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BONITA SPRINGS Tampa Orlando Sarasota

28100 Bonita Grande Dr., Suite 305, Bonita Springs, FL 34135
p. (239) 405-7777 f. (239) 405-7899

Letter of Transmittal

To: Lee County DCD Zoning Section
1500 Monroe Street
Fort Myers, FL 33901

ATTN: Mr. Dirk Danley, Jr.

From: Alexis Crespo, AICP

Date: July 10, 2018

Subject: Treeline 115 MPD / DCI2018-00007

DCI 2018-00007

The following items are transmitted as listed below:

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Quantity	Description
3	MPD Resubmittal Package

REMARKS: Thank you!

SIGNED: ACrespo

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July 10, 2018

Mr. Dirk Danley, Jr.
Senior Planner
Lee County DCD Zoning Section
1500 Monroe Street
Fort Myers, FL 33901

RE: Treeline 115 MPD
DCI2018-00007

Dear Mr. Danley:

Enclosed please find responses to your insufficiency letter dated March 23, 2018. The following information has been provided to assist in your review of the petition:

1. Three (3) copies of the Comment Response Letter;
2. Three (3) copies of the revised Protected Species Survey prepared by Synecological Analysts Inc.;
3. Three (3) copies of the revised FLUCCS Map (24"X36");
4. Three (3) copies of the Request Statement and Lee Plan Compliance Narrative;
5. Three (3) copies of the revised Master Concept Plan (11"X17" and 24"X36");
6. Three (3) copies of the revised Traffic Impact Statement prepared by TR Transportation Consultants, Inc.;
7. Three (3) copies of the revised Boundary Survey prepared by Community Engineering Services, Inc.;
8. Three (3) copies of the revised Title Certification;
9. Three (3) copies of a letter from the Army Corps of Engineers containing wetland delineations;
10. Three (3) copies of an informal determination from the South Florida Water Management District; and
11. Three (3) of the email from South Trail Fire Chief Ben Bengston.

The following is a list of Lee County comments with our responses in bold:

1. Please provide a protected species per LDC 10-473. The environmental assessment does not meet the requirements of LDC10-473.

   RESPONSE: Please see attached revised Protected Species Survey. It is noted in the Methodology Section that the Southern Biomes methodology has been used in accordance with LDC Section 10-473.

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2. Please provide a FLUCCS map at the same full-size scale as the MCP. Please indicate the acreages for each FLUCCS code on the map as well. FLUCCS is pending site inspection. Also, the application indicates the existing use of sod farming, row crops and cattle grazing are occurring on the property but the FLUCCS code does not indicate any pasture or crops. The focus is on the cattle grazing. Please address.

   RESPONSE: Please attached FLUCCS Map. The scale is 1:200 in accordance with the MCP.

3. Please provide Lee Plan analysis for the Wetlands Future Land Use Category 1.5. Please provide Analysis for stormwater and green infrastructure (Goals 60 and 61), species and habitat Goal 107. Will the onsite wetlands be incorporated into the stormwater design?

   RESPONSE: Please see revised Request Statement and Lee Plan Compliance Narrative.

4. Please provide buffers per LDC along Treeline Ave. The current MCP reflects Type A buffers which are the incorrect buffers. Please revise or provide a deviation request with justification. Also, please provide a Type A buffer along the southern property line.

   RESPONSE: The Applicant agrees with Staff's assessment that Type A buffer is incorrect. Please see revised MCP to see that the correct Type D buffer has been added.

5. Please clarify if a project perimeter berm will be installed at the property line (impacting wetlands) or will the berm be placed on the project development side of the project (south side of wetland). If impacts are proposed with a berm, please revise indigenous calculations, density calculations and address in the buffer deviation justification.

   RESPONSE: Design of the stormwater management system, including perimeter berms, will be decided at the time of local development order and SFWMD environmental resource permitting. It is understood, the project must maintain a minimum preserve area of 28 acres, as generally shown on the MCP.

6. Please provide sinuous lakes per LDC10-418.

   RESPONSE: Please see revised MCP.

7. Please label all easements on the MCP.

   RESPONSE: Please see revised MCP.

8. A sheet is included in the environmental documents that are from the SFWMD district indicating upland, wetland and other surface water areas. Has the applicant

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obtained a formal jurisdictional wetland line? If so, please provide the information with the application to assist with density calculations.

RESPONSE: Please see the informal determination from SFWMD and letter from ACOE containing wetland delineations.

9. Please verify that 21 acres of indigenous is being preserved. The FLUCCS map indicates an area identified as 624D. In reviewing the description of this area, vegetation seems to be lacking and the FLUCCS map indicates the area as "drastically disturbed". Is this area being restored? The site is within the Six Mile Basin which is identified as a critical area in the Lee Plan (Objective 60.4).

   RESPONSE: The Applicant agrees with Staff's assessment that while 28 acres of wetland areas are shown as preserve on the MCP, the minimum required indigenous vegetation per Section 10-415 is approximately 21 acres. The Applicant is in agreement with a condition of approval confirming these acreages.

10. The TIS does not appear to model development with the highest traffic-generating potential. Please justify how the proposed uses generate more traffic than others listed in the proposed schedule of uses, and review and revise the TIS accordingly. If multi-family housing and general office uses will be specifically requested in this application, please strike from the schedule of uses any residential and office uses that are more intense in terms of trip generation.

    RESPONSE: Please see revised TIS. The revised TIS now includes other office and residential uses that are more intense in terms of trip generation.

11. The application materials do not appear to indicate how the development intensity for both day care and healthcare facilities uses will be accounted for. Please clarify if these intensities will be measured in terms of building floor area, students, beds, etc., if these intensities are requested in addition to the requested commercial intensity, and, if not, if these intensities are to be considered commercial office or retail intensity in this request.

    RESPONSE: Please see revised TIS. The daycare facilities are considered as retail intensities. The healthcare facilities will be considered as medical-dental office intensities.

12. The TIS does not appear to identify and use the correct existing traffic volume on at least one link in the analysis. See Treeline Avenue. Please review and revise the TIS accordingly.

    RESPONSE: Please see revised TIS which has been corrected to reflect the above comment. The TIS has been also updated to include the traffic data from the most recent 2017 Lee County Traffic Count Report.

13. The traffic growth rate used in the TIS LOS analysis for at least one link appears low. See Treeline Avenue north of Daniels Parkway. In addition, the traffic count station

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identifier on Treeline Avenue north of Daniels Parkway appears incorrect. Please review and revise the TIS accordingly.

RESPONSE: Please see revised TIS. The growth rates have been corrected based on the most recent 2017 Lee County Traffic Count Report.

14. The TIS does not appear to contain a LOS analysis for the project's access points. Please review and revise the TIS accordingly.

RESPONSE: Please see revised TIS which now includes the intersection analysis of the above intersection.

15. The Master Concept Plan needs to show the distances between the proposed project's entrances and the adjacent streets/driveways (including the driveways east side of Treeline Ave) on Treeline Ave.

RESPONSE: Please see revised MCP. The distances to Bavaria Road to the north, and Goldenwood Drive to the south have been shown, and comply with the minimum connection separations set forth in Chapter 10 of the Land Development Code.

16. The applicant needs to verify the proposed 487 dwelling units are single-family dwelling units or multi-family dwelling units.

RESPONSE: Please see revised Schedule of Uses and TIS. The Applicant has committed to a maximum of 487 multi-family units, or 275 single-family units.

17. The submitted title certification reports language in the next to last paragraph on the second page makes the asserted Title Certification Report legally insufficient to meet the County's zoning application requirements from LDC Sec. 34-202. Additionally, the first sentence following the legal description on the first page, where it says: "... the apparent record Fee Simple title owner(s) to ... " is also enough of a reason to conclude the Title Certification Report is legally insufficient. This is not "*unequivocal.*" Please provide a title opinion or a title insurance policy with an affidavit of no change covering the period of time between the issuance of said policy and the submittal date of this application.

RESPONSE: Please refer to the enclosed revised title certification and boundary survey.

18. On the boundary survey please add a note that ties the boundary survey to the state plane coordinate system for the Florida West Zone and provide a set of coordinate points opposite to the point of beginning. Please tie boundary survey to updated title opinion or title insurance policy.

RESPONSE: Please refer to attached boundary survey. Note 9 ties the survey to state plan coordinates.

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19. In regards to Deviation #2, Staff recommends receipt of a Fire District sign-off on the dead end roads, prior to DCI approval. A cul-de-sac should be shown prior to the "emergency only" egress point.

RESPONSE: Please see attached correspondence from South Trail Fire Chief Ben Bengston approving access. The connection point will be constructed as a stabilized shell base designed and constructed pursuant to NFPA standards and shall include an emergency access system approved by the South Trail Fire District.

20. In regards to deviation #3: 10-291(3): 2 means of ingress egress, Staff has no objection as a reasonable second location is not available. Bavaria and Matterhorn are both County maintained roads. See proposed condition:

"If a variance or deviation from LDC Sec 10-291 (3) is approved, a notice to all future property owners must be recorded by the developer in the public records prior to the issuance of a local development order allowing construction of the access to the development. The notice must articulate the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor."

RESPONSE: So noted.

21. Please describe how Bars and Cocktail Lounges, as well as "manufacturing of food and kindred products, group II (Brewerys)" are consistent with Section 34-1264 of the Land Development Code.

RESPONSE: Please see revised Lee Plan Compliance Narrative. Bars and Cocktail lounges, as well as "manufacturing and kindred products, group II (Brewerys)" are permitted uses in their respective locations in accordance with LDC Section 34-1264, pending Administrative approval.

SECTION 34-1264 (a) (1) (b): Bars, cocktail lounges, or night clubs located in commercial and industrial zoning districts that permit bars, cocktail lounges or night clubs, provided the standards set forth in subsections (b)(1) and (3) of this section are met.

This section of the LDC allows for bars and cocktail lounges within commercial zoning districts. Commercial areas are where those such areas would be in the proposed development and they would be consistent with the standards set forth in subsections (b)(1) and (3) of Section 34-1264.

SECTION 34-1264 (a) (1) (g): Restaurants groups II, III and IV, and restaurants with brew pub license requirements, provided the standards set forth in subsections (b)(2) b. and (b)(3) of this section are met. Outdoor seating in conjunction with a group II, III or IV restaurant may be approved administratively provided:

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1. The outdoor seating area is not within 500 feet of a religious facility, school (noncommercial), day care center (child), park or dwelling unit under separate ownership; or

2. The outdoor seating area is within 500 feet of a religious facility, school (noncommercial), day care center (child), park or dwelling unit under separate ownership but is a tenant of a multi-occupancy complex that is adjacent to an arterial or collector road.

"Manufacturing of food and kindred products, group II (Brewerys)" may be permitted by administrative approval as long as they meet the requirements set forth in subsections (b)(2) b. The proposed development will be consistent with these requirements.

22. Dwelling units and residential accessory uses are in the schedule of uses for areas designated as Commercial on the Master Concept Plan.

RESPONSE: So noted.

Thank you for your consideration of this additional information. If you have any further questions, please do not hesitate to contact me directly at (239) 405-7777 ext. 2207, or alexis.crespo@waldropengineering.com.

Sincerely,

WALDROP ENGINEERING, P.A.

Alexis V. Crespo, AICP, LEED AP
Vice President of Planning

Enclosures
cc: Brian Freeman, BJ Holdings of Fort Myers
Sarah Spector, Esq., ROETZEL
Brown Collins, Synecological Analysts, Inc.
Ted Treesh, TR Transportation Consultants, Inc.

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Protected Species Survey
Treeline 115

Prepared for

BJ Holdings of Fort Myers, LLC
4245 Fowler St.
Ft Myers, FL 33901

26 June 2017

Synecological Analysts® Inc.
2159 Morning Sun Ln
Naples, FL 34119

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PROTECTED SPECIES SURVEY
TREELINE 115

Site Description

This site, approximately 115 acres in size, is located in sections 14 and 15, Township 46 S, Range 27E. It is bounded on the east by a Treeline Ave., on the NE by undeveloped land and the North by an industrial park. I-75 bounds this parcel on the West and a State Rest Area, FHP Headquarters and undeveloped land are located just south of this parcel. Pine flatwoods with a sparse canopy is the dominant upland site feature (approximately 50 acres). These are identified in the following FLUCCS Map.

Communities

There are approximately 54 acres of uplands on this site. Their extent and character are listed below.

Upland Communities

FLUCCS		Extent (ac)
411	Palmetto - Pine Flatwoods	49.0
	Total	54.1 ac.

The SWFWMD has recently completed a wetland jurisdictional determination (# 36-00039) on this project and identified approximately 62 acres of wetlands. The type and extent of site wetlands are listed below:

Wetland Communities

FLUCCS		Extent (ac)
621	Cypress	34.2
624D	Cypress/Pine Disturbed	27.8
723	AG Pond/OSW	0.1
	Total	62.1 ac

UPLAND COMMUNITY DESCRIPTIONS

411 - Palmetto - Pine Flatwoods

This community is characterized by a sparse Slash pine (*Pinus elliottii*) canopy of small to mid-size trees. The larger trees and many mid-size trees were logged a few years ago. The shrub strata is Saw palmetto dominated with occasional Sumac and Lyonia. Upland bluestems (*Andropogon spp.*) characterize the herbaceous strata.

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SYNECOLOGICAL ANALYSTS
ENVIRONMENTAL EVALUATION AND ADVOCACY
2159 Morning Sun Lane
Naples, Florida 34119
Phone: (239) 514-3998
Fax: (239) 514-0955

FLUCCS MAP

TREELINE 115

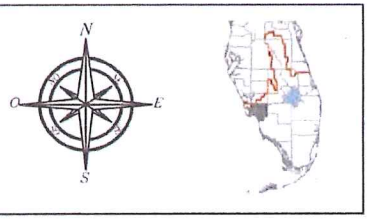
FLUCCS CODE

411 SLASH PINE FLATWOODS
424 MELALEUCA
621 CYPRESS
624 CYPRESS - PINE - CABBAGE PALM
742 BORROW AREA

FLUCCS AREA of polygon

411 - 45.5 ac
411 D - 4.8 ac
411/424 D - 3.5 ac
621 - 19.9 ac
624 - 1.2 ac
624 D - 39.9 ac
742 - 0.1 ac

DISTURBANCE CODE
D DRASTICALLY DISTURBED



0 250 500 1000 1500 ft

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411 - Palmetto - Pine Flatwoods / Disturbed
This community is characterized in the canopy level by scattered Slash pine and islands of Melaleuca that are growing on vegetation debris from past AG clearing. The shrub level of Saw palmetto has been drastically impacted. It still exists as a dominant, but in very reduced numbers. The herbaceous strata is often dominated by Grape with a trailing growth form. A complex mix of annual weedy species comprise the remainder of herbaceous vegetation.

424 - Melaleuca - The only significant presence of this exotic/invasive species exists exclusively on AG vegetation piles in one small area near the entrance gate off Treeline Ave.

WETLAND COMMUNITIES

There are approximate 62.1 ac of wetlands on this site. The Cypress heads (Fluccs 621) are of relatively high quality overall while the Cypress - Slash Pine - Cabbage Palm areas (Fluccs 624) are significantly degraded by historic impacts relating to AG use. It is noteworthy that there is a paucity of exotic woody shrubby components in any of the wetland areas on this site.

621 - Cypress
This community occurs as isolated heads in the central portion of the site. Along the southeast and northeast site boundary, larger areas occur. Bald Cypress (*Taxodium distichum*) and Pond Cypress dominate the canopy. Scattered Slash pine occur within this cypress matrix. Swamp bay and Dahoon characterize the shrub stratum along the margins. The shrub component Representative herbaceous components include Swamp Fern (*Blechnum serrulatum*) and Laurel greenbrier (*Smilax laurifolia*).

624 - Cypress/Pine/Cabbage Palm
This community is characterized by a canopy dominated by Pond cypress and Slash pine. The understory or minor canopy component of Cabbage palm (*Sabal palmetto*) typically found in this FLUCCS association is absent on this site, possibly because of the shallow cap rock found in many areas. The shrub component of this community is essentially absent because of previous logging impacts. Seedling Cypress and Slash pine, along with the occasional Dahoon holly comprise the few shrubby plants that exists here. The herbaceous community is dominated by a number of weedy wetland species as well as occasional areas of Sawgrass (*Cladium jamaicense*) and Blue flag (*Iris virginica*).

742 - Borrow Area
Borrow areas cover approximately 0.1 acres of this site and are essentially devoid of emergent vegetation.

TABLE

Habitats Surveyed				Transect	Observed
FLUCCS	Acreage	%	Description	Width(ft)	Species
411	45.5	0.2	Pine Flatwoods	50	
411D	8.6	2.7	Flatwoods/Disturbed	50	
621	34.41	6.7	Cypress	50	y
624	6.49	1.3	Cypress/Pine/C.Palm	100	y
742	159.80	31.1	Borrow Area	100	y
TOTAL		**100.0**			

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Methodology

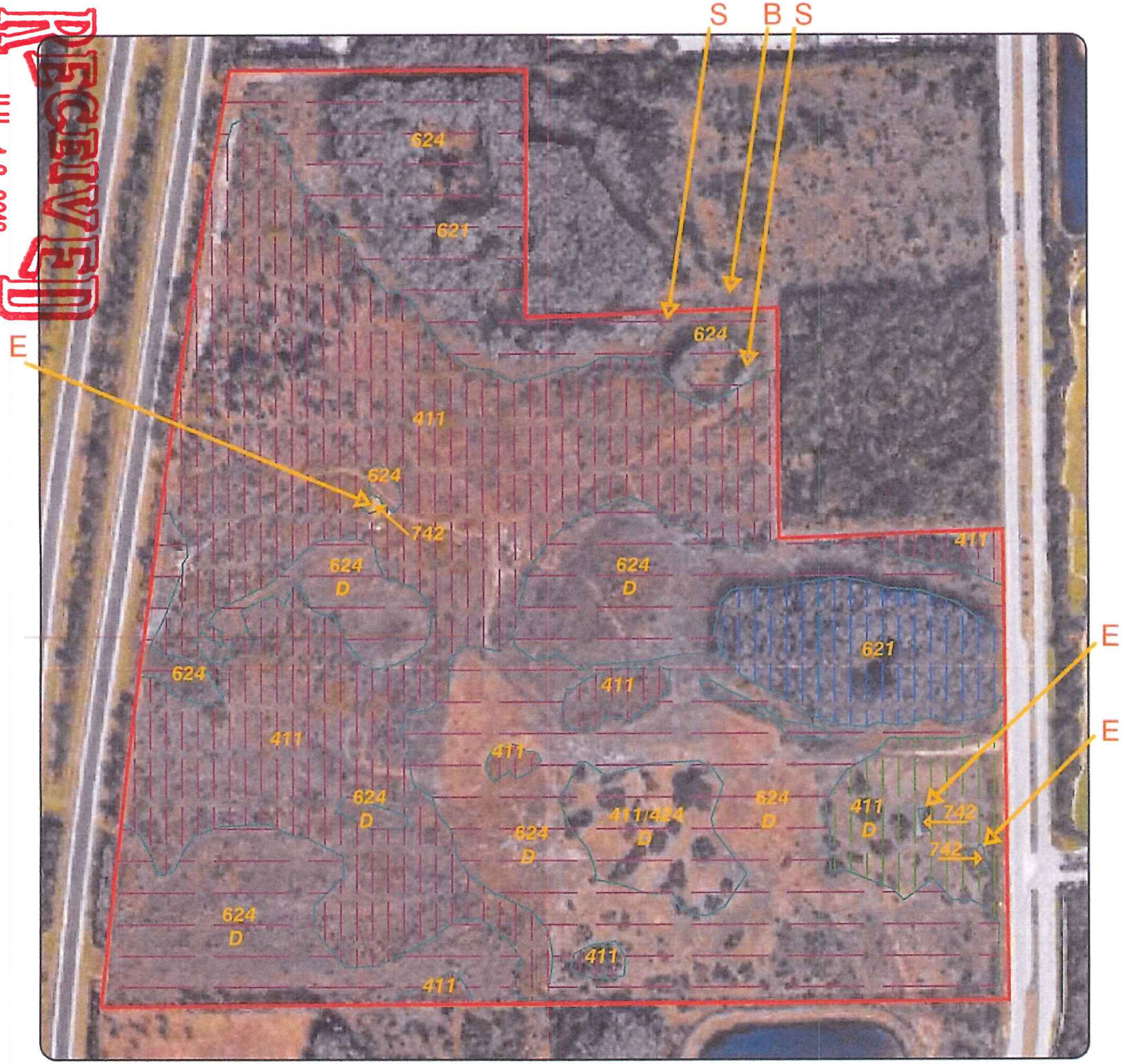
The entire project site was field surveyed for protected species in Compliance with the Lee County Endangered Species Ordinance No. 89-34 using the Southern Biomes wandering transect method. Transect widths varied depending on ground cover and visibility, ranging from 50' in the Cypress (621) areas to averaging 100' in the FLUCCS 411 and 624 areas. Where herbaceous communities were occurred in a matrix of wooded areas, the smaller transect width was maintained through the herbaceous communities. The reason for a 100% survey was the large number of small, gerrymandered FLUCCS areas. In addition to the transect observations, unvegetated sandy areas near the fence lines were checked for sign early in the morning. The site was observed aerially at low altitude from a small plane to check for additional indicators. Because the entire site was surveyed completely concerns regarding small linear communities and ecotonal areas were addressed thoroughly. The Transect Location Map shows survey transects of the wooded areas.

