

AVALON ENGINEERING, INC.

Engineering •Planning

LETTER OF TRANSMITTAL

то:	Lee County Community Development 1500 Monroe Street Ft. Myers, Florida SEP 1 3 2021	PROJECT #: PROJECT:	20-118 Burnt Store Road Mixed Use Development CPA Application		
FROM:	Linda Miller, AICOMMUNITY DEVELOPMENT Vice President	DATE:	September 13, 2021		
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NO. OF COPIES	DESC	RIPTION			
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	Cover Letter / Project Narrative	to/Displanura of I	ntoront Affidouit/Cumbin		
	Exhibit M1 CPA Application/Ownership Documer Corporation Document/LCPA Property Data/Own		nterest Affidavit/Sundiz		
	Exhibit M1a Project Location Map	ei s Ailiuavit			
	Exhibit M3 Surrounding Property Owners List, Ma	ailing Lahels			
	Exhibit M4a1 Future Land Use Map – Existing				
	Exhibit M4a2 Charlotte County Future Land Use Map – Existing				
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	Exhibit M5 Existing Land Use Map				
	Exhibit M6 Map and Description of Existing Zoning of the Property and Surrounding Properties				
	Exhibit M7a Signed and Sealed Legal Description	and Sketch of ea	ach FLUC Proposed		
	Exhibit M7b Boundary Topo Survey				
	Exhibit M8 Trustees Deed				
	Exhibit M9 Aerial Map Showing the Subject Prope	erty and Surround	ling Properties		
	Exhibit M10a FIRM Unincorporated Lee County				
	Exhibit M10b FIRM Charlotte Harbor Map #1207	C0070F			
	Exhibit M11 Lee Plan Consistency				
	Exhibit M12 Environmental Assessment				
	Exhibit M16 Existing and Future Conditions Analy		ewer)		
	Exhibit M17 Letter of Determination Adequacy Su	pport Facilities			
	Exhibit M19 Justification of Proposed Document				
	Aerial				
	Ordinance 37-21				
	Ordinance 43-20 Ordinance 75 20				
	Hudson Creek Development				
	Tradeon oreen bevelopment				
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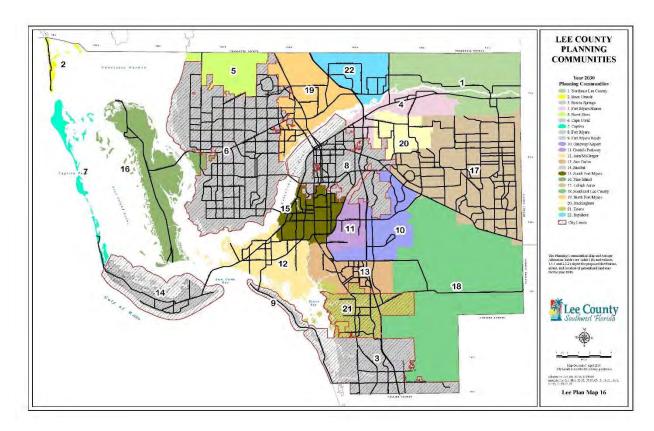
Avalon Engineering, Inc.

2503 Del Prado Boulevard South, Suite 200 Cape Coral, Florida 33904 Phone: (239) 573-2077 Web: <u>AvalonEng.com</u> #EB 0003128

35.5 Acres Mixed Use Development Comprehensive Plan Map Amendment Cover Letter/Project Narrative Exhibits M-16 and M-20 September 13, 2021

The property subject to this application request is two vacant parcels containing 18 +/- acres each located east of Burnt Store Road, north of Durden Parkway and south of the Charlee Road, in the far northwest corner of Lee County, Strap # 05-43-23-00-00003.0000, and 05-43-23-00-00003.0020. In addition to adjacent parcels within Lee County, there are two other governmental judications within close proximity to the subject parcels, the City of Cape Coral, along the western side of Burnt Store Road and Charlotte County north of the parcels.

The subject parcels are currently designated as Open Lands and are zoned AG-2 (Agricultural). The two parcels are square in size with approximately 1,289 feet in depth and 1,199 feet in length. The parcels are in the Burnt Store Planning Community, Area 5 as designated on the Lee County Planning Communities, Lee Plan Map 16.



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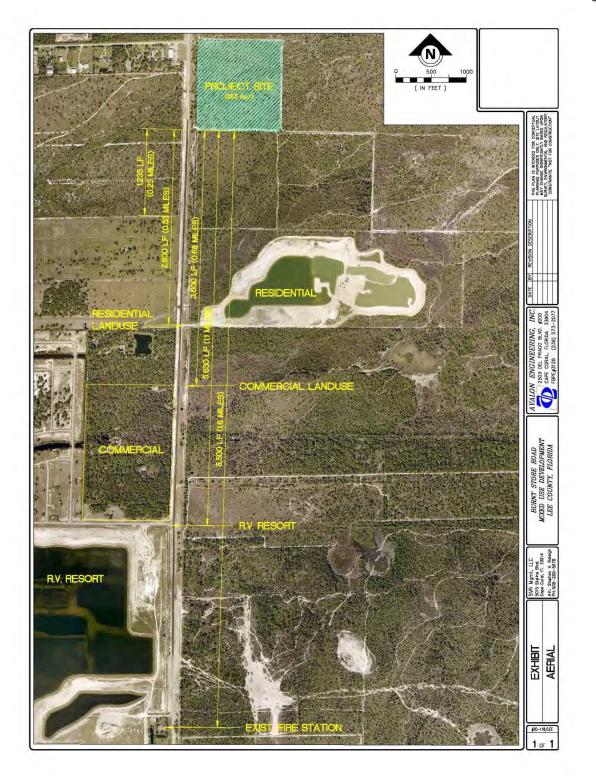
"Burnt Store - This Community is located in the northwest corner of the mainland of unincorporated Lee County. The property east of Burnt Store Road is designated Open Lands and the land west of Burnt Store Road is designated as Rural (also known as Burnt Store Marina) with the exception of 10 acres designated as Outlying Suburban. Most of The Burnt Store Marina development was approved prior to the adoption of the 1984 Lee Plan and is "vested" for densities higher than allowed by the current plan. This development is primarily residential with a high percentage of seasonal residents. There are some commercial and marine oriented amenities within the Burnt Store Marina development primarily serving residents of that development. This area is expected to substantially grow through the year 2030. Today, most of the community's commercial needs are served outside of the community in Cape Coral, North Fort Myers and Fort Myers, or in Charlotte County. This development pattern is expected to remain through 2020."

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

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

Within 1.6 miles of the subject parcel, heading south on Burnt Store Road, there is a total of 125.12 acres that support a greater density and intensity land use than the subject parcels: within 0.23 of a mile there are 87.48 acres in Cape Coral that have a Commercial Activity Center Land Use, which is a Mixed-Use Land Use supporting a minimum of 12 du/acres or 75 units and a maximum of 16 du/ac of density and 1.0 FAR of intensity. Within 0.68 of a mile, there are 56 acres in Cape Coral designated as Commercial Land Use, which supports a variety of commercial retail, office and support uses with an FAR of 1.0. Within 0.53 of a mile, there are 21.12 acres, currently designated as Single Family/Multi-Family, which if zoned RML would support 16 du/ac and a 502 site RV Resort location just over a mile south of the subject parcels.

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



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"Policy 1.15.m of the City of Cape Coral's Future Land Use Element of their Comprehensive Plan. Commercial/Professional: Intensities of use in the Commercial/Professional (CP) land use classification shall not exceed a floor to lot area ratio (FAR) of 1.0. The Commercial (C) District is designed to facilitate a broad variety of large or small commercial uses. Uses allowed in the C District range from a variety of small or neighborhood-based commercial uses to larger retail or service uses, which may serve a relatively large trade area and, which may be developed as major shopping facilities. As many commercial uses have the potential to generate relatively high levels of vehicular trips from customers and sometimes delivery vehicles, preferred 4-10 locations for the C District have direct access onto arterial or collector roads and adequate depth (a minimum of 250 feet) for larger- scale development."

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

Project Request

The requested Comprehensive Plan Amendment would amend the Future Land Use for 33.48 acres from Open Lands to Central Urban and 2.01 acres from Open Lands to Wetlands.

Proposed Future Land Uses

The intention of the Central Urban Future Land Use Category, as outlined by Policy 1.1.3 of the Lee Plan, is best characterized as an area that will have the greatest range and highest levels of urban service – water, sewer, roads, schools, etc. The subject property meets the intent of this category; it is in an area that will be intensely developed in the future within both the City of Cape Coral and Charlotte County.

"POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also, the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled, and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area with future development in this category encouraged to be developed as a mixed Future Land Use II-2 January 2021 use, as described in Objective 11.1, where appropriate. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units."

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The Density and Intensity permitted in the Central Urban Future Land Use Category would increase the density permitted within the proposed mixed-use development to up to 15 dwelling units per acre or approximately 270 multi-family units in lieu of 7 dwelling units permitted in the Open Lands Future Land Use Category (1 dwelling unit per every 5 acres). The Central Urban Future Land Use would also permit a service park with up to 160,000 square feet of building area for flex space units, some retail, office, and storage uses.

The subject property is located within an area of the county that will see substantial growth in the future. Burnt Store Road is planned to be widened to a 6-lane divided highway, an interlocal agreement with Charlotte County is in place to provide water, sewer, and irrigation (reuse) water to parcels east of Burnt Store Road. A 500 site RV Resort is under construction 1.6 mile south of the project site and a major commercial shopping center consisting of 56 acres north of the Durden Parkway is a little of ½ mile south of the subject parcels. A Dollar General Store is located directly across Burnt Store Road to the north end of the subject parcels.

In addition to the Central Urban FLU, the subject parcels contain approximately 2.01 acres that maybe considered wetland justification from the South Florida Water Management District. The proposed FLU Map Amendment includes a request to locate the Wetland FLU on the areas designated by Dex Bender and Associates on their Wetland Map, included within their Environmental Study.

As noted, the Lee Plan permits the Wetland density to be calculated at the rate of the adjacent uplands. Specifically, Policy 1.5.1 for the Wetland Future Land Use provides the maximum density as follows:

"POLICY 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124 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."

Table 1(a), Note #8 of the Lee Plan states:

"Higher densities maybe allowed under the following circumstances where wetlands are preserved on the subject site. Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, Outlying Suburban, Sub-Outlying Suburban, and New Community from preserved freshwater wetlands at the same underlying density as permitted for those uplands. Impacted wetlands will be calculated at the standard Wetlands density of 1 dwelling units per 20 acres."

The proposed Central Urban FLU category will permit a mixed-use development which will support the existing Burnt Store Marina residential community, provide commercial square footage to support new commercial businesses for this area, and provide optional housing opportunities (apartment complex) currently not available in this area.

Urban Services and Accessibility

The future of this area especially for the parcels along Burnt Store Road will look much different than what we see today with a mixture of commercial centers, apartment complexes and even some recreational activities.

We anticipate that this mixed-use development will be a Mixed-Use Planned Development for a master planned community with well-defined internal roads, connection to utilities, stormwater facilities that will provide for a variety of commercial uses and a multi-family community.

The subject parcels are in an area of the County where the County recognizes that urban services are available to support the future development of these parcels with both commercial and residential uses from Charlotte County, the City of Cape Coral, and Lee County.

Public Safety

The subject parcels are located within 1.6 miles from the City of Cape Coral Fire Station # 7, 3942 Burnt Store Road and located within 1.5 miles from Charlotte County Fire Station #5 under design. The subject parcels are located within the Lee County Sheriff Department Zone G5.

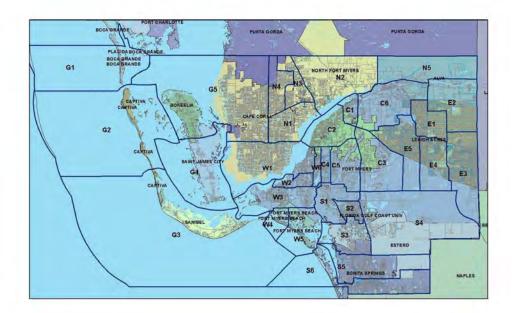


Exhibit 17 Lee County Sheriff's Support Facilities

Utilities

In January of 2016, Charlotte County and Lee County executed an Interlocal Agreement for Water, Sewer and Reclaimed Water to serve the subject parcels and other Lee County parcels along the eastern side of Burnt Store Road. A copy of the Interlocal Agreement has been provided.

<u>Schools</u>

The subject property is within the Lee County School District, West Choice Zone, W2. A request for a Letter of Availability to the Lee County School District was submitted. The Lee County School District responded, and a copy has been provided. Unfortunately, within the Letter of Availability the School District calculated the density as single family not multi-family. If required, a new Letter of Availability will be obtained.

Solid Waste

The property is within the Lee County Solid Waste Franchise Area and is served through Lee County's franchised hauling contractor for area 5, which is Waste Pro. Disposal of waste generated from the subject parcels will be accomplished at the Lee County Resource Recovery Facility and the Lee - Hendry Regional Landfill.

Lee County Transit

According to the 2020 Transit Development Plan (TDP) the subject parcels are not within one-quarter mile of a fixed-route corridor. The closest bus stop is not within one-quarter mile of a subject parcel and the 2016 TDP does not identify the need for enhanced or additional transit services in this area.

Planning Community Regulations

Currently there are no specific development regulations for the Burnt Store Planning Community. If regulations for this Planning Community are adopted during the PD review and approval, the project will be developed under the current Land Development Regulations.



Exhibit M1

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

Or	en Lands to Wetland Amend the Future Land Use for 33.48 acres from Open Lands to Central Urban and 2.01 acres from the lands to Wetland
Ma	p(s) to Be Amended: Future Land Use Map
Sta	te Review Process: Small-Scale Review State Coordinated Review X Expedited State Review
•	Name of Applicants CVD Interstructs II C Day Stanker Dakish Str AMDD
1.	Name of Applicant: SVR Investments, LLC By: Stephen Raleigh, it's AMBR Address: 5015 Skyline Boulevard
	City, State, Zip: Cape Coral, Florida 33914
	Phone Number: 508-280-5678 E-mail: stephenraleigh@gmail.com
	Thomas and the second s
2.	Name of Contact: Avalon Engineering, Inc. Linda Miller, AICP
	Address: 2503 Del Prado Boulevard South, Suite 200
	City, State, Zip: Cape Coral, Florida 33904
	Phone Number: 239-573-2077, Extension 216 E-mail: linda@avaloneng.com
	WICKER A PI
	Owner(s) of Record: Same as Applicant
	Address: SEP 1 3 2021
	City, State, Zip: Phone Number: E-mail:
	Property Location:
	The state of the s
	Property Location: 1. SiteAddress: Burnt Store Road N, Cape Coral, FL 33993
	Property Location: 1. SiteAddress: Burnt Store Road N, Cape Coral, FL 33993 2. STRAP(s): 05-43-23-00-00003.0000 and 05-43-23-00-00003.0020
	Property Location: 1. Site Address: Burnt Store Road N, Cape Coral, FL 33993 2. STRAP(s): 05-43-23-00-00003.0000 and 05-43-23-00-00003.0020 Property Information:
	Property Location: 1. Site Address: Burnt Store Road N, Cape Coral, FL 33993 2. STRAP(s): 05-43-23-00-00003.0000 and 05-43-23-00-00003.0020 Property Information: Total Acreage of Property: 35.5 Total Uplands: 33.48 acres Total Wetlands: 2.01 acres Current Zoning: AG-2 Current Future Land Use Category(ies): Open Lands
	Property Location: 1. Site Address: Burnt Store Road N, Cape Coral, FL 33993 2. STRAP(s): 05-43-23-00-00003.0000 and 05-43-23-00-00003.0020 Property Information: Total Acreage of Property: 35.5 Total Acreage Included in Request: 35.5 Total Uplands: 33.48 acres Total Wetlands: 2.01 acres Current Zoning: AG-2 Current Future Land Use Category(ies): Open Lands Area in Each Future Land Use Category: all 35.5 acres
	Property Location: 1. Site Address: Burnt Store Road N, Cape Coral, FL 33993 2. STRAP(s): 05-43-23-00-00003.0000 and 05-43-23-00-00003.0020 Property Information: Total Acreage of Property: 35.5 Total Uplands: 33.48 acres Total Wetlands: 2.01 acres Current Zoning: AG-2 Current Future Land Use Category(ies): Open Lands
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	Property Location: 1. Site Address: Burnt Store Road N, Cape Coral, FL 33993 2. STRAP(s): 05-43-23-00-00003.0000 and 05-43-23-00-00003.0020 Property Information: Total Acreage of Property: 35.5 Total Uplands: 33.48 acres Total Wetlands: 2.01 acres Current Zoning: AG-2 Current Future Land Use Category(ies): Open Lands Area in Each Future Land Use Category: all 35.5 acres Existing Land Use: Vacant parcels
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	Property Location: 1. Site Address: Burnt Store Road N, Cape Coral, FL 33993 2. STRAP(s): 05-43-23-00-00003.0000 and 05-43-23-00-00003.0020 Property Information: Total Acreage of Property: 35.5 Total Uplands: 33.48 acres Total Wetlands: 2.01 acres Current Zoning: AG-2 Current Future Land Use Category(ies): Open Lands Area in Each Future Land Use Category: all 35.5 acres Existing Land Use: Vacant parcels Calculation of maximum allowable development under current Lee Plan: Residential Units/Density: 7 du / 1 per 5 acres Industrial Intensity: n/a Calculation of maximum allowable development with proposed amendments: Residential Units/Density: 532 dwelling units
	Property Location: 1. Site Address: Burnt Store Road N, Cape Coral, FL 33993 2. STRAP(s): 05-43-23-00-00003.0000 and 05-43-23-00-00003.0020 Property Information: Total Acreage of Property: 35.5 Total Uplands: 33.48 acres Total Wetlands: 2.01 acres Current Zoning: AG-2 Current Future Land Use Category(ies): Open Lands Area in Each Future Land Use Category: all 35.5 acres Existing Land Use: Vacant parcels Calculation of maximum allowable development under current Lee Plan: Residential Units/Density: 7 du / 1 per 5 acres IndustrialIntensity: n/a Calculation of maximum allowable development with proposed amendments:

Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on the maximum development.

