%
6259 E3	HYDRIC PINE, DISTURBED (50-75% EXOTICS)	0.47 Ac. ±	3.3%
740	DISTURBED LAND	9.80 Ac. ±	68.2%
743	SPOIL AREAS	0.61 Ac. ±	4.2%
<b>TOTAL</b>		<b>14.38 Ac. ±</b>	<b>100.0%</b>

**OFF-SITE WATER MAIN**

FLUCFCS CODES	DESCRIPTIONS	ACREAGE
740	DISTURBED LAND	0.38 Ac. ±

**OFF-SITE ROADWAY**

FLUCFCS CODES	DESCRIPTIONS	ACREAGE
740	DISTURBED LAND	0.17 Ac. ±

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FEB 01 2010

**COMMUNITY DEVELOPMENT NOTES:**

AERIAL PHOTOGRAPHS PROVIDED BY THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF AUGUST - NOVEMBER 2007.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

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

SURVEYED WETLAND LINES PER RWA, INC. DRAWING No. 08097.00.00 SUR.DWG DATED AUGUST 5, 2008.

UPLAND/WETLAND LIMITS REVIEWED AND APPROVED BY THE COE ON-SITE FEBRUARY 13, 2009 BY LAURA DIAZ AND BY THE SFWMD MARCH 20, 2009 BY JULIE ARRISON.



JUL200707081715200915-4-09 PSS FOR PROP INC IS AGRIL ADDITION/FIGURE 2 AERIAL WITH FLUCFCS AND WETLANDS 1-28-10.DWG TAB: 17A11-C TB JAN 28, 2010 - 2:46pm PLOTTED BY: DOB8

REVISIONS	DATE	DRAWN BY	DATE
Revised project limits	1/27/10	D.B.	5/1/09
		DESIGNED BY C.R.	5/1/09
		REVIEWED BY M.A.M.	5/1/09

13620 Metropolis Avenue  
Suite 200  
Fort Myers, Florida 33912  
Phone (239) 274-0067  
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**BBR EAST WATER STORAGE TANK**  
AERIAL WITH PRELIMINARY FLUCFCS AND WETLANDS MAP

DRAWING No.	07BSU1715
SHEET No.	FIGURE 2

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Table 1. (Continued)

COMMUNITY DEVELOPMENT

FLUCFCS Code	Description	Acreage	Percent of Total
<b>Off-Site Roadway</b>			
740	Disturbed Land	0.38	100.0
<b>Total</b>		<b>0.38</b>	<b>100.0</b>
<b>Off-Site Water Main</b>			
740	Disturbed Land	0.17	100.0
<b>Total</b>		<b>0.17</b>	<b>100.0</b>
<b>Project Total</b>		<b>14.93</b>	<b>-</b>

**BBR East Water Storage Tank**

Brazilian Pepper, Hydric (FLUCFCS Code 4221)

This community type is found at the southeastern corner of the property and occupies less than 0.01± acre or less than 0.01 percent of the Tank Site. The canopy is open and the sub-canopy is composed of Brazilian pepper and scattered melaleuca. The ground stratum is primarily open with scattered little blue maidencane (*Amphicarpum muhlenbergianum*) and muscadine grape (*Vitis rotundifolia*).

Melaleuca (FLUCFCS Code 424)

This community type is found on the southern and eastern portions of the Project area and occupies 2.45± acres or 17.0 percent of the Tank Site. The canopy and sub-canopy are dominated by melaleuca along with scattered earleaf acacia (*Acacia auriculiformis*), slash pine (*Pinus elliottii*), and Brazilian pepper. The ground cover is comprised of bahiagrass (*Paspalum notatum*), muscadine grape, spermacoce (*Spermacoce verticillata*), pineland heliotrope (*Heliotropium polyphyllum*), little blue maidencane, partridge pea (*Chamechrista* sp.), and dog fennel (*Eupatorium capillifolium*).

Melaleuca, Hydric (FLUCFCS Code 4241)

This community type is found along the eastern boundary and it occupies 0.53± acre or 3.7 percent of the Tank Site. The canopy and sub-canopy are dominated by melaleuca along with scattered earleaf acacia and Brazilian pepper. The ground cover is comprised of little blue maidencane, spermacoce, umbrellasedge (*Fuirena breviseta*), pineland heliotrope, gulfdune paspalum (*Paspalum monostachyum*), partridge pea, dog fennel, and scattered paragrass (*Urochloa mutica*).

Streams and Waterways (FLUCFCS Code 510)

This land use is comprised of the Kehl Canal waterway which forms the Tank Site's north boundary. The canal occupies 0.52± acre or 3.6 percent of the tank parcel.

Hydric Pine, Disturbed (50-75% Exotics) (FLUCFCS Code 6259 E3)

This community type is found in the southeastern portion of the property and it occupies 0.47± acre or 3.3 percent of the Tank Site. The canopy is composed of melaleuca, slash pine, earleaf acacia, and scattered cabbage palm (*Sabal palmetto*). The sub-canopy is dominated by melaleuca with earleaf acacia, Brazilian pepper, slash pine, cabbage palm, and widely scatted cypress

(*Taxodium distichum*) present. The ground cover is dominated by little blue maidencane, along with spermacoce, umbrellasedge, pineland heliotrope, gulfdune paspalum, partridge pea, and widely scattered maidencane (*Panicum hemitomom*).

Disturbed Land (FLUCFCS Code 740)

This upland community comprises most of the northern portion of the site and it occupies 9.8± acres or 68.2 percent of the Tank Site. The canopy and sub-canopy are open, except for widely scattered Brazilian pepper, slash pine, melaleuca, live oak (*Quercus virginiana*), earleaf acacia, and carrotwood (*Cupaniopsis anacardioides*). The ground cover is dominated by bahiagrass, along with smutgrass (*Sporobolus indicus*), spermacoce, pineland heliotrope, cogongrass (*Imperata cylindrica*), rattlebox (*Crotalaria* sp.), and partridge pea.

Spoil Area (FLUCFCS Code 743)

This cover type is found in the northwestern portion of the property and it occupies 0.61± acre or 4.2 percent of the Tank Site. The canopy is mostly open with widely scattered slash pine and melaleuca. The sub-canopy is dominated by Brazilian pepper, along with scattered cabbage palm. The ground cover is composed of bahiagrass, smutgrass, ragweed (*Ambrosia* sp.), and muscadine grape.

**Off-Site Water Main**

Disturbed Land (FLUCFCS Code 740)

This upland community comprises the entire Off-Site Water Main area and it occupies 0.38± acre. The vegetative communities are similar to those found within the Disturbed Land community located on the Tank Site.

**Off-Site Roadway**

Disturbed Land (FLUCFCS Code 740)

This upland community comprises the entire Off-Site Roadway area and it occupies 0.17± acre. The vegetative communities are similar to those found within the Disturbed Land community located on the Tank Site.

**METHODOLOGY AND DISCUSSION**

Surveys for Lee County protected species are based on the presence of specific vegetation associations and habitat types noted on-site as outlined in the LDC. The frequency of transects performed in these habitats, unless otherwise discussed, were designed to meet 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 Environmental Sciences staff, 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 and personal experience, as well as those habitats reviewed as a precautionary measure.

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**Table 2. Potential Lee County Protected Species by Habitat Type, All FLUCFCS Codes Combined**

FLUCFCS Code and Description		Potential Protected Species
<b>BBR East Water Storage Tank</b>		
4221	Brazilian Pepper, Hydric*	N/A
424	Melaleuca*	Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )
4241	Melaleuca, Hydric*	Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )
510	Streams and Waterways	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> )
6259 E3	Hydric Pine, Disturbed (50-75% Exotics)	Little Blue Heron ( <i>Egretta caerulea</i> )
		Snowy Egret ( <i>Egretta thula</i> )
		Tri-Colored Heron ( <i>Egretta tricolor</i> )
		Gopher Frog ( <i>Rana areolata</i> )
		Everglades Mink ( <i>Mustela vison evergladensis</i> )
		Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )
740	Disturbed Land*	Arctic Peregrine Falcon ( <i>Falco peregrinus tundrius</i> )
		Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )
743	Spoil Areas*	Gopher Frog ( <i>Rana areolata</i> )
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )
		Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )
<b>Off-Site Roadway</b>		
740	Disturbed Land*	Gopher Frog ( <i>Rana areolata</i> )
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )
		Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )
<b>Off-Site Water Main</b>		
740	Disturbed Land*	Gopher Frog ( <i>Rana areolata</i> )
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )
		Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )

\*Habitat surveyed for the species noted as a precautionary measure, although not required per the LDC.

The protected species survey was conducted by qualified ecologists on July 10, 2008. The type of survey utilized included meandering pedestrian transects, per WilsonMiller, Inc. methodology previously approved by Lee County. The weather for July 10, 2008 was partly cloudy with temperatures in the high 80's to the low 90's and a light wind from the west during the survey. Visibility in the surveyed habitats varied due to the density of vegetation. A summary of the

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limits of visibility, number, length of transects walked, and percent of coverage by habitat type for the site is provided in Table 3.

**Table 3. Summary of Habitat Coverage**

FLUCFCS Code	Description	Total Area (Acres)	Transects Total Length (Feet)	Average Visibility (Feet) <sup>1</sup>	Percent Coverage
<b>BBR East Water Storage Tank</b>					
4221	Brazilian Pepper, Hydric <sup>2</sup>	<0.01	15	15	100
424	Melaleuca <sup>2</sup>	2.45	1,685	30	95
4241	Melaleuca, Hydric <sup>2</sup>	0.53	350	30	91
510	Streams and Waterways	0.52	650	35	100
6259 E3	Hydric Pine, Disturbed (50-75% Exotics)	0.47	325	30	95
740	Disturbed Land <sup>2</sup>	9.80	6,200	50	100
743	Spoil Areas <sup>2</sup>	0.61	430	30	97
<b>Off-Site Roadway</b>					
740	Disturbed Land <sup>2</sup>	0.17	67	50	90
<b>Off-Site Water Main</b>					
740	Disturbed Land <sup>2</sup>	0.38	149	50	90

<sup>1</sup>Average visibility of transect to one side

<sup>2</sup>Habitat surveyed as a precautionary measure

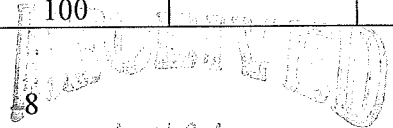
## SURVEY RESULTS

The results of the July 10, 2008 (Tank Site) Lee County Protected Species Survey found signs for one protected species on-site. One gopher tortoise (*Gopherus polyphemus*) burrow (GT-1, Appendix A) was found on-site. GT-1 was found in the Spoil Area (FLUCFCS Code 743) land use located in the northwest portion of the Tank Site. Additionally, one squirrel nest was found on the eastern side of the Tank Site. No Big Cypress fox squirrels (*Sciurus niger avicennia*) were observed on-site or in the surrounding vicinity. It is anticipated that the observed squirrel nests are inhabited by gray squirrels (*Sciurus carolinensis*).

A copy of the 2007 aerial photograph with the survey transects is provided as Appendix A. Table 4 summarizes the protected species survey findings, while Table 5 depicts the Lee County protected species density calculations.

**Table 4. Lee County Protected Species Survey Summary**

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (per acre)
<b>BBR East Water Storage Tank</b>					
<b>Reptiles</b>					
Eastern Indigo Snake	740	100		X	
	743	97		X	
Gopher Tortoise	740	100		X	
	743	97	X		1.74
Gopher Frog	6259 E3	95		X	
	740	100		X	
	743	97		X	
American Alligator	510	100		X	
<b>Birds</b>					
Arctic Peregrine Falcon	6259 E3	95		X	
Little Blue Heron	510	100		X	
	6259 E3	95		X	
Snowy Egret	510	100		X	
	6259 E3	95		X	
Tri-Colored Heron	510	100		X	
	6259 E3	95		X	
Limpkin	510	100		X	
Reddish Egret	510	100		X	
Roseate Spoonbill	510	100		X	
<b>Mammals</b>					
Big Cypress Fox Squirrel	424	93		X	
	4241	91		X	
	6259 E3	96		X	
Everglades Mink	510	100		X	
	6259 E3	95		X	
<b>Off-Site Roadway</b>					
<b>Reptiles</b>					
Eastern Indigo Snake	740	90		X	
Gopher Tortoise	740	90		X	
Gopher Frog	740	90		X	
<b>Off-Site Water Main</b>					
<b>Reptiles</b>					
Eastern Indigo Snake	740	90		X	
Gopher Tortoise	740	90		X	
Gopher Frog	740	90		X	
<b>15 Acre Addition</b>					
<b>Reptiles</b>					
Eastern Indigo Snake	4119 E1	90		X	
	241	85		X	
	740	100		X	



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Table 4. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (per acre)
<b>15 Acre Addition (Continued)</b>					
<b>Reptiles (Continued)</b>					
Eastern Indigo Snake (Continued)	747	90		X	
	743	100		X	
Gopher Tortoise	4119 E1	90		X	
	241	85		X	
	740	100		X	
	747	90	X		0.77
	743	100		X	
Gopher Frog	4119 E1	90		X	
	241	85		X	
	6249 E3	90		X	
	747	90		X	
	740	100		X	
	743	100		X	
American Alligator	510	100		X	
<b>Birds</b>					
Arctic Peregrine Falcon	6249 E3	90		X	
Little Blue Heron	510	100		X	
	6249 E3	90		X	
Snowy Egret	510	100		X	
	6249 E3	90		X	
Tri-Colored Heron	510	100		X	
	6249 E3	90		X	
Limpkin	510	100		X	
Reddish Egret	510	100		X	
Roseate Spoonbill	510	100		X	
<b>Mammals</b>					
Big Cypress Fox Squirrel	4119 E1	90		X	
	4241	90		X	
	6249 E3	90		X	
Florida Black Bear	4119 E1	90		X	
	6249 E3	90		X	
Florida Panther	4119 E1	90		X	
	6249 E3	90		X	
Everglades Mink	510	100		X	
	6249 E3	90		X	
<b>Plants</b>					
Fakahatchee Burmannia	4119 E1	90		X	
Beautiful Paw-Paw	4119 E1	90		X	
Florida Coontie	4119 E1	90		X	
Satinleaf	4119 E1	90		X	

**Table 5. Lee County Protected Species Abundance Calculations**

Protected Species Density:

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

Where n = number of individuals observed  
 L = length of transect  
 w<sub>1</sub> = distance of visibility to the right of transect  
 w<sub>1</sub> = distance of visibility to the right of transect  
 C = 1 / percent coverage (numerical) of FLUCFCS code

**Gopher Tortoise (*Gopherus polyphemus*)**

*FLUCFCS Code 743 (Tank Site)*

$$= \frac{1GT}{430(30+30)}(43,560 \text{ ft.}^2/\text{ac.})(1/0.97)$$

$$= (3.88 \times 10^{-5} \text{ GT}/\text{ft.}^2)(43,560 \text{ ft.}^2/\text{ac.})(1.03)$$

$$= 1.74 \text{ GT}/\text{ac.}$$

**MANAGEMENT PLANS**

**Gopher Tortoise**

One active gopher tortoise burrow was found on the site; however, it was located over 25± feet from the proposed development activities which are to occur on the central portion of the Tank Site. As a result, no relocation activities are proposed. Temporary silt screen will be placed around the construction site to prevent the gopher tortoise from accessing construction areas. No management plan or further protections measures for this species are anticipated. If proposed development plans are revised to include construction activities within 25± feet of the burrow, the appropriate permit will be obtained from the Florida Fish and Wildlife Conservation Commission (FWCC) and the tortoise will be relocated on-site out of the proposed development area and harms way.

**Big Cypress Fox Squirrel**

Prior to site clearing activities, a Big Cypress fox squirrel survey of the Project area will be conducted. If a Big Cypress fox squirrel is found with young in the nest, a 125± foot buffer will be established around the nest tree. The buffer will be maintained until the young have left the nest. Once gone, the appropriate permit will be obtained from the FWCC to remove the nest tree.