The survey was conducted by Mr. Brown Collins and Mr. Derry Stockbridge. Mr. Collins has a B.S. in Range Science (69) and a MS in Range Science with a specialty in Plant Ecology (72). His curriculum included 24 hours of wildlife science courses and 30 hours of plant ecology. Another 12 hours included taxonomy in these areas. He was employed by the US Soil Conservation Service from 1972-74 as a Range Conservationist. He was a staff ecologist for Dames & Moore from 74-76. Most of his work assignments were out of Boca Raton and Bartow. From 1976 to 1986 he worked as a staff ecologist for Espey, Huston & Associates. He has been self employed as a consulting ecologist since 1986. During that time, he has conducted field surveys throughout Florida for both vegetation and faunal components for many projects, ranging from small commercial tracts to phosphate mines and power plants. His first southwest Florida project was the permitting of an Exxon drilling pad in the Big Cypress National Preserve in 1975. Other regional projects of interest include ecological surveys in conjunction with Stat 4/5 of the Everglades Restoration Project and the wetland impacts and mitigation for expansion of the Florida Gas pipeline.

Derry Stockbridge has a B.S. (70) and MS (73) in Wildlife Biology from the University of Georgia (Athens). He has been employed as a wildlife biologist by the Southeastern Cooperative Wildlife Disease Study Unit (72-73). He was a staff ecologist for Law Engineering (73-74), Woodward-Envicon (74), Dames & Moore (74-79). During that time he was a wildlife project manager for such projects as the Turkey Point Nuclear Power Plant and the Miami Jetport. Mr. Stockbridge formed and worked for Wildlife Specialists, Inc. from 1979 through 2017. He has conducted dozens of species studies relative to Lee County projects from 1988 through 2017.

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ENVIRONMENTAL EVALUATION AND ADVOCACY
2159 Morning Sun Lane
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Phone: (239) 514-3998
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TRANSECT MAP and SPECIES SIGHTING LOCATIONS

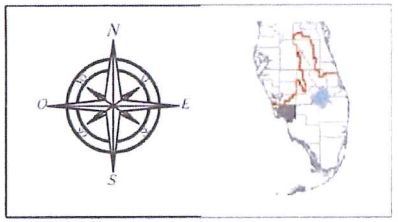
TREELINE 115

SPECIES SIGHTING LOCATIONS CODES

S - EASTERN GREY SQUIRREL

E - SNOWY EGRET

B - BOBCAT



0 250 500 1000 1500 ft

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Observations
Site sampling occurred in May and June, 2017. The time of survey and weather conditions are listed below.

Date	Time (EST)	Weather
10 May.	8:30AM- 12:15AM	Mid 70's- low 90's few clouds, winds gusty to 20MPH
13 May	7:30AM- 11:00AM	Shower - Temp same
21 May	7:00AM- 3:00PM	Mid 70's - Low 90's - Showers
6 June	9:00AM- 4:00PM	Mid 70's-high 80's - Showers
7 May	8:30AM- 2:30PM	High 60's-low 70's- Thunderstorm

No listed plant species were observed.

Five Snowy egret (Egretta thula) were observed. One was sighted on 21 May at 11:35 A.M. Two more were sighted on 6 June at 7:45 A.M. One was sighted at 2;26 PM on 6 June and one was sighted at 2:10 P.M. on 7 June. Sighting locations are shown on Figure XXX. Two squirrel nests were observed and are located on the species transect and location figure.

Snowy egrets in Florida nest in both coastal and inland wetlands, commonly in mangroves or willows (Ogden in Rodgers, Kale and Smith 1996). Nearly all nesting occurs over shallow expanses of open water. Foraging takes place in a wide variety of permanently and seasonally flooded marshes, lake shorelines, and water impoundments. Typically, the water is relatively shallow and calm. The impacts associated with the proposed project do not negatively impact nesting habitat for the Snowy egret and will increase the amount of Lake Shoreline vegetation for foraging. The location and type of squirrel nests observed preclude them being Big cypress fox squirrel. Vegetation is too dense and too large in this area to provide suitable habitat for this species. These are likely E. Grey Squirrel (*Sciurus carolinensis*) nests.

One item of interest for non-listed species was observed.

- A Bobcat (*Lynx rufus*) was observed offsite to the north in the Cypress preserve area associated with the industrial park surrounding it to the north, east and west. This observation was 21 May at 7:00 AM.

Given the highly impacted nature of much of the site, the relative paucity of listed species is not surprising. The small and disjunct nature of many of the wooded communities and the almost total absence of any wildlife forage in all strata may account in large part of the absence of listed species. It is possible that some protected species might use the area, the likelihood of high forage or residence usage is unlikely because of extremely low habitat quality in all areas except the cypress heads.

Flatwoods - 411 - 100% Surveyed

Common Name	**Scientific Name**	**Obs.**	**Notes**
Eastern Indigo Snake	*Drymarchon corais couperin*	*n*	
Gopher tortoise	*Gopherus polyphemus*	*n*	
Gopher frog	*Rana areolata*	*n*	
Southeastern American kestrel	*Falco sparverius paulus*	*n*	
Red-cockaded woodpecker	*Picoides borealis*	*n*	

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Florida panther	*Felis concolor coryi*	*n*
Big Cypress fox squirrel	*Sciurus niger avicennia*	*n*
Florida black bear	*Ursus americanus floridanus*	*n*
Kestrel	Falco sparverius paulus	*n*
Fakahatchee burmannia	*Burmannia flava*	*n*
Satinleaf	*Chrysophyllum olivaeforme*	*n*
Beautiful paw-paw	*Deeringothamnus pulchellus*	*n*
Florida coontie	*Zamia floridana*	*n*

Flatwoods Disturbed - 411 - 100% Surveyed

Common Name	**Scientific Name**	**Obs.**	**Notes**
Eastern Indigo Snake	*Drymarchon corais couperin*	*n*	
Gopher tortoise	*Gopherus polyphemus*	*n*	
Gopher frog	*Rana areolata*	*n*	
Southeastern American kestrel	*Falco sparverius paulus*	*n*	
Red-cockaded woodpecker	*Picoides borealis*	*n*	
Florida panther	*Felis concolor coryi*	*n*	
Big Cypress fox squirrel	*Sciurus niger avicennia*	*n*	
Florida black bear	*Ursus americanus floridanus*	*n*	
Kestrel	Falco sparverius paulus	*n*	
Fakahatchee burmannia	*Burmannia flava*	*n*	
Satinleaf	*Chrysophyllum olivaeforme*	*n*	
Beautiful paw-paw	*Deeringothamnus pulchellus*	*n*	
Florida coontie	*Zamia floridana*	*n*	

Cypress - 621 - 100% Surveyed

Common Name	**Scientific Name**	**Obs.**	**Notes**
American alligator	*Alligator mississipiensis*	n	
Limpkin	*Aramus guarauna*	*n*	
Florida panther	*Felis concolor coryi*	*n*	
Florida black bear	*Ursus americanus floridanus*	*n*	
Little blue heron	*Egretta caerulea*	*n*	
Snowy egret	*Egretta thula*	*Y*	
Tricolored heron	*Egretta tricolor*	*n*	
American crocodile	*Crocodylus acutus*	n	
Roseate	Ajaia ajaja	n	

Cypress/Pine/Cabbage Palm - 624 - 100% Surveyed

Common Name	**Scientific Name**	**Obs.**	**Notes**
Little blue heron	*Egretta caerulea*	*n*	
Snowy egret	*Egretta thula*	*Y*	
Tricolored heron	*Egretta tricolor*	*n*	
Florida panther	*Felis concolor coryi*	*n*	
Florida black bear	*Ursus americanus floridanus*	*n*	

Borrow Area - 742 - Surveyed from shore, 100% coverage.

Common Name	**Scientific Name**	**Obs.**	**Notes**
American alligator	*Alligator mississipiensis*	n	

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Everglades mink	*Mustela vison evergladensis*	*n*
Little blue heron	*Egretta caerulea*	*n*
Snowy egret	*Egretta thula*	*y*
Tricolored heron	*Egretta tricolor*	*n*
Reddish egret	*Egretta rufescens*	*n*
Limpkin	*Aramus guarauna*	*n*
Roseate spoonbill	*Ajaia ajaja*	*n*

REFERENCES

Ogden, John C. 1996. Snowy Egret. Pages 420 - 431 in James, A. Rodgers, Jr., Herbert W. Kale II, and Henry T. Smith, editors. Rare and Endangered Biota of Florida, Volume V. Birds. University Presses of Florida, Gainesville, Florida.

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Soil Map—Lee County, Florida
(Treeline Assemblage Soils Map)



Map Scale: 1:6,170 if printed on A portrait (8.5" x 11") sheet.

Meters: 0 50 100 200 300

Feet: 0 250 500 1000 1500

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 17N WGS84

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Map Unit Legend

Lee County, Florida (FL071)			
Map Unit Symbol	**Map Unit Name**	**Acres in AOI**	**Percent of AOI**
6	Hallandale fine sand, wet, 0 to 2 percent slopes	69.2	58.1%
13	Boca fine sand, 0 to 2 percent slopes	4.2	3.6%
26	Pineda fine sand, 0 to 2 percent slopes	8.5	7.1%
27	Pompano fine sand, depressional	4.5	3.8%
34	Malabar fine sand, 0 to 2 percent slopes	12.3	10.3%
45	Copeland sandy loam, depressional	20.3	17.1%
Totals for Area of Interest		**119.1**	**100.0%**

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Lee County, Florida

6—Hallandale fine sand, wet, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 2tzx1
Elevation: 0 to 70 feet
Mean annual precipitation: 46 to 56 inches
Mean annual air temperature: 70 to 77 degrees F
Frost-free period: 360 to 365 days
Farmland classification: Not prime farmland

Map Unit Composition

Hallandale and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Hallandale

Setting

Landform: Flatwoods on marine terraces
Landform position (three-dimensional): Tread, talf
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Sandy marine deposits over limestone

Typical profile

A - 0 to 2 inches: fine sand
Eg - 2 to 7 inches: fine sand
Bw - 7 to 12 inches: fine sand
2R - 12 to 22 inches: bedrock

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: 2 to 20 inches to lithic bedrock
Natural drainage class: Poorly drained
Runoff class: High
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.60 to 5.95 in/hr)
Depth to water table: About 0 to 12 inches
Frequency of flooding: None
Frequency of ponding: None
Salinity, maximum in profile: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum in profile: 4.0
Available water storage in profile: Very low (about 0.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 4w
Hydrologic Soil Group: B/D

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Other vegetative classification: South Florida Flatwoods (R155XY003FL), Sandy soils on flats of mesic or hydric lowlands (G155XB141FL)
Hydric soil rating: Yes

Minor Components

Boca
Percent of map unit: 6 percent
Landform: Flatwoods on marine terraces
Landform position (three-dimensional): Tread, talf
Down-slope shape: Convex
Across-slope shape: Linear
Ecological site: South Florida Flatwoods (R155XY003FL)
Other vegetative classification: South Florida Flatwoods (R155XY003FL), Sandy over loamy soils on flats of hydric or mesic lowlands (G155XB241FL)
Hydric soil rating: Yes

Rock outcrop, limestone
Percent of map unit: 5 percent
Landform: Flatwoods on marine terraces
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Hydric soil rating: Unranked

Parkwood variant, mod. deep
Percent of map unit: 2 percent
Landform: Drainageways on marine terraces
Landform position (three-dimensional): Dip
Down-slope shape: Linear
Across-slope shape: Concave
Other vegetative classification: Wetland Hardwood Hammock (R155XY012FL), Loamy and clayey soils on flats of hydric or mesic lowlands (G155XB341FL)
Hydric soil rating: Yes

Wabasso
Percent of map unit: 2 percent
Landform: Flatwoods on marine terraces
Landform position (three-dimensional): Tread, talf
Down-slope shape: Convex
Across-slope shape: Linear
Other vegetative classification: South Florida Flatwoods (R155XY003FL), Sandy soils on flats of mesic or hydric lowlands (G155XB141FL)

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Hydric soil rating: No

Data Source Information

Soil Survey Area: Lee County, Florida
Survey Area Data: Version 13, Sep 16, 2016

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Lee County, Florida

45—Copeland sandy loam, depressional

Map Unit Setting

National map unit symbol: 1lsmx
Mean annual precipitation: 46 to 54 inches
Mean annual air temperature: 70 to 77 degrees F
Frost-free period: 358 to 365 days
Farmland classification: Not prime farmland

Map Unit Composition

Copeland and similar soils: 88 percent
Minor components: 12 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Copeland

Setting

Landform: Depressions on marine terraces
Landform position (three-dimensional): Dip
Down-slope shape: Concave
Across-slope shape: Concave
Parent material: Sandy and loamy marine deposits

Typical profile

A - 0 to 8 inches: sandy loam
Btg - 8 to 20 inches: sandy loam
2Cca - 20 to 28 inches: sandy clay loam
3R - 28 to 30 inches: unweathered bedrock

Properties and qualities

Slope: 0 to 1 percent
Depth to restrictive feature: 20 to 50 inches to lithic bedrock
Natural drainage class: Very poorly drained
Runoff class: Negligible
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: None
Frequency of ponding: Frequent
Calcium carbonate, maximum in profile: 40 percent
Salinity, maximum in profile: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum in profile: 4.0
Available water storage in profile: Low (about 3.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7w
Hydrologic Soil Group: D

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Other vegetative classification: Freshwater Marshes and Ponds (R155XY010FL), Loamy and clayey soils on stream terraces, flood plains, or in depressions (G155XB345FL)
Hydric soil rating: Yes

Minor Components

Chobee
Percent of map unit: 2 percent
Landform: Depressions on marine terraces
Landform position (three-dimensional): Dip
Down-slope shape: Concave
Across-slope shape: Concave
Other vegetative classification: Freshwater Marshes and Ponds (R155XY010FL), Organic soils in depressions and on flood plains (G155XB645FL)
Hydric soil rating: Yes

Floridana
Percent of map unit: 2 percent
Landform: Depressions on marine terraces
Landform position (three-dimensional): Dip
Down-slope shape: Concave
Across-slope shape: Concave
Other vegetative classification: Freshwater Marshes and Ponds (R155XY010FL), Sandy over loamy soils on stream terraces, flood plains, or in depressions (G155XB245FL)
Hydric soil rating: Yes

Felda
Percent of map unit: 2 percent
Landform: Depressions on marine terraces
Landform position (three-dimensional): Dip
Down-slope shape: Concave
Across-slope shape: Concave
Other vegetative classification: Freshwater Marshes and Ponds (R155XY010FL), Sandy over loamy soils on stream terraces, flood plains, or in depressions (G155XB245FL)
Hydric soil rating: Yes

Pompano
Percent of map unit: 2 percent
Landform: Depressions on marine terraces
Landform position (three-dimensional): Dip
Down-slope shape: Concave
Across-slope shape: Concave
Other vegetative classification: Freshwater Marshes and Ponds (R155XY010FL), Sandy soils on stream terraces, flood plains, or in depressions (G155XB145FL)
Hydric soil rating: Yes

Anclote
Percent of map unit: 2 percent
Landform: Depressions on marine terraces

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Landform position (three-dimensional): Dip
Down-slope shape: Concave
Across-slope shape: Concave
Other vegetative classification: Freshwater Marshes and Ponds (R155XY010FL), Sandy soils on stream terraces, flood plains, or in depressions (G155XB145FL)
Hydric soil rating: Yes

Boca

Percent of map unit: 2 percent
Landform: Drainageways on marine terraces
Landform position (three-dimensional): Talf, dip
Down-slope shape: Concave
Across-slope shape: Linear
Other vegetative classification: Slough (R155XY011FL), Sandy over loamy soils on flats of hydric or mesic lowlands (G155XB241FL)
Hydric soil rating: Yes

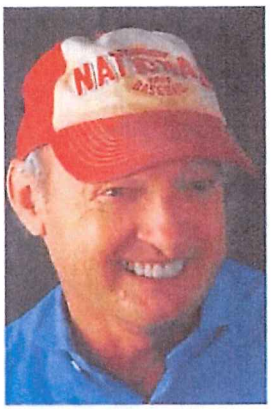
Data Source Information

Soil Survey Area: Lee County, Florida
Survey Area Data: Version 13, Sep 16, 2016

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BROWN COLLINS

EDUCATION
B.S., Range Science - Texas A&M University, 1969
M.S. Plant Ecology/Soils - Texas A&M University, 1972

CERTIFICATIONS
Ecological Society of America Professional Ecologist - 1981
American Soc. Of Agronomy - Certified Prof. Soil Scientist # 762 - 1983

SUMMARY
Brown Collins has a B.S. and graduate degree in ecology and more than 40 years of southwest Florida experience. He brings realism founded on a firm technical base to the process of environmental evaluation and permitting. He has permitted hundreds of projects with many degrees of ecological complexity. He has done environmental consulting work on every continent except Antarctica. Representative projects include RMC South Florida Materials Corkscrew Road Mine, University Lakes, University Lakes West, Willow Run Mine and Livingston Lakes residential. Historic projects include the Turkey Point Nuclear Generating Station, Miami Jetport, initial IFC Phosphate mine and the first drilling pad in the Big Cypress Natl. Preserve. Other representative projects include mapping several thousand acres of wetlands in the STA 3/4 Area of the Everglades Restoration Project, permitting State Road 29 improvements from I-75 to Copeland and all Florida Department of Transportation mitigation site monitoring from Polk County to Collier County. An overview of Mr. Collins experience includes:

- Obtained over 500 permit approvals for projects impacting wetlands in SW Florida.
- Mapped more than 500,000 acres of Florida plant communities, primarily wetlands.
- Sampled and quantitatively analyzed more than 50,000 acres.
- Mapped more than 100,000 acres of soils and technically edited NRCS county Soil Surveys for the NRCS national offices

As president and founder of Synecological Analysts® in 1993 his focus has been primarily on wetland jurisdictional determinations, protected species issues, project permitting, violation resolution, client advocacy and wetland negotiations such as mitigation and enhancement.

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Treeline 115 Mixed Use Planned Development
Request Statement and Lee Plan Compliance Narrative

REVISED JULY 2018

I. Request

BJ Holdings of Fort Myers, LLC ("Applicant") is requesting approval to rezone the 115+/- acre site ("Property") from Agricultural (AG-2) and Light Industrial (IL) to Mixed-Use Planned Development (MPD). The rezone will allow for a maximum of 487 dwelling units and 100,000 SF of commercial uses.

II. Existing Conditions & Property History

The Property is located west of Treeline Avenue at the northeast corner of Daniels Parkway and Interstate-75. The Property is zoned AG-2 (Agricultural) & IL (Light Industrial) and is located within the Gateway/Airport Planning Community. The Property is subject to a companion Comprehensive Plan Amendment (CPA2017-00009) to re-designate the uplands from Tradeport to Urban Community. The Property is currently utilized as grazing land for agricultural operations.

III. Surrounding Land Use Pattern

The Property is an infill site, surrounded on all sides by existing development and public lands. The surrounding land use pattern consists of public rights-of-way to the east and west; single-family detached, two-family attached, and multi-family residential uses to the west of I-75; single-family detached residential uses to the east of Treeline Avenue; industrial/commercial uses and a future public school site to the north; and mixed-use and public uses to the south.

Table 1 below further defines the surrounding Future Land Use designations, zoning districts and adjacent land uses.

Table 1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USE
NORTH	Tradeport & Wetlands	IPD (Industrial Planned Development) & AG-2 (Agricultural)	Industrial/Commercial Park & Vacant Agricultural Lands
SOUTH	Public Facilities, General Interchange, & Wetlands	AG-2 (Agricultural) & CPD (Commercial Planned Development)	Florida Highway Patrol Station & Lee County Rest Area
EAST	Special Community (City of Fort Myers)	MDP-3 (Master Development Plan-3, City of Fort Myers)	Right-of-Way (Treeline Avenue); Arborwood DRI (The Plantation – City of Fort Myers)

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WEST	Outlying Suburban & Wetlands	RPD (Residential Planned Development)	Right-of-Way (I-75); and Residential Planned Development (Renaissance)

In terms of surrounding densities, the Arborwood DRI to the east of Treeline Avenue has a density of 2.57 du/acre, and a mix of dwelling types ranging from single-family detached to multi-family buildings. South of the Property is the Arborwood Village CPD, which has a density of 10 du/acre approved for Tract 1, consisting of multi-family units. Across I-75 to the west are the Renaissance RPDs; the Renaissance North RPD has a density of 2.57 du/acre and the Renaissance South RPD has a density of 1.6 du/acre. Please refer to the enclosed Surrounding Densities Map, Exhibit III.E, for a comprehensive inventory of densities as spatially related to the Property.

The immediate area contains a dynamic mix of higher density multi-family development, lower density suburban-style communities, public and institutional uses, arterial-level roadways, and non-residential uses. The surrounding development pattern is evidence of the appropriateness of the proposed mix of non-residential and residential uses in the form of a compact Mixed Use Planned Development.

IV. Public Infrastructure

As outlined in the companion Comprehensive Plan Amendment application, the subject property is serviced by existing public infrastructure that can accommodate the proposed residential uses at the maximum density of 6 du/acre. Potable water and sanitary sewer services are available to the subject property by Lee County Utilities and City of Fort Myers Utilities. The surrounding roadway network has adequate capacity as set forth in the accompanying Traffic Circulation Analysis prepared by TR Transportation Consultants, Inc. There are also adequate community facilities and services in the immediate vicinity of the project, including Fire, EMS, a public library, and Parks.