- 1. Traffic Circulation Analysis: The analysis is intended to determine the affect of the land use change on the Financially Feasible Highway Plan Map 3A (20-year plus horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit a Traffic Impact Statement (TIS) consistent with Lee County Administrative Code (AC)13-17.
 - a. Proposals affecting less than 10 acres, where development parameters are contained within the Traffic Analysis Zone (TAZ) or zones planned population and employment, or where there is no change in allowable density/ intensity, may be eligible for a TIS requirement waiver as outlined in the Lee County TIS Guidelines and AC-13-17. Identification of allowable density/intensity in order to determine socio-economic data for affected TAZ(s) must be coordinated with Lee County Planning staff. Otherwise a calculation of trip generation is required consistent with AC-13-17 and the Lee County TIS Guidelines to determine required components of analysis for:
 - i. Total peak hour trip generation less than 50 total trip ends trip generation.
 - ii. Total peak hour trip generation from 50 to 300 total trip ends trip generation, trip distribution and trip assignment (manual or Florida Standard Urban Transportation Modeling Structure (FSUTMS) analysis consistent with AC-13-17 and TIS Guidelines), short-term (5 year) and long-range (to current Lee Plan horizon year) segment LOS analysis of the nearest or abutting arterial and major collector segment(s) identified in the Transportation Inventory based on the trip generation and roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is recommended prior to submittal of the application to discuss use of FSUTMS, any changes to analysis requirements, or a combined CPA and Zoning TIS short term analysis.
 - iii. Total peak hour trip generation is over 300 total trip ends trip generation, mode split, trip distribution and trip assignment (manual or FSUTMS analysis consistent with AC-13-17 and TIS Guidelines), short-term (five-year) and long-range (to current Lee Plan horizon year) segment LOS analysis of arterial and collector segments listed in the Transportation Inventory. LOS analysis will include any portion of roadway segments within an area three miles offset from the boundary of the application legal description metes and bounds survey. LOS analysis will also include any additional segments in the study area based on the roadway segment LOS analysis criteria in AC- 13-17. A methodology meeting is required prior to submittal of the application.
 - b. Map amendment greater than 10 acres -Allowable density/intensity will be determined by Lee County Planning staff.
- 2. Provide an existing and future conditions analysis for the following (see Policy 95.1.3):
 - a. Sanitary Sewer
 - b. Potable Water
 - c. Surface Water/Drainage Basins
 - d. Parks, Recreation, and Open Space
 - e. Public Schools

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

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

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

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

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

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

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

Environmental Impacts

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

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

Impacts on Historic Resources

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

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

Internal Consistency with the Lee Plan

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

State Policy Plan and Regional Policy Plan

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

Justify the proposed amendment based upon sound planning principles

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

Planning Communities/Community Plan Area Requirements

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

Sketch and Legal Description

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

SUBMITTAL REQUIREMENTS

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

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

MINIMUM SUBMITTAL ITEMS (3 Copies)

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

<u>APPLICANT – PLEASE NOTE:</u>

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

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

INSERT SIGNED AFFIDAVIT AFTER APPICATION HAS BEEN SAVED AS PDF

AFFIDAVIT

property described herein, and that a other supplementary matter attached my knowledge and belief. I also auth	, certify that I am the owner or authorized representative of the all answers to the questions in this application and any sketches, data, or to and made a part of this application, are honest and true to the best of norize the staff of Lee County Community Development to enter upon the ars for the purpose of investigating and evaluating the request made
SVR Investments, LLC By: Stephen Raleigh, it's AMBR	
Signature of Applicant	Date
Printed Name of Applicant	
STATE OF FLORIDA COUNTY OF LEE	
The foregoing instrument was sworr presence or □ online notarization on_	n to (or affirmed) and subscribed before me by means of □ physical (date) by
	ffirmation), who is personally known to me or who has produced lentification) as identification.
Signature of Notary Public	
(Name typed, printed or stampe	- ed)



Exhibit M1

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

	t Name: Burnt Store Mixed-Use Development Dject Description: Amend the Future Land Use Map designation from Open Lands to Central Urban and Wetlands				
Map	p(s) to Be Amended: Future Land Use Map				
Stat	re Review Process: Small-Scale Review State Coordinated Review Expedited State Review				
1.	Name of Applicant: SVR Investments, LLC By: Stephen Raleigh, it's AMBR Address: 5015 Skyline Boulevard				
	City, State, Zip: Cape Coral, Florida 33914				
	Phone Number: 508-280-5678 E-mail: stephenraleigh@gmail.com				
	1 1010 1 (4111001) 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2				
2.	Name of Contact: Avalon Engineering, Inc. Linda Miller, AICP				
	Address: 2503 Del Prado Boulevard South, Suite 200				
	City, State, Zip: Cape Coral, Florida 33904				
	Phone Number: 239-573-2077, Extension 216 E-mail: linda@avaloneng.com				
3.	Owner(s) of Record: Same as Applicant				
•	Address:				
	City, State, Zip:				
	Phone Number: E-mail:				
4.	Property Location: 1. Site Address: Burnt Store Road N, Cape Coral, FL 33993 2. STRAP(s): 05-43-23-00-00003.0000 and 05-43-23-00-00003.0020				
5.	Property Information:				
	Total Acreage of Property: 35.5 Total Acreage Included in Request: 35.5				
	Total Uplands: 33.48 acres				
	Area in Each Future Land Use Category: all 35.5 acres				
	Existing Land Use: Vacant parcels				
	Existing Earle OSC.				
6.	Calculation of maximum allowable development under current Lee Plan:				
	Residential Units/Density: 7 du / 1 per 5 acres Commercial Intensity: minimal us				
	Industrial Intensity: <u>n/a</u>				
7.	Calculation of maximum allowable development with proposed amendments:				
	Residential Units/Density: 532 dwelling units				
	15 dwelling units per acre maximum				
	Commercial Intensity: 310,000				
	Industrial Intensity: 30,000 (light industrial uses)				

Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on the maximum development.

- 1. Traffic Circulation Analysis: The analysis is intended to determine the affect of the land use change on the Financially Feasible Highway Plan Map 3A (20-year plus horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit a Traffic Impact Statement (TIS) consistent with Lee County Administrative Code (AC)13-17.
 - a. Proposals affecting less than 10 acres, where development parameters are contained within the Traffic Analysis Zone (TAZ) or zones planned population and employment, or where there is no change in allowable density/ intensity, may be eligible for a TIS requirement waiver as outlined in the Lee County TIS Guidelines and AC-13-17. Identification of allowable density/intensity in order to determine socio-economic data for affected TAZ(s) must be coordinated with Lee County Planning staff. Otherwise a calculation of trip generation is required consistent with AC-13-17 and the Lee County TIS Guidelines to determine required components of analysis for:
 - i. Total peak hour trip generation less than 50 total trip ends trip generation.
 - ii. Total peak hour trip generation from 50 to 300 total trip ends trip generation, trip distribution and trip assignment (manual or Florida Standard Urban Transportation Modeling Structure (FSUTMS) analysis consistent with AC-13-17 and TIS Guidelines), short-term (5 year) and long-range (to current Lee Plan horizon year) segment LOS analysis of the nearest or abutting arterial and major collector segment(s) identified in the Transportation Inventory based on the trip generation and roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is recommended prior to submittal of the application to discuss use of FSUTMS, any changes to analysis requirements, or a combined CPA and Zoning TIS short term analysis.
 - iii. Total peak hour trip generation is over 300 total trip ends trip generation, mode split, trip distribution and trip assignment (manual or FSUTMS analysis consistent with AC-13-17 and TIS Guidelines), short-term (five-year) and long-range (to current Lee Plan horizon year) segment LOS analysis of arterial and collector segments listed in the Transportation Inventory. LOS analysis will include any portion of roadway segments within an area three miles offset from the boundary of the application legal description metes and bounds survey. LOS analysis will also include any additional segments in the study area based on the roadway segment LOS analysis criteria in AC- 13-17. A methodology meeting is required prior to submittal of the application.
 - b. Map amendment greater than 10 acres -Allowable density/intensity will be determined by Lee County Planning staff.
- 2. Provide an existing and future conditions analysis for the following (see Policy 95.1.3):
 - a. Sanitary Sewer
 - b. Potable Water
 - c. Surface Water/Drainage Basins
 - d. Parks, Recreation, and Open Space
 - e. Public Schools

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

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

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

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

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

Environmental Impacts

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

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

Impacts on Historic Resources

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

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

Internal Consistency with the Lee Plan

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

State Policy Plan and Regional Policy Plan

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

Justify the proposed amendment based upon sound planning principles

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

Planning Communities/Community Plan Area Requirements

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

Sketch and Legal Description

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

SUBMITTAL REQUIREMENTS

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

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

MINIMUM SUBMITTAL ITEMS (3 Copies)

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

<u>APPLICANT – PLEASE NOTE:</u>

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

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

AFFIDAVIT

I, Stephen Raleigh, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

SVR Investments, LLC

By: Stephen Raleigh, it's AMBR

Signature of Applicant

ture of Applicant / Da

Stephen Raleigh

Printed Name of Applicant

STATE OF COUNTY OF

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of \boxtimes physical presence or \square online notarization on 10/31/200 (date) by \square tephen Raleigh (name of person providing oath or affirmation), who is personally known to me or who has produced

Florida Divers License (type of identification) as identification.

Signature of Notary Public

Michael K. Warren Jr.
(Name typed, printed or stamped)

Michael K. Warren Jr. Notary Public - Michigan

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared _	Stephen Raleigh	, who, being
first duly sworn and deposed says:		
1. That I am the record owner property that is located at Strap # 05-43-23-00-of an Application for zoning action (hereinal	-00003.0000 and .0020	e of the record owner, of the and is the subject
2. That I am familiar with the knowledge of the names of all individuals legal entity owning an interest in the Prope	that have an ownership	
[OPTIONAL PROVISION IF APPLICANT familiar with the individuals that have an contract to purchase the Property.]		
3. That, unless otherwise s Employee, County Commissioner, or He Property or any legal entity (Corporat Trust, etc.) that has an Ownership Int purchase the Property.	earing Examiner has ar ion, Company, Partne	n Ownership Interest in the rship, Limited Partnership.
4. That the disclosure ider Ownership Interest that a Lee County Examiner may have in any entity re Commission or registered pursuant to Chpublic.	y Employee, County ogistered with the Fed	Commissioner, or Hearing deral Securities Exchange
5. That, if the Ownership Int affidavit no longer being accurate, the identifies the name of any Lee Count Examiner that subsequently acquires an	undersigned will file a ty Employee, County	supplemental Affidavit that Commissioner, or Hearing
Disclosure of Interest held or Hearing Examiner.	by a Lee County Emplo	oyee, County Commissioner
Name and Add SVR Investments, LLC, 5015 Skyline Boulevard, Cap		Percentage of Ownership

true to the best of my knowledge and belief. SVR Investments, LLC By: Stephen, Raleigh, it's AMBR Property Owner Stephen Raleigh Print Name ********NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS********* ALL OTHER APPLICATION TYPES MUST BE NOTARIZED STATE OF COUNTY OF The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, on October 2/2020 (date) by Stephen Raleigh (name of person providing oath or affirmation), who is personally known to me or who has produced Florida Drivers License (type of identification) as identification. Michael K. Warren Jr. Notary Public - Michigan Livingston County
Acting in the County of Trapan
My Commission Expires December 10, 2023 STAMP/SEAL

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



Department of State / Division of Corporations / Search Records / Search by Entity Name /

Detail by Entity Name

Florida Limited Liability Company

SVR INVESTMENTS, LLC

Filing Information

 Document Number
 L10000085162

 FEI/EIN Number
 27-3348640

 Date Filed
 08/13/2010

 Effective Date
 08/13/2010

State FL
Status ACTIVE

Last Event LC AMENDMENT

Event Date Filed 05/18/2020
Event Effective Date NONE

Principal Address

12700 COLBY LAKE ROAD

LOT 14

LAINGSBURG, MI 48848

Changed: 01/09/2017

Mailing Address

12700 COLBY LAKE ROAD

LOT 14

LAINGSBURG, MI 48848

Changed: 01/09/2017

Registered Agent Name & Address

EBELINI, MARK A.

1625 HENDRY STREET,

THIRD FLOOR

FORT MYERS, FL 33901

Name Changed: 05/18/2020

Address Changed: 05/18/2020

<u>Authorized Person(s) Detail</u>

Name & Address

Title AMBR

RALEIGH, STEPHEN V

12700 COLBY LAKE ROAD LOT 14 LAINGSBURG, MI 48848

Annual Reports

Report Year	Filed Date
2018	01/10/2018
2019	10/08/2019
2020	01/02/2020

Document Images

05/18/2020 LC Amendment	View image in PDF format
01/02/2020 ANNUAL REPORT	View image in PDF format
10/08/2019 REINSTATEMENT	View image in PDF format
01/10/2018 ANNUAL REPORT	View image in PDF format
01/09/2017 ANNUAL REPORT	View image in PDF format
02/01/2016 ANNUAL REPORT	View image in PDF format
01/11/2015 ANNUAL REPORT	View image in PDF format
03/19/2014 ANNUAL REPORT	View image in PDF format
04/12/2013 ANNUAL REPORT	View image in PDF format
01/04/2012 ANNUAL REPORT	View image in PDF format
02/21/2011 ANNUAL REPORT	View image in PDF format
08/13/2010 Florida Limited Liability	View image in PDF format

Florida Department of State, Division of Corporations

Electronic Articles of Organization For Florida Limited Liability Company

L20000132563 FILED 8:00 AM May 15, 2020 Sec. Of State kepage

Article I

The name of the Limited Liability Company is: SVR MANAGEMENT, LLC

Article II

The street address of the principal office of the Limited Liability Company is:

5015 SKYLINE BOULEVARD CAPE CORAL, FL. 33914

The mailing address of the Limited Liability Company is:

5015 SKYLINE BOULEVARD CAPE CORAL, FL. 33914

Article III

Other provisions, if any:

THE COMPANY IS ORGANIZED FOR THE PURPOSE OF TRANSACTING ALL LAWFUL ACTIVITIES AND BUSINESSES THAT MAY BE CONDUCTED BY A LIMITED LIABILITY COMPANY UNDER THE LAWS OF THE STATE OF FLORIDA.

Article IV

The name and Florida street address of the registered agent is:

MARK A EBELINI 1625 HENDRY STREET THIRD FLOOR FORT MYERS, FL. 33901

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: MARK A. EBELINI

Article V

The name and address of person(s) authorized to manage LLC:

Title: AMBR STEPHEN V RALEIGH 5015 SKYLINE BOULEVARD CAPE CORAL, FL. 33914 L20000132563 FILED 8:00 AM May 15, 2020 Sec. Of State kepage

Article VI

The effective date for this Limited Liability Company shall be:

05/15/2020

Signature of member or an authorized representative

Electronic Signature: STEPHEN V. RALEIGH

I am the member or authorized representative submitting these Articles of Organization and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of the LLC and every year thereafter to maintain "active" status.



Tax Year 2020 '

Next Parcel Number Previous Parcel Number Tax Estimator Tax Bills Print



STRAP: 05-43-23-00-00003.0000 Folio ID: 10025063



Site Address

Site Address maintained by **E911 Program Addressing**

BURNT STORE RD N CAPE CORAL FL 33993

Property Description

Do not use for legal documents!

S 1/2 OF SW 1/4 OF SW1/4 LESS W 132 FT







Last Inspection Date: 05/18/2018

Exemptions

R Values (2020 Tax Roll)

Taxing Authorities

Sales / Transactions

Location Information

Solid Waste (Garbage) Roll Data

Flood and Storm Information

Address History

Previous**TRAM (pkoposed tak):Nôtices are vailable for Qhe following tâx yebrs** Home [2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020]

- + Appraisal Details (2020 Tax Roll)
- Appraisal Details (Current Working Values)



Tax Year 2020 ✓

Next Parcel Number Previous Parcel Number Tax Estimator Tax Bills Print



STRAP: 05-43-23-00-00003.0020 Folio ID: 10025064



Site Address

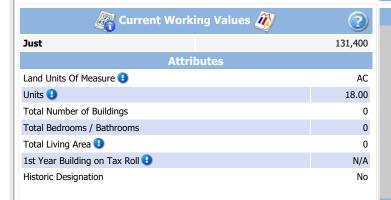
Site Address maintained by E911 Program Addressing

BURNT STORE RD N CAPE CORAL FL 33993

Property Description

Do not use for legal documents!

N 1/2 OF SW 1/4 OF SW 1/4 LESS W 132 FT





[Pictometry Aerial Viewer]



Exemptions

💠 🧸 Values (2020 Tax Roll) 🦃

Taxing Authorities

Sales / Transactions •

Parcel Numbering History •

Location Information

Solid Waste (Garbage) Roll Data

+ Flood and Storm Information

+ Address History



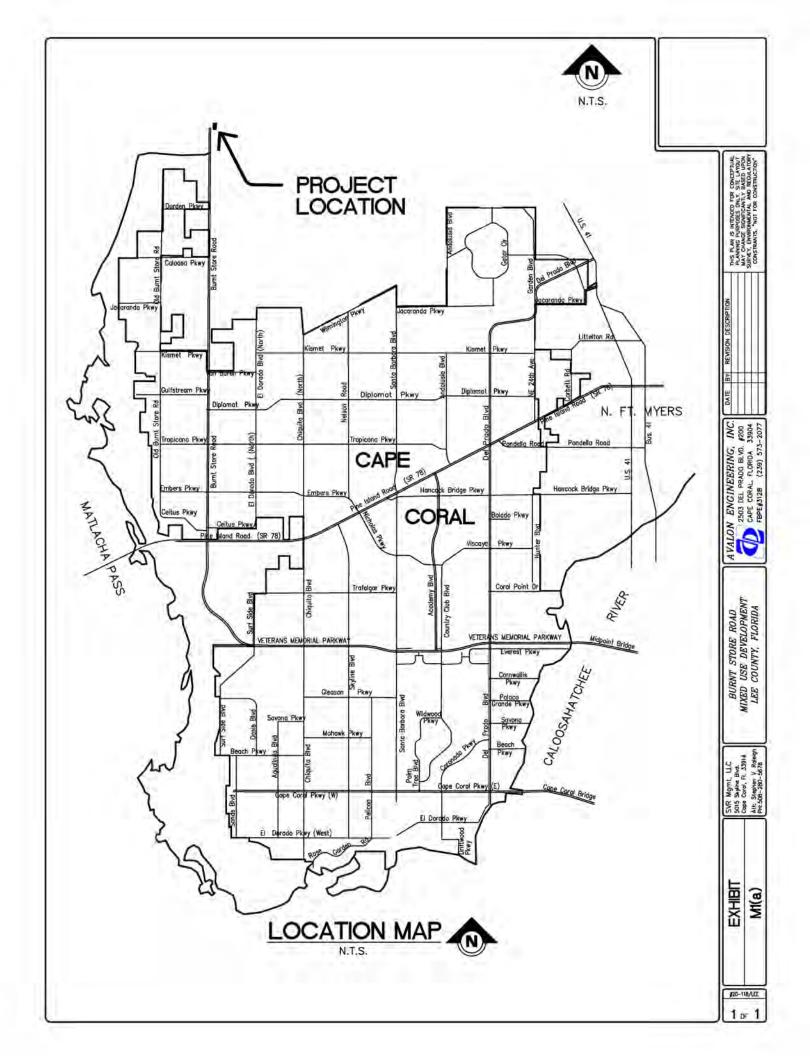
Appraisal Details (2020 Tax Roll)

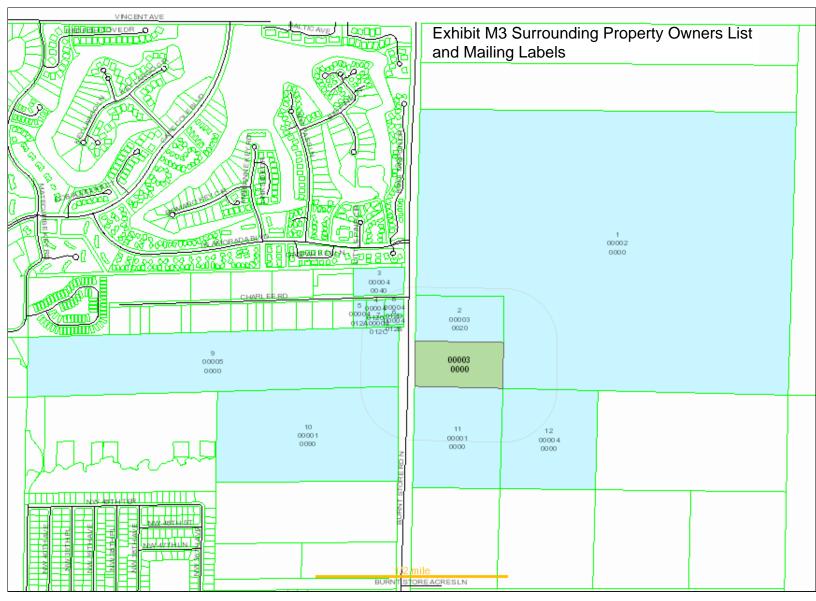


Appraisal Details (Current Working Values)

Previous Parcel Number Next
Parcel Number New Query
Search Results Home

TRIM (proposed tax) Notices are available for the following tax years [2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020]





Date of Report:

December 02, 2020

Buffer Distance:

750 feet Rerun

Parcels Affected:

12

Subject Parcel: 05-43-23-00-00003.0000

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

Click here to download the map image, mailing labels (Avery

5161) and CSV formatted information.