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COMMUNITY DEVELOPMENT

## **REFERENCES**

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

**APPENDIX A**

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

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COMMUNITY DEVELOPMENT




DCI 2008-00045

LEGEND:

- GT-1 GOPHER TORTOISE BURROW AND NUMBER (TYP.)
- (A) ACTIVE
- SN-1 SQUIRREL NEST AND NUMBER (TYP.)
- SURVEY TRANSECTS

**BBR EAST WATER STORAGE TANK**

LEGEND:

-  SFWMD AND COE WETLANDS (1.00 Ac.±)
-  SFWMD "OTHER SURFACE WATERS" AND COE "WATERS OF THE U.S." (0.52 Ac.±)
-  SURVEYED WETLAND LINE

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
4221	BRAZILIAN PEPPER, HYDRIC	<0.01 Ac.±	<0.01%
424	MELALEUCA	2.45 Ac.±	17.0%
4241	MELALEUCA, HYDRIC	0.53 Ac.±	3.7%
510	STREAMS AND WATERWAYS	0.52 Ac.±	3.6%
6259 E3	HYDRIC PINE, DISTURBED (50-75% EXOTICS)	0.47 Ac.±	3.3%
740	DISTURBED LAND	9.80 Ac.±	68.2%
743	SPOIL AREAS	0.61 Ac.±	4.2%
<b>TOTAL</b>		<b>14.38 Ac.±</b>	<b>100.0%</b>

**OFF-SITE WATER MAIN**

FLUCFCS CODES	DESCRIPTIONS	ACREAGE
740	DISTURBED LAND	0.38 Ac.±

**OFF-SITE ROADWAY**

FLUCFCS CODES	DESCRIPTIONS	ACREAGE
740	DISTURBED LAND	0.17 Ac.±

DCI 2008-00045

NOTES:

AERIAL PHOTOGRAPHS PROVIDED BY THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF AUGUST - NOVEMBER 2007.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

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

SURVEYED WETLAND LINES PER RWA, INC. DRAWING No. 08097.00.00 SUR.DWG DATED AUGUST 5, 2008.

UPLAND/WETLAND LIMITS REVIEWED AND APPROVED BY THE COE ON-SITE FEBRUARY 13, 2009 BY LAURA DIAZ AND BY THE SFWMD MARCH 20, 2009 BY JULIE ARRISON.



SCALE 1" = 200'

J:\2007\07\07\1715\2009\15-4-09 PSS FOR PROP INC 15 ACRE ADDITION\APPENDIX A AERIAL FLUCFCS WETLANDS TRANSECTS PSS LOCATIONS 1-28-10.dwg Tab: 17X1-C TB JAN 28, 2010 - 2:47PM PLOTTED BY: DDB8

REVISIONS	DATE	DRAWN BY	DATE
Revised project limits	1/27/10	D.B.	5/1/09
		DESIGNED BY	DATE
		C.R.	5/1/09
		REVIEWED BY	DATE
		M.A.M.	5/1/09

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**BBR EAST WATER STORAGE TANK**  
AERIAL WITH PRELIMINARY FLUCFCS, WETLANDS,  
SURVEY TRANSECTS, AND PROTECTED SPECIES LOCATIONS

DRAWING No. 07BSU1715  
SHEET No. 2010  
APPENDIX A  
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SCALE: 1" = 100'



LEGEND:  
SURVEYED WETLAND LINE

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
4221	BRAZILIAN PEPPER, HYDRIC	<0.01 AC ±	<0.01%
424	MELALEUCA	2.45 AC ±	17.0%
4241	MELALEUCA, HYDRIC	0.53 AC ±	3.7%
510	STREAMS AND WATERWAYS	0.52 AC ±	3.6%
6259 E3	HYDRIC PINE, DISTURBED (50-75% EXOTICS)	0.47 AC ±	3.3%
740	DISTURBED LAND	9.80 AC ±	66.2%
743	SPOIL AREAS	0.61 AC ±	4.2%
<b>TOTAL</b>		<b>14.38 AC ±</b>	<b>100.0%</b>

NOTES:  
 AERIAL PHOTOGRAPHY PROVIDED BY THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY 2008.  
 SITE PLAN PER RWA DRAWING NO. 08009/000000/DRAWING DATED JANUARY 26, 2010.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROPRIATED.  
 FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (1-001 1999).  
 SURVEYED WETLAND LINES PER RWA, INC. DRAWING NO. 08009/00.00 SUR.DWG DATED AUGUST 5, 2008.  
 UPLAND WETLAND LIMITS REVIEWED AND APPROVED BY THE COL ON-SITE FEBRUARY 13, 2009 BY LAURA DIAZ AND BY THE SFWMD MARCH 20, 2009 BY JULIE ANKISSON.

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 FEB 11 2010  
 COMMUNITY DEVELOPMENT

DATE	1/27/10
DATE	1/27/10
DATE	1/27/10

13620 Metropolis Avenue  
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 Fort Myers, Florida 33912  
 Phone (239) 274-6667  
 Fax (239) 274-6669

**PASSARELLA & ASSOCIATES**  
 INCORPORATED

SNELL LANE GROUND STORAGE TANK  
 AERIAL WITH FLUCFCS OVERLAY

DRAWING NO. C7RSUJ715  
 SHEET NO.

DCI 2008-00045



SCALE: 1" = 100'

P/L

PROJECT LIMITS

PROJECT LIMITS

WATER STORAGE TANK

DETENTION AREA

ACCESS ROAD

740 (0.07 AC ±)

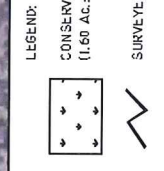
6259 E3 (0.47 AC ±)

424 (0.77 AC ±)

740 (0.28 AC ±)

424 (0.28 AC ±)

740 (0.07 AC ±)



CONSERVATION AREA FLUCFCS

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
424	MELALEUCA	0.77 AC ±	48.1%
4241	MELALEUCA, HYDRIC	0.28 AC ±	17.5%
6259 E3	HYDRIC PINE, DISTURBED (50-75% EXOTICS)	0.47 AC ±	29.4%
740	DISTURBED LAND	0.08 AC ±	5.0%
<b>TOTAL</b>		<b>1.60 AC ±</b>	<b>100.0%</b>

NOTES:

- AERIAL PHOTOGRAPHS PROVIDED BY THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY 2008.
- SITE PLAN PER RWA DRAWING NO. 08009/00000PH0LWVG DATED JANUARY 26, 2008.
- FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.
- FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).
- SURVEYED WETLAND LINES PER RWA, INC. DRAWING NO. 0809/00.00 SUR.DWG DATED AUGUST 5, 2008.
- WETLAND/WETLAND LIMITS REVIEWED AND APPROVED BY THE CODE ON-SITE FEBRUARY 15, 2009 BY LAURA DIAZ AND BY THE SWFWD MARCH 20, 2009 BY JULIE ARRISSON.

COMMUNITY DEVELOPMENT

RECEIVED  
FEB 01 2010

DATE: 1/27/10  
DATE: 1/27/10  
DATE: 1/27/10

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SNELL LANE GROUND STORAGE TANK  
AERIAL WITH SITE PLAN  
AND CONSERVATION AREA FLUCFCS

AREA W/IN: 07  
D.B. 07RSUJ715  
STREET No.

DOI 2008-00045

**Christopher Scott**

---

**From:** Badamtchian, Chahram [CBADAMTCHIAN@leegov.com]  
**Sent:** Tuesday, January 26, 2010 11:29 AM  
**To:** Christopher Scott  
**Subject:** RE: DCI2008-00045 BBR East Water Storage Tank - Submittal Copies

Yes I do.

***Chahram Badamtchian, AICP***

Senior Planner  
Lee County DCD/Zoning  
Phone: 239. 533. 8372  
Fax: 239. 485. 8344  
[Cbadamtchian@leegov.com](mailto:Cbadamtchian@leegov.com)



---

**From:** Christopher Scott [mailto:cos@consult-rwa.com]  
**Sent:** Tuesday, January 26, 2010 11:22 AM  
**To:** Badamtchian, Chahram  
**Subject:** RE: DCI2008-00045 BBR East Water Storage Tank - Submittal Copies

DCI 2008-00045

Chahram:

Do you need the same number of copies of the revised MCP and exhibits as before?

**Christopher O. Scott, AICP, LEED AP**  
Principal Planner  
RWA, Inc.

---

**From:** Badamtchian, Chahram [mailto:CBADAMTCHIAN@leegov.com]  
**Sent:** Tuesday, October 20, 2009 11:46 AM  
**To:** Christopher Scott  
**Subject:** RE: DCI2008-00045 BBR East Water Storage Tank - Submittal Copies

Chris,

These numbers look good to me.

***Chahram Badamtchian, AICP***

Senior Planner  
Lee County DCD/Zoning  
Phone: 239. 533. 8372  
Fax: 239. 485. 8344  
[Cbadamtchian@leegov.com](mailto:Cbadamtchian@leegov.com)

---

**From:** Christopher Scott [mailto:cos@consult-rwa.com]  
**Sent:** Tuesday, October 20, 2009 11:45 AM  
**To:** Badamtchian, Chahram

**Subject:** DCI2008-00045 BBR East Water Storage Tank - Submittal Copies

Chahram:

Please confirm that you would like the same number of copies as requested for previous sufficiency responses:

Please give me **four (4) large ones** and 11 copies of everything else including small MCPs, but not including surveys. I need **4 sets of surveys, sketches and legal descriptions.**

Thanks.

**Christopher O. Scott, AICP, LEED AP**  
Principal Planner  
RWA, Inc.  
1542 Carson Street  
Fort Myers, FL 33901  
(239) 278-5224, x3226 phone  
(239) 278-5419 fax  
[www.consult-rwa.com](http://www.consult-rwa.com)

**RECEIVED**  
FEB 01 2010  
COMMUNITY DEVELOPMENT

**DCI 2008-00045**

**MEMORANDUM**  
From The  
**Department Of**  
**Community Development**  
**Development Services Division**

Date: March 23, 2010

To: DCI2008-00045

FROM: Jamie Princing

RE:                    Notice of Public Hearing - April 5, 2010  
                         Lee County Board of County Commissioners Meeting

I, Jamie Princing, Internal Services Secretary, Development Services Division, do hereby certify that I have mailed **notices to the participants** in regard to the above referenced meeting, in the attached style, pursuant to the list marked and attached hereto and made a part of the certification.

## NOTICE TO PARTICIPANT

CASE NUMBER: DCI2008-00045

NAME: BBR EAST WATER STORAGE TANK

REQUEST: Rezone 14.4± acres from CFPD (Bonita Springs Utilities, Resolution Z-92-043) to CFPD to allow for a water storage tank and associated accessory uses with a maximum building height of 50 feet. No development blasting is being requested.

LOCATION: 13471 Snell Lane, SE Lee County Planning Community, Lee County, FL.

PROPERTY OWNER'S REPRESENTATIVE: PATRICK VANASSE  
239-278-5224

Notice is hereby given that the Lee County Board of Commissioners will hold a public hearing at 9:30 am on Monday, April 5, 2010, to review the written recommendation made by the Hearing Examiner and make a final decision in the above-referenced case. This hearing will be held in the Commissioners' Meeting Room, 2120 Main St., Ft. Myers FL.

The law states that, as a participant, you have the right to appear and address the Board on this case. However, the law strictly limits all testimony before the Board to statements challenging the correctness of findings and conclusions contained in the record, or statements alleging the discovery of relevant new evidence which was not known by the speaker at the time of the Hearing Examiner's hearing and not otherwise disclosed in the record. Statements will be limited to five (5) minutes or as the Board may otherwise allow.

Additional copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Division, 1500 Monroe St., Ft. Myers, FL. Call 533-8585 for additional information.

**In accordance with the Americans with Disabilities Act and F.S. s. 286.26, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Prining at 533-8585.**

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

DCI2008-00045  
BBR EAST WATER STORAGE TANK

Byron G. Liles  
13101 Snell Lane  
Bonita Springs, FL 34135

Sam Snell  
13410 Snell Lane  
Bonita Springs, FL 34135

Patrick Vanasse  
RWA, Inc.  
1542 Carson St.  
Ft. Myers, FL 33901

Ken Passarella  
Passarella & Associates  
13620 Metropolis Ave., Ste 200  
Fort Myers, FL 33912

Neale Montgomery  
Pavese Law Firm  
1833 Hendry Street  
Ft. Myers, FL 33901

Mark Sunyak  
RWA INC  
6610 Willow Park Dr., Ste. 200  
Naples, FL 34109

Bonita Springs Utilities, Inc.  
c/o Michael Liggins  
11860 Est Terry Street  
Bonita Springs, FL 34135



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes  
*District One*

January 28, 2010

533-8585

A. Brian Bigelow  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

Frank Mann  
*District Five*

Karen B. Hawes  
*County Manager*

David Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

PATRICK VANASSE  
RWA, INC.  
1542 CARSON STREET  
FORT MYERS, FL 33901

RE: Agenda Schedule for BBR EAST WATER STORAGE TANK  
Case No. DCI2008-00045

Dear PATRICK VANASSE :

Your zoning request has been scheduled before the Hearing Examiner on Wednesday, February 24, 2010, at 10:00 AM. The hearing will be conducted in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL.

Be advised all exhibits presented to Hearing Examiner will be retained for the records. The Hearing Examiner accepts exhibits on boards for demonstrative purposes and for use in her/his decision making; however, an official exhibit entered into the record must be either a foldable copy of the exhibit or an 11 x 17 duplicate of the board exhibit (clipping the exhibit to the board rather than gluing it is an acceptable form since it can be removed from the board and folded to be put in the file.

Your zoning sign will be ready for pickup any time after Friday, January 29, 2010, at the second floor reception desk at 1500 Monroe St., Ft. Myers, FL. If you would like to pick them up at the drive-thru window, please call 533-8585 to make the appropriate arrangements. This sign must be posted in accordance with Department procedures no later than Tuesday, February 9, 2010, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

Jamie Princing  
Administrative Assistant

cc: BONITA SPRINGS UTILITIES, INC., C/O MICHAEL LIGGINS  
BONITA SPRINGS UTILITIES INC  
MR. KEN PASSARELLA, PASSARELLA & ASSOCIATES, INC  
MS. NEALE MONTGOMERY, PAVESE LAW FIRM  
MR. MARK J SUNYAK, RWA INC  
Chahram Badamtchian, Senior Planner

Zoning File

**MEMORANDUM  
FROM THE  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT  
ZONING DIVISION**

**DATE:** February 9, 2010

**TO:** File - DCI2008-00045

**FROM:** Jamie Princing  
Secretary, Internal Services

**RE:** Notice of Public Hearing -February 24, 2010

I, Jamie Princing, Secretary, Internal Services, Development Services Division, do hereby certify that I have mailed notices to the adjacent property owners on the above referenced date, in the attached style, pursuant to the list marked and attached hereto and made a part of this certification.

# NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

CASE NUMBER: DCI2008-00045

CASE NAME: BBR EAST WATER STORAGE TANK

REQUEST: Rezone 14.4± acres from CFPD (Bonita Springs Utilities, Resolution Z-92-043) to CFPD to allow for a water storage tank and associated accessory uses with a maximum building height of 50 feet. No development blasting is being requested.

LOCATION: The subject property is located at 13471 Snell Lane, SE Lee County Planning Community, Lee County, FL.

SIZE OF PROPERTY: 14.40 Acres ±

STAFF REPORT: Direct inquiries to Chahram Badamtchian, Senior Planner, at 239-533-8372, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

PROPERTY OWNER'S REPRESENTATIVE: PATRICK VANASSE  
RWA, INC.  
239-278-5224

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 10:00 AM on 02/24/2010 on the above case. The public hearing will be held in the Hearing Examiner's Meeting Room, 1500 Monroe St., Ft. Myers, FL 33901.