V. Proposed Uses/Design Standards

Through this rezoning application, the Applicant proposes a mixed-use development program consisting of 487 multi-family dwelling units on approximately 105 acres of the site, and 100,000 square feet of commercial uses on 10 acres along the Treeline Avenue frontage.

The proposed mix of commercial and residential uses will complement the surrounding development pattern and provide for infill development in an area well-served by existing public infrastructure. It important to emphasize that the commercial and multi-family uses proposed through this MPD application represent a logical transition of the development pattern along Treeline Avenue, from the intensive General Interchange future land use category to the south, and the residential development to the north in the City of Fort Myers.

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The enclosed Master Concept Plan (MCP) delineates the location of residential uses towards the northern and western limits of the Property, while directing commercial uses along the Treeline Avenue frontage for easy access by future residents of the development, as well as the travelling public. Access to the Property is from Treeline Avenue. Emergency-only access is also provided to the industrial park to the north to provide for safe ingress/egress to the site.

Buffers are provided per the LDC along the perimeter property boundaries where required, including 15-foot wide buffers to the east and west where development abuts existing public rights-of-way. In addition to the buffers, the MCP proposes open space in compliance with the LDC, and 28 acres of wetland preservation areas. This on-site preserve acreage far exceeds the minimum requirements of the LDC, and will screen views of the development areas from adjacent properties.

The full details of the proposed development program are provided in the enclosed Master Concept Plan, Schedule of Uses, Site Development Regulations, and proposed conditions.

VI. Lee Plan Compliance

The following is an analysis of how the proposed amendment is consistent with the goals, policies and objectives of the Lee Plan.

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, South Fort Myers, Iona/McGregor, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre).

In compliance with this policy, the subject property is located in an urbanized area of the Lee County, as evidenced by the surrounding land use pattern, existing densities/intensities, and available public infrastructure. As outlined above, the general area is developed with a mix of residential communities, public uses, and commercial development associated with the I-75 interchange. The proposed mixed-use development at a maximum density of 6 du/acre is consistent with the range of uses and densities permitted in the Urban Community future land use category and Lee Plan Table 1(a). The amendment will allow for the continuation of the mixed-use and residential development pattern along Treeline Avenue, and will direct new development to an area with an existing base of urban services.

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POLICY 1.5. Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 114 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.

The subject property contains approximately 62 acres of wetlands, and 53 acres of uplands. Of the 62 acres of freshwater wetlands, 28 are proposed for preservation, and 34 are proposed for impact. The density calculation reflects 1 du/20 acres for those wetland impact areas, while the preserved wetland and uplands are calculated at a density of 6 du/acre in accordance with the Urban Community future land use category. Therefore, the density calculation is consistent with this policy. The wetlands proposed for impact by the MCP are lower quality, isolated wetlands that have been impacted by the historical agricultural use of the property.

Objective 2.2: Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance.

The Applicant has provided letters of availability and a detailed explanation of the public facilities and services available to support future development of the property at the maximum allowable density. The proposed amendment fully complies with the above policy's intent to direct new growth to appropriate Future Urban Areas of the county.

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

The proposed rezoning will significantly enhance the site's compatibility with the surrounding residential uses, and prevent the encroachment of intensive industrial uses permitted by the underlying Tradeport future land use category. Pursuant to Policy 1.2.2, the Tradeport category allows for a wide range of public uses, including terminals, laboratories, limerock mines, transfer facilities, and other higher intensity government-operated facilities. This category would allow for development of intensive industrial uses. For these reasons, bringing the property to the Urban Community future land use

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category and allowing for a mix of residential and commercial uses is directly in compliance with this policy.
From a density standpoint, the proposed amendment will allow for the development of a residential community that has densities similar to, or lower than the surrounding developments. The density will be further restricted via the companion MPD rezone to 487 dwelling units, or 4.2 du/acre, which is a lower density than the adjacent residential projects (including Arborwood CPD to the south). The MPD will also address the location of proposed lots, perimeter buffers, and other site design standards to ensure the development will be compatible and complimentary to the surrounding neighborhood.

STANDARD 11.1 & 11.2: WATER & SEWER

Potable water and sanitary sewer services are available to service the development as outlined in the attached Availability Letter provided by Lee County Utilities.

STANDARD 11.3. TRANSPORTATION

TR Transportation Consultants has prepared the enclosed Traffic Impact Statement (TIS) in accordance with the county requirements. Per this analysis, all roadways within the project's area of impact have sufficient capacity to accommodate the traffic associated with the 487 dwelling units. The report also concludes that the project will not create any transportation deficiencies that need to be mitigated.

POLICY 61.3.6: Developments must have and maintain an adequate surface water management system, provision for acceptable programs for operation and maintenance, and post-development runoff conditions which reflect the natural surface water flow in terms of rate, direction, quality, hydroperiod, and drainage basin. Detailed regulations will continue to be integrated with other county development regulations.

Stormwater runoff from the subject property generally flows from east to west toward I-75. Water is directed under I-75 through a 6' x 4' box culvert located near the southwest corner of the subject property.

Onsite stormwater runoff will be conveyed to stormwater ponds where it will be treated and attenuated prior to discharging offsite. The peak discharge rate will be limited to 37 csm, the basin allowable discharge rate. Stormwater treatment will be provided in accordance with SFWMD requirements.

POLICY 107.2.4: Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.

The subject property will contain contiguous wetland areas throughout the property. The northern wetland not only exists within the subject property, but also extends offsite to maximize the possibility of high-quality ecological communities.

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POLICY 115.1.2: New development and additions to existing development must not degrade surface and ground water quality.

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

VII. Review Criteria

Per LDC Sec. 34-145(d)(4)(a)1 the following review criteria is met through this request:

a. The application is consistent with the uses and densities set forth for Urban Community Future Land Use Designation as outlined in the companion Comprehensive Plan Amendment application. Additionally, the project will meet or exceed the performance standards set forth in the Land Development Code for planned development zoning districts.
b. The request will meet or exceed all performance and locational standards set forth for the proposed 487-unit residential community, except where a deviation is requested and demonstrates the protection of public health, safety and welfare.
c. The proposed density is 6 dwelling units per acre is consistent with allowable densities in the Urban Community Future Land Use Category and will direct higher densities to infill sites in urban-designated areas of the County. Bonus Density is not being requested as part of this application. The proposed MPD is compatible with the single-family uses to the north and northwest, and provides a logical extension of the residential development pattern on Treeline Ave.
d. Access will be provided from Treeline Ave, a secondary access point to the north will provide emergency access to the development.
e. Approval of the request will not have a significant impact upon the surrounding roadway network. As outlined in the enclosed Traffic Impact Statement (TIS) prepared by TR Transportation Consultants, Inc., all impacted roadways can accommodate the traffic associated with the 487 dwelling units.
f. This request will not adversely affect environmentally critical areas and natural resources. The project will be preserving approximately 28 AC of wetlands. Gopher tortoises located on-site will be relocated according to the Florida Fish and Wildlife Conservation (FWC) regulations. Open space will be provided as required in LDC Chapters 10 and 34.
g. The Project be served by urban services, as defined in the Lee Plan, as it is located within a Future Urban area category. Public infrastructure and services are available to service the proposed development.

VIII. Conclusion

The proposed MPD will address several sound planning principles that are currently of interest to Lee County. In direct compliance with the Lee Plan, the amendment will allow for infill development within an urbanized portion of the County that is currently serviced by public infrastructure, as presented above, the Property is adjacent to existing development on all

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sides, ranging from low and medium density single-family communities to higher density multi-family development to the south of the Property. Approval of this amendment will accommodate population growth within an appropriate area of the County with the requisite level of public services, and prevent intrusion of the new development into designated rural areas.

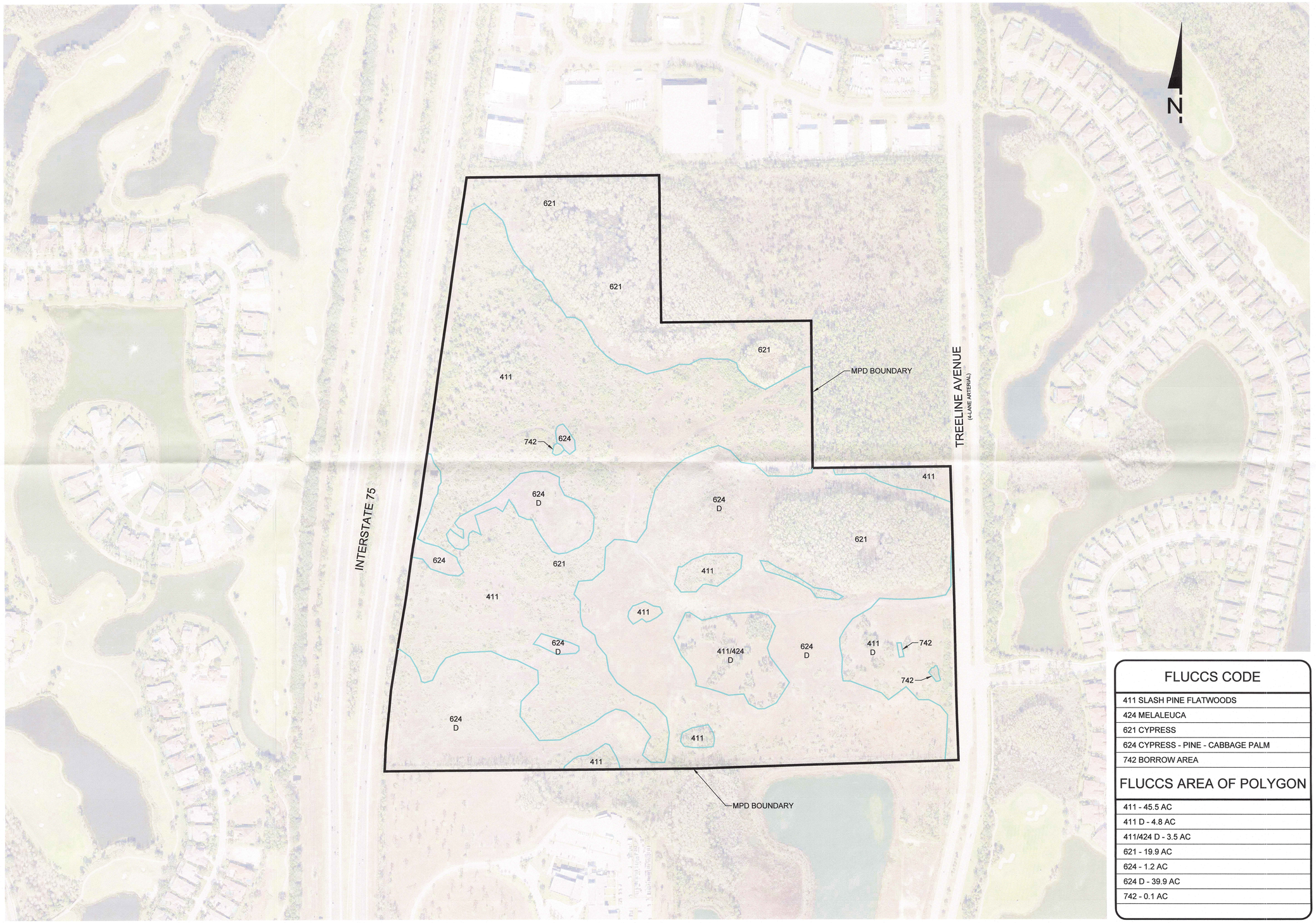
In summary, approval of this request will allow the Property to be developed in a manner that is consistent with the underlying Future Land Use category (upon approval of the companion CPA2017-00009), and is compatible with the surrounding land use pattern. The request directly supports the County's desire to direct new growth to infill locations in urban areas, and appropriately utilize public investment in infrastructure and services. The proposed rezoning will meet or exceed the standards set forth in the LDC for planned developments, except where a deviation has been requested. For these reasons, the Applicant respectfully requests approval of this rezone as proposed.

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FLUCCS CODE
411 SLASH PINE FLATWOODS
424 MELALEUCA
621 CYPRESS
624 CYPRESS - PINE - CABBAGE PALM
742 BORROW AREA

FLUCCS AREA OF POLYGON
411 - 45.5 AC
411 D - 4.8 AC
411/424 D - 3.5 AC
621 - 19.9 AC
624 - 1.2 AC
624 D - 39.9 AC
742 - 0.1 AC

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115-ACRE TREELINE AVENUE

FLUCCS MAP

PLAN REVISIONS
REV00 <<SUBMITTED / BID SET>> XX/XX/XX

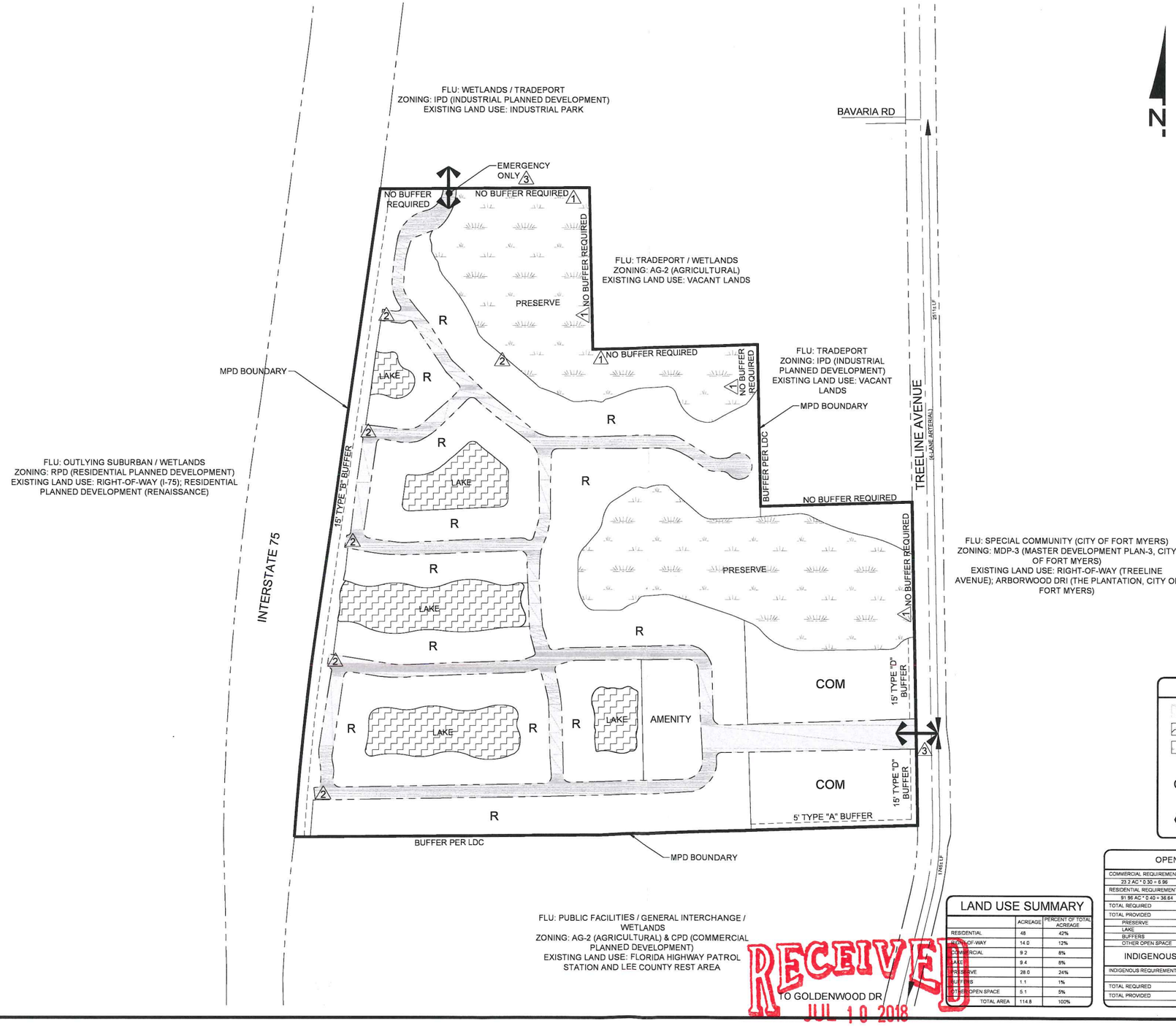
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SCALE IN FEET

PREPARED FOR:

BJ HOLDINGS OF FORT MYERS

SET NUMBER: 715-01-E0901
SHEET : 1

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LAND USE SUMMARY

	ACREAGE	PERCENT OF TOTAL ACREAGE
RESIDENTIAL	48	42%
RIGHT-OF-WAY	14.0	12%
COMMERCIAL	9.2	8%
LAKE	9.4	8%
PRESERVE	28.0	24%
BUFFERS	1.1	1%
OTHER OPEN SPACE	5.1	5%
TOTAL AREA	114.8	100%

LEGEND

- RIGHT-OF-WAY
- LAKE
- PRESERVE
- R — RESIDENTIAL
- COM — COMMERCIAL
- DEVIATION
- INGRESS / EGRESS

OPEN SPACE SUMMARY

COMMERCIAL REQUIREMENT	
23.2 AC * 0.30 = 6.96	30%
RESIDENTIAL REQUIREMENT	
91.96 AC * 0.40 = 36.64	40%
TOTAL REQUIRED	43.6 AC
TOTAL PROVIDED	43.6 AC
PRESERVE	28.0 AC
LAKE	9.4 AC
BUFFERS	1.1 AC
OTHER OPEN SPACE	5.1 AC

INDIGENOUS PRESERVE CALCULATION

INDIGENOUS REQUIREMENT	
43.6 AC * 0.50	
TOTAL REQUIRED	21.8 AC
TOTAL PROVIDED	21.8 AC

WALDROP ENGINEERING
CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS
28100 BONITA GRANDE DRIVE - SUITE 305 BONITA SPRINGS, FL 34135
P: 239-405-7777 F: 239-405-7899 EMAIL: info@waldropengineering.com

115-ACRE TREELINE AVENUE

MASTER CONCEPT PLAN

PLAN REVISIONS
REV#01 <<SUBMITTED / BID SET>> XX/XX/XX

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SCALE IN FEET

PREPARED FOR:

BJ HOLDINGS OF FORT MYERS

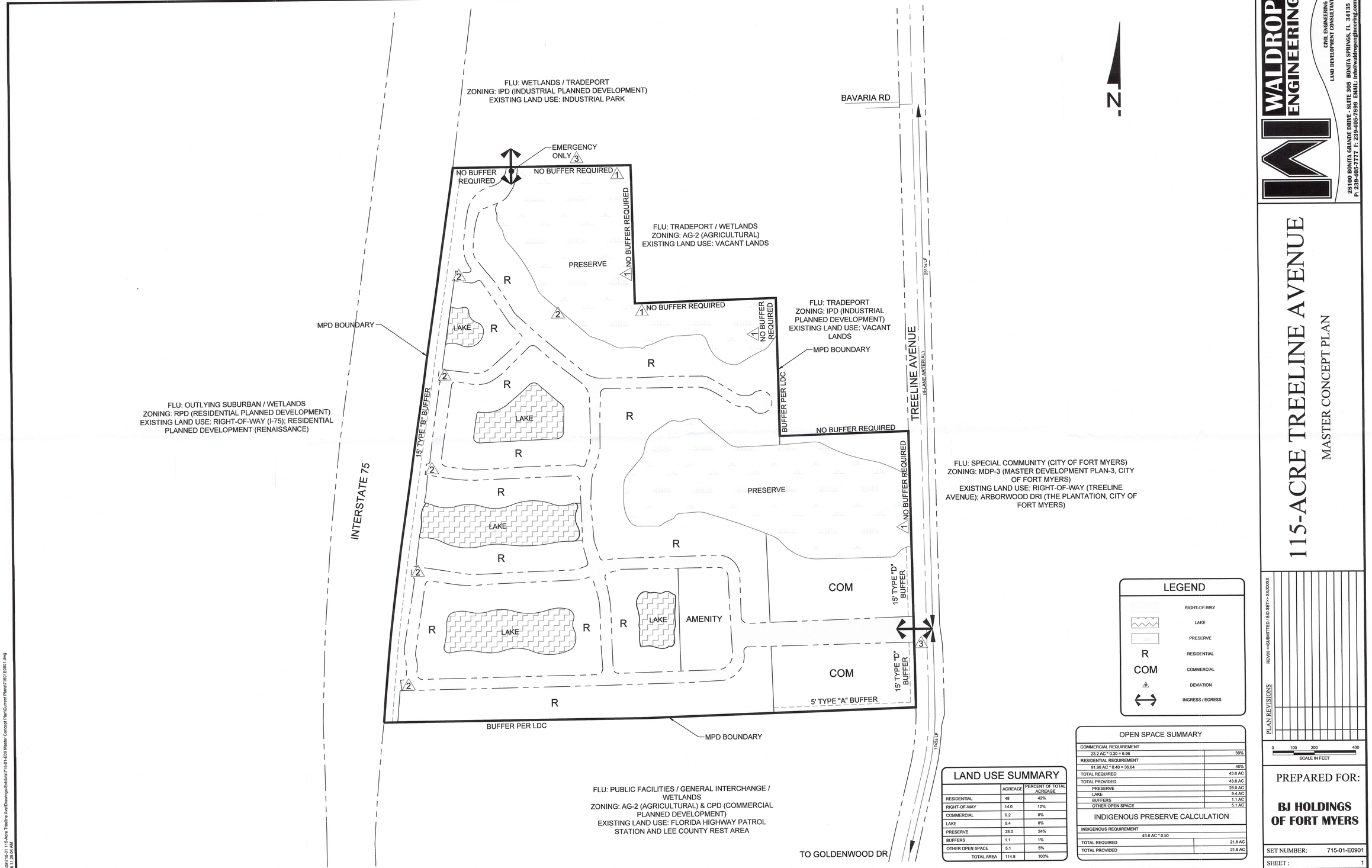
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LEGEND

	RIGHT-OF-WAY
	LAKE
	PRESERVE
R	RESIDENTIAL
COM	COMMERCIAL
△	DEVIATION
↔	INGRESS / EGRESS

LAND USE SUMMARY

	ACREAGE	PERCENT OF TOTAL ACREAGE
RESIDENTIAL	48	42%
RIGHT-OF-WAY	14.0	12%
COMMERCIAL	9.2	8%
LAKE	9.4	8%
PRESERVE	28.0	24%
BUFFERS	1.1	1%
OTHER OPEN SPACE	5.1	5%
TOTAL AREA	114.8	100%

OPEN SPACE SUMMARY

COMMERCIAL REQUIREMENT	
23.2 AC * 0.30 = 6.96	30%
RESIDENTIAL REQUIREMENT	
91.96 AC * 0.40 = 36.64	40%
TOTAL REQUIRED	43.6 AC
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INDIGENOUS PRESERVE CALCULATION

INDIGENOUS REQUIREMENT	
43.6 AC * 0.50	
TOTAL REQUIRED	21.8 AC
TOTAL PROVIDED	21.8 AC

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115-ACRE TREELINE AVENUE

MASTER CONCEPT PLAN

PLAN REVISIONS
REV#0 <<SUBMITTED / BID SET>> XX/XX/XX

0 100 200 400
SCALE IN FEET

PREPARED FOR:

BJ HOLDINGS OF FORT MYERS

SET NUMBER: 715-01-E0901
SHEET : 1

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TR TRANSPORTATION CONSULTANTS, INC

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TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

April 12, 2018

Alexis V. Crespo, AICP
Waldrop Engineering, P.A.
28100 Bonita Grande Drive, Suite 305
Bonita Springs, FL 34135

RE: Treeline 115 MPD
DCI2018-00007

Dear Ms. Crespo:

TR Transportation Consultants, Inc. has reviewed the Traffic Impact Statement (TIS) comments issued by the Lee County Department of Community Development regarding the proposed rezoning for a 115 acre property located on the west side of Treeline Avenue just north of Daniels Parkway in Lee County, Florida. The comments and TR Transportation's response to those comments are listed below for reference.