To change, add or remove subject parcers please change the parcer selection in Geoview				
OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX	
TIITF/FWCC FRED BABCOCK/CECIL	05-43-23-00-00002.0000	S 1/2 OF N 1/2 + N 1/2 OF	1	
DEPT OF ENVIR PROTECTION	BURNT STORE RD N	SW 1/4 + SE 1/4 OF SW 1/4		
3900 COMMONWEALTH BLVD	CAPE CORAL FL 33993	+ SE 1/4 LESS W 132 FT.OF		
TALLAHASSEE FL 32399				
SVR INVESTMENTS LLC	05-43-23-00-00003.0020	N 1/2 OF SW 1/4 OF SW 1/4	2	
2135 MAYFAIR WAY LOT 28	BURNT STORE RD N	LESS W 132 FT		
TITUSVILLE FL 32796	CAPE CORAL FL 33993			
PUNTA GORDA ISLES SECTION 22 H	06-43-23-00-00004.0040	BEG SE COR SEC 6 RUN N ALG	3	
13831 VECTOR AVE	ACCESS UNDETERMINED	E LI & CTR LI S R 765		
FORT MYERS FL 33907	PUNTA GORDA FL 33955	1246.02 FT TH W 68.06 FT LESS		
		SOUTH 30 FT RD R/W OR 3817 PG		
		1820		
HOFFMAN RICHARD C JR &	06-43-23-00-00004.0120	PARL IN SE 1/4	4	
17041 CHARLEE RD	17041 CHARLEE RD	DESC OR 1882 PG 3507		
PUNTA GORDA FL 33955	PUNTA GORDA FL 33955	PARCEL C LESS N 30 FT AS D		
		ESC IN OR 3729 PG 3721 RD R/W		
BANNON MARGIT BERRIOS	06-43-23-00-00004.012A	PARL IN SE 1/4	5	

17051 CHARLEE RD	17051 CHARLEE RD	DESC OR 1455 PG 2246 LESS N 30	
PUNTA GORDA FL 33955	PUNTA GORDA FL 33955	FT FOR RD R/W IN OR 3773 PG 1840	
DISTRESSED CHARLEE LLC	06-43-23-00-00004.012B	FR SE COR TH N861 TH W66	6
9001 DANIELS PKWY #201	ACCESS UNDETERMINED	TO POB TH W270 TH N132 TH	
FORT MYERS FL 33912	PUNTA GORDA FL 33955	E270 TH S120 TO POB LESS R/W	
		AKA PT LOT 10 CHARLEE	
		RANCHETTES	
CHOMWONG PATTARAPORN	06-43-23-00-00004.012C	PT LT 10 CHARLEE RANCHETTE	7
6135 S EVANS AVE APT 1	4970 BURNT STORE RD N	UNREC - FM SE COR N 831 W	
CHICAGO IL 60637	PUNTA GORDA FL 33955	68 TO POB THEN W 524 N 140	
		E254 S 110 E 270 S 31 TO POB	
ABRAHAMSON PROPERTIES LLC	06-43-23-00-00004.012D	FR SE COR TH N978 TH W68	8
PO BOX 1601	17021 CHARLEE RD	TO POB TH W270 TH N253 TH	
BONITA SPRINGS FL 34133	PUNTA GORDA FL 33955	E270 TH S265 TO POB LESS R/W	
		AKA PT LOT 10 CHARLEE	
		RANCHETTES	
TIITF/REC + PARKS CHARLOTTE HA		S 830 FT SEC 6 LESS	9
DEPT OF ENVIR PROTECTION	ACCESS UNDETERMINED	E 68 FT	
3900 COMMONWEALTH BLVD	PUNTA GORDA FL 33955		
TALLAHASSEE FL 32399			
LEE COUNTY	07-43-23-C2-00001.0090	N 1/2 OF NE 1/4	10
CONSERVATION 2020	BURNT STORE RD N	LESS N 50 FT RES FOR RD	
PO BOX 398	CAPE CORAL FL 33993	R/W + LESS STATE R/W	
FORT MYERS FL 33902			
CAMPBELL ANNMARIE +	08-43-23-00-00001.0000	NW 1/4 OF NW 1/4	11
10791 ORANGE RIVER BLVD	BURNT STORE RD N	LESS WLY 132 FT	
FORT MYERS FL 33905	CAPE CORAL FL 33993		
HENRY JEWEL A	08-43-23-00-00004.0000	NE 1/4 OF NW 1/4 SEC 08	12
16820 SANTUARY EST DR	ACCESS UNDETERMINED	DESC IN OR 1904 PG 2670	
CAPE CORAL FL 33993	CAPE CORAL FL		

TIITF/FWCC FRED BABCOCK/CECIL DEPT OF ENVIR PROTECTION 3900 COMMONWEALTH BLVD TALLAHASSEE FL 32399

SVR INVESTMENTS LLC 2135 MAYFAIR WAY LOT 28 TITUSVILLE FL 32796

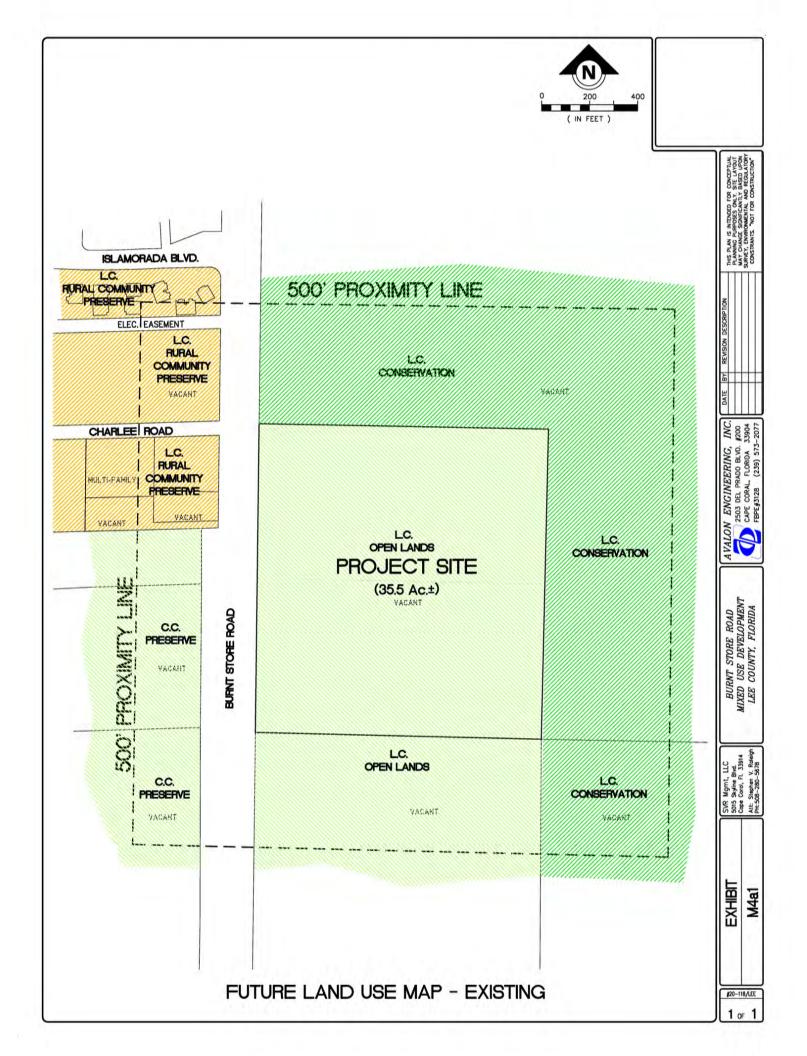
PUNTA GORDA ISLES SECTION 22 H 13831 VECTOR AVE FORT MYERS FL 33907 HOFFMAN RICHARD C JR & 17041 CHARLEE RD PUNTA GORDA FL 33955

BANNON MARGIT BERRIOS 17051 CHARLEE RD PUNTA GORDA FL 33955 DISTRESSED CHARLEE LLC 9001 DANIELS PKWY #201 FORT MYERS FL 33912

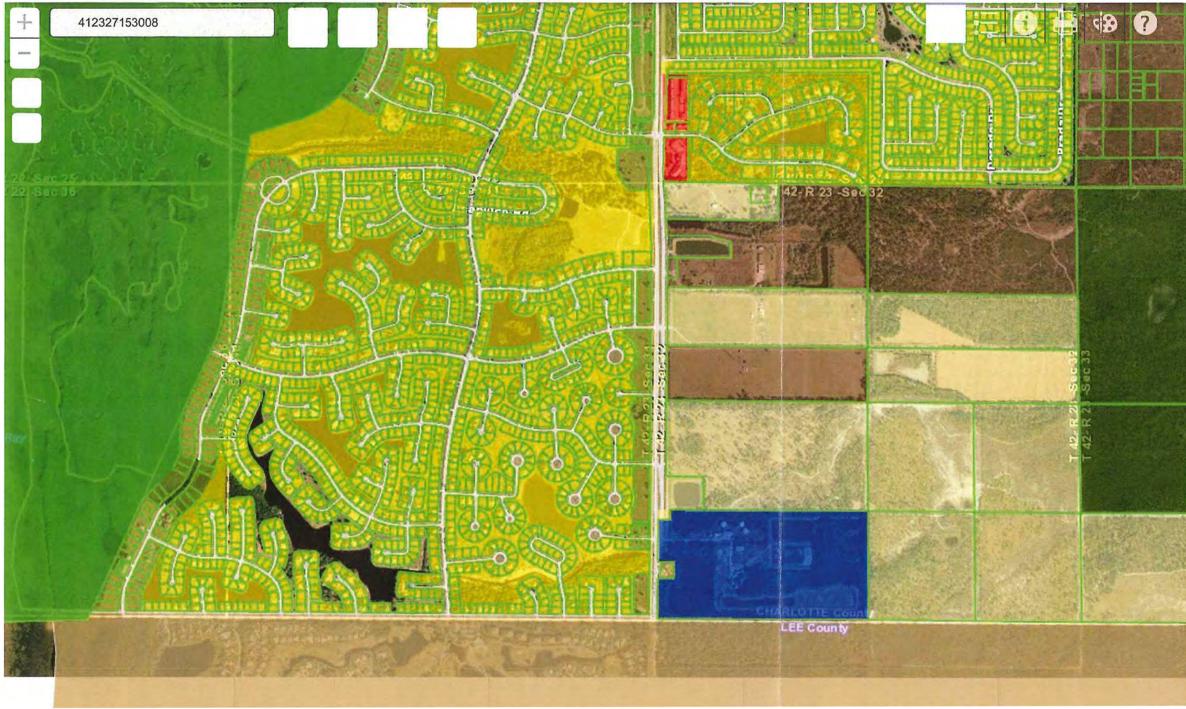
CHOMWONG PATTARAPORN 6135 S EVANS AVE APT 1 CHICAGO IL 60637 ABRAHAMSON PROPERTIES LLC PO BOX 1601 BONITA SPRINGS FL 34133

TIITF/REC + PARKS CHARLOTTE HA DEPT OF ENVIR PROTECTION 3900 COMMONWEALTH BLVD TALLAHASSEE FL 32399 LEE COUNTY
CONSERVATION 2020
PO BOX 398
FORT MYERS FL 33902

CAMPBELL ANNMARIE + 10791 ORANGE RIVER BLVD FORT MYERS FL 33905 HENRY JEWEL A 16820 SANTUARY EST DR CAPE CORAL FL 33993







			LEE County		Cor
Options Clear Sele Property Ownership	ction Buffer Mailing Labels				Offi
Parcel ID 412327153008	Owners Name ROADMAN BARRET	Mailing Address 126 SINCALIR ST SW	Suite	City PORT CHARL	Min
					Lov
					Med

Layers

- Sea Turtle Lighting Zones
- Enterprise Charlotte Airport Park
- ▶ US 41 Zoning Overlay District
- FBC2010 Wind Speeds
- ▶ Pre-FBC2010 Wind Speeds
- Existing Land Use
- Future Land Use

Agriculture

Babcock Mixed Use

Burnt Store Limited Development

Burnt Store Village Residential

City

Commercial

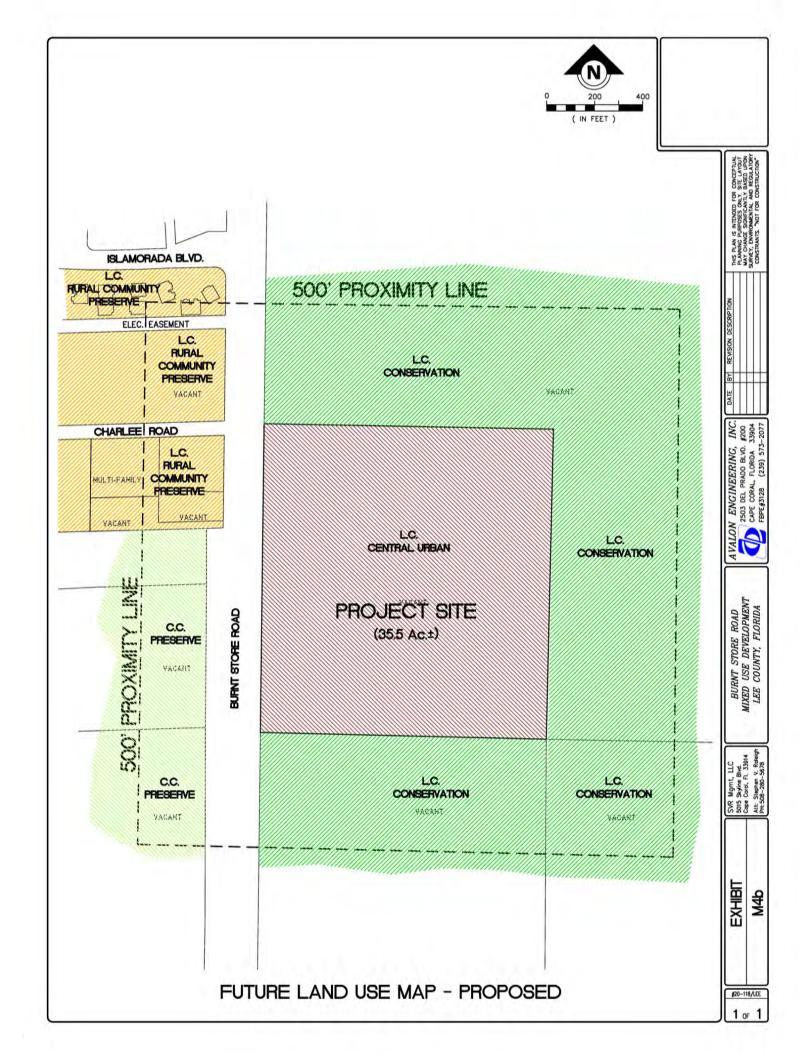
Office & Institutional

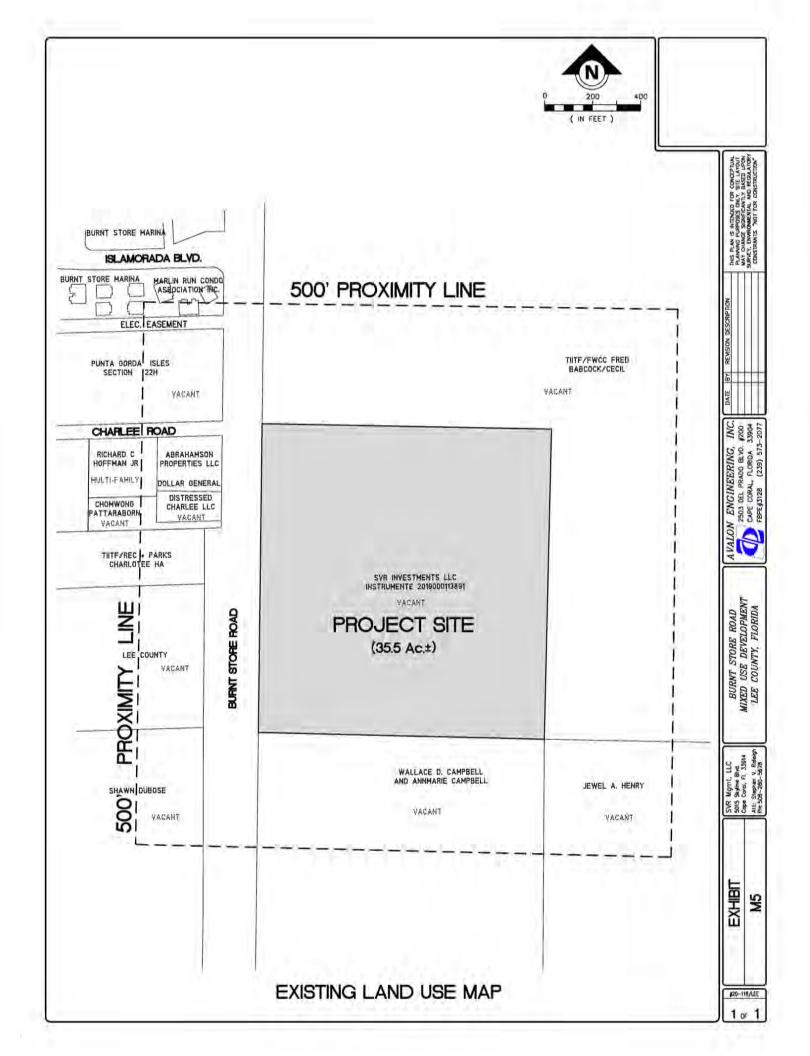
Enterprise Charlotte Airport Park

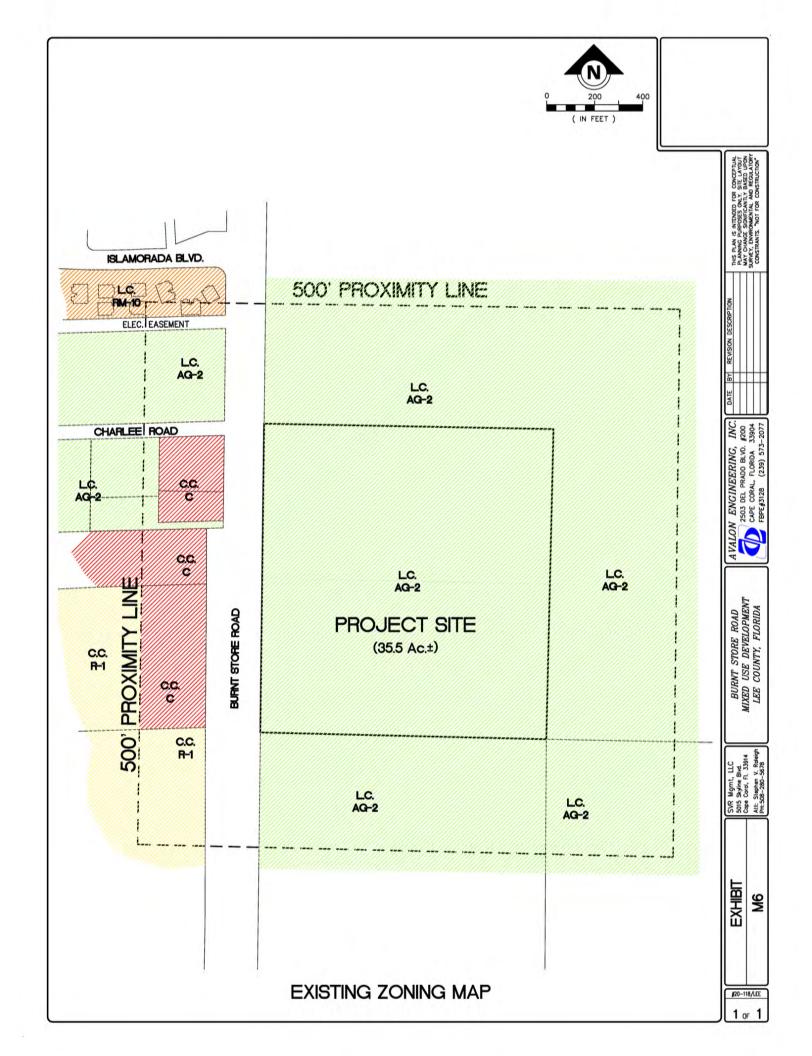
Mineral Resource Extraction

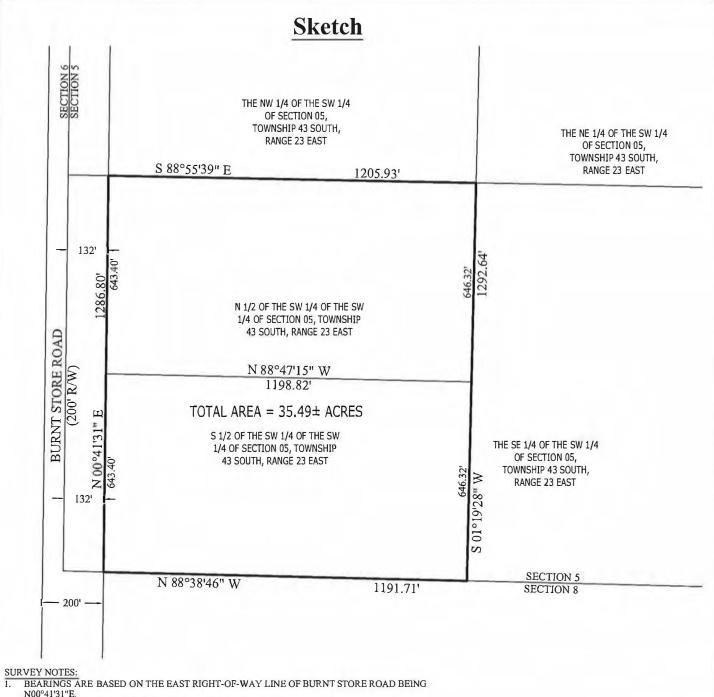
ow Density Residential

Medium Density Residential









- N00°41'31"E.
- MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.

THIS IS NOT A SURVEY

ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2021, ARDURRA GROUP, INC., ALL RIGHTS RESERVED.

DO NOT COPY WITHOUT THE WRITTEN CONSENT OF ARDURRA GROUP, INC.

NOT VALID WITHOUT SHEET 2 OF 2.

Sheet 1 of 2

Sketch to Accompany Description

Burnt Store Road Parcels lying in Section 05, Township 43 South, Range 23 East, Lee County, Florida.

SHEET 1 OF 2

Prepared for: SVR Management, LLC

SECTION 05, TOWNSHIP 43S, RANGE 23E

THIS IS NOT A SURVEY



COLLABORATE. INNOVATE CREATE.

324 Nicholas Parkway W, Unit A Cape Coral, Florida 33991 Phone: (239) 673-9541 www.Ardurra.com License #LB-2610

I hereby certify that, to the best of my knowledge and belief, the direction on March 15, 2021 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.