You must appear in person, or through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the Board of County Commissioners.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.

**If you do not appear before the Hearing Examiner, by law, you will not be allowed to appear before the Board of County Commissioners at the final hearing in this case.**

Copies of the staff report will be available two weeks prior to the hearing. The file may be reviewed at the Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/533-8585 for additional information.

**In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Prancing at 239/533-8585.**

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

32-47-26-00-00001.0030  
SALDIVAR JUAN M PER REP  
13520 BONITA BEACH RD  
BONITA SPRINGS, FL 34135

32-47-26-00-00001.0040  
SNELL SAMUEL R + JANET G  
13410 SNELL LN  
BONITA SPRINGS, FL 34135

32-47-26-00-00001.0080  
SALDIVAR MIGRANT HOUSING LLC  
13520 BONITA BEACH RD  
BONITA SPRINGS, FL 34135

32-47-26-00-00001.0190  
LILES BYRON G +  
PO BOX 310  
BONITA SPRINGS, FL 34133

32-47-26-00-00001.028A  
BONITA SPRINGS UTILITIES INC  
11860 E TERRY ST  
BONITA SPRINGS, FL 34135

32-47-26-00-00001.0290  
LILES BYRON G + LINDA L  
PO BOX 310  
BONITA SPRINGS, FL 34133

32-47-26-00-00001.029A  
LILES A V + IRIS C  
PO BOX 1  
BONITA SPRINGS, FL 34133

32-47-26-00-00001.0330  
HANNAH DOUGLAS J TR  
STE 212  
5237 SUMMERLIN COMMONS BLVD  
FORT MYERS, FL 33907

32-47-26-00-00001.033A  
MANNA CHRISTIAN MISSIONS INC  
10421 PENNSYLVANIA AVE  
BONITA SPRINGS, FL 34135

32-47-26-00-00001.0380  
SALDIVAR MIGRANT HOUSING LLC  
21486 SHERIDAN RUN  
ESTERO, FL 33928

32-47-26-00-00001.0400  
MANNA CHRISTIAN MISSIONS INC  
10421 PENNSYLVANIA AVE  
BONITA SPRINGS, FL 34135

32-47-26-00-00001.0420  
MANNA CHRISTIAN MISSIONS INC  
10421 PENNSYLVANIA AVE  
BONITA SPRINGS, FL 34135

32-47-26-00-00002.0020  
TITF STATE OF FLORIDA  
DEPT OF ENVIR PROTECTION  
3900 COMMONWEALTH BLVD  
TALLAHASSEE, FL 32399

32-47-26-00-00002.0210  
TITF STATE OF FLORIDA  
DEPT OF ENVIR PROTECTION  
3900 COMMONWEALTH BLVD  
TALLAHASSEE, FL 32399

32-47-26-00-00002.021A  
TITF STATE OF FLORIDA  
DEPT OF ENVIR PROTECTION  
3900 COMMONWEALTH BLVD  
TALLAHASSEE, FL 32399

32-47-26-00-00003.0020  
TITF STATE OF FLORIDA  
DEPT OF ENVIR PROTECTION  
3900 COMMONWEALTH BLVD  
TALLAHASSEE, FL 32399

32-47-26-00-00003.0030  
SOUTH FLA WATER MGMT DIST  
LAND MANAGEMENT  
PO BOX 24680  
WEST PALM BEACH, FL 33416

32-47-26-00-00003.005A  
SOUTH FLA WATER MGMT DIST  
PO BOX 24680  
WEST PALM BEACH, FL 33416

32-47-26-00-00003.005D  
TITF STATE OF FLORIDA  
DEPT OF ENVIR PROTECTION  
3900 COMMONWEALTH BLVD  
TALLAHASSEE, FL 32399

32-47-26-00-00003.0140  
SOUTH FLA WATER MGMT DIST  
PO BOX 24680  
WEST PALM BEACH, FL 33416



Chief Scott Vanderbrook  
Estero Fire Rescue  
19850 Breckenridge Drive, Suite A  
Estero, FL 33928

Jayne Bradbury, Vanasse & Daylor  
Corkscrew Road Service Area (CRSA)  
12730 New Brittany Blvd. Suite 600  
Fort Myers, FL 33907

BONITA SPRINGS UTILITIES, INC.  
C/O MICHAEL LIGGINS  
11860 EAST TERRY STREET  
BONITA SPRINGS FL 31135

BONITA SPRINGS UTILITIES INC  
11860 E TERRY ST  
BONITA SPRINGS FL 34135

MR. CHAHRA BADAMTCHIAN  
1500 MONROE STREET  
FORT MYERS FL 33901

MR. KEN PASSARELLA  
PASSARELLA & ASSOCIATES, INC  
13620 METROPOLIS AVE.  
STE. 200  
FT. MYERS FL 33912

MS. NEALE MONTGOMERY  
PAVESE LAW FIRM  
P. O. BOX 1507  
FT MYERS FL 33902-0280

MR. MARK J SUNYAK  
RWA INC  
6610 WILLOW PARK DR  
SUITE 200  
NAPLES FL 34109

PATRICK VANASSE  
RWA, INC.  
1542 CARSON STREET  
FORT MYERS FL 33901





LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes  
District One

March 16, 2010

533-8585

A. Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

PATRICK VANASSE  
RWA, INC.  
1542 CARSON STREET  
FORT MYERS, FL 33901

Karen B. Hawes  
County Manager

David Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

RE: **Agenda Schedule for BBR EAST WATER STORAGE TANK  
Case No. DCI2008-00045**

Dear PATRICK VANASSE :

Your zoning request has been scheduled before the Board of County Commissioners to take final action after reviewing the Hearing Examiner's recommendation.

DATE & TIME: Monday, April 5, 2010. Meeting commences at 9:30 a.m.

LOCATION: Commissioners' Meeting Room  
2120 Main Street  
Ft. Myers, Florida

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

Jamie Princing  
Administrative Assistant

cc: BONITA SPRINGS UTILITIES, INC., C/O MICHAEL LIGGINS  
BONITA SPRINGS UTILITIES INC  
MR. MARK J SUNYAK, RWA INC  
MS. NEALE MONTGOMERY, PAVESE LAW FIRM  
MR. KEN PASSARELLA, PASSARELLA & ASSOCIATES, INC  
Chahram Badamtchian, Senior Planner

Zoning File

**MEMORANDUM  
FROM THE  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT  
ZONING DIVISION**

**DATE:** January 12, 2010

**TO:** File - DCI2008-00045

**FROM:** Jamie Prancing  
Secretary, Internal Services

**RE:** Notice of Public Hearing -January 27, 2010

I, Jamie Prancing, Secretary, Internal Services, Development Services Division, do hereby certify that I have mailed notices to the adjacent property owners on the above referenced date, in the attached style, pursuant to the list marked and attached hereto and made a part of this certification.

# NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

CASE NUMBER: DCI2008-00045

CASE NAME: BBR EAST WATER STORAGE TANK

REQUEST: Rezone 5± acres from CFPD (Bonita Springs Utilities, Resolution Z-92-043) to CFPD to allow for a water storage tank and associated accessory uses with a maximum building height of 50 feet. No development blasting is being requested.

LOCATION: The subject property is located at 13471 Snell Lane, SE Lee County Planning Community, Lee County, FL.

SIZE OF PROPERTY: 5.00 Acres ±

STAFF REPORT: Direct inquiries to Chahram Badamtchian, Senior Planner, at 239-533-8372, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

PROPERTY OWNER'S REPRESENTATIVE: PATRICK VANASSE  
RWA, INC.  
239-278-5224

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 9:00 AM on 01/27/2010 on the above case. The public hearing will be held in the Hearing Examiner's Meeting Room, 1500 Monroe St., Ft. Myers, FL 33901.

You must appear in person, or through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the Board of County Commissioners.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.

**If you do not appear before the Hearing Examiner, by law, you will not be allowed to appear before the Board of County Commissioners at the final hearing in this case.**

Copies of the staff report will be available two weeks prior to the hearing. The file may be reviewed at the Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/533-8585 for additional information.

**In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Prancing at 239/533-8585.**

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

32-47-26-00-00001.0030  
SALDIVAR JUAN M PER REP  
13520 BONITA BEACH RD  
BONITA SPRINGS, FL 34135

32-47-26-00-00001.0080  
SALDIVAR MIGRANT HOUSING LLC  
13520 BONITA BEACH RD  
BONITA SPRINGS, FL 34135

32-47-26-00-00001.028A  
BONITA SPRINGS UTILITIES INC  
11860 E TERRY ST  
BONITA SPRINGS, FL 34135

32-47-26-00-00001.029A  
LILES A V + IRIS C  
PO BOX 1  
BONITA SPRINGS, FL 34133

32-47-26-00-00001.033A  
MANNA CHRISTIAN MISSIONS INC  
10421 PENNSYLVANIA AVE  
BONITA SPRINGS, FL 34135

32-47-26-00-00001.0400  
MANNA CHRISTIAN MISSIONS INC  
10421 PENNSYLVANIA AVE  
BONITA SPRINGS, FL 34135

32-47-26-00-00002.0020  
TITF STATE OF FLORIDA  
DEPT OF ENVIR PROTECTION  
3900 COMMONWEALTH BLVD  
TALLAHASSEE, FL 32399

32-47-26-00-00002.021A  
TITF STATE OF FLORIDA  
DEPT OF ENVIR PROTECTION  
3900 COMMONWEALTH BLVD  
TALLAHASSEE, FL 32399

32-47-26-00-00003.0030  
SOUTH FLA WATER MGMT DIST  
LAND MANAGEMENT  
PO BOX 24680  
WEST PALM BEACH, FL 33416

32-47-26-00-00003.005D  
TITF STATE OF FLORIDA  
DEPT OF ENVIR PROTECTION  
3900 COMMONWEALTH BLVD  
TALLAHASSEE, FL 32399

32-47-26-00-00001.0040  
SNELL SAMUEL R + JANET G  
13410 SNELL LN  
BONITA SPRINGS, FL 34135

32-47-26-00-00001.0190  
LILES BYRON G +  
PO BOX 310  
BONITA SPRINGS, FL 34133

32-47-26-00-00001.0290  
LILES BYRON G + LINDA L  
PO BOX 310  
BONITA SPRINGS, FL 34133

32-47-26-00-00001.0330  
HANNAH DOUGLAS J TR  
STE 212  
5237 SUMMERLIN COMMONS BLVD  
FORT MYERS, FL 33907

32-47-26-00-00001.0380  
SALDIVAR MIGRANT HOUSING LLC  
21486 SHERIDAN RUN  
ESTERO, FL 33928

32-47-26-00-00001.0420  
MANNA CHRISTIAN MISSIONS INC  
10421 PENNSYLVANIA AVE  
BONITA SPRINGS, FL 34135

32-47-26-00-00002.0210  
TITF STATE OF FLORIDA  
DEPT OF ENVIR PROTECTION  
3900 COMMONWEALTH BLVD  
TALLAHASSEE, FL 32399

32-47-26-00-00003.0020  
TITF STATE OF FLORIDA  
DEPT OF ENVIR PROTECTION  
3900 COMMONWEALTH BLVD  
TALLAHASSEE, FL 32399

32-47-26-00-00003.005A  
SOUTH FLA WATER MGMT DIST  
PO BOX 24680  
WEST PALM BEACH, FL 33416

32-47-26-00-00003.0140  
SOUTH FLA WATER MGMT DIST  
PO BOX 24680  
WEST PALM BEACH, FL 33416

Chief Scott Vanderbrook  
Estero Fire Rescue  
19850 Breckenridge Drive, Suite A  
Estero, FL 33928

Jayne Bradbury, Vanasse & Daylor  
Corkscrew Road Service Area (CRSA)  
12730 New Brittany Blvd. Suite 600  
Fort Myers, FL 33907

BONITA SPRINGS UTILITIES, INC.  
C/O MICHAEL LIGINS  
11860 EAST TERRY STREET  
BONITA SPRINGS FL 31135

BONITA SPRINGS UTILITIES INC  
11860 E TERRY ST  
BONITA SPRINGS FL 34135

MR. CHAHRA BADAMTCHIAN  
1500 MONROE STREET  
FORT MYERS FL 33901

MR. KEN PASSARELLA  
PASSARELLA & ASSOCIATES, INC  
13620 METROPOLIS AVE.  
STE. 200  
FT. MYERS FL 33912

MS. NEALE MONTGOMERY  
PAVESE LAW FIRM  
P. O. BOX 1507  
FT MYERS FL 33902-0280

MR. MARK J SUNYAK  
RWA INC  
6610 WILLOW PARK DR  
SUITE 200  
NAPLES FL 34109

PATRICK VANASSE  
RWA, INC.  
1542 CARSON STREET  
FORT MYERS FL 33901



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes  
District One

December 18, 2009

533-8585

A. Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Karen B. Hawes  
County Manager

David Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

PATRICK VANASSE  
RWA, INC.  
1542 CARSON STREET  
FORT MYERS, FL 33901

RE: Agenda Schedule for BBR EAST WATER STORAGE TANK  
Case No. DCI2008-00045

Dear PATRICK VANASSE :

Your zoning request has been scheduled before the Hearing Examiner on Wednesday, January 27, 2010, at 9:00 AM. The hearing will be conducted in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL.

Be advised all exhibits presented to Hearing Examiner will be retained for the records. The Hearing Examiner accepts exhibits on boards for demonstrative purposes and for use in her/his decision making; however, an official exhibit entered into the record must be either a foldable copy of the exhibit or an 11 x 17 duplicate of the board exhibit (clipping the exhibit to the board rather than gluing it is an acceptable form since it can be removed from the board and folded to be put in the file.

Your zoning sign will be ready for pickup any time after Monday, December 21, 2009, at the second floor reception desk at 1500 Monroe St., Ft. Myers, FL. If you would like to pick them up at the drive-thru window, please call 533-8585 to make the appropriate arrangements. This sign must be posted in accordance with Department procedures no later than Tuesday, January 12, 2010, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

Jamie Princing  
Administrative Assistant

cc: BONITA SPRINGS UTILITIES, INC., C/O MICHAEL LIGGINS  
BONITA SPRINGS UTILITIES INC  
MR. KEN PASSARELLA, PASSARELLA & ASSOCIATES, INC  
MS. NEALE MONTGOMERY, PAVESE LAW FIRM  
MR. MARK J SUNYAK, RWA INC  
Chahram Badamtchian, Senior Planner

Zoning File

ZONING DIVISION  
LEE COUNTY  
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW  
TRANSMITTAL SHEET

TO: Distribution

FROM: Chahram Badamtchian

DATE: 12/01/2009

John Fredyma, Asst County Attorney  
DS Reviewer - Brandon D Dunn  
Rob Price, TIS Reviewer  
Paul O'Connor, Planning  
Becky Sweigert, Environmental Sciences  
Susie Derheimer, Environmental Sciences  
Lili Wu, LCDOT  
Dawn Gordon, Lee County School District  
Sam Lee, Natural Resources  
Chick Jakacki, Zoning  
Mike Pavese, Public Works

PROJECT NAME: BBR EAST WATER STORAGE TANK  
INFORMATION SUMMARY:

CASE #: DCI2008-00045

To update your file  
 Review and forward substantive comments **ASAP**.

**FINAL STAFF REPORT Comments due to Chahram by 12/21/2009**

Additional Comments:  
SUFFICIENCY LETTER DISTRIBUTION

cc: DCI planner/working file  
DCI Zone File

Distributed by: Jamie Princing

Date: 12/01/2009



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-533-8372

Bob Janes  
*District One*

A. Brian Bigelow  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

Frank Mann  
*District Five*

Karen B. Hawes  
*County Manager*

David Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

November 30, 2009

PATRICK VANASSE  
RWA, INC.  
1542 CARSON STREET  
FORT MYERS, FL 33901

Re: BBR EAST WATER STORAGE TANK  
DCI2008-00045 - PDA Application (PD Amendment)

Dear PATRICK VANASSE :

The Zoning Division has reviewed the information provided and supplemented for the rezoning request referenced above. The application is now sufficient and the formal request has been drafted from your application as follows:

Amend the existing Community Facilities Planned Development (CFPD) resolution (Resolution Z-92-043) Known as Bonita Springs Utilities CFPD by providing a new Master Concept Plan (MCP) to replace the expired MCP and updating the Development Standards and Schedule of Uses.

NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

Please review this language carefully, and notify me in writing by December 14, 2009 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on January 27, 2010. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

PATRICK VANASSE  
RWA, INC.  
RE: BBR EAST WATER STORAGE TANK  
DCI2008-00045  
November 30, 2009  
Page 2

You may schedule or waive a formal pre-hearing conference to discuss substantive issues. Contact me if you have any questions or if you would like to meet informally prior to the public hearings.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division



Chahram Badamtchian  
Senior Planner

copy w/o attachments

John Fredyma, Assistant County Attorney  
DS Reviewer - Brandon D Dunn  
Pamela Houck, Division Director  
Paul O'Connor, Planning  
Susie Derheimer, Environmental Sciences  
Sam Lee, Natural Resources  
Robert Price, TIS Reviewer  
Dawn Gordon, Lee County School District  
Jamie Pringing, DCD Administration

DCI Zoning File  
DCI Working File



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-533-8372

Bob Janes  
*District One*

A. Brian Bigelow  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

Frank Mann  
*District Five*

Karen B. Hawes  
*County Manager*

David Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

October 6, 2009

PATRICK VANASSE  
RWA, INC.  
1542 CARSON STREET  
FORT MYERS, FL 33901

Re: BBR EAST WATER STORAGE TANK  
DCI2008-00045 - PDA Application (PD Amendment)

Dear PATRICK VANASSE :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

Chahram Badamtchian  
Senior Planner

PATRICK VANASSE  
RWA, INC.  
RE: BBR EAST WATER STORAGE TANK  
DCI2008-00045  
October 6, 2009  
Page 2

cc: Pamela Houck, Division Director  
Paul O'Connor, Planning  
Susie Derheimer, Environmental Sciences  
Sam Lee, Natural Resources  
Robert Price, TIS Reviewer  
Jamie Prancing, DCD Administration  
Michael D Jacob, Assistant County Attorney  
Brandon D Dunn, Development Review  
DCI Zoning File  
DCI Working File

PATRICK VANASSE  
RWA, INC.  
RE: BBR EAST WATER STORAGE TANK  
DCI2008-00045  
October 6, 2009  
Page 3

**LC Zoning Action Legal Requirements Checklist (Ord 07-24)**

*9) Legal Description. A metes and bounds legal description, prepared by a Florida Licensed Surveyor and Mapper, must be submitted, unless the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 {see LC Public Hearing Application Form, Part 3.C.}. [34-202(a)(1)]*

The legal descriptions for the "T" Parcel contains the phrase "Subject to and easements for roadway over the property..." This phrase must be removed as the legal description for the easement as it conflicts with LDC Sec 34-202(a)(2). The place for the easement is on the boundary survey. Please remove the phrase and the metes and bounds legal for the roadway easement.

The legal description Parcel 3A contains the phrase "Subject to easements and restrictions..." this phrase must be removed for the same reason.

*10) Boundary Survey. A boundary survey of the subject property must be submitted unless the application is a non planned development request and the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 {see LC Public Hearing Application Form, Part 3.D.}. [34-202(a)(2)]*

2nd Request-Please provide a boundary survey showing the "t" shaped parcel and the parcel to the west.

PATRICK VANASSE  
RWA, INC.  
RE: BBR EAST WATER STORAGE TANK  
DCI2008-00045  
October 6, 2009  
Page 4

*10a) The boundary survey must identify and depict all easements effecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. [34-202(a)(2)]*

The survey contains the language "This survey is only for the lands as described, it is not a certificate of title, zoning, easements or freedom of encumbrances. This phrase must be removed as it conflicts with LDC Sec 34-202(a)(2) which states the survey must identify and depict all easements effecting the subject property, whether recorded or unrecorded and all other physical encumbrances readily identified by a field inspection.

In addition recent changes to the Land Development Code as of July 1, 2009 requires a Title Certificate/Opinion, no greater than 90 days old at the time of initial zoning application submittal, must be submitted to establish the following information concerning title to the subject property: (a) the owner of owners of the fee title; (b) all easements encumbering the property; (c) the legal description of the property. The title certification submittal must be either an opinion of title meeting the Florida Bar Standards prepared by a licensed Florida attorney or a certification of title/title certification prepared by a title abstractor or company. The certification must be unequivocal. A title binder/commitment or title insurance policy is not acceptable to meet this requirement. Per LDC Sec 34-202(a)(2)

Please submit a copy to the surveyor as the survey must be tied to it and a copy of the title opinion/title certificate to this office as required by LDC SEC 34-202(a)(3)

*12) Contact. The reviewer may be contacted regarding any questions on the LC Zoning Action Legal Requirements Checklist.*

For questions concerning the legal description, sketch and boundary survey please contact Chick Jakacki by phone at 239-533-8578

**LC Environmental Sciences PD Application Sufficiency Checklist  
(Ord 07-24)**

*12g1) Preservation and Conservation Easements. All preservation areas and/or conservation easements must be delineated on the plan and labeled as such. [34-373(a)(6)a; 34-414(d); 34-1232(b)]*

The MCP has been revised to relocate structures from the northwest portion of the site to impact the spoil area in the center as recommended by staff. The revised MCP appears to have added an additional 0.12 acre of upland 4119 habitat to the preserve within that northwest portion. The remainder of the northwest portion has not been preserved and no structures are proposed. What does the applicant propose for that area? ES staff continues to recommend the area be preserved to provide habitat for potential gopher tortoise preservation/relocation and meet the buffer requirements for the public conservation lands to the north.

PATRICK VANASSE  
RWA, INC.  
RE: BBR EAST WATER STORAGE TANK  
DCI2008-00045  
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Page 5

*12h) Open Space Design Plan. Open space design plan delineating the indigenous preserves and/or native tree preservation areas as required per LCLDC Section 10-415(b) must be shown on the Master Concept Plan. [34-373(a)(6)g.]*

ES staff is unable to verify proposed preserve acreage and habitat at locations depict. Please provide exhibit with breakdown of each enhanced and restored habitat type and acreage at individual locations to equal the preserve acreage provided.

Please revise the Legend to depict all areas of proposed enhanced or restored indigenous preserve and label as such.

The south preserve depicted on the MCP is inconsistent with proposed preservation submitted to SFWMD

-boundary lines are different

-south preserve county 1.60 acre and SWMD 1.76 acre.

If you are proposing the SFWMD conservation easement over the portions of the property within the 50 foot road easements are the easements to be released (vacated) and never developed? If so, why not include in county preservation requirements?

Please revised site development regulations to depict a 30 foot building/structure setback to preserve 10-415(1)(c.)

PATRICK VANASSE  
RWA, INC.  
RE: BBR EAST WATER STORAGE TANK  
DCI2008-00045  
October 6, 2009  
Page 6

*12j) Buffers. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses if the types of proposed uses require buffer separations, must be shown on the Master Concept Plan. [34-373(a)(6)i.]*

Perpetual maintenance agreement OR 2628 Page 466-469 condition 6 states Grantee shall have a reasonable right of access across Grantor's property for the purposes of reaching the described easement (Exhibit A) on either Paved or unpaved surfaces. Access is intended to include the existing "access trails" along the canal that generally parallel its bank so that there is minimal vegetation removal

A site visit conducted by ES staff and provided FLUCCS with MCP overlay reveals that the existing access trail is located landward of at top of bank (TOB). The MCP Section A-A illustrates the proposed type B buffer to be planted waterward of the existing TOB which is within the canal maintenance easement. Please revise MCP to illustrate the proposed buffer to be installed landward of the existing trail so that there is minimal vegetation removal if access to canal is needed.

Also, Type F buffers parallel and immediately perpendicular to perpetual maintenance easement will inhibit access. Please revise MCP to allow access as required in the agreement.

the proposed CE proposed to SFWMD depicts the 4241 and 424 habitat along the south parcel's east property line and the north parcel's southeast property line appear to be preserved within the 25 foot width of the 50 foot wide easement. The MCP proposed to the county depicts the 25 foot width of the 50 wide ROW easement to remain with a 15 foot wide Type D buffer provided. Please address inconsistency. Why is additional buffer is provided to the preserve when it appears the preserve area may be restored to meet the intent of the buffer?

*12l) Protected Species Management Plan. Protected species preserve areas must be indicated on the Master Concept Plan; a final management plan as required by LDC Section 10-474 is not required until time of local development order. [10-474]*

The MCP depict future impact to gopher tortoise burrows. Please revise the preliminary gopher tortoise management plan actions to be taken to meeting FWC regulations.

PATRICK VANASSE  
RWA, INC.  
RE: BBR EAST WATER STORAGE TANK  
DCI2008-00045  
October 6, 2009  
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*14) Schedule of Deviations & Written Justification. A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan must be submitted. [34-373(a)(9)] {see Supplement D, Part 7}*

Deviation #6, as requested through LDC Section 10-415(b)(5) is to allow 2:1 ecological creation/restoration with long term management, requires restoration. ES staff is unable to review proposed restoration without a preliminary enhancement restoration plan. Please provide preliminary restoration/enhancement plan to support deviation request.

buffer deviation#3

Again, Please provide a preliminary restoration/enhancement plan to support restoration will meet the intent of the required buffer.

*17) Protected Species Survey. A protected species survey, as specified in LCLDC Section 10-473, is required for large developments (as defined in LCLDC Section 10-1 {more than 10 acres in size or more than 2 acres of impervious area}) . [34-373(b)(2)] {see Supplement D, Part 7}*

Please provide a revised PSS habitat assessment to reflect the revisions made in the FLUCCS map and update the management plan for the gopher tortoise to identify activities required based on the proposed future impact to the occupied habitat.

*19) Miscellaneous items.*

The symbol 2 within a triangle is utilized a number of places for different purposes on the MCP. Please revised MCP for clarity.

*20) Contact. The Environmental Planner may be contacted regarding any questions on the LC Environmental Sciences Planned Development Application Sufficiency Checklist.*

Susie Derheimer, Environmental Planner  
239-533-8158  
sderheimer@leegov.com

**LC Development Review PD Application Sufficiency Checklist  
(Ord 07-24)**

*1) General Design Standards. The development must have access to existing or proposed roads in accordance with LCLDC Chapter 10 and as specified in THE LEE PLAN traffic circulation element or the Official Trafficways Map. [34-411(d)(1)]*

This is not a sufficiency comment, however, please note that staff may not be supportive of requested deviation number one from section 10-291(2) of the LDC.

PATRICK VANASSE  
RWA, INC.  
RE: BBR EAST WATER STORAGE TANK  
DCI2008-00045  
October 6, 2009  
Page 8

*5) Contact. The Staff reviewer may be contacted regarding any questions on the LC Development Review Planned Development Application Sufficiency Checklist.*

Contact Brandon Dunn at [bdunn@leegov.com](mailto:bdunn@leegov.com).

**Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning**

*6a) Legal description. The request must include a legal description of the property upon which the action is to be initiated. [34-202(a)(1)]*

The legal descriptions contain notes that must be removed. The Applicant needs to remove the sentence "subject to easements and restrictions of record" and "subject to Easements and Restrictions, Reservation and Rights of Way (Written and Unwritten, recorded and unrecorded)."

*11) Master Concept Plan. All applications must be accompanied by a graphic illustration (Master Concept Plan) of the proposed development. [34-373(a)(6)]*

Page 2 of 3 of the MCP under legal description contains the following languages: "subject to easements and restrictions of record" and "subject to Easements and Restrictions, Reservation and Rights of Way (Written and Unwritten, recorded and unrecorded)." This two sentences must be removed from the MCP.

*20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.*

Chahram Badamtchian, AICP @ 239.533.8372.



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes  
District One

July 20, 2009

A. Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

MR. PATRICK VANASSE  
RWA, INC.  
1542 CARSON ST  
FT. MYERS, FL 33901

RE: BBR EAST WATER STORAGE TANK  
DCI2008-00045 - PDA Application (PD Amendment)

Dear MR. PATRICK VANASSE :

The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 60 day extension expiring on September 18, 2009. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

Chahram Badamtchian  
Senior Planner

cc: Pam Houck, Director Zoning Division  
Michael Jacob, CAO  
Tina Boone, Legal Administrative Secretary  
Robert Price, TIS Reviewer  
Brandon D Dunn, Development Services  
Paul O'Connor, Planning Division  
Susie Derheimer, Environmental Sciences  
Sam Lee, Natural Resources  
Jamie Prancing, DCD Admin  
Billie Jacoby  
Zoning File



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-533-8372

Bob Janes  
District One

A. Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

David Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

May 28, 2009

MR. PATRICK VANASSE  
RWA, INC.  
1542 CARSON ST  
FT. MYERS, FL 33901

Re: BBR EAST WATER STORAGE TANK  
DCI2008-00045 - PDA Application (PD Amendment)

Dear MR. PATRICK VANASSE :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

Chahram Badamtchian  
Senior Planner

MR. PATRICK VANASSE  
RWA, INC.  
RE: BBR EAST WATER STORAGE TANK  
DCI2008-00045  
May 28, 2009  
Page 2

cc: Pamela Houck, Division Director  
Paul O'Connor, Planning  
Susie Derheimer, Environmental Sciences  
Sam Lee, Natural Resources  
Robert Price, TIS Reviewer  
Jamie Princing, DCD Administration  
John Fredyma, Assistant County Attorney  
Brandon D Dunn, Development Review  
DCI Zoning File  
DCI Working File

MR. PATRICK VANASSE  
RWA, INC.  
RE: BBR EAST WATER STORAGE TANK  
DCI2008-00045  
May 28, 2009  
Page 3

**LC Zoning Action Legal Requirements Checklist (Ord 07-24)**

*9) Legal Description. A metes and bounds legal description, prepared by a Florida Licensed Surveyor and Mapper, must be submitted, unless the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 {see LC Public Hearing Application Form, Part 3.C.}. [34-202(a)(1)]*

Create two separate metes and bounds legal descriptions, with accurate bearings and distances (including the ROW for the roads). One for the "T" shaped parcel and the other for the lone parcel to the west.

*9a) Sealed Sketch to Accompany Legal Description. In accordance with Rule 61G-17, F.A.C., the legal description must be accompanied by a sealed sketch of the legal description. The sketch must be in recordable form and printed on a sheet no greater than 8 ½ x 14 inches in size. [34-202(a)(1)]*

Please provide one sealed sketch of the legal description to describe the parcel, this sketch will be utilized when electronically recording the resolution.

*10a) The boundary survey must identify and depict all easements effecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. [34-202(a)(2)]*

The survey contains the language "This survey is only for the lands as described, it is not a certificate of title, zoning, easements or freedom of encumbrances. This phrase must be removed as it conflicts with LDC Sec 34-202(a)(2) which states the survey must identify and depict all easements effecting the subject property, whether recorded or unrecorded and all other physical encumbrances readily identified by a field inspection.

*12) Contact. The reviewer may be contacted regarding any questions on the LC Zoning Action Legal Requirements Checklist.*

For questions concerning the legal description, sketch and boundary survey please contact Chick Jakacki by phone at 239-533-8578

**LC Environmental Sciences PD Application Sufficiency Checklist (Ord 07-24)**

*11g) FLUCCS Map. A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant must be submitted. [34-373(a)(4)e.ii.]*

Please provide FLUCCs aerial at the same scale as 24x36 MCP  
As discussed in meeting May 26 2009 ES, as a result of the site inspection, staff will not accept 6249E3 as indigenous habitat meet the criteria of LDC Section 10-1. The habitat on site is > than 75% exotic coverage.