LC T.I.S. Application Sufficiency Checklist:

10) The TIS does not appear to model development with the highest traffic generating potential. Please justify how the proposed uses generate more traffic than others listed in the proposed schedule of uses, and review and revise the TIS accordingly. If multi-family housing and general office uses will be specifically requested in this application, please strike from the schedule of uses any residential and office uses that are more intense in terms of trip generation.

Attached to this response is the updated TIS. The updated TIS now includes other office and residential uses that are more intense in terms of trip generation.

11) The application materials do not appear to indicate how the development intensity for both day care and healthcare facilities uses will be accounted for. Please clarify if these intensities will be measured in terms of building floor area, students, beds, etc., if these intensities are requested in addition to the requested commercial intensity, and, if not, if these intensities are to be considered commercial office or retail intensity in this request.

Attached to this response is the updated TIS. The daycare facilities are considered as retail intensities. The healthcare facilities will be considered as medical-dental office intensities.

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12) *The TIS does not appear to identify and use the correct existing traffic volume on at least one link in the analysis. See Treeline Avenue. Please review and revise the TIS accordingly.*

Attached to this response is the updated TIS which has been corrected to reflect the above comment. The TIS has been also updated to include the traffic data from the most recent 2017 Lee County Traffic Count Report.

13) *The traffic growth rate used in the TIS LOS analysis for at least one link appears low. See Treeline Avenue north of Daniels Parkway. In addition, the traffic count station identifier on Treeline Avenue north of Daniels Parkway appears incorrect. Please review and revise the TIS accordingly.*

Attached to this response is the updated TIS. The growth rates have been corrected based on the most recent 2017 Lee County Traffic Count Report.

14) *The TIS does not appear to contain a LOS analysis for the project's access points. Please review and revise the TIS accordingly.*

Attached to this response is the updated TIS which now includes the intersection analysis of the above intersection.

If you have any additional questions, please do not hesitate to contact us.

Sincerely,

Ted B. Treesh, PTP
President

Yury Bykau, E.I.
Transportation Consultant

Attachments

K:\2017\08 August\09 Treeline 115 Rezoning Sufficiency 4-13-2018 Sufficiency.doc

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TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

TRAFFIC IMPACT STATEMENT

FOR

TREELINE 115 MPD

(PROJECT NO. F1708.09)

PREPARED BY:
TR Transportation Consultants, Inc.
Certificate of Authorization Number: 27003
2726 Oak Ridge Court, Suite 503
Fort Myers, Florida 33901-9356
(239) 278-3090

Revised: April 13, 2017

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TR TRANSPORTATION CONSULTANTS, INC

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I. INTRODUCTION

II. EXISTING CONDITIONS

III. PROPOSED DEVELOPMENT

IV. TRIP GENERATION

V. TRIP DISTRIBUTION

VI. FUTURE TRAFFIC CONDITIONS

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

VIII. CONCLUSION

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TR TRANSPORTATION CONSULTANTS, INC

I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking rezoning approval. The subject site is located on the west site of Treeline Avenue approximately ½ of a mile north of Daniels Parkway in Lee County, Florida. The approximate location of the subject site is illustrated on **Figure 1**.

The applicant is requesting a rezoning of the subject site from Agricultural (AG-2) and Light Industrial (IL) to Mixed Use Planned Development (MPD) to accommodate a future development of a mix of retail, office and residential uses. The proposed rezoning would allow the approximate 115 acre subject site to be developed with up to 50,000 square feet of retail uses, 25,000 square feet of general office uses, 25,000 square feet medical office uses as well as an option to develop the residential portion of the site with either 487 multi-family units or 275 single-family units. Access to the subject site is proposed to Treeline Avenue via a full site access drive opposite of Dartington Drive.

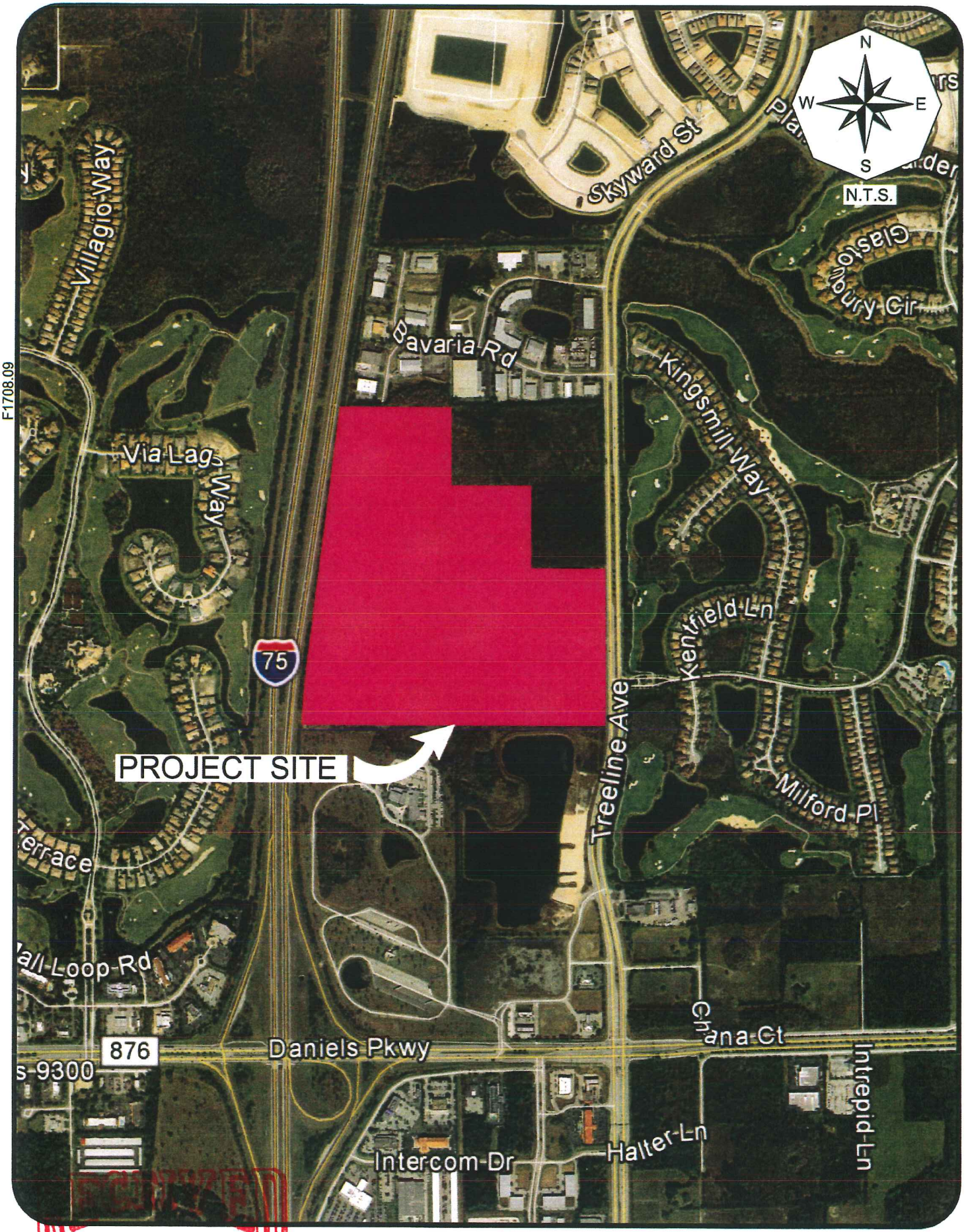
This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the various site access drives were completed and an analysis conducted to determine the impacts of the development on the surrounding streets and intersections.

II. EXISTING CONDITIONS

The site is currently vacant. The site is bordered by I-75 to the west, Treeline Center to the north, Treeline Avenue to the east and by Florida Highway Patrol and a retention pond to the south.

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PROJECT LOCATION MAP
TREELINE 115 MPD

Figure 1

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Treeline Avenue is a north/south four lane divided arterial that borders the subject site to the east. Treeline Avenue has a posted speed limit of 50 mph and is under the jurisdiction of the Lee County Department of Transportation.

Daniels Parkway is an east/west six lane divided arterial within the vicinity of the subject site. Daniels Parkway has a posted speed limit of 50 mph and is under the jurisdiction of the Lee County Department of Transportation.

III. PROPOSED DEVELOPMENT

The applicant is proposing to rezone the subject site from Agricultural (AG-2) and Light Industrial (IL) to Mixed Use Planned Development (MPD) to accommodate a future development of a mix of retail, office and residential uses. The proposed rezoning would allow the approximate 115 acre subject site to be developed up to 50,000 square feet of retail uses, 25,000 square feet of general office uses, 25,000 square feet medical office uses as well as an option to develop the residential portion of the site with either 487 multi-family units or 275 single-family units. The land uses utilized for the purpose of this analysis are outlined within **Table 1** below.

Table 1
Land Uses
Treeline 115 MPD

Land Use	Size
Shopping Center (LUC 820)	50,000 square feet
General Office (LUC 710)	25,000 square feet
Medical-Dental Office (LUC 720)	25,000 square feet
Multifamily Housing (Low Rise) (LUC 220) **OR** Single-Family Detached Housing (LUC 210)	487 MF dwelling units **OR** 275 SF dwelling units

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Access to the subject site is proposed to Treeline Avenue via a full site access drive opposite of Dartington Drive.

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation***, 10th Edition. Land Use Code 820 (Shopping Center) was utilized for the trip generation purposes of the retail uses, Land Use Code 710 (General Office Building) was utilized for the trip generation purposes of the general office uses, Land Use Code 720 (Medical-Dental Office Building) was utilized for the trip generation purposes of the medical office uses, Land Use Code 220 (Multifamily Housing Low-Rise) was utilized for the trip generation purposes of the multi-family residential uses and Use Code 210 (Single-Family Detached Housing) was utilized for the trip generation purposes of the single-family residential uses. The equations for these land uses are contained in the Appendix of this report for reference.

Since the residential portion of the subject site has an option to be developed with either 487 multi-family uses or 275 single-family uses, a trip generation comparison was conducted in order to determine which option yields the most conservative results in terms of trip generation potential. Based upon the results of the trip generation comparison, developing the subject site with 275 single-family uses yields the most conservative results. The trip generation comparison is attached to the Appendix of this report for reference. **Table 2** indicates the anticipated weekday A.M. and P.M. peak hour trip generation of the subject site. The anticipated daily trip generation of the subject site is also indicated within Table 2.

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Table 2
Trip Generation – Total Trips
Treeline 115 MPD

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (50,000 Sq. Ft.)	110	67	177	156	169	325	3,752
General Office (25,000 Sq. Ft.)	43	7	50	5	26	31	277
Medical-Dental Office (25,000 Sq. Ft.)	51	14	65	24	63	87	873
Single-Family Detached Housing (275 dwelling units)	50	150	200	169	99	268	2,637
Total Trips	**254**	**238**	**492**	**354**	**357**	**711**	**7,539**

However, with mixed use projects, ITE estimates that there will be a certain amount of interaction between uses that will reduce the overall trip generation of the project. This interaction is called "internal capture". In other words, trips that would normally come from external sources would come from uses that are within the project, thus reducing the overall impact the development has on the surrounding roadways. ITE, in conjunction with a study conducted by the ***NCHRP*** (National Cooperative Highway Research Program), has summarized the internal trip capture reductions between various land uses. For this project, there is data in the ITE report for interaction between the hotel, residential and retail uses.

An internal capture calculation was completed consistent with the methodologies in the NCHRP Report and published in the ITE ***Trip Generation Handbook***, 3rd Edition, dated September 2017. The resultant analysis indicates that there will be an internal trip capture reduction of five percent (7%) in the A.M. peak hour and twenty-five percent (23%) in the P.M. peak hour between the retail, office and residential uses. The summary sheets utilized to calculate this internal capture rate for the weekday A.M. peak hour and P.M. peak hour are included in the Appendix of this report for reference. Additionally, pass-by traffic was taken into account based on the retail uses of the proposed development. The current version of the ITE ***Trip Generation Handbook***, 3rd Edition, indicates that the

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weekday PM peak hour pass-by rate for Land Use Code 820 is thirty-four (34%). However, consistent with previous analysis approved by the Lee County, thirty percent (30%) of the project traffic being generated by the retail uses was assumed to be pass-by traffic. **Table 3** indicates the total external trips that will access the proposed development.

Table 3
Trip Generation – Net New Trips
Treeline 115 MPD

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Total Trips	254	238	492	354	357	711	7,539
Less Internal Capture 7% AM / 23% PM	-18	-16	-34	-82	-82	-164	-1,734
Less LUC 820 Pass-By Trips	-25	-25	-50	-37	-38	-75	-867
Net New Trips	**211**	**197**	**408**	**235**	**237**	**472**	**4,938**

Note – Internal Capture reduction only applies to retail, office and residential uses.

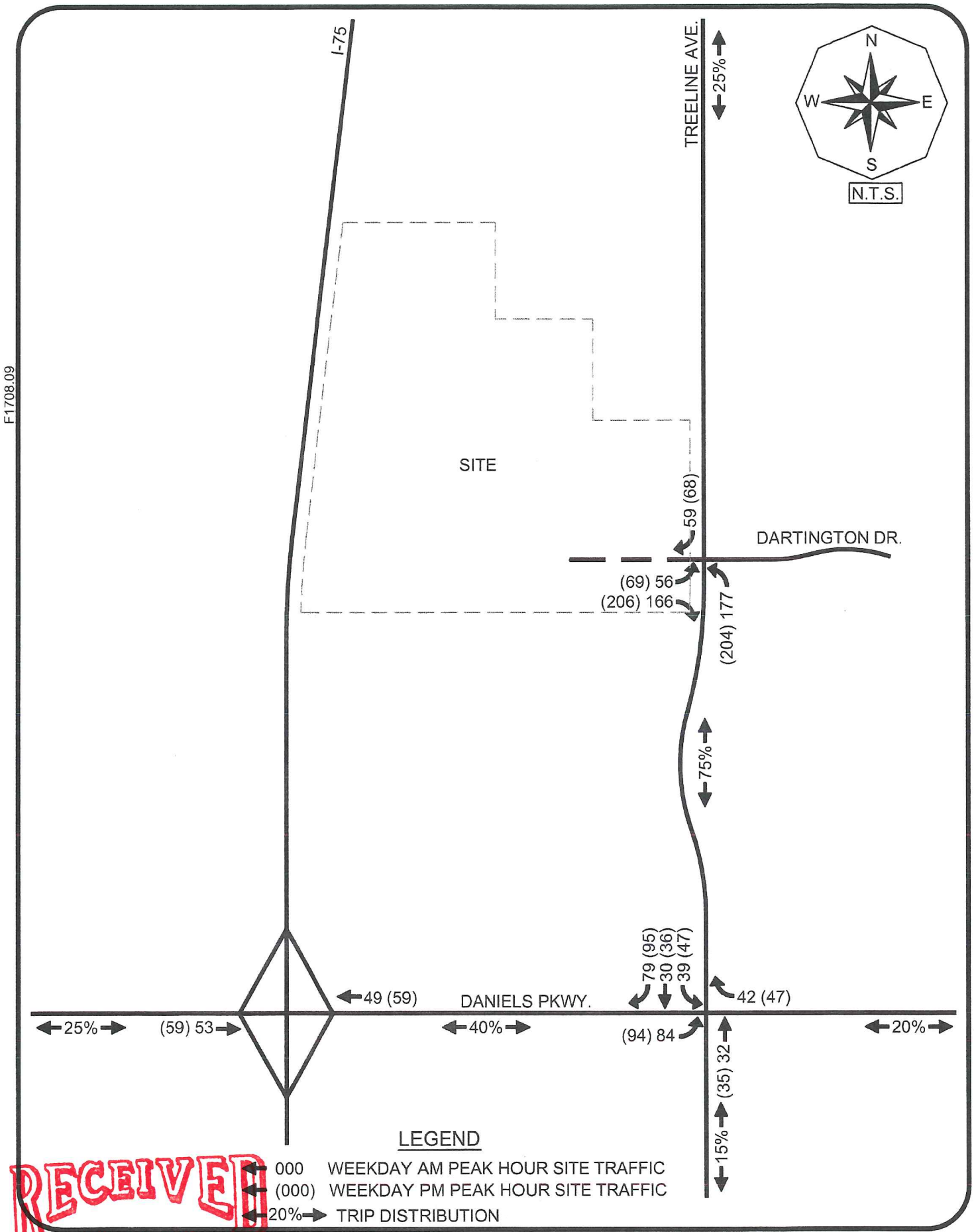
V. TRIP DISTRIBUTION

The trips generated by the new development which are shown in Table 3, were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. The net new trips anticipated to be added to the surrounding roadway network were assigned based upon the routes drivers are anticipated to utilize to approach the subject site. **Figure 2** illustrates the percent project traffic distribution and assignment of the net new project trips.

In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines **Table 1A**, contained in the Appendix, was created. This table indicates which roadway links in the vicinity of the subject site will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service "C" volumes, as defined by the Lee County Generalized Peak Hour Directional Service Volume Tables. From Table 1A, none of the roadway segments analyzed are anticipated to be significantly impacted by the proposed development.