Digitally signed by Jeffrey Stouten Date: 2021.03.16 07:47:17 -04'00'

JEFFREY D. STOUTEN (FOR THE FIRM)

FLORIDA PROFESSIONAL, SURVEYOR & MAPPER NO.6584

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

Description

LEGAL DESCRIPTION:

THE NORTH ONE - HALF OF THE SOUTHWEST ONE - QUARTER OF THE SOUTHWEST ONE - QUARTER, LESS AND EXCEPT THE WEST 132 FEET THEREOF, SECTION 5, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA

AND

THE SOUTH ONE - HALF OF THE SOUTHWEST ONE - QUARTER OF THE SOUTHWEST ONE - QUARTER, LESS AND EXCEPT THE WEST 132 FEET THEREOF, SECTION 5, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA

SAID PARCEL CONTAINS 35.49 ACRES (more or less)

BEARINGS ARE BASED ON THE EAST RIGHT-OF-WAY LINE OF BURNT STORE ROAD BEING N00°41'31"E.

THIS IS NOT A SURVEY

Description to Accompany Sketch

Burnt Store Road Parcels lying in Section 05, Township 43 South, Range 23 East, Lee County, Florida.

Not Valid without Sheet 1 of 2

Sheet 2 of 2

Prepared for: SVR Management, LLC

SECTION 05, TOWNSHIP 43S, RANGE 23E



COLLABORATE. INNOVATE. CREATE.

324 Nicholas Parkway W, Unit A Cape Coral, Florida 33991 Phone: (239) 673-9541 www.Ardurra.com License #LB-2610 I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on March 15, 2021 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 51-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

See Sheet 1 of 2 for Signature and Seal

JEFFREY D. STOUTEN (FOR THE FIRM)

FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6384

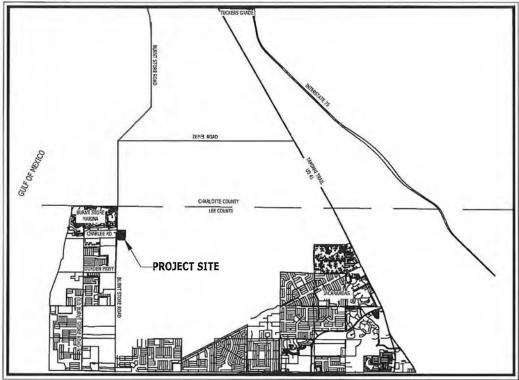
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR
DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SECTION 5, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA

LEGAL DESCRIPTION (PER INSTRUMENT NUMBER: 201900013891)

THE NORTH ONE - HALF OF THE SOUTHWEST ONE - QUARTER OF THE SOUTHWEST ONE - QUARTER, LESS AND EXCEPT THE WEST 132 FEET THEREOF, SECTION 5, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA

THE SOUTH ONE - HALF OF THE SOUTHWEST ONE - QUARTER OF THE SOUTHWEST ONE - QUARTER, LESS AND EXCEPT THE WEST 132 FEET THEREOF, SECTION 5, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA



VICINITY MAP - N.T.S.

LEGEND OF STANDARD SYMBOLS AND ABBREVIATIONS

TLEGEND OF STANDARD SYM FOR = FOUND SCRIBED CROWS FOOT FCM = FOUND SCRIBED CROWS FOOT FCM = FOUND CAPEDE CROWS FOOT FCR = FOUND CAPEDE IRON ROO (SIZE AND IDENTIFICATION AS SHOWN) FFM = FOUND CAPEDE IRON ROO (SIZE AS HOWN AND NO IDENTIFICATION) FND = FOUND RICH ROO (SIZE AS SHOWN AND NO IDENTIFICATION) FND = FOUND RICH (FUF AND NO IDENTIFICATION AS SHOWN) FND = FOUND RICH (FUF AND NO IDENTIFICATION AS SHOWN) FOP = FOUND RICH FOR PIPE (SIZE AND IDENTIFICATION AS SHOWN) FRV = FOUND RIVET (NO IDENTIFICATION) FRV = SILVET STANDARD STANDA AIR CONDITIONER CONCEID = CONCRETE CONCRETE MITTERED END SECTION CONCRETE FLARED END SECTION CONTOUR LINE FENCE (SIZE & TYPE NOTED) TO = CONTOUR LINE FRIGATION CONTROL DOX IV bd = IRRIGATION CONTROL VALVE FRIGATION CONTROL VALVE FRIGATION HAND HOLE CONTROL TO THE CONTROL FRIGHT OF THE CONTROL FRIGATION HAND HOLE FRIGATION HAND HOL SV SCO SWS SPM = SANITARY SEWER MANHOLE, PIPE, VALVE, CLEANOUT, WARNING SIGN & PAINT MARK IDENTIFYING PROBABLE LOCATION OF UTILITY OA = OVERALL ORB = OFFICIAL RECORD BOOK PB = PLAT BOOK PO = PLAT BOOK PG = PAGE POB = POINT OF BEGINNING POC = POINT OF DOMENCEMENT PSH = PROFESSIONAL SURVEYOR & MAPPER PVC = POLY VINYL CHLORIDE PVC = POLY VINYL CHLORIDE PVC = POLY VINYL CHLORIDE FENCE PVC = POLY VINYL CHLORID PVC- = POLY VINTUCHIONIDE FENCE R/W = RIGHT-OF-WAY RCP = REINFORCED CONCRETE PIPE RLS = REGISTRED LAND SURVEYOR S-1-R = SECTION - TOWNSHIP - RANGE STO = STATE SECTION - TOWNSHIP - RANGE SWFWIND - SOUTHWEST FURIOR WATER MANAGEMENT DISTRICT TYP = TYPECL VCP = VETRIFIED CLAY PIPE WD = WOOD RV RARV RFH RFDC ABO RWS RPM = RECLAIMED WATER MANHOLE, LINE, VALVE, AIR RELEASE VALVE, METER, FIRE HYDRANT, FIRE DEPARTMENT CONNECTION, BLOW OFF, WARNING SIGN & PAINT MARK IDENTIFYING PROBABLE LOCATION OF UTILITY EWS EPH = ELECTRIC MANHOLE, LINE, TRANSFORMER, VAULT, OUTLET, BOX, HAND HOLE WARNING SIGN & PAINT MARK IDENTIFYING PROBABLE LOCATION OF UTILITY VCP = VETRIFIED CLAY PIPE WD = WOOD WDF = WOOD FENCE TOP BACK OF CURB 8,22 FLOWLINE OF CURB 7,90 EDGE OF PAVEMENT 7.91 W. (II) O ON OF SOUTH ANCHOR, POWER POLE, PANEL, DVERHEAD WIRE, METER, POWER POLE WITH LIGHT, UTILITY POLE AND GUY POLE TOP BACK OF CURB 8.22 EDGE OF PAVEMENT 7.91

EDGE OF PAVEMENT 7,91

6.3 | = TYPICAL GROUND SPOT (GS)
GROUND ELEVATIONS 6.3 | ELEVATIONS (IF SHOWN)

DCO Si⇔ STORM SEWER MANHOLE, PIPE, GRATE INLET & CLEANOUT

CONCRETE CURB INLETS

SURVEYOR'S NOTES:

1. TYPE OF SURVEY: BOUNDARY AND TOPOGRAPHIC SURVEY. ANY USE OF THIS SURVEY FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR, NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY

2. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-YVAY, AND/OR OWNERSHIP WERE FURNISHED TO OR PURSUED BY THE UNDERSIGNED OTHER THAN THOSE SHOWN HEREON, EASEMENTS OR RESTRICTIONS OF RECORD OTHER THAN THOSE SHOWN HEREON MAY EXIST

3. NO EXCAVATION WAS PERFORMED TO VERIFY THE LOCATION OR EXISTENCE OF ANY UNDERGROUND IMPROVEMENTS. STRUCTURES, OR FOUNDATIONS. UNDERGROUND UTILITIES SHOWN HEREON ARE SHOWN PER ABOVE GROUND EVIDENCE AND/OR RECORD DRAWINGS OR MUNICIPAL ATTAS INFORMATION AND THE LOCATION OF ALL UNDERGROUND LITILITY LINES ARE APPROXIMATE ORLY. THIS DOCUMENT SHOULD NOT BE RELIED UPON FOR EXCAVATION OR CRITICAL DESIGN FUNCTIONS WITHOUT FIELD VERIFICATION OF UNDERGROUND UTILITY LOCATIONS, UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST, EXCEPT

4. UNLESS IT BEARS THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP AND REPORT

S. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

6. ADIOINING PROPERTY OWNERS SHOWN HEREON ARE BASED ON INFORMATION OBTAINED FROM THE COLINTY PROPERTY APPRAISER WEB SITE AND IS FOR

7. SEE MAP OF SURVEY FOR ON SITE TEMPDRARY BENCHMARKS (TBM).

8. FLEVATIONS SHOWN HEREON ARE IN FEET AND ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD 29), CONTROL MONIMENTS UTILIZED FROM FLORIDA DEPARTMENT OF TRANSPORTATION ARE DESIGNATED AS "ST PT = 300", HAVING A PUBLISHED ELEVATION OF 13.18 FEET, AS PUBLISHED BY THE NATIONAL GEODETIC SURVEY.

9. STATE PLANE COORDINATES SHOWN HEREON (WEST ZONE) WERE DERIVED BY GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS UTILIZING A VIRTUAL

10. BY SCALED DETERMINATION THE SUBJECT PROPERTY APPEARS TO LIE IN FLOOD ZONE "X" PER FLOOD INSURANCE RATE MAP, MAP NUMBER 12071/00070E. 10. B) SALECU DETERMINATION THE SUBJECT PROPERTY PAPERS TO LIE IN PLOUD ZONE A PER COUD INSURANCE PALE HIM, HAP NOTICE 12/12/2014

MAP EFFECTIVE DATE 08/28/2008. ZONE "X" 0.2% AINNIAL CHANCE OF FLOOD, AN ACCURATE ZONE DETERMINATION SHOULD BE MADE BY THE PREPARE OF THE MAP, THE FEDERAL EMERGENCY MANAGEMENT AGENCY, OR THE LOCAL GOVERNMENT AGENCY HAVING JURISDICTION OVER SUCH MATTERS PRIOR TO ANY JUDGMENTS BEING MADE FROM THE ZONE AS NOTED.

11. CONSIDERATION WAS GIVEN TO THE FOLLOWING IN PREPARATION OF THIS SURVEY

(A) LANDS THAT ARE RECORDED IN OFFICIAL RECORDS BOOK 3411, PAGE 4286, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (B) LANDS THAT ARE RECORDED IN INSTRUMENT NUMBER 2011000089581, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, (C) LANDS THAT ARE RECORDED IN INSTRUMENT NUMBER 2013000192534, PUBLIC RECORDS OF LEE COUNTY, FLORIDA

13. LAST DATE OF FIELD SURVEY: 09/04/2020

CERTIFIED TO:

TACK PANKOW ATTORNEY AT LAW SVR INVESTMENT, LLC

ARDURRA GROUP INC CERTIFICATE OF AUTHORIZATION NUMBER 182610

I HERERY CERTIFY THAT. TO THE BEST OF MY KNOWLEDGE AND BELIFF. THE SURVEY REPRESENTED HEREON, MADE LINDER MY DIRECTION ON SEPTEMBER 04TH. 2020 IS IN ACCORDANCE WITH MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS IN MAPPERS IN CHAPTER 53-17, FLORIDA AOMINISTRATIVE CODE, PURSUANT TO SECTION 472,027 FLORIDA STATUTES.



Digitally signed by Jeffrey Stouten Date: 2020.11.09 14:23:26 -05'00'

JEFFREY D. STOUTEN, PSM FLORIDA LICENSE - LS6584





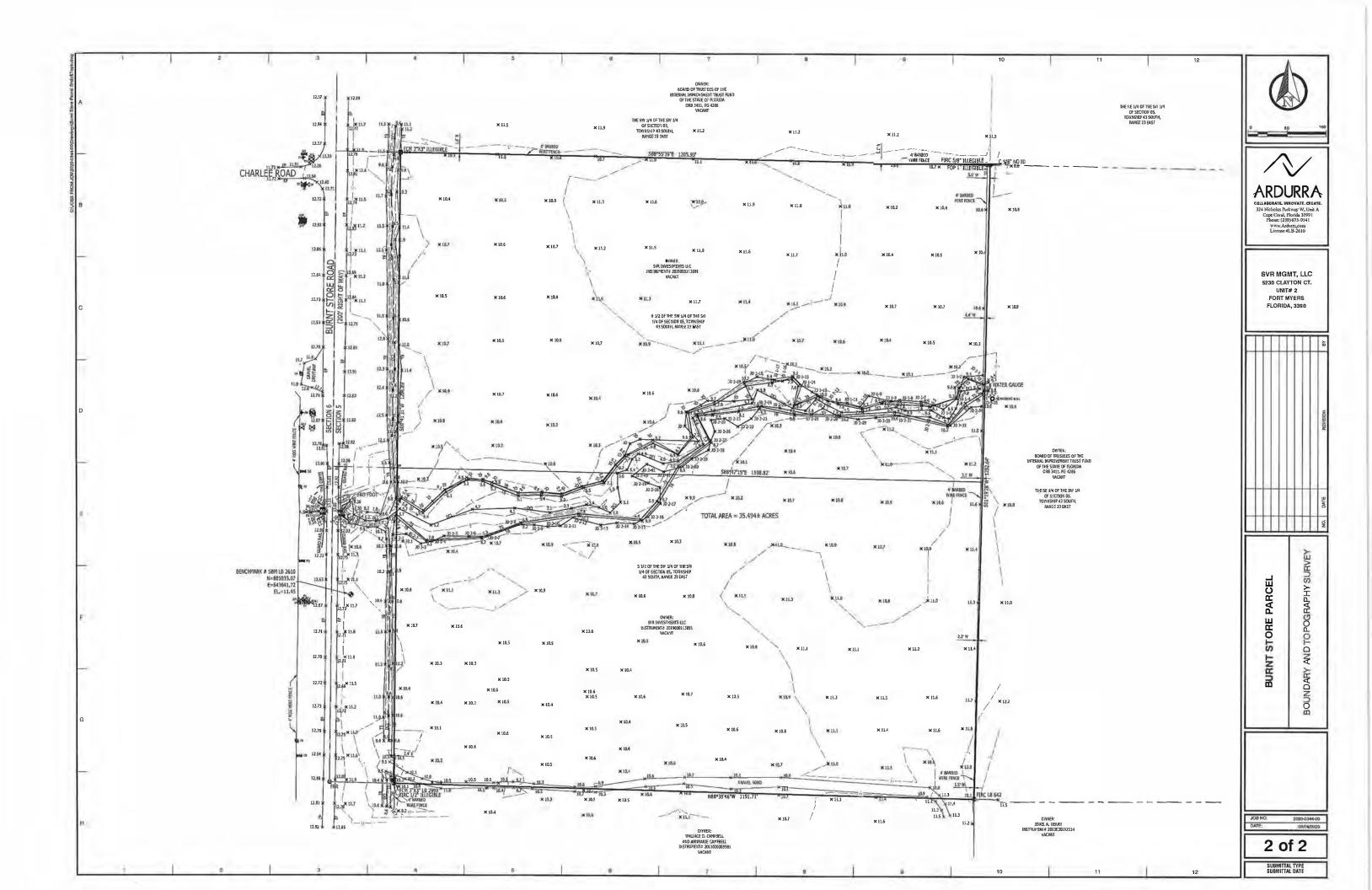
SVR MGMT, LLC 5230 CLAYTON CT. UNIT# 2 FORT MYERS FLORIDA, 33907

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					ADD CERTIFICATION	Sand decimal
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						0202/60/1

SURVEY AND BOUNDARY

JOBNO:

1 of 2



INSTR. # 2020000180424, Doc Type D, Pages 5, Recorded 8/6/2020 at 7:55 AM, Deputy Clerk DSCHAEFER ERECORD

Rec Fees: \$44.00 Deed Doc: \$2,625.00

Prepared by and return to:

Jack Pankow

5230-2 Clayton Court

Fort Myers, FL 33907

File Number: 20-0076

Parcel ID #05-43-23-00-00003.0000 & 05-43-23-00-00003.0020

[Space Above This Line For Recording Data]

Trustee's Deed

This Trustee's Deed made this 29 day of July, 2020 between Richard Simeone, Paul Lynch and Christopher Speake, as Co-Trustees of the Lags Trust, under Article 10.1 of the Last Will and Testament of David Lynn "Lags" Lageschulte, deceased, and Woodridge Properties, LLC, a Florida Limited Liability Company whose post office address is 2035 Colonial Blvd., Fort Myers, FL 33907 as to The Lags Trust and c/o Jack Pankow, 5230-2 Clayton Ct., Fort Myers, FL 33907 as to Woodridge Properties, LLC, grantor, and SVR Investments, LLC, a Florida Limited Liability Company whose post office address is 2135 Mayfair Way, Lot 28, Titusville, FL 32796, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantees heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

The South one-half (1/2) of the Southwest one-quarter (1/4) of the Southwest one-quarter (1/4), less and except the West 132 feet thereof, Section 5, Township 43 South, Range 23 East, Lee County, Florida.

AND

The North one-half (1/2) of the Southwest one-quarter (1/4) of the Southwest one-quarter (1/4), less and except the West 132 feet thereof, Section 5, Township 43 South, Range 23 East, Lee County, Florida.

The property herein conveyed is vacant land and DOES NOT constitute the HOMESTEAD property of the Grantor.

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

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

Signed, sealed and delivered in our presence:

The Lags Trust, under Article 10.1 of the Last Will and Testament of David Lynn "Lags" Lageschulte, deceased

Witness #1 Signature

Witness #1 Printed Name:

Richard

ichard Simeone, as Co-Trustee

Witness # 2 Signature

Witness #2 Printed Name:

John Wallace

State of Florida County of Lee

The foregoing instrument was acknowledged before me this 30th day of July, 2020 by Richard Simeone, as Co-Trustee of The Lags Trust, under Article 10.1 of the Last Will and Testament of David Lynn "Lags" Lageschulte, deceased, on behalf of said trust, who is personally known or [] has produced a driver's license as identification.

Notary

SHELLEY A. JONES
MY COMMISSION # GG 923999
EXPIRES: February 8, 2024
Bonded Thru Notary Public Underwriters

Notary Public

Printed Name:

My Commission Expires:

February 8, 2021

Signed, sealed and delivered in our presence:

The Lags Trust, under Article 10.1 of the Last Will and Testament of David Lynn "Lags" Lageschulte, deceased

Witness #1 Signature

Witness #1 Printed Name:

ZORI J. Lywch

aul Lynch, as Co-Tru

Witness # 2 Signature

Witness #2 Printed Name:

John Wallace

State of Florida County of Lee

The foregoing instrument was acknowledged before me this day of July, 2020 by Paul Lynch, as Co-Trustee of The Lags Trust, under Article 10.1 of the Last Will and Testament of David Lynn "Lags" Lageschulte, deceased, on behalf of said trust, who is personally known or [] has produced a driver's license as identification.

[Notary Seal]

SHELLEY A. JONES
MY COMMISSION # GG 923999
EXPIRES: February 8, 2024
Bonded Thru Notary Public Underwriters

Notary Public

Printed Name:

_

My Commission Expires:

helley A. Jo

February 8, 202

Signed, sealed and delivered in our presence:

The Lags Trust, under Article 10.1 of the Last Will and Testament of David Lynn "Lags" Lageschulte, deceased

Witness #1 Signature

Witness #1 Printed Name: 2

sech

Christopher Speake, as Co-Trustee

Witness# 2 Signature

Witness #2 Printed Name:

John Wallace

State of Florida County of Lee

The foregoing instrument was acknowledged before me this day of July, 2020 by Christopher Speake, as Co-Trustee of The Lags Trust, under Article 10.1 of the Last Will and Testament of David Lynn "Lags" Lageschulte, deceased, on behalf of said trust, who is personally known or [] has produced a driver's license as identification.

[Notary Seal]

SHELLEYA. JONES
MY COMMISSION # GG 923999
EXPIRES: February 8, 2024
Bonded Thru Notary Public Underwriters

Notary Public

Printed Name:

Shelley A. Jone

My Commission Expires:

February 8, 2024

Signed, sealed and delivered in our presence:

Witness #1 Signature
Witness #1 Printed Name:

Woodridge Properties, LLC

The Stephen W. Haywood Revocable Trust dated October 30, 2015, Manager, by Louis E. Black,

Successor Trustee

Witness # 2 Signature Witness #2 Printed Name:

Marlanique N Wilkinson

State of Florida County of Lee

The foregoing instrument was acknowledged before me this 2° day of July, 2020 by Louis E. Black, Successor Trustee of The Stephen W. Haywood Revocable Trust dated October 30, 2015, Manager of Woodridge Properties, LLC, on behalf of said company, who is personally known or [] has produced a driver's license as identification.