MR. PATRICK VANASSE  
RWA, INC.  
RE: BBR EAST WATER STORAGE TANK  
DCI2008-00045  
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Page 4

*12h) Open Space Design Plan. Open space design plan delineating the indigenous preserves and/or native tree preservation areas as required per LCLDC Section 10-415(b) must be shown on the Master Concept Plan. [34-373(a)(6)g.]*

LDC Section 10-415(b)(1)a large developments, with existing indigenous native vegetation must provide 50 % of their open percentage requirement through the onsite preservation of existing indigenous native vegetation communities.

As per the site inspection, the minimum 4.16 acres of indigenous preserve depicted on the MCP does not meet LDC 10-415(b)(1)(a) requirements. 6249E3 is not indigenous. ES staff can not support the MCP open space/indigenous design plan as proposed. Please revise the MCP indigenous preservation location and acreage to meet LDC requirements as discussed in May 26 2009 meeting.

*12l) Protected Species Management Plan. Protected species preserve areas must be indicated on the Master Concept Plan; a final management plan as required by LDC Section 10-474 is not required until time of local development order. [10-474]*

Please revise MCP to depict action proposed for the gopher tortoise. Remove or label as gopher tortoise preserve. Revise preliminary gopher tortoise management plan to address actions taken to meeting FWC regulations.

*20) Contact. The Environmental Planner may be contacted regarding any questions on the LC Environmental Sciences Planned Development Application Sufficiency Checklist.*

Susie Derheimer, Environmental Planner  
239-533-8158  
sderheimer@leegov.com

**LC Development Review PD Application Sufficiency Checklist  
(Ord 07-24)**

MR. PATRICK VANASSE  
RWA, INC.  
RE: BBR EAST WATER STORAGE TANK  
DCI2008-00045  
May 28, 2009  
Page 5

*4) Miscellaneous items.*

Please address the following comments/concerns.

1) As previously stated, the proposed extension of Snell Road is a dead-end road. This will require a cul-de-sac meeting the requirements of Section 10-296(p) of the Lee County Land Development Code at the time of substantive review and/or Development Order application.

2) There are county Right-of-Ways that bisects parcel # 32-47-26-00-00001.0020.

The deeds to these properties use terms such as "except" and "excepting" in reference to the right-of-way areas which leads me to believe that Bonita Springs Utilities is not the underlying owner of the area within the right-of-way and has no underlying rights to those sections of the parcel.

Please demonstrate that Bonita Springs Utilities has sufficient rights to make ANY improvements to property that does not appear to be owned by them.

*5) Contact. The Staff reviewer may be contacted regarding any questions on the LC Development Review Planned Development Application Sufficiency Checklist.*

Contact Brandon Dunn at bdunn@leegov.com.

**LC Natural Resources Sufficiency Checklist (Ord 07-24)**

*1) Sufficiency Comments.*

1. Revised Master Concept Plan shall comply with the existing Resolution Z-92-043.

2. Where a proposed development is traversed by or abuts a watercourse, drainage way, canal IDD easement, lake, pond or stream, or where such a facility is proposed as part of the plan, a drainage easement or right of way must be provided which conforms substantially with the limits of such watercourse, drainage way, canal, IDD easement, lake, pond or stream. Additionally the right of way shall include on one side a twenty foot wide for maintenance purposed, unless a lesser dimension is approved by the development review director after consultation with appropriate staff. [(10-328)]. Please show this easement on the Master concept plan.

*3) Contact. The Natural Resources reviewer may be contacted regarding any questions on the Natural Resources Checklist.*

Tildon Copeland @ 239 533-8139

MR. PATRICK VANASSE  
RWA, INC.  
RE: BBR EAST WATER STORAGE TANK  
DCI2008-00045  
May 28, 2009  
Page 6

**Lee County Sufficiency Checklist for Planned Developments,  
Amendments, and Existing Developments Requesting Planned  
Development Zoning**

*6a) Legal description. The request must include a legal description of the property upon which the action is to be initiated. [34-202(a)(1)]*

Please provide two legal descriptions for the site one for the single parcel to the west and one that includes all parcels abutting or would be abutting if the ROWs were vacated.

*6b) Certified sketch of description. A certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code, must be provided unless the subject property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. [34-202(a)(2)]*

Please provide a sketch of legal description for all parcels.

*6c) Boundary Survey. A boundary survey meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, FAC, is required for property encompassing 10 or more acres and for all Planned Development applications. [34-202(a)(2)]*

Please provide a boundary survey including all parcels. See attached revocation of waiver of survey requirements.

*20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.*

Chahram Badamtchian, AICP @ 239.533.8372.



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Bob Janes  
*District One*

May 27, 2009

Brian Bigelow  
*District Two*

Mr. Patrick Vanasse, AICP, Planning Manager  
RWA, Inc.  
1542 Carson Street  
Fort Myers, FL. 33901

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

Frank Mann  
*District Five*

RE: Bonita Beach Road East Water Storage Tank DCI2008-00045

Donald D. Stilwell  
*County Manager*

David M. Owen  
*County Attorney*

Dear Mr. Vanasse;

Diana M. Parker  
*County Hearing Examiner*

Your request for a partial waiver of the survey requirement (PRE2008-00262) for the above described project was approved and a partial waiver of the requirement was granted on September 8, 2008. However, during the review of the application it became evident that a complete survey encompassing all parcels included in the rezoning application was necessary for the completion of the review of this case. Therefore, I am revoking the partial waiver of the survey requirement and requesting that you submit a complete survey of the site as part of your resubmittal packet.

Should you have any questions, please feel free to contact Chahram Badamtchian At 239-533-8372.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

Pam Houck, Director



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes  
District One

March 09, 2009

A. Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

MR. PATRICK VANASSE  
RWA, INC.  
1542 CARSON ST  
FT. MYERS, FL 33901

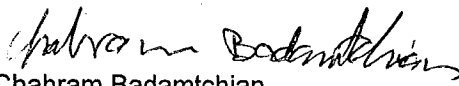
RE: BBR EAST WATER STORAGE TANK  
DCI2008-00045 - PDA Application (PD Amendment)

Dear MR. PATRICK VANASSE :

The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 60 day extension expiring on May 08, 2009. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

  
Chahram Badamtchian  
Senior Planner

cc: Pam Houck, Director Zoning Division  
John Fredyma, CAO  
Tina Boone, Legal Administrative Secretary  
Lili Wu, TIS Reviewer  
Brandon D Dunn, Development Services  
Paul O'Connor, Planning Division  
Susie Derheimer, Environmental Sciences  
Sam Lee, Natural Resources  
Jamie Pringing, DCD Admin  
Billie Jacoby  
Zoning File



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-533-8372

Bob Janes  
District One

A. Brian Bigelow  
District Two

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Tammy Hall  
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Frank Mann  
District Five

Donald D. Stilwell  
County Manager

David Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

January 12, 2009

MR. PATRICK VANASSE  
RWA, INC.  
1542 CARSON ST  
FT. MYERS, FL 33901

Re: BBR EAST WATER STORAGE TANK  
DCI2008-00045 - PDA Application (PD Amendment)

Dear MR. PATRICK VANASSE :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

Chahram Badamtchian  
Senior Planner

MR. PATRICK VANASSE  
RWA, INC.  
RE: BBR EAST WATER STORAGE TANK  
DCI2008-00045  
January 12, 2009  
Page 2

cc: Pamela Houck, Division Director  
Paul O'Connor, Planning  
Susie Derheimer, Environmental Sciences  
Sam Lee, Natural Resources  
Lili Wu, LCDOT  
Jamie Prancing, DCD Administration  
John Fredyma, Assistant County Attorney  
Brandon D Dunn, Development Review  
DCI Zoning File  
DCI Working File

MR. PATRICK VANASSE  
RWA, INC.  
RE: BBR EAST WATER STORAGE TANK  
DCI2008-00045  
January 12, 2009  
Page 3

**LC Zoning Action Legal Requirements Checklist (Ord 07-24)**

*9) Legal Description. A metes and bounds legal description, prepared by a Florida Licensed Surveyor and Mapper, must be submitted, unless the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 {see LC Public Hearing Application Form, Part 3.C.}. [34-202(a)(1)]*

Submittal contained a fractional legal description. LDC Sec 34-202(a)(1) requires a metes and bounds legal description of the perimeter of the property. In this case please combine Parcel 1 and 2 in a metes and bounds format. Another metes and bounds legal description will have to be provided for parcel 3. The two metes and bounds legal description should be supplied on 8 1/2" x 11" paper.

Please include the state plane coordinates for the Florida West Zone (1983/1990 Adjustments) for the point of beginning on each legal description. Please make sure the phrase "subject to easements..." does not appear on the legal description, sketch and boundary survey.

*9a) Sealed Sketch to Accompany Legal Description. In accordance with Rule 61G-17, F.A.C., the legal description must be accompanied by a sealed sketch of the legal description. The sketch must be in recordable form and printed on a sheet no greater than 8 1/2 x 14 inches in size. [34-202(a)(1)]*

Please provide a new sealed sketch with out the fractional description showing the bearings and distances for both of the requested legal description requested in 9) above.

The submitted references a title commitment which will have to be removed. Please obtain either a title opinion or title certificate for the parcels and submit to the surveyor, in addition this type of information should be on the survey and not the sketch.

Please remove the subject to the title matters.

*9b) If the subject property is one contiguous parcel, the legal description must specifically describe the entire continuous perimeter boundary of the property subject to the zoning action, with accurate bearings and distances for every line. [34-202(a)(1)]*

Will review with resubmitted documents.

*10) Boundary Survey. A boundary survey of the subject property must be submitted unless the application is a non planned development request and the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 {see LC Public Hearing Application Form, Part 3.D.}. [34-202(a)(2)]*

Please see notes below

MR. PATRICK VANASSE  
RWA, INC.  
RE: BBR EAST WATER STORAGE TANK  
DCI2008-00045  
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*10a) The boundary survey must identify and depict all easements effecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. [34-202(a)(2)]*

The survey contains the language "Subject to easements...", this statement is direct conflict with LDC Sec 34-202(a)(2) as stated above in 10)a and must be removed. The survey must identify and depict all easements effecting the property whether recorded or unrecorded and all other physical encumbrances readily identified by a field inspection. In addition please remove the phrase "the legal description is per OR 1651...as furnished by clients. The survey can not be approved with this language.

*10c) The survey 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 (POB) and the other an opposing corner. [34-202(a)(2)]*

State plane coordinates were added to the sketch. Will review when requested documents arrive.

*12) Contact. The reviewer may be contacted regarding any questions on the LC Zoning Action Legal Requirements Checklist.*

For questions concerning the legal description, sketch and boundary survey please contact Chick Jakacki by phone at 239-533-8578

**LC Environmental Sciences PD Application Sufficiency Checklist  
(Ord 07-24)**

*10b) Sensitive Lands. Any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 99.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-493] must be identified (see Supplement D Form, Part 5.B.).*

The FLUCCS map, soils map, flowway map and protected species survey submitted is only for 15 acres. The MCP depicts a ±30 acre project site. Please provide all required environmental information for the entire ±30 acre project site.

*10b1) Environmentally Sensitive Areas. The location, of any state jurisdictional wetlands and surface water, based upon standard environmental data and verified by the South Florida Water Management District staff, must be depicted on an aerial or FLUCCS map.*

please provide state jurisdictional wetland lines for the entire ±30 acres project on FLUCCS

MR. PATRICK VANASSE  
RWA, INC.  
RE: BBR EAST WATER STORAGE TANK  
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*10b2) Preservation/Conservation of Natural Features. A description how the Sensitive Lands listed in Item #9b and Item #9c, above, will be protected by the completed project must be provided (see Supplement D Form, Part 5.C.).*

Please describe how the wetlands and listed species oppucied habitat for the entire ±30 acre project will be protected by the completed project.

The 1.76 acre preserve does not appear to incorporate the state required min. 15', avg. 25' native vegetated upland buffer to preserved wetlands. Please address and revise preserve area to incorporate required upland buffers.

*11d) Existing Zoning and Current Land Uses. A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet must be submitted. [34-373(a)(4)c.*

Please identify all state owned preservation lands-no not just depict as vacant.

*11f) Soils Map. Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System must be submitted. [34-373(a)(4)e.i.]*

provide for the entire ±30 acre project

*11g) FLUCCS Map. A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant must be submitted. [34-373(a)(4)e.ii.]*

provide for the entire ±30 acre project

*11g1) The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. [34-373(a)(4)e.ii.]*

provide for the entire ±30 acre project

*11j) Existing and Historic Flow-Ways Map. Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways must be submitted. [34-373(a)(4)e.v.]*

provide for the entire ±30 acre project

MR. PATRICK VANASSE  
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*12h) Open Space Design Plan. Open space design plan delineating the indigenous preserves and/or native tree preservation areas as required per LCLDC Section 10-415(b) must be shown on the Master Concept Plan. [34-373(a)(6)g.]*

LDC Section 10-415(b)(1)a large developments, with existing indigenous native vegetation must provide 50 % of their open percentage requirement through the onsite preservation of existing indigenous native vegetation communities.

Please address Section 34-935(f)(3)e. regarding height- 50 foot water storage tank and minimum indigenous preservation proposed

The MCP depicts the project will preserve the minimum required 4.43 acres. Given the FLUCCS map provided is only for a  $\pm 15$  acre portion of the  $\pm 30$  acre project site, ES staff can confirm the 1.76 acre south preserve contains 0.47 acre of potential indigenous vegetation community (6259 E3-hydric pine disturbed, <75% exotics).

Based on information from the previous 1992 zoning it appears the other proposed  $\pm 2.67$  acres preserve area contains a majority of non-indigenous habitat >75% exotics and the future phase area contains potential listed species occupied (gopher tortoise) indigenous palmetto prairie.

The minimum 4.43 acres of indigenous preserve depicted on the MCP appears to not meet LDC requirements. ES staff can not support the MCP open space/indigenous design plan as proposed. Please provide a FLUCCs map and PSS for the entire 30 acre property and revise the MCP indigenous preservation location and acreage to meet LDC requirements.

*12j) Buffers. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses if the types of proposed uses require buffer separations, must be shown on the Master Concept Plan. [34-373(a)(6)i.]*

See deviation requests comments

*12k) Excavations for Wet Retention. The general location of excavations for on-site fill and wet retention must be shown on the Master Concept Plan. [34-373(a)(6)k.]*

Is the excavation within the separate 5 acre tract depicted on the MCP for water management purposes? The use of wet retention is not identified in the surface water management plan. Please address how it will be use if proposed.

If it is not going to be used for retention but just for fill, ES staff has a concern of lack of reclamation requirements. LDC Section 10-418 littoral requirements are for surface water management systems. What type of reclamation is proposed?

MR. PATRICK VANASSE  
RWA, INC.  
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*12) Protected Species Management Plan. Protected species preserve areas must be indicated on the Master Concept Plan; a final management plan as required by LDC Section 10-474 is not required until time of local development order. [10-474]*

pending PSS results of the entire ±30 acre project

*13) Schedule of Uses. A schedule of uses keyed to the Master Concept Plan {see item #11d, above} as well as a summary for the entire property including the following information must be submitted {see Item #13a thru Item #13 below}: [34-373(a)(8)] {see Supplement D, Part 7}*

Please address Sec 34-1444(b)(4) tower type

*13c) Open Space-Percentage. The proposed percentage of open space for the entire site must be provided considering the uses proposed. [34-373(a)(8)c.]*

How is 14.22 acres of open space being provided. Please submit a open space diagram with acreages of preserve, lake, buffers, etc. for informational purposes only.

*14) Schedule of Deviations & Written Justification. A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan must be submitted. [34-373(a)(9)] {see Supplement D, Part 7}*

Deviation #3 request the preserve areas be allowed to meet buffer requirements.