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TRIP DISTRIBUTION & SITE TRAFFIC ASSIGNMENT TREELINE 115 MPD

Figure 2

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VI. FUTURE TRAFFIC CONDITIONS

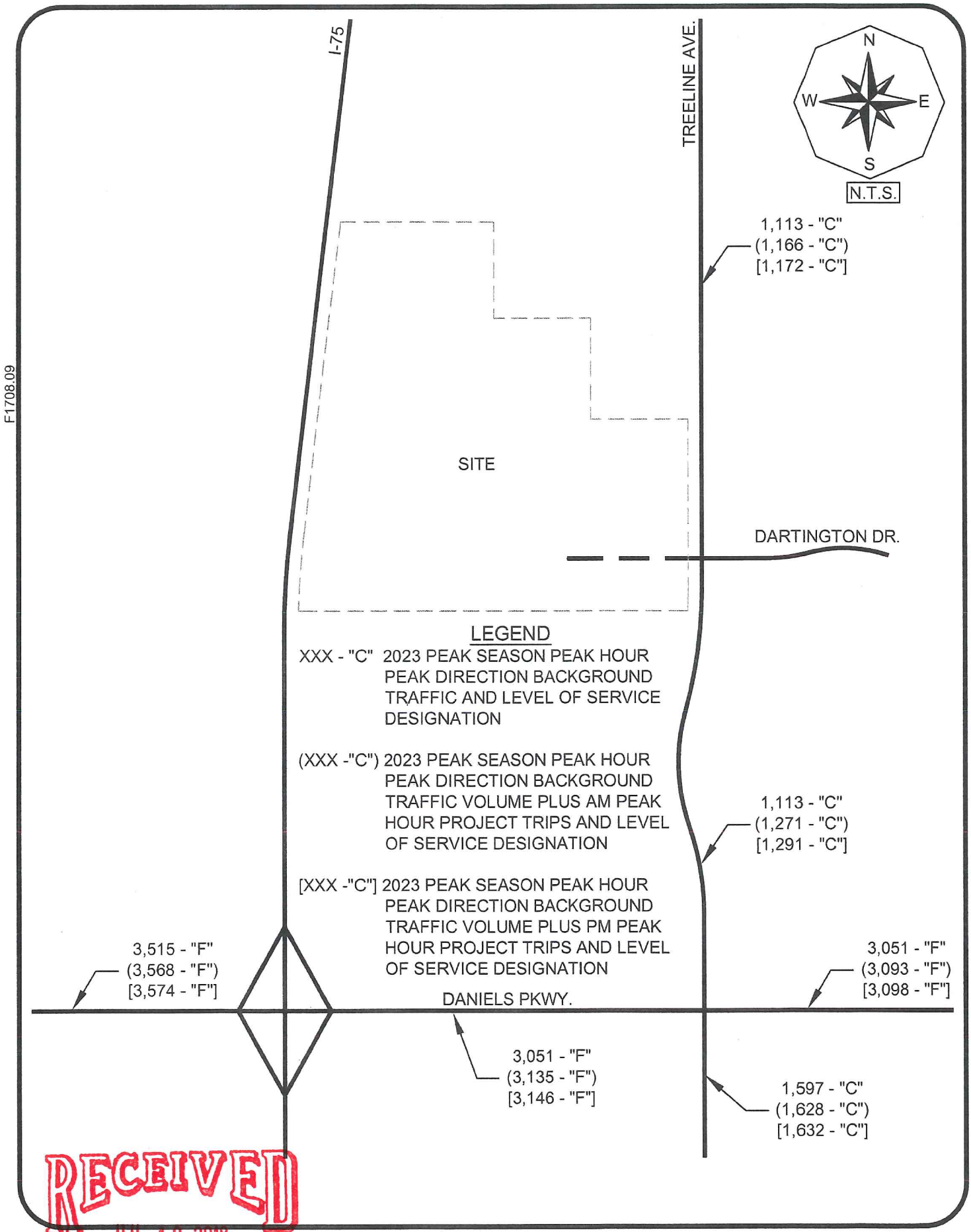
A horizon year analysis of 2023 was selected as the analysis year to evaluate the future impacts this project will have on the surrounding roadway network. Based on this horizon year, a growth rate was applied to the existing traffic conditions for all roadway links that could be significantly impacted by this development. The growth rates were obtained through comparisons of annual traffic data obtained from 2017 Lee County Traffic Count Report. Based on the project distribution illustrated on Figure 2, the link data was analyzed for the year 2023 without the development and year 2023 with the development.

Table 2A in the Appendix of the report indicates the methodology utilized to obtain the year 2023 build-out traffic volumes as well as the growth rate utilized for each roadway segment. The base year traffic volumes were obtained from the 2017 Lee County Public Facilities Level of Service and Concurrency Report.

Figure 3 indicates the year 2023 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday A.M. and P.M. peak hours with the development traffic added to the roadways. This figure was derived from Table 2A contained in the Appendix.

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PROJECTED 2023 LEVEL OF SERVICE ANALYSIS

TREELINE 115 DRI

DRI 2018-00 07

Figure 3

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Figure 3 details the Level of Service for all links inside the project's area of influence based on this analysis. In comparing the links' functional classification and calculated 2023 traffic volumes to the Service Volume Tables, it was determined that all roadway links except for Daniels Parkway, will continue to operate at an acceptable Level of Service in 2023 both with and without the proposed development. All analyzed segments of Daniels Parkway are shown to operate at a LOS "F" both with and without the project in the year 2023. Therefore, Daniels Parkway is considered as future transportation deficiency that this project should not be responsible for mitigating. All other roadway links analyzed are shown to operate at a LOS "C" both with and without the proposed development in the year 2023. Therefore roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development.

Intersection analysis was performed at the unsignalized intersection of Treeline Avenue and project's access point under the AM and PM peak hour traffic conditions. Analysis of this intersection was completed based on the projected 2023 traffic conditions with the project trips added to the intersection. The through volumes on Treeline Avenue were obtained by growing the 2017 AADT volume by the appropriate annual growth rate as determined in Table 2A. The projected 2023 AADT volume was then factored by appropriate K and D factors in order to obtain the projected 2023 AM and PM peak hour peak season directional volumes. The Highway Capacity Software **HCS®** was then utilized to determine the operational characteristics of the intersection. The analysis indicates that all approaches on Treeline Avenue will operate at an acceptable Level of Service in both AM and PM peak hours in 2023 with the development traffic added to the intersection. Therefore, no improvements are recommended to the unsignalized intersection of Treeline Avenue and project's access point. The HCS results are attached to this response for reference.

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Turn lane improvements at the site access drive intersections will be evaluated at the time the project seeks Local Development Order approval.

VIII. CONCLUSION

The development of the subject property with approximately 50,000 square feet of retail uses, 25,000 square feet of general office uses, 25,000 square feet of medical office uses as well as with an option of 487 multi-family units or 275 single-family units on the west site of Treeline Avenue approximately ½ of a mile north of Daniels Parkway in Lee County, Florida will not degrade the roadway Level of Service on the roadways within the study area. All of the roadway links except for Daniels Parkway, will continue to operate at an acceptable Level of Service pursuant to the Lee County Comprehensive Plan in 2023 both with and without the proposed development. Daniels Parkway is shown to operate below the minimum acceptable Level of Service in 2023 both with and without the proposed Treeline 115 MPD development. For this reason, Daniels Parkway is considered as future transportation deficiency that this project should not be responsible for mitigating. Therefore, the existing roadway networks can accommodate the additional new vehicle trips the development is anticipated to generate.

Intersection analysis was conducted at the intersection of Treeline Avenue with the proposed site access. The analysis indicates that all approaches on Treeline Avenue will operate at an acceptable Level of Service in both AM and PM peak hours in 2023 with the development traffic added to the intersection. Therefore, no improvements are recommended to the unsignalized intersection of Treeline Avenue and project's access point. Site specific turn lane improvements will be warranted based on the Lee County Turn Lane Policy and will be further defined in the Development Order process.

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APPENDIX

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TABLE 1A & 2A

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TABLE 1A
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
TREELINE 115 - REZONING

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 408 VPH IN= 211 OUT= 197

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 472 VPH IN= 235 OUT= 237

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Daniels Pkwy	E. of Palomino Ln.	6LD	0	400	2840	2940	2940	25%	59	2.1%
	E. of I-75	6LD	0	400	2840	2940	2940	40%	95	3.3%
	E. of Treeline Ave.	6LD	0	400	2840	2940	2940	20%	47	1.7%
Treeline Ave.	N. of Site	4LD	0	250	1,840	1,960	1,960	25%	59	3.2%
	N. of Daniels Pkwy	4LD	0	250	1,840	1,960	1,960	75%	178	9.7%
	S. of Daniels Pwky	4LD	0	250	1,840	1,960	1,960	15%	36	1.9%

* The Level of Service thresholds were for all roadways were obtained from the Lee County Generalized Service Volume Table.

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TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
TREELINE 115 - REZONING

TOTAL PROJECT TRAFFIC AM = 408 VPH IN = 211 OUT= 197
TOTAL PROJECT TRAFFIC PM = 472 VPH IN= 235 OUT= 237

ROADWAY	SEGMENT	SITE/ STATION	BASE YR ADT	LATEST ADT	YRS OF GROWTH.[1]	ANNUAL RATE	2016 PK HR PK SEASON PEAK DIR.[2]	2023 PK HR PK SEASON PEAK DIRECTION VOLUME	LOS	V/C Ratio	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2023 BCKGRND + AM PROJ VOLUME	LOS	V/C Ratio	2023 BCKGRND + PM PROJ VOLUME	LOS	V/C Ratio
Daniels Pkwy	E. of Palomino Ln.	264	52,000	52,400	8	2.00%	3,060	3,515	F	1.20	25%	53	59	3,568	F	1.21	3,574	F	1.22
	E. of I-75	52	48,000	52,600	8	2.00%	2,656	3,051	F	1.04	40%	84	95	3,135	F	1.07	3,146	F	1.07
	E. of Treeline Ave.	52	48,000	52,600	8	2.00%	2,656	3,051	F	1.04	20%	42	47	3,093	F	1.05	3,098	F	1.05
Treeline Ave.	N. of Site	62	6,900	11,800	8	6.94%	696	1,113	C	0.57	25%	53	59	1,166	C	0.59	1,172	C	0.60
	N. of Daniels Pkwy	62	6,900	11,800	8	6.94%	696	1,113	C	0.57	75%	158	178	1,271	C	0.65	1,291	C	0.66
	S. of Daniels Pwky	61	25,100	23,800	8	2.00%	1,390	1,597	C	0.81	15%	32	36	1,628	C	0.83	1,632	C	0.83

1 Annual Growth Rate was calculated utilizing AADT data from 2017 Lee County Traffic Count Report.

2 2016 peak hour peak season peak direction traffic volumes were obtained from the 2017 Public Facilities Level of Service and Concurrency Report.

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LEE COUNTY GENERALIZED SERVICE VOLUMES TABLE

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Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

April 2016 c:\input5

Uninterrupted Flow Highway

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	130	420	850	1,210	1,640
2	Divided	1,060	1,810	2,560	3,240	3,590
3	Divided	1,600	2,720	3,840	4,860	5,380

Arterials

Class I (40 mph or higher posted speed limit)

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	140	800	860	860
2	Divided	*	250	1,840	1,960	1,960
3	Divided	*	400	2,840	2,940	2,940
4	Divided	*	540	3,830	3,940	3,940

Class II (35 mph or slower posted speed limit)

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	330	710	780
2	Divided	*	*	710	1,590	1,660
3	Divided	*	*	1,150	2,450	2,500
4	Divided	*	*	1,580	3,310	3,340

Controlled Access Facilities

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	160	880	940	940
2	Divided	*	270	1,970	2,100	2,100
3	Divided	*	430	3,050	3,180	3,180

Collectors

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	310	660	740
1	Divided	*	*	330	700	780
2	Undivided	*	*	730	1,440	1,520
2	Divided	*	*	770	1,510	1,600

Note: the service volumes for I-75 (freeway), bicycle mode, pedestrian mode, and bus mode should be from FDOT's most current version of LOS Handbook.

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TRAFFIC DATA FROM THE 2017 LEE COUNTY PUBLIC FACILITIES LEVEL OF SERVICE AND CONCURRENCY REPORT

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Table 18 (cont.): Existing and Future Roadway LOS on County-Maintained Arterials in Unincorporated Areas

ROADWAY LINK				100TH HIGHEST HOUR DIRECTIONAL VOLUMES						
				STANDARD		2016		2021		
NAME	FROM	TO	TYPE	LOS	MAX	LOS	EXISTING	LOS	FUTURE	NOTES
CYPRESS LAKE DR	McGREGOR BLVD	SOUTH POINT BLVD	4LD	E	1,940	D	1,249	D	1,313	
	SOUTH POINT BLVD	WINKLER RD	4LD	E	1,940	D	1,249	D	1,313	
	WINKLER RD	SUMMERLIN RD	4LD	E	1,940	D	1,315	D	1,382	
	SUMMERLIN RD	US 41	6LD	E	2,940	D	2,101	D	2,208	
DANIELS PKWY	US 41	METRO PKWY	6LD	E	2,680	D	2,291	D	2,408	
	METRO PKWY	SIX MILE PKWY	6LD	E	2,680	D	2,109	D	2,381	Constrained
	SIX MILE PKWY	PALOMINO LN	6LD	E	3,040	F	3,060	F	3,359	Constrained
	PALOMINO LN	I-75	6LD	E	3,040	F	3,060	F	3,216	Constrained
	I-75	TREELINE AVE	6LD	E	3,260	B	2,656	B	2,791	
	TREELINE AVE	CHAMBERLIN PKWY	6LD	E	3,260	B	2,656	B	2,791	
	CHAMBERLIN PKWY	GATEWAY BLVD	6LD	E	3,260	B	2,589	B	2,721	
	GATEWAY BLVD	SR 82	4LD	E	2,160	B	1,928	B	2,108	SKY Walk
DEL PRADO BLVD	US 41	SLATER RD	2LN	E	860	C	380	F	878	old count, Crane Landing
GLADIOLUS DR	McGREGOR BLVD	PINE RIDGE RD	4LD	E	1,840	C	634	C	666	
	PINE RIDGE RD	BASS RD	4LD	E	1,840	C	1,233	C	1,337	
	BASS RD	WINKLER RD	6LD	E	2,780	C	1,233	C	1,296	
	WINKLER RD	SUMMERLIN RD	6LD	E	2,780	C	1,233	C	1,296	
	SUMMERLIN RD	US 41	6LD	E	2,780	B	2,026	C	2,171	
GUNNERY RD	SR 82	23RD ST SW	4LD	E	1,920	B	1,017	B	1,086	
	23RD ST SW	LEE BLVD	4LD	E	1,920	B	1,017	B	1,086	
	LEE BLVD	BUCKINGHAM RD	2LN	E	1,020	C	763	C	896	
HANCOCK BRIDGE PKWY	NE 24TH AVE	ORANGE GROVE BLVD	4LD	E	1,880	B	1,397	B	1,468	
	ORANGE GROVE BLVD	MOODY RD	4LD	E	1,880	B	1,382	B	1,452	
	MOODY RD	US 41	4LD	E	1,880	B	1,382	B	1,452	
HOMESTEAD RD	SR 82	MILWAUKEE BLVD	2LN	E	1,010	D	506	E	532	
	MILWAUKEE BLVD	SUNRISE BLVD	2LN	E	1,010	D	506	E	532	
	SUNRISE BLVD	LEELAND HEIGHTS	4LN	E	2,960	D	1,239	D	1,302	4 lane under construction
	LEELAND HEIGHTS	LEE BLVD	4LN	E	2,960	D	1,239	D	1,302	
JOEL BLVD	BELL BLVD	18TH ST	4LN	E	2,120	B	622	B	831	Joel Blvd CPD
	18TH ST	SR 80	2LN	E	1,010	C	377	C	396	
LEE BLVD	SR 82	ALVIN AVE	6LD	E	2,840	B	2,552	B	2,682	
	ALVIN AVE	GUNNERY RD	6LD	E	2,840	B	2,064	B	2,184	
	GUNNERY RD	HOMESTEAD RD	6LD	E	2,840	B	2,364	B	2,485	
	HOMESTEAD RD	WILLIAMS AVE	4LD	E	1,980	B	649	B	682	
	WILLIAMS AVE	LEELAND HEIGHTS	2LN	E	1,020	B	649	B	682	
LEELAND HEIGHTS	HOMESTEAD RD	JOEL BLVD	4LN	E	1,800	B	832	B	853	
LITTLETON RD	CORBETT RD	US 41	2LN	E	860	C	393	C	413	
	US 41	BUS 41	2LN	E	860	C	431	C	453	
LUCKETT RD	ORTIZ AVE	I-75	2LN	E	880	B	357	B	439	4 Ln design & ROW

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Table 18 (cont.): Existing and Future Roadway LOS on County-Maintained Arterials in Unincorporated Areas

ROADWAY LINK				100TH HIGHEST HOUR DIRECTIONAL VOLUMES						
				STANDARD		2016		2021		NOTES
NAME	FROM	TO	TYPE	LOS	MAX	LOS	EXISTING	LOS	FUTURE	
THREE OAKS PKWY	ESTERO PKWY	SAN CARLOS BLVD	4LD	E	1,940	B	1,120	B	1,221	
	SAN CARLOS BLVD	ALICO RD	4LD	E	1,940	B	665	B	838	
TREELINE AVE	TERMIMAL ACCESS RD	DANIELS PKWY	4LD	E	1,980	B	1,455	B	1,673	Harley Davidson
	DANIELS PKWY	AMBERWOOD RD	4LD	E	1,980	A	754	A	792	
WINKLER RD	SUMMERLIN RD	GLADIOLUS DR	4LD	E	1,520	D	469	D	495	
	GLADIOLUS DR	BRANDYWINE CIR	2LN	E	880	B	593	B	625	
	BRANDYWINE CIR	CYPRESS LAKE DR	2LN	E	880	B	666	B	700	
	CYPRESS LAKE DR	COLLEGE PKWY	4LD	E	1,780	D	669	D	756	old count projection
	COLLEGE PKWY	McGREGOR BLVD	2LN	E	800	B	350	B	395	old count projection

F = Does not meet the County adopted LOS standard (NOTE: Below LOS standard is acceptable on constrained roads)

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TRAFFIC DATA FROM THE 2017 LEE COUNTY TRAFFIC COUNT REPORT

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STREET	LOCATION	Station #	Daily Traffic Volume (AADT) 2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	PCS	Area
DANIELS PKWY	E OF SIX MILE PKWY	31	58600	56100	55600	53600	52200	53200	51800	53200	59700			
DANIELS PKWY	W OF I - 75	264	49300	52000	47900	58400	60900	48700	51500	60600		52400	31	
DANIELS PKWY	E OF I - 75	52	33400	48000	49000	48000	49500	44800	47100	44200		52600		
DANIELS PKWY	E OF CHAMBERLIN PKWY	48	35100	34200	36100	35700		35800	38100	37300	41900		31	
DANIELS PKWY	W OF GATEWAY BLVD	89								35800	34500			
DANIELS PKWY	S OF IMMOKALEE RD	524	17400	23400	25800	24400	29800	20600	28200	29000	33400	32100	48	
DANLEY RD	W OF METRO PKWY	518	4300	4900	4500				4900		6300		45	
DAVIS RD	N OF McGREGOR BLVD	265	1900	2200	2000								36	
DEL PRADO BLVD	S OF SE 46TH LN	266	26400	28100									2	
DEL PRADO BLVD	S OF CORONADO PKWY	268	32200	30000									2	
DEL PRADO BLVD	S OF CORNWALLIS PKWY	2	39700	38600	37800	37400	36600	37100	37800	38300				
DEL PRADO BLVD	S OF EVEREST PKWY	515	46700	49000									2	
DEL PRADO BLVD	N OF VETERANS PKWY	516	49600	51300									40	
DEL PRADO BLVD	AT FOUR MILE COVE RD	40	50000	47100	48600	48300	45200	45800	46500	45600	46500	46400		
DEL PRADO BLVD	S OF HANCOCK PKWY	270	46500	42600									40	
DEL PRADO BLVD	S OF PINE ISLAND RD	267	35500	29600	29000								40	
DEL PRADO BLVD	E OF US 41	443	5000	4900				4700	5400	6000	6600	7200	34	
E 21ST ST	E OF JOEL BLVD	475	500	500									22	
EAST TERRY ST	E OF OLD 41	271	13000	11900									42	
EDGEWOOD AVE	W OF SHOEMAKER BLVD	632	1500	1100									11	

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STREET	LOCATION	Station #	Daily Traffic Volume (AADT) 2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	PCS	Area
SUNRISE BLVD	E OF BELL BLVD	480	800	700	900								6	
SUNSHINE BLVD	N OF IMMOKALEE RD	413	3600	2800	3000			3900	4000		3900		22	
SUNSHINE BLVD	S OF LEE BLVD	406	5300	5700	6500			6100	7100		7500		22	
SUNSHINE BLVD	N OF LEE BLVD (CR 884)	412	9100	8600	9600			10300	8300		10100		22	
SUNSHINE BLVD	N OF W 12TH ST	479	6200	5200									22	
TERMINAL ACCESS RD	E OF TREELINE AVE	59	23800	23400	23800	24000	23300	23500	26400					
THREE OAKS PKWY	S OF CORKSCREW RD	525	17700	15700	16700	16100	18700	18800		20900	21800	25100	25	
THREE OAKS PKWY	N OF CORKSCREW RD	415		15100	13200	14700	20200	19900					25	
THREE OAKS PKWY	S OF ESTERO PKWY	72						16000	16600	16500	16800	16900		
THREE OAKS PKWY	S OF ALICO RD	414			9500	9500	12700	13700	11800	12300	13100	14100	25	
TICE ST	W OF ORTIZ AV	417	2900	2500	2600								20	
TICE ST	W OF I 75	416	2600	2200	2400				3000		3500		20	
TREELINE AVE	S OF COLONIAL BLVD	453		8800	7300								61	
TREELINE AVE	S OF PELICAN COLONY BLVD	62	5600	6900	6600	7300	8200	8900	9700	10800	11600	11800		
TREELINE AVE	N OF DANIELS PKWY	454	5600	4500	5400								61	
TREELINE AVE	S OF DANIELS PKWY	502	23500	25900	22100								61	
TREELINE AVE	N OF AIRPORT TERMINAL	61	25500	25100	24000	23600	23800	24500	25500	23800	25000	23800		
12 ST W	E OF GUNNERY RD	472	3100	3200	3400					4100			22	
23RD ST SW	E OF GUNNERY RD	469	8700	9400	10100			10200	11000		11800	12700	22	

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PCS 62 - Treeline Ave south of Pelican Preserve Blvd