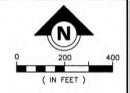
[Notary Seal]

JACK PANKOW
MY COMMISSION #GG150238
EXPIRES: OCT 17, 2021
Bonded through 1st State Insurance

Notary Public

Printed Name:

My Commission Expires:





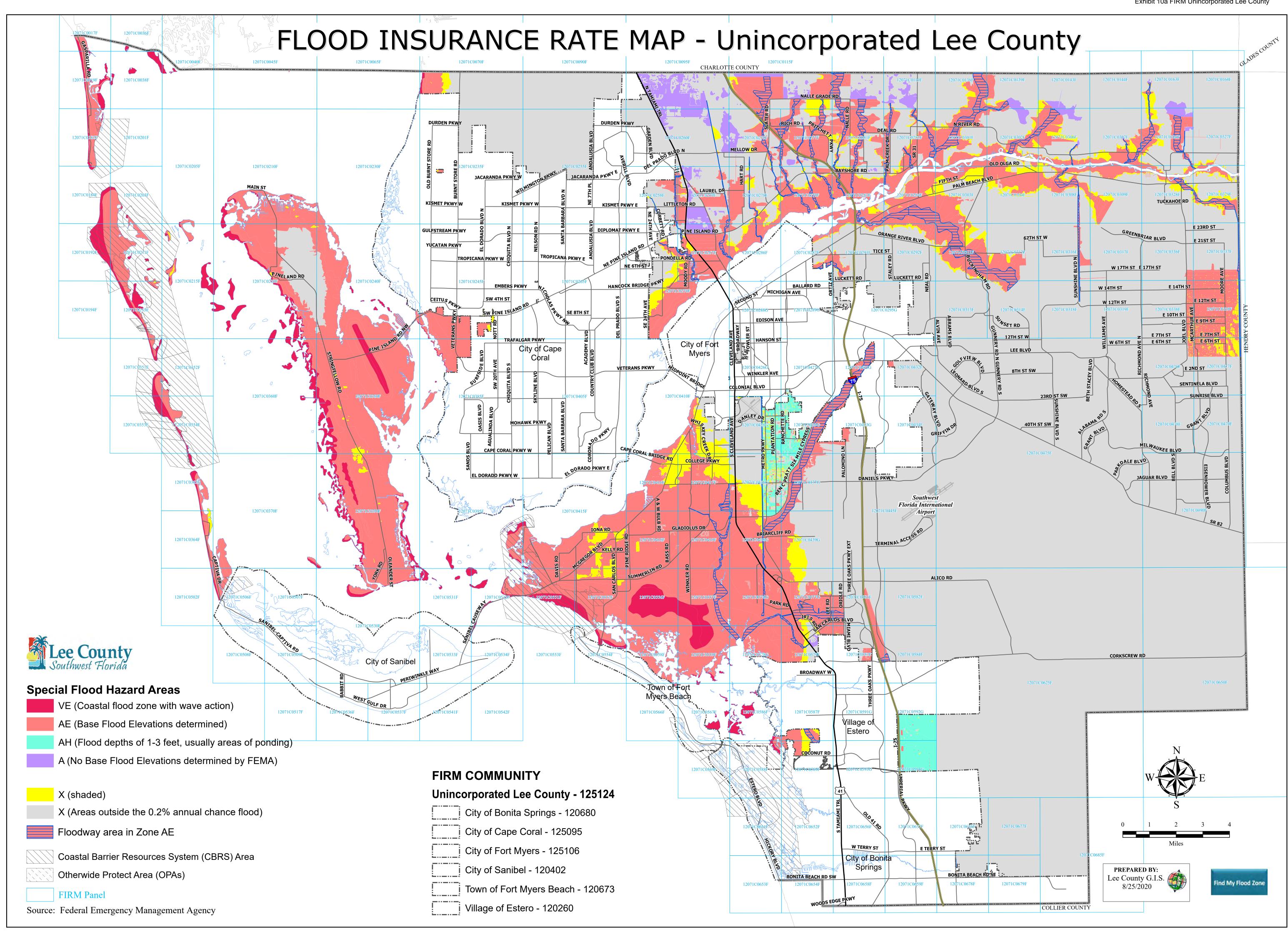
AERIAL MAP SHOWING THE SUBJECT PROPERTY AND SURROUNDING PROPERTIES

BURNT STORE ROAD MIXED USE DEVELOPMENT LEE COUNTY, FLORIDA

9

\$20-118/LEE

1 of 1



NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where Base Flood Elevations (BFEs) and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was Florida State Plane west zone (FIPSZONE 902). The horizontal datum was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at http://www.ngs.noaa.gov or contact the National Geodetic Survey at the following address:

NGS Information Services NOAA, N/NGS12 National Geodetic Survey SSMC-3, #9202 1315 East-West Highway Silver Spring, Maryland 20910-3282 (301) 713-3242

To obtain current elevation, description, and/or location information for bench marks shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at http://www.ngs.noaa.gov.

Base map information shown on this FIRM was provided in digital format by the Lee County GIS Department. The road centerline information was constructed based on orthophotography produced at a scale of 1"=100' from aerial imagery flown in 1998 and updated using orthophotography dated 2002 and 2005. The surface water features were also constructed based on orthophotography produced at a scale of 1"=100' from aerial imagery flown in 1998.

This map reflects more detailed and up-to-date stream channel configurations than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to confirm to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study Report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

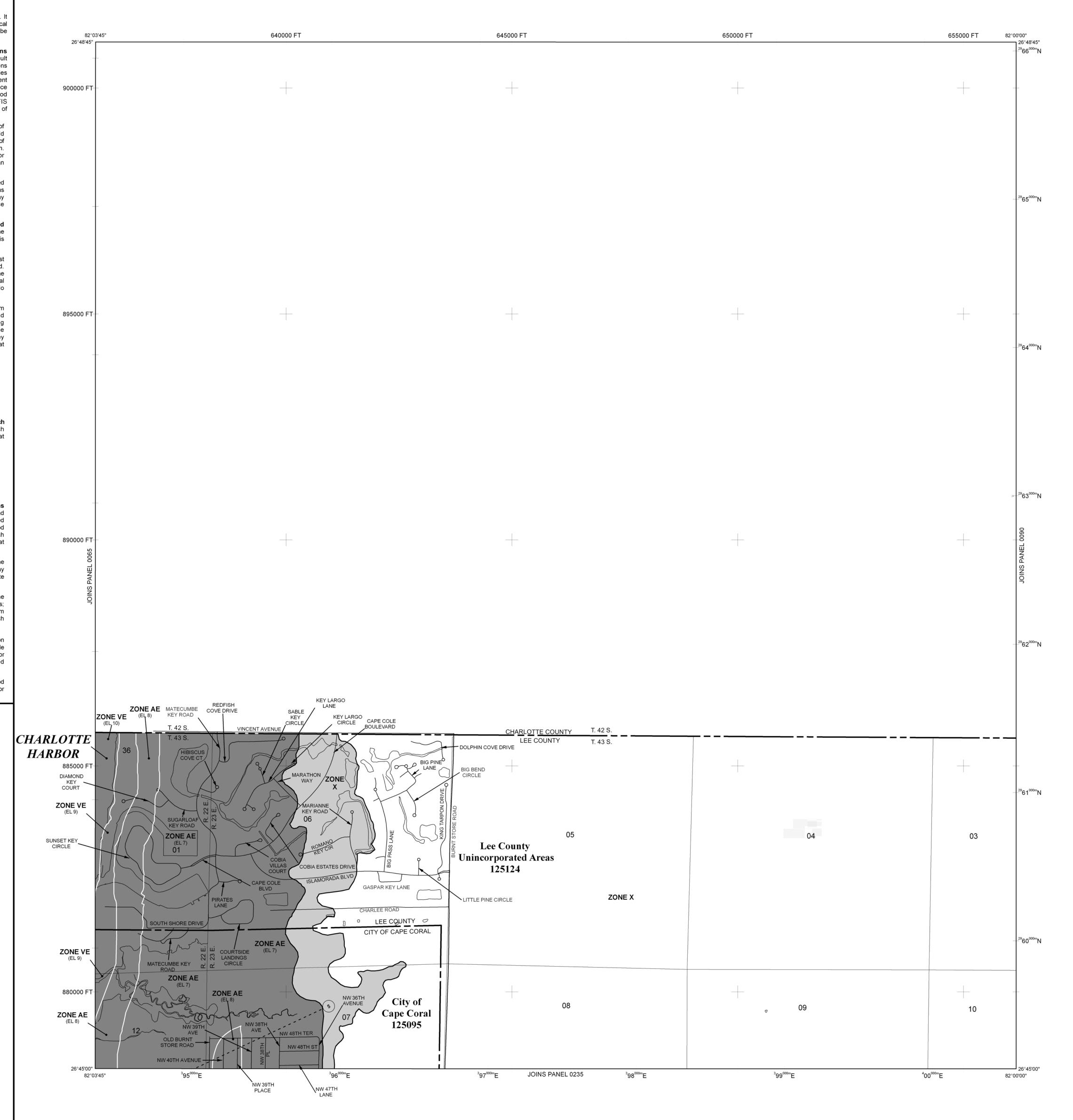
Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed Map Index for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each

Contact the FEMA Map Service Center at 1-800-358-9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and its website at http://www.msc.fema.gov.

If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call **1-877-FEMA MAP** (1-877-336-2627) or

visit the FEMA website at http://www.fema.gov.



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION

BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

No Base Flood Elevations determined.

ZONE AE Base Flood Elevations determined.

ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.

Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also

Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide

protection from the 1% annual chance or greater flood. Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations

determined. Coastal flood zone with velocity hazard (wave action); no Base Flood

Elevations determined. Coastal flood zone with velocity hazard (wave action); Base Flood ZONE VE

Elevations determined. FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X

ZONE X Areas determined to be outside the 0.2% annual chance floodplain. Areas in which flood hazards are undetermined, but possible.

> COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS OTHERWISE PROTECTED AREAS (OPAs)

> > Flood Elevations, flood depths or flood velocities.