The FLUCCS map provided depicts the south preserve contains predominately exotics. Once the exotics are removed as per LDC requirements how will the area meet the intent of the buffer requirement? Is restoration or enhancement proposed? ES staff will require a FLUCCS for the entire 30 acre property. ES staff will require a preliminary restoration/enhancement for all areas devoid of vegetation or >75% exotics plan depicting how the existing/proposed vegetation will provide a suitable buffer in order to support deviation.

Deviation #4 does not depict the correct LDC code? 10-(d)???? Please request deviation from the correct LDC.

Please be aware that the north property line abuts state owned preservation lands which requires a Type F(2) buffer and the City of Bonita Springs has encouraged the Kehl Canal become part of blueway/greenways trail. How will a Type B buffer operate to the benefit of or at least on the detriment of the preserve and potential canoe/kayak trail to the north?

*14a) Deviations-Details. The location of any requested deviations must be shown on the Master Concept Plan, keyed to the schedule of deviations, including drawings demonstrating the effect the requested deviations will have on the site plan. [34-373(a)(6)l.]*

MR. PATRICK VANASSE  
RWA, INC.  
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*14b) Deviation Documentation and Detail Drawings. Documentation including sample detail drawings must be provided illustrating how each deviation will operate to the benefit, or at least not to the detriment, of the public interest. [34-412(a)]*

*18b1) LEE Plan Compliance. A narrative explanation as to how the proposed development complies with the LEE Plan must be submitted. [34-941(g)(3)]*

Please Address:

Goal 11.4 Environmental Review Factors--Please submit environmental review for 30 acres site.

Goal 107: Resource Protection Policy 107.2.10-Provide 30 foot Type F(2) buffer abutting preserves (Flint Penn Strand)

Objective 77.3 Policy 77.3.1--Preservation of existing indigenous vegetation communities

Objective 107.3 Wildlife Policy 107.3.1-upland preservation in and around preserved wetlands

Objective 107.4 Endangered and Threatened Species Policy 107.4.2, 4.3, 4.4.--Provide PSS for the ±30 acres project.

Objective 107.8 Policy Policy 107.8.1

*18b2) Design Standards Compliance. A narrative explanation as to how the proposed development complies with the Design Standards set forth in LCLDC Section 34-411 must be submitted. [34-3941(g)(3)]*

Please address 34-411(g) as it relates to habitat for listed species 321-palmetto prairie for potential gopher tortoise utilization.--Provide PSS for entire 30 acre site.

*20) Contact. The Environmental Planner may be contacted regarding any questions on the LC Environmental Sciences Planned Development Application Sufficiency Checklist.*

Susie Derheimer, Environmental Planner  
239-533-8158  
sderheimer@leegov.com

**LC Development Review PD Application Sufficiency Checklist  
(Ord 07-24)**

MR. PATRICK VANASSE  
RWA, INC.  
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*4) Miscellaneous items.*

Please address the following comments/concerns.

1) The proposed extension of Snell Road is a dead-end road. This will require a cul-de-sac meeting the requirements of Section 10-296(p) of the Lee County Land Development Code at the time of substantive review and/or Development Order application.

2) There is a county Right-of-Way that bisects parcel # 32-47-26-00-00001.0020 where the proposed phasing line is located. Some of the dry detention area appears to be within the right-of-way. The right-of-way must be vacated or the dry detention area should be redesigned to avoid it.

*5) Contact. The Staff reviewer may be contacted regarding any questions on the LC Development Review Planned Development Application Sufficiency Checklist.*

Contact Brandon Dunn at [bdunn@leegov.com](mailto:bdunn@leegov.com).

*1) Miscellaneous Items.*

Is the proposed use expected to generate any solid waste or recycling? If so, the Master Concept Plan should be revised to incorporate required facilities for solid waste/recycling storage and pick-up in compliance with LDC Section 10-261 and Ord # 08-10. If the response is no, the applicant must request a deviation from the aforementioned regulations.

*2) The reviewer may be contacted for additional information regarding this Public Works checklist.*

Please contact Mike Pavese at 533-8360 or by email at [pavesemp@leegov.com](mailto:pavesemp@leegov.com) if there are any questions regarding these review comments.

**LC Natural Resources Sufficiency Checklist (Ord 07-24)**

MR. PATRICK VANASSE  
RWA, INC.  
RE: BBR EAST WATER STORAGE TANK  
DCI2008-00045  
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*1) Sufficiency Comments.*

1. Revised Master Concept Plan shall comply with the existing Resolution Z-92-043.

2. Where a proposed development is traversed by or abuts a watercourse, drainage way, canal IDD easement, lake, pond or stream, or where such a facility is proposed as part of the plan, a drainage easement or right of way must be provided which conforms substantially with the limits of such watercourse, drainage way, canal, IDD easement, lake, pond or stream. Additionally the right of way shall include on one side a twenty foot wide for maintenance purposed, unless a lesser dimension is approved by the development review director after consultation with appropriate staff. [(10-328)]. Please show this easement on the Master concept plan.

*3) Contact. The Natural Resources reviewer may be contacted regarding any questions on the Natural Resources Checklist.*

Tildon Copeland @ 239 533-8139

**Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning**

*1c1) The names of all parties having interest in the subject property including the names of all stockholders and the names of beneficiaries of trusts must be provided. [34-201(a)(1)a.3. & 34-202(b)(1)a]*

Please provide disclosure of ownership.

*6a3) If the application includes multiple abutting parcels or consists of other than one or more undivided platted lots, the legal description must specifically describe the perimeter of the total property, by metes & bounds with accurate bearings and distances for every line, but need not describe each individual parcel. [34-202(a)(1)]*

A perimeter legal description is needed for the two overall parcels that will comprise this zoning site. Metes and Bounds utilizing the State Plane Coordinate System is required.

MR. PATRICK VANASSE  
RWA, INC.  
RE: BBR EAST WATER STORAGE TANK  
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*14) Schedule of Uses. A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property must be provided including the following: [34-373(a)(8)]*

The schedule of uses includes Wireless Communication Facility. Code requires additional information such as the location of the proposed tower. Furthermore, LDC Sec. 34-1444 (b)(4) prohibits this use in both the DRGR and Wetlands Future Land Use Categories, Except for 1. Stealth wireless communication facilities, 2. Surface-mounted and flush-mounted antennas; and, 3. Collocations. Therefore, staff will require a Special Exception approval of any wireless communication facility within this development.

*15) Schedule of Deviations. A schedule of deviations and a written justification for each deviation requested as part of the master Concept Plan must be submitted. The location of each requested deviation must be indicated on the Master Concept Plan. [34-373(a)(9)]*

Deviations # 3 and 4 do not cite correct section of the Code. Please provide revised written justification and the MCP with the correct section of the Code. I believe the correct section of the Code is LDC Sec. 10-416 (d)(1) and 10-416 (d)(1), (3) and (4). Please verify.

*20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.*

Chahram Badamtchian, AICP @ 239.533.8372.

**Princing, Jamie**

---

**From:** Sanchez, Maria  
**Sent:** Monday, April 05, 2010 12:31 PM  
**To:** Princing, Jamie  
**Subject:** FW: BBR East Water Storage Tank (DCI2008-00045) -- Draft Zoning Resolution Z-10-003

Jamie, below is the legal verification for "BBR East Water Storage Tank." Let me know if you have any questions.

***Maria M. Sanchez***

Legal Administrative Assistant  
Lee County Attorney's Office  
Tel. 239/533-2236  
Fax 239/485-2106  
[MSanchez@leegov.com](mailto:MSanchez@leegov.com)

---

**From:** Patrick Vanasse [<mailto:pvanasse@consult-rwa.com>]  
**Sent:** Monday, April 05, 2010 12:22 PM  
**To:** Fredyma, John; Neale Montgomery  
**Cc:** Sanchez, Maria  
**Subject:** RE: BBR East Water Storage Tank (DCI2008-00045) -- Draft Zoning Resolution Z-10-003

Yes, that is correct. The legal description in the attached zoning resolution correctly describes the subject property intended for rezoning.



**Patrick Vanasse, AICP**  
Planning Manager  
RWA, Inc.  
6610 Willow Park Drive  
Suite 200  
Naples, FL 34109  
P: (239) 597-0575 Ext. 2259  
F: (239) 597-0578  
[www.consult-rwa.com](http://www.consult-rwa.com)

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**From:** Fredyma, John [<mailto:FREDYMJJ@leegov.com>]  
**Sent:** Monday, April 05, 2010 10:37 AM  
**To:** Patrick Vanasse; Neale Montgomery  
**Cc:** Sanchez, Maria  
**Subject:** FW: BBR East Water Storage Tank (DCI2008-00045) -- Draft Zoning Resolution Z-10-003

Neale and Patrick,

Can you simply confirm that the 14.4 acre site is 1) correctly described in the attached copy of the zoning resolution, and 2) it is the property intended to be rezoned.

Thanks.

John

4/5/2010

John J. Fredyma  
Assistant County Attorney  
Lee County Attorney's Office  
P.O. Box 398  
Fort Myers, Florida 33902  
(2115 Second Street - 33901)  
Tel. 239/533-2236  
Fax 239/485-2106  
E-mail: [fredymjj@leegov.com](mailto:fredymjj@leegov.com) [Note: There is no "a" in the e-mail spelling of Fredyma.]

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, e-mail addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

---

**From:** Sanchez, Maria  
**Sent:** Friday, March 26, 2010 4:30 PM  
**To:** [pvanasse@consult-rwa.com](mailto:pvanasse@consult-rwa.com); [nealemontgomery@paveselaw.com](mailto:nealemontgomery@paveselaw.com)  
**Cc:** Collins, Donna Marie; Fredyma, John; Houck, Pamela; Derheimer, Suzanne; Badamtchian, Chahram; Jacoby, Billie; Kathleen A. Cline  
**Subject:** BBR East Water Storage Tank (DCI2008-00045) -- Draft Zoning Resolution Z-10-003

The draft zoning resolution previously provided to you contained the incorrect Exhibits A and B. The attached draft zoning resolution contains the corrected Exhibits A and B, reflecting 14.4 acres instead of 5 acres). Should you have any questions, please do not hesitate to call.

***Maria M. Sanchez***  
Legal Administrative Assistant  
Lee County Attorney's Office  
Tel. 239/533-2236  
Fax 239/485-2106  
[MSanchez@leegov.com](mailto:MSanchez@leegov.com)

**Christopher Scott**

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**From:** Badamtchian, Chahram [CBADAMTCHIAN@leegov.com]  
**Sent:** Monday, April 05, 2010 4:06 PM  
**To:** Christopher Scott  
**Subject:** RE: BBR Tank - Copies of Revised MCP for Resolution

Yes that is correct. 3 sets of 24X36 and 5 sets of 11X17.

***Chahram Badamtchian, AICP***

Senior Planner  
Lee County DCD/Zoning  
Phone: 239. 533. 8372  
Fax: 239. 485. 8344  
[Cbadamtchian@leegov.com](mailto:Cbadamtchian@leegov.com)

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

---

**From:** Christopher Scott [mailto:cos@consult-rwa.com]  
**Sent:** Monday, April 05, 2010 4:05 PM  
**To:** Badamtchian, Chahram  
**Subject:** BBR Tank - Copies of Revised MCP for Resolution

Chahram:

Patrick stated that you only need three 24x36 copies of the revised MCP and five 11x17; is this correct?

**Christopher O. Scott, AICP, LEED AP**

Principal Planner  
RWA, Inc.  
1550 Carson Street  
Fort Myers, FL 33901  
(239) 278-5224, x3226  
(239) 278-5419 fax

6610 Willow Park Drive, Suite 200  
Naples, FL 34109  
(239) 597-0575, x2239  
(239) 597-0578

[www.consult-rwa.com](http://www.consult-rwa.com)

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APR 05 2010  
COMMUNITY DEVELOPMENT

DCI 2008-00045

**Christopher Scott**

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**From:** Badamtchian, Chahram [CBADAMTCHIAN@leegov.com]  
**Sent:** Tuesday, October 20, 2009 11:46 AM  
**To:** Christopher Scott  
**Subject:** RE: DCI2008-00045 BBR East Water Storage Tank - Submittal Copies

Chris,

These numbers look good to me.

***Chahram Badamtchian, AICP***

Senior Planner  
Lee County DCD/Zoning  
Phone: 239. 533. 8372  
Fax: 239. 485. 8344  
[Cbadamtchian@leegov.com](mailto:Cbadamtchian@leegov.com)

---

**From:** Christopher Scott [mailto:cos@consult-rwa.com]  
**Sent:** Tuesday, October 20, 2009 11:45 AM  
**To:** Badamtchian, Chahram  
**Subject:** DCI2008-00045 BBR East Water Storage Tank - Submittal Copies

Chahram:

Please confirm that you would like the same number of copies as requested for previous sufficiency responses:

Please give me **four (4) large ones** and 11 copies of everything else including **small MCPs**, but not including surveys. I need **4 sets of surveys, sketches and legal descriptions.**

Thanks.

**Christopher O. Scott, AICP, LEED AP**  
Principal Planner  
RWA, Inc.  
1542 Carson Street  
Fort Myers, FL 33901  
(239) 278-5224, x3226 phone  
(239) 278-5419 fax  
[www.consult-rwa.com](http://www.consult-rwa.com)

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NOV 04 2009

COMMUNITY DEVELOPMENT

DCI 2008-00045

**Christopher Scott**

---

**From:** Badamtchian, Chahram [CBADAMTCHIAN@leegov.com]  
**Sent:** Thursday, September 10, 2009 10:42 AM  
**To:** Christopher Scott  
**Subject:** RE: BBR East Water Tank Resubmittal Copies

Chris,

Please give me **four (4) large ones** and 11 copies of everything else including **small MCPs**, but not including surveys. I need **4 sets of surveys, sketches and legal descriptions**.

Chahram

**Chahram Badamtchian, AICP**  
Senior Planner  
Lee County DCD/Zoning  
Phone: 239. 533. 8372  
Fax: 239. 485. 8344  
[cbadamtchian@leegov.com](mailto:cbadamtchian@leegov.com)

RECEIVED  
SEP 15 2009

COMMUNITY DEVELOPMENT

DCI 2008-00045

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**From:** Christopher Scott [mailto:cos@consult-rwa.com]  
**Sent:** Thursday, September 10, 2009 10:21 AM  
**To:** Badamtchian, Chahram  
**Subject:** BBR East Water Tank Resubmittal Copies

Chahram:

We are planning on resubmitting early next week. Will you need 3 large MCPs and 11 copies of everything else as you did on the previous resubmittal? Thanks.

Chris Scott  
RWA, Inc.