2017 AADT = 11,800 VPD

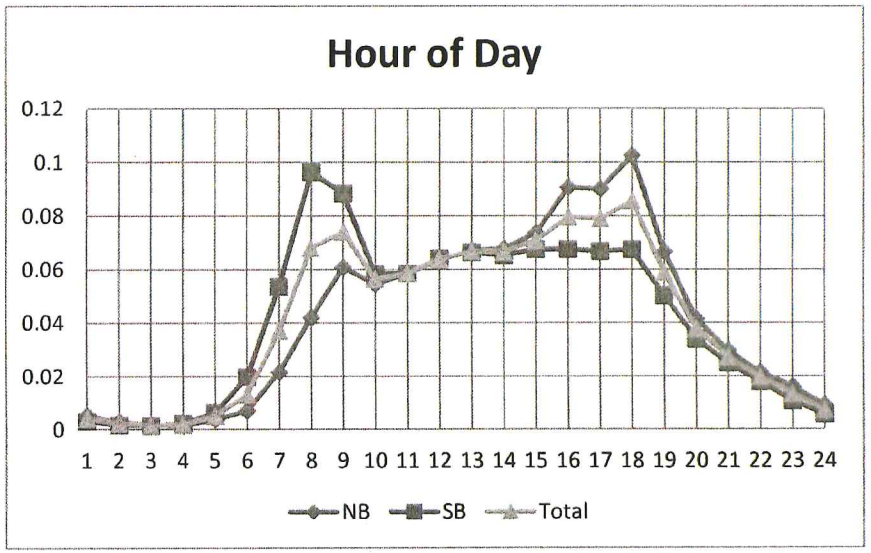
Hour	NB	SB	Total
0	0.53%	0.32%	0.43%
1	0.29%	0.18%	0.24%
2	0.17%	0.15%	0.16%
3	0.15%	0.24%	0.19%
4	0.38%	0.65%	0.51%
5	0.72%	1.99%	1.33%
6	2.17%	5.37%	3.70%
7	4.20%	9.64%	6.81%
8	6.08%	8.84%	7.40%
9	5.45%	5.84%	5.63%
10	5.84%	5.86%	5.85%
11	6.35%	6.42%	6.38%
12	6.72%	6.64%	6.68%
13	6.78%	6.53%	6.66%
14	7.37%	6.76%	7.08%
15	9.07%	6.76%	7.96%
16	9.02%	6.69%	7.90%
17	10.26%	6.75%	8.58%
18	6.66%	5.02%	5.88%
19	4.13%	3.39%	3.78%
20	2.97%	2.51%	2.75%
21	2.16%	1.80%	1.98%
22	1.61%	1.07%	1.35%
23	0.92%	0.58%	0.75%

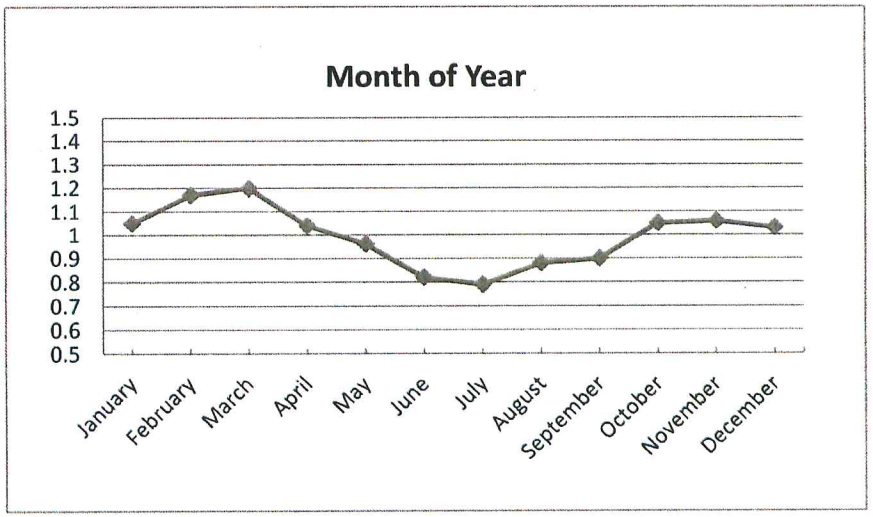
Month of Year	Fraction
January	1.05
February	1.17
March	1.2
April	1.04
May	0.96
June	0.82
July	0.79
August	0.88
September	0.9
October	1.05
November	1.06
December	1.03

Directional Factor		
AM	0.71	SB
PM	0.57	NB

Day of Week	Fraction
Sunday	0.63
Monday	1.04
Tuesday	1.13
Wednesday	1.13
Thursday	1.13
Friday	1.15
Saturday	0.79

Design Hour Volume		
#	Volume	Factor
5	1764	0.149
10	1694	0.144
20	1596	0.135
30	1492	0.126
50	1401	0.119
100	1335	0.113
150	1298	0.110
200	1273	0.108





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INTERNAL CAPTURE WORKSHEETS

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Internal Capture Calculation Summary Sheet

Weekday AM Peak Hour

Exit to External: 62
Enter from External: 102

Land Use A - Retail Uses

	Total	Internal	External
Enter	110	8	102
Exit	67	5	62
Total	177	13	164
%	100%	7%	93%

29% 19 Demand
4 Balanced
4% 4 Demand

32% 35 Demand
6 Balanced
28% 6 Demand

14% 9 Demand
1 Balanced
2% 1 Demand

17% 19 Demand
2 Balanced
1% 2 Demand

Exit to External: 15
Enter from External: 87

Land Use B - Office Uses

	Total	Internal	External
Enter	94	7	87
Exit	21	6	15
Total	115	13	102
%	100%	11%	89%

Demand		Balance	Demand	
3%	3	3	2%	3
1%	0	0	0%	0

Land Use C - Residential Uses

	Total	Internal	External
Enter	50	1	49
Exit	150	5	145
Total	200	6	194
%	100%	3%	97%

Exit to External: 145
Enter from External: 49

Net External Trips for Multi-Use Development

	Land Use A	Land Use B	Land Use C	Total
Enter	102	87	49	238
Exit	62	15	145	222
Total	164	102	194	460
Single-Use Trip Gen. Est.	177	115	200	492

Internal Capture Rate: 7%

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Internal Capture Calculation Summary Sheet

WEEKDAY PM PEAK HOUR

Exit to External: 122

Enter from External: 128

Land Use A - Retail Uses

	Total	Internal	External
Enter	156	28	128
Exit	169	47	122
Total	325	75	250
%	100%	23%	77%

2% | 3 Demand
3 Balanced
31% | 9 Demand

8% | 12 Demand
12 Balanced
20% | 18 Demand

26% | 44 Demand
44 Balanced
46% | 78 Demand

10% | 16 Demand
16 Balanced
42% | 42 Demand

Exit to External: 75

Enter from External: 22

Land Use B - Office Uses

	Total	Internal	External
Enter	29	7	22
Exit	89	14	75
Total	118	21	97
%	100%	18%	82%

Demand		Balance	Demand	
57%	17	4	4%	4
2%	2	2	4%	7

Land Use C - Residential Uses

	Total	Internal	External
Enter	169	46	123
Exit	99	20	79
Total	268	66	202
%	100%	25%	75%

Exit to External: 79

Enter from External: 123

Net External Trips for Multi-Use Development

	Land Use A	Land Use B	Land Use C	Total
Enter	128	22	123	273
Exit	122	75	79	276
Total	250	97	202	549
Single-Use Trip Gen. Est.	325	118	268	711

Internal Capture Rate

23%

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HCS SUMMARY SHEETS

TREELINE AVENUE @ SITE ACCESS

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HCS7 Two-Way Stop-Control Report

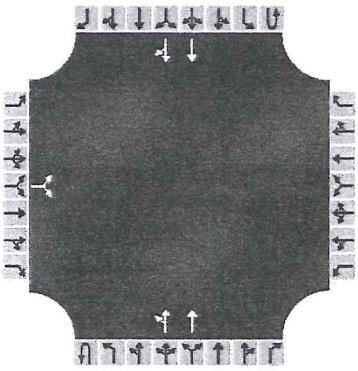
General Information

Analyst	YB
Agency/Co.	TR Transportation Consul.
Date Performed	4/12/2018
Analysis Year	2023
Time Analyzed	AM Peak Hour W/ Project
Intersection Orientation	North-South
Project Description	Treeline 115

Site Information

Intersection	Treeline Ave/Site Access
Jurisdiction	Lee County
East/West Street	Site Access
North/South Street	Treeline Ave
Peak Hour Factor	0.92
Analysis Time Period (hrs)	0.25

Lanes



Major Street: North-South

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	0	0	0	0	2	0	0	0	2	0
Configuration			LR							LT	T				T	TR
Volume, V (veh/h)		56		166						177	579				1415	59
Percent Heavy Vehicles (%)		3		3						3						
Proportion Time Blocked																
Percent Grade (%)		0														
Right Turn Channelized		No				No				No				No		
Median Type/Storage		Undivided														

Critical and Follow-up Headways

Base Critical Headway (sec)		7.5		6.9						4.1						
Critical Headway (sec)		6.86		6.96						4.16						
Base Follow-Up Headway (sec)		3.5		3.3						2.2						
Follow-Up Headway (sec)		3.53		3.33						2.23						

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)			241							192						
Capacity, c (veh/h)			60							400						
v/c Ratio			4.03							0.48						
95% Queue Length, Q_{95} (veh)			26.1							2.5						
Control Delay (s/veh)			1503.0							22.0						
Level of Service, LOS			F							C						
Approach Delay (s/veh)		1503.0								9.0						
Approach LOS		F														

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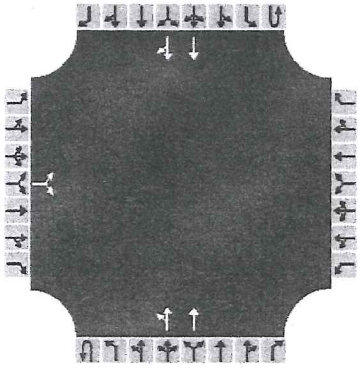
General Information

Analyst	YB
Agency/Co.	TR Transportation Consul.
Date Performed	4/12/2018
Analysis Year	2023
Time Analyzed	PM Peak Hour W/ Project
Intersection Orientation	North-South
Project Description	Treeline 115

Site Information

Intersection	Treeline Ave/Site Access
Jurisdiction	Lee County
East/West Street	Site Access
North/South Street	Treeline Ave
Peak Hour Factor	0.92
Analysis Time Period (hrs)	0.25

Lanes



Major Street: North-South

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	0	0	0	0	2	0	0	0	2	0
Configuration			LR							LT	T				T	TR
Volume, V (veh/h)		69		206						204	1137				857	68
Percent Heavy Vehicles (%)		3		3						3						
Proportion Time Blocked																
Percent Grade (%)		0														
Right Turn Channelized		No				No				No				No		
Median Type/Storage		Undivided														

Critical and Follow-up Headways

Base Critical Headway (sec)		7.5		6.9						4.1						
Critical Headway (sec)		6.86		6.96						4.16						
Base Follow-Up Headway (sec)		3.5		3.3						2.2						
Follow-Up Headway (sec)		3.53		3.33						2.23						

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)			299							222						
Capacity, c (veh/h)			110							678						
v/c Ratio			2.71							0.33						
95% Queue Length, Q_{95} (veh)			27.6							1.4						
Control Delay (s/veh)			855.6							12.9						
Level of Service, LOS			F							B						
Approach Delay (s/veh)		855.6								6.1						
Approach LOS		F														

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TRIP GENERATION EQUATIONS

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TRIP GENERATION EQUATIONS

TREELINE 115 MPD

ITE TRIP GENERATION REPORT, 10th EDITION
50,000 SQ.FT. RETAIL USES
25,000 SQ.FT. GENERAL OFFICE USES
25,000 SQ.FT. MEDICAL-DENTAL OFFICE USES
487 MULTI-FAMILY OR 275 SINGLE-FAMILY DWELLING UNITS

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
Shopping Center (LUC 820)	T = 0.50 (X) + 151.78 (62% In/38% Out)	Ln (T) = 0.74 Ln (X) + 2.89 (48% In/52% Out)	Ln (T) = 0.68 Ln (X) + 5.57
T = Trips, X = 1,000's of square feet GLA			
General Office (LUC 710)	T = 0.94 (X) + 26.49 (86% In/14% Out)	Ln (T) = 0.95 Ln (X) + 0.36 (16% In/84% Out)	Ln (T) = 0.97 Ln (X) + 2.50
T = Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			
Medical-Dental Office (LUC 720)	Ln (T) = 0.89 Ln (X) + 1.31 (78% In/22% Out)	T = 3.39 (X) + 2.02 (28% In/72% Out)	T = 38.42 (X) – 87.62
T = Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			
Multifamily Housing (Low-Rise) (LUC 220)	Ln (T) = 0.95 Ln (X) – 0.51 (23% In/77% Out)	Ln (T) = 0.89 Ln (X) – 0.02 (63% In/37% Out)	T = 7.56 (X) – 40.86
T = Trips, X = Number of Dwelling Units			
Single-Family Detached Housing (LUC 210)	T = 0.71 (X) + 4.80 (25% In/75% Out)	Ln (T) = 0.96 Ln (X) + 0.20 (63% In/37% Out)	Ln (T) = 0.92 Ln (X) + 2.71
T = Trips, X = Number of Dwelling Units			

Trip Generation based on 487 MF Dwelling Units (LUC 220)

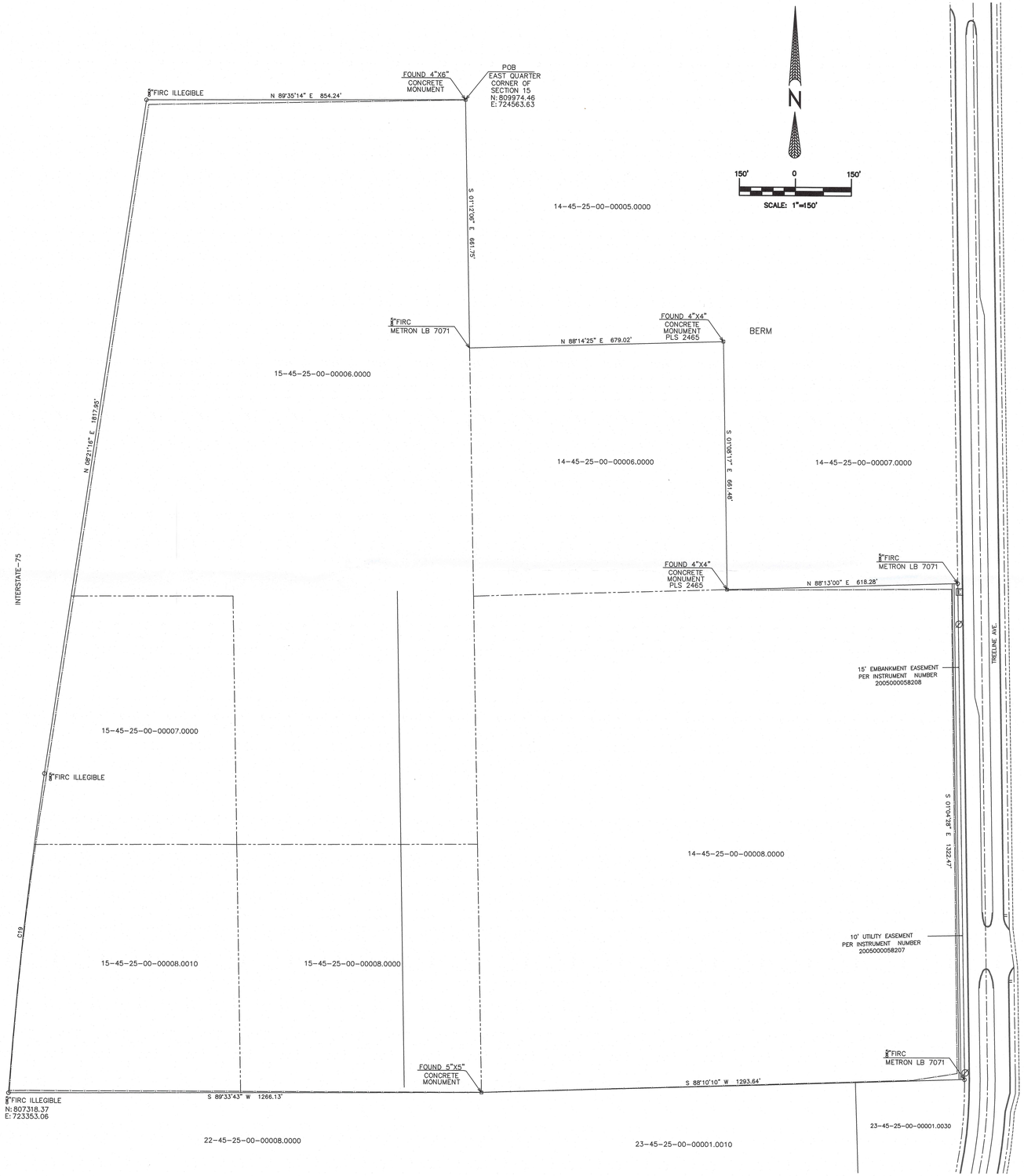
Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Multifamily Housing (Low-Rise) (487 Dwelling Units)	49	166	215	152	90	242	3,641

Trip Generation based on 275 SF Dwelling Units (LUC 210)

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Single-Family Detached Housing (275 Dwelling Units)	50	150	200	169	99	268	2,637

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BOUNDARY SURVEY
OF A PARCEL LYING IN SECTIONS 14 & 15, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA



DESCRIPTION:
14-45-25-00-00006.0000 (OFFICIAL RECORD 4212, PAGE 708)

THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 14. TOWNSHIP 45 SOUTH, RANGE 25 EAST,

AND

14-45-25-00-00008.0000 (OFFICIAL RECORD BOOK 4164, PAGE 1508)

THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LESS THE EAST 60 FEET FOR THE ROAD RIGHT OF WAY, SITUATED IN LEE COUNTY, FLORIDA.

AND

15-45-25-00-00006.0000 (OFFICIAL RECORD BOOK 4212, PAGE 708)

THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) AND THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 15, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LESS AND EXCEPT A PORTION OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 15 AS DESCRIBED IN THAT CERTAIN DEED RECORDED IN O.R. BOOK 1074, PAGE 748, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

AND

15-45-25-00-00007.0000 (OFFICIAL RECORD BOOK 4562, PAGE 1378)

THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA LYING EAST OF THE RIGHT OF WAY OF INTERSTATE 75.

AND

15-45-25-00-00008.0000
15-45-25-00-00008.0010 (OFFICIAL RECORD BOOK 4562, PAGE 1333)

THE SOUTH HALF (S 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 15, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, LESS AND EXCEPT THAT PARCEL DESCRIBED IN THAT CERTAIN DEED DATED AUGUST 13, 1974, GIVEN BY VELMA CANNON MCDONALD TO THE STATE OF FLORIDA, FOR I-75 RECORDED IN O.R. BOOK 1050, PAGE 257, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

DESCRIPTION (PER NOTE 9. BELOW)

A TRACT OR PARCEL OF LAND IN SECTIONS 14 & 15, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 15, WHICH IS THE POINT OF BEGINNING OF THE PARCEL HEREIN BEING DESCRIBED:
THENCE S 01°12'06" E A DISTANCE OF 661.75'
THENCE N 88°14'25" E A DISTANCE OF 679.02'
THENCE S 01°08'17" E A DISTANCE OF 661.48'
THENCE N 88°13'00" E A DISTANCE OF 618.28' TO THE WESTERLY RIGHT OF WAY LINE OF TREELINE AVENUE,
THENCE S 01°04'28" E ALONG SAID LINE A DISTANCE OF 1322.47'
THENCE LEAVING SAID LINE S 88°10'10" W A DISTANCE OF 1293.64'
THENCE S 89°33'43" W A DISTANCE OF 1266.13' TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 75
THENCE ALONG SAID LINE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 856.47', WITH A DELTA OF 04°20'37", WITH A RADIUS OF 11297.16', WITH A CHORD BEARING OF N 06°10'57" E, WITH A CHORD LENGTH OF 856.26';
THENCE N 08°21'16" E A DISTANCE OF 1817.95'
THENCE N 89°35'14" E A DISTANCE OF 854.24' TO THE POINT OF BEGINNING,
HAVING AN AREA OF 114.8 ACRES+/-

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C19	11297.16'	856.47'	856.26'	N 06°10'57" E	4°20'37"

LEGEND

- □ = FOUND PRM/PCP AS NOTED
- ● = SET IRON ROD AND CAP
- ○ = FOUND IRONR ROD AND CAP AS NOTED
- ▣ = FPL BOX
- ⌀ = WOOD POWER POLE
- ⊢ = GUY WIRE
- ⋈ = WATER VALVE
- ⊕ = FIRE HYDRANT
- ☼ = STREET LIGHT

P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
PRM = PERMANENT REFERENCE MARKER
PCP = PERMANENT CONTROL POINT

NOTES:

1. PREPARED AS A BOUNDARY SURVEY. DATE OF LAST FIELDWORK: 06-24-17
2. PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD. (RECORDED, UNRECORDED, WRITTEN AND UNWRITTEN).
3. IMPROVEMENTS OTHER THAN THOSE SHOWN NOT LOCATED.
4. MAP BASED ON SURVEY PREPARED BY METRON DATED MARCH 11, 2005
5. THIS SURVEY WAS NOT INTENDED TO DELINEATE OR DEFINE ANY WETLANDS, ENVIRONMENTALLY SENSITIVE AREAS, WILDLIFE HABITATS OR JURISDICTIONAL LINES OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.
6. THIS PARCEL LIES IN ZONE "X", THIS INFORMATION WAS TAKEN FROM FEDERAL INSURANCE RATE MAP 12071C0445F, DATED AUG. 28, 2008.
7. DIMENSIONS OF IMPROVEMENTS SHOWN SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
8. ALL ELEVATIONS ARE IN N.A.V.D. 88.

NOTES UPDATE:

9. THIS BOUNDARY SURVEY TIES TO THE STATE PLANE COORDINATE SYSTEM FOR THE FLORIDA WEST ZONE AND HAS BEEN UPDATE TO REFLECT TITLE CERTIFICATION REPORT ORDER NO. 6686871 BY FIDELITY NATIONAL TITLE INSURANCE COMPANY DATED FROM 12/27/2012 THROUGH 03/19/2018.