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas. Floodplain boundary

Floodway boundary Zone D boundary

CBRS and OPA boundary ••••• Boundary dividing Special Flood Hazard Area zones and - boundary dividing Special Flood Hazard Areas of different Base

~~~ 513 **~~~~** Base Flood Elevation line and value; elevation in feet* Base Flood Elevation value where uniform within zone; elevation (EL 987)

* Referenced to the North American Vertical Datum of 1988 Cross section Line

23-----23 87°07'45", 32°22'30" Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere

1000-meter Universal Transverse Mercator grid values, zone

600000 FT 5000-foot grid ticks: Florida State Plane coordinate system, West zone (FIPSZONE 0902), Transverse Mercator projection Bench mark (see explanation in Notes to Users section of this

●M1.5

agent or call the National Flood Insurance Program at 1-800-638-6620.

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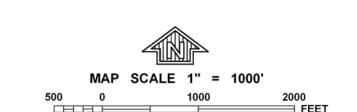
DX5510 ×

MAP REPOSITORY Refer to listing of Map Repositories on Map Index EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP

August 28, 2008 EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community

Map History table located in the Flood Insurance Study report for this jurisdiction. To determine if flood insurance is available in this community, contact your Insurance



PANEL 0070F

300

FLOOD INSURANCE RATE MAP

LEE COUNTY, **FLORIDA** AND INCORPORATED AREAS

PANEL 70 OF 685

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS: COMMUNITY

NUMBER PANEL SUFFIX CAPE CORAL, CITY OF LEE COUNTY 125095 125124

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the

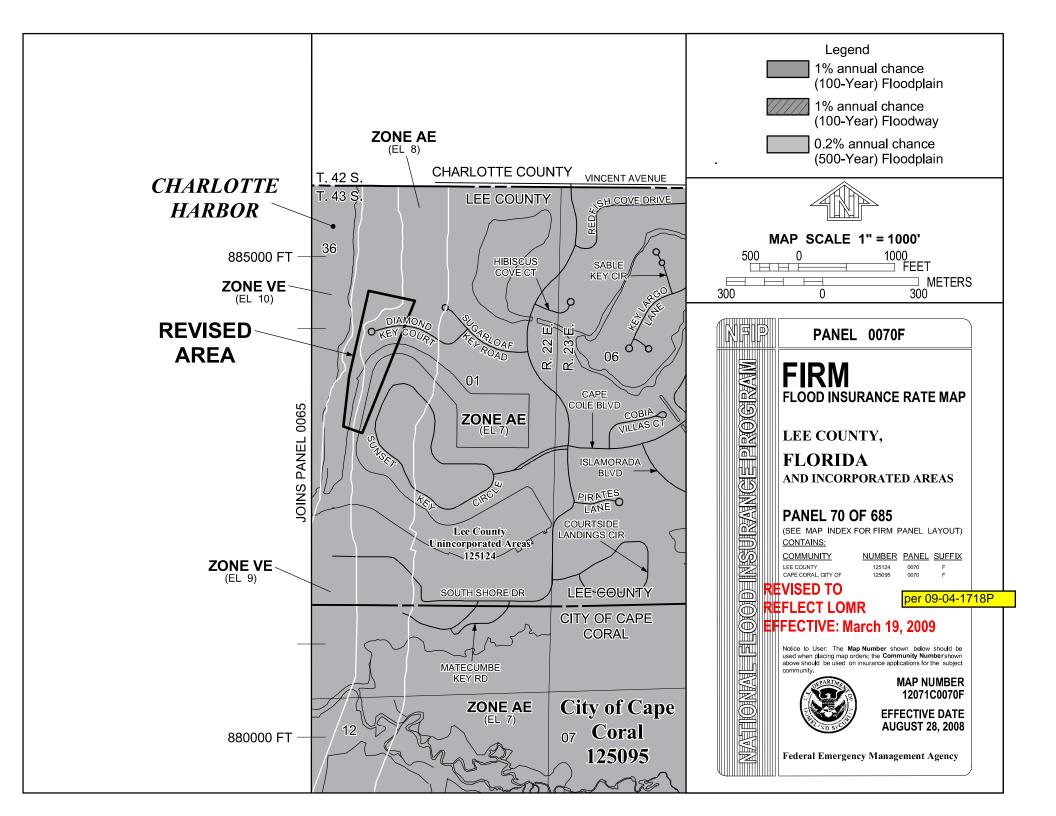


12071C0070F EFFECTIVE DATE

AUGUST 28, 2008

MAP NUMBER

Federal Emergency Management Agency



Lee Plan Consistency Central Urban Future Land Use Application for CPA

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

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

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

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area with future development in this category encouraged to be developed as a mixed-use, as described in Objective 11.1, where appropriate.

Mixed-use development is a desired use within the Central Urban Future Land Use classification. Burnt Store Road in this area of Lee County is planned to support a variety of commercial uses as well as many residential options. The subject parcels should be included in this core area and be utilized to provide jobs, grow businesses, expand Multi-family options within an area planned for future growth.

POLICY 1.7.6: The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2030. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the acreage totals for residential, commercial, or industrial uses contained in Table 1(b) to be exceeded.

The Allocation Table provides for commercial and industrial acreage within the Burnt Store Community. The subject parcels will develop a Mixed-Use project, providing the commercial and industrial uses envisioned and also providing multi-family residential units that are currently not available in this area of Lee County.

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created.

The Burnt Store area will be the new growth area within Lee County within the next five years. The Burnt Store roadway improvements planned to continue to expand and improve Burnt Store Road from Pine Island Road to US 41 connecting Cape Coral to Charlotte County will provide the adequate public facilities needed to develop the parcels with direct access to Burnt Store Road. Utility services are in place to have water, sewer and reuse water to the site.

POLICY 11.1.1: Developments located within the Intensive Development, Central Urban, or Urban Community future land use categories that have existing connectivity or can demonstrate that connectivity may be created to adjacent neighborhoods are strongly encouraged to be developed with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use).

The development of the subject parcels will include a mixture of uses, commercial including office and retail as well as flex space and multi-family residential.

Burnt Store Road Property Environmental Assessment

Section 05, Township 43 South, Range 23 East Lee County, Florida

March 2021

Prepared for:

SVR MGMT, LLC 5015 Skyline Blvd Cape Coral, Florida 33914

Prepared by:

DexBender 4470 Camino Real Way, Suite 101 Fort Myers, FL 33966

Introduction

The 35.49± acre Burnt Store Road property consists of Strap Numbers 05-43-23-00-00003.0020 and 05-43-23-00-00003.0000. The property is located within a portion of Section 5, Township 43 South, Range 23 East, Lee County, Florida (Exhibit A). The property is bisected by Yucca Pens Creek.

This project consists of two separate parcels. Based on a review of historic aerial photography, the property has been undeveloped.

The proposed mixed use development, consisting of commercial along Burnt Store Road and Multi-family units located to the rear or eastern portion of the site, would be located on uplands with approximately 2.0 acres of the indigenous habitats preserved.

The analysis below addresses the character of the proposed project for commercial use in light of the proposed enhancement and preservation onsite.

Existing Vegetative Communities

The predominant upland and wetland vegetation associations were mapped in the field on 2020 digital color 1" = 200' scale aerial photography. The approximate property boundary was obtained from Ardurra Group, Inc. and inserted into the digital aerial. The property boundary was not staked in the field at the time of our site inspection and was, therefore, estimated based on the overlay of the approximate boundary on the aerial photography. Three vegetation associations were identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS). Exhibit B depicts the approximate location and configuration of these vegetation associations and Table 1 summarizes the acreages by FLUCCS Code.

Table 1. Acreage Summary by FLUCCS Code

FLUCCS CODE	DESCRIPTION	ACREAGE
411E	Pine Flatwoods invaded by Exotics (5-9%)	33.48
*510	Stream	0.43
**617E	Mixed Wetland Hardwoods invaded by Exotics (5-9%)	1.58
Upland Subtotal		33.48
Wetland Subtotal		1.58
Surface Waters		0.43
Other Surface Waters Subtotal		0
Total		35.49

^{*} Surface Waters

^{**} Potential Jurisdictional Wetland

Surrounding Land

The lands to the north and east of the site consist of state owned conservation land that is part of the Yucca Pens Unit of the Fred C. Babcock - Cecil M. Webb Wildlife Management Area managed by the Florida Fish and Wildlife Conservation Commission. These lands are undeveloped. The land adjacent to the south is privately owned undeveloped land. The property to the west of the project across Burnt Store Road consists of undeveloped publicly owned and residential/ranch privately owned land. See Exhibit C for the Surrounding Land Map.

Soils

- 26. Pineda Fine Sand This is a nearly level poorly drained soil on sloughs. Slopes are smooth to slightly concave and range from 0 to 1 percent. Typically, the surface layer is black fine sand about 1 inch thick. The subsurface layer is very pale brown fine sand about 4 inches thick. The upper part of the subsoil is brownish yellow fine sand about 8 inches thick. The next 10 inches is strong brown fine sand. The next 6 inches is yellowish brown fine sand. The next 7 inches is light gray fine sand with brownish yellow mottles. The lower part of the subsoil is light brownish gray fine sandy loam with light gray sandy intrusions about 18 inches thick. The substratum is light gray fine sand to a depth of 80 inches or more. Included with this soil in mapping are small areas of Wabasso, Valkaria, Felda, Hallendale, Boca, and Malabar soils. Also included are small areas of Pineda soils that are in higher positions on the landscape. Small areas of Pineda, depressional soils are also included. Some area of this soils are underlain by limestone or shell fragments at a depth of 60 inches or more. In a few places, a thin layer of very friable calcareous material is at a depth of 10 to 30 inches, and in other places a thin dark brown or black layer occurs at the base of the subsurface layer. Included soils make up about 10 to 15 percent of any mapped area. In most years, under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months. It is 10 to 40 inches below the surface for more than 6 months, and it recedes to more than 40 inches below the surface during extended dry periods. During periods of high rainfall, the soil is covered by a shallow layer of slowly moving water for periods of about 7 to 30 days or more. The available water capacity is very low in the surface and subsurface layers and in the upper, sandy part of the subsoil and medium in the lower, loamy part of the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers of the upper, sandy part of the subsoil and slow or very slow in the lower, loamy part of the subsoil. Natural vegetation consists of pineland threeawn, panicums, sedges, maidencane, wax myrtle, South Florida slash pine, and scattered clumps of saw palmetto. This soil has poor suitability for cultivated crops because of wetness.
- **33. Oldsmar Sand** This is a nearly level, poorly drained soil on low, broad flatwoods areas. Slopes are smooth to slightly convex and range from 0 to 2 percent. Typically, the surface layer is black sand about 3 inches thick. The subsurface layer is gray and light gray sand about 39 inches thick. The upper part of the subsoil is very dark gray sand

about 5 inches thick. The lower part of the subsoil is yellowish brown and mixed light brownish gray and brown fine sandy loam about 11 inches thick. Pale brown sand extends to a depth of 80 inches or more. Included with this soil in mapping are small areas of Wabasso, Immokalee, and EauGallie soils. Some areas also have limestone at a depth of 70 to 80 inches below the surface. Included soils make up about 10 to 15 percent of any mapped area. In most years, under natural conditions, the water table is at a depth of less than 10 inches for 1 to 3 months. It is at a depth of 10 to 40 inches for more than 6 months, and it recedes to a depth of more than 40 inches during extended dry periods. The available water capacity is low in the surface layer and medium in the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers, moderate in the upper part of the subsoil, and slow or very slow in the lower part of the subsoil. Natural vegetation consists of saw palmetto, South Florida slash pine, pineland threeawn, and meadow beauty. This soil is poorly suited to cultivated crops primarily because of wetness.

- 35. Wabasso Sand This is a nearly level, poorly drained soil on flatwoods. Slopes are smooth to slightly convex and range from 0 to 2 percent. Typically, the surface layer is dark gray sand about 6 inches thick. The subsurface layer is sand to a depth of 24 inches. The upper 11 inches is light brownish gray with dark grayish brown stains along root channels, and the lower 7 inches is light gray with dark grayish brown stains. The subsoil is about 38 inches thick. The upper 4 inches is dark brown sand with few iron concretions. The next 8 inches is brownish yellow sandy clay loam with light brownish gray, light gray, and reddish-brown mottles. The lower 26 inches is light gray sandy clay loam with pale olive and olive mottles and stains along root channels. Below is light gray fine sandy loam with olive mottles extending to a depth of 80 inches or more. Included with this soil in mapping are small areas of Boca, EauGallie, Hallandale, Felda, Myakka, and Oldsmar soils. Also included are soils, similar to this Wabasso soil, with a surface layer that is more than 8 inches thick. Included soils make up about 10 to 15 percent of any mapped area. In most years, under natural conditions, the water table is less than 10 inches below the surface for 2 to 4 months. It is 10 to 40 inches below the surface for more than 6 months. It recedes to a depth of more than 40 inches during extended dry periods. The available water capacity is low in the surface and subsurface layers and medium in the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers, moderate in the upper part of the subsoil, and slow or very slow in the lower part of the subsoil. Natural vegetation consists of saw palmetto, South Florida slash pine, pineland threeawn, cabbage palm, and bluestem. This soil is poorly suited to cultivated crops because of wetness.
- **42. Wabasso Sand, limestone substratum -** This is a nearly level, poorly drained soil on broad flatwoods. Slopes range from 0 to 2 percent. Typically, the surface layer is black sand about 3 inches thick. The subsurface layer is sand about 16 inches thick. The upper 10 inches is gray, and the lower 6 inches is light gray. The subsoil is about 32 inches thick. The upper 2 inches is dark brown sand that is well coated with organic matter. The next 2 inches is dark reddish brown friable sand. The next 14 inches is brown loose sand with dark brown streaks along root channels. The lower 14 inches is light brownish gray, firm fine sandy loam with light olive brown mottles. A hard, fractured limestone ledge and

boulders are at a depth of 51 inches. Included with this soil in mapping are small areas of Boca, Myakka, Oldsmar, and Wabasso soils on similar landscape positions. Also included are similar soils with limestone at a depth of less than 40 inches or at a depth of more than 60 inches. In addition, there are similar soils that have iron-cemented sandstone in the subsoil. Included soils make up about 15 percent of any mapped area. In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months. It is 10 to 40 inches below the surface· for 2 to 4 months. It is below the limestone during extended dry periods. The available water capacity is low in the surface and subsurface layers and the upper part of the subsoil and medium in the lower part of the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and the upper part of the subsoil. It is slow in the lower part of the subsoil. Natural vegetation consists of saw palmetto, South Florida slash pine, dwarf huckleberry, cabbage palm, gallberry, and pineland threeawn. This soil is poorly suited to cultivated crops because of wetness

49. Felda Fine Sand, Depressional - This is a nearly level, poorly drained soil in depressions. Slopes are concave and less than 1 percent. Typically, the surface layer is gray fine sand about 4 inches thick. The subsurface layers extend to a depth of 35 inches. The upper 13 inches is grayish brown fine sand and the lower 18 inches is light gray fine sand with yellowish brown mottles. The subsoil is about 17 inches thick. The upper 6 inches is gray sandy loam and the lower 11 inches is sandy clay loam with many yellowish brown and strong brown mottles. Below this is light gray fine sand to a depth of 80 inches or more. Included with this soil in mapping are small areas of Anclote, Boca, Malabar, Pineda, Pompano, Winder, and Floridiana soils. Included soils make up about 10 to 15 percent of any mapped area. In most years, under natural conditions, the soil is ponded for about 3 to 6 months or more. The water table is within a depth of 10 to 40 inches for 4 to 6 months. The available water capacity is low in the surface and subsurface layers and medium in the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and moderate or moderately rapid in the subsoil. Natural vegetation consists of bald cypress, wax myrtle, and water-tolerant grasses and weeds.

Please see Exhibit D for the Soils Map.

FEMA Flood Narrative

The parcel is not located within a Fema Flood Zone, Flood Zone X on Map Number 12071C0070F.

Wetlands

The property contains areas that meet the criteria to be SFWMD jurisdictional wetlands, surface waters, and other surface waters. Areas mapped as FLUCCS Code 617E (1.58± acres) are likely to be claimed as jurisdictional wetland by the SFWMD (Exhibit F). The

area mapped as FLUCCS Code 510 (0.43± acres) is likely to be claimed as surface waters by the SFWMD.

The wetland areas on site are higher quality (FLUCCS Codes 617E) and are associated with Yucca Pens Creek. The wetlands are infested with a minor amount of exotic vegetation.

Potential Listed Species

The property has been evaluated for the potential presence of listed species. A review of the Florida Fish and Wildlife Conservation Commission (FWC) listed species occurrence database (updated June 2019) shows that there are no known state or federally listed species in the project area (Exhibit G).

This assessment focuses on identifying the federal and state listed species that potentially could be found within the various vegetative habitats on the project site (Table 2).

Table 2. Listed Species That Could Potentially Occur Onsite

FLUCCS CODE	Species Name	Status
411	Eastern Indigo Snake (<i>Drymarchon corais</i> couperi)	FT, ST
	Gopher Tortoise (Gopherus polyphemus)	ST
	Red-cockaded Woodpecker (Picoides borealis)	FE, SE
	Southeastern American Kestrel (<i>Falco</i> sparverius paulus)	ST
	Big Cypress Fox Squirrel (Sciurus niger avicennia)	ST
	Florida Panther (<i>Felis concolor coryi</i>)	FE,SE
	Beautiful Pawpaw (Deeringothamnus pulchellus)	FE,SE
	Fakahatchee Burmannia (<i>Burmannia flava</i>)	SE
	Florida Coontie (<i>Zamia floridana</i>)	NA
	Satinleaf (Chrysophyllum olivaeforme)	NA
510	American Alligator (Alligator mississippiensis)	FT,ST
	Little Blue Heron (<i>Egretta caerulea</i>)	ST
	Reddish Egret (Egretta rufescens)	ST
	Roseate Spoonbill (<i>Ajaia ajaja</i>)	ST
	Tricolored Heron (<i>Egretta tricolor</i>)	ST
	Everglades Mink (Mustela vison evergladensis)	ST
617	Little Blue Heron (<i>Egretta caerulea</i>)	ST
	Tricolored Heron (<i>Egretta tricolor</i>)	ST
	Florida Panther (<i>Felis concolor coryi</i>)	FE,SE

ST – State designated Threatened

SE – State designated Endangered

FT - Federally designated Threatened

FE – Federally designated Endangered

Nesting habitat for the bald eagle does occur within the property but there are no nests onsite. The closest bald eagle nest (LE-009 last active 2015 - 2016) is located approximately 590' northeast of the property. Approximately 70' of the northeast property corner is within the 660' bald eagle nest protection zone. Please see Exhibit C. If any activities or construction is proposed within the 660' zone, a permit from the US Fish and Wildlife Service (FWS) will be obtained and a Bald Eagle Management Plan will be presented to the Lee County Eagle Technical Advisory Committee for approval by the Lee County Board of County Commissioners.

According to the FWC listed species occurrence database the property is located within the FWS designated Core Foraging Area of a wood stork colony. The wood stork (*Mycteria americana*) is listed as threatened by both the FWC and the FWS. No wood storks have been observed onsite. Colony locations provided by FWS show two colonies within a 15 mile radius of the property, the closest being 13.4 miles east.

The property is not located within a primary or secondary zone of the 2007 Florida Panther Focus Area and is not within the 2003 Panther Consultation Area identified by the FWS. The Florida panther (*Felis concolor coryi*) is listed as endangered by both the FWS and FWC. There are no telemetry points on or near the subject property.

The Florida bonneted bat (*Eumops floridanus*) is listed as endangered by the FWS and the FWC. The FWS established a Consultation Area for this species in its October 22, 2019 letter to the COE. This letter also establishes survey protocols for determining both potential roosting and foraging activities on proposed development sites and potential Best Management Practices (BMP) to lessen the potential impacts of development on the species. The property is located within the Consultation Area. This bat typically roosts in cavities within large live or dead trees but may also roost in abandoned buildings and under bridges. Florida bonneted bats forage in a variety of upland, wetland, and open water habitats preferring open areas.

Several potentially occupied gopher tortoise (*Gopherus polyphemus*) burrows were observed in the pine flatwoods (FLUCCS 411E) on subject property. The gopher tortoise is listed as threatened by the FWC but not listed by the FWS. It is likely that gopher tortoise burrows are scattered throughout the pine flatwoods on this site. A permit from the FWC will be required if gopher tortoise burrows are found to be located within or immediately adjacent (25 feet or less) to proposed development areas that result in earthwork, mechanical land clearing, or other activities that could collapse the burrow.

Given the habitats on-site and the presence of gopher tortoise burrows, the eastern indigo snake (*Drymarchon corais couperi*) may also be present on the property. The

eastern indigo snake is listed as threatened by the FWC and FWS. The FWS uses a model that focuses on the size of contiguous potential habitat (both on and off the site) as well as the habitat types and proximity to reported eastern indigo snake sightings to determine if they believe this species is likely to be present on-site. FWS's standard protection measures for the eastern indigo snake (educational materials, letting a snake move out of harm's way if seen, etc.) are typically sufficient to address any potential impacts to the eastern indigo snake.

According to the FWC listed species occurrence database the property is located within the FWS Red-cockaded Woodpecker Consultation Area. Red-cockaded woodpeckers (*Picoides borealis*) are listed as endangered by both the FWC and the FWS.

It is likely that a variety of both listed and non-listed wading bird species forage within the wetlands onsite. This foraging activity is likely concentrated in the creek and wetland habitats.

Proposed Site Conditions

The proposed impacts to SFWMD jurisdictional wetlands will be limited to a crossing of the creek with minimal impacts to the creek and adjacent wetlands. The remaining wetlands will be enhanced by the removal of exotic vegetation and preserved by the placement of a conservation easement.

Approximately 2.0 acres of indigenous habitats will be enhanced and preserved. The proposed preservation of indigenous habitats represents the amount required by the Land Development Code.

The habitat improvements and preservation resulting from implementation of the wetland enhancement and preservation plan are expected to encourage native species to thrive in the preserve areas onsite as well as reduce the exotic vegetation seed source for the surrounding properties.

Conclusions

If the proposed future land use map change is approved, the proposed onsite wetland enhancement and preservation will provide long-term viability for a myriad of fish and wildlife species, including county, state and federally listed species located onsite and on the surrounding properties.

It is expected that existing prey and forage habitat for listed and non-listed species will be enhanced through removal and maintenance of invasive exotic plants and protected by implementation of the proposed enhancement and preservation of onsite wetlands.

Exhibit A
Location Map

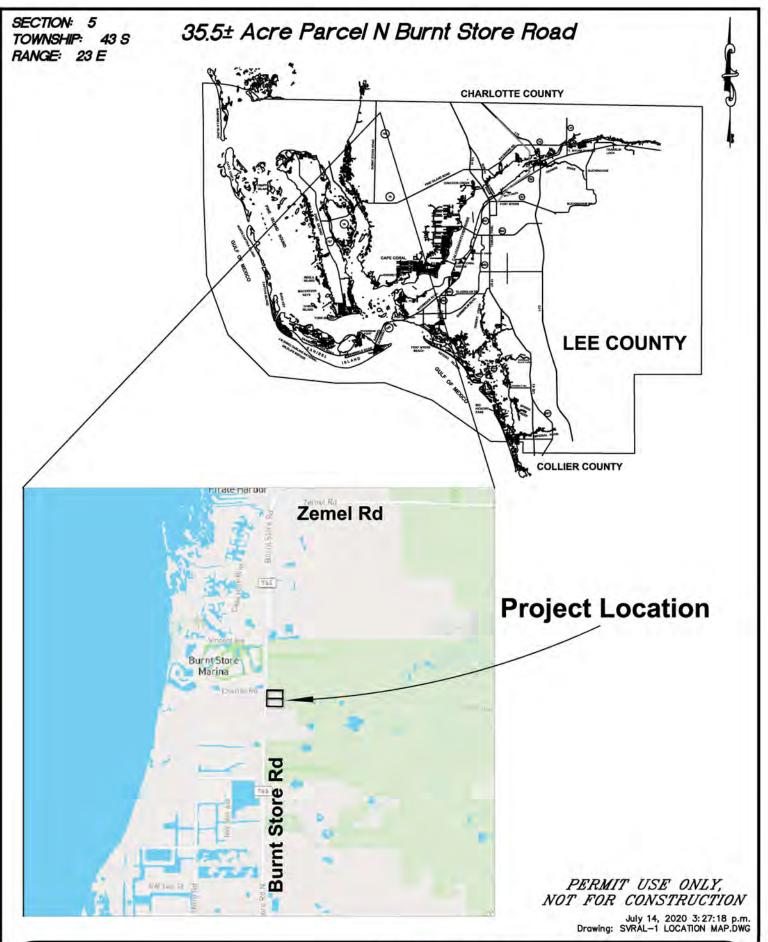
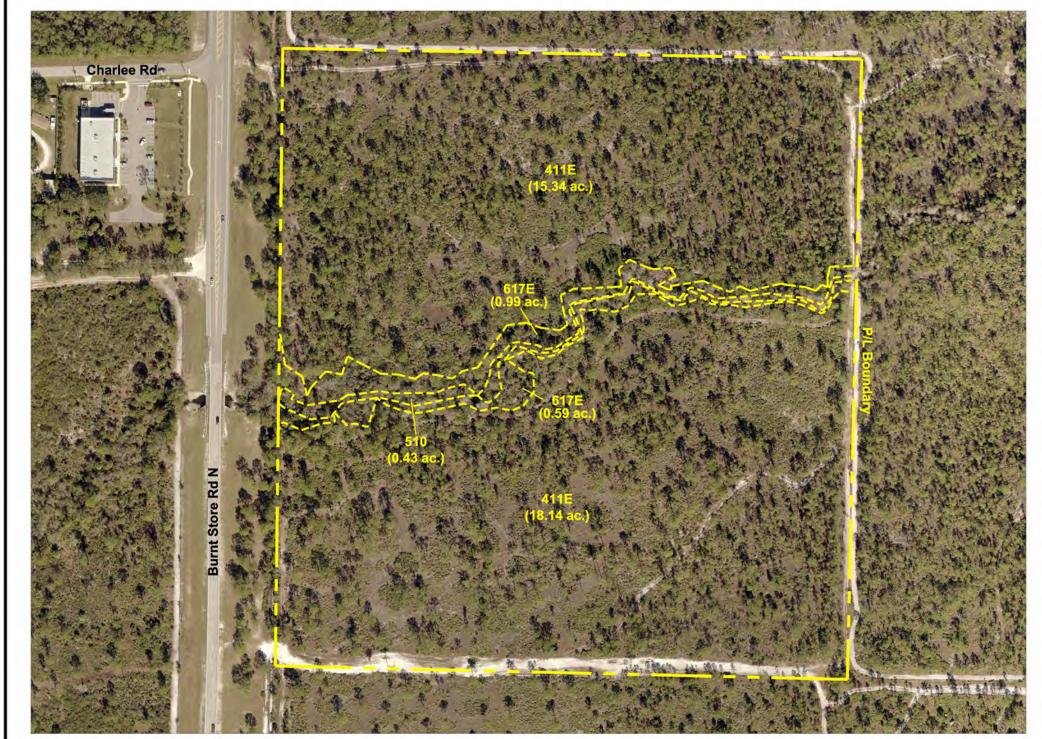


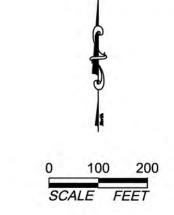
Figure 1. Location Map

BOEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680

Exhibit B
Vegetation Map

SECTION: 5 TOWNSHIP: 43 S RANGE: 23 E





FLUCCS	Description	Acreage
411E	Pine Flatwoods Invaded by Exotics (5-9%)	33.48 ac.
510	Streams & Waterways	0.43 ac.
617E	Mixed Wetland Hardwoods Invaded by Exotics (5-9%)	1.58 ac.
	Total	35 49 ac

1. Property boundary provided by ARDURRA.

Property boundary provided by ARDURKA.
 Creek boundary is approximate and was obtained through interpolation of topographic survey.
 Mapping based on photointerpretation of 2019 aerial photography and ground truthing in July 2020.
 Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

October 05, 2020 12:42:09 p.m. Drawing: SVRAL-1 PLAN.DWG



Exhibit C Surrounding Land Map

SECTION: 5 TOWNSHIP: 43 S RANGE: 23 E





Privately Owned Land

Burnt Store Road Parcel

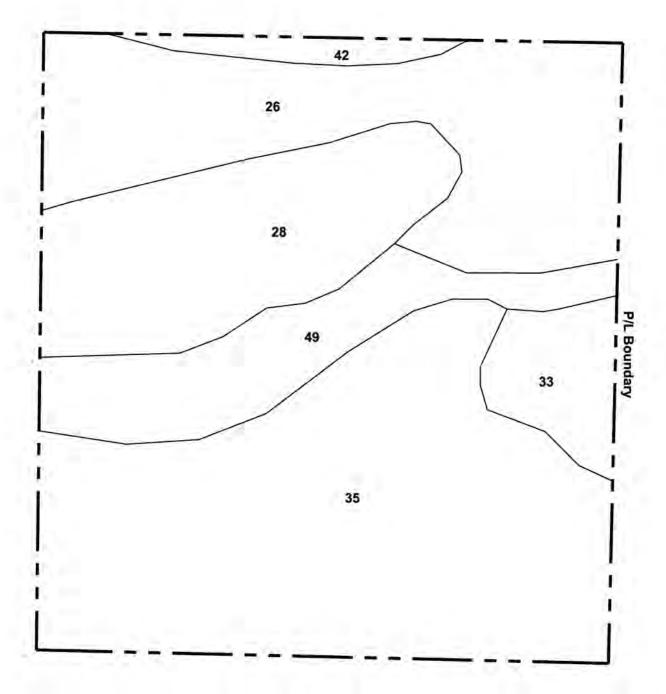
1. Property boundaries are approximate and were obtained from the Lee County Property Appraiser's Website.

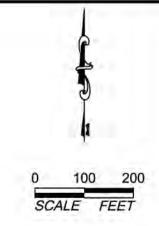
PERMIT USE ONLY, NOT FOR CONSTRUCTION Drawing: SVRAL-1 SURROUNDING LAND.DWG



Exhibit D
Soils Map

SECTION: 5 TOWNSHIP: 43 S RANGE: 23 E





Map Unit	Soil Name
26	Pineda fine sand
28	Immokalee sand
33	Oldsmar sand
35	Wabasso Sand
42	Wabasso sand, limestone substratum
49	Felda fine sand, depressional

Notes:
1. Property boundary provided by ARDURRA.
2. Soils information obtained from the USDA Web Soil Survey.

PERMIT USE ONLY, NOT FOR CONSTRUCTION Drawing: SVRAL-1 PLAN.DWG



Exhibit E FEMA Maps

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where Base Flood Elevations (BFEs) and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was Florida State Plane west zone (FIPSZONE 902). The horizontal datum was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at http://www.ngs.noaa.gov or contact the National Geodetic Survey at the following address:

NGS Information Services NOAA, N/NGS12 National Geodetic Survey SSMC-3, #9202 1315 East-West Highway Silver Spring, Maryland 20910-3282 (301) 713-3242

To obtain current elevation, description, and/or location information for bench marks shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at http://www.ngs.noaa.gov.

Base map information shown on this FIRM was provided in digital format by the Lee County GIS Department. The road centerline information was constructed based on orthophotography produced at a scale of 1"=100' from aerial imagery flown in 1998 and updated using orthophotography dated 2002 and 2005. The surface water features were also constructed based on orthophotography produced at a scale of 1"=100' from aerial imagery flown in 1998.

This map reflects more detailed and up-to-date stream channel configurations than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to confirm to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study Report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

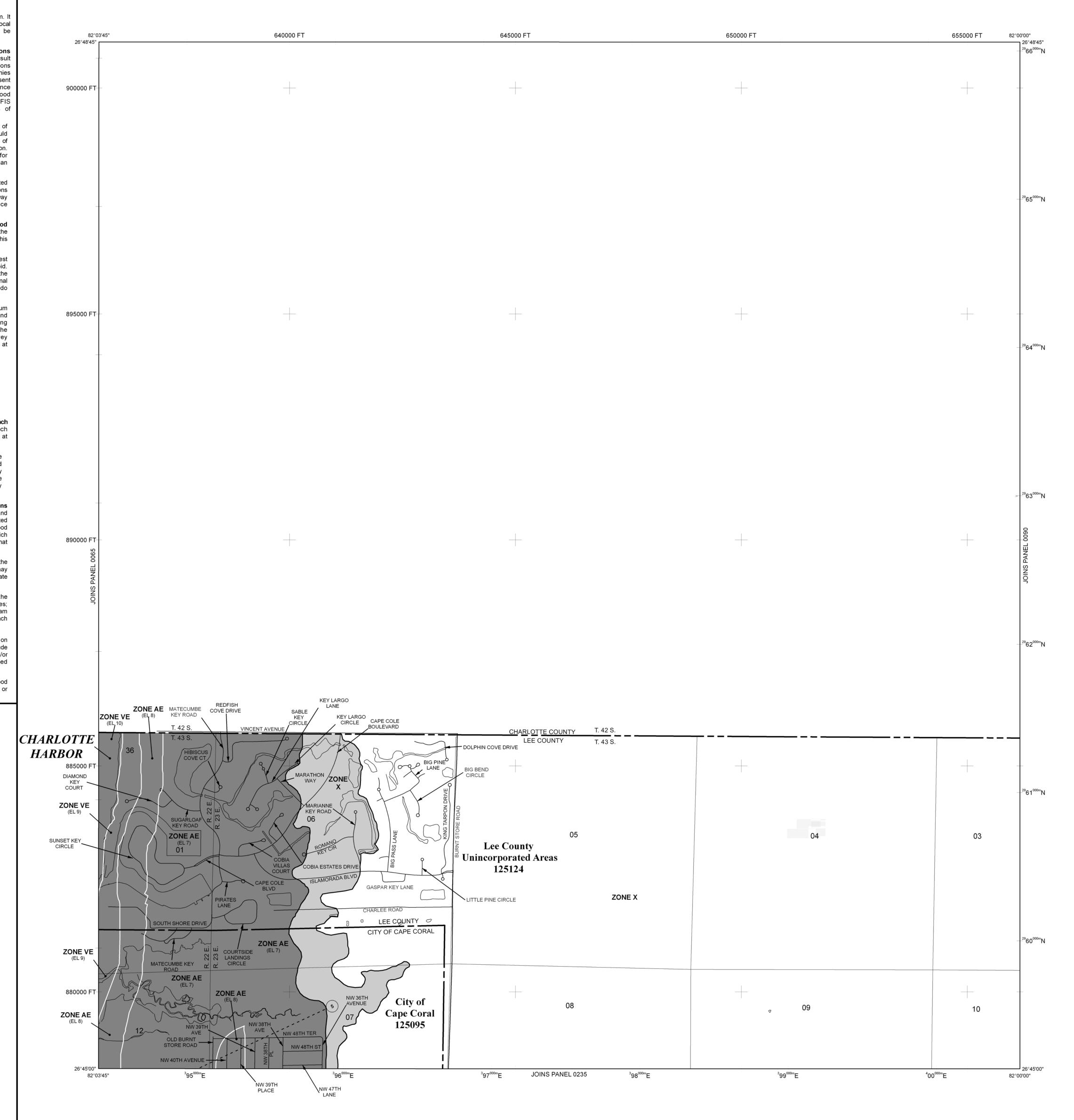
Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed Map Index for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each

Contact the FEMA Map Service Center at 1-800-358-9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and its website at http://www.msc.fema.gov.

If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call **1-877-FEMA MAP** (1-877-336-2627) or

visit the FEMA website at http://www.fema.gov.



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a

1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

No Base Flood Elevations determined.

ZONE AE Base Flood Elevations determined.

ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.

> Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also

Special Flood Hazard Area formerly protected from the 1% annual chance

flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.

Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.

Coastal flood zone with velocity hazard (wave action); no Base Flood

Elevations determined.

Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X

ZONE X Areas determined to be outside the 0.2% annual chance floodplain. Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

Base Flood Elevation line and value; elevation in feet*

OTHERWISE PROTECTED AREAS (OPAs) CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

> Floodplain boundary Floodway boundary Zone D boundary

CBRS and OPA boundary •••••

Boundary dividing Special Flood Hazard Area zones and - boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.

Base Flood Elevation value where uniform within zone; elevation (EL 987) * Referenced to the North American Vertical Datum of 1988

Cross section Line (23)----(23)