ZONING DIVISION  
LEE COUNTY  
PLANNED DEVELOPMENT SUFFICIENCY REVIEW  
TRANSMITTAL SHEET

TO: Distribution

FROM: Chahram Badamtchian

DATE: 11/04/2009

Michael D Jacob, Asst County Attorney  
DS Reviewer - Brandon D Dunn  
Rob Price, TIS Reviewer  
Paul O'Connor, Planning  
Susie Derheimer, Environmental Sciences  
Lili Wu, LCDOT  
Sam Lee, Natural Resources  
Chick Jakacki, Zoning  
Mike Pavese, Public Works

**\* REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BBR EAST WATER STORAGE TANK

CASE #: DCI2008-00045

INFORMATION SUMMARY:

**RESUBMITTAL**

To update your file  
 Review and forward sufficiency  
questions or make finding of  
sufficiency

**RESPONSE REQUIRED BY: 11/18/2009**

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).  
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file  
DCI Zone File

Distributed by: Jamie Princing

Date: 11/05/2009

ZONING DIVISION  
LEE COUNTY  
PLANNED DEVELOPMENT SUFFICIENCY REVIEW  
TRANSMITTAL SHEET

TO: Distribution

Michael D Jacob, Asst County Attorney  
DS Reviewer - Brandon D Dunn  
Susie Derheimer, Environmental Sciences  
Sam Lee, Natural Resources  
Chick Jakacki, Zoning

FROM: Chahram Badamtchian

DATE: 09/15/2009

**\* REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BBR EAST WATER STORAGE TANK

CASE #: DCI2008-00045

INFORMATION SUMMARY:

**RESUBMITTAL**

To update your file  
 Review and forward sufficiency  
questions or make finding of  
sufficiency

**RESPONSE REQUIRED BY: 09/29/2009**

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).  
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file  
DCI Zone File

Distributed by: Jamie Princing

Date: 09/15/2009

ZONING DIVISION

LEE COUNTY

PLANNED DEVELOPMENT SUFFICIENCY REVIEW

TRANSMITTAL SHEET

TO: Distribution

FROM: Chahram Badamtchian

DATE: 12/12/2008

John Fredyma, Asst County Attorney

DS Reviewer - Becky Penfield

TIS Reviewer - temporarily reviewed by DOT

Paul O'Connor, Planning

Susie Derheimer, Environmental Sciences

Lili Wu, LCDOT

Sam Lee, Natural Resources

Chick Jakacki, Zoning

Mike Pavese, Public Works

**\* REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BBR EAST WATER STORAGE TANK

CASE #: DCI2008-00045

INFORMATION SUMMARY:

**NEW SUBMITTAL**

To update your file

Review and forward sufficiency  
questions or make finding of  
sufficiency

**RESPONSE REQUIRED BY: 12/31/2008**

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).  
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file  
DCI Zone File

Distributed by: Jamie Princing

Date: 12/17/2008

ZONING DIVISION  
LEE COUNTY  
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW  
TRANSMITTAL SHEET

TO: Distribution

John Fredyma, Asst County Attorney  
DS Reviewer - Brandon D Dunn  
Rob Price, TIS Reviewer  
Susie Derheimer, Environmental Sciences

FROM: Chahram Badamtchian

DATE: 04/05/2010

PROJECT NAME: BBR EAST WATER STORAGE TANK  
INFORMATION SUMMARY:

CASE #: DCI2008-00045

To update your file  
 Review and forward substantive comments **ASAP**.

## Comments due to Chahram Badamtchian by 04/19/2010

Additional Comments:

Please review the attached plan to determine if it accurately reflects the approval by the BoCC on April 5, 2010 in accordance with LDC 34-377(b)(6)

cc: DCI planner/working file  
DCI Zone File

Distributed by: Jamie Princing

Date: 04/07/2010

ZONING DIVISION  
LEE COUNTY  
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW  
TRANSMITTAL SHEET

TO: Distribution  
John Fredyma, Asst County Attorney  
Chick Jakacki, Zoning

FROM: Chahram Badamtchian

DATE: 02/17/2010

PROJECT NAME: BBR EAST WATER STORAGE TANK  
INFORMATION SUMMARY:

CASE #: DCI2008-00045

To update your file  
 Review and forward substantive comments **ASAP**.

## Comments due to Chahram Badamtchian by 03/03/2010

Additional Comments:

cc: DCI planner/working file  
DCI Zone File

Distributed by: Jamie Princing

Date: 02/17/2010

ZONING DIVISION  
LEE COUNTY  
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW  
TRANSMITTAL SHEET

TO: Distribution

FROM: Chahram Badamtchian

DATE: 02/01/2010

John Fredyma, Asst County Attorney  
Susie Derheimer, Environmental Sciences  
Chick Jakacki, Zoning

PROJECT NAME: BBR EAST WATER STORAGE TANK  
INFORMATION SUMMARY:

CASE #: DCI2008-00045

To update your file  
\_X\_ Review and forward substantive comments **ASAP**.

## Comments due to Chahram Badamtchian by 02/15/2010

Additional Comments:

cc: DCI planner/working file  
DCI Zone File

Distributed by: Jamie Princing

Date: 02/02/2010

**LETTER OF TRANSMITTAL**

**TO:** Chahram Badamtchian, AICP, Senior Planner  
**DATE:** April 5, 2010  
**PROJECT NAME:** DCI2008-00045 - BBR East Water Storage Tank  
**PROJECT NUMBER:** 080097.00.00

We are sending the attached via:

- Client Pickup   
  Delivery   
  Mail   
  Overnight

Action required:

- For approval   
  For your use   
  As requested   
  For review and comment   
  Other

<i><b>COPIES</b></i>	<i><b>DESCRIPTION</b></i>
3	24 x 36 MCPs
5	11 x 17 MCP

**REMARKS:**

RECEIVED  
 APR 15 2010  
 COMMUNITY DEVELOPMENT

**SIGNED:** Christopher O. Scott, AICP  
 Principal Planner

**COPY TO:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**LETTER OF TRANSMITTAL**

**TO:** Chahram Badamtchian, AICP, Senior Planner

**DATE:** February 17, 2010

**PROJECT NAME:** DCI2008-00045 - BBR East Water Storage Tank

**PROJECT NUMBER:** 080097.00.00

We are sending the attached via:

- Client Pickup     Delivery     Mail     Overnight

Action required:

- For approval     For your use     As requested     For review and comment     Other

<i>COPIES</i>	<i>DESCRIPTION</i>
4	Updated Boundary Survey
4	9/23/2009 Legal Opinion Letter
4	2/12/2010 Title Opinion

**REMARKS:**

RECEIVED

FEB 17 2010

one

COMMUNITY DEVELOPMENT

**SIGNED:** Christopher O. Scott, AICP  
Principal Planner

**COPY TO:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

DCI 2008-00045

**LETTER OF TRANSMITTAL**

**TO:** Chahram Badamtchian, AICP, Senior Planner

**DATE:** February 3, 2010

**PROJECT NAME:** DCI2008-00045 - BBR East Water Storage Tank

**PROJECT NUMBER:** RWA 080097.00.00

RECEIVED

FEB 03 2010

COMMUNITY DEVELOPMENT

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  Overnight

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  For your use   
  As requested   
  For review and comment   
  Other

<i><b>COPIES</b></i>	<i><b>DESCRIPTION</b></i>
1	Updated Variance Report and Labels

**REMARKS:**

**SIGNED:** Christopher O. Scott, AICP  
 Principal Planner

DCI 2008-00045

**COPY TO:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**LETTER OF TRANSMITTAL**

**TO:** Chahram Badamtchian, AICP, Senior Planner

**DATE:** December 14, 2009

**PROJECT NAME:** DCI2008-00045 - BBR East Water Storage Tank

**PROJECT NUMBER:** 080097.00.00

RECEIVED

DEC 14 2009

COMMUNITY DEVELOPMENT

We are sending the attached via:

- Client Pickup   
  Delivery   
  Mail   
  Overnight

Action required:

- For approval   
  For your use   
  As requested   
  For review and comment   
  Other

COPIES	DESCRIPTION
1	Updated Variance Report and Labels

**REMARKS:**

**SIGNED:** Christopher O. Scott, AICP  
 Principal Planner

**COPY TO:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

DCI 2008-00045

# VARIANCE REPORT

2/2/2010

Subject Parcels : 1 Affected Parcels : 20 Buffer Distance : 500 ft



32-47-26-00-00001.0020

825 412.5 0 825 Feet



# Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

## VARIANCE REPORT

**Date of Report:** February 02, 2010  
**Buffer Distance:** 500 ft  
**Parcels Affected:** 20  
**Subject Parcel:** 32-47-26-00-00001.0020

**RECEIVED**  
FEB 03 2010

DCI 2008-00045 **COMMUNITY DEVELOPMENT**

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
SALDIVAR JUAN M PER REP 13520 BONITA BEACH RD BONITA SPRINGS FL 34135	<b>32-47-26-00-00001.0030</b> 13320 SNELL LN BONITA SPRINGS FL 34135	E 1/2 OF NW 1/4 OF SE 1/4 OF SW 1/4	1
SNELL SAMUEL R + JANET G 13410 SNELL LN BONITA SPRINGS FL 34135	<b>32-47-26-00-00001.0040</b> 13410 SNELL LN BONITA SPRINGS FL 34135	THE W 1/2 OF NE 1/4 OF SE 1/4 OF SW 1/4	2
SALDIVAR MIGRANT HOUSING LLC 13520 BONITA BEACH RD BONITA SPRINGS FL 34135	<b>32-47-26-00-00001.0080</b> 13520/22 BONITA BEACH RD SE BONITA SPRINGS FL 34135	W1/2 W1/2 SW1/4 SE1/4+E1/2 NE1/4 SE1/4 SW1/4 E132 FT OF SE1/4 SE1/4 SW1/4	3
LILES BYRON G + PO BOX 310 BONITA SPRINGS FL 34133	<b>32-47-26-00-00001.0190</b> 13411 SNELL LN BONITA SPRINGS FL 34135	W 1/2 OF SE 1/4 OF NE 1/4 OF SW 1/4	4
BONITA SPRINGS UTILITIES INC 11860 E TERRY ST BONITA SPRINGS FL 34135	<b>32-47-26-00-00001.028A</b> 13402 SNELL LN BONITA SPRINGS FL 34135	THE W 1/2 OF NE 1/4 OF NE 1/4 OF SW 1/4 AND THE E 1/2 OF NW 1/4 OF NE 1/4 OF	5
LILES BYRON G + LINDA L PO BOX 310 BONITA SPRINGS FL 34133	<b>32-47-26-00-00001.0290</b> 13311 SNELL LN BONITA SPRINGS FL 34135	S 1/2 OF S W 1/4 OF N E 1/4 OF S W 1/4	6
LILES A V + IRIS C PO BOX 1 BONITA SPRINGS FL 34133	<b>32-47-26-00-00001.029A</b> 13337 SNELL LN BONITA SPRINGS FL 34135	N 1/2 OF S W 1/4 OF N E 1/4 OF S W 1/4	7
HANNAH DOUGLAS J TR STE 212 5237 SUMMERLIN COMMONS BLVD FORT MYERS FL 33907	<b>32-47-26-00-00001.0330</b> ACCESS UNDETERMINED BONITA SPRINGS FL 34135	E 1/2 OF NW 1/4 OF NW 1/4 OF SE 1/4	8
MANNA CHRISTIAN MISSIONS INC 10421 PENNSYLVANIA AVE BONITA SPRINGS FL 34135	<b>32-47-26-00-00001.033A</b> ACCESS UNDETERMINED BONITA SPRINGS FL 34135	W 1/2 OF NE 1/4 OF NW 1/4 OF SE 1/4	9
SALDIVAR MIGRANT HOUSING LLC 21486 SHERIDAN RUN ESTERO FL 33928	<b>32-47-26-00-00001.0380</b> ACCESS UNDETERMINED BONITA SPRINGS FL 34135	W 1/2 OF SW 1/4 OF NW 1/4 OF SE 1/4	10
MANNA CHRISTIAN MISSIONS INC 10421 PENNSYLVANIA AVE BONITA SPRINGS FL 34135	<b>32-47-26-00-00001.0400</b> ACCESS UNDETERMINED BONITA SPRINGS FL 34135	E 1/2 OF SW 1/4 OF NW 1/4 OF SE 1/4 AND W 1/2 OF SE 1/4 OF NW 1/4 OF SE 1/4	11
MANNA CHRISTIAN MISSIONS INC 10421 PENNSYLVANIA AVE BONITA SPRINGS FL 34135	<b>32-47-26-00-00001.0420</b> 13650/60 BONITA BEACH RD SE BONITA SPRINGS FL 34135	E 1/2 OF W 1/2 OF SW 1/4 OF SE 1/4 + W 1/2 OF E 1/2 OF SW 1/4 OF SE 1/4	12
TIITF STATE OF FLORIDA DEPT OF ENVIR PROTECTION 3900 COMMONWEALTH BLVD TALLAHASSEE FL 32399	<b>32-47-26-00-00002.0020</b> ACCESS UNDETERMINED BONITA SPRINGS FL 34135	THE W 1/2 OF SE 1/4 OF SW 1/4 OF NE 1/4	13
TIITF STATE OF FLORIDA DEPT OF ENVIR PROTECTION 3900 COMMONWEALTH BLVD TALLAHASSEE FL 32399	<b>32-47-26-00-00002.0210</b> ACCESS UNDETERMINED BONITA SPRINGS FL 34135	SW 1/4 OF SW 1/4 OF NE 1/4 LESS THE E 1/2	14

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
TIITF STATE OF FLORIDA DEPT OF ENVIR PROTECTION 3900 COMMONWEALTH BLVD TALLAHASSEE FL 32399	<b>32-47-26-00-00002.021A</b> ACCESS UNDETERMINED BONITA SPRINGS FL 34135	THE E 1/2 OF SW 1/4 OF SW 1/4 OF NE 1/4	15
TIITF STATE OF FLORIDA DEPT OF ENVIR PROTECTION 3900 COMMONWEALTH BLVD TALLAHASSEE FL 32399	<b>32-47-26-00-00003.0020</b> ACCESS UNDETERMINED BONITA SPRINGS FL 34135	THE E 1/2 OF SE 1/4 OF SE 1/4 OF NW 1/4	16
SOUTH FLA WATER MGMT DIST LAND MANAGEMENT PO BOX 24680 WEST PALM BEACH FL 33416	<b>32-47-26-00-00003.0030</b> 13474 E TERRY ST BONITA SPRINGS FL 34135	E1/2 OF SE1/4 OF NE1/4 OF NW1/4 + E1/2 OF NW1/4 OF NE1/4 OF NW1/4 + W1/2 OF SW1/4 OF NE1/4 OF NW1/4 + E3/4 OF N1/2 OF SE1/4 OF NW1/4 + W1/8 OF E3/8 OF SW1/4 OF SE1/4 OF NW1/4	17
SOUTH FLA WATER MGMT DIST PO BOX 24680 WEST PALM BEACH FL 33416	<b>32-47-26-00-00003.005A</b> ACCESS UNDETERMINED BONITA SPRINGS FL 34135	E 1/2 OF E 1/2 OF E 1/2 OF SW 1/4 OF SE 1/4 OF NW 1/4 SEC 32	18
TIITF STATE OF FLORIDA DEPT OF ENVIR PROTECTION 3900 COMMONWEALTH BLVD TALLAHASSEE FL 32399	<b>32-47-26-00-00003.005D</b> ACCESS UNDETERMINED BONITA SPRINGS FL 34135	W 1/2 OF E 1/2 OF E 1/2 OF SW 1/4 OF SE 1/4 OF NW 1/4	19
SOUTH FLA WATER MGMT DIST PO BOX 24680 WEST PALM BEACH FL 33416	<b>32-47-26-00-00003.0140</b> ACCESS UNDETERMINED BONITA SPRINGS FL 34135	W 1/2 OF SE 1/4 OF SE 1/4 OF NW 1/4 AKA TRACT 55 SUN COAST ACRES	20

**20 RECORDS PRINTED**

**RECEIVED**  
FEB 03 2010  
COMMUNITY DEVELOPMENT

DCI 2008-00045



## COURTESY NOTICE TO ADJACENT PROPERTY OWNERS OF RECEIPT OF ZONING APPLICATION

Date: December 22, 2008

Case Number: DCI2008-00045

Case Name: BBR EAST WATER STORAGE TANK

Request: Amend the existing Community Facilities Planned Development (CFPD) resolution (Resolution Z-92-043) Known as Bonita Springs Utilities CFPD by providing a new Master Concept Plan (MCP) to replace the expired MCP and updating the Development Standards and Schedule of Uses.

Location: 13471 Snell Lane, Bonita Springs, Southeast Lee County Planning Community, Lee County, FL.

Location Map: SEE REVERSE

PROPERTY OWNER'S REPRESENTATIVE:

MR. PATRICK VANASSE	Mr. MARK J. SUMYAK, RWA INC.
RWA, INC.	RWA, INC.
239-278-5224	239-597-0575

Lee County Planner: Chahram Badamtchian, Senior Planner  
239-533-8372

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/533-8585 for additional information.