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I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS IN CHAPTER 5J-17.050 THRU 5J-17.052, FLORIDA ADMINISTRATION CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.
UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE LAND SURVEYOR LISTED, THIS DRAWING IS NOT VALID AND IS FOR INFORMATIONAL PURPOSES ONLY.

MARK D. MCCLEARY (FOR THE FIRM LB-7995)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6247

DATE SIGNED: 7/2/18

DATE:
REVISIONS:

CERTIFIED TO:
B.T. HOLDINGS OF FORT MYERS LLC

AE SITE
AE Site, LLC
EB-30108 · LB-7995
6900 Daniels Parkway, Suite 29-130
Fort Myers, FL 33912

community engineering services, inc.
13650 Fiddlesticks Blvd. PMB302-389
Fort Myers, Florida 33912
Telephone (239) 936-9777

PROJECT NO.: TL 115
SCALE: 1"=150'
DRAWN BY: MM
CHECKED BY: MM
DATE DRAWN: 07/07/2017
FIELD BOOK/PAGE:

Fidelity National Title Insurance Company

Title Certification Report

Order No.: 6686871
Customer Reference Number BJ Holdings of Fort Myers

Addressee: Lee County Board of County Commissioners
Henderson Franklin Starnes & Holt
1715 Monroe Street
Fort Myers, FL 33901
239-344-1100

Fidelity National Title Insurance Company has caused to be made a search of the Public Records of Lee County, Florida, ("Public Records"), from 12/27/2012, through 03/19/2018 8:00 AM , as to the following described real property lying and being in the aforesaid County, to-wit:

A TRACT OR PARCEL OF LAND IN SECTIONS 14 & 15, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AND FURTHER DESCRIBED AS FOLLOWS:
COMMENCING AT THE EAST QUARTER CORNER OF SECTION 15, WHICH IS THE POINT OF BEGINNING OF THE PARCEL HEREIN BEING DESCRIBED:
THENCE S 01°12' 06" E A DISTANCE OF 661.75'
THENCE N 88°14' 25" E A DISTANCE OF 679.02'
THENCE S 01°08' 17" E A DISTANCE OF 661.48'
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THENCE LEAVING SAID LINE S 88° 10' 10" W A DISTANCE OF 1293.64'
THENCE S 89° 33' 43" W A DISTANCE OF 1266.13' TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 75
THENCE ALONG SAID LINE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 856.47', WITH A DELTA OF 04° 20' 37" , WITH A RADIUS OF 11297.16' , WITH A CHORD BEARING OF N 06° 10' 57" E, WITH A CHORD LENGTH OF 856.26' ;
THENCE N 08°21' 16" E A DISTANCE OF 1817.95'
THENCE N 89°35' 14" E A DISTANCE OF 854.24' TO THE POINT OF BEGINNING,
HAVING AN AREA OF 114,8 ACRES+/_

As of the effective date of this Report, the record Fee Simple title owner(s) to the above-described real property is/are:

BJ Holdings of Fort Myers, LLC by virtue of that Personal Representative' s Deed recorded in Instrument Number 2012000284384.

The following liens against the said real property recorded in the aforesaid Public Records have been found:

Said search discloses the following mortgages not satisfied or released of record nor otherwise terminated by law:

None

The following easements over or across the said real property recorded in the aforesaid Public Records have been found:

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1. Easement Official Records Instrument Number 2005000058207

2. Easement Official Records Instrument Number 2005000058208

Public Records shall be defined herein as those records currently established under the Florida Statutes for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.

This Report is not title insurance. Pursuant to s. 627.7843, Florida Statutes, the maximum liability of the issuer of this property information report for errors or omissions in this property information report is limited to the amount paid for this property information report, and is further limited to the person(s) expressly identified by name in the property information report as the recipient(s) of the property information report.

Fidelity National Title Insurance Company

Greg R. Hill

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DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
1520 ROYAL PALM SQUARE BLVD., SUITE 310
FORT MYERS, FLORIDA 33918

March 23, 2018

REPLY TO
ATTENTION OF
Regulatory Division
West Permits Branch
South Permits Section
SAJ-2016-01886 (NPR-SJF)

BJ Holdings of Fort Myers LLC
4245 Fowler Ave
Fort Myers, FL 33901

Ladies and Gentlemen:

Reference is made to the application received on 30 May 2016, for a Department of the Army permit to develop a mix of single and multi-family residential units. The proposed project site is located at 12850 Treeline Avenue, in Section 14 and 15, Township 45 south, Range 25 east, Fort Myers, Lee County, Florida 33913. The application has been assigned the file number SAJ-2016-01886.

The project as proposed will not require a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of 1899 as it is not located within the navigable waters of the United States. Furthermore, a permit will not be required in accordance with Section 404 of the Clean Water Act as it will not involve the discharge of dredged or fill material into waters of the United States. Provided the work is done in accordance with the enclosed drawings, Department of the Army authorization will not be required.

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination/decision, you may request an administrative appeal under Corps' regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination/decision, you must submit a completed RFA form to the South Atlantic Division Office at the following address:

Mr. Jason Steele
South Atlantic Division
U.S. Army Corps of Engineers
CESAD-CM-CO-R, Room 9M15
60 Forsyth St., SW.
Atlanta, Georgia 30303-8801.

Mr. Steele can be reached by telephone number at 404-562-5137, or by facsimile at 404-562-5138.

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In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the above address by May 22, 2018. It is not necessary to submit an RFA form to the Division office, if you do not object to the determination/decision in this letter.

This determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work. Please be advised this determination reflects current policy and regulations and is valid for a period of no longer than 5 years from the date of this letter unless new information warrants a revision of the determination before the expiration date. If after the 5-year period, the Corps has not specifically revalidated this determination, it will automatically expire. Any reliance upon this determination beyond the expiration date may lead to possible violation of current Federal laws and/or regulation.

Additionally, your project site may contain species protected by the Endangered Species Act (ESA) of 1972, as amended. You should contact your local U.S. Fish and Wildlife Service (FWS) office to determine if federally listed species or their habitat are present on your project site. If it is determined that federally listed species may be affected by the proposed project, authorization for "incidental take" may be required. FWS offices can be contacted by the following telephone numbers: Jacksonville at 904-232-2580, Panama City at 850-769-0552, St. Petersburg at 727-570-5398, or Vero Beach at 772-562-3909.

This letter does not obviate the requirement to obtain any other Federal, State, or local permits that may be necessary for your project. Should you have any questions, please contact Stephen Fleming at the letterhead address or by telephone at 239-334-1975.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit http://per2.nwp.usace.army.mil/survey.html and complete our automated Customer

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Service Survey. Your input is appreciated – favorable or otherwise. Please be aware this web address is case sensitive and should be entered as it appears above.

Sincerely,

Stephen J. Fleming
Project Manager

Enclosures

Copies Furnished:

Brown Collins – Synecological Analysts

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NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: BJ Holdings of Fort Myers, LLC		File Number: **SAJ-2016-01886**	Date:
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
X	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- *ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.*

- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- *ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.*

- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- *ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.*

- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

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E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

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SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT		
REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)		
ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.		
POINT OF CONTACT FOR QUESTIONS OR INFORMATION:		
If you have questions regarding this decision and/or the appeal process you may contact: **Project Manager as noted in letter**	If you only have questions regarding the appeal process you may also contact: **Jason Steele** **404-562-5137**	
RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.		
_____ Signature of appellant or agent.	Date:	Telephone number:

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US Army Corps of Engineers

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): October 27, 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER:CESAJ-RD-WF, SAJ-2016-01886, Treeline Assemblage JD

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State:Florida County/parish/borough: Lee City: Fort Myers
Center coordinates of site (lat/long in degree decimal format): Lat. 26.55753° N, Long. -81.790709° W.
Universal Transverse Mercator: 17
Name of nearest waterbody: Ten Mile Canal that drains to Estero Bay
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Hendry Creek
Name of watershed or Hydrologic Unit Code (HUC): Estero Bay Frontal (0309020401) of the Big Cypress Swamp sub basin (HUC 03090204)
☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
☒ Office (Desk) Determination. Date: November 30, 2017
☒ Field Determination. Date(s): May 11, 2017

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*]
☐ Waters subject to the ebb and flow of the tide.
☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [*Required*]

1. **Waters of the U.S.**
   a. **Indicate presence of waters of U.S. in review area (check all that apply):** [1]
      ☐ TNWs, including territorial seas
      ☐ Wetlands adjacent to TNWs
      ☐ Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs
      ☐ Non-RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
      ☐ Impoundments of jurisdictional waters
      ☒ Isolated (interstate or intrastate) waters, including isolated wetlands

   b. **Identify (estimate) size of waters of the U.S. in the review area:**
      Non-wetland waters: linear feet: width (ft) and/or acres.
      Wetlands: 30 acres.

   c. **Limits (boundaries) of jurisdiction** based on: **1987 Delineation Manual**
      Elevation of established OHWM (if known): .

2. **Non-regulated waters/wetlands (check if applicable):**[3]
   ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
   Explain: **Two wetlands totaling 30 acres are located within a 126 acre parcel which is comprised of Saw Palmetto Prairie (FLUCCS 321), Cypress (FLUCCS 621), Saw Palmetto Slash Pine Flatwoods (FLUCCS 421) and Live Oak (FLUCCS 427). The isolated wetlands are depressional areas that are surrounded by uplands that sheet flow into it during rain events.**

[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

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These wetland polygons meet all three parameters which define a wetland as defined inthe 1987 Corps Wetland Delineation Manual and 2010 Atlantic and Gulf Coastal Plain Regional Supplement. The three parameters that were documented for each polygon are as follows:

Hydrophytic vegetation: This community is characterized by monodominant Cypress. Pond cypress is by far more dominant in these areas than Bald cypress. Because these areas are depressional and hydrologically isolated they tend to pond water and have standing water for a majority of the year. The shrub canopy is not dominated by any species, but is characterized by Dahoon holly, limited Red maple. Pond apple is found along the margins of areas where standing water occurs during the dry season. There is a small area at the east margin of the Southernmost wetland that has been logged in the past and is regenerating. These Cypress are smaller, but the overall community components are comparable to the remainder of this FLUCFS. The herbaceous strata is largely precluded because of near complete canopy coverage but Swamp fern is a dominant herbaceous species at the margins of this community that have enough sunlight to support the species.

Wetland hydrology: The primary hydrological indicator in the forested wetlands consisted of high water table, saturation, water marks and thin muck surface.

Hydric soil indicators: Hydric soil indicator that was present within the forested wetlands is A8 muck presence.

These 2 wetlands were determined to be isolated since they do not form hydrological connections. The two isolated wetlands exhibit all three parameters of wetlands including wetland vegetation, soils and hydrology, but are not connected hydrologically.

The Corps conducted a site visit and did not document any hydrological connections between these 2 wetland polygons and any roadside swales or conveyance ditches located within the surrouding properties. Given the site conditions described, the aerial photography, and the Corps' site visit, these 30 acres of wetlands were determined to be isolated and not regulated. The wetlands are not hydrologicaly connected any road side swales. There are no RPWs or TNWs in near proximity to the site.

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SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. **TNW**
   Identify TNW: .

   Summarize rationale supporting determination: N/A.

2. **Wetland adjacent to TNW**
   Summarize rationale supporting conclusion that wetland is "adjacent": N/A.

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. **Characteristics of non-TNWs that flow directly or indirectly into TNW**

   (i) General Area Conditions:
   Watershed size: **acres**
   Drainage area: **acres**
   Average annual rainfall: inches
   Average annual snowfall: inches

   (ii) Physical Characteristics:
   (a) Relationship with TNW:
   ☐ Tributary flows directly into TNW.
   ☐ Tributary flows through **Pick List** tributaries before entering TNW.

   Project waters are **Pick List** river miles from TNW.
   Project waters are **Pick List** river miles from RPW.
   Project waters are **Pick List** aerial (straight) miles from TNW.
   Project waters are **Pick List** aerial (straight) miles from RPW.
   Project waters cross or serve as state boundaries. Explain: .

   Identify flow route to TNW[5]: .
   Tributary stream order, if known: .

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[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.
[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

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(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☐ Artificial (man-made). Explain: .
☐ Manipulated (man-altered). Explain: .

Tributary properties with respect to top of bank (estimate):
Average width: feet
Average depth: feet
Average side slopes: **Pick List.**

Primary tributary substrate composition (check all that apply):

☐ Silts	☐ Sands	☐ Concrete
☐ Cobbles	☐ Gravel	☐ Muck
☐ Bedrock	☐ Vegetation. Type/% cover:	
☐ Other. Explain: .		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: .
Presence of run/riffle/pool complexes. Explain: .
Tributary geometry: **Pick List**
Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Pick List**
Estimate average number of flow events in review area/year: **Pick List**
Describe flow regime: .
Other information on duration and volume: .

Surface flow is: **Pick List.** Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .
☐ Dye (or other) test performed: .

Tributary has (check all that apply):
☐ Bed and banks
☐ OHWM[6] (check all indicators that apply):

☐ clear, natural line impressed on the bank	☐ the presence of litter and debris
☐ changes in the character of soil	☐ destruction of terrestrial vegetation
☐ shelving	☐ the presence of wrack line
☐ vegetation matted down, bent, or absent	☐ sediment sorting
☐ leaf litter disturbed or washed away	☐ scour
☐ sediment deposition	☐ multiple observed or predicted flow events
☐ water staining	☐ abrupt change in plant community
☐ other (list):	

☐ Discontinuous OHWM.[7] Explain: .

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☐ High Tide Line indicated by:	☐ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects	☐ survey to available datum;
☐ fine shell or debris deposits (foreshore)	☐ physical markings;
☐ physical markings/characteristics	☐ vegetation lines/changes in vegetation types.
☐ tidal gauges	
☐ other (list):	

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain: .
Identify specific pollutants, if known: .

[6] A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7] Ibid.

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(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width): .
- ☐ Wetland fringe. Characteristics: .
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☐ Aquatic/wildlife diversity. Explain findings: .

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:
Properties:
Wetland size: acres
Wetland type. Explain: .
Wetland quality. Explain: .
Project wetlands cross or serve as state boundaries. Explain: N/A.

(b) General Flow Relationship with Non-TNW:
Flow is: **Pick List**. Explain: .

Surface flow is: **Pick List**
Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .
- ☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:
- ☐ Directly abutting
- ☐ Not directly abutting
  - ☐ Discrete wetland hydrologic connection. Explain: .
  - ☐ Ecological connection. Explain: .
  - ☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW
Project wetlands are **Pick List** river miles from TNW.
Project waters are **Pick List** aerial (straight) miles from TNW.
Flow is from: **Pick List**.
Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**
Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .
Identify specific pollutants, if known: .

(iii) **Biological Characteristics. Wetland supports (check all that apply):**
- ☐ Riparian buffer. Characteristics (type, average width): .
- ☐ Vegetation type/percent cover. Explain: .
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☐ Aquatic/wildlife diversity. Explain findings: .

3. **Characteristics of all wetlands adjacent to the tributary (if any)**
All wetland(s) being considered in the cumulative analysis: **Pick List**
Approximately ( ) acres in total are being considered in the cumulative analysis.

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For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)

Summarize overall biological, chemical and physical functions being performed: .

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   - ☐ TNWs: linear feet width (ft), Or, acres.
   - ☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   - ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: .
   - ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

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Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**
☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**
☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**
☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**
☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.[9]**
As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
☐ Demonstrate that impoundment was created from "waters of the U.S.," or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]
☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: .
☒ Other factors. Explain:The 27 acre isolated wetlands at this site provides no descernible value for the recreation or commercial purposes above..

---

[8]See Footnote # 3.
[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
[10] **Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.***

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Identify water body and summarize rationale supporting determination: .

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .
☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):
☒ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☒ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☒ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:**Wetlands surrounded by uplands with no offsite drainage feature. The nearest RPW is approximately 4.67 miles from the site.**
☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☒ Wetlands: acres.

SECTION IV: DATA SOURCES.

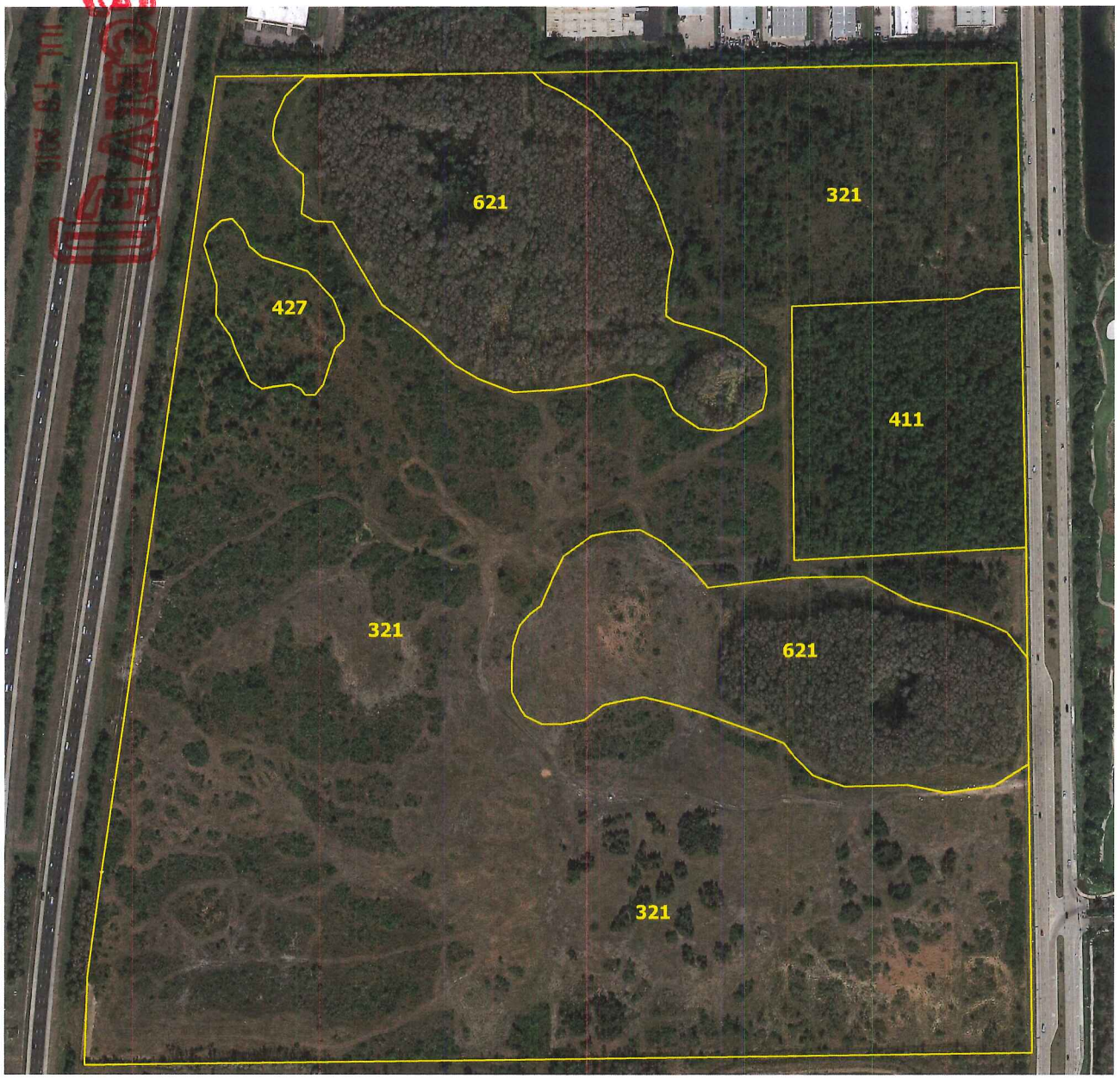
A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):
☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☒ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps: .
☐ Corps navigable waters' study: .
☒ U.S. Geological Survey Hydrologic Atlas: .
☐ USGS NHD data.
☒ USGS 8 and 12 digit HUC maps.
☐ U.S. Geological Survey map(s). Cite scale & quad name: .
☐ USDA Natural Resources Conservation Service Soil Survey. Citation: .
☒ National wetlands inventory map(s). Cite name:Google Earth 2017.
☐ State/Local wetland inventory map(s): .
☐ FEMA/FIRM maps: .
☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date):Google Earth 2017.
or ☐ Other (Name & Date): .
☐ Previous determination(s). File no. and date of response letter: .
☐ Applicable/supporting case law: .
☐ Applicable/supporting scientific literature: .
☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: .