~~~ 513 **~~~~**

87°07'45", 32°22'30" Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere

1000-meter Universal Transverse Mercator grid values, zone

600000 FT 5000-foot grid ticks: Florida State Plane coordinate system, West zone (FIPSZONE 0902), Transverse Mercator projection

Bench mark (see explanation in Notes to Users section of this DX5510 ×

●M1.5

MAP REPOSITORY Refer to listing of Map Repositories on Map Index EFFECTIVE DATE OF COUNTYWIDE

FLOOD INSURANCE RATE MAP August 28, 2008

For community map revision history prior to countywide mapping, refer to the Community

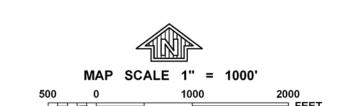
EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

Map History table located in the Flood Insurance Study report for this jurisdiction. To determine if flood insurance is available in this community, contact your Insurance

agent or call the National Flood Insurance Program at 1-800-638-6620.

(0)(0)(0)

賦



PANEL 0070F

300

FLOOD INSURANCE RATE MAP

LEE COUNTY, **FLORIDA**

AND INCORPORATED AREAS

PANEL 70 OF 685

(SEE MAP INDEX FOR FIRM PANEL LAYOUT) CONTAINS:

COMMUNITY

NUMBER PANEL SUFFIX CAPE CORAL, CITY OF LEE COUNTY 125095 125124

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the



12071C0070F EFFECTIVE DATE

AUGUST 28, 2008

MAP NUMBER

Federal Emergency Management Agency

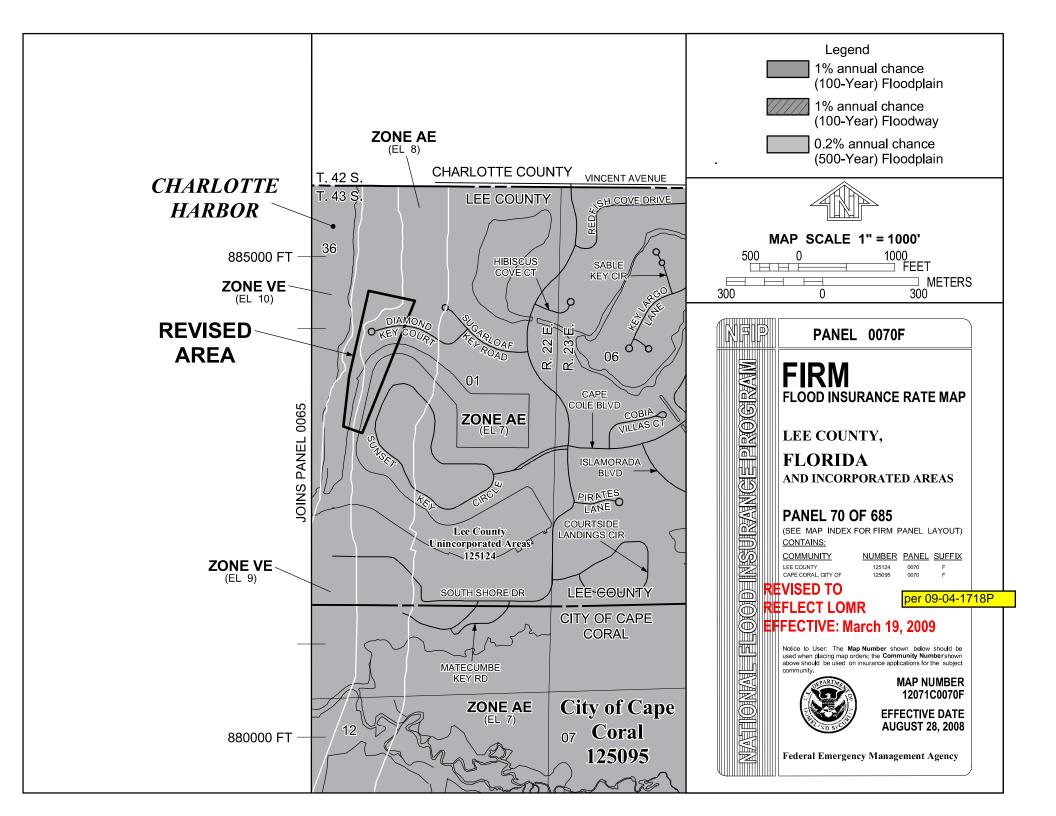
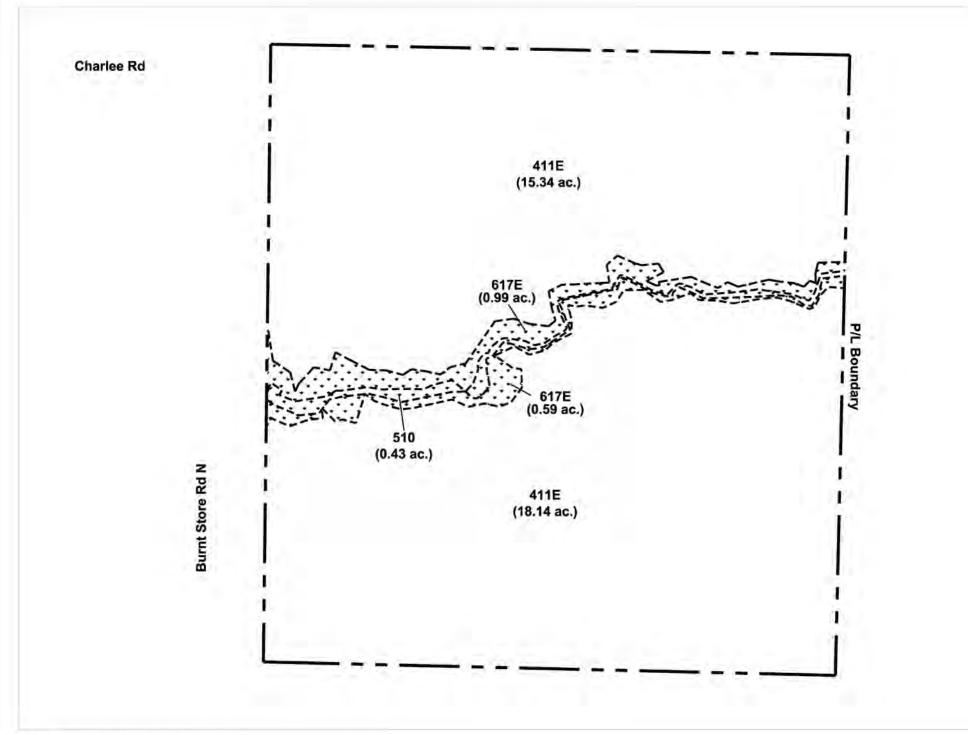
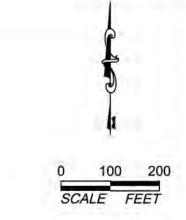


Exhibit F Wetland Map

SECTION: 5 TOWNSHIP: 43 S RANGE: 23 E





FLUCCS	Description	Acreage
411E	Pine Flatwoods Invaded by Exotics (5-9%)	33.48 ac.
*510	Streams & Waterways	0.43 ac.
** 617E	Mixed Wetland Hardwoods Invaded by Exotics (5-9%)	1.58 ac.
	Total	35.49 ac.



Potential Jurisdictional Wetlands and Surface Waters (2.01 ac.)

*Surface waters

** Potential jurisdictional wetland

Notes:

1. Property boundary provided by ARDURRA.

Creek boundary is approximate and was obtained through interpolation of topographic survey.

3. Mapping based on photointerpretation of 2019 aerial photography and ground truthing in July 2020.

 Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

October 05, 2020 12:42:09 p.m. Drawing: SVRAL-1 PLAN.DWG



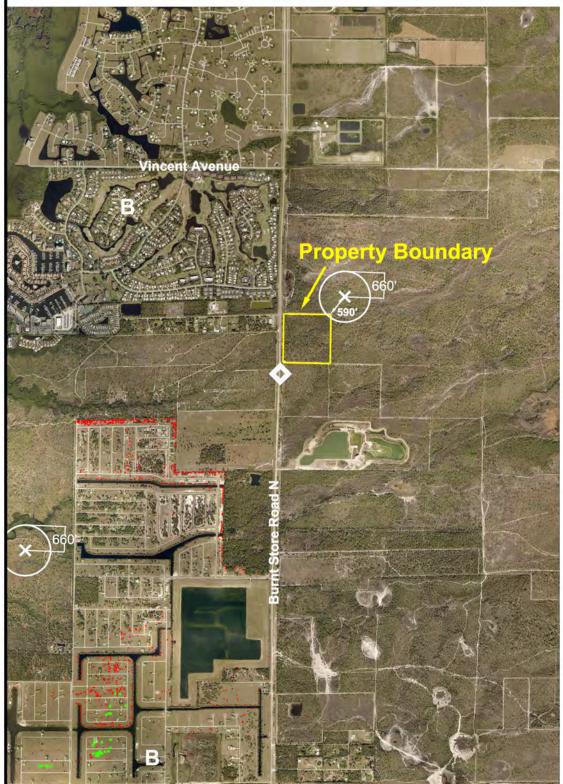


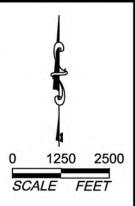


Exhibit G Protected Species Database Map

SECTION: 5 TOWNSHIP: 43 S RANGE: 23 E

35.5± Acre Parcel N Burnt Store Road





X Eagle Nest

Fox Squirrel Nest

Gopher Tortoise Burrow

Burrowing Owl Burrow

Black Bear Nuisance Call

Notes

 Map based on data obtained from the Florida Fish and Wildlife Conservation. October 06, 2020 10:10:20 a.m. Drawing: LISTED SPECIES MAP.DWG

PERMIT USE ONLY, NOT FOR CONSTRUCTION

Listed Species Database Map



AMENDED AND RESTATED WATER, SEWER, AND RECLAIMED WATER INTERLOCAL AGREEMENT BETWEEN CHARLOTTE COUNTY AND LEE COUNTY

This Amended and Restated Interlocal Agreement is made and entered into this 13th day of January, 2016, by and between CHARLOTTE COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter "CHARLOTTE"), and LEE COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter "LEE").

RECITALS

WHEREAS, Section 163.01, Florida Statutes, known as the "Florida Interlocal Cooperation Act of 1969" permits local governmental units to enter into agreements in order to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, the parties previously entered into an Interlocal Agreement, dated February 3rd, 2004, which authorizes CHARLOTTE to provide water and sewer service in certain areas of northern unincorporated Lee County where LEE does not currently have utility infrastructure nor is it feasible for LEE to provide water, sewer, and reclaimed water service; and

WHEREAS, there are additional areas in northern unincorporated Lee County where it is not feasible for LEE to provide utility services and CHARLOTTE has sufficient water, sewer, and reclaimed water capacity to serve; and

WHEREAS, it is the intent of the parties in entering into this Amended and Restated Interlocal Agreement to cooperate in the provision of water, sewer, and reclaimed water service to those areas in northern Lee County where LEE does not currently have utility infrastructure, nor is it feasible for LEE to provide water, sewer, and reclaimed water service; and

WHEREAS, the parties desire to amend and restate the existing Interlocal Agreement in order to expand the service area where CHARLOTTE is authorized to provide water, sewer, and reclaimed water service in northern unincorporated Lee County and to further clarify and define the parties' rights and obligations with respect to the provision of water, sewer, and reclaimed water service in certain areas of northern unincorporated Lee County.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

- 1. RECITALS. The above recitals are true and correct and are incorporated herein.
- 2. PROVISION OF SERVICE BY CHARLOTTE. LEE hereby consents to the provision of retail and wholesale water, sewer, and reclaimed water service by CHARLOTTE within the area depicted in **Exhibit "A"** which is attached hereto and incorporated herein by reference (hereinafter "Service Area").
- 3. RATES AND OPERATING STANDARDS. CHARLOTTE agrees that the rates and fees charged for water, sewer, and reclaimed water service in the Service Area shall be the same as those charged to customers located in Charlotte County.

CHARLOTTE shall at all times operate its utility facilities in compliance with all federal and state rules and regulations.

- 4. RECLAIMED WATER PROGRAMS. CHARLOTTE and LEE will cooperate in the implementation of programs designed to encourage reclaimed water use.
- 5. SYSTEM FACILITIES DESIGN AND CONSTRUCTION STANDARDS. CHARLOTTE, at its sole expense, shall design, permit, construct, and operate the collection and distribution system that is located in the Service Area, including any required pumping or lift stations, force mains, and appurtenant facilities. All facilities shall be designed, permitted, and constructed in conformance with all applicable local, state, and federal laws, permits, rules and regulations. All infrastructure, if not designed and constructed in accordance with LEE's utility design and construction standards must meet all of LEE's utility design and construction standards prior to termination under paragraph eight (8) and turnover of any facilities to LEE.
- 6. LEE shall allow CHARLOTTE to locate its water, sewer, and reclaimed water facilities in public rights of way or utility easements whenever possible and at no cost to CHARLOTTE. CHARLOTTE will coordinate its activities within the right-of-way according to applicable LEE permitting procedures and shall execute such authorizations as required by LEE for construction within and use of LEE rights of way. CHARLOTTE will be responsible for all costs of relocation of any of its facilities located within Lee County public rights of way or utility easements if required pursuant to Section 337.403, Florida Statutes.
- 7. UTILITY EXTENSION AGREEMENTS. All proposed agreements with developers for the provision of water, sewer, or reclaimed water services within the

Service Area shall be provided by CHARLOTTE to LEE for review and comment. If LEE has any objections to any provisions in a proposed agreement, LEE shall promptly notify CHARLOTTE within thirty (30) days from receipt of the complete proposed agreement_and the parties shall meet to resolve the objection(s). Failure to resolve any objections shall not, however, prevent CHARLOTTE from proceeding with the Utility Extension Agreement unless LEE can demonstrate that the objectionable provisions constitute an immediate threat to the public health, safety and welfare or are conflict with this Agreement, Lee County codes or ordinances.

- 8. TERM OF AGREEMENT. This Agreement shall be effective upon execution by both parties. There shall be no fixed term for this Agreement, provided, however, that this Agreement may be terminated at any time by mutual agreement of the parties or by one (1) year advance written notice by a party desiring to terminate. When the parties mutually agree to terminate or notice of intent to terminate is provided by either party, the parties shall jointly determine the effective date of termination and shall agree on a transition plan that will provide continuity of service to utility customers. The transition plan shall include provision for transfer of ownership of CHARLOTTE's facilities in Lee County to LEE, including any steps needed to bring the facilities into compliance with LEE's utility design and construction standards, and agreed upon compensation for CHARLOTTE's facilities in Lee County.
- 9. ABANDONMENT. CHARLOTTE shall provide written notice of any plan to return or abandon any portion of the Utility System which could potentially have an adverse impact on water or wastewater customers within the Service Territory or the

ability of LEE to provide water and/or wastewater services to such customers in the future.

10. DISCLAIMER OF THIRD PARTY BENEFICIARIES. This Agreement is solely for the benefit of the parties and no right or cause of action shall accrue to or for the benefit of any third party that is not a formal party hereto. Nothing in this Agreement, express or implied, is intended or shall be construed to confer upon or give any person or corporation other than the parties any right, remedy, or claim under or by reason of this Agreement or any provisions or conditions of it; and all of the provisions, covenants, and conditions herein contained shall inure to the sole benefit of and shall be binding upon the parties hereto.

11. NOTICE. Any notice or document required to be delivered under this Agreement shall be in writing and shall sent to the following addresses:

AS TO CHARLOTTE:

Charlotte County Utilities Department Director 25550 Harbor View Road, Suite 1 Port Charlotte, FL 33980

AS TO LEE:

Lee County Utilities Director P.O. Box 398 Fort Myers, FL 33902

12. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement between the parties and supersedes all prior oral or written agreements pertaining to the provision of water, sewer, and reclaimed water service that are now incorporated into this Agreement. All other provisions of agreements between CHARLOTTE and

LEE not pertaining to the provision of water, sewer, and reclaimed water service in the Service Area remain in full force and effect and are not changed by this Agreement.

Any amendment to this Agreement must be in writing and signed by both parties.