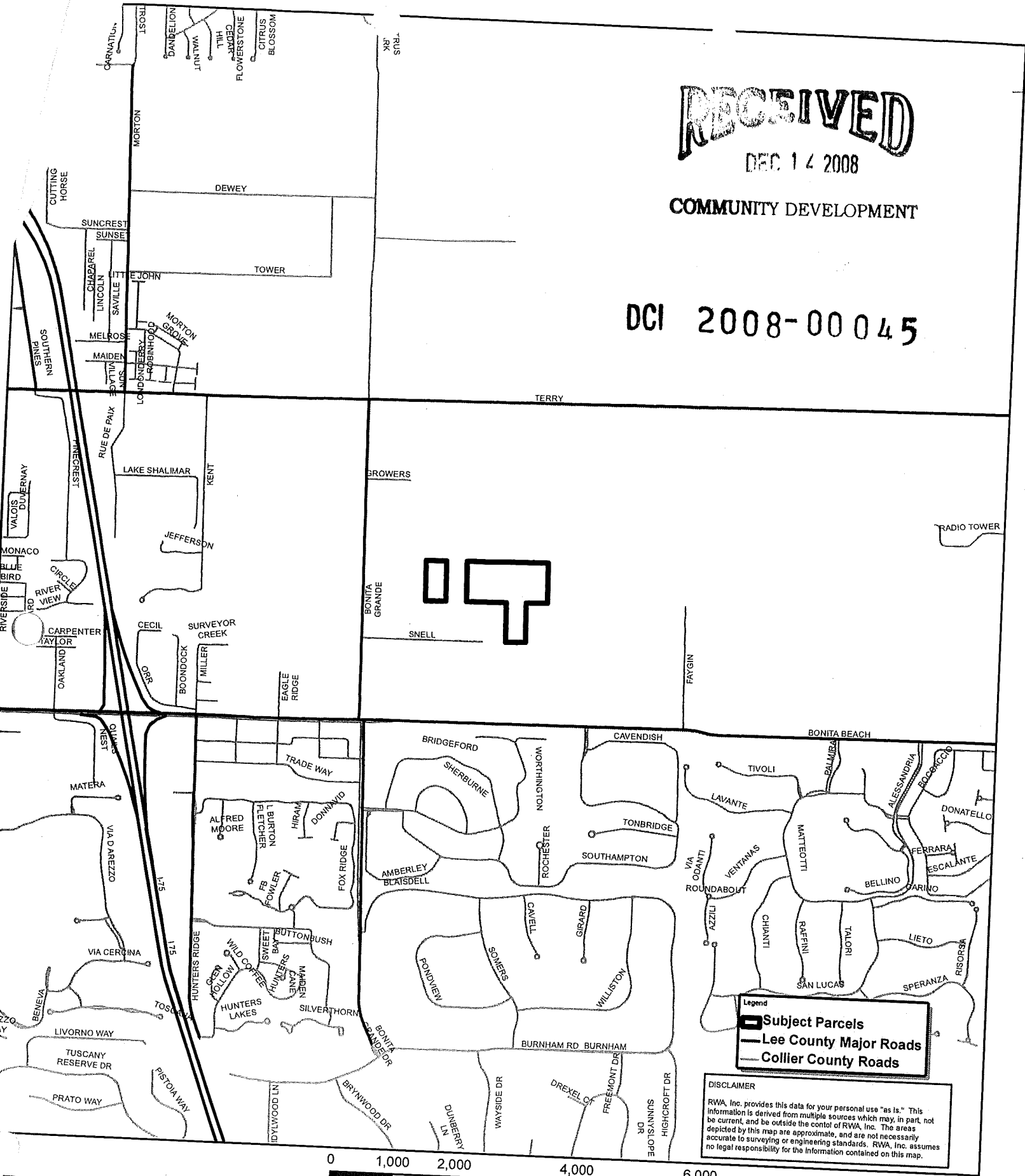
This is a courtesy notice. A public hearing date has not yet been set. You will receive another notice once the hearing date and time have been established.

RECEIVED

DEC 14 2008

COMMUNITY DEVELOPMENT

DCI 2008-00045



**Legend**

- Subject Parcels
- Lee County Major Roads
- Collier County Roads

**DISCLAIMER**

RWA, Inc. provides this data for your personal use "as is." This information is derived from multiple sources which may, in part, not be current, and be outside the control of RWA, Inc. The areas depicted by this map are approximate, and are not necessarily accurate to surveying or engineering standards. RWA, Inc. assumes no legal responsibility for the information contained on this map.

**Bonita Beach Road East  
Water Storage Tank**  
Exhibit D-7-B: Location Map



**RWA** INC.  
CONSULTING  
• Planning • Visualization  
• Civil Engineering • Surveying & Mapping

Prepared By: vjpellegrino  
Printing Date: September 3, 2008  
File: T:\Projects\2008\080097.00.00\_Bonita  
Beach\_Rd\Location.mxd

32-47-26-00-00001.0030  
SALDIVAR JUAN M PER REP  
13520 BONITA BEACH RD  
BONITA SPRINGS, FL 34135

32-47-26-00-00001.0060  
LILES B G + LINDA L  
PO BOX 310  
BONITA SPRINGS, FL 34133

32-47-26-00-00001.0080  
SALDIVAR MIGRANT HOUSING LLC  
13520 BONITA BEACH RD  
BONITA SPRINGS, FL 34135

32-47-26-00-00001.017A  
LILES B G + LINDA L  
PO BOX 310  
BONITA SPRINGS, FL 34133

32-47-26-00-00001.0280  
SOUTH FLA WATER MGMT DIST  
LAND MANAGEMENT  
PO BOX 24680  
WEST PALM BEACH, FL 33416

32-47-26-00-00001.028C  
MESSINA JAMES J  
6769 STONGATE DR  
NAPLES, FL 34109

32-47-26-00-00001.0290  
LILES BYRON G + LINDA L  
PO BOX 310  
BONITA SPRINGS, FL 34133

32-47-26-00-00001.0330  
HANNAH DOUGLAS J TR  
PO BOX 770277  
NAPLES, FL 34107

32-47-26-00-00001.0380  
SALDIVAR MIGRANT HOUSING LLC  
21486 SHERIDAN RUN  
ESTERO, FL 33928

32-47-26-00-00001.0400  
MANNA CHRISTIAN MISSIONS INC  
PO BOX 2248  
BONITA SPRINGS, FL 34133

32-47-26-00-00001.0040  
SNELL SAMUEL R + JANET G  
13410 SNELL LN  
BONITA SPRINGS, FL 34135

32-47-26-00-00001.006A  
LILES A V + IRIS C  
PO BOX 1  
BONITA SPRINGS, FL 34133

32-47-26-00-00001.0170  
LILES ALAN V +  
PO BOX 1  
BONITA SPRINGS, FL 34133

32-47-26-00-00001.0190  
LILES BYRON G +  
PO BOX 310  
BONITA SPRINGS, FL 34133

32-47-26-00-00001.028B  
BONITA SPRINGS UTILITIES INC  
11860 E TERRY ST  
BONITA SPRINGS, FL 34135

32-47-26-00-00001.028D  
SOUTH FLA WATER MGMT DIST  
LAND MANAGEMENT  
PO BOX 24680  
WEST PALM BEACH, FL 33416

32-47-26-00-00001.029A  
LILES A V + IRIS C  
PO BOX 1  
BONITA SPRINGS, FL 34133

32-47-26-00-00001.033A  
MANNA CHRISTIAN MISSIONS INC  
PO BOX 2248  
BONITA SPRINGS, FL 34133

32-47-26-00-00001.0390  
ANDREONE GUS + ELIZABETH L TR  
7162 LAKESIDE DR  
SARASOTA, FL 34243

32-47-26-00-00001.0420  
MANNA CHRISTIAN MISSIONS INC  
10421 PENNSYLVANIA AVE  
BONITA SPRINGS, FL 34135

32-47-26-00-00002.0020  
TIITF STATE OF FLORIDA  
DEPT OF ENVIR PROTECTION  
3900 COMMONWEALTH BLVD  
TALLAHASSEE, FL 32399

32-47-26-00-00002.021A  
TIITF STATE OF FLORIDA  
DEPT OF ENVIR PROTECTION  
3900 COMMONWEALTH BLVD  
TALLAHASSEE, FL 32399

32-47-26-00-00003.0020  
TIITF STATE OF FLORIDA  
DEPT OF ENVIR PROTECTION  
3900 COMMONWEALTH BLVD  
TALLAHASSEE, FL 32399

32-47-26-00-00003.004A  
MCCLURE FRANKLIN N  
315 NW 32ND ST  
OAKLAND PARK, FL 33309

32-47-26-00-00003.005A  
HARTWELL ROBERT J SR  
PO BOX 140324  
CORAL GABLES, FL 33114

32-47-26-00-00003.005D  
TIITF STATE OF FLORIDA  
DEPT OF ENVIR PROTECTION  
3900 COMMONWEALTH BLVD  
TALLAHASSEE, FL 32399

32-47-26-00-00003.005F  
TIITF STATE OF FLORIDA  
DEPT OF ENVIR PROTECTION  
3900 COMMONWEALTH BLVD  
TALLAHASSEE, FL 32399

32-47-26-00-00003.0150  
POL PURA C  
1588 BAYOU PL  
LADY LAKE, FL 32162

32-47-26-00-00002.0210  
TIITF STATE OF FLORIDA  
DEPT OF ENVIR PROTECTION  
3900 COMMONWEALTH BLVD  
TALLAHASSEE, FL 32399

32-47-26-00-00003.0010  
TIITF STATE OF FLORIDA  
DEPT OF ENVIR PROTECTION  
3900 COMMONWEALTH BLVD  
TALLAHASSEE, FL 32399

32-47-26-00-00003.0030  
SOUTH FLA WATER MGMT DIST  
LAND MANAGEMENT  
PO BOX 24680  
WEST PALM BEACH, FL 33416

32-47-26-00-00003.0050  
TIITF STATE OF FLORIDA  
DEPT OF ENVIR PROTECTION  
3900 COMMONWEALTH BLVD  
TALLAHASSEE, FL 32399

32-47-26-00-00003.005B  
TIITF STATE OF FLORIDA  
DEPT OF ENVIR PROTECTION  
3900 COMMONWEALTH BLVD  
TALLAHASSEE, FL 32399

32-47-26-00-00003.005E  
TIITF STATE OF FLORIDA  
DEPT OF ENVIR PROTECTION  
3900 COMMONWEALTH BLVD  
TALLAHASSEE, FL 32399

32-47-26-00-00003.0140  
DARLING MICHAEL L + LISA C  
2870 ESTERO BLVD  
FORT MYERS BEACH, FL 33931

32-47-26-B4-00001.0150  
BONITA SPRINGS FIRE CONTROL +  
27701 BONITA GRANDE DR  
BONITA SPRINGS, FL 34135

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Estero Fire Rescue  
19850 Breckenridge Drive, Suite A  
Estero, FL 33928

Terri Melna, Vanasse & Daylor  
Corkscrew Road Service Area (CRSA)  
12730 New Brittany Blvd. Suite 600  
Fort Myers, FL 33907

Mr. Patrick Vanasse  
RWA, Inc.  
1542 Carson St.  
Ft. Myers, FL. 33901

Mr. Mark J. Sunyak  
RWA, Inc.  
6610 Willow Park Dr. Suite # 200  
Naples, FL. 34109

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**News-Press.com Online Public Notice: Detail****2010-03-25 Notice of Public Hearing****NOTICE OF  
PUBLIC HEARING**

Notice is hereby given that at 9:30 a.m. on Monday, 5 April, 2010, the Lee County Board of County Commissioners will hold public hearings in the Commissioners' Meeting Room, 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.

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.

If a participant decides to appeal a decision made by the Board of County Commissioners with respect to any matter considered at this hearing, that person will need a record of the proceedings. For such purpose, that person may need to ensure that a verbatim record of the proceeding is made that includes the testimony and evidence upon which the appeal is to be based.

Statements before the Board of County Commissioners will be strictly limited to the findings of fact or conclusions of law contained in the record, or to allege the discovery of relevant new evidence which was not known by the speaker at the time of the hearing before the Hearing Examiners and not otherwise disclosed in the record.

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

In accordance with the Americans with Disabilities Act and F.S. s. 286.26, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Prancing at 533-8585.

The following case will be heard: DCI2008-00045.BBR East Water Storage Tank.Rezone 14.4± acres from CFPD (Bonita Springs Utilities, Resolution Z-92-043) to CFPD to allow for a water storage tank and associated accessory uses with a maximum building height of 50 feet. No development blasting is being requested.Property located at 13471 Snell Ln., SE Lee County Planning Community, Lee County, FL.Project Representative: Patrick Vanasse, RWA, Inc. 239-278-5224.

Mar 25 No. 1392229

[print this notice](#) [close window](#)

**For MAC users try cmd+P**

**News-Press.com Online Public Notice: Detail****2010-02-11 Notice of Public Hearing****NOTICE OF  
PUBLIC HEARING**

Notice is hereby given that on Wednesday, February 24, 2010, the Hearing Examiner of Lee County will hold public hearings in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL, on the case below. You must appear in person, through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the Board of County Commissioners.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision. If you did not appear before the Hearing Examiner, by law, you will not be allowed to appear before the Board of County Commissioners at the final hearing in these cases.

Copies of staff report(s) are available one week prior to the hearing except for DCI (Development of Community Impact), DRI (Development of Regional Impact) and REZ (Rezoning) cases which are available two weeks prior to the hearing. The file can be reviewed at the Zoning Division, 1500 Monroe St., Fort Myers, FL. Call 533-8585 for additional information.

In accordance with the Americans with Disabilities Act and F.S. s. 286.26, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Prancing at 533-8585.

The following case will be heard: **DCI2008-00045.BBR East Water Storage Tank.10:00am.Rezone 14.4+/\_** acres from CFPD (Bonita Springs Utilities, Resolution Z-92-043) to CFPD to allow for a water storage tank and associated accessory uses with a maximum building height of 50 feet. No development blasting is being requested. Property located at 13471 Snell Ln., SE Lee County Planning Community, Lee County, FL. Direct inquiries to Chahram Badamtchian, Senior Planner 239-533-8372 in Zoning. Project Representative: Patrick Vanasse, Rwa, Inc. 239-278-5224.  
Feb 11 No. 1386860

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**News-Press.com Online Public Notice: Detail****2010-01-14 Notice of Public Hearing****NOTICE OF  
PUBLIC HEARING**

Notice is hereby given that on Wednesday, January 27, 2010, the Hearing Examiner of Lee County will hold public hearings in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL, on the cases below. You must appear in person, through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the Board of County Commissioners.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision. If you did not appear before the Hearing Examiner, by law, you will not be allowed to appear before the Board of County Commissioners at the final hearing in these cases.

Copies of staff report(s) are available one week prior to the hearing except for DCI (Development of Community Impact), DRI (Development of Regional Impact) and REZ (Rezoning) cases which are available two weeks prior to the hearing. The file can be reviewed at the Zoning Division, 1500 Monroe St., Fort Myers, FL. Call 533-8585 for additional information.

In accordance with the Americans with Disabilities Act and F.S. s. 286.26, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Prancing at 533-8585.

The following cases will be heard: DCI2008-00045.BBR East Water Storage Tank.9:00am. Rezone 5± acres from CFPD (Bonita Springs Utilities, Resolution Z-92-043) to CFPD to allow for a water storage tank and associated accessory uses with a maximum building height of 50 feet. No development blasting is being requested. Property located at 13471 Snell Ln., SE Lee County Planning Community, Lee County, FL. Direct inquiries to Chahram Badamtchian, Senior Planner 239-533-8372 in Zoning. Project Representative: Patrick Vanasse, RWA, Inc. 239-278-5224

Jan 14 No. 1382794

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