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FLUCCS MAP



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Legend

FLUCCS	DESCRIPTIONS	ACREAGE
321	Saw Palmetto Prarie	100.08±
411	Palmetto Pine Flatwoods	9.65±
427	Live Oak	2.38±
621	Cypress	30.44±
	TOTAL	142.46±

N

Overview Location

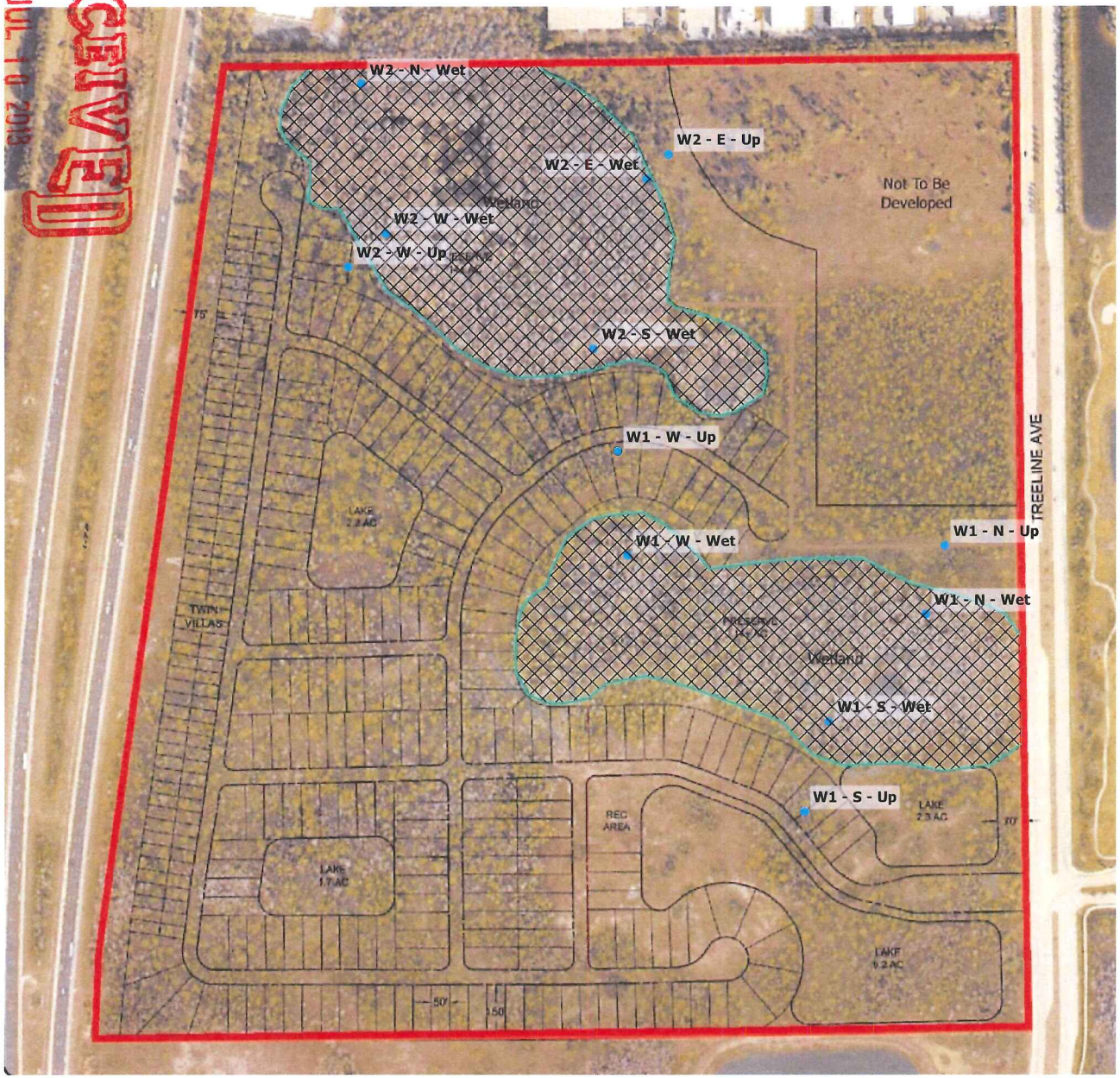


0 250 500 750 1000 ft

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USACE WETLAND DATA POINTS MAP



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Lot Boundary	126 AC
Wetland	30 AC
Wetland Data Point	

N

Overview Location

0 250 500 750 1000 ft

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SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Regulation Division

May 24, 2017

Brian S. Freeman
BJ Holdings of Fort Myers, LLC
4245 Fowler Street
Fort Myers, FL 33901

Subject: **Treeline Assemblage-Informal Wetland Determination**
Permit No. 36-00039-IF
Application No. 170207-6
Lee County

Dear Permittee:

The District offers the following in response to your request for a determination of the landward extent of jurisdictional wetland and "other surface water" (OSW) boundaries located within the subject property. Matt Brosious, Environmental Analyst, of the Natural Resources Management Division, conducted site inspections on February 17, 2017, March 10, 2017, and April 19, 2017. Based on the information provided and the results of the site inspection, jurisdictional wetlands and OSW's, as defined in Chapter 62-340, Florida Administrative Code (F.A.C.) were identified on the property.

The property consists of approximately 112± acres; located in Sections 14 and 15, Township 45 south, Range 25 east; Lee County, FL (Exhibit 1). More specifically, the property is located on Treeline Avenue, approximately 0.5 miles north of Daniels Parkway, east of Interstate 75 (I- 75). The property is surrounded by commercial/industrial development to the north; Treeline Avenue and The Plantation Golf Club to the east; undeveloped, cleared land, and the Florida Highway Patrol Troop F office to the south; and I-75 to the west. The inspection area boundaries are depicted on Exhibit 2.

Based on the methods established in Chapter 62-340 F.A.C., approximately 62.1 acres of wetlands were identified on the property. More specifically, the wetlands were delineated using the "A" and "B" tests. On-site wetlands habitats generally consist of herbaceous wetlands and cypress. The canopy and sub-canopy within the cypress habitat included cypress (*Taxodium* sp.), willow (Salix caroliniana), wax-myrtle (Myrica cerifera), melaleuca

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(Melaleuca quinquenervia), and myrsine (*Myrsine cubana*). The ground cover in all the wetlands generally included swamp fern (*Blechnum serrulatum*), gulfdune paspalum (*Paspalum monostachyum*), iris (*Iris hexagona*), little blue maidencane (*Amphicarpum muhlenbergianum)*, and muhlygrass (*Muhlenbergia capillaris*). Aerial interpretation was used to delineate the wetland lines on an aerial photograph. Then, the approximated lines were reviewed in the field. The wetland lines were not surveyed and no flags or stakes were set in the field. The approximate locations of the wetlands are depicted on Exhibit 3. Additional field review and staking/surveying will be required to set an exact wetland and OSW boundary in the future.

During the delineation, numerous soil pits were dug across the property, in all representative habitats, except the existing cypress areas. The hydric soil indicator Stripped Matrix (S6) was observed in all pits. A hydric soils map is attached as Exhibit 4. Hydrologic indicators observed included algal matting in the herbaceous wetlands and water stains on cypress trees.

Pursuant to section 62-340.600 F.A.C., approximately 0.10± acres of OSW's are present on the property (Exhibit 3). Based on on-site observations and a review of historical photographs, the OSW's on-site are manmade cattle ponds.

This correspondence is an informal jurisdictional wetland determination pursuant to Section 373.421(6), Florida Statutes and Rule 62-312.040(7), FAC. It does not bind the District, its agents or employees, nor does it convey any legal rights, expressed or implied. Persons obtaining this informal jurisdictional determination are not entitled to rely upon it for purposes of compliance with provision of law or District rules.

A binding jurisdictional determination may be obtained by submitting an application to the South Florida Water Management District.

Sincerely,

Laura Layman

Laura P. Layman
Section Leader
South Florida Water Management District

cc: Brown Collins, Synecological Analysts. (via Email)
U.S. Army Corps of Engineers

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This document is filed in the ePermitting system under Application Number **170207-6** *via the Application/Permit Section on the Records Search home page.*

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NOTICE OF RIGHTS

As required by Sections 120.569 and 120.60(3), Fla. Stat., the following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all of the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on a SFWMD decision which affects or may affect their substantial interests shall file a petition for hearing with the Office of the District Clerk of the SFWMD, in accordance with the filing instructions set forth herein, within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Fla. Stat.; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, or posting that the SFWMD has or intends to take final agency action, or publication of notice that the SFWMD has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action which materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional Rule 28-106.111, Fla. Admin. Code, point of entry.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Fla. Stat., shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

FILING INSTRUCTIONS

A petition for administrative hearing must be filed with the Office of the District Clerk of the SFWMD. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at SFWMD headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.

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- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the SFWMD's security desk does not constitute filing. It will be necessary to request that the SFWMD's security officer contact the Office of the District Clerk. An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document. A party who files a document by e-mail shall (1) represent that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause and that the party shall produce it upon the request of other parties; and (2) be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed.

INITIATION OF AN ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Fla. Stat., and Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, SFWMD file number or any other SFWMD identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401–.405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Fla. Stat., and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal with the Office of the District Clerk of the SFWMD in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the clerk of the appropriate district court of appeal.

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Exhibit No: 1	Exhibit Created On: 2017-02-07	LEE COUNTY, FL

REGULATION DIVISION

Project Name: TREELINE ASSEMBLAGE J D

Application

Application Number: 170207-6

0 3,050 6,100 Feet

N

sfwmd.gov

South Florida Water Management District

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Exhibit No. 1.0
Application No. 170207-6
Page 1 of 1

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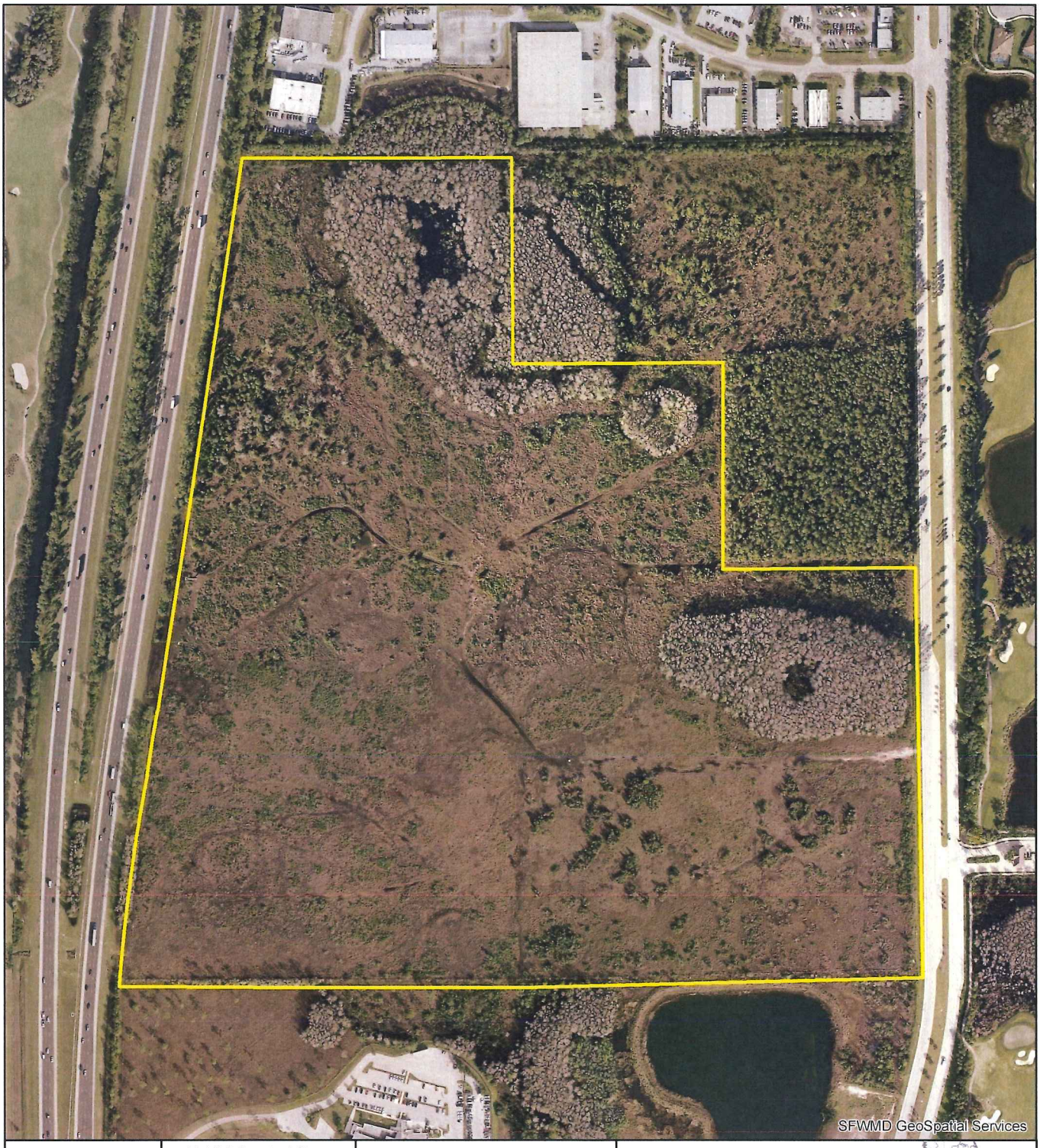


Exhibit No: 2.0	Exhibit Created On: 2017-05-17	LEE COUNTY, FL

REGULATION DIVISION

Project Name: TREELINE ASSEMBLAGE J D

0 0.05 0.1 Miles

N

Application

Application Number: 170207-6

South Florida Water Management District

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Exhibit No. 2.0
Application No. 170207-6
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NAPLES, FLORIDA 34119
PHONE: (239) 514-3998
www.synecol.com

Upland / Wetland Designation

Project Name
TREELINE ASSEMBLAGE

Lee County, Florida

WETLAND		UPLAND	
A	14.7 ac	A	42.5 ac
B	0.2 ac	B	0.4 ac
C	2.5 ac	C	0.3 ac
D	0.9 ac	D	0.2 ac
E	0.2 ac	E	0.8 ac
F	43.6 ac	F	3.5 ac
		G	0.3 ac
STANDING WATER		H	5.1 ac
A	0.04 ac	I	1.0 ac
B	0.03 ac		
C	0.05 ac		

TOTAL AREAS	
Wetland	62.1 ac
Uplands	54.1 ac
Standing Water	0.1 ac
TOTAL	116.3 ac

N
W E
S

0 200 400 600 ft

Exhibit No. 3.0
Application No. 1702076
Page 1 of 1

DEC 20 18-00007

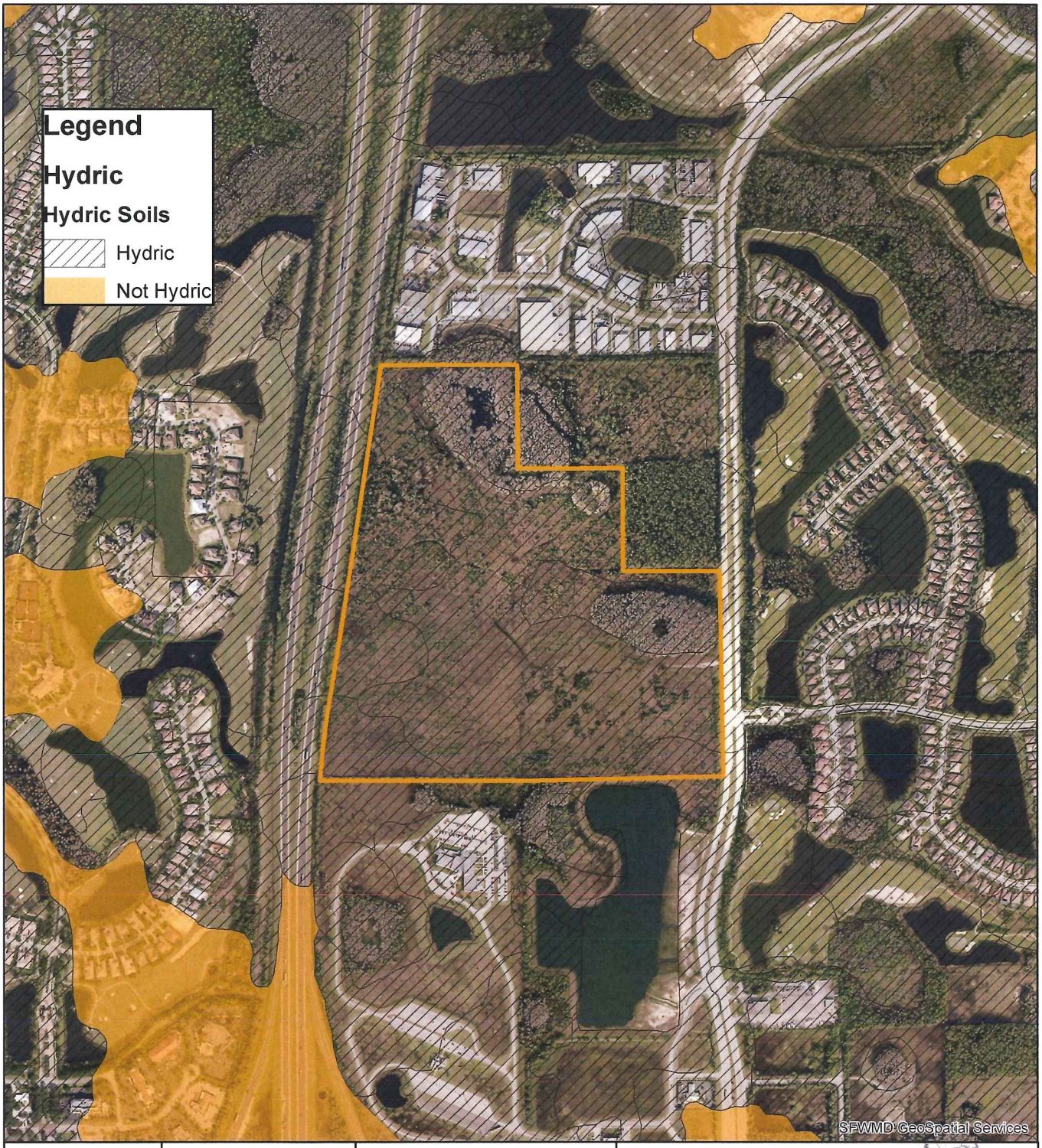


Exhibit No: 4	Exhibit Created On: 2017-04-19	LEE COUNTY, FL

REGULATION DIVISION

Project Name: TREELINE ASSEMBLAGE

Application

Application Number: 170207-6

0 0.125 0.25 Miles

N

South Florida Water Management District

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Exhibit No. 4.0
Application No. 170207-6
Page 1 of 1

RE: Treeline 115 Project - Emergency Access

Ben Bengston <bbengston@southtrailfire.org>

Fri 5/25/2018 1:12 PM

To:Alexis Crespo <Alexis.Crespo@waldropengineering.com>;

Cc:Ben Bengston <bbengston@southtrailfire.org>;

Good Afternoon Alexis:
After further review of the zoning for the ingress/egress from Treeline Avenue and the emergency secondary egress/ingress I am confident with sending this email to approve the access shown in the aerial.

I apologize for the brief email, but meetings today have me extremely busy. I did not want to hold up your process any longer. If you need more info on letterhead I will not be able to complete it until next week.

Have a great and safe weekend!!

Ben Bengston
South Trail Fire District
Fire Chief

Matthew 7:3
"Why do you look at the speck of sawdust in your brother's eye and pay no attention to the plank in your own eye?"

5531 Halifax Ave.
Fort Myers, FL. 33912
239-433-0080 (work)
239-848-6913 (mobile)

From: Alexis Crespo <Alexis.Crespo@waldropengineering.com>
Sent: Thursday, May 24, 2018 9:09 AM
To: Ben Bengston <bbengston@southtrailfire.org>
Subject: Re: Treeline 115 Project - Emergency Access

That sounds great - thank you so much!
Alexis V. Crespo, AICP, LEED AP
Vice President of Planning

NOTICE: Upon receipt of any electronic file/data from Waldrop Engineering, P.A., you are agreeing to the following: This file/data is for informational purposes only. It is the responsibility of the recipient to reconcile this electronic file/data with the actual project site conditions. Recipient agrees to indemnify and hold harmless Waldrop Engineering, P.A. for any defects or errors in this file/data.

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From: Ben Bengston <bbengston@southtrailfire.org>
Sent: Thursday, May 24, 2018 9:02 AM
To: Alexis Crespo
Cc: Ben Bengston
Subject: Re: Treeline 115 Project - Emergency Access

Good Morning!!
Thank you for your email and the attachments. Overviewing the zoning plans I'm excited about the build. I have forwarded this email to my Fire Marshal and Plans Reviewer to gather their input as well. I assure you I will have an answer before mid next week. If I receive their input today or tomorrow I will develop the needed correspondence for you. Thanks Alexis.

South Trail Fire District
Fire Chief
Ben Bengston

This email has been sent from a mobile device. Please excuse spelling, and grammatical errors which may occur, and not identified.

On May 23, 2018, at 8:18 AM, Alexis Crespo <Alexis.Crespo@waldropengineering.com> wrote:

> Good Morning, Chief -
>
> I am working on a new development on Treeline Avenue, about 1/2 mile north of Daniels. I have attached an aerial location map for your use. We had the former chief provide an availability letter for the comprehensive plan amendment.
>
> For the zoning application, I am hoping you can provide an email confirming the fire district is comfortable with the proposed access shown on the aerial. We are proposing one full ingress/egress directly from Treeline Avenue, and a secondary emergency only at the north end of the project from the industrial park.
>
> The community will be a mix of residential uses (up to 487 multi-family units OR 275 single-family), with commercial uses on the Treeline frontage.
>
> I appreciate your consideration. We understand your correspondence would indicate further review of access, and the site plan in general, would be reviewed by the fire district at the time of local development order/construction plan permitting.
>
> Thanks very much!
> **Alexis V. Crespo, AICP, LEED AP**
> Vice President of Planning
>
> **NOTICE: Upon receipt of any electronic file/data from Waldrop Engineering, P.A., you are agreeing to the following: This file/data is for informational purposes only. It is the responsibility of the recipient to reconcile this electronic file/data with the actual project site conditions. Recipient agrees to indemnify and hold harmless Waldrop Engineering, P.A. for any defects or errors in this file/data.**
> <Treeline 115 Aerial.pdf>

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<71501E0901.pdf>

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JUL 10 2018
COMMUNITY DEVELOPMENT

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