- 13. FORCE MAJEURE. Neither party shall be in default of the terms of this Agreement if such action is due to a natural calamity, act of a government other than either of the parties, or similar force majeure causes beyond the control of either party.
- 14. GOVERNING LAW. The validity, construction and performance of this Agreement shall be governed by the laws of the State of Florida.
- 15. ASSIGNMENT. This Agreement may not be assigned by either party without the prior written consent of the other party.
- 16. SEVERABILITY. If any portion of this Agreement, the deletion of which would not adversely affect the receipt of any material benefit by either party, is for any reason held or declared to be invalid or unenforceable, such determination shall not affect the remaining portions of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date and year first above written.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY A

By: William G. Truex, Chairman

ATTEST:

Barbara T. Scott, Clerk of Circuit Court and Ex-Officio Clerk to the Board of County Commissioners

By Michelle Discardino
Deputy Clerk Agrzolu-005

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Janette S. Knowlton, County Attorney
LR2015-3715 HWM

BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY

ATTEST:

Linda Doggett, Clerk of Circuit Court and Ex-Officio Clerk to the Board of County Commissioners

By: Your Downland
Deputy Clerk

SEAL SEAL

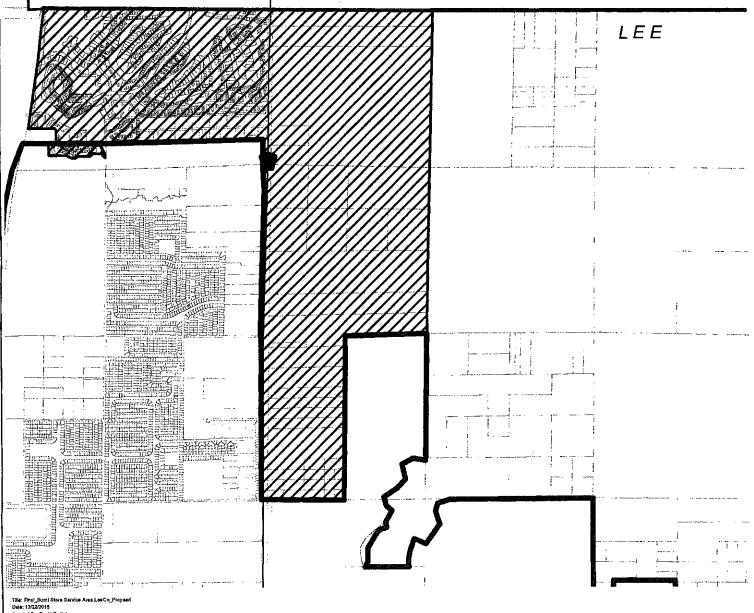
Approved as to Form for the Reliance of Lee County Only

FRANK MANN, Chairman

Office of the County Artorney

CHARLOTTE COUNTY CCU SERVICE AREA Exhibit A

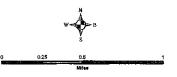
CHARLOTTE



Title: Peut_flown Store Service Area_LecCo_Proposed bates: 1922/2015
Created By: David B. Colin
Coordina System: NAD 1933 State Plane Finds West FIPS 0902 Feel Projection: Transvarsa Marcellor
Cereters 62*** VS_2190*** VS-6457.0032***
DISCLUMINENT IN its imple as representation of compiled information.
Ris briswed to be an occurate and true depletion for the stated propose. Jun Chandride Courly Utilities and its analyses make in o carrantees, rimpled or or transverse to the accuracy or compilalment. We timediate do not accopt any responsibilities as to fix use. This is not a survey or its fix be used for dealine, No peri of this imple may be reproduced or transmitted by any means without the appraised without permission for Charlotte Courty Utilities.
C Opyright 2015 Port Charlotte, Fi. by Charlotte County

CCU Service Area
Service Area inside Lee County
CITY OF CAPE CORAL LIMITS

Carrier of the Land







THE SCHOOL DISTRICT OF LEE COUNTY

Donna Ellis

Planning Specialist 2855 Colonial Boulevard, Fort Myers, FL 33966 | **0:** 239.335.1494

March 18, 2021

Linda Miller, AICP Senior Planner Avalon Engineering Inc. 2503 Del Prado Blvd S, Suite 200 Cape Coral, FL 33904

RE: Burnt Store CPA Concurrency Review in Cape Coral

Dear Ms. Miller:

This letter is in response to your request for concurrency review dated March 13, 2021 for the subject property in Lee County in regard to educational impact. The project is located in the West Choice Zone, W2.

This development is a request for a maximum of 360 single-family housing units. With regard to the interlocal agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For single-family homes, the generation rate is .297 and further broken down by grade level into the following, .149 for elementary, .071 for middle and .077 for high. A total of 108 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

The Concurrency Analysis attached, displays the impact of this development. Capacity is an issue within the Concurrency Service Area (CSA) at the high school level, however, capacity is available in the adjacent CSA.

Thank you and if I may be of further assistance, please contact me at 239-335-1494

Sincerely,

Donna Ellis, Planning Specialist

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITYLee County School DistrictNAME/CASE NUMBERAvalon Burnt Store CPAOWNER/AGENTAvalon Engineering, Inc.

ITEM DESCRIPTION CPA; all impacts in West CSA, sub area W2

PROPOSED DENSITY 10 du/ac
LOCATION Burnt Store Rd

 ACRES
 36.00

 CURRENT FLU
 N/A

 CURRENT ZONING
 AG-2

PROPOSED DWELLING UNITS BY

TYPE

Single Family	Multi Family	Mobile Home	
360		0	

Source: Lee County School District, September 7, 2018 letter

	Student Generation Rates				
				Projected	
STUDENT GENERATION	SF	MF	МН	Students	
Elementary School	0.149			53.64	
Middle School	0.071			25.56	
High School	0.077			27.72	
		•	•		

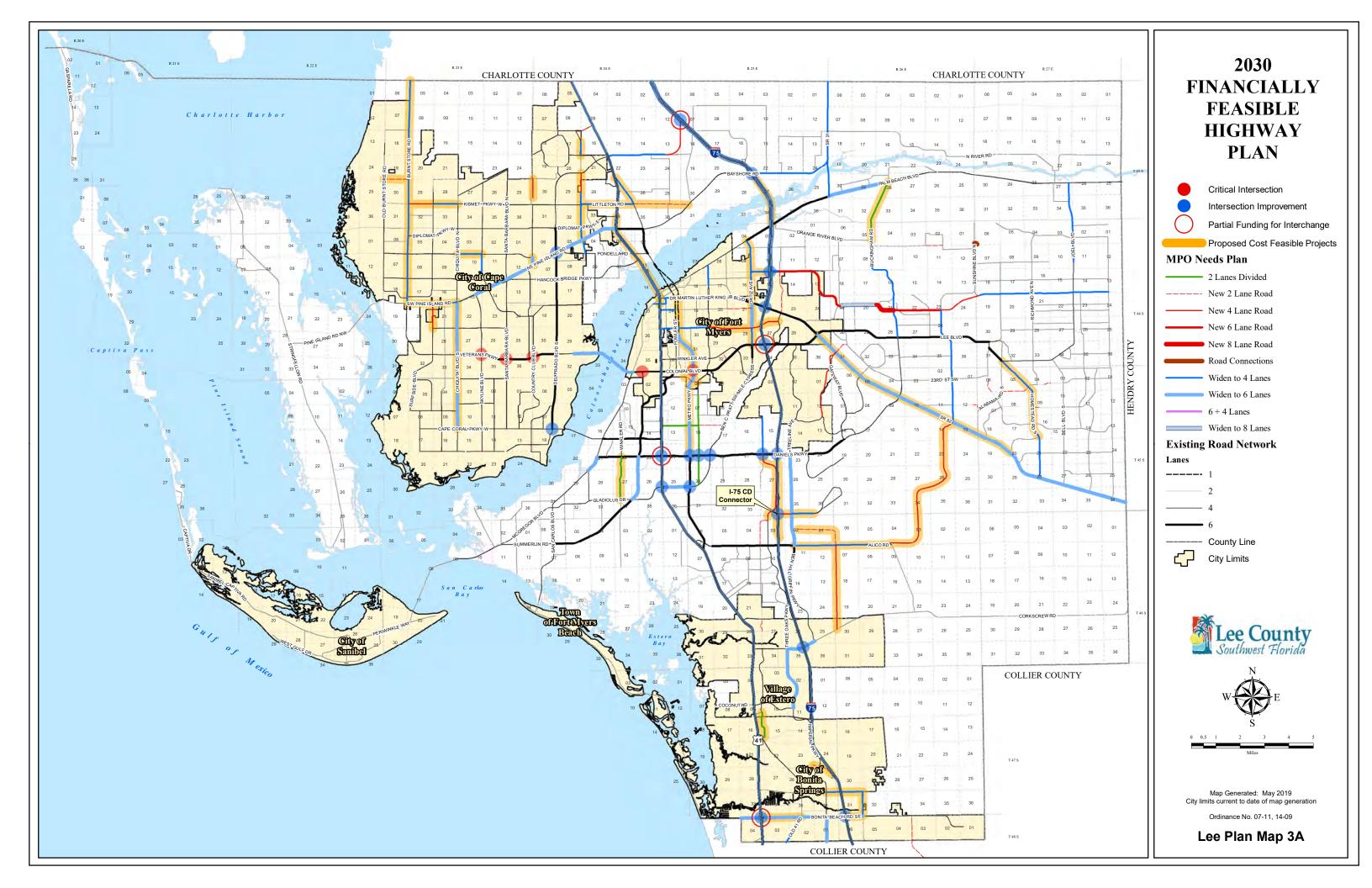
CSA SCHOOL NAME 2022/23		•		Impact of	Available Capacity W/Impact	LOS is 100% Perm FISH	Adjacent CSA Available Capacity w/Impact
•	COA Capacity (1)	Linoinnent (2)	capacity	-		Capacity	w/iiipact
West CSA, Elementary	13,618	10,772	2,846	54	2792	79%	
West CSA, Middle	7,025	6,102	923	26	897	87%	
West CSA, High	8,921	8,142	779	28	751	92%	Yes

⁽¹⁾ Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan

Prepared by: Donna Ellis, Planning Specialist

⁽²⁾ Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)

⁽³⁾ Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual





Board of County Commissioners

Kevin Ruane District One

September 10, 2021

Cecil L Pendergrass

District Two

Avalon Engineering

Ray Sandelli District Three Attn: Lynda Brooks, Senior Administrative Coordinator

2503 Del Prado Blvd. S. Suite 200

Brian Hamman District Four

Cape Coral, FL 33904

Frank Mann District Five

RE: Lee County Solid Waste – Letter of Availability – Burnt Store Road North

Roger Desjarlais County Manager Dear Ms. Brooks:

Richard Wm. Wesch County Attorney

Donna Marie Collins County Hearing **Examiner**

The Lee County Solid Waste Department is capable of providing solid waste collection service for the planned 33.48 acres of Mixed-Use Development with Multi-family and commercial uses located at 05-43-23-00-00003.0000 and 05-43-23-00-00003.0020. Disposal of the solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

Please ensure compliance with Solid Waste Ordinance No. 11-27 and LCLDC 10-261 for space requirements of garbage and recycling containers and accessibility of the collection vehicles. While there is no requirement in Ordinance No. 11-27 for bulk waste storage, please consider some additional space for the storage of bulk waste items that may not fit into a dumpster (mattress, appliance, furniture disposal etc.).

Garbage and recycling collections require the owner/or the management company to secure a service agreement for collection. This may also require an agreement for the purchase or lease of waste containers from the County's franchised hauling company, currently Waste Pro.

If you have any questions, please call me at (239) 533-8007.

Sincerely,

Justin Lighthall

Justin Lighthall Manager, Public Utilities Lee County Solid Waste Department



3401 Metro Parkway Fort Myers, FL 33901 Phone: (239) 533-0340

Kevin Ruane District One

Cecil L. Pendergrass

District Two

Ray Sandelli District Three

Brian Hamman District Four

Frank Mann District Five

Roger Desjarlais County Manager

Richard Wesch
County Attorney

Donna Marie Collins County Hearing Examiner September 10, 2020

Linda Miller, AICP Avalon Engineering, Inc.

RE: Request for Letter of Adequacy and Support Burnt Store Road North

Ms. Miller,

LeeTran has reviewed your request for service availability in regards to a proposed Comprehensive Plan Amendment to the Future Land Use Map. After reviewing the site and comparing the location with our existing and planned route locations according to the 2020 Transit Development Plan (TDP), the following has been determined:

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

Proposed future development does not currently meet applicability outlined in Sec. 10-442 and Sec. 10-443. Developer will not be required to connect to and improve transit facilities because project area is not adjacent to the bus route.

If transit services have been modified within one-quarter mile of the subject parcels at time of a DO or LDO type D submittal, necessary improvements will be determined at that time.

If you have any questions or require further information, please do not hesitate to contact me at (239) 533-0340 or jpuente@leegov.com.

Sincerely,

Jorge J Puente

Jorge J Puente, Transit Service Planner Lee County Transit



ORDINANCE 37 - 21

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM SINGLE FAMILY/MULTI-FAMILY (SM) TO COMMERCIAL/PROFESSIONAL (CP) LAND USE FOR A PARCEL OF LAND LYING IN A PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 4450 BURNT STORE ROAD NORTH; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral on February 13, 1989, adopted a Comprehensive Plan pursuant to the Comprehensive Planning Act; and

WHEREAS, as part of the Comprehensive Plan the City of Cape Coral adopted therewith a future land use map designating land uses and proposed land uses throughout the City of Cape Coral consistent with the Comprehensive Plan and Comprehensive Planning Act; and

WHEREAS, the City of Cape Coral City Council has considered the testimony, evidence, and documentation for the Land Use Amendment initiated by CC LAND DEVELOPMENT COMPANY, LLC, regarding the below described property, and considered the recommendation of the Planning & Zoning Commission/Local Planning Agency and City staff.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS PURSUANT TO THE LAWS OF FLORIDA, AND OTHER APPLICABLE LAWS, THIS ORDINANCE:

SECTION 1. That the below described real property located within the City of Cape Coral, Florida, is hereby amended consistent with the City of Cape Coral Comprehensive Plan as follows:

FROM SINGLE FAMILY/MULTI-FAMILY (SM) TO COMMERCIAL/PROFESSIONAL (CP)

A PARCEL OF LAND LYING IN A PORTION OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 7, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT "A", BLOCK 6114, CAPE CORAL UNIT 97, AS RECORDED IN PLAT BOOK 25, PAGES 85-97, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.01°39'51"E. ALONG THE WEST LINE OF SAID TRACT "A" AND THE WESTERLY LINE OF THE EAST 1/2 (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE AFORESAID SECTION 7, FOR 930.11 FEET TO THE POINT OF BEGINNING; THENCE RUN N.01°39'51"E. ALONG THE WESTERLY LINE OF THE EAST 1/2 (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE AFORESAID SECTION 7, FOR 660.11 FEET; THENCE RUN S.89°14'33"E. FOR 1232.73 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF BURNT STORE ROAD (200 FEET WIDE); THENCE RUN S.01°57'06"W. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 660.15 FEET; THENCE RUN N.89°14'37"W. TO A POINT ALONG SAID WESTERLY LINE OF THE EAST 1/2 (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE AFORESAID SECTION 7 FOR 1229.41 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS: 812,528.947 SQUARE FEET OR 18.65 ACRES, MORE OR LESS

BEARINGS ARE BASED ON THE NORTH RIGHT-OF-WAY LINE OF DURDEN PARKWAY WEST AS BEING N.89°14'37"W.

SECTION 2. Severability. In the event that any portion or section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. The effective date of this plan amendment shall be thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete, or if timely challenged, the date a final order is issued by the Administration Commission finding the

amendment to be in compliance in accordance with Chapter 163.3184(3)(c)4., F.S., whichever is applicable.

ADOPTED BY THE COUNCIL OF THE CITY SESSION THIS 18th DAY OF Jugus t	OF CAPE CORAL AT ITS REGULAR, 2021.
VOTE OF MAYOR AND COUNCILMEMBERS:	OHA CULTER, MAYOR
TATE SHEPPARD GLY TATE SHEPPARD	NELSON WELSH DISTRICT 6 COSDEN WHIS 26 DAY OF August,
	Kinbul Brum KIMBERLY BRUNS CITY CLERK

APPROVED AS TO FORM:

DOLORES D. MENENDEZ CITY ATTORNEY ord/lu20-0011

ORDINANCE 43 - 20

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM SINGLE-FAMILY/MULTI-FAMILY (SM) TO COMMERCIAL/PROFESSIONAL (CP) LAND USE FOR PROPERTY DESCRIBED AS TRACT A, BLOCK 6114, UNIT 97, CAPE CORAL SUBDIVISION, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 4330 BURNT STORE ROAD; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral on February 13, 1989, adopted a Comprehensive Plan pursuant to the Comprehensive Planning Act; and

WHEREAS, as part of the Comprehensive Plan the City of Cape Coral adopted therewith a future land use map designating land uses and proposed land uses throughout the City of Cape Coral consistent with the Comprehensive Plan and Comprehensive Planning Act; and

WHEREAS, the City of Cape Coral City Council has considered the testimony, evidence, and documentation for the Land Use Amendment initiated by DURDEN 28, LLC, regarding the below described property, and considered the recommendation of the Planning & Zoning Commission/Local Planning Agency and City staff.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS PURSUANT TO THE LAWS OF FLORIDA, AND OTHER APPLICABLE LAWS, THIS ORDINANCE:

SECTION 1. That the below described real property located within the City of Cape Coral, Florida, is hereby amended consistent with the City of Cape Coral Comprehensive Plan as follows:

FROM SINGLE-FAMILY/MULTI-FAMILY (SM) TO COMMERCIAL/PROFESSIONAL (CP)

TRACT A, BLOCK 6114, UNIT 97, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25, PAGES 85-97, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TOGETHER WITH THE NORTH 660 FEET OF THE SOUTH 990 FEET OF THE EAST 1/2 OF THE SOUTHEAST 1/4 SECTION 7, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, LESS RIGHT OF WAY BURNT STORE ROAD, OVER THE EASTERLY BOUNDARY OF THE ABOVE DESCRIBED PROPERTY

SECTION 2. Severability. In the event that any portion or section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. The effective date of this plan amendment shall be thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete, or if timely challenged, the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184(3)(c)4., F.S., whichever is applicable.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 19th DAY OF OCTOBER, 2020.

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO GUNTER CARIOSCIA STOUT aye aye aye NELSON WELSH WILLIAMS COSDEN aye aye aye

O, MAYOR

ATTESTED TO AND FILED IN MY OFFICE THIS 21st DAY OF Ottober 2020.

KIMBERLY BRUNS CITY CLERK

APPROVED AS TO FORM:

DOLORES D. MENENDEZ

CITY ATTORNEY

ord/lu20-0001

ORDINANCE 75 - 20

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM SINGLE-FAMILY/MULTI-FAMILY (SM) TO COMMERCIAL/PROFESSIONAL (CP) LAND USE FOR PROPERTY LOCATED IN SECTION 7, TOWNSHIP 43 SOUTH, RANGE 23 EAST, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 4550 BURNT STORE ROAD; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral on February 13, 1989, adopted a Comprehensive Plan pursuant to the Comprehensive Planning Act; and

WHEREAS, as part of the Comprehensive Plan the City of Cape Coral adopted therewith a future land use map designating land uses and proposed land uses throughout the City of Cape Coral consistent with the Comprehensive Plan and Comprehensive Planning Act; and

WHEREAS, the City of Cape Coral City Council has considered the testimony, evidence, and documentation for the Land Use Amendment initiated by YOVAN SANTIESTEBAN regarding the below described property, and considered the recommendation of the Planning & Zoning Commission/Local Planning Agency and City staff.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS PURSUANT TO THE LAWS OF FLORIDA, AND OTHER APPLICABLE LAWS, THIS ORDINANCE:

SECTION 1. That the below described real property located within the City of Cape Coral, Florida, is hereby amended consistent with the City of Cape Coral Comprehensive Plan as follows:

FROM SINGLE-FAMILY/MULTI-FAMILY (SM) TO COMMERCIAL/PROFESSIONAL (CP)

All that part of the E ½ of the SE ¼ of Section 7, Township 43 South, Range 23 East, lying South of a line, parallel with and 750 feet (as measured on a perpendicular) Southerly from the North line of said fraction of a section and lying Northerly of a line parallel with and 1,650 feet (as measured on a perpendicular) Northerly from the South line of said fraction of a Section. Containing 12 ½ acres, more or less. Subject to existing road right-of-way, easements, restrictions and reservations of records.

SECTION 2. Severability. In the event that any portion or section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. The effective date of this plan amendment shall be thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete, or if timely challenged, the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184(3)(c)4., F.S., whichever is applicable.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 3rd DAY OF WAVEL, 2021.

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER TATE SHEPHERD HAYDEN NELSON WELSH WILLIAMS COSDEN

JOHN

UNTEK, M

	TO AN	O FILED	IN MY	OFFICE THI	s_8t	DAY OF	March	
2021.								
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Kinhele Burns KIMBERLY BRUNS CITY CLERK

APPROVED AS TO FORM:

Dolores D. Menends
Dolores D. MENENDEZ

CITY ATTORNEY ord/lu19-0006

